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Regulatory Policy 2.0

Viewpoints and Beliefs about Better Regulation:
A Report from the “Q Exercise”



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Regulatory Policy 2.0

Viewpoints and Beliefs about Better Regulation: A Report from the “Q Exercise”

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ABSTRACT

Regulatory policy today is still grounded in principles and tools designed a few decades ago, but the context has changed significantly. To determine whether the current framework can help countries meet the challenges of contemporary societies, the OECD launched the Regulatory Policy 2.0 project. This report sets out the results from the second phase of the project, which included an exercise based on “Q Methodology” to map beliefs around Better Regulation. The exercise, involving government officials and regulatory experts, has identified four belief systems about what Better Regulation is today, which core aims it should have, and where it should go in the future. Based on this analysis, the report provides empirical evidence and implications for the future direction of regulatory policy.

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Key findings

This report sets out the results from the second phase of the Regulatory Policy 2.0 project. The phase has involved an exercise based on Q Methodology – a method for mapping beliefs and their connections in a given population. Thirty five delegates from the OECD Regulatory Policy Committee (RPC)¹ and selected Better Regulation experts participated in the Q exercise. The data identified four belief systems (or ‘types’):

- Type 1: Improve governance processes and foster innovation;
- Type 2: Serve citizens and ensure accountability;
- Type 3: Pragmatic and critical; and
- Type 4: Control and master.

In simple words, each of these belief systems has a story to tell about what Better Regulation is today, which core aims it should have, and where it should go in the future. They are four internally coherent views of “what is” and “what ought to be”.

While the lines running between one type and the others intersect in interesting ways to provide a single connecting tissue of beliefs (as shown in the report), the table below proposes a schematisation of the main characteristics differentiating the four sets of beliefs. It considers the basic standpoint taken; the main audience concerned with the beliefs; and the general emphasis or focus.

Table 1. Belief systems (or “Types”) regarding Better Regulation

Type	Perspective	Main audience	Focus
#1	Systemic	All Better Regulation actors	There is still momentum for Better Regulation and its tools to support decision making (esp. for innovation); The systematic avoidance of regulatory mistakes is the core purpose of using the tools.
#2	From “outside” into government	Citizens and stakeholders	Transparency and the right to know by citizens features centrally in Better Regulation. The Better Regulation tools must be enhanced and recalibrated to become legitimising elements of a vision of governance that fuels trust and leaves no one behind. Institutions and procedures should foster accountability: Regulatory oversight must be independent & judicial review must be permitted/supported.
#3	Systemic	Decision makers	Better Regulation is an instrument to achieve political goals more efficiently, it should not be stretched beyond what it can objectively deliver. Realistic considerations of what Better Regulation policy and its tools can deliver. Low expectations from inclusive decision making, behavioural insights, machine learning / Big Data.
#4	Within government	Decision makers and civil servants	Better Regulation is for the public administration and elected politicians to demonstrate they act (efficiently) to improve welfare. Strong government-internal utilitarian vision. Tools need not be sophisticated. Regulatory oversight should not be independent.

Against this analysis, the report provides empirical evidence and implications for civil servants, academics and other Better Regulation experts in their reflections on Regulatory Policy 2.0. The “implications” should not be seen as either strategic or operational recommendations. Rather, they provide readers with an evidence-rich platform upon which they can structure future action points with the OECD Secretariat on the one hand, and governments and other external stakeholders, on the other.

What implications can be drawn from the exercise? First, across the types there is a base of shared beliefs – the connective tissue mentioned above. Better Regulation is confirmed in its core principles and tools. It should be pursued to achieve trust in government and progress towards outcomes such as sustainable development. The findings do not support any claim that Better Regulation has only a “symbolic” value, or that there is a perfunctory use of regulatory reform. Even from the most critical perspective (type 3), Better Regulation is viewed as valuable, concrete, and operational via its tools. This is a reassuring confirmation. None of these conclusions was taken for granted at the outset.

According to all four belief systems, the scope of Better Regulation covers the entire regulatory process. Type 1 beliefs strongly call for Better Regulation to organise government to perform better by supporting decision making and avoiding regulatory mistakes. Regulatory Policy 2.0 should not be reduced to mere adds-on in the form of more sophisticated tools or methods (such as behavioural insights; foresight; digital government). A similar conclusion about multiplying tools is reached if one considers type 4, although the rationale is different. According to type 4, sophistication is not a way forward because, in a rather utilitarian, self-referential logic, what matters is that Better Regulation help decision makers master the decision-making process and deliver most efficiently. If Better Regulation makes decision making excessively complex, it will not be further embraced and promoted.

Type 2 puts emphasis on the role of Better Regulation as a strong lever for accountability as well as inclusivity. In addition, two “consensus statements” are particularly significant. (Such statements obtained positive scores in all sets of beliefs.) One consensus statement orients Better Regulation primarily towards achieving the Sustainable Development Goals. It thus implies that Better Regulation should not only reflect the spirit of Agenda 2030, but also be a driver for its achievement. The second relevant statement is a reminder that nurturing the interface with stakeholders also means supporting citizens’ “right to know” by applying open government principles and tools and good administrative procedures.

Note

¹ The mandate of the Regulatory Policy Committee is to assist OECD members and non-members in building and strengthening capacity for regulatory quality and regulatory reform. The Regulatory Policy Committee is supported by staff within the Regulatory Policy Division of the Public Governance Directorate. (OECD, 2012_[1]).

1 Introduction

Background

Well into the 21st century, regulatory policy is still grounded in principles and tools that were developed a few decades ago: it is currently defined by the *OECD 2012 Recommendation on Regulatory Policy and Governance* (OECD, 2012^[1]). The Regulatory Policy 2.0 project launched by the OECD assesses the potential of the current framework to meet the challenges and serve the overarching goals of contemporary societies. It considers whether regulatory policy is in need of fundamental re-conceptualisation or “just” a recalibration of the narrative surrounding it, and provides insights for a possible renewed reform agenda.

Rationale, purpose and structure of the report

This report is from the second phase of the OECD project “Regulatory Policy 2.0”. This phase involved an **expert-led deliberation process (based on the “Q Methodology”)** to generate data for the subsequent analysis of **how people think about regulatory policy**, that is, the viewpoints, beliefs, attitudes and norms of individuals – as well as a draft paper based on the results of Q, and an expert-led online workshop to consolidate the findings (March 2022). The Q exercise was led by Professor Claudio M. Radaelli, Dr. Karl O’Connor and Dr. Lorenzo Allio (“the Team”).

Accordingly, this report presents the main findings by the Team and offers a number of possible implications for further deliberations by Better Regulation practitioners across OECD member countries, and external stakeholders, including academia, about the future of regulatory policy. Given the nature of this exercise, **such implications should not be seen as either strategic or operational recommendations, but an informed contribution to the ongoing debate drawn from an original, pioneering technique.**

The report builds on the deliverable of Phase I of the project – the paper “The Future of Regulatory Policy. An Issue Paper” presented at the OECD Regulatory Policy Committee meeting in April 2021, which outlined the main issues and challenges for regulatory policy in the next 5-10 years (Allio and Radaelli, 2021^[2]).

The report is structured as follows:

- Chapter 2 briefly outlines the methodological approach underpinning the research. It recapitulates the main features of the Q Methodology and presents the steps taken by the Team to prepare and execute the exercise.
- Chapter 3 reports on the findings from the exercise. It introduces and describes in detail four beliefs systems (or “types”) that are present among the participants in the Q exercise, and introduces possible implications that can be drawn from the analysis.
- Chapter 4 summarises and offers concluding remarks.
- A series of annexes complement the methodological and analytical information.

2 Application of the Q Methodology to the project

The Q Methodology

Q is a method of studying a “population of viewpoints”, as opposed to a population of people. It asks the participant to reflect on priorities and preferences when considering a set of competing statements (called “the concourse”). The method then creates data from the responses, which in turn can provide insights on the participants’ beliefs, values and interests.

Q rests on the acknowledgment that individuals in complex organisations possess mixed motives – they often refer to their jobs as “having different hats at different times”. Q allows two fundamental things:

- first, it reveals underlying assumptions and beliefs within the group (as opposed to testing externally-generated hypotheses on the group); and
- second, it forces the respondent to prioritise values that are in simultaneous conflict with each other or cannot be followed all the time with the same intensity.

This approach differs from the traditional questionnaire-based surveys. In the latter, the response to each statement or question is made independently of the previous statement or question. In Q, by contrast, the placement of each statement influences the placement of the other statements, generating a greater understanding of individual attitudes and perspectives. Taken together, these inter-relations of agreement, disagreement and intensity of beliefs form distinct belief systems. The number of such systems to be identified is a choice for the researchers, provided that the choice respects the statistical logic of the exercise.

Q therefore allows us to highlight the trade-offs and the connections that participants face when placing the statements, thus leading to more granular insights about both what a participant believes, and why. Box 2.1 outlines the key steps deployed in a typical Q session.

Box 2.1. The Q methodology in practice: typical steps

Practically, a Q session goes through the following phases.

- The statements are printed on “Q cards”. These cards are assigned a number to recognize them, but the number does not mean importance or anything else. (In the example given in Figure 1 below about viewpoints on travel preferences, the researchers printed 42 cards.)
- Each participant reads all the cards carefully – the presence of the researcher (face to face or virtual) is helpful at this stage to reduce ambiguity, although clear instructions files of 1-2 pages and / or FAQs perform the same function.

- The participant divides the cards into three piles containing the statements ‘disagree with’, the ‘neutral’ statements and the “agree with” statements.
- The participant is invited to look at the “agree pile” and identify the two or four statements “most agree with”. The same is done with the two or four “most disagree with” statements. The figures at the end of this chapter provide illustrations of the option of indicating two or four cards.
- The cards that were not selected are then placed in the remaining boxes of the score sheets.

If they are in presence (virtual or face to face), the researcher can record the impressions and observations of the participant. Participants like to talk about the reasons behind their choices. This is valuable information that, subject to anonymity and consent, should be kept on file for further analysis – for instance in “post-Q focus groups” or for the researcher’s interpretation of the results. (O’Connor, 2013^[3]) reports that he found it valuable to ask the interviewees how they felt about the method – to provide more understanding and ownership of the answers. The interviewees generally find this method ‘fun’ and ‘novel’, richer than the questionnaire and more structured than a focus group.

The Q exercise

The Q exercise has involved several steps, which are summarised below.

Preparing the concourse

The preparation of the Q exercise is as important as the elaboration and interpretation of the resulting data. The primary basis for the elaboration of the concourse has been the 2021 Issue Paper. This framed the fundamental questions about the nature, purpose and future of Better Regulation (see Box 2.2). The Team eventually finalised a list of 56 statements, which could be associated to the questions and dimensions addressed in the 2021 Issues Paper. Table B.1 in Annex B reports the statements administered to the participants.

Box 2.2. The questions raised in the 2021 Issues Paper

Resting on four interpretative lenses (rationalisation; openness / participation; executive re-organisation; and de-coupling of practice from discourse), the 2021 Issue Paper triggered a range of questions to prompt reflection on the current status of the OECD vision and the opportunity to improve and scale up ambition.

Specifically, the following seven questions were presented:

1. Are there limits in the vision itself – in the way it has been designed and / or implemented?
2. Rather, is it the context external to Better Regulation that has radically changed?
3. What has worked / not worked / will not work in the future, inside the “toolbox” that underpins the vision?
4. Does Better Regulation suffer from an “original sin”?
5. Where is the proof that Better Regulation matters for final outcomes?
6. Has the Better Regulation community not been up to the challenges?
7. Does the OECD vision and the practice of member states diverge or converge over time?

type may be generated by a high number of respondents, another may be the result of the responses given by a small group of participants. But it would be wrong to think that type 1 is made up of n respondents, since the unit of analysis is always the statement (and therefore the belief or segment of the belief system it represents). It is a number of beliefs that is clustered, through inter-relationship of the type, following logical correlations such as “I strongly disagree with statement a and at the same time I strongly agree with statement b and statement c , whilst I am indifferent to d ”.

The preliminary findings and interpretations developed by the Team were subsequently discussed at an online workshop organised with the participants in the Q exercise in March 2022. The workshop offered the possibility to discuss the initial considerations drawn from the analysis and to further gather insights from the participants, including feedback on the exercise itself as well as the rationale behind some of the possible stances taken and beliefs expressed.

Finally, the report benefitted also from feedback and insights provided by the OECD Secretariat.

Glossary

This section reports short definitions of the main technical terms used in the report.

- **Concourse:** the range of statements that reflect all possible viewpoints on a topic. Our concourse consisted of 56 statements.
- **Inverted Factor Analysis:** Q methodology is an inversion of conventional factor analysis. Q correlates persons instead of tests; in traditional factor analysis a large number of people are given a small number of tests; here we give a small number of people a large number of test-items.
- **Principle Component Analysis:** a mechanism used to reduce a series of data points to a few principal components.
- **Q Sort:** the placing of statements by the interviewee or respondent during the Q exercise. It reveals their subjective viewpoint.
- **Type (or Factor):** a group of people that are found to share a belief or viewpoint on a topic. Each factor represents a group of beliefs that are highly correlated with each other and uncorrelated with others.

3 Main findings from the Q exercise

We label the four types of beliefs about Better Regulation that emerged from our Q exercise as follows:

- Type 1: Improve governance processes and foster innovation;
- Type 2: Serve citizens and ensure accountability;
- Type 3: Pragmatic and critical; and
- Type 4: Control and master.

The next sections introduce and describe each of these four types, bearing again in mind that we are looking at belief systems, not clusters of participants. When presenting the types, the Team offers also their possible “**implications**” stemming from their reasoning (highlighted in a framed text). Because Q is not a prescriptive but an interpreting methodology, those implications are methodologically sound but offer a margin for interpretation by the researchers. The proposed implications seek to stimulate further reflections on the debate on the future of regulatory policy.

Note: Each statement referred to in the considerations below is indicated by its number in brackets. The list of statements and their numbers is reported in Annex B. In this chapter, we refer to “Better Regulation” as a synonym of regulatory policy.

Type 1 – Improve governance processes and foster innovation

Central to type 1 is the belief that Better Regulation exists to improve the managing and governing of the regulatory “processes”. In turn, regulatory tools are a component of the wider agenda of bringing evidence to bear on public decisions and public policy (statement 18). Joined-up action across government is fundamental (48). This chimes with the OECD whole-of-government approach. Another piece of the government puzzle is efficiency: the Better Regulation agenda improves the way in which decisions are made. Like other typologies, also this type places emphasis on the existence of a genuine commitment by governments to Better Regulation (13). All of these beliefs on governance and government correlate quite neatly in a process- and governance-oriented vision. The main focus is on the government internal constitutive elements and dynamics of the decision-making process.

At the same time, this type rejects the idea that Better Regulation has become too complex to support the regulators (6). Better Regulation is still relatively simple to grasp (at least by those regulators and officers in government that have to manage the tools). It opens up the minds of politicians because, once stripped down of all details, it compels decision-makers to consider alternative policy options (42). It is, notably, not yet another terrain on which bureaucratic turf wars can be fought, for instance in the name of regulatory impact assessment (RIA), *ex post* evaluation of legislation, or consultation. The rejection of statement (52) on bureaucratic turf wars is sharp. RIA has not withered away, diluted in too many tests that make a final assessment impossible (12). Gender, SMEs, environmental assessments are complementary and rather even improvements of the assessment process. RIA is and will remain an appropriate instrument to achieve good regulatory outcomes. As such, there is no need to bring regulatory and departmental officers

to court for a faulty RIA for them to take the tool seriously (14) – the contrasting score given to this statement by type 2 is striking in this respect (see below). And, more generally, Better Regulation tools remain effective even when the environment is fast-paced, like in crisis management situations (22). More fundamentally perhaps, type 1 contains a causal belief that implies that Good Regulatory Practices and the related tools, if used properly, do affect policy outcomes (34). Overall, there is still momentum for Better Regulation – indeed tools like consultation have not created consultation fatigue (51). The statement that after Covid-19 “there is no time for Better Regulation” is vigorously rejected (the strongest rejection of the statement across the four types).

In this respect, type 1 strongly advocates for the role of innovation to determine socio-economic growth. Innovation is a key test of the quality and purpose of regulation – statement (30) “regulations are good if they foster innovation” has a score of 3 out of 4. One of the goals of Better Regulation, ultimately, is to provide economic and social benefits to citizens (16). For all this to happen and to keep momentum, alongside the tools, we need institutions: regulatory oversight bodies “are necessary institutions for quality control” (10).

Having established this vision, type 1 goes on to believe that Better Regulation does not have to become heroic. The function of Better Regulation is not to produce the perfect policy, but to avoid mistakes (44). In this constellation of beliefs, we see both a component of common sense and a component of prudence in how expectations about Better Regulation should be managed and communicated; and that Better Regulation continues to have an impact on policy outcomes (34, 22, 2).

Citizens are the final beneficiaries but stakeholders in general feature centrally as the main audience of the Better Regulation agenda. According to this type, the citizens are considered much more carefully than as being members of the generic public, reflecting the view that the overarching purpose of well-managed regulatory processes is to increase trust in government (50) – with a score of 4, meaning the strongest agreement. Common to this type is also the strong agreement on seeing the stakeholders as key actors and a commitment to shape Better Regulation so as to ensure meaningful participation of and engagement with stakeholders (4, 36). Every voice counts, this type suggests, if that contributes to better regulatory outcomes for the common good. Type 1 is hence also unique among the four to reject the impression that stakeholders “always complain” even if the regulatory process improves (8). Thus, type 1 share a set of beliefs supporting the highest level of faith in developing a useful, transparent relationship with the stakeholders.

One of the core beliefs linking together all the points raised so far is transparency, which can be defined in the context of this type 1 as a ‘driver’ of regulatory policy. Transparency is believed to increase the quality of decision-making (4, 3, 7). On the other hand, type 1 stresses the media and information as an important challenge for the future. We consider, in this regard, two statements jointly: (32) about “who shouts the loudest wins, Better Regulation cannot stop that” and (28) on the irrelevance of RIA because “evidence is contested anyway”. Both statements are rejected, leading to their opposite, i.e. that evidence-based impact assessment and transparent usages of regulatory tools can limit the spread of misinformation and fake news.

Type 2 – Serve citizens and ensure accountability

Type 2 supports a vision of Better Regulation as a mechanism for social improvement and holding government and regulators to account. This type presents many features that can be observed in type 1 beliefs. Like the previous type, also this set of beliefs is convinced that Better Regulation is about evidence-based policy (18). There is very high agreement with that statement (+4), even if the wording is stronger than “evidence-informed” policy. If the tools are implemented properly, moreover, they can deliver on policy outcomes (34). They do need more sophistication – adding tests on gender, environment, business, SMEs is necessary (12), while Cost Benefit Analysis is not outdated and will further be

instrumental in the future (54). Bureaucracy is perfectly equipped to realise the potential of the tools: Better Regulation is not “the continuation of bureaucratic wars by other means” (52, same score as for type 1). Importantly, both the types considered so far are grounded in the firm idea that Better Regulation concretely contributes to the key governance outcome: to increase trust in government (50).

There is however a conceptual difference between type 1 and type 2 in the way they look at Better Regulation. While type 1 focus on the improvement of the internal organisational and procedural mechanisms, in type two, this is replaced by a “vision from outside”: the Better Regulation tools are the principal gateway for the citizens to set the government agenda; understand the decision-making process; participate in it; and holding decision-makers accountable. Accordingly, the tools must be geared towards the citizen’s right to know (3). By the same token, type 2 beliefs underscore the role of regulatory oversight bodies as “necessary institutions” (10), but they stress the importance of their independence from government (37) – here the score is 3, the highest across all four types. Such an emphasis on institutional independence reinforces the pivoting element of this type, namely the need to control and exercise scrutiny on decision-makers. Another important accountability lever is to urge politicians to consider more than one policy option, comparing alternatives in the making of regulations (42). To achieve more impact throughout the rule-making process, this type suggests that Courts should step up their role and make decisions on RIAs. This is in fact the only type to believe that “unless you can bring a regulator to court for a faulty Regulatory Impact Assessment, there will be no push on public managers and politicians to take RIA seriously” (14).

Against this background, we read together statements (2) – strong disagreement with the statement that since Covid there is no time for Better Regulation; (18) – strong agreement with the statement that Better Regulation is evidence-based policy; and (13) – disagreement with the statement that government adopt Better Regulation exclusively to improve on international rankings (that is, they play the indicators game). Taken together, the three statements signal the potential of Better Regulation to support the post-pandemic pathway to prosperity and resiliency. After the Covid-19 crisis, there is room for science, expertise and for effective, mature, increasingly sophisticated approaches. The commitment to Better Regulation therefore goes well beyond playing with international benchmarks based on regulatory indicators.

This is because the core audience of Better Regulation is the citizens, particularly the “missing stakeholder” and those groups that can no longer be left behind. It is not true that “who shouts the loudest wins” (32): there is still plenty of room for evidence and reasoned argumentation in the world we live – note indeed that type 2 has the highest value when it comes to this statement. Business is not the sole nor the most important audience; now is the time of Better Regulation for citizens (24, 43, 49). To that end, governments should make the extra effort to involve, and take into account voices from under-represented or disadvantaged groups when making regulations. Better Regulation is thus “about ensuring that the voices of hard-to-reach groups are heard” (45) – type 2 has the highest positive score on this statement across the four types. This does not mean having a romantic or idealized view of Better Regulation. If we consider statement (44), type 2 system is totally persuaded that Better Regulation is an antidote to mistakes. Accordingly, regulatory policy may not systematically deliver the optimal outcomes, but its core function is to avoid policy fiascos and major mistakes.

Type 3 – Pragmatic and critical

Type 3 is a set of beliefs infused with pragmatism, blending some critical considerations about the state of play with Better Regulation with a realistic consideration of opportunities and threat. Significantly, of the four types, this is the only one that is not persuaded about Better Regulation having an influence on outcomes (34) “no matter how well the analytical tools may be implemented”. Perhaps we can add ‘not yet’ – meaning that the instruments and practices need to be re-tooled so to speak, or re-invented, or

changed, for Better Regulation to have a real grip on final policy outcomes. We could rephrase the label of this type with the claim “We need to see the world as it is, and avoid over-ambitious expectations.”

We consider statements (6), (12), (40), and (51) together to further elaborate on this type. They are all determinant statements for this type. Statement (6) tells us that Better Regulation is not too complex – hence it can be understood by and be of support to the regulators. The different tests on business, gender, the environment and SMEs are not a waste of time – they are useful to determine the best policy option (12). Over the years, Better Regulation has evolved, and it is not true that it worked better “when it was just a few key principles” (40). This is consistent with what we remarked about statement (12). And with (51) we discover that consultation fatigue and disenchantment with stakeholder engagement have not occurred. Bureaucracy has not hijacked the tools to fight bureaucratic wars via RIAs and evaluations (52) – although there is less certainty about such a statement in this type than in types 1 and 2. The policy cycle is not a fiction with no relationship with the reality of the policy process (1).

Finally, it is worth noting that type 3 is totally persuaded about the capacity of co-regulation to work both at the local and national level (23). Such a different belief in the value of co-production of regulation sticks out, compared to the more nuanced stance taken by all other types. This leads us to argue that this type may well be critical, but remains supportive, actually strongly persuaded of the merit of sophistication and development of Better Regulation tools, governed by determined politicians. Indeed, Better Regulation creates trust in government (50) – although with much less enthusiasm than in types 1 and 2.

However, type 3 carries on, we need realism and pragmatism. Gone is the belief that soon we will be able to reach out to the missing stakeholders and those voices that are hard to find and hear in the regulatory policy process (45). Gone is the illusion that each government may provide its own model of Better Regulation, while ensuring final coherence of the policy outcomes (46). There is little faith in behavioural insights (25) – this is the only type to express negative expectations (albeit only mildly negative). Machine-learning may be an opportunity, but expectations must be managed: it will not “foster efficiency in regulatory design and delivery”. It is wiser to invest in institutions and procedures to achieve that outcome (55). Similarly, Big Data will not make the classic mode of stakeholder engagement redundant (56).

The stance taken on participatory and evidence-based decision-making is equally disillusioned but perhaps realistic. Following on from the considerations above, consultation cannot always be managed with prior risk communication (to raise the correct awareness for consultation) (47). Type 3 does not go as far to say that “you cannot know what citizens really want” (36): it is indifferent on this statement – in contrast to type 1, which is more cynical than all the other types about this issue (type 1 value is +3 for type 1, whereas it is 0 for type 3). At the same time, stakeholders “always complain” (3). Covid-19 has narrowed down the time needed to deploy the evidence-based tools of Better Regulation (2). Now it is time to demonstrate that the concrete benefits of Better Regulation can be mainstreamed – this is a real challenge (7). Expectations about RIA and *ex post* regulatory and legislative evaluation are equally sober: they tend to be produced “at the wrong time, not at the time when they could really support decision-making” (53). Similarly, we should not raise expectations about Better Regulation creating joined-up government (48).

The core audience of this type is the politician in office, and Better Regulation is an instrument to best achieve political goals. Indeed, we need a leading personality in government is needed to “personally push” Better Regulation high on the agenda and make progress (9) – this is the type that gives the highest value to this statement. There is no need to bring the courts in to make RIAs count more for the regulators (14). Instead, we need political determination and independent (regulatory oversight) institutions (10), perhaps with a touch of informal exchanges as opposed to additional procedural requirements (11). In the end, Better Regulation “is about achieving political objectives efficiently” (15): it is up to the politicians to set the goal, and the tools allow them to reach that goal in the most cost-effective way possible. The pandemic has shown the importance of expertise (17) as an asset for decision-making, hence governments have much to gain from the use of evidence-rich tools and evidence-oriented, independent regulatory oversight (37). In this respect, the low saliency of Better Regulation is an obstacle to overcome. If anything, Better

Regulation has to become more political, whereas at the moment, it is “self-referential, it has no grip on politicians” (20). If the Better Regulation landscape today is very quiet, this is because “it does not interest elected politicians and pressure groups” (26).

Type 4 – Control and master

This type of beliefs is anchored to an internal vision of Better Regulation tools. They exist to serve the machinery of government, public administrations, and regulatory bodies. Eventually, Better Regulation should not be excessively complex to be used in everyday regulatory activities (6). Cost-Benefit Analysis thinking remains an essential component of the exercise – it is not “outdated” (54). Political support from a leading personality in government (9) and from the necessary institutions of regulatory oversight (4) are clear assets. Yet, crucially, oversight institutions should not be independent from government to be effective (37). Technological innovation is considered in very utilitarian terms. It will help the civil servant to process and make the most of bottom-up civic inputs to decision-making (5). E-government is an asset because it “increases compliance” (35), while consultation practices should not be entirely geared via Big Data and machine learning (55) (56). Meaningful stakeholder engagement is a mere process of interaction, better served by the advances in technology but it should not be driven by it.

The key audience of type 4 consists of policy makers, independent regulators and civil servants. Most notably, this type is the only belief system to strongly disagree with “Regulations are good if they foster innovation” (30) – type 3 is also sceptical of the statement, but moderately, whereas the other types are supportive. This is confirmed by the fact that the type also considers that “the core constituency of Better Regulation is not the business community” (24), that Better Regulation exists to achieve political objectives with efficiency (15). There is, in other words, a clear “chain of delegation” (Strøm, Müller and Bergman, 2005^[4]) whereby the politician sets the objectives and officers make the best of evidence-based tools and processes to achieve these objectives. At the end of that chain of delegation are still the citizens, as it should be, but the whole trust of Better Regulation is about demonstrating direct social or economic improvements for citizens” (16). It is a top-down, instrumental and utilitarian vision to output-legitimacy.

In this context, evidence (32), behavioural insights (25) and sophisticated RIAs with multiple tests are very useful now as well as, by consequence, in the future as the SDGs (see statement 19 on the SDG re-orientation of tools) will make sophistication necessary (12) – with the highest value across the four types. In such an endeavour, co-production of regulation can also assist reasonably well (23). Foresight, instead, is seen with scepticism (33) – whilst type 1 sees potential in it, type 2 is indifferent, and type 3 is sceptical but less than type 4.

The future plays an important role in this type, as it is most supportive of significant changes in the design of institutions, procedures and tools. The current regulatory governance is not considered to be appropriate and it is not “just a question of time” for Better Regulation to fulfil its potential (38). On this statement, type 4 is at the opposite side of type 1. In contrast to type 3, co-production of regulations is believed to be only workable at the local level (23). Having a negative opinion on the current set up does not lead to a conclusion of irrelevance, however. Quite the opposite, as illustrated by the belief expressed by type 4 in Better Regulation interesting pressure groups and politicians (26) – where type 4 has actually the highest value among all types. Populist beliefs can be kept at bay by a possibly majorly renewed and energized Better Regulation policy (32).

“Consensus statements” and “disagreement statements”

This section focuses not on a given type that emerges from the responses received, but on particular statements – so-called “consensus” and “disagreement” statements.

When the scores given to a statement by all four types have positive values, we can talk of “consensus statements”. It means, that all types agree on that specific statement, even if their belief systems may differ on other dimensions. It has to be noted, however, that the four types interpret the consensus statement differently: each of them finds its own place within four different beliefs systems.

In our exercise, we found three consensus statements. The first seems to us quite fundamental: **“Better Regulation should be oriented towards achieving the SDGs”** (19). It suggests the orientation of a new wave of regulatory policy initiatives, clearly geared towards sustainability and inclusive growth (Radaelli, 2021^[5]). This is not surprising. It reflects the current *Zeitgeist* of embarking in green transitions to a new, circular economic model. The Agenda 2030 has also a strong social connotation, and Better Regulation is largely considered as a powerful means to mitigate widening disparities among socio-economic groups that have been accentuated by globalisation and exacerbated by the COVID-19 pandemic.

The second consensus statement is (3): **“Better Regulation is the right to know why the government regulates”**. This is not a taken-for-granted proposition in the field of regulatory policy. Neither the OECD nor other international organizations that have engaged with Better Regulation at large have so far adopted the language of the “right to know”. However, the right to know has clear historical roots in principles of good administration and due process standards requirements that are conceptually in the same family of the Better Regulation tools, particularly the freedom of information (FOI).

The third consensus statement is (7), stating that **“Better Regulation must demonstrate its own concrete benefits to become mainstreamed”**. We can connect this to (3) because the implementation of the right to know is one way to demonstrate tangible benefits for citizens and improvement in governance practice. On the other hand, statement (7) serves as a reality-check for the better regulators, who may sometimes run the risk of launching ambitious reforms that find little or no traction among decision-makers, other parts of the public administration, or large parts of the public. The long-standing (conceptual and practical) difficulty to establish causal relationships between the deployment of good regulatory practices and the achievement of agreed policy objectives remains a relevant Achilles’ heel of Better Regulation.

Finally, our Q exercise revealed also the presence of two “disagreement statements”, to which all types attributed negative values. The first one is **“Governments embark on selective tools of Better Regulation only to improve their international indicators ranking”** (13). The respondents deny that governments ‘play the indicators game’ so to speak, without being really interested in the tools *per se*. Governments were embarking on reforms for various reasons (partly explained by the four types described above), but not because they seek to progress on international benchmarking indexes.

The other disagreement statement is **“Big data processing will make stakeholder engagement redundant”** (56). This is also revealing, as it signals that among the participants in our exercise the main belief is that there is no easy technological fix in sight, at least with regard to public participation.

4 Implications for Regulatory Policy 2.0

This final section of the report offers informed inputs that government officials in OECD member countries and other Better Regulation experts might consider in their further debate on the future of regulatory policy. As remarked in the introduction, these are not to be interpreted as formal nor operational recommendations. The Q exercise has helped map beliefs about regulatory policy within the OECD's RPC and the Better Regulation community, rather than mapping individuals. However, this exercise has implications for future research into regulatory policy, and the OECD's RPC will examine these topics as part of its 2023-24 Programme of Work.

The exercise indicates that, at least since the publication of the 2012 OECD Recommendation on Regulatory Policy and Governance, there has been a continuity in interpreting the nature and role of Better Regulation.

The fundamental implication is that the four types of beliefs about Better Regulation have connections. Better Regulation beliefs are not all over the place. There is shared commitment across the four types emerging from our Q exercise. In various ways and with different expectations, all four belief systems cement Better Regulation in its tools and institutions within governments. ***This means that some compatible features of the belief systems can be hybridized in an emerging Regulatory Policy 2.0.***

Implications can be more granular, however, as there are useful lessons in each of the four types. Certain belief systems may be more congenial to certain member states, or certain types of government. But there is common ground to be found in the evidence.

- We uncovered an underlying belief that, **to achieve trust in governance and progress towards outcomes**, Better Regulation has to stay. Of course, with adaptations and when necessary re-inventions. The scope and scale of adaptation and re-invention (that is, Regulatory Policy 2.0) differ across the types, as shown by our analysis. This conclusion was not a given when we started out project. One could have expected the symbolic image and perfunctory usages to pop up in a belief system for example. This would have shown that beliefs were irremediably polarized and hard or impossible to hybridised in the future.
- We found **no support for the 'symbolic' vision**, not even in the most critical set of the four belief systems (type 3). It is telling that one statement on which all types disagree is about showing on-paper adoption of regulatory reforms only to improve in international regulatory rankings. This message about the symbolic Better Regulation stance comes with the limitation that the concourse was administered to a population of experts within government and externally, who are on average supportive of Better Regulation, otherwise they would not be sitting where they sit. Hence, it is not likely that they will speak about symbolic, on-paper commitment to the OECD Principles and guidance. Yet all questions were posed anonymously. More importantly still, as we have seen from type 3 forms of criticism are not absent from the beliefs we have empirically traced with our exercise. In short, the absence of beliefs about this dimension is re-assuring.
- Quite the opposite, there is a scope for **a clear mission for Better Regulation**. Type 1 is new when we look back at the 2010 images. It has strong implications in terms of governance and innovation. A key implication is about opening the minds of policy-makers with the tools and

institutions of regulatory reform. The message can also be applied to the minds in the administrative machinery. Government officials may will imply that, rather than being focused on controls and rigid standards applied on the bureaucracy, we should allow regulators, public administrations and their political masters to learn. But – here is another implication – learning should take place in a framework of transparent and accountable governance. You can learn and open your mind in fast-paced world of innovation, but if things go wrong, you must be accountable.

- We found **citizens and accountability** as key drivers in our type 2. Their voices count more if there are bodies that make Better Regulation trustworthy – this is about the independence of regulatory oversight bodies. For type 2, Regulatory Policy 2.0 is definitively for citizens. And further down the vision, there is the imperative to carefully look for those stakeholders who should be in the regulatory process but are missing, absent, or silent. This is not just for the sake of inclusivity, but necessary to achieve the SDGs.
- Beliefs about perfunctory and symbolic utilization, as we said, are not present in our population. Instead, we discovered a realistic, pragmatic, prudent and often critical appraisal of the state of the art (type 3). The implication is not that time was wasted for nothing. At the opposite, it is about re-launching Better Regulation **starting from humble yet realistic expectations**, showing results instead of escalating hopes about what this policy and its tools can deliver. Better Regulation may not be the most immediate policy decision-makers think of to achieve sustainability, control of corruption, prosperity and other final outcomes. But it has its role to play in creating a more transparent and efficient process of appraising, choosing, and implementing regulations.
- Control has not withered away, notwithstanding the type 1 belief system. It is still present. But it is blended with the purpose of mastering the decision-making process along the whole life-cycle of regulation (type 4). The strongest implication of type 4 is about the support for significant changes in the design of institutions, processes and tools. Type 4 tells us that there is **no room for complacency**. Neither should Better Regulation go along equipped exclusively with the enthusiasm for new dimensions such as foresight or agile governance. Regulatory Policy 2.0 can be achieved by re-tooling its instruments, when possible drawing on behavioural insights. The edifice of 2.0 has its foundations in the attention and interest of policy-makers and pressure groups for regulatory reform. ‘Let us start from this base of trust, re-appraise and when necessary re-invent the processes and instrumentation, looking at how people behave in the real world’ is the message we hear. In the end, one can see an evolution in the future of type 4 beliefs towards the following vision: to control the regulatory process across its life-cycle and whole-of-government, rather than controlling one actor or the other.

As we highlighted in the previous section, across the four types, there are consensus and disagreement statements that have important implications.

- First, there is consensus support for **broadening the scope of Better Regulation towards sustainable development**, moving beyond strict regulatory efficiency and economic maximisation.¹ This policy should include issues related to the missing stakeholders, distributional impacts on the one hand, and innovation and technological paradigmatic shifts on the other hand. This connects deeply with the recent OECD work on agile and anticipatory governance (e.g. OECD, 2021; (OECD/KDI, 2021^[6])) as well as to the OECD commitment for better lives and the SDGs (e.g. (OECD, 2019^[7]); (OECD, 2019^[8])).
- Second, there is consensus support for expanding the role of Better Regulation in **facilitating the “right to know” why government is regulating**.² Accordingly, the OECD and its member states ought to expand the conceptual perimeter of Better Regulation, into a much wider context of reforms and vision, which span from the “Open Government”³ principles and tools to include also education and culture. To illustrate, we should include (in the toolbox and bodies) administrative procedure acts, the Freedom of Information and access-to-regulation instruments, and institutions

like the Ombudsman. (Dunlop et al., 2021^[9]) address this issue and offer possible practical considerations. This extension of the scope of Better Regulation to embrace “Good Administration” is particularly relevant in light of the increasing role that the executive branch plays in the implementation of legislative requirements. This phenomenon is also characterised by the label “Administrative State” (Peters and Pierre, 2012^[10]) – see also (Meads and Allio, 2019^[11]) for an analysis of the EU level). In this respect, the OECD would not be alone. The Council of Europe has recently adopted a pioneering definition of right to know. Its 2021 Resolution states that:

“Implementation of the right to know has three active dimensions: direct obligations that public authorities, and public or private institutions which exercise public functions, have to respect, independently of specific requests; the right of citizens to be informed, have access to relevant information and contribute to the drafting and appraisal of laws, regulations and other policy instruments; and an educational and cultural environment that enhances and stimulates citizens’ continued learning in an information society.” (Council of Europe, 2021^[12])

- Third, there is consensus support that **Better Regulation has to more clearly demonstrate tangible results and benefits to policymakers**.⁴ To become mainstreamed, Better Regulation ought to show its own concrete benefits. This implies prudence, accompanied by humble attitudes in pursuing gradual yet systematic and sustained approaches to regulatory reform. The message is ‘Always match expectations and vision with results’. This does not mean being satisfied with low-hanging fruits only, or advancing at the pace of the slowest. It means embracing a conscious reform pattern that is framed by realistic targets, based on clearly allocated roles and responsibilities, and supported by robust mechanisms to monitor reform implementation, reward progress, deter inertia and delays, and promote lessons-drawing and regular system refinement. Here indicators play a crucial role, as well as narrative of how reform is advancing steadily.
- However, there is **disagreement across all four types with the statement that meaningful consultation will be superseded by algorithmic tools** (56). This points to the implication that regulatory reformers should continue to invest in advocacy and nurture new reform coalitions by building communities of practice and incentivising buy-in by the business community and new stakeholders. Big data are not a shortcut to expand the discourse and advocacy coalition for reforms. We interpret this, in other words, as an invitation to the OECD and its member states to focus as much on the political economy of reform as on the future development of the Better Regulation tools.

Notes

¹ The first consensus statement was “Better Regulation should be oriented towards achieving the SDGs” (19).

² The second consensus statement (“Better Regulation is the right to know why the government regulates” (3)) was about Better Regulation as carrier of the “right to know”.

³ <https://www.oecd.org/gov/open-government/>.

⁴ The third consensus statement was (7) (“Better Regulation must demonstrate its own concrete benefits to become mainstreamed”).

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Annex A. Factor compositions and relationships

Q Methodology can be described as an inverted factor analysis. Our 35 Q sorts (the “entries” for the participants) were entered into *PQ Method*, a software programme designed to assist in the analysis of Q data. The relationship between all of the responses (the so-called “correlation matrix”) was then calculated.

People with similar views weigh on the same “factor”. Factors in Q are collectives of respondents who share the same viewpoints. Those who possess similar views are said to belong to a factor. The number of factors is subjectively determined by the researchers. In our case we followed the process recommended by (Webler, Danielson and Tuler, 2009^[13]) and four factors emerged. In this report, we use the term “type” (or typology) to refer to each factor.

We used Principal Component Analysis to analyse the factors and then rotated them according to Varimax criteria. Rotation does not distort the consistency in sentiment but shifts the perspective from which they are observed (Van Exel and de Graaf, 2005^[14]). A numerical representation of how closely each individual’s statements related to the make-up of each factor was then determined, to obtain the factor scores.

Table A.1 identifies the loadings of each person (1-35) on each typology (1-4). The X denotes that that person’s responses contributed to the make-up of that typology. The other figures along that line indicate the individual’s alignment with the other typologies. In our case, we had no confounded individuals: everyone weighed significantly on one typology.

Table A.1. Typology loadings

QSORT	1	2	3	4
1	0.6678X	0.1763	0.0715	0.1029
2	0.5829X	0.4481	0.0574	0.0232
3	0.5094	0.1970	0.5714X	0.1311
4	0.4016	0.5336X	0.3106	-0.0576
5	0.2382	0.5595X	0.2096	0.0258
6	0.2415	0.6847X	-0.0904	0.0446
7	0.1568	0.4830	0.2853	0.3986
8	0.4419	0.6423X	-0.0160	0.2800
9	0.5297X	-0.1116	0.1822	0.2755
10	0.6337X	0.0663	0.3783	-0.1554
11	0.6531X	0.2147	-0.0751	0.0276
12	0.4785	0.2952	0.5123	0.0235
13	0.0204	0.5729X	0.3724	-0.2358
14	0.6721X	0.3592	0.0799	0.2591
15	-0.1216	-0.1618	0.7783X	0.1451
16	-0.1758	0.1117	0.0973	-0.5707X
17	0.6867X	0.0665	-0.0979	0.0947
18	0.3513	0.1649	0.1206	0.5928X
19	0.0511	0.7149X	0.0287	0.1332
20	0.4014	0.5312X	0.0758	-0.2124
21	0.0728	0.3618	0.7149X	-0.0750

QSORT	1	2	3	4
22	0.6661X	0.2678	0.1355	0.2942
23	0.6547X	0.2403	0.0476	0.0460
24	0.5403	0.4915	0.1669	0.2715
25	0.1115	-0.0490	-0.0969	-0.1560
26	0.3960X	0.0482	0.1062	-0.3385
27	0.0584	0.6795X	0.1103	0.4699
28	0.6616X	0.2791	-0.0867	-0.1797
29	0.7398X	0.0256	0.2969	0.0938
30	0.1833	0.5922X	-0.0542	-0.2677
31	0.4958X	0.3574	0.3034	0.1537
32	0.7310X	0.1287	-0.2797	0.0497
33	0.8143X	0.2619	0.1475	0.0324
34	0.7714X	0.3968	0.0725	-0.0849
35	0.5920X	0.4354	0.1717	-0.0129

Table A.2 indicates the correlations between factor scores. In this table we see that, while there are some similarities between typologies, substantial differences in opinion exist.

Table A.2. Correlations between factor scores

	1	2	3	4
1	1.0000	0.5911	0.2294	0.3577
2	0.5911	1.0000	0.2725	0.2275
3	0.2294	0.2725	1.0000	0.1252
4	0.3577	0.2275	0.1252	1.0000

Annex B. Summary table: concourse and scores for each of the four types

We reported on the right-hand side of Table B.1 the agreement (+) or disagreement (-) of each type with each statement. To illustrate, on statement 2 (Covid-19 crisis), types 1, 2 and 4 disagree, but with different intensity (the highest level of disagreement is in type 1). Instead, type 3 (the critical-pragmatic belief system) shows some agreement with the statement that Better Regulation may have become futile since the Covid-19 crisis. Another example: scores like 3 0 0 -1 mean that type 1 agrees with the statement, type 4 disagrees, and the other two types are indifferent.

Table B.1. Summary table

#	Statement	Agree / disagree
1	The whole idea of the policy cycle is fictional, the cycle does not exist in reality.	-4 -2 -4 -1
2	Since the COVID-19 crisis, there is no time for Better Regulation.	-4 -1 2 -1
3	Better Regulation is the right to know why the government regulates.	3 3 2 3
4	Meaningful participation is the main source of regulatory legitimacy.	3 0 0 0
5	Bottom-up, civic inputs to decision-making will increasingly make a difference thanks to digitalisation.	1 1 0 4
6	Better Regulation is now too complex to support the regulators.	-3 0 -2 -3
7	Better Regulation must demonstrate its own concrete benefits to become mainstreamed.	2 2 3 3
8	No matter what government does to improve regulation, stakeholders will always complain.	-2 3 3 3
9	Better Regulation can only progress if it is personally pushed by a dedicated leading personality in government.	0 -2 4 3
10	Regulatory Oversight Bodies are necessary institutions for quality control.	2 4 4 4
11	Informal exchanges, not procedural requirements, make government effective.	0 -1 1 2
12	The more (business, SME, gender, environmental, etc.) impact assessment “tests” you add, the less you can determine the best option.	-2 -4 -4 4
13	Governments embark on selective tools of Better Regulation only to improve their international indicators ranking.	-2 -1 -3 -1
14	Unless you can bring a regulator to court for a faulty Regulatory Impact Assessment, there will be no push on public managers and politicians to take RIA seriously.	-4 2 -4 0
15	Better Regulation is about achieving political objectives efficiently.	3 1 3 4
16	Better Regulation is about demonstrating direct social or economic improvements for citizens.	4 1 -1 3
17	The pandemic has shown the importance of expertise and science – these are the two forces that must shape the near future of Better Regulation.	1 3 4 1
18	Better Regulation is evidence-based policy.	4 4 1 2
19	Better Regulation should be oriented towards achieving the SDGs.	2 1 2 1
20	The Better Regulation community is self-referential, it has no grip on politicians.	-1 1 2 -2
21	Better Regulation is about supporting the ecological transition and repair climate change.	1 0 0 2
22	Better Regulation tools are not effective in a fast-paced policy-making environment.	-3 -1 1 -1
23	Co-production of regulations can only work at the local level.	-1 -3 -4 2
24	The core constituency of Better Regulation is the business community.	-1 -4 2 -4
25	The future of Regulatory Impact Assessment is to exploit behavioural insights.	0 2 -1 2
26	The Better Regulation landscape is very quiet because it does not interest elected politicians and pressure groups.	-1 1 3 -4
27	Better Regulation is about enforcement – the best regulation is useless if not enforced.	1 2 -1 0

#	Statement	Agree / disagree
28	Regulatory Impact Assessments are irrelevant because evidence is contested anyway.	-4 -4 0 -2
29	Better Regulation delivers if there is political demand for it, it cannot be imposed otherwise.	-1 0 4 1
30	Regulations are good if they foster innovation.	3 1 -1 -3
31	Better Regulation is a costly add-on that only works where it has 'all government' support.	-2 -2 1 -1
32	In an era of opinions over facts, who shouts the loudest wins. Better Regulation cannot stop that.	-2 -4 0 -3
33	Better Regulation supports politicians if it anticipates future policy scenarios.	2 0 -1 -2
34	Better Regulation, no matter how well the analytical tools may be implemented, has very little influence on actual policy outcomes.	-3 -3 2 -2
35	e-Government increases compliance with Better Regulation.	1 -1 0 2
36	You cannot know what citizens really want, as their voice is hijacked by activists.	3 -1 0 -4
37	Regulatory Oversight Bodies need to be independent from government if they are to be effective.	0 3 1 -4
38	The existing design of institutions, procedures and tools for Better Regulation is correct, it is just a question of time to allow for their full implementation.	1 -1 0 -3
39	Mission-driven policies have made Better Regulation as promoted by the OECD redundant.	-1 -2 -3 0
40	Better Regulation worked better when it was about just a few key principles for good decision-making.	0 -2 -3 0
41	The main drive for regulatory quality is transparency.	3 1 3 1
42	Better Regulation is about compelling politicians to consider alternative policy options.	2 2 -2 0
43	Now it is the time of Better Regulation for citizens.	1 4 -1 -1
44	Better Regulation is about avoiding major mistakes in making and delivering regulations.	2 3 1 0
45	Better Regulation is about ensuring that the voices of hard-to-reach groups are heard.	1 2 -2 0
46	The beauty of Better Regulation is that each government develops its own model.	0 0 -2 0
47	Consultation without previous risk communication is always wrong.	-1 0 -2 1
48	Better Regulation is about promoting joined-up action across the government.	4 -1 -3 1
49	Better Regulation will deliver most concretely by prioritising the reduction of the regulatory burden on business.	0 -3 0 -1
50	Better Regulation increases trust in government.	4 4 1 -2
51	Better Regulation has only caused "consultation fatigue" and disenchantment.	-2 0 -3 0
52	Better Regulation is the continuation of bureaucratic wars by other means.	-3 -3 -1 0
53	Ex-post evaluations and impact assessments are produced at the wrong time, not at the time when they could really support decision-making.	0 0 1 0
54	Benefit-cost economic analysis of regulation is out-dated.	0 -2 0 -2
55	Machine learning and/or algorithmic regulation – not institutions or procedures – will foster efficiency in regulatory design and delivery.	0 0 -1 -1
56	Big data processing will make stakeholder engagement redundant.	-1 -3 -2 -3