

GUIDELINES FOR PRACTICAL APPLICATION OF THE DECREE ON THE MANNER AND PROCEDURE FOR CONDUCTING PUBLIC DEBATE IN DRAFTING OF LAWS



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Ana Novaković

AUTHORS

Lidija Knežević, Ana Novaković

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I. INTRODUCTION

Guidelines for practical application of the Decree on the Manner and Procedure for Conducting Public Debate in Drafting of Laws ("Official Gazette of Montenegro", no. 12/12) aim to make closer and facilitate the understanding of implementation of the solutions contained therein, i.e. to guide the work of the ministries concerning the involvement of interested public in the process of drafting of laws. They are primarily intended for civil servants and state employees in the ministries who apply the Decree in everyday work, so as for citizens, authorities, organizations and associations (hereinafter referred to as the interested public) in purpose of improving their involvement in drafting of laws and in reaching better quality and legitimacy of the adopted legal solutions.

We hereby stress that the Guidelines do not represent interpretation of the Decree on the Manner and Procedure for Conducting Public Debate (hereinafter referred to as the Decree), but aim at its efficient and more appropriate implementation in practice.

The Guidelines have arisen from the Project "Civil Society Decides Too", implemented by the CRNVO - Centre for Development of Non-Governmental Organizations in partnership with the Network of Institutes and Schools of Public Administration in Central and Eastern Europe (NISPAcee) and NGO "Bonum", supported by the Office for Cooperation with Non-Governmental Organizations and Human Resource Management Authority. Project "Civil society Decides Too" is funded by the European Union within IPA Civil Society Facility Programme Montenegro 2013. Main objectives of the project include contribution to increasing the involvement of civil society organizations in the creation and implementation of public policies in Montenegro, as well as the improvement of cooperation of the state administration authorities and civil society organizations in these processes.

The adoption of the Decree is important as it is for the first time that the manner and procedure have been standardised in detail for organisation of public debate as the key form of involvement of citizens in the decision making process in Montenegro. Until its adoption, based on the Law on State Administration "Official Gazette" of the Republic of Montenegro, no. 38/03

and "Official Gazette" of the Montenegro, no. 22/08), which was in force at that time, the ministries were obliged to conduct public debate, however, it was only defined by the law. With adoption of this Decree, the manner, procedure and goals of conducting public debate have been governed in detail, as well as the authorities supposed to organize the debate, type of laws whose drafting requires public debate and the type of laws for which the debate is conducted.

However, the results of monitoring of its implementation in practice published in the Annual Report on the implementation of the Decree on the Manner and Procedure for Conducting Public Debate for 2012¹, prepared by the Centre for Development of Non-Governmental Organizations, show insufficient and unbalanced implementation of its provisions and main issues in practice. The received data indicate that only three out of 16 ministries apply the provision stipulating obligation for publishing the list of laws to be discussed, and less than a half of ministries ensured consultation with interested public prior to the law drafting. Publishing the report on conducted consultation and debate on the draft law are the least applied provisions in practice. CRNVO research has shown that the main reason for this is the lack of understanding among civil servants of the importance of consulting interested public during the initial phase of law drafting, so as making equal this form of consultation with consultations with NGO, which has been governed by the Decree on the Manner and Procedure of Cooperation of State Administration Authorities and Non-Governmental Organizations. All this indicates the need of providing support to civil servants aiming at organizing public debate of better quality, i.e. more efficient involvement of interested public both in the initial phase of law drafting and during the debate about the draft law. Strategy for Development of Non-Governmental Organizations 2014-2016², also indicates the need for full and consistent implementation of the present Decree so as the need for education of civil servants and state employees and organization of consultations with managing staff in reaching this objective. Starting right from these needs, the Guidelines have been drafted, in order to provide assistance to civil servants and state employees in the efficient implementation of the Decree and in meeting their obligations stipulated therein.

1 For more details refer to the Annual Report on the Implementation of the Decree on the Manner and Procedure for Conducting Public Debate, available on the website of the Centre for Development of Non-Governmental Organizations, www.crnvo.me

2 For more details refer to the Strategy for Development of Non-Governmental Organizations 2014-2016, available on the website of the Ministry of Interior, www.mup.org

The Guidelines are composed of three chapters. The first chapter relates to the legal basis and reasons for the adoption of the Decree. The second Chapter comprises more detailed explanations of articles of the Decree, referring to the problems faced with in practice, while in the third chapter templates of enactments for its implementation have been presented (template of the public call for consultations with interested public, template of the report on conducted consultations, template of the public call for participation in debate on the text of law, etc.).

We hope that the Guidelines and the proposed templates will ensure better understanding of the Decree for those who it concerns and contribute to its consistent implementation. Even though the Guidelines are primarily intended for civil servants and state employees, they will also be published on the website of the CRNVO and made available to all interested entities. In this manner, we try to show the importance of raising awareness of the public on the process of conducting public debate, thereby improving the implementation of the present Decree.

1.1. Legal basis for the enactment of the Decree on the Manner and Procedure for Conducting Public Debate in Drafting of Laws

Obligation of conducting public debate has been governed by Article 97, paragraph 1 of the Law on State Administration ("Official Gazette of the Republic of Montenegro", no. 38/03 and "Official Gazette of Montenegro", no. 22/08 and 42/11), stipulating that **when developing a law, which governs rights, obligations and legal interests of citizens, Minister shall publish in media draft text of the law and issue a call for submission of comments, proposals and suggestions to all interested parties.** Paragraph 2 of the same Article provides for a possibility to conduct public debate during the process of drafting of other laws.

Legal basis for adopting the Decree on the Manner and Procedure for Conducting Public Debate in Drafting of Laws is contained in Article 97, paragraph 3 of the Law on State Administration ("Official Gazette of the Republic of Montenegro", no. 38/03 and "Official Gazette of Montenegro", no. 22/08 and 42/11), stipulating that the Government of Montenegro shall define the manner and procedure for conducting public debate in drafting of laws referred to in paragraphs 1 and 2 of the same Article.

1.2. Reasons for the enactment of the Decree on the Manner and Procedure for Conducting Public Debate in Drafting of Laws

Public debate is a key form of consultation and participation of citizens, organizations, authorities, professional and other interested public in the process of drafting of laws. Therefore, public debate is one of important mechanisms to provide transparency of the work of the state administration authorities. Main purpose of public debate is to obtain opinions, suggestions and proposals of the interested public in relation to the proposed solutions, aiming at defining efficient public policies.

Present Decree was enacted in order to improve regulatory framework for participation of the interested public in drafting of laws, i.e. to improve publicity and transparency of the work of the state administration. With its adoption, through clearly defined rules, the involvement of all stakeholders in the process of drafting of laws has been stipulated in detail.

Until the adoption of the present Decree, procedure for conducting public debate in Montenegro has not been standardised at state level. Based on the Law on State Administration ("Official Gazette of the Republic of Montenegro" no. 38/03 and "Official Gazette of Montenegro" no. 22/08) which was valid by that time, the ministries were obliged to conduct public debate in drafting of laws, but due to the lack of detailed rules and manner and procedure for conducting public debate, this provision was not implemented. Underdeveloped legal framework resulted in an unbalanced implementation of legal obligations at ministries level. Public debates were not always organized when needed in the process of drafting of laws, neither the way of organizing public debate was precisely defined. Taking this into account, even when they were organized, public debate could not bring necessary results, i.e. there were no legal prerequisites for quality consideration of the received suggestions and proposals and provision of explanations for their acceptance or refusal.

Also, the Analytical Report which monitors the European Commission Opinion on Montenegro's Application for Membership of the European Union indicates that, in principles, "the Government involves all stakeholders in the preparation of legal regulations, including civil society and international organizations, however, the new legislation was not always based on clear identification of the priorities and needs" and therefore "additional efforts are needed to improve the quality of legislation and build capacities for development of legislation"³. In addition to this, the need was pointed out to improve the quality of consultations in the process of drafting of laws with all stakeholders, including civil society. Starting from these assessments, and according to the initiative of non-governmental organizations, in the Action Plan for Monitoring of the Implementation of recommendations contained in the Opinion of the EC about civil society issues, the government stipulated obligation of adopting enactment on the criteria and procedure for participation of NGOs in the process of creating public policies.

In order to implement these activities, the Government has defined Draft Law on Amendments to the Law on State Administration, which was adopted by the Parliament of Montenegro on 29 July 2011. The Law on Amendments to the Law on State Administration has defined the legal framework for the adoption of the Decree on the Manner and Procedure for Conducting Public Debate in Drafting of Laws. Based on the Law which was valid by that time, in drafting of laws governing rights, obligations and legal interests of the citizens, Minister was obliged to conduct public debates, but there was no rule referring to adoption of the secondary law, which would govern in detail the manner and procedure for conducting public debate.

Stemming from the assessment referred to in the Analytical Report which monitors the European Commission Opinion on Montenegro's Application for Membership of the European Union, as well as from the activities envisaged by the Action Plan for Monitoring of the Implementation of recommendations referred to in the EC Opinion related to civil society, the Centre for Development of Non-Governmental Organizations (CRNVO) within the project "Active Involvement of Civil Society in Development and Implementation of Public Policies", organised drafting of the Decree on the Manner and Procedure for Conducting Public Debate in Drafting of Laws by an inter-sector group.

3 Analytical Report which monitors "European Commission Opinion on Montenegro's Application for Membership of the European Union", page 13-14, available at http://www.mvpei.gov.me/rubrike/GD-za-evropskeposlove/Vaznidokumenti/Izvjestaji_Evropske_komisije_o_napretku_Crne_Gore

CRNVO submitted the draft version to the Ministry of Interior, which was a partner in the implementation of the mentioned project, for its further procedure with the Government. The Decree was adopted at the Government session held on 2 February 2012 and came into force on 5 March 2012.

2. EXPLANATION OF THE SOLUTIONS PROVIDED IN THE DECREE ON THE MANNER AND PROCEDURE FOR CONDUCTING PUBLIC DEBATE IN DRAFTING OF LAWS

Article 1

Public debate in preparation of laws shall be conducted in a procedure and in a manner provided for by this Decree.

This Article stipulates the subject of the Decree, i.e. the manner and procedure for conducting public debate in compliance with the legal framework for its adoption.

Article 2

Public debate shall include consultation of bodies, organizations, associations and individuals (hereinafter referred to as "interested public") in the initial phase of drafting of laws and debate on the text of laws.

This Article provides meaning of the public debate which implies two types – forms of "debate":

1. consultation with public in the initial phase of law drafting and
2. debate on the text of law (draft law).

Phase of consultation in the initial phase of law drafting implies consultation with interested public prior to the law drafting, which is the most involved form of citizen participation in the decision making process, while **debate on the text of law (draft law)** means consultation with interested public upon drafting of law. The phase of consulting interested public in terms of this Decree has been aligned with the Code of The Council of Europe for Civil Participation in the Decision Making Process (hereinafter referred to as the CoE Code). In this manner, the interpretation of public debate, which was related only to the discussion about the draft law, was expanded.

Article 3

Public debate shall ensure:

- **informing public on planned activities on law drafting;**
- **full exchange of information between the Ministries and interested public;**
- **participation of interested public in law drafting;**
- **removal of negative effects in implementation of laws;**
- **more quality definition of public policies and improvement of the quality of laws.**

The main goal of public debate is to raise awareness among citizens about activities planned in the process of law drafting, which is, at the same time, the basic prerequisite for active involvement of citizens in their development. Through public debate, authorities provide citizens with the proposed solutions and changes that may be expected upon the law adoption, in particular with changes which will influence their status and rights.

Besides this, public discussion aims at exchanging information, i.e. strengthening connections between the interested public and ministries, building confidence and joint work on the law drafting. In addition to this, considering that public debate, in terms of the present Decree, implies consultations in the initial phase of law drafting, so as the phase of discussion about the draft law, it provides proper involvement of the interested public in the process of law drafting.

Public debate also aims at mitigating adverse effects in the law implementation. This means that if ministries involve the interested public in the law drafting process, there are more prospects that the legitimate interests of those actors will be protected and standardised in an appropriate manner and therefore there will be less adverse implications in the process of its implementation. Besides, if involved, the interested public gets the impression of joint ownership of the process of law drafting. Finally, public debates ensure the quality of public policies and laws. If development of the law is participated by target groups it concerns, it is unquestionable that the quality of that law will be improved. In that manner, the ministry, as the law developer, identifies, in the best possible manner, the needs and interests it should take into account in the process of drafting, since target groups know the best what their needs and interests are and how good or bad some solutions were proved in practice.

Article 4

Public debate shall be obligatory in the drafting of the law which regulates rights, obligations and legal interest of citizens.

Public debate shall not be conducted in the preparation of laws:

- **which provide for issues in the area of defence and security and annual budget;**
- **in emergency, urgency and contingency;**
- **when the law does not significantly differently regulate an issue.**

In cases referred to in paragraph 2 item 3 of this Article, in addition to the draft law, the Minister shall also submit to the Government of Montenegro an explanation due to which public debate was not conducted.

This Article defines obligation for conducting public debate, so as the cases when it should be organised.

Article 5

Within five days following that of passing its annual programme the Ministry shall publish on its website and e-government portal the list of laws in relation to which it will conduct public debate, as well as a short note on the need to adopt laws and other information relevant for the preparation of laws.

Provision which stipulates obligation of the Ministry to publish on its web page and e-portal of the state administration, within 5 days following the date of adoption of its Work Programme, the list of laws requiring public debate, aims at providing the interested public with proper information about the planned activities in the field of development of various enactments. Thereby due involvement of the interested public in the law drafting is ensured, i.e. their proper preparation to influence the quality of the future document.

However, findings of the Annual Report on the implementation of the Decree on the Manner and Procedure for Conducting Public Debate for 2012⁴, indicate that **only three out of 16 ministries have published the list of laws requiring public debate** (Ministry for Human and Minority Rights, Ministry of Interior and Ministry of Transport and Maritime Affairs).

⁴ For more details refer to Annual Report on the implementation of the Decree on the Manner and Procedure for Conducting Public Debate for 2012, available on the web page of the Centre for Development of Non-Governmental Organizations, www.crngo.me

One of the issues causing dilemmas in practice is whether a ministry could organize consultation with interested public in the initial phase of law drafting, **in case the list of laws was not published.** Namely, it happens in practice that the Annual Work Programme is only adopted at the Government session in the middle of the first quarter, while the Ministry has already started with law drafting at the beginning of the first quarter. It is important that **there is no obstacle,** due to which an authority could not publish call for participation in consultations with interested public, as publishing of the list of laws is not a precondition for other "phases" of the procedure (which is above all, a technical issue).

Article 6

Provisions of this Decree shall apply in case of conducting public debate in preparation of proposals for other acts, strategic and planning documents. Importance of this Article lies in the fact that it prescribes conducting public debate not only in the preparation of laws, but also of other enactments, strategic and planning documents. In those cases, public debate is also carried out in compliance with the provisions of this Decree. An example of public debate conducted in preparation of draft enactments other than laws is the Ministry of Sustainable Development and Tourism, which, according to the provisions contained in this Decree, has organised a public debate on developing numerous strategic and planning documents: Draft National Air Quality Management Strategy, Draft Detailed Spatial Plan for Adriatic-Ionian Highway with Strategic Environmental Impact Assessments, Draft Detailed Spatial Plan for Special Purposes of the National Park "Lovćen" with Strategic Environmental Impact Assessments, etc.⁵

Article 7

The procedure of consultation with interested public shall start by publishing call on the website of the Ministry and e-government portal. Call for participation shall be addressed by the Ministry to the bodies, organizations, associations and individuals it assumes shall be interested in issues regulated by the law concerned, and it shall keep records accordingly.

Public call referred to in paragraph 1 of this Article shall include: title of the law for whose preparation the consultation is made, duration of consultations, name of the person in charge of the consultation coordination,

5 5 Annual Report on the Implementation of the Decree on the Manner and Procedure for Conducting Public Debate in Drafting of Laws, pages 5-9

location and address for submission of initiatives, suggestions, proposals and comments.

Deadline for the submission of initiatives, suggestions, proposals and comments in written and electronic form shall not be less than 20 days from the date of publishing public call referred to in paragraph 1 of this Article.

This Article governs the issue of content of the public call for consultation prior to the law drafting, as well as the term for submission of initiatives, proposals and comments by the interested public.

It is important to stress that the procedure for consulting interested public and public call for participation in consultations with interested public are very often made equal in practice with the procedure of consulting NGOs and the public call for consultations with NGOs referred to in Articles 2 and 3 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations.

That's why it is worth emphasizing that the procedure of consulting interested public stipulated by this Article implies consultations, not only with NGOs, but also with interested public as a whole (citizens, professional and science community, municipalities, NGOs, think tank organizations, political parties, trade unions, media and the like) during the initial phase of law drafting. Obligation to conduct this form of consultations is on ministries during the law drafting (even though Article 6 of the present Decree also provides for conducting public debate while developing enactments other than laws).

Unlike the mentioned consultations with interested public, **consultations with NGOs referred to in Articles 2 and 3 of the Decree on the Manner and Procedure of Cooperation between State Administration Authorities and Non-Governmental Organizations** implies actually the expression of interest of NGOs exclusively for taking part in consultations through: **submission (in written or e-form) suggestions, initiatives and proposals in relation to the development of various types of documents arising from the Annual Work Programme (strategies, laws, regulations, rulebooks and the like) or meetings (seminars, round tables, workshops etc.).** The difference also lies in the fact that the obligations for conducting this form of consultations are also that of the ministries and independent state

administration authorities during the creation of various documents arising from the Annual Work Programme.

Findings of the Annual Report on the Implementation of the Decree on the Manner and Procedure for Conducting Public Debate for 2012⁶ indicate its weak implementation in practice, having in mind that **only six ministries published 18 calls for participation in consultation with interested public during the initial-preparatory phase of law drafting.** Most of the ministries have not recognised the importance of organising consultations in this initial phase and thereby make impossible for citizens, non-governmental organizations, professional public, trade unions and other stakeholders to be involved in the earliest phase of the preparation of documents.

Article 8

A person in charge for the coordination of consultation shall keep updated records on all initiatives, suggestions, proposals and comments, and once the consultation is finalised, s/he shall make a report involving an overview of entities which took part in the consultation, as well as an overview of submitted initiatives, suggestions, proposals and comments.

The report referred to in paragraph 1 of this Article shall be published by the Ministry on its website and e-government portal, and it shall be submitted to the entities which took part in the consultation within seven days from the expiration of the deadline referred to in Article 7, paragraph 4 of this Decree.

Paragraph 1 of this Article stipulates the obligation of the Ministry to appoint a person, in case of organizing public debate, who will be responsible for the coordination of consultations and creation of a report which will contain the overview of obtained proposals, suggestions and comments. The person in charge for the coordination of consultations has been introduced for the sake of achieving efficiency of this phase of public debate. Paragraph 2 of this Article stipulates the obligation of publishing the report on consultations on the website of the Ministry. This ensures the transparency of consultation process, and additionally, the report presents to what extent the creator has accepted the proposals and suggestions of interested public, as well as the reasons for not accepting certain proposals.

6 For more details refer to the Annual Report on Applying the Decree on the Manner and Procedure of Conducting Pubic Debate for 2012, available on the web site of the Centre for Development of Non-Governmental organizations, www.crnvo.me

However, as it is the case with publishing the call for consultations to interested public, the obligation of publishing the report on consultations on the website of the Ministry has not been sufficiently carried out. Annual Report on the Implementation of the Regulation on the Procedure and Manner of Implementing Public Debate 2012 has shown that out of six ministries, which published 18 calls for participation on interested public in consultations in the initial phase of drafting of laws, **only three ministries published a total of four reports on consultations of interested public on their website**⁷.

Article 9

Debate on a law text shall be conducted as follows:

- **by organizing round tables, panel discussions, presentations and the like;**
- **by submitting proposals, suggestions and comments in written and electronic form.**
- **The debate referred to paragraph 1, item 1 of this Article shall be attended by the authorized representative of the Ministry in charge of conducting the debate.**

This provision prescribes two basic manners for conducting a public debate: 1. the organization of round tables, panel discussions, presentations and 2. written and electronic communication. In this way, two forms of communications between the creator of draft laws and interested parties have been defined. Paragraph 2 stipulates the obligation of the authorized representative of the Ministry in charge for conducting the debate, to attend the round table, panel discussion or other form of a public debate.

⁷ For more details refer to: Annual Report on the Implementation of the Decree on the Procedure and Manner of Conducting Public Debate, available at the website of the Centre for Development of Non-Governmental Organizations, www.crngo.me

Article 10

When organizing such debates referring to in Article 9, paragraph 1, item 1 of this Decree, the Ministry shall ensure that the premises used for debates be accessible by the disabled persons.

If the law being subject of the debate directly provides for rights, obligations and legal interests of persons with impaired hearing and speech, and persons with impaired eyesight, the Ministry shall ensure that the debate is conducted by using sign language, i.e. that the law text is available in audio record or in Braille alphabet.

This Article stipulates the obligation of a ministry, during the organization of a public debate, to ensure the accessibility of the premises to persons with disabilities for the sake of the provision of basic conditions for their participation in the process of public debate on the text of laws. Paragraph 2 of this Article prescribes the obligation of the use of sign language, Braille alphabet and audio record for the sake of essential inclusion of the persons with impaired hearing and speech and persons with impaired eyesight in the public debate process related to the text of law.

Article 11

Debate on a law text shall start by publishing a public call for participation in debate on the website of the Ministry, e-government portal and in one press media published in Montenegro.

In addition to the public call referred to in paragraph 1 of this Article, text of the law, as well as explanation and programme of the debate shall be published.

The debate shall be conducted in accordance with the programme referred to in paragraph 2 of this Article which is created by the Ministry, and shall include the following:

- **name of the Ministry conducting debate;**
- **title of the law which is the subject of debate;**
- **deadline, location and time of debate;**
- **address and manner of submitting proposals, suggestions and comments;**
- **any other information needed for its conducting.**

Debate on text of a law shall last not less than 40 days following that of publishing public call referred to in paragraph 1 of this Article.

This provision represents a detailed elaboration of the procedure of conducting the second phase of public debate, the debate on the text of law. The issue of publishing a public call for participation in the debate has been regulated, as well as necessary elements of the programme of the public debate and a minimum duration of this phase of the public debate.

However, the practice of implementing this Decree has shown that sometimes there is no difference between the call for participation in consultations in the initial phase and the call for participation in the debate on the draft law⁸, i.e. these two terms have been equalized. **Therefore, it is essential to point out that the public call for participation in the debate on the text of law referred to in this Article should be published together with the text of law along with its explanation and public debate programme, which is different from the public call for consultations of interested public which is published for the sake of collecting ideas, proposals and suggestions prior to the beginning of drafting the text of law.**

In addition to this, frequently asked question in practice is the justifiability of the forty-day duration of a public debate, taking into account the reform process of Montenegrin legislation and deadlines defined by the action plans for negotiation chapters on the one hand, and the fact that in the majority of cases there is a very poor response by interested parties during the debate process, on the other. With regard to very frequent objections of civil servants related to the long duration of the debate, the possibility of changing this duration should be considered during the process of amending the Decree.

Article 12

Following the finalization of a debate, the Ministry shall prepare report on public debate.

The report on public debate shall especially involve the information on:

- **the location and time of the debate;**
- **authorized representatives of the Ministry who took part in the debate;**
- **the number and structure of the debate participants;**
- **the number and structure of submitted proposals, suggestions and comments;**
- **proposals and suggestions which are accepted and those not accepted, with relevant explanation.**

⁸ Data published in the Annual Report on the Implementation of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws, page 13

The report on consultations with interested public and report on inter-sector consultations, if any, shall be integral part of the report. The report referred to in paragraph 1 of this Article shall be published by the Ministry on its website and e-government portal, within ten days from the date of expiration of the deadline referred to in Article 11 paragraph 4 of this Decree.

This Article defines in detail the content of the report on the conducted debate on the text of law, as well as the deadline for its publishing. The report on the conducted public debate is particularly significant document which not only makes the process more transparent, but it represents essential source of information on the level of involvement of interested public in the process, the quality of submitted proposals and the volume of accepted proposals by the competent Ministry⁹.

However, the Annual Report on the Implementation of the Decree on the Procedure and Manner of Conducting Public Debate 2012¹⁰ has shown that there were only 5 reports from public debates published during 2012¹¹. Taking into account the significance of creating this report, it is necessary to ensure more efficient implementation of this provision. Additionally, it is necessary to take into consideration the remarks and suggestions, which may be obtained by civil servants in practice, that the deadline for creating the report on the public debate is too short (10 days).

Article 13

This Decree shall enter into force on the eighth day following that of its publication in the “Official Gazette of Montenegro”.

This Article defines entering into force of the Regulation on the Procedure and Manner of Implementing Public Debate in Drafting of Laws.

9 Comment of the Law on Non-Governmental Organizations and other enactments, page 88

10 For more details refer to the Annual Report on the Implementation of the Decree on the Procedure and Manner of Conducting Public Debate, available at the website of the Centre for Development of Non-Governmental Organizations, www.crnvo.me

11 For more details refer to the Annual Report on the Implementation of the Decree on the Procedure and Manner of Conducting Public Debate, available at the website of the Centre for Development of Non-Governmental Organizations, www.crnvo.me

3. TEMPLATES OF ENACTMENTS FOR APPLYING THE DECREE ON THE PROCEDURE AND MANNER OF CONDUCTING PUBLIC DEBATE IN DRAFTING LAWS

3.1. Template of the List of laws on which the Ministry of _____ will conduct the public debate during the year

Pursuant to Article 5 of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws ("Official Gazette of Montenegro", no. 12/12), _____(name of the Ministry) publishes the following:

LIST OF LAWS ON WHICH PUBLIC DEBATE WILL BE CONDUCTED DURING _____ (YEAR)

1. Title of the Draft Law

Brief explanation of the need for adopting the Law

Deadline:

3.2. Template of the Public call for consultations of interested public related to drafting the law on _____

Pursuant to Article 5 of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws ("Official Gazette of Montenegro", no. 12/12), the Ministry of _____ publishes the following

PUBLIC CALL

to interested public (citizens, professional and scientific institutions, state administration authorities, the Capital City of Podgorica, Royal Capital Cetinje and other municipalities, professional associations, political parties, trade unions, non-governmental organizations, media and other interested bodies, organizations, associations and individuals) to get involved in the process of creating:

Draft Law _____

and submit their initiatives, proposals, suggestions and comments in written and electronic form to the Ministry of _____, address: _____ or via fax: _____ or e-mail: _____.

The person appointed for the coordination of consultations with interested entities is (name and surname of the employee in charge for the coordination of consultations, phone number: _____).

The consultations on the preparation of Draft Law will last (minimum 20 days) following the day of the announcement of this Call.

The Ministry of _____ will take into consideration all submitted initiatives, proposals, suggestions and comments during the creation of the Draft Law on _____.

3.3. Template of the Report on the overview of entities and obtained initiatives, proposals, suggestions and comments during the consultations with interested public in the process of preparing draft law

Pursuant to Article 8 of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws ("Official Gazette of Montenegro", no. 12/12), the Ministry of _____ publishes the following

REPORT ON THE OVERVIEW OF ENTITIES AND OBTAINED INITIATIVES, PROPOSALS, SUGGESTIONS AND COMMENTS DURING THE CONSULTATIONS WITH INTERESTED PUBLIC IN THE PROCESS OF PREPARING DRAFT LAW ON _____

Pursuant to Article 7 of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws, the Ministry of _____ on _____, addressed the Public Call to the interested public (citizens, professional and scientific institutions, state administration authorities, the Capital City of Podgorica, Royal Capital Cetinje and other municipalities, professional associations, political parties, trade unions, non-governmental organizations, media and other interested bodies, organizations, associations and individuals) to get involved in the process of creating **Draft Law on _____** and submit their initiatives, proposals, suggestions and comments in written and electronic form.

Consultative process lasted for _____ (*minimum 20 days*) following the day of the announcement of this Call on the website of the Ministry of _____ and e-government portal.

Following the expiration of the deadline for consultations, an assessment was carried out and it has been stated that..... entities submitted initiatives, proposals, suggestions and comments related to the preparation of Draft Law on _____, presented in the table below:

Entities which participated in the consultations:	Initiatives, proposals, suggestions and comments:
1. Name of the entity	1. Proposal: <u>Explanation:</u>
1. Name of the entity	2. Proposal: <u>Explanation:</u>

The Ministry of _____, or the Committee _____ or working group _____, which will be established by the Ministry so as to prepare the Draft Law on _____, will take all submitted initiatives, proposals, suggestions and comments into consideration during the preparation of the text of Draft Law on _____.

OR

Following the expiration of the deadline for consultations with interested public, an assessment was carried out and it has been stated that there were no interested entities in the consultative process with interested public, neither were the initiatives, proposals, suggestions and comments submitted with regard to the preparation process of the Draft Law on _____.

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3.4. Template of the Public call for participation in the public debate on draft law on _____

Pursuant to Article 11 of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws ("Official Gazette of Montenegro", no. 12/12), the Ministry of _____ submits Draft Law on _____ for public debate and publishes the following:

PUBLIC CALL

to citizens, professional and scientific institutions, state administration authorities, the Capital City of Podgorica, Royal Capital Cetinje and other municipalities, professional associations, political parties, trade unions, religious communities, non-governmental organizations, international organizations media and all interested organizations and communities to get involved in the public debate and provide their contribution in consideration of the Draft Law on _____.

The Public Debate will last for _____, and the Public Debate Programme and Draft Law are enclosed.

3.4.1. Template of the Programme of the public debate on the draft law on _____

- I. Ministry of _____ will conduct Public Debate on the Draft Law on _____
- II. Debate on the text of Draft Law starts by publication of the Public Call for participation in the debate, text of the Draft Law with Explanation and Programme of the Debate on the website of the Ministry of _____, e-government portal and announcement in «Pobjeda» daily.
- III. Within the Public Debate on the Draft Law there will be _____ events/round tables organized in:
 - e.g. in Budva, on _____, for municipalities: Ulcinj, Bar, Budva, Tivat, Kotor, Herceg Novi and
 - e.g. in Bijelo Polje, on _____ for municipalities: Andrijevisa, Berane, Bijelo Polje, Kolašin, Plav, Plužine, Pljevlja, Mojkovac, Rožaje, Žabljak and Šavnik, attended by the authorized representatives of the Ministry in charge for conducting the debate, as well as participated by national and international experts.
- IV. Proposals, suggestions and comments related to the Draft Law on _____ may be submitted to the Ministry of _____, address: _____, or via fax: _____ or via e-mail: _____.
- V. Public Debate on the Draft Law on _____, will last (minimum 40 days following the day of the announcement in «Pobjeda» daily and on the website of the Ministry of _____ and e-government portal).
- VI. Working group for the preparation of the Draft Law on _____ will take into consideration the proposals, suggestions and comments of public debate participants, and afterwards it will create the Report on the Conducted Public Debate and publish it on the website of the Ministry of _____ and e-government portal, within ten days following the day of the termination of public debate.

3.4.2. Template of Table presentation of round tables on draft law on _____ in accordance with the public debate programme

No.	Venue of round tables and the Conference	Organizer	Participants	Place Address:	Date	Hour
1.	BUDVA, for municipalities: Ulcinj, Bar, Budva, Tivat, Kotor, Herceg Novi etc.	Ministry of _____	Citizens, professional and scientific institutions, state administration authorities, local government, non-governmental organizations, national and international experts			
2.	BIJELO POLJE, for municipalities: Andrijevica, Berane, Bijelo Polje, Kolašin, Plav, Plužine, Pljevlja, Mojkovac, Rožaje, Žabljak and Šavnik.	Ministry of _____	Citizens, professional and scientific institutions, state administration authorities, local government, non-governmental organizations, national and international experts			

3.5. Template of the Report on public debate on the draft law on _____

I. Consultations with interested public before the beginning of the preparation of the Draft Law on _____

Pursuant to Article 7 of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws ("Official Gazette of Montenegro", no. 12/12), before the beginning of the preparation of the Draft Law on _____, the Ministry of _____ on _____, announced Public Call to the interested public (citizens, professional and scientific institutions, state administration authorities, the Capital City of Podgorica, Royal Capital Cetinje and other municipalities, professional associations, political parties, trade unions, non-governmental organizations, media and other interested organizations, associations and individuals) to get involved in the process of creating Draft Law on _____. Consultations were ensured through the submission of initiatives, proposals, suggestions and comments related to the issues which should be covered by the Draft Law.

The consultations lasted for (minimum 20 days) following the day of the announcement of the Public Call.

Following the expiration of the deadline for the consultations, an assessment was carried out and it has been stated that _____ entities submitted initiatives, proposals, suggestions and comments, presented in the table below:

Entities which participated in the consultations:	Initiatives, proposals, suggestions and comments:
1. Name of the entity	1. Proposal: Explanation:

During the preparation of the Draft Law, the working group took into consideration all submitted remarks and suggestions.

II. Debate on the text of draft law

Pursuant to Articles 6 and 11 paragraph 1 of the Decree on the Procedure and Manner of Conducting Public Debate in Drafting of Laws, the Ministry of _____ on _____, submitted for discussion the Draft Law on _____ together with the Explanation and Public Debate Programme and invited all interested public to get involved in the Public Debate.

The Public Debate lasted (minimum 40 days) following the day of publishing the Public Call for participation in the debate on the website of the Ministry of _____, e-government portal and "Pobjeda" daily, from _____ to _____ (year).

The Public Debate was conducted by the Ministry of _____ in cooperation with _____. The participants were citizens, the representatives of state administration authorities, local self-government authorities, international organizations, non-governmental organizations and other interested entities. Within the Public Debate, two round tables were organized (e.g. in Budva and Bijelo Polje), while proposals, suggestions and comments were submitted electronically and in other manner.

On _____, there was a round table in Budva (for municipalities: _____) and on _____ in Bijelo Polje (for municipalities: _____). The round table in Budva was attended by (insert the number and structure of participants), while the round table in Bijelo Polje was attended by (insert the number and structure of participants). Public Debate in Budva was opened by the representative of the Ministry of _____, who is also the coordinator of the working group, who presented the procedure which preceded the decision to prepare Draft Law, as well as the most significant novelties in the Draft. A total of _____ participants took part in the discussion during the round table in Budva, while _____ participants took part in the discussion during the round table in Bijelo Polje.

Principal suggestions and proposals of the participants in the Public Debate

Individual suggestions and proposals of the participants in the Public Debate

Overview of submitted suggestions, comments and proposals on the Draft Law on _____

Entities which participated in the consultations:	Submitted comments, proposals and suggestions	Creator's opinion
1. Name of the entity	1. Proposal: Explanation	The proposal is accepted Explanation
2. Name of the entity	2. Proposal: Explanation	The proposal is not accepted Explanation

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