



Ecuador

Indicators of Regulatory Policy and Governance

Latin America 2023

Ecuador has substantially improved its regulatory policy framework in the last few years. It has made better regulation a whole-of-government policy and adopted new legal documents that strengthen regulatory practices. Presidential Decree 1204 from 2020 mandates entities of the executive power to engage with stakeholders for developing and reviewing all subordinate regulations. In addition, the “Good Regulatory Practices” document from 2021 sets out steps for developing and managing regulations and reinforces the existing obligation to conduct regulatory impact assessments (RIA) for the development of all subordinate regulatory proposals. Policymakers are making more use of these recently introduced better regulation tools and, as part of their implementation, are publishing their regulatory agendas on their websites.

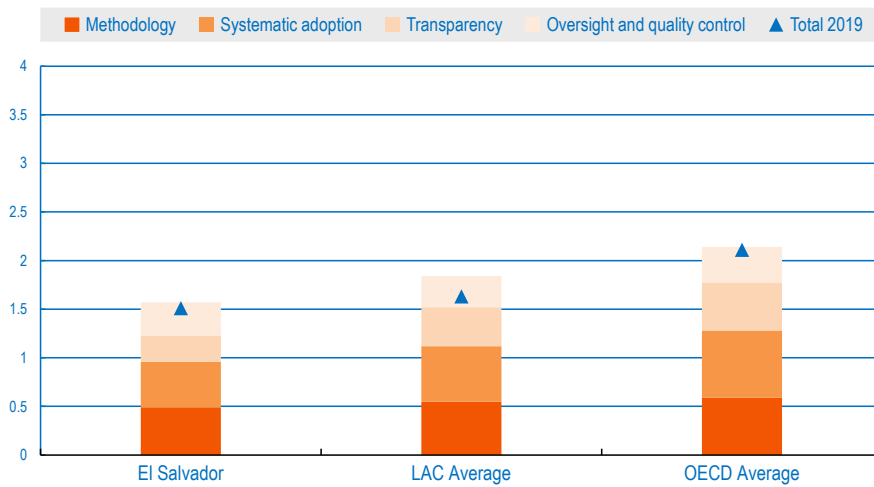
Guidelines from 2021 complement the newly introduced public consultation requirements, establishing minimum consultation periods, and laying out how policymakers should conduct consultations. For engaging with stakeholders more effectively, the government introduced *Diálogo 2.0*, an interactive consultation website where citizens can provide feedback on draft regulations and make suggestions for amendments to existing ones. While policymakers have increased their use of stakeholder engagement for the development of subordinate regulations, it is not yet systematic. Ecuador could benefit from a more systematic implementation of the existing rules, particularly promoting the use of comments received during consultations for the development of the final regulatory proposal.

Since 2018, policymakers in Ecuador are required to conduct RIA on all proposed subordinate regulations and, since 2021 mandatory RIA guidelines issued by the General Secretariat of the Presidency apply to all entities of the public administration. They provide instructions on how to define the policy problem and on the use of different methodologies to assess the potential impacts of regulatory and non-regulatory alternatives. However, whilst more regulators now use RIA and reports are publicly available, the requirement is still not fully implemented in practice. Ecuador would benefit from closing this implementation gap, including through effective co-ordination, promotion and oversight arrangements.

Since the end of 2021, all agencies and bodies of the public administration are required to adopt mechanisms for reviewing existing regulations, to determine if they are meeting their objectives or if any of the initial circumstances for regulating have changed. Public institutions are also required to simplify existing burdensome administrative procedures, to eliminate unnecessary ones, and to evaluate the potential impacts of new administrative procedures. To maintain an updated regulatory stock, Ecuador should ensure that these recently adopted requirements on review of existing regulations are implemented in practice.

The General Secretariat of the Presidency is leading and coordinating the country’s regulatory policy including the better regulation agenda and is also mandated with reviewing the quality of the RIAs conducted. The Interinstitutional Committee for Administrative Simplification coordinates the elimination and simplification of administrative procedures and is currently developing guidelines for administrative simplification.

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>

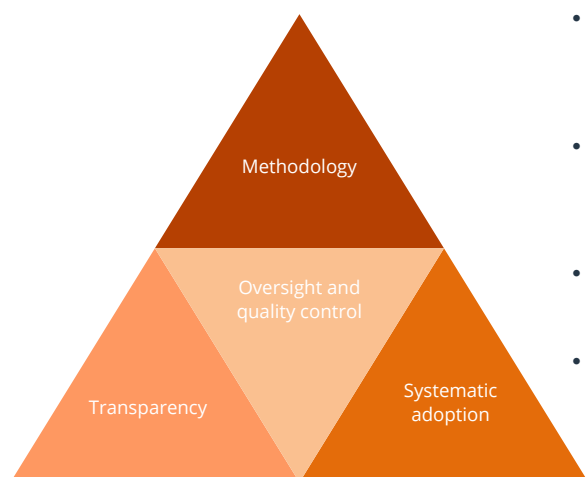
Snapshot of Regulatory Policy Framework, 2022

Institutional settings		Regulatory oversight body		
Regulatory policy promoting regulatory quality Yes		Regulatory oversight body Yes		
Legal instrument: Ley de Mejora Regulatoria		Responsible for:		
		Stakeholder engagement ✓		
		Regulatory impact assessment ✓		
		Administrative simplification ✓		
		Ex post evaluation ✓		
	Stakeholder engagement	Regulatory Impact Assessment	Ex post evaluation / Admin simplification	
Requirement to conduct:	For all subordinate regulations	Some subordinate regulations	Ex post evaluation Yes	
Written guidance available on:	Yes	Yes	Administrative simplification Yes	
Better regulation in practice:	Early stage Late Stage Never For some subordinate regulations	Conducted to inform the development of regulations Some subordinate regulations	Administrative simplification conducted in the last four years Yes	
	Consultations conducted online	Ongoing consultations published on a central consultation website	RIA	Regulations to be drafted, reformed or repealed
Available online:	Sometimes	Yes, some ongoing consultations	No	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

Measuring Regulatory Performance programme,
mrp@oecd.org