

Institutional set-up in Norway

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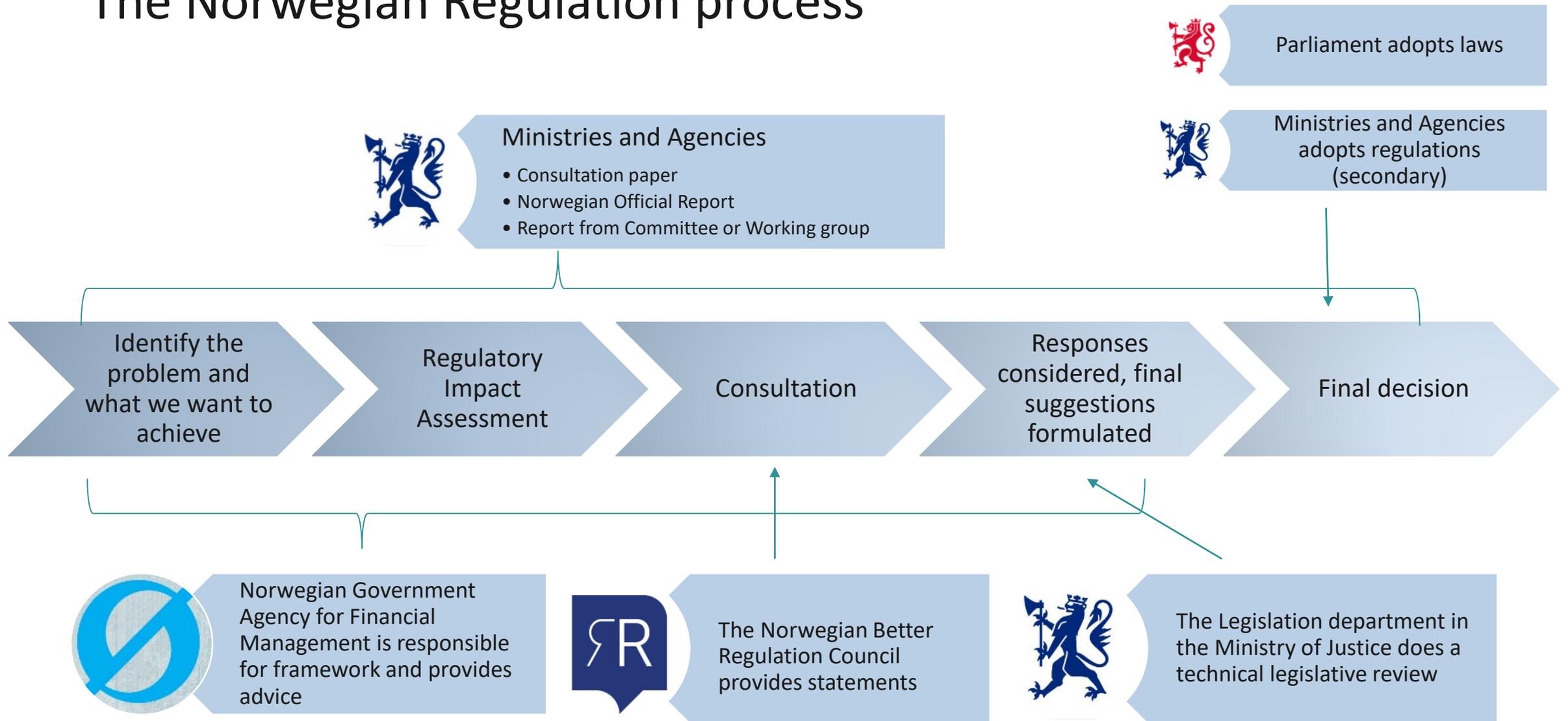
The Norwegian Better Regulation Council

Requirements for Regulatory Impact Assessments



- The Instructions for Official Studies of Central Government measures was first established in 2000, and revised in 2005 and 2016.
- Guidance Notes on the Instructions for Official Studies (2018).
- Circular R-109 (2014) - Principles and requirements for the preparation of cost-benefit analyses, etc.
- Guidance document for cost-benefit analyses.
- Guidance and resources for sector or theme specific areas.
 - Ex. Investigation of consequences for business and industry
- Public Administration Act § 37 (1967): «*The administrative agency shall ensure that the case is clarified as thoroughly as possible before an administrative decision is made*».

The Norwegian Regulation process



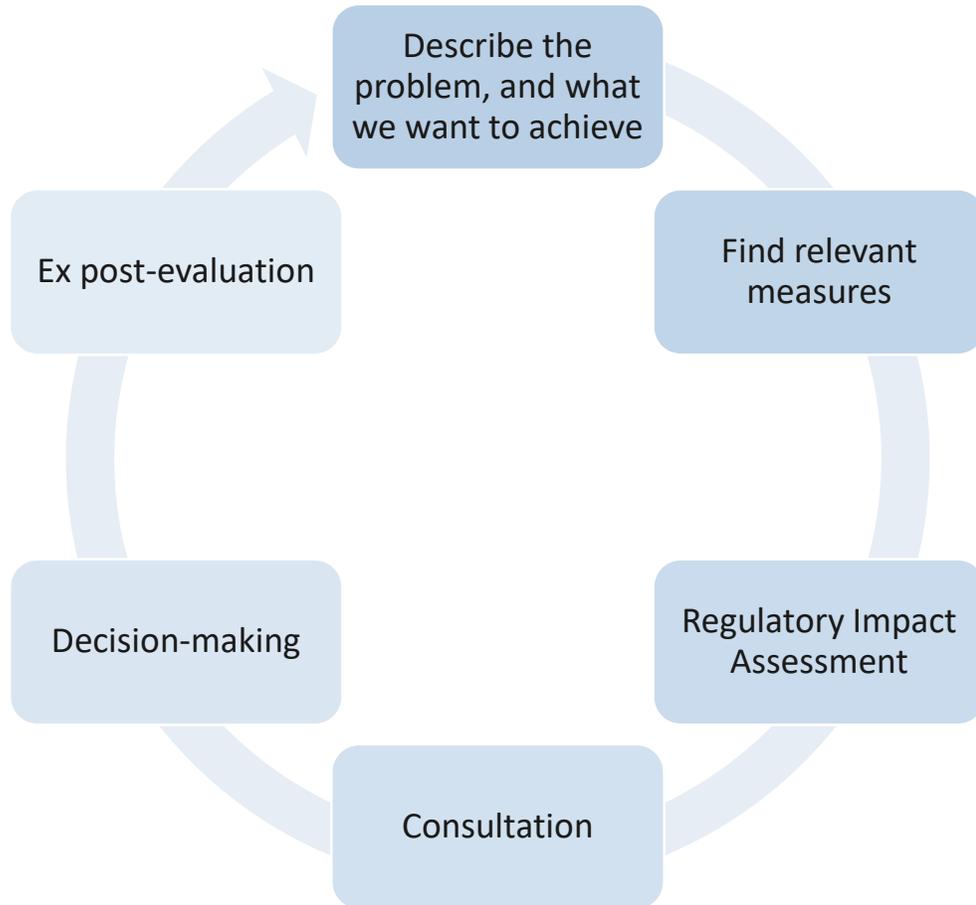
The role of the Norwegian Better Regulation Council

- The purpose of the Norwegian Better Regulation Council is to contribute to reduce costs/burden on business from new or altered regulations.
- Shall: Provide written statements on the coverage and quality of regulatory impact assessments in proposed new legislation.
- Can: Assess whether new regulation proposed is cost efficient.
- Follow and report on international developments in the regulatory policy area.
- Offer advice on regulatory policy issues, including assistance in scrutinizing EU-proposals that will be included in the EEA-agreement.



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Evidence-based Policy making



- Guidance Notes on Evaluation of Laws (including regulations and other legal rules).
- Official Norwegian Reports (NOU) often includes ex post-evaluations.
- White papers to the Parliament can include ex post-evaluations.
- Are both ex-ante and ex-post RIAs equally made use of to ensure evidence-based policy making?
- Challenge in detailed policymaking:
 - The political platform of the Government coalition
 - Interest groups lobby - Parliament adopt requests – “instructing” minority Government

The Consultation processes

- Early involvement in the regulatory process provides important input and increases the quality of the basis for decision-making.
- Consultation – challenges:
 - Impacts on the business sector is often missing.
 - Those affected should be able to understand what the proposal is about.
 - Consultation period is too short.
- Official Norwegian Report (NOU 2019: 5) – New Public Administration Act
 - Proposes amended rules on consultation of regulations.



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Independent regulatory scrutiny – why, and how to succeed

- The Council is **independent** in matters of regulatory policy and assessment.
- **Designated** Secretariat.
- The Councils purpose is to examine the **quality** of the impact assessment.
- The Council and the mandate should have **broad political support**.
- New organizations need time to find their place. **Give it time**.
- **Evaluate** the mandate regularly.



Picture: Colourbox.no

