UNDERSTANDING IMPLEMENTATION OF REGULATORY IMPACT ASSESSMENT IN POLICYMAKING IN ROMANIA AND NORTH MACEDONIA: A COMPARATIVE VIEW

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Abstract: *Addressing societal issues in a manner which is recognizing its complexities has been a great challenge for policy analysts and policy makers. Theories of recognizing the importance of better policies have very much focused on creating and transforming of policy relevant information into coordination and decision making processes. In the last decades, countries have been engaged into a process of reforming policymaking as to make more effective while including evidence-based instruments into the decision making process. This paper, sets to analyse the application of Regulatory Impact Assessment (RIA) into policymaking, taking into account that even before accession to the European Union, both countries of interest, Romania and North Macedonia has introduced the RIA as an evidence-based instruments, although the EU has no specific competences in the administrative sphere. However, an indirect impact of EU through the administrative standard set in the aquis, the transfer of the best practice and the promotion of its own management practices can be noticed on the administrative practice of Member States. The aim is to present several factors that emerged from the transfer process of policymaking into practice at a national level. Presenting and analysing these factors is seen as a way of understanding why the culture of using RIA in Romania is a path still under construction; and the fact that in North Macedonia has not produced the expected quality of legislation process. The methodological part takes the form of a qualitative analysis, consisting in the presentation of the steps made for understanding why the use and the quality of RIA is highly uneven, and many RIAs are superficial.*
Keywords: *policy capacity, regulatory impact assessment, evidence-based policy*

INTRODUCTION

Theoretical, policymaking is a very clear process, but often in practice in an asymmetric relationship, between politics and data. Moreover, policymaking far from being static is in itself a dynamic process and entails a competition in conceptualisation of the policy problem. Based on governance framework in this process are involved various actors and institutions making a policy network consisting of political actors, pressure groups, policy analysts, think tank. Using evidence to inform policy is not a new idea. From several scholars perspective (Greenhalgh & Russell, 2009; Marston & Watts, 2003; EC, 2017; Hansen & Rieper, 2010) a policymaking based on data and hard evidence is a self-

evidence alternative, a self-explanatory term, obvious enough for understanding it without effort. The above perspective on data is contradicted by certain voices of evidence literature (Kay, 2011; Pawson, 2006) which argued that the different nature of research, the variety of approaches and perspectives, the complexity of various tools, result in different definitions of the "evidence".
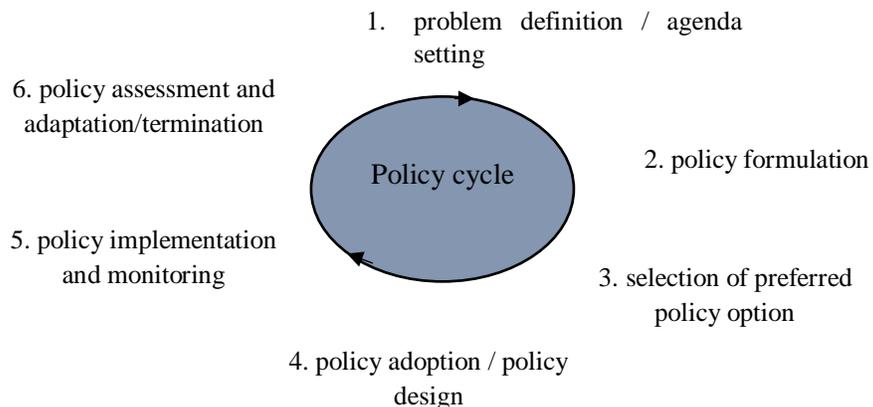
Anyway, policymaking, nowadays requires robust evidence, impact assessment and adequate monitoring and evaluation, and since the principle of better regulation cuts horizontally across different policy areas, it has repercussions for many various stakeholders. Of course, in this paper we do not say that evidence-based policy is a panacea and a tool which directly will conduct to the success of policy. In the history of evidence-based practice there are also examples when the use of scientifically established evidence lead to failed policies.

Also, governments need to design and implement quality policy interventions to face fiscal and economic constraints, social and demographics deficit, poverty so on. To face these challenges, the European and international practice recommend evidence-based policy and regulatory impact assessment as effectively approaches which support policy decision and decision-making, in general. Just before the end of 2015, the European Commission made a significant step forward in the implementation of its Better Regulation Agenda. The EC has committed to put better regulation principles and scientific evidence at the heart of policy-making since "policy making requires robust evidence".

POLICY CYCLE AND EVIDENCE-BASED POLICY: A GLANCE

The most common approach for study public policy is the stages approach. The path of policy cycle is different from one author to other, but taking the classical model and looking at it in terms of stages can help us to understand better the relationship between policy stages and evidences.

Figure 1. Policy making cycle

1. problem definition / agenda setting
6. policy assessment and adaptation/termination
2. policy formulation
Policy cycle
5. policy implementation and monitoring
3. selection of preferred policy option
4. policy adoption / policy design

Source: authors based on classical model of policy process

If we analyse carefully the above conceptualisation it is possible to stress that research and evidences have the potential to influence the policymaking at any stage for formulating the policy alternatives, as well as for adapting the planning and the implementation. Looking on the policy cycle, it can be notice that problem definition stage (agenda setting) has a greater potential to benefit from evidence-based approach. Problem definition is arguably the most important step in the process of policymaking, because it is the basis for everything that follows. Knowing very well the causes and effects of a policy problem ensures a high ration for designing the policy alternatives and drafting the specific objectives. In other terms, if the problem is not clearly defined, it is difficult to find the right solutions. Moreover, this approach allows the policy actors to understand better the different types of research and analyses and evidences that might be needed. High quality scientific advice, provided at the right time in the policy cycle, will improve the quality of policy.

Data and strictly scientific analysis, in a word "evidence", can and should be a core component of policymaking, supporting in the same time the coordination of rational decision-making instruments with the political understanding. Thus, evidence-based policies is a decision-making process which combines deductive logic with statistical analysis to inform policy options. Its hallmark is represented by rigour and objectivity.
In this framework, policymaking appear a more rational process, not in the sense of a comprehensive rationality described by the rational model in which the goal is set, the policy alternatives are fully documented, the impacts are precisely predicted and the optimal solution is chosen. It would more appropriate to speak of a process resulted as an incorporation of different rationalities of various actors guided by the general interest not only the political will.

The evidence-based policymaking is an approach that allow the classical model of policymaking to become more closed to the reality. The evidence-based policymaking is not a practice founded in one country or in few ones, on the contrary it is spread on the entire world. If we look back it can be remark that over the last years the British government has been promoting the concept and approach of evidence-based policy. The perspective gained credibility under the Blair administrations, and the main aim was to replacing ideologically-driven politics with rational decision making. In the continental European countries, the evidence-based policymaking approach is interlinked with better regulation approach.

A short description of evidence-based policymaking conducts us to the conclusion that evidence-based policymaking is a set of methods which inform policymakers and the policy process, allowing the first one to take a documented policy decision. The approach advocates for a more rational, rigorous and systematic policymaking, because a policy based on evidence is seen to produce better results. A misunderstanding of evidence-based policy is that this approach need only data which can be quantified, but, in reality the evidence can take also the form of qualitative data. However, if the drafters decide to use the evidence-based approach it is recommend to focus on quantitative data because these type of data give a high level of trust and objectivity, but in the same time is important to take the measure for avoiding different biases that can occur in quantitative and statistical analysis.

According to Banks (2009), all good evaluations have a number of features in common in that they:

□   test a theory or proposition as to why policy action will be effective in promoting community

□   well-being;

□   treat the counterfactual – what would be in the absence of the program – seriously;

□   quantify impacts where possible;

□   include both direct and important indirect effects;

□   set out the uncertainties and control for confounding influences;

□   are designed to avoid error that might arise through self-selection or other sources of bias;

□   include sensitivity tests; and

□   can be tested and replicated by third parties.

A serious confusion for policy makers can be created by the uncertainty of scientific evidence and the complexity of policy. In this scenario, the policy makers are often faced with the question of which opinion they should base their decisions. Very closed to uncertainty are other two concepts: hazard and risk. The way in which risk and uncertainty are presented to the policymakers and communicated to the public is of fundamental importance both for policymaking and for public risk perception and acceptance (EC, 2018).

REGULATORY IMPACT ASSESSMENT: A SPECIFIC TOOLS OF EVIDENCE-BASED POLICY

Regulatory impact assessment is a tool used by governments to support evidence-based and coordinated policymaking. It is important to acknowledge that at each stage of the policy cycle, a number of different factors will also affect policy. Regulatory impact assessment (hereinafter RIA) is a tool for evidence-based decision-making. It helps assess the different options to solve a problem by providing evidence of the costs and benefits of each option. It promotes transparency as it relies on stakeholders' participation in the policy and regulatory process. It is for use throughout the policymaking process, although it is particularly important to note that it is used at the beginning as it will help to develop better policy.

Regulatory impact assessment is a widely used tool of evidence-based policy that allow a systematically analysis of the impacts of public interventions by asking questions about the costs and benefits; how effective will the action be achieving its policy goals and; whether there are superior alternative approaches available to governments. RIA is a tool which give information ex ante about the potential effects of public policy, as well as ex post information when it is used in the post implementation stage of policy. In this terms, RIA can support policy makers to change their perspective on policy cycle.

In general terms, RIA is defined as a policy tool that is used to make policies effective and efficient by providing affected stakeholders by default with high quality regulation. In many countries the tool has been used to foresee whether the proposed legislation will increase or decrease administrative costs.

Still, the evidence will not ensure the success of policy if the empirical findings are even irrelevant for the circumstances, or their general character is wrongly interpreted. However, in a world which become more and more complex and interconnected, the policy problems are cutting across disciplines and geographic boundaries. Especially for this

context, but not only, science-informed advice to policy can provide a support for likely impacts of policy decisions.

If one try to identify a definition of RIA, we will observe that the abundant literature on the topic illustrates that from a purely conceptual point of view, there is no generic definition of RIA. From the World Bank's perspective, RIA is a "tool that helps policy makers ask systematic questions about the different policy options and consequences of government interventions" (World Bank 2010).From the OECD perspective, the impact assessment represents an "analytical approach based on the information in order to evaluate the possible costs, consequences and effects of a planned instrument of public policies (OECD, 2001).

At a first glance, the role of impact assessment seems straightforward: "to inform the decision-makers about the potential consequences of their policies". In essence, the role of impact assessment is more complex; it aims to improve decision-making processes by systematically collecting information about the likely impacts of a planned policy and thereby providing the basis for deciding "the best policy" (Staronova, 2007).

While there is no unique definition, there is a unanimous agreement in both literature and practice on the importance of RIAs as an efficient and transparent, while at the same time increasing regulators' accountability, and on its key elements (GIRG, 2016):

☐   Defining a regulatory problem

This phase is the preliminary point of RIAs: identifying the regulatory or policy problem. Problems usually fall within three categories: market failure, regulatory inefficiencies, and new policy targets or objectives.

Identifying different regulatory options

During this step, the need for regulatory intervention identified in phase 1 has to be translated into concrete policy options.

☐   Collecting data

This phase is crucial and the means to achieve it are diverse and vary greatly among countries. Relevant data for the RIA are collected from public consultations, telephone and face-to-face interviews, paper questionnaires, online surveys, focus groups, etc.

☐   Assessing alternative options

The central phase of RIAs most of the time results in a cost-benefit analysis, but can also be a cost-effectiveness analysis or a risk analysis. Options assessed must include the "no policy change" scenario.

☐   Identifying preferred regulatory option/s

Once the different options have been identified and scrutinised (usually by comparing the costs and benefits), the comparison of the different assessment will lead to the identification of the most efficient option.

☐   Communicating results of the conducted RIA

Once taken into consideration by the policy makers, best practices suggest publication of the result of the RIA. This allows further exchange with stakeholders and improves the general transparency of the regulatory process.

Within the policy-cycle, RIA reforms may not be considered politically attractive compared to other reform options. A study of World Bank (2018) presented the main reasons:

☐   Crowding out: competing short-term reforms seen as low hanging fruits, for the political principals can crowd out more time-consuming and challenging RIA reforms;

☐ Insufficient adaptation ("plug and play"): an often-voiced criticism is that RIA systems in developing countries involve too little adaptation of practices of developed nations "OECD best practices";

☐ Misunderstanding of reform requirements ("Pig-in-a-poke"): domestic reform champions may have insufficient understanding of RIA as a long-term governance reform that needs broad stakeholder buy-in;

☐ Resistance and vested interests. RIA systems in developing countries may also be difficult to implement because of lack of commitment among civil servants;

☐ Impatient donors. Some observers and anecdotal evidence also suggest that development partners supporting RIA reform have an overly optimistic view about the time it takes for an RIA system to develop and become sustainable;

☐ "Unhinged". This hypothesis suggests that RIA reforms face implementation challenges because they are developed and implemented in a "vacuum", without adequate linkage to other supportive governance systems such as for example performance management, strategic planning, administrative procedure or freedom of information laws, as well as to the general policy development process.

Countries show a large degree of variation in their approach to doing impact assessments.

REGULATORY IMPACT ASSESSMENT IN ROMANIA AND NORTH MACEDONIA

Research methodology

The methodology design for carrying out the analysis has been based on the one hand on data collected from literature and specialised analyses and studies, and on the other hand on data obtained through semi-structure interviews with different policy actors. The goal has been to get data regarding the perspective of various policy actors on regulatory impact assessment tool, and its benefits or costs for policymaking. Thus, the methodological part takes the form of a qualitative analysis, consisting in identification of the steps made by Romanian government for understanding why the use and the quality of RIA is highly uneven, and many RIAs are superficial.

Case of Romania: Results

The history of impact analysis, including an incipient form of RIA goes back till the pre-accession to European Union, and started with a project financed by the EU, having the goal a depth impact analysis of Romania's accession. At very short time after accession negotiations started in 2000, a series of pre-accession impact studies project was developed by the European Institute of Romania. The core of the studies was to measure the impact of EU regulations on Romania, especially the ones affecting trade, investment, migrations, agriculture, industrial activity, environmental protection and social protection. This is an example of an ad hoc pilot project that could become a germen of a more systematised method of regulatory impact analysis.

Developments has not stopped here. During the last ten years, OECD, European Commission and World Bank carried out a number of studies concerning the evaluation of the public policies management system from Romania. Their evaluating reports indicated deficiencies related to the management of decision-making and policy-making process as

well as the scarce using of the impact assessment tool and they have recommended to improve them (Matei & Dogaru, 2011).

The findings discussed in this section start from the fact that the references to impact assessment date from 2000 and is found in the provisions of Law no. 24/2000, a law concerning the technical aspect of elaborating normative acts. The provisions of art. 20 of the above mentioned law stated that drafters were compelled to argue their legal proposals on the results of preliminary documentation regarding the social, economic and historical realities and compliance with foreign legislation, and also to complement the final draft with a substantiation note. A similar require it is found in the provisions of Government Decision no. 1361/2006 regarding the content of presentation and fundamentation tool of legal acts pending for Governmental approval. According to that the proposals need to include the impact on competition, state aid and, if applicable, on environment and references to the consultation of the associations of local governments and inter-ministerial committees. For policymaking, a direct impact have the Government Decision no. 775/2005, the first legal acts that speaks about policy documents and policy process in Romania. Here, it can be find references to the impact requirements, in the way that in the structure of the policy proposal need to be a section where are presented the different impacts of the proposal, generally from social, economic and environmental perspective. As, one can remark, the normative acts that mark the policy process framework are not all specific only to this process, but they have provisions and title for policymaking, and also law-making. Unfortunately, this legislative practice creates ambiguity and confusion into RIA system and between these two types of acts.

Thus, it can be notice a structured normative framework for policymaking based on several normative acts amended and consolidated during time, but which unfortunately could not support a well-developed culture of evidence-based policy. In this context, regulatory impact assessment for regulatory acts and public policy remains uneven. The issue of using impact assessment, is more controversy when we speak about public policy, especially because in Romania persists the normative approach of policymaking, policy makers preferring to draft a legal text for solving the policy problem.

Taking into account the above elements it seems that evidence-based policy' arena is relatively well designed, but unfortunately in practice it was noted that the use of impact assessment is a superficial process. On the basis of this framework, the most known regulatory impact assessment tool from Romania is the substantiation notes, and because the structure of this document is very similar with the structure of policy proposal it can be said that the closest instrument to regulatory impact assessment for policymaking is the policy proposal.

The findings of our research stressed that in Romania the issue of using RIA is not a consequence of the lack of procedures, but a lack of the Romanian institutional capacities for using this type of evidence-based policy in a proper way. In this sense, a World Bank project conducted in Romania emphasises the following main issues (WB, 2015):

☐ limited technical capacities and a strong legalistic interventionist approach to decision-making,

☐ reduced political commitment to the use of RIA and

☐ inadequate participation of stakeholders in the preparation of regulatory proposal.

To these, based on the research conducted have been drawn out, also the following limits:

☐ a culture of bureaucracy which questions the reform due to their preference for stability not for change;

☐ misunderstanding on the benefits of using RIA;

☐ lack of reliable data necessary for RIA;

☐ lack of communication to partners of the RIA' results;

☐ limited mechanism for collecting and interpreting data.

Having in mind that policy stakeholders have knowledge of evidence-based policy approach and they appreciate that impact assessment studies can help the elaboration of better policies, it could be possible to identify the seeds for improving the development of impact assessment studies for policymaking. Therefore, starting from these, during the last decades, studies carried out by European Commission, World Bank, revised that impact assessment is a known tool by the public authorities in Romania, but still it has not the power to support evidence-based policy, neither evidence decision-making. However, this does not means that in Romania the impact assessment is totally missing in the practice of policy makers, on the contrary in the last years appeared several impact assessment studies very well developed. The main elements that outline the using of impact assessment and also the evidence-based approach in Romania are following ones:

☐ specialised structures called policy units at ministerial level, having as main function argumentation and support for policy design;

☐ specialised structures called inter-ministerial committees, having as main function coordination of sectorial policies;

☐ formalisation of policy documents (which in Romania are policy proposals, strategy and plan) throughout a series of normative acts;

☐ a new mechanism for systematizing the flow of government regulatory decisions, called Government Annual Work Plan;

☐ a manual for conducting impact assessment studies in the field of health.

It is important to keep in mind that RIA is a horizontal policy tool – it needs to be co-ordinated and carefully managed across the central ministries of government and other law making institutions, as for example independent regulators. A new regulatory impact guidelines have been developed in 2015, and the Government Decision no. 775/2005 has been amended in 2016 by the Government Decision no. 523/2016. The Government Decision no. 523/2016 established a mechanism for quality control of regulations at the level of ministries. According to this, the new form of public policy proposal bring a more detailed impact assessment of policies alternatives. In this sense, the new rule add to the old provisions the following (Dogaru, 2018):

☐ economic and business environment impact assessment, emphasising the following aspects:

o the impact on public finance;

o the impact on smaller and medium enterprise:

o the impact on public services delivered by national and local public administration.

☐ budgeting and financial impact assessment:

o costs and revenue generated by the initiative on the state budget, as well as the resulting, plus / minus impact;

o costs and revenue generated by the initiative on the local budget, as well as the resulting, plus / minus impact.
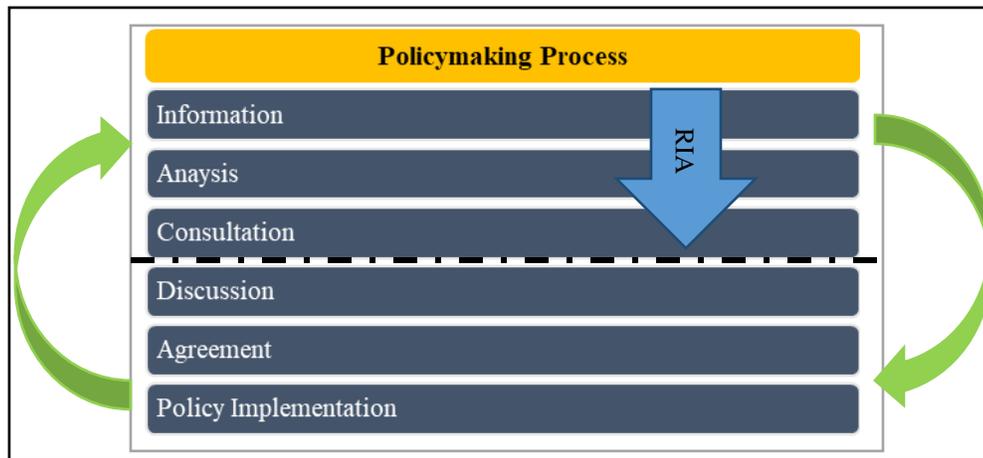
☐ social impact - the impact on social services;

When proceeding a RIA, Romanian public authorities should follow for completing the ex-ante impact assessment of public policy the steps mentioned below:

☐ defining the resources and the results for the alternatives;
☐ analysing the resources and results;
☐ analysing the impact for each alternatives;
☐ analysing the beneficiaries and stakeholders;
☐ identifying the criteria for decision-making;
☐ weighting of each criteria;
☐ evaluating the alternatives according to the criteria set up;
☐ identifying the best alternative.

These procedural steps have to be fulfilled in the initiating process of a policy proposal by the line ministries and other institutions of public administration. For policymaking and proposed legislation, regulatory impact assessment (RIA), combined with public consultations, should be the default, or the norm. According to national legislation each public policy is required to undergo an impact assessment. This systematic process of questioning at the beginning of the policy cycle facilitates necessary reflection on the important range of details to be taken into account when designing and implementing regulation. In case of Romania, although, we notice its progress for defining and consolidating a framework inside of which the impact assessment can find more often a place, we must also remark the fact that this key areas of modern governance remain insufficiently explored and exploited.

The practice imposes the elaboration of the ex-ante impact assessment on at least two stages. The first one, ex-ante impact assessment is carrying out in order to assess the alternatives of public policy. This evaluation is comprised inside the policy draft, as the evaluation of public policy alternatives. Often, after the approval of public policy draft and during the implementation stage, in the preparing draft laws moment, the second impact assessment is carrying out. The draft laws are drawing up when the proposed solution by the policy proposal is linked to the introduction of new regulation in matter, and they should be supported by an impact assessment in order to determine their consequences (Matei & Dogaru, 2011). Since RIA provides an assessment of regulatory alternatives, it is important to integrate it at an early stage of the process. For a general understanding of the link between RIA and policymaking process, the OECD (2007) proposed the following diagram:
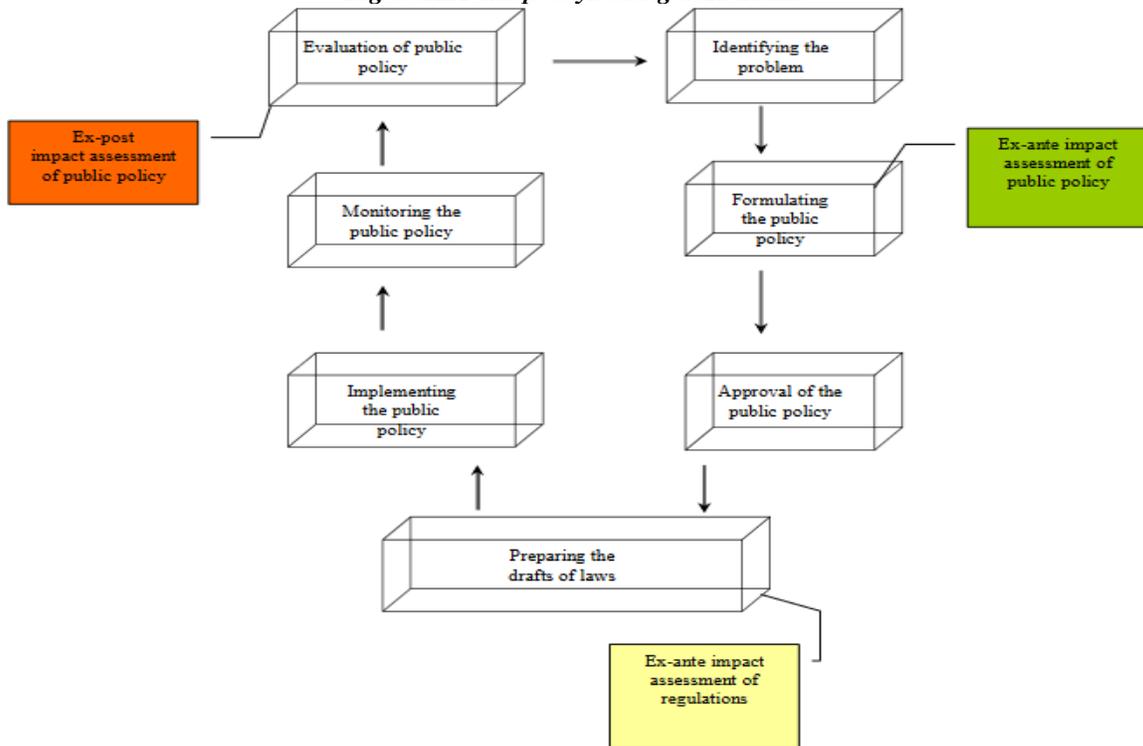
Fig. 2. RIA and policymaking

Source: OECD, 2007& 2008

For, the particular case of Romania, the relationship between policymaking process and RIA is better depicted by the following diagram:

Fig. 3. RIA and policymaking in Romania
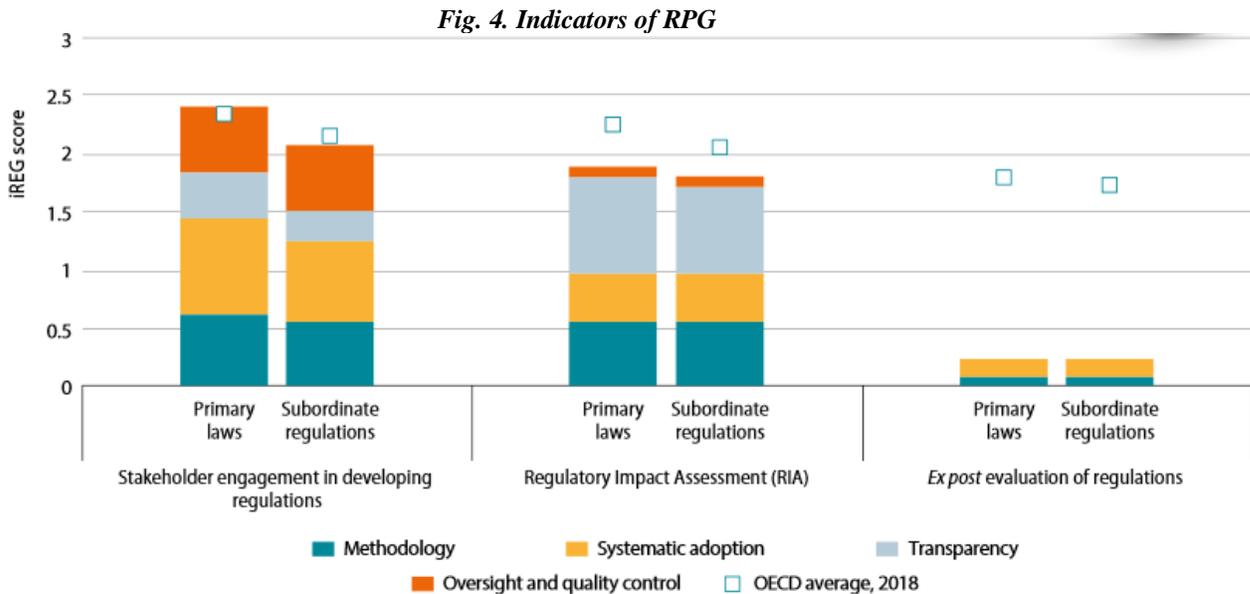

Source: Matei & Dogaru, 2011

Based on the new methodology of RIA, three pilot impact assessment studies were conducted, as pilot project. The projects have been conducted in the fields of:

☐   Social Housing;

☐   Food Integrity in Romania;

☐   Apprenticeship System in Romania

Since then, the Romanian government with World Bank support developed only one more impact assessment in the field of smart metering, but otherwise the new methodology of impact assessment has not become a part of Romanian administrative culture, and even more, at the time being there is no policy proposal developed based on the new form.

Nevertheless, challenges in the implementation of RIA remain. In practice, the quality of substantiation note (explanatory note) varies and the actual assessment of impact is not, as we mentioned, always conducted. It is important to note the steps started in 2015 for improving the impact assessment methodology, but at present Romania should strengthen its oversight of RIA to ensure that RIA can effectively inform and support policy makers on the cost and benefits of different policy alternatives. Another, very important aspects regarding RIA in Romania is that currently the Romanian authorities try to develop proportionality criteria so as to better focus the efforts on policy and regulatory proposals with significant impacts (OECD, 2019).

For Romania, the indicators of regulatory policy and governance shows the below situation:

Fig. 4. Indicators of RPG

Source: (iREG) 2018, http://oe.cd/ireg

Case of North Macedonia: Results

The quality of the legislative preparation process is of paramount importance to democracy, good governance and the rule of law. Regulatory Impact Assessment (RIA) is a key milestone in achieving better quality legislation as it provides a detailed and systematic assessment of the potential impacts of new or modified regulations on many

aspects of society and to assess whether it achieves the desired goals. The need for RIA stems from the fact that regulation often has a number of implications that are often difficult to predict without detailed study and consultation with stakeholders. There is also a high risk that regulatory costs may outweigh the benefits. From this perspective, RIA's main goal is to ensure that regulation achieves the set goals and that the benefits outweigh the costs. With this, the RIA framework is an important tool for regulating the processes in the administration that include the consultation processes and identifying the most appropriate and economical implementation options.

The Republic of North Macedonia has a clearly defined long-term commitment to joining the EU. Along the way, one of the country's main challenges is to harmonize domestic legislation with the EU's EU Communications Authority and to harmonize EU standards for democracy, good governance and the rule of law. Thus, the quality of political dialogue, active participation of citizens in the decision-making process and the process of preparation and implementation of legislation and evaluation of policies and regulations is of critical importance and a key milestone for improving both policies and legislation.

RIA in North Macedonia is a part of the general regulatory reform, which began in 2006. This reform is still in process and is divided into two phases. The Regulatory Guillotine5 is the first phase, while RIA is part of the second. More precisely, RIA is part of the project Capacity Building of the Administration for EU Integration, Global Opportunities Fund - Reuniting Europe (GOFRE), which is being implemented in cooperation with the government. Together with Strategic Planning, it is part of the component Public Administration Reform as Support of the EU Accession Process.

The methodology for RIA stipulates that the process of preparing RIA takes place in four phases:

☐   PLANNING: includes the activities which every ministry undertakes in the process of drafting an annual working plan and law drafting.

☐   IMPLEMENTATION: includes activities which every ministry undertakes when drafting laws, for example: internal consultations among the ministries, external consultation with the concerned parties, and publishing all relevant information on the draft law on the website of the Single Electronic Regulation Register (ENER).

☐   FOLLOW UP: includes the activities which are carried out by the General Secretariat, such as the coordination and approximation of the drafted law and its reading at the government's meeting.

☐   IMPROVEMENT: includes the activities in the concerned ministries and in the General Secretariat for follow-up and analysis of the law's impact. The impact is assessed in a previously defined time period; usually one year after the respective law has come into effect; and depending on the results of the assessment, the law is to be prepared for amendment.

In January 2009, the Government of the Republic of North Macedonia adopted the Methodology of Impact Assessment of Regulation (RIA) which became mandatory for all legal proposals, and in 2013 the Methodology for Evaluation of the Implementation of Regulation (ex post)

By providing a methodological framework for rational policy selection, ex ante and ex post evaluation allows results to be assessed in relation to the objectives set. The contribution of these two methodologies is based on the principles of "good governance": proportionality (regulation should be appropriate to the size of the problem to which it is

intended to respond); targeting (regulation focuses on the problem and does not cause unintended consequences in other areas of the economy or society); consistency in decision-making (to avoid uncertainty); responsibility for regulatory activities and results; and transparency through public consultation and decision-making. Ex ante and ex post evaluations, especially RIA, also give us another dimension that is usually forgotten: how introduced policies will affect different groups in society (women, men, vulnerable groups such as people with disabilities, single-parent families, etc.) and society as a whole.

At the moment, the concept of how RIA works, which the Republic of North Macedonia has adopted following the example of the best school in the UK and the UK's Department of Business Innovation and Skills, as a basis for understanding economic implications, is not well understood in our country. The obligation to draft RIA for draft laws was introduced in 2009, but it is either not respected at all, or reduced to formality without extensive analysis of the impact on various social aspects. Though the understanding of the concept of how RIA works seems to have advanced on the side of state institutions, little progress has been achieved in pooling expertise beyond the state administration. As such, RIA is less understood by CSOs, media, and trade unions. Submitting a RIA along with the drafted law is obligatory since 1 January 2009. Having considered the developments of this process to date, the estimations are most diverse. It is clear that the RIA templates are attached to every submitted draft law, but the quality varies from ministry to ministry. Better quality and more detailed RIA are being prepared in ministries whose teams receive technical support from external donors.

Including stakeholders in the policy-making process constitutes a substantial element of RIA. By organizing consultations, the policymakers open several avenues for gathering information and data important for the policy-making process, which they cannot gather and analyse by themselves. The guidelines on RIA in several OECD reports consider the consultations to be a significant element, mentioning that the public is to be permanently included in the consultations and in fact from the earliest phase of the policy-making process.

Looking back at the trajectory of RIA development in North Macedonia, it gets evident that it is precisely the consultation aspect of RIA that has been rather overlooked. Namely, the application of RIA goes hand in hand with the obligation for all institutions to involve stakeholders in the consultation process from the very beginning of the process and during the preparation of legislation. In this way, the process in which citizens will influence decision-makers and policies is formally established with the use of the single national electronic register of regulation (ENER).ENER is the online space where all draft regulation is being published. Responsible state institutions (ministries) are obliged to publish each policy proposal on ENER along with the additional accompanying documents throughout the entire cycle of preparations. Stakeholders and any other parties, including general public, may post their comments on any of the draft regulation that has been published. The responsible ministry is obliged to take the views into consideration and respond accordingly.

The low interest of the included parties and of the citizens in general in active participation in the consultation process is one of the major challenges. Despite the possibility to comment online on the legal acts in question on ENER, citizens' interest in commenting and suggesting changes is still very limited. The portal has been in place for more than 10 years, yet, due to the low utilization rate by the citizens, its achieved impact

on the enhancement of citizens' participation in the policy making process leaves large room for improvement. According to the government officials, the low utilization rate mainly has to do with the low level of awareness of the general public in North Macedonia in regard to the active involvement in the policy making process. In a personal communication of the author with one of the government officials in charge of ENER, it was bluntly stated that "the government cannot force citizens to provide their feedback on policy proposals. We have done everything that falls under our competences to promote e-participation. Now it is citizens' turn to be more proactive".

The statement above is fully backed by the findings of a survey conducted by IDSCS and CEA, which emphasizes that 86% of the surveyed citizens have responded that they have not heard of the existence of a process called "regulatory impact assessment". An insignificant 12% have responded that they are aware of this instrument. The perception of more than two thirds of the surveyed citizens is that when adopting or amending legislation, consultations with stakeholders are still a less common practice. This is further backed by the finding that 80% of respondents considered that CSOs are rarely or never consulted when new piece of legislation is enacted or amended. Trade unions, as is the case with CSOs, seem to be the least consulted stakeholders in the process of policy making.

The above-mentioned findings are in line with the remarks contained in the European Commission progress reports on North Macedonia for the past years. The remarks contained in the reports usually state that although the guidelines on RIA are enacted and the civil servants involved in drafting laws have undergone various trainings, ministries still do not organize consultations with stakeholders and do not prepare systematic lengthy analyses for the laws that are being drafted. A serious concern raised by the EC progress report is the data gathering and data quality which continue to be a major shortcoming directly hampering proper evidence-based policy and the drafting of laws. Extensive use of shortened legislative procedures which limit the quality of draft laws, is still evident though less encountered than the previous years. The report of 2018 further emphasizes that „Regulatory impact assessments are well regulated, their use has slightly increased and their quality has started to improve. Financial impact assessments for some laws are either missing or they are not comprehensive. There is still a problem of institutions either not responding to impact assessment comments or being unwilling to incorporate feedback from the impact assessments".

What is obvious in North Macedonia is that the ICT infrastructure that enables online consultations has become an end rather than a means for citizens' involvement. It is true, though, that the ICT infrastructure in the country is being considered good enough to promote e-participation. Yet, without the citizens' making full use of them, their value may be diminished completely. Therefore, along with the investment in ICT infrastructure, the authorities should not turn a blind eye to the problem of low level of involvement of the citizens in the consultations as part of RIA. Efforts should be invested on raising the awareness of the citizens for the benefits that arise with their active involvement in the policy making process, as well as in building a trustworthy rapport between the citizens and the state institutions. Only in this way, could we be able to speak of real RIA as an inclusive democracy tool in the country.

CONCLUSIONS

The debate concerning the nature of policymaking is never ending, because as same scholars noted (Hallsworth, Parker, & Rutter, 2011), one the one hand it can never be considered as independent of politics, and on the other hand data and scientific analysis are never "crystal clear" and beyond politics. Evidence-based policy tends to be less well established in developing countries than in developed ones, but better utilization of evidence in policy and practice can help save lives, reduce poverty and improve development performance.

In Romania, according to the law, all regulations need to have explanatory notes, and RIAs are to be posted alongside the regulation when pro-posed regulations get published on a ministerial website or submitted for consultation. The problem is that, despite the legal requirements, the quality of the explanatory notes is often criticized, defeating the purpose of transparency and accountability.

Therefore, under the Romanian law there are two main types of impact assessments, impact assessment for public policy alternatives, stated by Government Decision no. 775/2005, revived in 2016, and the impact assessment for legislative/normative draft stated by Government Decision no.1361/2006.

By taking the evidence-based policy approach, governments can reduce wasteful spending, expand innovative programs and strengthen accountability. So, the overall aim of RIA is to assist governments to make their policies more efficient. At the final stage of the policy process, after the regulation is operable, an RIA process should include an evaluation of whether regulations are operating in the manner that was expected. Better regulation and promoting impact assessment remains a goal, and also a challenge for Romania in its process of attempting to identify solutions for the real problems coming from the economic, financial and social point of view and generated by the evolution of the globalization.

Acknowledgement

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