

Public Consultation and Regulation

Public consultation is one of the key tools employed to improve transparency, efficiency and effectiveness especially but not only related to regulation. This is in addition to other tools such as Regulatory Impact Analysis (RIA), regulatory alternatives and improved accountability arrangements.

There are three related forms of interaction with interested members of the public. In practice, these three forms of interaction are often mingled with public consultation programs, complementing and overlapping each other:

- **Notification.** It involves the communication of information on regulatory decisions to the public, and it is a key building block of the rule of law. It is a one-way process of communication in which the public plays a passive consumer role of government information. Notification does not, itself, constitute consultation, but can be a first step. In this view, prior notification allows stakeholders the time to prepare themselves for upcoming consultations.
- **Consultation.** It involves actively seeking the opinions of interested and affected groups. It is a two-way flow of information, which may occur at any stage of regulatory development, from problem identification to evaluation of existing regulation. It may be a one-stage process or, as it is increasingly the case, a continuing dialogue. Consultation is increasingly concerned with the objective of gathering information to facilitate the drafting of higher quality regulation.
- **Participation.** It is the active involvement of interest groups in the formulation of regulatory objectives, policies and approaches, or in the drafting of regulatory texts. Participation is usually meant to facilitate implementation and improve compliance, consensus, and political support. Governments are likely to offer stakeholders a role in regulatory development, implementation and/or enforcement in circumstances in which they wish to increase the sense of “ownership” of, or commitment to, the regulations beyond what is likely to be achieved via a purely consultative approach.



Background Document on Public Consultation. OECD.