

Laws critically affect businesses, citizens and the public at large in their everyday lives. These groups can inform policy makers about how proposed regulations may impact them. Engaging with stakeholders is instrumental for good policy design as it increases public trust in policies and regulations and can improve compliance (as they were part of the decision making). It is important to involve them during early stages of policymaking, when problems and potential solutions are being identified, as well as once regulations have been drafted. However, since these stakeholders represent different needs and interests, and face different constraints, policy makers must be proactive and facilitate enough consultation opportunities. Engaging with stakeholders means not just receiving comments, but also responding to them and using them in the development of regulations where appropriate.

OECD countries more commonly consult stakeholders on draft regulations, and less often do so at an earlier stage. In many cases, the public generally only find out about consultations from posts on websites. Since business and citizens do not have time to constantly check government websites for new consultations, countries should adopt a more proactive approach. For instance, 8 OECD countries systematically inform stakeholders by e-mail about consultations, while a further 20 countries do so occasionally (Table 7.1).

In general, countries still need to improve how they treat stakeholder input. Showing how comments have influenced the final design of laws helps to engender a feeling of ownership and trust in the process. While most OECD countries make stakeholders' views publicly available in some way (via interactive websites, summary of comments, etc.), half respond to all comments or those they consider more relevant. More positively, 32 OECD and accession countries make comments available to decision makers (Table 7.1).

Consultation approaches vary depending on when the consultation is carried out. Policy makers in 34 OECD countries consult at an early stage with selected relevant groups (e.g. industry representatives, consumer groups or non-governmental organisations), while open consultations (e.g. broad circulation of regulations for comments or online consultations) are more commonly held at a later stage. This difference may be justified when consultations require expert input or are more complex, but it is important to also obtain feedback from a broad range of stakeholders for regulations of a more general nature at an early stage, when they can help to identify and correctly define policy problems and potential solutions. Only 2 OECD countries conduct all early stage consultations online, 1 more than in 2017, and 11 conduct all consultations for draft regulations online, 3 more than in 2017. The use of virtual consultations has noticeably increased since 2017: from 13 to 23 OECD countries for early stage consultations, and from 15 to 21 for late stage consultations (Figure 7.2).

#### Methodology and definitions

The Indicators of Regulatory Policy and Governance (iREG) survey draws on responses from delegates to the OECD Regulatory Policy Committee and central government officials. The survey was responded to by 37 OECD countries in 2017 and 2021. Costa Rica and the European Union responded in both rounds. The data only cover primary laws and subordinate regulations initiated by the executive. In most OECD and accession countries, a majority of primary laws are initiated by the executive. The exceptions are Colombia, Korea, Mexico, Portugal, Switzerland and Costa Rica, where a higher share of primary laws are initiated by the legislature. Questions on primary laws are not applicable to the United States, as the US executive does not initiate primary laws at all. More information on the iREG indicators can be found at [oe.cd/ireg](http://oe.cd/ireg).

Primary laws are regulations which must be approved by the legislature. Subordinate regulations can be approved by the head of government, an individual minister or the cabinet.

Early stage consultation is conducted when policy makers have identified that a public policy problem exists and are considering various ways to solve it. Late stage consultation is conducted when the decision to regulate has been made and there is already a draft of the proposed regulation.

#### Further reading

- OECD (forthcoming), *Regulatory Policy Outlook 2021*, OECD Publishing, Paris.
- OECD (2012), *Recommendation of the Council on Regulatory Policy and Governance*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264209022-en>.
- Lind, E. and C. Arndt (2016), "Perceived fairness and regulatory policy: A behavioural science perspective on government-citizen interactions", *OECD Regulatory Policy Working Papers*, No. 6., OECD Publishing, Paris, <https://doi.org/10.1787/1629d397-en>.

#### Figure notes

- 7.1. Data for Colombia, Korea, Mexico, Portugal, Switzerland and Costa Rica refer to their responses on consultations on subordinate regulations, since in those countries primary laws are rarely initiated by the executive. Since in the United States the executive does not initiate primary laws at all, their answers for consultations on subordinate regulations are shown.
- 7.2. Data excludes the United States since data correspond to consultations conducted for the development of primary laws. Data include Costa Rica and the European Union.

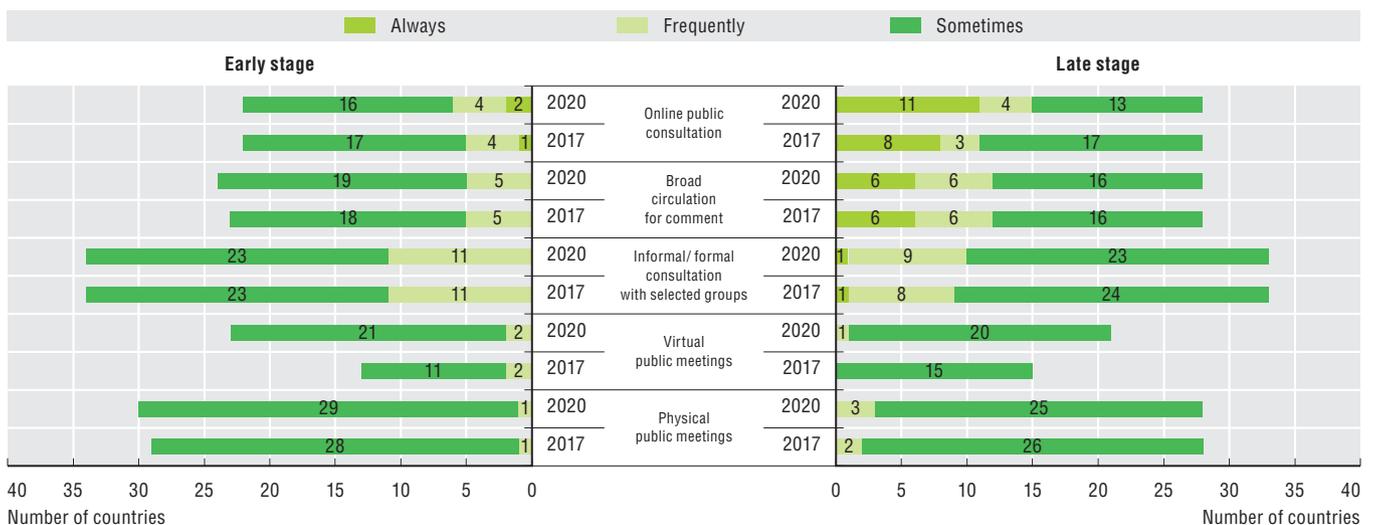
7.1. Stakeholder engagement and treatment of comments by policy makers, 2021

	Public knowledge of consultation				Consultation conducted		How comments are treated by policy makers		
	Systematic	Non-systematic	Never	Yes	No	Comments are publicly available	Policy makers respond to comments	Comments made available to decision makers	
	Before the consultation is conducted	Through central website for consultation	E-mail notification	Through social media	Early stage	Late stage			
Australia									
Austria									
Belgium									
Canada									
Chile									
Colombia									
Czech Republic									
Denmark									
Estonia									
Finland									
France									
Germany									
Greece									
Hungary									
Iceland									
Ireland									
Israel									
Italy									
Japan									
Korea									
Latvia									
Lithuania									
Luxembourg									
Mexico									
Netherlands									
New Zealand									
Norway									
Poland									
Portugal									
Slovak Republic									
Slovenia									
Spain									
Sweden									
Switzerland									
Turkey									
United Kingdom									
United States									
<b>OECD Total</b>									
Systematic	9	21	8	2	7	31			
Non-systematic	8	13	20	23	28	5			
Never	20	3	9	12	2	1			
Yes							33	18	32
No							4	19	5
Costa Rica									
European Union									

Source: OECD Indicators of Regulatory Policy and Governance (iREG) survey, 2021.

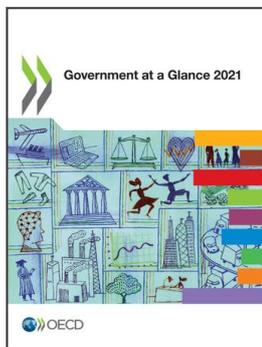
StatLink <https://doi.org/10.1787/888934258135>

7.2. Forms of stakeholder engagement for early and late stage consultations, 2017 and 2021



Source: OECD Indicators of Regulatory Policy and Governance (iREG) survey, 2017 and 2021.

StatLink <https://doi.org/10.1787/888934258154>



**From:**  
**Government at a Glance 2021**

**Access the complete publication at:**  
<https://doi.org/10.1787/1c258f55-en>

**Please cite this chapter as:**

OECD (2021), “Stakeholder engagement”, in *Government at a Glance 2021*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/f707559f-en>

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