PRESIDENCY OF BRAZIL
Office of the Chief of Staff
Office for Public Policies

GENERAL GUIDELINES AND SUGGESTED ROADMAP FOR REGULATORY IMPACT ANALYSIS - GENERAL RIA GUIDELINES [1]

(August 15, 2017)

CONCEPTS	**Regulatory Impact Analysis – RIA** is the systematic process of evidence-based analysis which, following the definition of a regulatory problem, seeks to assess the possible impacts of the alternatives available to reach the intended objectives, with the purpose of guiding and supporting decision making; **Regulatory Outcome Evaluation – ROE** is an instrument that evaluates the performance of the adopted or amended normative rule, considering the achievement of desired objectives and outcomes, as well as other impacts observed on the market and society, resulting from its implementation; **A normative rule of general interest to the economic agents, consumers or users of provided services** is one which may potentially influence their rights or obligations; **RIA operationalization within the scope of Regulatory Agencies** means defining the organizational units involved in its elaboration and their respective powers.
OBJECTIVES	**The following are RIA objectives:** I – to guide and support the decision-making process; II – to provide greater efficiency for regulatory decisions; III – to provide greater regulatory coherence and quality;

[1] The document in question is in agreement with Bill 6,621/2016 – Agencies Bill – which sets forth the management, organization, decision-making and social control of regulatory agencies, amends Law 9,427, dated December 26, 1996, Law 9,472, dated July 16, 1997, Law 9,478, dated August 6, 1997, Law 9,782, dated January 26, 1999, Law 9,961, dated January 28, 2000, Law 9,984, dated July 17, 2000, Law 9,986, dated July 18, 2000, Law 10,233, dated June 5, 2001, Provisional Measure 2,228-1, dated September 6, 2001 , Law 11,182, dated September 27, 2005, and Law 10,180, dated February 6, 2001, and other provisions. The course and full text of the Bill in question, approved in the Federal Senate as Senate Bill 52/2013, is available from http://www.camara.gov.br/proposicoesWeb/fichadetramitacao?idProposicao=2120019

	IV – to provide greater technical robustness and predictability for relevant regulatory decisions; V – to increase the transparency and understanding of the regulatory process as a whole, raising the awareness of market players and the general public regarding regulatory problems, analysis steps, techniques used, alternative solutions envisioned and the criteria considered to support relevant regulatory decisions; and VI – to contribute to the continuous improvement of regulatory action outcomes.
APPLICABILITY	Containing information and data on the possible effects of the normative rule, RIA will precede the adoption of and proposed amendments to, by Regulatory Agencies, normative rules of general interest to economic agents, consumers or users of provided services.
NON-APPLICABILITY	I – administrative normative rules, whose effects are restricted to the actual Regulatory Agency; II – normative rules with concrete effects, aimed at regulating specific situations and applicable to individualized segments; III – normative rules aimed at regulating rights or obligations defined in legislation that do not allow the possibility of different regulatory alternatives; and IV – normative rules of manifest low impact.
INITIAL IMPLEMENTATION OF RIA	RIA shall be initiated as soon as the Regulatory Agency undertakes any action to solve an identified regulatory problem.
POSSIBLE WAIVING OF RIA IN URGENCY CASES	Mandatory RIA may be waived, by decision of the Governing Board or Board of Directors of the Regulatory Agency, in cases of urgency, duly substantiated.
PRESENTATION OF RIA (RIA REPORT)	RIA shall be presented as a specific report – RIA Report – and shall include some basic elements.
RIA LEVEL I – BASIC ELEMENTS	a) objective and concise executive summary, using plain language, accessible to the general public; b) identification of the regulatory problem to be solved, presenting its causes and extent; c) identification of the actors or stakeholders affected by the regulatory problem; d) identification of the legal basis supporting the action of the Regulatory Agency in the subject matter; e) definition of the objectives to be achieved; f) description of possible alternatives to address the identified regulatory problem, considering the option of non-action, in

	addition to regulatory solutions, and, whenever possible, non-regulatory options; g) description of the possible impacts of the alternatives identified; h) comparison of the options considered, indicating and justifying the most appropriate way or combination of alternative ways to achieve the intended objectives; i) description of the strategy to implement the suggested option, including monitoring and supervision methods, as well as the need to amend or repeal existing rules; j) considerations regarding information, contributions and opinions received for the preparation of the RIA in potential social participation processes or other processes to receive input from stakeholders on the subject under analysis; k) full name, position or function and signature of the individuals responsible for the RIA.
RIA LEVEL II – BASIC ELEMENTS	If the regulatory issue under analysis is significantly complex or if the alternatives identified to address it have significant impacts, the Regulatory Agency shall analyze the following aspects in addition to items "a" to "k": a) survey of international experience in addressing the regulatory problem under analysis; b) measurement of the possible impacts of the identified options on the consumers or users of provided services and on the other main segments of society affected; and c) identification of the risks involved in each one of the options considered.
MINIMUM CONTENT AND COMPLEMENTATION	Whenever possible, the minimum analytical content listed above should be detailed and complemented by additional elements, according to the degree of complexity, scope and impact of the RIA subject matter.
METHODOLOGY	The methodology used shall be described, clearly and objectively, in the RIA Report, and may be justifiably defined on a case-to-case basis to adapt to concrete cases, according to the characteristics and complexity of the subject matter under analysis and the information and data available. Whenever possible, RIA Level II shall include quantitative analyses to objectively measure and compare the costs and benefits of the identified options.
DECISION MAKING AND SOCIAL PARTICIPATION	The Governing Board or Board of Directors of the Regulatory Agency may comment specifically on the RIA Report, in part or in full, to guide the course of action to be adopted and rationalize the decision-making process within the scope of the respective

WITHIN THE SCOPE OF RIA	Agency. In order to increase the transparency of the regulatory process and the available sources of information, the partial or complete RIA Report shall, whenever possible, be submitted to a specific stakeholder engagement that allows the receipt of criticisms, suggestions and contributions by stakeholders and the general public regarding the analysis of the regulatory problem in question and the available resolution alternatives. The specific social participation process shall be completed before the preparation of a draft or proposal to amend a normative rule to address the regulatory problem identified. In this broad social participation process, the Regulatory Agency shall use the means and channels it deems most appropriate, ensuring that the term assigned for public contributions is proportional to the complexity of the subject.
DECISION MAKING AND SOCIAL PARTICIPATION WITHIN THE SCOPE OF NORMATIVE RULE ADOPTION OR AMENDMENT **PUBLIC CONSULTATION**	The Governing Board or Board of Directors shall express, in relation to the RIA Report, its opinion on the adequacy of the proposed normative rule to the intended objectives, indicating whether the estimated impacts recommend its adoption, and, when appropriate, suggesting necessary complements. This opinion, together with the RIA Report, shall constitute the documentation to be made available to stakeholders for the public consultation or hearing, should the Governing Board or Board of Directors decide to proceed with the administrative process. When the RIA is not carried out, a document shall be released, substantiating the proposed decision. Drafts and proposals of amendments to normative rules of general interest to the economic agents, consumers or users of provided services shall be submitted to public consultation prior to the decision by the Governing Board or Board of Directors. Save as otherwise required in specific legislation, agreement or international treaty, the public consultation term shall begin following publication of the respective order or notice of opening in the Official Federal Gazette and on the Agency's website, and shall have a minimum period of 45 (forty-five) days, except for cases of unexpected urgency and relevance, duly motivated. The Regulatory Agency shall, without prejudice to other access solutions it may deem convenient, allow contributions to be submitted without limitations of size or format through the Internet. The Regulatory Agency shall make available, at its headquarters and on its respective website, at the beginning of the public consultation, the RIA Report and studies, data and technical material used to substantiate the proposals submitted to public

PUBLIC HEARING	consultation, except for those of a confidential nature. The criticisms and suggestions submitted by stakeholders shall be made available at the Agency's headquarters and on its website within ten (10) working days following the expiration of the public consultation term. The position of the Regulatory Agency on the comments or contributions submitted in the public consultation process shall be made available at the Agency's headquarters and on its website within 30 (thirty) business days following the meeting of the Governing Board or Board of Directors for final resolution on the matter. The relevant body of the Ministry of Finance shall, when it deems appropriate, pronounce itself on the regulatory impacts of drafts and proposals of amendments to normative rules of general interest to economic agents, consumers or users of provided services submitted to public consultation by the Regulatory Agency. The Board of Directors may call a public hearing to support assessment and decision making on a matter considered relevant. The opening of the public hearing period shall be preceded by an order or notice of opening published in the Official Federal Gazette and other means of communication at least five (5) business days in advance. The Regulatory Agency shall make the following documents available at a specific location and on its website at least five (5) business days before the beginning of the public hearing term: I – for the proposals of normative rules and amendment to normative rules submitted to the public hearing, the RIA Report and studies, data and technical material used to substantiate them, expect for those of a confidential nature; II – for other proposals submitted to the public hearing, the document used to substantiate them. The Regulatory Agency shall establish, in internal bylaws, the organizational units involved in conducting the public consultations and hearings and their respective powers, with the details of the procedures to be observed established in a specific rule, and the position of the Agency shall be made available at its headquarters and on its website up to thirty (30) business days following the meeting of the Governing Board or Board of Directors to deliberate on the matter. The Regulatory Agency may establish, in internal bylaws, other means of participation of stakeholders in its decisions, directly or through legally recognized organizations and associations, and the position of the Agency shall be made available at its headquarters and on its website up to 30 (thirty) business days following the meeting of the Governing Board or Board of

	Directors to deliberate on the matter. Reports of the public hearing and of other means of participation of stakeholders in the decisions shall be made available at the Agency's headquarters and on its website within 30 (thirty) business days following their conclusion. The public hearing reports shall contain, at least, the list of attendees and the list of attendees who made oral statements, by theme, as well as the number of statements by theme. In cases of great complexity, the term in question may be justifiably extended for an equal period, only once.
DECISION MAKING NOT BOUND TO RIA REPORT	The RIA Report does not bind the decision-making process of the Governing Board or Board of Directors of the Regulatory Agency.
SUBSTANTIATION OF DECISIONS BY THE GOVERNING BOARD OR BOARD OF DIRECTORS	Decisions contrary to the RIA recommendations shall be substantiated by the Governing Board or Board of Directors of the Regulatory Agency.
RIA OPERATIONALIZATION	The bylaws of each Regulatory Agency shall provide for RIA operationalization. Operationalization is understood as the definition of the organizational units involved in the preparation of the RIA and their respective powers, with specific analysis procedures established in a separate rule.
REGULATORY STOCK REVIEW	Should the Regulatory Agency opt for adopting or mending a regulation to address an identified regulatory problem, such normative change shall include a revision deadline, for a future regulatory stock review.
REGULATORY OUTCOME EVALUATION – ROE	The normative rules or amendments to normative rules exempted from RIA due to urgency decided by the Board of Directors or which were submitted to RIA Level II shall undergo Regulatory Outcome Evaluation – ROE, based on the observed effects: I – within 2 years from their entry into force, in cases of urgency; II – within the term defined in the actual rules, for RIA Level II cases.
DATA COLLECTION AND TREATMENT STRATEGIES	The Regulatory Agency shall implement specific data collection and treatment strategies to allow quantitative cost and benefit analyses, where applicable.
AVAILABILITY OF RIA	The Regulatory Agency shall maintain its inventory of RIA Reports available for consultation on its website, ensuring easy location

REPORT INVENTORY FOR ONLINE REFERENCE	and identification of the content to the general public, except for those content of confidential nature.