

# CHAPTER 3

## PRIORITIES AND RESOURCE USE

The coronavirus pandemic continued to affect the Norwegian Better Regulation Council's activities throughout 2021. We continued to make extensive use of remote working solutions and digital meetings. Producing statements was also our main priority throughout 2021, and we published nearly as many statements in 2021 as in 2020. Our international work was somewhat more resource-intensive than in previous years (see below), and the evaluation of the Norwegian Better Regulation Council consumed a lot of time.

The Norwegian Better Regulation Council continues to prioritise competence-building and efficiency in the organisation, in addition to developing ever closer professional ties with international organisations and regulatory councils in other countries. This has laid the foundation for more thorough and efficient work when preparing each individual statement, and more consistent mapping of the more than 300 cases that are within the Council's mandate.

Our experience from previous years indicates that the statements generate dialogue and the exchange of information with those responsible for drafting regulations.

The Norwegian Better Regulation Council has continued its practice

from previous years, and in 2021, the Council continued to prioritise meetings and dialogue with all ministries and directorates that accept statements with relevant criticism.

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*The Norwegian Better Regulation Council has, as far as possible, continued to give lectures and participate in various networks that collaborate on improving studies and regulations.*

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In addition to our work on monitoring individual cases, this has provided insight into the challenges facing those responsible for drafting Norwegian regulations. In 2021, we collaborated with Standards Norway and the Norwegian Electrotechnical Committee to take the initiative for a major professional undertaking to study and give recommendations on the use of standards in the regulation of the business community. Menon Economics was commissioned to conduct the study, which will be funded by Standards Norway, the Norwegian Electrotechnical Committee and the Norwegian Ministry of Trade, Industry and

Fisheries, in addition to the Norwegian Better Regulation Council.

Our studies, and the work we perform each year with respect to tracking all cases where we have issued statements, provide valuable information about developments in the quality of studies and reports on new regulations. This data provides a more complete picture of general development trends than the statement cases themselves. However, our statements delve much deeper into the individual proposals, and over time, they also provide a basis for examining development trends and changes. In addition, we regularly track cases where we have published statements (see further explanation later in this chapter).

The Norwegian Better Regulation Council has continued to expand its international involvement. In 2021, we led the work of RegWatchEurope and actively participated in the Norwegian delegation to the OECD's Regulatory Policy Committee (RPC). RegWatchEurope had a dynamic year in 2021, with more professional development seminars and meetings than any previous year since Norway became a member.



# MAPPING OF RELEVANT REGULATORY PROPOSALS

## *From the allocation letter:*

The Norwegian Better Regulation Council's work should lead to statements on proposals for new or amended regulations that affect the business sector's framework conditions.

Performance indicators:

- Number of reviewed regulatory proposals per year
- Proportion of regulatory proposals that address SME considerations and explicitly address simplification

The secretariat registers all consultations on proposals for new or amended acts and regulations that affect the business community. We chart these consultations and make an overall assessment of the quality of studies and reports. The Council uses this as a starting point to determine which cases warrant a statement. The Council also uses these surveys to identify features and trends in the work on studies and reports in Norway, as expressed in consultative papers.

## [The Norwegian Better Regulation Council mapped 296 cases in 2021](#)

We mapped slightly fewer cases than in the two previous years, as

Norwegian ministries produced fewer cases in 2021, see Figure 1.

These figures do not include proposals for temporary regulations related to the coronavirus pandemic. The Norwegian Better Regulation Council has chosen not to include proposals for temporary rules related to the coronavirus pandemic as part of its normal mapping activity. These cases are charted separately (see discussion later in this chapter).

In both 2020 and 2021, Norwegian ministries worked with – and issued – many regulatory proposals related to Covid-19 outbreaks, see Figure 2. We assume Norwegian ministries have used a considerable amount of resources dealing with the coronavirus pandemic and that this may to some extent have displaced their work with other consultations in 2021. In addition, we expect that the change of government at the end of the year may have led to a decrease in the number of cases that ministries sent out for consultation in the final months of 2021.

Figure 1: Consultations within the Norwegian Better Regulation Council's mandate, divided into ministries and directorates. Number of cases, 2019–2021

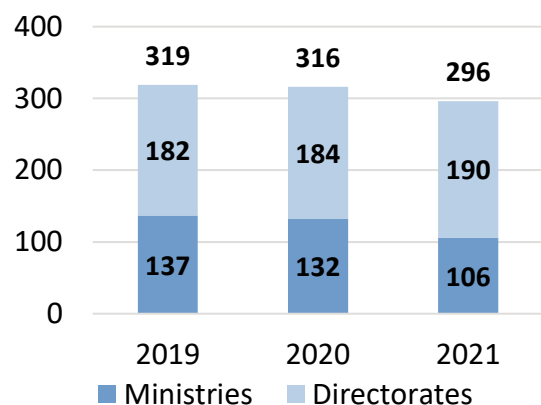
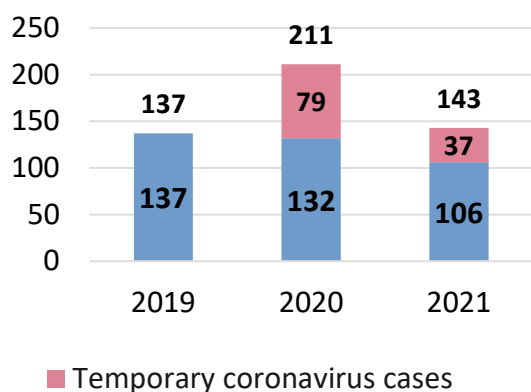


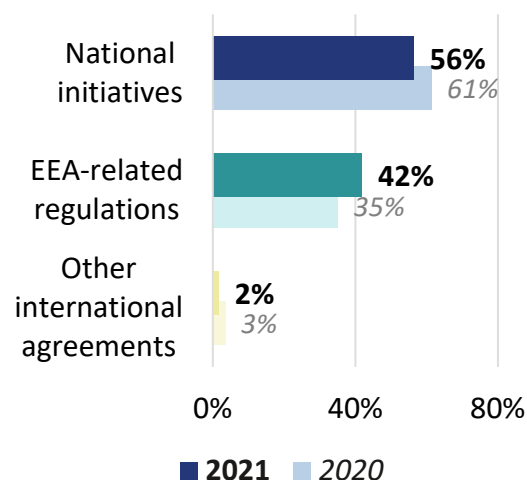
Figure 2: Consultations from Norwegian ministries within the Norwegian Better Regulation Council's mandate. Ordinary cases and temporary regulations related to the coronavirus pandemic. Number of cases, 2019–2021



### BACKGROUND FOR PROPOSALS – MOSTLY NATIONAL INITIATIVES

We map whether proposed rules and regulations are based on national initiatives, Norway's obligations under the EEA Agreement or other international agreements, see Figure 3.

Figure 3: Background for proposals. In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.



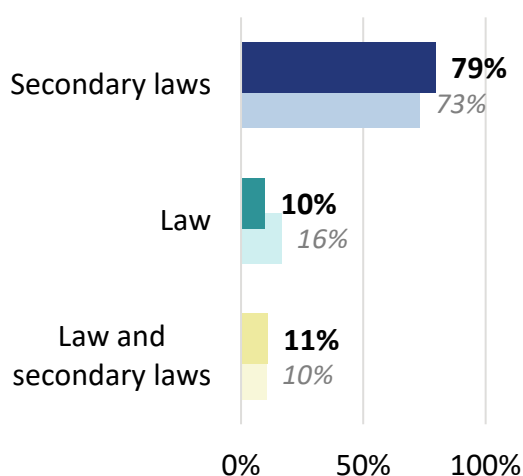
The somewhat higher proportion of EEA cases in 2021 compared with the previous year may be due to the fact that there were somewhat fewer cases from Norwegian ministries and more from directorates. Some of the directorates have a high number of cases based on regulations related to the EEA.

### LAW OR SECONDARY LAW

We identify whether the proposal relates to new or law or secondary law, or both law or secondary law together, see Figure 4.

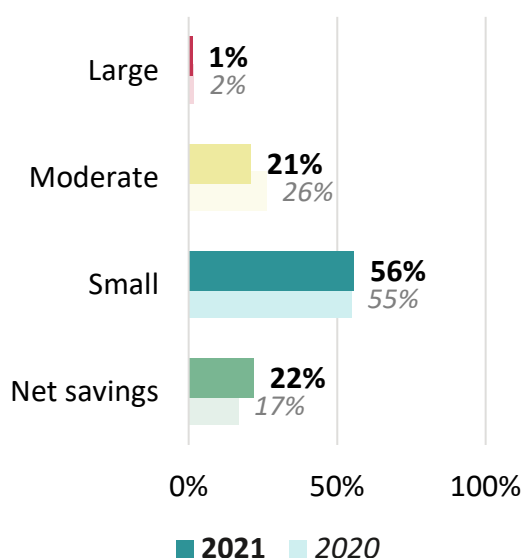
There was a somewhat higher proportion of cases concerning new or amended secondary laws in 2021 compared with the previous year. This may be due to the fact that there was a somewhat lower proportion of cases from Norwegian ministries compared to directorates in 2021. The directorates primarily send out secondary laws for consultation.

Figure 4: Type of regulation. In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.



Our assessment of new costs for businesses as a result of regulationsWe assess whether proposals affect a large or small number of companies and whether the costs resulting from the proposals are assumed to be high or low. Based on this, we estimate the scope of new costs for businesses.

Figure 5: Estimated scope of new costs for businesses. In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.

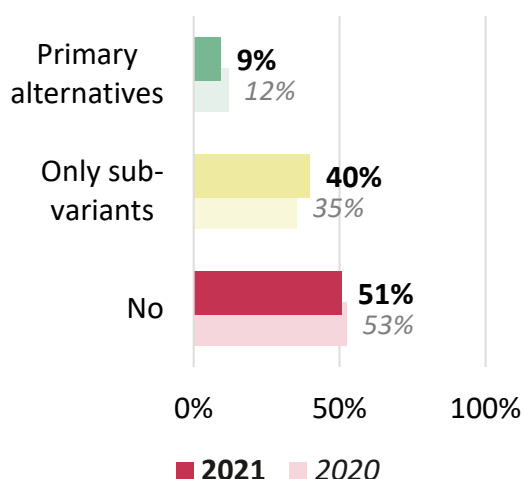


In our assessment, only a few cases resulted in a large scope of new costs for businesses (both many affected businesses and high costs): an estimated one to two per cent of the cases in the last two years. Just over 20 per cent of the cases have a moderate scope of new costs for businesses (many affected businesses and low costs or few affected businesses and high costs). The proportion of cases with a low scope of new costs for businesses (few affected businesses and low costs) has been steady at around 56 per cent in the last two years. This also includes cases where we consider the costs to be close to zero. In 2021, we estimate that 22 per cent of the cases led to savings for the business community. This is somewhat higher than the previous year.

#### HAVE ALTERNATIVE MEASURES BEEN STUDIED?

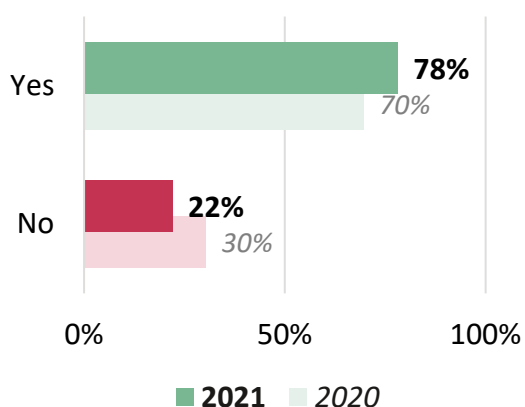
We map the extent to which alternative measures have been studied. For some proposals, we consider studying all alternatives to be irrelevant. This mainly applies to EU regulations without the opportunity for national adjustments. The proportion of proposals where we consider the assessment of alternatives to be irrelevant has remained stable at 31–32 per cent in recent years.

Figure 6: Studies of alternative measures, only in cases where alternatives are relevant. In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.



In about half of the cases, it is our assessment that no alternative methods of solving the problem will be affected by the proposal. In 2021, we found that the affected industry had been identified in 78 per cent of cases. This is an increase from 70 per cent in 2020.

Figure 7: Have affected industries been identified? In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.



considered. Primary alternatives have been chosen where alternative measures have been considered that involve the use of different types of policy instruments (regulations, financial, educational), cf. guide to Norwegian Instructions for Official Studies and Reports. Sub-variants have been chosen where different formulations of parts of the regulation have been discussed, e.g. two different threshold values.

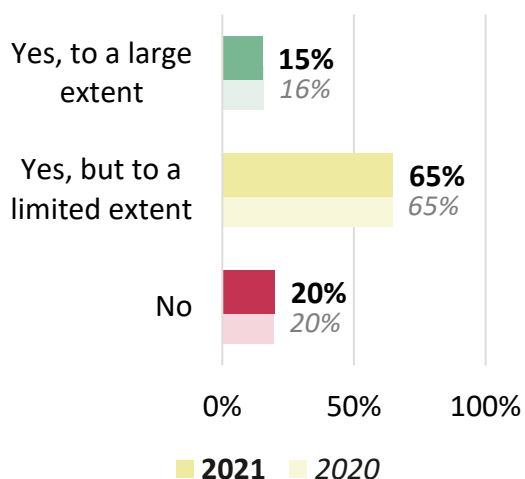
### IDENTIFICATION OF AFFECTED INDUSTRIES

We map whether consultative papers identify which industries are being regulated. When we state that a particular industry has been identified, this means that the consultative paper explicitly names which industries

### STUDIES OF THE EFFECTS ON THE BUSINESS COMMUNITY

In the majority of cases (80 per cent), the effects on the business community were investigated extensively or to some degree, but we believe that impact assessments were adequate in only 15 per cent of the cases in 2021. For 20 per cent of the proposals, the effects on affected businesses were not assessed. This proportion has been stable in recent years.

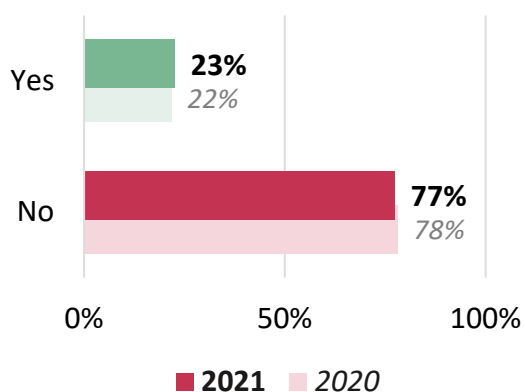
Figure 8: Is there a assessment of the effects on the business community? In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.



## QUANTIFICATION OF EFFECTS

We also map whether any of the effects on the business community have been quantified. In 2021, the effects on the business community were quantified in 23 per cent of the surveyed cases. This is about the same as for 2020.

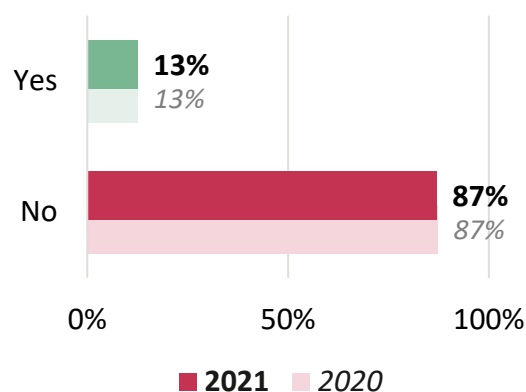
Figure 9: Have any of the effects on the business community been quantified? In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.



## CONSIDERATION FOR SMALL BUSINESSES

The Norwegian Better Regulation Council is focused on the importance of assessing whether small businesses can be taken into consideration to make it as easy as possible for them to follow rules and regulations. The consultative papers for 13 per cent of the proposals explicitly document consideration for small businesses. This proportion was exactly the same in 2021 as in 2020.

Figure 10: Are small businesses taken into consideration? In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.

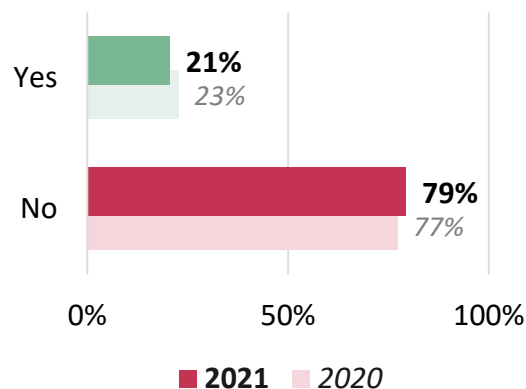




## SIMPLIFICATIONS FOR THE BUSINESS COMMUNITY

Just over 20 per cent of the proposals include simplifications for the business community. This proportion was about the same level in 2021 as in 2020.

*Figure 11: Have simplifications been explicitly proposed for the business community? In the chart below, the darkest bar represents figures from 2021, while the lightest bar represents 2020.*



## SURVEYS OF RELEVANT REGULATORY PROPOSALS RELATED TO THE COVID-19 PANDEMIC

The Norwegian Better Regulation Council has examined proposals for temporary regulations related to the coronavirus pandemic. These were proposals that were sent out for consultation in the period from March 2020 to March 2021 and which affected the business community. We reviewed 47 proposals. Nearly 90 per cent of the cases were sent out by Norwegian ministries. The Norwegian Ministry of Justice and Public Security, the Norwegian Ministry of Trade, Industry and Fisheries and the Norwegian Ministry of Health and Care Services are responsible for more than 50 per cent of the proposals we reviewed.

### ASSESSMENT OF THE QUALITY OF STUDIES AND REPORTS

Norwegian ministries and directorates were under considerable pressure in

terms of time and resources at the start of the coronavirus pandemic. We wanted to examine whether this could have had a negative effect on the quality of the impact assessments. However, our survey of these cases did not show significant differences in the quality of the impacts assessment compared with our ordinary survey. For example, affected industries were identified in a somewhat higher proportion of "coronavirus cases" compared to ordinary consultation cases in 2020. Effects on the business community were assessed in a somewhat higher proportion of ordinary consultation cases in 2020.



Figure 12 – Have affected industries been identified?

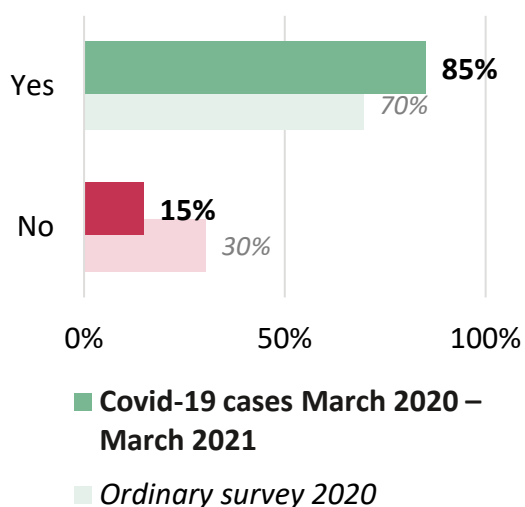
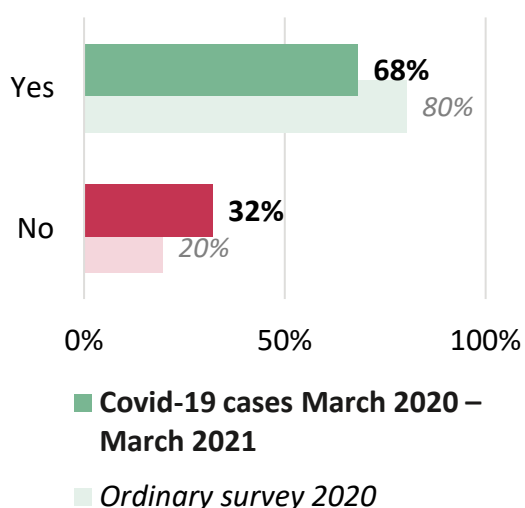


Figure 13 – Are effects on the business community discussed?



## CONSULTATION PERIOD AND CONSULTATION RESPONSES

The consultation periods at the beginning of the coronavirus pandemic were very short. Consultation cases published in April,

May and June 2020 had an average consultation period of 10 days. In the entire sample of cases, the average consultation period was 12 days. There appear to be signs of somewhat longer consultation periods from August 2020 until March 2021. About a quarter of the proposals included a justification for the short consultation deadline.

## TEMPORARY REGULATIONS WERE CONVERTED TO PERMANENT REGULATIONS

Some of the cases we reviewed were converted to permanent regulations after first being introduced as temporary regulations. This applies to measures that were initially implemented to limit people from meeting in person and to facilitate digital solutions. Another common aspect of these proposals is that there are many affected parties across industries, and it is our opinion that they provide net savings or lower costs for the business community.

In general, it may seem that there was a greater focus on simplification, digitalisation and having flexible regulatory frameworks for the business community in the "coronavirus cases" than in ordinary regulatory proposals. This may be due to the fact that many of the proposals were remedial measures for the business community.

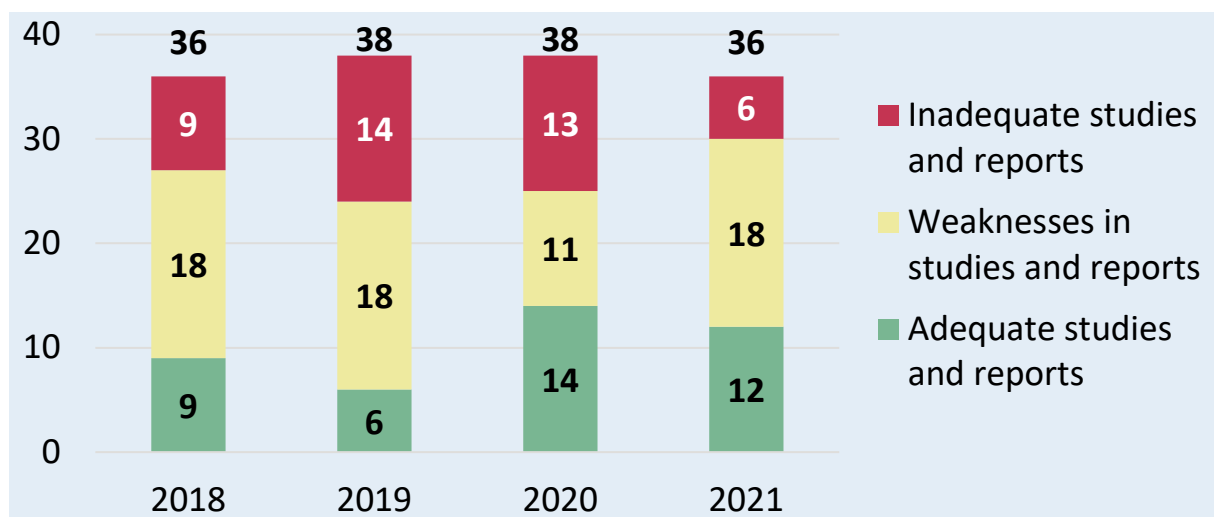
# THE NORWEGIAN BETTER REGULATION COUNCIL'S STATEMENTS

The Norwegian Better Regulation Council issues written statements in which we assess whether proposals for new or amended regulations have been studied in accordance with the requirements set out in the Norwegian Instructions for Official Studies and Reports. We also assess whether new or amended regulations are formulated such that the objectives can be achieved at a relatively low cost for the business community. In 2021, the Norwegian Better Regulation

Council issued 36 statements, two fewer than in 2020. This can be explained by the small number of cases in total, as described under "Mapping of relevant regulatory proposals". The statements are categorised by colour:

- Red – inadequate studies and reports
- Yellow – weaknesses in studies and reports
- Green – adequate studies and reports

*Figure 15 – The Norwegian Better Regulation Council's assessment of the quality of studies and reports. The figure shows the distribution of statements between the various categories over the last four years.*



In 2021, the Norwegian Better Regulation Council issued six red, 18 yellow and 12 green cases. This is the lowest number of red statements in several years.

The Norwegian Better Regulation Council adopted new criteria for

selecting cases in 2021. They are largely based on the criteria used from 2016. As a rule, the Norwegian Better Regulation Council prioritises cases that are expected to result in the highest costs for the business community and proposals that would

result in unnecessary costs for the business community. We also prioritise proposals that affect many companies – across industries, for example – or that have a relatively greater impact on small and medium-sized enterprises. Cases where impact assessments are of poorer quality are prioritised over those that are apparently well assessed and documented, where the scope of new costs appears to be unchanged.

A final factor that can lead to prioritising cases is an appropriate distribution of statements between various ministries and directorates, in order to reach the relevant industries and environments responsible for studies and reports.



## THE NORWEGIAN BETTER REGULATION COUNCIL'S 2021 STATEMENTS DISTRIBUTED BETWEEN RESPONSIBLE SENDERS

The Norwegian Better Regulation Council's complete assessment of each individual consultation can be found on our website, [www.regelradet.no](http://www.regelradet.no). A detailed overview of the statements issued in 2021 can be found in the appendices to this document.

### *From the allocation letter:*

The Norwegian Better Regulation Council's work should lead to statements on proposals for new or amended regulations that affect the business sector's framework conditions. Indicator:

- Number of statements per year

Figure 16 – The Norwegian Better Regulation Council's 2021 statements distributed between responsible senders.

Responsible sender	Green	Yellow	Red	Total
The Norwegian Directorate of Fisheries	2	3		5
The Norwegian Ministry of Justice and Public Security	3	2		5
The Norwegian Environment Agency	1	3		4
The Norwegian Ministry of Trade, Industry and Fisheries		2	1	3
The Norwegian Public Roads Administration (NPRA)		1	2	3
The Norwegian Ministry of Labour and Social Affairs		1	1	2
The Norwegian Ministry of Finance	2			2
The Norwegian Ministry of Health and Care Services	1		1	2
The Norwegian Ministry of Local Government and Modernisation	1	1		2
The Norwegian Tax Administration/Directorate of Taxes		1	1	2
The Norwegian Labour Inspection Authority		1		1
The Norwegian Ministry of Children and Equality		1		1
The Norwegian Directorate of Building Quality		1		1
The Norwegian Ministry of Climate and Environment	1			1
The Norwegian Ministry of Culture	1			1
The Norwegian Ministry of Education and Research		1		1
<b>Total</b>	<b>12</b>	<b>18</b>	<b>6</b>	<b>36</b>

# RESULTS OF THE NORWEGIAN BETTER REGULATION COUNCIL'S STATEMENTS

In 2021, we examined the path forward in cases on which the Norwegian Better Regulation Council has commented, after consultations were completed. We reviewed all consultation cases where the Norwegian Better Regulation Council issued a statement in the period from July 2016 to July 2021, a total of 187 statements on 190 consultations (on three occasions, the Norwegian Better Regulation Council issued a joint consultation statement for two consultations). Of the 190 consultation cases on which the Norwegian Better Regulation Council issued a statement, two thirds (125 cases) have been adopted (law) or laid down (secondary law). Eight cases were rejected, i.e. closed without any regulatory changes. The rest of the cases are either in the consultation process or being revised by a ministry/directorate, or they have been sent to the Storting but have not yet been adopted, or they have been sent out for a new round of consultations.

## PUBLIC DECISION DOCUMENTS ARE OFTEN LACKING IN REGULATORY MATTERS

Where available, we have reviewed publicly available decision documents. In relation to laws, these documents include a proposition to the Storting and a recommendation from the responsible parliamentary committee. There are publicly available decision documents for all

### *From the allocation letter:*

The Norwegian Better Regulation Council's work should lead to statements on proposals for new or amended regulations that affect the business sector's framework conditions. Indicator:

- Assessment of the effects of the Norwegian Better Regulation Council's statements, including assessment of changes in the major regulatory developers over time.

of the adopted the laws on which we have issued a statement.

In relation to secondary laws, we have reviewed documents where the input from consultation bodies has been documented and decided on, and where documents have been published on the consultation webpage, for example. This could be a recommendation from a directorate to a ministry. Public decision documents were available for just under a third of all laid down regulations we examined. This makes it difficult to follow developments in many regulatory cases.

## THE NORWEGIAN BETTER REGULATION COUNCIL'S STATEMENTS HAVE HAD AN EFFECT IN SEVERAL CASES

There are decision documents in a total of 90 cases on which the Norwegian Better Regulation Council has issued a statement. In 58 cases (64 per cent), the Norwegian Better Regulation Council's statement is mentioned in the case's decision document. In a third of these cases, it is our assessment that the Norwegian Better Regulation Council's statement has led to changes in the wording of the final proposal, has had an effect on the quality of studies and reports or has contributed to the further process in the case in some other way. In two cases, the responsible department stated that they disagree with the Norwegian Better Regulation Council's assessments or objections. In the rest of the cases, the responsible ministry/directorate has included a discussion of the Norwegian Better Regulation Council's statement.

In several cases, we have seen that the Norwegian Better Regulation

Council's statement has had an impact on the final wording of the regulations, which contributes to lower costs for the business community. This may entail granting extended exemptions from new obligations for all or parts of the business community compared to the original proposal.

In a number of cases, we see that the Norwegian Better Regulation Council's statement has contributed to improving the quality of impact assessment, for example through the publishing of additional reports. We assume that the Norwegian Better Regulation Council's impact on the quality of impact assessment is a process that takes time and is only obvious to a small extent in the review of decision documents in specific cases.

[We have published a professional memorandum on our review of the cases where we issued statements on our website.](#)

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## ADVISORY ACTIVITY AND INFORMATION WORK

The Norwegian Better Regulation Council advises ministries and directorates on business economic impact assessments and effective regulation. When the Norwegian Better Regulation Council issues a statement on proposals for new or

amended regulations, we offer a handover meeting to provide guidance. The Council can also assist the responsible ministry in the work of assessing the consequences of EEA-relevant regulations.

## DIALOGUE WITH MINISTRIES AND DIRECTORATES

In most cases when the Norwegian Better Regulation Council issues a statement, we send prior notice to the responsible ministry or directorate. In previous years, we have normally requested a meeting with the responsible ministry or directorate in relation to all red cases. In 2021, we also requested meetings in relation to some yellow and green cases. We have asked for meetings in relation to ten cases this year: five red, four yellow and one green. There were seven meetings between the Norwegian Better Regulation Council and the responsible ministry/directorate in connection with a statement: in three red cases, three yellow cases and one green case. This was the first year we had a handover meeting in a green case.

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*We believe that dialogue with regulatory developers is an important tool for increasing the quality of studies and reports in Norway.*

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Handover meetings in yellow and green cases was instructive for both us and regulatory developers.

We have had constructive dialogue with a number of the major regulatory developers, and we believe that several of them have made greater efforts to improve the quality of their studies and reports in recent years. However, different areas of society have different traditions in how the

### *From the allocation letter:*

The Norwegian Better Regulation Council's work should provide general guidance to the public administration on the preparation of impact assessments, while the responsible ministry should receive assistance in assessing the consequences of EEA-relevant regulations. Performance indicators:

- Number of delivery meetings and guidance meetings offered and held
- Assessment of the effect of the advisory work in general and for important regulatory developers in particular

authorities and industries work together and exchange views and information. The various parties responsible for producing regulations also have different procedures and arrangements for how regulatory impact assessment relating to regulations are to be carried out. This makes it difficult to compare and assess what the Norwegian Better Regulation Council may have contributed to the process. Moving forward, it will be important to help initiate various forms of cooperation between those who produce regulations. In particular, this pertains to the interpretation and use of the



Norwegian Instructions for Official Studies and Reports, and the design of and arrangements for constructive consultation processes. The Norwegian Better Regulation Council views the Norwegian Agency for Public and Financial Management as a natural partner in this work.

#### GUIDANCE AND INFORMATION ON REGNRADET.NO

On our website, we regularly publish relevant information on key subject areas that the Norwegian Better Regulation Council works with. The object is to provide specific and useful input on how impact assessments for the business community can be improved.

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*The Norwegian Better Regulation Council reports on professional development and practices in the areas of simplification and regulation, and it provides information and general guidance that promote more effective regulation.*

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In addition, we present findings and analyses of our collected data on the quality of studies and reports.

The comprehensive report “OECD Regulatory Policy Outlook 2021” was published in 2021. Accordingly, we focused on disseminating some of the main content of this report in the guidance section of our website, in

order to promote effective regulation. We have also published findings from our review of regulatory proposals related to the coronavirus pandemic and what happens after the Norwegian Better Regulation Council has issued a statement on a consultation case.

#### COLLABORATIVE RELATIONSHIPS

The Norwegian Better Regulation Council has a close professional collaboration with the Norwegian Agency for Public and Financial Management and contributes to the work of further developing the guidance material related to the Norwegian Instructions for Official Studies and Reports. For instance, we participate in the reference group for updating the Guidelines on cost-benefit analysis. We also conduct dialogue and professional collaboration with the Norwegian Resource Centre for Sharing of Data in the Norwegian Digitalisation Agency. They aim to promote the sharing and use of data by disseminating knowledge and by developing regulations in the area. The Resource Centre recently published a guide to digitalisation-friendly regulations. The Norwegian Better Regulation Council provided input to the guide.

The Norwegian Better Regulation Council has also provided high-level input to the Norwegian Ministry of Trade, Industry and Fisheries. At a professional meeting in the spring of 2021, we explained the function of corresponding regulation councils in other countries and international developments.

## CONSULTATION RESPONSES TO PROPOSED CHANGES ARE IN THE NORWEGIAN INSTRUCTIONS FOR OFFICIAL STUDIES AND REPORTS

In February 2020, the government commissioned a working group to propose measures to improve the quality and availability of regulations that implement EEA regulations. In the spring of 2020, the Norwegian Better Regulation Council submitted a summary of our experiences with consultation processes in EEA cases. The Norwegian Better Regulation Council's input is discussed in the working group's report. The report proposes several changes to the Norwegian Instructions for Official Studies and Reports, which were sent out for consultation in the autumn of 2021. The Norwegian Better Regulation Council submitted a consultation response related to the proposed changes.

The Norwegian Better Regulation Council believes that the working group addresses an important topic, and that the report could provide a basis for initiating an important process of improving the administration and knowledge of the EEA Agreement. However, the Norwegian Better Regulation Council believes that the report is unbalanced in the sense that it provides a thorough description of some areas, while it only provides a brief, general description of others.

For instance, the report thoroughly discusses the legal challenges of implementing EEA regulations but includes a less thorough assessment

of the need for "policy coordination". The report does not mention how the public administration should work to stay up to date, apart from proposing that the EEA legal forum should also be a forum for sharing information on ongoing legal decisions. In the Norwegian Better Regulation Council's view, it is also important to share up-to-date information on practical developments in relevant markets and areas of society.

## LECTURES AND EXTERNAL MEETINGS

In 2021, the Norwegian Better Regulation Council had meetings with the Norwegian Confederation of Trade Unions (LO), the Confederation of Norwegian Enterprise (NHO), the Federation of Norwegian Enterprise (Virke), the Norwegian Farmers' Union, the Norwegian Association of Small & Medium Enterprises, Accounting Norway and the Norwegian Institute of Public Accountants. The objective of the meetings was to exchange views on important cases and elements of cases, and to provide each other with information about our respective organisations. It was also natural for the Norwegian Better Regulation Council to address issues related to the framework conditions for simplification work and the Council's role in a medium-term perspective.

In 2021, the Chair of the Norwegian Better Regulation Council also contributed to the annual Simplification Conference organised by NHO, Accounting Norway and the Norwegian Institute of Public Accountants. In November, the Norwegian Better Regulation Council

participated in a seminar for the Office of the Auditor General of Norway, where we gave a presentation on our observations regarding regulatory trends.

#### PROJECT: STANDARDS IN REGULATIONS

In 2020, the Norwegian Better Regulation Council, Standards Norway and the Norwegian Electrotechnical Committee initiated a study of the possibility of a collaborative project that would examine the use of existing standards in regulatory development.

The aim was to identify regulatory areas that are particularly suitable for the use of standards and whether

standards would provide any benefits for regulatory developers or users.

Towards the end of 2020, it became clear that the Norwegian Ministry of Trade, Industry and Fisheries wanted to support the project financially. The first half of 2021 was used to formulate a description of the assignment and announce the project to external consultants. During late summer, Menon Economics was chosen to conduct the analysis. The project started in the autumn of 2021 and a full report is expected in March 2022. The report will provide a basis for further guidance on the use of standards in regulations.

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## REGULATORY SIMPLIFICATION AND REGULATION

In order to follow professional developments within regulatory simplification and better regulation, the Norwegian Better Regulation Council participates in the network of European regulatory scrutiny boards, RegWatchEurope, and in the OECD. International professional development provides useful knowledge on an ongoing basis, and we work to make current and relevant knowledge readily available both for Norwegian public administration and for the business community.



## OECD REGULATORY POLICY COMMITTEE

The Organisation for Economic Co-operation and Development (OECD) has 38 member countries and works to promote policies based on market economy and democratic institutions, with a focus on improving the well-being of all citizens. The OECD also compares the systems in different countries and makes recommendations on best practice in many policy areas.

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*The Regulatory Policy Committee (RPC) was established in 2009 to help member states build and strengthen their reforms in this area. The committee aims to be a platform to help member states use regulatory policy tools and learn from each other's experiences.*

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The Secretariat of the Norwegian Better Regulation Council was a regular participant in the Norwegian delegation to the committee in 2021 because the OECD is an important source of knowledge about good regulation and simplification for the business community.

The Norwegian Agency for Public and Financial Management is the responsible coordinator for Norway's participation. The Committee holds two meetings and one conference a

### *From the allocation letter:*

The Norwegian Better Regulation Council should follow professional development and practice in the areas of regulatory simplification and better regulation. Performance indicators:

- Assessment of the effect on the Norwegian Better Regulation Council's work with statements as a result of national and international professional development and practice in the areas of regulatory simplification and regulation
- Assessment of how the Norwegian Better Regulation Council has obtained and disseminated information on regulatory simplification and regulation

year, in addition to workshops on relevant topics.

In the opinion of the Norwegian Better Regulation Council, the OECD sees good regulatory policy as a crucial foundation for an efficient and competitive business community. Norway is an economy with high

wage levels and high tax levels compared with many other countries. Thus, it is especially important that we have appropriate regulations and closely follow developments in comparable countries.

#### RECOMMENDATION BY THE OECD: AGILE REGULATORY GOVERNANCE TO HARNESS INNOVATION

In October 2021, following a proposal from the Regulatory Policy Committee, the OECD Council adopted a recommendation that member countries should ensure smooth management of regulations in order to exploit opportunities for innovation. The recommendation includes how to ensure progressive regulation and the importance of cooperating on regulations both across national borders and between various national authorities.

#### IMPORTANT OECD DOCUMENTS ON REGULATORY POLICY PUBLISHED BY THE OECD IN 2021:

[Recommendation of the Council for Agile Regulatory Governance to Harness Innovation](#)

[OECD Regulatory Policy Outlook 2021](#)

[How do laws and regulations affect competitiveness, The role for regulatory impact assessment](#)

[Data-Driven, Information-Enabled Regulatory Delivery](#)

[Case Studies on the Regulatory Challenges Raised by Innovation and the Regulatory Responses](#)

[Good regulatory practices and co-operation in trade agreements, A historical perspective and stocktaking](#)

[Compendium of International Organisations' Practices. Working Towards More Effective International Instruments](#)

## STATUS SURVEY 2021: OECD COUNTRIES' IMPLEMENTATION OF GOOD REGULATORY POLICY

The OECD brought regulatory policy into focus, ranked the member countries and made recommendations in its comprehensive report "OECD Regulatory Policy Outlook 2021", which was published in October. The report is based on a major study of regulatory policy in member countries and was produced by the Regulatory Policy Committee.

The member countries are ranked according to indicators on the involvement of affected parties in regulatory processes, studies and reports on regulatory proposals and an evaluation of implemented regulations. The report aims to

provide a picture of how far the countries have come in implementing the OECD's recommendation for good regulatory policy from 2012. The report also deals with several important and relevant topics related to regulatory policy. A separate chapter is devoted to "Regulatory Oversight". In addition, the report discusses international regulation cooperation and risk-based regulation. The OECD also points the way forward in its discussion of Regulatory Policy Version 2.0. In addition, all countries are mentioned in a separate chapter.

A summary of the report is available on the Norwegian Better Regulation Council's website.





# CHAIRMANSHIP OF REGWATCHEUROPE

In 2021, the Norwegian Better Regulation Council assumed chairmanship of RegWatchEurope (RWE), and council member Siri Pettersen Strandenes served as chair of the network. RWE consists of independent regulatory scrutiny boards in Europe and is an important arena for discussions and exchange of experience related to this work. The Norwegian Better Regulation Council uses the network to follow the international development of the function of regulatory scrutiny boards and regulatory work.

## HIGH ACTIVITY AND INCREASE IN PARTICIPANTS IN PROFESSIONAL DEVELOPMENT WORKSHOPS

As the chair of RWE, the Norwegian Better Regulation Council organised meetings and workshops on behalf of RWE in 2021. We held four professional development workshops, one workshop in collaboration with the OECD, two meetings at the secretariat level and two meetings at the council chair level. The meetings are for members of RWE, while the professional development workshops are open to all countries that have some form of regulatory scrutiny function. The workshops had up to 30 participants from 16 different countries. This is a substantial increase in the number of participants compared to previous years. The reason for this is partly that the workshops were carried out digitally and were thus more easily accessible. The Norwegian Better Regulation Council received praise for how we

conducted the meetings and workshops. The Czech Regulatory Impact Assessment Board will take over the chairmanship in 2022. They have expressed that they will continue to conduct some of the meetings and workshops online, regardless of Covid-19 concerns, due to the success of this approach in 2021.

## Work for better regulation in the EU

In 2021, RWE worked to promote better regulation through contact with the EU Commission. On 29 April 2021, the European Commission adopted "[\*Better Regulation – Joining forces to make better laws\*](#)", which proposes several improvements in the EU regulatory process. On 11 June, RWE published a statement on measures based on the experiences of national regulatory scrutiny boards.

In September, RWE and European Commission Vice-President for Interinstitutional Relations and Foresight Maroš Šefčovič conducted an online meeting. The meeting was chaired by council member Siri Pettersen Strandenes. The Norwegian Better Regulation Council also participated in the High Level Conference "[\*Joining forces for the next generation for Better Regulation\*](#)" in December. A representative from RWE participated in a panel discussion with representatives from the European Commission, the European Court of Auditors, the EU Regulatory Scrutiny Board and members of the European Parliament



on how better regulation can help the European economy bounce back after Covid-19. In addition, the Norwegian Better Regulation Council participated in the EU Regulatory Scrutiny Board's annual conference in May and in the German National Regulatory Control Council's "NKR Stocktaking Conference" in September.

#### Cooperation with the OECD

In 2021, the Norwegian Better Regulation Council emphasised the need for good cooperation between RWE and the OECD. In January, RWE and the OECD arranged a joint workshop on "*Regulatory oversight in the face of emerging technologies: doing it right?*". As the chair of RWE, the Norwegian Better Regulation Council opened the workshop and gave a presentation. The aim was to provide input to the OECD's work with recommendations on [Agile Regulatory Governance to Harness Innovation](#). The workshop brought together 45 experts from around the world who discussed how regulatory scrutiny boards can contribute to good regulation of new technologies

in the future. As described above, the OECD published a Regulatory Policy Outlook in 2021. In December, RWE issued a joint statement on the report, in which RWE gave general support to the OECD's work for better regulation.

#### OTHER ACTIVITIES

On behalf of RWE, the Norwegian Better Regulation Council also held meetings with countries that are interested in issues related to regulatory scrutiny boards. We had a meeting with representatives from the Israeli Ministry of Finance, who were interested in the organisation of regulatory scrutiny boards and their placement in public administration. We also held a meeting with representatives from Slovakia who wanted to discuss issues regarding grading and assessing the quality of studies and reports.

#### *Professional workshops under the auspices of RegWatchEurope in 2021:*

- 15 March: Scrutiny of transposed EU legislation.
- 21 May: Regulatory Oversight and Strategic Foresight.
- 14 September: Follow up of cost.
- 30 November: OECD Regulatory Policy Outlook 21.

The workshops were also attended by delegates from countries that are not members of RegWatchEurope, including: France, Spain, Portugal, Italy, Slovakia, Estonia, Lithuania, Iceland, the EU Regulatory Scrutiny Board (RSB) and the OECD.