1. Basic Information

1.1 Project Title: Introducing Regulatory Impact Analysis into the Turkish Legal Framework

1.2 CRIS Number:

1.3 Sector: Public Administration

1.4 Location: Ankara /Turkey

1.5 Duration: 19 Months

2. Objectives

In the Mid Term Programmes for 2004-2005 and 2006-2007 for co-operation in public administration in EU, it has been emphasized that it is necessary to improve quality of legislation and regulatory environment by introducing better regulation or regulatory impact analysis.

The proposal is in line with the EU and Turkey’s sectoral objectives identified in Accession Partnership (AP) as “pursue reform of public administration and personnel policy in order to ensure greater efficiency, accountability and transparency”, which laid down the need for reform in order to ensure greater efficiency accountability and transparency in public administration. Reform in public administration is very important since a good public administration is a part of Copenhagen Criteria and it will facilitate Turkey’s integration into EU structures as well as influence negotiation process. Thus, there is no doubt that reforming administration is important to promote transparency, efficiency and accountability. Moreover, RIA has special importance for accession negations in order for Turkey to know costs and benefits of the steps to be taken and EU legislation to be adopted. Regardless of EU membership, Turkey should introduce RIA into its legislative system in order to calculate and assess the economic, social and other impacts of reforms, proposed and existing regulations, which is necessity to improve policy making, quality of legislation, enhanced transparency and participation.
2.1 Overall Objective(s):

The overall objective is to contribute to the improvement of the policy-making and regulation processes. This project aims at increasing the quality of regulation and improving regulatory process by implementing better regulation principles and Regulatory Impact Assessment (RIA) methodologies.

2.2 Project purpose:

The project purpose is Regulatory Impact Assessment (RIA) introduced.

2.3 Accession Partnership (AP) and NPAA priority

In the “Principles” section of AP, candidate countries have been urged to strengthen and reform their administrative structures in order to implement and enforce the acquis.

The aims of the project are included in the “Economic Criteria” section of NPAA under the sub-title of “Strengthening of Governance in Public Administration”. The process of rapid and multi faceted changes being experienced in the world and in our country and the increasing demands of Turkish society have led to fundamental restructuring, especially in our understanding of bureaucratic structures and governance. The Urgent Action Plan, adopted by the 58th and 59th governments, introduces schedules and clarifies the public administration reform that is based on increasing efficiency and democratisation. If the RIA can be implemented in Turkish legal framework, new regulation will be more effective and more efficient; also regulation burden will be less.

2.4 Coherence with National Development Plan (and/or Structural Funds Development Plan)

"Not applicable".

2.5 Cross Border Impact

"Not applicable".

3. Description

3.1 Background and justification:

3.1.1 Background:
There is no single best model to regulate and each country may have different approaches towards regulatory management. However, the European Union has adopted a policy on Better Regulation as one of the policies to give effect to the renewed Lisbon Agenda. This policy is being implemented by the Institutions of the European Union and the European Commission is now advocating the adoption by member states of similar policies. One of the main tools used to give effect to Better Regulation policy is Regulatory Impact Assessment (RIA).

The OECD has issued guidelines and a list of RIA best practices and the European Commission has issued several communications in the wake of the Communication "Better regulation for Growth and Jobs in the European Union" (March 2005), in particular, Business Impact Assessment (BIA).

It was outlined in the Communication on Impact Assessment of 5 June 2002 (COM (2002)276 final), which was part of the Better Regulation Action Plan (COM (2002)278 final).

Impact assessment was further improved in the New Impact Assessment Guidelines issued in June 2005. The new procedure aims to improve the quality of the Commission's policy proposals in terms of their efficiency, effectiveness and coherency. It identifies alternative policy options and their likely positive and negative impacts, with an equal focus placed on economic, environmental and social effects, in line with the EU Sustainable Development Strategy.

There have been no specific laws on how to prepare laws or other regulations by using the tools of RIA in Turkey. But on 17 February 2006 a new regulation came into force. This new regulation called as the By-Law on Preparation of Regulations (“By-Law”) has a checklist of RIA like OECD’s countries. But this requirement will take effect on 17 February 2007. However, in preparing regulations ministries must follow the intra-governmental consultation requirements stated in the By-Law which requires the opinions of specific ministries to be considered if the regulation will have effects within their portfolios. They do not prescribe any specific quality assurance measures, while external consultation is discretionary. External quality controls during the preparation of laws are limited to the use of ad-hoc expert preparatory commissions in some cases (particularly for major changes to civil laws). When
regulatory impact assessment is introduced into Turkey these principles will have to be reviewed so as to ensure that regulatory impact assessment can be incorporated into the process for preparing regulations.

These controls are supplemented by procedural requirements at Cabinet and parliamentary levels. They may also need to be adjusted to deal with RIA.

First, parliamentary standing orders require that bills be submitted together with a “justification”, giving the background and purpose of the draft law and a justification for each article. By tradition, the justification is attached to the draft laws sent for consultation within government and externally.

Second, all members of the Council of Ministers must sign draft legislation before it is forwarded to Parliament.

Third, four units within the Prime Ministry participate in regulatory management.

Fourth, other ministries and arm’s length bodies may be consulted before draft laws are sent to the Council of Ministers by GDLD. In each case, GDLD is responsible for dealing with areas of disagreement:

- The Ministry of Justice reviews laws for constitutionality, consistency with existing laws and legal quality.
- The Ministry of Finance is consulted on draft laws affecting budgetary and fiscal policy.
- The State Personnel Department is consulted on draft laws and regulations about public personnel regime and organisational matters.
- The Competition Board is systematically consulted on the competition aspects of draft laws.
- In addition, the Council of State is constitutionally authorised to examine draft Tüzüks. GDLD must obtain the opinion of the Conseil d’État before the Tüzüks are sent to the Council of Ministers.

For draft laws, the Parliament, particularly through its 16 standing sub-commissions, completes the regulatory management system. All Bills are forwarded to a sub-commission,
which may invite experts, NGOs and ministers to assist in its assessments. The Committee’s recommendations are sent to the General Assembly suggesting approval, amendment or rejection of the Bill. Many bills are withdrawn or fundamentally changed as a result, often due to major problems with the consultation procedures.

3.1.2. Justification

Effective policy making plays a crucial role in good governance. Policy making is a function of personnel and processes. Historically, policy making was based in qualitative decisions largely formed from instinct and local knowledge. The increased complexity of modern governance necessitates a more quantitative approach to policy making and more and more countries are adopting regulatory impact assessment tools to ensure that policy decisions are based on qualitative as well as quantitative information. Therefore, it is essential that a robust policy making process includes regulatory impact assessment as part of its stock of tools to deliver high quality policy decisions.

Need for a Cost / Benefit analysis:

Turkey has no formal requirements to do regulatory impact assessment. This is a major weakness in its quality control procedures. Policy officials do not base decisions on an explicit assessment of the costs and benefits of proposed government actions. The justification currently attached to draft laws includes almost no quantitative assessment of the likely effects of the regulation. Then, this weakens accountability of ministries and their ability to assess likely impact of proposed regulations and the ones which are in the stock.

The lack of use of impact assessment tools causes heavy reliance to be placed on qualitative evidence for policy-making. The use of impact assessment, however, in appropriate cases ensures that policy decisions are based, as far as practicable on quantitative data.

As a result, applying RIA methodologies could enable officials to assess the likely effects of a proposed new regulation or regulatory change. It involves a detailed analysis to ascertain whether or not the new regulation would have the desired impact. It helps to identify the side effects and any hidden costs associated with regulation. RIA clarifies the desired outcomes of the proposed regulatory change.
Need to assess the impact of regulations transposing the EU acquis:

In the context of the accession process, the adoption of the RIA procedures could enable Turkish officials to clearly identify the national impacts of EU proposals on a timely basis and thereby to transpose the acquis in a way that suits best Turkish national interests. RIA procedures de facto are increasingly being applied by Member States to draft EU Directives both during the negotiation and transposition phases.

Need for a more comprehensive approach to consultation process:

In Turkey, the lack of a systematic and transparent public consultation mechanism reduces the quality of Turkish regulation by increasing the likelihood of regulatory capture, raising the likelihood of regulatory mistakes due to inadequate information, reducing the credibility and legitimacy of regulation and making regulation less predictable, due to increased last minute lobbying and compromise. Lack of consultation opportunities also results in stakeholders focusing their lobbying on the final decisions of the cabinet and parliament. This tends to undermine the legislative process, with draft bills sent back and forth between the Council of Ministers and Parliament, frequently changing significantly or being removed from the Parliamentary agenda altogether.

In addition, despite growing awareness of the need to enhance transparency in Turkey, long-standing practices endure that hinder openness and public participation in regulatory development. Several initiatives have already been taken, suggesting that the importance of consultative mechanisms is now better appreciated. The approach to the resolution of financial distress has been designed with the active participation of bank representatives and other interested parties. Nearly all agencies now routinely put draft regulations on the web, asking for comments.

A more comprehensive approach to consultation would help to reduce of regulatory capture and enhance the legitimacy and enforceability of regulations. RIA procedures to be adopted in Turkey could be designed to address these issues as they require that consultation be conducted with stakeholders to ensure that their views and interests are understood during the regulatory process. RIA procedures could contribute to increase the accountability and
transparency of the process of preparing regulations and can help to ensure that debates on regulations are based on shared understanding, sound evidence and structured information.

Need for reviewing the stock of legislation:

In the short run much attention should be focussed on reviewing existing regulations and on reducing administrative burdens, particularly those of business. A substantial amount of new laws and regulations has been produced since a comprehensive review undertaken in 1986. Much evidence suggests that regulations in Turkey are out-dated, slowing innovation and causing unnecessary rigidities. Excessive burdens have particularly been observed in the licensing of businesses where approvals are granted by multiple ministries, municipalities, prefectures as well as some regulatory agencies.

The establishment of RIA procedures could help reviewing the existing stock of regulations and therefore improving the whole legal framework in Turkey. The results of the ex-ante consultation conducted within the framework of an ex-ante RIA could be evaluated to gather relevant and reliable data. In order to help simplify and improve regulations, an ex-post consultation could also be conducted within the framework of an ex-post assessment, following the same procedure. It should be conducted during the first year of the implementation of a given reform in order to receive feedback from the various stakeholders and fine-tune the mechanisms accordingly.

As a result, adapting Regulatory Impact Analysis to Turkish legal framework is considered as an essential part of regulatory management in Turkey capable of triggering a broad regulatory reform through changing and systematising the way policies and regulations are made.

3.2 Sectoral rationale "Not applicable".

3.3 Results

1. A body of 40 officials knowledgeable and skilled in impact assessment and better regulation policies and tools is created and thus increased administrative capacity.
2. The putting in place and assuring the quality of the procedures and the outputs from these procedures; thus, manuals and guidelines are prepared for RIA and consultation.
3. A central coordination body is established for assuring quality of RIA reports.
4. Peer review is carried out.
5. Benchmarking is established with EU MS best practices.
6. Public awareness is increased.

### 3.4 Activities (including Means)

1.1. 40 officials responsible for drafting laws are to be trained.
1.2. Workshops, seminar and conference activities are to be undertaken.
1.3. The study tours or exchange programmes to relevant public authorities in EU-countries for selected staff from relevant departments are to be arranged.

2.1. The guidelines to illustrate how to undertake the impact assessments are to be prepared.
2.2. The consultation processes is to be reviewed and developed and the potential inputs are to be evaluated.
2.3. The manuals of best practices are to be studied.

3.1 A central body coordinating and supervising the quality of RIA’s and other activities is to be established.
3.2 The responsibilities of the central body are to be determined by manual.
3.3. The network between the central body and RIA units created in the line ministries is to be established.

4.1. Peer review is to be carried out.
4.2. EU MS best practices are to be examined.
4.3. Study tours are to be held.

5.1. Consultation processes are to be developed and evaluation of the potential inputs is to be carried out.
5.2. The minimum standards of the stakeholder consultation are to be determined.
5.3. A public awareness programme on RIA is to be planned and implemented.

**Means:**

- Training seminars
- Study visits
- Training materials
• Co-ordination/strategic Workshops

• External Experts

### 3.5 Linked Activities:

- **Projects run in Turkey within the framework of the Accession Partnership**
  - A two year project (Project No: TR 0401.03) was launched in 2004 in order to improve the legal, administrative and institutional capacity of the Turkish government in civil society organizations sector. It comprises four main components, including the setting up of an information system for the Department of Associations, CSOs and the public and raising communication strategy and dissemination information.
  - Another EU project (Project No TR 0301.03) was designed in 2003 in order to strengthen the NGOs democratic participation level and the ties between the public sector and the civil society on the promotion within the framework of EU alignment process.

- **Projects carried out by OECD**
  - An OECD review of regulatory reform in Turkey was issued in 2002 which assess the Government capacity to assure high quality regulation.

- **Projects carried out by Sigma**
  - A seminar was held in 2005 within the framework of the project No 4P9101. The project was designed to start the implementation of RIA as part of the effort to modernise the national regulatory process and to set up the basis of a RIA system as one of the ways to strengthen the national capacity for EU approximation (adoption of the acquis) and EU negotiation.
  - A seminar on RIA training [Project 4P9102] is scheduled to be held in April 2006. The general objectives of the project include initiating and providing information for a debate on the best ways to develop the use of RIA in Turkey (prioritisation) and to discuss options on how to better co-ordinate RIA policy.

### 3.6 Lessons learned:

From linked activities mentioned above, concluded that there is a lack of participation of and consultation with NGO’s in the process of legislation. Moreover lack of systematic assessment of impacts of regulations and weakness of administrative capacity are observed. So by implementing this project, we are aspiring to bridge the gap.
4. Institutional Framework

The Prime Ministry has a very important role in the regulatory process in Turkey. The General Directorate of Laws and Decrees (GDLD) has a general co-ordination function and scrutinises draft laws, decree-laws, tüzüks and by-laws for constitutionality, consistency with existing legislation, legal quality and compliance with the intra-governmental consultation requirements of the By-Law that regulate how regulations are prepared. GDLD also mediates conflicts between ministries and may itself prepare bills on cross-cutting issues, in co-ordination with relevant ministries and institutions. The General Directorate of Legislation Development and Publication reviews the legal quality of those regulations.

The State Planning Organisation prepares Turkey’s five year development plans and is consulted on draft laws affecting economy and social policies, measures and annual programmes.

The Secretariat General for EU Affairs examines whether draft Laws and regulations conform to National Programme for the Adoption of the Acquis.

Other ministries and arm’s length bodies may be consulted before draft laws are sent to the Council of Ministers by GDLD. In each case, GDLD is responsible for dealing with areas of disagreement.

The Ministry of Justice reviews laws for constitutionality, consistency with existing laws and legal quality.

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Other line ministries and public institutions have some units which are related to making regulation.

As a result, the General Directorate of Laws and Decrees manage this project and it coordinates other ministries and public institutions if necessary.

5. Budget

<table>
<thead>
<tr>
<th>Budgetary Figures (million Euro)</th>
<th>Pre-accession Instrument support</th>
<th>Co-financing</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>National Public Funds</td>
<td>Total Co-financing</td>
</tr>
<tr>
<td><strong>Year 2006 Investment support</strong></td>
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<td>-</td>
<td>-</td>
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<tr>
<td><strong>Year 2006 IB support</strong></td>
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<tr>
<td>Service contract</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total IB support</strong></td>
<td>1,0</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total 2006 support</strong></td>
<td>1,0</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

1. All investment sub-projects supported by the pre-accession fund must receive co-financing from national public funds. Minimum requirement for co-financing from national public funds is 25% of the combined PHARE and national contributions to the overall investment support.
2. Many Institution building projects will also have a degree of co-financing – this should be quantified and included wherever possible.

3. Expenditure related to equipment (regulatory infrastructure or ESC-related) and to Technical Assistance supporting investment (e.g. pre feasibility study / supervision of works / technical specifications) should be considered as Investment support in the project fiche.

4. All co-financing must be provided on a joint basis. Parallel co-financing will, in a principle, not be accepted. Exceptions to this rule have to be agreed with the Commission in advance.

5. All co-financing should be clearly quantified, also the degree of certainty of such co-financing (i.e. for National Public Funds: is it already earmarked in local or national budget, for IFIs Loans, private funds: are they already approved/under appraisal, etc.).

6. Where parallel co-financing is accepted and justified per exception to the normal rule it should be provided in monetary form. If this is not possible there should be clear criteria set out for the valuation of any non-monetary contributions (that should be quantified in the table).

7. If twinning is involved, clearly state the expected budget of the twinning covenant.

8. The financial engineering of the project should be closely monitored against actual delivery during implementation and against the objectives that were set in the project fiche so that corrective actions may be taken where required.

6. Implementation Arrangements

6.1 Implementing Authority

The Central Finance and Contracts Unit (CFCU) will be the Implementing Agency responsible for all the procedural aspects of the tendering process, contracting matters and financial management (including payments) of the project activities.

Contact details in the CFCU:

Mr. Muhsin ALTUN
Programme Authorizing Officer
Address: Ehlibeyt Mahallesı 6. Sokak No:18/8 Ekşioğlu İş Merkezi 06520 Balgat
Ankara/TURKEY
Tel: +90 312 472 37 00
Fax: +90 312 472 37 44
E-mail: muhsin.altun@cfcu.gov.tr
6.2 Twinning (Not applicable)

6.3 Non-standard aspects (Not applicable)

6.4 Contracts

- Technical assistance  1.000.000 €

7. Implementation Schedule  (Not applicable)

<table>
<thead>
<tr>
<th>Component</th>
<th>Start of Tendering</th>
<th>Start of Activity</th>
<th>Project</th>
<th>Project Completion</th>
</tr>
</thead>
</table>

7.1 Start of tendering/call for proposals

    01/2007

7.2 Start of project activity

    10/2007

7.3 Project completion

    04/2009

8. Equal Opportunity

    Equal opportunity principles and practices in ensuring equitable gender participation in the project will be guaranteed.

9. Environment (Not applicable)

10. Rates of return (Not applicable)
11. **Investment criteria** (Not applicable)

11.1 **Catalytic effect** (Not applicable)

11.2 **Co-financing** (Not applicable)

11.3 **Additionality** (Not applicable)

11.4 **Project readiness and size** (Not applicable)

11.5 **Sustainability**

At the end of the project 40 officials responsible for drafting regulations will be trained. Then, those officials train others responsible for drafting regulations in other ministries and public institutions. Also a guideline will be prepared. RIA is implemented according to this guide.

11.6 **Compliance with state aids provisions** (Not applicable)

12. **Conditionality and sequencing** (Not applicable)

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**Annexes to project Fiche**

1. Logframe in standard format

2. Detailed implementation chart

3. Contracting and disbursement schedule, by quarter, for full duration of project

4. Reference list of feasibility/pre-feasibility studies

5. Reference list of relevant laws and regulations

6. Reference list of relevant strategic plans and studies

7. Indicative Training Needs Analysis

8. Sectoral rationale

9. Profile required
## ANNEX 1

### LOGFRAME PLANNING MATRIX FOR

Introducing Regulatory Impact Analysis into Turkish Legal framework

<table>
<thead>
<tr>
<th>Programme name and number</th>
<th>Contracting period</th>
<th>Total budget: €1,000,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>04/2009</td>
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</table>

### Overall objective

- The overall objective is to contribute to the improvement of the policy-making and regulation processes.

### Objectively Verifiable Indicators

- Checklists are added to draft laws
- Impacts of drafts are included in justification of them
- Participation of stakeholders increases

### Sources of Verification

- Draft law document
- Commission evaluation report
- Report of SIGMA

### Project purpose

The project purpose is Regulatory Impact Assessment (RIA) introduced.

### Objectively Verifiable Indicators

- RIA is to be a main component of By-Law regulating the process of regulation
- RIA Guidelines to be prepared
- There is to be a checklist in draft laws

### Sources of Verification

- Official Gazette
- Publication
- Draft law document

## Results

### Objectively Verifiable Indicators

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>Sources of Verification</th>
<th>Objectively Verifiable Indicators</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A body of officials knowledgeable and skilled in impact assessment and better regulation policies and tools is created and therefore increased administrative capacity due to the availability of these officials.</td>
<td>Evaluation report</td>
<td>Training of 40 officials responsible for drafting laws</td>
<td>Finding out the relevant officials</td>
</tr>
<tr>
<td>2. The putting in place and assuring the quality of the procedures and the outputs from these procedures; thus, manuals and guidelines are prepared for RIA and consultation.</td>
<td>Official Gazette</td>
<td>The guidelines published</td>
<td>The guidelines published</td>
</tr>
<tr>
<td>3. A central coordination body is established.</td>
<td>Evaluation report</td>
<td>Central body at Prime Ministry</td>
<td>Central body cannot be established.</td>
</tr>
<tr>
<td></td>
<td>Project report</td>
<td>Study tours are undertaken</td>
<td>Participation will be ensured</td>
</tr>
<tr>
<td></td>
<td>Minimum</td>
<td>Minimum</td>
<td>Project report will be prepared</td>
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<tr>
<td></td>
<td>Minimum</td>
<td>Minimum</td>
<td>Standards will</td>
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</table>
4. Peer review is carried out and benchmarking is established with EU MS best practices.
5. Public awareness is increased.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
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<tbody>
<tr>
<td>1.1. 40 officials responsible for drafting laws are to be trained.</td>
<td>Training seminars</td>
<td>• Enhancing the administrative capacities</td>
</tr>
<tr>
<td>1.2. Workshops, seminar and conference activities are to be undertaken.</td>
<td>Study visits</td>
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<td>1.3. The study tours or exchange programmes to relevant public authorities in EU-countries for selected staff from relevant departments are to be arranged.</td>
<td>Training materials</td>
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<tr>
<td>2.1. The guidelines to illustrate how to undertake impact assessments is to be prepared.</td>
<td>Workshop</td>
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<tr>
<td>2.2. The consultation processes is to be reviewed and developed and the potential inputs are to be evaluated.</td>
<td>External Experts</td>
<td></td>
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<td>2.3. The manuals of best practices are to be studied.</td>
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<td>3.1. A central body coordinating and supervising the quality of RIA’s and other activities is to be established.</td>
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<td>4.1. Peer review is to be carried out.</td>
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<td>4.2. EU MS best practices are to be examined.</td>
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<td>4.3. Study tours are to be held.</td>
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<td>5.1. Consultation processes are to be developed and evaluation of the potential inputs is to be carried out.</td>
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<td>5.2. The minimum standards of the stakeholder consultation are to be determined.</td>
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<td>5.3. A public awareness programme on RIA is to be planned and implemented.</td>
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Annex 2: Implementation Chart

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Assistance</td>
<td></td>
<td></td>
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<tr>
<td>Tendering and contracting</td>
<td>T &amp; C</td>
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<tr>
<td>Implementation and payments</td>
<td>I&amp;P</td>
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</table>

**Implementation Chart (Indicative)**

<table>
<thead>
<tr>
<th>N</th>
<th>ACTIVITY</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>OND</td>
<td>JFM</td>
<td>AMJ</td>
</tr>
<tr>
<td>1</td>
<td>Peer review</td>
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<tr>
<td>2</td>
<td>Prepare training material</td>
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<tr>
<td>3</td>
<td>Arrange and conduct train-the</td>
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<td></td>
<td><strong>–trainers training</strong></td>
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<tr>
<td>4</td>
<td>Seminars and workshops for officials</td>
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<tr>
<td>5</td>
<td>Pilot projects</td>
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<tr>
<td>6</td>
<td>Conference for public</td>
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<tr>
<td>7</td>
<td>Study tours to EU countries</td>
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<tr>
<td>8</td>
<td>Draft Guideline</td>
<td></td>
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<tr>
<td>9</td>
<td>Final Project report</td>
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## ANNEX 3: Contracting and disbursement schedule (EC Contribution)

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ANNEX 4: Reference list of feasibility studies

- Mandelkern Report

- Communication “Better Regulation for Growth and Jobs in the European Union” adopted in March 2005 by the Commission


ANNEX 5: Reference list of relevant laws and regulation

I. European legislation

II Turkish legislation
- Decree of Board of Ministries P.2003/1
- By-Law on Preparing Regulation

ANNEX 6: Reference list of relevant strategic plans and studies

- Commissions Action Plan on Better Regulation

- Six Presidencies Joint Initiatives 2004/2005

- Commission Impact Assessment Guidelines 15/06/2005

- Draft Council Conclusion on Better Regulation

ANNEX 7: Indicative Training Needs Analysis

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<th>INDICATIVE TRAINING NEEDS</th>
<th>Indicative No of Days</th>
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<td>Workshops on RIA (3 Workshop<em>3 days=9 days, 3</em>2=6 days transportation)</td>
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<td>Conference on RIA (1 day, 2 days trans.)</td>
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<td>Seminars on RIA Coordination (1 seminar*2 days=2 days, 2 days trans.)</td>
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<tr>
<td>Study Tours (4 study tours* 5= days)</td>
<td>20 for Turkish officials</td>
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<tr>
<td>External expert (Home based)</td>
<td>20</td>
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<tr>
<td>TOTAL DAYS</td>
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ANNEX 8: Sectoral Rationale

Identification of pilot projects
Introducing a regulatory impact assessment with a view to improve regulatory/policy making processes in Turkey requires that two issues be addressed: the best structure for impact assessment and the type of impact assessments to be undertaken.

First, consideration needs to be given as to which issues to be prioritised for assessment and the choices for assessment need may include the following:

- The socio-economic impact
- The Macro-economic impact
- The impact on the Business environment (incl. small business)
- The social impact of the proposed legislation
- The impact on the environment
- The impact on the State and Local Government Budget (medium-term focus)
- The impact on legal system (what other legal acts need to be prepared or changed)
- The impact on international obligations (especially EU)
- The impact on the public service itself /society with a view to assessing whether the proposed policy is enforceable within the existing structures

Given the fact that so much of the Turkish economy is dependent on small business the need to prioritise the impact of proposals on small business could be a priority as well as the need to assess the economic impact so as to ensure that the costs and benefits of policy proposals are fully understood.

Selectivity shall also be applied as to decide the sequencing of the implementation of RIA procedures to policy proposals. Decisions need to be taken as to whether the same process should be applied to all proposed policies or whether there should be a two step approach of a broad brush stroke impact for all proposed policies and a more detailed one for policies that will involve a substantial impact.

Second, consideration needs to be given to the most appropriate structures. One approach that has worked well in many countries is that there should be one or two officials in each Ministry who are particularly skilled and knowledgeable in impact assessment and a Central body to provide support and undertake some form of quality control over the impact
assessments. The alternative of centralising the impact assessment is less effective as it moves the process away from ministries.

While designing a RIA procedure, there is a need to also establish consultation procedures as consultation is part of the RIA methodology. Consultation guidelines shall ensure that there is a measure of predictability and consistency between consultation processes. In this regard, the following elements should be taken in consideration: care should also be taken for Government to avoid launching too many consultation processes at the same time and there should be some co-ordination of this at the level of central government. The consultation process should also be used to undertake some form of evaluation of the problem to be solved and the consultation process should be an opportunity for the compilation of data.

**Sequencing**

All the pilot projects may be implemented at the same time as the results achieved in these small projects and experience gathered shall be shared and extended to all sectors. Therefore, the introduction of RIA procedures into the Turkish legal framework will be carried out following to a general sequencing as described below:

1. Review the current system
2. Identifying subjects for pilot projects
3. Undertake pilot projects and draw conclusions from those projects
4. Decide what should be the policy for impact assessments and resolve such issues as what should be assessed, who should assess, it at what stage of the process, should it be centralised or shared between all ministries with some form of central supervision. The outcome to these decision and the results of the pilot projects should be presented to the civil service and nominate personnel in each ministry to be responsible for regulatory impact in that ministry
5. Review the process in order to fine-tune the mechanism
6. Apply the lessons learnt within the framework of the pilot projects to all sectors and ministries

**ANNEX 9: Profile required**

The implementation of this PROJECT requires a Lead Trainer/Team Leader who will be responsible for the implementation of all requested services and lead the delivery of all training activities. Team leader will be supported by FOUR experts during the implementation of the activities.
Key Expert 1- The profile of the Team Leader is as follows:
- Category II Expert, with minimum 10 years of professional experience in a related area.
- Minimum 5 years of experience in training on regulatory impact assessment. Substantial practical experience in the preparation impact assessment reports.
- Preferably conducting RIA.
- Preferably involved at least two similar projects.

Other Experts -
- Category III Expert, minimum 5 years of professional experience in a related area;
- Minimum 5 years of experience in training
- Minimum 3 years of practical experience in RIA techniques. Preferably conducting RIA.
- Preferably involved at least two similar projects

All experts should:
- possess adequate qualifications (university graduate or post-graduate);
- fluent in English