

# REGULATORY IMPACT ASSESSMENT IN THE REPUBLIC OF CROATIA- SITUATION AND PERSPECTIVE

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## Abstract

*The fundamental approach of modern, open public administration is the inclusion of the public in government, in the process of adopting regulations relevant to the fulfillment of their rights. In the process of adjustment of Croatian legislation for the full membership in the European Union significant reforms of the legal system have been made, in aim of achieving this ideal. In order to actively involve public in the process of adopting regulations there has been accepted a set of regulations that makes it possible. This paper presents a brief overview of these regulations and those we will also serve as an introduction to the main theme of our work.*

*The purpose of this paper is to present the current situation and possibilities for the participation of public in the process of adopting regulations and to identify deficiencies that have already appeared in the short-term practice. We have set operational objectives on which the research was conducted. The main objective of this study is to determine the method of implementation of obligations as prescribed, particularly obligations of public discussion, public announcement and accessibility of information.*

*With the aim of making this paper, we reviewed websites of the 20 ministries. We did a questionnaire which identified the essential elements of the publication and implementation of public discussion in the process of Regulatory impact assessment. The results were compared with publicly available Plan of normative activities. In data processing, we used descriptive and comparative method, and other classic statistical methods.*

**Keywords:** *Regulatory impact assessment, the participation, the inclusion of the public, access to the information, openness of Administration*

## 1. Introduction

By involving citizens in administration and processes of regulation adoptions, proclaimed principles are realized for the work of public administration: the principle of openness, the transparency principle and the principle of efficiency and cost effectiveness of public administration. Regulations brought in the proceedings involving all interested parties, both governmental bodies, all legal and physical entities, associations and other forms of organized public should be permanent, efficient and ultimately cheaper for the economy and citizens. One of the key features of legislation brought in such a procedure is a high level of regulation acceptance by citizens.

Considering that citizens are, individually or through their representatives, actively involved in the process of adopting regulations from very beginning to its formal adoption, such regulations citizens experience as their and do not consider them imposed. They are willing to undergo full impact that regulation will have on them. Regulatory impact

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assessment is an excellent mechanism for encouraging citizen participation in the adoption of regulations and a more active and coordinated role of the authorities in this process.

In the last ten years in the Republic of Croatia has been observed trend of serious non-compliance with legal regulations. Citizens are finding ways to avoid all the positive achievements of legislation, from the very moment when a regulation adopted seeks to prevent its implementation.

Even bigger problem is that even government bodies often do not apply or disregard the application of certain legal obligations. For all these reasons the Republic of Croatia has introduced a Regulatory Impact Assessment (hereinafter RIA).

The purpose of this paper is to present a system for assessing the effects of RIA and explore how, in practice, implement the obligations prescribed by the Regulatory Impact Assessment Act (Official Gazette, 90/11).

In order to estimate the effects of RIA in high quality, it is necessary to involve citizens, for which Croatian citizens so far did not show too much interest. In our research, we want to determine whether the government adheres to obligations prescribed by the laws of the body, while the issues of civil participation will only be partially processed.

In foreign literature effects of the RIA has been extensively treated, both in theory and practice. In Croatia, this topic has not been the subject of significant technical and/or scientific research or discussion. There are only a few authors who have dealt with this topic and the work is also referenced.

## **2. Regulatory Impact Assessment in general**

The most commonly used definition of RIA is the one given by SIGMA (Support for Improvement in Governance and Management): “RIA is informational based analytical approach to assess the possible costs, consequences and side effects of certain political instrument. It can, also, be used to evaluate the real costs and consequences of instruments that are already in use. In both cases the results are used to improve the quality of political decisions and instruments such as laws, regulations and various development programs“(SIGMA, 2001;10). RIA can positively affect both dimensions of the regulatory system, the outcome of the regulation and the regulation of the procedure itself. RIA affects the selection of appropriate instruments that are looking to achieve certain effects because it defines the root of the problem being solved. The second dimension is procedural, assessment refers to the process in which these instruments are formulated and implemented, particularly on the introduction of participation of interested groups and individuals in the decision-making process (Kirkpatrick, 2006).

### **2.1. The emergence of Regulation Impact Assessment**

The origin of this instrument is found in the United States that have adopted RIA in 1974 due to excessive regulatory burden that threatened the economy. Initially the focus was only on reducing the costs incurred by the adoption of regulations, but over time the system is developed so that now the main emphasis on the immeasurable benefits and costs, especially risk assessment and quality information flow. The activities of RIA are performed by the Office of Management and Budget.

In the United Kingdom a systematic approach to assessing the effects of RIA is introduced in 1985 as part deregulatory initiatives that occurred because of the fear that too much government intervention in the economy may hinder its growth. System is continually refined and in mid-90's of last century was introduced the risk assessment. Activities related

to the assessment of the effects of regulation are entrusted to a special office within the Office of the Cabinet.

Canada has introduced the effects of the RIA relatively early (in 1978), and its specificity is that there is a special Department for regulation, as well as central and independent agency responsible for the revision of the draft legislation, which would make a special effort to change attitudes, and the development of regulatory culture. Among the leaders there is still Germany (1984), Australia and the Netherlands (1985) and Hungary in 1987. (Kirkpatrick, 2006)

Because of their specificity, European Union is faced with problems of introducing high-quality regulatory framework. For this purpose a number of documents have been brought and RIA was introduced as a fundamental requirement for better management and improving the quality of legislative drafting. These are: A European Union Strategy for Sustainable Development, the White Paper on European Governance, Action Plan for simplifying and improving the regulatory environment and the Communication on better law-making. Regulatory impact assessment introduces the Communication of the European Commission's Impact Assessment (2002) and quickly accepted and extended to all the proposals of the European Commission (Banic, 2006).

In the order to ease, consolidating the application, the exchange of good practice and achieving the best results of the RIA effects is common to issue guidelines for the assessment of impacts. Such a guide issued by the European Commission, the last version is from the 2009<sup>th</sup>. The guide describes the major concepts and objectives of RIA procedures, scope and level of assessment (where the process of drafting regulations include the interested parties), and key steps in the implementation of impact assessment (EC Impact Assessment Guidelines, 2009).

Although the meaning of RIA is in the evaluation of the benefits and costs of regulations, the main contribution of the process of impact assessment to development of better management is to improve the process by which potential risks are assessed, and the promotion of consultation and involvement of those who will directly affect the regulation before its adoption (Parker 2006, 2). Assessment of effects aims to encourage the makers or regulation proponents to consider whether the specific problem needs to be resolved by regulation (prescribing) or the same objectives and desired effects can be achieved some other instruments. There are so-called nonnormative solutions such as self-regulation, information and education, fiscal incentives or simply do nothing. In addition, the RIA can be used as a tool to evaluate the performance of already existing regulations, particularly their impact on key areas such as environmental protection, social security, etc., as required, for example, in Australia, Germany, the Netherlands and the UK.

## **2.2. Actions that preceded the introduction of Regulatory Impact Assessment in the Croatian legal system**

The first signs of action that resemble those of the RIA can be found in the Rules of Procedure of the Croatian Parliament (Official Gazette No. 71/00, 129/00, 117/01, 6/02 - consolidated text, 41/02, 91/03, 58/04, 39/08, 86/08, 81/12, 113/12) that the contents of the draft law seeks assessment of necessary resources, and the old Rules of the Croatian Government (hereinafter Government, Official Gazette No. 140/09 - consolidated text), which stipulates the obligation of showing impact assessment for certain areas, and they are provided by the relevant ministries. In 2009 the government adopted a Code of consultations with the public interest in procedures of adopting laws, other regulations and acts (hereinafter the Code, Official Gazette No. 140/09). The purpose of the adoption of the Code is to provide guidance for quality decision rules based on the general principles, standards and measures for the consultation of all stakeholders, and the main objective of the Code is the active

participation of citizens in public life, which is facilitated by the Code of interaction with state bodies. The need for such act stems from a desire to respect the fundamental principles of EU law, particularly the principles of good governance. Code and Guidelines for the implementation of the Code are made by the Office for Associations in cooperation with the Council for Civil Society Development. Most of the work in preparing and implementing the impact assessment was done by the Government Office for Legislation under IPA 2007 twinning project "Development of Regulatory Impact Assessment ". Within the project was developed and established the legislative framework and strengthened administrative capacity to assess the impact of regulations. One of the activities was the establishment of a special office for the coordination of the RIA. This office lifted in public quite a stir since was founded, it had few employees and no one knew how to explain what these people do. In the media were coming out pretty negativistic connotations articles, public received half information's, but the error was truly in the national authorities. Neither they, obviously, did not understand what the office is supposed to do, so did not know the public benefit and the need to present the RIA. After these beginner mistakes the impact assessment is legally regulated and placed in the jurisdiction of the Government Office for Legislation. Government in its program for the period of 2011 to 2015 year is focused on the realization of the vision - a new hierarchy of social values which rests on the protection of the individual against the omnipotence of government and state. In this sense, committed to strengthening the partnership for open government, whereby the emphasis should be on the involvement of citizens and civil society in the process of adoption and implementation of public policies.

In addition, public administration reform aims to establish a new system of public administration to become a real service for citizens and that, among other things, must carry out the following tasks:

- Show a greater ability to propose, Regulatory Impact Assessment and implementation of legislative decisions and administrative procedures at the national level.
- An open, transparent and timely communication with users of administrative services (Government Programme, 2011, available at [www.vlada.hr](http://www.vlada.hr)).

All of this was preceded by the establishment of a completely new system of Regulatory Impact Assessment in the Republic of Croatia.

### **2.3. The right of access to information's as a prerequisite for the successful implementation of Regulation Impact Assessment**

Even though the RIA is covered by special regulations, additional guarantees for citizens that they will be informed about the activities of public law bodies is regulated by the Constitutional right of access to information. The right to access information of public sector is a law of a new generation (although in Swedish legislation known since the late 18th century). In Croatian legal system is regulated firstly by Act on the right to access information from the 2003 (hereinafter: Act, Official Gazette No. 172/03, 144/10 and 77/11) and further reinforced by modifications of the Croatian Constitution from 2010 when the constitutional text was explicitly listed as a constitutional right of the citizens. In this way was laid the foundation for successful application and interpretation of the law and its implementation because it avoids the possibilities of inconsistencies that may occur due to the regulation of these substances in many different laws. Proclaiming the right of access to information as constitutional law and precise regulating its scope and possible limitations, strengthens transparency, responsiveness and legitimacy of an act of public authority, and control over it (Rajko, 2010, 639). Despite the well set legislative framework, the exercise of citizens' rights, especially the right to participate in the governance and access to information held by public authorities so far has been flawed and failed. In the new Act on the right of access information (Official Gazette No. 25/13) the right of access to information quality has maintained, while

the authority vested in the Commissioner for Information to contribute to a better realization of this right, both because of their prevention, as well as the repressive of effects.

Legal provisions strongly emphasized the autonomy and independence of the Commissioner. Thus, the Commissioner is defined as an independent and autonomous state authority to protect the rights of access to information (Article 5, item 10). Commissioner protects monitors and promotes the Croatian Constitution guarantees to the right of access to information. He is elected by Croatian Parliament for a period of five years, responsible to Croatian Parliament which submits regular annual and, when necessary, special reports. Article 35 of the Act thoroughly regulates the operations carried out by the Information Commissioner.

These operations can be divided into three basic groups:

- The activities of the second-instance body;
- Monitoring of the Act and inspection of the implementation of the Act;
- Monitoring, reporting and improving the exercise of rights of access to information.

For efficient implementation of the RIA significant provisions are of Articles 10 and 11 of Act. Article 10, paragraph 1, item 3 prescribes the obligation of public authorities to publish on the website, in an easily searchable way of draft laws and other regulations and general acts passed by. Article 11 (paragraphs 1, 2 and 3) prescribes the obligation for public authorities which are responsible for passing laws and regulations, that on the website must publish:

- Annual Plan of normative activities;
- Plan of consultation on draft laws and other regulations;
- Drafts of laws and other regulations which implement counseling;
- Report on the implementation of counseling.

As it will be evident in the sequel, this provision is almost identical and is found in the Act of RIA. It is therefore necessary provisions on RIA fully considered through the prism of the right of citizens to information held by public authorities. Act has gone a step forward in relation to the legal regulation of RIA that as obligators application contains only entities involved in the legislative process. Article 11, paragraph 4 of Act stipulates the application of paragraphs 1, 2 and 3 appropriately in the process of adoption of bylaws of local (regional) government and legal persons with public authorities, which regulate matters within its scope, and that directly address the needs of citizens and legal persons in their area, or the area of their activities. This provision raises a number of questions. First of all, what is sought to be achieved by that provision? Is it intended to introduce a system of RIA in making general acts of local and territorial (regional) government and legal persons with public authorities? Proper application could be taken so that the bodies of local and territorial (regional) self-government and legal persons with public authority shall publish an annual Plan of normative activities from their scope and accordingly plan the planned consultation on draft legislation. It is possible to carry out those acts for which the need for the adoption of the public authorities know (such as the annual budget, some planned investment projects, etc.). The problem will occur when the material changes in regulations governing the local (regional) government or activity of certain public institutions. These entities impose numerous obligations to various regulations; they cannot be predicted or put in a Plan of normative activities and Plan consulting. At the same time, special rules determine the terms for adjustment and alignment with their provisions. Most often those are relatively short periods, especially if we take into account paragraph 2 the article in question. Specifically, this paragraph prescribes the obligation of draft regulations on which conducts public consultation, typically for a period of 30 days. The question is whether it will be possible to carry out the process of making laws, and adjustments within the deadlines. Particular problems can occur for bodies of local and territorial (regional) self-government and legal persons with public authorities in monitoring

procedures. In the process of monitoring the Office of the Commissioner inspector supervise the obligation of publishing information pursuant to Article 10 and the obligatory submitting of reports on the published data about counseling.

Therefore, many local and regional authorities and legal entities with public authority could find in an unenviable situation, in cases of administrative supervision. In these cases should be reasonably determined that it was not at all, or within the prescribed period of published information on the consultation and drafting of general acts (Romic, 2013).

### **3. Legal Framework Regulation Impact Assessment in Croatia**

Adoption of the Act of RIA (Official Gazette No. 90/11) is the result of many years of effort, but wandering of the Government in its efforts to introduce the Croatian legal system of effects assessment. Funding for this in the framework of various projects of modernization and strengthening openness and transparency of Croatian administration were ensured in the CARDS and IPA projects. Under the Act of RIA, the decision making process of legislation based on the evidence collected and relevant data that serves as guidelines for choosing the best solution, whether it's about passing legislation or taking nonnormative measures and activities. In the process of collecting evidence and relevant data are analyzed positive and negative economic, social, financial and fiscal impacts, and impacts on the environment, all at the same time the inclusion of the interested public (Article 2). The detailed provisions on the implementation of the RIA contains Regulation implementing RIA (hereinafter Regulation, Official Gazette No. 66/12). For consistent implementation of the Regulation also contains all the necessary forms to be used in the assessment process. The Act lays down the basic documents RIA that must be made. These are the RIA Strategy, the Action Plan and the Report on the Implementation of RIA. Strategy and Action Plan are adopted for a period of three years. First Strategy and Action Plan for the period from the year 2013 to 2015 the government has adopted on 20<sup>th</sup> of December 2012 (Official Gazette No. 146/12). In order to ensure the best possible basis for decision-making, improve the quality of legislation and improve public management, the Croatian government has established a system of RIA. The continuous development of the RIA is essential for restructuring, adaptation decision-making processes at all levels and to achieve the highest possible degree of legal certainty. The strategy has a dual purpose, to introduce RIA tool (why established system of RIA is and why it will be used), and set the strategic direction of the development of this system in the three-year period through a set of strategic goals and achieve them through the Action Plan for RIA for period from 2013 to 2015 (Strategy, 2). In addition to the above regulations, for the process of evaluating the effects regulations the following documents are relevant, prepared and adopted by the Office of Government Legislation. These are: Communication Strategy and Action Plan for the period from 2013 to 2015, Guidelines for civil servants, Guidelines for stakeholders and Guidelines for the Office of Legislation (all available at [www.vlada.hr](http://www.vlada.hr)).

### **4. A short description of the Regulation Impact Assessment in Croatia**

The process of evaluating of effects regulation is complex and time-consuming, and requires careful planning and adherence to deadlines. In this work the most important role is played by competent authorities in drafting regulations - central administrative authorities and all other bodies that are prescribed by their authorized scope of the Croatian government regulation in order to make its adoption (Article 3 of the Act of RIA). To ensure the proper implementation of all competent authorities in drafting regulations are required to appoint a professional person (coordinator tasks related to the implementation of the RIA), or as needed

for those jobs set up a separate organizational unit. RIA is carried out compulsory for all regulations that are predicted by annual Plan of normative activities, while there can be carried out on the basis of the conclusion of the Croatian Parliament, or based on a decision or conclusion of the Croatian Government in accordance with the prescribed conditions (Article 10, in relation to Article 13 of the Act of RIA). All competent authorities in drafting regulations are required to determine the Proposed Plan regulations that will be in the legislative procedure next year, so in June or July begins with the necessary activities. Proposal of the plan regulations is based on the performed previous estimate. Such a proposal plan regulations is submitted to the Office of Legislation which drafts and proposes annual Plan of normative activities. The annual plan is adopted by the Croatian Government in the last quarter of next year and will be published in the Official Gazette.

Initial activities that are related to the creation of Thesis containing the name of the regulations, a brief definition of the problem and the objectives to be achieved. After thesis has been made, professional bearer approaches to making previous estimates. Preliminary evaluation of the possible effects of regulation is implemented to the draft plan regulations. The procedure is carried out for all the regulations that will be proposed in the Plan of normative activities and to all laws that are being proposed in the Plan of harmonization of Croatian legislation with the EU *acquis communautaire*. Preliminary evaluation is conducted on the basis of the criteria laid down by the Act of RIA and Regulation. In short, these criteria are: a financial threshold, the expected impact on individual economic area, or the economy as a whole, the expected effects on socially sensitive and other groups with special interests, and the expected effects on the environment and sustainable development (Article 11, paragraph 5 Act of RIA). An integral part of the regulation is a form from the previous estimate, which contains detailed instructions for filling. Such a proposal plan for regulations must be published on the website of professional bearer for the purpose of informing the public. Such a notice must be on the website at least fifteen days in the period from 1<sup>st</sup> to 30<sup>th</sup> September of the current year to the next.

*The assessment process begins with the activities related to drafting the proposed testimony.* These are the various analyzes of the existing and desired state, access to theses, drafting proposals nonnormative solutions, identification of desirable and undesirable of effects, conduct consultations with inter-ministerial bodies and interested stakeholders. The draft proposal of the statement then goes to consultation with the public. After consideration of all comments and suggestions from the consultation draft of the proposal coordinator completes with the statement and submits it to the competent authorities, which shall give its opinion. After obtaining the opinion of the competent authorities, the draft statements is the ultimate professional and carrier access to the drafting of regulations and the proposed testimony.

*Proposal testimony arises after the consultation and obtained opinions of relevant authorities.* In proposed testimony, in addition to what was stated in the draft statements, provides detailed information on the implementation of counseling (accepted and rejected objections and suggestions), view of the chosen solutions to defined objectives and basic indicators for monitoring the implementation of the selected solution. Along with creating, the draft expert testimony carrier prepares a regulation to which it relates proposal testimony. Law stipulates that holders of expert put a testimony proposal together with the regulation to a public hearing and interested public. Having obtained the proposals and comments from the public and of the interested public, the regulation proposal and testimony is submitted to the competent authorities of the opinion, and after their agreed opinion to Legislation Office for approval.

*The result of the whole procedure is specified statement about RIA, an act which contains the results of the procedure.* Explicit legal provisions no regulation cannot be sent to

the Croatian Government in the decision, nor can it be included in the sessions of the working bodies of the Croatian Government if Statement Impact Assessment is not final (Article 23, paragraph 2 of the Act of RIA). The statement on the assessment of effects is final after being on the proposal testimony obtaining a positive opinion of the competent authorities and eventually the consent of the Office of Legislation. Regulation may be referred to the Government in the decision when the statement was not definitive only in special cases prescribed (emergency procedures to protect the interests of Croatian or eliminate hazards).

Finally, we will just state that the public can participate in the proceedings of the RIA on the two "mildest" mode, information and advice. A prerequisite for successful involvement of citizens is being informed about the planned procedures. Therefore, under the priority objective C2 of Strategy (providing timely information and participation of stakeholders and of the interested public in the system of RIA) planned activities are focused on timely information to the public, of the interested public and stakeholders on planning legislation and procedures of the RIA. Information to interested stakeholders to participate in the process is achieved by conducting these activities. In achieving this goal are provided even the risks (tardiness in releasing information), and corrective measures are regularly updating web pages, and regularly informing professional organizations and stakeholders on planning legislation and initiated proceedings about RIA. We see therefore that all activities are focused only on online advertising and possibly informing stakeholders, while lacking intense and aggressive advertising to the general public (especially the media campaign) (Romic, 2013c).

##### **5. Assumptions for the successful implementation of Regulation Impact Assessment**

The basic prerequisite for the implementation of the RIA, at least as it is in other countries, is a complete change of mindset. This tool requires full civil engagement, both individuals and various interested groups, and overcoming the fear and discomfort of state bodies and their officials. The aim is to find out the needs, opinions and desires of the citizens, and thus reach the optimal solution for the addressees of norm which is in the process of impact assessment. In our country, the culture of participation is almost completely unusual and neglected. The reasons for such behavior can be found in discomfort which citizens feel when communicating with government bodies and their officials, often present even fear of a vengeful retaliation and official activities. Another reason is the passivity of citizens who expect someone else to solve their problems, at the same time thus freeing the guilt from the consequences of their actions, because they could not nor had the opportunity to participate.

A similar issue marks the other side, only government body (specifically the central government bodies), which consists of people of the same and/or similar securities attitudes and characteristics. In the process of assessing of effects the national authorities may be professional carriers drafting regulations, may give opinions (or estimates) of its area of operation or can be coordinators activities related to the assessment of effects regulation (Legislative Office). In any case, the key is the human factor of the state body. In the process of implementation of impact assessments are required certain specific knowledge and time, as the civil servants requires new, additional obligations on already existing. If we add the relatively low wages, bad reputation that the public servants have, slow promotion system and the excessive influence of politics, it is clear that even in the case of public servants appears certain resistance to the introduction of additional obligations and tasks. Of course, that's no excuse and it is unacceptable that the law or regulation, adopted and accepted by the prescribed procedure is not respected and implemented by the very government bodies. That



any failure to comply with legal obligations related to the process of evaluating the effects government's evidence and conclusion (Conclusions concerning the implementation of the RIA procedure adopted at the 43rd session of the Government on 26<sup>th</sup> July 2012) that central government bodies - professional carriers making regulations undertake to accede without delay executing the tasks relating to the preliminary assessment for the purpose of making regulations for the draft plan from 2013 and the adoption of the annual Plan of normative activities within the prescribed time limits (Romic, 2013b).

## **6. The first year of application of Regulation Impact Assessment**

It the first year of validity and application of the Act of RIA (2012,) competent authorities in drafting regulations (which are central government bodies - ministries, government offices and state administrative organizations) are generally treated by him, and on their official website can find data that are obliged to publish under the Act of RIA (calls for public debate and information conducted counseling). However, crawling Website of expert holders there is a notable disparity in the practice of publishing information related to the assessment of impacts. Of the twenty ministries, the two do not have any data on the assessment of effects; thirteen of them have a direct link on the front page, while five have information but are classified under another link. It is our opinion that this practice should be uniform and all entities should have a direct link ("consultation with the interested public") on the front page. Of the remaining twelve central government bodies only five can, with a lot of passion, find sketchy information about RIA. Moreover, some of them have a direct link with a very uneven way of displaying information. Some have only general information on the assessment of the effects with an indication of the legal framework; others have data on closed and open consultation processes, only a few reports have conducted consultations with comments and observations. Although the law provides for precise patterns and their content, practice has, at least for now, not supported. It is obvious that RIA in our country is slowly becoming a regular and acceptable way to implement certain policies (Romic, 2013b). However, there are ways in which we want to bypass the system. For instance, the Ministry of Labor and Pension System attempted on 2012 to bypass procedure estimates during the enactment of the Occupational Safety and Health, which caused a lot of negative reactions from the interested public and at the end of the draft of the law withdrawn from the legislative procedure (Šokčević, 2012).

## **7. Methodology, the results of research and analysis of results**

For the purpose of this research, it was made a short questionnaire (13 questions), which was administered reviewing websites of twenty central government bodies - ministries responsible for making laws. We can say that the sample is representative because more than other government bodies which are responsible for drafting the proposal never act alone. Their work is always accompanied by the work of some twenty ministries. Therefore, the survey covered the entire target group of subjects. The study was conducted on the February 24, 2014. Because the research data that are uneven (some comparable and the other numeric data), a questionnaire was formed of questions of different forms. Some questions were measurable scales and most of the questions were related to the numerical indicators. The results showed that the questionnaire was inappropriate for the data that could be obtained by searching the websites of these bodies.

How the Act of RIA and the Freedom of information Act are "public announcement on easily searchable manner on the web sites of" the first group of questions focused precisely

on that. The first question was related to the availability of information about counseling with the interested public. Starting with clear legal requirements all bodies should have a direct link on the front page. Results are listed in the scale of readily available (on the cover), less accessible (not another link on the front page), hardly available (elsewhere) and no data. Results are as follows: 14 bodies (70%) have readily available information, 4 (20%) less available and 2 (10%) difficult to access information. By comparing results from 2012 it is seen progress because now all the bodies still have data about counseling with the interested public, and one body has a more direct link. We conclude that on this issue reflected little progress.

Two questions were related to the obligation to publish a plan for legislation next year. By searched pages only seven bodies (35%) had a plan regulation for 2013, while data was not found in 13 bodies (65%). In contrast, the plan regulations for 2014 was found in 16 bodies (80%), only in four (20%) was not found. We can conclude that in the segment of publishing plans is a reflected significant shift for the better. Here we have to note that these plans are often very difficult to access, even in the body that has direct links.

Pursuant to the Act on access to information, all of the public law body shall designate a special person who will handle the procedures of access to information (information officer) and inform the public with official data on it. As we have previously noted the close connection of this Act with the RIA, one of the questions referred to the existence of data on the information officer. Results are listed in the scale of readily available (direct link on the front page), hard (data are available but must be searching for the other, and a variety of links) and no data. It is striking that even 2 (10%) government bodies (the body responsible for the immediate implementation of laws and other regulations) has no data on the information officer. Direct link has 11 bodies (55%) while seven (35%) has data but you must look for the other connections.

Another group of nine questions was to show how to implement the plan of normative activities, compared to numerical indicators planned and committed, to determine whether they publish all stages of the procedure prescribed by law and are quantifiable citizen participation in the decision rules. Unfortunately, the planned level of research could not reach the quality of results due to many factors. However, the search was not useless. We have come to some conclusions that is going to be useful for future and more comprehensive research. Reasons that prevented the implementation of this (simple) research have been detected as the greatest weakness of the system.

First of all, there is a too big disparity of websites of ministries. Since the ministries, as a rule, do the same or very similar tasks, each within its administrative area, the logic of their websites should be very similar if not identical. The meaning of the publication of these data is just the easy availability of data, clarity and speed of finding the required information. Therefore, it is unacceptable that, for example, data on the information officer for some bodies are under the link "contacts" with other link under "Documents", somewhere to direct link, somewhere on a very distant third.

Further, information on public hearings and consultations is published each in their own way, although Act prescribes in detail what and when should be published. Sometime data is displayed in the sequence of events by the book (has the closest state as it should be), elsewhere in one place without public debate publish sequence of the draft regulations and other, completely unrelated, and even at six of ministries (30%) have no data public hearings or draft legislation. The form of published documents is quite uneven, with different terminology and content.

According to the plan of normative activities Ministries, in 2013, were supposed to publicly discuss the 128 laws. The results show that since the plan was done only 52 laws, therefore 40.63% has been discussed. Although the plan did not materialize, the ministry had

additional activities (public hearings) outside the plan (it was a discussion about the various strategies, then the laws that are not in the plan of normative activity because it brought order to harmonize Croatian legislation with the European Union).

What is observed from published reports on the conducted consultations is very small interest, and responsiveness to the public. In a large part of the Report which is published by the fact that no one (or individual citizens or organizations interested citizens, often even national authorities) did not have any comments. For example, the Ministry of Culture issued a report on the implementation of consultation with the interested public in the decision of the Media Act. It is unbelievable, but true according to a published report, that no one submitted any comments or suggestions. We have to mention that, in a small number of cases in which attractive law was significant involvement of the public, the ministry seriously considered the comments received and largely accepted them.

It is a known fact that Croatian citizens rather sluggish, however, the vastness and lack of transparency in the publication of calls and other acts further motivates citizens to more intense engagement. Moreover, the whole procedure about RIA is very complex, difficult to understand and therefore difficult to accept. According to searched Website it is obvious that this practice is difficult and unclear for the officers themselves.

## 8. Conclusion

At the end of this paper we can undoubtedly conclude that the RIA in the Republic of Croatia is adopted as mandatory in the process of adopting regulations. The facts show that the system is complicated, officials unprepared in the implementation where there is a lot of difficulty. In comparison to 2012, it is perceived as positive steps towards greater transparency and a better representation of the data on the websites of ministries. It is alarming that some ministries generally do not fulfill their legal obligations (public disclosure of information on the consultations on the web site). The fact that only 40% of planned procedures have passed at least one stage of the RIA is also a concern.

The data that are available indicate very uneven implementation and enforcement of legal obligations. Although Act of RIA contains clear names and precise instructions for a particular action procedure, in the application there were found significant discrepancies, as in the names of acts, as well as in the content, mode of system data and their publication. Time limits given in the plan of normative activities are often not respected, whether they are late with the actions or they did not take actions.

We have noted that the reasons for such action are numerous and are not caused only by an unprepared, reluctant and irresponsibility officers or officials. The problem is much more complex and has its roots in insufficiently preparation for the new requirements for institutions that globalization and the European Union brought. It is expected to achieve more significant results in this year in terms of complete implementation of the legal obligations relating to public disclosure, public consultation and RIA. It is necessary to continue to monitor at least basic indicators of their implementation, and detailed research to try to find answers to questions about why the public response is so small and find way better motivation of citizens and various forms of organized citizen action. We believe that the inclusion of citizens in this system flawed in this area because it did not provide for diverse and demanding forms of publicity and encourage citizens to actively participate.

RIA in the Republic of Croatia is a new and still poorly developed system. As such, it opens a wide space for detailed technical and scientific analysis and discussion. This work and this simple research, which indicated the basic weaknesses of the system, can serve as a basis for a future research, the author or other interested professionals.

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