



MINISTÉRIO DA INFRAESTRUTURA

Comitê Estratégico de Governança

Comitê de Qualidade Normativa

GOVERNANCE MANUAL FOR
REGULATORY IMPACT ANALYSIS
MINISTRY OF INFRASTRUCTURE

REGULATORY IMPACT ASSESSMENT

Resolution CEG nº 5 of 2021



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(ORDINANCE 55/2021, ART. 3º DO ANEXO I)

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1. Introduction

Law No. 13,874/2019 instituted the Declaration of Economic Freedom Rights, which establishes standards for the protection of free enterprise and the free exercise of economic activity and provisions on the actions of the State as a normative and regulatory agent.

The so-called Economic Freedom Law established in Article 5 that proposals for the issue or alteration of normative acts of general interest to economic agents or users of services provided, issued by an organ or entity of the federal public administration, including municipalities and public foundations, will be preceded by a regulatory impact analysis, which will contain information and data on the possible effects of the normative act to verify the reasonableness of its economic impact.

To highlight the relevance of this provision, the Brazilian legislator chose to dedicate a specific chapter to include only one article and its sole paragraph, called "THE REGULATORY IMPACT ANALYSIS," and established that regulations would be issued to provide for the starting date of the requirement of regulatory impact analysis; the respective methodology; the minimum questions to be examined; the cases in which its performance will be mandatory and the cases in which it may be waived.

The Regulatory Impact Analysis (RIA) had already been mentioned approximately three months earlier in another significant normative - Law No. 13,848 of 25 June 2019 - the so-called Law of Regulatory Agencies, which established in its Article 6 that the adoption and proposals to amend normative acts of general interest to economic agents, consumers or users of the services provided would, under the terms of regulation, be preceded by the performance of RIA, which will contain information and data on the possible effects of the normative act.

The Law of Regulatory Agencies also chose to direct to a later moment the regulation of RIA to dispose about the content and methodology of the analysis, about the minimum questions to be examined, as well as about the cases in which its performance will be obligatory and those in which it may be renounced.

However, this law went further than the Economic Freedom Law and established in its paragraphs that the internal regulation of each agency would provide for the operation of RIA in its sphere (paragraph 2); the director council or collegiate

directorate will manifest, about the RIA report, on the suitability of the proposal of the normative act to the intended objectives, indicating whether the estimated impacts recommend its adoption, and, if so, what additions are necessary (paragraph 3); The manifestation referred to in paragraph 3 shall be part, together with the RIA report, of the documentation to be made available to interested parties for consultation or public hearing, if the director council or collegiate board decides to continue the administrative proceeding.

Therefore, in the fiscal year 2019, two of the main regulations that came to light brought in their core the subject of regulatory impact analysis, the Law of Regulatory Agencies made mandatory the RIA for the agencies, which by the way already used this type of instrument, and the Economic Freedom Law extended this obligation to the entire Federal Public Administration. The importance of this topic can be perceived from the Study conducted by the Brazilian Institute of Planning and Taxation - IBPT¹ regarding the number of rules issued in Brazil after 32 years of the Federal Constitution of 1988.

According to the Study, "since 5 October 1988 (the date of promulgation of the current Federal Constitution), 6.475,682 (six million, four hundred and seventy-five thousand, six hundred and eighty-two) rules governing the lives of Brazilian citizens have been enacted to date (as of 28 September 2020). This represents, in average, 554 norms edited every day, or 800 norms edited per working day". Concerning the federal scope, the Study presents the following table:

NUMBER OF LAWS ENACTED - 32 YEARS AFTER THE 1988 Federal Constitution - FC		
FEDERAL STATUTES	General	Tributary
FEDERAL CONSTITUTION	1	1
CONSTITUTIONAL AMENDMENTS REVISION	6	
CONSTITUTIONAL AMENDMENTS	108	16
DELEGATED LAWS	2	
SUPPLEMENTARY LAWS	116	52
ORDINARY LAWS	6.308	1.156
ORIGINAL INTERIM MEASURES	1.612	258
REISSUED PROVISIONAL MEASURES	5.491	1.674
FEDERAL DECREES	13.318	1.698
COMPLEMENTARY RULES	141.680	27.249
TOTAL	168.642	32.104
AVERAGE PER DAY	14,44	2,75
AVERAGE PER WORKING DAY	20,84	3,97

* Ordinances, Normative Instructions, Service Orders, Declaratory Acts, Normative Opinions, etc.
Source: IBPT. 28.09.2020

Given the magnitude of these numbers, in association with the guidelines of the current Federal Government to reduce the so-called Brazil Cost; to mitigate the risks and costs of regulation; to promote the improvement of regulatory production; to combat bureaucratic dysfunctions, and promote excellence in governance, one can see the relevance of RIA for national development.

To regulate the RIA, which is dealt with in Article 5 of Law No. 13,874 of 20 September 2019 and Article 6 of Law No. 13,848 of 25 June 2019, Decree No. 10,411 of 30 June 2020 was published, which states in Article 24 that the RIAs within the Ministry of Infrastructure will become mandatory from 14 October 2021, and for the regulatory agencies linked to this Ministry of Infrastructure, the initial date was 15 April 2021.

To emphasize RIA within this Ministry of Infrastructure, this Regulatory Impact Analysis governance model has been developed.

It is worth noting that this model is a guideline for the areas that perform regulatory activities within the Ministry of Infrastructure, considering the rules imposed by Decree No. 10,411/2020, not intending to standardize the activities

beyond what is required by the normative.

This document has been adapted from the Ministry of Economy's April 2021 governance model, available at <https://www.gov.br/economia/pt-br/assuntos/air/oque-e-air>.

2. Regulatory Impact Analysis (RIA)

RIA is not new in the national or international scenario, being already applied in Brazil, for example, by regulatory agencies. RIA is internationally recognized as good administrative practice and has been expressly recommended since 2012 by the Organization for Economic Cooperation and Development (OECD) and is present in all its member countries. Even before the 2012 exercise, on the occasion of the peer review regarding the Brazilian regulatory policy, Brazil received a recommendation from the OECD to adopt RIA as an effective regulatory quality tool. According to the OECD:

When designing a policy, law, regulation, or other type of "rule," governments should always consider its likely effects. Regulatory Impact Assessment (RIA) provides crucial information to decision-makers about whether and how to regulate to achieve public policy goals.

RIA examines the impacts and consequences of a range of alternative options. RIA also helps policymakers make the case for not intervening in markets where the costs of doing so outweigh the benefits.

Regulatory Impact Assessment provides policymakers, public officials and other public sector professionals with a practical tool to better design and implement RIA systems and strategies.

The principles cover a wide range of institutional arrangements, tools and practices and present a list of critical steps, as well as "do's and don'ts" for developing RIA frameworks.

Available at: https://www.oecd-ilibrary.org/governance/regulatory-impact-assessment_7a9638cb-en

Before the edition of Decree No. 10,411/2020, the Public Administration had already addressed this issue, and during the 2018 fiscal year, the publication "General guidelines and guidance guide for the preparation of Regulatory Impact Analysis"¹ defined RIA as a systematic process of analysis based on evidence that seeks to assess, from the definition of a regulatory problem, the possible impacts of the available action alternatives to achieve the intended objectives, with the purpose of guiding and supporting decision making. According to the aforementioned publication, RIA aims to:

I - to guide and subsidize the decision-making process.

II - provide greater efficiency to regulatory decisions.

III - propitiate greater regulatory coherence and quality.

IV - propitiate greater technical robustness and predictability to relevant regulatory decisions.

V - increase transparency and understanding of the regulatory process, allowing market agents and society in general to know the regulatory problems, the stages of analysis, the techniques used, the solution alternatives envisaged, and the criteria considered to base relevant regulatory decisions; and

VI - contribute to the continuous improvement of the results of regulatory actions.

With the advent of Decree No. 10,411, of June 30, 2020, conducting RIAs will become mandatory as of October 14, 2021, and for the regulatory agencies linked to this Ministry of Infrastructure the initial date was April 15, 2021.

It is obvious that RIA brings with it associated costs and it is not reasonable that each and every normative production be subject to a prior RIA. In this vein, Decree No. 10411/2020 establishes exceptions in paragraphs of Article 3, and in Article 4 provides that the RIA may be waived, provided there is a reasoned decision of the competent agency or entity, in some cases.

Pursuant to Article 2, I, of Decree 10,411/2020, RIA is a procedure, based on the definition of a regulatory problem, of the evaluation prior to the issue of normative acts, which will contain information and data on its probable effects, to verify the reasonableness of the impact and subsidize decision making.

RIA ends with the issuance of the RIA Report, intended for decision makers and

society, which should contain the elements that supported the choice of the most appropriate alternative to address the regulatory problem identified and, if applicable, the draft of the regulatory act to be issued. This Report only supports the decision-making process and is not binding.

It is worth noting that from this analysis one can either define implementation strategies or reach the conclusion that the best option is not to regulate. This is the great use of RIA, because the Brazil Cost has already been too affected by the robust and unbridled production of regulations. With the use of RIA, an improvement in the quality of national regulation is expected, in order to establish an administrative culture of dedicating previous time to evaluate the effects, consequences and costs associated with the edition of a new regulation, as well as to subsequently institute the Regulatory Result Evaluation (ARR).

As the RIA is not binding, it does not exclude the responsibilities of senior management and should not be used to justify the process. It should, on the contrary, subsidize the decision regarding regulation. Under no circumstances should it be considered a formal requirement of a given administrative process. In short, it should not be an "off-the-shelf product" to be included in an administrative proceeding.

3. Concepts

For this guide, the following concepts are considered:

- **Regulatory Impact Analysis - RIA:** Procedure, from the definition of the regulatory problem, of evaluation before the edition of normative acts that will contain information and data on its probable effects, to verify the reasonability of the impact and subsidize the decision making.
- **Regulatory Result Assessment (RRA):** Verification of the effects resulting from the issuance of a normative act, considering the achievement of the originally intended objectives and the other impacts observed on the market and society due to its implementation.
- **Normative act of general interest for economic agents, consumers, or users of the services provided:** One who has the potential to influence your rights or obligations.

- **Social participation:** Process that aims to listen to specific groups directly impacted by the regulatory proposal or to society in general, at the time of defining the problem, in the choice of alternatives, and/or in the preparation of the regulatory proposal. The means of Social Participation in the Ministry of Infrastructure consist of the following mechanisms: Public Consultation; Attendance to Manifestations; Evaluation Surveys; Service Users Council; Councils and Collegiate Organs; Subsidization; and Public Hearings. All concepts and procedures of these mechanisms are defined in the Ministry of Infrastructure's Social Participation Manual.
- **RIA Report:** Document that contains the elements that subsidized the choice of the adequate alternative to face the regulatory problem identified and, if applicable, the draft of the normative act to be issued.
- **Motivating problem situation (regulatory problem):** The identified case leads to a potential need for intervention. It can be of various natures, such as market failures, regulatory failures, institutional failures, the need to guarantee conditions or fundamental rights for citizens or promote public policy objectives.

4. Main actors of the process

The main actors acting in this process:

- **Authority:** Holder of the unit that has normative competence over the topic in question. There is no standard hierarchical level.
- **Board of Directors:** DAS5-level managers of units that have responsibilities in relation to the matter at hand. The role they perform may also be advocated by their superiors.
- **Managers:** DAS4-level managers of units that have responsibilities in relation to the matter at hand. The role they perform may also be advocated by their superiors.
- **Regulatory Unity:** Unit that has among its competencies the treatment of the regulatory problem identified. In the hierarchy, they may be positioned as

divisions, coordination, general coordination or other form adopted by the agency.

5. Workflow

In this governance model, the RIA decision-making process is presented subdivided into three subprocesses:

1. Authorisation to develop RIA or reasoned waiver: includes the start of the RIA process and decisions as to whether or not RIA should be applied and the Board's decision to conduct or waive RIA on a reasoned basis.

2. Development of RIA and eventual authorization for Social Participation: includes the development of the regulatory impact analysis, with decisions on whether to carry out social participation, whether on the RIA report itself or the public consultation on the proposed draft regulatory act, in addition to the evaluation of the report by the Board of Directors.

3. Decision by the authority: includes the competent authority's decision on the RIA report and possible draft of a normative act, in addition to the publication on the website of the documents required by Decree 10.411/2020.

The following subtopics bring more details of each subprocess. It is important to highlight that, in the workflow drawings, the respective device will be indicated whenever an activity is a requirement of Decree No. 10.411/2020.

5.1 - Authorisation for RIA development or reasoned exemption

The process is initiated by the Regulatory Unit with the identification of a motivating problem-situation (or regulatory problem), which requires an intervention to correct or improve the procedure. This may occur by gathering evidence, perceptions or proposals for innovation. Next, the regulatory unit will verify whether the regulatory problem incurs in any of the cases of non-application of RIA, which are found in Article 3 of Decree No. 10.411/2020, as follows:

Article 3 The issue, alteration or revocation of normative acts of general interest to economic agents or users of services provided by organs and entities of the direct federal, autonomous and foundational public administration shall be preceded by an RIA.

§ 1 Within the scope of the tax and customs administration of the Federal Government, the provisions of this Decree only apply to normative acts that institute or modify accessory obligations.

§ 2 The provisions of the caput do not apply to normative acts:

I - of an administrative nature, whose effects are restricted to the internal scope of the organ or entity;

II - of a concrete effect, intended to regulate a specific situation, with individualised addressees;

III - that provide on budgetary and financial execution;

IV - that strictly provide on foreign exchange and monetary policy;

V - providing on national security; and

VI - which aim to consolidate other rules on specific matters, without altering the merit.

(emphasis added)

If one of the hypotheses of non-application of RIA is identified, the edition/amendment/revocation of the act in question will follow the standard rite adopted by the agency. At this point it is important to note that the non-application of RIA is not to be confused with the hypotheses of exemption dealt with below.

Once the possibility of applying RIA is identified, the Regulatory Unit and Middle Management prepare an opinion describing the motivating problem-situation. At this moment, these actors should also evaluate the possibility of exemption or not of RIA for the case in question, considering Article 4 of Decree 10.411/2020:

Art. 4 The RIA may be waived, provided there is a grounded decision by the competent organ or entity, in the following cases:

I. - urgency

II. - normative act intended to discipline rights or obligations defined in a hierarchically superior rule that does not allow, technically or legally, different regulatory alternatives.

III. - normative act considered of low impact.

IV. - a normative act aimed at updating or revoking norms considered obsolete, without altering their merit.

V. - normative act aimed at preserving liquidity, solvency, or hygiene:

a. of insurance, reinsurance, capitalization, and complementary pension fund markets.

b. of the financial, capital, and foreign exchange markets; or

c. of payment systems.

VI. - normative act that aims at maintaining convergence to international standards.

VII. - a normative act reducing demands, obligations, restrictions, requirements, or specifications with the purpose of reducing regulatory costs; and

VIII. - a normative act that revises outdated norms in order to adjust them to the internationally consolidated technological development, pursuant to the provisions set forth in Decree no. 10.229, dated February 5, 2020.

If the hypothesis of exemption of RIA is identified, the reasons for the

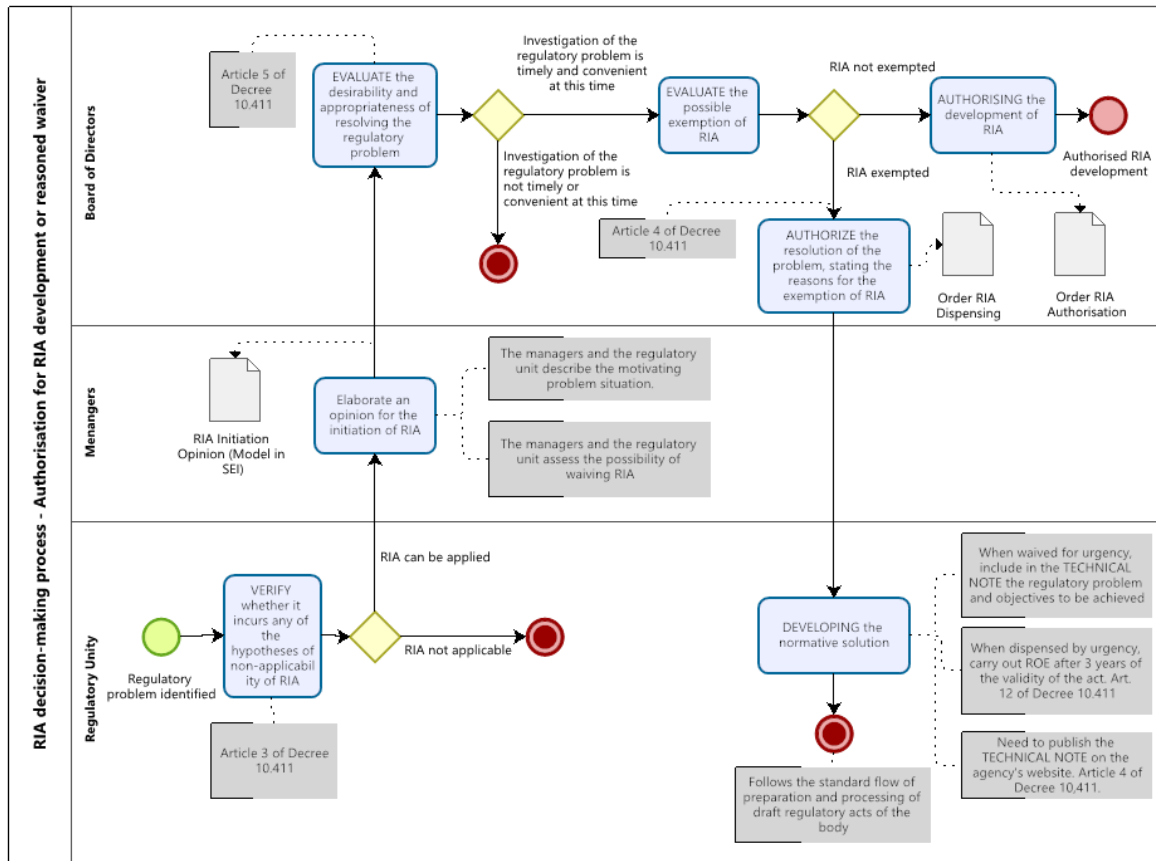
exemption shall be stated in the opinion. It is important to remember that the edition or alteration of a normative act, when framed as a case of exemption due to urgency, shall be object of an Evaluation of Regulatory Result (ERR) within 3 (three) years, as of its entry into force, according to the provisions of art. 12 of Decree no. 10.411/2020.

Subsequently, the opinion shall be forwarded to the Board of Directors, which shall assess the convenience and opportunity to address the regulatory problem identified.

If the Board of Directors decides that the RIA will be waived, the authorization, which may be done by means of an order, shall contain the grounds for the waiver, authorizing the development of a normative solution without conducting an RIA.

From this point on, the preparation of the normative act must follow the standard rite of the agency. However, it should be noted that, in the case of exemption due to urgency, the Technical Note or equivalent document that substantiates the proposal for issue or amendment of a normative act must contain the identification of the regulatory problem and the objectives intended to be achieved, in order to support the preparation of the Regulatory Result Assessment - RRA.

Alternatively, the Board of Directors may authorize, also by means of an order, the beginning of the development of RIA.



5.2 - Development of RIA and Social Participation

With the authorization for the development of the RIA granted by the Board, the process will return to the Regulatory Unit for the development of the RIA. It is important to emphasize that the activities for the Regulatory Impact Analysis and consequent report are not object of this Manual, and the document [General Guidelines and Guidance for the Preparation of Regulatory Impact Analysis \(Diretrizes Gerais e Guia Orientativo para Elaboração de Análise de Impacto Regulatório\)](#) may be consulted.

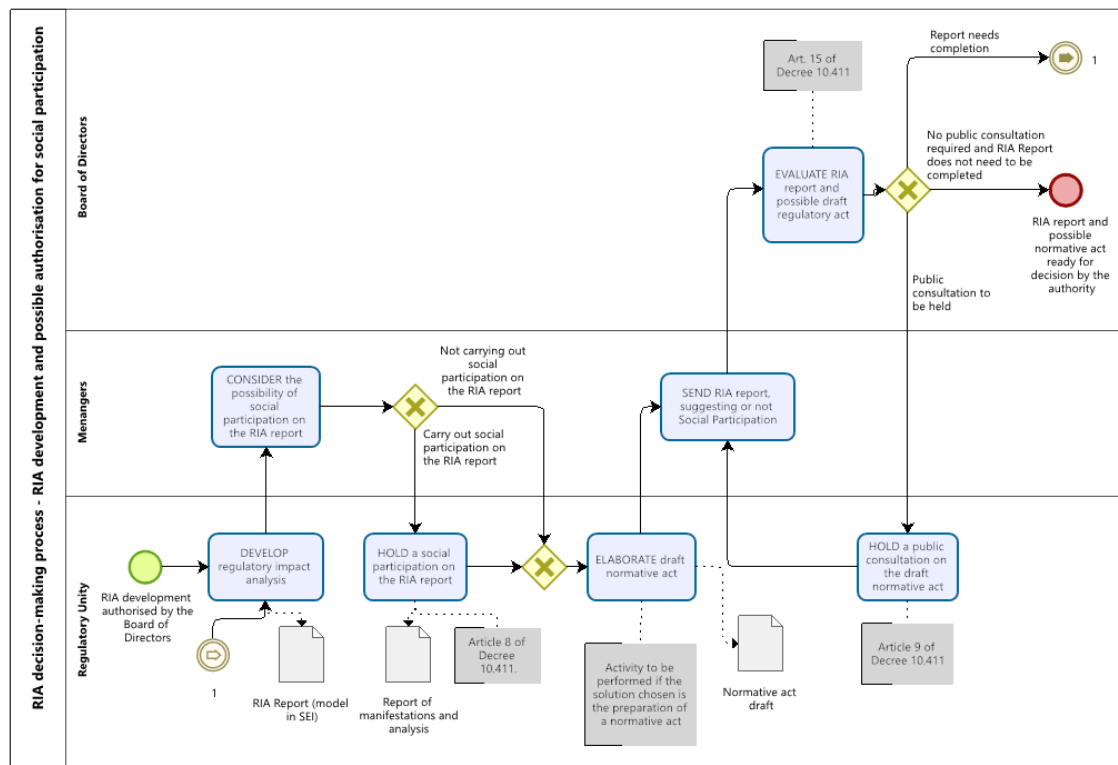
During the RIA, the social participation on the report may be evaluated, before the construction of the draft normative act. In this case, it is suggested that the decision on whether to carry out the social participation process is, at least, the **Managers**, and the **Board of Directors** may be consulted, if deemed necessary, depending on the internal processes adopted by the agency.

The social participation process on the report aims to collect impressions and will complement the development of RIA, and the result may be in the RIA report itself

or in a separate report with the manifestations and analysis, depending on the type of social participation used and the number of manifestations. The **Ombudsman** will support the **Regulatory Unit** in the social participation process.

Once the RIA report is finalized, if the solution indicated as the best involves the edition of a normative act, the Middle Management may propose a public consultation on the draft of the normative act, which should be previously authorized by the Board.

The Regulatory Unit is responsible for coordinating the social participation process, whether on the report or the public consultation on the draft normative act, consolidating and analysing the manifestations. If it verifies the need for adjustments in the report or in the draft normative act, it shall make them before submitting them to the competent authority.



5.3 - Authority's decision

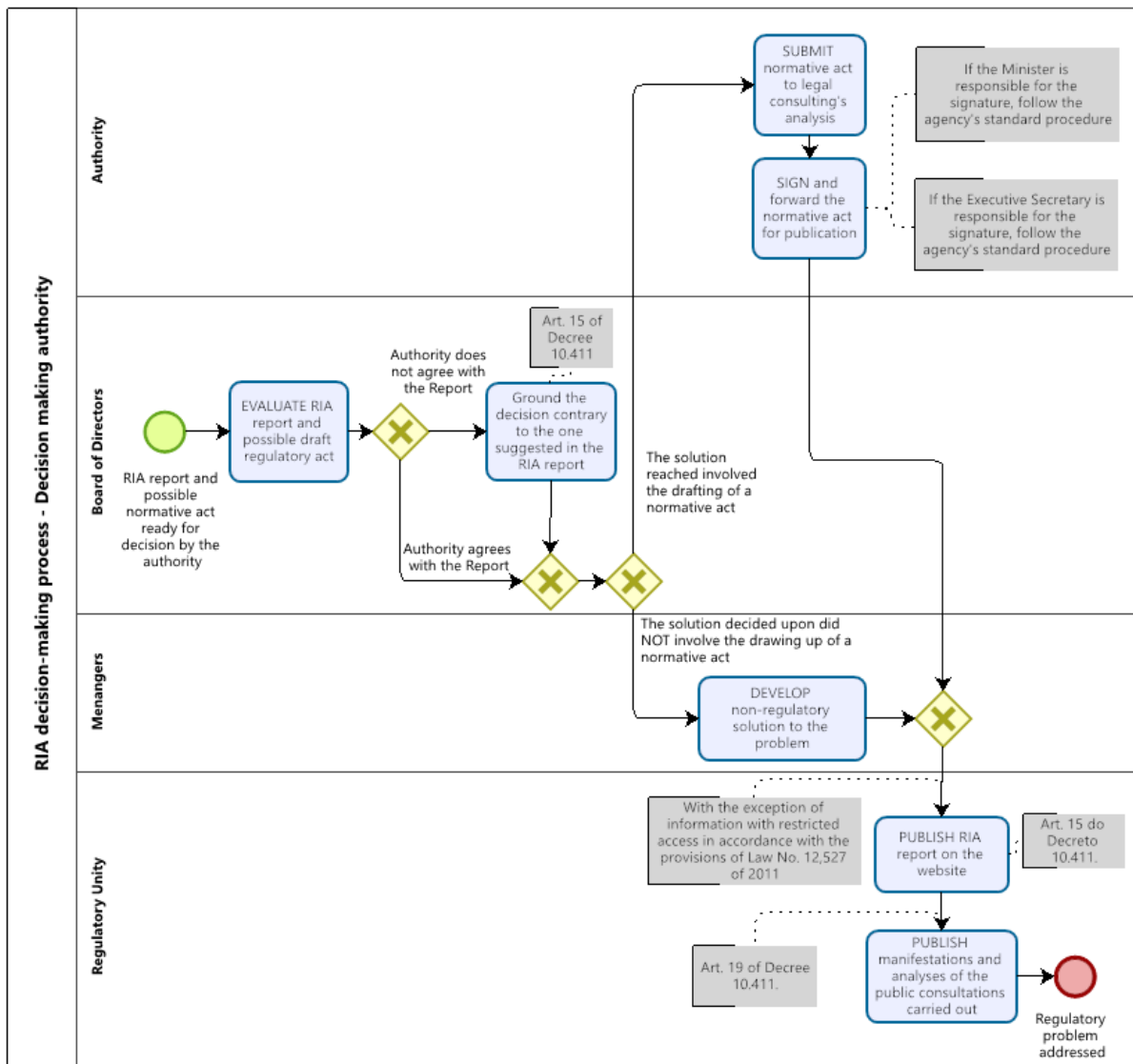
After submitting the RIA report with a possible draft of a normative act, the **Board of Directors** will evaluate the result and may or may not agree with the conclusions listed in the report. If it does not agree, it must justify its decision.

If it agrees with the report and the proposed solution and if this solution involves the preparation of a normative act, **the Board of Directors** shall submit the

documents for analysis by the Legal Counsel. After approval by CONJUR (Legal Consulting), the competent **Authority** will evaluate and sign the draft, following the agency's standard rite for publication of normative acts.

On the other hand, if the report points out and the Board opts for a non-normative solution, the solution will be implemented by the Middle Management and the Regulatory Unit, in the form in which it is decided.

It is important to remember that Decree 10.411/2020 requires that the RIA Report and the manifestations of any public consultation on a normative act must be published on a website, after the final decision on the matter. It is the responsibility of the Regulatory Unit to request the publication of this information.



6. Document Templates

In this topic some models of documents to be used during the RIA process were made available. The documents are available directly in the Electronic Information System - SEI of the Ministry of Infrastructure.

6.1 - Report for RIA starts, with description of motivating situation and evaluation of RIA waiver

TECHNICAL NOTE XXXX/20XX/SEI/ÁREA

Process number: XXXXX.XXXXXX/20XX-XX

Interested Parties: {Proposal area}

Subject: Evaluation of convenience and opportunity to start treatment of regulatory problem and evaluation of the possibility of waiver of RIA (Decree 10.411/2020, art. 5)

1. CONTEXTUALIZATION

{Present the potential problematic situation that may require further treatment soon and its context, pointing out, if possible and preliminarily, its relevance, possible causes, extent, consequences and expected evolution in the future if nothing is done.}

2. IMPACT ON AREA PLANNING

{Identify the impact of opening this process on the progress of the other processes that are already under the area's responsibility. Take into consideration some factors such as: Will the process be developed directly by the area, or does it include other areas? How many public servants will be directly involved? Is the server that will conduct the process already responsible for other processes in progress? Will it be necessary to review the planning and update the chronograms of the other processes in progress? The present process, in case it moves forward, seems to be of low, medium or high complexity?}

3. ASSESSMENT OF THE POSSIBILITY OF DISPENSING WITH REGULATORY IMPACT ANALYSIS (RIA)

{According to art. 4 of Decree No. 10,411/2020, RIA may be waived with a reasoned decision in the following hypotheses:

I. urgency

II. normative act intended to discipline rights or obligations defined in a standard hierarchically superior that does not allow, technically or legally, different regulatory alternatives.

III. normative act considered of low impact.

IV. normative act that aims at updating or revoking norms considered obsolete, without alteration of merit.

V. normative act that aims at preserving liquidity, solvency or hygiene:

a) of the insurance, reinsurance, capitalization and supplementary pension fund markets.

b) of the financial, capital and foreign exchange markets; or

c) payment systems.

VI. normative act that aims at maintaining convergence to international standards.

VII. a normative act that reduces demands, obligations, restrictions, requirements or specifications with the purpose of reducing regulatory costs; and

VIII. a normative act that revises outdated standards in order to adjust them to the internationally consolidated technological development, pursuant to the provisions of Decree no. 10,229, of February 5, 2020.

Identify and describe why the problem identified can be framed within the exemption hypothesis provided for in Decree no. 10,411/2020.

Keep in mind that the edition or amendment of a normative act, when classified as a case of exemption due to urgency, must be subject to a Regulatory Result Evaluation (ARR) within 3 (three) years, as of its entry into force, according to the provisions of art. 12 of Decree no. 10,411/2020}.

4. CONCLUSION

{In view of the foregoing, I suggest forwarding to the decision-making authority for evaluation of the convenience and opportunity of investigating the regulatory problem identified, not fitting into the hypotheses of waiver of RIA provided for in Decree No. 10.411/2020 or may fit into the hypothesis of waiver of RIA provided for in item (identify) of art. 4 of Decree No. 10.411/2020.}

6.2 - Order for exclusion from RIA

ORDER XXXX/20XX/SEI/ÁREA

Process number: XXXXX.XXXXXX/20XX-XX

Interested Parties: *{Proposal area}*

Subject: Discharge from RIA

Anexo: TECHNICAL NOTE NUMBER XXXX/20XX/SEI/AREA

Considering the information forwarded in the attached opinion, I authorize the development of the normative solution without conducting a Regulatory Impact Analysis, according to the case of disclaim of RIA provided for in item (identify) of art. 4 of Decree No. 10.411/2020.

6.3 - RIA Authorisation Order

ORDER XXXX/20XX/SEI/AREA

Process n^o XXXXX.XXXXXX/20XX-XX

Interested Parties: *{Proposal area}*

Subject: Authorisation for RIA development

Anexo: TECHNICAL NOTE NUMBER XXXX/20XX/SEI/AREA

Considering the information forwarded in the attached opinion, about the (**insert subject**), I authorize the development of the Regulatory Impact Analysis.

6.4 - RIA Report

Regulatory Impact Analysis Report – RIA

This is the closing act of the RIA, which will contain the elements that subsidize the choice of the most appropriate alternative to address the regulatory problem identified and, if applicable, the draft of the normative act to be issued. The purpose of the RIA Report is to support the decision making by the competent authority.

The content of the report should, whenever possible, be detailed and complemented with additional elements specific to the case, according to its degree of complexity, scope and repercussion of the matter under analysis.

Use the guiding questions for better guidance and, whenever necessary, consult Decree No. 10.411/2020, and the publication "General Guidelines and Guidance Guide for the Preparation of Regulatory Impact Analysis - RIA" of the Civil House of the Presidency of the Republic.

I. EXECUTIVE SUMMARY

Objective and concise summary of the analysis and conclusions reached, in simple language accessible to the public.

II. IDENTIFICATION OF THE REGULATORY PROBLEM

What is the context of the problem?

What is the nature of the problem and its consequences?

What are the causes or drivers of the problem?

What is the extent or magnitude of the problem, where does it occur (locally, regionally, nationally), how often, how many groups are affected?

What is the expected evolution of the problem in the future if nothing is done?

III. IDENTIFICATION OF ECONOMIC AGENTS, USERS OF THE SERVICES PROVIDED AND OTHERS AFFECTED BY THE REGULATORY PROBLEM IDENTIFIED:

Which actors are affected by the regulatory problem?

How does the problem directly or indirectly affect each of the actors?

What is the relevance of the observed effects for each actor?

Do the affected actors contribute to the permanence or worsening of the problem? Are there any behavioural changes or measures that these actors themselves could take to avoid or minimise its effects?

How are the effects of the problem evolving for each actor? What are the prospects for these effects if nothing is done?

IV. IDENTIFICATION OF THE LEGAL BASIS

What is the legal basis that establishes the competence of the Ministry of Infrastructure to act on the problem identified?

What is the attribution of the proposing unit of the RIA report regarding the analysis in question?

Are there other institutions (e.g. governmental, at different levels of the federation, international organizations), which can act on the problem with concurrent or complementary competencies?

Could the Ministry of Infrastructure's actions on the issue create conflicts with legal attributions of other institutions?

Are there any relevant recommendations or determinations from other government institutions, such as oversight bodies, regarding the problem identified?

V. DEFINITION OF THE OBJECTIVES TO BE ACHIEVED

What are the intended outcomes and expected effects of the intervention?

Are the objectives directly related and proportionate to the regulatory problem?

Are the objectives aligned with the strategic objectives of the Ministry of Infrastructure?

Have objectives been set at different hierarchical levels, translating general objectives into specific and, where appropriate, operational objectives?

VI. DESCRIPTION OF POSSIBLE ALTERNATIVES TO ADDRESS THE REGULATORY PROBLEM IDENTIFIED

What are the alternatives to address the problem, and achieve the defined objectives?

Discard alternatives that are unfeasible, ineffective or difficult to implement. Necessarily consider options of no action, normative solutions and, where possible, non-regulatory solutions.

Do the options chosen, including doing nothing, consider the scope of the Ministry of Infrastructure, the feasibility of implementing each alternative, and their proportionality for addressing the problem?

VII. EXPOSITION OF THE POSSIBLE IMPACTS OF THE IDENTIFIED ALTERNATIVES

What are the main impacts (economic, social, environmental) expected (positive and negative, desirable and undesirable, direct and indirect) of the action alternatives considered?

Are there specific impacts that should be examined (e.g., on competition, small and medium enterprises, on competitiveness, international agreements, etc.)?

VIII. COMPARISON OF THE ALTERNATIVES CONSIDERED FOR SOLVING THE REGULATORY PROBLEM IDENTIFIED

What are the likely benefits of the proposed options? Which groups will benefit (society, business, government)? How will the benefits be distributed among the various actors or groups?

What are the likely costs of the proposed alternatives? Which groups will incur these costs (society, companies, government)? How will the costs be distributed among the various actors or groups?

How can the action alternatives be compared in relation to the criteria of effectiveness, efficiency and coherence in solving the problem?

Do the alternatives considered result in greater benefits than the alternative of doing nothing (maintaining the status quo)?

What is the recommended alternative?

Present a reasoned analysis containing the specific methodology chosen for the specific case and the alternative or combination of alternatives suggested, considered the most appropriate to solve the regulatory problem and achieve the intended objectives

IX. MAPPING OF INTERNATIONAL EXPERIENCE REGARDING MEASURES ADOPTED TO SOLVE THE REGULATORY PROBLEM IDENTIFIED

Are there any international experiences related to the problem identified?

How has the problem been addressed in the international scenario?

Is it possible to replicate the good international practices identified to solve the problem in Brazil?

X. CONSIDERATIONS REFERRING TO THE INFORMATION AND MANIFESTATIONS RECEIVED IN EVENTUAL PROCESSES OF SOCIAL PARTICIPATION OR OTHER PROCESSES OF RECEIPT OF SUBSIDIES FROM INTERESTED PARTIES IN THE MATTER UNDER ANALYSIS

Which actors were consulted? When and in what way?

What were the relevant contributions and information received from the actors and groups consulted and how were they used in the analysis?

XI. IDENTIFICATION AND DEFINITION OF THE EFFECTS AND RISKS ARISING FROM THE ISSUE, AMENDMENT OR REPEAL OF THE NORMATIVE ACT

What are the risks associated with the regulatory issue under analysis?

What are the sources, probability of occurrence and severity of the risks identified?

Can the identified risks be accepted, should they be avoided or mitigated?

How do the action alternatives considered address the risks? Do these alternatives add new risks?

How do the measures for risk treatment implement and enforce them?

How will the treatment costs and losses associated with the risks involved be incorporated into the measurement and comparison of action alternatives?

XII. DESCRIPTION OF THE STRATEGY FOR IMPLEMENTING THE SUGGESTED ALTERNATIVE

How will the chosen alternative be implemented?

Is there a need for a transition period or adaptation of the impacted actors (vacatio

legis)?

Does the recommended alternative require monitoring? How will it be done?

What are the forms of monitoring and evaluation of the results of the chosen solution? Define indicators to assess whether the defined goals are being achieved.

Will any internal adaptation be necessary for the implementation of the enforcement and monitoring strategies? Does the monitoring and evaluation structure already exist? Is the necessary data for measurement available or will it be necessary to demand new information from the agents?

Is there the need to develop or adapt an IT system?

Are there normative acts in force that need to be altered or revoked due to the recommended regulatory intervention?

Mandatorily define a maximum period for reassessment of the proposed regulation, in accordance with Art. 14 of Decree 10.411, of 2020.

XIII. CONCLUSION

Is the Regulatory Impact Analysis carried out sufficient for decision making?

Final Considerations.

6.5 - Social Participation Analysis Reports

The templates are set out in the Ministry of Infrastructure's Social Participation Manual.

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