

The Evolution of Regulatory Impact Assessments in Iceland

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Preparing new legislation

- A bill is prepared
- Debated and adopted
- Different legal and linguistic requirements

But is that all?





Regulatory Impact Assessment

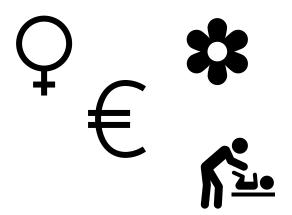
- No, we would also like bills to make sense, i.e. that they have a positive impact (+ > -)
- Methodology: Define problem, clarify objectives, analyse options, compare impacts, suggest a preferred option





What kind of impacts?

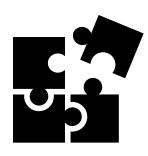
Budget, local authorities, individual rights, businesses, environment, public health, competition, rural areas, children, seniors, innovation, Nordic cooperation, gender issues





OECD lessons

- The author of the proposal should assess the impacts
- Start early in the process and gradually deepen the analysis
- Teamwork





OECD lessons

 Stakeholder engagement as tool to improve RIAs



Arms-length bodies for quality control



RIAs time-consuming and costly –
 need for prioritisation



Don't forget the ex-post





Challenges

- Small administration regulatory system as probably as complicated as in other States
- Division of tasks between Administration and Parliament
- Legislative culture
- EEA membership
- The 2008 crisis and its aftermath



How was the situation 10-15 years ago?

- Impact Assessments Only related to the State Budget carried out by the Ministry of Finance
- Regulatory quality = Deregulation + Icelandic legal tradition
- Consultative Committee on Public Inspection Rules
- Little planning of legislative work from Government's side
- Open consultation mainly carried out by Parliament



Reforms

- DLA in the Prime Minister's Office Responsible for Law Quality in a broad sense (2009)
- Law on procedure in Alhingi takes the need for RIAs into account (public finances aspect) (2011)
- New law on public finances Ministries have to carry out themselves the Impact Assessments (2015)
- New processes before drafting a law you have to prepare 2 documents:
 - Legislative Intent and Preliminary Impact Analysis (2017)
- New consultation portal (2018)



Inspiration for reform

- OECD: Regulatory Policy Committee
- Norway: Utredningsinstruksen
- Estona: Legislative Intent and openness
- Austria: Law on public finances: Wirkungsorientierte Folgenabschätzung



Legislative Intent

• In order to obtain a slot on the annual Law Programme you have to complete two forms: Legislative Intent and Preliminary RIA

	ÁFORM UM LAGASETNINGU – sbr. samþykkt ríkisstjórnar frá 10. mars 2017, 14. gr.	
Málsheiti og nr.	Frumvarp til laga um vandaða starfshætti í vísindum	
Ráðuneyti /verkefnisstjóri	Forsætisráðuneyti	
Innleiðing EES-	□Já	
gerðar?	⊠ Nei	
Dags.	4. desember 2018	

A. Úrlausnarefni

1. Forsaga máls og tilefni

Pað hefur lengi verið til umræðu á vettvangi vísinda- og tækniráðs og í vísindasamfélaginu hér á landi að styrkja burfi ramma um siðferðilegar hliðar vísindarannsókna. Annars staðar á Norðurlöndum eru

> a stjórnvaldsfyrirmæla til að leysa úr málum þegar upp koma grunsemdir annsóknum, svo sem uppspuna, falsanir og ritstuld. Með slíkum úrræðum starfshætti í vísindasamfélaginu og traust almennings á vísindum og

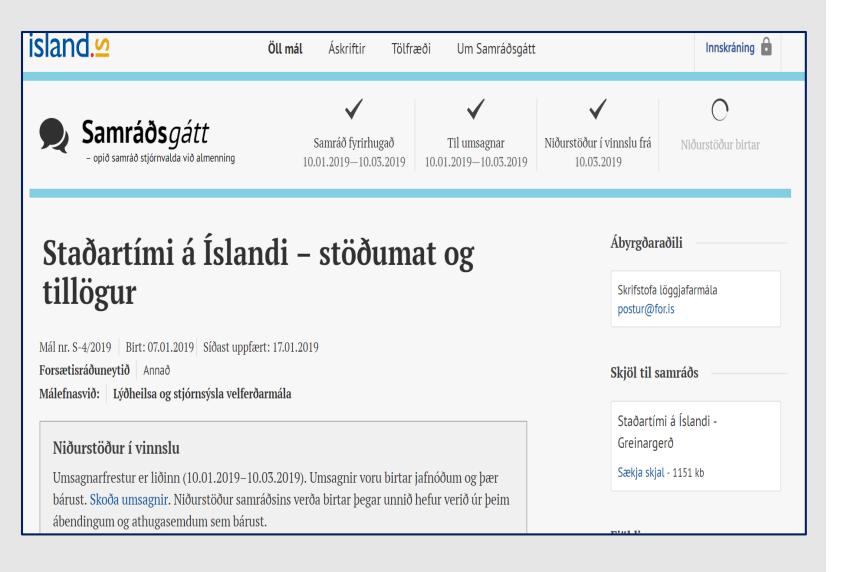
	MAT Á ÁHRIFUM LAGASETNINGAR* – sbr. samþykkt ríkisstjórnar frá 10. mars 2017 *umfjöllun um einstök efnisatriði misjafnlega ítarleg, eftir umfangi máls og eðli	B
Málsheiti og nr.	Frumvarp til laga um breytingu á ýmsum lögum um skatta og gjöld (skattlagning tekna af höfundarréttindum). Mál nr. 35 á þingmálaskrá 149. löggjafarþings 2018-2019.	
Ráðuneyti	Fjármála- og efnahagsráðuneytið; skrifstofa skattamála.	
Stig mats	 ⊠ Frummat, sbr. 1. gr. □ Endanlegt mat, sbr. 10. gr. 	
Dags.	13. desember 2018.	

A. Greining og mat á fjárhagslegum áhrifaþáttum fyrir ríkið

 a) Áætluð fjárhagsáhrif fyrir ríkið vegna helstu breytinga og ráðstafana sem felast í fyrirhugaðri lagasetningu, þar sem tilgreindir eru sérstaklega áhrifaþættir á fjárhag ríkissjóðs

Með frumvarpinu verða lagðar til breytingar sem fela það í sér að gerður verður greinarmunur í skattalegu tilliti á höfundarlaunum annars vegar og tekjum af höfundaréttindum hins vegar þar sem lagt verður til að hvers konar endurgjald til höfunda og rétthafa fyrir afnot af hugverki, að undanskildum höfundarlaunum, teljist til eignatekna/fjármagnstekna.





Consultation Portal a success

Comments from citizens are immediatly visible. A simple registration is needed.

https://samradsgatt.island.is/oll-mal/\$Cases/Details/?id=1263



Who carries out RIAs?

- Line Ministries who sponsor Government Bills
- First a preliminary RIA
- Then a final RIA
- Summary in a chapter of the Explanatory Notes to the Bill



Quality Control – challenging function

- Ministry of Finance, mainly regarding State Budget and Economic Issues
- CCPIR impact on businesses;
- Association of Local Authorities
- DLA overall quality check, in particular regarding the chapter in the Explanatory Notes, but also regarding the preliminary RIAs/legislative intent since they ensure a slot on the legislative programme
- Civil society, different public bodies through the Consultation Portal
- Althingi



Summary

- New processes are becoming established stakeholder engagement shows lot of potential
- In the system there is still a tendency to (over)-emphasise the impacts on the State budget and less attention is paid to other impacts
- Capacity in Line Ministries to carry out RIAs?
- All Bills are in principle subject to the same requirements



Future reform?

- Independent Regulatory Committee Bill from 2014
- Quality control of secondary law
- More comprehensive Impact Assessments which cover in principle all relevant impacts (on businesses, gender issues, environment, etc)
- What about the ex-post?

