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Next steps for policy development in Montenegro

Discussion based on results of SIGMA 2021
Monitoring Report

Timo Ligi, OECD/SIGMA

19 January 2022

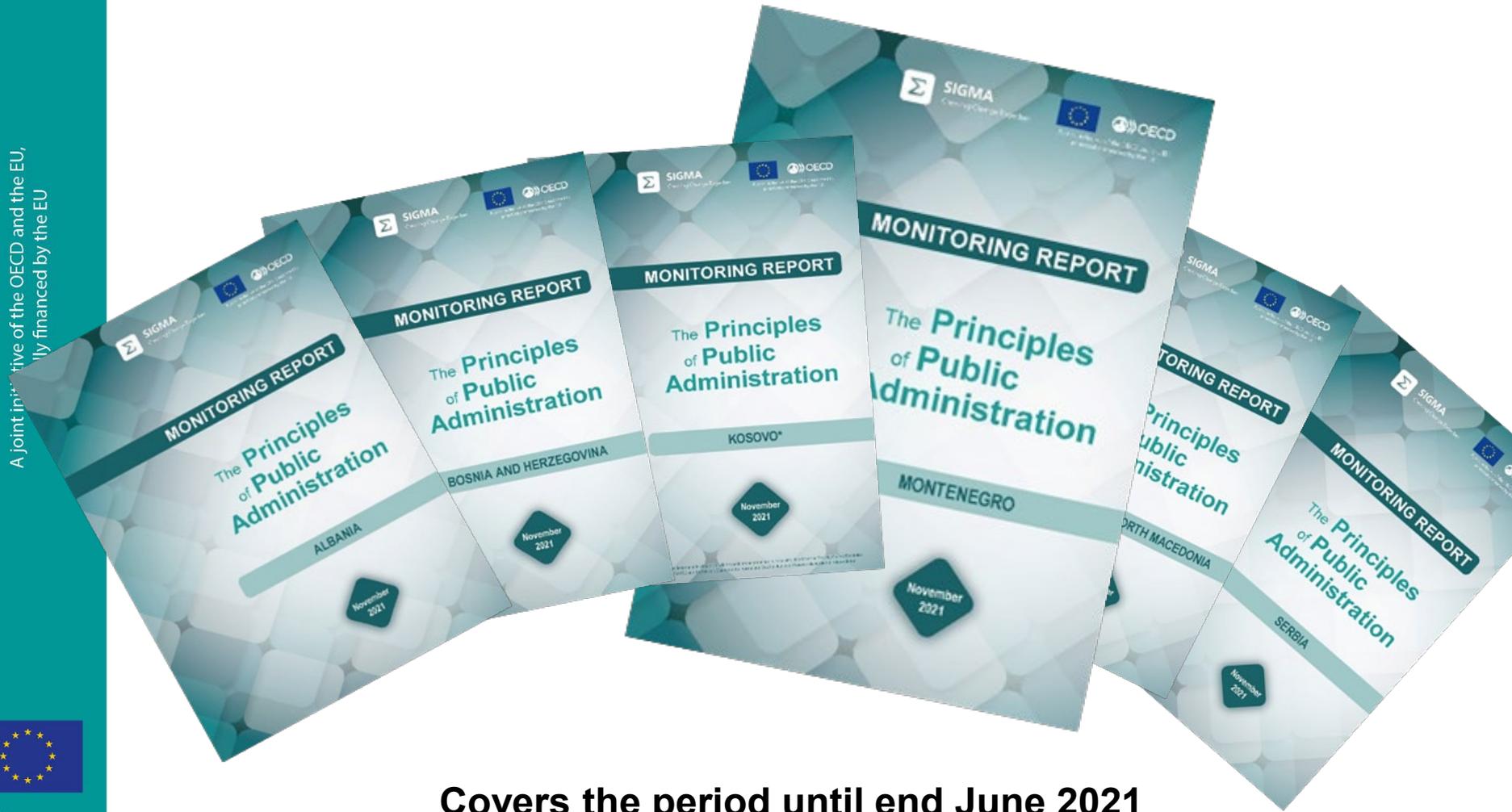




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2021 Monitoring Reports for the Western Balkans

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Covers the period until end June 2021



Principles of Public Administration



Focus of today's discussion is on selected principles for policy development & co-ordination



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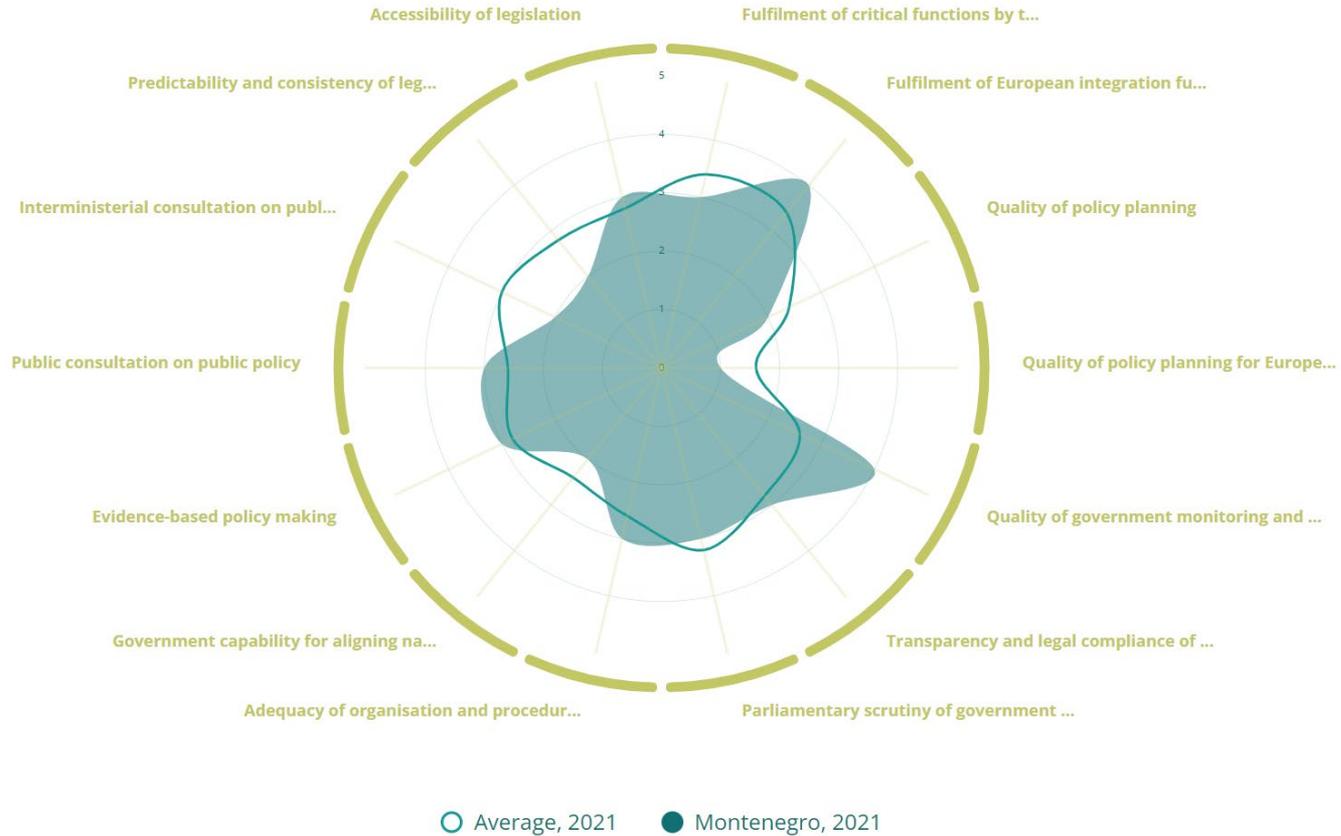


OECD



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MNE is a regional front-runner in several aspects related to policy development...



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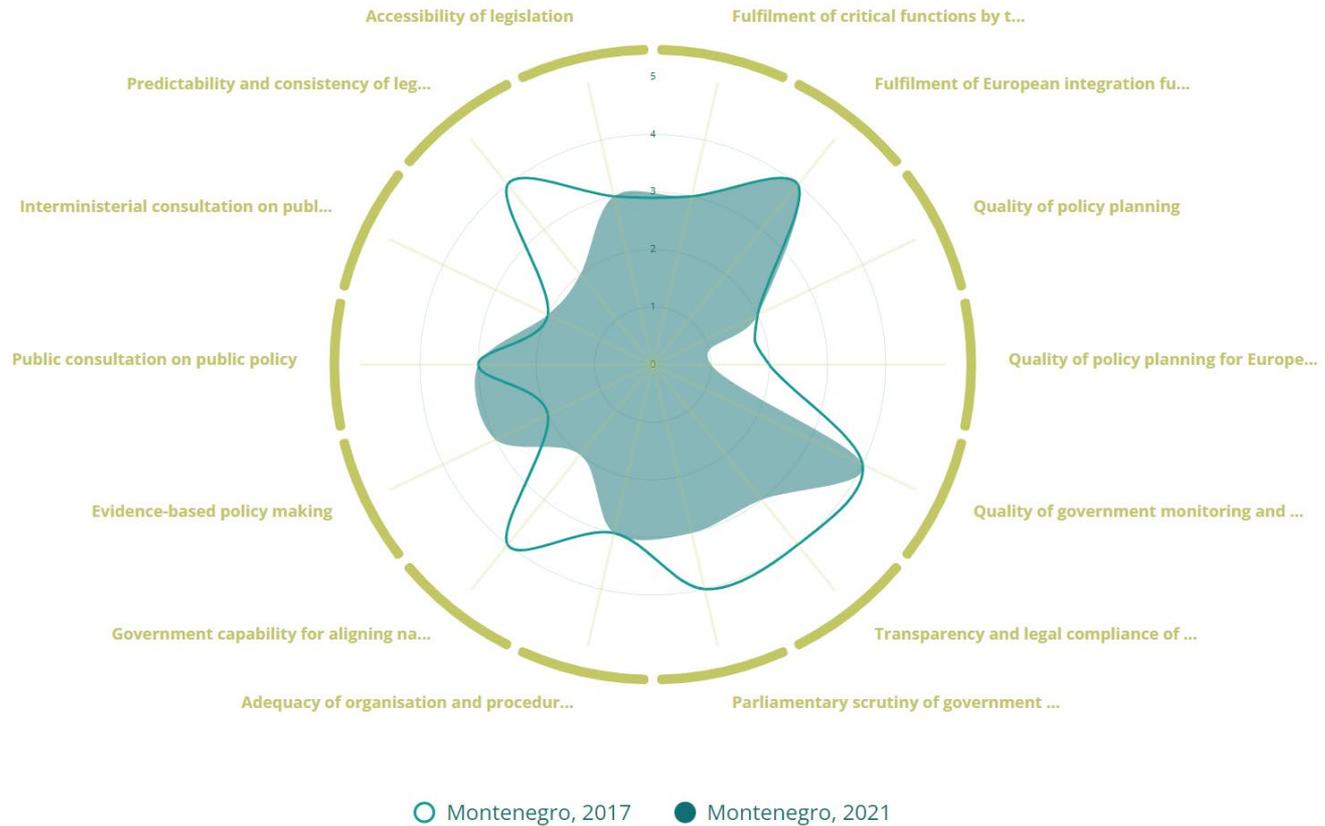




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... nevertheless, clear progress compared to 2017 only in evidence-based policy making

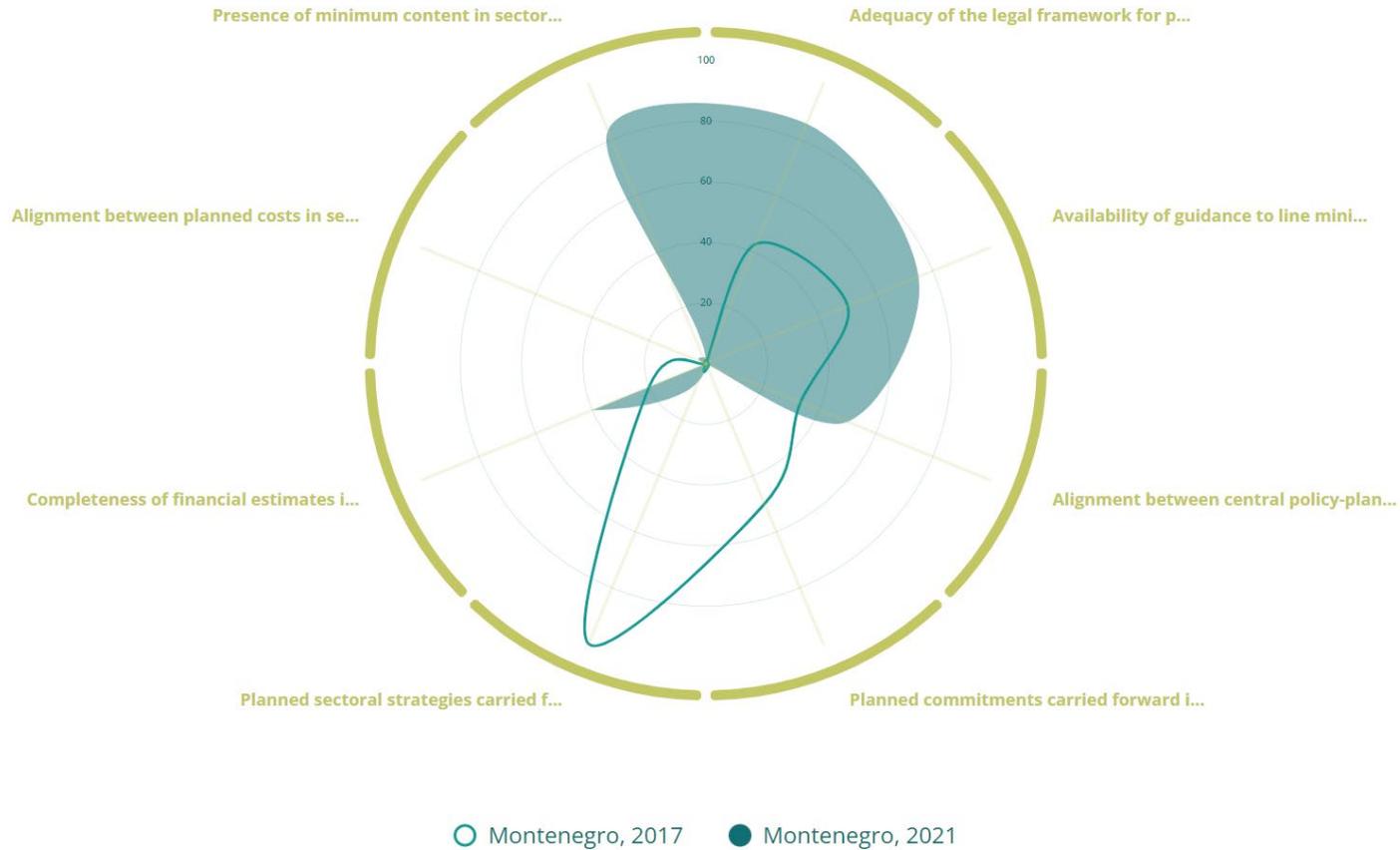
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Quality of policy planning



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Quality of policy planning

- Important improvements to the legal framework containing the requirements for sector strategies
- Even more noteworthy, requirements are largely complied with based on review of samples
- Quality of policy planning could be further improved by:
 - ✓ increasing realism in government-level annual work planning;
 - ✓ higher level of alignment between fiscal and policy plans.

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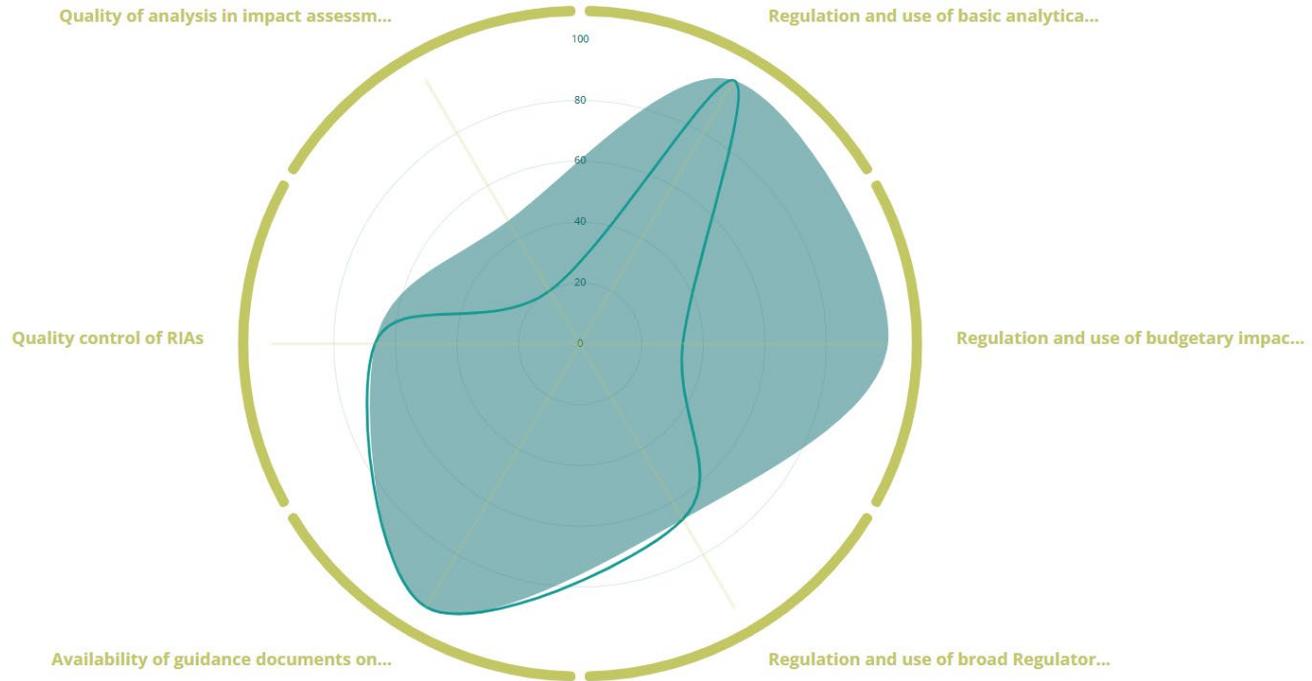




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Evidence-based policy making - RIA

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○ Montenegro, 2017 ● Montenegro, 2021





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Evidence-based policy making - RIA

- Progress compared to 2017 in the quality of analysis as well as the consistent use of budget impact assessments
- Analysis could be further improved by wider analysis of alternative policy options (not focusing only on the preferred option)
- Quality control currently in place only for business impacts and budget impacts, not for other key impacts (e.g. social, environmental, economic)

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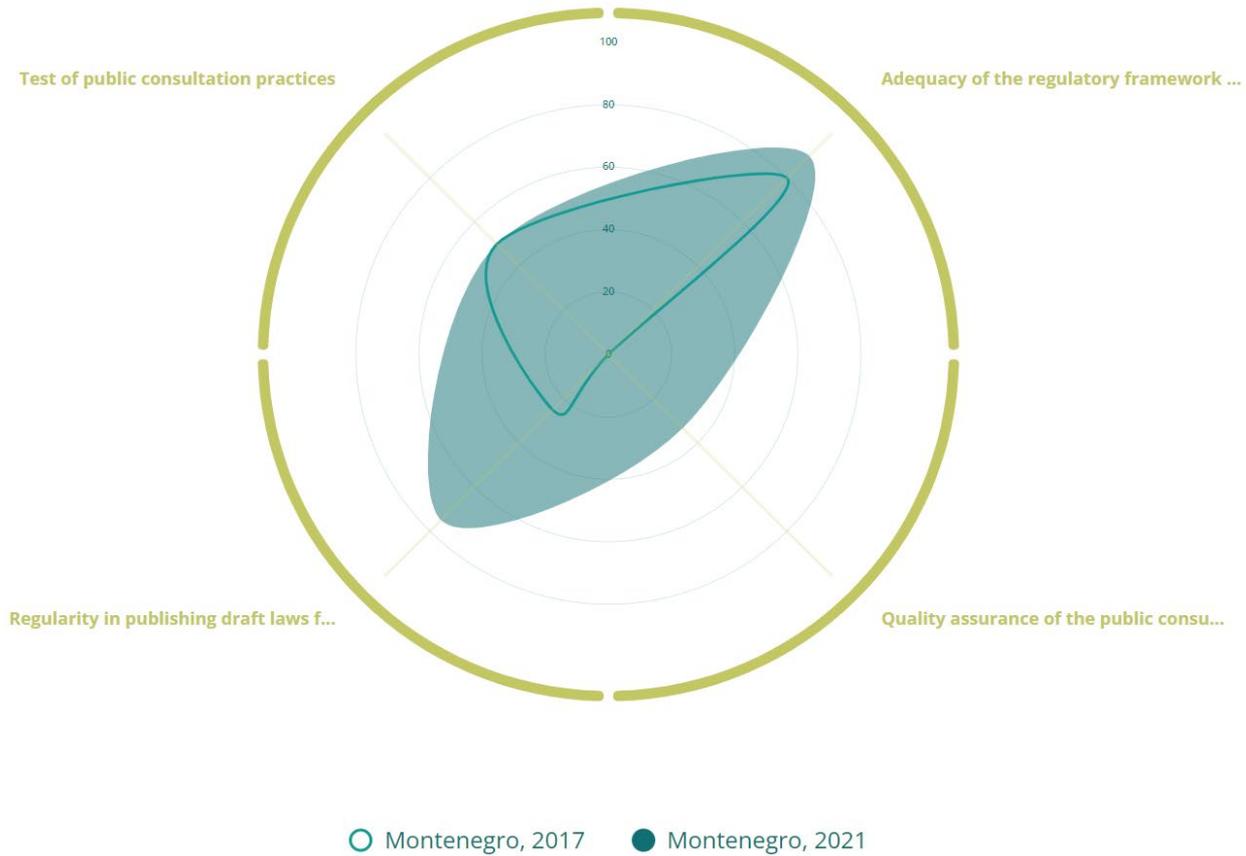




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Public consultation

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○ Montenegro, 2017 ● Montenegro, 2021





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Public consultation

- Ministry of Public Administration, Digital Society and Media assigned as the responsible body for ensuring quality control
- Significant increase in consistency in publishing draft laws for public consultation in sample ministries compared to 2017
- However, the consultation requirements are usually not met regarding prior notification of stakeholders and publication of RIA reports

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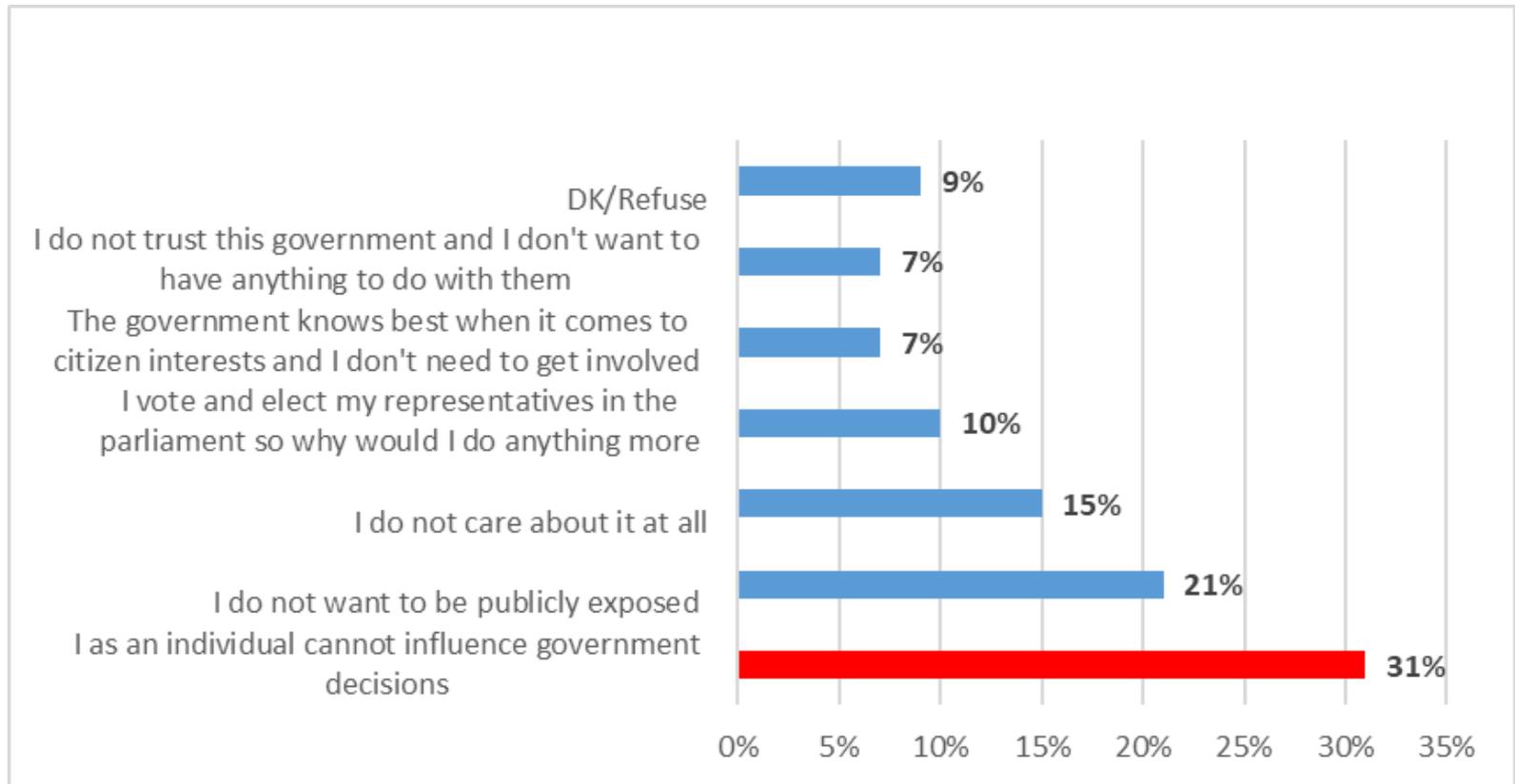




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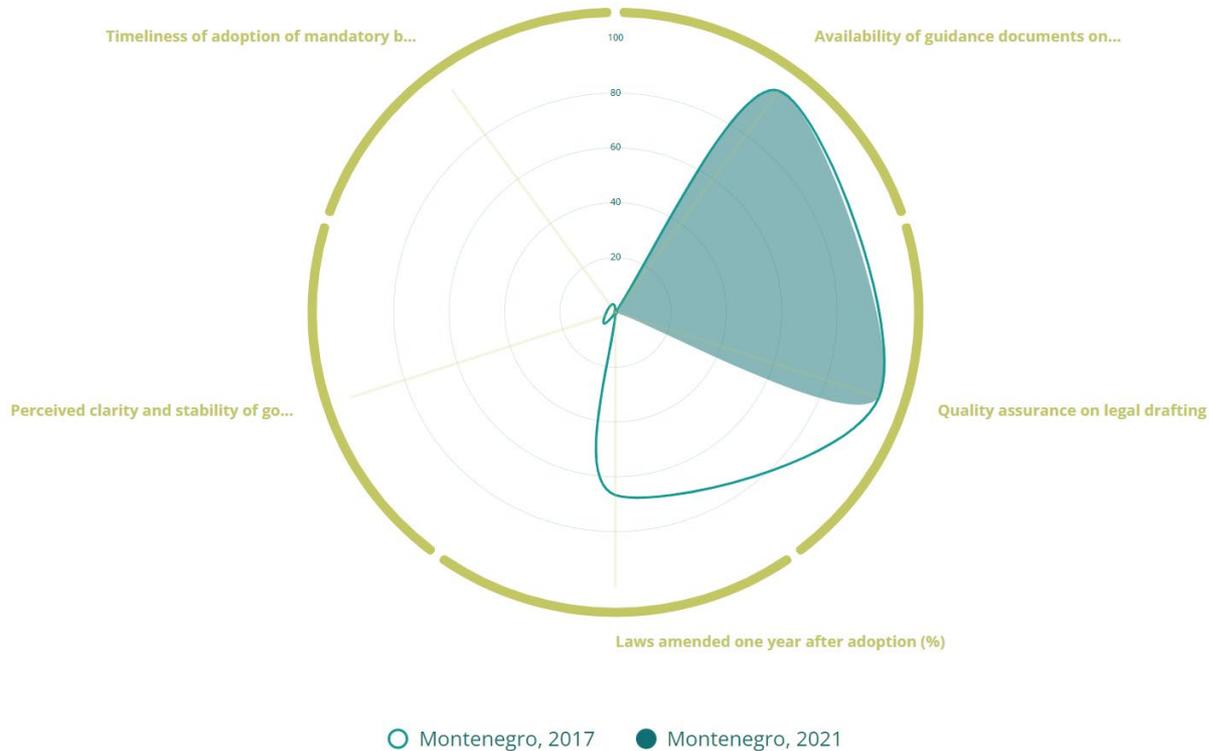
Public consultation: reasons for not being actively involved according to Balkan Barometer





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Predictability and consistency of legislation



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Predictability and consistency of legislation

- Quality control on legal drafting well established, guidance material available
- Still, noteworthy share of laws amended within one year of adoption
- Mandatory bylaws for implementing primary legislation are usually not adopted by the time laws take effect

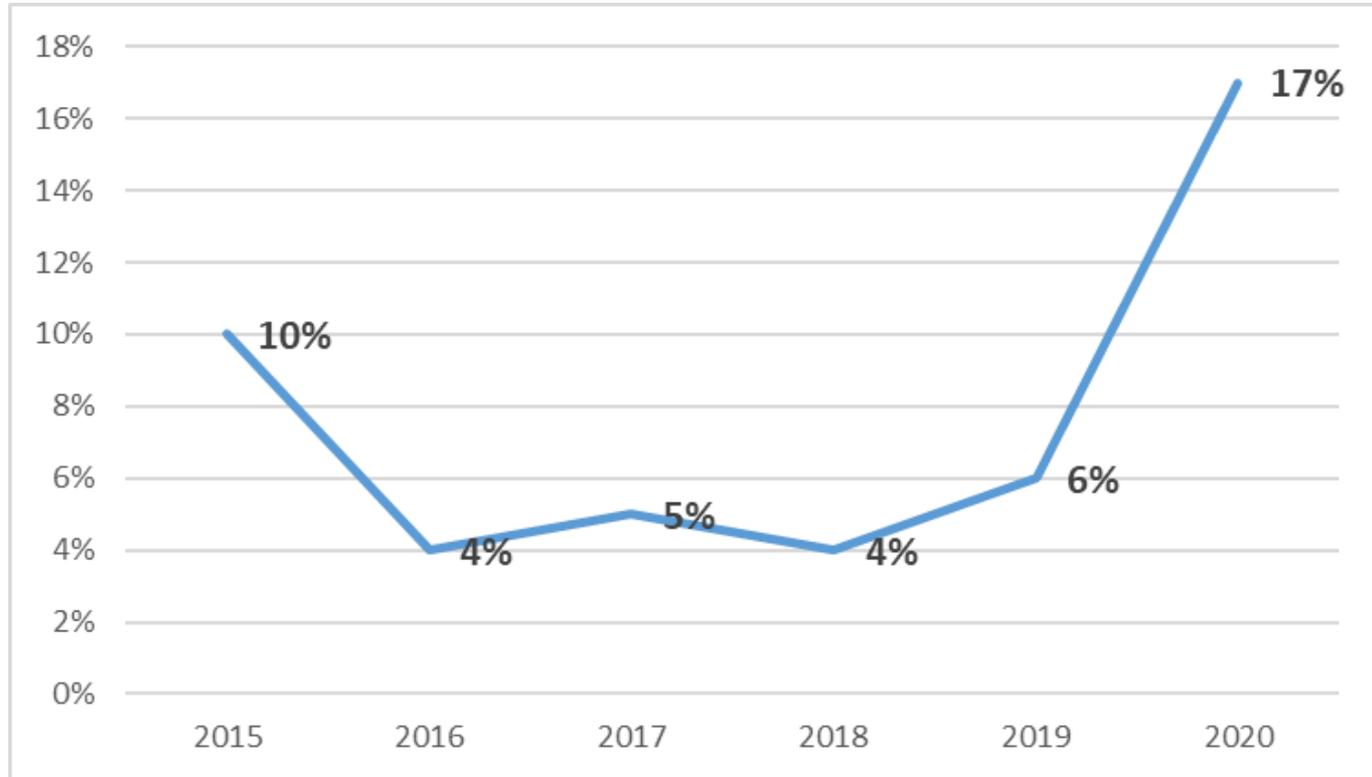




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Laws amended one year after adoption





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Parliamentary scrutiny of policy-making

- Good regulatory framework for parliamentary scrutiny of government policy-making
- Challenges emerge in practice, e.g. high share of draft laws approved in extraordinary proceedings, Government not consistent in providing opinions to bills initiated by MPs

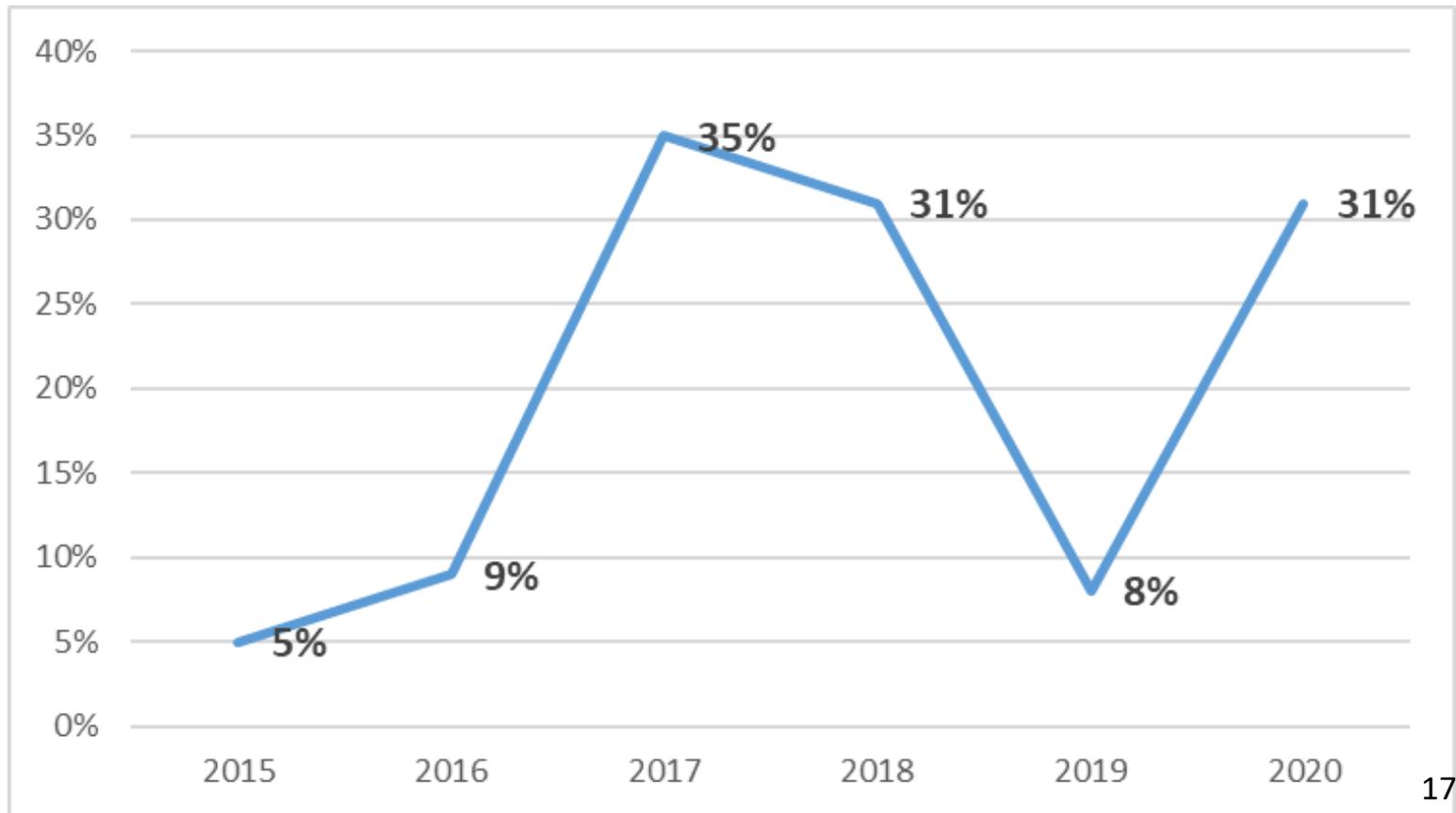




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Share of Government-sponsored draft laws adopted in extraordinary proceedings

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Discussion

- How to make the consultation process more meaningful for stakeholders as well as administration and the Parliament? Possible way forward:
 - ✓ *Publication of RIA reports for consultation*
 - ✓ *Consistent reporting on outcomes of consultation + publication of consultation report*
 - ✓ *Submission of consultation report to Parliament*
 - ✓ ...





Discussion

- Is it possible to simplify requirements for policy development process without lowering the quality? Possible simplification ideas:
 - ✓ *Is RIA still needed for strategies, now that standalone requirements for strategies also exist?*
 - ✓ *Current RIA form includes overview of consultation results (comments received and how these were addressed). Could this be omitted/simplified as it should also be contained in consultation report?*
 - ✓ ...





Discussion

- How can legal drafters benefit from Regulatory Impact Assessment and analysis in sector strategies? Possible ideas:
 - ✓ *Situation analysis/problem analysis for understanding the background of legal provisions*
 - ✓ *Overview of planned implementation activities for assessing the suitability of transitional period until law takes full effect (vacatio legis)*
 - ✓ ...





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Thank you for participating!

SIGMA Monitoring Reports available at:

<https://sigmaweb.org/publications/monitoring-reports.htm>

