

Impact Assessment in Italy: State of the Art and Patterns of Regulatory Reform

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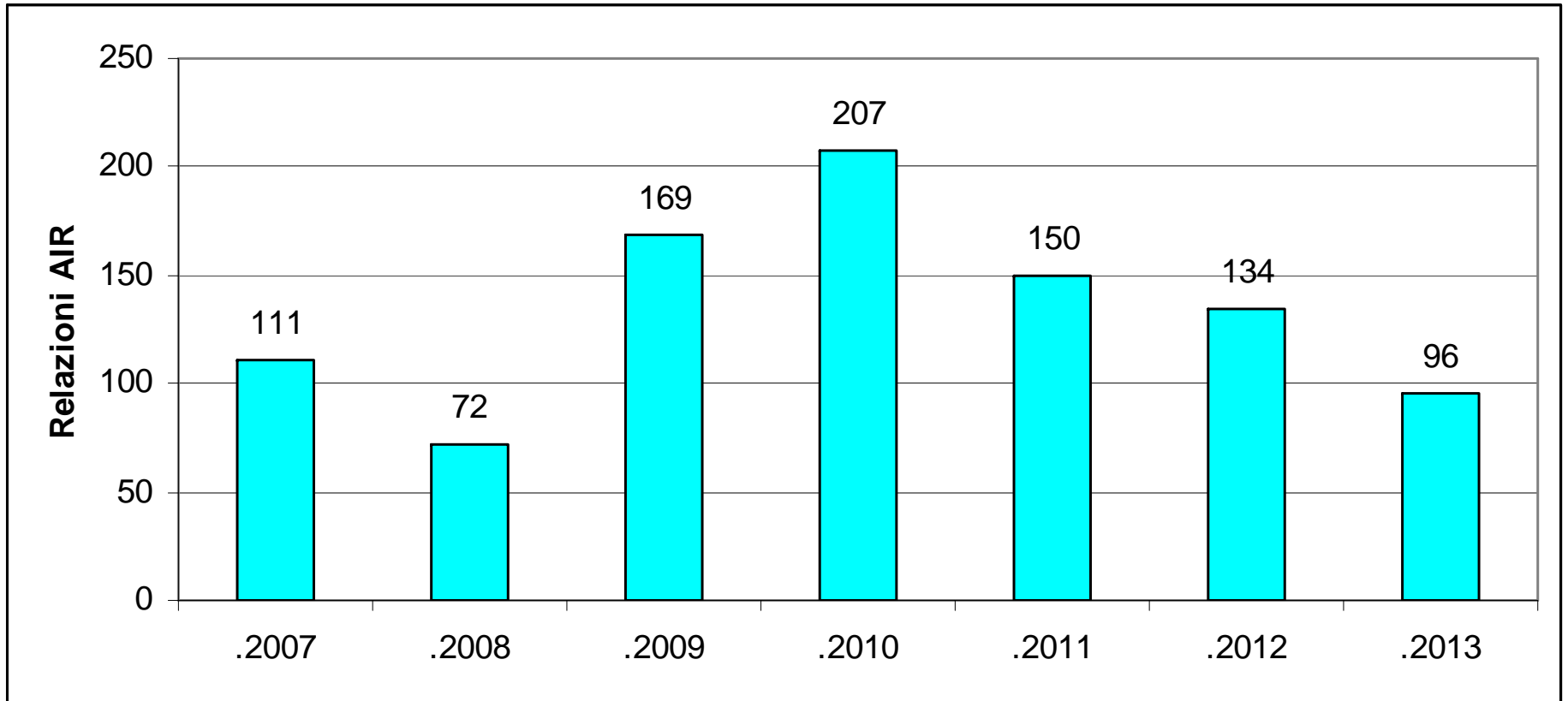
Summary of contents

1. The introduction and the development of IA in Italy
2. IA in legislative rulemaking: main features
3. Identifying strengths and weaknesses in the current practice
4. Patterns of reform

The introduction and the development of IA in Italy

- 1999-2000: IA is formally introduced, as a **pilot project**, by a directive of the Prime Minister and fairly detailed guidelines
- 2005: Application of IA is extended to cover **both primary and secondary regulations** by Article 14 Law No. 246/2005
- 2008: IA is **regulated** by the decree of the Prime Minister No. 170/2008
- 2011: **SME test** and **admin burden assessment** included in IA
- 2012-2013: a **consultation** on IA reform is carried out
- 2013: The IA template is revised a the directive of the Prime Minister Directive on how to prevent and assess **gold-plating** and simplification of IA template

- IA has to be provided **for any proposal of acts submitted to the Council of Ministers** (both primary and secondary regulation), except for those -expressly excluded by IA regulation or for which an exemption has been decided
- Responsibility to carry out IAs lies with the ministries
- The Department of legislative affair (**DAGL - Presidency of the Council of Ministers**) is responsible for managing the process, defining methodologies and verifying the quality of IAs
- Ministries are asked to elaborate IA results on the basis of a **unique template**
- Our main efforts so far: ensuring **compliance** with IA regulation and spreading IA methodologies



Strenghts

- ❑ The number of IAs over the last years is significant. This shows that there is a **high level of compliance with the obligation of carrying out IA**
- ❑ The use of the IA template is homogeneous across the ministries
- ❑ Technical meetings between DAGL and Ministries to analyse periodically the contents of IAs and their possible improvements are a good practice
- ❑ IA contents: clear description of the problem to be solved through a new regulation; identification of general and specific objectives; description of the main benefits of the proposal

Weaknesses 1/2

- ❑ Despite the high level of compliance with the formal obligation, **the quality of IAs needs further improvement:**
 - ✓ Often, IAs do not properly consider and compare a variety of options
 - ✓ Poor assessment of costs and benefits (apart for public authorities), especially in quantitative terms
- ❑ The number of IAs is high in relation with available **resources** and **timing** of the law-making process.
- ❑ IA process starts **too late**

Weaknesses 2/2

- ❑ Frequent **exemptions of decree-law** (“decreto-legge”), governmental acts adopted for necessity and urgency reasons, excludes from IA measures which have a significant impact
- ❑ **Public consultation**: the number of consultations carried out by administrations increased significantly in the last two years. Nonetheless, consultation practices are quite inhomogeneous among administrations.

A significant level of compliance with the obligation concerning IA has been achieved. Now the quality of IAs should be improved

- Closer connection between IA planning and the Government legislative **agenda**
- Reinforcing a **cycle approach** to regulatory assessment (ex ante and ex post)
- **Selection** of proposals of regulation/legislation that require IA, based on the expected impact
- **Proportionality** in the use of IA: focus on the most strategic assessments
- Identification of a specific **IA for decrees-law**
- Definition of general **standards on consultation** , to increase IA **transparency**

Public consultation on IA reform:

Phase 1

Consultation of selected experts,
academic researchers and professors

Phase 2

A public consultation was carried out on the
Government website