

GLOBAL INDICATORS OF REGULATORY GOVERNANCE

Scoring Methodology

To advance our analysis, we developed a composite *Global Indicators of Regulatory Governance* score designed to quantify good regulatory practices in three core areas: transparency around proposed regulations, consultation on their content, and the use of regulatory impact assessments. Each core area has sub-components included in the overall score. These capture whether regulators:

- 1) publish the text of proposed regulations before their enactment,
- 2) publicly request comments on proposed regulations,
- 3) publicly report on the results of consultation processes,
- 4) conduct regulatory impact assessments of proposed regulations,
- 5) have a specialized government body tasked with reviewing regulatory impact assessments, and
- 6) publicly distribute the results of regulatory impact assessments.

Two of the six indicators (conducting regulatory impact assessments of proposed regulations and having a specialized government body tasked with reviewing regulatory impact assessments) have a simple binary scoring distribution of either 1 (the highest score) or 0 (the lowest score). For the other four indicators, individual questions are assigned different scores, depending on their reflection of good practices. The scores of questions also range from 1 to 0, with possible interim values of 0.8, 0.6 or 0.2.

For each economy the highest possible score is assigned, even where the government deploys a variety of different methods for engaging with stakeholders. A significantly lower score is awarded for targeted outreach to identified stakeholders because of the potential for exclusion inherent to this approach. The composite score is the sum of six component scores.

As different experts tend to put more weight on their respective areas of expertise and it is difficult to objectively assess the true importance of each of the aspects of the inclusive rulemaking processes, we chose to employ the common approach of assigning equal weights to all the components of the *Global Indicators of Regulatory Governance score*. Also, given that the scores tend to be consistent across indicators, assigning a different weight to these would not change the results and analysis.

OVERVIEW

Scoring the Global Indicators of Regulatory Governance

Publication of proposed regulations (/1)

Unified website	1
Ministry website	0.8
Public meetings	0.6
Targeted outreach	0.2
None	0

Consultation on proposed regulations (/1)

Unified website	1
Ministry website	0.8
Public meetings	0.6
Targeted outreach	0.2
None	0

Report back on the results of that consultation process (/1)

Unified website	1
Ministry website	0.8
Public meetings	0.6
Targeted outreach	0.2
None	0

Conduct regulatory impact assessment (/1)

Yes	1
No	0

Specialized body to review impact assessments (/1)

Yes	1	
No	0	

Publish regulatory impact assessments (/1)

Unified website	1
Ministry website	0.8
Public meetings	0.6
Targeted outreach	0.2
None	0

Composite score = Sum of the six sub-indicator scores (/6)

Complete Questionnaire with Scoring

1. Have there been any recent reforms that have had an impact on the rulemaking process in your jurisdiction – including notification, publication of proposed regulations, consultation or public comment mechanisms, and/or regulatory impact assessment practices?

If no, please go to section 2.

If yes, please specify:

2. Do ministries or regulatory agencies in your jurisdiction develop forward regulatory plans – that is, a public list of anticipated regulatory changes or proposals intended to be adopted/implemented in your jurisdiction within a specified time frame? (If no, please go to section 3.)

If yes, are these plans available to general public?

If yes, please specify how the plans are distributed:

3. Does the government publish regular reports on regulatory reforms?

If no, please go to section 4.

If yes, where are these reports published?

4. Is there a practice of "pre-consultation" with the public? (Pre-consultation includes an invitation by the regulator to interested stakeholders to engage in the "early thinking" on how to address an identified problem, before the preparation of a draft regulation.)

If no, please go to section 5.

4.1 Is pre-consultation open to the general public?

If yes, please specify how:

4.2 Are the results of the pre-consultation made publicly available?

If yes, please specify how:

- **4.3** Please provide any additional comments:
- **5.** Do ministries or regulatory agencies in your jurisdiction publish the text or summary of proposed (not yet adopted) regulations before their enactment?

If no, please go to section 6.

5.1 Where is the draft text or summary published? (Please select all that apply)

1	On a unified website where all proposed regulations are published If yes, please provide the website address:
0.8	On the website of the relevant ministry or regulator If yes, please provide the website address:
0.6	Printed in an official gazette / journal or other publication Please explain:
0.6	Directly distributed through public meetings
0.2	Directly distributed to interested stakeholders, such as business associations or other groups Please explain how the proposed regulation is distributed to stakeholders:

Other (please specify):

5.2 Do ministries or regulatory agencies in your jurisdiction have the legal obligation to publish the text of proposed regulations before their enactment?

If yes, please provide the relevant law or regulation:

5.3 Is the entire text of the proposed draft published?

If no, please indicate what is published (for example, a summary):

5.4 Is the text or summary the proposed regulations publicly available?

If yes, please specify the time frame:

Is this time frame set by law?

If yes, please provide the relevant law or regulation:

5.5 Can anyone access the text of proposed regulations?

If no, please explain who has access to it:

5.6 Are any other explanatory or background materials provided along with the proposed regulation to help the general public understand its purpose and applicability?

If yes, please specify:

5.7 Is there an obligation for regulators to consider alternatives to proposed regulation? If yes, please specify:

- **5.8** Please explain if your answers are applicable to only specific types of regulations (e.g., tax law, environmental regulation, international trade or commercial law) or if practices differ across those regulations or across different ministries/regulatory agencies:
- **5.9** Please provide any additional comments:
- **6.** Do ministries or regulatory agencies in your jurisdiction solicit comments on proposed (not yet adopted) regulations from the general public?

If no, please go to section 7.

6.1 Where are the comments received?

- On a unified website for all proposed regulations
 If yes, please provide the website address:

 On the website of the relevant ministry or regulator
 If yes, please provide the website address:

 Through public meetings

 On the website of the relevant ministry or regulator
 If yes, please provide the website address:

 Through public meetings
 - Through targeted outreach to stakeholders, such as business associations or other groups If yes, please explain:

Other (please specify):

- **6.2** Can comments be given anonymously?
- **6.3** Do ministries or regulatory agencies include discussions on how regulations will be implemented?
- **6.4** Are some types of proposed regulations exempt from the consultation process (e.g., rules concerning military or foreign affairs matters or emergency rules)?

If yes, please explain:

6.5 Are the received comments accessible to the general public?

If yes, please explain where these comments are published or made available:

- **6.6** Is the rulemaking body required by law to solicit these comments on proposed regulations? If yes, please provide the relevant law or regulation:
- **6.7** Is there a specialized government body or department tasked with soliciting and receiving these comments?

If yes, please provide the name of the government body:

6.8 How long, typically, is the consultation period?

Is this time frame set by law?

If yes, please provide the relevant law or regulation:

- **6.9** On average, please try to estimate, how many comments your ministries or regulatory agencies receive for each consultation on a specific regulation?
- **6.10** Please explain if your answers are applicable to only specific types of regulations (e.g., tax law, environmental regulation, international trade or commercial law) or if practices differ across those regulations or across different ministries/regulatory agencies:
- **6.11** Please provide any additional comments:
- 7. Do ministries or regulatory agencies in your jurisdiction report on the results of the consultation on proposed regulations?

If no, please go to section 8.

7.1 How does the government report on the results of the consultation?

Prepares one consolidated response

Provides customized responses

Other (please specify):

7.2 Where does the government report on the results of the consultation?

- On a unified website for all proposed regulations
 If yes, please provide the website address:
- On the website of the relevant ministry or regulator If yes, please provide the website address:
- O.6 Printed in an official gazette / journal or other publication Please explain:
- 0.6 Directly distributed through public meetings
- 0.2 Directly distributed to interested stakeholders

If yes, please explain:

Other (please specify):

7.3 Is reporting on the results of the consultation required by law?

If yes, please provide the relevant law or regulation:

- **7.4** How long, typically, does it take for the government to report on the results of the consultation:
- **7.5** Is the report or response made available at the same time as the issuance of the final regulation?
- 7.6 Please provide any additional comments:
- **8.** Do ministries or regulatory agencies in your jurisdiction conduct an impact assessment of proposed (not yet adopted) regulations?

If no, please go to section 9.

8.1 What is typically assessed? (Click all that apply.)

Impact of the proposed regulation on the public sector (for example, administrative costs)

Impact on the private sector (for example, how regulated businesses will comply)

Expected benefits from the regulation.

Impact on international obligations or agreements

Impact on the environment

Impact on competitiveness and market openness

Impact on small and medium-sized enterprises

How the proposed regulation would be implemented

Other (please specify):

8.2 Are there criteria used for determining which proposed regulations are subjected to an impact assessment (for example, if impact on business or economy is higher than a specific monetary threshold)?

If yes, please provide that criteria or threshold:

8.3 Are there specific regulatory impact assessment guidelines?

If yes, please specify (e.g., website address):

8.4 Are any of the above-mentioned impact assessments required by law?

If yes, please provide the relevant law or regulation:

8.5 Are any of these impact assessments distributed to the public?

If yes, where is this impact assessment distributed?

- On a unified website for all proposed regulations
 Please provide the website address:
- On the website of the relevant ministry or regulator Please provide the website address:
- 0.6 Through public meetings
- Through targeted outreach to stakeholders, such as business associations or other groups Please provide a recent example:

Other (please specify):

8.6 When are these impact assessments distributed?

Together with the proposed regulation

After the consultation period for the proposed regulation

Other (please specify):

1 8.7 Is there a specialized government body tasked with reviewing and monitoring regulatory impact assessments conducted by other individual agencies or government bodies?

If yes, please provide the name of this government body, and explain its functions. (For example, does it inform Cabinet or the Parliament/legislature about compliance with regulatory impact assessment requirements or can it reject draft regulatory impact assessments):

- 8.8 Please explain if your answers are applicable to only specific types of regulations (e.g., tax law, environmental regulation, international trade or commercial law) and how practices differ across those regulations or across different ministries/regulatory agencies:
- **8.9** Please provide any additional comments:

9. Can affected parties request reconsideration or appeal adopted regulations to the relevant administrative agency?

If no, please go to section 10

If yes, please provide details about the rules governing this process (for example, appeals can only be brought when the regulation is being enforced against that person or firm):

9.1 When appealing against adverse regulatory decisions, which of the following options are typically available to affected parties:

Administrative review by the regulatory body

Administrative review by an independent body

Judicial review

Other (please specify):

9.2 Please provide any additional comments:

10. Is there any existing requirement that regulations be periodically reviewed to see whether they are still needed or should be revised?

If no, please go to section 11 If yes, please describe:

Final questions about the accessibility of adopted laws and regulations (those that are currently in effect)

11. Are the laws that are currently in effect available in a single place?

If yes, how are the laws that are in force accessed?

On a unified website for all laws currently in force managed by the government If yes, please provide the website address:

On a unified website for all laws currently in force managed by the private sector If yes, please provide the website address:

Printed in an official gazette / journal or other publication If yes, please explain:

Other (please specify):

12. Are the regulations that are currently in effect codified and available in a single place?

If yes, how are the regulations that are in force accessed?

On a unified website for all regulations currently in force managed by the government If yes, please provide the website address:

On a unified website for all regulations currently in force managed by the private sector If yes, please provide the website address:

Printed in an official gazette / journal or other publication If yes, please explain:

Other (please specify):

13. Are these websites or registries updated regularly?

If yes, are the laws presented in a consolidated form to include all amendments and revisions? If yes, please specify how quickly an enacted law, amendment or final regulation is integrated into the registry or code:

If no, please explain how citizens, businesses and the legal community access the consolidated laws, regulations and amendments that are in force:

13.1 Please provide any additional comments:

Thank you very much for completing this questionnaire!

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