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APPROACHES TO OPTIMIZING THE PROCEDURES OF REGULATORY IMPACT ANALYSIS: WORLD EXPERIENCE AND REALITIES OF UKRAINE

The article investigates the experience of optimizing the institution of RIA in developed OECD countries and the European Commission, which allows to distinguish two main approaches to regulatory impact assessment, namely, using the full (classical) or simplified RIA models. The authors give particular attention to the principle of proportionality introduced in developed countries, whose essence is that the depth of analysis and evaluations should be proportional to the degree of the regulatory act's impact on economy, on individual stakeholders, and on public interests. Considered the importance of selecting "economically significant" regulatory acts.

The authors carry out an analysis of the introduction of specific filters for the selection of regulatory acts for RIA in developed countries, namely: 1) definition of types of regulatory acts or spheres of regulation, which are subject to RIA; 2) classification and selection of acts according to the degree of significance; 3) and the existence of exceptions in the field of RIA in accordance with current legislation.

To establish the second filter, namely to select regulatory acts based on their importance, the authors propose to use, in Ukraine, first, the introduction of the principle of proportionality, which will introduce into the practice of the assessment of regulatory acts the simplified and complete RIA models; secondly, to introduce combined (quantitative and qualitative) criteria for assessing the significance of draft regulatory acts with determining possible economic consequences of their adoption and in compliance with the criteria of priority of public interests (support for economic growth by optimizing costs and corresponding increase in value added, in the state and local budgets and others); and third, a step-by-step algorithm for implementing the

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world's best RIA practices into the practice of state regulation in Ukraine.

***Keywords**: regulatory impact analysis (RIA), principle of proportionality, degree of regulatory impact, simplified RIA model*

Problem statement. Regulatory Impact Analysis (RIA) is a key element of an effective regulatory system in developed countries (the term "regulatory impact assessment" is mostly used). In Ukraine, the RIA procedure has also been introduced into the practice of state regulation. However, in many cases, this procedure is formalistic and its potential remains untapped. The reasons for the formality of RIA are the obligation to conduct RIA for almost every draft regulatory act, which is problematic to perform with a high quality in a large number of projects and with limited financial and human resources. Therefore, the study of foreign approaches to the optimization of the RIA institution and the formulation of recommendations on this basis for Ukraine seems relevant and important.

The analysis of research and publications. The problems of the effectiveness of state regulatory policy are given a lot of attention in the official instructions and recommendations of the OECD countries, the European Commission, and in the scientific works of famous foreign and Ukraine's scientists, including C. Radaelli [1], S. Jacobs [2], and A. Renda. [3], A. Glushko [4], O. Ivanova, A. Kuratashvili, O. Litvinov, V. Liashenko, etc. The scientists B. Danylyshyn, D. Dusheiko, A.Udovenko, T. Melnyk, D. Liapyn, O. Rudyk, etc. dealt with the problems of quality of regulatory acts, analysis of the regulatory impact and optimization of the RIA institution. However, insufficient attention has been given in the available scientific publications to practical recommendations for optimizing RIA, taking into account the specifics of state regulation in Ukraine.

The purpose of this article is to systematize approaches to optimizing the institution of regulatory impact analysis (RIA) in the Organization for Economic Cooperation and Development (OECD) and the European Commission, identify best practices, and formulate the recommendations for optimizing the RIA model in Ukraine.

Presenting main material. In general, Ukraine has established a fairly modern institutional framework for the implementation of state regulatory policy and has successfully introduced a procedure for adopting a regulatory act that is in line with best international practice. Thus, in 2014, the State Regulatory Service (SRS) was established. It is a central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine, and one of whose main tasks is to coordinate the actions of executive bodies, civil society institutions and entrepreneurship on deregulation of economic activities [5].

The analysis of regulatory impact is legally confirmed as a mandatory component of the preparation of draft regulatory acts (the definition of the term "regulatory impact analysis" is given in the Law of Ukraine "On the Principles of State Regulatory Policy in the Sphere of Economic Activities" [6]), which contains a justification of the need for state regulation through the adoption of a regulatory act, and analysis of the impact that the legal act will have on the market environment,

ensuring the rights and interests of businesses, citizens and the state, and justifying compliance of the draft regulatory act with state regulatory policy). The RIA preparation scheme, which is widely used in OECD countries, has been adopted: the RIA is entrusted to the body that initiates the regulation and, accordingly, is responsible for its quality and efficiency. A unified approach has been established to the preparation of RIA and to the monitoring of the effectiveness of regulatory acts according to the adopted methods [7], which stipulates public consultations with the stakeholders. The structure and algorithm of RIA are close to those used in the practice of OECD countries. In particular, the State Regulatory Service of Ukraine is entrusted with the functions of quality control over prepared RIA and decision-making on approval of the draft regulation or on refusal to approve it, methodological support for conducting RIA, etc.

Ukraine is one of the few countries where RIA should be conducted for each draft regulatory act, except for certain exceptions defined by law, and the preparation of RIA is carried out according to a single model for all regulatory acts [7]. Due to the fact that this country is in a state of intensive institutional transformation, a large number of regulatory projects are being developed and adopted. Thus, 673 draft regulatory acts were developed and submitted for approval to the State Regulatory Service of Ukraine in 2017 (556 of them were developed by central regulatory bodies and 117 by local executive bodies), in 2018 — 778 (553 and 225 respectively), and in 2019 — 671 (532 and 139 respectively). However, quantity does not turn into quality. The available limited human and financial resources are scattered among a large number of projects, which leads to the preparation of low-quality RIAs, as noted in the annual reports by the State Regulatory Service of Ukraine. Also, the RIA verification system is overloaded and fails to cope with the growing flow of regulatory projects.

Therefore, for the effective application of the RIA institution it is necessary to optimize it — via the introduction of the procedure and criteria for selection of the most important, economically significant and relevant for society and business regulatory acts, for which the RIA should be deep and complete, while for others — less deep and less complete. Also, appropriate models for conducting RIA should be developed.

Let us consider the world's best experience in optimizing the institution of RIA.

Approaches to this issue in the OECD countries and in the supranational regulatory body (the European Commission) have their own characteristics, but the systematization of these approaches has revealed the use of mainly two models of RIAs: the full (classical) one and the simplified ("RIA-Light") one [8]. The existence of two models is dictated by the need to adhere to one of the basic principles of regulatory policy established in OECD countries — the principle of proportionality, whose essence is that the depth of analysis and evaluation should be proportional to the impact of the regulatory act on the economy, individual stakeholders and public interests. Preparation of high-quality RIA according to the classical model involves in-depth and comprehensive assessments using complex and time-consuming methods, which is a costly task because it requires significant

time, financial and human resources, appropriate complex methodological and information support, which can be economically justified only for multi-value and important for society regulatory acts. Therefore, in most countries for certain groups of regulations introduced a simplified model of RIA, which differs from the classical one by a narrower scope of assessments and lesser completeness (number of stages / sections).

Currently, only a few European countries with a classic RIA model are able to conduct it systematically, including Finland, the Netherlands, Sweden, Portugal, Belgium, Ireland, the United Kingdom and Slovakia. In the United States, about 12% of the total number of draft regulatory acts are recognized as significant, for which RIAs are to be conducted. And out of them only 14% are considered sufficiently economically significant to be subjects to classical RIA.

A common feature in the approaches of OECD countries and the European Commission to the optimization of the RIA is the presence of three filters [9-11], which establish the criteria for selecting draft regulations for RIA:

– the first filter determines the scope of RIA, that is, sets the types of regulations or regulatory areas that are subject to RIA;

– the second filter provides classification and selection of draft acts according to the degree of significance;

– and the third filter includes exceptions from the scope of RIA according to current legislation.

The first filter can distribute the regulations according to the level of rule-making. Thus, in many foreign countries, where the institution of delegated rule-making (transfer of part of the rule-making powers to executive bodies by the Parliament) is widespread, it is determined which acts are subject to RIA: only draft acts of delegated regulation or also acts of primary regulation proposed by the Parliament. For example, in the United States, only statutory instruments are subject to RIA, whereas acts of Congress relating to primary legislation are not. At the same time, "RIA-like" forms of assessment of draft budget regulations and other acts affecting the US budget, as well as monitoring of the implementation of important laws and federal programs, are carried out by a special unit, the Congressional Budget Office [12]. In Canada, only acts of delegated regulation are subject to assessment, while, for the acts of primary regulation, another document (an explanatory memorandum) is prepared, which is similar in structure, content and procedure to the preparation of RIA. In Australia, RIA is conducted for both primary and delegated regulation, as well as international agreements that affect business or competition. In the United Kingdom, both primary and delegated regulations are subject to assessment [11].

As one of the forms of the primary filter, selection of certain types of acts subject to RIA can be used. This approach was used by the European Commission until 2015. According to Guidelines 2009 [9], RIAs were to be conducted on:

1) all legal initiatives by the European Commission included in the Commission's Legislative and Work Programme;

2) legal initiatives by the European Commission, which are not included in the Legislative and Work Programme, but which have clearly defined economic, social and environmental effects;

3) non-legal initiatives of the European Commission (activity plans, expenditure programs, and information documents — the so-called White papers), etc.

Since May 2015 when the new Guidelines on RIA entered into force [10] and the role of Regulatory Review Board was strengthened, all European Commission initiatives were included in the scope of RIA preparation and the selection of draft regulations was primarily based on their degree of importance (significance).

The second filter is set to identify major regulations, which cause an important (significant) impact on the regulatory targets or on certain areas of the regulated relations. It may include quantitative, qualitative and combined criteria.

Quantitative criteria, or "influence thresholds" determine the amount of potential costs, and in some cases determine the amount of benefits for businesses or for the economy as a whole. For example, in the United States, an "economically significant" act is an act whose potential annual costs or benefits are estimated to be more than $100 million (or more than 0.0012% of US GDP at the time the criterion was introduced in 1994, or 0,0007% in 2008), in Canada - 50 million Canadian dollars (more than 0.0033% of Canada's GDP in 2008), and in South Korea - 10 billion won (more than 0.00024% of South Korea's GDP in 2008). In South Korea, a quantitative criterion was also been established to assess the number of regulators: acts affecting the interests of more than 1 million people (about 2% of the total population) are considered significant.

Qualitative criteria for assessing the degree of the projects' impact are used in relation to the recipients of regulation or certain types of regulated public relations. These criteria are used mainly in combination with quantitative ones. For example, in the United States, there are not only economically significant acts but also some other significant acts which:

– cause significant negative impact (in material terms) on the economy as a whole or its individual sectors, on productivity, competition, employment, environment, public health or safety, population groups and governments of individual states, municipalities, or ethnic communities;

– significantly contradict or impede the implementation of measures implemented or planned for implementation by other federal agencies;

– lead to a significant change in budget payments, subsidies, grants, loan programs, payments for the use of resources, etc. [13].

Any clear criteria for assessing the significance of the impact on these qualitative criteria is not established. Therefore, an important role is played by the official, who determines at his own discretion, the degree of significance of the impact.

Combined criteria are also used in Canada, where the degree of influence is defined by the regulator as low, medium or high depending on several categories: public safety; health care; impact on the environment; social consequences; qualitative assessments of economic consequences (impact on the economy, business, consumers, competition, etc.); quantitative estimates of expected costs and

benefits of regulation for consumers, industries/sectors of the economy, the budget; support/counteraction from stakeholders, etc. [12]. Depending on the size of the expected costs and benefits of the regulation, the degree of impact is determined: low — up to 10 million CAD of discounted costs/benefits, or up to 1 million CAD per year; average — from 10 to 100 million CAD of discounted costs/benefits, or from 1 to 10 million CAD annually; and high — over $ 100 million CAD in discounted costs/benefits, or up to 10 million CAD annually. In other categories, the assignment of high, medium or low degree of influence is made based on qualitative assessments. The final degree of influence of a regulatory act is determined by the highest score obtained. In other words, if the degree of influence was assessed as high in at least one of the categories, then the draft regulation is assigned a high degree of regulatory influence. Depending on the resulting assessment, it is decided which model (simplified or classical) should be used for RIA. Thus, the assessment of economic effects is made according to quantitative criteria, while the assessment of other effects is made according to qualitative criteria.

In Great Britain, the second filter combines qualitative and quantitative criteria and is designed for determining the draft regulations, which may be assessed under the fast track procedure (if they will not have any significant influence on business, otherwise they will require an in-depth RIA [11]). In order to establish the required degree of RIA, the project developer prepares a regulatory triage assessment report, which covers the following issues:

– whether the draft law is aimed at reducing administrative barriers. Draft regulations developed in this area are not subject to assessment, as they are aimed at deregulation and do not worsen the situation of business entities. The developer applies to the Reducing Regulation sub-Committee (RRC) in order to clarify this aspect;

– whether the act is adopted under the "one in - two out" procedure. For draft regulations, whose adoption is planned under such procedure and the costs of whose introduction will be reimbursed (twice) by the abolition of the existing regulation, the accelerated RIA procedure can also be applied. In this case, estimates of potential costs need to be agreed with the Regulatory Policy Committee;

– the amount of the expected effect on business (positive/negative). A draft regulation can undergo accelerated assessment procedure if the regulation's potential cost to business is less than GBP 1 million per year.

If the developer decides that the act does not require in-depth RIA and can undergo accelerated procedure, they must agree on further actions with the Departmental Better Regulation Unit and obtain approval of the Regulatory Policy Committee. In this way an additional control of the regulatory authority is ensured as to the correctness of the degree of regulatory impact and the appropriate depth of the RIA.

According to 2009 Guidelines (in force until May 2015), the European Commission established a second filter with such procedures and criteria as:

– the significance of impacts. The unit of the Directorate General drafting the regulation establishes a working group for regulatory impact assessment to analyze the draft regulation. This group at the initial stage determines how significant

economic, social or environmental effects the draft regulation may cause. This may take into account the impact on fundamental human rights, certain sectors of the economy, economic actors, population groups, businesses, including small and medium-sized enterprises, cultural goods, species and their habitats, etc. In addition, the impact on third countries or on the implementation of European Commission programmes can be assessed;

– the political relevance of the initiative. In order to assess its political relevance, a number of questions need to be answered, including:

1) Is the initiative in line with the Commission's strategic or annual priority areas (e.g. promoting economic growth, job creation, or energy efficiency). Does the initiative deal with several different Commission policies?

2) Is the initiative controversial, debatable? Which groups'/parties' interests are in conflict?

3) Has any form of regulatory impact analysis been made before?

However, in the new Better Regulation Guidelines adopted by the European Commission in May 2015, the second filter was slightly modified. According to the updated approach, the need for a RIA for the European Commission initiatives is determined by two key parameters:

– significance of the potential economic, social and environmental consequences;

– the European Commission's opportunity to choose regulatory alternatives (thus, it was emphasized that an integral part of RIA is the consideration, analysis and comparison of alternatives, without which component the whole RIA procedure has no sense).

Thus, since 2015, RIAs have not been carried out for initiatives that have no significant impact or in whose development and adoption the European Commission has no power to choose alternative modes of regulation (e.g. Green Papers — informative documents not linked to policy decisions and having no significant impact on recipients; decisions to codify rules; the Commission reports, etc.).

A separate place in the process of optimizing the RIA model is taken by the two-step approach, which involves applying the above described second filter by conducting a preliminary analysis for all regulatory acts to be assessed (according to the first filter) and an in-depth analysis — for the regulatory acts identified as relevant according to the second filter. This approach was applied in 2008-2009 in Ireland, the UK, the Czech Republic and a number of other countries, as well as in the European Commission.

The two-step approach has now been successfully applied in Australia [14]. In the first stage, all projects to be analyzed undergo preliminary impact assessment, and the developer gives short answers to the following basic questions:

1. Which problem does the regulation address?
2. What are the reasons for government intervention?
3. What regulatory options are being considered?
4. What are the net benefits of each regulatory option (based on qualitative and quantitative estimates of potential benefits and costs)?
5. Who will participate in the public consultation and what form will it take?

6. Which regulatory option is better?

7. How will the chosen regulatory option be implemented and subsequently evaluated?

The pre-assessment report is sent to the Office of Best Practice Regulation (OBPR) of the Prime Minister and Cabinet (Australia), which reviews the report and responds within five days to the drafter about the necessity to undertake RIA and the type of analysis (if any).

The types of RIA in Australia vary in the depth of analysis and provide for a long, standard or short report form, depending on the relevance of the draft act. The significance is determined by the degree of impact on the economy, on interest groups (business, population, organizations) and by the number of the regulation's recipients, the amount of administrative and compliance costs, the risk of emergence of resistance from the public or interest groups, the draft act's level of publicity/controversy and media attention.

The third filter involves exclusions from the scope of RIA preparation. In some countries, regulations of independent agencies, internal agency acts, acts which introduce technical amendments to legislation and which require urgent adoption are excluded from this process. Sometimes certain areas of regulation are exempted for national interest or to deal with emergencies (e.g. acts on taxation, budgeting, criminal law, and law enforcement).

In the US, the following draft laws and regulations are excluded under the RIA procedure:

– those that regulate the performance of government functions in defense and international relations, with the exception of matters relating to the placement of public contracts and the import and export of non-military goods and services;

– internal acts of agencies to regulate internal organization, management and personnel;

– and other projects as decided by the principal body, the Office of Information and Regulatory Affairs (OIRA).

In Australia, draft regulations can be excluded from the RIA procedure by a decision of the Prime Minister:

– if a draft act needs to be passed quickly to deal with emergency situations;

– and if a draft act relates to issues of budgetary regulation or the other issues, whose submission to the RIA may lead to breach of confidentiality, provoke unforeseen market effects or speculative behavior contradicting national interests.

In the UK, RIA is not compulsory for independent agencies, and regional and local authorities. However, they have the right to carry out RIA on their own initiative.

According to the European Commission's 2009 Guidance, the Commission's Green papers, the current implementing legislation (which gives effect to any laws, international treaties, etc.) were excluded from the RIA procedure. In the new European Commission Handbook 2015, there are no exceptions and all filters, as noted above, were replaced by the principle of proportionality. According to this principle, RIA is not carried out for European Commission initiatives, which do not

have a significant impact and in which the European Commission has no power to choose regulatory alternatives.

In the Canadian RIA system, exceptions are not explicitly set out, but draft acts adopted to prevent or respond to various emergencies are assessed on a case-by-case basis, in liaison with the designated authority.

Summarizing the above mentioned approaches to optimizing the RIA mechanism, it should be noted that with the development of national RIA systems, especially after the 2008 global economic crisis, there was a shift in foreign practice, in particular in OECD countries, from defining the significance of a draft act primarily by a threshold of potential costs/benefits (by quantitative criteria), to a more comprehensive combined approach that involves grading the acts' significance (by both quantitative and qualitative criteria).

In Ukraine, approaches to the optimization of RIA institution have their own peculiarities: the analogues of the first and the third filters are established. The first filter is defined by the Law [6] via the provision of compulsory RIA preparation for almost every draft regulatory act and the definition of the term "regulatory act" is given. Thus, the types of regulatory acts, which are subject to RIA are established. The Law also contains a list of exceptions to which it does not apply and, accordingly, draft acts, which are not subject to RIA, are defined. This list includes: decrees of the Verkhovna Rada of Ukraine, international treaties, acts of delegated regulation and those issued by independent bodies (acts of the National Bank of Ukraine, Accounts Chamber, Central Election Commission, etc.), and acts in certain regulatory areas (financial, security, overcoming emergencies, setting prices/tariffs for housing and communal services, etc.).

However, in Ukraine there is no second filter for carrying out the selection of regulatory acts by significance, which is necessary when determining which RIA model (the full one or the simplified one) to use.

Presently, in order to protect against excessive impact of regulation on small businesses, only one clear criterion is established regarding the compulsory implementation of the M-test in cases when the share of small business entities in the total number of business entities subject to regulation exceeds 10% [7].

The reason for the absence of the second filter is, firstly, that the Ukrainian legislation, unlike the OECD countries, does not set the principle of proportionality as a basic principle of regulatory policy and therefore the RIA is conducted according to a single model for all regulatory acts that are subject to RIA, regardless of their relevance. Secondly, in our opinion, the existing methodological and informational support of civil servants in Ukraine is insufficient to conduct a high qualitative and deep analysis of the regulatory impact on economic, social, environmental and other spheres with the classical model.

As for the current actual RIA model in Ukraine, in general, its structure is quite modern, but in our opinion, it is too overloaded for the simplified model and insufficiently clear and complete for the classical model.

In order to establish another filter for the selection of regulatory acts according to their significance, we **suggest** the following approaches.

1. For all draft regulatory acts, which are subject to RIA, basic screening (preliminary assessment) is carried out to determine the significance of the regulatory act using a system of combined (quantitative and qualitative) indicators, whose list is presented in the table. In our opinion, presently, while the RIA institution in Ukraine is not fully formed and there is no sufficient methodological and informational support for conducting detailed quantitative calculations, the proposed rather large list of structured performance and only the most important quantitative indicators, including an assessment of the degree of impact of regulation on the economy is the most appropriate option.

The proposed indicators for assessing the significance of draft regulatory projects are determined using economic and sociological methods and the method of expert evaluations based on statistical information and sociological research data if they are included in the list of survey questions.

Table 1

The list of indicators to assess the relevance of draft regulatory acts

№	Category of influence	Degree of influence	
		insignificant	significant
1	Human security		
2	Health care		
3	Impact on the environment		
4	Social consequences (especially for socially vulnerable groups)		
5	Qualitative assessments of possible economic consequences - impact on:		
	– economy (economic growth)		
	– business entities (competitiveness)		
	including: administrative barriers		
	duplicate regulation		
	Small businesses: share in the total number of business entities, *%*	≤ 10%	> 10%
	– citizens (consumers): affected interests (*thousands of people*)	≤ 700	> 700
	– competition		
	– employment		
	– productivity		
	– Ukraine's trade		
6	Quantification of possible economic consequences - expected costs/benefits (*UAH million*) for:		
	– citizens (consumers)*	≤ 10/100	> 10/100
	– economy*	≤ 10/100	> 10/100
	– industries/sectors of the economy*	≤ 10/100	> 10/100
	– state budget		
	– local budgets		
7	Coordination of the regulatory system		
8	International trade agreements and commitments		
9	Stakeholder support/counteraction		
10	Legal, political and other consequences		

* 10 million UAH per year, or 100 million UAH of discounted costs/benefits with long-term impacts.

Source: compiled by the authors.

To identify the degree of impact when making qualitative assessments of possible economic consequences of the regulation (No 5), in order to protect the interests of

small businesses and citizens, the following quantitative threshold criteria are established to distinguish between significant and insignificant impact of the regulatory act:

– to assess the impact on small businesses: their share in the total number of economic entities subject to regulation is 10% (according to the current methodology [7]);

– to assess the impact on citizens (consumers): the number of citizens whose interests are affected by the draft regulatory act is 700,000 people (about 2% of the population).

The relevant recommendations of the State Regulatory Service of Ukraine [15] and the Anti-Monopoly Committee of Ukraine [16] can be applied when assessing the impact of regulation on competition.

When performing quantitative assessments of possible economic effects of regulation (No 6) in order to ensure the priority of public interests (maintaining economic growth by optimizing expenditures and corresponding increase in value added, and in the revenues of the state and local budgets, etc.) and compliance with the principle of proportionality a quantitative threshold criterion is set: estimated costs/benefits for the economy, its sectors or citizens - 10 million UAH per year (which is 0.00028% of GDP). In order to assess the impact of a regulatory act on the economy we propose to use the tools of the system of national accounts and the concept of value added, which allow to estimate the impact of a regulatory decision not only on the economy in general, but also on the economy of a region, sector, type of economic activity and economic entities.

The final degree of influence of the regulatory act is determined based of the highest score obtained (according to the above-mentioned ten categories). In other words, if the degree of influence in at least one of the 10 categories was assessed as significant, the draft regulatory act is assigned a significant degree of regulatory influence.

2. Based on the results of the baseline screening, it is decided which model to use for the RIA: for draft regulations with low impact the simplified model and for those with high impact the classical model is used with a full in-depth analysis.

Although the proposed list of indicators for assessing the significance of draft regulations contains a considerable number of qualitative assessments, the role of the drafters will be important as they can determine the degree of significance at their own discretion. To reduce the risk of subjective assessments, it is important to make publicly available and submit for public consultation and discussion with stakeholders and the public not only the draft regulatory act and the RIA, but also the results of baseline screening, during which business entities and their associations, scientific institutions, and public organizations can prepare alternative versions of RIA and baseline screening. In our opinion, such a measure would help strengthen the transparency of regulatory decisions and the responsibility of officials, and find a balance between the interests of the parties covered by the regulation.

In general, the optimization of the RIA institution and implementation of the best foreign approaches into Ukraine's practice can be carried out according to the following algorithm:

– legislative establishment of the principle of proportionality as a basic principle of regulatory policy;

– developing and introducing the procedure and criteria for selecting regulatory acts by their significance (according to the degree of influence) to determine the depth and completeness of the RIA (in terms of the simplified or classic model). In other words, establishing the second filter;

– developing the structure and contents of the simplified and classic RIA models;

– preparing methodological and informational support for conducting RIA according to the simplified and classic models;

– training civil servants to conduct the classical RIA model, introducing the practice of involving highly qualified economists, lawyers, politicians in conducting a deep, comprehensive and complete RIA for the most important regulatory acts, or establishing special agencies to conduct such RIA.

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ПІДХОДИ ДО ОПТИМІЗАЦІЇ ПРОЦЕДУР АНАЛІЗУ РЕГУЛЯТОРНОГО ВПЛИВУ: СВІТОВИЙ ДОСВІД ТА УКРАЇНСЬКІ РЕАЛІЇ

Досліджено досвід оптимізації інституту АРВ у розвинених країнах ОЕСР та Європейській Комісії, що дозволило виокремити два основні підходи до здійснення оцінки регуляторного впливу – проведення повної (класичної) або спрощеної моделей АРВ. Особливу увагу приділено впровадженому в розвинених країнах принципу пропорційності, сутність якого полягає у тому, що глибина аналізу та оцінок має бути пропорційною ступеню впливу регуляторного акта на економіку, окремі зацікавлені групи, суспільні інтереси. Розглянуто важливість відбору економічно значимих регуляторних актів.

Здійснено аналіз впровадження специфічних фільтрів відбору регуляторних актів для проведення АРВ у розвинених країнах, а саме: 1) визначення видів нормативно-правових актів або сфер

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регулювання, що підлягають АРВ; 2) класифікація та відбір актів за ступенем значимості; 3) наявність винятків у сфері проведення АРВ відповідно до чинного законодавства.

Для встановлення другого фільтру, а саме для здійснення відбору регуляторних актів за їх значимістю, в Україні запропоновано використовувати, по-перше, впровадження принципу пропорційності, що дозволить увести в практику оцінки регуляторних актів спрощену та повну моделі АРВ; по-друге, увести комбіновані (кількісні та якісні) критерії оцінки значимості проєктів регуляторних актів із визначенням можливих економічних наслідків їх прийняття та відповідності критеріям забезпечення пріоритету суспільних інтересів (підтримки економічного зростання шляхом оптимізації витрат і відповідного збільшення доданої вартості, дохідної частини державного і місцевих бюджетів тощо); по-третє, покроковий алгоритм імплементації кращих світових практик АРВ у практику державного регулювання в Україні.

Ключові слова: *аналіз регуляторного впливу (АРВ), принцип пропорційності, ступінь регуляторного впливу, спрощена модель АРВ*