

**Macedonian E-Gov Solution For Public Consultation In The Legislative
Process-A National Platform For Sustainable PPD Based On
Regulatory Impact Assessment Transparency Principles**

by

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1- Background and Context

Sustainable public-private dialogue requires long-term commitment of all public, private and civil sector stakeholders. Macedonia's achievements in the area of PPD were accented in the EU accession report 2013, where the public consultation E-portal ENER-Single National Electronic Registry of legislation (www.ener.gov.mk) was recognized to have significantly improved government's transparency and inclusion in the legislation process. ENER is today recognized by the region as the most advanced public consultation mechanism and several countries confirmed interest to follow Macedonia's approach in this field.

The PPD process in Macedonia, especially in the field of economy, was strongly challenged with the fragmentation of business organizations having as consequence a large number of different interest organizations, economic chambers, clusters, and other forms of advocacy communities with very low resources to advocate. This resulted in lack of trust among the partners and insufficient transparency in the policy making process, while legislation was frequently produced with very limited or no consultations and regulations were hard to follow for the wide public.

After a series of consultations and performed analysis on how to best approach this issue, the government started the development of a national-level mechanism and implemented related public administration operation procedures needed for the business community and each manager and employee, to become active participant in the legislative process and propose improvements based on experience, research, analysis and stakeholder involvement.

The Regulatory impact assessment (RIA) was introduced and implemented since 2009 as new form of governance improving inclusion, transparency and accountability of the public sector, while the

public consultation E-portal ENER is the key mechanism based on RIA which enables companies to actively participate in creating legislation in partnership with the public sector.

ENER was developed and a series of procedures for the public servants were designed and made obligatory as part of the legislation drafting process, whereby:

- enhanced transparency is achieved by making it legally binding to publish all law drafts and law change proposals of the government, in each phase of their preparation, with detailed explanations and justifications about the proposal, including a cost-benefit analysis and analysis of different options, with an argumentation about the reasons why that specific approach was considered to most adequate, in line with the RIA principles;
- ENER provides simple, free-of-charge and direct active involvement for any company, media house or citizen, in the complete legislative process from the initial proposal to make law changes, to the final stage in the government procedure. Each portal visitor has full access to all relevant documents which explain why the law is being issued or amended, which impacts are expected on the society and what outcomes can be envisaged from the new legislation. Based on these data, the visitor can send proposals and comments for improvement of each draft document-legislation. Each comment is registered, published and answered with specific deadlines so if the government rejects a proposal, they have to explain why in writing, which brings the burden on them.
- ENER is directly connected with the “E-Government session” system, meaning that no law changes can reach a session without having been properly processed in the ENER with RIA Report (excluding those that are by law not subject to RIA). Only one government official can by-pass this system and approve a law to come to the session incomplete, but a trace in the system stays, with monitoring data about the number of such events. Ministries don’t have this privilege.
- ENER guarantees that based on the obligatory administration procedures, all comments shall be published without delay and replied within a specified deadline. Each reply contains an explanation whether the comment is accepted or declined, stating the reasons for that decision, in public;
- The new RIA procedures for the public administration implemented in 2014 significantly increase personal liability of civil servants and ENER in case somebody ignores comments or fails to comply with the public consultation deadlines, makes it traceable to locate personal responsibility for every anomaly, in order to take measures on time.
- A civil society project “Mirror of the government” is regularly monitoring and weekly publishing of the quantity and quality of use of ENER by the government.
- ENER also serves as main source for the media of relevant information about the ongoing legislation projects of the government, without having to visit every single web-site of the Ministries or use alternative routes to obtain information.

As a mechanism to bring different stakeholders together and use their expertise to the benefit of better regulations, the business community gets actively engaged in the policy making process to improve business conditions, while providing guarantees that their voice will be heard and adequately considered.

The main challenge for such public consultation portals is trust. The business community needed to believe that the public sector will honor their promise and stay committed to the process. The number of visitors of the ENER portal commenting on new legislation proposals is the best illustration of this achievement: from 29.000 hits over a period of 4 years (2009-2012) to 60.000 in 2013 and over 90.000 in 2014.

2- Partnership, structure and processes

ENER is a partnership platform of the complete business community, including the chambers of commerce, business institutions, clusters and academic institutions as well as each and every manager and employee of the companies, as well as the civil society and the general public as a legitimate stakeholder in the process.

The ENER and the RIA procedures have had the persistent commitment and political support of the government on the highest level, through the cabinet of prime minister while it is hosted and administered by the Ministry of information society and public administration in charge of regulatory reforms. For that purpose, a partnership is established between the National entrepreneurship and competitiveness council (NECC) and the government, specifying their roles and obligations towards a better policy creation and business climate process.

ENER includes all ministries and other government-level legislation creators, but it does not include the Parliament and its law making procedures. An implementation of RIA at the Parliament is under preparation and expected to be realized soon.

3-Results so far

In the period 2009-2012 the number of visits and comments was slowly rising reaching a total of 29.000, while in 2013, after a series of education seminars and software improvements as well as promotional campaigns in the public, we had over 60.000 hits in one year. In 2014, ENER achieved over 90.000 hits and comments by all stakeholder communities, with a rising tendency in 2015.

In the series of education trainings, over 750 civil servants and more than 200 private and civil sector members became acquainted with the solution as well as the RIA procedures, guaranteeing an evidence-based and inclusive legislative process.

Brochures and additional information materials for the business and the civil community were produced, with participation of relevant experts.



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Confederation of Danish Industry

NECC is active through its different policy making committees and working groups, actively contributing in the policy creation process through ENER, advocating the businesses in line with the RIA principles.

We had a strong presence in the public from many events and interviews followed by our web-site: www.necc.mk

4– Expected results

NECC and the government continue to organize series of trainings, seminars and promotional events in different areas, with a PPD conference expected to take place in quarter 2, as a new regional knowledge-sharing platform.

In the course of 2014, a significant rise of the participation in the legislative process is expected, as result of strengthened trust and partnership relation with the government. An annual ENER and RIA review session will identify areas of possible further improvement, with guaranteed participation of the private and civil sector.

Biography of authors

Gordana Gapikj-Dimitrovska

After completing her studies in Law at University "Ss. Cyril and Methodius", Skopje, Macedonia and Bar exam she had a career in private and public sector. In the Government the Republic of Macedonia as Head of PAR Unit, responsible for monitoring and coordination of Public Administration Reform (PAR), coordination of donor funded projects supporting PAR, monitoring of the European legislation, preparation of primary and secondary legislation. Since 2011 part of Ministry of information society and administration of the Republic of Macedonia, Head of Unit for assessment, publication and monitoring of legislation, responsible for coordination and management of Regulatory Impact Assessment, Regulatory Guillotine-reduction of administrative barriers and Single National Electronic Registry of legislation - ENER. Speaks fluently English, Serbian and Croatian.

Ms. Gapikj Dimitrovska specialized in policy development, public consultation as part fo the PPD process, Regulatory Impact Assessment, reduction of administrative barriers, modernization of public administration and democratic governance, including e-democracy and e-governance and attended/delivered a number of trainings, conferences and seminars in Macedonia and abroad.

Goran Lazarevski, M. Sc. Oecc.

After completing his studies of Economics in Zurich (CH)he had a career in air transport, tourism and the Swiss trade union. Responsible for 82 scientists and staff as Deputy General Manager of the prestigious Institute for Earthquake Engineering Skopje. CEO and Executive Board member of EuroComputer Systems-ECS Skopje, leading ICT company. Since 2011 part of Booz Allen Hamilton, manager of the IDEAS's Public-Private Dialogue component. Speaks fluently German, English, Serbian, Croatian, Bulgarian and learning Greek.

Mr. Lazarevski specialized in Management, PPD, Policy creation, Regulatory Impact Assessment, Corporate Social Responsibility and sustainable business and attended a number of trainings, conferences and seminars in Macedonia and abroad.