

Analytical Competence

Sustainable Governance Indicators 2024



Indicator Effective Regulatory Impact Assessment

Question To what extent does the government conduct high-quality impact assessments to evaluate the potential effects of prepared legislation before implementation?

30 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 = The government draws on high-quality RIAs to assess the potential impact of prepared legislation before implementation.
- 8-6 = In most cases, the government draws on high-quality RIAs to assess the potential impact of prepared legislation before implementation.
- 5-3 = The government rarely draws on high-quality RIAs to assess the potential impact of prepared legislation before implementation.
- 2-1 = The government does not draw on high-quality RIAs to assess the potential impact of prepared legislation before implementation.

Denmark

Score 9 For all proposed legislation and administrative regulations, there is an explicit requirement that impact assessments be carried out to determine the economic and administrative consequences for state and local governments, the effects on businesses, and the environmental impact. The relation to EU legislation must also be assessed.

Consideration of consequences begins during the initial review of a new law or regulation (screening stage), and continues as the content and scope of the new measures are evaluated (scoping stage). A detailed RIA is then developed 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.

Following the long tradition of an open public sector, RIAs are publicly available, and when they suggest that a given policy is not providing the expected results, a policy change often follows. However, the speed of this change depends to some extent on the level of public attention the issue attracts.

There is a long tradition of quantifying both short-run and long-run effects of economic policies, and numerous models have been developed for this purpose. These include the Annual Danish Aggregate Model (ADAM) model used by the Ministry of Finance and the Simulation Model of the Economic Council (SMEC) model used by the Council of Economic Advisers. Over the years, these models have been refined and updated. Although the two models are not drastically different, their use has fostered an environment of openness and transparency in the quantitative assessments of fiscal policy effects.

A newly developed model, MAKRO, will soon be used by the Ministry of Finance. Among the key features of this dynamic model is its ability to merge short-term effects with long-term structural aspects. Additionally, there is a Green Reform model to quantify the effects of environmental and climate policies (see Kirk et al., 2024).

Citation:

Kirk, J. S., et al. 2024. Development of the GreenREFORM Model. Sharing Learnings from Development of the Climate and Energy-Economic CGE-Model GreenREFORM. Copenhagen: Danish Research Institute for Economic Analysis and Modelling.

https://dreamgroup.dk/Media/638493769228252341/Development_of_the_GreenREFORM_model.pdf

Christiansen, Peter Munk, Jørgen Grønnegård Christensen and Martin Bækgaard. 2022. Politik og forvaltning. Copenhagen: Hans Reitzel.

Canada

Score 8

Studies about potential policy impacts are sometimes reduced to a few lines in cabinet briefs, but this should not obscure that longer documents are often used for major policy rollouts. Impacts are occasionally assessed through stakeholder consultations, though these may also accompany broader policy briefings on the current socioeconomic environment and the latest research on a topic.

Frequently, the federal government uses the results of special studies or commissions to inform briefings and policy decisions. The Advisory Council on Economic Growth, for example, provided recommendations that directly influenced government decision-making on superclusters. Additionally, before new policy initiatives move forward, a quick environmental scan is typically conducted to review existing research and work.

In addition, the federal government has a regulatory impact analysis system in place.

The federal Cabinet Directive on Regulation requires departments and agencies to conduct a regulatory impact analysis (RIA) for any proposed new or amended regulation that could have significant impacts. RIAs are typically comprehensive, and the underlying departmental work can be quite extensive. RIAs are often

informed by scientific research that the department, if mandated, is itself conducting, such as in the case of environment and climate change.

The RIA involves identifying potential impacts of regulatory changes, quantifying costs and benefits where possible, assessing distributional impacts on different groups, comparing various options and recommending the best option.

The Treasury Board Secretariat issues detailed guidance to departments on how to properly conduct RIAs as part of the regulatory planning and approval process. Health Canada, Environment Canada, and Finance Canada have specialized units to help conduct quality RIAs across departments on regulations in their sectors.

Regulatory Impact Analyses must be finalized in draft form before prepublishing proposed regulations in Canada Gazette Part I, allowing for external feedback that can lead to further analysis.

The final RIAs accompany all regulations tabled in Parliament and become publicly available when the regulations are finalized in the Canada Gazette Part II (Treasury Board of Canada Secretariat 2018).

Citation:
Secretariat, Treasury Board of Canada. 2018. "Cabinet Directive on Regulation."
<https://www.canada.ca/en/government/system/laws/developing-improving-federal-regulations/requirements-developing-managing-reviewing-regulations/guidelines-tools/cabinet-directive-regulation.html>

Advisory Council on Economic Growth (ACEG). 2017. Unlocking Innovation to Drive Scale and Growth. Ottawa: ACEG.

Estonia

Score 8

Preliminary regulatory impact assessments (RIAs) are prepared for all primary laws and selected subordinate regulations. Although full RIAs are rarely conducted, simplified RIAs are included (OECD 2022). The Legislative Quality Division within the Ministry of Justice reviews the quality of RIAs and can return them for revision if they do not meet quality standards. This division is also responsible for the systematic improvement and evaluation of regulatory policy, and reports annually to parliament. Additionally, the division issues RIA guidelines and scrutinizes the legal quality of draft regulations. Complementing this work, the GO Strategy Unit coordinates stakeholder engagement in policymaking across the government. The GO office's EU Secretariat handles coordination regarding EU law and its transposition.

Estonia places a strong focus on accessibility and transparency of regulatory policy through the use of online tools. The EIS online information system tracks all legislative developments and makes regulatory impact assessments available on a central portal. However, EIS remains rather passive, serving as a good source of

information but not for interaction (Elbrecht 2023). For public consultations, other channels – such as ministries’ websites and social media platforms – are used to disseminate information in addition to EIS.

One of the recent concerns has been amendments related to the State Budget Act, which implemented activity-based budgeting. According to many experts (ERR 2022), this process has made the budgeting logic opaque, hindering the involvement of a broad range of stakeholders in consultation activities, but also meaningful parliamentary debate.

Citation:

Elbrecht, G. 2023. “Riigireformist ja riigivalitsemise tulevikust (About State Reform and the Future of State Governance in Estonia).” *Riigikogu Toimetised* 2023, 48. https://rito.riigikogu.ee/wordpress/wp-content/uploads/2023/12/81-94_Fookus-Elbrecht.pdf

ERR. 2022. “State Budget Act set for further amendment.” <https://news.err.ee/1608755332/state-budget-act-set-for-further-amendment>

OECD. 2022. *Better Regulation Practices across the European Union 2022*. Paris: OECD Publishing.

Finland

Score 8

The Finnish government understands that regular and comprehensive assessments of regulations are fundamental to governing complex and open societies and economies. Consequently, the country has implemented a thorough regulatory impact assessment (RIA) program. Finland has formally adopted a regulatory impact assessment strategy that includes instructions to be followed when drafting legislative proposals, complemented by additional guidance issued by ministries. These assessments utilize multiple indicator sets, consult various interests and employ different techniques.

Systematic impact assessment is a routine part of the Finnish draft-legislation process, although it is not mandated by law. Regulatory impact assessment activities have included a series of evaluation reports by the Ministry of Foreign Affairs that address partner countries, geographic regions and principles of development policy. Additionally, 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 conducted.

The general framework for regulatory impact assessments is grounded in a program-management system governing intersectoral policy programs. This framework, initiated in 2007, continues to guide impact assessments. An independent Council of Regulatory Impact Analysis was established in December 2015 within 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.

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

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 sources of information are available. They also specify the extent to which this information must be included in the assessments. For instance, assessments may address proposals' potential economic impact on households, businesses and public finances, as well as the overall economic impact. However, there are no uniform (scientific) minimum standards for implementing RIAs.

Regarding methodology, guidelines recommend the use of statistical data, questionnaire data, expert analyses and, when necessary, qualitative methods. Generally, the regulatory impact assessment process is well-structured and of high quality. However, in its annual review for the 2017 assessment, the Finnish Council of Regulatory Impact noted that although guidelines for drafting laws were available, the guidelines were somewhat inconsistent and overlapping.

There is no legal requirement to involve stakeholders who can provide empirical information on the needs and likely responses of individuals regarding a regulatory change. However, stakeholders are routinely offered the opportunity to give a statement on the proposed regulation. The statements are made public once the draft law is processed in parliament.

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

Once a draft law is published, the results of the RIAs are also made public. However, the RIAs do not directly impact new legislation. Instead, the proposed legislation is based on the cabinet program. RIAs are written in a manner that facilitates the passing of the proposed legislation. The RIAs provide reliable information about the impacts of regulations on key socioeconomic indicators such as public budgets, labor market outcomes, the environment and compliance costs for businesses. However, RIAs very rarely lead to changes in legislation.

Modern analysis methods, such as those derived from behavioral research, are rarely used in RIAs.

Citation:

Ministry of Justice. 2008. "Impact Assessment in Legislative Drafting. Guidelines." 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-analysi>

"Finnish Council of Regulatory Impact Analysis Annual Review 2018." <http://urn.fi/URN:ISBN:978-952-287-772-7>

Germany

Score 8

Germany's Regulatory Impact Assessment (RIA) system has received commendable scores from the OECD, according to their most recent assessment (OECD, 2022). The OECD evaluates RIA based on criteria such as systematic adoption, transparency, methodology, and oversight. In 2018, Germany, alongside Estonia and the Czech Republic, held a top position based on the combined score, marking an improvement from 2015 to 2018.

In Germany, RIAs are mandatory for all primary laws and subordinate regulations prepared by the federal government, with no exceptions. Even in emergency cases, legislative initiatives undergo a proportional impact assessment that analyzes the resulting compliance costs.

In terms of methodological rigor, a principle of proportionality is applied. Proposals with low compliance costs or those expected to bring about minor changes are exempt from detailed quantitative assessments, including compliance costs and other regulatory impacts. The decision to skip quantitative assessment requires approval from the National Regulatory Control Council (NKR), based on an estimation of regulatory compliance costs.

The focus of RIAs has largely been on the cost side of regulation, with less attention given to potential benefits.

Stakeholders participate in impact assessments through avenues such as parliamentary expert hearings during the legislative process. The Better Regulation Unit (BRU) in the Federal Chancellery serves as the central coordinating and monitoring body for the federal government's program on better regulation and bureaucracy reduction. Its mandate has expanded to include the evaluation and enhancement of the ex ante procedure, assessing early-stage compliance costs for Germany in planned EU legislation.

Operating independently from the government, the National Regulatory Control Council (NKR) reviews the quality of all RIAs, provides advice throughout the rulemaking stages, and holds responsibilities in administrative simplification and burden reduction. In November 2019, the German government introduced additional requirements for independent quality control of ex post evaluations, a task also managed by the NKR.

Since 2018, Germany has centralized all ongoing public consultations on a government website in alignment with the federal government's commitment to enhancing transparency in the legislative process.

Citation:

OECD. 2022. Better Regulation Practices across the European Union. Paris: OECD Publishing.

New Zealand

Score 8

The New Zealand government places significant emphasis on conducting impact assessments to evaluate the potential effects of proposed legislation. While there is no specific legal requirement mandating regulatory impact assessments (RIAs) for all new legislation, policymaking frameworks strongly encourage their use as a standard practice. Guidance for government departments and agencies is provided, in particular, by the Cabinet Manual (Department of the Prime Minister and the Cabinet 2020) and the Treasury's regulatory management guidelines (The Treasury 2017). These documents suggest that RIAs should be conducted for significant policy proposals to comprehensively assess their potential impacts.

The Treasury's RIA guidelines outline a structured process for conducting RIAs, emphasizing the need to analyze the economic, environmental, social and regulatory impacts of proposed policies or regulations. The guidelines also recommend involving stakeholders to gather empirical information, insights and perspectives on how proposed regulatory changes might affect them. Moreover, the Treasury guidelines state that the results of RIAs should be made available to the public.

A 2021 OECD report ranks New Zealand's RIA process above the OECD average, highlighting stakeholder consultation and the publication of impact assessments online as particular strengths. However, the report also notes that RIA practices would benefit from a more systematic approach to notifying stakeholders of upcoming opportunities to contribute to regulatory proposals (OECD 2021).

Assessing the direct impact of regulatory impact assessments on legislative changes is challenging, as these changes are not explicitly documented or systematically tracked. Although RIAs play a crucial role in the policymaking process, the extent to which they lead to legislative modifications may depend on various factors, such as whether RIAs are covered by major news outlets. For instance, the negative expert

opinions expressed in the RIA of Labour's Three Waters proposal were widely reported in the media (e.g., Coughlan 2022), potentially contributing to negative public opinion and prompting the government to significantly revise its proposal. However, there have been instances of new policy programs being introduced without an RIA.

Citation:

Coughlan, T. 2022. "Three Waters: Officials warn water bills could increase 'significantly' without regulation." *New Zealand Herald*, December 12. <https://www.nzherald.co.nz/nz/politics/three-waters-officials-warn-water-bills-could-increase-significantly-without-regulation/X6DMKCH7KNCZNBJLNJBCVJKYYI/>

Department of the Prime Minister and the Cabinet. 2020. "Impact Analysis." <https://www.dPMC.govt.nz/publications/impact-analysis>

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

The Treasury. 2017. "Regulation." <https://www.treasury.govt.nz/information-and-services/regulation>

Norway

Score 8

Norway introduced a system of regulatory impact assessment (RIA) in 1985, which was last revised in 2016. The ministers and the government are jointly responsible for providing comprehensive assessments of the potential budgetary, environmental, health, and human-rights effects of their policy proposals. Consequences are to be quantified to the extent possible, including through a thorough, realistic socioeconomic analysis. A set of codified guidelines, the Instructions for Official Studies and Reports, governs the production of RIAs.

However, the ministry in charge has some discretion regarding when an RIA should be conducted. There is no formal rule establishing when a full RIA must be produced and when a less detailed assessment is sufficient. If performed, RIAs are included as a separate section in the ad hoc reports commissioned from experts or broader committees, as well as in white papers and final bills. There is no central body within the government administration that quality-controls RIAs, although each department has issued guidelines on how RIAs should be conducted. Parliament may send back a policy proposal if it regards the attached RIA as unsatisfactory. This has occurred in a number of cases.

A complete RIA is required to list private parties and interests that will be affected. While it is not legally required, it is standard procedure for policy proposals to be sent for a public hearing. In principle, any private party may comment on the proposals.

In 2017, an additional legal requirement was introduced to ensure that consideration for the environment and society is accounted for during the preparation of plans and initiatives, as well as when deciding on what conditions those plans or initiatives may be implemented.

To systematically assess the impacts of new legislation on economic activity and enterprises, and to remove “unnecessary” regulations, a separate body, The Norwegian Better Regulation Council, was established in 2015. The Council is an arms-length oversight body issuing advisory statements on proposals for new regulation of the business sector at the stage of public consultation. The goal is to contribute to the reduction of the regulatory burden on businesses and achieve overall more efficient regulation.

Citation:

Ministry of Climate and Environment and Ministry of Local Government and Regional Development. 2017. “Regulations on Impact Assessments.” <https://www.regjeringen.no/en/dokumenter/regulations-on-impact-assessments/id2573435/>

Austria

Score 7

Since 2013, a regulatory impact assessment (RIA) has been mandatory for all primary laws and subordinate regulations, meaning RIAs must accompany every legislative proposal. A comprehensive threshold test, introduced in 2015, determines whether a full or a simplified RIA is required for draft regulations. Approximately two-thirds of all regulations undergo a simplified RIA.

The publication of draft laws for public assessment – while legally required in many cases – is commonly practiced before votes are taken. This allows public stakeholders to comment on proposed legislation, which occurs frequently. Trade unions, economic chambers, and other institutions are regularly invited to provide comments on draft laws.

Regulatory Impact Assessments (RIAs) are not written by sectoral experts but rather by the ministry or department preparing the draft law. Consequently, the expertise may sometimes be limited to that of the body preparing the draft law.

Currently, there is no independent body that evaluates RIA quality. The Federal Performance Management Office (FPMO) at the Federal Ministry for Arts, Culture, Civil Service and Sport (BMKOES) reviews the quality of all full RIAs. The FPMO publishes opinions on RIAs for primary laws and can advise civil servants to revise RIAs if they do not meet the required standards.

Since September 2017, all draft primary laws have been available on the parliamentary website, along with a short description of the legislative project and the respective regulatory impact assessment (RIA). Citizens can submit comments on the draft regulation or support comments made by others online. Since August 2021, citizens have also been able to submit comments on all legislative initiatives introduced in parliament – including 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 being held.

Citation:

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

Czechia

Score 7

According to government legislative rules and partly based on the implementation of EU law, regulatory impact assessments (RIA) are applied in principle to all generally binding regulations prepared by ministries and other central administrative authorities. A standard RIA methodology, refined over time, guides this process. Ministries submit RIA reports to the RIA unit at the Office of the Government for formal review, followed by more extensive scrutiny by the independent RIA board. RIA commission members also participate in discussions on selected regulatory drafts during Legislative Council of the Government meetings. 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.

In practice, much government legislation is exempt from RIA assessment if it does not change regulations or is not proposed by the government. In 2022, 32 out of 108 draft laws were investigated, with 18 proposed laws and two government decrees subjected to a full assessment. Fourteen of these laws were approved, often with many criticisms and suggestions for improvement. In six cases, the verdict was that the draft should be dropped. There is no comprehensive report on subsequent actions following criticisms or proposals to drop a draft. However, past practice shows little significant change to legislation that is finally passed.

In January 2023, the government approved draft amendments to the government legislative rules, the General Principles for Regulatory Impact Assessment (RIA), and the Government Rules of Procedure. The revisions mainly concern Family Impact Assessment, Territorial Impact Assessment, and Digital Impact Assessment. The changes for family impact place greater emphasis on this area, requiring a separate box to be filled in and an assessment of impacts on different kinds of families and children's rights. The territorial theme involves identifying specific impacts on specific regions and determining whether a new regulation conflicts with regional strategies for sustainability, including climate change policies and air pollution goals, as referenced in the United Nations Sustainable Development Goals. These additions should be treated with equal weight to any other item in an RIA. The changes took effect on February 1, 2023, and were implemented after March 31, 2023. The RIA Commission met eight times in both 2022 and 2023. In the government's legislative plan for 2024, 48% of items indicated an obligation to carry out an RIA.

Citation:
<https://ria.vlada.cz/>

Spain

Score 7

Spain lacks an independent body that periodically evaluates the quality of the Regulatory Impact Assessment (RIA) process. However, since 2018, the Office on Regulatory Coordination and Quality within the Ministry of the Presidency has been responsible for ensuring the quality, coordination, and coherence of executive rule-making activities. Additionally, a Report of Regulatory Impact Analysis was established in 2017, managed by the Ministry for Digital Transformation and Public Function, to anticipate the impact of executive initiatives in terms of budget, competences, and gender. These innovations, however, focus more on technical issues than on substantive policy or societal impact assessments.

The Office on Regulatory Coordination and Quality oversees the implementation of better regulation requirements and facilitates secure communication with ministerial departments. The Ministry of Territorial Policy reviews the quality of various RIA components with the autonomous communities and oversees public consultation and participation processes. This ministry also promotes and monitors the reduction of administrative burdens and public consultations.

Other line ministries have specific units for impact analysis, such as the Directorate General for Environmental Quality and Assessment at the Ministry for Ecological Transition. The Council of State assesses the legality and development of regulations, monitors the public administration's functioning, and reviews the legal quality of regulations initiated by the executive, issuing statements in response to consultations from ministries and other state entities.

Preliminary RIAs for legal norms are sometimes developed by entities other than the executive, with special parliamentary committees or stakeholders occasionally involved in studying particular issues. However, most RIA processes rely on internal ministerial resources, and the outcomes are not always made public. The Regulatory Impact Analysis Report consolidates information accompanying a regulatory project, including its impacts on socioeconomic indicators, administrative burdens, gender, public budgets, the environment, and business compliance costs. Behavioral research methods are not utilized in RIAs.

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

Government of Spain. 2023. "Annual Regulatory Plan 2023." [https://transparencia.gob.es/transparencia/dam/jcr:9fdca3de-7345-4b06-8056-f318c6de9b24/PAN%202023%20\(30_01_2023\).pdf](https://transparencia.gob.es/transparencia/dam/jcr:9fdca3de-7345-4b06-8056-f318c6de9b24/PAN%202023%20(30_01_2023).pdf)

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 subjects of regulation. RIAs aim to prevent increasing regulatory burdens on private firms and identify which regulatory frameworks should be abolished or simplified.

Ex ante assessments of regulatory impact have been mandatory since 2007. In the latest OECD iREG scores, Sweden ranks slightly below the OECD average for primary laws and subordinate regulations (OECD, 2021).

A 2022 memorandum from the Department of Finance suggests changes in how RIAs are conducted, based on criticism of the existing process, including a complicated regulatory framework fragmented across various pieces of legislation. Criticisms include that RIAs come too late in the process – when solutions are already formulated – a lack of competence and a failure to scientifically consider causal mechanisms between measures and their impact, and the limited scope of RIAs. The memorandum proposes legislative changes to incorporate RIAs into the work of public agencies when they issue ordinances and advice to the public, as well as in the commissions of inquiry that result in proposals for legislative change (Government Offices of Sweden, 2022). This memorandum was in the referral phase at the time of writing this report.

Citation:

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

Government Offices of Sweden. 2022. Bättre konsekvensutredningar. Ds 2022:22 <https://www.regeringen.se/rattsliga-dokument/departementsserien-och-promemorior/2022/08/ds-20222/>

Switzerland

Score 7

There is no formal institution responsible for ex ante impact assessment in Switzerland. Article 170 of the constitution states that “the 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) and compatibility with EU regulations, and if necessary, an analysis of budget implications, probable administrative costs and personnel requirements. Ex post evaluations are also frequently performed; 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 noted that, while there has been no significant improvement, Switzerland has 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).

While stakeholder participation in regulatory impact assessment (RIA) procedures is a particularly strong point in Switzerland, communication processes vary between regions and policy fields. For in-depth RIA, an extended version of standard RIA,

Rissi and Sager (2013) show how procedural assessments used to be the most prominent form of RIA utilized in Switzerland. RIA is 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, this proposal has yet to be made concrete. Several cantons have adopted sector-specific tools of regulatory assessment, such as regulatory health impact assessments (Plateforme EIS).

Citation:

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

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

Plateforme EIS: https://serval.unil.ch/resource/serval:BIB_016D388FAC60.P001/REF.pdf

Sager, Fritz, and Christof Rissi. 2011. "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.

Sager, Fritz. 2017. "Regulierungsfolgenabschätzung (RFA): Prognosen und Kompromisse." *Neue Zürcher Zeitung*, February 14.

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

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

United Kingdom

Score 7

In line with the government's Better Regulation Framework, updated in September 2023, Regulatory Impact Assessments (RIAs) typically accompany all UK government regulatory interventions that affect the private sector, civil society organizations, and public services. The objective of RIAs is to assess the benefits and burdens of planned measures. Provisions exist to account for the impacts of UK-wide legislation on devolved administrations. There is also an obligation to produce a post-implementation review to verify the accuracy of RIA estimates, fulfillment of predictions, and achievement of intended policy outcomes. A standard template and additional guidance are available for completing RIAs. RIAs are independently scrutinized by the Regulatory Policy Committee (RPC), and each department has a better regulation unit.

In 2018, the threshold for conducting a full RIA was raised from effects exceeding £1 million to £5 million. Consequently, the number of RIAs carried out fell from a peak of 664 in 2011 to an average of 175 annually in the three years preceding the pandemic. The RPC report for 2022–2023 notes that it "reviewed 109 submissions from 23 different departments, agencies, and public bodies. This remains in line with

the typical number of cases submitted to the RPC for scrutiny over the past five years.” Historically, the largest number of RIAs were for the departments responsible for business, transport, and the environment. The use of RIAs was particularly inconsistent during the politically charged Brexit process, with the government resisting pressure to release all relevant documentation in a timely manner.

Academic research has questioned the value of these assessments, as their results are not systematically integrated into the decision-making process. However, RIAs are certainly applied. Both the RPC and a House of Lords inquiry published in October 2022 criticized the variable quality of RIAs and delays in producing them. The Lords’ report bluntly stated: “unfortunately, this improvement has not survived the dual challenges of Brexit and the pandemic, during which time the speed of legislating meant that corners were cut. We had hoped that the return to more normal working would provide an opportunity not just to reinstate the previous IA system but to improve it: this has not happened.” The RPC found “an alarming increase in the number of impact assessments (IAs) that have been red-rated as ‘not fit for purpose’” and noted “a significant increase in the number of IAs submitted late to the RPC – in some cases when the legislation was already before Parliament. This undermines the purpose of the Better Regulation Framework in allowing us to inform parliamentarians of the robustness of the evidence supporting regulatory proposals.”

In summary, despite a sound system for assessing the impact of regulatory proposals, implementation difficulties have detracted from its effectiveness. The title of the Lords’ report is telling: “Losing Impact: Why the Government’s Impact Assessment System Is Failing Parliament and the Public.”

Citation:

https://assets.publishing.service.gov.uk/media/652fa291d86b1b00143a5183/RPC_Corporate_Report_2023_-_Final.pdf

<https://committees.parliament.uk/publications/30141/documents/174647/default/>

United States

Score 7

There is no statutory legal requirement for the use of Regulatory Impact Assessments (RIAs) for new legislation. However, executive orders and agency guidelines encourage the use of RIAs, especially as part of the executive rule-making process (Jacobs 2007).

Ronald Reagan’s Executive Order 12291 in 1981 was the first attempt to use RIAs systematically to improve regulatory outcomes in the federal government (Harrison 2009). In 1993, President Bill Clinton issued Executive Order 12866, titled “Regulatory Planning and Review.” This executive order requires all federal agencies to assess the costs and benefits of significant regulatory actions (Hahn et al.

1999). Agencies are encouraged to take a systematic and consistent approach to regulatory planning and review.

In addition, the Office of Management and Budget (OMB) issues guidance to agencies on how they should conduct RIAs, especially when it comes to assessing the economic impacts of their proposed legislation (Kirkpatrick and Parker, 2010). OMB Circular-4 sets out this information. The OMB contains the Office of Information and Regulatory Affairs (OIRA), to which agencies must submit their RIA. OIRA evaluates the quality of these RIAs and may provide feedback. This helps ensure consistency across departments.

There are limitations with this approach, however. Some agencies have limited resources to conduct comprehensive RIAs, which affects the depth and rigor of these documents. Uniform standards are not possible in all contexts, so a degree of subjectivity is inevitable.

Citation:

Robert Hahn, Jason Burnett, Yee-Ho Chan, Elizabeth Mader, and Peter Moyle. 1999. "Assessing Regulatory Impact Analyses: The Failure of Agencies to Comply with Executive Order 12866." *Harvard Journal of Law and Public Policy*.

Scott Jacobs. 2007. "Current Trends in the Process and Methods of Regulatory Impact Assessment: Mainstreaming RIA into Policy Processes." In *Regulatory Impact Assessment: Towards Better Regulation?*, eds. D. Parker and C. Kirkpatrick. Elgar.

Colin Kirkpatrick and David Parker. 2004. "Regulatory Impact Assessment: An Overview." *Public Money and Management*.

Australia

Score 6

The Australian government provides a detailed framework for impact assessments and encourages its use, though it is not a legal requirement for new legislation. Regulatory impact statements (RIS) are notionally required 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, 75% to 85% of all Australian government proposals with "significant" impacts have been subject to a RIS. However, this proportion has been lower for proposals with "highly significant" impacts. Political considerations – including a party's policy commitments, the preferences of the relevant minister, the influence of interest groups, and public opinion – appear to matter at least as much, if not more, than strict evidence-based decision-making.

To support the performance and uptake of systematic regulatory impact assessments, the government has established the Office of Impact Analysis (OIA) within the Department of the Prime Minister and Cabinet (OIA 2023). The OIA supports

departments to undertake evidence-based assessments of policy issues, providing support (including training) to help departments create rigorous impact assessments, and to efficiently implement the learnings from such reviews. As a hub for developing impact analysis practices, it also engages with international organizations like the OECD to develop best practices.

Citation:

OIA. 2023. "The Office of Impact Analysis: Developing the evidence base for decision-making." Australian Government Department of the Prime Minister and Cabinet. <https://oia.pmc.gov.au>

Greece

Score 6

Since 2019, it has been a legal requirement to conduct Regulatory Impact Assessments (RIAs) for any new legislation. As of October 2020, no bill can be submitted to parliament without an accompanying RIA. The Office for Better Regulation, part of the General Secretariat for Legal and Parliamentary Issues in the Presidency of the Government, oversees the RIA process.

While government officials are not required to involve stakeholders when preparing regulatory changes, they must upload draft legislation to the competent ministry's website for public deliberation. This digital deliberation allows for the consideration of stakeholders' needs and likely responses. Each ministry is required to apply uniform standards in preparing RIAs using templates and indicators provided by the Office for Better Regulation. The RIA for each bill is made publicly available on the parliament's website.

Although there are no periodic quality evaluations of the RIA process and its results, the existing institutions and processes ensure that RIAs meet minimum standards. RIAs provide reliable information about the impacts of regulations on key socioeconomic indicators, as long as data on these indicators is available. However, the lack of data in specific policy areas can limit the full application of RIA. For example, while Greece has adequate epidemiological data, there is very little data on issues like sexual harassment, which can affect the corresponding regulations.

Citation:

The legal requirement to conduct RIAs is included in Law 4622/2019.

On the Office for Better Regulation, see the website of the General Secretariat for Legal and Parliamentary Issues https://gslegal.gov.gr/?page_id=2

The website of the parliament, on which bills of law and the accompanying RIAs are uploaded, is <https://www.hellenicparliament.gr/>

Israel

Score 6

According to Government Decision No. 2118 of October 22, 2014, any new regulation must undergo a regulatory impact assessment before implementation. In 2021, the Regulatory Principal Law was passed. According to the law, regulations should be based on scientific principles and knowledge, should be transparent to the public, and involve relevant stakeholders. The law defines the process for establishing new regulations and improving existing ones.

The law also established the independent Regulation Authority. Officially created in January 2023, the authority aims to consult regulatory agencies on regulations and develop strategic regulatory planning in Israel. The authority is designed as an independent organization, and its members should include experts with relevant academic and professional experience. Currently, however, the Regulatory Authority is understaffed, with only 10 employees as of mid-2023 (Eretz 2023).

Regulatory assessments should involve relevant stakeholders and regulatory impact assessment (RIA) reports should be published online. The authority oversees the RIA process across different departments. Both the authority and departments should publish periodic reports on the regulatory process, and the departments must also introduce long-term regulatory plans to the authority.

The law requires that a RIA be conducted for any new legislation. The only exemption is if urgent regulation is needed due to prevent severe public harm. Additionally, each department must re-examine existing regulations. The authority has set specific evaluation measures for the RIA process, including both input and output goals, such as the number of new businesses opened, the number of reports submitted, the amount of money saved and changes in Israel's ranking in international measures (e.g., PMR and IREG). Standards rely on quantitative measures and assessments based on reports provided by the agencies, excluding behavioral economic measures and techniques. The guidebook for introducing new regulation requires the use of data, scientific evidence and public deliberation when designing legislation.

Stakeholders are involved in the assessments because they provide information on RIAs. One measure of success is the percentage of evaluations conducted using public deliberation. Additionally, another measure examines the characteristics of stakeholders and the cost of compliance. RIAs are supposed to affect legislation because they include recommendations on whether to adopt the respective legislation or seek alternatives. However, an NGO that monitors these issues reports that the quality and effectiveness of RIAs vary significantly between ministries and government bodies. Evaluating government RIAs, the NGO found that in many cases there are no clear assessment criteria or systematic analysis of policy alternatives (<https://rnaki.org.il/regulation-and-ria/>).

The Regulatory Authority's website publishes periodic reports, including a recent report from 2021 that maps existing challenges and gaps in regulation policy in Israel. Additionally, the annual regulatory plans of different agencies, updated for 2024, are also available on the website.

Citation:

Eretz, I. 2023. "Where did the authority that was supposed to ease the cost of living in Israel go? (Hebrew)." Globes, May 23. <https://www.globes.co.il/news/article.aspx?did=1001447245>

Latvia

Score 6

All draft legislation must undergo an assessment, documented in an annotated report (ex ante) accompanying the draft to the Cabinet of Ministers and the parliament. The initial impact assessment report (annotation or ex ante assessment) informs decision-makers and stakeholders about the consequences and impact of proposed legislation. It includes assessment results and details of public participation. Annotations are developed, coordinated, and advanced through the Unified Legal Acts Development and Coordination Portal (TAP portal) and are publicly available using its embedded template.

The State Chancellery is responsible for evaluating the overall annotation, focusing on the impacts on public administration, human resources, public participation, administrative procedures, and compliance costs. The Ministry of Foreign Affairs assesses the implications for the diaspora, while the Ministry of Economy analyzes the economic impact. The Ministry of Finance and the Ministry of Justice evaluate areas within their respective competencies. Other ministries or state agencies contribute based on their expertise. The State Chancellery also updates guidelines for initial impact assessments and annotation preparation in the TAP portal (Ministru kabinets, 2021).

The quality of annotations has varied, ranging from detailed analyses to simple summaries, without enforced standards. Additionally, with the establishment of the TAP portal and new regulations, the assessment process has been refined. It now includes a broader assessment range and more precise definitions.

The majority of draft laws (with annotations) are prepared by line ministries. However, once the draft law is submitted to parliament and goes through readings, annotations are rarely updated. Thus, the initial assessment does not reflect the final impact once the law is approved.

Practical limitations affect the full application of assessments, as they are sometimes more formal than reflective of the actual situation. For example, before significant policy changes, the ministry compiles data and analysis in an information report, which serves as the basis for legislative changes. Modern analysis methods –

including those derived from behavioral research – need to be improved in assessments. Stakeholder involvement in the assessment process exists, but the extent and depth can differ across legislative changes. The communication of assessment results to the public and their availability could be more consistent; sometimes this even depends on the media, as society usually does not examine the Cabinet of Ministers' agenda.

Citation:

Ministru kabinets. 2021. Ministru kabineta noteikumu Nr. 617 Tiesību akta projekta sākotnējās ietekmes izvērtēšanas kārtība. <https://likumi.lv/ta/id/325945-tiesibu-akta-projekta-sakotnejas-ietekmes-izvertesanas-kartiba>

European Commission, Directorate-General for Structural Reform Support, Mackie, I., Fobé, E., Škarica, M., Reinholde, I., et al. 2022. "Evidence-Informed Policy Making: Building a Conceptual Model and Developing Indicators." Publications Office of the European Union. <https://data.europa.eu/doi/10.2887/81339>

Laganovskis, G. 2020. "Anotācija izsaka likuma būtību, taču var arī maldināt." <https://lvportals.lv/norises/321249-anotacija-izsaka-likuma-butibu-tacu-var-ari-maldinat-2020>

Mikuda, S. 2023. "Ilgtspējības princips likumdošanā – kā to panākt." <https://lvportals.lv/norises/347819-ilgtspejibas-princips-likumdosana-ka-to-panakt-2023>

Netherlands

Score 6

(In this text, "regulatory impact assessment" has the meaning of "all modes of ex ante, contemporaneous and ex post policy evaluation.") In recent years the Dutch government has written mainstream public administration and policy analysis insights into law in the form of one synthesizing policy evaluation system (the Rijksbreed evaluatiestelsel).

According to Article 3.3 of the Compatibility Law (CW), parliamentarians and ministers are responsible for the effectiveness and efficiency of the financial management of tax resources. Article 3.1 requires that government policy proposals should include an explanation of 1) the objectives being pursued, along with their effectiveness and efficiency; 2) the policy instruments to be used; and 3) the financial impact on the state and, where possible, the financial impact on sectors of society. Specially, since 1 November 2021, policy proposals costing more than €20 million have been required to include an explanation of the policy goals, instruments, effectiveness, and intended monitoring and evaluation instruments, at the request of the House of Representatives.

Stakeholder involvement is preferable; it is ingrained in the Dutch "polder" culture, and (perhaps) therefore not legally required. Stakeholders are the governmental and no-governmental organizations that constitute the policy network around a particular policy issue, as shown by everyday practice or through a force-field analysis (see also "Civil Society"). To ensure that MPs see them, the results of this analytic exercise in policy formulation are to be included in the main text of the bill as proposed to parliament. Scientific standards are imposed by the Knowledge Center for Policy and Regulation (KCBR). Faithful to mainstream public administration and policy analysis, this organization's Policy Compass recommends paying attention to the reason for the policy proposal, the problem description, the objectives and the

need for the proposal. It also asks for a “golden oldie” from public administration: the policy theory, or “the set of assumptions and research results on which the conclusion can be based.” There are also uniform rules for conducting a societal cost-benefit analysis.

Commissioned by the Ministry of Finance, which is legally tasked with supervising all financial activities carried out by other departments, “Policy Choices Explained CW3.1” was evaluated in 2020. Results were doubly disappointing. Departmental policymakers indicated that lawmakers paid little attention to the information provided, which makes the policy framework a compulsory check-box exercise. Policymakers engage in “fiction writing” – that is, they justify policy choices with “technical arguments” that in fact had little or no place in the actual decision-making process. Parliamentarians admit that they often do not focus first on effectiveness and efficiency; rather, their own political priorities take pride of place. Sadly but wisely, the evaluators concluded: “The extent to which political ambitions and effectiveness of concrete policy instruments are linked in the political debate could perhaps be greater than it is now.” It may be assumed this judgment holds for later years as well.

On the bright side, there are plans to include the concept of “broader prosperity” (“brede welvaart”) in the system outlined in the Policy Choices Explained CW3.1 document. The new Policy Compass tool can help with this, as it contains guidelines for the application of the broader prosperity goal and public values in policy preparation. The Sustainable Development Goals (SDGs) of the United Nations are also involved.

Citation:

Ministerie van FIN. 2024. “Evaluatiestelsel.” rijksfinancien.nl.

LinkedIn, Van der Knaap. Alles over beleidsevaluatie anno 2023 bij de Rijksoverheid...op één plek!

Kenniscentrum voor Beleid en Regelgeving, 2023.

L.A. Triesscheijn and F.W. De Jager. 2020. “Evaluatie Beleidskeuzes uitgelegd: toepassing door departementen en gebruik door de Tweede Kamer.” open.overheid.nl.

van der Knaap, P. 2023. “De lange adem van doelmatigheid en politiek.” Bestuurskunde 32 (4).

Kenniscentrum voor beleid en regelgeving, 2024. “Beleidskompas.” rijksoverheid.nl

Slovenia

Score 6

In 2019, the government adopted an Action Plan to improve the process of planning, preparing, adopting, and evaluating the impact of 2019 – 2022 legislation. The plan extends the Regulatory Impact Assessment (RIA) guide to cover the assessment of non-financial impacts and recommends the introduction of preliminary impact assessments along with a more in-depth analysis of potential social and environmental impacts.

The Court of Audit has published a series of three audit reports entitled “Are we checking the impact of the proposed regulations on society in Slovenia” (RIA 1-2007, RIA 2-2012, RIA 3-2021). The Court of Audit has been continuously auditing the drafting, adoption, and monitoring of regulations since 2004. Its last report was published in 2021, assessing that between May 31, 2012, and June 30, 2018, the government was partially effective in regulating the area of implementing analyses of the impact of regulations on society.

In 2021, the OECD prepared the Regulatory Policy Outlook 2021 for Slovenia. The report assessed that RIA is carried out for all primary laws and some subordinate regulations. The impact assessment requirements for subordinate legislation are less stringent than those for primary laws. The RIA process, especially for subordinate regulations, could be strengthened by introducing a threshold test or proportionality criteria to determine which regulations require in-depth scrutiny.

Citation:

OECD. 2018. “Regulatory Policy in the Republic of Slovenia.” https://www.stopbirokraciji.gov.si/fileadmin/user_upload/mju/Boljsi_predpisi/Novice/Regulatorna_politika_v_Sloveniji_koncno_porocilo.pdf

Računsko sodišče. 2021. “Ali v Sloveniji preverjamo učinke predlaganih predpisov na družbo.” <https://www.rs-rs.si/revizije-in-revidiranje/arhiv-revizij/revizija/spremembe-na-podrocju-analize-ucinkov-predlaganih-predpisov-od-izdaje-zadnjega-ria-porocila-in-prika/>

Računsko sodišče. 2021. “Ali v Sloveniji preverjamo učinke predlaganih predpisov na družbo.” https://www.rs-rs.si/fileadmin/user_upload/Datoteke/Revizije/2021/RIA3/RIA_3_GlavnoPorocilo_RevizijskoP.pdf

OECD. 2021. “Regulatory Policy Outlook 2021.” https://www.oecd-ilibrary.org/fr/governance/oecd-regulatory-policy-outlook-2021_3ebf1de2-en

Belgium

Score 5

In principle, RIAs are integral to the legislative process in Belgium, impacting environmental and population decisions. However, in practice, RIAs are often only superficially addressed. The OECD’s 2021 report states: “Belgium has not improved its institutional and policy framework for regulatory quality at the federal level over the last years. Regulatory impact assessment (RIA) is mandatory for all primary and for some subordinate legislation [...] and is usually shared with social partners as a basis for consultation. RIAs for subordinate regulations are however no longer published. Belgium currently does not systematically require an identification and assessment of alternatives to the preferred policy option.” This places Belgium slightly below the OECD average (around 2.4 out of 4 primary law and 1.8 for subordinate regulations), with the quality of some evaluations being underwhelming and performed by ideologically aligned agencies.

Efforts are underway to improve this situation. The BOSA ministry, which offers technical support to other federal ministries, promotes “better regulation” and RIAs, mainly referencing European legislation and initiatives. However, the forms and

evaluation reports are outdated, dating back to 2014 and 2015. Belgium's regions can develop their own RIA rules. Flanders, the largest and wealthiest region, has a dedicated RIA webpage, with most documents dating back to 2012-2015. No similar resources were found for Wallonia or the Brussels Region.

Citation:

Betere regelgeving en impactanalyse | BOSA (belgium.be)

<https://bosa.belgium.be/fr/themes/administration-numerique/simplification-administrative/meilleure-reglementation-et-analyse>

RIA-databank | Vlaanderen Intern: <https://overheid.vlaanderen.be/regelgeving/planning-en-opmaak-regelgeving/ria-databank>

Leidraad voor de opmaak van een reguleringsimpactanalyse (RIA) | Vlaanderen.be

<https://www.vlaanderen.be/publicaties/leidraad-voor-de-opmaak-van-een-reguleringsimpactanalyse-ria>

<https://bosa.belgium.be/sites/default/files/content/documents/DTdocs/Simplification/AIR%20Manuel%20-%20FR%20oct2014.pdf>

OECD. 2021. "OECD Regulatory Policy Outlook 2021 – Belgium country profile."

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

Ireland

Score 5

Departments are required to conduct and publish Regulatory Impact Assessments (RIAs) before making decisions on regulatory changes. This requirement arises from guidelines issued by the Department of the Taoiseach in 2009, rather than from legislative mandates.

The OECD has been critical of this practice, noting that RIAs are largely qualitative and that levels of ex post assessment may not be sufficient (OECD 2021). Despite the OECD's recommendation to establish an oversight and scrutiny body with the mandate to ensure and review RIAs, the practice of completing and, more importantly, publishing RIAs has lagged. While Ireland scored high on the adoption and methodology of RIAs, it scored low on oversight and transparency (OECD 2021). There is a perception that key skills and a proofing culture have not been developed, except where required for international oversight. This expedience applies not only to RIAs but also to other forms of proofing, which are rarely binding and unevenly practiced. These include proofing, budgeting and auditing for gender, equality, poverty, rural issues, employment and competitiveness. The situation remains as described by the OECD (Scott 2022).

Citation:

OECD (Organisation for Economic Cooperation and Development). 2021. OECD Regulatory Policy Outlook 2021.

OECD. <https://www.oecd.org/publications/oecd-regulatory-policy-outlook-2021-38b0fdb1-en>

Scott, C. 2022. The politics of regulation in Ireland Oxford, OUP: 647, 66-7.

Italy

Score 5

In principle, RIAs are required for all ministries and local authorities under Laws 50/1999 and 246/2005. At the national level, ministries are responsible for conducting RIAs, while the Prime Minister's Office (PMO) oversees the review and quality control of the entire RIA process and coordinates related activities. The

Department of Legal and Legislative Affairs of the Presidency of the Council of Ministers (DAGL) develops the RIA methodology and presents annual reports to parliament.

Following reforms by previous governments, including a new RIA regulation effective December 15, 2017, the current RIA framework prohibits the Council of Ministers from discussing any proposal without an accompanying RIA. Although these rules were not always applied in the past, compliance has gradually improved, and most normative acts now include a RIA unless an exemption is granted due to the limited relevance of a proposal.

However, the quality of RIAs is still inconsistent. Observers have noted that while RIAs conducted by independent authorities are generally sound, those carried out by ministerial departments tend to be rather formalistic (Osservatorio Air 2022). The government's 2022 report to parliament highlights two main issues:

Lack of sufficient technical and analytical skills: This limits the ability to conduct comprehensive analyses, including significant quantitative impact estimates.

Lack of coordination: Implementing RIAs for policies involving different administrations is often uncoordinated.

Overall, there are three persistent problems with RIAs:

Justification of political choices: RIAs are often used to justify political decisions rather than inform them.

Limited quantitative analysis: Comprehensive quantitative technical analysis is largely absent.

Failure to assess real impact: There is often no assessment of the actual impact of regulations after they are implemented.

In practice, RIAs are still viewed as a formal compliance effort within Italy's central administrations. Policy changes are rarely based on the assessment of regulatory impact, and RIAs are not easily accessible; they are attached to the bill materials presented in parliament, making them difficult to find for those not familiar with the parliament's website.

Citation:

Presidenza del Consiglio dei Ministri. 2023. "RELAZIONE AL PARLAMENTO SULLO STATO DI." APPLICAZIONE DELL'ANALISI DELL'IMPATTO DELLA REGOLAMENTAZIONE. https://presidenza.governo.it/DAGL/uff_studi/Relazione_2022_AIR.pdf

Di Porto, V., and Espa, E. 2022. L'analisi di impatto e gli altri strumenti per la qualità della regolazione Annuario 2021. Napoli: ESI. https://osservatorioair.it/sites/default/files/files/annuario_osservatorioair_2021_ed2022.pdf

Japan

Score 5

RIAs in Japan are based on the Government Policy Evaluations Act from 2001. All new policies of administrative organs have to be evaluated in terms of necessity, efficiency and effectiveness. Basic guidelines of policy evaluation are prepared by

the Ministry of Internal Affairs and Communications, which also oversees implementation of RIAs and ensures the government-wide coherence of evaluation. The Implementation Guidelines for Policy Evaluation of Regulations from 2007 specified standard principles concerning the content and procedures of ex ante and ex post regulation evaluations. Reviews have to be conducted within five years.

Since the amendment of the guidelines in 2017, Japan has made progress in conducting RIAs and using their results to reduce administrative costs. All RIAs are published on a unified website and stakeholders may submit comments on subordinate regulations online. In the OECD Indicators of Regulatory Policy and Governance 2021, Japan scored slightly above the OECD average in terms of RIAs but last for stakeholder engagement when developing primary laws.

A major weakness of RIA in Japan is the lack of an independent regulatory oversight body. The Ministry of Internal Affairs and Communications only compiles the reports submitted by different ministries and lacks the motivation to improve the evaluation process. In many cases, costs and benefits still are not sufficiently quantified. Moreover, it is not uncommon for evaluation reports to be published too late to have any influence on the content of regulations.

Citation:

Kishimoto, Atsuo. 2018. "Kisei Eikyō Hyōka (RIA) no Katsuyō ni mukete: Kokuzaitekina Dōkō to Nihon no Genjō to Kadai" [Making Good Use of Regulatory Impact Assessments: International and Domestic Trend and Challenge]. Kantō Gakuin Daigaku "Keizai-kei" 275 (November). <https://kguopac.kanto-gakuin.ac.jp/webopac/bdyview.do?bodyid=NI30003274&elmid=Body&fname=005.pdf>

Ministry of Internal Affairs and Communications. 2001. "Government Policy Evaluations Act." https://www.soumu.go.jp/english/kansatu/evaluation/evaluation_09.pdf

Ministry of Internal Affairs and Communications. 2007. "Implementation Guidelines for Policy Evaluation of Regulations." https://www.soumu.go.jp/main_content/000556223.pdf.

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

OECD. 2023. Governance at a Glance 2023. Paris: OECD.

Lithuania

Score 5

Ex ante impact assessments have been legally required since 2003, after Lithuania's accession to the EU. However, the quality of these assessments has been poor, with the process turning into a purely formal exercise often summarized by the repeated phrase "no negative impact foreseen." This statement is usually made without a timely and proper analysis of the potential impact of draft legislation, and without full consideration of alternative ways to achieve the desired policy goals. Additionally, stakeholder consultations are rarely properly conducted, even though guidelines for these consultations are prepared and publicly available on the government website.

There have been several attempts by different governments to improve the actual practice of impact assessments, including the efforts of the coalition government formed in late 2020. The government led by Ingrida Šimonytė committed in its program to focus on the quality rather than quantity of legislation, and to properly assess the impact of draft laws. It approved a list of priority legislative initiatives that had to be accompanied by impact assessments.

STRATA updated the methodology for this task, and in 2021 – 2023, organized trainings for civil servants on how to properly carry out impact assessments, including the role of consultations with stakeholders and assessments of different alternatives. Its experts also routinely consult with line ministries, advising them on specific impact assessments being undertaken. However, the gap between what is formally required and what is the actual practice remains wide, and the main observation of the OECD in its 2021 report that “most RIAs are conducted as a formality, with limited impact” remains largely valid.

Citation:

STRATA. “Impact assessment” (in Lithuanian). <https://strata.gov.lt/poveikio-vertinimas/>

OECD. 2021. Mobilising Evidence at the Center of Government in Lithuania: Strengthening Decision-Making and Policy.

Evaluation for Long-term Development. OECD Public Governance Reviews. Paris: OECD Publishing.

<https://doi.org/10.1787/323e3500-en>

Slovakia

Score 5

The standard formal mechanisms for evidence-informed policymaking are almost fully implemented in Slovakia. The Government at a Glance report (OECD, 2021) ranks Slovakia above the OECD average for the indicator “Regulatory Impact Assessment, Primary laws” and exactly at the OECD average level for the indicator “Systematic Adoption of Regulatory Impact Assessment.” The same is true for the set of indicators that evaluate the level of stakeholder engagement. However, the report does not show visible progress for 2017–2021.

Since the RIA approach was de facto introduced in Slovakia in 2001, no central unit has been established at the government’s core office. This situation did not change during the period under review. Gradually, consecutive governments have improved the methodology; however, its implementation has been rather erratic.

One key issue is that impact assessments apply only to measures initiated by the government on a regular basis (three rounds of reading in the parliamentary legislative procedure). Ministries, when drafting legislation, still often struggle with quantifying wider impacts and focus mainly on budgetary impacts and, to a lesser extent, impacts on the business environment. Since the COVID pandemic, the RIA process has been further limited by the increase in the fast-track legislative process.

The quality of the implementation of RIA and the transparency and openness of the legislative process significantly decreased during the COVID-19 crisis, and the situation did not return to “normal” even after the crisis (Staroňová, Lacková, and Sloboda, 2023). The quality of the legislative process is also confirmed by the Value for Money Unit report, published in October 2023 (Ministry of Finance, 2023). The report stresses that the system of ex ante evaluation is too formal and complex, without specific criteria depending on the level and content of the submitted proposal. It particularly highlights that ex ante assessment is often omitted. According to this report, in 2021 and 2022, more than 35% of the laws adopted by the parliament were parliament-sponsored legislation, or had more than 50 amendments longer than six standard pages submitted during the legislative process in 2022. According to research conducted in 2019, only seven out of 165 laws were adopted by the non-standard procedure. In 2021, this proportion changed to 60 out of 123, and in 2022, although it slightly dropped, it remained insufficient at 21 out of 175.

Citation:

Haluš, M., Mykhalchuk Hradický, J., and Hronček, P. 2023. *Ako nestrieľať naslepo*. Bratislava: Ministry of Finance.

Staroňová, K., Lacková, N., and Sloboda, M. 2023. “Post-Crisis Emergency Legislation Consolidation: Regulatory Quality Principles for Good Times Only?” *European Journal of Risk Regulation*. Pre-print version.

OECD. 2021. *Government at Glance*. Paris: OECD

France

Score 4

The practice of compiling regulatory impact assessments (RIAs) has been followed since the 1990s, notably under the supervision of the PMO. This is one of the missions of parliament, in accordance with Article 24 of the constitution (amendment of 2008). Yet despite a growing interest in them, there is still no systematic RIA process, with comparable rules and methodologies. RIA processes remain largely optional and generally focus on social policies (Desplatz and Lacouette Fougère 2019). There are also partial substitutes, however. The finance and budget ministries try to systematically evaluate the fiscal impact of any new measure.

More recently, the government think tank France Stratégie has been charged with evaluating the impact of public policies. The think tank has published methodological guidelines for evaluating public policies, but these are seldom followed. 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. The role of the Conseil économique, Social et Environnemental – which has been designed for this purpose – is generally considered too limited.

Citation:

Desplatz, R., and Lacouette Fougère, C. 2019. “L'évaluation des politiques publiques en France.” Document de travail France Stratégie 13. Retrieved 15 January 2024 at https://www.strategie.gouv.fr/sites/strategie.gouv.fr/files/atoms/files/fs-dt-13-evaluation-france_19_decembre_2019.pdf

Portugal

Score 4

According to the OECD's Regulatory Policy and Governance 2022 indicators, stakeholder involvement in regulation in Portugal is lower than the OECD average in 2021. For example, there is no obligation to include business organizations and trade unions in the negotiation phase of the legislative process, and the government does not facilitate their involvement in the European Commission's consultation process.

The Portuguese government approved a resolution (Resolution No. 44/2017 of the Council of Ministers on March 24, 2017) concerning a “Model for Legislative Impact Assessment.” In 2018, they invited an OECD team to produce a report titled “Reviewing and Supporting Regulatory Impact in Portugal.” A government institution was created to implement ex ante impact assessments of legislation: the Legislative Impact Assessment Technical Unit (UTAIL) within JurisAPP – Centro de Competências Jurídicas do Estado. However, the last report it produced, which referred to the 2018 year, was in 2019. This indicates that the initial impetus for impact assessment of legislation (2017 – 2018) seems to have vanished.

Citation:

Organization for Economic Cooperation and Development (OECD). “Indicators of Regulatory Policy and Governance EUROPE 2022 Portugal.” <https://web-archiver.oecd.org/2022-08-03/638949-Portugal-country-profile-EU-report-2022.pdf>

JurisAPP Unidade Técnica de Avaliação de Impacto Legislativo. 2019. Relatório de Atividade – Ano de 2018. https://jurisapp.gov.pt/media/1113/utail-relatorio-2018_final_15042019_publica.pdf

Hungary

Score 3

Upon taking office, the second Orbán government amended provisions for regulatory impact assessments (RIAs). Legal sources include a 2010 law (Act on Lawmaking) and a 2011 government decree (No. 24/2011 VIII.9). In practice, RIAs have suffered from sluggish and selective implementation (Brenner/Fazekas 2020; Corruption Research Center 2017; Staroňová 2014). An amendment to the 2010 Act in March 2019 (OECD 2021) aimed to simplify and expedite legislation to avoid costs, legal obligations and administrative burdens. Another objective was to prevent overregulation and regulatory overlap (OECD 2022).

The core executive branch (government office) coordinates the RIA process. The quality of the RIA process in Hungary has been poor, at least until the 2019 reform (OECD 2021), and has not significantly improved since. It is often not well-considered, not sustainable, or not correctly implemented due to the fast pace of lawmaking in Hungary (Kührner 2021:83). Substantial stakeholder participation is often lacking because the idea of consultation is alien to the Orbán government.

Additionally, there is no independent evaluation of RIAs. Many RIAs are conducted by local affiliates of the “Big Four” accounting firms, and the findings are rarely or only partially made available to political actors on the special website for RIAs (hatasvizsgalat.kormany.hu). Public information requests from the media to access RIAs are in most cases rejected by the government, and in some instances already published RIAs have become unavailable (for an example in the case of an RIA relating to a battery plant; see Spirk 2024). Similarly, the annual report on RIAs prepared by the Prime Minister’s Office is not publicly available. The relevant decree removes the need to conclude RIAs during a state of emergency, which has been the norm in Hungary since the COVID-19 pandemic in 2020. Constitutionally, therefore, the government can easily waive the obligation if it so desires.

Citation:

Brenner, D., and 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. 2020. Working Paper 2020-3. <http://www.govtransparency.eu/legislativeeffects-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.

Kührner, László. 2021. “Így vizsgáltok ti - A magyar hatásvizsgáló rendszer hiányosságai.” PSz 2021 (2): 83-94.

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>

OECD. 2022. Indicators of Regulatory Policy and Governance Europe 22, Hungary. Paris: OECD. <https://web.archive.org/2022-08-03/638930-Hungary-country-profile-EU-report-2022.pdf>

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

Spirk, J. 2024. “Eltüntették a debreceni akkumulátorgyárról készült szakértői tanulmányt, amelyben óriási vízfogyasztásról írtak.” *24.hu*, February 3. <https://24.hu/belfold/2023/02/03/debrecen-catl-akkumulatorgyar-szorolap-hazugsag-vizfogyasztas/>

Poland

Score 3

Regulatory impact assessments (RIA) are well established in the Polish legislative process. Such evaluations are mandatory when developing draft normative acts including laws, normative acts of the Council of Ministers, regulations of the prime minister or other ministers, orders of the prime minister, and draft assumptions underlying legislative proposals. The Budget Act is an exception, for which a separate procedure for submission and adoption is accepted. The framework document is the “Guidelines for Impact Assessment and Public Consultations in the Government Legislative Process,” which was adopted by the Council of Ministers on

May 5, 2015. The Government Legislative Center is responsible for overseeing the RIA process. Additionally, guidelines have been published on the governmental website providing instructions for entities conducting RIAs.

Draft regulations are to be accompanied by a justification and a standardized regulatory impact assessment that addresses financial impact, consultation results, examples of regulations in other countries and expected outcomes. All stages of the process are well described and published on the website. During public consultations, various stakeholders who can provide empirical information are engaged. Under the PiS government, although legal requirements were met, the selection of consultative bodies was selective. The Chancellery assessed the quality of individual RIAs, as there was no independent body responsible for this evaluation.

Indicator

Effective Sustainability Checks

Question

To what extent does the government effectively incorporate sustainability assessments within the framework of RIAs?

30 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 = High-quality sustainability assessments are incorporated within regulatory impact assessments.
- 8-6 = High-quality sustainability assessments are, for the most part, incorporated within regulatory impact assessments.
- 5-3 = High-quality sustainability assessments are rarely incorporated within regulatory impact assessments.
- 2-1 = Sustainability assessments are not incorporated within regulatory impact assessments.

Austria

Score 8

The potential environmental effects of legislative proposals must be evaluated as part of RIAs, as must effects on employment. Various decrees require that financial and other issues be assessed. Analysis may focus on short-term, medium-term, or long-term effects according to specific RIA legal requirements, though the typical analysis focuses on a period of five years. In its annual RIA reports, the government explicitly commits to addressing the SDGs.

While Austria has an overarching sustainability strategy, there remains considerable room for improvement. However, the formation of a new government in early 2020, which included the Greens as a junior coalition partner to the ÖVP, has led to several improvements, even if some are partially symbolic. 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, for the first time, the government's budget included specific information about which SDG is to be accomplished by the respective legislative projects of each department. This means that legislative goals are now systematically linked to sustainability goals. Furthermore, efforts have been made to engage 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 various sectors and was intended to provide the basis for intensive collaboration between government, public administration, the science community, and civil society. This has been followed by an SDG Dialogue Forum 3.0 in October 2023.

In late 2022, the cabinet decided that Austria would present its second voluntary national report concerning the implementation of Agenda 2030 to the United Nations by July 2024. The plan was to use ideas and insights for that report gained from the 3.0 Dialogue Forum.

Citation:

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

https://sustainabledevelopment.un.org/content/documents/26661VNR_2020_Austria_Report_German.pdf

<https://www.bundeskanzleramt.gv.at/themen/nachhaltige-entwicklung-agenda-2030/veranstaltungen-agenda2030/sdg-dialogforum-3-0.html>

Denmark

Score 8

When RIAs are conducted, they must cover all positive or negative consequences of an economic, administrative or environmental nature that are likely to affect the state, municipalities, regions, business, citizens or relations with the European Union. This includes questions of sustainability. Sustainability is a central concern in government policy and includes economic, fiscal and environmental sustainability.

Since the enactment of the Climate Law, the Climate Council has produced a yearly report assessing whether current policies are sufficient to meet the emission goals set in the law. The council is independent from ministries and has its own secretariat. Although these reports are not part of formal RIAs, they significantly inform policy because they receive considerable attention in cases when they suggest that it is very unlikely that the government will meet its own goals.

Finland

Score 8

Generally speaking, aspects of sustainability are 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 the Agenda 2030 goals in Finland. The report additionally reviews how government goals align with the Sustainable Development Goals (SDGs).

However, the government does not have a specific strategy for implementing Agenda 2030 goals that has been broken down into concrete action plans. The status of sustainable development in Finland is systematically monitored through agreed-upon indicators within the National Sustainable Development Monitoring Network. Experts from various thematic areas compile annual assessments based on these indicators, providing comprehensive descriptions of the state of sustainable development in different domains. Citizens actively contribute to this assessment through the annual Citizens' Panel on Sustainable Development. These facts demonstrate the capacity to monitor sustainable development.

The Prime Minister's Office and the Finnish National Commission on Sustainable Development review discussions, selecting topics for further promotion. Key messages are consolidated and presented annually in May at an event addressing the current state of and future prospects for sustainable development. The overarching objectives of the monitoring and ensuing discussions are to: 1) generate a holistic understanding of Finland's success in advancing sustainable development; and 2) identify challenges and pain points in sustainable development, helping to inform the formulation of consistent policies.

The monitoring process aligns with the Society's Commitment to Sustainable Development instrument, encapsulated in "The Finland we want by 2050," which serves as Finland's implementation of the global 2030 Agenda for Sustainable Development and its Sustainable Development Goals. The commitment outlines eight objectives representing the envisioned state of sustainable development in Finland by 2050, as defined by the Finnish National Commission on Sustainable Development in 2013 (Finnish National Commission on Sustainable Development n.d.). Progress toward these objectives is monitored through 10 indicator baskets associated with the commitment. These indicators, established in 2017 by a network of experts, are updated annually. Public authorities familiar with the content of each basket provide interpretations of the indicators, assessing the state of the basket from the perspective of sustainable development. The updating process occurs between September and May, with a preliminary estimate for the timing of each basket's update.

To sum up, sustainability checks are not legally required as part of RIAs, and they do not include analyses that span multiple time periods, including short-term, medium-term and long-term perspectives. The limitation of the mechanism is that there is no legal requirement for sustainability assessment, and there is no official government strategy for the implementation of Agenda 2030. However, the sustainability assessments draw upon a comprehensive set of appropriate impact indicators that encompass aspects of economic, social and environmental sustainability. The analyses are provided for different time periods, including short-term, medium-term and long-term perspectives.

Citation:

Finnish National Commission on Sustainable Development. n.d. "Society's Commitment to Sustainable Development." <https://kestavakehitys.fi/en/commitment2050>

Germany

Score 8

Germany has committed to a formal sustainability strategy since 2002 and has continuously developed this strategy, now aligning with the SDGs. The last update of the strategy occurred in 2021 (Bundesregierung, 2021), and the next revision is ongoing, with a further update expected in 2024 (Bundesregierung, 2023).

There are no explicit SDG-related action plans, but the ministries are bound by this strategy when developing their policies. The Federal Chancellery leads on sustainability issues, and oversight, advisory, consultative, and cross-government coordination mechanisms are in place. A system of SDG-related indicators is used to define targets and check for compliance.

Since 2009, the Joint Rules of Procedure of the Federal Ministries (GGO) have stipulated that impact assessments must demonstrate whether the effects of a project align with sustainable development (Section 44 (1) sentence 4 GGO). This requirement entails examining the effects on the Sustainable Development Goals (SDGs) and their specific targets, as well as the goals and indicators of the German Sustainable Development Strategy, in detail. The GGO explicitly requires consideration of the long-term consequences of the measure. To facilitate this assessment, a web-based tool for electronic sustainability assessment (eNAP) is available (BMJ, 2023).

In the German Bundestag, the Parliamentary Advisory Council on Sustainable Development monitors German sustainability policy. One of its tasks is to oversee the sustainability assessments conducted by the ministries as part of the legislative impact assessment.

The capacity to measure progress is generally strong. Germany's statistical agencies, both at the federal and state levels, possess substantial capabilities, high expertise, and integrity, ensuring they provide reliable data on progress concerning the SDGs.

Citation:

Bundesregierung. 2021. Deutsche Nachhaltigkeitsstrategie, Weiterentwicklung 2021. Berlin.

Bundesregierung. 2023. "Die Deutsche Nachhaltigkeitsstrategie, Ein Kompass für die Zukunft." www.bundesregierung.de/breg-de/themen/nachhaltigkeitspolitik/deutsche-nachhaltigkeitsstrategie-318846

Bundesministerium der Justiz. 2023. "Nachhaltige Gesetzgebung." www.bmj.de/DE/ministerium/nachhaltigkeit/gesetzgebung/gesetzgebung_node.html

Sweden

Score 8

Environmental sustainability has been well integrated into the policy process. All government bills, procurements, and directives to commissions of inquiry are required to be assessed to determine their impact on environmental sustainability.

As for other types of sustainability criteria, there has been little evidence about the extent to which they are considered in the RIA process. The 2022 memorandum issued by the Department of Finance aims to change this by proposing clear social, economic, and environmental dimensions in RIAs (Government Offices of Sweden, 2022).

Citation:

Government Offices of Sweden. 2022. Bättre konsekvensutredningar. Ds 2022:22 <https://www.regeringen.se/rattsliga-dokument/departementsserien-och-promemorior/2022/08/ds-202222/>

Canada

Score 7

Canada has maintained a robust system of environmental assessments for many years (Mitchell et al. 1977). Although these assessments are typically project-based, they are generally high-quality and rigorous, including public hearings and other participatory mechanisms. Technically, formal RIAs are used to examine these impacts.

The Cabinet Directive on Regulation requires departments to assess the positive and negative environmental impacts of regulatory proposals as part of the RIA. Guidance from the Treasury Board directs departments to account for environmental impacts on ecosystems, carbon emissions, and pollution levels, including over the long term where feasible.

RIAs often include a section detailing the potential positive or negative impacts a regulatory change may have on the environment or environmental goals. When relevant, RIAs quantify impacts on sustainability, such as estimating changes in greenhouse gas emissions or effects on biodiversity resulting from a new regulation (Hunsberger et al. 2020).

Citation:

Hunsberger, Carol, Sarah Froese, and George Hoberg. 2020. "Toward 'Good Process' in Regulatory Reviews: Is Canada's New System Any Better than the Old?" *Environmental Impact Assessment Review* 82: 106379. <https://doi.org/10.1016/j.eiar.2020.106379>

Mitchell, B., R. Turkheim, and R. R. Krueger. 1977. "Environmental Impact Assessment: Principles, Practices, and Canadian Experiences." In *Managing Canada's Renewable Resources*, 47–66. Toronto: Methuen.

Netherlands

Score 7

When in the early 1970s, environmental impact assessments (EIAs) blew over from the United States to Europe, imitation and adoption was fairly straightforward. The purpose was – and still is – to give EIA its rightful place in public decision-making and thereby also increase policy transparency and the involvement of stakeholders and citizens. An Environmental Impact Law determined an EIA procedure in the Netherlands, specifying conditions for public registration of new activities, creating an expert commission (Commissie mer) to advise on all quality aspects and defining the scope of the EIA report (both at the start – scoping document – and the end – the quality assessment – of the report-writing process). It defined the legal requirements for positive decisions by the competent authorities (mostly provincial and municipal governments), although these of course frequently initiated initiatives

requiring EIAs themselves themselves. This latter fact underlined the importance of the EIA Commission (Commissie mer) as an independent third party of experts. Under the current EMA (valid until 1 January 2024), competent authorities are required to request all strategic environment assessments (SEAs) and ordinary EIAs for certain complex projects, and ensure that these are reviewed by the National Commission for Environmental Assessment (NCEA). In effect, this means the NCEA has a monopoly for independent quality review of these SEAs and EIAs. In 2017, the NCEA reviewed about 140 projects, 50 of which had been requested voluntarily. The NCEA reviews the documents to ensure the information is complete and correct. In 2017, for example, 70% of the assessments reviewed proved to lack essential information.

Since those early days, the volume and complexity of legislation relating to spatial and environmental aspects of the physical environment and its impact on human beings (particularly but not only, health) has exploded. As a result, current environmental law is fragmented and divided among a large number of different laws and regulations. Each law focuses on a partial interest, and has its own system and terminology. As a result, one law sometimes contradicts another. Environmental law thus delays and frustrates many activities, and sometimes even makes new developments toward greater sustainability impossible.

In the early 2010s, experts started to contemplate possibilities for a more consistent, integrated and procedurally simpler and faster approach to EIA.

The key idea was to turn the attitude of EIA experts and policymakers from, essentially, “No, unless...” into its opposite, “Yes, provided that...” In an “environment vision,” a municipality defines the boundary conditions that activities must meet. As a result, the EIA report, now considered the starting point for developing an environment vision, also changes from thinking about a new activity “from the inside out” to thinking “from the outside in” – that is, the new activity as accommodating and fitting into a broad and flexible environment vision. During the term of the plan, details regarding which developments occur where can be filled in more flexibly than before. Monitoring and interim evaluation studies are part of a flexible, learning-oriented new planning style. Breaking down complex new initiatives into time-specified action plans becomes a repeated learning process without any specific time horizon.

By 2016, the effort to streamline a confusing patchwork of sectionally segmented zoning plans for coherent sustainable development goals resulted in the preliminary decision to replace the rigid system of area-wide “bestemmingsplannen,” or zoning plans, with open and flexible “environment visions” (“omgevingsvisie”) to be developed by all competent authorities. The new Environment Act integrates all 26 laws and regulations in the environmental domain into one law, four governmental decrees or general administrative orders (Algemene Maatregel van Bestuur, AMvB), and one regulation. This system change is among the largest legislative operations in the Netherlands’ recent history, and has major consequences in practice. For this

reason, the government reserved a long period for experimenting and experience gathering before actually putting the law into force on 1 January 2024. Both the Ministry of Infrastructure and Environment and the National Commission for Environmental Assessment (NCEAS) have published a considerable number of pilot reports with case studies. To what extent this is a representative sample or the result of cherry-picking is uncertain.

To make the implementation and operation of the law as simple and unambiguous as possible, the Environmental Law systematics are based on those of EU regulations. By keeping the granting of permits as simple as possible, procedures will not take unnecessarily long. Initiators can quickly obtain clarity for all the activities they wish to carry out by making a single application at a single desk (one-stop shop). To make integrated licensing and decision-making possible, good and coherent data must be available. Digital support – one of the crucial requirements for putting the Environment Act in force – turned out to be a near insurmountable bottleneck, resulting in five delay decisions between 2016 and 1 January 2024, when the law finally took effect.

Of course, not everybody is happy about having a broad and flexible Environment Act. Many interest and stakeholder groups have lost their legal shields; more generally, citizen groups, stakeholder organizations and legal experts have voiced grave concerns about legal assessments and protection under the law. The implementation capacity of the cottage industry of consultancies that produce EIA reports, as well as the supervisory quality-testing capacity of the NCEAS will be stretched to the utmost in the beginning. ICT support is also likely to remain a bottleneck. It could be argued that the idea of broadening EIA procedures and making them more flexible with a view to consistent sustainability policymaking boils down to an effort to replace closed expert and legal judgment with more open and flexible political considerations, in which competing interests will have to be balanced via integrated political judgments. Whether or not this will be successful will in large part depend on the degree to which the public genuinely participates in vision development and monitoring practices.

Citation:

Mer Commissie voor de minirapportage. n.d. "Factsheet: Milieueffectrapportage in een notendop." commissiemer.nl, consulted January 14, 2024

Infographic, Hoe werkt de mer-procedure. commissiemer.nl, consulted 14 January 2024

NOS. 2015. "Tientallen wetten gebundeld in een Omgevingswet." *Nieuws*, May 31.

Ministerie van Infrastructuur en Milieu. April 2016. "Omgevingswet in het kort. Ruimte voor ontwikkeling, waarborgen voor kwaliteit."

Commissiemer. n.d. "Infographic Een goed omgevingsplan (begint) met milieueffectrapportage."

G. Hoevenaars. 2018. "Independent Quality Control: How Does It Work in the Netherlands?" In *Netherlands Commission of Environmental Assessment, Views and Experiences of the NCEA*.

G. Hoevenaars. 2018. "The Role of the NCEA in the Netherlands." In *Netherlands Commission of Environmental*

Assessment, Views and Experiences of the NCEA.

Dirkzwager Legal and Tax. 2024. "Omgevingswet." www.dirkzwager.nl/omgevingswet/

New Zealand

Score 7

New Zealand has adopted the United Nations' Sustainable Development Goals (SDGs) and integrated them into its policy framework. Although there is no single, comprehensive national strategy solely dedicated to sustainable development explicitly based on the SDGs, the government has aligned its policymaking with these goals and undertaken various initiatives to achieve them. For example, Statistics New Zealand has developed Indicators Aotearoa New Zealand – Ngā Tūtohu Aotearoa, a set of statistical indicators focusing on sustainable development and the need to report on the SDGs (Stats NZ 2019). Another example is the Living Standards Framework (LSF) developed by the Treasury, which is designed to prompt thinking about the sustainability implications of policy (Treasury 2022).

There is no legal requirement explicitly mandating sustainability checks as part of RIAs. Nevertheless, cabinet and Treasury guidelines strongly encourage the consideration of sustainability factors in the RIA process. In particular, these guidelines advocate for a "triple bottom line" approach, emphasizing the consideration of economic, social and environmental impacts.

In addition, broader legal frameworks often encourage government agencies to consider sustainability factors as an integral part of their regulatory impact assessments. For example, the Resource Management Act requires environmental considerations in planning and decision-making processes.

Citation:

Stats NZ. 2019. "Indicators Aotearoa New Zealand – Ngā Tūtohu Aotearoa." <https://www.stats.govt.nz/indicators-and-snapshots/indicators-aotearoa-new-zealand-nga-tutohu-aotearoa>

The Treasury. 2022. "Our Living Standards Framework." <https://www.treasury.govt.nz/information-and-services/nz-economy/higher-living-standards/our-living-standards-framework>

United States

Score 7

The National Environmental Policy Act of 1969 requires all federal agencies to prepare Environmental Impact Statements (EIS) and Environmental Assessments (EAs) when pursuing policies that affect the environment (Eccleston and Doub 2016). However, some types of actions can be granted a categorical exclusion (Tzoumis and Finegold 2000).

NEPA also established the Council on Environmental Quality (CEQ), which sits within the Executive Office of the President (EOP) and is tasked with coordinating environmental and sustainability objectives across the federal departments (Conant and Balint 2011).

There is no overarching statutory requirement for sustainability assessments in RIAs. However, several executive orders and agency guidelines address this issue. President Joe Biden issued Executive Order 13990, which instructs federal agencies to prioritize environmental justice and consider climate change impacts in regulatory actions (Polk 2021).

The Office for Management and Budget (OMB) has issued circulars (A-4 and A-11) that instruct agencies to include environmental impact assessments in the Regulatory Impact Analyses (RIAs) (Ellig and Brito 2009). Although the term “sustainability” is not explicitly used, the instructions effectively aim at sustainable goals.

Citation:

Kelly, Tzoumis, and Linda Finegold. 2016. “Looking at the Quality of Draft Environmental Impact Statements over Time in the United States: Have Ratings Improved?” *Environmental Impact Assessment Review*.

Charles Eccleston and J. Peyton Doub. 2016. *Effective Environmental Assessments*. Boca Raton: CRC Press.

James Conant and Peter Balint. 2011. “Environmental Reviews and Case Studies: The Council on Environmental Quality at 40.” *Environmental Practice*.

Amber Polk. 2021. “President Biden’s Executive Orders on the Environment: Praiseworthy Policy, Political Red Herring, or Both.” *University of Illinois Law Review*.

Jerry Ellig and Jerry Brito. 2009. “Toward a More Perfect Union: Regulatory Analysis Performance Management.” *Florida State University Business Law Review*.

Australia

Score 6

The Australian government has developed frameworks to account for environmental sustainability in regulatory impact statements. The Office of Impact Analysis (OIA) provides guidance on evaluating environmental assets, describing impacts, and accounting for uncertainty. In addition to these general frameworks, there are specific plans to preserve high-value environmental assets, like the Great Barrier Reef (DCCEEW 2023). Despite these frameworks, Australia’s emissions have not significantly decreased, and some high-emitting industries have increased outputs. Some assessments of the sustainability assessments (and other regulatory measures) suggest that the framework is new and therefore it is too early to assess its impact on actual practice, while others point to emerging loopholes and weak implementation as emerging issues (Kraner-Tucci 2022).

Citation:

OIA. 2023. “Environmental Valuation.” Office of Impact Analysis, Australian Government Department of the Prime Minister and Cabinet. <https://oia.pmc.gov.au/resources/guidance-assessing-impacts/environmental-valuation>

DCCEEW. 2023. “Climate Change.” Energy, the Environment and Water. <https://www.dcceew.gov.au/climate-change/policy/environment>

Kraner-Tucci, R. 2022. “Australia Ranks ‘Very Low’ on Climate Action Performance.” *Pro Bono Australia*. <https://probonoaustralia.com.au/news/2022/11/australia-ranks-very-low-on-climate-action-performance/>

Czechia

Score 6 Sustainability checks are an integral part of every RIA, but they 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 the impacts they have are indicated through a set of 2016 amendments to the RIA guidelines, which specified how to assess or quantify these effects. Relevant ministries refine these criteria on an ongoing basis. Changes made in 2023, referred to as Effective Regulatory Impact Assessment, strengthened sustainability checks.

Citation:

Cvachovcová, P., and M. Polášek. 2020. "Možnosti zahrnutí perspektivy udržitelného rozvoje do systému." *hodnocení dopadů v ČR*. Prague. https://www.cr2030.cz/zavazky/wpcontent/uploads/sites/4/2021/03/Moz%CC%8Cnost-i-zahrnuti%CC%81-perspektivyudrz%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 play a marginal role in the overall impact assessment process. The existing set of indicators is not explicitly linked to a sustainability check. Estonia's long-term strategy, Estonia 2035, presents an integrated vision for the country's balanced and sustainable development. Nine national priorities, outlined in the strategy, explicitly reference the 17 Sustainable Development Goals.

Norway

Score 6 There is no formal requirement for sustainability checks in the Regulatory Impact Assessment (RIA) regime. Sustainability impact assessments, as defined by the OECD, should include all three dimensions of sustainability. Since the inclusion of considerations for both society and the environment in the Norwegian RIA regulation in 2017, one could argue that sustainability checks are being performed, even without an explicit formal requirement.

In practice, two indirect mechanisms strengthen the de facto sustainability assessments. First, all new policy initiatives must align with Norway's commitments to adopt EU policies, as laid out in Norway's EEA agreement with the EU. Second, new policies must not violate Norway's international commitments and obligations. This implies that sustainability assessments are being conducted, but not in a nationally standardized manner, nor are they systematically monitored.

Greece

Score 5

The Greek government has developed a sustainable development strategy based on the Sustainable Development Goals (SDGs). This strategy has been translated into concrete National Action Plans to implement specific SDGs, though these plans do not yet cover all policy areas. For example, there are action plans in areas such as public health, mental health, protection of people with disabilities, social economy, energy conservation, green public procurement, and digital skills.

Sustainability checks are mandated by law to be integrated into RIAs. Civil servants responsible for drafting RIAs must complete a template provided by the Secretariat of Legal and Parliamentary Affairs, which includes specific fields for sustainability checks, such as questions on the environmental impact of proposed legislation.

However, these checks are sometimes limited by a lack of empirical data or by time constraints during the preparation of draft legislation. External pressures or the ambition of government ministers to demonstrate productivity may also lead to rushed RIA preparation.

Citation:

Greece's sustainable development strategy is presented in detail in the "National Voluntary Review 2022 on the Implementation of the 2030 Agenda for Sustainable Development": <https://hlpf.un.org/sites/default/files/vnrs/2022/VNR%202022%20Greece%20Report.pdf>

Regarding sustainability checks, Law 4622/2019 article 62 paragraph 3 requires that the RIA includes detailed data.

Ireland

Score 5

Ireland's most recent assessment of its sustainable development strategy, based on the Sustainable Development Goals (SDGs), was conducted in October 2022 (DECC 2022). This assessment suggests that the strategy is actively implemented. However, when Ireland's performance in achieving the environmental SDGs is benchmarked against peer nations in the EU, the results indicate that capacity-building for implementation was poor (Murphy et al. 2023).

While RIA is effectively mandatory for all primary laws and major subordinate regulations, and the environment is one of seven focus areas, the assessments are largely qualitative (OECD 2021). The current national guidelines, which have been in place since 2009, provide little guidance on sustainability beyond mentioning "environment," "poverty" and "socially excluded or vulnerable groups." This suggests that the guidance is both outdated and inadequate for addressing the complexity of sustainable development tasks.

Citation:

<https://www.gov.ie/en/policy-information/ff4201-17-sustainable-development-goals/>

Department of the Environment, Climate and Communications (DECC). 2022. Policy Update on Ireland's

Implementation of the Sustainable Development Goal Targets. Ireland: Government Publication.

O' Riordan, T. 2024. Ireland's Climate Change Assessment: An Independent Review. Wexford: EPA.

Murphy, E. et al. 2023. "Nation-Based Peer Assessment of Europe's Sustainable Development Goal Performance."

PLoS ONE 18 (6): e0287771. <https://doi.org/10.1371/journal.pone.0287771>

OECD. 2021. OECD Environmental Performance Reviews: Ireland 2021. <https://doi.org/10.1787/9ef10b4f-en>

Italy

Score 5

Italy formally adopted a Sustainable Development Strategy based on the SDGs, approving a detailed implementation plan in 2017, revised in 2022. The strategy encompasses five major programs aimed at achieving the Sustainable Development Goals, built around five fundamental pillars of the 2030 Agenda: People, Planet, Prosperity, Peace, and Partnership. These pillars unfold into fifteen strategic choices covering various areas, from responsible management of natural resources to addressing social inequalities. The renewed NSSD introduces annual monitoring targets against 55 headline indicators.

The strategy also highlights "sustainability vectors" and proposes Policy Coherence for Sustainable Development (PCSD), with an annexed National Action Program for PCSD, and multilevel governance as cross-cutting implementation mechanisms. Additionally, it emphasizes the role of culture in sustainability, focusing on education, training, and communication.

Active participation, reinforced by the Rules of Procedure of the Forum for Sustainable Development, is essential for a well-structured and inclusive development path. Despite gradual improvements, sustainability reviews remain underdeveloped. Reports from the Prime Minister's Office to parliament indicate that sustainability reviews are not yet systematically integrated into the RIA and often prioritize economic indicators over social and environmental ones.

A 2017 decision mandated stricter control over adopting sustainability criteria in regulation by the Prime Minister's Office and the Ministry of the Environment. However, the attention to this aspect in RIA reports has not improved significantly. The monitoring of the Sustainable Development Goals (SDGs) is not based on the RIA procedure, and the government is slow in responding to emerging problems, though regional applications, such as in Emilia Romagna and Trentino-Alto Adige, are more coherent.

Currently, the RIA procedure and the assessment of SDG achievement levels are two separate streams of activity at the national government level.

Citation:

- Italian Strategy for Sustainable Development:
https://www.mase.gov.it/sites/default/files/archivio/allegati/sviluppo_sostenibile/ALL1_SNSvS_2023_Strategia_e_allegati.pdf

- Last monitoring report (2021-22):
https://www.mase.gov.it/sites/default/files/archivio/allegati/sviluppo_sostenibile/SNSvS_eventi/relazione_annuale_st

ato_attuazione_Strategia_Nazionale_Sviluppo_Sostenibile-2021-22.pdf

-Presidenza del Consiglio dei Ministri. 2023. RELAZIONE AL PARLAMENTO SULLO STATO DI APPLICAZIONE DELL'ANALISI DELL'IMPATTO DELLA REGOLAMENTAZIONE. https://presidenza.governo.it/DAGL/uff_studi/Relazione_2022_AIR.pdf

Latvia

Score 5

A cabinet regulation outlines how to assess the impact of new laws and regulations and evaluate their effect on the economy, society, environment, and governance. Although impact assessment does not cover the sustainable development goals (SDGs), sustainability is considered via environmental sustainability, climate neutrality, and potentially its impact on social situations.

The State Audit Office's 2023 audit of the implementation of sustainable development goals found that Latvia requires better management of the entire process toward these goals. There is no specific implementation plan, and stakeholders lack clear awareness of their tasks and roles. The implementation process of the SDGs in Latvia needs to be better organized, managed, and overseen (Valsts Kontrole, 2023). Consequently, Latvia lacks a regular, systematic, and inclusive approach to sustainable development goals. This deficiency negatively affects public perception of the SDGs and the subsequent implementation steps expected in both the public and private sectors.

Integrating sustainability assessments into Regulatory Impact Assessments is still evolving. These limitations may include a lack of comprehensive and diverse impact indicators and constraints in expertise and resources. The extent to which these assessments provide analyses for different periods – short-term, medium-term, and long-term – must be more consistent across all policy-planning documents.

The integration of sustainable development goals (SDGs) into Latvia's highest-level national long-term and mid-term planning documents has not yet been fully realized. This incomplete integration presents challenges in ensuring the consistent application of these goals across different levels of planning. Not all SDGs relevant to Latvia have been effectively incorporated into its policy-planning documents, indicating room for improvement in aligning national planning with sustainable development objectives.

Citation:

Ministru kabinets. 2021. "Ministru kabineta noteikumu Nr. 617 Tiesību akta projekta sākotnējās ietekmes izvērtēšanas kārtība." <https://likumi.lv/ta/id/325945-tiesibu-akta-projekta-sakotnejas-ietekmes-izvertesanas-kartiba>
Valsts kontrole. 2023. "Vai Latvijā ir izveidoti priekšnosacījumi ANO ilgtspējīgas attīstības mērķu sasniegšanai?" <https://lrvk.gov.lv/lv/revizijas/revizijas/noslegtas-revizijas/vai-latvija-ir-izveidoti-priekšnosacījumi-ano-ilgtspējīgas-attīstības-merku-sasniesanai>

Slovakia

Score 5

Slovakia's national sustainability strategy, which sets national SDG priorities, was adopted in 2016. The government regularly evaluates progress. For example, the "Second Report on Results in Achieving National Priorities of the Agenda 2030" was approved by the government on June 22, 2022, and the "Second Voluntary National Review of the Slovak Republic – VNR" was published in 2021. The main coordinating body for implementing the 2030 Agenda in Slovakia is the Government Council of the Slovak Republic for the 2030 Agenda for Sustainable Development, founded in 2017. In addition to these official materials, the Slovak Statistical Office published a comprehensive report in March 2023 about the achievement of selected SDG targets (Fričová, 2023).

The VNR report states (141): "...when it comes to means of implementation, the strategy falls short of aligning the national budget with SDGs, and it also does not address some of the systemic transformations in governance structure which are necessary for more effective implementation of policies." The report notes, "in several cases, indicators are reminding us of considerable gaps and the need to speed up implementation." These gaps have been exacerbated by multiple crises, including climate change, COVID-19, and the war in Ukraine. "Uneven progress in the past eight years has demonstrated that, in addition to setting ambitious global goals and establishing worldwide monitoring mechanisms, a more intensive international coordination of implementation is also inevitable."

Systemic sustainability checks are not legally required as part of RIAs. However, the current scope of RIAs encompasses many sustainability elements. In practice, though, sustainability checks are neither prominent nor conducted systematically. The country's monitoring capacity – the availability of data, information, and statistical abilities – is only partly sufficient to measure progress. The VNR report states: "data continue to be a serious challenge" (140). Čepelová and Douša (2020) also emphasize the lack of a sound system of indicators and deficiencies in systematic monitoring for guiding public policies.

Citation:

Ministry of Investment, Regional Development and Informatization of the Slovak Republic. 2022. Druhá správa o dosiahnutých výsledkoch v národných prioritách implementácie Agendy 2030. Bratislava: Ministry of Investment, Regional Development and Informatization of the Slovak Republic.

Ministry of Investment, Regional Development and Informatization of the Slovak Republic. 2023. Druhá dobrovoľná správa SR pre OSN o implementácii Agendy 2030. Bratislava: Ministry of Investment, Regional Development and Informatization of the Slovak Republic.

Fričová, I. 2023. Slovenská republika a ciele udržateľného rozvoja. Bratislava: Slovenský štatistický úrad.

Čepelová, A., and M. Douša. 2020. "Slovakia and the Czech Republic on the Path Towards Sustainable Development." *Bulletin of Geography. Socio-Economic Series* 47 (47): 7–25. <https://doi.org/10.2478/bog-2020-0001>

Spain

Score 5 Adopted in 2021, the Spanish Sustainable Development Strategy 2030 was approved by the Council of Ministers with input from all ministerial departments, autonomous communities, and local entities. Since then, the government has established a comprehensive institutional governance system to ensure that the Sustainable Development Goals (SDGs) form a common basis for decision-making.

The Ministry of Social Rights and Agenda 2030 holds executive powers for developing and coordinating actions related to the SDGs. The government's Delegated Commission for Agenda 2030 oversees interministerial dialogue, while the Sectoral Conference for Agenda 2030 facilitates coordination with autonomous community governments. The Sustainable Development Council acts as an advisory body, involving the private sector, trade unions, academia, and civil society organizations (CSOs). Additionally, the parliamentary Joint Commission for the Coordination of the Agenda 2030 Strategy monitors the implementation of these initiatives.

The National Strategy includes 144 specific impact indicators for monitoring SDG implementation, which are also referenced in the RRP and the annual budget law. The action plan for implementation includes specific policies, such as the National Strategy to Prevent and Combat Poverty and Social Exclusion (2019–2023). The Council of Ministers approved the 2023 Progress Report in July 2023.

The RIA framework does not include explicit indicators for sustainability checks, focusing instead on gender impact and administrative costs.

Citation:
Government of Spain. 2023. "2030 Sustainable Development Strategy Progress Report."
https://www.mdsocialesa2030.gob.es/agenda2030/documentos/IP23_EDS.pdf

Switzerland

Score 5 The government conducts effective sustainability checks within the RIA framework. However, given Switzerland's decentralized political and administrative system, they are used in only a few departments.

The Federal Office for Spatial Development uses the Sustainability Impact Assessment (Nachhaltigkeitsbeurteilung, NHB) process, while the Federal Office for the Environment uses the Economic Impact Assessment (Volkswirtschaftliche Beurteilung, VOBU) process. There is no social impact assessment at the federal level. According to the Federal Act on the Protection of the Environment, cantons have the obligation to proceed with an environmental impact assessment for the construction or renovation of specific types of infrastructure.

Furthermore, most of the cantons have sustainability, health promotion or social cohesion programs that are inspired by the Sustainable Development Goals (SDGs). These tend to take the form of mission statements rather than of binding frameworks, however.

United Kingdom

Score 5

In the United Kingdom, the RIA process aims to support sustainable policymaking. These assessments consider a wide range of indicators, including social, environmental, and ecological factors, though economic indicators are often prioritized. The RIAs analyze the impact of regulation over various time periods – short, medium, and long term – and attempt to account for external shocks and irregular developments. A sustainable development impact test is required for all relevant policy proposals. The devolved governments in Scotland and Wales have shown innovation in this area. The Scottish Government’s National Performance Framework and the Well-being of Future Generations (Wales) Act 2015 are notable examples of their efforts to integrate sustainability into policy planning and assessment (de Vito 2024).

Citation:

de Vito, L. 2024. “Foresight for Sustainable Development and Well-Being Governance in Wales.” <https://shapingwalesfuture.blog.gov.wales/2024/01/29/foresight-for-sustainable-development-and-well-being-governance-in-wales/>

Scottish Government. 2024. “National Performance Framework.” <https://nationalperformance.gov.scot>

Belgium

Score 4

In 2007, Belgium added Article 7bis to its constitution, stating that various levels of power must “pursue the objectives of sustainable development in its social, economic, and environmental dimensions, taking into account intergenerational solidarity.” This legislation mandates environmental impact assessments for any significant policy before implementation. Despite being highly constraining on paper, implementation quality varies, and Belgium’s overall climate policy faces legal challenges.

Belgium’s main problem in achieving its SDG goals is typical of its institutional setup: governments are run by coalitions that have a hard time agreeing on a simple and clear policy direction, and the design of its federal system, one of “coordination” between the federal and federate entities, prevents the central authority from imposing policy targets on regions without negotiation. As a result, while the European Commission’s “Green Deal” assigns a number of targets to achieve, Belgium’s regional and federal levels never managed to agree on how to implement them.

Accordingly, Belgium’s sustainable development strategy encourages multiple actors to take action rather than implementing a coordinated top-down policy. Actions are inventoried on the dedicated website sdgs.be, which highlights efforts by companies, trade unions, mutual societies, NGOs, schools, youth movements, and citizens. However, this inclusive approach can lead to fragmented outcomes, with varied interpretations of “sustainable” across different state levels.

<https://www.lesoir.be/541949/article/2023-10-07/six-enseignements-de-laffaire-climat>

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

Sustainable Development Report 2023 (sdgindex.org)

Indicateurs de développement durable (vlaanderen.be)

Belgium country profile – SDGs and the environment – European Environment Agency (europa.eu)

SDG Index and Dashboards Report for European Cities – CIFAL Flanders (cifal-flanders.org)

Leidraad voor de opmaak van een reguleringsimpactanalyse (RIA) | [Vlaanderen.be](https://vlaanderen.be)

<https://bosa.belgium.be/sites/default/files/content/documents/DTdocs/Simplification/AIR%20Manuel%20-%20FR%20oct2014.pdf>

France

Score 4

A national roadmap for the sustainable development transition was established for the 2015 – 2020 period. A more encompassing strategy was created for the subsequent period, called France 2030 (Ageri 2022), leading to the slogan of “France, green nation.” This also allowed space for more specific plans such as the national strategy for biodiversity. The switch from one to the other has shifted attention toward more economic development through technological innovation with a specific focus on nuclear energy as the centerpiece of the national strategy.

These plans encompass several concrete actions, from a call for proposals for 3,200 “innovating projects” to more specific pledges such as positioning 10% of the national territory under a strong protection strategy, halving light pollution and halving the use of phytosanitary products.

RIAs and overall evaluation assessments are limited in these plans. They are set as general objectives without binding commitments, and with no specific interim evaluations. Data to monitor changes is expected, but no specific means are established for the actual delivery of precise information. Agencies already in place are expected to provide expert opinions on all dimensions. The output of these evaluations remains of limited practical value (SNTEDD 2020).

Based on past performance, the full application of these plans is far from guaranteed. The reduction in the use of phytosanitary products has thus been announced several times, resulting in an observable trend to limit the increase in use. Pledges and indicators too often tend to be symbolic rather than driving genuine structural transformations.

Currently, the government’s general strategy has centered on simplifying the decision-making process rather than creating more complementary points of oversight (Conseil d’Etat 2022).

Citation:

Conseil d'Etat. 2022. "Colloque sur la simplification administrative, Paris, 14 October 2022." <https://www.conseil-etat.fr/publications-colloques-colloques-et-conferences/revoir-colloque-sur-la-simplification-normative>

SNTEDD. 2020. "Stratégie de transition écologique vers un développement durable : bilan 2015-2020." Document de travail du Gouvernement. Retrieved 15 January 2024 from https://www.agenda-2030.fr/IMG/pdf/bilan_sntedd_2020.pdf

Hungary

Score 4

In Hungary, the strategic environmental assessment (SEA) approach aligns with the stipulations of the European Union Directive 2001/42/EC and the UNECE's SEA Protocol under the Convention on Environmental Impact Assessment in a Transboundary Context. This assessment process is obligatory when crafting local spatial strategies and territorial development frameworks. The Hungarian parliament passed a National Sustainability Strategy in March 2013 and a National Energy Strategy in 2019. After the adoption of the National Sustainability Strategy, the parliament's environmental committee was transformed into the Committee of Sustainable Development, consisting of parliamentarians and supported by the National Sustainability Council. The National Sustainability Strategy and regulatory impact assessment (RIA) processes have not yet been coordinated, and sustainability checks (SEAs) happen infrequently during the RIA process. The system of sustainability checks in the government was recently reformed with government decree 1262/2023 VII.4., specifically in the field of public spending, after severe criticism of the low standards of sustainability checks in procurement procedures. The government has no environmental ministry. This portfolio is represented only at an inferior administrative level, as a state secretariat subordinated to the Ministry of Agriculture. A regional authority, the Government Office of Pest County (Pest Megyei Kormányhivatal), carries out the National Environmental Impact Assessment. At the subnational level, county government offices (megyei kormányhivatalok) are responsible for the issue, and there is no functional equivalent at the local level. For cross-border issues, the Department of Environmental Protection of the Ministry of Agriculture is responsible for performing sustainability checks and any required public hearings. Strategic environmental assessment (SEA) aligns with the European Union Directive 2001/42/EC stipulations and the UNECE's SEA Protocol under the Convention on Environmental Impact Assessment in a Transboundary Context. This assessment process is obligatory for crafting local spatial strategies and territorial development frameworks. While SEA is a routine practice in larger and medium-sized urban areas, particularly those with county rights, its application is less consistent in smaller towns (OECD 2018).

Furthermore, SEAs are prerequisites for formulating policies and plans across various sectors. The regulatory environment for environmental impact assessments (EIAs) is fragmented and lacks coherence. However, the issue has gained more prominence in public discourse due to the government's rushed attempt to attract

foreign direct investment by subsidizing the establishment of new battery plants in 2023. This initiative led to popular protests in several locations and may increase pressure on the government to conduct and publish EIAs more transparently.

Citation:

OECD Environmental Performance Reviews: Hungary 2018, <https://www.oecd-ilibrary.org/sites/9789264298613-9-en/index.html?itemId=/content/component/9789264298613-9-en>

Portugal

Score 4

The Sustainable Development Report indicates that Portugal has achieved an SDG (Sustainable Development Goals) Index Score of 80%, showing a positive trajectory in goals pertaining to gender equality, access to clean water and sanitation, and the eradication of poverty. Portugal has shown a 61% progression toward the development goals set by the United Nations.

However, sustainability assessments are not systematically incorporated into environmental impact studies. Their inclusion is left to the discretion of the assessing entity, resulting in an inconsistent approach. Consequently, while some evaluations may consider sustainability, others might overlook it. This inconsistency is also evident in the use of sustainability-centric indicators and the consideration of long-term effects in the analyses.

Citation:

Sustainable Development Solutions Network. n.d. "Sustainable Development Report – Portugal." <https://dashboards.sdgindex.org/profiles/portugal>

Jornal de Negócios. 2024. "Portugal apresenta na ONU melhoria de 61% em indicadores dos Objetivos do Desenvolvimento." <https://www.jornaldenegocios.pt/economia/detalhe/portugal-apresenta-na-onu-melhoria-de-61-em-indicadores-dos-objetivos-desenvolvimento>

Slovenia

Score 4

The Development Strategy for Slovenia 2030, adopted in 2017, includes a chapter on implementation and monitoring. It emphasizes the importance of consistently following instructions, monitoring implementation success, addressing deviations, and adapting to new situations and challenges to effectively achieve the set goals.

The strategy acknowledges that implementation has historically been the weakest aspect of development planning. It provides a general framework for implementation, stipulating that it should be based on medium-term planning aligned with the medium-term financial framework. Monitoring the achievement of the strategy's goals by 2030 or 2050 is planned using the OECD framework for evaluating the agreed measures.

For each development goal, the strategy defines two to three main performance indicators with baselines and target values. These indicators are monitored and

analyzed by the Institute for Macroeconomic Analysis and Development. The sustainability aspect of monitoring the strategy's objectives will determine whether the starting points for development need to change during implementation.

Citation:

Vlada Republike Slovenije. 2017. "Strategija Razvoja Slovenije 2023." https://www.gov.si/assets/ministrstva/MKRR/Strategija-razvoja-Slovenije-2030/Strategija_razvoja_Slovenije_2030.pdf

Lithuania

Score 3 High-quality sustainability assessments are rarely incorporated within regulatory impact assessments. Formally, sustainability assessments must be considered when conducting impact assessments. However, because the impact assessments are often not conducted properly, the sustainability assessments are also typically absent.

Poland

Score 3 In Poland, there is no separate sustainable development strategy. Formulated in 2017, the Responsible Development Strategy covered the period through 2020, with an outlook until 2030. The document serves as a framework for nine new sectoral strategies aligned with the 2030 National Environmental Policy (2030 NEP) set in 2019. These strategies include:

- The Strategy for Sustainable Development of Rural Areas, Agriculture and Fisheries, through 2030 (2019)
- The Sustainable Transport Development Strategy, through 2030 (2019)
- The National Strategy for Regional Development (2020)
- The Social Capital Development Strategy (2020)
- The Human Capital Development Strategy (2020)
- The Energy Policy of Poland until 2040 (2022)
- The Productivity Strategy (2022)
- The Strategy for Efficient and Modern State (not approved in 2023)

Most of these strategies reference the Sustainable Development Goals and adopt a long-term perspective looking through 2030. However, they do not include mechanisms for monitoring sustainability assessments. In general, sustainability checks are not legally required as part of RIAs.

Japan

Score 2 In December 2016, the SDGs Promotion Headquarters, composed of all ministers, issued the SDGs Implementation Guiding Principles, which set eight priority areas in line with the SDGs. As a result, SDG action plans have subsequently been released

on an annual basis. Since 2017, SDG awards have been given to entities who have successfully achieved SDG-related goals.

In October 2023, the SDGs Promotion Headquarters referred to the OECD report from 2022 to demonstrate Japan's progress in achieving two goals (goal eight: decent work and economic growth; and goal nine: industry, innovation and infrastructure), while pointing to challenges in achieving two other goals (goal five: gender equality; and goal 10: reduced inequalities). However, the verification of SDGs is not based on RIAs. The criteria for evaluating policies from the 2001 Government Policy Evaluations Act refer to three indicators: necessity, efficiency and effectiveness. None of these indicators are directly related to the SDGs. In addition, the Implementation Guidelines for Policy Evaluation of Regulations, amended in 2017, do not give any consideration to sustainability or the SDGs.

The Financial Services Authority in 2022 announced a code of conduct for financial data providers when reporting on ESG data. The Government Pension Investment Fund (GPIF), which ranks among the largest in the world, has increasingly adopted ESG criteria in its investment decisions and is evaluating the impact of its investment decisions.

Citation:

Prime Minister's Office of Japan. 2023. "Jizoku Kanōna Kaihatsu Mokuhyō (SDGs) Jisshi Shishin Kaitei-an" [Draft Revised Implementation Guidelines for Sustainable Development Goals (SDGs)]. https://www.kantei.go.jp/jp/singi/sdgs/pdf/jisshi_shishin_r051027.pdf

Ministry of Internal Affairs and Communications. 2001. "Government Policy Evaluations Act." https://www.soumu.go.jp/english/kansatu/evaluation/evaluation_09.pdf

Ministry of Internal Affairs and Communications. 2007. "Implementation Guidelines for Policy Evaluation of Regulations." https://www.soumu.go.jp/main_content/000556223.pdf

OECD. 2023. "Governance at a Glance 2023." Paris: OECD.

Israel

Score 1

Neither the law, government decisions nor detailed guidelines on RIAs include any reference to a sustainable development strategy. There are no sustainability checks or assessments. The law and detailed guidelines only refer in passing to the need to assess environmental and social implications.

Citation:

Regulation Authority – PMO. 2023. "The Government Guide for the Formulation of Regulation." https://www.gov.il/BlobFolder/generalpage/reg-method-guide/he/file_rgu-guide2023.pdf

Indicator

Effective Ex Post Evaluation

Question

To what extent do government ministries utilize ex post evaluations to improve existing policies?

30 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 = High-quality ex post evaluations serve as the basis for making adjustments to public policies.
- 8-6 = High-quality ex post evaluations frequently serve as the basis for making adjustments to public policies.
- 5-3 = High-quality ex post evaluations rarely serve as the basis for making adjustments to public policies.
- 2-1 = High-quality ex post evaluations are not utilized to make adjustments to public policies.

Switzerland

Score 9

Evaluation is a well-established practice in Switzerland, with diverse institutions and practices that have progressed significantly since the 1990s. According to the recent literature, Switzerland has a highly institutionalized evaluation system compared to other countries (Jacob et al. 2015).

Indeed, 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 standard in most policy fields, if to varying degrees. Evaluations are best established in the fields of development cooperation, public health, education and economic policy. Ex post evaluations are an important source of information for the revision and development of policies when used by the administration and can lead to genuine policy learning (Bundi/Trein 2022).

Administrations use evaluation to gather external expertise that is not available in-house, but evaluations are also used in administrative and political strategic games focusing on potential future policy developments (Mavrot/Pattyn 2022). Administration experts prepare reforms and draft laws and reports based on the available empirical evidence, which includes policy evaluations (Sager et al. 2021). Administrations sometimes publish reports as a means of transparently explaining how they have addressed policy evaluations’ recommendations, but there is no systematic and binding rule regarding this practice.

However, the administration formulates drafts that are subject to pre-parliamentary and parliamentary 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. Nonetheless, as many evaluations focus on

learning within the administration rather than serving the purposes of executive oversight or the development of new legislation, the impact of evaluations remains significant in Switzerland. Evaluation results used in direct democracy campaigns have also been found to enhance the quality of the debate, moving the discussion away from politics to policies (Sager et al. 2023). The Swiss evaluation community is one of the most professional in Europe, and evaluations are of good quality. Evaluation experts are gathered within the Swiss Evaluation Society, which provides guidelines, training and evaluation standards (SEVAL). The role of ex post evaluations in Switzerland can thus be considered important.

Furthermore, the federal parliament has an internal evaluation unit called Parliamentary Control of the Administration. Regarding the use of evaluations in public administration, evaluations are occasionally used systematically in policy formulation. However, evaluations are more commonly used symbolically to increase the attractiveness of legislative bills (Widmer 2020: 214).

Citation:

Bundi, P., and P. Trein. 2022. "Evaluation Use and Learning in Public Policy." *Policy Sci* 55 (3): 283–309. <https://doi.org/10.1007/s11077-022-09462-6>

Jacob, S., Speer, S., and Furubo, J. E. 2015. "The Institutionalization of Evaluation Matters: Updating the International Atlas of Evaluation 10 Years Later." *Evaluation* 21 (1): 6–31.

Mavrot, Céline, and Valérie Pattyn. 2022. "The Politics of Evaluation." In *Handbook on the Politics of Public Administration*, eds. Andreas Ladner and Fritz Sager, 243–254. Cheltenham: Edward Elgar.

Sager, Fritz, Susanne Hadorn, Andreas Balthasar, and Céline Mavrot. 2021. *Politikevaluation: Eine Einführung*. Wiesbaden: Springer.

Sager, F., Schlauffer, C., and Stucki, I. 2023. "Chapter 16: Relevance of Evaluation Findings in Direct Democracy Decisions." In *Handbook of Public Policy Evaluation*. Cheltenham: Edward Elgar Publishing. <https://doi.org/10.4337/9781800884892.00025>

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

SEVAL: <https://www.seval.ch/>

Widmer, Thomas. 2020. "Switzerland." In *The Institutionalisation of Evaluation in Europe*, eds. Reinhard Stockmann, Wolfgang Meyer, and Lena Taube, 199–225. Cham: Springer Nature.

Denmark

Score 8

There are no legal requirements for ex post evaluations of public policies, although these evaluations occur through various formal and informal channels. For economic policies, the Economic Council regularly conducts evaluations, which are also performed in relation to medium-term planning and other policy work. These evaluations provide citizens with more information via media outlets and enable policy entrepreneurs to advocate for policy reforms. Think tanks such as the Economic Council of the Labor Movement (Arbejdsderbevægelsens Erhvervsråd),

CEPOS (a liberal think tank) and Concito (a green think tank) also regularly comment on the ex post effects of policy initiatives as part of ongoing policy discussions. Many interest organizations have secretariats and regular publications that may include such evaluations. Recent examples show that explicit ex post evaluations, conducted by independent researchers, have been part of labor market interventions.

Expert committees are often appointed to analyze issues. Significant policies are regularly debated, and policy reforms are common. The preparation of the annual budget is one occasion for evaluating policies. The parliament's Auditor General (Rigsrevision) 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).

Sweden

Score 8

Ex post evaluations take various forms. For the past two decades, performance measurement and management have been an integral part of public management in Sweden, as in most other countries. Audits conducted by the Swedish NAO [Riksrevisionen] are also 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. This is a common trend among Western democracies. Both approaches, however, are useful as feedback on public policy (Pierre, Peters and de Fine Licht, 2018; Peters and Pierre, 2019).

Citation:

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

Peters, B.G. and Pierre, J. 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.

United Kingdom

Score 8

Evidence-based decision-making is deeply rooted in the United Kingdom's governance traditions, and ex post evaluations are as vital to public policymaking as impact and sustainability checks. The OECD ranks the United Kingdom second among its 40 members for its approach.

Specialist analytical functions were recently consolidated into the Analysis Function, a cross-government network of around 16,000 people involved in generating and disseminating analysis across government and beyond. Its aim is to improve the

analytical capability of the Civil Service and support informed decision-making throughout the government.

Analytical approaches to evaluation are detailed in the Magenta Book and the Green Book, with support from the Cross-Government Evaluation Group coordinated by HM Treasury. Additionally, the Aqua Book provides guidance on good practices for working with analysis and analytical models. The Behavioral Insights Team (formerly within the Cabinet Office but now an independent consultancy) and the What Works Network (coordinated by the Cabinet Office) promote the increased use of evaluation methods, especially randomized controlled trials.

The Regulatory Policy Committee (RPC) serves as the independent regulatory scrutiny body for the UK government. Committee members are appointed through open competition and have backgrounds in the private and voluntary sectors, business, the legal profession, and academia. The committee assesses the quality of evidence and analysis used to inform government regulatory proposals, providing independent advice and scrutiny to ensure ministerial policy decisions are based on accurate evidence and help produce better regulation. The RPC evaluates the quality of the government's RIAs and examines all published ex post evaluations. If the RPC submits a recommendation to the government, it is expected to be implemented into law. Businesses can directly address the RPC if they disagree with or feel disadvantaged by a specific governmental regulatory assessment. Despite the technical proficiency of these evaluation mechanisms, political reality often tempers their effectiveness. Policy success and failure are frequently contested through a partisan lens, and the incumbent government may not always seek routine assessments of its record.

Citation:

<https://www.gov.uk/government/organisations/regulatory-policy-committee/about>

<https://www.gov.uk/government/publications/the-magenta-book>

United States

Score 8

Federal agencies commonly use ex post evaluations – sometimes called post-implementation reviews – to assess the impact and effectiveness of federal policies (Kovacac 2006). For example, the Department of Education or the Department of Health and Human Services will conduct ex post evaluations to determine if federal grants have achieved the desired program goals and, if not, identify and correct the shortcomings. The Department of Housing and Urban Development (HUD) uses such reviews to determine whether housing programs are reducing homelessness or ensuring housing stability. The Department of Transportation regularly conducts evaluations of infrastructure projects to assess their impact on safety, efficiency, economic development, and other factors. There are many more examples across federal departments and agencies, demonstrating the importance of ex post evaluations to federal policymaking.

Since 2018, the Evaluation Officer Council has served as a forum to exchange information between departments, consult and advise the OMB on issues that affect evaluation functions, and coordinate and collaborate on areas of common interest.

Although no statute requires such activities, the Office of Management and Budget (OMB) has issued guidance to federal agencies on how to conduct such reviews, encouraging them to be rigorous and to use their results to inform better evidence-based policymaking. In addition, the Government Accountability Office (GAO) conducts its own independent evaluations and audits of federal programs. These reports usually contain recommendations for improvement in the future (Kinney and Nelson 1996).

Citation:

William Kinney and Mark Nelson. 1996. "Outcome Information and the Expectation Gap: The Case of Loss Contingencies." *Journal of Accounting Research*.

William Kovacic. 2006. "Using Ex Post Evaluations to Improve the Performance of Competition Policy Authorities." *Journal of Corporation Law*.

Canada

Score 7

Formal ex post evaluations are very poor in Canada and, even when they are done, are often not made public (Dobell and Zussman 1981). Following a royal commission on government financial management and accountability – the Lambert Commission – in the 1970s, an older Office of the Comptroller General was given a new mandate to promote ex post policy and program evaluations across the entire federal government (Lahey 2023). However, after several mergers and reorganizations in the 1990s, by the early 2000s the office re-emerged, although largely stripped of its evaluation function (Free and Radcliffe 2009).

Most evaluations are currently conducted by individual departments, which are responsible for assessing their own programs and policies after implementation. These internal evaluations are expected to gauge effectiveness, efficiency, relevance, and sustainability but are not conducted at arm's length from commissioning departments. Central agencies, such as the Treasury Board Secretariat and the Privy Council Office, provide guidance and attempt to impose some standards for these departmental evaluation activities.

Treasury Board Secretariat has clear requirements for departments to have in place a Performance Management and Evaluation Committee, which monitors results performance and conducts regular evaluations. Evaluation may involve key programming and any programming that may be deemed to be at risk within the department's risk management framework. Each department must have a Head of Evaluation who can report directly to the deputy. Respective deputies are mandated with these responsibilities.

Parliamentary committees, such as the Standing Committee on Public Accounts, can conduct performance audits and studies on implemented policies. Occasionally,

independent external evaluators are contracted to provide impartial evaluations. These evaluators can be professional services firms, academics or non-governmental bodies.

Mechanisms like online consultations, focus groups, and surveys can also provide feedback from program users and the public on an implemented policy.

Citation:

Dobell, R., and D. Zussman. 1981. "An Evaluation System for Government: If Politics Is Theatre, Then Evaluation Is (Mostly) Art." *Canadian Public Administration* 24 (3): 404–27.

Lahey, Robert. 2023. "John Mayne and the Origins of Evaluation in the Public Sector in Canada: A Shaping of Both Evaluation and the Evaluator." *Canadian Journal of Program Evaluation* 37 (3): 340–54. <https://doi.org/10.3138/cjpe.75451>.

Free, Clinton, and Vaughan Radcliffe. 2009. "Accountability in Crisis: The Sponsorship Scandal and the Office of the Comptroller General in Canada." *Journal of Business Ethics* 84 (2): 189–208.

<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=3130>

<https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=31306>

<https://www.canada.ca/en/treasury-board-secretariat/services/audit-evaluation/evaluation-government-canada>

<https://doi.org/10.1007/s10551-008-9681-8>

Estonia

Score 7

The GO's Strategy Unit is responsible for the overall quality of policymaking, including the evaluation of policy effectiveness and the 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 such as competition, administrative burdens and regulatory overlap. The first ex post evaluations were undertaken in 2018. More recently, in-depth reviews have begun 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. The objective of increasing the proportion of ex post evaluations was set out in the strategy document *Principles for Legislative Policy until 2030*, adopted in November 2020. The GO has taken several steps toward developing the culture and improving the awareness of impact assessments.

Norway

Score 7

Evaluations are mandatory for government ministries and agencies in Norway. The government utilizes evaluations across most policy sectors and issue areas. Each ministry is responsible for evaluating policy results within its domain. Evaluations are conducted either by external experts or internal ministerial review bodies. Sometimes evaluations are intended to measure the effect of reforms, although more frequently, they serve as a starting point for future reform processes. There is broad

support for evidence-based policymaking, and the results of policy evaluations tend to attract considerable attention. Research indicates that the volume of evaluations has decreased over the last decade and a half, and that evaluations are increasingly performed by consultants rather than research institutes. A possible consequence may be that information relevant to policymaking is less publicly available than before.

Citation:

Askim, J., Døving, E., and Johnsen, Å. 2021. "Evaluation in Norway: A 25-Year Assessment." *Scandinavian Journal of Public Administration* 25 (3/4): 109–131. <https://doi.org/10.58235/sjpa.v25i3-4.7087>

Australia

Score 6

Government agencies often use evaluations by internal or external experts to understand the effectiveness of current practices and inform future improvements. The approach and rigor of these evaluations vary across government agencies and is not consistent within agencies. In other words, a lot depends on the sponsors of individual programs and their knowledge and appreciation of evaluation techniques.

High-quality evaluation needs to be embedded in policy design and implementation, which has not been the norm at any level of government. The establishment of the Australian Centre for Evaluation in October 2023 aims to mainstream high-quality evaluations and embed a culture of continuous improvement in public sector program development and implementation. The success of this initiative remains to be seen.

Citation:

The Treasury. 2023. "Commonwealth Evaluation Policy." The Treasury, Australian Government. <https://evaluation.treasury.gov.au/about/commonwealth-evaluation-policy>

Finland

Score 6

Consultation with experts and stakeholders is a normal phase in the Finnish lawmaking process. In addition, the public is invited to comment on draft proposals online. Furthermore, all proposals to change existing statutes must be accompanied by an assessment of their impact across several aspects of society, such as the economy and the environment. However, the major weakness of the regulatory framework is that ex post evaluations are not frequently carried out. Finland lacks a systematic strategy for the ex post evaluation of regulations. This means government ministries cannot utilize ex post evaluations to improve existing policies.

There is no law requiring the analysis of the effectiveness and efficiency of existing policies through ex post evaluations. Parliament often accepts statements suggesting that the consequences of approved legislation should be monitored and analyzed.

However, this rarely happens. Ex post evaluations are carried out on a case-by-case basis by government research institutes such as the Institute for Health and Welfare (THL) and the Government Economic Research Institute (VATT). Evaluations are also conducted by the State Audit Office.

These evaluations usually meet minimum scientific standards. They provide reliable information about the impacts of regulations on key socioeconomic indicators. They also use modern analysis methods, such as those derived from behavioral research. Stakeholders involved, particularly those who can provide empirical information on individuals' experiences with and responses to public policy interventions, are included in these evaluations. The results of these ex post evaluations are regularly communicated to the public through evaluation reports.

Consequently, there is no legal requirement to involve stakeholders who can provide empirical information on the needs and likely responses of individuals regarding a given regulatory change. It is not legally mandated to regularly communicate or make publicly available the results of ex post evaluations. There are no uniform scientific minimum standards for implementing ex post evaluations. There is no independent organizational body that conducts periodic quality evaluations of the policy evaluation process and results.

The results of ex post evaluations seldom lead to changes in existing legislation or inform the development of new legislation.

Citation:

"Säädösehdotusten vaikutusten arviointi," Oikeusministeriö,

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/76082/saadosehdotusten_vaikutusten_arviointi_ohjeet.pdf?sequence=1&isAllowed=y

OECD. "Better Regulation in Europe: Finland." <http://www.oecd.org/gov/regulatory-policy/45054846.htm>

OECD. 2018. OECD Regulatory Policy Outlook 2018. Paris: OECD Publishing.

<https://doi.org/10.1787/9789264303072-en>

Opinion service webpage: lausuntopalvelu.fi

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

France

Score 6

Ex post evaluation of public policies is the technique most adopted by administrations. Yet there is no practice of systematic evaluation, except for policies or laws in which the constitutive act stipulates the need for an evaluation. However, over the past 25 years, the Court of Accounts – which previously exerted a legal type of oversight – has transformed its mission and adapted its methods 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 broader public. However, stakeholders are rarely closely associated with this evaluation process, even if consultations are mandatory in cases of large-scale local construction, for instance. This is one of the rare cases for which the publication of the results is also mandatory (Duran 2021).

In the last 10 years, the government has also sponsored a variety of academic initiatives for the evaluation of public policies. The Institute for Public Policies at the Paris School of Economics and the Interdisciplinary Laboratory for the Evaluation of Public Policies are examples. They are nevertheless rarely invited to propose evaluations at the government's initiative.

The divide between academics and the administration remains wide. Evaluation techniques have thus continued to diverge between these two worlds. Some entities, including the Court of Accounts and France Stratégie, publish evaluation reports. However, these represent only a portion of all policy assessments produced; other institutions, such as the National Assembly, also regularly publish results of policy evaluations.

Overall, the impact of ex post evaluations often proves limited. One often-cited reason for this is the timing of policy decisions. Evaluations are often seen as coming too late in the process, with politics demanding quicker responses.

Citation:

Duran, P. 2021. "Évaluation des politiques publiques : les leçons de l'expérience." *Revue française d'administration publique* 177: 1-15.

Germany

Score 6

The obligation to conduct efficiency studies and performance reviews in accordance with Section 7 (2) of the Federal Budget Code (BHO) includes an examination of the achievement of objectives, effectiveness, and efficiency (Bundesministerium für Wirtschaft und Klimaschutz, 2023).

In 2013, the State Secretaries' Committee on Bureaucracy Reduction and Better Regulation adopted the "Concept for the Evaluation of New Regulatory Projects" (Bundeskanzleramt, 2021). This policy mandates a mandatory evaluation of every significant law or regulation after three to five years. A regulatory project is considered significant if the annual compliance costs amount to €1 million, or if the costs incurred by citizens exceed €1 million or 100,000 hours (Deutscher Bundestag, 2020).

There is no legal requirement to involve stakeholders in evaluations, but evaluation methods often include the involvement of stakeholders, such as through interviews. The government aims to publish all evaluations on a central platform, but this announcement has not yet been realized, thus the lack of transparency on evaluations remains an issue.

Line ministries determine the practicalities of evaluations themselves, resulting in heterogeneous methods across different ministries. A frontrunner in this regard is the

Ministry for Development Cooperation, which has established an external evaluation agency to provide expertise and independence. However, some ministries still adhere to a rather formalistic approach to evaluations.

Particularly when evaluations are commissioned to external service providers from universities or research institutes, the methodological quality is high. However, internal evaluations remain common and frequently tend to be more descriptive and qualitative.

The impact of evaluations on actual policy decisions is difficult to measure. Too often, political decision makers are still characterized by an input-oriented mindset, focusing more on the amount of money spent on a policy rather than on the impact achieved.

Citation:

Bundeskanzleramt. 2021. Bessere Rechtsetzung: Beschlüsse zu Verfahrens- und Methodenfragen im Bereich Besserer Rechtsetzung und Bürokratieabbau – Staatssekretärausschuss Bessere Rechtsetzung und Bürokratieabbau – Staatssekretärausschuss Europäische Union.

Bundesministerium für Wirtschaft und Klimaschutz. 2023. "Evaluation von Fördermaßnahmen." <https://www.bmwk.de/Redaktion/DE/Artikel/Ministerium/evaluation-von-foerdermassnahmen.html>

Deutscher Bundestag. 2020. Zur praktischen Umsetzung und Evaluierung von Gesetzen, Sachstand, Wissenschaftliche Dienste, WD 3 - 3000 - 298/19.

Japan

Score 6

All policies of administrative organs have to be evaluated ex post in terms of necessity, efficiency and effectiveness. The ex post evaluation process is managed by the Administrative Evaluation Bureau in the Ministry of Internal Affairs and Communications. The bureau formulates the general rules and standards of evaluation, compiles self-evaluation reports submitted by all ministries, and conducts inspections to improve the quality of evaluations. The bureau also conducts government-wide surveys concerning policies and administrative procedures to propose changes to eliminate inefficiencies. Follow-up surveys are conducted after six and 18 months to ensure the sufficiency of improvement measures.

In the OECD Indicators of Regulatory Policy and Governance 2021, Japan scored well above the OECD average in terms of ex post evaluation of regulations. There is still substantial room for improvement, especially regarding the involvement of stakeholders in the evaluation process. Although there is a unified portal that enables the submission of comments on subordinate regulations, stakeholders are rarely consulted during ex post evaluation.

Citation:

Ministry of Internal Affairs and Communications. "Administrative Evaluation Bureau (AEB)." <https://www.soumu.go.jp/english/aeb/index.html>

OECD. 2021. “Japan – Indicators of Regulatory Policy and Governance 2021.” <https://www.oecd.org/gov/regulatory-policy/japan-country-profile-regulatory-policy-2021.pdf>

Netherlands

Score 6

One optional element of the recently introduced comprehensive system of policy evaluation is a process called Toolbox Policy Evaluation. In an effort to improve the generally contestable nature of departmental policy evaluation, the Toolbox offers practical starting points for indicating the expected effectiveness of spending in advance, and for evaluating it afterward. It appears as if even the Ministry of Finance is looking at policy evaluation not just as an element of ex post financial accountability, but also as part of policy learning cycles. The Toolbox authors claim that the complexity of social tasks and thus of policy learning in multilevel policy environments is taken into account in these instruments.

Part of the Toolbox is a “Guide to Meta Policy Audits” (Handreiking Beleidsoorlichtingen) – that is, a meta-evaluative exercise intended to assess the long-term effectiveness of policies. This may be part of 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 several ex post evaluation studies are embedded as elements in a larger body of knowledge accessible to policymakers and other participants in policy subsystems. The extent to which such trends in evaluation studies really inform evaluation practices at the departmental level is not yet clear.

Citation:

P. van der Knaap. 2023. “De lange adem van doelmatigheid en politiek.” *Bestuurskunde* 32 (4).

P. van de Knaap, V. Pattyn, and D. Hanemaayer, eds. 2023. *Beleidsevaluatie in theorie en praktijk*. Boom.

Ministerie van Financiën. n.d. “Handreiking beleidsvoorlichtingen.” archieffinanciën.nl, consulten January 14, 2024

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

FD, Daan Ballegeer and Jean Dohmen. 2021. “Er wordt veel beleid gemaakt waarvan we niet weten of het werkt.” 16 March.

New Zealand

Score 6

There is no specific law mandating regular ex post evaluations. Nevertheless, principles and guidelines encourage and support the use of evaluations. For example, the Treasury’s Better Public Services program, launched in 2012, emphasizes a results-focused approach to public service delivery and encourages agencies to use data and evidence to evaluate the effectiveness of their programs and policies (The Treasury 2015). Another example is the New Zealand Productivity Commission – an

independent Crown entity – which often conducts inquiries and research into policy and regulatory issues, assessing their effectiveness and efficiency.

The OECD also notes that ex post evaluation is not mandatory and that there is no established methodology for conducting ex post evaluations, but it still considers New Zealand's ex post evaluation regime to be more robust than the OECD average (OECD 2015).

Assessing the extent to which the results of ex post evaluations lead to changes in existing legislation or inform the development of new legislation is very difficult. In theory, ex post evaluations can influence policy changes or the design of new policies in a number of ways – for example, by feeding into periodic policy reviews or RIAs for proposed new legislation.

Citation:

OECD. 2015. "OECD Regulatory Policy Outlook: New Zealand." <https://web-archiv.oe.cd.org/2015-11-23/376481-New%20Zealand-web.pdf>

The Treasury. 2015. "Better Public Services." <https://www.treasury.govt.nz/information-and-services/state-sector-leadership/cross-agency-initiatives/better-public-services>

Austria

Score 5

A complex regime of ex post evaluation for legal measures of the federal government was introduced in 2013. Since then, monitoring and evaluation have been applied to various levels and formats of public governance. The key goal has been to allow the federal government to reflect on its activities, contrast its ambitions and outcomes, and use those insights to define future goals more reasonably. For this reason, some relevant bills and other measures are evaluated internally within different departments. These departmental internal evaluations are collected and combined into a major report by a cross-departmental agency and forwarded to the budgetary committee of the Nationalrat.

Some observers have criticized that these institutional innovations have not led to a shift in the public administration's commitment to higher quality standards. There is no policy mandating systematic external reviews by scientific institutions (such as the German Minimum Wage Commission). Additionally, there is no commitment or understanding that some public policies could be implemented experimentally, allowing for clear academic evaluation and potentially making it compulsory (Pichler and Steyer 2017).

The official 2022 review report on the ex post evaluations (see Budgetdienst 2023) lists 55 measures from 2015 to 2021 that were subject to internal evaluations. In 33 of the 55 cases, the expected effects were met or surpassed; most others achieved their set goals at least in large part. Only one project was considered a failure. However, as stated in the same report, most of these reviews were not carried out in

accordance with the objectives and requirements of the “Bundeshaushaltsgesetz 2013.”

The same source notes that those evaluations have hardly been considered by the responsible committee. Further, the report points out that many politically significant government bills were introduced in parliament as motions (“Initiativanträge”) to which lower standards apply. This was true for much of the COVID-19 legislation and many measures aimed at combating inflation or the energy crisis. This also implies that these measures will not be part of future general assessments or official investigation reports.

Systematic ex post evaluation in Austria is also conducted by the Austrian Court of Audit, which focuses specifically on the financial aspects of government or government-sponsored projects. Additionally, ex post evaluation is a major objective for Austrian scientific bodies outside of ministries, such as the Austrian Institute of Economic Research (WIFO), the Institute for Advanced Studies Vienna (HIS), and other Austrian university actors.

Citation:

Budgetdienst/Parlamentsdirektion. 2023. “Bericht über die Wirkungsorientierte Folgenabschätzung 2022. Analyse.” <https://www.parlament.gv.at/dokument/budgetdienst/wirkungsorientierung-gleichstellung/BD-Bericht-ueber-die-Wirkungsorientierte-Folgenabschaetzung-2022.pdf>

Pichler, Rupert, and Mario Steyer. 2017. “Evaluierung und Wirkungsorientierung in Österreich. Zur Rolle von Evaluierung im neuen Haushaltsrecht und in der Forschungsförderung.” *Zeitschrift für Evaluation* 16 (2): 121-139. <https://elibrary.utb.de/doi/abs/10.31244/zfe.2017.02.07>

https://repository.fteval.at/id/eprint/386/7/standards_DT_WEB_08042019.pdf

Belgium

Score 5

There is no systematic ex post policy evaluation in Belgium, especially for its most important institutional arrangements. However, several bodies conduct ex post policy evaluations in areas such as employment, economic policy, discrimination, and budget (see Varone and Magdalijns 2000). The OECD scores Belgium’s ex post policy evaluation policy at 1.4 out of 4, which is above the OECD average. Hence, while very weak in absolute terms, it appears decent in comparative terms.

Belgium’s numerous quality universities lead to regular academic evaluations of public policies, often commissioned and financed by public bodies. However, these study results are not typically integrated into the process of updating and improving actual policy.

Citation:

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

Varone, F., and C. Magdalijns. 2000. “L’évaluation des politiques publiques en Belgique: théorie, pratiques et défis.” *Pyramides. Revue du Centre d’études et de recherches en administration publique* (1): 55-84.

Czechia

Score 5 Evaluations of the effectiveness and efficiency of existing regulations are usually ad hoc and rarely used. Evaluations of the effects of regulatory changes have not been part of the RIA process but can be carried out by individual departments. However, this has only been done systematically for the use of EU funds, and even then with shortcomings, as revealed by an NKÚ investigation covered under Effective Public Auditing. There is a need to increase analytical capacity, strengthen data sharing across government, more rigorously assess the impact of regulation RIA, and improve the ex post evaluation of public policy documents and legislation. Several ministries and agencies have started to address these gaps. In June 2023, the government approved the so-called “Ex Post RIA” to complete the existing RIA system. This has yet to show any results. From 2025, the review of the effectiveness of legislation in Czechia should have a new, uniform format.

Ireland

Score 5 The Irish Government Economic and Evaluation Service (IGEES) is an integrated cross-government service aimed at enhancing the role of economics and value-for-money analysis in public policymaking. IGEES has increased the number of ante and ex post policy evaluations and economic analyses throughout the Irish Civil Service in areas such as economic growth, social exclusion, service delivery and policy design. However, ex post assessment is not a legal requirement, and the OECD has determined that levels of ex post assessment may not be sufficient, particularly in the context of environmental and sustainability issues (OECD 2021). Despite the establishment of IGEES, the Irish civil service struggles with conducting impact assessments and modeling impacts across different policy dimensions, reflecting insufficient analytical competence (OECD 2023). While IGEES has improved capacity, there remains a dominance of neoclassical economics, often excluding critical social and sustainability sciences, as well as heterodox approaches to economics.

Ex post evaluations are not systematically applied to existing public policies, and it is unclear whether these evaluations lead to changes in existing or new legislation. In the context of cost-benefit analysis (CBA), which can be applied to either ex ante or ex post evaluation, there are concerns that analyses may meet national standards but fall below international minimum standards (O’Mahony 2018). O’Mahony’s review highlighted several deficiencies, including an excessively high discount rate (O’Mahony, 2021a) and short time horizons of analysis (O’Mahony 2021b). These factors materially affect cost-benefit ratios, devaluing the costs of environmentally damaging activities and undervaluing the benefits of projects and policies aimed at transitioning to sustainability. Regarding CBA, there are notable concerns about transparency in Ireland. The default position often avoids publishing results or only

publishes partial information, despite the requirements of the Aarhus Convention and the Access to Information on the Environment (AIE) regulations (O'Mahony 2018; Morgenroth 2011).

Citation:

Morgenroth, E. 2011. "How Can We Improve Evaluation Methods for Public Infrastructure?"

Renewal Series Paper 2. Economic and Social Research Institute. <https://www.esri.ie/pubs/EC002.pdf>

OECD. 2021. OECD Environmental Performance Reviews: Ireland 2021. OECD iLibrary. <https://doi.org/10.1787/9ef10b4f-en>

OECD. 2023. Strengthening Policy Development in the Public Sector in Ireland. OECD Public Governance Reviews. <https://doi.org/10.1787/6724d155-en>

O'Mahony, T. 2018. Appraisal in Transition: 21st Century Challenges and Updating CBA in Ireland. Tadhg O'Mahony Consulting/National Economic and Social Development Office. <http://dx.doi.org/10.13140/RG.2.2.32515.76322>

O'Mahony, T. 2021. "Cost-benefit Analysis in a Climate of Change: Setting Social Discount Rates in the Case of Ireland." *Green Finance* 3 (2): 175-197.

O'Mahony, T. 2021. "Cost-Benefit Analysis and the Environment: The Time Horizon Is of the Essence." *Environmental Impact Assessment Review* 89: 106587.

Italy

Score 5

The legislation mandating Regulatory Impact Assessments (RIAs) also requires ex post evaluations. However, as highlighted in the most recent annual government report to parliament, this legal provision is not regularly implemented by public administration. Each new draft law is accompanied by a technical report discussing existing policies and explaining the benefits of the new policy. However, this process rarely results from thorough evaluations or public debates. Often, the assessment of existing policies altered by new bills is based on partisan evaluations aimed at justifying the proposed policy.

Despite these shortcomings, some public bodies produce high-quality ex post evaluations. For example, the Court of Auditors often presents ex post evaluations of existing policies in its reports. The Senate recently established an impact assessment unit. The National Institute for Public Policy Analysis produces strong evaluation reports on social policy, education, and labor policy. However, these evaluations are not intrinsically linked to the government's policymaking process, and policymakers often disregard the empirical evidence provided.

Overall, ex post evaluation has not yet become a regular tool. It is carried out in a non-systematic and usually partisan manner. The adoption of a policy cycle perspective is missing in government policymaking, resulting in evaluations that are viewed as one-off activities rather than essential components of the decision-making process.

Citation:

-Presidenza del Consiglio dei Ministri. 2023. "RELAZIONE AL PARLAMENTO SULLO STATO DI."

APPLICAZIONE DELL'ANALISI DELL'IMPATTO DELLA REGOLAMENTAZIONE. https://presidenza.governo.it/DAGL/uff_studi/Relazione_2022_AIR.pdf

Di Porto, V., and Espa, E. 2022. L'analisi di impatto e gli altri strumenti per la qualità della regolazione *Annuario*

2021. Napoli: ESI. https://osservatorioair.it/sites/default/files/files/annuario_osservatorioair_2021_ed2022.pdf

- For the evaluation reports of the Court of Auditors: <https://www.corteconti.it>

- For the evaluation reports of the Impact Assessment Units of the Italian Senate, see - <https://www.senato.it/ufficiovalutazioneimpatto>

- For the evaluation reports of the Italian Institute for Public Policy Analysis, see - <https://www.inapp.gov.it>

Spain

Score 5

Spain has been steadily intensifying its better regulation initiatives, expanding beyond administrative simplification to include stakeholder engagement and ex post evaluation. The Office on Regulatory Coordination and Quality oversees the implementation of better regulation requirements and supervises the definition of objectives and methodology for the ex post evaluation of regulations covered by RIAs. However, it does not directly scrutinize the ex post evaluations.

The Independent Authority for Fiscal Responsibility (AIReF) handles Ex Post Evaluation related to public spending and the efficiency of public policies. While its reports are not binding, the administration must justify any decision not to follow the recommendations. Ex post evaluation has been reinforced concerning the RRP implementation, with IGAE and AIReF, along with institutions with diverse technical expertise, handling the evaluations.

In December 2022, the parliament approved Law 27/2022 on institutionalizing public policy evaluation within the General State Administration. This law aims to improve public policy evaluation as a transversal tool for all public policies, creating three new bodies: the State Agency for the Evaluation of Public Policies, a Higher Evaluation Commission to coordinate different ministries, and a General Evaluation Council representing civil society. These entities are still pending development.

According to Law 27/2022, the results of ex post evaluations must be published on the Transparency Portal. The law includes specific standards for implementing ex post evaluations based on the content, purpose, and timeframe of the evaluated public policy. However, these innovations are still awaiting development.

Frequent reforms aimed at establishing an evaluation agency and AIReF's lack of financial and human resources have limited the effectiveness of Ex Post evaluations. Nevertheless, AIReF has become a competent and critical institution, delivering high-quality, scientifically sound reports. Despite these efforts, the evaluations have not resulted in significant legislative changes.

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

Citation:

OECD. 2022. "Indicators of Regulatory Policy and Governance: Spain."

https://www.oecd-ilibrary.org/sites/6e4b095d-en/1/3/6/27/index.html?itemId=/content/publication/6e4b095d-en&_csp_=2ca8c4c4a3deebb9d09f5477c42bcd6&itemIGO=oecd&itemContentType=book

Law 27/2022 of 20 December.

Israel

Score 4

There is no general legal or formal requirement for ex post evaluation of policies. When evaluations do occur, they are typically initiated by individual ministries. Consequently, only some policy programs include an integral evaluation component and undergo periodic evaluations. There is no systematic information on whether and how these evaluations affect policy modifications. In recent years, the Ministry of Finance has advocated for increased funding for the evaluation of various projects, infrastructure and social programs.

When evaluations are conducted, they usually include public participation and consultation, as well as input from the main stakeholders. While evaluations were once primarily conducted by independent research institutions, it now appears that more evaluations are conducted by private strategic consulting firms.

Moreover, not all results are published. Publication depends on the responsible department. In some cases, the main results are published in the media, but the full report is not. In other cases, full reports are available on the respective ministry's website, the research institution's website or both.

Latvia

Score 4

Policy-planning documents, also known as white papers, undergo post-implementation (ex post) evaluations in Latvia. The government has improved these evaluations by introducing the TAP portal and a new standardized annotation form. Institutions are now required to determine and approve whether draft legislation will be subject to ex post evaluation. If they decide in favor, agencies must clearly define the results and indicators to measure the achievement of objectives.

In 2023, the Saeima Analytical Service approved its annual working plan with detailed priorities, including research on weak ex post applications (Saeimas Prezidijs un Frakciju padome, 2023).

The Public Administration Modernization Plan 2023 – 2027 also includes aspirations for developing ex ante and ex post impact assessments, requiring ex post evaluation of high-impact legislation from 2025 (Ministru Kabinets, 2023).

Generally, ex post evaluations, if conducted at all, are either carried out by the ministries themselves or outsourced, with researchers competing against consultancy

firms. Typically, the lower bid prevails. However, the application of scientific methods is directly related to the terms of reference prepared by public agencies. The engagement of stakeholders with empirical information depends on the capacity and understanding of the relevant line ministry.

All analytical reports, ex ante and ex post reviews are published in the unified database under the State Chancellery – <https://ppdb.mk.gov.lv/>. The database was created to ensure access to all commissioned evaluations and research that might affect policies.

No independent organizational body in Latvia conducts periodic quality evaluations of the policy evaluation process and results. The extent to which ex post evaluations are applied to existing public policies in Latvia varies. Ex post evaluations are included in the information report prepared by the ministry before policy changes. Modern analysis methods, including those derived from behavioral research, are limited in these assessments. Stakeholder involvement in the assessment process is evident, but the extent and depth can differ across policy sectors.

Citation:

Ministru kabinets. 2021. "Ministru kabineta noteikumu Nr. 617 Tiesību akta projekta sākotnējās ietekmes izvērtēšanas kārtība." <https://likumi.lv/ta/id/325945-tiesibu-akta-projekta-sakotnejas-ietekmes-izvertesanas-kartiba>
Saeimas Prezidijs un Frakciju padome. 2023. Lēmums par Saeimas Analītiskā dienesta analītisko pētījumu plāna apstiprināšanu.

[https://titania.saeima.lv/LIVS/SaeimasNotikumi.nsf/0/57035417a87d2e4fc2258987002ae2f2/\\$FILE/611.1.13_4-1-14_23.pdf](https://titania.saeima.lv/LIVS/SaeimasNotikumi.nsf/0/57035417a87d2e4fc2258987002ae2f2/$FILE/611.1.13_4-1-14_23.pdf)

Ministru kabinets. 2023. Par Valsts pārvaldes modernizācijas plānu 2023.-2027. gadam. <https://likumi.lv/ta/id/341706-par-valsts-parvaldes-modernizacijas-planu-2023-2027-gadam>

European Commission, Directorate-General for Structural Reform Support, Mackie, I., Musa, A., Nemeč, J., Reinholde, I., et al. 2022. "Quality of Legislative Process: Building a Conceptual Model and Developing Indicators." Publications Office of the European Union. <https://data.europa.eu/doi/10.2887/70431>

Lithuania

Score 4

The culture of ex post impact assessments emerged following EU accession, when the use of EU funding necessitated evaluating the effects of those investments. Consequently, compulsory requirements to assess the impact of EU funding became a significant factor in the adoption of such assessments. Additionally, some audits conducted by the National Audit Office can also be considered ex post impact assessments.

The new factor that mobilized the government's attention to the issue of ex post (and overall) impact assessments was the accession into the OECD in 2018. The OECD's advice and provision of best practices, as well as comparative studies on the use of impact assessments, increased political attention to these instruments of evidence-informed policymaking. The government adopted a formal methodology for conducting ex post impact assessments in May 2021. Subsequently, it also approved a list of 14 legal norms to be assessed using this methodology. In 2023, STRATA

organized several training sessions for civil servants on how to conduct ex post impact assessments. However, by the end of 2023, only a few ex post impact assessments had been completed. Similar to ex ante evaluation, ex post impact assessment is still more of a formal requirement than an instrument for improving the quality of policies, with the exception of policy measures that rely on EU funding.

Portugal

Score 4

While there is no systematic institutionalization of ex post evaluations in Portugal, there have been improvements. In March 2021, the Legislative Impact Assessment Technical Unit (UTAIL), located within JurisAPP – Centro de Competências Jurídicas do Estado and tasked with oversight of ex post evaluations, was merged into PlanAPP. Since then, PlanAPP has become the body responsible for ex ante and ex post impact policy evaluation (Decree-Law 21/2021). During the period under analysis, PlanAPP has produced several evaluations.

The most recent OECD Indicators of Regulatory Policy and Governance 2022 scores Portugal close to the OECD average regarding ex post evaluation of subordinate regulations. However, the country remains below the OECD average in terms of primary laws. The report also recommends that Portugal adopt systematic ex post evaluation, which is not a current requirement.

Citation:

Organization for Economic Cooperation and Development (OECD). 2022. “Indicators of Regulatory Policy and Governance EUROPE 2022 Portugal.” <https://web-archiver.oecd.org/2022-08-03/638949-Portugal-country-profile-EU-report-2022.pdf>

Decree-Law 21/2021. 2021. <https://diariodarepublica.pt/dr/detalhe/decreto-lei/21-2021-159432384>
<https://www.planapp.gov.pt/estudos-de-avaliacao/>

Slovenia

Score 4

The Resolution on Normative Activity adopted in 2009 mandates the assessment of the impact of public policies. In 2023, the Slovenian Association of Evaluators compiled a list of external government evaluation studies to be conducted between 2019 and June 2023. A similar list was drawn up in 2009. Since then, improvements in the government’s evaluation culture have been noted. However, the evaluation culture remains at a very low level. At least two-thirds of the departments did not conduct any external evaluations during the specified period. Furthermore, at least a quarter of them did not understand the concept of external impact evaluation.

The Ministry of Public Administration, responsible for decisions on normative activity that require the evaluation of public policy impact, did not conduct a single external evaluation during the reporting period. The vast majority of evaluations are carried out by research or consultancy organizations, and these evaluation studies are

often limited to indicator analyses and compliance checks. The association also observes that the study results are not publicly presented to the evaluation community. Instead, the results are only presented to stakeholders in the problem area, which is inadequate.

Citation:

Bojan Radelj. 2023. Seznam Vladnih evalvacijskih študij 2019-2023. <https://www.sdeval.si/2023/06/16/seznam-vladnih-evalvacijskih-studij-2019-2023/>

Greece

Score 3

Article 56 of Law 4622/2019 mandates ex post evaluations of laws, requiring the involvement of social partners, universities, and research centers. However, Article 120 of the same law postponed the implementation of these regulations until 2020. Consequently, the three- to five-year evaluation period for laws adopted in 2020 or later will not begin until 2024 at the earliest.

The ex post evaluation process is initiated by the Presidency of the Government, which calls on its “Coordination Services” within each ministry to collaborate with the ministry’s services in producing the evaluations. The law stipulates that stakeholders, particularly those who can provide empirical information, should be involved in ex post evaluations. For instance, the law specifically mentions social partners (representatives of employers and employees), universities, and research centers as sources of useful empirical information for these evaluations.

Hungary

Score 3

On the government side, ex post evaluation in Hungary is a task assigned to the core executive, the Government Office. It is based on a 2010 law regulating lawmaking and the law on the task areas of the ministries, and was implemented by the 2016 government decree (12/2016 IV29). Ministers are required to report to the Government Office once a year about practices and attend an annual hearing of their corresponding parliamentary committees to report on their achievements and respond to queries from committee members. The procedure includes internal ministerial and external stakeholder consultations before the evaluation reaches the Cabinet Office for approval. The ex post evaluation relies on social science methods. The material produced by the ministries is often not publicly available; however, the proceedings of the parliamentary committee hearings are routinely reported by the press, except when they concern national security issues. Even stakeholders do not always have access to all relevant information. Initially, the appropriate unit in the administration was understaffed, and clear organizational information was not provided (Gajduschek 2016:813). The lack of oversight instruments has long been an issue with the European Commission’s criticism of Hungarian management of projects

using European funds. Current modifications of the 2010 Act on Lawmaking include a reference to ex post evaluation. The underdeveloped system is still in place due to the hectic pace of lawmaking and the general aim of the government to reduce oversight mechanisms.

Citation:

Gajduschek, G. 2016. "Előkészítetlenség és utólagos hatásvizsgálat hiánya." In A. Jakab and G. Gajduschek, eds. *A magyar jogrendszer állapota*. 2016. Budapest: MTA TK.

Poland

Score 3

Ex post evaluation of policies is prepared by the member of the Council of Ministers responsible for matters regulated by a specific normative act, if such evaluation is requested by the Council of Ministers or its auxiliary body. These members include the plenipotentiary of the prime minister – head of the Strategic Analysis Center, the ombudsman for small and medium-sized enterprises, or the president of the Government Legislation Center. Any member of the Council of Ministers can also prepare an ex post evaluation on their own initiative. The evaluation may concern a normative act or its parts. Before presenting, the minister may seek opinions from other bodies, institutions or organizations. The results are made public by the Government Legislation Center. This form of evaluation is not legally obligatory, and its scope is limited. Only 20 ex post evaluations were carried out in the 2022 – 2023 period (Rządowe Centrum Legislacji 2023).

Citation:

Rządowe Centrum Legislacji. 2023. "OSR ex post." <https://legislacja.gov.pl/lista?pNumber=2&typeId=6#list>

Slovakia

Score 3

Regularly analyzing the effectiveness and efficiency of existing policies through ex post evaluations is not required by law. The Government at a Glance 2019 data ranks Slovakia as one of the least-performing countries in terms of ex post evaluations (OECD, 2019). A specific positive aspect is the work of the Value for Money Unit at the Ministry of Finance. This unit regularly delivers and publishes public spending reviews. Additionally, according to the OECD evaluation (2021), Slovakia has the lowest score in ex post evaluation among EU countries that are also OECD members, ranking second to last behind Turkey.

In practice, ex post evaluations in Slovakia have primarily aimed at reducing the administrative and bureaucratic burden for companies, driven by some measures proposed by the Economy Ministry. Čaplanová (2022) argues that Slovakia has developed a methodology for evaluating the implementation of ex post evaluations, enabling it to move toward making ex post evaluation a regular part of creating the regulatory framework of public policies.

Citation:

OECD. 2019. Government at a Glance. Paris: OECD.

Čaplánová, A. 2022. "A Quality Regulatory Framework Requires Regular Ex Ante and Ex Post Evaluation of the Measures Taken." <https://www.rrz.sk/kvalitny-regulacny-ramec-vyzaduje-pravidelne-ex-ante-a-ex-post-hodennienie-prijimanych-opatreni/>

<https://www.mfsr.sk/en/finance/value-money/about-value-money/>

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