



Ex post evaluation of existing regulations

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Operational Programme
**Effective
Public Administration**



European Union
European Social Fund

Improvement of Business Environment in Slovakia and Evaluation of Policies in Competence of MoE

MINISTRY OF ECONOMY – NATIONAL PROJECT

Measures to
improve
Business
Environment

RIA 2020

Better Regulation
IT platform

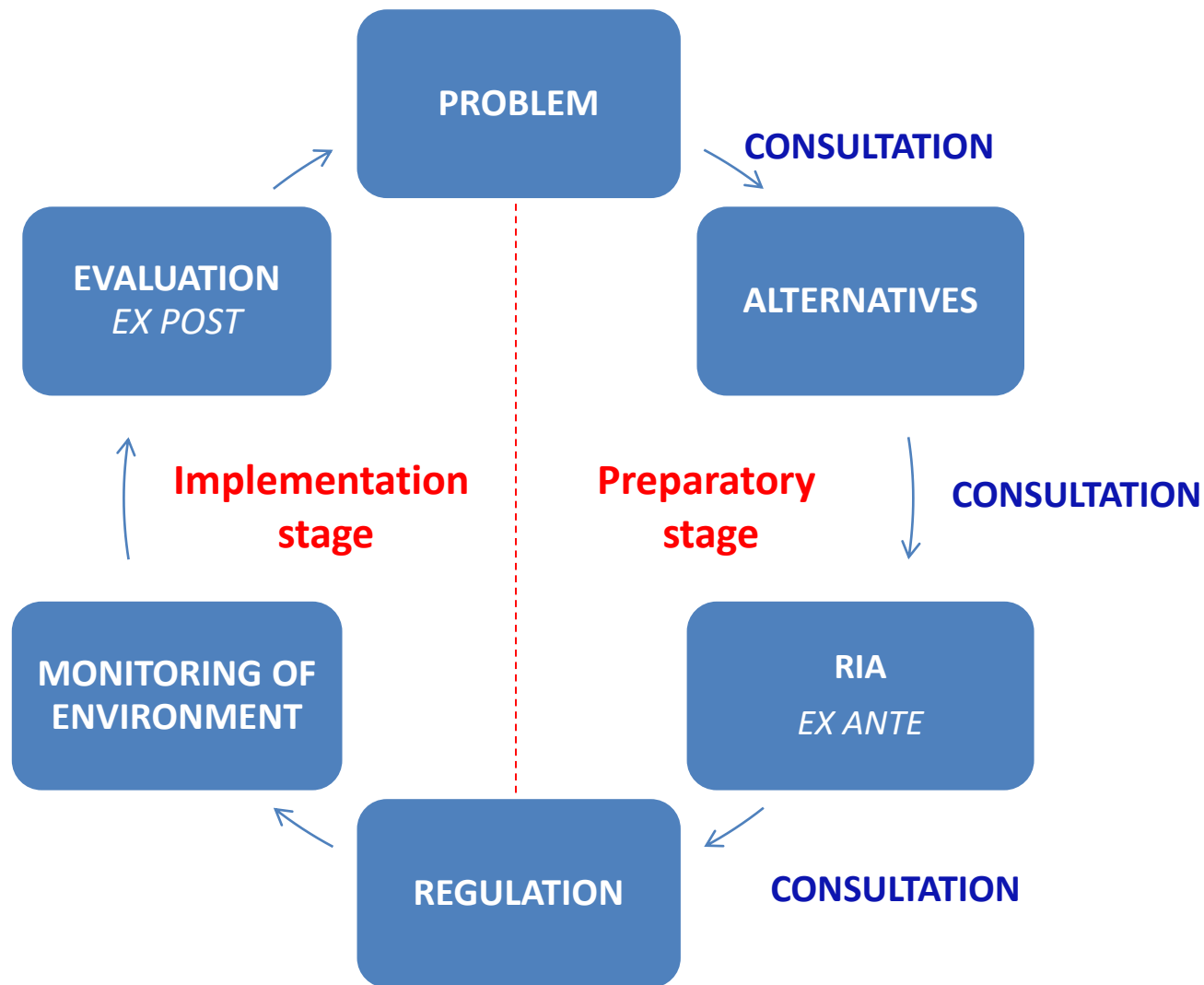
NATIONAL PROJECT
OP EPA

RIA
Commission

OECD
Regulatory
Policy Review

Ex post evaluation

REGULATION CYCLE

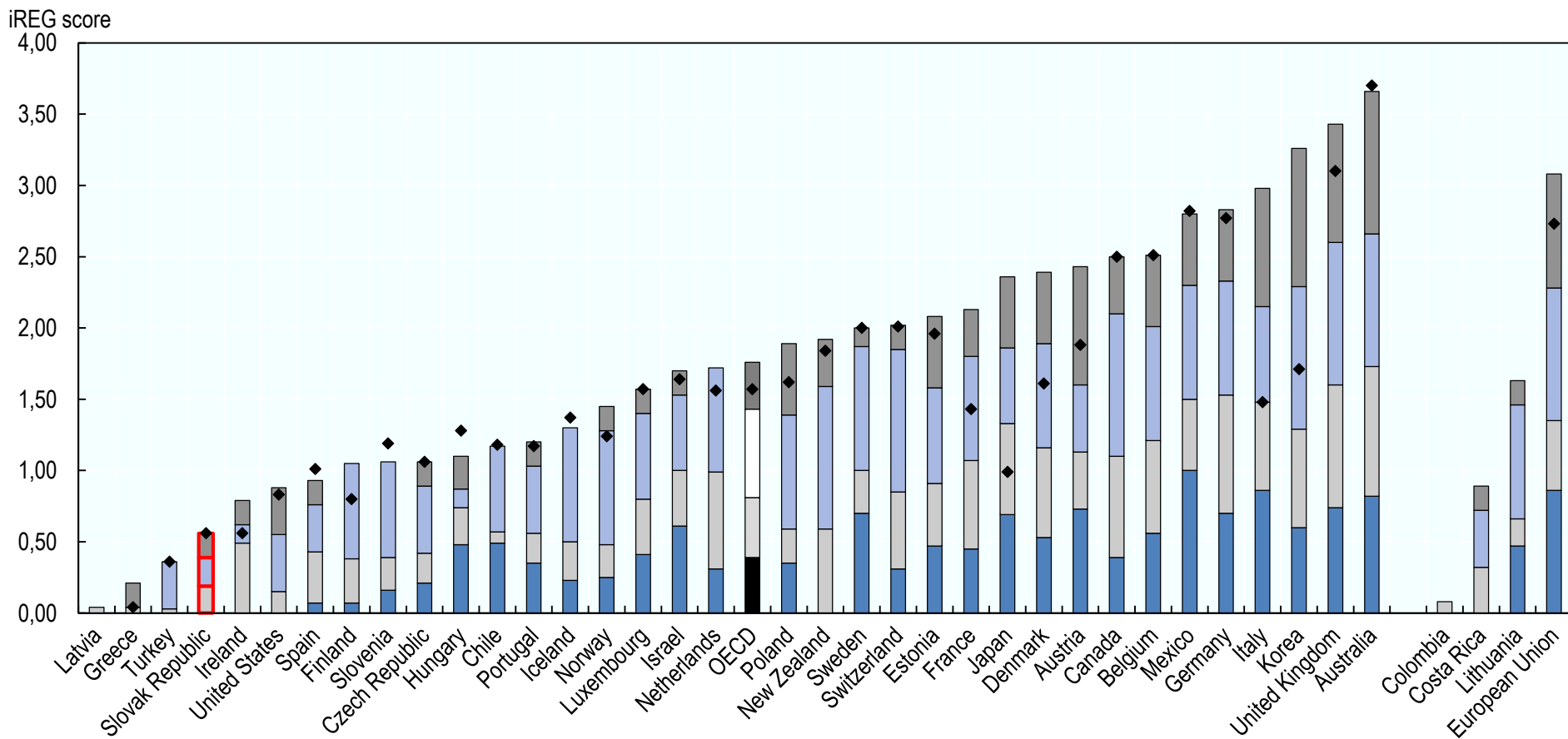
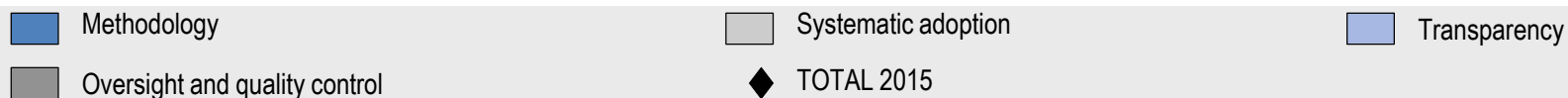


MODELS OF EX POST EVALUATION IN OECD COUNTRIES

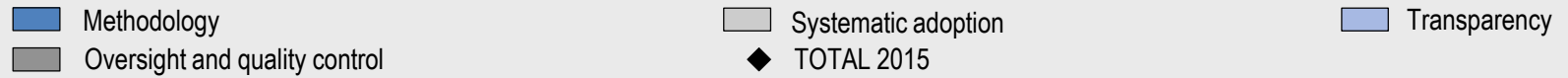
- ❑ **Management of the regulatory stock
(ONGOING MANAGEMENT)**
- ❑ **Reviews that are established by law
(PROGRAMMED REVIEWS)**
- ❑ **Reviews that are performed ad hoc or in especial cases
(AD HOC REVIEWS)**

Source: Australian government, Productivity Commission (2011)

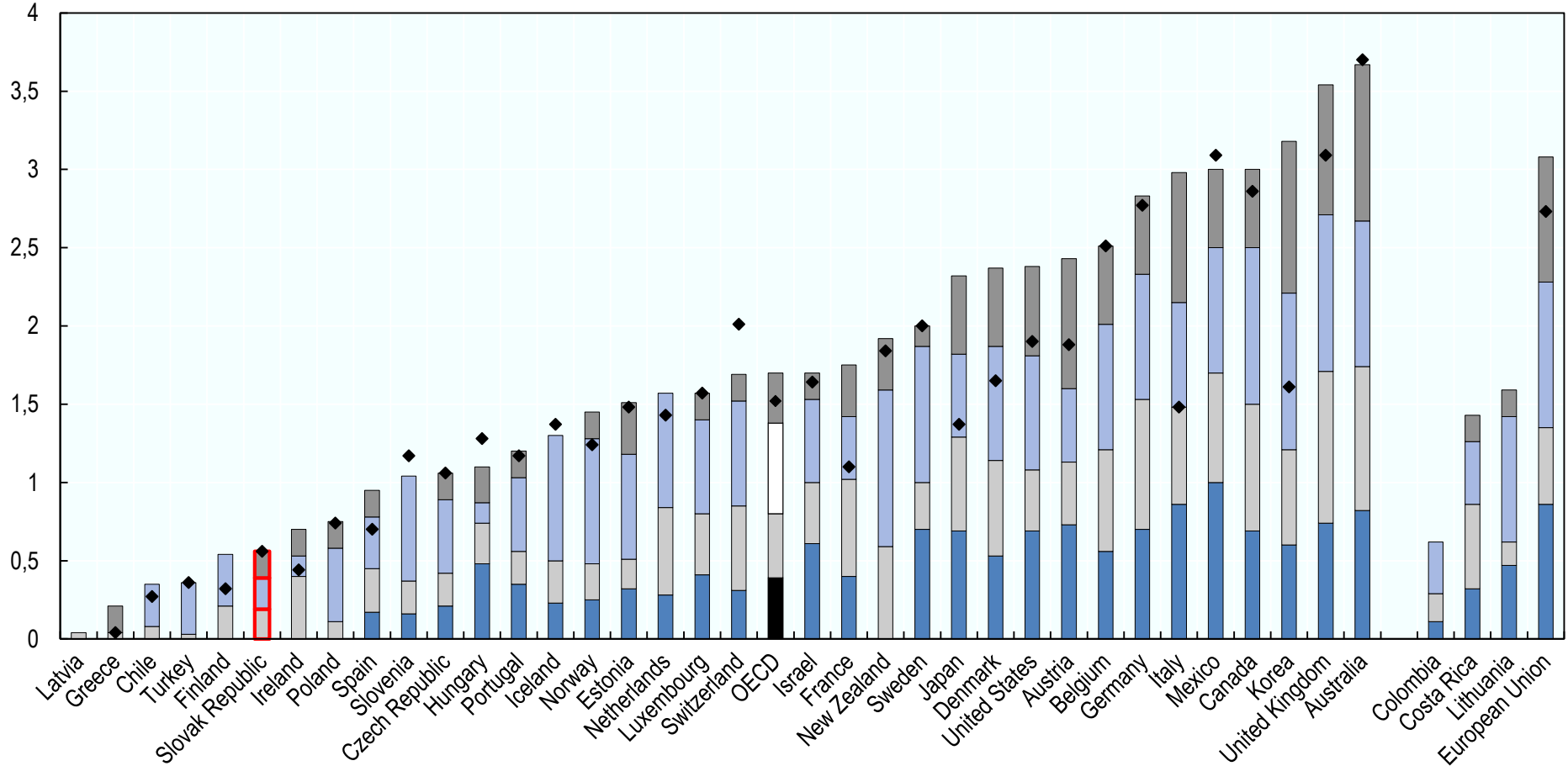
OECD iREG 2017 – EX POST EVALUATION OF PRIMARY LAWS



OECD iREG 2017 – EX POST EVALUATION OF SUBORDINATE REGULATION



iREG score



Reasons for low ranking:

- ❑ A generally valid ex post evaluation **methodology** is missing
- ❑ There are no **criteria** and **timeframes** for evaluating the effectiveness of regulation and how to apply them
- ❑ Setting of criteria for the examination of effectiveness in the clause of selected impacts (according to the Unified methodology of 2015) is on a **voluntary basis**

CURRENT SITUATION OF EX POST EVALUATION IN SLOVAKIA

No systematic ex post evaluation of regulation

Existing ex post activities:

Measuring administrative costs
(3 phases during 2009 – 2013)

3 antibureaucratic packages of measures
(2017, 2018, 2019)

4th package being prepared (December 2019)

VISION OF RIA 2020 STRATEGY

RIA 2020 is a transition to a new culture of Better Regulation. We can expect that after its implementation the public will know about the better regulation agenda and understand its benefits. Impact assessment will be a respected part of the preparatory stage of the regulation cycle and will provide a real picture about the impacts of proposed regulations. **Existing regulations will be regularly evaluated. Regulations which are no longer justified will be abolished or adjusted due to the changes in environment.** There will be a support for innovative approaches in regulation-making and the better regulation tools will be available for all regulation-makers. E-Government solutions will support the implementation of the vision.

VISION OF EX POST EVALUATION – 4 DIMENSIONS

- Fit for purpose**
- Efficiency**
- Effectiveness**
- Impacts**
(including unintended effects)

FRAMEWORK FOR EX POST EVALUATION

Who?

All Ministries and other authorities, that are responsible for the drafting of legislation and submit materials to the Slovak Government

What?

Pilot phase – only selected legislation

Later – whole of the Slovak legislation, as well as non-legislative materials (strategies, action plans, etc.)

When?

Before every amendment, or new legislation. That is, each ex ante should begin with ex post evaluation of existing situation

FIT FOR PURPOSE, EFFICIENCY, EFFECTIVENESS

- Does achieving the goal contribute to solving the problem that regulation is intended to overcome?
- Has the regulatory objective been achieved?
- Has the goal been achieved effectively?

IMPACTS AND REVIEW OF REGULATION

- ❑ Comparison of real impacts of regulation in practice and estimated impacts during drafting
(ex post vs. ex ante impacts)
- ❑ Review of the real need of regulation based on the results of ex post evaluation: **cancellation/amendment** according to changes in the business environment/**keep** regulation in place

- ❑ **Analysing the possibility of replacing one existing regulation with a regulation with a comparable level of regulatory burden**
(one-in-one-out principle)

ESTIMATED RESULTS OF EX POST EVALUATION

- Has the goal of regulation been achieved?
- Have the impacts estimated during ex ante assessment been confirmed, or new ones have emerged?
- Have any untintended/ undesired consequences arisen?
- What are the real costs and benefits of regulation?
- Did the results point to some regulations that are not fit to purpose/ ineffective and need to be cancelled?

SCHEDULE OF THE EX POST METHODOLOGY

December 2019: elaboration of the basic principles of the ex post methodology (in accordance with the RIA 2020 strategy, task B.2 of the Government Decree No. 32/2018), focused on ex post evaluation of legislative materials

1st and 2nd half of 2020: pilot projects on Ministries and other authorities responsible for drafting legislative materials

1st half of 2020: basic principles of ex post evaluation for non-legislative materials

December 2020: complete ex post methodology, containing principles for legislative and non-legislative materials (adjusted in accordance to the results of pilot projects)

2021- : ex post evaluation of other legislative and non-legislative materials

PILOT PROJECTS

- Planned for 2020
- Semantic decomposition of legislation – in cooperation with the MoE

Criteria of choice for the pilot project

- Legislation contains regulations and has some of the impacts (namely on business environment)
- Effective after 2015 (contains clause of selected impacts according to the Unified methodology for assessment of selected impacts in its 2015 version), without amendments
- Effective for 3-4 years ideally

COOPERATION

- MoE will suggest a regulation fit for the pilot project for every Ministry and other authorities, final choice will be a results of mutual discusson (ideal case: is there any amendment of regulation planned in 2020?)
- MoE will provide an ex post methodology for the pilot project
- Continuous consultation during the pilot project
- Methodology will be adjusted also according to the results of pilot projects

4 TYPES OF REGULATIONS

- Rights**
- Duties**
- Sanctions**
- Definitions**



Regulácia: Práva a povinnosti dohliadaných subjektov a orgánov dohľadu pri výkone dohľadu (Paragraf 4, Článok I.)

1. ID:
2. Pomenovanie regulácie: **Povinnosť** dohliadaného subjektu a jeho zamestnancov poskytovať **súčinnosť orgánom dohľadu**
3. Citácia:
Dohliadaný subjekt, jeho zamestnanci a osoby oprávnené konať v mene dohliadaného subjektu sú povinní poskytnúť súčinnosť požadovanú orgánom dohľadu na účely výkonu dohľadu a zdržať sa konania, ktoré by mohlo mariť výkon dohľadu.
4. Legislatívna lokalizácia: Článok I., paragraf 4, odsek 1
5. Kategória regulácie:
 - a. **Povinnosť**
6. Subkategória regulácie:
 - a. Príkaz
7. Dotknuté subjekty:
 - a. **Povinnosť**: Dohliadaný subjekt, Zamestnanec dohliadaného subjektu, Osoba oprávnená konať v mene dohliadaného subjektu
 - b. Nepriame právo: Orgán dohľadu
8. Súvisiace subjekty: -
9. Odkaz na Slov-lex:
10. Odkaz na sémantický strom prototypu: <https://knowww.eu/nodes/5d74232f58cfd0d8ee44c9a0>

Main precondition of success:

**WE CREATE
THE METHODOLOGY
TOGETHER**



**Thank you
for your attention!**

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