



# Portugal

## Indicators of Regulatory Policy and Governance 2021





## 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, sunsetting 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

	<b>Inform the public in advance that:</b>	<b>Consult with stakeholders on:</b>	<b>Publish online:</b>
A public consultation is planned to take place	<b>Never</b>	Draft regulations	Ongoing consultations*
Regulatory impact assessment (RIA) is due to take place	<b>No</b>	Evaluations of existing regulations	Views of participants in the consultation process
Ex post evaluations are planned to take place	<b>Never</b>		RIAs
	<b>Policy makers use:</b>	<b>Policy makers provide a public response to:</b>	
Interactive website(s) to consult with stakeholders	<b>No</b>	Consultation comments	Evaluations of existing regulations
Website(s) for the public to make recommendations on existing regulations	<b>Yes</b>	Recommendations made in <i>ex post</i> evaluations	<b>Never</b>

\* 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>.



## 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](#)

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