



# The draft Law On Law-Making Activity No. 5707

It proposes uniform rules for planning, creation of the draft (conception), adoption and legal monitoring of legal and normative acts for



The Law is going to be a sort of ABC of law-making activities



It is initiated by 195 MPs of the ninth convocation, which is record breaking for 'ordinary' draft laws

The need to properly regulate law-making activity has been acute since the proclamation of Ukraine's independence. The first attempts to pass a similar draft law were made by MPs of the second convocation



It lays down the foundations for the "end-to-end" legislative process by establishing stages of legislative drafting



The Verkhovna Rada of Ukraine



The Cabinet of Ministers of Ukraine



Central executive authorities and other public authorities



Local self-governments



**The draft Law introduces a uniform categorical and conceptual apparatus:**

It gives definitions for the notions of 'norm', 'law', 'code', 'legal and normative act', and many others



**It establishes the hierarchical system of legal and normative acts according to their legal force**

From now onwards, there will be no confusion about the supremacy of legal force of one act over another

## The draft Law establishes and explains **10 principles of law-making**, such as:



the principle of consistency and comprehensiveness



the principle of resourcing



the principle of proportionality



the principle of openness and publicity



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The draft Law establishes the stages of and requirements to the structure and preparation of legal and normative acts



THE PROJECT IS FUNDED BY THE EU



THE PROJECT IS IMPLEMENTED BY THE UNDP





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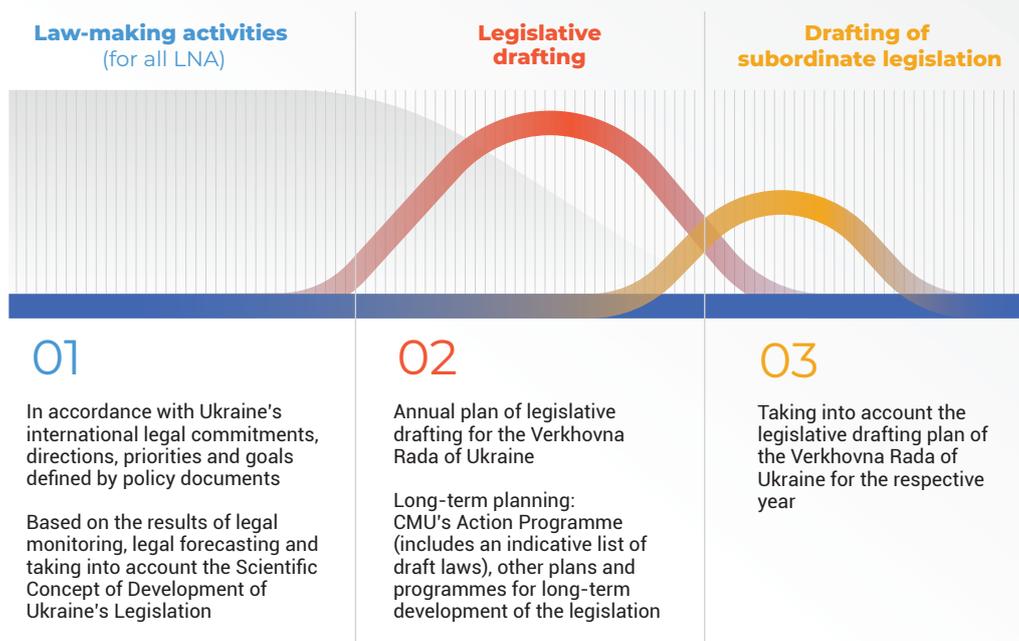
## Law-making stages

The planning of the LNA and the drafting process are preceded by legal forecasting, which includes:

- ✓ trends in the contemporary legal system development
- ✓ social needs, public interests and public relations that need to be regulated through law-making activity
- ✓ promising forms and methods of legal regulation of public relations
- ✓ systemic drafting and adoption of legal and normative acts
- ✓ impact assessment of the proposed legal regulation and/or protection on public relations



## Law-making planning





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## Law-making stages



### Law-making initiative



### Public consultations

- ✓ May be held at different stages
- ✓ Are mandatory before submitting the draft LNA to the law-maker
- ✓ Need to be held within a reasonable time, at least 15 business days of the date of notifying of these consultations



### Concept of the LNA draft

- ✓ LNA is drafted based on its concept
- ✓ A concept reflects a principled approach to the regulation of public relations
- ✓ A concept is required for the most important in terms of their content and significant in terms of their scope draft laws (draft codes, new versions of laws, large draft laws with an expected number of articles at least 100)



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## Law-making stages

### Drafting of LNA

- ✓ Collection of necessary materials and information
- ✓ Implementation of legal monitoring of the legislation in force
- ✓ Development of the concept of the draft legal and normative act
- ✓ Drafting the text of the legal and normative act, explanatory note and other supporting materials
- ✓ Impact assessment of the draft legal and normative act and reporting the results thereof in the explanatory note

### Impact assessment

#### Impact assessment

01

Relevance of the problem

02

Alternative ways of resolving the problem and their quantitative and qualitative assessment

03

Identifying the most reasonable alternative, the way of its implementation and further legal monitoring

- ✓ Analysis of the degree of compliance of the draft legal and normative act with the essential provisions of the EU acquis if its subject of legal regulation belongs to the priority areas of approximation of the legislation of Ukraine with that of the EU
- ✓ Organisational and technical support for legislative drafting
- ✓ Holding of public consultations
- ✓ Agreeing the draft legal and normative act with competent public authorities, local self-governments in the manner prescribed by the legislation of Ukraine

**All these stages are mandatory for draft laws.  
Law-makers can draft acts in cooperation**



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## Law-making stages



### Expert review of drafts in terms of:

- ✓ Their compliance with Ukraine's commitments towards integration into the EU and approximation to the EU law (EU acquis)
- ✓ Their compliance with the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols and the case law of the European Court of Human Rights
- ✓ Anti-corruption
- ✓ Financial and economic
- ✓ Environmental
- ✓ Digital
- ✓ Anti-discriminatory
- ✓ Gender and legal
- ✓ Other types of expert reviews



### LNA adoption and signing

- ✓ May be carried out by means of an electronic signature in the manner prescribed by law



### Official publication

Official publication on the websites of authorities that adopted the LNA with a registration code only (except for local self-governments, state administrations and professional self-governing bodies)

- ✓ **LNAs are registered in the unified state register of legal and normative acts**



### Entry into force by the legal and normative act



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## Law-making stages



### Effect of the legal and normative act



### Legal monitoring

**systemic, comprehensive activities of law-makers, aimed at observation, analysis and assessment of the legislation in the course of its implementation with the purpose to improve it and forecast development, through:**

- ✓ Analytical generalisation of data on LNA application practices; enforcement and judicial practice relating to the effect of LNA
- ✓ Holding of public opinion polls on the content and effect of LNA
- ✓ Analytical generalisation of requests of citizens and their associations to public authorities, local self-governments on matters related to the effect and implementation of LNA
- ✓ Sharing of information on the application of LNA between public authorities or local self-governments
- ✓ Analysis of court decisions in cases of challenging of LNA
- ✓ Use of other methods



### Use of the legal monitoring results

For planning of law-making activities, which should include the results of legal forecasting and legal monitoring

