

# Regulatory Impact Analysis in Flanders

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**Peter Van Humbeeck**

**Social Economic Council of Flanders (SERV)**

## **Abstract**

Regulatory Impact Analysis or RIA is a key instrument in improving the quality of regulations. In 2005 the Flanders Region in Belgium joined many other jurisdictions and implemented a RIA-system.

For the Social Economic Council of Flanders, a public agency that acts as an advisory body and think tank for the Flemish government and parliament, we recently assessed the Flemish RIA-policy and the quality of the RIA's that have been produced in Flanders since January 1, 2005.

The results shows that there are some examples of good RIAs, but that, generally, the quality of RIAs is poor to very poor in quality. A major cause seems to be that most RIAs are prepared after a new regulation has been developed. This means that most RIAs have little or no influence on decision making.

We compared our results with available RIA-assessments in other countries. One conclusion is that RIA takes time to change existing decision making procedures and prevailing policy cultures. Therefore, the poor record of RIA quality in Flanders is not surprising. RIA has been introduced in Flanders only very recently. Another conclusion is that other countries to a large extent face difficulties with RIA as well. The main problems appear to correspond closely with those that are being reported in Flanders.

The criticism of the quality of RIAs has not resulted in RIA systems being abandoned. On the contrary, the OECD reports that member states are continuing to invest heavily in RIA and are gradually reaping the returns of their investments. We therefore examined international trends and developments in RIA and prepared a set of eight recommendations for improvement of the Flemish RIA system. We feel priority in Flanders should be given to measures to (1) promote political leadership for RIA, (2) remove the negative connotation around RIA, (3) introduce a regulatory agenda, (4) reinforce the transparency of the RIA system, (5) better target RIA efforts, (6) strengthen the responsibility of departments and build RIA capacity, (6) conduct Flemish RIAs for draft EU-directives and (6) give a more prominent role to the Flemish Parliament.

# REGULATORY IMPACT ANALYSIS IN FLANDERS

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## 1. INTRODUCTION

1. Regulatory Impact Analysis or RIA is a key instrument in improving the quality of regulation. At present, it is widely spread among the OECD member states. In 2005 the Flanders Region in Belgium joined many other jurisdictions and implemented a RIA-system. In the policy agreement 2004-2009 of the Flemish Government and the 2004-2009 Policy Plan of the Flemish parliament, there is a clear intent to further implement and strengthen RIA.

2. The Social and Economic Council of Flanders very recently published an assessment of two years RIA in Flanders. The council has a long standing record as supporter of better regulation and sound regulatory governance. The RIA-report of the Council gives an overview of the Flemish RIA system, assesses the RIA-policy and the quality of the RIA's that have been produced in Flanders since January 1, 2005, compares the results with available RIA-assessments in other countries, examines international RIA-trends and developments, and concludes with eight recommendations to improve the Flemish RIA system.

3. This room document was written for the OECD-Group on Regulatory Policy meeting of December 7-8 2006. It provides background on regulatory policy in Flanders and gives a summary of the RIA-assessment report and its conclusions. The full report is being translated at the moment. A copy of the full report can be obtained from the author<sup>1</sup>.

## 2. REGULATORY MANAGEMENT IN FLANDERS

### 2.1. The Flemish Regulatory State

4. From 1830 to 1970, Belgium was a unitary, centralist state with one parliament and one government. Between 1970 and 2001, in a series of state reforms, the Belgian state was gradually transformed from a unitary into a federal state. In a federal state political decision-making is decentralized. Legislative powers no longer lay with the federal government and federal parliament alone. The regional governments and parliaments in (from north to south) the Flemish Region, the Brussels-Capital Region and the Walloon Region each have the power to make primary and secondary legislation. Regional legislation is *not subordinate* to federal laws, as the Belgian state and the regions have different sets of powers and share the same level of authority.

5. The powers of the federal state have become more and more residuary. They now lay in foreign affairs, defence, justice, (most part of) taxation, social security, police, ... and other things for which it has (for the moment) been decided that it is necessary or best that they remain organized at the level of the state, e.g. price regulation, competition regulation, certain aspects of energy supply, ... The Flemish Parliament and government have the exclusive competence over important policy areas such as economic, employment and energy policy, science and research policy, environment and water policy, housing and urban planning, public works and transport, agriculture, health care and education.

### 2.2. A brief history of regulatory management in Flanders

6. Compared to most OECD countries, Flanders has only recently begun building a regulatory management system. At the time some leading countries started a regulatory policy in the late '70s and early '80s, Flanders didn't even exist as an important legislative region. It was not until 1980 and

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<sup>1</sup> Contact [pvhumbbeeck@serv.be](mailto:pvhumbbeeck@serv.be) of +32 2 20.90.111

especially 1988-1989 that the legal competences of Flanders were substantially expanded as a result of state reform.

7. In the '80 and '90s, there was a rapid rise of the Flemish regulatory state. Among the complex reasons for this regulatory expansion, two are particularly important. As in all countries, law-making was itself considered a confirmation of the existence of a genuinely independent nation. Moreover, strong incentives to hasty law-making were linked to the fact that powers remained within the federal government until the region regulated them. A second reason for the expansion of the Flemish regulatory state was linked to the EU legal and regulatory efforts to build the European single market in the 1980s and 1990s. As seen in many other European jurisdictions, the transposition of EU laws was frequently accompanied by “gold plating”, adding extra regulatory requirements to the EU regulations and Directives, while blaming the EU for the regulations.

8. By the mid 1990s, there was a growing concern and discomfort with the quantity and quality of the enormous amount of regulations that has been created in a relative short period. There was a perception in Flanders that legal quality has deteriorated and the regulatory burden has increased, eroding competitiveness and reducing the effectiveness of public intervention.

9. In the '90s these problems were tackled by ad hoc working groups and research commissions. The result was incremental improvement<sup>2</sup>. Structural and remaining improvements in the quality of regulations were not achieved. The few regulatory quality mechanisms in place were ineffective.

10. In 1997 and 1998, the Social and Economic Council of Flanders (SERV) published a series of reports and recommendations for the Flemish government to start a process of regulatory management following the OECD recommendations on regulatory quality. After the elections of 1999, the SERV-proposals were taken up. A year later, on 25 July 2000, the Flemish government approved a “general framework for the simplification of regulations, procedures and rules” containing 13 actions related to simplification and a plan to develop an institution with a “mission is to build and implement a regulatory management system” following OECD recommendations on regulatory quality. This focus on institutional capacities was a major break from previous policies. The new approach led on the one hand to the adoption of a series of regulatory management action plans (2001, 2002-2003, 2003-2004, 2005), with a lot of ex post project aiming at administrative simplification and codification. On the other, the government created in 2001 a regulatory management unit at the centre of the government (“Dienst Wetsmatiging” or “Legislative Moderation Unit”) to build, promote, support and co-ordinate the regulatory management process. The unit started off in 2002 and is now composed of one head and 6 advisors.

11. Based on the 2001 policy mandate Flanders developed a policy organized along three tracks and in three dimensions. The three tracks were administrative burdens reduction, legal simplification/codification and Regulatory Impact Analysis. To reflect further international good practices, a supplementary refinement was established in 2003, when activities were organized under three dimensions: improve the quality and reduce the quantity of existing regulation (management of the stock), reform the process through which new regulation is created (management of the flow) and development of a structural regulatory policy and the accompanying management capacities and institutions (regulate the regulators).

12. A major achievement was enactment by the government in 2003 of its eight Principles for Good Regulation (see box). In 2004, the Unit also developed important tools such as the administrative burden

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<sup>2</sup> These bodies' review methodologies were inconsistent. There were no standardized evaluation techniques or decision criteria established to conduct reviews. The commissions and working groups often had no clear mandate, no budget, and very tight deadlines. Results were, predictably, sparse.

measurement tool (based on the well known standard cost model), the guidance and checklist for better forms, the integration of regulatory objectives and policies into the performance evaluations of high officials, the creation of a temporal focal point where citizens, businesses, non profit organizations and civil servants can suggest projects and ideas for cutting red tape, and the preparation of a RIA system that started off January 1, 2005.

**Box 1: The eight principles of good regulation**

On 7 November 2003, the Flemish government approved the following eight “principles of good regulation”:

1. *Necessity and effectiveness.* Good regulation is regulation that is necessary and effective to reach the desired objective. Government action is necessary and effective and regulation is the best instrument among alternatives.
2. *Efficiency and balance.* Good regulation creates social welfare. It realizes the desired objective at the lowest social cost and minimizes unwanted side effects.
3. *Easy to implement and enforce.* Good regulation assures that it will have effect in real world. It is enforceable and can be implemented.
4. *Respectfulness for the law.* Good regulation respects the demands and boundaries that the law poses. It assures democratic rights.
5. *Coherence.* Good regulation is consistent. There are no overlaps or discrepancies in or between regulations. Regulations are part of a coherent whole.
6. *Simplicity, clarity and accessibility.* Good regulation is easy to understand, concrete and easy accessible for everyone that can be affected by or interested in a regulation.
7. *Investigated and consulted.* Good regulation is carefully prepared. It is based on all relevant scientific and empirical information that is available. Objectives, alternatives, content and effects have been discussed with all affected and interested parties.
8. *Continuously relevant and suitable.* Good regulation assures that the desired objectives keep being realized effectively and efficiently.

13. In 2005-2006, the government has taken further steps to strengthen Regulatory Policy, such as the implementation of the RIA-system (manuals, training, quality control...), the introduction of the ‘compensation rule’ for administrative burdens and the creation of regulatory management units inside each ministry from 2007 onwards. Box 2 provides an overview of the major steps in the regulatory policy of the Flemish Region.

**Box 2: Overview of major steps and initiatives in Flemish regulatory policy**

Year	Regulatory Policy	Regulatory Instruments	Administrative simplification
Before 1997	<ul style="list-style-type: none"> <li>- Creation of a supportive technical law-drafting and legal advisory unit in the co-ordination department (1990).</li> <li>- pm<sup>3</sup></li> </ul>	<ul style="list-style-type: none"> <li>- Guidelines for technical law-drafting – Council of State (1960, 1971, 1982, 1998);</li> <li>- Circular on technical law-drafting and procedures – Flemish Ministry (1982, 1995, 1997);</li> </ul>	<ul style="list-style-type: none"> <li>- ‘Commission Comform’ to assess (federal) regulation on its administrative formalities (1975, 1982, 1987);</li> <li>- The Flemish Institute for Small Companies (VIZO) is given the task to advise and organize training on administrative simplification and co-ordination of regulations (1991);</li> </ul>

<sup>3</sup> There was a series of law proposals in the federal and Flemish Parliament on regulatory policy, but they were *never approved* (!): e.g. the proposal for the formation of a national commission for the co-ordination and simplification of regulations (1986), for deregulation (1989), for the evaluation of laws each three years (1991), for the creation of a Council for Regulations (1996), for the creation of a federal service ‘technical law drafting’ (1996), for the creation of a Law Unit in the federal Parliament (1997), for the creation of a unit for law evaluation in the federal Parliament (1998), and for the creation of a procedure for the evaluation of laws (1999).

			<ul style="list-style-type: none"> <li>- Project 'Auditform' to halve the number of forms that have to be filled out by small and medium sized companies (1993);</li> <li>- Creation of a large number of ad hoc commissions and studies to rationalize and simplify regulations in various fields, especially for environmental legislation (1989, 1991, 1993, 1996, ...);</li> </ul>
1997-2001	<ul style="list-style-type: none"> <li>- Recommendations and proposals of the Social and Economic Council of Flanders (SERV) to create a system of regulatory management consistent with the highest international (OECD-) standards (1997-1998).</li> <li>- New Governmental Agreement for the legislative period 1999-2004 (1999), with a chapter on regulatory policies.</li> <li>- Approval by the Flemish government of a "general framework for the simplification of regulations, procedures and rules" (2000)<sup>4</sup></li> <li>- Decision of the Flemish government to build a regulatory management system around (1) the reduction of administrative burdens (2) juridical-technical simplifications and (3) regulatory impact analysis; to work with annual follow up plans and regulatory management plans, and to create a central regulatory management unit (2001).</li> </ul>	<ul style="list-style-type: none"> <li>- Introduction by decree of a mandatory child effect analysis (1997); Other forms of impact analysis for regulation were announced by various ministers in the '90s, but were never approved by government (e.g. SME-effect analysis, business effect analysis, environmental effect analysis, transport mobility effect analysis, gender analysis, family effect analysis, sustainable development analysis, ...);</li> <li>- Draft Checklist for the ex ante assessment of regulations (2000)</li> </ul>	<ul style="list-style-type: none"> <li>- First Follow up report on regulatory simplification with 149 simplification projects (2000)</li> </ul>
2002	<ul style="list-style-type: none"> <li>- The Regulatory Management Unit becomes fully operational</li> <li>- First Regulatory Management Action Plan 2002-2003</li> </ul>		<ul style="list-style-type: none"> <li>- Second follow up report on regulatory simplification 2000-2001 with 149 simplification projects)</li> </ul>
2003	<ul style="list-style-type: none"> <li>- Adoption by government of the 8 principles of good regulation</li> <li>- Second Regulatory Management Action Plan 2003-2004</li> </ul>	<ul style="list-style-type: none"> <li>- Publication of guidance on principles of good regulation</li> </ul>	<ul style="list-style-type: none"> <li>- Third follow up report on regulatory management 2002-2003</li> </ul>
2004	<ul style="list-style-type: none"> <li>- Formulation by government of a new generic target for all leading public servants on deregulation and regulatory management.</li> <li>- Fourth follow up report on regulatory management 2003-2004.</li> <li>- Expert review by Jacobs&amp;Associates of the Flemish regulatory policy.</li> <li>- Publication of a memorandum by leading experts and academics, calling for a more rigorous regulatory policy.</li> <li>- New Governmental Agreement for the legislative period 2004-2009, with an chapter on a more rigorous regulatory policy</li> <li>- Parliamentary subcommittee on the quality of legislation was set up</li> </ul>	<ul style="list-style-type: none"> <li>- Publication of guidance and checklist for better forms (2004)</li> <li>- Publication by the services of the Flemish parliament of a manual for writing law proposals (2004).</li> </ul>	<ul style="list-style-type: none"> <li>- Co-operation agreement with the federal government and the other regions on administrative simplification</li> <li>- creation of a temporal focal point where citizens, businesses, non profit organizations and civil servants can suggest projects and ideas for cutting red tape</li> </ul>
2005	<ul style="list-style-type: none"> <li>- Third Regulatory Management Action Plan (2005)</li> <li>- Dashboard with indicators of regulatory policy online (2005)</li> </ul>	<ul style="list-style-type: none"> <li>- Formal introduction of RIA and the compensation rule for administrative burdens (1/1/2005)</li> <li>- Publication of RIA guidance and RIA manual</li> </ul>	<ul style="list-style-type: none"> <li>- Publication of guidance on measurement of administrative burdens</li> <li>- creation of a temporal focal point where businesses can suggest projects and ideas for cutting red tape</li> </ul>

<sup>4</sup> It contains 13 important decisions, such as "To strive for a simplification of regulations, procedures and rules in all policy fields; to give priority to administrative simplification (cutting red tape) but to realize as soon as possible a mature 'regulatory management', to use the principle that benefits should outweigh costs as an important basis for regulatory review, even when a full and formal cost-benefit analysis is not possible or desirable, To introduce a standardized set of core evaluation principles and methods in order to assure that assessments and evaluations have a common, coherent content, to substantially improve the regulatory process, to create a regulatory management unit as a permanent, independent division in a horizontal ministry".

		<ul style="list-style-type: none"> <li>- Start of basic training course in regulatory policy (2days), RIA-training courses (1/2 day), administrative measurement training (1/2 day), building better forms (1/2 day basic training, followed by 3 day-intensive training).</li> <li>- Revised Guidelines for technical law-drafting</li> <li>- Publication of a manual on negotiation and implementation of European legislation.</li> <li>- First evaluation by the Unit of RIA and the compensation rule for administrative burdens (end 2005)</li> </ul>	<ul style="list-style-type: none"> <li>-</li> </ul>
2006	<ul style="list-style-type: none"> <li>- Government decision to create regulatory management units inside each ministry from 2007 onwards</li> </ul>	<ul style="list-style-type: none"> <li>- Modification of the RIA-quality measurements by the Unit</li> </ul>	<ul style="list-style-type: none"> <li>- Creation of a central website of all mandatory forms</li> <li>- creation of a temporal focal point where non profit organizations can suggest projects and ideas for cutting red tape</li> </ul>

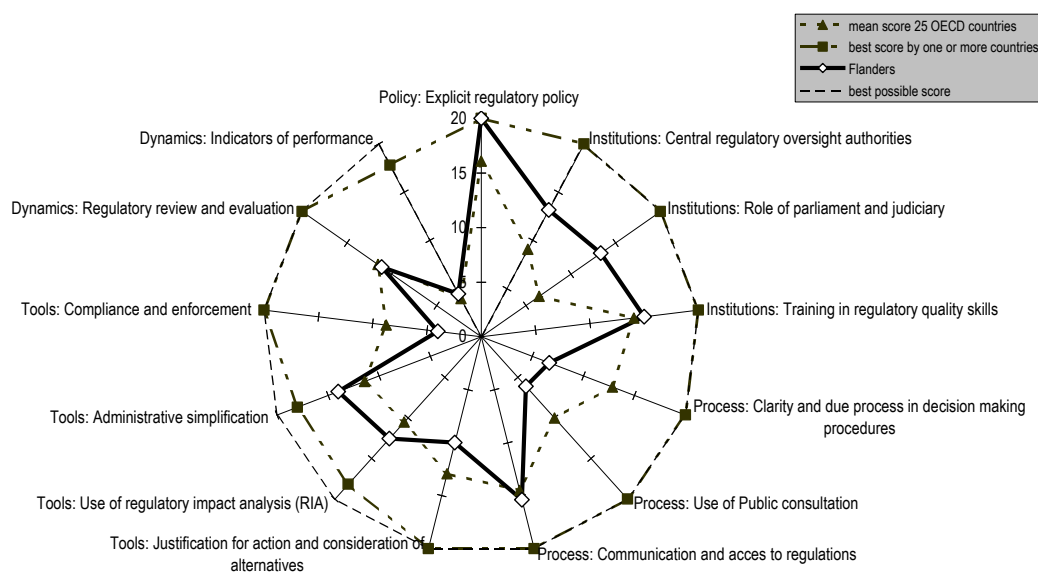
### 2.3. Strengths and weaknesses of Flemish Regulatory Management

14. After reviewing the achievements and planned further steps, Cesar Cordova-Novion and Scott Jacobs wrote in 2004: *“Flanders has moved boldly and quickly in addressing the limitations of an administrative simplification policy. In less than four years, the government has established a policy and a program of regulatory management comparable to those existing in leading countries”*.

15. There are still, however, important weaknesses, as might be expected in this difficult area of regulatory governance. The reforms and initiatives in Flanders are relatively recent. They need time to trickle down through the administration and the political world so that citizens and businesses see concrete benefits. A recent international benchmarking by the Social-Economic Council of Flanders showed that the quality of regulation in Flanders is still not very competitive. Based on the OECD Regulatory Quality Indicators Report, the Council also compared the regulatory policy and the regulatory institutions, processes and instruments in Flanders with OECD countries.

16. As can be seen from figure 1, the Flemish experience offers strengths worth noting. Key strengths include a well-formulated policy and institutions (the Unit together with a minister responsible for regulatory policy), which has been able to adopt good practice instruments such as RIA and administrative burdens measurement. Although the regulatory management unit together with SERV are sponsoring the broader view of regulatory quality, the political discourse is often still much about deregulation (cf. “legislative moderation”) and administrative simplification. As a result, Regulatory Policy seems to alternate between structural reforms with huge political and administrative impacts and ‘quick wins’ to satisfy political constituencies. Remaining challenges, compared to best practices, are to strengthen the constituency for reform through more involvement of stakeholders, outside experts and the parliament and further build capacities (e.g. on regulatory alternatives, RIA and enforcement). The largest gap with international best practices however is in regulatory processes: there is no forward planning process of regulatory activities in Flanders (cf. the unified regulatory agenda in the US); intra-governmental consultation and co-ordination are done in an ad hoc and informal way, often at the very end of the rule-making process; consultation comes too late in the process and often depends almost entirely on formal consultative boards, there is no binding requirement to consult other stakeholders who may be impacted by a proposal.

**Figure 1: Relative score of Flanders on 13 indicators of regulatory policy (2005)**



17. Turning to RIA, the benchmarking learned that the *design* of the Flemish RIA–system scores well compared to many other jurisdictions. This can be attributed to its broad scope, the formal authority of the RIA requirements (laid down in a government circular), the ‘soft’ BCA-approach that is being used, the large range of effects that in principle has to be investigated, the requirement to quantify effects where possible, the availability of RIA guidance and training, and the RIA quality control by the Unit. The most obvious difference with most advanced RIA-systems is again in the process: draft RIA’s are not being used to consult stakeholders, final RIA’s are not publicly available, results of the RIA quality controls by the Unit are not made public, ex post reviews of RIA’s are not organized, etc.

### 3. THE FLEMISH RIA SYSTEM

18. The Flemish Government decided on June 4 2004 and December 17 2004 to introduce regulatory impact analysis in Flanders starting from January 1 2005. Flanders was quite late with this decision in comparison with other countries. The main features of the current Flemish RIA system are summarized below.

#### 3.1. Objectives

19. When introducing RIA, the Flemish government aimed to achieve the following objectives: (1) regulation is to be drafted after consideration of whether it is necessary and whether it will be effective and with insight into the expected effects and side effects; (2) the compliance costs of regulation legislation should not be unnecessarily high and should balance the benefits; (3) the regulation in one policy area must take account of the effects on other policies. More generally, RIA is seen as a key instrument to help the Flemish government achieve its objectives in the area of better regulation.



### 3.2. Scope

20. RIA is obligatory in Flanders for all regulation which has an effect on citizens, businesses, and non-profit organisations. This includes all drafts of laws and subordinate regulations, except internal government regulation, budgetary regulation, regulation approving international and interregional conventions and agreements, regulation without substantive impact or of a purely formal nature, decisions of the Flemish Government which do not contain any regulation, and ministerial resolutions.

### 3.3. RIA as a process

21. RIA is first and foremost an analysis and consultation *process*. Therefore, the RIA guidance and the RIA manual stress that RIA is most effective in an early stage of the regulatory preparation. *'RIA is not intended to justify political choices already made, but to improve the decision making. Therefore, the RIA process has to start at the beginning of the regulation process, not after the regulatory draft text has been written. Only then does it make sense to carry out an analysis and assessment of different alternatives and can RIA prevent the development of unnecessary new regulation.'*

22. The RIA guide and the RIA manual stress further that RIA is a team effort. *'The execution of an RIA will seldom be the work of just one person. Regulatory impact analysis is best carried out by the project team which is preparing the regulation. The contact person for regulatory management or the RIA co-ordinator in your policy area can help you here.'* Furthermore, both documents point to the importance of consultation with stakeholders and other policy areas.

23. In addition, the procedure (see below) includes support and quality control by the Regulatory Management Unit. This Unit also has the task of supporting the RIA system by publishing manuals, organising training courses, developing datacollection and exchange, and encouraging each department to appoint at least one RIA co-ordinator. The responsibility for the content of a RIA in Flanders however lies with the person or agency that prepares the new regulation. The final responsibility lies with the minister who submits the draft regulation to the Flemish Government.

### 3.4. RIA as a product

24. The RIA process must lead to an RIA product or document. The core elements of a RIA document are given in Box 3.

**Box 3: Core elements in a RIA**

<b>RIA section</b>	<b>Contents</b>
Title	Brief description of the title of the regulation.
Background and objectives	Outline of the reason for the regulation, the objective, and the desired effects: What issue/problem is the policy/proposal attempting to resolve? What main objective is the policy/proposal expected to reach?
Options	List of the most relevant options for achieving the desired objective which is being examined further.
Effects	Analysis of the expected advantages and disadvantages (costs and benefits) and the other relevant effects of each option..
Implementation, enforcement and and monitoring	Clarification of the way in which the chosen option will be developed, executed, enforced, followed up, and revised, together with an estimate of the administrative burdens.
Consultation	List of completed consultations and their results: Which interested parties were consulted, at what stage of the process, and for what purpose? What

	were the results of the consultation?
Summary	Summary of the arguments presented for the chosen regulation: What is the final policy choice and why? And how is this reflected in the draft proposal and its justification?
Contact information	The name and contact details of the person who is available to answer questions about the impact analysis or the proposed regulation.

25. Both the RIA guide and the RIA manual emphasise the importance of proportionality. This means that the scope as well as the depth of a RIA must be proportionate with the importance of the regulation and the expected extent of the effects.

### 3.5. RIA as a procedure

26. RIA has been integrated into the lawmaking process. The formal requirements of the RIA process are: (1) a RIA advice by the Unit, (2) an obligatory RIA paragraph in the memorandum to the Flemish government; (3) a check to make sure that this paragraph is included; (4) a check on the content of the RIA; and (5) the addition of the RIA to the regulatory file (see Box 4).

#### Box 4: Formal procedural requirements for RIA

Formal procedural step	Content
RIA advice from the Regulatory Management Unit	It is obligatory to ask the advice of the Unit about on a draft version of the RIA before the regulation is put on the agenda of the Flemish government. The advice is part of the legislative advice which also includes the technical law drafting advice and the plain language advice.
RIA paragraph in the memorandum to the Flemish government	As of 1 January 2005, each memorandum to the Flemish Government which accompanies a draft regulation for approval must include a RIA paragraph. This contains either a short summary of the RIA which is enclosed in annex or a statement explaining why a RIA has not been drafted, with respect to the scope of the RIA threshold requirements.
Control by the Chancery	The Chancery checks whether a RIA paragraph is included in the memorandum to the Flemish government. If the memorandum does not contain the required RIA paragraph, the regulation cannot be put on the agenda of the government.
Control by the Unit	The Unit carries out checks prior to the discussion of the draft regulation by the Flemish government. It checks both the reasons why a RIA has not been carried out if applicable, and the quality of the final RIA <sup>5</sup> . The results of the assessment are announced to the minister authorised for law restraint so that this can be taken into account at the meeting of the Flemish government.
Addition of the regulatory file	Once the RIA is on the agenda of the Flemish Government, it is part of the regulatory file. The RIA, together with the regulation and any statement of clarification, must be handed over to the advisory councils, the state council, and parliament etc.

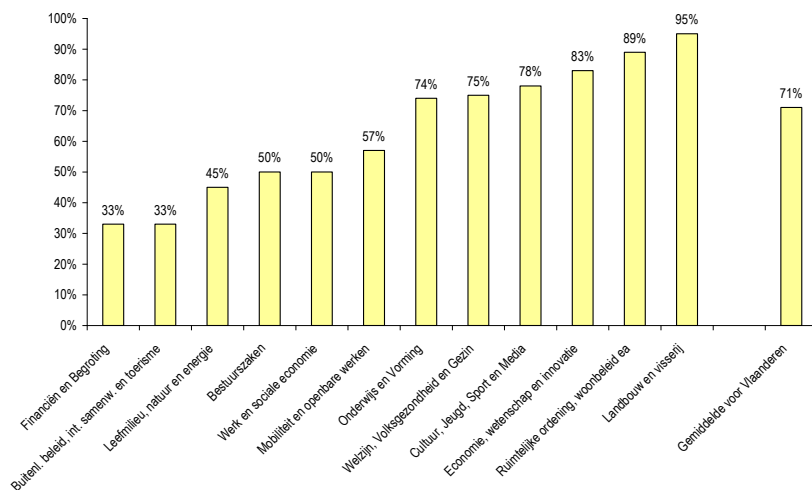
<sup>5</sup> This ex ante quality assessment was not planned for in the RIA guidance. According to the guidance, the Unit should only control finale RIAs ex post and randomly and report annually to the Flemish government and the Flemish Parliament. A more extensive quality control was only provided for 'heavy' RIA's.

## 4. EVALUATION OF RIA QUALITY IN FLANDERS

### 4.1. Compliance with the formal RIA procedure

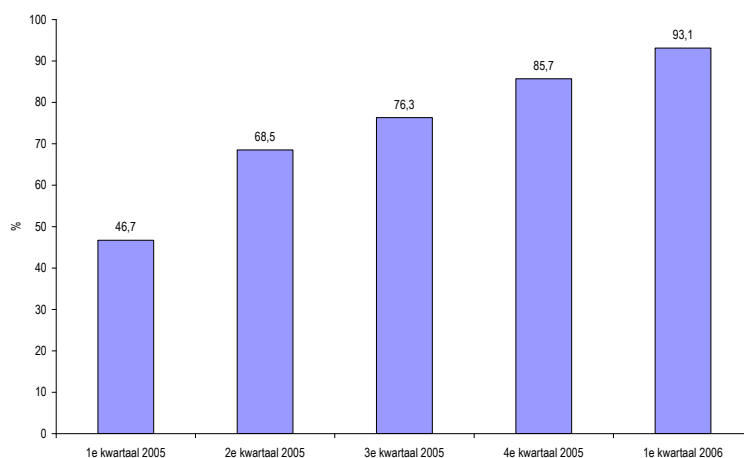
27. The Unit does not publish information on compliance with the obligatory RIA-advice. However, there is an indicator in the publicly available ‘dashboard’ on compliance with the legislative advice. In addition to the RIA advice, this also includes the plain language advice and the technical law drafting advice. The results are shown in figures 2 and 3. They show that compliance with the legislative advice is increasing, but it is still very low in several policy areas. Compliance with the other steps in the RIA procedure are said to be high in most cases: in 2005, according to the Unit, there was a RIA in 9 out of 10 regulations where there had to be a RIA.

**Figure 2: Compliance with the obligatory legislative advice (2005).**



(Policy areas from left to right: Finance and budget; Foreign policy, International co-operation, and tourism; Environment, nature, and energy; Administrative affairs; Work and social economics; Mobility and public works; Education and Training; Well-being, Public health, and the Family; Culture, Youth, Sport, and Media; Economics, scientific research, and innovation, Spatial planning, housing; Agriculture and fishery; Average for Flanders.)

**Figure 3: Compliance with the obligatory legislative advice (2005-2006).**



(Text: 1st quarter 2005; 2nd quarter 2005; 3rd quarter 2005; 4th quarter 2005; 1st quarter 2006) - From the 2nd quarter of 2006, the indicator is no longer have been released by the Unit (it has become part of a broader ‘quality of legislation’ indicator).

28. However, an analysis of the draft regulations that were put forward to the SERV for advice presents a different picture. Between 1 January 2005 and 15 September 2006, SERV received 98 draft regulations. 61 of them should have had a RIA, but for only 43 of them this was the case. Thus there was no RIA for 18 draft regulations or 1/3 of the regulations with a RIA obligation. On the other hand, there were 3 regulatory files for which, in principle, an RIA was not necessary, but for which an RIA was nevertheless prepared.

#### **4.2. RIA quality**

29. Starting from the second quarter of 2005, the Unit has awarded a score to every final RIA. Since the scores are not made public, the SERV carried out an analysis of the quality of the completed RIAs itself. All 46 RIAs that were put forward to the council as part of a request for advice on a draft regulation between 1 January 2005 and 15 September 2006 were investigated. This is not the complete list of all Flemish RIAs. That was also not possible since the RIAs have not been made public. In view of the competences of the SERV, these 46 RIAs are however the most important RIAs from a social and economic point of view.

30. To assess the quality of the RIAs, a questionnaire has been drawn up based on the Flemish RIA manual and international examples. The questionnaire covers all the main quality aspects of an RIA. This questionnaire was then filled in by the staff of the SERV secretariat who prepares the draft advices of the council on regulatory matters. They are very familiar with the specific content of the policy and have followed internal RIA training. The RIAs have been screened on the following criteria:

- Number and relevance of the examined options
- Completeness and balance of the effect assessment
- Extent of quantifying effects
- Use of consultation
- Quality of the RIAs for each policy area
- Added value of the RIAs.

31. Box 5 and figure 4 summarize the results. The analysis shows that there are some examples of good RIAs, but that, generally speaking, the RIA-quality leaves a lot to be desired. Almost 60% of the RIAs range from poor to very poor in quality. A major cause seems to be the fact that most RIAs are not prepared until the proposed regulation has been written out. This means that the RIAs have little or no influence on the decision making.

#### **Box 5: %Main findings from the SERV analysis of 46 Flemish RIAs (2005-2006)**

- 20% of the RIAs are rather good. Almost 60% of them range from poor to very poor in quality. The average quality does not seem to improve over time.
- Of the policy areas for which more than one RIA is available, 'natural resources and energy' and 'economy, innovation, and scientific research' recorded the lowest scores. More than 3/4 of the RIAs in those policy areas were poor to very poor. The policy area 'environment and nature' also includes quite a lot of poor or very poor RIAs (57%), but compensates for that with a relatively large share of good RIAs. In the policy area of 'infrastructure and mobility', not a single RIA was judged as poor. In the policy areas for which only one RIA is available, there is not even a single good RIA.

- 1/3 of the RIAs look at only one other option beside the ‘do nothing’ option. 6 RIAs (13%) include more than 2 options as well as the zero option. 15% of the RIAs explain why certain other options were not investigated.
- Only about half the RIAs more or less show important features such as consideration of the major effects of each option, objective and balanced description of the advantages and disadvantages of each option, correct division of costs and benefits, and insight into the considerations which have been made.
- 28% of the RIAs do not include any quantification. The quantitative information recorded in the other RIAs is usually very limited. Only in 13% of the RIAs were the major effects of the regulation quantified, and in only 1 out of 5 cases this was done carefully.
- 80% of the examined RIAs mention consultation with stakeholders, but only 17% gave any actual insight into the remarks and comments that were made during the consultation.
- In 60% of the cases, the RIA was found to be too limited compared to the importance of the regulation.
- The impact of the RIAs on the decision making appears to be minimal at present. Only fewer than 30% of the RIAs could be claimed to have had any impact on the decision making.

**Figure 4: Some results of the assessment of RIA quality in Flanders**



## 5. AN INTERNATIONAL PERSPECTIVE ON RIA

32. Other countries carry out regular evaluations of RIAs as well. As in Flanders, they are often carried out by other agencies than the government or administration itself, by audit offices (e.g. in the United States, the United Kingdom, Canada, and Australia), by advisory councils and pressure groups (e.g. Board of Swedish Industry and Commerce in Sweden, the Better Regulation Commission and the British Chamber of Commerce in the United Kingdom), and by think tanks and scientific institutions (e.g. Resources for the Future, and AEI Brookings Institute in the United States, the European Policy Forum, the Regulatory Policy Institute, the College of Europe etc. in the EU).

32. Even countries that are being considered as RIA-forerunners regularly evaluate and modify their RIA-system. For example, the Productivity Commission in Australia formulated a series of proposals in 2005 to improve the performance of the Australian RIA system. In mid 2005, Ireland introduced a new RIA system after a trial period and an evaluation. In mid 2006, the Better Regulation Executive in the United Kingdom published a consultation document with a proposal to improve the British RIA system. At the end of 2006, the European Commission outsourced an elaborate evaluation of the European IA system to a consortium of consultants. In order to learn from the latest international experiences, Canada also had a benchmarking of the Canadian RIA system carried out in 2006. The international trends and developments are also relevant to Flanders.

### 5.1. Lessons from evaluations of RIAs in other countries

33. A comparison of the conclusions from the evaluation of the Flemish RIAs with the results of RIA-assessments in other countries learns that these conclusions have to be put in perspective.

34. Firstly, RIA has been introduced in Flanders only very recently. However, RIA sometimes requires quite radical changes to existing decision making procedures and the prevailing policy culture. RIA is intended to provide a solution to several important shortcomings in the regulatory process. In particular, RIA aims for:

- a better *foundation* for proposed regulation and consideration of alternatives to traditional regulation at an early stage;
- greater *transparency*, so that communication between governments and citizens, the opportunity for consultation, and the explanation for regulation all improve;
- more *inter-administrative co-operation*, so that when a regulation is created governments check beyond the borders of their own area of policy to examine what the positive and negative effects will be.

The OECD therefore concludes: '*RIA implementation is a long-term process which necessarily requires significant cultural changes to take place throughout the government policy-making apparatus*<sup>6</sup>'. It is also the reason why the OECD is of the opinion that political leadership is needed to implement RIA<sup>7</sup>.

35. Secondly, there are also problems with the quality of RIAs in other countries, even where RIA was introduced some time ago. Box 6 gives a summary of the results of some RIA evaluations in other countries. The main problems appear to correspond closely with those established in Flanders<sup>8</sup>:

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<sup>6</sup> OECD (2006).

<sup>7</sup> OECD (1997).

<sup>8</sup> In countries with high standards, there is also quite some detailed methodological criticism of, for example, the used discount rates, the hypotheses with regard to compliance (start from 100% compliance or a

- RIA is not started until late in the decision making process; as a result it has little influence on the policies;
- RIA is not detailed enough for major regulation (and vice versa);
- There is a too little consideration of alternatives for and of regulation;
- Not all relevant effects are examined;
- Effects are insufficiently quantified;
- The comparison of options is obscure or methodologically weak;
- Ex post evaluation and monitoring are insufficiently developed.

### Box 6: Findings from RIA evaluations in other countries

Country	Year	Source	Findings
Australia	2003	Argy, S., and Johnson, M., Productivity Commission	<ul style="list-style-type: none"> <li>▪ The standard of analysis in many RIAs, particularly of compliance costs and small business impacts, needs to be improved.... At present RIAs usually contain a relatively brief, and typically qualitative, assessment of the compliance cost burden.</li> <li>▪ There is a noticeably lower compliance rate for the more important regulatory proposals ...</li> </ul>
	2003	Banks, G., Productivity Commission	<ul style="list-style-type: none"> <li>▪ In many cases RIS are being treated as an ‘add-on’, essentially prepared after policy decisions have already been made. In those circumstances, the Regulation Impact Statement becomes little more than a rationalisation of predetermined approaches. Its content may end up being adequate, but its role is subverted.</li> <li>▪ Little time has been allowed for their preparation by bureaucrats or for their practical consideration by Ministers. It is not unusual for the Office of Regulation Review to be contacted by departments about preparing a Regulation Impact Statement only a day or two before the deadline for submitting regulatory proposals to decision-makers.</li> <li>▪ Identification and consideration of alternative options to the favoured regulation is generally lacking – particularly non-regulatory or self-regulatory options – and there is often little attempt to collect the information necessary to quantify the costs and benefits of options, even as to orders of magnitude.</li> </ul>
	2005	Banks, G., Productivity Commission	<ul style="list-style-type: none"> <li>▪ In 8 years since the present system was introduced, the rate of compliance with the RIS requirements has averaged 74%, being the lowest in the first year and the highest in the most recent years (92%).</li> <li>▪ In many cases, RIS is prepared too late in the policy development process to be of any real assistance to decision makers. In those circumstances, it effectively becomes little more than an ex post justification for a decision already taken.</li> <li>▪ RIS tend to lack adequate consideration of alternative options and consultation, both of which are critical to good decision-making.</li> <li>▪ In 2004, only 20% of tabled RIS involved an attempt at quantifying compliance costs. Another 70% gave some consideration to compliance costs, without seeking to measure them. In the remaining 101% compliance costs were not even considered.</li> </ul>
	2006	Deighton-Smith, R., OECD	<ul style="list-style-type: none"> <li>▪ 14% of regulatory proposals in respect of which RIA were finalized in 2004-05 had been changed substantively during the course of the RIA process.</li> <li>▪ However, regulatory reform officials reported that the degree of commitment to the RIA process as an inherent part of good regulatory processes was highly variable between policy officials in regulatory agencies and that the long awaited “cultural change” among regulators toward embracing RIA as a fundamental policy tool could not yet be said to have occurred.</li> </ul>
Canada	2000	Regulatory Process Management Standards Review (from RAOICS)	<ul style="list-style-type: none"> <li>▪ Areas where improvements could be made included better prioritizing of regulatory proposals, improved capabilities to assess regulatory and non-regulatory alternatives and in conducting cost-benefit analysis, and more training.</li> </ul>
	2004	Smart Regulation Report	<ul style="list-style-type: none"> <li>▪ Insignificant or low-impact proposals are subject to overly complex process requirements, while more significant proposals receive insufficient analysis.</li> <li>▪ the Smart Regulation committee “often heard cases of dissatisfaction with consultation. There was concern that consultation occurred too late in the policy development process, that government consultation efforts were not coordinated or that certain stakeholders were at a disadvantage in dealing with the demands of consultation”.</li> </ul>
European	2004	Lee and Kirkpatrick,	<ul style="list-style-type: none"> <li>▪ The six IA reports that have been investigated divide equally into three groups: clearly</li> </ul>

different percentage?), the calculation of costs and benefits... It is clear that Flanders is not yet in a position to make those kinds of comments.

<b>Commission</b>		University of Manchester	<p>satisfactory, marginally satisfactory/unsatisfactory, and clearly unsatisfactory</p> <ul style="list-style-type: none"> <li>▪ Examples of weaknesses are: the range of policy options investigated is relatively low; unbalanced coverage of different types of impacts, methodological weaknesses, deficiencies in the justification of the preferred option, deficiencies in the clarity and objectivity of the findings...</li> <li>▪ There appears to be some correlation between the quality of the IA and the process by which they were prepared. Examples of weaknesses are: insufficient time available, limitations in de range and type of expertise, lack of transparency in the process, inadequate arrangements for consultation.</li> </ul>
	2005	Report from the Commission "Better Lawmaking 2004,"	<ul style="list-style-type: none"> <li>▪ The Commission increased the number of [RIAs] completed in 2004 (29 against 21 in 2003) as well as their overall quality [but] delivery remained a problem, with fewer impact assessments completed than initially planned. ...there needs to be a more systematic application of the current methodology across Commission services and greater focus on competitiveness issues.</li> <li>▪ In 2004, the number of consultations increased significantly [but] the Commission still needs to make additional efforts on feedback to respondents and...transparency.</li> </ul>
	2005	Better Regulation Task Force, UK	<ul style="list-style-type: none"> <li>▪ We are aware that the number and quality of RIAs that the Commission has produced is improving.</li> <li>▪ Although there is increasing awareness that considering alternatives is a vital part of good policymaking, not enough is known about the range of options available and where they have been used.</li> <li>▪ Some reluctance amongst officials and MEPs to consider flexible, non-legislative options.</li> <li>▪ Many consultation exercises fail to meet the Commission's minimum standards and compliance is patchy both between and within Directorates General.</li> <li>▪ The Commission fails to disclose how well it is meeting its own standards for consultation.</li> <li>▪ Concerns about consultation fatigue have less to do with the quantity of consultation with the quality of consultation. Much of the consultation material that is released to the public is still turgid, poorly focused, and difficult to understand.</li> </ul>
	2006	2006 Andrea Renda, Centre for European Policy Studies	<ul style="list-style-type: none"> <li>▪ Of the 70 extended impact assessments completed before July 2005: only 8.4% of IAs considered self regulation; only 40% quantified at least some cost, 25.3% monetized all or nearly all costs; only 33.7% quantified some benefits, 26.3% monetized some benefits; specific benefits (health, safety) almost ignored; costs and benefits are almost never compared (net benefits in 13.7% of the sample, cost-effectiveness in 8.4%); alternatives are seldom compared (Cost of each alternative compared in 16.8%); methodology is oversimplified (discount rate only in 3 IAs)...</li> <li>▪ A number of problems have emerged: organizational problems (institutional conflict, exposure to third-party capture), limited consultation, insufficient training of the Commission's employees, etc.</li> <li>▪ The quality of Extended Impact Assessments performed by the Commission during the first years of implementation of the new IIA model has been consistently and remarkably declining</li> </ul>
<b>Sweden</b>	2004	Swedish National Audit Office	<ul style="list-style-type: none"> <li>▪ Inadequate knowledge about sources of regulatory burdens.</li> <li>▪ Lack of clarity about roles in checking RIAs.</li> <li>▪ Low standard of RIA due to a lack of quality control and sanctions; questions in the analysis chart do not give sufficient guidance or are not relevant.</li> </ul>
	2005	Board of Swedish Industry and Commerce for Better Regulation (NNR)	<ul style="list-style-type: none"> <li>▪ In general, compulsory RIAs are still of inferior quality.</li> <li>▪ There have been improvements for 10 of the 11 quality factors measured. Unfortunately, this is happening from embarrassingly low levels, and mostly for variables that are relatively simple to change. The paramount aspects, such as costs to businesses, are still inadequately clarified.</li> <li>▪ Total costs are reported in 9% of cases in 2005, against 5% in 2004. The proportion of cases in which the costs of the proposal for an individual company are reported is 17%, 10 percentage points higher than in 2004. Only in a few cases do regulators attempt to elucidate their proposals' concrete effects on the companies concerned...</li> <li>▪ In only 53% of the RIAs in 2005, alternatives to the proposal are presented (49% in 2004).</li> <li>▪ Only 48% of RIAs in 2005 reported on how consultation had occurred, up from 35% in 2004.</li> </ul>
	2005	Swedish Action Plan to reduce administrative burden for enterprises	<ul style="list-style-type: none"> <li>▪ Impact assessments have been criticized as often being of low quality, done at too late a stage and even not done at all. ... the Government – which takes a very serious view of this criticism – will consider how the impact assessment method can and should be improved.</li> </ul>
<b>United Kingdom</b>	2004	Better Regulation Task Force. Annual report.	<ul style="list-style-type: none"> <li>▪ 9 out of 12 RIAs raised quality issues of concern.</li> <li>▪ Some RIAs were very difficult to get hold of.</li> <li>▪ Regulatory Impact Assessments are meant to describe the alternatives that have been considered, but often only one approach is considered.</li> <li>▪ Despite the UK being placed among the world's leaders in better regulation and even after eight years of intense BRTF activity, the volume, complexity and costs of regulation continued to grow.</li> <li>▪ We found too few examples of better regulation in principle leading to less costly regulation</li> </ul>



			<p>in practice.</p> <ul style="list-style-type: none"> <li>The quality of impact assessments needs to be improved and they need to be used earlier and more strategically to influence decision-making and have credibility with stakeholders.</li> </ul>
	2005	Better Regulation Task Force. UK Regulatory Impact Assessments in 2004-05	<ul style="list-style-type: none"> <li>The ‘half full’ view would be that tremendous progress has been made... the “half empty” view would be that nothing has substantially changed. New regulations are not seriously challenged, still less aborted, by impact assessments.</li> </ul>
	2005	Colin Jacobs, University of Manchester and British Council	<ul style="list-style-type: none"> <li>RIA has enjoyed remarkable success in the UK. The overall quality of RIAs has also undoubtedly improved in the view of practitioners. Consultation is considered one of the big success areas. RIA has in some cases been extremely valuable in highlighting innovative solutions to regulation.</li> <li>Five existing quality problems are thought to cover 90 per cent plus of the problem: (1) Unclear Objectives, (2) Lack of evidence to support case, (3) Failure to consider alternatives to regulation (4) weak consideration of monitoring/ Review needs and (5) RIA needs to be introduced earlier in the policy cycle.</li> </ul>
	2006	UK National Audit Office.	<ul style="list-style-type: none"> <li>This is our third year of evaluating the quality of RIAs and overall results have been disappointing. RIAs are often done too late, with the wrong mindset and do not cover all policy interventions. RIAs were often seen by officials as a bureaucratic task rather than being integral to the process of policy-making.</li> <li>The quality of RIAs in this year’s sample was mixed. There were examples of good practice, with strong performance in consultation, and improved practices in assessing a range of regulatory options. The weakest area was the consideration of the level of compliance with the proposed regulation. Departments too readily assumed full compliance with insufficient analysis of the implications of non-compliance. Some RIAs included irrelevant detail and were too discursive, which obscured the key information needed to inform decision-making. In many cases, RIAs have not been used to question the need for intervention. The omission of a ‘do-nothing’ option and the failure to consider non-regulatory options were the most common omissions. There is a need to look beyond the implementation of the regulation. This was too often neglected or given insufficient attention.</li> </ul>
	2006	UK National Audit Office. NAO Review of Sustainable Development in RIA	<p>The UK Sustainable Development Strategy highlights the role the RIAs can play in appraising policies against sustainable development principles. Our review of 10 recent RIAs found that most did not handle sustainable development concerns well. Few identified all social or environmental impacts that they might have been expected to cover. Social and environmental impacts were often not analysed in sufficient depth. And the variable presentation of RIAs made it difficult to see if and how sustainable development issues had been considered.</p>
	2006	Better Regulation Executive; RIA consultation document	<ul style="list-style-type: none"> <li>The fundamental purpose of placing rigorous analysis at the heart of the policy making process is insufficiently recognized;</li> <li>Critical data and information can be hard to find in long and often discursive Regulatory Impact Assessments. In some cases, it may be missing – in particular quantified costs and benefits;</li> <li>Arguments and evidence are often inaccessible to the lay reader;</li> <li>The 65 page Guidance is often seen by policy makers as bureaucratic and hence makes it harder to embed awareness of better regulation;</li> <li>Regulatory Impact Assessments often duplicate information or data contained in other publications such as consultation documents;</li> <li>The case for ‘no action’ being taken is often not made sufficiently well, and the nature of the problem not spelt out as clearly as it could be;</li> <li>Regulatory Impact Assessments are frequently produced at the end of the policy making process when all the key decisions have been taken, rather than informing the decision making process.</li> </ul>
<b>United States</b>	1996	AEI-Brookings Joint Centre for Regulatory Studies	<ul style="list-style-type: none"> <li>Half of the adopted regulations did not pass a benefit-cost test, even after 15 years of investment in RIA</li> </ul>
	1997	Morgenstern et al	<ul style="list-style-type: none"> <li>One of the clearest lessons of these case studies is the critical importance of <i>timing</i> to the usefulness of RIAs. Several case study authors mentioned the fact that many RIAs are not initiated until after the regulatory process is well underway, often after the preferred alternative has been selected.</li> <li>Even in cases where the RIA got off to a late start, however, the authors of all 12 of these case studies believe <i>their</i> RIA did have an effect, although often it was not as influential as it could have been.</li> <li>According to the authors, all the RIAs led to improvements that decreased costs, and five of the 12 introduced changes that increased benefits, although it is conceded that with multiple influences on the process, it is difficult to ascribe with certainty any specific influences to the RIA.</li> <li>In addition, RIAs were credited by these authors with other accomplishments. Some RIAs also promoted innovative regulatory alternatives, at least for their time.</li> </ul>

2004	AEI-Brookings Joint Center for Regulatory Studies	<ul style="list-style-type: none"> <li>▪ A significant percentage of the RIA do not provide some very basic economic information, such as information on net benefits and policy alternatives. For example, over 70% of the analyses failed to provide any quantitative information on net benefits.</li> <li>▪ There is no clear trend in the quality of cost-benefit analysis across time.</li> <li>▪ There is a great deal of variation in the quality of individual cost-benefit analyses.</li> </ul>
2006	AEI-Brookings Joint Center for Regulatory Studies	<ul style="list-style-type: none"> <li>▪ 20% (25 of 124) of the major rules with quantified costs and benefits fails a benefit cost test using best estimates on OMB's numbers</li> <li>▪ Agencies often do not provide best estimates and ranges of benefits and costs; we are aware of only a few RIA's in which an agency has provided a probability distribution of benefits and costs.</li> <li>▪ The past year, of the 21 final major rules adopted, 8 (or 38%) did not have quantified and monetised benefits and costs.</li> </ul>

36. A third qualification to the low quality of Flemish RIAs is that RIAs should not only be judged technically or methodologically through the eyes of experts. Depending on the actors, circumstances, and the level of the legislative policy, other aspects can be more important. Especially in the early years of RIA, it is often not the quality of the analyses that is the main criterion for success, but the extent to which RIA increases transparency: If Flemish RIAs today fall short, this is a finding in and of itself, but the implication is that it is now becoming clearer through these poor RIAs that the legislation is not well prepared. If one is not able in an RIA to be clear on the aim of the proposed regulation or why a certain regulation is necessary, if one cannot be clear on the possible effects of the regulation, if one cannot write anything about how one will implement or enforce the legislation and whether or not there are sufficient resources, if one has to admit that there was little or no consultation..., then it is clear that a regulation is being proposed for one does not know whether and how it will work in practice and whether the benefits will outweigh the costs. It is by means of this greater transparency that several countries have in a second phase managed to create political support for the interventions that are necessary. Flanders, to be sure, is still partly in this first phase.

## 5.2. International trends and options for improvement<sup>9</sup>

37. The criticism of the quality of RIAs has not yet resulted in the RIA system being abandoned in any country at all. On the contrary, the OECD reports that member states are continuing to invest heavily in RIA and are gradually reaping the returns of their investments: *'Today, RIA has become a norm of democratic governance in modern industrialised countries. OECD member countries are continuing to invest heavily in RIA and are reaping greater returns for this investment. However, much remains to be done to cement RIA as an integral part of the policy decision-making process'<sup>10</sup>.*

38. The main international trends and developments in the area of RIA are (see box 7):

1. The installation of RIA at the heart of the policy making;
2. The improvement in the intrinsic quality of RIAs;
3. The reinforcement of the transparency of the RIA system;

It is clear that there is still a lot of room for Flanders to improve the RIA system in comparison with those international trends and developments.

<sup>9</sup> The information in this section is based largely on OECD (2006), Jacobs (2006), and College of Europe/Jacobs and Associates (2006). The other sources are quoted in the reference list.

<sup>10</sup> OECD (2006).

**Box 7: International trends and developments in RIA.**

<b>Macro-trend</b>	<b>Developmental recommendations</b>	<b>Performance of Flanders</b>
Installation of RIA at the heart of policy making	Focus on RIA as a process instead of RIA as a method	+/-
	Start with RIA early on by <ul style="list-style-type: none"> <li>▪ Regulatory planning</li> <li>▪ IA instead of RIA</li> </ul>	- -
	Use of RIA for ex post evaluation of existing regulation	-
Improvement in the quality of RIAs	Maintaining the right focus (focus on comparison of costs and benefits of options)	-
	Quality control by a central watchdog	+/-
	Strengthening responsibilities through <ul style="list-style-type: none"> <li>▪ Signing off RIA by a minister or senior official</li> <li>▪ Incentives for civil servants</li> <li>▪ Mandatory publication of final RIAs</li> </ul>	- +/- -
	Capacity building through <ul style="list-style-type: none"> <li>▪ development of RIA expertise within each department</li> <li>▪ well considered co-operation with experts and consultants</li> <li>▪ organising peer reviews</li> <li>▪ organising RIA training courses</li> <li>▪ improvement in RIA guidance</li> <li>▪ organising a helpdesk</li> <li>▪ ex post evaluation of RIAs</li> </ul>	+/- - - + +/- + -
	Networking and peer review by external institutions	+/-
	Selectivity in scope of RIAs	-
	Data collection	-
	Reinforcement of the transparency of the RIA system	Linking RIA and consultation
	Public reports on the quality of the completed RIAs	-

+ = largely achieved +/- = partly achieved or in progress; - = not yet achieved.

## 6. RECOMMENDATIONS FOR THE IMPROVEMENT OF THE FLEMISH RIA SYSTEM

39. From the previous assessment, it is obvious that measures are needed to reinforce the profile, quality, and policy impact of RIA in Flanders. The analysis of international trends and developments has generated a whole series of ideas and points for attention which are particularly relevant to Flanders. On the other hand, it is clear that not all measures can be implemented at the same time. According to the SERV, a phased approach is desirable to link RIA in Flanders with international best practices, with priority in the short term for measures to:

1. Promote political leadership for RIA;
2. Remove the negative connotation around RIA;
3. Introduce a regulatory agenda;
4. Reinforce the transparency of the RIA system;
5. Better target RIA efforts;
6. Strengthen the responsibility of departments and build RIA capacity;
7. Conduct Flemish RIAs for draft EU-directives;
8. Give a more prominent role to the Flemish Parliament.

### 6.1. Political leadership for RIA

40. In 1997, when the OECD drew up a list of key factors for successful RIA systems, ‘maximise political commitment to RIA’ was number one: *‘To be successful in changing regulatory decisions in highly-charged political environments, the use of RIA must be supported at the highest political level. It reinforces government commitment to RIA and better quality regulation and can help to overcome opposition and inertia’*<sup>11</sup>. According to the SERV, it is necessary in Flanders that the political commitment to RIA is confirmed and strengthened. Better regulation and RIA require a radical change to the existing decision making procedures and the prevailing policy culture in Flanders. Cordova and Jacobs predicted this back in 2004 after a whole series of interviews with Flemish cabinet staff and civil servants: *‘The real problem is not practical, but is cultural. As other jurisdictions experienced, difficulties and opposition will be raised by departments accustomed to few constraints on their rule-making powers. Scepticism and passive (or active) opposition will surround the RIA project and the establishment of binding horizontal procedures upon autonomous departments’*<sup>12</sup>. This means that political leadership is urgent to overcome opposition and inertia and implement the recommendations below.

### 6.2. Removing negative connotations around RIA

41. RIA was previously seen and used as an analytical method which was strongly inspired by ideology and aimed to cut back the role of the government and regulation, and reduce costs for business. As a result, there is sometimes a negative connotation around RIA in Flanders, which can be attributed to and is maintained by the link with ‘deregulation’. Modern opinions on RIA stress the value of RIA as a process rather than an analytical method. It is primarily a method geared to promoting a broad and transparent policy debate about the objectives and content of important new draft regulation, via an integral and analytical framework that makes it possible to analyse quantitative and qualitative data on potential economic, social, and environmental effects at the same time and in an integrated manner. According to the

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<sup>11</sup> OECD (1997).

<sup>12</sup> Cordova-Novion and Jacobs (2004).

SERV, there is a need for initiatives and good examples in order to dispose of the negative connotation around RIA and increase public support.

### **6.3. Introduction of a regulatory agenda**

42. One of the major challenges is to start RIA as soon as possible in the policy process. A regulatory agenda can be a powerful stimulus to this end. Indeed, regulatory planning through a regulatory agenda provides for early public notification on planned regulatory initiatives at a time when the proposed regulation has not yet been fully developed, so there will be more opportunities for RIA to improve decision making. A regulatory agenda was announced in the policy agreement 2004-2009 of the Flemish government, but it has not yet been implemented. SERV has therefore prepared in a separate advice a detailed proposal for the introduction of a regulation agenda in Flanders<sup>13</sup>.

### **6.4. Reinforcement of the transparency of the RIA system**

43. Transparency is key to promote the quality of RIAs. It provides 'name, fame, and shame', allows peer reviews, increases the involvement of policy makers, raises responsibility for the proposed regulation, promotes public support, and makes it possible to develop a 'RIA network' (a network of agencies at the political and administrative level, parliament, advisory councils, research institutions, organisations of target groups, etc.). According to the SERV, the priorities are:

- more openness in the RIA process by consulting stakeholders earlier;
- active publication of all final RIAs on an online databank and a central access gate on the Internet;
- public reporting of periodic evaluations of RIA quality by the Regulatory Management Unit.

### **6.5. Targeting RIA efforts**

44. When the RIA was originally introduced in Flanders, there was a distinction between a heavy and light RIA, but the Flemish government has abandoned this distinction (perhaps for good reasons) since RIAs have to be proportional. However, the consequence in practice has been that every RIA is 'light'. For example, few efforts are made to quantify effects better or compare options methodologically more correctly. This means that there are too few examples of really good RIAs and that too little can be learnt, both within the departments and at the level of the Unit. According to the SERV, in the short term, it is necessary for a number of regulations to be designated as 'heavy' RIAs. On the other hand, there are examples of small regulations for which a RIA is not necessary. The SERV therefore calls for more selectivity, in both directions (light RIA should be the rule; no RIAs are needed for minor regulatory proposals; more extensive RIAs are necessary for important regulations).

45. The council warns against formal criteria being used to delineate the scope of RIA. It is not the legal form of the regulation that matters, but its content. In this sense, the question of whether a proposed regulation concerns the implementation of a EU-directive for example should not be a criterion in and of itself. Various case studies show that EU-directives often provide member states with considerable freedom of implementation and that RIA can be a key instrument for dealing with this policy discretion. Greater selectivity should not lead regulation with important potential effects escape the RIA requirements.

### **6.6. Responsibility of the departments and reinforcement of RIA capacity**

46. The responsibility for the quality of the regulation and the RIA processes, and therefore also for the quality of the RIAs, lies primarily with the departments themselves. According to the SERV, it is

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<sup>13</sup>

SERV (2006)

therefore necessary to raise the awareness of the departments for good RIAs. The planned regulatory management units can undoubtedly play an important role in raising awareness and developing specific RIA expertise within each department. According to the SERV, there are also important assignments on the side of the Central Unit. It should:

- offer more differentiated training courses and manuals in addition to the existing basic RIA-manual and RIA-training, in particular on quantification of effects, alternatives of and for regulation, and consultation;
- organise data collection, promote accessibility of data and develop data quality standards;
- further optimise the monitoring of RIA quality.

#### **6.7. Flemish RIAs for European regulation**

47. Within the EU, Impact Assessments play an increasingly role in policy preparations and negotiations. For this reason, within the EU countries, there is a clear trend to supplement European Impact Assessments with own analyses. The European impact assessments focus on the effects on all member states and less on the effect within and between states. Individual member states use their RIAs on proposed European regulation increasingly at the European negotiating table to strengthen their negotiating position. In that light, SERV supports the provision in the Flemish strategy for the implementation of European regulations that RIAs will also be created for draft EU-directives with a potentially important impact on Flanders<sup>14</sup>. This intention has however not been implemented in practice yet.

#### **6.8. More prominent role for the Flemish parliament**

48. The interest of the Flemish parliament in RIA is clearly increasing. A good RIA raises insight into the objectives, impact, and advantages and disadvantages of a submitted regulation. This makes the work in parliament much easier. This attention can still be increased, both for the treatment of individual regulations and the discussion of European draft regulations (in the different parliamentary commissions), as well as by periodic evaluations and exchanges of views on RIA (in the parliamentary commission for legislative policy).

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<sup>14</sup> Ministry of the Flemish Community (2005).

### **About the Author**

Peter Van Humbeeck (°1967) is an economist, working since 1990 for the Social-Economic Council of Flanders (SERV). SERV is a public agency that acts as an advisory body and think tank for the Flemish government and parliament. Within the council, he is advisor for environmental policy, energy policy and regulatory policy. With a range of publications on regulatory policy between 1997 and 2002, he contributed to a large extent to start of a regulatory management system in Flanders. In 2003-2004, he was temporarily assigned to the Regulatory Management Unit within the services of the prime minister, to start up the regulatory policy. He wrote among other things the RIA-guidance and RIA-manual, the guidance on principles of good regulation and the checklist for simplification of forms, and performed training sessions on regulatory policy and RIA. After returning to SERV in 2004, he was co-author of the influential memorandum on better regulation for the new elected government that was signed by 20 leading academics. He is also member of the board of the Flemish Interuniversity Centre for Legislation and scientific researcher at the Centre for Advanced Studies in Law and Economics of the Ghent University. Contact: pvhumbeeck@serv.be, 02/22.95.201.

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## 7. LIST OF REFERENCES

- Ambler, T. Chittenden, F., and Obodovski, M. (2004) *Are Regulators Raising Their Game? UK Regulatory Impact Assessment in 2002/3*. Report published by the British Chamber of Commerce.
- Argy, S. and Johnson, M. (2003). *Mechanisms for improving the quality of regulations: Australia in an international context*, Productivity Commission Staff Working Paper, July.
- Australian Government (2006), *Rethinking Regulation*. Report of the Task Force on Reducing Regulatory Burdens on Business, January 2006.
- Banks, Gary (2001). *Challenges for Australia in Regulatory Reform*, Sydney: Productivity Commission.
- Banks, Gary (2005). Regulation-making in Australia: Is it broke?, How do we fix it?, Canberra, ACORE.
- Banks, Gary (2006) "Reducing the Regulatory Burden: the Way Forward" Inaugural Public Lecture, Monash Centre for Regulatory Studies, Melbourne, May 17 2006.
- Better Regulation Task Force (2005) *Better Regulation – from design to delivery*, Annual report 2005, at <<http://www.brc.gov.uk/publications/designdelivery.asp>>.
- Cabinet Office Better Regulation Executive (2006), *The Tools to Deliver Better Regulation. Revising the Regulatory Impact Assessment: a Consultation*, Cabinet Office, Better Regulation Executive.
- College of Europe/Jacobs and Associates (2006). *Regulatory Impact Analysis Training Course Material*. 9-13 october 2006. Bruges, College of Europe.
- College of Europe/Jacobs and Associates (2006). *Regulatory Impact Analysis Training Course Material*. Bruges, October 9-13, 2006.
- Cordova-Novion, Cordova en Scott Jacobs (2004). *Regulatory Management and Administrative Simplification in Belgium and Flanders*. Washington DC, Jacobs&Associates / Brussel, Dienst Wetsmatiging.
- De Francesco, Fabrizio (2006). *Towards an 'Impact Assessment State' in Europe?*, Exeter: Political Studies Association.
- Dienst Wetsmatiging (2003). Red. Van Humbeeck, Peter. *Gids Kenmerken Goede Regelgeving*. Brussel, Dienst Wetsmatiging.
- Dienst Wetsmatiging (2004a). Red. Van Humbeeck, Peter en Geert Steurs. *Handleiding reguleringsimpactanalyse*. Brussel, Dienst Wetsmatiging.
- Dienst Wetsmatiging (2004b). Red. Van Humbeeck, Peter. *Gids reguleringsimpactanalyse*. Brussel, Dienst Wetsmatiging.
- Dienst Wetsmatiging (2004c). Red. Van Humbeeck, Peter. *RIA-systemen in andere landen*. Brussel, Dienst Wetsmatiging.
- Dierickx-Visschers, Manuel, Peter Van Humbeeck, Koen Roeffaers, Isabelle Larmuseau en Wim Marneffe (2006). *Beslissingsboom en handboek voor duurzame ontwikkelings effectbeoordeling (DOEB)*. Brussel, POD Duurzame Ontwikkeling.
- EU Directors of Better Regulation Group (2004). *A Comparative Analysis of Regulatory Impact Assessment in ten EU Countries*. Dublin, May 2004.
- European Policy Centre (2001). *Regulatory impact analysis: Improving the quality of EU regulatory activity*, EPC Occasional Paper, Brussels, September 2001.



- European Policy Forum (2004). *Reducing the Regulatory Burden: The Arrival of Meaningful Regulatory Impact Analysis*, London: European Policy Forum.
- European Policy Forum (2006). *Evaluating Better Regulation: Building the System*, London: European Policy Forum
- External Advisory Committee on Smart Regulation (2004) *Smart Regulation: A Regulatory Strategy for Canada*, Ottawa.
- Ferris, Tom (2006). *RIA techniques: specific context and experiences*. SIGMA -conference on regulatory impact assessment, Ankara, 19-21 April 2006.
- Hahn, R. and P. Dudley (2004), *How well does the Government do cost-benefit analysis?*, Working Paper 04-01, AEI-Brookings Joint Center for Regulatory Studies, Washington, D.C.
- Hahn, R. W. and Litan, R. E. (2003) *An Analysis of the Sixth Government Report on the Costs and Benefits of Federal Regulations*. AEI-Brooking Joint Center for Regulatory Studies Washington D.C., <<http://www.aei.brookings.org/admin/authorpdfs/page.php?id=258>>, accessed on 24 January 2004
- Hahn, R. W. and Litan, R. E. (2003) *Recommendations for Improving Regulatory Accountability and Transparency*. Testimony before the House Government Reform Committee. March 2003. AEI-Brooking Joint Center for Regulatory Studies, Washington D.C.
- Hahn, R. W., Malik, R. P., and Dudley M. (2004) *Reviewing the Government's Number on Regulation*. AEI-Brooking Joint Center for Regulatory Studies Washington D.C., < <http://www.aei-brookings.org/admin/authorpdfs/page.php?id=321>>, accessed on 24 January 2004.
- Hahn, R.W. (1999), *Regulatory Reform: Assessing the Government's Numbers*, AEIBrookings Center for Regulatory Studies, Working Paper No. 99-06, Washington, D.C., 1999.
- Hahn, R.W. (2005), *In Defense of the Economic Analysis of Regulation*, American Enterprise Institute, Washington, D.C., 2005.
- Hahn, R.W. and R.E. Litan (2005), "Counting Regulatory Benefits and Costs: Lessons for the U.S. and Europe", *Journal of International Economic Law*, Vol. 8, No. 2, 2005, pp. 473-508.
- Hahn, Robert and Robert E. Litan (2006). *An Analysis of the Ninth Government Report on the Costs and Benefits of Federal Regulations*, Washinton, DC: Joint Center, AEI-Brookings Joint Center For Regulatory Studies.
- Hall, R. en C.I. Jones (1999). Why do some countries produce so much more output per worker than others? *Quality Journal of Economics* 114, 83 – 116.
- Harrington, Winston and Richard D. Morgenstern (2003): *Evaluating Regulatory Impact Analyses*. Proceedings from the oecd expert meeting on regulatory performance: ex post evaluation of regulatory policies. Paris OECD, 22 september 2003
- Humpherson, Ed and Mark Courtney. *UK Evaluation of the Quality and Effectiveness of RIAs*, Proceedings from the oecd expert meeting on regulatory performance: ex post evaluation of regulatory policies. Paris OECD, 22 september 2003
- IEEP (2005). Institute for European Environmental Policy. Workshop on best practice in analysing and developing environmental policies. Background paper. Brussels, 15 November 2005.
- Interuniversitair Centrum voor Wetgeving (2005). "Wetten kunnen Beter". [www.centrumwetgeving.be](http://www.centrumwetgeving.be).
- Jacobs, Colin (2005). *Improving the quality of regulatory impact assessments in the UK*. Centre on regulation and competition, University of Manchester/British Council. Working paper No. 102
- Jacobs, Scott (2006). *Current Trends in Regulatory Impact Analysis: The Challenges of Mainstreaming RIA into Policy-making*, Washington, DC: Jacob & Associates Inc.

- Johnson Matthew; Steven Argy (2003). *Mechanism for Improving the Quality of Regulations: Australia in an International Context*, Melbourne: Productivity Commission.
- Kirkpatrick C., Parker D (2005): *Towards Better Regulation? Assessing the impact of regulatory reform in developing countries*. University of Manchester, 2005.
- Lee, N. and Kirkpatrick, C. (2004) *A pilot Study on the Quality of European Commission Extended Impact Assessment*, Institute for Development Policy and Management, University of Manchester, 21 June.
- Mandelkern Group on Better Regulation (2001). Final Report. 13 November 2001. Brussel, CEC.
- Morgenstern, Richard D. (1997). *Economic Analyses at EPA: Assessing Regulatory Impact*. Washington, D.C., Resources for the Future.
- NAO - National Audit Office (2004) *Evaluation of Regulatory Impact Assessments Compendium Report 2003-04*, Report by the Comptroller and Auditor General, HC 358 Session 2003-2004: 4 March 2004. London: The Stationery Office.
- NAO - National Audit Office (2005) *Evaluation of Regulatory Impact Assessments Compendium Report 2004-05*, Report by the Comptroller and Auditor General, HC 341 Session 2004-2005, 17 March 2005.
- NAO- National Audit Office (2006), *Evaluation of Regulatory Impact Assessments 2005-06*. National Audit Office. 28 June 2006.
- New Zealand Regulatory Impact Analysis Unit (zonder datum) *Process for the Regulatory Impact Analysis Unit's Views on Adequacy of RIS/BCCSs to Be Included in Cabinet Papers*, Wellington.
- NRR - Board of Swedish Industry and Commerce for Better Regulation (2005). *How high is the quality of the Swedish central government's Regulatory Impact Analysis (RIAs) in the business sector?*, Stockholm: NNR.
- OECD (1995) *Recommendation on Improving the Quality of Government Regulation*. Paris: Council of the OECD.
- OECD (1997), *Regulatory Impact Analysis: Best practices in OECD Countries*, Paris.
- OECD (2002) *Regulatory Policies in OECD Countries: from Interventionism to Regulatory Governance*. Paris: OECD.
- OECD (2004). *Regulatory Impact Analysis (RIA) Inventory*. Paris, OECD, GOV/PGC/RD(2004)1
- OECD (2005), *OECD Guiding Principles for Regulatory Quality and Performance*, Paris, OECD.
- OECD (2006). *Maximising the Impact of Regulatory Impact Analysis on Regulator Quality*, Paris: OECD.
- OMB - Office Management and Budget (OMB) (2006) *Report to Congress on the Costs and Benefits of Federal Regulations*, Washington D.C.: The White House.
- Productivity Commission (2005) *Regulation and its Review 2004-05, Annual Report Series*, Canberra.
- Radaelli, C. (2002) *The Politics of Regulatory Impact Analysis in the OECD Countries: Best Practice and Lesson-Drawing*, Delivered to the Workshop on Regulatory Impact Analysis in Comparative Perspective, ESRC Programme on The Future of Governance, CARR, LSE, London, 11 March 2002.
- Radaelli, C. (2003). *Impact Assessment In The European Union: Innovations, Quality, And Good Regulatory Governance*. background report for the conference on Impact Assessment In The European Union, 3 December 2003.
- Radaelli, C. (2004a) 'How context and stakeholders matter: regulatory impact assessment in Europe',

*Journal of European Public Policy*, Forthcoming.

Radaelli, C. (2004b), *Indicators on Regulatory Quality*, final report, Brussels, CEC, DG Enterprise.

Radaelli, C. (2005). *What Does Regulatory Impact Assessment Mean in Europe?*, Exeter: Joint Center.

Regulatory Consulting Group Inc. and Delphi Group (2000) *Assessing the Contribution of Regulatory Impact Analysis on Decision Making and the Development of Regulation*, Ottawa, Canada, 31 August.

Regulatory Policy Institute (2005). *Benchmarking project: RIA of the national effects of the proposed Groundwater Directive*. Brussels.

Renda Andrea (2006) *Impact assessment in the EU: the state-of-the-art and the art of the state*, Center for European Policy Studies, Brussels.

SERV (1998). Voorstellen voor uitbouw van een evaluatiesysteem Vlaamse milieuregelgeving, Brussel, SERV, 1998.

SERV (2003). Prioritaire projectvoorstellen ingediend door de Sociaal-Economische Raad van Vlaanderen in het kader van het "Actieplan Reguleringsmanagement 2003-2004, Brussel, SERV, 21 mei 2003.

SERV (2004). Aanbeveling over de Consultatienota Reguleringsimpactanalyse. Brussel, SERV, 21 april 2004.

SERV (2005a). Voorstellen voor het Vlaamse Actieplan Reguleringsmanagement. 19 januari 2005.

SERV (2005b). Voorstellen voor de vereenvoudiging en de verbetering van het Vlaamse regelgevingsproces: een alternatief voor de geplande wijziging van het decreet inzake strategische adviesraden. Brussel, SERV, 9 november 2005.

SERV (2006). Advies van 22 november 2006 over de invoering van een Vlaamse regelgevingsagenda. Brussel, SERV.

SERV (te verschijnen). *Maken we goede wetten? Benchmarking van Vlaanderen*. In SERA 2007. Sociaal-Economisch Rapport 2007. Gent, Academia Press.

Steurs, Geert, Katrien Rommens en Peter Van Humbeeck (2005). Draaiboek "Monitor reguleringsmanagement Vlaanderen". Brussel, Dienst Wetsmatiging.

Van Humbeeck, Peter (2000). *Wetsevaluatie vanuit bestuurskundig perspectief. Analyse van de aanpak en ervaringen in andere landen met evaluatie van regelgeving en voorstel voor de uitbouw van een evaluatiesysteem in Vlaanderen*. in Adams, M en P. Popelier (Ed.) *Wetsevaluatie*. Brugge, Die Keure.

Van Humbeeck, Peter (2001). Reguleringsmanagement in Vlaanderen: een overzicht en algemene beoordeling. *Vlaams Tijdschrift voor Overheidsmanagement*, jg. 6, nr. 4.

Van Humbeeck, Peter (2004). Betere Vlaamse regelgeving: voorstellen voor een slagvaardig beleid. In *Tijdschrift voor Wetgeving*, september 2004.

Van Humbeeck, Peter (2006a). *Wetgevingsbeleid in Vlaanderen: een update van de uitdagingen voor betere regelgeving*. In Popelier, Patricia en Jeroen Van Nieuwenhove. *Wie maakt de Wet?* Brugge, Die Keure.

Van Humbeeck, Peter (2006b). *Data Collection for Cost Estimation in Regulatory Impact Analysis*. Working Paper. Center For Applied Law and Economics, Ghent University. Published by the European Network for Better Regulation <http://www.enbr.org/>

Vlaamse regering (2005). Evaluatie van de toepassing van de reguleringsimpactanalyse (RIA) en van de compensatieregeling voor administratieve lasten. VR/2005/30.09/DOC.0850.