

Countries enact regulations to achieve specific objectives. However, even when regulations are carefully assessed, their effects cannot always be accurately predicted, as preferences, society and technology rapidly change. Thus, it is necessary to verify whether existing regulations achieve their objectives; assess whether the objectives remain relevant; whether any adverse or unintended consequences have occurred; and whether there are ways to better address the problems that the regulation was set to tackle. In Latin America and the Caribbean (LAC), however, the review of existing regulations mainly focuses on identifying administrative burdens, not on whether objectives are being met.

Only Brazil, Chile, Colombia and Mexico have conducted reviews to evaluate if regulations have achieved their objectives, albeit not systematically. Additionally, Mexico requires the evaluation of all subordinate regulations that create compliance costs every five years, to see if they are still achieving their objectives. El Salvador requires the evaluation of all subordinate regulations at least ten years after their enactment and of all regulations that were more than even years old by 2018, to assess if they remain fit for purpose. El Salvador legally mandates ex post evaluation of regulations. Considering the importance of ex post evaluations and their underuse, LAC countries could invest in implementing further-reaching systematic and consistent ex post evaluations that go beyond assessing administrative burdens, and evaluate whether a regulation's objectives are being achieved.

A variety of approaches exist to assess if regulations still serve their intended purpose, including programmed or ad hoc reviews, and reviews that are part of ongoing management processes. The majority of OECD countries use these approaches for evaluating primary laws or subordinate regulations, the most common of which are revision and sunset clauses. Conversely, only a few LAC countries use these approaches, and in those countries, the most common approaches are legal consolidation, codification and revision clauses. Despite these examples, there has been little improvement and these approaches remain underused.

LAC countries have focused their efforts on administrative simplification and in the last four years have undertaken reforms to improve their administrative processes. They assess whether regulations that create administrative procedures and/or compliance costs can be simplified or eliminated. For example, Mexico established the Simplifica program to measure economic costs of administrative procedures in order to reduce administrative burden at the national level. As part of the RD+ Simple initiative, the Dominican Republic launched a website for citizens and businesses to report on regulations or administrative processes that are burdensome and could be simplified. The Dominican Republic launched RD+ Simple, a website to report on regulations or administrative processes that were burdensome and could be simplified. Argentina has a similar website, where citizens can report burdensome processes; and has also digitalised a considerable number of administrative processes through "Trámites a Distancia" (Remote Processes), where citizens can receive and submit

online personal information to government authorities, avoiding duplicity of requirements and processes.

Only half of the surveyed countries had undertaken administrative simplification processes at the regional or municipal level, with little progress since the last survey. Regulations interact with each other, and divergent levels of quality between regulations can create adverse effects. It is not sufficient to evaluate regulations in isolation or at a single level of government. LAC countries should support evaluation programmes at the subnational level and improve on the coordination of ex post evaluations between national, regional and municipal levels.

### Methodology and definitions

The iREG indicator for Latin America 2019 draws on responses to the OECD-IDB Surveys on Regulatory Policy and Governance 2015-2016 and 2019. The countries surveyed in 2015-16 were Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico and Peru. The 2019 survey updates those countries and additionally draws on data from Argentina, the Dominican Republic and El Salvador, surveyed for the first time in 2019. Responses were provided by government officials and reflect the situation as of 31 March 2019. Data cover regulations initiated by the executive at the national level, with a focus on subordinate regulations.

Revision clauses establish a time by which there is an automatic review of the regulation. Sunset clauses set a date for the automatic repeal of regulations. A codification consolidates all amendments made during a period of time to a given law. A legal consolidation brings together multiple laws or subordinate regulations that regulate a particular area into a single document. Primary laws must be approved by the legislature. Subordinate regulations are created by the executive and are generally approved by the head of government, a minister or the cabinet.

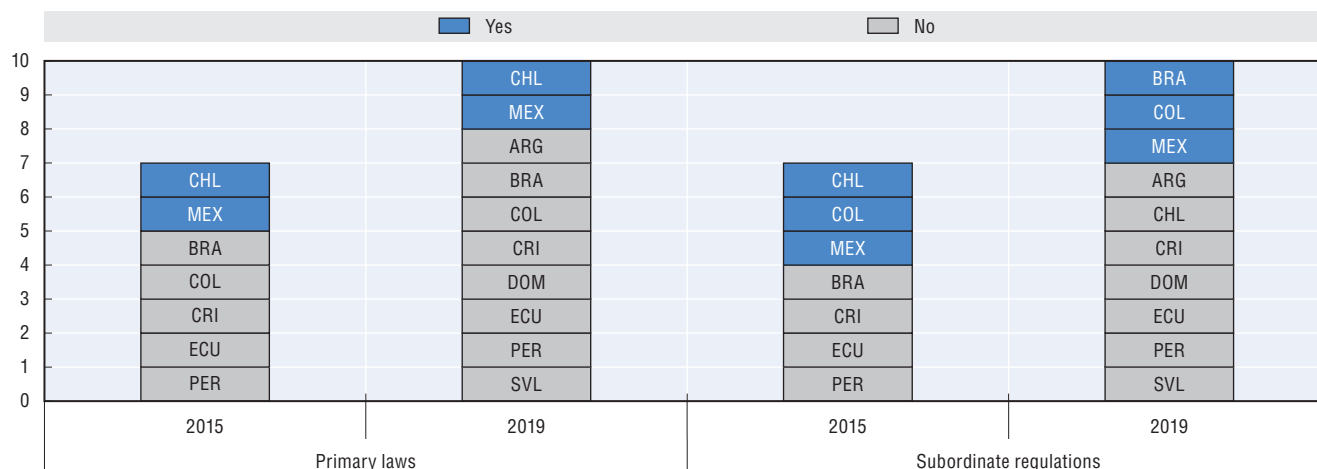
### Further reading

- OECD (forthcoming), *OECD Best Practice Principles: Reviewing the Stock of Regulation*, OECD Publishing, Paris
- OECD (2018), *OECD Regulatory Policy Outlook 2018*, OECD Publishing, Paris, <https://doi.org/10.1787/9789264303072-en>.
- OECD (2012), *Recommendation of the Council on Regulatory Policy and Governance*, OECD, Paris, <https://www.oecd.org/gov/regulatory-policy/2012-recommendation.htm>.

### Figure notes

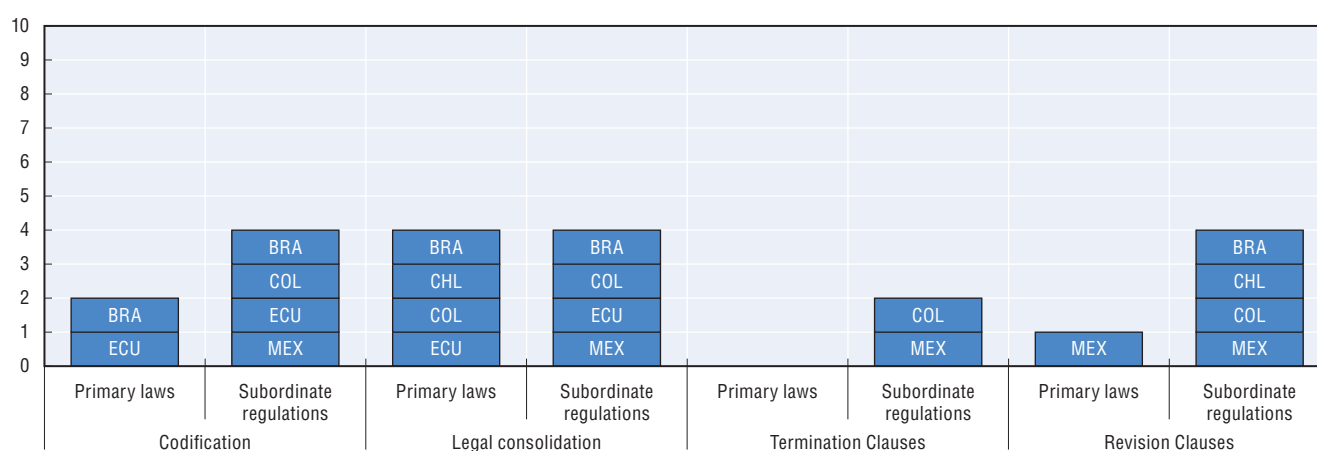
Data for 2015 cover Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico and Peru. Data for 2019 additionally cover Argentina, the Dominican Republic and El Salvador.

### 7.10. LAC countries conducting ex post evaluations that analysed whether a regulation has achieved its objectives, 2015 and 2019



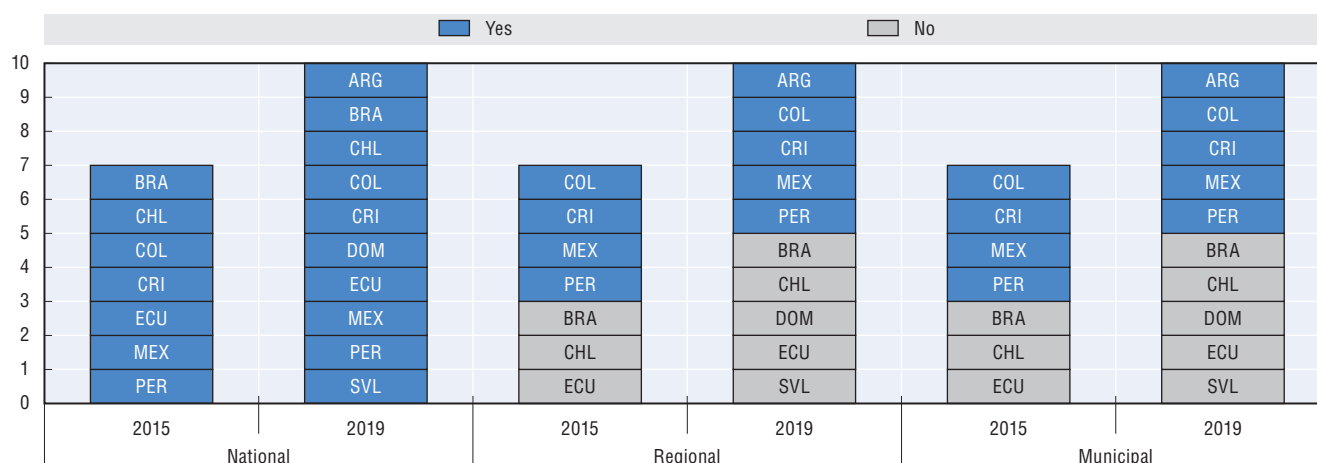
Source: OECD Indicators of Regulatory Policy and Governance (iREG) for Latin America 2016 and 2019, <http://www.oecd.org/gov/regulatory-policy/ireg-lac.htm>.  
StatLink <https://doi.org/10.1787/888934092626>

### 7.11. Approaches to review of primary laws and subordinate regulations in LAC countries, 2019

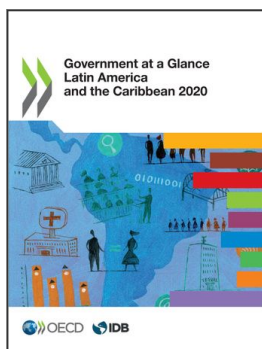


Source: OECD Indicators of Regulatory Policy and Governance (iREG) for Latin America 2019, <http://www.oecd.org/gov/regulatory-policy/ireg-lac.htm>.  
StatLink <https://doi.org/10.1787/888934092645>

### 7.12. Level of government at which administrative simplification processes have taken place in LAC countries, 2015 and 2019



Source: OECD Indicators of Regulatory Policy and Governance (iREG) for Latin America 2016 and 2019, <http://www.oecd.org/gov/regulatory-policy/ireg-lac.htm>.  
StatLink <https://doi.org/10.1787/888934092664>



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