

Better Regulation at national level: Survey results

Following a suggestion from the Association of German Chambers of Commerce and Industry (DIHK), EUROCHAMBRES and DIHK conducted a survey among Chambers on better regulation practices at national level from 20 March to 30 June 2018. EUROCHAMBRES' members were asked, amongst other things, whether the costs of new legislation are calculated, whether a regulatory council (or similar body) is in place at national level, and whether Chambers are involved in Better Regulation processes. Chambers were also invited to share best practices in the field of Better Regulation.

Answers were received from the following eleven countries: Austria, Bulgaria, Cyprus, Czech Republic, Ireland, Italy, Germany, Luxemburg, Slovenia, Spain and Switzerland.

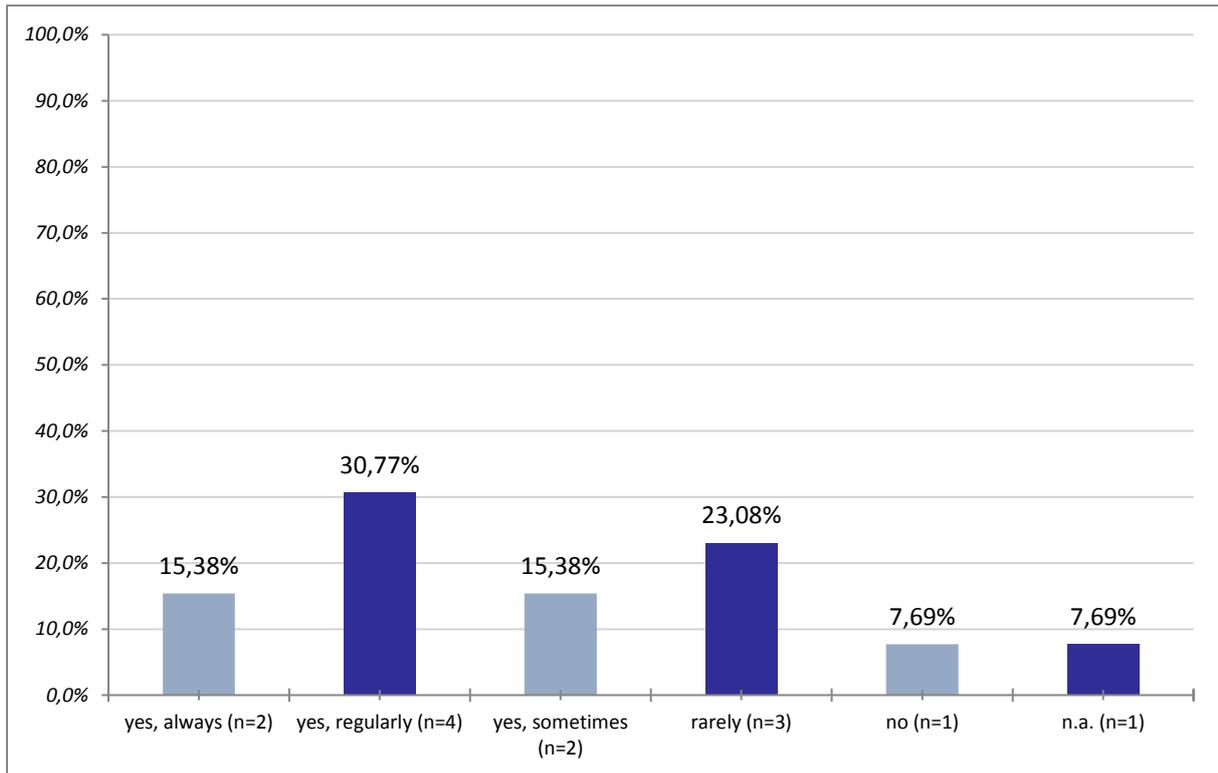
Overall, the survey shows that various policies and instruments in the field of Better Regulation are in place or under development at national level. However, results reveal that there is significant room for improvement.

The main findings of the survey are reported below.

Costs assessment

In most of the respondent countries the costs of complying with newly introduced legislation are calculated, but to a varying degree: in 38 percent of countries the costs are assessed on an irregular basis (sometimes/rarely), while in 31 percent this is done regularly. Only 15 percent of respondents declared that compliance costs are always calculated in their country, while 8 percent reported that they are not calculated at all.

Respondents from several of the countries where impact assessments are carried out report that these are of a qualitative nature only, whereas a quantitative analysis is missing. Another worrying trend registered is that compulsory elements of the national impact assessments (e.g. the SME test in Austria) are carried out as a box-ticking exercise. The government services in charge are reported to often declare that SMEs are not affected or not significantly affected by the legislation in question even if they are impacted in order not to carry out further analysis and to reduce their own administrative burden



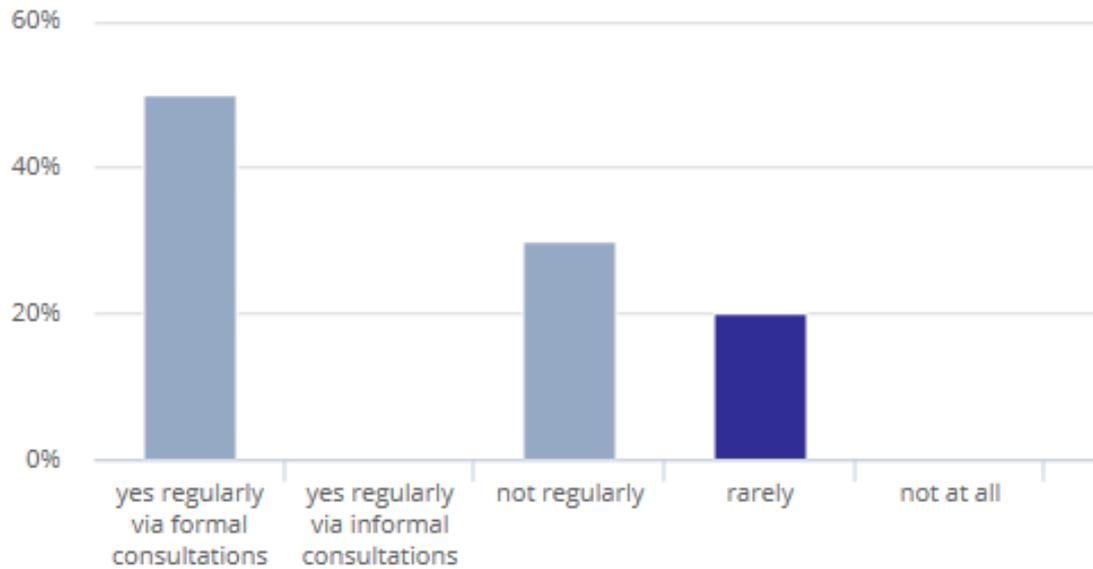
Graph 1: Are the costs of proposed legislation on businesses calculated through impact assessments or other instruments?

Institutions

Only one third of the respondents reported to have a national institution in their country advising the government on issues related to compliance costs. In half of the countries where such an institution is in place this body is independent, in the others it is part of the government. The institutions mentioned include: a Regulatory Control and a Regulatory impact assessment Council, a Watchdog in terms of legal conformity (Conseil d'État), a National Competitiveness Council and the Ministry of Economics.

One third of the respondents report that they have a national reduction scheme in place, such as "One in, one out". None of the participating countries uses monetary reduction targets.

All of the respondents reported to be involved – to varying degrees – in the Better Regulation/policy making process. This is mainly done through formal consultations. In half of the respondents' countries, consultation of business association takes place regularly. 30 percent of the respondents are not regularly involved in Better Regulation processes, while 20 percent rarely.



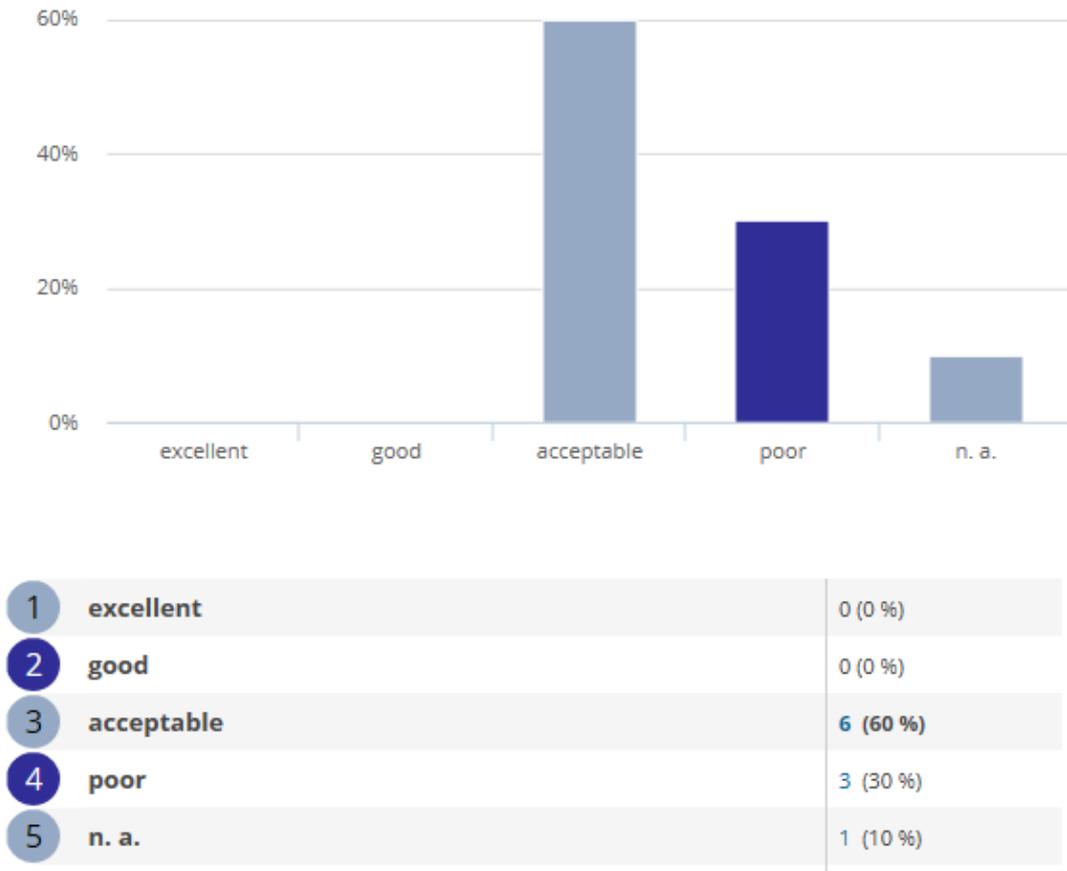
1	yes regularly via formal consultations	5 (50 %)
2	yes regularly via informal consultations	0 (0 %)
3	not regularly	3 (30 %)
4	rarely	2 (20 %)
5	not at all	0 (0 %)

Graph 2: Involvement in the Better Regulation process

How is Better Regulation policy rated?

None of the respondents rated the quality of the Better Regulation policy in their country as good or excellent. The majority of respondents (60 percent) found that Better Regulation policy is acceptable, while 30 percent considered it poor.

The data collected showed a positive correlation between the involvement of business associations in the national Better Regulation policies and the satisfactory rating attributed to the latter. Conversely, no correlation was found between the satisfaction level attributed to Better Regulation policies and the practice of carrying out systematic cost calculations nor the presence of an advisory body on Better Regulation.



Graph 3: How is Better Regulation policy rated?

Some particularly good practices concerning Better Regulation practices include:

- a screening exercise reviewing all existing legislation including gold plating aspects
- public consultations for different projects e.g. the "Agenda 2030" with the 17 Sustainable development goals,
- a "Legal Electronic System for Entrepreneurs", which shows all the obligations of entrepreneurs in the form of a calendar of duties,
- Assessment of the impact of forthcoming legislation on SMEs
- "One in, one out" with a positive impact on lowering administrative burden.

A particular good practice is provided by the Danish Implementation Council, which aims to improve upcoming legislation, before it is proposed, and to prevent the introduction of unnecessary burdens. The Council's work is structured in two phases: regulatory scrutiny and implementation. In the second phase, the Danish ministries offers the members of the Council the opportunity to submit comments on their plans for implementing EU legislation. The objective of this phase is to avoid gold-plating and fragmentation of the Internal Market.