

On the basis of Article 30, Paragraph 3 of the Act on the Government of the Republic of Croatia (the Official Gazette, no. 101/98, 15/00, 117/01, 199/03 and 30/04 and 77/09), the Government of the Republic of Croatia, at the session held on 21 November 2009 adopted the following

C O N C L U S I O N

1. The Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts, in the form of the text which is an integral part of this Conclusion is hereby adopted.
2. This Conclusion and The Code of Practice on Consultation with the Interested Public in Procedures of Adopting Laws, Other Regulations and Acts shall be published in the Official Gazette.

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Zagreb, 21 November 2009

PRIME MINISTER

Jadranka Kosor, dipl.iur.

CODE OF PRACTICE ON CONSULTATION WITH THE INTERESTED PUBLIC IN PROCEDURES OF ADOPTING LAWS, OTHER REGULATIONS AND ACTS

INTRODUCTION

I.

One of the fundamental characteristics of contemporary democracies is a developed civil society, which, *inter alia*, is realized in open dialogue, cooperation and partnership between citizens, civil society organizations, that is, the interested public in general, and public and state institutions. The acceptance of this active role by citizens, openness and public involvement as fundamental values also means the readiness of state and public institutions to undertake effective measures to consult with the interested public in the procedures of enactment of laws and adoption of other regulations and acts.

The adoption of the Code of Practice on Consultation with the Interested Public in Procedures of Adopting and Implementing Laws, Other Regulations and Acts (hereinafter: The Code) unifies the conclusions stemming from broad consultations conducted by the Office for Cooperation with NGOs, in cooperation with the Council for Civil Society Development, with civil society organizations about the goals and the content of acts which will offer guidelines for efficient consultations between state bodies and the interested public in the process of enactment of laws and adoption of other acts, as well as the existing good practice of consultations already conducted by individual bodies of state administration.

THE OBJECTIVES AND STATUS OF THE CODE

II.

The Code establishes general principles, standards and measures for conducting consultations with the interested public, in the procedures of enacting laws and adopting other regulations and acts of state bodies which regulate matters and take positions of interest for public benefit (protection and promotion of human rights, public services, the justice system, environmental protection, etc.).

The purpose of the Code is to offer all bodies involved in the process of enacting laws and adopting regulations guidelines stemming from the concrete practical experience to date of dialogue and cooperation between the public authorities in the Republic of Croatia and the interested public. The ultimate goal of the Code is to facilitate interaction with citizens and representatives of the interested public in the democratic process, and encourage more active participation by citizens in public life.

The Code does not question the implementation of more advanced and already precisely regulated standards and measures for the protection of the right to public access and the interested public in connection with the right to participate in procedures for the enactment of laws and adoption of other regulations and acts (for example, international agreements and laws in the field of environmental protection). The general principles and minimum standards and measures set in this Code do not apply to forms already institutionalized and structured of conducting consultations with representatives of the interested public, within the framework of standing advisory bodies, nor to the already precisely set scope of work and procedure for conducting consultations with representatives of trade unions and the Croatian Association of Employers, within the national tripartite body and the Economic-Social Council, or on a local level, as part of the activities of county economic-social councils.

DEFINITIONS

III.

Consultation, within the meaning of this Code, comes within the broader concept of participation by the interested public in the decision making processes. *Participation of the interested public*, within the meaning of this Code, comprises four levels:

- *Informing* is the first level of participation by the interested public, which assumes a one-way process, whereby state bodies inform citizens on their own discretion or citizens obtain information on their own initiative. Access to public acts, official gazettes (*Narodne novine*) and the web sites of state bodies is given as an example of this.
- *Consultation*, within the meaning of this Code, is a two-way process during which state bodies solicit and receive feedback information from citizens and the interested public in the procedure for enactment of laws and adoption of other regulations and acts.
- *Involvement* assumes a higher level in the two-way process through which representatives of the interested public are actively involved in the creation of public policies, for example through membership in working groups for drafting laws, other regulations or acts.
- *Partnership* implies the highest level of cooperation and mutual responsibility of the Government and representatives of the interested public in the process of adoption and implementation of programmes, laws, other regulations and acts.

The Interested public, within the meaning of this Code are: citizens, civil society organizations (informal civic groups or initiatives, associations, foundations, funds, private institutions, trade unions, associations of employers), representatives of the academic community, chambers, public institutions and other legal entities performing a public service or who might be affected by the law, other regulation or act which is being adopted, or who are to be included in its implementation.

GENERAL PRINCIPLES OF CONSULTATION

IV.

PARTICIPATION

Participation by citizens, or the interested public, is one of the fundamental principles of European management of public affairs. In contemporary democracies citizens, or the interested public, play an active role and, by their participation, bring about and impact the improvement of the quality of programmes, laws and other regulations and acts, and the quality of public administration services in general.

TRUST

An open and democratic society is founded on constant dialogue between citizens, various social groups, stakeholders and sectors. Although state bodies and the broad circle of representatives of the interested public frequently play different roles, the common goal to improve the quality of lives of citizens can only be realized on the basis of mutual trust and respect.

OPENNESS AND RESPONSIBILITY

Consultation in the process of enactment of laws and adoption of other regulations and acts which regulate the issues and declare positions of interest for public benefit, calls for openness and responsibility, both on the part of the state bodies and also on the part of representatives of the interested public. State bodies conduct consultations with clear explanations of the issues regarding which feedback information is requested from the interested public, the measures used in the consultation process, and the reasons for the enactment of the particular law. In their contribution to the process of consultation about drafts of laws, other regulations and acts, representatives of the interested public, or organizations and groups openly and responsibly declare the interests, categories and number of the beneficiaries they represent.

EFFECTIVENESS

In order to be effective, consultation with the interested public is initiated at a time when it is still possible to influence the drafting of laws, other regulations and acts, that is at the early stage of their drafting, when all options for their improvement and amendment are still open. The procedure for conducting consultations should maintain an acceptable balance between the need for effective enactment of laws and adoption of other regulations and acts, and the need for an appropriate contribution by the representatives of the interested public.

STANDARDS AND MEASURES IN THE CONSULTATION PROCEDURES

V.

While drafting a proposal of a law, other regulation or act (resolution, declaration, strategy, programme, etc.) through which the policy of the Croatian Parliament or the Government of the Republic of Croatia is expressed, and for whose drafting the central state administration bodies and offices of the Government of the Republic of Croatia are competent authorities, the minimum standards and measures for conducting consultations with the interested public are the following:

1. *Timely information about the plan for enactment of laws and adoption of other regulations and act*

The interested public should be informed in good time about the plan to enact laws and adopt other regulations and acts through the publication of a single list of laws and other regulations which are being drafted and proposed for enactment and adoption in the calendar year, with a statement of the authorities competent for the drafting and the tentative time limit for the drafting and enactment of the law or adoption of other regulation or act.

2. *Access to and clarity of the content of the consultation process*

Bodies responsible for drafting laws, other regulations and acts make a public announcement of drafts on web sites or in another appropriate manner. Notifications of and invitations to consultations about publicized drafts must be clear and concise and contain all information necessary to facilitate collection of observations from the interested public.

3. *The time limit for the implementation of Internet and other forms of consultations*

Public announcements of invitations to conduct consultations about draft laws and other regulations and acts must contain a clearly designated time limit for observations from the interested public. It is desirable for this time limit to be not less than 15 days from the public announcement of the draft on the web site of the body competent for the drafting, so that the interested public has sufficient time to study the draft in question and to form its opinion.

4. *Feedback information about the effects of the consultations conducted*

The observations by the interested public, as well as a summarized, unified explanation of the rejection of comments on certain provisions of the draft, shall be announced publicly on the web site of the body competent for its drafting, or in another appropriate manner, so that the effect of conducting consultations in the procedure for the enactment of laws and adoption of other regulations and acts is visible.

5. *Harmonization of the application of standards and measures of conducting consultations in state bodies*

In order to ensure the harmonized application of the above mentioned standards and measures by state bodies, coordinators for conducting consultations shall be appointed as contact persons in all central bodies of state administration, or in the Government offices responsible for drafting laws, other regulations and acts, in order to consistently monitor and coordinate the procedures for conducting consultations with the interested public.

VI.

During the process of creating a draft proposal of a law, other regulation or act, as well as during the monitoring of their implementation, the process of consultation with the interested public may, according to the needs and means available, also include:

1. *involving experts from the ranks of the representatives of the interested public in the procedure of drafting laws, other regulations or acts by state administration bodies, or the Government of the Republic of Croatia. During the procedure for drafting laws, experts, as representatives of the interested public, may be appointed members of expert working groups in conformity with the regulations in force, or on the basis of a public invitation, in an attempt to ensure the representation of interest groups and natural and legal persons who may be directly affected by the law or other regulation to be adopted, or who are to be included in its implementation. When members of expert working groups are appointed from the ranks of the representatives of the interested public, account should be taken of criteria such as: expertise, previous*

public contributions to the subject-matter in question, and other qualifications relevant to the matters regulated by the law or other regulation, or established by the act of the state administration body.

2. *organizing public consultations* on the financial, economic, social, environmental and human rights impact of adopting and implementing particular laws, other regulations and acts.

VII.

Bodies competent for drafting laws, other regulations and acts from the competence of the Government of the Republic of Croatia shall inform the Government about the consultations procedure conducted with interested public, and about the results of conducted consultations.

VIII.

In urgent circumstances, the time period and the manner of conducting consultations shall be adapted as appropriate. This relates in particular to circumstances related to the pace of fulfilling the obligations stemming from the process of accession by the Republic of Croatia to the European Union.

APPLICATION OF THE CODE AT LOCAL AND REGIONAL LEVELS

IX.

The provisions of this Code shall be appropriately applied by the bodies of local and regional self-government units and legal entities vested with public authority in the procedures of adoption of general acts regulating matters within their scope of work which directly meet the needs of citizens, or other matters of interest for the public benefit of citizens and legal entities within their territory or within the field of their activity (development of a settlement and housing, physical planning, communal activities and other public services, environmental protection, etc.).

FINAL PROVISIONS

X.

The Office for Cooperation with NGOs shall draft the guidelines for the implementation of the Code and program for the systematic training of coordinators for conducting consultations from Point V of the Code, within three months from the publication of this Code in the Official Gazette.