



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)

Zagreb (Croatia), 8 – 10 June 2010

PROVISIONAL Programme

Background

Legislation that is clearly drafted and find its roots for support in society becomes even more important in view of the principles of a modern administration and in line with the accession in the EU.

Aims and objectives

The training is aimed that the participants have at the end:

- Understanding of the quality of legislation that relates to all elements of the legislative cycle;
- Knowledge on the implementation and enforcement of EU legislation in the national jurisdiction;
- Knowledge of the systematic method of drafting;
- The ability to transpose an EC directive into national legislation;

Content

The programme will mainly focus on:

- Principles of legislation and legislative quality;
- Improving the overall quality of legislation;
- The legislative process;
- Implementation and enforcement of legislation;
- Methods and techniques of drafting;

Methodology

The method is very much focussed on learning by doing. A comprehensive exercise will cover the whole last day of the training.

Participants

The seminar will be of particular interest for civil servants who are involved in the process of the preparation of legislation.

Trainer

Ms. Helen XANTHAKI, Institute of advanced Legal Studies University of London

Location

The training will be organised in Zagreb (Croatia).

Number of participants

The maximum number of participants is 21.

Dates

8 – 10 June 2010

TUESDAY 8 JUNE 2010

Objectives of part 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.

09h00 – 12h00	Introduction, Theory and practice of legislation
10h30 – 11h00	Coffee break
12h00 – 13h00	Lunch

- 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

13h00 – 14h30	Introduction, Theory and practice of legislation (continued)
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- 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

Objectives of Part 2:

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.

14h30 – 15h00	Tea break
15h00 – 17h30	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



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WEDNESDAY 9 JUNE 2010

09h00 – 12h00	Drafting legislation: An overview (continued)
10h30 – 11h00	Coffee break
12h00 – 13h00	Lunch

- Practice

Objectives of Part 3:

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.

13h00 – 16h00	Drafting techniques: An overview
14h30 – 14h00	Tea break

- Clarity, precision, and unambiguity
- Plain language

THURSDAY 10 JUNE 2010

09h00 – 12h00	Drafting techniques: An overview (continued)
10h30 – 11h00	Tea break
12h00 – 13h00	Lunch

- Practice