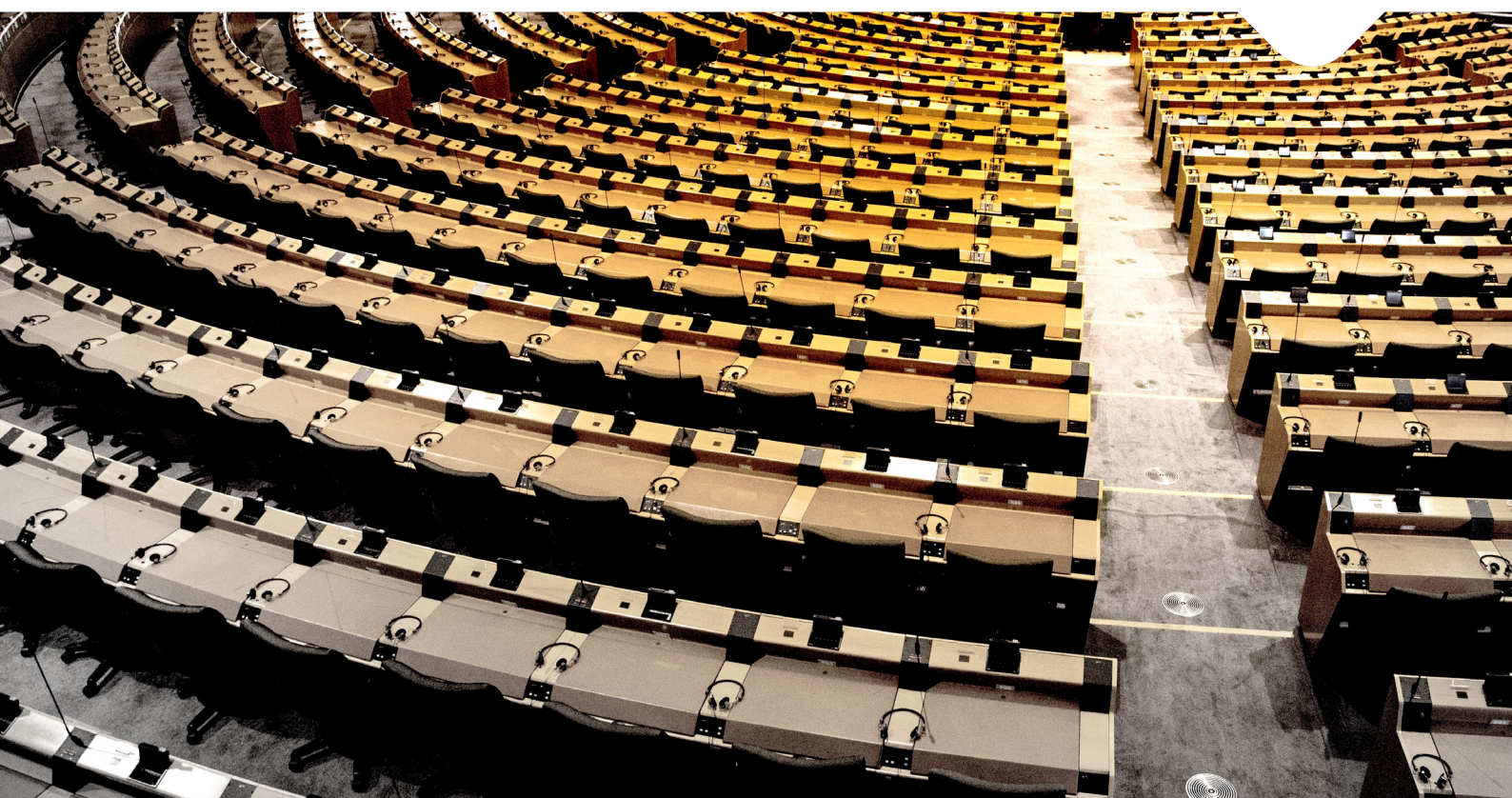


Parliaments and evidence-based lawmaking in the Western Balkans

A comparative analysis of parliamentary rules, procedures and practice



SIGMA Paper No. 68

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A comparative analysis of parliamentary rules,
procedures and practice

Parliaments have a unique role in ensuring that adopted laws, regardless of who initiated them, are evidence-based and fit-for-purpose. For the executive branch, laws are vital instruments through which they deliver public policy. Governments therefore rely on parliaments to scrutinise and adopt legislation in a timely, well-planned and co-ordinated manner. Parliamentary scrutiny of government lawmaking and its role in *ex post* evaluation of law implementation helps the legislature hold the executive to account. Evidence-based lawmaking is especially critical to EU integration processes as they involve adoption of many new laws. This paper reviews how laws are planned, initiated, prepared, scrutinised and evaluated by the parliaments of six Western Balkan administrations. The report discusses the concept of lawmaking within a parliamentary system of government. It considers how parliaments and governments co-operate and co-ordinate their legislative activities throughout the lawmaking cycle, providing a comparative analysis of existing rules and procedures as well as lawmaking practices. A set of key findings and policy recommendations are provided to support the Western Balkan administrations to plan and implement future reforms.

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Foreword

In parliamentary democracies, lawmaking is a defining function of parliaments, together with executive oversight and representation. Parliaments share their legislative function with governments, since governments typically initiate the bulk of draft laws considered by parliaments. Parliaments have a unique role in ensuring that adopted laws, regardless of who initiated them, are based on evidence and fit for purpose. For governments, laws are vital instruments through which they deliver public policy. Governments therefore rely on parliaments to scrutinise and adopt legislation in a timely, well-planned and co-ordinated manner.

In scrutinising draft legislation, parliaments are heavily reliant on full and timely access to government-provided information about the objectives and likely impacts of the draft laws. Only then are members of parliament (MPs) able to base their decisions on sound evidence and proper analysis. Clear and effective rules and procedures for evidence-based legal drafting and lawmaking are critical for overall policy and legislative coherence. Parliaments require the capacity to question evidence presented by governments and to access additional sources of information and expertise. These sources can be internal, such as parliamentary research services or parliamentary budget offices, or external, as in the case of external experts, academic advisors or civil society. Furthermore, parliamentary scrutiny of government action, particularly through post-legislative scrutiny and *ex post* evaluation of law implementation, helps the legislature perform its central function, namely holding the executive to account.

Evidence-based lawmaking is especially critical to EU accession and integration processes. All governments of the Western Balkan region have recognised EU membership as a top national priority and have committed to aligning their national legislation with the EU *acquis*. This involves adopting and amending considerable volumes of often highly technical legislation. Additional rules and procedures are required to ensure that all draft laws comply with national policy objectives and the standards and requirements of EU law.

The present report reviews how laws are planned, initiated, prepared, scrutinised and evaluated by the parliaments of six Western Balkan administrations: Albania, Bosnia and Herzegovina - State level (BiH [State]¹), Kosovo*, Montenegro, the Republic of North Macedonia (hereafter, 'North Macedonia') and Serbia. Because all six Western Balkan administrations have parliamentary systems of government, the report discusses the concept of lawmaking within that model. It considers how parliaments and governments co-operate and co-ordinate their legislative activities throughout the lawmaking cycle, providing a comparative analysis of existing rules and procedures as well as lawmaking practices, covering the full policy cycle and all laws, excluding only laws on the state budget and its execution. This study also offers a comparative analysis of the structures, rules and practices for legal harmonisation and for checking

¹ The current report analyses the lawmaking procedures and practices related to the Parliamentary Assembly of BiH and the relevant institutions involved in lawmaking at the State level only. It should be noted that, due to the complex constitutional set up of BiH, State-level institutions have limited policymaking competences. However, many of the findings and recommendations of this study are also relevant for the parliaments of other BiH levels.

* This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244/99 and the Advisory Opinion of the International Court of Justice on Kosovo's declaration of independence.

the compliance of new domestic legislation with EU law. However, other key powers of parliaments that are equally important for strengthening the rule of law and effective functioning of democratic institutions, notably oversight and representation, are only touched upon in the present study.

The practice of lawmaking in the region is analysed based on statistics and qualitative observations covering 2018 to 2022. In some cases, it was also possible to include data from 2023. The longer-term perspective of this analysis deepens understanding of the institutional, regulatory and administrative rules and practices across the region. It also puts into context short-term variations caused by domestic crises such as government collapses and early elections, and policy shocks such as the COVID-19 pandemic. Our study is based on the legislative and regulatory frameworks current in the national administrations at the beginning of 2023. To provide some comparative context for our Western Balkan findings, this report uses information boxes to selectively document relevant rules, procedures and practices from some EU and OECD Members.

This report is organised into five main parts. Chapter 1 discusses why and how parliaments matter for evidenced-based lawmaking; sets out the challenges parliaments face in performing this vital function; and discusses key trends in parliamentary lawmaking in the Western Balkan region. Chapter 2 provides an overview of the key features of Western Balkan parliaments and how these affect evidence-based lawmaking. It considers central institutional features at both the political and administrative levels; the impact of processes related to European integration; and initiatives for openness, accessibility and transparency, and discusses their implications for legislative processes. Chapters 3, 4 and 5 consider the planning and co-ordination of legislative work between the government and parliament; the initiation, preparation, scrutiny and approval of draft laws; and post-legislative scrutiny and *ex post* evaluation of laws by parliament. Chapter 6 sets out key findings, messages and policy recommendations.

Work on this report was carried out in agreement with the European Commission (DG NEAR). Its findings, messages and recommendations are expected to inform the preparation and implementation of reforms in parliamentary procedures, policy planning and the policymaking systems of Western Balkan governments and parliaments. It should also help advance the ongoing policy dialogue between the European Union and the Western Balkan governments and parliaments as part of the EU accession process.

This paper is fully aligned with the updated *Principles of Public Administration*², particularly those that establish standards for effective parliamentary scrutiny of government policymaking, legislative planning, co-ordination and evidence-based policymaking (Principles 2-7). This study includes some of the most relevant findings from the 2021 SIGMA Monitoring Reports (notably those from the policy development and co-ordination area)³ and other relevant SIGMA studies. In 2024, SIGMA will conduct its next monitoring assessments of all Western Balkan administrations against the updated *Principles of Public Administration*. Findings of the current study are expected to inform the preparation of country-specific monitoring reports and recommendations. Additional follow-up work with individual parliaments of the Western Balkan region will be considered during the planning and preparation of SIGMA's future work.

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² OECD (2023), *The Principles of Public Administration*, OECD, Paris, <https://www.sigmaweb.org/publications/principles-public-administration.htm>.

³ SIGMA 2021 Monitoring Reports, OECD, Paris, <https://www.sigmaweb.org/publications/monitoring-reports.htm>.

(Kosovo*), Marko Sošić (Montenegro), Magdalena Shaldeva (North Macedonia), and Milos Djindjic and Vladimir Mihajlovic (Serbia). Fotis Fitsilis (The Hellenic Parliament, Greece) served as the main author of the summary boxes about the parliamentary procedures and practices of selected EU Member States, while also providing valuable expert advice and comments. External peer review was carried out by Giovanni Rizzoni (Director of the Research Service of the Italian Chamber of Deputies) and Julio Nabais (former Deputy General Secretary of the Portuguese Parliament), who also contributed to preparation of the thematic box on EU parliamentary services and practices of the Italian and Portuguese parliaments. Gregor Virant, Head of the SIGMA Programme, provided valuable guidance and support throughout the whole project. The following SIGMA advisers have provided significant support and comments: Klas Klaas (Regional Manager IPA), Timo Ligi (Albania), Marian Lemke (Bosnia and Herzegovina), Péter Vági (Kosovo*), Bianca Brétéché (Montenegro), Bagrat Tunyan (North Macedonia) and Egle Rimkute (Serbia). Franziska Deeg and Elisa López Roldán provided valuable support during data analysis, and preparation of charts and visuals. Ilana Demal co-ordinated project activities. The SIGMA team would like to thank Scherie Nicol, Public Management and Budgeting Division, and Christiane Arndt-Basclé, Regulatory Policy Division of the OECD Public Governance Directorate, for their valuable comments and input. SIGMA also thanks Silvia Terrón for input about the Global Parliamentary Network.

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List of abbreviations and acronyms

AI	artificial intelligence
APIGP	Action Plan for Implementation of the Government Programme
AR	Assembly of the Republic (Portugal)
BiH	Bosnia and Herzegovina
CEI	Standing Committee for European Integration (Kosovo*)
CoG	centre of government
CoM	Council of Ministers
CSO	civil society organisation
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
DPEI	Department for Policies and European Integration (Albania)
EAC	European Affairs Committee (Albania)
EC	European Commission
ECPRD	European Centre for Parliamentary Research and Documentation
EI	European integration
EPRS	European Parliamentary Research Service
EPTA	European Parliamentary Technology Assessment
EWM	Early Warning Mechanism
GAWP	Government Annual Work Plan
HoP	House of Peoples (BiH State)
HoR	House of Representatives (BiH State)
IPA	Instrument for Pre-accession Assistance
KPSA	Parliamentary Committee for Stabilisation and Association (Albania)
MEP	Member of the European Parliament
MoF	Ministry of Finance
MoJ	Ministry of Justice
MoSRP	Minister of State for Relations with the Parliament (Albania)
MP	Member of Parliament
MSPR	Minister of State for Parliamentary Relations (Albania)
NCEI	National Council for European Integration (Albania; North Macedonia)
NCEU	National Convention of the European Union
NDI	National Democratic Institute
NPAA	National Plan for Adoption of the <i>Acquis</i> (Serbia)
NPEI	National Plan for European Integration (Albania)
NSDEI	National Strategy for Development and EU Integration (Albania)
ODIHR	Office for Democratic Institutions and Human Rights
OPM	Office of the Prime Minister
OSCE	Organization for Security and Co-operation in Europe
PBO	parliamentary budget office
PCA	Parliamentary Control of the Administration (Switzerland)
PLS	post-legislative scrutiny

RIA	regulatory impact assessment
RoP	rules of procedure
SAA	Stabilisation and Association Agreement
SAPC	Stabilisation and Association Parliamentary Committee (Serbia; Montenegro)
WFD	Westminster Foundation for Democracy

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Executive summary

Strong parliaments capable of fulfilling their legislative, oversight and representative functions are indispensable to ensure democratic governance, establishment of the rule of law, public trust in state institutions, and a democratically accountable government. Parliaments do more than make laws, but the quality of their legislative rules, procedures and practices affect all their core functions. Parliaments regularly review, scrutinise and approve or reject legislation introduced by governments, and Members of Parliament (MPs) often initiate legislation on their own and frequently adopt major amendments during the parliamentary scrutiny process. They also have an important role in post-legislative scrutiny and ex post evaluation of legislation.

A parliament's ability to access, scrutinise, question and use the best available information, data and evidence in its legislative processes – i.e. to make informed, evidence-based legislative decisions – is central to the quality of its core functions. The ability of parliaments to base their legislative decisions on the best available information, data and evidence matters for the quality of public policy; vitality of the rule of law; and public trust in the competence and effectiveness of its democratically elected representatives. Access to high-quality information, data and evidence is fundamental to allow parliaments to hold the executive to account for legislation implementation, and it is equally decisive for the critical role parliaments have in advancing European integration processes. A parliament's ability and willingness to make fully informed legislative decisions cannot be taken for granted. Rather, good decision making requires proper legal and regulatory frameworks; supportive parliamentary procedures; administrative and expert support and advice; qualified personnel; and close co-operation among parliament, government, civil society and, in the European context, national parliaments and EU institutions.

Evidence-based lawmaking, sometimes also referred to as evidence-informed lawmaking, is part of a broader effort to strengthen the informational basis of public policy decision making. It involves using a set of tools, processes and practices designed to ensure that legislation is based on the best available information, data and evidence to help achieve better policy outcomes. Public consultations and stakeholder engagement are important tools and sources of evidence to inform policymaking. Scientific evidence is also considered of special importance but, more broadly, evidence refers to facts, data, systematic information and knowledge, expert opinions, ex ante impact assessments, systematic ex post evaluations, and stakeholder assessments to analyse and inform policymaking. Despite the various efforts made in recent years, Western Balkan administrations continue to face major challenges in ensuring the full and effective implementation of key regulatory management tools, such as regulatory impact assessments (RIAs) and public consultations.

The informational gap between Western Balkan governments and parliaments in lawmaking is harming parliaments' ability to effectively scrutinise draft legislation introduced by governments. In the Western Balkans, governments are the chief initiators of parliamentary legislation; in some countries, most notably Serbia, the government is virtually the sole source of draft laws. The governments of Albania, Bosnia and Herzegovina (State level), Kosovo*, Montenegro, North Macedonia and Serbia have provisions in place to use evidence and analysis in the preparation of draft laws, but not all relevant evidence gathered during the preparation of government-initiated draft laws, including RIAs, is routinely provided to the parliament.

A parliament's ability to prepare and conduct evidence-based scrutiny of government-introduced draft laws is heavily dependent on the quality of government legislative planning and co-ordination.

Western Balkan parliaments often possess insufficient information about the volume, timing and substance of government-initiated draft laws prior to their submission to the legislature. Hence, administrative services can do little preparatory work and cannot anticipate the informational needs of MPs and committees. The situation is further complicated in some countries of the region by a lack of effective mechanisms for parliament-government co-ordination during legislative planning and scrutiny.

There are major practical restrictions on the capacity of parliamentary legislative committees in the Western Balkans to engage with the evidential basis on which draft laws are founded.

This observation relates to the quality and availability of government-prepared supporting documentation for draft laws. It also concerns parliaments' ability to generate and use evidence in scrutinising draft legislation, whether through targeted stakeholder, expert and public engagements or through the materials prepared by parliamentary research services. Restrictions also result from weaknesses in the advance planning of committee schedules and in inter-committee synchronisation, as well as excessive time pressures in the scrutiny process.

For draft legislation initiated by MPs, Western Balkan parliaments face equal or even greater obstacles to the systematic incorporation and consideration of evidence.

Access to support and expertise for parliamentary initiators varies considerably across the region and there are few quality checks on MP-initiated draft laws. Moreover, in some Western Balkan executive-parliamentary settings, the government is not systematically required to review draft laws initiated from within parliament, jeopardising the evidence-based quality of parliamentary lawmaking. This situation creates a strong chance of policy incoherence and can result in major policy implementation challenges, for example through the creation of unfunded mandates.

Parliamentary scrutiny often results in the tabling of substantive amendments to government-initiated draft laws, but only limited checks are in place to oblige careful consideration of their material consequences.

In only two countries – Montenegro and Serbia – is the government systematically informed of all amendments tabled, and only in Serbia is the government routinely asked to give its opinions on such amendments. Thus, amending activity is, for the most part, weakly linked to the broader processes and standards of evidence-based lawmaking. Plus, the original analyses of impacts and risks of draft legislation are not updated following major amendments, further endangering the effectiveness of evidence-based lawmaking tools.

Several parliaments in the Western Balkans rely heavily on nonstandard legislative procedures to expedite parliamentary lawmaking, but the excessive use of nonstandard procedures to adopt legislation creates significant risks for evidence-based lawmaking.

Nonstandard procedures restrict the scope of parliamentary scrutiny; shorten the amount of time available for scrutiny; and limit the extent to which scrutiny can be based on evidence and analysis.

A large share of legislation considered by Western Balkan parliaments relates to EU integration and EU law harmonisation. Candidate countries have committed to align their legislation with EU law and to ensure that all new laws are assessed for compliance with EU law.

The effectiveness of the parliamentary scrutiny process is heavily reliant on the quality of government-provided information, such as statements of compliance and tables of concordance. This underlines the fact that the quality of evidence-based law preparation in government and evidence-based scrutiny in parliament are inextricably linked.

Some Western Balkan parliaments, including those in North Macedonia, Montenegro, Serbia and BiH (State) envisage using shortened procedures for the transposition of EU law.

By contrast, in Albania the use of the shortened procedure is not permitted for legislation that aims to harmonise domestic legislation with EU law. Similarly, harmonising legislation is not, as a rule, processed through urgent or emergency procedures in Kosovo*.

Post-legislative scrutiny and *ex post* evaluation of legislation implementation are very limited and are employed only sporadically throughout the Western Balkans. Consequently, governments and parliaments – but also the public and stakeholders – are deprived of vital information that would allow them to engage in fact-based discussions of the effects of existing laws and policies and of ways to improve them. The Kosovan Parliament has had the most experience in the region in monitoring and evaluating laws, albeit with significant external support.

The key messages and detailed policy recommendations of Chapter 6 are designed to enhance the ability of Western Balkan parliaments and governments to engage in evidence-based lawmaking. The recommendations centre on strengthening the linkages between governments and parliaments throughout the cycle of evidenced-based lawmaking and on improving feedback loops; on enhancing opportunities for the timely consideration of data, evidence and expertise by parliaments; and on incentives to encourage use of the diverse instruments of evidence-based lawmaking.

1 Challenges and dynamics of lawmaking in the Western Balkans

This chapter presents the four sets of questions guiding this report. In the first set, why and how do parliaments matter for evidence-based lawmaking? How do evidence-based lawmaking and good-quality legislation affect the functioning of democratic institutions, the rule of law and popular trust in government? And what are international and EU best principles and approaches to guide evidence-based parliamentary lawmaking?

Second, what are the core challenges parliaments in the Western Balkan region face? Some challenges, notably the pervasive influence of the European integration (EI) process on parliamentary legislative activity, are common to all six parliaments considered (i.e. the five EU candidate countries and Kosovo* as a potential candidate). Others are specific to individual parliamentary settings, such as Bosnia and Herzegovina's bicameral parliament and limited State-level policymaking powers.

Third, what are the key influences on parliaments' lawmaking roles in the Western Balkan region? The EI process is the single most influential factor shaping both legislative agendas and legislative processes; however, both agendas and processes are also deeply influenced by political and often volatile domestic actor constellations.

Finally, what is the role of interparliamentary and international co-operation in parliamentary lawmaking? As the following chapters show, parliamentary lawmaking in the Western Balkans is evolving rapidly, with encouraging evidence of bilateral, multilateral and EU-wide learning. There are also some innovative practices, notably concerning parliaments' scrutinising capacities and their role in monitoring and evaluating the implementation of legislation.

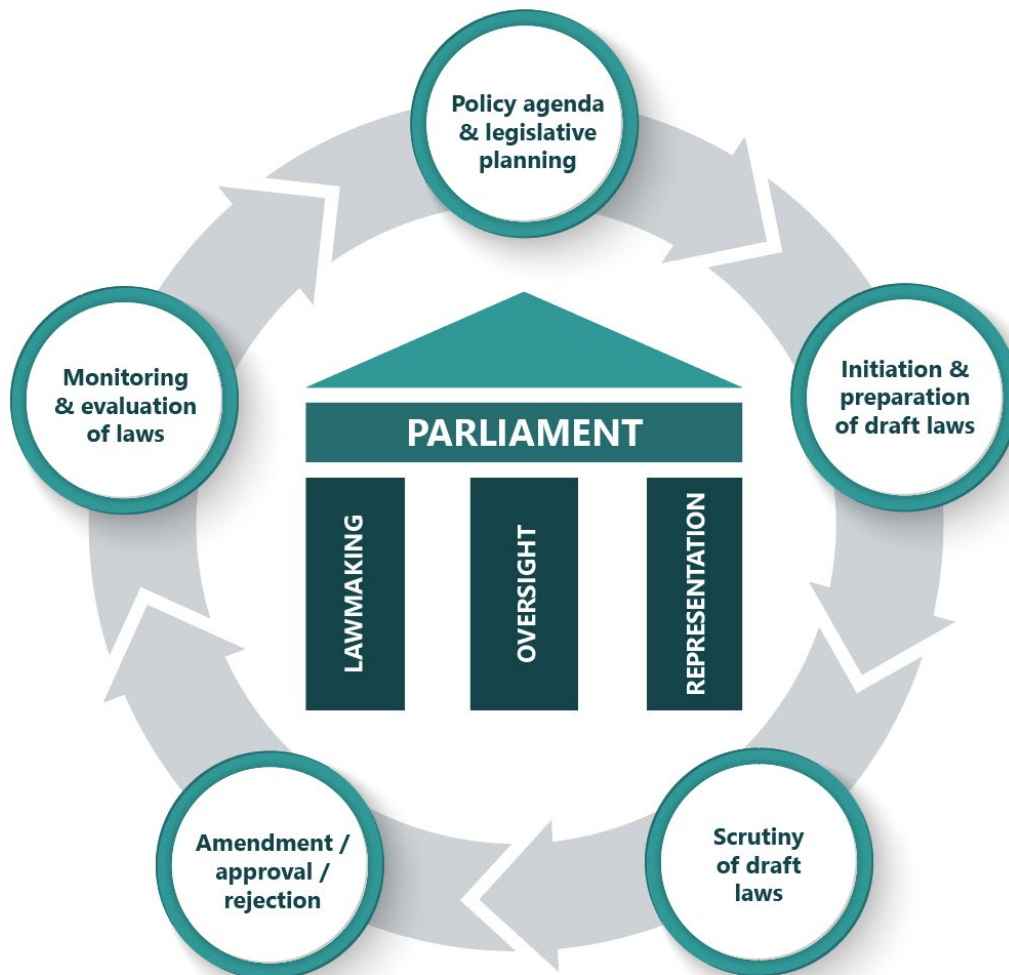
Evidence-based lawmaking and democratic governance

Why evidence-based parliamentary lawmaking matters for democratic governance

In a democratic system of government, parliaments have three interconnected core functions: lawmaking, oversight and representation. All three are critical for the effective functioning of government and the quality of democracy. The exercise of public authority based on the rule of law requires explicit legal foundations, including international law, EU law, national constitutional law, parliamentary (statutory) law and, frequently, secondary legislation.

Democratic parliaments are central to establish and renew the legal foundations of democratic governance, whether it concerns the ratification of international treaties and conventions; legal harmonisation and the transposition of EU law; the adoption of constitutional amendments; the approval or rejection of legislative proposals by the government or other bodies authorised to submit draft laws to parliament; the initiation of legislation from within parliament; or the authorisation of secondary legislation. In short, parliamentary lawmaking is indispensable to achieve public policy objectives and ensure democratic governance.

Infographic 1. The parliamentary lawmaking cycle



Source: SIGMA.

While parliamentary lawmaking is at the heart of democratic governance, the formal legislative powers enjoyed by European parliaments and the manner in which they exercise these powers vary greatly across European democracies. Three interrelated issues are of critical importance in this respect. First, who can initiate legislation; second, who controls the parliamentary legislative timetable; and third, who can alter government-initiated draft laws. In parliamentary democracies, governments typically initiate the bulk of draft laws, and in many cases the ability of MPs to submit their own drafts is severely curtailed; in other cases, however, MP-initiated legislation is common. Sometimes, government legislative business formally takes precedence over other parliamentary business and the legislative schedule reflects the priorities of the government, while at other times governments rely on the willingness of parliament to co-operate when advancing their proposals through parliament.

Finally, in some European parliaments, extensive amendments to government-initiated draft laws are a normal part of the parliamentary legislative procedure, whereas in other countries, governments keep tight control over their legislation. In sum, what matters most is whether parliaments are primarily reactive or

proactive in legislation; whether they possess effective agenda control; and whether they have the ability to transform draft laws.

In a parliamentary system of government, a democratic government's ability to deliver on public policy pledges relies critically on its success in getting draft laws approved by the parliament. Parliamentary scrutiny of draft laws may lead to amendments that change the original policy design and objectives. Effective and clear rules and procedures are needed to ensure the legislation amendment process in parliament is consultative and based on evidence that helps maximise benefits for society and improves legislative quality. Moreover, in all Western Balkan parliaments, Members of Parliament (MPs) have the power to initiate legislation. The ability to introduce legislation is of central importance, especially when the government may be unable to agree on draft laws to be introduced or unwilling to propose legislation.

Furthermore, for some matters, such as constitutional revisions or the protection of fundamental rights, parliamentary legislative initiatives may be preferable. In the case of scrutiny and amendments, MPs need to be able to draw on the best available evidence to question and alter draft laws submitted by government. When MPs submit draft laws themselves, the evidence, expertise and skills required to draft legislation will need to be found in parliament, but governments must still be consulted in the process and be able to assess drafts and provide considered opinions. In short, close co-operation between government and parliament during the parliamentary legislative process is critical to good parliamentary performance in evidence-based lawmaking.

After the scrutiny of draft legislation, amending activities and the development of draft laws, systematic monitoring and evaluation of the implementation of existing legislation has emerged as an increasingly important part of a parliament's legislative role in many EU Member States and in the European Parliament⁴. As discussed in Chapter 5, there is evidence of some innovative practices in *ex post* monitoring and evaluation in some Western Balkan parliaments, but this aspect of the parliamentary legislative role is still weakly developed in the region.

It should have emerged from these remarks that to grasp the role of parliaments in evidence-based lawmaking, the combination of two empirical perspectives is critical: attention to the interconnections between parliament and government; and attention to the full legislative cycle, from setting the political agenda to planning, initiating, preparing and implementing legislation (see Infographic 1). As discussed in Chapter 3, Western Balkan governments use different approaches and means to communicate their legislative agendas to parliaments, and they employ different procedures to steer government-initiated draft laws through parliament. There are also important differences in how governments respond to amendments proposed during the parliamentary process and to draft laws introduced by MPs. Invariably, however, the quality of the executive-legislative relationship is critical to the quality of evidence-based parliamentary lawmaking.

It follows from these considerations that assessing a parliament's contribution to evidence-based lawmaking requires consideration of the parliament's institutional and organisational features (Chapter 2); the planning and co-ordination of legislative work between government and parliament (Chapter 3); the preparation, scrutiny and approval of draft laws by parliament (Chapter 4); and parliament involvement in the monitoring and evaluation of how governments implement legislation once it is in the statute book (Chapter 5).

⁴ De Vrieze, F. (2020), Post-Legislative Scrutiny in Europe: How the Oversight on Implementation of Legislation by Parliaments in Europe is Getting Stronger, *The Journal of Legislative Studies* 26(3), pp. 427-447, <https://doi.org/10.1080/13572334.2020.1780012>.

What evidence-based lawmaking is

Evidence-based lawmaking, sometimes also referred to as evidence-based legislation or evidence-informed lawmaking, is part of a broader effort to strengthen the informational basis of public policy⁵. It refers to a set of tools and practices designed to ensure that legislation is based on the best available information, data and evidence as promoted by, for example, the European Commission's Knowledge for Policy initiative⁶, and specifically its support for evidence-informed policymaking. Public consultations and stakeholder engagement are important tools and sources of evidence to inform policymaking. Scientific evidence is considered of special importance but, more broadly, evidence refers to facts, data, systematic information and knowledge, expert opinions, the use of *ex ante* risk and impact assessments, cost-benefit analyses, systematic evaluations and stakeholder assessments to inform policymaking. As noted in a recent briefing note on evidence for European Parliament policymaking,

evidence-based policymaking does not imply that policy decisions should be taken solely based on scientific evidence. Policy decisions based exclusively on scientific evidence are technocratic, which is not a policy's aim in a parliamentary democracy. Democratic policymakers usually combine the best available evidence with their understanding of a society's needs, i.e., contextualising the evidence in terms of what they believe is in accord with the citizens' expectations, values and preferences⁷.

Legislation often deals with controversial subjects for which there is not a solution that can meet the expectations of all parts of society. The conflict between the government (and its parliamentary majority) and the parliamentary opposition is a democratic expression of this controversy. Evidence-based legislation cannot be expected to eliminate the controversial character of parliamentary decision making. However, incentives can be introduced to oblige the government and the majority to give "good reasons" for their policy decisions. The role of the opposition is crucial from this point of view. Accordingly, this report pays special attention to all practices that help or hinder Western Balkan parliaments in accessing, evaluating and using evidence during the different stages of the legislative process, including monitoring implementation.

How evidence-based, open and transparent lawmaking helps build trust and promotes democracy

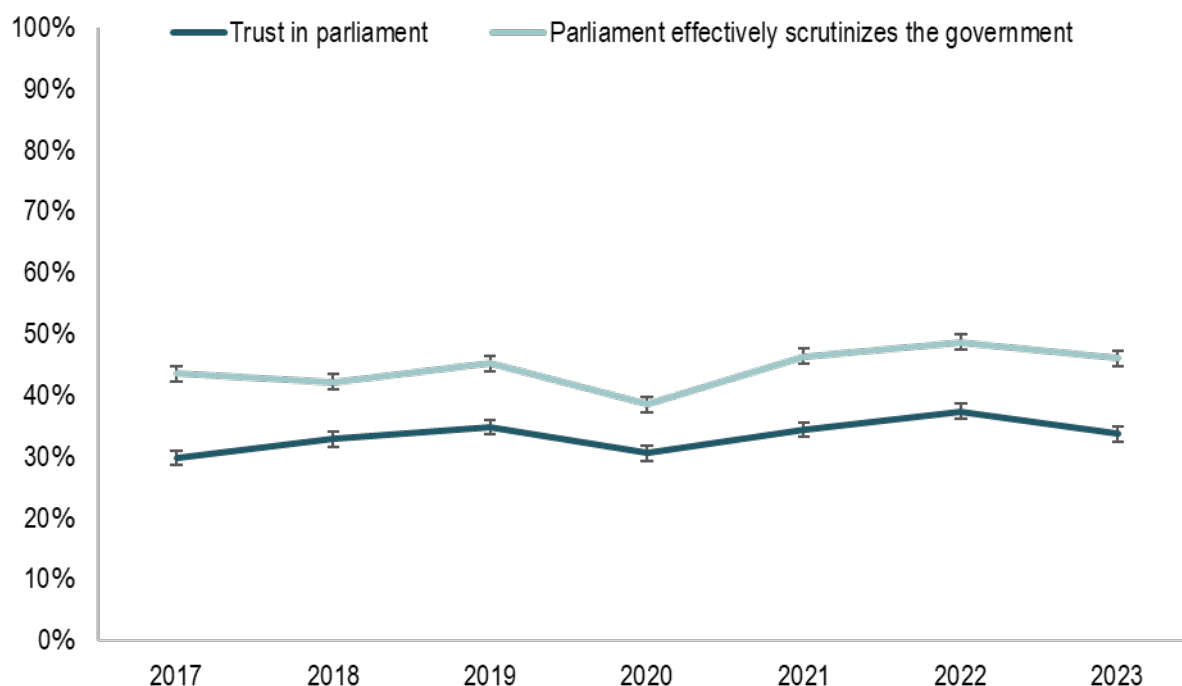
Strong parliaments capable of fulfilling their legislative, oversight and representative functions are critical for ensuring effective, transparent and accountable democratic governance. Clear and transparent lawmaking procedures can increase trust in state institutions, enhance citizen engagement and promote democratic values and attitudes. Thus, parliamentary legislative procedures (i.e. the openness and transparency of lawmaking in parliament); legislative organisation (e.g. committee structure); and legislative resources matter not only for the quality of parliamentary law but for building public trust in the institutions and actors of democratic governance. Public trust in parliament and the perceived ability of parliaments to effectively scrutinise the government are closely aligned in the Western Balkans (Figure 1). Although absolute levels differ (citizen belief in the parliament's ability to scrutinise government is higher than overall trust in parliament), both indicators followed a similar overall trend during 2017-2023.

⁵ For a review of current European practice, see the *European Journal of Law Reform* 2022(1) special issue on evidence-based legislation.

⁶ https://knowledge4policy.ec.europa.eu/evidence-informed-policy-making/about_en.

⁷ Evidence for Policy-Making: Foresight-Based Scientific Advice, briefing note, European Parliament, p. 2, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690529/EPRS_BRI\(2021\)690529_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690529/EPRS_BRI(2021)690529_EN.pdf).

Figure 1. Trust in parliaments and parliamentary scrutiny in the Western Balkans



Notes: Data refer to the percentage of respondents who answered “totally trust” or “tend to trust”, and “tend to agree” or “totally agree” to the following questions: “How much trust do you have in parliament?” and “Do you agree that parliament can effectively scrutinise the government and make it accountable to citizens?” The average scores of the six Western Balkan administrations are presented. Error bars indicate standard error. When standard error bars overlap, it means the difference between the two scores is not statistically significant.

Source: SIGMA analysis based on data from the Regional Co-operation Council, Balkan Barometer Public Opinion database, <https://www.rcc.int/balkanbarometer>.

As the recent OECD report *Building Trust to Reinforce Democracy* underlines, openness is among the key generators of public trust in the institutions of governance (see Figure 1)⁸. In the present context, two issues are critical: substantive transparency in the reasoning and evidence on which legislative proposals and amendments are based; and procedural transparency in the parliamentary processes for scrutiny and approval or rejection of draft laws. This report addresses both substantive and procedural transparency.

Substantive transparency is closely linked with the supporting documents that accompany government-initiated draft laws, such as regulatory impact assessments (RIAs) or EU *acquis* alignment statements. Substantive transparency is also promoted through requirements for documentation that must accompany draft laws originating in parliament and for information provision by parliamentary services, including parliamentary research institutes in some Western Balkan parliaments. It is vital that this information be of high quality, as it allows MPs to make informed decisions, lends credibility to their decisions and helps counter the impacts of misinformation and disinformation.

⁸ OECD (2022), *Building Trust to Reinforce Democracy: Main Findings from the 2021 OECD Survey on Drivers of Trust in Public Institutions*, OECD Publishing, Paris, <https://doi.org/10.1787/b407f99c-en>.

Box 1. OECD Reinforcing Democracy Initiative

The OECD Public Governance Directorate's inaugural Survey on the Drivers of Trust in Public Institutions in 2021 involved 22 OECD Member Countries, and survey results were presented and discussed at an OECD Ministerial event in November 2022. The survey provided important insights into key factors that help build trust in government institutions and affect public perceptions about the openness and effectiveness of government policymaking. The survey is a new measurement tool for democratic governments seeking to improve public confidence in government reliability, responsiveness, integrity, fairness and openness.

Trust in public institutions, including in parliaments, is one of several important factors that can be evaluated to measure the quality and effectiveness of key state institutions in democracies. It can also help assess the quality of openness and trust in government policymaking in general. Openness of the legislative process, engagement quality and citizen involvement, and consistency in reporting on consultation outcomes can be important in building trust in the government and strengthening democratic institutions.

The survey results show that while OECD countries are performing reasonably well on many measures of governance (e.g. citizen perceptions of government reliability, service provision and data openness), there is an even split between people who say they trust their national government and those who do not, indicating that public confidence challenges persist. The survey also highlighted the relatively weak trust societies have in legislative institutions (39.4%), while trust in political parties in OECD countries is the weakest (24.5%).

The strength and effectiveness of democratic institutions and norms depends on continuous efforts to engage and involve citizens in public institutions, and to improve lawmaking and legislative scrutiny by parliaments. Countries are expected to deploy new and innovative approaches to give all people a voice and be more responsive to public input.

Source: OECD (2022), *Building Trust to Reinforce Democracy: Main Findings from the 2021 OECD Survey on Drivers of Trust in Public Institutions*, OECD Publishing, Paris, <https://doi.org/10.1787/b407f99c-en>.

Parliamentary practices in the Western Balkans vary when it comes to procedural transparency, as explained in Chapter 2. Some Western Balkan parliaments have undertaken major initiatives in recent years to improve both public and organised civil society access to key legislative processes, including committee meetings and hearings and plenary debates, and to key documents such as reports on public consultations and government opinions on draft laws proposed from within parliament. As part of this drive to make parliamentary lawmaking more accessible, some Western Balkan parliaments have also sought to use technology, for example interactive websites.

Parliamentary laws and secondary legislation are important for developing and delivering the national policy agenda and for addressing the risks and challenges societies face. At the same time, it is also widely accepted that overregulation and poor-quality laws and secondary legislation can create significant costs and burdens for the economy and society. Governments and parliaments thus have a common interest in establishing effective lawmaking institutions and procedures to develop better-quality laws. *Ex ante* RIAs, stakeholder and public consultations, and *ex post* monitoring and evaluation of policies are recognised internationally as important tools to help governments and parliaments adopt legislation that is informed by the best available evidence. In sum, lawmaking is a complex process that requires close co-operation among all participants.

Challenges to parliamentary lawmaking in the Western Balkans

SIGMA's most recent monitoring reports⁹ show that the administrations of the Western Balkan region are still facing major challenges in ensuring effective and evidence-based lawmaking, and that key processes and tools necessary for achieving better-quality lawmaking are not consistently applied in practice. Capacity and expertise shortfalls in government institutions, and inconsistent implementation of various rules and methodologies, create common challenges for all countries.

The several factors and specific challenges common to all six Western Balkan parliaments considered in this report have made a deep imprint on their legislative activities and policymaking.

European integration and international co-operation

All administrations of the Western Balkan region are engaged in the EI process. Although the five candidate countries and Kosovo*, as a potential candidate, differ in their progress towards the goal of EU membership, important similarities affect the overall functioning of all their parliaments.

The impact of EU integration on parliaments is twofold. On the one hand, parliaments provide potentially critical political support for the stabilisation, association and accession processes; on the other, as legislators, they play a pivotal role in legal alignment, compliance and transposition. Parliaments must consider the special requirements of the *acquis* alignment process when setting their internal rules and procedures to ensure effective and timely alignment, compliance and transposition. As discussed in Chapter 4, integration-related legislative requirements are an important consideration in the choice of legislative direction, notably as regards recourse to accelerated legislative procedures and the use of regulatory management tools.

European integration and EU law harmonisation require active and close co-ordination between parliament and government, and early engagement and continuous work with EU institutions in Brussels and Strasbourg as well as with EU delegations in the Western Balkan capitals. In practice, government draft laws are often discussed with EU actors in advance to ensure full compliance with EU law, adding a central actor to the lawmaking process. Moreover, integration of the Western Balkans into a broad range of regional and international organisations is a further driver of parliamentary legislative activity. As the statistics on legislation presented in Chapter 4 and Annex 1 highlight, EI-related legislation and laws ratifying international agreements account for a considerable share of all laws adopted by Western Balkan parliaments.

The dominant role of government

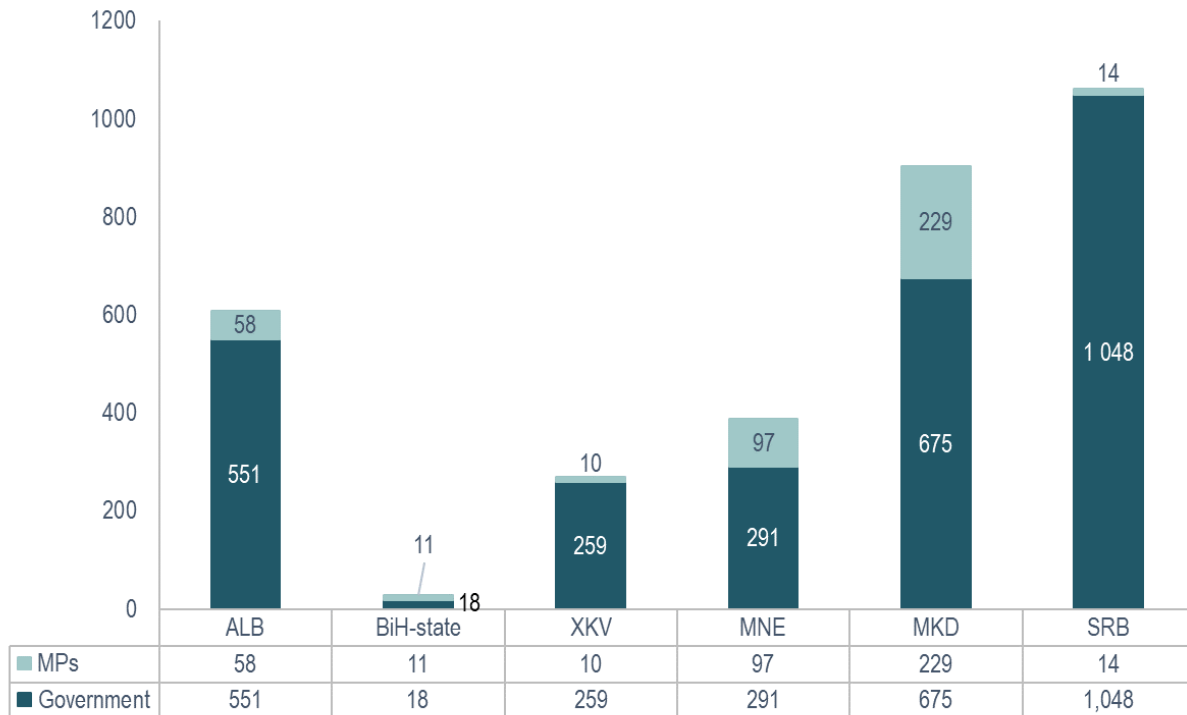
The parliamentary legislative process depends heavily on the legislative activity of the government, as government-initiated legislation dominates legislative agendas throughout the Western Balkans. On average, only 13% of all laws approved in the region during 2018-2022 were initiated by MPs (Figure 2). This is slightly lower than the figures for 21 EU Member States for 2017-2019, for which an average 22% of laws were initiated from within parliament (see also Figure 4)¹⁰. There are also significant country variations in terms of legislative activity, with Serbia and North Macedonia approving the highest numbers of legislative initiatives in the past five years. MPs in North Macedonia and Montenegro were the most active and successful in introducing draft laws and getting them approved.

⁹ SIGMA 2021 Monitoring Reports, OECD, Paris, <https://www.sigmaweb.org/publications/monitoring-reports.htm>.

¹⁰ OECD (2021), *OECD Regulatory Policy Outlook 2021*, based on data reported by 21 EU Member States for 2017-2019. See Annex 2 for full details.

Factors that have major consequences for a parliament's ability to legislate effectively are the predictability of the government's legislative intentions, including those arising from EI commitments; timing of the submission of government-initiated draft laws to parliament; the volume of government legislation; the quality of draft laws; and the government's preferred choice of legislative procedures. In other words, the quality of evidence-based lawmaking in parliament is critically influenced by the quality of government planning and preparation of draft laws and by the capacity of parliaments to properly plan their legislative processes.

Figure 2. Initiators of legislation in the Western Balkans, 2018-2022



Notes: Includes all laws initiated by the government or MPs during 2018-2022. In Serbia, seven additional laws were initiated and approved by other state institutions during the reporting period (not included in the chart). It should be noted that, due to the complex constitutional set-up, the Parliamentary Assembly of BiH has limited policymaking competences. This should be considered when making comparisons and conclusions regarding the number of laws approved by the parliaments of the region.

Source: SIGMA analysis, based on statistics provided by parliamentary administrations and information from publicly available reports and databases.

The capacity of parliamentary administrations

Western Balkan parliaments face a further common challenge in matching ambitions and resources. They need to possess the organisational, staffing and informational resources necessary to bring to life the legal and regulatory frameworks governing their legislative activity. Furthermore, the resources that are available (e.g. parliamentary research services) must be used effectively. As discussed in Chapters 2 and 4, the Western Balkan parliaments demonstrate significant differences in administrative capacity, for instance regarding the number of staff available to support parliamentary committees; the configuration of research and information services; and the accessibility and transparency of key parliamentary processes and information available to the public.

Case-specific conditions

Western Balkan parliaments have a good deal in common when it comes to the conditions under which they operate and the challenges they face. However, the present report also needs to be sensitive to the various case-specific conditions that shape how different parliaments fulfil their legislative functions, for example the requirements of State-level lawmaking in a bicameral system embedded in multilevel governance arrangements in Bosnia and Herzegovina. Additionally, several parliaments work as multilingual institutions: North Macedonia (Macedonian and Albanian), Kosovo* (Albanian and Serbian) and, in some respects, Bosnia and Herzegovina (Bosnian, Serbian and Croatian¹¹). The requirements of multilingualism affect legislative work, not just because of the additional resources needed for operating in several languages, but also because conflicts may arise over perceived differences in the quality and interpretation of draft texts in different languages.

Differences also matter when it comes to key features of a parliament's organisational setting, notably committee structure. For example, while the Assembly of Albania has 8 permanent standing committees, the Parliament of North Macedonia has 21 and Serbia's has 20. Such differences affect inter-committee co-ordination and synchronisation. Moreover, contingent factors may have a profound effect on lawmaking, such as the President of Montenegro's 16 March 2023 decision to order dissolution of the Parliament of Montenegro (which the Parliament resisted through continued legislative activity) and in several Western Balkan parliaments, repeated boycotts of parliamentary proceeding by groups of MPs¹².

A dynamic analysis

The data presented and analysed in this report seek to map developments across six parliaments and, importantly, across time, covering the five years from 2018 to 2022. One of the factors driving change has already been mentioned: the EI context. Although a powerful influence on all six Western Balkan parliaments, the pace and political salience of integration efforts have varied considerably over time, with periods of both slow development or stalemate and of renewed urgency and accelerated progress. This context matters critically for both the volume and the timing of draft legislation submitted by Western Balkan governments for parliamentary scrutiny and approval.

Four further factors need to be considered when comparing observations between 2018 and 2022. First, as everywhere in Europe, legislative activity between 2020 and 2022 was deeply influenced by the COVID-19 pandemic¹³. Governments' legislative priorities changed very quickly and fundamentally, as legislation was often required to effect public policy responses to the pandemic. Previous legislative plans became at least partly obsolete as new laws were required, and many existing ones had to be amended quickly. In parts of Europe, governments took recourse to emergency procedures. In short, the extraordinary public policy challenges posed by COVID-19 were bound to disrupt legislative routines, so that comparisons of data for 2018-2019 with data for 2020-2022 must be done with care.

¹¹ This was agreed to as part of the Dayton Peace Agreement. It should be noted that while these languages are very similar, there can be technical differences in interpretation and the use of various terms.

¹² Westminster Foundation for Democracy (2019), *Parliamentary Boycotts in the Western Balkans*, WFD, London, <https://www.wfd.org/what-we-do/resources/parliamentary-boycotts-western-balkans-challenge-institutional-democracy>.

¹³ Chiru, M. (2023), *Parliamentary Oversight of Governments' Response to the COVID-19 Pandemic: Literature Review*, European Parliamentary Research Service, Brussels, [https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2023\)740217](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2023)740217).

Second, the timing of elections has a strong impact on the flow of legislative initiatives, leading to distinctive legislative cycles. In the immediate aftermath of a parliamentary election, the newly elected government will be busy preparing legislation, and parliament may have very few, if any, government-sponsored drafts to scrutinise. In the runup to an election, campaigning may overshadow attention to legislation. Major uncertainties about the timing of the next election or the prospect of likely early elections may lead to legislative paralysis. In short, annualised data on legislation, on which the present report principally relies, may mask considerable fluctuations.

Third, variation over time is also driven by what can be volatile political actor constellations. What matters is whether the government, as the prime initiator of legislation, can rely on a reasonably solid – formal or informal – majority in parliament. If it cannot, uncertainty over legislative outcomes may discourage the submission of draft laws to parliament. In such cases, statistics on the relative “success rate” of government draft laws, as expressed by the share of government-initiated draft laws approved by parliament (see Figure 2 above and Chapter 4), may be partially misleading because governments may be reluctant to submit draft laws that are likely to prove divisive.

An insufficient culture of political negotiation and compromise with the opposition also has an impact on the quantity and quality of legislation passed by parliaments. It also matters whether the key parliamentary office holders are relatively secure in their positions. This includes parliamentary office holders that have a major influence over the timetabling of legislative business (see Chapter 2), such as the head of parliament (president or speaker); the members of the highest parliamentary decision-making body (variously referred to as a conference of chairs, collegium, presidency or board); and the chairs of standing committees. Uncertainty over these positions is likely to disrupt the flow of legislative business.

Finally, the rules that govern parliamentary lawmaking do, of course, affect the passage of draft laws, concerning such elements as the length of parliamentary procedures or amending activities. In addition to constitutional provisions, these rules regularly include parliaments’ Rules of Procedure. There may also be a Law on Parliament, as in North Macedonia and Serbia, and additional relevant legislation such as the Law on Parliamentary Oversight in Bosnia and Herzegovina or the Law on the Role of Parliament in the EU Integration Process in Albania. Major changes in these rules, such as the adoption of new parliamentary Rules of Procedure in Kosovo* in 2022, are likely to affect the legislative scrutiny process and key statistics, such as amendment rates.

Co-operation, learning and innovation

The need for interparliamentary exchange, sharing of good practices and co-operation to promote parliaments’ ability to address national, regional and global policy challenges is widely recognised and supported through a range of organisations. For example, the OECD Global Parliamentary Network¹⁴ defines itself as a “legislative learning hub for legislators and parliamentary officials”, designed “to share experiences, identify good practices and foster international legislative co-operation” (Box 2). MPs from several of the Western Balkan parliaments are members of this network.

COSAC – the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union¹⁵ – promotes the exchange of knowledge and good practices among national parliaments and between national parliaments and the European Parliament. The five parliaments of the Western Balkan candidate countries form part of this network. A key activity is the Democracy Support Network¹⁶, which aims to promote best practices and includes all six of the Western Balkan parliaments. Other regionally

¹⁴ <https://www.oecd.org/parliamentarians/about/>

¹⁵ <https://ipexl.europarl.europa.eu/IPEXL-WEB/conferences/cosac/home>

¹⁶ <https://ipexl.europarl.europa.eu/IPEXL-WEB/parliaments/static/8a8639977b0a853a017b10723321004b>

based co-operation forums complement these activities, such as the Conference of the Parliamentary Committees on European Integration/Affairs of the States Participating in the Stabilisation and Association Process in South-East Europe (COSAP).

Box 2. OECD Global Parliamentary Network

The OECD Global Parliamentary Network is a community of legislators and parliamentary officials from OECD Member and Partner countries that gather to exchange information on best legislative practices. It aims to foster co-operation and learning on the most pressing issues on their legislative agendas, provide access to the latest OECD analysis, recommendations, standards and data, and facilitate engagement with leading OECD experts.

With an increasing membership of over 90 countries, the Network also enables co-operation with other parliamentary assemblies and associations, including the Parliamentary Assembly of the Mediterranean, in which most West Balkan countries are members, as well as the European Parliament.

Regular meetings are organised in Paris, where legislators from across the globe come together to discuss priority and emerging topics. The programme of activities also includes workshops, consultations and events. In the past, a few representatives of Western Balkan parliaments (Albania, Kosovo*, Montenegro and Serbia) have been involved in the work of the Global Parliamentary Network. The Network, which serves as an entry point to the OECD for parliaments all year round, is open to the participation of additional active (serving) legislators and parliamentary officials from the region in its future activities.

Source: OECD Global Parliamentary Network, <https://www.oecd.org/parliamentarians/about/>.

Interparliamentary co-operation and learning have been further promoted by several organisations engaged in supporting the institutional development of Western Balkan parliaments through project-based initiatives, including both the provision of expertise and, in some cases, technical assistance. Recent examples include the European Commission's twinning initiatives aimed at knowledge-sharing and exchanging of best practices between the parliaments of EU Member States and Western Balkan parliaments¹⁷; the legislative support unit of the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR)¹⁸; the Westminster Foundation for Democracy's (WFD's)¹⁹ comparative reports on different aspects of the functioning of Western Balkan parliaments (e.g. 2019; 2021); the Western Balkan Regional Parliamentary Initiative of the National Democratic Institute (NDI) for International Affairs²⁰; and the Parliament Support Programme of the Swiss Agency for Development and Co-operation²¹.

¹⁷ Recent EU twinning projects in the Western Balkans include: <https://www.parlament.gv.at/en/eu-international/co-operations/western-balkans/>; <https://europeanwesternbalkans.com/2017/05/25/eu-helps-prepare-bih-parliamentary-administration-for-its-eu-integration-related-tasks/>.

¹⁸ <https://www.osce.org/odihr/legislative-support>.

¹⁹ <https://www.osce.org/odihr>.

²⁰ <https://www.ndi.org/regional-parliamentary-initiative>.

²¹

<https://www.eda.admin.ch/deza/en/home/countries/nordmazedonien.html/content/dezaprojects/SDC/en/2017/7F08790/phase1?oldPagePath=/content/deza/en/home/laender/nordmazedonien.html>.

Comparative analyses of policymaking and parliamentary practices of both longstanding and recent EU members and tools of analysis promoted by the European Commission, the European Parliament and SIGMA provide a further critical input to the development of lawmaking in the Western Balkans. The European Commission Directorate-General for Structural Reform Support and the European Parliamentary Research Service are especially important in promoting good practices and advancing innovation. Recent analyses include the European Commission's *Quality of Legislative Process: Building a Conceptual Model and Developing Indicators* (2022), *Evidence-Informed Policy Making: Building a Conceptual Model and Developing Indicators* (2021) and *Management of Policy Coherence for Sustainable Development: Towards Measuring Progress* (2021), and the EPRS report *Better Regulation in National Parliaments* (2020).

The SIGMA publications *The Principles of Public Administration* for EU candidate countries and potential candidates and *Methodological Framework for the Principles of Public Administration* extend to different aspects of parliamentary lawmaking, notably policy development and co-ordination. Drawing on SIGMA's regular monitoring reports, this present study covers Albania, Bosnia and Herzegovina (State level), Kosovo*, Montenegro, North Macedonia and Serbia both individually and through comparative and thematic reports and studies²².

Technological advancement and innovation create new opportunities for open, evidence-based and transparent lawmaking, including for the Western Balkan parliaments. According to some recent studies, there is evidence that new technologies and artificial intelligence (AI) are being used in selected institutions (Box 3)²³. For practical applications, AI functionalities mainly include speech-to-text transformation, text classification, pattern recognition and, in some cases, chatbots. Studies have found dozens of potential uses for AI in the legislative sector, such as applications to help MPs classify political arguments; tools to enable citizen participation in the lawmaking process; and smart impact assessments.

Box 3. Use of advanced technologies and innovative solutions in lawmaking in selected European parliaments

The Eduskunta, the **Finnish** Parliament, was one of the first EU parliaments to investigate the use of AI in its workspace. In 2021, the Committee for the Future, recognised as a model for foresight research by the EU Parliamentary Research Service, organised a pioneering parliamentary hearing with a couple of AI personalities to assess the future role of such technologies in society. In the meantime, the Finnish Parliament introduced more AI-based applications in its realm, including automated accounting, payments and invoicing, speech recognition and automatic translation.

Italy currently utilises AI for bill classification and employs relevant tools to automatically identify legal references to European and Italian laws, as well as other types of acts. AI applications are also used to support the ordering of amendments to be voted.

Estonia has implemented speech recognition in plenary and committee meetings as well as subtitle generation during remote plenary and committee meetings. **The Netherlands** also uses AI for automatic speech recognition to transcribe audio into text to allow for more efficient editing of these transcripts.

²² SIGMA 2021 Monitoring Reports, OECD, Paris, <https://www.sigmaweb.org/publications/monitoring-reports.htm>.

²³ Fitsilis, F. and P. de Almeida (2024), Artificial Intelligence and its Regulation in Representative Institutions, in *Research Handbook on Public Management and Artificial Intelligence*, Edward Elgar Publishing, Cheltenham; Fitsilis, F. (2021), Artificial Intelligence (AI) in Parliaments: Preliminary Analysis of the Eduskunta Experiment, *The Journal of Legislative Studies* 27(4), pp. 621-633.

The **European Parliament** uses, among other applications, an AI-based text summariser for its archive, to reduce the original size of documents to be reviewed. In addition, a chatbot for efficiently interacting with archive users has been developed and is in operation. In **Greece**, the Hellenic Parliament is using speech-to-text technology to quickly and accurately produce parliamentary meeting minutes, and in 2020 an interactive workshop was held to determine its priorities in utilising state-of-the-art AI technology.

In **Portugal**, the Assembly of the Republic (AR) has been using AI tools to improve its relationship with citizens and simplify parliamentary work, namely in converting oral speeches into text and the subsequent drafting of the *Diário da Assembleia da República*. In co-operation with other parliaments and institutions, particularly the Hellenic Parliament Foundation, the European Parliament, the Cyprus²⁴ House of Representatives, the Estonian Parliament, the Italian Chamber of Deputies, the Spanish Congress of Deputies, the Austrian Parliament and the Parliament of the United Kingdom. The AR organised a conference in June 2023, a cross-learning event, on the challenges and opportunities that AI poses for representative democracy.

Sources: SIGMA analysis based on external reports and publications, including: Fitsilis, F. and P. de Almeida (2024), Artificial Intelligence and its Regulation in Representative Institutions, in *Research Handbook on Public Management and Artificial Intelligence*, Edward Elgar Publishing, Cheltenham; Fitsilis, F. (2021), Artificial Intelligence (AI) in Parliaments: Preliminary Analysis of the Eduskunta Experiment, *The Journal of Legislative Studies* 27(4), pp. 621-633.

The present report provides some encouraging evidence of the use of new technologies and innovation in parliamentary lawmaking promoted by this rich network of co-operation and assistance, notably regarding improvements in the evidence base of parliamentary debates and decisions. For example, parliamentary institutes have been established in Montenegro and North Macedonia, and more recently in Albania and Kosovo* (June 2023). The aim is to strengthen the research services, information and knowledge that MPs can draw on to scrutinise and amend government-initiated draft laws, or to develop their own legislative initiatives.

²⁴ Note by the Republic of Türkiye: The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Türkiye recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Türkiye shall preserve its position concerning the “Cyprus issue”.

Note by all the European Union Member States of the OECD and the European Union: The Republic of Cyprus is recognised by all members of the United Nations with the exception of Türkiye. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

2 Parliamentary settings in the Western Balkans: A comparative overview

This chapter introduces key features of Western Balkan parliamentary systems and discusses how they affect evidence-based lawmaking by parliaments. Analysis includes the main constitutional and institutional features; legal and regulatory frameworks for lawmaking; the structures and functioning of parliamentary working bodies, committees and political groups; parliamentary administration and services; and provisions governing the openness, accessibility and transparency of parliamentary lawmaking. Evidence of considerable variations across the six parliamentary settings emerges in this chapter, notably concerning committee structure, which has a critical impact on lawmaking. The chapter also highlights important differences in the organisation of parliamentary administrations and services, in terms of their ability to support parliamentary legislative scrutiny and amending activities.

Parliaments in the Western Balkans: Key facts

Albania, Bosnia and Herzegovina (BiH State), Kosovo*, Montenegro, North Macedonia and Serbia all have a parliamentary system of government in which the executive branch derives its democratic legitimacy from its ability to command the support of a majority in parliament. The parliaments of the region are unicameral except in the case of **BiH (State)**, which has a bicameral parliament with a House of Representatives (HoR) and a House of Peoples (HoP). This partly reflects the power-sharing arrangements established in the BiH Constitution²⁵.

For all six parliaments, the regular election cycle is four years. **Serbia** has the largest parliament in the region, with 250 MPs. **BiH (State)** has the smallest total number of MPs, 42 in the HoR and 15 in the HoP, and the highest average number of citizens in the region served by one MP (61 000). **Montenegro** has the lowest number of citizens represented by one MP (approximately 8 000), and the number of MPs is fixed at 81. There are 140 MPs in the **Albanian Assembly**, and this number is also fixed. In **Kosovo***, the Constitution requires that 20 out of the 120 seats in the Assembly be guaranteed for representatives of minority communities. Thus, a minimum of ten seats is reserved for the Serb minority and an additional ten are reserved for representatives of other communities based on a formula defined in the Constitution, Article 66, paragraph 2. However, the number of MPs is not always fixed. **North Macedonia** had 120 MPs in 2022, but

²⁵ Dayton Peace Accords, 1995. The Constitution of BiH establishes a unique structure and institutional setup for policymaking, allocating competences to different areas among various levels of BiH administration. The current analysis focuses on the Parliamentary Assembly of BiH and BiH State-level institutions.

this figure can vary from 120 to 140 as prescribed in the Constitution, depending on election outcomes and the application of a special formula that ensures reserved places for certain groups and constituencies²⁶.

The percentage of female MPs in the region ranges from 21% in **BiH (State)** to 39% in **North Macedonia**. These results are roughly in line with average figures for selected OECD parliaments (30%)²⁷.

An important feature of a parliamentary system is whether MPs can simultaneously hold government office. **Albania** is the only Western Balkan economy in which most serving Government ministers are also MPs. This interesting characteristic has important implications for lawmaking, especially for planning and co-ordinating legislative work between the Government and the Parliament (see Chapter 3).

Session and recess periods of Western Balkan parliaments are constitutionally established and normally cover a spring session and an autumn one. Only the Parliament of **North Macedonia** is officially in formal session throughout the year. This is another feature that can have a major impact on a parliament's legislative work and co-ordination with government, as it may provide greater flexibility for presenting government-initiated draft laws to parliament. Table 1 summarises key features of the region's parliamentary systems, while Box 4 provides selected evidence on the organisation of plenary sessions in the European Union.

Table 1. Overview of Western Balkan parliamentary systems

	ALB	BIH-State	XKV	MNE	MKD	SRB
Official name of parliament	The Assembly of Albania	Parliamentary Assembly of Bosnia and Herzegovina	Assembly of the Republic of Kosovo*	Parliament of Montenegro	Assembly of the Republic of North Macedonia	National Assembly of the Republic of Serbia
Official name in local language	Kuvendi i Shqipërisë	Parlamentarna Skupština	Kulendi i Republikës së Kosovës; Skupština Republike Kosova	Skupština Crne Gore	Sobranie na Republika Severna Makedonija	Nardna Skupština Republike Srbije
Number of chambers	Unicameral	Bicameral HoR / HoP	Unicameral	Unicameral	Unicameral	Unicameral
Parliament sitting / plenary sessions	Spring and autumn	Not specified	Spring and autumn	Spring and autumn	Always sitting	Spring and autumn
Number of MPs	140	42/ (HoR) 15 (HoP)	120	81	120-140	250
Average number of citizens represented by one MP	20 000	61 000	15 000	7 800	16 000	28 000
Share of female MPs (%)	35%	21%	33%	21%*	39%	35%
Government ministers are members of parliament	Yes	No	No	No	No	No
Term in office	4 years	4 years	4 years	4 years	4 years	4 years
Most recent elections	2021	2022	2021	2023	2020	2022
Official languages for laws	Albanian	Bosnian Serbian Croatian	Albanian Serbian	Montenegrin	Macedonian Albanian	Serbian

²⁶ According to the Electoral Code of North Macedonia (Official Gazette of the RM No. 54 of 2011), the number and composition of MPs in North Macedonia is calculated applying the D'Hondt Formula (Article 127, paragraph 4). In the study period (2018-2022), the number of the MPs in the Parliament of North Macedonia was 120.

²⁷ OECD multidimensional report on the Western Balkans, based on 2019 data (or latest provided by the administrations), <https://www.oecd-ilibrary.org/sites/2cc279e8-en/index.html?itemId=/content/component/2cc279e8-en>.

Official website	www.parlament.al	http://parlament.ba	https://www.kuvendikosoves.org/eng/home/	https://www.skupstina.me	https://www.sobranie.mk	http://www.parlament.gov.rs/nacional-assembly.467.html
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* This figure relates to the 28th convocation of the Parliament of Montenegro established in July 2023 and is liable to change following formation of the Government, as members of the Government have to relinquish their seats in Parliament.

Notes: Analysis based on information and data on parliaments' the institutional and organisational setups as of 2022 (or the latest available), using publicly available reports and statistics as well as information collected from the parliamentary administrations.

Share of female MPs in North Macedonia: 2018 – 37%; 2019 – 39%; 2020 – 41 %; 2021 – 35%; 2022 – 38%. In Kosovo*, 40 MPs are female of a total of 120 MPs (as of 2023).

Sources: Official reports and websites; information provided by parliaments and during interviews. Comparative data on shares of female MPs in selected OECD countries is from <https://www.oecd-ilibrary.org/sites/2cc279e8-en/index.html?itemId=/content/component/2cc279e8-en> ; data based on latest available statistics as of end-2022.

Box 4. Experiences of selected EU parliaments in organising their plenary sessions

Parliaments rarely operate all year round. Laws are being enacted through respective parliamentary procedures during legislative sessions (sittings) and EU Member States have different approaches for defining the length and nature of such sessions.

The **Hellenic Parliament**, for instance, may convene in regular, extraordinary and special sessions. During its regular sessions, the Parliament convenes each year on the first Monday of October (RoP, Article 22). Additionally, the President of the Republic can summon the Hellenic Parliament for an extraordinary session whenever deemed reasonable (Constitution, Article 40[1]). It may also convene in special sessions, for example to exercise certain constitutional competences. Laws can also be enacted in recess sessions, usually during the summer. Recess sessions are divided into three parts, each one populated by one-third of the total number of MPs (RoP, Article 29).

A simpler approach is used in **Cyprus**, where the House of Representatives convenes for its ordinary session 15 days after a general election. The ordinary session lasts for three to six months each year (Constitution, Article 74). The House can be summoned to an extraordinary session by its President upon request by at least ten members, for which the reasons need to be set out clearly (RoP, Article 7A).

In **Romania**, the Chamber of Deputies and the Senate meet in two ordinary annual sessions and in extraordinary sessions. The first ordinary session begins in February and may not last beyond June, while the second ordinary session begins in September and lasts until the end of December. Extraordinary sessions can be arranged at the request of the President of Romania, the Standing Bureau of each Chamber or at least one-third of the total number of Deputies or Senators (Constitution, Article 66).

The **German Bundestag** convenes no later than the thirtieth day after an election, and the date and agenda for every sitting are agreed by the Council of Elders (RoP, Article 20[1]) and then cited in the Calendar of the German Bundestag. The Bundestag determines when its sessions shall be adjourned and resumed. Apart from the regular format, its President may convene it earlier but is obliged to do so by demand of one-third of its Members, the Federal President or the Federal Chancellor (Basic Law, Article 39[3]).

The Sejm, the lower house of the Parliament of **Poland**, works in accordance with the explicitly stated principle of permanence (Constitution, Article 109). There is no division of the legislative period into sessions.

In **Portugal**, the legislative session lasts for one year, beginning on 15 September. Without prejudice to suspensions decided by the Parliament (*Assembleia da República*) with a two-thirds majority of the Members in attendance, the normal parliamentary term shall run from 15 September to 15 June. The normal parliamentary term may be extended by the Plenary or on the initiative of the Standing Committee or, when the latter is unable to function and there is a dire emergency, on the initiative of more than half of all Members. According to the Rules of Procedure No. 1/2020, the President of the Parliament may arrange for some parliamentary committees to be convened for 15 days prior to the beginning of the legislative session to help Parliament prepare its work. When the Parliament is not in full session or is dissolved, and in other cases provided for in the Constitution, a Standing Committee operates according to the regulations adopted by the Parliament at the beginning of each legislature.

Note: Relevant terminology may vary among legislatures.

Source: SIGMA expert analysis based on national legislation and rules of procedure of the EU Member States, external reports, and information available from public sources.

Legal and regulatory framework for lawmaking

The parliaments of the Western Balkans derive their mandate for lawmaking and oversight from their respective constitutions. Detailed lawmaking procedures are prescribed in selected legislation and in the parliamentary Rules of Procedure (RoP). **North Macedonia** and **Serbia** have laws on parliament that establish the legal bases and procedures for parliamentary work and regulate relationships with other state institutions. In **BiH (State)** there is no general law on parliament, but parliamentary procedures are regulated in the RoP. There is also a Law on Parliamentary Oversight that regulates the oversight activities of the Parliamentary Assembly of Bosnia and Herzegovina relating to all budgetary and extra-budgetary institutions. **Albania**, **Montenegro** and **Kosovo*** have no special law on parliament. Parliamentary procedures and rules are regulated by the RoP and other legislation, such as the Law on Parliamentary Oversight of the Security and Defence Sector (2010) and the Law on Parliamentary Inquiry (2012) in Montenegro.

Several administrations also have additional legislation in place that has an impact on lawmaking, such as the Law on Planning Systems in **Serbia**; the Law on Government in **North Macedonia**; the Law on the Organisation and Functioning of the Council of Ministers in **Albania**; and the Law on Legislative Initiatives²⁸ of **Kosovo***. Among other things, these laws establish procedures and rules for legislative planning and lawmaking. Additionally, **Albania** has a Law on the Role of Parliament in the EU Integration Process²⁹. It is the only country with a special law that focuses specifically on the legislature's role in EU affairs. The law was recently updated to enhance the legislature's role in the EU accession process to meet the new demands arising from the beginning of formal accession negotiations.

It is noteworthy that MP-vote thresholds for the approval of amendments to RoP of parliaments differ depending on the Western Balkan parliament. In **BiH (State)**, a simple majority of present and voting MPs

²⁸ Law No. 04/I-025 on Legislative Initiatives, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2776>.

²⁹ Law No. 15/2015 of 05 March 2015, as amended.

is sufficient to approve or make changes to the parliamentary RoP³⁰, while in **Albania, Montenegro, Serbia and North Macedonia**, an absolute majority of all MPs is needed. **Kosovo*** has the highest thresholds for approving or amending the RoP: the votes of at least two-thirds of all MPs are needed to make changes governing the RoP of the Assembly (Table 2).

Table 2. Legislative and regulatory framework enabling parliamentary lawmaking

	ALB	BIH-State	XKV	MNE	MKD	SRB
Constitution	Yes	Yes	Yes	Yes	Yes	Yes
Law on Parliament	No	No	No	No	Yes (2009)*	Yes (2012)**
Other major laws regulating lawmaking procedures	Law on Organisation and Functioning of the Council of Ministers; Law on the Role of Parliament in the EU Integration Process	Law on Parliamentary Oversight	Law No. 04/I-025 on Legislative Initiatives	Law No. 078/18 on State Administration	Law on Government	Law on Planning Systems
Rules of procedure of parliament	Yes	Yes	Yes	Yes	Yes	Yes
Manuals on legal drafting and lawmaking	Manual on Lawmaking (informal manual on legal drafting) (Ministry of Justice)	Unified Rules for Legislative Drafting in the Institutions of BiH (CoM of BiH)	No	Legal and Technical Rules for Legal Drafting	Manual on Normative Rules for legal drafting*** (Secretariat for Legislation)	Uniform Methodology for Drafting of Regulations of 2010

* Law on the Parliament of the Republic of Macedonia (Official Gazette Nos. 104/2009, 14/2020, 174/2021, 298/2021 and 67/2022), <https://www.sobranie.mk/zakon-za-sobranieto-na-rm.nspk>.

** Law on the National Assembly, Official Gazette of the RS No. 20/2012-3.

*** <http://www.sz.gov.mk/application/themes/priracnik/index.html>.

Note: In July 2023, the Parliament of North Macedonia adopted a decision on the nomotechnical Rules for Preparation of Laws, which regulates the lawmaking procedure in detail.

Source: SIGMA analysis of legislative and regulatory frameworks and information provided by the Western Balkan administrations.

Quality, clarity, coherence and consistency of legal drafting are critical for effective lawmaking and implementation. Legislators typically aim to support these objectives by developing and using uniform rules and standards on legal drafting and lawmaking. These manuals provide detailed guidance, standards and instructions on legal drafting and nomotechnical standards, and they are used throughout the Western Balkans. **Serbia** has had a Uniform Methodology for Drafting Regulations since 2010; it applies to both the legislative and executive branches of its Government. Similarly, in **BiH (State)**, the Unified Rules for Legislative Drafting in the Institutions of BiH define the drafting standards and rules that must be observed by those in charge of legislative and normative tasks in BiH institutions. Likewise, in **Montenegro** the Legal and Technical Rules for Legal Drafting apply to all institutions in the process of lawmaking.

³⁰ It should be noted though that in BiH (State), the Constitution and the RoP require that the parliament “makes the best efforts so that the majority includes at least one-third of the votes of delegates or members from the territory of each entity. If the majority does not include one-third of the votes of delegates or members from the territory of each entity, the chairperson and deputies, working as a committee, will try to reach an agreement within three days of the vote. If these efforts fail, decisions will be made by a majority of those present and voting, provided that the votes against do not include two-thirds, or more, of the delegates or members elected from each entity. These procedures apply to all types of legislation, not just the RoP of parliament.

In **North Macedonia**, the actual legal drafting manual is not publicly accessible in full (see Chapter 4 for details). It should be noted that, in July 2023, the Parliament of North Macedonia adopted nomotechnical rules for preparing laws, providing more guidance on legal drafting. **Albania** formally adopted a manual on legal drafting in April 2022 for use by Government institutions and the Parliament's legal services³¹.

Parliamentary working bodies, committees and political groups

Governing and leadership structures

Parliamentary leadership and management structures matter critically for lawmaking. Leadership in parliament is regularly entrusted with central functions, such as parliamentary agenda setting, work plans, the determination of schedules, the assignment of draft laws to committees for scrutiny, the review and acceptance of documentation accompanying draft laws, and the setting of timetables and calendars relating to deliberating and voting on draft laws. Parliamentary leadership and governance structures reflect the political power balance established through elections.

In the Western Balkan parliaments, parliamentary leadership structures are largely comparable (see Table 3). There is typically one head of parliament (a speaker or president), except for **BiH**, which has three co-speakers. There is also a highest-level governing body, which normally comprises the speaker and deputy speakers, heads of political groups and, in some cases, chairs of committees. This body makes important decisions regarding the parliamentary work plan and the calendar of parliamentary business.

In **Serbia**, the key body that determines the parliamentary agenda is the Collegium. It consists of the Speaker, deputy speakers (currently eight), and the heads of parliamentary groups (currently also eight). In **Montenegro**, according to the parliamentary RoP, “the President of the Parliament, Vice-Presidents of the Parliament and heads of MP groups shall constitute the Collegium of the President of the Parliament”. Among its other responsibilities, it decides on the parliamentary agenda. In **BiH (State)**, due to its specific constitutional power-sharing arrangements, the Speaker positions of both Houses automatically rotate every eight months without voting.

In addition to the representation of parliamentary groups, the Constitution of **Kosovo*** guarantees multi-ethnic representation in the Presidency of the Assembly, as the highest governing body. One Deputy President comes from MPs holding seats reserved for the Serb community, and one Deputy President belongs to MPs holding seats reserved or guaranteed for other communities that are not in the majority. As required by the Law on Parliament, the President of the Parliament of **North Macedonia** holds weekly meetings with the vice presidents and parliamentary groups to discuss and agree upon the official agenda and schedule of meetings of the parliamentary committees and the meetings of annual oversight committees and consults on specific draft laws if needed.

In **Albania**, in addition to the Conference of Chairs, which discusses political and legislative work, there is a Bureau of the Assembly that involves heads of the political and administrative structures of Parliament, in addition to the leading roles the Speaker of the Parliament and the Secretary-General have. The Bureau is the administrative and financial decision-making organism of the Assembly and its bodies. It confirms the budget of the Assembly and transmits it to the Committee on Economy and Finance; this budget is then submitted to the Assembly for approval. It decides on appeals in cases of setting up parliamentary groups and complaints of parliamentary groups about the composition of permanent committees of the Assembly.

³¹ Instruction No. 6 of 29 April 2022, as published in the Official Gazette, https://drejtesia.gov.al/wp-content/uploads/2022/06/Xerox-Scan_02062022000129.pdf.

The Bureau also approves the detailed rules of operation of the secretariats and drafts comprehensive rules on the participation of MPs in parliamentary activities, and rules on the organisation of administrative services, according to the constitutional functions the Assembly exercises. In other countries, organisational and administrative issues related to the parliamentary administration are dealt with by the head of parliament and/or the head of the administration.

Table 3. Governing and leadership bodies of Western Balkan parliaments

	ALB	BIH-State	XKV	MNE	MKD	SRB
Head of parliament	Speaker	3 Co-speakers	President of the Assembly	President	President of the Assembly	President of the National Assembly
Highest governing/ leadership body	Conference of Chairs	(Joint) Collegium	Presidency of the Assembly	Collegium of the President	Co-ordination Board	Collegium
Frequency of meetings	Once every three weeks	Twice a month	Weekly	Variable, not regulated in RoP	Weekly	Weekly
Government participation in governing body meetings	Yes	Yes, if invited	Yes, if invited	Yes, if invited	Yes, if invited	Yes, if invited
Specific governance structures dealing with administrative issues	Bureau of the Assembly / Parliamentary Service Secretariat for the Budget of the Assembly	Secretariat of the Parliamentary Assembly of BiH	Administration of the Assembly	Secretary General's Office guiding the work of the Parliamentary Service	Service (Administration) of the Assembly	Secretariat-General of the National Assembly

Source: SIGMA analysis of national legislation and regulations; information provided during interviews.

Parliamentary committees

Parliaments carry out their main legislative scrutiny work through committees. Standing committees play a key role in the lawmaking process as they scrutinise individual laws and provide expert advice during plenary sessions, enabling individual MPs and parliament as a whole to make informed decisions. They consider treaties and agreements submitted to parliament as well as citizen petitions addressed to the parliament. Committees are also important for carrying out key oversight activities on government policy. As part of their core lawmaking function, they can directly interact with the executive branch and with external stakeholders as needed to obtain additional information and evidence. Committees may also organise public hearings and invite external experts and bodies to collect additional information and evidence on proposed legislative initiatives.

Rules governing the leadership, composition and individual membership of parliamentary committees are typically regulated through parliamentary legislation and parliament RoP. In addition to permanent standing committees, *ad-hoc* thematic or investigative committees can be established to enable parliaments to perform their core functions. Usually, in accordance with the RoP, subcommittees and working groups can also be created for specific purposes. When it comes to the lawmaking process, however, it is the standing committees that play a decisive role in scrutinising draft legislation throughout all stages of lawmaking. Chapter 4 discusses these procedures in detail.

All Western Balkan parliaments have clear rules and procedures in place that regulate how parliamentary committees are formed and operate. While these rules are largely similar, there are important differences in the number of committees, their membership, and the administrative arrangements designed to support their work (see Table 4).

North Macedonia has the highest number of standing committees, with 21 involved in legislative scrutiny work. **Serbia**, with the largest number of MPs in the region, has the second-highest number of standing committees (20) as well as five subcommittees. Such a differentiated committee structure can pose additional challenges for inter-committee co-ordination and synchronisation. By contrast, **Albania** has only eight standing committees and five subcommittees. Albanian MPs can be members of only one permanent committee, but they can also be involved in the EU integration committee and other temporary committee work. At the request of a chairperson of the permanent committee, based on a proposal of the Conference of Chairs of Parliament, a subcommittee comprising at least five but not more than nine MPs can be established to work on specific issues or tasks related to the work of the committee.

In **Montenegro** there are 14 parliamentary standing committees as well as a Commission for Monitoring and Control of the Privatisation Procedure. Parliament can also form *ad-hoc* working groups to prepare legislative acts, and temporary committees or subcommittees with a specific remit. The **BiH (State)** Parliament has eight committees in the HoR and three in the HoP, in addition to six joint committees involving MPs from both houses. In **Kosovo*** there are 14 standing committees, including 10 functional committees. Other *ad-hoc* and investigative committees can be established as well. With the new RoP of the Assembly adopted in 2022, subcommittees cannot be established in the Kosovo* Parliament. However, a working group can be set up by any committee to consider specific issues that fall under their competence.

Table 4. Parliamentary committees and subcommittees involved in legislative scrutiny

	ALB	BIH-State	XKV	MNE	MKD	SRB
Number of permanent standing committees involved in legislative scrutiny work	8	17	14 (4 + 10 functional)	14	21	20
Number of MPs in each standing committee	14-26 (20 average)	9 (HoR) 6 (HoP)	11 (13 in Committee for Communities)	13	10-14	9-26 (17 in most)
Number of subcommittees	5	Allowed, but none established	Not allowed	Allowed, but none established	Allowed, on individual cases	Allowed on individual cases (5 at present)
Other (ad hoc) committees and working bodies	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Number of parliamentary staff working for committees	24 (at least 2 officials and 1 secretary per committee)	33 1-3 officials in each committee	32 2-4 officials in each committee	64 2-6 officials in each committee	37 2-5 officials working for each committee	100 3-5 officials working in each committee
Existing committees (2023)						
Legislative committee	<ul style="list-style-type: none"> Committee for Legal Affairs, Public Administration and Human Rights 	<ul style="list-style-type: none"> Legal and Constitutional Committee HoR Legal and Constitutional Committee HoP 	<ul style="list-style-type: none"> Committee on Legislation, Mandates, Immunities, Rules of Procedure of the Assembly and Oversight of the Anti-Corruption Agency 	<ul style="list-style-type: none"> Constitutional Committee; Legislative Committee 	<ul style="list-style-type: none"> Legislative Committee 	<ul style="list-style-type: none"> Committee on Constitutional and Legislative Issues
Fiscal/budget committee	<ul style="list-style-type: none"> Committee for the Economy and Finance 	<ul style="list-style-type: none"> Committee for Finance and Budget of the HoR 	<ul style="list-style-type: none"> Committee for Budget, Labour and Transfer 	<ul style="list-style-type: none"> Committee on Economy, Finance and Budget 	<ul style="list-style-type: none"> Committee on Financing and Budget 	<ul style="list-style-type: none"> Committee on Finance, State Budget and Control of

		<ul style="list-style-type: none"> Committee for Finance and Budget of the HoP 				Public Spending
EU integration committee	<ul style="list-style-type: none"> Committee for European Affairs 	<ul style="list-style-type: none"> Joint Committee on European Integration 	<ul style="list-style-type: none"> Committee on European Integration 	<ul style="list-style-type: none"> Committee on European Integration 	<ul style="list-style-type: none"> Committee on European Affairs 	<ul style="list-style-type: none"> European Integration Committee
Other existing permanent committees	<ul style="list-style-type: none"> Committee on Foreign Policy National Security Committee Committee for Production Activities, Trade and Environment Committee for Labour, Social Affairs and Health Committee for Education and Public Media 	<p>HoR:</p> <ul style="list-style-type: none"> Foreign Affairs Committee Foreign Trade and Customs Committee Transport and Communication Committee Committee for Preparation of the Election of the Council of Ministers Gender Equality Committee Committee for Fighting Corruption and Kleptocracy. <p>HoP:</p> <ul style="list-style-type: none"> Foreign and Trade Policy Committee <p>Joint committees</p> <ul style="list-style-type: none"> Joint Committee on Defence and Security of Bosnia and Herzegovina Joint Committee on Supervision of the Work of Intelligence and Security Agency of BiH Joint Committee on Economic Reforms and Development Joint Committee on European Integration Joint Committee on Administrative Affairs Joint Committee on Human Rights. 	<ul style="list-style-type: none"> Committee on the Rights and Interests of Communities and Returns Committee on Foreign Affairs and Diaspora Committee on Education, Science, Technology, Innovation, Culture and Sport Committee on the Economy, Industry, Entrepreneurship and Trade Committee on Agriculture, Forestry, Rural Development, Environment, Spatial Planning and Infrastructure Committee on Health and Social Welfare Committee on Public Administration, Local Governance, Media and Rural Development Committee on Security and Defence Affairs Committee on Human Rights, Gender Equality, Victims of Sexual Violence During the War, Missing Persons, and Petitions Committee for Oversight of Public Finances Oversight Committee for Kosovo* Intelligence Agency 	<ul style="list-style-type: none"> Administrative Committee Committee on the Political System, Judiciary and Administration Security and Defence Committee Committee on International Relations and Emigrants Committee on Human Rights and Freedoms Gender Equality Committee Committee on Education, Science, Culture and Sport Committee on Tourism, Agriculture, Ecology and Spatial Planning Committee on Health, Labour and Social Welfare Anti-corruption Committee 	<ul style="list-style-type: none"> Committee on Constitutional Issues Committee on Defence and Security Committee on the Political System and Relations Between Communities Committee on Foreign Policy Committee on Issues Related to Selections and Appointments Standing Investigative Committee on Protection of Citizen Rights and Freedoms Committee for Oversight of Work of the Bureau on Security and Counter-Intelligence and the Intelligence Agency Committee for Oversight of Implementation of the Measures for Tapping into Communications Committee on Economic Issues Committee on Agriculture, Forestry and Water Management Committee on Transport, Communications and Ecology Committee on Education, Science and Sport Committee on Culture Committee on Health 	<ul style="list-style-type: none"> Agriculture, Forestry and Water Management Committee Committee on Admin., Budgetary, Mandate and Immunity Committee on Education, Science, Tech Development and Inf. Society Committee on Human and Minority Rights and Gender Equality Committee on Kosovo*-Metohijha Comm. on Labour and Social Issues, Incl., Poverty Reduction Committee on Spatial Planning Transport, Infrastructure and Telecomms Committee on Diaspora and Serbs in Region Committee on Economy, Regional Dev., Trade, Tourism and Energy Committee on Judiciary, Public Admin. and Local Gov Committee on Rights of Child Culture and Information Committee Defence and Internal Affairs Committee Environmental Protection Committee Foreign Affairs Committee

					<ul style="list-style-type: none"> • Committee on Labour and Social Policy • Committee on Local Self-Government • Committee on Equal Opportunities for Women and Men • Committee on Issues Related to the Rules of Procedure, Term of Office and Immunity 	<ul style="list-style-type: none"> • Health and Family Committee • Security Services Committee
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Notes: In Serbia, most standing committees have 17 members and three of them have one member less. The two exceptions are the Committee on the Rights of the Child, which has 31 members, and the Security Services Control Committee, which has 9 members.

For Montenegro, information about parliamentary committees is based on the convocation and structure of Parliament in 2020-2023 before the 2023 parliamentary elections, when all standing committees had 13 members.

Sources: Parliamentary administrations, parliament websites and official publications.

All parliaments of the Western Balkan region have dedicated standing committees that cover legislative and constitutional issues related to legislation, and all also have dedicated committees that deal with fiscal and budgetary issues and with EU integration. In addition, a good deal of diversity reflects different political and policy priorities as well as parliamentary traditions in the structure and composition of parliamentary committees of selected administrations.

Although procedures and rules for the composition and membership of standing committees in Western Balkan parliaments differ, they often require balanced representation of different parties and/or ethnic and regional groups. In **North Macedonia**, membership and composition are determined by Parliament based on a proposal of the Committee for Elections and Appointments, considering the actual number of elected MPs (which can vary between 120 and 140). There are also special requirements for equal representation of parliamentary groups and individual MPs without any association to party groups.

Similarly, while the composition of parliamentary permanent committees in **Kosovo*** reflects the relative size of political parliamentary groups, special requirements and arrangements also guarantee the representation of certain communities in the committees. For example, at least one of the vice-chairpersons of each committee shall be of another community than the chairperson. In **BiH (State)**, the HoR committees cannot have more than nine members each and are proportional to the size of the HoR caucuses. HoP committees consist of six members each. Both Houses may form permanent or temporary joint committees for dealing with specific issues, as well as for preparing and submitting draft laws and other acts. An equal number of members from both Houses are elected to any joint body.

In **Serbia**, MPs are, on average, members of two or three committees and may become deputy members of several others. In **Montenegro**, the RoP do not specify the number of committee members, and the number has fluctuated between 11 and 13 (all standing committees during the last parliamentary term of 2020-2023 had 13 members). According to Article 34 of the RoP, the composition of standing committees, including the number of members, chairperson and deputy chairperson are determined at the occasion of their election at the start of each term and, as a rule, corresponds to the party representation of MPs in the Assembly. At least three committee chairs are elected from the parliamentary opposition. An MP can be a member of a maximum of three standing committees.

Finally, in **Albania**, as noted above, the number of standing committees is comparatively small. However, with each committee having an average of 20 members (i.e. ranging from 14 to 26), the number of members is high compared with other Western Balkan parliaments.

Standing committees need support and resources to assist their legislative and oversight activities. This support is provided mostly through the parliamentary administration. In **Albania**, 24 staff are permanently allocated to the support work of committees. Each committee is assigned at least two advisors and one secretary to support its work, with the number of staff allocated varying depending on the committee's workload.

In **North Macedonia**, the Department for Working Bodies of the Parliament in the parliamentary service is responsible for providing administrative support to committees. The department's 8 units had 37 full-time expert staff in 2022. On average, each standing committee in North Macedonia is supported by two to five staff members, and we found similar numbers in **Serbia**. In **Kosovo***, a varying number of full-time staff (two to four) supports each committee. Additionally, the chair of the committee has an assistant. During the scrutiny process for draft laws, advisors of the Directorate of Legal and Procedural Affairs of the Assembly also support each committee. In **Montenegro**, each parliamentary committee is served by a dedicated secretariat that is part of the Sector for Support to Legislative and Oversight Functions of the Parliament. In **BiH**, about 30 full-time officials of the parliamentary administration are tasked with providing support for committee work. Each BiH parliamentary committee is aided by one to three staff members.

Political party groups

Political groups (parliamentary parties) that unite MPs based on political party membership or common political objectives play a key role in the lawmaking process. They are involved in planning legislative work and lawmaking through their representation in leadership structures and committees. Their leadership is involved in arranging parliamentary timetables through their participation in governing bodies, and the chairs of standing committees require the support of their respective groups for their election. Parliamentary groups may also prepare and draft specific legislative initiatives of their own, contribute to discussions on draft laws, and formulate and propose amendments. Opposition political groups are typically the major driving force behind post-legislative monitoring and evaluation.

Table 5. Parliamentary party groups

	ALB	BIH-State	XKV	MNE	MKD	SRB
Number of political party groups in parliament	4	9	6	10	4	8
Minimum number of MPs required to form a party group	7	3	6	3 (2 if MPs are from minority lists)	5	5
Number of support staff assigned to party groups	24 political staff; 24 administrative staff in regional offices	NA	NA (one adviser for 10 MPs)	NA	21 (one adviser for 5 MPs)	50 (one adviser for 5 MPs)

Notes: Information as of end-2022 or the most recent date available. Figures for Montenegro relate to the 2020-2023 convocation. In Kosovo*, 64 political staff were engaged in Parliament work, and some were directly involved in supporting party groups.

Source: SIGMA analysis, based on review of regulations and information collected.

The number of political party groups and the size of their membership vary in the region (see Table 5). In **Serbia**, according to the RoP of the Assembly (Article 22) at least five MPs are needed to form a parliamentary party group. The party group is considered formed after the signed list of all members is submitted to the Speaker of the National Assembly. In **BiH (State)**, according to the RoP of the HoR, a

party group can be founded by at least three MPs. MPs can also establish mixed-party groups. The rights and duties of mixed-party groups are the same as for all other groups. MPs who have not joined any group can be members of mixed-party groups.

In **North Macedonia**, the minimum number is five, and in **Kosovo*** six. In **Albania**, the Assembly's RoP (Article 15) specify a minimum number of MPs necessary to form a parliamentary group (seven). Each MP can be a member of only one parliamentary group. When the number of MPs of a parliamentary group falls below the minimum of seven, the group automatically ceases to exist. In **Montenegro**, apart from the general rule that a minimum of three MPs are required to form a party group, an exception allows a lower threshold of two MPs if they come from electoral lists that competed through "minority lists" (RoP, Article 32).

Parliamentary groups employ their own support staff, but precise figures vary. In **Kosovo***, one adviser is allocated for any group of ten MPs. In **North Macedonia**, one administrative assistant is assigned to every 5 MPs, with a total of 21 assistants appointed to party groups for administrative work. Additionally, ten full-time staff work in the Unit for Support to the Parliamentary Groups in the Department for Support to the General Secretary. In **Albania**, 24 political advisers are involved in providing direct support to parliamentary party groups. Additionally, 24 secretaries are engaged in the regional offices of party groups in Albania. No statistics are available on staff involved in supporting MP groups in BiH (State) and Montenegro.

Parliamentary administrations and services

The effectiveness and efficiency of a parliament and its working bodies depend greatly on the availability, quality and expertise of the staff working in parliamentary administration and services. Parliamentary administration and services play a key role in ensuring the effective organisation of the work of individual MPs, committees, other working bodies and the plenary. MPs need both administrative and expert services to perform their functions and tasks (see Box 5). Similarly, parliamentary bodies such as committees rely heavily on non-partisan staff to help them organise and execute their work effectively.

The organisation, internal rules and procedures of parliamentary administrative services are regulated by relevant legislation and parliamentary RoP in all Western Balkan parliaments. Some countries, such as **North Macedonia**, also have detailed rulebooks on parliamentary administrative services' internal organisation and structure, and the systematisation of positions³². These rulebooks provide more detailed information about staffing levels, job descriptions, institutional setup and responsibilities of different organisational structures and units.

Parliamentary administrations and services in the Western Balkan region are largely of comparable size in terms of number of permanent staff (Table 6). Between 200 and 300 staff are employed in the parliamentary administrations and services of Western Balkan parliaments, counting both administrative (professional service) and political staff (such as those hired by political groups and MPs). The average number of staff per MP is approximately 2.1 in most parliaments, except for **BiH (State)** where there are, on average, 3.1 staff members for each MP.

All parliaments of the region employ both non-partisan and political staff. The status of regular non-partisan employees of parliamentary services is typically established through the same laws that regulate administrative employees or civil servants working in the executive branch. Additional provisions and

³² Rulebook on Internal Organisation of the Parliamentary Service, North Macedonia, and Rulebook on Systematisation of Positions in the Parliamentary Services, <https://www.sobranie.mk/content/Sistemizacija%20-%20Sluzba/Pravilnik%20za%20sistemizacija%20na%20rabotni%20mesta%202021-korigiran.pdf>.

flexibility are provided in some instances to allow the employment of political staff to work with MPs and political party groups, as well as to preserve the independence of parliament in its management.

At the end of 2022, the **Albanian** Parliament had the highest number of administrative staff in the region (almost 300), while **Montenegro** had the lowest number of parliamentary staff (192). **BiH (State)** had 174 staff, while the number of employees working in parliament in **Kosovo*** (241) was similar to **North Macedonia** (257).

In **Kosovo***, there were 177 non-political and 64 politically appointed staff. The administration of the Kosovo* Assembly is composed of civil servants managed by the Secretary-General of the Assembly, who is recruited in accordance with relevant legislation on the civil service. Administration employees are civil servants who have special status and are expected to be regulated by the Law on Public Officials and a special act approved by the Presidency of the Assembly. When this study was completed (October 2023), the special act had not yet been approved by the Assembly. In addition, the Assembly has political staff hired to support the activities of the President of the Assembly, the Deputy President of the Assembly and parliamentary groups.

It is worth noting that all parliaments also have additional budgets to engage external experts for specific tasks related to lawmaking and oversight, although the relevant rules vary.

Table 6. Parliamentary administration, services and administrative units that support lawmaking

	ALB	BIH-State	XKV	MNE	MKD	SRB
Total number of staff working in parliament, including:	297	174	241	218	257	349
<i>Political staff</i>	72	NA	64	22 (maximum)	NA	NA
<i>Administrative (non-partisan) staff</i>	225	174	177	196	NA	NA
Number of staff per MP	2.1	3.1	2.1	2.4	2.1	1.4
Head of parliamentary services	General Secretary	Three secretaries (Secretary of HoP, Secretary of HoR and Secretary of Common Service)	General Secretary	General Secretary	General Secretary	General Secretary
Who appoints the head of parliamentary service	Bureau	Collegium (Chair is rotating)	Presidency, following senior civil servant recruitment procedures	Parliament, in plenary vote on the proposal of the President of the Parliament	Parliament, on the proposal of the Committee for Nominations and Appointments	National Assembly, on the proposal of the Speaker
Status of administrative staff	Civil servants, same as ministry officials, and administrative/auxiliary staff	Civil servants	Civil servants with special status	Civil servants and employees	Administrative servants	Civil servants or general employees
Research and analytical unit	Parliamentary research and library service	Research Section	Directorate for Research, Library and Archives	Parliamentary Institute, Research Centre,	Parliamentary Institute,	Parliamentary library service

	Parliamentary Institute			Parliamentary Budget Office	Parliamentary Budget Office	
Legislative service	General Directorate for Legislation Legislative Service	Legal Section of Common Service	General Directorate for Legislative and Procedural Affairs	Sector for Support to Legislative and Oversight Functions of the Parliament	Legal Department of the Parliamentary Service	Legislation sector of National Assembly Service
Parliamentary institute	Yes (since 2022)	No	No	Yes	Yes	No
Dedicated units supporting EU legislation approximation or integration processes	Yes General Directorate for EU Affairs (June 2023)	Yes Section on EU Integration of the Common Service	Yes Directorate for Standardisation, Approximation and Legal Harmonisation	No	Yes Department for Support to the National Council on EI Monitoring	Yes European Integration Department, International Relations Sector

Notes: Analysis based on data and information from parliamentary administrations (state of play: end of 2022 or later); Kosovo* data taken from the 2022 parliamentary financial report.

Source: SIGMA analysis, based on regulations and data provided by parliamentary administrations.

All Western Balkan parliaments have dedicated units that support research and analysis. These units or services are formally tasked with providing essential research and analytical support to MPs during the preparation and initiation of legal drafting work. However, the capacities of these units are circumscribed and their involvement in actual lawmaking processes appears to be limited. In general, there are no dedicated policy experts and economists with adequate technical skills and knowledge that can carry out complex research and analysis of impacts and risks of draft legislative proposals to help MPs prepare and scrutinise legislative proposals based on systematic evidence.

Montenegro and **North Macedonia** have parliamentary institutes as part of their administrations. These structures are responsible for providing dedicated research and library services to MPs to perform lawmaking and other functions. **Albania** established a similar institute in 2022, with three divisions. The first division provides analysis and research services; the second focuses on citizen feedback and engagement issues; and the third is the library and archive service.

By contrast, **Serbia**, with the largest parliament in the region, does not possess a dedicated parliamentary research service. The parliamentary library performs research support functions, mostly in the form of searches for specific data and information for MPs when draft laws are being considered in Parliament. The library service of the Serbian Parliament receives approximately 30 such requests per annum³³. Meanwhile, **BiH (State)** has a research section as an organisational unit of the Common Service of the Parliament. This section is tasked with preparing background materials on policy topics that draft laws are expected to address. The direct contribution of parliamentary institutes to evidence-based lawmaking is difficult to gauge.

Another important feature of the Western Balkan parliamentary administrative services is their dedicated units to deal with EU integration matters. The main functions of these units relate to the work of the relevant parliamentary committees and co-operative arrangements responsible for EU integration processes (see Chapter 3). Three examples illustrate their functioning: in **Serbia**, the key role is played by the European Integration Department, which forms part of the International Relations Sector of the Assembly's administrative service. Its tasks include the analysis of draft laws and other acts to check their compliance against the EU *acquis*, preparation of the table of concordance of a proposed draft law, and the preparation of opinions to justify a request for applying abbreviated procedures of scrutiny and approval. The

³³ <http://www.parlament.gov.rs/narodna-skupstina/-organizacija-i-strucna-sluzba/biblioteka-narodne-skupstine.1506.html>.

department also carries out comparative analyses of the *acquis* to provide information about the need to harmonise relevant regulations with the *acquis*, and it liaises with the relevant EU institutions and parliaments³⁴. In **Montenegro**, representatives of parliamentary services are sometimes involved in accession negotiations through membership in the working groups for preparation of negotiations on negotiation chapters, formed by the Government of Montenegro.

The European Affairs Committee (EAC) is one of the permanent committees of the **Albanian** Parliament. It is responsible for overseeing all issues related to European integration: the approximation of Albanian legislation with EU legislation; monitoring the implementation of criteria during the negotiation process; commitments derived from the negotiating framework; the Stabilisation and Association Agreement; EU financial assistance for Albania; and examining and giving recommendations on negotiating positions³⁵. The administration has a dedicated unit to support European integration functions. Moreover, the National Council for European Integration (NCEI) is assisted by a Technical Secretariat, which consists of employees of the administration of the Albanian Assembly. The secretariat performs advisory and administrative functions. Detailed rules for the composition, organisation, operation, number of employees and responsibilities of the Technical Secretariat are approved by a decision of the Bureau of the Assembly.

Amendments were made to the Law on the Role of Parliament in the EU Integration Process in March 2023, clarifying and enhancing the role of the legislative branch in overall EU integration processes in the new phase of accession negotiations³⁶. A new organisational structure was subsequently approved to establish a new Directorate-General to deal with all EU integration-related issues within the Albanian Parliament. The new EU directorate within the administration is expected to carry out legislative scrutiny of all laws that aim to transpose EU legislation. It is also tasked with supporting the EAC during the drafting of reports by providing recommendations for negotiation positions and monitoring the implementation of obligations derived from them in the EAC and NCEI.

Box 5. Availability of resources and expertise for parliamentarians in the Western Balkans and selected EU countries

Parliamentarians require adequate resources, skills and expertise to perform their core lawmaking, representation and oversight functions. Preparing, planning and drafting laws requires key data and expertise from parliamentary services.

A study conducted by the National Endowment for Democracy in 2020 shows that, overall, the parliaments of the Western Balkan region have fewer resources than those of selected EU Member States. The study analysed available information and data about parliamentary budget allocations to hire staff to work for MPs and MP groups, such as personal assistants, political staff for MP groups and non-partisan parliamentary administrative staff. All parliaments allocate some sort of allowance to MPs, but the level and type of allowance is different in each country. In general, Western Balkan parliaments had the lowest overall budgets compared with the other countries.

The study concluded that institutionalised support is required for MPs to perform their lawmaking and other functions effectively and that available resources should be allocated to all MPs equally. It was found that the parliaments commonly allocate funds to engage external experts for specific tasks.

³⁴ According to the National Assembly of the Republic of Serbia website.

³⁵ Law No. 19/2023 Introducing Some Amendments to Law No. 15/2015 on the Role of the Assembly in the Integration Process of the Republic of Albania in the European Union.

³⁶ *Ibid.*

This approach, which was used most often by the committees, strengthens the effectiveness of MPs, committees and parliamentary groups.

Notes: The study is based on information collected through a survey of parliaments of 15 European legislatures, including the six Western Balkans administrations (Albania, BiH, Kosovo*, Montenegro, North Macedonia and Serbia), Central European countries (Czechia, Hungary, Poland, Slovakia, Slovenia and Croatia) and three Baltic States (Estonia, Latvia and Lithuania). Ten parliaments provided responses to the survey (Albania, BiH, Czechia, Estonia, Hungary, Kosovo*, Montenegro, North Macedonia, Serbia and Slovakia).

Source: NDI (2020), Stronger Parliaments Vital to Democracy, [Overview of Resources and Expertise available to Members of Parliament.pdf \(ndi.org\)](#).

Openness, accessibility and transparency of parliamentary lawmaking

Parliaments are expected to exercise their legislative, representative and oversight authority in an open and transparent way. Parliamentary business, whether conducted in committees or the plenary, should be as open as possible. Closed or confidential procedures should be restricted to tightly defined circumstances and be subject to strict conditions. A parliament's work should be made as accessible and transparent as possible, notably through audiovisual and IT technology, so that citizens can directly observe what the parliament does and also have the opportunity to communicate concerns and views to MPs, parliamentary parties and, when appropriate, parliament as a whole.

Enabling public input implies that, for example, parliamentary procedures and processes are clear and fully documented; parliamentary calendars or the conclusions of meetings of parliamentary working bodies are publicly available; the evidential bases on which MPs make their decisions (i.e. the documents available to them when they consider draft laws) are fully transparent; and the legislative behaviour of MPs is fully documented and easily observable.

Openness, accessibility and transparency of parliamentary proceedings are fundamental principles that help achieve evidence-based lawmaking, even though a certain degree of confidentiality may help MPs from different parties find reasonable compromises, especially at the committee stage³⁷. Of course, these principles are not just relevant in relation to a parliament's legislative functions. They matter at least equally when representation and executive oversight are at stake. Only when citizens can observe what their elected representatives are doing can they be effectively held to account at the next election; and only if citizens can easily communicate with their elected representatives are the latter able to take their opinions and concerns into account. Parliamentary oversight functions similarly require openness, accessibility and transparency, for only then are citizens able to assess whether their elected representatives are making sustained efforts to hold the government to account.

The ability of citizens to observe the work of parliament depends largely on the information provided by parliaments, MPs and parliamentary groups. Moreover, regular communication can help identify policy challenges and generate data, information and knowledge about the impacts, costs and benefits of legislative initiatives. Regular communication with citizens, economic interests and civil society representatives is also important for MPs. While individual MPs and political party groups can be expected to use social media and electronic means of communication to reach out to their constituents, it is the role of the parliament's leadership, supported by the parliamentary administration and services, to ensure the openness, accessibility and transparency of a parliament's legislative work. This has a major impact on public trust and understanding, and on overall assessment of the quality of parliamentary lawmaking.

³⁷ Fasone, C. and N. Lupo (2015), Transparency vs. Informality in Legislative Committees: Comparing the US House of Representatives, the Italian Chamber of Deputies and the European Parliament, *The Journal of Legislative Studies* 21(3), pp. 342-359.

Websites of parliaments

Parliamentary websites are of central importance in promoting openness, accessibility and transparency (Table 7 summarises key information). In **Serbia**, the National Assembly website contains a large amount of material, but it is not easily searchable. It provides information on the structure and composition of the National Assembly, its activities, all adopted acts, contact information for all MPs, information relevant to the media, and a very detailed archive of the National Assembly. The Parliament's website is bilingual, i.e. in addition to Serbian (in both the Cyrillic and Latin alphabets), basic information is also available in English, although this is not the case for adopted documents.

Plenary sessions are broadcast live on the RTS Public Service as well as streamed live on the Parliament's webpage, recorded and archived on the Parliament web page and the Parliament YouTube channel. Committee sessions are also broadcast live, recorded and archived on the Parliament webpage and the Parliament YouTube channel³⁸. For internal purposes, there is an eParliament portal and an intranet system. The former contains all draft laws and supporting documents accessible to all MPs, while the latter is used for the internal organisation of parliamentary work, such as scheduling meetings, booking rooms and other activities. Information about Parliament work plans is not prepared, despite Article 28 of the RoP of Parliament requiring it.

In **BiH (State)**, the Open Parliament project was initiated to bring the BiH Parliamentary Assembly and its work closer to BiH citizens through a series of organised group study visits³⁹. The project is also aimed at increasing the transparency of parliamentary work and raising awareness about its role in BiH democratisation. Key information on the lawmaking process is published on the BiH Parliament's website, despite it experiencing a cyber-attack in 2022 that temporarily halted some of its services⁴⁰.

In recent years, **Montenegro** has made significant efforts to ensure the openness, accessibility and transparency of its parliamentary processes. Thus, as regards the legislative process, all documentation pertaining to the lifecycle of every proposed law (from submission to final decision) has been made available and is easily searchable on the parliamentary website. The Montenegrin parliament also has an open data policy:

Recognising the importance of publishing data in an open format for the transparency of its work and state administration in general, the Parliament of Montenegro, as of 13 November 2020, publishes open format data on the website, which represents a legally defined central location for publishing open data of Montenegro's state bodies. The number of published collections of data is constantly increasing, whereby special attention is paid to promptness and accuracy of the data⁴¹.

It should be noted, however, that a cyber-attack on Montenegrin official domains in August 2022 meant that the open data portal was offline for nearly a year and functionality was still restricted at the time of writing.

In **Kosovo***, information and documentation related to the Parliament and its activities is published on the official website⁴². A section with draft and approved laws, which fully documents the legislative process of each law and accompanying documents, is available on the official webpage. Citizens can subscribe to

³⁸ <http://www.parlament.gov.rs/prenosi/sednice-odbora-i-ostalih-radnih-tela.2094.html>;
<http://www.parlament.gov.rs/prenosi/sednice-narodne-skupstine.2083.html>.

³⁹ <https://www.parlament.ba/Content/Read/234?title=OBosniHercegovini&lang=en>.

⁴⁰ <https://www.parlament.ba/>.

⁴¹ <https://data.gov.me/>.

⁴² <https://www.kuvendikosoves.org>.

receive notifications of draft laws in the procedure. The website provides regularly updated information on all approved and draft laws included in the parliamentary scrutiny process as well as the initiating institutions and dates of admission, distribution, reading stages, final approval and entry into force. Citizens can also submit questions to individual MPs.

Regarding accessibility, the committee in charge of a draft law may hold a hearing session with representatives of public institutions and civil society, experts, representatives of interest groups, and interested citizens. The invitation to the hearing, the session's agenda, the draft law to be discussed and any accompanying materials are posted on the website at least five days prior to the meeting. The public hearing is open to all interested parties, but for logistical reasons prior confirmation is required to participate in it.

In **North Macedonia**, the parliamentary website includes general information on the organisation and responsibilities of the Assembly and its working bodies, relevant legislation, information about MPs, and detailed information on parliamentary legislative calendars, such as dates of plenary sessions, meetings of the standing committees and other events. Information on plenary sessions covers the session start date, its status and the agenda and the status of each item on the agenda. There is also detailed information on committee meetings, including the name of the committee, the date of the meeting, the status of the meeting and the agenda, and the status of the discussion (document reviewed or not reviewed).

It is noteworthy that the website's functionality enables searches for specific laws and regulations, with links based on date of submission, proposing institution, latest status (first reading, second reading) and relevant standing committee, allowing users to access draft laws and related documents. The website also presents questions submitted to the Government by individual MPs, providing the question, its status (submitted or answered), date of submission, name of MP who posed the question, and official/institution to whom the question was addressed. Key information is available in Macedonian and Albanian, with generic information also provided in English and French.

In **Albania**, the website of the National Assembly⁴³ contains general information about the structure and composition of the Parliament, its activities and all adopted acts. It also provides contact information of all MPs and detailed information about the plenary and committee sessions. The website has full information about the work programme (six or nine weeks) and the detailed work calendar (three weeks). It allows the registration of civil society organisations (CSOs) and other interest groups for participation in discussions and meetings organised by parliamentary bodies. If committees want to organise public hearings, they consult the list of registered CSOs and invite them for meetings. A manual on CSO participation in lawmaking is available, providing guidance for officials on how to engage with stakeholders. The website platform can notify stakeholders of public hearings and other events and allows the collection of feedback. However, the ultimate decision on which laws to consult externally is taken by the lead committee.

The Albanian National Assembly also has a practice of involving representatives of civil society and interest groups to discussions related to European integration, and of seeking their feedback on various policy issues. For example, CSO representatives were invited to a meeting of the Committee on EU Affairs held in March 2023 to discuss the draft Law on Some Changes and Additions to Law No. 9/2013 on Audiovisual Media in the Republic of Albania⁴⁴. They were also consulted as part of the process to amend the law on the role of the Assembly in EU integration.

⁴³ <http://www.parlament.al/>.

⁴⁴ Based on information available on the website.

Table 7. Availability of information on legislative planning and lawmaking on parliament websites

	ALB	BIH-State	XKV	MNE	MKD	SRB
Legislative planning						
Availability of parliament work plan	Yes 6- or 9-week work plans & 3-week calendar	Yes	No formal work plan published	Yes, (latest annual plan for 2021)	No formal annual work plan 2-3 week calendar	No annual work plan adopted and published
Calendar and agenda of plenary session meetings	Yes	Yes	Yes (3 days before)	Yes	Yes	Yes
Calendar and agenda of committee meetings	Yes	Yes	Yes, daily calendar	Yes	Yes	Yes
Minutes and conclusions of committee meetings	Yes	Yes	Yes	Yes	Yes	Yes
Minutes and conclusions of the governing body	Yes	No	Yes	No.	Yes	NA
Audio/visual recordings of plenary sessions	Yes	Yes	No	Yes	Yes (TV channel)	Yes
Audio/visual recordings of committee meetings	Yes	No	Yes	Yes, (YouTube channel of the Parliament)	Yes (TV channel)	Yes
Lawmaking process						
Draft laws included in the agenda	Yes	Yes	Yes	Yes	Yes	Yes
Timeline and stage of parliamentary scrutiny and approval for each law	Yes	Yes	Yes	Yes	Yes	No
Information about proposed amendments of individual laws	Yes	Yes	No	Yes	Yes	No
Explanatory notes	Yes	Yes	Yes	Yes	Yes	Yes
Statements of EU law compliance	Yes	Yes	Yes	Yes, for laws proposed by Government	Yes	Yes
RIA reports related to laws	Yes	Yes	No	Yes, for laws proposed by Government	No	Yes
Reports on public consultation carried out by government	Yes	Yes	No	On the Government website	No	No, but information may be included in RIA reports
Government opinions on MP-initiated laws	No	Yes	Yes	Yes	No	No
Information about voting record of individual MPs	Yes	Yes	No	Yes	No	Yes (in Serbian)
Written questions of MPs to government, and answers	No	Yes	No	Yes	Yes	No
Evaluation reports on individual laws	No	No	No	No	No	No
Annual reports of parliament	Yes	Yes	No	Yes	Yes	No

Note: In Kosovo*, the annual report of Parliament was prepared for the first time in spring 2023, following adoption of the new RoP of the Parliament in 2022. However, the report had not yet been published as of June 2023.

Source: SIGMA, based on review of national parliament websites (as of May 2023).

Annual reports of parliaments

Although retrospective in nature, annual reports on the activities of parliament can be a useful complement to sources of information that allow for the monitoring of parliamentary activities in real time. Annual reports of parliaments typically provide information about the parliament's legislative work during the previous year, including the number of laws considered, and meetings and discussions held by parliamentary working bodies. Annual reports may also include information about parliaments' post-legislative activities and *ex post* reviews. The annual parliamentary reports of **North Macedonia**⁴⁵, **BiH (State)** and **Albania**⁴⁶ provide full information about the work of the legislative body, including detailed information on all draft laws and amendments considered by parliament in the previous year. The reports also highlight key activities and meetings MPs attended in the previous year, including meetings and work on EU integration issues.

In **Montenegro**, the Parliament likewise prepares an annual report on its activities as well as semi-annual reports, albeit irregularly. No annual report is prepared and published by the Parliament of **Serbia**. The new RoP of the Parliament of **Kosovo***, adopted in 2022, require Parliament to prepare and publish an annual report. Thus, an annual report of Parliament was prepared for the first time in 2022, but it had not been published as of October 2023.

⁴⁵ <https://www.sobranie.mk/godishen-izveshtaj.nspix>.

⁴⁶ <https://www.parlament.al/>

In brief

Main conclusions of Chapter 2

The preceding review of key features of Western Balkan parliamentary systems highlighted several observations that matter for their capacity to engage in evidence-based lawmaking. First, **explicit and comprehensive legal and regulatory frameworks govern lawmaking throughout the region**. Constitutional and statutory provisions are regularly complemented by detailed rules of procedure of parliament; in several cases, specialised rules ensure the quality of legal drafting. As will be discussed in detail in Chapter 4, the legal and regulatory frameworks often contain detailed provisions regarding evidence to be considered in the preparation of legislative drafts, such as regulatory impact assessments, and documentation that must be made available to parliament by the initiators of draft laws. Thus, **the legal bases for evidence-based lawmaking are in place, although the quality and consistency of implementation of the relevant standards and provisions vary**.

Second, **the basic institutions of parliamentary lawmaking are in place, including parliamentary governing and leadership structures, committees and political groups**. Our comparative review does, however, indicate important cross-country variations, one major difference being committee structure. The number of standing committees differs substantially – from 8 in **Albania** to 21 in **North Macedonia** and 20 in **Serbia**. Higher degrees of structural variation increase the need for inter-committee co-ordination, as draft laws may cut across committee boundaries. They also make the pooling of expertise on the part of MPs and support staff more challenging.

Yet, differentiation may also encourage specialisation and help reduce the risk of powerful interests capturing “super-committees”. Having a large number of committees can also create additional challenges for MPs to participate in and contribute to committee work. This applies especially to parliaments that have a smaller number of MPs, and MPs are involved in the work of more than one committee.

Third, **parliamentary support services exist throughout the region, numbering between 200 and 300 staff**. A major recent survey of parliamentary administrations in Europe that includes country chapters on **Albania, BiH (State), Montenegro, North Macedonia and Serbia** underlines the extent to which **parliamentary administrations condition the ability of individual MPs and committees to engage with the legislative process in a critical and informed manner**⁴⁷. This observation relates to the scrutiny of draft laws; the submission of amendments; the development of legislative initiatives (often aimed at amending legislation already in force); and post-legislative scrutiny and *ex post* monitoring and evaluation.

Some parliaments have recently sought to enhance parliamentary resources designed to support evidence-based deliberations and decision making. Examples include the creation of parliamentary institutes and, in the case of **Montenegro** and **North Macedonia**, a Parliamentary Budget Office, intended to provide support to MPs in the area of public financial management and budget analysis.

⁴⁷ Christiansen, T., E. Griglio and N. Lupo (eds.) (2023), *The Routledge Handbook of Parliamentary Administrations*, Routledge, London.

Fourth, **parliamentary functions related to European integration, notably parliament's role in legal harmonisation and, to a lesser extent, providing input into and monitoring negotiations between the European Union and national governments, leave a major imprint on the organisation of parliament.** This observation applies to both the political level – most visibly in the creation of standing committees for European integration – and parliamentary services. In some cases, the relevant administrative resources are concentrated in services that directly support the standing committees on European integration. In others there are additional units, such as the European Integration Department of the International Relations Sector in the Parliament of **Serbia**; the Department for Support of the National European Integration Council in the case of **North Macedonia**; and the Unit for Co-ordination of European Integration in **Kosovo***. Knowing how to best organise administrative support and expertise for tasks that cut across the representation, lawmaking, oversight, and monitoring and evaluation domains is a challenge common to all six parliaments.

Fifth, **when it comes to openness, accessibility and transparency, there have been encouraging developments in much of the region,** although, as outlined above, some parliaments have advanced more than others, as with the implementation of an open data policy in **Montenegro**. What deserves highlighting is that the data and information made available to all citizens are increasingly complemented by targeted material, as in **Albania**, for example, where individuals and organisations can sign up to receive information specific to their interests. Also, several parliaments have taken steps to improve interactions with citizens, stakeholders and non-governmental organisations, by both developing protocols for hearings and enhancing their technical infrastructure to allow citizens to interact directly with MPs and parliamentary officials.

3 Planning and co-ordination of legislative work between government and parliament

This chapter addresses three main questions. First, how do governments in the Western Balkans plan and implement their legislative activities? The answer to this question matters because parliaments' legislative agendas are dominated by government initiatives. It is also important to understand the quality of government legislative plans and how they might help or hinder parliaments in planning their own work. Second, how do parliaments prepare their legislative work and what role, if any, do governments play in setting the legislative agenda, establishing priorities, and setting parliamentary timetables for legislative scrutiny? The quality of executive-legislative co-ordination during the planning of legislative work has a decisive impact on the ability of parliaments to scrutinise draft laws effectively and in a timely fashion.

Third, how do Western Balkan parliaments engage in the process of European integration (EI) and in what ways are they involved in discussions and negotiations between the European Union and their governments concerning EI? Given the importance of EI for parliaments' legislative agendas, and the increasing share of laws originating from EI commitments, it is important to understand how well-informed and involved parliaments are in discussions about EI processes, especially in the planning and implementation of legislative commitments arising from the EI process.

Government legislative planning

Why government planning matters for the parliamentary scrutiny of draft laws

In democratic parliamentary systems, the executive branch is typically the single most important originator of legislation. The latest EU public administration country knowledge report⁴⁸ demonstrates that between 2017 and 2020, in almost all EU Member States, governments initiated most of the draft laws eventually adopted by parliament. As explained in detail in Chapter 4, the same observation applies to the Western Balkan region, where 80-90% of laws adopted by parliaments between 2018 and 2022 were government-initiated, except in **BiH (State)**, which experienced very limited legislative activity overall.

Accordingly, the way in which governments prepare, plan and implement their legislative agenda has far-reaching consequences for parliaments' ability to engage in evidence-based lawmaking. Government legislative planning affects the predictability of parliament legislative agendas and, thus, parliaments' ability to prepare, plan and organise their work efficiently and effectively. To do so, it requires full consultation with, and involvement of, all the relevant parliamentary bodies at both the political and administrative levels, and engagement with external stakeholders and experts in some cases. Good legislative work planning

⁴⁸ EC (2022), *Quality of Legislative Process: Building a Conceptual Model and Developing Indicators*, Publications Office of the European Union.

can directly improve the quality of lawmaking by ensuring that sufficient parliamentary time and resources are reserved and allocated to achieve effective, evidence-based scrutiny of draft laws.

One key issue is whether government legislative plans provide reliable guidance for parliaments to plan their own work. Do governments adhere to their work plans or are there major deviations? Substantive deviations from governments' original legislative plans make the preparation and planning of parliamentary work more challenging. Parliamentary scrutiny cannot be effectively planned and implemented if anticipated new government initiatives are not forthcoming on time and if the government's legislative agenda changes frequently and substantially.

Effective legislative planning requires functioning channels of communication, both formal and informal, between government and parliament, so that any changes in government political priorities and plans are communicated to the legislature in a timely and clear fashion. Receiving early notice of likely deviations from official government legislative plans can help parliaments considerably in organising the preparation and scrutiny of legislative work within the legislature more effectively. Early notice also helps reduce the risk of parliaments being forced to respond to urgent legislative requests from the government in an improvised manner.

Finally, the quality of information on individual laws provided by governments to parliaments matters greatly for parliaments to better understand the policy and plan their work effectively. Explaining fully the rationale and objectives of each legislative proposal included in a government legislative plan assists MPs in several ways. It can lead to more evidence-based prioritisation and sequencing of scrutiny work in parliament. It can also help MPs engage in the process of lawmaking at earlier stages when drafts are being prepared and discussed in the executive branch (for example, during public consultations or through participation in specific policy debates with leading policymaking institutions). Such early engagement can increase a parliament's ability to influence policy design and help smooth the passage of draft laws during the parliamentary stages of legislation.

Quality of government legislative planning in the Western Balkans

All governments in the region have rules and procedures in place that envisage the preparation and adoption of government work plans that normally include all legislative measures. This requirement is usually enshrined in government rules of procedure (RoP), but it may also be laid down in statutory law. In some cases, plans cover more than one year and envisage regular updates, so they may take on the character of a rolling plan (Table 8).

In general, all governments adhere to the obligation to produce legislative plans. These plans are accessible to parliament mainly through their official publication rather than through direct communication between government and parliament. **Montenegro** has both annual and multi-annual Government work plans. Its medium-term Government programme includes priorities of Government legislative activities in the short and medium term. Medium-term plans are connected to the Government's political programme as presented to Parliament. In **North Macedonia**, in addition to the Government annual work plans, the Government also prepares biannual legislative plans that are shared with the Parliament. There are also institutional plans of ministries, which cover a three-year period.

In **Kosovo***, the Government officially revises its annual legislative plan during the year and has done so frequently in recent years. There is no restriction or limitation as to how often changes can be made. After each amendment to the legislative programme, the Assembly is informed about the changes within days.

No other government in the region seems to have adopted the practice of officially revising its annual legislative plans and notifying parliament about those changes during the year⁴⁹.

In **Albania**, the Annual Analytical Programme of the Government is the main planning document of the Government, covering all types of legislative and regulatory measures. Preparation of the government legislative plan is regulated by legislation and the RoP of Government. Additionally, the centre of government issues special instructions at the beginning of each planning cycle to guide and support preparation of the legislative plan of government.

In **Serbia**, the General Secretariat of Government is responsible for preparing the Government Annual Work Plan (GAWP), which includes all planned legislative initiatives of the Government. Meanwhile, the Public Policy Secretariat is responsible for preparing the Action Plan for Implementation of the Government Programme (APIGP). It covers all measures, both legislative and non-legislative, as well as government priority objectives, for the entire period of the GAWP.

Table 8. Government legislative planning in the Western Balkans

	ALB	BIH-State	XKV	MNE	MKD	SRB
Government legislative planning document (containing information about draft laws)	Analytical Programme of Draft Acts of Government	Work Plan of Government	Legislative Programme of Government	Annual and Medium-Term Work Programme	Annual Work Programme of Government	Government Annual Work Plan
Period covered in the government legislative plan	Annual	Annual	Annual	Annual and medium (3-year) term	Annual and semi-annual	Annual
Prior consultation with parliament	Yes	Yes	Yes	No	No	No
Does the government officially submit its legislative plan to parliament?	Yes	Yes	Yes	Yes	No, only published	No, only published

Note: In North Macedonia, the government prepares six-monthly legislative plans based on the annual work programme of government. The plans are submitted to parliament every six months.

Source: SIGMA, based on analysis of national regulations and information collected during interviews.

Governments of the Western Balkan region follow different approaches when it comes to sharing their legislative plans with parliament. While some proactively submit the plan with an official letter to parliament informing it about the government's planned legislative initiatives for the upcoming period, other countries share the information indirectly through publication of the plan. **Montenegro, Kosovo*, BiH (State) and Albania** officially submit their legislative plans to parliament. Information about the planned legislative activities of government is not officially submitted to parliament in the other two cases. As required by legislation⁵⁰, the General Secretary of the Council of Ministers (CoM) of **Albania** sends the Analytical Programme of Government to Parliament after it is approved. It is also published in the official gazette.

In **Montenegro**, both the medium-term and annual programmes of the Government are officially submitted to the Parliament and are also published on the Government's web portal. In **Kosovo***, the Government submits both the original and amended legislative plans. But in all six cases, the legislative plans are

⁴⁹ In 2023, the Government of Kosovo was considering changes to the rules of procedure of government. If adopted, this may alter the rules and procedures related to preparation of the government legislative plan and its submission to the parliament.

⁵⁰ Stipulated by the 2003 Law No. 9000 on the Organisation and Functioning of the Council of Ministers, and Decision of Council of Ministers No. 584 of 28 August 2003 on Approval of the Rules of Procedure of the Council of Ministers.

published after their approval and hence available and accessible to MPs and the parliamentary administrations.

In some cases, parliaments are involved in preparatory discussions on the draft legislative plan of government, but this is primarily done through informal channels of communication and mainly extends to the governing political parties. In the cases of **Serbia** and **North Macedonia**, governments do not seem to have a practice of consulting with parliaments during the elaboration of their draft legislative plans.

By contrast, the Legal Office of the Prime Minister of **Kosovo***, as the lead institution of the centre of Government responsible for preparing the legislative programme, involves the Legal Department of the Assembly in preparing the work plan. In **Albania** and **North Macedonia**, designated ministers and the parliamentary governing bodies regularly discuss the priorities of government legislative work. The Albanian administration, through the Office of the Prime Minister (OPM), shares the draft annual analytical programme of the Government with Parliament. Any comments or suggestions received from Parliament are considered by the relevant institution before the programme is formally approved by the Government.

The quality, clarity and consistency of information contained in legislative plans shared with parliament are equally decisive for their usefulness in the planning of parliamentary legislative work. Official government plans may include hundreds of legislative, regulatory and non-legislative measures, which may not necessarily be helpful for planning and scheduling the legislative work of parliament. Poor quality and clarity of legislative plans will create practical difficulties and challenges for MPs to analyse and use the information, reducing their usefulness. This can be a major issue in systems where the legislative plans of government are voluminous and are not officially submitted to parliament. For example, **Serbia's** 2023 GAWP contains more than 1 000 legislative and regulatory measures, including roughly 350 draft laws, and the 2023 Analytical Programme of Draft Acts of the Government of **Albania** includes some 400 items, both legislative and non-legislative measures, but only 60 of them are proposed legislative measures.

Providing only the titles of planned draft laws is insufficient for parliament to understand the rationale and objectives of the draft law and to guide its own preparatory activities. More comprehensive information can help prioritise and sequence parliamentary scrutiny. For example, it can help MPs engage with the relevant ministries to contribute to the lawmaking process in the early stages of preparation and help optimise subsequent parliamentary scrutiny and debate. While most legislative plans contain basic information about legislative initiatives, others include more detail, such as the likely impact on budgets or the need to amend existing legislation. Some government plans even include a separate list of EU-related legislation, while others do not. Certainly, not all government legislative plans contain the main types of information relevant for parliamentary planning of legislative scrutiny (Table 9).

Table 9. Information included in government legislative plans shared with parliament

	ALB	BIH-State	XKV	MNE	MKD	SRB
Title of draft law	Yes	Yes	Yes	Yes	Yes	Yes
Information about lead ministry	Yes	Yes	Yes	Yes	Yes	Yes
Timeline/deadline for government approval and submission to parliament	Yes, quarterly	Yes, quarterly	Yes, exact dates of approval	Yes, quarterly	Yes, monthly	Yes, monthly
Brief rationale/explanation/reasons for new law	Yes	Yes	No	Yes	Yes	No
Information about additional legal obligations arising from the law (adoption of a new law, strategy, or bylaws)	No	Yes	No	No	No	No
Information about the need to amend other laws	No	No	No	No	No	No

Information about the draft law being included in the national plan for EI	Yes	N/A	No	No	Yes	Yes
Information about the draft law being aligned with the Government Program/Priorities	Yes	No	No	No	Yes	Yes
Information about sectoral/cross-sectoral strategies linked with the draft law, if relevant	Yes	Yes	No	No	No	No
Information about the requirement to carry out RIAs	No	No	No	No	No	No
Information about the requirement to conduct public consultations	No	No	No	No	No	No
Information about estimated fiscal impacts	No	No	No	No	Yes	No

Source: SIGMA, based on information and data provided by the Western Balkan administrations.

Some examples help illustrate this variation in the quality and comprehensiveness of information contained in government legislative plans and their usefulness and relevance for parliaments. For instance, the legislative plan of the Government of **Albania** provides detailed information about draft laws, their rationale and objectives. It also indicates whether the planned draft laws are aligned with other Government planning documents, such as the National Plan for European Integration (NPEI) and the National Strategy for Development and EU Integration (NSDEI). In **BiH (State)**, the work programme of the Council of Ministers of BiH consists of a thematic and legislative part and a section related to determining the international activities of the Council of Ministers. The programme is prepared in such a way that it is based on the programmes of the ministries and other institutions. The legislative programme of the Government of **Kosovo*** provides information about the title, lead ministry and indicative timeline of Government approval of the proposed draft law. The programme is officially submitted to the Assembly within days of its approval with an official cover letter.

The implementation of government legislative plans encounters difficulties in most cases, although there are notable differences (Table 10). Deviations from the plan come in two main forms: additional legislation is submitted to parliament that had not been envisaged in the plans; and draft laws envisaged in the plans are not approved by government on time and are carried forward to the next year or abandoned.

On average, approximately 60% of all government-planned laws in the region were not prepared and approved by government as foreseen and thus not submitted to parliament. These draft laws were delayed, and most were carried forward to the next year's annual government work plan. For example, 72% of planned laws in **Montenegro** and 60% in **Kosovo*** were carried forward from 2020 to 2021, largely due to the political situation impacting the legislative work of government and parliament. It is interesting that in **Kosovo*** the Government legislative plan indicates a specific date by which the proposed law is expected to be approved.

Table 10. Indicators on the implementation of government legislative plans in the Western Balkans

	ALB	BiH-State	XKV	MNE	MKD	SRB	WB5 average
Share of government-initiated laws submitted to parliament but not included in the official legislative plan (2021 assessments)	80%	NA	17%	69%	85%	63%	63%
Share of laws not approved on time and carried forward to next year's government legislative plan (2021 assessments)	27%	NA	60%	72%	58%	64%	59%

Notes: WB = Western Balkans. SIGMA indicators measure the share of government-initiated laws submitted to parliament in 2020 but not included in the relevant government's official legislative plan for 2020, and the share of laws planned for adoption in 2020 but carried forward to the work plan of 2021. Data on BiH (State) is not available.

Source: 2021 SIGMA Monitoring Reports and SIGMA data portal, <https://www.sigmaweb.org/publications/monitoring-reports.htm>.

On average, across all Western Balkan administrations, more than 60% of all laws that governments submitted to parliaments for approval in 2021 had not been included in the original government work plans for the same year. Large shares of government-initiated legislation submitted to parliament were not included in the official legislative plans of **North Macedonia** (85%) and **Albania** (80%).

There may be good reasons why such major deviations from the plans occur. Preparation and submission of draft laws outside of official plans can be the result of unforeseen and unforeseeable events and developments. For example, sudden emergencies such as the November 2019 earthquakes in Albania require rapid legislative responses across a range of policy domains. In early 2020, the COVID-19 pandemic led to a profound reordering of public policy priorities for several years and had a major impact on lawmaking in both the European Union and the Western Balkans⁵¹. However, longer-term data and SIGMA analysis through regular monitoring reports suggest that there are also major systemic implementation problems in the government planning systems⁵².

These variations in government legislative planning affect parliaments' capacity for evidence-based lawmaking in several ways. Lack of predictability and uncertainty surrounding governments' legislative intentions matter at both the political and administrative levels of parliament. One key concern is parliament's ability to prepare and plan its own legislative business. Lack of advance notice disrupts timetabling and scheduling at the level of committees, where much of the scrutiny work is done; it also affects the planning of plenary sessions. Synchronisation across committees thus becomes a major concern. These problems become even more acute if there is poor co-ordination among the parliamentary and government administrations. Excessive use of nonstandard, shortened or urgent procedures for approval of laws can further complicate parliamentary business planning. This issue is explored in more detail in Chapter 4.

Low reliability of government legislative plans also makes it very difficult to make the most effective use of parliamentary administrative resources and expert services. When the capacity to anticipate the flow of draft law submissions by the government is low and advance information about the content of legislation is limited, administrative services can do little by way of preparatory work and cannot anticipate the likely informational needs of MPs. Under such conditions, it is then very difficult to prepare briefs, organise public hearings or mobilise outside expertise. Hence, the quality of scrutiny is bound to suffer.

⁵¹ Chiru, M. (2023), *Parliamentary Oversight of Governments' Response to the COVID-19 Pandemic: Literature Review*, European Parliamentary Research Service, Brussels, [https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU\(2023\)740217](https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2023)740217)

⁵² SIGMA Monitoring Reports (2017, 2021), <https://www.sigmaweb.org/publications/monitoring-reports.htm>.

Planning of legislative work in parliaments

Why good parliamentary planning of legislative work is important

Good planning and organisation in parliament matter for the effective scrutiny of draft laws for several reasons. First, parliamentary scrutiny is a complex process with multiple steps and involves many internal and external bodies. Co-ordination and synchronisation are essential and can help optimise the scheduling and organisation of meetings, discussions and debates in parliament. Second, planning can help allocate administrative resources and ensure their optimal use in the scrutiny process. Third, good planning within parliament can increase the effectiveness of engagement with external stakeholders and the public, for example by providing advance notice for public debates and consultations on major legislative initiatives.

Finally, planning is important for individual MPs to prepare and plan their involvement in the scrutiny process. MPs are often engaged in the work of several working bodies simultaneously, while also having to deal with many other non-legislative tasks and obligations. Good planning is essential for their effective participation in deliberations on draft laws, contributing to evidence-based lawmaking (see Box 6 for information on legislative planning in selected EU countries)

The challenges of procedural organisation affect the allocation of resources for legislative scrutiny. This concerns both MPs and parliamentary support staff, notably regarding the time they can commit to scrutiny and its effective preparation, both of which matter for the quality of scrutiny. In some countries, parliaments must deal with short-term priorities and consider practical obstacles when it comes to their legislative calendars to ensure the continuity of parliamentary business. The timely mobilisation of MP and staff time can be especially challenging in multilingual parliaments, such as in **BiH (State)** or **Kosovo***, where the need to work in more than one language puts restrictions on the availability of administrative staff.

Box 1. Policy prioritisation and legislative planning in selected EU countries

Like the Western Balkan parliaments, the experience of EU Member State parliaments in planning and organising parliamentary work varies. In general, monitoring implementation of the legislative agenda within a parliamentary institution is an essential attribute of good governance. A legislative or – in general – a regulatory agenda informs parliamentarians, especially of opposition parties, and society at large about the policy priorities and work plan of the legislative body in the ongoing or upcoming parliamentary session.

Greece adopted Law No. 4622/2019 on the Executive State in 2019. Its annual legislative plan is reflected in the Consolidated Government Policy Plan, which is drawn up by the General Secretariat for Co-ordination of the Presidency of the Government and is approved by the Council of Ministers each December (Article 49). The plan includes a list of draft laws, presidential decrees and other regulatory acts that are to be approved by the Government (Article 50). Legislative activity within the Hellenic Parliament is controlled by the Conference of Presidents, which decides on the short-term legislative plan.

In **Belgium**, the Federal Public Service (FPS) Chancellery of the Prime Minister, particularly the Directorate-General for Secretariats and Co-ordination, supports the Prime Minister in guiding and co-ordinating Government policy. Each year, at the opening of the parliamentary year in October, the Prime Minister delivers a policy statement on behalf of the Council of Ministers in the House of Representatives, containing its policy priorities for the fiscal year. The Policy Statement is directly linked with the budget enacted by the Parliament.

In **Romania**, the Legislative Council, a specialised advisory body of the Parliament, pre-approves any draft normative acts to systematise, unify and co-ordinate all legislative activity (Law No. 73 of 3 November 1993, Article 1). This body consists solely of party group representatives, without any involvement by the Speaker.

In **Portugal**, the Prime Minister, in co-ordination with the Minister of the Presidency and the Minister for Parliamentary Affairs, evaluates and validates the proposals of different ministries for legislative initiatives aimed at implementing the Government's programme during the upcoming legislative session, establishing the order of legislative priorities and its calendar. The Minister for Parliamentary Affairs is the channel that provides political and legislative co-ordination between the Government and Parliament.

Other planning documents such as the Major Planning Options, the State Budget Law and the EU legislative agenda also inform the Parliament's legislative priorities. In the absence of a true legislative plan, the scheduling of legislative initiatives is set by the Speaker at the Conference of Leaders of parliamentary groups. The Minister for Parliamentary Affairs represents the Government at the Conference of Leaders.

Sources: Parliamentary websites of EU Member States; Government websites of EU Member States; National Constitutions of EU Member States; Frech, E. and U. Sieberer (2023), Co-ordination Committees and Legislative Agenda-Setting Power in 31 European Parliaments, *Historical Social Research* 48 (3), pp. 189-208.

The harmful effects of a lack of effective planning, anticipation and foresight are felt most acutely by the opposition, which, in parliamentary systems, regularly carries much of the responsibility for parliamentary legislative scrutiny and the submission of amendments. Lack of effective planning particularly harms the opposition's ability to perform one of its key functions and may lead to accusations of deliberate sidelining of the opposition, especially if nonstandard, urgent legislative procedures are invoked. Thus, what may at first seem like a technical issue can have a major impact on parliament and may exacerbate what are often already tense interparty and intergroup relationships.

Finally, advance planning of parliamentary legislative work may also be challenging because it may be difficult to anticipate what laws individual MPs or parliamentary groups are likely to propose. As set out in

greater detail in Chapter 4, in some Western Balkan parliaments draft laws proposed by MPs have been an important part of the legislative agenda in recent years.

How Western Balkan parliaments plan their work and legislative activities

There are important differences in how the parliaments of the Western Balkans plan and organise their legislative work (Table 11; for context, Box 7 provides comparative information on selected EU countries). Relevant legislation and regulations establish clear procedures for how parliaments should prepare their work plans and the calendar of plenary sessions and other meetings, but actual practice may be different. As noted above, only the parliaments of **BiH (State)**, **Kosovo*** and **Montenegro** develop and approve formal annual work plans, while the others plan their work through the preparation and adoption of work calendars for plenary sessions and committees that normally cover shorter periods, from roughly three weeks to up to six months.

In **Montenegro**, Parliament adopts both an annual legislative work plan and updated information on planned legislative and scrutiny activities for a six-month period. The annual legislative plan contains an overview of draft laws for which consideration is planned during the calendar year. The starting points for this document are the Government's annual work plan, as well as law proposals foreseen in the Action Plan for Strengthening the Legislative and Oversight Role of the Parliament of Montenegro and the Programme of Accession of Montenegro to the EU.

Parliament's legislative work programme usually states that the document relies on the envisioned activities of the executive branch for the forthcoming period. Parliamentary standing committees also annually adopt work programmes based on the Government's annual work programme, the Programme of Accession of Montenegro to the EU, and the Action Plan for Strengthening the Legislative and Oversight Role of the Parliament of Montenegro. Through its conclusions, the Government can delete certain law proposals from the Work Programme of the Government, consequently influencing implementation of the Parliament's legislative work programme. For example, the Government Work Programme for 2021 envisioned adoption of the Proposal for a Law on Crisis Management, which was afterwards incorporated into the Parliament's Legislative Work Programme for 2021. However, in September 2021 the Government adopted a conclusion to delete the aforementioned law proposal from its Work Programme for 2021.

The RoP of the Assembly of **Kosovo*** provide that the Presidency of the Assembly, in a joint meeting with the heads of parliamentary groups, proposes the annual work plan of the Assembly for adoption in the plenary session, while the monthly calendar of activities is approved by the presidency of the Assembly. The RoP require that the monthly calendar be published on the official website of the Assembly. The Assembly proceeds with draft laws that are submitted by the Government based on its legislative programme, hence, in principle, the work plan of Parliament is based on the annual legislative programme of the Government. However, since the legislative programme is frequently amended by the Government and draft laws are not consistently provided according to the given timelines, the Assembly's ability to have a proper legislative plan is restricted. This presents one of the main challenges in planning the legislative work of the Assembly.

In **BiH (State)**, for developing an annual work plan of the Parliament, the Collegium of the House, in an expanded composition, asks the Council of Ministers to present proposals and opinions within specific time limits determined by the Collegium of the House. A similar request is also sent to the Presidency of BiH. The information is used to finalise the annual work plan of Parliament.

In **Albania**, the Parliament approves six- or nine-week work programmes prepared based on recommendations of the Conference of Chairs. Based on these programmes, three-week calendars of parliamentary business are prepared and published. The short-term session-based plans, which cover a three-week period, are formally consulted with the Government. Additionally, the Minister of State for Parliamentary Relations (MSPR), who attends meetings of the Conference of Chairs that discusses and

approves the plan, can raise specific issues related to prioritisation, sequencing and scheduling. In cases of disagreement, this draft plan is sent to the plenary session for discussion and approval.

MP-initiated laws, as well as certain types of Government-initiated laws, are automatically included in the three-week work plan. This typically includes draft laws on the state budget, election or emergency laws, parliamentary appointments and laws carried forward from the previous session. According to the RoP of Parliament, the three- and six/nine-week calendars and work plans of upcoming plenary sessions are distributed to each parliamentary committee within two days of approval. Committees are expected to prepare their own work plans and calendars.

In **North Macedonia**, regulations do not require Parliament to prepare annual work plans. The Government's annual plan includes all planned legislative activities to be submitted to the Parliament. Parliament prepares and approves the calendar for much shorter periods, usually for one or two weeks. This practice allows very limited time for MPs to prepare and plan their own scrutiny work.

Table 11. Parliamentary work plans and calendar of meetings

	ALB	BIH-State	XKV	MNE	MKD	SRB
Annual work plan of parliament	No	Yes	Yes, annual work plan	Yes	No	No
Short-term work plan/calendar of the plenary sessions	Yes 6- or 9-week work plan; 3-week calendar	No	Yes, monthly calendar	No	Yes 1-2 weeks	Yes
Approving body of work plans/calendars	Conference of Chairs or, in cases of disagreement, the plenary session	Collegium	Annual work plan – plenary; monthly calendar – presidency	Collegium	Board	Collegium
Consultation of parliamentary work plans and calendars with government	Yes, through meetings	Yes	No	Not formally	Yes, through meetings	Yes, through meetings

Notes: In Kosovo*, while the parliament does not formally consult with government on its work plan, it is based on the government legislative plan. In Serbia, there are regular communications between government and parliament.

Source: SIGMA analysis based on national regulations and information collected from the Western Balkan administrations.

In **Serbia**, too, the legislative calendar appears to be established in a largely *ad-hoc* manner, as a considerable share of legislative proposals is submitted to Parliament outside the Government's legislative plan with no advance notice. The lack of advance notice about the Government's legislative proposals has major implications for legislative activity. Thus, although the RoP envisage preparation of an annual work plan of the National Assembly, in practice no such plan is prepared and adopted, and the parliamentary legislative agenda is largely developed as needed in response to draft laws submitted by the Government.

Thus, the scheduling of parliamentary consideration of draft legislation, including at the plenary and committee stages, is complicated, and synchronisation across committees, when proposals affect more than one sectoral committee, can be very challenging. Parliamentary standing committees develop their work plans and calendars based on the overall work plan of Parliament. The committee leadership makes decision on planning committee work. There is regular communication between Parliament and Government administrations to discuss and agree on legislative work plans.

Box 2. Calendar and work plan preparation in selected EU parliaments

Formal planning documents, such as parliamentary session calendars and legislative work plans, are essential tools to guide the intricate lawmaking process. These documents act as compasses, directing lawmakers through the complex maze of rules and procedures, enabling them to effectively plan and allocate their resources. In general, such planning tools cover parliamentary periods of various lengths and their development often relies on informal mechanisms and delicate political balancing acts.

The working schedule of the Riigikogu, the Parliament of **Estonia**, is established by its RoP, the Internal Rules Act and the Status of Members of the Riigikogu Act. The Board of the Riigikogu, which consists of the President and two Vice-Presidents, co-ordinates the work of the Parliament, among others, by preparing draft agendas for the plenary working weeks and submitting them to the plenary session for approval. The Parliament of Estonia prepares and publishes yearly planning calendars with various items of parliamentary activity. A more detailed agenda of parliamentary working bodies is determined shortly in advance, based on proposals from the standing committees and the participating parliamentary groups.

Though not legally foreseen, the National Council of **Slovakia** prepares and issues a sitting calendar for each year via the parliamentary “Gremium” based on the broad authorisation of RoP Article 66. The Gremium consists of MPs delegated by parliamentary caucuses. The specific agenda of each plenary session is proposed by the Speaker and may be amended by a motion of an individual MP, a group of MPs or political factions. Through its Steering Committee, the Chamber of Deputies of **Czechia** sets half-year plans for its various activities. The Steering Committee consists of a Speaker, Vice-Speakers and representatives of the political parties. It proposes to the Speaker the agenda of the plenary sittings, which can be amended by other parliamentary committees, political groups or MPs (RoP, Article 54).

In the case of **Germany**, the plenary agenda of the Bundestag is approved by the Council of Elders (RoP, Article 20). The Council is comprised of the President of the Bundestag, its Vice-Presidents and representatives of parliamentary groups. In general, it schedules the dates of the sitting weeks of the Bundestag well in advance and makes them available to the relevant stakeholders.

In **Greece**, the legislative agenda within the Hellenic Parliament is controlled by the Conference of Presidents. The Conference is a collective, all-party institution that usually convenes every Thursday to determine the short-term work plan for the following week.

In **Italy**, the work plan of the Chamber of Deputies is decided by the Conference of Presidents of the political groups, chaired by the President of the Chamber. The Conference defines the agenda of the Plenary on a monthly basis, indicating the topics to be debated on each sitting day and the time allocated for each debate. The Government regularly participates in Conference meetings to inform and confirm its priorities. The legislative agenda of the standing committees is bound to comply with the priorities set for the Plenary.

In the case of **Portugal**, the Speaker sets the agenda in accordance with the Conference of Leaders at least 15 days in advance, taking into account the priorities established in the RoP and the proposals of parliamentary groups. The RoP also establish that parliamentary groups and deputies not included in parliamentary groups may, within defined limits, use the potestative right (i.e. a right that cannot be refused by the Speaker or other parliamentary groups) to schedule the discussion of legislative initiatives or political debates.

Sources: Review of literature and national legislation, including parliamentary rules of procedure; parliamentary websites of EU Member States; Information from Pechacek, S. and M. Kuta (2022), Parliamentary Business and Agenda-Setting in Various Countries, NDI, Parliament Support Programme.

Government and parliament co-ordination during legislative planning

As noted above, effective planning and organisation of the legislative work of parliament requires regular and clear communication between government and parliament. For the government, good co-ordination with parliament matters, as it strengthens its ability to influence the scheduling of legislative initiatives to ensure that priority policies receive timely consideration and approval. Similarly, it influences parliaments' ability to set realistic timetables and to plan and allocate resources for different tasks effectively.

Formal or informal co-ordination mechanisms are in place throughout the Western Balkans (Table 12). Both **Albania** and **North Macedonia** have dedicated members of government who lead co-ordination of government legislative activities with parliament during weekly meetings. In other countries, no such political-level meetings take place between parliament and government to co-ordinate legislative planning. In **Albania**, regular, weekly meetings are held between senior Government and Parliament officials in the framework of the Parliament's governing body, the Conference of Chairs. During these meetings, the Minister of State for Relations with the Parliament (MoSRP) presents and explains the government's legislative priorities for the upcoming period. The MoSRP is supported by a small team of two experts in the cabinet. Co-ordination meetings between Government and parliamentary representatives are formally recorded and statistics are kept.

During the past five years, there were 20-22 formal recorded meetings between the political-level representative of Government and the Parliament of Albania per year on average. In 2020, more meetings (31) were held, which can be attributed to the COVID-19 crisis and the need for more regular discussions between the executive and the legislature. By contrast, in the other cases, there is little evidence of formal co-ordination and consultation, despite meetings taking place at different levels. Moreover, information about formal meetings between Government and Parliament is not available for other Western Balkan administrations.

Table 12. Structures and mechanisms for co-ordinating legislative work between parliament and government

	ALB	BIH-State	XKV	MNE	MKD	SRB
Is there a designated political-level official responsible for co-ordinating government work with the parliament?	Yes, Minister of State for Relations with Parliament	No	No	No	Yes, Deputy PM on EU Affairs as part of their mandate	No
Frequency of political-level meetings between government and parliament	Yes, weekly	Yes, periodically	No regular meetings	NA	Yes, weekly	NA
Is a designated CoG unit responsible for co-ordinating legislative work with the parliament administration?	Yes, Cabinet of the MoSRP	Yes, Secretariat General, Section for Preparation and Monitoring of CoM Sessions	Yes, Government Co-ordination Secretariat, Division for Organising Government Meetings and Co-ordination With the Assembly	No	Yes, Unit for Co-operation with the Assembly and with the President	No designated unit; tasks performed by the General Secretariat sector in charge of preparing Government meetings
Does the parliament administration have a unit/staff to co-ordinate work with the government administration?	No dedicated unit, but tasks are performed by the Legislative Service	No dedicated unit	No dedicated unit	No dedicated unit	No dedicated unit	No dedicated unit, but tasks are performed by the General Secretariat

Source: SIGMA analysis based on information provided by government and parliament administrations.

Co-ordination at administrative levels of government and parliament is equally important. Relevant units or staff are assigned to perform such functions in all six economies. In **Montenegro**, the Secretary-General of Government holds regular meetings with the head of parliamentary services to discuss ongoing issues, but there is no dedicated unit or staff to work on the management of relationships with the legislature. The Office of the Secretary-General and the Sector for Supporting the Legislative and Oversight Function of the Parliament is the unit responsible for liaising with various Government bodies during legislative scrutiny processes.

In **North Macedonia**, a unit in the General Secretariat of the Government manages the relationship between Government and Parliament. It is tasked with facilitating the flow of information; informing Parliament of the Government's strategic priorities and its work plan; ensuring the timely submission of draft laws and other documents; co-ordinating preparation of opinions and submitting them to Parliament; and ensuring the timely preparation and submission of answers to MPs' questions. Parliamentary units dealing with organising and managing various processes, such as MP questions or the organisation of meetings, prepare and submit official requests to the Government when needed. There is no dedicated unit within the parliamentary administration to maintain regular contact with the Government administration.

In **BiH (State)**, the Administrative Service within the General Secretariat of the Government is tasked with managing the relationship between the Council of Ministers and Parliament in terms of facilitating the flow of information, including the submission of draft laws and other relevant documents.

In **Serbia**, a unit within the Secretariat-General of the Government is tasked with recording, monitoring and ensuring the fulfilment of Government obligations to the National Assembly, but Government and parliamentary legislative planning are not organisationally interconnected. The National Assembly and the General Secretariat of the Government collaborate closely during legislative planning and the parliamentary scrutiny process in practice. Following the Government sessions, when a law proposal is submitted, the General Secretariat of the Government issues an announcement on its submission to the Parliament. This allows the National Assembly to prepare and plan distribution of the draft law to MPs in a timely manner.

Once a National Assembly sitting has been convened, the Secretary-General of the National Assembly notifies the Secretary-General of the Government of the sitting and provides the schedule of debates. The Secretary-General of the Government submits the plan for the ministers' attendance at the National Assembly sitting. Regular communication occurs at the level of General Secretariats during the submission of amendments by MPs. Furthermore, regular consultations at the General Secretaries level are held on short-term plans and dynamics of National Assembly sittings for a period of a few weeks in advance.

The Secretary-General of the Government of **Kosovo*** is responsible for submitting official documentation to the Assembly. This includes indicating an anticipated timeline for the adoption of draft laws by Parliament. The Government Co-ordination Secretariat within the Office of the Prime Minister, through its Division for Organising Government Meetings and Co-ordination with the Assembly, is responsible for co-ordinating work with the Assembly on all legislative matters. This includes ensuring that all materials submitted to the Assembly are prepared in accordance with the RoP of the Government. On the side of the Assembly, the General Directorate for Legal and Procedural Affairs liaises closely with the Co-ordinating Secretariat of the Office of the Prime Minister to co-ordinate the work of the Assembly with the Government.

Parliament's involvement in EU integration processes

EU-related legislation forms a core part of the legislative agenda in the Western Balkans, as a large share of legislative initiatives relates to EI. As in the case of EU Member States, the systematic involvement of parliaments in EI allows them to better understand the EU-related legislation submitted to them by government and provides them with more comprehensive knowledge and expertise in considering EU-related legislation (Box 8). Involving parliament in preparing and monitoring the implementation of EI plans, which include many legislative initiatives, is also helpful for parliaments in planning their legislative work.

Box 3. Selected parliament experiences of some EU Member States reviewed, and scrutiny of EU policy

Many EU Member States have developed procedures for specialised scrutiny of EU law and affairs and have made them integral parts of their policymaking procedures. This practice was formally recognised by the Lisbon Treaty (2009), which introduced the Early Warning Mechanism (EWM). The EWM enables national parliaments to raise objections to EU legislation on the grounds of breach of subsidiarity. Within eight weeks from receipt of a proposal, they may issue relevant “reasoned opinions”. If one-third of national parliaments issue such opinions, the European Commission or the competent EU institution must reconsider, amend or withdraw the proposal.

In light of these developments, more and more legislatures are currently establishing “subsidiarity check” mechanisms in their general scrutiny procedures. A notable difference with any post-legislative scrutiny (PLS) action is that assessing legal proposals through the EWM has to happen *ex ante* by definition. Of course, is it possible to scrutinise EU issues throughout the policy cycle.

The most prominent example is **Finland**, which includes in its constitution a legal basis for scrutiny of EU affairs. This task is assigned to parliamentary committees, which have unlimited access to information and documents relating to EU affairs. More specifically, the Central European Affairs Committee (the “Grand Committee”) has the right to issue direct and binding mandates to the Government on the position it should take in negotiations and Council voting.

The Committee on EU Affairs of the **Swedish** parliament (the Riksdag) can summon ministers for consultation and supply guidelines on EU-related policy issues. The role of relevant committees for screening draft EU legislative documents has been strengthened over time. **Italy** has established a procedure for the scrutiny of EU affairs. Like in Finland, one form of scrutiny is document-based, which entails extensive access to documents, mainly exercised at the committee level. These procedures include scrutiny of national EU-related acts, as well as EU policy documents.

A second form is procedural scrutiny during a plenary session, which can directly address the European Council. A third form is more political, and it consists of a debate held in the plenary before each European Council; the debate is introduced by the Prime Minister and is concluded by the voting of a document containing directives for the positions to be held by the Government in the European Council.

Germany, in spite of the general absence of a formalised evaluation procedure, has set up a European Affairs Committee that scrutinises documents related to EU-wide issues, such as enlargement or the EU budget. Especially for EU affairs, in 2007 the Bundestag introduced a prioritisation procedure to filter EU proposals for scrutiny.

The **Portuguese Parliament** pays special attention to issues related to EU affairs. In addition to the powers conferred on it by the Constitution to rule on matters pending decision by bodies within the European Union that fall within its reserved legislative competence, the Parliament has a specialised Parliamentary Permanent Committee (the European Affairs Committee), the role of which is to monitor all matters of interest to Portugal. For instance, the Committee has the right to request from the Government all relevant information needed for the Parliament to monitor and assess Portugal's participation in consolidation and development of the European Union. It also has the obligation to promote hearings with the Government before and after European Council meetings. Its actions must be co-ordinated and complemented by the other specialised committees. In addition, the RoP contain a specific chapter on monitoring, consideration and opinion-taking procedures as part of the process of building Europe.

Sources: SIGMA expert analysis based on information from parliamentary websites of the relevant EU Member States; Kiiver, P. (2012), *The Early Warning System for the Principle of Subsidiarity: Constitutional Theory and Empirical Reality*, Routledge, London; Cooper, I. (2019), National parliaments in the democratic politics of the EU: The subsidiarity early warning mechanism, 2009–2017, *Comparative European Politics* 17(6), pp. 919-939; Deutscher Bundestag (2020), Zur praktischen Umsetzung und Evaluierung von Gesetzen– WD 3 – 3000 - 298/19.

Parliament's involvement in EU integration planning and monitoring

All parliaments in the Western Balkan region are actively involved in EI processes through different structures and co-ordination mechanisms. These structures are set up in accordance with the Stabilisation and Association Agreements (SAAs) signed by the six administrations to mark the start of the formal EI process.

Except for **BiH (State)**, all Western Balkan administrations had formal national EI plans in place as of October 2023. These are prepared by governments and form part of the government strategic planning systems. In **Kosovo***, the Assembly approves the National Programme for Implementation of the Stabilisation and Association Agreement⁵³, which puts the Parliament in a key position for planning all EI-related activities. These plans cover all integration activities and measures, including the legislative work necessary to align national legislation with the EU *acquis*.

In a well-functioning planning system, all government legislative initiatives, including those arising from EI commitments, should be included in the official legislative plan of the government. This is important, as it can ensure clarity in terms of government legislative initiatives based on commitments arising from EU and domestic policy agendas. However, Western Balkan administrations still struggle to ensure fully harmonised and aligned planning systems.

Similar to government annual legislative plans, the implementation records of EI plans in the region vary considerably. Based on the latest SIGMA analysis⁵⁴, **Albania** had the highest implementation rate for EI-planned laws in 2021 (76%), while **Serbia's** was 22% and **North Macedonia's** was 28% (Table 13). Slow implementation of the EI plan further reduces parliaments' ability to make the most effective use of legislative resources, since opportunities for effective advance planning are severely restricted.

Furthermore, government annual legislative plans and EI plans are not fully aligned. For example, only 29% of all legislative measures in **Serbia's** Government EI plan were also included in its legislative plan. By contrast, **Montenegro's** EI plan is the one best aligned with its annual Government legislative plan, as 96% of laws from the EI plan were also included in the 2021 annual legislative plan of the Government. These variations have a direct effect on the implementation of national annual legislative plans and the ability of parliaments to plan their legislative work to contribute to EI processes more successfully. Non-alignment of the two government planning documents can also explain variations in actual submissions of draft laws to parliament.

⁵³ In 2023, its title was changed to National Plan for European Integration.

⁵⁴ 2021 SIGMA Monitoring Reports.

Table 13. Implementation rates and alignment of EU integration plans with government legislative plans

	ALB	BIH-State	XKV	MNE	MKD	SRB
Implementation rate of EI-planned share of laws approved (2022)	76%	NA	51%	38%	28%	22%
Alignment of government legislative and EI plans – share of draft laws from EI plans also included in the government legislative plan (2021)	64%	NA	NA	96%	NA	29%

Note: The SIGMA indicator on the implementation rate of EI plans is based on the share of planned and approved draft laws in 2022; the indicator on alignment is based on the share of draft laws from EI plans also included in government annual legislative plans for 2021.

Source: SIGMA 2021 Monitoring Reports and SIGMA analysis.

Parliamentary structures for EU integration

When it comes to parliamentary structures related to EI, two main issues are critical: the way parliaments organise the scrutiny of EI-related legislation; and, in the case of candidate countries, the way parliaments are involved in the accession process, including decisions on accession negotiations and monitoring of the accession process. All six parliaments have established dedicated permanent committees to deal with EI as part of the lawmaking process, but their competences vary. There is also significant variation concerning the involvement of parliaments with EU accession negotiations and the monitoring of national integration plans.

In **Albania**, three main parliamentary structures are involved in the EI process. First is the European Affairs Committee (EAC), a standing committee that deals with all EI-related issues, alignment of legislation with EU legislation and other matters. The committee is also tasked with overseeing the implementation of commitments arising from the EU-Albania Stabilisation and Association Agreement (SAA), and with monitoring the use of financial assistance and accession negotiations with the EU. It also gives a report with recommendations for Albania's negotiating positions with the European Union to the relevant negotiation structure.

On a quarterly basis, the Minister of State and Chief Negotiator submits to the EAC a detailed report that includes information about the updated list of EI-related draft laws and progress in the negotiation process. At least once a month, the minister reports to the meeting of the Stabilisation and Association Parliamentary Committee. At the request of the EAC (or at least one-third of its members), the minister can be called to inform on any issue related to co-ordination of the accession process; for specific issues in other fields related to EI, the Committee may call the ministers of the relevant sectors.

Second, since 2015, Albania has had a National Council for European Integration (NCEI) as its top EI co-ordination structure. The NCEI involves the senior leadership of parliamentary bodies, including chairmen and vice-chairmen of standing committees and representatives of parliamentary groups, and representatives of the Government, other state institutions and civil society organisations and academia. The NCEI promotes co-operation among political forces, state and independent institutions and civil society in the process of integration into the European Union and ensures continuous discussion of EI policies, implemented by state institutions with civil society and other interested actors. NCEI work aims to ensure Parliament's active participation in EI processes.

Albania's third co-ordination structure is the Parliamentary Committee for Stabilisation and Association (KPSA), a joint structure of the Assembly of the Republic of Albania and the European Parliament that operates in conformity with the SAA. The committee is chaired in rotation by the European Parliament and the Assembly of Albania and functions according to the internal regulation, jointly approved, wherein decision making is carried out by consensus.

The Albanian Parliament is responsible for reviewing implementation of the NPEI at the beginning of each year and organises a special session to discuss NPEI implementation as stipulated by legislation⁵⁵. The EAC organises open meetings with civil society to discuss the implementation of concrete measures related to EI priorities. Officials from Parliament participate in the working groups tasked with preparing the NPEI. Albania publishes its NPEI for public consultation, and Parliament and other stakeholders can contribute to its preparation. The Department for Policies and European Integration (DPEI) within the Office of the Prime Minister of Albania plays an important role in co-ordinating EI processes at the administrative level in the centre of Government. It co-ordinates the process of legal approximation with the *acquis* as well as preparation of the NPEI.

North Macedonia has two working bodies involved in EI processes: the National Council for European Integration (NCEI) and the Standing Committee on European Affairs. The NCEI of North Macedonia was established in 2007. It has a broad mandate to oversee the overall EI process in the country. It is responsible for monitoring and evaluating activities, preparing opinions and guidance on negotiation positions, and reviewing the accession negotiation process. The NCEI, which includes senior Parliament and Government officials, including the Deputy Prime Minister on EU Affairs, as well as external stakeholders, prepares reports for Parliament at least twice per year.

The Standing Committee on European Affairs plays an important role in monitoring the legal harmonisation process by reviewing all EU-related legislative initiatives; proposing activities to improve law harmonisation procedures; giving opinions and proposals for the activities of other committees; and raising awareness on issues related to the EI process and the analysis of accession impacts. The Committee is responsible for monitoring the implementation of activities of the Government and state administration bodies and offers opinions and suggestions. It also prepares regular reports for the Parliament on EI-related issues, and proposes and organises activities to inform the public on the integration process.

The parliaments of **Serbia** and **Montenegro** have relatively more experience with EU accession negotiations. In **Serbia**, the main parliamentary body dealing with EI is the European Integration Committee. It reviews draft laws and other general acts to check their harmonisation with EU and Council of Europe regulations and gives reports to the National Assembly; reviews plans, programmes, reports and information about proceedings related to stabilisation and accession to the European Union; monitors realisation of the accession strategy; proposes measures and initiatives to accelerate realisation of the accession strategy within the National Assembly's scope of competences; proposes measures to reach general national agreement on Serbia's membership in European institutions; and works to develop co-operation with parliamentary committees of other countries and EU parliamentary institutions (see the National Assembly website).

Moreover, Article 125 of the SAA between the European Union and Serbia established a Stabilisation and Association Parliamentary Committee (SAPC), a forum for MPs from Serbia and Members of the European Parliament (MEPs) to meet and exchange. It consists of equal numbers of National Assembly MPs and MEPs and meets at least twice a year. At the end of each meeting and discussion of agenda items, the SAPC adopts a declaration and recommendations that are sent to the Stabilisation and Association Council, as well as to official Serbian and EU institutions.

At the administrative level, the Department of European Integration within the International Relations Sector carries out several important functions. When a draft law is submitted, the Department checks the statements of compliance and the tables of concordance before its consideration by committees. Even if proposals are not planned in the National Plan for Adoption of the *Acquis* (NPAA) but are related to EU harmonisation, the Department of European Integration reviews them. When the initiator is the Government, the relevant line ministry prepares the statement of compliance, and the table of concordance

⁵⁵ Law No. 15 of 2015 on the Role of the Assembly in the Integration Process of the Republic of Albania in the European Union, amended by Law No. 19 of 16 March 2023.

is produced by the Government body in charge of legal drafting. If done by an MP, the parliamentary services prepare both the statement of compliance and the table of concordance. The work is conducted by the Department for European Integration, which consults with the Ministry for European Integration. Importantly, all negotiation positions are discussed at the Committee for European Integration before being communicated to Brussels. The Committee for European Integration refers to the responsible sectoral committees and receives their reports.

Finally, the Committee for European Integration issues an opinion on the negotiation position. While this opinion is not binding for the Government, the executive needs to issue an explanation if it does not act in accordance with it. Thus far, however, there has never been a negative opinion and any recommendations for improvements of a technical nature are usually adopted. The Committee's opinion is issued within 15 days. During that period, a consultation meeting with the National Convention of the European Union (NCEU) is organised. The NCEU is a network of civil society organisations that monitors Serbia's accession negotiations.

In **Montenegro**, Parliament has a key role in monitoring the course of accession negotiations with the European Union and in harmonising legislation with EU law. Article 15 of the Constitution of Montenegro (Official Gazette of Montenegro Nos. 1/07 and 38/13) stipulates that the Parliament decides on Montenegro's manner of accession to the European Union. This does not, however, imply that Parliament is consulted or approves the technical arrangements of the negotiation structure, such as the formation of working groups.

The Committee on European Integration is a key parliamentary body in monitoring negotiations. In national EI co-ordination structures (such as working groups, the State Delegation of Montenegro for Negotiations on Accession of Montenegro to the European Union, the Collegium for Negotiations, the Council on the Rule of Law, and the Secretariat of the Negotiating Group), there is no rule stating that representatives of the Parliament must be present. Nevertheless, the Programme for the Accession of Montenegro to the European Union for 2021 to 2023 foresees representatives of the Parliament in the working groups for Chapter 19 (Social Policy and Employment) and Chapter 32 (Financial Control) in the sub-chapter of external audit, together with the State Audit Institution.

Co-operation of Montenegro's Parliament with the European Parliament and EU Member States takes place through the EU–Montenegro Stabilisation and Association Parliamentary Committee (SAPC). The SAPC considers all aspects of EU–Montenegro relations, especially implementation of the SAA. At meetings of the Committee on European Integration, a declaration with recommendations is considered and adopted, then sent to the Council for Stabilisation and Association as well as to the institutions of Montenegro and the European Union. Meeting minutes are available in Montenegrin on the Parliament's website⁵⁶. In accordance with the RoP of the Parliament of Montenegro, the Committee has the authority to monitor negotiations on the accession of Montenegro to the European Union; monitor and evaluate the course of negotiations and issue opinions and guidelines on behalf of the Parliament on the prepared negotiating positions; consider information on the negotiation process; consider and give opinions on issues that arise during negotiations; and review and evaluate the negotiation team's performance.

Seven other competent committees participate in the process of legal harmonisation: the Committee on the Political System, Judiciary and Administration; the Committee on Economy, Finance and Budget; the Committee on Human Rights and Freedoms; the Gender Equality Committee; the Committee on Tourism, Agriculture, Ecology and Spatial Planning; the Committee on Education, Science, Culture and Sport; and the Committee on Health, Labour and Social Welfare. These committees monitor and assess the compliance of Montenegrin laws with the *acquis*. For each Government-initiated bill that is considered, the

⁵⁶ <https://www.skupstina.me/me/pristupanje-eu/sastanci>.

secretariats of the committees prepare an informative overview that contains an assessment of the bill's compliance with EU law.

In **Kosovo***, the Standing Committee for European Integration (CEI) deals with the EI agenda. CEI involvement in the legislative process is mandatory: it reviews all submitted draft laws and amendments for their approximation and harmonisation with the *acquis*. Since the SAA's entry into force, the burden of legislative work has increased. Within the framework of parliamentary control, the CEI has been entrusted with overseeing EI-related Government activities, including approximation and harmonisation of legislation. With this aim, the CEI can request information and specific data, and may initiate public hearings with ministers and other officials.

The CEI is also required to co-ordinate its activities with EU institutions and their offices in Kosovo*, co-operate and exchange best practices with EU Member States, participate in (and monitor) SAA implementation, oversee use of the Instrument for Pre-accession Assistance (IPA), monitor donors and EU co-operation programmes, and co-operate with the European Council. In general, the CEI holds two to four meetings per month. These meetings are open to the public, and civil society representatives are regular attendees.

The **BiH (State)** Parliament has a Joint Committee of Both Houses Responsible for EU Integration. There is also a Section on EU Integration as part of the Common Service of the Secretariat. The Committee considers all EI-related issues. It also co-ordinates the work of other committees on EI-related issues and prepares and submits opinions, recommendations and warnings to those committees.

The Joint Committee is also tasked with analysing the consequences of the integration strategy for BiH and preparing a relevant report, with a review of plans, programmes and information on the EU Stabilisation and Association Process; monitoring implementation of the accession strategy; and launching an initiative to speed up its implementation within the jurisdiction of the BiH Parliamentary Assembly. The BiH Parliamentary Committee on EU Integration is also tasked with monitoring the allocated EU funds and the alignment of BiH laws with the *acquis*. For this, it collaborates with EU and BiH institutions (especially with the Directorate for European Integration) as well as other countries.

In brief

Main conclusions of Chapter 3

This chapter reviewed how governments in the Western Balkans plan their legislative agendas; how they communicate their plans to their parliaments; how parliaments seek to plan their legislative work, notably the scrutiny of draft laws submitted by the executive; and what role, if any, governments play in the planning of parliaments' agendas. Given the far-reaching impact of EI on both governments and parliaments throughout the Western Balkans, this chapter paid special attention to the role of parliaments in formulating EI-related legislation and the institutions, rules and procedures designed to enable parliaments to have constructive input into the accession processes. **The overarching question is how current arrangements for planning and co-ordination between governments and parliaments affect the capacity of parliaments to engage in evidence-based lawmaking.** Several observations deserve highlighting.

First, there is considerable **variation in the content and quality of government legislative plans.** All governments produce annual legislative plans, but as Table 9 showed, the information contained in them varies considerably across the region. Some government work plans, as in **Albania's**, provide a great deal of material for each draft law; others contain only minimal information. However, for parliaments to be able to anticipate what informational resources will be required for effective scrutiny, what matters is not just the title of a draft law and its likely date of submission. It is equally important to understand its rationale and to have advance information on its likely implications for existing legislation, and on whether the government intends to engage in public consultation prior to submitting it to parliament. Perfunctory government plans harm the capacity of parliaments to anticipate informational needs at both the political and administrative levels.

Second, **the reliability of governments' legislative plans is generally low, although with notable variation. This creates additional complications for parliaments to plan their legislative scrutiny work.** As Table 10 demonstrated, on average more than 60% of all government-initiated draft laws submitted were never included in the official government plan made available to parliament. Conversely, on average, more than 50% of planned draft legislation is not approved and submitted on time and must be carried forward. Under such conditions, parliamentary legislative planning necessarily becomes largely reactive. This means that scrutiny by committees often cannot be planned well in advance.

As a result, the ability of parliamentary services to assist scrutiny by carefully examining the government documentation that accompanies draft laws is severely curtailed, as is the ability to gather and utilise facts, data, systematic information and knowledge to aid MP discussions.

It is even more difficult to prepare in advance the use of evidence-oriented instruments and tools for impact analysis, such as regulatory impact assessments, expert hearings and stakeholder assessments. Therefore, the issue is not solely one of availability of "evidence", but whether there is sufficient time to make the best possible use of the information and expertise that parliaments have, in principle, at their disposal. This is one of the key reasons why laudable efforts to improve parliaments' informational resources and internal capacities (e.g. the establishment of parliamentary institutes with enhanced research capacities, or parliamentary budget offices) meet with mixed success.

Third, although the quality of government legislative planning is arguably the single most important factor shaping planning on the part of parliament, **there is much that can be done at the political and administrative levels of parliament to increase the likelihood of evidence-based rather than perfunctory scrutiny and amending activities.** Parliaments' own rules, procedures and practices also matter when it comes to the development of draft laws submitted from within parliament, as considered in Chapter 4. As the foregoing review has shown, planning ambitions vary greatly. Some parliaments content themselves with establishing timetables for three to nine weeks; in the case of the Parliament of **North Macedonia**, MPs learn about the business of committees and the plenary only a few days in advance. Under such conditions, evidence-based parliamentary scrutiny becomes extremely challenging, and parliamentary services designed to support MPs in the scrutiny and, when deemed appropriate, the amending of draft laws are in danger of being sidelined.

This situation is likely to be aggravated when there is little formal co-ordination between the government and the parliamentary leadership in setting parliamentary timetables. This is not to argue that a parliament's timetable should follow government preferences but, **to engage fully in evidence-based lawmaking, parliamentary effectiveness is critically reliant on co-operation with government.** Ministers need to be available to present their proposals and answer questions in committee sessions; the government should have the ability to consider and comment on proposed amendments; and MPs should be able to ask ministers and the government for additional information if it is deemed necessary. Co-operation and synchronisation between the government and the legislature are therefore essential if the legislature is to play its full part in evidenced-based policymaking under conditions of parliamentary democracy.

Finally, Western Balkan **parliaments have taken important steps to play a full role in harmonising their national legal systems with the *acquis*; to guide and monitor national integration policies; and to engage with EU institutions, notably through the EI parliamentary committees.** When it comes to harmonisation in particular, parliaments are, by necessity, greatly dependent on the information provided by governments, such as compliance statements and tables of concordance. But it is noticeable that several parliaments have made concerted efforts to build up knowledge and expertise within the parliament itself to aid in the scrutiny of relevant legislation and policies.

4 Initiation, preparation, scrutiny and approval of draft laws

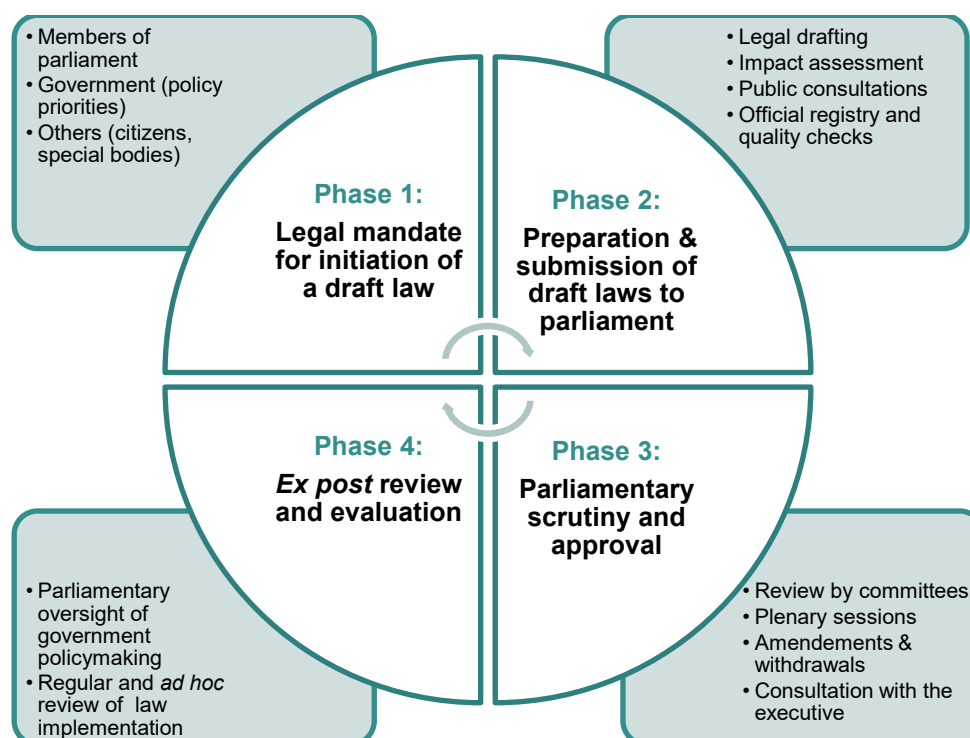
Chapter 4 discusses rules and procedures for initiating, preparing, scrutinising and approving draft laws in the parliaments of the Western Balkans. It addresses five main questions: first, who can initiate draft laws and which actors were the main initiators of draft laws between 2018 and 2022? Second, how are draft laws prepared, checked and submitted for parliamentary scrutiny? The emphasis is on: (i) arrangements that seek to ensure evidence-based lawmaking and the quality of legislative proposals, including impact assessments, stakeholder and public consultations, and legal drafting; (ii) the role of parliamentary committees in the scrutiny of draft laws; and (iii) provisions that relate to the consideration of amendments to draft laws.

Third, what are the procedural requirements for the formal submission and registration of draft laws? Fourth, what are the main differences between standard and nonstandard procedures of parliamentary scrutiny and approval; what factors determine the use of these procedures; how frequently are nonstandard procedures employed; and how does their use affect evidenced-based lawmaking? Finally, are there special procedures to scrutinise and approve legislation that aims to transpose EU law? This chapter concludes by setting out major challenges to evidence-based lawmaking that emerge from the comparative analysis.

Mandate for initiation of legislative proposals

As noted in Chapter 2, the legal and regulatory framework governing lawmaking in the Western Balkans consists of their constitutions, often complemented by specific acts and rules of procedure (RoP) of parliament, and of the government. The key processes, tools and steps for lawmaking in parliaments are established by legislation and can be grouped into several key phases: (i) initiation of legislation; (ii) preparation and submission of draft laws to parliament; (iii) scrutiny and approval of legislation in parliament; and (iv) *ex post* review and evaluation of legislation (Figure 3) (see Chapter 5).

Figure 1. Typical phases of initiation, preparation, scrutiny and review of draft laws



Who can initiate laws in the Western Balkans

The legal and regulatory frameworks governing the initiation of parliamentary legislation in the Western Balkans mirror the practices found in the parliamentary systems of EU Member States (see Box 9). The rules and procedures for initiating legislation are largely similar throughout the Western Balkans (Table 14). In addition to MPs, who can act individually or in groups, the executive has a mandate to prepare and introduce draft laws. Additionally, except for **BiH (State)**, citizens throughout the region may initiate legislative changes. In **Albania**, a minimum of 20 000 voters is required to initiate legislation. In each **Kosovo*** and **North Macedonia**, 10 000 voters can initiate legislation. In **Montenegro**, 6 000 citizens can initiate a new law through an MP whom they authorise.

Table 1. Who can initiate laws in the Western Balkans

	ALB	BIH-State	XKV	MNE	MKD	SRB
Individual MPs	Yes	Yes	No, only if five other MPs support	Yes	Yes	Yes
Party groups	No, but can as a group of MPs	No, but can as a group of MPs	No, but can as a group of six MPs)	No, but can as a group of MPs	No, but can as a group of MPs	No, but can as a group of MPs
Standing Committees	No	Yes	No	No	No	No
Government	Yes	Yes	Yes	Yes	Yes	Yes
President	No Only approved laws (which can be overturned)	Presidency BiH	Yes	No	No	No

Citizens/voters (min. numbers)	20 000	No	10 000	6 000, but through an authorised MP	10 000	30 000
Judiciary	No	No	No	No	No	No
Other institutions	No	No	No	No	No	Yes, within their competences: National Bank; Ombudsperson; Assembly of the Autonomous Province

Source: SIGMA analysis based on review of regulations and information from the parliamentary administrations.

In **Serbia**, the quorum required is 30 000 citizens. Other selected state institutions, such as the National Bank of Serbia, the Ombudsperson and the Assembly of the Autonomous Province may also submit draft laws to Parliament.

The President of **Kosovo*** and the Presidency of **BiH (State)** have a constitutional mandate to propose legislation. In **Albania**, the President cannot initiate laws but has a constitutional mandate to return the approved laws to Parliament for reconsideration, albeit only once. The President's decree for reconsideration of a law loses its validity if the absolute majority of MPs votes against it.

The experience of **Kosovo*** concerning MPs' rights to initiate legislation is interesting. Individual MPs cannot introduce a draft law on their own. Instead, according to the Constitution (Article 79) and Law No. 04/L-025 on Legislative Initiatives, the mandate to introduce legislation is given to at least six MPs, to the President, the Government or at least 10 000 citizens entitled to vote. Furthermore, in some cases, draft laws can be formally introduced by the parliamentary committees. In all other administrations of the Western Balkan region, there is no minimum number of MPs required for the initiation of laws, and individual MPs have a full mandate to propose legislation on their own. It is worth noting that only in **BiH (State)** can parliamentary standing committees initiate new legislation.

Box 1. Mandates and practices for initiating laws in selected EU Member States

In **Greece**, the legislative initiative lies mainly with the Government, through one or more of its ministers, and with MPs, who can initiate laws individually or as a group. Ministers introduce bills (draft laws), while MPs introduce law proposals (RoP, Article 84). However, the number of initiatives by MPs (especially from the opposition) is historically very low.

Like Greece, the **Hungarian** Fundamental Law (the country's constitution) grants MPs the right to propose legislation (Fundamental Law, Article 6). Still, the Government submits most of the proposed and approved legislation in practice. In terms of actual enacted laws, the share of approved laws initiated by the Hungarian Government is about 90%. The share of MP-initiated laws in Hungary was 9.5% (14/148) in 2021 and 10.8% (9/83) in 2022.

The legislation of many EU Member States allows initiation of laws by different institutions. In **Latvia**, for example, draft legislative proposals may be submitted to the Parliament (Saeima) by the President, the Cabinet of Ministers, parliamentary committees, at least five MPs and, in accordance with the procedure set forth in the Constitution, at least one-tenth of the electorate (Constitution, Article 65).

Many EU Member States, including Austria, Belgium, Finland, Germany, Italy, Slovenia, Portugal and Spain, allow legislative initiatives by citizens as a form of direct democracy. In **Slovenia**, for example, 30 000 voters can initiate a procedure to amend the Constitution and only 5 000 voter signatures are needed for a change to a legislative act.

In **Finland**, an initiative needs 50 000 signatures to reach the Parliament, which considers the proposal, but there is no guarantee or obligation that the draft law will be approved. Finland introduced citizens' initiatives in 2012, and as of March 2023 there had been 1 431 initiatives for legislative changes: 64 were sent to the Parliament and 5 have become law. Two others received modifications before adoption.

In **Portugal**, the right of citizens to initiate legislation is exercised by submitting to Parliament draft legislative proposals signed by a minimum of 20 000 voting citizens. This right is established by the Constitution, and the law that regulates it has been in force since 2003. Between 2005 and 2022, 17 citizens' legislative initiatives were submitted to Parliament, which eventually resulted in 6 laws.

In **France**, since 2008, petitions on economic, social and environmental issues can be submitted to the Economic, Social and Environmental Council (*Le Conseil économique social et environnemental*). Such petitions, signed by at least 500 000 French (adult) citizens or legal residents, are then considered by the Council, which is a consultative body that advises the lawmaking bodies within its sphere of influence. Hence, this is an indirect legislative procedure.

Sources: National constitutions; parliamentary RoP of the Member States; parliamentary websites of EU Member States.

Main initiators of legislation in the Western Balkan region during 2018-2022

Both levels of legislative activity (as expressed by the number of laws passed) and patterns of initiation vary significantly across the region (Table 15). Between 2018 and 2022, the **Serbian** Parliament considered and approved the highest number of laws in the region (over 1 060), followed by the parliaments of **North Macedonia** (904) and **Albania** (609), while 388 laws were approved in **Montenegro** and 269 in **Kosovo***. As indicated earlier, the low number of laws approved by the BiH Parliamentary Assembly during this period (29) is explained by Bosnia and Herzegovina's complex constitutional setup,

which grants limited policymaking competences to BiH State-level institutions (see Annex 1 for full statistics on laws approved in the region during 2018-2022).

Statistics on laws during 2018-2022 highlight several important features of lawmaking in the Western Balkan region. First, the executive branch is the main initiator of legislation. Second, government-initiated draft laws have a higher chance of being approved than legislation initiated from within parliament. To be sure, not all government-introduced draft laws make it into the statute book, but most laws that make it into the statute book originate from the government.

Data on laws approved in the region between 2018 and 2022 show that, on average, 87% of all approved laws were initiated by the executive branch, although there is variation across the Western Balkan parliaments and over time. The share of government-initiated laws in total approved laws is very high for most countries: 99% (98% if we consider several laws initiated by other state institutions) in **Serbia**, 96% in **Kosovo***, 90% in **Albania**, and 75% percent in **North Macedonia** and **Montenegro**. In **BiH (State)**, the respective portion was 62%, but, as already noted, the total number of laws introduced and approved was low in BiH because of the constitutionally mandated powers of the State-level parliaments for policymaking. At least in **Serbia** and **Kosovo***, the numbers indicate the near-monopoly of the government in the initiation of approved draft laws.

Table 2. Overall statistics on approved laws by initiating body, 2018-2022

	ALB	BIH-State	XKV	MNE	MKD	SRB	WB6 total
Laws subject to final vote	776	89	286	416	937	1 069	3 563
Laws approved by parliament	609	29	269	388	904	1 069	3 268
<i>(% of total subject to vote)</i>	<i>78%</i>	<i>33%</i>	<i>94%</i>	<i>93%</i>	<i>96%</i>	<i>100%</i>	<i>91%</i>
Government-initiated laws	551	18	259	291	675	1 048	2 842
<i>(% in total approved laws)</i>	<i>90%</i>	<i>62%</i>	<i>96%</i>	<i>75%</i>	<i>75%</i>	<i>98%</i>	<i>87%</i>
MP-initiated laws	58	11	10	97	229	14	419
<i>(% in total approved laws)</i>	<i>10%</i>	<i>38%</i>	<i>4%</i>	<i>25%</i>	<i>25%</i>	<i>1%</i>	<i>13%</i>
Opposition MP-initiated laws (% share in total)	2	2	2	2	25	2	36 (1%)
Laws initiated by other state bodies/institutions	0	0	0	0	0	7	7

Notes: WB = Western Balkans. The statistics were collected, analysed and reconciled using various sources, including information provided by the parliamentary administrations. In Serbia, a total of seven approved laws were initiated by other state institutions, which are not included in the total number of approved laws representing laws initiated by the government or parliament. As information on the number of laws subject to final vote was not available for Serbia, only formally approved laws are shown. For Kosovo*, the five laws initiated by parliamentary committees during the reporting period are reported as laws prepared by MPs for the purposes of this analysis. Statistics on opposition MP-initiated laws for Kosovo* do not include laws initiated by committees, which may have included opposition MPs in the minimum of six signatures required to initiate legislative change (Constitution, Article 79). For Montenegro, reliable full statistics on opposition MP-initiated laws are not available for the 2020-2023 parliamentary term. This reflects frequent changes of the Government and a blurred distinction between the opposition and ruling MPs due to the complex political situation and the nature and extent of political support the Governments had in the Parliament (technical and minority governments), as well as the unclear and often changing allegiances of the parliamentary clubs.

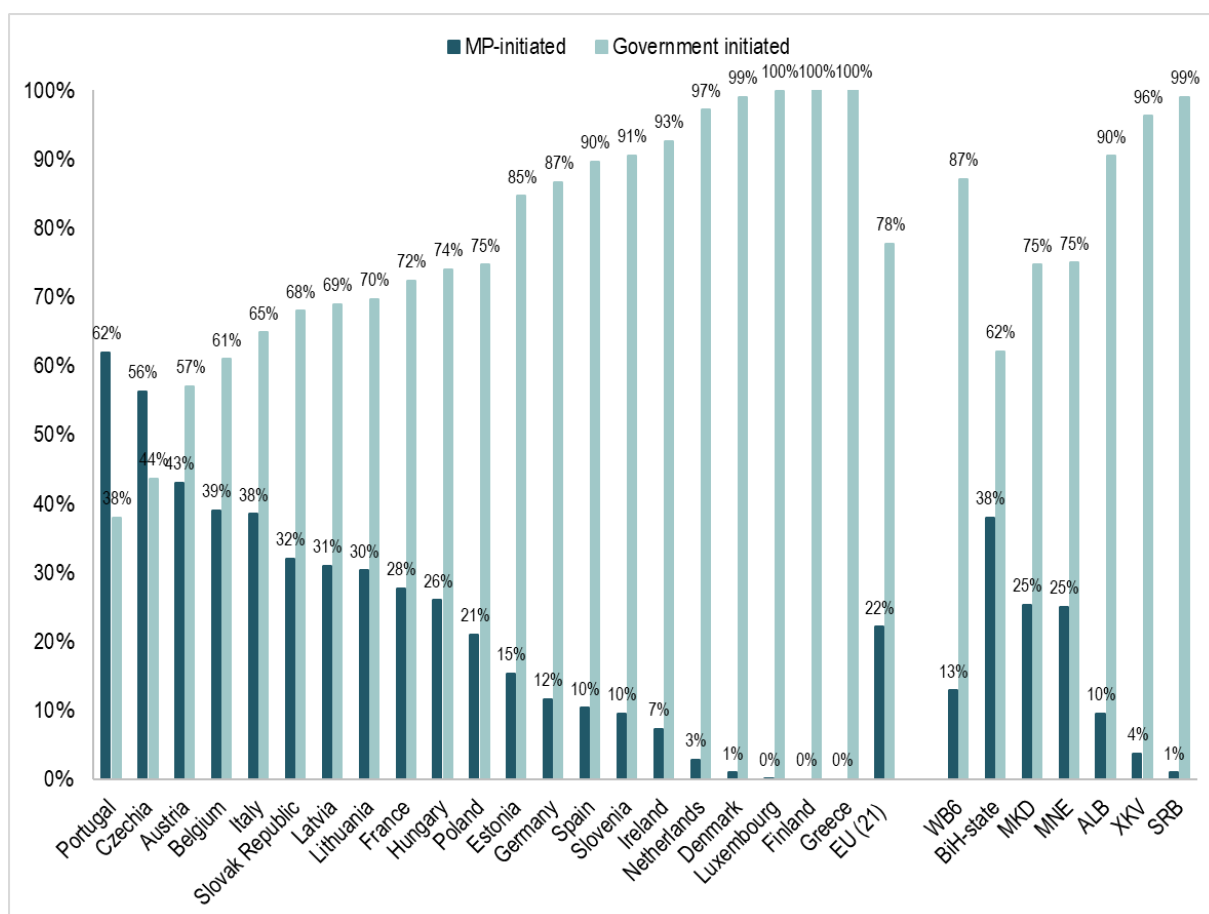
Source: SIGMA analysis based on information collected from various reports and parliament websites.

By contrast, MPs – individually or in groups – are clearly secondary to the government in the initiation of legislation. Most draft laws introduced by MPs came from members of governing parties. Based on interviews and anecdotal evidence, it appears that some governments use the possibility to initiate laws by MPs of the ruling party as a shortcut to bypass the more complex regulatory requirements applied to

government-initiated legislation. Overall, across the region, only 36 laws were initiated by MPs representing opposition parties during 2018-2022, i.e. approximately 1% of the total number of approved laws. **North Macedonia** had the highest number of opposition MP-initiated laws during this period (25), while only two laws were initiated and approved by non-ruling-party MPs in each of the other five parliaments. In **Kosovo***, the number of MP-initiated laws during the past five years was ten: two by opposition MPs; three by ruling-party MPs; and five by parliamentary committees. In **Montenegro**, the number of approved laws introduced by MPs has been high in recent years (26 out of 84 approved laws in 2021, and 42 out of 78 in 2022).

Overall, MPs in the Western Balkan region have been less active in initiating new legislation than in EU Member States. According to the *OECD Regulatory Policy Outlook 2021*, during 2017-2019 an average of 22% of all approved laws in EU Member States were initiated by MPs. This is higher than the average of MP-initiated laws in the Western Balkan region for 2018-2022. However, EU and OECD countries vary considerably in the initiation of legislation by MPs and government (Figure 4; Annex 2).

Figure 2. Share of approved laws initiated by parliaments and governments in the European Union (2017-2019) and the Western Balkans (2018-2022)



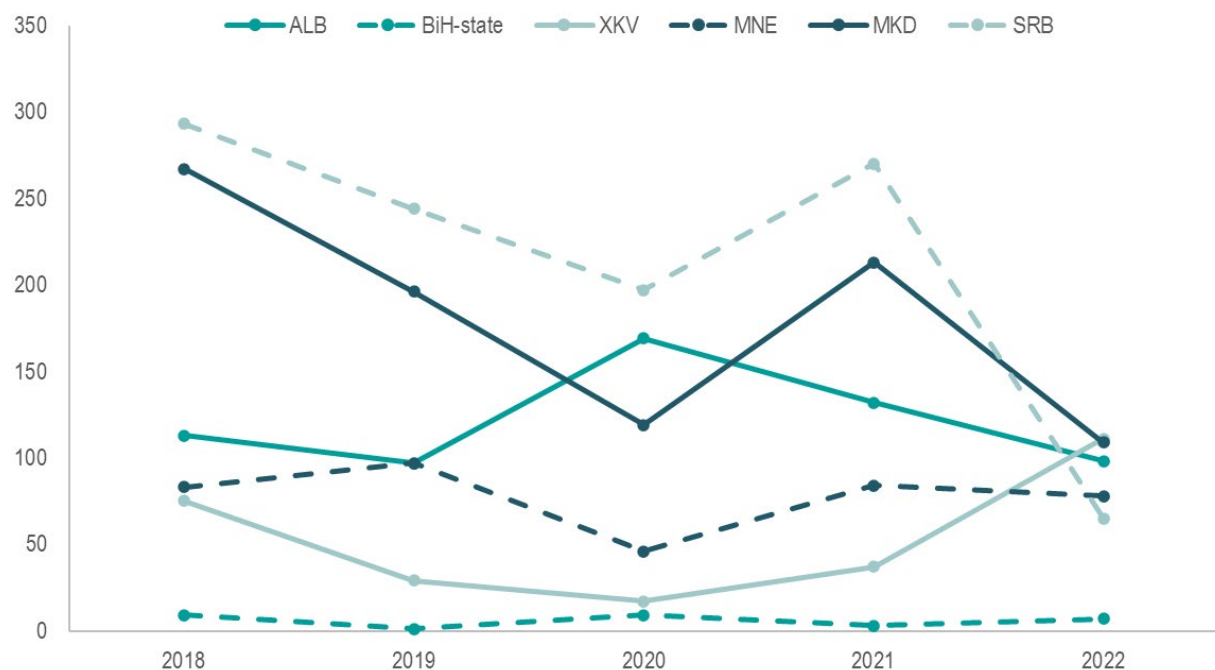
Notes: WB = Western Balkans. Includes data from 21 EU Member States that reported relevant statistics for the 2021 *OECD Regulatory Policy Outlook*. EU Member States that reported 0% of laws approved by both parliament and government are excluded. For full statistics see Annexes 2 and 3. EU data covers 2017-2019; WB data covers 2018-2022. Serbia figures include only laws initiated by MPs and government; seven laws initiated by other state institutions are not shown in the chart.

Sources: Adapted from OECD (2021), *OECD Regulatory Policy Outlook 2021*, OECD Publishing, Paris, <http://oe.cd/reg-outlook>; WB data from SIGMA analysis of law statistics from parliamentary administrations, websites and other publicly available databases.

The parliamentary approval rate of draft laws is high, with considerable variations across the region (Figure 5). Many draft laws are withdrawn in the early stages of legislative scrutiny and are not put to a final vote. Only one-third of laws put forward for final approval to the **BiH (State)** Parliament received approval during 2018-2022. The rate of final approval of laws was reported to be 100% in **Serbia**, 96% in **North Macedonia**, 94% in **Kosovo*** and **Montenegro**, and 78% in **Albania**. Thus, **BiH (State)** has by far the lowest number of approved laws as well as the lowest approval rate because of its specific constitutional arrangements, such as veto powers, and political constellations that have made it exceptionally challenging to build sufficient consensus to adopt legislation at the State level. At the same time, it should be noted that the statistics on rejected laws used in this study do not consider many draft legislative laws that did not reach the stage of final voting at the plenary. Furthermore, it has not been possible to fully verify and confirm all Table 15 statistics.

While the constitutions of the Western Balkan administrations provide for the initiation of legislation by citizens, there is no evidence that any laws initiated by citizens were approved in the region between 2018 and 2022. Concerning the initiation of laws by other state institutions in 2018-2022, in **Serbia** there were seven such cases. All these legislative initiatives were eventually approved by the Parliament.

Figure 3. Dynamics of lawmaking in the Western Balkans, 2018-2022



Source: SIGMA analysis, based on information from official websites and reports, and data provided by the parliamentary administrations.

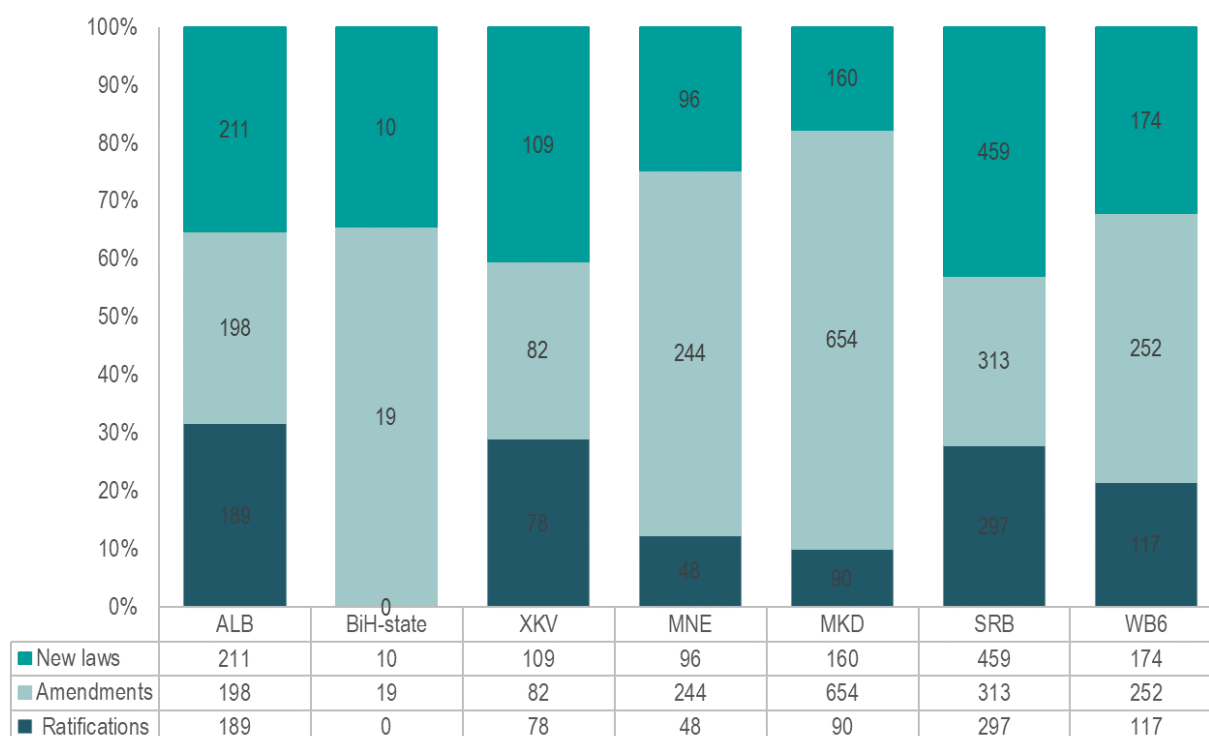
Lawmaking dynamics between 2018 and 2022 show the impact of changeable political conditions and election cycles. On average, the region adopted about 650 laws each year (a total of almost 3 270 laws in 2018-2022). 2018 was the busiest year for the parliaments of the Western Balkan region, with over 830 laws being adopted in the six legislatures; the least active years were 2022 (with a total of 468 laws adopted) and 2020 (a total of 557). **Serbia** and **North Macedonia** are the leaders in initiation and approval of laws per annum, followed by **Albania** (see Figure 5). On average, the Serbian Parliament approved over 210 laws each year during 2018-2022, but the country experienced a setback in 2021-2022 when the number of laws approved by Parliament fell drastically, from 265 to 65. **North Macedonia** approved 180

draft laws each year on average, with 2018 being the busiest year, when Parliament passed 267 laws into the statute book. Meanwhile, **Kosovo*** introduced its highest number of laws in 2022 (111). Because of its complex political situation, the Parliament of Kosovo* had been unable to process many laws between 2019 and 2021, so many of the draft laws that had been pending were eventually processed in 2022. By contrast, **BiH (State)** Parliament approved six laws per year on average. As discussed earlier, the low number of laws in BiH (State) is explained by its complex constitutional setup and policymaking system.

When considering profiles of legislative activity, it is important to note that most of the laws approved by parliaments between 2018 and 2022 amended existing laws (Figure 6). Only 32% of all laws approved in the region were new laws, while 46% amended existing laws and 22% were laws ratifying international agreements (new or amendments). For example, about 72% of laws (654) approved in **North Macedonia** in 2018-2022 were amendments of existing laws, the highest proportion in the region. In **Montenegro**, the share of laws introducing amendments in the total number of laws was also relatively high, about 63% (244/388). The region's lowest relative shares of draft laws amending existing laws were in **Kosovo*** (30%) and **Serbia** (29%).

About 22% of laws adopted in the region in 2018-2022 were ratifying various international agreements. The relative shares of this category of laws were the highest in **Albania** (32%); **Kosovo*** (29%); and **Serbia** (28%). Preparation of these ratification laws in some countries follows different, simplified procedures that bypass some preparatory steps. In **North Macedonia**, for example, all ratification laws are processed through urgent procedures. While this kind of practice can help manage the overall workload of government and parliament legislative activities, it can also create gaps and weaknesses in the evidence base used to make final decisions on these laws.

Figure 4. Types of laws approved by Western Balkan parliaments, 2018-2022



Notes: WB = Western Balkans. All approved laws are categorised as new laws, amendments to laws and laws ratifying international agreements (including amendments to ratification laws).

Source: SIGMA analysis based on information provided by the parliamentary administrations, as well as data from parliament websites and other publicly available sources.

To summarise, despite comparable legal and regulatory conditions governing the initiation of legislation across the region, patterns of initiating parliamentary legislation differ greatly in number and type of draft laws considered and adopted; the main initiators of legislation; and fluctuations over time.

Preparation of draft laws

Preparation of government-initiated draft laws

Practices differ across the region for the preparation of draft laws and supporting materials required to initiate official registration and subsequent scrutiny in parliament. The process of preparing draft legislation for submission by the government to parliament typically encompasses many steps, some of which may run in parallel. They include initial identification of the rationale for a legislative change, through either an amendment to existing legislation or adoption of a new law; analysis of the problem to be regulated; the development of options to achieve the legislative objectives; the appraisal of options and selection of the preferred legislative choice based on analyses of costs and benefits and the risks of various options; initial drafting of the text of the law; interministerial co-ordination; internal reviews; external consultations; and final approval by the cabinet.

The present analysis focuses on three tools that are important for ensuring evidence-based lawmaking by parliaments. The first is the use of regulatory impact assessments (RIAs) or similar tools to analyse the policy problem, alternatives and options, and their likely impact. Second, evidence-based lawmaking requires engagement with stakeholders and public consultation to help obtain key evidence and information to design policies that deliver the best outcomes. Finally, the requirements and practices of legal drafting and of ensuring compliance with national, EU and international law matter greatly for the quality of legislation. The following sections review the use of these tools during the executive stage of the legislative process in the Western Balkans.

Ex ante impact assessment and public consultation on government-initiated laws

Lawmaking is a complex process that requires careful planning and implementation of key analytical tasks. This starts with analysis of the policy problem to be addressed and the identification of policy objectives to be reached to develop options and justify the rationale for government intervention in the first place, including demonstrating the government's constitutional competence to intervene. *Ex ante* impact assessments and stakeholder and public consultations are recognised internationally as the most effective tools to help achieve better-quality lawmaking.

All governments in the Western Balkans have formal arrangements in place to conduct *ex ante* regulatory impact assessments and carry out stakeholder and public consultations during the preparation of draft laws by the government (see Table 16). However, the consistency of implementation and the quality and impact of these lawmaking tools remain weak across the region, as shown by the SIGMA 2021 Monitoring Reports and SIGMA Paper No. 61, *Regulatory Impact Assessment and EU Law Transposition in the Western Balkans: A Comparative Analysis of the Practice of Ex Ante Assessment of Regulatory Proposals and EU Law Transposition* (2021)⁵⁷ (Box 10).

In most administrations, RIAs are initiated late in the lawmaking process. In **Kosovo***, all draft laws are required to have a concept document prepared and approved by the Government before the draft law is prepared. These documents provide an *ex ante* assessment of impacts and risks of the proposal. However,

⁵⁷ Tunyan, B. (2021), "Regulatory impact assessment and EU law transposition in the Western Balkans: A comparative analysis of the practice of *ex ante* assessment of regulatory proposals and EU law transposition", *SIGMA Papers*, No. 61, OECD Publishing, Paris, <https://doi.org/10.1787/2cbdb615-en>.

they are not updated at the time of their approval by the Government, which means that the analysis captured in the concept documents might not be accurate and relevant for decision makers, even if they are made available.

These documents do not appear to be consistently used by the Kosovan Government when draft laws are being considered for final approval. They are also not consistently available to inform decision making during parliamentary scrutiny. Therefore, the relevance and use of such documents during the parliamentary scrutiny phase can be assessed as being minimal.

Box 2. SIGMA Paper No. 61: Regulatory Impact Assessment and EU Law Transposition in the Western Balkans

SIGMA conducted a comparative regional study on the *ex ante* systems of regulatory impact assessment including EU law transposition in six Western Balkan administrations in 2020. The paper systematically discusses both the regulatory and methodological frameworks, the implementation of *ex ante* RIAs and their oversight and management systems. A sample of 40 actual RIA reports from all administrations was analysed to identify key strengths and challenges.

As of 2020, all administrations in the region had formal requirements and procedures in place for conducting *ex ante* analysis of regulatory policy measures introduced through primary legislation initiated by the government. Yet the scope of the RIA system was somewhat limited and its quality and consistency of implementation in practice varied significantly. There were also loopholes and gaps identified in the existing RIA regulatory systems that allowed certain types of draft legislation to bypass RIA scrutiny. Moreover, RIAs were not found to be used systematically to inform the EU law transposition process.

In general, although formal standards and requirements for RIA analysis are set at a high level in all Western Balkan administrations, in most cases the quality of reports prepared by ministries were not found to be comprehensive and adequate. The RIA process is generally initiated late in the policymaking process and was not being used to inform final government decision making.

While qualitative discussions of various impacts do take place in practice, it was found that little attempt was made to provide adequate quantification and monetisation of impacts. This makes it difficult to compare various options for analysing and understanding the best solutions to yield the highest overall net benefit for society. In general, alternatives to regulations were not found to be systematically analysed in the RIA reports produced in the region. Additionally, almost half of the sample RIAs analysed did not consider monitoring and evaluation mechanisms for the proposed law.

This study also concluded that the RIA process and outcomes were not open and accessible to external users, including parliament and the general public. None of the administrations systematically publishes their final RIA reports, thus limiting access to information and analysis on regulatory proposals by citizens and parliamentarians.

Source: Tunyan, B. (2021), "Regulatory impact assessment and EU law transposition in the Western Balkans: A comparative analysis of the practice of *ex ante* assessment of regulatory proposals and EU law transposition", *SIGMA Papers*, No. 61, OECD Publishing, Paris, <https://doi.org/10.1787/2cbdb615-en>.

The procedures and processes for planning and initiating work on individual draft laws vary across the region. Public consultation and impact assessments are not yet linked effectively with the lawmaking process. Ministries usually plan and start the preparation of draft laws well before conducting an actual analysis of the impact of policies and their alternatives. Similarly, public consultations are often carried out

more to satisfy procedural requirements than as genuine exercises to engage and consult with key stakeholders and interested parties in the policymaking process.

However, despite the weaknesses in the existing RIA and public consultation systems, these tools continue to play an important role in ensuring consistent and high-quality lawmaking in the region. The relevant supporting documentation on draft laws provides important evidence and information that is required during subsequent parliamentary scrutiny and approval. Parliamentary scrutiny is made more difficult when there is little transparency on the results of internal government review processes. There is a direct link between the quality of internal review and parliament's ability to scrutinise effectively.

Moreover, parliaments often operate within tight deadlines that offer few opportunities for them to conduct their own structured consultations with stakeholders and civil society. The quality of internal reviews, notably RIAs and compliance checks, appears to vary significantly, as does the quality of the documents intended to show the results of reviews. This is a critical point, as parliaments rely heavily on such information.

Table 3. Requirements and practices for *ex ante* RIAs and public consultation for government-initiated laws

	ALB	BIH-State	XKV	MNE	MKD	SRB
Is an RIA required for primary legislation?	Yes	Yes	Yes	Yes	Yes	Yes
Is public consultation required for primary legislation initiated by the government?	Yes	Yes	Yes	Yes	Yes	Yes
Number of draft laws approved by the government in 2022 (excl. international ratification laws and state budget laws)	31	NA	76	68	75	27
Number of draft laws approved by the government in 2022 for which an RIA was prepared	19	0	76	57	38	18

Notes: National rules and requirements for *ex ante* RIAs vary. Excludes laws ratifying international agreements and laws on the state budget. In Albania, in 2022 the government approved 68 draft laws, 35 of which were laws ratifying international agreements. From the remaining 33 draft laws, 10 were excluded from the RIA scope, including 2 laws related to the state budget. In Serbia in 2022, an overall 59 laws were approved by parliament, 29 of which were international agreements and 3 state budget laws. RIAs were prepared for 18 draft laws. National regulations did not require RIAs for the remaining draft laws. In Kosovo*, each law must have a concept document prepared and approved beforehand. These documents provide *ex ante* impact assessments of the proposed legislative change, but they are not updated at later stages to reflect the possible impacts of the final draft law submitted to the government for approval. In many administrations, regulations exclude certain type of laws from the RIA requirement.

Sources: SIGMA 2021 Monitoring Reports; SIGMA Paper No. 61; information provided by the national administrations.

In general, there are no established practices for engaging MPs during the executive stages of lawmaking. MP engagement in the preparatory work on draft laws initiated by government is decided on a case-by-case basis, depending on the importance and political significance of the draft law. Early engagement with MPs on major or sensitive legislative proposals, for example during the formal stakeholder and public consultation phase, can help build consensus on complex policy issues and avoid unnecessary delays and blockages during the formal parliamentary scrutiny phase. There have been some examples of early engagement with parliaments across the region. For instance, Government officials of **North Macedonia** consulted with MPs during preparation of the draft Law on Administrative Servants to secure their support for approval at a later stage.

Standards and quality of legal drafting of government-initiated laws

Parliament has an important role in ensuring that all enacted laws are clear, consistent and easy to understand, and that there is overall coherence and uniformity in the adopted legislation. Both parliament and government, as the main initiators of legislation, must work together to ensure effective, consistent and clear legal drafting of all laws. This is achieved by applying the same standards and rules for technical drafting during the preparation of draft laws and, when appropriate, the formulation of amendments during the parliamentary phase.

The lawmaking process, in a narrow sense, is about drafting a legal text that becomes part of the statute book after approval. Ensuring that all laws are drafted in a similar style, language and structure requires that relevant regulations and guidelines be in place. Legal drafting also requires special expertise and skills, but both are usually in short supply. Poorly drafted legislation is difficult to improve during the parliamentary scrutiny and approval process. Both government and parliament have a common interest in adopting laws of high quality, as legal quality is important for their successful implementation.

Standards and rules of procedure for legal drafting and compliance checks are institutionalised for government-initiated draft laws throughout the region. In effect, there are internal mechanisms for checking the legal quality and compliance of new laws before they are put forward for final cabinet approval and submission to parliament. Responsibility for these tasks is typically assigned to governmental institutions such as the Government's Legislative Secretariat or, as in the case of **Albania**, the Ministry of Justice. In addition, the application of uniform standards and practices requires continuous support, guidance and quality control.

Our review of government practices shows that legal drafting of government-initiated laws is often carried out by lawyers of lead ministries independently from other preparatory tasks, such as impact analysis or the consideration of policy options and priorities. Additionally, the lawmaking process of government-initiated laws in the region typically starts with drafting of the legal text.

Approaches and practices for organising and conducting legislative drafting work within the government vary across the region. Drafting is conducted mostly by and within individual ministries, but under certain circumstances it may be carried out by the centre of government, such as the office of the prime minister, particularly when there is great time pressure or matters of considerable political sensitivity are at stake. For example, in late 2022 the **Albanian** Office of the Prime Minister established a new unit to deal with priority legislation. It comprises a team of lawyers tasked with leading the legal drafting of priority laws. The unit is expected to research other country experiences in dealing with complex legal or law drafting issues, then prepare a position paper on how to deal with these issues domestically and work jointly with the lead ministries to draft the respective laws. The decision to prioritise certain draft laws and centralise drafting is based on various criteria, such as anticipated impact, public interest and political priorities.

In **Albania**, the RoP of the Parliament (Article 68) regulate law drafting standards. A law drafting manual has been adopted to help lawyers prepare draft laws and legislative amendments. It also contains guidelines for planning and organising preliminary law drafting; internal and external consultation and the legislative response to results; consideration of draft laws by the Council of Ministers and their submission to the Parliament; and the promulgation, publication and subsequent review of enacted legislation. Before draft laws are submitted to the Council of Ministers for approval, the Ministry of Justice provides mandatory opinions covering issues related to legal compliance with existing legislation and legal drafting⁵⁸.

⁵⁸ To enhance the methodology for legal drafting to minimise corruption risks, in 2011 an EU-funded project prepared the manual *Corruption Proofing: Using Good Law Drafting to Avoid Creating Corruption Risks in Draft Legislation*, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ec88a>.

In **Kosovo***, some general rules and standards of legal drafting are included in the Manual on Organisation of Work in Parliamentary Committees. However, its standards and guidance are not sufficient for MPs to use it for legal drafting. The Government is in the process of implementing a new IT platform (the Legal Drafting System) to improve planning and work on legal drafting by officials. The system is expected to improve the quality of legal drafting and procedures, as established by the RoP of the Government and Regulation No. 13/2013 on the Government Legal Service. The Legal Drafting System serves as a drafting platform that enables public officials to draft legislation directly. It also helps prepare the table of compliance with the EU *acquis*⁵⁹.

The RoP of the Parliament of **North Macedonia** specify the content and structure of draft laws that must be followed in all cases. The proposed laws must include the title, introduction and provisions of the law, along with an explanatory note. Further guidelines and standards are provided in the *Handbook on Legislative Drafting* developed by the Secretariat for Legislation of the Government. The guidelines are available in both official languages. In terms of legal compliance checks, they are carried out by the Legislative Secretariat for all government-initiated laws. The compliance checks are also controlled later by the Legislative Committee of Parliament. It is worth noting that the official manual on legal drafting published on the website of the Secretariat for Legislation is not fully available and accessible for external users, including parliamentary staff and MPs. Moreover, the published version of the manual includes only the table of contents and the introduction section.

In **BiH (State)**, the RoP of the Parliament prescribe that a law proposal be accompanied by explanatory notes/documents covering: the constitutional basis for adopting the law; reasons for adopting it; principles on which the proposed law is based; financial and other means necessary to implement the proposed law; the opinions of institutions and organisations consulted during preparation of the law proposal; and any additional explanations that clarify reasons for passing the law. The Unified Rules for Legislative Drafting provide specific guidelines for legal drafting.

In **Serbia**, a uniform methodology for drafting legislation is applied by both the Government and the National Assembly. This can help ensure consistency in legal drafts prepared by the Government and Parliament. In **Montenegro**, the preparation of legislation is governed by the RoP of the Government and the RoP of the Parliament, as well as the uniform manual for legal drafting.

Preparation of MP-initiated draft laws

The preparation of draft laws originating from within parliament differs decisively from the procedures to be followed for government-initiated legislation. Formal requirements governing the use of instruments to ensure evidence-based lawmaking are less strict, and the pool of expert drafters on which MPs can rely is even more restricted than for government-initiated legislation. It is therefore even more important to pay attention to the expertise and resources available to MPs (e.g. parliamentary research services and public budget offices).

Ex ante impact assessment of MP-initiated laws

MPs in all six parliaments are required to submit an explanatory document to explain and justify the rationale for introducing a draft law. However, there is no evidence to suggest that systematic impact and risk assessments are carried out for MP-initiated draft laws in any of the parliaments of the region (for comparative context, see Boxes 11 and 12). Furthermore, no standard procedures, methodologies or guidelines are available for MPs or parliamentary staff to help them analyse policies and their possible impacts and risks.

⁵⁹ <https://lds.rks-gov.net>.

For example, for laws introduced by MPs in **Montenegro**, the text of the proposed law must be accompanied by a constitutional basis from Article 16 of the Constitution for regulating the issues covered by the proposed law; reasons for adopting the law; proof of compliance with the *acquis* and confirmed international conventions; an explanation of the basic legal institutes; an assessment of financial resources for enforcing the law; public interest for which retroactive effect is proposed, if the draft law contains provisions for which retroactive effect is foreseen; and the text of the provisions of the law to be changed, if a law on changes is proposed. However, there is no requirement for quality checks before a draft law can be proposed. This can create gaps in the evidence base and analysis. It is important to note that a large proportion of MP-initiated legislation is intended to amend existing laws rather than introduce new ones. These amendments can, however, be as important in terms of their impact and costs as new legislation.

Box 3. Use of regulatory management tools by parliaments of OECD Member States

The *OECD Regulatory Policy Outlook 2015* recommended that parliaments apply regulatory management tools, such as *ex ante* and *ex post* impact assessments and stakeholder engagement, to inform preparation and scrutiny of legislation. However, not many legislatures of OECD Member States have introduced such requirements to ensure that pieces of legislation initiated within parliament undergo similar scrutiny as those put forward by the government.

The *OECD Regulatory Policy Outlook 2021* concludes that regulatory management tools, such as RIAs and stakeholder consultations, remain mostly focused on laws initiated by the executive. While this is not necessarily a problem when the executive is responsible for initiating most laws, countries where a large share of laws are initiated by members of parliament can face additional risks and challenges to ensure the lawmaking process is evidence-based and consultative. Furthermore, having a shorter and easier route to initiate and approve legislation within parliament (for example, through ruling-party parliamentarians) could be used as a shortcut to bypass regulatory requirements, undermining the quality of the legislative process.

Source: OECD (2021), *OECD Regulatory Policy Outlook 2021*, <https://www.oecd.org/publications/oecd-regulatory-policy-outlook-2021-38b0fdb1-en.htm>.

Consultation with external stakeholders and the public on MP-initiated laws

Consultation on draft laws initiated by MPs is not mandatory in any of the Western Balkan parliaments and is not being carried out systematically in the region. Nevertheless, some parliaments have developed guidelines and manuals to promote and support external stakeholder and public involvement in lawmaking in parliament. For example, the **Albanian** Parliament has adopted a manual on public participation in its decision making. Parliamentary working bodies and MPs may also involve external experts and NGOs during the lawmaking process. External expert support is sometimes also used for legal drafting. Engaging external experts may also help MPs collect useful evidence and information, but it certainly cannot replace public consultation.

Box 4. Parliamentary services and tools for effective, evidence-based lawmaking in EU Member States

Parliamentary administrations and services can be crucial to support evidence-based lawmaking by members of parliament.

The administrations of EU parliaments use different approaches and organisational solutions to perform this function. In some parliaments, such as in **Germany** and **Italy**, dedicated research services are fully incorporated into the parliamentary administrations. In some other parliaments, scientific services enjoy special autonomous status from the rest of the parliamentary administration, which is also confirmed by the composition of their governing bodies. This is the solution adopted in some Eastern European parliaments, through the Parliamentary Institute model (e.g. **Czechia** and **Slovakia**).

However, all these structures share some operating principles: the capacity to provide independent, timely and authoritative analysis; a lack of advocacy; the pursuit of “usable knowledge”; transparency; and confidentiality. As a rule, the services provided by these structures are offered to both governing and opposition parties, with the aim “to inform the parliamentary and public debate on issues facing the parliament, not to lead the debate” (IPU and IFLA, 2015). This work is carried out in a neutral, objective and trustworthy manner and it is planned with the aim of providing MPs and parliamentary bodies with the information required at each stage of the parliamentary decision-making process (Rizzoni, 2023).

In providing information resources to lawmakers, the research services undertake multiple activities: they prepare legal opinions concerning the compliance of bills with the Constitution, EU laws, the system of law and application of parliamentary law (Bureau of Research of the **Polish Sejm**); they elaborate from a legal-technical aspect the text of the bill or law proposal within the time limit set by the speaker of parliament and submit a relative report with their remarks (Scientific Service of the **Hellenic Parliament**); and they can also provide *ex ante* or *ex post* impact analyses (the Research Service of the **Italian Chamber of Deputies** prepares *ex ante* gender impact assessments on bills initiated by parliamentarians, and it publishes periodical reports on the state of implementation of the EU-funded Italian Recovery and Resilience Plan).

In **Portugal**, the Parliament adopted a Practical Guide for the Elaboration of Normative Acts of the Assembly of the Republic that, in terms of formal and material legistics, was harmonised with the rules of legistics in the elaboration of normative acts of the Government. This is a way to improve the consistency of the legislative process and the final quality of the laws passed, regardless of whose legislative initiative it is. In the preparation of legislative initiatives, Members of Parliament are supported by the support staff of the parliamentary group and by Parliament’s support services. At the request of Members of Parliament or on their own initiative, support services research, collect, process and disseminate relevant information about the legislative initiative.

This information is also useful for preparation of the technical note, and in some cases thematic notebooks may also be prepared. A technical note is a document prepared by the parliamentary support services for each draft law. It describes the constitutional, legal, doctrinal and historical framework of the subject, including at the European and international level. The technical note is forwarded to the committee that will examine the legislative initiative and must always accompany the text of the draft as an annex.

Sources: IPU (Inter-Parliamentary Union) and IFLA (International Federation of Library Associations and Institutions) (2015), *Guidelines for Parliamentary Research Services*, IPU, Geneva, <https://www.ifla.org/files/assets/services-for-parliaments/publications/guidelines-for-parliamentary-research-services-en.pdf>; Rizzoni, G. (2023), Parliamentary Administrations and the Provision of Scientific Expertise, in T. Christiansen, E. Griglio and N. Lupo (eds), *The Routledge Handbook of Parliamentary Administrations*, Routledge, London; EPTA website, <http://eptanetwork.org/>.

Legal drafting support for MP-initiated laws

In most parliaments of the region, the parliamentary administration is responsible for providing legal drafting support to MPs (for comparative context, see Box 13 on the European Parliamentary Research Service). For example, in **North Macedonia**, the Unit for Support to the Work of the Groups of Representatives (MPs) is responsible for assisting in the development of draft laws or other legal documents and amendments proposed by MPs. Additionally, the Unit for the Development of Draft Laws provides support in legal drafting and prepares draft laws for official publication.

This unit, which forms part of the Department for Legislation, offers expert support and develops draft laws, other regulations (declarations, resolutions, decisions and recommendations) and amendments proposed by MPs; edits the draft laws in accordance with the normative rules and prepares the drafts for the third reading; edits the texts of the laws and other regulations of the Parliament and prepares them for publication in the Official Gazette; and performs other normative-legal tasks related to the legislative activities of the Parliament. Support is also available through the Parliamentary Budget Office.

In **Serbia**, the parliamentary service may assist in preparing proposals of draft laws at the request of MPs (RoP, Article 293). Consultants employed by parliamentary groups may also be involved in the drafting process. To ensure the quality of legislative drafting, there may also be informal contact with the executive's Legislative Secretariat.

In **BiH (State)**, the Legislative and Legal Sector of the Secretariat of the Parliamentary Assembly provides professional assistance to MPs to harmonise draft laws with the Uniform Rules for Drafting Legal Regulations.

In **Kosovo***, the General Directorate for Legal Issues and Procedural Issues of the Parliament is the main unit tasked with providing professional legal and procedural advice. It has two Directorates, the Directorate for Support of Parliamentary Committees and the Directorate of Legal Services and Legal Approximation. They both provide support to parliamentary committees, groups and MPs with expertise in drafting laws, legal standardisation, linguistic standardisation, harmonising final texts of laws, preparing preliminary reports, offering assistance with drafting legislation and amendments, aligning laws and amendments with EU legislation, harmonising with legislation in force, and formulating legal opinions.

In **Albania**, each parliamentary group is provided with support staff in proportion to its size, determined by a decision of the Bureau of the Assembly. The parliamentary services perform advisory, informative, organisational, co-ordination and technical tasks to support MPs, the Assembly and its bodies. The services are directed and report to the Secretary-General of the Assembly and aim to provide equal opportunities and conditions to exercise their constitutional and legal functions⁶⁰.

In **Montenegro**, the parliamentary services, such as the Sector for Support to Legislative and Oversight Functions of the Parliament, can, in principle, be asked to assist MPs during the preparation of legislative proposals. Additionally, MPs can request the Parliamentary Institute/Research Centre and the Parliamentary Budget Office to conduct research on specific topics to support preparation of their legislative proposals.

⁶⁰ The Organization for Security and Co-operation in Europe (OSCE) has provided support to strengthen the role of Albania's Parliament in performing its core functions with a focus on oversight and representation. Emphasis is on the involvement of youth and civil society in the decision-making process of the Parliament to ensure inclusiveness. Co-operation with national European parliaments introduces MPs and Assembly staffers to best international and regional practices.

Box 5. European Parliamentary Research Service and international networks facilitating parliamentary research and collaboration

Since its establishment in 2013, the European Parliamentary Research Service (EPRS) has become one of the most important and structured services for evidence-based lawmaking. The EPRS mission is to support Members of the European Parliament (MEPs) and, where appropriate, parliamentary committees, to perform their tasks by providing independent, objective analysis of, and research on, policy issues relating to the European Union. It provides a wide range of products and services. For instance, it assesses the quality of the European Commission's impact assessments and prepares Mapping the Cost of Non-Europe reports on the potential benefits of future EU action in new policy areas.

Mutual contacts and exchanges of experiences among different parliaments are facilitated by very active and structured international networks such as the European Centre for Parliamentary Research and Documentation (ECPRD). The ECPRD promotes co-operation among member chambers through the exchange of information, compilation of documentation and studies, organisation of seminars and sharing of knowledge regarding parliamentary ICT applications. Today, the ECPRD constitutes a true "community of knowledge" that connects members of the network daily.

Western Balkan parliaments are associated to this network and make important contributions to its work. Moreover, some parliaments have set up specific bodies that specialise in assessing the technological choices lawmakers face. These structures provide scientific information on topical issues such as climate change, nanotechnology, data mining and food security. They have varying relationships with parliamentary administrations: sometimes they are mixed technical-political bodies (e.g. France's Parliamentary Office for the Evaluation of Scientific and Technological Options), but they can also be autonomous agencies composed entirely of experts from outside the parliament (e.g. Germany's Office of Technology Assessment at the German Parliament). All these bodies participate in the European Parliamentary Technology Assessment (EPTA) network.

Sources: EPRS website, <https://www.europarl.europa.eu/at-your-service/en/stay-informed/research-and-analysis>; IPU (Inter-Parliamentary Union) and IFLA (International Federation of Library Associations and Institutions) (2015), Guidelines for Parliamentary Research Services, IPU, Geneva, <https://www.ifla.org/files/assets/services-for-parliaments/publications/guidelines-for-parliamentary-research-services-en.pdf>; Rizzoni, G. (2023), Parliamentary Administrations and the Provision of Scientific Expertise, in T. Christiansen, E. Griglio and N. Lupo (eds), *The Routledge Handbook of Parliamentary Administrations*, Routledge, London; EPTA website, <http://eptanetwork.org/>.

Parliamentary budget offices

Next to legal services and research centres, parliamentary budget offices also have a potentially important role to play in supporting legislation preparation. **Montenegro**, with its relatively high share of draft laws introduced by MPs, provides an interesting example of an extensive parliamentary infrastructure to support the legislative activities of MPs and parliamentary committees. In addition to the Parliamentary Institute and the Research Centre, Montenegro has a Parliamentary Budget Office (PBO) that performs expert tasks relate primarily to preparing research and analytical papers, and summaries of relevant official domestic and international publications on topics of importance for the implementation of economic and fiscal policy. These pursuits are intended to support the work of MPs and parliamentary committees. Montenegro's PBO also reinforces co-operation with domestic and foreign institutions, international organisations and parliamentary budget offices of other national parliaments and the European Parliament.

A similar PBO exists in the Parliament of **North Macedonia**, established through legislative amendments to the Law on Parliament. According to the rulebook on the Organisation of the Parliamentary Service, the

PBO is tasked with performing expert financial and budget analyses for MPs, working bodies and parliamentary committees, and for the Assembly as a whole to improve parliamentary budget oversight. Its analysis includes informational materials, briefings and studies related to the fiscal implications of new legislative initiatives and amendments considered during parliamentary scrutiny. In 2022, the PBO, which employed five officials, produced more than 50 papers in response to MP requests, as well as 18 proactive analytical papers and 10 briefing notes.

The Parliament of **Serbia** established a PBO in 2015. Like the PBOs of Montenegro and North Macedonia, Serbia's was established with support of the Westminster Foundation for Democracy (WFD). However, the Parliament struggled to maintain the PBO when external WFD support was phased out, and it no longer exists. In its absence, the Serbian Fiscal Council can play an important role in helping support some aspects of fiscal oversight at Parliament by tabling its reports on the credibility of fiscal policy at the legislature.

What emerges from this brief assessment? While government-introduced legislation dominates throughout the Western Balkans, in some parliaments – and at certain times – draft laws proposed by MPs make up a considerable share of all draft legislation considered in parliament and have a fair chance of being adopted. The evidence base on which legislation initiated from within parliament can draw and the quality of drafting are no less important for MP-initiated draft laws than for the more numerous proposals submitted to parliament by the government. Two points are worth highlighting: first, formal requirements for impact assessments and consultation are much less stringent for legislation introduced by MPs; and second, parliaments' capacities to carry out such assessments and consultations are less developed than those of the government.

Submitting and registering a draft law for parliamentary scrutiny

All governments and parliaments in the Western Balkan region have established clear rules and procedures determining how legislative initiatives should be prepared and submitted to parliament for scrutiny and approval. In addition to the draft law, additional supporting documents and materials are included in the package that is submitted to parliament.

In the case of government-initiated laws, the council of ministers must approve the draft law before it is submitted to parliament. Government approval procedures regularly require checks on compliance with internal procedures and rules. They also cover the preparation of supporting materials, such as impact assessment reports or opinions on constitutional and EU law compliance to ensure that the government's final decision making is informed by evidence and advice provided by the relevant institutions.

The actual submission of a government-initiated draft law to parliament is usually carried out by the relevant centre-of-government institution, after it has been formally approved by the cabinet. In **BiH (State)**, however, the final draft law and supporting materials are prepared and submitted to Parliament by the relevant lead ministry. The Council of Ministers delegates the lead ministry to submit the draft law to Parliament and acts as its official representative. It is also worth noting that, in accordance with the BiH Constitution (Article 5), the Presidency of BiH is responsible for submitting draft laws on the annual state budget to Parliament, at the proposal of the Council of Ministers of BiH. For all other draft laws, submission is made by the relevant lead ministry, based on a decision of the Council of Ministers of BiH.

The RoP of the Government of **North Macedonia** assign the Secretary-General of the Government and the General Secretariat to prepare and submit the final package of draft laws to Parliament, after they are approved by the Government. Similarly, in **Kosovo*** the Secretary-General of the Government, through the Government Co-ordination Secretariat, prepares and submits draft laws to the Parliament after approval by the Government. In **Serbia**, this task falls to the Secretariat General of the Government, in line with Article 66 (2) the RoP of the Government.

In **Albania**, the package of draft laws and supporting materials are prepared and submitted by the Secretary-General of the Council of Ministers. The draft laws, after being registered according to the order of their presentation, are passed on to the Speaker of the Assembly who orders their distribution to MPs. Upon request,

copies of the draft laws are made available to the media or other interested parties. Unless regulations state otherwise, the review of draft laws cannot begin until at least two weeks after their date of submission.

Specific regulatory requirements and supporting documents to be submitted with the draft law to parliament vary across the region (Table 17).

Table 4. Supporting documents accompanying government-initiated draft laws submitted to parliament for official scrutiny and approval

	ALB	BIH-State	XKV	MNE	MKD	SRB
Mandatory documents /information to register/accept government-introduced laws						
Introduction or explanatory memorandum explaining the problem, objectives and rationale	Yes, explanatory note	Yes	Yes	Yes	Yes, introduction	Yes, rationale
Assessment of fiscal impacts on state budget	Yes	Yes	Yes	Yes	Yes (as part of introduction)	Yes
Estimated costs and sources of funding	Yes	Yes	Yes	Yes	Yes (as part of introduction)	Yes
List of other laws that must be aligned and regulations required for implementation	Yes (included in the draft law)	No	No		Yes (as part of introduction)	Yes
RIA report	Yes (not formally required but shared when prepared)	Yes	No	Yes, where required	No	Yes (where required; it is a separate document)
Report on outcome of public consultation	Yes, if it was carried out	Yes	Included in the explanatory memorandum	Yes, where required	No	Yes (as part of RIA Part 5)
Opinion on legal compliance with the constitution and other laws	Yes (MoJ)	Yes	Included in the explanatory memorandum	Yes	No	Yes
Opinion from the Gender Equality Office /equivalent	No	Yes	No	No	No	No
Opinion from the Data Protection Agency	No	Yes	No	No	No	No
Other documents, if relevant						
EU <i>acquis</i> alignment/ harmonisation statement	Yes	Yes	Yes	Yes	Yes	Yes
Original EU law title	Yes	Yes	Yes	Yes	Yes	Yes
Opinion from the Ministry of Justice if the proposal relates to the judiciary	Yes	Yes	No	Yes	No	Yes
Opinion from the Ministry of Foreign Affairs for laws ratifying international agreements	Yes	Yes	No	Yes	No	Yes
Summary table listing all other laws and regulations that need to be changed with adoption of the new law	Yes	No	No	Yes	Yes	No

Note: Based on analysis of the regulatory framework of the respective administrations.
Sources: Relevant regulations; SIGMA interviews.

In **Albania**, a draft law must be accompanied by a note explaining the objectives of the intended legislative initiative, the rationale for intervention and why its objectives cannot be achieved through existing legal instruments. It also requires a statement explaining the compatibility of the law with the Constitution, compliance with other legislation and with the *acquis*. The regulations also require that economic, social and environmental impacts and gender sensitivity be analysed for draft laws, as well as the degree of fulfilment of the UN Sustainable Development Goals and other international commitments. Article 82/1 of the Constitution specifies that a law must always be accompanied by a report that justifies the financial expenses for its implementation. This requirement is also established in the RoP of the Assembly (Article 68). In addition, certain laws are required to undergo public consultation: legislation establishes the type of laws not subject to public consultation, such as those dealing with national security matters, international relations or bilateral and multilateral agreements, and emergencies⁶¹. The law does not exempt draft legislation initiated by MPs from public consultation.

In **North Macedonia**, all draft laws include an introductory part and an explanatory note. The introductory part provides an assessment of the policy area and the rationale for adoption of the law and sets the objectives and principles. It also explains the anticipated fiscal impact of the proposed law, costing and sources of funding. If relevant, the introduction of the proposed law should also include a list of other laws that have to be changed, as well as a statement of compliance with the *acquis*. The introduction must also include a list of secondary legislation that will need to be adopted to support implementation of the law. However, it is not possible to confirm that all these requirements are being consistently and effectively followed in practice. For example, the SIGMA 2021 monitoring report on North Macedonia concluded that the required information about secondary legislation accompanying draft laws was not prepared consistently, and there are similar weaknesses in the practices of other Western Balkan governments.

In **Montenegro**, an extensive list of documents and materials is required to accompany draft laws from the Government, regulated through both the RoP of the Government and the RoP of the Parliament. As regards consultations, according to Article 40 of the RoP of the Government, along with the proposed law and other regulations, as well as strategic and planning documents, the proposer is obliged to (among other things) submit a report on cross-sectoral consultations. This report should contain the positions, proposals and opinions expressed in the consultations, except when these consultations were carried out during a public hearing, which should be specifically noted in the report on the public debate. Along with the proposed law, the proposer is obliged to submit an analysis of the situation, as well as phenomena and problems in the area regulated by that law. The Government also prepares a text used for public communication, its website and press releases. Parliament does not formally receive this text.

In **Kosovo***, all draft laws should be accompanied by an explanatory note containing the objectives to be attained, information on harmonisation with applicable legislation and the rationale of the provisions. The explanatory note provides additional information on the consultation process conducted during the Government drafting procedure. The draft law should also be accompanied by a budgetary implication statement for the first year and two subsequent years, and a statement of approximation and harmonisation with EU legislation, including a table of concordance.

In 2022, the updated RoP of the Parliament introduced a new requirement for the provision of a Linguistic Proofreading and Harmonisation Statement. Each draft law entering Parliament must be tabled in both paper and electronic format, drafted in Albanian, Serbian and English. When draft laws are submitted to Parliament, the Office for Submissions and Proposals is responsible for conducting the first technical check

⁶¹ Regulated by Law No. 146/2014 on Public Notification and Consultation, which prescribes that draft legislation be exempt from the public consultation requirement if it deals with: a) national security matters, to the extent they constitute a state secret pursuant to the Law on Information Classified "State Secret"; b) international relations and bilateral and multilateral agreements; c) individual administrative acts and administrative acts of a normative type, except when otherwise provided by a special law; d) normative acts with the effect of the law approved by the Council of Ministers; e) civil emergencies; and f) other exceptional situations envisaged by law.

of draft laws submitted by the Government. The draft law does not move any further if it is not received in physical signed form. If a draft law is not accompanied by all required documents, the office is required to reject it. All draft laws and accompanying documents are published on the official Parliament website.

It is important to note that not all materials accompanying a draft law in its executive phase are necessarily passed on to parliament. In **North Macedonia**, for example, the RIA reports considered by the Government during the approval of draft laws are not submitted to the Parliament. In **Serbia**, the Parliament does not receive the public consultation report or the fiscal impact assessment document (PFE form). RIA reports, which contain information on public consultations carried out on that policy, are normally included in the Legal Justification Letter that goes to Parliament.

As previously noted, the rules and procedures for preparing and submitting MP-initiated laws vary across the region. While the basic timelines are similar or even identical to those applied for government draft laws, requirements for accompanying documentation differ substantially, with obligations for MP-initiated draft laws being less extensive than for government-initiated ones (Table 18).

Table 5. Documentation required to register an MP-initiated law for official parliamentary scrutiny and approval

	ALB	BIH-State	XKV	MNE	MKD	SRB
Explanation of the rationale/objectives	Yes	Yes	Yes	Yes	Yes	Yes
Estimates of any fiscal impacts and availability of budgetary resources	Yes	Yes	Yes	Yes	Yes	Yes
Opinion from the government to register an MP-initiated law	Yes, but only if there is budgetary impact (legislation)	Yes	Yes	No, but the views of the Government must be sought	Yes	Yes, the views of the Government must be sought
Statement about the draft law's compliance with the EU <i>acquis</i> (if relevant)	Yes	Yes	Yes	Yes	Yes	Yes
RIA or similar other analysis of impacts	No	No	No	No	No	No

Note: In Albania, legislation requires consultation with the government on only those draft proposals that are expected to have budgetary impacts. However, according to information supplied by the parliamentary administration, the Legislative Service sends all draft laws to the Government for consultation – not only those that have a budgetary impact.

Source: SIGMA analysis, based on laws and regulations of the Western Balkan administrations.

Consultation with government on MP-initiated laws and risks of creating unfunded mandates in laws

MPs in all six parliaments are required to consult with the government on MP-initiated draft laws if certain requirements are met (Table 19; for comparative context, see Box 14). This mainly relates to the potential fiscal impact of the proposed legislation. However, the actual criteria, processes and timelines of consultation with government vary.

Consultation with the government on MP-initiated draft laws is crucial for ensuring overall policy coherence, consistency and co-ordination with the government's own policy agenda. One obvious challenge relates to the adequate analysis of the fiscal impact of draft laws initiated by MPs. With the often-quoted shortage of adequate resources and professional expertise within parliaments, MPs largely rely on professional advice from the government to determine potential budgetary implications of new laws. Our analysis of country practices indicates some of the related risks. Although regulatory requirements are in place to

consult with the government on laws that generate a fiscal impact, consultation processes and quality seem insufficient to avoid the risk of laws being adopted without adequate funds allocated in the state budget, leading to implementation deficits.

Table 6. How parliaments consult with governments on MP-initiated laws

	ALB	BIH-State	XKV	MNE	MKD	SRB
Formal requirement to consult government / seek opinion on a draft law initiated by MP	Yes, but only if there is fiscal impact (+ costs or - revenues)	Yes, if there is fiscal impact	Yes, for all draft laws	Yes, for all draft laws	Yes, for all draft laws	Yes, for all draft laws
Minimum time allowed for government to review and provide an opinion	30 days	20 days	30 days	15 days	15 days	No time frame established
Parliamentary body responsible for deciding on consultation with government	Lead Committee	Collegiums of the respective House	Lead Committee	Speaker	Speaker	Speaker
Does government (collectively, as a cabinet) review and approve the draft opinion on MP-initiated law?	Yes	No	Yes	Yes	Yes	No
Who provides/issues the government opinion?	Government approves the opinion, based on opinions of the lead ministry, MoF and MoJ	Lead ministry	Government office	Lead ministry, approved by the Government	Lead ministry, opinion approved by the Government	Lead ministry (or ministries) acting on behalf of the Government

Sources: SIGMA analysis of national legislation and regulations; information provided by Western Balkan parliamentary administrations.

In **Albania**, the Government must be consulted on all MP-initiated draft laws that create additional expenditures or reduce state budget revenues. The decision is made by the relevant parliamentary committee. When it concludes that an MP-initiated draft law has financial implications for the state budget, it immediately forwards the draft to the Council of Ministers to provide an opinion within 30 days. However, there are no clearly defined criteria or methodology to determine the potential fiscal impact, and the capacity of the administration of Parliament to conduct such analysis is limited.

If an opinion is not provided by the Albanian Government, the Parliament has the right to process the law through the usual procedures. For all legal acts aiming to approximate domestic legislation with the *acquis*, the regulation on functioning of the Council of Ministers includes a provision requiring the opinion of the minister responsible for European Integration. Draft acts shall be accompanied by an explanatory note and a table of concordance regarding verification and confirmation of the level of their compliance with the *acquis*. Overall, existing rules and procedures do not require the Government to systematically review draft laws initiated by MPs, and it does not do so on a regular basis. This can lead to inconsistencies in legislation and policy implementation.

In **Kosovo***, if draft laws are initiated by MPs, the Parliament is required to submit the draft to the Government for its written opinion within 30 days following the official registration. Upon expiry of the deadline, the draft law shall be processed further by Parliament. During the 30-day review, the Ministry of Finance prepares its formal opinion on the estimated fiscal impact of the draft law and the availability of necessary funds. According to the parliamentary administration, for all draft laws initiated by bodies of the Assembly, the Department for Budget and Finance of the Assembly prepares a statement on the budgetary implications. The actual scrutiny procedures within parliamentary committees and plenary sessions for draft laws submitted by MPs are the same as for government-initiated draft laws.

In **Serbia**, requirements are even more stringent, as all draft laws must be submitted to the Government immediately, and the Government is asked to propose to the National Assembly to accept or reject a draft law in principle *prior* to the bill being discussed at a sitting of the National Assembly. As noted above, MP-initiated legislation is rare in Serbia. When MPs do submit a draft law, the draft is submitted by Parliament to the Secretary-General of the Government, who then forwards it to the relevant ministry. The lead ministry prepares a Government opinion and asks the Legislative Secretariat to also provide its views. The opinions of the line ministry, acting on behalf of the Government, and of the Legislative Secretariat are then forwarded to the Parliament.

In **North Macedonia**, the RoP of Parliament require that the Government be consulted on all MP-initiated laws before the first reading (RoP, Article 138). This applies to all MP-initiated laws, regardless of their anticipated impact on the state budget. However, obtaining a Government opinion is not mandatory and parliamentary committees can proceed with the draft law if the Government's opinion is not provided within 15 days of receipt of the draft, as established by the RoP of Government.

In **Montenegro**, if MPs are the initiators of a draft the law, the RoP of Parliament establish a procedure for obtaining the opinion of the Government, within 15 days of receipt of the proposed law. However, the content of the governmental opinion is not specified further. According to Institute Alternativa's monitoring of parliamentary procedure in 2021 and 2022, the Government often does not respect this deadline. Of 69 laws introduced by MPs, 43 did not have a Government opinion at the time of their adoption. In most cases, the opinion of the Government was not issued at all or not issued on time, while in some cases MPs adopted the law without respecting the deadline of 15 days for the Government to issue its opinion⁶².

In **BiH (State)**, the collegiums of the houses refer MP-initiated draft laws to the Council of Ministers, which is obliged to provide an opinion within 20 days. Laws that receive a positive opinion have priority in further parliamentary proceedings. If the Council of Ministers does not submit an opinion within 20 days, the parliamentary procedure for the proposed legislative initiative will continue with its review by the Constitutional and Legal Commission and the relevant standing committee.

Box 6. Consultation between parliament and government on MP-initiated laws in selected EU Member States

In **Czechia**, the Constitution mandates parliamentary consultation with the Government on all draft laws not initiated by the Government. In such cases, the Speaker of Parliament submits the draft legislation to the Government for review and comment. The Government has the option to either agree or disagree with the proposed legislation. If the Government does not articulate its opinion within 30 days of receiving the draft law, the Constitution deems it as a positive response.

There is a similar case in **Estonia**, where the opinion of the Government must be requested for bills initiated by members, parliamentary groups or committees of the Riigikogu (RoP, Article 14).

Other countries such as **Greece** have an unregulated practice with no formal consultation procedure between the Parliament and the Government on MP-initiated laws.

In **Portugal** the situation is like Greece's. Sometimes there are informal consultations with the Government, mainly on legislative initiatives from members of the parliamentary groups that support the Government. However, there is not a mechanism for formal consultations with the Government regarding legislative initiatives from MPs.

⁶² Institute Alternativa (2023), <https://institut-alternativa.org/en/mps-legislative-initiatives-on-the-rise/>.

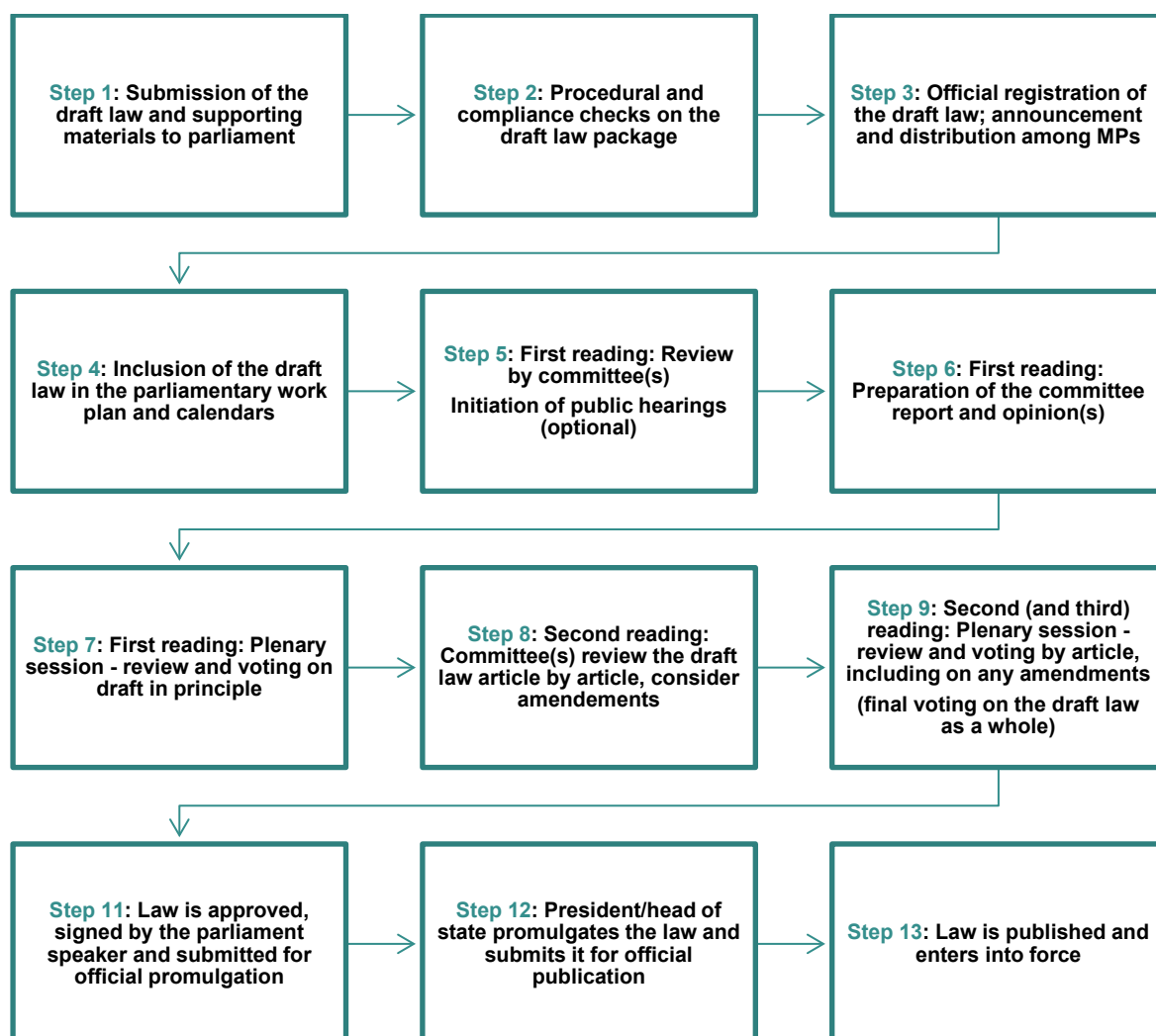
Note: Consultation between parliament and government on MP-initiated laws is an under-researched topic overall; current screenings seem to suggest that most EU systems do not have specific provisions and thus rely on customary or *ad-hoc* practices. Sources: EU Member State constitutions; government and parliament RoP.

Parliamentary scrutiny and approval of draft laws

Key phases of parliamentary scrutiny and approval

Regardless of who initiates the legislative change, for all types of draft laws the process of scrutiny and approval is largely similar and involves several key phases. Figure 7 outlines the typical steps of the lawmaking process, from submission to final scrutiny, approval and official publication, which were also largely observed in the parliaments of the Western Balkan region.

Figure 5. Generalised standard parliamentary scrutiny and approval process



Note: In North Macedonia, Kosovo* and Montenegro, parliamentary scrutiny and approval of draft laws involves three formal readings. Source: SIGMA analysis, based on review of Western Balkan parliamentary procedures and main steps.

The first phase begins with submission of the text of the draft law and all necessary supporting documents to the relevant parliamentary leadership body for consideration. At this initial stage, basic procedural checks are carried out by parliamentary authorities to ensure the overall accuracy and completeness of the relevant legal package and its compliance with existing rules and procedures. Parliamentary staff are involved in organising and managing the process. Most countries have internal IT systems that allow for the online registration of draft laws and management of the lawmaking process.

Initial checks by parliament are needed to ensure that relevant procedural requirements and standards have been correctly followed and that all necessary supporting documents have been prepared and submitted to initiate the process. The speaker of parliament has the ultimate responsibility to ensure the initial quality control and registration that mark the beginning of the scrutiny process. Speakers have the authority to request additional information or even deny registration of a draft law if it does not comply with the pertinent procedural framework.

Procedures across Western Balkan parliaments normally allow time for the proposing body to address any procedural or substantive incompleteness, for instance to provide a missing opinion. For example, the RoP of Parliament (Article 136) of **North Macedonia** gives the proposer (either an MP or the government) an additional 15 days to address any shortcomings in the submitted package. If they are not remedied within this additional time frame, the draft law is considered as unsubmitted. This initial stage is important to ensure that the evidence and information required to initiate the parliamentary scrutiny process are available.

In **Albania**, draft laws are passed to the Speaker of the Assembly after being entered in a special register according to the order of their presentation. The Speaker circulates the draft law to MPs. Scrutiny and approval of draft laws cannot begin until at least two weeks after their submission, but exceptions are foreseen in the Assembly's RoP. The work programme of the Assembly is determined by the Conference of Chairs for a period of three to nine weeks, indicating the time when the draft law will be discussed in the committees and in the plenary. Within two days of approval of the work programme and the work calendar of the Assembly, the relevant committee meets to agree on its work programme and calendar.

Review of draft laws by committees

Parliamentary committees play the key role in reviewing draft legislation. At least one committee is required to carry out substantive reviews of draft legislation, with government participation. This is well regulated in the Western Balkan parliaments. Regulations allow more than one committee to review draft laws if they relate to their respective sector. Typically, in addition to the relevant sectoral committee, all draft laws that aim to transpose EU law into national legislation are also reviewed by the relevant EU committee.

The review of draft laws by parliamentary committees is normally divided into two main phases: first and second readings. During the first reading, the draft law is broadly analysed and a report is prepared for the plenary to vote on in principle. During the second reading, the parliamentary committee leading the review assesses the draft, article by article. This is also when concrete recommendations are provided on each article and when amendments are considered.

In several parliaments, including **North Macedonia**, **BiH (State level)** and **Kosovo***, draft laws are always reviewed by the legislative committee in addition to the standing committee responsible for the sector or policy area. In this case, the opinion of the legislative committee confirms compliance of the legislation with the constitution and other laws. Initial scrutiny of draft laws at the committee stage involves detailed review of the underlying policy issue that the draft law aims to address; alternative regulatory options; legal principles and objectives; and the rationale for adopting a new piece of legislation.

This is also the practice in **Montenegro**, where draft laws are submitted to the Legislative Committee and the relevant sectoral committee. If the draft law includes certain issues that fall under the competence of other committees, it can be considered by those committees as well. Competent committees that have

considered the draft law submit their opinion to the relevant sectoral committee. After discussing the draft law, the relevant sectoral committee submits its report to the plenary, which includes its stance on the opinions of the other committees that may have been involved in the scrutiny process.

In **Albania**, the order of scrutiny of draft laws in committees is decided by the committee leadership, taking into consideration the work plan and calendar of the Assembly. A rapporteur is appointed for every draft law when the committee programme is developed. A Government representative always attends the relevant discussion. In addition to the Standing Committee for Legal Affairs, Public Administration and Human Rights, the Council for Legislation comprising ten MPs is another interesting feature of the Albanian Parliament. Its task is to review and provide an opinion on constitutional and legal matters. Council members are lawyers representing the ruling and opposition parties equally. The opinion of the Council is attached to the main report prepared by the lead parliamentary committee.

In **North Macedonia**, the lead committee is tasked with preparing an explanatory note during the second reading to explain the amendments and differences in laws. This note does not include information about changes in the original assessment of compliance of the draft law with legislation or an impact assessment. In cases related to EU harmonisation, the RoP of Parliament do not allow extended discussions on draft laws. According to Article 171-a, deliberation on EU-related draft laws in the first and second readings in the relevant lead committee and in the Legislative Committee cannot exceed three days. For shortened or urgent legislative procedures, deliberation on EU-related draft laws cannot exceed two days. This limit was presumably established to ensure efficient consideration of high-priority laws dealing with EU integration.

In **Serbia**, a draft law shall be initially subject to a debate in principle at sittings of the competent committee and then to a debate in detail. The debate in detail shall be conducted on the articles of the draft law to which amendments have been submitted and on amendments proposing the introduction of new provisions. The following may participate in the debate: committee members; the draft law proposer or its representative; a Government representative if the Government is not the proposer; the proposer of the amendments or every MP attending the committee meeting; and invited persons.

Upon conclusion of the debate, the competent committee shall submit to the National Assembly a report containing the opinion and proposals of the committee, including any dissenting opinions of committee members. The committee designates a rapporteur who shall be entitled to substantiate the report of the committee at a sitting of the National Assembly (RoP, Article 156). It is important to note that all amendments to Government bills are submitted to the Government for consideration. This, again, underlines the strong role of the Serbian Government in the parliamentary stage of the legislative process.

In **BiH (State)** before the commencement of proceedings in the second committee phase, the committee may decide to hold a public hearing on the draft law, which would involve all interested parties, specialist institutions and individuals. Public hearings are to be held within 30 days.

In line with the agreed work plan and procedures, the Parliament of **Kosovo*** allocates all incoming draft laws among the respective committees, which then prepare their work plans and calendars of business. The Speaker of the Assembly appoints one of the standing committees as the lead “responsible rapporteur” to report on the draft law and other documents submitted to the Assembly. After the draft law is approved in principle in the first reading, it is forwarded to the standing committee(s) for further scrutiny. In addition to the lead standing committee, draft laws are always checked by the Committee on Legislation for their compliance with the Constitution and other legislation, and by the Committee for Budget, Labour and Transfers, the Committee for the Rights and Interests of Communities and Returns, and the Committee for European Integration.

Full and effective implementation of legal compliance checks of draft laws by the relevant legislative committees is often very challenging due to the combination of increased workload and limited internal resources and support. Within 15 days of receipt of the draft law, the standing committees submit a report on the draft law and amendments to the responsible reporting committee. The second reading of draft laws

and the debating and voting on all amendments submitted by other committees take place upon presentation of the report of the responsible reporting committee. A third reading may take place if the draft law does not receive enough votes for its adoption in the second reading.

In all parliaments of the region, discussions in committee meetings are usually open to the public, unless a majority of members decides otherwise. Some parliaments of the region, particularly **Montenegro's** and **Serbia's**, also provide live broadcasts of committee meetings and record them for future viewing online.

Existing rules and procedures for parliamentary scrutiny in most Western Balkan parliaments do not appear to prescribe clear mechanisms for controlling and preventing arbitrary delays in processing or voting on specific draft laws initiated by MPs (e.g. those proposed by opposition parties). However, legislation in some of the parliaments guarantees the consideration of proposals from the opposition.

In **Montenegro**, legislation guarantees that the opposition can propose at least one draft law per session of the Parliament, as a form of minority initiative. The consolidated proposal of the session's agenda contains all the proposals of the parliamentary clubs, including one of the proposals of the parliamentary opposition (RoP, Article 85, point 2). However, this does not prevent the opposition from proposing additions to the parliamentary session's agenda, which might be supported by the majority of MPs. Based on a review of recent practice, this indeed has happened often, especially in the last convocation of the Parliament (2020-2023) during which the lines between opposition and majority parties were blurred. Also, draft laws are usually discussed by the relevant committees as soon as they are submitted to Parliament.

In **North Macedonia**, the RoP of Parliament (Article 69) require that the Speaker include in the agenda of every second plenary session an item proposed by the opposition. The item proposed by the opposition will need to be discussed in the co-ordination body involving the Speaker and heads of the parliamentary groups.

Public hearings and debates of draft laws during parliamentary scrutiny

Consultation with key stakeholders and the public is an important tool for evidence-based and inclusive lawmaking. While draft legislation initiated by government may undergo internal and external consultation during policy preparation, laws initiated in parliament are not normally subject to systematic analysis and public consultation. Throughout the region, public consultations on draft laws during the parliamentary stages of lawmaking are rare.

As far as MP-initiated legislation is concerned, at the early preparatory phase, MPs are generally free to decide how and when to engage with external stakeholders or the public and what type of external support they may seek to prepare the relevant supporting documents, such as fiscal impact statements. During the parliamentary scrutiny phase, the main mechanism for public consultation on draft laws is public hearings. Public hearings at the committee stage are, in principle, an important instrument for engaging with external stakeholders on policy and legal matters covered by the new legislation. All six parliaments allow for public hearings during the parliamentary committee review phase. However, the criteria and approach they apply in the process differ.

In **Albania** as well as **Kosovo***, one-third of committee members can request a public hearing on any draft law with the participation of members of government (RoP, Article 36 in Albania; RoP, Articles 38.1 and 38.5 in Kosovo*) and other stakeholders. Government officials, senior representatives of key stakeholders and NGOs, experts, and officials from other state institutions can be invited to attend. The invitation to the hearing, the agenda, the text of the draft law to be discussed and other accompanying materials (if available) are normally announced on the website of the Assembly of Kosovo* at least five days prior to the hearing (RoP, Article 38.7). The public hearing is open to all interested parties, but for logistical reasons prior confirmation is required. Contributions from stakeholders are also accepted through other avenues. The public hearing is organised between the first and second readings. In 2022, parliamentary committees held 22 public hearings.

In **North Macedonia**, after the first reading the Parliament can decide to hold public hearings on draft laws of major public interest. Parliament assigns the relevant standing committee to organise public hearings and to report back on the outcomes, including any issues concerning the draft proposal. Reports on public hearings are then considered during the second reading. However, this process is not used frequently. Between 2016 and 2021, only six public hearings were held, with only one related to discussion on a draft law – the Law on Prevention and Protection of Women against Violence.

In **Serbia**, the parliamentary RoP say that a relevant committee may organise public hearings for the purpose of obtaining information or professional opinions on proposed acts. Scientists and experts may also take part in the committees' work upon invitation (RoP of the National Assembly, Article 74, paragraph 5). During 2018-2022, the Serbian Parliament organised 34 public hearings. In **Montenegro**, there is no requirement for public consultations during the parliamentary stage of the lawmaking process.

In sum, while stakeholder and public consultations are allowed under the RoP of the six parliaments, they are rare in practice. Several factors help account for this observation. As has been noted, in some countries legislative planning is weak, so that committees have little advance notice of the legislation they must consider. As a result, consultations – which are complex procedural endeavours – are difficult to plan. Additionally, timetables for the committee stages of the parliamentary legislative process are often very tight, so that few open slots remain for scheduling public hearings. In cases where the government has already been consulted and the results of these consultations are made available to parliament, the additional insights to be gained from a further round of consultations are likely to be restricted. Finally, as seen in Serbia, where the Government has strong control over parliamentary lawmaking, the willingness to seek additional views that may challenge the Government's legislative intent might be very limited.

Introducing amendments to draft laws

The right to amend draft laws is a key element of parliamentary lawmaking. What is of special relevance to the present analysis is who possesses the right to propose amendments; at what stage in the parliamentary legislative process amendments can be introduced or withdrawn; whether prior to their adoption there are any kind of quality checks; and whether the government is consulted on amendments to be able to give its opinion on changes proposed to the draft laws during parliamentary deliberations (Table 20).

These questions matter because amendments have the potential to fundamentally affect the original objectives and policy designs intended by draft legislation. They may impose additional regulatory burdens; increase implementation costs; or undermine the original legislative intentions. In parliamentary practice, many successful amendments are of an editorial nature and do not imply substantive change: they may, for example, change the wording of a particular provision with a view to clarifying its meaning. But they may also imply far-reaching material changes. As such, they may necessitate revision and updating of the analysis and evidence base that were prepared to support the draft legislation. This requires close co-ordination between parliament and government to collect and analyse relevant new evidence to ascertain that the policy changes are acceptable and in line with the original objectives. Major changes to policy are likely to require more time for internal analysis and consultation. Ignoring these processes can create major risks for evidence-based lawmaking, rendering laws less effective or even threatening their implementability.

Table 7. Who can propose amendments to draft laws in parliament, and main provisions

	ALB	BIH-State	XKV	MNE	MKD	SRB
Individual MPs	Yes	Yes	Yes	Yes	Yes	Yes
Party groups	No	Yes	No	No	Yes	No
Committees	No	Yes	Yes	Yes	Yes	Yes
Government (if proposer)	Yes	Yes	Yes	Yes	Yes	Yes
Supporting documentation requirements for amendments on EU compliance	EU compatibility assessment	Only regarding EU matters	No	No	No	No
Stage when amendments can be proposed	Second reading	Second reading	Second reading	From day of submission of draft law to Parliament	Second reading	From day of submission of draft law to National Assembly
Timeline for submitting amendments (standard procedures)	At least 24 hours before beginning of the plenary session	An MP, club of MPs, another committee, the proposer of the law and the CoM can submit amendments in writing within 10 days of day of adoption of the bill in the first reading, and members of the competent committee can make amendments until the end of consideration of the bill in the committee	15 days from the adoption in principle	Amendments shall be submitted no later than the date of completion of the general debate, and the proposer of the law and responsible committee may submit amendments during the period before the detailed debate	2 days before committee meeting 3 days before the plenary	3 days before plenary meeting
Written explanation or justification requirements for proposing amendments to draft laws	No	No	Yes, should provide reasoning for proposed amendment	Yes, amendments must be reasoned	Yes, amendments must be justified in writing	Yes
Government consultation requirements for amendments proposed to draft laws it introduced	Yes	Yes	Yes, a statement of Government on amendments	Yes, Government must be formally informed	Yes, but only on specific cases	Yes, Government may announce which amendments it approves or rejects

Source: SIGMA analysis, based on a review of regulations.

Western Balkan parliaments employ different approaches for considering the impact of major amendments. In **North Macedonia**, the RoP of Parliament do not specify any requirement for additional assessments and revisions of supporting documentation in the case of major amendments to draft laws. However, Article 150 of the RoP specifies that if an amendment proposed in the second reading has fiscal impacts, the proposer of the amendment must indicate the sources of funding. Additionally, RoP Article 152 stipulates that when amendments create fiscal impacts, the Speaker is tasked with immediately

submitting the proposed amendment to the committee responsible for the budget and financing. The committee reviews the fiscal impacts and sources of funding and informs the relevant sectoral committee and the Legislative Committee.

Article 155 stipulates that within five days of the end of the discussion on amendments, the relevant committee and the Legislative Committee must prepare a final draft of the law and a justification. The justification indicates the differences between the initial draft and the amended one, and the rationale for the amendments. In case of reversible effects of the provisions, those provisions must be specifically explained. It is not possible to verify how effective these procedures are in managing the risk of creating unfunded mandates during the amendment phase. Any amendments should be submitted to the President of Parliament at least two days before the scheduled meeting of the committee. A representative of the government or the MP proposing the draft law must participate in the committee meeting in the second reading (RoP, Article 121). Amendments that have been accepted by the proposer of the draft law in the plenary meeting are considered an integral part of the draft law (RoP, Article 158).

In **Albania**, every MP and the Council of Ministers can initiate amendments during the review by the lead committee or in the plenary session. Amendments proposed by the Government should be provided in writing and must be accompanied by an assessment of compatibility with EU law. They must be registered in advance at the Assembly's secretariat at least 24 hours before the start of the plenary session, and they should be distributed to all MPs. There is no requirement to carry out fiscal or other types of impact assessments of amendments to draft laws during the parliamentary deliberations.

In **Montenegro**, the Government must be formally informed of all amendments, but it does not have to give formal confirmation or an opinion. Amendments accepted by the proposer of the law become an integral part of the proposed law and Parliament does not decide on them separately. If the amendments to a Government-initiated draft law are not acceptable to the Government, Parliament proceeds to a separate vote on those amendments. When major amendments to Government draft laws contradict the Government's proposals find majority support in Parliament, the Government can withdraw the draft law from parliamentary consideration. Montenegrin regulations prescribe that the proposer of the law can withdraw the draft law until the end of the detailed examination of the draft law.

In **Serbia**, all amendments submitted on a draft law are forwarded by the Speaker to the Government. According to Article 164 of the RoP of Parliament, the body proposing legislation should consider all amendments submitted on the draft law. It should also notify the Parliament of which amendments were accepted and which were not. The Government may provide an opinion to the National Assembly on each amendment. For major proposed amendments to Government-initiated bills, the lead ministry provides this opinion.

In **Kosovo***, an amendment to a draft law may be proposed by an MP, a parliamentary committee, or the Government. Such an amendment, through the Submissions Office, is addressed to the responsible reporting committee within 15 days of the date of adoption in principle. Amendments should include references to the provisions of the draft law and provide the exact legal text of the amendment and the reasoning behind the proposed amendment. The Committee for Budget, Labour and Transfers is responsible for checking the financial implications of all draft laws, including those of proposed amendments. The RoP of the Assembly do not explicitly refer to consultation with the Government on the amendments of draft laws, but the Government participates in the legislative scrutiny process and can provide opinions.

In **BiH (State)**, if amendments are made to a draft law related to EU law harmonisation, after the deadline for their introduction the chairperson of the competent committee is required to submit them to the Directorate for European Integration with a request to assess their compliance with EU legislation.

Three main points emerge from this brief review of amending activity. First, parliamentary scrutiny often results in the tabling of amendments, and these are frequently of an editorial nature. Second, in the case

of substantive amendments, there are only few checks in place that would allow for the careful consideration of their material consequences prior to being put to a vote. It is only in **Montenegro** and **Serbia** that the Government is routinely informed on all amendments tabled, and only in **Serbia** is the Government routinely asked to give its opinion on such amendments. In **North Macedonia**, the Government is required to participate in committee meetings during the second reading when amendments are discussed, which suggests it is consulted on final proposals. Third, there is a risk that amendments may have considerable unforeseen or unintended consequences as a result.

Scrutiny and voting of draft laws during plenary sessions

Plenary sessions allow for the discussion of draft laws with government participation. The RoP of Western Balkan parliaments have established detailed procedures, with clear timelines and sequences for discussing draft laws during the plenary session. As a rule, this includes the presentation and discussion of evidence, expert opinions and analysis collected during the committee review phases. Processes and rules vary between standard and nonstandard procedures, which are discussed in more detail in the next section.

The participation of government officials is ensured for government-initiated laws in all six cases. The involvement of government representatives in discussions of MP-initiated laws is optional, based on decisions of the parliament's leadership and government.

In general, it is expected that a draft law should be voted on at least twice by the plenary session. The number of votes required to approve laws at the plenary session depends on the type of law. Countries apply higher thresholds for major legislative changes, such as amendments to the constitution or the adoption of organic laws. According to the Constitution of **North Macedonia**, for example, there are three different thresholds for approving draft laws depending on the nature of legislative change: simple, double, and two-thirds majority. Most laws require a simple majority of the MPs attending the session. Constitutional changes or legislation that impacts national borders, the public administration, the judiciary, local self-government, defence, language or minority issues require higher thresholds for a draft law to be approved at the plenary.

During the third reading and before the final vote by parliament, amendments are allowed only to provisions introduced in the second reading. In **North Macedonia**, for example, they should be submitted at least two days before the plenary session.

In **Kosovo***, all draft laws, decisions and other acts are adopted by the Assembly by a simple majority vote of MPs. However, the Constitution guarantees special procedures for laws that may affect the interests of minority communities. It requires that laws of vital interest have a double majority vote, meaning it is necessary that both the majority of MPs be present and voting, and the majority of MPs present and voting hold seats reserved or guaranteed for representatives of communities that are not in the majority. Ministers or their deputies must participate in Assembly sessions for the deliberation of draft laws that the Government has submitted as well as in the deliberation of parliamentary initiatives and questions.

In **Albania**, ministers must participate in plenary sessions during the discussions of draft laws. In addition, the responsible deputy minister, as well as senior officials nominated by the Secretary-General of the Council of Ministers, can participate in plenary sessions in which a specific law under their area of responsibility is discussed.

In **BiH (State)**, all decisions in both houses are made by a majority vote of those present and voting. At the same time, the Constitution requires that the Parliament make its best efforts to ensure that majority voting includes at least one-third of votes of delegates or members from each BiH entity. If the majority does not include one-third of votes of delegates or members from the territory of each entity, the chairperson and deputies are expected to try to reach an agreement within three days of the vote, working as a committee. If these efforts fail, decisions will be made by a simple majority of those present and voting,

provided that the votes against do not include two-thirds or more of the delegates or members elected from each entity.

Approval, rejection, withdrawal and carrying forward of draft laws

Governments rely on parliaments to review and approve or reject draft laws within a reasonable time frame. Most draft laws that are put to a final vote in Western Balkan parliaments are decided upon within 12 months of their initial submission (Table 12). As noted above, the exception has been **Kosovo***, where for some time a political stalemate has prevented the timely passage of legislation, but since 2022 the legislative backlog has begun to shrink.

Table 8. Shares of government-initiated laws approved or rejected by parliament within 12 months of submission

	ALB	BIH-State	XKV	MNE	MKD	SRB
2021	98%	NA	13%	94%	100%	100%
2017	97%	NA	83%	96%	71%	99%

Sources: SIGMA Monitoring Reports (2017 and 2021).

When draft laws do not make it into the statute book, it may be because they have been rejected or withdrawn by their proposer, or the parliamentary term expired before their consideration, making them victims of the discontinuity principle. A considerable number of draft laws were rejected or withdrawn by Western Balkan parliaments in 2018-2022 (Table 22).

Draft laws can be rejected by parliament during the first reading based on the lead committee's negative opinion. In the case of a negative decision, the legislative procedure for that draft law ends. Parliamentary procedures establish limitations on the number and timeline for resubmitting rejected laws. For example, the **North Macedonian** RoP do not allow the same draft law to be proposed again within three months of its rejection.

The majority of draft laws rejected between 2018 and 2022 were initiated by MPs. In **BiH (State)**, for example, 60 draft laws were voted on and rejected during those five years, more than twice the number of approved laws, and 48 of the rejected draft laws were initiated by MPs. The **Albanian** Parliament had the highest number of draft law rejections during the same period, with a total of 153 not approved.

Table 9. Government-initiated laws formally approved, rejected or withdrawn, 2018-2022

	ALB	BIH-State	XKV	MNE	MKD	SRB
Total number of approved draft laws	609	29	269	388	904	1 069
Number of government-initiated laws approved	551	18	259	291	675	1 048
Number of MP-initiated laws approved	58	11	10	97	229	14
Number of draft laws not approved	153	60	17	25	8	0
Number of government-initiated draft laws not approved/ formally rejected by parliament	141	12	7	12	0	-
Number of MP-initiated draft laws not approved by parliament	12	48	0	13	8	-
Number of government-initiated draft laws officially withdrawn	14	NA	6	24	30	33

Note: Serbia's figures do not include seven laws initiated and approved by other state institutions that are not part of the executive.
Source: SIGMA analysis based on information from publicly available reports and parliament websites.

Parliamentary procedures also allow for the withdrawal of a draft law by the proposing body. All six parliaments have had cases of the government formally withdrawing draft laws.

In **North Macedonia**, the Parliament's RoP do not specifically regulate the withdrawal of draft laws. Article 153 indicates that the proposer of an amendment in the second reading may introduce additional changes or withdraw the amendment by the end of the discussion in the committee. However, in practice, as confirmed by official reports, the Government may withdraw a draft law on the meeting of the committee, the plenary or by official letter. According to the Annual Report for Work of the Parliament in 2021, the Government withdrew 11 draft laws: 2 during the first reading, 1 during the second reading and 8 during the shortened procedure (joint second and third reading). Overall, between 2018 and 2022, the Government formally withdrew 30 draft laws before voting, which is 4.3% of all government-initiated laws. This is the largest number of withdrawals in the region.

In **Serbia**, according to Article 159 of the RoP of Parliament, the proposer of a draft law is entitled to withdraw it from the procedure until conclusion of the debate at a sitting of the National Assembly.

In **Albania**, according to Article 72 of the RoP of Parliament, the initiator of a draft law can withdraw the draft until the moment when it has not been voted on in principle in the plenary session. During 2018-2022, 14 draft laws were formally withdrawn in Albania.

In **BiH (State)**, the Council of Ministers (CoM) of BiH can withdraw and resubmit the proposed law for the parliamentary procedure, if it decides to. It can withdraw the draft law before the end of the amendment phase during consideration by the competent working body or before the beginning of the plenary phase in the second reading. The automatic withdrawal of laws from the parliamentary procedure because of formal resignation or recall of the CoM is not prescribed in regulations.

In **Montenegro**, the proposer of a draft law, including the Government, can withdraw it from parliamentary proceedings before the end of the detailed examination phase. As noted above, the Government withdrew 24 draft laws (1.9% of all government-initiated draft laws) from 2018 to 2022, which is the second-largest number in the region. Withdrawal of many of draft laws by the Government can be explained by the relatively frequent government changes that took place in Montenegro during the period under observation, with every new government having to withdraw the draft laws that were submitted by the preceding government.

In **Kosovo*** a proposer of a draft law may withdraw it from parliamentary proceedings until voting on the draft law with amendments takes place during the second reading, by retracting the motion before voting. Before review in the plenary session, the proposer shall notify the President of the Assembly of such a retraction, and the President of the Assembly subsequently notifies MPs during the next plenary session (RoP, Article 75). The RoP do not foresee any restrictions on the possibility of withdrawing draft laws from the procedure, and there are no restrictions on the Government to resubmit a draft law.

Finally, a parliament's calendar of business or unforeseen political circumstances (e.g. calls for new elections) may not allow the legislature to process and complete its scrutiny work on all registered draft laws. For example, in **North Macedonia**, the Parliament's RoP (Article 178) indicate that when the term of office of the Parliament ends, all legislative procedures are interrupted. By exception, legislative procedures initiated by 10 000 voters, as well as those initiated by the Government, can continue in the newly elected Parliament. For government-initiated laws, the executive should notify the Parliament within 30 days of confirmation of the new Government about its intention to continue parliamentary procedures on draft laws. Similarly, legislative procedures for MP-initiated laws can continue if the MPs notify the parliamentary leadership about their intention within 30 days of constitution of the new Parliament.

Standard and nonstandard procedures of parliamentary scrutiny and approval

One of the most politically contentious aspects of parliamentary lawmaking is the use of nonstandard procedures for parliamentary scrutiny and approval. Nonstandard procedures come in various forms; they may be invoked under varying circumstances; and their effects on the legislative process are by no means uniform. These differences matter because they affect the ability of governments to pass legislation in parliament. More critically for the present analysis, they affect the scope of scrutiny, the amount of time available for scrutiny, and the extent to which scrutiny can be based on evidence and analyses to inform decision making at each parliamentary stage.

It is generally accepted that nonstandard procedures are a legitimate and necessary part of the legislative process in European parliamentary democracies (Box 15). Nonstandard, urgent procedures are also available in the European Parliament, as discussed and summarised in a recent EU report⁶³.

⁶³ Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies (2022), *Improving Urgency Procedures and Crisis Preparedness Within the European Parliament and EU Institutions*, European Union.

Box 7. Use of shortened or urgent procedures in parliaments of selected EU Member States

In **Italy**, the RoP of the Chamber of Deputies provide for use of an accelerated procedure for the consideration of draft laws by the standing committees. If the Conference of Presidents of political groups or the plenary decide to adopt the urgent procedure, the competent committee is bound to prepare its report for the plenary within one month (instead of the normal term of two months). The urgent procedure cannot be used for constitutional bills or for bills affecting constitutional rights.

Three legislative approval procedures are used in **Greece**: normal, extraordinary and urgent. A bill can be designated by the Government (specifically the lead minister) as “extraordinary urgent”, in which case a shortened time frame (maximum ten hours) is allocated for debates and approval (Constitution, Article 76; RoP, Article 109). Bills can also be considered for adoption through urgent procedures, with the Government proposing a specific number of sessions. In these cases, the bill is directly referred to the competent parliamentary committee that, if it accepts the proposal, proceeds to its examination during three or four sessions within two days, compared to the five committee sessions possible through the normal procedure.

Urgent bills are prioritised in their placement on the plenary agenda, and they are to be adopted in no more than three plenary sessions. It needs to be noted that bills voted on under urgent or emergency procedures can be accompanied by a shortened regulatory impact assessment (RIA) report (RoP, Article 85). Based on a review of 2021-2022 statistics, 2% of laws were adopted through extraordinary procedures and 1% through urgent ones.

The Constitution of **Austria** establishes specific circumstances and conditions under which a draft law can be considered and approved through urgent procedures (Article 18 [3-5]). This relates to cases that require immediate action to avoid major irreparable damage to society. For instance, such unforeseen circumstances occur when the National Council is not able to convene. In effect, the Federal President can issue provisional ordinances amending laws, based on Federal Government proposals made in accord with the permanent subcommittee of the National Council’s Main Committee. Such provisional measures must be ratified within four weeks by the National Council and cannot amend constitutional provisions.

The Parliament of **Cyprus** also utilises special provisions and procedures for adopting certain types of laws through nonstandard legislative paths, which allow for shortened processing times and fewer steps for scrutiny and approval. The legal basis for this is Article 73.5 of the Constitution. Bills may be submitted to the plenary and described as urgent only if the President of Parliament has been informed in writing by the responsible minister or the proposing deputy(ies). In exceptional cases, oral notification can also be sufficient. In the event of a dispute on the urgency character of a bill, the final decision is made by the plenary.

In addition to the urgent procedure, the RoP allow the use of shortened procedures (Article 40A[3]) to shorten the otherwise mandatory 15-day period between the date of submission of an urgent bill to the Parliament and the actual initiation of debate in the relevant committee. Even in urgent cases, a report must be presented by the parliamentary committee, which must refer to the reasons for exception from the ordinary discussion procedure (RoP, Article 52). Moreover, Articles 40A(9) and 54(1) of the RoP require that discussions of bills examined under the urgent or shortened procedure be completed within one day. Based on a review of 2021-2022 statistics, the total share of laws adopted through extraordinary and urgent procedures amounts to 4% for both years.

Bulgaria also allows for the adoption of laws through accelerated procedures as per Article 88 of the Constitution. A bill is processed in two readings: in its entirety (first reading) and in detail, i.e. article

by article (second reading). On certain occasions, these can be merged into one single reading, shortening the overall procedure.

In **Portugal**, according to the Constitution (Article 170) and the RoP (Article 263), urgent proceedings for the approval of any bill or draft resolution may be adopted by the Parliament by request of any Member of the Assembly of the Republic, any parliamentary group, or the Government. In such cases, the President of the Parliament shall refer the motion for emergency proceedings to the competent parliamentary committee, which shall consider it and draw up a duly substantiated opinion within a time limit of 48 hours. Then, a final decision on acceptance of the urgent proceeding is decided by the plenary. The parliamentary committee's opinion shall indicate how the legislative procedure for the bill or draft resolution for which emergency proceedings have been requested should be organised, proposing (i) that scrutiny in a parliamentary committee be dispensed with, or that the respective time limit be reduced; (ii) that the number of speeches by, and the duration of floor time granted to, Members of the Parliament and the Government be reduced; and/or (iii) that referral of the text to the parliamentary committee for final drafting be dispensed with, or that the respective time limit be reduced.

Notes: Based on SIGMA expert analysis of the relevant national procedures. Terminology referring to extraordinary and/or urgent may vary in the relevant national legislation.

Sources: Constitutions; parliamentary RoP and websites; Inter-Parliamentary Union *Parline* database.

Having a shortened or accelerated route for parliamentary consideration and approval of laws is important for ensuring timely and effective management of parliamentary business and various risks. Some draft laws require urgent consideration because of natural disasters or national emergencies. For example, during the COVID-19 pandemic, parliaments of many countries had to adopt urgent laws that proved to be much needed. Draft laws can also be prioritised because of the need to address urgent issues related to enforcing or implementing previously adopted laws or to make a merely technical correction or improvement in the law to address urgent, specific policy implementation issues.

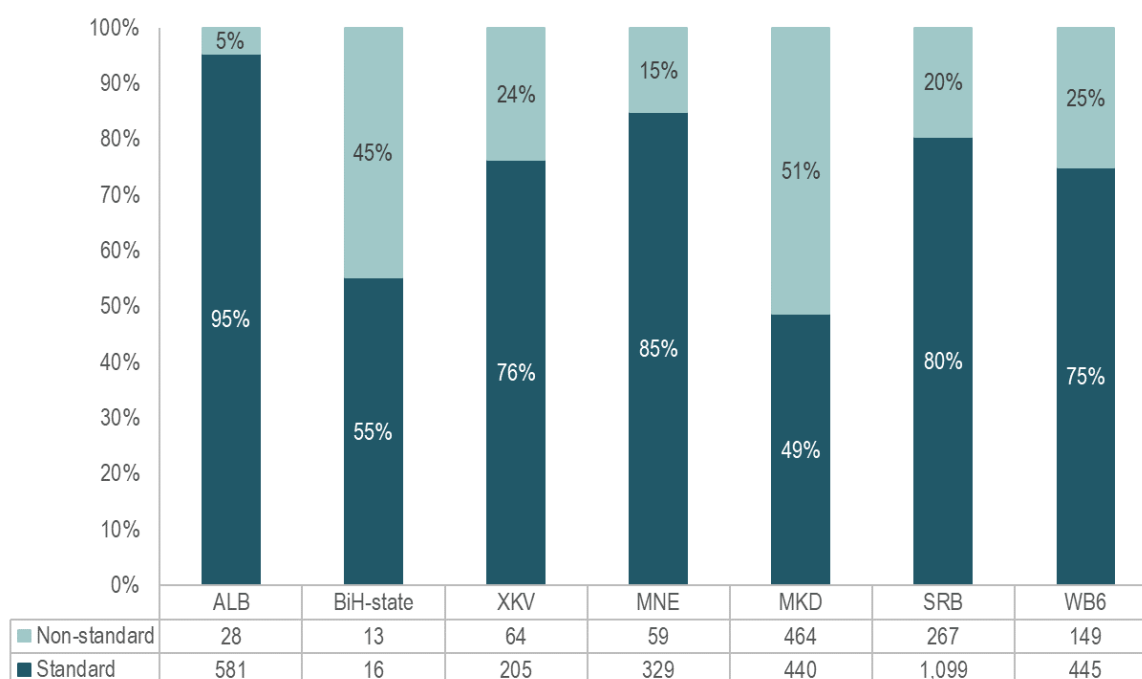
For all these cases, having a separate fast-track path for approval can be a necessity. Certain laws may also be prioritised and processed in response to urgent political agreements or compromises, and some countries such as **North Macedonia** allow the accelerated approval of laws that ratify international agreements, as well as laws that aim to transpose EU legislation.

Yet, nonstandard procedures easily raise suspicion, as governments may seek to invoke them when formal conditions are not being met. Since nonstandard procedures typically involve either the shortening of deadlines or abbreviated procedures or both, they raise the danger that the capacity of parliaments to engage in any meaningful scrutiny is reduced, if not eroded altogether. When deadlines are very tight, steps in the parliamentary process are skipped or possibilities for amendments are restricted, nonstandard procedures may become a tool for curtailing debate and may have negative effects on the quality of legislation.

Analysis of Western Balkan practices

Regarding the extent to which Western Balkan parliaments rely on standard and nonstandard procedures when legislating, it is evident that a significant share of laws in the region is approved through nonstandard procedures (Figure 8).

Figure 6. Use of standard and nonstandard legislative scrutiny and approval procedures by Western Balkan parliaments, 2018-2022



Notes: WB = Western Balkans. All laws scrutinised and approved through shortened, urgent, extraordinary or other categories are grouped in the “nonstandard” category for reporting. Serbia’s figures do not include laws ratifying international agreements because of the absence of relevant information on approval procedures for this kind of law.

Source: SIGMA analysis based on official statistics available from parliamentary websites, and reports and data provided by the parliamentary administrations.

Statistics for laws approved through standard and nonstandard procedures in the region reveal some interesting facts. **Albania** applies nonstandard procedures the least, while **North Macedonia and BiH (State)** used shortened or extraordinary procedures far more frequently during 2018-2022. More than half of the laws adopted in North Macedonia during this period (464 or 51% of the total) were considered and approved by its Parliament using nonstandard scrutiny procedures. As mentioned above, part of this is explained by regulatory provisions that require certain types of legislation to be considered through shortened or urgent procedures.

There was a visible increase in the use of accelerated procedures by the Parliament of **Kosovo*** in 2021 and 2022. This can be partly explained by the political situation and the unclear and vague criteria and procedures of the previous RoP of Parliament applicable during that period. As the backlog of draft laws in 2020-2021 was considerable, a significant number of them, including those ratifying international agreements, were subsequently processed through accelerated procedures.

It should be noted that all Western Balkan parliaments have different legislative approval paths that are regulated in parliament RoP and other relevant legislation. The specific criteria and the processes for applying nonstandard approval procedures in Western Balkan parliaments vary significantly. Table 23 outlines the standard and nonstandard approval paths and the criteria that, in principle, determine their use. Table 24 shows the main effects of nonstandard procedures on scrutiny and approval.

In **Albania**, regulations allow two legislative paths: standard and special (accelerated) procedures. The Government or one-fifth of MPs can request that a draft law be processed through accelerated procedures. Decisions on whether to consider laws through special procedures are made by simple majority in the

Assembly, which also prescribes the dates and timeline for committee review, amendments and plenary discussion. The actual dates of committee and plenary reviews cannot be less than one week from the date of request. However, the Assembly cannot examine more than three draft laws with accelerated procedures in its nine-week work programme and one draft law in its three-week calendar. Accelerated procedures cannot be used to adopt laws that aim to align legislation with the *acquis* (RoP, Article 28/2).

In **North Macedonia**, the RoP of Parliament allow three routes for Parliament to consider and approve draft laws: regular/standard, shortened and urgent procedures (RoP, Articles 139-169). Urgent procedures can be applied in exceptional cases, for example when it is necessary to prevent and address a serious disruption in the economy, safety or defence, or serious natural disasters, epidemics or other emergencies. In such cases, there is no general discussion (no first reading) and the second and third readings are combined.

Moreover, the deadlines established for normal procedures do not apply. Parliament reviews requests for laws to be considered through urgent procedures at the plenary and makes decisions on each case based on the evidence provided by the proposing body. For shortened procedures, the draft law is reviewed in the plenary during the first reading and is then immediately submitted to the relevant standing committee and the Legislative Committee for review. Second and third plenary readings are combined.

Table 10. Criteria and processes used to determine standard and nonstandard legislative approval paths

	ALB	BIH-State	XKV	MNE	MKD	SRB
Standard/regular procedure	Most laws	Most laws	Most laws	Most laws	Most laws	Most laws
Nonstandard: Extraordinary/urgent procedure that must deal with major external risk or issue	Emergency situations related to natural disasters	Not specified	Emergency defence measures	Voting within 24 hours: (i) Declaration of state of emergency,	Serious disruptions to the economy	Detrimental consequences for human lives and health/ emergencies
			Internal danger to the constitutional order or to public security	(ii) Emergency caused by an epidemic or natural disaster,	National security/defence risks	Detrimental impact on national security and the work of institutions and organisations
			Natural disaster affecting all or part of the territory of the Republic of Kosovo*	(iii) Draft laws regulating security and defence	Natural disasters/emergencies	Detrimental impact on fulfilment of international obligations and harmonisation of legislation with the EU <i>acquis</i>
					Laws ratifying international agreements	
Nonstandard: Shortened/fast-tracked approval procedures		EU-related legislation	Laws dealing with national security	EU approximation, international obligations, unforeseen circumstances (voting within seven days)	Technical and not complex laws	Abbreviated debate at the sitting of the Assembly may be proposed by MPs under certain circumstances (RoP, Arts. 94 and 95)

			Public health		Abolishment of a law/specific provisions of a law	
			Budgetary and financial issues		EU law harmonisation (not complex ones)	
Who can propose scrutiny through nonstandard procedures	Government or One-fifth of MPs	Proposer of the draft law	Government or one-quarter of MPs	Proposer of the law	Proposer of the draft law	Proposer of the draft law
Limits on the number of laws that can be processed through shortened procedures	Not more than 3 laws in a 9-week session, and 1 law in a 3-week session	None	No limit	None	None	None
Who makes the final decision on the use of nonstandard procedures	Conference of Chairs	Collegium (in case of urgent procedures, the HoP and HoR)	Presidency of the Assembly	Parliament during plenary session	Parliament during plenary session	Governing body of Parliament

Notes: HoP = House of Peoples. HoR = House of Representatives.

Source: SIGMA analysis.

In **Serbia**, both regular and urgent procedures exist. According to Article 167 of the RoP, only draft laws that relate to unforeseeable circumstances (e.g. those that risk causing detrimental consequences for human lives and health, the country's security or the work of institutions and organisations) or that aim to fulfil international obligations and harmonise legislation with the *acquis* may be adopted through urgent procedures. It is important that both regular and urgent procedures can be conducted in a standard or abbreviated form.

For the latter, according to Article 95 of the RoP, MPs may propose a shorter time frame for debate on a draft law if it meets one of the following criteria: it ratifies an international treaty; it is considered to be a minor amendment to an existing law, not altering material provisions substantially; it aims to repeal an existing law; or it is part of efforts to harmonise legislation with the *acquis*. Other draft laws that can also be processed through abbreviated procedures are amendments to laws related to decisions of the Constitutional Court; draft laws on authentic law interpretation; and laws related to election and dismissal of persons elected by the National Assembly in accordance with the Constitution and the law, unless otherwise specified by the RoP.

Table 11. Main differences in scrutiny and approval procedures for nonstandard legislative paths

	ALB	BIH-State	XKV	MNE	MKD	SRB
Review by the lead committee	Yes	No	Yes	Yes, but not necessarily a written report	Yes	Not necessarily
Time allocated for MP scrutiny is reduced	Yes	Yes	Yes	Yes	Yes	Yes
Number of plenary readings is reduced	No	Yes (for urgent procedure only)	Yes, first and second readings	Yes	Yes, from 3 to 2 readings	No

Source: SIGMA, based on review of national legislation and procedures.

In **BiH (State)** the legislative process differentiates between standard, shortened and urgent procedures. When proposing a law, a proponent is obliged to list the reasons it is necessary to enact the law under a shortened/urgent procedure. Parliament first discusses the request and then decides at the next session. If a request is accepted, the deadlines (10 and 20 days for submitting reports) are decreased by half. In addition, the Collegium may limit how many times and for how long an MP may speak. If Parliament rejects the request, a draft law enters the standard procedure.

In **Montenegro**, a shortened or urgent procedure can be applied if a law deals with issues and relations arising from circumstances that could not be foreseen; if it is a law that must be harmonised with EU law; or if it concerns international treaties or conventions. The proposer of the law is obliged to state in the explanation of the proposal the reasons why the law should be passed by shortened procedure.

Concerning the parliamentary scrutiny of draft laws, if the Assembly accepts the proposal to enact the law under an urgent procedure, it sets a deadline by which the competent committee will review the draft law and submit a report, as well as a deadline by which the Government (if it is not the proposer of the law) will give its opinion on the draft law. When the competent committee considers a draft law by shortened procedure, the Assembly can decide to initiate examination of the draft law immediately and without a written report, with the committee presenting its report/opinion during the actual session. Amendments to a draft law under the urgent procedure can be submitted until the end of the discussion. There is no separate procedure for enacting emergency legislation, and emergencies can be addressed through the urgent procedure.

In **Kosovo***, Parliament has three routes for considering draft laws: the standard, accelerated or urgent procedure. The new RoP of the Assembly (Article 85) provide criteria and timelines for an accelerated procedure. The first reading of the draft law under the accelerated procedure cannot take place less than 48 hours from distribution of the material, while the second review cannot happen less than 72 hours from the day of its adoption in principle, except during a state of emergency or for declaring a state of emergency. At the request of the Government or one-quarter of the total number of MPs, the Assembly uses an accelerated procedure to review draft laws related to national security, public health, and budgetary and financial issues.

The urgent procedure for a draft law is laid out in RoP Article 86, mandated by the Constitution, Article 131. Review of the draft law, according to paragraph 1 of this Article, is special and is undertaken by only the relevant standing functional committee unless otherwise required by the Constitution. The first reading takes place within 48 hours of distribution of the material, while the second review takes place within 72 hours of the day of adoption in principle, except when the Assembly decides otherwise. It should be stressed that the RoP in force until August 2022 were less specific on the extraordinary procedure, which provided wide scope for interpretation.

Parliamentary scrutiny of draft laws related to EU integration

A large proportion of legislation considered by parliaments relates to EU integration and EU law harmonisation. This is normal for countries that aspire to become full members of the European Union. As part of the process, all administrations have committed to align their legislation with EU law, which requires changes to existing legislation. Additionally, all new laws are also assessed for compliance with EU legislation.

Parliamentary rules and procedures in Western Balkan parliaments allow for special considerations and provisions to address specific needs arising from effective legal harmonisation with the *acquis* (see Table 25). This is important to ensure overall coherence and alignment of domestic legislation with EU law and to avoid unnecessary contradictions, confusion and problems with the implementation of legislation.

Governments in the Western Balkans use special procedures and tools to help deal with specific aspects of EU law transposition. These relate mostly to additional checks on draft law compliance with the *acquis*, and preparation of tables of concordance and of official translations of EU laws. Additional skills and resources are needed for ensuring evidence-based transposition of EU law.

As part of the parliamentary scrutiny process, the relevant parliamentary committees responsible for European integration carry out detailed examinations on draft laws and prepare supporting documents to ensure that draft legislation meets the regulatory requirements and standards.

The main tools used by parliaments to check compliance of new laws with the *acquis* are the statements of compliance, which are prepared for all laws. Tables of concordance and statements of compliance are required for legislation to be further processed in parliament. For government-initiated laws, these statements are provided as part of the supporting documentation that accompanies draft legislation.

Translation of EU laws is an important process in planning and the implementation of transposition work. The accuracy of translations has a direct impact on the quality of the respective draft laws and the reliability of compliance checks carried out by the officials as part of the lawmaking process. The availability of official translations of EU law texts is equally important for parliaments, as they have a legal obligation and specific responsibility to check the compliance of draft laws with EU requirements and standards.

SIGMA 2021 Monitoring Reports identified concerns related to the planning and organisation of translation work in many of the Western Balkan countries, as the timely availability of translated texts was found to be an issue. Western Balkan parliaments do not appear to have access to official translations of all laws that are being transposed, as they are not included among the supporting documentation submitted to parliament with draft laws.

Table 12. Special procedures and checks for parliamentary scrutiny of draft laws transposing the EU *acquis*

	ALB	BIH-State	XKV	MNE	MKD	SRB
Does the parliament carry out checks on compliance of government-initiated draft laws with the EU <i>acquis</i> ?	Yes	No	Yes	Yes	No	Yes
Does parliament carry out checks on compliance of MP-initiated draft laws with EU law?	Yes	No	Yes	Yes	No	Yes
Does parliament ask the government to carry out checks on compliance of MP-initiated laws with the <i>acquis</i> ?	Yes	Yes, Directorate for EU Integration	No	No	Yes, the Secretariat of Legislation of the Government	No, but the European Integration Department of the National Assembly consults with the Ministry of European Integration
Do MPs get copies of official translations of EU laws?	No	No	No	No	No	No
Do MPs have access to EC impact assessments of EC laws?	No	No	Yes	No	No	No
Do MPs get copies of official translations of the EU laws being transposed through national legislation?	No	No	No	No	No	No

Source: SIGMA analysis, based on review of regulations.

In some countries, such as **Albania**, regulations also require the government to provide additional explanations on the compatibility of any new amendments it proposes during the committee review phase (RoP, Article 71). This ensures that any changes that take place during the committee phase do not create unexpected issues of non-compliance with EU law. Moreover, Albania has a practice of sharing the final draft law with the European Commission before it is considered and approved by the Council of Ministers. However, there is no such practice when the draft law reaches parliamentary scrutiny.

Kosovo* also has clear rules and procedures for checking the compliance of a draft law with *acquis* harmonisation requirements. Each draft law submitted to the Assembly must be accompanied by a table of concordance and a statement of compliance; explanatory notes on the extent of approximation of the draft law with the applicable EU legislation; and explanatory notes on compliance of the draft law with the Stabilisation and Association Agreement (SAA). This applies to all draft laws regardless of the proposer.

Involvement of the Committee on European Integration in checking that a draft law is in line with the *acquis* is mandatory and ensures the quality of the initial assessment. The Committee on European Integration deals with reviewing all draft laws and amendments submitted to the Assembly from the aspect of approximation and harmonisation with the *acquis*. Additionally, the Directorate for Legal Services and Approximation of Legislation checks draft laws to ensure they are in line with the *acquis*. When relevant, MPs receive copies of the draft law with all accompanying documents, including the statement of approximation and harmonisation with EU legislation and the table of concordance (RoP of the Assembly, Article 71.3).

It is important to note the differences some countries apply to the consideration and approval of EU-harmonisation laws. **Albania** does not allow laws that aim to harmonise domestic legislation with the *acquis* to be considered and approved through shortened procedures. The RoP allow the use of accelerated scrutiny and approval procedures only in extraordinary situations (e.g. *force majeure*, and for budgetary and financial concerns). In **Kosovo*** also, the fact that a draft law aims to transpose EU law is not sufficient to permit the use of shortened or urgent procedures.

By contrast, the RoP of the Parliament of **North Macedonia** envisage a separate track for considering and approving EU harmonisation laws through shortened procedures. Deliberation on EU-related draft laws in the first and second readings in the relevant sectoral committee and in the Legislative Committee cannot exceed three days, whereas in the case of shortened or urgent procedures it cannot exceed two days. These procedures and deadlines also apply to draft laws reviewed by the finance and budget committees, as well as the committee on economic issues (RoP, Chapter 10-a, Article 171 a-d).

Likewise, urgent procedures may be invoked in **Serbia** for such legislation. In **Montenegro**, harmonisation with EU law and the ratification of international treaties are important reasons to use the shortened procedure. In **BiH (State)**, when the Parliament receives a bill that the CoM of BiH has marked as being related to EU integration, the Collegium of the House refers it to a shortened legislative procedure.

In brief

Main conclusions of Chapter 4

This chapter reviewed the rules, procedures and practices that govern the initiation, preparation, scrutiny and approval of draft laws in the parliaments of the Western Balkans. **Its main objective was to find out to what extent arrangements currently in place help ensure that lawmaking is evidence-based**, as defined in Chapter 1 (i.e. that it draws on “facts, data, systematic information and knowledge, expert opinions, the use of *ex ante* risk and impact assessments, cost-benefit analyses, systematic evaluations or stakeholder assessments”). To address this question, the preceding analysis examined the types of evidence available during the executive and parliamentary stages of the legislative process; how such evidence is shared among participants in the legislative process; and how it is used, i.e. by MPs for decision making.

As our detailed survey of executive and parliamentary practices and data for 2018-2022 shows, the answer to the overarching question depends critically on who initiates the draft laws; the type of legislation; whether standard or nonstandard procedures are employed; and whether the draft laws are connected to transposition of EU law. Moreover, there have been important fluctuations in legislative practices over time and systematic differences across the six executive-parliamentary settings analysed.

First, throughout the Western Balkans, **governments are the main initiators of the draft legislation that is ultimately approved in parliament, but variations across the six parliaments are considerable**. Between 2018 and 2022, the Government of **Serbia** had a near monopoly on the submission of draft laws approved, as 98-99% of all laws approved had been submitted by the Government. **Kosovo*** had a similarly high rate (96%), followed by **Albania** (90%), **Montenegro** and **North Macedonia** (75% each) and **BiH (State)** (62%). In the latter five cases, draft laws that had been initiated from within parliament by MPs made up the remainder of draft laws adopted.

Who initiates legislation is of critical importance. As the above analysis has shown, **detailed protocols are in place to regulate the initiation and preparation of draft laws in government**. Law-drafting expertise is also employed, although the degree to which expert drafters are available in each government varies. Importantly, in all six administrations, the texts of draft laws must be accompanied by supporting documents that are expected to provide information on, for example, fiscal impact assessments, the results of public consultations, and EU legislation compliance statements (see Table 17 above).

By contrast, **for draft laws initiated within parliament, the accompanying documentation required is much less extensive (see Table 18 above) and drafting expertise is typically in short supply**. There appear to be weaker standards and quality checks on legal drafting when draft laws are initiated in parliaments. **The asymmetry in available evidence is even more pronounced when drafts initiated in parliament are not routinely forwarded to the government for its opinion**. While in some cases, notably in **Serbia** and **Kosovo***, stringent formal procedures are in place to allow the government to provide its opinions on MP-initiated draft laws, in others, such as **Albania**, legislation does not require the Parliament to formally consult the Government on all MP-initiated laws. Obtaining a formal opinion of the Government on MP-initiated laws is mandatory only

if there is a fiscal impact. However, in recent years the Minister of State for Relations with Parliament has shared all MP-initiated laws with other ministries.

Overall, **there is a risk that the information available to governments is not being fed fully and consistently into the parliamentary legislative process, notably when it comes to the consideration of wider policy impacts and risks, and the enforceability and implementability of proposed policies.** There is also a concern with the quality of government opinions issued, and whether they provide useful information and evidence for parliaments to make informed decisions, based on accurate assessments of impacts and risks. Overall, **executive-parliamentary communication during the parliamentary scrutiny phase is sparse, so that the sharing of critical data and information on policy and its impacts and risks is limited across the region.**

Second, it is **important to distinguish between draft laws that seek solely to amend existing legislation, and genuinely new legislation (i.e. the creation of a new law – which can also often involve amendments to other existing statutory legislation).** Many amendments to legislation can be minor and some are technical in nature, for example relating to specific implementation or enforcement issues. Therefore, many of the draft laws that aim to amend existing legislation are expected to be based on a rather formal systematic assessment of the implementation of existing legislation, and they seek to update and improve rules and regulations. In this case, it can be argued that the evidence basis of amendments relates primarily to practical experiences gained during implementation.

By contrast, genuinely new laws need to be based on full assessment of a hitherto unaddressed regulatory requirement and a strong rationale justifying government intervention through new legislation. **Therefore, the expected threshold for meeting the criteria for evidence-based lawmaking can vary depending on the type of legislative proposal.** At the same time, even seemingly minor amendments to existing laws can have significant impacts and hence require adequate preparation and scrutiny. It is worth noting that **the formal standards and tools applied during parliamentary scrutiny in the Western Balkans are the same for both new laws and laws amending existing legislation.**

Third, **the distinction between standard and nonstandard legislative procedures matters for evidence-based legislative processes.** Nonstandard procedures can take different forms, and the criteria that must be met to invoke them also differ (see Table 23 above). They typically reduce the number of steps involved in the legislative procedure – such as the review of draft laws by standing committees of parliament – and reduce the time available for scrutiny.

Figure 8 above illustrates considerable cross-country differences in the use of nonstandard procedures throughout the Western Balkans. While **Albania** had the lowest rate of nonstandard procedures (5%), about half of all legislation approved in **North Macedonia** was processed through nonstandard procedures during 2018-2022. **Nonstandard procedures are an established feature of lawmaking in all European democracies,** but given that they reduce the time and opportunities available for MPs to scrutinise draft laws and accompanying documents and to consider amendments, **their use must always be carefully justified.**

Fourth, **in several of the Western Balkan parliaments, European integration is a major driver behind the use of nonstandard procedures.** In **Albania** and **Kosovo***, the RoP of their parliaments do not allow for the use of shortened procedures for draft laws intended to align domestic law with EU law. By contrast, this possibility exists in **Montenegro**, and in **BiH (State)** and **North Macedonia**, all laws related to European integration are adopted through shortened procedures. In **North Macedonia**, if a draft law is marked as an EU transposition case (i.e. has an EU “flag”) it is automatically processed through a separate track that involves shortened procedures.

To be sure, when Western Balkan governments submit such legislation to their parliament, they regularly include additional information such as statements of compliance or statements of concordance (although, as noted above, gaining access to official translations of the laws to be transposed can be difficult, especially in officially multilingual parliaments). Hence, **the question is whether nonstandard procedures allow MPs sufficient time and opportunities to engage with the documentation that is provided to them.** Clearly, such fast-tracking creates risks for the quality of legislation.

5 Post-legislative scrutiny and *ex post* evaluation of laws by parliaments

This chapter discusses how the parliaments of the Western Balkans engage in post-legislative scrutiny and *ex post* evaluation of legislation implementation. It addresses four main questions: first, why has systematic review of the implementation of parliamentary legislation come to be recognised in many European countries as an integral part of the legislative cycle? Second, what is the specific role of parliaments in *ex post* evaluation? Third, what is the regulatory framework for *ex post* evaluation in the six Western Balkan parliaments, and what are the current practices? Fourth, what are the main factors explaining why the engagement of most Western Balkan parliaments with *ex post* evaluation has been very limited so far?

Why post-legislative scrutiny and *ex post* evaluation of implementation by parliaments matter

Parliaments and implementation of laws

As noted in Chapter 1, parliaments have an important role to play in all stages of the policymaking cycle, from initiation, preparation, scrutiny, amendment and approval of legislative measures to monitoring, scrutinising and evaluating their implementation. The adoption of laws by parliaments is an important milestone in the lawmaking process, but is clearly not the end of it, as it is only in implementation that the aims of legislation can be achieved and the shortcomings and weaknesses in the quality of laws become fully apparent and can be assessed.

Regularly monitoring the implementation of legislation is a responsibility of the executive branch and is also among the key functions of audit institutions. Moreover, courts become involved whenever it is alleged that a law may conflict with other legal norms or that public authorities are not following the law. However, the legislature also has a key role in ensuring that adopted laws, rules and regulations are followed in practice and that the legislators' intentions are achieved.

The 2020 European Parliamentary Research Service's report *Better Regulation Practices in National Parliaments*⁶⁴ highlights the close interconnection between *ex ante* impact assessment and *ex post* evaluation, since both are "regulatory policy tools that help inform the policy process with evidence-based analysis (...). [T]hese tools aim at raising the quality of policies and legislation" (p. 1). The report notes "both the EU and the OECD acknowledge that Better Regulation is a shared responsibility between the executive and the legislative branch" and that there is "considerable potential for parliamentary involvement at both ends of the policy cycle – impact assessment and evaluation" (p.1).

⁶⁴ EPRS (European Parliamentary Research Service) (2020), *Better Regulation Practices in National Parliaments*, EPRS, Brussels, [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642835/EPRS_STU\(2020\)642835_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/642835/EPRS_STU(2020)642835_EN.pdf).

With respect to the European Parliament, the report points out how *ex post* evaluation has now become a “routine activity” and constitutes “an integral part of the parliamentary decision-making process” (p.1). The OECD Indicators of Regulatory Policy and Governance likewise stress the close linkage between *ex ante* impact assessments and *ex post* evaluations. In line with this emphasis on *ex ante* and *ex post* assessments and the role of parliaments in both, the 2022 European Commission report *Quality of Legislative Process: Building a Conceptual Model and Developing Indicators* highlights that a key element of the “robustness and rigour” of the legislative process is the requirement that “all legislative initiatives should be subject to impact assessments, both *ex ante* and *ex post*” (p. 51).

In assessing provisions and practices for post-legislative scrutiny and *ex post* evaluation in the Western Balkans, an awareness of current EU practice is instructive (Box 16 therefore provides illustrative examples of parliamentary post-legislative scrutiny in selected EU Member States). As the EPRS Report notes, the involvement of parliaments in Europe is still quite limited at present. Thus, only

six EU-27 parliaments have developed structures for substantial involvement (Belgium, France, Italy, the Netherlands, Poland and Sweden). Moreover, the research services of the Bulgarian and Latvian parliaments carry out *ad-hoc* evaluations upon request, albeit in low numbers. Four further EU-27 parliaments engage in evaluation activities at a smaller scale, mainly scrutinising government evaluations in depth or by performing *ex post* budgetary scrutiny (Austria, Ireland, Portugal and Spain).

Box 1. Post-legislative scrutiny in selected EU Member States

While all EU parliaments play a role in *ex post* evaluation of laws, their regulatory frameworks and approaches vary.

In **Germany**, the Federal Parliament (Bundestag) conducts *ex post* reviews of the implementation of laws through standard scrutiny methods or the use of oversight mechanisms such as reporting duties, questioning and hearings. As the practical effects of such reviews are limited, PLS is mainly conducted by the Federal Government. However, the Bundestag has developed an autonomous capacity through three different bodies: the Research Services, the Office of Technology Assessment and the Parliamentary Advisory Council on Sustainable Development. It is not the sole purpose of these bodies to conduct PLS in their area of expertise, but they can be mobilised to do so upon request by MPs.

Belgium has created a dedicated parliamentary committee to carry out *ex post* evaluation of laws that have been in force for at least three years. The committee may consider rulings of the Constitutional Court and the Court of Arbitrage as well as citizen petitions to identify problematic legislation. A review of legislation or amendments to legislation can be proposed following recommendation by consensus of all members of the committee. In case concerning regional competencies, the parliaments of the regions are also involved.

According to constitutional clauses, the **French** Parliament has a mandate to conduct PLS. It does so through parliamentary committees that have both legislative and oversight roles. The standing committee originally involved in the scrutiny of laws also has a mandate to assess their implementation, for which it uses multiple information sources. The Assemblée Nationale can also set up temporary bodies to assess the implementation of laws and public policies.

Other permanent structures can be developed within existing parliamentary committees, such as the Evaluation and Control Mission established by the Finance Committee of the National Assembly, responsible for examining the implementation of sectoral public policies. Overall, the main PLS instruments are parliamentary committees, which submit yearly reports to the Conference of Presidents. Generally, France's PLS primarily emphasises public resource use rather than addressing the broader societal, environmental, economic or other impacts of laws. Its outcomes are used mainly during policy debates between the Houses of Parliament and the Government, not to produce legislative follow-ups and amendments.

Using a similar approach, the **Swedish** Parliament relies on committees to conduct PLS. However, parliamentary committees do not submit the evaluation reports and findings to the plenary for debate; they function as a point of reference for relevant discussions with the Government.

Austria has established a legislative procedure characterised by strong co-operation between the Parliament and the Government. An impact assessment is submitted along with every bill, focusing more on budgetary aspects than on other areas (e.g. the environment or business). Three to five years after the law's entry into force, an evaluation of its results takes place, and these results are compared with the goals set in the original impact assessment.

In **Portugal**, for areas under their responsibility, standing parliamentary committees have the competence to verify Government and Administration compliance with the laws and resolutions of the Parliament, in respect to which they may suggest measures deemed appropriate. For this purpose, they may hold hearings with members of the Government and public administration managers, request information and submit questions. In some cases, the law itself sets deadlines and procedures for assessing the impact of legislation and revising it.

In addition, the parliamentary support services regularly produce reports on all legislation passed by the Parliament, identify complementary legislation that needs to be passed by the Government for the legislation to be implemented, refer to the deadline set in the law (when this is the case) for issuing secondary legislation and check whether this complementary or secondary legislation has already been passed. This information is sent to the President of Parliament, who circulates it to all parliamentary groups.

Outside of the European Union, **Switzerland** presents an interesting case for PLS, as it has established legislative evaluation in its Constitution (Article 170). The Law on the Functioning of Federal Parliament sets up Control Committees assisted by the Parliamentary Control of the Administration (PCA), a service that conducts evaluations. According to the Swiss model, the Control Committees initiate evaluations. Importantly, the PCA is afforded a budget to hire experts and outsource. Contrary to the aforementioned EU cases, the PCA presents the results of its research to the appropriate Control Committee, which then decides upon the available recommendations. Thereafter, the Control Committee may draft a motion to propose an amendment to the Federal Council. In some cases, a Control Committee's PLS results translate into governmental ordinances or ministerial acts, thus having a practical effect on the country's legislation.

Sources: SIGMA expert analysis; SIGMA analysis of PLS procedures in Europe; parliamentary websites of EU Member States; De Vrieze, F. (2020), *Post-Legislative Scrutiny in Europe: How the Oversight on Implementation of Legislation by Parliaments in Europe is Getting Stronger*, Westminster Foundation for Democracy, London; De Vrieze, F. and P. Norton (eds.) (2020), *Parliaments and Post-Legislative Scrutiny*, Routledge, London.

Against this background, it is perhaps not surprising that the Westminster Foundation for Democracy's 2021 report *Post-Legislative Scrutiny in the Parliaments of the Western Balkans* notes that "parliaments in the Western Balkan region have very little or almost no parliamentary outputs on *ex post* analysis of legislation" (p. 30). Similarly, for **BiH** the 2023 OSCE Office for Democratic Institutions and Human Rights' *Assessment of the Legislative Process: Bosnia and Herzegovina* stresses the need for strengthening of the Parliament's role in oversight of the implementation of legislation. As the analysis presented below shows, there have been some encouraging steps in recent years but, except in **Kosovo***, attention to post-legislative scrutiny and *ex post* evaluation in the region is sporadic at best. Even in the case of Kosovo*, the function of *ex post* evaluation of laws by the Assembly is supported by external CSO partners.

The need for post-legislative scrutiny and *ex post* evaluation is now widely recognised. This is even more the case if laws have been adopted without prior careful *ex ante* impact assessment and scrutiny and if nonstandard procedures that leave little time for detailed scrutiny by parliaments were followed. As the 2020 EPRS report documents, countries have different models and approaches for the *ex post* evaluation of policies. Thus, in both *ex ante* assessments and *ex post* evaluations, "parliaments show great diversity in terms of drivers, depth, and types of engagement. There is no 'one size fits all' approach".

But regardless of the model and approach, parliaments have, in principle, a key role in the process, through both scrutiny of the evaluation results produced by the government and supreme audit institutions and their own proactive review activities. In short, parliamentary post-legislative scrutiny and *ex post* evaluation of implementation are key activities through which the legislature performs its oversight function over government. The monitoring and evaluation of laws by parliament can help identify key implementation issues and ineffectiveness and inefficiencies in government activities, e.g. the non-adoption of key secondary legislation or failure to plan and allocate adequate funds to achieve regulatory objectives.

The importance of ex post evaluation of laws for implementation

As discussed in Chapter 4, many laws in the Western Balkans are prepared and approved without full consultation and impact assessments. Inadequate preparation and a weak evidence base can result in the adoption of laws that are difficult or even impossible to implement in practice, necessitating correcting actions after adoption. For example, if no adequate analysis of the fiscal impact of laws is carried out, the financial resources necessary for adequate implementation may simply not be available, and the law will be impossible to implement.

Parliaments have a key role in addressing implementation issues related to poor-quality laws, as they are ultimately required to review and revise the laws. As noted in Chapter 4, a large share of legislation approved in the Western Balkans amends existing laws. Amendments to existing legislation can be initiated for different reasons, including changes in policy or the updating of financial provisions. However, if laws are being amended frequently and extensively, this may indicate underlying problems in the lawmaking process. This is particularly true when laws are amended very soon after adoption or, in some cases, before they have even come into force.

In the Western Balkans, many laws are revised within the first year of their adoption (Table 26). In **North Macedonia**, 25% of government-initiated laws adopted in 2021 were amended within 12 months of adoption. In **Montenegro**, 17% of new laws were amended within the same year. The relevant numbers are much lower for **Serbia** and **Albania**, while in **Kosovo*** frequent amendments of government-initiated legislation does not appear to be an issue. At the same time, it should be noted that in Kosovo* and other countries, the lawmaking process in general takes more time, which is not necessarily reflected in these statistics. As indicated earlier, in **BiH (State)** the total number of laws and amendments approved by Parliament annually is generally very low, so the positive value (“0”) for this specific indicator for BiH (State) Parliament should be interpreted in this context.

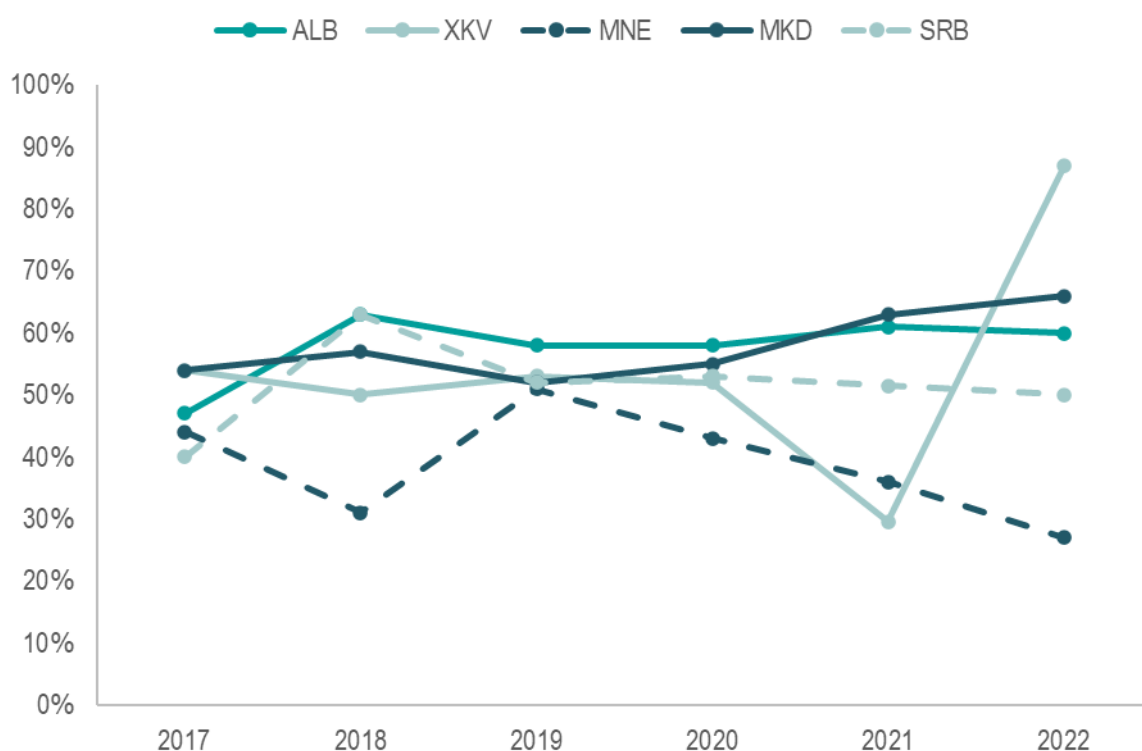
Table 13. Shares of new government-initiated laws amended within 12 months of parliamentary approval

	ALB	BIH-State	XKV	MNE	MKD	SRB
2022	1.2%	0%	0%	0%	0%	4%
2021	5%	0%	0%	17%	25%	0%
2020	2.9%	0%	0%	3%	5%	3%
2019	0%	0%	0%	4%	0%	7%
2018	0%	0%	0%	0%	0%	2%
2017	2%	NA	0%	4%	46%	5%

Notes: Data includes only new laws initiated by government. Indicators were calculated using the SIGMA monitoring assessment methodology. Source: SIGMA, based on information from relevant administration and public sources.

For both businesses and individual citizens to plan their activities, legislative and regulatory frameworks need to be stable and predictable. Otherwise, the confusion created can have a negative impact on compliance and policy implementation. A survey of Western Balkan businesses' perception of the clarity and stability of government policymaking shows that they largely consider it to be stable and clear, but there are important cross-country differences and fluctuations over time (Figure 9). It is worth noting the clear negative trend for **Montenegro**, where the perception of businesses has been declining since 2019, while an improvement was recorded for Kosovo* between 2021 and 2022.

Figure 7. Perceived clarity and stability of government policymaking in the Western Balkans



Notes: Based on survey results depicting positive responses (“agree” and “strongly agree”). Data on BiH (State) is not available.
Sources: 2017 and 2021 SIGMA Monitoring Reports; SIGMA data portal, based on information from the Balkan Barometer surveys conducted by the Regional Co-operation Council (RCC).

Regulatory frameworks and practices for post-legislative scrutiny and *ex post* evaluation of laws

Regulatory frameworks in the Western Balkans enable parliaments to employ different tools and instruments for post-legislative scrutiny and *ex post* evaluation of laws (Table 27). Regulatory requirements to conduct post-legislative scrutiny of laws exist only in **Albania** and **Kosovo***. Regulations in the other parliaments do not contain specific provisions, although *ex post* assessments can still take place.

Table 14. Main instruments and tools for parliamentary oversight and evaluation of government policymaking allowed by regulations

	ALB	BIH-State	XKV	MNE	MKD	SRB
Regulatory requirement/provisions for conducting <i>ex post</i> evaluation of laws	Yes, for EU transposition laws	No	Yes	No	No	No
Regulatory provisions allowing the establishment of <i>ad-hoc</i> committees	Yes	Yes	Yes	Yes	Yes	Yes

Other instruments to scrutinise government lawmaking						
Oral questions to government	Yes, weekly	Yes, weekly/monthly	Yes*	Yes*	Yes, monthly	Yes, monthly
Written questions to government	Yes, answers within 3 weeks	Yes	Yes, answers within 2 weeks	Yes	Yes (max 3 questions per session)	Yes
Written interpellations by individual MPs	Yes (2 per session)	No	No	No	No	No
Written interpellations by group of MPs	Yes, 7 MPs, max 2 per month)	Yes	Yes, at least 6 MPs, 1 per session	Yes	Yes, initiated by at least 5 MPs	Yes, at least 50 MPs
Organisation of public hearings	Yes	Yes	Yes	Yes	Yes	Yes,
Preparation and publication of reports on public hearings	Yes	Yes	No	Yes	Yes	Yes

Note: In Kosovo*, oral questions to the Government are presented in the plenary if the same questions have been sent to the Assembly in writing in advance. Supplementary questions can be raised orally during the session. The frequency of question presentation depends on how often plenary sessions are held, which in turn is determined by the workplan of the Assembly.

Source: SIGMA analysis, based on national legislation and information provided by the administrations.

Kosovo* appears to have the strongest system of parliamentary post-legislative scrutiny and *ex post* evaluation in the region (Table 28). Evaluating law implementation is seen as an important element of the broader role of Parliament to oversee functioning of the executive. The mandate for oversight of the implementation of laws is provided by the RoP of Parliament. Parliamentary standing committees have the authority to select specific laws for review, and these end up in the annual work plans of Parliament. Kosovo*'s Parliament conducted the highest number *ex post* evaluations of laws in the region in 2022. The relevant parliamentary committees prepared reports on the implementation of nine laws, four of which were formally considered and discussed at the plenary session. The remaining five reports were scheduled for later discussion at the plenary.

In addition to conducting formal *ex post* evaluations, committees may also summon Government ministers to report to the committee or request a written report from the ministry responsible for the implementation of a law. The committee shall prepare and submit a written report on every law it evaluates. The report, with recommendations adopted in the plenary session, shall oblige the relevant ministry to implement the recommendations by the set deadline. The committee may invite the minister to report on the implementation of recommendations adopted by the plenary.

The regulations also require the committee to request ministries and independent bodies to submit a report in writing on the implementation of all laws within their scope by the end of each year (RoP, Article 99). It should be noted, however, that the Parliament has no dedicated staff or expertise to support the evaluation process. Therefore, evaluation is almost always supported by external experts hired directly by the committee through its own funds, or by expert support from non-governmental organisations involved in supporting reforms, financed by external donor support.

Table 15. Practice of *ex post* evaluation of laws by Western Balkan parliaments

	ALB	BIH-State	XKV	MNE	MKD	SRB
Number of <i>ex post</i> evaluation reports prepared by parliament (2022)	0	0	9	0	0	0
Number of public hearings related to implementation of laws (at plenary or committee sessions), 2018-2022	117	0	5	45 (2018-2022)	1	No data available
Number of parliamentary questions related to implementation of laws, 2018-2022	109	No data available	No data available	103	18	No data available

Source: SIGMA analysis, based on publicly available reports and official information provided by the parliamentary administrations.

In **Albania**, the RoP of Parliament were amended in 2019 to introduce a new regulatory requirement to conduct *ex post* evaluation of laws related to EU law transposition. The European Affairs Committee of Parliament is tasked with reviewing the implementation of laws adopted as part of the EU *acquis* alignment process and to carry out their evaluation (RoP, Article 103/3). The European Affairs Committee is also responsible for preparing an annual plan for *ex post* review of the implementation of EU transposition-related laws and must inform the Speaker and other committees.

The Government is required to support *ex post* evaluation by providing necessary information and data according to the formal evaluation plan. Ministers prepare and submit reports that must contain the required information, and the European Affairs Committee is expected to prepare and publish these reports. In practice, however, no such report has been prepared since 2019.

The Parliament of **North Macedonia** conducts post-legislative scrutiny and *ex post* evaluation of laws mainly through public oversight hearings, which are regulated through the Law on Parliament. The objective of public hearings is to obtain information and expertise on issues related to policy development and implementation, enforcement of laws and other activities. Parliamentary committees are mandated to initiate public oversight hearings, and government officials are obliged to attend and provide all required information. Members of parliamentary committees can initiate a process for oversight hearings.

In practice, few hearings have been organised in recent years. The most recent public hearing related to reviewing and analysing a policy area or law was organised in 2020 by the Committee on Agriculture, Forestry and Water Management. The work plan of oversight hearings is to be discussed and agreed upon by the co-ordination body of Parliament, led by the Speaker. Another instrument is interpellations, which can be initiated by at least five MPs. These may involve issues related to the performance of public officials, the Government and members or state bodies.

Serbia's Law on Planning Systems (Article 41) prescribes the *ex post* impact assessment of laws and bylaws. However, no methodology on this has yet been developed. The Serbian Parliament has not conducted and prepared any formal evaluation reports in recent years. It does, however, discuss various reports prepared by independent bodies, including the State Audit Institution. These may relate to certain aspects of law implementation, but there is no practice of organising and conducting systematic reviews of selected laws and preparing and publishing reports.

It is also worth noting that Serbia requires its ministers to prepare quarterly reports on their ministries' activities, which are formally submitted to parliament and discussed by the relevant committees, in accordance with Article 229 of the RoP. However, based on evidence gathered in interviews, this requirement does not appear to be carried out systematically.

In **BiH (State)**, the RoP do not regulate post-legislative scrutiny and *ex post* evaluation but is limited to traditional instruments of oversight (e.g. questions and interpellations) to raise issues on the functioning of the BiH Council of Ministers as a whole or on individual decisions of the BiH Council of Ministers or other

BiH institutions. This may include questions related to the implementation of Government policies and laws. Interpellations can also be submitted when MPs are not satisfied with subsequent supplementary BiH Council of Ministers' written answers to questions. Eight MPs can submit an interpellation to the Speaker of the House in written form.

In **Montenegro**, the RoP of Parliament do not establish mechanisms or instruments for post-legislative scrutiny or *ex post* evaluation of policies by parliamentary bodies as such, although traditional oversight mechanisms are occasionally used to discuss the implementation of laws (primarily through oversight and consultative hearings, with MPs also using MP questions and requests to Government to gain information for this purpose).

Ex post policy evaluations and scrutiny of policies and major laws are not institutionalised, so parliamentary evaluation practices are an exception to the rule, usually related to gender and human rights issues, and these are primarily done with external support. There was a session of the Committee on Human Rights and Freedoms in 2021 during which the *Report on Post-Legislative Scrutiny of the Law on Prohibition of Discrimination against Persons with Disabilities* was discussed. This report had been prepared by the Westminster Foundation for Democracy at the initiative of the Committee on Human Rights and Freedoms. In 2020, a report on post-legislative scrutiny of selected articles of the Law on Amendments to the Law on Gender Equality was initiated by the Gender Equality Committee and implemented with Westminster Foundation for Democracy support. More recently, the Gender Equality Committee has worked on preparing an *ex post* gender analysis questionnaire, with OSCE assistance.

SIGMA Paper No. 61 on RIAs and EU law transposition (2021) highlighted several weaknesses in the existing policy impact assessment systems of the Western Balkan administrations. Lack of initial analysis of monitoring and *ex post* evaluation mechanisms of new legislative proposals was found to be among the key issues. An analysis of 40 RIA reports on government-initiated legislation revealed that more than half did not contain any discussion of planned monitoring and evaluation arrangements after the policy's adoption. Weak initial planning and consideration of monitoring and evaluation makes implementation much harder. It also makes it much more challenging to plan and perform effective *ex post* evaluations of laws.

The picture that emerges is one of very limited engagement of most Western Balkan parliaments with systematic post-legislative scrutiny and *ex post* evaluation of legislation implementation. In part, this finding reflects a lack of parliamentary capacity. The administrations of the region's parliaments do not have dedicated internal units and teams to support *ex post* evaluation. Conducting evaluations requires specialised skills and expertise, and MPs do not yet have regular access to specialists.

Weak *ex post* evaluation is also, however, a reflection of shortcomings in the existing systems for *ex ante* impact assessments. As noted above, both are closely linked, and weak *ex ante* assessment systems limit the capacity for *ex post* evaluation. MPs often do not have full and easy access to all documentation, including RIAs of government-introduced laws. Moreover, as noted in Chapter 4, there is no systematic *ex ante* analysis of the impact of MP-initiated laws. In the absence of full and accurate information about the original policy objectives, anticipated benefits and impacts of laws, it is difficult to plan and carry out effective *ex post* evaluation.

In brief

Main conclusions of Chapter 5

European parliaments have become increasingly involved in systematic post-legislative scrutiny and *ex post* evaluation of legislation in recent decades. Historically, parliaments relied on instruments such as questions, interpellations or, occasionally, commissions of inquiry for their traditional executive oversight function. Their main purpose was to hold the executive to account, and executive oversight activities were dominated by opposition parties. The emphasis was on identifying specific shortcomings and failings rather than on systematic review and lesson-drawing.

As has been noted, however, this situation has begun to change in several European parliaments, including the European Parliament. **Increasingly, parliaments have become engaged in monitoring, scrutinising and evaluating the policies mandated by the legislation they have passed and in assessing legislative effects.** To do so, parliaments rely partly on information provided by governments and other state institutions, such as supreme audit institutions; partly on third-party expertise; and partly on in-house capacities, such as specialist units in the parliamentary administrative services.

As our review of Western Balkan parliamentary practices shows, post-legislative scrutiny and *ex post* evaluation that relies on more than just the traditional instruments is still very much in its infancy, except in Kosovo*. Even where relevant provisions exist, they are very rarely used, and *ex post* evaluations are typically initiated from outside of parliament, as in the **Albanian** cases mentioned above. In short, post-legislative scrutiny and *ex post* evaluation are not yet institutionalised, except in Kosovo*, where committee work plans regularly include activities related to *ex post* evaluation and regular reports are prepared and published.

The consequences of this neglect for *ex post* evaluation of laws and policies are obvious: **the executive and parliament, but also the public and stakeholders, are deprived of vital information that would allow them to engage in fact-based discussions on the effects of existing laws and policies and ways to improve them.** The absence of *ex post* evaluation makes *ex ante* impact assessments even more difficult, as implementation experiences cannot be integrated systematically into assessments of the likely effects of legal change. Similarly, weak systems for monitoring and evaluating law implementation heighten the risk that laws adopted under emergency or shortened procedures will have negative consequences.

6 Key findings, messages and policy recommendations

This chapter summarises key findings and messages on evidence-based lawmaking for Western Balkan parliaments and presents policy recommendations, underlining the importance of three critical linkages. First, evidence-based lawmaking is a multistage process. The strength of interconnections among the different stages – from the initial identification of regulatory needs to post-legislative scrutiny and *ex post* evaluation – matters critically for the quality of evidence-based legislation. Second, evidence-based lawmaking needs to connect the generation of information, knowledge and expertise with the scrutiny of evidence, its actual use in decision making, and the regular review of evidence gained from implementation. Third, it requires the interlinking of instrument choices (e.g. regulatory impact assessments [RIAs] and public consultations), organisational structures, procedures and personnel.

Messages and policy recommendations are intended to expand policy dialogue, with the aim of improving existing regulatory frameworks and lawmaking practices in the Western Balkans. They centre on strengthening linkages in the cycle of evidence-based lawmaking; improving feedback loops; enhancing opportunities for the timely consideration of evidence; and incentivising the use of instruments of evidenced-based lawmaking.

Evidence-based parliamentary lawmaking: Critical linkages

Evidence-based lawmaking requires attention to three crucial linkages in the policymaking process. First, the quality of legislative processes and of the legislation itself depends critically on strong and dependable structures and procedures that connect the executive and parliamentary stages of policymaking. Both the executive and parliament have distinct functions to perform in lawmaking, but if the two operate largely in isolation, the quality of legislation suffers. For example, if the government's legislative plans are unreliable or are not made available to parliament, the latter will not be able to plan its own legislative timetable with a view to maximising opportunities for evidence-based scrutiny and deliberation. If the government does not provide parliament with the full range of information on which its own decisions on draft laws are based, parliament's ability to question draft laws is impaired.

Likewise, if amendments to government-initiated draft laws tabled during the parliamentary legislative process are not communicated to the government and if government has little or no time or will to consider its position, the full implications of amendments are likely to remain underexplored and legislative quality will suffer. In short, effective evidence-based lawmaking requires strong two-way executive-legislative flows of evidence and feedback loops throughout all stages of lawmaking.

Second, evidence-based lawmaking involves the generation, scrutiny, usage and regular review of evidence; only if these are effectively linked can the full advantages of information, knowledge and expertise in lawmaking be realised. For example, the benefits of RIAs carried out as part of the preparation of draft laws in government are likely to be limited if they are scheduled only after a full draft text of the law has already been developed.

Furthermore, the creation of parliamentary research services and research institutes or budget offices is unlikely to enhance parliament contributions to evidence-based lawmaking unless incentives are in place to encourage the effective use of the expertise that is available. Without MP demand for strong evidence and analysis, it is difficult to develop existing research capabilities and skills. In short, the evidential basis on which lawmaking rests will remain weak when there are systematic disconnects between the generation of evidence; its use and questioning during scrutiny and deliberation processes; its effective consideration at the time of decision-taking; and its review based on experiences gained during implementation.

Third, evidence-based lawmaking is dependent on arrangements that effectively align instruments, structures, procedures and personnel. For example, if parliaments have the power to carry out expert and public consultations during the consideration of a draft law, they require administrative procedures and an infrastructure to organise and manage the consultation process and to document and assess their proceedings. They also need legislative rules and procedures to ensure that all findings are fed into the committee and plenary stages of scrutiny. Moreover, they require parliamentary staff trained in handling what can be very contentious consultation processes. In short, evidence-based lawmaking requires coordinated instrumental, structural, procedural and personnel arrangements.

The 18 key empirical findings on Western Balkan lawmaking summarised below follow the typical legislative cycle: (i) government initiation and preparation of draft laws, decision making and executive-parliamentary linkages in legislative planning; (ii) parliamentary initiation, scrutiny, amendment and decision making; and (iii) post-legislative scrutiny, *ex post* evaluation and executive review. In each case, the key empirical finding is complemented by a brief consideration of its implications – or “message” – for evidenced-based lawmaking.

Findings and messages provide the basis for policy recommendations, most of which are relevant for all governments and parliaments throughout the Western Balkans. Special emphasis is placed on the quality of executive-parliament linkages throughout the legislative cycle, covering the generation, scrutiny, usage and review of evidence as well as choices of instruments, structures, procedures and personnel required for effective evidence-based lawmaking.

Key findings, messages and policy recommendations

Government initiation, preparation, decision making and executive-parliamentary linkages

FINDING 1: INITIATION OF LAWS. Governments are the chief initiators of legislation in the Western Balkans. In some countries, most notably Serbia, the government is virtually the sole source of draft laws.

Message: The legislative agenda in Western Balkan parliaments is heavily influenced, if not altogether dominated, by draft legislation initiated by governments. Executive dominance in the initiation of legislation affects the conditions for evidence-based lawmaking in parliament in two basic ways. First, **policy planning and preparation, legal drafting and legislative procedures at the executive stage of lawmaking have a determinative influence on the quality of draft laws to be scrutinised by parliament.** Accordingly, improvements in the planning and preparation of draft laws prior to their submission to parliament facilitate evidence-based scrutiny in parliament.

Second, **parliaments depend heavily on governments to gain all data and information gathered during the preparatory executive stage of policymaking.** Evidence-based lawmaking by parliaments is critically dependent on the range and quality of data and information provided by the government to the parliament. It is also shaped by the effectiveness of government-parliament communication and collaboration during the parliamentary scrutiny phase, when key evidence is reviewed, challenged and updated.

Recommendations:

- Parliaments of the Western Balkans should be kept fully informed of government legislative priorities and plans and be regularly updated on any changes to facilitate their own planning of legislative scrutiny work.
- In the case of major draft laws, early consultation between the government and parliament can help develop a common understanding of the draft law's policy objectives and regulatory requirements. Consultation clarifies the evidential bases on which government draft laws draw, ensuring more effective and smooth parliamentary scrutiny and approval.
- MPs, particularly those from opposition parties, should play a more active role in requesting additional or missing information and data on policies (and their impacts and risks) from government to inform their parliamentary scrutiny or their own legislative initiatives. This can happen before the committee review stage.

FINDING 2: RIAs AND CONSULTATIONS. Western Balkan governments have formal regulatory provisions and mechanisms in place to use evidence and analysis in preparing draft laws, notably *ex ante* RIAs and public consultations. However, these provisions and tools vary across the region and are not applied fully and consistently.

Message: Notwithstanding the existence of formal arrangements to conduct *ex ante* RIAs and stakeholder and public consultations, the use and impacts of these tools remain weak across the region, as shown in the SIGMA 2021 Monitoring Reports and SIGMA Paper No. 61, *Regulatory Impact Assessment and EU Law Transposition in the Western Balkans*. Analysis of draft laws and consultations, if carried out, is not systematically used to inform the preparation of draft laws by government or subsequent scrutiny and decision making by MPs. This observation has two critical implications for parliamentary lawmaking. First, **government-initiated draft laws are frequently not based on systematic assessments of regulatory requirements, conditions, options, and costs and benefits.** Second, **the documents submitted by government to parliament that accompany draft laws often provide an insufficient basis for detailed parliamentary assessment.**

Recommendations:

- Governments should ensure that they fully and consistently implement *ex ante* RIAs and public consultations for all draft legislation. Actual practice should be in line with national requirements and standards for regulatory policymaking and ensure genuine engagement with all key stakeholders affected by legislative proposals.
- When appropriate, formal consultations should be complemented by targeted and more focused early consultations with parliament and other key stakeholders.
- Governments should consider adjusting their internal rules, procedures and practices to initiate basic analysis of policy problems, objectives, impacts and risks of draft legislative proposals earlier in the policymaking process so as to inform the preparation and prioritisation of the annual legislative plan.
- Parliamentary administrations should consider enhancing their internal knowledge and understanding of policymaking rules and procedures and of the guidelines and methodologies used by ministries during lawmaking. This would enhance the effectiveness of parliamentary scrutiny and law preparation within parliament.

FINDING 3: AVAILABILITY AND ACCESSIBILITY OF SUPPORTING MATERIALS. Not all relevant evidence gathered during the preparation of government draft laws is routinely made available to parliaments as part of the documentation that accompanies draft laws submitted to the legislature.

Message: As documented in Table 17, there is considerable variation among Western Balkan governments regarding documentation provided to parliaments with the text of a draft law. The **Albanian** Government, for example, follows a practice of submitting RIA reports to Parliament despite not being required to do so under existing regulations. **Serbia** and **Montenegro** also submit draft RIA reports to parliament, but in other cases the evidence and analysis captured in key documents, such as RIA reports and summaries of public consultation outcomes, are not forwarded to parliament. Moreover, national rules for *ex ante* RIAs and internal procedures allow the exclusion of many legislative initiatives from RIA analysis. Thus, **key information related to policy preparation and the proposed legislation's underlying problem, objectives, potential impacts and consequences are not systematically prepared and shared with MPs. Consequently, this information gap between governments and parliaments in lawmaking harms parliaments' ability to scrutinise draft legislation.**

Recommendations:

- Governments should ensure that all supporting documents considered when a draft law is adopted by the government, such as RIA reports and public consultation reports, are submitted to parliament together with the draft law. These documents should be publicly available to ensure full transparency of the lawmaking process.
- Governments should consider strengthening the evidence basis and analysis of impacts of legislative proposals for which RIAs are not prepared, for example because exceptions or exclusion rules are being applied, in line with national RIA regulations.
- Parliaments should carry out stronger scrutiny of the evidence and analysis of legislative proposals for which RIAs and/or public consultations have not been conducted.
- In the case of major changes to draft laws during the parliamentary stage, revised and updated impact assessments may be required to ensure that final decisions taken on draft policy proposals are informed by appropriate evidence and analysis.
- Parliaments should ensure that all supporting documents accompanying draft laws are fully and easily accessible to MPs during parliamentary scrutiny and deliberations. The materials should be published on the parliament's website.

FINDING 4: GOVERNMENT LEGISLATIVE PLANNING. All governments of the Western Balkans prepare regular work plans to guide their legislative activities. However, the quality, clarity and consistency of information in these plans, and government approaches to sharing these plans with parliaments, differ considerably across the region. Major deviations from the plans are frequent, harming parliaments' ability to plan their legislative scrutiny work.

Message: As summarised in Table 9, the information contained in government legislative plans varies greatly across the region, as does the reliability of the plans. While some draft laws envisaged by a plan may not materialise, other unforeseen ones may be submitted to parliament. Consequently, **parliaments often possess insufficient information about the volume, timing and substance of government-initiated draft laws prior to their submission to the legislature.** Uncertainty over a government's legislative agenda weakens a parliament's ability to prepare its own legislative work plan and calendar. **When information about the likely flow and substance of draft laws to be submitted by the**

government is sketchy, parliamentary committees and administrative services can do little preparatory work and cannot anticipate the informational needs of MPs.

Recommendations:

- Western Balkan governments should improve the quality, clarity and reliability of their legislative planning to help parliaments and MPs plan and scrutinise draft legislation more effectively.
- Government legislative plans, including any revisions, should be shared fully and systematically with parliament, in a clear and easily accessible format.
- Governments should seek to adhere to their legislative plans as much as possible to enable parliament to plan its scrutiny of draft laws more effectively.

FINDING 5: PARLIAMENT-GOVERNMENT CO-ORDINATION. For the most part, linkages and co-ordination between the executive and parliamentary stages of lawmaking are tenuous, and two-way flows of information are underdeveloped.

Message: Effective planning and organisation of the legislative work of parliaments is critically dependent on regular and clear two-way flows of communication between government and parliament. **Parliaments' ability to engage in evidence-based lawmaking is heavily influenced by the quality of executive-legislative linkages.** In some countries, such as **Albania** and **North Macedonia**, designated members of the government take the lead in co-ordinating legislative work with the parliament. But in most cases, responsibilities are dispersed among ministries, and centres of government are not actively involved in monitoring the passage of government-initiated legislation during the parliamentary stage.

Recommendations:

- Western Balkan parliaments and governments should consider strengthening their structures and procedures for executive-legislative co-operation and co-ordination at both the political and administrative levels throughout the entire legislative cycle.
- Governments need to ensure effective interministerial co-ordination of their communication with parliaments in the lawmaking process to avoid fragmented and incoherent responses during the parliamentary scrutiny process.
- The centres of government of the Western Balkans should play a stronger role in establishing effective channels of communication with the parliamentary administrations to ensure that full and accurate information is communicated in a timely manner.

Parliamentary initiation, scrutiny, amendment and decision making

FINDING 6: PARLIAMENTARY WORK PLANS AND CALENDARS. Parliaments in the Western Balkans differ in their approaches to planning and scheduling legislative business. Although the relevant legislation and regulations establish clear guidelines on how parliaments should prepare work plans and calendars, short time horizons and *ad-hoc* agenda-setting prevail.

Message: Planning and advance scheduling are essential for parliaments to be able to engage in evidence-based lawmaking. Only then can administrative resources, the preparation and consideration of expert information, and engagement with stakeholders and the public be effectively arranged and MPs prepare and plan their involvement in the scrutiny process. **The fact that some of the parliaments rely mostly on improvisation when determining their legislative calendars is a major restriction on their ability to collect, assess and review evidence during the parliamentary scrutiny process.**

Recommendations:

- Parliaments of the Western Balkans should consider strengthening their internal capacities and procedures to allow for more forward-looking, longer-term (at least quarterly) and reliable planning and scheduling of legislative scrutiny work.
- Parliamentary administrations should be more proactive in engaging with governments to request information and clarification on the status and timing of planned legislative activities to inform the preparation of parliamentary work plans and calendars.
- The requirements and standards of evidence-based lawmaking need to be considered when establishing parliamentary calendars and timetables. These requirements particularly affect the timing, prioritisation, sequencing, speed and duration of committee scrutiny activities, taking account of the complexity and significance of the legislative proposals under consideration.

FINDING 7: MP-INITIATED LAWS. Western Balkan parliaments have provisions in place to regulate the initiation of draft legislation from within parliament. However, the amount of support and expertise available to parliamentary initiators of draft laws varies considerably across the region.

Message: As illustrated in Figure 2, draft laws initiated from within parliament do, at times, account for a considerable portion of the total of laws adopted in several of the Western Balkan parliaments. In most parliaments of the region, the parliamentary administration is responsible for providing drafting support to MPs and parliamentary groups. **However, the pool of expert drafters on whom MPs can rely is even more restricted than for government-initiated legislation. Hence, legislative quality and the consistency of public policy are likely to suffer.**

Recommendations:

- Parliaments in the Western Balkans should strengthen their internal capacities to ensure expert support in the drafting of legislation. In addition to in-house expert support, external experts, including those from scientific and research centres, can help enhance parliaments' capacity to prepare and scrutinise laws more effectively.
- Parliaments and governments should continuously review and improve their common standards and rules for legal drafting.

FINDING 8: QUALITY CHECKS ON MP-INITIATED LAWS. The range and quality of supporting documentation made available to MPs differ depending on whether draft laws are introduced by the government or from within parliament. The quality checks that draft laws must undergo before they are submitted to parliamentary scrutiny likewise differ depending on the initiator.

Message: The evidence basis on which parliamentary scrutiny of draft legislation can draw is more restricted for MP-initiated draft laws than for government-initiated legislation. This discrepancy arises for two main reasons: instruments such as RIAs and stakeholder consultations remain mostly focused on laws introduced by the government; and no standard procedures are in place to help MPs or parliamentary staff analyse policy requirements, define objectives and assess impacts. Much legislation proposed from within parliament seeks to amend existing legislation rather than create new laws. **The discrepancy in evidence availability for parliamentary scrutiny of government-initiated legislation compared with draft laws initiated within parliament is a major challenge.**

Recommendations:

- Draft laws initiated by MPs should consistently undergo quality checks comparable to those applied to government-initiated legislation prior to their official registration for review and scrutiny at the committee and plenary levels.
- MP-initiated draft laws should – to the greatest extent practicable – be accompanied by supporting documentation and evidence comparable in range and quality to that submitted for government-initiated draft laws. To allow this, parliaments will need to be able to draw selectively on government assistance.

FINDING 9: CAPACITIES OF PARLIAMENTS. Parliaments in the Western Balkans lack adequate structures, rules, procedures, instruments and personnel to compensate for shortcomings in government-supplied evidence as they scrutinise legislation.

Message: Western Balkan parliaments rely heavily on the data, information and expertise provided by governments when they scrutinise legislation. In recent years, **parliaments have taken steps to upgrade their capacities to question and supplement the materials supplied by governments**, for example by creating parliamentary research services and research institutes or parliamentary budget offices (PBOs). Such institutions, mechanisms and procedures can be very useful for enabling parliaments to check, question, broaden and deepen the evidence on which legislation is based.

Recommendations:

- Administrations of Western Balkan parliaments and governments should co-operate closely when assessing the impacts of draft laws on the state budget and administrative requirements for implementing legislation. This co-operation should include regular discussions on the methodology and approaches applied for policy preparation, impact assessments and legal drafting to ensure common understanding concerning standards for high-quality lawmaking.
- Western Balkan parliaments should build greater expertise and skills within their administrations to allow them to effectively evaluate and question government-furnished evidence and analysis. Because parliaments sometimes need to be able to seek additional information and clarification, having a well-trained non-partisan professional specialist with solid ethical principles on staff is an important factor in their functioning.
- Parliaments should consider reinforcing their internal methodologies and procedures and their capacities for assessing potential fiscal and other impacts of MP-initiated laws, including by creating or strengthening their PBOs⁶⁵. Better analysis of fiscal impacts can ensure more active consultation with the government to avoid the creation of unfunded mandates.

FINDING 10: PARLIAMENTARY PROCEDURES FOR EFFECTIVE USE OF EVIDENCE. Western Balkan parliaments have detailed structures and procedures in place to allow for evidence-based scrutiny of draft laws. However, the systematic incorporation of evidence into the scrutiny process at the committee stage faces considerable practical obstacles.

Message: Evidence-based scrutiny of legislation is done primarily by parliamentary committees. The Western Balkan parliaments have detailed rules of procedure in place to scrutinise draft laws and, based on scrutiny, allow committees or MPs to propose amendments. However, **there are major practical**

⁶⁵ The [OECD Principles for Independent Fiscal Institutions](#) (IFIs) set out the main elements to help ensure that IFIs such as parliamentary budget offices are independent, effective and enduring.

restrictions on their capacity to engage with the evidential basis on which draft laws are founded, notably the documentation provided by governments. Moreover, the willingness and ability of parliaments to generate and use evidence in scrutinising legislation, for example through stakeholder, expert and public consultations or by drawing on the materials prepared by parliamentary research services, are often quite restricted. **These restrictions include weaknesses in the advance planning of committee schedules, a lack of inter-committee synchronisation and time pressures.**

Recommendations:

- Western Balkan parliaments need to pay systematic attention to the requirements of evidence-based lawmaking in designing their scrutiny rules and procedures, and should address practical obstacles, notably by improving advance planning and reducing attendant time pressures. Parliaments should ensure, for example, that key information related to a draft legislative proposal is available to all committee members well in advance of any planned discussions.
- Parliaments should take steps to build expert, stakeholder and public consultations into their scrutiny schedules, especially for government-initiated legislation that did not undergo such consultations and for all MP-initiated legislation.

FINDING 11: CONSULTATION WITH GOVERNMENT ON MP-INITIATED LAWS. Provisions are in place for governments to provide their opinions on draft laws initiated by MPs, but practices vary greatly among Western Balkan parliaments and governments. Variations involve deadlines to be adhered to; parliamentary responsibility for decisions to seek formal government opinions; and responsibility within the executive for providing government opinions.

Message: Consultation with the government on MP-initiated draft laws is critical for two reasons. First, given that drafts laws generated from within parliament require much less supporting documentation than government-initiated drafts, government reviews and opinions provide a vital quality check. Second, consultation helps ensure overall policy coherence and consistency. However, **in several Western Balkan executive-parliamentary settings, the government does not systematically review draft laws initiated from within parliament, weakening the evidence-based quality of lawmaking.**

Recommendations:

- Parliaments and governments of the Western Balkans need to consult systematically and fully on all legislation proposed by MPs to ensure overall policy coherence and consistency.
- Parliamentary rules and procedures should ensure adequate time is allowed for the government to review all MP-initiated draft laws and provide a substantive opinion.
- Governments should review their internal rules and procedures to ensure all draft laws initiated from within parliament are subjected to an evidence-based review. The standards applied should be comparable to those employed for government-initiated legislation, and review results should be made fully available to parliament.
- Governments should ensure that all affected ministries and government institutions are consulted during reviews of MP-initiated draft laws.

FINDING 12: AMENDMENTS TO DRAFT LAWS. Parliamentary scrutiny often results in the tabling of amendments. However, practices among the Western Balkan parliaments differ in how governments deal with major amendments proposed to alter government-initiated draft laws during the parliamentary stage of lawmaking.

Message: In the case of substantive amendments during the parliamentary process, only few checks are in place to allow for careful consideration of their material consequences. In only two countries – **Montenegro** and **Serbia** – is the government systematically informed of all amendments tabled, and only in Serbia is the Government routinely asked to give its opinions on such amendments. In **North Macedonia** and **Kosovo***, government officials are required to attend committee meetings when individual amendments are reviewed. Decisions on accepting or rejecting major policy changes are not based on any form of updated impact assessment. Thus, **amending activity is, for the most part, not effectively linked to broader evidence-based lawmaking processes and standards.**

Recommendations:

- Whenever major substantive amendments to draft laws are proposed during the parliamentary stage of lawmaking, governments should be formally notified and consulted to provide an informed opinion that takes into consideration the views of all affected government ministries and institutions.
- The relevant supporting documents that analyse policy impacts, such as RIA reports, should be updated by the lead institutions, and additional impact analyses should be carried out if necessary to inform final decision making on major policy amendments. The final report on enacted laws should be used to prepare and conduct any *ex post* evaluation of laws.
- Procedures should ensure that any major amendments to draft laws introduced during parliamentary scrutiny are checked for compliance with EU legislation, for example by revising and updating the tables of concordance and compliance letters.
- Governments should have clear standard rules and procedures in place to evaluate and respond to proposed parliamentary amendments, ensuring that all key government institutions are consulted.

FINDING 13: USE OF NONSTANDARD PROCEDURES. Several Western Balkan parliaments rely heavily on nonstandard legislative procedures to expedite parliamentary lawmaking.

Message: One of the most politically contentious aspects of parliamentary lawmaking is the use of nonstandard (e.g. extraordinary, emergency, urgent and shortened) procedures for parliamentary scrutiny and approval. Figure 8 and Table 23 underline the extent to which nonstandard procedures are used. Nonstandard procedures restrict the scope of parliamentary scrutiny; shorten the time available for scrutiny; and limit the extent to which scrutiny can be based on evidence and analysis. While they allow parliaments and governments to deal expeditiously with urgent issues, **the excessive use of nonstandard procedures to adopt legislation creates risks for evidence-based lawmaking.**

Recommendations:

- Parliaments and governments should agree on clear criteria and standards for using nonstandard legislative procedures and should ensure adherence.
- While nonstandard procedures may be used to expedite parliamentary lawmaking, they should not weaken the evidence basis of parliamentary scrutiny, for example by revoking the requirement to carry out RIAs or public consultations for all or certain types of legislative proposals.
- Parliaments should consider conducting *ex post* reviews and evaluations of legislation adopted through shortened or extraordinary procedures.

FINDING 14: PARLIAMENTS AND EU INTEGRATION PROCESSES. Western Balkan parliaments play a key role in advancing EU integration through national co-ordination structures with the involvement of government and civil society organisations. Dedicated parliamentary EU committees and internal structures within parliamentary administrations also support the EU integration process.

Message: Western Balkan parliaments have taken important steps to support EU integration processes. They are focused on harmonising their national legal systems with the EU *acquis*; guiding and monitoring national integration policies; and engaging with EU institutions. They have dedicated parliamentary EU committees, and many have also established internal parliamentary administration structures to support EU integration.

Recommendations:

- Governments should involve parliaments more systematically in the preparation of national plans for EU integration, including EU law transposition, to help them plan and prioritise, and ensure the timely adoption of all planned legislation.
- Parliaments should be more actively involved in monitoring the implementation of national EU integration plans.
- Parliaments, through their dedicated EU co-ordination structures, should promote and support the participation of civil society organisations in monitoring EU accession and EU legal harmonisation processes.

FINDING 15: EU LAW TRANSPOSITION PROCEDURES. All parliaments of the Western Balkan region have established special rules, procedures and mechanisms intended to guarantee that draft laws comply with the EU *acquis*. Provisions are in place to ensure high-quality, evidence-based transposition of EU law, particularly for government-initiated legislation.

Message: A large share of legislation considered by Western Balkan parliaments relates to EU integration and EU law harmonisation. The candidate countries have committed to align their legislation with EU law and to ensure that all new laws are assessed for compliance. **The effectiveness of the parliamentary scrutiny process relies heavily on the quality of government-provided information**, such as statements of compliance and tables of concordance. **The quality of evidence-based law preparation in the government and evidence-based scrutiny in the parliament are inextricably linked.** There is a risk that laws initiated within parliament and major amendments to government-initiated laws do not undergo systematic checks for compliance with the *acquis*, with negative consequences for the effective and full harmonisation of national legislation with EU standards.

Recommendations:

- Governments and parliaments should ensure that the preparation and adoption of laws that align domestic legislation with the *acquis* are based on the best available analysis and evidence.
- Parliaments should review existing rules, procedures and practices regularly to ensure that all tools necessary for the effective transposition of EU laws are being consistently and fully applied. Parliamentary administrations should carry out frequent checks on the quality of supporting documents, such as tables of concordance.
- Governments should ensure that MPs have access to official translations of the EU directives being transposed through draft legislation submitted by the government.

FINDING 16: EU LAW TRANSPOSITION AND NONSTANDARD PROCEDURES. Several parliaments in the Western Balkans use nonstandard scrutiny and approval procedures for EU law transposition.

Message: There are important variations in how Western Balkan parliaments deal with the consideration and approval of EU harmonisation legislation. Some parliaments, including those of **North Macedonia, Montenegro, Serbia** and **BiH (State)** envisage shortened procedures. By contrast, use of the shortened procedure is not permitted in **Albania** for harmonising domestic legislation with EU law. In **Kosovo***, harmonising legislation is not, as a rule, processed through urgent or emergency procedures. **With nonstandard procedures, there is a risk that time pressures will unduly restrict parliaments' opportunities for scrutiny and debate, and that scrutiny will become merely perfunctory.** Ultimately, the quality of EU law transposition is assessed by the effectiveness of implementation of the adopted laws, considering enforcement and compliance aspects. Therefore, **it is important that parliaments and governments co-operate closely to minimise the risk of poor-quality EU law transposition and its attendant consequences, such as "gold-plating" and excessive legislative burdens.**

Recommendation:

- All Western Balkan administrations should ensure that the same policymaking standards and quality checks applied to draft laws originating from the domestic policy agenda are also applied to draft legislation designed to harmonise legislation related to EU integration.
- Where relevant, Western Balkan governments and parliaments should consider changing their rules and procedures to disallow blanket or automatic exclusion of all EU integration-related legislation from standard parliamentary scrutiny and approval procedures.
- When the use of nonstandard legislative procedures for EU law transposition is considered necessary, it should not imply a lowering of evidence-based parliamentary scrutiny standards.

Post-legislative scrutiny, ex post evaluation and executive review

FINDING 17: EX POST REVIEW AND EVALUATION. Post-legislative scrutiny, *ex post* evaluation and subsequent executive review of legislation implementation are very limited, employed only exceptionally throughout the Western Balkans.

Message: The effectiveness of lawmaking is assessed largely based on success in law implementation. Parliaments have a key role in monitoring and evaluating law implementation, both to hold the government to account and to make sure that the legislative intent of parliament is realised. **Post-legislative scrutiny and ex post evaluation yield better legislation only if their results are fed back into the government legislation preparation system. So far, this part of evidence-based lawmaking is weakly developed in the Western Balkans.** This finding results partly from the fact that no dedicated internal units or teams have yet been established to support systematic and detailed post-legislative reviews and assessments. It also reflects a lack of consideration for monitoring and evaluation when the pertinent legislation was developed, as noted in SIGMA's 2021 Paper No. 61 on RIAs and EU law transposition, and attested to by the absence of necessary methodologies and guidelines to perform such complex studies.

Recommendations:

- Parliaments and governments of the Western Balkans should ensure that issues and risks related to implementation, monitoring and compliance of new policies introduced through draft laws are systematically discussed during law preparation and scrutiny processes.

- Governments should strengthen their national systems for *ex ante* impact assessments of legislation and ensure that relevant RIA reports provide adequate information on planned arrangements for monitoring, enforcing and evaluating laws.
- Western Balkan parliaments should consider changing their rules and procedures to ensure that law implementation is reviewed more systematically. Review of laws adopted through nonstandard (e.g. extraordinary, emergency or shortened) procedures, which normally have weaker evidence bases, should be considered a priority for *ex post* review and evaluation.
- Parliamentary administrations should build capacities and external networks to assist MPs and committees with *ex post* evaluation of legislation and its implementation.

FINDING 18: OPENNESS AND ACCESSIBILITY OF PARLIAMENTS. All parliaments in the Western Balkans use online tools to communicate with the public and with stakeholders during lawmaking. Several parliaments have taken major steps in recent years to enhance the openness, accessibility and transparency of their activities.

Message: By its very nature, evidence-based lawmaking requires openness, accessibility and transparency in parliamentary activities so that data, information, expertise, knowledge, considered opinions and evaluations can be shared with stakeholders and the public. A citizen's ability to understand and assess parliamentary lawmaking depends critically on whether the parliament operates in an open, accessible and transparent manner. To the greatest extent possible, citizens should be able to follow the lawmaking process in "real time" and provide input during the preparation and scrutiny of draft legislation.

Recommendations:

- Parliaments should ensure that all relevant information about legislative activities, individual draft laws and accompanying documentation are fully and easily available to internal and external stakeholders and citizens. Public debates and discussions on laws in parliament should be inclusive and transparent, involving specialists and groups with the greatest knowledge and expertise in the area.
- Parliamentary work plans and calendars should be published and made available online in a user-friendly format to permit the government and external stakeholders to plan and prepare their inputs for parliamentary proceedings.
- Parliamentary administrations should continuously improve and enhance their electronic platforms and systems to ensure the publication of full, accurate and up-to-date data and information on draft laws.
- Parliaments should routinely provide feedback on the results of external participation mechanisms for citizens and other stakeholders, offering reasoned information on the results of proposals, criticisms and suggestions.

Annex 1: Statistics and breakdown of laws approved in the Western Balkans, 2018-2022

	Albania						BiH (State)					
	2018	2019	2020	2021	2022	Total	2018	2019	2020	2021	2022	Total
All draft laws subject to a final vote by parliament	133	124	188	167	164	776	25	1	35	13	15	89
Approved laws, of which:	113	97	169	132	98	609	9	1	9	3	7	29
<i>Laws initiated by government</i>	108	88	146	116	93	551	2	1	7	3	5	18
<i>Laws initiated by MPs</i>	5	9	23	16	5	58	6	0	2	1	2	11
<i>Governing party MPs</i>	5	9	22	16	4	56	6	0	2	0	1	9
<i>Opposition MPs</i>	0	0	1	0	1	2	0	0	0	1	1	2
Laws not approved, of which:	18	27	19	29	60	153	16	0	26	10	8	60
<i>Laws initiated by government</i>	14	26	14	28	59	141	2	0	9	0	1	12
<i>Laws initiated by MPs</i>	4	1	5	1	1	12	14	0	17	10	7	48
<i>Governing party MPs</i>	0	1	2	0	0	3	9	0	2	4	4	19
<i>Opposition MPs</i>	4	0	3	1	1	9	5	0	15	6	3	29
Laws formally withdrawn by government	2	0	0	6	6	14	0	0	0	0	0	0
Type of approved laws												
All approved laws, of which:	113	97	169	132	98	609	9	1	9	3	7	29
Amendment to existing laws	45	35	64	34	20	198		0	6	2	4	12
New laws (exc ratifications)	18	29	69	58	37	211		1	3	1	3	8
Laws ratifying international agreements	50	33	36	40	30	189	0	0	0	0	0	0
EU integration related laws						0						0
Legislative approval path												
All approved laws, of which:	113	97	169	132	98	609	9	1	9	3	7	29
Standard (normal) procedures	105	90	163	128	95	581	7	1	4	1	3	16
Nonstandard (shortened or urgent)	0	0	0	0	0	0	0	0	4	0	1	5
Nonstandard (Extraordinary/emergency)	8	7	6	4	3	28	2	0	1	2	3	8

	Kosovo*						Montenegro					
	2018	2019	2020	2021	2022	Total	2018	2019	2020	2021	2022	Total
All draft laws subject to a final vote by parliament	83	30	18	37	118	286	85	100	50	95	86	416
Approved laws, of which:	75	29	17	37	111	269	83	97	46	84	78	388
<i>Laws initiated by government</i>	72	27	16	36	108	259	72	85	40	58	36	291
<i>Laws initiated by MPs</i>	3	2	1	1	3	10	11	12	6	26	42	97
<i>Governing party MPs</i>	3	1	0	1	3	8	11	12	3	26	42	94
<i>Opposition MPs</i>	0	1	1	0	0	2	0	0	3	0	0	3
Laws not approved, of which:	8	1	1	0	7	17	2	3	4	8	8	25
<i>Laws initiated by government</i>	4	0	0	0	3	7	1	2	0	4	5	12
<i>Laws initiated by MPs</i>	0	0	0	0	0	0	1	1	4	4	3	13
<i>Governing party MPs</i>	0	0	0	0	0	0	1	0	0	0	1	2
<i>Opposition MPs</i>	4	1	1	0	4	10	0	1	4	4	2	11
Laws formally withdrawn by government	1	2	3	0	0	6	3	0	0	13	8	24
Type of approved laws												
All approved laws, of which:	75	29	17	37	111	269	83	97	46	84	78	388
Amendment to existing laws	15	8	1	12	46	82	46	55	29	53	61	244
New Laws (exc ratifications)	42	14	4	11	38	109	21	34	13	20	8	96
Laws ratifying international agreements	18	7	12	14	27	78	16	8	4	11	9	48
EU integration related laws	43	3	8	31	27	112						0
Legislative approval path												
All approved laws, of which:	75	29	17	37	111	269	83	97	46	84	78	388
Standard (normal) procedures	60	26	10	18	91	205	61	79	27	84	78	329
Nonstandard (shortened or urgent)	12	1	7	18	20	58	22	18	19	0	0	59
Nonstandard (Extraordinary/emergency)						0						0

	North Macedonia						Serbia					
	2018	2019	2020	2021	2022	Total	2018	2019	2020	2021	2022	Total
All draft laws subject to a final vote by parliament	268	201	119	214	135	937	293	244	197	270	65	1,069
Approved laws, of which:	267	196	119	213	109	904	293	244	197	270	65	1,069
<i>Laws initiated by government</i>	147	133	106	191	98	675	286	242	189	268	63	1,048
<i>Laws initiated by MPs</i>	120	63	13	22	11	229	2	2	8	0	2	14
<i>Governing party MPs</i>	118	53	10	13	10	204	2	2	6	0	2	12
<i>Opposition MPs</i>	2	10	3	9	1	25	0	0	2	0	0	2
Laws not approved, of which:	1	5	0	1	1	8						0
<i>Laws initiated by government</i>	0	0	0	0	0	0						0
<i>Laws initiated by MPs</i>	1	5	0	1	1	8						0
<i>Governing party MPs</i>	0	0	0	0	0	0						0
<i>Opposition MPs</i>	1	5	0	1	1	16						0
<i>Laws formally withdrawn by government</i>	2	2	1	11	14	30						0
Type of approved laws												
All approved laws, of which:	267	196	119	213	109	904	293	244	197	270	65	1,069
Amendment to existing laws	213	124	78	161	78	654	96	74	50	72	21	313
New laws (exc ratifications)	33	46	27	33	21	160	122	106	83	119	29	459
Laws ratifying international agreements	21	26	14	19	10	90	75	64	64	79	15	297
EU integration related laws	26	39	5	25	25	120	0	0	0	0	0	0
Legislative approval path												
All approved laws, of which:	267	196	119	213	109	904	293	244	197	270	65	1,069
Standard (normal) procedures	175	66	44	113	42	440	na	na	na	na	na	844
Nonstandard (shortened or urgent)	71	104	61	81	57	374	na	na	na	na	na	225
Nonstandard (Extraordinary/emergency)	21	26	14	19	10	90						

Notes: This table should not be taken to represent official statistics, as minor inaccuracies exist in some of the data reported for different categories of laws for which verification was not possible. Data and information were collected from parliamentary administrations, websites, law databases and other publicly available sources. For Montenegro, full, reliable statistics on opposition MP-initiated laws were not available for the 2020-2023 parliamentary term due to frequent changes of Government and the lack of a clear distinction between opposition and ruling MPs due to the complexity of the political situation and the nature and extent of political support the Governments had in the Parliament (technical and minority governments), as well as unclear and often changing allegiances of parliamentary clubs. For Serbia, seven approved laws initiated by other state institutions were not included in overall total laws approved, which category includes laws initiated by the executive or Parliament. There are also limitations in the statistics for the number of laws formally rejected by vote of Parliament.

Source: SIGMA analysis, based on information and statistics from parliamentary administrations and other sources, such as parliamentary websites, reports and government law databases.

Annex 2: Initiation of national primary laws among EU and OECD Members, 2017-2019

Year	Proportion of all national primary laws initiated by					
	Parliament	Executive	Parliament	Executive	Parliament	Executive
	2017		2018		2019	
Australia	2%	98%	0%	100%	0%	100%
Austria	42%	58%	26%	74%	61%	39%
Belgium	22%	78%	31%	69%	64%	36%
Bulgaria	0%	0%	0%	0%	0%	0%
Canada	32%	68%	34%	66%	19%	81%
Chile	44%	56%	45%	55%	34%	66%
Colombia	53%	47%	96%	4%	92%	8%
Costa Rica	69%	31%	80%	20%	0%	0%
Croatia	0%	0%	0%	0%	0%	0%
Cyprus	0%	0%	0%	0%	0%	0%
Czechia	52.53%	47.47%	62.50%	37.50%	53.93%	46.07%
Denmark	2%	98%	1%	99%	0%	100%
Estonia	11%	89%	18%	82%	17%	83%
Finland	0%	100%	0%	100%	0%	100%
France	31%	69%	17%	83%	35%	65%
Germany	8%	90%	12%	87%	15%	83%
Greece*	0%	100%	0%	100%	0%	100%
Hungary	26%	74%	26%	74%	26%	74%
Iceland	22%	78%	16%	84%	18%	82%
Ireland	0%	100%	11%	89%	11%	89%
Israel	37%	63%	37%	63%	37%	63%
Italy	45.45%	54.54%	34%	66%	36%	74%
Japan	12%	74%	29%	76%	23%	71%
Korea	90%	10%	90%	10%	90%	10%
Latvia	21%	79%	38%	62%	34%	66%
Lithuania	34%	66%	29%	71%	28%	72%
Luxembourg	0.1%	99.9%	0.1%	99.9%	0.1%	99.9%
Malta	0%	0%	0%	0%	0%	0%
Mexico	92%	8%	96%	4%	93%	7%
Netherlands	4.5%	95.5%	4%	96%	0%	100%
New Zealand	5%	95%	11%	89%	8%	92%
Norway	0%	0%	0%	0%	0%	0%
Poland	19%	75%	22%	74%	22%	75%
Portugal	63%	37%	68%	32%	55%	45%
Romania	0%	0%	0%	0%	0%	0%
Slovak Republic	25%	75%	31%	69%	40%	60%
Slovenia	14%	86%	5%	95%	N/A	N/A

Spain	26%	74%	5%	95%	0%	100%
Sweden	N/A	N/A	N/A	N/A	N/A	N/A
Switzerland	17%	83%	14%	86%	22%	78%
Türkiye	N/A	0%	N/A	0%	N/A	0%
United Kingdom	22.5%	78.5%	2017 value spans 2017-2019 parliamentary session (13 June 2017 to 10 May 2019)		0%**	100%**
United States	100%	0%	100%	0%	100%	0%
European Union	N/A	N/A	N/A	N/A	N/A	N/A

* Although Members of Parliament can initiate primary laws in theory in Greece, in practice all primary laws are initiated by the Executive. The last time a regulation (initiated by Members of Parliament) was voted in by the Parliament itself was in 2013, meaning that Members of the Parliament and political parties (besides the executive, of course) have the right to propose legislation (Standing Orders of the Parliament, Article 84). However, these pieces of legislation are rarely accepted and voted by the Parliament (*OECD Regulatory Policy Outlook 2015*, Country Profile: Greece; 2020 iREG survey response, Greece).

** The 2019 session lasted from 14 October 2019 to 5 November 2019 (2020 iREG survey response, United Kingdom).

Source: Indicators of Regulatory Policy and Governance (iREG), oe.cd/ireg.

Annex 3: Key officials and experts from Western Balkan administrations interviewed during preparation of this study

SIGMA would like to express its sincere gratitude to numerous officials and experts from the Western Balkan administrations for their support during preparation of this study. Meetings and interviews were held with many MPs, officials and experts from all six parliaments and administrations. The main interviews were conducted during fact-finding missions between November 2022 and February 2023, and further meetings and discussions were held with key counterparts from each parliamentary administration. The draft report was shared and consultations were organised during October-November 2023.

Albania

Elisa Spiropali, Minister of State for Parliament Relations

Elira Kokona, Deputy General Secretary of the Council of Ministers

Merita Qato, Director General of Legislation, Parliament Administration

Mimoza Arbri, Director of Legal Services, Parliament Administration

Lefteri Gjuzi, Director of Committee Services, Parliament Administration

Adalajda Hakani, Director of Session Services, Parliament Administration

Elda Zenelaj, Director, Technical Secretariat, National Council for European Integration, Parliament Administration

Elona Ajazi, Director, EU Integration Unit, Department for Policy and EU Integration, Office of the Prime Minister

Altin Fuga, Co-ordinator, EU Integration Unit, Department for Policy and EU Integration, Office of the Prime Minister

Elira Zaka, Director, Regulatory Acts and RIA Programming Unit, Department of Priority Legal Acts of the Council of Ministers, Office of the Prime Minister

Eris Cela, Co-ordinator, Regulatory Acts and RIA Programming Unit, Department of Priority Legal Acts of the Council of Ministers, Office of the Prime Minister

Vilma Premti, Minister of State for Parliamentary Relations, Chief of Cabinet (2022)

Evis Fico, Minister of State for Parliamentary Relations, Chief of Cabinet (2023)

Detiona Troka, Minister of State for Parliamentary Relations, Legal Advisor

Senida Mesi, Former Deputy Prime Minister and former Member of Parliament

Bosnia and Herzegovina

Džemail Ćibo, Director of the Legislative Office of the Council of Ministers

Niko Grubešić, Assistant Minister, Ministry of Justice

Toni Santic, Head of Strategic Planning, Ministry of Justice (State level)

Alma Muftić, General Secretariat, Head of Section for Preparation and Monitoring of CoM Sessions

Jure Zovko, General Secretariat, Associate for RIA

Aldijana Omeragić, Head of Unit, Public Administration Reform Co-ordinator's Office (PARCO)

Nedžib Delić, Head of Unit, PARCO

Aneta Raić, Head of Unit for Donor Co-ordination, Finance, Monitoring and Evaluation, PARCO

Igor Bajić, Secretary of Constitutional-Legal Committee of HoR

Ivana Šeremet, Associate of Constitutional-Legal Committee of HoP

Zlatko Vukmirović, Head of PR Section, Parliamentary Assembly BiH

Omar Filipovic, Head of Department for European Affairs

Sena Uzunovic, Head of Research Section of the Parliament

Erna Kasumović, Head of Legal Harmonisation Department, Directorate for European Integration

Vanja Božović, Sector for the Budget of BiH Institutions, Ministry of Finance and Treasury of BiH

Mateja Bevanda, , Sector for the Budget of BiH Institutions, Ministry of Finance and Treasury of BiH

Kosovo*

Xheladin Hoxha, General Director, General Directory for Legal and Procedural Affairs

Zoja Osmani, Director, Directorate for Legal Services and Approximation of Legislation

Fehmi Hyseni, Chair, Committee on Legislation, Mandates, Immunity, Rules of Procedure of the Assembly and Oversight of the Anti-Corruption Agency

Driton Hyseni, Member of the Committee on European Integration; Member of the Committee on Economy, Industry, Entrepreneurship and Trade.

Adnan Rrustemi, Chair of the Committee on Legislation, Mandates, Immunity, Rules of Procedure of the Assembly and Oversight of the Anti-Corruption Agency

Emrush Haxhiu, General Director of Administration

Miradije Haziraj, Head of Human Resources, AoK

Arben Krasniqi, Acting Secretary General, Office of the Prime Minister

Mentor Borovci, Director of the Legal Office, Office of the Prime Minister

Albert Krasniqi, Director of Programmes, Democracy Plus NGO

Montenegro

Aleksandar Klarić, General Secretary, Parliament Administration

Boris Marić, General Secretary of Government

Bojan Paunović, Director General, Budgeting, Fiscal Impact Opinions, Ministry of Finance

Danko Dragović, Director General, RIA Unit, Ministry of Finance

Ranko Andrijašević, Sector for Strategic Planning and Policy Co-ordination, General Secretariat of the Government

Vlatko Šćepanović, Secretary of the Legislative Committee, Parliament

Marija Maraš, Secretary of the Committee on European Integration, Parliament

Demir Mujević, Secretary of the Committee on Economy, Finance and Budget, Parliament

Nataša Komnenić, Head of the Parliamentary Institute, Parliament

Bojana Bulut, Head of the Parliamentary Budget Office, Parliament

Branimir Gvozdenović, Chair of the Committee on European Integration, Parliament

Maja Vukićević, Chair of the Legislative Committee, Parliament

Zdenka Popović, Member of the Committee on Economy, Finance and Budget, Parliament

Republic of North Macedonia

Bojan Vasilevski, Deputy General Secretary, Parliament

Snezana Kaleska Vanceva, MP, Chair of the Legislative Committee, Parliament

Zlatko Atanasov, Head of the Parliamentary Institute, Parliament

Maja Ermilova Lefkova, Head of the Department for Working Bodies of the Parliament, Parliamentary Service

Dejan Mojsovski, Deputy Head of the Department for Support to the General Secretary, Parliamentary Service

Elena Koceva Jakimovska, Head of the Legislative Department, Parliamentary Service

Zoran Brnjarcevski, Head of the Unit for Co-operation with the Parliament and the President of the Republic of North Macedonia, Government General Secretariat

Sladzana Panovska, National Democratic Institute

Ana Angelovska, National Democratic Institute

Dona Kosturanova, Director, Westminster Foundation for Democracy

Petar Trajkov, Westminster Foundation for Democracy

Serbia

Elvira Kovač, Deputy Speaker and President of the Committee for European Integration

Srdjan Smiljanić, Secretary General of the National Assembly

Veljko Rackovic, Contact Person, European Integration Department, Sector for International Relations, Official from EI Committee Secretariat

Vladimir Dimitrijevic, Deputy Secretary General of the National Assembly

Milan Culjkovic, Acting Assistant General Secretary, Legislation Sector, National Assembly Support Service

Aleksandar Djordjevic, EU Integration Department, National Assembly Support Service

TanjaTania Ostojic, Chief of Reference and Research Section, Library/Research Services, National Assembly Support Service

Uglješa Mrdić, Member of the Committee on Constitutional and Legislative Issues

Milesa Marijanovic, Head of Department for the Budget, Ministry of Finance

Miroslav Buncic, Senior Adviser, Department for the Budget, Ministry of Finance

Suzana Otasevic, Head of Unit for Policy Co-ordination, Analysis and Activities Related to EU Integration, General Secretariat of the Government

Ljubinka Knezevic, Adviser, Government General Secretariat

Darko Radojicic, Assistant Director, Head of Legislative Secretariat

Ninoslav Kekić, Assistant Director, Digitalisation and RIA, Public Policy Secretariat

Ognjen Bogdanović, Head of RIA Unit, Public Policy Secretariat

Annex 4: External publications, reports and key national legislation consulted

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Kosovo*

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Parliaments and evidence-based lawmaking in the Western Balkans

Parliaments have a unique role in ensuring that adopted laws, regardless of who initiated them, are evidence-based and fit-for-purpose.

For the executive branch, laws are vital instruments through which they deliver public policy. Governments therefore rely on parliaments to scrutinise and adopt legislation in a timely, well-planned and co-ordinated manner. Parliamentary scrutiny of government lawmaking and its role in ex post evaluation of law implementation helps the legislature hold the executive to account. Evidence-based lawmaking is especially critical to EU integration processes as they involve adoption of many new laws.

This paper reviews how laws are planned, initiated, prepared, scrutinised and evaluated by the parliaments of six Western Balkan administrations. The report discusses the concept of lawmaking within a parliamentary system of government. It considers how parliaments and governments co-operate and co-ordinate their legislative activities throughout the lawmaking cycle, providing a comparative analysis of existing rules and procedures as well as lawmaking practices. A set of key findings and policy recommendations are provided to support the Western Balkan administrations to plan and implement future reforms.