



CASA CIVIL



Presidency of the Republic of Brazil
Office of the Chief of Staff – Casa Civil

General Guidelines and the Guide to Regulatory Impact Analysis (RIA) – Results of the Public Consultation

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REGULATORY PROCESS IN BRAZIL

- ✓ There are **11 Federal Regulatory Agencies** in Brazil
- ✓ Nearly **80 federal institutions** exercise some kind of regulatory power in their sectors
- ✓ Brazil does not have an oversight body
- ✓ In general, RIA is not mandatory in the rulemaking process

REGULATORY QUALITY INITIATIVES

The Office for Public Policies is directly involved in actions to promote strengthening of the Brazilian Regulatory System

Example:

It promoted discussions about the Bill on the Governance and Accountability of Federal Regulatory Agencies in the Senate

The Bill:

1. was approved by the Senate in December, 2016
2. is being processed by the Chamber of Deputies

BILL ON FEDERAL AGENCIES

- ✓ Establishes RIA as mandatory for “general interest” regulation
- ✓ RIA must have information and data on the possible effects of the new regulation
- ✓ Presidential Decree will establish rules on:
 - Content
 - Methodology
 - Minimum items to be examined
 - Compulsory and dispensable cases

RIA DECREE

- ✓ **The Office for Public Policies** led a working group of regulators from the Federal Agencies plus specialists from the Ministries of Finance and Budget to work on the RIA decree
- ✓ The group worked on the elaboration of the minimum overall standards along the first semester of 2017 to implement RIA and adopted the following assumptions:
 - Different levels of application, depth and institutionalization of RIA by Regulatory Agencies
 - No methodological definition – the definition will be on a case-by-case basis, and must be justified
 - More details in the Guide

CHANGE OF PLANS

By August, 2017:

- ✓ The Bill on Federal Agencies was stuck in the Chamber of Deputies, not having initiated its processing
- ✓ The drafted decree on RIA implementation and the drafted guidelines **were ready for public consultation**

New strategy:

- ✓ Convert the drafted decree into **General Guidelines** and a **Suggested Roadmap for RIA** to be presented along with the **RIA Guidelines**
- ✓ Start a public consultation of both documents

PUBLIC CONSULTATION

By October, the main material produced by the RIA group was submitted to public consultation in the site www.regulacao.gov.br:

1. Technical report explaining the work developed and the importance of the RIA integration to the regulatory process
2. RIA inventory of Brazilian Federal Agencies
3. The principles and minimum elements that shall be observed in RIA elaboration (General Guidelines)
4. The draft of the Guide to RIA

OPEN AND INCLUSIVE POLICY MAKING

- ✓ Submissions to public consultation were published on the website www.regulacao.gov.br on a weekly basis
- ✓ 538 submissions from 53 different stakeholders, including public officers, regulated private sector, academia, legal offices, and OECD
- ✓ General opinion: 45% strongly agreed with the proposals while 40% agreed (**total: 85%**)
- ✓ 105 contributions led to amendments to the proposals (20%)

These numbers show the wide interest in the subject and the effective improvement of the documents through public consultation

GENERAL GUIDELINES AND THE GUIDE TO RIA

- ✓ Based on:
 - RIA inventory and experiences of Brazilian Federal Agencies
 - International good practices
 - Bill of Regulatory Agencies
- ✓ Minimum elements that may be complemented by Regulatory Agencies

Initial focus on Regulatory Agencies - but it may be used by any regulator

THE RIA GENERAL GUIDELINES

The General Guidelines provide:

- ✓ Public decision-making based on evidence
- ✓ Cases of RIA exemptions and cases which may be dispensable
- ✓ Two different levels of RIA: efforts should suit the relevance of the problem and its possible impacts
- ✓ **RIA needs to be integrated at the beginning of the regulatory process**
- ✓ Incentive for stakeholder engagement in the early stages of the regulatory process
- ✓ Evaluation of the regulation with greater potential impact
- ✓ Review of the stock of regulation
- ✓ Incentive for data collection

THE GUIDE TO RIA

The Guide was made:

- ✓ In line with the General Guidelines
- ✓ Using OECD publications as reference as well as guides from some countries with recognized expertise on the theme
- ✓ Using the expertise of the Regulatory Agencies
- ✓ To help anyone to make a RIA

CONCRETE RESULTS

1. Regulatory Agencies are already updating their internal rules on RIA based on the discussions of the General Guidelines and the Guide to Regulatory Impact Analysis
2. Reorganization of the website **regulacao.gov.br**. All the material related to RIA and the actions about regulatory quality are on the website **www.casacivil.gov.br**
3. Restoring the network of regulators to promote an exchange of experience and technical discussions - peer learning and benchmarking

Agenda 2018

1. **RIA Guide** – Complementing the Guide for the Preparation of Regulatory Impact Analysis (items: Measurement of the impacts of the proposed alternatives on the various groups and actors and Risks of the proposed alternatives)
2. Supporting the actions coordinated by the Foreign Trade Chamber - CAMEX aiming to promote regulatory coherence in international commerce
3. **Good regulatory practice seminars** - presentations and discussions of good practices implemented or under implementation in Federal Regulatory Agencies and other bodies. All events are broadcasted on-line. The agenda is available on:
<http://www.casacivil.gov.br/regulacao/programacao-2018>



Thank You!

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