



November 18, 2012

## **Legislations, regulations and impact assessment in Israel**

### **Government Policy**

Governmental policies in Israel are formulated by the different ministries, each one of them acting in its responsible field. In some cases of cross boundary fields, like green growth, economic crisis etc. there is a "round table" format for discussing and reaching agreements among the different sectors (governmental, academic, NGOs, business).

The ministries formulate their policies on an ongoing basis sometimes assisted by specialists and private consultants. Today, after joining the OECD, many ministries formulate their policies based on the Organization's models.

One of the main options in implementing policies is through legislation and regulations. This document briefly describes the legislation and regulation processes in Israel and the level of impact assessment in these processes.

### **Primary Legislation - Government**

Each ministry drafts its own legislative proposals by the legal advisor's office of the ministry and then circulates it to the other ministries. In some ministries there is an internal process of circulating the bill among all units for comments on potential costs and difficulties likely to be raised as a result of the bill. After circulating among the ministries, and following interministerial discussions the legislative proposals are published on the governmental internet portal before introduction and discussion by the "Ministers' Legislation Forum" (a committee of ministers, lead by the Justice Minister). The Ministers' Legislation Forum is a stage that includes debates, drafts, comments, changes in an effort to reach a consensus. If the Ministers' Legislation Forum votes in favor of the legislative proposal it is then passed on to the parliament as a Government Bill.



### **Primary legislation – Knesset (Israel's Parliament)**

The Knesset (parliament) deals with two main kinds of legislations: Government legislation and Private members' legislation. Private members' legislation has to pass four stages (readings) at the Knesset and government legislation has to pass only three readings.

Between the first and second reading, the legislation is passed to the relevant Knesset committee for discussions. A Knesset committee is the 'public forum' for discussing legislation. The committee invites stake holders in the legislation from the different sectors: business, government, private and NGOs, as well as experts and opinion leaders. The debates lead to many changes in the proposed legislation and at the end of the process the Knesset members vote on the bill.

### **Summary of the regulatory impact assessment in the primary legislation**

The primary regulatory process contains two qualitative impact assessment processes. The first process is the discussion of the bill in the governmental sector among and between the ministries. The second impact assessment process takes place in the Knesset committees. Both processes are mainly based on discussions among the primary stake holders of the regulation and are exposed to the public. As such, it is de-facto public debate process, not a systematic process of Regulatory Impact assessment (RIA). In 2012, the government decided to formulate a method for systematic RIA, based on the OECD model.

### **Secondary legislation (regulations and ordinance)**

After the bill is approved and becomes a law, the responsible ministry (in some cases the municipality) issues regulations and/or orders for implementing the law. In most cases the proposed regulations and orders are circulated among the relevant ministries for discussion and approval. Certain regulations require approval by the relevant Knesset committee, which affords the public with an opportunity for discussion and comments.

Nir Ben-Aharon