

Emergency legislation and Regulatory quality in times of Pandemic Crises

Abstract

Responding to pandemic has involved also regulatory issues, to ensure public health but also stabilize economy etc. These measures often require prompt reaction and therefore politicians opt to utilize emergency procedures. However, emergency legislation can challenge the rule of law that provides space and time for stakeholders to be involved and consulted to gather evidence on possible side-effects of the measures, particularly where health of citizens has to be balanced with health of the economy, such as restrictions on movement or business closures. Thus, looking at impacts of these measures might prevent future crises, nevertheless often these “regulatory quality” management tools are being skipped and ignored. This paper intends to examine what regulatory management tools in times of emergency legislation are utilized to find out and map possibilities for regulatory quality scrutiny also in the times of emergency. It takes regulatory reaction in Slovakia to the corona crisis as a case study. We look at the regulatory process, deliberative tools such as consultation, evidence based tools such regulatory impact assessment under scrutiny to identify potential loop-holes utilized that might back fire against the rule of law.