

## Executive Summary

### Economic context and drivers of Better Regulation

The OECD's 2010 Economic Survey of Ireland recorded that growth in GDP per capita had been among the highest in the OECD until the economic downturn. In the wake of the financial crisis, the economy plunged into a severe recession in 2008. The sharp slowdown in activity contrasts with the rapid expansion from 2002 to 2007. The downturn has revealed a weak underlying fiscal position. The authorities have already taken important steps to restore stability, but more will need to be done and the adjustment will be prolonged. Major economic and policy adjustments are now taking place to address the situation. Better Regulation has an important part to play in this process. Regulatory as well as policy failures were a fundamental factor underlying the downturn. This implies that beyond the sector specific actions that are needed in complex sectors such as banking, the application of general regulatory policy principles such as *ex ante* impact analysis of regulations, public consultation and robust institutional frameworks need to be vigorously promoted.

Better Regulation is supportive of fiscal consolidation, as it can help to make the public sector and public services more efficient, including through the use of e-Government to reduce paperwork inside the administration, reviewing policy on enforcement including a risk-based approach, and reducing the number of agencies. Better Regulation helps to strengthen the institutional fabric of the public service, for example, by identifying ways in which the framework within which government agencies operate can be improved. Better Regulation can also help to support buy-in and implementation of reform. For example, effective approaches to public consultation and communication are a key part of the Better Regulation toolkit.

A positive perspective of what Better Regulation can bring to the economy and society is already evident in Ireland. The Smart Economy Strategy (Building Ireland's Smart Economy – a Framework for Economic Recovery, published in December 2008) includes "Smart Regulation" among its five key action areas. The 2009 report of the National Competitiveness Council underlines the need to restore competitiveness which includes the need to reduce the costs of doing business.

### The public governance framework for Better Regulation

The underlying framework for Ireland's public governance is quite stable compared to the developments seen in some other European countries which are experiencing significant decentralisation, for example, or a major rationalisation of their subnational structures.

Public governance modernisation has been a major feature of the Irish policy landscape over the last twenty years, has come a long way, but as in many other OECD countries remains a "work in progress", as Ireland itself acknowledges. There is a need to continue strengthening institutional capacities (skills, culture change) within the public administration in support of a modern economy and society. The report of the Irish government, Transforming Public Services (TPS – published in November 2008) is a further step on this way, together with the appointment of a Minister of State with responsibility for public service transformation.

## Developments in Better Regulation and main findings of this review

### *Strategy and policies for Better Regulation*

**Ireland has made considerable progress since the 2001 OECD report.** In relation to nearly all of the issues raised in that report, there has been movement, often significant. A milestone was the 2004 White Paper “Regulating Better” which set out six key-principles of Better Regulation and an agenda of 50 actions grouped around five headings. This remains the blueprint for further work. A progress report by the Department of the *Taoiseach* in 2007 demonstrates a breadth and persistence of efforts across a broad front which compares well with many other EU countries over the same period. The issues which have been, and continue to be, tackled include: regulatory impact assessment; simplification and accessibility of the law; administrative simplification; public consultation; a framework for the effective functioning of regulatory agencies; and a stronger framework for the management of EU regulations. There are also initiatives to address enforcement and compliance. This agenda remains a work in progress, and is subject to regular reviews.

**A set of principles is now in place to guide developments, on which Ireland is developing its policy for Better Regulation, driven from the centre of government.** The principles – necessity, transparency, consistency, accountability, effectiveness, and proportionality – cannot be faulted. They represent a clear statement of intent, which is still lacking in some other EU countries.

**An important achievement has been to raise general awareness of Better Regulation, both within and outside the administration, but active support remains fragile.** General awareness is high as a result of the initiatives of the Better Regulation Unit within the Department of *Taoiseach*, the High-level Group on Business Regulation (which gathers external stakeholders and the administration), and the large number of reports issued on Better Regulation policies. It is not complete, however. The detailed picture across departments and beyond reveals that it is patchy and that “buy in” (the next step beyond awareness) is far from complete. Some parts of the administration do not yet fully support the objective and downplay the importance of Better Regulation. However interviews, more positively, also suggested that the business community is anxious for more effective regulatory management and has a good grasp of its importance as well as the detail of what is needed.

**The challenge at this stage is to mainstream Better Regulation more fully into the fabric of policy and rule making, and to encourage political support, post crisis.** Better Regulation remains a poor relation of other priorities such as public service modernisation and fiscal consolidation. However regulatory policy has considerable links with the effective achievement of those policies. This needs to be drawn out and communicated. There is also a need for political sponsorship. In the meantime, a relative failure to reflect on the connections limits capacities to deliver (it is difficult to engage departments, and to secure necessary resources). Raising support beyond the inner-circle of Better Regulation champions is essential. This will require a (re) articulation of the link between Better Regulation and a stronger economy and society, to prevent senior officials and politicians from staying in the perspective that “the real issues lie elsewhere”.

**The gap between principles and practices often remains wide. Ireland is confronted with the classic difficulty (common to most countries) of converting principles and strategy into reality.** Thus *ex ante* impact assessment is now supported by well designed tools and processes, but actual results fall short of expectations. The longstanding issue of simplifying the complex stock of legislation is universally understood, but despite progress over the last decade, much remains to be done, and the

work is (relatively) under-resourced which slows progress. The administrative burden reduction programme was, at least until quite recently, moving forward quite slowly.

**The Better Regulation agenda may require some rebalancing and a linked effort to structure it around priorities over time.** The Better Regulation agenda in Ireland has a broad scope by EU standards. Whilst Ireland has broadened its perspective from a relatively narrow focus on red tape, relatively little attention is given to the broader needs of citizens, society and public service improvement, and to issues of sustainability. Local authorities are largely out of the loop at this stage, although there are some valuable initiatives. At the same time, limited resources imply the need for prioritisation of activities over time.

**The communication strategy has succeeded in the first phase of awareness raising, but needs to be updated and refreshed.** The key initial challenge was the need to increase awareness of Better Regulation among internal and external stakeholders. This can be considered a “mission accomplished”, aided by the prominence of the Department of the *Taoiseach*. A second stage has opened up, partly because the tools and processes are now largely in place, requiring a different kind of communication, but also to fit the post-financial crisis environment and a desire on the part of interested stakeholders for more attention to be paid to the promotion of a fairer society and reduce the “democratic deficit”, alongside the traditional emphasis on economic aspects. There are significant pockets of enthusiasm for Better Regulation both within and outside the administration, whose views on what needs to be communicated could usefully be tapped. Communication at this stage needs to be more pro-active, going beyond reports and websites. It also needs to highlight the progress made. As one stakeholder put it, “the government has not spelt out what it has achieved”. For example, the BRU website focuses on the different reports and documentation on Better Regulation initiatives. This does not do enough justice to significant achievements (for example, the progress on legislative simplification). The BRU website itself needs to be publicised.

**Taking stock of what has been done is well embedded in the administrative culture, follow through is not so strong.** Ireland compares favourably with a number of EU countries in its willingness to evaluate the development of Better Regulation processes. The number of high-quality reports produced over the last few years is impressive by OECD standards. Reports actively seek to identify areas for improvement and to make focused recommendations of practical value. The real challenge in the Irish context is to act on the results of these evaluations. Reports tend to accumulate and to some extent reflect a forward movement that is more about appearance than reality. Performance could be strengthened by using more measurable targets, which is not yet fully embedded in the administrative culture. “Public exposure supports higher standards” as one stakeholder put it.

**E-Government is being used to good effect in some areas, and the broad strategy has been given a renewed impetus.** E-Government is a key supporting element of Better Regulation. The OECD peer review team were not able to review this aspect in any detail. It is clear, however, that ICT is being used to good effect to support some key Better Regulation processes such as administrative simplification, the development of a web based Statute Book, and new Internet based forms of public consultation. The link between e-Government and Better Regulation is a significant driver for Better Regulation initiatives in many EU member states and the link could be developed further in Ireland. Since the OECD mission, the Government established a new e-Government strategy and announced the intention to appoint a Chief Information Office (CIO). The renewed impetus with the publication of the e-Government strategy provides the opportunity to make a clear strategic and institutional link to the Better Regulation agenda.

### ***Institutional capacities for Better Regulation***

**Institutional structures to support Better Regulation have progressed steadily since the 2001 OECD report, spearheaded by an active central unit.** The first structures of the late 1990s, which were primarily focused on red tape reduction, have been broadened and replaced with a range of bodies and networks covering Better Regulation processes ranging from the implementation of regulatory impact analysis to statute law simplification. The Better Regulation Unit in the Department of the *Taoiseach* (Prime Minister's Department) has, in particular, established itself as a small but highly active and enthusiastic advocate of Better Regulation across government and beyond (commendably so, given its small size). It has overall responsibility for supervising the roll out of Better Regulation, and direct responsibility for the key process of regulatory impact assessment. Not all EU countries are yet equipped with such a unit. This is an important achievement, which needs to be sustained.

**There are limits to what the Better Regulation Unit has been able to do, in order to bridge the gap between principles and practice.** The Better Regulation Unit has, in essence, succeeded in putting Better Regulation on the government policy radar screen, not least through clear explanations of what it means, how it works, and why it is important for Ireland. But – Ireland is not alone in this situation – there remains an appreciable gap between principles and practice. The OECD's 2001 report had already noted that “implementation strategy and institutional drivers for reform are weak”. These have significantly improved, but need further strengthening. Beyond the often uncertain political support, this can be linked to three factors, which are explored further below: a relative lack of buy-in from other key players at the centre of government; the need for the Better Regulation Unit itself to be strengthened within the Department of the *Taoiseach*; and the need for significant further culture change among line ministries.

**Beyond the Better Regulation Unit, other key players are, or need to be, providing active support for the development of Better Regulation.** The constitutionally established Office of the Attorney General advises the government on matters of law and legal opinions, and also drafts most of the important regulations, as well as spearheading key aspects of statute law simplification. Its perspective on developments must be seen as valuable and necessary. Two government departments also have responsibilities that are important for the Better Regulation agenda. The Department of Trade, Enterprise and Innovation has been engaged for some time in the business related aspects of the agenda, and was charged by the government in 2007 with responsibility for the business administrative burden reduction programme. In March 2008, DETI was given responsibility for leading and co-ordinating the measurement and reduction of administrative burdens across government, leading to the achievement of the 25% target by 2012. The Department of Finance leads more broadly on key aspects of public governance which are relevant to Better Regulation. Without the perspective and full support of these players, the further development of Better Regulation will be a struggle. Reflecting a common dilemma across Europe over the best organisational structure, it is difficult for Prime Ministers' Offices to take sole responsibility for Better Regulation, as they must balance the whole range of issues meriting the Prime Minister's attention, and they are not directly “connected” to the citizens and businesses for which they ultimately work, in the way that line departments are. The Better Regulation Unit needs, therefore, the full and unconditional support of other key players, in order to exert effective leverage across government. The “baton” of Better Regulation advocacy must be shared, if it cannot be handed over, building on the recent achievement of sharing part of the agenda with the DETI.

**Yet the engagement of these key players seems muted.** The OECD peer review team had the sense that the other key actors were not always fully engaged. The Finance ministry is the most important department alongside the Department of the *Taoiseach* for Better Regulation. It is responsible for financial and performance management across government, shares responsibility with the Department of the *Taoiseach* for public sector modernisation, and oversees e-Government policy. However, its understanding of the value of the horizontal Better Regulation work promoted by the Department of the *Taoiseach* as support for policies to strengthen the economy post crisis appears fragile.

**There is a need to reinforce the Better Regulation Unit itself, not least in terms of securing supportive connections with the other parts of the Department of the *Taoiseach*.** The Better Regulation Unit also needs the active engagement and support of other parts of the Department of the *Taoiseach*. It is attached to the Public Service Modernisation Division, which only reflects a part of the relevant Better Regulation functions inside the Department. The Department includes other relevant units including the division for European and International Affairs (link to EU management), the economic and social policy division (link to competitiveness), and not least, the cabinet secretariat. It is not clear to what extent this work is fully joined up, where it needs to be. Given the horizontal nature of the Better Regulation agenda, have other divisions in the Department of the *Taoiseach* mainstreamed its agenda sufficiently? Does its work perhaps lack a strong enough visibility within its own Department? The 2008 OECD public service review of Ireland underlined the importance of the Department of the *Taoiseach* (as a whole) as a strong central driver of reform.

**The Better Regulation Unit also lacks powers, and may be short on the necessary resources to do an effective job.** The BRU currently can do little more than encourage, monitor and advocate. It has few if any real powers (sticks or carrots) to ensure that departments, for example, produce timely and adequate Regulatory Impact Assessments. It may not be appropriate to increase its powers, as this does not necessarily fit with the Irish conception of how a Prime Minister’s Office should function. However, this should be considered. Resources and their effective deployment may also be an issue. The BRU expanded following the publication of the 2004 White Paper “Regulating Better”, but staff were reduced in 2007. Given the size of the country, and compared with some other EU countries, resources overall (taking account of staff directly deployed on Better Regulation functions elsewhere, such as in the DETI), are reasonable. But as some stakeholders suggested, they may need to be deployed more effectively. Some other countries such as the United Kingdom and the Netherlands have developed their institutional approach on the basis of secondments from relevant parts of the institutional structure, which encourages buy-in, so that the BRU is not working in relative isolation. This approach also reflects the findings of the 2008 OECD public service review, which drew attention to the need for more mobile postings across the public service, as well as the Irish government’s own statement on Economic Regulators, which advocated internal cross-postings. The Belgian federal government is another example to reflect on, as it has developed its Better Regulation unit into a semi detached “agency” within its federal Chancellery, which allows it some independence from political cycles, as well as the potential to acquire and to use resources more flexibly.

**There is, as in most other EU countries, the need for further significant culture change across the “whole-of-government” in support of Better Regulation.** Overall, and with some important exceptions, ownership of the Better Regulation agenda in-line ministries looks fragile. Ireland’s departments are traditionally autonomous, a feature shared with most other jurisdictions, and the context is therefore challenging. It is difficult to hold departments accountable and to put them under pressure to perform. Significant

efforts have been deployed over the last few years to develop networks and co-ordinating groups for different aspects of Better Regulation, internally and shared with external stakeholders. The 2008 OECD public service review of Ireland drew attention to the importance of networking. This is a key way of advancing. It should be pursued in tandem with “stronger” mechanisms to secure performance. As already advocated in the OECD public service review, there should be a stronger use of performance measures and budget frameworks to drive effectiveness, with departments held to account on the basis of measurable targets.

**There is a general lack of baselines, measurements, targets to support qualitative analysis and allow for effective *ex post* evaluation.** The 2001 OECD report had already noted that Ireland could raise accountability for results through measurable and public performance standards. The Irish government is aware of this need. Both the report “Smart Economy” and the report “Transforming Public Services” emphasise the need for quantification and performance measurement. The argument which the OECD peer review team sometimes heard that the relatively small size of the country needs to be taken into account is not clear. The team also heard many comments to the effect that there are no measurable performance targets, and that a tougher approach (more sticks, not only carrots) and increased accountability, was needed. This is one major reason why the Finance Department needs to be part of the central leverage, and the performance and delivery focus – as advanced through the Annual Output Statements – needs to be brought to the forefront within the resource allocation process. Without this, it will be an uphill struggle to secure buy-in. At the same time, the carrots need to stay in place (for example, the BRU has set up some impressive training for Regulatory Impact Assessment, which draws in an increasing number of line ministries).

**One aspect that needs particular attention is the need to improve capacities for a more rigorous and quantitative approach to the Better Regulation work of line ministries.** The OECD peer review team heard a number of comments to the effect that the use of data and quantitative approaches needed to be strengthened (“Metrics needed as well as incentives”. “Be data driven”. “Is there enough of the right capacities in ministries?” “Dearth of expertise”. “Legitimising the use of quantitative approaches has some way to go”). Enhancing the quality of processes which are in place will require a more rigorous approach to measurement, targets, and the use of quantitative methods in processes such as RIA.

**Rationalisation of government agencies is a priority; at the same time they offer some important examples of Better Regulation best practice.** The government is conscious of the need to identify further means of rationalising a complex network of government agencies, following the rapid growth in their numbers in the 1990s. Judging from stakeholders’ comments to the OECD peer review team about the confusion generated by the existence of numerous agencies whose functions are not always clearly understood, this is important. The government also notes that the principles in its 2009 Statement on Economic Regulation may be considered to apply to all regulatory agencies. A broader review of government agencies, focusing not so much on savings but aiming to strengthen their governance framework to maximise efficiency and effectiveness, as well as to clarify the functions which are most appropriately delegated, would be a helpful further step. This could build on the 2009 Economic Regulation Statement and the 2007 mapping exercise. At the same time, it seems that Better Regulation practices are well advanced with some regulators, which could help to guide others in their adoption of good practice which has been tested on the ground.

**The role of the parliament appears to be changing, with a growing engagement and interest in Better Regulation issues.** This appears to be a significant development relative to the OECD's 2001 report. Three parliamentary committees, two with specific mandates relating to regulatory management (the Joint *Oireachtas* Committee on Economic Regulatory Affairs, and the Joint *Oireachtas* Committee on EU scrutiny), and a third which takes an interest in initiatives related to the business environment (the Joint *Oireachtas* Committee on Enterprise, Trade and Employment), are now increasingly active. A particular area of progress relates to EU issues where significant efforts have been made by the government to better inform parliament on negotiation and transposition. This interest needs to be actively encouraged, as in some other EU countries, since parliament shares with the executive the development of legislation. Parliament's overall ability to be engaged remains fragile.

**The importance of the judiciary in the Irish context should not be neglected.** In the Irish system, the judiciary has traditionally played a significant role in the judicial review of regulation, even by the standards of common law countries. Judicial review of regulations can be vigorous. The system of judicial review in Ireland is described in detail in Annex C.

**Finally, some other key players should not be neglected.** These include the Office of the Comptroller and Auditor General, which was receptive to the OECD peer review team on increased involvement in Better Regulation (which could be done by asking them to help with regular evaluations of the RIA process, for example). The Ombudsman is also relevant for its surveillance role and the feedback which it can provide on the effects of regulation. The Law Reform Commission, an independent body which was set up to examine specific areas of the law as directed by the government and to make practical proposals for its reform, carries out necessary underlying work (including statute law restatement) to ensure that the Irish Statute book is effectively reformed, and needs adequate resources to carry on this work. Finally, the local authorities play a key role in direct contact with business and citizens over the provision of public services.

### ***Transparency through consultation and communication***

**Ireland has a strong tradition of public consultation, based on informality and social partnership.** Consultation in the development of regulations is well embedded in the administrative culture. It has traditionally relied heavily on informal interaction between departments and external stakeholders, as well as social partnership since the late 1980s. Social partnership has played an important role in developing a consensus on major public policy issues. By contrast, formal requirements relevant to all potential external stakeholders have been handled with a light touch. For example, the Cabinet Handbook briefly raises the issue of public consultation without going into detail.

**A recognition of the need for evolution with the 2004 White Paper, combined with a growing use of ICT, has generated significant developments which have opened up the traditional processes.** There have been noteworthy changes since the 2001 OECD report. With transparency identified as one of the six core principles of Better Regulation in the 2004 White Paper, steps have been taken to promote a more formal and structured approach to public consultation. The approach nonetheless leaves an important margin for departments to define specific arrangements. The aim is to allow room for the relevant dose of informality, linked to Ireland's small size, as well as allowing for innovation, which has been grasped with enthusiasm by some departments and for some consultations, through their use of ICT.

**The BRU’s consultation guidelines set clear best practice standards, which need to be enforced.** The BRU’s 2005 guidelines on public consultation are clear and comprehensive. They were designed to be a practical tool to help departments, and as such, fully meet this objective. Any Department which reads the guidelines (especially the checklist and the flowchart) should be in no doubt over how to apply best practice. The guidelines are not prescriptive. There are no sanctions for non-compliance. Departments are left to define the appropriate level of consultation, which can go from a full formal public consultation to informal consultation. They are “advised” or “encouraged” to publish submissions and provide feedback. Specific approaches therefore, and as might be expected, vary. The use of ICT appears to be spreading and to be handled with sophistication in some cases (just using ICT without proper follow through does not guarantee a quality consultation), which means that some consultations engage a wide range of stakeholders.

**Echoing the situation in some other EU countries, Ireland is in a period of transition, and the full engagement of relevant stakeholders is not always achieved.** The testimony of a wide range of stakeholders to the OECD peer review team suggests strongly that there are issues, as well as a demand for more effective consultation from the wider community. While everybody consults (usual practice), the capacity of departments to reach out to a broader public (where relevant) and develop new forms of consultation varies a lot. Public consultation within the RIA process also does not seem, as yet, to play a strong formal role in practice for gathering evidence. The consultation guidelines are not universally known. Issues raised by stakeholders included the problem of being heard if one was not an insider; the need to reach out to all sizes of company, not just the larger ones; the need for stronger efforts to reach out to citizens and the broader public; and the need to step up efforts to make the consumer voice heard. There seems to be a growing demand for the government to be more inclusive and to hear citizens.

**Informality continues to play an important role, the argument sometimes being advanced that the size of the country dictates that this should be so.** This argument needs to be treated with caution, as size is not necessarily a barrier to a more formal approach, and it should not limit efforts at the consistent deployment of best practice, especially in the Irish context where the political system (multi-seat constituencies with a tradition of direct links between citizens and their local politicians for the discussion and resolution of issues) may in fact require the promotion of a more centralised and structured approach. Some stakeholders suggested that the lack of formal safeguards can lead to undue influence from some groups or lack of consultation in cases of political pressure. Informality can easily turn into a self referential insiders’ debate.

**For social partnership or dialogue to remain an important process it must continue to evolve.** Social partnership has been helpful in bringing consensus on key issues since the late 1980s when it was developed. It has also evolved, encompassing new parts of the society (community groups). However, while it has integrated community and environmental groups, it has not always adapted easily excludes many, and may not adapt easily to new technological and societal developments. The 2001 OECD report had already drawn attention to the fact that over time, and given the open nature of the Irish economy, new participants (for example, non-nationals) are affected by Irish regulatory affairs. In tandem with any ongoing social partnership process, it is important that divergent and external voices are heard. The consensual approach can also lead to the avoidance or exclusion of some issues from the agenda.

**Ireland faces considerable challenges, which it is addressing, in the accessibility of its regulatory stock, which harms transparency.** There is no single consolidated Irish

statute book. The historical development of the Irish legislative landscape and methods for enacting legislation have combined to generate a complex regulatory stock. The government has stressed the importance of ensuring accessibility of legislation and taken a number of initiatives since the 2001 OECD report to make the law more accessible. Efforts to make regulations publicly available sit alongside efforts at simplification of the regulatory stock. A major initiative in the former category is the electronic Irish statute book, a free of charge database, as well as the Legislation Directory. These initiatives may not be “politically interesting” but are highly valuable and necessary for future progress on transparency. As matters stand, despite the efforts of recent years, the state of the statute book combined with uneven performances in public consultation significantly reduce regulatory transparency, which has to be assessed as rather poor in comparison with many other European countries, and which has knock on effects for government accountability.

### ***The development of new regulations***

**Irish regulatory production needs to be monitored, not least in support of the efforts to simplify the regulatory stock.** A significant number of new primary and secondary regulations come on to the statute book every year. In the Irish context this matters especially, as much of this represents amendments to existing statutes, necessitating a major and ongoing cleaning up of the regulatory stock over time so that it remains legible.

**Secondary regulations are not subject to the same processes as primary regulations.** Primary laws are the subject of forward planning published on the Department of the *Taoiseach* website by the Office of the Chief Whip for upcoming parliamentary sessions. This is well in line with international best practice. However, it contrasts with the lack of arrangements for secondary regulations. Planning of secondary regulations rests with the sponsoring department, and is not made publicly available. Checking for the legal quality of secondary regulations is also much less in evidence than for primary legislation (which is implicitly subject to legal quality principles by dint of the fact that it is drafted by the staff in the Office of the Parliamentary Counsel to the government in the Attorney General’s Office).

**Ireland was a relative latecomer to Regulatory Impact Analysis but has been catching up.** Deployment of a policy to embed *ex ante* RIA in policy and rule-making has been gathering speed over the last few years. Following a pilot phase and an evaluation, in 2005 the government established RIA as a requirement for all government departments and offices. This was a landmark step forward. Some aspects of the policy reflect the best international practice, including the requirement for an integrated RIA covering all the major issues, and its application to EU directives (at least in principle). The principles and practical guidance and training disseminated by the BRU are among the best.

**The BRU is an active advocate and promoter of RIA, and its activities have been met with some success.** The BRU has been active and creative in the promotion of RIA following the 2005 decision to make it a requirement. The guidance and training is comprehensive, well focused and well developed. A network of Departmental officials orchestrated by the BRU is gradually extending understanding and culture change. RIAs are examined for their quality by the BRU on their way to the cabinet. Most of the necessary support tools for an effective RIA are in place. There is, as a result, progress on the ground, with a significant and documented rise in the number of RIAs carried out.

**But acceptance of RIA as an integral part of policy and rule-making has some way to go, and the gap between the principles of RIA and the practice generally remains wide.** The process continues to operate within a weak institutional framework which does not sufficiently “scare” departments into co-operating for the production of quality RIAs. Thus the OECD peer review team were told that RIAs were often “self-serving”, and that RIAs can get lost in “turf battles” between departments. The team were also told that in practice, some draft proposals did proceed without a RIA attached, depending on political will and support. However several stakeholders (including from outside the administration) were supportive and said it was an important process, even while acknowledging that it tended to remain an “add on”. The 2001 OECD report had already proposed that disciplines on regulatory quality should be strengthened. Despite progress since then, more is needed to discipline departments into carrying out RIAs of good quality, systematically. How should this be done, in the Irish context? The compulsory nature of the process remains something of a formality unless there are real sanctions, and perhaps a statutory requirement to carry out RIAs. The recent conclusion of some other EU countries where previous “requirements” were largely flouted is that statutory backing for the process may be needed, combined with a watchdog function that enables poor RIAs to be turned back, and that publication of RIAs (and opinions on their quality) is also an important lever. These aspects are considered further below.

**Currently, there is no statutory backing for the RIA process.** The requirement rests on a cabinet decision, integrated into the Cabinet Handbook, so that in principle, all departments have “signed up” to the RIA process. Ireland lacks an administrative procedures law, which exists in some (not all EU countries) to give statutory backing to the processes for development of legislation (and other issues such as appeals).

**The process lacks sanctions and a strong challenger that would force departments to pay attention.** The BRU does not have a statutory gatekeeper role with regard to RIAs (it does not have formal authority to turn poor RIAs back), nor does it have a formal mandate to assess the quality of RIAs or to report on the outcomes of its monitoring work on RIA. There is no strong challenge function. Many stakeholders said that the training was good but the process lacked quality control. “Too many carrots and not enough sticks”, said one, and another “BRU is not a gate, as it should be”. The OECD peer review team also heard that a stronger approach is needed at the beginning of the process. The scrutiny by the BRU of RIAs attached to heads of bill, before they are circulated for approval by government is an important part of their work, and they have used this channel to promote higher quality RIAs. But could this input start sooner?

**Systematic public consultation and publication, which would also help departments to co-operate by exposing RIAs to public scrutiny, is often inadequate or not done.** The formal integration of public consultation as part of the RIA process is a positive development, as is the requirement in principle that RIAs be published (a least for primary legislation and when the bill is published etc). However, neither of these practices appear yet to be fully embedded. There is concern that there are still low rates of publication. The OECD peer review team heard that there is considerable resistance to publication. It also heard that publication would be a significant lever to promote change. Name and shame is not (as yet) a strong tradition within the administration and this is likely to be an effective way of applying pressure.

**The analytical framework and quantitative support for RIAs remain relatively weak.** The BRU now focuses on its action on improving the quality of RIAs, where a lot is still needed. A key weakness is quantification by departments. The OECD peer review team heard that there is a need to “legitimise quantitative approaches”. Beyond the economic and

business related impacts, methodologies remain relatively undeveloped. Whilst it is important to strike an appropriate quality/quantitative balance, the latter needs a further boost, including further capacity building among departments. It was suggested that there is a need for a more effective allocation of appropriate resources (economic, legal) within departments to areas conducting a lot of RIAs. Departments appear to make little use of the service of the economic expert, which is not a good sign. These points suggest that capacities may exist but are not fully used. Is there an underlying issue of the perceived relevance of RIAs for some departments? The current process, whilst broad, tends to emphasise in practice the economic dimension, and sustainability, for example, is not so clearly covered.

**Significant statutory instruments (secondary regulations) may be slipping through the net.** The requirement to prepare a RIA applies to “significant” secondary regulation, but there is no clear definition of what “significant” means. This is left in the hands of departments. The OECD peer review team were told that many significant secondary regulations were in fact slipping through the net. There is a similar issue for RIAs on EU regulations, which are required in principle but also often not done (see also Chapter 7). Secondary regulations are important as these are often the vehicle for amendment of existing laws, adding to the complexity of the regulatory stock and lack of readability of the law.

**Regular evaluations of the overall process are important for sustaining pressure and for securing any necessary improvements.** Evaluation is valuable for moving the process forward and refining mechanisms for maximum effectiveness, as evidenced by the 2005 report and subsequent review. The next evaluation might be structured around an impact analysis on the RIA process itself, in other words, consider the costs and the benefits of the system in order to pinpoint what needs to change.

**Effective communication is critical in order to make clear the importance of RIA for meeting high-level public policy goals.** The BRU has articulated the strategic value of RIA as a means of improving the quality of governance, improving economic efficiency and the effectiveness of the public service, and to improve competitiveness. How can RIA be further promoted as a tool for enhancing effective policy debate, both internally and externally? Supportive external stakeholders could be encouraged to contribute to the communication of why RIA is important. Internally, the OECD peer review team were not clear whether buy in had been achieved within the Department of the *Taoiseach* itself, for example by the Cabinet Secretariat. There appears to be a need to strengthen communication, both internally and externally.

**The integration of *ex post* evaluation in the RIA process reflects best international practice.** *Ex post* review is now also a mandatory element of the regulatory impact assessment process, reflecting best international practice. As one stakeholder put it, “if we can’t stop draft legislation, we can look at it afterwards”. Although it is of course preferable to catch issues before they become law, several EU countries are aware of the fact that in a context where effective RIAs may pose a challenge, *ex post* review is another opportunity to take stock. However, the most important reason for having a process that uses both *ex ante* and *ex post* evaluation is that this should generate a virtuous circle, in which the *ex post* evaluation can help to strengthen understanding how draft regulations can be more robustly constructed, for example in terms of securing compliance, and avoiding “unintended consequences”, as well as discouraging the production of poor RIAs in the first place, if evaluations are publicised.

**More broadly, there is a need to envision the development of the RIA process in the wider context of regulatory governance aimed at joining up stock and flow initiatives.** RIAs are only part of the processes that need to be deployed for effective regulatory governance. They can be seen as part of a support chain for broader efforts to secure an effective and efficient legal framework. As well being a tool to evaluate each draft regulation individually, they should also serve to provide an overall view of the way in which regulation is evolving, with reference for example to different sectors of the economy or different types of company. For example, a review of RIAs may show that one sector has been particularly affected by (too much) regulatory activity. Joining up the RIA process with the initiatives for simplification may also suggest issues for debate and further action in terms of managing regulatory output, improving the quality of the law, and evaluating the effects of regulatory output on specific actors and sectors of the economy.

**As in many other countries, further emphasis seems to be needed on considering alternatives to regulation at an early stage of the process.** The OECD peer review team was not able to consider this aspect in any depth. Ireland has various strong examples of the use of alternatives. However, as one stakeholder put it, “the government may be stuck with a policy decision, but can still work on how it is implemented”. This is an area where sustained pressure is needed over time to encourage the consideration of alternatives. The evidence from other EU countries is that it is not enough to include this consideration in the guidance on development of regulations, and leave it at that.

### *The management and rationalisation of existing regulations*

**Ireland has a longstanding issue of needing to simplify a complex stock of legislation.** Ireland is not the only country to face challenges in this regard. In the Irish case, however, the problems are somewhat specific. They stem from the historical development of the Irish Statute book (which includes pre independence legislation), as well as from the process for making regulations, under which acts and statutory instruments are usually amended by the enactment of new regulation which makes piecemeal changes. This means that simple, effective and transparent access to regulations does not exist in Ireland. There is a consensus (both within and outside the administration) over the fact that it is difficult to understand what regulations apply, and what is in the law (lawyers systematically need to be consulted, and even they have trouble). The National Competitiveness Council notes that legal fees are one of the important non pay costs for businesses.

**Impressive efforts have been set up to address the challenge, and there has been progress since the 2001 OECD report.** The Irish government fully acknowledges the importance of tackling the challenges, which are underlined in successive reports on Better Regulation. There is a three-pronged approach at work: statute law revision (abrogation); statute law restatement (an administrative form of consolidation); and consolidation. Different parts of the institutional structure are engaged, including the Attorney General’s Office and the Law Reform Commission. Since the 2001 OECD report, significant progress has been made, particularly in the area of statute law revision. The Statute Law Revision Act 2007 and the Statute Law Revision Act 2009 together repealed over 4 500 spent or obsolete pre-1922 Acts.

**But progress is slow, creating palpable frustration and incomprehension among many stakeholders.** The OECD peer review team found a broad consensus (both within and outside the administration) over the need to move much faster. The regulatory framework remains difficult to understand. Many consolidation projects are moving slowly. Resources allocated do not seem to match the requirements for the work and do not reflect

the importance given to the issue in the Better Regulation agenda. It is therefore not clear to what extent a real priority is being attached to this work and what political commitment it commands.

**Links are needed between simplification of the regulatory stock and the RIA process.** As new regulations are produced, amendments continue to pile up, transforming restatement into an endless race against time. This issue needs to be tackled *ex ante* as well as *ex post*. Part of the RIA process should be to examine the nature of the proposals for new regulations in order to spot those which would lead to unnecessary further complication of the regulatory stock.

**Communication of the benefits to be gained from the simplification work is not evident, but essential for stimulating interest and support.** It is not clear how many (inside as well as outside the administration) are aware of the simplification work, its objectives and its importance. The 2008 report of the Law Reform Commission has a compelling section on the benefits of restatement for example, explaining its importance for increased transparency, the potential to enhance compliance, and accountability by government, as well the wider benefits for the economy (confidence for investors) and the cost for all users. The OECD peer review team considered that communication of this should be enhanced.

**As in many other fields of Better Regulation, Ireland has strengthened its approach to administrative burden reduction since the 2001 OECD report.** The programmes that have been put into place are clear. There are two strands to the policy: a programme to reduce administrative burdens on business by 25% by the end of 2012, announced in March 2008; and the work of a High-level Group on Business Regulation on five priority areas, based on the work of the Business Regulatory Forum and international experience, and identified through these processes to be the most burdensome. Although there is no up to date figure, progress has already been made, with an estimated EUR 20 million savings (figure reported in 2008) and some significant ongoing projects such as: an XBRL project (extensible Business Reporting Language) including Revenue, CSO and CRO; ROS Signatures and eFiling with the CRO and revenue, and risk-based enforcement with participation of agencies across government.

**The momentum, which seemed to have slowed, has been picking up speed.** The DETI notes that the work programme is business driven. In other words it depends on the ideas, suggestions and issues put to it by business. Reporting is done periodically, not according to a fixed cycle. The problem of initial momentum may have its roots in the fact that the work is not perceived to be the most important issue for business competitiveness, and may have been “drowned out” by other measures to redress the economy in the wake of the financial crisis.

**The initiatives are acquiring a stronger framework with regard to measurement and follow up, but specific targets and resources remain issues.** With respect to the quantitative target, the DETI has defined the areas for reduction, has established a baseline measurement for itself, and is now encouraging other departments to follow suit. To encourage buy in and in line with best practice elsewhere in the EU, the target should be divided between ministries (which would put pressure on them to perform). It should also be a net target, as many rightly see RIA as key to reducing overall regulatory burdens. Adopting a quantitative approach requires strong incentives if not sanctions, as the Irish administrative culture is not particularly tuned in to measurements and data. Ireland could use the examples of relevant other countries and through discussion in the SPOC network to strengthen its approach on the ground. The project has also stumbled on a relative lack of

resources (or a reluctance to allocate resources) within line ministries for taking forward the identification and measurement of burdens.

**The institutional structure which appeared to make a slow start is now gathering pace.** At the time of the OECD mission in late 2009, the framework structures for the programmes did not seem to command adequate attention. The HLG did not appear to be functioning effectively. The OECD team understands that this is now improving.

**The initiatives do not seem to be backed up by a strong communication strategy.** Public consultation and communication fall short of international best practice. Beyond the High-level Group standing dialogue with stakeholders, the initiative is with departments and attention will be needed to ensure that they follow up on the workshops anticipated after the measurements have been completed.

**Overall, the policy may benefit from a review to draw out what really matters in the Irish context post crisis.** There seems to be compelling evidence from some reports, echoed by comments to the OECD peer review team, that more should be done to support very small firms, in order to strengthen the domestic economy. Some of these actions may relate to administrative burdens. Some interviewees also pointed out the reluctance to address the “real” issues behind simplification, implying that the programme should go beyond administrative burdens. The 2007 ESRI survey commissioned by the BRU provided a very useful snapshot at the time of the issues judged important by business. Three years on, another survey would help to crystallise what the focus should be.

**A specific programme for citizens may be a step too far at this stage, especially given resources and the need to prioritise, but Ireland might usefully review the experiences of other countries such as the Netherlands and Portugal, with a view to putting this into its forward Better Regulation programme.** There is also no clearly defined programme at this stage for burdens inside the administration. However the wide range of relevant initiatives which are already underway or planned under the banner of Transforming Public Services, could be identified to see whether there are any gaps.

### ***Compliance, enforcement, appeals***

**Policies for compliance monitoring vary.** Some departments and agencies have developed specific policies to track compliance. As this is an important indicator of the effectiveness of regulations the practice should be encouraged.

**Approaches to enforcement also vary across sectors, with a significant number of enforcement entities developing initiatives to enhance efficiency.** This area appears to be one where Ireland is ahead of many other EU countries, at least as regards individual cases of good practice, as it not clear just how widespread the developments are. The Smart Economy Strategy, however, identifies the need for a more consolidated approach, and that enforcement should where possible be based on risk. There are promising initiatives spearheaded by the DETI and some agencies to share views and develop a national approach.

**Compliance and enforcement are closely linked to the development of effective RIAs.** An effective RIA process seeks to identify and anticipate likely issues of compliance and enforcement. There is considerable knowledge stored within agencies which should be used to help strengthen this aspect of RIA assessments.

**Administrative appeals practices vary across departments and agencies, raising some concerns about fairness and transparency.** Although the Irish appeals system does appear to raise any major issues, the OECD peer review team heard that the piecemeal

development of appeals mechanisms has led to inconsistencies and a relative lack of transparency. An improved approach to regulatory appeals was the subject of a recent consultation by the BRU, the conclusion of which was not to establish a single appeals body.

**The Ombudsman is a useful channel for views on how the regulatory process is “lived” by ordinary citizens.** As in other countries with an Ombudsman, this institution is well placed to develop a systemic view of regulatory management which should be tapped for ideas on where there is a need of improvement.

### *The interface between member states and the European Union*

**The establishment of clear and formalised structures for the management of EU regulations has helped to strengthen Irish performance.** Co-ordination and monitoring have been improved. A range of processes and structures have been put into place including EU specific co-ordinating committees within the executive which meet on a regular basis, as well as parliamentary committees, guidelines to departments on best practice in transposition, and the introduction of an electronic database “EU Returns”, to co-ordinate and monitor information. The EU Returns system is particularly striking relative to other EU countries, allowing departments to run reports on transposition and infringement proceedings, and the centre to monitor the overall picture. The structures that are now in place have forced departments to adopt more standard procedures (requiring them, for example, to prepare reports to the parliament), and have enhanced Parliamentary scrutiny of EU developments. The Department of the *Taoiseach* plays a growing role in co-ordination, alongside the Department of Foreign Affairs. Ireland has reduced its transposition deficit (now under the 1% target set by the Commission).

**Resource constraints require a stronger and clearer approach to prioritisation. Departments can only deploy a limited number of staff on EU issues.** This fosters flexibility and an ease of communication as the network of officials on EU affairs is small. However, it can create difficulties to respond adequately to developments and thus makes prioritisation a necessity. There is a need to prioritise not only on the immediate agenda but also in terms of Ireland’s strategic priorities- what are the most important issues for Ireland?

**The application of RIA to EU regulations is far from systematic.** The RIA guidelines are quite clear as to the use of RIA on draft and adopted directives (*i.e.* both in the negotiation and transposition phases). Irish requirements are ahead of some other EU countries in this regard. However the guidelines are often not observed. One way of applying pressure on departments to comply is to ensure that RIAs are attached to the drafts sent to the parliament (in the case of draft directives the information may be less developed than for adopted directives).

**Communication on EU matters needs attention.** The need to identify and prioritise the most important issues for Ireland also puts a premium on communication of the overall strategy. The OECD peer review team heard a number of comments to the effect that the government should communicate more effectively on EU issues (which needs to be put in the perspective of the rejection of two referenda on the EU, and the recent adoption of the Lisbon Treaty). If departments and other key players are to maximise their performance on EU issues, it is important that the government communicates the importance and positive aspects of engagement in EU processes, including transposition of directives.

### *The interface between subnational and national levels of government*

**A relatively simple structure and relatively restricted functions compared with many other EU countries are assets in the Better Regulation context.** The structure is simple and does not need to be pruned, as in some other European countries. Responsibilities devolved to the local levels of government are relatively circumscribed, albeit not inconsequential. Local authorities in Ireland are responsible for the delivery of public services under central supervision, and they have significant responsibilities in the delivery of permits and in planning. Most of their regulatory work rests on regulations that have been defined at the centre of government.

**Co-ordination with central government needs attention.** The OECD peer review team found evidence that each Department goes its own way in relationships with the local level. There were complaints that “central departments are not joined up” and co-ordination between the centre and the local levels does not always seem to be optimal. This raises a number of issues. For example, environmental burdens which can mainly be traced back to the EU are a major issue at this level and may not be effectively picked up. Local authority representatives also raised the issue of unfunded mandates, and the fact that regulatory burdens on them of regulations adopted at the national or EU level are not properly discussed beforehand. The local level seems in need of more effective consultation with the centre, with special regard to financial and resource implications. The 2008 OECD report on the Irish public service underlined the need for a more co-ordinated approach at the national level to minimise regulatory burdens on local authorities.

**By contrast, horizontal co-ordination between local authorities appears to be stronger.** The local authorities remarked that horizontal links between them were stronger. The OECD peer review team heard that a wide range of groups are active.

**National policies such as the administrative burden reduction programme do not include the local level.** There may, however, be interest. The local authorities said that they had “not been invited to join the AB programme”.

### Key recommendations

<i>Strategy and policies for Better Regulation</i>	
1.1	Review the way in which the Better Regulation is presented within the administration, drawing out more clearly the potential links with the agenda for post crisis recovery (not just business competitiveness, but also structural and sectoral reforms, including the financial sector, the transformation of the public service, and stronger citizen engagement in policy and rule making.
1.2	Review the scope and balance of the current Better Regulation initiatives. Prioritise the work over time, perhaps through an anticipated programme of activities to take the agenda forward over a five year time horizon.

1.3	Review and update the communications strategy, if necessary with specialist help. Ensure that, post financial crisis, the messages on what Better Regulation can deliver are focused and clear. Make sure that for specific initiatives where there has been significant but perhaps unnoticed progress such as simplification, full and public credit is given to achievements. Consider an annual report for the Better Regulation Unit of the Department of the <i>Taoiseach</i> , as a vehicle for this and for publicising priorities and the forward programme, to be published on a regular basis and shared with the Parliament.
1.4	Devise a follow through strategy to evaluations. Set targets for further improvements, publicise these and publicise achievements against targets.
1.5	Continue to give e-Government greater visibility, a firm strategy and strong champions, as well as closer links with the Better Regulation strategy. Strengthen the working links between the Department of Finance, the BRU and the DETI.

### ***Institutional capacities for Better Regulation***

2.1	Consider whether to increase the powers of the Better Regulation Unit. Actively integrate the Better Regulation agenda across all areas of the Department of the <i>Taoiseach</i> . Consider whether to evolve towards a larger shared unit, based on secondments from other key players as well as selected line ministries, and perhaps on the basis of a special status within the Department of the <i>Taoiseach</i> . At the very least, ensure that the Better Regulation Unit does not shrink further, and (as far as possible) that the public service cuts needed for fiscal consolidation do not affect capacities to deliver on Better Regulation.
2.2	Consider identifying a Better Regulation “champion” in each Department. Consider secondments from departments to the Better Regulation Unit. Sustain the networks that have been set up. Link Better Regulation performance to budgets and performance assessments.

2.3	Pursue the efforts in rationalisation of government agencies, and at the same time, clarify the extent to which the principles set out in the 2009 Statement on Economic Regulators will be applied to enhance governance for optimum efficiency and effectiveness. Consider, with the relevant agencies, how to encourage the diffusion of their best practices to other agencies (and to government departments).
2.4	Consider how to further encourage parliament into taking an interest in Better Regulation. This could be done by sending it relevant reports on progress as well as evaluations, which would also have the merit of increasing accountability for Better Regulation performance by government departments and agencies.
2.5	Consider using the legal decisions of the judiciary to learn about regulatory issues that may need attention.

***Transparency through public consultation and communication***

3.1	Share best practices for public consultation across departments (and agencies). Consider how to give the consultation guidelines some teeth so that they are observed and so that consultation is applied to the same consistent high standards. Ensure as a first step that the guidelines are fully known across departments and relevant agencies. Benchmark Irish consultation arrangements with those of other small countries in the EU to see what could be of value in the Irish context. Consider how the social dialogue can best evolve to take account of societal developments.
3.2	Sustain the efforts at improving the accessibility of regulations and if necessary, increase funding. Communicate more clearly and broadly the value of these initiatives, as part of an enhanced general communications strategy for Better Regulation.

<i>The development of new regulations</i>	
4.1	Take steps to monitor regulatory production systematically (both primary and secondary regulations), identifying amendments to existing regulations as well as entirely new regulations.
4.2	Consider whether to set up a system for the forward planning of upcoming secondary regulations, and to publicise this. Consider whether there is a need to bolster the process for assuring the legal quality of secondary regulations.
4.3	Check Irish arrangements against those of relevant EU countries to see what might be done to strengthen the RIA requirements so as to strengthen their quality. For example, consider how the BRU could be formally equipped with the power to turn back inadequate RIAs so that draft proposals cannot be tabled before cabinet unless there is a RIA attached of adequate quality, and how publication might be made a statutory requirement. Enhance accountability for results by regular publication of (and publicity for) RIA statistics-how many done as a proportion of proposals, how many assessed to be reasonable quality, by department.
4.4	Consider how to further boost methodological support and buy in from departments for a quantitative approach. Among the approaches that could be envisaged are the further development of online user friendly tools for departments, linked to the training which is already provided, the establishment of “peer review” groups in departments for mutual support, linked to departments’ economists or economic units, and encouragement to departments to systematise the use of their economic staff for support and review of the work done by non specialist officials.
4.5	Consider how to ensure that significant secondary regulations are picked up by the RIA process, linking this to the issue of amendments that undermine the clarity of the law. A panel of relevant officials working on simplification, together with the BRU could be organised to review RIAs on primary legislation in order to identify expected significant secondary regulations.

4.6	Ensure that the RIA process continues to be evaluated by an objective external entity or entities at regular intervals, taking account of resources for this. Consider who is best placed for this task.
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***The management and rationalisation of existing regulations***

5.1	Reaffirm publicly that this work is a priority. Review resources for it, and increase as necessary, with a firm commitment to sustaining these for a reasonable time period such as five years.
5.2	Encourage a dialogue between those engaged in the simplification work and those engaged in the processes for making regulations. Start, for example, with an <i>ad hoc</i> meeting, orchestrated by the BRU, of the officials involved in these initiatives as a starting point (RIA network, Attorney General's Office, and Law Reform Commission).
5.3	Establish a communications strategy in support of the simplification work.
5.4	Take further measures to strengthen the practical approach, including delegated net targets. Establish a stronger link with the RIA process.
5.5	Monitor the performance of key institutional structures for delivery of the burden reduction programme (High-level Group and Inter-departmental Group). Consider whether it would be useful to rotate the chair of the HLG across key departments. Consider broadening the HLG mandate, for example by giving it an advisory role on important related processes such as RIA. Alternatively or in parallel, and taking account of resource constraints, consider whether a fully external (and independent) watchdog should be established, on the lines of those set up recently in some other EU countries such as the UK, Germany, Sweden. Task it initially to help shape a new strategy for the programme.

5.6	Clarify and monitor the requirements on departments with regard to consultation with stakeholders, and ensure that they have access to best practice examples (using international experiences) of how to go about it. Develop a communications strategy which clarifies the strategic objectives of the programme and why it is important to Ireland, as part of a broader communication strategy on Better Regulation proposed in recommendation 1.4. Consider committing to an annual report (following the example of several other EU countries) so that stakeholders can be regularly and clearly informed of how the programme is developing and results. This could be part of the broader reporting proposed in Better Regulation (recommendation 1.4) or standalone.
5.7	Commission a new survey of business views, and especially, of what matters to very small firms in terms of burdens. In the light of this, consider whether there is a need to adapt the strategy for administrative simplification.

***Compliance, enforcement, appeals***

6.1	Consider whether it would be useful to collect and centralise data based on what is already done by departments and agencies in relation to compliance and enforcement, so as to establish a strategic picture of trends and potential issues.
6.2	Promote and disseminate good enforcement practices to broaden their use. Develop a more systematic approach to the development of enforcement, building on existing initiatives.
6.3.	Ensure that the RIA process fully underlines the importance of anticipating compliance and enforcement issues (not only costs, but possible practical difficulties).
6.4.	Consider whether to revisit the issue of appeals and how the system can be made more streamlined and transparent.

<b><i>The interface between member states and the European Union</i></b>	
7.1	Prioritise key areas of EU activity for Ireland so that time and resources can be directed toward these areas
7.2	Ensure that RIAs related to draft directives and transposition of adopted directives are sent to Parliament.
7.3	Consider how to establish a clearer communications strategy for EU matters, both in strategic terms and at the level of practical detail (for example transposition and infringement rates). Part of this might be picked in the annual BRU report recommended in Chapter 1.

<b><i>The interface between subnational and national levels of government</i></b>	
8.1	Review co-ordination and consultation mechanisms between the central and local levels, with a view to reinforcing these. Consider an annual forum.
8.2	Invite local authority participation in the administrative burden reduction programme for business, perhaps as part of the strategy renewal proposed in Chapter 5.