OECD Framework for Regulatory Policy Evaluation

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BETTER POLICIES FOR BETTER LIVES

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Foreword

This report provides countries with a Framework for Regulatory Policy Evaluation, an overview of evaluation practices in OECD countries and concrete examples. It also reports key findings of three expert papers on the evaluation of regulatory policy that informed the development of the Framework.

OECD members have consistently made the case that countries require better information about where investments in programmes to improve regulations should be focused to pay growth and welfare dividends. This is necessary to target scarce resources for reform efforts, and also to communicate progress and generate the political support needed for implementing regulatory policy reforms. To address the need of member countries for methodological guidance on how to assess the functioning of their regulatory management tools, the OECD Secretariat has been working in close co-operation with OECD members to develop a Framework for Regulatory Policy Evaluation (hereafter Framework).

Experts from over 24 countries discussed and refined a straw man framework at the 3rd expert workshop on Measuring Regulatory Performance, hosted by the Government of Spain, in Madrid in 2011 (see www.oecd.org/gov/regulatory-policy/madridworkshop.htm for background documents and presentations). The Framework was subsequently revised together with the Steering Group of the OECD Measuring Regulatory Performance Programme and approved by the OECD's Regulatory Policy Committee (RPC) in 2012. Three expert papers informed the development and application of the Framework, which was piloted by Canada and the Netherlands in 2012 and 2013. A survey of member countries on regulatory policy evaluation was carried out between 2012 and 2013 to enrich the Framework with practical examples and to provide an overview of regulatory policy evaluation practices in OECD countries. All 34 OECD countries and the European Union participated. The information provided by the countries was fact-checked by the OECD Secretariat and adjusted where appropriate (see Annex D for more information on the methodology of the survey).

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This work is part of the OECD programme on Measuring Regulatory Performance which aims to help countries demonstrate how improvements to regulatory governance deliver actual benefits to business and citizens. It assists countries in measuring regulatory performance to diagnose success and failures, improve regulatory policies, programmes and tools, and to communicate progress. More information can be found at www.oecd.org/gov/regulatory-policy/measuringregulatoryperformance.htm.

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Acronyms and abbreviations

ANAO	Australian National Audit Office
ASA	Agence pour la simplification administrative
COFEMER	Comisión Federal de Mejora Regulatoria
CRC	Comisión de Regulación de Comunicaciones
EU	European Union
GALA	General Administrative Law Act
IA	Impact Assessment
IAB	Impact Assessment Board
OBPR	Office of Best Practice Regulation
OECD	Organisation for Economic Co-operation and Development
PAFER	Performance Assessment Framework for Economic Regulators
PIR	Post-Implementation Review
PMEP	Performance Measurement and Evaluation Plans
RIA	Regulatory Impact Analysis
RIS	Regulation Impact Statement
RPC	Regulatory Policy Committee (OECD)
RPC	Regulatory Policy Committee (United Kingdom)
SAI	Supreme Audit Institution
SCM	Standard Cost Model
SECO	State Secretariat for Economic Affairs
WCR	World Class Regulator

Executive summary

OECD countries share a common need for better information about where future investments in efforts to improve regulatory management systems should be focused to pay growth and welfare dividends. This is necessary to communicate progress and generate the political support needed for implementing regulatory policy reforms.

The OECD Framework for Regulatory Policy Evaluation assists countries in systematically evaluating the design and implementation of regulatory policy, against the achievement of strategic regulatory objectives. It helps countries identify priority areas for improvements in regulatory policy and communicate progress. The Framework is the result of joint work with OECD delegates and experts. It is a diagnostic tool that countries can apply in their own country and does not aim to compare performance across countries.

The full application of the Framework requires data and information on the design, implementation and results of regulatory policy. This includes input (resources committed to regulatory policy), process (formal requirements for good regulatory policy), output (actual implementation of good practices), intermediate outcomes (improvements of regulations due to implementation of good practices) and outcomes (achievement of strategic objectives).

If countries have information available on every step of regulatory policy evaluation, from design through implementation to the achievement of strategic outcomes, any specific performance problems can be identified and addressed in subsequent programme design.

The application of the Framework is within reach for all OECD countries. While not all countries will be in a position to collect information at all stages, there is already great value in collecting data on the actual implementation of regulatory policy (outputs) and its impact on regulations (intermediate outcomes). This information helps to demonstrate progress in implementing regulatory policy and to identify areas for improvement.

Delegates to the Regulatory Policy Committee asked the OECD to undertake a survey to collect more practical examples on indicators and qualitative evaluations of outputs and intermediate outcomes to apply the Framework in practice. Results show the existence of many examples in OECD countries of quantitative indicators and qualitative reports to assess how well regulatory policy has been implemented. The examples vary in methodology and depth of detail but the importance of high-quality evaluation is being increasingly recognised.

Twenty OECD countries publish evaluation reports of their Regulatory Impact Analysis (RIA) programmes and 21 of their administrative burden reduction programmes, but only eight countries do so with respect to consultation procedures and only four publish reports on the performance of their *ex post* evaluation systems. Twenty OECD countries publish indicators on the performance of administrative simplification and burden reduction programmes, 14 do so for RIA and only six countries publish an indicator for the performance of their consultation systems. Only Australia and Germany publish indicators on the performance of their *ex post* evaluation systems.

Thirteen countries explicitly mentioned that they use quantitative indicators to adjust the design of tools or programmes. Twelve countries describe using the results for communication with internal or external stakeholders and eight countries indicate using the results for the purposes of monitoring the quality of their regulatory management systems.

Information on the implementation of regulatory policy is a precondition to assess its impact on outcomes. The more information countries have on each step from design over implementation to outcomes, the easier it is to establish causal connections and to identify the causes for achieving desired outcomes. Of course, as highlighted in the Framework, outcomes of regulatory policy are also affected by other factors that need to be taken into account on a case-by-case basis.

The Framework advocates that OECD countries should define clear strategic outcomes for regulatory policy at the beginning of the process and evaluate whether these have been achieved. If applied to regulatory policy in sectors, objectives should not only be sector specific, but also include broader regulatory policy objectives. The Framework only provides examples for objectives: the exact objectives will need to be determined by countries and are likely to vary across countries.

The Framework has not yet been fully tested. While two pilot studies of the Framework have already been conducted in Canada and the Netherlands, it is evident from the differences in how it has been applied that we need a larger number of case studies. This is necessary to provide countries with a practical understanding of the application of the Framework.

Introduction

In the last decades, OECD countries have reformed their regulatory management systems to improve the quality of regulations. Reforms included putting in place systems to review the efficiency and effectiveness of new regulations and the stock of regulations based on evidence, and the involvement of stakeholders at every step of the regulatory policy cycle. For example, while in 1998 only half of OECD member countries had put in place a system of regulatory impact analysis (hereafter RIA) (OECD, 2008), in 2014 almost all OECD member countries report conducting RIAs on draft regulations. The scope and actual implementation of RIA vary widely across and even within countries. OECD Members have committed to improving their systems and have expressed their ambitions in the 2012 Recommendation of the Council on Regulatory Policy and Governance (see www.oecd.org/gov/regulatory-policy/49990817.pdf).

To generate the political support needed for implementing regulatory policy reforms, OECD Members have consistently made the case that better information about progress in improving regulatory policy and how this has helped to achieve policy goals is necessary. Furthermore, in order to successfully target scarce resources on reform efforts, countries require better information about where investments in programs to improve regulations should be focused to pay the highest dividends in terms of improvements in welfare and growth.

There are a number of methodological and practical difficulties associated with generating the necessary information to measure the performance of regulation and of better regulation practices. Simply put, there are three broad challenges to the ambition of evaluating regulatory policy:

- First, it is not entirely clear to countries what they should aim to measure. All evaluation systems require an assessment of how inputs have influenced outputs. In the case of regulatory policy, the inputs can focus on: *i)* overall programs intended to promote a systemic improvement to regulatory quality; *ii)* the application of specific practices intended to improve regulation, or, *iii)* changes in the design of specific regulations. Leaving aside for a moment the complexity of identifying the right outputs, the logical starting point always depends on understanding what we intend to measure.

- Second, there is the problem of confounding factors. There is a myriad of contingent issues which have an impact on the outcomes in society that regulation is intended to affect. It is difficult to assess the level of responsibility regulatory policy has in achieving (or failing to achieve) a desired societal outcome as there will always be additional factors influencing the same outcome. This can be as simple as a change in the weather, or as complicated as the last financial crisis. The relationship between the adoption of better regulation practices on the one hand, and specific improvements to the welfare outcomes that are sought in the economy on the other is therefore not easily demonstrated just because there has, or has not been, a change in the real world. This significantly complicates the task of demonstrating a causal link between improvements to the processes by which regulations are made and the outcomes that are manifest.
- Third, there is a dearth of information that is relevant to the task at hand. Typically, countries have not adopted the necessary evaluation practices to identify whether regulatory practices are being undertaken correctly and well, let alone implemented the steps necessary to identify what impact these practices may be having in the real economy.

Cognisant of these challenges, the project has focused on breaking down the problem of the evaluation of the performance of regulatory policy into the following components: *i)* evaluating the actual implementation and quality of regulatory management tools and programmes, *ii)* assessing the impact of sound regulatory management tools and programmes on the design and implementation of regulations and *iii)* assessing the impact of sound regulatory management tools and programmes on the real economy. All of these components were brought together in the final Framework.

The development of a Framework was approached through different working modes, including views of experts and expert papers, a workshop and meetings with OECD delegates, testing of the Framework in Canada and the Netherlands and by data collection across the OECD in terms of empirical practices for regulatory policy evaluation (see Table 0.1)

Table 0.1. Timeline of the project "Developing a Framework for Regulatory Policy Evaluation''

April 2011	Project plan
April – September 2011	Expert papers drafted in co-operation with the steering group: Cary Coglianese on "Evaluating the Impact of Regulation and Regulatory Policy", Claudio Radaelli and Oliver Fritsch on "Evaluating Regulatory Management Tools"
September 2011	OECD strawman Framework developed, building on expert papers and exchanges with steering group
	Workshop in Madrid "Developing a framework for measuring regulatory performance in OECD countries": 24 countries discussed and provided input for revising the strawman Framework
	Steering group meeting Madrid: Decided concrete actions based on the workshop discussions for revising the Framework
November 2011	Steering group meeting Paris: Decided to inform further revision of Framework by practical considerations of its application
	Fifth RPC meeting: Briefing of delegates on the development of the Framework
November 2011 – March 2012	Pilot countries (Canada and the Netherlands) reworked the Framework in light of its practical application
December 2011 – March 2012	Expert paper drafted by David Parker/Colin Kirkpatrick: "The economic impact of regulatory policy: A literature review of quantitative evidence"
April 2012	Steering group meeting and sixth RPC meeting: Approval of revised Framework and discussion of pilots
April 2012 – March 2014	Piloting of the Framework
2012-13	Survey of all OECD countries and the EU on their regulatory policy evaluation practices
April 2014	Draft publication for discussion at the 10th RPC meeting
June 2014	Launch of the publication at the 6th expert workshop on Measuring Regulatory Performance in The Hague, Netherlands

Chapter 1 highlights key insights from three expert reviewers, mandated to:

- examine country practices for evaluating regulatory management tools and programmes and the collection of underlying data including advice to OECD countries for the evaluation of regulatory policy;
- develop methodological practices that can be applied and replicated within OECD countries to assess the impact of sound regulatory management tools and programmes on the quality of regulation and on the real economy, and;
- survey the literature on existing attempts at measuring the contribution of regulatory policy to improved performance in the real economy.

The OECD Framework for Regulatory Policy Evaluation was developed building on the findings of the expert papers and discussions with delegates from the OECD's Regulatory Policy Committee. It aims to assist countries in evaluating their regulatory policy at every step in the process; from design to implementation and subsequently to the achievement of broader objectives. Chapter 2 presents the Framework and describes how different types of indicators can be used to create an overarching method of evaluating regulatory policy performance. The full application of the Framework requires data and information on the design, implementation and results of regulatory policy. This includes input (resources committed to regulatory policy), process (formal requirements for good regulatory policy), output (actual implementation of good practices), intermediate outcomes (improvements of regulations due to implementation of good practices) and outcomes (achievement of strategic objectives).

Currently, most countries do not systematically collect information on all of these stages. A key priority identified in the project was the collection of information on the actual implementation of regulatory policy (outputs) and its impact on regulations (intermediate outcomes). This information helps to demonstrate progress in implementing regulatory policy and to identify areas for improvement. And it is a precondition to assess the impact of regulatory policy on broader policy objectives. Countries have therefore asked the OECD to run a survey to provide them with concrete examples of country practices to inform the design of their own evaluation system. Chapter 3 provides countries with an overview of publicly available indicators and reports in OECD countries to evaluate regulatory policy in four areas: the evaluation of the functioning of systems for RIA, of *ex post* evaluation systems, of administrative simplification programmes and of consultation practices.

The over-arching aim of developing a Framework for evaluation is to assess the success of regulatory policy in achieving policy objectives in the most efficient manner and bringing about improvements in growth and societal welfare. Although it is difficult to measure the exact causal link between regulatory policy and objectives, measuring the success of regulations in achieving its objectives is an example of a final outcome indicator. Identifying the impact of existing regulations not only can help suggest ways that regulatory policy can be improved; it is also a precondition for judging how successful were the mechanisms supporting its original design. Chapter 3 provides examples of evaluations of the impact of regulations on the real economy. Finally, it presents findings on the role of audit offices in regulatory policy evaluation.

Chapter 4 highlights the key findings of two pilot studies conducted in Canada and in the Netherlands, including some concrete suggestions for facilitating the application of the Framework. A larger number of case studies will be necessary to provide countries with a practical understanding of the application of the Framework.

Chapter 1

Evaluating the impact of regulatory policy: Insights from expert papers

This chapter highlights key insights from three expert reviewers mandated to: i) examine country practices for evaluating regulatory management tools and programmes and the collection of underlying data including advice to OECD countries for the evaluation of regulatory policy; ii) develop methodological practices that can be applied and replicated within OECD countries to assess the impact of sound regulatory management tools and programmes on the quality of regulation and on the real economy, and; iii) survey the literature on existing attempts at measuring the contribution of regulatory policy to improved performance in the real economy.

A first expert paper was prepared by Cary Coglianese, Edward B. Shils Professor of Law, Professor of Political Science, and Director of the Penn Program on Regulation at the University of Pennsylvania Law School. It discusses the complexity of attributing changes in economic or welfare outcomes to changes in regulation and regulatory policy. It shows the categories of measures for evaluating regulatory policies and reports a number of indicators that can be used to measure outcomes, which can inform the practical application of an evaluative framework.

A second paper was commissioned from Professor Claudio Radaelli, Director of the Centre for European Governance at the University of Exeter and Oliver Fritsch, Associate Research Fellow at the University of Exeter, to examine country practices for measuring the performance of regulatory policy, and develop options for a set of indicators that OECD countries can use for their regulatory policy evaluation.

A third expert paper by Professor David Parker, member of the UK regulatory policy committee and emeritus professor at Cranfield University and Professor Colin Kirkpatrick from the University of Manchester, surveys the literature on existing attempts at measuring the contribution of regulatory policy to improved performance.

While this chapter highlights some key insights that influenced the development of the framework, readers can access the expert papers online to benefit from the rich analysis and full findings (www.oecd.org/gov/regulatory-policy/Publications-MRP.htm).

Evaluating the Impact of Regulation and Regulatory Policy

The OECD commissioned a first paper from Professor Cary Coglianese, Director of the Program on Regulation at the University of Pennsylvania Law School, to develop an analytical methodology that OECD countries can use to measure the link between sound regulatory policy and broader public policy outcomes and economic benefits.

The paper finds that "to assess the regulatory policy directed at how regulations are developed, evaluations will actually need to follow a framework identical to that for evaluating regulations themselves":

> Regulatory policy is, after all, itself a type of regulation – a way of regulating the regulators (Viscusi, 1996) or of what can be called regulation inside government (OECD, 2010, p. 91).
>
> The aim of regulatory policy, as with any regulation, is to change behaviour to improve outcomes, with the only difference being that the behaviour sought to be changed by regulatory policy is that of the regulatory institution or its members. Given the similarity in the causal logic of both regulation and regulatory policy, anything that can be said about evaluating regulation will apply to evaluating regulatory policy. Regulation and regulatory policy are both ―treatments, to use the parlance of program evaluation. (Coglianese, 2012, p. 13)

The paper discusses the complexity of attributing changes in economic or welfare outcomes to changes in regulation and regulatory policy:

> A jurisdiction that puts in place a strict environmental law might well have other distinctive characteristics, such as a more environmentally focused citizenry, which might affect actual environmental outcomes. Due to the existence of these other factors, evaluators need to control statistically for relevant differences that might correlate with the outcomes of concern. (…) Not all of these confounders will be known, and even if known they will not all necessarily be observable or measurable. (Coglianese, 2012, p. 39)

Accordingly, to identify with precision the effects of regulatory interventions on real world outcomes, the paper concludes that countries would ideally need to conduct experiments:

> The fields of program evaluation and statistical analysis have developed a variety of research designs upon which to base causal inferences about the impact of regulation (Shadish, Cook & Campbell, 2002).
>
> At bottom, these research designs seek to do what a medical study does, namely compare the observable outcomes with the regulatory treatment to what would have happened had the treatment never been adopted or applied. In other words, "[i]n order to estimate the impact of regulations on society and the economy, one has to determine the counterfactual – that is, how

> things would have been if the regulation had not been issued". (U.S. OMB 1997: Ch. II, emphasis added)
>
> The counterfactual cannot be directly observed, since by definition it calls for considering what would have been rather than what is. However, well-established research designs and statistical methods can be used to estimate the counterfactual and compare it with the existing state of the world. In essence, the way to do this is to exploit variation in regulatory activities or treatment, comparing outcomes at times or places where the treatment was adopted with outcomes at other times or places where the treatment was not adopted. Three main research designs exist to study such variation in treatment: controlled experiments, randomized experiments, and observational studies. (Coglianese, 2012, p. 39)

Conducting regulatory experiments may have applications in specific circumstances, but it is not a widespread option for OECD governments. Therefore alternative approaches are required.

Despite the challenge of establishing causality, Professor Coglianese provides concrete and instructive ideas for the design of an evaluation framework. The paper develops a framework that shows the categories of measures for evaluating regulatory policies following an input-output-outcome logic (p. 21). The paper discusses different strategies for controlling confounders and attributing broad economic effects to regulation.

The paper also explains the need for indicators to measure relevant outcomes of concerns. It makes concrete suggestions for indicators that can be used to measure outcomes, which can inform the practical application of an evaluative framework. For example, the paper suggests that countries measure net benefits, effectiveness of a regulation in solving the problem it was designed to address, compliance rates and the costs of implementation of regulations (p. 34).

Evaluating Regulatory Management Tools and Programmes

A second paper was commissioned by the OECD from Professor Claudio Radaelli, Director of the Centre for European Governance at the University of Exeter and Oliver Fritsch, Associate Research Fellow at the University of Exeter, to examine country practices for measuring the performance of regulatory policy, and develop options for a set of indicators that OECD countries can use for their regulatory policy evaluation. The paper analyses how a selected number of OECD countries collect and utilise regulatory indicators. The authors conclude that

> The experience is still limited and skewed. Limited because there is a lot of information in the regulatory management systems that is not collected systematically as indicators (and) skewed because measurement has focused on some instruments and domains of regulatory reform, especially the cost of complying with administrative obligations, and has ignored other instruments and areas. (Radaelli and Fritsch, 2012, p. 7)

In line with its ambitions, the paper then proceeds to provide concrete suggestions for indicators to measure the performance of regulatory policy. The paper distinguishes between various types of indicators situated at different points of regulatory policy, corresponding to the input-output-outcome logic of the first expert paper. In particular, it specifies the following steps: the *Input* to regulatory action such as the budget of regulatory oversight bodies, the *Process* of guiding regulators through requirements, the *Output* generated during a given period of time such as how many impact assessments took place in a year or how many individual consultations match the quality standards set in the system, the *Intermediate outcomes* such as behavioural and cognitive changes, and the *Final outcomes*.

After having examined the usage of indicators in various OECD Member States, the paper appraises a large number of regulatory indicators by using a set of criteria, suggesting how and when they should be adopted, and for which purpose. It finds that information is available in most OECD countries to construct indicators that cover the categories of *input, process, intermediate outcomes and final outcome*s. Less information is available to construct output indicators, but Claudio Radaelli argues that:

> There are many valuable prototypes of output indicators (UK, USA, Canada, Sweden etc.). Besides, the scientific community has provided several indicators of consultation, RIA, quality of *ex post* review. (Radaelli, 2012)

The key finding of this expert paper is that there is enormous potential in governments taking steps to evaluate regulatory policy performance, independent of the challenges to establishing direct causality. Furthermore countries have access to valuable information on the performance of regulatory policy and programmes that is not being used as effectively as it could be to identify and improve the success of regulatory policy measures.

The Economic Impact of Regulatory Policy: A Literature Review of Quantitative Evidence

A third expert paper was commissioned by the OECD from Professor David Parker, member of the UK regulatory policy committee and emeritus professor at Cranfield University and Professor Colin Kirkpatrick from the University of Manchester, to survey the literature on existing attempts at measuring the contribution of regulatory policy to improved performance. The paper aims to provide policy makers who wish to demonstrate and communicate the impact of regulatory policy with an assessment of existing evidence in the literature.

The review analyses and summarises the findings of a representative sample of studies of the impact of *i)* regulatory policy and governance in general, *ii)* administrative simplification and reducing regulatory burdens, *iii) ex ante* and *ex post* analyses of regulations, *iv)* regulatory consultation, transparency and accountability and regulatory institutions.

The paper finds evidence for a positive impact of sound regulatory policy and governance:

> The literature on regulatory policy and governance in general seems to confirm that poorly designed regulation can stifle economic activities and ultimately reduce economic growth. However, it also appears that regulatory governance and the institutional framework in a country may mitigate the damaging effects. (Parker and Kirkpatrick, 2012, p. 7)

In line with the findings of the second expert paper, the paper identifies that a narrow focus on the impact of regulatory costs tends to have dominated the study of the effects of regulatory policy:

> Most quantitative studies deal with the costs of regulation and give little or no attention to quantifying the benefits of regulation. For the policymaker, it is important to compare the estimated costs of regulation alongside the benefits of regulation, even if the latter are often not monetised. (Parker and Kirkpatrick, 2012, p. 8)

Professor David Parker and Professor Colin Kirkpatrick further caution about the limitations of a reliance on the quantitative methods that have been used to generate empirical evidence in the literature, and in particular the missed opportunities for research that can reveal context specific findings about the success of regulatory policy:

> It is difficult, and sometimes impossible, to provide robust quantitative evidence of a causal relationship between a regulatory policy change and the impact on economic outcomes such as economic growth. (…) In terms of method, regression analysis is frequently used to identify the statistical significance of the regulatory variable and the economic outcomes under investigation, Policymakers need to be aware of the limitations of regression analysis in interpreting the results. The reliance on regression analysis to investigate the relationship across countries between regulatory variables and economic outcomes has shifted attention away from the use of country specific case study evidence in the policy process. While this type of evidence may not be readily applicable to other countries, and may not always be expressed in economic values, it is particularly useful in developing regulatory policy measures that are context specific. (…) (Parker and Kirkpatrick, 2012, p. 42)

The findings of the econometric studies reviewed in the papers by Parker and Kirkpatrick is particularly valuable to communicate the range and type of general quantitative evidence that is available about the positive impacts of regulatory policy on economic growth and other welfare outcomes. However, it also demonstrates a limitation: Studies of this type do not help to identify specific areas for reform that are applicable to particular countries; as such these studies tend not to provide any concrete information on how to design and implement regulatory policy to achieve the strategic regulatory objectives set by the government.

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Chapter 2

Characteristics of the OECD Framework for Regulatory Policy Evaluation

This chapter presents the OECD Framework for Regulatory Policy Evaluation. It builds on the findings of the expert papers and discussions with delegates from the OECD Regulatory Policy Committee. The Framework aims to assist countries in evaluating their regulatory policy at every step in the process; from design to implementation and subsequently to the achievement of broader objectives. It also describes how different types of indicators can be used to create an overarching method of evaluating regulatory policy performance. The full application of the Framework requires data and information on the design, implementation and results of regulatory policy. This includes input (resources committed to regulatory policy), process (formal requirements for good regulatory policy), output (actual implementation of good practices), intermediate outcomes (improvements of regulations due to implementation of good practices) and outcomes (achievement of strategic objectives).

The value of systematic regulatory policy evaluation: Opening the black box

There is no simple way to demonstrate a causal link between the design and implementation of regulatory policy measures on the one hand and the achievement of strategic outcomes in the economy on the other hand. This would be the "holy grail" of performance evaluation if such a causal link could be easily established statistically. However, too little information is kept about measures taken to improve the regulatory system and too many complex factors influence the outcomes.

At the same time, the work on developing a framework has found that there is great value in *systematically* evaluating the design and implementation of regulatory policy, against the achievement of strategic regulatory objectives. It has identified steps that can be taken within countries to build the necessary information to support improvements to regulatory policy. The process has developed a framework that OECD countries can take and apply in their own country as a diagnostic tool for regulatory policy evaluation.

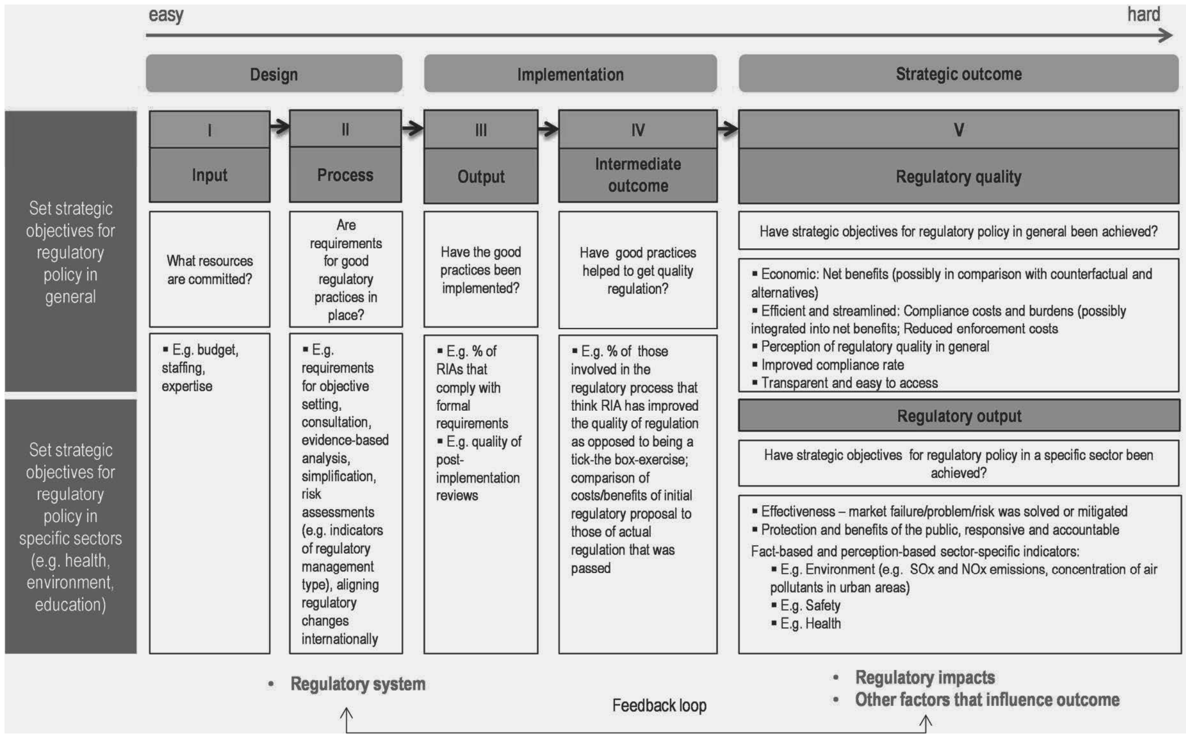
The Framework is based on the conclusion that countries require a process of evaluation that reveals the results of the investments that they have committed for the purposes of improving regulatory outcomes. It illustrates the embedded "input-process-output-outcome" logic that takes a sequenced evaluation of the effects of regulatory policy measures. It is structured to assist countries in evaluating each step, from the design and implementation of regulatory policy, to the achievement of strategic regulatory objectives. The application of the Framework will aid in the identification of the practical contribution of regulatory policy to the achievement of strategic outcomes, and to diagnose any systemic issues in the processes for the design and implementation of regulation.

The Framework advocates that OECD countries should define clear strategic outcomes for regulatory policy and evaluate whether these have been achieved. Participants at the workshop in Madrid highlighted the importance of setting objectives at the beginning of the process. This is illustrated in the amended Framework which commences with the setting of strategic objectives and establishes a process by which the achievement of these objectives can be evaluated.

The input-output-outcome logic of the Framework is robust and flexible and can be applied both to evaluate practices to improve regulatory policy in general, and also to evaluate regulatory policy in specific sectors, based on the identification of relevant strategic objectives. The strategic objectives for regulatory policy in general aim to strengthen regulatory quality broadly and are therefore potentially applicable to all regulations. These can include, for example, the goal of reducing compliance costs, maximising net benefits and producing regulations that are transparent and easy to understand. For the Framework to be applied to a specific sector, the additional strategic objectives for regulatory policy in this sector are to be added. For example, governments may aim to reduce pollution with environmental regulations and reduce the number of car accidents with safety regulations. Strategic objectives vary for different policy areas, and may also differ within policy sectors across countries.

If countries have information available on every step of regulatory policy evaluation, from design through implementation to the achievement of strategic outcomes, any specific performance problems can be identified and addressed in subsequent program design. Similarly successes can be measured and communicated. A feedback loop at the base of the columns illustrates that the achievement of strategic outcomes can be traced back either to the design and implementation of regulatory policy, which can be reformed accordingly or to other factors outside the regulatory system that influence outcomes.

Figure 2.1. The Framework for Regulatory Policy Evaluation



Box 2.1. **Describing the main elements in the Framework for Regulatory Policy Evaluation**

The five columns in the Framework (Figure 2.1) illustrate the stages in the "input-process output-outcome" logic sequence.

Stage I. Input: This column contains information on the resources committed to regulatory policy. Input indicators include for example the budget and staff of the regulatory oversight body (see Radaelli and Fritsch, 2012, for more indicators). If the framework were to be applied to a specific sector, information on the budget and staff of sector-regulators would be useful.

Stage II. Process: Indicators in this column assess whether formal requirements for good regulatory practices are in place. This includes requirements for objective-setting, consultation, evidence-based analysis, administrative simplification, risk assessments and aligning regulatory changes internationally.

Stage III. Output: Indicators in the output column provide information on whether the good regulatory practices as assessed in the previous box have actually been implemented. An example of an indicator may be the percentage of Regulatory Impact Assessments (RIAs) that comply with a government's formal requirements for the use of RIA (additional indicators and examples are outlined in the next chapter and in the paper by Radaelli and Fritsch).

Stage IV. Intermediate outcome: This column assesses whether good regulatory practices contributed to an improvement in the quality of regulations. It therefore attempts to make a causal link between the design of regulatory policy and outcomes. Possible indicators include the percentage of those involved in the regulatory process that think RIA has improved the quality of regulation as opposed to being a tick-the box exercise, and a comparison of costs/benefits of initial regulatory proposal to those of the actual regulation that was passed (see Radaelli, and Fritsch, 2012, for more examples).

Stage V. Strategic outcome: The column on strategic outcomes assesses whether the desired outcomes of regulatory policy have been achieved. It is divided into two boxes based on the strategic objectives that have guided the choice of inputs and processes. The first box assesses whether strategic objectives of regulatory policy in general have been achieved (regulatory quality) and the second box assesses whether strategic objectives of regulatory policy in specific sectors have been achieved (regulatory outcomes):

- **Va) Regulatory Quality**: This box assesses whether the strategic objectives for regulatory policy in general have been achieved, i.e. whether the quality of regulations has been improved. This can include evaluations of whether regulations are efficient and streamlined, minimise compliance costs and burdens, and are transparent and easy to access. It can also include measurements of net benefits, increases in compliance rates and reductions in enforcement costs (see also Radaelli and Fritsch, 2012; Coglianese, 2012).

Box 2.1. **Describing the main elements in the Framework for Regulatory Policy Evaluation** (*cont.*)

- **Vb) Regulatory Outcomes**: This box assesses whether the strategic regulatory objectives for regulatory policy in a specific sector were achieved. For instance, environmental regulation might aim to reduce pollution. Indicators of reductions in SOx and NOx emissions or the concentration of air pollutants in urban areas could contribute to evaluating whether strategic objectives have been achieved (see also Coglianese, 2012).

Implementation of the Framework

The Framework is adaptable. It can be applied in different ways in OECD member countries; both to evaluation of regulatory policy programmes and also to the success of measures taken in a particular regulated sector.

A key finding of the project was that it is possible for all countries to collect information on outputs and intermediate outcomes to evaluate the actual implementation of their regulatory policy tools and programmes. There is value in both collecting facts (e.g. the percentage of draft laws for which RIAs in line with national guidelines were conducted) and information on perceptions (e.g. the percentage of those involved in the regulatory process that view RIA as having improved the quality of regulation). Each set of indicators has its respective advantages and limitations. For example, fact-based indicators are replicable, comparable over time and "actionable", i.e. it is usually easy for policy-makers to know what to do to improve on the indicator. The advantage of perceptions-based indicators is that they provide more information on actual quality, use and impact of regulatory policies. At the same time, policy-makers need to take into account the many factors that influence perceptions in the design and use of survey data, as the recent OECD work on perception surveys has demonstrated (see also OECD, 2012).

Ideally, factual information is combined with assessments from experts, business and citizens to provide information on the "full picture". Drawing on different methods or different groups of respondents to check results is also referred to as "triangulation". Assessing the elements in the Framework is not limited to indicators. It is useful to complement indicators with qualitative research methods such as case studies, interviews and focus groups. They can help to provide positive examples of "what works", and identify concrete suggestions for improvements. For example, RIA successes in stopping or amending poor regulatory proposals exist but are rarely highlighted.

Chapter 3 provides an overview of regulatory policy evaluation practices in OECD countries, including concrete examples of output and intermediate outcome indicators and publicly available evaluation reports.

Furthermore, the expert papers by Professor Claudio Radaelli and Oliver Fritsch and by Professor Cary Coglianese are a valuable resource for applying the Framework in practice. For example, Professor Claudio Radaelli and Oliver Fritsch provide in their expert paper a range of concrete suggestions for indicators and evaluation methods that can be overlaid on the Framework to facilitate its implementation. Tables 1, 2 and 3 (pp. 23-24) provide an overview of indicators suggested in the paper to countries for applying the Framework. For each of the indicators in Tables 1, 2 and 3, the authors provide guidance and a detailed assessment. Table A.1 in the paper by Professor Claudio Radaelli and Oliver Fritsch (p. 38ff) provides information on the underlying concept, the methodology, data collection and recommended usage. Table A.2 in the paper (p. 44ff) provides information on costs of data collection and measurement, assumptions underlying the indicators, an assessment of the quality of the indicator, its limitations and comparability. Table A.2 also categories the indicators in order of priority to give countries that have not yet built a system of regulatory policy evaluation and may have limited resources at their disposal to do so, a sense of "where to start". Table A.3 in the paper (p. 61ff) provides examples of countries that have already used each indicators and references to relevant literature and country website.

Finally, Chapter 4 highlights key findings from two pilot studies of the Framework in Canada and in the Netherlands.

Table 2.1. Recommended indicators for regulatory policy evaluation from Radaelli and Fritsch (2012)

Input indicators	
Budget	• Budget for regulatory policy and oversight at departments and agencies
Staff	• Staff for regulatory policy and oversight at departments and agencies
Training	• Number of public officials in departments and agencies participating in training on regulatory policy and oversight
Output indicators	
Forward planning	• Proportion of departments and agencies publishing a forward plan for the introduction and review of primary laws and subordinate regulations to be prepared, modified, reformed or repealed
RIA scope	• Percentage of policy proposals for primary laws and subordinate regulations that are subject to RIA
RIA extent	• Composite indicator measuring the degree to which RIA documents, for both primary laws and subordinate regulations, include key items required by RIA guidelines
RIA quality	• Composite indicator measuring the degree to which RIA documents, for both primary laws and subordinate regulations, provide satisfactory analysis of key items required by RIA guidelines
RIA perception survey	• Composite indicator exploring the belief in the evidence-based nature of RIA, the tool's ability to predict, participatory quality, pluralistic nature of the assessment process, ritualistic nature, biased nature
Consultation scope	• Percentage of policy proposals for primary laws and subordinate regulations subject to consultation
Consultation extent	• Composite indicator measuring the degree to which consultations, for both primary laws and subordinate regulations, comply with consultation guidelines
Consultation perception survey	• Composite indicator based on survey questions exploring consultee and regulators' satisfaction with consultation and their belief in the learning quality of consultation, i.e. participation patterns, value of consultation for regulatees, impact of consultation on policy options considered
PIR scope	• Percentage of primary laws and subordinate regulations for which a post-implementation review was carried out and can be related to the initial RIA
PIR extent	• Percentage of post-implementation reviews for primary laws and subordinate regulations that pass a quality standard and therefore are not perfunctory, standards reflect standards of analysis developed for RIAs

Table 2.1. Recommended indicators for regulatory policy evaluation from Radaelli and Fritsch (2012) (*cont.*)

Intermediate outcomes	
Number of laws	• Number of primary laws and subordinate regulations and regulations introduced in the current year
Perception survey citizens/firms	• Composite indicator based on a number of survey questions exploring the degree of unnecessary information obligations, costs related to compliance with regulations, constantly changing legislation and rules, awareness of burden reduction initiatives, and the user-friendliness of procedures
Perception survey regulators	• Composite indicator based on a number of survey questions exploring the level of litigation, responsiveness of regulators, and access to justice to regulatees
Final outcomes	
Total number of lives saved	• Total number of lives saved as a result of new primary laws or subordinate regulations introduced in the current year
Total cost reduction	• Total net cost reduction in the current year resulting from various types of simplification activities divided by the value of the previous year

Source: Radaelli, Claudio and Oliver Fritsch (2012), "Measuring Regulatory Performance – Evaluating Regulatory Management Tools and Programmes", Expert Paper, No. 2, OECD, Paris. www.oecd.org/gov/regulatory-policy/2_Radaelli%20web.pdf, accessed 13 March 2014.

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Chapter 3

Practices in regulatory policy evaluation across the OECD[1]

This chapter presents an overview of publicly available indicators and reports in OECD countries to evaluate regulatory policy in four areas: the evaluation of the functioning of systems for RIA, of ex post evaluation systems, of administrative simplification programmes and of consultation practices. The information is based on an OECD survey that was carried out between 2012 and 2013 to provide countries with concrete examples of country practices to inform the design of their own evaluation system. The chapter also provides examples of evaluations of the impact of regulations on the real economy. Finally, it presents findings on the role of audit offices in regulatory policy evaluation.

1. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

As described in the previous chapter a necessary part of applying the Framework for Regulatory Policy Evaluation, is the collection and analysis of information and indicators on the quality of regulatory policies. Information on the performance of regulatory policy is necessary to identify and evaluate if regulatory policy is being implemented effectively and if reforms are having the desired impact. Regulatory performance measures can also provide a benchmark for improving compliance by agencies with the requirements of regulatory policy, such as, for example, reporting on the effective use of impact assessment, consultation, simplification measures and other practices (OECD, 2012a).

Transparency is an important feature for ensuring the effectiveness of the information. This depends on the public release of reviews and of performance data to allow external stakeholders to consider and comment on performance information, and to provide incentives to agencies to improve their practices. Building a strong connection with wider society will help to shape the expectations of regulators of the need to improve regulatory quality (OECD, 2012a).

The *OECD Recommendation of the Council on Regulatory Policy and Governance* therefore emphasises the importance of assessing the functioning of regulatory management tools in Principle 6:

> Members should regularly publish reports on the performance of regulatory policy and reform programmes and the public authorities applying the regulations. Such reports should also include information on how regulatory tools such as Regulatory Impact Assessment (RIA), public consultation practices and reviews of existing regulations are functioning in practice. (OECD, 2012a)

This chapter draws on the results collected from a survey carried out over the period 2012-13 of OECD countries on their regulatory policy practices, to provide an overview of evaluation practices currently taking place in OECD countries. The chapter first provides an overview of the use of performance reports and indicators and then zooms into evaluation practices of four key regulatory policy programmes and tools, providing concrete examples of evaluations of systems for RIA and *ex post* evaluation, of administrative simplification programmes and of consultation practices. It also provides examples of assessing the impact of regulations on the economy and broad policy objectives in OECD countries to measure the achievement of outcomes. Finally, it discusses the role of audit offices in regulatory policy evaluation in OECD countries.

A copy of the original questionnaire of the 2012-13 OECD survey on Regulatory Policy Evaluation is available in Annex C. More information on the methodology of the survey can be found in Annex D.

The use of performance reports and indicators for regulatory policy evaluation

The survey uncovered a wealth of examples of different types of regulatory evaluation, and it is encouraging that the usefulness of monitoring and evaluation is widely accepted and the majority of OECD countries already conduct evaluation reports on at least one kind of regulatory practice. Results indicate that 20 OECD countries have published evaluation reports of their RIA programmes and 21 of their administrative burden reduction programmes, but only eight countries have done so with respect to consultation procedures, and only four publish reports on the performance of their *ex post* evaluation systems (see Table 3.1). A full list of the publically available reports and indicators presented in the survey results is available in Annex A.

Indicators on the implementation of regulatory policy programmes and tools give us an overview of the progress made towards full implementation of a coherent, effective regulatory framework. They can help demonstrate measurable improvements that can be attributed against particular activities, and help highlight areas for improvement.

As discussed in the preceding chapters, it is possible for all OECD countries to develop *output indicators* that are qualitative and quantitative descriptions of whether the good regulatory practices described in policies have actually been implemented, for example the number of impact assessments that can be deemed fit for purpose.

Table 3.1. Countries publishing performance reports by policy tool/programme

	Reports published online on the performance of the following regulatory management tools and programmes (i.e. how they function in practice):			
	Regulatory Impact Analysis on draft regulations	Consultation practices on draft regulations	*Ex post* analysis of existing regulations	Administrative simplification and burden reduction programmes
Australia	●	❍	●	❍
Austria	●	❍	❍	●
Belgium	●	❍	❍	●
Canada	❍	❍	❍	❍
Chile	❍[1]	❍	❍	❍
Czech Republic	●	●	❍	●
Denmark	❍	❍	❍	●
Estonia	●	❍	❍	❍
EU	●	●	●	●
Finland	●	❍	❍	●
France	●	❍	❍	●
Germany	●	❍	●	●
Greece	❍	❍	❍	❍
Hungary	❍	❍	❍	❍
Iceland	❍	❍	❍	●
Ireland	●	❍	❍	❍
Israel	❍	❍	❍	❍
Italy	●	❍	❍	●
Japan	●	●	❍	❍
Korea	❍	❍	❍	❍
Luxembourg	❍	❍	❍	❍
Mexico	●	●	❍	●
Netherlands	❍	●	❍	●
New Zealand	●	❍	❍	●
Norway	●	❍	❍	❍
Poland	❍	❍	❍	●
Portugal	❍	❍	❍	●
Slovak Republic	●	❍	❍	❍
Slovenia	●	●	❍	●
Spain	❍	❍	❍	❍
Sweden	●	❍	❍	●
Switzerland	●	●	❍	●
Turkey	❍	●	❍	●
United Kingdom	●	❍	●	●
United States	❍	❍	❍	●
OECD34+EU	**20**	**8**	**4**	**21**

● Yes ❍ No.

1. Although Chile does not have a performance report on their RIA system, the status of RIAs can be tracked on www.e-seia.cl/busqueda/buscarProyectoAction.php?modo=ficha&nombre=&sector=&regiones=14&presentacion=EIA&buscar=true&popup=1.

Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

It is also possible to measure whether good regulatory practices have contributed to the improvement in the quality of regulations for example through *intermediate outcome indicator*. These could include perception surveys which assess the perceived success of regulatory management systems to change the quality of regulations or comparisons initial proposals with those of the final regulatory proposal and identify differences in their impact.

While more than half of OECD members publish performance indicators on administrative simplification and burden reduction programmes (20) and more than one third on the performance of RIA (14), only six countries have indicators for consultation and only Australia and Germany have specific indicators for *ex post* analysis (see Table 3.2).

A great number of countries indicated that they have performance indicators for several regulatory tools/programmes available internally only. Most of these internally available indicators refer to the functioning of RIA (9) and consultation (9), some to administrative burden reduction/simplification programmes (8), and only very few to *ex post* analysis (3). The focus of this chapter lies on publicly available indicators, as we do not have detailed information on all internally available indicators.

Seven of the OECD countries (Belgium, Estonia, Italy, France, the Netherlands, New Zealand and Switzerland), as well as the EU, publish results of perception surveys on the usefulness or quality of regulatory management tools (see Table B.1 in Annex B). Perception surveys are used to obtain information on citizen and business levels of satisfaction regarding government attempts to improve the regulatory environment (e.g. in Belgium, see Box 3.10). They are also used to assess the perceived success of regulatory management systems in changing the quality of regulations (e.g. in Switzerland, see Box 3.3). Advice on using perception surveys for evaluating regulatory policy and further country examples can be found in the OECD publication *A Practitioner's Guide to Perception Surveys*, available at www.oecd.org/gov/regulatory-policy/48933826.pdf (OECD, 2012c).

Table 3.2. Publicly available indicators on the functioning of regulatory management tools/programmes

	Publicly available indicators on the functioning of:			
	Regulatory Impact Analysis (RIA)	Consultation practices on draft regulations	*Ex post* analysis/reviews of existing regulation	Administrative simplification and burden reduction programmes
Australia	●	❍	●	❍
Austria	●	❍	❍	●
Belgium	●	❍	❍	●
Canada	❍	❍	❍	❍
Chile	❍	❍	❍	❍
Czech Republic	❍	❍	❍	●
Denmark	❍	❍	❍	●
Estonia	❍	●	❍	❍
EU	●	●	❍	●
Finland	●	❍	❍	●
France	●	❍	❍	●
Germany	●	❍	●	●
Greece	❍	❍	❍	❍
Hungary	❍	❍	❍	❍
Iceland	❍	❍	❍	❍
Ireland	❍	❍	❍	❍
Israel	❍	❍	❍	❍
Italy	●	❍	❍	●
Japan	❍	●	❍	❍
Korea	❍	❍	❍	❍
Luxembourg	❍	❍	❍	❍
Mexico	●	●	❍	●
Netherlands	❍	❍	❍	●
New Zealand	●	❍	❍	●
Norway	❍	❍	❍	❍
Poland	❍	❍	❍	●
Portugal	❍	❍	❍	●
Slovak Republic	❍	❍	❍	●
Slovenia	●	●	❍	❍
Spain	❍	❍	❍	❍
Sweden	●	❍	❍	●
Switzerland	●	❍	❍	●
Turkey	❍	●	❍	●
United Kingdom	●	❍	❍	●
United States	❍	❍	❍	●
OECD34 + EU	**14**	**6**	**2**	**20**

● Yes ❍ No.

Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

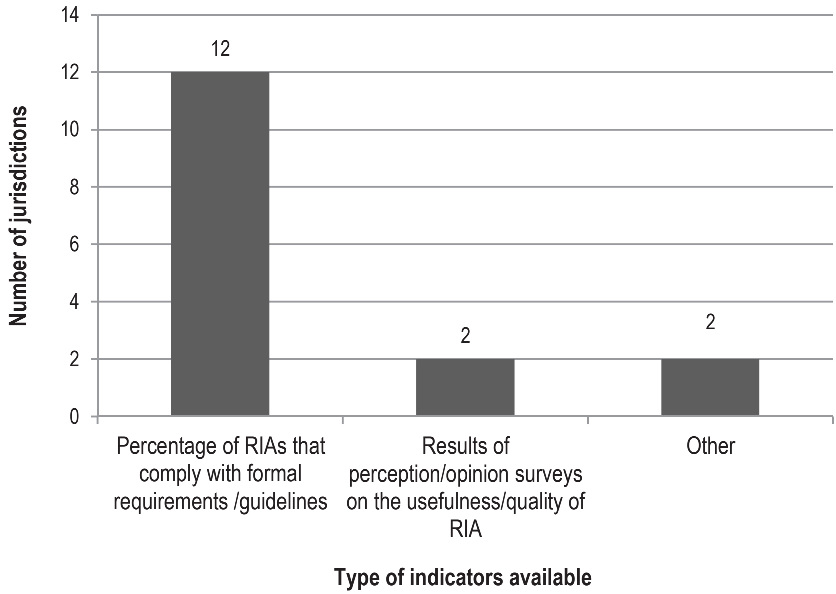
In most countries, performance reports and indicators are published by an independent or central government agency/department. There were some examples, however, where reports are not produced in-house but instead by academics, civil society and consultancy firms. For example New Zealand engaged Castalia Strategic Advisors to review the quality of regulatory impact statements (Castalia Strategic Advisors, 2013) and Switzerland commissioned Dr Lorenzo Allio, an independent policy analyst, to provide evaluation of detailed RIAs and Standard Cost Model (SCM) studies (Allio, 2011). In Germany the Research Institute for Public Administration Speyer assessed how RIA and evaluation contribute to a better management of regulatory risk factors (Sicko, 2010). Also several audit offices had a role in evaluating regulatory policy tools and programmes. For example Austria, Denmark and Sweden reported that their audit offices have reviewed simplification and burden reduction programmes (see Chapter 3, section on the role of audit offices).

Evaluation of the system for Regulatory Impact Assessments (RIA)

More than half the countries surveyed (20) were able to provide information on published performance reports on RIA, of which 14 also provided a type of publically available performance indicator. An overview of the countries that publish performance reports and indicators is shown in Table B.2. A full list of reports and indicators provided by delegates can be found in Table A.1 in Annex A.

Most performance indicators on RIA are output indicators that provide information on the actual implementation of RIA. They are often based on the assessments of individual impact assessments against defined criteria (see Figure 3.1). For example, the Impact Assessment Board of the European Commission analyses the quality of all draft impact assessments against multiple criteria and uses the results to make concrete recommendations for improvement. It lists the type of impacts evaluated and/or quantified, the numbers of RIAs performed in a given year and the reasons why RIAs have been rejected in its annual report (see Box 3.1).

Figure 3.1. Type of publicly available indicators on RIA



Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

Box 3.1. **The annual report of the European Commission Impact Assessment Board**

The Impact Assessment Board was established by European Commission President Barroso in 2006 to provide independent quality control and support for Commission Impact Assessments. The Board examines all draft Impact Assessments (IA) against the quality standards set out in the IA guidelines, and issues opinions with recommendations on how the individual IAs should be improved. The opinions and final IA reports accompany the corresponding policy proposal throughout the Commission's decision-making process, and are made publicly available once the proposal is adopted.

The Impact Assessment Board produces an annual report which describes the trends in the Board's opinions and recommendations, regarding:

- Structural issues, such as improving the quality of problem definition and establishing baseline objectives, stakeholder consultation and monitoring and evaluation,
- Analytical issues raised, e.g. economic impacts, social impacts, impacts on SME; and

Box 3.1. **The annual report of the European Commission Impact Assessment Board** (*cont.*)

- Horizontal issues such the IA's descriptions of intervention logic, risk assessment and proportionality of analysis.

The Impact Assessment Board is then able to use the evidence of these trends to give concrete recommendations to improve the quality of Impact Assessments. For example in the 2011 annual report it was found that over 30% of IAs had received comments on intervention logic and the need to have a clear link between all the elements of the analysis. The report suggests as solution to increase the use of problem trees. Problem trees can help to illustrate the interactions among problems, identify their underlying drivers, and link the initiative's objectives to the identified problems.

Source: European Commission (2012a), "Impact Assessment Board Report for 2011", ec.europa.eu/smart-regulation/impact/key_docs/docs/sec_2012_0101_en.pdf, accessed 19 March 2014.

The Swedish Better Regulation Council evaluates impact assessments based on the requirements specified in the Ordinance on Regulatory Impact Assessments and issues an opinion on whether it is "acceptable" or "deficient". This information is published in its annual report (Swedish Better Regulation Council, 2011). In the United Kingdom impact assessments are allocated to the following categories: Green ("fit for purpose"), Amber ("fit for purpose on the condition that changes are made to the RIA to respond to the concerns raised in the opinion"), and Red ("not fit for purpose") (UK Regulatory Policy Committee, 2014). The UK 2012 RPC Report (UK Regulatory Policy Committee, 2012) contains time series data on the quality of RIAs and lists RIA performance by ministry, comparing the percentage of RIAs that received a "fit for purpose" rating across different years in every department (UK Regulatory Policy Committee, 2012) (see Box 3.2).

Box 3.2. **UK indicators of RIA quality at consultation and final stage**

In the UK RIAs are assessed both at consultation stage, where the RIA is provided to stakeholders to inform them of the proposal and likely impacts, as well as at later stage where a final RIA is produced using the evidence gained from the consultation.

Box 3.2. **UK indicators of RIA quality at consultation and final stage** (*cont.*)

The RIAs are assessed against seven recommendations, which represent the integral steps in the process of producing a high quality RIA and can be seen as a distillation of the regulatory appraisal process:

- Don't presume regulation is the answer
- Take time and effort to consider all the options
- Make sure you have substantive evidence
- Produce reliable estimates of costs and benefits
- Assess non-monetary impacts thoroughly
- Explain and present results clearly
- Understand the real cost to business of regulation

At the consultation stage a RIA can receive a "Red, Amber, Green" rating. If a consultation stage RIA receives a Red rating, this means there are significant concerns with the analysis and evidence, and these must be corrected before the RIA can be published as part of the consultation process.

If a RIA received an Amber rating there are areas of concern with the quality of analysis and evidence presented but, on the understanding that changes will be made, the RIA to be 'fit for purpose'. If a RIA received a Green rating, there were no significant concerns with the quality of analysis and evidence presented. At final stage a RIA can only receive a Red or Green rating.

At final stage a RIA can only receive a Red or Green rating. This system provided departments with the incentive for developing evidence-based policy options, which had to stand up to scrutiny from a politically independent-body. However, the guidelines have recently been altered and now a 'Red' rating can only be given if there are concerns regarding the estimates of the costs to business, regardless of the quality of analysis in other areas. While the RPC may still provide comments regarding how well the RIA performs against the 7 criteria it is no long essential that departments demonstrate compliance with them in order for a proposal to be presented at the next stage of the decision-making process.

The number of RIAs examined and the percentage found to be "fit for purpose" can be found in the Regulatory Policy Committee's annual report.

Source: UK Department for Business, Innovation and Skills (2013a), "Better Regulation Framework Manual - Practical Guidance for UK Government Officials", www.gov.uk/government/uploads/system/uploads/attachment_data/file/211981/bis-13-1038-better-regulation-framework-manual-guidance-for-officials.pdf, accessed 18 March 2014; UK Regulatory Policy Committee (2012), "Assessing Regulation - An independent report on the evidence and analysis supporting regulatory proposals, January-August 2012", www.gov.uk/government/uploads/system/uploads/attachment_data/file/252697/assessingregulationrpcnov2012report.pdf, accessed 18 March 2014.

Only the EU and Switzerland provided links to publically available perception surveys aimed at evaluating the performance of RIAs, including its impact on regulations (intermediate outcome indicators) (see Box 3.3).

Box 3.3. **Switzerland's evaluation of in-depth RIAs and Standard Cost Model studies**

The purpose of the 2011 report (Allio, 2011) was to review Switzerland's use of "in-depth RIAs" and the Standard Cost Model (SCM). "In-depth RIAs" differ from normal RIAs through a more selective process, a partnership between different parts of government, and the systematic publication of results. The assessment of the report is based on a variety of sources, namely:

- a detailed examination of nine RIAs and three SCM studies;
- an analysis of the RIA systems in Germany, Canada and on EU level,
- an examination the OECD Indicators of Regulatory Management Systems and Switzerland's results in the area of RIA; and
- interviews with 42 persons (representatives from federal offices, stakeholders involved in the RIA process, main users of the RIA e.g. members of parliament or parliamentary committees, external experts from academia or consultancy firms).

All interviewees responded to a questionnaire which contained questions on the process, impact and quality of RIAs (e.g. had this RIA a significant influence on the formulation and adoption of the proposal? Had this RIA a positive influence on the final product of the decision-making process, e.g. the adopted law?). Based on the responses and additional information obtained through desk research each RIA was evaluated and received a score for its different aspects.

The study concluded that in-depth RIAs have proven to be a valuable tool to structure and present information in a more coherent manner. To further improve in-depth RIAs the report makes, among others, the following suggestions:

- Further institutionalisation of in-depth RIAs, for example through transferring the co-ordination and quality control tasks to a horizontal point in the public administration; and
- Better integration with consultation, for example the methodology of RIAs and their preliminary results should be elaborated in consultation documents.

The report was written Dr. Lorenzo Allio who was mandated by the State Secretariat for Economic Affairs (SECO).

Box 3.3. **Switzerland's evaluation of in-depth RIAs and Standard Cost Model studies** (*cont.*)

Source: Allio, Lorenzo (2011), Lorenzo Allio, "Évaluation des analyses d‟impact approfondies et des études Standard Cost Model effectuées par la Confédération entre 2007 et 2009", *R*apport final, Étude mandatée par le Secrétariat d'État à l'économie, Berne, 24.08.2011 [Evaluation of in-depth Impact Analyses and Standard Cost Model studies conducted by the Confederation between 2007 and 2009], www.news.admin.ch/NSBSubscriber/message/attachments/23926.pdf, accessed 18 March 2014; Allio, Lorenzo (2012), "Les résultats de l'évaluation des analyses d'impact approfondies" [The results of the evaluation of in-depth RIAs], presentation, www.seco.admin.ch/themen/00374/00459/00465/00467/index.html?lang=de&download=NHzLpZeg7t,lnp6I0NTU042l2Z6ln1acy4Zn4Z2qZpnO2Yuq2Z6gpJCFfXt9gGym162epYbg2c_JjKbNoKSn6A, accessed 20 March 2014.

Indicators on the performance of RIA are created for a variety of uses. Thirteen countries explicitly mentioned that they used quantitative indicators to adjust the design of tools or programmes. Twelve countries describe using the results for communication with internal or external stakeholders and eight countries explicitly mention using the results for the purposes of monitoring quality.

An example of a comprehensive assessment of a RIA system including the sub-national level is the report by the Australian Productivity Commission (see Box 3.4).

Box 3.4. **RIA benchmarking study by the Australian Productivity Commission**

The aim of the 2012 benchmarking study was to assess the performance of Australia's ten jurisdictions' RIA processes and to identify leading practices (Australian Productivity Commission, 2012). The report provides policy makers with concrete guidance and examples on ways of improving their systems.

The study assessed to which extent appropriate practices (e.g. public annual compliance monitoring and reporting on RIA) were implemented. The Commission found that RIA processes in Australia's ten jurisdictions are broadly consistent with OECD and Australian best practice principles. However, it was also noted that the manner and depth in which RIAs are carried out differ widely.

Box 3.4. **RIA benchmarking study by the Australian Productivity Commission** (*cont.*)

Significant concerns are *i)* the number of proposals with highly significant impacts that are either exempted from RIA or are not rigorously analysed, *ii)* too late public consultation in the policy-making process, and *iii)* a widespread lack of transparency in the use of RIA, including belated or inadequate stakeholder engagement.

Through a survey of agencies engaged in RIA activities the Productivity Commission identified a lack of commitment to RIA processes and unnecessary administrative burden created through interactions between the regulatory oversight body and agencies as possible underlying causes of the above-mentioned problems. Based on these findings the report elaborates ways to improve RIA processes:

- Implement transparency measures, such as a draft regulation impact statement (RIS) for early consultation, and publishing all RISs and RIS adequacy assessments;
- Implement accountability measures, such as the auditing of agency decisions on the need for a RIS and the auditing of regulatory oversight body adequacy assessments;
- Require ministers to provide reasons to parliament for non-compliance with the RIA process and for the granting of exemptions; and
- Target RIA resources more effectively.

Source: Australian Productivity Commission (2012), "Regulatory Impact Analysis: Benchmarking", www.pc.gov.au/__data/assets/pdf_file/0003/120675/ria-benchmarking.pdf, accessed 19 March 2014.

Evaluation of consultation practices

It is very complicated to review the effectiveness of the efforts to engage stakeholders, in particular because it is difficult to know what a legislative draft would have looked like if there had been no consultations. Nevertheless, establishing a monitoring and review system for engagement policies including a set of evaluation indicators is an important element of ensuring that consultation practices are effective.

Seven countries (Switzerland, Czech Republic, Japan, Mexico, the Netherlands, Slovenia, Turkey) and the EU publish information on their consultation practices in a performance report and only five countries (Estonia, Japan, Mexico, Slovenia, Turkey) and the EU have a publicly available performance indicator on their consultation practices. A full list of reports and indicators provided by OECD delegates can be found in Table A.2 in Annex A.

While Mexico does not publish an indicator on compliance with formal requirements for consultation, it reports that compliance is always 100%. The regulatory oversight body COFEMER checks compliance with consultation requirements for all draft regulations and in case of non-compliance regulations cannot be published in the official gazette and are therefore not legally binding.

Box 3.5. **Case study: EU's evaluation of its consultation practices (2012)**

The 2012 review of the EU Commission's consultation policy (European Commission, 2012b) is a comprehensive report describing and reviewing current consultation practices. It addresses issues such as the openness and reach of consultation and the use of input received during consultation. The review draws upon different sources. First, it contains an analysis of international standards, among them the 2012 OECD Recommendation of the Council on Regulatory Policy and Governance. Second, an open consultation of external stakeholders was used to gather a wide range of opinions. Third, input from different Commission services was sought, including data on consultations and impact assessments carried out between January 2010 and August 2012. The report provides indicators concerning the Commission's consultation practices, for example on the type of consultation, consultation tools, languages and length, as well as the availability of consultation outputs, and percentage of consultations with external parties in which the minimum consultation period was respected. The report also identifies measures that could be taken to enhance the quality of consultation, for example:

- Adjusting the minimum standards;
- Improving planning, for example by publishing a rolling calendar of planned consultations online;
- Improving follow-up and feedback, for example through developing alert systems to notify respondents at key stages throughout the policy-making cycle.

Source: European Commission (2012b), "Review of the Commission Consultation Policy", http://ec.europa.eu/smart-regulation/better_regulation/documents/document_travail_service_part1_en.pdf, accessed 19 March 2014.

The performance reports usually contain quantitative information on the number of consultation procedures, the nature and number of comments received and the length of consultation periods. The EU provides a good example of judging consultation practices through multiple criteria including indicators of accessibility and transparency (see Box 3.5). It is also a good example of a comprehensive review of consultation practices.

Another example of a detailed study on consultation practices is a report by Switzerland (Swiss Parliamentary Control Commission, 2011) which evaluates different aspects of the Swiss evaluation and hearing system, for example the time available to stakeholder to submit comments or the legal basis for consultation and hearings. As a main finding, the report lists the five key weaknesses of the current state of affairs (more details are provided in Box 3.6)

Box 3.6. **Case study: Switzerland's evaluation of its consultation and hearing system (2011)**

In 2005 Switzerland enacted a law, the *Consultation Procedure Act,* which laid down for the first time requirements for consultations and hearings. The law also introduced a distinction between these two terms. Consultations can only be initiated by the Federal Council of Switzerland (the highest executive organ) or parliament for projects which are assumed to have a high impact. Hearings (French: "auditions") can be organised by departments or other offices on their own initiative and should be used for projects that are assumed to have a minor impact. While a consultation has to comply with strict requirements laid out in the law, the rules applicable to hearings are more lenient and less clearly defined.

The report is based on a review of existing documents, seven in-depth evaluations of single hearings, an online survey with organisers and participants of consultations and hearings, and interviews with government officials.

The report identifies the *five main weaknesses* of the current consultation and hearing practices:

- An unclear notion of "hearing": The public administration often does not consider the potential impact of a project when deciding whether to organise a hearing or a consultation. There have been cases when a hearing was chosen, while the scope of the project clearly requested a full-fledged consultation. Moreover, participants to consultation or hearings are often unaware of the distinction between the two.
- Too short time limits: Many participants stressed that the time limits for hearings, which are determined on the discretion of the public administration, often do not suffice to prepare well-founded and internally consolidated comments. Short time limits also tend to arouse participants' suspicions that hearings are only held *pro forma* to satisfy formal requirements.

Box 3.6. **Case study: Switzerland's evaluation of its consultation and hearing system (2011)** (*cont.*)

- Short-comings in the communication of hearing results: While the results of consultations and how comments were taken into account have to be published, for hearings only a short summary must be made available. However, this summary is often not sent to participants of the hearing. Hence, participants frequently feel that they are inadequately informed about how their comments were taken into account.
- Inability of the Federal Chancellery to correct violations: The public administration has significant discretion, especially concerning the organisation of hearings. However, when parts of the public administration were unlawfully organising a hearing for high-impact projects instead of a consultation, the Federal Chancellery lacks authority over these offices to effectively correct violations.
- Insufficient legal basis: The evaluation has shown that the most problems arise with regard to the criteria for the decision of the public administration as to whether a hearing or a consultation should be conducted.

Source: Swiss Parliamentary Control Commission (2011), "Evaluation de la pratique de la Confédération en matière de procédures d'audition et de consultation" [Evaluation of the practices of the Confederation with regard to hearing and consultation procedures], www.parlament.ch/f/dokumentation/berichte/berichte-aufsichtskommissionen/geschaeftspruefungskommission-gpk/berichte-2011/Documents/bericht-pvk-evaluation-anhoerungspraxis-2011-06-09-f.pdf, accessed 19 March 2014.

Japan publishes a detailed report for subordinate legislation. The Japanese report on the status of its public comment procedure (Japanese government, 2010) contains the results of a survey of consultation practices as established under Chapter 6 of the Administrative Procedure Act of 1993 (Japanese Administrative Procedure Act, 1993). It reports the number of consultation procedures by ministry and type of legislation, as well as comments received, compliance with a 30-day consultation period, the number of comments incorporated into the draft and the number of consultation results published.

COFEMER, Mexico's Federal Regulatory Improvement Commission, publishes monthly reports on Mexico's better regulation programme, which also contain information on consultation, for example how many comments were received, which stakeholder groups participated in consultation, and which regulations and ministries received the most comments (COFEMER, 2014). This information is collected every month and therefore allows tracking the performance of Mexico's consultation system over time.

Estonia is the only country that has commissioned a survey on the quality of its public consultation system with people from organisations of the public sector (including local authorities, universities and research institutes), the private sector (including companies and state owned enterprises) and other non-state actors including non-profit organisations (see Box 3.7).

Box 3.7. **Estonian study on stakeholder involvement with government agencies**

The Estonian 2010 report *Stakeholder involvement with government agencies* provides a comprehensive review of the quality of stakeholder involvement in regulation and supportive policies across nine government ministries.

The analysis combines quantitative and qualitative methods of data analysis. The quantitative part of the analysis included a survey of 428 stakeholder representatives from the public sector (including local authorities, universities and research institutes), the private sector (including companies and state owned enterprises) and other sectors (e.g. non-profit organisations). The questionnaire asked detailed questions regarding stakeholder involvement and participation, for example the extent to which stakeholders had provided and received feedback on proposals in the last two years, as well as challenges in participating in the development of legislative and policy documents.

In addition the study also used the results of a survey of 224 officials from within the nine ministries as well as reviewing policy case studies. The study builds on a 2004 study on stakeholder involvement and aims to analyse the change in performance levels of the central government, and develop proposals to raise systemic stakeholder involvement.

Stakeholder involvement was found to have become wider, stronger and more efficient; and that 'Good Practice Engagement' had become more prevalent. The report however, explained there still remains the problem of engagement occurring at too late a stage. This inhibits substantive discussion and mutually respectful partnership. The study also found that the information regarding the policy-making process is often opaque or difficult to find.

The report recommends laying down specific requirements regarding the level of inclusion, and for ministries to provide a stronger role and demonstrate clear accountability.

The study was commissioned by the Ministry of Internal Affairs and the State Chancellery and conducted by the Centre for Policy Studies in collaboration with Praxis MTÜga Institute of Baltic Studies.

Source: Institute of Baltic Studies (2010), "Lõpparuanne - Valitsusasutuste kaasamispraktikate analüüs" [Final report – Stakeholder involvement with government agencies], www.siseministeerium.ee/public/SIMKA.pdf, accessed 19 March 2014; Centre for Policy Studies in collaboration with Praxis MTÜga Institute of Baltic Studies (2010), "Citizen engagement: How to get to the actual holding in public decisions?", www.praxis.ee/index.php?id=883, accessed 20 March 2014.

Evaluation of systems for ex post analysis/review

While it is widely agreed that systematic evaluation of existing regulations through *ex post* impact analysis is necessary to ensure that regulations are effective and efficient, few countries are actually performing it on a systematic basis. In particular, few countries assess whether underlying policy goals of regulation have been achieved, whether any unintended consequences have occurred and whether there is a more efficient solution to achieve the same objective. A more frequent practice in OECD countries is partial *ex post* assessment focusing exclusively on regulatory burdens, which will be discussed in the next section.

It is therefore not surprising that only four countries (Australia, EU, Germany, and the United Kingdom) publish reports on the functioning of their *ex post* evaluation systems. The reports they differ widely in approach: The Australian and German reports are the only reports containing performance indicators (see Box 3.8 for more details on Australia's indicator), the EU provides a report (European Commission, 2013) on the current status of its *ex post* evaluation system drawing upon a consultation with stakeholders (European Commission, 2012c) and makes recommendations on how to improve it. The UK provides information on *ex post* evaluation as part of a report on the one-in one-out rule (UK Department for Business, Innovation and Skills, 2013b). The report contains information on the reform of sun setting and on the red tape challenge (the latter is linked to administrative burden reduction). Despite Germany only having established a systematic approach to *ex post* evaluation very recently (in 2013), it has already published several reports on the topic. For example the National Regulatory Control Council commissioned the consultancy firm Prognos to identify good practices in *ex post* evaluation in other countries (Canada, the European Union, Sweden, Switzerland, the United Kingdom) and to provide recommendations for Germany on how to develop their own system in the future (Prognos, 2013). Moreover, Germany's Supreme Audit Institution has assessed whether government agencies live up to the requirement to define in their legislative proposals the scope and timeframe for *ex post* evaluation (German Supreme Audit Institution, 2010). The report contains information on the percentage of legislative proposals that comply with this requirement.

A detailed overview of all performance reports and indicators concerning the functioning of *ex post* reviews can be found in Table A.3 in Annex A.

Box 3.8. **Case Study Australia's post-implementation review indicators**

Australian Government agencies are required to undertake a post-implementation review (PIR) of regulation introduced without a Regulation Impact Statement (RIS), unless the impact is of a minor or machinery nature and the regulation did not substantially alter previous arrangements. The Office of Best Practice Regulation (OBPR) publishes annual *Best Practice Regulation Reports* (Australian Office of Best Practice Regulation 2013a) on post implementation reviews (PIRs) that list the number of PIRs that are judged to be compliant or non-compliant with the formal requirements in the Post-Implementation Review guidance note respectively (Australian Office of Best Practice Regulation 2012).

PIRs are very similar in form and substance to a RIA. Like a RIA, a PIR will outline the problem and objectives, provide evidence and analysis, present findings from consultation, and make a conclusion. The main difference is that the impact analysis for a PIR should include information about the actual impacts of the regulation, rather than just estimates. Stakeholder consultation is essential and will form a key part of a PIR. The regulatory process, including PIRs and Annual Regulatory Plans is overseen by the OBPR, including PIRs and Annual Regulatory Plans. The OBPR assesses the adequacy of PIRs against the Government's best practice regulation requirements laid out in the Post-Implementation Review guidance note.

This practice provides quantitative indicators on the number of PIRS that are performed and the number that are considered non-compliant with the formal requirements. According to the latest report at the time of writing (December 2013) there were a total of 95 post-implementation reviews (PIR) required (Australian Office of Best Practice Regulation 2013b). Of the 95 PIRs, in 17 cases the regulation has not yet been implemented, 44 PIRs have not been started, 12 have started, 5 were completed and not yet published, and 17 were completed and published. Two PIRs were non-compliant for not having been completed in around six months from the due date of commencement.

In addition the Australian Government's Productivity Commission has published a research report on *Identifying and Evaluating Regulation Reforms* which evaluates past attempts to review and reform the regulatory "stock", as well as to consider methods for evaluating reforms. Key findings included (but are not limited to): red tape targets can provide a good starting point for burden reduction programmes but "one-in, one-out" rules have more disadvantages than advantages; sunsetting can help eliminate redundant regulation and ensure that re-made regulation is 'fit for purpose' and public stocktakes can help identify cumulative burden while in-depth reviews are best for identifying options for reform in more complex areas.

Box 3.8. **Case Study Australia's post-implementation review indicators** (*cont.*)

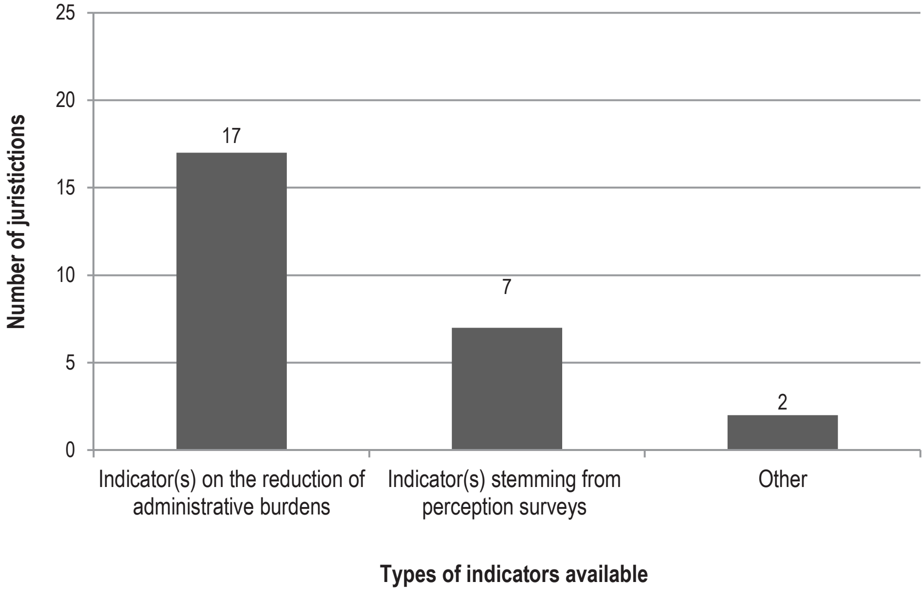
Source: Australian Office of Best Practice Regulation (2013a), *General website,* www.dpmc.gov.au/deregulation/obpr/index.cfm, accessed 19 March 2014; Australian Office of Best Practice Regulation (2012), "Australian Office of Best Practice Regulation Guidance Note - Post-Implementation Reviews", http://ris.finance.gov.au/files/2012/03/pir_guidance_note.pdf, accessed 19 March 2014; Australian Office of Best Practice Regulation (2013b), "Post-implementation Review Status and Compliance", http://ris.dpmc.gov.au/summary-compliance-reporting/post-implementation-reviews/, accessed 19 March 2014; Australian Productivity Commission (2011), "Identifying and Evaluating Regulation Reforms", www.pc.gov.au/__data/assets/pdf_file/0018/114165/regulation-reforms.pdf, accessed 19 March 2014.

Evaluation of administrative simplification and burden reduction programmes

A majority of OECD member countries have adopted administrative burden reduction programs in recent years. Many countries use some form of the Standard Cost Model approach and 21 OECD countries are members of the Standard Cost Model Network.[2] As expected this was shown to be the area of regulatory policy where there was the greatest number of publically available reports and quantitative indicators. Twenty-one countries provide performance reports on administrative simplification and burden reduction programmes. Most of them are published on a regular basis, either annually (Austria, Belgium, Denmark, Germany, the Netherlands, Slovenia, United States, Portugal, Turkey) or every two to three years (EU). Twenty countries also provide performance indicators, which are mostly integrated in the performance reports. Figure 3.2 shows which kinds of indicators are available in countries and Table 3.3 provides an overview of the countries that publish reports and indicators. A detailed overview of all performance reports and indicators concerning the performance administrative simplification and burden reduction programmes can be found in Table A.4 in Annex A.

2. See: www.administrative-burdens.com. The 28 member countries of the SCM Network also include a number of non-OECD countries, as well as the Australian State of Victoria.

Figure 3.2. Jurisdictions with indicators on administrative simplification and burden reduction programmes



Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

The reports and indicators generally evaluate the reduction in administrative burdens achieved against an overall baseline, for example against the EU goal of 25% reduction (e. g. Austria, EU, the Netherlands, Poland, Slovak Republic, Germany), which is described in more detail in Box 3.9.

Some performance reports (e.g. New Zealand, Germany, the Netherlands) also address compliance costs; a measurement that goes beyond reporting on administrative burdens which are only one part of regulatory costs. For example, as part of its annual report on Better Regulation, Germany provides comprehensive information and several indicators on the reduction of compliance costs (German Government, 2014). In addition, the German National Regulatory Control Council, an independent body focusing on scrutinizing compliance costs calculations as well as advising the government in the area of better regulation and burden reduction, examines, among others, the comprehensibility and correct methodology of the description of the compliance costs of new regulations (National Regulatory Control Council, 2014). The result of this examination is either a critical or a positive opinion which is then transmitted to Parliament.

Box 3.9. **The EU's 25% administrative burden reduction target**

In March 2000, the European Council in Lisbon adopted an ambitious political objective - the Lisbon Agenda. EU leaders envisaged that the EU would become the most competitive and dynamic knowledge-based economy in the world.

As part of the Lisbon Agenda the European Commission launched a Better Regulation Agenda to modernise and simplify the stock of existing EU legislation. This programme applied to all stages of the policy cycle and focused on:

- improving and extending the use of impact assessment for new proposals, to ensure that all new initiatives are of high quality;
- screening pending legislative proposals; and
- introducing a new method of simplifying existing legislation, through legislative techniques such as recast, repeal, codification or revision.

Importantly, conscious of the economic impact of disproportionate administrative costs and further to a request by the European Council, the Commission started to consider a common methodology for measuring administrative burdens imposed by existing legislation. The EU Standard Cost Model, which is based on the Standard Cost Model and at present in use by the vast majority of Member States, was proposed in October 2005.

The Commission then presented an Action Programme to reduce administrative burdens on EU businesses by 25% by 2012, which was endorsed by the Spring European Council in March 2007. The programme targeted both EU legislation and national legislation implementing and transposing EU law. Measurements in 2012 showed that an overall burden reduction of 30.5% was achieved. However, some reduction potential (ca. EUR 3.2 billion) was foregone due to changes made to Commission proposals during the legislative process.

The Action Programme is not about deregulation, nor does it aim to change policy objectives set out in existing Community legislation. Rather, it aimed to streamline and make less burdensome the way in which policy objectives are implemented.

Source: Capgemini, Deloitte and Ramboll Management (2010), "EU Project on Baseline Measurement and Reduction of Administrative Costs: Final Report", incorporating report on "Module 5.2 – Development of Reduction Recommendations", final version, http://ec.europa.eu/smart-regulation/refit/admin_burden/docs/enterprise/documents/files/abs_development_reduction_recommendations_en.pdf; European Commission (2012d), Action Programme for Reducing Administrative Burdens in the EU Final Report, http://ec.europa.eu/dgs/secretariat_general/admin_burden/docs/com2012_746_swd_ap_en.pdf.

Countries use a broad range of methodologies to measure administrative burdens. In Austria for example the Ministry of Finance used 2007 as the baseline year, and estimated the existing administrative burdens for the Austrian companies of approximately EUR 4.31 billion. The Ministry of Finance reports on the progress of burden reduction against this baseline. The estimated burden for Austrian companies was already reduced by more than EUR 1 billion (Austrian Ministry of Finance, 2012).

Other reports list the reductions/savings achieved for a list of specific regulations (New Zealand, Germany). Often the achieved burden reduction is broken down at ministerial level (Germany, Austria, the Netherlands). The Netherlands also measure the burden reduction achieved in "top sectors"; sectors which are deemed as especially important for the Dutch economy.

Reductions in administrative burdens are a policy where the effects should be felt by the beneficiaries (usually businesses and citizens). It is therefore an area where surveys on public perception can be especially useful. The OECD Recommendation of the Council on Regulatory Policy and Governance states that:

> Simplification and reform programmes should be evaluated for the public value they deliver based on the resources required. Evaluation should focus primarily on the outcomes and effects for society ahead of the quantification of administrative burdens reduced. (OECD, 2012a)

The EU, Belgium, France, Italy, the Netherlands, New Zealand and Switzerland were the only countries that provided examples of perception surveys which evaluate the performance of administrative burden reduction programmes. They demonstrate interesting case studies of differing scopes and methodologies. For example, the *Dutch 2010 Burden Perception Monitor* (Zijdenbos, 2010), which is based on a survey of 1 206 Dutch companies, contains indicators on the awareness and perceived effectiveness of simplification, and on the confidence of respondents in the success of government in realising administrative burden reduction. The series of Belgium perception surveys and their results are explained more in detail in Box 3.10.

Box 3.10. **Perception surveys on administrative burdens among businesses and self-employed persons in Belgium**

Since 2000, the Belgian Agency for Administrative Simplification conducts every two years a survey among businesses and self-employed persons on how they perceive administrative burdens. The results of the surveys complement data on administrative burden reduction from other sources and are used to evaluate the process of administrative simplification and burden reduction in Belgium over time. The data also serves as an important point of reference to identify particularly burdensome regulations on federal as well as regional level.

The surveys are usually divided in two parts: 1) A quantitative part where businesses and self-employed persons are asked to estimate the costs they incur due to administrative requirements and 2) a qualitative part concerning the quality of regulations and the quality of interaction with public agencies that implement regulations. Only burdens in the areas of employment (only applicable to businesses), environment and taxation are considered. For 2012 around 600 businesses and 530 self-employed persons responded to the survey.

Based on the quantitative information provided by respondents the total costs stemming from administrative requirements for businesses were calculated. According to the survey they lay between 1.0% and 1.8% of GDP. The survey results also show which type of businesses incur the highest costs. It shows that small and medium-sized enterprises bear the lion's share of costs. For example while a small company had to spend almost 6000 euro per employee in 2012 due to administrative requirements, large businesses pay less than 1000 euro per employee per year. Moreover, the survey indicates in which domain administrative burdens are the highest. In Belgium this was in 2012 taxation (55.1% of total costs) and employment (36.8%). The survey results also enable policy makers to identify in which sectors which kind of administrative burdens are perceived as most burdensome.

Businesses were also asked to indicate whether they think that administrative burdens have diminished, increased or stayed the same during the last two years. The majority of businesses think that administrative burdens increased independent of company size or sector.

Much value also lies in the qualitative information obtained through perception surveys. Respondents were asked to judge the quality of regulations, for example whether regulations are easy to understand or are communicated to businesses in a timely fashion. The most pressing problems businesses perceive are that regulations are frequently insufficiently adapted to take account of different situations and that they are often difficult to understand, especially in the area of taxation.

Moreover, businesses were asked about the quality of interaction with public agencies that implement regulations they have to comply with, for example whether they can easily find out who they should contact within the public

Box 3.10. **Perception surveys on administrative burdens among businesses and self-employed persons in Belgium**

administration or whether administrative decisions are clearly motivated. Results show that businesses and self-employed persons alike are more content with the contact with public agencies than with the quality of the actual regulations. Over 60% of businesses answered that the information provided by the public administration satisfied their needs.

As the survey is repeated every two years it also tracks the evolution of administrative burdens over time. Since 2000 total administrative burdens are reported to have decreased by 26% for businesses and self-employed persons. Expressed in relative terms as percentage of GDP, administrative burdens have decreased by half, from 3.48% in 2000 to 1.70% in 2012. Over the years there has been a general trend of increasing total costs for businesses and slightly decreasing costs for self-employed persons.

Source: Belgian Federal Planning Bureau (2012), "Les charges administratives en Belgique pour l'année 2010" [Administrative burden in Belgium in 2010], www.simplification.be/fr/webfm_send/138, accessed 5 May 2014; Belgian Agency for Administrative Simplification (ASA) (2014), "Enquête biennale" [Biennially survey], www.simplification.be/fr/content/enquete-biennale, accessed 5 May 2014.

Table 3.3. Overview of publicly available performance reports and indicators on administrative simplification and burden reduction programmes

		Performance indicators on administrative simplification and burden reduction programmes		
	Performance reports on administrative simplification and burden reduction programmes	Reduction of administrative burdens	Results of perception surveys on the usefulness of administrative simplification and burden reduction programmes	Other
Australia	❍	❍	❍	❍
Austria	●	●	❍	❍
Belgium	●	●	●	●
Canada	❍	❍	❍	❍
Chile	❍	❍	❍	❍
Czech Republic	●	●	❍	❍
Denmark	●	●	❍	❍
Estonia	❍	❍	❍	❍
EU	●	●	●	❍
Finland	●	●	❍	❍
France	●	❍	●	❍
Germany	●	●	❍[1]	●
Greece	❍	❍	❍	❍
Hungary	❍	❍	❍	❍
Iceland	●	❍	❍	❍
Ireland	❍	❍	❍	❍
Israel	❍	❍	❍	❍
Italy	●	●	●	❍
Japan	❍	❍	❍	❍
Korea	❍	❍	❍	❍
Luxembourg	❍	❍	❍	❍
Mexico	●	●	❍	❍
Netherlands	●	●	●	❍
New Zealand	●	❍	●	❍
Norway	❍	❍	❍	❍
Poland	●	●	❍	❍
Portugal	●	●	❍	❍
Slovak Republic	❍	●	❍	❍
Slovenia	●	❍	❍	❍
Spain	❍	❍	❍	❍
Sweden	●	●	❍	❍
Switzerland	●	❍	●	❍
Turkey	●	●	❍	❍
United Kingdom	●	●	❍	❍
United States	●	●	❍	❍
OECD34 + EU	**21**	**17**	**7**	**2**

● Yes, this indicator is publicly available ❍ No

1. Germany is currently preparing a perception survey on the perceived complexity of law and the quality of co-operation with public authorities. First results are expected to be published in mid-2015.

Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

The impact of regulations on the economy and broad policy objectives

As discussed in the introduction of this paper, the over-arching aim of developing a framework for evaluation is assess the success of regulatory policy in achieving policy objectives in the most efficient manner and bringing about improvements in growth and societal welfare. The impact of regulatory policy on the economy and broad policy objectives is channeled through its impact on the design and implementation of regulations. Measuring the success of regulation is an example of a *final outcome indicator*. Identifying the impact of existing regulations not only can help suggest ways that regulatory policy can be improved; it can also be used to judge how successful were the mechanisms supporting its original design.

Nineteen countries answered that there existed some type of measure or study of the impact of existing regulations on the economy or broad policy objectives. Seventeen countries provided information on their measurements; two countries (Ireland, France) simply stated that such measures do not exist.

Thirteen countries (Australia, Austria, Belgium, Canada, Estonia, Germany, Italy, Norway, Slovak Republic, Sweden, Switzerland, United Kingdom, United States) and the EU state that they carry out *ex post* evaluations of regulations concerning their impact on the economy or broad policy objectives. However, these evaluations are mostly conducted on an *ad hoc* basis, depending on the needs in each policy area and not in a systematic fashion.

Evaluations are carried out on a variety of topics, such as:

- the economic impact of privacy policy laws, and regulations on commercial activity (Canada); or
- the impact of environmental policy instruments (including regulations) on the environmental goals set by the parliament (Norway).

In several countries (Austria, Canada, EU, Germany, USA) an evaluation is only required if the regulation in question is deemed "significant". For example in the EU, evaluations are mandatory whenever intervention entails significant spending. In 2013 Germany established a systematic approach for *ex post* evaluation. Under this new framework as a matter of principle, all material laws and regulations entailing compliance costs equal to or greater than a threshold of

EUR 1 million are to be evaluated three to five years after their entry into force. In this way, the German federal government has for the first time set out a binding framework for systematically reviewing laws and regulations.

Canada makes use of "Performance Measurement and Evaluation Plans" (PMEP) (Canadian Treasury Board, 2009) to ensure that regulatory activities continue to meet their initial policy objectives and are accordingly renewed on an ongoing basis. PMEPs are required under the Cabinet Directive on Regulatory Management (Canadian Cabinet Directive on Regulatory Management, 2007), for all "high" impact regulations, which are defined as exceeding regulatory costs of USD 10 million annually. A PMEP is a concise statement or road map to plan, monitor, evaluate and report on results throughout the regulatory life cycle. The PMEP is developed prior to submitting a regulatory proposal and helps regulators to make sound judgments on how to improve performance on an ongoing basis and to ensure that the information gathered will effectively support evaluation.

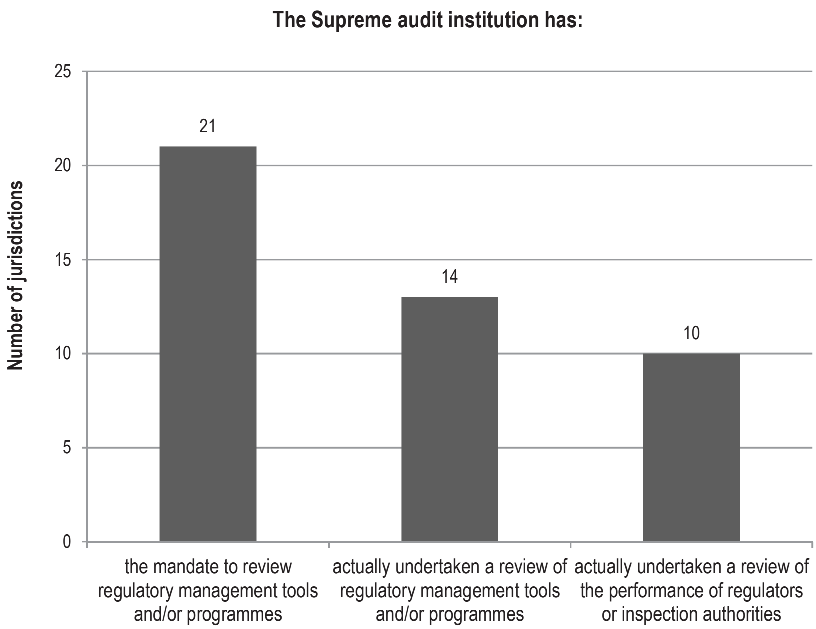
The role of audit offices

Reviews by the supreme audit institution help provide independent performance evaluation of the implementation of regulatory tools as well as monitoring of the regulatory agencies; they can perform an important role in raising standards by acting as "the guards who guard the guards". As illustrated in Figure 3.3 more than half of OECD countries (21) report that their supreme national audit institution has the mandate to review regulatory management tools or programmes. However, only 14 countries report that their supreme audit institution has actually undertaken a review of regulatory management tools or programmes. Ten OECD countries report that their supreme audit institution has undertaken a review of the performance of regulators or inspection authorities.

Detailed information per country can be found in Table 3.4.

Most reviews focus on the functioning of RIA (Estonia, EU, Finland, Germany, the Netherlands, Slovenia). Only Austria, Denmark and Sweden report that their supreme audit institution has reviewed simplification and burden reduction programmes. Finland is the only country to report a review of legislative drafting by their supreme audit institution; and Switzerland is the only country reporting a review of the use of evaluation clauses in legislation. No country reported that the supreme audit institution has conducted a separate evaluation of consultation practices. However, several supreme audit institutions reviewed parts of consultation within their assessment of RIA. For example the European Court of Auditors assesses at what stage of RIA consultation takes place and whether minimum periods are respected (European Court of Auditors 2010, pp. 29-30). The Slovenian audit office has evaluated RIA in 2006 and 2011. In its report it assesses the user-friendliness of the online portal "E-demokracija" where citizens can submit opinions on legislative proposals and examines whether time limits are respected (Slovenia Court of Auditors, 2011, p. 23-26).

Figure 3.3. Mandate and activities of supreme audit institutions



Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

Only the UK reports that its National Audit Office has undertaken a comprehensive review of its work on regulatory reform in 2011, called "Delivering Regulatory Reform" (UK National Audit Office 2011). It "examines the overall management of regulation across central government, focusing on the impact of regulation on business […], how departments choose to regulate […], and the implementation of regulation" (OECD, 2011).

Ten countries report that their supreme audit institution carries out performance audits of regulators or inspection authorities (Australia, Estonia, EU, Finland, Germany, Mexico, New Zealand, Slovenia, Sweden, United Kingdom). Only Australia explicitly mentions undertaking reviews of both regulators and inspection authorities. Mostly independent economic regulators are reviewed, such as the Electricity Commission in New Zealand (New Zealand Auditor-General, 2009) or the Inspectorate for Transport, Energy and Spatial Planning in Slovenia (Slovenian Court of Auditors, 2013); but also independent bodies focusing on standard setting, such as the British Food Standards Agency (UK National Audit Office, 2010). More information on the role of the Australian National Audit Office (ANAO) in evaluating regulators is available in Box 3.11.

Box 3.11. **The evaluation of regulators by the Australian National Audit Office**

The Australian National Audit Office (ANAO) has reviewed several Australian Government regulators (e.g. including the regulators of air transport, public health and safety, financial services, taxation and the movement of goods and services into and out of Australia).

These audits point to specific areas for improvement, including:

- Systematically applying risk management procedures to address administrative cost effectiveness
- Measuring and reporting regulatory performance
- Ensuring consistency in decision making
- Documenting key operational and regulatory decisions
- Planning and implementing compliance monitoring programmes
- Managing enforcement actions

The ANAO has also published a "Better Practice Guide" which can be used by government officials and independent agencies that have regulatory responsibilities to administer regulation efficiently and effectively (Australian National Audit Office, 2007).

Source: Australian National Audit Office (2007), "Administering Regulation - Better Practice Guide", www.anao.gov.au/~/media/Uploads/Documents/administering_regulation_.pdf, accessed 19 March 2014; Australian National Audit Office (n.d.), "Audit reports", www.anao.gov.au/Publications/Audit-Reports, accessed 19 March 2014.

Belgium, Italy, Korea, Mexico and Turkey indicate that not always the supreme audit institution, but one or more specialised bodies in the public administration have carried out audits of regulatory management tools and/or programmes. For example in Italy performance evaluation units ("Organismi indipendenti di valutazione della performance") are in charge of the performance measurement and evaluation within each administration. In Mexico the Ministry of Public Administration ("Secretaría de la Función Pública") operates specialised bodies in every ministry, which are in charge of reviewing the different regulatory management programmes and tools that ministries and decentralised bodies administer. An internally available review of 2011 also evaluated the activities of COFEMER, Mexico's Federal Regulatory Improvement Commission, for example the operation of one-stop shops or better regulation programmes.

Table 3.4. The role of supreme audit institutions in regulatory policy evaluation

	The supreme audit institution has:		
	the mandate to review regulatory management tools and/or programmes	actually undertaken a review of regulatory management tools and/or programmes	actually undertaken a review of the performance of regulators or inspection authorities
Australia	●	●	●
Austria	●	●	❍
Belgium	●	❍	❍
Canada	●	●	❍
Chile	❍	❍	❍
Czech Republic	❍	❍	❍
Denmark	●	●	❍
Estonia	●	●	●
EU	●	●	●
Finland	●	●	●
France	❍	❍	❍
Germany	●	●	●
Greece	●	❍	❍
Hungary	❍	❍	❍
Iceland	❍	❍	❍
Ireland	❍	❍	❍
Israel	❍	❍	❍
Italy	●	❍	❍
Japan	❍	❍	❍
Korea	●	❍	❍
Luxembourg	❍	❍	❍
Mexico	●	●	●
Netherlands	●	●	❍
New Zealand	●	❍	●
Norway	●	❍	❍
Poland	❍	❍	❍
Portugal	❍	❍	❍
Slovak Republic	❍	❍	❍
Slovenia	●	●	●
Spain	❍	❍	❍
Sweden	●	●	●
Switzerland	●	●	❍
Turkey	●	❍	❍
United Kingdom	●	●	●
United States	❍	❍	❍
OECD34 + EU	**21**	**14**	**10**

Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

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Chapter 4

Piloting the OECD Framework for Regulatory Policy Evaluation

This chapter highlights the key findings of two pilot studies conducted in Canada and in the Netherlands, including some concrete suggestions for facilitating the application of the Framework.

The Framework for Regulatory Policy Evaluation can be applied to evaluate regulatory policy in general and in specific sectors. Canada chose to apply the Framework to the evaluation of a regulator in a specific sector, Environment Canada. The OECD Network of Economic Regulators has started discussions to apply the Framework to regulators. The Netherlands tested whether the Framework could be applied to evaluate the Dutch General Administrative Law Act (Dutch government, 2014). The GALA, according to the Netherlands, falls in between the two categories of possible applications of the Framework, regulatory policy in general and in specific sectors.

The pilot studies led to a number of recommendations for future applications of the framework, including on the collection of data and the importance of institutional drivers for evaluation. Given the diversity of the possible applications of the framework, a larger number of case studies will be necessary to provide countries with a practical understanding of the application of the Framework.

The General Administrative Law Act in the Netherlands

The Netherlands applied the Framework for Regulatory Policy Evaluating to the (hereafter GALA, in Dutch: "Algemene wet bestuursrecht, Awb"). The General Administrative Law Act (GALA) contains the general rules for administrative law in the Netherlands. These rules apply in principle to all areas in which the government acts. All government bodies are required to comply with GALA rules in the decisions they take. The Act comprises general principles of administrative law, rules for preparing and taking decisions, including permits, subsidies, tax assessments, social benefits and the imposition of fines by administrative bodies. The Act also stipulates procedures for opposing a decision, whether conducted within the public administration or before an administrative court. In some respects this is analogous to the American *Administrative Procedure Act*, or the German *Verwaltungsverfahrensgesetz* and the German *Verwaltungsgerichtsordnung* (the GALA encompasses the scope of both German laws). Provisions in the GALA provided that the GALA was to be evaluated three years after coming into force, and then every five years. This provision has been removed in 2013 after several evaluations had been performed.

The Netherlands applied the Framework to two different levels of the GALA. On the one side the Framework was applied to the evaluation of the GALA as general law. When seen as general law the focus is less on the law and its specific provisions as set out in the Act, but on its significance in shaping the whole system of administrative law and practice in the Netherlands. The pilot report emphasises that GALA can be seen as part of Dutch regulatory policy as it comprises standards that administrative bodies must take into consideration when defining delegated legislation. On the other side the Framework was applied to the evaluation of the GALA as a specific regulatory instrument for dispute settlement. The second evaluation focuses therefore on specific provisions in the law. The Netherlands examined whether any success factors and lessons learned in the drafting and evaluation of GALA are reflected in, or conversely are conspicuously absent from, the Framework. This process was called retrospective matching. In addition the Netherlands discussed how useful the Framework, and in particular the suggestions regarding data collection for indicators, is for future evaluation. This was called prospective viability check.

The pilot study identified a number of key issues that can inform future applications and refinements of the Framework:

- The pilot study identified that there is a risk that only the easily collected indicators will be used, while the added value of the Framework resides in a combination of indicators. The Framework provides an opportunity to continue to exchange knowledge on the choice of indicators, ideally with a sharper focus on indicators that can be used in specific evaluations. In particular, information and examples on using triangulation to ensure that indicators provide a comprehensive picture of reality would be useful. Triangulation entails asking different groups about the same issue or using different methods to assess the same issue. The method could also help to involve the parties being regulated in the evaluation, which links to another key point of the pilot study: the need to clarify the target group of the evaluation.

- The institutional context in which evaluation is able to flourish is extremely important. This includes the embedding of evaluation in legal frameworks and potential drivers. For example, the statutory obligation in the GALA to evaluate was an important driver behind the evaluations that were performed. Not only bodies in charge of better regulation drive *ex post* evaluation. In the case of GALA, the involvement of a government commissioner was very important to keep the debate alive. Further work by the OECD could include concrete guidance on the institutional setting for evaluation.

- The Dutch regulation reform process was informed by a cross-national research literature on the impact of perceptions of fair process on acceptance of and reactions to government regulations and procedures. This literature, and the implementation of important parts of the GALA, point to benefits that result when policy makers attend to whether the citizenry feels fairly treated in the design and execution of regulations.
- Results of the pilot study indicate that the perceived fairness of the rule-making process can be enhanced by giving citizens the opportunity to voice their views and by providing clear indication that their voiced concerns have received consideration by legislators or other policy makers. The research literature shows that when citizens perceive the rule-making process to be fair, they are more likely to accept and obey the regulations that are ultimately adopted.
- Furthermore the Netherlands found that when the regulations themselves incorporate features (such as enhanced opportunities for citizens to participate and to voice their views and an avoidance of intimidating formality) that make it more likely that citizens will see the administration of regulations as fair, the result is greater acceptance of the process, greater acceptance of decisions, and greater trust in government. The positive experience with the deliberate inclusion of more accessible and less formal administrative procedures in the GALA shows this "fair process" effect in action.
- In designing the processes by which regulations are made, including the design of the evaluations, the regulatory process must address the method of implementation as well as the content of the act. The evaluations of the GALA showed clearly that the manner of execution has as much influence on the achievement of the objectives as the actual content of the Act. It would be desirable to have more indicators that are specifically oriented to the implementation of regulations. The pilot study indicates s that survey questions exist that would be useful in tracking the perceived fairness of administrative procedures by

citizens who encounter the procedures. It highlights that comparative data on the perceived fairness of experiences with existing and new procedures is especially important and recommends adding these criteria to the measurement of regulatory reform.

- Currently the Framework assumes that it is known from the beginning what should be measured and what indicators should be used for evaluation. The Dutch case study identified the importance of reviewing objectives periodically in a changing society and adding variables based on feedback on the implementation of regulations. For example, the dispute settlement in the GALA was originally oriented to reviewing the lawfulness of administrative decisions. However, this led to frustration among the population as they did not obtain final settlement of a dispute from the court but were referred back to the administration. This observation led the government to adjust its objectives to include, next to rapid and low-cost dispute settlements, also the satisfaction of citizens.
- The Framework recognises the importance of "other factors that influence outcome" and these also played a role in GALA. Specific guidance on how to deal with external factors would be useful.
- The Framework can help to avoid a narrow exclusively legalistic approach to regulations. Cultural change is very important and should not be forgotten when using the Framework

The Netherlands will make detailed reports on the pilot studies available online including an English translation.

Environment Canada

Canada identified how the Framework could be applied to Environment Canada. Environment Canada made some adjustments to the Framework in extending the stages on design and implementation. In design, it distinguished between defining the problem, undertaking a risk assessment, developing the appropriate response including regulatory responses and quality review and approval. In implementation of regulatory policy, Environment Canada added stages related to compliance promotion (e.g. facilitate awareness and understanding of regulations), inspection and enforcement, reporting and monitoring and performance measurement and evaluation. Canada identified four key indicators and criteria for Box Va) Regulatory Quality: Perception of regulatory quality in general, efficiency and transparency. For Box Vb) regulatory outcomes, it identified "threats to Canadians and their environment from pollution are minimised" and "Canada's natural environment is preserved and restored for present and future generations".

Environment Canada reflected on the potential application of the Framework after having undertaken an extensive internal review from 2010 to early 2012. This World Class Regulator (WCR) project aims to strengthen Environment Canada's regulatory processes and outcomes, engage the full range of regulatory experts in the department, and enhance its reputation and credibility as a regulator (Environment Canada, 2012). Environment Canada reports that this commitment to continuously aim to operate as a world class regulator entails an emphasis on effective environmental protection that is informed by evidence, achieves results as efficiently as possible, relies on transparent processes, and adapts to new information over time.

Through the WCR project, EC's managers and employees systematically assessed eight of the department's major regulatory areas against five key criteria to identify both best practices as well as opportunities for improvement. Lessons learned from an internal assessment of Environment Canada included allowing more time to analyse comments after the consultation periods before launching the next steps, to consider using a more quantitative assessment process such as a scoring method to help pinpoint areas of strength/weaknesses and to consult more broadly within the department when prioritising short term action items.

In addition, Environment Canada commissioned one of the experts involved in the Framework project, Professor Cary Coglianese, to undertake an external review of the WCR project. A multiyear action plan was developed to integrate the WCR commitment, criteria and lessons learned into the department's operating procedures and culture. Current work is focusing on four main objectives: explore opportunities to strengthen collaboration with other parts of the department where the development of regulations is not the principal focus (e.g. human resources), integrate WCR principles into external departmental reporting and internal management frameworks, continue to improve its performance measurement of risk management instruments; and continue to reinforce the best practices identified in the initial WCR assessment.

Further information on the WCR including the review study by Professor Cary Coglianese is available at www.ec.gc.ca/default.asp?lang=En&n=0F37F7CD-1.

Economic regulators

The Network of Economic Regulators initiated discussions on the application of the Framework to economic regulators at its bi-annual meeting in November 2013. The Framework will be operationalised through a Performance Assessment Framework for Economic Regulators (PAFER), which is aimed at identifying opportunities, gaps, problems and solutions for measuring performance at the regulator's level, as well as providing a common framework for facilitating cross-regulators learning and sharing of experience and distilling lessons relevant for all regulators.

In line with the Framework, the PAFER will cover the scope of regulator's mandate, looking at clarity and coverage of mandate and the extent to which the mandate include strategic objectives and outcomes for the regulator. The PAFER will also look at the use of the input-process-output-outcome logic sequence for developing performance indicators and the extent to which the logic sequence is applied to internal processes, regulated markets and end-users. Finally, the PAFER will assess the use of performance information for internal activities and organisation, including planning, budgeting and recruitment, as well as for accountable authorities and end-users.

The PAFER will inform the review of Colombia's tele-communication regulator, the *Comisión de Regulación de Comunicaciones* (CRC). The review will produce a set of specific recommendations for strengthening CRC's performance assessment framework and will help collect data and information on approaches and methodologies for setting regulator's objectives and targets that can be effectively measured methodologies for indicator development and use, and institutional set-ups for using performance measurement. PAFER findings will help refine the Framework and enrich it with sectoral data.

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Environment Canada (2012), "World Class Regulator", www.ec.gc.ca/default.asp?lang=En&n=0F37F7CD-1, accessed 13 May 2014.

Conclusion

The Framework represents an advance in the analysis of how countries should address the challenges of measuring the performance of regulatory policy that can be progressively developed through an examination of its application in practice. It recommends countries to systematically evaluate the design and implementation of regulatory policy, against the achievement of strategic regulatory objectives. This includes collecting key information on the actual implementation of regulatory policy programmes and tools.

Of course the Framework does not resolve all challenges in regulatory policy evaluation. Issues related to collecting data while imposing the minimum necessary level of bureaucracy, addressing trade-offs related to multiple objectives of regulatory policy and ensuring that data is well-used to improve regulatory policy, and establishing causality in the presence of outside factors influencing outcomes are all challenges that countries will need to address in the application of the Framework. However, while regulatory policy evaluation is unlikely to be fully complete, initial concrete steps are necessary if countries are have useful information about the performance impact of current regulatory policy tools and programmes.

As the results from the 2012-13 OECD survey on regulatory policy evaluation demonstrates, there are plenty of examples in OECD countries of measuring the quality of regulatory outputs, using quantitative indicators and qualitative reports to assess how well the policy aims are being implemented. The examples vary in methodology and depth of detail but the importance of high quality evaluation is being increasingly recognised. Similarly there were a number of available examples of attempts to measure the outcome of particular regulations through their impact on the economy or broad policy objectives. These indicators taken together can give an overview of whether the regulatory policy is successful in its aims, and whether there is any part of the mechanisms for policy development that could be altered to improve regulatory outcomes in the future.

Annex A. Indicators and reports on regulatory policy evaluation by country

Table A.1. Performance reports and indicators published on the functioning of RIA

Country	Report	Indicators
Australia	The Office of Best Practice Regulation (OBPR) publishes an annual Best Practice Regulation Report on compliance with the best practice regulation requirements, including regulation impact statements and post-implementation reviews. *Source:* Office of Best Practice Regulation (2014), *Best Practice Regulation Report 2012-13,* website, http://ris.dpmc.gov.au/2014/02/17/best-practice-regulation-report-2012-13/. Accessed 14 May 2014. Moreover, the Australian Productivity Commission has published a RIA benchmarking study in 2012. *Source:* Australian Productivity Commission (2012), Regulatory Impact Analysis: Benchmarking, www.pc.gov.au/__data/assets/pdf_file/0003/120675/ria-benchmarking.pdf, accessed 19 March 2014.	The Office of Best Practice Regulation (OBPR) publishes an annual Best Practice Regulation Report on compliance with the best practice regulation requirements, including on the ratio of adequate Regulation Impact Statements (RISs) to RISs required. For a RIS to be assessed as adequate, all of the component requirements of a RIS, including quality of analysis, must themselves be assessed as adequate. *Source:* Office of Best Practice Regulation (2014), *Best Practice Regulation Report 2012-13,* website, http://ris.dpmc.gov.au/2014/02/17/best-practice-regulation-report-2012-13/. Accessed 14 May 2014. Information on whether an individual RIS is compliant is also published 'live' on the website. *Source:* Office of Best Practice Regulation (2014), *Best practice Regulation Updates*, http://ris.dpmc.gov.au/, accessed 14 May 2014.

Country	Report	Indicators
Austria	The Austrian Federal Chancellery (Federal Performance Management Office) publishes a comprehensive yearly report about RIAs in general and their internal evaluations in particular. The report published in the year 2013 is available online. *Source:* Austrian Federal Chancellery (2013), *Bericht über die wirkungsorientierte Folgenabschätzung* [Report on result orientated impact assessments] www.oeffentlicherdienst.gv.at/wirkungsorientierte_verwaltung/dokumente/Bericht_WFA_1.0.pdf?4a9qq2, accessed 14 May 2014.	The 2013 report contains various indicators, such as what kind of impacts were assessed, how many RIAs have been conducted, and the percentage of recommendations relating to different quality aspects of RIA (assessment of the impacts on different groups, assessment of the scope of the impact, comprehensibility). *Source:* Austrian Federal Chancellery (2013), *Bericht über die wirkungsorientierte Folgenabschätzung* [Report on result orientated impact assessments] www.oeffentlicherdienst.gv.at/wirkungsorientierte_verwaltung/dokumente/Bericht_WFA_1.0.pdf?4a9qq2, accessed 14 May 2014.

Country	Report	Indicators
Belgium	The Flemish report on regulation is published annually and available online. *Source:* Public Governance Flanders (2014), *Publicaties* [Publications], website, www.bestuurszaken.be/publicaties-0, accessed 14 May 2014. The most recent version covers the year 2012. It contains information on the Belgian RIA system, measures that were agreed upon to improve it (e.g. the establishment of a RIA database) and progress in achieving these improvements. *Source:* Public Governance Flanders (2012), *Flaamse Regelgeving 2012* [Flemish law-making 2012], www.bestuurszaken.be/sites/bz.vlaanderen.be/files/40342%20BZ%20Jaarrapport%20LR.pdf, accessed 14 May 2014. Wetsmatiging (2014), *RIA database*, website, www.wetsmatiging.be/ria, accessed 14 May 2014.	The Flemish government publishes in its annual reports several indicators on the performance of RIA. Each RIA receives a score based on its quality. The 2012 report displays the average scores for RIAs per ministry and per policy area (p. 48). Moreover, it also reports how many public servants participated in training on RIA (p. 29). *Source:* Public Governance Flanders (2014), *Publicaties* [Publications], website, www.bestuurszaken.be/publicaties-0, accessed 14 May 2014. Public Governance Flanders (2012), *Flaamse Regelgeving 2012* [Flemish law-making 2012], www.bestuurszaken.be/sites/bz.vlaanderen.be/files/40342%20BZ%20Jaarrapport%20LR.pdf, accessed 14 May 2014.

Country	Report	Indicators
Czech Republic	In 2008 the Czech Ministry of Interior published an assessment of the effectiveness of RIA. The report evaluates the process of conducting RIAs (e.g. RIA acceptance rate inside and outside the office, training on RIA) and the quality of RIAs. Concerning the latter, deficiencies in the examination and quantification of alternatives options, and problems relating to implementation and enforcement were identified. *Source*: Czech Ministry of Interior (2008), "Zpráva o účinnosti Obecných zásad pro hodnocení dopadů regulace v roce 2008" [Report on the effectiveness of the Guidelines for impact assessment of regulation in 2008], www.mvcr.cz/soubor/ria-dokumenty-2011-zprava-o-ucinnosti-obecnych-zasad-pro-hodnoceni-dopadu-regulace-v-roce-2008-pdf.aspx, accessed 14 May 2014.	
Estonia	In 2007 the Estonian Ministry of Justice published a comprehensive report on its RIA system. The report examines the current RIA system and its main weaknesses (e.g. unclear definition of responsibilities across the government) and makes suggestions for improvement. *Source:* Estonian Ministry of Justice (2007), *Ülevaade ministeeriumite õigusloome mõjude analüüsist* [Overview of the effects of legislative analyses by Ministries], www.just.ee/orb.aw/class=file/action=preview/id=41326/%D5MA+projekti+l%E4hteanal%FC%FCs_24+09+2007.pdf, accessed 14 May 2014.	

Country	Report	Indicators
European Union	The European Commission's Impact Assessment Board publishes annual reports on its activities, which are available online; the latest one covering the year 2012 (at the time of writing: March 2014). Moreover, in 2010 the European Court of Auditors published a report evaluating the EU's RIA system. *Source:* European Commission (2012a), *Impact Assessment Board Report for 2011*, ec.europa.eu/smart-regulation/impact/key_docs/docs/sec_2012_0101_en.pdf, accessed 19 March 2014. European Court of Auditors (2010), *Impact Assessments In The EU Institutions: Do They Support Decision-Making?,* http://ec.europa.eu/smart-regulation/impact/docs/coa_report_3_2010_en.pdf, accessed 14 May 2014. European Commission (2014), *Impact Assessment Board (IAB)*, website, http://ec.europa.eu/smart-regulation/impact/iab/iab_en.htm, accessed 14 May 2014	The Impact Assessment Board's annual reports contain various indicators that can be used to evaluate RIA, such as the percentage of IAs that had to be resubmitted or the percentage of opinions that referred to certain issues (e.g. see 2012 report, p. 13, 15). *Source:* European Commission (2012a), *Impact Assessment Board Report for 2011*, ec.europa.eu/smart-regulation/impact/key_docs/docs/sec_2012_0101_en.pdf, accessed 19 March 2014.
Finland	In 2009 the Finnish National Research Institute of Legal Policy published a study with the aim to describe the quantitatively the usage of regulatory impact assessment in the Finnish Government's proposals to the Parliament in the year 2009. *Source:* Finnish National Research Institute of Legal Policy (2009), *Regulatory Impact Assessment in the Finnish Government's Proposals in 2009,* www.optula.om.fi/material/attachments/optula/julkaisut/tutkimustiedonantoja-sarja/XWcx1WGZD/Tiivistelma_VKsta.pdf, accessed 14 May 2014.	The 2009 study of the Finnish National Research Institute of Legal Policy contains various indicators, such as what kind of impacts where assessed. *Source:* Finnish National Research Institute of Legal Policy (2009), *Regulatory Impact Assessment in the Finnish Government's Proposals in 2009,* www.optula.om.fi/material/attachments/optula/julkaisut/tutkimustiedonantoja-sarja/XWcx1WGZD/Tiivistelma_VKsta.pdf, accessed 14 May 2014.

Country	Report	Indicators
France	The report of the Simplification Commission ("commissaire à la simplification") examines every RIA ("l'évaluation préalable des impacts") with respect to the impact on business activities, especially for the industrial sector and SME. The Commission examines the quality of legislative proposals, including the quantification of costs for business. Based on the assessment it issues an opinion (favorable or unfavorable). The first report of the Commission of 2012 is available online. *Source:* Commissaire à la Simplification (2012), *Premier rapport d'activité* [First report on activities], www.ladocumentationfrancaise.fr/var/storage/rapports-publics/124000199/0000.pdf, accessed 14 May 2014.	The report of the Simplification Commission ("commissaire à la simplification") contains the percentage of legislative proposals that received a favorable or unfavorable opinion by the Commission. *Source:* Commissaire à la Simplification (2012), *Premier rapport d'activité* [First report on activities], www.ladocumentationfrancaise.fr/var/storage/rapports-publics/124000199/0000.pdf, accessed 14 May 2014.
Germany	Both the German Chancellery and the National Regulatory Control Council publish annual reports on the government's better regulation programmes, including information on compliance costs assessments. *Source:* German Government (2014), *Bessere Rechtsetzung 2013: Erfolge dauerhaft sichern – zusätzlichen Aufwand vermeiden* [Better Regulation 2013: Securing success over time – avoiding additional burdens], www.bundesregierung.de/Content/DE/_Anlagen/Buerokratieabbau/2013-03-18-jb-2013.pdf?__blob=publicationFile&v=2, accessed 6 May 2014.	While Germany does not publish an indicator on compliance with formal requirements for RIA, it reports that compliance is always 100%, as legislative drafts must always be accompanied by a RIA. The report of the German Supreme Audit Institution contains indicators relating to RIA, such as: The percentage of legislative proposals that were accompanied by an examination of the possibility to include a sunsetting clause (p. 11); the percentage of legislative proposals that define the scope and timeframe for *ex post* evaluation (p. 13); and the percentage of legislative proposals transposing EU law that elaborate the relation of EU law to national law and examine the transposition of the relevant EU law in other EU member states (p. 15).

Country	Report	Indicators
Germany (*cont.*)	German Government (2014), *Jahres- und Projektberichte* [Yearly reports and project reports], www.bundesregierung.de/Webs/Breg/DE/Themen/Buerokratieabbau/2012-06-22-projektbericht.html, accessed 16 May 2014 . National Regulatory Control Council (2013), *Kostentransparenz verbessert - Entlastung forcieren* [Improving cost transparency – stimulating burden reduction], www.normenkontrollrat.bund.de/Webs/NKR/Content/DE/Publikationen/Jahresberichte/2013_07_02_nkr_jahresbericht_2013.pdf?__blob=publicationFile&v=2., accessed 16 May 2014 . National Regulatory Control Council (2014), Publications, website, www.normenkontrollrat.bund.de/Webs/NKR/EN/Publications/_node.htm , accessed 16 May 2014. In 2011 the Parliamentary Advisory Council on Sustainability published a report that evaluates the sustainability assessments conducted as part of RIA. *Source:* German Parliament (2011), *Bericht des Parlamentarischen Beirats über die Nachhaltigkeitsprüfung in der Gesetzesfolgenabschätzung und die Optimierung des Verfahrens* [Report of the parliamentary advisory council on the sustainability assessment as part of RIA and the improvement of the procedure], http://dip21.bundestag.de/dip21/btd/17/066/1706680.pdf, accessed 30 April 2014.	*Source:* German Supreme Audit Institution (2010), "Gutachten über Maßnahmen zur Verbesserung der Rechtsetzung und der Pflege des Normenbestandes", [Report on measures for optimising law making and the maintenance of the body of law], www.bundesrechnungshof.de/de/veroeffentlichungen/gutachten-berichte-bwv/gutachten-bwv-schriftenreihe/sammlung/2010-bwv-band-15-gutachten-ueber-massnahmen-zur-verbesserung-der-rechtsetzung-und-der-pflege-des-normenbestandes/view, accessed 5 May 2014.

Country	Report	Indicators
Germany (*cont.*)	The German Supreme Audit Institution ("Bundesrechnungshof") published a report on steps taken to optimise law making and the maintenance of the body of law: *Source:* German Supreme Audit Institution (2010), *Gutachten über Maßnahmen zur Verbesserung der Rechtsetzung und der Pflege des Normenbestandes* [Report on measures for optimising law making and the maintenance of the body of law], www.bundesrechnungshof.de/de/veroeffentlichungen/gutachten-berichte-bwv/gutachten-bwv-schriftenreihe/sammlung/2010-bwv-band-15-gutachten-ueber-massnahmen-zur-verbesserung-der-rechtsetzung-und-der-pflege-des-normenbestandes/view, accessed 5 May 2014. Also civil society, scholars and the German Institute for Public Administration Speyer have published reports on law-making and RIA in Germany. A group of scientists assessed the quality of laws issued by the federal government in the period 2005-07. *Source:* Initiative for New Social Market Democracy (2007), *Die Gesetzgebung der Großen Koalition in der ersten Hälfte der Legislaturperiode des 16. Deutschen Bundestages (2005-2007)* [Law-making by the grand coalition in the first half of term of the 16the German Parliament (2005-2007)], www.insm-gesetzescheck.de, accessed 5 May 2014.	

Country	Report	Indicators
Germany (*cont.*)	The German Research Institute for Public Administration Speyer assessed how RIA and evaluation contribute to a better management of regulatory risk factors, http://solrtest.bsz-bw.de/vufind/Record/DE-208346400317/Cite, and whether RIA and evaluation meet the constitutional requirements concerning the inner legislative process, cat.inist.fr/?aModele=afficheN&cpsidt=25611528. A list of publications of the German Institute for Public Administration Speyer on RIA and *ex post* evaluation is available online: www.foev-speyer.de/ingfa/inhalte/06_publikationen.asp.	
Ireland	In 2008 the Better Regulation Unit, Department of the Taoiseach commissioned a review of its RIA system. *Source:* Roinn an Taoisigh, Department of the Taoiseach (2008), "Regulatory Impact Analysis – An operational review", www.administrative-burdens.com/filesystem/2008/08/regulatory_impact_analysis_-_an_operational_review_-_department_of_the_taoiseach_520.pdf, accessed 19 March 2014.	
Italy	An annual report is published by the Presidency of the Council of Ministers (Department for Legislative Affairs - DAGL). The latest annual report on the implementation of RIA covers the year 2012.	The 2012 report lists the number of RIAs produced in 2011 and contains different indicators, for example the percentage of RIAs that complied with formal requirements (use of feedback from consultation, information on alternative options, quantitative assessment of impacts).

Country	Report	Indicators
Italy (*cont.*)	*Source:* Presidency of the Council of Ministers, Department for Legislative Affairs (DAGL) (2012), *Relazione Sullo Stato Di Attuazione Dell'analisi* *Di Impatto Della Regolamentazione* [Report on the status of RIA], www.camera.it/_dati/leg17/lavori/documentiparlamentari/IndiceETesti/083/001/INTERO.pdf, accessed 14 May 2014.	*Source:* Presidency of the Council of Ministers, Department for Legislative Affairs (DAGL) (2012), *Relazione Sullo Stato Di Attuazione Dell'analisi* *Di Impatto Della Regolamentazione* [Report on the status of RIA], www.camera.it/_dati/leg17/lavori/documentiparlamentari/IndiceETesti/083/001/INTERO.pdf, accessed 14 May 2014.
Japan	Ministry of Internal Affairs and Communications analyses the results of the policy evaluation carried out by each Ministry. This is published annually in Diet Report on the Status of Policy Evaluation. *Source:* Ministry of Internal Affairs and Communications (2014), *Diet Report on the Status of Policy Evaluation,* www.soumu.go.jp/main_sosiki/hyouka/seisaku_n/nenji_houkoku.html, accessed 14 May 2014.	

Country	Report	Indicators
Mexico	Every year COFEMER publishes online a report on its activities; the latest one at this moment (March 2014) covering the years 2012-2013. These reports also contain information on the performance of RIA. *Source:* COFEMER (2012), *Informes y Programas* [Informations and Programmes], website, www.cofemer.gob.mx/contenido.aspx?contenido=84, accessed 14 May 2014. COFEMER (2013*), Informe Anual de Desempeno* (2012-2013) [Annual Performance Information], www.cofemer.gob.mx/imagenesUpload/201312191551Informe%20COFEMER%202012-2013.pdf, accessed 14 May 2014.	The November 2012 report Quality Management System of the RIA contains several indicators, including a Global Quality Indicator which assesses the quality of RIAs submitted by decentralised departments and agencies. *Source:* LATIN-REG and COFEMER (2012), *Quality Management System of the RIA*, www.cofemer.gob.mx/imagenesUpload/20143251014Quality%20Management%20System%20of%20the%20RIA.pdf, accessed 14 May 2014.
New Zealand	The annual evaluation reports on RIA are published on the website of the Treasury: www.treasury.govt.nz/publications/guidance/regulatory/riareview In 2012 and 2013 New Zealand engaged Castalia Strategic Advisors to review the quality of regulatory impact statements. *Source*: Castalia Strategic Advisors (2013), *Regulatory Impact Analysis 2013*, www.treasury.govt.nz/publications/guidance/regulatory/riareview/ria-review-jun13.pdf, accessed 14 May 2014.	The 2013 evaluation of RIA by Castalia Strategic Advisors includes indicators, such as the percentage of RIAs that meet quality criteria (p. 7). *Source*: Castalia Strategic Advisors (2013), *Regulatory Impact Analysis 2013*, www.treasury.govt.nz/publications/guidance/regulatory/riareview/ria-review-jun13.pdf, accessed 14 May 2014.

Country	Report	Indicators
Norway	A 2012 report "Digging deep enough?" was published by the Agency for Public Management and eGovernment (Difi). It reports on the use of impact assessments in central government and contains a survey of how ministries comply with the requirements of the impact assessment, in an analysis of the findings and proposals. *Source:* Agency for Public Management and eGovernment (Difi), *Digging deep enough?*, www.difi.no/filearchive/difi-rapport-2012-8-graves-det-dypt-nok_2.pdf%20Ad%20hoc%202012, accessed 12 November 2013.	
Slovak Republic	The Ministry of Economy of the Slovak Republic/ Government Office of the Slovak Republic produced an Evaluation of the pilot project on the Unified methodology on assessing. *Source:* Slovak Ministry of Economy (2009), *Vyhodnotenie Pilotného projektu k Jednotnej metodike na posudzovanie vybraných vplyvov a návrhu aktualizovanej Jednotnej metodiky na posudzovanie vybraných vplyvov* [Evaluation of the pilot project for Assessment of selected effects and an updated proposal for Assessment of selected impacts], www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=6960, accessed 14 May 2014.	

Country	Report	Indicators
Slovenia	The Ministry of Public Administration, published an interim report in 2011 on the implementation of tasks and objectives in output field better regulation and a program for the elimination of administrative barriers and reduce administrative burdens by 25% by 2012. *Source:* Slovenia Ministry of Public Administration (2011), *Vmesno Poročilo O Izvajanju Nalog In Realizaciji Ciljev Na Področju Priprave Boljših Predpisov Ter Programa Za Odpravo Administrativnih Ovir In Zmanjšanje Administrativnih* Bremen Za 25 % Do Leta 2012 Za Leto 2011 [interim report on the implementation of tasks and objectives in output field better regulation and a programme for the elimination of administrative barriers and reduce administrative burdens by 25% by 2012 for 2011], www.stopbirokraciji.si/fileadmin/user_upload/mju/Boljsi_predpisi/Novice/Porocilo_VRS_BR_minus25_OAO_2011.pdf, accessed 14 May 2014.	The report provides data on the evaluation of the RIA system (see Table 1 and Table 2 of the report, p.4). *Source:* Slovenia Ministry of Public Administration (2011), *Vmesno Poročilo O Izvajanju Nalog In Realizaciji Ciljev Na Področju Priprave Boljših Predpisov Ter Programa Za Odpravo Administrativnih Ovir In Zmanjšanje Administrativnih* Bremen Za 25 % Do Leta 2012 Za Leto 2011 [interim report on the implementation of tasks and objectives in output field better regulation and a program for the elimination of administrative barriers and reduce administrative burdens by 25% by 2012 for 2011], www.stopbirokraciji.si/fileadmin/user_upload mju/Boljsi_predpisi/Novice/Porocilo_VRS_BR_minus25_OAO_2011.pdf, accessed 14 May 2014.

Country	Report	Indicators
Sweden	The Swedish Better Regulation Council's *Annual Report* is published annually by the Swedish Better Regulation Council. *Source:* Swedish Better Regulation Council (2011), *Annual report 2011*, www.regelradet.se/wp-content/uploads/2012/03/engelsk_rapport_2011.pdf, accessed 14 May 2014.	The Swedish Better Regulation Council evaluates impact assessments based on the requirements specified in Sections 6 and 7 of the Ordinance on Regulatory Impact Assessment (Swedish Code of Statutes 2007:1244). The quantity of RIAs in 2010 and 2011 deemed as 'acceptable' and 'deficient' for every ministry is recorded in the Swedish Better Regulation Council's Annual Report of 2011 (see p. 14). *Source:* Swedish Better Regulation Council (2011), *Annual report 2011*, www.regelradet.se/wp-content/uploads/2012/03/engelsk_rapport_2011.pdf, accessed 14 May 2014.

Country	Report	Indicators
Switzerland	In 2011 Dr. Lorenzo Allio was commissioned to review Switzerland's use of "in-depth RIAs" and the Standard Cost Model (SCM) during the period 2007-2009 (for more information on the report see Box 3.4). *Source*: Allio, Lorenzo (2011), Lorenzo Allio, *Évaluation des analyses d'"impact approfondies et des études Standard Cost Model effectuées par la Confédération entre 2007 et 2009*, Rapport final, Étude mandatée par le Secrétariat d'État à l'économie, Berne, 24.08.2011 [Evaluation of in-depth Impact Analyses and Standard Cost Model studies conducted by the Confederation between 2007 and 2009], www.news.admin.ch/NSBSubscriber/message/attachments/23926.pdf, accessed 14 May 2014.	The 2011 study by Lorenzo Allio is partly based on a survey with representatives from federal offices, stakeholders involved in the RIA process, main users of the RIA (e.g. members of parliament or parliamentary committees), and external experts from academia or consultancy firms. The study contains indicators such as the average scoring of different RIAs by respondents against criteria such as whether RIA contributed to enhance transparency or to improve the quality of the final product (e.g. the passed law) (see p. 199). *Source*: Allio, Lorenzo (2011), Lorenzo Allio, *Évaluation des analyses d'"impact approfondies et des études Standard Cost Model effectuées par la Confédération entre 2007 et 2009*, Rapport final, Étude mandatée par le Secrétariat d'État à l'économie, Berne, 24.08.2011 [Evaluation of in-depth Impact Analyses and Standard Cost Model studies conducted by the Confederation between 2007 and 2009], www.news.admin.ch/NSBSubscriber/message/attachments/23926.pdf accessed 14 May 2014.

Country	Report	Indicators
Switzerland (*cont.*)	Allio, Lorenzo (2012), *Les résultats de l'évaluation des analyses d'impact approfondies* [The results of the evaluation of in-depth RIAs], presentation, www.seco.admin.ch/themen/00374/00459/00465/00467/index.html?lang=de&download=nhzlpzeg7t,lnp6i0ntu042l2z6ln1acy4zn4z2qzpno2yuq2z6gpjcffxt9ggym162epybg2c_jjkbNoKSn6A, accessed 20 March 2014. Parliamentary services (2005), *Les trois «Tests PME» de la Confédération: connus? utilisés? efficaces?* [The three "small business tests" of the Confederation: known? used? effective?], www.seco.admin.ch/themen/00374/00459/00465/00467/index.html?lang=fr&download=NHzLpZeg7t,lnp6I0NTU042l2Z6ln1ae2IZn4Z2qZpnO2Yuq2Z6gpJCDd355fGym162epYbg2c_JjKbNoKSn6A--, accessed 19 May 2014.	

Country	Report	Indicators
United Kingdom	BRE Statement of New Regulation, published by the Better Regulation Executive (part of the Department of Business Innovation and skills), every six months, report on performance indicators under the One-in, Two-out (OITO) Rule (previously One-in, One-out (OIOO) Rule), which measures the overall regulatory burden on business and civil society. The latest report (as of May 2014 this is the *Seventh statement of new regulation*) can be found online. *Source:* UK Department for Business, Innovation and Skills (2013), *One-in, two-out: statement of new regulation,* www.gov.uk/government/collections/one-in-two-out-statement-of-new-regulation, accessed 16 May 2014. RPC report on "Improving Regulation". Published by the Regulatory Policy Committee, UK. This annual publication includes data on the quantity of RIAs published, and the proportion of RIAs that RPC have valued as fit for purpose. *Source:* UK Regulatory Policy Committee (2014), *Improving the evidence base for regulation - Regulatory Policy Committee scrutiny in 2013*, www.gov.uk/government/uploads/system/uploads/attachment_data/file/286236/annual_report_of_the_rpc_march_2014_final.pdf, accessed 14 May 2014.	Indicators included in reports.

Table A.2. Performance reports and indicators published on the functioning of consultation

Country	Reports	Indicators
Czech Republic	In 2008 the Ministry of Interior published a report evaluating three pilot projects which had been carried out to test Czech's consultation methodology. *Source:* Czech Ministry of Interior (2008), *Zpráva o vyhodnocení pilotních projektů pro ověření funkčnosti metodiky pro zapojování veřejnosti do přípravy vládních dokumentů* [Report on the evaluation of pilot projects to verify the reliability of the methods for engaging the public in the preparation of government documents], www.mvcr.cz/soubor/zprava-o-vyhodnoceni-pilotnich-projektu-pro-overeni-funkcnosti-metodiky-pro-zapojovani-verejnosti.aspx, accessed 14 May 2014.	
European Union	In 2010 the European Commission published a Communication on Smart Regulation in the European Union. For the Communication a public consultation was conducted, in which participants also could voice their opinion concerning the Commission's consultation practice. The Communication presents the results of the public consultation and points to weaknesses and possible ways to improve consultation on EU level.	The 2012 Review of the Commission Consultation Policy contains performance indicators concerning consultation practices, such as percentage of consultations in which the time limits are respected. *Source:* European Commission (2012), *Review of the Commission Consultation Policy*, http://ec.europa.eu/smart-regulation/better_regulation/documents/document_travail_service_part1_en.pdf, accessed 14 May 2014.

Country	Reports	Indicators
European Union (*cont.*)	*Source:* European Commission (2010), *Communication on Smart Regulation in the European Union*, http://eur-lex.europa.eu/lexuriserv/lexuriserv.do?uri=com:2010:0543:fin:en:pdf, accessed 14 may 2014. In 2012 the Commission published a review of its consultation policy. The review seeks to evaluate current practices and to point to possible ways forward. It based on a variety of different sources, such as international standards and best practices, an open consultation of external stakeholders and input from the Commission services itself. *Source:* European Commission (2012), *Review of the Commission Consultation Policy,* http://ec.europa.eu/smart-regulation/better_regulation/documents/document_travail_service_part1_en.pdf, accessed 14 May 2014.	The annual Impact Assessment Board reports provide the percentage of its recommendations relating to stakeholder consultation. *Source:* European Commission (2014), *Impact Assessment Board (IAB)*, website, http://ec.europa.eu/smart-regulation/impact/iab/iab_en.htm, accessed 14 May 2014.
Estonia		For a report that was published in 2010 a survey on the usefulness of Estonia's public consultation system was conducted. The report contains various indicators, for example the percentage of organisations surveyed that have been involved in policy development in the last two years. *Source:* Institute of Baltic Studies (2010), *Lõpparuanne - Valitsusasutuste kaasamispraktikate analüüs* [Final report – Stakeholder involvement with government agencies], www.siseministeerium.ee/public/SIMKA.pdf, accessed 19 March 2014.

Country	Reports	Indicators
Japan	The document provided by Japan contains the results of a survey of consultation practices as established under chapter 6 of the Administrative Procedure Act of 1993. It reports the number of consultation procedures by ministry and type of legislation, as well as comments received, compliance with a 30-day consultation period, the number of comments incorporated into the draft and the number of consultation results published. However, the report covers only legislation that can be issued by government directly and does not need approval by parliament, such as government decrees and ordinances. *Source:* Japanese government (2010), *Status of public comment procedure*, www.soumu.go.jp/main_sosiki/gyoukan/kanri/pdf,word/tetsuzuki/heisei22_kuni_honbun_iken.pdf, accessed 19 March 2014. Japanese Administrative Procedure Act (1993), www.cas.go.jp/jp/seisaku/hourei/data/apa_2.pdf, accessed 19 March 2014.	The document provided by Japan contains performance indicators, such as the percentage of consultations in which the 30-day consultation period was respected, the number of comments incorporated into the draft and the number of consultation results published. *Source:* Japanese government (2010), *Status of public comment procedure*, www.soumu.go.jp/main_sosiki/gyoukan/kanri/pdf,word/tetsuzuki/heisei22_kuni_honbun_iken.pdf, accessed 19 March 2014.

Country	Reports	Indicators
Mexico	COFEMER's monthly reports (e.g. for February 2014) on Mexico's better regulation programme provides information on consultation, e.g. how many comments were received, which stakeholder groups participated in consultation and which regulations and ministries received the most comments (see p. 18-20). The monthly reports are published online on COFEMER's website. Source: COFEMER (2014), *Febrero 2014: - Reporte Estadistico Mensuel – Mejora Regulatoria* [February 2014 - Monthly Statistical Report – Better Regulation], www.cofemer.gob.mx/imagenesupload/20143251124rm%20febreroimagenesupload/20143251124rm%20febrero.pdf, accessed 28 March 2014. COFEMER (2014), *Cofemer para la APF*, www.cofemer.gob.mx/contenido.aspx?contenido=132, accessed 14 May 2014.	COFEMER's monthly reports (e.g. for February 2014) provide information on consultation, e.g. how many comments were received, which stakeholder groups participated in consultation and which regulations and ministries received the most comments (see pp. 18-20). This information is collected every month and allows to track to performance of Mexico's consultation system over time (e.g. if all relevant stakeholder groups were involved). Source: COFEMER (2014), *Febrero 2014: - Reporte Estadistico Mensuel – Mejora Regulatoria* [February 2014 - Monthly Statistical Report – Better Regulation], www.cofemer.gob.mx/imagenesupload/20143251124rm%20febreroimagenesupload/20143251124rm%20febrero.pdf, accessed 28 March 2014.

Country	Reports	Indicators
Netherlands	The Ministry of Security and Justice operates a consultation website, where citizens can submit their opinion on selected legislative proposals. The functioning of the website was evaluated in 2011. The evaluation report and a press release of the responsible ministry contain information on the number visitors, the understandability of the website as perceived by visitors and the follow-up of submitted comments. *Source:* Dutch government (2011), *Kabinetsstandpunt internetconsultatie wetgevin*g [Cabinet position on internet consultation for law-making], www.rijksoverheid.nl/documenten-en-publicaties/kamerstukken/2011/06/17/kabinetsstandpunt-internetconsultatie-wetgeving.html, accessed 14 May 2014.	

Country	Reports	Indicators
Slovenia	The Slovenian government published a report on the progress of achieving its goals in the field of better regulation, including a 25% reduction of administrative burdens by 2012. The report contains quantitative and qualitative performance information concerning public consultation. *Source:* Slovenia Ministry of Public Administration (2011), *Vmesno Poročilo O Izvajanju Nalog In Realizaciji Ciljev Na Področju Priprave Boljših Predpisov Ter Programa Za Odpravo Administrativnih Ovir In Zmanjšanje Administrativnih* Bremen Za 25 % Do Leta 2012 Za Leto 2011 [interim report on the implementation of tasks and objectives in output field better regulation and a program for the elimination of administrative barriers and reduce administrative burdens by 25% by 2012 for 2011], www.stopbirokraciji.si/fileadmin/user_upload/mju/Boljsi_predpisi/Novice/Porocilo_VRS_BR_minus25_OAO_2011.pdf, accessed 14 May 2014.	The report of the Slovenian government contains various performance indicators (see p. 7), such as the percentage of consultations which adhered to the 30-day consultation period or the percentage of proposals that were made available online for consultation. *Source:* Slovenia Ministry of Public Administration (2011), *Vmesno Poročilo O Izvajanju Nalog In Realizaciji Ciljev Na Področju Priprave Boljših Predpisov Ter Programa Za Odpravo Administrativnih Ovir In Zmanjšanje Administrativnih* Bremen Za 25 % Do Leta 2012 Za Leto 2011 [interim report on the implementation of tasks and objectives in output field better regulation and a program for the elimination of administrative barriers and reduce administrative burdens by 25% by 2012 for 2011], www.stopbirokraciji.si/fileadmin/user_upload/mju/Boljsi_predpisi/Novice/Porocilo_VRS_BR_minus25_OAO_2011.pdf, accessed 14 May 2014.

Country	Reports	Indicators
Switzerland	In 2011 a report was published on the Swiss consultation and hearing system. The report evaluates different aspects of current practices, for example the time available to stakeholder to submit comments or the legal basis for consultation and hearings. As a main finding, the report lists the five key weaknesses of the current state of affairs (see for more details Box 3.6). *Source*: Swiss Parliamentary Control Commission (2011), *Evaluation de la pratique de la Confédération en matière de procédures d'audition et de consultation* [Evaluation of the practices of the Confederation with regard to hearing and consultation procedures], www.parlament.ch/f/dokumentation/berichte/berichte-aufsichtskommissionen/geschaeftspruefungskommission-gpk/berichte-2011/Documents/bericht-pvk-evaluation-anhoerungspraxis-2011-06-09-f.pdf. In 2011 Switzerland has published a report evaluating the performance of its RIA system in the period of 2007 to 2009. The report partly also provides a qualitative evaluation of consultation practices, for example it examines how well RIA and consultations are connected and inform each other. *Source*: Allio, Lorenzo (2011), *Évaluation des analyses d'‘impact approfondies et des études Standard Cost Model effectuées par la Confédération entre 2007 et 2009*, Rapport final, Étude mandatée par le Secrétariat d'État à l'économie, Berne, 24.08.2011 [Evaluation of in-depth Impact Analyses and Standard Cost Model studies conducted by the Confederation between 2007 and 2009], www.news.admin.ch/NSBSubscriber/message/attachments/23926.pdf	

Country	Reports	Indicators
Turkey	Every year the Prime Ministry publishes a report on its activities which also covers stakeholder engagement (see for example 2012 report). The report also describes measures that will be taken to improve consultation in the future. *Source:* Prime Ministry (2012), *Annual Report*, www.basbakanlik.gov.tr/Handlers/FileHandler.ashx?FileId=22688, accessed 14 May 2014.	The annual report of the Prime Ministry (see for example 2012 report) contains information on the number of consultations. *Source:* Prime Ministry (2012), *Annual Report*, www.basbakanlik.gov.tr/Handlers/FileHandler.ashx?FileId=22688, accessed 14 May 2014.

Table A.3. Performance reports and indicators published on the functioning of *ex post* review

Country	Reports	Indicators
Australia	Australia publishes various reports on the compliance of *ex post* reviews with formal requirements. Firstly, it provides a regularly updated report concerning the level of compliance on its website. *Source:* Australian Office of Best Practice Regulation (2013a) *General website,* www.dpmc.gov.au/deregulation/obpr/index.cfm, accessed 19 March 2014; Australian Office of Best Practice Regulation (2013b), *Post-implementation Review Status and Compliance*, http://ris.dpmc.gov.au/summary-compliance-reporting/post-implementation-reviews/, accessed 19 March 2014. Second, at the end of each year an annual report is prepared, based on the statistics collected throughout the year. The annual reports are called "Best Practice Regulation Reports" and are published online. *Source:* Australian Office of Best Practice Regulation (2014), *OBPR publications*, website, www.dpmc.gov.au/deregulation/obpr/reporting-publications/publications.cfm, accessed 14 May 2014; Australian Office of Best Practice Regulation (2014), *Best Practice Regulation Report 2012-13*, www.dpmc.gov.au/deregulation/obpr/reporting-publications/publications/report-12-13/index.cfm, accessed 14 May 2014.	The reports published by Australia (see left column) contain the number of *ex post* reviews, called "PIRs", which comply with formal requirements out of all *ex post* reviews.

Country	Reports	Indicators
Australia (*cont.*)	In 2011 the Australian Productivity Commission produced a comprehensive report on *ex post* evaluation. Australian Productivity Commission (2011), *Identifying and Evaluating Regulation Reforms* www.pc.gov.au/__data/assets/pdf_file/0018/114165/regulation-reforms.pdf, accessed 19 March 2014.	
European Union	In 2007 the European Commission published the Communication “Responding to Strategic Needs: Reinforcing the use of evaluation”. It touches upon shortcomings of the status quo and elaborates on measures to improve the quality and use of *ex post* evaluations. *Source:* European Commission (2007), *Responding to Strategic Needs: Reinforcing the use of evaluation,* http://ec.europa.eu/smart-regulation/evaluation/docs/eval_comm_sec_2007_213_en.pdf, accessed 14 May 2014.	

Country	Reports	Indicators
European Union (*cont.*)	In 2013 the Commission published another Communication titled "Strengthening the foundations of Smart Regulation – improving evaluation". The Communication addresses for which reasons evaluation should be improved and how improvements can be realised. A 2012 stakeholder consultation on the topic "Smart Regulation in the EU", where respondents were also asked to give their opinion on evaluation practices, informed the Communication. *Source:* European Commission (2013), *Strengthening the foundations of Smart Regulation – improving evaluation,* http://ec.europa.eu/dgs/secretariat_general/evaluation/docs/com_2013_686.pdf, accessed 14 May 2014.	

Country	Reports	Indicators
Germany	The National Regulatory Control Council commissioned the consultancy firm Prognos to identify good practices in *ex post* evaluation in other countries (Canada, the European Union, Sweden, Switzerland, the United Kingdom) and to provide recommendations for Germany on how to develop their own system in the future. *Source:* Prognos (2013), *Expert report on the implementation of ex post evaluations - Good practice and experience in other countries*, www.normenkontrollrat.bund.de/Webs/NKR/Content/EN/Publikationen/2014_02_24_evaluation_report.pdf?__blob=publicationFile&v=2, accessed 5 May 2014. Moreover, Germany's Supreme Audit Institution has assessed whether government agencies live up to the requirement to define in their legislative proposals the scope and timeframe for *ex post* evaluation. *Source:* German Supreme Audit Institution (2010), *Gutachten über Maßnahmen zur Verbesserung der Rechtsetzung und der Pflege des Normenbestandes* [Report on measures for optimising law making and the maintenance of the body of law], www.bundesrechnungshof.de/de/veroeffentlichungen/gutachten-berichte-bwv/gutachten-bwv-schriftenreihe/sammlung/2010-bwv-band-15-gutachten-ueber-massnahmen-zur-verbesserung-der-rechtsetzung-und-der-pflege-des-normenbestandes/view, accessed 5 May 2014.	The report of the German Supreme Audit Institution contains indicators relating to *ex post* evaluation, such as: The percentage of legislative proposals that examined the possibility to include a sunsetting clause (p. 11), and the percentage of legislative proposals that define the scope and timeframe for *ex post* evaluation (p. 13). *Source:* German Supreme Audit Institution (2010), *Gutachten über Maßnahmen zur Verbesserung der Rechtsetzung und der Pflege des Normenbestandes* [Report on measures for optimising law making and the maintenance of the body of law], www.bundesrechnungshof.de/de/veroeffentlichungen/gutachten-berichte-bwv/gutachten-bwv-schriftenreihe/sammlung/2010-bwv-band-15-gutachten-ueber-massnahmen-zur-verbesserung-der-rechtsetzung-und-der-pflege-des-normenbestandes/view, accessed 5 May 2014.

Country	Reports	Indicators
United Kingdom	BRE Statement of New Regulation, published by the Better Regulation Executive (part of the Department of Business Innovation and skills), every six months, report on performance indicators under the One-in, Two-out (OITO) Rule (previously One-in, One-out (OIOO) Rule), contains information on the reform of sunsetting and on the red tape challenge. The latest report (as of May 2014 this is the *Seventh statement of new regulation*) can be found online. *Source:* UK Department for Business, Innovation and Skills (2013), *One-in, two-out: statement of new regulation,* www.gov.uk/government/collections/one-in-two-out-statement-of-new-regulation, accessed 16 May 2014.	

Table A.4. Performance reports and indicators published on the functioning of administrative burden reduction and simplification programme

Country	Reports	Indicators
Austria	The Austrian government reports on its website on its business initiative ("Unternehmensinitiative") which is part of its better regulation programme. The report "Reducing administrative costs for business and citizen" is published annually by the Ministry of Finance. *Source:* Austrian Ministry of Finance (2012), *Verwaltungskosten senken für Bürgerinnen und Unternehmen* [Reducing administrative costs for business and citizen], http://service.bmf.gv.at/budget/budgets/2012/beilagen/verwaltungskosten_senken.pdf, accessed 14 may 2014. Austrian Government (n.d.), Unternehmensinitiative [Business initiative], www.wfa.gv.at/Deutsch/WbrInitiativen/Unternehmensinitiative/_start.htm, accessed 14 May 2014.	The Ministry of Finance prepares an annex to the annual budget to report on the progress of the reduction programme and presents detailed information on individual measures. The results were also published on the Ministry's homepage, its intranet and internal newspaper and also in a newsletter of the Austrian Chamber of Commerce and a supplement to a daily newspaper. *Source:* Austrian Ministry of Finance (2012), *Verwaltungskosten senken für Bürgerinnen und Unternehmen* [Reducing administrative costs for business and citizen], http://service.bmf.gv.at/budget/budgets/2012/Beilagen/Verwaltungskosten_senken.pdf, accessed 14 May 2014.
Belgium	Since 2009 the Belgian government publishes every year a report on the evolution of administrative burden in the last year. Reports are available online for the years 2008, 2009, 2010 and 2011. *Source:* Agence pour la simplification administrative (2014), *Publications*, website, www.vereenvoudiging.be/nl/content/publicaties, accessed 14 May 2014.	The Belgium annual reports evolution of administrative burdens (e.g. the 2012 report) lists development of the administrative burdens in relation to the GDP. *Source:* Agence pour la simplification administrative (2014), *Publications*, website, www.vereenvoudiging.be/nl/content/publicaties, accessed 14 May 2014.

Country	Reports	Indicators
Belgium (*cont.*)	A summary in English concerning the evolution of administrative burdens during the period 2008 – 2011 is also available: www.oecd.org/gov/regulatory-policy/Evolution%20of%20administrative%20burdens%202011.pdf Since 2000, the Belgian Agency for Administrative Simplification (ASA) also conducts every two years a survey among businesses and self-employed persons on how they perceive administrative burdens (see for more information Box 3.10). *Source:* May 2014; Belgian Agency for Administrative Simplification (ASA) (2014), *Enquête biennale* [Biennially survey], website, www.simplification.be/fr/content/enquete-biennale, accessed 5 May 2014. Within the "Kafka Project" Belgium published the "Livre Kafka" (2007), which summarised the results of the project until then.	The perception surveys contain data on the evolution of administrative burdens as perceived by businesses since 2000. *Source:* May 2014; Belgian Agency for Administrative Simplification (ASA) (2014), *Enquête biennale* [Biennially survey], website, www.simplification.be/fr/content/enquete-biennale, accessed 5 May 2014. The "Livre Kafka" (2007) evaluates the "Kafka Project", for example by listing the number of proposals received by citizens, business and civil servants. It does also list the most important changes resulting from those proposals, as well as all changes (more than 200 laws have been either simplified or abrogated).
Czech Republic	The Ministry of Industry and Trade publishes progress reports on the Plan to Reduce Administrative Burden for Entrepreneurs. *Source:* Czech Ministry of Industry and Trade (2013), *Report on the Progress of the Plan to Reduce Administrative Burden for Entrepreneurs by 31 December 2012 and Final Report Remeasurement Project*, www.mpo.cz/dokument142910.html, accessed 14 May 2014.	The report provides the administrative burden reduced since the baseline measurement in 2005. *Source:* Czech Ministry of Industry and Trade (2013), *Report on the Progress of the Plan to Reduce Administrative Burden for Entrepreneurs by 31 December 2012 and Final Report Remeasurement Project*, www.mpo.cz/dokument142910.html, accessed 14 May 2014.

Country	Reports	Indicators
Denmark	A report on the business sector and regulation is published annually by the Ministry of Business and Growth. *Source:* Ministry of Business and Growth (2013), *Redegørelse om erhvervslivet og reguleringen 2012* [Report on business and regulation], www.evm.dk/publikationer/2013/28-02-13-redegorelse-om-erhvervslivet-og-reguleringen-2012, accessed 14 May 2014.	Information regarding the evolution of total administrative burden for business can be found in the report (p. 11). *Source:* Ministry of Business and Growth (2013), *Redegørelse om erhvervslivet og reguleringen 2012* [Report on business and regulation], www.evm.dk/publikationer/2013/~/media/oem/pdf/2013/2013-publikationer/27-02-13-redegoerelse-om-erhvervslivet-og-reguleringen-2012.ashx, accessed 14 May 2014.
European Union	Progress reports on admin burden reduction and simplification are published annually, and can be found here: http://ec.europa.eu/smart-regulation/refit/index_en.htm.	A Commission Communication states the reduction of administrative burdens between 2007 and 2012 (p 4). *Source:* European Commission (2013), *Regulatory Fitness and Performance (REFIT): Results and Next Steps,* http://ec.europa.eu/commission_2010-2014/president/news/archives/2013/10/pdf/20131002-refit_en.pdf, accessed 14 May 2014. The outcome of a Public Consultation on Smart Regulation includes information on how stakeholders evaluate the administrative burden reduction programme. *Source:* European Commission (2012), *Summary of the responses to the 2012 stakeholder consultation on smart regulation in the EU,* http://ec.europa.eu/governance/better_regulation/smart_regulation/docs/sr_consultation_outcome2012_en.pdf, accessed 14 May 2014. The Commission also regularly consults SMEs on these issues via focus groups and panels. The Commission also seeks online opinions and inputs, http://europa.eu/rapid/press-release_IP-07-1373_en.htm.

Country	Reports	Indicators
Finland	Performance reporting in Finland was connected to the Administrative Burden Reduction Programme during 2009 - 2012. The 2012 report is available online. *Source:* Finnish Ministry of Employment and the Economy (2012), *Selvitys yritysten hallinnollisen taakan kehityksestä* [A study on the development of administrative burden], www.tem.fi/files/32917/TEMrap_15_2012.pdf, accessed 14 May 2014.	Indicators are available in the report mentioned on the left side (see table on page 2). The report contains the percentage changes of administrative burdens in various areas of government activity compared to a baseline measurement in 2006/07.
France	The General Secretary for the Modernisation of Public Action (Secrétariat général pour la modernisation de l'action publique, SGMAP) published various reports on administrative burdens and burden reduction programmes on their website: www.modernisation.gouv.fr. For example a report on the perception of citizen who had contact with the public administration othe quality of public services is available. *Source:* Secrétariat général pour la modernisation de l'action publique (2012), *Etude evenements de vie 2012 - Synthèse des résultats* [Study of life events – Summary report], www.modernisation.gouv.fr/sites/default/files/fichiers-attaches/synthese_etude_evenementvie_2012.pdf, accessed 14 May 2014.	France publishes regularly a general barometer on the quality of public services ("Baromètre global de la qualité du service public"). Services relevant for businesses and citizens are included. The barometer shows both the quality measured within the public administration and the perception of the quality of public service delivery by citizens. The latest barometer was published in July 2013. *Source:* Secrétariat général pour la modernisation de l'action publique (2013), Baromètre de la qualité des services publics du 17 juillet 2013 [General barometer on the quality of public services of 17 july 2013], www.modernisation.gouv.fr/la-qualite-des-services-publics-sameliore/en-fixant-des-referentiels/publication-du-nouveau-barometre-de-la-qualite-de-service-outil-de-transparence-de-laction-publique, accessed 14 May 2014.

Country	Reports	Indicators
France (*cont.*)	Another report draws on a perception survey with 1 620 French firms and outlines the satisfaction of businesses with public service delivery in France. *Source:* Direction générale de la modernisation de l'état (2011), *La complexité administrative ressentie par les entreprises. Synthèse de l'étude 2011.* [The administrative burden on business. Synthesis of the 2011 study], www.modernisation.gouv.fr/sites/default/files/fichiers-attaches/synthese2011_entreprises.pdf, accessed 14 May 2014.	
Germany	Both the German Chancellery and the National Regulatory Control Council publish annual reports on the government's better regulation programmes, including information on the evolution of compliance costs. *Source:* German Government (2014), *Bessere Rechtsetzung 2013: Erfolge dauerhaft sichern – zusätzlichen Aufwand vermeiden* [Better Regulation 2013: Securing success over time – avoiding additional burdens], www.bundesregierung.de/Content/DE/_Anlagen/Buerokratieabbau/2013-03-18-jb-2013.pdf?__blob=publicationFile&v=2, accessed 6 May 2014. German Government (2014), "Jahres- und Projektberichte" [Yearly reports and project reports], www.bundesregierung.de/Webs/Breg/DE/Themen/Buerokratieabbau/2012-06-22-projektbericht.html, accessed 16 May 2014.	The reports listed on the right contain numerous indicators such as the evolution of compliance costs over a given period or the level of compliance costs created or reduced for different target groups (business, citizen, and government).

Country	Reports	Indicators
Germany (*cont.*)	National Regulatory Control Council (2013), *Kostentransparenz verbessert - Entlastung forcieren* [Improving cost transparency – stimulating burden reduction], www.normenkontrollrat.bund.de/Webs/NKR/Content/DE/Publikationen/Jahresberichte/2013_07_02_nkr_jahresbericht_2013.pdf?__blob=publicationFile&v=2., accessed 16 May 2014 . National Regulatory Control Council (2014), *Publications*, website, www.normenkontrollrat.bund.de/Webs/NKR/EN/Publications/_node.html, accessed 16 May 2014. Up-to-date statistics on administrative burdens and compliance costs are also available on the website of the German Federal Statistical Office. *Source:* DESTATIS (2014), *Bürokratiekosten messen* [Measuring administrative burdens], www.destatis.de/de/zahlenfakten/indikatoren/buerokratiekosten/buerokratiekosten.html;jsessionid=a21cf781c03f3b32963510a375bf6ef2.cae1.com, accessed 16 May 2014.	

Country	Reports	Indicators
Iceland	An *ad hoc* report *Status report – Simpler Iceland* was published by the Prime Minister's Office. *Source:* Iceland's Prime Minister's Office (2008), *Þjálli reglur í þágu atvinnulífs og almennings - Áfangaskýrsla um verkefnið Einfaldara Ísland* [*Status report – Simpler Iceland*], www.forsaetisraduneyti.is/media/einfaldaraisland/thjalli-reglur-f-atvinnulif-og-almenning.pdf, accessed 14 may 2014.	
Italy	The Presidency of the Council of Ministers (Department for Public Administration, Office for Administrative Simplification) published several reports on the results of administrative simplification and burden reduction programmes (see www.funzionepubblica.gov.it/si/semplifica-italia/report-e-dossier.aspx). The latest report referring to 2012: www. funzionepubblica.gov.it/media/1049814/dossier_semplificazione_31-12-2012.pdf. Further updates: www.funzionepubblica.gov.it/media/1164245/semplificazione_amministrativa_21novembre2013.pdf"	The reports listed on the left side contain the following information: Total administrative burdens; administrative burden per regulatory area; share of administrative burden per typology of resources (internal/external); estimates of administrative burden reduction in each regulatory area.

Country	Reports	Indicators
Mexico	A report was prepared by LATIN-REG in co-operation with COFEMER on *Benefits Derived from the 2011-2012 Regulatory Burden Reduction Program*, published in November 2012. *Source*: COFEMER and LATIN-REG (2012), ''Benefits Derived from the 2011-2012 Regulatory Burden Reduction Program'', www.cofemer.gob.mx/imagenesUpload/201432510152d%20report%20on%20admin%20burden%20reduction.pdf, accessed 14 May 2014.	The November 2012 report *Benefits Derived from the 2011-2012 Regulatory Burden Reduction Program* contains several indicators, including achieved burden reduction by ministry and the actions taken to achieve administrative burden reduction. *Source*: COFEMER and LATIN-REG (2012), "Benefits Derived from the 2011-2012 Regulatory Burden Reduction Program'', www.cofemer.gob.mx/imagenesUpload/201432510152d%20report%20on%20admin%20burden%20reduction.pdf, accessed 14 May 2014.
Netherlands	The Netherlands has published various reports on the performance of its regulatory burden reduction programmes on its website www.rijksoverheid.nl/onderwerpen/regeldruk. In 2010 it published a report on the government's efforts to reduce regulatory burdens on businesses in the years 2007-2010. *Source:* Dutch Government (2010), *Progress Report -Regulatory Burdens on Businesses – May 2009, the Netherlands,* www.government.nl/files/documents-and-publications/reports/2009/07/08/regulatory-burdens-on-businesses-progress-report-may-2009/regulatory-burdens-on-businesses-progress-report-may-2009.pdf, accessed 14 May 2014.	The reports mentioned on the column to the left contain the percentage of burden reduction achieved so far against a set target. The Burden Perception Monitor (2010) contains indicators on the awareness and perceived effectiveness of simplification and on the confidence in the success of government in realizing administrative burden reduction.

Country	Reports	Indicators
Netherlands (*cont.*)	In 2010 new goals for regulatory burden reductions were adopted. In 2012 two progress reports were published; one concerning companies and another one concerning citizen, professionals and the public administration. *Source:* Dutch government (2012), *Voortgangsrapportage regeldruk bedrijven deel 1en 2* [Progress report administrative burden on business – Part 1 and 2], www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2012/06/11/voortgangsrapportage-regeldruk-bedrijven-deel-1en-2.html, accessed 14 May 2014. Dutch government (2012), *Voortgangsrapportage Regeldruk burgers, professionals en interbestuurlijk - juni 2012* [Progress report administrative burden on citizen, professionals and within the administration – June 2012], www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2012/06/11/voortgangsrapportage-regeldruk-burgers-professionals-en-interbestuurlijk-juni-2012.html. In 2010 the Netherlands carried out a perception survey among 1206 businesses on how business perceive regulatory burdens and the effectiveness of burden reduction programmes. The results were published in the Burden Perception Monitor (2010). Two previous versions of the report are available for the years 2008 and 2009. *Source:* Dutch government (2010), *Belevingsmonitor Regeldruk 2010* [Burden Perception Monitor 2010], www.rijksoverheid.nl/documenten-en-publicaties/rapporten/2010/03/23/belevingsmonitor-regeldruk-2010.html, accessed 14 May 2014.	

Country	Reports	Indicators
New Zealand	A report entitled *Regulatory reform: changes affecting compliance costs on business and citizens*, was published by the Ministry of Economic Development. *Source*: New Zealand's Ministry of Economic Development (2011), *Regulatory reform: changes affecting compliance costs on business and citizens,* www.med.govt.nz/business/better-public-services/pdf-docs-library/regulatory-reform-changes-affecting-compliance-costs.pdf/view, accessed 14 May 2014.	To track progress of the government in achieving Result 9 of the "Better Public Services for Business" programme (for more details see www.mbie.govt.nz/what-we-do/better-public-services/measuring-progress), a sample of businesses is surveyed every year from 2013 to 2017. The results of the 2013 survey are available online and contain indicators, such as the percentage of business that think that the effort to deal with government has increased or decreased since the previous year. *Source:* New Zealand's Ministry of Business, Innovation and Employment (2013), *Effort of dealing with government agencies: 2013 Findings from the Business Reference Group,* www.mbie.govt.nz/pdf-library/what-we-do/better-public-services/effort-of-dealing-with-government-agencies-2013-167-kb-pdf, accessed 14 May 2014.
Poland	The Ministry of Economy published in 2010 a report on the state of implementation of the government's goal to reduce administrative burdens by 25% by the end of 2010 in 7 priority policy areas. *Source:* Polish Ministry of Economy (2010), *Raport na temat realizacji celu redukcji obciążeń administracyjnych w siedmiu priorytetowych obszarach prawa* [Report on the implementation of the programme to reduce the administrative burden in seven regulatory priority areas], www.mg.gov.pl/files/upload/8582/Raport_na_RM_26.10.2010.pdf, accessed 14 May 2014.	Indicators available in the report (see table on p. 4 which shows the reduction of administrative burdens in 7 priority areas of government, as well as planned reductions in order to reach a 25% target of reduction.) *Source:* Polish Ministry of Economy (2010), *Raport na temat realizacji celu redukcji obciążeń administracyjnych w siedmiu priorytetowych obszarach prawa* [Report on the implementation of the programme to reduce the administrative burden in seven regulatory priority areas], www.mg.gov.pl/files/upload/8582/Raport_na_RM_26.10.2010.pdf, accessed 14 May 2014.

Country	Reports	Indicators
Portugal	The Portuguese Agency for Administrative Simplification (AMA) publishes annual reports on the progress of its administrative simplification and burden reduction programme. *Source:* Agency for Administrative Simplification (AMA), *Relatório de Atividades de 2011* [Report on activities 2011], www.ama.pt/images/documentos/AMA_RA_2011.pdf, accessed 14 May 2014. More information on Portugal's administrative and legislative simplification programme ("Simplex") is available online: www.ama.pt/index.php%3Foption=com_content&task=section&id=14&Itemid=36.html.	Information on administrative burdens reduced is available in the report on the Simplex programme (p. 17). *Source:* Agency for Administrative Simplification (AMA), *Simplex '10,* www.simplex.pt/downloads/programasimplex2010.pdf, accessed 14 May 2014.
Slovak Republic	A report on the state of business environment in Slovakia with proposals for its improvement is published every year by the Ministry of Economy of the Slovak Republic/ Government Office of the Slovak Republic. *Source:* Ministry of Economy of the Slovak Republic/ Government Office of the Slovak Republic (2013), *Správa o stave podnikateľského prostredia v Slovenskej republike s návrhmi na jeho zlepšovanie* [Report on the state of business environment in Slovakia with proposals for its improvement], www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-153339?prefixFile=m_., accessed 14 May 2014.	Contained in report. *Source:* Ministry of Economy of the Slovak Republic/ Government Office of the Slovak Republic (2013), *Správa o stave podnikateľského prostredia v Slovenskej republike s návrhmi na jeho zlepšovanie* [Report on the state of business environment in Slovakia with proposals for its improvement], www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-153339?prefixFile=m_., accessed 14 May 2014.

Country	Reports	Indicators
Slovenia	Report on performance of the tasks and achievements of the goals in the field of better regulation and of the Action Programme for a 25% reduction of administrative burdens by 2012. These reports are published by the Ministry of Justice and Public Administration. The Ministry prepares the reports yearly, and also prepares the reports when the phase of the programme is finished; next reports are expected in December - June – December. *Source:* Slovenia Ministry of Public Administration (2011), *Vmesno Poročilo O Izvajanju Nalog In Realizaciji Ciljev Na Področju Priprave Boljših Predpisov Ter Programa Za Odpravo Administrativnih Ovir In Zmanjšanje Administrativnih* Bremen Za 25 % Do Leta 2012 Za Leto 2011 [interim report on the implementation of tasks and objectives in output field better regulation and a program for the elimination of administrative barriers and reduce administrative burdens by 25% by 2012 for 2011], www.stopbirokraciji.si/fileadmin/user_upload/mju/Boljsi_predpisi/Novice/Porocilo_VRS_BR_minus25_OAO_2011.pdf, accessed 14 May 2014.	

Country	Reports	Indicators
Sweden	The Ministry of Enterprise submitted annually a report to Parliament about progress in the rolling action plan for simplification and reduction of administrative burdens for businesses 2006-2010. After the review by the National Audit Office (presented in spring 2012) of the Government's work on simplification and administrative burden reduction 2006-10, the Ministry of Enterprise submitted as a response to this review a report to Parliament in September 2012 with the Government's opinion on issues highlighted in the audit report (skr. 2012/13:5). The report by the ministry also included a description of the Government's broadened approach to simplifying matters for businesses, with a continuous overall objective to bring about a noticeable change for the better in day-to-day conditions for businesses. Nowadays, a performance report about progress in the overall work to simplify matters for businesses are instead included in sections of the annual Budget Bill that the Government submits every autumn to the Parliament.	The Government announced in autumn 2012 five focus areas for and seven new targets for Smart Regulation in order to ensure that the overall objective to bring about a noticeable change for the better in day-to-day conditions for businesses is reached. The seven targets have a horizon of 2020, but are subject to continuous development and follow-up. See "Continued work to simplify for businesses": www.government.se/sb/d/2025/a/214009 In the report "The Economic Effects of the Regulatory Burden" published by the Swedish Agency for Growth Policy Analysis (2010) the percentage of administrative burden compared to the 2006 baseline is provided (see p. 22): http://ec.europa.eu/enterprise/policies/industrial-competitiveness/competitiveness-analysis/seminars/files/bbs_falkenhall_report_en.pdf.

Country	Reports	Indicators
Switzerland	The 2011 report concerning administrative burdens for business contains information on surveys conducted with businesses (see section 2.3) and provides indicators such as the amount of hours spent by SME to fulfill administrative requirements:. *Source:* Swiss Federal Council (2011), *Allégement administratif des entreprises: Bilan 2007-2011 et perspectives 2012-2015* [Administrative burden reduction for business : Review of 2007-2011 and perspectives for 2012-15], www.news.admin.ch/NSBSubscriber/message/attachments/23923.pdf, accessed 14 May 2014.	Indicators contained in report. *Source:* Swiss Federal Council (2011), *Allégement administratif des entreprises: Bilan 2007-2011 et perspectives 2012-2015* [Administrative burden reduction for business : Review of 2007-2011 and perspectives for 2012-2015], www.news.admin.ch/NSBSubscriber/message/attachments/23923.pdf, accessed 14 May 2014.
Turkey	Every year the Prime Ministry publishes a report on its activities which also covers administrative simplification and burden reduction programmes. For example the 2012 report lays out how the programme can be improved (e.g. improving online services and increasing awareness of online services, see p. 42). *Source:* Prime Ministry (2012), *Annual Report*, www.basbakanlik.gov.tr/Handlers/FileHandler.ashx?FileId=22688, accessed 14 May 2014.	The annual report of the Prime Ministry provides the amount of administrative burden that was reduced (see 2012 report, p. 42, 58). *Source:* Prime Ministry (2012), *Annual Report*, www.basbakanlik.gov.tr/Handlers/FileHandler.ashx?FileId=22688, accessed 14 May 2014.

Country	Reports	Indicators
United Kingdom	BRE Statement of New Regulation, published by the Better Regulation Executive (part of the Department of Business Innovation and skills), every six months, report on performance indicators under the One-in, Two-out (OITO) Rule (previously One-in, One-out (OIOO) Rule), which measures the overall regulatory burden on business and civil society. The latest report (as of May 2014 this is the *Seventh statement of new regulation*) can be found online. *Source:* UK Department for Business, Innovation and Skills (2013), *One-in, two-out: statement of new regulation,* www.gov.uk/government/collections/one-in-two-out-statement-of-new-regulation, accessed 16 May 2014.	BRE Statement of New Regulation, published by the Better Regulation Executive (part of the Department of Business Innovation and skills), every six months, report on performance indicators under the One-in, Two-out (OITO) Rule (previously One-in, One-out (OIOO) Rule), it contains indicators regarding how well the program is working. *Source:* UK Department for Business, Innovation and Skills (2013), *One-in, two-out: statement of new regulation,* www.gov.uk/government/collections/one-in-two-out-statement-of-new-regulation, accessed 16 May 2014.
United States	The US Office of Management and Budget publishes every year the report *Information Collection Budget* which provides information on administrative burdens. www.whitehouse.gov/sites/default/files/omb/inforeg/icb/icb_2012.pdf *Source:* US Office of Management and Budget, Office of Information and Regulatory Affairs (2013), *Information Collection Budget of the United States Government 2012,* /www.whitehouse.gov/sites/default/files/omb/inforeg/icb/icb_2012.pdf US Office of Management and Budget (2014), *Federal Collection of Information*, website, www.whitehouse.gov/omb/inforeg_infocoll#icbusg, accessed 14 May 2014.	As part of the report *Information Collection Bud*get the Office of Management and Budget reports the total aggregate hours that the public spends complying with federal reporting, record keeping, and third party disclosure requirements. The Office of Management and Budget also records the number of information collections that have expired but that agencies continue to implement without authorisation. The indicators are published within the annual reports. *Source:* US Office of Management and Budget, Office of Information and Regulatory Affairs (2013), *Information Collection Budget of the United States Government 2012,* www.whitehouse.gov/sites/default/files/omb/inforeg/icb/icb_2012.pdf; US Office of Management and Budget (2014), *Federal Collection of Information,* www.whitehouse.gov/omb/inforeg_infocoll#icbusg, accessed 14 May 2014.

Annex B. Additional tables and figures

Table B.1. Countries publishing performance indicators based on the results of perception on the usefulness/quality of regulatory management tools and programmes

	Countries publishing performance indicators based on the results of perception on the usefulness/quality of regulatory management tools and programmes
Australia	❍
Austria	❍
Belgium	●
Canada	❍
Chile	❍
Czech Republic	❍
Denmark	❍
Estonia	●
EU	●
Finland	❍
France	●
Germany[1]	❍[1]
Greece	❍
Hungary	❍
Iceland	❍
Ireland	❍
Israel	❍
Italy	●
Japan	❍
Korea	❍
Luxembourg	❍
Mexico	❍
Netherlands	●
New Zealand	●
Norway	❍
Poland	❍
Portugal	❍
Slovak Republic	❍
Slovenia	❍
Spain	❍
Sweden	❍
Switzerland	●
Turkey	❍
United Kingdom	❍
United States	❍
OECD34 + EU	**8**

● Yes ❍ No

1. Germany is currently preparing a perception survey on the perceived complexity of law and the quality of co-operation with public authorities. First results are expected to be published in mid-2015.

Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

Table B.2. Overview of publicly available performance reports and indicators on RIA

	Performance reports on RIA	Performance indicators on RIA		
		% of RIAs that comply with formal requirements/ guidelines	Results of perception/opinion surveys on the usefulness/quality of RIA	Other
Australia	●	●	❍	❍
Austria	●	●	❍	❍
Belgium	●	●	❍	❍
Canada	❍	❍	❍	❍
Chile	❍	❍	❍	❍
Czech Republic	●	❍	❍	❍
Denmark	❍	❍	❍	❍
Estonia	●	❍	❍	❍
EU	●	●	●	❍
Finland	●	●	❍	❍
France	●	●	❍	❍
Germany	●	❍[1]	❍	●
Greece	❍	❍	❍	❍
Hungary	❍	❍	❍	❍
Iceland	❍	❍	❍	❍
Ireland	●	❍	❍	❍
Israel	❍	❍	❍	❍
Italy	●	●	❍	❍
Japan	●	❍	❍	❍
Korea	❍	❍	❍	❍
Luxembourg	❍	❍	❍	❍
Mexico	●	●	❍	❍
Netherlands	❍	❍	❍	❍
New Zealand	●	●	❍	❍
Norway	●	❍	❍	❍
Poland	❍	❍	❍	❍
Portugal	❍	❍	❍	❍
Slovak Republic	●	❍	❍	❍
Slovenia	●	●	❍	❍
Spain	❍	❍	❍	❍
Sweden	●	●	❍	❍
Switzerland	●	❍	●	●
Turkey	❍	❍	❍	❍
United Kingdom	●	●	❍	❍
United States	❍	❍	❍	❍
OECD34+EU	**20**	**12**	**2**	**2**

● Yes, this indicator is publicly available ❍ No

1. While Germany does not publish an indicator on compliance with formal requirements for RIA, it reports that compliance is always 100%, as legislative drafts must always be accompanied by a RIA.

Source: OECD (2012b), *OECD Survey on Regulatory Policy Evaluation* (database).

Annex C

Questionnaire of the 2012-13 OECD survey on regulatory policy evaluation

About regulatory policy evaluation

Part III of the 2012 survey focuses on the evaluation of regulatory management tools and programmes within OECD countries. They help governments to prepare better new rules and improve existing rules. Well-functioning regulatory management systems reduce unnecessary burdens on citizens and businesses and promote transparency in the design of and access to regulations while protecting health, safety, and the environment.

Improving regulatory management is among the best ways that governments can promote economic development, investment and trade. Evaluation of the performance of regulatory management tools and programmes is necessary to identify implementation gaps and target reforms of the regulatory management system. This survey focuses on performance evaluation of the following regulatory management tools and programmes:

Regulatory Impact Analysis (RIA): Regulatory Impact Analysis is the systematic process of identification and quantification of important benefits and costs likely to result from the adoption of a proposed regulation or a non-regulatory policy option under consideration. RIA may be based on cost/benefit analysis, cost effectiveness analysis, business impact analysis, etc. Regulatory Impact Analysis is also routinely referred to as Regulatory Impact Assessment, sometimes interchangeably. A Regulatory Impact Statement (RIS) documents the Regulatory Impact Analysis.

Consultation practices on draft regulations: Participation of stakeholders in the regulatory process aims to ensure that feedback about the design and effects of regulation is taken into account when preparing new regulation. Public consultation includes public notice and calling for comment, public meetings and posting regulatory proposals on the internet for comments. Other forms of consultation are consultation of specific groups such as consumer associations, trade unions and business associations, consultation of an advisory group or formation of a preparatory committee.

Ex post *analysis/Reviews of existing regulations:* Systematic programme reviews of the stock of regulation assess regulations against clearly defined policy goals, including consideration of costs and benefits, to ensure that regulations remain up to date, are cost-justified, cost-effective and fit for purpose. This includes an assessment of the economic and social and/or environmental impacts. For the purpose of this survey, reviews of existing regulations do not include reviews that are limited to an assessment of the administrative burden of existing regulations which fall into the category "administrative simplification and burden reduction programmes" (see below).

Administrative simplification and burden reduction programmes: Administrative simplification programmes aim to make existing regulations clearer to understand, easier to apply and to comply with by removing unnecessary, outdated or over burdensome provisions whilst maintaining the original purpose and protection of the regulation. Administrative burden reduction programmes aim to reduce the costs involved in obtaining, reading and understanding regulations, developing compliance strategies and meeting mandated reporting requirements.

Please note that the term "regulation" includes both primary laws and subordinate regulations (see glossary).

Aim of the questions on Regulatory Policy Evaluation

The questions aim to provide an overview of publicly available performance evaluations of regulatory management tools and programmes in OECD countries and on *ex post* evaluation practices of individual regulations. Information provided will inform the project on developing a framework for regulatory policy evaluation.

Design of the questions

Questions for Part III of the 2012 survey have been designed by the Measuring Regulatory Performance team, with comments and suggestions from the steering group on Measuring Regulatory Performance and OECD experts. For information on the programme on Measuring Regulatory Performance, please contact Ms. Christiane Arndt, e-mail christiane.arndt@oecd.org.

Deadline and supporting documents

Please fill out the online questionnaire by 6 June 2012. Please send supporting documents via email to helge.schroeder@oecd.org. Please make clear which question a document relates to by adding the question number to the name of the document. The deadline for these documents is also 6 June 2012.

Contacts

Please address any questions regarding the content of the questionnaire to Mr. Helge Schröder, Tel.: +33 1 45 24 85 71, e-mail: helge.schroeder@oecd.org, who co-ordinates this survey.

Question 1. Are reports published online in your country on the performance of the following regulatory management tools and programmes, i.e. how they function in practice?

- In other words: Has there been any evaluation of whether these tools and programmes (RIA, *ex post* analysis, consultation procedures or administrative simplification programmes) are functioning well **and** are the results of this evaluation available online? The question does not ask whether any of these tools and programmes are in place in your country. For example, it does **not** ask whether RIAs are done in your country. Please do therefore not provide us with examples of individual RIAs.
- Please tick all that apply.
- If you have a programme in your country to assess existing regulations in terms of their administrative burdens and you have published a report on the performance of this programme, please tick d), not c) (see also definitions on page 1).
- Please note that the term "regulation" includes both primary laws and subordinate regulations.

☐ a) Reports on the performance of Regulatory Impact Analysis on draft regulations

☐ b) Reports on the performance of consultation practices on draft regulations

☐ c) Reports on the performance of *ex post* analysis (reviews) of existing regulations in terms of their economic and social and/or environmental impact

☐ d) Reports on the performance of administrative simplification and burden reduction programmes

Comments to Question 1
If you publish performance reports on other regulatory management tools and programmes, please specify. Please also specify if you use other ways of publicly reporting on the performance of regulatory management tools and programmes than publishing reports.

1.1 According to your answer to Question 1, reports are published on the performance of the following regulatory management tool(s) and/or programme(s). Please provide us with the title, website address and author/publisher of these reports. Please also indicate how frequently those reports are published.

	Title of the report in English	Website address	Author/ Publisher	Frequency of publication				Year of most recent report	Comments
				Every year	Every 2-3 years	*Ad hoc*	Other. Please specify in the comments box		
Reports on the performance of Regulatory Impact Analysis on draft regulations									
1.									
2.									
3.									
Reports on the performance of consultation practices on draft regulations									
1.									
2.									
3.									
Reports on the performance of *ex post* analysis (reviews) of existing regulations in terms of their economic and social and/or environmental impact									
1.									
2.									
3									
Reports on the performance of administrative simplification and burden reduction programmes									
1.									
2.									
3.									

Data on implementation and quality of regulatory management tools and programmes

Most OECD countries have introduced formal requirements for the use of regulatory management tools during the drafting and revision process of regulation at the central/federal level. For example, most countries have some form of requirement for conducting regulatory impact assessment or consultation on at least some new draft regulations. Those requirements vary across countries, e.g. few countries require quantification of both costs and benefits of new draft regulation. This question does not examine the nature and depths of such requirements. It aims to understand whether countries systematically collect information on *i)* compliance with their regulatory management requirements and *ii)* on the quality of their regulatory management tools and programmes.

Question 2. Are the following indicators available to your government?

* ***Question 2a***. Regulatory Impact Analysis (RIA) - Performance indicators

Regulatory Impact Analysis is the systematic process of identification and quantification of important benefits and costs likely to result from the adoption of a proposed regulation or a non-regulatory policy option under consideration. RIA may be based on cost/benefit analysis, cost effectiveness analysis, business impact analysis, etc. Regulatory Impact Analysis is also routinely referred to as Regulatory Impact Assessment, sometimes interchangeably. A Regulatory Impact Statement (RIS) documents the Regulatory Impact Analysis.

	Yes, this indicator is publicly available	Yes, this indicator is internally available	No
Percentage of RIAs that comply with formal requirements/guidelines	☐	☐	☐
Indicator of the quality of RIAs (e.g. % of RIAs where the cost/benefit analysis was judged to be of sufficient quality)	☐	☐	☐
Results of perception/opinion surveys on the usefulness/quality of RIA	☐	☐	☐

2a1. If you answered yes to any of the questions above, please provide us with the data, information on who was involved in the design, data collection and publication of the indicators, information on the methodology, years for which the indicators are available, and *links to relevant websites/reports.*

2a2. If you answered yes to any of the questions above, please explain how your government uses the indicators, i.e. what does your government/administration do with the results?

For example, do you use the results to adjust the design of your tools/programmes, to communicate progress etc.?

2a3. If you answered yes to "results of perception/opinion surveys on RIA usefulness/quality of RIA", please specify who was surveyed.

- [ ] Individual citizens
- [ ] Individual businesses
- [ ] NGOs
- [ ] Business associations
- [ ] Administration/government officials
- [ ] Regulators
- [ ] Other. Please specify.

*****Question 2b***. Consultation practices on draft regulations - Performance indicators
Participation of stakeholders in the regulatory process aims to ensure that feedback about the design and effects of regulation is taken into account when preparing new regulation. Public consultation includes public notice and calling for comment, public meetings and posting regulatory proposals on the internet for comments. Other forms of consultation are consultation of specific groups such as consumer associations, trade unions and business associations, consultation of an advisory group or formation of a preparatory committee.

	Yes, this indicator is publicly available	Yes, this indicator is internally available	No
Percentage of consultations that comply with formal requirements/guidelines	○	○	○
Indicator on the quality of consultations	○	○	○
Results of perception/opinion surveys on the usefulness/quality of consultations	○	○	○

2b1. If you answered yes to any of the questions above, please provide us with the data, information on who was involved in the design, data collection and publication of the indicators, information on the methodology, years for which the indicators are available, and *links to relevant websites/reports.*

2b2. If you answered yes to any of the questions above, please explain how your government uses the indicators, i. e. what does your government/administration do with the results?

For example, do you use the results to adjust the design of your tools/programmes, to communicate progress etc.?

2b3. If you answered yes to “results of perception/opinion surveys on the usefulness/quality of consultation practices”, please specify who was surveyed.

- ☐ Individual citizens
- ☐ Individual businesses
- ☐ NGOs
- ☐ Business associations
- ☐ Administration/government officials
- ☐ Regulators
- ☐ Other. Please specify.

****Question 2c***. *Ex post* analysis/Reviews of existing regulations - Performance indicators

Systematic programme reviews of the stock of regulation assess regulations against clearly defined policy goals, including consideration of costs and benefits, to ensure that regulations remain up to date, are cost-justified, cost-effective and fit for purpose. This includes an assessment of the economic and social and/or environmental impacts. For the purpose of this survey, reviews of existing regulations do not include reviews that are limited to an assessment of the administrative burden of existing regulations which fall into the category "administrative simplification and burden reduction programmes".

	Yes, this indicator is publicly available	Yes, this indicator is internally available	No
Percentage of *ex post* analysis that comply with formal requirements/ guidelines	☐	☐	☐
Indicator on the quality of *ex post* analysis (e. g. percentage of *ex post* reviews where the assessment of economic and social impacts was of sufficient quality)	☐	☐	☐
Results of perception/opinion surveys on the usefulness/quality of *ex post* analysis practices	☐	☐	☐

2c1. If you answered yes to any of the questions above, please provide us with the data, information on who was involved in the design, data collection and publication of the indicators, information on the methodology, years for which the indicators are available, and links to relevant websites/reports.

2c2. If you answered yes to any of the questions above, please explain how your government uses the indicators, i. e. what does your government/administration do with the results?

For example, do you use the results to adjust the design of your tools/programmes, to communicate progress etc.?

2c3. If you answered yes to "Results of perception/opinion surveys on the usefulness/quality of *ex post* analysis practices ", please specify who was surveyed.

- Individual citizens
- Individual businesses
- NGOs
- Business associations
- Administration/government officials
- Regulators
- Other. Please specify.

****Question 2d***. Administrative simplification and burden reduction programmes - performance indicators

Administrative simplification programmes aim to make existing regulations clearer to understand, easier to apply and to comply with by removing unnecessary, outdated or over burdensome provisions whilst maintaining the original purpose and protection of the regulation. Administrative burden reduction programmes aim to reduce the costs involved in obtaining, reading and understanding regulations, developing compliance strategies and meeting mandated reporting requirements.

	Yes, this indicator is publicly available	Yes, this indicator is internally available	No
Reduction of administrative burdens (e. g. percentage of reduction compared to baseline)			
Indicator on the quality of administrative simplification and burden reduction programmes			
Results of perception/opinion surveys on the usefulness/quality of administrative simplification and burden reduction programmes			

2d1. If you answered yes to any of the questions above, please provide us with the data, information on who was involved in the design, data collection and publication of the indicators, information on the methodology, years for which the indicators are available, and links to relevant websites/reports.

2d2. If you answered yes to any of the questions above, please explain how your government uses the indicators, i. e. what does your government/administration do with the results?

For example, do you use the results to adjust the design of your tools/programmes, to communicate progress etc.?

2d3. If you answered yes to "Results of perception/opinion surveys on the usefulness/quality/results of administrative simplification and burden reduction programmes", please specify who was surveyed.

- ☐ Individual citizens
- ☐ Individual businesses
- ☐ NGOs
- ☐ Business associations
- ☐ Administration/government officials
- ☐ Regulators
- ☐ Other. Please specify. ______

Role of audit offices in evaluating the performance of regulatory management tools and programmes

****Question 3***. Has your audit office:
(or the body equivalent to an audit office in your country)

	Yes	No
the mandate to review regulatory management tools and/or programmes?	○	○
acutally undertaken a review of regulatory management tools and/or programmes?	○	○
actually undertaken a review of the performance of regulators or inspection authorities?	○	○

3a. If you answered yes to any of these, please describe. (e.g. date of review, focus, results, publication of results, websites)

Ex post analysis of regulations

Question 4. Do you have any measure/study of: • the impact of *existing* regulation(s) on the economy (e.g. on competitiveness, market access etc.)? • the impact of *existing* regulation(s) on their stated broad policy objectives (for example, have you measured the impact of your existing health regulations on societal health or the impact of your existing environmental regulations (e.g. controlling air emissions from facilities) on environmental health (e.g. ambient air quality levels)? If yes, please describe. Please note that the term "regulation" includes primary laws and subordinate regulations (see glossary).
Additional comments to clarify any of your answers to Questions 1-4.
Were all questions clear and straightforward to answer?

Annex D

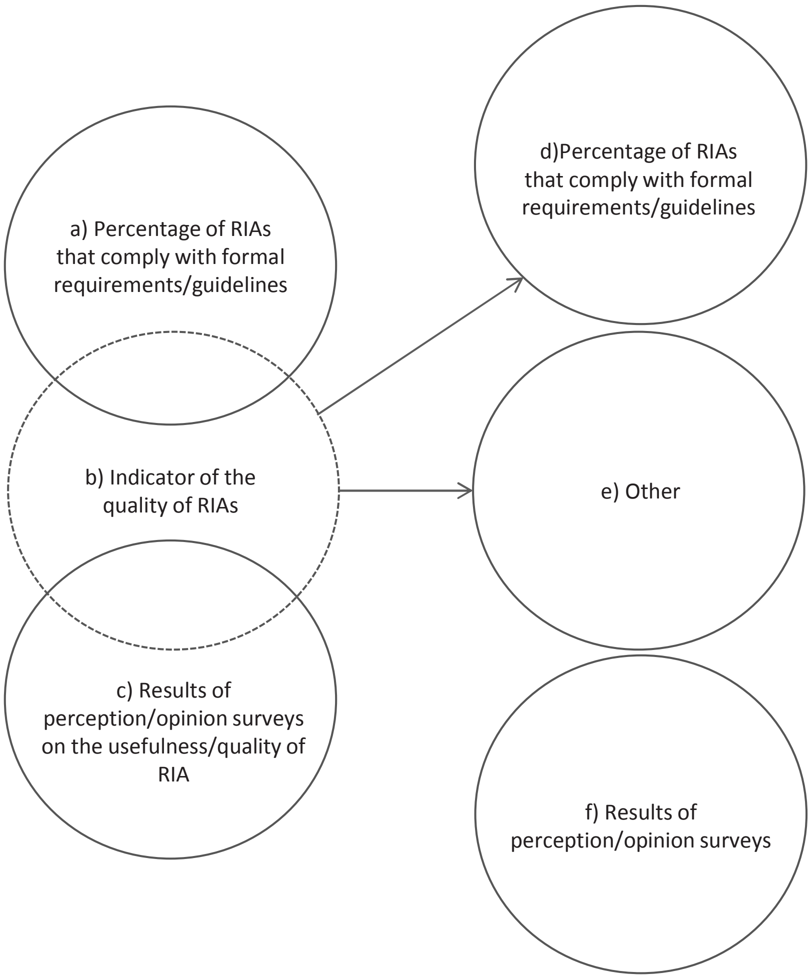
Methodology of the 2012-13 OECD survey on regulatory policy evaluation

In 2012, a questionnaire on regulatory policy evaluation (see Annex C) was sent to delegates of the OECD's Regulatory Policy Committee. A previous draft questionnaire had been modified substantially following comments from members of the Steering Group on Measuring Regulatory Performance. All 34 OECD countries and the European Union participated in the survey.

The answers countries submitted were fact-checked and respectively adjusted. After the fact-check some answers were modified, taking account of the content of the documents and websites countries provided. Where answers were missing, it was assumed that countries do not have these evaluation practices in place. In some cases, negative answers were also changed into positive answers on the basis of information that was identified by the OECD Secretariat. Before publication delegates had the possibility to comment and provide corrections on the practices in their respective countries.

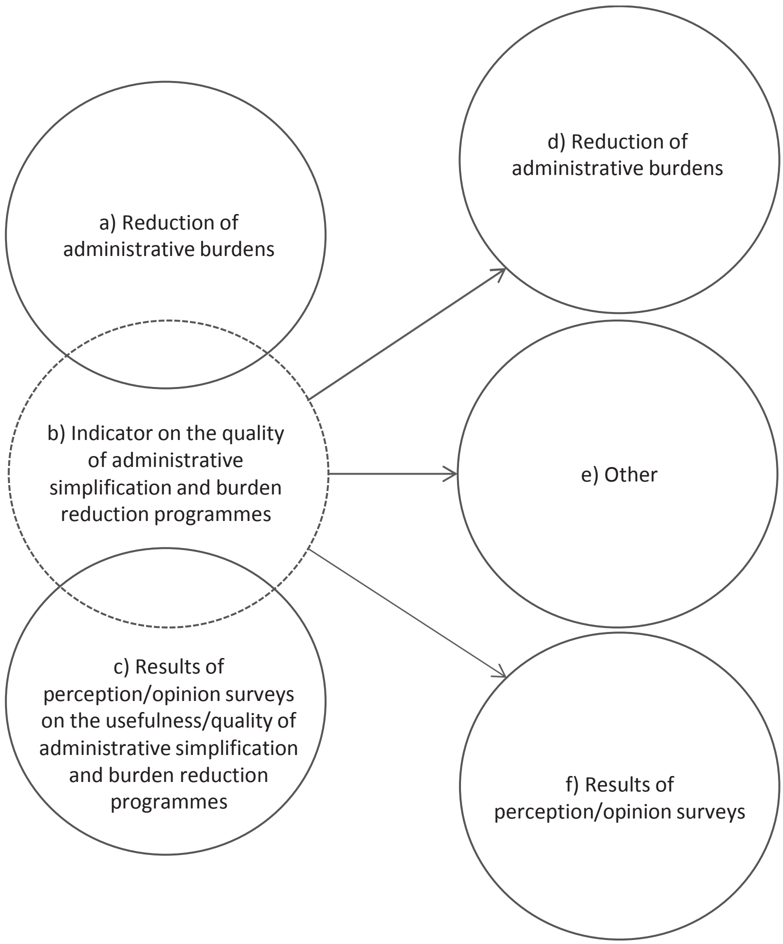
When analysing the provided answers, an overlap between answer categories became apparent. This led to a regrouping into mutually exclusive categories. For example for Question 2a there was an overlap between indicators based on the a) percentage of RIAs that comply with formal requirements/guidelines and b) indicators on the quality of RIAs (see Figure D.1). The reason was that in some cases where the formal requirements are very elaborate and detailed, the indicators on compliance with formal requirements are *de facto* indicators on the quality of the regulatory policy tool/programme. For example in the UK, the RIAs are judged against criteria which represent the integral steps in the process of producing a high quality Impact Assessments.

Figure D.1. Question 2a: Redefinition of answer categories



For Question 2d performance indicators on administrative simplification and burden reduction programmes were regrouped into the following categories: d) reduction of admin burden, e) use of results of perception surveys, f) other (see Figure D.2). The answers in the category b) on the quality of administrative burden programmes have been regrouped into category d), e) or f).

Figure D.2. Question 2d: Redefinition of answer categories



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Conclusion

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