

# ANTI-CORRUPTION HELPDESK

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## PARTICIPATORY LAWMAKING, PUBLIC CONSULTATIONS AND PETITIONS

### QUERY

Can you provide an overview of countries' experiences in public consultations at the national level before debating laws in parliament? Can you also provide examples of countries that have adopted legislation allowing citizens to submit petitions to their parliaments?

### CONTENT

1. Public consultations in lawmaking processes
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### SUMMARY

There is a broad consensus that the public should be involved at all stages of the lawmaking process for laws and policies affecting them. Public consultations are a form of public participation where the government invites citizens to provide feedback and express opinions on a specific law or policy. Such consultations can take different forms, and a number of key issues need to be considered, including types of documents regulating public consultations, who should be consulted, types of documents open for consultation, when to involve and the timeline to receive contributions from the public, tools for consultation, and so on.

Petitions can also be used by governments (formal petitions) and civil society (informal petitions outside the realm of public authority) to consult the public or secure support for proposed legislation.

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## 1 PUBLIC CONSULTATIONS IN LAWMAKING PROCESS

### Definition, benefits and challenges

Based on the principle that all persons have a right to express their opinions on decisions directly affecting their lives, the importance of engaging the public in decision-making processes is increasingly recognised, not only at the national but also at the international level. Various forms of consultations involving civil society organisations (CSOs) have become standard practice in many multilateral institutions such as the EU, the Council of Europe, the United Nations and the World Bank (Golubovic 2008).

At the EU level, for example, such a participatory approach is enshrined in the Lisbon Treaty that states in its Article 10 that “every citizen shall have the right to participate in the democratic life of the Union”. Art. 11 further specifies, “The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union’s actions are coherent and transparent”.

The Council of Europe (CoE) also promotes public participation in several recommendations, such as Recommendation CM/rec (2007): “Governmental and quasi-governmental mechanisms at all levels should ensure the effective participation of NGOs without discrimination in dialogue and consultation on public policy objectives and decisions.” It adopted a [code of good practice for civil participation in the decision-making process](#) which outlines principles, tools and mechanisms for public participation in decision-making processes.

A previous Helpdesk answer specifically focuses on [standards of public participation](#).

The OECD handbook on information, consultation and public participation in policy making distinguishes three levels of participation between citizens and public bodies, including 1) providing citizens with access to information on the policy process, 2) public consultation seeking feedback from citizens in the process of shaping public policies, and 3) active participation through working groups commissioned to draft a law (OCDE 2001). As such, public

consultations are a form of public participation in lawmaking processes where the government invites citizens to provide feedback and express opinions on a specific law or policy.

The OECD defines public consultations as a two-way relationship between government and citizens. Governments can receive input from citizens passively and unsolicited or actively through inviting citizens to respond (OECD 2001). While consultations may occur at any stage of the regulatory development, from problem identification to evaluation of existing legislation, its primary objective is to gather information to facilitate the drafting of good quality regulations (OECD no date).

Public consultations provide governments with valuable information to inform policy making, allowing an assessment of expectations by various stakeholders and the identification of non-obvious policy alternatives. They bring into the debate the expertise and perspectives of those affected by the decision, helping identify unexpected effects and practical problems.

By facilitating cross-sector dialogue and consensus and balancing opposite interests, public consultations can ensure the legitimacy of the proposed legislation and ensure that it reflects the needs of citizens. They have the potential to improve the quality of the regulations, making them fairer and more transparent, ultimately improving compliance and reducing costs of enforcement for both governments and citizens (OCDE No date; OSCE 2010).

However, there are also a number of challenges involved with public participation, including public consultations (OSCE 2010). The cost of public consultations, the time pressure to pass new legislation, or the political context may be factors hampering meaningful consultation processes. In addition, participants in consultation processes may not have enough understanding of the issues at stake, and it may be unclear who to involve and how. Data collection and transparency in communicating views of consulted parties is another major challenge, and the OECD recommends that a process to monitor the quality of the consultation process should be institutionalised (OECD no date).

## Key features of public consultations

Public consultations can take different forms and vary across countries in terms of their rules and principles, parties to be involved in the process, types of documents open for consultation, timeline, and so on.

### *Types of document regulating public consultations*

Documents regulating public participation differ in terms of whether they are legally binding or not, which ultimately affects the extent to which provisions can be enforced and the types of measures needed to ensure compliance.

Some countries, such as Bosnia and Herzegovina and Romania, have adopted the concept of participation in legally binding documents (laws and regulations), while others have taken a non-binding approach and included participation measures in codes, standards and guidelines, as it is the case in Austria, Croatia and the United Kingdom (OSCE 2010).

In Hungary for example, the constitution obliges the government to cooperate with CSOs but grants the government discretion to choose the model of participation deemed appropriate. This constitutional obligation for consultation in the legislative process is further elaborated in the law on legislative procedures (Golubovic 2010).

Some countries have opted to regulate public participation in a stand-alone document specifically dedicated to public participation, such as the [Croatian code of practice on consultation with the interested public in procedures of adopting laws](#) or the Romanian law on transparent decision making by state bodies and local governments. In other countries, public participation/consultations are found in documents addressing other issues. In Bosnia and Herzegovina, Hungary and Slovakia, for example, principles of participation are included in laws relating to the process of law drafting, or access to information (OSCE 2010).

### *Who should be consulted*

The decision of who to involve at which stage of the process varies across countries and level of participation. Access to information on the lawmaking

process should be open to the whole public while consultations or active involvement can target specific groups of citizens. In general, most countries allow for every citizen to take part in consultations, but limit participation in working groups to targeted stakeholders in the case of active involvement (OSCE 2010).

The term “public” typically refers to citizens in their individual or formal capacity. In Romania or Croatia, “interested persons” are broadly defined and refer to citizens or legal persons, including citizens, CSOs, representatives of the academic community, chambers, public institutions or other legal entities who might be affected by a law. In Bosnia and Herzegovina, the institution can also consider involving domestic and foreign experts, lawyers, prosecutors, judges, and so on (OSCE 2010).

At the European level, the EC Principles and Minimum Standards provide that consultations should ensure adequate coverage of 1) those affected by the policy, 2) those who will be involved in its implementation, and 3) bodies that have stated objectives that give them direct interest in the policy (OSCE 2010).

When consultation is limited to targeted groups, participation should be made on clear and open criteria to ensure the credibility of the process, such as expertise, qualifications and so on.

### *Types of documents open for consultation*

In most countries, obligations to consult apply to all legislative acts. This can include drafts of laws and their amendments, drafts of government regulations and directives, ministers’ decrees, drafts of legislation of EU institutions and other strategic documents, conventions and international agreements, and so on. Some, such as Bosnia and Herzegovina, distinguish “laws that will have a significant influence on the public”.

Standards of public consultations recommend going further than the mere publication of the draft of proposed regulation by providing complementary information to ensure meaningful feedback. At the EU level, documents for consultation should be complemented by a summary of the context, scope and objectives of the consultation, issue of particular importance for which feedback is needed, type of

feedback to be provided, details about the process, steps, deadlines, and so on (OSCE 2010).

Another issue is to determine whether obligations to consult should apply to central levels of government or whether local governments' acts are also subject to public consultations, taking into account factors such as scope and ambit of power of local authorities in a given country. In the United Kingdom, for example, local government is encouraged but not obliged to adhere to the code on practice and consultation. In Romania, national government and government bodies as well as municipality executive and representative bodies are covered by the law (Golubovic 2010).

### *When to involve and timeline for comments or discussions*

As a matter of good practice, the public should be granted access to the proposed legislation at the earliest stage of the legislation's development. While governments are sometimes hesitant to publish early versions of draft laws, short summaries of issues to be addressed can be provided to the public. Involving CSOs and other interested parties in the drafting process provides opportunities to include feedback on the issues and mitigate the risks of major disagreements at a later stage of the process. Some countries, such as Estonia, provide for consultation at the phase of developing preliminary drafts of the law. Bosnia and Herzegovina, for example, requires the publication of draft versions of laws, if possible at any time of the drafting process and before it is finalised for submission. In Estonia, consultation of the draft can be preceded by informing and consulting on an informal basis to inform the parties of the issues addressed by the proposed regulations (OSCE 2010).

The timeline for commenting on a document needs to strike a balance between the need for adequate input and swift decision making. The time given to the public to comment on a document may vary depending on the type of document, its length, the issue it addresses. In the EU, the standard period of consultation is eight weeks, but the deadline may be longer or shorter in exceptional cases. The deadline for submission of comments may not be shorter than 10 days in Romania, 15 days in Hungary, 21 days in Bosnia and Herzegovina (Golubovic 2010).

### *Acknowledgement and feedback*

The trust in and credibility of the process can be greatly enhanced by acknowledging contributions and providing feedback to the consulted parties. While feedback may not be individualised in large consultation processes, a summary of responses and actions taken based on these contributions should be made public.

At the EU level, all received contributions are acknowledged (individual or collective response via mail or on the website). Legislative proposals should be accompanied by an explanatory memorandum with information on the consultation process, its results and how these results were considered (OSCE 2010).

In Bosnia and Herzegovina, the draft law submitted for adoption must be accompanied by 1) a statement that the minimum consultation obligations have been fulfilled, 2) statement whether the law will have a significant influence on the public, 3) explanation for selection of the consultation process, 4) statement that the institution has acted upon the received comments (OSCE 2010).

### *Tools for consultation*

There are various ways of receiving feedback from citizens in lawmaking processes, depending on who is consulted, how formal the process is and the channels of communication used.

- Informal consultations refer to ad hoc and unstandardised forms of consultations that can occur at all stages of the regulatory process. Forms of communication can include phone calls, letters, informal meetings, focus groups with a view to collecting feedback from interested parties. In Canada, for example, regulators are encouraged to consult informally prior to formal consultation. In the United Kingdom or France, there is a tradition of informal contacts with major interests by regulatory bodies. While flexible and less cumbersome than other forms of consultations, informal consultations are less transparent and access of interest groups to the process is left at the discretion of the regulator (OECD no date).
- Circulation for public comments. The government circulates a proposed regulation and defines a period of time for receiving comments. The

circulation process is more systematic and structured than for informal consultations and may have some basis in law. The regulator retains discretion about access and process, decides on the way citizens are informed about the action, issue, deadline and way to submit comments and selects the methods for submitting comments, usually in written form, for instance via mail to a specific address ("letterbox") and via a toll-free telephone hotline.

- Public notice and comments is more open and inclusive than circulation for public comments, as all interested parties have the opportunity to comment. The proposed regulation is published, usually with a standard set of background information, including the draft law, discussion of the objective and the problem being addressed, sometimes with an impact assessment of the proposed measure and alternative solutions. In Bosnia and Herzegovina and Hungary, a draft is posted on the web site of the relevant institutions. Japan, for example, adopted notice-and-comment requirements for all new regulatory proposals and revisions of existing rules. In the United States, the procedure is prescribed by law. Comments are registered in a formal record. While the regulators may reject comments at their discretion, those ignoring major comments risk having the regulation overturned in court. In Denmark, there is no standardised, formal and systematic set of requirements (OECD no date).
- Public hearings are public meetings on a proposed regulation at which interested parties and groups can comment in person. They are typically open not only to specifically invited experts but to all citizens who wish to attend. Hearings often supplement other consultation procedures. In the United States, for example, a hearing can be added to the notice-and-comment process as needed. In Germany, a public hearing can be arranged instead of inviting written comments or co-exist with an ongoing notice-and-comment consultation (OECD no date).
- Participation in advisory bodies. Citizens and CSOs can also be included in consultative bodies that are involved at all stages of the regulatory process. Advisory bodies are often composed of

representatives of the public interest who are appointed by government bodies with the aim of ensuring broad representation and providing a forum for ongoing consultation (OECD 2001). Their role is especially important at the early stages to assist in the definition of positions and identification of options. It is one of the most common forms of public consultations in OECD countries. Such bodies can have a permanent mandate or ad hoc technical groups formed by experts to inform the work of the regulators on a specific issue (OECD no date).

- Non-binding referenda can also be used for consulting the entire population on a specific issue with a choice of answers (OECD 2001).

## Country Examples<sup>1</sup>

### *United Kingdom*

In the UK, citizen participation is governed by the Code on Practice on Consultation Practice issued by the Cabinet Office that proclaims six principles that state bodies must observe when running a formal, written, public consultation exercise. The code recognises that in some cases, there are legal requirements for the government to consult certain groups on certain issues.

While the code is not legally binding and may not derogate domestic laws and other binding legal instruments, it is considered "generally binding" for state administration bodies (Golubovic 2010). A list of the UK departments and agencies adopting the code is available on the Better Regulation Executive's website (University of Oxford 2011). Other public sector organisations are free to make use of this code for their consultation purposes, but it does not apply to consultation exercises run by them unless they explicitly adopt it.

The government often publishes a number of bills in draft form before they are introduced in parliament as formal bills. As such, consultation processes are not limited to draft bills but also extend to green papers and white papers, which contain ideas for future government policy. There are also consultations on

<sup>1</sup> This section mainly draws from a [comparative survey of procedures for public participation in the lawmaking process](#).

smaller rule changes that may not require legislation in parliament.

The London Gazette contains all the recent notices on consultations and the documents that the government publishes for consultation can be obtained from Her Majesty's Stationery Office for response or on the respective government department's website. An online consultation tool, called Directgov, provides links to consultations conducted by various government departments, allowing individuals to read the consultation paper outlining the government's proposals and then to send in their own comments. Different types of consultation documents are recommended for different audiences, for example, a young person's version, a Braille and audio version, Welsh and other language versions and an "easy-read" version (University of Oxford 2011).

Results of the consultation are encouraged to be made widely available and reasons for the decision taken ought to be given.

The government has recently published a revised set of government consultation principles that can be accessed [here](#) (UK Cabinet Office 2016).

### *South Africa*

In South Africa, the constitution imposes an identical obligation on the National Assembly (NA), the National Council of Provinces (NCOP) and the provincial legislatures to facilitate public involvement in the legislative and other processes. The constitution does not explicitly specify what type of public involvement is required except for constitutional amendments where a detailed notice-and-comment procedure is set out (University of Oxford 2011).

The legislative authorities have a wide discretion over the appropriate means for facilitating public involvement in the legislative process, allowing substantial room for flexibility. Before an ordinary bill may be introduced in the NA or the NCOP, prior notice of the bill must be published in the Government Gazette (including an explanatory summary or a draft version of the bill) and include an invitation for public comments. The relevant legislative committees may then consider further submissions, call for oral submissions, organise public hearings or initiate additional public participation measures.

In addition to oral and written submissions and public hearings, public participation may be facilitated by setting up public participation offices, increasing access to constituency offices and conducting parliamentary roadshows (University of Oxford 2011).

Constitutional bodies tasked with strengthening constitutional democracy, like the Human Rights Commission and the Commission for Gender Equality, are empowered to make submissions on legislation and special weight may be accorded to such submissions. Legislative bodies are under a duty to consider submissions received in public participation processes, but the public's submissions may not necessarily be reflected in the final legislation. Courts may strike down as invalid any legislation which has been passed without properly observing participatory procedures (University of Oxford 2011).

### *Canada*

In Canada, unlike South Africa, which has a constitutional duty to facilitate public participation, permission to consult on the basis of a draft bill must be obtained from the cabinet or the prime minister, depending upon the type of bill. This is done in the form of a memorandum to the cabinet addressing the type of public consultation intended to be held.

The requirement of public participation in Canada is not only confined to legal instruments but should extend to various policies, programmes, services and plans.

Publication in the Canada Gazette allows interested groups and individuals a final opportunity to review and comment on a proposed regulation in the final stages of the regulation-making process. Public hearings before legislative committees are common at the committee stage at both the federal and the provincial level, inviting comments from the public and recording the testimony of witnesses.

Besides publication in La Gazette and public hearings, an online consultation portal, Consulting with Canadians, provides single-window access to all government departmental consultations (University of Oxford 2011).

Guidelines on consultation require reporting to the public on the results of the consultation and the manner in which their views have been considered in the decision-making process (University of Oxford 2011).

### Switzerland

Switzerland has a particularly strong tradition of participatory and direct democracy. This is also manifested in the constitutional duty to consult with cantons, political parties and interested groups during the lawmaking process. Once a proposal has been put forward by individuals, interest groups, members of the Federal Assembly, sections of the administration, cantons or the Federal Council, the Federal Council establishes a commission (comprised of experts and persons interested in the new law) and issues it with the task of preparing a first draft. The cantons, political parties, and other interested groups are invited to express their views and to propose amendments in writing, on paper and in electronic form.

The entire consultation procedure is initiated by the Federal Council or the parliamentary committee and lasts three months. The entire procedure is transparent and consultation documents, opinions and minutes of the consultation procedure conferences and a summary of results of the consultation procedure are made publicly available

Constitutional amendments are subject to the vote of the cantons and the people. The right of referendum entitles citizens and the cantons to supervise the political process by approving or rejecting constitutional and legislative amendments adopted by the Federal Assembly. An optional referendum may be exercised in relation to federal acts and decrees desired by 50,000 people within 100 days of enactment of the instrument.

## 2 EXAMPLES OF LEGISLATION FOR SUBMITTING PETITIONS TO PARLIAMENT

Petitions can also be used by governments (formal petitions) and civil society (informal petitions outside the realm of public authority) to consult the public or secure support for a proposed legislation.

### Switzerland

The citizens of Switzerland are guaranteed the opportunity to be directly involved in the lawmaking process through their right of initiative. The right of initiative allows citizens to propose constitutional amendments upon collection of the requisite number of signatures within the requisite time. Citizens may request a complete or a partial revision of the constitution if they can muster 100,000 signatures within 18 months.

Article 138 of the constitution reads as follows: "Popular initiative requesting the complete revision of the Federal Constitution (1) Any 100,000 persons eligible to vote may within 18 months of the official publication of their initiative propose a complete revision of the Federal Constitution. (2) This proposal must be submitted to a vote of the People." Article 139 lays down similar provisions for the partial revision of the constitution.

A popular initiative may be formulated as a general proposal or a specific draft of the provisions proposed. If a general proposal is submitted and approved by the Federal Assembly, it drafts a partial revision on the basis of the initiative and submits it to the vote of the people and the cantons.

Even if the Federal Assembly rejects the initiative, it is submitted to the vote of the people who decide whether to adopt it or not. If there is an affirmative vote, the Federal Assembly is required to draft a corresponding bill (University of Oxford 2011).

### South Africa

The constitution provides for the National Assembly (NA) and the National Council of Provinces (NCOP) to receive petitions, representations or submissions from any interested persons or institutions.

According to the constitution, "Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions." South Africa distinguishes two forms of petitions, namely special petitions and public or general petitions. Special petitions are when an individual makes a specific request which is not authorised by law. A public petition is when a group of citizens with similar

interests request general relief or redress of a grievance.

The presentation of petitions is governed by the rules of parliament and a number of rules need to be observed for parliament to receive them. The National Assembly requires that a petition be formally presented by a member of parliament for consideration. While the NCOP does not have such a requirement, the petition should be in the form prescribed by the chairperson of the council.

Generally, petitions should comply with the following requirements:

- be in a form prescribed by the speaker of the NA or the chairperson of the NCOP
- include the name/s and contact detail/s of the petitioner/s
- clearly indicate the intended recipient of the petition (to whom is the petition being addressed)
- clearly indicate the nature of the request being made (the subject of the petition)
- include a clear motivation for the petition
- the petition must be in one of the official languages of South Africa
- be signed by the petitioner/s (unless the speaker or chairperson decides otherwise)
- not contain improper or disrespectful language
- must indicate the nature of the relief (assistance) asked from parliament

If the petition complies with all these requirements, it will be tabled in parliament. If it is a special petition, it will be referred to the Committee on Private Members' Legislative Proposals and Special Petitions in the NA or the Select Committee on Petitions and Members' Legislative Proposals in the NCOP. If it is a petition of a general nature, it will be referred to the relevant portfolio or select committee/s that deal with the issue/s raised in the petition.

For more information, please see the [Parliament of South Africa's website](#).

## United Kingdom

E-petitions are formal tools offered to citizens to raise a national concern to be included on the political agenda. Any British citizen or a UK residents can

initiate an e-petition on the government website to ask for a change to the law or to government policy. After 10,000 signatures, petitions get a response from the government. After 100,000 signatures, petitions are considered for debate in parliament.

Citizens also have the possibility to petition parliament through their MP. Public petitions can be either handwritten or word processed and printed out. The government's website provides detailed guidance on the petition's format and structure. There are certain rules that a public petition must comply with in order for an MP to present it to the House:

- It must address the House of Commons directly and make a clear request for the House to do something which it has the power to do, or to ask the Commons to urge the government to take action.
- It should use respectful language and must not be offensive.
- It must have no crossings out, deletions or extra text added to it after it has been signed.
- It must be clear that the final petition is the same one that the petitioners signed.
- It should be in English or, if not in English, accompanied by a translation certified by an MP.
- It should have the names, addresses and original, handwritten signatures (photocopies and electronic signatures are not permitted) of the petitioners.
- The signatures should match the description of the petitioners (that is, if the description is "The petition of residents of the UK", the signatures should be of residents of the UK).
- It should contain the full petition text with signatures on the first sheet and just the "prayer" of the petition (the paragraph beginning "the petitioners therefore request") on any subsequent sheets of signatures.

There are two ways in which an MP can present a public petition to the House:

- Formal presentation: MPs can present public petitions in person in the House of Commons (known as, on the floor of the House), making a short statement to explain who the petitioners are, the number of signatures the petition has and what the petition is about. They should then read out the request that the petition makes to the House.



- Informal presentation: an MP can also submit a public petition by putting it into the petitions bag, without formally presenting it on the floor of the House.

Regardless of how a public petition is presented to the House of Commons, the same thing happens to it afterwards.

- The petition is printed in Hansard (the official report of the proceedings of parliament) and recorded in the Votes and Proceedings (which becomes the Journal).
- The text of the petition is sent to the government department responsible for the subject matter of the petition.
- The petition would normally receive a response (known as an observation) from the department within two months of it being presented, but this might take longer if there has been a recess. The response is printed in Hansard.
- The Petitions Committee oversees both public petitions and e-petitions submitted through the House of Commons and the government e-petitions website. It can recommend further action on certain petitions.

More information can be found on the [UK government's website](#).

### 3 REFERENCES

Golubovic, D. 2010. [An Enabling Framework for Citizen Participation in Public Policy: An Outline of Some of the Major Issues Involved](#).

OECD. No date. Background Document on Public Consultation.  
<http://www.oecd.org/mena/governance/36785341.pdf>

OECD 2001. Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation.  
<http://www.internationalbudget.org/wp-content/uploads/Citizens-as-Partners-OECD-Handbook.pdf>

OSCE 2010. Comparative Overview of European Standards and Practices in Regulating Public Participation.  
<http://www.icnl.org/research/resources/ngogovcoop/compo-ver.pdf>

United Kingdom Cabinet Office. 2016. Consultation Principles 2016.  
<https://www.gov.uk/government/publications/consultation-principles-guidance>

University of Oxford. 2011. [Comparative Survey of Procedures for Public Participation in the Law-Making Process – Report for the National Campaign for People's Right to Information](#).

*“Anti-Corruption Helpdesk Answers provide practitioners around the world with rapid on-demand briefings on corruption. Drawing on publicly available information, the briefings present an overview of a particular issue and do not necessarily reflect Transparency International's official position.”*

4 APPENDIX: COMPARATIVE TABLES ON PUBLIC CONSULTATIONS<sup>2</sup>

<b>TABLE I: FORMS OF PUBLIC CONSULTATIONS (ACCORDING TO THE OECD MODEL)</b>				
BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
Consultation and active participation <sup>2</sup>	Consultation	Consultation	Consultation	Consultation
<b>TABLE II: TYPES OF LEGAL INSTRUMENTS ENCOMPASSED BY PUBLIC CONSULTATIONS</b>				
BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
Laws and other general regulations	Laws and other general regulations	Laws and other general regulations	Laws and other general regulations	Regulations initiated by the European Commission
<b>TABLE III: LEVEL OF STATE ORGANISATION AND BODIES ENCOMPASSED BY MANDATORY PUBLIC CONSULTATIONS</b>				
BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
National: Council of Ministers of BH and other state institutions	National: government and governmental bodies	National: government and governmental bodies; local: municipality executive and representative bodies	National: government and governmental bodies; local government is encouraged (but not obliged) to adhere to the code	European Commission
<b>TABLE IV: PRIVATE ACTORS THAT MAY PARTICIPATE IN PUBLIC CONSULTATIONS</b>				
BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
Groups of citizens, private legal entities (i.e. legal entities that are not part of the government's structure)	Citizens, associations and other private legal entities	Citizens and associations that have been established and operate in accordance with law	Citizens, associations and other private legal entities	Special role of civil society organisations, but also citizens, companies, local and regional public bodies, etc.

<sup>2</sup> Taken from Golubovic, D. 2010. An Enabling Framework for Citizen Participation in Public Policy: An Outline of Some of the Major Issues Involved.

**TABLE V: SCOPE OF PERSONS DIRECTLY ENCOMPASSED IN PUBLIC CONSULTATION PROCEDURES**

BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
Private legal entities and groups of citizens that are on the list of relevant ministry or other state institution	Customary practice: citizens, associations and other private legal entities that are on the list of relevant ministry	Association of employers and other associations established and organised pursuant to law, with regard to general regulations that may influence their position and legitimate interests	Citizens, associations and other private legal entities	Persons whose interests may be affected by a draft regulation; persons that shall participate in the implementation of a regulation, persons whose aims correlate directly to those a regulation seeks to accomplish

**TABLE VI: PROCEDURE FOR PUBLIC CONSULTATIONS**

BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
Consultations in any stage of drafting a law or regulation. A draft is posted on the web page of the ministry or other relevant institution; all persons on the consultation list are called upon to submit their comments there	Customary practice: consultations in any stage of drafting a law or regulation; a draft is posted on the web page of the ministry; all persons on the consultation list are called upon to submit their comments	A public announcement on preparation of a draft is made by one or more ways as prescribed by law (internet, announcement through local or national media, etc.). A draft is submitted to all persons who "expressed interest"	Consultations in early stages of development of public policy (implicitly includes preparation of draft laws); especially with persons whose interests may be affected and those who are expected to take a "proactive" stand in the process of shaping of public policy, developing draft laws	Consultations in early stages of development of public policies and regulations

**TABLE VII: DEADLINES FOR SUBMISSION OF COMMENTS**

BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
It appears that the deadline for submission of comments may not be shorter than 21 days (minimum consultation) i.e. 30 days (legal provisions with a significant impact on the public)	The Law on Administrative Proceedings requires “a sufficient deadline” necessary for preparation of sound comments; depending on nature and significance of a legal instrument, the deadlines for submission of comments is 30, 15 or 5 days	The relevant administrative body issues an announcement on drafting at least 30 days before a draft is opened for public debate; the announcement must state a deadline for submission of comments in writing, which may not be shorter than 10 days	At least 12 weeks, in the stage of formulating a public policy or drafting a legal instrument; an administrative body may set a longer period for consultations, e.g. during summer holidays	Depending on circumstances; standard period of consultations is eight weeks; in exceptional cases the deadline may be longer or shorter

**TABLE VIII: SCOPE OF CONSULTATIONS (MINIMUM AND BROADER)**

BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
Minimum scope: publication of a draft on the web page of the Council of Ministers or other relevant institution; call for submission of comments by persons/entities on the council's list; information as to where draft may be acquired. Broader scope (laws and regulation of particular significance): publication of a draft in public media, a draft directly submitted to “organisations and individuals”, option for commissioning working groups including “experts and representatives of organisations” to prepare a draft law or regulation	No difference in scope of consultations	No difference in scope of consultations	No difference in scope of consultations	No difference in scope of consultations

**TABLE IX: EXEMPTIONS FROM MANDATORY CONSULTATIONS**

BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
Only at instances of broader consultations: extraordinary circumstances, unforeseen international obligations or court's annulment of a law or part thereof	Not specified. implicitly, with regard to a draft law or regulation which does not directly affect interest of CSOs and individuals they represent	Extraordinary circumstances on which an expeditious promulgation procedure applies	Extraordinary circumstances, which include: duties arising from membership in EU and other international organisations; those that arise from obligations to enact state budget; in order to protect public health and security, etc.	No exemptions have been envisaged

**TABLE X: SANCTIONS FOR BREACH OF OBLIGATIONS FOR PUBLIC CONSULTATION**

BOSNIA and HERZEGOVINA	HUNGARY	ROMANIA	UNITED KINGDOM	EUROPEAN UNION
The Council of Ministers may refuse to consider a draft, which did not heed rules on consultation	Potential political and disciplinary sanctions for heads or employees in state administration	Political and disciplinary sanctions for heads and employees in state administration	Political and disciplinary sanctions for heads and employees in state administration	No sanctions have been prescribed; implicitly, disciplinary measures for civil servants in the commission