



PUBLIC PARTICIPATION IN Law-making Processes

Government Mirror 2012

Marija Sazdevski
Simona Ognevska



The project is financed by the European Union

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Emina Nuredinoska, MCIC

Authors:

Marija Sazdevski, MCIC
Simona Oggenovska, MCIC

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LIST OF ACCRONYMS

AYS – Agency for Youth and Sports

BCSDN - Balkan Civil Society Development Network

CNVOS - Centre for Information Service, Co-operation and Development of NGOs (Slovenia)

EIDHR – European Instrument for Human Rights and Democracy

ENER - Unique National Electronic Register of Regulations of the Republic of Macedonia

EU - European Union

MAFWS - Ministry of Agriculture, Forestry and Water Supply

MOC - Ministry of Culture

MOE - Ministry of Economy

MEUP - Ministry of Environment and Urban Planning

MOF - Ministry of Finance

MFA - Ministry of Foreign Affairs

MOH - Ministry of Health

MOI - Ministry of Interior

MOJ - Ministry of Justice

MISA - Ministry of Information Society and Administration

MLSG - Ministry of Local Self-Government

MLSP - Ministry of Labor and Social Policy

MOD - Ministry of Defense

MOES - Ministry of Education and Science

MTC - Ministry of Transport and Communications

MCIC - Macedonian Center for International Cooperation

RIA - Regulatory Impact Assessment

SEA - Secretariat for European Affairs

SCPC - State Commission for Prevention of Corruption

SIOFA - Secretariat for Implementation of the Framework Agreement

FOREWORD

Publication "Public participation in legislation preparation procedures" is a tool that should serve civil society organizations, civil servants and the general public to get information about the openness of institutions and to increase the knowledge about the law drafting process.

The intent of the Macedonian Center for International Cooperation (MCIC), as a publisher, is to contribute to the representation and participation of civil society in the public policy making and enforcement by establishing a model for tracking the openness of the legislation preparation processes and reporting on the implementation of existing mechanisms for public involvement.

The analysis consists of two parts. The first section contains the results of questionnaires sent to state institutions. They assess the responsiveness of state institutions to the public and openness in the process of preparing 26 acts by 12 ministries. The second part presents the results of monitoring of minimum required standards for public participation in the law drafting process, i.e. observing the time limit set for consultation on the draft laws posted in the Unique National Electronic Register of Regulations (ENER). It also reviews how ministries use their websites to present the draft laws and to inform the public of the opportunity to engage in preparation of draft laws.

The analysis was prepared by Marija Szdevski and Simona Ognenovska, both of MCIC. MCIC prepared this publication as part of the "Government Mirror" project, which is funded by the European Instrument for Democracy and Human Rights (EIDHR) of the European Union.

Emina Nuredinoska
Head of the Department for
Civil Society and Democracy



INTRODUCTION

The importance of public participation in policy making is growing globally and a number of recommendations are made to involve the public and civil society organizations in these processes. Although these recommendations are not mandatory, they still offer standards, principles, and best practices that should be considered when designing nationwide initiatives.

Public participation in law drafting processes is rooted in many documents in the Republic of Macedonia. These include the Constitution of the Republic of Macedonia, then the Law on Referendum and Civil Initiative, the Law on Government, the Law on the Organization and Operation of State Administration Bodies and others. In addition, there are various by-laws governing this issue, such as: the Rules of Procedure of the Government, the Strategy for Cooperation between the Government and the Civil Society, the Code of Good Practice for Civil Society Participation in the Policy Making Process, the Regulatory Impact Assessment Methodology and Instructions for involving stakeholders in legislation preparation procedures.

The analysis of the participation of civil society organizations in the policy-making process will increase awareness and knowledge of citizens, civil society organizations and the state administration bodies and can be used in the future as a basic model for establishing rules and standards for participation in decision making process.

The analysis is a result of monitoring of the degree of involvement of civil society in the law drafting process within the "Government Mirror" Project. By using previously established methodology, MCIC monitored the involvement of civil society in the process of preparation of laws for the first time in the period from March 1 to October 31, 2012.



1. PROJECT: GOVERNMENT MIRROR

“Government Mirror” is a common name for several projects aimed at monitoring the openness of state institutions, conducted in Slovenia in the period from 2002 to 2010. “Government Mirror” Project is implemented in the Republic of Macedonia for the first time with a range of activities.

The project **Government Mirror** aims to contribute towards better representation and participation of civil society in the preparation and implementation of public policies. With the implementation of the activities, the project aims to increase the collaboration of civil society organizations with the state administration bodies in the processes of policy making and law drafting. **Target group** is consisted of civil society organizations and state administration bodies (mainly line ministries, but also other bodies that significantly cooperate with civil society).

Results achieved with the project are:

1. A permanent system for monitoring the involvement of civil society in the legislation preparation process is established and implemented;
2. Improved capacity of civil society organizations for involvement in the legislation preparation processes.

Within the project, a methodology was applied for assessing the openness of institutions, developed by the Centre for Information Service, Co-operation and Development of NGOs from Slovenia (CNVOS). Several e-tools were developed for monitoring of the public participation in policy-making and preparation of laws, including a website www.ogledalonavladata.mk. This analysis is a direct result of these activities to assess the public participation in policy making and legislation preparation procedures.

In order to strengthen the capacity of civil society organizations for their active participation in the processes of policy making and development of laws, two basic and two advanced training workshops were organized, for more than 60 representatives of civil society organizations, who had the opportunity to gain knowledge and participate in practical exercises for efficient involvement in the legislation preparation. Three of the workshops focused on defining priorities for cooperation and developed strategic guidelines for cooperation with state administration bodies on issues relevant to civil society. The project enabled domestic civil society organizations to hear and to exchange good practices related to the monitoring of governmental policies in the region within the regional workshop held on July 5, 2012.

2. RESULTS OF THE SURVEY FOR OPENNESS OF STATE BODIES

2.1. Methodology and approach

The methodology applied in this analysis is based on positive experiences in monitoring the public administration in Slovenia and MCIC's existing experience in the monitoring and evaluation of the process of enacting laws in the Republic of Macedonia.

The analysis of institutional openness towards the civil society during the process of public policy making and law drafting is a model that has been used successfully in Slovenia since 2006. The methodology is developed by CNVOS from Slovenia, and is adapted to the local context in coordination with the MCIC project team and separate focus groups with civil society organizations and state administration bodies. This method covers three areas: communication environment (communication practices) of state administration bodies (general mechanisms for participation of civil society), enabling environment for involvement of civil society and the legislation preparation procedure.

Monitoring of the openness of the law drafting processes in Macedonia was conducted in the period March 1 - October 31, 2012.

2.1.1. Research Instruments

Monitoring of openness is divided into three parts:

- Area A: Communication environment created by the state administration bodies for civil society participation in the activities of the body (general mechanism for public participation);
- Area B: Enabling environment for the participation of civil society, created by the state administration bodies as institutions tasked with proposing laws i.e. draft laws (institutional setup of civil society participation in the activities of the state administration bodies, financially enabling environment provided by the state administration bodies for participation of civil society in the preparation of documents, monitoring and evaluation of law implementation);
- Area C: Preparation of acts (publication of the procedure for preparation of acts, availability of professional basis for preparation of acts, feedback in the form of suggestions and comments from the civil society to the proposer of the act, consistency in the content available to the proposer of the act and the civil society, etc.).

Two questionnaires were used as main instrument for assessing the involvement of civil society in policy making and in law drafting. The first questionnaire analyzed Areas A and B and the second one Area C. The questionnaires are provided in Appendix 1 and Appendix 2.

Indicators were developed for each area, formulated as statements representing good standards of public involvement. The first questionnaire contained 35 indicators (15 + 20), while the second one assessed 40 indicators about the openness of the process of preparation of specific acts and draft laws.



2.1.2. Sample

The first questionnaire was sent to 15 ministries and eight other state institutions. Feedback was received from 11 Ministries (Ministry of Defense (MoD), Ministry of Interior (MoI), the Ministry of Justice (MoJ), Ministry of Labor and Social Policy (MLSP), Ministry of Education and Science (MoES), Ministry of Economy (MoE), Ministry of Transport and Communications (MTC), Ministry of Culture (MoC), Ministry of Local Self-Government (MLSG), Ministry of Environment and Urban Planning (MEUP), Ministry of Information Society and Administration (MISA) and six institutions - Secretariat for European Affairs (SEA), the Agency for Youth and Sports (AYS), the Secretariat for the Implementation of the Framework Agreement (SIFA), the Commission for Protection against Discrimination (CPD), the Commission for Relations with Religious Communities (CRRC) and the State Commission for Prevention of Corruption (SCPC).

The second questionnaire was sent to 13¹ ministries regarding 33 selected draft laws or proposals for amending laws to which the rules for transparent public participation applied. The sample consisted of regulations for which the consultations have been completed by September 30, 2012. Answers were obtained from 12 ministries regarding 26 draft laws. The list of draft laws sent together with the questionnaire, including a comment whether feedback was received for each particular act, is provided in Appendix 3.

2.1.3. Data Processing and Reporting

The results reported here are based on processing the information obtained from the questionnaires, by using descriptive statistical methods.

The ministries received a point for every response per each of the indicators. The scores for the indicators are calculated as a ratio between the percentage of the total number of received points and the maximum points available for this indicator. Then, based on the percentage, the grade of the indicators ranges from 1 to 5, as follows:

Grade 1 (the lowest score)	(Scored by 20% or less)
Grade 2	(Scored by 21% to 40%)
Grade 3	(Scored by 41% to 60%)
Grade 4	(Scored by 61% to 80%)
Grade 5 (highest score)	(Scored by 81% to 100%)

The results for areas A and B are presented separately for the ministries and other state institutions. This is due because some of the indicators are relevant only for the ministries, but not for the other state institutions. For example, the indicator assessing whether there is a designated coordinator who performs regulatory impact assessment is only relevant for ministries and not for the State Commission for Prevention of Corruption, or the Commission for Protection against Discrimination, etc.

¹ Except MLSG and MoD that in the monitoring period have not proposed any law or amendments.

The analyzed results are presented in two ways. First the scores per indicator are presented, i.e. for each question / indicator an overall score is provided for all analyzed institutions. In addition, this paper presents the results separately for each ministry or institution. The monitoring of the situation from two perspectives, generally of a given situation, and specifically on the relationship of each particular institution, provides a better overview and increases the chance for identifying gaps and opportunities for future improvement.

2.1.4. Methodological limitations

The approach for analyzing the institutional openness has certain limitations. The findings are based on responses to questionnaires provided by state administration bodies, and their claims have not been additionally verified, i.e. an analysis with the civil society organizations regarding specific draft laws is missing. With an aim to compare the results with those from Slovenia, the same methodology was applied in this study, which was now conducted for the first time in Macedonia. Therefore, despite the clear definition of the indicators, it was not possible to avoid any subjective answer or uneven understanding of the questions. Another limitation is the inability to get to the desired data in a different way, apart from answering the questionnaire. Therefore, additional efforts were required to get the answers on time. The analysis does not include the acts proposed by the Ministry of Finance (MoF), because no response was received until January 8, 2013. Additional limitation is the type of the questionnaire with closed questions, not leaving room for providing additional information or examples. For instance, a ministry may have applied certain measure regarding one particular issue, which could be recorded as a regular practice. However, given that the aim of this analysis is not only to assess the openness, but also to increase the awareness for improving the practice and standards for involvement of civil society, we decided to fully accept the offered methodology without any additional checks of the given information.

2.1.5. Terminological clarification

This analysis used the terms civil society sector, civil society, civil society organizations referring to the broader understanding of civil society, i.e. taking into consideration other stakeholders in addition to associations and foundations. Additionally, all stakeholders who may have an interest to be involved in the process of law preparation were taken into account for specific issues. In determining the stakeholders, a definition was used that is laid down in the Instructions for involving stakeholders in legislation preparation procedures, which covers: the business community, non-governmental organizations, associations and foundations, individuals and legal entities that can be affected by the implementation of the draft law.

Also, the terms act, draft law, proposal for amending the law and plural forms of these terms have the same meaning.



2.2. Results per indicator for openness of the institutions

2.2.1. Area A: Communication Environment

As explained above, the results are shown separately for ministries and for other institutions because some of the indicators are not relevant for the other institutions.

All ministries have appointed a person responsible for providing public information, while 73% of them issued some kind of publication (magazines / newsletters) informing about their work. The ministries fully meet their obligations arising from the Regulatory Impact Assessment (RIA) methodology, so all ministries have appointed a coordinator who assesses the impact of the regulation and all of them have published information announcing the law preparation procedure on relevant sites, such as ENER, e-democracy, the ministry's website. Information on starting the legislation preparation procedure was published in the daily newspapers for 36% of the acts, which is not a mandatory requirement of the ministries. For example, the MoD stated that it has issued a "Press Release," informing all media that a procedure was initiated for drafting legal amendments. Other forms of disseminating public information are the public events and press conferences, media campaigns and sending e-mails to the stakeholders.

Almost all ministries (91%) publish details and information on their websites about public involvement in specific processes (laws, policies, etc.). Public consultation in the law drafting processes are often performed by sending e-mail information to the interested public (82%) or through electronic public debates (forum, blog, web conference, etc.), after which a report is prepared and published (64%). Few ministries use e-questionnaires for surveying the public opinion about the work of the ministry in general (18%) or any specific processes (36%). MISA informed that such questionnaires are delivered to the interested parties via e-mail as e-democracy portal where such content was planned to be published is still in the process of upgrading. The level of publishing suggestions and comments received from the interested public about the work of the ministry is 36% and 18% about specific processes. Only two ministries, the MEUP and MISA allow to the interested persons to register and receive regular information.

3,47

is the average score for communication environment enabled by the proposer of the act (ministries) for participation of the civil society in its activities.

TABLE 1. Area A: Communication Environment (ministries)

No.	Indicator name	Result (n=10)	Score
Ministry:			
1	Appoints a named person authorized to give information of public character to CSOs	100%	5
2	Appoints coordinator to estimate the impact of regulations	100%	5
3	Disseminates publications (periodicals / newsletters) about its work	73%	4
4	Publishes forecasts of the start dates of preparations/ procedures for legislation in daily newspapers	36%	2
5	Publishes forecasts of the start dates of preparations/ procedures for legislation on relevant websites, such as ENER, e-democracy, the ministry's website	100%	5
6	Uses other media for informing the public	91%	5
Ministry on its website or via an e-newsletter:			
7	Publishes details and information about public participation in specific procedures (laws, strategies, etc.)	91%	5
8	Uses structured e-questionnaires to gauge public opinion	18%	1
9	Publishes the proposals and comments made by the public about the work of the proposing ministry	36%	2
10	Uses structured e-questionnaires to gauge public opinion prepared for specific legislation processes	36%	2
11	Publishes answers and explanations with regard to the proposals put forward by the interested members of public	64%	4
12	Publishes a list of frequently asked questions and answers concerning public participation in specific processes	18%	1
13	Enables interested members of the public to sign up to a registry	27%	2
14	E-mails interested members of the public with electronic news	82%	5
15	Organizes e-public debates (via forums, blogs, web conferences, etc.) and prepares and publishes the outcomes of these debates	64%	4
AVERAGE SCORE			3,47



Other institutions have slightly lower average score of 3,1 in comparison with the ministries, mostly due to the lower scores when it comes to using their websites as a communication channel with the public. Thus, only the Agency for Youth and Sports uses its website to organize public debates. It is positive that 67% of institutions publish details and information about public involvement in specific processes and regularly send e-mail with information to the interested public.

TABLE 2. Area A: Communication Environment (other institutions)

No.	Indicator name	Result (n=6)	Score
Institution:			
1	Appoints a named person authorized to give information of public character to CSOs	100%	5
3	Disseminates publications (periodicals / newsletters) about its work	50%	3
6	Uses other media for informing the public	83%	5
The institution on its website or via an e-newsletter:			
7	Publishes details and information about public participation in specific procedures (laws, strategies, etc.)	67%	4
8	Uses structured e-questionnaires to gauge public opinion	50%	3
9	Publishes the proposals and comments made by the public about the work of the proposing ministry	33%	2
14	E-mails interested members of the public with electronic news	67%	4
15	Organizes e-public debates (via forums, blogs, web conferences, etc.) and prepares and publishes the outcomes of these debates	17%	1
AVERAGE SCORE			3,1

2.2.2. Area B: Enabling environment for civil society participation

Of particular importance for active participation of civil society in the legislation preparation process is the existence of an enabling environment for their inclusion. This section defines three entities that assess the environment for civil society involvement:

1. mechanisms for public involvement in the activities of the ministries and other state institutions (institutional setup);
2. financial environment;
3. involvement in monitoring and evaluation of the implementation of the acts.

2,65
is the average score for enabling environment for civil society participation.

2.2.2.1. Institutional setup of civil society participation in the activities of the proposer of the legislation

With an average score of 3,13 for institutional framework for civil society involvement by ministries one may say that improvement is needed in future in certain segments where some deficiencies are observed. It is positive that 91% of the ministries have appointed person authorized to cooperate with civil society organizations and many of them involve the representatives of civil society organizations on their expert councils and commissions working with the government bodies. Ministries organize training of staff for cooperation and involvement of civil society organizations, so 82% of them have civil servants who participated in a capacity building training for strengthening the cooperation. What is lacking is the existence of additional (appropriate for specific ministries) written guidelines for the selection and involvement of stakeholders in their work, or policy-making in the ministries. Only two ministries, the MoJ and MLSP have a special written document (guidelines) for participation of civil society organizations, while only the Ministry of Defense (MoD) and MEUP have foreseen a procedure for the selection of representatives of civil society organizations, in instances in which the number of civil society representatives must be limited. Few ministries (27%) have registers where civil society organizations can freely sign up to receive regular information or invite interested civil society organizations to register or sign up for receiving information: MISA, MEUP and MLSP. A good example is the MEUP website which has a form for updating the information about the civil society organizations in the Republic of Macedonia active in the field of environmental protection.

TABLE 3. Institutional Setup (ministries)

No.	Indicator name	Result (n=10)	Score
Ministry:			
16	Appoints a named person authorized to give information of public character to CSOs	91%	5
17	Enables CSOs to sign up to a registry (for regular information sharing)	27%	2
18	Invites interested CSOs to sign up / register for receiving information	27%	2
19	Has a prepared written document (guidelines) for involvement of civil society organizations	18%	1
20	Includes the representatives of civil society organizations on the governments councils or on the expert councils and commissions working with the ministry, even if it is not legally required to do so	91%	5
21	Includes representatives of civil society in its delegations to international events	45%	3
22	Lays down in advance a method of selecting civil society representatives in instances in which the number of civil society representatives must be limited	27%	2
23	Trains its staff about the participation of civil society in the work of government departments	82%	5
AVERAGE SCORE			3,13



The situation is similar in other institutions, so only AYS has a registry in which civil society organizations can freely sign up (for obtaining regular information), while only SEA has determined a procedure for selection of representatives of civil society organizations when the number of representatives is limited. The situation with the other state institutions is better compared with the ministries, as three other institutions have separate written documents (guidelines) for the involvement of civil society organizations: SEA, AYC and SCPC. Thus, for example, SCPC has signed a Memorandum of cooperation with civil society organizations that is based on cooperation in the field of anti-corruption issues.

TABLE 4. Institutional arrangements (other institutions)

No.	Indicator name	Result (n=6)	Score
Institution:			
16	Appoints a named person authorized to give information of public character to CSOs	83%	5
17	Enables CSOs to sign up to a registry (for regular information sharing)	17%	1
18	Invites interested CSOs to sign up / register for receiving information	33%	2
19	Has a prepared written document (guidelines) for involvement of civil society organizations	50%	3
20	Includes the representatives of civil society organizations on the governments councils or on the expert councils and commissions working with the ministry, even if it is not legally required to do so	50%	3
21	Includes representatives of civil society in its delegations to international events	17%	1
22	Lays down in advance a method of selecting civil society representatives in instances in which the number of civil society representatives must be limited	17%	1
23	Trains its staff about the participation of civil society in the work of government departments	67%	4
AVERAGE SCORE			2,5

2.2.2.2. Financial environment for support of the civil society

The Ministries received an average score of 2,17 on the issue of providing supportive financial environment for civil society. Half of them have funds to finance programs and projects of civil society organizations. Not a single ministry has foreseen funding for support services (such as legal consultation and information support) and advocacy of civil society organizations in the law drafting process. MoC and MoD are the only ministries providing subsidized or free of charge use of premises for the civil society organizations.

TABLE 5. Financial environment (ministries)

No.	Indicator name	Result (n=10)	Score
Ministry:			
24	Finances CSOs programs (institutional support)	45%	3
25	Finances CSOs projects (project activities)	45%	3
26	Has dedicated a fund available to cover the costs of CSOs representatives participating on government commissions and working groups	27%	2
27	Has dedicated funds available for support services for the inclusion (legal consultation and information support) and advocacy of CSOs	0%	1
28	Offers CSOs use of premises, free of charge or subsidized	18%	1
29	Offers additional forms of support (hiring equipment, training, etc.)	45%	3
AVERAGE SCORE			2,17

From the other institutions, only AYS provides subsidized or free of charge use of offices for the civil society organizations².

TABLE 6. Financial environment (other institutions)

Institution:		Result (n=6)	Score
28	Offers CSOs use of premises, free of charge or subsidized	17%	1
29	Offers additional forms of support (hiring equipment, training, etc.)	50%	3

2.2.2.3. Monitoring and evaluation of the implementation of legislation

Although very high percentage of ministries (91%) monitor and evaluate the implementation of the laws in their area, only few of them (18%) publish reports from the monitoring and evaluation of acts, either in electronic or printed form. MoES publishes the reports both on its web site and as a publication, while MEUP does this only electronically and MLSG only in hardcopy. Half of them involve the representatives of civil society organizations in these activities. In the analyzed period, only MoJ published report on the extent to which the public has been included in the legislation preparation and the impact of the inclusion on monitoring the implementation of legislation within its scope of work.

² Agency for Youth and Sport also grants financial support to the associations and foundations, but having in mind that the Agency was not compared with the Ministries, but with the other institutions, for which the issue of financial support is not relevant, we decided not to pose this question to the Agency. At the same time, this does not have negative impact on the Agency i.e. does not decrease the average score of the Agency.



TABLE 7. Monitoring and evaluation (ministries)

No.	Indicator name	Result (n=10)	Score
Ministry:			
30	Monitors and evaluates legislation implementation in its own area of operation	91%	5
31	Includes representatives of civil society in the monitoring and evaluation of legislation	45%	3
Publishes reports on the monitoring and evaluation of legislation:			
32	In electronic form on its website (website URL)	18%	1
33	In printed hardcopy (e.g. publication, etc.)	18%	1
34	Publishes reports on the extent to which the public has been included in the legislation preparation, and the impact of the public's inclusion	9%	1
35	At the end of the preparation of the legislation in the memorandum always informs the public on the public's inclusion and cooperation	64%	4
AVERAGE SCORE			2,5

The other institutions also monitor and evaluate the implementation of the legislation in their own field of interest, but with lower involvement of civil society organizations (33%). AYS is the only one that publishes report with feedback on public involvement and its impact.

TABLE 8. Monitoring and evaluation (other institutions)

No.	Indicator name	Result (n=6)	Score
Institution:			
30	Monitors and evaluates legislation implementation in its own area of operation	83%	5
31	Includes representatives of civil society in the monitoring and evaluation of legislation	33%	2
Publishes reports on the monitoring and evaluation of legislation:			
32	In electronic form on its website (website URL)	33%	2
33	In printed hardcopy (e.g. publication, etc.)	33%	2
34	Publishes reports on the extent to which the public has been included in the legislation preparation, and the impact of the public's inclusion	17%	1
35	At the end of the preparation of the legislation in the memorandum always informs the public on the public's inclusion and cooperation	50%	3
AVERAGE SCORE			2,5

2.2.3. Area C: Preparation of acts / draft laws

The openness of the legislation preparation procedures (draft laws and draft laws for amending laws) is analyzed from several aspects

- The way of sharing information on the process of drafting laws;
- The availability of technical texts in the field related to the draft law;
- The timeframe for consultation;
- The implementation of the law drafting procedure;
- Response of the ministry to the civil society proposals and comments

2,6

is the overall average score about the openness of procedures for preparation of 25 draft laws in 12 ministries.

2.2.3.1. Way of sharing information on the process of drafting laws

The most frequently used channel for informing the public about the beginning of the procedure for drafting the law is through ENER and e-democracy portals. That was the case in 73% of the acts that were analyzed. The ministries used their websites much less - for 27% of the analyzed laws, although the legal obligation stipulates under paragraph 1 of Article 71 of the Rules of Procedures of the Government as follows: "The proposals for adopting legislation, drafts and proposals of laws, should be published by the relevant Ministry on its website and in the Unique electronic register of regulations (ENER)". For about 58% of the acts, the information has been shared through the the strategic plan and annual work program of the government, while for 46% of the acts by directly sending information to interested parties. Only in the case of the Law on Health Care, which was responsibility of the Ministry of Health (MoH), the information was published in the daily newspaper. During the preparation of this Law, the Ministry has initially organized a joint workshop with the stakeholders where the concept was presented (draft text of the law), the rationale, objectives and timeframe for adoption.

TABLE 9. Way of informing the public about the beginning of the procedure for the preparation of the bill

No.	Indicator name	Result (n=23)	Score
The Ministry informed the public about the beginning of the procedure for drafting the law:			
1	By publishing information in the strategic plan and the annual work program of the Government	58%	3
2	By posting information on the ministry's website	27%	2
3	By sending information to all interested parties (e.g. direct mail, e-mail)	46%	3
4	By publishing information about the beginning of the procedure on the public portal - ENER and e-democracy	73%	4
5	By publishing information in newspapers	4%	1
6	Other means of information	4%	1
AVERAGE SCORE			2,33



Article 3 of the Instructions for involving stakeholders in legislation preparation procedures defines the type of information that should be included in the release for informing stakeholders on the draft law. Information that is explicitly stated in the Instructions is published in most cases, and the average score of the content of the information is 3,46. In 85% of the analyzed sample, the information contains the name of the draft law and the intent and purposes of the procedure. In 77% of the cases the timeframe is defined for the most important events and the deadlines for the adoption of the draft law. Although the Instructions suggest that this information should also include a method of involving the stakeholders in the law drafting process, according to the results, less than half (46%) of the information contained the methods and tools for public involvement and participation. The methods of collecting and taking into account the opinions of the public are present in 46% of the information announcing the start of the legislation preparation procedure. Among the other things, the survey explored whether technical studies on the relevant issue were used in the preparation of draft laws, and whether and in what way they were made available to the public. Thus, only in three cases summarized information of the studies that would be useful for the public were available (lay aspect): draft law on pension and disability insurance of MLSP, draft law for amending the Law on Waste Management of MEUP and a draft law on confiscated property, proceeds and items seized in criminal and misdemeanor proceedings of MoJ.

TABLE 10. Content of information announcing the start of the law drafting procedure

No.	Indicator name	Result (n=23)	Score ^a
Information announcing the start of the law drafting procedure contains:			
7	Name of draft law	85%	5
8	Intent and objectives of the procedure	85%	5
9	Timeline of important events: identification of the most important stages in the procedure	77%	4
10	Foreseen methods and tools for public involvement and participation	46%	3
11	Identification of key stakeholders	69%	4
12	When there are studies relevant to the draft law, whether they are consulted and information is released to the public on where to find them	23%	2
13	Whether and where summarized information from studies is available to the public (to be used by lay people)	12%	1
14	Foreseen deadlines for the adoption of draft law	77%	4
15	Call for public involvement	50%	3
16	Projected costs for the law drafting procedure	54%	3
17	Contact details (person responsible for the preparation of the draft law)	81%	5
18	Methods of collecting and taking into consideration the public opinion	46%	3
19	Monitoring and evaluation of the procedure	42%	3
AVERAGE SCORE			3,46

2.2.3.2. Technical texts in the field related to the draft law

In the process of law drafting, the ministries do not use the civil society as a source of expertise in the preparation of technical texts, because in none of the analyzed law drafting procedures the expert analysis was prepared by a civil society organization. In 27% of cases, a consulting firm, experts or universities, prepared the expert analysis. Although there are technical texts that could be used by the stakeholders in the legislation preparation process, in 62% of cases they are available only in hard copy in the ministry, while in only 15% or four cases they are published on the ministry's website.

TABLE 11. Availability of technical texts

No.	Indicator name	Result (n=23)	Score
Technical texts for the preparation of draft laws (study, analysis, reviews, etc.):			
20	Are available on the ministry's website	15%	1
21	Are available as hard copies (in printed form) in the ministry	62%	4
22	Contain summarized parts for general (lay) public	23%	2
23	Ministry ordered technical texts:		
	- From civil society organization	0%	1
	- From other contracting parties (consulting firms, experts, universities)	27%	2
AVERAGE SCORE			2

2.2.3.3. Timeframe for consultation

"Ministries should regularly publish versions of the draft laws on their website and ENER immediately after the preparation of each of the versions. Also, previous versions of the documents related to the draft law should be available."³ Ministries received score 5 for publishing draft law for consultation purposes after the first draft was prepared by the Ministry and score 4 for publishing draft law after the alignment between the ministries. The ministries scored 2, on the time they have foreseen for receiving written proposals and comments about the law by the civil sector, as most acts 10 (38%) were open for comments in the period from 10 to 15 days which corresponds to the minimum of 10 days required for consultation according to the Rules of Procedures of the Government, but is less compared with the international practice and the period of time specified in the Instructions. Only in one case, that period was longer than 30 days – draft law for amending the Law on Waste Management by the MEUP.

³ Emina Nuredinoska, Igor Vidacak, Transparency of the law drafting process: rules and practices on public involvement with focus on providing feedback to the public comments, OSCE, 2012



TABLE 12. Timeframe for consultation

No.	Indicator name	Result (n=23)	Score
24	For consultation, the draft law is published as:		
	- First version of the draft law prepared by the Ministry	85%	5
	- Draft Law after alignment between the ministries	77%	4
25	The deadlines for accepting written proposals and comments on the draft by the civil society were:	34%	2
	- Longer than 30 working days		
	- From 15 to 30 working days		
	- From 10 to 15 days		
	- Less than 10 days		
	- There was no opportunity for suggestions and comments		
26	If you organized consultation events (actual or on website) during the preparation of the draft law, when did you send the invitation for participation in the consultation?	24%	2
	- More than 15 days before the event		
	- From 7 to 15 days		
	- Less than 7 days		
	- Did not organize such an event		
27	When you were setting the deadline for consultation, did you take into account holidays and other important dates in that period?	58%	3
AVERAGE SCORE			3,2

2.2.3.4. Ongoing implementation of the consultation procedure for the preparation of the draft law

The average score for the course of the consultation in the draft preparation process of the analyzed acts is 2. In 69% of the analyzed acts, person was designated to provide information about the preparation of the draft law and for public involvement in the process. In the early stage, when theses / principles of the draft law are formulated, the public was involved in 35% of the acts, while in 38% a variety of solutions were presented for the content of the draft law. In three cases, independent moderators were provided for events for public involvement in the process of preparing a draft law: law on amending the Law on Road Traffic Safety (MoI), the draft law for archival material (MISA) and the draft law declaring Krushevo as cultural heritage site of special significance (MoC).

TABLE 13. Ongoing implementation of the consultation procedure

No.	Indicator name	Result (n=23)	Score
Ministry:			
28	Appoints a person who provides information about the preparation of the draft law and for public involvement in the process	69%	4
29	Allows the involvement of civil society in the early stage when theses / principles of the draft law are formulated	35%	2
30	In the process of preparing a draft law, events for public involvement, public debates, round tables, etc. are organized	19%	1
31	Independent moderators are provided for the events for public involvement in the process of preparing the draft law (e.g. facilitator from another institution, external expert etc.)	12%	1
32	In the early phase the public is introduced to the various proposed solutions for the content of the draft law	38%	2
AVERAGE SCORE			2

2.2.3.5. Response of the ministry to civil society proposals and comments

Ministries received low score (1,5) for their responses to the suggestions and comments received from the civil society. The results show that ministries rarely give feedback or opinion about the suggestions and comments received from the civil society, so in 6 cases (23%) they provided their opinion as joint information, whereas in only 4 cases (15%) the ministries gave their opinion for each proposal individually. The obligation, on the other hand, according to Article 71, Paragraph 5 of the Rules of Procedure of the Government according to which each responsible ministry should prepare report for received opinions in which it should state the reasons why notes and proposals were not adopted and should publish them on ministries website and on ENER. For only two acts (8%), the ministries have prepared such reports: MoH - draft law on health care and MoJ- draft law on child justice. For the same number of acts, the ministries published the comments, proposals and arguments made by the civil society on their website: the draft law on expiry of the Law on the rights of members of the family whose breadwinner is a soldier on army term (MLSP) and the draft law for declaring Krushevo as cultural heritage site of special significance (MoC). Not in a single case any of the ministries printed a report with comments, suggestions, and arguments from the civil society on the draft law.

For less than half (46%) of the acts, information about the public involved in the consultation process was presented in the memorandum of the draft law, as required under RIA forms



TABLE 14. Response of the Ministries

No.	Indicator name	Result (n=23)	Score
Ministry's response on the received proposals from civil society:			
33	On the received proposals from civil society, the ministry:		
	- Did not give an opinion	73%	4
	- Gave its opinion as joint information	23%	2
	- Gave its opinion on each proposal individually	15%	1
34	Ministry prepared a report with feedback to civil society	8%	1
35	Ministry on its website published comments, proposals and arguments made by the civil sector	8%	1
36	Ministry published printed information about comments, proposals and arguments of the civil society for the draft law	0%	1
37	In a memorandum of the draft law there is information about the involved public in the consultation process	46%	3
AVERAGE SCORE			1,5

2.2.4. Civil society response

The ministries were also asked to evaluate the received proposals from the civil society organizations according to the set of questions below.

TABLE 15. Civil society response

No.	Indicator name
38	In the preparation of the final draft law, the Ministry included civil society proposals and comments
39	How does the ministry evaluate the civil society proposals and comments:
	- Mostly relevant in terms of content and expertise
	- Partially relevant
	- Almost all irrelevant
	- No comments and suggestions from civil society
40	During the preparation of the draft law, the Ministry:
	- Was satisfied with the public response
	- Greater public response was required
	- There is no opinion on cooperation with the public

In the preparation of the final draft law, the proposals and comments of the civil society were considered in only four acts: a draft law declaring Krushevo for cultural heritage site of special significance (MoC), the draft law for student standard (MoES), draft law on pension and disability insurance (MLSP) and the draft law on public prosecution service (MoJ). In three cases, the suggestions and comments were deemed to be relevant to the content and expertise, while only in the case of the draft law on public prosecution service the proposals were assessed as partly relevant. Ministries cited various reasons why they did not consider the civil society proposals. MoES for the draft law for amending the Law on Primary Education and the draft law for amending the Law on Secondary Education) said the time limit or the urgency for adoption and implementation were the reason for not considering the proposals, while in the case of the draft law on student standard, the proposals were considered because they



were sustained, purposeful and with relevant financial framework. On the other hand, MISA did not take into consideration the suggestions and comments when drafting the law on amending the Law on Electronic Communications, because it had to be harmonized with the EU directives.

MEUP cited the lack of comments from civil society as the reason for not taking into consideration the written proposals and in the case when a public debate was organized on the draft law on waste management, the comments from the representatives of civil society organizations were in support of the proposed text.

What is worrying is the fact that in 23% of cases, the ministries were satisfied with the response of the public and as many think that higher response is needed from the public. The rest, which is slightly more than half (54%), have no opinion on cooperation with the public.

2.3. Results per Ministries

In this section, the scores of Ministries and other institutions will be presented per area of openness:

1. Areas A and B: General communication and support for civil society involvement in its work;
2. Area C: Preparation of acts.

The first part presents the points given to each ministry and institution on four characteristics, evaluating the overall communication environment and support for involvement of civil society in their work: institutional setup, enabling environment, financial environment and monitoring and evaluation of the law implementation (areas A and B). Section 2.2 - Results per indicators for openness of institutions - lists which indicators are contained in each area.

In addition, there is an assessment of the preparation process (area C) of 26 acts from 12 ministries, including assessment of each act and the average score for each ministry.

At the end, total scores for the ministries are given in all three areas, but only for those ministries that filled out both questionnaires, and were evaluated in all areas

2.3.1. Areas A and B: General communication and support for civil society involvement in its operations

Four (4) is the highest score received by the ministries for communications and providing enabling environment for public involvement in the legislation preparation procedures: MLSP, MoC and MoES. Five Ministries received score three (3) and three ministries were assessed with two (2). Table 16 provides the detailed points for each ministry regarding four characteristics of general communication and support for involvement of civil society and the overall score.

TABLE 16. Areas A and B: General communication and support for involvement of civil society (ministries)

Results for ministries (max. 35 points)	Total points	Institutional setup (points)	Enabling environment (points)	Financial support environment (points)	Monitoring and evaluation of implementation (points)	Score
Ministry of Labor and Social Policy	24	10	7	4	3	4
Ministry of Culture	23	11	4	5	3	4
Ministry of Education and Science	22	11	4	2	5	4
Ministry of Environment and Urban Planning	21	9	7	3	2	3
Ministry of Justice	19	11	5	0	3	3
Ministry of Local Self Government	16	10	3	0	3	3
Ministry of Information Society and Administration	16	9	5	0	2	3
Ministry of Defense	15	6	3	4	2	3
Ministry of Transport and Communications	14	9	3	0	2	2
Ministry of Interior Affairs	13	9	2	0	2	2
Ministry of Economy	11	7	2	2	0	2

Regarding the other institutions, the Agency for Youth and Sports is the only one with score 5, followed by CPD, SEA, SIOFA with score 3.



TABLE 17. Areas A and B: General communication and support for civil society involvement (other institutions)

Results by institution (max. 27 points)	Total Points	General mechanisms	Enabling environment	Financial Environment	Monitoring and evaluation of implementation	Score
Agency for Youth and Sports	24	10	6	4	4	5
Commission for Protection from Discrimination	14	7	1	1	5	3
Secretariat for European Affairs	13	6	6	1	0	3
Secretariat for the Implementation of the Ohrid Framework Agreement	11	4	3	2	2	3
State Commission for Prevention of Corruption (SCPC)	9	3	3	0	3	2
Commission for Relations with Religious Communities and Religious Groups	6	4	1	0	1	2

2.3.2. Area C: Preparation of legislation

None of the analyzed acts received score five (5) for openness in the process of preparation of laws. Highest score is four (4) for the draft law for amending the Law on Waste Management of the MEUP and draft law on health care of MoH. Twelve (12) acts were scored with three (3), while eight acts were assessed with two (2). Four acts are scored with 1. Table 18 presents the scores for each act. The Ministry of Health has the highest rank with a score of 4, followed by the MEUP and MLSP and MoJ. However, the score of the Ministry of Health is based on the analysis of just a single law, unlike other ministries whose scores are based on analysis of more laws.

TABLE 18. Area C: Preparation of legislation

Ministry	Act (draft law)	Total Points	Score per Act	Average points	Score
Ministry of Health	Draft law for amending the Law on Waters	29	4	29	4
Ministry of Environment and Urban Planning	Draft law for confiscated property, proceeds and items seized in criminal and misdemeanor proceedings	33	4	27	3
	Draft law on Justice for Children	21	3		
Ministry of Justice	Law on Public Prosecution Service	22	3	22,7	3
	Amending the Law on Family	21	3		
	Amending the Law on Protection of Children	25	3		
Ministry of Labour and Social Policy	Draft law for Amending the expiry of the Law on the rights of members of the family whose breadwinner is a soldier in the military service	17	2	21,0	3
	Pension and Disability Insurance	18	2		
	Draft law for Amending the Law on Secondary education	22	3		
		27	3		
Ministry of Education and Science	Draft law for Amending the Law on Primary Education	17	2	20,0	3
	Draft law for amending the Law on Student Standard	16	2		
	Draft law for amending the Law on Archival Material	27	3		
Ministry for Information Society and Information	Draft law for amending the Law on Electronic Communications	22	3	19,5	3
	Declaring Krushevo as cultural heritage site of special significance	17	2		
Ministry of Culture	Draft law for amending the Law on the Quality of Agricultural Products	19	3	19,0	3
Ministry of Agriculture, Forestry and	Draft law for amending the Law on Standardisation	19	3	19	3
Ministry of Economy	Draft law on Green Markets Trade	19	3	15,5	2
	Draft law for amending the Law on Foreign Affairs	12	2		
Ministry of Foreign Affairs	Draft law for amending the Law on Weapons	15	2	15,0	2
Ministry of Interior	Draft law for amending the Law on Road Traffic Safety	6	1	14,3	2
	Draft law for amending the Law on Intercepting Communications	23	3		
	Draft law for amending the Law on Public Hygiene	14	2		
Ministry of Transport and Communications	Draft law for amending the Law on Aviation	2	1	2,3	1
	Draft law on Utility Services	2	1		
		3	1		



2.3.3.. Overall results

This section presents the overall score of the ministries on both questionnaires (general one and on individual acts). The purpose of this presentation is to eliminate the influence of the very broad view or too the rather specific one (at law level). The score is provided only for ministries who answered both questionnaires.

In the overall result, the highest score of the ministries is three (3). Six ministries have score three (3), two ministries have score two (2) and only one ministry has a score of one (1). The best scored ministries are MEUP, MLSP, MoC, MoES, MoJ and MISA. MEUP is one of the three ministries (besides MLSP and MoJ) that present to the public summarized information from the studies that could be used for active involvement in the preparation of laws. Also, their draft law for amending the Law on Waste Management is the only one of the analyzed legislation that was open for public consultation for more than 30 days. Also, this ministry, along with MISA and MoJ allows the interested public to sign up in the registry for obtaining regular information. MEUP, MLSP and MISA have a registry in which CSOs can freely sign up (for regularly information). For example, the MEUP does it through a form for updating the data for CSOs in Macedonia in the field of environmental protection that is on the home page of their website. Also, only MEUP, MoJ and MoD have planned in advance a procedure for selection of representatives of civil society organizations when the number of these representatives is limited. MoES and MEUP are the only ones which publish reports from the monitoring and evaluation of documents in electronic format on the website. MLSP, MoES and MoC are the only ones which have the funds to cover the costs of participants from civil society in the working and advisory bodies. MLSP and MoJ are the only ministries that have separate written document (guidelines) for the involvement of civil society organizations. MoES, MISA, MoJ and MoC have been known to use questionnaires to survey the public opinion on general issues or specific processes.

TABLE 19. Overall result

Results per ministry	Points for environment (max. 35)	Points for specific procedures (max. 45)	Total Points (max. 80)	Score
Ministry of Environment and Urban Planning	21	27	48	3
Ministry of Labor and Social Policy	24	21	45	3
Ministry of Culture	23	19	42	3
Ministry of Education and Science	22	20	42	3
Ministry of Justice	19	22,7	41,7	3
Ministry of Information Society and Administration	16	19,5	35,5	3
Ministry of Interior Affairs	13	14	27	2
Ministry of Economy	11	15	26	2
Ministry of Transport and Communications	14	2,3	16,3	1

2.4. Conclusions and recommendations

The analysis is focused on 12 ministries and six other institutions. Total of 75 indicators were defined, which provide answers in two areas: communication practices of the institutions and the degree of openness; as well as the public involvement in the legislation preparation procedures of specific draft laws. The consultations on these draft laws were completed by 30 September 2012.

2.4.1. Conclusions

1. There are well established mechanisms and practice of communication with civil society and the public, but pro-active approach is lacking. The average score for the general communication of the ministries with the public and civil society organizations is 3.47. Ministries often fulfill their obligations as prescribed by the laws, regulations or other acts. Thus, all ministries have appointed a contact person responsible for providing public information and regulatory impact assessment coordinator. In addition, they all use ENER for publishing draft legislation, while they fail to publish all acts on their web pages. On the other hand, the suggestions and comments received from the interested public about the work of the ministry and about certain specific processes are rarely published on the websites of the ministries. This practice allows only for application of the minimum established standards, while there are no attempts for proactive approach by institutions to inform and involve the public and civil society in their work.

2. Enabling environment for public participation in the preparation of laws is unsatisfactory. The average score for the three analyzed areas: institutional setup, financial support, and involvement in monitoring of the implementation of the acts is 2,65.

- The highest score of 3,13 of the three sub-areas analyzed was obtained for the **institutional framework** for involvement of civil society in the work of the ministries. Almost all ministries (91%) have appointed a person for cooperation with civil society organizations and involve the representatives of civil society organizations in consultative bodies and committees of the ministries. However, the cooperation and involvement are not based on systematic rules and procedures, as only one ministry has a separate written document (guidelines) for the involvement of civil society organizations; two ministries have previously determined procedure for selection of representatives of civil society organizations when the number of representatives is limited, and only three ministries have registries where civil society organizations can freely sign up for obtaining regular information.
- A low average score of 2,17 is received for the **financial environment** in support of civil society, which is due to the fact that only half of the ministries have funds to finance programs and projects aimed for civil society organizations, while no ministry has provided funding for support services and advocacy of civil society organizations in the preparation of laws.
- Although the ministries **monitor and evaluate the implementation of the laws in their area** (91%), less than half of them, or 45% involve organizations in the process of monitoring, only 18% publish reports on the monitoring and evaluation of the acts in electronic or printed format, and only one ministry published a report with feedback from public involvement and impact of reviews on monitoring the implementation of the acts of their jurisdiction.



3. The openness of the processes for preparation of specific acts is evaluated as insufficient, with a score of 2.6.

- Of the 26 analyzed laws, most frequently used channel for informing the public about the beginning of the procedure for the preparation of the draft laws are ENER and e-democracy portals (in 73% of cases). On the other hand, the ministries rarely use their websites to inform the public about the preparation of acts. The draft laws are open for consultations usually when the first working version is prepared by the ministry (85%), or after the harmonization between the ministries (77%). The involvement of civil society in the early stage when theses / principles of the draft law are formulated is very small (35%).
- The civil sector is not recognized as a source of expertise and knowledge. Notably, in none of the analyzed legislation preparation procedures an analysis was commissioned by a civil society organization.
- Adherence to timelines for consultation is assessed as satisfactory with a score of 3,2. Publication of draft laws is highly scored with 5 or 4 (first draft version and the version after the inter-ministerial coordination), but two ministries got low average score for their adherence to the minimum of 10 days of receiving written proposals and comments on the draft law by the public.
- The results show that ministries rarely give **feedback** or post suggestions and comments received from the civil society. The score on this was 1,5. Ministries rarely prepare feedback reports to the civil sector, nor they publish comments, proposals and arguments provided by the civil society.

4. Certain ministries stand out as leaders of positive practices in all analyzed areas. MEUP received the highest overall score and above-average scores in the general communication with the public, and also in the process of preparation of specific acts. Positive practices are adopted by MLSP, MoC, MoES and MoJ.

2.4.2. Recommendations

1. **Enhanced proactive communication is required with interested public and civil sector.** Ministries and institutions should comply with the minimum standards for providing information and having interaction with the public and civil society. In addition, for greater transparency and increased confidence, a proactive approach is needed to use and find different ways of communication appropriate to the needs of the target groups. In this regard, it is necessary the requirements and comments by the concerned public, as well as the opinions to be available to the public.
2. **It is necessary to improve the enabling environment for public participation in the law drafting process.**
 - Improvement of the institutional setup is necessary in several directions, such as: ministries or other state institutions should prepare a separate written document (guidelines) for the inclusion of civil society organizations in the process of drafting laws in their jurisdiction. At the same time it is necessary to define a procedure and criteria for the selection of representatives of civil society organizations when the number of representatives is limited. It would be useful for increased awareness and involvement of civil society for the ministries or institutions to provide voluntary registration of civil society organizations in special registers available on the websites of the Ministries for obtaining regular information.
 - It is necessary at the level of ministries to provide more funding to support civil society through funding programs and projects of civil society organizations, as well as allocating

funds for support services and advocacy of civil society organizations (such as legal consultation and information support).

- The results or reports on monitoring and evaluation of implementation of the documents should be regularly published in electronic or printed format by ministries. In the process of monitoring regular involvement of civil society is required, and also it is an imperative to give report with feedback on the involvement of civil society and its contribution to the processes of monitoring and evaluation of the implementation of laws.
3. **It is necessary to improve the utilization of existing mechanisms for public involvement in the preparation of each draft law in order to ensure that laws are appropriate to the needs of the target groups and the general public.**
- The Ministries should begin the consultative process for the preparation of draft laws in early stage when formulating theses / principles of the draft law. Relevant documents related to the specific draft law such as the Work Plan, Initial RIA, Full RIA should be published regularly after their preparation on ENER and websites of the ministries. Also, all versions of the draft law should be published and distributed for public review at all stages.
 - There is a need of activities to raise awareness of the ministries to recognize **the civil society as a source of expertise in the preparation of draft laws.**
 - It is necessary to prevent the laws to be discussed at the session of the Government if a minimum of 10 days for public consultation has not been respected, and if adequate consultation report is not prepared. Additionally, in order to improve the timetable for consultation, the consultation period in the Rules of Procedure of the Government should be aligned with the deadline stipulated in Article 5 of the Instructions⁴ of 2011 which is 30 days.
4. **It is necessary to share the experiences as an incentive for better regulation and application.** Positive practices identified in some of the ministries are necessary to promote and share with other ministries and institutions. Therefore, it is necessary to establish a regular mechanism for sharing successful examples among the civil servants, but also the civil society should analyze the work of institutions and at the same time to present the findings and positive examples that will serve to the others as an incentive.

⁴ Instructions for involving stakeholders in legislation preparation procedures



3. RESULTS FROM THE INTERNET MONITORING

3.1. Methodology and approach

In addition to the questionnaire as a tool for monitoring of the responsiveness of the government and the institutions, internet monitoring was performed on ENER's and ministries' websites, which have a legal obligation to publish draft laws available for public consultation.

The internet monitoring consisted of two parts:

1. Monitoring of ENER, where the monitoring was performed on the adhering to the time limit for consultations regarding the published draft laws in accordance with the Rules of Procedure for Operation of the Government and the time limit according to the Instructions⁵ as well as the published documents and their completeness when announcing a proposed regulation;

2. Monitoring of the ministries' websites where a revision was made on the publishing of the draft laws and informing the public about the possibility of joining in the process of draft laws preparation.

3.1.1. Sample

In the period from March 1 to 31 October, 2012, ENER published a total of 157 draft laws. A detailed monitoring was carried out for each one of them.

The monitoring sample covered only draft laws, while the bylaws were not subject to monitoring, because according to the legislation the bylaws do not have to be open for public revision.

The second part of the internet monitoring covered data from 15 websites of ministries in the Republic of Macedonia

3.1.2. Processing and displaying results

From the data gathered from ENER, the website of the Parliament of the Republic of Macedonia and the websites of the ministries, several databases were created during the monitoring period. The processed results are presented below in tables and charts, expressed in absolute numbers and percentages, accompanied by appropriate comments and derived conclusions and recommendations.

3.1.3. Methodological limitations

Due to incomplete automation of the data publishing on ENER's website and unavailability of some of the information, the analysis was based on tracking of several sources. Namely, the changes that occur on ENER's website after a draft law is published cannot clearly be identified; neither can the termination of the period for consultations. To determine the date of closure of the consultation period additional information were searched, primarily from the website of the Assembly of the Republic of Macedonia. Based on the materials available on the Assembly's website, data were obtained for the day when the draft law was determined at the session of the Government. That date is considered as the day when the period for consultations was closed. Also, during the monitoring period⁶ of ENER only the date of the first publication of the draft law was registered. But a problem arises when certain changes are made (status change⁷, document adding / edit) and are not registered, which furthermore hampered the monitoring of deviations.

Improvements made on ENER's website in September, among other things, now offer the option of registering the date of all edits and additions.

⁵ Instructions for involving stakeholders in legislation preparation procedures

⁶ During the project implementation, on 2.11.2012 MISA adopted and promoted ENER, particularly in the segment of registration of the date when the changes are being made.

⁷ Possible status: "Open", "Decision pending" and "Closed"

3.2. Monitoring of ENER

While taking into consideration the advantages of the electronic consultations offered through ENER, which made them available to the general public and are financially less burdensome for the administrative bodies, the need for monitoring this important electronic system for increased public involvement arose. Hence the need for its continuous monitoring in order to identify deficiencies that impede quality stakeholder involvement in the process of law drafting. Subject to monitoring primarily were: adhering to the deadlines for making the draft laws available for public revision, completeness of the documents, information updating and the public's practice to make comments.

3.2.1. Adhering to the time limit for consultations according to the Government's Rules of Procedures and Instructions

According to the Rules of Procedure of the Government, Regulatory Impact Assessment Methodology and the Instructions⁸, the ministries are obliged to publish the proposals for adopting a law, the drafts and law proposals, except for the laws adopted by urgent procedure, on ENER's website and make them available for public comment for 10 days from the date of publishing (according to the Rules of Procedure) or 30 days (according to the Instructions). On ENER's website, any interested party may submit their opinion, comments and suggestions regarding the published proposals for adopting a law, drafts and proposals of laws. Competent ministry is obliged to prepare a report on the conducted consultations and publish it on ENER's and its own website.

When a draft law is published on ENER, it can have status "Open", "Decision pending" and "Closed". Status "Open" means that the law is open for consultation from the public. Draft law should change to the status of "Decision pending" when it is entering in the government procedure and end with status "Closed" when it is passed in the Parliament.

During the monitoring period, on ENER's website a total number of 157 draft laws were published. Out of them, 64 (41%) were published with the status "Open", 75 (48%) were directly published with status of "Decision pending," and 18 (11%) with the status "Closed". This means that of all the laws published during the monitoring period, 41% were available for public comments. The largest number of draft laws were published by MoF- 27, out of which 26 (96%) with status "Open". It was followed by the Ministry of Agriculture, Forestry and Water Supply (MAFWS) with 22 published laws and MoE with 21 laws. But in both cases of MAFWE and ME only one law was open for commenting (published with status "Open"). MLSG has not published draft laws during the period of monitoring, annotating that there were no changes in the existing laws under their jurisdiction, nor there were new laws adopted. In terms of the total number of laws which were published by MEUP, the Ministry of Foreign Affairs (MFA), MoD and MoF have the most draft laws posted with status "Open"

⁸ Instructions for involving stakeholders in legislation preparation procedures. Official Gazette of R.M. No.150 as of 27.10.2011.



TABLE 20. Review of draft laws published on ENER ⁹

Ministry	Total number of draft laws (I)	Draft law with status "Open" (II)	Draft law with status "Open" with set date of termination of the consultation period (III)	Average number of days of availability of documents for public comments on ENER (IV)
MoF	27	26 (96%)	20	22
MAFWE	22	1(5%)	0	/
MoE	21	1(5%)	0	/
MLSP	17	2 (12%)	2	41
MoJ	15	2 (13%)	0	/
MTC	13	8 (62%)	8	62
MoI	13	9 (69%)	8	39
MoC	7	2 (29%)	0	/
MISA	6	4 (67%)	2	30
MoH	7	3 (43%)	1	19
MEUP	4	4 (100%)	1	74
MES	3	0 (0%)	0	/
MFA	1	1 (100%)	0	/
MFA	1	1 (100%)	0	/
MoD	0	/	0	/
MLSG	0	/	0	/
Total	157	64 (41%)	42	41

In order to calculate the average number of days for consultation, only laws that had the status "Open" and which were adopted during the period of monitoring, i.e. when consultation period was terminated (column III of table 20), are taken into consideration. Average period for draft laws set out for consultation period was 41 days. Longest period for consultation had draft laws published by MEUP - 74 days (one draft law) and MTC, where the deadline is 62 days (for 8 draft laws). Determining deviations from the consultation periods published on ENER were analyzed and presented on the website www.ogledalonavladata.mk in the section "Deviations" under the name "Deviation from the rules" ¹⁰.



Out of 42 draft laws with a set consultation period, deviations ¹¹ from the 10 days statutory period occurs in six (14%) of the draft laws, all six of the MoF: draft law for the Republic of Macedonia for a loan from the European Bank for Reconstruction and Development (8 days); draft law for converting the claims of the Republic of Macedonia on the basis of paying obligations to foreign creditors and foreign railway enterprises in equity in Railways Transport AD Skopje (8 days); draft law for amending the Law on Administrative Fees (6 days); draft law for amending the Law on Property Taxes (6 days); draft law for amendments of the Law on Tax Procedure (6 days); draft law on lawyer stamps (6 days). Deviations from the minimum period according to the Instructions is found in 24 (57%) draft laws, which is a significantly greater number.

⁹ With all the statuses: "Open", "Decision pending" and "Closed"

¹⁰ <http://www.ogledalonavladata.mk/otstapki.html>

¹¹ Deviation is a period shorter than 10 days, from the day when the draft-law is published on ENER up to the day when it is in the Governmental procedure or got status "Decision Pending" or "Closed" at the ENER.

3.2.2. Practices on commenting on ENER

The option for commenting on draft laws published on ENER exists regardless of the current status of the draft-law. Comments can have real impact only until the draft law changes its status to "Decision pending". From that point on, there is almost no possibility for affecting the proposals and comments: in 59% of the cases the public was not able to make an influence (despite the possibility of commenting). On the other hand, the small number of given public comments is alarming. Out of the total number of 157 draft laws, only six comments from stakeholders were posted during the monitoring period of ENER. Comments referred to: draft-law for amending the Energy Law, the draft law amending the Law for veterinary, draft law for amending the Law on Plant Health, draft law on Law on Pension and Disability Insurance, draft law amending the Law on Interception of Communications - a revised version and the Law on the administration.

This result of minimal number of comments corresponds to the recent findings from the e-survey¹², where despite the fact that the majority of the surveyed representatives of the civil society organizations answered that they are familiar with the possibilities that ENER offers, they still do not use it to express their opinion regarding a certain draft law. The reasons may be different, but in accordance with the purposes of this analysis, we will not go into more details.

3.2.3. Practices for updating open draft regulations ENER

Regular status updates of the open draft regulations and related documents are of great importance for increasing the trust by the public, as a good example that active involvement in commenting on ENER can affect the processes of laws drafting. However, the most common case is the draft law will remain with the status "Open" and after the consideration of the Government (with a transition to the status of "Decision pending") and once it is passed in the Assembly (changes its status to "Closed"). This situation can mislead stakeholders to make comments for draft laws that have already been adopted. Despite the irregular update of the status changes by the persons responsible in the ministries, an additional problem is the software bug on ENER's website, i.e. the inability to track the time when the status changes have occurred, while the only thing available is the current status of the regulation. For the needs of the analysis, daily monitoring of the status of the published regulation was being conducted, in order to get information about whether the draft laws have changed their status. Status changes were registered only in 26 (17%) draft laws. Only in two cases (both MTC) the draft law passed through all three statuses on ENER ("Open", "Decision pending" and at the end status "Closed"): the draft-law amending the Law on the railway system and draft law amending the Law on inland waterways. For five draft-laws it is registered their entry into the government process with the transition from the status of "Open" into "Decision pending". In nine cases, the law passed from status "Open" directly into status "Closed".

The analysis also tracked the publishing of the accompanying documents of the draft laws published on ENER. Namely, according to the Instructions¹³, when planning and drafting the laws, the ministries publish the relevant documents related to the specific draft law on their websites and ENER (listed in Table 21).

¹² Emina Nuredinoska, Igor Vidacak, Transparency of the law drafting process: rules and practices on public involvement with focus on providing feedback to the public comments, OSCE, 2012

¹³ Instructions for involving stakeholders in legislation preparation procedures.



TABLE 21. Documents contained in the draft legislation published on ENER

Documents	Number of draft laws that contain these	Percentages of the total number of published drafts (159)	Percentage of documents that were attached as empty or inappropriate ¹⁴
Announcements for drafting a law	17	27%	41%
Plan for the implementation of the regulatory impact assessment	60	94%	3%
Initial / full regulatory impact assessment	58	91%	7%
Text of the regulation	58	91%	0%
Announcement of consultation and public revision	3	5%	0%
Report on the consultations	5	8%	0%

Table 21 provides an overview of the number of draft laws that were published on ENER with status "Open" along with relevant documents that were also made available to the public. The table shows that among the key documents that should be published when creating a record on ENER for the draft law, in 94% of the cases a plan for implementing RIA was published, out of which 3% were inappropriate or empty documents¹⁵. The draft text of the regulation was set in 91% of the cases and all were all right. Initial / full RIA is set at the same percentage, with 7% of unsuitable / empty documents.

What worries us is the percentage of released announcements for preparation of the draft laws, which is low and reaches to 27%, out of which 41% are unsuitable / empty documents.

Announcement for start of consultation and public revision period was published in only three cases: the draft law for amending the Law on Nature Protection of the MEUP, the draft law for amending the Law on fire-fighting from the MoD, the draft law for amending the Law on the handling of complaints and suggestions proposed by MISA. A report from the consultations carried out was set at five cases i.e. 8% of the analyzed cases. For some draft laws that have been published within the monitoring period, part of the documents were published on ENER after the monitoring period and they were included in the analysis, although this action is justified only in "Report from the consultations" which should be attached after the implementation of the consultations.

3.3. Monitoring ministries' websites

Ministries, in addition to the obligation to publish draft laws on ENER, also must publish them on their own websites. Most ministries have a special section for legislation¹⁶ on their websites where they publish laws and draft laws.

Five ministries (MoI, MLSP, MAFWS, MoC and MoH) in the legislation section of their websites, in addition to the adopted laws, also publish the draft laws.

Despite this practice, some of the ministries use the home page and / or public relations section to make announcements inviting stakeholders to engage in the preparation of the specific law, as are the following six ministries: MoJ, MLSP, MoE, MTC, MoC and MEUP.

60% of the ministries use at least one way of informing and inviting the public to get involved in the preparation of laws.

Best practices and an example that should be followed are offered by two ministries - MLSP and MoC, due to the fact that they provide timely announcements for the possibility of involvement in the law preparation process, as well as finding appropriate draft law in the special legislation section on their websites.

¹⁴ Percentage is received from the number of draft laws that contain concrete documents.

¹⁵ Incomplete, other documents from the same draft law or documents that cannot be opened are considered as inappropriate documents.

¹⁶ Different names for this section on the websites are used by different ministries.

3.4. Conclusions and recommendations

A total number of 157 draft laws were published on ENER during the monitoring period from March 1 to October 31, 2012. The conclusions are derived from the following: adhering to the time limit for making the draft laws available for public revision, information update and public's practice to post comments and use ministries' websites.

3.4.1. Conclusions

1. Only part of all the draft laws released for public revision (41%) were open for consultation to the public. MoF appears as the initiator of most of the draft laws with the opportunity to comment, followed by the MEUP, MFA, MoE.

2. There are a minimal number of deviations from the statutory period anticipated in the Rules of Procedure of the Government. The percentage of registered deviations from the 10 days statutory deadline for publishing draft laws that can be commented is minimal and occurs in six cases, i.e. 14% of the draft laws for which consultations were open and closed. But it should be taken into consideration that the consultation period of 10 days is not in accordance with international best practices and standards. Additional monitoring of deviations for a period of 30 days, as specified in the Instructions, shows significantly larger number of deviations i.e. 57% or 24 cases.

The average number of days for public revision is above the minimum. The average number of days is 41 days, which is significantly more than the minimum of 10, or 30 days for consultation. Flagship of the positive practice is MEUP with 74 days for a published draft law and MTC with an average of 62 days for eight draft laws.

3. Unregistered changes of statuses by civil servants in ministries and lack of information about the date of the draft law's status change are a significant deficiency. Untimely change of status of the published laws (from "Open", to "Decision pending" and "Closed") and ENER's software flaw mislead stakeholders to comment on a law that had already been adopted. Namely, in 59% of the cases, the civil society sector, and the stakeholders and the public at large have not been able to make an impact, if we take into account that this is a percentage of draft laws that have been published after being revised in the Government or adopted in the Assembly.

Only in two cases (both MTC) draft laws have gone through all three required statuses on ENER ("Open", "Decision pending" and in the "Closed").

4. ENER is not perceived as a tool for involvement in the preparation of laws by stakeholders.

For total of 157 draft laws, a minimum number of comments was recorded, six in total.

Furthermore, word limitation in the comment text box is a flaw, and there is also a lack of a unified template for presenting the public consultations.

5. The majority of the ministries (60%) use their websites for informing and inviting the public to participate in the process of preparing draft laws in at least one way. MLSP and MoC stand out as positive examples by posting draft laws in the special section on legislation, as well as in the news section on the website, covering a variety of ways for public informing and communication. The publishing of the draft laws on the websites is not interactive and does not encourage dialogue between stakeholders, which is a disadvantage in the effort for greater openness and encouraging the involvement.



3.4.2. Recommendations

1. It is necessary to completely adhere to the rules for consultation. Ministries should regularly publish all draft laws prepared during the year, from the outset, as it is provided by regulation. The draft laws that are published on ENER by the ministries, should be timely published for consultation before they are discussed in the meeting of the Government or adopted by the Assembly.

2. The practice of publishing draft laws for public consultation for a period longer than the statutory minimum should be retained in the future. Although the practice shows that ministries abide the consultation deadline of 10 days when publishing the draft laws on ENER, in the future efforts should be directed towards increasing and meeting the deadline of 30 days. At the same time, there is a proposal for amendment of the Rules of Procedure of the Government, where the period of 10 days will be in compliance with the Instructions and will last for a minimum of 30 days.

3. Ministries need to promptly register all the changes that occur in the status of the draft law. Following the publication of the draft legislation, it is essential that ministries are up to date in with the changes registration (status, documents etc.) in order to avoid confusion among the public about the draft law's preparation phase, and in that way to jeopardize the possibility of their quality inclusion. The software should offer a possibility for registering the date of the status changes and to keep history of the status changes.

4. It takes continuous activities for improvement and promotion of ENER. In order to encourage critical comments and contribution by stakeholders, some changes need to be done on ENER, not only in time limits and clear explanation regarding the consultation period, but it is also necessary to establish unique templates / documents that will be used by stakeholders when commenting a draft law. Also, giving feedback on the comments will improve the confidence, and thus will increase the quality of the consultative process. On the other hand, it is necessary and essential for stakeholders **to proactively engage and express** their opinions and comments on ENER. At the same time, they should act jointly and via network, to circulate the information and to insist and to lobby for accountability and transparency of the ministries.

In order to meet the second goal of the open data initiative from the action plan which was joined by the Government "Open government partnership" and climbing up above the trunk of open data, ENER needs **to open the data from the ministries** and to offer **open document formats**, rather than the existing ones, which would contribute to an easier commenting and increased usability and data processing ability.

5. Use of all available modes for informing the public on the preparation of a draft law through the ministries' websites. Ministries need to take into account the positive examples of MLSP and MoC websites and to repeat the procedure for publishing draft laws for all laws that are their proposal. This will ensure timely information and involvement of the public in the process of drafting. In the future it is necessary to increase interactivity, i.e. enable stakeholders to express their opinion and comments regarding a specific draft law on the websites.

APPENDIX 1. QUESTIONNAIRE FOR COMMUNICATION SUPPORT

General Communication Environment

Ministry:		
1. Appoints a named person authorized to give information of public character to CSOs	yes	no
2. Appoints coordinator to estimate the impact of regulations	yes	no
3. Disseminates publications (periodicals / newsletters) about its work	yes	no
4. Publishes forecasts of the start dates of preparations/ procedures for legislation in daily newspapers	yes	no
5. Publishes forecasts of the start dates of preparations/ procedures for legislation on relevant websites, such as ENER, e-democracy, the ministry's website	yes	no
6. Uses other media for informing the public	yes	no

Ministry on its website or via an e-newsletter:

7. Publishes details and information about public participation in specific procedures (laws, strategies, etc.)	yes	no
8. Uses structured e-questionnaires to gauge public opinion	yes	no
9. Publishes the proposals and comments made by the public about the work of the proposing ministry	yes	no
10. Uses structured e-questionnaires to gauge public opinion prepared for specific legislation processes	yes	no
11. Publishes answers and explanations with regard to the proposals put forward by the interested members of public	yes	no
12. Publishes a list of frequently asked questions and answers concerning public participation in specific processes	yes	no
13. Enables interested members of the public to sign up to a registry	yes	no
14. E-mails interested members of the public with electronic news	yes	no
15. Organizes e-public debates (via forums, blogs, web conferences, etc.) and prepares and publishes the outcomes of these debates	yes	no

Enabling environment for civil society participation

Ministry:		
16. Appoints a named person authorized to give information of public character to CSOs	yes	no
17. Enables CSOs to sign up to a registry (for regular information sharing)	yes	no
18. Invites interested CSOs to sign up / register for receiving information	yes	no
19. Has prepared written document (guidelines) for involvement of civil society organizations	yes	no
20. Includes the representatives of civil society organizations on the government's council or on the expert councils and commissions working with the ministry, even if it is not legally required to do so	yes	no
21. Includes representatives of civil society in its delegations to international events	yes	no
22. Lays down in advance a method of selecting civil society representatives in instances in which the number of civil society representatives must be limited	yes	no
23. Trains its staff about the participation of civil society in the work of government departments	yes	no



Financial environment for support of the civil society

Ministry:

24. Finances CSOs programs (institutional support)	yes	no
25. Finances CSOs projects (project activities)	yes	no
26. Has dedicated a fund available to cover the costs of CSOs representatives participating on government commissions and working groups	yes	no
27. Has dedicated funds available for support services for the inclusion (legal consultation and information support) and advocacy of CSOs	yes	no
28. Offers CSOs use of premises, free of charge or subsidized	yes	no
29. Offers additional forms of support (hiring equipment, training, etc.)	yes	no

Monitoring and evaluation of the implementation of legislation

Ministry:

30. Monitors and evaluates legislation implementation in its own area of operation	yes	no
31. Includes representatives of civil society in the monitoring and evaluation of legislation	yes	no
32. Publishes reports on the monitoring and evaluation of legislation:	yes	no
33. In electronic form on its website (website URL)	yes	no
34. In printed hardcopy (e.g. publication, etc.)	yes	no
35. Publishes reports on the extent to which the public has been included in the legislation preparation, and the impact of the public's inclusion		
36. At the end of the preparation of the legislation in the memorandum always informs the public on the public's inclusion and cooperation		

Do you have any comments or questions regarding the questionnaire?

The questionnaire filled by (Name and Surname):

Ministry:

Position:

Place and date:

APPENDIX 2. QUESTIONNAIRE FOR PUBLIC INVOLVEMENT IN THE PROCESS OF PREPARING A DRAFT LAW

Way of informing the public about the beginning of the procedure for the preparation of the bill

The Ministry informed the public about the beginning of the procedure for drafting the law:

1. By publishing information in the strategic plan and the annual work program of the Government	yes	no
2. By posting information on the ministry's website	yes	no
3. By sending information to all interested parties (e.g. direct mail, e-mail)	yes	no
4. By publishing information about the beginning of the procedure on the public portal - ENER and e-democracy	yes	no
5. By publishing information in newspapers	yes	no
6. Other means of information	yes	no

If yes, how _____

Information announcing the start of the law drafting procedure contains:

7. Name of draft law	yes	no
8. Intent and objectives of the procedure	yes	no
9. Timeline of important events: identification of the most important stages in the procedure	yes	no
10. Foreseen methods and tools for public involvement and participation	yes	no
11. Identification of key stakeholders	yes	no
12. When there are studies relevant to the draftlaw, whether they are consulted and information is released to the public on where to find them	yes	no
13. Whether and where summarized information from studies is available to the public (to be used by lay people)	yes	no
14. Foreseen deadlines for the adoption of draftlaw	yes	no
15. Call for public involvement	yes	no
16. Projected costs for the law drafting procedure	yes	no



17. Contact details (person responsible for the preparation of the draft law)	yes	no
18. Methods of collecting and taking into consideration the public opinion	yes	no
19. Monitoring and evaluation of the procedure	yes	no

Technical texts for the preparation of draft laws (study, analysis, reviews, etc.):

20. Are available on the ministry's website	yes	no
21. Are available as hard copies (in printed form) in the ministry	yes	no
22. Contain summarized parts for general (lay) public	yes	no
23. Ministry ordered technical texts:	yes	no
- From civil society organization	yes	no
- From other contracting parties (consulting firms, experts, universities)	yes	no

Timeframe for consultation

24. For consultation, the draftlaw is published as:		
- First version of the draftlaw prepared by the Ministry	yes	no
- Draft Law after alignment between the ministries	yes	no
25. The deadlines for accepting written proposals and comments on the draft by the civil society were:		
-Longer than 30 working days		
-From 15 to 30 working days		
-From 10 to 15 days		
-Less than 10 days		
-There was no opportunity for suggestions and comments		
26. If you organized consultation events (actual or on website) during the preparation of the draftlaw, when did you send the invitation for participation in the consultation?	yes	no

Ongoing implementation of the consultation procedure

Ministry:		
27. Appoints a person who provides information about the preparation of the draft law and for public involvement in the process	yes	no
28. Allows the involvement of civil society in the early stage when theses / principles of the draft law are formulated	yes	no
29. In the process of preparing a draft law, events for public involvement, public debates, round tables, etc. are organized	yes	no
30. Independent moderators are provided for the events for public involvement in the process of preparing the draft law (e.g. facilitator from another institution, external expert etc.)	yes	no
31. In the early phase the public is introduced to the various proposed solutions for the content of the draft law	yes	no

Ministry's response on the received proposals from civil society

32. On the received proposals from civil society, the ministry:		
- Did not give an opinion	yes	no
- Gave its opinion as joint information	yes	no
- Gave its opinion on each proposal individually	yes	no
33. Ministry prepared a report with feedback to civil society	yes	no
34. Ministry on its website published comments, proposals and arguments made by the civil sector	yes	no
35. Ministry published printed information about comments, proposals and arguments of the civil society for the draft law	yes	no
36. In a memorandum of the draft law there is information about the involved public in the consultation process	yes	no
37. In the preparation of the final draft law, the Ministry included civil society proposals and comments:	yes	no



- The Ministry did not include civil society proposals and comments because

- The Ministry mostly included civil society proposals and comments, because

38. How does the ministry evaluate the civil society proposals and comments: yes no

- Mostly relevant in terms of content and expertise yes no

- Partially relevant yes no

- Almost all irrelevant yes no

- No comments and suggestions from civil society yes no

39. During the preparation of the draft law, the Ministry:

- Was satisfied with the public response yes no

- Greater public response was required yes no

- There is no opinion on cooperation with the public yes no

Which civil society organizations participated with proposals and comments?

Other comments for civil society sector participation in the law-drafting process

Your comments for certain question/s or for the questionnaire

APPENDIX 3. LIST OF DRAFT LAWS BY MINISTRIES INCLUDED IN THE ANALYSIS

	Competent ministry	Evaluated Legislation	Received response
1	Ministry of Interior Affairs	Law on Amending the Law on Weapons	Yes
2		Law on Amending the Law on Road Traffic Safety	Yes
3		Draft Law on Amending the Law on Monitoring of Communications	Yes
4	Ministry of Economy	Draft Law on Amending the Law on Standardisation	Yes
5		Draft Law on Green Markets Trading	Yes
6		Draft Law on Encouraging the Research, Development and Innovation in Small and Medium-sized Enterprises in the Republic of Macedonia	No
7	Ministry of Environment and Urban Planning	Draft Law on Amending the Law on Waste Management	Yes
8		Draft Law on Amending the Law on Waters	Yes
9	Ministry of Health	Draft Law on Health Care	Yes
10		Draft Law on Amending the Law on Health Insurance	No
11	Ministry of Agriculture, Forestry and Water	Draft Law on Amending the Law on the Quality of Agricultural Products	Yes
12		Draft Law on Animal Identification and Registration	No
13	Ministry of Information Society and Administration	Draft Law on Archival Materials	Yes
14		Draft Law on Amending the Law on Electronic Communications	Yes
15	Ministry of Culture	Draft Law on Declaring Krushevo as Cultural Heritage Site of Special Significance	Yes
16	Ministry of Foreign Affairs	Draft Law on Amending the Law on Foreign Affairs	Yes



17	Ministry of Education and Science	Draft Law on Amending Secondary Education	Yes
18		Draft Law for Amending the Law on Primary Education	Yes
19		Draft Law on Student Standards	Yes
20	Ministry of Justice	Draft Law on Confiscated Property, Property Rights and Items Dispossessed in Criminal and Misdemeanour Proceedings	No
21		Draft Law on Children's Justice	No
22		Law on Public Prosecution Service	No
23	Ministry of Transport and Communications	Draft Law on Amending the Law on Public Hygiene	No
24		Draft Law on Amending the Law on Aviation	No
25		Draft Law on Communal Work	No
26	Ministry of Labour and Social Policy	Draft Law on Amending the Family Law	Yes
27		Draft Law on Amending the Law on Child Protection	Yes
28		Draft Law on Expiry of the Law on the Rights of Family Members whose Breadwinner is a Soldier in the Military Service	Yes
29		Draft Law on Pension and Disablement Insurance	Yes
30	Ministry of Finance	Draft Law on Amending the Lottery Games and Entertainment Games	No
31		Draft Law on Amending the Law on Tax Procedure	No
32		Draft Law on Lawyers' Stamps	No
33		Draft Law on Perform Accounting Work	No

