Ireland

Indicators of Regulatory Policy and Governance 2021

OECD

Overview and recent developments

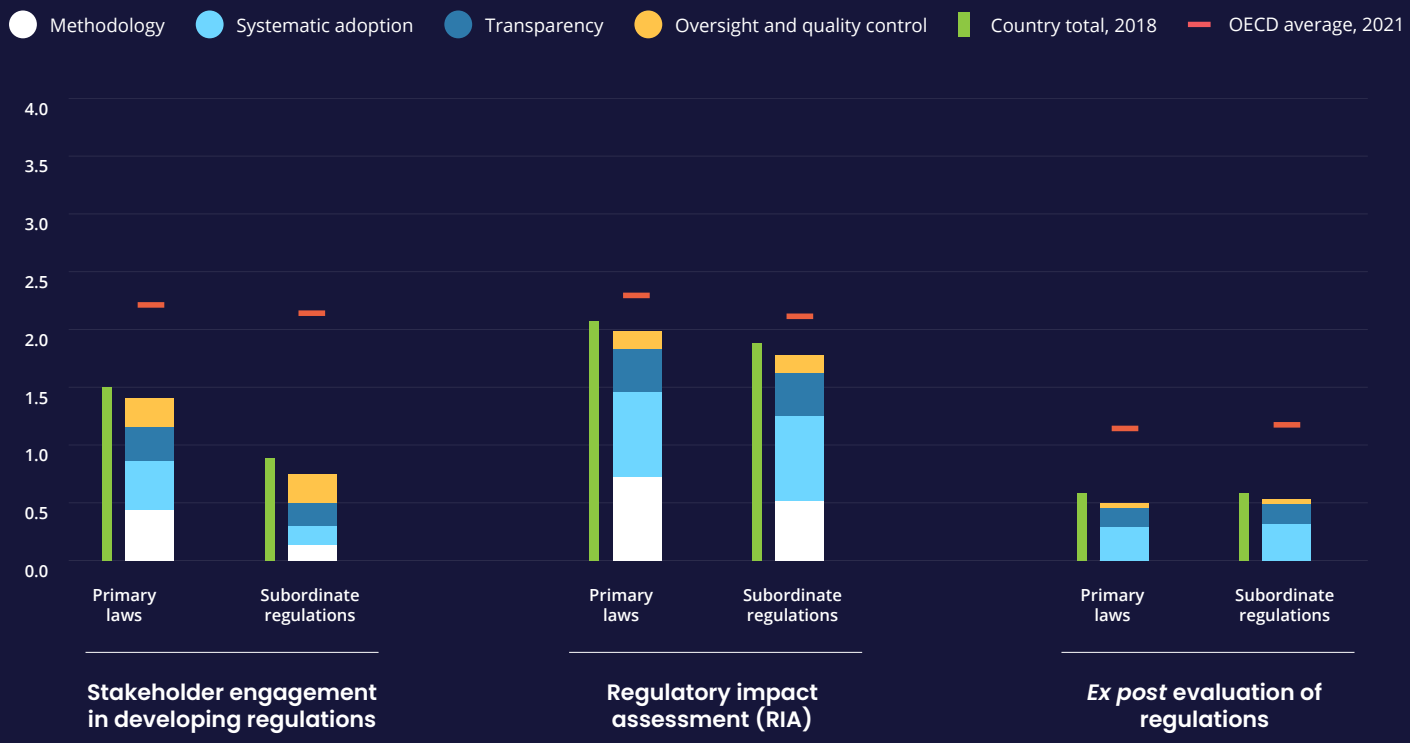
Ireland is developing, and currently trialling as a prototype, a single central government website on which some of the ongoing consultations are published. Following the Open Government Partnership National Action Plan 2014-2016 and 2016-2018, Ireland had committed to improving consultation by public bodies with citizens, civil society and others. Despite this recent improvement, Ireland's consultation practices do not yet operate on a systematic basis across government departments. As Ireland develops the tools to conduct more transparent and open stakeholder engagement, public consultation could be applied more systematically to a broader range of draft regulations, particularly for subordinate regulations.

The Department of the Taoiseach is responsible for the effectiveness of regulators and, together with the Office of the Attorney General, for ensuring the transparency and quality of legislation. It is also responsible for setting the overall government multi-sectoral policy in Ireland. The Department of the Taoiseach aims to reduce regulatory burdens, promote regulatory quality, encourage a business-friendly regulatory environment, and ensure inter-departmental co-ordination in regulatory development. The Department of Public Expenditure and Reform is responsible for RIA guidance and the provision of training on RIA, *ex post* evaluation, and stakeholder engagement. The implementation of regulatory management tools and oversight of sectoral economic regulators remains the responsibility of the relevant department(s).

Standing orders from Parliament state that the minister responsible for implementing a law must provide an assessment of its functioning within a year. A number of sectoral departments have also started to carry out policy and mandate reviews, which are required at least every seven years according to the Policy Statement on Economic Regulation issued in 2013. Ireland has introduced sunsetting clauses in some of the subordinate regulations relating to the COVID-19 pandemic. Irish policy makers could however be more systematically required to conduct *ex post* evaluations of existing regulations, to assess whether they actually function in practice.

Ireland conducts mandatory RIA for major primary laws and subordinate regulations. In order to more effectively monitor and assess the quality of RIA implementation, Ireland should consider establishing a central oversight body to perform core oversight functions, such as reviewing the quality of RIA and of other regulatory management tools.

Indicators of Regulatory Policy and Governance (iREG): Ireland, 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 (93% of all primary laws in Ireland).
Source: Indicators of Regulatory Policy and Governance Surveys 2017 and 2021, http://oe.cd/ireg.

Ireland: Transparency throughout the policy cycle

Inform the public in advance that:

A public consultation is planned to take place	**Never**
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	**Some**

Publish online:

Ongoing consultations*	**Some**
Views of participants in the consultation process	**Yes**
RIAs	**Some**
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	**No**

Policy makers provide a public response to:

Consultation comments	**No**
Recommendations made in *ex post* evaluations	**Never**

* Publish on a single central government website.
Note: The data reflects Ireland's practices regarding primary laws initiated by the executive.
Source: Indicators of Regulatory Policy and Governance Survey 2021, http://oe.cd/ireg.

THE OECD REGULATORY INDICATORS SURVEY AND THE iREG COMPOSITE INDICATORS

The data presented in the 2021 Regulatory Policy Outlook are the results of the 2014, 2017 and 2021 Indicators of Regulatory Policy and Governance (iREG) surveys.

The iREG 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** comprises formal requirements and how often these requirements are conducted in practice;
- **Methodology** presents 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** reflects the role of oversight bodies and publicly available evaluations; and
- **Transparency** comprises information which relates 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:

- Regulatory Policy Outlook 2021
- Indicators and underlying data and methodology
- 2012 Recommendation of the Council on Regulatory Policy and Governance
- OECD Measuring Regulatory Performance Programme
- OECD work on regulatory policy

Contact:

Measuring Regulatory Performance programme

mrp@oecd.org

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