

## “Under construction” - Online Platform for public consultations during 2017

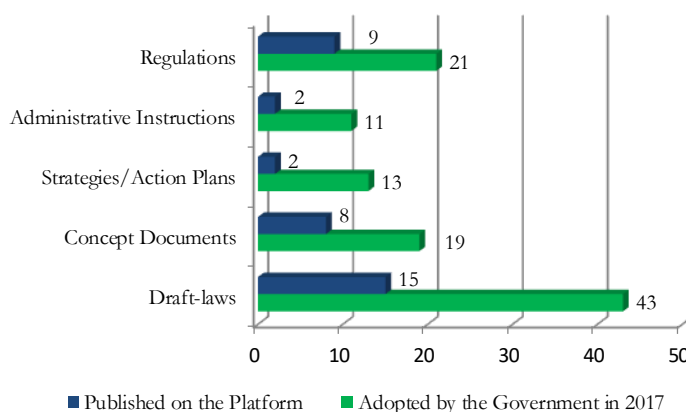
The Online Platform for public consultations is a very important, although not the only tool for implementing the minimum standards for public consultations. A year after its launch, this platform still does not meet all the requirements set by the Regulation.<sup>1</sup> The basic functions of user registration, publication of Consultation Documents and posting of comments are functional. However, many other necessary functions are missing, while the maintenance of the platform has been problematic throughout 2017.

To enable the full implementation of minimum standards, at least in technical terms, the Office of Good Governance of the Office of the Prime Minister should urgently update the Online Platform with the following functions:

1. Full functionalization of the new user registration, by avoiding obstacles preventing registration;
2. Enable online publication of Government and Ministries work plans, together with the option of expressing interest/subscribing to specific elements of each plan;
3. Enable online publication of public meetings for public consultations, together with accompanying preparatory and reporting materials;
4. Enable the publication of the updated version of the project proposal, after addressing the comments received during public consultations;
5. Automatization of the subscriber notifications for each open public consultation process, making it impossible for civil servants to manually avoid notifying subscribers;
6. Special designation of notifications sent through the Online Platform, avoiding the use of standard and unique designation regardless of the type and content of the notification.

Although different methods for public consultations exist, the most frequent one is the in-written consultations. Platform deficiencies directly affect the success of the new public consultation approach, especially at the written consultations stage.

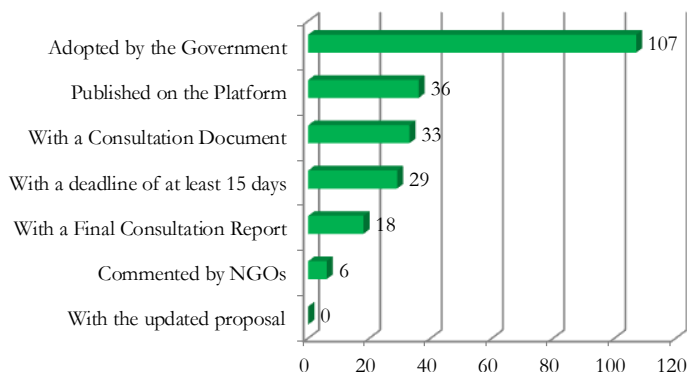
Despite the issues, in 2017 the Online Platform has enabled the publication of in-written consultations of a significant number of government



**Figure 1: Degree of publication on the Online Platform of documents adopted by the Government in 2017**

<sup>1</sup> Article 12 of the Regulation (GRK) 05/2016 on minimum standards for public consultation process

documents. Out of 107 documents<sup>2</sup> adopted by the Government in 2017, 36 of them<sup>3</sup> (33.6%) were published on the Online Platform for in-written consultations. By type of document, the most common documents published in the Online Platform were Draft Regulations, at 42.9%, while the least common were Strategies, at 15.4%.



**Figure 2: Level of compliance with minimum standards for the written consultations stage in 2017**

Of all the minimum standards set by the Regulation on the in-written consultations stage, only 10 out of 36 published documents have met all standards. While most of the published documents meet the deadline and existence of the Consultation Document, the main problem remains the considerable absence of Final Consultation Reports. Only half of the 36 processes that have gone through in-written consultations have been concluded by a Final Consultation Report. On the other hand, since

the Platform does not allow it technically, no process has met the obligation to publish the updated version after addressing the received comments.

In 2017, out of 36 documents published on the Platform, only 6 documents were commented by external stakeholders. While the amount and quality of the comments are the responsibility of external stakeholders, the basic prerequisite when expecting greater use of the Online Platform by the public is to inform all parties of this opportunity. After undertaking a full technical audit, the Office for Good Governance should undertake an extensive information and promotion campaign on the platform, aiming at increasing the number of registered and commenting stakeholders.

The minimum standards for public consultations represent an excellent opportunity to increase the quality and legitimacy of public policies, as well as the transparency of the process of drafting government documents. The success of this new system depends both on the commitment of the Government and the engagement of civil society and other external stakeholders. The first year shows that, at least as far as the Online Platform is concerned, without the necessary preconditions being met by the Government, it is difficult to expect sufficient inputs from external stakeholders.

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<sup>2</sup> Draft Laws, Concept Documents, Strategies, Action Plans, Programs, Administrative Instructions, Regulations

<sup>3</sup> It does not include documents published on the Platform, but which have not been adopted, as well as the Administrative Instructions published on the Platform, but approved at ministerial level