



THE REGULATORY GUILLOTINE™: A NATIONAL COMMITMENT TO BETTER REGULATION

Many developing countries face the challenge of speeding up and broadening “enabling environment” reforms to stimulate market growth. Finding ways to speed up change is an urgent matter. The cost of slow reform in terms of lost growth and market opportunities is very high. Outdated and unnecessary regulations impose large efficiency costs on economic activity, and reduce government performance in protecting people and the environment, while promoting corruption. Yet reviewing, assessing, and revising hundreds or thousands of rules on the books imposes huge administrative, legal, and political costs, is highly resisted, and takes a long time.

A rapidly spreading regulatory reform tool is the Regulatory Guillotine™, a reform strategy used by OECD countries in the 1990s, and since extensively refined and systematized by Jacobs and Associates to speed up regulatory simplification in many countries. Results of the guillotine in eight countries since 1995 suggest that the guillotine process:

- Produces rapid results (4-18 months) in cutting hundreds or thousands regulations and reducing regulatory costs on businesses (see Table 1 below);
- Improves management of regulation by mapping out the full scale of regulatory interventions;
- Increases reform capacities by reducing the political and administrative costs of reform and eroding the capacities of insiders to block change;
- Creates the political economy and organization for continuing “better regulation” reforms;
- Stimulates public participation and the support of active private partners for reform that are useful in sustaining momentum for “better regulation” tools such as RIA.

Results of the Guillotine in Six Countries

	Type of review	Target of Reform	Number of regulations before cleanup	% of regulations eliminated in the reform	% of regulations simplified in the reform
Korea <i>(11 months)</i>	Legality, Need	Regulations	11,125	48.8%	21.7%
Mexico <i>(9 months)</i>	Legality, Need	Formalities	2,038	54%	27%
Moldova <i>(6 months)</i>	Legality	Regulations	1,130	44.5%	12.5%
	Legality	Fee-based Permits	400	68%	20.3%
Ukraine <i>(12 weeks)</i>	Legality	Regulations	14,000	36 %	7,2%
Bosnia /RS <i>(4 months)</i>	Legality, Need	Formalities	331	21.1 %	22.7 %
	Legality	Inspections Regulations	2,473	58%	-
Croatia <i>(9 months)</i>	Legality, Need	Business Regulations	2,683	27%	30%

Jacobs and Associates Inc

1300 Pennsylvania Avenue NW, Suite 700 Washington, DC 20004 United States
Phone: 1 202 204 3060 Fax: 1 202 789 7349 Website: www.regulatoryreform.com



What is the Regulatory Guillotine™?

The regulatory guillotine is a flexible method specifically designed through a clear sequence to produce good results even where resistance against reform is high. Essentially, it is an orderly and transparent process of counting and then rapidly reviewing a large number of regulations against simple criteria, and eliminating those that are no longer needed, using extensive stakeholder input. The basics work like this:

1. The government establishes the scope of the guillotine, that is, defines precisely the kinds of regulatory instruments to be included and the regulatory bodies.
2. The government adopts a legal instrument – usually a law or decree -- that sets out the entire guillotine process, schedule, and institutions. The reform should be completed in less than 18 months.
3. The government creates a central guillotine unit at the center of government that manages the whole reform and carries out the independent reviews.
4. In the guillotine process, each regulation must be justified as meeting basic criteria. The burden of proof is *on the regulator* to defend why the regulation should be kept. Three typical criteria are: *Is the regulation legal? Is the regulation necessary for future policy needs? Is the regulation business-friendly?*
5. The regulation passes through three levels of review – by ministries themselves, by business stakeholders, and by the central unit, which develops the final recommendations. In each review, unnecessary, outdated, complex, and illegal rules are identified.
6. Final recommendations are sent as a single package by the central unit to the Government or to Parliament for adoption.
7. Surviving regulations are placed into a comprehensive electronic regulatory registry that improves legal security and transparency as it is maintained in the future.

For more information on how the Regulatory Guillotine™ can be used to speed up regulatory reform and the transition to markets in your country, please contact Scott Jacobs at scottjacobs@regulatoryreform.com.

What Donors are saying about the Regulatory Guillotine™

*“The guillotine is “...a fast-track approach that can deliver short-term results This combination of simplicity and speed, and the results already achieved, provide a relatively promising foundation for the reform, and for using its achievements as a stepping stone for further regulatory reforms.” -- **Business Licensing Reform: A Toolkit for Development Practitioners, World Bank, 2006***

*“Evidence compiled to date suggests that guillotining can be an effective means of reducing needless bureaucracy and achieving a more carefully considered regulatory system.” -- **Best Practice Guide for a Positive Business and Investment Climate. Organization for Security and Co-operation in Europe (OSCE), 2006***

*“Application of the Guillotine Law is one of the most significant events in the reform process since Moldova’s departure from the USSR.” **USAID Frontlines, February 2006***

*“Reduction by regulatory guillotine of business licenses in Kenya ... is a key result that will contribute to reducing the cost of regulation of the private sector in Kenya , and toward improving transparency and fighting corruption.” **Demba Ba, Head, Africa Region’s Private Sector Development Group in the World Bank (June 2006)***