

# Comparing the Roles of Regulatory Oversight Bodies in Central and East European Countries

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# RIA = horizontal function of the state?

- EU context (IA part of Better and Smart regulation movement)
- Horizontal functions of the state: minimal standards for the analysis and information contained, consultation, phases of proposal preparation, scrutiny for considering options, ex-post evaluation, etc.: inducement of knowledge utilization, evaluation of efficiency and effectiveness
- CEE countries: high level of fragmentation + poor horizontal coordination (Verheijen 2006)
- Who oversees compliance with requirements?

# Strong regulatory oversight

- Strength of institutional oversight = quality assurance mechanism (OECD 2008, 2009, Renda 2006, Staroňová 2010)
- “a hierarchical supervision of regulatory action by executive and legislative actors” (Lindseth 2008) and review of flow of new regulations using RIA
- Location: judiciary, executive center, independent entity
- EU: IAB → Regulatory Scrutiny Board, USA: OIRA
- Key roles: expertise, political accountability, coordination from whole-of-government perspective, functions/power/authority, challenging, advice/support

# Methodology

- Research questions:
  - What has mobilized reforms across CEE to introduce regulatory oversight for RIA?
  - How did the reforms strengthen the role of of the center and its coordination capacities?
  - What oversight model did they adapt?
- Rationale of institutionalizing the relevant arrangements + characteristics of oversight structure
- Focus on: Czech Republic, Hungary, Estonia, Slovakia and Slovenia
- Similarity (timing): EU 2004, RIA reforms (2nd phase 2010)
- Difference in the way of constructing oversight bodies
- Data: formal documents, informal procedures, interviews with oversight bodies (civil servants)
- Timespan: 2010-2014 (reforms)



# Framework for Assessing ROBs

DIMENSIONS/ROLE	TECHNICAL Instrumental	STRATEGIC	SYMBOLIC
<b>Impetus for Introducing ROBs</b>	Domestic internal learning (expert audit)	Domestic political (no learning involved)	International community (SIGMA, World Bank, EU)
<b>Composition and Independence of ROB</b>	Relevant expertise (acknowledged by society) independent of government	Internal experts approved by and trusted by government	Administrative loyalty to politician (no expert authority)
<b>Deliberation of ROB</b>	Adequate time for expert interaction within oversight body, vis-à-vis RIA originator, whole of government perspective, including options	Adequate to substantiate preferred choices, moderate to low whole of government perspective (analysis of preferred option)	Formal scrutiny if RIA has been filled out (monitoring compliance, no real time/power to influence decision-making, one-off activity at the end of the RIA process)
<b>Oversight's Output and Dissemination</b>	Concrete expert recommendations on contents to RIA originator (dialogue), transparent to public	Recommendations on selected issues to government	No recommendations, report for internal archiving (compliance and not open to public)
<b>Power</b>	Veto power to return low quality RIAs	Selective power to return low quality RIAs	No power to reject low quality RIAs
<b>Assistance and Support to Originators (line ministries)</b>	Assistance during development of RIAs, capacity building activities (e.g. trainings, guidelines), whole of government approach	No assistance during development of RIAs, but production of guidelines, selective areas (state budget or administrative burden)	No assistance provided

# Comparison of RIA oversight mechanisms across countries

- **Impetus for Introducing**

- Domestic Audit - Government: Czech Republic,
- Domestic Audit – National Audit Office: Estonia, Slovenia
- Domestic: no learning, political decision – strategic: Hungary
- SIGMA report/Better regulation: Slovakia

- **Composition and Independence**

- Independent RIA Committee (15): Czech Republic
- Singular oversight structure anchored at a ministry (4 administrative civil servants in MoPA): Hungary
- Plural oversight structure (4 ministries): Slovakia
- Singular RIA oversight networked with other oversight bodies: Estonia
- Delegated oversight: Slovenia

# Comparison of RIA oversight mechanisms across countries

- **Deliberation and Output**

- Face to face deliberation on all filtered cases (workload division based on expertise): Czech Republic, Estonia
- Per rollam deliberation, assessments solely (RIAs divided): Slovakia, Slovenia
- compliance check with no expert input (but ECOSTAT role): Hungary

- **Power (fit with legislative process!!!)**

- Veto power: Czech republic
- Early filtering and rejection: Estonia (roadmaps)
- Late filtering and rejection: Slovakia
- No power: Hungary, Slovenia

# Comparison of RIA oversight mechanisms across countries

Dimensions	Technical Instrumental Role	Strategic	Symbolic
Impetus for Introducing Regulatory Oversight	Czech Republic, Estonia, Slovenia	Hungary	Slovakia
Composition and Independence of ROB	Czech Republic, Estonia (network)	Hungary (2010-12 while Ecostat in place), Estonia, Slovakia	Hungary (2012 – present after termination of Ecostat unit), Slovenia
Deliberation of ROB	Czech Republic, Estonia	Slovakia (after 2015 creation of one RIA Committee)	Hungary, Slovenia, Slovakia (2010 – 2015)
Oversight's Output and Dissemination	Czech Republic, Estonia	Slovakia (after 2015)	Hungary, Slovenia, Slovakia (2010 – 2015)
Power	Czech Republic, Estonia (after 2015)	Slovakia, Estonia	Hungary, Slovenia
Assistance and Support to originators (line ministries)	Estonia	Czech Republic, Slovakia	Hungary, Slovenia



# Conclusions

- Role of deep internal learning (as opposed to external): National Audit Office?
  - effectiveness of the process
  - Placement, design, deliberation, implementation
- Expert deliberation and discussion (Dunlop et al „communicative usage“)
- Fit with decision-making (legislative) process