

## EGYPT

### NATIONAL REPORT TO THE 5TH REGIONAL MEETING OF THE GFD WORKING GROUP IV

#### IMPROVING THE CAPACITY OF LEGAL DRAFTING, PUBLIC SERVICE DELIVERY, PUBLIC PRIVATE PARTNERSHIP AND REGULATORY REFORM

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In the framework of Seeking the initiative the Ministry of State for Administrative Development support the improving of the legal drafting.

The Ministry of state for Administrative development organized the Capacity Building Seminar which took place in Egypt in 11/3/2009-12/3/2009, it participated in the Conference for Public Service Delivery ,Public Private Partnership and Regulatory Reform that was in Canada to know about their experiences in this project.

The Ministry of State for Administrative development will attend the conference of the Good Governance for development(GFD) working group IV on Public Service Delivery ,Public –Private Partnerships and Regulatory Reform that will be held in Tunisia.

The initiative headed by the representative of Egypt in the Minister of State for Administrative Development of the 18 Arab States of the six axis leading center of each Arab state and shared by member states of the Organization for Economic Cooperation and Development OECD.

The fourth axis is the public service delivery and partnership between public and private sectors, regulatory reform .This axis consists of three elements depend on each other reflecting the key elements of good governance:

The partnership between the public and private sectors: this aim to develop a mechanism for consultation between the public and private sectors to ensure that policy development reflects a process based on effective participation.

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Implementing E-Government and simplified administrative processes helps increase the efficiency and responsiveness of the public sector . The working group on E-government and administrative simplification aims at promoting the use of ICT and administrative simplification tools to make the relationship of citizen and business with the government more transparent, direct and efficient.

The achievement of effective economic governance and real economic growth , and the management of public resources with the circulation of more integrity , transparency and accountability.

The Ministry of State for Administrative development coordinated with the Ministry of Justice and the Ministry of State for Legal Affairs to determine the initial framework to improve the capacity of legal drafting . The three Ministries coordinated in improving the capacity of the drafting by the organization of the OECD.

The legal drafting is essential in improving the legal system and abolishing any vagueness.

The Government should establish specialized entities that have the mandate of suggesting and building legal norms.

The proper regulation for the legislative process requires the preparation of a file that encloses all the used documents in drafting the legislations and all the deliberations and pertinent discussions to the law project. Legal drafting initiate with clear identification to the conditions that requires such a legislation and the clarifications of the goals of the legislation. The suggested draft must be in compliance with the current legislations. Legislations must be classified, and the drafter should consider the elements that may affect the content of the suggested legislation, these elements are mainly the Constitutional norms and the International obligations. The Parliament (People Assembly - *Shura Council*) is the authority that issue laws and regulations and the membership of any of the two councils do not require the availability of educational qualifications or experience in certain professional, which calls for the presence of a consultant organ specialized in legal sciences to examine the draft laws are

to the people and business preparations and opinions accompanied the process of preparing the draft law in the previous stages.

- For the drafting style there is a great importance in the conversion of the purposes of the legislation into a coherent set of clear and consistent rules, which facilitate the extraction of legal provisions on the face, which is consistent with the purposes of the legislation, and should take into account the following aspects:
  - For the drafting of proposed legislation, it is better to write a clear and simple and concise language.
  - The composition of the texts with an indication of the meaning of the text.
  - Avoid the use of phrases or terminology that indicate particular sex.
  - In the case of the content of the text refers to the number of cases or regulate more than one concern, or contain terms in some cases which is part of the guaranteed preferred to identify the elements of the text and divided into parts in the formulation in the form of paragraphs.
  - Definition is the allocation of the meaning of the legislator, who threw him to understand the significant words, so we have to use the tariff only when the meaning of the term is important for the understanding and application of the proposed legislation, or if the term was used repeatedly in the legislation. It is also assumed in the development of tariffs to take into account the meanings that words have been allocated in the knowledge of the laws list.

The importance of legislation in the construction of the legal system in the state clearly shows that promote the legal rules to regulate relations in society and its ability to evolve and adapt with all the variables surrounding it.

The Ministry of State for Administrative Development participate in “ERRADA” Project, this project aims to achieve conformity of all laws, resolutions and regulations and relevant rules of trade and economic activity in order to reduce cost and increase competitiveness. Also the

project aims to establish an electronic database of all laws, regulations and decisions by the inventory and adopt the principle of measuring the economy is affected by any change to the legislation governing business in Egypt (Regulatory Impact Analysis – RIA). 10 ministries are participating in this project.

For ERRADA project the participation Ministries finished the first stage that is the inventory process and now the ministries start the second stage which is revising the legislations. The Ministries divided the legislations into topics and form committees to review this legislation.

The purpose of the review phase is to study current regulatory frame affecting the business and commercial environment. Accordingly, give recommendations to amend, abolish, or keep regulations aiming a business friendly regulations that contribute to the economic growth and attract foreign direct investment.

*Le rapport national de l’Egypte concernant le progrès et les activités effectuées dans le cadre du groupe IV 2008-2009.*

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Dans le cadre de l’initiative de la bonne gouvernance, Le ministère de développement administratif accord une attention particulière au sujet de PPP« Partenaire entre secteur public et privée » service rendu a l’usage et Reforme Réglementaire" L’Egypte poursuit ses efforts dans le cadre de l’amélioration des conditions de prestation des services publique et le déroulement des procédures administratives. Notamment en s’appuyant sur les nouvelles technologies et les parties de simplification de l’administration. Dans ce cadre les réorganisations des bureaux et des centres des services gouvernementales, le décret du Premier ministre no 1551/2008 intervient pour établir des nouvelles règles permettant la participation de secteur privée dans la prestation des services publique. Dans les même sens, la modification de la loi89/98 régissant les achats publics, dans l’article 8 intervient pour décrire des mécanismes nouveaux de la participation de secteur privée avec le secteur public dans des projets public. Dans le cadre des reformes en matière des achats publique deux intervention du Ministère du Développement Administratif ont été bien accueille du secteur prive :-

- 1- Le renforcement de la chance d’accès des Petites Moyens d’Enterprise aux adjudications publique.
- 2- La publication électronique des appels d’offre des adjudications sur le portail du gouvernement.

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Plusieurs demandes de simplifications ont été prises dans les domaines de l'éducation, enseignement supérieurs et la fonction publique.

Sur le plan de la réforme réglementaire, et la qualité des normes législatives et réglementaires l'Egypte poursuit ses efforts nationaux dans ce domaine sur plusieurs accès :

1. la sensibilisation en vers da nécessite accroitre de la mise en place des règles et des mesures de qualité, à cet égard plusieurs activités avec l'OCED ont été maintenue au Caire (la simplification des procédures administratives- la gestion de stock législative).
2. l'accélération des démarche de reforme réglementaire dans le cadre du projet ERRADA « Volonté », reconnu comme le projet national de reforme, passant de la phase de regroupement vers la phase de révision.
3. de déclenchement avec l'aide de l'OCED et le programme sigma Le projet de rédaction législative et réglementaire avec une participation active des trois ministères (la justice les affaires juridique et parlementaire et MSA)

L'Egypte a participe dans une visite d'étude pour le Canada, dans le domaine (très florissant) de la qualité de texte législative et réglementaire

A cet égard, l'Egypte se fêlait des efforts remarquables, de la Tunisie et l'OCED aboutissement à la mise en place de master multilinguistiques de la rédaction juridique et le centre régional de qualités des normes. Et l'Egypte accord son appui a cette initiative.

Finalement, l'Egypte accélère ses efforts dans le domaine de la lutte contre la corruption, la comité national de la transparence et l'intégrité, vient de finalise sa troisième rapport illustrant des démarches opérationnelles visant la transparence du budget et l'installation des mécanisme des plainte ( le médiation de la république) une séminaire international sur la lutter contre la corruption, une coopération avec le PNUD «Programme de développement de Nation Unis » (UNDP) vient d'être achève au Caire le 13-14 Mai avec des recommandation favorable a l'installation de médiateur.

FIN.

