



# **Review Guidelines**

**9 February 2009**





## Acronyms

BAC	Business Advisory Council
GMU	Government Ministerial Unit
GRU	General Review Unit
BOT	Board of Trustees
LTF	Legal Task Force



## Review Guidelines

### Working document – 9 February 2009

#### First – Review Methodology

- 1- It has been agreed that review will be conducted by examining the issue/topic as a whole rather than studying each regulation on its own.**

The topic should be examined (within the specified timeframe for GRU working group discussion) using all/some of the following means:

- Conducting personal interviews with experts from within the ministry, civil society and others interested in the topic under study.
- Surveying public opinion through the ministry's website.
- Attending conferences discussing the topic under study.
- Reviewing the latest research discussing problems and suggesting scientific, practical solutions.
- Interviewing academics (legal and economic)

Based on this study, each GMU presents a succinct (one page only) **Issue Statement** defining the topic under review (the general framework and contents of the Statement will be agreed).

#### **2- Preparation Stage to Filling the Review Checklist**

##### **Review whether there is a need for the regulation:**

GMU can use the following references to assess the compatibility of the regulation with the general policies of the state:

- President Mubarak's presidential program (2005-2011)
- The program of the incumbent government
- The functions and duties of the ministry as outlined in the relevant assignment book, laws, decrees and regulations.
- Technical standards  
GMU could solicit the help of technical experts from within the ministry, its subordinate authorities, or independent experts to make sure that the regulation applies up-to-date specifications or technical standards.

- Review if it is business friendly  
GMU could seek the help of business associations related to the topic under study to identify the challenges faced in implementation of the regulation or the financial/administrative burden borne by investors.
- Review the compatibility of the regulation with the Egyptian legal framework
  1. Has the regulation been issued by the correct instrument according to the Constitution and law? (the suitability of the regulatory instrument)
  2. Are there are regulations that regulate the same issue or part of it? (taking into consideration interpretation rules)
  3. Has any of the regulations cited in the preamble been annulled?
  4. Has any of the articles of the regulation been annulled?
  5. Has any of the articles of the regulation been amended?
  6. Is there any contradiction or overlap with any other regulation?
  7. Has the constitutional court issued a ruling against any of the articles of this regulation? (any remarks on suspicion of unconstitutionality)
  8. Has any court rulings been issued dealing with the interpretation of articles in the regulation that do not comply with the aimed purpose of the regulation? (GMU must keep the file related to the study of the issue)
  9. Has the regulation been published? Where?
  10. Is the regulation inconsistent with the international charters, agreements and treaties implementable in Egypt? (Examining – if possible – treaties not signed by Egypt)
  11. Has one or part of the functions of the ministry been assigned to another ministry or authority?

(To be finalized in conjunction with the Legal Task Force. Review Checklist to be modified as soon as the final drafting is agreed.)

### **Internal Review Mechanisms**

Each GMU is free to use the methodology and mechanisms for the Review Phase that it sees suitable to achieve what is required of it within the scope of the objectives of the Initiative. Please use the following as guidelines:

- Form internal review teams with subordinate authorities.
- Review through GMU members.



Each GMU fills in the Review Checklist (Attachment 1) for each regulation, after its review, including the final recommendation to keep, abolish or amend in light of its view of the compatibility of the regulation with the topic under review.

## **Second – Review Checklist (Attachment 1)**

- GMUs are obliged to fill in a Review Checklist for every regulation in the timeframe agreed in advance with the GRU.
- A single Review Checklist could be filled in for a number of regulatory instruments related to one topic – in coordination with the GRU – where GMU finds that it will produce the same recommendation for these tools because of the similarity of answers to the review criteria. The data of these tools should be clearly stated in the first page of the Review Checklist.
- GMUs should not only reply by Yes/No, but they should provide explanatory notes for each question as appropriate. They could make multiple selections.
- GMU should document its recommendations by enclosing the policy/program that the regulation contributes toward its achievement (whether this is President Mubarak's presidential program (2005-2011); the program of the incumbent government; or the functions of the ministry as outlined in the assignment book). It should also enclose the minutes of any meetings held with subordinate authorities or internal working committees from within the ministry, or with independent experts that the GMU has used. It should enclose a copy of studies and research that contributed to reaching the recommendations.
- GMU Manager evaluates and drafts the final recommendation for the regulation.
- Upon revising the filled in paper form of the Review Checklist, the GMU fills in an electronic version of the recommendation to attach it to the dossier of the regulation under review on the database.

## **Third – Internal Review**

### **Preparation for Internal Review**

- Each GMU prepares an internal review plan (Attachment 2 – general model for internal review plan), presenting the ministry's internal review topics and linked regulations.



- GMU sets a timeframe for reviewing internal topics and sources of technical support needed from inside and outside the ministry. It should also estimate the required resources to accomplish the task.
- GMU might seek technical assistance from within the ministry or the public administration in general or from local or international business associations.
- GMU assesses the expertise and capacities available to the unit before starting the Review Phase. GMU might add legal or technical staff on a full/part time basis.

### **Start of Review**

- Start Quality Assurance process to verify data entered in linked regulatory dossiers.
- Verify electronic linking according to the sixth article of this guide.
- Start reviewing regulations according to the methodology outlined in the review plan.

### **Sending Recommendations**

- Each GMU prepares a file (soft and hard copy) including the list of regulations related to a specific topic (batch of regulations) reviewed. The file should also contain a scanned copy of the regulation and filled in Review Checklist with the recommendation in addition to any studies or related documents that the GMU might wish to add.
- The file is presented to the GRU on the time specified in advance.
- GRU meets the GMU to discuss the recommendations of the internal topic (batch of regulations) under review.
- GRU prepares a summary report with the recommendations for each subtopic or batch of regulations and distributes the report to GMU and BAC for comment.
- GRU forwards a report with comments to the BOT.



### Ministerial Review – (internal review plan)

Steps	Responsibility
Select internal topics – priorities	GMU
Set timelines for completion of independent review by GMUs / GRU	Joint GRU / GMU
Quality Assurance of data entry per ERRADA Guidelines	Joint GRU / GMU
Start reviewing regulations according to the agreed methodology	GMU
Set date, time and location of working group meeting to discuss/agree on review outcomes per batch	GRU / GMU
Write succinct summary report of recommendations for each internal topic	GRU
Distribute report to GMUs and BAC for comments	GRU
Forward report with comments to BOT	GRU

#### Fourth – Reviewing Shared Topics

##### Preparation for Shared Review – Topics List

- GRU prepares a list of topics shared between participating ministries and sets a time to start reviewing each topic according to criteria or priorities including:
  - a. the time expected to complete topic review,
  - b. number of regulations related to the topic,
  - c. number of participating ministries in the topic,
  - d. the importance of each topic for the government, local and international business communities.



- BOT decides on the final list (pipeline of shared topics) after taking the opinion of GMUs.

### **Start of Review**

- GRU coordinates with the participating ministries in designing an ID card for the data of each shared topic. The card should include: sufficient description of the topic, subtopics and participating ministries in reviewing this topic as well as a list of related regulations.
- Each GMU prepares a list of all regulations related to the shared topic. The GMU should prepare the list in consultation with the legal counselor of the ministry. ERRADA database could be helpful in this task as it contains electronically linked regulations.
- GRU and GMUs assess the completeness of the matrix of regulations related to the topic under review.
- Before starting the review process, concerned GMUs meet to discuss the topic under review. The GRU, in collaboration with participating ministries – makes an introductory presentation on the review topic to present an overview of the topic.
- Each GMU determines the timeframe required to complete the independent review of regulations related to a subtopic.
- Start Quality Assurance process to verify data entered in linked regulatory dossiers.
- Verify electronic linking according to the sixth article of this guideline.
- Start reviewing regulations according to the methodology outlined in the review plan.
- Each GMU prepares a file (soft and hard copy) including the list of regulations related to a specific topic (batch of regulations) reviewed. The file should also contain a scanned copy of the regulation and filled in Review Checklist with the recommendation in addition to any studies or related documents that the GMU might wish to add.
- The file is presented to the GRU in the agreed timeframe.
- Each GMU presents recommendations to abolish ministerial decrees to the LTF / GRU for providing its opinion.

### **Review Working Groups**

#### **Venue**

- All review working group meetings are to be held in GRU office at 106 Gameat El-Dowal El-Arabia Street, Mohandeseen.



## Facilitator's Functions

- A team from the GRU Operations/Legal departments coordinates the activities of the working group and is responsible for drafting the agenda and minutes of meeting.
- Facilitator of the review team identifies the disagreements in recommendations that will be discussed in each meeting. The agenda should be sent to work group members at least a week before the meeting.
- **Attendance and Representation**
- The GMU is represented by its manager in these meetings. S/he can bring along to these meetings whoever s/he sees suitable from the ministry's experts.
- Observers from other GMUs or GRU may attend these meetings without taking part in discussions.
- Meetings start in the specified time/location to discuss/agree on review recommendations. The meeting is considered valid if one representative from one of the GMUs attends, even if some other GMUs do not attend. Absence is recorded in the minutes of meeting and in the final report raised to BOT.

## Managing the Sessions

- Facilitator asks the representative of each GMU if there has been any change in its recommendations after looking at the recommendations of other GMUs. In this case, the change is recorded in the minutes of meeting and the regulation is removed from the agenda.
- Facilitator presents the disagreements in recommendations before initiating discussion which aims to reconcile differences in opinion among the different parties.
- Facilitator should give equal time to GMU representatives and BAC to present their opinions.
- Facilitator should specify the time for finishing the meeting before hand to allow discussion of all items on the agenda.
- Facilitator summarizes progress of discussion wherever possible (the number of regulations under review and the recommendations of each GMU highlighting the differences).



## **Methodology of Work**

- Each GMU prepares a list of business associations concerned with topic under review and send the list to the GRU to invite them to review and attend working group meetings (Attachment 3).
- GRU prepares a comprehensive file on the topic including a list of regulations of each GMU and its recommendations in addition to the recommendations of the concerned business associations.
- GRU sends a copy of the file to all GMUs and concerned business associations including a timeframe outlining the schedules of working group meetings at GRU and a list of the regulations that will be discussed in each meeting.
- Review team does not discuss agreed recommendations. Discussion should focus on disagreements only.
- GRU prepares a summary report with the recommendations for each subtopic or batch of regulations and distributes the report to GMU and BAC for comment.
- GRU forwards a report with comments to the BOT.



**Review Topics – Management of working group process  
(Shared Topics)**

<b>Steps</b>	<b>Responsibility</b>	<b>Timeframe</b>
Selection of topic	Joint GRU / GMU	
Identify subtopics	Joint GRU / GMU	
Confirm number of GMUs participating	Joint GRU / GMU	
Search/Identify related laws and regulations	Joint GRU / GMU	
Select priority work items for review (batch) - laws - regulations	GRU	
Set timelines for completion of independent review by GMUs / GRU per batch	Joint GRU / GMU	
Start reviewing regulations according to agreed methodology	Joint GRU / GMU	
Release results of independent reviews per batch to all GMUs unit managers and BAC coordinators	GRU	
Set date, time and location of working group meeting to discuss/agree review outcomes per batch	GRU	
Write succinct summary report of recommendations per batch	GRU	
Distribute report to GMUs and BAC for comments	GRU	
Forward report with comments to BOT	GRU	

### **Fifth – Raising recommendations to BOT**

- GRU and GMUs will attempt – through the working groups – to reach an agreement on recommendations of the first batch of regulations and raise a report to BOT.
- In case there is still disagreement on some recommendations, the working group ends its meetings and presents a report to BOT highlighting these disagreements.

### **Board of Trustees Review – Management of decision-taking process**

<b>Steps</b>	<b>Responsibility</b>
Internal discussion of summary report with participation of GRU senior management team as needed	BOT
Set date, time and location of GRU presentation of summary report with participation of working group stakeholders	BOT
Decision of BOT on summary report - acceptance, rejection, comments on recommendations to keep, delete, or amend	BOT
Set date, time and location for GRU to present the summary report to the different stakeholders	BOT
Set timeline for GRU/Legal Task Force to draft recommended amendments for regulations based on the guide prepared for this purpose	BOT/GRU/LTF
BOT to transmit findings and recommendations to Ministerial Committee for Productive Sector	BOT



## Sixth – Electronic Linking

It was agreed that electronic linking would be done according to the following steps:

- a. GRU prepared a list of duplicate laws and decrees entered by more than one GMU.
- b. The list is presented to the GMUs to agree on the primary concerned ministry. In case there is no primary concerned ministry, or in case of general laws, or if the primary concerned ministry is not part of the Initiative, GRU would represent the ministry in question.
- c. GMUs are given one week maximum to save and print the regulations that have been linked before removing duplicates from the database.
- d. In removing duplicates, only the dossier of the primary concerned ministry would be left on the database.
- e. Each GMU will open all the dossiers it has entered to allow other GMUs to link.
- f. The vertical electronic linking has been approved; in other words, the implementing regulation, as well as presidential, prime ministerial and ministerial decrees if found would be linked to the relevant law.
- g. It was agreed that linking should be done according to the decrees in the introduction of the regulation. In case the decrees mentioned have been annulled, they should be only mentioned in the section "inventory remarks" and should not be entered as a separate dossier.
- h. The electronic link could be activated in the dossier of the regulations that need to be linked. The software automatically links the regulation to the other dossier. Other than this, the software is not designed to link with other regulations if it is not done manually by the GMU.

## Seventh – Time of Finishing the Review

- It has been agreed that the GMUs should finish the review of the first batch of regulations during one month from the beginning of review, which is expected to start on \_\_\_\_\_.

**Attachment 1**

**REVIEW CRITERIA CHECKLIST FORM**

**Basic Data**

1. Regulation type

No

Year

Title

2. Concerned Authority

3. Is the regulation related to Egypt's investment climate?

Directly

Indirectly

4. Database file no.

**Reviewed By**

GMU

Ministry

GRU

BAC

**Recommendation**

Keep

Abolish

Amend



Criteria 1 - Is it Needed?	
<p><b>1. Are the objectives on which the regulation was initially drafted to regulate still valid?</b></p> <p><b>Regulations are needed to:</b></p> <ul style="list-style-type: none"> <li>○ Help achieve a state economic and/or social policy.</li> <li>○ Promote principles of competitiveness</li> <li>○ Establish integrity, transparency and anti corruption.</li> <li>○ Aims to protect health, public safety, or environment as well as consumer protection rights.</li> <li>○ Contribute to improving technical and technological levels of businesses and business environment.</li> <li>○ Achieve human security needs/rights that are not governed (do not lend themselves to) by market forces.</li> </ul> <p><b>Regulation should not be needed if:</b></p> <ul style="list-style-type: none"> <li>○ Regulation enforces obsolete and/or out of date technical specifications or standards.</li> <li>○ There exists a later regulation specifying more modern specifications or standards.</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please state the policy document in relation.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><b>2. Is the regulation actually implemented?</b></p> <p><b><u>Obstacles to implementation</u></b></p> <ul style="list-style-type: none"> <li>○ Regulation requires similar or identical compliance to other valid regulations.</li> <li>○ Regulation requires reporting to multiple authorities.</li> <li>○ Regulation does not specify certain time period or place of reporting; if applicable.</li> <li>○ Regulation does not specify a mechanism for implementation and/or a responsible authority as an implementing body.</li> <li>○ Regulation is not explicit who is responsible for enforcement.</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Partial implementation <input type="checkbox"/></p> <p>State challenges to actual implementation</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
Decision	Recommendation
No reasoning for keeping regulation	Abolish and do not continue filling form <input type="checkbox"/>
Need for regulation with amendments and change of oversight for better implementation	Amend and continue form <input type="checkbox"/>
Based on the above there is a need for regulation; it is actually implemented without challenges.	Continue form <input type="checkbox"/>



Criteria 2 - Is it Investment-Friendly?	
<p><b>3. Are there implementation challenges facing business?</b></p> <p>Such as:</p> <ul style="list-style-type: none"> <li>○ Regulation is not clear in terms of scope of implementation and enforcing authority.</li> <li>○ Required fees and documents for permits/licenses/certificates are not clearly indicated in regulation.</li> <li>○ Response deadlines of regulators are not explicitly established along with a specific means of response.</li> <li>○ Regulation requires similar or identical or contradictory compliance with conditions and standards in other valid regulations.</li> <li>○ It is not clear who is who is responsible for enforcement.</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>State implementation challenges facing business.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p><b>4. Does the regulation result in unnecessary increase financial and/or administrative cost (directly or indirectly) on investors/business in Egypt?</b></p> <p>Such as:</p> <ul style="list-style-type: none"> <li>○ Does the regulation mandate a minimum capital requirement for investors?</li> <li>○ Does the regulation hinders Egypt's advancement in international rankings and/or reports that are business environment related</li> </ul>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>State burden caused by regulation</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>State rationale behind imposing such a burden.</p> <p>.....</p> <p>.....</p>
Decision	Recommendation
<p>If there are implementation challenges or increase in costs</p>	<p>Amend and continue form <input type="checkbox"/></p>
<p>No challenges or unnecessary costs involved in implementation</p>	<p>Continue form <input type="checkbox"/></p>



Criteria 3 – Is it Legal?	
<b>5. Has regulation not been issued by the concerned authority?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> State authority with scope of responsibility ..... .....
<b>6. Has any of regulations cited in the preamble been annulled?</b> <b>7. Has any of regulation articles been annulled?</b> <b>8. Has any of regulation articles been amended?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> State annulled/amended articles or regulations. ..... .....
<b>9. Is this regulation inconsistent with any other regulation?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> State contradicting regulations ..... .....
<b>10. Has the constitutional court issued a ruling against any of the articles of this regulation?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> State articles and court ruling ..... .....
<b>11. Has the regulation been published?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>12. Is the regulation consistent with the agreements and treaties ratified by Egypt?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> State the agreements that the regulation is inconsistent with ..... .....
Decision	Recommendation
<b>If regulation is not consistent with the Egyptian legal framework in any of the above questions</b>	Amend and continue form <input type="checkbox"/>
<b>Keep if regulation is needed, investment friendly and legal</b>	Keep <input type="checkbox"/>



**Amendments needed:**

Reason for Amendment	Articles to Be Amended	Proposed Amendments
.....	.....	.....
.....	.....	.....
.....	.....	.....
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.....	.....	.....
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## Attachment 2

### General Model – Internal Review Plan

Review plan submitted by GMU should include the following:

1. Proposed topics until end of December 2009.
2. Proposed timeframe for each topic.
3. Resources required by GMU to undertake review process
  - a. Human resources
  - b. IT resources
4. Organization chart of the ministry (with all subordinate authorities)
5. A list of significant business associations relevant to the work of the ministry

Additional information to be added to the plan

1. A list of names of GMU staff and key data on them to complete ERRADA staff database

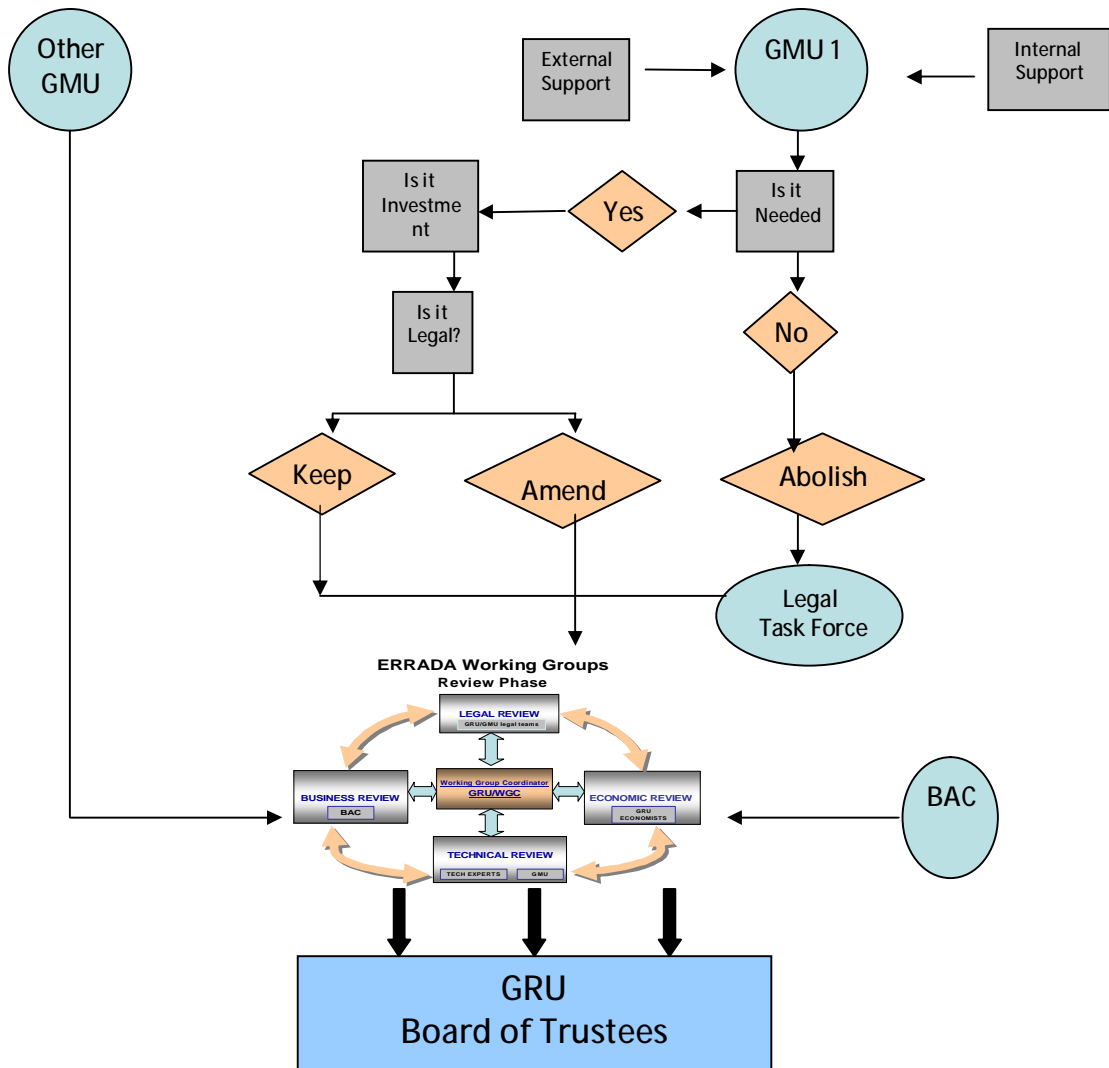
Name	Position	Qualification	Works full/part time	Mobile	Email

2. A list of all reform initiatives / committees within the ministry

Name of Initiative/committee	Purpose of initiative / committee	Person in Charge

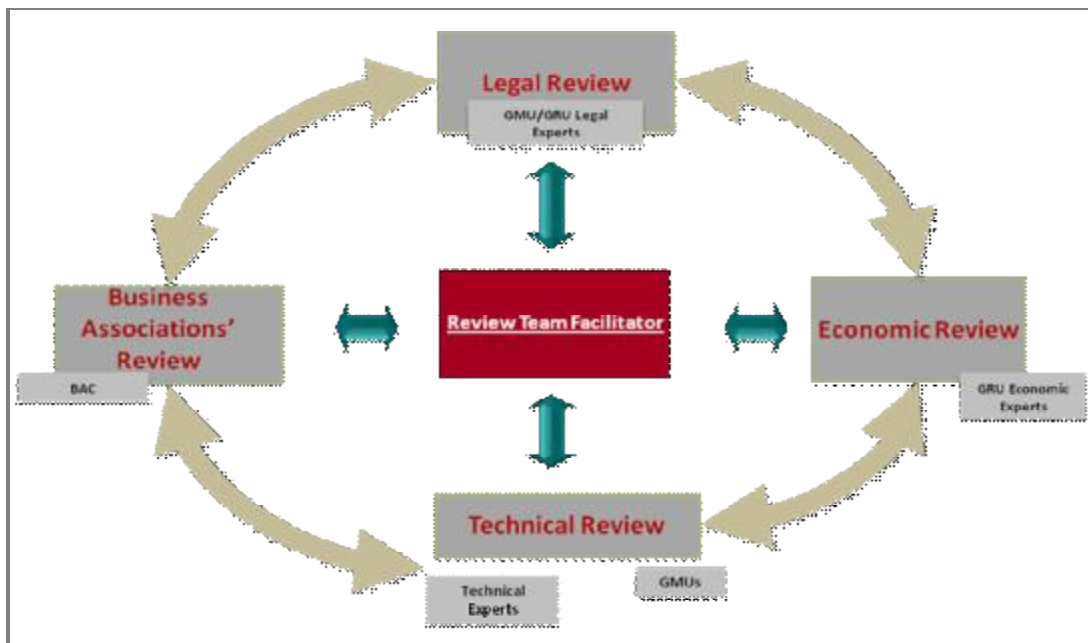
**Attachment 3**

**Illustration for Review Process**



**Attachment 4**

**Review Working Groups at the GRU**





**For more information, please contact**

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