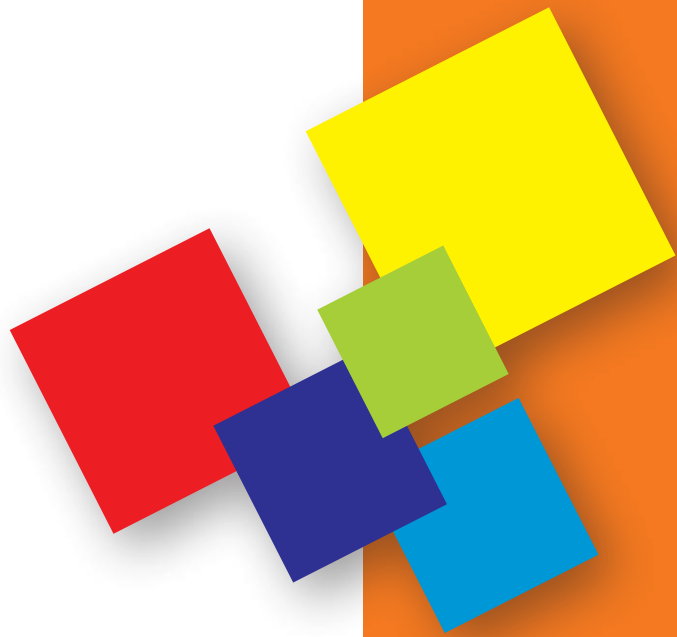




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# Government Mirror 2015: Public Participation in the Law-Making Processes



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**May, 2016**



## Government Mirror 2015: Public Participation in the Law-Making Processes

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## LIST OF ABBREVIATIONS

- CSO** - Civil Society Organization
- EIDHR** - European Instrument for Democracy and Human Rights
- UNER** - Unique National Electronic Register of Legislation
- EU** - the European Union
- MoI** - Ministry of Internal Affairs
- MoE** - Ministry of Economy
- MEPP** - Ministry of Environment and Physical Planning
- MoH** - Ministry of Health
- MAFWE** - Ministry of Agriculture, Forestry and Water Economy
- MISA** - Ministry of Information Society and Administration
- MoC** - Ministry of Culture
- MLG** - Ministry of Local Government
- MFA** - Ministry of Foreign Affairs
- MoD** - Ministry of Defence
- MES** - Ministry of Education and Science
- MoJ** - Ministry of Justice
- MTC** - Ministry of Transport and Communications
- MLSP** - Ministry of Labour and Social Policy
- MoF** - Ministry of Finance
- MCIC** - Macedonian Center for International Cooperation
- RIA** - Regulation Impact Assessment
- USAID** - US Agency for International Development
- CNVOS** - Center for Information Service, Co-operation and Development of Non-government organizations



## PREFACE

The Publication "Mirror to the Government: Public Participation in the Law Drafting Processes" is a tool that should serve civil society organizations, government officials and the general public to receive information about the openness of the state administration authorities and to increase their knowledge and opportunities for involvement into the law drafting processes.

The intention of the Macedonian Centre for International Cooperation (MCIC), as the publisher of this Publication is to contribute to the representation/advocacy and participation of the civil society in the preparation and implementation of public policies, by establishing and implementing a model for monitoring the degree of openness of the law drafting processes and reporting on the implementation of existing mechanisms whereby public involvement is envisaged.

The analysis consists of two parts. The first part contains the results obtained from questionnaires sent to state administration bodies. The forgoing is used in order to assess the openness of the state administration bodies when communicating with the public and the openness of the processes of drafting of 18 legal acts by 10 ministries. The second part encloses the results of the monitoring of the minimum standards of public participation in the drafting of legislation or adherence to deadlines for consultations on the published draft proposals in the Unique national Electronic Register of Legislation (UNER).

This analysis is prepared for the third time. Based on the methodology developed by the Centre for Information, Cooperation and Development of Civil Society Organisations (CNVOS) from Slovenia, MCIC in 2013 published the first analysis with EU financial support from the EIDHR instrument. Monitoring of SNER and the openness of institutions to general public communication and transparency of the process of drafting laws, ensued with the project "Mirror to the Government", which, from July 2013 until September 2016 is being implemented as part of the USAID's Anti-corruption Program.

Emina Nuredinoska  
Head of Department for Civil Society and Democratization

## INTRODUCTION

Involving the public in the law drafting processes and policy making deservedly received special significance in recent years in Macedonia, through amendments in the documents governing the law drafting, promoting the mechanisms and involvement opportunities. The European Commission's 2013 Progress Report for Macedonia emphasized that "the Government should show greater openness to the involvement of civil society." At the regional level<sup>1</sup> common challenges refer to increased involvement of civil society in the consultation processes, as well as timely (if at all) publication of key documents for quality contribution to such processes.

Any changes in legislation and practice, and attempts to promote the importance and necessity of inclusion, resulted in negligible improvements in the overall results in the second report, "Government Mirror 2014" compared to the first monitoring in 2012. The minor progress made suggests that one should avoid excessive optimism as regards to the situation, since the process of knowledge building and confidence is a long term process. One needs to continually work on improving opportunities for public involvement in order to create high-quality draft proposals and improved implementation thereof.

In addition, public trust needs to be gained in order to further legitimize the decision-making and operation of the Government.

In Macedonia several documents exist, which provide for the grounds for public involvement in the adoption of legislation. Such grounds may be found in the Constitution, then the Law on Referendum and other forms of direct expression, the Law on the Activity of the Government, the Law on Organization and Operation of the State Administration Authorities etc. Also, a number of secondary legislation regulate this issue, such as the Rules of Procedure of the Government of RM, the Strategy for Cooperation of the Government with the Civil Society, the Code of Good Practices for Civil Participation in the Policy Making Process, Methodology for Regulation Impact Assessment and the Guidelines on Actions to be taken about the Activity of the Ministries in the Process of Implementation of the Regulation Impact Assessment (hereinafter: Guidelines).

The analysis "Mirror to the Government" was first published in 2013 and referred to the situation in 2012. Thereafter, several changes occurred in terms of promoting the consultation processes and the involvement of the civil society organizations in terms of legislation and technical possibilities of electronic tools for consultation. Significant changes were enclosed in the Guidelines and RIA. UNER as an e-tool for public consultation was technically improved, and in addition, UNER referenced a hyperlink to the website "Mirror to the Government", thereby recognizing the need for an independent analysis of the rules for the implementation of the consultation processes with the public in the drafting of laws by the state administration bodies.

The analysis has been prepared under the project "Mirror to the Government: Public Participation in the Law Drafting Processes" as part of the USAID's Anti-corruption Program. The project 'Government Mirror: Public Participation in the Law-Making Processes' was first implemented in 2012 by the MCIC, with the financial support of the EU.

By using the pre-determined methodology of 2012 and in the process of its adaptation, MCIC has been monitoring the level of involvement of the civil society in the process of law making for the period from January to December 2015.

<sup>1</sup> Matrix for monitoring the enabling environment for civil society development: Regional Report (2014). The Regional Report covers the Western Balkan countries - Macedonia, Croatia, Montenegro, Serbia, Bosnia and Herzegovina, Albania, Kosovo and Turkey.



## PROJECT: GOVERNMENT MIRROR

The project "Mirror to the Government" was implemented for the first time in Republic of Macedonia in 2012 by the MCIC, with support from the European Union. As of June 2013, the MCIC continued with its implementation under the USAID's Anti-corruption Program. The Program aims to increase awareness and knowledge of civil society organizations and citizens in demanding greater accountability of institutions as well as contribute towards a heightened integrity thereof.

The project "Government Mirror" aims to contribute towards an increased influence of civil society organizations in the creation and monitoring of policies through an enhanced cooperation of the civil society organizations with the state administration in the process of policy making and law drafting. The target groups are the civil society organizations and the public administration bodies (chiefly the line ministries).

The expected outcome of the project is an implemented system for monitoring the involvement of the civil society in the processes of law drafting.

Under the project, for the third time the methodology for assessing the openness of institutions was applied, developed CNVOS and adapted to the Macedonian context by MCIC. The active use of the website [www.ogledalonavladata.mk](http://www.ogledalonavladata.mk) continued, which is an e- tool developed in 2012 for the purposes of monitoring of the public participation in law making. Within the project, and inclusive of 31 December 2015, 43 weekly and 11 monthly reviews and four quarterly reports were published. The assessment of the openness of the institutions and the monitoring of the participation in this analysis relate to the period from 1 January to 31 December 2015.

# Part I.

## Results from the State Administration Bodies' Openness Survey

### 1. METHODOLOGY AND APPROACH

The methodology for monitoring the openness of the ministries to public involvement in the law-making processes was established and adapted to the local context in 2012 in coordination with the MCIC project team and separate focus groups together with civil society organizations and state administration bodies. The said methodology was developed by CNVOS from Slovenia in 2006.

The methodology is based on monitoring three areas to assess the openness of institutions: communication environment and communication practices of ministries, including set mechanisms for involving the civil society, supportive environment for the involvement of the civil society, and a procedure for the drafting of legislation. The three areas include indicators that are defined in accordance with the highest international standards for consultation processes and in accordance with national legislation.

The results rendered in this analysis on the monitoring of the openness of the draft law making processes in Macedonia relate to the period from 1 January to 31 December 2015.

#### 1.1 Survey Instruments

Monitoring of the degree of openness consists of three parts:

- Type 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: Supportive environment for civil society participation, created by the ministries as proponents of legislation or draft- legislation (institutional arrangements for participation of civil society in the activities of ministries, financial environment provided by the ministries for participation of the civil sector in the drafting of acts, monitoring and evaluation of the implementation of acts);
- Area C: Drafting of legislation (publication of the procedure for the drafting of acts, availability of professional/expert basis for the drafting of acts, feedback to the proponent/proposer of the acts rendering suggestions and comments from the civil society sector, consistency of content between the proponent and the civil society, etc.).

The main instrument for assessing the involvement of the civil society in the policy making and in the drafting of laws comprises two questionnaires. The first questionnaire analyzes Areas A and B, and the second one, area C. The questionnaires are enclosed in Annexes 1 and 2.

Each area contains separate indicators, which are formulated as statements representing the good public participation standards. The first questionnaire defines 35 indicators (16 + 19), while the second questionnaire includes 43 indicators referring to the openness of the process of specific law drafting.





## 1.2 Sample

The first questionnaire was sent to (all) 15 ministries. Response was obtained from 9 ministries, the Ministry of Defence (MoD), Ministry of Internal Affairs (MIA), Ministry of Labour and Social Policy (MLSP), Ministry of Education and Science (MES), Ministry of Economy (MoE), Ministry of Culture (MoC), Ministry of Local Government (MLG), Ministry of Environment and Physical Planning (MEPP), Ministry of Information Society and Administration (MISA). Six ministries have not supplied an answer: the Ministry of Justice (MoJ), Ministry of Finance (MoF), Ministry of Health (MoH), Ministry of Transport and Communications (MTC), Ministry of Agriculture, Forestry and Water Economy (MAFWE) and the Ministry of Foreign Affairs (MFA).

The second questionnaire was sent to (all) 15 ministries on 39 selected draft proposals that monitored the application of the rules for inclusion of the civil society. The sample encompassed draft proposals approved at a Government's session during the period from 1 January to 31 December 2015. Responses were received from 10 ministries on 18 draft proposals.

Although in previous years the process of collecting questionnaires was slowly unfolding, for the purposes of this Report the process was unfolding extremely hard. Questionnaires were sent to ministries on two occasions. In September 2015 questionnaire no. 1 and questionnaire no. 2<sup>2</sup> were submitted to the ministries on 25 draft proposals approved at a Government's session during the period between 1 January and 30 June 2015. Since up to 15 January 2016 only 11 questionnaires from 7 ministries on 11 draft proposals were sent back, reminders were sent to all the ministries lacking feedback. Additionally, in February, questionnaires to 7 ministries on 14 draft proposals approved at a Government's session from the period from 1 July to 31 December 2015 inclusive, were sent. As of April 1, replies were received to 7 more questionnaires.

The selection of 39 draft proposals was performed by the project team by reviewing the approved draft proposals during the monitored period, on the website of the Assembly of the Republic of Macedonia, proposed by ministries wherein, first and foremost, substantive provisions of importance to civil society existed, but also laws that regulate matters of importance to the citizens. Also, the acts were selected in a way so as to ensure representation of all ministries.

Annex 3 encloses a list of all the draft proposals for which a questionnaire was sent to assess the level of involvement of the civil society in the drafting process.

## 1.3. Processing and Presentation of Results

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

The responses from the ministries on each of the indicators carry points. The grades for the indicators are derived as a percentage of the points received from the total points available for that indicator. Then, based on the percentage, individual indicators from 1 to 5 are awarded as follows:

<b>Grade 1 (lowest grade)</b>	(ranked 20% or less)
<b>Grade 2</b>	(ranked from 21% to 40%)
<b>Grade 3</b>	(ranked from 41% to 60%)
<b>Grade 4</b>	(ranked from 61% to 80%)
<b>Grade 5 (highest grade)</b>	(ranked from 81% to 100%)

<sup>2</sup> Questionnaire no. 2 was not sent to the Ministry of Local Government because up to that moment, the Ministry had not had proposed a single draft law to the Assembly.

The analyzed results are displayed in two ways. First, the grades by indicators are presented, or for each question/indicator an overall score for all ministries is allocated. Additionally, the results for each ministry are presented separately. Such monitoring of the situation from two perspectives, one in general for the given situation, and one more specific for each line ministry, allows for a clearer overview and enhanced opportunity to identify gaps and identify future improvement. Given that this monitoring was conducted for the third time, the presented results were respectively compared with the results of 2012 and 2014. The analysis of the two periods while allowing for identification of the progress, also allowed for identification of the falling back in the level of openness of the ministries. The changes that occurred in relation to the results of 2014 for the comparable data are presented with the following symbols (indices):

## Key

↔	None or negligible changes = 0 – 3 percentage points
↑ ↓	Minor = 3.01 – 5 percentage points
↑↑ ↓↓	Moderate = 5.01 – 10 percentage points
↑↑↑ ↓↓↓	Major = over 10 percentage points

## 2.1 Methodological restrictions

The approach of analyzing the level of openness of the ministries contains certain restrictions. The findings were based on responses to questionnaires by the line ministries, while additional verification of the claims has not been provided for; neither a survey of civil society organizations on specific draft proposals, nor an office research has been carried out. The aim is to strengthen the awareness of mandatory public involvement so as to produce quality laws. Despite the clear setup of indicators, certain subjectivism in the responses or uneven understanding of the issues is expected. Also, a restriction may be considered the inability to access desired data in a different way other than by completing the questionnaire. Notwithstanding the experience of ministries who have responded to the questionnaire in previous years, it took extraordinary efforts to obtain the responses for this year. Regardless of additionally sent reminders in writing, the responsiveness this year was significantly lower than in the previous years.

## 3.1 Terminology clarifications

This analysis uses the terms civil society sector, civil society, civil society organizations/ NGOs and relate to the broader understanding of stakeholders of civil society as interested parties. In the identification of the interested parties, one should consider the definition as specified in the Guidelines<sup>3</sup> on actions to be taken about the activity of the ministries in the process of implementation of the regulation impact assessment referring to the following: *legal entities, unions, chambers of commerce, associations and foundations, or all natural persons and legal entities which may be affected by the implementation of the draft proposal of a law.* Also, the terms act, regulation, draft-law, draft proposal of a law/bill, proposal of a law amending and supplementing a law, and plural thereof shall have the same meaning and appropriate application depending on the part of analysis wherein they are mentioned.

<sup>3</sup> Guidelines on actions to be taken about the activity of the ministries in the process of implementation of the regulation impact assessment (Official Gazette of the Republic of Macedonia 106/2013)

## 2. RESULTS BY INDICATORS ON THE LEVEL OF OPENNESS OF THE STATE ADMINISTRATION BODIES

### 1.2 Area A: Communication environment

Communication environment for public involvement was assessed with an average score of 3.00 and the downward trend continues compared to the score in 2014 of 3.19, or in 2012 of 3.47.

All ministries responded to have designated a contact person responsible for providing public information. The rare publication of announcements on the commencement of the law-drafting in the daily newspapers which was noted in previous reports, for the period considered by this Report, indicates a further major drop from 33% in 2014 to 11% in 2015. All ministries noted that they have published announcements on the commencement of the procedure of law drafting on the relevant websites (UNER, e-democracy, etc.), whereas 89% of ministries have used other forms to inform the public about their activities such as direct meetings, media, promotional events, press conferences (MLG, MLSP, MoD), workshops (MLSP), direct contact with the media, social networks (MoD).

Even though according to the responses to the questionnaires, a high 78% of ministries indicate that they publish details and information on their website or e-newsletter about public involvement in specific processes (laws, strategies, etc.), what is evident is the trend of decline of this percentage in relation to 2012, when it was 91%. Also, a continuous decline is noted in the use of e-questionnaires for receiving comments from the public on their operations, which in 2015 was used only by 11% of the ministries. While the use of e-questionnaires for specific processes (drafting of laws, strategies, etc.) remains to be on a low level, it equals the percentage of the past two periods (33%). A moderate decline exists in the number of ministries from 42% in 2014 to 33% in 2015, who publish suggestions and comments from the interested public about their work, which results in the outcome of 2012. The matter of concern is the steep drop in the percentage of ministries (from 75% to 56%) who publish feedback and explanations to the proposals and comments made by the interested public on specific processes (drafting of laws, strategies etc.), which in 2015 fell well below the level of 2012 when it was 64%. More than half of the ministries (56%) have stated that they prepare and publish reports on completed consultation processes. Both in 2015 and in 2014 the same two ministries, Ministry of Transport and Communications and the Ministry of Agriculture, Forestry and Water Economy reported that they maintain a register that allows for the interested public to register and receive information. One can spot a moderate decline in the percentage of ministries who send e-mails to the interested public containing information, from 50% in 2014 to 44% in the period covered by this Report, however it is significantly worse than the practice in 2012 realized by as many as 82% of ministries. The organization of e-public debates has remained on the same level, meaning that it is being practiced by 33% of the ministries.

**3,00**  
is the average score for communication environment created by the ministries for involving civil society in its activities.

Table 1. Communication environment

No.	Name of indicator	2015 result (n=9)	2015 grade	direction of movement	2014 result (n=12)	2014 grade	2012 result (n=11)	2012 grade
<b>The Ministry:</b>								
1	Has appointed a contact person responsible for providing public information	100%	5	↔	100%	5	100%	5
2	Has appointed a coordinator who performs the regulation impact assessment	89%	5	↔	92%	5	100%	5
3	Issues publications (magazines/ newsletters) about its operations	44%	3	↔	42%	3	73%	4
4	Always publishes announcement about the commencement of the proposals drafting in the newspapers	11%	1	↓↓↓	33%	2	36%	2
5	Publishes announcement on commencement of the legal procedure on relevant sites such as UNER, e-democracy, the site of the respective Ministry	100%	5	↔	100%	5	100%	5
6	Uses other means to inform the public about its operations	89%	5	↑↑	83%	5	91%	5
<b>The Ministry on its web page or e-newsletter:</b>								
7	Announces details and information about public involvement in specific processes (laws, strategies, etc.).	78%	4	↓	83%	5	91%	5
8	Uses e-questionnaires for receiving public comments about its operations	11%	1	↓↓	17%	1	18%	1
9	Publishes suggestions and comments received from the interested public about the operations of the Ministry	33%	2	↓↓	42%	3	36%	2
10	Uses e-questionnaire for comments received by the public especially prepared for specific processes (drafting of laws, strategies, etc.).	33%	2	↔	33%	2	36%	2
11	Publishes responses and explanations to the proposals and comments made by the interested public about specific processes (drafting of laws, strategies, etc.).	56%	3	↓↓↓	75%	4	64%	4
12	Prepares and publishes reports of completed consultation process	56%	3	↔	58%	3	/	/
13	Publishes the most frequently asked questions and provides answers on public involvement in some specific processes (drafting of laws, strategies, etc.).	33%	2	↔	33%	2	18%	1
14	Allows for the interested public to register in the registry for obtaining information	22%	2	↑	17%	1	27%	2
15	Sends e-mails with information to the interested public	44%	3	↓↓	50%	3	82%	5
16	Organizes e-public debate (forum, blog, web conferencing etc.)	33%	2	↔	33%	2	64%	4
<b>AVERAGE SCORE</b>			<b>3.47</b>	<b>3.00</b>		<b>3.19</b>		<b>3.19</b>



## 2.2 Area B: Supportive environment for civil society participation

The analysis features three sections which make up the supportive environment:

1. mechanisms for involving civil society (institutional setup);
2. financial environment; and
3. involvement in monitoring and evaluation of acts implementation.

### 2.2.1. Institutional setup of the state administration authorities to involve the civil society in their activities

The institutional setup of the state administration authorities to involve the civil society in their activities from 2.88 in 2014 increased to 3.00 in 2015.

In 2015 compared to 2014, insignificant changes were identified in the number of ministries who have appointed persons for cooperation with the civil society organizations, i.e. a total of eight ministries reported to have appointed a person in the two periods of monitoring. The Ministry of Internal Affairs and Ministry of Local Government during the reporting period responded to have meanwhile nominated persons. Only the Ministry of Labour and Social Policy stated that a register exists wherein civil society organizations can openly register for the purposes of regular reception of information. A separate written document (guidance) for the involvement of civil society organizations is owned by three ministries, namely: MIA, MLSP and MISA. Unlike previous years when only the MLSP had a procedure prepared in advance for selection of representatives from the civil society organizations in the event of restrictions in the number of participants in the consultation bodies, this year such is the practice of the Ministry of Economy as well. Just under half of the ministries involve the civil society in their delegations to international events, which represents a slight decline in relation to the previous monitoring. A high percentage of ministries (89%) responded that civil servants have attended training for cooperation and involvement of civil society organizations.

**3,00**  
is the average score for a supportive environment for civil society participation.

Table 2. Institutional setup

No.	Name of indicator	2015 Result (n=9)	2015 Grade	Direction of movement	2014 Result (n=12)	2014 Grade	2012 Result (n=11)	2012 Grade
<b>The Ministry:</b>								
17	Has appointed a person for cooperation with the civil society organizations	78%	4	↔	75%	4	91%	5
18	Has a registry wherein civil society organizations can openly register (for the purposes of obtaining information)	11%	1	↓↓↓	25%	2	27%	2
19	Calls for the interested civil society organizations to apply/register to receive information	22%	2	↓	25%	2	27%	2
20	Has a special written document (guidelines) for involvement of the civil society organizations	33%	2	↑↑	25%	2	18%	1
21	Involves representatives of the civil society organizations in consultation bodies and committees of the ministry, in cases when such involvement is not mandatory	89%	5	↑↑↑	67%	4	91%	5

22	Has a procedure prepared in advance on the selection of representatives of the civil society organizations in case of restrictions in the number of participants in the consultation bodies	22%	2	↑↑↑	8%	1	27%	2
23	Includes representatives of the civil society organizations in the delegations during international events	44%	3	↓↓	50%	3	45%	3
24	Has civil servants of special education (participated in training) for cooperation and involvement of the civil society organizations	89%	5	↑↑	83%	5	82%	5
<b>AVERAGE SCORE</b>		<b>2.88</b>			<b>3.00</b>		<b>3.13</b>	<b>3,13</b>

### 2.2.2. Financial environment for support of the civil society sector

The average score of the financial environment for the involvement of the civil society sector is 2.33, which is drop from the grade in 2014 of 2.50.

One can note a moderate decline in the financial support of programs and projects of the civil society organizations by the ministries: in 2015, 44% responded that they financed programs for support of civil society organizations, while one third (33%) funded project activities. In 2015 compared to 2014, the ministries had provided even less funds to cover the costs of the civil society sector's participation in the working and advisory bodies and groups, i.e. only the Ministry of Culture had made provisions for such funds. As in the previous report, only the MoD and MoC had foreseen resources for the professional support of the participation and advocacy of the civil society organizations. In 2015, MAFWE did not reply to the questionnaire, whereas in the previous reporting period, they have allocated funds for this purpose. The following six ministries enable other forms of assistance to the civil society organizations: MoD, Mol, MES, MoE, MoC and MEPP.

Table 3. Financial environment

No.	Name of indicator	2015 Result (n=9)	2015 Grade	Direction of movement	2014 Result (n=12)	2014 Grade	2012 Result (n=11)	2012 Grade
<b>The Ministry:</b>								
25	Funds programs (institutional support) of the civil society organizations	44%	3	↓↓	50%	3	45%	3
26	Funds project (project activities) of the civil society organizations	33%	2	↓↓	42%	3	45%	3
27	Has funds to cover the costs for the civil society sectors' participants in the working and advisory groups and bodies	11%	1	↓↓↓	25%	2	27%	2
28	Has allocated funds for professional support of the participation (for example, legal consultations and information support) as well as civil society organizations' advocacy	22%	2	↔	25%	2	0%	1
29	Provides for the civil society organizations subsidized offices or free-of-charge offices	22%	2	↔	25%	2	18%	1
30	Allows for other forms of support (as providing equipment, training etc.)	67%	4	↑↑	58%	3	45%	3
<b>AVERAGE SCORE</b>			<b>2,17</b>		<b>2,33</b>			<b>2,50</b>

### 2.2.3. Monitoring and evaluation of the implementation of acts (laws, strategies and the like)

The average score of the ministries for monitoring and evaluation of the implementation of the acts is 3.67, which is on the same level as in the previous report. According to the responses by the ministries, the implementing of the acts is monitored and evaluated by all ministries and less than half (44%) publish the report in an electronic form, while a smaller percentage of 22% in printed form. The involvement of representatives of civil society organizations in the monitoring and evaluation of acts marks a major decline from 83% in 2014 to 67% in 2015, i.e. from 10 ministries in 2014, in 2015 only six have practiced this. The positive aspect in the reporting period covered by this Report, is the continuous rise in the percentage of ministries (from 42% to 56%) who publish a feedback report on the public involvement and the effect of public comments, which is a significant improvement compared to the 9% in 2012. A high percentage of ministries (89%) at the end of the drafting of acts in the memorandum of the draft proposal of a law, always inform about the level of involvement and cooperation with the interested public.

**Table 4. Monitoring and evaluation**

No.	Name of indicator	2015		Direction of movement	2014		2012	
		Results (n=9)	Grade		Grade (n=12)	Grade (n=11)	Grade	Grade
<b>The Ministry:</b>								
31	Monitors and evaluates the implementation of acts in their field	100%	5	↑↑	92%	5	91%	5
32	Involves representatives of civil society organizations in the monitoring and evaluation of acts	67%	4	↓↓↓	83%	5	45%	3
33	Provides a feedback report on the public involvement and effect of public comments	56%	3	↑↑↑	42%	3	9%	1
34	Publishes reports from the monitoring and evaluation of acts as follows:							
	Electronic copy	44%	3	↔	42%	3	18%	1
	Hard copy (for example publication and the like)	22%	2	↑↑↑	8%	1	18%	1
35	At the end of the drafting of acts in the memorandum of the draft proposal of a law, always informs on the inclusion and the cooperation with the interested public.	89%	5	↑↑	83%	5	64%	4
<b>AVERAGE SCORE</b>			<b>3.67</b>		<b>3.67</b>		<b>2.5</b>	<b>2,5</b>

### 2.3. Area C: Drafting proposals

The openness of the process of involving the civil society sector in the drafting of acts has been analyzed from several aspects:

- Sharing information about the process of proposal drafting (manner of notifying the public about the commencement of the procedure for drafting legislation, content of information, text providing expertise for the drafting proposal of a law, a timeframe for consultation);
- Implementation of the procedure of drafting legislation;
- Response by the ministry on the proposals and comments provided by the civil society.

**2,67**  
Is the total average score for the openness of processes of drafting of 18 acts by 10 ministries.

### 2.3.1. Manner of sharing information about the process of law drafting

The average score for sharing information about the process of drafting proposal of a law has experienced a decline in 2015 and is 2.50 compared to 2014 when it was 2.97. In 67% of cases, the ministries responded that they usually notify the public about the commencement of the procedure and the drafting of legislation by publication of information on the public portal UNER or via e-democracy, which is a result of moderate decline compared to the 2014 result. Major drop has been registered in the practice of the ministries to publish information in the strategic plan and in the annual work program of the Government (from 59% in 2014 to 44% in 2015), as well as through an information sent directly to all stakeholders via post, email and the like (from 59% in 2014 to 28% in 2015). Information on the commencement of the procedure for law drafting were published on the websites of the respective ministries in half (50%) of the cases. During this reporting period, the ministries have again abandoned the practice to publish information in the daily newspapers, so out of 30% of draft-laws in 2014 for which information was posted in this way, now only 11% of the draft-laws underwent such practice. Other types of producing information, such as meetings, public debates and press conferences, press releases etc. were used in 39% of cases.

**Table 5. Manner of notifying the public on the commencement of the law drafting procedure**

No.	Name of indicator	2015		Direction of movement	2014		2012	
		Result (n=18)	Grade		Result (n=27)	Grade	Result (n=23)	Grade
<b>The ministry has notified the public about the commencement of the law drafting procedure:</b>								
1	By publishing it in the strategic plan and annual work program of the Government	44%	3	↓↓↓	59%	3	58%	3
2	By posting information on the website of the ministry	50%	3	↓↓	56%	3	27%	2
3	By sending information to all stakeholders (eg. post, e-mail)	28%	2	↓↓↓	59%	3	46%	3
4	By a notification on the commencement of the procedure published on the public portal, e-democracy or UNER	67%	4	↓↓	74%	4	73%	4
5	By publishing information in daily newspapers;	11%	1	↓↓↓	30%	2	4%	1
6	Other types of notification	39%	2	↑↑	33%	2	4%	1
<b>AVERAGE SCORE</b>			<b>2.5</b>			<b>2,33</b>		<b>2,83</b>

Article 9 of the Guidelines on actions to be taken about the activity of the ministries in the process of implementation of the regulation impact assessment contains the elements which should be cited in the notification (information) on the commencement of the procedure for the law drafting. Elements are listed in Table no.6.

According to the responses of the ministries to specific draft-laws, high percentage of the draft proposals in the notification on the commencement of the procedure for law-drafting include the name of the draft-law (83%), a brief description (83%) and the purpose and aim of the law (83%). The timeline of the most important events (stages) in the procedure is specified in 56% of the draft proposals, subject to this analysis. High percentage increase has been observed (53%) in the notification on the methods and tools for inclusion and participation of all stakeholders. The identification of the key stakeholders is made in 56% of the draft-laws, which represents a steep drop in comparison to previous years of around 68%. Furthermore, the announcement for



public review and public hearing was published in 56% of cases. The notification on the procedure contains email addresses from UNER and the website of the ministry wherefrom the stakeholders can download the electronic version of the draft proposal and the draft report on RIA in as high as 67% of the draft- laws, as well as the contact details (contact person responsible for the process) in as high as 78% of draft proposals. Low is the number of draft-proposals during whose adoption procedure (28%) studies were consulted on the subject-matter, and a low 22% of draft proposals for which summarized information could be found of use to the public (the lay aspect). In 61% of the draft-laws deadlines for their adoption were provided for. Call for public involvement was registered in 39% of the laws, which represents a drop of 20 percentage points from the 59% in 2014. The notification on the commencement of the procedure for the law-drafting at 44% of the draft-laws contains the methods of collecting and taking into account the opinions of the public, while in 33% the methods for monitoring and evaluation of the process were also published.

**Table 6. Content on the notification on the commencement of the procedure for drafting of the act**

No.	Name of indicator	2015 Result (n=18)	2015 Grade	Direction of movement	2014 Result (n=27)	2014 Grade	2012 Result (n=23)	2012 Grade
<b>Notification on the commencement of the procedure for law drafting contains the following:</b>								
7	Name of the draft-proposal	83%	5	↓↓	89%	5	85%	5
8	Short description of the subject	83%	5	↔	85%	5	/	/
9	Purpose and aims of the draft-law	83%	5	↔	85%	5	85%	5
10	Timeline of important events: identification of the most important stages in the procedure	56%	3	↔	59%	3	77%	4
11	Envisaged methods and tools for inclusion and participation of stakeholders	72%	4,00	↑↑↑	56%	3	46%	3
12	Identification of key stakeholders	56%	3,00	↓↓↓	67%	4	69%	4
13	Announcement for public review and public hearing	56%	3,00	↑↑↑	44%	3	/	/
14	Electronic addresses from UNER and the website of the ministry wherefrom the draft-law and draft RIA report can be downloaded in an electronic version by the stakeholders	67%	4,00	↔	70%	4	/	/
15	In cases of studies on the subject- matter of the draft-proposal, whether such studies were consulted and whether information on where can they be found by the public exist	28%	2,00	↓	33%	2	23%	2
16	If summarized information by the studies of use to the public (in layman terms) exist and where?	22%	2,00	↑↑	15%	1	12%	1
17	Provided terms for the adoption of draft proposals	61%	4,00	↔	59%	3	77%	4
18	Call for public involvement	39%	2,00	↓↓↓	59%	3	50%	3
19	Cost estimates for the process of drafting proposal of a law	56%	3,00	↑↑	48%	3	54%	3
20	Contact details (responsible persons for law drafting etc.).	78%	4,00	↔	78%	4	81%	5

21	Methods of collection and considering the opinions of the public (postal and/or email address whereby the concerned parties can submit opinions, comments and suggestions)	44%	3,00	↓↓↓	70%	4	46%	3
22	Methods for monitoring and evaluation of the process	33%	2,00	↔	30%	2	42%	3
<b>AVERAGE SCORE</b>			<b>3,38</b>			<b>3,38</b>		<b>3</b>

**2.3.2. Professional papers on the drafting of proposals (studies, analysis, overview, etc.).**

The average score on the availability of professional papers in the drafting of proposals is 1.4 which is on the same level compared to the 2014 score.

In the responses to the questionnaires for the needs of this Report, the ministries point out that in the process of drafting proposals of laws, the civil sector was called upon for professional papers in just one case by the MAFWE for the needs of the draft- proposal of the law amending and supplementing the Law on Tobacco and Tobacco Products. This represents a setback to the practice which began to show a positive trend from 2012 to 2014, when in the case of three draft-proposals of laws, the analysis of the civil society was used as a resource. On the other hand, the percentage of professional papers from other entities has experienced an increase, and is at 39%, which is a major growth compared to the 26% in 2014.

The availability of professional papers in 2015 remains to be low, i.e. only the MoE on the draft-proposal of the Law on Construction Products enabled access to research/expert texts on its website. Higher is the level of ministries (39%) that provide access to expert articles in printed form. The general (unskilled) public, in 2015 could obtain information from the summarized parts of the professional papers on 17% of draft- proposals of laws.

**Table 7. Availability of professional papers**

No.	Name of indicator	2015 Result (n=18)	2015 Grade	Direction of movement	2014 Result (n=27)	2014 Grade	2012 Result (n=23)	2012 Grade
<b>The professional papers for the drafting of proposals of law (study, analysis, overview and the like):</b>								
23	The ministry ordered professional papers:							
	- from a civil society organization	6%	1	↓	11%	1	0%	1
	- from other contracting parties (consultancy companies, experts, universities)	39%	2	↑↑↑	26%	2	27%	2
24	The professional papers were available on the website of the ministry	6%	1	↔	4%	1	15%	1
25	The professional papers were available in a hard copy (printed copy) in the ministry	39%	2	↔	37%	2	62%	4
26	The professional papers contain summarized parts for the general (unskilled) public	17%	1	↑↑	11%	1	23%	2
<b>AVERAGE SCORE</b>			<b>1,4</b>			<b>1,4</b>		<b>2</b>



### 2.3.3. Timeframe for consultation

The average score for the timeframe for public consultation is 3 and witnessed a major decline since 2014 when it was 4.

The ministries responded that in 61% (compared to 74% in 2014) of the analyzed acts, the draft-proposal is published after the inter-sector coordination, and in 61%, the first (draft) version of the draft-proposal of the law is produced by the ministry. The responses of the Ministries for respecting the deadlines for receiving written proposals and comments on UNER about analyzed draft laws by the civil sector, received grade 2, which is a steep drop from 2014 when they were self-assessed with grade 4. Negative trends are shown by data received by the ministries that only one of the analyzed draft-proposals (draft-proposal on the construction products of the MoE) was open to commenting for more than 30 business days and four were open to commenting from 15 to 30 business days. Four other laws were subject to consultation in accordance with the minimum period of 10 days, and hence only 50% of the draft proposals respected the deadline as prescribed by the Rules of Procedure of the Government. Of concern is the fact that the ministries responded that on 33% of draft proposals, the public did not have the opportunity to provide suggestions and comments. The time available to the civil society to prepare before consultations on the draft-law received grade 2, for the period covered by this Report which is a drop compared to grade 3 in 2014. The low grade is due to the fact that for 67% of the analyzed acts consultations were not organized, while for the remaining 28%, available period of 7 to 15 days was allocated for preparations, and only the draft-proposal for construction products by the MoE received a period longer than 15 days for preparation before consultations.

Table 8. Timeframe for consultations

No.	Name of indicator	2015 Result (n=18)	2015 Grade	Direction of movement	2014 Grade	2012 Result (n=23)	2012 Grade	2014 Result (n=27)
27	For consultation purposes, the proposal-law is published as follows:							
	- First draft version of the draft-proposals produced by the Ministry (draft-version)	61%	4	↔	4	85%	5	63%
	- Draft-proposal following inter-sectoral harmonization	61%	4	↓↓↓	4	77%	4	74%
28	Deadlines for accepting written comments on UNER on the draft-proposal by the civil society sector were set as follows:							
	- Longer than 30 business days							
	- From 15 to 30 business days							
	- From 10 to 15 days	38%	2	↓↓↓	4	34%	2	61%
	- Less than 10 days							
	- No opportunities available for proposals and comments							
29	Provided that you have organized consultation events (in person or on the website) for the duration of the drafting of proposal, when did you send the invitation for partaking in consultations?							
	- More than 15 days prior to the event	16%	1	↓↓↓	3	24%	2	56%
	- From 7 to 15 days							
	- Less than 7 days							
	- We do not organize such events							
30	Have you accounted for holidays or other important dates in the period, whilst setting the consultation timeframe?	61%	4	↓↓↓	5	58%	3	81%
<b>AVERAGE SCORE</b>			<b>3,00</b>		<b>4,00</b>		<b>3,20</b>	

### 2.3.4. Course of implementation of the consultations in the procedure of proposal drafting

The average score for the implementation of the procedure for the proposal drafting is rated 2.8. This represents a decline in the score compared to the 3.2 in 2014.

Namely, the ministries responded that for 61% of the analyzed draft-proposals they named a person responsible to provide information to the public about the course of the drafting, which represents a significant decline compared to the previous Report where this was the case in 81% of the acts. Involvement of the civil society at an early stage when the theses/ principles of the draft-proposal are being formulated has occurred in 56% of the analyzed draft proposals and various solutions on the content of the draft-proposals were presented in 50% of cases at an early stage.

Events about public participation (public hearings, round tables) occurred for 39% of the draft proposals, which is a major decline in the percentage compared to the 59% in 2014. Such events were organized for the following draft proposals: MLSP on the draft-proposal of a Law amending and supplementing the Law on Pension and Disability Insurance and the draft-proposal of a Law on National Database for People with Disabilities; MoC- draft-proposal of a Law for Declaring the Old City Core of Bitola a Cultural Heritage of Great Importance; MoE - draft-proposal of a Law on Construction Products and draft-proposal of a Law on Craftsmanship; MLG- draft-proposal of a Law amending and supplementing the Law on Balanced Regional Development and MAFWE- draft-proposal of a Law amending and supplementing the Law on Tobacco and Tobacco Products. Such events in 22% of the procedures for the drafting of proposals were independently moderated.

Table 9. Course of implementation of consultations in the draft-proposal procedure

No.	Name of indicator	2015 Result (n=18)	2015 Grade	Direction of movement	2014 Result (n=27)	2014 Grade	2012 Result (n=23)	2012 Grade
<b>Министерството:</b>								
31	Appointed a person who provides information on the drafting of proposal and inclusion of the public in the process	61%	4	↓↓↓	81%	5	69%	4
32	Enabled inclusion of the civil society sector at an early stage when the thesis/principles of the draft-proposal were being formulated (in the implementation of RIA: stage of analysis of the state of affairs and defining the goals)	56%	3	↑↑↑	44%	3	35%	2
33	During the process of the drafting of a proposal, organized events for public inclusion such as public hearings, rounds tables etc.	39%	2	↓↓↓	59%	3	19%	1
34	Allowed for independent moderation of the public inclusion in the process of proposal drafting (for example a facilitator from another institution, external expert etc.)	22%	2	↔	22%	2	12%	1
35	Presented to the public and at an early stage, various solutions on the content of the draft-proposal (in RIA implementation: stage for analysis of the effects of each of the options and defining the optimal solution).	50%	3	↔	48%	3	38%	2
<b>AVERAGE SCORE</b>			<b>2,8</b>			<b>3,2</b>		<b>2</b>

### 2.3.5. Feedback by the ministries on the proposals and comments made by the civil society

The score for the feedback by the ministries to the proposals and comments made by the civil society during the period covered by this Report is 1.7 which is a drop from the 2.2 score in 2014. Feedback on submitted proposals from the civil society were rendered by the ministries for 61% of the analyzed draft proposals, i.e. in 28%, the feedback opinion was delivered as an overall information, while in 33% the opinion was rendered on each individual proposal. Such are negligible changes in terms of the total percentage of feedback obtained by the ministries in comparison to year 2014. Only in one case (6%), the draft-proposal by the MoC of the Law for Declaring the Old City Core of Bitola a Cultural Heritage of Great Importance, a feedback report on the consultation process was prepared, which is a significant decline from the 22% in 2014. Also, the low rate of 2012 (6%) was repeated for posting of comments, suggestions and arguments made by the civil society on the website of the ministry, after the slight increase from 2014. Information for the public involved in the consultation process is contained in the memorandum to the draft-proposal for 56% of the analyzed acts, which represents a moderate drop compared to the previous Report.

Table 10. Response/feedback by the ministries

No.	Name of indicator	2015 Result (n=18)	2015 Grade	Direction of movement	2014 Result (n=27)	2014 Grade	2012 Result (n=23)	2012 Grade
<b>Feedback by the ministry on the proposals and comments made by the civil sector</b>								
36	The ministry on arrived proposals by the civil society sector:							
	- Did not provide feedback/opinion							
	- Provided an overall feedback	28%	2	↓↓	37%	2	23%	2
	- Provided feedback/opinion on each proposal individually	33%	2	↑↑	26%	2	15%	1
37	The ministry prepared a feedback report for the civil society sector about the consultation process	6%	1	↓↓↓	22%	2	8%	1
38	The ministry on its website published the comments, proposals and argumentation given by the civil society sector	6%	1	↓↓	15%	1	8%	1
39	The memorandum of the draft-proposal (alt. Regulation Impact Assessment Report) contains information about the public involved in the consultation process.	56%	3	↓↓	63%	4	46%	3
<b>AVERAGE SCORE</b>			<b>1,7</b>			<b>2,2</b>		<b>1,6</b>

### 2.4. Response/ feedback by the civil society sector

Finally, the analysis examines the reaction of the ministries to the response/feedback made by the civil society. The ministries were required to assess the received proposals from the civil society organizations about the analyzed acts (Table 11).

The civil sector, compared to previously, in 2015 very seldom (18%) used UNER to send their suggestions and comments. More often, i.e. in 35% of cases, they directly posted comments on e-mail or via the post. The ministries stated that in 24% of the draft proposals, the civil society

organizations used other ways, such as: meetings/ sessions, public hearings, debates and telephone communication. In only five draft- proposals (38%) of which 13 received comments, the ministries incorporated the proposals and comment made by the civil society sector, which indicates a deterioration of the situation compared to 2014, when only in 50% of the draft- proposals, the comments were taken into consideration.

The majority of ministries (46%) consider the comments and proposals to be relatively relevant, while only 23% consider them to be mainly relevant in terms of content and expertise. As stakeholders in the consultations processes, the ministries list the following: competent authorities of the state administration and the private sector, the organizations for consumers' protection, the Secretariat for Legislation, the crafts chambers etc.

Low is the percentage (16%) of the satisfaction rate of ministries from the public response in comparison to previous years when the percentage was 26%. The ministries, largely (44%) consider that the feedback/response should be greater, whereas almost half of the ministries do not have any opinion concerning the cooperation with the public.

## 3. RESULTS BY MINISTRIES

This section shows the grades of the state administration bodies by areas and according to the level of openness:

1. Areas A and B: Communication and supportive environment for civil society participation;
2. Area C: Proposal drafting

Firstly points are awarded for each ministry on the four characteristics for assessing the overall communication environment and support for the inclusion of the civil society in their work: institutional setup, supportive environment, financial environment and monitoring and evaluation of the implementation of acts (Areas A and B). About which indicators are contained in each area please refer to section 2.2. *Results by indicators on the level of openness of the state administration authorities*. These are followed by the assessment of the drafting process (area C) of 18 acts from 10 ministries and allocated a grade for each act and an average score for the ministry.

In the end, all total scores are provided for the ministries on all three areas, and only for those ministries who have failed to answer the two questionnaires, or who have been graded on all areas.

### 3.1. Area A and B. Communication environment

Top rated ministries for general mechanisms and support of the involvement of the civil society are the three ministries that received grade four (4), as follows: MoC, MLSP and the MEPP. At the same time, these are the same three ministries which in the previous year were on top of the table, preceded only by MAFWE, which this year failed to answer the questionnaire. Three ministries received grade three (3) and three ministries grade two (2). Improvements on the general communication environment is evident in the MIA, which in 2015 received a grade three (3), unlike the previous Report wherein was assessed by grade one (1).

In terms of total points of MLSP, MEPP, MISA, MoD and MLS, slight decline in the total number of points achieved in 2015 can be noted in comparison to 2014.





**Table 12. Communication environment**

Results by ministries (max. 36 points)	Institutional setup (points)		Supporting environment (points)		Financial environment (points)		Monitoring (points)		Total points		Grade	
	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015	2014	2015
	Ministry of Culture	10	12	4	4	5	5	3	4	22	25	4
Ministry of Labour and Social Policy	10	9	8	8	4	1	5	6	27	24	4	4
Ministry of Environment and Physical Planning	10	10	7	4	3	3	5	5	25	22	4	4
Ministry of Information Society and Administration	10	11	4	4	1	0	6	4	21	19	3	3
Ministry of Internal Affairs	6	10	1	5	0	2	0	2	7	19	1	3
Ministry of Defence	8	9	3	1	5	4	4	4	20	18	3	3
Ministry of Education and Science	7	6	2	3	0	1	3	3	12	13	2	2
Ministry of Economy	5	3	1	4	2	2	2	3	10	12	2	2
Ministry of Local Government	7	5	2	3	1	0	3	3	13	11	2	2

**3.2. Area C: Process of proposal drafting**

Only the process of drafting a proposal on construction products of the MoE is rated with the highest grade (5). Three draft-proposals were graded four (4), and are as follows: draft-proposal of a Law on National Database for People with Disabilities, by the MLSP, the draft-proposal of a Law for Declaring the Old City Core of Bitola a Cultural Heritage of Great Importance by the MoC and MAFWE's draft-proposal of a Law amending and supplementing the Law on Tobacco and Tobacco

Highest ranking draft-proposals in terms of the drafting process:  
 ➤ Draft-proposal of the Law on Construction Products (MoE)

**How do the ministries explain the failure to publish draft-proposals in an expedient procedure on SNER?**  
 For example, the Ministry of Internal Affairs on the draft-proposal of the Law amending and supplementing the Law on Weapons and the draft-proposal of the Law amending and supplementing the Law on Private Security gave an explanation that the forgoing laws were passed in expedient proceedings and that "during the process of their adoption, for objective reasons, transparency and consultation with stakeholders was not applied." Further explanation about such practice in the case of these laws was supported by the argument that amendments were passed for the purposes of compliance with the Law on Misdemeanor and the Law on Bar Exam.

Products. Seven draft-proposals were graded with three (3). Of concern are the three draft-proposals assessed by grade two (2) and as high as four draft-proposals were assessed with grade one (1) produced by MISA and the Ministry of Internal Affairs. It should be noted that although the Ministry of Internal Affairs received a grade 3 for general communication environment in the assessment process of specific draft-proposals, this grade was confirmed in only one out of four assessed draft-proposals. Quite typical for the reporting period is that more than half (57%) of draft-proposals/bills proposed by the Government were adopted by the

Assembly in an expedient procedure. It should be noted that the expedient procedure applies only to the procedure in the Assembly and does not apply to the prescribed procedure for proposal drafting in accordance with the Rules of Procedure of the Government and the RIA Methodology. Detailed review of the assessment and grades by draft-proposals is available in Table No. 13.

**Table 13. Area C: Process of drafting of proposal**

Ministry	Draft-proposal	Total points	Grade by act	Average points	Grade
Ministry of Culture	Draft-proposal of the Law for Declaring the Old City Core of Bitola a Cultural Heritage of Great Importance	79%	4	37	4
Ministry of Agriculture, Forestry and Water Economy	Draft-proposal of a Law amending and supplementing the Law on Tobacco and Tobacco Products	77%	4	36	4
Ministry of Labour and Social Policy	Draft-proposal of a Law amending and supplementing the Law on Pension and Disability Insurance No. 97/15	60%	3	28,5	4
	Ministry of Economy	62%	4		
Ministry of Education and Science	Draft-proposal of the Law amending and supplementing the Law on Consumers' Protection	40%	3	28	3
	Ministry of Local Government	89%	5		
	Ministry of Defence	49%	3		
Ministry of Environment and Physical Planning	Draft-proposal of the Law on supplementing the Law on Innovations	49%	3	23,5	3
	Ministry of Internal Affairs	51%	3		
Ministry of Information Society and Administration	Draft-proposal of the Law amending and supplementing the Law on Balanced Regional Development	51%	3	24	3
Ministry of Defence	Law on supplementing the Law on Defence	38%	2	18	2
Ministry of Environment, Forestry and Water Economy	Draft-proposal of the Law amending and supplementing the Law on Environment	34%	2	16	2
Ministry of Internal Affairs	Draft-proposal of the Law amending and supplementing the Law on Personal Identification Card	43%	3	8,25	1
	Draft-proposal of the Law amending and supplementing the Law on Asylum and Temporary Protection, in an expedient procedure	28%	2		
	Draft-proposal of the Law amending and supplementing the Law on Weapons	0%	1		
	Draft-proposal of the Law amending and supplementing the Law on Private Security	0%	1		
Ministry of Information Society and Administration	Draft-proposal of the Law amending and supplementing the Law on Archive Material, in an expedient procedure	15%	1	3,5	1
	Draft-proposal of the Law amending and supplementing the Law on Administrative Employees, in an expedient procedure	0%	1		



If we compare the average score by ministries for Area C: The process of drafting proposals in the period covered by this Report, which is 2.7 and experiences a drop compared to 2014 when it was 3.1. In the reporting period of 2014, three ministries were graded four (4) and three ministries were graded three (3) while two ministries received a grade two (2). Two ministries - MISA and the Ministry of Internal Affairs were rated as grade one (1).

**Table 14. Comparison of results of the ministries and inclusion in the processes of drafting of proposals**

	Ministry	Grade 2015	Grade 2014	Grade 2012
1	Ministry of Labour and Social Policy	4	4	3
2	Ministry of Culture	4	4	3
3	Ministry of Agriculture, Forestry and Water Economy	4	1	3
4	Ministry of Education and Science	3	4	3
5	Ministry of Economy	3	3	2
6	Ministry of Local Government	3	3	/
7	Ministry of Environment and Physical Planning	2	4	3
8	Ministry of Defence	2	-	-
9	Ministry of Information Society and Administration	1	4	3
10	Ministry of Internal Affairs	1	1	2
<b>AVERAGE SCORE</b>		<b>2,7</b>	<b>3,1</b>	<b>2,7</b>

### 3.3. Total results

This section shows the overall, total score of the ministries on the two questionnaires (the general one and individual acts). The purpose of such presentation is to eliminate the effect of a general or very specific overview (on a level of acts).

In the overall score, the highest rated with (4) are two ministries, as follows (sorted according to the number of points): the MLSP and the MoC. Five ministries were ranked with grade three (3) as follows: MoE, MEPP, MESC, MoD and MLS, and two ministries with grade two (2) as follows: the MIA and the MISA. Compared to 2014 when the average score for the overall outcome of the ministries was 3, a decline in the score to 2.63 is evident. Top rated ministries for 2015 are as follows:

**Ministry of Labour and Social Policy** is the highest ranking ministry both in 2015 and in 2014. The **Ministry of Culture** compared to 2014 maintained its overall score of 4, however growth is evident in the total number of points from 51 to 62 as a result of the positive practices in the procedures for public participation in specific draft-proposals and financial environment. MLSP, as second ranked, and MoC as the third-ranked in 2012 were found at the top of the list alongside other ministries that have good inclusion policies;

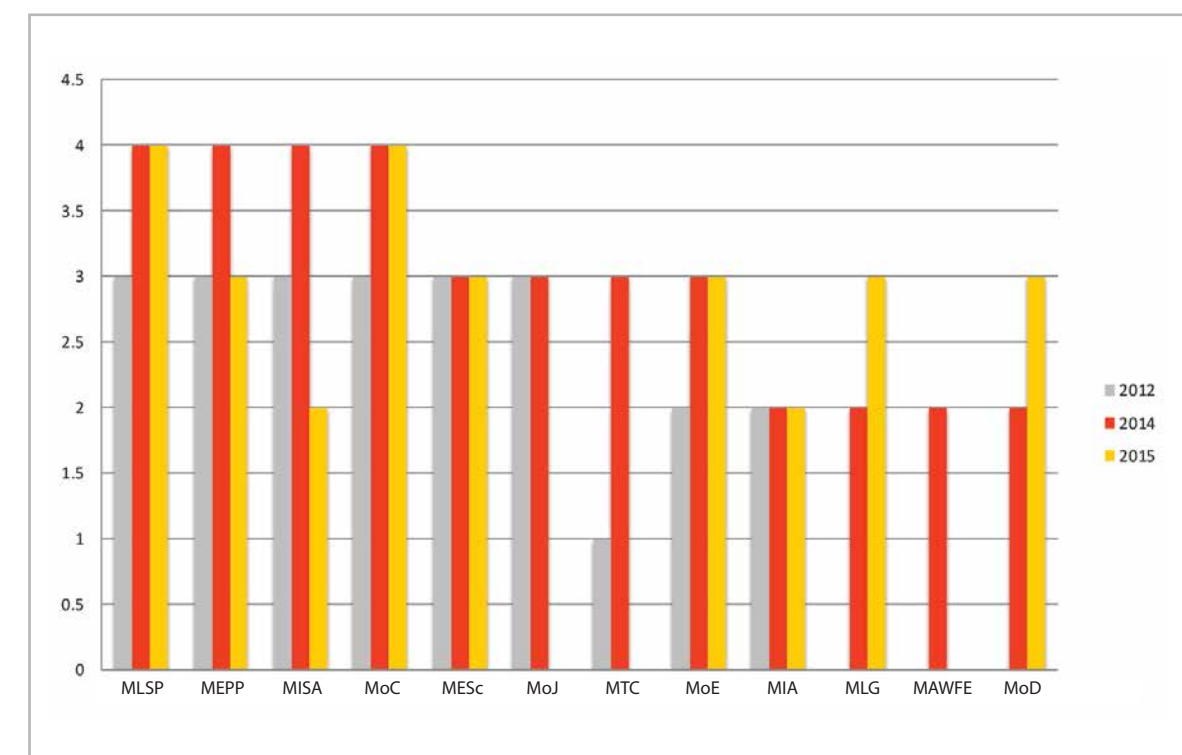
**The Ministry of Environment and Physical Planning** from second place in 2012 and first place in 2014 in this Report dropped down to the fourth place with a score of 3 and a sharp drop in the total points from 57 in 2014 to 38 in 2015;

**The Ministry of Information Society and Administration** showed the greatest underperformance from grade four (4) in 2014 to grade two (2) in 2015.

**Table 15. Total score**

Results by ministry	Points on environment (max. 36)	Points on specific procedures (max. 47)	Total points (max. 83)	2015 Grade	2014 Grade
Ministry of Culture	25	37	<b>62</b>	<b>4</b>	<b>4</b>
Ministry of Labour and Social Policy	24	29	<b>53</b>	<b>4</b>	<b>4</b>
Ministry of Economy	12	28	<b>40</b>	<b>3</b>	<b>3</b>
Ministry of Environment and Physical Planning	22	16	<b>38</b>	<b>3</b>	<b>4</b>
Ministry of Education and Science	13	24	<b>37</b>	<b>3</b>	<b>3</b>
Ministry of Defence	18	18	<b>36</b>	<b>3</b>	<b>2</b>
Ministry of Local Self- Government	11	24	<b>35</b>	<b>3</b>	<b>2</b>
Ministry of Internal Affairs	19	8	<b>27</b>	<b>2</b>	<b>2</b>
Ministry of Information Society and Administration	19	4	<b>23</b>	<b>2</b>	<b>4</b>

**Graph 1. Proportion of total scores**



## 4. CONCLUSIONS AND RECOMMENDATIONS

The analysis captured 11 ministries and 18 draft-proposals. A total of 78 indicators were established by the means of which two aspects were responded to as follows: communication practices of institutions and the degree of openness; and public participation in the process of specific proposal drafting whose consultations were completed inclusive of 31 December 2015. Since this is the third consecutive Report, comparison of data is enabled which indicates significant changes in the state of affairs, more specifically in a downward trend. Apparent is a trend of regression from previously obtained and recorded positive changes in the Report of 2014.

### 4.1. Conclusions

#### Area A and B. General communication and support for the involvement of the civil society organizations in their operations

1. **The reticence of the institutions has extended which is reflected in the year-to-year downward trend and reluctance of the state administration authorities to communicate with the public.** The communication environment of the institutions and the degree of openness are assessed with an average score 3.00, which is a drop compared to the grade of 3.19 in 2014, and of 3.47 in 2012. Such situation is the result of deterioration of almost all the established practices for informing the public through the website or the e-newsletter. For example, from 91% in 2012, in 2015 only 78% of ministries announced details and information about specific public involvement. Even fewer ministries sent e-mail notifications to the interested public of 82% in 2012 to 44% in 2015. Continuous is the drop in the use of e-questionnaires for obtaining comments from the public from 18% in 2012 to 17% in 2014 to 11% in 2015.
2. **No change is registered in the supportive environment for public participation in the drafting of legislation.** Supportive environment is of an average score of 3.00, for the total of all three analyzed sub-areas: institutional setup, financial environment and monitoring and evaluation of the implementation of acts.
  - 2.1 **The institutional setup of the ministries registers slight improvement.** The institutional setup of an average score of 2.88 in 2014 increased to 3.00. This growth is due to several reasons. The number of ministries who stated they have prepared written documents for inclusion of civil society organizations has increased. Rapid growth, according to the responses of the ministries, is evident in the increase in participation of the civil society organizations in the consultative bodies and committees of the ministries and the existence and practice of beforehand known procedure for selection of representatives.
  - 2.2 **The financial environment for public involvement remains to be unsatisfactory.** The average score of the financial environment is 2.33, which is a drop against the 2.50 score in 2014. This is mainly due to the reduction of the financial support for CSOs (institutional and project activities). Also a sharp drop is noted in the secured funds to cover costs of participants from the civil society in the working groups and advisory bodies.
  - 2.3 **Involvement of the civil society in the monitoring and evaluation of the implementation of the draft-proposals remains to be on the same level.** The average score of ministries for monitoring and evaluation is at the same level as during the previous survey at 3.67. It is evident that fewer ministries include civil society organizations in the

monitoring and evaluation of the acts from 83% to 67%. On the other hand, continuous growth is registered in ministries who publish feedback report on the public involvement in monitoring the implementation of acts.

#### Area C. Drafting of proposals

3. **Deterioration in terms of openness of the processes for drafting of proposals has been registered.** The overall average score was 2.67 for the openness of the processes of drafting proposals in 18 draft-proposals of 10 ministries, which in 2014 was 3.1.

**3.1. Deterioration in the manner of sharing information about the process of drafting proposals was noted.** The manner of sharing has deteriorated and is graded 2.5 vs. the 2.83 grade of 2014. This is primarily the result of less frequent publication of information on the commencement of the drafting of laws in the strategic plan and annual work program of the Government and infrequent direct dispatch of information to all interested parties (eg. via the post, e-mail).

**3.2. The completeness of the content of information regarding the proposal drafting process is at the same 3.38 level of 2014.** Most of the analyzed draft-proposals include the basic elements (name, description and goals). Improvement was noted in envisaging methods and tools for inclusion and participation of interested parties and announcements for public insight, however on the other hand rarely are key stakeholders identified and in the information regarding the commencement of the procedure for drafting of legislation, a call to the public published for participation in the process. Also significantly less are envisaged methods for collection and taking into account the opinions of the public: address, email etc., to which stakeholders can submit comments and observations.

**3.3. The identified gap persists in the lack of acknowledgement of the expertise provided by the civil society sector in drafting of professional papers.** Yet, the use of professional papers in the proposal drafting remains to be low, and graded like the previous year with 1.4. Notwithstanding the low overall score, during the reporting period, civil society organizations were engaged in preparation of professional papers for the needs of only one draft-proposal of the MAWFE. Similarly, the engagement of other contracting entities (consulting firms, professionals/experts, universities) for the purposes of preparation of professional papers increased for the needs of seven out of 18 analyzed draft-proposals.

**3.4. Significant deterioration in respect of the timetable for consultation.** From grade 4 in 2014, for the purposes of this Report, the activity was rated 3. There is a downward trend in adherence to deadlines for consultation (from 61% to 38%) and the percentage (from 56% to 16%) of draft-proposals that allow for sufficient time to prepare the stakeholders to participate. Notwithstanding these data based on the responses of the ministries, the findings of the UNER monitoring in this Report show improvement in respect of the minimum period for consultation, i.e. if in 2014 almost in 47% of draft-proposals adherence to the minimum term has not been achieved, now that percentage is 39%. However, at the same time one should bear in mind that during this reporting period very large percentage of the laws passed in the Assembly were not published for consultation on UNER.

**3.5. Public involvement in the implementation of consultation also got worse.** Consultations in the process of drafting proposals from a grade 3.2 in 2014, were graded 2.8 in 2015. This is due to less frequent appointment of a person who can provide information





about the drafting proposals for public involvement in the process. Also rarely in the process of drafting proposal events are organized to involve the public, such as public debates, round tables and etc. According to the responses of the ministries, the single improvement was noted in the possibility to involve the public at an early stage, i.e. in the implementation of RIA in the stage of analysis of the state of affairs and definition of goals.

**3.6. Feedback from ministries on suggestions and comments by the civil society becomes a less common practice.** The practice of providing feedback from the ministries on suggestions and comments made by the civil society sector declined from 2.2 in 2014 to 1.7 in 2015. Feedback on submitted proposals and comments was given for 61% of the analyzed draft-proposals. The challenge remains to be the development of a consultation process report, as well as the publishing thereof, which report was prepared for only one draft-proposal of the MoC. Such data are similar to the results, in accordance with the monitoring of UNER in the second part of this analysis, according to which ministries in 87% of cases have not provided feedback to comments (only 5 feedbacks to a total of 38 posted comments).

4. **Leaders in the most positive practices** for 2015 that are rated with grade four (4) are the MoC, the MLSP and the MEPP. These three ministries are continually at the forefront of the most positive practices. Compared to 2014, when five out of 12 ministries were graded with the highest grade four (4), the total score of the ministries experiences a decline.

## 4.2. Recommendations

### Area A and B. General communication and support for the involvement of the civil society organizations in their operations

**1. Improvement and enhancement of communication with and openness of public administration bodies towards the concerned public and the civil society is required.** Ministries need to regularly use readily available and inexpensive ways to regularly inform and to expand on the degree of openness of their operation to the interested public (newsletters, surveys, registers, posting questions and answers to suggestions and comments from the public). Ministries should increase proactive behaviour and directly, via e-mail to send information to the interested party. Also, frequent use of e-questionnaires to collect data will enable ministries to continuously monitor the opinions of the public about their activities. Openness and regular communication with the public will enable increased cooperation and trust between the state administration authorities and the civil society and will affect the improvement of the social dialogue as a pillar of democracy.

**2. Sustained and comprehensive efforts to improve the supportive environment for public participation by the ministries are required.** Supportive environment is of paramount importance for ensuring quality involvement of the public and civil society in the drafting of laws.

1. In order to create a supportive environment, the ministries need to continue to improve their **institutional setup**. Of particular importance is the sharing of good practice of ministries that have a separate written document for the involvement of civil society organizations and developed registers wherein civil society organizations may register to obtain information.
2. In view of the **financial environment**, it is necessary to provide financial resources to support programs and projects managed by the civil society. Non-financial support

(training, equipment, free legal aid, etc.) provided by certain ministries is essential and represents a good practice that should be applied by others.

3. It is necessary to increase the **involvement of civil society organizations** in the monitoring and evaluation of acts. Also, of great significance is the regular feedback report on the public involvement and effect of comments.

### Area C. Drafting proposals

**3. It is necessary to practice and preserve the existing mechanisms for public involvement in the process of laws drafting.**

- Better planning is required in terms of the commencement of the drafting of laws, in order for the public to receive information about the commencement of the legislative drafting with the very publication of the strategic plan and the annual work program of the Government.
- Required is **adherence to the timeline** for consultation with the public on draft-proposals, on behalf of the state administration bodies. The consideration of the draft-proposals on Government's sessions should not be practiced, unless the timeframe of 10 days is not abided by and the relevant report is not prepared.
- **Public involvement in the process of drafting of laws** is required by exercising organized consultations through public debates, round tables etc. It should become mandatory for all new draft-proposals.
- It should be **mandatory for the ministries to prepare reports on conducted consultations**. In order to raise the awareness about the importance of public involvement in the process of consultations, and surely to stress the need for notifying the public about performed consultations, the report should be a separately prepared document, since currently it is down to one part of the RIA Report.

**4. It is necessary to share the best practices of the ministries to involve the public in the law drafting processes.** The observed positive practices among ministries should be shared and promoted. It is necessary to establish a mechanism for sharing success stories among civil servants, and additionally the civil society sector should contribute towards the efforts to expand on the positive practices among the state administration bodies.



## PART 2:

# UNER Monitoring Results

In addition to the questionnaires as an instrument for monitoring the degree of openness of the state administration authorities, the practice of publishing draft-proposals on the Single National Electronic Register of Regulations (UNER) was monitored. Considering the advantages of the electronic consultations facilitated through UNER and especially considering that notwithstanding the various legal options for consultation, UNER has become nearly the only tool for public review of draft legislation, the need for continuous monitoring thereof is imposed.

The Ministry of Information Society and Administration (MISA) is responsible for the development and maintaining of UNER, and every single ministry is responsible for posting the contents (draft-proposals) under its competence. On the UNER site, each stakeholder can express an opinion and make comments and suggestions on the published draft laws. In accordance with the Rules of Procedure of the Government of the Republic of Macedonia ("Official Gazette of RM" No. 36/08), the ministries are obliged to publish the proposed draft-proposals on UNER as early as in the drafting process in order to be available for public consultation for a minimum of 10 days.

## 1. METHODOLOGY AND APPROACH

The analysis followed the practice of publishing the draft-proposals on UNER, the adherence to the minimum timeframe for consultations on the published draft-proposals, as well as posting the required documents and the practice of commenting and providing feedback.

On the 25 December 2014 the new UNER was launched, which in addition to the new design contained technical and content-related improvements. This imposed the need to revise the method of monitoring the adherence to the consultation period in comparison to the previous report, but nevertheless the process of monitoring of the adherence to the prescribed minimum consultation period, continued.

### 1.1. Sample and data processing

During the monitoring period from 1 January to 31 December 2015 a total of 136 draft-proposals were published on UNER. For each of them a more detailed monitoring was performed. The monitoring sample included draft-proposals which were published on UNER with the status "Open" and draft proposals which were published on UNER with the status "Closed" and which have not been previously published on UNER with the status "Open". The monitoring sample included only draft-proposals, while secondary legislation was not subject to the monitoring, since legislation does not specify an obligation for public review thereof.

The sample included all draft-proposals published on UNER during 2015, and all draft-proposals approved at the Government's sessions during 2015, including those draft-proposals that were published on UNER before 1 January 2015.<sup>4</sup>

The analysis covered the degree to which the statuses correspond in reality to the stage of the

<sup>4</sup> Because of such methodology, a difference exists between the number of published laws on UNER (136) and the number of approved draft-proposals by the Government (135).

draft-proposal, since the statuses of the draft-proposals on UNER aim to offer information to the users on the current stage of the proposal drafting process. Meanwhile the status "Open" should indicate that the draft-proposal is open to consultation by the public, while the status "Closed" should indicate that the draft-proposal has already been approved at a Government's session.

Since the minutes of the meetings of the Government are not publicly available so as to identify the date of approval of a specific draft-proposal by the Government, for the purposes of the monitoring, the website of the Assembly ([www.sobranie.mk](http://www.sobranie.mk)) was used. Data from the available materials of the Assembly are collected inclusive of 15 February 2016. The processed results are presented in tables expressed in absolute numbers and in percentages, accompanied by an appropriate commentary and arising conclusions and recommendations.

### 1.2. Methodological restrictions

Due to the unavailability of the UNER information, multiple sources were used in the analysis. In order to analyze and examine the adherence to the prescribed consultation period, additional information was asked for, primarily on the website of the Assembly of the Republic of Macedonia. On the basis of the materials available on the website of the Assembly, data were received on the date on which the draft-proposal was approved at the session of the Government.

### 1.3. Terminological clarification

This part of the analysis contains two terms, draft-proposal of a law and a draft-law, and both refer to the draft version of the law produced by the Government, in accordance with the Regulation Impact Assessment Methodology. Apart from part 3, wherein the publication of documents on UNER is analyzed in relation to the process of RIA implementation and a difference between the draft-version of a law and draft-proposal of a law is made, the other part of the analysis uses the term draft-proposal of a law.

## 2. AVAILABILITY OF INFORMATION FOR APPROVAL OF LAWS AT GOVERNMENT'S SESSIONS

Compared to other countries, the Republic of Macedonia is one of the few countries in the region that does not provide minimum information on the items discussed at Government's sessions. On the other hand, such practice exists in Bosnia and Herzegovina, Bulgaria, Slovenia, Serbia and Croatia. In order to obtain official information about draft-proposals approved at Government's sessions in the first half of 2015, on 31 August 2015, MCIC submitted a request to the General Secretariat of the Government of the Republic of Macedonia to access public information. Requested were excerpts of the draft minutes of all meetings of the Government in the period from 1 January to 30 June 2015, regarding items pertaining to the review and approval of draft-proposals. The request was rejected on the grounds that such information refers to a material classified as being of a degree of secrecy - "internal" and according to the Rules of Procedure of the Government, such materials is only available to authorized proposers/proponents of materials for review at Government's sessions.

The Government of the Republic of Croatia can serve as the best example from the region, where the Government's sessions allow for the utmost possible transparency. The agendas of the sessions of the Croatian Government are publicly available and usually consist of an open part of which a video and audio recording is published, and a closed part regarding which a comprehensive statement is thereafter published on the most important points discussed during the session. In addition, the website of the Croatian Government makes available all acts passed at the respective session of the Government. As a result, the citizens have a clear view of the Government's decisions





and draft-proposals approved at the sessions of the Government prior to their entry into a parliamentary procedure.

**Figure 1. Republic of Croatia Government's sessions, the most transparent in the region**

The screenshot shows the website of the Government of the Republic of Croatia. The main heading is "18. sjednica Vlade Republike Hrvatske". Below it, there is a video player titled "18. sjednica Vlade Republike Hrvatske (4.5.2016.)". To the right of the video is a list of documents (Dokumenti) with file names and sizes, such as "18 - 1a.pdf (2502kb)". Below the video is the "Dnevni red otvorenog dijela sjednice:" (Daily agenda of the open part of the session) with several agenda items listed.

### 3 PRACTICE OF PUBLICATION OF DRAFT-LEGISLATION ON UNER

As stated in the forgoing, according to the Rules of Procedure of the Government of the Republic of Macedonia ("Official Gazette" No. 36/08, Article 71) and the Regulation Impact Assessment (RIA) Methodology ("Official Gazette" No. 107/13), the ministries must publish all proposals for adoption of laws, draft-laws and draft-proposals of laws other than the laws adopted in an expedient proceedings on the UNER and make them available for public comments for 10 days from the date of publication. Each stakeholder can submit an opinion, comments and suggestions relating to the published proposals on UNER on the published proposals for law adoption, drafts and draft-proposals of laws. The competent ministry shall prepare a report on consultations performed and make it public on its website and on UNER.

### 3.1 Respecting the process of RIA for laws passed in the Assembly

According to the Rules of Procedure of the Government, RIA is applied for draft-proposals submitted to the Government of RM for review and approval, notwithstanding laws whose adoption is carried out in an expedient procedure, laws on ratification of international treaties, laws by the means of which harmonization in terminology with other laws is achieved, the draft budget of the RM and Law on Execution of Budget of RM. Although the ministries are obliged to publish all draft-proposals on UNER passed on a regular and in an expedient procedure, there is still a practice of many draft-proposals which are not published on UNER and are unavailable for public consultation. According to the data from the annual report of the Assembly in the period from 1 January to 31 December 2015 a total of 606 laws were passed, 33 of which were proposed by MPs, and 32 were laws ratifying international agreements. These draft laws proposed by the MPs of the Assembly and draft laws on ratification of international agreements are not subject to the obligation of prior publication on UNER and RIA implementation. The remaining 541 adopted draft-proposals were proposed by the Government and the line ministries and are subject to the obligation of RIA implementation and their prior publication on UNER. Moreover it is noted that only 16 per cent of total adopted legislation (541), i.e. in only 88 cases, the adopted law was preceded by a text of the draft-law being published on UNER.

Table 1 provides an overview of the number of laws which were passed in the Assembly and were previously published on UNER. Out of a total of 541 law passed in the Assembly in 2015, for which the ministries must carry out RIA, only 88 (16%) of them were published on UNER for public consultation. The Ministry of Defence is the only example that allowed no concessions regarding the publication of the draft-proposals on UNER, i.e. all four laws passed in the Assembly in 2015, were also published by the Ministry on UNER. All other ministries published a small number of laws on UNER from the laws passed in the Assembly in 2015. The three lowest ranking ministries are as follows: MLG, MLSP and MoE. The MLSP, out of 57 laws adopted by the Assembly in 2015, published only two (4%) on UNER.

**Table 1. Draft-proposals proposed by the Government and the ministries, passed in the Assembly in 2015**

Ministry	Laws passed in the Assembly	Draft-proposals published on UNER	
		Number of laws	Percentage of the total number of laws
MoD	4	4	100%
MFA	2	1	50%
MAWFE	56	14	25%
MTC	51	11	22%
MoF	121	22	18%
MEPP	17	3	18%
MoJ	46	8	17%
MESc	35	6	17%
MoC	19	3	16%
MoH	36	4	11%
MIA	27	3	11%
MISA	18	2	11%
MoE	51	5	10%
MLSP	57	2	4%
MLG	1	0	0%
<b>Total</b>	<b>541</b>	<b>88</b>	<b>16%</b>

Table 2 provides an overview of the number of laws passed in an expedient procedure and the number published on UNER, since according to the Rules of Procedure, the ministries are too obliged to apply RIA for those laws. In 2015, as high as 306 (57%) of the laws passed in the Assembly, proposed by the ministries were adopted in an expedient procedure. Of those, only 6% were published on UNER. At the top of the list are the following: MoD and MFA. MoD rendered one draft-proposal in an expedient procedure and the one draft-proposal was published on UNER, while out of the two laws in expedient procedure, one (50%) was published on UNER. One can note that as high as four ministries failed to publish on UNER all of the draft-proposals adopted in an expedient procedure. They are as follows: MLSO, MoC, MEPP and MISA.

**Table 2. Draft-proposals proposed by the Government and the ministries, adopted by the Assembly in 2015**

Ministry	Laws adopted in the Assembly	Draft-proposals in an expedient procedure		Draft-proposals in expedient procedure published on UNER	
		Number of laws	Percentage of the total number of laws	Number of laws	Percentage of laws in an expedient procedure
MoD	4	1	25%	1	100%
MFA	2	2	100%	1	50%
MoF	51	19	37%	2	11%
MESc	35	23	66%	2	9%
MoD	46	26	57%	2	8%
MoF	121	72	60%	6	8%
MAWFE	56	28	50%	2	7%
MIA	27	18	67%	1	6%
MTC	51	25	49%	1	4%
MoH	36	24	67%	1	4%
MISA	18	4	22%	0	0%
MEPP	17	11	65%	0	0%
MoC	19	13	68%	0	0%
MTSP	57	40	70%	0	0%
MLG	1	0	0%	0	0%
<b>Total</b>	<b>541</b>	<b>306</b>	<b>57%</b>	<b>19</b>	<b>6%</b>

The low percentage of draft-proposals published on UNER and passed in 2015 indicates a serious violation of the Rules of Procedure of the Government of the Republic of Macedonia, and seriously puts into question the possibility for informing and participation of the public in the early stages of the proposal drafting.

In continuation of this publication, an analysis is rendered on the adherence to or concessions made in terms of the minimum standards in accordance with the RIA Methodology for those draft-proposals published on UNER in 2015. Taking into consideration the previous analysis and the fact that a large percentage (84%) of the draft-proposals passed in the Assembly were not published on UNER, it represents a kind of a methodological restriction of this part of the study „Mirror to the Government“ in respect of interpretation of results.

### 3.2 Overview of published draft-legislation on UNER

One of the main changes in the functionality of UNER, launched in December 2014, is the facilitated monitoring of all acts pertaining to the history of a law since the posting thereof on the UNER platform. Previously, any modifications to a particular draft-proposal were placed in a separate folder, whereby the monitoring of all amendments pertaining to a law was made more difficult. Following the new solution, all documents pertaining to a law are bound in one folder.<sup>5</sup> In the publication of the draft-proposal on UNER, the file can be posted with the status „Open“ or „Closed“. The status „Open“ means that the law is open to public consultation, whereas the status „Closed“ indicates that the draft-proposal has already been approved at a Government's session, and is no longer open to consultations.

**Table 2. Open draft-proposals to consultation on UNER during 2015**

Ministry	No of open draft-proposals on UNER
Ministry of Agriculture, Forestry and Water Economy	23
Ministry of Education and Science	23
Ministry of Finance	15
Ministry of Transport and Communications	14
Ministry of Justice	10
Ministry of Culture	9
Ministry of Defence	8
Ministry of Economy	8
Ministry of Environment and Physical Planning	8
Ministry of Labour and Social Policy	6
Ministry of Health	4
Ministry of Internal Affairs	4
Ministry of Local Government	2
Ministry of Information Society and Administration	1
Ministry of Foreign Affairs	1
<b>TOTAL</b>	<b>136</b>

During the monitoring period on UNER, a total of 136 draft-proposals were published of which 111 were thereafter approved on a session of the Government. The majority of published draft-proposals on UNER, 23 each, were published by the Ministry of Education, and the Ministry of Agriculture, Forestry and Water Economy. These were followed by the Ministry of Finance with 15 published draft-proposals, the Ministry of Transport and Communications, and the Ministry of Justice with 14, and 10 published draft-proposals respectively. On the other hand, the least number of laws were published by the Ministry of Foreign Affairs and the Ministry of Information Society and Administration.

According to the statuses of publication, all draft-proposals were published with the status „Open“ and available for public consultation. From the materials available on the website of the Assembly, out of these 136 laws, 111 draft-proposals (82%) were approved at a Government's session. However, in addition to them being approved by the Government and basically the consultation process closed on UNER, 69 draft-proposals inclusive of 15.02.2016, remain to be with an „Open“-

<sup>5</sup> Sazdevski M. (2015). Guide on the New Features of the Single National Register of Regulations (UNER). Skopje: Macedonian Centre for International Cooperation. Available on: <http://ogledalonavladata.mk/images/docs/publikacii/vodich-niz-novinite-na-ener.pdf>



status. Therefore, the UNER users may receive the wrong impression that consultations are opened and that by posting a comment, they may influence the proposal drafting process. On the other hand, 42 draft-proposals which were previously published with the status "Open", later on acquired the status "Closed" and in the process, the UNER user could clearly realize that the period for commenting is over.

According to the Regulation Impact Assessment Methodology, the stakeholders should be able to engage in the consultation process for RIA implementation, which is provided by publication of the notification on the commencement of the proposal drafting process, minimum of five days prior to the publication of the draft-proposal text. In the past, this practice was a rarity, meaning that the most frequent notification as to the commencement of the proposal drafting and the draft-law text were published on the same day. In 2015, significant improvement was noted as regards to this practice, mostly owing to the technical solution of UNER by the means of which automatic definition of terms/deadlines is enabled, i.e. the ministries must firstly publish the notification, and even after the expiry of the five-day period, to publish the remaining documents. On the other hand, it is important to mention that the consultation facilitation process which will last longer than the specified minimal ten-day period is necessary, since this deadline is by large shorter than the standard European and regional practices.<sup>6</sup>

## 4. COMPLIANCE WITH AND CONCESSIONS MADE REGARDING THE MINIMUM DEADLINE FOR CONSULTATIONS

According to the Rules of Procedure of the Government of the Republic of Macedonia and the Regulation Impact Assessment Methodology, the consultations on ENER may unfold in two stages as follows:

- Stage of consultation on the day of publication of the notification on the commencement of the process and proposal drafting (minimum of 5 days);
- Stage of consultation on the day of publication of the draft- report of RIA and the draft-law (minimum of 10 days)<sup>7</sup>.

Together with the changes on UNER, the minimum deadlines for these two stages were made automatic. By automation of the compliance of the minimum period of five days from the day of publication of the draft-law, one of the key weaknesses of the thus-far system was precluded. Therefore the user is formally allowed to engage in the process of proposal drafting in the RIA stage.<sup>8</sup>

Additionally, with the introduction of the new website of UNER, a day counter was introduced for the remainder of days for commenting. This partially solved the previous problem of absence of information regarding if and in which period a specific draft-law is open for commenting, during which one could not monitor if the comments posted by a specific person/entity were posted in the approved timeframe for commenting, or afterwards, once the law was already approved at a Government's session.

The introduction of the automatic day counter for the period of consultations is the new technical solution introduced on UNER to facilitate the visibility since the user knows how many more days the draft-proposal is open to commenting.

In the posting of the draft-proposal on UNER, the automatic day counter indicates a minimum prede-

<sup>6</sup> Vidachak, I., Nuredinoska, E. (2012) Transparency in the law drafting process: rules and practices for public participation with a focus on feedback to comments by the public, Skopje: OSCE.

<sup>7</sup> Methodology for Regulation Impact Assessment ("Official Gazette of RM" no. 107/2013)

<sup>8</sup> Sazdevski M. (2015), Guide on the New Features of the Single National Register of Regulations UNER. Skopje: Macedonian Center for International Cooperation. Available on: <http://ogledalonavladata.mk/images/docs/publikacij/vodich-niz-novinite-na-ener.pdf>

defined value of 10 days. What is evident in practice, since the introduction of the day counter is that the majority of the published draft- proposals have a consultation period that lasts exactly 10 days.

Also, in addition to the automatic day counter, it was registered that cases of divergence from the minimum specified period of ten days for consultations exist. Those are cases when specific draft- proposals are approved at a Government's session prior to the expiry of the minimum ten days for commenting (see attachment 3), as well as cases whereby the draft-proposals are approved at a Government's session without publication of the draft-law text on UNER (see attachment 4).

According to the data from the website of the Assembly, during the reporting period, for a total of 135 draft-proposals approved at Government's sessions, previously published on UNER, in 53 cases (39 %) the minimum deadline of

During August 2015, the Assembly, following an expedient procedure processed a number of bills related to amendments and supplements pertaining to the harmonization with the new Law on Misdemeanours. Most of them, contrary to the Rules of Procedure of the Government of the Republic of Macedonia, were never published on SNER. The Ministry of Education and Science together with the Ministry of Agriculture, Forestry and Water Economy, were the only ministries which published reports on the commencement of the drafting of the modifications to the proposal on SNER, however they were released a day before or the day following their approval by the Government without having the texts of the draft-laws published. About this case on 27 August 2015, the MCIC sent a public statement appealing to the Government and the competent state bodies to adhere to the minimum standards in the process of law drafting.

10 days for consultations on UNER was not complied with, counting from the day of publication of the draft- proposal<sup>9</sup> up to the day of approval at the Government's session. Table 2 provides an overview of the compliance and concessions made regarding the minimum deadline for consultations of 10 days, whereby the starting day of consultation is the day of publication of the text of the draft- proposal on UNER<sup>10</sup>. In the event that for a particular notification on UNER for the commencement of the consultation process, the text of the draft- proposal was not posted at all, the number of consultation days is zero.

**Table 3. Compliance with and concessions from the minimum deadline of 10 days for consultations on the draft-proposal**

Ranking	Ministry	No. of draft-proposals approved at the Government's session previously published on UNER	No. of draft-proposals with concessions made from the 10 day minimum period	Percentage of concessions of draft-proposals approved by the Government
1	MISA	2	0	0%
2	MoD	5	0	0%
3	MFA	1	0	0%
4	MTC	10	1	10%
5	MoF	17	2	12%
6	MIA	6	1	17%
7	MoH	4	1	25%
8	MAWFE	27	8	30%
9	MoJ	11	4	36%
10	MEPP	5	2	40%
11	MLSP	7	3	43%
12	MoE	8	5	63%
13	MoC	8	5	63%
14	MESc	23	20	87%
15	MLG	1	1	100%
		135	53	39%

<sup>9</sup> Number of days for consultations is considered from the day of publication of the draft- law

<sup>10</sup> In part 3, an analysis is rendered on the versions of draft- proposals published on UNER





The MISA, MoD and the MFA are the only ministries which had not provided any concessions. As positive examples with less than a third of concessions made are the following MTC, MoF, MIA, MoH and the MAWFE.

On the other hand, as negative examples with more than two thirds of concessions made are the following: MoE, MoC and the MESc, while the MLG with the single law they published on the UNER failed to adhere to the minimum deadline, hence the ministry is ranked at the bottom of the Table.

## 5. PRACTICE OF PUBLISHING REQUIRED RELATING DOCUMENTS

The analysis followed and publishing documents related to the implementation of the regulation impact assessment for each draft-proposal released on UNER. According to the Methodology, the ministries in the process of planning and drafting of laws on their website and UNER published relevant documents relating to the specific draft-proposal: notification about the commencement of the drafting of legislation, RIA draft-report, draft-law, draft-proposal. Table 4 indicates that in all cases the notification was published on the commencement of the proposal drafting process, while in 7% of cases the text of the draft-law was published. RIA draft reports were published in 71% of cases.

It can be asserted that four ministries were the most diligent: MoD, MEPP, MoH and MFA. These ministries for each published draft-proposal have released all the required documents in their entirety and thus the public was well informed on the contents of the draft-proposals or modifications to the draft-proposals. Positive examples are the following: MAWFE, MTC and MoF that were diligent and in almost all cases published the required documents. The following can be cited as negative examples: MoC, MTC and MESc, since these ministries, in at least two thirds of the cases failed to publish the text of the draft-law, which practically prevented users of UNER to timely receive information about the content of the draft -proposals. Similar is the case with MISA, which according to the percentages can be found at the bottom of the list, since regarding the single published draft-proposal, managed to publish only the notification on the commencement of the drafting procedure, but not the draft-law or the RIA draft-report.

Additionally, notwithstanding the publication of the three basic documents, the ministries in only 20 cases published the final text of the draft-proposal and draft report on RIA, approved by the Government.

**Table 4. Documents contained in the draft-proposals published on UNER**

Competent ministry	No of published draft-proposals on UNER	No. of laws with a notification on the commencement of the law drafting	%	No. of laws with a RIA draft-report	%	No. of laws with a draft-law	%
MoD	8	8	100%	8	100%	8	100%
MEPP	8	8	100%	8	100%	8	100%
MoH	4	4	100%	4	100%	4	100%
MFA	1	1	100%	1	100%	1	100%
MAWFE	23	23	100%	22	96%	22	96%
MTC	14	14	100%	14	100%	13	93%
MoF	15	15	100%	13	87%	13	87%
MoE	8	8	100%	6	75%	6	75%
MIA	4	4	100%	3	75%	3	75%
MoJ	10	10	100%	6	60%	6	60%
MLG	2	2	100%	1	50%	1	50%
MoC	9	9	100%	3	33%	3	33%
MLSP	6	6	100%	3	50%	2	33%
MESc	23	23	100%	5	22%	5	22%
MISA	1	1	100%	0	0%	0	0%
<b>Total</b>	<b>136</b>	<b>136</b>	<b>100%</b>	<b>97</b>	<b>71%</b>	<b>95</b>	<b>70%</b>

## 6. UNER COMMENTING PRACTICES

In order to analyze to what extent the public uses the given opportunity to influence legislation at an early stage of drafting, the practice of commenting on draft-proposals open on UNER was monitored. Also, the practice of the ministries in giving feedback on posted comments and remarks was monitored.

With the introduction of the new web site of UNER, automatic posting of comments was enabled after the expiry of the deadline for review by the responsible person at the relevant ministry. This approach has precluded the possibility of delay or non-disclosure of a given comment by the user. Namely, if a given comment is not reviewed by the responsible person, the comment will be automatically published.

In addition to such modification which should allow a more direct access to users of UNER and their greater motivation for participation and commenting, during the analysis, it a drop was identified in the use of UNER by the public as a tool to influence the process of law drafting. Namely, in the reporting period, out of 136 draft-proposals published on UNER, comments were posted for only 14 draft-proposals, for which a total of 38 comments were posted. To these 38 comments, the ministries provided only 5 replies as feedback.

Most comments (30) were posted by individuals, while eight comments were posted on behalf of civil society organizations and associations. The most commented was the draft-proposal of a Law on Crafts for which ten comments were posted, followed by the draft-proposal of a Law amending the Law on Energy and the draft-proposal of a Law amending the Law on Social Entrepreneurship for which seven comments were posted.

## 7. CONCLUSIONS AND RECOMMENDATIONS

A total of 136 draft- proposals were published on UNER during the monitoring period from 1 January to 31 December 2015. The conclusions are generated from the monitoring of the following: adherence to/compliance with the minimum period allocated for consultation, the update of UNER and publication of required documents, as well as the practice of posting comments and commenting, and providing feedback by the ministries.

### 7.1 Conclusions

- 1. Ministries do not publish most of the draft-proposals on UNER.** Although the ministries are obliged to publish all draft-proposals on UNER passed in a regular or expedient procedure, the ministries have failed to comply with the Rules of Procedure of the Government of the Republic of Macedonia. In fact, according to statistics of the Assembly in 2015, a total of 541 laws proposed by the Government were passed, and for only 88 of them (16%) the text of the draft-law was previously published on UNER. Hence, the public, notwithstanding the existence of UNER, for the majority of draft-proposals was not in a position to obtain better information on laws and policies adopted in 2015. Additionally, due to a comparatively small number of draft-proposals published on UNER, all subsequent conclusions of the monitoring of UNER will be confined since a major portion of draft-proposals were left out of the monitoring sample.
- 2. Unavailability of agendas and minutes of sessions of the Government makes the monitoring of the policy making process difficult.** Compared to other countries, the Republic

of Macedonia is one of the few countries in the region that does not provide information on items discussed at Government's sessions. Such practice already exists in Bosnia and Herzegovina, Bulgaria, Slovenia, Serbia and Croatia.

- 3. The new UNER website provides for better visibility of the entire consultation process.** Owing to the new option that enables UNER users to receive accurate information about the remaining time for consultation, visibility regarding the entire commenting process of draft-proposals in the drafting stage has improved. However, non-compliance of the UNER status with the actual situation, or with the ascertaining of the fact of whether the law was approved at a session of the Government or not, remains to be a problem. In fact, 62% of the published draft-proposals approved at a Government's session still carry the status "Open" on UNER.
- 4. The period for commenting for the majority of draft-proposals is fixed at a minimum of 10 days.** This is due to the new technical solution that facilitates visibility (users know how many days the draft-proposals are left open for commenting), but restricts the period of commenting in cases when it is unnecessary.
- 5. Partial compliance with the minimum period for consultation for those draft-proposals previously published on UNER.** Notwithstanding the technical changes to UNER aimed to restrict such cases, a practice of concessions from the minimum ten days for consultations is still exercised. Namely, 39% of draft-proposals approved by the Government have failed to comply with the minimum period for consultation. The most common reason being the non-publication of the draft-law text, or its publication after the day of approval at a Government's session. This means that the publication of the draft-proposals on UNER does not allow for substantial involvement of the public and participation in the making of regulations published on UNER.
- 6. Ministries do not publish regularly the necessary related documents for consultation.** Although in all cases notifications were published on the commencement of the procedure for proposal drafting, the texts of the draft laws were published in 70% of cases. Not publishing nearly a third of the draft-laws is the main reason for the foregoing partial compliance with the minimum period for consultations, since non-publication of the text of the draft law automatically means zero days for consultations. RIA draft reports were published in 71% of cases.
- 7. The public has little interest to comment on UNER.** Even though UNER should serve as an easily accessible tool for public involvement in the process of drafting laws, there are still very few comments posted by citizens. During the monitoring period, only 38 comments for 14 out of a total of 136 published draft proposals were posted.
- 8. Ministries extremely rarely give feedback to comments.** During the monitoring period, the ministries have rendered only 5 replies to a total of 38 posted comments (13%). Most of these 5 replies were of a purely technical type and do not provide any information on whether specific comments influenced the final content of the draft-proposal.





### 7.2 Recommendations

1. **Ministries should adhere to the Rules of Procedure of the Government of the Republic of Macedonia and publish all draft-proposals on UNER**, irrespective of whether they are passed in the Assembly through a regular or an expedient procedure since the provisions in the Rules of Procedure are mandatory and any deviation therefrom is unacceptable. Additionally, such practice would increase the transparency of the law-making process and would allow for enhanced participation of the public and their involvement at an early stage in the drafting of proposals.
2. **Minimum basic information on items discussed at Government's sessions should be publicly available.** With more publicly available information on the topics for discussion and decisions following the sessions of the Government, the public will have an insight into the various stages of preparation of the draft-proposals. Such practice is already present in several countries in the region and the Government should amend the Rules of Procedure in order to ensure mandatory disclosure of such information which would significantly contribute to greater transparency in the policy making process.
3. **Ministries should be more diligent in the use of UNER.** Ministries should regularly update the statuses of the draft-proposals, thereby allowing the public at any given time to know whether the published regulations are effectively open to consultation, or the consultation period has closed and the regulation has entered a parliamentary procedure.
5. **Ministries should provide for longer consultations, the specified minimum of 10 days should be an exception, not a rule.** When a new draft-proposal is uploaded for consultation, the responsible officials in the ministries should select a longer consultation period, and only by exception to leave the default minimum period of 10 days.
6. **Ministries should adhere to the minimum consultation period of 10 days.** It is necessary for the UNER consultations to be seen as an inevitable part of the process of law drafting, in order to build a positive institutional practice that will contribute towards an increased citizens' participation in the law drafting process. It is necessary to increase control as to whether a draft-proposal was put for consultation on UNER and if not to be prohibited from approval at a Government's session.
7. **The practice of regular publishing of required documents should continue and develop.** Even though in most cases the documents are regularly published, the ministries still do not fully comply with the rules and in addition to the fact that such practice contributes to increase in the percentage of concessions in terms of the minimum consultations period, it also has adverse effects on the amount of information put forward to UNER users.
8. **Active participation is required in terms of promotion of UNER and increase of citizens' confidence in this tool.** The small number of comments on UNER clearly indicates the need of enhanced information put forward to the citizens as to the opportunities offered by UNER, as well as trust building in terms of the real effect that posting comments on UNER could have on the content of the draft-proposals.
9. **Ministries should always provide feedback to comments posted on UNER.** Ministries should be more diligent in the feedback to posted comments, in order to increase the public confidence in the consultation process of UNER and to send a clear message that the institutions seriously take into account comments made by the public. Also in their responses ministries should give an explanation as to the reason and rational behind the adoption of specific proposals or lack thereof.

## ATTACHMENT 1.

### QUESTIONNAIRE NO. 1 FOR THE ASSESSMENT OF THE COMMUNICATION SUPPORT

#### I. General mechanisms for public participation

1. The Ministry: <i>(Please mark one answer (yes or no) for each indicator)</i>		
1.1. Has appointed a contact-person responsible for providing public information	yes	no
1.2. Has appointed a coordinator for performing the regulation impact assessment	yes	no
1.3. Issues publications (bulletins, newsletters) for its operations	yes	no
1.4. Always publishes notification on the commencement of the proposal drafting process in the daily newspapers	yes	no
1.5. Publishes notification on the commencement of the process of drafting proposals on relevant sites such as UNER, e-democracy, the site of the ministry If the answer is YES, please indicate an URL of the site: _____	yes	no
1.6. Uses other forms to inform the public about its operations If the answer is YES, please list other forms: _____	yes	no
2. The Ministry on its website: <i>(Please mark one answer (yes or no) for each indicator)</i>		
2.1. Publishes details and information about the opportunities to engage the public in specific processes (drafting of legislation, strategies etc.) If the answer is YES, please indicate the URL of the site which posts such information: _____	yes	no
2.2. Uses e-questionnaires for obtaining the public opinion about its activities If the answer is YES, please indicate the URL of the site and/ or examples of the use of e-questionnaires: _____	yes	no
2.3. Publishes proposals and comments received by the interested public in relation to the activity of the ministry If the answer is YES, please indicate the URL of the site which publishes the received proposals and comments: _____	yes	no
2.4. Uses an e-questionnaire to get public opinion, especially designed for specific processes (drafting of legislation, strategies etc.) If the answer is YES, please indicate the URL of the site which publishes the received proposals and comments: _____	yes	no
2.5. Publishes replies and explanations to proposals and comments provided by the interested public on specific processes (drafting of legislation, strategies etc.) If the answer is YES, please indicate the URL of the site which publishes the received proposals and comments: _____	yes	no
2.6. Prepares and publishes reports of completed consultation processes	yes	no



**3. The Ministry on its website:**

*(Please mark one answer (yes or no) for each indicator)*

3.1. Publishes most frequently posted questions and answers on the involvement of the public in specific processes (drafting of legislation, strategies etc.) yes no

If the answer is YES, please indicate the URL of the site which publishes the posted questions and answers:

3.2. Enables the interested party to register in the registry for obtaining information yes no

If the answer is YES, please indicate the URL of the site on which the public can register:

3.3. Sends emails with notifications/information to the interested party yes no

3.4. Organizes e-public debates (forum, blog, web-conferences etc.) yes no

If the answer is YES, please indicate the URL of the site:

**II. Supporting environment for civil society sector participation**

**4. The Ministry:**

*(Please mark one answer (yes or no) for each indicator)*

4.1. Has appointed a person responsible for cooperation with the civil society organizations yes no

4.2. Has a register wherein civil society organizations may openly register (to regularly obtain information) yes no

If the answer is YES, please indicate the URL of the site on which organizations may register:

4.3. Calls upon interested civil society organizations to apply/register to obtain information yes no

4.4. Has a separate written document (guidelines/instructions) for the involvement of the civil society organizations yes no

If the answer is YES, please indicate the name of the document:

4.5. Includes representatives of civil society organizations in consultation bodies and committees of the ministries, even when such participation is not legally binding: yes no

4.6. Has a beforehand prescribed procedure for the selection of representatives of the civil society organizations, in cases when the number of participants in the consultation bodies is restricted yes no

4.7. Includes representatives of the civil society organizations in its delegations on international events yes no

4.8. Has civil servants who are specially trained (attended training) for cooperation and inclusion of the civil society organizations yes no

**III. Financial environment for inclusion of the civil society sector**

**5. The Ministry:**

*(Please mark one answer (yes or no) for each indicator)*

5.1. Funds programs (institutional support) of the civil society organizations yes no

5.2. Funds projects (project activities) of the civil society organizations yes no

5.3. Has funds to cover the costs of the participants in the civil society sector in the working bodies and groups yes no

5.4. Has allocated funds for professional support of participation (for example legal consultations and information support) as well as civil society organizations advocacy yes no

5.5. Provides for the civil society organizations subsidized offices or free-of-charge offices yes no

5.6. Allows for other forms of support (as providing equipment, training etc.) yes no

**IV. Monitoring and evaluation of the implementation of acts (laws, strategies etc.)**

**6. The Ministry:**

*(Please mark one answer (yes or no) for each indicator)*

6.1. Monitors and evaluates the implementation of acts in their field yes no

6.2. Involves representatives of civil society organizations in the monitoring and evaluation of acts yes no

6.4. Provides a feedback report on the public involvement and the effect of public comments yes no

If the answer is YES, please indicate the URL of the site:

6.3. Publishes reports from the monitoring and evaluation of acts as follows:

- electronic copy yes no  
(URL of the site \_\_\_\_\_)

- Hard copy (for example publication and the like) yes no

6.5. At the end of the drafting of acts in the memorandum of the draft proposal of a law, always informs on the inclusion and the cooperation with the interested public. yes no

**Do you have any comments or questions related to a particular question(s) in the questionnaire?**

## ATTACHMENT 2.

### QUESTIONNAIRE NO. 2 FOR PUBLIC PARTICIPATION IN THE PROPOSAL DRAFTING PROCESS

#### Sharing information about the process of proposal drafting

##### The Ministry notified the public about the commencement of the procedure of proposal drafting: (Please answer to all questions from 1 to 6)

1. By publishing it in the strategic plan and annual work program of the Government	yes	no
2. By posting information on the website of the ministry	yes	no
3. By sending information to all stakeholders (ex. via post, or email)	yes	no
4. By a notification on the commencement of the procedure published on the public portal, e-democracy or UNER	yes	no
5. By publishing information in daily newspapers;	yes	no
6. Other types of notification	yes	no

If YES, which ones?

##### Notification about the commencement of the procedure for drafting of proposal contained the following: (Please answer to all the questions from 7 to 22)

7. Name of the draft-proposal	yes	no
8. Short description of the subject	yes	no
9. Purpose and aims of the draft-law	yes	no
10. Timeline of important events: identification of the most important stages in the procedure	yes	no
11. Envisaged methods and tools for inclusion and participation of stakeholders	yes	no
12. Identification of key stakeholders	yes	no
13. Announcement for public review and public hearing	yes	no
14. Electronic addresses from UNER and the website of the ministry wherefrom the draft-law and draft RIA report can be downloaded in an electronic version by the stakeholders	yes	no
15. In cases of studies on the subject- matter of the draft-proposal, whether such studies were consulted and whether information on where can they be found by the public exist	yes	no
16. If summarized information by the studies of use to the public (in layman terms) exist and where?	yes	no
17. Provided terms for the adoption of draft proposals	yes	no
18. Call for public involvement	yes	no
19. Cost estimates for the process of drafting proposal of a law	yes	no
20. Contact details (responsible persons for law drafting etc.)	yes	no
21. Methods of collection and considering the opinions of the public (postal and/or email address whereby the concerned parties can submit opinions, comments and suggestions)	yes	no
22. Methods for monitoring and evaluation of the process	yes	no

##### The professional papers for the drafting of proposals (study, analysis, overview and the like) (Please answer to all the questions from 23 to 26)

23. The ministry ordered professional papers:	yes	no
- from a civil society organization	yes	no
- from other contracting parties (consultancy companies, experts, universities)	yes	no
24. The professional papers were available on the website of the ministry	yes	no
25. The professional papers were available in a hard copy (printed copy) in the ministry	yes	no
26. The professional papers contain summarized parts for the general (unskilled) public	yes	no

##### Timeframe

27. Заради консултација предлог-законот е објавен како:

(одговорете на двете подпрашања)

a. First draft version of the draft-proposals produced by the Ministry (draft-version)	yes	no
b. Draft-proposal following inter-sectoral harmonization	yes	no

28. Deadlines for accepting written comments on UNER on the draft-proposal by the civil society sector were set as follows: (please choose one answer)

- Longer than 30 business days
- From 15 to 30 business days
- From 10 to 15 days
- Less than 10 days
- No opportunities available for proposals and comments

29. Provided that you have organized consultation events (in person or on the website) for the duration of the drafting of proposal, when did you send the invitation for partaking in consultations? (please choose one answer)

- More than 15 days prior to the event
- From 7 to 15 days
- Less than 7 days
- We do not organize such events

30. Have you accounted for holidays or other important dates in the period, whilst setting the consultation timeframe?	yes	no
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### Implementation of the procedure for proposal drafting

The Ministry: <i>(Please answer to all the questions from 31 to 35)</i>		
• Appointed a person who provides information on the drafting of proposal and inclusion of the public in the process	yes	no
• Enabled inclusion of the civil society sector at an early stage when the thesis/principles of the draft-proposal were being formulated (in the implementation of RIA: stage of analysis of the state of affairs and defining the goals)	yes	no
• During the process of the drafting of a proposal, organized events for public inclusion such as public hearings, rounds tables etc.	yes	no
• Allowed for independent moderation of the public inclusion in the process of proposal drafting (for example a facilitator from another institution, external expert etc.)	yes	no
• Presented to the public and at an early stage, various solutions on the content of the draft-proposal (in RIA implementation: stage for analysis of the effects of each of the options and defining the optimal solution).	yes	no

### Feedback by the Ministry on the proposals and comments made by the civil sector

• The ministry on arrived proposals by the civil society sector:		
a. Did not provide feedback/opinion	yes	no
b. Did provide a feedback:	yes	no
- As an overall feedback		
- For each proposal individually	yes	no
• The ministry prepared a feedback report for the civil society sector about the consultation process	yes	no
• The ministry on its website published the comments, proposals and argumentation given by the civil society sector	yes	no
• The memorandum of the draft-proposal (alt. Regulation Impact Assessment Report) contains information about the public involved in the consultation process	yes	no

### Response/feedback by the civil society sector

38a. Majority of proposals and comments are received by the civil society sector:

a. Through UNER

b. Directly via emails or post

a. Otherwise: *(please indicate how)*

**Error! No bookmark name given.**

• The ministry in the final proposal drafting included the proposals and comments made by the civil society sector	yes	no
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- The ministry **did not include the proposals** made by the civil society sector because:  
*(please indicate the reason)*

- The ministry **largely included** the proposals because:  
*(please indicate the reason)*

• How would you grade the proposals and comments made by the civil society sector, according to the ministry: <i>(please choose one answer)</i>
a. Largely relevant in terms of content and expertise
b. Partially relevant, partially irrelevant
c. Almost all are irrelevant
d. We did not receive any comments or proposals by the civil society sector

• The ministry during the proposal drafting:  
*(please choose one answer)*

a. Is content with the public response
b. Greater public response is needed
c. No opinion on public cooperation

### Which organizations commented the draft- proposal?

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

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### Your overall comments related to specific question/s of the questionnaire:

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### ATTACHMENT 3. LIST OF DRAFT-PROPOSALS INCLUDED IN THE ANALYSIS BY MINISTRIES

Ministry	Assessed draft-proposal	Received response
<b>Ministry of Internal Affairs</b>	Draft-proposal of the Law on Identification Number	Yes
	Draft-proposal of the Law amending and supplementing the Law on Prevention of Violence and Indecent Conduct at Sporting Events	Yes
<b>Ministry of Economy</b>	Draft-proposal of the Law amending and supplementing the Law on Tourism	Yes
	Draft-proposal of the Law amending the Law on Catering	Yes
	Draft-proposal of the Law on Out-of- court Settlements	Yes
<b>Ministry of Environment and Physical Planning</b>	Draft-proposal of the Law on Control of Emissions of Volatile Organic Compounds when using Petrol	Yes
	Draft-proposal of the Law on Mountain Trails	Yes
	Draft-proposal of the Law amending and supplementing the Law on Environment	Yes
<b>Ministry of Information Society and Administration</b>	Draft-proposal of the Law on Media	Yes
	Draft-proposal of the Law on Audio and Audiovisual Media Services	Yes
	Draft-proposal of the Law on Public Sector Employees	Yes
	Draft-proposal of the Law on Administration Employees	Yes
<b>Ministry of Culture</b>	Draft-proposal of the Law for Support of Domestic Music Production	Yes
<b>Ministry of Local Government</b>	Draft-proposal of the Law supplementing the Law on Balanced Regional Development	Yes
<b>Ministry of Education and Science</b>	Draft-proposal of the Law on National Qualifications Framework	Yes
	Draft-proposal of the Law for Establishing the Faculty of Information and Communication Technologies under the University "St. Kliment Ohridski" - Bitola	Yes
<b>Ministry of Justice</b>	Draft-proposal of the Law amending and supplementing the Anti-Corruption Law	Yes
	Draft-proposal of the Law on Bar Exam, in an expedient procedure	Yes
	Draft-proposal of the Law on Rights of Children	Yes
	Draft-proposal of the Law amending and supplementing the Law on Donations and Sponsorships in Public Activities	Yes

<b>Ministry of Transport and Communications</b>	Draft-proposal of the Law amending and supplementing the Construction Law	Yes
	Draft-proposal of the Law amending and supplementing the Law on Public Hygiene	Yes
<b>Ministry of Labour and Social Policy</b>	Draft-proposal of the Law amending and supplementing the Law on Family	Yes
	Draft-proposal of the Law amending and supplementing the Law on Social Protection	Yes
<b>Ministry of Defence</b>	Draft-proposal of the Law supplementing the Law on Military Service in the Republic of Macedonia, in an expedient procedure	Yes
<b>Ministry of Agriculture, Forestry and Water Economy</b>	Draft-proposal of the Law amending and supplementing the Law on Quality of Agricultural Products, in an expedient procedure	Yes
	Draft-proposal of the Law amending and supplementing the Law on Fisheries and Aquaculture	Yes
<b>Ministry of Finance</b>	Draft-proposal of the Law amending the Law on Value Added Tax	No
	Draft-proposal of the Law on Financial Discipline	No
	Draft-proposal of the Law amending and supplementing the Law of performing accounting work	No
	Draft-proposal of the Law on Financial Police	No
<b>Ministry of Foreign Affairs</b>	Draft-proposal of the Law amending and supplementing the Law on Foreign Affairs, in an expedient procedure	No
<b>Ministry of Health</b>	Draft-proposal of the Law amending and supplementing The Law on Medicines and Medical Devices	No
	Draft-proposal of the Law amending and supplementing the Law on Health Care	No
	Draft-proposal of the Law amending and supplementing the Law on Health Insurance	No





### ATTACHMENT 4.

#### DRAFT-PROPOSALS WITH CONCESSIONS FROM THE MINIMUM CONSULTATION PERIOD

Draft- proposal	Ministry	Date of posting the text of the draft-law	Date of approval at a Government's session	Period of consultation (<10 days)
Proposal to Pass a Law supplementing the Law on State Inspectorate for Agriculture	MAWFE	23.01.2015	27.01.2015	4
Proposal to Pass a Law amending and supplementing the Law on Forestry and Hunting Inspection	MAWFE	23.01.2015	27.01.2015	4
Proposal to Pass a Law amending and supplementing the Law on Environment	MEPP	23.01.2015	27.01.2015	4
Proposal to Pass a Law amending the Law on Electronic Data and Electronic Signature	MoF	04.02.2015	02.02.2015	0
Proposal to Pass a Law amending and supplementing the Law on Public Enterprises	MoE	04.02.2015	10.02.2015	6
Proposal to Pass a Law amending the Energy Law	MoE	23.02.2015	24.02.2015	1
Proposal to Pass a Law amending and supplementing the Law on Medicines and Medical Devices	MoH	22.04.2015	22.04.2015	0
Proposal to Pass a Law amending and supplementing the Law on Elementary Education	MESc	28.05.2015	26.05.2015	0
Proposal to Pass a Law amending and supplementing the Law on Secondary Education	MESc	28.05.2015	26.05.2015	0
Proposal to Pass a Law amending and supplementing the Law on Waste Management	MEPP	06.08.2015	12.08.2015	6
Proposal to Pass a Law amending and supplementing the Law on Bar Exam	MoJ	12.08.2015	19.08.2015	7
Proposal to Pass a Law amending and supplementing the Law on Animal Protection and Welfare	MAWFE	24.08.2015	24.08.2015	0
Proposal to Pass a Law amending and supplementing the Law on Veterinary - Medicinal Products	MAWFE	24.08.2015	24.08.2015	0
Proposal to Pass a Law amending and supplementing the Law on Animal By-products	MAWFE	24.08.2015	24.08.2015	0
Proposal to Pass a Law amending and supplementing the Law on Identification and Registration of Animals	MAWFE	24.08.2015	24.08.2015	0
Proposal to Pass a Law amending and supplementing the Law on Safety of Animal Feed	MAWFE	24.08.2015	24.08.2015	0
Proposal to Pass a Law amending and supplementing the Law on Vehicles	MoE	17.09.2015	14.09.2015	0

### ATTACHMENT 5.

#### DRAFT-PROPOSALS APPROVED AT A GOVERNMENT'S SESSION WITHOUT PRIOR PUBLICATION OF THE TEXT OF THE DRAFT-LAW ON UNER

Draft- proposal	Ministry	Date of posting the notification on the commencement of the proposal drafting process	Date of approval at a Government's session
Proposal to Pass a Law amending and supplementing the Law on Public Hygiene	MTC	30.01.2015	02.02.2015
Proposal to Pass a Law amending and supplementing the Law on Transformation of Socially Owned Enterprises	MoE	05.02.2015	10.02.2015
Proposal to Pass a Law amending and supplementing the Law on Agricultural Cooperatives	MAWFE	12.02.2015	24.02.2015
Proposal to Pass a Law on amending the Law on Social Protection	MLSP	19.03.2015	31.03.2015
Proposal to Pass a Law amending and supplementing the Law on Balanced Regional Development	MLG	27.03.2015	23.09.2015
Proposal to Pass a Law amending and supplementing the Law on Electronic Trade	MoE	09.04.2015	26.05.2015
Proposal to Pass a Law amending and supplementing the Law on Management of Confiscated Property, Property Gains and Items Seized in Criminal and Misdemeanour proceedings	MoJ	23.04.2015	12.05.2015
Proposal to Pass a Law amending the Law on Minimum Pay	MLSP	23.04.2015	28.07.2015
Proposal to Pass a Law supplementing the Law on Family	MLSP	11.05.2015	21.05.2015
Proposal to Pass a Law amending and supplementing the Law on Protection of Cultural Heritage	MoC	22.05.2015	21.05.2015
Proposal to Pass a Law amending and supplementing the Law on Protection of Cultural Heritage	MoC	24.07.2015	25.08.2015
Proposal to Pass a Law amending and supplementing the Law on Film Activity	MoC	24.07.2015	28.07.2015
Proposal to Pass a Law amending and supplementing the Law on Higher Education	MESc	17.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Secondary Education	MESc	17.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Elementary Education	MESc	17.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Students' Standard	MESc	17.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Pupils' Standard	MESc	17.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Sports Academy	MESc	19.08.2015	18.08.2015



Proposal to Pass a Law on supplementing the Law on the Establishment of the National Agency for European Educational Programmes and Mobility	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Scientific and Research Activity	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Open Civil Universities for Lifelong Learning	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Vocational Education and Training	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Adult Education	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Textbooks for Primary and Secondary Education	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Training and Exams for Directors of Primary Schools, High Schools, Dormitories and Outdoor Civic University for Lifelong Learning	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Education Inspection	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Higher Education Institutions for Teaching Staff in Preschool Education, Elementary and Secondary Education	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law amending and supplementing the Law on Teachers in Primary and Secondary Schools	MESc	19.08.2015	18.08.2015
Proposal to Pass a Law on Probation	MoJ	26.08.2015	28.10.2015
Proposal to Pass a Law amending and supplementing the Law on Training and Exams for Directors of Primary Schools, High Schools, Dormitories and Outdoor Civic University for Lifelong Learning	MESc	07.09.2015	14.09.2015
Proposal to Pass a Law amending and supplementing the Law on Academy for Teachers	MESc	07.09.2015	14.09.2015
Proposal to Pass a Law amending and supplementing the Law on the Use of the Macedonian Language	MoC	07.09.2015	14.09.2015
Proposal to Pass a Law amending and supplementing the Law on Protection of Cultural Heritage	MoC	10.09.2015	14.09.2015
Proposal to Pass a Law amending and supplementing the Law on Contractual Pledge	MoJ	18.09.2015	13.10.2015
Proposal to Pass a Law supplementing the Law on Road Traffic Safety	MIA	06.10.2015	28.10.2015

