

# OECD Regulatory Policy Outlook 2015

Country profile

## SWITZERLAND



### Access links

- **OECD Regulatory Policy Outlook 2015:** [www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm](http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm)
- **Indicators of Regulatory Policy and Governance and the underlying data:** [www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm](http://www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm)
- **Regulatory policy in Switzerland:** [www.oecd.org/regreform/regulatory-policy/regulatory-policy-switzerland.htm](http://www.oecd.org/regreform/regulatory-policy/regulatory-policy-switzerland.htm)
- **Regulatory Policy Outlook country profiles:** [www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm](http://www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm)
- **OECD regulatory policy website:** [www.oecd.org/governance/regulatory-policy/](http://www.oecd.org/governance/regulatory-policy/)

# Overview

In Switzerland, RIA has to be conducted for all regulations. The requirements for public consultations on all primary laws and major subordinate regulations, and the evaluation of policies are enshrined in the Constitution. There is a strong evaluation culture in Switzerland. In recent years, various ad hoc reviews of the stock of regulation have been conducted. Among others, regulations have been screened for administrative burdens, compliance costs, and compliance with international standards, and public stocktakes of regulation have been conducted.

The State Secretariat for Economic Affairs (SECO) is the main point of contact and expertise for regulatory policy issues. It provides support to government departments in carrying out RIAs, and reviews existing regulations. The Parliamentary Control of the Administration and the evaluation unit of the Swiss Federal Audit Office undertake about 10-15 *ex post* evaluations of government policies, including regulations, per year.

Lists of ongoing and planned consultations are published on a central government website. While formal consultation at an early stage on the nature of the problem and possible solutions is rare, broad public consultations are always conducted on draft regulations. Comments received in the consultation process are published and have to be taken into account by regulators.

For most draft regulations, a simple RIA is conducted. It mainly focuses on qualitative analysis, and often the consideration of alternatives is not very thorough. For a few regulations that are particularly economically significant, in-depth RIAs are conducted that contain more thorough analysis and quantify impacts. Since their introduction in 2007, 15 in-depth RIAs have been carried out. All of them are published on-line, whereas simple RIAs are not systematically made available to the public.

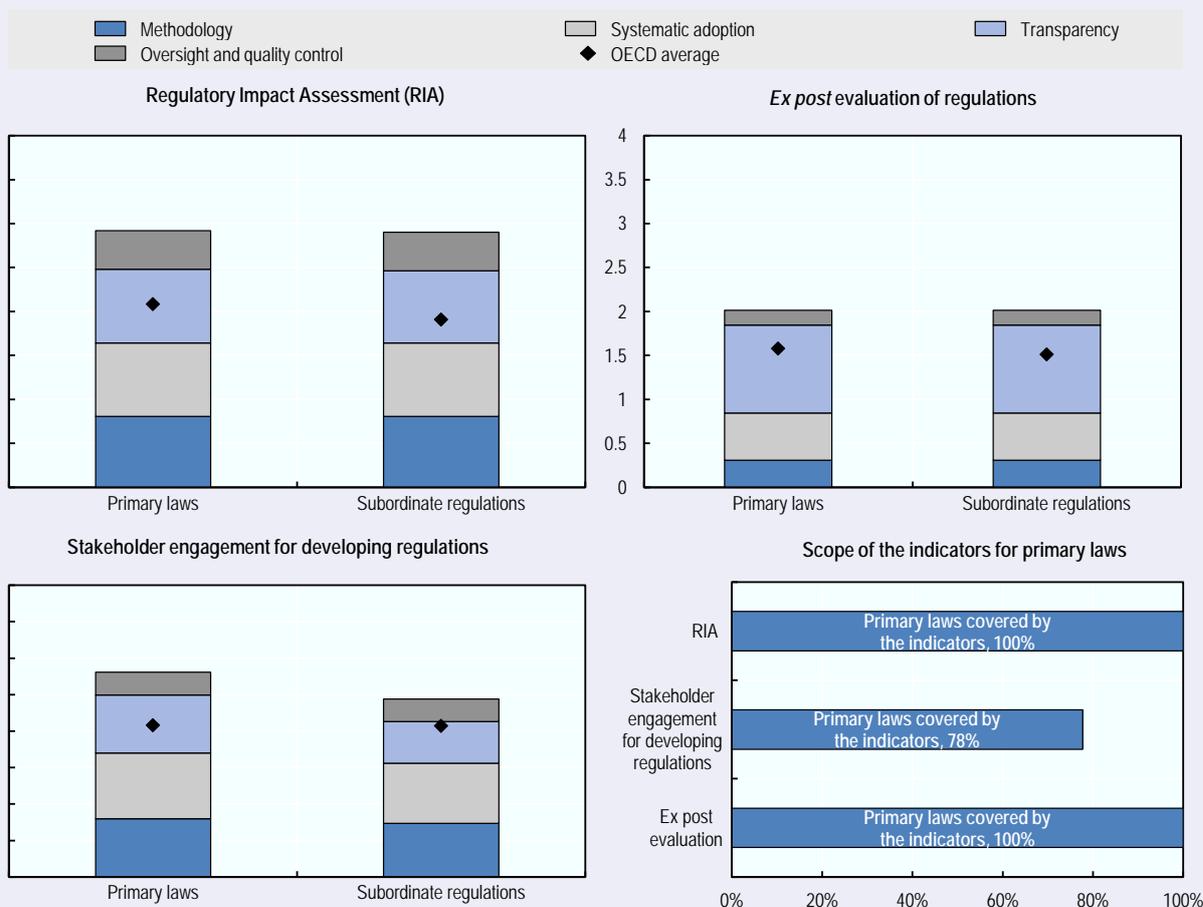


## Spotlight: Reviews of regulatory policy tools

Several reviews were conducted to evaluate the existing regulatory policy tools and develop recommendations to improve the regulatory framework in Switzerland. SECO mandated a review of in-depth RIAs in 2011, and of simple RIAs in 2014. While the studies conclude that in-depth RIAs prove to be a valuable tool for developing regulation, some significant shortcomings in the use of simple RIAs were identified. The Swiss Federal Audit Office is presently carrying out a broader review of the quality of impact assessment across selected bills.

The Parliamentary Control of the Administration carried out an evaluation of the consultation and hearing system in 2011. The report points to five main weaknesses of current practices, including too short time limits and insufficient information for the public on how consultation comments are taken into account by regulators. The law on consultation was subsequently revised in order to reflect the results of this evaluation, e.g. different forms of consultations were unified and steps were taken to increase the transparency of the results of consultations. The Swiss Federal Audit Office recently conducted a review of the implementation of evaluation clauses in regulations. It concludes that the use of these clauses is not implemented systematically across different parts of the administration, and that they are frequently formulated very vaguely.

# Indicators of Regulatory Policy and Governance 2015



1. The figures display the aggregated scores from all four categories giving the total composite score for each indicator. The maximum score for each category is one and the maximum score for each aggregated indicator is four.
2. The information presented in the indicator for primary laws on stakeholder engagement only covers processes of developing primary laws that are carried out by the executive branch of the national government. As in Switzerland approx. 78% of primary laws are initiated by the executive, the indicator on stakeholder engagement covers approx. 78% of primary laws. There is no formal requirement in Switzerland for consultation with the general public to inform the development of primary laws initiated by parliament. The information presented in the indicators for primary laws on RIA and *ex post* evaluation covers processes in place for both primary laws initiated by parliament and by the executive. The percentage of primary laws initiated by parliament is an average between the years 2011 to 2013.

Source: 2014 Regulatory Indicators Survey results, [www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm](http://www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm).

Statlink: <http://dx.doi.org/10.1787/888933263355>

# Indicators of Regulatory Policy and Governance (iREG)

The three composite indicators provide an overview of a country's practices in the areas of stakeholder engagement, Regulatory Impact Assessment (RIA) and *ex post* evaluation. Each indicator comprises 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 publically available evaluations.
- Transparency records information from the questions that relate to the principles of open government, e.g. whether government decisions are made publically available.



The composite indicators are based on the results of the *OECD 2014 Regulatory Indicators Survey*, which gathers information from all 34 OECD countries and the European Commission as of 31 December 2014. The survey focuses on regulatory policy practices as described in the 2012 *OECD Recommendation on Regulatory Policy and Governance*. The more of these practices a country has adopted, the higher its indicator score. Further information on the methodology is available online at [www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm](http://www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm).

Whilst the indicators provide an overview of a country's regulatory framework, 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.

## OECD Regulatory Policy Outlook 2015

The *OECD Regulatory Policy Outlook* ([www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm](http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm)) provides the first evidence-based, cross-country analysis of the progress made by OECD countries in improving the way they regulate. Findings are based on the results of the *OECD 2014 Regulatory Indicators Survey*.

Key findings:

- Laws and regulations are essential instruments, together with taxes and spending, in attaining policy objectives such as economic growth, social welfare and environmental protection. OECD countries have generally committed at the highest political level to an explicit whole-of-government policy for regulatory quality and have established a standing body charged with regulatory oversight.
- Implementation of regulatory policy varies greatly in scope and form across countries. While RIA has been widely adopted, few countries systematically assess whether their laws and regulations achieve their objectives. Stakeholder engagement on rule making is widespread in OECD countries, taking place mostly in the final phase of developing regulation.
- The national executive government has made important progress over the last decade to improve the quality of regulations. Parliaments, regulatory agencies and sub-national and international levels of government need to be more engaged to ensure that there are evidence-based and efficient laws and regulations for stimulating economic activity and promoting well-being.
- The impact of regulatory policy could be further improved by addressing shortcomings in the implementation and enforcement of regulations and by considering new approaches to regulatory design and delivery such as those based on behavioural economics.

### Contact information:

Christiane Arndt, Head of Programme, Measuring Regulatory Performance, [christiane.arndt@oecd.org](mailto:christiane.arndt@oecd.org) and Céline Kauffmann, Deputy Head of Division, Regulatory Policy, [celine.kauffmann@oecd.org](mailto:celine.kauffmann@oecd.org)