

1998 Questionnaire.

INTRODUCTION

Following the request of Ministers of OECD countries in May 1997, the OECD is launching reviews of progress on regulatory reform in OECD countries. This work will produce, for each country concerned, a multi-disciplinary review of progress on regulatory reform, based on self-assessment and peer review. .

As part of these reviews, a series of comparative regulatory indicators, covering regulatory frameworks, impacts and performance of regulated activities across the OECD Membership, is being developed. *These indicators are an essential element of the OECD's work:* they enhance the capacity of all OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. The indicators will allow construction of a unique picture of regulatory practices in OECD countries that will improve the policy advice of the OECD in a wide range of areas. *e.*

The 1998 questionnaire reflected a multidisciplinary effort, covering a number of areas. The section presented here corresponds to government capacity for quality regulation.

Questions are based on a multiple choice, yes/no, or single data format. In general, more than one answer is possible in multiple choice questions. No detailed description of regulatory policies is requested. However, if necessary, recipients of the questionnaire may **supplement** the binary or numerical answers with brief explanations. Specific explanations on how to respond are given in the introductory note to each section.

SECTION 2: GOVERNMENT CAPACITY TO PRODUCE HIGH-QUALITY REGULATIONS

This indicators questionnaire supports the OECD in developing a series of comparative regulatory indicators covering regulatory frameworks and performance of regulated activities across the OECD Membership. These indicators are essential elements of the OECD's work: they enhance the capacity of OECD Members to self-assess progress in regulatory reform by improving cross-country comparisons of key aspects; they make country reviews more systematic, comparable, transparent, and credible; and they improve understanding of links between regulatory structures and performance. Interpretation of the indicators will depend on many factors, and hence there is no "right" or "wrong" answer to specific questions.

*This section focuses on regulatory processes and capacities in the public administration. It has been developed in consultation with the Regulatory Management and Reform Group of the OECD's Public Management Service. You may wish to check the precise meaning of terms used in the attached glossary. All terms highlighted in **bold italics** appear in the glossary. Where the term "required" is used, it means required by legislation, decree or explicit government policy. Unless otherwise specified in the instructions for each question:*

- *the term "regulation" covers the diverse set of instruments by which governments set requirements on enterprises and citizens. Regulations include laws, formal and informal orders, subordinate rules, administrative formalities and rules issued by non-governmental or self-regulatory bodies to whom governments have delegated regulatory powers. "Regulatory reform" refers to changes that improve regulatory quality, that is, enhance the performance, cost-effectiveness, or legal quality of regulations and formalities. "Deregulation" is a subset of regulatory reform.*
 - *the questions in this section refer only to regulations or policies issued or accepted by the national government, except: **FOR FEDERAL COUNTRIES:** if a question asks about an issue that is exclusively or primarily regulated at the state level, please answer for one state, preferably the state with the largest population, and indicate which state has been selected. **FOR MEMBERS OF THE EUROPEAN UNION:** answers should reflect the application in your country of relevant European-level legislation.*
 - *answers should reflect the regulatory situation as it exists at the time of response, or as recently as possible. Please **DO NOT** anticipate any future regulatory or reform actions.*
 - *please tick the appropriate box or provide the data requested for each question below. If exact information is not available, aggregates or informed estimates are acceptable. Please answer as many questions as possible, even if some questions are left blank. If necessary, to supplement this questionnaire you may choose to provide more detailed information about specific practices in your country.*
-

Overall strategy for regulatory reform and effectiveness of reform institutions

1. Explicit policy commitment

- | | | |
|---|--------------------------|--------------------------|
| | Yes | No |
| a) Is there an explicit, published policy promoting government-wide regulatory reform or regulatory quality improvement? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are there explicit published policies promoting regulatory reform or regulatory quality improvement in specific sectors? | <input type="checkbox"/> | <input type="checkbox"/> |

- | | | |
|--|--------------------------|--------------------------|
| If yes: | Yes | No |
| b(ii) Was it issued, revised or reaffirmed by the present Government? | <input type="checkbox"/> | <input type="checkbox"/> |
| b(iii) Does it establish explicit objectives of reform? | <input type="checkbox"/> | <input type="checkbox"/> |
| b(iv) Does it set out explicit principles of good regulation? | <input type="checkbox"/> | <input type="checkbox"/> |
| b(v) Does it establish specific responsibilities for reform within the administration? | <input type="checkbox"/> | <input type="checkbox"/> |
| b(vi) Does it establish specific responsibilities for reform at the Ministerial level? | <input type="checkbox"/> | <input type="checkbox"/> |
| b(vii) In what year was the policy introduced or last substantially revised? | | |
| c) Does government policy impose specific requirements in relation to the following aspects of regulatory quality assurance? | | |

- | | For some sectors | | Government wide | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| | Yes | No | Yes | No |
| c(ii) Regulatory Impact Analysis | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c(iii) Consideration of regulatory alternatives | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c(iv) Consultation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c(v) Transparency/freedom of information | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c(vi) Plain language drafting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c(vii) Evaluation of the results of regulatory programmes | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

2. Co-ordination and management

- | | | |
|---|--------------------------|--------------------------|
| | Yes | No |
| a) Is there a dedicated body (or bodies) responsible for encouraging and monitoring regulatory reform or regulatory quality in the national administration? | <input type="checkbox"/> | <input type="checkbox"/> |
| If the answer is "yes": | Yes | No |
| a(ii) Is this body routinely consulted as part of the process of developing new regulation? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) Can this body initiate or undertake reform actions? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iv) Does this body monitor and report on progress made on reform by individual Ministers? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(v) Is this body located in the centre of government (i.e. chief Minister's department or budget agency)? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(vi) Can this body make recommendations directly to the head of government? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(vii) Can this body conduct independent and expert analysis of regulatory impacts? | <input type="checkbox"/> | <input type="checkbox"/> |
| | Yes | No |

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| b) Does the budget office have a responsibility to promote regulatory reform? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Is a specific Minister accountable for progress on regulatory reform? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | <i>Always</i> | <i>Often</i> | <i>Sometimes</i> | <i>Rarely</i> |
| d) Is the body responsible for trade policy consulted on new regulations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Is the body responsible for competition policy consulted on new regulations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Openness of regulatory decision-making

3. Forward planning of regulatory activities

- | | | | | |
|--|--|--|--------------------------|--------------------------|
| a) Does the government periodically compile a list of laws planned for the future? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| ↳ If the answer is “Yes”: | | | | |
| a(ii) Does the list include most or all major laws planned for the next year? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) Is the list easily available to the public? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the government periodically compile a list of subordinate regulations planned for the future? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| ↳ If the answer is “Yes”: | | | | |
| b(ii) Does the list include most or all major subordinate regulations planned for the next year? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| b(iii) Is the list easily available to the public? | | | <input type="checkbox"/> | <input type="checkbox"/> |

4. Administrative procedures

- | | | | | |
|---|--|--|--------------------------|--------------------------|
| a) Are there standard procedures, established in law, by which the administration develops draft legislation? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are standard procedures established in law for making subordinate regulation? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| ↳ If the answer is “yes”: | | | | |
| b(ii) Do these requirements include scrutiny by a specifically tasked body within the national legislature? | | | <input type="checkbox"/> | <input type="checkbox"/> |

5. Public consultation

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| a) Is public consultation a routine part of making new regulations? | <i>Always</i> | <i>In some cases</i> | | <i>No</i> |
| | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| ↳ If the answer is “always” or “in some cases”: | | | | |
| a(ii) Is consultation required by law? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) Is consultation required by formal government decree or instruction? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iv) What forms of public consultation are routinely used (tick all that apply): | | | | |
| - Informal consultation? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| - Circulation of proposals for comment? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| - Public notice and comment? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| - Public meeting? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| - Advisory group? | | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <i>Yes</i> | <i>No</i> |

<i>a(v) At what stages in the regulatory process is consultation required to be undertaken?</i>				
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
	<i>Always</i>	<i>Usually</i>	<i>Sometimes</i>	<i>Rarely</i>
<i>a(vi) Is the existence of opportunities to be consulted on proposed regulation widely publicised?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>a(vii) Can any member of the public choose to participate in the consultation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>a(viii) Are the views of participants in the consultation process made public?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Communication and enforcement of regulations

<i>a) Are there systematic procedures for making regulations known and accessible to affected parties?</i>			<input type="checkbox"/>	<input type="checkbox"/>
<i>If the answer is "yes", which of the following measures are employed:</i>			<input type="checkbox"/>	<input type="checkbox"/>
<i>a(i) Codification of laws. If yes:</i>			<input type="checkbox"/>	<input type="checkbox"/>
• <i>Is there a mechanism for regular updating of the codes?</i>			<input type="checkbox"/>	<input type="checkbox"/>
<i>a(ii) Publication of a consolidated register of all subordinate regulations currently in force. If yes:</i>			<input type="checkbox"/>	<input type="checkbox"/>
• <i>Is there a provision that only regulations in the registry are enforceable?</i>			<input type="checkbox"/>	<input type="checkbox"/>
• <i>Can the register be searched by computer by the public?</i>			<input type="checkbox"/>	<input type="checkbox"/>
• <i>How frequently is the register updated?</i>	<i>More than annually</i>	<i>Annually</i>	<i>Less than annually</i>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<i>a(iii) Computerised dissemination of regulation.</i>			<input type="checkbox"/>	<input type="checkbox"/>
<i>a(iv) A general policy requiring "plain language" drafting of regulation. If yes:</i>			<input type="checkbox"/>	<input type="checkbox"/>
• <i>Is guidance on plain language drafting issued?.</i>			<input type="checkbox"/>	<input type="checkbox"/>
<i>b) Do affected parties have the right to appeal against adverse enforcement decisions in individual cases? If yes:</i>	<i>In all cases</i>	<i>In some cases</i>	<input type="checkbox"/>	<input type="checkbox"/>
<i>b(i) What forms can this appeal take? (tick all that apply)</i>				
	<i>Possible in most cases</i>	<i>Possible in some cases</i>		<i>Not possible</i>
• <i>Judicial review?</i>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
• <i>Administrative review to an independent body?</i>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
• <i>Administrative review by the regulatory enforcement body?</i>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

Assessment of regulatory impacts

7. Threshold tests

	Yes	In some cases	No
a) Are regulators required to provide explicit justification of the need for new regulation? If the answer is “yes” or “in some cases”	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
↳ a(ii) Are explicit decision criteria required to be used in making this justification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. Choice of policy instruments

	Yes	No
a) Are regulators required to assess alternative policy instruments (regulatory and non-regulatory) before adopting new regulation?	<input type="checkbox"/>	<input type="checkbox"/>
b) Has guidance been issued on using alternatives to traditional regulation?	<input type="checkbox"/>	<input type="checkbox"/>
c) Please complete the table below to show which alternatives to “ command and control regulation ”, if any, have become <u>significantly more widely used</u> in each of these major policy areas in recent years.		

Environment regulations		Health, Safety and Consumer protection regulations		Employment regulations	
Yes	No	Yes	No	Yes	No
Performance based regulation	<input type="checkbox"/>	<input type="checkbox"/>	Performance based regulation	<input type="checkbox"/>	<input type="checkbox"/>
Process regulation	<input type="checkbox"/>	<input type="checkbox"/>	Process regulation	<input type="checkbox"/>	<input type="checkbox"/>
Co-regulation	<input type="checkbox"/>	<input type="checkbox"/>	Co-regulation	<input type="checkbox"/>	<input type="checkbox"/>
Self regulation	<input type="checkbox"/>	<input type="checkbox"/>	Self regulation	<input type="checkbox"/>	<input type="checkbox"/>
Contractual arrangements	<input type="checkbox"/>	<input type="checkbox"/>	Contractual arrangements	<input type="checkbox"/>	<input type="checkbox"/>
Voluntary commitments	<input type="checkbox"/>	<input type="checkbox"/>	Voluntary commitments	<input type="checkbox"/>	<input type="checkbox"/>
Tradable permits	<input type="checkbox"/>	<input type="checkbox"/>	Tradable permits	<input type="checkbox"/>	<input type="checkbox"/>
Taxes and subsidies	<input type="checkbox"/>	<input type="checkbox"/>	Taxes and subsidies	<input type="checkbox"/>	<input type="checkbox"/>
Insurance schemes	<input type="checkbox"/>	<input type="checkbox"/>	Insurance schemes	<input type="checkbox"/>	<input type="checkbox"/>
Information campaigns	<input type="checkbox"/>	<input type="checkbox"/>	Information campaigns	<input type="checkbox"/>	<input type="checkbox"/>
Deregulation	<input type="checkbox"/>	<input type="checkbox"/>	Deregulation	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input type="text"/>	Other (please specify)	<input type="text"/>	Other (please specify)	<input type="text"/>

9. Regulatory impact analysis (RIA)

	In all cases	In some cases	No	
a) Is RIA required before new regulation is adopted?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
↳ If the answer is “in all cases” or “in some cases”:	In all cases	Only for major regulation	Some policy areas only	No
a(i) Is RIA required by law?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(ii) Is RIA required for draft laws?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(iii) Is RIA required for draft subordinate regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(iv) Are regulators required to quantify costs of new regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<i>In all cases</i>	<i>Only for major regulation</i>	<i>Some policy areas only</i>	<i>No</i>
a(v) Are regulators required to quantify benefits of new regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(vi) Are regulators required to demonstrate that the benefits of new regulation justify the costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(vii) Is the likely distribution of effects across society required to be made transparent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(viii) Are impacts on SMEs required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(ix) Are impacts on employment required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(x) Are impacts on competition required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xi) Are impacts on trade required to be explicitly identified and discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xii) Does a government body outside the ministry sponsoring the regulation review the quality of the RIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xiii) Does a body independent of government (e.g. a parliamentary body) review the quality of the RIA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xiv) Are RIA documents required to be publicly released for consultation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<i>Most or all</i>	<i>About half</i>	<i>A minority</i>	<i>Few or none</i>
a(xv) How many RIA quantify regulatory costs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xvi) How many RIA quantify regulatory benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a(xvii) Are reports on compliance with RIA requirements published regularly?			<i>Yes</i> <input type="checkbox"/>	<i>No</i> <input type="checkbox"/>
b) Is risk assessment a normal part of the development of health, safety and environment regulation?	<i>Yes</i> <input type="checkbox"/>	<i>Some policy areas</i> <input type="checkbox"/>		<i>No</i> <input type="checkbox"/>

Law-drafting capabilities

10. Technical law-drafting capacities

	<i>In all cases</i>	<i>In some cases</i>	<i>No</i>
a) Do regulators employ specialist lawdrafters (either directly or under contract)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Is major regulation drafted or checked by a body within the Government other than the department which is responsible for the regulation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Is lawdrafting conducted or checked by officers of the Parliament or Congress?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Capacities for review and updating of regulations

11. Regulatory review and evaluation

a) What proportion of the body of existing regulations in the following areas been subjected to a review of regulatory quality in the past 5 years?

	<i>A majority</i>	<i>Around half</i>	<i>A minority</i>	<i>Minimal or none</i>
• Environmental regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Health, safety and consumer protection regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Employment regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

b) Is periodic evaluation of existing regulations required for all policy areas?

Yes *No*

c) Is “**sunsetting**” used for laws?

Routinely *Frequently* *Sometimes* *Never*

d) Is “**sunsetting**” used for subordinate regulations?

e) Do specific laws include automatic review requirements?

f) Are there standardised evaluation techniques or decision criteria to be used when regulation is reviewed?

Yes *No*

g) Is Regulatory Impact Analysis used in the conduct of regulatory reviews?

Routinely *Frequently* *Sometimes* *Never*

h) How frequently do major substantive changes to existing regulation result from reviews?

i) Are cost savings or enhanced benefits due to these changes quantified?

j) Is there an independent check on the quality of reviews?

k) Are the review processes public?

l) Is there a mechanism by which the public can make recommendations to modify specific regulations? (e.g. Electronic mailboxes, ombudsman or “request and review” legislation).

Yes *No*

12. Reducing administrative burdens

a) Is there an explicit programme to reduce the **administrative burdens** imposed by government on enterprises and/or citizens?

Yes *No*

→ If the answer is “**yes**”:

a(ii) Does this programme include quantitative targets?

Yes *No*

a(iii) Which of the following strategies are used (tick as many as necessary)?

- New technologies for regulatory administration (e.g. electronic databases)
- Streamlining of government process requirements
- Reallocating powers and responsibilities between government departments and/or between levels of government.
- Other (please specify)

13. Business licenses and permits

In this questionnaire, a **notification** is defined as a requirement for setting up a business calling for (i) providing

information to a specific government authority and (ii) complying with minimum standards as conditions for conducting activities. A **license** or **permit** is defined as a notification which (ii) also requires prior approval or response by the government authority as a condition for conducting activities.

- | | Yes | No |
|--|--------------------------|--------------------------|
| a) Is the “silence is consent” rule (i.e. that licenses are issued automatically if the competent licensing office has not acted by the end of the statutory response period) used at all? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Are there single contact points for getting information on licenses and notifications? | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Are there single contact points for issuing or accepting on licenses and notifications (one-stop shops)? | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Is there a complete count of the number of permits and licenses required by the national government (all ministries and agencies)? | <input type="checkbox"/> | <input type="checkbox"/> |
| e) If yes, what is the number? | | |
| f) Is there a programme underway to review and reduce the number of licenses and permits required by the national government? | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Is there a programme underway to co-ordinate the review and reform of permits and licenses at subnational levels of government? | <input type="checkbox"/> | <input type="checkbox"/> |

Co-ordination as a tool of reform

14. Co-ordination between levels of government

- | | In all cases | In some cases | No |
|--|--------------------------|--------------------------|--------------------------|
| a) Is there a specific procedure for co-ordinating between different levels of government (i.e. sub-national, national, supra-national) in making new regulation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Is there a specific procedure for co-ordinating between different levels of government (i.e. sub-national, national, supra-national) on regulatory reform activity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Is there a policy recommending the adoption of established international standards instead of unique national standards? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Training the public service

15. Training in regulatory reform skills

- | | Yes | No |
|---|--------------------------|--------------------------|
| a) Do formal training programmes exist to better equip civil servants with the skills to develop high quality regulation? | <input type="checkbox"/> | <input type="checkbox"/> |
| → If the answer is “yes”: | Yes | No |
| a(ii) Does this include training in how to conduct regulatory impact analysis? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) Does this training include use of alternative policy instruments? | <input type="checkbox"/> | <input type="checkbox"/> |

The results of reform

16. Indicators of the results of reform

- | | | |
|--|--------------------------|--------------------------|
| | Yes | No |
| a) Has a formal evaluation of progress toward the objectives of regulatory reform been made? | <input type="checkbox"/> | <input type="checkbox"/> |
| ↳ If the answer is "yes": | | |
| a(ii) Have reforms measurably reduced the total costs imposed by new regulation? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iii) Have reforms enhanced policy effectiveness? | <input type="checkbox"/> | <input type="checkbox"/> |
| a(iv) Have reforms increased government transparency? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the government publish an annual progress report on regulatory reform | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Are there plans underway to improve the effectiveness of the regulatory reform programme? | <input type="checkbox"/> | <input type="checkbox"/> |

↳ If the answer is "yes":

c(ii) What view of each of the following major tools of regulatory reform policy is reflected in the plan:

	Favours its further development	Opposes its use or further development	Is satisfied with its current use	Believe it is too widely used or not well used
Public consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regulatory Impact Analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alternative forms of regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Market based alternatives to regulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Glossary of terms

Administrative burdens of regulation

The costs involved in obtaining, reading and understanding regulations, developing compliance strategies and meeting mandated reporting requirements, including data collection, processing, reporting and storage, but **NOT** including the capital costs of measures taken to comply with the regulations.

Administrators responsible for the regulatory reform programme

Policy officials in bodies specifically tasked to manage or monitor the regulatory reform programme within the administration.

Advisory Groups

Selected experts and/or interested parties (e.g. social partners, environmental groups) are brought together to form a consultative body, either on an *ad hoc* or a standing basis.

Appeal

Right of an individual or firm to request reconsideration of an administrative decision regarding regulatory administration or enforcement where the decision is believed not to be in accordance with the terms of the governing legislation or to be manifestly unjust in its outcome. It may be required that a *prima facie* reason for believing there has been an injustice be shown in order for the appeal to proceed. A **judicial review** means that the appeal will be to a court of law. An **administrative review to an independent party** means that an administrative tribunal independent of the regulatory body making the decision will review the decision, to be distinguished from an **administrative review by the regulatory enforcement body**.

Circulation of proposals for comment

Information on regulatory proposals is circulated to a selected group of experts and/or interested parties for comment.

“Command and Control” regulation

Regulation which mandates detailed and prescriptive requirements. It is “input based”.

Co-regulation

A system of shared regulatory responsibilities in which an industry association or professional group will assume some regulatory functions, such as surveillance and enforcement or setting of regulatory standards.

Independent scrutiny

Scrutiny of regulatory impact analysis, lawdrafting, or other aspects of the lawmaking process by a body internal to government but external to the department or agency charged with preparing and implementing the regulation. A Ministry of Economics may, for example, scrutinise the business impacts of regulations made by other ministries.

Informal Consultation

Ad hoc meetings with selected interested parties, held at the discretion of regulators.

Laws

Laws are regulations which must be approved by the Parliament or Congress. They are also referred to as “primary legislation” or as “principal legislation”, or simply as “legislation”.

Performance based regulation

Regulation that specifies objectives or “output standards” and that leaves the means of compliance to be determined by the regulated entity.

Process regulation

Regulation that requires that individual enterprises set up and document systemic processes to identify and control certain risks or hazards within their own activities. Such processes are based on Quality Assurance principles.

Public Notice and Comment

Notice of the intention to regulate is published and comments are sought from all interested parties.

Regulators

Administrators in government departments and other agencies responsible for making regulation.

Regulatory Impact Analysis.

Systematic process of identification and quantification of important impacts likely to flow from adoption of a proposed regulation or a non-regulatory policy option under consideration. May be based on benefit/cost analysis, cost effectiveness analysis, business impact analysis etc..

Risk assessment

Quantitative estimates of the risks and consequences involved in a particular problem, probably including estimates of the likely effectiveness of control measures.

SMEs

Small and Medium-scale Enterprises.

Specialist lawdrafter

Someone with significant training (either formal or “on the job”), experience and expertise in the technical aspects of the drafting of legislation.

Subordinate regulations

Subordinate regulations are regulations that can be approved by the head of government, by an individual Minister or by the Cabinet - that is, by an authority other than the Parliament/Congress. Note that many subordinate regulations are susceptible to disallowance by the Congress/Parliament. Subordinate regulations are also referred to as “secondary legislation”.

Sunsetting

The automatic repeal of regulations a certain number of years after they have come into force.

Voluntary commitments

Commitments by firms to reach certain targets or behave in certain ways not mandated by legislation. May be agreed to in exchange for certain other government benefits (e.g. reduced frequency of regulatory inspections).