

**QUESTIONNAIRE ON EXPERIENCES IN REGULATORY IMPROVEMENT IN THE
TELECOMMUNICATION SECTOR**

The 42 Meeting of Permanent Consultative Committee I: Telecommunications / Information and Communication Technologies (PCC.I),

CONSIDERING:

1. That the mandate and terms of reference of the Rapporteurship on Regulatory Improvement include the exchange of information and best practices on policies, approaches, and processes, as well as providing opportunities for training and socialization that can serve as benchmarks for member states that are in the process of implementing regulatory improvements.
2. That, according to resolution PCC.I/RES. 321 (XLI-22), regulatory improvement is an integral concept whose purpose is to ensure the quality of the regulations issued, since it involves the adoption of an approach based on evidence and identified risks. In this way, it involves a series of tools such as the Regulatory Impact Assessment (RIA) methodology, public consultation, and ex-post analysis.²
3. That, according to the Work Plan attached to resolution PCC.I/RES. 321 (XLI-22), the 42 meeting of Permanent Consultative Committee I: Telecommunications / Information and Communication Technologies (PCC.I), to be held in April 2023, is aimed at identifying and compiling information applicable to regulatory improvement processes.
4. That, in addition, according to the same Work Plan, the 43 meeting of Permanent Consultative Committee I: Telecommunications / Information and Communication Technologies (PCC.I) shall be held in October 2023 to provide opportunities for training and socialization that can serve as benchmarks for member states interested in starting the process of adopting regulatory improvement tools.
5. That, in accordance with resolution PCC.I/RES. 321 (XLI-22), whereby the Rapporteurship on Regulatory Improvement was established, one of the most relevant outcomes of the present rapporteurship is to draw up a document compiling all the experiences, best practices, and recommendations on regulatory improvement that each member state has developed.
6. That, for the purpose of ascertaining the level of progress that each member state has achieved with respect to adopting regulatory improvement in its processes, identifying the pillars supporting the regulatory improvement concept that is suitable for each one of them, and enhancing the process of adopting regulatory improvements in the regulatory agencies of member states that are in the process of adopting or updating it.

TAKING INTO ACCOUNT THAT:

¹ CCP.I-TIC/doc. 5312/23 rev. 1

² OECD. Implementation of Regulatory Impact Analysis in the Central Government of Peru: Case Studies 2014-16 [online], Paris: OECD Publishing. [consultation date: May 28, 2020]. Available at: <https://doi.org/10.1787/9789264305809-es> ISBN 978-92-64-30580-9.

1. In the Americas region, there are several countries that currently benefit from regulatory improvement policies and processes, which highlight the valuable progress that has been achieved and the wide range of experiences that can serve as benchmarks and guidelines for those member states that are in the process of adopting their own processes of issuing regulations with a regulatory improvement approach.

DECIDES:

1. To invite member states to complete the questionnaire that is attached to the annex of the present decision,
2. To request member states to forward the information specified in the annex to the rapporteurs Hugo Romero (hugo.romero@crcom.gov.co) and Luis Fernando Rosas (luis.rosas@ift.org.mx), with copy to the CITEL Secretariat (citel@oas.org),
3. To instruct the rapporteurship to draw up a report providing the results of said questionnaire and submit the results of that report to the 43 meeting of PCC.I,
4. To instruct the CITEL Secretariat to forward the questionnaire to member states and set the deadline for its completion and submittal for **August 31, 2023**.

ANNEX TO DECISION PCC.I/DEC. 335 (XLI-23)

**QUESTIONNAIRE ON EXPERIENCES IN REGULATORY IMPROVEMENT IN THE
TELECOMMUNICATION SECTOR**

Name of person completing the questionnaire: _____
Institution to which said person belongs to: _____
Email: _____

Purpose: To identify those member states that have adopted regulatory improvement tools in the ICT sector in their processes, internal procedures, or organizational structures and the level of progress they have achieved; to identify the pillars supporting the regulatory improvement concept that is suitable for each one of them; and to ascertain which member states have already consolidated a regulatory improvement policy that can contribute to the process of those who are in the initial stages of adopting or even updating said policy.

To that end, it is necessary to bear in mind certain considerations before starting to complete the questionnaire:

- Please reply to each question completely and concisely.
 - Please include attachments or clear and specific references to websites that might contain supporting materials (internal documents, explanatory notes or guidelines, data, studies, articles).
- 1) Does the member state have any legislation establishing the application of regulatory improvement criteria to issue regulations in the telecommunication sector?

YES____ NO____

If yes, then please specify below the relevant legal bases for the above and indicate the links where the corresponding documents can be consulted.

- 2) Does the member state have any instructions / guidelines / public policy guide where the application of regulatory improvement criteria are specified for the issuance of regulations in the telecommunication sector?

YES____ NO____

If yes, please specify below the links where the relevant documents can be consulted.

- 3) Does the member state have a regulatory improvement policy document on the issuance of regulations in the telecommunication sector?

YES____ NO____

If yes, please answer the following questions:

- a. Would the member state be able to present its regulatory improvement policy as a contribution to the Rapporteurship on Regulatory Improvement at the 43 meeting of PCC.I to be held in October 2023?

YES____ NO____

If yes, please indicate below the links where this policy document can be consulted

- 4) Please indicate below three of the member state's principal regulatory policy achievements over the past five years.
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- 5) Please check mark and reply YES or NO to the following questions in the table below:

PILLARS OF REGULATORY IMPROVEMENT	What are the following regulatory improvement pillars that you have applied for the issuance of regulations in the telecommunication sector? (check mark)	Is the member state or associate member able to make contributions to the application of these pillars? (Answer YES or NO)
Regulatory agenda		
Focus on simplifying the regulatory framework (for example, obsolete regulations)		

Knowledge of the ecosystem ³		
Innovative regulation methodologies		
Methodology of the Regulatory Impact Assessment		
Ex- post assessment		
Participation of interest groups (for example, public consultations, publication of projects, etc.)		
International cooperation on regulatory improvement		
Self-regulation or co-regulation		

6) Is there a formal entity in your member state where efforts to implement regulatory improvement are evaluated?

YES____ NO____

7) Has the member state developed or implemented innovative tools to issue regulations in the telecommunication sector?

YES____ NO____

a. If yes, please check mark which of the innovative tools below, if any, it has designed or implemented:

- i. Regulatory sandbox _____
- ii. Innovation hubs _____
- iii. Testbeds _____
- iv. Data analytics _____
- v. Crowdsourcing _____
- vi. Machine learning and artificial intelligence _____
- vii. Web scraping _____
- viii. Others, which ones? _____

If you have check marked any of the options above please answer the following questions:

b. Is the member state able to make contributions on how to apply these tools?

YES____ NO____

8) Regarding the following regulatory improvement pillars, please answer the following questions concisely:

³ It refers to the identification and knowledge of the environment for regulatory development with regard to trends in technology, business models, and ICT sector agents, by conducting studies, monitoring, and analysis of information, prospective studies, and the availability of up-to-date information (for example, databases, processing and consultation tools) facilitating evidence-based decision.

- a. Is the member state required to draw up a Regulatory Impact Assessment (RIA) when a new regulation is developed or an existing regulation is amended? If that is the case, in what regulatory instrument is this requirement set forth?
- b. How does the member state organize itself to conduct the RIA or secure the support of experts to conduct the impact assessment?
- c. Does the member state have any analytical methods to assess regulatory impacts, such as a cost-benefit analysis? If so, please describe them.
- d. Does the member state have an entity in charge of overseeing the process and approving the RIA? If so, what specific functions does it have? (Monitoring the quality of the impact assessment, advisory services and training, returning the assessment, etc.)
- e. Are impact assessment reports easily accessible for the general public (for example, via Internet)? At what stage of the drafting of the regulations are the impact assessments made public?
- f. Does the member state have an explicit policy to streamline procedures?
- g. What processes or experiences has the member state had in downsizing the administrative workload of the procedures?
- h. What strategies does the member state have to openly and systematically disseminate regulatory requirements to those subject to regulation? Please describe the requirements for publication or to ensure that regulations are accessible to impacted groups.
- i. Is a periodic ex-post analysis of the existing regulatory framework mandatory? Please describe the obligation if there is one.
- j. Do the regulations include automatic evaluation requirements? (Case by case? or only under certain specific conditions? Which ones?)
- k. Are the evaluations of existing regulations made available to the public on Internet? If yes, please describe and provide the website link.

Does the member state have strategies to compile and disseminate knowledge and experience about its regulatory activities at the international level?