



Societal Consultation Report

Public Consultation

Sustainable Governance
Indicators 2022

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Indicator

Public Consultation

Question

Does the government consult with societal actors in a fair and pluralistic manner?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = The government always consults with societal actors in a fair and pluralistic manner.
- 8-6 = The government in most cases consults with societal actors in a fair and pluralistic manner.
- 5-3 = The government does consult with societal actors, but mostly in an unfair and clientelistic manner.
- 2-1 = The government rarely consults with any societal actors.

Norway

Score 10

Norway is a fairly consensus-oriented society. Interested parties are typically fully informed of measures under discussion and play an active role in the legislative process. In particular, there is a firm tradition of consultation with trade unions and business organizations. Interested parties are invited to express their views before new laws are presented to parliament. Indeed, parliamentary hearings have become more frequent and social confrontations over policymaking (e.g., political strikes or violent forms of protest) have become rarer in recent years. However, as the speed of decision-making is increasing, public-hearing processes often have to cope with very tight deadlines, limiting the actual influence of external societal actors.

Switzerland

Score 10

Policymaking in Switzerland is strongly based on public consultation with interest groups. Traditionally, in the Swiss liberal-conservative political system, business and employer interest groups have more influence and power than trade unions or non-producer interests. The latter, however, has enjoyed a significant increase in its political influence recently (Kriesi 1980; 1982; Häusermann et al. 2004; Armingeon 2011; Sciarini et al. 2015; Eichenberger 2020; Mach et al. 2020).

Within Switzerland's corporatist system, which links organizations of labor, capital and the state, there are numerous pre-parliamentary procedures and committees focused on consultation with various societal groups. One of the main ones is the consultation procedure, which enables invited (communal and cantonal umbrella organizations, relevant interest groups) and uninvited parties to submit statements in a preliminary legislative procedure. These instruments are designed to prevent government proposals from failing in parliament or in referendums, and to offer

solutions that benefit all parties. However, research shows that the degree of corporatist integration has declined in recent years. This is in part attributable to the growing intensity of conflicts between the social partners, as well to the influence of European integration and internationalization. If judged from a comparative perspective, the level of corporatist integration remains very high in Switzerland, but from a historical perspective it is low. During the pandemic, corporatism has proven to be very resilient and efficient for swift socioeconomic policymaking, although this corporatist coordination happened very silently, while lobbying was much more in the focus of the mass media (Armingeon and Sager 2022). In any case, direct democracy offers interest groups major influence by threatening to trigger a referendum. This offers strong incentives for political elites to incorporate major interest groups in policy development. On the other hand, the federal government has become stronger in domestic politics due to the consequences of European integration.

Citation:

ARMINGEON, Klaus. 2011. A prematurely announced death? Swiss corporatism in comparative perspective. In: TRAMPUSCH, C. & MACH, A. (eds.) *Switzerland in Europe: Continuity and Change in the Swiss Political Economy*. London/New York: Routledge.

Armingeon, Klaus and Fritz Sager 2022: *Muting Science: Input overload versus scientific advice in Swiss policymaking during the COVID-19 pandemic*, unpublished paper.

EICHENBERGER, S. 2020. The Rise of Citizen Groups within the Administration and Parliament in Switzerland. *Swiss Political Science Review*, 26, 206-227.

Fischer, Manuel and Pascal Sciarini (2019): *Die Position der Regierung in Entscheidungsstrukturen*, in: Ritz, Adrian, Theo Haldemann and Fritz Sager (eds.): *Blackbox Exekutive. Regierungslehre in der Schweiz*, Zürich, NZZ Libro, 49-64.

HÄUSERMANN, S., MACH, A. & PAPADOPOULOS, Y. 2004. From Corporatism to Partisan Politics: Social Policy Making under Strain in Switzerland. *Revue Suisse de Science Politique*, 11, 33-59.

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KRIESI, H. 1982. The Structure of the Swiss Political System. In: LEHMBRUCH, G. & SCHMITTER, P. C. (eds.) *Patterns of Corporatist Policy-Making*. London, Beverly Hills: Sage.

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MACH, A., VARONE, F. & EICHENBERGER, S. 2020. Transformations of Swiss neo-corporatism: From pre-parliamentary negotiations toward privileged pluralism in the parliamentary venue. In: CAREJA, R., EMMENEGGER, P. & GIGER, N. (eds.) *The European Social Model under Pressure*. Wiesbaden: Springer Fachmedien Wiesbaden, https://doi.org/10.1007/978-3-658-27043-8_4.

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SCIARINI, P., FISCHER, M. & TRABER, D. (eds.) 2015. *Political Decision-Making in Switzerland. The Consensus Model under Pressure*, Houndsmill, Basingstoke: Palgrave Macmillan.

Sciarini, Pascal, Manuel Fischer and Denise Traber (eds) (2015): *Political decision-making in Switzerland: Challenges to consensus politics*, Basingstoke/New York: Palgrave Macmillan

Denmark

Score 9

There is a long tradition of involving economic and social actors at all stages of the policy cycle, sometimes even in the implementation phase. Both formally and informally, there are valuable contacts between the government and main interest organizations (e.g., trade unions, employers, various business organizations and NGOs) as well as heads of major companies. This is also formalized in terms of the Economic Council, where the large organizations are represented.

Interest organizations provide important information for politicians and civil servants. Corporatism still plays a role, although it has changed over the years. Recent examples of tripartite cooperation between the government, labor unions and employers include initiatives to improve the integration of immigrants into the labor market, and lifelong learning. Engaging societal actors is a way for the government to gain information and create legitimacy for adopted policies.

Citation:

Henning Jørgensen, *Consensus, Cooperation and Conflict: The Policy Making Process in Denmark*, 2002.

Jørgen Grønnegård Christensen et al., *Politik og forvaltning*. 4. udg., 2017.

Jørgen Grønnegård Christensen and Jørgen Elklit (eds.), *Det demokratiske system*. 4. udgave. Hans Reitzels Forlag, 2016.

Sweden

Score 9

Consultation with societal actors has historically been a defining feature of Swedish corporatism. To a large extent, public consultation is still firmly in place in the Swedish policymaking process. In this corporatist arrangement, the government consults with key societal partners on a wide range of issues. Stakeholders are thus given an opportunity to influence public policy from the early stages of the policy process until implementation.

The preparatory work ahead of a policy's promulgation is often performed in a parliamentary committee. Recently, the number of politicians participating in these committees has decreased, while the number of civil servants has increased (Dahlström, Lundberg & Pronin, 2019). In many cases, a commission of inquiry independently investigates a societal problem with a view to finding a policy solution. The commissions are appointed by the parliament, always include experts, and generally have a membership that reflects the party-political composition of parliament – although in two-thirds of them, a civil servant drawn from the relevant ministry additionally serves on the commission as an expert or secretary. After a report is completed, a referral process ensues that allows relevant ministries, agencies and civil society organizations to submit comments. The process concludes when the government drafts a bill and submits it to the parliament (Larsson & Bäck, 2008). The more specific nature of the relationship between the state and societal

actors is changing, however. Previously, these contacts were institutionalized with all major players invited to provide input on almost all major policy issues. Today, these consultations are more ad hoc and strategic. Overall, most observers today agree that corporatism as a model of governance has been significantly weakened in Sweden, while others posit that current research on commissions of inquiry is outdated, and the question of the model's efficacy must be studied empirically (Lundberg, 2015).

There have also been some tendencies toward increasing societal consultation. The increasing significance of so-called new modes of governance – networks, markets, partnerships and so on – has opened up new arenas for exchanges and communication between government institutions and organized interests. Also, studies show that societal actors now target specific institutions rather than engaging the state as a whole. Unions, for example, still target public institutions that draft policy, whereas business organizations are more active vis-à-vis executive agencies.

Citation:

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Lundberg, Erik. 2015. "Injured But not Yet Dead: A Bottom-up Perspective on the Swedish Governmental Commissions." *International Journal of Public Administration* 38: 346-54.

Canada

Score 8

The Canadian government holds consultations with economic and social actors on many issues. These consultations are motivated more by the desire to obtain meaningful input from Canadians than by a desire to sell a particular policy to the population, as this is typically done through other means. The most important consultations relate to the preparation of the annual budget. While the importance of trade unions in the consultation process has fallen significantly in recent years, this is not necessarily the case for other groups.

The duty to consult and accommodate Canada's Indigenous peoples as laid down in the Royal Proclamation of 1763 has always been part of the legal and constitutional relationship between Canada and its Indigenous population. Two 2004 Supreme Court decisions (*Haida Nation v British Columbia* and *Taku River Tlingit First Nation v British Columbia*) state that the Crown has a duty to consult and, if appropriate, to accommodate Indigenous peoples in relation to actions that could adversely affect their rights. However, many First Nations leaders allege that there is a general and persistent lack of meaningful consultation at both the federal and the provincial level.

Since coming to power in 2015, the Liberal government has organized public consultations and engaged with a large number of stakeholders across many policy areas including innovation, childcare, and so-called pharma-care (drug insurance).

Finland

Score 8

In Finland's consensus-oriented political system, interest organizations and associations are regularly consulted. Although the corporatist system adopted in the 1960s has now declined, the exchange of views and information with a variety of social interests is still part and parcel of the everyday activities of the Finnish government. Through various mechanisms such as committee hearings, joint-council memberships and expert testimony, bills and drafts are circulated to interested parties who are then invited to critique the draft legislation. Various laws and guidelines, such as the Act on the Openness of Government Activities, contain provisions on consultation and participation. By and large, the system functions reasonably well. Admittedly, consultation tends to favor organized groups and neglects outside participation. It is also the case that consultation is carried out mainly to build consensus rather than to gather support or assess impact. However, in the long run, this helps to generate public support for government policies. Recent developments have indicated a weakening in the role played by the tripartite negotiation of labor-market agreements between the government, employers' associations and employee organizations.

According to Greve et al. (2020), the role of trade unions and work councils as social partners has been more limited in Finland than in other Nordic countries. They were consulted during the preparation of the government support packages, but not as extensively as was the case in Denmark, for example. One reason for this could be that many unemployment-related issues (e.g., short-term work and wage supplement systems) were already covered by national regulation.

Apart from health authorities and appointed expert groups, the government did not consult with societal actors such as children's rights activists or cultural workers in preparing its COVID-19 strategy response.

Citation:

<https://valtioneuvosto.fi/en/rinne/government-programme/finland-built-on-trust-and-labour-market-equality>

Greve, B, Blomquist, P, Hvinden, B, van Gerven, M. Nordic welfare states – still standing or changed by the COVID-19 crisis? *Soc Policy Adm.* 2020; 1– 17. <https://doi.org/10.1111/spol.12675>

Latvia

Score 8

Societal consultation takes place frequently and is diverse in nature. The National Tripartite Cooperation Council (Nacionālā trīspusējās sadarbības padome, NTSP) is a well-established, well-integrated and often-used consultative mechanism that links employers, trade unions, and government.

Since 2005, the Council for the Implementation of the Memorandum of Cooperation between the NGOs and Cabinet of Ministers (Memorandum Council) has provided a

key forum for the government and civil society organizations to discuss draft laws and policy documents that concern civil society, and to talk about ways to improve public participation. In 2021, 483 NGOs were signatories of the Memorandum, with eight of them serving as members of the Memorandum Council. The Memorandum Council meets every month, and the meetings are transmitted online.

Despite this, the quality of consultations is in many cases not high. Consultations are often regarded as merely formal, and in fact, offer little opportunity to make an impact on the direction and quality of government policies. NGOs have voiced complaints about the quality of participation on a number of occasions over the last few years. For example, in 2017, an influential group of NGOs called for more transparency and participatory mechanisms in the budget planning process.

However, in its public consultations, the government is rarely successful in achieving an exchange of views that substantially increases the quality of government policies or induces societal actors to support them. Best practices can be found in the Ministry of Agriculture and the Ministry of Environment and Regional Development. Both ministries publicly fund a consultation mechanism with NGOs and have achieved considerable success in securing stakeholder input and support for draft policies. But there is also evidence of the opposite result: In some cases, government consultations with stakeholders have induced societal actors to actively oppose government policies.

A key issue is that very few organizations have the capacity to participate in these processes, as they require good knowledge of governance and legal frameworks, as well as knowledge of the legislative process. The lack of funding and capacity are thus important obstacles to participation. Furthermore, the questions to be addressed in the process of consultation are rarely clearly defined before the draft document is ready.

Citation:

1. State Chancellery (2011-2020), Annual Reports, Available at (in Latvian): <https://www.mk.gov.lv/lv/content/gada-publiskie-parskati>, Last accessed: 10.01.2022.

2. State Chancellery (2019) Information on Council for Implementation of the Memorandum of Cooperation between NGOs and the Cabinet of Ministers, Available at: <https://www.mk.gov.lv/lv/content/informacija-par-nvo-un-ministru-kabineta-sadarbibas-memorandu>, Last accessed: 10.01.2022.

New Zealand

Score 8

New Zealand has a strong tradition of broad policy consultation with interest groups and with its citizens – both at the national and the local levels – and consultation is mandated in many cases under the Local Government Act 2002. Consultation is also commonly used by central government agencies with respect to new policy initiatives. There is no general legal requirement for consultation in the regulatory process, but consultation is an explicit policy of the government, embedded within

New Zealand's policymaking processes, provides information for cabinet discussions, and is one of the key quality-assurance criteria. When a consultation has taken place, the details of any consultations, internal and external, are set out in regulatory impact statements (RIS). RISs must explain who has been consulted and what form the consultation took, outline key feedback received (with particular emphasis on any significant concerns that were raised about the preferred option) and describe how the proposal has been altered to address these concerns (and if not, why not). If no consultation has been undertaken, the reasons must be presented. While parliamentary select committees hold hearings on proposed legislation once it has been introduced in parliament, which gives individuals and organizations the opportunity to make written or oral submissions, the incidence of bypassing select committees by introducing bills under urgency is growing. In addition to the aforementioned tools for measuring public opinion, both the government and organizations that are likely to be affected by policy outcomes make increasing use of opinion polls, media and online comment, and focus groups.

Citation:

Local Government Act 2002: <http://www.legislation.govt.nz/act/public/2002/0084/latest/DLM172326.html> (accessed October 9, 2014).

OECD Regulatory Policy Outlook 2015 Country profile New Zealand. <https://www.oecd.org/gov/regulatory-policy/New%20Zealand-web.pdf>

Australia

Score 7

The degree of societal consultation on policy development varies depending on the issue, the party in government and numerous contextual factors. The key groups often consulted are trade unions and business advocacy groups, but other special interests – religious groups, environmental organizations and pro-family groups, for example – also have advocacy groups that are sometimes brought into discussions about policy. Traditionally, Labor governments have been more likely to consult with trade unions, while coalition governments have been more likely to consult with business groups. However, governments of both persuasions have engaged in extensive consultation on some policies while ignoring consultation on others.

One significant development was a proposal put forward by the Morrison government in December 2021, following a two-year consultation process, which would give indigenous people a more direct channel through which to speak to policymakers. Under the proposal, two levels of advisory bodies, which will weigh in on legislation and policies affecting Aboriginal and Torres Strait Islander people, will be established. This structure will be legislated rather than put to a referendum, and will therefore not be enshrined in the constitution, as many indigenous people have advocated. Other indigenous people have argued that still more substantive change is required, including a formal treaty with First Nations people. Both of these options have been ruled out by the coalition government. The opposition Labor Party does not support the proposed model.

Citation:

<https://www.pc.gov.au/about/core-functions/inquiries-and-studies>

<https://www.abc.net.au/news/2021-12-17/indigenous-voice-to-parliament/100708186>

<https://www2.deloitte.com/au/en/pages/operations/solutions/social-impact-not-for-profit-consulting.html>

Austria

Score 7

The Austrian political system is quite inclusive, but is receptive primarily to particular interests. The corporatist network established after 1945, consisting of government, business and labor representatives, still functions (more or less). This allows the government to obtain information about the formation of societal interests, and to use this information to adapt its decision-making process. However, this explicit social partnership permits the appeasement of certain interests while excluding other groups that are not as efficiently organized as the major economic interest groups. The system of officially recognized religious denominations provides another means of societal consultation. All major Christian churches as well as the Islamic, Jewish and Buddhist communities are included in decision-making processes for issues relevant to their faiths and activities. The role played by these specific economic and noneconomic interest groups has been legally formalized: The government must consult with these groups on all draft bills before sending the proposal to parliament.

A new legal basis for the Islamic community has the potential to improve consultation mechanisms with a fast-growing religious community. The sensitivity for the internal processes within the Islamic Community – especially concerning the responsibility for recruiting preachers and school teachers – has become greater due to the growth of that community.

The trend toward loosening government ties with social partners, as observed under the ÖVP-FPÖ government (2017–2019), has continued. The ÖVP-Green government, which assumed office in early 2020, was the first ever government not to include a single minister from one of the government's social partners. Given this government's party complexion, however, it is again organized labor that has lost further ground in the pre-parliamentary stages of the legislative process and beyond.

At the same time, opportunities for the public to participate in parliamentary consultations on government and parliamentary bills were considerably expanded in 2021.

Citation:

<https://www.addendum.org/politometer/eine-regierung-ohne-sozialpartner/>

<https://fachinfos.parlament.gv.at/politikfelder/parlament-und-demokratie/wie-funktionieren-begutachtungsverfahren-zu-gesetzesentwuerfen/>

Estonia

Score 7 Consultations with societal actors are regulated by government guidelines contained in the Good Engagement Practices (GEP) document, approved in 2011. Although not legally binding, it prescribes in detail procedures for engaging social stakeholders in the policymaking process. Once a year, the Government Office presents an overview of the GEP's implementation to the government. All ministries employ an engagement coordinator who assists interested citizens and advocacy groups.

Existing regulations and established practices render it almost impossible to avoid interest groups' involvement in the policymaking process. The main focus is on consultations during the preparatory phase, when a broad range of societal actors is typically involved. However, at later stages, only those advocacy organizations tending to be supportive of the proposed policy are invited to the table. Thus, corporatist tendencies are becoming apparent that are not entirely in accordance with GEP principles. Furthermore, engagement practices have not yet been extended to the policy-implementation or policy-evaluation phases.

Germany

Score 7 In general, government representatives meet with societal stakeholders as part of their daily routine. Nevertheless, the last two CDU/CSU-SPD governments have not made use of social pacts or other direct bargaining mechanisms. As under previous governments, ministries and parliamentary committees relied heavily on information provided by interest groups, and took their proposals or demands into account when developing legislation. The impact of civil society actors in general depends on their power, resources and organizational status. Since interests are sometimes mediated through institutionalized corporatist structures, employers' associations and unions play a privileged role. Experts and interest groups regularly take part in parliamentary committee hearings in the course of the legislative process.

Israel

Score 7 In recent years, Israel has deepened its public involvement arenas in decision-making processes. A number of roundtables have been set up to enable cooperation between the government, the third sector and the business sector (Prime Minister Office 2008). Israel has also adopted a regulation impact assessment (RIA) mechanism, which involves the public and stakeholders in the regulatory decision-making process (Mor & Jasper 2020). In 2020, a government legislation website was established (Kogosovski 2020). The website allows government ministries to publish drafts of legislations, regulations, guidelines and instructions in order to receive comments on them from the general public. Also in 2020, in the wake of the coronavirus crisis, the website went live. While during calmer periods, these drafts

are available for public comments for a period of several weeks, during the coronavirus crisis, the time for public comments has shrunk. For example, when the Law Granting Government Special Authorities to Combat Novel Coronavirus (Temporary Provision) 2020, also known as Israel's Coronavirus Law, was circulated for public comment, the public was given only a few days to submit comments on the law (Almog 2020). In general, the number of comments each draft receives varies from a few to tens of thousands, as illustrated in the case of the Coronavirus Law. However, government ministries are not obliged to respond to comments. They are also not required to amend the drafts in light of the comments. Therefore, it is difficult to estimate the public's impact on decision-making. Beyond that, Israel held consultations with various societal bodies actors in preparing and implementing its policy responses, including leaders of religious communities and trade unions, but these processes were not transparent, and were often unfair and clientelist.

Citation:

Census or Democracy: The public is not really involved in urban development, Globes, 2018 (Hebrew): <https://www.globes.co.il/news/article.aspx?did=1001193850>

"Israel has 200 regulators, 12 in the Netherlands, and 80 in Australia, Globes, 2018 (Hebrew): <https://www.globes.co.il/news/article.aspx?did=1001253076>

"Israeli government, civil society, and business community," PMO policy paper (February 2008): http://beinmigzari.pmo.gov.il/Documents/Policy_English.pdf

Limor, Nissan and Avishai, Libat, "Separately and together: Structuring a relationship of cooperation between government and civil society organizations," JDC publication 2013 (Hebrew).

PMO Office 2017, Instructions for Public Participation, 2017 <http://www.pmo.gov.il/policyplanning/shituf/Documents/all%20web.pdf>

"Round table interface: Three years' summary," PMO official brochure (August 2011) (Hebrew)

"The round table and the tri-sectoral discourse," Civil leadership website (Hebrew)

Lithuania

Score 7

In Lithuania, major societal actors are consulted through institutionalized arrangements such the Tripartite Council, as well as through various ad hoc means. Major societal actors were also involved in the preparation and monitoring of the long-term Lithuania 2030 strategy, working through the State Progress Council. Under the Skvernelis government, a new accord was signed between the government, business organizations and trade unions. The accord provides for the preparation of a separate agreement between these partners, which would reduce taxes on wages in exchange for employers' commitment to increase wages. However, at the end of 2019, the main business associations threatened to withdraw from the agreement, accusing the government of not respecting its commitment to safeguard the stability of the tax environment following the introduction of new tax-code changes alongside the 2020 budget.

In recent years, rather substantial efforts were made to strengthen NGOs. The NGO registry and fund were created, and the NGO Council was moved from the Ministry of Social Security and Labor to the level of the government. Furthermore, there have been attempts to involve stakeholders more closely in policy formation, such as the development of the National Forest Agreement, although there have also been complaints regarding unequal levels of participation and undue influence by powerful interests.

The practice of prior consultation in developing regulations is mandated by the Law on the Basics of Legislation. Citizens can provide feedback on draft laws by using the Legislative Information System, a feature on the parliament's website. However, during the 2014 – 2016 period, Lithuanian ministries failed to publish 98% of legislative initiatives in a way that would allow for citizen feedback. In addition, this procedure allows citizens to voice their opinions or concerns only during the last stage of lawmaking, when decisions have been already proposed by state institutions; moreover, the 10 to 15 days allowed for feedback are usually not sufficient for all stakeholder contributions.

Therefore, neither the scope of consultation with societal actors nor the time allocated to consultation is sufficient in Lithuania. The consultation process is usually limited to an exchange of information and positions, and the quality of feedback is often poor. For these reasons, a 2015 OECD report recommended that the country develop public-consultation guidelines. In response, the Office of the Government launched a large stakeholder-consultation project co-funded by the European Social Fund at the end of 2016. The project developed a public-consultation methodology and application guidelines, but it has not yet established the professional public-consultation standard that would be needed to bring societal consultation to a higher level. Moreover, use of the public-consultation feature on the E-Citizen platform (part of the Office of the Government's "My Government" webpage) has been rather slow to build momentum. In the period from 20 March 2014 to 16 July 2019, 55 public consultations were announced on E-Citizen, but only a few of these were executed in a professional and ultimately successful way. For instance, a public consultation on the Demographics, Migration and Integration Strategy for 2018 – 2030, which was jointly organized by the Office of the Government and the Ministry of Social Security and Labor, attracted a high number of citizen responses and provided useful feedback for the adoption of this strategy in parliament. The question of why public consultation is important in the legislative process was also discussed during training sessions for civil servants conducted by STRATA in 2020 and 2021.

Attempts to "internalize" consultations within ministries was unsuccessful, and thus these processes depend on political will of the government. The Office of the Government has been pushing ministries to consult with civil society groups on the most important legislative proposals, and has also offering help in conducting such discussions.

Early consultation with stakeholders in the regulation-making process is not systematic (as is also the case in 27 other OECD members). However, stakeholders were consulted on both COVID-19 recovery packages and on other pandemic-management strategies.

Citation:

OECD, Government at a Glance 2021, Country Fact Sheet: Lithuania, 2021, <https://www.oecd.org/gov/gov-at-a-glance-2021-lithuania.pdf>

OECD, Regulatory Policy in Lithuania: Focusing on the Delivery Side, OECD Reviews of Regulatory Reform, OECD Publishing, Paris, 2015 http://www.oecd-ilibrary.org/governance/regulatory-policy-in-lithuania_9789264239340-en.

<https://epilietis.lrv.lt/lt/dalyvauk-priimant-ir-keiciant-sprendimus/organizuok-viesuju-konsultaciju-metodika-ir-jos-taikymo-gaires>

OECD, Mobilising Evidence at the Centre of Government in Lithuania. Strengthening decision-making and policy evaluation for long-term development, Paris: OECD, 2021.

Luxembourg

Score 7

Luxembourg is a generally consensus-oriented society, with neo-corporatist traits (the so-called Luxembourg Social Model), which became institutionalized in the aftermath of the steel crisis in the 1970s. When introducing a draft bill to parliament, the government normally launches a broad consultation process. Unions and employers' organizations are often consulted; draft bills may be submitted to the appropriate professional chamber when they concern their own affiliated people (Chambre des Salariés, Chambre de Commerce, Chambre des Métiers, Chambre des Fonctionnaires et Employés publics and Chambre de l'Agriculture). Civil society groups may also be included in the process, depending on the purpose of the draft bill or the new policy.

The so-called tripartite social model is based on institutionalized and ongoing dialogue between the government, employers and trade unions on important economic and social issues, with the goal of reaching consensus. Nowadays, four institutions engage in this ongoing social dialogue: the Economic Committee, the Economic and Social Council, the Tripartite Coordination Committee, and the Permanent Committee on Labor and Employment. Industry-specific tripartite bodies in some cases hold their own events, such as the Steel Tripartite Conference or the Aviation Tripartite Conference.

However, the prevalence and quality of dialogue between the social partners has declined in recent years. Trade unions have said the national-level social dialogue is not as developed as they would like. In 2020-21, trade unions repeatedly called for a gathering of the tripartite coordination committee to discuss the social impact of the coronavirus pandemic. When the government eventually held a meeting of the tripartite coordination committee in December 2021, the meeting did not respond to the unions' expectations. The meeting only lasted a few hours, and did not lead to any major outcome, while unions had hoped to discuss a broad range of subjects

ranging from housing to tax policies. To express their disapproval, unions did not participate in the press conference that followed the meeting, and instead published a press statement spelling out their disappointment over the government's perceived disregard of their requests.

Citation:

"Tripartite: Luxembourg's social model ". <https://luxembourg.public.lu/en/society-and-culture/political-system/tripartite.html>. Accessed 14 January 2022.

OGBL, LCGB, CGFP (2021) Tripartite – eine Nullnummer!, available at: <https://lcgb.lu/de/2021/12/14/tripartite-eine-nullnummer/>

"OGBL, LCGB & CGFP: Tripartite didn't go anywhere." RTL Today (15 December 2021). <https://today.rtl.lu/news/luxembourg/a/1833252.html>. Accessed 14 January 2022.

www.vosidees.lu. <https://www.vosidees.lu/>. Accessed 14 January 2022.

OGBL, LCGB, CGFP (2021) Tripartite – eine Nullnummer!, available at: <https://lcgb.lu/de/2021/12/14/tripartite-eine-nullnummer/>

Netherlands

Score 7

International references to the “polder model” as a form of consensus-building through practices of societal consultations testify to the Dutch reputation for negotiating non-parliamentary support for public policies, often on contested issues as a precondition for parliamentary approval. In this form of neo-corporatism and network governance, the government consults extensively with vested interest groups in the economy and/or civil society during policy preparation and attempts to involve them in policy implementation. It has been a strong factor in the mode of political operation and public policymaking deployed by all the Rutte governments. Recent examples include the public debate on pension reform, the national summit on climate policy following the Paris Accords (involving five sectoral platforms: electricity, built environment, industry, agriculture and land use, and mobility), and preventive public health (focusing on obesity, smoking and “problematic” alcohol consumption).

In spite of its apparent revival, this mode of politics and policymaking is contested. Trade unions have suffered due to an erosion of representativeness and increasing fragmentation, although employers' associations have been less affected. Professional associations of teachers, nurses and others also suffer from a representation deficit; their constituencies frequently show their disaffection with policy agreements concluded by their leadership. This has resulted in many public demonstrations near government buildings in The Hague. Another criticism is that results may be politically pre-cooked depending on who is invited to sit at the negotiation table. For example, in the negotiations over the climate agreement, this criticism applied to the discussions on energy and health issues, in which the results allegedly strongly reflected the interests of the energy and pharmaceutical industries. Even the High Council of State issued a warning that agreements reached in the polder model are too often presented by the government to parliament as a fait

accompli. They also too often lead to very broad platform legislation that specifies future goals and indicates a budget, but leaves implementation commitments and legal implications wide open. Green NGOs dissatisfied with the influence they have been able to exert through the polder model, and who have watched one delay after another in the implementation of environmental pollution policy, have successfully turned to the judiciary to force government to finally take its climate goal commitments seriously. All this means that some stakeholders venue-shop outside the mainstream polder model to increase their influence on government policy. Therefore, a side effect of the reviving “polder” tradition within a more fragmented political landscape may be the emergence of an extensive network of professional lobbyists with a dense network of contacts within political parties and with single members of parliament and cabinet ministers. Lobbyists are known to influence party platforms before elections, and even the cabinet formation process itself. There are signs that business lobbies have achieved clear successes. Another criticism of the poldering process is that it leads to sluggish policymaking, creating a “musical chairs” process in which the responsibilities of government, business and influential civil society or non-governmental organizations remain blurred, undermining effective decision-making. The recent revival may owe more to the fact that none of the Rutte cabinets have been able to rely on solid parliamentary support than to any renewed vigor on the part of business, labor unions and civil society associations.

Since 2011, national departments involved in developing new policies and legislative projects have been able to use the internet to consult with citizens, thereby avoiding some of the “usual suspects” problems associated with the traditional “poldering” process. The extent to which this has been successful remains unclear. During the coronavirus lockdowns, a temporary law on digital consultation and decision-making (Tijdelijke wet voor digitale beraadslaging en besluitvorming) ensured continuity. New permanent legislation on the subject is in the making.

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C. Braun, Aan tafel op het Malieveld Rutte III en de omgang met het maatschappelijk middenveld, in Montesquieu Instituut, 2021. ‘Niet stoffig, toch?’ Terugblik op het kabinet Rutte III. Den Haag, 83-94

South Korea

Score 7

There have been major improvements with regard to consultation with societal actors since President Moon took office. President Moon's interactions with the public are also significantly different than those of his predecessor. He has emphasized the importance of being more open and communicative with the public. He is holding frequent discussions with civil society groups and top business leaders, and allows Q&A sessions during press briefings. The Blue House also introduced a petition system in which the government is required to address a certain topic when at least 200,000 citizens have signed the petition. The Moon government has also tested so-called deliberative democracy processes, in which all stakeholders participate in three- or four-night debates, as a means of drafting controversial policies in areas such as nuclear energy or university admissions.

South Korea has a lively civil society with an average range of interest groups, reflecting most social interests. However, some powerful interests have privileged access to the corridors of power. Business is well represented by networks of interlocking and expertly staffed interest groups. Labor unions are traditionally much weaker, and lack the same kind of access to the government. However, with President Moon's more accommodating stance on labor unions, he was able to bring the Korean Confederation of Trade Unions (KCTU) back to the tripartite dialogue table for the first time since KCTU's withdrawal in 1999. President Moon also appointed many former civil society activists to government positions, and frequently utilized the expertise of civil society groups.

During the COVID-19 crisis, the government held public consultation through a social dialogue body called the Economic, Social and Labor Council (ESCL), in which labor, management, government and public interest groups meet and deliberate on public policies. Following these talks, they issued the "Tripartite Declaration to Overcome the Crisis Caused by Spread of COVID-19" in March 2020, which emphasized the need to support workers, public life and health, vulnerable groups, SMEs, and small merchants.

Citation:

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United Kingdom

Score 7

The United Kingdom had a weaker tradition, compared to many other EU member states, of systematically incorporating civil society organizations into the decision-making process. Nevertheless, a significant effort has been made since 2010 to make government more open and, in 2019, a new action plan for open government was published. The plan sets out eight commitments in the areas of influencing policymaking, transparency on publicly owned resources and access to data.

Previous changes led to a substantial increase in policymaking transparency and included systematic efforts to consult a range of actors. However, the extent to which social partners are formally engaged in the policymaking process continues to be less than in many other western European countries. The 2010 – 2015 coalition government established a “compact” to govern civil society engagement in policymaking in England, under the auspices of a (junior) minister for civil society. Civil society is also listed as one of the responsibilities of the minister for the Cabinet Office. The United Kingdom was a founding member of the Open Government Partnership and, as a member of the partnership, is committed to producing a national action plan to engage with civil society. The current plan detailed a range of commitments. According to a recent self-assessment, some three-quarters of these commitments have already been achieved or are underway, though 27% of these commitments are behind schedule. Impact assessments are one means by which consultation has been enhanced, with drafts circulated to stakeholders before being finalized. Feedback on these drafts is considered before decisions are taken on whether or not to proceed with the policy change under review.

In 2014, some 650 public consultation processes took place, all described on the government website (gov.uk) and this increased further in 2018 when 767 were conducted. In addition, a range of advisory boards solicit input into the policymaking process in areas such as migration and social security. However, a concern (expressed to the reviewer by a former minister for the Cabinet Office) is that the follow-up to many consultations is limited. Given the pluralist nature of the UK system of interest groups and associations, it can also be difficult to identify which organization would be competent and legitimized to speak on a certain issue.

The United Kingdom’s fifth National Action Plan for Open Government 2021 – 2023, covering the period up to the end of 2023 has been announced. Quoting from the announcement, its “commitments build on themes from previous plans. They reflect priority areas identified through the co-creation process with civil society and active citizens, using the Open Government Network as the primary engagement mechanism.”

Citation:

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<https://openpolicy.blog.gov.uk/about/>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/668970/Final_mid-term_self_assessment_report_NAP_2016-18.pdf

<https://www.gov.uk/government/publications/uk-national-action-plan-for-open-government-2019-2021>

United States

Score 7

The U.S. political system is noteworthy for the degree to which it elicits opinions and preferences from societal actors at all stages of the policy process and enables such actors to shape policy outcomes. These processes, however, are informal, decentralized and not especially conducive to careful deliberation. In the U.S. system, the president and congressional leaders must build congressional support for each measure. Interest groups, ideological activists, experts and ordinary citizens have extensive opportunity to influence policymakers before decisions have been made. The White House maintains direct relationships with some interest groups. Congressional committees hold hearings on most legislative initiatives and on general policy issues. In sum, the U.S. government is highly open to influence by societal forces. This openness is not designed to ensure consensus and does not do so, although action without broad support is normally difficult.

The Trump administration focused more on behind-closed-door meetings with lobbyists and supporters and it did not seek to integrate a plurality of societal actors, a situation the Biden administration is seeking to change, with the explicit goal of engaging with more diverse constituencies.

Belgium

Score 6

Belgium's socioeconomic model is one of consensual (neo-corporatist) socioeconomic policymaking, whereby the governments consult established stakeholders, in particular workers' and employers' representatives, in order to facilitate policy acceptance. Such consultations have also become institutionalized in other fields through the creation of specific consultative bodies, for instance the Federal Council for Sustainable Development, which includes representatives of environmental organizations.

Unionization rates are still very high in Belgium, with trade union density at 49.1% in 2019 (OECD data). This is one of the highest such rates in the OECD, after most Nordic countries and on par with Norway. However, recent technological change with regard to services platforms (Uber and its peers), the internationalization of the economy, trade agreements such as CETA, and efforts by the previous (right-wing) government to reduce the power of workers' unions have progressively eroded unions' influence (unionization stood at 57% in the beginning of the 2000s and was still at 55% in 2012), modifying the government's hands-off tradition of letting workers' and employers' unions negotiate wage arrangements. Arguably, some of this culture of consensus had previously stalled important but necessary reforms. Nevertheless, the previous government's strategy has come as a cultural shock.

Citation:

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https://www.standaard.be/cnt/dmf20190918_04615735

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Unionization rates: <https://stats.oecd.org/viewhtml.aspx?datasetcode=TUD&lang=fr>

Bulgaria

Score 6

Various interests are generally represented and involved in consultations in Bulgaria's policymaking process. The National Council for Tripartite Cooperation, which includes representatives of the government, trade unions and employer associations, is traditionally integrated into many decisions. Over the years, this council has evolved into a major forum not only for advice and consultation, but also for the negotiation of various policies and the adoption of specific proposals that are later formally confirmed by the legislature. Other societal actors, including minority organizations, environmental and other interest groups are represented in the more than 70 advisory councils at different levels of government. In practice, however, their influence on decisions is limited. The legislative process also includes a period for public consultation on proposals, but this step is in many cases either too short to allow for in-depth analysis and discussion, or is simply skipped. An increasing number of government agencies are making their deliberations open to the general public as a default policy.

In 2021, the government substantially increased the number of consultations.

Chile

Score 6

Frequent consultations with civil society groups and particularly stakeholder organizations take place. However, consultations tend to be inclined toward economic-interest groups. By contrast, unions and environmental organizations are often underrepresented. Online surveys have been implemented with the aim of gauging opinions within the non-institutionalized public. The president's advisory ministry (Secretaría General de la Presidencia, Segpres) is primarily responsible for initiating and monitoring consultations. Depending on the issue, sectoral institutions can also be involved. The ad hoc advisory commissions represent another means of societal consultation, as they include interest-group representatives, experts and other stakeholders.

Czechia

Score 6

The policy process in Czechia is relatively open. In the course of the legislative process, a broad spectrum of social and economic actors is consulted. The digital publication of laws and regulations has improved public access to information. The primary formal means of consultation is a tripartite council that includes

representatives from the government, trade unions and employers' organizations. This is an arena for consultation on economic and social policy measures, and the council members are also automatically consulted during preparing legislation. Business organizations and trade unions were also represented in the advisory bodies that helped the Babiš government to formulate its response to the COVID-19 pandemic. While the Babiš government was in regular contact with the government's social partners, it did not pay much attention to their inputs. In many cases, consultation remained formal. When the government presented the first draft of its National Recovery Plan in 2020, for instance, no material was published for discussion in advance and only five days were allowed for comments by societal actors, which were then largely ignored.

France

Score 6

The traditional distrust regarding “lobbyists,” which are not seen as legitimate political actors, as well as difficult social relations that hinder effective social dialogue, have limited the governments' ability to find effective avenues of negotiation and cooperation. There are thousands of official or semi-official commissions that are supposed to give opinions on a given issue or area; however, governments tend to prefer negotiations with selected partners, excluding some considered as not being “representative.” Consultations are often rather formal, and interested parties very often have little willingness to seek compromise. For these reasons, the temptation to govern in a top-down manner has always been strong. However, this in turn has in many cases provoked severe, persistent conflicts and protest movements that have ultimately forced the government to abandon its plans. Indeed, the French political culture is rooted more deeply in protest than in pragmatic cooperation.

In recent years, governments have sought the consultation of interest groups more systematically, and these practices have partly been adopted as legal obligations. Moreover, the rules of social negotiations have been modernized to encourage social contracts between employers and trade unions. Notably, the Larcher Law of 2007 invited the government to present plans for legislation in social and labor matters to the social partners, and to give the social partners an opportunity to negotiate and agree on possible solutions that could then be transformed into law. Nonetheless, given persistent distrust between the social actors, especially on the part of some unions, progress has been slow. There have been some positive cases, such as the 2013 labor market reform bill. This measure codified an agreement between three (out of five) trade unions and the employers' organization. But there have been setbacks, too. The Macron government rejected an agreement between the social partners on reforming the unemployment-insurance system, arguing that it did not sufficiently address the program's financial problems. The organizations protested, but in fact were pleased to avoid the blame for the difficult and unpopular measures.

Thus far, President Macron's strategy has been to engage in intensive consultations while ensuring that the government and parliament have the final say, and leaving little room for change once a government proposal is drafted. This method was applied to the process of drafting the labor-law reform in 2017. Though intense consultations with the social partners took place in July and August 2017, the ordinances (while taking into account some trade-union grievances) were presented to the social partners as non-negotiable once drafted in September 2017. The process of reforming the national railway company followed a similar course. The government presented and passed a bill through parliament, declaring that the core measures were non-negotiable, but offered negotiations for the implementation of the new law. In the end, in spite of four months of protests and strikes, and stalemate between the government and trade unions, the reform was adopted. This situation has left the social partners bitter and frustrated – even those who were willing to accept the reforms, but wanted to be incorporated in the decision-making process (e.g., the largest trade union, CDFT). Based on these and other examples, the president has been accused of sticking to a top-down method, leaving no place for the social partners to argue and obtain amendments. More generally, Macron has been criticized for his solitary approach to decision-making, as well as his contempt for the country's traditional economic and social actors. Faced with the magnitude of these negative reactions and the impact of the Yellow Vest riots, the government is now proceeding with more care, and has signaled a willingness to be more attentive to popular opinions and demands. The fundamental issue is that the parties around the negotiation table are keen to win by imposing their views, and reluctant to accept compromises. A statistic is telling: More than 300 ordinances have been adopted by the executive since 2017 in matters which normally require legislative intervention.

Iceland

Score 6

Iceland has a long tradition of formal and informal consultation between government and labor market associations. The 2008 economic collapse led to closer consultation. In February 2009, the government, the municipalities, and the major labor market associations signed the so-called Stability Pact (Stöðugleikasáttmáli). Repeated disputes finally led to a withdrawal from the pact by the main employers' association.

Another example of public consultation was the process of revising the 1944 constitution. This process involved the convention in 2010 of a national assembly, comprising 950 individuals selected at random from the national register. In addition, a further 25 constituent assembly representatives were nationally elected in late 2010 from a list of 522 candidates. The constituent assembly, later renamed the Constitutional Council, unanimously passed in mid-2011 a constitutional bill in close accord with the conclusions of the national assembly in 2010. However, parliament has not been willing to ratify the whole bill, even though the bill was supported by 67% of voters in a national referendum in October 2012. In the 2017 election

campaign, five parties declared, to varying degrees, support for the new constitution, namely the Social Democrats, the Pirate Party, the Left-Green Movement, Regeneration, and Bright Future. The support for these parties totaled 46% of the votes and 28 out of 63 seats. The sole firm opponent of the new constitution, the Independence Party, won 25% of the vote and 16 seats. Since December 2017, the Independence Party has been a member of the coalition cabinet, along with the Left-Green Movement and the Progressive Party. The right-center-left cabinet, which assumed office in 2017 and remained in power following the 2021 election, has paid only lip service to completing the constitutional reform process that was launched after the 2008 financial crash. This signals the coalition's clear, albeit unspoken commitment to the status quo and opposition to the express will of the people. As a rule, parliament invites interested parties and the public to comment on bills before parliament on its website. Thus, many voices are heard, but the extent to which they are listened to is still unknown.

Citation:

National referendum (Þjóðaratkvæði) (2012), <http://www.thjodaratkvaedi.is/2012/en/proposals.html>. Accessed 4 February 2022.

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Ireland

Score 6

Tripartite social partnership, involving employers and employee representatives in both the public and private sectors, existed in Ireland from 1987 to 2010. In 2010, social partnership in the private sector became one of the first casualties of the country's economic crisis. Three public sector agreements on pay and working conditions were negotiated between 2010 and 2013. The cumulative effect of these measures has been significant changes in pay and working conditions in the public sector, and a marked increase in productivity. However, some trade unions, notably in the educational sector, have rejected these proposals and some significant problems remain unresolved.

During 2016, improved economic performance shifted the focus toward containing public expectations that tax and expenditure disciplines would be significantly relaxed. In 2016, these expectations led to a strike by Dublin's public tramway system workers and a threatened strike by the police force, which resulted in generous settlements. As a result of these settlements, the government would face the dilemma of trying to resist further demands for public sector pay increases.

The government now consults with workers and employers in the private sector on pay policy to a much lesser extent than was the case before 2008. Wage settlements are largely reached through discussion and negotiation between the affected parties.

In acknowledgment of efforts made during the deepest parts of the country's COVID-19 crisis, in 2021, the government announced a bonus of between €600 and €1,000 to be paid to frontline workers. At the time of writing, this bonus has yet to be paid and there remains a lack of clarity around exactly which groups of workers will be covered by the scheme.

Citation:

The latest public sector agreement is here:

<http://www.per.gov.ie/haddington-road-agreement>

Malta

Score 6

The government has an obligation to consult with the public. In addition, a ministry for dialogue has been established. New policies and legislation must be published for consultation. A formal consultative structure, called the Malta Council for Economic and Social Development, works well in facilitating consultation between business associations, trade unions and government. The government has also setup a separate Council for Economic and Social Development for Gozo and a consultative council for the South of Malta. NGOs concerned with social policy tend to be regularly consulted. However, environmental NGOs are rarely integrated and frequently ignored in the policymaking process. The Planning Authority has its own consultation processes, but the views of non-governmental actors are taken into account to only a very questionable extent. Overall, Malta has seen a substantial increase in the number of policy areas open for public consultation. Malta today has a proliferation of NGOs, and increased consultation has created wider scope for them to act. However, greater progress could be achieved if NGOs were to become more professional and officialdom less sensitive to feedback, although this has become less so in the last two years with a number of significant U-turns on policy. Nevertheless, the number of consultation processes has multiplied as the government has become more conscious of the need to bring NGOs and the public into the policy-development process. The government has also facilitated the process by engaging in online consultations and creating multiple portals. NGOs regularly protest and complain about the lack of consultation, notably on environmental issues. In 2022, media organizations protested about the lack of transparent consultation on the Daphne Caruana Galizia inquiry follow up. However, the government has appointed a board of media experts to discuss reform following the inquiry. The dialogue process would be facilitated with civil society participation in an RIA arrangement for primary legislation and included at an early stage of the reform.

Citation:

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 Malta Today 08/06/21 Everyone but the government it seems is finally waking up to the development problem
 Shift News 17/06/21 Malta ignores OGP letter, signals lack of attention to transparency and accountability issues NGOs
 Times of Malta 14/01/2022 NGOs concerned at lack of transparent consultation on Daphne inquiry follow up

Mexico

Score 6

With a high degree of legitimacy following the presidential election, President López Obrador announced more possibilities for public consultation. Popular consultation was undertaken for the planned new airport as well as for infrastructure projects in the south. In addition, the president's daily press conference is intended to "consult" the public. The government is trying to integrate civil society actors and activists, although traditional business and trade union lobby groups remain outside. This is a clear break with the Institutional Revolutionary Party's tradition of corporatism and clientelism, where participation has flowed mainly through corporatist and clientelist party channels rather than through independent civil society organizations.

Some participatory involvement occurs at the local and state levels, in the form of experiments with participatory budgeting, roundtables with stakeholder consultation and so on. While these types of consultation processes are not as strong as in other Latin American countries, they have become more common in Mexico.

One new element has been the introduction of elements of participatory democracy, such as referendums. In December 2020, the first national referendum took place, on the issue of impunity granted to presidents. A recall referendum on the current

president was scheduled for 2022. Although participation in direct democratic mechanisms is to date very limited, and the elements in place have been used by President López Obrador in a top-down populist manner to legitimize himself and his policies, it remains to be seen whether this shift will ultimately produce a significant change in policymaking style in the future.

Portugal

Score 6 The government consults with societal actors. As the OECD's Indicators of Regulatory Policy and Governance 2021 note, stakeholders are consulted in the process of drawing up all draft regulations. For example, the Social and Economic Council (Conselho Económico e Social, CES) serves as a constitutional body for consultation and social concertation. Within the CES, there is a Standing Committee on Social Concertation (Comissão Permanente de Concertação Social, CPCS) that brings together the government, employer associations and trade unions. The CES and the CPCS continued to hold regular discussions during the period under review.

Citation:

OECD (2021), "Portugal: Indicators of Regulatory Policy and Governance 2021," available online at: <https://www.oecd.org/gov/regulatory-policy/portugal-country-profile-regulatory-policy-2021.pdf>

Spain

Score 6 An Economic and Social Council (ESC) made up of employers' organizations, trade unions and other societal representatives is provided for in the constitution, while other government advisory bodies are provided for by additional specific policies. The ESC and the other bodies issue opinions on draft legislation, although there is no general common institutionalized procedure for consultation nor in many cases is there an obligation to engage in it.

Since 2017, the frequency of public consultation for legislative projects has increased, with the introduction of so-called annual normative plans helping in this regard. Since 2018, an online platform has published lists of all ongoing consultations, thus allowing citizens to participate in these processes before regulatory development starts and at the draft regulation stage, two important points in the policy cycle.

The government has since 2018 engaged actively in dialogue with trade unions and employers' associations. The social stakeholders and the government have signed several agreements, for instance relating to the increase in the minimum wage and to the plans for temporary layoffs during the pandemic (ERTEs). The government has also convened many meetings with social stakeholders to structure and monitor the various economic and social responses to the pandemic.

In November 2020, the government, trade unions and employers' associations set up the Social Dialogue Board for Recovery, Transformation and Resilience. This enabled enterprises, administrations and social partners to be involved in the preparation of the RRP.

Social and environmental interest groups also participated in the elaboration of several additional policy responses such as the Spanish Science, Technology and Innovation Strategy for 2021 – 2027. Recent reforms, such as those affecting the labor market and pension system, have involved social dialogue with employers and unions.

Citation:

Participación pública en proyectos normativos,
https://transparencia.gob.es/transparencia/transparencia_Home/index/ParticipacionCiudadana/ParticipacionProyectosNormativos.html

Cyprus

Score 5

Consultation with societal actors has been limited to a small spectrum of powerful organizations and, in any case, consultation does not reach the stage of policy formulation. When discussing a draft bill, parliamentary committees invite a broad spectrum of stakeholders to present their views. Generally, vociferous stakeholders, such as trade unions and business associations, may engage in consultations with the government and/or political parties before final policy decisions are made. They are more successful than weak groups in securing their demands.

After exiting the memorandum of understanding with its creditors, in early 2016, the government started accommodating previously rejected demands. In addition, critical reforms, such as privatizing the telecoms and electricity utilities, have been abandoned due to trade union pressure.

Public consultation before decision-making is regularly practiced by most departments. The results and impact of such consultations are usually transparent or made public.

In the RIA framework, SME representatives are systematically consulted and participate in the process as stakeholders.

The government consulted with political parties on important issues, such as the COVID-19 crisis and the elaboration of the Recovery and Resilience Plan in 2020/2021.

Citation:

1. Unions accused of unrealistic demands amidst labour shortage, Cyprus Mail, 27 October 2021, <https://cyprus-mail.com/2021/10/27/unions-accused-of-unrealistic-demands-amidst-labour-shortage/>

Italy

Score 5 Consultations with economic and social actors have not been a key priority for recent governments. With their options limited by a difficult budgetary and economic situation, recent governments have been reluctant to involve themselves in long and (according to experience) often unproductive consultations. The Draghi government has conducted some consultations with labor unions on tax and pension policies, but their impact upon final policy decisions in these fields was minor. The need to reach difficult agreements with the majority parties prevailed.

Japan

Score 5 LDP-led governments have traditionally engaged in societal consultation through the so-called iron triangle, that is, the dense links between parliamentarians, the ministerial bureaucracy and large companies. However, these mechanisms tended to exclude other societal actors such as trade unions. With the onset of economic problems in the 1990s, tensions within this triangle increased, and relations over time became strained enough to indicate the effective demise of the iron triangle system at the national level.

The exclusion of societal actors in consultation processes and the lack of real and perceived political changes have also contributed to public mistrust and political disengagement. A 2014 NHK survey found over 70% of respondents claiming no interest in engaging in political issues, while the Economist's Democracy Index in 2020 ranks Japan one of the lowest in terms of political participation among full democracies. Since 2020, a number of public consultations have been initiated on issues such as immigration, nuclear energy, education, etc., often by soliciting comments from the public on an e-government digital platform. How effective such mechanisms are in effecting government policies remains to be seen.

It is frequently argued that business has considerable influence on government decision-making. Substantiating such claims is difficult, as there is a lack of transparent rules governing lobbying. There seems to be little scope for business – state alignment, as major firms have become global players that are decreasingly interested in or bound to the home market. Some lobbying firms now cater primarily to smaller and foreign-owned companies. One traditional mechanism of bureaucracy – business alignment, the “amakudari” system of providing bureaucrats with lucrative post-retirement jobs – has been suppressed since the 2008 reform to the National Civil Service Law.

Citation:

Grant Newsham, Japan's conservative Nippon Kaigi lobby: Worth worrying about?, Asia Times, 19 July 2016, <http://www.atimes.com/article/japans-conservative-nippon-kaigi-lobby-worth-worrying-about/>

Democracy Index 2020: In sickness and in health?, *The Economist*, <https://www.eiu.com/n/campaigns/democracy-index-2020/>

Yumiko Yokota, Ending “Amakudari” Descent from Heaven at Last?, <http://www.nippon.com/en/currents/d00317/>

Rieko Miki, Lobbying firms offer outsiders access to Japan’s policy machine, *Nikkei Asian Review*, 30 March 2019, <https://asia.nikkei.com/Politics/Lobbying-firms-offer-outsiders-access-to-Japan-s-policy-machine>

Slovakia

Score 5

In Slovakia, comprehensive legal requirements are in place for the consultation with societal actors, which includes social dialogue in the tripartite Economic and Social Council. Despite the deep chasm that emerged in Slovak society following the murder of Ján Kuciak and Martina Kušnírová in February 2018, the Pellegrini government did not try to increase its legitimacy by taking public consultation more seriously. The new center-right government that came into office in April 2020 has not shifted gears toward greater inclusion. Trade unions and employers alike have criticized the government for not consulting with them in formulating the economic and social responses to the COVID-19 pandemic (Simons 2022: 161-162). From October to December 2020, the trade unions even left the Economic and Social Council. The 2020 draft of the national recovery program (Modern and Successful Slovakia) was prepared without the broad public discussion promised by Prime Minister Matovič. Major legislative initiatives of the new government such as the amendment to the law on universities, the Construction Act, and the law on public procurement, have been adopted without a substantial consultation of societal actors.

Citation:

Simons, J. (2022): Slovakia: Moderate but inclusive COVID-19 response, in: D. Bohle, E. Eihmanis, A. Toplišek (eds.), *The Political Economy of COVID-19 Responses in East-Central Europe*. San Domenico di Fiesole: European University Institute, 155-173 (<https://op.europa.eu/de/publication-detail/-/publication/0bb54570-b3be-11ec-9d96-01aa75ed71a1/language-en>).

Slovenia

Score 5

Slovenia has a strong tradition of corporatism and of government consultation with interest groups more generally. The Šarec government has stuck to this tradition and has discussed part of its legislative initiatives in the Economic and Social Council, the tripartite body for social and economic dialogue. One of the flagship projects of the new Šarec government, the increase in the minimum wage in 2019, was prepared without consulting the social partners, which has led to heavy criticism from employers’ associations. However, the Šarec government succeeded where its predecessor had failed and completed negotiations with public sector unions late in 2018, avoiding a series of strikes and calming tensions within the public sector. In May 2021, employee representatives decided to pull-out of the Economic and Social Council, citing a lack of commitment from the government side, despite the data that shows that the Economic and Social Council had almost the same number of

meetings (16) per year and a slightly higher number of issues debated per meeting (3.7) than before the Janša government took over (14 meetings per year, and 2.7 issues debated per meeting under the Cerar and Šarec governments).

Citation:

Oštro (2021), *Ekonomsko-socialni svet ni zasedal več kot prej v šestih letih skupaj* (<https://www.ostro.si/si/razkrinkavanje/objave/ekonomsko-socialni-svet-ni-zasedal-vec-kot-prej-v-sestih-letih-skupaj>).

Croatia

Score 4

Consultation of societal actors in Croatia has been governed by the 2009 Societal Consultation Codex. It has been strengthened with the introduction of the government's Central Web Portal for Public Consultations in 2015. According to the Right of Access to Information Act of 2013, all government proposals for regulations related to citizens' interests have to be submitted for comments via this portal. In the period under review, critical comments by the scientific community and the general public on the web platform led the government to withdraw the envisaged amendments to the law on the prevention of conflict of interest, which would have reduced the prerogatives of the parliamentary commission on conflict of interest. The second major instrument for societal consultation – the tripartite dialogue between representatives of the government, employers' associations and trade unions, the Economic and Social Council (ESC) – has continued to be marked by a lack of trust and respect. The trade unions left the ESC in April 2019, following a dispute with the government over the role of the ESC and have not participated in its work since then.

In October and November 2019, a large strike among teachers in primary and secondary schools broke out, ending only at the beginning of December that year. Trade unions in the education sector demanded a salary increase of 18.3%, which Plenković's government declined to agree to. In the end, the unions agreed to a much smaller increase, which the government pledged to pay in three phases. The government's problems with the education-sector union have thus temporarily ended. However, during 2021 and early 2022, other public-sector unions also sought to improve working conditions for their members. By mid-January 2022, no basic collective agreement defining substantive rights had yet been signed. The unions were continuing to argue that the government's refusal to raise base public-sector salaries was unacceptable.

Greece

Score 4

There is some consultation with societal actors, but – during the ongoing COVID-19 pandemic – consultation has been limited. Interested citizens can and do participate in the process of open electronic public consultation on new government measures, which each ministry must announce and manage before drafting a bill.

Representatives of interest groups and scientific associations are regularly invited to express their views in sessions of parliamentary committees in which bills of law are debated. Moreover, there is a strong tradition of organized interest groups (e.g., public sector unions, associations and liberal professions) voicing opinions on policy matters through social protest (street protests, strikes). To a smaller degree, citizens also rely on NGOs and local social movements for information and for making claims on policy issues.

In the period under review, government decisions on economic and healthcare policy relied less on societal consultation and more on consultation with economic and health experts. The latter formulated measures to prevent the spread of the disease, and alleviate the economic hardship of citizens and businesses that saw their revenues plummet owing to movement restrictions and the closing of economic activities.

Poland

Score 3

The Polish government is obliged by law to consult all parties affected by the proposed legislation. In addition, there is a Council of Social Dialogue, composed of trade unions and employers, whose members are appointed by the president. Consultations both inside and outside the Council have been largely formal. The government's clear majority in parliament has reduced the need to win over social actors since the government also perceives many of them as enemies. Public consultation has been bypassed by introducing legislative initiatives through members of parliament since such initiatives do not require regular consultation mechanisms and therefore exclude experts and the public.

Moreover, the quick passage of major laws has reduced the time available for meaningful consultation. Unlike the employers' associations and other trade unions, the NSZZ Solidarność trade union has enjoyed a special relationship with the government. Several of its representatives were given positions in the Ministry of Family, Labor and Social Affairs, and it has supported controversial reforms such as pension reform. Frequently, even NSZZ Solidarność has complained about the government's lack of responsiveness. In stark contrast to the trends at the national level, many municipalities have expanded public consultation, for example, by introducing participatory-budgeting processes.

During the COVID-19 pandemic, the Anti-Crisis Shield and many other laws were not consulted in advance (Szarfenberg 2020). The legislation even empowered the prime minister to dismiss members of the Council for Social Dialogue (Rogalewski 2020). Controversies over the appointment of new members of the council, following the cabinet reshuffle in October 2020, led to the resignation of the trade union NSZZ Solidarność. Entrepreneurs and employers' associations were also critical of the government's ignorance. A more inclusive approach respecting advice was taken for the vaccination roll-out.

Citation:

Rogalewski, A. (2020): How Law and Justice (mis)used the pandemic to dismantle social dialogue in Poland, in: Social Europe, April 21 (<https://socialeurope.eu/how-law-and-justice-misused-the-pandemic-to-dismantle-social-dialogue-in-poland>).

Szarfenberg, R. (2020): COVID-19 socioeconomic responses in Poland. European Social Policy Network, ESPN Flash Report 2020/29, Brussels: European Commission.

Romania

Score 3

In Romania, there are two tripartite bodies, the Economic and Social Council (Consiliul Economic și Social, CES), which must approve every legislative proposal and government decision, and the National Tripartite Council for Social Dialogue (Consiliul National Tripartit pentru Dialog Social, CNTDS). In early 2018, the Dăncilă government disbanded the Ministry for Public Consultation and Civic Dialogue that was established by the Cioloș government in 2015, stating that its responsibilities were to be taken over by other unspecified ministries. Later in 2018 and with little warning, the government replaced 13 of the 15 representatives on the CES in order to help ensure its priorities would be accepted. Consultation with societal actors has been ad hoc and is used primarily as a means of government communication, not as an attempt at collaboration. Societal actors as diverse as trade unions and the judges' professional associations have complained that their views have not been taken seriously by the government.

Despite an enabling legislative framework for civil society in the country, mandatory consultation procedures prior to the adoption of normative acts are seen as perfunctory. The number of public consultations and impact assessments remains limited, and the few bills that are subject to public consultation do not tend to have a major budgetary impact.

The European Commission's 2020 Country Report on Romania indicates that the quality of public consultation has deteriorated, despite being widely used in the government's policy development process.

Citation:

European Commission (2020): Country Report, Romania. Brussels. (https://ec.europa.eu/info/sites/default/files/2020-european_semester_country-report-romania_en.pdf)

European Commission, "COMMISSION STAFF WORKING DOCUMENT 2021 Rule of Law Report Country Chapter on the rule of law situation in Romania Accompanying the COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS 2021 Rule of Law Report The rule of law situation in the European Union," SWD(2021) 724 final, Brussels, 20 July 2021, https://ec.europa.eu/info/sites/default/files/2021_rolr_country_chapter_romania_en.pdf

Turkey

Score 3

As of September 2020, Turkey was home to 320,206 associations, 121,999 of which were active. Among them, 38,160 concentrate their efforts on professional and social solidarity. A number of civil society organizations (e.g., TÜSIAD) together established the Delegation on Relations with the Parliament and Public Institutions, and organized several meetings with governmental representatives. In general, governmental authorities consider such activity to have a “slowing” effect on policymaking (e.g., on projects such as urban renewal or the planning of hydroelectric power plants).

Due to increasing political polarization during the review period, the government has increased restrictions on public access to policymaking processes and tended to consult only with pro-government actors. Unlike this tendency, the presidency’s 2021 Annual Program stresses that civil society organizations are crucial to policymaking and the implementation process. It also notes, however, that social platforms, civil initiatives and similar networks should also be considered. Opponents argue that the president follows a biased approach by preferentially including religious groups and organizations as active stakeholders in governmental processes.

The EU-funded public-civil society dialogue projects promote the participation of civil society in public decision-making. The relationships between government and society and parliament and society are not based on a systematic and structured consultation mechanism.

Citation:

İçişleri Bakanlığı. 2021. Derneklerin Faaliyet Alanlarına Göre Dağılımı. <https://www.siviltoplum.gov.tr/derneklerin-faaliyet-alanlarina-gore-dagilimi>

Strateji ve Bütçe Başkanlığı. 2021. <https://www.sbb.gov.tr/wp-content/uploads/2021/10/2022-Yili-Cumhurbaskanligi-Yillik-Programi-26102021.pdf>

Hungary

Score 2

The Orbán governments have only rarely and selectively consulted with societal actors. Trade unions and social and environmental groups have enjoyed little weight in the policy process. The two main exceptions have been the representatives of big multinational firms, upon which the Hungarian economy depends, and the churches, which have cuddled up to the government. In addition, the government has organized so-called national consultations, which are fake referendums based on letters to citizens with misleading and manipulated questions. The real function of these letters is to mobilize Fidesz voters on a permanent basis, in part by making it possible to compose lists of those who have answered these letters.

During the COVID-19 pandemic, the government has occasionally consulted societal actors, but has continued to do so selectively and without transparency. In the case of the elderly, a group particularly hard hit by the COVID-19 pandemic, the government has refrained from talking with the traditional interest associations that represent the elderly, but has referred instead to “negotiations” with the Council of the Elderly People, a body consisting of 12 members loyal to Fidesz and chaired by Prime Minister Orbán himself. Violating the European code of conduct on partnerships in the framework of the European Structural and Investment Funds, the Hungarian government also refrained from consulting societal actors in a meaningful way when drawing up its National Recovery Plan for the European Commission (Civilisation Coalition 2021). Instead of uploading the original full-length texts involved with the consultation to the website, it provided summaries without exact numbers and details. Stakeholders were often not informed or were called upon at short notice, and just before public holidays. The end effect was that no real dialogue took place. Likewise, the government did not consult business organizations before adopting its controversial October 2021 decree that gave employers the right to make it compulsory for employees to be vaccinated against COVID-19. The subject of much discussion and interpretation by legal practitioners and commentators, this decree resulted in a substantial chaos and was eventually silently withdrawn by the government.

Citation:

Civilization Coalition (2021): The Hungarian government is set to spend over 51 billion Euro, but forgets to consult with stakeholders. Budapest, February 11 (<https://civilizacio.net/en/news-blog/open-letter-consultation>).

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