

SEMINAR ON EX-POST LAW EVALUATION FROM LEGISLATIVE INSTITUTIONS

DRAFT AGENDA

This seminar will be focused on discussing how *ex post* law evaluation fits into the broader regulatory governance cycle, in light of the *2012 Recommendation of the OECD Council on Regulatory Policy and Governance*. Laws and regulations that have been in force for some time should be evaluated to verify if they are meeting their intended objectives, if they are doing it efficiently, and if there were unintended and unanticipated impacts to be remedied. This is imperative given that the circumstances creating the need for a regulatory intervention may change over time, making it obsolete or ineffective to deal with the public policy problem at hand.

The seminar of March 2012 already concentrated on methodologies for law evaluation and institutional issues. This time the topics will deal more with positioning *ex post* evaluation as part of a broader regulatory governance system that takes input to amend existing regulations or create new ones. The experience with the evaluation of Law 20 413 and how its conclusions have been used by executive agencies in Chile will also provide materials for discussion.

In addition, the seminar will discuss budget evaluation. Since the Law Evaluation Department of the Chilean Chamber of Deputies is moving to undertake budget analysis, the seminar will provide an opportunity to analyse the justification of budget evaluation, its role to upgrade efficiency in the implementation of laws, and its potential to improve performance management in executive agencies.

Finally, the seminar will discuss the political issues to advance *ex post* law evaluation. In some countries, MPs are afraid of the political implications of regulatory evaluation. It may not only uncover the ineffectiveness of a law, but also point out to implementation problems from executive agencies. It may also impact the relationship between the executive and the legislative branches. The seminar will open an opportunity to discuss strategies to overcome the political challenges to advance law evaluation, particularly from legislative institutions.

The audience of the event will include legislators, congressional staff, public officials, and other stakeholders interested in the topic of law evaluation. MPs from other Latin American countries will be invited directly and via the PARLATINO.

The Spanish report “*La Evaluación de Leyes y Regulaciones: El Caso de la Cámara de Diputados de Chile*” is currently being edited and will be presented during the introductory session of the seminar to provide foundations for discussions.

MONDAY 10 SEPTEMBER 2012	
9:00-9:30	<p><i>Inauguration</i></p> <p>President of the Chilean Chamber of Deputies Ministers Comptroller of the Republic President of the Law Evaluation Commission of the Chilean Chamber of Deputies</p>
9:30-10:15	<p><i>Welcome and presentation of the report “La Evaluación de Leyes y Regulaciones: El Caso de la Cámara de Diputados de Chile”</i></p> <p>The Spanish edition of the report will be presented focusing on a general briefing of the assessment and recommendations. OECD staff will also introduce the <i>2012 Recommendation of the OECD Council on Regulatory Policy and Governance</i>. Chilean legislators and staff from the Law Evaluation Department (LED) may want to discuss progress and plans for addressing the recommendations of the report, as well as the experience with the evaluation of Law 20 413.</p> <p>The speakers will address the following questions:</p> <ul style="list-style-type: none"> ➤ What are the main issues and recommendations highlighted in the report? ➤ How have the LED and the Chamber adopted the recommendations so far and what are the plans for the future? ➤ What were the main lessons learned from the evaluation of Law 20 413? <p><i>Introductions/presentations by:</i></p> <ul style="list-style-type: none"> – Chilean legislators (<i>i.e.</i>, Dip. Monckeberg, Dip. Lorenzini, <i>etc.</i>) – René Arrayet, Head of the LED. – Mario Marcel, Deputy Director of Public Governance and Territorial Development, OECD.
10:15-11:45 (15 mins. for Q&A)	<p><i>Session I: Ex post evaluation in the broader regulatory governance cycle</i></p> <p>Effective regulatory governance maximises the influence of regulatory policy to deliver laws and norms which will have a positive impact on the economy and society, and which meet underlying public policy objectives. It implies an integrated approach to the deployment of regulatory institutions, tools and processes.</p> <p>A core challenge for effective regulatory governance is the co-ordination of regulatory actions, from the design and development of regulations, to their implementation and enforcement, closing the loop with monitoring and evaluation which informs the development of new regulations and the adjustment of existing ones.</p> <p>This session will discuss how the law evaluation work carried out by the Chamber of Deputies could fit into a wider regulatory governance system. Clearly, the different branches of government would have to participate in an integral regulatory governance approach. This would also require co-ordination between the Executive and the Legislative, in order to actually use the findings from the evaluations undertaken by the LED.</p> <p>Presentations will discuss the following questions:</p> <ul style="list-style-type: none"> ➤ What is the role of <i>ex post</i> law evaluation in the regulatory governance cycle?

	<ul style="list-style-type: none"> ➤ What are the main co-ordination issues concerning the relationship Executive-Legislative? ➤ How has the evaluation of Law 20 413 fed the public policy process? <p>Introductions/presentations by:</p> <ul style="list-style-type: none"> – International parliamentarian staffer. – Delia Rodrigo, OECD Consultant. – Chilean legislator. – Official from the executive (<i>i.e.</i>, SEGPRES). – Moderator: Nick Malyshev, Head of the Regulatory Policy Division, OECD.
11:45-12:00	<i>Coffee Break</i>
12:00-13:15 (15 mins. for Q&A)	<p>Session 2: Budget evaluation: Promoting efficiency and performance management</p> <p>One important and widely used stream of evaluation is the one related to budget issues. Budget analysis of draft regulatory proposals and <i>ex post</i> assessments of implementation are rather common in parliamentary institutions. In fact, in many countries the government is required to present assessments of the financial resources needed to implement a proposal.</p> <p>This session will discuss the justification of budget analysis from legislative institutions, as well as the criteria on which it should be based. In theory, budget analysis could help the legislature to assess opportunity in the spending of public resources to finance public programmes and specific mandates from laws. Likewise, budget analysis could set the baseline to benchmark performance of public programmes and specific regulations. The international experience will be reviewed to find alternatives to carry out budget evaluation from the LED of the Chilean Chamber of Deputies.</p> <p>Issues and questions to be addressed in this session include the following:</p> <ul style="list-style-type: none"> ➤ What are the arguments to justify budget evaluation from legislative institutions? ➤ What are the main criteria on which budget analysis should be based? ➤ What is the role of budget analysis in promoting efficiency and performance in the implementation of laws and public programmes? <p>Introductions/presentations by:</p> <ul style="list-style-type: none"> – Rolf Noordsij, Senior Staff Member, Parliamentary Bureau for Research and Public Expenditure, House of Representatives of the States General of the Netherlands. – Chilean legislator. – Legislator from other LAC country. – Official from the Chilean executive dealing with budget issues. – Representative from a political studies institute.

	<ul style="list-style-type: none"> – Moderator: Mario Marcel, Deputy Director of Public Governance and Territorial Development, OECD.
13:15-15:30	LUNCH
15:30-16:45 (15 mins. for Q&A)	<p><i>Session 3: The political economy of law evaluation: Making reform happen</i></p> <p>In many cases, law evaluation has not advanced due to political opposition. Regulatory evaluation will point out to failures and wrong assumptions, which may raise political sensitiveness. When the evaluation is carried out from the Legislative, the results may be critical of the implementation process managed by executive agencies, which might have an impact in the relationship between the two branches.</p> <p>This session will discuss the main political challenges to advance law evaluation and strategies to overcome them. Special attention will be given to how the Executive and the Legislative should understand regulatory evaluation as a way to feed the public policy process.</p> <p>Issues and questions to be addressed in this session include the following:</p> <ul style="list-style-type: none"> ➤ What are the main political challenges when trying to advance law evaluation from parliamentary institutions? ➤ What strategies and good practices have been put in place to overcome such challenges? ➤ How can the Executive and the Legislative build a co-operative relationship to address the issues pointed out in evaluations? <p><i>Introductions/presentations by:</i></p> <ul style="list-style-type: none"> – Chilean legislator. – Deputy Ildefonso Guajardo Villarreal, President of the Economics Commission of Mexico’s Chamber of Deputies during the LXI Legislature. – Official from the Chilean executive. – Representative from a think-tank/university. – Moderator: Jacobo García Villarreal, Policy Analyst, OECD.
16:45-17:15	<p><i>Concluding Remarks</i></p> <p>The final session will draw key conclusions from the seminar. Speakers will summarise the main issues discussed and try to sketch an agenda for law evaluation from parliamentary institutions, particularly in the context of a comprehensive regulatory governance approach.</p> <p><i>Introductions/presentations by:</i></p> <ul style="list-style-type: none"> – Chilean legislator. – Nick Malyshev, Head of the Regulatory Policy Division, OECD.