



RIA Bulletin June 2009

Regulatory Impact Analysis (RIA) was introduced in June 2005. All Government Departments and Offices must conduct a RIA on all proposals for primary legislation involving changes to the regulatory framework, on significant Statutory Instruments and on proposals for EU Directives and significant EU regulations when they are published by the European Commission. A RIA must also be conducted by all Policy Review Groups where primary legislation or a significant regulatory change is being proposed. This Bulletin seeks to provide officials with information on RIAs carried out across Departments and on broader Better Regulation developments.

Revised RIA Guidelines

Following the independent Review of the Operation of RIA which was completed last year, Government agreed to the implementation of the recommendations arising from the Review. The report was published in July 2008 and the RIA Guidelines were revised in line with its recommendations and in close cooperation with the RIA Network. These revised Guidelines were recently approved by Government and both the report and Guidelines are available on the Better Regulation website (www.betterregulation.ie).

These new Guidelines now provide more detail on how RIA should be integrated into the EU policy-making process and more discussion of methodologies as well as more practical examples. Other changes to the Guidelines include the addition of advice on the calculation of potential administrative burdens and advice on calculating public service implementation costs.

Principle of Proportionate Analysis

One of the main recommendations of the review was the removal of the distinction between full and screening RIAs. This distinction has been removed and officials are now required to conduct RIA based on the principle of proportionate analysis. That means that the exact analytical approach and level of detail required has to be decided on a case-by-case basis, having regard to the significance of the proposal. The greater the importance or significance of the proposal, the more analysis will be required. Proportionality applies not only to the analysis of costs, benefits and impacts but to the entire RIA process, including the number of options considered, the nature of the consultation process and the treatment of enforcement, compliance and review.

Publication of RIAs

In line with the Social Partnership Agreement, *Towards 2016*, all RIAs prepared in line with the Government decision on RIA must be published. Publishing RIAs makes the policy development process more transparent and accessible to stakeholders and helps to better inform the parliamentary process. It also helps those carrying out RIAs for the first time to have published examples of previous RIAs to aid them in conducting their own RIA. In line with the principle of proportionate analysis the length of individual RIAs will vary depending on the significance of the proposal. RIAs are subject to the usual Freedom of Information exemptions. In the interests of economy, RIAs should generally be published online only. If a Department's website already has a legislation page, the RIA should be published next to the relevant piece of legislation on this page. If no such page exists, RIAs must be published on a dedicated RIA page along with a link to the legislation to which they relate. Further information on the publication of RIAs is available in the revised RIA Guidelines.

RIAs due for publication

A number of RIAs were conducted on legislative proposals in recent months and are due for publication. Some of these RIAs are listed below:

- Control of Dogs (Amendment) Bill 2009
- Noise Nuisance Bill 2009
- Communications (Retention of Data) Bill 2009
- Operation of the Criminal Courts Complex
- Merchant Shipping Bill 2009
- Proposed amendment of the Waste Management Acts
- Fines Bill 2009
- Spent Convictions Bill 2007
- Health (Miscellaneous Provisions) Bill 2009
- Statute Law Revision Bill 2009

A RIA was also conducted on the transposition of the Services Directive 2006/123/EC and is currently being used for consultation purposes. A RIA was also carried out on the Health Check of the Common Agricultural Policy (CAP).

To obtain further information on these RIAs, please contact the RIA Network Officer of the relevant Department. Details for the relevant RIA Network representatives is available on the Better Regulation website (www.betterregulation.ie)

RIA Training and Presentations

The BRU, in conjunction with the Civil Service Training and Development Centre, carry out a two day training course on Regulatory Impact Analysis. This course is aimed at officials who will be involved in conducting RIAs. This training course has recently been revised in line with the recommendations from the Review of the Operation of RIA.

The next RIA training course has been scheduled for 24 and 25 November. Please contact your Departmental Training Officer if you are interested in attending this training course. The BRU is also available to conduct tailored presentations on RIA to suit the specific needs of each Department and Office. For more information on the types of presentations available, please contact the BRU.

OECD/EU15 Review

The EU Commission engaged the OECD to review progress on the regulatory management capacities of the 15 original members of the EU. The review will assess progress in each of the 15 Countries and will describe trends in development. It will also identify gaps in relation to good practice in the context of the OECD Regulatory Policy guidelines and of key elements of the European Union's Better Regulation and Competitiveness Policies. Ireland is in the third group of countries to be reviewed and the review of Ireland is expected to commence in the autumn.

***To contact the Better Regulation Unit,
please call 01.6194593 or log on to www.betterregulation.ie.***