

Regulatory Quality Index:

Methodology and
Implementation Guide
for European Countries

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1. Introduction

Well-designed regulations are the indispensable institutional tool for citizens, business and government for the proper function of economy and society. The concept of regulatory quality reflects a set of principles which focus on the way a country should promote structural reforms on its regulatory framework, to ensure robust, transparent, accountable and forward-looking processes, which favor creation and growth of firms, productivity gains, competition, investment and international trade¹.

Regulatory policy is the key element for both liberal democracy (rule of law) and the promotion of economic prosperity, generating significant social and economic benefits and contributing to social well-being². To this end, an index to measure the regulatory quality of a country, offers a quantitative tool to government officials, experts and stakeholders, so they can identify the main challenges and the weaknesses of regulatory framework, as well as theoretical framework and policy proposals on better regulation.

The scope of this guide is to provide the fundamental methodological and technical instructions to measure the regulatory quality performance of a country. The Regulatory Quality Index has already been implemented and presented in Greece for all laws enacted

1 OECD, 2005, p. 1.

2 OECD, 2012, p. 3.

through the Greek parliament during 2018. This guide focuses on the methodological framework for the best practices on regulation and on the way the Regulatory Quality Index was implemented in the Greek case. It also presents a roadmap for other think tanks or organizations to adjust the Index to their own regulatory frameworks. More specifically, after workshops and meetings held with local experts³, we examine its adaption, implementation and promotion to the regulatory frameworks of Bulgaria and Turkey.

2. Theoretical framework and methodology

The Regulatory Quality Index

Will:

- Shed light on the procedural steps of lawmaking comparing what happens in practice to the better regulation recommendations.
- Reveal the pitfalls of the law-making procedure that are responsible for the poor quality of specific regulations.
- Provide comparable data across jurisdictions over time, in order to show the progress (or fallbacks) in the effort to ameliorate the regulatory environment.

Will not:

- Take an ideological stand, i.e. will not judge whether a regulation is liberal enough or not.
- Assess the content of regulations.
- Judge the policy pursued by the regulation under scrutiny

2.1. On better regulation

In this report, we use the term regulation and its derivatives (reg-

3 Assessing the quality of a regulatory framework, besides the scarcity of the available data, involves an in-depth looking at legislation and a set of variables which cannot be easily translated into directly measurable indicators (OECD, 2018, p. 9).

ulatory quality, regulators etc.) which we distinguish from the term legislation as follows:

- Legislation is the primary or secondary law passed by legislative or executive bodies.
- Regulation is the legislation and other forms of binding action by public authorities to implement public policy.

Regulators are on the front lines of nearly every controversy—either being told to get out of the way or being called upon for solutions when incidents arise. Regulatory policy (Better Regulation as it is called in the EU context or regulatory reform and is named in the OECD-Anglo-Saxon context) is thus the policy of seeking to improve and simplify the regulatory environment. Regulation should be used only when necessary and be appropriate and proportionate to the task. It should be transparent and accessible to all and as simple as possible.

Regulation, one of the three key levers of formal state power (together with fiscal and monetary policy), is of critical importance in shaping the welfare of economies and society. It may also be considered as the ultimate horizontal policy, supporting all other policies. The objective of regulatory policy is to ensure that regulation works effectively, and is in the public interest. Regulatory policy has already made a significant contribution to economic development and societal well-being. Economic growth and development have been promoted through the contribution of regulatory policy to structural reforms, liberalization of product markets, international market openness, and a less constricted business environment for innovation and entrepreneurship. Regulatory policy has supported the rule of law through initiatives to simplify the law and improve access to it.

Nothing contributes more to skepticism about regulation than regulatory failures: the impression that rules respond to special interest pressures, and the recognition that rules often do not achieve their objective. Mistakes can be avoided if we examine thoroughly what works towards regulatory quality and what hin-

ders it. At its broadest level, the existence of a strong regulatory quality framework can be linked with improved economic performance and higher levels of social welfare. An effective regulatory system can help to:

- ▶ Promote flexibility, innovation and new ideas.
- ▶ Encourage competition rather than protection.
- ▶ Bear down on costs from the piling of rules over time, removing complexity, red tape, and inconsistencies.
- ▶ Encourage new or previously unheard of stakeholders into the policy debate, so that policy is better grounded.
- ▶ Promote timely and necessary change to support economic and social renewal, so that this can take place more quickly and with the lowest possible cost.

The quality of regulation is often key in achieving specific policy goals. But this implies making a link between whole regulatory regimes, not just individual rules, and policy goals. In this project we are putting an emphasis on creating an indicator of regulatory quality. The cumulative effect of rules over time is an important consideration. Existing regulation and regulatory processes can block progress in meeting policy goals, if they are not adapted. Regulatory frameworks need regular review so that they can continue to meet original policy goals, as well as complete reworking to meet new policy goals. On the other hand, too frequent changes in regulatory regimes, without enough time to allow their proper implementation to bear fruits may also cause problems. Regulatory policies are usually some way from fully integrating the concepts of dynamism and continuity⁴. In order for this to happen, they need to incorporate two dimensions: managing the flow of rules (appraising new rules) but also, crucially, regularly appraising the stock of rules (ensuring that rules remain relevant). Better regulation plays a pivotal role in both dimensions, as it offers the tools and knowledge in order to:

4 Jacobzone, Choi, & Miguet, 2007.

- ▶ Reduce perverse effects and unintended effects: Regulation will always have side-effects and trade-offs, but “better regulation” might offer one way to reduce the extent/impact of these effects
- ▶ Reduce inconsistency, unpredictability and lack of expertise: Better regulation slows down process, enriches information, and leads to better expert judgement on costs and benefits of different proposals
- ▶ Reduce regulatory “burden” via de-regulation and “alternatives to regulation”: Regulation is seen as a last resort and needs to be limited and well justified in the context of better regulation; alternatives, such as “benchmarking”, market-type mechanisms, and naming and shaming, may offer solutions to the regulatory problem at hand, that are superior to just regulating.
- ▶ Reduce siloes and lack of professional conversation in regulation: Regulation often lacks professional conversation and ignores institutional memory; requiring, thus, mechanisms that encourage exchange of knowledge and experiences⁵.

Regulatory quality is associated with very different things, and the criteria to establish whether there is quality or not vary considerably depending on the point of view. Regulations influence almost everybody. How one perceives the influence of regulation on one’s life depends on many factors such as one’s profession, age, education, experiences etc. Different stakeholders use different criteria to assess regulatory quality: The civil servant follows the logic of standard operating procedures, the politician uses negotiation, and the expert draws on the logic of the social sciences. The citizen’s behaviour, instead, is informed by the logic of participation. Finally, a company draws on the logic of influence. In real-world regulatory policy processes, the diverse criteria and logics interact continuously. That’s why it is very difficult – in fact impossible – to describe what regulatory quality is: There is no regulatory quality for all at the same time. There are no one-dimensional problems to be solved, and no mono-causal

5 Albrecht, 2002.

real life events. But regulation produced via proper and legitimate procedures can result in efficient and fair legislation.

Table 1: How different stakeholders look at regulatory quality

	Expert	Civil Servant	Politician	Company	Citizen
Criteria	Efficiency	Conformity to rules	Consensus	Cost-minimization	Cost-effective protection from risk
Success	Achieving goals in terms of real-world impact	Following legitimate procedures	Outcome of negotiation	Profit	Enabling regulation
Logic of action	Social sciences	Standard operating procedures	Negotiation	Logic of influence	Participation

Source: Radaelli & De Francesco , 2012

With the development of regulatory policy, there is an increasing interest in systematically assessing regulatory policy performance. Do good regulatory policies deliver good regulation? There is a need to evaluate the performance of regulatory tools and institutions, as well as regulations themselves. It is important to justify the costs of regulation against its benefits. Interest in this issue has continued to grow and broaden. Policy makers involved in regulatory policy are being held accountable for the significant economic resources as well as political capital invested in regulatory management systems.

The Better Regulation toolkit offers the means to safeguard some basic aspects of regulatory quality. The toolkit includes the following:

- Impact Assessment (IA or RIA – Regulatory Impact Assessment⁶) which is an evidence-based policy making tool. RIA looks at all available evidence to determine what the implications of the policy will be in the short-medium-long term. RIA does not substitute the decision, but it supports decision making with data and evidence⁷. RIA is both a learning and an analytical process. It asks the right questions and expands the framework of thinking beyond narrow mission enhancing horizontal thinking. It may focus attention on innovative policy instruments. It also helps explore regulatory trade-offs often ignored in vertical bureaucracies.
- Consultation. Involving external parties in the law making procedure is essential in acquiring evidence & validating information necessary for quality proposals. The US president Woodrow Wilson has clearly stated the need for consultation as an information-gathering tool: "I not only use all the brains that I have, but all that I can borrow". Consultation also enhances transparency of policy-making and brings legitimacy and acceptance to the regulation⁸. Public consultation is both a means and an end in the law-making context. A means because it promotes good regulatory quality, increases the levels of compliance (or reduces implementation costs), reduces corruption levels and increases trust. And an end in itself because it is a key component of good governance and also the foundation of the rule of law.
- Simplification. Regulations are often irritating and costly in terms of money and time to both businesses and citizens that try to abide by them as well as to the state bureaucracy that has to enforce them and monitor their implementation⁹. That's why it is important to introduce simplification measures and make a consistent effort to reduce administrative burdens.

6 Although the term was initially coined as RIA – Regulatory Impact Assessment it later lost the "R" – Regulatory, implying that the impacts examined through this process may not only be regulatory.

7 Erbacci, Deighton-Smith, & Kauffmann, 2016.

8 Aitamurto, 2012.

9 Blanc, 2015.

- Linguistic clarity. Plain language not only makes regulations less prone to misinterpretation, but it also builds trust between the regulatees and the regulators¹⁰. Simple rules such “Address one person – not a group”, “Use lots of useful headings”, “Use active voice”, “Use the simplest form of a verb”, “Use “must” to indicate requirements”, “Don’t turn verbs into nouns”, “Minimize abbreviations” etc., can make a great difference to regulatory quality, when properly applied.

A poor regulatory environment undermines business competitiveness and citizens’ trust in government, and it encourages corruption in public governance. Hence, for regulations to properly underpin markets, protect the rights and safety of citizens and ensure the delivery of public goods and services, they must be developed through a comprehensive framework. Better Regulation is the horizontal policy providing such a framework.

2.2. Better regulation and liberalism: The rule of law

Governments have long acted as direct providers of services in the past. However, increasing budget pressures, increasing public demands for choice and for better quality and responsiveness are creating pressures for alternative modes of delivery. These may include public and/or private for profit or non-profit providers.

The “nightwatchman” state of classical liberal theory¹¹ and the Keynesian welfare state tend both to be phenomena of the past. We live, especially after the economic and financial crisis of the previous decade, in an era, which is described by scholars as the regulatory state^{12,13}. In the “regulatory state”, central governments keep a core “steering function” but let other functions be fulfilled in more flexible ways.

The focus up to the 2008 crisis was on steps to reduce the scale

10 Anderson, 2009.

11 Nozick, 1974.

12 Majone, 2016.

13 Bressman Schultz, Rubin, & Stack, 2019.

of government, often carried out in single initiatives. Removing unneeded regulations, notably in sectors that meet public needs, is still important, but does not tell the whole story. When governments turn elsewhere for provision of services, regulation is necessary to shape market conditions and meet the public interest. Regulatory quality and performance captures the dynamic, ongoing whole-of-government approach to implementation.

At the same time, the rule of law¹⁴ requires that “all laws conform to certain principles” and “the rule of law is therefore not a rule of the law, but a rule concerning what the law ought to be”¹⁵. It has become, over time, one of the fundamental building blocks for efficient public governance in most countries. An effective application of the rule of law implies attention to a range of issues including some which are directly connected to regulatory policy, such as legal transparency, clarity and accessibility, and a well-functioning appeal system for administrative decisions. There is a need for rules to be enforced and applied fairly, without which the rule of law is undermined and corruption may flourish. The rule of law thus depends, for many of its aspects, on an effective regulatory policy. The development of regulatory policy has, in fact, been closely associated with issues that are linked to the rule of law.

An especially powerful reason to strengthen the regulatory policy is to minimize corruption. A fundamental principle underlying the rule of law is that the exercise of state power should be constrained by the

14 The principle of the rule of law is embedded in the Charter of the United Nations. This defines the rule of law as, “A principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency”. See <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/> (United Nations, 2019).

15 Hayek, 2011, pp. 310-311.

law¹⁶. Regulations also provide a transparent framework for making the transition to an open and accountable government. Sustaining the legitimacy of government actions (the "social contract") postcrisis, when trust in government has been badly shaken, is as much important as it is difficult. The regulatory policy helps strengthen the ties of trust among the people who are supposed to abide by the regulations and the regulators. As Harold Laski puts it in his famous book "A grammar of politics": "Regulation is the consequence of gregariousness; for we cannot live together without common rules"¹⁷.

Regulation of the highest quality standards is necessary to fulfil liberty, which may be described as the eager maintenance of the atmosphere in which persons have the opportunity to be their best selves. A state built upon the conditions essential to the full development of our potential will confer freedom to its citizens and will release their individuality.

Regulation safeguards rights and without rights there cannot be liberty. That is not, of course, to argue that every prohibition is justified merely because it is made by an authority legally competent to issue it. Governments may and often have invaded liberty. That's why the better regulation agenda is essential in adhering to the principles of liberty and the rule of law. It is essential, for example, to go through public consultation before regulating, because citizens must be able to feel that their will finds a way to the corridors of power. If they have the sense that the orders issued by the government are beyond their scrutiny or criticism¹⁸, they shall be in practice, unfree. Liberty, therefore, is not merely obedience to a rule. We, individuals, do not accept a given order, as good as it might be, unless we feel that our will is embodied in its substance. The only secure way to ensure such a thing, is to stick to the better regulation processes¹⁹.

16 "The problem of discretionary powers as it directly affects the rule of law is not a problem of the limitation of the powers of particular agents of government but of the limitation of the powers of the government as a whole" (Hayek, 2011, p. 321).

17 Laski, 1926.

18 Scott, 2000.

19 That's why this project investigates the regulatory quality not in terms of the sub-

It has also become increasingly clear²⁰ that the social and economic outcomes of effective regulation reinforce each other. Economic growth depends on a stable setting, formalised and enforced through an effective regulatory framework. Conversely, a sound (and growing) economy is fundamental to quality of life and the rule of law. Poverty and social conditions which degrade the dignity of people undermine respect for the law and encourage illegal activity outside the formal economy. In many developing and previously planned economies, the transition to a market economy has encouraged a parallel transition toward the rule of law, because of its importance to investors (especially for infrastructure investment) and economic development. In particular, property rights (the rights relating to the permissible use of resources, goods and services) are upheld by the rule of law.

An issue specifically tackled by the better regulation agenda is the regulatory inflation. Regulatory inflation, which is a cause for concern in many countries, has serious potential consequences for the rule of law. A proliferation of regulations obscures legal clarity and accessibility of the law, and affects legal certainty. The law is no longer transparent, and businesses and citizens cannot easily grasp what the law says about what they need to do. Access to regulation includes communication of information, law making capacities based on evidence and clear law drafting. Regulatory uncertainty undermines trust in government, and at a practical level, it reduces the prospects of compliance and sets the scene for corrupt behaviour. It is in this aspect that the better regulation toolkit is also used to support the rule of law.

Regulatory inflation, which is a phenomenon not unique to any specific country, has raised an interest on alternative approaches to policy making²¹. The use of a wide range of mechanisms for meeting policy goals, not just traditional regulatory controls, helps to en-

stance of each legal document, but in terms of the due process that was followed in order to put each piece of legislation in place.

20 Mayer & Gereffi, 2010.

21 Aglietta, 2000.

sure that the most efficient and effective approaches are used. Approaches include, for example, green taxes and subsidies, voluntary agreements, information programmes, self-regulation, permit trading schemes, and performance-based regulation (where a sector or industry must comply with a standard, but can broadly choose how to meet it).

Public consultation, which is a milestone in every better regulation agenda, is pivotal in enhancing transparency. Transparency is one of the central pillars of effective regulation and a fundamental determinant of market openness²². The ability of businesses to fully understand the regulatory environment in which they are operating, and to have a voice in regulatory decision making, go hand-in-hand in ensuring effective quality of market access. More open and accessible procedures are more legitimate, less vulnerable to capture, and more likely to bring high quality information that improves analysis of regulatory and policy options.

Simplification is another better regulation tool, as mentioned above. Few regulatory reforms are more popular than promises to simplify government's red tape, and one of the most common complaints from businesses and citizens in most countries is the number and complexity of government formalities and paperwork. Simplification has been highlighted as an important contribution to product market competition, which in turn feeds into enhanced economic performance²³. Reducing administrative burdens helps businesses, especially SMEs. Burdensome administrative regulation raises company costs, impedes market entry and innovation, and hurts competitiveness. Reducing administrative burdens, permits and licenses can also help create a political constituency for reform, especially among SMEs, that can support subsequent deeper regulatory reform. Hence, simplification is an important ally of efforts to reduce the scope for unnecessary trade restrictiveness.

Effective regulatory policy and market openness support each

²² Friberg-Fernros & Schaffer, 2014.

²³ OECD, 2009.

other, opening up pathways for innovation, enhanced consumer benefits, and entrepreneurship. Foreign as well as domestic businesses are encouraged by an effective regulatory environment. It is, for a large part, a shared agenda. Regulatory reform in its infancy phase helped to liberalise markets by helping to address non-tariff barriers to trade. Now, at its adult age, helps the state keep up with the complex reality without reaching out for more regulations and without enforcing any sort of an iron hand to the businesses and citizens.

2.3. The basic pillars of the index

Regulatory quality is about enhancing the performance, cost-effectiveness, and legal quality of regulation and administrative formalities. The notion of regulatory quality covers process, i.e. the way regulations are developed and enforced, which should follow the key principles of consultation, transparency, accountability and evidence-based decision making²⁴. Beyond the process, the notion of regulatory quality also covers the outcomes, i.e. regulations that are effective at achieving their objectives, efficient (do not impose unnecessary costs), coherent (when considered within the full regulatory regime) and simple (regulations themselves and the rules for their implementation are clear and easy to understand for users). Another factor that is crucial for regulatory efficiency is compliance, which is an emerging issue in the epistemological field of regulations²⁵. Enforcement needs to be (and be seen to be) effective²⁶.

Taking into consideration the OECD's²⁷ guiding principles on regulatory quality, too, we can define regulatory quality by regulations that:

1. serve clearly identified policy goals, and are effective in achieving those goals;
2. are clear, simple, and practical for users;

24 OECD, 1995.

25 Hampton, 2005.

26 De Bièvre, Poletti, & Thomann, 2014.

27 OECD, 1995.

3. have a sound legal and empirical basis;
4. are consistent with other regulations and policies;
5. produce benefits that justify costs, considering the distribution of effects across society and taking economic, environmental and social effects into account;
6. are implemented in a fair, transparent and proportionate way;
7. minimize costs and market distortions;
8. promote innovation through market incentives and goal-based approaches; and
9. are compatible as far as possible with competition, trade and investment-facilitating principles at domestic and international levels.

Keeping all aspects of regulatory quality in mind, we constructed a composite indicator to measure it. The construction and use of a composite indicator is based on the methodological guide of OECD²⁸ and EU²⁹ and provides both opportunities and challenges. On the one hand, if each individual variable describes a discrete and narrowly-defined concept related to regulatory quality, it is relatively straightforward to determine what the variable is describing and consequently the action necessary to change it is reasonably clear. On the other hand, a profusion of separate variables gives little indication about a strategy relevant to policy reform— each might mean something at the micro-level, but, they provide a scattered picture shot of developments, leaving the reader to deduct implications. A more aggregated picture which includes composite indicators is necessary to formulate a more complete diagnostic tool. Composite indicators could provide a more strategic snapshot of the situation, summarizing complex issues and facilitating the use of the data. A composite indicator involves definitional or conceptual issues when there are disagreements on the variable being measured. However, in

28 OECD, 2008.

29 European Commission, n.d.

the case of the indicator of the regulatory quality, this should not occur, as it relies on objective institutional aspects and has been subject to an extensive review process.

The development of the composite indicator of the regulatory quality rested on capturing appropriate key elements of regulatory quality and on devising a broadly acceptable means of constructing the indicators, such as choosing how to frame the composite indicators, selecting questions to be included and calibrating the weights to be employed. As part of the process, we conducted several sensitivity tests in order to determine the extent to which outcomes are dependent on weights applied³⁰.

The regulatory quality composite indicator is constructed in four main pillars:

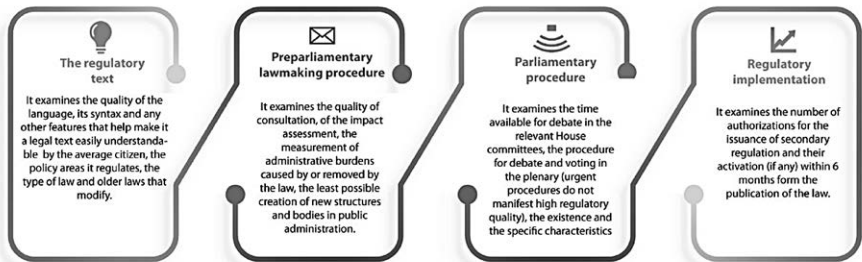
1. The quality of the regulatory text. It examines the quality of the language, its syntax and any other features that help make it a legal text easily understandable by the average citizen, the policy areas it regulates, the type of law and older laws that it modifies. If the legislation is too complex, people will have difficulty in interpreting what is required. This creates uncertainty, high transaction costs, and may leave the courts to interpret the intent of the legislation.
2. The pre-parliamentary lawmaking procedure. It examines the quality of consultation, the impact assessment, the measurement of administrative burdens caused by or removed by the law, the least possible creation of new structures and bodies in public administration. At this pillar we consider regulatory design activities, such as adopting consultation (whether individual consultations match the quality standards set in the system), the standard cost model for the reduction of administrative burdens, and impact assessment.
3. The parliamentary procedure. It examines the time available for debate in the relevant House committees, the procedure for de-

30 For a detailed analysis of weighting, see chapter 4.1.

bate and voting in the plenary (urgent procedures do not manifest high regulatory quality), the existence of amendments and their specific characteristics. Regulatory performance cannot be improved solely through the efforts of the central government. How do parliaments contribute to the development of high-quality regulation? Their unique and specific role in law-drafting, for example, and the role they play in evaluation and accountability oversight, mean that a comprehensive effort to improve governance for high-quality regulation must take into account what parliaments do.

4. The regulatory implementation. Adoption and communication of a regulation sets the framework for achieving a policy objective. But effective implementation, compliance and enforcement are essential for actually achieving the objective. There is not much point having regulation with a low rate of compliance. And inadequate compliance may also be a major cause of regulatory failure. Countries, perhaps not surprisingly, find it easier to focus on the first issue-adoption and communication of a rule -than on the second- ensuring that it is respected. Compliance is closely linked to good regulatory design in the first place. The regulatory quality indicator examines the number of authorizations for the issuance of secondary regulation and their activation (if any) within 6 months form the publication of the law.

Figure 1: The four pillars of the regulatory quality indicator



Each category is composed of several equally weighted sub-questions built around specific issues targeting aspects of the regulatory quality as described in the relevant literature.

Some of the questions to be asked in order to construct the indicator are the following - indicatively:

- Is government action justified?
- Is regulation the best form of government action?
- Is there a legal basis for regulation?
- What is the appropriate level (or levels) of government for this action?
- Do the benefits of regulation justify the costs?
- Is the distribution of effects across society transparent?
- Is the regulation clear, consistent, comprehensible, and accessible to users?
- Have all interested parties had the opportunity to present their views?
- How will compliance be achieved?
- Was a Reasonable consultation time allocated to the bill?
- Has "gold plating" been avoided?

3. Implementation in the Greek regulatory framework

The Greek crisis and the failure to implement the necessary structural reforms have brought overregulation under the spotlight of the public debate. Unfortunately, however, the policy for the improvement of the regulatory quality is still in its infancy. The Greek regulatory policy is a long lasting reform which resulted in 2012 to a better regulation law – law 4048/2012, which has been recasted in the law 4622/2019. Moreover, since August 2010, the Regulation on House Rules stipulates that any draft law submitted to the Parliament shall

be accompanied by a RIA Report³¹. Consequently, Greece is not very far away from a RIA binding legislation. Nevertheless, the above provisions remain to be enforced.

The Greek better regulation law sets out the principles and prescribes the procedures to be followed for a better regulatory environment.

3.1. The main challenges in the Greek regulatory framework

In 2001, the Organization for Economic Cooperation and Development (OECD) conducted an in-depth review³² of Regulatory Reform in Greece, and made some policy recommendations. In 2003, a regulatory reform law that was drafted never made its way to the parliament. It was finally issued as a Prime Minister's circular³³ taking the form of some "soft" regulation³⁴. However, regulatory reform emerged in Greece mainly in response to external pressures. In particular, it was a result of European Union membership³⁵. Therefore, the main regulatory challenges in Greece remain quite intact.

The dominance of the executive in the law making process has led to a regulatory flood of more than 171.500 regulations entering into force during the 30 first years of the third Greek republic (1975 – 2005): 3.430 laws, 20.580 presidential decrees, 114.905 ministerial decisions, 24.010 decisions of the region and, 8.575 decisions of the prefectures. Those hundreds of thousands of regulations have disastrous results for citizens and businesses, delay the dispensation of justice, hamper the operation of institutions, and, ultimately, have a negative effect on the economy of the country.

31 Art. 85.3 of the Regulation on House Rules of the Greek Parliament (OJ 139A/10.8.2010).

32 OECD, 2001.

33 Sotiropoulos & Christopoulos, 2016.

34 It should be pointed that circulars in the Greek legal context is nothing but advices – nothing to do with the binding nature of the US presidential circulars for instance.

35 There was also the Memorandum of Understanding with the lenders (i.e. the European Commission, the European Central Bank and the IMF) that had a provision for a regulatory reform law.

The question is who was objecting regulatory reform so fiercely? 67% of regulations in Greece are Ministerial Decisions. That means that ministers, elected representatives of their party, see in regulation a very powerful tool, which they can use to satisfy the clientelistic needs of their electorate³⁶.

The fragmentation of regulations and the absence of any up to date codification or recasting of the regulation that apply to each specific field of the economic and social life in Greece, makes the situation even worse. There are many rules regulating the same issue, and provisions on many different issues are usually included, and thus hidden, in the same regulation. This widely used practice of including irrelevant regulations in every law leads to an overlapping of regulations which consequently results to delays in the justice system.

An average of 120 laws per year, is only the 2% of the total regulatory production³⁷. The de-parliamentarization of the legal production in Greece is more eminent if we take into consideration the fact that this 2% of the overall regulatory production which is introduced through parliament includes also the ratification of international agreements and the transposition of EU directives³⁸. It seems like the parliament is condemned to a fringe existence and is acting more or less a "rubber stamp" for decisions taken elsewhere over which MPs have little or not any influence at all. The failure to streamline EU regulations that are transposed into Greece to the existing Greek regulatory apparatus has made the situation more perplex and difficult to handle. Public administration is seriously affected by the situation, as it has to find its way through this complex regulatory system, in order to respond to the businesses and citizens' demands.

Subsequent, but equally important to the overregulation problem,

36 The embedded culture of patronage between the political and the other social systems acts as a deterrent to reform attempts and the complexity of the clientelistic networks annihilates the dynamic that the reforms may develop. More for the clientelistic networks in the Greek political system see Pappas, 2003, Trantidis, 2015.

37 Karkatsoulis, 2011.

38 See also Appendix, Figure 2 and Figure 3, p. 67-68.

is the vast and cumbersome bureaucracy created by the not-standardized administrative procedures which derive from the already described plethora of competences. The announcement some years ago³⁹, that the Greek bureaucracy consumes 14bn euros (6.8% GDP) from the Greek economy in order for businesses to comply with the existing regulations, didn't generate any reaction both in the administration as well as in the business community or civil society. The complexity and uncertainty of the administrative procedures poses costs not only on the economy but within the administration as well.

Legal formalism is creating considerable costs in Greece, not only in terms of efficiency (the usual focus of international reviews), but even in terms of effectiveness of the government services⁴⁰. Legal formalism seems to be in part a by-product of the country's legal framework, in particular when it comes to the status of civil servants and the government's policies regarding its employees, and in part the result of long-standing administrative practices.

Regarding the general organization of the government, however, the framework provided by the Constitution is highly flexible, and does not seem to impose, by itself, the types of practices identified in this Report. Legal formalism is therefore also related to the general vision and expectations regarding the functioning of the government and the public sector at large which prevail among the political and administrative personnel. It is often heard that this vision is part of Greece's culture, but recent developments tend to show that it does no longer correspond to the general population's expectations and desires.

3.2. Implementation plan: determination of variables and data collection

In the previous sections, we built the Index's methodological framework on the principles of better regulation and its association with the rule of law. However, even if those principles are specific and

39 Nikolakopoulos, 2008.

40 Lavdas, 2016.

precise in some cases, they cannot further address more specific issues relating to a country's regulation system. Each regulation system is a result of the regime's provisions and the way the political parties employ regulation and therefore needs a special kind of focus. For this reason, there is a need for organizing several workshops with local experts in regulation, public administration and business, to ensure that the variables which will be determined, will be measured in the right way and in the right direction.

In the Greek implementation plan the first workshop was an introduction in the basic methodology of the Index and its structure. The concept and the calculation method of each variable included was presented to the experts, to ensure that they are related to the Greek regulatory framework. A second workshop with local experts took place, shortly after we collected data for a sample close to 20% of the total laws, in order to verify that the results and the analysis did fit the scope of the project. This was a chance to review the way the variables are measured and the cases when the data were not available or the dataset used was not considered adequate for further analysis. There were also cases where some variables did not add something critical to the Index, contrary to what was believed at first, and they had to be removed or modified. A third experts' workshop was gathered near the end of the data collection, in order to present the complete analysis of the data collected and decide which findings are of special interest for the audiences and should be highlighted in the publication.

In terms of data collection, which began shortly after the end of the first workshop, the first step was the quest of the sources from which the researcher would extract the data⁴¹. For reasons of integrity

41 There are actually two ways to acquire the raw data. The first is when the researcher generates the data himself/herself. That means that in order to know e.g. how many amendments were voted in a year, the researcher will have to review every law separately and add the amendments voted to find the total. The second way is to take the data from an official national or international source, such as the national statistical, parliamentary or judicial authority, which will have the exact number the researcher is looking for available, usually embodied in a more detailed dataset.

and credibility, the data should be extracted only from official national sources or international institutions (Eurostat, OECD etc.).

In the Greek version, we extracted all the data required from the official national sources. More specifically, we used the following sources:

1. Government Gazette (<http://www.et.gr/idoocs-nph/search/law-Form.html>).
2. Hellenic Parliament website (<http://www.hellenicparliament.gr/>).
3. Ministry of Digital Governance (<http://www.opengov.gr/home/>).
4. Nomos legal database⁴² (https://lawdb.intrasoftnet.com/nomos/nomos_frame.html)

When all sources were determined, we began to collect and enter the data in our template. Below follows the full description of each variable included in the final version of the Greek *Regulatory Quality Index 2018*.

Before the data for the four main pillars, there is a need to collect law registration data, so we have a better data classification, if needed. This category includes:

0. The identity of the law⁴³.
- 0.1 Law number: collected from the Government's Gazette law number.
- 0.2 Year: collected from the Government's Gazette year.
- 0.3 Full title: collected from the Government's Gazette full title of the law.
- 0.4 Volume: collected from the Government's Gazette volume number.

42 Nomos legal database is owned by Intrasoft International and it is not a state source. However, it is authorized by the Greek state to collect and classify several legal data.

43 For the first page of a typical Greek law published in the Government's Gazette see Appendix, Figure 4, p. 69.

- 0.5 Government's Gazette issue: collected from the Government's Gazette issue number.
- 0.6 Date of Publication: collected from the Government's Gazette date.
- 0.7 Function of government: collected from the title or the first section of the law which define the primary field that the law regulates. The classification of functions of government is produced by Eurostat⁴⁴.
- 0.8 Type⁴⁵: collected from the classification in the Greek parliament website. The type is either law or International Convention.

Then we collect the data for the basic pillars of the Index, which we evaluate.

1st pillar: The quality of the regulatory text.

- 1.1 The law has provisions that regulate one or more functions of government: collected from the body of the law according to the classification of functions of government, produced by Eurostat (Government Gazette).
- 1.2 Number of pages of the law: collected from pdf pages' indicator of the law. If there are blank pages, they are excluded (Government Gazette).
- 1.3 Number of pages of the Appendix: collected from the section after the signatures of the ministers. If there are blank pages, they are excluded (Government Gazette).
- 1.4 Number of articles of the law: collected from the number of the last article of the law (Government Gazette).

44 <https://ec.europa.eu/eurostat/documents/3859598/5917333/KS-RA-11-013-EN.PDF/2eb9714a-ee4b-49fe-baab-e9af5ca457b1>.

45 For Hellenic Parliament website page of a typical Greek law see Appendix, Figure 5, p. 70.

- 1.5 Number of paragraphs: collected from counting every single paragraph of the law (Government Gazette).
- 1.6 If there are "other provisions" in the title: collected from the title of the law (Government Gazette).
- 1.7 Percentage of the "other provisions" articles over the total articles in the law: collected by counting how many articles are titled as "other provisions" over the total number of articles of the law (Government Gazette).
- 1.8 If the "other provisions" articles are relevant with the main subject of the law: collected by searching if the chapter's "other provisions" or other articles are not relevant with the primary field the law regulates (Government Gazette).
- 1.9 If there are no "other provisions" in the title, if it has articles irrelevant to the main subject: collected by searching if there is at least one article that is not relevant with the primary field the law regulates (Government Gazette).
- 1.10 If it has transitional provisions: collected by searching if there is a section or an article that has transitional provisions (Government Gazette).
- 1.11 If it modifies other laws enacted the year before: collected by searching if the law modifies other laws which have been enacted the year before (Government Gazette).
- 1.12 If it modifies Presidential Decrees enacted the year before: collected by searching if the law modifies Presidential Decrees which have been enacted the year before (Government Gazette).
- 1.13 If it modifies other laws enacted the last 2-3 years: collected by searching if the law modifies other laws which have been enacted the last 2-3 years (Government Gazette).
- 1.14 If it modifies Presidential Decrees enacted the last 2-3 years: collected by searching if the law modifies Presidential Decrees which have been enacted the last the last 2-3 years (Government Gazette).

- 1.15 If it incorporates an EU directive: collected either by the title of the law or by the title of an article which incorporates an EU directive (Government Gazette). (This variable is not used for the evaluation of the law; it is only for classification purposes).
- 1.16 If it's a ratification of a bilateral agreement: collected from the title of the law (Government Gazette). (This variable is not used for the law evaluation; it is only for classification purposes).
- 1.17 If it's a ratification of a ministerial decree: collected from the title of the law (Government Gazette).
- 1.18 If it's a ratification of a decree from the Council of Ministers: collected from the title of the law (Government Gazette).
- 1.19 If it's a ratification of a Legislation Act: collected from the title of the law (Government Gazette).
- 1.20 If it's a code, such as tax code, etc.: collected from the title of the law (Government Gazette). (This variable is not used for the law evaluation; it is only for classification purposes).
- 1.21 If all articles enter into force at the same time: collected by searching if there are articles which have different entry into force than others or all articles enter into force on the same time.
- 1.22 If 1.22 Yes, then when: collected from the entry into force article which determines under which circumstances the law entered into force (Government Gazette).
- 1.23 If there is any clause with retrospective effect: collected by searching the law for articles that enable retrospective effects (Government Gazette).
- 1.24 If 1.23 is yes, if there is any justification for retrospection: collected by searching the explanatory report for justification of the retrospection (*Explanatory memorandum*, Hellenic Parliament website).
- 1.25 If it has any abbreviations: collected by searching for abbreviations with no explanation (Government Gazette).

- 1.26 If it has any acronyms: collected by searching for acronyms with no explanation (Government Gazette).
- 1.27 If it is having incomprehensible language and syntax: collected by searching for complex sentences which contain more than one clause (Government Gazette).
- 1.28 If it contains references to the same law: collected by searching if the body of the law refers to another part of the same law (Government Gazette).

2nd pillar: Pre-legislation process.

- 2.1 Minister's name: collected from the last page of the law (Government Gazette). (This variable is not used for the law evaluation; it is only for classification purposes).
- 2.2 Ministry: collected from the Hellenic Parliament website (Hellenic Parliament website). (This variable is not used for the law evaluation; it is only for classification purposes).
- 2.3 How many officials are signing the law: collected from the last page of the law (Government Gazette).
- 2.4 If there is any kind of non-parliamentary consultation (e.g. online): collected from the relevant website from Ministry of Digital Governance (Ministry of Digital Governance).
- 2.5 If 2.4 is yes, for how many days: collected from the relevant website from Ministry of Digital Governance (Ministry of Digital Governance).
- 2.6 If 2.4 is yes, how many comments it received: collected from the relevant website from Ministry of Digital Governance (Ministry of Digital Governance). (This variable is not used for the law evaluation; it is only for classification purposes).
- 2.7 If the law forms new committees, organizations, institutions etc.: collected by searching for new organizations etc. (Government Gazette).

- 2.8 If 2.7 is yes, if the law regulates the purpose and the structure of this form: collected by searching if the law regulates the purpose and the structure of this new organization (Government Gazette).
- 2.9 If the law adds any informational obligations: collected by searching if there are articles or provisions which oblige business to file reports with new information to the government (Government Gazette).
- 2.10 If 2.9 is yes, if these informational obligations are imposed by EU or national law: collected by searching if the informational obligations are derived from an EU law or from national law (Government Gazette). (This variable is not used for the law evaluation; it is only for classification purposes).
- 2.11 If there is regulatory impact assessment (RIA): collected by searching if the law is accompanied by the relevant document available in the Hellenic Parliament website (*Regulatory Impact Assessment*, Hellenic Parliament website).
- 2.12 If there is any contact information in RIA: collected by searching if there is name, email address and telephone number available in the Regulatory Impact Assessment (*Regulatory Impact Assessment*, Hellenic Parliament website).
- 2.13 If in RIA there are any quantitative data: collected by searching if in the Regulatory Impact Assessment there are any answers with quantitative data to certain questions about the impact of the regulations in the market, in the budget, in the environment, in society (*Regulatory Impact Assessment*, Hellenic Parliament website).
- 2.14 The quality of consultation according to RIA: collected by searching if in the Regulatory Impact Assessment there are answers regarding any consultation (*Regulatory Impact Assessment*, Hellenic Parliament website).
- 2.15 If there are any provisions for simplification of procedures in RIA: collected by searching if the relevant question in Regula-

tory Impact Assessment is answered (*Regulatory Impact Assessment*, Hellenic Parliament website).

- 2.16 If there is any measurement of the administrative burdens in RIA: collected by searching if the relevant question in Regulatory Impact Assessment is answered. The answer should be based on the Standard-Cost Model, used for the measurement of administrative burdens in EU.
- 2.17 If there is cooperation with other governmental or non-governmental institutions according to RIA: collected by searching if the relevant question in Regulatory Impact Assessment is answered (*Regulatory Impact Assessment*, Hellenic Parliament website).
- 2.18 If there is a brief summary of the regulation in RIA: collected by searching if on the first page of the Regulatory Impact Assessment there is a brief summary helping the decision making (*Regulatory Impact Assessment*, Hellenic Parliament website).

3rd pillar: Legislation process.

- 3.1 Date of submission in the parliament: collected from the Hellenic Parliament website (Hellenic Parliament website). (This variable is not used for the law evaluation; it is only for classification purposes).
- 3.2 If the law is submitted by the government: collected from the Hellenic Parliament website (Hellenic Parliament website). (This variable is not used for the law evaluation; it is only for classification purposes).
- 3.3 If it is a normal or urgent procedure: collected from the Hellenic Parliament website. (Hellenic Parliament website).
- 3.4 How many amendments are submitted with the law: collected from the Hellenic Parliament website (Hellenic Parliament website).

- 3.5 The percentage of the amendments relevant to the law: collected by counting how many amendments are relevant with the main subject of the law over the total amendments voted (*Amendments*, Hellenic Parliament website).
- 3.6 How many amendments are belated: collected by counting how many amendments are belated (*Amendments*, Hellenic Parliament website).
- 3.7 If there are any hearings from other institutions in the parliament committees' meetings: collected by watching the meetings of the parliamentary committees available in videos in the Hellenic Parliament website (*Video*, Hellenic Parliament website).
- 3.8 If 3.7 Yes, how many institutions: collected by watching the meetings of the parliamentary committees available in videos in the Hellenic Parliament website and counting the institutions presented (*Video*, Hellenic Parliament website).
- 3.9 If 3.7 Yes, how much time each institution had on average: collected by watching the meetings of the parliamentary committees available in videos in the Hellenic Parliament website and counting how many minutes the chair gave to every institution (*Video*, Hellenic Parliament website).

4th pillar: The regulatory implementation

- 4.1 The number of the Presidential Decrees the law authorizes: collected by searching how many Presidential Decrees the law authorizes (*Government Gazette*).
- 4.2 The percentage of the authorizations for Presidential Decrees enabled: collected by counting how many Presidential Decrees authorizations are enabled within 6 months following the publication of the law over the total number of Presidential Decrees (*Nomos legal database website*).
- 4.3 The number of the Ministerial Decrees the law authorizes: col-

lected by searching how many Ministerial Decrees the law authorizes (Government Gazette).

- 4.4 The percentage of the authorizations for Ministerial Decrees enabled: collected by searching how many Ministerial Decrees authorizations are enabled within 6 months following the publication of the law over the total number of Ministerial Decrees (Nomos legal database website).

3.3. The publication

The key findings and the content of the final publication shall be of interest for:

- I. The press – journalists and policy analysts.
- II. Politicians, MPs and parties who shall apply pressure to ameliorate the quality based on the results of the monitoring exercise.
- III. Citizens who shall (hopefully) be influenced to make informed voting decisions based on the outcomes of the law-makers.
- IV. Businesses who can lobby to enhance the quality of regulations pertaining specific policy areas.
- V. Academics who can employ the results and the raw data collected in more sophisticated academic research.

Since the above target groups are interested in different parts of the project, the final publication is constituted by two main parts, focused on different details of the Index, as following:

Part A (pp 4-23): Interests I, II, III, IV

- Key Findings: what's for tomorrow's front page in the newspapers.
- A short introduction: what is the problem, what we are hoping to achieve (1-page maximum).
- The structure of the Index: basic methodology for the index and

the main pillars (1-page maximum).

- The key findings: here are presented the tables with the rankings and a short description of the best and the worst laws.
- Conclusion: what are the main challenges in each legislative stage. (5-6 pages).

Part B (Appendix, pp 24-50): Interests II and V

- Conceptual framework: which are the basic principles of better regulation and what is the main problem according to the academic literature. Why the index deals with it.
- Methodology: why we use these pillars, what is the main subject of each pillar, why and how we choose the coefficients - all with academic references.
- Full description of every variable: in this section we fully analyze how we collect the data and what source we use.
- Figures and Tables: In part 1 we have only the tables about the Index. In this section we can have any other figure or table which helps us but it does not derive from the Index.
- References

3.4. The key findings of *Regulatory Quality Index 2018* in Greece

In the Greek version of the Regulatory Quality Index we evaluated 77 laws and ratifications for 2018. The key findings of the study were the following:

- None of the laws of 2018 was aligned with the best practices of better regulation as they derive from the laws for better regulation, as well as from the best practices in the literature.
- 95% of laws & 33% of ratifications included amendments. In laws, 95% included at least one irrelevant amendment & 97% included at least one belated. From the total of 248 amendments, 85% were irrelevant and 72% belated.

- 25% of laws were not voted with the normal process.
- 61% of laws & 33% of ratifications modify at least one other law enabled from 2015.
- Only 54% of laws were available for open pre-parliamentary consultation.
- 73% of laws included provisions with retrospective effect. Only in 7% of the cases the retrospection was justified.
- 65% of RIA did not included quantitative data, 85% did not include simplification of procedures, none of the laws had measurement for administrative burdens.
- Each law authorizes 25 Ministerial Decrees. In total 1.036 authorizations for Ministerial Decrees were given in laws, but only 20% was activated 6 months after the enactment of the laws.
- Every law has 17 signatures on average from government officials. The last law of the year (4587), was signed by 34 officials.
- If the average person reads 8 hours a day, they would need 60 working days only to read the legislation of 2018.

4. The estimation method

The Regulatory Quality Index is in fact a toolkit to measure the quality of the laws in a country. Therefore, in order to evaluate the data collected, we need to use a method of quantification. The index in its current form is composed by 67 variables, from which 50 of them are evaluated in a 0-to-1 scale. The total score of each law is given to 0-to-100 scale. The best law, the one following all the best practices of better regulation, should score 100.

However, not all the 50 evaluated variables included in the index have the same degree of importance, since there are variables which measure very important attributes of a law (e.g. voting process) and others which measure less important practices of better regulation (e.g. for how many days it was available for pre-parliamentary con-

sultation). The allocation of the coefficients in each pillar and the calculation method of the total ranking are critical for the overall composition of the index.

4.1. The coefficients

Before we proceed with the overall calculation of the Index, we need to determine the coefficient of each pillar. The coefficient represents the significance of each pillar in the overall regulatory process. In composite indicators, such as Regulatory Quality Index, the impact of coefficients in the total ranking is very important, reflecting the contribution of each indicator to the index. This is the main reason why the weighting method should be explicit and transparent⁴⁶.

Since we use a 0-to-100 scale for the overall ranking and the number of pillars we have is four, an equal weighting should give a coefficient of 25 in each pillar. However, through the academic literature and the contribution of experts in the workshops, we had both the theoretical and the empirical grounds to introduce a slightly different scheme. Combining the theoretical framework on better regulation presented earlier and the answers of the experts in the workshops on two specific questions⁴⁷ ("which of these pillars is more important?" and "by how much?"), we managed to determine the degree to which each pillar should impact the final results⁴⁸.

The conclusion reached was that, given the fact that the parliamentary process is the stage where all the mistakes made in the previous steps can be corrected and all improvements suggested in the consultation can be incorporated, the third pillar should have a bigger impact in the index. Moreover, the parliamentary process is the legitimizing basis of the regulations enabled in a country, based on the rule of law. Thus, the coefficient of pillar 3 is increased to 30

46 European Commission, n.d.

47 European Commission, n.d.

48 In order to avoid to combine highly correlated indicators (European Commission, n.d.), we checked them all for statistical correlation (Pearson correlation coefficient). None of the indicators had a very high degree of correlation after adjusting weights in the way presented ($r < 0.63$).

($C_{p3}=30$) and the coefficient of pillar 2 is reduced to 20 ($C_{p2}=20$), since consultation improvements and better regulatory impact assessment can be achieved in the parliamentary process. In both pillars the coefficients are equally distributed among the variables (see Table 1).

Also, since the very end of a law is actually to regulate a need which occurred in the society, the implementation of the law is the reason we make it at first place. If a law has been poorly implemented, it is a sign that either there was not an actual need (symbolic regulation) or the law does not cover the need adequately. Therefore, pillar 4 is given a coefficient of 30 ($C_{p4}=30$) and pillar 1 ends up with a coefficient of 20 ($C_{p1}=20$), since the technical characteristics of the law are not as critical for its substance. In pillar 1, the coefficients are equally distributed among the variables. Pillar 4 has a special weighting, since the enforcement of the law (activation of an authorization) is much more important than the number of the authorizations for subordinate regulation given, and the weighting is adjusted accordingly (see Table 2).

Lastly, the weighting method we follow does not differentiate largely the pillars among them, since it takes into account several considerations regarding weighting various components⁴⁹. The weighting method we ended up with ensures that alternative weighting methods would not affect the results of the index significantly.

Table 2 demonstrates the basic characteristics each pillar had in the *Regulatory Quality Index 2018* in Greece.

49 See also the weighting approach of Fraser's report, *Economic Freedom of the World* (Gwartney, Lawson, Hall, & Murphy, 2019, pp. 5-6).

Table 2. The basic characteristics of the pillars Regulatory Quality Index 2018 in Greece

Pillars	Number of variables evaluated in each pillar (N_p)	Coefficients of the pillars (C_p)	Coefficient of each variable (C_v)
Pillar 1	25	20	$C_v=0,8$ (Equal distribution)
Pillar 2	14	20	$C_v=1,428$ (Equal distribution)
Pillar 3	7	30	$C_v=4,285$ (Equal distribution)
Pillar 4	4	30	$C_{4,1} = 5, C_{4,2} = 10$ $C_{4,3} = 5, C_{4,4} = 10$
Total	50	100	-

4.2. The calculation of the scores

The overall score of a law in the Index (RQI score) is equal to the sum of the score of each pillar ($Score_p$), as follows:

$$RQI \text{ score} = Score_{p1} + Score_{p2} + Score_{p3} + Score_{p4}$$

Each pillar's score ($Score_p$) is the sum of all the scores of the variables⁵⁰ evaluated in the pillar (N_p), over the number of the variables evaluated in the pillar (N_v) times the coefficient determined for the pillar (C_p).

$$Score_p = \frac{\sum_{i=1}^{N_p} x_{p,i}}{N_p} \cdot C_p$$

50 Each variable in the index takes a value from 0 (lowest score) to 1 (highest score) and this value represents its score (V_n).

Where we define $x_{p,i}$ to be the i -th variable of the p -th pillar.

If the coefficient of a pillar is not equally distributed among all the variables and there is a special weighting method⁵¹, the score of the pillar (Score_p) is given by the score of each variable in the pillar (V_n) times the coefficient given to the variable in the pillar (C_v), as follows:

$$\text{Score}_p = (V_{n1} \cdot C_{v1}) + (V_{n2} \cdot C_{v2}) + (V_{n3} \cdot C_{v3}) \dots + (V \cdot C)$$

In the Greek *Regulatory Quality Index 2018*, the respective scores for the first three pillars (where the coefficients were equally distributed among the variables) were given by the following equation:

$$\text{Score}_{p1} = \frac{\sum_{i=1}^{25} x_{1,i}}{25} \cdot 20$$

$$\text{Score}_{p2} = \frac{\sum_{i=1}^{14} x_{2,i}}{14} \cdot 20$$

$$\text{Score}_{p3} = \frac{\sum_{i=1}^7 x_{3,i}}{7} \cdot 30$$

In the 4th pillar the coefficient was different in each variable, thus the score of the pillar was given by the following equation:

$$\text{Score}_{p4} = (V_{4.1} \cdot 5) + (V_{4.2} \cdot 10) + (V_{4.3} \cdot 5) + (V_{4.4} \cdot 10)$$

5. Adjusting the Index in other countries

The Regulatory Quality Index is a technical tool to measure the regulatory performance of a country, thus it may need modifications

⁵¹ Like pillar 4 in the Greek version of the Index, see Table 2, p. 41.

in its subcategories to have international adjustability. Since the basic pillars of the Index are based in a widely and internationally accepted literature and best practices, as explained earlier, the main difficulties for the adaptation of the Index in different regimes are to identify the main challenges of the local regulatory framework, as well as to retain a cross country comparability.

The Regulatory Quality Index in its Greek version is composed by 50 evaluated variables. The exact number of the evaluated variables does not have to be the same for all the countries, as long as the details of the main pillars measured in one country remain the same for another. For example, all laws in Greece were accompanied by Regulatory Impact Assessment (RIA) in 2018. However, RIA provided very little or no evidence of quantified data at all. Pretty much the same problem of filing RIA only for typical reasons could happen in another country in which Regulatory Quality Index is implemented. However, the problem there could be that RIA does have quantified data, but does not provide any measurement of the administrative burdens or any information for cooperation between the state's institutions. The problem here still remains the quality of RIA, but the number of variables can change to deal with those certain weaknesses.

Therefore, there are two steps for adjusting the index in other countries. The first is to check if the variable in the Greek version is associated in the regulatory framework of the respective country. The second is to determine if there are available data to measure the variable in the same way as in the Greek version. Below, we analyse the case studies of the adaptation of the Index in the Bulgarian and in the Turkish regulatory frameworks.

5.1. Adjusting the indicator in Bulgarian regulatory framework

The National Assembly is the only institution in Bulgaria to adopt the laws, the highest (after the Constitution) norm in the regulatory hierarchy. The one - chamber parliament adopts the laws in two readings, during a two-step procedure in committees and in plenary. The Council of Ministers and the ministers adopt the secondary legis-

lation. The initiative to propose new legislation to the parliament for adoption is attributed to both Council of Ministers and members of parliament with equal rights. The President has a right to veto a law just once, but has neither legislative initiative, nor the right to legislate.

The process of adoption of normative acts is quite formal and is regulated by the Law on Normative Acts. The Law on Normative Acts (LNA)⁵² regulates the general rules of the preparation, adoption and implementation of the normative acts. LNA is implemented in accordance with *Decree No 883 of the Council of Ministers for the Implementation of the Law for the Normative Acts*. The principles of elaboration of normative acts, determined in Art. 26, (1) of LNA, are necessity, validity, predictability, openness, co-ordination, subsidiarity, proportionality and stability. The structure of the normative acts and the formulation of the provisions must comply with the law.

5.1.1. The main challenges of the regulation in Bulgaria

The business climate and regulatory environment⁵³ have been permanently pointed out as serious obstacles to the economic growth in Bulgaria. In the last years, many improvements took place. However, the results are still to be seen. The perceptions of the investors do not always match the efforts of the authorities. In the European Semester 2018 Country Report for Bulgaria⁵⁴, European Commission acknowledges the efforts of the government to reduce administrative burden on the business, while at the same time urges for more rapid implementation of the envisaged reforms.

The US Department of Commerce's *Bulgaria Country Commercial Guide* defines the "regulatory and legislative unpredictability"⁵⁵ as the

52 Adopted 27/3.04.1973, amended and supplemented, SG No. 65/21.07.1995, supplemented, SG No. 55/17.06.2003, effective 18.12.2003, amended and supplemented, SG No. 46/12.06.2007, SG No. 34/3.05.2016, effective as of 4.11.2016.

53 Bulgaria is ranked 59 among 190 economies in the ease of doing business, according to the latest World Bank annual ratings. The rank of Bulgaria deteriorated to 59 in 2018 from 50 in 2017 and from 38 in 2015 (World Bank, 2019).

54 European Commission, 2018.

55 export.gov, 2019, <https://www.export.gov/article?id=Bulgaria-Market-Overview>.

top market challenge, followed by inefficient bureaucracy and slow court system. The number of normative acts in Bulgaria is relatively high - until May 2015 there were 3,307 acts in force. Since 1998, the number of normative acts has increased by more than 40%⁵⁶. The business organizations complain of frequently changing rules, lack of public consultation, very general legal provisions which require a big number of implementing acts and the direct translation instead of transposition into the national legislation of EU legal acts. Moreover, the number of the amendments does not contribute to the stability and predictability of the legislation. In the period 2010 - 2018 55% of the laws on average have been amended or supplemented in the first year after their publication.

The regulatory environment in Bulgaria has experienced major improvements over the recent years, mainly due to the Law on Normative Acts, enabled in 2016. The best practices the law established are the introduction of public consultation platforms for laws, the integration of Regulatory Impact Assessments (RIA) in regulatory proposals and the beginning of *ex post* evaluations in regulations⁵⁷.

Even though Bulgaria's regulatory policy and governance is quite upgraded compared to the past, a lot of improvements are still needed. The country's performance of quality in Impact Assessment and evolution is below EU and OECD standards, public consultation is better than OECD average, but regulatory policy and governance index⁵⁸ is much worse than EU.

The last amendment of the Law on Normative Acts, introduced both *ex ante* and *ex post* RIA is a legally binding obligation for all legislators. In the process of legal drafting, an *ex-ante* impact assessment and public consultations with citizens and legal entities are carried out in accordance with Chapters Two and Three. The results of the

56 Concept for Establishing of the RIA in the Council of Ministers and the National Assembly of the Republic of Bulgaria, Council of Ministers, 01.05.2015.

57 OECD, 2019.

58 An Index with best practices from OECD which introduced three principles for better regulation (OECD, 2019). See also Appendix, Figure 6, p. 72.

implementation of a normative act are checked by *ex post* impact assessment. This legal text is the end of almost 15 years of efforts to introduce the RIA as a legally binding procedure. First attempts were made back in 2003. The first legally binding *ex ante* RIA was introduced in 2013. The procedure was compulsory for the government regulatory initiatives.

According to the government analysis provided in the annual Report on the State of the Public Administration, in 2018 the administration adopted 345 *ex ante* impact assessments, which is a 14% decrease in comparison to 2017.

The share of partial assessments of amendments in existing laws in 2018 is 23%; complete assessments of proposed new legislation amounts to 6%; 71% of all *ex ante* RIA concern amendments of implementing acts by the government, such as Implementing rules, ordinances or tariffs. The *ex post* RIA is still very rarely used as a better regulation tool.

The public consultation is a relatively long standing practice in Bulgaria. The development of the technology and the civil society in the last decades made the procedure popular among the citizens and useful for the legislators.

The public consultation process is envisaged in Art. 26 of the Law on Normative Acts. The discussion and adoption of a draft normative act should be preceded by its publishing on the institution's internet site and the public consultations portal **www.strategy.bg**. The draft should be published for not less than 30 days and the citizens and organizations should have the opportunity to make proposals and express opinions on the draft. Institutions are obliged to review the submitted proposals and if they are sufficiently justified, reflect them in the draft. There is also the obligation to prepare a reference of how the submitted proposals were reflected and why others were rejected

The portal exists since 2009 and is widely acknowledged as a useful tool for interaction of the citizens with different institutions. However, only government strategies, draft laws and draft secondary

legislation are being published for discussion. Legislative initiatives of the members of parliament are rarely or never presented to the public and discussed in advance.

5.1.2. The adjustment of the Regulatory Quality Index in National Assembly of Bulgaria

1st Pillar

Greek Variable	Is it associated with Bulgarian regulatory framework?	Are there available data to measure it the same way?	Bulgarian version of Variable
1.1 The law has provisions that regulate one or more functions of government	Yes	Yes	Remains the same
1.2 Number of pages of the law	Yes	Yes	Remains the same
1.3 Number of pages of the Appendix	Yes	Yes	Remains the same
1.4 Number of articles of the law	Yes	Yes	Remains the same
1.5 Number of articles of paragraphs	Yes	Yes	Remains the same
1.6 If there are "other provisions" in the title	No	Yes	Remains the same
1.7 The percentage of the "other provisions" articles over the total articles in the law	Yes	Yes	Remains the same
1.8 If the "other provisions" articles are relevant with the main subject of the law	Yes	Yes	Remains the same

Greek Variable	Is it associated with Bulgarian regulatory framework?	Are there available data to measure it the same way?	Bulgarian version of Variable
1.9 If there are no "other provisions" in the title, if it has irrelevant to the main subject articles	Yes	Yes	Remains the same
1.10 If it has transitional provisions	Yes	Yes	Remains the same
1.11 If it modifies other laws enacted the last year	Yes	Yes	Remains the same
1.12 If it modifies Presidential Decrees enacted the last year	No	No	Not applicable
1.13 If it modifies other laws enacted the last 2-3 years	Yes	Yes	Remains the same
1.14 If it modifies other Presidential Decrees enacted the last 2-3 years	No	No	Not applicable
1.17 If it's a ratification of ministerial decree	No	No	Not applicable
1.18 If it's a ratification of decree from the Council of Ministers	No	No	Not applicable
1.19 If it's a ratification of Legislation Act	No	No	Not applicable
1.21 If all articles enter into force at the same time	Yes	Yes	Remains the same
1.22 If 1.22 Yes, then when	Yes	Yes	Remains the same

Greek Variable	Is it associated with Bulgarian regulatory framework?	Are there available data to measure it the same way?	Bulgarian version of Variable
1.23 If there is any clause with retrospective effect	Yes	Yes	Remains the same
1.24 If 1.23 Yes, if there is any justification for retro-spection	Yes	Yes	Remains the same
1.25 If it has any abbreviations	Yes	Yes	Remains the same
1.26 If it has any acronyms	Yes	Yes	Remains the same
1.27 If it is having incomprehensible language and syntax	Yes	Yes	Remains the same
1.28 If it is having references to the same law	Yes	Yes	Remains the same

In the 2nd pillar, 1 of the 14 variables is not applicable in Bulgarian regulatory framework, due to the process each law is required to follow. In Greece, every official involved should sign the law, but in Bulgaria the laws are not signed by each minister or official, even they are reviewed by them. In total, 93% of the pillar in its Greek version is adjusted to the Bulgarian regulatory framework.

2nd Pillar

Greek Variable	Is it associated with Bulgarian regulatory framework?	Is there available data to measure it the same way?	Bulgarian version of Variable
2.3 How many officials are signing the law	No	Yes	Not applicable
2.4 If there is any kind of non-parliamentary consultation	Yes	Yes	Remains the same
2.5 If 2.4 is yes, for how many days	Yes	Yes	Remains the same
2.7 If the law forms new committees, organizations, institutions etc.	Yes	Yes	Remains the same
2.8 If 2.7 is yes, if the law regulates the purpose and the structure of this form	Yes	Yes	Remains the same
2.9 If the law adds any informational obligations	Yes	Yes	Remains the same
2.11 If there is regulatory impact assessment (RIA)	Yes	Yes	Remains the same
2.12 If there is any contact information in RIA:	Yes	Yes	Remains the same
2.13 If in RIA there are any quantitative data	Yes	Yes	If in RIA or any other review there are any quantitative data

Greek Variable	Is it associated with Bulgarian regulatory framework?	Is there available data to measure it the same way?	Bulgarian version of Variable
2.14 The quality of consultation according to RIA	Yes	Yes	The quality of consultation according to RIA or any other review
2.15 If there is any provision for simplification of procedures in RIA	Yes	Yes	If there is any provision for simplification of procedures in RIA or any other review
2.16 If there is in RIA any measurement of the administrative burdens	Yes	Yes	If there is in RIA or any other review any measurement of the administrative burdens
2.17 If there is cooperation with other governmental or non-governmental institutions according to RIA	Yes	Yes	If there is cooperation with other governmental or non-governmental institutions according to RIA or any other review
2.18 If there is a brief summary of the regulation in RIA	Yes	Yes	If there is a brief summary of the regulation in RIA or any other review

In the 3rd pillar, 1 of 7 variables are not applicable in Bulgarian regulatory framework, due to the fact that the data are not available to measure it. In total, 86% of the pillar in its Greek version is adjusted to the Bulgarian regulatory framework.

3rd Pillar

Greek Variable	Is it associated with Bulgarian regulatory framework?	Are there available data to measure it the same way?	Bulgarian version of Variable
3.3 If it is a normal or urgent procedure	Yes	Yes	Remains the same
3.4 How many amendments are submitted with the law	Yes	Yes	Remains the same
3.5 The percentage of the amendments relevant to the law	Yes	Yes	Remains the same
3.6 How many amendments are belated	Yes	Yes	If there is at least one belated or last time amendment
3.7 If there are any hearings from other institutions in the parliament committees' meetings	Yes	Yes	Remains the same
3.8 If 3.7 is yes, how many institutions	Yes	Yes	Remains the same
3.9 If 3.7 is yes, how much time each institution had on average	Yes	No	Not applicable

In the 4th pillar, all variables are applicable in Bulgarian regulatory framework. The only difference is the kind of the subordinate legislation in Bulgaria differs from Greece due to its Constitutional provisions. In total, 86% of the pillar in its Greek version is adjusted to the Bulgarian regulatory framework.

4th Pillar

Greek Variable	Is it with Bulgarian regulatory framework?	Are there available data to measure it the same way?	Bulgarian version of Variable
4.1 The number of the Presidential Decrees the law authorizes	Yes	Yes	How many authorizations for subordinate legislation (other than Ministerial Decrees) are authorized
4.2 The percentage of the authorizations for Presidential Decrees enabled	Yes	Yes	How many of these authorizations are actually enabled after six months
4.3 The number of the Ministerial Decrees the law authorizes	Yes	Yes	Remains the same
4.4 The percentage of the authorizations for Ministerial Decrees enabled	Yes	Yes	Remains the same

In total, 43 out of the 50 variables evaluated in the Greek version of Index are adjusted to Bulgarian regulatory framework. This is a coverage of 86% percent.

5.2. Adjusting the indicator in Turkish regulatory framework

Following the constitutional amendments of 2017⁵⁹, legislative func-

59 The Turkish Constitution was substantially amended in 2017. The amendments entered into the force in 2018, after the general and presidential elections of June 2018. Those amendments included a governmental system change from parliamentary government system to a Turkish style presidential system. This govern-

tions of the executive and legislative branches were completely separated. Accordingly, the executive branch (the President) cannot propose a draft bill to the parliament and he cannot attend legislative process as well. The president may only publish laws enacted by the parliament or may send laws back to the parliament for reconsideration. If the parliament adopts the law sent back for reconsideration without any amendment with absolute majority, the president should publish the law. So, only members of the parliament may propose draft bills to the parliament. There is no possibility of Government bill anymore.

But the President may issue presidential decrees which are not subject to parliamentary approval. The President may issue presidential decrees on matters regarding executive power⁶⁰. The fundamental rights cannot be regulated by a presidential decree. No presidential decree can be issued on matters which are stipulated in the Constitution to be regulated exclusively by law. No presidential decree can be issued on matters explicitly regulated by law. In the case of a discrepancy between provisions of the presidential decrees and the laws, the provisions of the laws shall prevail. A presidential decree becomes null and void if the Grand National Assembly of Turkey enacts a law on the same matter. Considering this provision, it can be said that presidential decrees in Turkish legal system constitute a substitute legislation rather than subordinate legislation⁶¹.

The principles of preparation of draft laws or presidential decrees are derived in a By-law⁶² issued in 2006 by the Office of Prime Ministry on the Preparation of Draft Regulations (including laws), binding

mental system changes affected the legislation types and legislation processes as well. While some types of legislations, such as decrees having the force of law and regulations have been abolished (but existing ones continue to be in force), a new type of legislation, namely presidential decrees, has been introduced. After the constitutional amendments of 2017, Turkish legislation docket includes constitution, international treaties duly put into the effect, laws, presidential decrees and by-laws. But, decrees having the force of laws and regulations enacted before the 2017 constitutional amendments continue to be in force.

60 According to Article 104, paragraph 17 of the Turkish Constitution.

61 Presidential Decrees are below the laws in the hierarchy of norms, but they can be issued in the areas which have not been regulated by a law.

62 Official Gazette No: 26083, date 17.02.2006.

for all the ministries and public authorities. It stipulates rules regarding the formal requirements which drafts should comply with such as structure, language etc. Article 24 of this by-Law, which was amended in 2016, requires that Regulatory Impact Assessment should be made for every draft bill. If the annual impact of the regulation exceeds 30 million Turkish Liras, full impact analysis should be made, otherwise partial impact analysis will be enough. Nevertheless, in practice Regulatory Impact Analysis has never been made for any draft bill. On the other hand, this by-law is binding for ministries and public institutions, but not for the members of the parliament, although only members of the parliament may propose a draft bill at the moment.

The Turkish Parliament is a single chamber parliament and bills are debated and voted in two steps: in the committees and in the plenary. Firstly, the bills are directly referred to one or more of the 16 permanent committees according to the remit of the committees and one of the committees is designated as a primary committee by the Speaker. The committees may start debating the matters referred to them only forty-eight hours after the date of the referral and the bills should be concluded in the committees within forty-five days from the date of their referral to the primary committee. The committee should prepare a report about the matter including justifications for the amendments. Dissenting members may add dissenting opinion to the report. Reports of the committee are submitted to the plenary and distributed to the deputies. The committee reports may not be debated before forty-eight hours have elapsed from the date of the distribution. Motions of amendment may be tabled by deputies. Deliberation in the plenary starts with the debate about the whole of the bill and after that moving to debate on articles of the bill voted. Each article of the bill is debated and voted separately in the normal procedure and at the end, the whole of the bill is voted. A speedy procedure is possible for basic laws according to the Article 91 of the Rules of Procedure. In that case, bills are debated in chapters which may include up to 30 articles, but articles are voted separately. In practice, expedited procedure has been frequently misused by the majority in order to pass omnibus bills quickly without any proper debate.

Enacted laws are sent to the President for promulgation. The president may publish or may send a law back for reconsideration. The plenary may adopt the laws which were sent back for reconsideration with absolute majority.

5.2.1. The main challenges of the regulation in Turkey

Over the last twenty years, Turkey has achieved several reforms to improve its regulatory performance, mainly by enabling a better regulation agenda. As OECD reports, the issue of 2006 decree "By-Law on Principles and Procedures of Drafting Legislation" and the burden reduction initiatives taken over a decade before, have helped Turkey to build a better regulatory environment for citizens and businesses⁶³.

Although the above developments improved Turkey's legal and regulatory framework for a period of time, over the last years the country experiences several deteriorations. Following the entry into the force of constitutional amendments, in one year the President has issued 39 presidential decrees while in the same period 34 laws were enacted. While the number of articles included in 39 presidential decrees were about 1,900, the number of articles included in 34 laws were just above 600. Even if it is argued that the first year was exceptional, still we can expect that the presidential decrees will have a significant share in Turkish legislation stock. Therefore, for the purposes of the Regulatory Quality Index, the laws and presidential decrees should be included in evaluation in order to assess quality of legislation properly.

There is also a decline in the iREG score from 2014 to 2017, especially in engaging stakeholders via public consultation in primary laws and subordinate regulations⁶⁴. Turkey's scores in 2017 are worse than Bulgaria's, OECD average and EU both in 2017 and 2014⁶⁵.

63 OECD, 2018, p. 236.

64 There is no compulsory consultation requirement of bills with the public or civil society. Civil society organizations may informally attend committee debates since they are open to the public if it is not otherwise decided.

65 See also Appendix, Figure 6, p. 59.

This the main reason there is a need the reforming regulation agenda of the early 2000's to be accompanied by the establishment of several other pre-parliamentary and legislating procedures to enhance regulatory quality in the country. A set of suggested policies by OECD are involving the following actions⁶⁶:

- Obligation for submitting Regulatory Impact Assessment (RIA) in subordinate regulations⁶⁷.
- Establishing consultation open to the general public to improve stakeholders' engagement.
- Instituting review and systematizing ex post evaluation of existing regulations.

5.2.2. The adjustment of the Regulatory Quality Index in Grand National Assembly of Turkey

The result of the workshops with Turkish experts regarding the adjustment of the Index in Turkey is presented below⁶⁸.

In the 1st pillar, 4 out of 25 variables are not applicable in Turkish regulatory framework, due to the differences of each country regimes and procedures of legislating. In total 84% of the pillar in its Greek version is adjusted in Turkish regulatory framework.

66 In stakeholder's engagement, RIA and ex post evaluation Turkey's score is far below OECD average score (OECD, 2018, p. 236). For more details, see also Appendix, Figure 6, p. 59.

67 Article 74 of the Rules of the Procedure of the Turkish Grand National Assembly requires that every draft bill should include justification. Committees are entitled to have the owners of the bills complete their bills which do not meet the requirements. In practice requirement of justification is generally met, but quality of justifications is quite poor.

68 The variables of the Greek version explored to be adjusted are only the ones evaluated and not the ones used for better classification, as explained earlier.

1st Pillar

Greek Variable	Is it associated with Turkish regulatory framework?	Are there available data to measure it the same way?	Turkish version of Variable
1.1 The law has provisions that regulate one or more functions of government	Yes	Yes	Remains the same
1.2 Number of pages of the law	Yes	Yes	Remains the same
1.3 Number of pages of the Appendix	Yes	Yes	Remains the same
1.4 Number of articles of the law	Yes	Yes	Remains the same
1.5 Number of articles of paragraphs	Yes	Yes	Remains the same
1.6 If there are "other provisions" in the title	No	Yes	Remains the same
1.7 The percentage of the "other provisions" articles over the total articles in the law	Yes	Yes	Remains the same
1.8 If the "other provisions" articles are relevant with the main subject of the law	Yes	Yes	Remains the same
1.9 If there are no "other provisions" in the title, if it has irrelevant to the main subject articles	Yes	Yes	Remains the same

Greek Variable	Is it associated with Turkish regulatory framework?	Are there available data to measure it the same way?	Turkish version of Variable
1.10 If it has transition- al provisions	Yes	Yes	Remains the same
1.11 If it modifies other laws enacted the last year	Yes	Yes	Remains the same
1.12 If it modifies Presidential Decrees enacted the last year	No	No	Not applicable
1.13 If it modifies other laws enacted the last 2-3 years	Yes	Yes	Remains the same
1.14 If it modifies other Presidential Decrees enacted the last 2-3 years	No	No	Not applicable
1.17 If it's a ratification of ministerial decree	No	No	Not applicable
1.18 If it's a ratification of decree from the Council of Ministers	No	No	Not applicable
1.19 If it's a ratification of Legislation Act	Yes	Yes	Remains the same
1.21 If all articles enter into force at the same time	Yes	Yes	Remains the same
1.22 If 1.22 is yes, then when	Yes	Yes	Remains the same
1.23 If there is any clause with retrospec- tive effect	Yes	Yes	Remains the same

Greek Variable	Is it associated with Turkish regulatory framework?	Are there available data to measure it the same way?	Turkish version of Variable
1.24 If 1.23 is yes, if there is any justification for retrospection	Yes	No	Remains the same
1.25 If it has any abbreviations	Yes	Yes	Remains the same
1.26 If it has any acronyms	Yes	Yes	Remains the same
1.27 If it is having incomprehensible language and syntax	Yes	Yes	Remains the same
1.28 If it is having references to the same law	Yes	Yes	Remains the same

In the 2nd pillar, 1 of 14 variables is not applicable in the Turkish regulatory framework, due to the process each law is required to follow. In Greece, every official involved should sign the law, but in Turkey the laws are not signed by each minister of official and are not reviewed by them. In total, 93% of the pillar in its Greek version is adjusted to the Turkish regulatory framework.

However, we need to highlight that in this pillar, the main two categories evaluated (public consultation and impact and explanatory reviews) are not compulsory in the Turkish regulatory environment, thus there are no data available. Yet, the variables remain in Turkish version, since they are necessary prerequisites in the legislative process and the Index must illustrate these weaknesses⁶⁹.

69 Although RIA is not effectively implemented, requirement of justification may be considered as a substitute of RIA and indicators may be adopted accordingly.

2nd Pillar

Greek Variable	Is it associated with Turkish regulatory framework?	Are it available data to measure it the same way ?	Turkish version of Variable
2.3 How many officials are signing the law	No	Yes	Not applicable
2.4 If there is any kind of non-parliamentary consultation	Yes	Yes	Remains the same
2.5 If 2.4 is yes, for how many days	Yes	Yes	Remains the same
2.7 If the law forms new committees, organizations, institutions etc.	Yes	Yes	Remains the same
2.8 If 2.7 is yes, if the law regulates the purpose and the structure of this form	Yes	Yes	Remains the same
2.9 If the law adds any informational obligations	Yes	Yes	Remains the same
2.11 If there is regulatory impact assessment (RIA)	Yes	Yes	Remains the same
2.12 If there is any contact information in RIA:	Yes	Yes	Remains the same
2.13 If in RIA there are any quantitative data	Yes	No	If in RIA or any other review there are any quantitative data

Greek Variable	Is it associated with Turkish regulatory framework?	Are it available data to measure it the same way ?	Turkish version of Variable
2.14 The quality of consultation according to RIA	Yes	No	The quality of consultation according to RIA or any other review
2.15 If there is any provision for simplification of procedures in RIA	Yes	No	If there is any provision for simplification of procedures in RIA or any other review
2.16 If there is any measurement of the administrative burdens in RIA	Yes	No	If there is in RIA or any other review any measurement of the administrative burdens
2.17 If there is cooperation with other governmental or non-governmental institutions according to RIA	Yes	No	If there is cooperation with other governmental or non-governmental institutions according to RIA or any other review
2.18 If there is a brief summary of the regulation in RIA	Yes	No	If there is a brief summary of the regulation in RIA or any other review

In the 3rd pillar, 1 of 7 variables is not applicable in the Turkish regulatory framework, due to the fact that there are no data available to measure it. In total, 86% of the pillar in its Greek version is adjusted to the Turkish regulatory framework.

3rd Pillar

Greek Variable	Is it associated with the Turkish regulatory framework?	Are there available data to measure it the same way?	Turkish version of Variable
3.3 If it is a normal or urgent procedure	Yes	Yes	Remains the same
3.4 How many amendments are submitted with the law	Yes	Yes	Remains the same
3.5 The percentage of the amendments relevant to the law	Yes	Yes	Remains the same
3.6 How many amendments are belated	Yes	Yes	If there is at least one belated or last time amendment
3.7 If there are any hearings from other institutions in the parliament committees' meetings	Yes	Yes	Remains the same
3.8 If 3.7 is yes, how many institutions	Yes	Yes	Remains the same
3.9 If 3.7 is yes, how much time each institution had on average	Yes	No	Not applicable

In the 4th pillar, all variables are applicable in the Turkish regulatory framework. The only difference is the kind of the subordinate legislation in Turkey differs from the one in Greece, due to its Constitutional provisions. In total 86% of the pillar in its Greek version is adjusted in Turkish regulatory framework.

4th Pillar

Greek Variable	Is it included in the Turkish regulatory framework?	Are there available data to measure it the same way?	Turkish version of Variable
4.1 The number of the Presidential Decrees the law authorizes	Yes	Yes	How many authorizations for subordinate legislation (other than Ministerial Decrees) are authorized
4.2 The percentage of the authorizations for Presidential Decrees enabled	Yes	Yes	How many of these authorizations are actually enabled after six months
4.3 The number of the Ministerial Decrees the law authorizes	Yes	Yes	Remains the same
4.4 The percentage of the authorizations for Ministerial Decrees enabled	Yes	Yes	Remains the same

In total, 44 out of the 50 variables evaluated in the Greek version of Index were adjusted to Turkish regulatory framework. Despite the fact that it is a coverage of 88% percent, the lack of necessary com-

pulsory practices on better regulation in the legislative process, especially in the second pillar, and consequently the lack of relevant data is acting as a strong deterrent in the implementation plan.

Given the constitutional changes, the Index can be adapted to the laws considering the specific features of Turkish legislation procedure. Nevertheless, the major challenge is implementation of the Index for presidential decrees. Collecting data for preparation and adoption process of presidential decrees can be difficult or impossible. Therefore, the implementation of the Index for laws and presidential decrees separately can be an option and, in that case, indicators may be adopted for presidential decrees separately.

6. Conclusion

Regulation is a key policy for establishing the rule of law and advancing the welfare of the citizens. However, the quality of regulation in a country should not be taken for granted, since many challenges may occur which can affect the overall regulatory environment. This is the reason why measuring the quality of the regulation produced can underline certain challenges of the regulatory framework of a country and compare it with those of other countries, highlighting the best practices and improving the flaws.

Besides the strictly academic way to explore the regulatory framework of a country and thus provide a sort of measurement of its regulatory quality, there is a need for quantitative evidence concerning the implementation of a set of unanimously accepted principles on better regulation. Providing this kind of evidence can help us identify the main obstacles for the citizens, the businesses and the public services derived by regulation, to reach a higher standard of living.

Regulatory Quality Index is in fact a toolkit designed to cope with both the main challenges of a regulatory system and the cross-country comparability. Based on the principles of better regulation suggested mainly by EU and OECD, the Index is a composite indicator which measures the quality of regulation in four

pillars: the quality of the regulatory text, the pre-parliamentary lawmaking procedure, the parliamentary procedure and the regulatory implementation.

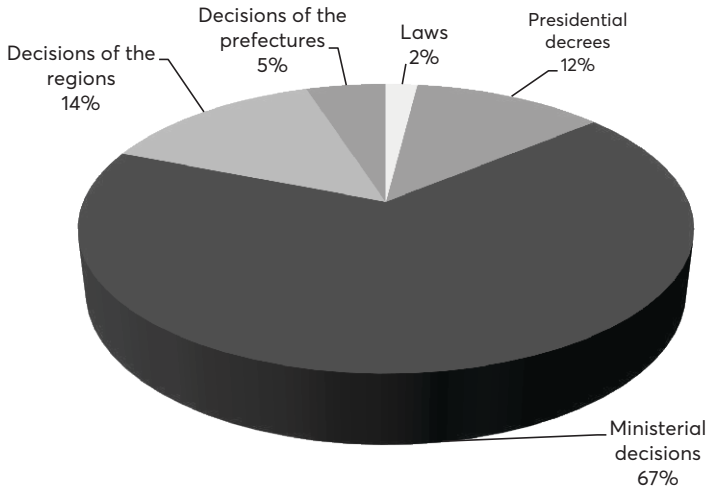
This guide offers the theoretical framework and the technical guidelines for the construction of Regulatory Quality Index in different regulatory frameworks. Since the project was at first fully designed and implemented in Greece, the guide uses the Greek version of Regulatory Quality Index as the operating model for the adaption of the Index in other countries.

However, the implementation plan of such a project may require several modifications from its original version, in order to be effective in different regimes. For this reason, the adaption of the Regulatory Quality Index is explored in the regulatory environment of Bulgaria and Turkey. The result of the adjustment in the two countries is quite satisfying, since a high percentage of the 50 variables evaluated in the Greek version are compatible with both the Bulgarian and the Turkish regulatory frameworks. The small number of the variables not adjusted are mainly related to the regulatory text formation and they deal with the kind of regulation Greece legislates.

Regulatory Quality Index can be a useful tool in the process of better regulation in each country and provide a dataset on regulation which emphasizes in specific areas of law making, by composing different indices of the legislating steps. Better lives for the citizens lay, among others, in better regulation and Regulatory Quality Index identifies its quality.

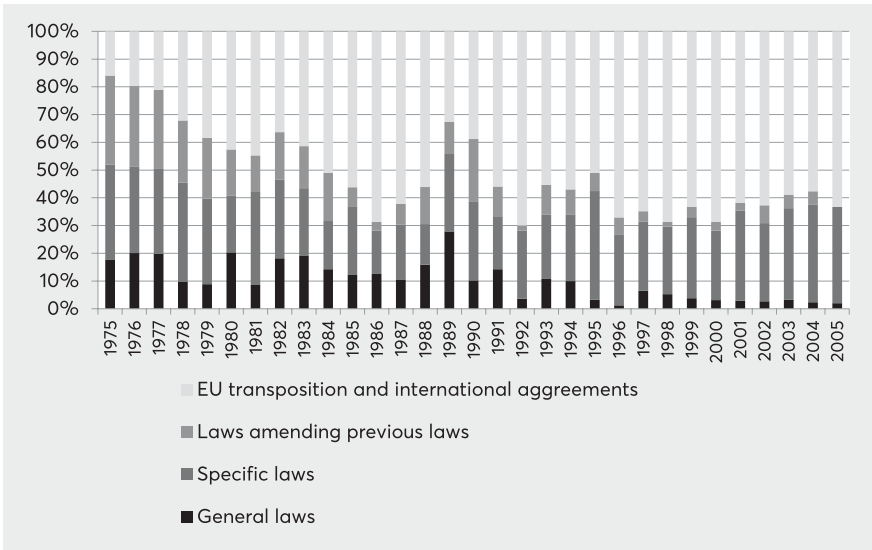
Appendix

Figure 2: Greek regulatory production (1975 – 2005)





Source: Karkatsoulis, Regulation, Deregulation, Reform (in Greek), 2011.

Figure 3: Categories of laws enacted in the Greek parliament (1975 – 2005)



Source: Karkatsoulis, Regulation, Deregulation, Reform (in Greek), 2011.

Figure 4: The first page from a typical Government Gazette in Greece and the variables collected directly.

ΕΦΗΜΕΡΙΔΑ

ΤΗΣ ΚΥΒΕΡΝΗΣΕΩΣ

ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

0.6
15 Ιανουαρίου 2018
0.2
ΤΕΥΧΟΣ ΠΡΩΤΟ
0.4
Αρ. Φύλλου 2
0.5

ΝΟΜΟΣ ΥΠ' ΑΡΙΘΜ 4511 0.1

Τροποποίηση του άρθρου 5 της από 24.12.1990 Πράξης Νομοθετικού Περιεχομένου «Περί Μουσουλμάνων Θρησκευτικών Λειτουργιών» (Α' 182) που κυρώθηκε με το άρθρο μόνο του ν. 1920/1991 (Α' 11).

0.3

Ο ΠΡΟΕΔΡΟΣ
ΤΗΣ ΕΛΛΗΝΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ

Εκδίδωμε τον ακόλουθο νόμο που ψήφισε η Βουλή:

Άρθρο 1

1. Στο τέλος του άρθρου 5 της από 24.12.1990 Πράξης Νομοθετικού Περιεχομένου «Περί Μουσουλμάνων Θρησκευτικών Λειτουργιών» (Α' 182) που κυρώθηκε με το άρθρο μόνο του ν. 1920/1991 (Α' 11) προστίθεται παράγραφος 4 ως εξής:

«4.α. Οι υποθέσεις της παραγράφου 2 ρυθμίζονται από τις κοινές διατάξεις και μόνο κατ' εξαίρεση υπάγονται στη δικαιοδοσία του Μουφτή, εφόσον αμφότερα τα μέρη υποβάλουν σχετική αίτησή τους ενώπιόν του για επίλυση της συγκεκριμένης διαφοράς κατά τον Ιερό Μουσουλμανικό Νόμο. Η υπαγωγή της υπόθεσης στη δικαιοδοσία του Μουφτή είναι αμετάκλητη και αποκλείει τη δικαιοδοσία των τακτικών δικαστηρίων για τη συγκεκριμένη διαφορά. Εάν οποιοδήποτε από τα μέρη δεν επιθυμεί την υπαγωγή της υπόθεσής του στη δικαιοδοσία του Μουφτή, δύναται να προσφύγει στα πολιτικά δικαστήρια, κατά τις κοινές ουσιαστικές και δικονομικές διατάξεις, τα οποία σε κάθε περίπτωση έχουν το τεκμήριο της δικαιοδοσίας.

β. Με προεδρικό διάταγμα που εκδίδεται με πρόταση των Υπουργών Παιδείας, Έρευνας και Θρησκευμάτων και Διακοινωνικής Διαφάνειας και Ανθρωπίνων Δικαιωμάτων καθορίζονται όλοι οι αναγκαίοι δικονομικοί κανόνες για τη συζήτηση της υπόθεσης ενώπιον του Μουφτή και την έκδοση των αποφάσεών του και ιδίως η διαδικασία υποβολής αιτήσεων των μερών, η οποία πρέπει να περιέχει τα στοιχεία των εισαγωγικών δικογράφων κατά τον Κώδικα Πολιτικής Δικονομίας και, επί ποινή ακυρότητας, ρητή ανέκκλητη δήλωση κάθε διαδίκου περί επιλογής της συγκεκριμένης δικαιοδοσίας, η παράσταση των πληρεξουσίων δικηγόρων, η διαδικασία κατάθεσης και επίδοσης της στο αντίδικο μέρους, η διαδικασία της συζήτησης και της έκδοσης απόφασης, τα θέματα οργάνωσης, σύστασης και διαδικασίας πλήρωσης θέσεων προσωπικού (μονίμων, ιδιωτικού δικαίου αορίστου χρόνου και μετακλητών υπαλλήλων) και λειτουργίας της σχετικής υπηρεσίας της τήρησης αρχείου, καθώς και κάθε σχετικό θέμα για την εφαρμογή του παρόντος.

γ. Οι κληρονομικές σχέσεις των μελών της μουσουλμανικής μειονότητας της Θράκης ρυθμίζονται από τις διατάξεις του Αστικού Κώδικα, εκτός εάν ο διαθέτης συντάξει ενώπιον συμβολαιογράφου δήλωση τελευταίας βούλησής, κατά τον τύπο της δημόσιας διαθήκης, με αποκλειστικό περιεχόμενο της τη ρητή επιθυμία του να υπαχθεί η κληρονομική του διαδοχή στον Ιερό Μουσουλμανικό Νόμο. Η δήλωση αυτή είναι ελεύθερα ανακλητή, είτε με μεταγενέστερη αντίθετη δήλωση του ενώπιον συμβολαιογράφου είτε με σύνταξη μεταγενέστερης διαθήκης, κατά τους όρους του Αστικού Κώδικα. Ταυτόχρονη εφαρμογή του Αστικού Κώδικα και του Ιερού Μουσουλμανικού Νόμου στην κληρονομική περιουσία ή σε ποσοστό ή και σε διακεκριμένα στοιχεία αυτής απαγορεύεται.»

2. Μέχρι την έναρξη ισχύος της περίπτωσης α' της παρ. 2 του άρθρου 5, της από 24.12.1990 Πράξης Νομοθετικού Περιεχομένου «Περί Μουσουλμάνων Θρησκευτικών Λειτουργιών» (Α' 182) που κυρώθηκε με το άρθρο μόνο του ν. 1920/1991 (Α' 11), ο Μουφτής επιλαμβάνεται των υποθέσεων που άγονται κοινή συναινέσει ενώπιόν του, τηρουμένης της υφιστάμενης κατά το χρόνο δημοσίευσης του παρόντος διαδικασίας. Διαθίκες που έχουν συνταχθεί πριν την έναρξη ισχύος του παρόντος και δεν έχει επέλθει κληρονομική διαδοχή αναπτύσσουν κανονικά τις έννομες συνέπειές τους κατά το χρόνο επαγωγής.

3. Στην παρ. 2 του άρθρου 5 της από 24.12.1990 Πράξης Νομοθετικού Περιεχομένου «Περί Μουσουλμάνων Θρησκευτικών Λειτουργιών» (Α' 182) που κυρώθηκε με το άρθρο μόνο του ν. 1920/1991 (Α' 11) μετά τη φράση «Ο Μουφτής ασκεί δικαιοδοσία» προστίθεται η φράση «, υπό τις προϋποθέσεις και τις διαδικασίες που ορίζο-

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Figure 5: The website page of a typical law in Hellenic parliament and the variables collected directly.

Τίτλος
Επείγουσες ρυθμίσεις αρμοδιότητας Υπουργείου Μεταναστευτικής Πολιτικής.

Τύπος
Νόμος 0.8

Υπουργείο
Μεταναστευτικής Πολιτικής 2.2

Επιτροπή
Διαρκής Επιτροπή Δημόσιας Διοίκησης, Δημόσιας Τάξης και Δικαιοσύνης

Αριθμός Φεκ
218 Α/24.12.2018

Αριθμός Νόμου
4587

Φάση Επεξεργασίας
Ολοκληρώση

Ημερ/νια Φάσης επεξεργασίας
24/12/2018

Το φωτοτυπημένο σ/ν ή η/ν δεν αποτελεί το τελικό κείμενο διότι εκκρεμούν ορθογραφικές και συντακτικές διορθώσεις
2.11-2.18

Αιτιολογική Έκθεση & Λοιπές Συνοδευτικές Εκθέσεις
1.24

Ημ. Κατάθεσης
12/12/2018 3.1

Εισηγητές

- Μιλτιάδης Βαρβιτσιώτης
- Γεώργιος Ψυχογιός

Σχετικές Συνεδριάσεις Επιτροπής
• 17/12/2018 12:00 3.3 3.7-3.9

Πρακτικό Έκθεση της Επιτροπής

Έκθεση της Επιστημονικής Υπηρεσίας της Βουλής

Σχετικές Συνεδριάσεις Ολομέλειας
12' ΠΕΡΙΟΔΟΣ (ΠΡΟΕΔΡΕΥΟΜΕΝΗΣ ΚΟΙΝΟΒΟΥΛΕΥΤΙΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ) Δ' Σύνοδος ΜΗ

Σ/Ν μετά την ψήφιση των άρθρων

Ψηφισθέν Νομοσχέδιο

Ημ. Ψήφισης
20/12/2018

Τροπολογίες
• Αρ. Τροπολογίας: 1853/7 14.12.2018 3.4
Αρχείο:

Περιγραφή: Παράταση καταληκτικής προθεσμίας για η/υαγκρότηση και λειτουργία της οικίας Γενικής Διεύθυνσης Οικονομικών Υπηρεσιών στα Υπουργεία Προστασίας του Πολίτη

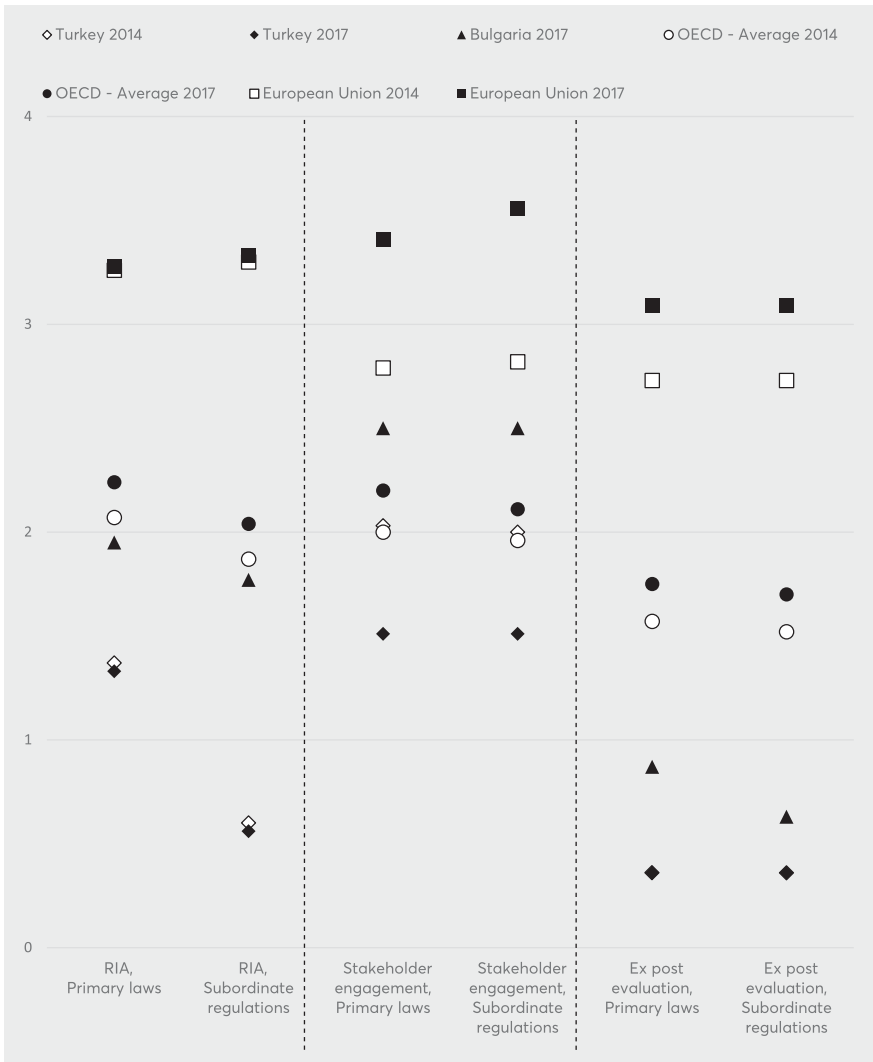
Table 3. Laws and amendments adopted by the National Assembly 2010-2018.

Year	New Laws⁷⁰	Amendments	Total
2010	13	111	124
2011	14	102	116
2012	14	84	98
2013	6	63	69
2014	9	51	60
2015	19	85	104
2016	15	94	109
2017	5	63	68
2018	16	102	118

Source: www.parliament.bg

⁷⁰ Ratification laws of international legal instruments are not included.

Figure 6: Indicators of Regulatory Policy and Governance (OECD iREG score): Bulgaria, Turkey, EU and OECD average, 2014 and 2017.



Source: OECD, 2019

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Regulatory policy is an explicit policy for a dynamic, continuous and consistent "whole of government" approach to pursue regulatory quality. Experience confirms that an effective regulatory policy needs to be made up of three components which are mutually reinforcing: policies, tools and institutions. Regulatory policy is not only about specific regulations for a sector, but about the process by which regulations are drafted, updated, implemented and enforced, set in a broader context of public policy objectives. The evaluation of policy therefore includes not only the social and economic impact of regulations, but the links between regulatory processes or systems on the one hand, and those outcomes on the other. Regulatory Quality Index offers a quantitative approach to measure the quality of primary laws and subordinate legislation in European regulatory frameworks. The Index is composed by the best practices on better regulation as they derive from the guidelines of international and European Institutions, as well as by the academic framework of regulation. It is a toolkit to identify the main weaknesses of a regulatory environment and an indicator for comparative analysis across different countries.

