



# ReSPA

Regional School of Public Administration (Phase 2)

This programme is financed by the European Commission



## Course on Legislative Drafting - EALL

A training organised in cooperation with the European Academy for Law and Legislation (EALL)

Skopje, 26-29 January 2010

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### PROGRAMME

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#### **TUESDAY, 26 JANUARY 2010:**

**Morning Session: 09.30 – 12.30 hrs, Introduction + implementation of EU legislation**  
**Coffee break: 11.00 hrs**

Trainer: *Simone HENDRIKS-DE LANGE, LL.M. (Ministry of Justice, EALL)*

Theme: **Implementation of EU legislation**

- General notions (EU law requirements to transposition, permitted techniques etc.)
- Translating the *acquis*: EU and national terminology:
- Difficulties implementing EU legislation
- Solutions, techniques and instruments to improve and facilitate transposition
- Implementation and enforcement (techniques and methods – the example of the Netherlands)
- Discussion

**Lunch: 12.30 – 14.00 hrs**

**Afternoon Session: 14.00 – 17.00 hrs, Introduction (continued)**  
**(Tea break: 15.00 hrs).**

Trainer: *Dr. Anne MEUWESE (University of Antwerp)*

Theme: **Theory and practice of legislation**

- Basics and roots of legislation
- Legislative cultures
- Rationalities involved in legislation
- Functions attributed legislation
- Legislation and regulation
- Quality of legislation – principles, policies and instruments to improve it
- Introduction to Better Regulation
- A learning legislator? How to make use of theoretical notions and scientific insights in practice

#### **Objectives of Day 1:**

Participants have acquired a basic knowledge of legislation. They are aware of legislative cultures, the functions of legislation, the various meanings of 'legislation' versus 'regulation', quality principles and how to operationalise them. Furthermore they have gained insights in the dynamics of implementing EU legislation as well as possible obstacles and ways of solving those.

## **WEDNESDAY, 27 JANUARY 2010:**

**Morning Session: 09.30 – 12.30 hrs, Drafting legislation in the EU + Effects of legislation**  
**Coffee break: 10.30 hrs**

Trainer: *Simone HENDRIKS-DE LANGE, LL.M.* (EALL)

Theme: **Drafting legislation in the EU (09.00 – 10.30 hrs)**

- The EU constitutional framework
- The legislative process in the EU: before and after Lisbon
- Multi-level lawmaking

Trainer: *Dr. Anne MEUWESE* (University of Antwerp)

Theme: **Effects of legislation (11.00 – 12.30 hrs)**

- Regulatory impact assessment

**Lunch: 12.30 – 14.00 hrs**

**Afternoon Session: 14.00 – 17.00 hrs, Arriving at the learning cycle (continued)**  
**Tea break: 15.00 hrs.**

Trainer: *Dr. Anne MEUWESE* (University of Antwerp)

Theme: **Legislative cycles**

Evaluation

- The cycle: preparation – policy stage – enacting – implementation – monitoring and evaluation – feedback
- Evaluation & the use of sunset clauses

Participation and deliberation in the legislative process

- Agenda setting – interest groups – lobbying
- Improving consultation and stakeholder participation
- Improving legislative communication
- Legislative coordination & dialogue: how to involve stakeholders and implementing authorities

Alternatives to command-and-control legislation

- Self-regulation and co-regulation vis-à-vis government regulation
- Smart regulatory mixes
- Practical exercise

### **Objectives of Day 2:**

Participants will have gained understanding of lawmaking in the multi-level context of the EU, post-Lisbon. They will know about the basic concept of regulatory impact assessment as well as understand that 'quality of legislation' relates to all elements of the legislative cycle.

## **THURSDAY, 28 JANUARY 2010:**

**Morning Session: 09.30 – 12.30 hrs, Drafting legislation: an overview**  
**Coffee break: 11.00 hrs.**

Trainer: *Dr. Helen XANTHAKI* (Institute of Advanced Legal Studies, University of London)

Theme: **Drafting legislation: an overview**

- Structure of a draft normative act (theory of prioritization; parts and chapters; preambles, preliminary provisions, substantive and administrative provisions, final provisions)
- Particular types of norms (amending laws, criminal laws, taxation laws)
- Time in legislation: expression of time, entry into force
- Departing from the norm: retroactivity, transitional provisions, extraterritoriality

**Lunch: 12.30 – 14.00 hrs**

**Afternoon Session: 14.00 – 17.00 hrs, Drafting legislation: an overview (continued)**  
**Tea break: 15.00 hrs.**

Trainer: *Dr. Helen XANTHAKI* (Institute of Advanced Legal Studies, University of London)

Theme: **Drafting legislation: an overview**

- Practice

### **Objectives of Day 3:**

Participants have acquired knowledge of a systematic method of drafting. The composition, sort of norms, sanction system, inspection, monitoring and provisions, as well as entry into force have been dealt with. Drafting techniques have been introduced, serving as practical guidelines for drafting sound provisions.

## **FRIDAY, 29 JANUARY 2010:**

**Morning Session: 09.30 – 12.30 hrs, Drafting techniques: an overview**  
**Coffee break: 11.00 hrs.**

Trainer: *Dr. Helen XANTHAKI* (Institute of Advanced Legal Studies, University of London)

Theme: **Drafting legislation: an overview**

- Clarity, precision, and unambiguity
- Plain language
- Gender neutral drafting

**Lunch: 12.30 – 14.00 hrs**

**Afternoon Session: 14.00 – 17.00 hrs, Drafting techniques: an overview (continued)**  
**Tea break: 15.00 hrs.**

Trainer: *Dr. Helen XANTHAKI* (Institute of Advanced Legal Studies, University of London)

Theme: **Drafting legislation: an overview**

- Practice

### **Objectives of Day 4:**

Equipped with the freshly knowledge acquired during the previous days, participants will have put theory into practice. The transposition of a part of an EC directive has proven to participants to be a valuable exercise. A transposition plan was developed, that served as a basis for the draft.