

Regulatory Management Unit  
Simplicity is close at hand



DIENT  
WETSMATIGING



## Regulatory Management Unit, Simplicity is close at hand

Support possibilities on regulatory management for Flemish civil servants

**Regulatory Management Unit,**

Simplicity is close at hand. Support possibilities on regulatory management for Flemish civil servants

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## FOREWORD

The Flemish government's ambition to start work on simplification, runs like a leitmotiv through the coalition agreement 'Giving confidence. Taking responsibility.' The choice for this leitmotiv is everything but coincidental. Indeed, international studies show that our companies' competitive strength and Flanders' economic efficiency are to a large extent determined by the quality of public service provision and regulation.

But good rules and simple procedures are of great importance to citizens and organizations too. For transparent and clear rules provide them with legal certainty and increase their confidence in the authorities.

And last, but by no means least, important policy developments in this area are taking place within the EU. Within the framework of the Lisbon strategy, member states have to take actions to reduce administrative burdens, especially for SMEs, and to improve regulatory quality. Thus, the explicit attention within the Flemish authorities to legislative simplification and administrative burden reduction meets these European aspirations.

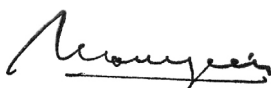
So the Flemish government invests heavily in improving Flemish regulatory quality. In doing so, it does not limit itself to merely abolishing existing rules, but it focuses primarily on improving the quality of rules and procedures. This focus on quality in turn requires an integrated, systematic and structural policy approach to regulatory management.

It is this integrated approach which provides the subject for the present document. The eight ideal properties or characteristics of good regulation, approved by the Flemish Government on 7th November 2003, constitute the objectives to be reached. Structural initiatives and instruments, each one embedded in the Flemish authorities, will lead to Flemish regulations which are relevant to Flemish society, while keeping a long-term perspective. On the other hand, specific projects for regulatory simplification within the framework of the rolling action plan for regulatory management ensure the necessary concrete results "in the field".

Flemish Government personnel, as well as citizens, companies, organizations and other authorities need to know who they can turn to for these matters within the Flemish authorities. The present publication draws a picture of the range of activities and measures already in place at the beginning of 2007 or on the verge of becoming operational.

The Regulatory Management Unit co-ordinates the development and the implementation of these initiatives and offers a helping hand by answering questions or providing support.

Together with the Regulatory Management Unit I am making sure that the fire of attention for this regulatory management policy is constantly rekindled. At the same time I welcome the contribution of such partners as the SERV, whose ideas and recommendations help to make regulatory management in Flanders even stronger.



Geert Bourgeois

Flemish Minister for Administrative Affairs, Foreign Policy, Media and Tourism.



## INTRODUCTION

Regulations and laws can have far-reaching consequences for organisations' competitiveness and growth possibilities. They also have consequences for employment. A sound, qualitative and simple regulatory framework is enormously important for the development of countries and regions. As unnecessary administrative procedures retard economic growth, the minimisation of administrative burdens is essential.

Companies are not the only ones to suffer the consequences of heavy administrative formalities. They also affect citizens, organisations, governmental authorities and institutions. The complexity of the legal and regulatory processes has an impact on legal certainty and the sense of justice. Administrative burdens stifle creativity and the sense of initiative for both citizens and enterprises.

The Flemish Government recognises this and has made better legislation and less administrative burdens a constant theme throughout its policy. The Government identifies signals from society, incorporates these messages in concrete simplification projects, and monitors the results of these projects. In addition, it takes structural initiatives that should bring about a cultural shift among Flemish civil servants and politicians. The pursuit of good, qualitative and simple legislation with minimal administrative burdens should be considered by all as the ultimate result of the Flemish Government.

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I   G O O D   L E G I S L A T I O N   I S ...



The objective of regulatory management is to promote the quality of the legislation. The Flemish Government has defined this objective with the endorsement of the eight characteristics of good legislation (see Box 1) on 7 November 2003.

*Box 1: Eight characteristics of good legislation*

1. Necessary and effective: good regulations are regulations for which it has been demonstrated that government intervention is necessary and effective to achieve the intended aim, and that regulations are the best instrument for this.
2. Effective and considered: good regulations create social prosperity and welfare. They achieve the intended aim at the lowest possible social cost and minimise undesirable side effects.
3. Implementable and enforceable: good regulations can be implemented in practice. It must be possible to implement and enforce them.
4. Legitimate: good regulations respect the demands and limits imposed on legislation by justice and meet democratic concerns.
5. Coherent: good regulations are coherent. There are no overlaps or conflicts in them, or in relation to other regulations, and they form part of a coherent whole.
6. Simple, clear and accessible: good regulations are easy to understand, are concrete, and are easily accessible to everyone for whom they might be relevant.
7. Firm foundations: good regulations have been carefully prepared. They are based on all the relevant scientific and empirical information that is reasonably available. The objectives, alternatives, content and effects of the regulations are widely discussed at the official, social and political levels.
8. Permanently relevant and up-to-date: good regulations are effective and efficient in the long term and are revised as necessary.

These eight characteristics are the starting point of the Flemish government's Regulatory management initiatives. They were used in the design of the Regulatory Impact Analysis and they are being put into practice through concrete actions. Each of the initiatives that the Flemish government takes in its pursuit of qualitative legislation is linked to at least one of these eight characteristics. Together, they comprise the standard for qualitative legislation.

We provide an overview of the initiatives that the Flemish government is taking to make sure that its legislation meets this standard. Chapter 4 examines structural initiatives, Chapter 5 gives an overview of concrete simplification projects, and Chapter 6 presents the organisational anchoring of regulatory management in Flanders. Chapter 7 places all of these measures in a broader social context and examines all of the parties directly or indirectly involved. Chapter 8 lists conclusions and considerations.







Structural initiatives are a prerequisite for significant improvements to the quality of legislation. Examples are the development of instruments that tackle the regulatory process in-depth and that ensure that the policy-making process satisfies quality standards from beginning to end. Concrete instruments form the backbone of regulatory management in Flanders. This chapter gives an overview of the Flemish government's various structural initiatives.

## 2.1 RIA - REGULATORY IMPACT ANALYSIS

### 2.1.1 WHAT IS RIA?

On 1 January 2005, the Flemish Government introduced the mandatory preparation of a Regulatory Impact Analysis (RIA) for all new legislation affecting companies, citizens and non-profit organisations.

The RIA draws up a structured analysis of the effects of proposed legislation, or more generally, of a policy measure. The analysis imposes a structured process for the development of a new law. At the same time, the RIA is a document to describe the full development process of the new law.

### 2.1.2 WHY COMPLETE A RIA?

Completing the RIA leads, in principle, to the creation of legislation that satisfies the eight characteristics of good legislation. Box 2 provides an overview of the chapters in a RIA.

Careful preparation helps prevent shortcomings in the legislation's content.

#### *Box 2: The parts of a RIA*

1. Title  
This is a brief description of the proposed legislation.
2. Reason and purpose  
What social problem is being dealt with? What is the objective of the proposed legislation?  
What are the intended effects?
3. Options  
What are the most relevant options for achieving the stated objective?
4. Effects  
Analysis of the anticipated advantages and disadvantages of each option.
5. Development, implementation and administrative burden, enforcement and evaluation  
Description of how the chosen option will be developed, implemented, enforced and evaluated.  
The administrative burdens of the chosen option are assessed here as well.
6. Consultation  
Description of the consultations and their results.
7. Other information for Inspection of Finances  
The information for Inspection of Finances that has not been provided in other chapters of the RIA is described in this chapter.
8. Summary  
Summary of the arguments for the chosen option.

9. Contact person

Name and contact details of the person who can provide further information about the impact analysis or the proposed legislation.

### 2.1.3 THE RIA IN THE FLEMISH GOVERNMENT

A RIA is mandatory for all legislation that has a regulating effect on citizens, businesses or non-profit organisations - in other words, for all drafts of decrees and drafts of orders.

Regulatory advice is mandatory for all drafts of decree and drafts of order to be placed on the Flemish Government's agenda for the first fundamental decision. Regulatory advice includes:

- Language and regulatory recommendations for the regulation
- Advice for the RIA

The dossier is then adjusted according to the recommendations and placed on Flemish Government's agenda. Each week, the Regulatory Management Unit checks the quality of the RIAs that have been added to the regulatory dossiers on the agenda and assigns a score, according to a number of criteria (see Box 3). The results of this official check are reported to the Flemish minister of Regulatory Management. The minister uses this result in the discussion of the regulatory dossier in the Flemish Government.

#### *Box 3: Some evaluation criteria for the RIA*

##### FORMAL REQUIREMENTS

Regulatory advice has been / has not been requested for the evaluated dossier.

The RIA document has been / has not been added to the memorandum to the Flemish Government and a RIA paragraph with the summary of the RIA has / has not been included.

##### CONTENT ASSESSMENT OF THE RIA

###### Reason and objective

- It is clear what the problem exactly is.
- It is clear what the desired results or the intended effects are in meeting the formulated problem.
- The objectives or intended policy effects have been described without pre-conception as to the use of resources.

###### Options

- All relevant options have been listed.
- The main issues of the options concerning the content have been stated.
- The options have been merely described, without stating possible effects yet.

###### Effects & choice of option

- All relevant target groups and concerned parties have been listed / taken into account.
- All relevant effects per target group have been mapped out.

- The other, "sectoral" effects (child effects, local administrations, Brussels test, etc.) have been identified.
- The final choice of option has been well-argued.

#### Development, implementation, enforcement and evaluation

- It has been stated how and when the legislation will be implemented and/or which additional initiatives are needed for the actual application of the new legislation (implementing orders, IT support, instructions, training, etc.).
- The administrative burdens have been measured and described.
- It has been clearly stated how the proposal will be enforced.
- It has been clearly stated how the target groups will be sanctioned.

#### Consultation and foundations

- All relevant target groups have been consulted in a uniform manner.
- The target groups have been consulted in an early stage.
- The major comments/recommendations have been stated.
- When specific recommendations have not been taken into account, the reason has been documented.

#### Summary

- The summary represents the content of the RIA.

## 2.1.4 THE RESULTS: QUALITY OF RIA

The scores of each individual RIA reflect the quality of that RIA. The indicator 'quality of RIA' is drawn up from these individual scores. Table 1 shows the results for 2006 per policy domain.

*Table 1: Quality of RIA per policy domain in 2006*

	Jan-Mar 2006	Apr-Jun 2006	Jul-Sep 2006	Oct-Dec 2006	Total 2006
Flanders	79,03	62,39	72	67,67	69,71
General government policy	/	/	83,48	/	83,48
Administrative affairs	100	/	93,1	88,5	93,87
Finance and the Budget	/	/	/	/	/
Flanders International	55	64	/	78,89	55,36
Economics, Science and Innovation	60	50,93	63,54	72,63	61,31
Education and Training	75,72	71,17	68,9	67,33	75,55

	Jan-Mar 2006	Apr-Jun 2006	Jul-Sep 2006	Oct-Dec 2006	Total 2006
Welfare, Public Health and Family	93,33	57,06	92,1	61,02	68,24
Culture, Youth, Sports and the Media	60	55	71,21	68,75	66,48
Employment and Social Economy	/	58,7	71,9	/	61,34
Agriculture and Fisheries	88	/	70,03	/	80,01
Environment, Nature and Energy	80,72	59,7	67	62,67	74,03
Mobility and Public Works	/	45,9	98,18	66,28	70,12
Town and Country Planning, Housing Policy and Heritage	80	58,5	77,85	88,43	76,77

## 2.2 ADMINISTRATIVE BURDENS

In many cases, new legislation imposes new burdens for the legislation's target groups. As they are a tangible and recognisable effect of legislation, the Flemish government is making a special effort to reduce these administrative burdens. A large number of the structural initiatives described in this chapter have direct impact on the administrative burdens.

### 2.2.1 AN OBJECTIVE DEFINITION

Administrative burdens are often hidden costs. They are not recorded separately in a company's bookkeeping and often do not cause actual expenses. The busy flow of information from and to the government is not organised in the most efficient manner. Furthermore, the administrative actions very often demand efforts that are different from the usual administration that citizens, companies and organisations maintain.

Administrative burdens can appear in various ways: the completion of a form, drawing up a subsidy request, a request for ratification, the supervision of an inspection, keeping a register up-to-date, drawing up a financial report, making a report about meeting the requirements of a standard, etc.

Because of this variety, the Flemish government has been searching for an objective and clear-cut definition of the term 'administrative burdens'. After study and investigation of experiences in other countries, the definition has been determined as follows:

Administrative burdens are the costs of the administrative activities that actors must carry out to comply with the legal information obligations to the government, regardless of whether they would also carry out these activities without legal obligation. These costs are additional to the costs of keeping the administration of core processes in order and are incurred by the actors' efficient compliance of the information obligations.<sup>1</sup>

<sup>1</sup> From Measuring in order to know – Guiding principle for measuring administrative burdens

### 2.2.2 MEASURING IN ORDER TO KNOW

Reducing administrative burdens efficiently and effectively requires insight into their components. The Flemish measurement methodology, based on the internationally used Standard Cost Model (SCM), provides this insight and offers suggestions for simplifying the information obligations.

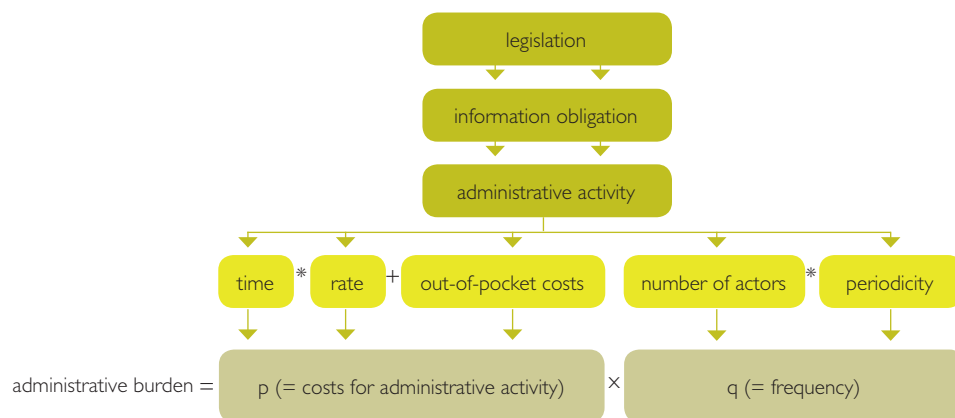
#### LEGISLATION AS STARTING POINT

Each measurement study starts with reading over the legislation in order to verify whether or not there are information obligations. Then, the required data are collected to estimate the costs of compliance with this legally required information.

#### CALCULATION: THE PRICE AND QUANTITY COMPONENTS

We calculate the magnitude of the administrative burdens as the costs of the information obligations that are entailed in a law, expressed in euros. See Figure 1 for an illustration of the component parts of these costs.

Figure 1: Component parts of the administrative costs



A law, decree, implementing order, etc., may entail several information obligations. In order to satisfy an information obligation, the actor will have to carry out a number of administrative activities. Each of these activities requires a certain execution time and therefore entails costs for the actor involved. The time required multiplied by the hourly rate is the first parameter of the price component 'P'.

In addition to the costs for time spent, the out-of-pocket costs also relate to the price component P. These are the actors' expenses for complying with the information obligations - for example, the costs for sending a registered letter or the mileage costs for a trip to the government offices or to the post office.

Each administrative activity must also be carried out a number of times per year by a number of actors. The periodicity and the number of actors are the parameters composing the quantity component 'Q'.

The product of P and Q equals the administrative burden, expressed in euros and on an annual basis.<sup>2</sup>

#### APPLICATION POSSIBILITIES OF THE MEASUREMENT METHOD

A measurement study can be conducted in various ways. Depending on the objectives of the study, the resources to be applied, and the scope of the legislation, we distinguish several application possibilities for the same method. Box 5 shows these application possibilities.

<sup>2</sup> For more information about measuring administrative burdens, consult the guide Measuring in order to know – Guiding principle for measuring administrative burdens.

#### Box 4: Several application possibilities for a measurement method

Difference between a full scan and a quick scan:

- In a *full scan*, the administrative burden is calculated as accurately as possible, down to the level of the administrative activities. A lot of attention is paid to the validation of the (interim) results. A full scan requires fieldwork for gathering the parameters and contact with experts for validating the results.
- In a *quick scan*, the administrative burden is calculated roughly. A quick scan can be limited to desk research, in which the person making the calculation may sometimes make estimations (of the parameter time, for example).

Difference between a baseline-measurement and an update-measurement:

- The *baseline-measurement* is carried out before the administrative simplification or amendment of a law,
- The *update-measurement* is carried out after the administrative simplification or amendment of a law.

The difference between the update-measurement and the baseline-measurement provides an estimation of the decrease or increase of the administrative burden.

Finally, the measurement instrument can be applied to existing legislation as well as to proposed legislation.

### 2.2.3 MEASURING ADMINISTRATIVE BURDEN: EX-POST VS. EX-ANTE

#### EX-POST MEASUREMENT

The measurement of administrative burdens provides insight into the parts and size of these burdens. On the basis of this information, it is possible to discover simplification possibilities for existing legislation and to convert these possibilities into a tangible reduction of administrative burdens. This often requires amendments to the legislation.

#### Box 5: Example of ex-post measurement

In the integrated education approach, guidance is offered to students with a handicap so they can join the ordinary education system. Up until 2004, a GON attestation for students in primary education had to be filled in separately seven times, and twice together with a BO attestation. For students in secondary education, the GON attestation had to be filled in separately five times, and once together with the BO attestation. For higher education, only one GON attestation had to be filled in.

On the basis of the measurement of this obligation, it was decided to dispense with the BO attestation for GON students moving from pre-school into primary education. Therefore, a BO attestation still had to be filled in twice: at the start of the integrated education, and at the transition from primary to secondary education. The GON attestation was scrapped.

This yielded an annual reduction in administrative burdens of 2,465 hours and 58,659 euros.

## EX-ANTE MEASUREMENT

It is also possible to make an assessment of the administrative burdens for proposed legislation. This can be based on standard times, rates, comparison with existing information obligations, etc.

This assessment helps weigh the effects of the new legislation, to assess whether these effects are proportional and whether, in relation to existing legislation, they are necessary and efficient.

### Box 6: Example of ex-ante measurement

After the approval of the *Rough draft of the Flemish Government's resolution concerning the assessment of the detailed subsidy regulations for projects related to the Coastal Action Plan 2005-2009 (Kustactieplan, KAP III)*, the new resolution's administrative burdens were compared with those of KAP II decree.

The comparison revealed that the administrative burdens would increase by 8,333 euro.

This increase was the result of:

- more extensive form prescriptions for requesting the subsidy,
- the higher periodicity (every 6 months) of the functional operational report, and
- the explicit recording of a communicative justification in the six-monthly operational report.

The higher periodicity of the functional operational report was introduced to allow for better and more effective control, to seek out synergies between projects, and to facilitate the necessary adjustments.

The comparison clearly indicated that administrative burdens were increasing. Yet, as better and more effective adjustment was a necessity, the increase was considered acceptable. Moreover, additional administrative burdens were kept to a minimum as the legislators had a clear insight into the minimal obligations for additional control. Thus, the ex-ante measurement contributed to a measured and necessary introduction of new administrative burdens.

## 2.2.4 COMPENSATION RULE FOR ADMINISTRATIVE BURDENS

### REASON AND DEFINITION

Until 2004, the Flemish Government's initiatives in the area of administrative burden reduction focused primarily on existing legislation. However, results that had been achieved through those initiatives threatened to be undone by administrative burdens from new legislation.

The Compensation Rule for administrative burdens was introduced to resolve this issue. The rule stipulates that every increase in administrative burdens as the result of a governmental decision (decree, resolution, etc.) must be compensated by a comparable decrease in existing administrative burden<sup>3</sup>. In this way, the Flemish Government manages the administrative burdens that are connected to new legislation. The Compensation Rule provides a continuous contribution to the battle against administrative burdens for companies, citizens and organisations.

### AREA OF APPLICATION

Since 1 January 2005, the Compensation Rule has been mandatory for all legislation that has a regulating effect on citizens, businesses or non-profit organisations. All drafts of decrees and drafts of resolutions are included. Exceptions are<sup>4</sup> the laws that have no impact with regard to content and the individual decisions and resolutions by the Flemish ministers.

<sup>3</sup> Decision of the Flemish Government: VR/PV/2004/9 - point 3

<sup>4</sup> See also the handbook *Guidelines for drawing up a Legislation Impact Analysis*.



## THE RESULTS

By applying the Compensation Rule for administrative burdens, the Flemish Government achieved a net reduction in administrative burdens of 23.9 million euros in 2006. Table 2 shows the results per policy domain.

*Table 2: Results of the Compensation Rule for administrative burdens in 2006*

	Jan-Mar 2006	Apr-Jun 2006	Jul-Sept 2006	Oct-Dec 2006	Total 2006
Flanders	-7.481.592	-291.421	-10.869.703	-5.249.950	-23.892.666
General government policy	0	0	0	0	0
Administrative affairs	-2.032.156	572.403	278.502	236.869	-944.382
Finance and the Budget	0	0	0	0	0
Flanders International	-2.281	0	0	0	-2.281
Economics, Science and Innovation	0	-1.063.374	-94.860	-174.901	-1.333.135
Education and Training	-42.296	127.325	-1.725.179	-3.596.320	-5.236.470
Welfare, Public Health and Family	-752.270	156.522	-15.602	-231.093	-842.443
Culture, Youth, Sports and the Media	0	-303.470	-1.200.770	0	-1.504.240
Employment and Social Economy	0	193.500	0	3.908	197.408
Agriculture and Fisheries	-2.793	0	69.157	-73.007	-6.643
Environment, Nature and Energy	-4.649.796	25.673	-7.915.035	-1.415.406	-13.954.564
Mobility and Public Works	0	0	181.284	0	181.284
Town and Country Planning, Housing Policy and Heritage	0	0	-447.200	0	-447.200

## 2.3 GOOD FORMS

Forms are often the most recognisable and tangible elements of administrative burdens. The Flemish government aims for readable, simple and user-friendly forms.

As not only the forms, but also the underlying procedures are important, a forms policy has been developed. The following sections focus on the Flemish forms website and the quality label for good forms.

### 2.3.1 FLEMISH FORMS WEBSITE

The Flemish government makes frequent use of forms for collecting information from citizens, companies and other target groups. Usually, the authorised administration makes these forms available. However, the target groups often encounter difficulties trying to locate the right form:

- not all forms are available online, or
- forms can only be obtained by following a complicated procedure , or
- it is not clear whether there is a form for a particular procedure, or
- it is not clear what the correct or the most recent version of a form is.

To provide a solution for (part of) these problems, the Flemish government has made all Flemish forms available through one single website: [www.vlaanderen.be/formulieren](http://www.vlaanderen.be/formulieren). On this site, 874 Flemish forms are classified according to topic, target group and type (Word document to be printed, form to be filled in online, etc.).

### 2.3.2 QUALITY LABEL FOR GOOD FORMS

The 874 Flemish forms vary in type and function. Some examples:

- a request for a brochure, for which only the requestor's address needs to be filled in,
- a request for a subsidy, for which a whole list of appendices must be attached, or
- an annual report, in which it must be shown that the actor has fulfilled the requirements,
- ...

In addition, the legibility and user-friendliness of all these forms vary greatly. To promote the use of good forms (forms that are easy to understand, that clearly state who should complete the form, that can be completed efficiently, and so on), the Flemish government has introduced a quality label. To qualify for the label, a form must satisfy several principles. These principles are listed in:

- the *Forms Guide* published by the Advice on Language Usage department,
- the *Forms Checklist* from the Regulatory Management Unit, and
- the 'Magda-principle' (E-government).

These principles deal with:

- Language: avoiding phrases and or terms that are too technical, correcting language and writing errors, using a logical sentence structure for questions and instructions, etc.
- User-friendliness: the form is constructed logically, the questions are understandable and the

answers are recognizable.

- Simplicity: no unnecessary questions, forms are based on a logical path that guides the user through the form.
- Once-only data request: the government requests the data that it needs from its target groups only one time and then reuses the gathered data as much as possible.

At the end of 2006, 55 forms had received the quality label. The Flemish government is striving to assign a quality label to all forms by the end of 2008. For that purpose, all the forms are being rewritten according to the principles described above.

## 2.4 FOLLOW-UP – INDICATORS

To map out the results of regulatory management in Flanders and to follow up current developments, 10 indicators have been identified. These provide information about developments on project achievements, on the reduction of administrative burdens, on the quality of the RIAs and the legislation, and on the successful conversion of the European regulations. The publication *The development of indicators for regulatory management* describes the indicators in detail and explains how they were selected. Since the beginning of 2005, four of these indicators have been widely communicated on a quarterly basis.

### 2.4.1 COMPLETED SIMPLIFICATION PROJECTS

The 2005 Action Plan contained 104 projects. 42 of these projects have been completed since the approval in 2005. Each quarter, a brief description of the completed projects is included in the communication.

### 2.4.2 QUALITY OF LEGISLATION

This indicator shows the percentage of the regulatory dossiers that have received regulatory technical and linguistic advice and/or for which the RIA evaluation was favourable (at least 50%).

In 2006, in total, 107 of the 134 submitted dossiers were of good quality. This is 79.85%.

### 2.4.3 SAVINGS ON ADMINISTRATIVE BURDENS

This indicator reflects the result of the Compensation Rule for administrative burdens (see also 4.2.4). In 2006, 2,941,541 euros in administrative burdens were created, and a reduction of 26,834,207 euros in burdens was measured.

#### 2.4.4 EUROPEAN LEGISLATION

This indicator consists of 2 sub-indicators:

##### INFRINGEMENT DOSSIERS DUE TO LATE CONVERSION OF DIRECTIVES

Infringement dossiers originate as part of infringement proceedings initiated by the European Commission when the period for transposing the directive has expired. On 31 December 2006, 23 infringement dossiers had been submitted, 10 of which were due to late transposition of directives.

##### INFRINGEMENT DOSSIERS DUE TO INCORRECT APPLICATION OF EUROPEAN LEGISLATION

These dossiers refer to content-related errors in the transposition or application of European legislation, as identified by the European Commission, Flanders. Examples of content errors are:

- incorrect or incomplete conversion of a directive,
- violation of the provisions of a treaty or pact.

13 of the 23 infringement dossiers that had been submitted by 31 December 2006, were related to the incorrect application of European legislation.

### 2.5 INPUT FROM THE TARGET GROUPS: [WWW.SAMENVEREENVOUDIGEN.BE](http://WWW.SAMENVEREENVOUDIGEN.BE)

People sporadically report their experiences with heavy administrative procedures via e-mail ([wetsmatiging@vlaanderen.be](mailto:wetsmatiging@vlaanderen.be)). The e-mailed reports are ad hoc and have no unifying theme or subject.

#### *Box 7: Testimonial received at [wetsmatiging@vlaanderen.be](mailto:wetsmatiging@vlaanderen.be)*

A citizen reported that, year after year, people with disabilities have to submit the same attestations to TMVW (the Flemish Water Board) and Electrabel (an energy provider) in order to qualify for a so-called social rate. The required details remain unchanged for extended periods of time, and are also stored centrally. The citizen suggests using the centrally stored data rather than asking applicants to repeatedly submit attestations.

The senders of these e-mails receive an answer to their question and are informed as to what will happen with their e-mail. The messages are then forwarded to the authorised administration or to the federal Administrative Simplification Agency (ASA), with the request to look into the matter.

To maximise the effect of the target groups' input on the regulatory management policy, the Flemish government has set up an online complaints centre for administrative burdens, [www.samenvereenvoudigen.be](http://www.samenvereenvoudigen.be).

The site is a collaboration between the Flemish Infoline, the Flemish ombudsman and the Regulatory Management Unit. The complaints centre guarantees the follow-up of complaints from citizens and organisations.

The complaints centre will focus on a series of particular topics. For the first topic, "Administrative burdens related to investing in Flanders", the Flemish Economy administration was also closely involved in processing the reports. The topic ran from February to the end of April 2006. The report that concluded this topic "*Simplifying together – Entrepreneurs*" provides an overview of the input in figures and contains a discussion of the practicable suggestions. It also contains the sector's reactions to the

input, the simplifications that have been realised and a list of all ongoing initiatives.

The second topic, introduced in the autumn of 2006, dealt with the simplification suggestions from associations and volunteers within the Culture, Youth and Sports policy domain.

**Box 8: Examples of messages from [www.samenvereenvoudigen.be](http://www.samenvereenvoudigen.be)**

A company complains about the complexity of the environmental permit. "To be able to understand these texts, one needs to be at least a lawyer, engineer, chemist and mathematician all at the same time." Hence, the suggestion to simplify the environmental permit.

A manager suggests making the validity periods of all permits in a company the same. Furthermore, he complains that the permits for pumping water, which were issued by the mining industry at the time, would now be expired.

An organisation points out that laboratories for water analyses in Belgium must be recognised by the federal government and all regions. Within each region, a laboratory must often request this recognition for similar studies from separate administrations.

An entrepreneur writes: *"I'm bothered by the 'consumed waters' declaration that is used for determining the environmental tax. Why not simplify the form, and ask: Do you consume water from a source other than the drinking water company (yes/no)? If no: do not complete this document further (administration can continue with info that comes from the water company). If yes: continue to fill in the questionnaire."*





### 3.1 A LOOK AT NINE PROJECTS

To significantly reduce administrative burdens, the Flemish government sets up simplification projects. These projects relate to legislation from several policy domains or from several administrations. Various parties are partners in these projects. Together, they strive for maximal data sharing, synchronisation of procedures and/or with the abolition of unnecessary obligations. The site [www.vlaanderen.be/wetsmatiging](http://www.vlaanderen.be/wetsmatiging) always provides the most recent status of all the projects. Below we take a look at nine of them.

#### 3.1.1 ONCE-ONLY PROPERTY REGISTRATION

As of 2007, Flemish farmers need to submit just one single property registration, and only one time. To this end, in the autumn of 2006, the Flemish Parliament approved a proposed *decree to institute a common identification of farmers, developments and agricultural land within the framework of the fertilizer policy and of the agricultural policy*.

Whereas previously, farmers had to declare their parcels twice to two Flemish administrations, they now declare them once to one administration. The Flemish administrations exchange the data, reducing the administrative burden for farmers.

#### 3.1.2 BOTTOM-UP MEASUREMENT OF ADMINISTRATIVE BURDENS FOR AGRICULTURE

In the autumn of 2006, the various sources of legislation and of administrative burdens for farmers were mapped out and measured. This was done in consultation with the Flemish minister authorised for agriculture, the administrations concerned, and the agricultural organisations. In measuring the administrative burdens, priority was given to seeking out simplification possibilities. In 2007, concrete proposals for simplification are being submitted to the administrations and simplification projects are being launched in order to simplify the most annoying and encumbering administrative burdens.

#### 3.1.3 REDUCTION OF PLANNING BURDEN FOR LOCAL ADMINISTRATIONS

Flemish local administrations must prepare policy plans. In several policy domains, like culture, town and country planning, welfare, and the environment, Flemish legislation establishes the requirements for the form and content of these plans. This has given rise to a range of required policy plans. The layout and submission procedures for these plans have not or hardly been defined. Thus, for some time now, local administrations have been pleading for simplification of the planning burden.

On 14 July 2006, the Flemish Government asked the Regulatory Management Unit to conduct an impact measurement of existing plans against the criterion of 'efficiency'. The objective was to map out the plans that generate administrative burdens. The measurement was conducted on the basis of the Flemish measuring instrument and was completed at the end of January 2007. Examination of 27 plans showed that the cost of planning (i.e. the planning burden) amounted to about 67.5 million euros - 40% of which is regarded as administrative burden.

Based on the information that was collected during the measurement study and the results, proposals



for simplification are being formulated. These proposals can lead to a significant reduction of the planning burden. In some cases, the proposals will probably result in amendments of the legislation.

### **3.1.4 INVENTORY OF FLEMISH PERMITS AND RATIFICATIONS**

As announced by the Flemish Government on 11 July 2006 in "*Flanders in action. A socio-economic incentive for Flanders*", a registry of Flemish permits will be produced.

All Flemish permits and ratifications are being listed. The successful production and integration of these permits in other regions is investigated. The latter initiative can provide important information, for example, for further fine-tuning of the Flemish construction and environmental permits.

### **3.1.5 SIMPLIFICATION OF SPORTS REGULATIONS (BLOSO)**

In the course of 2007, the Flemish Government's decrees of 31 May 2002, which established the conditions for receiving subsidies for, on the one hand, the sports camps organised by the athletic leagues and, on the other hand, sports for youth are being evaluated and rewritten with the aim of simplification. The before- and after-measurements of the administrative burdens of these two decrees (measuring the administrative burdens of the existing decrees and comparing them with the administrative burdens of possible new decrees) will provide a useful approach for simplification.

### **3.1.6 THE RE-FORMULATION OF RULES FOR DIAGNOSTICS AND INDICATIONS AT THE FLEMISH AGENCY FOR DISABLED PERSONS**

The rules for diagnostics and indications cause great administrative burdens for the target groups. The Flemish Agency for Disabled Persons and the authorised cabinet are working on a new model in close consultation with the target groups. A before-measurement of the existing administrative burdens with regard to diagnostics and indications can provide concrete suggestions for simplification.

### **3.1.7 SIMPLIFICATION OF THE QUALITY DECREE REGARDING WELFARE (FLEMISH AGENCY FOR DISABLED PERSONS)**

The requirements that were established in the previous decree (25 February 1997) regarding total quality assurance in the care facilities and in the decree of 29 April 1997 regarding quality assurance in the welfare services, still apply.

The aim is to draw up a new implementing order, with new quality requirements for the facilities for social integration of disabled persons, in accordance with the new quality decree. A before-measurement of the existing administrative burdens and an after-measurement of the new draft decree will make it possible to formulate suggestions for simplification.

### **3.1.8 SIMPLIFICATION OF REPORTING OBLIGATIONS REGARDING HOUSING**

By introducing [www.premiezoeker.be](http://www.premiezoeker.be) ('subsidy search'), the Flemish government reduced administrative burdens by 4,591,622 euro. In particular, the introduction of the website made receiving information about relevant subsidies a lot simpler for the citizen.

A next step is to work out which additional reductions in administrative burdens can be achieved by turning the 'subsidy search' into a 'one-stop shop' for all requests for Flemish subsidies for housing and social mortgages. In addition, in collaboration with the authorized ministers and administrations, ways to better align the legislations of the various Flemish subsidies (energy, housing, etc.) will be investigated.

3.1.9 SIMPLIFICATION OF THE LEGISLATION REGARDING MUNICIPAL ELECTIONS

In 2006, the Flemish government organised the municipal and provincial elections for the first time. Certain processes (such as submitting the lists of candidates) were immediately simplified. The cost savings for the actors have been calculated at 681,961 euro. The study yielded communicable figures and, at the same time, identified simplification possibilities for future elections.

3.2 ACTION PLAN - REGULATORY MANAGEMENT

3.2.1 ROLLING ACTION PLAN

In addition to the projects reviewed above, the Flemish government is also conducting projects that are less ambitious in their simplification objectives, that have a long timeline, or that produce less tangible results for the target groups. The Regulatory Management Action Plan clusters all the measures and projects of the Flemish government in order to improve the quality, and reduce the volume of the legislation:

- Concrete projects that simplify the Flemish legislation and reduce the administrative burdens. The Regulatory Management Unit coordinates, supports and evaluates these projects. These projects produce tangible results in the short term.

Tabel 3: Examples of completed projects

Harmonisation of pre-emption rights	The offer and enforcement of Flemish pre-emption rights have become considerably simpler and more transparent. A new decree harmonises the various procedures. In addition, a single electronic window is on the way for notaries that have to offer the pre-emption rights and a freely consultable legal register of the Flemish pre-emption rights. Both offering and enforcing a pre-emption right can be done electronically. This simplification saves the Flemish notaries more than 2 million euro annually in workload.	Citizens Companies Organisations Authorities
Splitting up real estate advance tax payment among co-owners	From now on, a co-owner needs to request the splitting up of the property advance tax payment only once. As long as no changes occur in the taxpayer's situation after the one-time request, the splitting up is allocated automatically. Previously, a splitting up had to be requested again every year, following receipt of the assessment notice.	Citizens

School examinations in primary education

In the case of school examinations, the same information no longer needs to be forwarded several times to several different authorities. A common school dossier contains all the data that the various bodies require. This single data repository means a reduction in information obligations for schools.

Citizens  
Organisations  
Authorities

- Structural initiatives that guarantee an integrated, systematic and organised approach to regulatory management in Flanders. Only by launching structural initiatives in addition to concrete projects, the required substantial and continuous simplification of legislation can be ensured.

#### *Box 9: Examples of structural initiatives*

- Evaluation of the Regulatory Impact Analysis and the Compensation Rule for administrative burdens
- Development and implementation of regulatory quality teams within the Flemish government
- Development of an instrument for evaluating the impact of existing legislation
- Consultation with the Flemish Parliament and other authorities

The Regulatory Management Action Plan has evolved from an annual action plan, with an inventory of running and/or proposed projects, to a rolling action plan to which new initiatives can be continuously added. In 2007, the Regulatory Management Unit is launching a new call for projects in order to re-stimulate the addition of new projects to the Action Plan.

The Action Plan is an important tool for the Regulatory Management Unit. It enables the Unit to follow up, coordinate and support the efforts of the Flemish government. Several of the indicators of the monitoring system for regulatory management (see Chapter 6) are filled in via the Action Plan.

#### *Box 10: Status at the end of 2006*

The rolling Regulatory Management Action Plan comprises 104 projects. The status as of 31 December 2006:

- 42 completed,
- 58 running,
- 9 projects have been cancelled, and
- 10 projects are postponed for the time being.

In the course of 2005 and 2006, 18 projects were added.

### **3.2.2 PROGRESS REPORT**

Once a year, a status of the Action Plan is drawn up. This status is submitted to the Flemish Government as a Progress Report and transmitted to the Flemish Parliament.

The Progress Report treats the projects as well as the structural initiatives: how many projects have been completed, how many projects are running, how many projects are delayed, how have the structural initiatives been followed up, have the structural initiatives been evaluated, and if so, have they been adjusted, and so on.

In addition, the Progress Report also formulates a number of recommendations. These recommendations issue from the analysis of the state of affairs, from the evaluation of structural initiatives, and from the experience of the Regulatory Management Unit in the area of legislation management.



## 4.1 REGULATORY MANAGEMENT UNIT

### 4.1.1 ORGANISATIONAL AND LEGAL ANCHORING

<sup>5</sup> VR/2000/25.07/DOC.0660Bis

In July 2000, the Flemish Government decided to develop simplification initiatives in as many policy areas as possible. The decision of 25 July 2000<sup>5</sup> set out the general principles for simplification. According to that decision, the Flemish government is striving for:

- simplification of both proposed and existing legislation,
- the necessary restraint (for example, avoiding legislation geared specifically towards particular situations and circumstances),
- raising regulatory quality,
- legislation that is in line with social developments and economic patterns,
- reducing the administrative burdens resulting from the legislation.

<sup>6</sup> VR/2001/14.09/DOC.0825Bis

In addition, it was also decided to set up a knowledge cell for the simplification of legislation, procedures and regulations. This knowledge cell should function as a permanent, independent unit. As part of a horizontal core department, it would be responsible for the development and implementation of the regulatory management. With the decision of 14 September 2001<sup>6</sup>, the organisation of the regulatory management and establishment of the "Regulatory Management Knowledge Cell" took shape. This Regulatory Management Knowledge Cell was subsequently renamed the Regulatory Management Unit.

### 4.1.2 SEVEN CORE TASKS

The Regulatory Management Unit received seven core tasks:

- Signalling function: the Regulatory Management Unit collects and structures suggestions from citizens, companies and organisations in order to produce better legislation. (see also 2.5)
- Coordination of the regulatory management: the Regulatory Management Unit forms the link between the minister of regulatory management and the Flemish Government, and between the policy domains and the civil servants. It advises and reports to the Flemish Government and the minister of regulatory management. It develops a network of civil servants who are directly involved in regulatory management.
- Policy support: the Regulatory Management Unit supports the minister of regulatory management and prepares the Flemish Government's decisions regarding regulatory management.
- Build-up of expertise: the Regulatory Management Unit gathers all expertise concerning regulatory management by calling on internal, external, national and international experiences. It develops manuals, measurement instruments and guidelines. Drawing on this expertise, the Regulatory Management Unit takes care of training the Flemish administration.
- Quality assurance: the Regulatory Management Unit judges whether or not decrees and decisions satisfy the conditions of regulatory management (see also 3). It evaluates the simplification projects, reports to the minister of regulatory management and formulates advice.
- Participation: the Regulatory Management Unit is an active participant in regulatory management. The policy domains can call on the expertise of the Regulatory Management Unit under the form of internal consultancy.
- Awareness and motivation: the awareness initiatives of the Regulatory Management Unit are oriented towards the Flemish administration as well as towards the citizens. The Unit develops an

internal and external communication policy and is an active promoter of regulatory management at all levels.

### 4.1.3 SUPPORT BY THE REGULATORY MANAGEMENT UNIT

With regard to content, the authorised ministers and their policy domains remain responsible for regulatory management in their domain. However, the Regulatory Management Unit does make its experience with the various methodologies available to the Flemish civil servants. To this end, the Unit undertakes numerous actions to guarantee transfer of knowledge concerning regulatory management and all regulatory management instruments.

#### TRAINING / WORKSHOPS

At specified times, the Regulatory Management Unit organises training on subjects that lie within its sphere of activity. In 2006, training sessions were organised on drawing up a RIA, measuring administrative burdens, and legislative principles.

##### DRAWING UP A RIA

During a half-day introductory training, participants receive instructions on how to draw up a Regulatory Impact Analysis (RIA). The session includes an explanation of the background and purpose of the RIA, insight into its composition, and several exercises in participants can apply the principles and methodology.

In 2006, five sessions were given. Since the introduction of the RIA, about 300 civil servants have already taken this training.

##### RIA FOLLOW-UP TRAINING

During an interactive training session, RIA preparers discuss the way they have drawn up RIAs, learning from each others' experiences and from an inventory of common errors. To follow this training, participants must have followed the introductory training. Preferably they have also already drawn up a RIA.

In 2006, follow-up training sessions were organised per policy domain. 83 people attended these training sessions.

##### AFTERNOON WORKSHOPS ON PARTICULAR TOPICS

Because the RIA methodology is continually evolving, the Regulatory Management Unit organises semi-annual afternoon workshops. They offer an in-depth insight into particular aspects of the RIA methodology.

The first of these afternoons took place in June 2006. The central topic was *Alternatives of and for legislation*. In certain cases, alternative instruments - such as codes of conduct, information campaigns, subsidies, care systems, etc. - can be more appropriate than laws, rules and procedures. A variety of speakers (representatives from the SERV, Council of State, Dept. of Education, the Regulatory Management Unit, etc.) shared their points of view about these matters.

The next afternoon workshop will treat the topic *Enforcing rules*.

## MEASURING ADMINISTRATIVE BURDENS

This half-day training session focuses on the background and purpose of measuring administrative burdens. Participants gain insight into the conceptual framework and the measurement instrument for administrative burdens. Practical exercises illustrate the concepts and the step-by-step plan for a measurement study.

About 55 people have already taken this training since it was started in 2006.

## DISCUSSION SESSIONS ABOUT THE COMPENSATION RULE FOR ADMINISTRATIVE BURDENS

At the end of 2005, the Regulatory Management Unit held four discussion sessions about the application of the Compensation Rule and the measurement of administrative burdens. The participants had the opportunity to ask very specific questions about the regulatory dossiers that they were handling and to discuss these as well.

These discussion sessions were attended by about 20 civil servants.

In 2007, these discussion sessions will be started up again.

## FORMS DESIGN

During this three-day practical training, civil servants learn how to prepare effective, user-friendly and attractive forms. During the training, they improve and revise forms from their own work environment, taking a close look at the preparation of the form, its formulation, the questions posed, language usage, etc. The participants also learn to work with the help tools for drawing up good and simple forms.

## REGULATORY PRINCIPLES (BASIC)

During this two-day training, people who make regulation receive the necessary theoretical knowledge about various legal rules and development procedures. This is a thorough training for formulating good regulations. Box 11 describes the programme.

### *Box 11: the programme for the regulatory principles training*

#### DAY 1:

Basic regulatory principles:

Overview of several governmental authorities and the legal rules that they issue. Which courts of law are authorised for each of these legal rules? What is the mutual relationship of these legal rules?

Regulatory technique:

How to draw legislation? The titling, the introduction and the prescriptive section are discussed and explained.

#### DAY 2:

Regulatory procedure:

Which route do decrees and orders follow before they appear in the Bulletin of Acts, Orders and Decrees? Both the preparatory steps (e.g. IKW, budget control, Council of State advice) and the parliamentary treatment are discussed, as well as a number of specific topics such as announcement at the European level.



Characteristics of good legislation:

The characteristics of good legislation are illustrated with concrete examples and experiences. Is the new legislation necessary? Are there alternatives to the traditional legislation? How can the government consult and involve parties concerned in the legislative process and how can they evaluate legislation?

Workshop: Formulating the text of a law:

Practical application of the theory of regulatory technique.

#### TRAINING SESSIONS ON CURRENT TOPICS

The Regulatory Management Unit also regularly organises information and training sessions on topics that need more explanation at a certain moment.

An example is the info session on the evolution of the RIA system in Flanders. This info session provides the RIA preparers with information on the refinements that Flanders has made to the RIA system after one year.

A second example is the “*Regulatory management in Flanders: follower or frontrunner?*” workshop, in which the Flemish regulatory management is compared with the European trendsetters. International and national speakers offer their opinions about and experiences with this subject.

When topics give rise to specific questions, info sessions will be organised accordingly.

#### INSTRUCTION GUIDES

The Regulatory Management Unit provides instruction guides for all instruments that it introduces. These instruction guides are written from the user's point of view: they offer step-by-step plans and practical tips for using the methodologies. The target audience for these instruction guides is the user of the instrument - thus, the RIA preparer, the person who measures administrative burdens, and the creator of a form, respectively.

#### GUIDELINES FOR DRAWING UP A REGULATORY IMPACT ANALYSIS

This instruction guide is intended as an aid for conducting a Regulatory Impact Analysis (RIA). This includes going through the RIA process as well as drawing up the RIA document.

The instruction guide deals with the general positioning of the RIA as a concept, as a system and as a methodology and explains the general points of interest that are important throughout the RIA process. Finally, the guide discusses the various steps or chapters that should be treated successively in the RIA and gives tips on using them.

#### MEASURING IN ORDER TO KNOW – INSTRUCTIONS FOR MEASURING ADMINISTRATIVE BURDENS

The manual treats the following subjects:

- Conceptual framework: a clear definition of the administrative burdens concept as starting point for measuring administrative burdens;
- How to measure administrative burdens: a brief description of the various applications of the measurement instrument;
- The full scan step by step: the approach of a full scan measurement is explained via a step-by-step plan of 9 steps, illustrated with examples.

A number of tools are also made available with the manual. The person carrying out a measurement can make use of tables for conducting measurements in the form of an Excel file, a format for reporting measurement results and standard hourly rates, times and out-of-pocket expenses in order to gather numerical data quickly.

#### FORMS GUIDELINES AND CHECKLIST FOR GOOD FORMS

The Forms Guidelines and the Checklist for good forms are two publications that the user should read as a single entity. The Forms Guidelines is a fully developed guide for designers of paper and electronic forms. It contains detailed guidelines for the management, composition, structure, content and layout of forms.

The Checklist is a supplement to the Forms Guidelines and summarises the major points for reducing administrative burdens by means of good forms.

#### HELPPDESKS / ADVICE

To supplement the training and guides, users of the methodologies can take their most practical and urgent questions to the helpdesks that have been set up for each measure:

[ria@vlaanderen.be](mailto:ria@vlaanderen.be) for questions and/or problems concerning the application area and the development of a RIA.

[compensatiereg@vlaanderen.be](mailto:compensatiereg@vlaanderen.be) for questions and/or problems concerning the measurement of administrative burdens and the application of the Compensation Rule.

[wetsmatiging@vlaanderen.be](mailto:wetsmatiging@vlaanderen.be) for general questions about regulatory management in Flanders, ordering publications, registering for info sessions, and so on.

[wetgevingsadvies@vlaanderen.be](mailto:wetgevingsadvies@vlaanderen.be) for legal-technical and linguistic advice in the creation of new regulations and advice about the draft RIA.

[formulieren@vlaanderen.be](mailto:formulieren@vlaanderen.be) for communicating the creation of new forms.

## 4.2 POLICY DOMAINS, DEPARTMENTS, ENTITIES AND AGENCIES

With regard to content, the authorised ministers and their policy domains remain responsible for the regulatory management in their domain. The civil servants leading departments, entities and agencies are the owners of the simplification projects and other actions in the area of regulatory management. The minister of regulatory management and the Regulatory Management Unit act as coordinators and supporters.

### 4.2.1 CONTACT PERSONS FOR REGULATORY MANAGEMENT

A regulatory management contact person has been appointed per department and agency. These Contact persons are the first point of contact for the Regulatory Management Unit in each entity. They:

- support their supervising civil servant in establishing a policy for regulatory management.
- work with the Regulatory Management Unit on the development of the regulatory management in the Flemish government.
- make their own policy domain/policy field/agency aware of the social importance of regulatory management.
- exchange information with the Regulatory Management Unit.

## 4.2.2 SPECIFIC ACTION PLANS

Departments and agencies develop the regulatory management in their policy domain at their own pace. This is not a problem as long as the domains that are in a pioneering role are not being slowed down by the Flemish government's centralised approach towards regulatory management. The Regulatory Management Action Plan 2005 provided a module that made differentiated support of the pioneers possible. In 2005, four departments drew up their own Regulatory Management Action Plan:

- Environment
- Agriculture
- Welfare, Public Health and Family
- Education

Each of these Action Plans was drawn up along the lines described in Box 12.

### *Box 12: pattern for a particular regulatory management action plan*

#### VISION, STRATEGY

This section describes the commitment and the approach taken to develop regulatory management within the administration. It can be based on the five building blocks of the regulatory management guidelines (Guidelines regulatory management). The vision and strategy refer back to the decisions of the Flemish Government. Each policy domain can build on existing insights and past experiences.

#### PUTTING THE VISION INTO PRACTICE

What should receive particular emphasis in the development of the regulatory management?

#### CONCRETE ACTIONS

- Simplification initiatives split up according to track (ALV, JTV or RIA)
- Structural initiatives

The concrete actions should be a minimum list that includes start and end dates and outcomes in the area of simplification. They can be fit into the guidelines' five building blocks. For each action, the indicator that follows this action must be specified (e.g. number of codification projects).

In the context of the rolling action plan, new actions can be included at any time in the follow up of this action plan (including an indicator table).

#### POINTS FOR SPECIAL ATTENTION

- Collaboration with other policy domains
- Collaboration with other levels of administration

#### MONITORING (INDICATOR TABLE)

The table that was provided by the Regulatory Management Unit is used in monitoring. This table contains the indicators that will follow up the execution of the action plan. Examples of such indicators are the measurement of administrative burdens (available via the Compensation Rule) and the number of completed projects.

The action plan currently contains an empty table. During the drafting of the action plan, agreement is made with the Regulatory Management Unit as to which indicators will be followed. The indicator table is updated quarterly.

#### SUPPORT BY THE REGULATORY MANAGEMENT UNIT

Various forms of support can be requested from the Unit.

#### THE PERSON RESPONSIBLE

Contact details of the person who is responsible for the particular action plan. The quality assurance is also specified here. Mutual agreements are made between the Regulatory Management Unit and the policy domain. The policy domain commits to the follow up the action plan and, in particular, the projects. Each quarter, the list and the table are updated.

### 4.2.3 INDICATORS

Each quarter, the indicators that are calculated for Flanders are also calculated and communicated per policy domain. At regular times, supervisory civil servants and contact persons can read about the status of the quality of RIA, quality of legislation, balance of compensation credit, conversion of European directives, and the number of forms with a quality label, in a newsletter.

Via this newsletter, supervisory civil servants can compare the results of their policy domain with the average figures. This way, they are prompted to take actions when necessary.

Box 13 shows an example of such a newsletter.

#### Box 13: Quarterly newsletter regarding indicators to supervisory civil servants

MEMO to  
Mr ...  
Administrator General  
... Agency

Department of Administrative affairs  
Luc Lathouwers  
Secretary General

#### Results 2006 Regulatory Management

The tables below contain the quarterly and total results for a number of indicators for Flanders/your policy domain/ your entity.

A negative compensation credit indicates that you have realised a reduction in administrative burdens.

The RIA quality score represents the extent to which the regulations reflect the characteristics of good

legislation. The quarterly figures have been recalculated, taking into account the Flemish Government's Addenda.

The quality of legislation refers to the percentage of regulations that received legal-technical or linguistic advice and/or for which the RIA evaluation was positive (at least 50%). The quarterly figures have been recalculated, taking into account the Flemish Government's Addenda.

Forms with a quality label refers to the percentage of forms that have received a quality label. As the forms site, [www.vlaanderen.be/formulieren](http://www.vlaanderen.be/formulieren), was introduced in the last quarter of 2006, this is the only quarterly result available.

Flanders					
Indicator	1/2006	2/2006	3/2006	4/2006	Total 2006
Compensation credit (in euro)	-7.481.592	-291.421	-10.869.703	-5.249.950	-23.892.666
RIA quality (%)	79,03	62,39	72	67,67	69,71
Quality of legislation (%)	90,32	73,17	84,85	72,41	79,85
			4/2006	4/2006	4/2006
Forms with a quality label			Forms	Quality label	Percentage
			874	55	6,29%

Policy domain					
Indicator	1/2006	2/2006	3/2006	4/2006	Total 2006
Compensation credit 2006 (in euro)	-2.032.156	572.403	278.502	236.869	-944.382
RIA quality (%)	100	/	93,1	88,5	93,87
Quality of legislation (%)	100	/	100	100	100
			4/2006	4/2006	4/2006
Forms with a quality label			Forms	Quality label	Percentage
			6	/	0%

Entity	Compensation credit 2006 (in euro)	Quality of legislation 2006		RIA quality 2006	
		%	Number	%	Number
Departement	/	/	/	/	/
Agency	850.905	100	2 op 2	90,8	2
Agency	/	/	/	/	/
Agency	/	/	/	/	/
Agency	/	/	/	/	/

For more information, please contact Mr Johan Van Steelandt, Head of Regulatory Management Unit ([johan.vansteelandt@bz.vlaanderen.be](mailto:johan.vansteelandt@bz.vlaanderen.be), T. 02 553 17 11).

For more information about the Flemish Government's regulatory management policy and the activities of the Regulatory Management Unit, please refer to the website [www.vlaanderen.be/wetsmatiging](http://www.vlaanderen.be/wetsmatiging).

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## 4.3 REGULATORY QUALITY CELLS

### 4.3.1 CONTEXT

In 2004, the Regulatory Management Unit organised a survey in the Flemish administration. Supervisory civil servants answered questions about the way in which legislation in their policy domain is developed and about their vision of how this should be done. The results were surprising:

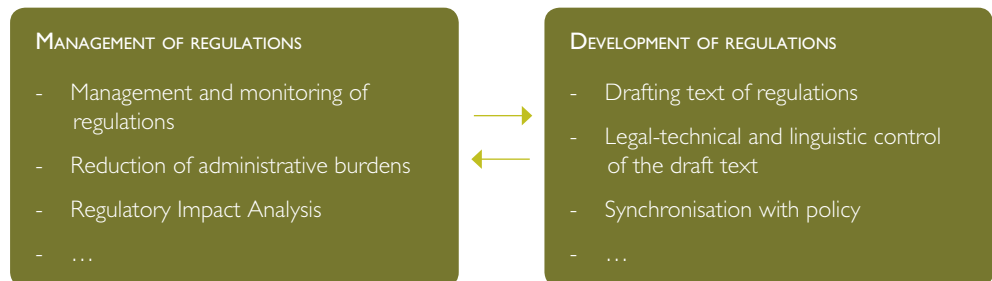
- Flemish legislation is drawn up in a fragmented way in cabinets, administrations or by external experts, by people from widely diverse disciplines. Only a third of the authors are lawyers.
- Few regulatory authors do this full-time. They usually have duties other than drawing up regulations. Additional training on how to write good regulations is apparently necessary.

According to the Regulatory Management Unit, the survey indicated that better management of the regulatory process is a necessity. Establishment of the so-called "Regulatory quality cells" should contribute to this.

### 4.3.2 DEFINITION

A regulatory quality cell is an entity within a specific policy domain, engaged in organising the regulatory process and in writing regulations. The main purpose of these cells is to raise the quality of the regulations within each policy domain. Synchronisation and collaboration with the Regulatory Management Unit are also part of their duties.

#### Regulatory quality cell



### 4.3.3 POSITIONING OF THE REGULATORY QUALITY CELLS

The Flemish Coalition Agreement opts for regulatory quality cells per policy domain. Because the set-up of policy domains can differ markedly from one to the other (setting tasks for agencies, manpower, etc.), it is necessary that the positioning of the regulatory quality cell can be tailored to the particular policy domain.

Therefore, the Flemish government opted to have the authorised minister determine the positioning of the regulatory quality cells per policy domain. In the first half of 2007, the proposals for the 13 policy domains will be discussed and submitted to the Flemish Government. By the end of 2007, the cells should be operational.

## 4.4 E-GOVERNMENT

At the beginning of 2005, the development of E-government in Flanders got a new boost with the establishment of the Flemish E-government Coordination Cell. This coordination cell coordinates and supports various e-government projects and initiatives within the Flemish government. Actions are being carried out in the following areas<sup>8</sup>:

<sup>8</sup> [www.corve.be](http://www.corve.be)

- Development of a suitable e-government basic infrastructure.
- Setting the necessary e-government standards and guidelines to allow for the optimal use of this basic infrastructure.
- Devising and setting up forms of collaboration and organisational models to make new forms of e-government services possible.

Major e-government initiatives that are also important for achieving administrative simplification by requesting data one time only are:

- The Flemish Integration Platform: to accommodate maximal reuse of data within the Flemish government, the right infrastructure and organisation are being set up. This way, agencies and entities can exchange data and applications can be integrated.
- MAGDA (Maximal Data-sharing among Agencies): within this programme, agreements are being made among agencies and entities of the Flemish government concerning the reuse of data about persons, companies, buildings, parcels of land, addresses and geographical information.







## 5.1 FLEMISH PARLIAMENT

Quality of legislation is an important topic for debate in the Flemish Parliament. Indeed, making and monitoring regulations of the Flemish Government are among the parliament's core tasks.

The Commission for Internal Affairs, Administrative matters, Institutional reform and Decree evaluation regularly open the debate about the quality of regulations in Flanders. Members of Parliament demand an explanation from the minister of regulatory management, the SERV explains its viewpoints concerning good legislation, etc.

At the request of the chairman of the Flemish Parliament, all Flemish RIAs are also being added to the regulatory dossier that the Flemish Government transmits after approval. The Parliament's interest in the subject is also evidenced from the number of written questions about the subject in 2006. The Parliament asked the minister of regulatory management no less than 16 questions about regulatory management and related subjects.

In addition, on 17 October 2006, Flemish Parliament members Sven Gatz and Marnic De Meulemeester submitted a resolution proposal regarding smart legislation for a knowledge society, creative legislation for a creative economy and sustainable legislation for sustainable development. Since 16 January, this dossier is under consideration in the Commission for Internal Affairs, Administrative matters, Institutional reform and Decree evaluation.

This resolution proposal could be an impetus to taking further measures for better legislation at the level of Flanders. Therefore, it contains three proposals for better preparation of laws, two proposals for better drafting of regulations, three proposals for better regulatory execution and two proposals for future-oriented legislation. Box 15 summarises these proposals.

### *Box 14: Proposals from the resolution proposal of the Flemish Parliament*

#### BETTER PREPARATION OF LAWS

- Introduction of a performance and enforcement test
- More possibilities for wide consultation
- 'Think small first'

#### BETTER DRAFTING OF REGULATIONS

- Specific use of sunset clauses
- Limiting the dates that new decrees and decisions of the Flemish Government come into force

#### BETTER REGULATORY EXECUTION

- Timely and good information and communication about new legislation
- Comply or explain
- Less ambiguity in the interpretation and the inspection criteria

#### FUTURE-ORIENTED LEGISLATION

- Experimenting with citizen participation
- Experimenting with information markets

## 5.2 OTHER AUTHORITIES IN BELGIUM

### 5.2.1 FEDERAL SERVICE FOR ADMINISTRATIVE SIMPLIFICATION

The Agency for Administrative Simplification (ASA) is the federal counterpart to the Regulatory Management Unit. Its assignments comprise<sup>9</sup>:

- Formulating, promoting, coordinating and examining simplification proposals
- Developing and applying a method that makes it possible to compute the costs that are charged to enterprises and SMEs
- Developing an administrative impact counter in collaboration with the FOD Economy, SME, Merchant and Energy services
- Organising collaboration among the various federal administrations
- The administrative support of the State Secretary for administrative simplification and his policy cell
- Legal guidance and coordination of various e-government projects
- Management of the complaints centre [www.kafka.be](http://www.kafka.be)
- Consultation with administrations in the preparation of simplification actions targeted to citizens.

In addition to this, the ASA also coordinates the consultation regarding administrative simplification among all policy levels in Belgium and with the social partners and representatives of merchants and SMEs for the federal authorities. The formal consultation with European and other international institutions also runs via the DAV.

### 5.2.2 WALLONIA AND BRUSSELS

The commissioner's office EASI-WAL (E-Administration and Simplification) in Wallonia and the Cell for Administrative Simplification and E-Government of the Brussels Metropolitan Region are both very new organisations. Nevertheless, they are now catching up in the area of regulatory management and the quest for regulatory quality.

In 2007, Wallonia is carrying out a pilot project to test the application of the Standard Cost Model. Two procedures in the Agriculture and Environment policy domains are being measured. The aim of this pilot project is to discover simplification possibilities on the one hand, and to become familiar with the SCM methodology on the other hand. The project is being evaluated for future expansion to other policy domains and procedures.

The Brussels Metropolitan Region is also outlining a policy around regulatory management. Key points of this policy are the link with e-government and the digitising of information flows.

<sup>9</sup> [www.simplification.fgov.be](http://www.simplification.fgov.be)

### 5.2.3 LOCAL ADMINISTRATIONS

The Flemish ministers of interior affairs and regulatory management want to involve local administrations more closely in the simplification of regulations. Citizens should regard the local administrations as first points of contact. Therefore red tape must be cut and legislation must be simpler.

As a result of the colloquium *Dialogue for simplification*, local administrations have been invited to submit simplification projects. Based on these projects, the Flemish government has entered into the dialogue.

Several paths of support for local administrations have resulted from the colloquium:

- a path with the focus on regulatory simplification

The goal is to arrive at legal-technical simplification by screening regulations and ordinances, organising them, weeding out duplicate, unnecessary and obsolete regulations and re-writing inconsistent regulations.

- a path with the focus on administrative simplification through forms management.

The goal is to draw up and evaluate quality forms, reduce administrative burdens with good forms, strengthen forms management and further develop digital windows.

Both paths have been translated into a publication by the Regulatory Management Unit:

- Handbook for local administrations: easy rules for simple regulations
- Quality forms in local administrations.

## 5.3 TARGET GROUPS

The target groups are the focal point of all administrative simplification initiatives and regulatory quality improvements. The Regulatory Management Unit distinguishes four target groups:

### 5.3.1 CITIZENS

In 2006, a reduction of administrative burdens of 2,087,694 euro was measured for the citizen target group.

The subsidy seeker, the replacement of the Plus-3-culture pass by showing the identity card, the digital request for a grant for higher education are projects that have achieved simplification for the citizen.

### 5.3.2 COMPANIES

This target group includes SMEs as well as large companies.

In 2006, administrative burdens savings of 17,550,264 euro were measured.

Projects for this target group include the harmonisation of procedures for Flemish pre-emption rights and the introduction of integrated environmental conditions for garages and carpentry companies.

### 5.3.3 ORGANISATIONS

This target group comprises schools, welfare facilities, etc. In 2006, a reduction in administrative burdens of 2,929,806 euro was measured.

Simplification for this target group was achieved by the common school dossier, containing all data that can be requested by several bodies.

### 5.3.4 GOVERNMENT

This target group includes local administrations such as municipalities, cities, police zones, OCMWs, and so forth. In 2006, reduction of administrative burdens for 1,324,902 euro was measured.

In particular, the streamlining of the planning burdens for local administrations will deliver a significant simplification for this target group (see also 3.1.3). Local administrations that act as regulators will provide a demonstrable reduction of administrative burdens (see also 5.2.3)

## 5.4 EUROPE

### 5.4.1 ADMINISTRATIVE BURDENS IN THE EUROPEAN UNION

The European Commission's working document *Measuring administrative costs and reducing administrative burden in the European Union* proposes an ambitious strategy for lowering these burdens by 25%<sup>10</sup> in the medium term (five years). In this way, the European Commission wants to emphasise its commitment to improving regulation as a part of the strategy for growth and employment.

The working document describes a possible route for reaching this goal, based on a partnership between the EU institutions and the member states. Key to the approach:

- common methods (based on the Standard Cost Model) for measuring the costs in priority areas and
- common principles for reducing the burdens.

The progress in achieving the objectives will be tracked via reporting on agreed sub-objectives and interim goals.

The European Commission emphasises that the required resources for such an approach may not be underestimated, despite the many benefits for the European Union and the entire society. A strong commitment from the EU institutions, but also and especially from the member states, is critically important.

The debate over these proposals started on 30 January 2007, at the ECOFIN meeting.

<sup>10</sup> Commission Communication  
- Action Programme for Reducing  
Administrative Burdens in the EU  
- COM(2007)23 - draft version

### 5.4.2 ADMINISTRATIVE BURDENS IN EUROPEAN MEMBER STATES

The Standard Cost Model (SCM) is employed in 17 European member states, shaping the administrative burdens policy. Although all these countries use the same SCM as method for measuring administrative burdens, the policy and the approach towards administrative burdens differ profoundly:

- Only the Netherlands, the United Kingdom, the Czech Republic and Denmark have screened their entire legislation for administrative burdens.
- Germany and Austria have begun a similar large-scale exercise.
- Other members like Estonia, Italy, Poland, Flanders, etc use the SCM in well-defined projects.

In 2003, the Netherlands carried out an integrated baseline measurement to identify the administrative burdens of organisations. For the Dutch government, this was the starting point to reduce the administrative burdens in businesses by 25% by 2007. On 31 December 2002, the total administrative burdens were estimated at 16.4 billion euro or 3.6% of the Dutch BBP.

Denmark started an integrated baseline measurement in August 2004. This measurement was finished in March 2006 and 15 ministries were involved. The measurement also shows the developments of the administrative burdens since 2001 when the current administration took office. Furthermore, the measurement will be adjusted each year with a measurement of the administrative burdens of the legislation that was approved the previous year.

The United Kingdom carried out a baseline measurement in response to a report of the Better Regulation Task Force, 'Less is More'. The objective was to measure the administrative burdens of enterprises but also of charity and volunteer organisations. 17 departments engaged in the measurement which took 18 months to complete. 8500 interviews were conducted.

The Czech Republic carried out a baseline measurement between March 2005 and September 2006, in which 12 ministries were involved. At the moment, Germany and Austria are also carrying out integrated baseline measurements. Germany first listed all information requirements that concern organisations. In January 2007, Germany started the actual measurement, conducted by the Federal Bureau for Statistics. Germany is starting with the measurement of information requirements that are deemed relatively easy to simplify, the so-called low-hanging fruit. Since November 2006, a measurement has also been running in Austria, which should be finished by June 2007. External consultants are carrying out this measurement based on the SCM model and, primarily, on personal interviews with companies.

## 5.5 COMMUNICATION

### 5.5.1 OBJECTIVES

The Regulatory Management Unit communicates about simplification projects in order to involve the general public and to inform all concerned about the results of the simplification.

The unit communicates with an internal target group on the one hand: all persons on the administrative side who are confronted with the application and the effects of the regulation. On the other hand,

it also communicates with an external target group: the citizens, companies, organisations and local administrations for which the projects are carried out.

The major objectives of this communication are:

- to promote familiarity with regulatory management and the Regulatory Management Unit;
- to ensure regulatory management knowledge with regard to content;
- to increase involvement;
- to continue to raise awareness.

### **5.5.2 WWW.VLAANDEREN.BE/WETSMATIGING**

The website [www.vlaanderen.be/wetsmatiging](http://www.vlaanderen.be/wetsmatiging) plays the role of central information source: everything concerning the Regulatory Management Unit and simplification can be found via the website. In all communication products, the website is referenced for more explanation and feedback. An extranet is also linked to the website. A database is managed on this extranet, which includes (for the moment) three modules:

- Projects database: management of the projects and structural initiatives from the Regulatory Management Action Plan
- Compensation table: management of the dossiers from the Compensation Rule for administrative burdens that are used as the basis for calculating the indicator
- Indicator table: management of the set of indicators of the regulatory management

Access to this intranet can be requested from the Regulatory Management Unit.

### **5.5.3 PUBLICATIONS**

The Regulatory Management Unit regularly publishes reports and handbooks about regulatory management and related subjects (see Appendix 1), which it distributes both internally and externally. All of these publications can be consulted online and/or ordered via the website of the Regulatory Management Unit: [www.vlaanderen.be/wetsmatiging](http://www.vlaanderen.be/wetsmatiging).

### **5.5.4 QUARTERLY REPORTING**

During a press conference on 26 May 2005, minister Bourgeois announced the launching of 104 simplification projects within the Flemish government, contained in the Action Plan 2005 'Good regulations. Simple procedures'.

Each quarter, by means of a 'dashboard', the progress in the reduction of burdens and in the improvement of quality of the Flemish government is reported in hard figures. Users can consult the dashboard via the website: [www.vlaanderen.be/wetsmatiging](http://www.vlaanderen.be/wetsmatiging).

The presentation of the quarterly figures coincides with the distribution of an electronic regulatory management newsletter, in which, in addition to communication of the figures, various achievements, points for special attention, and news items about regulatory management are highlighted.

The supervisory civil servants also receive an electronic newsletter with the quarterly figures for their policy domains, so that they can compare these figures with the average figures for Flanders. (see also 4.2.3. Box 13)

### 5.5.5 COLLOQUIUM FOR LOCAL ADMINISTRATIONS

On 6 June 2005, a colloquium 'Dialogue for Simplification' for local administrations took place. Flemish minister of Administrative Simplification Geert Bourgeois and Flemish minister of Interior Administration Marino Keulen acclaimed Knokke-Heist as 'Simplest Community' in Flanders. With their project for harmonising the by-laws, Knokke-Heist won over 32 other projects. Knokke-Heist proposed an extensive plan with which it wanted to harmonise by-laws to arrive at simple, transparent and clear regulations for the citizen as well as for the administration. The coast community's project proposal stood out because of its long-term vision on regulatory management and the thorough approach towards regulatory burden via the by-laws.

The town council received a road sign with the inscription 'Knokke-Heist, Simplest Community Award 2005' as a gift, and a certificate signed by minister Bourgeois and minister Keulen. Together with the seven other nominated communities, Knokke-Heist is receiving tailor-made support through the Regulatory Management Unit of the Flemish government for the realisation of its project. A year from now, after the successful realisation of their projects, the other nominated communities will be able to claim the label 'Simple Community'.





## 6.1 RECOMMENDATIONS FROM THE PROGRESS REPORT 2006

These recommendations are based on an analysis of current status of the Action Plan and on the evaluation of structural initiatives like the RIA and the Compensation Rule for administrative burdens. These recommendations from the Regulatory Management Unit should be translated into a resolution of the Flemish Government, and converted into concrete actions.

### 6.1.1 RECOMMENDATIONS REGARDING THE ACTION PLAN

- The Regulatory Management Unit adds each project for regulatory simplification that is started in the Flemish government to the Action Plan. This guarantees that the Action Plan gives an accurate picture of the efforts of the Flemish government and of each minister.

### 6.1.2 RECOMMENDATIONS REGARDING THE RIA METHODOLOGY

- In 2007, 10 best practices will be identified within the Flemish government, in policy domains with many regulatory initiatives. This way, the RIA's added value is more visible and the instrument can receive greater support.
- The Regulatory Management Unit develops a special training package on RIA, to help and support civil servants in resolving recurring pressure points, such as the availability of data for empirical foundations, conducting consultations, enforcement, etc.
- In-depth analysis of the measurement of the effect of the proposed regulation on various social aspects that have priority in the Flemish coalition agreement (innovation, economy, social cohesion, etc.) is a focal point.

### 6.1.3 RECOMMENDATIONS REGARDING THE MEASUREMENT OF ADMINISTRATIVE BURDENS

These recommendations aim to have Flanders join the European front runners again.

- In 2008, the policy domains with extensive regulations for citizens, organisations and businesses measure the administrative burdens of their most important legislation.
- Each policy domain then determines its own objectives with regard to reducing administrative burdens.

### 6.1.4 RECOMMENDATIONS REGARDING EUROPEAN DEVELOPMENTS

- The Regulatory Management Unit sets out a clear communication about the European developments regarding improving regulatory quality and reducing administrative burdens. "Better Regulation" is a top priority for the European Commission in the context of the Lisbon process.
- The Regulatory Management Unit studies how the benchmarking study can be used in the context of "Flanders in Action". The objective is to simplify execution of the "Services directive" within the Flemish government, in particular regarding testing the permissions and requirements against the general legal principles of fairness and proportion.

## 6.2 RECOMMENDATIONS BY THE SERV

On 22 November, the SERV (Socio-Economic Council of Flanders) launched an evaluation<sup>11</sup> of the RIA in Flanders. From this evaluation, it formulated a number of recommendations.

The SERV thinks that measures are needed to strengthen the profile, quality and policy impact of RIA. The analysis of international trends and developments provides a whole series of ideas and points for attention that are particularly relevant for Flanders.

On the other hand, it is clear that these measures cannot all be realised at the same time. Therefore, according to the SERV, a phased policy should be developed in order to link RIA better to the best international practices.

In the short term, the Council identified the following priorities:

- political leadership for RIA;
- removing the negative connotation around RIA;
- introducing a regulatory agenda;
- strengthening the transparency of the RIA system;
- ensuring more selectivity;
- increasing responsibility of the policy domains and strengthening the RIA capacity;
- Flemish RIAs for European legislation;
- a larger role for the Flemish Parliament.

### 6.2.1 POLITICAL LEADERSHIP FOR RIA

SERV finds it necessary to confirm and strengthen the political commitment for RIA. Better regulations and RIA demand a profound change to existing working methods and to the predominant policy culture. This means that political leadership is necessary to overcome resistance and inertia and to fully implement the following recommendations of the SERV.

### 6.2.2 REMOVING THE NEGATIVE CONNOTATION AROUND RIA

RIA has been previously viewed and used as an analytical method that has a strong ideological basis and that particularly had the goal of pushing back the role of the administration, avoiding regulations and reducing one-sided costs for business.

However, current views of RIA stress the value of RIA as a process rather than as an analytical method. First of all, it is a method of working directed towards promoting a social debate about the objectives and the content of important proposed new legislation. The RIA thus provides an integrated analytical framework that allows quantitative and qualitative information about potential economic, social and environmental effects to be analysed simultaneously in an integrated fashion.

So, according to the SERV, there is need for initiatives and good examples to remove the negative connotation that RIA sometimes has in Flanders. In this way social support increases.

### 6.2.3 INTRODUCING A REGULATORY AGENDA

According to the SERV, one of the major challenges for high-quality RIAs is to start RIA as early as possible in the policy process. A regulatory agenda can be a powerful stimulus for this. A regulatory agenda ensures early public notice about planned regulatory initiatives, at a moment that the proposed legislation has not yet been developed and so there are more possibilities for RIA to improve the decision-making. The coalition agreement announces a regulatory agenda, but has not yet been realised for the time being. The SERV references a separate advice that it has brought out as a developed proposal for introducing a regulatory agenda in Flanders.

### 6.2.4 STRENGTHENING THE TRANSPARENCY OF THE RIA SYSTEM

Transparency is a key tool for promoting the quality of RIA content. It increases the involvement of policy-makers, strengthens the justification of the proposed regulation, boosts social support and makes the growth of a "RIA network" possible (a network of authorities on the political and official level, parliament, advisory bodies, research institutes, organisations of target groups, and so on).

According to the SERV, priorities are:

- greater openness of the RIA process by consulting stakeholders more in an early phase;
- the active disclosure of all final RIAs via an online database and a central gateway on the Internet; and
- public and objective reporting of periodic evaluations of RIA quality.

### 6.2.5 ENSURING MORE SELECTIVITY

According to the SERV, it is necessary in the short term to designate a number of dossiers for which well-supported and extensive RIAs will be drawn up. On the other hand, there are examples of small regulatory dossiers for which a RIA is probably not needed. So, the SERV is arguing for more selectivity, in both directions:

- light RIA is still the rule,
- no RIAs needed for small amendments,
- more detailed RIAs for major legislation.

The Council cautions that bureaucratic criteria must be avoided in order to delimit the application area of RIA. It is not the legal form of the legislation that is important, but the content. In this sense, the SERV believes that RIAs are still desirable for important stipulations with regard to content in programme decrees or collective decrees.

In the same sense, according to the Council, whether or not a proposed regulation concerns conversion of a European directive cannot be a criterion in itself. From various case studies, it turns out that European directives often allow the member states much leeway in implementation and that RIA is an important tool for charting this policy freedom, completing both substantiation and deliberation. Thus, more selectivity must not be taken to the point that legislation with important potential consequences escapes the RIA requirement.

## **6.2.6 INCREASING RESPONSIBILITY OF THE POLICY DOMAINS AND STRENGTHENING THE RIA CAPACITY**

Responsibility for the quality of the regulatory and RIA process –and thus also for the quality of the content of the RIAs –lies primarily with the policy domains. Therefore, according to the SERV, it is necessary to make the policy domains responsible for high-quality RIAs. The planned regulatory cells can undoubtedly play a major role in this increase of responsibility and in the development of special RIA expertise within each policy domain.

According to the SERV, the Regulatory Management Unit has some important jobs to attend to:

- offer more differentiated training sessions and handbooks in addition to the existing basic guide and basic training, specifically about quantifying results, about alternatives of and for regulations, and about consultation;
- organise data collection, provide better accessibility to the available data for the RIA drafters, and develop quality requirements for data,
- further optimise the monitoring of RIA quality.

## **6.2.7 FLEMISH RIAs FOR EUROPEAN LEGISLATION**

More and more, Impact Assessments are being given a central role in the preparation of policy and the negotiations about new EU directives. Hence, there is a clear trend within the EU countries to supplement the European impact assessments with their own analyses. The European impact assessments focus on the results across all member states and less on the results within and between the states. Furthermore, individual member states are increasingly using their RIAs about proposed European legislation to strengthen their position in European negotiations.

In the Flemish scenario for transposing European legislation, it is envisioned that RIAs will also be drawn up about drafts of European directives with a potentially important impact on Flanders. The SERV appreciates this. The scenario should better enable the Flemish negotiators to be well-supported and informed as they participate in European decision-making. The SERV asks that this intention also be carried out in practice.

## **6.2.8 LARGER ROLE FOR THE FLEMISH PARLIAMENT**

The attention being paid to RIA within the Flemish Parliament is clearly on the rise. A good RIA in fact increases insight into the objectives, impact and pros and cons of the submitted legislation –thus simplifying the Parliament's work.

According to the SERV, this attention can still be strengthened in the handling of individual dossiers and in discussing European dossiers in the functionally authorised parliamentary committees, as well as via periodic evaluations and exchange of views about RIA in the parliamentary committee authorised for regulatory policy.





## 7 APPENDIX: LIST OF PUBLICATIONS

These publications are published by the Regulatory Management Unit and are available electronically on: [www.vlaanderen.be/wetsmatiging](http://www.vlaanderen.be/wetsmatiging) or they can be ordered via: [Wetsmatiging@vlaanderen.be](mailto:Wetsmatiging@vlaanderen.be)

### 7.1 HANDBOOK FOR LOCAL ADMINISTRATIONS: EASY RULES FOR SIMPLE REGULATIONS

The handbook is based on the experience that the Regulatory Management Unit has gained in carrying out four legal-technical simplification projects.

With these four projects, the Regulatory Management Unit has supported and guided the Aalter and Knokke-Heist municipalities and the cities of Antwerp and Kortrijk. This publication contains a brief description of these projects. These place the policy recommendations in a proper perspective. Practical tips and concrete examples illustrate the recommendations.

### 7.2 HIGH-QUALITY FORMS FOR LOCAL ADMINISTRATIONS

Local administrations play a crucial role in the development of regulatory management in Flanders because they are the closest to the population.

This publication focuses particularly on the possibilities that local administrations have for achieving administrative simplification by means of forms management. It is the result of a project that concentrated on four domains:

- 1) drafting and evaluating high-quality forms;
- 2) reducing administrative burdens through quality forms;
- 3) strengthening forms management;
- 4) further developing a digital service window (web forms).

These four domains are discussed in detail in this publication. Local administrations will also find tailor-made recommendations there.

The publication stems from six pilot projects in Balen, Knokke-Heist, Sint-Katelijne-Waver, Vilvoorde, Willebroek and the Limburg provincial administration.

### 7.3 SIMPLIFYING TOGETHER - ENTREPRENEURS

The administrative inconvenience that entrepreneurs and investors are confronted with was chosen as the first topic of [www.samenvereenvoudigen.be](http://www.samenvereenvoudigen.be).

Between 1 February and 30 April 2006, Flemish entrepreneurs could flag problems and formulate concrete suggestions for simplification. This could be done via a web form on [www.samenvereenvoudigen.be](http://www.samenvereenvoudigen.be), as well as via the phone number of the Flemish Infoline.

The employers' organisations UNIZO, VOKA and FEDIS combined their suggestions and provided them directly to the government.



The suggestions and experiences that were submitted by entrepreneurs between 1 February and 30 April 2006 are discussed in this report.

Work groups are processing all of the suggestions and are using them as input for launching new, concrete simplification projects.

## **7.4 THE DEVELOPMENT OF INDICATORS FOR REGULATORY MANAGEMENT**

In this publication, we explain the Flemish monitoring system and we discuss the first experiences. We first sketch the development of regulatory management in Flanders and the need for monitoring. Then, we discuss the Flemish monitoring system and the tables and indicators that are used with it. Next, we explain how Flanders implemented the monitoring system. Finally, we draw several conclusions and examine the plans for the further development of the monitoring system.

This publication is available in Dutch and in English.

## **7.5 REGULATORY MANAGEMENT ACTION PLAN 2005**

At the suggestion of minister Bourgeois, the 2005 Action Plan 'Good regulations. Simple procedures.' was approved by the Flemish Government on 29 April 2005.

The 2005 Action Plan contains 104 concrete simplification projects with which the Flemish government wants to achieve administrative simplification and improve the quality of Flemish legislation. The plan continues the existing policy and also provides several new emphases.

Starting this year, simplification will be expressed in figures. Each quarter, the following will be reported:

- How many simplification projects from the action plan have been completed,
- How many regulatory dossiers are of good quality and,
- How many euro in administrative burdens have been saved.

Structural initiatives form the backbone for administrative simplification:

- Forms site where citizen and company can download and fill in forms.
- The Regulatory Impact Analysis (RIA) and the Compensation Rule continue to be mandatory.
- The Flemish Parliament, the federal government and the local administrations will be structurally consulted.
- Flanders will have a stronger presence on the European forum.
- Projects are being started that span several policy domains.

The action plan puts citizens, companies and local administrations in the centre. A selection of the projects:

- Quality label for good forms,
- E-economy project: online governmental information about (among other things) subsidies,
- Semi-annual consultation between business leaders and the government about the progress of administrative simplification,
- Training sessions for local administrations about administrative simplification.

We are pursuing the existing policy for administrative simplification. We are working on completing concrete projects such as the integration of the building and environmental permits. The one-time parcel registration has also been completed.

## **7.6 RIA GUIDE - VERSION 2, JUNE 2006**

Since 1 January 2005, the drafting of a RIA has been mandatory for all draft decrees and decisions of the Flemish Government that have a regulatory effect on citizens, businesses or non-profit organisations.

RIA is a structured analysis of the intended objectives and of the expected positive and negative effects of a proposed regulation in comparison with alternatives.

RIA is the responsibility of the person or the body in a policy domain that draws up new legislation. The guidelines in this handbook (version 2, June 2006) help drafting a good RIA. This guide also contains a new template for drafting a RIA.

## **7.7 PROGRESS REPORT 2003-2004**

On 17 December 2004, the Flemish Government approved the conclusions of the regulatory management progress report 2003-2004 and took note of the recommendations.

The Regulatory Management Progress Report 2003-2004 'Wetsmatiging op het spoor' (Regulatory Management on track) reports on the 91 simplification projects from the Regulatory Management Action Plan 2003-2004. The Regulatory Management Unit supplemented these projects with 36 additional structural initiatives.

The Regulatory Management Unit is also formulating recommendations on the basis of conclusions about 91 projects and structural initiatives.

## **7.8 REGULATORY MANAGEMENT GUIDELINE**

The Regulatory Management Guideline is a resource for supervisory civil servants to give shape to regulatory management in their entity. The guideline seeks to communicate concrete suggestions:

- for the drafting of new legislation and the management of existing legislation,
- for the organisational anchoring of regulatory management within the policy domain,
- for the way in which everyone involved in regulatory management can be guided,
- for the way in which projects and activities regarding regulatory management, undertaken at the level of policy domains, can be followed up,
- for the use of available checklists, guidelines, handbooks and other tools in support of regulatory management.

First of all, the guideline is intended for the heads of departments and agencies. But this guideline is also useful for other supervisory levels that are involved in the implementation of regulatory management within their policy domain.

## **7.9 FINAL REPORT: ADMINISTRATIVE BURDENS COMPLAINTS OFFICE**

Nothing is as difficult as making something simple.

In the framework of a collaborative agreement regarding administrative simplification, the Flemish government together with the Federal government, the Flemish, Walloon and Brussels Metropolitan Regions and the German-speaking and French-speaking communities set up an administrative burdens complaints office. This complaints office was launched on 10 December 2003.

Confusing instructions, meaningless formalities, contradictory regulations, incomprehensible procedures, unclear forms on the federal, regional, provincial or municipal level... Until 31 March 2004, civil servants, citizens, companies, self-employed persons and organisations could report these things via [www.kafka.be](http://www.kafka.be) or via the Flemish, Walloon, Brussels or German-speaking Infoline.

And they did with great enthusiasm. In total, over 220,000 visits to the website were counted and 3,818 suggestions (3,478 of which were related to administrative burdens) were received.

The global results are set out in a report. Not all of the problems that were reported could be taken on board, but a selection was made of pressing and frequently recurring problems.

## **7.10 MEASURING IN ORDER TO KNOW - GUIDELINE FOR MEASURING ADMINISTRATIVE BURDENS**

Administrative burdens are often hidden costs. They are not recorded separately in a company's bookkeeping and often do not cause actual expenses. The busy flow of information from and to the government is not organised in the most efficient manner.

The Regulatory Management Unit has developed a Flemish measuring instrument for administrative burdens. This measuring instrument can –in an objective, scientifically supported way –provide a detailed map of the administrative burdens of Flemish legislation.

In February 2004, in support of this measuring instrument, the Regulatory Management Unit drew up a guideline. The experiences gained since the first publication and the use of the measuring instrument have prompted a number of adjustments. In January 2006, a second and revised handbook for measuring administrative burdens was published.

## **7.11 FORMS CHECKLIST**

Reducing administrative burdens is a priority for the Flemish Government. Forms occupy a special place in this effort because they are the most visible and tangible form of administrative burdens. Forms should be readable, simple, easy to fill in and, where possible, partly completed with the details that are already known.

Often, in addition to forms, procedures are needlessly complicated. For example, people sometimes have to fill in more than one form to request a certain subsidy and provide a form to several bodies. In addition to attending to the quality of individual forms, a forms policy is also of great importance.

The Advice on Language Usage Unit has composed a Forms Guideline. This guideline is a fully developed handbook for the designers of paper and electronic forms in the Flemish government. The guideline helps people draft efficient, user-friendly and attractive forms.

In January 2004, the Regulatory Management Unit developed the Forms Checklist as a supplement to the Forms Guideline. This checklist contains key points for reducing administrative burdens through good forms. The checklist allows assessing which forms are unnecessary. It also helps keeping the administrative burdens a specific form will introduce to a minimum.

## **7.12 CHARACTERISTICS OF GOOD REGULATIONS BROCHURE**

On 24 October 2003, the Flemish Government approved eight characteristics of good regulations.

The Flemish government uses these quality criteria as a guideline for drawing up and evaluating Flemish legislation and for the development of regulatory management in Flanders. Writing regulations that satisfy all of the quality criteria is the ultimate goal.

The brochure presents these eight characteristics in a clear manner, pointing out key points for drafting and evaluating regulations.

## **7.13 CHARACTERISTICS OF GOOD REGULATIONS GUIDE**

This guide contains a detailed description of the characteristics of good regulations. It has been developed for persons who wish to go more deeply into the quality requirements that the Flemish government uses for drafting regulations and for the development of the Flemish regulatory policy.

## **7.14 CHARACTERISTICS OF GOOD REGULATIONS POSTER**

Eight quality criteria for regulations are used as a guideline for drafting and evaluating Flemish regulations. There is also a poster (A2) available, with an overview of the eight characteristics.

## **7.15 REGULATORY MANAGEMENT ACTION PLAN 2003-2004**

On 24 October 2003, the Flemish Government approved the Regulatory Management Action Plan 2003-2004.

The plan contains over 90 concrete projects and 36 structural interventions for reducing administrative burdens in Flanders. The plan fits in with the Flemish Government's ambition to simplify legislation and to reduce the regulatory burden significantly.

This second action plan in this legislature is more ambitious than the previous one. The concrete projects provide visible results in the short term while the structural approach ensures sustainable results.

## **7.16 REGULATORY MANAGEMENT PROGRESS REPORT 2002-2003**

On 18 July 2003, the Flemish Government approved the content of the Regulatory Management Progress Report 2002-2003 and had the report submitted to the Flemish Parliament.

The progress report contains four chapters.

- Regulatory management in Flanders
- The simplification achieved
- The Regulatory Management Unit
- Decisions with regard to the further development of regulatory management

## **7.17 REGULATORY MANAGEMENT ACTION PLAN 2002-2003**

The Regulatory Management Action Plan 2002-2003 counted 117 simplification projects. The large number of projects indicates the involvement of all ministers in regulatory management. Most of the projects are found in the Business, Environment and Care & Welfare clusters.

The simplification projects of the policy domains are very valuable in the simplification of Flemish legislation. To accelerate the development of regulatory management, they should be supplemented with additional initiatives and projects from the Regulatory Management Unit.

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