



**The Republic of Macedonia
GOVERNMENT OF THE REPUBLIC OF MACEDONIA
Ministry of Information Society and Administration**

**Guidelines on Ministerial Procedures
in the Process of Application of the
Regulatory Impact Assessment**

Skopje, July 2013

Pursuant to article 20, paragraph 5 of the Rules of Procedures of the Government of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" issues 38/01, 98/02, 9/03, 47/03, 64/03, 67/03, 51/06, 5/07, 15/07, 26/07, 30/07, 58/07, 105/07, 116/07, 129/07, 157/07, 29/08, 51/08, 86/08, 114/08, 42/09, 62/09, 141/09, 162/09, 40/10, 83/10, 166/10, 172/10, 95/11, 151/11, 170/11 и 67/13), the Government of the Republic of Macedonia, on its session held on _____, has adopted the following

GUIDELINES ON MINISTERIAL PROCEDURES IN THE PROCESS OF APPLICATION OF THE REGULATORY IMPACT ASSESSMENT

1. GENERAL PROVISIONS

Article 1

These Guidelines shall prescribe in detail the operational procedures for Ministries in the process of application of the regulatory impact assessment (hereinafter referred to as RIA).

Article 2

In terms of these Guidelines, the RIA process represents a string of activities that carry out analyses and collate data thus provide a base for selecting best solutions to issues during the regulation of specific areas, and achieve the goals of the proposed legislation in consultation with the parties concerned.

In terms of these Guidelines, the parties concerned represent the businesses, syndicates, chambers of commerce, associations and foundations, and all physical and legal entities who may be concerned by the application of the proposed legislation.

2. PLANNING THE RIA

Article 3

The planning of the RIA shall be based on the principle of proportionality, i.e. the larger the expected impact on the proposed regulation – the more detailed and comprehensive RIA needs to be undertaken.

The planning of the RIA process is aligned to the strategic planning process.

In course of the planning of the RIA, and based on: the situational analysis of the particular area, the issue defined, the analysis of existing legislation and its application as well as the consultation with parties concerned, ministries shall decide on the regulatory or the non-regulatory measures as potential solutions to issues or conditions detected in the areas of their jurisdiction and on the ways to resolve them.

Article 4

In the course of the RIA planning, ministries shall determine the following:

- The degree of potential impact by the proposed legislation,
- The parties concerned and involved,
- The data necessary to perform analyses required, and
- The resources required to conduct the RIA process.

Article 5

The Annual plan for RIA application shall be prepared at the same time with the initiatives undertaken to prepare the draft Annual plan of the Government of the Republic of Macedonia

The Annual Plan under paragraph 1 of this article shall consist of the following components:

- The title of proposed legislation;
- Brief summary on the issue;
- The purpose of proposed legislation;
- The month of submission of proposed legislation to the Government of the Republic of Macedonia (as per the Annual Programme of the Government);
- The timeframe for RIA application and for the preparation of the proposed legislation;
- Necessary human and financial resources for application of the RIA;
- Parties concerned and involved in the process;
- Ways of involvement of parties concerned, and
- The timeframe for application of consultations

The template for drafting the Annual plan for application of the RIA is provided in Annex 1 which is a constituent part of these rules of procedure.

Article 6

The Annual plan for application of the RIA is published in the Single National Electronic Registry of Regulations (furtherin referred to as the SNERR), within 15 days upon adoption of the Annual Programme of the Government of the Republic of Macedonia.

Article 7

Ministries shall monitor and update the Annual plan for application of the RIA, in line with the monitoring and updating of the Annual Programme of the Government of the Republic of Macedonia, and in line with needs for initiatives falling outside the Annual Government programme.

Updated versions of the Annual plan for application of the RIA are published on the SNERR within 15 days upon endorsement of the updated version of the Annual Programme of the Macedonia Government.

3. APPLICATION OF RIA

Article 8

Any proposed legislation in the Annual plan for application of the RIA, shall be accompanied by a plan and dynamics for application of the activities within the RIA process.

Article 9

Ministries shall notify the parties concerned within 5 days prior to the start of the RIA process and prior to the proposed legislation stipulated in the Annual plan for application of the RIA, by issuing an announcement on the SNERR and on the ministry web-site.

The announcement under paragraph 1 of this article contains the following elements:

- The title of the ministry
- The title of the proposed legislation;
- Brief summary on the issue;
- The purpose of proposed legislation;
- The timeframe for completion of the proposed legislation;
- Ways of involvement of parties concerned;
- An announcement of a public review and a public hearing;
- E-addresses by SNERR and the web-site of the ministry wherefrom parties concerned could download an electronic version of the proposed law and the draft RIA report;
- Postal and/or email address for views, comments and suggestions by the parties concerned;
- Contact person at the ministry, and
- Other information beneficial for the effective participation of the parties concerned in the preparation process of the proposed legislation

The template for drafting the announcement under paragraph 1 of this article is provided in Annex 2 which is a constituent part of these Guidelines.

Article 10

The problem analysis shall prescribe:

- The essence, the nature and the range of the issue;
- The reasons behind the issue;
- The existing regulation in the specific and affiliated areas;
- An assessment of the degree of implementation of legislation and other regulations,
- The linkages with the international agreements ratified in accordance with the Constitution of the Republic of Macedonia.

Article 11

Based on the results of the analysis under article 10 of these Guidelines, the goals of the proposed legislation shall be laid down and shall be concrete, measurable, realistic and aligned to the strategic priorities and policies of the Government of the Republic of Macedonia.

Article 12

After the problem analysis and the definition of the goals by the ministry, several potential solutions (options) shall be determined for the purposes of achieving the desired goals.

Depending on the complexity of the problem, no less than three solutions (options) shall be determined, one of them being “do nothing” option that forms the base for comparison with the other solutions (options).

The analysis of the “do nothing” option shall determine the potential consequences in a specific area should the Government of the Republic of Macedonia not intervene by adopting the proposed legislation or by other measures.

Article 13

The incentive for adoption of the proposed legislation shall be withdrawn from the Annual Programme of the Government of the Republic of Macedonia, if in the course of analysis under article 12 of these Guidelines, it is determined that the previously defined issue could be resolved by a consistent application of existing regulation or by introducing non-regulatory measures.

Withdrawal of paragraph 1 of this article shall be done by an announcement submitted by the ministry to the Government of the Republic of Macedonia, stating the reasons for withdrawal of the incentive.

Article 14

Ministries shall determine the costs, the benefits and the impact from the economic, financial and social aspects, as well as the impact on the environment by each proposed solutions (options) while using relevant methods and analytical tools.

Ministries shall compare costs and benefits arising from each potential solution (option) thus determining the option that contributes most effectively to the realization of desired goals of the proposed legislation, i.e. the solution that achieves the benefits with minimum cost as well as unwanted effects.

Article 15

The proposed solution under article 14 of these Guidelines shall be embedded in the proposed legislation.

Ministries shall initially analyse all aspects related to the application of the proposed solution and provide a general overview of the mechanisms and activities for the application, monitoring and evaluation of the proposed solution, i.e. of the proposed legislation.

Ministries shall prepare a detailed plan for application, monitoring and evaluation of the legislation, after the Parliament of the Republic of Macedonia adopt it.

Article 16

At the completion of the RIA application, a draft RIA report shall be prepared.

The draft RIA report contains an overview of the analyses and consultations performed in the course of the entire RIA process with the parties concerned.

Article 17

The draft RIA report and the proposed legislation shall be published on the SNERR and ministry websites up to 10 days prior to the draft RIA report submitted to the Ministry of Information Science and Administration.

If the draft report contains classified information, it is not published on the SNERR, and such classified status is marked accordingly on the covering page of the draft RIA report.

Article 18

The draft RIA report, as duly signed by the state secretary of the ministry, shall be submitted for review to the Ministry of Information Society and Administration.

Upon receipt of the view by the Ministry of Information Society and Administration, a proposed RIA report shall be prepared and signed by the relevant minister.

Article 19

The proposed legislation and the proposed RIA report, together with other relevant materials, shall be submitted to the General Secretariat of the Government of the Republic of Macedonia.

Article 20

Once the proposed legislation is adopted by the Government of the Republic of Macedonia, and upon receipt of the excerpts of the minutes from the meeting at the Government of the Republic of Macedonia, the RIA report and the proposed legislation are published by the SNERR.

4. CONSULTATION WITH PARTIES CONCERNED

Article 21

Depending on the content of the proposed legislation and the potential impact (economic, social, environmental), the ministries shall determine the parties concerned who need to be involved or consulted in the process of RIA application and in the preparation of the proposed legislation.

The involvement of the parties concerned shall be ensured throughout the process, starting from the planning phase, the process of application of the RIA and the preparation of the proposed legislation.

Article 22

Consultations shall be held with the parties concerned: after the proposed legislation, on certain issues, on potential solutions (options) or on identification of impact from the proposed legislation.

Based on the expected effects by the proposed legislation, one or more methods of involvement and consultation with parties concerned shall be determined.

The consultations with the parties concerned can be done in some of the following ways:

- At a public review of proposed legislation;
- Public hearing;
- Written requests for views, suggestions and comments by parties concerned;
- Participation in working groups set up by the ministry or the Government of the Republic of Macedonia;
- Meetings with parties concerned;
- Public debates on certain issues via electronic interactive tools available on the SNERR and the E-democracy portals.

Article 23

For the purposes of achieving structured and effective consultations with the parties concerned, the ministries may prepare questions and topics of discussion, suggestions and comments.

The questions or the topics under paragraph 1 of this article shall be written in a clear and simple language, understandable to all parties concerned.

Article 24

Ministries can organise a public debate in the course of the RIA application process and the preparation of the proposed legislation.

For the purpose of organising the public debate, the proposed legislation shall be subjected to a public review and an announcement on the review shall be issued.

The announcement under paragraph 2 of this article prescribes:

- Title of the proposed law;
- The start and the end date for the public review
- The location or the URL of the SNERR and the ministry web-site where parties concerned could exercise the review
- The date of the public debate.

The announcement of the public review shall be published on the SNERR and on the ministry web-site.

Depending on the complexity of questions governed by the proposed legislation, ministries shall define the deadline for the public review, which should not be shorter than 15 days.

The public debate shall be held upon expiry of the public review deadline.

At least 5 days prior to the public debate, Ministries shall send out written or/and e-invitations to the parties concerned informing them of the public debate, and shall publish the invitation on the SNERR and on the ministry web-site.

Article 25

After the consultation process with the parties concerned, the following data shall be outlined in the RIA report:

- Information on the methods of involvement of parties concerned;
- Information on the parties concerned that participated in the process;
- Views aired during the public debate, i.e. the suggestions and comments received in writing or published on the SNERR and on the E-democracy portals;
- The views, suggestions and comments that were embedded in the proposed legislation, and
- The views, suggestions and comments that were not accepted by the ministry and the reasons for the decline.

5. FINAL PROVISIONS

Article 26

The Guidelines prescribing the ministerial involvement of the parties concerned in the process of legislation preparation ('Official Gazette of the Republic of Macedonia', issue 150/11) shall cease to be valid with the entry into force of these Guidelines.

Article 27

These Guidelines shall enter into force on the day following the day of their publication in the 'Official Gazette of the Republic of Macedonia'.

MINISTRY OF ...

ANNUAL PLAN FOR APPLICATION OF RIA
YEAR _____

Ho.	Title of proposed legislation	Brief summary on the issue	Purpose of proposed legislation	Month of submission of proposed legislation to the Government	Timeframe for RIA application and for preparation of proposed legislation The process starts on: _____ and ends on: _____	Human and financial resources necessary for application of the RIA	Parties concerned and involved in the process	Ways of involvement of parties concerned	Timeframe for conducting consultations The consultation process will last from: __ to ____

GUIDELINES FOR COMPLETION OF THE ANNUAL PLAN FOR RIA IMPLEMENTATION

1. Title of Proposed Legislation:

(Insert the title of each proposed legislation in the order of the Annual programme of the Government).

2. Brief summary on the issue:

(Insert a brief summary of the issue or the reasons behind the proposed legislation).

3. Purpose of proposed legislation:

(Insert the aims or the goals to be achieved by the proposed legislation).

4. Month of submission of proposed legislation to the Government

(Insert the month of submission of the proposed legislation to the Government as per its Annual programme).

5. Timeframe for RIA application and for preparation of proposed legislation:

(Insert the dates or the period of the planned start and end of the RIA application process and the preparation of the proposed legislation)

6. Human and financial resources necessary for application of the RIA

(Insert the Human and financial resources necessary for application of the RIA).

7. Parties concerned and involved in the process

(Insert the parties concerned as determined by the planning process and who will be involved in the consultation process).

8. Type of Involvement of parties concerned

(Insert the selected methods of involving the parties concerned for the purposes of ensuring their effective participation in the RIA process and in the proposed legislation preparations.).

9. Timeframe for conducting consultations

(Insert the period of the planned start and end of the consultation process with the parties concerned).

ANNEX 2

**ANNOUNCEMENT OF THE START OF THE
PREPARATION PROCES FOR THE PROPOSED LEGISLATION**

Title of ministry		
Title of proposed legislation		
Brief summary on the issue		
Purpose of proposed legislation		
Timeframe for completion of proposed legislation		
Ways of involvement of parties concerned		
An announcement of a public review and a public hearing	Yes	No
E-addresses by SNERR and web-site of ministry wherefrom parties concerned can download an electronic version of the proposed law and the draft RIA report		
Postal and/or email address for views, comments and suggestions by parties concerned		
Contact person at the ministry		
Other information		

GUIDELINES FOR COMPLETION OF THE ANNOUNCEMENT OF START OF THE PREPARATION PROCES FOR THE PROPOSED LEGISLATION

1. **Title of Ministry**

(Insert the title of the Ministry)

2. **Title of Proposed Legislation**

(Insert the title of the proposed legislation)

3. **Brief summary of the issue**

(Insert the brief summary of the issue i.e. reasons behind the proposed legislation).

4. **Purpose of proposed legislation**

(Insert the purpose(s) of the proposed legislation)

5. **Timeframe for completion of proposed legislation**

(Insert the period of the RIA process start and end date and the preparation of the proposed legislation as per the Annual plan for application of RIA).

6. **Type of involvement of parties concerned**

(Insert the selected way(s) of involvement of the parties concerned).

7. **An announcement of a public review and a public hearing**

(Insert Yes if a public review and a public debate are planned, or insert No if none are planned).

8. **E-addresses of the SNERR and the web-site of the ministry wherefrom parties concerned shall download the electronic version of the proposed law and the draft RIA report**

(Insert the E-addresses of the SNERR and the web-site of the ministry wherefrom parties concerned could download an electronic version of the proposed law and the draft RIA report).

9. **Postal and/or email address for views, comments and suggestions by the parties concerned**

(Insert the postal and/or email address for views, comments and suggestions by the parties concerned).

10. **Contact person at the ministry and the contact details**

(Insert the full name of the responsible person at the ministry, appointed as contact person for consultations by parties concerned and his/her electronic address).

11. **Other information**

(Insert other information beneficial for the effective participation of the parties concerned in the preparation process of the proposed legislation).