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QUALITY OF LEGISLATIVE PROCESS

Building a conceptual model and developing indicators

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EXECUTIVE SUMMARY

Governments play the leading role in initiating primary legislation in almost all EU countries, as a principal instrument of policy implementation. However, preparation is only the first stage in the legislative process, the second being its consideration and adoption by parliament, prior to the third stage of implementation and enforcement, and ideally the fourth stage, *ex post* evaluation to inform legislative development. Furthermore, parliament itself makes a decisive contribution to policy making, not just through its scrutinising and amendment of draft government-sponsored laws, but also through its own initiation of legislation. In some countries, parliaments are also the forum for considering legislative initiatives brought forward directly by citizens.

This report represents the conclusion of thematic support to DG REFORM's Competence Centre on Public Administration and Governance (PAG) to develop and interpret indicators on the quality of the legislative process, focused entirely on the parliamentary stage. Through a series of online roundtable discussions with six leading PAG experts from six Member States, along with their written contributions, the objective was to build a conceptual model based on actual practice and, based on the model, to identify potential indicators that could be introduced into the EU's Public Administration Assessment Framework (PAAF).

The most immediate requirement is that these indicators should be practical and operable, and testable through data collection, and hence have been termed 'low hanging fruit' as they should readily accessible through official sources or possibly interviews. Other indicators that might be more difficult to measure, comprise multiple variables and/or involve multiple explanatory factors could also be proposed for further research, characterised as 'high hanging fruit'.

The report summarises the situation in the parliamentary systems of Belgium (two chambers), Bulgaria, Croatia, Finland, Latvia and Slovakia, and is accompanied by three separate case study reports covering northern, central and southern EU. It maps the end-to-end process in each country from introduction to promulgation of primary legislation, to describe the steps, rules, procedures and standards, and the support to parliamentarians in performing their roles. In doing so, the thematic expert group (TEG) remained mindful of comparable processes in government, especially regarding openness, use of evidence, impact assessment and stakeholder engagement. It also considered whether the source of legislative initiatives (government, parliament, citizen), category of legislation (e.g. organic law, constitutional amendment) and subject of legislation (e.g. healthcare, defence) could have an impact on the model and indicators.

Based on these parliamentary practices, the TEG has proposed a conceptual model which is structured on five key principles: integrity (in the sense of soundness and wholeness); transparency; inclusiveness; robustness and rigour; and predictability and regularity. Each principle was then elaborated as two or three topics, resulting in the presentation here of 28 proposed practical and operable indicators, each of which is assessed on a 'hanging fruit' scale of 1 (very low) to 4 (medium-high).

Member State coverage	Belgium, Bulgaria, Croatia, Finland, Latvia, Slovakia
Key words	Legislative process, integrity, transparency, inclusiveness, robustness, rigour, predictability, regularity, indicators

1. INTRODUCTION

This publication provides a comparative overview of the characteristics and recent developments in the public administrations in the Member States (EU-27) from a qualitative and quantitative perspective. It is based on analytical work carried out under the contract 'European Public Administration Country Knowledge 2021' (hereafter EUPACK).

EUPACK is a multi-annual initiative of the Commission, which aims to develop its country and thematic knowledge on the EU Member State public administrations' functioning and reforms. Such knowledge enables more pertinent country analysis, helps identify reform priorities, and facilitates the effective delivery of technical and other EU support for improving state capacity in Member States.

The comparative overviews, launched in 2018, use a common approach to describe the characteristics of public administrations across all EU-27 Member States. The methodology covers the institutional systems, capacity, performance and management of public administrations. The point of departure is the definition of the scope of public administration for each Member State, which ensures consistent and comparable analysis. A detailed methodology guides the collection of quantitative data and the qualitative information. This includes the "Public administration assessment framework" - a set of indicators currently tested by the Commission. The collected data and information draw on existing, publicly available sources and statistics. A substantive overview on the formal and informal characteristics of public administration in each Member State is prepared (published separately as country fishes). The systematic and comparative synthesis of key areas of institutional capacity and functioning across all EU-27 countries allows for drawing parallels and understanding differences across all Member States.

This report focuses on recent and/or continuing developments, drawing on the latest contextual and performance data. It summarises relevant Member State policies, strategies, legislation, programmes and other measures introduced or enacted in 2020.

The context for this ad hoc request is the EU's Public Administration Assessment Framework (PAAF), which the Commission is developing for the LIME working group, under a November 2018 mandate from the EU's Economic Policy Committee to assess the technical aspects of a possible benchmarking exercise in the area of public administration, 'with the intention of capturing public administrations' strengths and weaknesses in policy making, human resources management, service delivery, accountability and public financial management' ([1]). The PAAF already considers aspects of the legislative process in four respects:

- First, it looks into the preparation of draft legislative acts by central and federal governments prior to their submission to parliament for consideration and adoption. With reference to the OECD's Indicators of Regulatory Policy and Governance (iREG) ([2]), it includes the extent to which this draft legislation has been subject to stakeholder engagement which 'helps to ensure that regulations focus on user needs by involving citizens, businesses, and civil society, makes regulations more inclusive and helps compliance with regulations' and *ex ante* regulatory impact assessment (RIA), which 'helps to ensure that regulations focus on user needs by involving citizens, businesses, and civil society, makes regulations more inclusive and helps compliance with regulations'.
- Second, it includes whether legislation and other policy initiatives have subsequently been subject to adequate *expost* evaluation, which 'helps governments ensure that regulations remain fit for purpose, and can provide important insights for improving the design of regulations, and promotes accountability' ([3]). Again, it employs OECD's

([1]) Source: Commission Staff Working Document SWD(2021)101 Supporting Public Administrations in EU Member States to Deliver Reforms and Prepare for the Future.
([2]) OECD's iREG, available at: https://www.oecd.org/gov/regulatory-policy/indicators-regulatory-policy-and-governance.htm (accessed 11/09/2021)
([3]) OECD's iREG, op. cit.

iREG data. Ideally, *ex post* evaluation would be applied to every law, or at least every portfolio of laws (e.g. primary legislation and secondary regulations) whose combined effect is intended to achieve a particular policy outcome.

- Third, it considers the stability of the legislative framework by drawing on the findings of the European Commission's Eurobarometer survey ([4]) concerning businesses' perceptions of the effect of fast-changing legislation and policies on their ability to do business domestically.
- Finally, the most recent development concerns measuring the extent to which legislation has been fast-tracked, especially but not exclusively through the use of extraordinary proceedings, particularly emergency procedures, using information on over 18,000 laws adopted by Member State parliaments from 2017 to 2020, collected under EUPACK 2021. A relatively high share of laws adopted in a very short period of time could suggest higher instability and lower quality of legislation.

In the modern era, governments play the leading role in initiating laws in almost all EU countries, as demonstrated by EUPACK 2021 data ([5]), as primary legislation is a principal instrument of policy implementation. However, preparation is only the first stage in the legislative process, the second being its consideration and adoption by parliament, prior to the third stage of implementation and enforcement, and ideally the fourth stage, evaluation to inform legislative development. Furthermore, parliament itself makes a decisive contribution to policy making, not just through its scrutinising and amendment of draft government-sponsored laws, but also through its own initiation of legislation. In some countries, parliaments are also the forum for considering legislative initiatives brought forward directly by citizens.

This thematic support focuses entirely on the parliamentary legislative process, not the preceding steps. In this context, the starting point for better understanding the quality of the legislative process is when draft legislation / bills (including existing laws for amendment) 'enter' parliament, whether introduced by the government, parliament itself, or citizens, and the end point is when the legislation is promulgated.

It could be argued that, with sufficiently rigorous *ex ante* RIAs and extensive stakeholder engagement during preparation, there is less onus on parliaments to scrutinise laws, as their effects have already been strength-tested. However, leaving aside country differences in the extent and standard to which RIAs are conducted, this would downplay the importance of democratic governance, i.e. the role of the legislature in holding the executive to account. Moreover, parliaments often make a significant contribution to the content and hence the quality of legislation. The extent to which legislators are enabled to examine draft laws, gather evidence, consult experts and interested parties, ask probing questions and make amendments or counter-proposals, or alternatively to simply accept or reject/return to the executive the proposed law in its entirety, are also key considerations. Furthermore, in some countries, Members of Parliament (MPs) can themselves propose laws without *ex ante* RIAs and structured stakeholder engagement. Clearly, the nature and operation of the legislative system is a key factor here.

As the 2021 Rule of Law Reports ([6]) have shown, inclusiveness, quality and transparency of law-making remains a challenge. Even though the fundamental steps in the legislative

([4]) European Commission, *Flash Eurobarometer 482*, 2019 (most recent data) available at: https://europa.eu/eurobarometer/surveys/detail/2248 (accessed 01/08/2021).

([5]) During 2017-2020, governments initiated most legislation in all Member States except Portugal, where the parliament proposed most of the laws adopted in this period.

([6]) European Commission, Commission Staff Working Document (SWD) 700, available at: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2021-rule-law-report/2021-rule-law-report-communication-and-country-chapters (accessed 01/08/2021).

process are typically transparent (e.g. on parliamentary websites), dialogue with stakeholders has indicated challenges in a number of Member States to ensure that rules for the inclusiveness, transparency and quality of law-making policies are systematically applied in practice. This thematic support seeks to 'shine a light' into these processes to understand the legislative process better, as the first step to proposing indicators that could be integrated into the PAAF. The focus is solely the quality of legislative *process*, not the quality of the *legislation* itself, although it is assumed that the former affects the latter.

2. METHODOLOGICAL APPROACH

This thematic support was mobilised from June to November 2021, and was conducted through written contributions and a series of roundtable discussions with a thematic expert group (TEG), convened and moderated by ICF's core EUPACK team, comprising the following six leading PAG experts on legislative process from six Member States:

- Prof. Anamarija Musa, University of Zagreb, Croatia
- Prof. Juraj Nemec, Matej Bel University in Banska Bystrica, Slovakia
- Prof. Iveta Reinholde, University of Latvia
- Tihomira Trifonova, STRATEGMA Agency Bulgaria
- Prof. Turo Virtanen, University of Helsinki, Finland
- Dr. Wouter Wolfs, Public Governance Institute, KU Leuven, Belgium.

During the thematic support, each of the experts provided a profile of the legislative process in her or his respective country, which is summarised in the three accompanying case study reports.

These roundtable sessions and written inputs had two main objectives: to build a conceptual model of a quality legislative process based on actual practice (rather than a hypothetical model that is then tested against reality); and based on the model, to identify potential indicators that could be developed and introduced into the PAAF in the future.

The most immediate requirement for the PAAF is to use indicators that are both practical (grounded in reality) and operable, and which could potentially be tested through data collection in EUPACK 2022. Through the TEG discussion, such indicators have been characterised as '*low-hanging fruit*' in that the sources of information *should* be readily accessible through official sources (e.g. parliamentary websites, annual reports, information services, or possibly interviews, but not based purely on opinion), as far as can be assessed from the situations in the six countries. In common with other PAAF indicators, they should be formulated as questions with either 'binary' responses (yes/no or not applicable), quantitative responses (e.g. number, percentage, period), or qualitative responses (qualifying a binary or quantitative response). The indicators should also concern systemic not transitory factors.

At the same time, it was agreed with the Competence Centre that the TEG would highlight other issues that *could* provide the basis for indicators in the future, but which would require further research and analysis to develop the indicator and/or access the supporting evidence. These were characterised as *'high-hanging fruit'*. There can be several reasons why such indicators might be elusive, which are not mutually exclusive:

- First, there might be multiple variables, due to the application of the indicator being context-specific, because for example the response depends on the category of law (constitutional amendment, organic law, treaty ratification, transposed EU directive, etc.), subject of legislation (e.g health, environment, national security) or source of the initiative (government, parliament, or citizens).

- Second, there might be multiple explanatory factors, some of which might be contradictory (e.g. 'time taken' could be indicative of process efficiency, political expediency or insufficient scrutiny).
- Third, the divergence between parliamentary systems might not permit simple comparisons. Such research and analysis might require, for example, in-depth multi-country studies or the use of 'big data' analysis on the existing EUPACK legislation dataset.
- Fourth, the indicator might simply be difficult to measure, because of access to information.

During the preparation of the practical and operable indicators, it was recognised that some indicators might be more immediately operable than others, with the latter perhaps categorised as '*medium-hanging fruit*' – potentially accessible, but not immediately within reach. Hence, the proposed indicators (section 5) have each been subjected to an assessment which scores them according to their operability, based on the proxy experiences of the six countries.

These terms – low-, medium- and high-hanging fruit – will be used as shorthand throughout this report, and the basis for assessing candidates for PAAF indicators. Of course, the extent to which the 'low hanging fruit' indicators are truly operable will only become fully apparent when they are tested in their application to all Member States.

Please note: Given the variety of legal and parliamentary systems across the EU, it is not suggested that the six countries represented here are 'representative' per se. Even countries that are traditionally grouped together (such as the 'Scandinavian model' of Denmark, Sweden and Finland) exhibit marked differences in parliamentary practice. However, the diversity among this sample of six systems should help to ensure that the conceptual model and proposed indicators capture the key common factors and are flexible enough to be applied to each Member State's circumstances.

3. CONTEXTUALISING THE CONCEPTUAL MODEL

To set the scene for the conceptual model (section 4) and proposed indicators (section 5), table 1 overleaf presents basic information on the six selected countries. Note: the analysis for Belgium in this report was restricted to the federal level only. Of the six selected countries, five are unicameral, only Belgium has a bicameral parliament. This also reflects Belgium's status as a federal country, the others being unitary, as the second chamber is composed of members from the regional parliaments, which have an equal footing with the Federal Parliament in the Constitution ([7]).

The initial task of the TEG was to 'map' the end-to-end process from introduction to promulgation of primary legislation, drawing on their own countries' systems and their wider knowledge, to construct a common framework, if feasible.

([7]) The roles of each chamber in the Belgian system and the relationship between them is explained further in the case study; in most aspects, the Senate is a 'chamber of reflection', meaning that it can discuss and propose amendments to legislative texts that have been approved by the Chamber, but the Chamber takes the final decision on these proposed amendments, but there are important exceptions.

Given the mandate of parliaments to consider, scrutinise, modify, and ultimately adopt or reject legislative initiatives, the aim was to identify the forums for doing so, the steps involved, the rules governing them (i.e. what is permissible or not) and any standards associated with them, and the support to parliamentarians in performing their roles.

This mapping would then enable the TEG to focus on the factors that could characterise or undercut a 'quality legislative process'. In doing so, the TEG remained mindful of comparable processes in government, especially regarding openness, use of evidence, adequacy and application of RIAs, and stakeholder engagement, and whether there was convergence or divergence from good practice.

In setting the parameters for a conceptual model, the TEG considered three factors in the legislative process:

- **Source of legislative initiatives**: Is it possible in principle (irrespective of practice) for MPs (outside of government) and citizens directly (rather than via MPs) to introduce legislative proposals into parliament? If so, does legislation follow alternative paths, or is it subject to different rules and standards, depending on the source?
- **Category of legislation**: Constitutions typically distinguish laws according to their nature and purpose, for example, organic laws, ordinary laws, constitutional amendments, treaty ratifications, transposed EU directives, etc. As with sources, does the category affect its path through parliament and the rules and standards applied to it? If so, should this be taken into consideration in the model and indicators?
- **Subject of legislation**: Irrespective of the source and category, legislation also covers a range of policy fields, such as finance, education, healthcare, environment, justice, defence and security. Does the topic also have a bearing on the legislative process?

In each case, the answers to these questions *could* have an impact on the model and indicators.

Table 1 | Basic information on the six countries' parliaments

	Belgium	Bulgaria	Croatia	Finland	Latvia	Slovakia
Name	Federaal Parlement (NL), Parlement fédéral (FR), Föderales Parlament (DE)	Народно събрание	Hrvatski sabor	Eduskunta	Saeima	Národná rada Slovenskej republiky
Equivalent in EN	Federal Parliament	National Assembly	Croatian Parliament	Parliament of Finland	Parliament of Latvia	National Council of the Slovak Republic
Website	http://www.fed-parl.be/index.html	https://parliament.bg	https://sabor.hr/hr	https://www.eduskunta.fi/EN/Pages/default.aspx	https://www.saeima.lv/en	www.nrsr.sk
Chambers	2	1	1	1	1	1
Number of MPs	Chamber of Representatives: 150 Senate: 60	240	151 (Constitutional range: 100-160)	200	100	150
Electoral system	Chamber of Representatives: proportional representation: 11 multi-member electoral districts with 5 % threshold and gender quotas for the electoral lists. Senate: Appointed by regional parliaments from their own members: 29 Dutch-speaking, 20 French-speaking and one German-speaking, and an additional 10 from the two language groups in the Senate (6 Dutch-speaking Senators, 4 French-speaking).	Proportional representation based on 31 multi-member constituencies, 4 % threshold, and party lists, with voters able to express preference for candidates within the party. Constituency names, boundaries and numbers of mandates (no less than four) is determined by the President not later than 55 days prior to election day. The distribution of seats applies the Hare-Niemeyer (largest remainder) method.	Election in 12 electoral units. Propotional representation in 10 geogrraphical constituencies, 14 seats per constituency, open list, 5 % threshold, preferential voting possible) with seats allocated using d'Hondt method 3 MPs represent diaspora in 11th electoral unit under proportional representation 8 MPs represent national minorities in 12th electoral unit, elected as individual candidates by majority votes.	Proportional representation, multi-member constituencies (13 districts, number of elected representatives depends on the size of the population of the district), no reserved seats for any group. https://vaalit.fi/en/electoral-districts	Proportional representation with a 5 % threshold. An unmodified Sainte-Laguë method is used to allocate seats in 5 constituencies.	Political parties can nominate up to 150 names. Parties with more than 5 % of votes pass. while the threshold for coalitions with two or three parties is 7 %, and coalitions with four more parties, 10 %. Parties with more than 5 % of total votes, coalitions of 2-3 parties with minimum 7 % and coalitions of 4+ parties with 10 %+ votes are eligible to enter the parliament. Seats are allocated proportionally (method of highest balance with Hagenbach-Bischoffov quota).
Most recent elections	May 2019	July 2021	July 2020	April 2019	October 2018	February 2020
Number of governing MPs (% of total)	Chamber of Representatives: 87 (58 %) / Senate: 37 (62 %)	122 (51 %)*	68 (44 %)	117 (58.5 %)	61 (61 %)	93 (62 %)

* *Note, based on former parliament, as April 2021 and July 2021 elections did not lead to formation of governing coaltion.*

Every country also has its own rules and standards for the parliamentary process, which are constitutionally-compliant and codified in legislation, and/or standing orders or rules of procedure.

Table 2 | Rules governing the parliamentary process

Country	Reference	Weblink
Belgium	Rules of Procedure	Chamber: https://www.lachambre.be/kvvcr/showpage.cfm?section=/publications/reglement&language=fr&story=reglement.xml&lang=fr Senate: https://www.senate.be/doc/Reglement_2021_F.pdf
Bulgaria	Rules of Procedure	https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=114013
Croatia	Standing Orders	https://www.sabor.hr/en/information-access/important-legislation/standing-orders-croatian-parliament-consolidated-text
Finland	Rules of Procedure	https://www.finlex.fi/fi/laki/ajantasa/2000/20000040#L4P37
Latvia	Rules of Procedure	https://www.saeima.lv/lv/likumdosana/kartibas-rullis ([8])
Slovakia	Law 350/1996 Z. z.	https://www.slov-lex.sk/pravne-redpisy/SK/ZZ/1996/350/20210101

Introducing legislation

Unsurprisingly, parliaments in all six countries enable **parliamentarians** to put forward their own proposals (see table 3), either individually (except Latvia, which has a threshold of five MPs) or in groups - up to 10 MPs in Belgium's Chamber of Representatives, and political groups in Croatia ('deputy clubs') and Belgium's Senate. In the case of Croatia, Latvia and Slovakia, standing committees themselves (and other committees / working bodies in Croatia) can also submit laws for consideration.

Table 3 | Right to submit legislative proposals

Source	BE	BG	HR	FI	LV	SK
Individual MPs	X	X	X	X	-	X
Groups of MPs	X	X	X	X	X	X
Standing committees	-	-	X	-	X	X

In Croatia, the Parliament issues guidelines to MPs on **how to draft legislation**, which is published on the Sabor website and the Official Journal ([9]). These rules set standards for technical content of bills and are expected to be applied by the individual drafters and, in the preparatory process, by the Government service (if the Government is the sponsor) and the Parliamentary Service (if the MPs are the sponsors). The Standing Orders require that the bill is reviewed in accordance with the rules and in terms of language. In Slovakia, there is even legislation on drafting legislation and amending acts ([10]). However, governments also provide guidance that is accessible to parliamentarians in two more countries:

- The Ministry of Justice in Finland publishes legislative drafting instructions ([11]).
- The State Chancellery prepared a guide for drafting bills in Latvia ([12]).

([8]) There is also an unofficial English translation, available at: https://www.saeima.lv/en/legislative-process/rules-of-procedure (accessed 11/09/2021).

([9]) Uniform Rules on the Methodology and Legislative Technique for the Drafting of Acts Enacted by the Croatian Parliament, available (in English) at: https://sabor.hr/en/information-access/important-legislation/uniform-rules-methodology-and-legislative-technique (accessed 16/09/2021).

([10]) Law 400/2015 Z.z, available at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/20210101 (accessed 14/09/2021).

([11]) Legislative drafting instructions, available (in Finnish, Swedish, and partly in English) at: https://oikeusministerio.fi/lainvalmisteluohjeet (accessed 09/09/2021).

([12]) Handbook on the development of draft laws and regulations, available at: https://tai.mk.gov.lv/book/1/chapter/23 (accessed 10/09/2021).

Just two of the six countries permit **citizens** in principle to directly propose legislation for parliament's consideration (rather than just petition MPs and suggest legislation) ([13]), although this remains relatively rare in practice:

- The 2012 Citizens Initiative Act ([14]) furnishes a Finnish citizen with the right to vote to take a citizens' initiative to propose a new law, or amend or repeal an existing one. It will be considered by Parliament if it has collected at least 50 000 statements of support within 6 months. If the initiative takes the form of a legislative proposal, it must include the text of the act. The initiative must focus on one issue and must always be accompanied by a statement of reasons.
- The Constitution of Latvia provides that at least one-tenth of the electorate may submit a draft law.

In Latvia, the **president** can also submit draft laws to Parliament.

The procedures can stipulate certain conditions for submission, including **accompanying material**. In Croatia, for example, the bill should be thoroughly edited and corrected, and prepared in accordance with the uniform methodology and legal drafting rules. The sponsor of the bill has to submit a document explaining each provision and substantiating the law, including the constitutional and legal basis, providing information on the person(s) who will introduce the bill, and enclosing the public consultations report or RIA statement, if applicable. In addition, expert opinions and other documents may be provided.

In fact, there is just one country that requires *ex ante* **impact assessments (IAs)** for legislation sponsored by MPs on an obligatory basis.

Table 4 | Use of *ex ante* impact assessments

Source	BE (C)	BE (S)	BG	HR	FI	LV	SK
Parliament-initiated legislation							
Compulsory for new laws	-	-	X	-	-	-	-
Optional for new laws	-	-		-	-	-	-
Compulsory for amendments to existing laws	-	-	X	-	-	-	-
Optional for amendments to existing laws	-	-		-	-	-	-
Citizen-initiated legislation							
Compulsory for new laws	n/a	n/a	n/a	n/a	-	-	n/a
Optional for new laws	n/a	n/a	n/a	n/a	-	-	n/a
Compulsory for amendments to existing laws	n/a	n/a	n/a	n/a	-	-	n/a
Optional for amendments to existing laws	n/a	n/a	n/a	n/a	-	-	n/a

In Latvia, there are prescribed procedures and standards for IAs ([15]). The annotation to the draft bill is a comprehensive *(ex ante)* assessment report on the likely initial impact of the proposed legislation, which accompanies the draft legislation. The initial annotation is filled up by the proposer – mostly, civil servants. However, the initial annotation is not updated when the draft bill goes through reading and numerous suggestions are considered.

([13]) However, citizens can initiate referendums in Croatia that might contain a provision of the law, which has happened once.

([14]) Citizens' Initiative Act (in Finnish and Swedish), available at: https://www.finlex.fi/fi/laki/ajantasa/2012/20120012 (accessed 15/09/2021)

([15]) Cabinet Regulation No. 617, Procedure for assessing the initial impact of the draft legislative act. Riga, 7 September 2021 No 60, §21, available at: https://likumi.lv/ta/id/325945-tiesibu-akta-projekta-sakotnejas-ietekmes-izvertesanas-kartiba (accessed 12/09/2021)

In Bulgaria, there are no prescribed procedures or standards for the IAs. A 2019 review of IAs in one field ([16]) found that those submitted by MPs usually present only one option, i.e. no alternative scenarios are given. Only a small part of the IAs give any consideration to related costs; they were described qualitatively in 16 % and just 7 % had any quantitative expression. Just 25 % of them foresaw an increase in the administrative burden, but only one measured it and the IA did not set out the costs (they were presented in the financial justification). As regards the benefits, 55 % described them qualitatively and only one contained a quantitative expression. The review concludes that the cost-benefit analysis is a weak point in IAs and the sponsors are in the dark about the impact of the implementation. However, the lead committee's report for the first reading of bills must also contain an impact assessment of the proposed legislation, including the financial impact, a summary of the submitted opinions and the committee's summarised opinion.

Furthermore, in Finland, IAs *are* compulsory for parliament-initiated legislation, *if* eventually merged with a government's bill to Parliament. The legislative motions of MPs are expected to be brief, a couple of pages. There are no formal requirements of impact assessment, but MPs are free to refer to any reports in their motion. Similarly, IAs are compulsory for citizen-initiated legislation, *if* eventually prepared by the government as a bill to Parliament.

All six countries have arrangements in place within parliament to **check the quality** of the legislation in terms of language, terminology, constitutionality, and four to check the coherence with the existing legal base.

Table 5 | Checks on proposed legislation

Type	BE	BG	HR	FI	LV	SK
Quality (language, terminology, constitutionality, etc)	X	X	X	X	X	X
Coherence with the existing legal base	-	X	-	X	X	X

For bills introduced by MPs, political groups or standing commitees, these checks are typically performed or assisted by the Parliament's own legal service, but in the case of Slovakia, it is the Government's Legislative Council, which checks all government sponsored laws and may also check parliament-sponsored laws on request. In Finland, the Parliament has no office for checking the quality of legislation, prior to consideration, but all legal proposals from all sources go to a standing committee which always collects opinions of legal experts (relevant civil servants, law professors, Chancellor of Justice, etc.), and the Constitutional Law Committee considers proposals that might have issues of constitutionality. In Bulgaria, the assigned lead committee checks the bill's compliance with the requirements of the Normative Acts Law and Parliament's Rules of Procedure before the start of the essential discussions and, in case of non-compliance, makes compliance recommendations to the sponsor which must be executed within 7 days. In Belgium, checks on language, compliance with the constitution, international agreements and other laws, technical aspects of legislative drafting and coherence with the legal base are made by the Council of State for government bills, but not MP proposals. In the Chamber of Representatives, however, the legislative service of the central parliamentary administration checks legislative initatives and can suggest technical changes.

([16]) Institute of Market Economy (2019), Brief review of quality of impact assessments in the field of justice and the judicial reform, financed by Operational Programme Good Governance, available at: https://ime.bg/var/videos/Impact-Assessment-Judiciary-Legislation-2019.pdf (accessed 17/09/2021).

Considering, scrutinising and amending legislation

Once a legislative proposal is submitted to Parliament, what is the process for its consideration, scrutiny and (probable) amendment, and the decision points to move to the next step or reject the bill, before the final vote to adopt? As well as piecemeal amendments, is is possible for MPs to propose an entire alternative bill to the one under consideration? What happens if there are two bills on related or closely linked topics? And most importantly, when building a model of a quality legislative process, do any of these questions matter?

These rules determine each country's legislative path. Across the six countries, no two systems are the same, but there are common elements. The most notable is that every country combines plenary sessions, in which all MPs have the opportunity to participate and vote, and committee sessions, which perform more detailed scrutiny and make recommendations to the plenary. Moreover, all parliamentary systems permit MPs to make amendments to all laws in all circumstances (i.e. irrespective of source, category or subject).

The case study reports elaborate the system in each country, but regarding plenaries and committee alone, table 6 summarises the 'standard practice' in each country (i.e. most common, e.g. as applied to ordinary laws), which applies in all cases to both new laws and amendments to existing laws. Please note, the number of stages (or 'readings') does not necessarily equate to the number of sessions in which a legislative initiative is discussed, especially at committee stage.

Table 6 | Number of stages in the 'standard' parliamentary process

Country (chamber)	Plenary	Committee
Belgium (Chamber of Representatives) *	1	1
Belgium (Senate) **	1	1
Bulgaria	2	2
Croatia ***	2	2
Finland ****	3-4	1-2
Latvia *****	3	3
Slovakia	3	1

* *The standard process is one reading in both committee and plenary. However, at the committee stage in the Chamber, a single MP can request a second reading; in plenary, a second and third reading are also possible - although not the standard practice.*

** *In the Senate, a second reading at plenary level is also possible, but not common.*

*** *Exceptionally, there is a third plenary session / reading, if decided by the Sabor, requested by the sponsor, or the number of amendments is high or significantly change the nature of the law.*

**** *This includes the preliminary debate in plenary session, which is intended to guide the committee's work, not decide on content, at the end of which the matter is referred to the appropriate committee.*

***** *Note, these are stages after the initial appointment by Saeima and opinion of the responsible committee.*

While there is no 'typical' process, there are two **generic models**, each of which has its variants:

Plenary-led

- Once a legislative initiative is registered, it is put to the full plenary for an initial reading of the whole bill, discussion on its entirety and vote.
- Assuming it passes the vote, it is then assigned to a committee, which considers the detail of the bill and makes proposals for amendments if necessary.
- The bill returns to the plenary for discussion of proposed amendments, at which MPs may propose further / alternative amendments, on which votes are taken.
- Whether the second hearing is the final vote, or the (amended) bill returns to committee, and is subject to further plenaries and possibly further committee rounds prior to a definitive vote, depends on the system and the circumstances.

This is broadly the approach in Latvia and Slovakia. However, before the first plenary session in Latvia, the Saeima appoints a responsible committee, which takes the lead role among the committees and which prepares its initial opinion and explanatory notes. Hence, it *could* be argued that Latvia falls into the second model.

Committee-led

Here, the standing committees debate the legislative proposals first and make recommendations to the full plenary. This is most clearly the model in Belgium, whether the bill is considered by the Chamber of Representatives alone, or whether the bill also passes to the Senate, in each case there are only two steps: single committee stage first, single full plenary second.

In the other countries, the proceedings may or may not start with a full session of parliament, but the committee stage takes precedence, before reverting to the plenary-led model:

- The Finnish Parliament starts with a preliminary debate in plenary session to guide the committee's work, and only after the committee has made recommendations does the Parliament go into a full first reading, with a general debate and then section-by-section deliberations. If the content is adopted according to the committee's recommendations, the reading is declared closed, otherwise it is referred to a Grand Committee, which can propose changes, which the Parliament must decided to approve or reject. The second reading is based on the text at the completion of the first reading, and cannot be alterered, only approved or rejected.
- Once introduced, Bulgaria's Parliamentary Speaker distributes the draft bills among the standing committees and determines the lead committee for each one. At the first plenary session of the week, the Speaker notifies the MPs of the newly introduced bills, their sponsors, and the respective committees.
- Before the plenary session in Croatia, the bill is debated by both the Legislation Committee regarding its constitutionality and the competent committee to adopt a position on all elements of the bill, other commitees may discuss it too.

At the committee stage, draft legislation is either sometimes (Finland) or typically (Bulgaria, Croatia ([17]), Latvia and Slovakia) considered by **multiple committees**, with the various inputs brought together for the plenary. For example:

- In Bulgaria, the standing committees discuss the bills and submit to the Parliamentary Speaker an augmented report, via the lead committee, for first reading at plenary after no more than two months. Bills are discussed in two readings, as a rule in two separate sessions, although the MPs may decide to do it in a single session. At first reading in plenary, the bill is discussed in principle and in general, and the MPs pronounce on its main components. The second reading discusses the bill chapter by chapter, section by section and text by text. If no written proposals or objections have been made, the texts are not read at the plenary session but are added to the session minutes. The second reading only discusses the MPs' written proposals and committee proposals, included in its report. Editorial corrections are also admissible. No proposals contradicting the principles or scope of the bill that passed first vote can be discussed or voted. No hearings or new proposals are admitted.
- In Slovakia, after the first reading in the plenary session, the bill can be referred to multiple committees that read, discuss and provide statements on the proposal. These are assembled by a coordination committee into a final joint report with proposed amendments, which are justified, and final statement for discussion in the second plenary, which votes on all proposed amendments. The MPs that propose amendments during the second plenaries, there are no rules regarding justification. Any amendment proposed by an MP must be supported by at least 15 other MPs.

([17]) In Croatia, for example, there are 29 standing committees and commissions according to standing orders, and 3 more under special decisions and the potential for ad hoc committees. In Finland, there are 16 standing committees, in addition to the Grand Committee.

It should also be emphasised that, in all six countries, the path through the parliamentary process is the same whether the **source** of the legislative proposal is the government, parliament, citizen (in the case of Finland and Latvia) or president (in the case of Latvia).

However, in Belgium, in case of proposals from MPs (as opposed to government proposals), the president of the respective chamber must first determine whether or not it will be considered. If he or she vetoes a proposal, it is referred to the conference of political group leaders for a decision. In addition, the MP needs to request the plenary to consider his/her proposal. The plenary of the Chamber can decide to vote on the proposals if some MPs oppose the consideration of the proposal.

The picture is more complicated for the **category** of legislation, as four of the six countries have different legislative paths depending on the circumstances.

In the case of Belgium, there are three main types of procedure that reflect the bicameral nature of the Federal Parliament: the bicameral procedure applies in a limited number of circumstances where both the Chamber and Senate must consider and approve the proposal (e.g constitutional amendments); the optional bicameral procedure applies in most cases where the Senate acts as a 'chamber of reflection' and proposes amendments, but the Chamber has the final say on whether to accept them; and the monocameral procedure applies to certain policy fields in which only the Chamber of Representatives has competence ([18]). Regarding the federal budget, this is sent to all committees (for an opinion), but the main discussion is in the Budget Committee. Overall, it follows the same procedure as legislation (committee stage -> plenary stage), albiet with strict deadlines.

In Croatia, there are special rules in the Standing Orders regarding certain categories ([19]):

- State budget – the Government is the sole proposer and there is one reading (plenary session) only.
- Laws ratifying international treaties – the final proposal is submitted as an initial proposal and there is again only one reading (plenary session).
- Laws aligning or transposing EU acquis – these are processed under the urgent procedure ([20]) if requested by the sponsor, and if there is no objection from the standing committees on constitution and legislation, in which case the proposal of the law is treated as submitted in the form of final proposal and second reading (otherwise it defaults to initial proposal and first reading).

In Latvia, the Constitution and rules of procedure stipulate that a draft law can be adopted in two readings, if it is urgent. As a rule, two readings are applied for draft laws on the state budget or amendments to it, as well as the approval of international treaties. All other draft laws are perceived as non-urgent and go through the ordinary procedure.

In Finland, if a proposal concerns the Constitution, it must first be approved by a simple majority of votes on its second reading. It is then left in abeyance until after the next general election, when the newly-elected Parliament brings the bill back up for discussion. Final approval requires a two-thirds majority of votes, and no changes may be made in the bill's content at this time. However, a bill regarding the Constitution need not wait until after the next general election if it is declared urgent by a five-sixths majority of votes and then approved by a two-thirds majority.

([18]) There are also 'special laws' that require a qualified majority in both Chamber and Senate. They do not alter the Constitution, but mainly deal with institutional issues.

([19]) In the case of constitutional laws, constitutional amendments and organic laws, there are specific requirements concerning the (higher) majorities required to adopt them, but the paths are the same as ordinary laws. There are also restrictions on the source of constitutional amendments (President, Government, or at least one-fifth of MPs), and promulgation is by the Parliament.

([20]) If the sponsor is an individual MP, the request has to be supported by an additional 15 MPs. If the sponsor is a deputy club (political group), it has to have at least 15 MPs (or if there are more than one group sponsoring the bill, than together they have to have at least 15 MPs).

More generically, **urgent procedures** can be used to accelerate the legislative process and short-circuit scrutiny, as well as the specific circumstances mentioned above in Croatia and Latvia. In Finland, for example, a proposal can be declared urgent by a standing committee or plenary before the second reading. The process remains the same but can completed in a few days.

In three countries, MPs can go further than amend the bills under consideration, and instead propose their own **alternative legislation**:

- In Latvia, the committees to which the Saeima has referred the draft law may draw up their own draft proposals for consideration. This can result in three outcomes, according to the rules of procedure: merger and submitting an alternative bill for consideration at first reading; incorporating the new draft bill into the original bill as a proposal for second or third reading; or move each bill, so that they are voted on separately. The alternative legislation is always discussed in the plenary session where the decision is made to accept it (i.e. it proceeds to the committee stage and follows the standard procedure) or reject it, in accordance with the rules of procedure, and all draft bills are published as normal.
- In Bulgaria, MPs can express their intention in plenary sessions to propose alternative legislation, but they must do so in committee sessions, where the proposals can be debated. There are no specific rules which govern or constrain such proposals, however, they must be entered in the public register like all other legislation, along with accompanying documentation, including impact assessments.
- In Finland, it is theoretically possible for MPs to propose alternative legislation, but improbable. The Government's bill would need to be rejected at the committee stage and 'replaced' by an MP motion or citizens' initiative which the standing committee submits to the plenary for consideration. In the event of this happening, the most likely scenario is that government bill and MP motion would be integrated (see next point).

In Belgium, alternative legislation is technically possible, but would be treated as simply another form of amendment and follow the same procedural steps. Similarly, MPs, political groups and working bodies (committees) in Croatia can all put forward legislative proposals in parallel with ongoing proceedings, irrespective of the source of the original bills, and it is subject to the same procedural steps. There is no scope in the Slovak system for MPs to propose replacement legislation during consideration of a particular bill.

Unlike Latvia (above), Bulgaria and Finland (see below), there is no scope in the Belgium, Croatia or Slovakia systems for MPs to **merge legislative proposals** during consideration of a particular bill, as each proposal has its own procedural path, and hence merger is not envisaged in the standing orders (although committees might debate on multiple proposals together and in parallel in one session).

- In Bulgaria, legislative proposals can be merged if they refer to the same topic and policy field. The standing committees discuss all bills regulating the same or similar matters simultaneously until the lead committee starts the discussions. When more than one bill on the same matter has passed first reading, the lead committee merges them into a single joint bill (within 14 days) with the participation of their sponsors and submits it to the Speaker and the MPs for written proposals.
- In Finland, Government bill and parliamentary initiatives (MP motions) on the same subject are considered in conjunction with each other and are subject to a joint report, unless special reasons require otherwise. The respective committee must ensure that the merger does not delay the report that is drawn up on the basis of the government's proposal. Depending on the case, the joint report may mean a rejection of a motion of MPs, in order to prevent fragmentation of legislation, but there is no statistic as to how often this type of merger occurs. The Speaker's Council suggests the merger when it proposes the agenda for the plenary and suggests which committee(s) will consider the proposals.

In Bulgaria and Slovakia, the rules of procedure do not permit **amendments to bills** that are not directly related to the contents of the law (Slovakia) and fundamentally

change the bill and contradict its principles, scope and justification after first reading (Bulgaria), although this leaves scope for interpretation in practice. In Croatia, if the scope and nature of the amendments tabled for a certain bill significantly alter or deviate from the final proposal, the Parliament may decide to postpone the debate so that MPs can prepare themselves. Similarly, in Belgium (both chambers), amendments must be directly related to the precise subject matter or article.

In general, parliaments follow their own processes, as laid down in law, standing orders or rules of procedures, as would be expected. However, interviews with both governing and opposition MPs in one country indicated that there are incidences of **divergence from procedure**, such as the introduction of final provisions of newly adopted laws incorporating text without discussion and debate, when fast amendments need to be adopted, usually to avoid consequences if certain deadlines have been missed.

Other than the effect of emergency procedures on accelerating the legislative process, the only countries with substantive **time limits** on the whole legislative process are: Belgium, whose Senate must decide to invoke its right to scrutinise the Chamber's legislation under the optional bicameral procedure (15 days), and then again to discuss and amend the text (30 days); and Finland, where all legislative proposals (from any source) lapse in the end of Parliament's 4-year term. The latter is not insignificant, of course, as it affects the behaviour of both the governing and opposition parties in the final session of the parliamentary term, as there are incentives to both speed-up and slow-down the process respectively.

There are also specific **timing obligations** on certain tasks within rules of procedure. These are usually maximum periods, which are designed to expedite the process efficiently (e.g. the parliamentary speaker in Bulgaria must distribute draft bills to standing committees within 3 days of their introduction). However, there are also minimum periods, to ensure there is sufficient time for reading, debate and reflection (e.g. standing committees in Bulgaria discuss bills not sooner than 24 hours after receipt, and the second reading (adopt or reject only) can be arranged no earlier than 3 days in Finland.

Clearly, in all six countries, the **committee stage** makes a critical contribution to the legislative process. Committees might hold more than one session during the committee stage. This is common in Finland, for example, where the average is estimated to be three or four sessions per legislative proposal, in the absence of official data. Similarly, it is estimated that there can be up to 15 committee meetings in Belgium, depending on the length, complexity and political sensitivity of the bill.

As with other key factors, the **composition** of standing committees is governed by parliamentary rules. As table 7 shows, committees typically comprise 10-25 members.

Table 7 | Standing committee membership

Country	Composition
Belgium	Chamber of Representatives' committees consist of 17 members, proportionally distributed among the political groups. Independent MPs can sit in committees, but do not have any voting rights. The relatively low number of members means that small political groups are not represented in the committees (or have no voting rights). Senate committees consist of 20 members, which are proportionally distributed among the political groups.
Bulgaria	Each standing committee has a chair and 4 deputies. There is no prescribed maximum size, but the proportion of the parliamentary groups' size should be observed, with the exception of the committee on combat with corruption, conflict of interest and parliamentary ethic.
Croatia	A typical committee has 13 MPs (including chair and vice chair), reflecting the composition of parliament plus 3-6 external members, although this can be as low as 0 or high as 9. Two committees have 15 and 16 MPs respectively
Finland	The Grand Committee has 25 members and 13 alternates. The standing committees normally have 17 members and 9 alternates, however, the Finance Committee has 21 members and 19 alternates, the Audit Committee has 11 members and 6 deputies, and the Intelligence Control Committee has 11 members and 2 deputies. The Parliament can alter the number of members / alternates of standing committees, and alternates of the Grand Committee, on the committee's proposal. Membership reflects parliament's composition. A representative who has already been elected as a member of two committees shall have the right to refuse to serve on more than one committee.

Country	Composition
Latvia	The Saeima determines the principles for establishing standing committees, which are formed after each election, and their composition, which can change over time (e.g. when an MP leaves a political partry), but must proportionally reflect the make-up of the elected parliamentary groups. Exception is made for the Mandate, Ethics and Submissions Committee, which consists of two members elected from each parliamentary group, and the National Security Committee, which has one representative from each parliamentary group.
Slovakia	There is no prescribed size, but the rules state that *normally* the committee should have 12 members. One MP can be a member of maximum two committees.

In Croatia, the external members are appointed on the basis of the public call for proposals, which can be made by expert organisations (e.g. academia, research and other organisations specialised in the matter), expert associations, civil society organisations, and individuals themselves. For certain committees there are particular addressees of the public call, such as trade unions, particular associations, or denominations.

This external membership is a factor in access to **expertise and evidence**, as well as engaging stakeholders. Table 8 summarises which parliaments make specific provisions to bring these inputs into their deliberations by including them in their systems and procedures.

Table 8 | Access to evidence and expertise in principle

Potential source	BE (C)	BE (S)	BG	HR	FI	LV	SK
Parliament can commission studies	-	-	-	X	X	X	X
Committees can invite written submissions from experts	X	X	X	X	X	X	X
Committees can take oral evidence from experts	X	X	X	X	X	X	X
Committees can include experts as non-voting participants	-	-	X	X	-	X	-
Committees can include experts as voting participants	-	-	-	-	-	-	-
Committees can conduct site visits and field trips	X	X	-	-	X	X	X

While these scenarios might exist, parliaments do not always have to apply them, and hence the following table summarises the practice in the last full legislative year. Please note, that this does not mean that, for example, *every* committee has taken oral evidence from experts or conducted site visits, but rather that there are incidences where the option has been taken up. As highlighted (in blue) in table 9, the difference between opportunity and application can work in both directions. For example, while the procedures in Latvia do not foresee Saeima commissioning studies, and likewise site visits in Croatia's Sabor, it is not expressly disallowed.

Table 9 | Use of evidence and expertise in practice

Actual source	BE (C)	BE (S)	BG	HR	FI	LV	SK
Parliament does commission studies	-	-	-	-	X	X	-
Committees do invite written submissions from experts	X	-	X	-	X	X	X
Committees do take oral evidence from experts	X	-	X	X	X	X	X
Committees do include experts as non-voting participants	-	-	X	X	-	X	-
Committees do include experts as voting participants	-	-	-	-	-	-	-
Committees do conduct site visits and field trips	X	-	-	X	X	X	X

Given their mandate and membership size (relative to the full plenary), committees can also be the forum for parliaments to **engage with social partners**, namely representatives of employers/businesses, employees/trade unions and civil.

Table 10 | Involvement of social partners

Potential source	BE (C)	BE (S)	BG	HR	FI	LV	SK
Committees take written evidence from representatives	X	X	X	-	X	X	X
Committees take oral evidence from representatives	-	-	X	X	X	X	X
Committees include non-voting representatives	-	-	X	X	-	X	-
Committees include voting representatives	-	-	-	-	-	-	-

As table 10 shows, this is the case in four of the six countries:

- In Finland, standing committees acquire oral and written statements for social partners as a regular practice before drafting the committee's report for the the first reading in full plenary, where it is possible to propose changes to the legislative initiative. The committee may change the original proposal submitted to it, and the changes may originate from consulting with social partners.
- In Latvia, committees may invite social partners to meetings and discussions about the envisaged draft bills and/or amendments. However, there is a not strict description of the circumstances in which such representatives should be invited, which is left to the discretion of the head of the committee.
- In Croatia, the external members of standing committees include some participating but non-voting representatives of social partners. For some committees, the standing order explicitly prescribes which organisations or groups have to represented, while for others the formulation is more general (prominent experts, scholars, and professionals). The standing order also provides for committees to prominent experts, scholars, practitioners to give their opinion on certain matters.
- In Bulgaria, the usual practice for consulting is for the committee chairs to invite the opinions or participation of social partners as non-voting representatives during discussions. Hence, some MPs assert that 'public consultations' are actually held during the work of the committees.

Beyond social partners, committees are also the vehicle for **consulting with other stakeholders and the wider public**. Again, this can be specified in the rulebook, which may oblige the parliament to engage in consultation or present it as an option only.

Table 11 | Rules governing public / stakeholder consultation

Source	BE (C)	BE (S)	BG	HR	FI	LV	SK
Parliament-initiated legislation							
Compulsory for new laws	-	-	X	X	-	-	-
Optional for new laws	-	-	-	-	X	-	X
Compulsory for amendments to existing laws	-	-	X	X	-	-	-
Optional for amendments to existing laws	-	-	-	-	X	-	X
Citizen-initiated legislation							
Compulsory for new laws	n/a	n/a	n/a	n/a	X	-	n/a
Optional for new laws	n/a	n/a	n/a	n/a	-	-	n/a
Compulsory for amendments to existing laws	n/a	n/a	n/a	n/a	X	-	n/a
Optional for amendments to existing laws	n/a	n/a	n/a	n/a	-	-	n/a

As table 11 shows, consultation is only regulated in four of the six countries regarding parliament-initiated legislation, splitting 50:50 between obligatory and optional, while just one of the two countries that permits citizen-initiated legislation also make consultation compulsory on these proposed laws.

- In Croatia, the public consultations procedure has been envisaged since 2013 by the Law on the Right of Access to Information for all laws and by-laws, as well as any other act that affects the interests of citizens (e.g. strategic and planning documents). It requires that the initiator, whether government, MPs or committees to ensure the online publication of a draft law with the possibility of public to send their comments and proposals, with a time frame of 30 days (or shorter if justified). When the updated version of the draft law is submitted for consideration, the documentation has to include a report on the public consultation, listing all received comments and proposals, and explaining why the comment or proposal is not accepted. The requirement on the bill's sponsor to enclose a report on public consultations conducted in accordance with this law is also contained in the Parliament's standing orders. The Parliament has a public consultations webpage ([21]) where all public consultations are listed.
- In Finland, consultation on MP motions is not required, but always takes place in practice, if there is any major change or the proposal is controversial (and the MP motion is initially approved on the agenda, which is rare). When considering a citizens' initiative, the committee is obliged to give an opportunity to hear the representatives of the initiators. Compulsory is only to consult responsible people of the citizen initiative. When considering a bill or other matter which concerns the Sámi in particular, the committee shall reserve an opportunity for the representatives of the Sámi to be heard, unless there is a special reason to the contrary. There is also a 2016 Government handbook for conducting consultations / hearings in the preparation of legislative acts.
- In Slovakia, consultations are possible, but not obligatory, as they depend on the decision of the head of the Parliament. The Office of Government has the mandate to decide on how conclusions are organised.
- In Bulgaria, although there is an obligation to hold public consultations on all legislation ([22]), this only happens in reality with government-sponsored bills (prior to their introduction), and not the bills introduced by MPs. However, citizens and legal entities have the right to express an opinion on bills at second reading, which should be published on the lead committee's web page. Moreover, the rules of procedure were updated in May 2021 to require that, when MPs introduce legislation, including written proposals for amendments to legislation at the first reading, they may be accompanied by a reference of held stakeholder meetings and a clarification whether the bill was prepared by external persons or organisations and which ones.

No public consultation is foreseen in parliamentary procedures in Belgium. However, possibility of hearings with stakeholders and/or experts is included in parliamentary procedures and is frequently used in practice, but in these cases the respondents are controlled by the political groups (of the governmental majority) leading to a much more closed process compared to open consultations.

([21]) Public consultations webpage, available at: https://sabor.hr/hr/pristup-informacijama/savjetovanja-s-javnoscu (accessed 17/09/2021). As at August 2021, the webpage contains information on 30 public consultations from 2013-2020: four by standing committees, four by individual MPs and 22 by political groups (mostly three groups). Out of these 30 public consultations, 26 were held in the 9th term (2016-2020), during which time, the Parliamentary database shows that the parliamentary political groups, for example, submitted 153 legislative proposals (new legislation and amendments to existing legislation).

([22]) According to the National Assembly's rules of procedure, public consultation requirements of article 26, paragraph 3 of the Normative Acts Law apply for draft bills introduced by MP. Information about ongoing and conducted consultations should be included in the public consultations section on the parliament's website. No public consultations held by the 44th National Assembly can be found in the website's archive, as at August 2021.

Similarly in Latvia, while public/stakeholder consultations are not envisaged in laws, procedures and standards, consultations are organised in fact and experts from industry and academia are often invited to the meetings of standing committees.

To be effectively engaged, both directly affected parties and the wider public must first have access to parliament, and hence **openness** is also a factor in the quality of the legislative process.

Table 12 | Open parliament

Issue	BE*	BG	HR	FI	LV	SK
Draft legislation is published before consideration by parliament	X	X	X	X	X	X
Amendments to legislation under consideration are published	X	X	X	X	X	-
Altermative proposals to legislation under consideration are published	n/a	X	n/a	X	X	n/a
Proposals to merge laws are published	n/a	X	n/a	X	X	n/a
Plenary agenda and timetables are published online	X	X	X	X	X	X
Plenary sessions are open to the media (physical presence)	X	X	X	X	X	X
Plenary sessions are open to the public (physical presence)	X	X	X	X	-	-
Plenary sessions are broadcast on public TV **	-	X	X	X	-	-
Plenary sessions are streamlined online	X	-	X	X	X	X
Plenary proceedings (minutes) are published (online)	X	X	X	X	X	X
Plenary decisions are published (online)	X	X	X	X	X	X
Committee agendas and timetables are published online	X	X	X	X	X	X
Committee sessions are open to the media (physical presence)	X	X	X	-	X	X
Committee sessions are open to the public (physical presence)	X	X	X	-	X	-
Committee sessions are broadcast on public TV	-	-	-	-	-	-
Committee sessions are streamlined online	X	-	-	-	-	-
Committee proceedings (minutes) are published (online)	X	X	-	X	X	X
Committee decisions are published (online)	X	X	X	X	X	X
Each new law is published in its adopted form ***	X	X	X	X	-	-
Each amendment to an existing law is published in its adopted form	X	X	X	X	-	-
Amendments to existing laws are published in consolidated form	X	-	-	X	-	-
Information on the legislative process (e.g. steps) is published	X	X	X	X	X	X

* *Applies to both Chamber of Representatives and Senate*

** *In Belgium, only the 'question time' in the Chamber is broadcast on TV.*

*** *In Belgium, publication takes place in the Official Journal, which is managed by the Ministry of Justice, not Parliament, which also applies to amendments (next two items).*

As table 12 suggests, parliaments are generally open institutions, although the extent of the openness varies:

- In Belgium, all legislative proposals are published on the websites of both the Chamber of Representatives and Senate. Plenaries and committees are also very accessible. However, the Conference of Presidents in the Chamber or the committee in charge (by two-thirds of the vote) may decide before the discussion in committee that a bill or proposal is considered *in camera*. The Senate can also meet *in camera* at the request of the Senate President or 10 members, and then the Senate decides, by an absolute majority of votes, whether the meeting will be resumed in public on the same subject. Every legislative proposal has a dedicated page in the parliamentary database, consisting of the different steps in the parliamentary procedure, the minutes of the meetings, the text of the amendments, etc. However, these pages are difficult to find and the database is not very user-friendly.

- According to the rules of procedure in Bulgaria, every legal text that is officially introduced in the National Assembly should be published, regardless of sponsor and with its accompanying documentation (impact assessment, etc.). Again, plenaries and committees are highly accessible. Closed sessions of the National Assembly are held when required by important state interest or documents are discussed that are protected by the Law on Classified Information. Proposals for closed sessions can be made by the Parliamentary Speaker, 10 % of the MPs or the Council of Ministers, but the decisions taken in closed sessions should be publicly announced. The National Assembly's website has a 'Bills' section with the following information categories for each bill: who introduced it, lead committee, Committee report for first reading, deadline for proposals before the second reading, report for the second reading, discussion of the bill in the committees and in plenary sessions, committee sessions minutes, plenary sessions minutes, opinions. The information is far from complete.
- In Croatia, all legislative proposals are published once they are sent to the Parliament. Initially, they are published in the section 'new acts', and then published in the section 'agenda' where all information is visible – the content, status, dates (submission, inclusion on the agenda, discussion, voting, etc.), corresponding documents (Government's opinion, opinions of the standing committees, etc.). Once adopted, it will also be included in the legislative database where all information can be found, including the video and audio recording from the plenary session. Plenaries are highly accessible and, while committees are not broadcast or streamed in general, unless the committee decides so, which applies to the more important discussions; the COVID-19 pandemic has opened up the space for greater transparency. There are exceptions to this openness: where it involves: classified information (issues of national security etc.); a committee decision to restrict publicity of a particular session or part thereof, although even in this case the media may be allowed to be present, but information they can present to the public may be restricted. Access to information legislation applies to information held by the Parliament on any media, so the Parliamentary information officer has to perform test of public interest and argument that the disclosure would seriously undermine and damage some of the legally enumerated legal interests (national security, privacy, etc.), if he or she wishes to restrict access.
- In Finland, bills are public, but confidential material may be used during consideration, which is not disclosed, if this would cause significant damage to Finland's international relations or capital and financial markets, or endanger national security, or if they contain information relating to business or professional secrecy or a person's state of health or financial situation and disclosure would cause significant inconvenience or damage, unless there is an overriding social need to disclose them. Recorded plenary sessions are available for free through the Finnish public broadcasting company and on the website of Parliament. Committees can invite experts for public hearings that are published both as video files and in text form, and committees have the discretion to arrange public meetings that are recorded (with the exception of confidential matters) – but most committee meetings are closed. All documents of legislative work are published on the Parliament website (in Finnish and Swedish).
- In Latvia, there is a register of submitted bills as an open-access online platform with information of draft bills in their different stages. The Saeima may, at the request of 10 MPs, the President of the State, the Prime Minister or a Minister, decide to hold a closed parliament session by not less that a two-thirds majority of MPs present. The meetings of standing committes are open to the public, but closed meetings may also be held based on a decision of the Saeima or the committee if there are special conditions; this is very rare, however.
- In Slovakia, the Head of the National Council guarantees the immediate publication of the submitted law on the web of the National Council, minimum 15 days before first reading (except for emergency laws). There are exemptions to the transparency of plenary and committee sessions for security purposes, where some sessions can be closed under the law.

Adopting, rejecting or withdrawing legislation

In none of the parliamentary systems is it possible to proceed **straight to a vote** without the parliament first considering and scrutinising the legislation, irrespective of the source of legislation (government, parliament or citizens).

There is limited information on the **actual time taken** for the legislative process in the six countries.

Table 13 | Available information on time taken

Potential source	BE (C)	BE (S)	BG	HR	FI	LV	SK
Number of days spent in plenary	X	X	-	X	-	X	X
Number of hours of deliberation in plenary	X	X	-	X	-	-	-
Number of days spent in committee	X	X	-	-	-	-	X
Number of hours of deliberation in committee	X	X	-	-	-	-	-

As table 13 shows, it is possible to access information on time spent scrutinising laws in plenaries and committees in four countries, but this data is not always readily available:

- In Belgium, the annual reports of both the Chamber of Representatives and the Senate include data on the number of meetings and their duration.
- In Latvia, the annual report ([23]) presents statistics regarding scrutiny of the draft laws and progress of adoption, draft laws submitted to the Saeima and laws adopted, draft decisions submitted to the Saeima and decisions and notices adopted by the Saeima, sessions and meetings of the Saeima, coverage of the proceedings of the Saeima. There is information about plenary sessions – number of days and hours spent - but no information about committee sessions.
- In Slovakia, the legislative process can be followed step-by-step on the web of the National Council – but only days.
- In Croatia, it is possible to access data on number of days in procedure and number of hours of deliberation, in the sense that it exists, but it is not easily available. For each particular piece of legislation (e.g. by selecting all laws adopted in one session) it is possible to see the day of the entry into procedure, the day on the decision of the type of procedure, the day of opening of the discussion, the day of closing the discussion and the day of adoption. However, there is no aggregated statistical data, unless the researcher collects data manually and calculates the exact time span for each particular piece of legislation. By improving the disclosure (e.g. through statistical reports, or by open data publication), it could be easily available. Similarly, number of hours of deliberation is not available as aggregated data (or for each particular legislative draft), but by entering each particular video of the discussion in plenary one can see the time span spent in the discussion.
- In Bulgaria, no annual reports or statistics are collected and presented publicly. It is almost impossible and definitely unreliable to derive this data from the publicly displayed information.
- In Finland, the minutes of the plenary sessions and committee sessions show when the session started and when it ended, but there is no indication, how long each legal proposal was dealt with. However, the speeches of MPs given in plenary sessions are recorded and published in the final minutes (only the text). The starting time for each speech is given in the minutes. Anecdotally, the committee stage can vary in length. Generally it takes 1-2 months for a committee to deal with a matter, but urgent matters can be considered in just a few days if necessary, while large legislative projects can take many months or even years.

([23]) Annual report of Latvian Parliament, available at: https://www.saeima.lv/lv/par-saeimu/publikacijas-un-statistika (accessed 14/09/2021).

Of the six countries, just Slovakia publishes information on the percentage of laws **withdrawn** before being put to a vote, although it could potentially be retrieved in Croatia from the legislative database.

Similarly, just Croatia and Slovakia publish information on the number of legislative initatives **rejected** by parliament, although Finland does publish the reasons for rejecting legislation as part of the minutes of the discussion in plenaries, and the reasons can also be researched in Croatia from plenary sessions or committee meeting minutes. All the countries except Bulgaria publish the texts of the rejected legislation.

Once Parliament has adopted the legislation, it passes to the head of state (or parliamentary speaker, in the case of Bulgaria) for **signature**, followed by publication in the official gazette. The post-adoption signature presents a spectrum of scenarios in which the law might or might not be enacted, and hence the legislative process either not completed or re-opened:

- In the case of Belgium, the signature is largely a formality, although there have been occasions in the past when the King refused to sign a bill (most recently in 1990 concerning a bill decriminalising abortion).
- If the Head of State in Finland decides to refer the legislation back to Parliament, it can be adopted without his or her further input.
- In Latvia, the President may require that a law is reconsidered within 10 days of its adoption using a written and reasoned request to the Chairperson of the Saeima. If the Saeima does not amend the law, then the President may not raise objections for a second time.
- In Slovakia, the President can return the law, in such case it is again voted by the Parliament. If it receives a simple majority of the votes (i.e. at least 76), the law cannot be returned by the President again.
- In Bulgaria, the President has the right to issue a decree to return an adopted law to the National Assembly for reconsideration, the reasons for which are published in the President's decrees on his/her website.
- In Croatia, the President does not have a suspensive veto power but, in case he/she finds that the law is not in conformity with the Constitution, he/she is entitled to institute a constitutionality review procedure before the Constitutional Court.

Official information on the number of referrals is published by parliaments in Finland, Latvia and Slovakia, but only Latvia publishes the reasons.

The case of Croatia is an example of **post-adoption safeguards** against potential irregularities in the legislative process. The review of the constitutionality of the law, including conformity with the procedural provisions of the Constitution ([24]), may be initiated by one-fifth of MPs and by a parliamentary committee *inter alia* (citizens may also *propose* a review of its legality). Also, any individual can submit a constitutional complaint if the law applied to the decision which affects one's legal interests, rights or obligation is unconstitutional (in a formal or material aspect). The database of the Constitutional Court contains information on cases before the court and the decisions, which are also published in the Official Gazette. In Bulgaria, laws can also be challenged before the Constitutional Court with the signatures of 48 MPs. Similarly, MPs (deputies) in the Slovak National Assembly and the President can request the Constitutional Court conducts a review.

There are also less formal means of **highlighting irregularities**, as happens in Finland (where there is no Constitititional Court). Here, professors are active in the media, if there might be a processual mistake or conflict with domestic or international law in proposed or even adopted legislation. Citizens may also appeal to the Chancellor of Justice and Parliamentary Ombudsman.

([24]) In 2011, two organic laws were voted by relative majority instead of absolute majority and the Court found them to be unconstitutional.

There are also provisions to put adopted legislation to a **plebiscite**. In Latvia, there is a further provision in its Constitution which gives the President the right, within 10 days of its adoption, to suspend the proclamation of law for 2 months if requested by at least one-third of MPs. The law would then be put to a national refendum if requested by at least one-tenth of the electorate, otherwise the law is proclaimed at the expiry of the 2-month suspension, unless the Parliament (*Saeima*) votes on the law again and it is supported by at least three-quarters of MPs. These provisions do not apply if the Saeima determines a law to be urgent by at least a two-thirds majority vote.

More mundanely, the Parliament in Finland can make its own **corrections** of the text of even an adopted law ([25]).

Only Slovakia ([26]) publishes information on the number of **amendments to existing legislation** (i.e. the number of times the law has been amended).

Support structures

Each of the six parliamentary systems benefits from support structures, as standing (not ad hoc) resources that MPs can call upon during the legislative process, as summarised in table 14 below.

Table 14 | Available support systems

Source	BE	BG	HR	FI	LV	SK
Parliament library	X	X	X	X	X	X
Information service for all MPs	X	X	X	X	X	X
MPs' personal assistants perform research & analysis	-	X	X	X	X	X
Political groups provide research & analytical support to their MPs	X	-	X	X	-	X
Parliament commissions studies (e.g. from institutes)	-	X	-	X	X	X
Government officials provide advice and other services	-	-	-	X	X	X
Committee secretariats provide substantial policy support	-	-	-	X	-	X
Other	X	-	-	X	-	-

Regarding 'other':

- In Finland, the Parliament library utilises (on a limited basis) econometric simulation models of alternative policies, which is normally used by opposition parties in formulating their 'shadow budgets' opposition, for example. Experts from the library also prepare information packages with legal comparison and research materials (inter alia) on selected, ongoing legislative projects for customers ([27]).
- While the MPs in Belgium can rely on support services (among others, from the library), their work is usually limited to collecting information. Substantial policy analysis and advice does not occur. However, the Senate established a 'knowledge centre on institutional affairs' in 2019 to support its activities regarding constitutional issues.

However, availability of support systems alone is not a guarantee of impact. Parliamentary services are often relatively well staffed, but inevitably most employees are devot-

([25]) In a recent case, the text of an adopted law referred to §3 in another law when the purpose was to refer to §2. It was considered a typo, although the consequences of the change would have been formally drastic without self-correction. Available at: https://www.eduskunta.fi/FI/tiedotteet/Sivut/Sote-lainsaadannon-voimaanpanolakiin-sis%C3%A4ltyvan-kirjoitusvirheen-korjaaminen.aspx (accessed 15/09/2021)

([26]) https://www.zakonypreludi.sk (accessed 17/09/2021)

([27]) Currently 34, the information packages are available at: https://www.eduskunta.fi/FI/naineduskuntatoimii/kirjasto/aineistot/kotimainen_oikeus/LATI/Sivut/default.aspx (accessed 15/09/2021)

ed to the business of running parliament, rather than advisory assistance. Library and information services are valuable resources, but information needs interpretation to have an influence on the legislative process, which puts the onus on access to analytical support, both technical and substantive, and capacity to craft counter-proposals (amendments) to legislation under consideration.

- Parliament might finance one or more personal assistants for MPs, or provde a set allowance to cover assistant and office costs (e.g. EUR 4 000 monthly in Slovakia), but they can be mainly or solely occupied with administrative matters, and might not be qualified to perform research and analysis.
- Some parliaments finance assistants on the basis of political groups, rather than individual MPs (e.g. Belgium's Chamber of Representatives), although in some cases, parliamentary advisors are seconded to the extra-parliamentary headquarters (also the case in Belgium), reducing the available policy capacity in parliament. Political parties can, of course, staff support from their own resources (e.g. larger parties in Finland's Parliament have 30-40 staff in their secretariats).
- Government officials can be accessible to all parliamentarians, but may tend to mainly support the governing party in its deliberations (e.g. Bulgaria).
- Some parliaments have finances set aside for procuring external expertise (e.g. Croatia's Parliament spent EUR 90 000 in 2020 on intellectual services, although it is not clear whether the amount is related exclusively to that type of service, as it also covers temporary employment *inter alia*).

Demand is equally important as supply for impact: MPs' individual workloads and their specific and specialist subject needs are hard to quantify. They may often have to rely on their own knowledge, experiences and ad hoc support from external bodies, including non-governmental organisations, as well as the political party infrastructure. Committee secretariats can provide the best qualified support, especially if they are staffed by impartial public servants with both subject and procedural know-how, and continuity.

4. CONSTRUCTING THE CONCEPTUAL MODEL

The actual parliamentary practices in the six countries described in this study provide inspiration for identifying the ingredients of a quality legislative process. In this context, the TEG proposes to structure the conceptual model on key principles that should be in place to achieve quality.

These principles have been influenced by the gold standard of the EU's Better Regulation agenda, with its goal of a 'simple, clear, stable and predictable regulatory framework' ([28]). However, as the EU's guidelines and toolbox were conceived in the context of strengthening the preparation and implementation of EU law (regulations and directives), and is applied by the European Commission rather than the European Parliament, the TEG concluded that not all of its dimensions can be easily transferred from the executive's practices into the framework of the legislature's principles. Nevertheless, 'Better Regulation' provides a valuable reference point for mapping the parliamentary process in Member States, supplemented and complemented by other relevant values. In this frame, the TEG is proposing the following five principles.

([28]) 'Better Regulation: why and how', available at: https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en (accessed 12/09/2021).

Principle 1: Integrity

The use of 'integrity' here is intended to convey its broader meaning of soundness and wholeness, rather than its ethical connotations. The concept behind this principle is that the outcome of a quality legislative process should be laws that are:

- precise (using appropriate and unambiguous terminology, legally and technically);
- concise (not over-elaborated with superfluous text);
- comprehensible (user-friendly to MPs, the public, and directly affected parties, i.e. stakeholders);
- permissible (allowed under the constitution);
- concentrated (focused on a specific topic, rather than an amalgm of unrelated topics); and
- coherent (with the rest of the legal base, rather than contradictory or producing anomalies).

Hence, the parliamentary process should be able to deliver this outcome, irrespective of the source (government, parliament or citizen initiative), category (e.g. organic law, ordinary law, constitutional amendment, treaty ratification, etc.) or subject of legislation. This principle embodies elements of the 'simple, clear regulatory framework' under the Better Regulation agenda, but applies to individual legislation (which should be clear, but not necessarily simple, depending on the subject).

Principle 2: Transparency

The underlying concept is that the quality of a legislative process is likely to be higher if it also open to external scrutiny and public accountability, not just internal rules and standards. However, it is also recognised that there are some circumstances in which proceedings (e.g. committee sessions) have to be 'closed', because the discussion concerns sensitive issues (for example with respect to national security, intelligence and defence matters), and that MPs also need time for reflection out of the public eye. Hence, transparency should be optimised, not maximised. Freedom of information legislation can, to some extent, provide transparency, so (where it exists) this provides a platform on which less 'passive' transparency can be built.

Principle 3: Inclusiveness

Like transparency, which is a prerequisite, this concerns the democratic quality of the legislative process. It also directly mirrors the Better Regulation framework for the executive. The proposition is that interested parties (direct stakeholders) and the wider public (ultimate stakeholders) should be engaged in the legislative process through consultation, irrespective of the source, category or subject of the legislation.

Principle 4: Robustness and rigour

Again reflecting the Better Regulation agenda, this principle provides that all legislation, irrespective of source (government, parliament or citizen) should be evidence-informed, and subject to impact assessment to weigh up the pros/benefits and costs/cons, before a decision is taken. Furthermore, the scrutiny of legislation should be both thorough and timely. Clearly, legislation should be expedited as quickly as possible to address policy challenges and secure rights at the earliest opportunity, but it should not be fast-tracked unless there are exceptional and justified circumstances.

Principle 5: Predictability and regularity

From the Better Regulation agenda, the legal framework should be 'stable and predictable'. This principle focuses on the predictability of the legislative process, and its regularity, in the sense of the same procedure always being followed in the same circumstances. This would then mean that all the stages and steps of the legislative process are carried out consistently and according to a pre-determined set of rules. This has potentially two dimensions: clear rules are in place (as laws, procedures and standards) and they are applied.

5. PROPOSED INDICATORS

For the purpose of proposing indicators, these principles have been elaborated as one or more key topics in each case. The following five sub-sections summarise the 'low-hanging fruit' indicators have been elaborated and assessed by the TEG experts, and identify 'high-hanging fruit' issues for further research.

Each topic is explained by its rationale, and each 'low-hanging fruit' indicator is presented to a common format:

Indicator	Name
Definition	The definition is formulated to be easily converted into a question, with either a 'binary' response (yes, no, not applicable) or quantitative response (e.g. number, %).
Response categories	This sets out the possible options for response to the posed question.
Explanatory factors	Here, we note whether there might be qualitative factors that should be taken into account in interpreting the response, and which would therefore require a box below the question to allow the expert to 'qualify' the information provided with context.
Sources	Here, we set out the expected source of information for this indicator (e.g. parliamentary websites, rule of procedure / standing orders, parliamentary reports, interviews, etc.), and any other confirmatory information that is appropriate.
Notes	Here, we provide any necessary guidance that is specific to the indicator, for example more detailed specifications for the question, such as clarify any terminology
Assessment of indicator	
Country coverage	Here, we summarise the country coverage of the indicator based on the sample of countries studied e.g. 'indicator measurable in five countries', or noting when it arose out of discussions in the TEG roundtables and hence not covered by the country case studies.
Frequency of data availability	e.g. 'Annual', 'Once'
Overall indicator level	Based on country coverage, frequency of availability and any other qualifying factors, here we provide an assessment of the operability of this indicator on a score of 1-4, which will help to categorise it as hanging fruit that is very low (1), low (2), medium (3), medium-high (4).
Commentary	Here we provide any explanations that are useful to interpret the indicator score, including major differences in methodology across countries, and any further thoughts here regarding the indicator, especially any caveats or conditions for interpreting the finding.

Please note, the lower the indicator score, the higher the operability, and hence level '5' would be the equivalent of 'high hanging fruit', in other words, the most 'out of reach' currently.

Principle 1: Integrity

This principle has been elaborated as three topics, with a total of five potential 'low hanging fruit' indicators and some others that lend themselves more to research or evaluation work:

- Quality of legislative drafting;
- Coherence of legislation; and
- Institutionalisation of quality assurance.

Quality of legislative drafting

Rationale: To be of good quality, the legislative drafting process is expected to involve means and tools that ensure alignment of laws with the constitutional principles of legality, effectiveness and legal certainty, and achieve the desired regulatory results and policy outcomes. A good quality legislative process, including a high standard of preparation, enables legislation to act as a legal expression of regulatory choice. Well-drafted legislation gives effect to policy, is legally sound and accorded with international obligations, and is implementable because it is intelligible.

Indicator 1	Procedures and standards for drafting legislation
Definition	Formalised guidelines (procedures/techniques and standards) direct the sponsors of legislation, irrespective of source (government, parliament, president or citizens), and those tasked with quality assurance, in ensuring legislative initiatives are prepared for submission to parliament on a consistent and high quality basis.
Response categories	Has the parliament adopted a law, issued instructions and/or relied on government guidance (in lieu of parliamentary equivalent) on preparing and drafting legal text to defined standards? • Yes • No • Data not available
Explanatory factors	If yes, please specify whether it is adopted and issued by Parliament or by Government, and provide reference(s) / weblink(s), and whether it includes: • Guidelines on how to structure legal text • Guidelines on writing styles, use of language and terminology • Constitutionality and legality (what is and is not permissible) If yes, please also state whether the instruction is backed up by legislation (to give it extra force).
Sources	Parliament website, government websites, laws / rules of procedure / standing orders, parliamentary reports.
Notes	The instructions might be codified in law (i.e. a method and standards that are mandatory for all new legislation or amendments to existing legislation), or might take the form of (a series of) manuals or guidance notes that are published or posted on websites with the aim of harmonising drafting techniques and styles for uniform quality of legislation.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. Note, Slovakia's Law 400/2015 Z.z, Croatia's 'uniform rules' (adopted as legislation), Finland's 'legislative drafting guide' (issued by the Ministry of Justice), and Latvia's 'handbook on development of draft laws and regulations (issued by the State Chancellery) are examples of such instructions.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	1 (very low hanging fruit)
Commentary	The indicator is easy to interpret, since it reflects presence/absence of a methodology, and it is also significant as the starting point for a common and consistent approach, while not guaranteeing it is applied (unless codified in law and enforced). The source and precise form of this guidance is less important than its existence and content. On source, the ideal scenario is probably that it is adopted and issued by Parliament, as it would then be 'blessed' by the legislature; if it is adopted and issued formally by Government, it is more likely to be aimed specifically at governmental drafters, and might be more susceptible to frequent changes (which could also be a positive factor, if it leads to improvements). Whether the methodology is consistently applied is 'higher hanging fruit'.

Coherence of legislation

Rationale: The integrity of the legal framework requires that laws cohere with each other, especially in the same or related policy fields, which means that they complement and certainly do not conflict. This has three dimensions: *ex ante* (ensuring that draft laws submitted to the legislative process avoid incoherence in advance); real-time (bringing together overlapping proposals being considered in parallel); and *ex post* (ensuring that the adopted legislation is in a consolidated form that presents all the consequences of the legislative decision-making in one place). The following three indicators on review, merger and consolidation arrangements aim to assess whether the procedures are in place to avoid anomalies.

Indicator 2	*Ex ante* review of legislative coherence
Definition	Process to check the coherence of the proposed legislation (new laws or amendments to existing laws) with the existing legal base, irrespective of the source (government, parliament, citizens or president), prior to its consideration by parliament.
Response categories	Is there a review procedure in parliament (or performed by government on its behalf) to ensure that the legislative initiative does not unintentionally contradict or conflict with the existing legal framework? • Yes – in all cases • Partly – only obligatory for some sources or categories of legislation • No • Data not available
Explanatory factors	If the response is 'partly', please note which sources / categories are subject to the review procedure and which are not.
Sources	Parliamentary website, laws / rules of procedure / standing orders, possibly interviews
Notes	Some legislation is designed to 'contradict' existing laws in the sense of overturning existing provisions by replacing or amending them. In such circumstances, this should be signalled as integral to the provisions of the bill itself, and if this is not the intention, then the review process should be designed to pick up these anomalies, whatever the source. (e.g. mandatory for government.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. *Ex ante* checks are performed in parliament in three countries (BG, FI, LV). In the fourth (SK), this check is compulsory for all government-initiated laws, but optional for parliament-initiated, and hence 'partly'.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	2 (low hanging fruit)
Commentary	Systematic review of legislation is important in the context of the EU Better Regulation framework (fitness checks of coherence, albeit in the context of polices). The indicator should be easy to interpret since it reflects presence/ absence of review arrangements.

Indicator 3	Merging arrangements for legislative proposals
Definition	Parliament is able to merge legislative proposals to bring together proposals on a common topic during their passage through parliamentary procedure
Response categories	Is it possible to merge legislative proposals that are being considered concurrently in the same policy field and covering similar topics? • Yes (including both chambers in a bicameral system) • Partly (just one chamber in a bicameral system) • No • Data not available
Explanatory factors	Please describe the type of arrangements and how they are applied, which can provide an insight into the intent (see 'commentary').
Sources	Laws / rules of procedure / standing orders, interviews
Notes	Merger refers to a situation of joining several government initiatives in the same policy field into one act or package. It can also refer to joint discussion and/or voting on proposals of the various initiators. Merging arrangements might be formal (as per procedures) to regulate and/or constrain merger or refer to informal negotiations, trading of proposals between parliamentary groups and amendment exchange.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries (just three have formal arrangements).
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	3 (medium hanging fruit)
Commentary	Interpretation of the indicator, especially if accompanied by follow up, might inform us about how merging of proposals is perceived in the national legislative system: whether as a tool of efficiency and avoiding incoherence of laws on similar/related topics, or potentially as restricting debate (especially if the system means all proposals are integrated and the vote is taken on the whole proposal, rather than line-by-line) and constraining the representation of the variety of stakeholder interests.

Indicator 4	Consolidation of adopted legislation
Definition	Parliament presents adopted amendments to legislation in a consolidated form, so that the relationship between the revised and original law is apparent.
Response categories	Are all adopted amendments to laws published online by parliament, or government on parliament's behalf, in a consolidated form with the original legislation? • Yes • No • Data not available
Explanatory factors	Please provide the reference / weblink. Please also note how long this practice has been in place, if this information is easily accessible.
Sources	Parliamentary websites / portals / registers, (possibly) government websites / official gazette, laws / rules of procedure / standing orders, interviews.
Notes	The question includes government, as well as parliament, as publication might be the responsibility of the Ministry of Justice, for example, such as being published in the Official Gazette.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. Four countries publish consolidated legislation through parliamentary or governmental portals.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	2 (low hanging fruit)
Commentary	Integration in a legal act of its successive amendments and corrigenda is a way of tidying up pieces of legislation that have become fragmented over time and providing easier access and more transparency for all stakeholders.

There is also a potential 'high hanging fruit' indicator under this topic, which concerns the actual presence of unrelated topics in the body of the text of adopted laws. It is possible that 'big data' analysis could identify the number and percentage of 'mixed' legislation within and across parliamentary systems. In addition, there is a case for futher research with regards to 'merging arrangements', to examine how often they are applied, which would indicate whether they are a regular or exceptional practice.

Institutionalisation of quality assurance

Rationale: The guidance on legislative drafting, and *ex ante* reviews, should be backed by a standing resource in parliament as a source of expertise for MPs, which might also be accessible to others (e.g. citizens, where they can initiate legislation).

Indicator 5	Parliamentary service to support drafting and *ex ante* checks
Definition	Units in parliament are responsible for detailed examination of draft legislation, quality assurance (presentation, language, terminology) and reviewing its coherence with the already existing legal base prior to consideration by parliament.
Response categories	Is there a designated parliamentary body or bodies whose task is to review and recommend revisions to legislative initiatives? • Yes • No • Data not available
Explanatory factors	Please describe the resources available for this function, if possible, in order to gauge whether they are adequate for the size of parliament and the potential scale of work.
Sources	Parliament website, interviews
Notes	Arrangements may involve the Parliament's in-house legal service, Parliamentary committees (e.g. Legislative Review Committee) or a combination. The quality assurance would cover the issues raised in the indicators on quality of legislative drafting and *ex ante* reviews, i.e. the draft law's structure, presentation, language, legality and coherence. The nature of this quality assurance will also depend on the applicable rules, especially concerning the accompanying materials (e.g, impact assessments, consultation reports).
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. Four of the countries have parliamentary bodies that perform checks. This is also the case in Belgium but for one chamber only, while in Slovakia, the government performs this function.
Frequency of data availability	Annual (may change over time)
Overall indicator level	2 (low hanging fruit)
Commentary	While the presence or not of a parliamentary service should be relatively straightforward, the questions of scale and quality are harder to assess without further research. The indicator excludes equivalent government bodies providing these services, as parliament should be sovereign regarding the integrity of legislative proposals under consideration. Ideally, the review should be performed against set quality standards, including the formalised guidelines referred to under 'quality of legislative drafting'.

There is also a potential 'high hanging fruit' indicator under this topic, which concerns whether the pre-legislative quality assurance is taken on board in the legislative proposal that is considered and scrutinised by Parliament. As well as resourcing, this raises secondary questions regarding the time available and taken to perform this quality assurance. The indicator would inform about compliance with the rules of procedure of introduced bills, i.e. if they have gone through the required activities and are equipped with the necessary accompanying documents, and provide insights into the extent to which the quality assurance function is taken seriously. An even higher-hanging fruit would be to collect information of the rate of acceptance of such comments and recommendations, which would require dedicated research.

Principle 2: Transparency

This principle has been elaborated as two topics, with a total of 11 potential 'low hanging fruit' indicators:

- Access to information; and
- Access to parliamentary proceedings

Access to information

Rationale: Access to information on legislative proposals enables the stakeholders – legislators, interested parties, citizens – to be acquainted with proposed legislation and with possible effects of future laws. It supports scrutiny of legislative process, thereby ensuring the functioning of accountability and the democratic process, and is recognised as a prerequisite for inclusiveness. Access to information strengthens the principle of legal certainty and the rule of law, by ensuring information on legislation for the later stages of implementation and evaluation (e.g. purposes, intended effects, etc.)

Indicator 6	Public availability of draft primary laws
Definition	Draft primary laws are published online to be accessible to all.
Response categories	Are draft primary laws published on the parliamentary website? • Yes, fully - all laws in all circumstances • Yes, partly - only specific categories of law are included • No - not in any circumstances
Explanatory factors	If 'partly', and hence the publication applies only to specific categories of law, please clarify which ones. Please also note if the reason for partly is that there are differences in relation to chambers, if applicable (i.e. bicameral systems). If yes or partly, please clarify whether the publication is defined as mandatory by formal rules, including the source. If there are exemptions to publication (e.g. in relation to explanatory documents), please briefly explain. If possible, please refer to the manner in which draft laws are made publicly available (e.g. in the agenda, in a special section, on a designated website or register) and to what extent the information is user-friendly (easy to find, e.g. three-clicks rule; search possibilities; multiple formats of the document, additional information).
Sources	Parliamentary website, also laws / rules of procedure / standing orders
Notes	Draft primary laws refer to proposals of primary legislation. Specific categories of law refer to either formal or context related categories (e.g. organic laws, legislative proposals depending on source / initiator of legislative activity).
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries and is 'yes, fully' in each case.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	1 (very low hanging fruit) to 2 (low hanging fruit)
Commentary	The difference among countries may arise due to the quality and accessibility of information on draft laws and the extent to which information on draft laws is structured to present complete information (e.g. 'life' of a draft law, from entering into parliamentary procedure to the publication of adopted text).

Indicator 7	Public availability of amendments to laws under consideration
Definition	Proposals from government or MPs to amend legislation are published, to be visible to all.
Response categories	Are amendments to legislation under consideration published on the parliamentary website? ● Yes, fully - all laws in all circumstances ● Yes, partly - only specific categories of amendments are included ● No - not in any circumstances
Explanatory factors	If 'yes, fully or partly', please indicate whether it is clear who is proposing the amendment and whether all amendments are available, as well as their status (accepted, rejected, etc.). Please also note if the reason for partly is that there are differences in relation to chambers, if applicable (i.e. bicameral systems). If 'yes, partly', and hence the publication applies to specific categories of amendments, please clarify the basis for the special status (source, exceptions) or restrictions. Please clarify whether the publication is defined as mandatory by formal rules, including the source. If there are exemptions to publication (e.g. in relation to explanatory documents), please briefly explain. If possible, please refer to the manner in which amendments are made publicly available (e.g. in the agenda, in a special section, on a designated website or register) and to what extent the information is user-friendly (easy to find, e.g. three-clicks rule; search possibilities; multiple formats of the document, additional information).
Sources	Parliamentary website, also laws / rules of procedure / standing orders
Notes	Amendments to the legislation under scrutiny refers to the proposed provisions designated to replace the specific provisions of the draft law, as put forward by MPs and other possible initiators (the government, etc.), including alternative proposals to a draft bill, which in essence is identical or very similar in scope of regulation (effectively replacement bills), and which is put forward by an authorised sponsor (e.g. government, MPs, other) in order to be supported instead of the initially proposed legislation.
Assessment of indicator	
Country coverage	Indicator is measurable (and 'yes') in all six countries.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	2 (low hanging fruit)
Commentary	The difference among countries may arise due to the quality and accessibility of information on amendments and the extent to which the information is structured so as to allow complete information (e.g. 'life' of a draft law, from entering into parliamentary procedure to the publication of adopted text). Parliamentary chambers may have different rules or practices.

Indicator 8	Public availability of information on merging legislative proposals (if applicable)
Definition	Proposals to merge legislative proposals (if applicable - see indicator 3) are published, to be transparent to all.
Response categories	Are proposals to merge law published on the parliamentary website? ● Yes ● No ● Data not available ● Not applicable
Explanatory factors	If yes, please indicate whether it is clear who is proposing the merger and whether all proposals to merge legislation are available, as well as their status (accepted, rejected, etc.). In case the publication applies to specific categories of law, please clarify the basis for the special status (source, exceptions) or restrictions. Please clarify whether the publication is defined as mandatory by formal rules, including the source. If there are exemptions to publication (e.g. in relation to explanatory documents), please briefly explain. If possible, please refer to the manner in which the information is made publicly available (e.g. in the agenda, in a special section, on a designated website or register) and to what extent is the information user-friendly (easy to find, e.g. three-clicks rule; search possibilities; multiple formats of the document, additional information).
Sources	Parliamentary website, also laws / rules of procedure / standing orders
Notes	See indicator 3
Assessment of indicator	
Country coverage	Indicator is measurable in all three countries, and 'yes' in three, 'not applicable' in three.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	2 (low hanging fruit
Commentary	The difference among countries may refer arise due to the quality and accessibility of information on mergers and the extent to which the information on draft laws is structured so as to allow complete information (e.g. 'life' of a draft law, from the entering into Parliamentary procedure to the publication of adopted text). Parliamentary chambers may have different rules or practices. Mergers are not common in all systems.

Indicator 9	Public availability of information on veto or referral of adopted laws (if applicable)
Definition	Information on vetoes after adoption or referral of adopted laws back to parliament is published, to be transparent to all.
Response categories	Are possible vetoes to the adopted legislation or referrals back to parliament by the Head of State or other designated signatory after adoption (e.g. Speaker), if applicable (see indicator 27), published on the parliamentary website? Please tick all that apply: ● Yes, number of vetoes are published ● Yes, reasons for vetoes are published ● No, information on vetoes is not published ● Vetoes are not applicable ● Yes, number of referrals back to parliament are published ● Yes, reasons for referrals back to parliament are published ● No, information on referrals is not published ● Referrals are not applicable
Explanatory factors	Please briefly explain the basis of the veto and/or referrals system as context for the responses. In case the selected options refer to specific categories or cases, please clarify the basis for the special status (source, exceptions) or restrictions. Please clarify whether the publication is defined as mandatory by formal rules, including the source. If there are exemptions to publication (e.g. in relation to explanatory documents), please briefly explain.
Sources	Parliamentary website, also laws / rules of procedure / standing orders
Notes	Veto refers to a power of the Head of State or designated signatory to refuse to approve a bill. Referral back to parliament refers to a situation when the Head of State or designated signatory refers the bill back to parliament for reconsideration.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. Regarding veto, it is only applicable in one country (and 'no'), and regarding referral is applicable in four countries ('number and reasons' in one, 'number' only in two, 'no' in one).
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	3 (medium hanging fruit)
Commentary	The difference between countries may relate to the possibility of the Head of State to actually veto legislation or only refer legislation back to parliament for another reading. In interpreting the responses, this will depend on whether vetoes or referrals are applicable in the parliamentary system. If, for example, both are options, and both numbers and reasons are published, then this would be interpreted as 'yes-fully'. Other scenarios would lead to either 'yes-partly', 'no' (in all cases) or 'not applicable' (in all cases).

Indicator 10	Public availability of information on non-adopted legislative proposals
Definition	Non-adoption of legislative initiatives, the extent and reasons, are transparent to all.
Response categories	Is information on legislative proposals that are not adopted, but either rejected or withdrawn, available on the parliamentary website? Please tick all that apply: ● Text of the rejected proposal ● Text of the withdrawn proposal ● Reasons for rejecting proposal ● Reasons for sponsor withdrawing proposal ● Percentage of proposed legislation rejected by parliament
Explanatory factors	This question relates to cases when the legislative proposal is not adopted. Please clarify circumstances and availability of information (form, content) If there are exemptions from publication, please briefly explain.
Sources	Parliamentary website, also laws / rules of procedure / standing orders
Notes	Withdrawal refers to the cases when the initiator (sponsor) withdraws the bill from the procedure, at any stage before the final vote. Rejection refers to the situation when the bill is not supported by votes in the final vote. Reasons for withdrawal can be set out in letters, explanatory notes etc.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. Regarding rejected proposals, two countries publish text and reason, three publish text only, one does not publish. Regarding withdrawn proposals, four publish text and reason, but the reason can be very brief and formalistic. It should be possible to calculate percentage rejected in these countries, but this number is not published.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	2 (low hanging fruit)
Commentary	In interpreting the responses, if all five potential responses are ticked, this would be assessed as 'yes, fully'. Other scenarios would lead to either 'yes-partly' or 'no' (if no options are ticked).

Indicator 11	Timeliness of information on legislative proposals
Definition	Information on legislative initiatives is provided in a timely manner to ensure it is 'live' and usable, not a legacy archive on past proposals.
Response categories	1) Does the parliament have a rule / procedure that governs how soon after a legislative proposal is submitted / registered it should be published? • Yes • No • Data not available 2) If yes to 1), to what extent does the parliament follow its own rule / procedure (based on a sample of 10 laws)? • Percentage • Data not available • Not applicable 3) Irrespective of the response to 1), what proportion of the sample under 2) was published within 3 days? • Percentage • Data not available
Explanatory factors	If yes to 1), please summarise the rule/procedure for publication.
Sources	Parliamentary website, laws / rules of procedure / standing orders, interviews, sample of plenary session activity
Notes	Rules are formal provisions on deadlines for publication. Standardised procedures are manuals and guides for parliamentary service that apply for the provision.
Assessment of indicator	
Country coverage	This indicator emerged from TEG roundtable discussions on transparency, and hence is not covered in the case study report.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	3 (medium hanging fruit)
Commentary	The indicator requires insider information on procedures of publication, as well as small-scale research (e.g. a sample of plenary session activity and the delays in publication).

Indicator 12	Public availability of comprehensive information on legislative proposals on the official website
Definition	Parliamentary authorities (or government authorities on their behalf) provide comprehensive and complete information on each legislative proposal to ensure that a complete information (end-to-end, life-cycle of proposal) is available to government, citizens and other stakeholders on the website.
Response categories	Which of the following is publicly available and accessible in relation to a specific legislative proposal on an official website? Please tick all that apply: • initial legislative proposal • Technical information on a legislative proposal (date, number, sponsor, etc.) • Each amendment to the legislative proposal (in its adopted form) • Mergers with other legislative proposals (when applicable) • Plenary discussion minutes • Plenary discussion audio or video recording • Committee discussion minutes • Committee discussion audio or video recording • Opinions and/or conclusions of the committees • Adopted legislative proposal • Consolidated version of legislation, when applicableLegislation that preceded the adopted information (the law that is replaced by the adopted law), when applicable • Public consultation documents • *Ex ante* RIA, when applicable (i.e. if required by parliament) • *Ex post* RIA, when applicable • Related proposals or legislation, including by-laws • Reviews by constitutional court or independent authorities, when applicable • Relevant EU legislation, when applicable
Explanatory factors	If there are prescribed rules or standards for publication, please briefly describe. Please also provide a link. If possible, please refer to what extent is the information user-friendly (easy to find, e.g. three-clicks rule; search possibilities; multiple formats of the document, additional information).
Sources	Parliamentary website, laws / rules of procedure / standing orders, other legislation or rules
Notes	A legislative proposal is an individual draft law that is proposed to be adopted in the parliamentary procedure. As per the definition, 'official website' includes both parliamentary websites and governmental ones where the official website is managed by, for example, the Ministry of Justice.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries, with each country making accessible most, but not all, applicable information, so no country offers full end-to-end transparency.
Frequency of data availability	Annual
Overall indicator level	2 (low hanging fruit)
Commentary	Given this indicator has multiple options, the performance of the parliamentary system could be assessed as 'fully', 'partly' or 'not at all', depending on whether all, some or no criteria are ticked. Alternatively, it could be assessed on a proportionate basis, with a higher score (%) awarded depending on how many boxes are ticked. The differences among countries may arise from the scope of information covered and its the accessibility, in terms of whether it can be found, formats, and search possibilities.

Indicator 13	Applicability of FoI legislation
Definition	Freedom of information (FoI) laws are applied to parliamentary process.
Response categories	1) Is freedom of information legislation (access to information legislation) applicable to parliament and its documents? Please tick one option: ● Yes, fully - FoI applies to all parliamentary documents and information without restriction. ● Yes, partly - FoI applies, but it is possible that access to certain information is restricted due to application of exceptions, as enumerated by FoI legislation ● Yes, partly - FoI applies only to certain parliamentary documents/information. ● Yes, partly – While FoI itself does not apply, parliament has its own rules to grant access to documents on request. ● No - FoI does not apply and there is no equivalent provision in place. 2) If the answer is 'yes, fully' or 'yes, partly', does parliament publish data on how many requests are received and how many requests are granted? ● Yes, fully – both requests received and granted. ● Yes, partly – either requested received or granted. ● No ● Not applicable 3) If the answer is 'yes, fully' or 'yes, partly', does parliament publish the text of the information request and answer? ● Yes, fully - both requests received and granted. ● Yes, partly - either requested received or granted. ● No ● Not applicable
Explanatory factors	Please provide information on the FoI legislation and its applicability as well as practical regime (e.g. availability of guides, information boxes, or similar). Please briefly explain if there are differences or special circumstances in which the disclosure may be restricted.
Sources	FoI legislation, laws / rules of procedure / standing orders, parliamentary broadcast
Notes	FoI legislation regulates the principles, conditions and protection of the right to information.
Assessment of indicator	
Country coverage	This indicator emerged from TEG roundtable discussions on transparency, and hence is not covered in the case study reports.
Frequency of data availability	Annual
Overall indicator level	2 (low hanging fruit)
Commentary	The indicator aims to capture if there is a possibility for citizens or other stakeholders to request specific information under FoI legislation, and the extent to which information on these requests is subsequently accessible to all. The difference among countries may arise due to the specific regulation of FoI.

Indicator 14	Statistical data
Definition	Parliament data is open to all.
Response categories	To what extent is information on parliamentary activity available in the form of statistical data? Please tick all that apply: ● Legislative activity by type of procedure (by category, if different procedures applied for constitutional law, treaties, etc. and if urgent procedures are invoked) ● Legislative activity by status of legislative proposals (adopted, rejected, withdrawn/rejected, merged, etc.) ● Legislative activity by MPs and/or political parties ● Legislative activity by sessions (number, duration, etc.) ● Other
Explanatory factors	Please briefly describe the content and quality of data.
Sources	Parliamentary website, laws / rules of procedure / standing orders, other rules and standards
Notes	-
Assessment of indicator	
Country coverage	This indicator emerged from TEG roundtable discussions on transparency, and hence is not covered in the case study reports.
Frequency of data availability	Annual.
Overall indicator level	2 (low hanging fruit) to 3 (medium hanging fruit)
Commentary	The indicator aims to capture if there is a possibility to access information on parliamentary activity as headline data.

Indicator 15	Open data
Definition	Parliamentary information is open to all and accessible in machine-readable formats.
Response categories	Is parliamentary information available in a machine readable format? Please tick one option: ● All data and other information ● Some data and information is available in machine-readable formats ● No data or information are available in machine-readable formats
Explanatory factors	If the answer is some, please describe which information is available in these formats.
Sources	Parliamentary website, laws / rules of procedure / standing orders, other rules and standards
Notes	Machine-readable formats include, for example, CSV, RDF, XML, JSON, but not PDF documents or Excel spreadsheets.
Assessment of indicator	
Country coverage	This indicator emerged from TEG roundtable discussions on transparency, and hence is not covered in the case study reports.
Frequency of data availability	Annual.
Overall indicator level	2 (low hanging fruit) to 3 (medium hanging fruit)
Commentary	The indicator aims to capture if there is a possibility to access to parliamentary information in a form that is reusable for other purposes (e.g. apps tracking parliamentary activity, scientific research, media research). The difference among countries may arise due to the specific regulation that governs access to information.

Access to parliamentary proceedings

Rationale: Access to parliamentary proceedings relates to the openness of the legislative process to the public, media, and stakeholders. It enables scrutiny of the scrutineers of legislation and enhances the democratic process, especially as a precursor to stakeholder engagement (principle 3).

Indicator 16	Openness of plenary and committee sessions
Definition	Plenary and committee sessions are accessible to all, unless justified
Response categories	Are plenaries and committee sessions transparent and open? Please tick all applicable means: **Plenaries** ● Agendas & timetables are published online ● Sessions are open to the media (physical presence) ● Sessions are open to the public (physical presence) ● Sessions are broadcast on public TV or streamed online (e.g. YouTube, parliament TV), except when they concern sensitive matters (e.g. national security) ● Proceedings (minutes) are published online ● Video / audio recordings are published online ● Decisions are published online **Committees** ● Agendas & timetables are published online ● Sessions are open to the media (physical presence) ● Sessions are open to the public (physical presence) ● Sessions are broadcast on public TV or streamed online (e.g. YouTube, parliament TV), except when they concern sensitive matters (e.g. national security) ● Proceedings (minutes) are published (online) ● Video / audio recordings are published online ● Decisions are published (online)
Explanatory factors	Please provide information on rules and practice.
Sources	Parliamentary website, laws / rules of procedure / standing orders, other legislation or rules, other websites (e.g. youtube, social networks)
Notes	The question allows that, at least in committees and possibly plenaries, it could be necessary to restrict access and to ensure closed debate of certain issues.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries, but with differences in relation to which specific means are applied.
Frequency of data availability	Annual
Overall indicator level	2 (low hanging fruit)
Commentary	The indicator aims to capture the extent of openness by identifying whether outside members may follow the sessions either by physical presence, or via online or TV streaming, and also by later viewing of the debates in plenary sessions or committees. Given this indicator has multiple optons, the performance of the parliamentary system could be assessed as 'fully', 'partly' or 'not at all', depending on whether all, some or no criteria are ticked. Alternatively, it could be assessed on a proportionate basis, with a higher score (%) awarded depending on how many boxes are ticked. The difference among countries may arise due to the specific instruments that are available

Principle 3: Inclusiveness

This principle has been elaborated as two topics, with two potential 'low-hanging fruit' indicators and some others that lend themselves more to research or evaluation work:

- Consultation
- Citizen-initiated legislation

Consultation

Rationale: The consultation of stakeholders and/or citizens during the decision-making procedure of the legislation adds an important participatory element to the process and provides lawmakers with information on the problem that the legislative initiative aims to address, its potential effects on (the consulted) stakeholders, and possibly suggestions to improve the bill. A consultative process can broaden societal support for the legislative initiative, and ensure that lawmakers make informed decisions.

Indicator 17	Public consultation on legislative initiatives
Definition	There are provisions in parliamentary procedures for legislative initiatives to be subject to open (public) consultation.
Response categories	Are provisions in place for open (public) consultation on the following types of legislative initiatives either prior to submission or during the parliamentary process? 1) For government-initiated legislation: • Yes, fully - consultation is mandatory for all types of legislation • Yes, partly - consultation is optional for all types of legislation • Yes, partly - for some types of legislation • No • Data not available 2) For parliament initiated legislation: • Yes, fully - consultation is mandatory for all types of legislation • Yes, partly - consultation is optional for all types of legislation • Yes, partly - for some types of legislation • No • Data not available 3) For president initiated legislation (if applicable): • Yes, fully - consultation is mandatory for all types of legislation • Yes, partly - consultation is optional for all types of legislation • Yes, partly - for some types of legislation • No • Data not available • Not applicable 4) For citizen initiated legislation: • Yes, fully - consultation is mandatory for all types of legislation • Yes, partly - consultation is optional for all types of legislation • Yes, partly - for some types of legislation • No • Data not available • Not applicable
Explanatory factors	In case a consultation is mandatory or optional for some types of legislation, please indicate which types of legislation and whether or not it is mandatory or optional for those types. In case a consultation is mandatory or optional, please indicate the prescribed procedures and/or standards (as stipulated in the rules of procedure / standing orders / specific legislation), with references / links if available.
Sources	Rules of procedure / standing orders / specific legislation
Notes	Consultation means a formal process – usually over a fixed period of time – in which stakeholders and citizens are invited to provide input on the legislative initiative. This excludes the possibility of stakeholders and citizens to informally contact MPs. Note, the provisions might be included in the formalised procedures covered by principle 1 on integrity (quality of legislative drafting), as a prerequisite before submitting the legislative proposal.

Indicator 17	Public consultation on legislative initiatives
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. While all countries consult on government-initiated legislation, consultation is mandatory for parliament-initiated legislation in just two countries, optional in two more, and not foreseen in the final two. Regarding citizen-initiated legislation, this applies to two countries only, and is mandatory in only one.
Frequency of data availability	Once
Overall indicator level	2 (low hanging fruit)
Commentary	There is a possibility that consultations can be organised without any formal reference made in the rules of procedures / standing orders. The space provided under 'explanatory factors' should be sufficient to qualify any case-specific elements for this indicator. The indicator only captures the formal provisions regarding consultation (what is theoretically possible), but does not provide any information on the practice (e.g. use of this instrument in the decision-making process). For example, according to a 2020 study in Slovakia, the rules regulating consultations were not respected, as most draft laws (not only emergency laws) were not submitted for consultation in 2020. From 1 January to 30 June, 83 draft laws and regulations were submitted to the Parliament, but only 17 were published for consultation.

There are also two potential 'high-hanging fruit' indicators under this topic:

- *To what extent are the opportunities for consultation taken up by citizens/stakeholders and to what extent do they provide a broad range of interests' opinions (or only used by interest representatives / specific stakeholders)?*

  In order to assess the inclusiveness of open consultation, it would be interesting to verify how many citizens and/or stakeholders actually make use of this instrument if it is available (response rate). If they are not frequently used by the public and/or stakeholders, their potential to improve legislative quality is limited. However, such an analysis would require a substantive assessment of (a representative sample of) the responses to the consultations.

- *To what extent is the input of the public consultation also considered and used?*

  Consultations only hold an added value if the results are actually discussed and used in the legislative process by MPs. However, this requires an extensive analysis of the content of the responses to the consultations and the content of the debates and/or amendments on the legislative initiatives.

Citizen-initiated legislation

Rationale: Some countries make explicit provision to allow citizens to submit laws to parliament for consideration directly, or even to amend or repeal existing laws, rather than rely on lobbying the government, political parties or MPs to propose initiatives on their behalf. This extends the potential sources of legislative initiatives, while still retaining parliament's sovereign right to determine whether they are justified, well-crafted, constitutional and robust (evidence-informed). Traditionally, citizens have had to physically collect signatures by organising petitions. There is also deliberative democracy involving citizens panels or forums, although these tend to be more prevalent at the local level, rather than the national level. In the modern era, citizens initiatives can be conducted most efficiently, especially at the national level, through electronic signatures (via e-collection polls, websites). This topic reflects the extent to which digital transformation has affected the legislative process, and made citizen-initiated legislation more accessible.

Indicator 18	Possibilities for citizens to initiate legislation online
Definition	There are viable provisions in the legislative process for citizens to initiate legislation online.
Response categories	1) Are provisions in place in legislation and/or parliamentary rules of procedure, as applicable, for citizens to submit legislative proposals online? • Yes • No 2) If yes, how many citizen-initiated legislative initiatives have been submitted to Parliament in the last calendar year? • Number • Data not available • Not applicable
Explanatory factors	Please provide details of the process around citizens initiatives and any conditions (e.g. thresholds, timescales), including references/links. If there is a website / e-platform, please provide the link. Please identify in the legislative process how initiatives are registered and counted in parliamentary statistics (within a calendar year or within a parliamentary session that might have a different timeline).
Sources	Parliamentary website, laws / rules of procedure / standing orders, specific legislation, parliamentary statistics for the calendar year (e.g annual reports)
Notes	The indicator covers legislation (new laws or amendments to existing laws) within one year submitted for scrutiny in the parliament according to the national regulation, when the new legislation has been registered as an entry in the parliamentary system/statistics.
Assessment of indicator	
Country coverage	As stated under indicator 17, citizens' initiatives are envisaged in just two countries.
Frequency of data availability	Annual (suggested to follow calendar years, otherwise by parliamentary session).
Overall indicator level	1 (very low hanging fruit).
Commentary	This is an output indicator that shows share of legislative initiatives according to the national constitutional settings. The procedures of the parliaments in most cases provides information on the registration of incoming initiatives. Hence, this indicator is easy to collect and provides good comparative data that reflect the general tendencies regarding both development of democracy and citizen involvement in designing the legislative framework. However, in order to have an in-depth analysis of the quality of the legislative process (and democracy as well), further procedural assessment is required, which moves us into 'higher hanging fruit'. By assessing and evaluating the procedure as to how citizens initiated the legislation, several factors can be relevant, such as: • Total numbers of citizens who can initiate the legislation; • Description of administrative procedure required for the initiation process; • Reaction of legislators to the citizen initiative (i.e. is parliament is allowed to change the legislative draft etc.).

Principle 4: Robustness and rigour

This principle has been elaborated as two topics, with a total of five potential 'low hanging fruit' indicators and some others that lend themselves more to research or evaluation work:

- Evidence-informed legislation;
- Provisions for impact assessment;

Evidence-informed legislation

Rationale: A legislative process that is based on evidence ensures a sound analysis of the policy problem, the potential impact of the proposed legislation, and the advantages and disadvantages of the different options. This allows for the Members of Parliament to make an informed decision about the legislative initiative. Three potential 'low-hanging fuit' indicators are outlined below.

Indicator 19	Legislating informed by expert inputs
Definition	Provisions in parliamentary procedures for the use of expert inputs and other direct evidence to inform the scrutiny of legislative initiatives.
Response categories	Do parliamentary procedures include the possibility to access expert opinion and other evidence in the scrutiny of legislative initiatives? Please tick all that apply: ● Yes, committees can take written evidence from experts. ● Yes, committees can take oral evidence from experts (e.g. during hearings). ● Yes, committees include non-voting members that are experts. ● Yes, committee members can conduct site visits or study trips. ● No ● Data not available
Explanatory factors	In case the committees can take written or oral evidence from experts, please provide information on the thresholds for asking such evidence (e.g. can it be requested by an individual Member of Parliament, a political group, or a majority in the committee). In case the committees can take written or oral evidence from experts, please indicate how the experts are selected. Please indicate if the expert evidence can only be requested in case of specific types of legislative initiatives.
Sources	Laws / rules of procedure / standing orders, specific legislation
Notes	Written evidence means a formal procedure in which an expert is requested to submit documentation or information on a specific issue. It does not include the commissioning of in-depth studies or impact assessments, nor does it include the informal requests for information from individual Members of Parliament. Experts are persons with particular expertise on the topic under discussion that do not represent specific economic or societal interests.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries: written and oral evidence in all countries; site visits and study trips in four countries; and non-voting expert members in three countries.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	2 (low hanging fruit)
Commentary	There is a possibility that evidence from experts can be organised without any formal reference made to the rules of procedures / standing orders. The indicator only captures the formal provisions regarding the use of evidence (what is theoretically possible), but does not provide any information on the practice (e.g. use of this instrument in the decision-making process).

Indicator 20	Legislating informed by research or studies
Definition	Provisions in parliamentary procedures for the use of research or studies to inform the scrutiny of legislative initiatives.
Response categories	1) Do parliamentary procedures include the possibility to commission research or studies from external entities (universities, think tanks, etc.)? • Yes • No • Data not available 2) In case the committees can commission studies, please indicate the average annual budget in euros/national currency of a committee for such studies (i.e. not the total budget of all committees combined, but an average per committee). • Amount • Data not available • Not applicable
Explanatory factors	In case the committees can commission studies, please provide information on the thresholds for commissioning them (e.g. can it be requested by an individual Member of Parliament, a political group, or a majority in the committee, or only by the Government).
Sources	Laws / rules of procedure / standing orders, specific legislation, minutes of the Bureau of the Parliament
Notes	Studies are in-depth analysis conducted by experts – often following a call for tenders – on a specific topic.
Assessment of indicator	
Country coverage	Indicator measurable in all six countries, of which studies are possible in four.
Frequency of data availability	Once
Overall indicator level	1 (very low hanging fruit), moving to 3 (medium hanging fruit) with the budget information
Commentary	There is a possibility that studies can be commissioned without any formal reference made in the rules of procedures / standing orders. Furthermore, while commissioning studies might be envisaged in the rules, this does not mean the possibility is taken up by all or even some committees.

Indicator 21	Legislating informed by government officials
Definition	Provisions in parliamentary practice for the involvement of government officials to inform the scrutiny of legislative initiatives.
Response categories	Through either the laws and/or rules governing the parliamentary legislative process, or the conventional practice of government, is parliament able to access technical (not political) advice from government officials in scrutinising legislative initiatives at the committee stage? • Yes, fully - for all types and subjects of legislative initiatives • Yes, partly - only for specific types of legislative initiatives (e.g. only government initiated) • Yes, partly - only for specific subjects of legislative initiatives (e.g. particular policy fields). • No • Data not available
Explanatory factors	In case the committees can invite government officials to provide information, please provide information on the thresholds for such requests (e.g. whether it can be requested by an individual Member of Parliament, a political group, or a majority in the committee), and in what way the officials contribute. In case the committees can invite government officials to provide information, please indicate whether they are obliged to cooperate (i.e. they are mandated to do so). In case committees can only request the involvement of government officials for specific types of legislative initiatives, please indicate for which type and subjects of initiatives this is possible.
Sources	Laws / rules of procedure / standing orders, specific legislation
Notes	Government officials can include ministers and ministerial policy advisors, in their roles as rapporteurs for government-initiated legislation, and also civil servants and other public officials for all sources of legislation. The assistance must focus on the policy rationale and technical inputs (for example, the implications of amending the legislation, or clarifying / interpreting *ex ante* impact assessments and stakeholder consultation prior to submission to parliament), but not political advice (especially in the case of elected government officials).
Assessment of indicator	
Country coverage	This indicator emerged from TEG roundtable discussions on robustness and rigour, and hence is not covered in the case study reports.
Frequency of data availability	Once
Overall indicator level	2 (low hanging fruit)
Commentary	There is a possibility that the involvement of government officials can be requested without any formal reference in the rules of procedures / standing orders.

There are also six potential 'high-hanging fruit' indicators under this topic:

- *What propotion of MPs are able to draw on support from their personal assistants in researching and analysing legislative initiatives?*

  In some parliaments, MPs are attributed a personnel budget that can be used to hire assistants. Usually, there is a certain number of assistants that each MP can employ. However, these assistant can fulfil various functions (including administrative tasks, managing casework, handling financial matters), only one of which *might* be policy and legal advice, if they are qualified to do so. Hence, numbers of personal assistants per MP, or budget allocations per MP, might not reveal the true scale and quality of such input.

- *How often is evidence requested from experts?*

  In order to assess the robustness and rigour of the legislative process, not only the *availability* of expert evidence should be examined, but also to what extent this evidence is also *used* in practice. Counting the number of hearings, written evidence, etc. would provide an important indication in this respect. In some parliaments, this information is includes in the annual reports, but this is not always the case (and not for all indicators). In some cases, a manual calculation might be required.

- *How much of the evidence is used by Members of Parliament?*

  Building on the previous indicator, this indicator would examine to what extent the evidence provided by experts is actually used by the Members of Parliament in their discussions and scrutiny of the legislative initiative. However, collecting such information requires content analysis of the expert evidence and the debates on and content of the (amendments to the) legislative initiative.

- *How often is input requested from government officials?*

  Similar to the first indicator, a measurement of the number of times the Members of Parliament have actually relied on input from government officials could be an important indicator of robustness and rigour.

- *To what extent is the input from government officials used by Members of Parliament?*

  Similar to the second indicator above, this indicator would go into the substantive use of the input from government officials in their discussion and scrutiny of the legislative initiative. This requires content analysis of the expert input in comparison to the amendments to bills.

- *Are all documents from the policy preparation phase (impact assessments, results of any public consultation, any legal assessment) made automatically available to parliament?*

  A final potential indicator under this topic is whether the policy documents and information that the government produced during the policy preparation phase are automatically made available to parliament (together with the government-initiated bill). This would allow the Members of Parliament to scrutinise all the preparatory work done by the government (and civil service). While this indicator might be easy to verify in countries where such a practice is established by law, it is more difficult in countries where this is not the case, but where a similar practice might exist.

Provisions for impact assessment

Rationale: The normative provision for impact assessment (IA) is set in many countries. However, the scope and depth of IA varies as across countries, as well as across different legislative stages. In order to ensure a robust legislative process, all legislative initiatives should be subject to impact assessments, both *ex ante* and *ex post*, whatever the source.

Indicator 22	Provisions for mandatory *ex ante* impact assessments of legislation
Definition	Provision in the national laws for drafts to be subjects of mandatory *ex ante* IAs, irrespective of source
Response categories	Is there is a normative regulation that obliges the preparation and submission of an *ex ante* IA in your country? Please tick all that apply. ● Yes – for government-initiated legislation ● Yes – for parliament-initiated legislation ● Yes – for citizen-initiated legislation (if applicable) ● Yes – for president-initiated legislation (if applicable) ● No
Explanatory factors	If yes to any of the above options, please provide references / links to the provisions, and specifically any standards, including whether these are included in the formalised guidelines (see indicator 1). Please also state whether the provisions apply to new laws, amendments to existing laws, or both.
Sources	Parliament and government websites, laws / rules of procedure / standing orders
Notes	-
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. Provision for compulsory *ex ante* IA for parliament-initiated legislation can be found in Bulgaria, and for citizen initiatives in Finland *if* taken forward and parliament-initiated *if* merged with government bills.
Frequency of data availability	As emphasis is on the provision, then frequency – *'once'* to set the status quo and then review after 5-10 years.
Overall indicator level	1 (very low hanging fruit)
Commentary	There are normative requirements to conduct *ex ante* IA mostly for government-sponsored legislation, while parliament initiated and citizen-initiated (if applicable) legislation might not be subject to mandatory *ex ante* IAs. The indicator sets a point of departure for measuring changes afterwards whether more countries move to compulsory or discretionary IAs, whether provision to use the IA is strengthened in legislation. With regard to interpreting the indicator, 'fully' would correspond to 'yes' being ticked for *ex ante* IAs for every applicable source.

Indicator 23	Provisions for mandatory *ex post* impact assessments of legislation
Definition	Provision in the national laws for drafts to be subjects of mandatory *ex post* IAs, irrespective of source
Response categories	Is there is a normative regulation that obliges the preparation and submission of an *ex post* IA in your country? Please tick all that apply. ● Yes - for government-initiated legislation ● Yes – for parliament-initiated legislation ● Yes – for citizen-initiated legislation (if applicable) ● Yes – for president-initiated legislation (if applicable) ● No
Explanatory factors	If yes to any of the above options, please provide references / links to the provisions, and specifically any standards, including whether these are included in the formalised guidelines (see indicator 1). Please also state whether the provisions apply to new laws, amendments to existing laws, or both.
Sources	Parliament and government websites, laws / rules of procedure / standing orders
Notes	-
Assessment of indicator	
Country coverage	This indicator emerged from TEG roundtable discussions on transparency, and hence is not covered in the case study reports.
Frequency of data availability	As emphasis is on the provision, then frequency – *'once'* to set the status quo and then review after 5-10 years.
Overall indicator level	1 (very low hanging fruit)
Commentary	*Ex post* IAs are less common than *ex ante*, as they are required in just two countries, Finland and Bulgaria (from 2021). The indicator sets a point of departure for measuring changes afterwards whether more countries move to compulsory or discretionary IAs, and whether provision to use the IA is strengthened in legislation. With regard to interpreting the indicator, 'fully' would correspond to 'yes' being ticked for *ex post* IAs for every applicable source.

There is also a 'high hanging fruit' question regarding the quality of *ex ante* and *ex post* IAs, irrespective of the source of legislation, given that there are minimalistic requirements for IAs in some countries, which do not reach the standards of the Better Regulation agenda, or some laws are subjected to preliminary *ex ante* IAs only. In addition, while there might be provisions, they are not always applied to all laws and/or are interpreted loosely. Hence, this topic would require further research.

Principle 5: Predictability and regularity

This principle has been elaborated as three topics, with a total of five potential 'low hanging fruit' indicators:

- Procedural regularity;
- 'Stop' procedures;
- Post-adoption safeguards

Procedural regularity

Rationale: If the procedure for enacting laws by Parliament is the same for all or most of the laws and if the procedure is legally regulated on a permanent basis, then: the legislative process is predictable for government, citizens, and their organisations; it is likely that established rules have been created to promote excellence in legislative work; and the compliance with the rules and location of errors is easier to monitor. If there are exceptions from the standard process, these should be specified by legal regulation on a permanent basis, rather than allowed on an ad hoc and fluctuating basis.

Procedural regularity also incorporates the concept of equity; all legislative proposals *prima facie* should be considered equally valid and treated equally, whatever the origin. All parliamentary systems permit both the government and MPs themselves (either in-

dividually or in groups) to submit draft new laws and amendments to existing laws for consideration and scrutiny. Some systems also permit citizens' initiatives and/or the president to submit legislative proposals. While the criteria for citizens' initiatives vary (e.g. thresholds regarding number of signatories required to validate the initiative as representative), once submitted, they should also be subject to the same steps and standards as all other sources.

Indicator 24	Consistent application of steps and procedures to legislative initiatives
Definition	The legislative process is applied equally and consistently to all legislative proposals within a category, whether new laws or amendments to existing laws, irrespective of source (government, parliament, president or citizens).
Response categories	Is there a 'standard' process for introducing to parliament, considering / scrutinising / debating, amending or proposing alternative provisions, merging (if applicable), adopting or withdrawing / rejecting legislative initiatives, which is the same for all legislation within a category, regardless of the initiator? ● Yes ● No
Explanatory factors	Please provide details of the standard process, and any exceptions for specific categories (e.g. 'international treaties only require one reading in plenary not two'; 'amendments to the Constitution require larger majority of votes'). If the response to the question is 'no', please specify in what way and under what conditions different initiators / sources are subject to 'non-standard' processes. Please provide references / links.
Sources	Parliamentary websites, laws / rule of procedure / standing orders, parliamentary reports, interviews, etc.
Notes	Depending on what is possible within the parliamentary system, the initiator (source) might be government, parliament, president or citizens. Again, depending on the legislative system, categories might include constitution, organic law, ordinary law, budget initiatives, international treaty ratification, transposition of EU law, or their equivalent names. The 'standard' process refers to consideration of legislative proposals by plenaries and standing committees of Parliament following the established order and number of readings specified by the legal regulation of the process.
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries, with 'yes' in each case.
Frequency of data availability	Annual
Overall indicator level	1 (very low hanging fruit)
Commentary	-

Indicator 25	Management of urgent or extraordinary situations
Definition	Parliament has agreed rules and procedures to suspend or shorten certain elements of the standard process of scrutinising legislation in exceptional situations only.
Response categories	1) Are there exceptions from the 'standard' process that are possible under parliamentary rules that allow the parliament to fast-track legislation by shortening specified minimum times and/or to disapply, certain steps or procedures and which are only applied for clearly-defined emergencies? • Yes – there are provisions which are exclusively designed for emergency situations • Partly – there are provisions which allow shortening and/or suspension of elements of the standard process without having to formally invoke emergency situations • No – there are no such provisions. 2) If yes or partly to 1), how often have these provisions been applied to legislative initiatives during the last full calendar year? • Number of laws adopted under these provisions (and total number of laws adopted, as context) • Data not available • Not applicable
Explanatory factors	Please explain the circumstances in which urgent or extraordinary procedures might be applied, including any checks and balances (e.g. how agreement to the procedure must be justified) and how it is applied (i.e. what consequences it has for the standard process), including references / links to the rules that create the space for the urgent procedures to be called. If there are additional provisions which allow for shortening times or disapplying steps or procedures outside of emergency situations, please also describe.
Sources	Parliamentary websites, rule of procedure / standing orders, parliamentary reports, interviews, etc.
Notes	This indicator is intended to include specific situations where legislation must be passed quickly to avert or respond to emergency situations, such as natural disasters, conflicts or pandemics. It is not intended to include provisions that are specified in the constitutions, laws or rules of procedure / standing orders for specific categories of legislation that are consistently considered with shorter timescales or fewer steps/procedures (e.g. ratification of international treaties).
Assessment of indicator	
Country coverage	Indicator is measurable in all six countries. In three countries, there are explicit provisions for emergency situations (i.e. yes), while in three more, there are provisions that do not require invoking emergencies (i.e. partly).
Frequency of data availability	Annual
Overall indicator level	1 (very low hanging fruit), moving to 4 (medium-high) with the numbers
Commentary	All parliamentary systems have to be able to respond to crises, but there are also provisions which permit urgent procedures without pre-conditions, e.g. in Croatia, a minimum of 15 MPs can call for an urgent procedure.

Indicator 26	Stability of procedural framework
Definition	The rules governing the legislative process, including steps, procedures and standards, are clear and stable, while allowing for innovations to reflect technological developments (such as digitalisation).
Response categories	How many times have the laws / rules of procedure / standing orders been revised in the last 5 years? • Number • Data not available.
Explanatory factors	Please provide a summary of the changes and their nature, in a way that makes clear whether they are likely to have a substantive effect on the quality of the legislative process, either positive (e.g. technological developments designed to improve efficiency and effectiveness) or negative (e.g. cutting or adding procedures to reduce scrutiny or delay it respectively). Please provide references / links.
Sources	Parliamentary websites, laws / rule of procedure / standing orders, parliamentary reports, interviews, etc.
Notes	Technological developments might include, for example, moving to electronic voting in plenary and/or committee, or digitalising documentation so it more quickly and readily accessible to MPs.
Assessment of indicator	
Country coverage	This indicator was developed during TEG roundtable discussions, and hence is not covered in the case study reports.
Frequency of data availability	Annual
Overall indicator level	1 (very low hanging fruit)
Commentary	Most parliaments may have changed their rules and procedures in the last 2 years to enable them to legislate during the COVID-19 pandemic, including procedures to ensure MPs' health and safety (e.g distancing, wearing of masks, attending hearings online, etc). Over a longer term period, we might also expect that parliaments will respond to technological change by digitalising their proceedings and information systems, for example. Equally, parliaments might adjust their procedures to improve them, in line with any of the five principles. Hence change (or its absence) cannot be assumed to be good or bad per se, it is the nature of the change and its effect on the quality of legislative process which interests us. Hence, this indicator could be kept or deleted, but on balance it is useful for information.

'Stop' procedures

Rationale: 'Stop' procedures are any steps in the parliamentary legislative process where an individual in a position of authority (e.g. the parliamentary speaker or head of state) is able to intervene and either cease proceedings or delay them significantly. While this can be justified as a 'check' against, for example, unconstitutionality, and is (presumably) permissible under the law / rules governing parliament, these powers if loosely defined can also be open to abuse, or at least their use leaves open the question 'why', which should be transparent (principle 2). If the 'stop' procedures for enacting laws are the same for all or most laws: the legislative process is predictable for government, citizens, and their organisations; it is likely that established rules have been created to promote excellence in legislative work; the compliance with the rules and location of errors is easier to monitor. The indicator below concerns only the 'stop' procedure that applies when a legislative proposal is submitted or considered, not after it has been adopted, which is covered by the next topic.

Indicator 27	'Veto' of legislative proposals or processes
Definition	Intervention points in the legislative process at which parliamentary or political authorities can suspend, delay or stop the legislative process due to its illegality or constitutionaity.
Response categories	1) Can the Parliamentary Speaker stop, suspend or delay the legislative process, for reasons of legality / constitutionality of the legislative initiative itself or the proceedings? Please tick all that apply. ● Yes – when the legislative initiative is submitted for consideration to plenary ● Yes – during the consideration of the legislative initiative ● No 2) If yes to either scenario in 1), how often has this taken place during the last full calendar year? ● Number ● Data not available ● Not applicable
Explanatory factors	Please provide references to the regulations (laws, rules of procedure, standing orders) that govern these procedures. Please describe how / what are the ways the head of state and/or parliamentary speaker can halt, suspend or delay the legislative process, including the conditions in which they are able to trigger these powers, including circumstances that are *not* related to constitutionality / legality. Please describe the role of the stoppage or delay in parliamentary legislative process, in terms of the impact on the quality of the legislative process.
Sources	Parliamentary websites, laws / rule of procedure / standing orders, parliamentary reports, interviews, etc.).
Notes	Typically, if the head of state or speaker has the power to over-rule parliament / MPs, then the laws and procedures that enable him or her to do so include safeguards to prevent this entitlement being applied arbitrarily and without some further scenario to either bring the legislation back to the chamber(s) or permit a plebiscite, rather than stop it completely, and hence it is important to paint the full picture to enable a rounded understanding of the impact on the legislative process.
Assessment of indicator	
Country coverage	This indicator was developed during TEG roundtable discussions, and hence is not covered in the case study reports.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	1 (very low hanging fruit), moving to 3 (medium) with numbers
Commentary	Laws and standing orders regulating the process are normally permanent, although revised now and then. The standard process is the backbone of democratic governance by parliaments, but it is important to qualify what is the role of the speaker and/or head of state in stopping, or more typically, delaying that process and how it is dependent on political considerations (e.g., slowing down the legislative process). Adding the percentage of delayed proposals by the source (government, parliament, citizens or other sources), would move us into a higher hanging fruit category (possibly level 4), but would also tell about the capacity and willingness of the speaker / head of state to focus on different proposals. High percentages would imply political dynamics in responding to proposals from different sources.

Post-adoption safeguards

Rationale: Every process in public life needs checks and balances to avoid abuses and irregularities, even simply to correct errors, which is equally true of the legislative process. This topic concerns such safeguards after the completion of the parliament's scrutiny of and formal adoption of new laws, or amendments to existing laws, either prior to promulgation, the point at which the law comes into force, or even later if either the law itself or the process is challenged for its constitutionality *ex post*.

Indicator 28	Availability and application of post-adoption safeguards
Definition	Existence and use of checks and balances to ensure the whole legislative process was correctly followed and constitutional.
Response categories	1) Are there any safeguards in place in the parliamentary and/or judicial systems to challenge and remedy irregularities in the parliamentary process after parliament has adopted legislation? • Yes (see 'notes' below) • No 2) If yes to 1), is there published information on the use of the safeguard? • Yes • No • Not applicable 3) If yes to 2), how often has the safeguard been used during the last calendar year (i.e. 2020)? • Number • Data not available • Not applicable
Explanatory factors	If the answer to 1) is yes, please describe the safeguard(s) and provide references to the regulations (laws, rules of procedure, standing orders) that govern it or them. If prosecution of administrators or MPs is possible, please explain what are the permissible reasons, which authorities have the right and obligation to prosecute, and whether citizens can appeal to these authorities. Please also note any other safeguards to deal with lesser / unintended irregularities (e.g. self-correction by Parliament regarding technical errors in the legislation, such as typos)
Sources	Please explain how the information on the use of the above procedures is achievable by specifying the source of information (parliamentary websites, rule of procedure / standing orders, parliamentary reports, interviews, etc.). Otherwise please include any other confirmatory information that is appropriate.
Notes	Potential safeguards might include: the right of MPs or citizens to refer the legislation and/or procedure to the Constitutional Court (or equivalent authority) for review and decision; the right of citizens to refer the procedure to the Ombudsman or equivalent human rights institution for review and recommendation; the right to prosecute the administrators of Parliament for breach of official responsibility for proposing an illegal procedure which has been used eventually; and/or the right to prosecute MPs for breach of official responsibility by using an illegal procedure.
Assessment of indicator	
Country coverage	Information is measurable in all six countries, with four countries having the option of referrals to the Constitutional Court, and one (Finland) the right to prosecution of administrators and MPs.
Frequency of data availability	Annual (or once + confirm)
Overall indicator level	2 (low hanging fruit), moving to 4 (medium-high) with numbers on use
Commentary	The standard process and the relevant exceptions to it constitute the backbone of democratic governance by parliaments, and hence the essence of a quality legislative process. Equally though, it is important to qualify what the post-adoptions safeguards are and how they are regulated in order to understand the resilience of the quality control of the legislative process.

6. CONCLUDING THOUGHTS

The proposed indicators (section 5) are intended to reflect the five principles (section 4), which in turn are based on the practice of parliamentary legislative processes in the six Member States (section 3). In summary, the 'low hanging fruit' indicators are as follows:

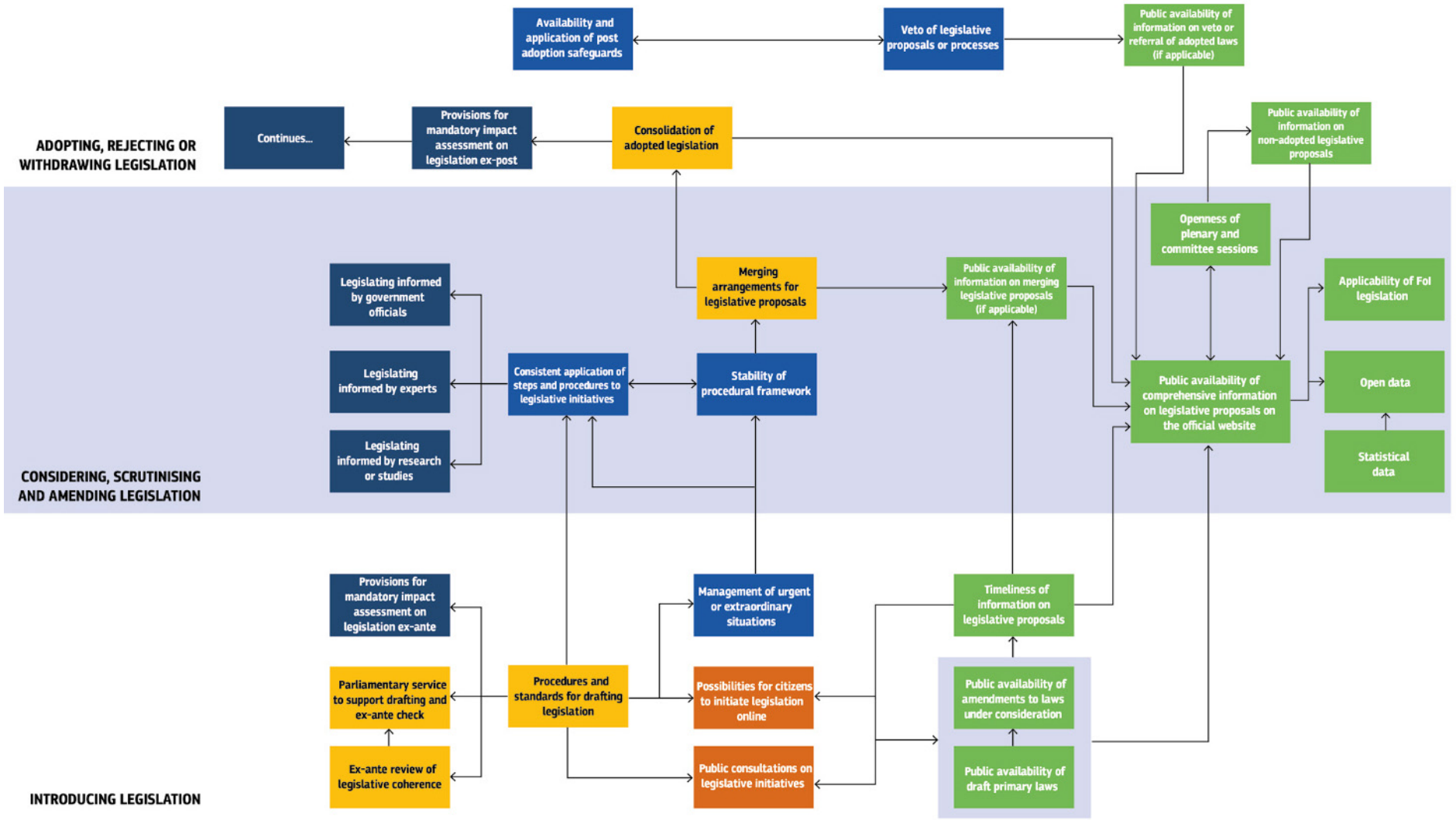
Table 15 | Summary of proposed practicable and operable indicators

Principle	Topic	Indicator
Integrity	Quality of legislative drafting	1. Procedures and standards for drafting legislation
	Coherence of legislation	2. *Ex ante* review of legislative coherence
		3. Merging arrangements for legislative proposals
		4. Consolidation of adopted legislation
	Institutionalisation of quality assurance	5. Parliamentary service to support drafting and *ex ante* checks
Transparency	Access to information	6. Public availability of draft primary laws
		7. Public availability of amendments to laws under consideration
		8. Public availability of information on merging legislative proposals *(if applicable)*
		9. Public availability of information on veto or referral of adopted laws *(if applicable)*
		10. Public availability of information on non-adopted legislative proposals
		11. Timeliness of information on legislative proposals
		12. Public availability of comprehensive information on legislative proposals on the parliamentary website
		13. Applicability of FoI legislation
		14. Statistical data
		15. Open data
	Access to parliamentary proceedings	16. Openness of plenary and committee sessions
Inclusiveness	Consultation	17. Public consultation on legislative initiatives
	Citizen-initiated legislation	18. Possibilities for citizens to initiate legislation online
Robustness and rigour	Evidence-informed legislation	19. Legislating informed by experts
		20. Legislating informed by research or studies
		21. Legislating informed by government officials
	Provisions for impact assessment	22. Provisions for mandatory *ex ante* impact assessments of legislation
		23. Provisions for mandatory *ex post* impact assessments of legislation
Predictability and regularity	Procedural regularity	24. Consistent application of steps and procedures to legislative initiatives
		25. Management of urgent or extraordinary situations
		26. Stability of procedural framework
	'Stop' procedures	27. 'Veto' of legislative proposals or processes
	Post-adoption safeguards	28. Availability and application of post-adoption safeguards

For bicameral systems, the indicator in some cases will need to be applied to both chambers, in order to gather information and reach an overall assessment of the indicator in that country; for example, if one chamber draws extensively on expert opinion, but the other does not, this can have a bearing on the quality of the legislative process. In other cases, the indicator concern the legislative process in its entirely (e.g, procedures and standards for drafting legislation, and post-adoption safeguards) and is not affected by the number of chambers.

There are, of course, considerations of streamlining and 'weighting', as implicitly each indicator is presented equally. It is possible, for example, to envisage the five indicators regarding public availability of information on legislative initiatives at different stages of the legislative process as dimensions of a common issue. Overall, however, the TEG has sought to propose a portfolio of indicators that is complementary within itself; for example, the merger of proposals (if applicable) is presented under both 'integrity' (as concerns ensuring coherence) and 'transparency' (regarding public access to information on the proposals themselves).

This is illustrated by the final figure (overleaf), which shows the relationship between all 28 indicators, which are colour-coded by principle and presented by stage of the legislative process. Given their pivotal positions and extensive linkages to other indicators, the key element appear to be: procedures and standards for drafting legislation; consistent application of steps and procedures to legislative initiatives; public availability of comprehensive information on the official website; and consolidation of adopted legislation. Equally, however, it can be seen from the connections that all of the elements are important, individually and collectively, to the quality of the legislative system.


ADOPTING, REJECTING OR WITHDRAWING LEGISLATION
CONSIDERING, SCRUTINISING AND AMENDING LEGISLATION
INTRODUCING LEGISLATION
Availability and application of post adoption safeguards
Veto of legislative proposals or processes
Public availability of information on veto or referral of adopted laws (if applicable)
Continues...
Provisions for mandatory impact assessment on legislation ex-post
Consolidation of adopted legislation
Public availability of information on non-adopted legislative proposals
Openness of plenary and committee sessions
Legislating informed by government officials
Merging arrangements for legislative proposals
Public availability of information on merging legislative proposals (if applicable)
Applicability of FoI legislation
Legislating informed by experts
Consistent application of steps and procedures to legislative initiatives
Stability of procedural framework
Public availability of comprehensive information on legislative proposals on the official website
Open data
Legislating informed by research or studies
Statistical data
Provisions for mandatory impact assessment on legislation ex-ante
Management of urgent or extraordinary situations
Timeliness of information on legislative proposals
Parliamentary service to support drafting and ex-ante check
Procedures and standards for drafting legislation
Possibilities for citizens to initiate legislation online
Public availability of amendments to laws under consideration
Ex-ante review of legislative coherence
Public consultations on legislative initiatives
Public availability of draft primary laws

ANNEX

COUNTRY CASE STUDY: BELGIUM

1. PARLIAMENTARY SYSTEM

The Federal Parliament of Belgium ([29]) (*Federaal Parlement* in Dutch, *Parlement federal* in French and *Föderales Parlament* in German) has two chambers:

- The Chamber of Representatives has 150 Members of Parliament (MPs), elected directly through proportional representation. There are 11 multi-member electoral districts (10 provinces and Brussels Capital Region), with an electoral threshold of 5 per cent and gender quotas for the electoral lists.
- The Senate has 60 Senators that are not directly elected: 50 are appointed by the regional parliaments from their own members, i.e. they hold a dual mandate, (29 Dutch-speaking, 20 French-speaking and one German-speaking); while an additional 10 Senators are appointed by the Senators from the two language groups in the Senate (Dutch-speaking Senators appoint six Senators and the French-speaking Senators appoint four Senators).

Based on the most recent elections in May 2019, the Chamber has 87 MPs in the governing coalition (58 %), while the Senate has 37 (62 %).

The Belgian parliamentary system is characterised by asymmetrical bicameralism: the Chamber and Senate have equal competences on only a limited number of items. In most policy fields, the Chamber either has exclusive competences or can overrule the Senate if the latter proposes amendments to the legislative texts.

Only the Chamber of Representatives can scrutinise the government, can vote on a motion of confidence in the government, and can approve the budget. The approval of both the Chamber and the Senate is required for changing the constitution, special laws, approval of international treaties, laws regarding the Council of State or the organisation of the judiciary, the financing of political parties and laws regarding the cooperation between the federal and regional level. In all other policy fields, the Senate acts as a 'chamber of reflection', meaning that it can discuss and propose amendments to legislative texts that have been approved by the Chamber, but the Chamber takes the final decision on these proposed amendments. The Senate does not have legislative initiative, but can only respond to initiatives taken by the Chamber. Each chamber has its own Rules of Procedure, which are publicly available ([30]).

The committee composition differs across the two chambers:

- In the Chamber of Representatives, committees consist of 17 members, which are proportionally distributed among the political groups. Independent MPs can sit in committees, but do not have any voting rights. The relatively low number of members means that small political groups are not represented in the committees (or have no voting rights).

([29]) Federal Parliament website, available at: http://www.fed-parl.be/index.html (accessed 14/09/2021).

([30]) Chamber of Representatives Rules of Procedure, available (in English) at: https://www.lachambre.be/kvvcr/showpage.cfm?section=/publications/reglement&language=fr&story=reglement.xml&lang=en (accessed 17/09/2021), and Senate procedures: available at: https://www.senate.be/doc/Reglement_2021_F.pdf (accessed 17/09/2021).

- In the Senate, committees consist of 20 members, which are proportionally distributed among the political groups.

Belgium is also characterised by dual federalism: the division of competences between the federal and regional level is stipulated in the constitution, and both levels are on an equal footing. Regional legislation is not subordinate to federal legislation; the federal parliament cannot discuss, amend or overrule legislation approved by a regional parliament and vice versa. The regional parliaments consequently have far-reaching competences and, for example, also have to approve international agreements (meaning they hold veto power). The main formal link between the regional and federal level is the Senate as the Senators are appointed by the regional parliaments. In addition, a special law stipulates that there are certain bills that concerns a matter for which a procedure of cooperation with the regional or community governments is prescribed, the consultation, involvement or advice of the federal government and the concerned regional governments takes place in accordance with the rules laid down in the regulations of the legislative chamber or parliament to which the draft law, decree or ordinance is submitted. In case of the Federal Parliament, this means that in such circumstances, they must request a written response from the regional governments on the concerned legislative proposal.

2. Parliamentary support structures

Overall, the available policy support for MPs in the Federal Parliament is very limited.

- In both chambers, the MPs can access a Parliament library, but the library services mainly compile information without any additional analysis.
- Although it is not impossible that the personal assistants of the MPs occasionally conduct policy analysis, they mainly hold administrative responsibilities. In the Senate, only the 10 Senators that are appointed by the other Senators are entitled to a personal assistant (the remaining 50 Senators with a dual mandate have a personal assistant in the regional parliament in which they hold their seat).
- Each political group in the Chamber is granted 1.15 university-educated assistants per MP, and a group secretary that provide policy support; in the Senate each group is granted 1 university-educated assistant per Senator and a political group secretary. The political group advisors do provide policy support, but are in practice often used by the extra-parliamentary party organisation, which does not directly contribute to the quality of the parliamentary work.

Although both chambers also have other personnel supporting parliamentary activities, their input is limited to mere technical – and thus not substantive – advice. Both the Chamber and Senate can organise hearings with experts and field visits. In addition, the Senate established in 2019 a 'knowledge centre on institutional affairs', supporting the activities of the Senate regarding constitutional issues.

In the case of proposals from the government, the Council of State provides legal advice concerning the compliance with the constitution, international agreements and other laws, and on technical aspects of the law, as well as coherence with the existing legal base. This is not (automatically) the case when the proposal is submitted by MPs. Nevertheless, while there is no specific article in the rules of procedure, it is customary for the central administrative services in the Chamber of Representatives to check the legal terminology of bills and even propose technical amendments in case of linguistic issues.

3. Legislative paths

There are three main types of procedures:

- Bicameral procedure: the proposal has to be discussed and approved by both the Chamber and the Senate. This is only the case for a limited number of policy topics

(mainly constitutional changes, or laws that are related to the institutional structure of the country)

- Optional bicameral procedure: In this procedure, the Chamber decides and the Senate acts as a 'chamber of reflection'. The Senate can decide to 'evoke' bills that were submitted in the House, i.e. discuss and possibly make amend the bill. However, the Chamber has the final say and can accept, amend or reject the amendments made by the Senate. Evocation and consideration by the Senate must take place within strict time limits.
- Monocameral procedure: means that a single chamber, namely the Chamber of Representatives, adopts a federal law. The Senate has no role in this process. The policy fields in which this monocameral procedure is applied are stipulated in Article 74 of the Constitution.

For Government-initiated legislation, after approval of the Council of Ministers (the collective of all ministers of the federal government), a legislative proposal from the government is first sent to the Council of State (the supreme administrative court) and might be adapted on its advice. Subsequently, the legislative proposal is sent to the MPs together with the explanatory memorandum, the advice of the Council of State and possibly a regulatory impact assessment (if this was conducted).

Regarding Parliament-initiated legislation:

- In the Chamber, individual MPs and groups up to 10 MPs can submit a legislative proposal. The President of the Chamber decides whether or not a legislative proposal submitted by MPs can be considered. If (s)he vetoes the proposal, it is sent to the Conference of Group Presidents (leaders of the political groups), who decide whether or not the proposal can be considered. In addition, the MP needs to request the Chamber to consider his/her proposal. The plenary of the Chamber can decide to vote on the proposals if some MPs oppose the consideration of the proposal. If it is scheduled, the MPs vote in plenary whether or not the proposal is considered.
- In the Senate, individual Senators as well as groups up to the number of political groups in the Senate (currently 10) can submit a legislative proposal. The President of the Senate needs to verify whether a legislative proposal from Senator(s) falls within the Senate's competences. If this is the case, the plenary votes whether or not the legislative proposal is considered.

Although the formal threshold for MPs to submit a legislative proposal is low, in practice only those proposals are discussed that are supported by all political groups that constitute the governmental majority. These groups engage in informal consultations prior to the formal submission of legislative proposals, and the proposal is only submitted if there is agreement. Consequently, proposals submitted by opposition MPs or individual MPs from the governmental majority. In addition, because legislative proposals coming from the government are bound by compulsory scrutiny by the Council of State which takes substantial time and entails the risk of criticism on the (technical) aspects of the legislative initiative, such proposals are regularly – informally – sent to (groups of) MPs to be submitted without the compulsory check of the Council of State.

Citizens have the right to petition the Chamber of Representatives (including suggestions for new legislation), but no formal legislative initiative is provided.

4. Legislative process

The 'standard process' for considering, scrutinising, potentially amending and ultimately adopting or otherwise legislation depends on which procedure is applicable, according to the competences of the respective chamber and the category of legislation:

- Monocameral procedure by the Chamber of Representatives: This is the most common scenario, and involves a proposal made by MP(s) or Government, which is sent by the

President of the Chamber to one or more parliamentary committees. In committee, the government or MP(s) that sponsored the bill sets out the motivation for the legislative proposal, and there is a discussion on the bill as a whole, followed by a discussion on each separate article, then a vote on each article and the bill as a whole. It then moves to the full plenary session, where there is a discussion on bill as a whole, followed by discussion of each separate article (as approved by the committee), and a vote on each article and the bill as a whole. The adopted legislation is sent to the government for assent and promulgation.

- Bicameral procedure: A Proposal made by MP(s)/Senator(s) or Government, and the bill is first considered in the chamber in which it was proposed. There is a discussion and vote at committee level, followed by a discussion and vote at plenary level. The bill is then sent to the other chamber which follows the same committee-plenary sequence. The bill is returned to the chamber that initiated the proposal, which must approve any changes made by the other chamber; in case of non-approval, the bill is sent back to the other chamber. This process continues until both chambers approve the text of the bill, which is then sent to government for assent and promulgation.
- Optional bicameral procedure: A proposal is made by MP(s) or Government. The bill is first considered in the Chamber of Representatives (where it was proposed), and there is a discussion and vote at committee level, followed by discussion and vote at plenary level. The approved bill is sent to the Senate. Within 15 days, Senators must decide on 'evocation', i.e. whether they want to consider the proposal; the majority of Senators and one-third of the Senators of each language group is required. No evocation means the bill is sent to the government for assent and promulgation). In case the Senate decides to evoke the bill, it has 30 days for discussing and amending the text; if the bill is amended, it is resent to the Chamber of Representatives. The Chamber reconsiders the bill and has final say, namely the approval or rejection of Senate's amendments, or the introduction of new changes. The bill is the sent to the government for assent and promulgation

Hence, the standard process is one reading in both committee and plenary. However, at the committee stage in the Chamber of Representatives, a single Member can request a second reading. In plenary, second and third readings are also possible. However, this is not the standard practice. In the Senate, a second reading at plenary level is also possible, but not common. To clarify, this is a representation of the formal readings, not of the number of sessions a legislative initiative is discussed (which could be as many as 15).

Regarding amendments to draft legislation:

- In the Chamber of Representatives, either individual MPs or groups of up to 10 MPs can submit amendments. They are only discussed in plenary if supported by at least five MPs.
- In the Senate, either individual Senators or groups of up to 10 Senators (i.e. the number of political groups) can submit an amendment. The Senate can only amend legislation in policy fields that fall under the bicameral or optional bicameral procedure. This only the case in a very limited number of policy fields (mainly constitutional and judicial issues).

The rules of procedure (of both the Chamber of Representatives and the Senate) only stipulate that 'These amendments must be directly related to the precise subject matter or article of the bill or proposal'.

It is technically possible to propose 'alternative legislation' (i.e. the complete replacement of a bill), but this is formally considered as an amendment and follows that the same rules and procedures as regular amendments (both in the Chamber of Representatives and the Senate). No formal possibility of merging legislative proposals is foreseen in the rules of procedure of either the Chamber of Representatives or the Senate.

The Chamber of Representatives can decide that a bill has to be considered 'with urgency'. This gives rise to shorter deadlines and procedures in the parliamentary process, both at committee and at plenary level.

Once adopted by the Federal Parliament, the signature of the head of state is a formality, although there have been occasions in the past when the King refused to sign a bill (most recently in 1990 concerning a bill decriminalising abortion). However, it is not used by the government as a political tool to veto bills coming from parliament, mainly because the government – through its affiliated MPs – has a firm control over the legislative procedure in parliament. All laws are published in the official state journal and enter into force on the 10th day after its publication (unless the text of the law contains a different date).

There is no provision for post-adoption challenges by MPs or citizens. In principle, the promulgation of the bill acts as a check by the government to verify whether all parliamentary procedures have been properly followed (formally at least). Once the promulgation has taken place, there is no additional tool in place to challenge the legislative procedure.

5. Transparency

All legislative proposals are published on the website of both the Chamber of Representatives and the Senate. The amendments are included on the general page of the legislative proposal and can also be found in the general parliamentary database ([31]):

Texts of rejected legislation are available in the parliamentary database, but are not easy to find. The main logic of categorisation is based on the internal numbering used by the parliament, which complicates any search efforts. It is possible to search for key words, but only a limited number of key words that have been pre-determined by the parliamentary services. Consequently, finding the legislative proposal is extremely difficult for citizens that are not following the parliamentary procedures closely and/or are familiar with the parliament's website.

The Federal Parliament publishes each new law in its adopted form and amendment to existing law in adopted or consolidated forms, as well as information on the legislative process. Every legislative proposal has a dedicated page in the parliamentary database, consisting of the different steps in the parliamentary procedure, the minutes of the meetings, the text of the amendments, etc. However, these pages are difficult to find and the database is not very user-friendly.

Regarding access to parliamentary proceedings, plenary and committee agendas, timetables, minutes and decisions are published online, while sessions are open physically to the media and the public, and also streamed online (but not broadcast on public TV) ([32]). However:

([31]) Parliamentary database, available at: https://www.dekamer.be/kvvcr/showpage.cfm?section=/flwb&language=nl&cfm=ListDocument.cfm (accessed 17/09/2021).

([32]) Chamber of Representatives: streaming and recordings of committee and plenary sessions, available at: http://www.dekamer.be/media/index.html?language=nl&sid=55U2027; minutes of plenary meetings, https://www.lachambre.be/kvvcr/showpage.cfm?section=/cricra&language=nl&cfm=dcricra.cfm?type=plen&cricra=cri&count=all; minutes of committee meetings, https://www.lachambre.be/kvvcr/showpage.cfm?section=/cricra&language=nl&cfm=dcricra.cfm?type=comm&cricra=cri&count=all; parliamentary database: https://www.dekamer.be/kvvcr/showpage.cfm?section=/flwb&language=nl&cfm=ListDocument.cfm
Senate: streaming and recordings of plenary sessions: https://www.senate.be/www/?MIval=/index_senate&MENUID=24600&LANG=nl ; agendas of plenary meetings: https://www.senate.be/www/?MIval=/index_senate&MENUID=24100&LANG=nl; minutes of plenary meetings: https://www.senate.be/www/?MIval=/index_senate&MENUID=24400&LANG=nl; streaming and recordings of committee sessions: https://www.senate.be/www/?MIval=/index_senate&MENUID=25500&LANG=nl; agendas of committee meetings: https://www.senate.be/www/?MIval=/index_senate&MENUID=25100&LANG=nl; minutes of committee meetings: https://www.senate.be/www/?MIval=/index_senate&MENUID=25400&LANG=nl; parliamentary database: https://www.senate.be/www/?MIval=/index_senate&MENUID=22000&LANG=nl (all accessed 17/09/2021).

- In the Chamber of Representatives, the Conference of Presidents or, by two-thirds of the vote, the committee in charge may decide before the discussion in committee that a bill or proposal is considered in camera.
- The Senate meets in camera at the request of the President or 10 members. Subsequently, the Senate decides, by an absolute majority of votes, whether the meeting will be resumed in public on the same subject.

The government does not record and publish information on the number of amendments to existing legislation.

6. Inclusiveness

No public consultation is foreseen in parliamentary procedures. The possibility of hearings with stakeholders and/or experts is included in parliamentary procedures and is frequently used in practice, but in these cases the respondents are controlled by the political groups (of the governmental majority) leading to a much more closed process compared to open consultations.

Similarly, there are no formal provisions to include social partners in the consideration and scrutiny of new or amending legislation, although it does happen on a more informal basis (committees take written evidence from social partners in both chambers or they can be invited to participate in hearings).

7. Robustness and rigour

Regarding use of evidence, there are provisions for committees to invite written submissions and take oral evidence from experts, and conduct site visits and study trips, which are taken up in practice in the Chamber of Representatives, but not the Senate (as its activities are limited), irrespective of whether the source of the legislation is government or parliament.

There are no provisions for Federal Parliament to subject non-government initiated legislation to impact assessments.

In proposing amendments to legislative initiatives under deliberation, MPs have to provide a motivation/explanation of their amendments, but these can be submitted without restrictions.

There are no option of going straight to vote and time limits on proceedings. The annual reports of both the Chamber of Representatives and the Senate include data on the number of meetings and their duration.

COUNTRY CASE STUDY: SLOVAK REPUBLIC

1. PARLIAMENTARY SYSTEM

The National Council of the Slovak Republic (*Národná rada Slovenskej republiky*) ([33]) has a single chamber with 150 Members of Parliament (MPs). Political parties can nominate up to 150 candidates. Only parties with more than 5 % of total votes cast

([33]) National Council website, available at: www.nrsr.sk (accessed 03/09/2021).

are eligible to enter the parliament, while the threshold for coalitions of two or three parties is 7 %, and coalitions with four more parties is 10 %. The number of seats is allocated in proportion to the share of votes received by each party (method of highest balance with Hagenbach-Bischoffov quota*)*. The most recent election was held in February 2020, leading to the governing coalition holding 93 seats, 62 % of all MPs. Parliamentary process is regulated by Law 350/1996 Z. z. ([34]), which is publicly available. *Inter alia*, the rules state that normally each of the National Council's standing committees has 12 members, while one MP can be member of maximum two committees.

2. Parliamentary support structures

In the Slovak system, MPs have access to a parliament library and information services. The National Council has the right to commissions studies, however this is not applied frequently. Each MP also receives approximately EUR 4 000 per month to cover the costs of his/her office and assistant, who can perform research and analysis for the MP, although their selection is not always merit-based. In addition, political groups also provide research and analytical support to their MPs. Government officials, employed in the National Council Office, also provide advice and other services to Parliament and all its members. Each Committee has its own Committee secretariat, which provides substantial policy and other support.

3. Legislative paths

For government-initiated legislation, the government sends the draft law signed by the Prime Minister to the Office of the National Council, in accordance with rules codified in legislation ([35]). There are three readings. MPs also have the right to initiate legislation, either individual or in groups (within or across parties). Parliamentary Committee as a whole can submit law proposal. Each law proposal must be submitted to the first reading. There are no 'veto points' on the introduction of legislation (e.g. the Parliamentary Speaker over-ruling MPs on submission). There is no option of citizen-initiated legislation, other than citizens petitions.

Regardless whether the source is government or parliament, or the category of legislation (constitutional amendment, organic law, etc.), there is one standard set of rules as defined by Law č. 350/1996 Z. z. However, Parliament initiated laws and emergency laws, according to the legislative rules, require less comprehensive documentation. For example, there is no compulsory RIA.

Regarding how to draft and amend legislation, Slovakia has a a specific law which provides guidance ([36]). Regarding checks on quality (language, terminology, etc.), however, the Office of the National Council delivers administrative and technical services for MPs. All draft government sponsored laws must be approved by the Legislative Council of Government, which also checks all parliament sponsored legislative proposals on request of the Head of the National Council, checks the compliance of draft law with the EU law and delivers professional statements to any legal dispute connected with the law proposal.

([34]) Available at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1996/350/20210101 (accessed 14/09/2021).

([35]) Legislative rules of the Goverment of the Slovak Republic, available (in Slovak) at: https://www.vlada.gov.sk/data/files/6645_legislativne-pravidla-vlady-slovenskej-republiky-schvalene-uznesenim-vlady-slovenskej-republiky-zo-4-maja-2016-c-164-v-zneni-uznesenia-vlady-slovenskej-republiky-z-28-septembra-2016-c-441.pdf (accessed 15/09/2021).

([36]) Law 400/2015 Z.z, available at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/400/20210101 (accessed 14/09/2021).

4. Legislative process

Regarding the standard process, there are three readings in plenary session and one committee stage:

- In the first reading, the National Council has three choices: either return the law proposal to the proposer, stop the process or move the proposal to the second reading.
- During the second reading, all committees which were asked to read the proposal discuss it and provide statements. One coordination committee prepares the final joint report with proposed amendments and final statement. The proposal is discussed in the National Council meeting afterwards and all proposed amendments, covering all submitted proposals (irrespective of source), are put to vote.
- The third reading normally just votes on the proposal as the whole. New amendments are possible only in special circumstances.

The steps are the same in all circumstances, but timing can be significantly shortened for emergency laws.

For committees, their final common report includes all proposed changes, but this document does not have any legal value. The plenary has the right to propose and adopt.

Amendments that are not directly related to the contents of the law should not be allowed. If the amendment is proposed by the MP, it must be supported by minimum 15 other MPs.

There is no option for MPs to put forward alternative legislation (e.g. total replacement of a bill, rather than an amendment) during scrutiny, or to merge legislative proposals.

Once adopted by the National Council, the President must sign the law before it is enacted, but has the option to return the law, in which case it is voted on again by the Parliament, If it receives a minimum 76 votes (a simple majority), the law cannot be rejected by the President again. The Law is only enacted after publication in the Gazette.

Neither MPs nor citizens can challenge the procedural process after the National Council has adopted legislation.

5. Transparency

According to Law č. 350/1996 Z. z. § 71, the Head of the National Council guarantees the immediate publication of the submitted law on the web of the National Council, minimum 15 days before first reading (except for emergency laws). Amendments to draft legislation, proposed during the legislative process, are not regularly published.

If new primary laws and amendments to existing laws are rejected by Parliament, the text and reason are available on its website (although formal reasons only), and the percentage can be calculated but is not available directly. Other portals presenting valid legislation show all such amendments, especially the 'Laws for People' website ([37]). It is also possible to access information on the percentage of government-sponsored laws withdrawn before they are put to a vote for adoption.

While the Parliament does not publish each new law in its adopted form or amendment to existing law in adopted or consolidated forms, the final text is published by other servers ([38]). The Parliament does, however, publish information on the legislative process.

Regarding parliamentary proceedings, plenary and committee agendas, timetables, minutes and decisions are published online, while sessions are open physically to the

([37]) 'Laws for People', available at: https://www.zakonypreludi.sk (accessed 15/09/2021).
([38]) 'Laws for People', op. cit. and Slov-Lex Laws and Information Portal, available at: https://www.slov-lex.sk/ezz (accessed 15/09/2021).

media and also to the public (if there is free capacity). Plenary sessions are also streamed online. All information is available on the Parliament website.

6. Inclusiveness

Public / stakeholder consultations are obligatory for new government sponsored laws and amendments to existing laws, but not obligatory for parliament sponsored laws, based on the decision of the Head of the National Council. The Office of Government has mandate to decide on how consultations are organised, following existing legislative rules. Regarding consultations with social partners, these are obligatory for government sponsored laws before they are submitted to Parliament. The regime of emergency situation laws depends on the concrete situation. The committees may use any kind of consultation during second reading stage, but the method of implementation is each committee's internal decision. There are exemptions to the transparency of plenary and committee sessions for security purposes, where some session can be closed under the law.

7. Robustness and rigour

There is no compulsory use of evidence to inform the scrutiny of new laws or amendments to existing ones, while information on actual use is not available.

There is no provision in parliamentary rules for non-government initiated legislation to be subject to impact assessments.

Committees' final reports must justify all amendments to proposed legislation, but this document does not have legal value. Few general rules are defined for changes proposed by MPs during second readings (a minimum number of MPs supporting the change, and the change should be related to the topic).

Regarding time taken, the legislative process can be followed step by step on the web of the National Council – but only number of days spent in plenary and committee are recorded and made publicly available.

COUNTRY CASE STUDY: FINLAND

1. PARLIAMENTARY SYSTEM

The Parliament of Finland (*Eduskunta*) ([39]) has a single chamber with 200 Members of Parliament (MPs) elected based on proportional representation with multi-member constituencies in 13 districts. The number of elected representatives depends on the size of the population of the district. There are no reserved seats for any group.

The most recent election was held in April 2019, leading to the governing coalition holding 117 seats (58.5 % of all MPs).

The parliamentary process is governed by Rules of Procedure, which are publicly available ([40]).

([39]) Eduskunta website, available at: https://www.eduskunta.fi/EN/Pages/default.aspx (accessed 15/09/2021).
([40]) Eduskunta Rules of Procedure, available at: https://www.finlex.fi/fi/laki/ajantasa/2000/20000040#L4P37 (accessed 11/09/2021).

The committee structure of Eduskunta currently comprises the Grand Committee ([41]) and 16 other standing committees: Constitutional Law Committee; Foreign Affairs Committee; Finance Committee; Audit Committee; Administration Committee; Agriculture and Forestry Committee; Commerce Committee; Committee for the Future; Defence Committee; Education and Culture Committee; Employment and Equality Committee; Environment Committee; Legal Affairs Committee; Social Affairs and Health Committee; Transport and Communications Committee; and Intelligence Oversight Committee.

Membership is limited to MPs, and Parliament decides on the composition at the beginning of the mandate when convening after elections. In practice, the result of elections is reflected in the composition of members (and deputies). As government coalition needs the support of the majority of MPs (minority governments have not been used, although they are formally possible), the government coalition's majority is reflected also in the composition of committees, if possible.

According to the Rules of Procedure, the Grand Committee has 25 members and 13 alternates, while the standing committees have 17 members and nine alternates. However, the Finance Committee has 21 members and 19 alternates, the Audit Committee has 11 members and six deputies, and the Intelligence Control Committee has 11 members and two deputies. There are also temporary committees, for which Parliament decides on the number of members and alternates.

Based on proposals from the committees themselves, the Parliament may decide to increase the number of alternate members of the Grand Committee or of the members or alternate members of another committee. An MP who has already been elected as a member of two committees has the right to refuse to serve on more than one committee. If the reason is acceptable, Parliament can release a representative from membership of the committee at his or her own request.

2. Parliamentary support structures

The support structures for MPs in Eduskunta are extensive. All 200 MPs have personal assistants funded by the Parliament. Larger parties have formed party group secretariats with a division of labour according to policy sectors or other expertise. The number of staff of the secretariats reflects the number of MPs, with the largest parties having staffs of 30-40 in their secretariats.

The staff of the Parliament library is 36; there is no information about the number with special assignment to assist MPs. The library is open to the public and used also by students and academics. Its information services include the (limited) use of econometric simulation models of alternative policies, normally used by parties in opposition, for example to formulate their 'shadow budgets'. Information services are available to both MPs and external customers (the media, researchers, etc.).

Experts from the Library of Parliament prepare information packages on *selected* legislative projects (currently 34, as of September 2021) ([42]) for customers. They collect material both from the period before and during the parliamentary deliberations, as long as the legislative project is ongoing (after adopting the law, they are not updated but still available). They also include information about projects, legal comparison material, literature, and research material and information on the opportunities for citizen influence.

([41]) Grand Commmittee, available at: https://www.eduskunta.fi/EN/valiokunnat/suuri_valiokunta/Pages/default.aspx (accessed 15/09/2021).

([42]) Information packages for legislative projects, available at: https://www.eduskunta.fi/FI/naineduskuntatoimii/kirjasto/aineistot/kotimainen_oikeus/LATI/Sivut/default.aspx (accessed 15/09/2021).

The Audit Committee and the Committee for the Future ([43]) commission research from external institutions, but they are policy-oriented background studies, not directly linked to any specific proposal for new legislation or amending existing legislation and their number is very limited (one or two per year).

The committees are assisted by the civil servants who have prepared the bills ([44]). This is perhaps the most qualified support. The committee secretariats have the best knowledge of parliamentary procedures and the previous reports of their committee (contributing to coherence of regulation). Advisors affiliated with MPs and party groups tend to pick up information that support their agenda.

The Parliament has no office for checking the quality of legislation prior to consideration. In practice, the civil servants who prepared government bill help the standing committee to revise it also technically, if the committee wants to change it. Also the secretariat of the committee has qualified experience. All legal proposals (from all sources) go to a standing committee which always collects opinions of legal experts (relevant civil servants, Chancellor of Justice, professors of law, etc.).

The Constitutional Law Committee ([45]) considers proposals that may have relevance in terms of the Constitution, prior to their further consideration by Parliament.

3. Legislative paths

Regarding government-initiated legislation, the Government decides on the bill to Parliament in its general session. The Prime Minister's Office informs the Eduskunta about the bills through PFJ, the government's electronic decision-making information system. The Speaker of the Parliament announces the incoming bill(s) in the plenary. The first phase is the referral discussion in plenary, after the Speaker's Council has made the agenda including the bill in question. The Minister responsible for the preparation of the bill delivers a speech prepared by the rapporteur and preparatory team (civil servants) in the plenary before general discussion by the MPs. The Parliament sends the bill to one or more standing committees, as proposed by the Speaker's Council.

With respect to Parliament-initiated legislation, every MP has the right to make a motion, but very often there are more than one MPs signing the motion, also from different parties. On average, only about 1 % of the motions (including those made by the MPs of the governing coalition) lead to legislation. Motions are important for MPs to indicate their willingness to keep their promises to their constituencies.

MPs have the right to propose five kinds of initiatives: legislative initiatives; initiatives for action (suggestions to start legislative preparation or some other activity); budget initiatives regarding the Government's proposal for annual budget (once the Government has submitted its proposal for annual budget); budget initiatives for supplementary budget (once the Government has submitted its proposal for supplementary budget; several per year in practice); and discussion initiatives (for the Speaker's Council about topical issues). MPs introduce primary laws, but as political statements or to attract the government's attention, rather than in expectation they will proceed.

([43]) Committee for the Future, available at: https://www.eduskunta.fi/EN/valiokunnat/tulevaisuusvaliokunta/Pages/default.aspx (accessed 15/09/2021).

([44]) Parliamentary proceedings, available (in Finnish) at: http://lainvalmistelu.finlex.fi/6-eduskuntakasittely/#esittely (accessed 15/09/2021), shows how civil servants (the preparatory team and the rapporteur) and minister(s) who are linked to the preparation of the bill take part in the process.

([45]) Constitutional Law Committee, available at: https://www.eduskunta.fi/EN/valiokunnat/perustuslakivaliokunta/Pages/default.aspx (accessed 15/09/2021).

According to the Citizen Initiative Act ([46]), a Finnish citizen with the right to vote can propose a new law, or amend or repeal an existing one. A citizens' initiative will be considered by Parliament, if it has collected at least 50 000 statements of support within 6 months. If the initiative takes the form of a legislative proposal, it must include the text of the act. The initiative must focus on one issue and must always be accompanied by a statement of reasons. This can be submitted through an online service maintained by the Ministry of Justice ([47]), free of charge (electronic identification is required, e.g. by using identification of banks). The initiative can also be made on paper, but it is not used in practice, as the collection of signatures would be very slow. When enough signatures have been collected, the initiative is sent to the Population Register Centre (PRC), which checks names and confirms the number of approved signatures.

According to the Parliament's website ([48]):

- After the PRC has checked the names and confirmed that 50 000+ approved signatures have been collected, a spokesperson for the initiative can submit it to Parliament for consideration. The initiative automatically lapses if it is not submitted within 6 months of the date on which the PRC has made its decision.
- Ediuskunta has an obligation to consider a citizens' initiative, but it has discretion as to whether it wishes to approve it, with or without changes. If the initiative is rejected, a new one on the same matter can be set in motion.
- The consideration of a citizens' initiative begins with a preliminary debate in plenary session. At the end of the debate, Parliament refers the matter to a committee. During the committee stage, spokespersons for the initiative must be given an opportunity to state their case. A committee may also hear a representative of the relevant ministry and other experts.
- The committee may continue discussion of the matter and prepare its report for the plenary session. It can also decide not to support an initiative and to end discussion of the matter. This does not mean that the matter is dropped or that an initiative is rejected. It simply means that an initiative must wait for further measures such as a government proposal. The committee may return to the matter later on. A citizens' initiative that has not been considered by the end of the electoral term is allowed to lapse.

Citizen-initiatives may be proposals to amend certain, named paragraphs in the existing legislation or proposals to prepare new legislation; the latter are more common.

As at 8 August 2021, a total of 1 267 citizen initiatives had been started, with a further 59 initiatives in the process of collecting statements of support. In total, 48 initiatives were sent to Parliament between 23 January 2013 and 7 October 2020 ([49]). Just 13 have been processed by Parliament ([50]), and two had been adopted by the Parliament. MPs and/or committees tend not to support them; often the quality is poor, and initiatives are politically controversial and in some cases unconstitutional, as they contravene human rights, for example.

The Parliament has no guidelines of its own regarding drafting legislation to guide MPs (and citizens), apart from the technical instructions as to when and how to save the MP motions in the information system. However, there are guidelines published by the Ministry of Justice ([51]), many of them based on Government Decisions-in-Principle. *Inter alia*,

([46]) Citizens' Initiative Act, available (in Finnish and Swedish) at: https://www.finlex.fi/fi/laki/ajantasa/2012/20120012 (accessed 15/09/2021).
([47]) Citizensinitiative.fi, available at: kansalaisaloite.fi (accessed 15/09/2021).
([48]) Citizens Initiative, available at: https://www.eduskunta.fi/EN/naineduskuntatoimii/eduskunnan_tehtavat/lakiensaataminen/kansalaisaloite/Pages/defaut.aspx (accessed 15/09/2021).
([49]) Citizensinitiative.fi, op. cit.
([50]) Parliamentary Ofiice 2020 Annual Report, available (in Finnish) at: https://www.eduskunta.fi/FI/naineduskuntatoimii/julkaisut/Documents/Toimintakertomus_2020_eduskunta.pdf (accessed 15/11/2021).
([51]) Legislative drafting instructions, available (in Finnish Swedish, and partly in English) at: https://oikeusministerio.fi/lainvalmisteluohjeet (accessed 15/09/2021).

the guidelines or recommendations aim to harmonise the legislative preparation practices of different ministries and ensure that the quality requirements of legal acts are met. These include: legislative process guide; instructions for preparing the Government's bill; writer's guide; guidelines for the preparation and implementation of international and EU agreements; co-operation between Parliament and the Government in the national preparation of EU affairs; guidelines on the role of Åland in legislative preparation and EU affairs; guidelines for assessing the impact of legislative proposals; legislative consultation Guide; a guide to support the preparation of pilot laws; translation of acts into foreign languages; 'Svenskt lagspråk i Finland' (SLAF); state administration communication instructions and regulations; and handbook of the government rapporteur.

4. Legislative process

The stages in the legislative process are set out on Parliament's website ([52]).

The consideration of a legislative proposal begins with a preliminary debate in plenary session. Decisions on the content of legislation are not made during this debate, which is intended to guide committee work. At the end of the debate, Parliament refers the matter to the appropriate committee.

Committees start considering a matter referred to them as soon as possible. It generally takes 1 or 2 months for a committee to deal with a matter, but urgent matters can be considered in just a few days if necessary. Large legislative projects can take many months or even years. Once a committee has completed its report, the matter goes back to the plenary session.

Bills always require two plenary readings and are considered on the basis of a committee report, which may recommend significant changes to the government proposal. A committee may also recommend that a bill or parts of it be rejected.

- In the first reading, the Parliament discusses the proposal of the committee and decides on the content of a bill. Following a general debate, it looks at the bill section by section. During this stage, changes are often proposed to the recommendations in the committee report. If the content of the bill is adopted in accordance with the committee report, the first reading of the matter is declared closed. Otherwise, the matter will be sent to a Grand Committee, in accordance with the decision of Parliament. The Grand Committee may agree with the decision of Parliament or propose amendments to it. If the Grand Committee proposes changes, Parliament decides whether to approve or reject them. The first hearing is then closed, according to §53 of the Rules of Procedure.
- The second reading can begin no earlier than the third day after the first reading and is based on the text approved in the first reading. At this time, a bill is either approved or rejected; the content can no longer be changed.

Parliament enacts legislation which means that it can amend any proposal. The changes by plenary are made always in the first reading and they will not go back to standing committee, but to the Grand Committee and then back to plenary.

The number of sessions at the committee stage depends on the nature of the proposal (technical amendment of legislation vs major reform). Three or four sessions might be the average, based on the stages of the committee work in the cases of 'normal' proposal; there is no information available about the sessions per legislative proposal. The rules about (minimal number of) sessions are the same for enacting new legislation and amending existing legislation.

([52]) Stages of the legislative process, available at: https://www.eduskunta.fi/EN/naineduskuntatoimii/eduskunnan_tehtavat/lakiensaataminen/lainvalmistelu_vaiheet/Pages/default.aspx (accessed 15/09/2021). There is also more detailed description for each stage in the Legislative Drafting Process Guide, op. cit.

Formally, the path is the same for all legislation: referral discussion, committee, first reading, and second reading. However, motions of MP or citizen initiatives are often rejected by the committee and plenary. Only constitutional amendment follows a different path. A simple majority of votes is required to approve or reject ordinary legislation. If a proposal concerns the Constitution, however, it must first be approved by a simple majority of votes on its second reading, and is then left in abeyance until after the next general election. The newly elected Parliament brings the bill back up for discussion. Final approval requires a two-thirds majority of votes, and no changes may be made in the bill's content at this time. A bill regarding the Constitution need not wait until after the next general election if it is declared urgent by a five-sixths majority of votes and then approved by a two-thirds majority.

After a bill has been approved, Parliament's response is prepared. This document includes the approved legal text together with other decisions made by Parliament in the matter. It is signed by the Speaker and the Secretary General and is then sent to the President of the Republic for ratification. Once the President has signed a bill, it is published in the Statutes of Finland. The President can also refuse to ratify a bill. In this case it goes back to Parliament, which can either approve the bill without changes or reject it. If Parliament again approves the bill, it enters into force without the need for ratification. Otherwise the bill is allowed to lapse.

The standing committee considers also the motions from MPs or citizens' initiatives submitted by plenary. Formally there is no such concept as 'alternative legislation' (i.e. a parliamentary initiative to completely replace a bill). However, according to the Rules of Procedure, 'government proposals and parliamentary initiatives on the same subject shall be considered in conjunction with each other and shall be the subject of a joint report, unless special reasons require otherwise. However, the committee must ensure that the report drawn up on the basis of the government's proposal is not delayed by the merger. The Speaker's Council may issue further instructions as to the order in which matters are to be referred to committees'.

The date of entry into force is always given as part of the text of the law when Parliament adopts legislation and it may vary according to urgency. The signature by the Head of State is compulsory (within 3 months), but if (s)he disagree, the law is sent back to Parliament which can adopt it without further input from the Head of State. The Head of State normally responds in time, if the law is urgent.

Parliament can also make self-corrections of the text of even an adopted law (e.g. typos). For example, there was a recent case ([53]) where the text of an adopted law referred to §3 in another law when the purpose was to refer to §2; it was considered a typo, although the consequences of the change would have been formally drastic without self-correction.

Regarding post-adoption safeguards on the legislative process, Finland has no constitutional court. Citizens may appeal to the Chancellor of Justice and Parliamentary Ombudsman who may then decide whom of them will address the complaint (both of them are not allowed to address the same complaint). The administrators of Parliament as officials are subject to constitutional and administrative law.

5. Transparency

All bills are accessible to the public, but there may be confidential material used during the consideration that are not made publically available in accordance with the legal and regulatory framework ([54]).

([53]) Correcting a typo contained in the Act implementing health and social services legislation, available at: https://www.eduskunta.fi/FI/tiedotteet/Sivut/Sote-lainsaadannon-voimaanpanolakiin-sis%C3%A4lty-van-kirjoitusvirheen-korjaaminen.aspx (accessed 15/09/2021).

([54]) 'Constitution of Finland and Parliament's Rules of Procedure', available at: https://www.eduskunta.fi/FI/naineduskuntatoimii/julkaisut/Documents/ekj_3+2013.pdf (accessed 21/09/2021).

Similarly, plentary sessions are open 'unless the Parliament for a very weighty reason decides otherwise for a given matter'. Furthermore, according to a Parliament Decision ([55]), 'The committee's documents are confidential if disclosure of them would cause significant damage to Finland's international relations or capital and financial markets, or endanger national security. Documents containing information relating to business or professional secrecy or to a person's state of health or financial situation shall also be kept confidential if disclosure would cause significant inconvenience or damage, unless there is an overriding social need to disclose them. The committee may, for other similar imperative reasons, decide that a document is to be kept secret.'

The Parliament is very open with respect to plenary proceedings, as agendas, timetables, minutes and decisions are published online, while sessions are open physically to the media and public, broadcast on TV and streamed online ([56]). By contrast, the agendas, timetables, minutes and decisions of committee meetings are accessible online, but the sessions themselves are not open for attendance, broadcast or streamed online. Committees can invite experts for public hearings that are published both as video files and in text form (pdf). Committees can also arrange public meetings that are recorded – these are totally up to the committee's will, with the exception of confidential matters, but most of the committee meetings are closed.

Standing committee may propose rejecting legislation; their reports and reasons for rejecting are public. As for plenaries, the minutes are public, but reasons are reflected in the discussion and may be very fragmented (each MP may have their personal reasons). The statistics of the outputs of Parliament are poor, but there is an ongoing two-year project to improve them.

While committee documents are public, there are no statistics on how many times a single law has been amended. The database of Parliament documents permits searches for proposals that have been cancelled or rejected (with full documentation). All amendments for each law can be seen in the Finlex database in consolidated form of each law, with links to each amendment and information that identifies its codes in the documents of Parliament, publicly available in the database of Parliament. All legislation is published in the original and consolidated form in Finnish and in Swedish, with some in English ([57]).

6. Inclusiveness

Regarding parliament initiated legislation, consultation is optional for both new laws and amendments to existing laws. In practice, however, consultation always takes place, if there is any major change or the proposal is controversial (and the motion is initially approven on the agenda, which is rare). There is also a 2016 handbook on consultation from the government ([58]).

By contrast, it is compulsory to consult responsible people of the citizen initiative and, in general, Sámi people, if bills or other matters concern this ethnic group. According to Parliament Decision ([59]), 'when considering a citizens' initiative, the committee shall give the representatives of the initiators the opportunity to be heard. When considering a bill or other matter which concerns the Sámi in particular, the committee shall reserve an

([55]) Parliament Decision 20.12.2018 / 123, available at: https://www.finlex.fi/fi/laki/ajantasa/2000/20000040#a20.12.2018-123 (accessed 15/09/2021).
([56]) Public database for searching parliamentary documents, available at: https://www.eduskunta.fi/FI/search/Sivut/Vaskiresults.aspx; recorded plenary sessions available at: https://areena.yle.fi/1-50053574, also on the Parliament website (all accessed 15/09/2021).
([57]) Finlex website, available at: https://finlex.fi/en/ (accessed 15/11/2021).
([58]) Legislative drafting consultation guide, available at: http://kuulemisopas.finlex.fi/ (accessed 15/11/2021).
([59]) Parliament Decision 7.12.2011 / 1272, available at: https://www.finlex.fi/fi/laki/ajantasa/2000/20000040#a7.12.2011-1272 (accessed 15/11/2021).

opportunity for the representatives of the Sámi to be heard, unless there is a special reason to the contrary'.

The standing committees of Parliament acquire oral and written statements from social partners as a regular practice before drafting the committee's report for the plenary of Parliament (the first reading, where it is possible to propose changes to the proposal). The committee may change the original proposal submitted to it, and the changes may originate from consulting with social partners.

7. Robustness and rigour

Regarding use of evidence, as noted in section 1.2, standing committees (Audit Committee, Committee for the Future) have commissioned research (a couple per year), but they are background studies, not directly related to any specific legislative proposals.

Standing committee also invite written submissions and oral evidence from experts. Most MP motions do not lead to legislation, but some may be referred to in the Government bills to Parliament; even in these cases, the motions of MPs are formally rejected by the Parliament. However, if the motion goes to standing committee, oral and written statements from experts is a regular practice.

Committees also conduct site visits and study trips, including to foreign institutions. The number of journeys of committee delegations were six (2018), three (2019) and one (2020) ([60]). Committees may ask additional information from the information services of the Library of Parliament.

With respect to impact assessments, these are not compulsory for Parliament-initiated legislation: only if they are eventually merged with a Government's bill to Parliament. The legislative motions of MPs are expected to be brief, just a couple of pages. There are no formal requirements for impact assessment, but MPs are free to refer to any reports in their motion.

The law on citizen initiative does not require that the initiative should include impact assessment as a formal criterion, but normally the initiative's arguments include some clarification of intended effects (if not also possible non-intended effects) and possibly reference to research reports or the like.

A citizen initiative goes to a standing committee for preparation after the referral debate of plenary of Parliament (always the first stage in any decision on legislation). The committee is expected to say something about the effects in its report to the plenary (including the committee's proposal), based on non-mandatory but regular oral or written consultation of experts and stakeholders, but there is no formal requirement to assess impact.

The work of standing committees is regulated by the Rules of Procedure, but there are no prescribed rules or standards for impact assessment, other than the government's own 2007 guidelines.

Regarding time limits, all legislative proposals (from any source) lapse in the end of term of Parliament (4 years). The proposal can be declared urgent by a standing committee or plenary before the second reading, but the process of consideration and adoption is the same as without this declaration. It means just 'bypassing the queue' – and then the whole process may be completed in few days. This is not the same procedure as the declaration of urgency in enacting an amendment of the Constitution or passing a law that has constitutional relevance.

Regarding time taken, the minutes of the plenary sessions and committee sessions show when the session started and when it ended, but there is no indication as to how long each

([60]) Annual Report 2020 of the Parliamentary Office, op. cit.

legal proposal was dealt with. However, the speeches of MP given in plenary sessions are recorded (and shorthanded) and published in the final minutes (only the text). The starting time for each speech is given in the minutes. Normally, the committee phase takes 1-2 months (after the referral discussion in plenary), but large reforms may need months or even years. The second reading (adopting or rejecting only) can be arranged no earlier than three days (Rules of Procedure of Parliament, §53). The process and the timelines are the same for all legislative proposals, also those of amending existing legislation.

COUNTRY CASE STUDY: LATVIA

1. PARLIAMENTARY SYSTEM

The Parliament of Latvia (*Saeima*) ([61]) has a single chamber with 100 Members of Parliament (MPs) elected by secret ballot, based on proportional representation with a 5 % threshold for a four-year term. An unmodified Sainte-Laguë method is used to allocate seats. The parliamentary elections are held on the first Saturday of October. Latvia is divided into five separate constituencies and the number of seats available in each constituency is based upon the number of registered voters in each. Latvia has a multi-party system, with a large number of political parties. However, no one party alone can gain power, thus they work together with each other to form a coalition government after the elections. There is no system of seat reservation. Parliamentary groups are usually formed around the political parties elected. However, during the term of the parliament, the MP might leave the political party, so he/she becomes an unaffiliated member of the parliament, or the other scenario is that he/she joins another party. The most recent election was held in October 2018, leading to the governing coalition holding 61 seats (61 % of all MPs at the moment when the current government was approved in the Parliament).

The parliamentary process is governed by Rules of Procedure (*Saeimas kārtības rullis*) ([62]), which are publicly available and also available in an unofficial English translation ([63]).

The Saeima determines the principles for establishing standing committees and their composition. The committees are formed once the newly-elected parliament comes to the first meetings. However, the composition of the standing committee may be changed during the time following the main and single principle: the composition of the committees should proportionally reflect the parliamentary groups elected in the Saeima. The exception is the Mandate, Ethics and Submissions Committee, which consists of two members elected from each parliamentary group, and the National Security Committee, which has one representative from each parliamentary group.

2. Parliamentary support structures

Each Latvian MP has one assistant whose costs are covered by the state budget. The assistant provides all necessary support for the MP. The personal assistant's tasks include:

- accepting suggestions and complaints from voters,
- organising meetings of the MP and voters;

([61]) Saeima website, available at: https://www.saeima.lv (accessed 15/09/2021).
([62]) Saeima Rules of Procedure, available at: https://www.saeima.lv/lv/likumdosana/kartibas-rullis (accessed 11/09/2021).
([63]) Rules of Procedure, unofficial English translation, available at: https://www.saeima.lv/en/legislative-process/rules-of-procedure (accessed 11/09/2021).

- providing the MP with the necessary information;
- identifying the opinion of the electorate regarding the activities of the Saeima and the MP;
- settling economic and technical issues related to the activities of the MP; and
- keeping the records/filing of the MP.

There has been an Analytical Service in Saeima since 2017. However, due to very limited capacity, it prepares overview and fact-gathering reports for MPs, rather than conducting original research aimed to improve legislation. Hence, MPs largely rely on the government's advice and the information they collect personally in the Parliament library or through their assistants.

The State Chancellery has prepared a guide for drafting bills ([64]). All draft bills are subject to checks performed by the Legal Bureau of the Saeima relating to legislative technique, codification, constitutionality, and coherence with the existing legal base.

3. Legislative paths

Draft laws may be submitted to the Saeima by: the President of Latvia; the Cabinet of Ministers (the government); the standing committees of the Saeima; at least five MPs (governing or opposition parties); and at least one-tenth of the electorate according to the constitutional procedure, although this is a rare scenario. According to the current parliament's data, the government proposes approximately 70 % of all primary legislation, 18 % is initiated by MPs, 10 % by the standing committees, and 2 % by the president and electorate. The same path is followed by all draft bills and amendments irrespective of source.

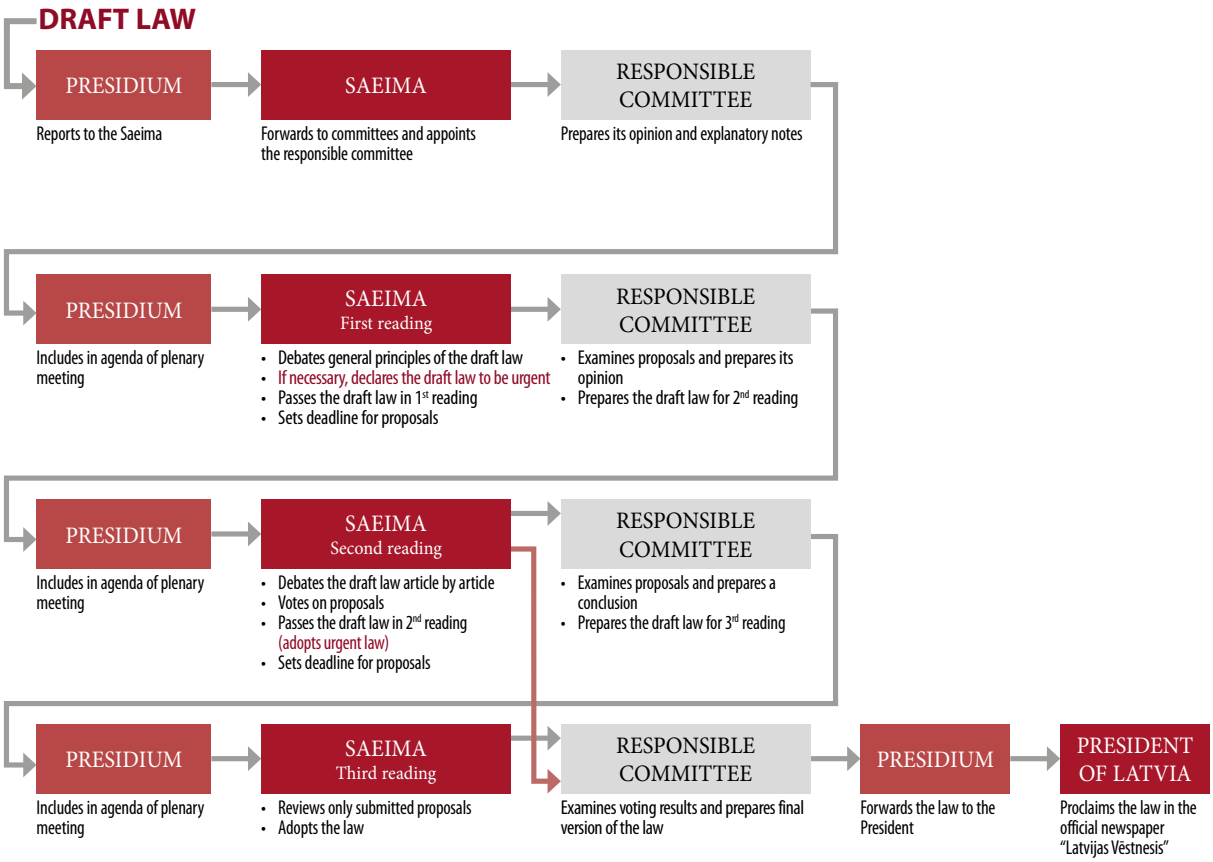
There are no 'veto points' on the introduction of legislation by MPs (e.g. being over-ruled by the Speaker). Political partisanship is not a key issue, as the draft law may be submitted by MPs sharing a similar opinion. Opposition MPs introduce or submit primary laws or amendments, but these drafts tend to be political statements to attract the government and society attention.

4. Legislative process

The standard process is set out in the diagram below, which applies to both new laws and amendments to existing laws ([65]).

([64]) State Chancellery guide, available at: https://likumi.lv/ta/id/203061-tiesibu-akta-projekta-sakotnejas-ietekmes-izvertesanas-kartiba (accessed 17/09/2021).

([65]) Procedure for adopting laws, available at: https://www.saeima.lv/en/legislative-process/procedure-for-adopting-laws1/ (accessed 15/09/2021).



As the flow diagram shows, on receipt of the draft law, the first step includes forwarding it and assign a responsible committee to take lead responsibility and prepare its initial opinion and explanatory notes.

In the first reading at the committee meeting and the plenary meeting, MPs only consider the concept/outline of the draft law, namely, the bill as a whole without changing the wording.

When considering a draft law at a plenary meeting of the Saeima, MPs may decide with a simple majority vote of at least half of the MPs present (i.e. not less than 50). If a draft law is supported by the Saeima, a deadline for submitting proposals for the next reading is set. Then the committee summarises submitted proposals and votes in the committee meeting.

Proposals to amend a draft law may be submitted: by a committee of the Saeima; a parliamentary group; individual MPs; the President; the Prime Minister; the Deputy Prime Minister or other minister; the parliamentary secretary of a ministry (authorised by the respective minister); and the Ombudsman.

Proposals related to the legislative technique, codification, and conformity of the proposed wording with existing laws are submitted by the Legal Bureau of the Saeima. Only the responsible committee may submit proposals on the draft law beyond the deadline.

For the standard version, there are three readings. However, the Constitution and the Rules of Procedure of the Saeima specify that a draft law may be adopted in two readings, if it is urgent. As rule, two readings are applied for draft laws on the state budget or amendments to it, as well as for the approval of international treaties. Once, the bill is declared urgent, it has only two readings and shorter deadlines for the submission of proposals. All other draft laws are perceived as non-urgent and go through the ordinary procedure.

The committees to which the Saeima has referred the draft law may draw up their own alternative draft law for consideration at first reading. If the committee received amendments to an existing law and a draft law previously referred to that committee, the responsible committee may act as follows:

- merge the bills by submitting an alternative bill for consideration at first reading;
- incorporate the later referred amendment or bill into the previously referred bill as proposals for second or third reading; or
- move each of those draft bills as a separate.

The alternative draft bills are always discussed first in the plenary session, where the decision is made to either accept it (in which case it proceeds to the committee stage and follows the ordinary procedure) or reject it.

If the MPs have submitted identical legislative proposals and if the proposals are very similar, then the committee may decide on their inclusion in another draft proposal. As the committee reviews each single sentence in the draft law and provides justification, the merger is accepted also in the committee.

The President proclaims laws passed by the Saeima not earlier than the 10th day and not later than the 21st day after the law has been adopted. The law comes into force 14 days after its proclamation, unless a different term has been specified in the law (Article 69 of the Constitution of the Republic of Latvia).

Within 10 days of the adoption of the law by the Saeima, the President may require that a law is reconsidered using a written and reasoned request to the Chairperson of the Saeima. If the Saeima does not amend the law, then the President may not raise objections for a second time (Article 71 of the Constitution of the Republic of Latvia).

The President has the right to suspend the proclamation of law for 2 months. The President shall also suspend the proclamation of law if so requested by not less than one-third of the Members of the Saeima. The law thus suspended shall be put to a national referendum if so requested by not less than one-tenth of the electorate. If no such request is received during the aforementioned two-month period, the law shall then be proclaimed. A national referendum shall not take place, however, if the Saeima votes on the law again and not less than three-quarters of all Members of the Saeima vote for the adoption of the law (Article 72 of the Constitution of the Republic of Latvia).

Should the Saeima, by not less than a two-thirds majority vote, determine a law to be urgent, the President may not request reconsideration of such law, it may not be submitted to a national referendum and the adopted law shall be proclaimed no later than the third day after the President has received it (Article 75 of the Constitution of the Republic of Latvia).

There are no other post-adoption safeguards, other than a complaint to the Constitutional Court, in which event it analyses the legislative procedure.

5. Transparency

All laws are published in all circumstances. There is an open-access online platform of submitted bills, which carries information on draft bills in their different stages of scrutiny, including suggestions for amendments ([66]). There is a detailed comparative table for each draft bill that contains also data on the decision made – whether the suggestion is accepted, rejected or merged ([67]). The percentage of new primary laws and amendments

([66]) Saeima Register of Bills, available at: https://titania.saeima.lv/LIVS13/SaeimaLIVS13.nsf/webAll?OpenView (accessed 15/09/2021).

([67]) For example, the table on the draft bill "On police", available at: https://titania.saeima.lv/LIVS13/saeima-livs13.nsf/0/5A7A1543356CBB1EC2258392004702F0?OpenDocument (accessed 16/09/2021).

to existing laws that are rejected by Parliament is collected manually so far. The reasons for rejecting can be found by watching plenary sessions, or reading the minutes and decisions of plenaries or committee meetings. The actual text of rejected draft bills is included in the database of the draft law.

There is no special recording or data collection on number of amendments to existing legislation. The Parliament can amend the law almost every week, if there is a case to do so. Unsurprisingly, the laws regulating taxes are the most amended, approximately each 2 months. However, the total number of amendments for each law is published, as each law has its consolidated version available ([68]).

The Parliament is very open with respect to its proceedings, as plenary and committee agendas, timetables, minutes and decisions are published online, while plenary sessions are open physically to the media, and committee meetings are also open to the public. Plenary sessions are also streamed online ([69]).

The Saeima may, at the request of 10 MPs, the President of the State, the Prime Minister or a Minister, by a majority of not less than two-thirds of the votes of MPs present, decide to hold a closed parliament session. While meetings of standing committees are open to the public, closed meetings may also be held based on a decision of the Saeima or the committee, if there are special circumstances, but these are very rare cases.

6. Inclusiveness

Public/stakeholder consultations are not envisaged in laws, procedures, standards, but in fact, consultations are organised and experts from industry and academia are often invited to the meetings of standing committees. The obligation to ensure public participation is described in the "Public participation procedure for the policy planning process" (Government Regulation No. 970). According to point 5, public participation is "must have" rule drafting of legislation that substantially changes the existing regulatory framework or introduces completely new policy initiatives.

Standing committees may invite social partners to meetings and discussions about the envisaged draft bills and/or amendments, but there are no strict conditions to prescribe when representatives should be invited, which is left to the discretion of the chair of the committee to decide.

7. Robustness and rigour

In Latvia, the Saeima can and does commission studies (although this is rare), while standing committees can and do invite written submissions and oral evidence from experts, and include them as non-voting participants in sessions. As with consultations, it is the discretion of the chair of the commitee to decide how to collect the evidence, what type of evidence and the details of the evidence.

For government initiated legislation, impact assessments are obligatory in accordance with a Cabinet Regulation ([70]). When a draft law is submitted by the President, a standing committee or at least five MPs (but not citizen initiated legislation, the Rules of

([68]) Likumi website, available at: www.likumi.lv (accessed 15/09/2021).

([69]) Live streams and video archive of plenary sittings and other events, available at: https://www.saeima.lv/en/legislative-process/plenary-sittings/video-recordings; transcripts (in Latvian) available at: https://www.saeima.lv/en/transcripts/category/21; committee agendas and timetables, available at: https://titania.saeima.lv/LIVS/SaeimasNotikumi.nsf/webSNbyDate?OpenView&count=1000&restrictToCategory=17.08.2021 (accessed 17/09/2021).

([70]) Cabinet Regulations No. 617, Procedure for assessing the initial impact of the draft legislative act. Riga, 7 September 2021 No 60, §21, available at: https://likumi.lv/ta/id/325945-tiesibu-akta-projekta-sakotnejas-ietekmes-izvertesanas-kartiba (accessed 12/09/2021).

Procedure require the responsible committee to prepare an explanatory note as prescribed by the Saeima Presidium, which addresses the following questions:

- What is the purpose of the law?
- What will be the potential impact of the law on the development of society and the economy?
- What will be the potential impact of the law on state and municipal budgets?
- What will be the potential impact of the law on the system of legal norms in force?
- How does the law conform to the international obligations assumed by Latvia?
- What experts have been consulted during the preparation of the draft law?
- How will the law be enforced?

There are no time limits on proceedings, so legislation can be processed very quickly (e.g. COVID-19 measures) or very slowly (for example, the "Draft law on Public Service" has been under the committee scrutiny since 2014). If there is no political commitment some draft bills may "formally" be under scrutiny for years.

Regarding time taken, the Parliament's annual report ([71]) includes statistics regarding scrutiny of the draft law and progress of its adoption, draft laws submitted to the Saeima and laws adopted, draft decisions submitted to the Saeima, decisions and notices adopted by the Saeima, sessions and meetings of the Saeima, and coverage of the proceedings of the Saeima. While there is information about plenary sessions concerning number of days and hours spent, there is no information about committee sessions.

COUNTRY CASE STUDY: BULGARIA

1. PARLIAMENTARY SYSTEM

The National Assembly in Bulgaria (*Народно събрание*) ([72]) has a single chamber with 240 Members of Parliament (MPs).

The electoral system in Bulgaria is proportional. It is implemented with candidate lists of parties / coalitions or initiative committees, registered in multi-member constituencies. When voting for a candidate list, voters have the right of a preference, which provides them with the opportunity to change the order of the candidates in the list. The country is divided into 31 multi-member constituencies. The names, boundaries and number of mandates of the constituencies is determined by the President of the Republic not later than 55 days prior to election day; the number of mandates in a constituency cannot be less than four. The distribution of seats applies the Hare-Niemeyer (largest remainder) method nationally. Parties/coalitions that receive four percent or more of the valid votes in the country and abroad qualify for participation in the distribution of seats in the National Assembly. The MPs have a duty to represent not only their immediate voters but the entire nation. ([73])

([71]) Annual report, available at: https://www.saeima.lv/lv/par-saeimu/publikacijas-un-statistika (accessed 16/09/2021).
([72]) National Assembly website, available at: https://parliament.bg (accessed 14/09/2021)
([73]) Section II, Electoral System. Powers of the Central Election Commission. Distribution of Mandates. Articles 246-248 and Section III. Election constituencies. Number of mandates. Articles 249-250, and Section X, Definition of the election results by the Central Election Commission. Setting the mandates. Article 297 of the Electoral Code 2014. https://parliament.bg/bg/laws/ID/14715 (accessed 17/09/2021).

The most recent elections were held in April and July 2021, but did not result in the formation of a governing coalition (at the time of writing), and hence fresh elections have been called for 14 November 2021. The share of MPs in the governing coalition prior to the April elections was 122 (51 %).

When deciding on the composition of standing committees, the proportion of the parliamentary groups' size should be observed, with the exception of the committee on combatting corruption, conflicts of interest and parliamentary ethics. Each standing committee has a chair and four deputies.

The parliamentary process is governed by Rules of Procedure, which are publicly available ([74]).

2. Parliamentary support structures

In the Bulgarian system, MPs have access to a parliament library. To understand the nature of the resources and services provided by the National Assembly to its members, interviews were conducted with representatives of the governing party and the opposition parties. It appears that theoretically the Parliament also provides an information service, and the MPs have three part-time personal assistants; however, in practice such a service is not provided/used, and the assistants do not perform legislation-related research and analytical functions. Advice or information services from government officials are only available to the parliamentary group of the governing party, if requested. The National Assembly provides certain financial resources that MPs can use to hire expertise, although this is not utilised. For MPs, the dominant practice is to rely on own expertise and contacts with NGOs. Otherwise, the quality of the support depends almost exclusively on the expertise of the legal experts in the National Assembly's staff.

3. Legislative paths

When government sponsored, the Council of Ministers introduces the bill into the National Assembly addressed to the Parliamentary Speaker in hard copy or electronically. The bill is registered immediately in the 'bills' public register of the National Assembly. Government-sponsored bills should be accompanied by justification and an *ex ante* impact assessment, reference on how the received opinions have been reflected, and reference of compliance with the Convention for the Protection of Human Rights and Fundamental Freedoms and the practice of the European Court. If bills are not accompanied by justification and/or impact assessment, they are not distributed until these are provided. An information file is created for each bill, describing the process of its discussion, which is officially compiled until it gets adopted or rejected. The bill can be withdrawn before the start of the first vote and after that only with a parliament decision.

MPs can also introduce legislation, either individually or in groups, including cross-party. There is no minimum threshold for the number of MPs to initiate legislation, and no 'veto points' on the introduction of legislation (e.g. the Parliamentary Speaker over-ruling MPs on submission). There is no option of citizen-initiated legislation, other than citizens petitioning MPs.

There is no guidance or instruction to MPs on how to draft legislation. However, each Parliamentary Committee has its referents whose task is to adjust the legal language and terminology. A Consultative Council on Legislation was created by the 44th National Assembly (19 April 2017 – 26 March 2021) for this purposes, but it have not functioned

([74]) National Assembly's Rules of Procedure, available at: https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=114013 (accessed 17/09/2021).

to date. ([75]) The same Parliamentary Committee referents are charged with checking coherence with the existing legal base, assisted by the Parliament's legal service.

Legislation follows the same path through Parliament, irrespective of whether the source is government or parliament, and regardless of the category of legislation.

4. Legislative process

Within 3 days of their introduction, the Parliament Speaker distributes the draft bills among the standing committees and assigns a lead committee to each one. At the first plenary session of the week, the Speaker notifies the MPs of the newly-introduced bills, their sponsors, and the respective committees.

The relevant standing committees discuss the bills not earlier than 24 hours after their receipt. Before the start of the essential discussions, the lead committee should check the bill's compliance with the requirements of the Normative Acts Law and the National Assembly's Rules of Procedure and, in case of non-compliance, provide the sponsor with recommendations on compliance to be executed within 7 days.

The lead committees should submit their consolidated reports (with sponsor's opinion, summary of other stakeholders' opinions, impact assessment, etc.) for first reading at the plenary not later than two months after receipt of the bill. These reports are immediately published on the National Assembly's website.

Bills are discussed in two readings, as a rule in two separate sessions, although the MPs may decide to do it in a single session.

At first reading, the bill is discussed in principle and in general, and the MPs pronounce on its main components. The draft bill together with the lead committee report should be submitted to the MPs not later than 72 hours prior to the plenary session (the same period also applies to the second reading unless the National Assembly decides otherwise). Prior to the first reading, the lead committee chair demands an opinion from the relevant institution or association; citizens and legal entities also have the right to express an opinion, which should be published on the lead committee's webpage. The lead committee's report for the first reading must also contain an impact assessment of the proposed legislation, including the financial impact, a summary of the submitted opinions and the committee's summarised opinion.

A bill that was rejected at first vote can be discussed again only if substantial changes have been made in its main components, which should be pointed out in the justification, and not earlier than three months after its rejection. An exception to this requirement is transposition of EU laws.

All MPs (not just in the relevant committees) have the right to make written proposals for amendments to a bill that passed the first reading within 7 days, with accompanying justification. Those proposals cannot contradict the principles, scope and justification of the bill that passed first reading. Proposals are made through the Speaker and entered in the National Assembly's public register. At the (second) committee stage, the lead committee chair demands the opinion of the Council of Ministers or a minister on the proposals. Once agreed, the draft report for the second reading is published on the lead committee's web page within one day.

The second reading discusses the bill chapter by chapter, section by section, and text by text. If no written proposals or objections have been made, the texts are not read at the

([75]) Evidence of its existence can only be found in the news, available at: https://parliament.bg/bg/news/ID/3983, https://www.parliament.bg/bg/advisory-board, http://epicenter.bg/article/Glavchev-sazdava-Konsultativen-savet-po-zakonodatelstvo--prof--Gerdzhikov-shte-e-predsedatel-/137322/2/0 (all accessed 17/09/2021).

plenary session but are added instead to the session minutes. The second reading only discusses the MP's written proposals and Committee proposals included in its report. Editorial corrections are also admissible. No proposals contradicting the principles or scope of the bill that passed first vote can be discussed or voted. No hearings or new proposals are admitted.

The Rules of Procedure regulate the proposal of amendments to draft legislation, stating that amendments which fundamentally change the nature of the law are not allowed. However, interviews indicate it is the MPs' opinion that this formulation allows broad interpretation. Proposals for legislation can be and are being amended significantly during the parliamentary legislative procedure. The Rules of Procedure introduced a requirement in May 2021 (fourty-fifth National Assembly) requiring that, when MPs introduce legislation including written proposals for amendments to legislation that was adopted at first reading, they *may* be accompanied by a reference to stakeholder meetings held and a clarification whether the bill was prepared by external persons or organisations and which ones.

The rules do not contain any restrictions on MPs proposing alternative legislation (i.e. replacement bills). In plenary sessions, the MPs can express their intention to propose alternative legislation, but they have to do it in committee sessions where it will be discussed.

Legislative proposals can be merged if they refer to the same topic and policy field. Prior to the first reading at plenary, the standing committees discuss any bills together that are introduced and concern the same or similar matters, but the National Assembly votes on them separately. When more than one bill on the same matter has passed first reading, the lead committee prepares a joint draft bill within 14 days, with the participation of their sponsors, and submits it to the Speaker and the MPs for written proposals (Article 81, Rules of Procedure). If any of them relates to the introduction of EU law or an infringement procedure related to the EU law, it can be discussed and voted individually.

Variances to the 'standard process' of considering and scrutinising legislation were confirmed by representatives of the opposition in parliament and not denied by representatives of the ruling party under the previous administration. It is asserted that the final provisions of newly adopted laws are used to include texts in the legislation without discussion and debate. The stand of the governing party's parliamentary group is that the final provisions provide such opportunities indeed, but the practice is highly visible, and therefore is no longer employed. Nevertheless, it was explained that such practice is normally used when amendments need to be adopted quickly, usually to avoid damaging consequences if certain deadlines have been missed.

It is the Speaker, not the President of the Republic, who signs the law to enact it. It enters into force on a future date, stated in its promulgation in the Official Gazette. However, the President has the right to issue a decree to return a law adopted by the National Assembly for further discussion ([76]). Vetoed bills referred back to Parliament for reconsideration that indicate the reasons are published in the President's decrees, which can be found on the website of the presidential institution.

Following adoption, the only possible further challenge to the process can be made before the Constitutional Court with the signatures of 48 MPs.

5. Transparency

According to the National Assembly's Rules of Procedure (Article 76), all proposed legislation should immediately be entered in the public register, regardless of sponsor and with its accompanying documentation (impact assessment etc.).

([76]) Article 40, paragraphs 1, 2 and 5 of the Rules of Procedure

The National Assembly's website has a 'bills' section with the following information categories for each bill: who introduced it, lead committee, committee report for first reading, deadline for proposals before the second reading, report for the second reading, discussion of the bill in the committees and in plenary sessions, committee sessions minutes, plenary sessions minutes, and opinions. However, the information is far from complete.

The register of bills on the National Assembly's website contains the following information: name of the bill, signature, date, and who introduced them. The register contains lists of bills per month, which are clickable. When you open them, some are marked as 'adopted' and indicate the date of adoption. For others, there is a session indicated (for instance, 'nineth'), but no status. Those can be presumed to be rejected, but there is no information to that effect.

Regarding access to parliamentary proceedings, plenary and committee agendas, timetables, minutes and decisions are published online, while sessions are open physically to the media and the public. Plenary sessions (not committees) are broadcast on public TV, but neither plenaries nor committees are streamed online ([77]). Closed sessions of the National Assembly are held when that is required by important state interest or documents are discussed, protected by the Law on Classified Information. Proposals for closed sessions can be made by the Speaker, 10 % of the MPs or the Council of Ministers. The decisions taken in closed sessions should be publicly announced. ([78])

6. Inclusiveness

According to the National Assembly's Rules of Procedure, the public consultations requirements of Art. 26, paragraph 3 of the Normative Acts Law apply for draft bills introduced by MPs. Information about ongoing and conducted consultations should be included in the public consultations section on the Parliament's website. No public consultations held by the fourty-fourth National Assembly can be found in the website's archive (the site was recently renewed). Statistics shows that during the parliamentary term, 38.9 % of the bills were government-sponsored and 61.1 % were introduced by MPs. Despite the universality of the public consultative process requirement, it is only complied with for government-sponsored bills (held by the government prior to introduction), not for bills introduced by the MPs. Interviews with MPs indicate that they consider the discussions held in the Parliamentary Committees as a substitute for public consultations.

The study of the fourty-fourth National Assembly's legislative activity conducted by the National Centre for Parliamentary Research ([79]) contains the following data:

- In 93.4 % of cases, no public consultations were organised by the sponsor of the legislation to define the problem or reasons for the proposed legislation.
- In 91.2 % of cases, stakeholder viewpoints are not included in the justification.

One of the reasons for the prevalence of bills introduced by MPs is the absence of public consultations, as well as impact assessments, that can at best be defined as only formally concluded (i.e. the provision to conduct consultations and prepare impact assessments is fulfilled, but not extensively). Interviewed MP from the former governing coalition confirmed that this was used to 'accelerate' the procedure when considered necessary.

The usual practice to consult social partners is for the committee chairs to invite their opinions or their participation as non-voting representatives during discussions. Hence,

([77]) Plenary agendas, available at: https://parliament.bg/bg/plenaryprogram; plenary minutes, available at: https://parliament.bg/bg/plenaryst plenary video archives, available at: https://parliament.bg/bg/video; Committee proceedings, available at: https://parliament.bg/bg/parliamentarycommittees/2594; https://parliament.bg/bg/parliamentarycommittees/2596; https://parliament.bg/bg/parliamentarycommittees/2587 (all accessed 17/09/2021).

([78]) Article 40, paragraphs 1, 2 and 5 of the Rules of Procedure

([79]) National Centre for Parliamentary Research, Study of the Legislative Activities of the 44th National Assembly, available at: https://www.strategy.bg/Publications/View.aspx?lang=bg-BG&categoryId=&Id=301&y=&m=&d= (accessed 14/09/2021).

some MPs' asserted in interviews that public consultations are actually held during the work of the committees.

7. Robustness and rigour

Use of evidence is one of the elements of the legislative process where provisions are in place, including committees inviting written submissions and oral evidence from experts and their non-voting participation. However, the practice is only formally fulfilled and imitates compliance. The report of the National Centre for Parliamentary Research ([80]) shows that, in 85.2 % of the legislative proposals, the justification does not use research and analytical evidence.

Impact assessments are compulsory for parliament-initiated legislation meaning they must be present. A review of impact assessments in one field was made by the Review of the Institute of Market Economy (IME) in 2019 ([81]). It states that the reviewed impact assessments of MPs usually present only one option, i. e. no alternative scenarios are given, which increases the likelihood of serious deficits. Only a small part gives any consideration to related costs: in 16 % of the assessments they were described qualitatively and in just 7 % had any quantitative expression; 25 % of them increased the administrative burden but only one measured it and the impact assessment did not contain the costs (they were presented in the financial justification). As regards benefits, 55 % described them qualitatively and only one contained a quantitative expression. The review concludes that the cost-benefit analysis is a weak point in the assessment and the sponsors are in the dark about the impact of the implementation.

It appears that discussion in committees is the main point where external expertise is invited, but it does not translate into a solid justification of legislative proposals. All available sources of information – institute analysis, publicly expressed expert opinions, opinions of MPs – lead to the conclusion that this is a weak point in the process.. The executive applies methodological guidance and standards to impact assessment and public consultations and, although with varied success, the broad consensus is that Government-sponsored legislative proposals are better prepared, in particular when it comes to use of evidence. There is also the attitudinal aspect. In the government, these requirements are taken more seriously and are more controlled, while in parliament they are often neglected.

There are no time limits, and no annual reports or statistics are collected and presented publicly on time taken for proceedings in either plenaries or committees. It is almost impossible and definitely unreliable to derive this data from the publicly displayed information.

COUNTRY CASE STUDY: CROATIA

1. PARLIAMENTARY SYSTEM

The Croatian Parliament (*Sabor*) ([82]) has a single chamber with 151 Members of Parliament (MPs) ([83]), who are elected to a 4-year term.

([80]) Op. cit.

([81]) Brief review of quality of impact assessments in the field of justice and the judicial reform, financed by Operational Programme Good Governance, implemented by Institute of Market Economy (2019. https://ime.bg/var/videos/Impact-Assessment-Judiciary-Legislation-2019.pdf (accessed 17/09/2021).

([82]) Sabor website, available at: https://sabor.hr (accessed 14/09/2021).

([83]) According to the Constitution, the number must fall within the range of 100-160.

The MPs are elected in 12 electoral units: 10 geographical units as multi-seat constituencies (I-X); and two special electoral units or constituencies, one for diaspora (XI) and one for national minorities (XII). The total of 151 MPs include:

- 140 MPs elected in the 10 geographical units (14 in each unit), who are elected by open list proportional representation (5 % electoral threshold; preferential voting possible) with seats allocated using the d'Hondt method;
- 3 MPs representing Croatian diaspora in the 11th electoral unit, elected through proportional representation;
- 8 MPs representing national minorities in the 12th electoral unit, namely Serbian (3), Italian (1), Hungarian (1), Czech and Slovak (1), ex-Yugoslav minorities (1), other minorities (1). The MPs are elected as individual candidates by majority votes, after being proposed by national minorities, their political parties, associations or individual voters.

Voting is not compulsory (voter turnout in the last elections in 2020 was 46.9 %). Gender representation is not formally required in the Parliament, but the candidates' lists are expected to reflect male and female representation proportionally so neither is represented below 40 %, which is the threshold for acceptable representation according to the Law on Gender Equality of 2008, Articles 12 and 15). The current term statistics: 49 out of 151 MPs or 32.4 % are female.

The most recent elections were held in July 2020, with the governing coalition taking 68 seats (43.6 %), but also supported by nine additional MPs representing national minorities and one minor party, what makes the total support of 77 out of 151 votes (51 %).

Parliamentary proceedings are governed by Standing Orders (SO), which are publicly available (in consolidated version, and also in English) ([84]).

The standing committees ('working bodies', along with other committees and commissions) are composed of MPs and external members.

Currently there are 28 committees and one commission according to the Standing Orders: Committee on the Constitution, Standing Orders and Political System; Legislation Committee; European Affairs Committee; Foreign Affairs Committee; Domestic Policy and National Security Committee; Defence Committee; Finance and Central Budget Committee; Committee on the Economy; Tourism Committee; Committee on Human and National Minority Rights; Judiciary Committee; Labour, Retirement System and Social Partnership Committee; Health and Social Policy Committee; Committee on the Family, Youth and Sports; Committee on Croats outside the Republic of Croatia; War Veterans Committee; Physical Planning and Construction Committee; Environment and Nature Conservation Committee; Education, Science and Culture Committee; Agriculture Committee; Committee on Regional Development and European Union Funds; Committee on Maritime Affairs, Transportation and Infrastructure; Petitions and Appeals Committee; Interparliamentary Co-operation Committee; Elections, Appointments and Administration Committee; Committee on Information, Computerisation and the Media; Gender Equality Committee; Local and Regional Self-government Committee; and Credentials and Privileges Commission.

In addition, there are three specialised working bodies established by special decisions: Commission on Fiscal Policy; National Council for Monitoring Anti-Corruption Strategy Implementation; and Council for Civilian Oversight of Security and Intelligence Agencies. The Parliament can also establish ad hoc committees for certain issues (hearing committees).

([84]) Standing Orders of the Croatian Parliament, available (in Croatian) at: https://www.sabor.hr/sites/default/files/uploads/inline-files/Poslovnik-HS_procisceni-tekst-11_2020.pdf and available (in English) at: https://www.sabor.hr/en/information-access/important-legislation/standing-orders-croatian-parliament-consolidated-text (accessed 16/09/2021).

The composition of each particular committee follows the rule that they should reflect parliament (SO Article 46/3). Also, the chairs, vice chairs and the members of the committee are expected to be appointed in a way that the representation of both genders is respected (SO Article 46/2). A certain number of chairs (and vice chairs) of the committees are proposed by the opposition parties as to reflect the composition of the parliament.

The number of MPs and external members is determined for each committee/commission by the Standing Orders. A typical committee has 13 MPs (including chair and vice chair) and 6 external members. Two committees have 15 and 16 MPs respectively (Human Rights Committee and European Affairs Committee).

2. Parliamentary support structures

Compared to the parliaments of more established democracies, the services of the Croatian Parliament do not have sufficient capacity. There are 281 employees in the Parliamentary Service to support 151 MPs, organised as follows: The Secretariat; Office of the Speaker of the Parliament; Offices of Deputy Speakers; Protocol Office; and Office for International and European affairs. The Secretariat is the main support service, and comprises: Office of the Secretary General, Working Bodies Service, Political Groups (Deputy Clubs) Service, Sessions Preparation service, Preparation of Acts Service, HRM and Legal Service, Press Office, Citizens Service, Information and Documentation Service, Library, General Administration Service, and Guard.

As well as the in-house Library, the support services help the MPs, political groups or working bodies to collect information from outside Parliament (e.g. other Parliaments, public bodies or similar), retrieves information, and can provide oral or prepare written opinions on issues. In general, however, the support services do not provide extensive analytical and policy advice. While it is not excluded, it is also not common for the Parliament to reach out for external policy advice or analyses.

The general understanding of the issue is that the parliamentary services could be further strengthened in terms of number of staff and service quality (e.g. research, analysis, information and overall substantial policy support to the MPs, as well as financial capacity. For example, in 2020, the expenses for intellectual services (any type of commissioned work, including temporary employment) were no more than EUR 90 000, which is not a particularly high amount.

Political groups have the right to employ a group secretary and an administrative assistant (Article 30 of Standing Orders of the Croatian Parliament), while an individual MP who is not a member of any political group can have one administrative assistant. It is not possible to assess the extent to which political groups' secretaries are capable to provide analytical and research support, as this depends mostly on the individual in question, but they are more inclined to provide political coordination support.

According to some insiders, it is acceptable for MPs to seek for the support through their political group support services and their personal assistants (who usually come and go with the MPs) or directly from their political parties, and less through working bodies, unless they are members. Committee secretariats provide support primarily to the president, vice president and the members of the committee, but may technically assist the political groups or individual MPs if requested.

The overall impression is that the individual MPs and political groups rely on their own resources (secretaries and assistants), political party infrastructure or other external advice and policy support (e.g. institutes, civil society organisation, business and similar which is supportive to their policies).

For government-initiated legislation, a review of the quality of legislative proposals is made by the Government Legislative Office ([85]), while the Parliamentary service will also review the content of the law upon submission and before it is published. For parliament-initiated legislation, the review is made by the Parliamentary service alone ([86]).

Regarding coherence with the existing legal base, the sponsor of the bill has to submit a document explaining and substantiating the law, including the constitutional and legal basis. For the Government proposals, in the process of drafting, the law has to undergo a thorough review within the respective ministry and other relevant ministries, and at the end by the Office of Legislation. There is no special legal or policy department of the Parliament that would review the content of the law, unless it is *prima facie* clear that the law is unconstitutional.

3. Legislative paths

In accordance with the Constitution ([87]) (Article 85) and the Standing Orders of Croatian Parliament (Article 172), the authorised initiators of the legislative process are the Government, and within Parliament, MPs, political groups ('deputy clubs') and 'working bodies' (standing committees and others). The law can be proposed by individual MP, so there is no threshold.

According to SO Article 174, whether government or parliament, the initiator sends the proposal to the Parliament with accompanying material: a description of its constitutional grounds; an assessment of its status and fundamental issues (explanation of the current situation in the field in terms of practical issues and current legislation); an assessment of resources (proposal for financing which should support the implementation of the law); the legal text with interpretation and explanation of each provision; the text of the provisions of the existing law being amended or supplemented; and information on the person(s) who will introduce the bill and provide explanations. The public consultations report or regulatory impact assessment (RIA) should also be enclosed. In addition, expert opinions and other documents may be provided.

The bill must be prepared in accordance with the uniform methodology and legal drafting rules ([88]) that were issued by Parliament in 2015, which set standards and rules for the technical content of the bills. These are expected to be applied by the individual drafters and, in the preparatory process, reviewed by the Government service (if the Government is the sponsor) and the Parliamentary Service (if the MPs are the sponsors).

Prior to sending the proposal to Parliament, the Government also follows its own rules on legislation drafting ([89]) and relevant laws (Law on State Administration, Law on the Right of Access to Information, and Law on Regulatory Impact Assessment). The procedure of preparing the legislation includes the respective ministry or other state administration body producing a draft, conducting public consultations and/or RIA, sending the law to other ministries for their opinion, preparing a final draft and sending it to the Government, first to be discussed in government coordination bodies (with the possibility of coordinating bodies to send the draft back to the ministry for improvements) and

([85]) Government Legislative Office, available at: https://zakonodavstvo.gov.hr/ (accessed 17/08/2021).

([86]) Parliamentary service, available at: https://sabor.hr/en/about-parliament/organizational-structure, https://sabor.hr/hr/o-saboru/ustrojstvo-sabora, http://www.propisi.hr/print.php?id=5184 (accessed 17/08/2021).

([87]) Constitution of Croatia, available at: https://www.usud.hr/sites/default/files/dokumenti/The_consolidated_text_of_the_Constitution_of_the_Republic_of_Croatia_as_of_15_January_2014.pdf (accessed 17/08/2021).

([88]) Uniform Rules on the Methodology and Legislative Technique for the Drafting of Acts Enacted by the Croatian Parliament, available (in Croatian) at: https://sabor.hr/hr/pristup-informacijama/vazniji-propisi https://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_74_1410.html and available (in English) at: https://sabor.hr/en/information-access/important-legislation/uniform-rules-methodology-and-legislative-technique (accessed 16/09/2021).

([89]) Rules of the Procedure of the Government http://www.propisi.hr/print.php?id=5245 (accessed 17/09/2021).

at the final stage, to the government session where the draft is officially approved and it becomes a proposal of the law which is sent to the Parliament (Sabor).

With parliament-iniitated legislation, the procedure is the same. There are no 'veto points', such as the Speaker of Parliament over-ruling MPs from submitting legislative initiatives.

The deputy club(s) of the governing party/coalition sometimes (but not very often) propose bills, but this mostly occurs in the period immediately after the elections prior to the formation of the government (from which time the governing deputy club / political group proposes the law on the state administration which enlists all ministries and similar). Opposition MPs and deputy clubs often introduce laws as political statements or to attract the government attention, but it is extremely rare that they are adopted. In practice, the Government is the main sponsor, in terms of the number of proposals and the number of adopted laws. For example, in the ninth term of the Parliament (2016-2020), there were 1 293 bills in the procedure, out of which 1 075 (83 %) were sponsored by the Government, and the remaining 218 bills (17 %) by MPs (individual, political groups, committees or a combination). Out of these 1 293 proposals, 735 laws were adopted (57 %), of which 723 were government proposals and 12 were MP proposals, proposed by coalition partners party groups or individual MPs on socially and economically highly sensitive or prominent issues (pensions, access to communist period archives, public broadcaster), which the coalition party could not simply ignore. ([90])

Regarding citizen-initiated legislation, it is only possible for citizens to initiate a referendum that would contain a legal provision and which would, if supported by votes, become a law.

This has happened only once in relation to a constitutional provision on marriage. However, the MPs and political parties, especially opposition MPs and parties, often address issues that are important to the public and citizens (or particular groups) and initiate proposals (e.g. for indebted citizens, etc.)

4. Legislative process

The Constitution and Standing Orders do not differentiate between government initiated or parliament initiated bills.

The standing process ([91]) starts with the bill being put on the agenda by the President of the Parliament, as voted in the plenary session - as a rule, within 30 days (SO Article 224). Prior to the debate at the plenary session, the chairperson of the competent standing committee and the Legislation Committee are obliged to place the bill on the agenda of the session of their working bodies and conduct a debate thereon. The working bodies adopt a position on all elements of the bill, while the Legislation Committee must particularly adopt a position on the constitutional grounds of the law. Also, other interested working bodies may decide to discuss the bill (which is quite common, especially when the law is important)

As a rule, a bill is debated in two readings. The first reading is the first stage in the law making procedure which is conducted at the Parliament plenary session and includes: an introductory presentation of the sponsor; general debate on the bill; debate on the details of the bill, including a debate on the wording of the bill; debate on the positions

([90]) Information retrieved from the Sabor database, available at: https://edoc.sabor.hr/Akti.aspx (accessed (accessed 17/09/2021).

([91]) The legislative process diagram https://sabor.hr/sites/default/files/uploads/inline-files/Legislative%20Procedure%20Diagram_ENG_2019.pdf.
Additional information is available at the Sabor website: https://sabor.hr/en/about-parliament/legislative-procedure (both accessed 17/09/2021).

of the working bodies which have considered the bill; and the adoption of a conclusion on the need to pass the bill into law (or not).

The (revised) final draft of a bill shall be submitted by the sponsor within a period of 6 months after the bill has been adopted at the first reading. If the sponsor fails to do so, it shall be deemed that the legislative procedure is suspended.

The debate on the final draft of a bill is called the second reading of the law and includes: a debate on the text of the final draft of the bill; debate on the positions of the working bodies; debate on the submitted amendments; adopting a decision on the amendments; and passing of the law. In this phase, the MPs and deputy clubs, as well as the working bodies and the Government itself, are allowed to submit amendments to the final proposal. If the amendment is accepted by the sponsor of the bill, or if the sponsor has submitted the amendment, it becomes a part of the final proposal and is voted on as part of the final proposal. Otherwise all amendments are put to vote separately.

It is possible to add amendments to the final proposal of the law in the second reading (SO Articles 196-202 SO) through the following steps:

- First step: Submission of an amendment. The same actors have the right to add amendments as can propose bills (individual MPs, deputy clubs/political groups, working bodies and the government). The amendment has to be submitted in writing and accompanied by an explanatory statement.
- Second step: Content of an amendment. If the final proposal of the bill aims to amend an existing law, than the amendments can only be tabled to the articles contained in the final proposal. Otherwise they can relate to other articles if this is necessary for the alignment with the Constitution or documents pertaining to international integration or the rulings of the Constitutional court.
- Third step: agenda and referral. The amendments should be tabled by the end of the debate on the final proposal. Exceptionally, if the majority of MPs agree (relative majority), the amendments (in writing and with an explanatory statement) may be submitted even in the course of voting on amendments. The Speaker will immediately refer the amendments to the MPs, the sponsor of the bill and the government (if the government is not the sponsor) and to the competent working bodies and the Legislation Committee.
- Fourth step: debate. The amendments are debated in the session (Article 195). If the amendments significantly deviate from the final proposal, Parliament may decide to postpone the debate so that MPs could have time to prepare. After the debate, the amendments have to be decided upon. The sponsor of the bill and the government (if not the sponsor) adopt a position on amendment, and the position is communicated at the session, orally, during 2 minutes maximum per amendment. The sponsor of the amendment may respond in a maximum 2-minute speech.
- Fifth step: voting. Amendments become the component of the final proposal, if they are submitted before the end of debate (Article 197) and if they are tabled by the sponsor of the bill, or the sponsor has accepted the amendment. In this case, the amendment will be voted as part of the final proposal. If the bill is parliament-initiated, voting on amendments not supported by the Government has to be conducted separately. Also, amendments which are not accepted are voted separately, before the voting on final proposal of the bill. The order of voting on amendments follows the numeration of articles of the bill. Voting on amendments may be postponed on request (by the sponsor, the Government, respective committee chair, the Committee on Constitution (or its chair), Legislation Committee (or its chair).

A third reading is exceptional and will only be applied if so decided by the Parliament, or requested by the sponsor or if the number of amendments is high or they are of such a nature that they significantly change the content of the law. The procedure is the same as for the second reading.

If the scope and nature of the amendments tabled for a certain bill is such that they significantly alter or deviate from the final proposal, the Parliament may decide to postpone the debate so the MPs can prepare (SO Article 200/2). With regard to the procedure, there are no requirements for public consultations or RIA for the amendments to draft legislation.

As parliament-initiated legislation can be proposed by individual MPs, political groups or working bodies, each can submit a legislative proposal under regular procedural rules in parallel with the bill that is already in the procedure regardless of its source (government or parliament), meaning that the proposal would in fact represent an alternative to the proposed bill. However, this would not be a special type of proposal. The proposed alternative legislation is subjected to regular procedure, independently of the bill that is already under scrutiny, and has not got a special status of 'alternative legislation'.

Each legislative proposal has its own procedural path from the initial submission to the adoption or rejection by voting at the plenary session. Merging legislation as a special procedural option is not envisaged in the Standing Orders. Indirectly, however, it is possible by applying Article 187/2, by which the Parliament can decide that the final proposal of the law is prepared by the working body of the Parliament instead of the original initiator, who has to agree. In this case, if this would happen hypothetically for two pieces of legislation of two different initiators, the new sponsor of the bill(s) wold be the respective working body (usually a standing committee).

Regarding the two committee stages, usually a committee holds just one session, but it is also common that the draft bill is considered by more than one committee.

While both new/complete laws and amendments to existing law follow the same regular procedural steps (SO Articles 171-203). However, there are special rules regarding certain categories of legislation:

- Constitutional laws, which include constitutional laws on the constitutional court, constitutional laws on national minorities, and constitutional laws on implementation of the constitution, are adopted by a two-thirds majority (SO Articles 207 and 253).
- Constitutional amendments can be initiated by one-fifth of MPs, the President of the Republic and the Government. A decision on the amending procedure requires an absolute majority, as do draft amendments, while the amendments themselves require a two-thirds majority vote. Promulgation is by Parliament (Constitution Article 136-139).
- Organic laws, which govern the rights of national minorities, elaborate human rights and fundamental freedoms set forth in the Constitution, the electoral system, state bodies, structure and authorities of local government, are adopted by absolute majority, in contrast to the simple majority required for regular laws (SO Article 207).
- Laws ratifying international treaties are submitted as a 'final proposal' and there is only one reading (SO Article 207a).
- Similarly, the state budget has one reading only, and the Government is the sole proposer (SO Article 211-213).
- Laws aligning or transposing EU acquis are conducted under an urgent procedure, if requested by the sponsor, unless the Committee on Constitution or the Legislation Committee require that the legislation is debated in the 1st reading due to its failure to comply with the Constitution or legal system (SO Article 206).

Any proposal enters the regular procedure, unless there is a request for an urgent procedure (SO Articles 204-206), and it is substantiated and justified. If the sponsor is an individual MP, than the request has to be supported by additional 15 MPs. If the sponsor is a deputy club (political group), there must be at least 15 MPs, or if there are more than one group sponsoring the bill, then together they have to have at least 15 MPs. The proposal of the law is treated as submitted in the form of a 'final proposal' and proceeds straight to second reading. If the application of urgent procedure is not accepted, the proposal may be put in the first reading.

For all adopted laws, the rules of promulgation are the same (Constitution Articles 89 and 90). The laws are promulgated by the Head of State (the President of the Republic of Croatia) within 8 days from the date of their enactment by the Parliament. The laws have to be published in the Official Journal (*Narodne novine*) ([92]) before their entry into force. As a rule, they enter into force 8 days after the publication (*vacatio legis*). A shorter *vacatio legis* may be allowed only in exceptional, justified circumstances.

The President of the Republic does not have a suspensive veto power, but in case he/she finds that the law is not in conformity with the Constitutions, he/she is entitled to institute a constitutionality review procedure before the Constitutional Court. A review of the constitutionality of the law - including the conformity with the procedural provisions of the Constitution, but also general principles of the Constitution which are reflected through procedural provisions - may be initiated, among others, by one-fifth of the MPs (i.e. 31) and by a parliamentary committee. The Constitutional court shall decide on the motion (request). Citizens may also propose a review of legality, but this only a proposal.

Also, any individual can submit a constitutional complaint, if the law applied to the decision which affects one's legal interests, rights or obligation is unconstitutional in a formal or material aspect. This does not happen often, but it can happen. For example, two organic laws were voted by relative majority in 2011, instead of an absolute majority and the Court found them to be unconstitutional. The database of the Constitutional Court ([93]) contains information on cases before the court and the decisions. The decisions of the Constitutional Court on the constitutionality of laws are also published in the Official Gazette. The database of laws of the Parliament contains all laws, but does not include a reference to a decision of the Constitutional court which would decide that the law is not in conformity with the constitution. It is not clear that all decisions are published in a way that the search engines would filter them.

5. Transparency

All legislative proposals are published once they are sent to the Parliament (and all accompanying material, including opinions of the committees, amendments, voting data etc.).

In the first phase, prior to their inclusion on the Sabor agenda, they are published in the section 'new acts' ([94]). Once the proposal is put on the agenda, it is published in the section 'agenda' where all information is visible – the content, status, dates (submission, inclusion on the agenda, discussion, voting, etc.), corresponding documents (Government's opinion, opinions of the standing committees, etc.) ([95]). When the proposal is adopted, it will remain in the agenda with the status 'adopted' for the current session and current term of the parliament, but also it will be included in the legislative database ([96]) where all information can be found, including the video and audio recording from the plenary session. Publication is regulated by the Standing Orders (SO Article 279-288) and special Rules on the Publicity of Work ([97]). Amendments are published with the final proposal immediately upon submission.

Actual texts of all laws, no matter the final outcome, remain published in the legislative databases with all accompanying material (committee opinion, amendments, video

([92]) Official Journal, available at: https://narodne-novine.nn.hr/ (accessed 17/09/2021).
([93]) Constitutional Court database, available at: https://sljeme.usud.hr/usud/praksaw.nsf (accessed 17/09/2021).
([94]) 'New acts', available at: https://sabor.hr/hr/sjednice/novi-akti (accessed 17/09/2021).
([95]) Agenda', available at: https://sabor.hr/hr/sjednice/dnevni-red (accessed 17/09/2021).
([96]) Legislative database, available at: https://edoc.sabor.hr/ (accessed 17/09/2021).
([97]) Special rules NN 66/2005 , available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2005_05_66_1286.html (accessed 17/09/2021).

recordings, etc.). The percentage of laws that are rejected by the parliament is available as a number of all rejected laws, but not differentiating between 'new laws' and 'amendments of existing laws'. The data on adopted, rejected and withdrawn laws is available in the legislative database, under 'statistical indicators' (per term, per session, per date) ([98]). For example, in the 9th term (2016-2020) 735 proposals were adopted (86 %), 101 rejected (12 %) and 27 withdrawn (3 %). In addition, 351 acts were accepted but not decided upon (the term ceased), never debated (65), etc. The reasons for rejecting laws are not statistically represented, but are various and multiple. One can trace reasons in relation to a particular proposal by analysing data, opinions and discussions. In general, statistical and other data is scattered throughout the website and it is hard to find unless the visitor is familiar with the webpage ([99]). Most of information does not offer different formats.

The Parliamentary Service publishes statistical information on the activity. Unfortunately, numbers do not always match. Statistical data show different numbers than the database itself, and there is no explanation what some columns actually mean. The statistics are only basic (acts and results per sessions and terms; activity of MPs and political parties; financial resoruces), rather than using all possible variations. The search engine of the database could be improved to allow for multiple choices within the same category.

While the parliament (unfortunately) does not make a difference between 'new law' and 'amendments of the existing law', however, one could simply count how many new law and amendments of the law have been in introduced and adopted or rejected by examination of the database. This would take a lot of time and effort and would have to be done for each proposal individually. In addition, consolidated versions are not a norm, so the Parliament rarely prepares them, even when the law is amended on several occasions. Unofficial consolidated versions are provided by respective bodies (e.g. ministries, agencies) or by private companies providing legal information services.

The legislative database (op. cit.) contains the following information for each legislative act:

General

- Number of law proposal
- EU related
- Type of procedure (and date)
- Area
- Status (adopted, rejected, etc.; publicised)

First and second reading information

- Title
- Sponsor
- Term and session
- Agenda number
- Dates of discussion
- Involved committees and their reports

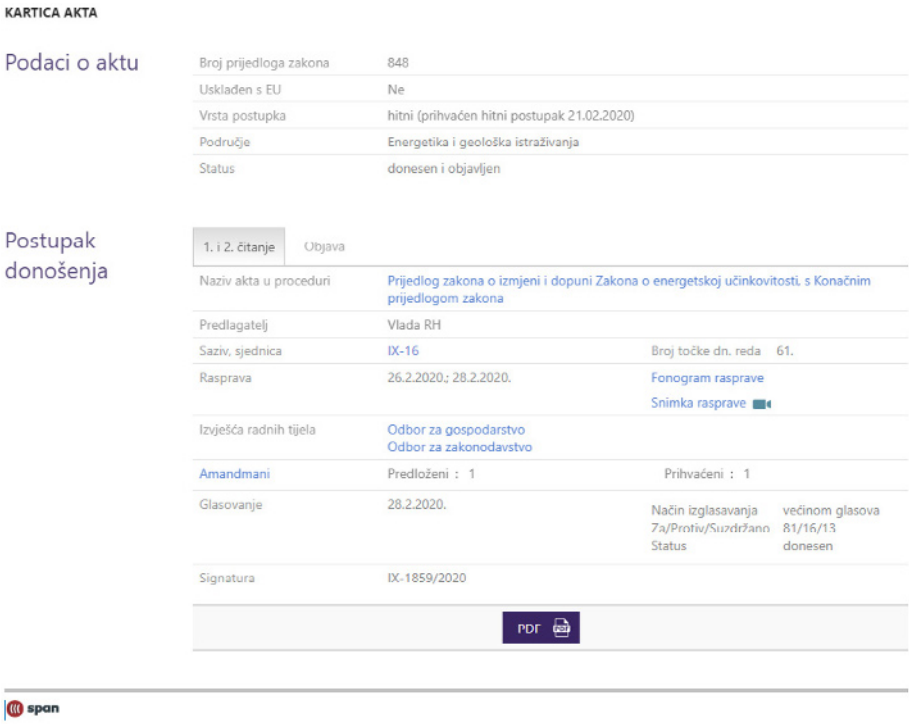
([98]) Statistical indicators, available at: https://edoc.sabor.hr/Statistika/ZakonodavnaAktivnost.aspx (accessed 17/09/2021).

([99]) Legislative database, under 'statistical indicators' on legislative activity, available at: link. https://edoc.sabor.hr/Statistika/ZakonodavnaAktivnost.aspx; parliamentary open data, main indicators of the work of the parliament (mostly financial), available at: https://sabor.hr/hr/pristup-informacijama/otvoreni-podaci; on MPs and socio-demographic indicators, available at: https://sabor.hr/hr/zastupnici/statisticki-pokazatelji; publicity of work, periodical statistical data for the press, with newsletter, available at: https://sabor.hr/hr/press/javnost-rada; and overview of 9th term, available at: https://sabor.hr/sites/default/files/uploads/inline-files/pregled_rada_9_saziv.pdf (all accessed 17/09/2021).

- Amendments – number and text – status (proposed, outcome)
- Voting date and result, status
- Administrative number

Publication

- Title
- Official journal number and link


KARTICA AKTA

Podaci o aktu

Broj prijedloga zakona	848
Usklađen s EU	Ne
Vrsta postupka	hitni (prihvaćen hitni postupak 21.02.2020)
Područje	Energetika i geološka istraživanja
Status	donesen i objavljen

Postupak donošenja

1. i 2. čitanje | Objava

Naziv akta u proceduri	Prijedlog zakona o izmjeni i dopuni Zakona o energetskoj učinkovitosti, s Konačnim prijedlogom zakona		
Predlagatelj	Vlada RH		
Saziv, sjednica	IX-16	Broj točke dn. reda	61.
Rasprava	26.2.2020.; 28.2.2020.	Fonogram rasprave Snimka rasprave	
Izvješća radnih tijela	Odbor za gospodarstvo Odbor za zakonodavstvo		
Amandmani	Predloženi : 1	Prihvaćeni : 1	
Glasovanje	28.2.2020.	Način izglasavanja Za/Protiv/Suzdržani Status	većinom glasova 81/16/13 donesen
Signatura	IX-1859/2020		

PDF

span

Also, all legislation is published in the Official Journal (op. cit.). Private legislative portals also publish legislation (e.g. IUS INFO portal or Zakon.hr, which publishes consolidated versions)

Regarding access to parliamentary proceedings, plenary and committee agendas, timetables, and decisions are published online, along with minutes of plenaries but not of committees, which publish only main conclusions. While plenary and committee sessions are open physically to the media and the public, plenary sessions (not committees) are broadcast on public TV and streamed online ([100]).

The publicity of the parliament is regulated by the Constitution concerning the publicity of sessions (Article 84); and the right to access to information (Article 38/4), the Standing Orders, the Rules on the Publicity of Work of the Croatian Parliament. The Law on the Access to Information also applies to the Parliament as a public body meaning that the it is obliged to respect the provisions on allowing access to information, unless it is necessary to restrict the access in certain circumstances by applying the test of public interests.

([100]) See Parliament website (op. cit); plenary agendas and timetables, available at: https://sabor.hr/hr/sjednice/dnevni-red; plenary minutes, available at: https://parliament.bg/bg/plenaryst plenary video archives, available at: https://itv.sabor.hr/video/; plenary audio streams, available at: https://audio.sabor.hr/stream.mp3; plenary YouTube channel, available at: https://www.youtube.com/c/InternetTVHrvatskogasabora; phonograms of the debates as well videos are also available at: https://edoc.sabor.hr/Fonogrami.aspx; committee agendas and timetables, available (under 'general announcements') at: https://sabor.hr/hr/press/najave; committee decisions, available at: https://sabor.hr/hr/radna-tijela/odbori-i-povjerenstva; press accreditation information, available at: https://sabor.hr/hr/press/akreditacije and https://sabor.hr/en/press/accreditation (all accessed 17/09/2021).

Specific circumstances when general transparency is exempted may include:

- classified information (issues of national security etc.), if classified in accordance to the law regulating classified information (SO Article 28); and
- decision of the working body to restrict publicity of the particular session or part thereof, but even in this case, the media may be allowed to be present at the session, but the information they are allowed to present to the public may be restricted.

In relation to information held by the Parliament (on any media, written, audio, video, etc.), the access to information legislation applies, but in order to restrict the access the Parliamentary information officer has to perform a test of public interest and argue that the disclosure would seriously undermine and damage some of the legally enumerated legal interests (national security, privacy, etc.).

6. Inclusiveness

Public consultations have been envisaged since 2013 by the Law on the Right of Access to Information (LRAI, Article 11) for all laws and by-laws, as well as for any other act which affects the interests of citizens (strategic and planning documents, general acts).

It requires that the initiator (government, MPs or working bodies) ensures the online publication of a draft law with the possibility of public to send their comments and proposals. The time frame is 30 days as a rule, but can be shorter if justified. When the improved version of the draft law is submitted to the parliamentary procedure, the documentation has to include a report on public consultation, listing all received comments and proposals and explaining why any comment or proposal has not been accepted.

The Standing Orders (Article 174/4) also contain a provision that the initiator of the legislation (sponsor) shall enclose a report on conducted public consultations conducted in accordance with special legislation, meaning the Law on the Right of Access to Information.

While the government (state administration, most of the public agencies) has established a specialised public consultations portal ([101]), the Parliament has its own webpage where all public consultations are listed ([102]). As at August 2021, information on 30 public consultations can be found, which conducted in the period 2013-2020: 22 by political groups (mostly three groups), four by standing committees, and four by individual MPs. Out of these 30 public consultations, 26 were held in the ninth term (2016-2020). For comparison, the Parliamentary database shows that, during the 9th term, the parliamentary political groups, for example, submitted 153 legislative proposals (new legislation, amendments to existing legislation), meaning that it was applied in less than 20 % of cases.

In addition to online public consultations, consultations with interested public (stakeholders) and general public can also be held in alternative modes, such as round tables and discussion groups (LRAI, Article 11)

As previously noted (see 'parliamentary system'), the standing committees include external members (SO Article 57/3). Most of the working bodies have six external members, equating to one-third of total membership, but the range can be three to six, and one committee has nine (Local and Regional Self-government Committee). Five working bodies do not include external members: Domestic Policy and National Security Committee; Elections, Appointments and Administration Committee; Petitions and Appeals Committee; Interparliamentary Co-operation Committee; and Credentials and Privileges Commission.

([101]) Government consultations portal, available at: https://esavjetovanja.gov.hr/ECon/Dashboard (accessed 17/09/2021).

([102]) Sabor consultations webpage, available at: https://sabor.hr/hr/pristup-informacijama/savjetovanja-s-javnoscu (accessed 17/09/2021).

Of these external members, some are representatives of social partners. For some committees, the Standing Orders explicitly prescribe which organisations or groups have to represented; for others the formulation is general (prominent experts, scholars, professionals). External experts do not have a voting right but participate in the discussion.

The external members are appointed on the basis of a public call for proposal. The call contains the number of external members to be appointed for each committee. The proposal can be made by expert organisations (e.g. academia, research and other organisations specialised in the matter), expert associations, civil society associations, as well as individuals themselves. For certain committees, there are particular addressees of the public call, such as trade unions, particular associations, or denominations (e.g. the Croatian Union of Employees and trade unions in the case of the Labour, Retirement System and Social Partnership Committee). The Elections, Appointments and Administration Committee is responsible for the process and for the proposal of the members to be adopted at the plenary session of the Parliament.

7. Robustness and rigour

Regarding the use of evidence, there are no specific provisions in the Standing Orders on the commissioning studies but this possibility is included implicitly in other provisions. SO Article 174/3 allows the sponsor of the legislative proposal to enclose expert opinions and other act which substantiate the proposal. Furthermore, the working bodies (standing committees, commissions etc.) can:

- include scientific and expert organisations or individual experts in the preparation of acts or analyses on particular matters, *if financial resources are available* (SO Article 52);
- propose to the government that ministries or other state administration bodies participate in the preparation of acts or analyses (SO Article 52);
- organise a public hearing in order to obtain expert opinion or to have a wider debate on the proposed act or on individual provision, or to clarify an issue of public interest (SO Article 52a); and
- establish working groups to analyse and discuss specific issues, with additional expert members (regulated by the rules of procedure of specific committees, eg. Human Rights Committee Rules of Procedure, article 13)

Note that the external members of standing committees (see 'inclusiveness') play a role in the scrutiny and robustness of legislation. Resources for external members of the committees are available; they receive a monthly or per meeting remuneration. Also, standing committees can invite prominent experts, scholars, practitioners to give their opinion on certain matters (SO Article 57/1).

In practice, it is possible (and has happened, but rarely) that the Parliament commissions studies on particular issues, but it depends on the available resources.

The Standing Orders mention impact assessment only in two provisions:

- Article 174/3, which prescribes the content of the legislative proposal, requires that the sponsor encloses the report on public consultation or an RIA statement, in accordance with special legislation. This means that these documents are expected to be enclosed if the procedures have to performed in accordance with the special legislation. However, the Law on Impact Assessment applies (only) to government-initiated legislation.
- Also, Article 65/1 on the scope of affairs of the European Affairs Committee mentions that that committee may propose to the competent authority to conduct RIA.

However, it is possible that the RIA is applied *ex post*, for the legislation already in force. In this case, who is the initiator would not be relevant. In addition, the Parliament may request that the RIA is conducted in relation to EU legislation (Article 18/4 Law on RIA).

The sponsor of amendments to draft legislation has to justify their proposal in an explanatory note (and may do so orally in the debate). The relevant standing committee gives its opinion. Also, the amendments are debated in the plenary session (with the sponsor of the bill and sponsor of the amendment having 2 minutes to act and react) and at the end voted.

There are no special time limits on completing the legislative process. The only provisions concern President of the Parliament, who has to include the proposal of the law in the agenda within 30 days of submission, and 15 days for the final proposal (SO Article 224/3) and the final proposal of the law has to be submitted within 6 months from the acceptance of the proposal of the law (SO Article 190)

Regarding time taken, the number of days spent in legislation and hours of deliberation in plenary sessions is public information, but it is not aggregated and easily available. It exists, and so could be collected and by improving disclosure (e.g. through statistical reports, or by open data publication) it could be readily available. For each particular piece of legislation (e.g. by selecting all laws adopted in one session), it is possible to see the date of entry into procedure, the date of the decision of the type of procedure, the date of opening of the discussion, the date of closing the discussion and the date of adoption. However, the researcher would need to collect this data manually and calculate the time span for each particular piece of legislation. It is possible that by requesting the database as open data that it could be available after certain period. Similarly, the number of hours of deliberation is not available as aggregated data (or for each particular legislative draft), but by entering each particular video of the discussion in plenary one can see the time span spent in the discussion. So, the data could be collected by research.

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