



Chile

Indicators of Regulatory Policy and Governance 2021





Overview and recent developments

Chile has made important improvements to its regulatory management tools over the last years. In 2019, Chile adopted Presidential Instructive No. 3/2019, which broadens the requirement to conduct regulatory impact assessments (RIA), making it mandatory for all primary laws initiated by the executive and for subordinate regulations. It establishes a threshold for conducting RIAs, which will determine whether a standard or high impact RIA should be conducted. RIAs are now required to consider alternative non-regulatory options, assess the potential impact that proposed regulations might have on competition, small businesses, trade, environment, gender equality and other relevant factors, as well as likely distributional effects. Once a RIA is conducted, the government publishes a RIA report on a central website. Chile should ensure that the requirements and improvements brought forward by the new instructive are systematically implemented in practice by all ministries.

Stakeholder engagement is formally required in the development of certain laws, for example concerning indigenous people's rights and certain environmental issues, and securities and insurance for subordinate regulations. As of 2019, public consultations are also required for major regulatory proposals for which a high impact RIA is to be conducted. Chile makes voluntary guidelines on consultation mechanisms available to regulators

and links to ministries' consultation portals are listed on a central website. In order to continue improving stakeholder engagement practices, Chile needs to ensure that these recent requirements are systematically implemented in practice, including involving stakeholders earlier in the decision-making process, and not only when there is already a draft regulation.

Presidential Instructive No. 4/2019 introduced new requirements for *ex post* evaluation and administrative simplification. Subordinate regulations for which a high impact RIA was conducted are now required to be evaluated four years after their enactment. In addition, each ministry publishes on their website a list of existing regulations for the public to provide comments and feedback for potential review.

The referred Presidential Instructive No. 3/2019 also requires policy makers to submit their RIAs to the Ministry General Secretariat of the Presidency (SEGPRES) for review. In addition, the Ministry of Economy, Development and Tourism can provide technical assistance to ministries when conducting their RIAs. Chile could benefit from extending the oversight of their regulatory management tools to stakeholder engagement and *ex post* evaluations, and from reinforcing its nascent oversight of RIA.

Indicators of Regulatory Policy and Governance (iREG): Chile, 2021

● Methodology
 ● Systematic adoption
 ● Transparency
 ● Oversight and quality control
 ■ Country total, 2018
 — OECD average, 2021



Notes: 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 (59% of all primary laws in Chile). Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, <http://oe.cd/iereg>.

Chile: Transparency throughout the policy cycle



Inform the public in advance that:

A public consultation is planned to take place	Some
Regulatory impact assessment (RIA) is due to take place	No
Ex post evaluations are planned to take place	Never



Consult with stakeholders on:

Draft regulations	Some
Evaluations of existing regulations	Major



Publish online:

Ongoing consultations*	Some
Views of participants in the consultation process	Yes
RIAs	All
Evaluations of existing regulations	No



Policy makers use:

Interactive website(s) to consult with stakeholders	No
Website(s) for the public to make recommendations on existing regulations	Yes



Policy makers provide a public response to:

Consultation comments	Yes
Recommendations made in ex post evaluations	Never

* Publish on a single central government website.

Note: The data reflects Chile's practices regarding primary laws initiated by the executive.

Source: Indicators of Regulatory Policy and Governance Survey 2021, <http://oe.cd/iereg>.

