



Overview and recent developments

The Government of Portugal has recently undertaken a range of key reforms to implement and strengthen regulatory impact assessments (RIA). Since the adoption of Resolution No. 44 to pilot a RIA framework for subordinate regulations in 2017, Portugal has adopted two additional reforms to formally establish the use of RIA and to expand it further in 2018 and 2019 respectively. Regulatory alternatives as well as an increasingly broad range of impacts are now required to be analysed. In addition, the scrutiny of quality of RIA for subordinate regulations has been reinforced.

Portugal's regulatory oversight body is the Technical Unit for Legislative Impact Assessment (UTAIL) within the Legal Centre of the Presidency of the Council of Ministers. It was created in 2017 as a supervising body in support of RIA implementation, with responsibility for the impact assessment framework and methodology. It provides technical support and training to the ministries and other public administrative bodies as well as the review of assessment reports. Upon completion of a pilot phase in 2018, its mandate was made permanent and expanded to encompass a range of additional functions and areas, some of which used to be carried out by the Agency for Administrative Modernisation. New attributions of UTAIL now include quality control of *ex post* evaluations, checking whether stakeholders have been engaged in RIA exercises, and evaluating regulatory policy overall.

Although the role of RIA has expanded, it is not yet used in consultations with stakeholders. A new central consultation platform has been introduced

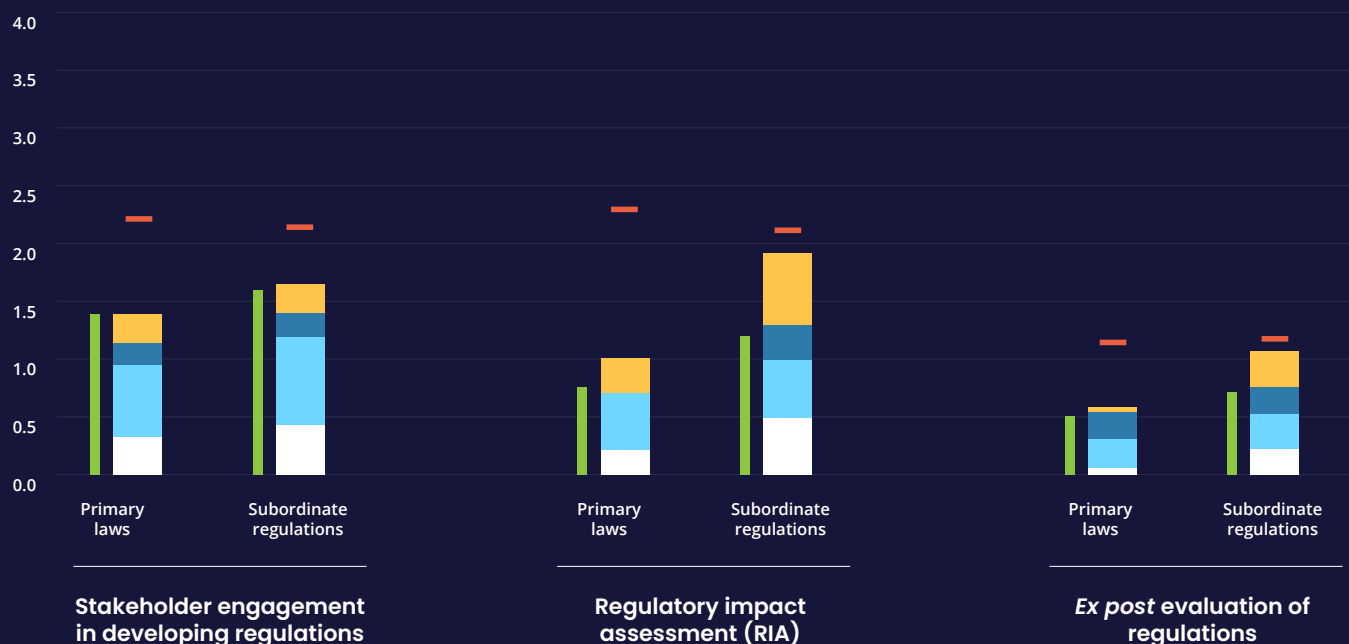
for subordinate regulations, which is only used for late-stage consultation when there is a draft regulation. Portugal could approach stakeholders earlier and before a preferred option is selected. A RIA could also be made available to stakeholders to support discussions.

Portugal has been very involved in administrative simplification programmes for several years and members of the public are still able to submit suggestions about administrative processes. *Ex post* evaluation of existing regulations is not mandatory. Following the COVID-19 pandemic, sunset clauses have been introduced for some regulations. UTAIL has taken additional functions regarding *ex post* evaluation, including the role of co-ordinating it across the public administration and assisting officials in conducting *ex post* evaluation. Portugal could consider introducing systematic requirements to undertake *ex post* evaluation as well as introducing "in-depth" reviews in particular sectors or policy areas to identify core reforms to Portugal's regulatory framework.

Indicators presented on RIA and stakeholder engagement for primary laws only cover processes carried out by the executive, which initiates approximately 38% of primary laws in Portugal. There is no mandatory requirement for consultation with the general public or for conducting RIAs for primary laws initiated by the parliament.

Indicators of Regulatory Policy and Governance (iREG): Portugal, 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 (38% of all primary laws in Portugal).

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

Portugal: 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 | All |
| Evaluations of existing regulations | Some |



Publish online:

| | |
|---|--------------|
| Ongoing consultations* | Some |
| Views of participants in the consultation process | No |
| RIAs | Never |
| 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 | No |
| Recommendations made in ex post evaluations | Never |

* Publish on a single central government website.

Note: The data reflects Portugal's practices regarding subordinate regulations initiated by the executive, since in Portugal primary laws are rarely initiated by the executive.

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

