



Regional School of Public Administration (Phase 1)

A Joint Initiative of the European Union
and the OECD, principally financed by the EU



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Two day conference on regulatory management in the Balkans

21-22 November

Location: Holiday Inn, Skopje

Objective: to place before a wide audience of senior officials in the Balkans the issues underpinning the importance of good regulatory management for good governance and the necessity of training of civil servants and raising awareness among them of these issues.

The conference is targeted to Secretary Generals of Government Offices, representatives from Legislative Secretariats and representatives from line ministries.

The context for this conference is the first meeting of (Regional School for Public Administration in the Western Balkans) ReSPA which is an initiative of the EU to promote transfers of contextual experience of training management and contextual knowledge of the region. EC has asked SIGMA to support this first event given its expertise.

The conference will be in line with two previous Sigma workshops (Dec.2002 and Oct. 2005). The 2002 workshop addressed the tasks of the General Secretariat (Sigma paper 35) and triggered bilateral cooperation between the General Secretariats; the 2005 workshop served to renew and intensify cooperation in the region, as encouraged by the European Regional strategy for the Balkans.

Sigma assessments have shown that despite some progress in the Western Balkan countries, there is a serious lack of professional capacities to provide policy makers with analysis and options and ensure efficient regulatory management. Line ministries usually do not coordinate their respective policies at an early stage; leading often to contradictory sectoral policies as well as to overlapping and sometimes contradictory legislation. The Government Secretariats have neither the staff nor usually the remit to challenge poor policy submissions or to replace the ministries in their policy role by taking on the task to develop sectoral policy options and to monitor and evaluate policy implementation.

This defective regulatory management process has negative repercussions on the ability of the countries to meet their Stabilisation and Association Process and Agreement (SAA/Sap) obligations and to implement necessary reform towards good governance. The risk of producing failed policies is considerable.

As a result, regulatory management was chosen as the theme of this first ReSPA meeting since it is an overarching theme which should generate a series of workshops into the individual components of it.

The conference will look at the policies, tools and institutions used in regulatory management in the EU and selected OECD countries.

The conference needs to be structured to allow time for discussion and to emphasize that each element in the conference requires a much more thorough explanation and as regards the use of the tools more detailed training.

One of the outcomes to the conference should be recognition by the officials at the conference that further detailed training should be provided by ReSPA, in the form of workshops or otherwise, on each of the issues raised. The discussions should include a discussion on priorities, sequencing and timing of that training, which shall be complementary to existing regional trainings, including in law drafting, as well as to the experience acquired by officials involved in CoG twinning projects.

This document has been produced with the financial assistance of the EU. The views expressed herein can in no way be taken to reflect the official opinion of the European Union. Neither do they necessarily reflect the views of the OECD, its Member countries nor the beneficiaries participating in the activity.

Time table

DAY 1, TUESDAY 21 NOVEMBER 2006

Session 1, chaired by Metodija Dimovski, General Secretary of the Civil Servants Agency, Skopje.

9.00 – 10.00: Introduction and overview

Mr. Zivko Jankulovski – Deputy Prime minister in charge of Agriculture and Education, Skopje.

Ms Joan Pearce, First Counsellor to the EC Delegation in Skopje

Mr. Aleksandar GEŠTAKOVSKI, Director of the Civil Servants Agency, Skopje

Introduction and overview from ReSPA (Nicolas Dubois)

Purpose of the session:

To examine the concept of regulatory management and how it is understood in SAA countries

10.00 – 10.30

Overview of regulatory governance and regulatory management issues in EU and OECD member states (Edward Donelan, SIGMA)

This presentation will examine the concept of regulatory management, how it has developed, why it is needed, how it varies from country to country, why it varies, whether there is a right or a wrong way to manage regulatory policy and what specific tools or procedures, e.g. impact assessment and consultation, can be used to improve regulatory management. It will examine developments in selected OECD and European Union countries as regards regulatory management and examine, in particular, the development of better regulation policy of the European Union and how it is developing within European Union Member States and the implications of these developments for applicant and potential acceding countries.

In this regard, the presentation will show how public administration reform and regulatory management are complementary, in that the latter addresses in more details aspects of policy making and implementation of laws and regulations.

To clarify the wording used in this particular presentation and during the conference in general, it shall be recalled that laws designate primary legislation and regulations, secondary legislation.

10.30 – 11.00 Coffee break

11.00 – 12.30 Roundtable / Discussion

Participants will make a brief presentation addressing the following issues.

- *How regulatory management issues are understood in their respective countries?*
- *Describe a reform related a regulatory management issues (the most relevant one according to you) – Focus on the issues and problems.
The discussion in session 2 will follow up onto these presentations while focusing on action and solution envisaged.*

12.30 – 14.00 Lunch

Session 2, chaired by Edward Donelan, Sigma.

Purpose of the session:

To examine the benefits of improving regulatory management, and in particular how it can contribute to a better compliance with EU requirements;
To examine the problems faced and options available when undertaking a regulatory management reform.

14.00 – 14.45

Challenges of emerging democracies to address regulatory management issues

Klaudijus Maniokas [k.maniokas@estep.lt] Lithuania

Questions to be considered

- *What are the main benefits for applicant and candidate countries and potential candidate countries as regards regulatory management?*
- *How can an improved regulatory management contribute to implement the legislation adopted to comply with the *acquis communautaire*? (implementation/ tick the box exercise)?*
- *What are the lessons to be drawn from other countries in the development of regulatory management policies? How to adapt a practice to the context of a specific country? How to monitor the reform process, including timing, whole of government approach?*

14.45 – 15.00

Comments by Chair and introduction to next session

15.00 – 16.00 Discussion by two break out groups

- *What are the main benefits for SAA countries as regards regulatory management? How does regulatory management reform process can fit into the reform agenda in SAA countries?*
- *What preparations are underway for adopting the European *acquis*? How can an improved regulatory management contribute to implement the legislation adopted to comply with the *acquis communautaire*? (implementation / tick the box exercise)?*
- *How to conduct the regulatory reform process (timing, whole of government approach, implementation by lower levels)?*
Follow up of the presentations made during session 1: focus on possible envisaged actions/reforms

16.00 – 16.15 Coffee break

16.15 – 16.45

Summary by rapporteurs (one or more from a [Western] Balkans perspective and one from SIGMA)

16.45-17.10 Discussion

17.10 – 17.15 Closing remarks by Chair

19:30 Dinner, Holiday Inn

Session 3, chaired by Klaudijus Maniokas

Purpose of the session:

To examine in detail the various aspects of regulatory management in two participant countries, i.e. host country of the conference and Croatia, with a particular focus on the problems faced and solutions envisaged.

The session should prepare the discussion held during session 4 where participants will have the opportunity to discuss how regulatory management is implemented in their respective countries and how training can contribute to its improvement.

9.45 – 10.00 Introduction and welcome by chair

10.00 – 11.15

Presentation by 2 speakers from Skopje on regulatory management capacities and challenges addressing the following issues? Ms Magdalena SHALDEVA and Mr. Sali SALIH, State Adviser on Strategic Planning, Skopje.

To clarify the wording used in the questions, it shall be recalled that laws designate primary legislation and regulations, secondary legislation.

- *What competencies, procedures, and capacity exist to ensure that priority setting and policy planning is effective and efficient, and in line with the government programme and government priorities?*
- *Are established and unified procedures for policy making and law/regulation making? Are these procedures applied and is there a body responsible for checking that they are effectively applied?*
- *What questions do policy makers ask themselves, for example:
Is government action needed?
What is the appropriate level of government for this action?*
- *What bodies are in charge of policy making and law / regulation drafting?*
- *Are regulatory bodies required to identify and assess alternative policy instruments before adopting new laws or regulations?*
- *Are potential impacts of new laws/regulations (eg impact on the budget, economic and social impacts) assessed before drafting law/regulation?*
- *Are stakeholders consulted when new policies or laws / regulations are proposed?*
- *Is there a body whose function is to review laws and regulations once they are drafted before they go to Parliament in order to avoid that they contradict each other?*
- *What is the role of the legislative offices and/or government secretariat in quality reviewing new laws/regulations?*
- *Is there a sufficient number of adequately trained civil servants to review the quality of new laws/regulations?*
- *What inter-ministerial coordination structures are in place to ensure that ministries do not duplicate each others work?*
- *How active is parliament in proposing legislation? Who drafts parliamentary proposals and are there any quality review process of these proposals?*
- *Are there procedures to evaluate ex post the impacts of laws/regulations? Could the role of Supreme Audit Institutions be improved in this regard?*

11.15 – 11.45 Coffee break

11.45 – 12.30

One speaker from Croatia to discuss selected aspects of questions discussed by previous speakers and how accession to the European acquis is being managed in Croatia. Ms Obradović Mazal, Assistant Minister in the Ministry of Foreign Affairs and EI, Croatia.

12.30 – 14.00 Lunch

Session 4, chaired by Edward Donelan

Purpose of the session:

To give participants the opportunity to share their experience on how regulatory management is implemented in detail in their respective countries with a view to identifying problems faced and needs for further training.

14.00 – 16.00

Two break out groups to discuss for their respective countries the following issues

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- *Are there procedures to evaluate ex post the impacts of laws/regulations? Could the role of Supreme Audit Institutions be improved in this regard?*

The discussion should focus on the problems faced in the regulatory management process with a view to enable participants identifying priorities for training in regulatory management issues. Further training seminars could then be organised within the framework of ReSPA.

- *What are the priorities for capacity building?*
- *How can ReSPA help complementing the training programmes already hold in the region, e.g. on law drafting?*

16.00 – 16.15 Coffee break

16.15 – 17.15

Reports from rapporteurs of discussions in break out groups

Discussion about future role of ReSPA and conclusions by chairs

17.15 - 17.30 Summary by Chair