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Better Regulation and Good Law Making: Instruments and Challenges in CEE Countries

Abstract

The laws and regulations are instruments of policy and administration that enable the achievement of the societal goals. The quality of the laws and regulations in general has long been recognised as one of the main factors that enhances or diminishes the economic activities and social development. For example, Doing business and similar measurements (Quality of Government, etc.) measure, among others, the regulatory environment in order to indicate the quality of the institutional context for the economic activity.

The regulatory reform which has been evolving since late 1980s in the developed world, and has been spreading in the new democracies and developing countries, demanding greater efforts towards the quality and quantity of regulation, in terms of reducing administrative burdens, improving law making procedures and the quality of legislation, in terms of greater participation and impact assessments. Especially the implementation of regulatory impact assessments has been strongly encouraged by the international organisations and the EU in the Central and Eastern Europe in order to promote the quality of law making, improve the effectiveness of legislation and to institutionalise procedures. Although the procedure and its effects are occasionally disputed, there is a general understanding that the ex ante (and ex post) assessment of the possible outcomes of a (proposed) legislation are expected to improve the quality, implementation and effects of desired legislative action.

The paper describes and analyses instruments or regulatory reform that have been introduced to improve quality of law-making procedure and outcomes in three transition countries (Croatia, Estonia Czech Republic, Hungary, Poland and Slovenia) and identifies main effects and main challenges facing these institutional innovations in the CEEs. The method includes the legal analysis and the interviews with officials involved in the procedures.