

# INDICATORS OF REGULATORY POLICY AND GOVERNANCE

## LATIN AMERICA 2016

# COLOMBIA

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## CONSOLIDATE OVERSIGHT FUNCTIONS WITH A CLEAR MANDATE

Colombia has adopted different policies aiming to improve the quality of regulation but these efforts are not yet consolidated in a consistent approach. Conpes document 3816 from 2014 sets the agenda for the introduction of Regulatory Impact Assessment (RIA) whilst the National Development Plan 2014-18 covers consultation and administrative burden reduction. Likewise, the institutional landscape for regulatory policy is fragmented. The National Planning Department (DNP) leads the implementation of the Conpes 3816 and is responsible for the diffusion of good regulatory practices across the government, whilst the Administrative Department of the Public Function (DAFP) has a leading role in reducing administrative burdens. In addition, the Ministry of Trade, Industry and Tourism co-ordinates and reviews proposed technical regulations. Consolidating oversight functions in a central institution backed up with a clear mandate would support the effective implementation of good regulatory practices.

## OPEN UP CONSULTATION ON A SYSTEMATIC BASIS

In line with the Code of Administrative Procedure and Disputes, all regulators are formally required to consult with stakeholders in the preparation of regulation but this is not consistently implemented in practice. Various forms of stakeholder engagement, including consultation with interest groups and technical roundtables, are used at different stages of the regulatory process. Ministries also use their own consultation websites to seek comments from the general public on draft regulatory proposals. Colombia is currently developing a centralised public consultation system (SUCOP), which is expected to feature the use of regulatory agendas and RIA. The effective implementation of SUCOP has the potential to strengthen the transparency and openness of stakeholder engagement and ensure its systematic use.

## INTRODUCE A RIA SYSTEM TO SUPPORT EVIDENCE-BASED POLICY MAKING

Colombia is currently undertaking efforts to introduce a RIA system to support evidence-based policy making. The government has developed methodological guidance and has run a first set of four RIA pilots in different institutions of the executive. To ensure a consistent implementation of the planned RIA system, oversight functions to check the quality of RIA outside the ministry developing the regulation is needed.

## EXPAND THE USE OF *EX POST* EVALUATION TO ENSURE REGULATIONS WORK IN PRACTICE

In the recent past, administrative simplification measures have been carried out at different levels of government, but the potential of *ex post* evaluation to systematically assess how regulations work in practice is not yet fully exploited. Whilst regulatory commissions in Colombia carry out an *ex post* evaluation of the regulatory framework of their respective sector every three years, a more systematic approach to *ex post* evaluation across the administration, would help ensure regulations achieve their objectives in practice.

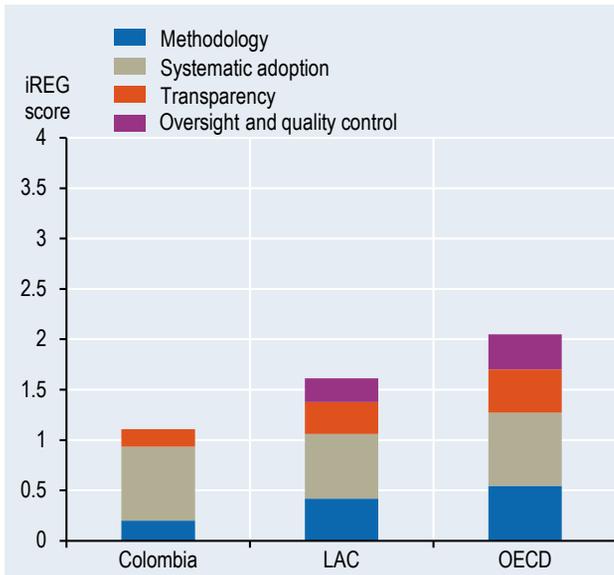
### Spotlight: Online participation through Urna de Cristal (Glass Case)

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*Urna de Cristal* ([www.urnadecristal.gov.co](http://www.urnadecristal.gov.co)), a presidential initiative, is an online platform for civic participation and government transparency with the objective to inform citizens about the government's activity and to stimulate discussions and collect citizens' views on a wide range of topics. Discussions are structured around specific questions that can either be brought forward by the government or by citizens and that allow for an interactive exchange between the users. Feedback received through the use of *Urna de Cristal* informed the development of the 'Anti-paperwork Law' (*Ley anti-trámites*) by identifying formalities that were not necessary or leading to corruption and inefficiency.



## 1. Composite indicator: Stakeholder engagement in the development of subordinate regulations



## 2. Regulatory Impact Assessment (RIA)

	Colombia	LAC answers 2016 (7 countries)	OECD answers 2015 (34 countries)
Requirement to conduct RIA	Never	All (2); Major (0); Some subordinate regulations (1); Never (4)	All (22); Major (6); Some subordinate regulations (4); Never (2)
RIA conducted in practice	Never	All (1); Major (0); Some subordinate regulations (3); Never (3)	All (16); Major (8); Some subordinate regulations (7); Never (3)
RIA quality check by government body outside the ministry preparing the regulation	No	Yes (2); No (5)	Yes (25); No (9)
Written guidance on the preparation of RIA provided	Yes	Yes (6); No (1)	Yes (33); No (1)

## 3. Ex post evaluation and administrative simplification

	Colombia	LAC answers 2016 (7 countries)
Administrative simplification processes in the last four years	Yes	Yes (7); No (0)
Ex post reviews conducted that include an assessment of whether the objectives of the regulation have been achieved	Primary laws	No Yes (2); No (5)
	Subordinate regulations	Yes Yes (3); No (4)

## 4. General trends and institutional setting

	Colombia	LAC answers 2016 (7 countries)	OECD answers 2015 (34 countries)
Explicit, published regulatory policy exists	Yes	Yes (5); No (2)	Yes (32); No (2)
Minister / high-level official accountable for promoting regulatory reform	Yes	Yes (4); No (3)	Yes (28); No (6)
Body responsible for promoting regulatory policy and reporting on regulatory quality	Yes	Yes (5); No (2)	Yes (32); No (2)

### Notes:

1. Figure 1 displays the total aggregate score across the four separate categories of the composite indicator. The maximum score for each category is 1 and the maximum score for the aggregate indicator is 4. The more regulatory practices as advocated in the *2012 OECD Recommendation on Regulatory Policy and Governance* a country has implemented, the higher its indicator score.

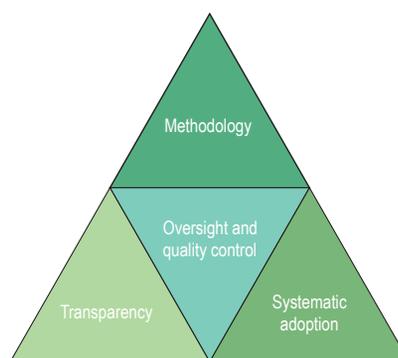
2. Data on LAC countries include: Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico and Peru. They reflect the situation as of 31 December 2015. Data on OECD countries cover 34 OECD countries and reflect the situation as of 31 December 2014.

Source: Indicators of Regulatory Policy and Governance (iREG) for Latin America 2016; Indicators of Regulatory Policy and Governance (iREG) 2015, [www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm](http://www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm).

The Indicators of Regulatory Policy and Governance (iREG) for Latin America 2016 provide an up-to-date overview of regulatory systems in selected Latin American countries, by which they develop, implement and evaluate regulations. They cover three principles of the [2012 OECD Recommendation on Regulatory Policy and Governance](#): stakeholder engagement, Regulatory Impact Assessment (RIA) as well as *ex post* evaluation and administrative simplification.

A composite indicator on stakeholder engagement in developing subordinate regulations measures the adoption of good practices to engage with interested parties when developing new regulations, including different methods and openness of consultations as well as transparency and response to comments received. It consolidates information in four equally weighted categories:

- *Systematic adoption* records formal requirements and how often and at what stage in the rulemaking process these requirements are conducted in practice.
- *Methodology* gathers information on the methods used to engage with stakeholders, e.g. forms of consultation and documents to support them.
- *Oversight and quality control* records the role of oversight bodies and publicly available evaluations of the consultation system.
- *Transparency* records information from the questions that relate to the principles of open government, e.g. whether consultations are open to the general public and if comments and responses by authorities are published.



LAC iREG is based on the results of the Survey on Indicators of Regulatory Policy and Governance 2015 jointly conducted by the OECD and the Inter-American Development Bank (IDB) with 7 countries in the region. The data underlying the composite indicator reflect practices and requirements in place at the national level of government, as of 31 December 2015.

Whilst the indicators provide an overview of a country's regulatory system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform.

Further analysis based on the LAC iREG and other indicators to benchmark government performance in the region can be found in the [Government at a Glance - Latin America and the Caribbean 2017](#) publication.

An in-depth analysis of regulatory practices amongst OECD countries including composite indicators in the areas of stakeholder engagement, RIA and *ex post* evaluation can be found in the [OECD Regulatory Policy Outlook 2015](#).

## LINKS



[Indicators and underlying data](#)  
[Regulatory policy by country](#)  
[Regulatory Policy Outlook 2015](#)  
[OECD work on regulatory policy](#)  
[Government at a Glance - Latin America and the Caribbean](#)  
[Regulatory Policy: Colombia - Going Beyond Administrative Simplification](#)

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