



# Evidence-based Instruments Report

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

## Sustainable Governance Indicators 2022

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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 established a regulatory impact assessment (RIA) regime in the period 1997-2008. The National Party 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.

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 government's program. The Council is responsible for issuing statements on government proposals and on their regulatory impact assessments. In April 2019, the government appointed the second term of the Council (April 2019 to April 2022). The Council considered 30 draft government proposals in 2017, and 27 in 2018. The verdict has not been favorable as regards the overall quality of lawmaking, as the Council has found impact assessments to have been deficient in a significant proportion of proposals.

Several government bills have been rejected by the Constitutional Committee in parliament. These included proposals on social and healthcare reform as well as proposals to contain the spread of COVID-19 virus. The government proposals were criticized by the committee as being poorly prepared, and as lacking sufficient impact assessment.

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 2018," <http://urn.fi/URN:ISBN:978-952-287-772-7>"

## 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.

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

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

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

<https://ris.pmc.gov.au/>

## Austria

### Score 8

In Austria, RIAs were established in 2013, and have quickly evolved into an important tool for legislators and parliamentarians. Ever since, RIA has been mandatory for all primary laws and subordinate regulations.

There has been a comprehensive “threshold test” since 2015, through which it is decided whether to conduct a full-scale or simplified RIA for draft regulations. The quality of all full RIAs and ex post evaluations is reviewed by the Federal Performance Management Office (FPMO).

The scope of full RIAs is reasonably wide, extending from environmental and social aspects to issues of gender equality. In addition to reviewing the quality of all full RIAs, ex post evaluations and controls, the FPMO supports the application of threshold tests for those measures not subject to full RIAs. It also issues guidelines, provides training on RIAs and ex post evaluation processes, and coordinates the application of such tools across government.

Citation:

[https://www.oeffentlicherdienst.gv.at/wirkungsorientierte\\_verwaltung/berichte\\_service/Folder\\_Wo\\_Steuerung\\_EN.pdf?7vj62q](https://www.oeffentlicherdienst.gv.at/wirkungsorientierte_verwaltung/berichte_service/Folder_Wo_Steuerung_EN.pdf?7vj62q)

<https://www.oecd.org/gov/regulatory-policy/austria-country-profile-regulatory-policy-2021.pdf>

## Chile

### Score 8

The OECD Regulatory Policy Outlook 2021 notes that Chile has made important improvements to its regulatory management tools in recent years. 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. Chile currently features the following supervisory bodies:

- Supervisory Board for Social Security (Superintendencia de Seguridad Social)
- Supervisory Board for Electricity and Fuels (Superintendencia de Electricidad y Combustibles)
- Supervisory Board for Health Services (Superintendencia de Servicios Sanitarios)
- Supervisory Board for Health (Superintendencia de Salud)
- Supervisory Board for Casinos (Superintendencia de Casinos de Juegos)
- Supervisory Board for Pensions (Superintendencia de Pensiones)
- Supervisory Board for the Environment (Superintendencia del Medio Ambiente)
- Supervisory Board for Education (Superintendencia de Educación)
- Supervisory Board for Bankruptcy and Re-entrepreneurship (Superintendencia de Insolvencia y Reemprendimiento)
- Supervisory Board for Financial Markets (Comisión para el Mercado Financiero)
- Supervisory Board for Higher Education (Superintendencia de Educación Superior)

In some areas, the line ministries serve as the oversight body for regulatory impact assessments (RIAs) reviews.

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), and given a wider scope of responsibilities. Additionally, the Supervisory Board for Higher Education was created in the same year.

In addition, as indicated by the OECD Regulatory Policy Outlook 2021, a presidential instruction from 2019 introduced new requirements for ex post

evaluation. “Subordinate regulations for which a high impact RIA was conducted are now required to be evaluated four years after their enactment. In addition, each ministry publishes on their website a list of existing regulations for the public to provide comments and feedback for potential review” (OECD Regulatory Policy Outlook 2021, p. 226).

Citation:

Organisation for Economic Co-operation and Development (OECD), “OECD Regulatory Policy Outlook 2021”, 2021, [https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021\\_38b0fdb1-en](https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_38b0fdb1-en), last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Reviews of Regulatory Reform Evaluation Report: Regulatory Impact Assessment (Chile)”, 2017, <https://www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-in-chile.htm>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation”, 2016, [https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile\\_9789264254596-en](https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile_9789264254596-en), last accessed: 13 January 2022.

## 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, more emphasis has been placed on evidence-based policies in areas such as labor market and social policies, for example. Evaluations have been explicitly integrated into policy formulation processes and, in the case of labor market policies, some experimental studies regarding activation programs have been drawn upon.

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|&s13=0> (accessed 20 April 2013).

Ministry of Finance, Vejledning on konsekvensanalyser, Maj 2005,

<http://www.lovprocesguide.dk/sw2104.asp> (accessed 20 April 2013).

Ministry of Finance, “Ny EU-regulerings økonomiske konsekvenser for den offentlige sektor,”

[http://www.fm.dk/publikationer/2004/budgetredegørelse-2004/7-ny-eu\\_regulerings-oekonomiskekonsekvenser-for-den-offentlige-sektor/](http://www.fm.dk/publikationer/2004/budgetredegørelse-2004/7-ny-eu_regulerings-oekonomiskekonsekvenser-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

Estonia has not made any major changes to its regulatory framework since 2014, when regulatory impact assessments (RIAs) were introduced. Responsibility for the development and monitoring of RIAs is shared between the Ministry of Justice and the GO's Strategy Unit, with the latter taking a leading role in coordinating stakeholder engagement in policymaking across government and in regard to EU-related issues. Formal RIA procedures are well established, with all relevant normative acts, manuals and guidelines accessible on a dedicated website.

RIAs are mandatory for all categories of legal acts and selected subordinate regulations. Full RIAs are rarely conducted, but simplified RIAs are included in every explanatory letter for a draft law. The level of analysis contained within them has deepened over time.

Citation:

OECD (2021). *Regulatory Policy Outlook. Estonia*. <https://www.oecd-ilibrary.org/sites/06899687-en/index.html?itemId=/content/component/06899687-en> (accessed 07.01.2022)

## Germany

### Score 8

Germany has a systematic and comprehensive RIA system for ex ante impact assessments. RIAs have been mandatory for all laws and regulations since 2000. In 2016, SMEs also became subject to RIAs through SME test guidelines designed to promote SME-friendly policy development. Germany consistently seeks to reduce the costs of regulation. In 2016, the German government revised its EU ex ante procedure in order to avoid incurring the costs of compliance with EU legislative acts. It also introduced the “one-in, one-out” rule in 2015. The same year, Germany incorporated a behavioral insights team into the Chancellery's policy planning unit that was designed to keep all federal ministries informed of legislative and administrative processes (OECD 2021).

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

Citation:

OECD (2019): *Better Regulation Practices across the European Union*, OECD.

## Japan

Score 8

Japan's RIA process has improved over the recent years. The government introduced the Basic Program on Reducing Administrative Burden in 2017 as a part of its regulatory and institutional reform initiatives. A report of the review of this program by the Subcommittee for the Administrative Burden Reduction in 2018 found that the government was able to reduce administrative costs quite significantly.

The most recent OECD review of Japan's regulatory policy commends the positive changes in the country's regulatory review processes, including more and more regular ex post evaluations of primary laws and subordinate regulations since 2017. It, however, also notes that stakeholders are rarely consulted for either the ex post or ex-ante-evaluations nor are they consulted in any of the RIA development processes. The OECD review thus urges the government to make information about RIAs accessible to the public and to engage more with stakeholders.

OECD Regulatory Policy Outlook 2021, OECD, [https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021\\_196ce20a-en](https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_196ce20a-en)

Basic Program on Reducing Administrative Burden: Review results and future policies, Subcommittee for Administrative Burden Reduction, 24 April 2018, <https://www8.cao.go.jp/kisei-kaikaku/english/pdf/180424/gyosei.pdf>

## 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. Among other indicators, the annotation addresses budgetary impact, impact on particular target groups and the cost of implementation. In the past, the quality of annotations varied widely depending on the approach taken by the drafters, which range from detailed, evidence-based analysis to a simple pro forma summary of intent. Until recently minimum standards for annotations were not enforced.

With the establishment of the new TAP portal, new regulation regarding the impact assessment of draft legislative acts has also been adopted. This has expanded the list of items to be assessed, and clarifies the initial definition of impact assessment. The annotation in its revised form is now embedded in the TAP portal itself and includes several structured data sets and embedded formulas for calculating the economic and budgetary impact.

In 2021, a report entitled "On the Improvement of the Impact Assessment System" was approved. The report recommends that the State Chancellery, in collaboration with the PKC, the Ministry of Justice, the Saeima Analytical Service, line ministries, and, when necessary, other institutions and experts, revise the existing impact assessment system in order to improve its efficiency, proportionality and transparency.



## Citation:

1. Legislative Portal (TAP) (2021) Guidelines for assessing the initial impact of the draft legislation and preparing the assessment report in the legislation portal, Available (In Latvian) at: <https://onedrive.live.com/?authkey=%21ANPN8vFW3M61km8&cid=73C0E5B8DEDAD073&id=73C0E5B8DEDAD073%211664&parId=73C0E5B8>, Last accessed: 10.01.2022.

2. Cabinet of Ministers (2021) Informative report on the Improvement of the Impact Assessment system, Available (in Latvian) at: [http://tap.mk.gov.lv/doc/2020\\_12/MKinfo\\_141220\\_RIA.1074.docx](http://tap.mk.gov.lv/doc/2020_12/MKinfo_141220_RIA.1074.docx), Last accessed: 10.01.2022.

## 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 degree 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 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.

## 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).

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 would be succeeded by a formal advisory body, the Advisory Body on Assessment of Regulatory Burdens (Adviescollege Toetsing Regeldruk, ATR). Parliament has called for the ATR to assess the administrative burden associated not only with new regulation, but also of existing regulation as well. At present the ATR, which is slated to retain temporary status until 2022, has no capacity to do this.

During the coronavirus crisis, the ATR was involved in the rapid assessment of all new regulations; it rejected some, and its advice was incorporated in improved bills and rules. The ATR is involved in assessing a large number of regulations concerning topics such as small and medium-sized enterprises, social care, education and EU regulations. The body has concluded that the quality of legislation is insufficient. In about 25% of new laws, the parliament’s rationale (necessity and utility) is not identified or is insufficiently argued. In about two-thirds of cases, there is inadequate or hardly any attention paid to feasibility; the laws do not fit the way firms have shaped their production processes, or how citizens organize their lives.

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. The ATR has argued that this framework does not fit policymaking officials’ expectations, and has noted that nobody is responsible for monitoring or correct use of the system.

Citation:

Milieueffectrapportage ([nl.m.wikipedia.org](http://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)

ATR, Naar betere regels. Lessen uit 17 jaar Actal (air-regeldruk.nl, accessed 8 November 2019)

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)

ATR, Naar betere regels. Lessen uit 17 jaar Actal (air-regeldruk.nl, accessed 8 November 2019)

Adviescommissie Toetsing Regeldruk, Jaarverslag 2020.

## 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. The last revision happened in 2016. 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.

In early 2022, the government promised to introduce a new system involving an annual report on Norway's CO<sub>2</sub> emissions as well as its intent to develop a CO<sub>2</sub> account for all major public sector activities.

## South Korea

Score 8

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 2021 Regulatory Policy Outlook, the OECD placed the country above the OECD average in all 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:

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

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

OECD Regulatory Policy Outlook 2021, <https://www.oecd-ilibrary.org/sites/38b0fdb1-en/index.html?itemId=/content/publication/38b0fdb1-en>

## 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 systematic and encompassing 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. This has been emphasized recently in a report written by collaborators of the OECD (Arndt-Basacle et al. 2022).

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. In December 2018, the Federal Council emphasized the need to improve RIAs by optimizing existing processes without creating new institutions. In a recent report, the OECD notes that, while there is no major significant improvement, recently Switzerland has also made some adjustments by reforming “its regulatory policy framework in 2019, in particular through the issuing of new regulatory impact assessment (RIA) directives by the Federal Council. The requirement for RIA to be conducted for all regulations in Switzerland has been refined with a ‘quick check’ procedure and additional consideration for proportionality; however this does not mean that RIA is done in an encompassing and systematic manner. All regulations must undergo a preliminary RIA, which will allow identifying regulations to be subject to an in-depth assessment. A threshold test, based on quantitative and qualitative criteria, is applied to determine whether a regulation should be subject to a simplified or full RIA. The obligation to quantify regulatory costs has been extended and systematized, such as for all new regulations which cause additional regulatory costs for more than 1,000 companies or which place a particular burden on an economic sector. Switzerland focuses less on quantifying benefits and costs of regulations to citizens” (OECD 2021: 286; Arndt-Basacle et al. 2022).

Citation:

Arndt-Basacle, Christiane and Paul Davidson, Marie-Gabrielle de Liedekerke 2022: Wie man schlaue Regulierungen findet, *Die Volkswirtschaft* 1–2 / 2022, 39-42.

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

OECD 2021: Regulatory Policy Outlook 2021, Paris: OECD.

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 and is closely monitored by the Better Regulation Executive, set up in 2005 and charged with overseeing the Better Regulation Framework (updated periodically). Successive governments have refined this approach while maintaining

its broad thrust. 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. The number of RIAs carried out has fallen from a peak of 664 in 2011 to an average of 175 in each of the three years preceding the pandemic, and just 100 in 2020 and 85 in 2021, according to [legislation.co.uk](http://legislation.co.uk). Over the years, the largest number of RIAs were for the departments responsible for business, transport and the environment.

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 in 2018, but this is expected only to reduce the number of RIAs by 7%. RIAs are followed up after five years to verify their findings, with independent oversight. Each ministry has a better regulation unit and the formal process is scrutinized by the independent Regulatory Policy Committee

While this is good overall practice, implementation was particularly patchy during the politically charged Brexit process, with the government resisting pressure to make all the relevant documentation public in a timely manner. Some elaboration is provided by the Institute for Government. Notwithstanding this exceptional period, RIAs are taken seriously. There are extensive manuals and guidance for officials contemplating policy initiatives. Provisions also exist for taking into account impacts of UK-wide legislation on the devolved administrations.

A consultation launched in July solicited input on how “the UK can reshape its approach to regulation and seize new opportunities from Brexit with its newfound regulatory freedom.” Legislation is expected to follow in 2022.

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.

<https://www.instituteforgovernment.org.uk/explainers/no-deal-brexit-uk-preparations>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/841245/EU\\_Withdrawal\\_Agreement\\_Bill\\_Impact\\_Assessment.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841245/EU_Withdrawal_Agreement_Bill_Impact_Assessment.pdf)

<https://www.oecd.org/regreform/Proportionality-and-threshold-tests-RIA.pdf>

## Canada

Score 7

On 28 August 2019, the Impact Assessment Act (IIA), which created the new Impact Assessment Agency of Canada and repealed the Canadian Environmental Assessment Act of 2012, came into force.

The IIA implements many recommendations of an expert panel established in 2016 to review the federal approach to project assessment. The IIA is not uncontroversial,

however. Although environmental groups have acknowledged that the IAA represents an improvement over the much-criticized Canadian Environmental Assessment Act, they have expressed strong concerns that the scope of projects to which it applies is too limited. The new IIA has also been the source of intense frustration in Western Canada. Many worry it will devastate an oil industry already struggling with constrained pipeline capacity.

The Impact Assessment Agency established under the new Act continues the functions of regulatory impact assessments which were conducted under the previous legislation. The Agency is authorized to conduct assessments, undertake research, monitor compliance, engage in consultations and “promote harmonization“ of assessments with other levels of government.

Citation:

Impact Assessment Act (S.C. 2019, c. 28, s. 1), full document available at <https://laws.justice.gc.ca/eng/acts/I-2.75/index.html>

## Czechia

### Score 7

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. There is a standard RIA methodology, which has been refined over time. RIA reports are submitted by the ministries to the RIA unit at the Office of the Government for formal review and then to the independent RIA board for more extensive scrutiny. The members of the RIA commission also take part in discussions on selected regulatory drafts at meetings of the Legislative Council of the Government. The RIA unit provides methodological guidance, and organizes workshops and seminars for civil servants who prepare impact assessments. Internationally, the RIA commission participates in the activities of the RegWatchEurope platform.

A major weakness of RIAs in Czechia is that RIAs are not mandatory for legislation proposed by members of parliament, or local or regional authorities. As proposals by members of parliament alone represent about 40% of all legislative initiatives, this is a major gap. The emergency measures introduced to control the COVID-19 pandemic were also exempt from RIAs. During 2020, the RIA commission considered 55 drafts, considerably more than in the two preceding years, approving 10, while recommending some changes to a further 34 and the complete reworking of 11 (Úrad vlády České republiky 2021). It is not always clear, however, how far RIAs eventually change legislation. A draft law on transitioning to a low-carbon energy policy proposed in 2020 was criticized, because it was found to concentrate only on nuclear power and failed to account for the government’s long-term energy strategy, adopted in 2015. The law that was passed in 2021 (No.367/2021) seemed to be guilty of the same shortcomings.

Citation:

Úrad vlády České republiky (2021): Jednání pracovní komise Legislativní rady vlády pro hodnocení dopadů regulace v roce 2020. Prague (<https://ria.vlada.cz/wp-content/uploads/Priloha-c.-8-vyrocní-zprava-pracovní-komise-RIA-2020.pdf>).

## Greece

Score 7

In 2019, the new government passed legislation (Law 4622/2019) on RIAs, which had been formally introduced as a routine in 2006 but never actually implemented. The same law established a new unit, the Better Regulation Office, subsumed under the Prime Minister's Office (the Presidency of the Government), tasked with overseeing the RIA process. Since October 2020, no bill of law is to be submitted to parliament, unless accompanied by an RIA.

In the past, all legislative drafts submitted to the parliament were accompanied by a document that outlined the rationale for the bill. Today, the RIA for each legislative draft is conducted on a basis of common methodology following international standards. RIAs are not limited to legal issues (e.g., legal conflicts), but also include social and economic aspects of the new legislation under preparation. The General Accounting Office estimates the cost of the bill of law for the state budget, if the competent minister provides the office with adequate data (which may not be always possible).

In brief, as recognized by the OECD, in 2020–2021, RIA processes in Greece were vastly improved. In the future, RIAs could be improved through insisting on better societal engagement in assessing the impact of legislation. In addition, RIAs could be applied to secondary legislation or at least to the most critical presidential decrees prepared and issued by the competent minister preparing the decree.

Citation:

OECD, Regulatory Policy Outlook 2021 (<https://www.oecd.org/publications/oecd-regulatory-policy-outlook-2021-38b0fdb1-en.htm>)

## 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.

Unlike in most neighboring countries, no expert report on the economic and social fallout from the COVID-19 pandemic was commissioned by the government.



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/forsætisraduneyti-media/media/frettir2/Samthykkt-rikisstjornar-um-stjornarskjal-10-mars-2017.pdf>. Accessed 22 December 2018.

## Lithuania

### Score 7

Although impact assessments became mandatory for draft government decisions in 2003, high-profile regulatory initiatives are in most cases not in fact subject to in-depth assessment. The OECD argued that impact assessment in Lithuania remains a largely formal exercise intended to justify choices that have already been made (with a strong preference for the regulatory option). A recent OECD study concluded that “most RIAs are conducted as a formality, with limited impact.” The principle of proportionality, under which important legislative initiatives with far-reaching possible effects would be given more detailed impact assessments, is often ignored. Consequently, this instrument is generally disregarded by ministers and especially members of parliament.

The insufficient use of RIAs is a function of both demand and supply problems. On the supply side, there is a dearth of skilled policy analysts, both due to the low attractiveness of work in the civil service, as well as general characteristics within the labor market and education system. Moreover, “in most Lithuanian ministries, analytical capacities are dispersed through line departments and understaffed policy units.” In general, “skills and capacities to supply robust and credible evidence remain low” (OECD). On the demand side, the problems are related to a lack of a developed culture fostering evidence-based policy, as well as the very high number of legislative proposals – what is referred to as legislative inflation. In addition, policymakers themselves at times do not possess the necessary skills to understand and use the results of policy evaluations.

In 2019, the Government Strategic Analysis Center (STRATA) was created (on the basis of the Research and Lithuanian Science and Education Monitoring and Analysis Center (MOSTA)). The goal of the new center is “to strengthen evidence-informed decision-making mechanisms from a center-of-government perspective” (STRATA, 11). STRATA has been granted a much broader mandate, but its current analytical and staff capacities are inadequate to address this enlarged scope of activity. In 2020 and 2021, STRATA organized training sessions for line ministries and civil servants from the parliament on how to conduct ex ante impact assessments. Its experts also provide advice to line ministries on high-priority impact assessments as they are being conducted. The program of the Šimonytė government (which took power in late 2020) contains provisions on improving the conduct of impact assessments and focusing on the quality rather than the quantity of new legal

initiatives. In late 2021, OECD presented a set of concrete recommendations on improving RIA skills, advising that quality be more closely monitored and that the government pay greater political attention to the issue. However, it remains to be seen how those recommendations will be implemented by the government. Moreover, there is little interest among the members of the parliament in using impact assessments more systematically for their own legislative initiatives. Although the statute has provisions describing its use, there is no specific methodology on how RIAs should be conducted, and the use of external expertise depends on the particular chair of each committee.

The recent developments with government's policy vis-a-vis Taiwan and China is a good case in point. It appears that little in the way of impact assessment was carried out before significant foreign policy steps were taken, with profound implications for the country's geopolitics, businesses and economy.

Citation:

OECD, Lithuania: Indicators of Regulatory Policy and Governance, 2021 <https://www.oecd-ilibrary.org/sites/6f5c1860-en/index.html?itemId=/content/component/6f5c1860-en>

STRATA/OECD, Strengthening Decision-Making and Policy Evaluation for Long-Term Development, 2021, <https://strata.gov.lt/lt/apie-mus/projektai/irodymais-gristos-politikos-formavimas-ir-politikos-vertinimas-vyriausybes-centre>

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

OECD, Mobilising Evidence at the Centre of Government in Lithuania. Strengthening decision-making and policy evaluation for long-term development, Paris: OECD, 2021.

## Sweden

Score 7

The purpose of regulatory impact analysis (RIA) is to assess the degree to which regulation has negative effects and 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.

The pandemic crisis has highlighted the need for a transformation of the process by which rules are made, especially during a compressed time-frame imposed by urgent conditions. OECD (2021a) stresses the need for international coordination, since the rules one country imposes affects others, as we have seen during the past two years. The OECD further emphasizes the paucity of the use of evidence-based regulations and inconsistency of substantial follow-up.

Ex ante assessments of regulatory impact have been mandatory since 2007. In terms of the OECD's iREG scores, Sweden scores just below the OECD average for primary laws and subordinate regulations (OECD, 2021b).

Citation:

OECD. 2021a. "OECD Regulatory Policy Outlook." <https://www.oecd-ilibrary.org/sites/38b0fdb1-en/index.html?itemId=/content/publication/38b0fdb1-en>

OECD. 2021b. "Sweden: Indicators of Regulatory Policy and Governance 2021." <https://www.oecd.org/gov/regulatory-policy/sweden-country-profile-regulatory-policy-2021.pdf>

## United States

### Score 7

In general, the 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 analyses of proposed bills, including cost estimates over a 10-year period. The Congressional Research Service has also conducted several notable studies on climate change.

The Trump administration largely abandoned impact analysis and other professional expertise. Agencies were under a strong presidential mandate to reduce regulations. The beginning of the Biden administration marked a departure from Trump's practices, and it featured an explicit attempt to return to evidence-based policymaking.

## Cyprus

### Score 6

An RIA scheme was introduced in 2007 as part of a project to improve regulation. A robust RIA tool was adopted in 2016 and training programs enabled its use in 2017.

Responsibility for RIAs, placed initially under the now dissolved Unit for Administrative Reform, passed first to the Department of Public Administration and Personnel, and then, in September 2021, to the DGC. The RIA project will be reviewed in light of the European Commission's guidelines for improving RIA schemes. This review and the transfer of responsibilities means that the project is in a transitional phase.

A critical issue seems to be the fact that policies with a broad and strong impact are not subject to RIAs. This is the case for decisions by the Council of Ministers, such as the infamous "investment program," the granting of permits for skyscrapers against the limitations of town planning and the sale of Cypriot citizenship. The impact of such policies not only neutralizes the positive effects of RIAs, it also negates regulatory improvements.

## Italy

### Score 6

RIAs are in principle required from all ministries and local authorities (under laws 50/1999 and 246/2005). At the national level, RIAs fall under the responsibility of individual 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 (DAGL) is responsible for the elaboration of RIA methodology. Annual reports are submitted to parliament.

Following reforms adopted by previous governments (a new more comprehensive RIA regulation took effect on 15 December 2017), the current RIA framework prohibits any discussion by the Council of Ministers of a proposal that lacks an RIA. While in the past these rules were not always applied, things have gradually changed, and most normative acts are now accompanied by an RIA unless an exemption has been granted because of the limited relevance of a proposal. The quality of RIAs is still far from homogeneous, and qualified observers have found that while RIAs conducted by independent authorities are in general sound, those of ministerial departments continue to be rather formalistic (Osservatorio air 2014). A 2018 OECD study showed Italy lagging behind in this field, particularly with regard to ex post evaluations.

The government's report to parliament for 2020 provides a broad documentation of RIA activities, but indicates also the problems arising in implementing them during the pandemic, and suggests the need to re-evaluate RIA procedures and reports. Few ministries have well organized offices, which can perform effective RIAs.

Furthermore, it has to be underlined that without considering the RIA procedures, evidence-based policymaking is still very problematic in the country due to political constraints and to the random use of existing knowledge.

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

[https://presidenza.governo.it/DAGL/uff\\_studi/RelazioneAnnuale2020.pdf](https://presidenza.governo.it/DAGL/uff_studi/RelazioneAnnuale2020.pdf) (accessed 29 January 2021)

<http://www.oecd.org/publications/better-regulation-practices-across-the-european-union-9789264311732-en.htm>

## Malta

### Score 6

Initial progress in this area was slow, but various reforms have sped up reforms. The government has continued to conduct several ad hoc reviews of existing laws and regulations in specific areas aimed at reducing administrative burdens. It now has a structure in place, which has been slowly built over the last four years. The process is

now more systematic. Within the existing framework, the cabinet is required to approve regulatory impact assessments (RIAs) for government notices, regulations and by-laws (i.e., subordinate regulations). The OECD 2019 publication on regulatory practices states that Malta lacks a systematic approach toward reviewing whether laws and regulations achieve their intended policy goals. Accessibility to the process has been improved through the introduction of an online portal. However, it concludes that there is a need to engage in more consultation when introducing primary legislation. This process is detailed in the Small Business Act, Chapter 512 in Maltese law. Recent reports from the European Union have continued to confirm steady progress. To ensure that reviews contain sufficient detail, the International Accreditation Forum (IAF) process was introduced. Each ministry has now drawn up its review structure according to these standards. More trained staff have been employed and the general improvements made in the capacity of the public service are now producing results. However, the Office of the Attorney General, which also has a legislative unit, continues to present a final review when legal issues are under consideration. The institutions involved in the process include the Parliamentary Office for Reforms, Citizenship and Simplification of Administrative Processes, the Office of the Principle Permanent Secretary, the Cabinet Office, the Ministry for European Affairs and Equality (though this has now been dissolved and European affairs has been merged with foreign affairs, it is uncertain if the competence has been taken over by the latter ministry), and the Ministry for Justice, Culture and Local Government.

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>

Indicators of Regulator Policy and Governance EUROPE 2019 Malta  
<http://www.oecd.org/gov/regulatory-policy/indicators-of-regulatory-policy-and-governance-2019-malta.pdf>  
<https://maltabusinessweekly.com/72-of-the-population-satisfied-with-the-public-service-eurobarometer>  
 F. F. Bezzina and V Marmara, (2021) Reforms in a Small Island State: The Case of Malta, Springer Publishing UK.  
 OECD Better regulatory practices across the European Union 2019

## 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 Program

stressed 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, within the period under review, the RIA 2020 framework and other impact assessment tools have not yielded the expected results. One central problem is that impact assessments only apply to measures initiated by the government and not to bills submitted by members of parliament. Moreover, ministries still often struggle with the quantification of wider impacts, focusing mainly on budgetary impacts and, to a lesser extent, impacts on business. Finally, the regular use of fast-track parliamentary procedures hampers evidence-based policymaking by sidelining proper impact assessment efforts and consultations with stakeholders.

## Slovenia

Score 6

In Slovenia, RIA guidelines have largely been copied 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. These culminate in the 2019–2022 Action Plan, which calls for the expansion of RIA guidance to include the assessment of non-financial impacts and suggests the implementation of preliminary impact assessments. However, oversight has continued to suffer from institutional fragmentation, so that the quality of RIA has been uneven among ministries. When an RIA is applied, it is often limited to a qualitative assessment, and there are no official statistics regarding the implementation of RIA. As fast-track legislation is exempt from RIA, RIAs were not performed for at least a third of all new measures passed in the period under review.

Citation:

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

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

OECD (2021): Regulatory Policy Outlook 2021: Slovenia. (<https://www.oecd-ilibrary.org/sites/3ebf1de2-en/index.html?itemId=/content/component/3ebf1de2-en>)

## Spain

### Score 6

The law on the common administrative procedure (Law 39/2015) included a provision devoted to ensuring that lawmaking in the future will take place in accordance with the principles of “smart regulation” and “better regulation.” Royal Decree 931/2017 establishes specific rules governing the use of RIA. 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. Currently, RIAs are required for all regulations in Spain.

According to the OECD indicators on regulatory policy and governance, Spain’s public administration (from the national to the local level) is gradually stepping up its “better regulation” efforts, expanding its initial focus on administrative simplification in order to focus additionally on the issues of stakeholder engagement and ex post evaluation.

Citation:

OECD (2021), Indicators of Regulatory Policy and Governance: Spain

<https://www.oecd.org/gov/regulatory-policy/spain-country-profile-regulatory-policy-2021.pdf>

Gobierno de España (2021): Guía metodológica para la elaboración de la memoria del análisis de impacto normativo, available at [http://www.mptfp.es/dam/es/portal/funcionpublica/gobernanza-publica/simplificacion/impacto-normativo/guia\\_metodologica\\_ain.pdf#page=1](http://www.mptfp.es/dam/es/portal/funcionpublica/gobernanza-publica/simplificacion/impacto-normativo/guia_metodologica_ain.pdf#page=1)

## Bulgaria

### Score 5

RIA practice in Bulgaria can be traced back to central planning practices that started in 1971. The respective law (on normative acts) remained in force until 2004, and a updated RIA procedures were added in 2007.

Changes in the legal framework for RIA in 2016 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 improving but deficient.

Assessments for legislative proposals sponsored by individual members of parliament continued to be of poor quality until the end of 2020. The newly elected parliament amended its rules to include obligatory RIAs on individual members of parliament’s draft bill, and this requirement is likely to work.

## Croatia

### Score 5

The EU accession process has accelerated the development of RIA in Croatia. In July 2011, the Kosor government adopted a RIA bill and re-established the Government Office for Coordination of the Regulatory Impact Assessment System that had been abolished in July 2009 as a reaction to populist critique. In accordance with the RIA Action Plan for 2013 – 2015, the office became a department of the government's Legislation Office, and RIA implementation coordinators were appointed in all ministries. Since 2012, all government bodies have been obliged to prepare annual regulatory plans specifying which of their planned regulations should undergo a RIA. A new RIA law passed in 2017 requires a full RIA to be carried out for all new laws that will potentially have a large environmental or social impact. In addition, a Regulatory Impact Assessment Strategy for 2018 – 2023 has sought to improve the implementation of RIA. While progress has been made in strengthening the regulatory policy framework, only a small number of bills undergo the complete RIA procedure. According to the government's report on conducted legislative activities, only 17 out of 125 laws planned to be passed in 2020 were subject to RIA, of which only two laws (12%) ultimately underwent RIA procedures. A total of 145 laws were planned to be passed in 2021, of which 20 laws were expected to undergo regulatory impact assessment procedures. Moreover, 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. The professional and administrative capacities of the Legislation Office are insufficient to ensure the application of the RIA system and quality control of RIA documents.

#### 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.

## 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 Council of State 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. However, last-minute amendments to parliamentary bills tend not to be subject to this type of evaluation. This necessitates frequent post facto modifications to legislation, as unexpected or collateral effects have not been properly anticipated. The Court of Accounts produces regulatory assessments on an ex post basis that might help to revise legislation, but it cannot provide the benefits of an anticipatory strategy.

What is lacking is a systematic examination involving all the main stakeholders. Former President Sarkozy, seeking to reduce bureaucratic costs, instituted the so-called RGPP (Revue Générale des Politiques Publiques). This allowed around 100,000 positions to be cut, but the process was strongly criticized by the opposition and by the unions. President Hollande decided to move to another type of review (Modernisation de l'Action Publique), but changed little in the administrative apparatus aside reducing the number of regions from 22 to 13 (a measure that generated costs rather than the expected savings). For his part, President Macron launched the CAP22 program, asking an independent expert committee to submit proposals for comprehensive state reform. However, the committee's report has not been published, and the government has failed to follow its main recommendations for fear of trade-union mobilization and strikes in the public sector.

In June 2019, the prime minister issued an instruction requiring that each new piece of legislation initiated by the executive be assessed on the basis of at least five impact indicators. This is now mandatory for primary laws and major secondary legislation.

This novel procedure strengthens a long tradition of thorough control by the Council of State, whose role is crucial (the government might decide to follow the Council of State's proposed changes or to reject them, but cannot adopt an in-between solution). The Council of State's opinion is particularly influential, as the consultative chamber's advice will be transmitted to the council chamber in charge handling a potential legal challenge in front of the Constitutional Council, if the body is asked to review the law (a quasi-systematic occurrence).

In theory, the government has imposed an offsetting "one-in, two-out" approach. In other words, every new regulation should offset two previous regulations (for the following, see OECD 2021). It is unclear if this rule works in practice, however. Apart from environmental laws and regulations, there is no systematic obligation to consult stakeholders. In practice, some are always consulted, but the informal nature

of such contacts is subsequently criticized by interest groups whose opinions have not been reflected in the final result (for instance, in the area of pesticide regulation). RIA is mandatory only for bills introduced by the executive (3/4 of the total), not for those sponsored by the members of parliament. Most of the time, proposals presented by members of parliament are of minor interest (for example, the latest one as of the time of writing addressed the possibility for individuals to change their family name, a process that was extremely cumbersome and had discouraged applicants at a time of substantial structural changes in the definition of what is a family). In a few cases, the government might be tempted to avoid RIA by asking a member of the parliamentary majority to introduce a bill prepared by the executive in order to speed up the process.

The OECD gives France a two-point score out of a possible four points on the overall process of RIA.

Citation:

OECD. 2021:OECD Regulatory Policy Outlook 2021, available at: <https://www.oecd-ilibrary.org/sites/6d483208-en/index.html?itemId=/content/component/6d483208-en>

## Ireland

### Score 5

The 2011 Programme for Government stated, “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 (Gov, 2018).

In response to parliamentary questions on the topic in July 2012, the taoiseach 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.

In 2021, the OECD pushed Ireland to establish a core body to perform vital oversight and scrutiny functions, such as reviewing the quality of RIAs. There were good examples cited, such as the Department of Business, Enterprise and Innovation’s assessment of the 2018 Copyright and Other Intellectual Property Law Provisions Bill and the Department of Transport’s 2021 assessment for merchant shipping (the Investigation of Marine Casualties Amendment Bill). But the OECD criticized the failure to publish many of the RIAs carried out by government departments (Ferris, 2021).

## Citation:

Ferris, T., (2021) 'OECD scores show Ireland must try harder on regulatory impact assessments', The Irish Times, 6 December 2021, <https://www.irishtimes.com/business/economy/oecd-scores-show-ireland-must-try-harder-on-regulatory-impact-assessments-1.4747437>

The latest available government documentation relating to RIAs is:

[http://www.taoiseach.gov.ie/eng/Publications/Publications\\_Archive/Publications\\_2011/Revised\\_RIA\\_Guidelines\\_June\\_2009.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Revised_RIA_Guidelines_June_2009.pdf) Parts of the Independent Assessment of 'The options for water provision' are available at <http://www.environ.ie/en/Publications/Environment/Water/FileDownload,29194,en.pdf>

## Israel

### Score 5

In 2014, Israel launched a five-year plan to reduce regulation, which aimed to reduce the cost of bureaucratic processes by 25% by requiring regulators to formulate regulatory changes according to the government's RIA guide. Nevertheless, it seems that Israel is still lagging behind other countries when it comes to implementing RIA inside its own ministries. An OECD report from 2018 stated that offices inside the Israeli government have not used RIAs correctly and ignored it in some cases. The last report summarizing regulation improvement pertained to 2018. This report detailed some 60 regulation reduction processes in most government ministries. While the report does not include data on the overall effect of the process vis-à-vis the goal of reducing bureaucratic regulations by 25%, it states that so far ILS 4 billion has been saved (on an approximately ILS 1.3 trillion economy). In late-2021, the government passed the Regulation Fundamentals Law, according to which ministers and regulators have to consult the new Regulation Authority regarding the economic, social and environmental implications of all regulations.

## 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>

Government Regulation Website, The regulatory burden reduction book of 2018, July 2019 (Hebrew):

<http://regulation.gov.il/uploads/reports/7/2018reg.pdf>

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](http://regulation.gov.il/RIA_REP)

RIA Report data, Government Regulation Website, 2019 (Hebrew): [http://regulation.gov.il/RIA\\_REP](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](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>

Almog, Tamar. 2020. “Unprecedented: Thousands of Comments Against the Coronavirus law,” Kan, Retrieved from <https://www.kan.org.il/item/?itemid=71971>

Kogosovski, Mendi. 2020. “The Government Legislation Website is Live.” IsraelDefense, Retrieved from <https://www.israeldefense.co.il/he/node/44489>

Mor, Guy & Alon Jasper. 2020. Parliamentary Arbitrage and the Case for Regulatory Policy in Parliament,” *The Theory and Practice of Legislation* 7(3): 283-305.

Nagid, Moran and Morin Amitay. 2020. “Public Participation in Health Policy,” *Kohelet Policy Forum*, Policy Paper no. 66, retrieved from [https://kohelet.org.il/wp-content/uploads/2020/10/health.involve.paper\\_.pdf](https://kohelet.org.il/wp-content/uploads/2020/10/health.involve.paper_.pdf)

## Luxembourg

### Score 5

Luxembourg launched a first stab at regulatory impact assessments (RIAs) at the end of the 1990s, with the goal of simplifying administrative procedures at both the national and European levels. In 2004, the government set up the Plateforme interministérielle de réforme et de simplification administrative, which since 2017 has implemented the so-called Omnibus Bill. Containing 11 laws and two regulations, this is intended to facilitate and speed up planning procedures in 102 municipalities, and introduces a transversal approach to the systematic screening of all administrative procedures. In 2018, the competences of the country’s main regulatory oversight body were transferred from the Ministry of the Civil Service and Administrative Reform to the Ministry of Digitalization. The goal was to implement the e-government strategy, advance administrative reform, promote digital inclusion and integrate new technologies in society.

The new ministry, which is responsible for coordinating the Plateforme interministérielle, is also responsible for a range of other oversight functions, including evaluating regulatory policy, identifying areas in which regulation could be made more effective, and coordinating regulatory policy. The digitalization process is expected to include continuous exchanges between the state, business and the general public. The participatory platform Zesumme Vereinfachen hosts collaborative projects and proposals aimed at administrative simplification, which are analyzed by the Ministry for Digitalization and then processed or discussed with the administration(s) referenced by the proposal that has been submitted. By participating in this process, the citizens can get involved in one or more phases of the project, at their own convenience.

Citation:

“Einfach Lëtzebuerg Action Plan.” <https://digital-luxembourg.public.lu/initiatives/einfach-letzebuerg>. Accessed 14 January 2022.

“OECD Regulatory Policy Outlook 2021.” <https://doi.org/10.1787/38b0fdb1-en>. Accessed 03 May 2022.

## Portugal

### Score 5

As noted in previous reports, the first Costa government introduced RIA processes for the first time, formalizing a body responsible for RIAs within the public administration. The successor government maintained those efforts; indeed, its

program sets out the goal of having all draft bills it submits to parliament be accompanied by a legislative impact assessment. Moreover, it sought to extend a pilot program that assesses the impact of legislation intended to combat poverty and corruption.

These are positive steps in a country where RIA has historically been lacking. However, there is still considerable room for improvement. The OECD's Indicators of Regulatory Policy and Governance 2021 note that the role of RIA has increased in Portugal. This is reflected in the fact that the "Custa Quanto" RIA, which assesses the economic cost of the government's legislative proposals, was formalized in the post-2019 government's internal organization, after a trial in 2017 and the establishment of a definitive model in 2018. This, as well as the developments noted in the previous paragraph, explain the considerable improvements in the OECD assessment relative to 2018. At the same time, the OECD notes that limitations remain both in the scope and application of the practice, with Portugal scoring below the OECD average in terms of RIA.

Citation:

JurisAPP, A Avaliação de Impacto em Portugal, available online at: <https://jurisapp.gov.pt/avaliacao-de-impacto/a-avaliacao-de-impacto/>

OECD (2021), "Portugal: Indicators of Regulatory Policy and Governance 2021," available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

XXII Governo Constitucional, Programa do XXII Governo Constitucional 2019-2023, available online at: <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBAAAAB%2bLCAAAAAAABACzsDA1AQB5jSa9BAAAAA%3d%3d>

## Hungary

Score 4

Upon coming to office, the second Orbán government amended the provisions on RIAs. In practice, RIAs have suffered from sluggish and selective implementation (Brenner/ Fazekas 2020; Corruption Research Center 2017; Staroňová 2014). This has not changed following a further amendment to the 2010 Act on Lawmaking in March 2019 (OECD 2021).

Citation:

Brenner, D., M. Fazekas (2020): Legislative Effects of Regulatory Impact Assessment: A Comparative Event History Analysis of Modifications of Law in France, Italy, Hungary and the UK. Government Transparency Institute, Working Paper 2020-3, Budapest (<http://www.govtransparency.eu/legislative-effects-of-regulatory-impact-assessment-a-comparative-event-history-analysis-of-modifications-of-law-in-france-italy-hungary-and-the-uk/>).

Corruption Research Center (2017): Report on the Quality of Hungarian Legislation – 2011-2016. Budapest.

OECD (2021): Hungary: Indicators of Regulatory Policy and Governance 2021. Paris (<https://www.oecd.org/gov/regulatory-policy/hungary-country-profile-regulatory-policy-2021.pdf>).

Staroňová, K. (2014): L'institutionnalisation des études d'impact en Europe centrale et orientale, in: Revue Française D' Administration Publique 149(1): 123-143.

## Poland

**Score 4** Poland had a relatively well-established system of regulatory impact assessment (RIA) when the PiS government came to power. The PiS government has slightly amended this system. In 2018, the requirement for assessing the impact of economic laws on SMEs was strengthened by the Law for Entrepreneurs Act. Since its creation in 2018, the Center for Strategic Analysis in the Chancellery of the Prime Minister has been in charge of overseeing RIAs (OECD 2021). However, the PiS government has not taken RIAs seriously. It has bypassed RIAs by relying strongly on fast-track legislation and legislative initiatives submitted by individual members of the Sejm. Between 2017 and 2020, 217 out of 603 bills were submitted by members of parliament.

Citation:

OECD (2021): Poland. Indicators of Regulatory Policy and Governance 2021. Paris (<https://www.oecd.org/gov/regulatory-policy/poland-country-profile-regulatory-policy-2021.pdf>).

## Turkey

**Score 4** 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 (RIA) are a formal exercise but are neither sent to parliament nor published. The legal quality is mainly shaped by the “By-Law on Principles and Procedures of Drafting Legislation” decree passed in February 2006. The law involves provisions relating to stakeholder engagement as well as RIA. The Prime Ministerial Circular on RIA, issued in April 2007, further specified guidelines, roles, and responsibilities including for the Better Regulation Group within the Prime Ministry. Since then, the completion of an 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).

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 EU also funded the Technical Assistance for Capacity-Building and Support to the Preparation of an RIA for Decoupled Agricultural Support project.

Citation:

European Commission. “Turkey Report 2021. Commission Staff Working Document.” October 19, 2021. [https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021\\_en](https://ec.europa.eu/neighbourhood-enlargement/turkey-report-2021_en)

## 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 (especially regional) 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. 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. However, such an RIA-compliant methodology is still not being applied in a systematic manner in the various policy domains.

As mentioned elsewhere, the management of the health crisis has seen consultation with non-governmental academic experts become more systematic, as expert groups routinely report to consultation committees on the evolution of the health situation and indicating potential measures to be taken. Nonetheless, given the very short time frame for producing such reports, RIA methodological standards are seldom met.

#### Citation:

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

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

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

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

[https://www.ibpt.be/public/files/fr/22539/Etude%20d%27impact%20march%C3%A9%20mobile%20FR\\_120718.pdf](https://www.ibpt.be/public/files/fr/22539/Etude%20d%27impact%20march%C3%A9%20mobile%20FR_120718.pdf)

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

The RIA process is well established and transparent. Consultation with stakeholders is an essential part. 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 is one of the few countries featuring an independent RIA Board. In place since 2011, this board consists of 16 external experts, and is chaired by an environmental economist. Affiliated with the Government Legislative Council, it 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 COVID-19 pandemic reduced the number of RIA commission meetings and most of the materials were discussed in abbreviated proceedings.

Citation:

<https://ria.vlada.cz/wp-content/uploads/Priloha-c.-8-vyrocní-zpráva-pracovní-komise-RIA-2020.pdf>

### 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 written in non-technical language in order to ensure public accessibility. The tradition of involving interest organizations – especially in the labor market – was seen clearly during the pandemic when numerous tripartite agreements were achieved without delay.

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 institutional setting to apply and monitor a unified methodology is well developed. The National Regulatory Control Council (NKR) reviews the quality of all RIAs and provides advice. It also bears some responsibility for ex post evaluation processes. The federal government reports annually to parliament on improved regulation processes and efforts to reduce bureaucracy. The Federal Audit Office and the Parliamentary Advisory Council on Sustainable Development are responsible for evaluating regulatory policy and identifying areas where regulation can be made more effective. Bodies within the Federal Ministries of the Interior and Justice and Consumer Protection examine the legal quality and comprehensibility of legal drafts, and a special unit of linguists provides linguistic advice to all ministries on such issues as simple language (OECD 2021).

The new “one-in one-out” rule, introduced in 2015, is intended to reduce the financial burdens imposed on enterprises. This rule means that all new costs for enterprises and state bureaucracy (the “ins”) have to be compensated for by additional regulations reducing costs by at least the same amount (the “outs”).

The NKR also regularly publishes its expert assessments, project and annual reports and is transparent in communicating its recommendations to the public.

In sum, the NKR’s monitoring and quantification activities have significantly increased awareness of the bureaucratic burdens associated with legislation for companies, private households and the public administration itself.

Citing the desire to strengthen the NKR’s role in the legislative process, the new German government has decided to move the NKR from the Chancellery to the Federal Ministry of Justice. Given that the Ministry of Justice is headed by an FDP

minister for whom efficient lawmaking and minimizing bureaucracy are important issues, this decision is in part motivated by partisan interests. The political support for such efforts should remain strong throughout the new legislative term.

Citation:

OECD (2019): Better Regulation Practices across the European Union, OECD.

## 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. In its corresponding report for 2018, the Council noted that the quality of impact assessments had improved, but also pointed out that more resources were needed in order to strengthen ministries' expertise in drafting legislation. During the pandemic, ministries' capacity to prepare new legal proposals and carry out impact assessments was overstretched. This was particularly true of the Ministry of Health and Social Affairs, which prepared a large number of law proposals and decrees relating to efforts to contain the COVID-19 virus.

Citation:

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

[http://vnk.fi/en/article/-/asset\\_publisher/arviointineuvosto-vaikutusten-arviointien-tasoa-on-parannettava](http://vnk.fi/en/article/-/asset_publisher/arviointineuvosto-vaikutusten-arviointien-tasoa-on-parannettava)

"Finnish Council of Regulatory Impact Analysis: Annual Review 2017.", <https://vnk.fi/documents/10616/7861578/Finnish+Council+of+Regulatory+Impact+Analysis+Annual+Review+2017/>  
"Finnish Council of Regulatory Impact Analysis Annual Review 2018," <http://urn.fi/URN:ISBN:978-952-287-772-7>"

## Netherlands

Score 8

RIAs are obliged to identify one or several alternatives to the option chosen by an initiator. According to Advisory Board on Administrative Burden Reduction (ATR) guidelines, alternative options for administrative burden reduction assessments

(ABRAs) are usually investigated. In principle, the option involving the greatest cost reduction ought to be selected. The extent to which practice follows theory is not known; in several cases, the ATR has judged that the less cost-efficient solution was selected. Stakeholders and decision-makers have been involved in the process of producing RIAs, helping in the process of creating burden-reduction analyses by providing needed information.

Stakeholders and interested parties, typically including semi-public bodies and the lobbyists for commercial and/or professional associations (e.g., representing SMEs, social- and medical-care professionals, or farmers), are generally 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 example regarding budgetary effects, business effects, administrative-burden effects, and societal and environmental effects. In some cases, departments publicize a draft bill as part of an e-consultation process to solicit feedback from citizens, but this practice is exceptional. Sometimes the results of the burden-reduction assessments do not reach parliament in time to be used. In an evaluation of the ATR's performance by Berenschaot Consultants, stakeholders indicated that they were in general satisfied.

Given the continued and widespread complaints, mainly by business, about regulatory burdens (e.g., by dentists, general practitioners, youth workers, nurses, farmers and shopkeepers, to mention just a few), there is some question as to the effectiveness of regulatory-burden reduction campaigns and the efficacy of the ATR as an independent watchdog. Interestingly, the ATR claims that it warned several years ago that the complexity of tax-benefit regulation surpassed the understanding and capability of citizens.

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

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

De Volkskrant, 30 September 2019. Drie redenen waarom regeldruk de zorg blijft teisteren. (volkskrant.nl, accessed 8 November 2019)

Adviescollege Toetsing Regeldruk, Jaarverslag 2020.

Financieel Dagblad, 1 November 2021. Als je al die peperdure regels niet snoeit dan woekeren ze voort

## 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).

In 2019, the Treasury issued new regulatory impact assessment guidelines and requirements for broader impact analysis (NZ Treasury 2019a; NZ Treasury, 2019b).

A 2021 OECD report ranks New Zealand's RIA process above the OECD average, noting that government agencies have to consult with the public on all draft regulations and publish all RIAs online, and that policymakers have to provide a response to comments submitted during the consultation process (OECD 2021).

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>

OECD (2021) New Zealand: Indicators of Regulatory Policy and Governance 2021. <https://www.oecd.org/gov/regulatory-policy/new-zealand-country-profile-regulatory-policy-2021.pdf>

NZ Treasury, 2019a. <https://treasury.govt.nz/sites/default/files/2019-12/guide-cabinet-impact-analysis-requirements.pdf>

NZ Treasury, 2019b. <https://treasury.govt.nz/information-and-services/regulation/impact-analysis-requirements-regulatory-proposals>

## Norway

**Score 8** The quality of RIAs associated with parliamentary bills shows great variation, but is generally good. Parliamentary bills describe at the very least 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.

That these principles can, however, be overridden for political expediency, if the government wishes, was demonstrated during the planning and execution of the United Kingdom's withdrawal from the European Union. However, in relation to COVID-19, impact assessments were regularly undertaken ranging from the overall impact of the Coronavirus Bill, prior to its enactment, to more detailed assessments of specific measures.

Citation:

<https://www.gov.uk/government/organisations/regulatory-policy-committee/about#rpc-guidance-and-training>

## United States

**Score 8** Regulatory impact assessment is a highly political process, with a strong tendency for results to reflect the preferences and expectations of the agency or political official that controls the process. During preparation for an RIA, the U.S. Office for Information and Regulatory Affairs does not make the documents public or invite

participation. So in comparison to European countries, the process becomes public at a later stage when the RIA is published for comment.

Trump administration regulatory officials demonstrated little concern about impact assessments. 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.

Immediately after entering the White House, President Biden, with the help of Democrats in Congress, began to undo what his predecessor had done on the regulatory front. Simultaneously, President Biden "issued a memorandum calling for the Office of Management and Budget to undertake a process for modernizing regulatory review. The review is expected to include suggestions on how regulatory review processes can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations." (OECD, 2021).

Citation:

Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs, Issued on: January 30, 2017, <https://www.whitehouse.gov/presidential-actions/presidential-executive-order-reducing-regulation-controlling-regulatory-costs/>

Federal Register January 10, 2020: Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act

<https://www.federalregister.gov/documents/2020/01/10/2019-28106/update-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental>

<https://www.brookings.edu/blog/up-front/2022/01/20/an-overview-of-bidens-first-regulatory-year/>

OECD. 2021. <https://www.oecd-ilibrary.org/sites/2e5af0c4-en/index.html?itemId=/content/component/2e5af0c4-en>

## Austria

### Score 7

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 public stakeholders to comment on suggested legislation, which is 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.

Since September 2017, all draft primary laws are available on the parliamentary website together with a short description of the legislative project in accessible language and the respective RIA. Citizens can submit comments on the draft regulation or support comments made by others online. Since August 2021, citizens can also submit comments on all legislative initiatives introduced in parliament (i.e.,

government bills, as well as parliamentary and popular initiatives) during their parliamentary deliberation and support comments made by others online. Moreover, in 2018, an interactive crowdsourcing platform was launched to provide the public with an opportunity to express their views ahead of parliamentary initiatives. Nevertheless, no systematic public consultations are held.

Citation:

[https://www.oeffentlicherdienst.gv.at/wirkungsorientierte\\_verwaltung/dokumente/EvalWFA-2019\\_WEB.pdf?7ims0d](https://www.oeffentlicherdienst.gv.at/wirkungsorientierte_verwaltung/dokumente/EvalWFA-2019_WEB.pdf?7ims0d)

## Canada

### Score 7

The quality of regulatory impact assessment in Canada has arguably improved under the new Impact Assessment Act, passed in 2019. The new legislation expands assessments beyond the environmental effects of a designated project to include impacts on social and health systems, on the economy, and on Indigenous peoples, in each case considering current and future generations. A determination of whether a designated project should go ahead requires a consideration of whether it is in the public interest, of how it impacts on sustainability, and whether it will facilitate or hamper the federal government's climate change commitments. The IAA established the new Impact Assessment Agency of Canada, which is now responsible for conducting RIAs. Additionally, it increases the scope of public participation in the conduct of RIAs, beginning with a new early-planning phase, and is aimed at significantly increasing participation by Indigenous groups and expanding consideration of the impact a project may have on Indigenous groups and peoples.

RIA results are accessible under Freedom of Information provisions. However, there is little evaluation of the quality of RIAs by independent bodies.

## 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 below the OECD average with regard to RIA implementation, particularly in the areas of oversight and quality control. However, the most recent OECD report notes improvements taking effect since 2017.

Citation:

OECD Regulatory Policy Outlook 2021, OECD, [https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021\\_196-ce20a-en](https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_196-ce20a-en)

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

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

## Latvia

Score 7

The contents of RIA annotations, the responsibility for evaluation and the mandatory sections to be completed are now regulated by a 2021 regulation called “Procedure for Evaluation of the Initial Impact of a Draft Legislative Act.” Compliance with this regulation is monitored by the State Chancellery rather than by an independent body. The newly established TAP portal helps ensure the transparency of the draft development process.

Citation:

Procedure for Evaluation of the Initial Impact of a Draft Legislative Act (2021) Available (in Latvian) at: <https://likumi.lv/ta/id/325945-tiesibu-akta-projekta-sakotnejas-ietekmes-izvertesanas-kartiba>, Last accessed: 10.01.2022.

## 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. While input and output are clearly visible, the outcome of the RIA process cannot be assessed so far.



## Sweden

**Score 7** Levels of stakeholder engagement are quite high in the policymaking processes in Sweden. In the period under review, Sweden made progress with regard to systemizing the use of the central governmental portal, where information on consultations and the attendant documentation are posted so that relevant stakeholders can post feedback. Having said that, policy feedback in Sweden is given through organized interest groups; the policymaking process would benefit from a more interactive process in which the public (individual citizens) received greater encouragement to provide feedback regardless of whether they belonged to an organized association.

Simplification remains an important factor in Sweden's regulatory policy (OECD, 2021). For example, in 2020, the Committee for Technological Innovation and Ethics created a forum to receive feedback from citizens on regulatory barriers in the development of technology, as well as a self-assessment tool for responsible tech in English (KOMET, 2022).

Citation:

KOMET. 2022. "Self assessment tool for responsible tech." <https://www.kometinfo.se/kronika/self-assessment-tool-for-responsible-tech/#.Ye1HLy2HKAk>

OECD. 2021. "Sweden: Indicators of Regulatory Policy and Governance 2021." <https://www.oecd.org/gov/regulatory-policy/sweden-country-profile-regulatory-policy-2021.pdf>

## 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.

## 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 medium or long term. As stated in Regulatory Impact Assessment published by the OECD in 2017, there is no standardized practice for regulatory consultations, for instance with regard to the length, scope, timing and procedural mechanisms. RIA assessments are not routinely evaluated by independent bodies.

As indicated by the OECD Regulatory Policy Outlook 2021, since 2019 “public consultations are also required for major regulatory proposals for which a high impact RIA is to be conducted. Chile makes voluntary guidelines on consultation mechanisms available to regulators and links to ministries’ consultation portals are listed on a central website. In order to continue improving stakeholder engagement practices, Chile needs to ensure that these recent requirements are systematically implemented in practice, including involving stakeholders earlier in the decision-making process, and not only when there is already a draft regulation” (OECD Regulatory Policy Outlook 2021, p. 226).

Citation:

Organisation for Economic Co-operation and Development (OECD), “OECD Regulatory Policy Outlook 2021”, 2021, [https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021\\_38b0fdb1-en](https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_38b0fdb1-en), last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Reviews of Regulatory Reform Evaluation Report: Regulatory Impact Assessment (Chile)”, 2017, <https://www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-in-chile.htm>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), “Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation”, 2016, [https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile\\_9789264254596-en](https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile_9789264254596-en), last accessed: 13 January 2022.

## 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 Sinnungo, and the e-Legislation Center. The e-Legislation Center gives the general public the opportunity to propose a bill, submit opinions on regulatory bills or request 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. Divergent interests and voices from business circles and radical labor organizations are big obstacles in implementing RIA. Other criticisms offered by the OECD include a lack of sufficient time to carry out assessments, insufficient staff, and a lack of expertise and financial resources. The OECD also recommended that the early-stage consultation should be strengthened – specifically, to identify policy alternatives.

The OECD has noted several recent improvements in the quality of RIA processes. A 2018 reform requires analysis to be proportionate to the significance of the regulation, and requires alternative regulatory options to be assessed for all subordinate regulations. RIA for SMEs has been enhanced through the introduction of an impact reporting system and revision of a related guideline in 2020, and the transparency of consultation processes overall has improved.

Citation:

[www.better.go.kr/zz.main.PortalMain.laf](http://www.better.go.kr/zz.main.PortalMain.laf)

[www.lawmaking.go.kr](http://www.lawmaking.go.kr)

OECD Regulatory Policy Outlook 2021, <https://www.oecd-ilibrary.org/sites/38b0fdb1-en/index.html?itemId=/content/publication/38b0fdb1-en>

## 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 (OBPR) 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 OBPR 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.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, RIAs are largely formal in nature. Once a proposed draft has entered the phase of public consultation, civil society and academic actors are able to offer their own assessments, which are subsequently filed with the proposal and made available to the public online.

The legal framework for impact assessments was reformed in 2016. The methodology used both for acts of parliament and Council of Ministers decisions has been completed and published. In 2018, 22 full assessments were performed for newly proposed laws in parliament, double the amount conducted in 2017. However, the overall number of full and partial assessments together decreased by 16% from 410 to 345 in 2018. The number declined by another 15% from 2019 to 2020. The 2020 IA Report concludes that this is the worst year since the first report in 2017.

The situation worsened further in 2018-2020, when roughly 50% of the bills were submitted to the legislature with no RIA summary, and 60% of the legislative act were amendments to already adopted laws.

The regulatory process did not improve in 2021.

#### Citation:

Administration of the Council of Ministers (2019): Impact assessment: annual report for 2018 (in Bulgarian). Sofia (<http://strategy.bg/FileHandler.ashx?fileId=16640>).

Administration of the Council of Ministers (2021): Impact assessment: annual report for 2020. <https://strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=&Id=330&y=&m=&d=>

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](https://www.ipa.government.bg/sites/default/files/metodika_korektura_all.pdf)).

## Cyprus

### Score 5

The OECD's 2019 RIA report is the latest available assessment. It is unlikely that issues such as reduced human resources that affect implementation and monitoring have been resolved. With responsibilities recently transferred for a second time, delays and coordination issues are probable. Under the existing scheme, the impact of efforts to improve regulation have been clear. Stakeholders' participation in the process increases the success of the assessment; RIAs are more effectively implemented when SMEs are concerned.

At present, the RIA website is under review and remains inaccessible to the public. There are plans to post on the new website all the relevant processes, information and results.

## 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.

## Greece

**Score 5** RIAs were not implemented in Greece before the change of government in 2019 and the adoption of new legislation.

Since October 2020, all bills of law submitted to parliament must be accompanied by an RIA. Before a bill of law is submitted to parliament, it is uploaded on the competent ministry's website to enable stakeholders to submit comments and criticisms. It is then revised by the ministry's staff, taking into account – to a variable degree – suggestions for amendments. After that stage, the bill of law is submitted to parliament to be debated in the competent parliamentary committee, before the parliament's plenum is convened to vote on the bill of law. The RIA documents accompanying the bill of law are available to members of parliament and to the public (although the public's interest in details of legislative work is very limited).

This process, which was followed in the period under review, represents a vast improvement over the complete neglect of RIAs in the past, even though the quality of RIAs could be improved.

Law 4622/2019 organized the RIA framework.

## 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 in March 2017. Stakeholders, other ministries, and the public shall be informed during the process, which is an important step toward increased 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/Sam>

thykkt-rikisstjornar-um-

stjornarskjal-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. 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 noted that although “consultation is systematically required once a regulation is drafted ... it does not frequently take place before a decision to regulate is made” (OECD). At the same time, the report pointed out that Lithuania has been developing its “stakeholder engagement and consultation methodology,” in particular related to “written guidance on how to conduct stakeholder engagement in 2019” (OECD). The Skvernelis government (2016 – 2020) adopted guidelines on consulting stakeholders during the legislative process, a task that is meant to be performed during the conduct of ex ante impact assessments. This issue was been discussed during the training sessions for civil servants conducted by STRATA in 2020 and 2021 on how to properly conduct impact assessments. The OECD study presented in late 2021 provided concrete recommendations on how to improve quality control at the center of the government. However, it remains to be seen how these recommendations will implemented and followed in the course of daily business.

Citation:

OECD, OECD Regulatory Policy Outlook 2021, <https://www.oecd-ilibrary.org/sites/6f5c1860-en/index.html?itemId=/content/component/6f5c1860-en>

<https://epilietis.lrv.lt/lt/dalyvauk-priimant-ir-keiciant-sprendimus/organizuok-viesuju-konsultaciju-metodika-ir-jos-taikymo-gaires>

OECD, Mobilising Evidence at the Centre of Government in Lithuania. Strengthening decision-making and policy evaluation for long-term development, Paris: OECD, 2021.

## Malta

### Score 5

Malta's policy on regulatory impact assessments (RIA) is taking bold steps forward. Stakeholder engagement is not required by law when defining a negotiating position for EU directives/regulations, but is required when transposing EU directives. Stakeholder engagement is currently required for all subordinate regulations as part of the RIA process, as well as for some primary laws in selected policy areas. Recent better-regulation initiatives have been targeted at improving the accessibility of the regulatory process, for example through the introduction of a central portal for online consultations. Each online consultation is accompanied by a feedback report that summarizes the views of participants and provides feedback on the comments received. COVID-19 has placed consultation with stakeholders center stage. While consultation remains superficial in some areas, a more sophisticated reaction from the public has led to more robust consultation with stakeholders. The 2019 OECD report on regulatory practices in the European Union states that there is a need to engage in more consultation when introducing primary legislation specifically in the early stage before a referred regulatory decision has been identified. In small states such as Malta, truly "independent" bodies are generally absent or rare. Fortunately, several civil society groups have become more proactive and now come forward with proposals of their own rather than (as in the past) being merely reactive.

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. Overall, because of the extensive developments taking place in Malta, this area requires serious study. In 2018, stakeholder engagement in the process of developing regulations was on par with the OECD average. In 2020, the government launched a €450,000 project to improve the Environmental Resource Authority's regulatory process. A recent study by Bezzina and Marmara found a clear improvement in the RIA process.

#### Citation:

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

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

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

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

<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

Malta Independent 04/02/20 450,000 euro project launched to strengthen ERA regulatory process

## 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 timeframe 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.

In the 2020 country report for Romania, prepared by the European Commission, the commission noted that Romania had stalled on its reform of public administration, including on the implementation of effective regulatory impact assessments, and has recommended the establishment of an independent regulatory impact assessment board.

Citation:  
European Commission (2020): National Reform Program, Romania. Brussels.  
([https://ec.europa.eu/info/sites/default/files/2021-european-semester-national-reform-programme-romania\\_en.pdf](https://ec.europa.eu/info/sites/default/files/2021-european-semester-national-reform-programme-romania_en.pdf))

European Commission (2020): Country Report, Romania. Brussels.  
([https://ec.europa.eu/info/sites/default/files/2020-european\\_semester\\_country-report-romania\\_en.pdf](https://ec.europa.eu/info/sites/default/files/2020-european_semester_country-report-romania_en.pdf))

## 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 is not done by an independent body and 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. While the creation of this committee has led to some improvement, the RIA process would further benefit from making one central government body responsible for evaluating integrated impacts rather than spreading the responsibility across several ministries.



## 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 administrative bodies' have overcome their initial skepticism toward RIA, the content of assessments has been too general, and has often tended to justify the need for action rather than attempting a critical, well-grounded assessment.

Thus, such assessments in general have little to recommend them. It remains to be seen whether 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 (rail lines, highways, airports etc.), and the final decision as well as the process is subject to judicial oversight. 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 that this is attributable to the lack of an RIA culture, insufficient training for administrative elites, a lack of political will and the feeble role of parliament in RIA matters.

In line with these observations, a 2020 report by the Council of State stated that evaluation is organized to serve the executive rather than to nourish public debate. Too often, the results of evaluation studies are kept confidential. Thus, the evaluation process does not have a strong role in the public debate or in decision-making. For instance, it is not integrated into the debate on the annual budget law, nor are impact studies involved when a government bill is presented. The Council of State report

suggested that parliament, citizens and stakeholders benefiting from public policies be better integrated into the process; that evaluation reports be disseminated more broadly to the public; and that better methods be used to organize assessments.

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>)

France Stratégie: Public policy impact assessment: What can France learn from the most advanced countries?, Paris, 19 February 2020 (<https://www.strategie.gouv.fr/english-articles/public-policy-impact-assessment-what-can-france-learn-most-advanced-countries>)

Conseil d'État: Conduire et partager l'évaluation des politiques publiques – Étude annuelle 2020, Paris, 9 July 2020 (<https://www.vie-publique.fr/rapport/276060-conduire-et-partager-l-evaluation-des-politiques-publiques-etude-2020>)

## 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.

The 2021 OECD Regulatory Policy Outlook scored Ireland relatively highly on adoption and methodology, but significantly lower on transparency and oversight. The composite score for Ireland was 2.09 out of four. Given that it is the quality of RIAs that really matters, the Irish performance was perceived to be disappointing (Ferris, 2021; OECD, 2021).

## Israel

**Score 4** Israel has recently improved its stakeholder engagement in the regulatory process. In 2018, the OECD Regulatory Report Outlook ranked Israel as 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.

Most RIAs conducted between 2016 and 2019 provided an opportunity for the public and other stakeholders to participate in the regulatory process.

Since 2018, the Prime Minister's Office has access to all the RIAs submitted for review by each ministry, all RIAs are published online and the parliament's involvement in these issues has also expanded.

## 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](http://regulation.gov.il/RIA_REP)

The Knesset, Parliament involvement with RIA – Comparative Analysis, 2019 (Hebrew):

<https://main.knesset.gov.il/Activity/Oversight/Documents/ParliamentLnvovementRIA2703.pdf>

## Italy

### Score 4

The RIA process is still in its infancy in Italy. The participation of stakeholders remains limited and is not systematically pursued. The annual reports, presented by the Prime Minister’s Office to parliament, indicate a gradual improvement in this field. A special government website ([www.Consultazione.governo.it](http://www.Consultazione.governo.it)) has been created for documenting all consultation processes involving national and local public administrations. The results of consultation processes are still not available for most of 2020 and 2021.

Communication to the public needs to be significantly improved. The impact of RIAs on the policymaking process is still insufficient.

## Spain

### Score 4

The use of RIA analyses has largely been focused on administrative simplification and better-regulation programs. The gradual introduction of RIAs since 2009 has resulted in a general template (reinforced by the Law 39/2015 and the Royal Decree 931/2017), 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.

Since 2018, the practice of regulatory impact assessment (RIA) has been strengthened through the creation of a dedicated body for the task. The Office on Regulatory Coordination and Quality within the Ministry of the Presidency is tasked with ensuring the quality, coordination and coherence of rulemaking activity undertaken by the executive. The office has established an information system providing for direct and secure communication with ministerial departments. Moreover, the Ministry of Territorial Policy and Public Function reviews the quality of various RIA components with the autonomous communities, and oversees

processes of public consultation and participation. The Council of State, in turn, assesses the legality of regulations and their development, monitors the public administration's correct functioning, and reviews the legal quality of regulations initiated by the executive. The Council issues statements in response to consultations with ministries, autonomous community presidents and certain state entities.

Preliminary RIAs for legal norms are in some cases developed by entities other than the executive. On occasions, special parliamentary committees are established by either house to study a particular issue. However, most of the processes dealing with RIA depend upon internal ministerial resources, and the outcomes are not typically available to the public. In December 2021, the government published the Normative Annual Plan for 2022, with all laws in development and main decrees expected to be approved in 2022 by the central government.

The Public Administration's Digitization Plan (2021) calls for transforming the public administration via data-driven public policies into a more modern and "data-driven" entity, in which information from citizens, citizens and other units and levels of the public administration are used efficiently to design public policies.

Citation:

Office on Regulatory Coordination and Quality – <https://www.mpr.gob.es/mpr/subse/occn/paginas/index.aspx>

Gobierno de España (2021) Public Administrations Digitization Plan, <https://tec.scot/sites/default/files/2021-07/Plan-for-the-digitalisation-of-pubic-administrations-TRANSLATED-1.pdf>

Gobierno de España (2021): Plan Anual Normativo 2022. Administración General del Estado. Available at <https://www.lamoncloa.gob.es/consejodeministros/resumenes/Documents/2022/PAN%20202.pdf>

## Portugal

Score 3

RIAs are a recently introduced feature of Portuguese policymaking. The OECD's Indicators of Regulatory Policy and Governance 2021 notes that stakeholders are involved when a draft regulation is proposed, but that RIA is not used ahead of the drafting process, for instance in consulting with stakeholders. The OECD has been asked to evaluate Portugal's RIA process; but, from the information we can gather, there is as yet no institutionalized and systematic process evaluating RIA quality.

Citation:

OECD (2021), "Portugal: Indicators of Regulatory Policy and Governance 2021," available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

## 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-controle-independant-pour-decider-des-orientations-stib>

## Hungary

- Score 2** The quality of the RIA process in Hungary has been poor (OECD 2021). Substantial stakeholder participation is normally lacking, since the very idea of consultation has been alien to the Orbán governments. There is no independent evaluation of RIAs, and findings are rarely or only partially made available to political actors on the special website for RIAs ([hatasvizsgalat.kormany.hu](https://hatasvizsgalat.kormany.hu)). Likewise, the annual report on RIAs prepared by the Prime Minister's Office is not publicly available.

## Luxembourg

- Score 2** No open and consultative regulatory impact assessment (RIA) process is currently in place. The procedure requires an interministerial exchange between governmental departments and coordination groups, including the consultation of experts. Impact assessment data originates from internal ministry documents, which may be consulted by the state Council of Ministers and parliamentary members.

Due to administrative simplification efforts in recent years, the government has decided to run two public platforms, [www.einfach.lu](http://www.einfach.lu) and [www.vosidees.lu](http://www.vosidees.lu). As in most OECD countries, the formal process of developing harmonized standards does not include risk-management procedures. RIAs are not evaluated by an independent body.

In its 2019 evaluation, the OECD has noted that “since 2015, Luxembourg has made some minor improvements to its regulatory management tools. Digital means of consultations are now undertaken in Luxembourg, albeit not systematically... Over time, it will be important to expand the usage of the central website to all regulatory proposals.”

Citation:

“Einfach Lëtzebuerg/Digital Lëtzebuerg.” Le Gouvernement du Grand-Duché de Luxembourg (2022). <https://digital-luxembourg.public.lu/initiatives/einfach-letzebuerg>. Accessed 14 January 2022.

“Indicators of Regulatory Policy and Governance Europe 2019 - Luxembourg.” OECD (2020). <https://www.oecd.org/gov/regulatory-policy/indicators-of-regulatory-policy-and-governance-2019-luxembourg.pdf>. Accessed 14 January 2022.

“Better Regulation in Europe. Luxembourg.” OECD (2019). <https://www.oecd.org/gov/regulatory-policy/46547003.pdf>. Accessed 14 January 2022.

Bossaert, Danielle: How size matters. The constraints and opportunities of public administration in Luxembourg. In: *forum*, 2019, no. 394, pp. 39 - 43.

## 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. The quality of individual RIAs is evaluated by the Chancellery of the Prime Minister, not by an independent body.

## 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 RIA requirement did not help improve the quality of proposed government legislation. Instead, the government simply organized more preparatory workshops and projects with EU support. 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 exceeding TRY 30 million, and a partial RIA is required for legislation that would involve costs below this amount.

The By-Law on Principles and Procedures of Drafting Legislation recommends full RIAs when the estimated cost of draft laws or decrees are above TRY 10 million or upon the request of the prime minister irrespective of its costs, if it is demanded by citizens or business.

Citation:

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

OECD. 2015. *OECD Regulatory Policy Outlook 2015 (Turkey)*. <https://www.oecd.org/gov/regulatory-policy/Turkey-web.pdf>

F. Karcı-Sarı. 2017. *Düzenleyici Etki Analizi ve Uygulama Örnekleri, Uzmanlık Tezi*, Ankara.

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. Every four years, the government submits a report to parliament on the progress made in implementing Agenda 2030 goals in Finland.

## New Zealand

**Score 9** Without using the term “sustainability” explicitly, 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, whether problems persist and if objectives are being met. More specifically, the Child Poverty Reduction Act requires current and future governments to set three- and ten-year targets for reducing child poverty. It also establishes a suite of measures that will track progress on reducing child poverty, and requires annual reporting on identified child-poverty-related indicators. This work currently sits within the Department of the Prime Minister and Cabinet, because the prime minister is the minister for this portfolio

Citation:

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

## United Kingdom

**Score 9** 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. There is a sustainable development impact test to complete for all relevant policy proposals.

Citation:

<https://www.gov.uk/guidance/sustainable-development-impact-test>

## 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, although the typical analysis focuses on a period of five years. In its annual RIA reports, the government explicitly commits itself to dealing with the SDGs.

While Austria features an overarching sustainability strategy, there remains considerable room for improvement. Still, the formation of a new government in early 2020, which included the Greens as the junior coalition partner, has led to



several (if partially symbolic) improvements. In 2020, the government published its first voluntary national report on the implementation of SDGs (Freiwilliger Bericht zur Umsetzung der Nachhaltigen Entwicklungsziele/SDGs). In 2021, the government's budget included for the first time specific information about which SDG is to be accomplished by the respective legislative projects of a department, which means that legislative goals are now systematically linked to sustainability goals. Further, efforts have been made to reach out to and involve Austrian civil society. In September 2021, the first SDG Dialogforum Österreich: Building Forward mit der Agenda 2030 took place. The forum used a hybrid format with participants representing different quarters, and was intended to provide the basis for intensive collaboration between government, public administration, the science community and civil society.

Citation:

<https://www.oecd.org/gov/regulatory-policy/RIA-in-Austria-web.pdf>

<https://www.bundeskanzleramt.gv.at/themen/nachhaltige-entwicklung-agenda-2030.html>

[https://sustainabledevelopment.un.org/content/documents/26661VNR\\_2020\\_Austria\\_Report\\_German.pdf](https://sustainabledevelopment.un.org/content/documents/26661VNR_2020_Austria_Report_German.pdf)

## Germany

Score 8

Germany applies a proven, systematic and well-integrated system of sustainability checks that are an important aspect of its legislative impact assessments. The parliamentary Council for Sustainable Development (Parlamentarischer Beirat für nachhaltige Entwicklung, PBnE) supervises the government's sustainability strategy through a systematic sustainability impact assessment of draft regulations and directives. The PBnE was established in 2004 and must be reconstituted after every parliamentary election. According to the PBnE audits, the coverage and quality of sustainability checks has strongly improved. Whereas 56% of all checks in 2011 were found to be dissatisfactory, the PBnE approved of 96% of all checks in the last legislative (Bundestag 2021).

Established in 2001, the German Council for Sustainable Development (GCSD) is another important actor in this area. In 2020, Chancellor Merkel appointed 15 members from civil society, industry, the research community and politics for a three-year term. This body is tasked with contributing to the implementation of the National Sustainability Strategy by identifying action areas, developing specific project proposals and increasing awareness of the importance of sustainability issues. The GCSD acts independently in choosing the topics it addresses and the actions to be taken (GCSD 2022).

Citation:

Bundestag (2021): Unterrichtung durch die Bundesregierung Bericht über die Nachhaltigkeitsprüfung im Rahmen der Gesetzesfolgenabschätzung, Deutscher Bundestag, 19. Wahlperiode, Drucksache 19/32709, 20.10.2021.

GCSD (2022): German Council for Sustainable Development, <https://www.nachhaltigkeitsrat.de/en/the-council/> (accessed: 15 January 2022).

## 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, and repeatedly in later years, the DNB (Dutch National Bank) warned that there would a review of whether firms in the financial sector had 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 (PBL).

Nevertheless, as reported elsewhere (see “Environment”), the Dutch government has regularly helped economic sectors (farmers, fishermen, civil aviation) delay necessary action and downplay the urgency of sustainability problems. This continued hesitation and delay finally drove environmental activists to sue the government successfully for negligence and lack of effort (in the Urgenda and nitrogen emission cases).

Given the trend toward operationalizing the Sustainable Development Goals into measurable units, and similar efforts to broaden conventional economic indicators like GDP into an indicator system measuring welfare more broadly, it is to be expected that environmental RIA practices will be affected sooner or later.

Citation:

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

Kennisportaal Ruimtelijke Adaptatie, “Verplichte stressstest 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](http://www.pbl.nl/publicaties), accessed 31 October 2018)

M. Chavannes, 19 July, 2019. De net-niet-politiek van Nederland: zwoegen aan het Klimaatakkoord om draagvlak te creëren voor rustig aan doen. ([decorrespondent.nl](http://decorrespondent.nl), accessed 8 November 2019)

Me Judice, 2 apr 2021 Stam and van Zanden, De politieke neutraliteit van bbp ontmaskerd

## United States

**Score 8** 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. While environmental considerations figured prominently in some cases prior to 2016, environmental issues were aggressively dismissed by the Trump administration. Sustainability checks were either manipulated, ignored or simply did not take place. There were undoubtedly some areas of government – below the radar of Trump, his thin cadre of political appointees, and the business lobbyists that have his attention – in which serious sustainability checks were taking place and guiding decisions. Unsurprisingly, the Biden administration has embraced a strong sustainability agenda that repudiates the Trump White House’s policies. Sustainability is now a key objective of the Biden administration, which is fostering an expansion of sustainability checks.

On December 8, 2021, President Biden issued an executive Order on Catalyzing Clean Energy Industries and Jobs through Federal Sustainability (EO), which sets out a range of ambitious goals to deliver an emission reduction pathway consistent with Bidens’ goal of reducing U.S. greenhouse gas emissions by 50-52% from 2055 levels by 2030 and limiting global warming to 1.5 degrees Celsius.

## 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 – legislatively based – 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. That noted, however, the new legislation of the Impact Assessment Act has broadened assessments considerably (including future generations) and generally RIAs do consider short-term, medium and longer-term implications of projects, as for example with issues of erosion in biodiversity.

Citation:

<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act.html>

## Norway

**Score 7** The government’s Instructions for Official Studies and Reports do not explicitly mention the SDGs. The recently revised instructions on how to conduct economic impact analyses – which are to be conducted for major policy proposals – refer explicitly to calculating costs for greenhouse gas emissions. Moreover,

supplementary guidelines specifying the examination of environmental impacts have existed since the early 2000s.

There is some evidence available on how the government applies RIAs. The overall picture is that policy alternatives are seldom evaluated, and that the quantification of the costs and benefits of different alternatives is relatively rare. While impact assessments may cover aspects included in the SDGs, depending on the policy in question, the implementation of SDG goals is not systematically covered in impact assessments.

There is no adopted strategy for a national implementation of the SDGs. Government, local and regional authorities are advised to integrate SDGs into their policies and planning. The progress of implementation is monitored by the Ministry of Local Government and Modernization.

## Sweden

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

## Switzerland

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

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

## Czechia

**Score 6** Sustainability checks are an integral part of every RIA, but are not very comprehensive (Cvachovcová and Polášek 2020). 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. A set of 2016 amendments to the RIA guidelines specified how to assess or quantify these effects. Criteria are refined by the relevant ministries on an ongoing basis.

## Citation:

Cvachovcová, P., M. Polášek (2020): Možnosti zahrnutí perspektivy udržitelného rozvoje do systému hodnocení dopadů v ČR. Prague. ([https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/03/Moz%CC%8Cnosti-zahrnuti%CC%81-perspektivy-udrz%CC%8Citelne%CC%81ho-rozvoje-do-syste%CC%81mu-hodnocen%C3%AD-dopadu%CC%8A-v-%C4%8CR\\_final.pdf](https://www.cr2030.cz/zavazky/wp-content/uploads/sites/4/2021/03/Moz%CC%8Cnosti-zahrnuti%CC%81-perspektivy-udrz%CC%8Citelne%CC%81ho-rozvoje-do-syste%CC%81mu-hodnocen%C3%AD-dopadu%CC%8A-v-%C4%8CR_final.pdf)).

## 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's long-term strategy Eesti 2035 presents an integrated vision for the country's balanced and sustainable development. Nine national priorities, presented in the strategy, explicitly reference the 17 SDGs.

## Israel

### Score 6

In 2015, Israel adopted a long-term plan (2015 – 2030) to improve and advance a number of SDGs, as part of the U.N. Agenda 2030 Plan for Sustainable Development. The plan covers a wide variety of fields, including 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. Together with other members of the United Nations, Israel began reporting in 2016 on its efforts to realize the SDGs.

In addition, since 2011, the government has published “workbooks” every year, detailing the quantitative measures used to compare policies and policy goals over time. In 2019, Israel published its first voluntary national review, which reviews its progress regarding Agenda 2030, and presents its accomplishments in fields such as education, water, healthcare and the economy. However, the report also highlights areas that require further attention.

## 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>

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://bit.ly/2YcOXaR>

"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>

Ministry of Foreign Affairs, Implementation of the Sustainable Development Goals – National Review, 2019 (Hebrew):  
<https://mfa.gov.il/MFA/PressRoom/2019/Documents/Israel%20SDG%20national%20review.pdf>

"Vision of Sustainability for Israel in 2030." Ministry of the Environment Website 2019:  
[http://kayamut2030.org/index.php?option=com\\_content&view=article&id=181%3Aindicators&catid=59&Itemid=149](http://kayamut2030.org/index.php?option=com_content&view=article&id=181%3Aindicators&catid=59&Itemid=149)

## Lithuania

### Score 6

In 2003, the government adopted the National Sustainable Development Strategy (updated last in 2011). 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). Lithuania belongs to the group of OECD countries (57% of the group's members) that have not adopted "green budgeting" practices. To sum up, although sustainability criteria are included in the list of factors to be considered when conducting impact assessments, the formal nature of those assessments means that sustainability checks suffer from the same problems as general impact assessments. If the government succeeds in improving its impact assessment processes, sustainability checks are also likely to become more effective.

#### Citation:

OECD/European Commission, Joint survey on emerging green budgeting practices, 2021.

OECD, Mobilising Evidence at the Centre of Government in Lithuania. Strengthening decision-making and policy evaluation for long-term development, Paris: OECD, 2021.

## 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 at the national level often still appear 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, which reports to the Ministry of Environment. 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 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 promised to build no new nuclear power plants, and additionally promised to close 30 coal-fired power plants (10 by 2022; 20 by 2034). At the same time, the government appeared to be considering a continuation of previous governments' problematic practice of prioritizing economic growth, for example by issuing waivers for regulations governing economic development or apartment construction within green-belt areas. While President Moon promised to highlight environmental sustainability, the actual effects on the RIA process remain to be seen.

Citation:

Ko, Jun-tae. "Moon vows to shut down 30 more coal plants to bring cleaner air and battle climate change." Korea Herald, September 8, 2020. <http://www.koreaherald.com/view.php?ud=20200908000676>  
 Ministry of Government Legislation, [http://www.moleg.go.kr/english/korL\\_awEng?pstSeq=57720](http://www.moleg.go.kr/english/korL_awEng?pstSeq=57720)  
 Presidential Commission on Sustainable Development (PCSD), <http://ncsd.go.kr:2020/index.asp>

## Bulgaria

Score 5

Most of the regulatory impact assessments in Bulgaria are merely formal, with the exception of those involving budgetary and environmental issues. Bulgaria has a Fiscal Council, which 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.

Sustainability checks and sunset procedures are required, but are formal in nature and are not carried out in practice.

## 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 the future.

Citation:

Organisation for Economic Co-operation and Development (OECD), "OECD Regulatory Policy Outlook 2021", 2021, [https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021\\_38b0fdb1-en](https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_38b0fdb1-en), last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), "Reviews of Regulatory Reform Evaluation Report: Regulatory Impact Assessment (Chile)", 2017, <https://www.oecd.org/gov/regulatory-policy/regulatory-impact-assessment-in-chile.htm>, last accessed: 13 January 2022.

Organisation for Economic Co-operation and Development (OECD), "Regulatory Policy in Chile: Government Capacity to Ensure High-Quality Regulation", 2016, [https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile\\_9789264254596-en](https://www.oecd-ilibrary.org/governance/regulatory-policy-in-chile_9789264254596-en), last accessed: 13 January 2022.

## Ireland

Score 5

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.



A strategic environmental assessment was built into the government's 2021 Climate Action Plan. It remains to be seen whether it will deliver better and, in particular, more transparent regulatory impact assessment.

Citation:

Government of Ireland (2021) 'Climate Action Plan 2021'.

## 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 still 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. In line with the policies of the European Union, both the second Conte government and the Draghi government indicated their willingness to pay greater attention to sustainability criteria in their policies and to integrate SDGs in the RIAs. So far, however, the attention given in RIA reports to this aspect has not improved significantly (Relazione annuale 2020).

Citation:

<https://www.mite.gov.it/pagina/la-strategia-nazionale-lo-sviluppo-sostenibile> (accessed 29 December 2021)

[https://presidenza.governo.it/DAGL/uff\\_studi/RelazioneAnnuale2020.pdf](https://presidenza.governo.it/DAGL/uff_studi/RelazioneAnnuale2020.pdf) (accessed 29 December 2021)

## Spain

Score 5

In 2018, the Council of Ministers approved the "Action Plan for the Implementation of the 2030 Agenda" with the participation of all ministerial departments, the autonomous communities and local entities. Since that time, the government has established a comprehensive institutional governance system with the goal of ensuring that the Sustainable Development Goals (SDGs) form a common basis for decision-making in Spain. The Ministry of Social Rights and Agenda 2030 has executive powers for the development and coordination of actions related to the SDGs; the government's Delegated Commission for Agenda 2030 coordinates interministerial dialogue; the Sectoral Conference for Agenda 2030 facilitates coordination with the governments of autonomous communities; and the Sustainable Development Council acts as an advisory body involving the private sector, trade unions, academia and civil society organizations. Moreover, the parliamentary Joint Commission for the Coordination of the Agenda 2030 Strategy monitors their implementation.

The National Strategy contains specific impact indicators for monitoring SDG implementation (144 indicators have been identified). The SDGs are also mentioned in the RRP and the annual budget law. In 2021, the government submitted its latest

voluntary national progress report to the High-level Political Forum for Sustainable Development of the United Nations.

However, the RIA framework designed by the 2017 decree does not provide a set of indicators to be specifically addressed by the analysis. Only gender impact and administrative costs are systematically assessed. The analyses do not consider either of these types of impact as they might unfold over time.

Citation:  
Gobierno de España (2021), Voluntary National Review 2021,  
<https://sustainabledevelopment.un.org/memberstates/spain>

## 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** So far, 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 remain exclusively economic, focusing on budgetary impacts and macroeconomic effects. An assessment of possible impacts on human rights is still absent.

## France

**Score 4** 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 a clear 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 regarded as a loss of time, since the crucial variable is the ability to respond swiftly to the pressure of public opinion. This strategy often appears to be misguided. Indeed, since opponents are unable to make their voice heard, they tend to rely either on judicial remedies (potentially delaying projects for many years) or on violent protest. Radical environmental activists, for instance, have become a major impediment to many public and private projects. However, in recent years the impact of climate change has bolstered the legitimacy and utility of sustainability studies, such as those reviewing zoning in flood-prone areas, or others reviewing additional risks related to environmental issues (use of pesticides or fertilizers, for instance).

## Greece

**Score 4** The new legislation on RIAs, passed in 2019, requires that the RIA for every bill submitted to parliament includes statistical, economic, environmental and town planning data. It is expected that the law's impact is checked against such data. However, the law does not specifically mention 17 SDGs nor does it require that RIAs are aligned with the SDGs.

Citation:

Law 4622/2019 article 62 para. 3 requires that the RIA includes detailed data.

## Malta

**Score 4** Regulatory impact assessments are a compulsory regulatory tool in Malta but were below effective levels. Strong training programs within the public service has raised the effectiveness of this regulatory process. European Commission reports highlight this progress. In the past, subsidies for public transport programs were increased and this was greatly extended in the 2022 budget, which promised free public transport by October 2022. Furthermore, the efficiency of the power-generation sector has been improved, which is of the cleaner type and current plans include moving Malta on to the European gas pipeline grid, while water management has also been greatly improved. Meanwhile, a more holistic approach has been adopted to ICT tools that ensure greater coordination, and that policies and programs are better assessed for sustainability. Other areas are use of ICT in schools and greater use of digital platforms. 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. However, strong questions need to be asked about the lack of progress in areas touching on planning.

In sum, assessments are not based on an exhaustive set of social, economic and environmental indicators. Some projects are, but most are not. Malta's small size always brings into debate what should be prioritized, with the economy more often

than not taking precedence. This can be attributed to the need to maintain a standard of living based on free education, free healthcare and sustainable pensions.

Citation:

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

European Commission Country Report 2021.

Annual Report by the office of the Prime Minister 2020.

## Latvia

Score 3

The new impact assessment procedure expands the list of indicators to be assessed. Compared to the previous procedure, it also includes the following aspects: impact on equal opportunities and rights of persons with disabilities; impact on human rights, democratic values and the development of civil society; effect on the diaspora; environmental impact, including climate neutrality; impact on gender equality; social impact, including impact on groups at risk of social exclusion; and impact on the implementation of information society policies.

The need to assess the impact of draft legal acts on the indicators specified within the National Development Plan was retained, and the amount of information to be provided for ex post evaluation was expanded. Furthermore, when assessing the impact of the draft legislation on the economy, the impact on the macroeconomic environment, sectoral competitiveness, the business environment, small and medium-sized enterprises, competition, and employment now must also be reviewed. All these impact assessment topics are included in the new annotation form in a structured data format.

The country's sustainability agenda is incorporated in 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 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](http://www.pkc.gov.lv/sites/default/files/images-legacy/LV2030/LIAS_2030_en.pdf) Last accessed: 05.01.2022

## Luxembourg

Score 3

RIA is undertaken for all regulations in Luxembourg, and takes the form of a checklist mainly focusing on administrative burdens and enforcement costs. The 2019 OECD assessment notes that "Luxembourg currently refers to European Commission best practice instead of providing own guidance material." Thus, the limited current focus of RIA in Luxembourg does not reflect European Commission standards. The assessments adds: "Luxembourg may consider creating bespoke guidance material to enhance domestic support for regulatory policy." It is therefore

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:

“Indicators of Regulatory Policy and Governance Europe 2019 - Luxembourg.” OECD (2020). <https://www.oecd.org/gov/regulatory-policy/indicators-of-regulatory-policy-and-governance-2019-luxembourg.pdf>. Accessed 14 January 2022.

“Better Regulation in Europe. Luxembourg.” OECD (2019). <https://www.oecd.org/gov/regulatory-policy/46547003.pdf>. Accessed 14 January 2022.

## Romania

Score 3

Romania is formally committed to SDG implementation. It participated in the 2018 voluntary national review of the United Nation’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, are not done in a comprehensive manner, and draw on minimal sets of impact indicators. Romania has also adopted the 2030 Sustainable Development Strategy, which aims to support the 17 SDGs.

Citation:

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

Government of Romania (2018): Romania’s Sustainable Development Strategy 2030. Bucharest. (<https://sdgtoolkit.org/wp-content/uploads/2019/10/Romanias-Sustainable-Development-Strategy-2030.pdf>)

## Slovakia

Score 3

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 undertaken in a comprehensive manner.

This might change as a result of the ongoing revision of the country’s sustainable development strategy. Slovakia took part in the 2018 voluntary national review of the UN 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 review process has included broad stakeholder participation and the creation of the Government Council for Agenda 2030, involving key line ministers, as well as representatives of NGOs, academia, the private sector, and associations of cities and regions of the Slovak Republic.

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](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** In the past, the government has conducted several sustainability checks within its regulatory impact assessment (RIA) framework, for instance for the Waste Electrical and Electronic Equipment Directive, the Habitat Directive, and the Discharge Directive. Within the scope of the UN 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.

On the other hand, these examples refer to internationally sponsored projects and are not an indication of general administrative practice. Politicians and experts widely use the term "sustainability" in policy slogans, but there is no formally adopted sustainability strategy in Turkey. In 2016, 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. While it does refer to sustainable growth and development, the Annual Presidential Program of 2021 does not mention sustainable policy or policymaking, except for a reference to financial sustainability.

Citation:

Gazibey, Y., Keser, A., & Gökmen, Y. (2014). Türkiye'de illerin sürdürülebilirlik açısından değerlendirilmesi. Ankara Üniversitesi SBF Dergisi, 69(3), 511-544.

## 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 National Sustainability Strategy and RIA processes have not yet been coordinated, and sustainability checks do not play a major role in RIAs.

## Iceland

- Score 2** The latest revision of regulations on cabinet procedures, enacted in 2018, does not refer to sustainability checks as part of the impact assessment. However, financial impact is mentioned.

Citation:

Reglur um starfshætti ríkisstjórnar. Nr. 791/2018.

## Japan

- Score 2** The 2001 Government Policy Evaluation Act sets its evaluation criteria for policy effects on three indicators: necessity, efficiency and effectiveness. These terms are somewhat flexible and do not necessarily encompass sustainability concerns. Indeed, actual evaluations apply the three guiding principles in a somewhat loose way, with few rigorous quantitative assessments. Reviews cover both ex ante as well as ex post evaluations.

The Basic Program on Reducing Administrative Burden introduced in 2017, which sets the new framework for RIAs, also focuses almost entirely on cost reduction and cost effectiveness. As such, there is little consideration in relation to a regulation's impacts on sustainability and the implementation of the SDGs.

Citation:

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

Basic Program on Reducing Administrative Burden: Review results and future policies, Subcommittee for Administrative Burden Reduction, 24 April 2018, <https://www8.cao.go.jp/kisei-kaikaku/english/pdf/180424/gyosei.pdf>

## Poland

- Score 2** Although Article 5 of Poland's constitution enshrines the principle of sustainable development and the state's responsibility to protect the environment, sustainability checks are not an integral part of regulatory impact assessments. The PiS

government has been less concerned with issues of sustainability than were its predecessors.

## 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.

Citation:  
<http://sustainabilityindex.com.au/>



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 40 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.

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## Finland

Score 9

Consultation with experts and stakeholders is a natural phase in the Finnish lawmaking 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. The pandemic has not impacted the process of parliamentary consultation.

“Säädösehdotusten vaikutusten arviointi,” Oikeusministeriö,  
[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76082/saadosehdotusten\\_vaikutusten\\_arviointi\\_ohjeet.pdf?sequence=1&isAllowed=y](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](http://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

## Canada

Score 8

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." 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." Those evaluations can be done through the Treasury Boards' resource alignment reviews and internally by departments themselves.

In 2018, the federal government introduced the Canadian Gender Budgeting Act (S.C. 2018, c.27, s.13) which provided for government policies, programs and services to take into account "gender" and "diversity" both in their design and impacts. As a result, Treasury Board has put in place gender-based plus analysis which requires departments to annually report on the impacts of policies and programs in terms of their access and inclusiveness.

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. These audits generally undertake an extensive analysis of the issues under consideration. The OAG conducts between 25 and 30 performance audits each year, publishing the results.

Government of Canada, "Integrating Gender-Based Analysis Plus into Evaluation: A Primer," 30 September 2019, <https://www.canada.ca/en/treasury-board-secretariat/services/audit-evaluation/evaluation-government-canada/gba-primer.html>.

Treasury Board of Canada, Cabinet Directive on Regulation, <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, <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300>.

## Germany

**Score 8** Instituting ex post evaluations of legislation has become more important in Germany. Ex post analyses are widely used in labor market, education and family policy areas. 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 such as labor-market and social security reforms (Hartz reforms), and later the introduction of minimum wages, have undergone far-reaching ex post evaluations (Boockmann et al. 2014).

In 2013, a concept for the systematic evaluation of new regulations was accepted. As a principle, all important laws and regulations for which compliance costs exceed €1 million have to be evaluated three to five years after being introduced. The Committee of State Secretaries delivered a decision in 2019 – the Reduction of Bureaucracy and Better Regulation – that further developed and specified this concept. As a result of the decision, federal ministers are committed to involving states, municipalities and other stakeholders impact assessments and to making the results public. While ministries conduct the ex post evaluations themselves, the quality of the analyses is to be checked by an independent authority. As a result of these requirements, the federal government expects more than 330 ex post evaluations to be conducted in the coming years (Wissenschaftlicher Dienst 2020).

Citation:

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

Wissenschaftlicher Dienst, Deutscher Bundestag (2020): Sachstand: Zur praktischen Umsetzung und Evaluierung von Gesetzen, WD 3 - 3000 - 298/19.

## Norway

**Score 8** The Norwegian government makes use of evaluations in most policy sectors and issue areas. Each ministry has the responsibility of evaluating policy results in its area. 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) – a trend that is increasingly noticeable across many Western countries. That said, both approaches are useful as feedback on public policy (Pierre, Peters and de Fine Licht, 2018; Peters and Pierre, 2019).

Sweden's pandemic policies are evaluated by an independent commission composed mainly of academics. The first partial reports of this evaluation are already available (<https://coronakommissionen.com/>).

Citation:

Pierre, Jon. B. Guy Peters and Jenny de Fine Licht. 2018. "Is Auditing the New Evaluation? Can it be? Should it be?," *International Journal of Public Sector Management* 31:726-39.

Peters, B. Guy and Jon Pierre. 2019. "From Evaluation to Auditing and from Programs to Institutions?: Causes and Consequences of the Decline of the Program Approach." *Governance: An International Journal of Policy, Administration, and Institutions*. 33(3), 585-597.

## Denmark

Score 7

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. Expert committees are often appointed 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.

## Estonia

Score 7

The Strategy Unit of the Government Office is responsible for the overall quality of policymaking, including the evaluation of policy effectiveness and development of a knowledge base for future reforms. In general, ex post evaluations take place three to five years after the implementation of the regulation, and cover areas of competition,

administrative burden and regulatory overlap. The first ex post evaluations were undertaken in 2018. More recently, in-depth reviews have begun to be conducted in some policy areas, but the evaluation framework is not fully established yet. The publication of ex post evaluations remains at the discretion of the relevant minister and the use of analyses results is not systemic. The objective to increase the proportion of ex post evaluations set out in the new strategy document Principles for Legislative Policy until 2030, which was adopted in November 2020.

## 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, which previously exerted a legalistic type of oversight, has transformed its mission and adapted its methods so as to evaluate public policies from a political, social, economic and financial point of view. The Court's reports have become reference documents not only for the political authorities (government and parliament), but also for the opposition, the media and the broader public. The reports are usually characterized by rich analysis and accurate criticisms, and the recommendations are usually well received. The parliament and the government rarely challenge the courts' conclusions and recommendations, which often become the basis for new legislation. Since Sarkozy's time in office, the nominee for president of the court has always 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-oriented evaluations. This dimension is not negatively perceived, as the Court is not seen as biased in its conclusions; indeed, its pragmatic suggestions are seen as useful in the preparation of new legislation. The last appointed president (a former socialist minister and EU commissioner) added one more instrument to the tool-box of the Court by publishing preliminary assessments or analyses of hot issues or government proposals within a few weeks or months. The Court acts on its own initiative.

A recent example of the Court's critical attitude regarding shortcomings in current evaluation procedures came in a report about important public investment programs in the Sarkozy and Hollande era involving more than €57 billion from 2010 to 2018. The Court pointed out the limited nature of the assessment procedures concerning these investment plans, given the huge sums involved. Following President Macron's announcement of a new €30 billion investment plan to foster the French industrial sector in October 2021, the Court said that "the moment has come to open a thorough analysis" about this kind of public-financed investment plan, and "about its place in the overall strategy of public investment."

Citation:

"France 2030: les erreurs à ne pas refaire," *lefigaro.fr*, 14 October 2021

## Japan

### Score 7

Government ministries 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.

Japan ranked comparatively low in an OECD ex post evaluation index for 2014. However, things started to improve with the introduction of the Basic Program on Reducing Administrative Burden in 2017. The program required regulatory enforcement ministries and agencies, which had previously mostly evaluated regulations themselves, to engage in ex post evaluations.

#### 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

OECD Regulatory Policy Outlook 2021, OECD, [https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021\\_196 ce20a-en](https://www.oecd-ilibrary.org/governance/oecd-regulatory-policy-outlook-2021_196 ce20a-en)

## Lithuania

### Score 7

Government ministries sometimes 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 were executed during the 2014 to 2020 period. For instance, annual evaluation plans contain about 10 evaluations each year.

The implementation of recommendations derived from these evaluations is monitored on a regular basis, but a 2013 study revealed that only about 60% of all recommendations provided by evaluators had been implemented by Lithuanian ministries or other state institutions. This average rate of implementation was attributed to insufficient institutional and staff capacities in the administration; this in turn reduces the demand for evaluations, hinders quality-assurance efforts and limits the use of evaluation results. The administration has also showed limited progress in implementing National Audit Office recommendations.

The ex post system of evaluation is still in its early stages in Lithuania, as in many other OECD countries. According to Lithuanian legislation, “if a law regulates a

previously unregulated field or amends it significantly, or has a high impact to a specific policy area, individuals or groups of them, an ex post evaluation clause should be included.” However, the law does not describe sources of funding or data provision (OECD). Thus, there have been no ex post evaluations implemented yet in accordance with this legislation. In its study presented in late 2021, the OECD recommended that the ex post evaluation system be made more robust by providing clear processes, financial resources and data collection provisions. Furthermore, improvements can and should be made with regard to enhancing the coherence and compatibility of ex ante and ex post evaluations. In 2021, the government finalized a new methodology for conducting ex post impact assessments. However, it remains to be seen how this will be implemented in practice.

Citation:

STRATA/OECD, Strengthening Decision-Making and Policy Evaluation for Long-Term Development, 2021, <https://strata.gov.lt/lt/apie-mus/projektai/irodymais-gristos-politikos-formavim-as-ir-politikos-vertinimas-vyriausybes-centre>

OECD, Mobilising Evidence at the Centre of Government in Lithuania. Strengthening decision-making and policy evaluation for long-term development, Paris: OECD, 2021.

## South Korea

Score 7

In a recent (2021) OECD assessment of ex post evaluation, Korea was ranked fifth. Recent changes include making ex post evaluation mandatory for all regulations developed by the executive and central ministries; requiring a quality control process for packaged reviews of ex post evaluations; and conducting reviews with the aim of reducing burdens on new industries and SMEs. While there is an effective evaluation system in place, the effect on policy revision has been limited to date. In recent years, real estate policy has been broadly unsuccessful, contributing to historically high and skyrocketing prices by repeatedly imposing low-quality short-term regulations without effective ex post evaluation. Soaring prices have produced adverse effects by increasing economic inequality.

Citation:

OECD, Government at a Glance Database,

[https://www.oecd-ilibrary.org/sites/9789264303072-](https://www.oecd-ilibrary.org/sites/9789264303072-en/1/2/2/index.html?itemId=/content/publication/9789264303072-en&csp_=46cd5ed37844c9dc6cf21c84716ab307&itemIGO=oecd&itemContentType=book)

[en/1/2/2/index.html?itemId=/content/publication/9789264303072-](https://www.oecd-ilibrary.org/sites/9789264303072-en/1/2/2/index.html?itemId=/content/publication/9789264303072-en&csp_=46cd5ed37844c9dc6cf21c84716ab307&itemIGO=oecd&itemContentType=book)

[en&csp\\_=46cd5ed37844c9dc6cf21c84716ab307&itemIGO=oecd&itemContentType=book](https://www.oecd-ilibrary.org/sites/9789264303072-en/1/2/2/index.html?itemId=/content/publication/9789264303072-en&csp_=46cd5ed37844c9dc6cf21c84716ab307&itemIGO=oecd&itemContentType=book)

OECD Regulatory Policy Outlook 2021, <https://www.oecd-ilibrary.org/sites/38b0fdb1-en/index.html?itemId=/content/publication/38b0fdb1-en>

## United States

Score 7

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.

The lack of interest in information about the consequences of policies reached a new and quite extraordinary level during the Trump presidency. In some cases, the Republican leadership overrode congressional rules by refusing to wait for CBO analysis before voting on bills. Effective use of evaluation information was limited to issues that were not on presidential or partisan agendas.

Early on, the Biden administration broke away from the Trump administration's practices when, on January 27, 2021, the new president signed the memorandum which created a Task Force on Scientific Integrity while promoting evidence-based policymaking, which relies extensively on policy evaluation, on the regulatory front and beyond. This memorandum is part of a broader push by the Biden administration to restore the importance of evidence and policy evaluation within the federal decision-making process.

Citation:

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/memorandum-on-restoring-trust-in-government-through-scientific-integrity-and-evidence-based-policymaking/>

## 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 or creation of new 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 government programs (Evaluación de Programas Gubernamentales, EPG). Programs or institutions to be evaluated are agreed on with the Congress annually, with the

instruction coming via ministerial decree. The evaluation results are normally made publicly and freely available.

Citation:

Evaluation of government programs:

Budget Office (Dirección de Presupuesto, DIPRES), Evaluación de Programas Gubernamentales (EPG), <http://www.dipres.gob.cl/598/w3-article-111762.html>

Budget Office (Dirección de Presupuesto, DIPRES), "Evaluación Focalizada de Ámbito EFA", October 2016, <http://www.dipres.gob.cl/598/w3-article-154357.html>, last accessed: 13 January 2022.

## Czechia

Score 6

Ex post evaluations are a regular part of the RIA process. However, they are usually carried out internally by individual departments and, save for measures financed with EU funds, have not been done systematically so far. Intending to change this situation, the Government Office presented a comprehensive proposal in mid-2018 to improve the quality of ex post evaluations. An interdepartmental working group was established to draft new formal guidelines for ex post evaluations that would make findings public and make the whole process more transparent. However, the new formal guidelines are still under discussion.

## Israel

Score 6

According to OECD reports, which are based on surveys with Israeli civil servants, Israel does not have recommended or binding guidelines for the assessment of ex ante or ex post policies. In addition, in Israel there is no procedural framework for evaluating the performance and effectiveness of the state budget. In a survey, which was conducted in 2016, Israel scored 1.7 on ex post policy evaluation (out of four). This score was similar to that OECD average, but significantly lower than the average of 3.08 for EU member states.

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

Ex post evaluations are carried out in Latvia for development planning documents. The introduction of the TAP portal and the standardized annotation form also affects ex post evaluation, which has been specifically highlighted and supplemented in the new form. Institutions now need to assess whether a piece of draft legislation provides for an ex post evaluation; when it does, it must also specify the results and indicators that will be used to assess the achievement of the objective of the act (or any part of it). The goal here is to link the ex ante and ex post evaluations, as recommended by the OECD.

1. 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 accessed: 10.01.2022.

2. 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 accessed: 10.01.2022.

3. Informative report on the improvement of the impact assessment system (2021) Available (in Latvian) at: (<http://tap.mk.gov.lv/mk/tap/?pid=40495849>), Last accessed: 10.01.2022.

## 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. In 2021, NAO notes that “in the case of the audits included in this Report, 66% of our recommendations were either fully implemented or very significant progress was made thereon. 25% of the recommendations were partly implemented. Thus, a total of 91% of our recommendations were implemented to varying degrees. On the other hand, 9% of the recommendations were not implemented or little progress was made.” These audits are based on international standards. Progress has been made since the 2019 OECD report on regulatory policy and governance, which indicated that Malta was well below the OECD average in terms of the ex post evaluation of regulations. But Malta still lacks an entity that can take legal or regulatory action against consultants who present flawed reports, or who mislead the Environment and Resources Authority or Planning Authority.

Citation:

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

Malta Today 03/07/2018 Environment Impact Assessments still unregulated after 20 years

<https://nao.gov.mt/en/press-releases/4/1260/follow-up-reports-by-nao-2020-vol-2>

## Mexico

### Score 6

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. 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.

While CONEVAL represented a substantial move forward in the evaluation of social policies, a major setback occurred in mid-2019 when the head of CONEVAL was replaced after having criticized cuts to the agency's budget. Given his prior critiques on the governments' austerity policies, the replacement was perceived as a serious blow to the agency's independence. It remains to be seen whether CONEVAL will continue to act as a critical but constructive evaluation agency in an environment where the central government, at least, has decreased its interest in evidence-based policymaking.

Beyond the field of social policy, however, other policy fields are subjected to 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 as well as promising dynamics at the subnational level is favorable to the development of an evaluation-friendly environment. In this regard, there have been some initiatives focusing on improving evaluations of climate change adaptation, for instance.

## Netherlands

Score 6

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. In response to the coronavirus crisis, several evaluations were undertaken, including a review of impacts on different groups of citizens. The PBL did an ex ante evaluation of the sustainability impacts of proposals in the party platforms of six political parties. In response to worries about the use of algorithms in governance, and anticipating the abuse of algorithms by the tax authorities in the child benefits affair, the General Audit Chamber developed an ex ante evaluation framework for the design and use of algorithms. Since evaluation findings are just one factor in designing new or adjusting existing policies, it is not clear how much policy learning from formal and informal evaluations actually occurs. A recent study commissioned by the minister of finance assessed past evaluations and their use. The study confirmed that although “no other country evaluates so many of its policies,” policymaking civil servants and members of parliament are less sensitive to the outcomes of previous policies than to images and incidents (in the press). Moreover, obstruction and disinterestedness contribute to methodological weaknesses in many of the evaluation studies, this assessment found. For example, although the government agreement stipulates that a new policy decriminalizing the use of hashish may be experimentally tested at the local level, interference in the study’s design has already made a politically unbiased evaluation of results as good as impossible.

Dutch ex post evaluators closely follow international trends of “evidence informed” and “behavioral knowledge” evaluation studies. There has been 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 Houpermans, 'Wat is de toegevoegde waarde van de onafhankelijk deskundige bij beleidsdoorlichtingen?', *Beleidsonderzoek Online* juni 2018, DOI: 10.5553/BO/221335502018000005001

SEO Economisch Onderzoek, december 2018. Beleidsdoorlichtingen belicht (SEO-rapport nr. 2018-110, sep.nl, accessed 8 November 2019

Algemene Rekenkamer, 26-01-2021. Betere kwaliteitscontrole en meer inzicht voor burgers nodig bij algoritmes overheid

Platform O, Klieverik and Zwetsloot, 22 March 2021, Overheid, positioneer algoritmes als oplossing

FD, Daan Ballegeer Jean Dohmen 16 mrt 2021. 'Er wordt veel beleid gemaakt waarvan we niet weten of het werkt'

PBL, 01-03-2021. Analyse leefomgevingseffecten verkiezingsprogramma's 2021-2025

## 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. A 2021 OECD report ranks New Zealand below the OECD average in terms of ex post evaluation of regulations (OECD 2021).

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>

OECD (2021) New Zealand: Indicators of Regulatory Policy and Governance 2021. <https://www.oecd.org/gov/regulatory-policy/new-zealand-country-profile-regulatory-policy-2021.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 mostly used for the improvement of existing policies rather than for the development of new policies.

## Spain

### Score 6

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. In 2017, the Institute for Evaluation of Public Policies replaced previous structures designed to produce internal policy evaluations of initiatives requested by the government.

The Office on Regulatory Coordination and Quality supervises the initial definition of the objectives and methodology for the ex post evaluation of regulations covered by RIAs, but does not scrutinize ex post evaluations themselves. The Independent Authority for Fiscal Responsibility (AIReF) 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.

According to OECD recommendations published in 2021, ex post evaluations of regulations are still not performed in a systematic manner. Developing targeted guidance and standard evaluation techniques would contribute to more widespread and consistent evaluation of how regulations actually work in practice.

Most autonomous communities have developed additional, systematic ex post evaluation programs for their public policies. However, the practical impact of these measures has to date been limited.

#### Citation:

OECD (2021), Indicators of Regulatory Policy and Governance: Spain

<https://www.oecd.org/gov/regulatory-policy/spain-country-profile-regulatory-policy-2021.pdf>

Gobierno de España (2021): Informe de diagnóstico de la evaluación en la Administración General del Estado 2021. Available at: <https://www.mptfp.gob.es/portal/funcionpublica/evaluacion-politicas-publicas/Informes-de-Evaluacion.html>

## Italy

### Score 5

Italian governments and parliaments do not regularly 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 in-depth evaluation process conducted through a public and open debate. It may happen for some of the most controversial reforms after some years of implementation. For instance, this was the case under the Draghi government for the pension reform and the citizenship income, which had been

introduced by the first Conte government. In sum, ex post evaluation has not yet become a regularly applied policy instrument, but is conducted in a non-systematic way.

## Greece

**Score 4** Ex post evaluation is a brand-new concept in Greece's regulatory process. It was only legislated as late as 2019, after the change in government in 2019. It is now a requirement that laws are evaluated five years after their adoption. It is too early for ex post evaluation to be implemented, but the new legal provision represents a vast improvement in policymaking compared to the past.

Citation:

Law 4622/2019 art. 56 introduced ex post evaluation of regulations.

## 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.

The only systematic ex post evaluation is provided by the Austrian Court of Audit., However, the court's activities tend to focus on the financial aspects of specific government or government-sponsored projects. Nevertheless, ex post evaluation constitutes a major objective for Austrian scientific bodies (outside of ministries) such as the Austrian Institute of Economic Research (WIFO), Institute for Advanced Studies Vienna (his) and other Austrian university actors.

Citation:

[https://www.rechnungshof.gv.at/rh/home/home\\_1/home\\_2/Taetigkeitsbericht\\_des\\_Rechnungshofes\\_2020\\_BF.pdf](https://www.rechnungshof.gv.at/rh/home/home_1/home_2/Taetigkeitsbericht_des_Rechnungshofes_2020_BF.pdf)

## 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. By the end of the review period in 2021, only two such evaluations had been published through the government's public-consultation portal.

In 2020-2021, the legislative process was often motivated by COVID-19 considerations and almost exclusively referred to the state of emergency situation. Ministerial executive orders were evaluated only by the next cabinet.



## Croatia

- Score 3** The process of Europeanization and Croatia's EU membership 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, Croatian policymakers are yet to introduce effective ex post evaluation mechanisms for the already passed legislative and regulatory measures. Thus, ex post evaluations of significant policies are rarely carried out, 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** In Hungary, there is a legal framework for carrying out ex post evaluations since 2011. In practice, however, such evaluations are rarely carried out (OECD 2021).

Citation:

OECD (2021): Hungary: Indicators of Regulatory Policy and Governance 2021. Paris (<https://www.oecd.org/gov/regulatory-policy/hungary-country-profile-regulatory-policy-2021.pdf>).

## Ireland

- Score 3** Prior to the pandemic, the extent of overspending in healthcare totaled more than €2 billion over the previous four years, according to the Irish Fiscal Advisory Council. Such budgetary over-runs suggest 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.

Notably, the central bank calculated that the cost of all measures deployed by the government to fight the pandemic in 2020 was €24.6 billion (Conefrey et al 2021), with an Exchequer deficit of €7.5 billion recorded in 2021 (DOF, 2022).

Citation:

Conefrey, T., Hickey, R. & McInerney, N. (2021) COVID-19 and the Public Finances in Ireland, Economic Letter, Vol. 2021, No. 3.

DOF (2022) Exchequer deficit of €7½ billion recorded in 2021: Corporation tax receipts at similar levels to VAT, €3½ billion in Covid related expenditure to support recovery – Ministers Donohoe & McGrath, Department of Finance, 05 January, available at: <https://www.gov.ie/en/press-release/badf9-exchequer-deficit-of-712-billion-recorded-in-2021-corporation-tax-receipts-at-similar-levels-to-vat-1312-billion-in-covid-related-expenditure-to-support-recovery-ministers-donohoe-mcgrath/>

## Poland

**Score 3** According to the RIA rules, ex post evaluations can be requested by the Council of Ministers and subsidiary bodies; since 2019 by the Center for Strategic Analysis or the Ombudsman for SMEs; and since 2020 by the president of the Government Legislative Center. By the end of 2020, no evaluation had been conducted according to these recent procedures (OECD 2021: 2). In general, primary laws and subordinate regulations are rarely evaluated. Even when such procedures are carried out, the review's outcome is not used to improve the quality of laws.

OECD (2021): Poland. Indicators of Regulatory Policy and Governance 2021. Paris (<https://www.oecd.org/gov/regulatory-policy/poland-country-profile-regulatory-policy-2021.pdf>).

## 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 take place within a limited set of policy areas – usually those that legally require ex post evaluation. This was also confirmed by the OECD's Indicators of Regulatory Policy and Governance 2021, which recommend that “Portugal could consider introducing systematic requirements to undertake ex post evaluation as well as introducing ‘in-depth’ reviews in particular sectors or policy areas to identify core reforms to Portugal’s regulatory framework.”

Citation:

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/>

OECD (2021), “Portugal: Indicators of Regulatory Policy and Governance 2021,” available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

## 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 been rare so far. The RIA 2020 Better Regulation Strategy, approved by the cabinet in January 2018, has envisaged comprehensive ex post evaluations. A draft methodology was approved in 2019 and underwent pilot testing. However, the final methodology has yet to be published.

## Belgium

**Score 2** The typical strategy is to pick the data that justify the decisions that have been made. For instance, Brussels changed its speed limit from 50 to 30 kph in 2021, and the regional government claimed that accident figures have dropped substantially. However, these are most likely attributable to the COVID-19 lockdowns since, due to a lack of speed controls, the actual driving speed in the city has barely changed.

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. The management of the health crisis, however, increased the use of expert panels for a short-term monitoring of impact but not systematic ex post evaluation.

## Cyprus

**Score 2** Given the deficiencies in strategic planning, ex post evaluation has not been part of government practice. However, in reformed framework of commitments for public administration, since 2012, the government has solicited studies from the World Bank and others. These studies on public administration and line ministries aimed to restructure and reform public administration and its procedures, while also reviewing general policies. However, specific policies in ministries are not subject to evaluations and progress achieved on the basis of studies undertaken by external bodies has been slow.

While acknowledging the need that sectoral reviews should form part of strategic planning, the government still has not introduced it.

## 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** According to the OECD, “ex post evaluations have been undertaken in Luxembourg although they remain an inconsistently applied regulatory management tool.” However, legislation is rarely modified through a process of ex post evaluation.

High-quality evaluation studies are rarely carried out. There is also a shortage of personnel able to design legal texts. Rigorous state-commissioned evaluation of legislation is thus unlikely in the near future.

The Ministry of the Civil Service and Administrative Reform is the central oversight body responsible for quality control of regulatory management tools in Luxembourg. Its oversight functions apply to stakeholder engagement, RIA and ex post evaluations, and the entity is additionally responsible for other functions including the evaluation and coordination of regulatory policy. The Council of State is in charge of providing legal scrutiny of regulatory proposals.

Citation:

“Indicators of Regulatory Policy and Governance Europe 2019 - Luxembourg.” OECD (2020). <https://www.oecd.org/gov/regulatory-policy/indicators-of-regulatory-policy-and-governance-2019-luxembourg.pdf>. Accessed 14 January 2022.

“Better Regulation in Europe. Luxembourg.” OECD (2019). <https://www.oecd.org/gov/regulatory-policy/46547003.pdf>. Accessed 14 January 2022.

## Turkey

### Score 2

Generally, public policy assessment institutions in Turkey lack knowledge regarding evidence-based instruments, both theoretically and practically. 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.

The Annual Presidential Program of 2021 makes references to monitoring and assessment but not to the systematic ex post evaluation of public policies. There are a few ex post analyses of public policies, mainly in the health sector, that address citizen/patient satisfaction, self-assessment, and the assessment of action plans. The EU Commission draws attention to the absence of systematic ex post monitoring and public reporting on the implementation of key government programs. There is also a lack of public scrutiny, which further limits accountability.

Citation:

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