Next steps for policy development in Montenegro

Discussion based on results of SIGMA 2021 Monitoring Report

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2021 Monitoring Reports for the Western Balkans

Covers the period until end June 2021
Focus of today’s discussion is on selected principles for policy development & co-ordination.
MNE is a regional front-runner in several aspects related to policy development...
... nevertheless, clear progress compared to 2017 only in evidence-based policy making
Quality of policy planning

- Presence of minimum content in sector...
- Adequacy of the legal framework for policy planning...
- Alignment between planned costs in sector...
- Availability of guidance to line ministers...
- Completeness of financial estimates in sector...
- Alignment between central policy-planning...
- Planned sectoral strategies carried forward...
- Planned commitments carried forward...

Montenegro, 2017

Montenegro, 2021
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.
Evidence-based policy making - RIA

- Quality of analysis in impact assessment
- Regulation and use of basic analytical tools
- Quality control of RIAs
- Regulation and use of budgetary impact
- Availability of guidance documents on
- Regulation and use of broad regulatory frameworks

Montenegro, 2017
Montenegro, 2021
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)
Public consultation

Test of public consultation practices

Adequacy of the regulatory framework

Regularity in publishing draft laws

Quality assurance of the public consultation

○ Montenegro, 2017  ● Montenegro, 2021
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
Public consultation: reasons for not being actively involved according to Balkan Barometer

- DK/Refuse: 9%
- I do not trust this government and I don't want to have anything to do with them: 7%
- The government knows best when it comes to citizen interests and I don't need to get involved: 7%
- I vote and elect my representatives in the parliament so why would I do anything more: 10%
- I do not care about it at all: 15%
- I do not want to be publicly exposed: 21%
- I as an individual cannot influence government decisions: 31%
Predictability and consistency of legislation
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
Laws amended one year after adoption
Parliamentary scrutiny of policy-making
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
Share of Government-sponsored draft laws adopted in extraordinary proceedings
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)
  ✓ ...

Thank you for participating!

SIGMA Monitoring Reports available at:
https://sigmaweb.org/publications/monitoring-reports.htm