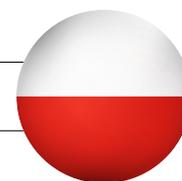


Indicators of Regulatory
Policy and Governance

EUROPE 2022

Poland

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JOZEF
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Poland

Overview and recent developments

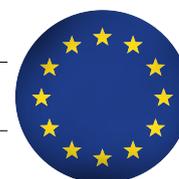
Poland has made some recent adjustments to its legal framework for regulatory management. Following changes in the Rules of Works of the Council of Ministers in 2019, draft laws can now be returned to ministries if public consultation did not take place or if the consultation process did not comply with the rules, including if the consultation report is absent. In 2018, the requirement for assessing the impact of economic law on SMEs has been strengthened in the Law for Entrepreneurs Act, and the Centre for Strategic Analysis was established as the central government body responsible for assessing regulatory impact assessments (RIAs). RIAs continue to be required for all laws and regulations.

The Department for the Improvement of Business Regulation within the Ministry of Economic Development and Technology is responsible for the systematic improvement of regulation and the better regulation agenda in Poland. The Chancellery of the Prime Minister is responsible for the central oversight of regulatory management tools in Poland. It encompasses several regulatory oversight instances. The Government Programming Board is an auxiliary body to the Council of Ministers that receives administrative support from the Government Programming Department. The Board sets the government work programme, which includes legislation as well as strategic programmes and projects, and is responsible for the quality control of stakeholder engagement, RIA and *ex post* evaluations. The Centre for Strategic Analysis (CAS) was established in April 2018 to act as an advisory body to the Prime Minister. It participates in the legislative process directly as well as indirectly, through the deputy director of the RIA Department, who operates within the CAS and acts as a RIA co-ordinator upon designation by the Prime Minister. It issues opinions on the impact of proposals

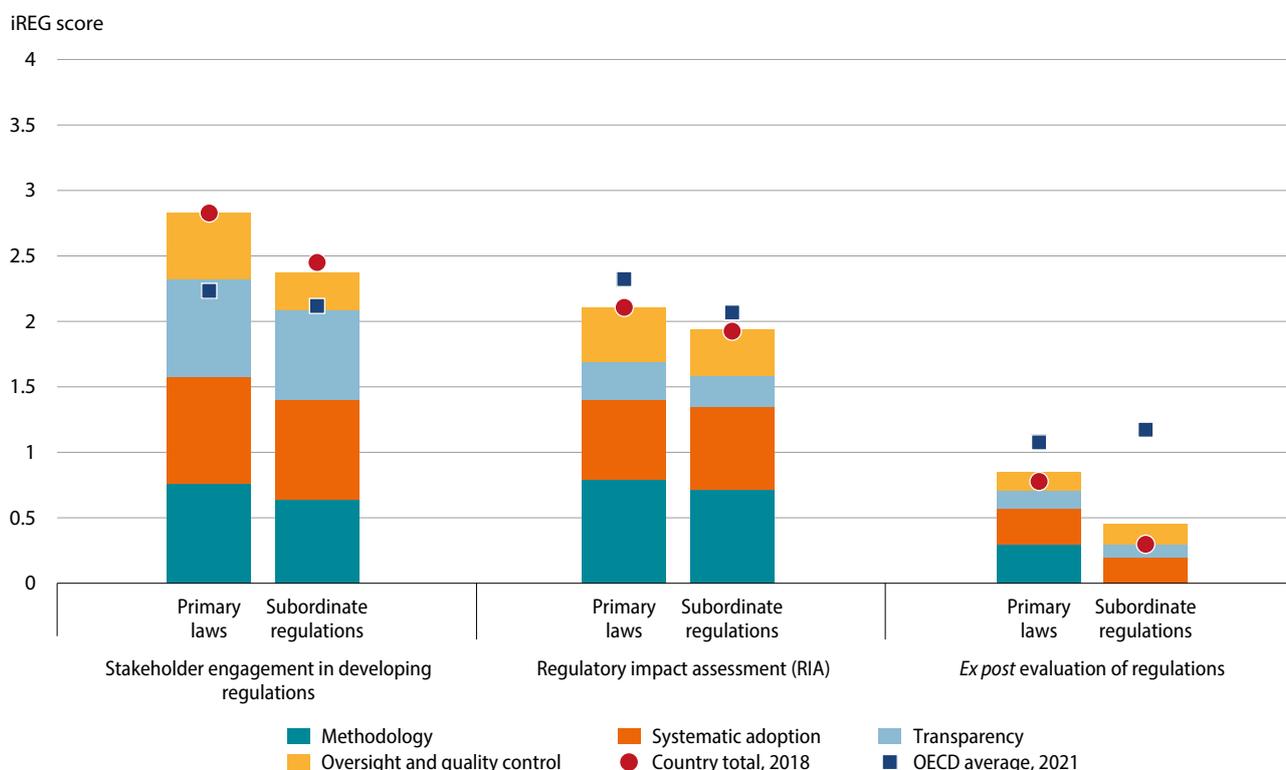
for the government work programme. Moreover, the CAS is responsible for reviewing all RIAs submitted by government ministries and offices for primary laws and subordinate regulations issued by the Council of Ministers and the Prime Minister, and it also examines RIAs for government acts and bills before their appraisal by the Council of Ministers' Standing Committee.

Ex post evaluations can be required at the request of the Council of Ministers or subsidiary bodies, and since recently at the request of the Chief of Centre for Strategic Analysis, the Ombudsman for SMEs, and the President of the Government Legislative Centre. However, very few evaluations have been conducted according to these recent procedures. Over time, *ex post* evaluations could be conducted more systematically and broadened beyond administrative burdens, focusing more on the total social, economic, and environmental impacts of regulation.

Regulatory policy requirements for the executive including public consultation do not apply to laws initiated by parliament, which constituted 21% of all laws passed on average between 2017 and 2020. The requirements introduced in the Law for Entrepreneurs Act also apply to non-governmental drafts in the field of economic law with the exception of laws initiated by civic initiatives.



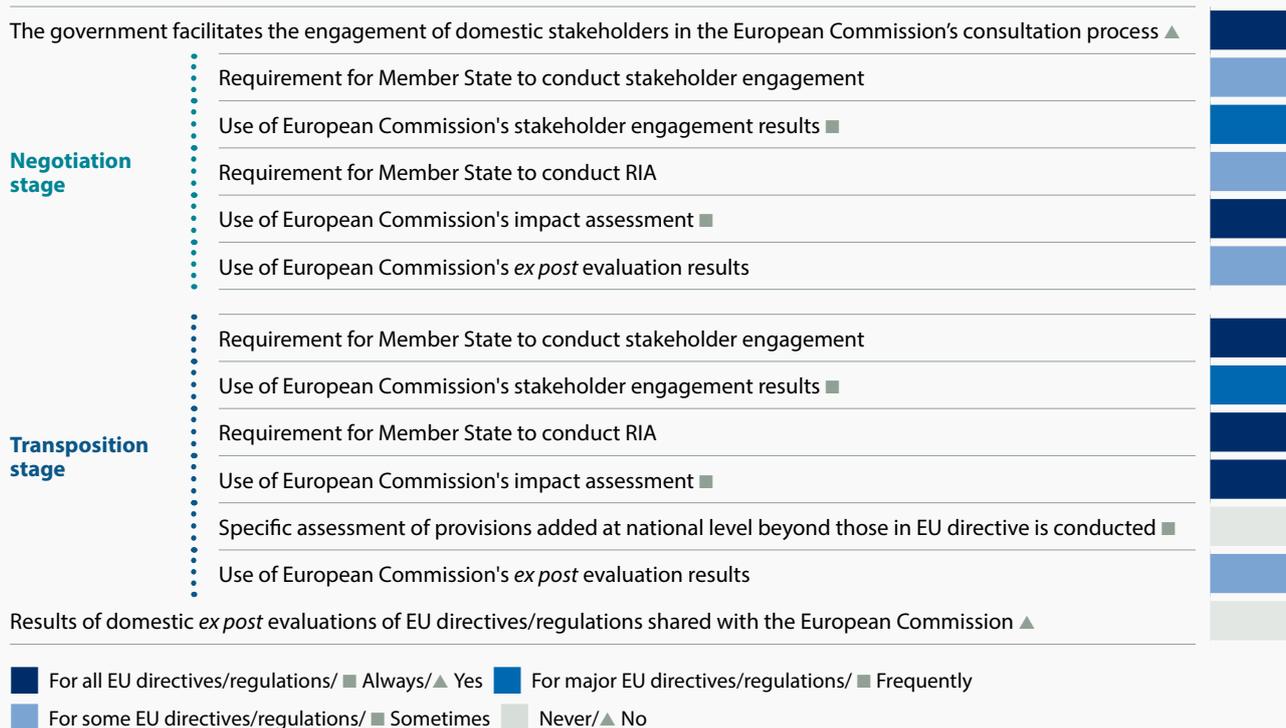
INDICATORS OF REGULATORY POLICY AND GOVERNANCE (iREG): POLAND, 2021



Note: The more regulatory practices as advocated in the *OECD Recommendation on Regulatory Policy and Governance* a country has implemented, the higher its iREG score. The indicators on stakeholder engagement and RIA for primary laws only cover those initiated by the executive (75% of all primary laws in Poland).

Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/ireg>.

REQUIREMENTS TO USE REGULATORY MANAGEMENT TOOLS FOR EU-MADE LAWS: POLAND



Source: Indicators of Regulatory Policy and Governance (iREG) Survey 2021, <http://oe.cd/ireg>.

THE OECD REGULATORY INDICATORS SURVEY AND THE COMPOSITE INDICATORS

The data presented in the *Better Regulation Practices across the European Union 2022* report are the results of the 2014, 2017, and 2021 indicators of Regulatory Policy and Governance (iREG) surveys. The results from these surveys for OECD member countries as well as the European Union have also been presented in the 2015, 2018, and 2021 OECD Regulatory Policy Outlooks. Composite indicators and country profiles for the five EU countries that are not members of the OECD were published for the first time and are based on the data from the 2017 and 2021 iREG surveys.

The Regulatory Indicators Survey investigates in detail three principles of the *2012 OECD Recommendation of the Council on Regulatory Policy and Governance*: stakeholder engagement, regulatory impact assessment (RIA) and *ex post* evaluation. Three composite indicators were developed based on information collected through the surveys for these areas. Each composite indicator is composed of four equally weighted categories:

- **Systematic adoption** which records formal requirements and how often these requirements are conducted in practice;
- **Methodology** which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used;
- **Oversight and quality control** records the role of oversight bodies and publicly available evaluations; and
- **Transparency** which records information from the questions that relate to the principles of open government e.g. whether government decisions are made publicly available.

The data underlying the composite indicators reflect practices and requirements in place at the national level of government, as of 1 January 2021. The indicators for stakeholder engagement and RIA relate to regulations initiated by the executive, while the indicator on *ex post* evaluation relates to all regulations. Whilst the indicators provide an overview of a country's regulatory policy 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. A full score on the composite indicators does not imply full implementation of the *Recommendation*. To ensure full transparency, the methodology for constructing the composite indicators and underlying data as well as the results of sensitivity analysis are available publicly on the OECD website (<http://oe.cd/ireg>).

Related links:

- Full report: [Better Regulation Practices across the European Union 2022](#)
- [Better Regulation Practices across the European Union 2019](#)
- [Indicators and underlying data and methodology](#)
- [Regulatory Policy Outlook 2021](#)
- [Recommendations and Guidelines on Regulatory Policy](#)
- [OECD Measuring Regulatory Performance Programme](#)
- [OECD work on regulatory policy](#)

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 <http://oe.cd/ireg>

