



# Brazil

## Indicators of Regulatory Policy and Governance Latin America 2023

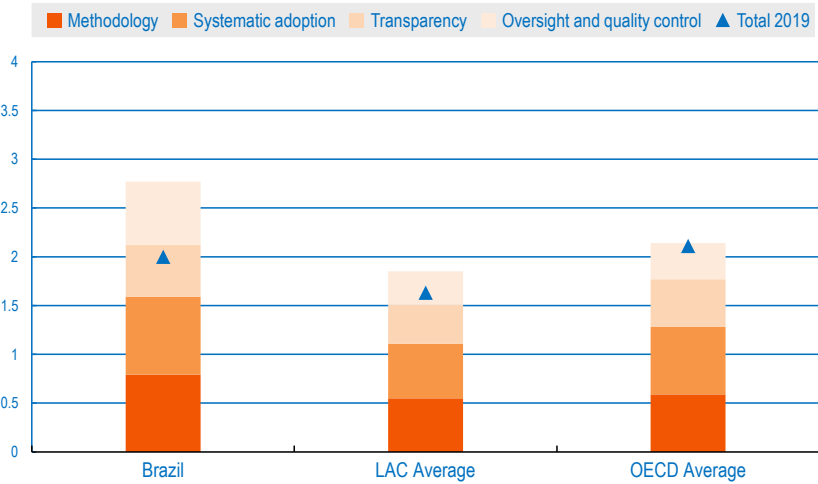
In the last few years, Brazil has adopted legal instruments to consolidate its regulatory policy framework and institutional arrangements, which date back to the early 2010s. The Economic Freedom Act requires all ministries in the federal government to conduct regulatory impact assessment (RIA) when developing subordinate regulations and amending existing regulations. It complements the Regulatory Agencies Act, which systematises the obligation for economic regulators to conduct RIAs. Presidential decrees are however exempted from RIA. As part of the consolidation of Brazil's institutional arrangements, since 2023 the Secretary of Competitiveness and Regulatory Policy (SCPR) is in charge of co-ordinating, supervising and executing operational guidance and actions towards the implementation of good regulatory practices.

Brazil has expanded the practical use of RIA for developing subordinate regulations, with more regulators using RIA to assess potential effects of some of their proposals. Some regulatory agencies, such as the national telecommunications regulator or health surveillance regulator, publish on their websites all RIAs conducted with all documents considered for developing the proposal such as consultation reports. Brazil would benefit from continuing to promote the systematic use of RIA among all government agencies, policymakers, and regulatory bodies, to reduce the gap between existing requirements and their implementation and improve the quality of their decision-making processes.

Brazil requires policymakers to consult stakeholders for the development of all subordinate regulations and has underpinned this requirement in 2022 with the adoption of consultation guidelines. The guidelines provide instructions on the design and implementation of effective public participation programmes, including formats, methods, and tools to be used depending on the type of stakeholders to be consulted. In addition, the 2019 Regulatory Agencies Act sets more detailed requirements on social participation in the decision-making process of sectoral regulators. In the last three years, policymakers in Brazil have been making more systematic use of consultation on draft subordinate regulations. In some cases policymakers also conducted consultations with stakeholders at an early stage to identify the nature of the policy issue and potential solutions. The government has created the website *Participa + Brasil*, which shows some ongoing and past consultations enabling the public to log in and see contributions and provide their own. Brazil would benefit from centralising all public consultations on this platform, as well as from continuing to promote the systematic engagement with stakeholders both for developing regulations and for identifying policy options early in the process before a decision to regulate is taken.

In 2020, Brazil introduced the Regulatory Result Assessment, which mandates the monitoring and evaluation of existing regulatory and non-regulatory interventions, including guides and sectoral agreements. Regulations for which no RIA was conducted because they were enacted as emergency measures are to be evaluated three years after their enactment. Policymakers are to assess whether the originally intended objectives of regulations are being met, and which other impacts their implementation is having on the market and society. Brazil would benefit from continuing to promote and expand the requirements to systematically assess existing regulations to complement *ex ante* evaluations.

# Indicators of Regulatory Policy and Governance (iREG) for Stakeholder engagement in developing subordinate regulations, 2022



Note: The more regulatory practices as advocated in the OECD Recommendation on Regulatory Policy and Governance a country has implemented, the higher its iREG score.  
 Source: Indicators of Regulatory Policy and Governance for Latin America 2019 and 2022, <http://oe.cd/ireg-lac>.

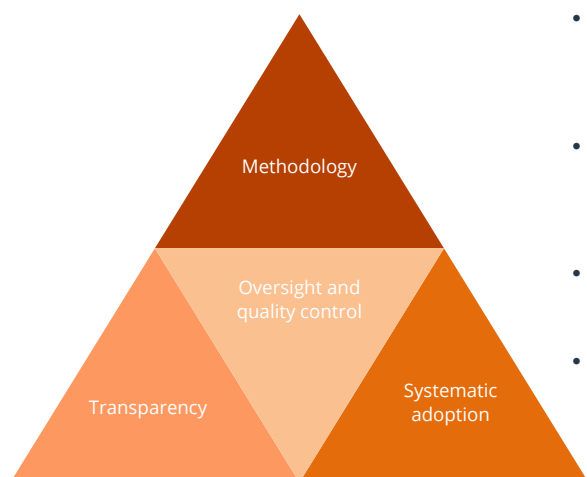
## Snapshot of Regulatory Policy Framework, 2022

Institutional settings				
<b>Regulatory policy promoting regulatory quality</b> <span style="float: right;">Yes</span>		<b>Regulatory oversight body</b> <span style="float: right;">Yes</span>		
Legal instrument: Economic Freedom Act, Regulatory Agencies Act		Responsible for: <ul style="list-style-type: none"> <li>Stakeholder engagement <span style="float: right;">✗</span></li> <li>Regulatory impact assessment <span style="float: right;">✓</span></li> <li>Administrative simplification <span style="float: right;">✓</span></li> <li>Ex post evaluation <span style="float: right;">✓</span></li> </ul>		
Requirement to conduct:	Stakeholder engagement	Regulatory Impact Assessment	Ex post evaluation / Admin simplification	
	For all subordinate regulations	Some subordinate regulations	Ex post evaluation	
	Yes	Yes	Administrative simplification	
	Yes	Yes	Yes	
Better regulation in practice:	Early stage: For some subordinate regulations Late Stage: For all subordinate regulations	Conducted to inform the development of regulations	Administrative simplification conducted in the last four years	
	Some subordinate regulations	Some subordinate regulations	Yes	
Available online:	Consultations conducted online	Ongoing consultations published on a central consultation website	RIA	Regulations to be drafted, reformed or repealed
	Frequently	Yes, some ongoing consultations	On a central webpage & webpage of each ministry	Yes

Source: Indicators of Regulatory Policy and Governance for Latin America 2022, <http://oe.cd/ireg-lac>.

The Indicators of Regulatory Policy and Governance (iREG) for Latin America 2023 provide an up-to-date overview of regulatory systems in selected Latin American and Caribbean (LAC) countries, by which they develop, implement and evaluate regulations. The indicators partially cover three principles of the [2012 OECD Recommendation on Regulatory Policy and Governance](#): 1) stakeholder engagement; 2) regulatory impact assessment (RIA); and 3) *ex post* evaluation and administrative simplification.

The composite indicator on stakeholder engagement for developing regulations measures the adoption of good practices to engage with interested parties when developing new regulations, including different methods and openness of consultations as well as transparency and response to comments received. It consolidates information into four equally weighted categories.



- Systematic adoption records formal requirements and how often and at what stage in the rulemaking process these requirements are conducted in practice.
- Methodology gathers information on the methods used to engage with stakeholders, e.g. forms of consultation and documents to support them.
- Oversight and quality control records the role of oversight bodies and publicly available evaluations of the consultation system.
- Transparency records information from the questions that relate to the principles of open government, e.g. whether consultations are open to the general public and if comments and responses by authorities are published.

The LAC iREG is based on the results of the 2015, 2019 and 2022 Indicators of Regulatory Policy and Governance Survey jointly conducted by the OECD and the Inter-American Development Bank (IDB) and the OECD iREG Survey 2021. The survey gathers information from 7 countries for 2015, 10 countries for 2019 and 11 countries for 2022 in Latin America and the Caribbean, with a particular focus on stakeholder engagement. The data underlying the composite indicator reflect practices and requirements put in place at the national level of government, as of 31 October 2022.

Whilst the indicators provide an overview of a country's regulatory system, they cannot fully capture the complex realities of its quality, use and impact. In-depth country reviews are therefore required to complement the indicators and to provide specific recommendations for reform.

Further analysis based on the LAC iREG and other indicators to benchmark government performance in the region can be found in the [Government at a Glance - Latin America and the Caribbean 2024](#) publication.

An in-depth analysis of regulatory practices amongst OECD countries including composite indicators in the areas of stakeholder engagement, RIA and *ex post* evaluation can be found in the [OECD Regulatory Policy Outlook 2021](#).

## LINKS

[Indicators and underlying data](#)  
[Regulatory policy in Latin America and the Caribbean](#)  
[Regulatory Policy Outlook 2021](#)  
[OECD work on regulatory policy](#)  
[Government at a Glance - Latin America and the Caribbean 2024](#)

## CONTACT

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