

Advanced Quality Management Associates International
Analytical Non-paper on Administration Economy No 2

European Commission
Secretariat-General
Office: BREY 9/210
B-1049 Brussels
SG-Consultation-minimumstandards @cec.eu.int

Budapest, 24 July 2002

Dear Sir,

having regard to the Lisbon competitiveness-criterion and the concept of optimal computer-employment in administrations based on the generic component of regulation quality¹, I would like to comment COM(2002) 277 final² as follows.

1) Giving the governance debate their best attention, AQM-associates warmly welcome the Commission's commitment to establish a coherent consultation framework. The principal aims set out on page four make one encouraged that more structured consultations will contribute to the development of a regulation quality which requires computer support to the extent to which it should be applicable.

We are convinced that voice and vote are thereby strongly kept separate from each other because as much consultations and impact assessment as measurement and assurance of regulation quality (generic component) serve as an aid but not a substitute for political judgement. The sophisticated and dynamic undertaking to analyse proposals in terms of economic, social and environmental impacts³ will surely stimulate utilization of S&T-sector's expertise. Moreover, consultations, in our view, could also generate R&D projects on governance.

2) Consultation, an activity throughout the legislative cycle, is aimed at providing opportunities for and triggering the best possible input from outside while serving the quality of the policy outcome and enhancing involvement. Administrations being at work convincingly profit by the the Commission's activities to ensure that its proposals are technically viable, practically workable. Current professional experience suggests, however, that proposals' impact assesment can be deepened by computerized tools in order to harmonize administration operation at local, regional, national and international levels while including measurable standards for regulatory quality.

¹ Outlined in *Taking advantage of a generic e-opportunity for strategic objective governance* (ISBN9630098350; 2002) which was sent to sg-governance@cec.eu.int earlier. Access to the underlying basic research report, *Computer-aided implementation of and compliance with regulations through public-private-technological partnership* (ISBN9630083388; 2001) is provided by the distributor.

² Consultation document: Towards a reinforced culture of consultation and dialogue - Proposal for general principles and minimum standards for consultation of interested parties by the Commission.

³ Cf. IP/02/825: Better consultation and accountability: modernisation plan for clearer and better European legislation.

3) Our deliberation as to policy-shaping/legislation/regulation and consultation/impact assessment/better lawmaking interfaces have admitted to evidence that specific consultations should involve cross-sectoral (e.g. computer-) technology interest groups. One series of thematically focused consultation, a subset of the focused ones, could exclusively be directed to topics concerning the policy-shaping/administration operation interface.

Consultations on innovations extending computer-employment to serve legal certainty through assured regulation operatability⁴ could contribute to making a Commission-wide approach to this very process more consistent *inter alia* for the following reasons:

- going through the legislative cycle with a fine-tooth comb can turn out that applicability of a measure checked in traditional ways could become a crucial bottleneck relativising high quality policy outcome(s) of a consultation;

- computer-aided operatability-check is enforced by new competitiveness pressures. It is not about setting up new practices but it does mean renewing and complementing existing ones. Therefore, it is a necessary but not a difficult business which does not make the legislative cycle excessively protracted; and it constitutes in no way an obstacle to the European Union's freedom of action. In our view sound consultations devoted to the modernisation of the toolset for operatability-check embodies enrichment of impact analyses leading to measures being adopted more readily and rapidly by the European Parliament and the Council while encouraging the realization of the coordinated strategy for simplifying and improving the regulatory environment;

- by ensuring freedom from contradictions in and among regulations, legislation is more attuned to the problems posed. That means, first of all, that the placement of amendments perpetuating the quality of the legislative act itself is encouraged, legitimacy of that procedure strengthened and the act easier to implement for operators concerned and to understand for everyone.

4) How the public sector is structured, administered and operated, as well as what policies are pursued, has a great impact on people's well-being: the solutions for improving image may be related to public service effectiveness.⁵ Foreign investment in the ICT sector is strong, and the focus of new international investment in ICTs is shifting from manufacturing to service activities.⁶ One can, as a consequence thereof, ill afford to disregarding the applicability aspect that can bar from disassociating sources of disadvantageous social, economic and environmental impacts straight from the horse's mouth that is from whether regulation inapplicability or regulation implementation.

⁴ In other words *unhindered operation* which takes for granted continued application of regulations for decision making. By freedom from contradictions in and among regulations (hierarchy principle) is the capability meant to overcoming the risk of becoming unable for decision-making, forced to make an unlawful decision and not forced to avoid a decision in order to remain lawful.

⁵ Public sector – an employer of choice by Kirsi Äijälä, OECD 2002 p. 14.

⁶ Information Technology Outlook, OECD, 2002, p. 4.

Advanced Quality Management Associates International
Analytical Non-paper on Administration Economy No 2

European institutions are, in our view, assisted in the course of stepping up their commitment to reduce the cost of doing business and increase legal certainty for citizens⁷ by consultations directed to regulation operatability as a minimum standard. The abovementioned disassociation exercise aided by the appropriate ICT could lead - without establishing new rules or requiring any change to the Treaties - to savings up to some EUR 50 billion a year⁸ and, on the other hand, constitute an attainment worth enough of being presented at the upcoming United Nations World Conference on Public Sector⁹.

Thematically focused consultations should pave the way to the continued identification of innovations providing sufficient flexibility to accommodate the interfaces of sectoral and cross-sectoral approaches for sustainable impact assessment by which administration's operation has to be supported within a global and integrated framework. We've also arrived at the conclusion that comprehensive evaluation of regulation quality assurance procedures with regard to regulatory reform and computer-employment in administrations could help to increase the radius of action for political decision makers by putting aside unnecessary constraint as to regulation operation assesment of any type.

We would be happy to discuss these ideas further with you if you would find that useful and have no objection to your making this paper and the enclosures to its electronic version public.

Sincerely yours,
signed Dr. János Czeglédi

The Hungarian-Swedish Advanced Quality Management Associates International is a voluntary R&D framework to optimize ICT-employment through re-invention of administration processes. Contact: J. Czeglédi H-1012 Budapest, Logodi utca 44.C/0/2, Hungary. Phone: (36 1) 250 08 86; (36 1) 212 00 70; Fax: (36 1) 368 45 74; e-mail: weab@axelero.hu.

Enclosure: electronic version: business card and study; paper version: business card.

⁷ Cf. IP/02/825: Better consultation and accountability: modernisation plan for clearer and better European legislation, Brussels, 5 June 2002.

⁸ Cca 0.6% of Community GDP. Cp. COM(2001) 726, footnote 1.

⁹ Cf. World public sector report, United Nations, New York, 2001.