# MANUAL ON PUBLIC PARTICIPATION IN THE LAW MAKING PROCESS

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**Manual on Public Participation in Law-Making Process**

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# I. INTRODUCTION

This Manual provides a review of the required procedure and conditions needed to provide for transparent and active participation of the public and civic organizations in the legislative process.

The Manual was prepared on the basis of an analysis of the following topic: *Transparency and public participation in the law drafting process: Comparative review and assessment of the situation in the Republic of Macedonia.* The main purpose of the analysis was to identify the present level of transparency and public participation in the law drafting process in the Republic of Macedonia, and to make comparison with various practices in other European countries.

The comparative review has shown that documents adopted at European level and in various countries refer to numerous issues related to public participation in the decision-making process. They create the public participation framework and introduce rules that lead to an increased transparency of the legislative process. The majority of them emphasize the importance of the inclusion of the public in the legislative process from the very beginning – i.e. from the moment of planning to preparation of the draft versions of the laws, as well as during the implementation process. These documents contain certain guarantees and specific guidelines on how to provide for public participation in a transparent manner.

The situation analysis has shown that there are several documents that provide the basis for the inclusion of the public in the legislative process in the Republic of Macedonia, starting from the Constitution of the Republic of Macedonia to several other laws, such as the Law on Referendum, the Rules of Procedure of the Government and the Strategy for cooperation of the Government with the civic sector. The main provisions included in these acts are further elaborated in two Government documents: the Methodology for Policy Analysis and Coordination and the Methodology for Regulatory Impact Assessment (RIA). However, there are certain weaknesses in the process of the implementation of the provisions contained in these documents. In practice, ministries understand the importance of the participation of civic organizations and other stakeholders in the legislative process and try to ensure public participation. However, there are not many examples of laws, secondary legislation or implementation regulations that have been adopted with proper public participation. The efforts by ministries to include the public and civic organizations are faced with problems, due to the existing time constraints and insufficient funding. On the other hand, the civic organizations believe that the legislative process is not transparent enough. In their opinion, state administration authorities do not fully utilize the RIA instrument. The participation of networks or coalitions of civic organizations facilitates information-giving and inclusion in the legislative process. However, civic organizations are aware that sometimes they lack the appropriate capacity and expertise needed to be actively involved in the process.

The Manual reflects both the conclusions and recommendations that were presented in the comparative review and the evaluation of the domestic legislation and practices. It integrates the best examples and practices of public participation in the legislative process from among the European countries and the Republic of Macedonia.

The *purpose* of this Manual is to briefly present the best European practices and to present more specific information, instructions and recommendations on the implementation of a process of information-giving, consultations and active participation of the public in the legislative process.

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Accordingly, the Manual is principally intended for use by civic organizations and other stakeholders, but it might be useful for state administration authorities as well.

## ***Terms***

*Legislation:* above all, it includes all the laws and other regulations (such as secondary legislation, internal legal documents etc.).

*Stakeholder:* it includes any natural person who is interested in learning more about a specific legislative initiative or in taking active part in it; a person who is directly affected by the process itself or by the content of the legislation; civic organizations (associations and foundations), economic chambers, trade unions, businesses, institutions and other types of legal entities.

*State administration authorities:* the term includes ministries and other state administration authorities, which, within their scope of work, are capable of drafting or proposing/enacting legislation. For the purposes of this Manual, this term will mainly refer to ministries.

## ***Scope***

The Manual refers to the law drafting process at the level of the Government and state administration authorities in the Republic of Macedonia. In addition, the Manual briefly discusses the processes at the level of the Parliament of the Republic of Macedonia; however, the recommendations do not relate to that process. Furthermore, it provides a short review of European countries' and European Union's standards and practices.

Any recommendation included in this Manual may equally apply to other types of legislation (secondary legislation and other regulations).

## ***Methodology***

The Manual was prepared based on the findings, conclusions and recommendations of the comparative review and the assessment of the legislation and practices in the Republic of Macedonia. Materials that provided the basis for the review and the assessment were used during the preparation of the Manual (records of interviews with ministry representatives, questionnaires filled in by civic organizations, comparative and domestic regulations, research etc.). The Manual was reviewed by a focus group, which gave its opinion and a contribution towards improving the situation and finding the most appropriate solutions and recommendations given the situation in the Republic of Macedonia.

This publication is part of the project entitled *"Transparency and public participation in the legislative process",* implemented by the OSCE Spillover Monitoring Mission to Skopje and the Macedonian Center for International Cooperation (MCIC). The Manual was written by Ms.Emina Nuredinoska from MCIC and Ms. Katerina Hadji-Miceva Evans from the European Center for Not-for-Profit Law (ECNL) in Budapest.

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# II. CONCEPTS THAT REFER TO PARTICIPATION IN THE DECISION-MAKING PROCESS

"Tell me and I will forget, show me and I will remember, involve me and I will understand."
An old Chinese proverb

The most widespread perception and use of civic participation in government practice is the representative democracy, which implies governance based on elected individuals who represent and protect citizens' interests. However, traditional representative democracy tends to limit civic participation to elections only, which is when the offices of the politicians who govern, i.e. create policies during predetermined terms of office are verified. The crisis of representative democracy has been emphasized during the last three decades all around the world, so one has been looking for other possible alternatives, such as: anticipatory democracy; consensual democracy; consultative (deliberative) democracy; participatory democracy etc.

All types of democracy, i.e. governance by the citizens, have been taken into consideration during the preparation of this Manual; however, it was decided to place the emphasis on participatory democracy, which provides for inclusion of the general public in policy making in the best of ways. Namely, this Manual covers initiatives that citizens/civic organizations may use through their involvement in the existing forms and models of policy making at the levels of Government and state administration authorities. In fact, the Manual does not analyze any of the indirect forms such as referendums or direct civic initiatives; instead, it analyzes the creation of opportunities for participation in governance through wide participation by constituents in the formulation and implementation of the political system at various levels: information about the process, consultations on the process with various stakeholders and dialogue (active participation) between all stakeholders.

## *Benefits of open and participatory processes*

Participation in the decision-making process provides all stakeholders with an opportunity to influence the development of policies and laws that are important to them. The European Union institutions, the Council of Europe and national governments are increasingly realizing the importance of engaging the public in these processes. Therefore, the principles and ways of ensuring a more active public participation in the decision-making process are prescribed in laws, rulebooks, codes of conducts and other documents.

BENEFITS OF OPEN AND PARTICIPATORY PROCESSES:

- Creating fair legislation that reflects real needs, enriched with additional experience and expertise;
- Facilitating inter-sectorial dialogue and achieving well-balanced positions and opinions:
- Adopting more advanced and more realistic solutions;
- Enacting sustainable laws that will not need frequent changes;
- Ensuring legality of all proposed regulations and harmony between them;
- Strengthening the partnership, ownership and accountability during the implementation of the laws;
- Reducing the overall costs since parties can participate with their own funds;
- Strengthening of democracy – preventing conflicts between various groups and between the public and the Government, and increasing the public confidence in state administration authorities.

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## *Participation values and principles*

When it comes to regulating the consultative procedure, the European institutions and organizations have stressed several principles that guide the process. Some of these include:

- commitment;
- recognition of rights and responsibilities;
- accessibility and clarity of information;
- continuity (ongoing);
- adequate structure (coordination);
- publicity;
- transparency;
- openness and review;
- objectivity and equal treatment;
- resources;
- sufficient time;
- accountability for the process and results;
- validation and feedback;
- evaluation etc.

EXAMPLE

The International Association for Public Participation indicates the following as **Core Values for the Practice of Public Participation**:

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

## *Participation levels*

Participation means continuity of the joint action between state administration authorities and the public, which consists of providing information and listening on the one hand, and implementation of jointly agreed solutions on the other hand, with dialogue, debate and analysis between the two.

Public participation is required in all stages of the process (preparation, draft law, enactment, implementation,

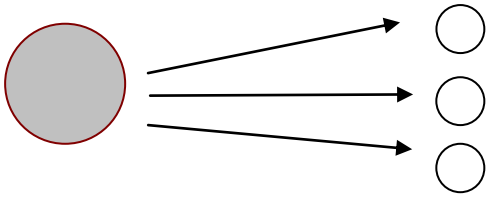
***It is important to understand the various stages and levels of participation within the intention to regulate it, or to design models. The nature of the various levels and the relationships they emanate, requires a consideration of appropriate models that are characteristic for the specific level and relations, in order to provide for an effective participation.***

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evaluation) so as to ensure better quality laws.

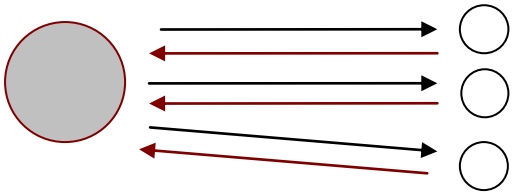
There are various stages in the law making process, and the intensity and form of participation differs depending on the specific stage and process. The following participation levels are recognized by the international documents and special regulations in various countries: (1) access to information, (2) consultations, and (3) active engagement through dialogue and partnership.

(1) Access to information:



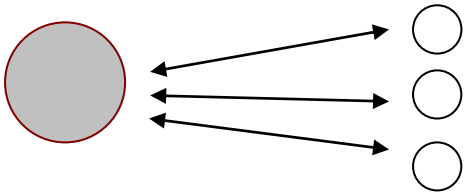
This is a basic principle that provides the basis for the entire process, at equal footing with the right of the public to be informed. State administration authorities inform the public about their plans and legislation at the beginning of the process and should not apply any measure that would prevent the public from receiving information that is of key importance for the process. There is no need for an intensive mutual interaction between the state administration authority and the public.

(2) Consultations:



The state administration authority invites all interested parties to provide their opinions, comments, positions and feedback about a specific document. Although the authority may define the issues that are going to be the subject of the consultative process, it should enable the public to express its opinion on other issues as well. Consultations are to be organized with a broad group of participants. Such participation is based on reaction – the public is involved because the authorities have requested so. However, any interested parties and stakeholders may request to be consulted. They are supposed to remind the authorities of the need for them to be asked to give comments on any legislation that affects them.

(3) Active engagement (participation):



This level implies cooperation and joint assumption of responsibilities in all the stages of the decision-making process. This is the highest level or form of participation. It can be described as a situation where representatives of the public sit together at the same table with the state administration authorities. Both parties may raise an initiative. There has to be an agreement regarding the common goals of the process. Any of the involved parties should be provided with an opportunity to maintain their independence and to support and stand for solutions and documents they would like to see enacted.

All these levels are supported by the principle of open dialogue as a precondition for partnership and cooperation. Dialogue is the basic form of cooperation that is held on a specific issue of interest, and should lead to results that are acceptable to all.

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# III. LEGAL FRAMEWORK FOR PARTICIPATION IN THE LEGISLATIVE PROCESS

*In order to make sure that the essential contribution by civic organizations is transposed into the political decision-making process without any discrimination, one needs a supportive environment. Such a supportive environment would imply rule of law, adherence to the basic democratic principles, political will, enabling legislation, clear procedures, long- term support and resources for a sustainable civic society and a common space for dialogue and cooperation. These requirements provide for a constructive relationship between civic organizations and public authorities, built on reciprocal trust and common understanding of the participatory democracy.*
*(Council of Europe, Code of Good Practices)*

## 1. Legislation at the levels of the European Union and the Council of Europe

The importance of public participation in policy making and law making has been realized at both global and European Union levels. Intergovernmental organizations have issued several documents with a view to strengthening stakeholder participation.

***What are the important documents at the European Union level?***

- The Treaty of Lisbon;
- European Commission, 'European Governance – A white paper', 2001; (EC);
- 2002 Communication from the Commission - Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission;
- European Parliament Resolution of 2009 on the perspectives for developing civil dialogue under the Treaty of Lisbon.

***What are the important documents at the Council of Europe level?***

- Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organizations in Europe;
- Additional rationale to the Recommendation CM/Rec (2007)14 of the Committee of Ministers to member states on the legal status of non-governmental organizations in Europe;
- Recommendation CM/Rec (2010) 5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity;
- Code of Good Practice for civil participation in the decision-making process, 2009;
- Council of Ministers' Declaration on the Code of Good Practice for civil participation in the decision-making process, 2009.

***What do these documents regulate?***

These documents mainly regulate the public participation in the decision-making process with the institutions of the European Union, and they do not impose any obligatory rules on member states. However, some of them underline the expectations for member states to follow those rules and adopt similar standards within their legal systems. The recommendations of the Council of Europe underline the importance of participation and point to the main standards and instruments that can be used so as to promote this process at national level.

***How is this issue regulated in the European countries?***

In order to strengthen and guarantee the opportunity for interested parties to participate actively in the legislative process, there is a tendency in the European Countries to regulate this

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issue by laws, codes of conduct and guidelines specifically dealing with this area. However, issues related to participation are not always regulated at one place, and may be found in different documents; still, they have to be consistent, and the documents adopted at national level need to reflect either already existing practices or ones that set higher standards. Regardless of the type of document, it is very important to adopt appropriate measures (monitoring mechanisms) that will provide for its implementation and consistent application in practice.

***What are the basic standards and good practices?***

Various standards are used in different countries depending on the political and socio-cultural context in a given country. Therefore, all documents, standards, principles and best practices have to be taken into account as part of any initiative at national level. The use of any special methods would depend on the point of time when the interested parties got involved in the preparation of the legislation, in accordance with the three levels – information, consultation or active participation (*see previous text in part II*).

| Question | Minimum standard / good practice |
|---|---|
| When to inform and involve the public? | From the very beginning – from the moment of planning to the preparation of the draft documents and during the implementation process. |
| Is the inclusion of the public always necessary? | Yes, the public should be involved in the adoption of all types of legal documents (laws, secondary legislation, plans, strategies, international agreements, etc.). |
| Can there be any exceptions? | Yes, but they have to be provided for explicitly.<br><br>Most often, those would be instances of emergency situations; extraordinary circumstances (endangerment of human rights, fundamental freedoms, security, economic damage, foreseeable or unforeseeable EU related obligations or obligations arising from international agreements); issues of special importance (defense, national security, financial matters, foreign affairs, nature conservation or protection of cultural heritage); when there is special interest for the law to be adopted urgently. |
| What are the entities that are to be involved? | All interested parties: citizens, civic initiatives, associations, foundations, economic chambers, businesses, institutions, domestic and foreign experts, religious communities (sometimes) and others. |
| What factors are to be taken into account when deciding who is to be involved? | The contents of the legislation and the entities it pertains to, the needs for specific knowledge and expertise, prior consultations, the need to include informal interests, the need to involve various groups (large and small organizations, the general public, religious institutions and communities / groups, people with special needs, elderly people, minorities, unemployed individuals) etc. |
| Which working version of the legislation should be available? | The working version produced during the initial stages of the process, i.e. during the stage where there are still sufficient possibilities for change, and before the alignment thereof with the other stakeholders on the part of the State (other state administration authorities). |

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| | |
|---|---|
| | If it cannot be published, it is recommended to provide a brief overview of the issues that are to be regulated with the legislation. |
| What would be the optimal time for consultations? | 15-30 days for consultations in a written form.<br>10 working days notification about working meetings to be held.<br>Longer deadlines would be recommended if the process allowed that. If they are to be shortened, a minimum time for consultations has to be provided for. |
| What are the factors that would determine the time required? | Different timeframes might be needed for different instruments, and the timeframe has to correspond to the type of legal document, its size, the issues raised and the available expertise on those issues, any previous consultations held on that topic, number of people and organizations affected by it, whether it introduces new substance that was never regulated before etc. |
| How is feedback ensured? | State administration authorities should prepare a short review of all responses and activities undertaken in relation to those in a report, following each and every consultation. This report has to be publicly available.<br>Any law proposal submitted to the Government and the Parliament has to be accompanied by a summary report of all consultations with an overview of all provisions that were not accepted and an explanation of the reasons for that. |
| Is it necessary to evaluate the process? | One should carry out an evaluation of the public participation at the end of the process in order to assist the following: improving such processes in the future; sharing experiences; elimination of any identified obstacles; and taking note of the creative models and instruments used. The evaluation has to be made in cooperation with anyone who took part in the process. If possible, it would be useful to carry out the evaluation during the process itself in order to identify any possibilities for improvement. The results are to be summarized in a report, which has to be made available to the public. |
| What if the measures and the process are not observed? | It is necessary to introduce measures or mechanisms in cases where the state administration authority has failed to observe the prescribed rules for the implementation of the process: for instance, the Council of Ministers in Bosnia and Herzegovina may return a law proposal to the responsible institution that prepared it in order for them to abide by the consultation rules; in Romania, for instance, an administrative procedure may be initiated against the responsible government official who prevented any interested party from participating in the consultative process. |

## 2. Summary overview of the legal framework for public participation in the decision-making process in the Republic of Macedonia

***Constitutional guarantees***

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The importance of citizens' participation in the decision-making processes has been recognized and established by means of the highest legal act – the Constitution of the Republic of Macedonia, according to which, citizens practice governance through their democratically elected representatives, through a referendum or other types of direct expression of their choice.

Article 20 of the Constitution is of major importance for the civic sector since it guarantees the freedom of association, which may be exercised through civil organizations or political parties. In addition, the free expression of citizens' positions and opinions is further supported by their right to assemble peacefully and to express public protest without prior announcement or a special license.

### *Who may raise an initiative to enact a law and how?*

Initiative to enact a law may be raised with the authorized proposal-givers by any citizen, group of citizens, institutions or associations and foundations, while the right to propose an enactment of a new law is vested in every Member of Parliament, the Government of the Republic of Macedonia and at least 10,000 voters.

***The civic sector can initiate new laws by utilizing three different possibilities as determined by the Constitution: through a Member of Parliament, through the Government or through an initiative signed by at least 10,000 voters.***

Besides these indirect modes for expressing the opinion of the citizens, the Constitution also provides for a *referendum*. The referendum, as a possibility to express an opinion regarding a specific law, is used when such a proposal is supported by at least 150,000 voters. Any decision reached by means of a referendum is mandatory.

In practice, the need for enactment of the majority of policies and legislation originates from the Program of the Government and especially from the European integration process.

### *Legal framework*

The legal framework regulating the system for planning and policy making, thus regulating the ways of including the citizens in the initiation and preparation of those policies and legislation, comprises the following:

- Law on the Government of the Republic of Macedonia;
- Law on the Budgets;
- Law on the Organization and Work of State Administration Bodies;
- Rules of Procedure of the Government of the Republic of Macedonia;
- Methodology for Strategic Planning and for Preparation of the Annual Work Program of the Government of the Republic of Macedonia;
- Methodology for Policy and Coordination Analysis; and
- Regulatory Impact Assessment Methodology.

### *What is the process of establishing strategic priorities?*

The establishment of strategic priorities of the Government is often considered as the beginning of the policy making process, thereby of the law making process. According to the **Methodology for Strategic Planning** and preparation of the Annual Work Program of the Government of the Republic of Macedonia, the strategic planning cycle is as follows:

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| ACTIVITY | TIMEFRAME | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
| Defining the strategic priorities of the Government | | | | | | | | | | | | |
| Determining a fiscal strategy | | | | | | | | | | | | |
| Preparing strategic plans | | | | | | | | | | | | |
| Dissemination of a budget circulatory letter and drafting of budget estimates by state administration authorities | | | | | | | | | | | | |
| Delivering draft strategic plans to the MF and GS | | | | | | | | | | | | |
| Preparing the Annual Work Program of the Government | | | | | | | | | | | | |
| Development of a Draft Budget of the RM by the Government | | | | | | | | | | | | |
| Adopting the Budget of the RM and alignment of the strategic plans of the administration authorities | | | | | | | | | | | | |
| Monitoring of the Annual Work Program of the Government | | | | | | | | | | | | |
| Monitoring of strategic priorities implementation | | | | | | | | | | | | |

Notwithstanding that the strategic planning process is primarily a duty of the Government and state administration authorities, they have to cooperate with the social partners, other social groups and civic organizations, which, in certain situations, may be very relevant for the preparation of such processes. Any civic organizations that want to be proactive and involved in these processes have to be familiar with the strategic planning cycle and deadlines.

## 3. Challenges with the inclusion of various stakeholders

Quite often, the inclusion of and providing information to legislative process stakeholders has its challenges. One may encounter certain obstacles during these processes, which may render the process more difficult or less transparent.

***When drafting rules and principles on the participation of various stakeholders in the legislative process, it is important to take into account not just the benefits and opportunities, but also to anticipate all challenges so as to adopt appropriate mechanisms to avoid them or find a solution.***

The standards established in the documents adopted at the EU level and in other countries are aimed at mitigating the effects of those obstacles and at achieving continuous development of the legislative process efficiency including an appropriate public participation.

The most common challenges are as follows:

*Absence of legal framework and clear standards*

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Due to this deficiency, state administration authorities do not always have the necessary knowledge on how to conduct a transparent legislative process and on the standards that are to be followed. The participation of civic organizations depends on the authority itself or on its employees; consequently, there is no systematic inclusion of all interested parties and stakeholders.

Therefore, it is recommended to:

- Introduce clear principles, rules and standards that will give directions to the state administration authorities, as well as guarantees to all other stakeholders that they will be involved in the process;
- Adopt documents of mandatory nature so as to ensure their certain implementation.

*Inconsistent implementation of the standards*

Where participation standards and appropriate framework do exist, the challenge is how to implement them. The most common challenges include: lack of sufficient funding (the process requires funding); lack of knowledge of the actual standards; absence of skills required for implementing the standards etc.

Therefore, it is recommended to:

- Plan for the necessary human and financial resources required for the implementation of a participatory process during the legislative stage. This will enable state administration authorities to provide for these resources in their budgets or seek financial support from donors or organizations that would participate in the process;
- Ensure compatibility and successiveness between the Government's annual planning process (preparation of strategic plans) and the budgetary planning;
- Organize promotional and educational sessions for the employees of state administration authorities aimed at explaining the process better and assisting in its implementation;
- Publication of manuals, guidelines, forms and other materials that would facilitate the implementation of the standards.

*Insufficiently informed and interested public and civic organizations*

Civic organizations and the public are often not informed about the opportunities they have to participate in the process, or about the existing models and possible ways of their participation. In addition, civic organizations do not always have the required expertise or sufficient capacity to offer an effective and useful contribution. However, it should be clear that one cannot expect for all organizations to have great law-making knowledge. They should be able to explain and convey the problems in a clear and precise manner, whereas the ministries should utilize the organizations' familiarity with the problem as well as their expertise in correlation with the substance / content of the proposed legislation.

Therefore, it is recommended to:

- Publish the opportunities and methods of participation through the media;
- Organize educational and promotional events so as to highlight the opportunities and models and to build the capacity of civic organizations on the possible ways of participation and contribution in the process;

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- Create mechanisms within civic organizations for the purposes of better informing, cooperating with and supporting of certain stakeholders in the legislative process.

*Insufficient political support*

Sometimes, even when there are clearly defined standards, there might be lack of support or interest in state administrative authorities or in the Government to inform the public and involve all interested parties in the process. There might be several reasons for that. For instance, the Government might be under pressure due to some deadlines relative to the adoption of a specific law or obligations related to the process of accession to the European Union.

Therefore, it is recommended:

- To publish the Annual Work Program of the Government in due time, on its website, so as to inform the public better, and for the interested parties to be able to contact the responsible authorities, to monitor their activities, to inform them accordingly whenever they are capable of contributing to the legislative process (by way of expertise or funding) and to engage themselves on time to participate in the process;
- Undertake activities that will continuously highlight the significance of public participation in the legislative process, emphasize the benefits of such an approach and indicate the positive effects of the laws that have been enacted through a transparent process.

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# IV. STAGES AND ISSUES IN THE LAW DRAFTING PROCESS

Bearing in mind the overall set-up of the political system and the division of power in the Republic of Macedonia (that falls under the so-called Westminster division of power, which is predominant in the majority of European countries), the Government has the primary and decisive role in the process of proposing and drafting legislation, as well as in adopting other public policy instruments. More than 95% of all legislation during 2002-2006 and 2006-2008 were passed in the Parliament on proposal by the Government. Therefore, it is extremely important to be familiar with the process of drafting legislation within Government, i.e. state administration authorities.

## 1. What are the basic opportunities for public participation in the legislative process?

*The Government,* through its ministries, establishes the policy of implementation of laws adopted by the Parliament and performs the monitoring thereof.

*The General Secretariat* within the Government is a body through which civic organizations can communicate with the Government and give their contribution in the policy making process.

According to the **Law on the Organization and Work of State Administration Bodies**, ***state administration bodies, when drafting laws and other regulations falling under their competence, have the obligation to provide for consultation with the citizens*** through:

> ***"Upon invitation by the President of the Government, and for the purposes of participation in debate and providing opinions and suggestions on issues for which they have been invited to attend a Government session, without a decision making right, participation is possible for....public enterprises, associations, foundations, institutions and other legal entities"***
> ***(Article 22, Law on the Government of the Republic of Macedonia)***

- Publishing the type, content and deadlines for enacting laws and other regulations;
- Organizing public debates; and
- Obtaining opinions from all interested associations and other legal entities etc.

***The 2008 amendments to the Rules of Procedure of the Government*** of the Republic of Macedonia introduced the mechanism of regulatory impact assessment and transparency in the law making process, by publishing the proposed legislation on the website of the competent ministry and in the Single National Electronic Legislation Registry.

**Article 68-a of the Rules of Procedure of the Government**

The competent ministry shall publish any proposed legislation:
- on the website of the corresponding ministry;
- in the Single Electronic Legislation Registry.

Any interested party may submit to the Single Electronic Legislation Registry the following:
- opinions;
- comments;
- suggestions regarding any published bills.

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The deadline for submission of any opinions, comments and suggestions is 10 days from the publishing of the bill.

Pursuant to the Rules of Procedure, competent ministries are obliged to:

- produce reports on the received opinions, thus providing the reasons for the rejection of the comments or suggestions; and
- publish those reports on the website of the respective ministry and in the Single Electronic Legislation Registry.

## 2. What are the various policy and law drafting stages?

The various policy and law drafting stages are prescribed in more detail in two methodologies adopted by the Government of the Republic of Macedonia: **the Methodology for Policy Analysis and Coordination and the Regulatory Impact Assessment Methodology.**

The various stages provided for in these two methodologies are shown in the table below:

| Public Policy Cycle (pursuant to the Methodology for Policy Analysis and Coordination) | Regulatory Impact Assessment stages (pursuant to the Regulatory Impact Assessment Methodology) |
|---|---|
| Preparing policy proposals and proposals for policy implementation instruments | Planning |
| Consultations between ministries and other state administration authorities before delivering the materials to the General Secretariat | Realization |
| Review of the materials and legal acts by the General College | Monitoring |
| Review of the materials and legal acts by the working bodies of the Government | |
| Review of the materials and legal acts at a Government session | |
| Monitoring policy implementation | Monitoring and improvement |

***Opportunities for participation of civic organizations according to the Methodology for Policy Analysis and Coordination***

According to the Methodology for Policy Analysis and Coordination, there are numerous possibilities for constructive involvement of various associations in the law making and policy making processes.

In particular, this Methodology recognizes the need for consultations and coordination with state authorities above all. However, the need for collecting relevant information, opinions and ideas from state authorities involves indirectly the civic organizations as well.

Within this Methodology, the possibility for involvement of civic organizations is

***The Transparency principle***
***When drafting their legal acts and policies, the ministries and other state administration authorities are obliged to conduct transparent consultations with the competent and interested ministries and other state administration authorities, local self-government units, interested associations and other entities, as well as with experts.***

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especially strong during the stage of drafting policy proposals and proposals for policy implementation instruments by state administration authorities, as well as during the stage of monitoring of policy implementation.

### 3. What is the benefit of the regulatory impact assessment in law drafting?

Since the purpose of the Regulatory Impact Assessment Methodology is to define the regulatory impact assessment process during the legislative process in the Republic of Macedonia, the possible benefits from this process are as follows:

- Entirety and thoroughness of the analysis of the real impact of the legislation;
- Transparency and consultations, both "internally" (amongst the ministries) and "externally" (with all other interested parties).

It is the second benefit that is important for this Manual and therefore, the public participation, and above all the participation of the civil sector in the legislative process, will be presented through the various stages of the regulatory impact assessment.

Namely, the Methodology provides for an obligation to involve any interested parties from the very beginning of the legislative process, i.e. from the very adoption of the Annual Work Program of the Government of the Republic of Macedonia.

Techniques for stakeholder participation in accordance with the Regulatory Impact Assessment Methodology:

- Electronic consultations: information, collecting opinions and suggestions;
- Focus group discussions;
- Public debates;
- Workshops.

All information regarding the legislative process, as well as specific bills will be made available through the Single Electronic Legislation Registry.

## Stage - PLAN

***Role of the Government***

During this stage, the majority of the activities is performed by the Government and other state administration authorities. In fact, the ministries are the institutions responsible for the preparation of the Plan for implementation of the regulatory impact assessment.

***A regulatory impact assessment plan is prepared for every piece of legislation provided for in the Annual Work Plan of the Government, except for those that are adopted under a summary procedure.***

Pursuant to the legal framework, the ministries identify the laws that require regulatory impact assessment, as well as the actual type of assessment (initial or full). This type of planning is done in parallel to the adoption of the Annual Work Program of the Government of the Republic of Macedonia.

During this particular stage, the respective ministry has to provide answers to *two groups of questions*:

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1. What are the problems that are to be resolved with the legislation? What are the goals that are to be achieved? What are the stakeholders that are to be involved in the consultative process?
2. What is the available data and information? What additional data and information is required? Is there a need for an inter-ministerial working group and what should be the composition thereof?

The answers to all of the above questions are to be found in **Part 1 of the Plan for the implementation of a regulatory impact assessment** and published on the website of the Single National Electronic Legislation Registry (SNELR), thus making them **publicly available for the citizens and civic organizations.**

The second part of the planning stage covers other details such as the following:

- Establishing the commencement of the regulatory impact assessment;
- Duration of the engagement of external consultants (if envisaged);
- Time frame for the submission of the proposed legislation to the General Secretariat of the Government.

This **information is intended for internal use by the Government** of the Republic of Macedonia and is not published in the Single National Electronic Legislation Registry.

***Role of the civic sector***

In accordance with the methodology, it is deemed that the publishing of Part 1 of the Plan for implementation of the regulatory impact assessment in the Single National Electronic Legislation Registry provides for appropriate informing of all interested parties and for their inclusion in the process.

***The role of civic organizations during this stage involves their proactive participation and regular demands to the ministries for timely and comprehensive provision of the information provided for in Part 1 in SNELR.***

Regardless of the publication in the Single National Electronic Legislation Registry, all civic organizations should be aware of the fact that the Draft Annual Work Program of the Government, which contains all priorities, is prepared during October-November for the following year. Most often, the Program for the current year is adopted in January and is accessible on the website of the Government of the Republic of Macedonia. Undoubtedly, all organizations the goal of which is to influence policy making and that want to participate in the law making process must make use of all available possibilities to be informed in a timely manner.

For instance, under the strategic goal of integration into NATO and the European Union in the Annual Work Program of the Government for 2010, the planning also provided for the following, inter alia, as one of the high priorities for the month of January:

| **2. Draft Law on Associations and Foundations** | |
|---|---|
| | |
| **Rationale for the initiative:**<br><br>Harmonization of individual provisions in this Law with the provisions and standards of the | **Expected effects:**<br><br>Improved provisions in relation to civic associations and foundations |

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| | |
|---|---|
| European Union member states regarding the civil sector and foundations; Harmonization of the Macedonian legislation with the European Union Acquis. | |
| **Fiscal implications:** none | **Propoosed by:** ***Ministry of Justice*** |

However, one has to bear in mind that the deadlines defined in the Program are not always observed.

***Minimum standards required to ensure effective participation (according to the best European practices)***

Since this is an initial stage during which the Republic of Macedonia chose the model of informing the general public through the Internet and by securing availability of information in a central electronic registry of legislation, similarly like in Finland, Estonia, Great Britain etc., it may be considered that the minimum standards have been fulfilled.

***Recommendations about improved standards and practices and proposed tools and methods of participation***

Bearing in mind that Internet in the Republic of Macedonia is not yet the major medium through which citizens are informed, it is probably good to use some of the models that are used in other countries, also in this first stage of planning of the regulatory impact assessment, i.e. drafting of legislation.. For instance, one may use the approach of appointing coordinators / participation facilitators.

> Namely, some of the countries suggest appointing specific civil servants in each and every governmental body to be responsible for coordination and monitoring of the consultative process, ensuring compatibility and harmonized application of a particular law or code of conduct (for example, Austria, Bosnia and Herzegovina, Croatia, Estonia, Republic of Srpska, United Kingdom).

According to the Regulatory Impact Assessment Methodology, the implementation of the methodology requires every ministry in the Republic of Macedonia to establish a ***team for coordination of the regulatory impact assessment process,*** **which is** composed of two officials. In addition, as part of the inter-institutional cooperation and pursuant to the Government's Strategy on cooperation with the civil sector, each ministry has nominated one civil servant as responsible for cooperation with civic organizations, as part of the network for cooperation with the Unit for Cooperation with NGOs under the General Secretariat of the Government. It is these civil servants that may be primarily responsible both for the consultation process and for informing the public on all bills that are being drafted.

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EXAMPLE
In Estonia, each ministry appoints officials, whose direct competences include - participation and involvement of the public in the decision-making process. These are the individuals who monitor the implementation of the Code of good practice of participation in their ministries and - assist all civil servants and non-profit organizations on participation related issues. The names of those liaison officers are available on the common consultations website. The participation coordinator is supposed to advise stakeholders, analyze the process and produce a short overview of the results achieved.

## Stage - REALIZATION

***Role of the Government***

This stage comprises the most complex activities of the regulatory impact assessment process to be performed by each of the ministries during the preparation of draft legislation. This stage includes consultations between the ministries and other state administration authorities, as well as public consultations with all interested parties.

***This stage requires the involvement of: ministries, General Secretariat, interested parties and external experts. The activities during this particular stage are supposed to prove that all possible effects have been taken into consideration during the drafting of the law proposals, and that - consultations with the interested parties have been performed in a transparent manner.***

Depending on the importance of the economic and social effects or the effects that the proposal might have on the environment, as well as on the financial means necessary for the implementation of the law, one has to perform either an **initial** or a **full regulatory impact assessment**. In both cases, the consecutive steps are the same; however, there is a difference in terms of the time required for research and data collection, the level of detail of the analysis and the resources to be mobilized by the specific ministry.

An initial or full regulatory impact assessment is to be done for every law proposal, except for those that are to be enacted pursuant to the - urgent procedure.

The initial regulatory impact assessment includes procedures that are compatible with the criteria of the Organization for Economic Cooperation and Development (OECD) for designing better legislation, and those are as follows:

- *Description of the problems, goals that are to be achieved and options for resolving the problems.* It is at the stage when problems are defined that the ministries should consult all stakeholders and collect information and data necessary for clearly defining the problem;
- *Identification of the costs, benefits and effects;*
- *Consultations.* Consultations are compulsory during the initial assessment. The drafters of the proposed legislation ought to involve in a transparent manner all stakeholders (both internal and external) in the preparation of the initial regulatory impact assessment and in the drafting of the bills.

The goal of the full regulatory impact assessment is as follows:

- To obtain a detailed analysis of the potential impact of the new legislation;

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- To provide for maximum transparency and consultation with the stakeholders;
- To provide, through consultations, for a broader scrutiny of the political and ethical aspects related to the introduction and implementation of the newly proposed legislation.

During the preparation of the full regulatory impact assessment, ministries, amongst other, can request details from the General Secretariat on the actual scope of the necessary consultations.

Any information contained in the initial and full regulatory impact assessment should be published in the SNELR.

***Civic organizations should have a more active and a proactive role during this stage, and should help with the involvement of as many stakeholders as possible.***

***Role of the civil sector***

Most often, state administration authorities have the task of informing interested parties about the law making process and new bills and about their participation. Civic organizations and their networks have to act proactively and be more active during this stage – especially through participation in working groups at various ministries, but also at the consultative level - when they are able to provide comments on behalf of the groups they represent.

The responsibility that civic organizations have before the groups they represent is important, since the public has to be made familiar with the issues at stake. In addition, some of the organizations represent certain interests that have an effect on a larger group of people (e.g. minorities, women); consequently, they can help with informing those groups about bills and sometimes even facilitate their participation in the process (for example, by providing assistance to them during the preparation of their comments).

**Role of the stakeholders**

The European Commission's general principles and minimum standards for consultation of stakeholders provide that "*stakeholders must operate in an environment that is transparent, so that the public is aware of the parties involved in the consultation processes and how they behave. Openness and accountability are thus important principles for the conduct of organizations when they are seeking to contribute to EU policy development. The following must be clear: which interests they represent and how inclusive that representation is.*"

The *Agreement for the relationship between Government and the third sector in England* lists the specific obligations that are to be met by civic organizations. Civic organizations are supposed to involve the stakeholders (beneficiaries, members, volunteers) especially in preparing responses to the consultations, and are to provide feedback on everything delivered to the Government and on the results achieved. Civic organizations have to indicate clearly whose positions they represent and the grounds on which they had based their comments. They should promote consultations amongst other organizations and respect the requirement of confidentiality.

***Minimum standards required to provide for an effective participation (pursuant to best European practices)***

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The consultation process, as one of the most important segments at this stage of the law making process, is defined by the Rules of Procedure of the Government, by the Methodology for Policy Analysis and Coordination (the transparency principle), and by the Regulatory Impact Assessment methodology.

As already mentioned above, the ministries are obliged:

- to publish the bill on their website and in the Single National Electronic Legislation Registry;
- if at least one fifth of the provisions of the law is being changed, to publish the text of the law where the proposed changes are integrated;
- to provide for a 10 days period for collecting comments and opinions from the public;
- to prepare a report on the opinions received wherein they would list the reasons for rejecting comments or suggestions, and publish them on the website of the respective ministry and in the Single National Electronic Legislation Registry.

In accordance with the Regulatory Impact Assessment Methodology, the ministries have at their disposal other techniques for consulting stakeholders, such as: **focus group discussions, public debates and workshops.**

***Recommendations about improved standards and practices and proposed participation tools and methods***

Such prescribed rules (as discussed in the previous part) provide for the minimum standards on public participation to be met. However, certain changes are to be made with regard to deadlines and the consistent application of the rules.

As an example (model), one may use the rules that are provided for in the Code of good practice on consultation and policy appraisal, which is an integral part of the *Compact on Relations between Government and the Voluntary and Community Sector.*

**Code of good practice on consultation and policy appraisal (England): CONSULTATION CRITERIA**

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy. It is always useful to start consultations at the earliest stage so as to ensure maximum effect.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible, with a **summary of the whole text** not longer than 2 pages.
4. Give feedback regarding the responses received and how the consultation process influenced the policy. It is recommended for the feedback to be provided within a period of 3 months following the completion of the consultation process.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Certainly, one should bear in mind the rules that are applied for more active cooperation and participation by organizations during the law drafting process, such as: working groups, coordination conferences etc.

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EXAMPLE
The organization of a coordination conference is discussed in the Austrian standards and it may be applied in the case of any (political and social) disputes. A chosen group of 10-20 interested parties (laymen) prepare an answer to the issue in cooperation with experts who support their own opinion. The chosen ones are being introduced to the issue. A three-day conference is then organized, during which the experts discuss all issues related to the subject matter, while the participants ask the experts questions and review the issue in more details. At the end, a report is produced, which will explain the reached consensus (positions, recommendations). Afterwards, this report is presented to the decision-makers (politicians). In addition, the media and the general public may also be present at the conference.

For certain laws in the Republic of Macedonia, there is a practice of involving representatives of civic organizations and experts at the level of active participation thereof, i.e. participation in working groups tasked with drafting laws, such as: the Law on Voluntary Work, the Law on Discrimination Prevention and Protection, the Law on Associations and Foundations etc. One needs to apply this practice to every single law if possible and whenever there is an undoubted interest for participation by stakeholders.

In addition, one needs to find alternatives regarding the issue of insufficient Internet access faced by smaller and local civic organizations. Namely, the units of local self-government may undertake the role of "transmitters" of information regarding those law making initiatives that are of interest for the organizations and the local community.

## Stage – MONITORING and REVIEW

***Role of the Government***

Since the law proposal was already prepared during the previous stage and the consultations and coordination with other state administration authorities and stakeholders were completed, the proposal is delivered to the General Secretariat to be reviewed by the General College, various governmental committees and by the Government, at one of its sessions.

***Any bill should contain the following:***

- ***Title of the law;***
- ***Introduction (review of the situation and reasons for the enactment of the law, goals and principles, financial implications for the State Budget and an estimate of the funds required for the implementation of the law);***
- ***Text of the provisions of the law;***
- ***Rationale.***

Following an analysis of whether there was an appropriately conducted regulatory impact assessment process and appropriately drafted bill, the employees of the General Secretariat deliver the bill to be reviewed at a session by the General College (a body composed of state secretaries from the ministries, the Secretariat for European Affairs and the Secretariat for the Implementation of the Ohrid Framework Agreement, as well as the Secretary General of the Legislation Secretariat, managed by the Secretary General of the Government). After an opinion has been provided by the General College, the proposal is taken for review by the working bodies of the Government (the Political System Commission, the Commssion for Economic System and Running Economic Policy and the Commission for Human Resources and Sustainable Development). On the basis of the reports by the working bodies, the Government

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reviews and establishes the text of the draft law, which is then delivered to the Parliament of the Republic of Macedonia for enactment.

**The materials prepared by the ministries in relation to the proposals should contain the following:**

- A cover letter;
- Memorandum;
- Regulatory Impact Assessment (initial or full);
- Fiscal implications assessment form;
- Statement of compliance of the proposal with the EU legislation and corresponding table (for laws that transpose EU legislation);
- The text of the law;
- Secondary legislation thesis.

This is the stage within which one also needs to establish the mechanisms for periodical checks of the regulations and for evaluation of the extent to which the goals have been achieved, following the enactment of the regulation. The check is to be made by both the competent ministry and the General Secretariat. In doing so, one may, inter alia, analyze the process of consultation with the stakeholders.

The evaluation of the public participation processes may be helpful for the improvement of such processes in the future. In addition, the evaluation may be useful for sharing experiences, elimination of obstacles that have emerged and identification of creative models and instruments that have been used. Such an evaluation may also be conducted in cooperation with all parties that participated in the process.

### *Role of civic organizations*

As far as the monitoring of the consultation process is concerned, these organizations may conduct an independent assessment of the representativeness and quality of consultations. These organizations may evaluate the actions taken by the state administration authorities and their adherence to the minimum standards for information and consultation, but they can also evaluate the role of the civic organizations and the quality of input they provided during the law making process.

In addition, if they find it necessary (for example, if they were not sufficiently involved in the process), civic organizations may organize their own consultations with other stakeholders and deliver the conclusions from such consultations to the Government and the Parliament, to serve as grounds for proposing amendments.

Since the process of monitoring and review, according to the Regulatory Impact Assessment Methodology, also covers monitoring of the implementation of the laws following their adoption by the Parliament, civic organizations may also make a great contribution in this regard. Most often, in order for the implementation of a specific law to commence, one needs to adopt certain secondary legislation.

After the implementation of a law has started, organizations may also focus on the monitoring of its implementation by producing reports on the progress of the implementation process. Middle-term indicators may be established and agreed upon, as well as a timeframe for achieving them. Organizations

***The preparation of secondary legislation should be conducted similarly to the preparation of the laws; hence, the timely involvement of civic organizations is very important in this stage as well.***

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can then initiate changes and amendments to the laws, based on these reports.

Civic organizations can help inform the public about enacted legislation and all the issues regulated therewith, which, on the other hand, may contribute to a better implementation and application of the laws.

***Minimum standards required to provide for an effective participation (pursuant to best European practices)***

The Regulatory Impact Assessment Methodology provides that the General Secretariat may be consulted on the actual scope of consultation; however, it does not specifically provide for the manner in which one can check the consultative process and the level of participation by all stakeholders. On the other hand, pursuant to the Methodology for Policy Analysis and Coordination, by submitting the Memorandum as referred to in item 3, one is to specify the results of the consultations conducted with the ministries, other state administration authorities and organizations (civic organizations and other stakeholders). The comparative practice provides for even more detailed evaluations of the consultation process.

EXAMPLE:
The Austrian standards provide for several issues that need to be considered at the end of the participation process. The various aspects mentioned there include the following:

1. Documenting all policy measures, plans, programs or legal instruments that are already implemented and the ones that are to be implemented.
2. Documenting the experiences of the public participation process, so as to be able to review them and use them in future procedures.
3. In case of voluminous processes, an evaluation by an independent agency.
4. Availability of all documentation to the ones who might find it useful in the future.
5. Check whether the goals of the public participation process have been met.
6. Involvement of the public in monitoring and evaluation - for instance, through participation in a monitoring group.

***Recommendations about improved standards and practices and proposed participation tools and methods***

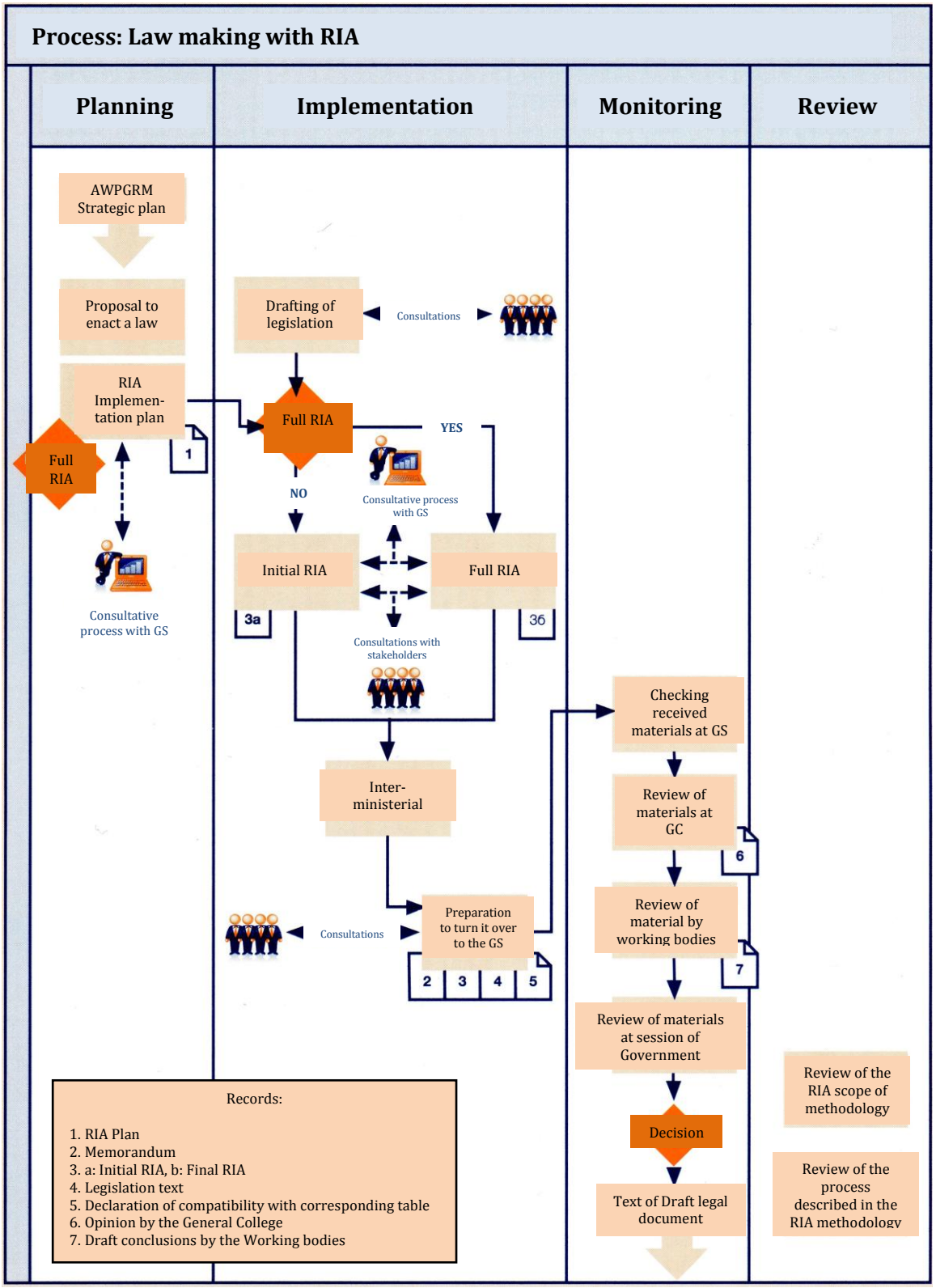
In order to improve the monitoring and evaluation of the public participation in the law making process, one may start by appropriately documenting the actual process. Namely, there are frequent situations where consultations have been held, but they have not been properly recorded and presented by state administration authorities. If the law making process included stakeholders and civic organizations and if public debates were organized, that should be noted in more details in the Memorandum (part 3), as well as in the regulatory impact assessment forms (initial and full) - in the consultations section. Certainly, more details on the process, which may be used in the future as sources for verification of the actual process, may be found in the records of the working groups, web-site information on public debates held, announcements in the media etc. The role of the Parliament of the Republic of Macedonia can be important during this stage as well, since, according to its competences, it may organize regulatory debates about specific issues. Any discussions in which members of Parliament and of other bodies within the Parliament participated, as well as any recommendations resulting from such discussions, have to be taken into account by the competent ministries during any analysis of the implementation of specific laws or when preparing to draft a new bill. For example, the Commission for Culture within the Parliament of the Republic of Macedonia organized in 2010 a regulatory debate on the Law on Donations and Sponsorships in the Public Activities Area. One part of the conclusions from this debate relates to requests to the Ministry

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of Justice, being the competent ministry for the implementation of the law, to take certain actions in order to improve the quality of the law.

The diagram shown bellow was taken from the Regulatory Impact Assessment Manual issued by the Government of the Republic of Macedonia (2009). It contains a review of the steps taken by the state administrative authorities during the regulatory impact assessment exercise, when bills are drafted. The same diagram also provides a review of the possible participation of any stakeholders and civic organizations.

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# V. PARTICIPATION AT THE LEVEL OF PARLIAMENT

## 1. Who can propose a law?

According to the Constitution of the Republic of Macedonia, an initiative for adoption of a new law may come from any citizen, group of citizens, institutions or associations; however, the only authorized movers of new legislation are the following:

- the Government;
- any Member of Parliament; and
- at least 10,000 voters.

## 2. Whom are law proposals submitted to?

Any law proposal is to be submitted to the Speaker of the Parliament. The Speaker is obliged forthwith, or within three working days from the submission date at the latest, to deliver the proposal to the MPs, in a hard copy or electronic format, thus marking the beginning of the law making procedure.

## 3. What is the course of the (regular) law making procedure?

The law making procedure takes place in three various stages (readings):

***During this stage, there is no detailed discussion of individual articles of bill and no submission of amendments.***

**The first reading** begins when at least 15 Members of Parliament, within seven days from the day of receiving the law proposal, file a motion for the Parliament to hold a general discussion. If such a motion is not filed, the second reading commences immediately. In the event that the first reading has taken place, the law proposal is reviewed by the relevant working body and by the Legislative Commission, before it is discussed at the plenary session of the Parliament.

Both commissions are obliged to produce a report including an opinion on the acceptability of the bill and whether one can proceed with further reading. Following the general discussion, the Parliament decides if the bill can proceed to the second reading. With regard to any bill that is of wide public interest, the Parliament may decide to hold a public debate on the law and publish it in some of the daily newspapers.

**The second reading** begins at the competent working body of the Parliament and at the Legislatiion Commission, within seven days from the plenary session held in the Parliament. The competent working body and the Legislation Commission discuss all provisions of the proposed law individually and submitted amendments, and vote on them. An amendment can be submitted by any Member of Parliament, parliamentary group or working body. Each amendment is discussed and voted on separately.

***At the second reading during the plenary session at the Parliament, discussion takes place only on the articles of the proposal that have been changed through amendments by the working bodies, and additional amendments may be submitted only in relation to those articles.***

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Within five days as of the completion of the discussion at the latest, the competent working body and the Legislation Commission - are obliged to produce a draft text of the law, which would incorporate all approved amendments (supplemented proposal) and a rationale, which are delivered to the Speaker of the Parliament so that they can be placed on the Parliament's plenary session agenda .

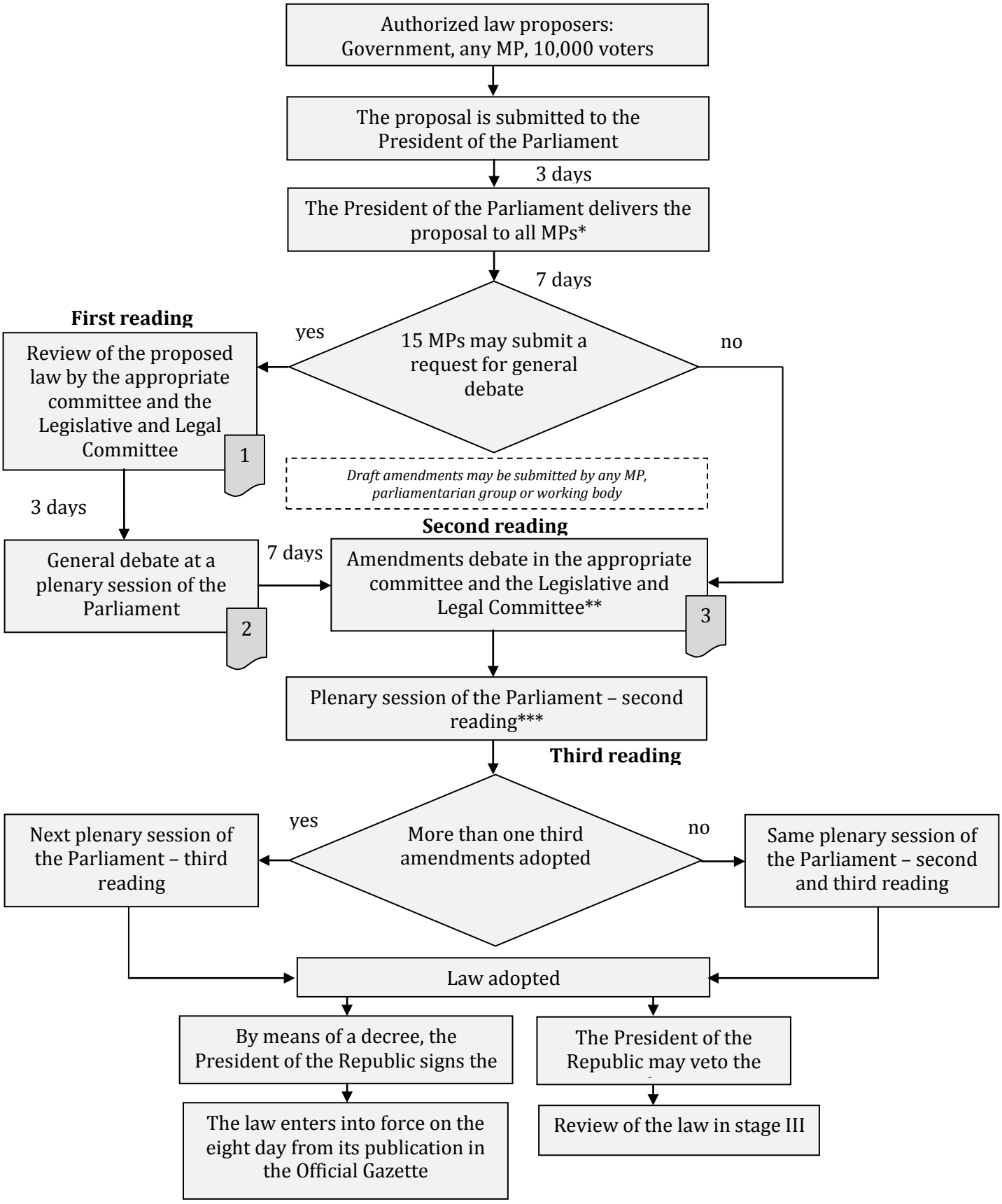
EXAMPLE:
As part of the process of enactment of the Law on Associations and Foundations, civic organizations were very active during the second reading of the bill. Namely, although two civic organizations participated in the work of the drafting group established by the Ministry of Justice, and this they did in a quite participatory manner (one of them was a representative of a network comprising around thirty organizations), there was still a need for amendment interventions in the bill when it was discussed at the Parliament. The organizations that were part of the working group, both separately and in cooperation with some other organizations, submitted amendments to more than thirty articles of the proposed law (which was around 1/3 of the total number of articles). The amendments were submitted to all parliamentary groups and all members of the Commission for Political System and Inter-Ethnic Relations (being the competent commission) and the Legislation Commission. The proposed amendments were reviewed by the MPs and filed by the ruling parties and the opposition as their own proposed amendments. One representative from a civic organization was also present during the discussions at the competent commission level, and gave additional contribution towards clarification of the required amendments. The law was enacted with around 30 amendments accepted, which was a great success for the civic organizations, but also a motive and encouragement for deeper cooperation with the Parliament and the parliamentary commissions during the law making procedure.

***During the third reading, it is possible to submit amendments only in relation to those articles for which amendments have been adopted during the second reading at the parliamentary session; amendments may be submitted by the mover or a Member of Parliament, within two working days at the latest before the date scheduled for the parliamentary session.***

If amendments were adopted in relation to less than one third of the articles of the amended bill during the second reading at the parliamentary session, the Parliament may decide that a **third reading** of the bill should take place at the same session. If amendments in relation to more than one third of the articles of the amended bill were adopted, the third reading, as a rule, takes place at the very next session following the second reading session. During this stage, no discussion takes place at working bodies level.

Diagram of the law making procedure that takes place in the Parliament is shown below:

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Explanation:
* If the Government is not the law mover, the bill is submitted to the Government for an opinion
** A debate takes place regarding all proposed amendments
*** A debate takes place only for the articles changed by means of amendments by the committees
Documents:

1. Reports by both commissions on their opinion regarding the acceptability of the proposal.
2. Decision if the bill has to go to a second reading.
3. Text of the draft law including any adopted amendments.

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## 4. When and how is the summary procedure used?

***Urgent procedure***

A law may be enacted through an urgent procedure, when it is necessary for the purpose of prevention and elimination of any major disturbances of the economy or when it is in the interests of national security and defense, or in the event of major natural disasters, epidemics or other extraordinary situations and emergencies. Time limitations specified in the Rules of Procedure of the Parliament are not applicable when a law is to be enacted through an urgent procedure. The Parliament may ask the competent working body and the Legislation Commission to provide their comments on the amendments submitted after their sessions have been held.

***No general discussion takes place when a bill is enacted through the urgent or summary procedure, while the second and third readings take place during the same session.***

***Summary procedure***

A law may be enacted through a summary procedure, when: the bill is not a voluminous and complex one; when it refers to the termination of validity of a specific law or certain provisions thereof; or when it is not related to complex or voluminous efforts for harmonization of the law with the EU legislation.

## 5. What possibilities do citizens and civic organizations have for participating in the legislative process in the Parliament?

Pursuant to Article 2 of the Rules of Procedure of the Parliament: "The sessions of the Parliament and the working bodies shall be open for the public….", and the Article 226 of the Rules of Procedure of the Parliament: "Interested citizens may attend the sessions of the Parliament in conformity with the regulations about the internal order in the Parliament".

Citizens may participate in the law making process by:

- Undertaking an initiative for adoption of a specific law;
- According to Article 122 of the Rules of Procedure of the Parliament: "*At its session, the working body may invite scientific, professional and public workers and representatives of the municipalities, the City of Skopje, public enterprises, trade unions and other organizations, institutions and associations, so as to hear their opinions regarding the specific issues being reviewed and discussed during the session of the working body"*;
- According to Article 124 of the Rules of Procedure, "*An initiative to discuss certain issues at a session of the working body may also be undertaken by other working bodies of the Parliament, state administration authorities, municipalities, the City of Skopje, institutions and citizens' associations".*
- Participating in the public debates organized by the Parliament in connection with any legislative proposal.

***Any interested civic organizations may present their positions and opinions especially during the second reading when the proposed legislation is reviewed by the working bodies, by way of drafting amendment proposals that can be delivered to the Members of Parliament, who are the official movers of amendments, and also by asking to participate at the sessions of the competent working bodies and the Legislation Commission.***

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Civic organizations and citizens should not be limited to the ways of participation in the decision making process provided for in the Rules of Procedure. Citizens may also address their positions and questions regarding specific problems to the Standing Inquiry Commission for Protection of Civil Rights and Freedoms, since part of their work involves, inter alia, the review of any correspondence submitted by the citizens and taking an official position thereon.

EXAMPLE:
At the request of civic organizations, and upon the initiative by the MPs, an open session practice has been established for some of the commissions, as well as holding open debates to which representatives of the civil sector are invited. As a result of the scope of its work, the most open entity towards the public is the Standing Inquiry Commission for Protection of Citizens' Civil Rights and Freedoms. Namely, several public debates have been held during 2009 and 2010, and representatives of the civil sector have been invited to participate at the regular sessions of the Commission. Debates with the civil sector have been held in relation to the following laws, inter alia: Law proposal on representation of the Republic of Macedonia before the European Court of Human Rights; Law proposal on the enforcement of the decisions by the European Court of Human Rights; Law proposal amending the Child Protection Law; Law proposal on internal affairs; Law proposal on prevention and protection against discrimination etc.

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# VI. MODELS OF PARTICIPATION IN THE LEGISLATIVE PROCESS

In practice, there are several models used by state administration authorities and civic organizations to provide for and encourage the participation of stakeholders in the law making process (enacting of laws, secondary legislation etc.).

The role of these models in the process varies. Therefore, the use of one model does not exclude the others. For instance, the ministries publish the draft versions of law proposals on their websites with the aim to obtain the opinions of the stakeholders about the contents thereof. On the other hand, public debates are organized not just for the sake of hearing opinions, but also for the sake of having a discussion on specific provisions and finding better solutions through dialogue and active participation of all stakeholders.

***The various models of involvement of the public and civic organizations in the law making process should be used in parallel. The use of a single model should not exclude the possibility of other models to be used during the process.***

Furthermore, not everybody can participate at any stage of the process and use any of the models. For instance, smaller (local) organizations that operate on voluntary basis or citizens do not always have simple and fast access to Internet. Unless state administration authorities organize public debates in parallel and publish this information in the media, they will not be informed or able to participate in the process.

***The models are to be used in the process as many times as necessary and useful, depending on the type of law that is being drafted. These models are to be utilized before the law proposal goes to the Government.***

These models should be used in practice during the legislative process, but certainly before the proposals are sent to the Government. Sometimes, ministries continue with consultations and application of these models, even after the bill has been delivered to the Government. Although this is good practice, one has to remember that the basic goal is to enable the public to contribute to the drafting of the legal text, for as long as its contents may be amended.

This part of the Manual refers only to four of those models: publishing on ministries' websites, publishing on centralized websites, public debates and working groups (*For more information regarding these models or any other model please see the sources quoted in part VII*).

## PUBLISHING ON WEBSITES

### 1. Why is this model used?

Through this model, the ministries can be informed about the opinion of a larger group of stakeholders on any draft version of a piece of legislation. Since Internet is open to all those who have access thereto, the target group is much larger than the one that can participate in public debates or working groups.

Preparing a single format for submission of opinions will make the job of the ministries much easier with

***The goal of this model is to:***
- ***Inform as many stakeholders as possible about the text of the bill that is being prepared; and***
- ***Enable a large number of stekeholders to provide their comments on the text.***

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respect to monitoring comments and judging if all needs have been provided for with the specific regulation, and whether they have proposed the solutions that are most useful and appropriate for the issues in question. At the same time, they can identify the problems that might occur during the implementation of the legislation.

## 2. When is this model used?

This model is used at the very beginning of the process and for as long it is possible to amend the text of the bill.

***This model is used in order to:***

- ***Inform and consult interested parties about a specific bill (formal consultation).***
- ***Obtain the public opinion on a specific topic or issue in relation to which the ministry is planning to adopt certain policy or regulation, or which falls under its scope of work and competence (informal consultation).***

This model provides for quicker information-giving and obtaining comments on several topics, and a possibility to exhaust all opinions that would be provided during the process.

Most often, ministries have a separate part (or page) on their website dedicated to the process of information-giving and consultation regarding bills.

The deficiency of this model is the fact that the people who do not have access to Internet or do not know how to use it cannot make use of this opportunity, nor give their contribution using this model.

## 3. How is it used?

***Before the commencement of the process***

With regards to the legislative process, it is recommended for state administration authorities to provide a short notification on their websites of the drafting of a specific bill or amendments to an existing law, at the moment when preparatory activities begin.

Any website notification about the beginning of a specific law making process may contain the following information:

- which law is being prepared or amended;
- why it is necessary to draft it or amend it;
- what issues are going to be regulated;
- deadline for submitting it to the Government;
- description of the enactment activities planned (the process);
- information on the working group preparing it;
- information on the responsible person who may serve as a focal point;
- other relevant materials or links to other related web pages.

Such an explanation will enable all stakeholders in the process to become informed and to prepare themselves better for the consultation or active participation in the working groups. If some organizations or donors can provide financial support for the consultation process, then such timely information will help them to better plan their required financial and human resources in order to provide for an effective process.

***After the commencement of the process***

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As soon as the process of law writing has begun, websites are to be used to publish draft versions of the law and to obtain opinions thereon. Most often, ministries publish the draft versions that have already been discussed by the working groups, which are not always the final drafts of the proposed legislation. It is recommended to publish those versions of the text that are in their initial stages, in order to obtain opinions on a timely basis and establish whether they contain all relevant issues and provisions.

If necessary and if the text has already gone through a number of thorough consultations, additional consultations may be organized only for certain parts of the proposed text that still require a specific opinion.

During the consultation process, the website may contain the following information:
- short information on the following: what law is being drafted or amended; why is it necessary to be enacted or amended; what issues it regulates; information on the working group drafting it; deadline for submitting it to the Government;
- the actual text of the draft version of the bill;
- if provisions of an existing law are amended, then the actual text that is being amended;
- whom the consultation refers to (what are the groups that are especially encouraged to give their opinions and comments);
- annotation whether it is preferred to get comments regarding the whole text of the proposal or only regarding specific issues and provisions and a list of such issues and provisions;
- the deadline for the submission of opinions and comments;
- the manner of submission of opinions and comments;
- information on the responsible focal point;
- other relevant materials, research or previous consultations;
- opinions on previous drafts provided by experts or links to other relevant websites;
- links to opinions and comments already provided by the public;
- explanation of the manner in which the ministries will respond to any opinions provided.

***Manner of submission of comments and opinions***

There are several possible ways of collecting written opinions and comments on bills published on the website:

- via electronic mail;
- via regular mail;
- via facsimile;
- by directly posting opinions on the website.

***What kind of opinion may be required?***

Website consultations are possible for the entire text of the bill or only for specific provisions.

If one is trying to encourage comments only on specific provisions of the proposal, or regarding issues identified by the working group, the ministry can produce a questionnaire to be filled in by interested parties on the web page.

***Sometimes the bills are rather voluminous and complex. Therefore, it is reccomended to prepare a summary review of the basic provisions, goals and the effects to be expected in practice, so that stakeholders can better understand the bill and provide their opinion.***

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***Feedback***

Good practice has shown that ministries should summarize the results of the consultation process and provide feedback on the opinions that were accepted, those that were rejected and why so, as well as information on how the text of the bill was amended (for more details please see above in part IV). Ministries do not have to respond to every single opinion or comment individually; instead, a summary report should be produced. This report should be published on the website of the authority.

### 4. What are the most appropriate deadlines?

When it comes to consultation via websites, one should take into consideration several factors that are likely to influence the deadline for submission of opinions and comments.

Some of those factors are as follows:

- The scope of the proposal;
- The content of the proposal;
- Whether the public was already consulted regarding the text of the proposal;
- Whether the area that is being regulated introduces some significant novelties and whether it is a subject matter that is being regulated for the very first time;
- How many people would be affected by the new proposal;
- Whether the public was informed about the procedure beforehand.

***Good practice has shown that the information on the planning or commencement of a law making process has to be published immediately. The period available for submission of opinions in a written form should be one to two months, but not less than 15 days.***

### 5. Responsibilities of state administration authorities and civic organizations

The ministry preparing the draft version of the bill is obliged to make sure - that the public is informed about the process in a timely manner; to provide precise and up to date information on the process; to publish it on its website; to review all the received opinions and comments; and to produce a report.

EXAMPLE

The EC principles and minimum standards prescribe that the receipt of any materials sent has to be confirmed (by sending an individual or a collective response via electronic mail and the website, depending on the number of materials and comments received). With regard to the feedback, bills are supposed to be accompanied with a separate rationale, which shall contain information on the consultation process, the results thereof and the manner in which these results have been taken into account in relation to the respective bill.

Furthermore, civic organizations can give their contribution to this process by promoting the process itself, promoting the web site, collecting opinions, or by presenting collective opinions of various groups. Civic organizations may be especially helpful in collecting the opinions of marginalized groups, organizations or individuals, who, due to lack of capacities (access to Internet or knowledge) are unable to submit their comments through the website.

### 6. Resources needed

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This model does not require a lot of financial resources, since organizations can submit their opinions through the website or in other ways (thus, there is no need to cover any travel expenses, accommodation, and organization of an event). On the other hand, one has to cover the cost of establishing such websites (for example, software) and to nominate persons who will be responsible for the technical maintenance of the website and for updating its contents.

## CENTRALIZED WEBSITES FOR INFORMATION AND CONSULTATION

### 1. Why is this model used?

Centralized websites are tools that are mainly used to inform the public about the current regulations and activities by state administration authorities. These websites provide for easier information-giving on the activities of various authorities at a single centralized location. They can assume the format of regulation registries, and in some countries people used them as mechanisms for consultations, information exchange and debates.

### 2. When is this model used?

Ministries, civic organizations and the public may use this model continually, if it is used as a tool for exchange of opinions and information. State administration authorities are to be encouraged to publish notifications about any initiated law making process or consultation process, in parallel with the publication of such information on their websites.

### 3. What type of information is published on these sites?

Most frequently, such websites are used to share information on the plans of state administration authorities or initiated legislative processes, and to facilitate the consultation process. In addition, in some countries they are used for discussions on specific issues, blogs, and debates, for contacts amongst state administration employees or between the Parliament and interested parties, or for the purpose of petitions.

Normally, these electronic sites are used to publish the following:
- information on current consultations on proposals at various ministries or state administration authorities (what type of legislation is being drafted; the deadline for submission to the Government; the link to the competent body where one can find more information);
- information on the planned activities by various authorities;
- information on the focal points in the state administration authorities responsible for cooperation with civic organizations and for contacts with the public;
- archive of former consultations.

In addition to this information, one may publish the following:
- examples and success stories of participation in the legislative process;
- documents that regulate the participation process;
- plans of the activities of the Government, the ministries and other authorities;
- place for public debates or forums on specific topics of interest to the public, related to the policy making and law making process;
- blogs maintained by state administration authorities aimed at developing the awareness about an issue that is to be regulated by the authority and evaluating the public opinion;
- petitions, public protests or campaigns on specific issues that are being regulated or are supposed to be regulated;

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- media announcements.

### 4. What are the most appropriate deadlines?

The sites are to be updated regularly. At the very moment when the authority publishes the information on its website, it should send the same information so as to be posted at the centralized websites.

### 5. Responsibilities of state administration authorities and civic organizations

Ministries are responsible for providing for a harmonized and consistent publication of all data, for monitoring the received comments and opinions, and for producing reports on the results achieved in the process.

Civic organizations can give their contribution by promoting such information among their members and partners, by promoting the website, collecting opinions, or by presenting collective opinions of various groups.

EXAMPLE
The Agreement on the relationship between the Government and the third sector in England lists the specific obligations that are to be met by civic organizations. Civic organizations are supposed to involve the interested parties (beneficiaries, members, volunteers) in preparing responses to the consultations, and are to provide feedback on everything delivered to the Government and on the results achieved. Civic organizations should clearly indicate whose positions they represent and what the grounds on which they prepared their comments are. They should promote consultations amongst other organizations and comply with the requirement of confidentiality.

The Republic of Macedonia has the Single National Electronic Legislation Registry (SNELR). This is an electronic system which, besides the existing legislation in the Republic of Macedonia, contains also all proposed legislation in a preparatory stage in the ministries. SNELR is a tool that is primarily intended to provide information for the citizens in an electronic format, but also for representatives of civic organizations, economic chambers, business associations and legal entities, government representatives, as well as for certain ministries (an *excerpt from the User's Manual for the Single National Electronic Legislation Registry*).

### 6. Resources needed

This model requires certain financial investments for the establishment and maintenance of the website. In addition, each state administration authority should appoint focal points who are going to cooperate with the individuals responsible for the website.

## PUBLIC DEBATES

### 1. Why is this model used?

This model is used for the following purposes:

- to present the opinions, plans and draft versions of bills developed by state administration authorities;
- to obtain the opinions by other organizations and the public;
- to collect comments and recommendations related to the proposed legal document.

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## 2. When and how is this model used?

This model is used during the stage of:

- preparing policies or analyses that will provide the grounds for the adoption of the legislation;
- preparing a draft version of the legislative act.

This model is used in order to collect the opinions on specific bills or activities planned. However, public debates also help to obtain the opinions of the participants, reach a compromise, or provide guidelines on the possible solutions to specific issues. In addition, public debates may be organized with specific target groups and with several interested organizations and individuals in parallel.

EXAMPLES

The process of drafting the Law on Associations and Foundations in the Republic of Macedonia, which was enacted in 2010, lasted for several years. Throughout this period, more than ten public debates were held, organized by both the Ministry of Justice and various civic organizations. Different draft versions of the law were subject of discussion. In addition, several public debates were organized on specific issues in the area regulated by this law: for example, how to establish the status of an organization of public interest in the Republic of Macedonia; who can be the founder of such an organization; what is the meaning of its economic activities etc. These discussions lead to an improved text and the ministry tried to find the most appropriate solutions in the light of the context and the opinions provided by the organizations. Separate discussions were also held with specific target groups: judges, organizations of disabled individuals etc.

Very similar is the case of drafting the Law on Prevention and Protection against Discrimination, the adoption of which has been discussed since 2004. During 2005, two bills on protection against discrimination were developed by civic organizations with the support of international organizations, and both have been discussed during public debates. That same year, one of the bills was submitted to the Parliament, but it did not receive the necessary support of the MPs. During 2008, both proposals were used in order to compile a single bill, which was then delivered to the Ministry of Labor and Social Policy. At the beginning of 2008, a working group was established within the Ministry of Labor and Social Policy and was tasked with producing a draft law. During autumn in that same year, the ministry organized six public debates on the proposal in various cities. Civic organizations have on their part also been discussing the proposed law in a continuos manner, and have organized themselves in more formal types of associations (unions), in order to contribute towards the adoption of the law in an organized fashion.

Depending on its purpose, a public debate can be organized in several different ways. Most often, such discussions take the form of:

- *Open discussion on all issues in the legal text*. Participants can give their own opinion on any provision of the bill, as well as comments on what should be added, what is missing and what should be changed.
- *Discussion on specified issues*. In this case, the facilitator defines in advance the specific issues in relation to which the participants are invited to give opinions or comments. At the end of the discussion, opportunity is provided to the participants to discuss other issues of their interest and to provide comments.

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Domestic and international experts are also invited to such events in orderfor the particpants to hear their opinion on the possible implementation and application of the proposed legislation in accordance with the domestic circumstances, and to find out a bit more about the experiences of other countries.

***Any person who has shown interest or previously submitted an opinion in a written form (through prior website consultations, via electronic mail, other public debates etc.) should be invited to the public debate.***

Normally, any interested parties can freely attend such events. However, if a discussion with a specific target group is organized, the actual event may be of a closed nature and confined only to the members of that specific group. Regardless of who is allowed to attend the event, the final reports should be made available to everyone.

Public debates should be moderated by a facilitator. It is recommended that a specific amount of time be allocated for every individual comment or riposte.

At the end, the facilitator should always summarize the conclusions; he/she would be responsible to assist the organizers of the event in the preparation of the final report.

When organizing public debates, it is always useful to send some of the materials in advance, so that the participants can prepare better for the discussion. Such materials might include: survey reports and analyses, other reports, summarized provisions of the actual proposal and, certainly, the bill itself.

It is recommended for public debates to be organized in several cities and not just in the capital.

### 3. What are the most appropriate deadlines?

Good practice requires for public debates to be organized before the actual proposal is finalized and sent to the Government. When organizing public debates, sufficient time should be provided for, so that participants can register for the event and prepare themselves for the discussion.

Any materials should be disseminated in advance, at least seven working days prior to the event or even earlier, if possible. Any reports related to the event should be sent away and published during the same month when the event was held, but certainly before a new draft version of the bill has been prepared.

### 4. Responsibilities of state administration authorities and civic organizations

This particular model stimulates greater cooperation between the ministries and civic organizations. Such cooperation is realized through:

- joint organization of public debates (preparation of materials, invitations, reports, organizing logistics and defining the concept of the event);
- sharing the expenses for the organization of the event.

It is advised that the competent authority should make the document available immediately and indicate the issues that require further discussion. On the other hand, civic organizations that have active cooperation with the competent authority in this process should encourage all other organizations and individuals to take part in the event, to explain the importance of the issues to be discussed in advance, and to share the results of the event. In addition, they should continue informing the participants on any upcoming activities and results.

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EXAMPLE
Several public debates have been organized as part of the process of drafting the Law on Voluntary Work in the Republic of Macedonia, enacted in 2007. They were held in several towns around Macedonia. Certain organizations took over the responsibility to contact other organizations, and to provide both logistical and financial support in the organization of the event. The responsible person from the Ministry of Labor and Social Policy attended all the events in order to present the draft version of the law, to hear the opinions of the participants, to clarify specific issues and provisions, and to discuss possible solutions together with the participants. A report was produced at the end of each event, which provided the basis for further changes of the text of the proposal. The organizers also established an e-group (electronic list) of stakeholders, volunteers and organizations that were regularly informed about all activities related to the law, received information and reports from all the events, were consulted whenever necessary and exchanged opinions among themselves.

### 5. Resources needed

Depending on the type of event, this model requires resources so as to cover the expenses for:

- sending invitations (if they are sent via regular mail);
- event venue (unless the event is organized in the premises of a ministry or civic organization);
- travel, accommodation and other expenses related to the participation of individuals coming from other towns;
- remunerations for the presenters and the facilitator;
- other expenses related to event logistics (technical equipment, interpreters, etc.).

## WORKING GROUPS

### 1. Why is this model used?

Working groups are the model that provides for a more active participation of organizations or other stakeholders in the process of drafting legislation. It is used so as to provide an opportunity for the individuals who are most concerned with the process to exercise direct participation and exert influence over the contents of the bill through their representatives.

***Inter-sectorial working groups stimulate the exchange of different experiences and provide for becoming familiar with the needs and problems from all possible aspects, as well as for reaching consensus on the best and most appropriate solution.***

### 2. When and how is this model used?

This particular model should be used during the drafting of all primary and secondary legislation proposals.

Good practice recommends the establishment of inter-sectorial working groups, comprising representatives of the competent ministry, other ministries and state administration authorities involved in the areas where changes are being introduced with the specific legal proposal, members of civic or other organizations (trade unions, economic chambers, and companies), national and international experts and other stakeholders.

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Members of the working groups or other delegated representatives should be invited to all events that are organized in relation to the specific legislation and should be informed about the results of any consultations.

Members of the working group may agree to establish a smaller team, which is going to be responsible for preparation and revisions of the draft versions, participate at events where all members cannot take part, and assist the preparation of consultations and reports on consultations organized through websites and public debates.

***Depending on the purpose for which representatives of stakeholders are selected, the process and selection criteria may be different. However, the selection of these members should be made according to clearly defined criteria, published beforehand.***

Members of organizations who would participate in the working group may be selected in two ways:

- They can be selected by the state administration authority;
- They can be selected by the organizations.

The state administration authority may invite an individual or an organization to participate in the working group (for example, based on positive experiences with previous cooperation), or call upon the organizations to nominate additional members of the working group.

Any stakeholder representatives may be selected and appointed to the working group for different reasons and goals.

They may be invited to participate:

- As representatives of the group concerned;
- Because they have specific expertise that is necessary in the law making process.

The criteria for selection of working group members by the stakeholders or civic organizations will be defined by several factors, such as: the content of the bill; the type of contribution and expertise that is required during the process; and which other methods of participation and consultation will be used.

<u>Criteria that may be taken into consideration:</u>
- area of activity of the organization;
- type of expertise required from an individual or organization (knowledge of a specific field);
- special qualifications;
- type of organization which the member is to be selected from (civic organizations, business, trade unions, etc.);
- participation in various platforms, alliances or other type of associations of organizations;
- number of organizations that ought to propose the individual;
- prior cooperation with the state administration authority;
- previous experience and work in similar working bodies.

The results of the activities of the working group ought to be publicly announced and available to all stakeholders.

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EXAMPLE
Several working groups participated in the process of enactment of the Law on Associations and Foundations, enacted in 2010 (due to the fact that the process was a lengthy one). The last working group established in 2007, composed of representatives of the Ministry of Justice, Ministry of Culture, Ministry of Labor and Social Policy, Ministry of Finance, the Department for cooperation with the NGOs within the General Secretariat of the Government, national and foreign experts and two representatives of civic organizations.

The representatives of civic organizations were selected in the following manner: the Ministry of Justice directly invited one of the civic organizations bearing in mind the previous experience and the expertise the organization has in processes of developing legal framework on associations and foundations.

The second representative was selected by a network of civic organizations, which was previously invited by the Ministry to select their own representative, based on internally established criteria.

### 3. What are the most appropriate deadlines?

Working groups should be established at the very beginning of the process, when the initial plans for drafting legislation are made. If a material is to be shared, one should provide for sufficient time so that all members can read it carefully. All members should be informed on time about all activities related to the legislative act to be drafted.

### 4. Responsibilities of state administration authorities and civic organizations

The obligations of state administration authorities include the following:

- send invitation in a timely mmnner to all interested individuals and organizations to apply for participation in the working groups;
- prepare clear criteria and guidelines for selection;
- prepare an operational plan and plan for the necessary resources;
- enable continuous work of the group and regular information-giving on all developments regarding the bill and the process of its preparation and adoption;
- timely publication of the results achieved.

Civic organizations should serve as a bridge connecting the working group and its membership. They should:

- inform their members regularly, i.e. the people they represent and other stakeholders about the activities of the group;
- consult them on specific issues;
- convey the opinions of the membership and include them in the work of the group.

In order to achieve the above, civic organizations may establish a coordination mechanism to exchange information with other civic organizations active in the respective field or with members of alliances of organizations that represent them, and coordinate any proposals and opinions with them.

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## 5. Resources needed

Depending on the legislation being changed and its scope, this model would require resources to cover the following expenses:

- Organizing meetings of the working groups;
- Remunerations for the participation by certain individuals (experts);
- Costs of domestic and comparative analyses required for the process;
- Remunerations for expert opinions commissioned and prepared in a written form.

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