

OECD Regulatory Policy Outlook 2015

Country profile

IRELAND



Access links

- [OECD Regulatory Policy Outlook 2015: www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm](http://www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm)
- [Indicators of Regulatory Policy and Governance and the underlying data: www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm](http://www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm)
- [Regulatory policy in Ireland: www.oecd.org/regreform/regulatory-policy/regulatory-policy-ireland.htm](http://www.oecd.org/regreform/regulatory-policy/regulatory-policy-ireland.htm)
- [Regulatory Policy Outlook country profiles: www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm](http://www.oecd.org/regreform/regulatory-policy/outlook-country-profiles.htm)
- [OECD regulatory policy website: www.oecd.org/governance/regulatory-policy/](http://www.oecd.org/governance/regulatory-policy/)

Overview

Over the past decade Ireland has introduced new directives and guidelines for improving the regulatory process. This includes the 2004 "Regulating Better" paper which lays out an action plan for the widespread implementation of updated practices for RIA, consultation, reviewing pre-1922 legislation to identify and repeal moribund legislation, and capacity building for evidence-based policy making.

RIA is conducted in practice for all primary laws and all major subordinate regulations. Regulators must provide a written statement that each of the required impacts have been considered, including when they have been identified as zero or very low, but there is currently no independent oversight body.

Stakeholder engagement is only formally required in the development for some primary laws and subordinate regulations; and there is no requirement that consultations are made open to the general public. In practice, later stage consultation is conducted for all primary laws, usually a formal consultation with selected groups, but neither early- nor later-stage consultation is conducted for subordinate regulations. Pre-legislative scrutiny by the relevant Committee of Parliament is now a general requirement for non-emergency, non-budget primary legislation. Committees can and do consult with experts and civic society groups.

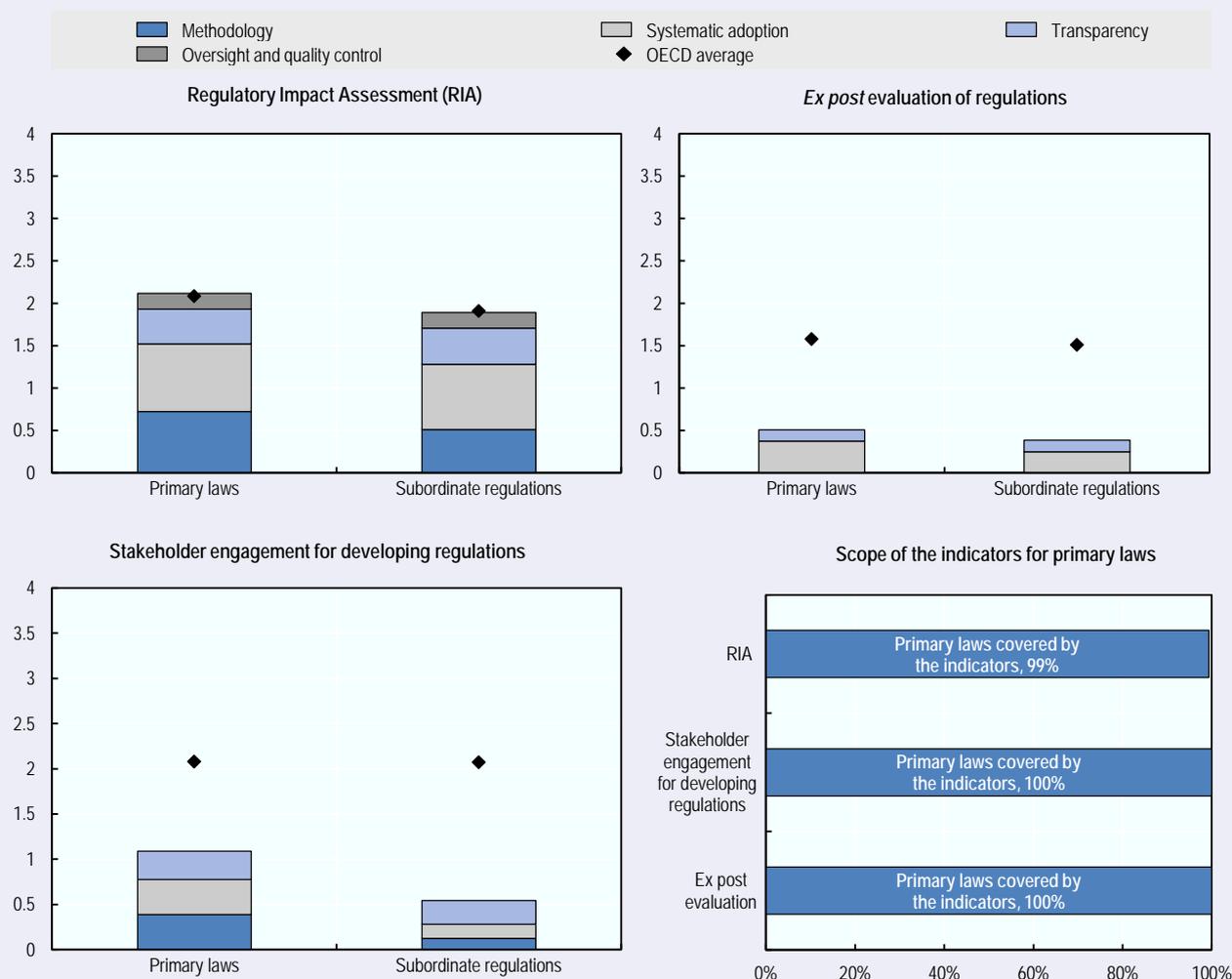
Ex post evaluations are only conducted for some primary laws; there are no automatic evaluation requirements, though the government has indicated an intention to introduce post-legislative review for recent primary legislation. There are no requirements regarding the types of impacts such evaluations should assess, or specific guidelines on how to conduct *ex post* evaluations. Developing a transparent, systematic process for conducting *ex post* evaluations, including a clear methodology and guidance could help strengthen the regulatory process.



Spotlight: Review of effectiveness of Regulatory Impact Analysis

In 2011 the Department of the Taoiseach published a report on the operational review of Regulatory Impact Analysis. Interviews were carried out with the people who worked on the RIA, and with other employees from the sponsor department. Additionally, interviews were carried out with some members of the RIA network, with organisations consulted as part of the RIA process and other business representative's organisations which were not necessarily consulted but would be affected by a wide range of regulatory proposals. The report makes recommendations for the improvement of the system itself and its operation including improving the visibility of RIAs and allowing opportunities for consultation on the assumptions used in the analysis. Staff were reported to be committed to the process and recognised the benefits of applying a rigorous analytical framework to the development of all types of legislation. It was also noted that the timing of RIAs is important and that RIAs should be seen as a fundamental part of the regulatory process, and not as an "add-on".

Indicators of Regulatory Policy and Governance 2015



1. The figures display the aggregated scores from all four categories giving the total composite score for each indicator. The maximum score for each category is one and the maximum score for each aggregated indicator is four.
2. The information presented in the indicator for primary laws on RIA only covers processes of developing primary laws that are carried out by the executive branch of the national government. As in Ireland approx. 99% of primary laws are initiated by the executive, the indicator on RIA covers approx. 99% of primary laws. There is no formal requirement in Ireland for consultation with the general public and for conducting RIAs to inform the development of primary laws initiated by parliament. The information presented in the indicators for primary laws on stakeholder engagement and *ex post* evaluation covers processes in place for both primary laws initiated by parliament and by the executive. The percentage of primary laws initiated by parliament is an average between the years 2011 to 2013.

Source: 2014 Regulatory Indicators Survey results, www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

Statlink: <http://dx.doi.org/10.1787/888933263191>

Indicators of Regulatory Policy and Governance (iREG)

The three composite indicators provide an overview of a country's practices in the areas of stakeholder engagement, Regulatory Impact Assessment (RIA) and *ex post* evaluation. Each indicator comprises four equally weighted categories:

- Systematic adoption which records formal requirements and how often these requirements are conducted in practice.
- Methodology which gathers information on the methods used in each area, e.g. the type of impacts assessed or how frequently different forms of consultation are used.
- Oversight and quality control records the role of oversight bodies and publically available evaluations.
- Transparency records information from the questions that relate to the principles of open government, e.g. whether government decisions are made publically available.



The composite indicators are based on the results of the *OECD 2014 Regulatory Indicators Survey*, which gathers information from all 34 OECD countries and the European Commission as of 31 December 2014. The survey focuses on regulatory policy practices as described in the 2012 *OECD Recommendation on Regulatory Policy and Governance*. The more of these practices a country has adopted, the higher its indicator score. Further information on the methodology is available online at www.oecd.org/gov/regulatory-policy/measuring-regulatory-performance.htm.

Whilst the indicators provide an overview of a country's regulatory framework, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform.

OECD Regulatory Policy Outlook 2015

The *OECD Regulatory Policy Outlook* (www.oecd.org/publications/oecd-regulatory-policy-outlook-2015-9789264238770-en.htm) provides the first evidence-based, cross-country analysis of the progress made by OECD countries in improving the way they regulate. Findings are based on the results of the *OECD 2014 Regulatory Indicators Survey*.

Key findings:

- Laws and regulations are essential instruments, together with taxes and spending, in attaining policy objectives such as economic growth, social welfare and environmental protection. OECD countries have generally committed at the highest political level to an explicit whole-of-government policy for regulatory quality and have established a standing body charged with regulatory oversight.
- Implementation of regulatory policy varies greatly in scope and form across countries. While RIA has been widely adopted, few countries systematically assess whether their laws and regulations achieve their objectives. Stakeholder engagement on rule making is widespread in OECD countries, taking place mostly in the final phase of developing regulation.
- The national executive government has made important progress over the last decade to improve the quality of regulations. Parliaments, regulatory agencies and sub-national and international levels of government need to be more engaged to ensure that there are evidence-based and efficient laws and regulations for stimulating economic activity and promoting well-being.
- The impact of regulatory policy could be further improved by addressing shortcomings in the implementation and enforcement of regulations and by considering new approaches to regulatory design and delivery such as those based on behavioural economics.

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