

In accordance with Article 51, paragraph 1, items 1) and 4) of the Law on the Planning System of the Republic of Serbia ("Official Gazette of RS", No 30/18) and Article 42, paragraph 1 of the Law on Government ("Official Gazette of RS", No 55/05, 71/05-corrigendum, 101/07, 65/08, 16/11, 68/12-CC, 72/112, 7/14-CC, 44/14 and 30/18-other law),

the Government hereby adopts the following

REGULATION ON THE METHODOLOGY OF PUBLIC POLICY MANAGEMENT, IMPACT ANALYSIS OF PUBLIC POLICIES AND REGULATIONS, AND THE CONTENT OF INDIVIDUAL PUBLIC POLICY DOCUMENTS

I. INTRODUCTORY REMARKS

Subject matter and scope of application

Article 1

The regulation hereof elaborates the methodology of public policy management, in particular the scope, process and control of the implementation of impact analyses when drafting public policy documents and regulations, and the impact analysis after their adoption, including the method of implementing consultations for public policy documents and regulations and public reviews for public policy documents, the type of public policy measures and the content and form of public policy documents, the form and content of reports on the implemented impact analysis, also containing data on the implemented consultations and public review, the form and content of the statement on compliance with the opinion of the state body competent for public policy coordination, which public policy documents and regulations do not require a mandatory impact analysis, elements of the impact analysis of adopted public policy documents and regulations, the method of reporting on the results of implementing public policies, the method of evaluating the effects of public policies and regulations, and the fields of planning and implementation of public policies.

The regulation hereof further regulates the content and method of running and maintaining the Information system for the planning, monitoring of the implementation, coordination of public policies and reporting (hereinafter: Unified Information System), and the digital format used to enter documents into the system.

II. IMPACT ANALYSIS

The concept of impact analysis

Article 2

An impact analysis is an analytical process, based on relevant facts, data and information, implemented when planning, formulating and adopting public policy and regulations, with the aim of analysing the change to be achieved, its elements, and causal relations between them and the choice of optimum measures for achieving public policy goals (*ex-ante* impact analysis), as well as during and after the implementation of adopted public policies and regulations, with the aim of evaluating the performance, reviewing and improving such public policies, and/or regulations (*ex-post* impact analysis).

The goal of implementing an impact analysis

Article 3

Impact analyses shall be implemented with the aim of:

- A better overview, understanding and estimate of the potential effects (costs, benefits and distribution effects) of measures when drafting public policy documents, and/or solutions during the drafting of regulations, including the timely discovery of ancillary and unintended effects;
- A better overview, understanding and estimate of the actual effects produced by the measures contained in the adopted public policy documents, i.e. the solutions contained in the regulations, during implementation;
- Improved mutual harmonization of public policy documents and regulations, through linking the process of planning and implementing public policies and regulations, i.e. improving the coordination of activities related to the management of the public policy system and legislative activities;
- Planning and securing sufficient funds for implementing public policy measures, and/or solutions from regulations and for precisely determining their source of financing, and the identification of the optimum principal party for activities in implementing public policy measures, and/or for a precise definition of the holders of obligations in the regulation;
- Increasing the transparency of the procedure of drafting public policy documents and regulations, through the provision of the participation of all stakeholders and target groups in the process of consultations and public review;
- Improving the work of participants in the planning system and regulatory bodies, increasing their efficiency and accountability;
- Leading public policy and establishing a regulatory framework in accordance with the needs of citizens and businesses, within the framework of objective capacities (financial, human resource, budgetary, institutional, etc.).

Impact analysis as a continuous process

Article 4

The impact analysis process is usually implemented during the planning, formulation and adoption of public policies and the adoption of regulations, as well as during their implementation, monitoring of the implementation, and evaluation of the performance, i.e. the effects.

The process of impact analysis shall start before the adoption of a decision on drafting a public policy document, and/or regulation in accordance with the law regulating the planning system of the Republic of Serbia, to review all options for achieving the desired change and establish whether the adoption of the public policy document, and/or regulation is the best option for achieving such change.

If the regulation is being adopted or amended for prescribing measures established by a public policy document, the impact analysis for this regulation shall be implemented taking into consideration the results of the impact analysis implemented under the procedure of the adoption of such a public policy document.

Ex-ante and *ex-post* impact analysis

Article 5

An *ex-ante* impact analysis is a process implemented from the earliest phase of planning and designing a public policy, and/or drafting and adopting a public policy document and regulation in accordance with the law regulating the planning system of the Republic of Serbia. It consists of a number of steps aimed at the adoption of an optimum public policy, i.e. the adoption of an efficient regulation through an analysis of the current situation, identification of the desired change, its elements and its causal relationships, eliminating the causes of existing problems in specific areas of planning and implementation of public policy, and achieving goals established by public policy documents and regulations.

An *ex-ante* impact analysis is a process providing for the timely identification of potential positive and negative, direct and indirect effects that may be produced by the measures contained in a public policy document, and/or regulation, so that the public policy document, and/or regulation could be formulated so as to minimize the potential negative impact and achieve the desired change..

An *ex-post* impact analysis is a process of monitoring the implementation of public policy documents, and/or regulations through an analysis of the effects of measures and activities contained in the document, and/or the effects of the application of regulations, implemented through various types of analyses defined by this regulation, for the evaluation of achieved effects with the aim of their review and improvement.

An *ex-post* impact analysis is a process providing for a review of the actual positive and negative, direct and indirect effects that measures contained in a public policy document, and/or regulation produce during their application, to determine whether it is necessary to undertake additional and/or corrective measures with the aim of minimizing the negative effects, eliminating the causes of problems arising in the implementation of the public policy, and/or regulation, and achieving the set goals.

When is the implementation of an impact analysis not mandatory

Article 6

An impact analysis shall not have to be implemented when drafting public policy documents without significant effects for society and/or that do not have a high priority, nor when drafting regulations that do not affect directly the detailed method of exercising the rights, obligations and legal interests of natural and legal persons.

An impact analysis shall also not need to be implemented in case of drafting:

- The Law on the Budget of the Republic of Serbia;
- Public policy documents and regulations mitigating or eliminating the consequences of catastrophes, natural or other disasters, and emergency situations;
- Public policy documents and regulations, at the national level, of importance for the defence and security of the Republic of Serbia and its citizens;
- Regulations under the segment of their harmonization with an already adopted law, in such cases utilizing the impact analysis implemented for the given law when drafting the regulation;

- For an action plan implementing a planning document adopted within 90 days as of the date of adoption of the given planning documents.

If the proposing party assesses that an impact analysis need not be implemented, they shall explain their assessment separately and submit the same for an opinion to the Public Policy Secretariat of the Republic of Serbia.

Decision on the need to implement an impact analysis for public policy documents and regulations

Article 7

The decision on the need to implement an *ex-ante* impact analysis for public policy documents shall be made by the proposing party prior to starting the drafting of the given document, based on the results of the test of the level of impact and priorities, implemented by the proposing party in accordance with Appendix 1, printed alongside the regulation hereof and representing its integral part and based on the principles of proportionality and precaution in accordance with the law regulating the planning system of the Republic of Serbia.

Ex-ante impact analyses of public policy documents need not be implemented in cases where the public policy being established by the document has a low impact on the economy and society, i.e. when the measures for implementing the public policy will not cause additional expenses for citizens, businesses or the public administration, and/or they would cause minimum additional costs.

A decision on the need to implement an *ex-ante* impact analysis of the effects of regulations shall be made by the proposing party based on an assessment on whether it is a systemic law, and/or law or by-law directly or indirectly affecting legal and natural persons by further regulating the method of exercising the rights, obligations and legal interests of natural and legal persons, in which case an analysis shall be mandatory, except in case of the exceptions as per Article 6 of the regulation hereof.

If the proposing party assesses that there is no need for implementing an *ex-ante* impact analysis, they shall explain this separately within their elaborated assessment that the draft law does not need to be accompanied by an impact analysis for the law.

Scope of implementation of an *ex-ante* impact analysis (basic and detailed impact analysis)

Article 8

The scope of implementing an *ex-ante* impact analysis shall depend on the level of impact and priority of the public policy, and/or regulation being adopted, and/or implemented, and the complexity and scope of measures contained in the public policy document, and/or solutions contained in the regulation.

The proposing party shall assess whether it is necessary to implement an *ex-ante* impact analysis and take the view of whether they will be implementing a basic or detailed *ex-ante* impact analysis respecting the principles of proportionality and precaution in accordance with the law regulating the planning system of the Republic of Serbia.

If they assess that the measures envisaged by the public policy document, and/or solutions from the regulation will cause significant effects for natural persons (including vulnerable categories of the population), and/or legal persons, and/or the budget of the Republic of Serbia,

and/or the environment, and/or a public authority, the proposing party shall implement a detailed *ex-ante* impact analysis of the measures contained in the public policy document, and/or regulation.

Significant effects as per paragraph 3 of the Article hereof, at the national level, shall be:

1) Expenditures above 0.1% of the budget of the Republic of Serbia for the previous year that the implementation of the public policy document, and/or regulation will cause for target groups and other stakeholders (e.g. for the harmonization of their behaviour and/or work in accordance with the requirements contained in the public policy document, and/or regulation);

2) Changes above 10% at the annual level to revenues and expenditures, as well as income and expense in the budget of the proposing party, and thus the budget of the Republic of Serbia, of the budget at the disposal of the proposing party during the preceding fiscal year);

3) Impact on over 200,000 citizens;

4) Impact on more than 5% of entrepreneurs or legal persons under a given category of classification, according to criteria determined by the law regulating accounting, or on more than 20% of such persons within a given business activity, if the measures have a predominant impact on business operations within a given business activity;

5) Impact on the market and competition conditions (e.g. introduction of barriers for the entry/and or exit from the market; limitation of competition; creation of preconditions for the privileged status of a given group of companies or other legal persons; impact on productivity or innovation; establishment of the prices or level of production; impact on the quality, level or availability of certain products and services, etc.);

6) Introduction of significant reform, and/or systemic changes that affect a large number of natural persons, particularly in the fields of education, competitiveness, social welfare and healthcare;

7) Transfers to citizens, such as support for vulnerable categories of the population (including persons with disabilities, members of minority groups, persons living below the poverty line, unemployed persons, etc.);

8) Implementation of public investments, particularly capital projects in accordance with the regulation on the contents, method of preparation and assessment, and the monitoring of the implementation and reporting on the implementation of capital projects.

As an exception to paragraph 4 of the Article hereof, a detailed impact analysis of regulations regarding gender equality and micro, small and medium-sized companies shall be implemented in cases where the result of the test of gender equality, and/or impact on micro, small and medium-sized companies indicates the need for a detailed analysis in those segments.

When implementing a detailed *ex-ante* impact analysis, the proposing party shall use techniques for analysis presented under Chapter III of the regulation hereof. If they assess that the measures envisaged by the public policy document, and/or solutions in the regulation will not have the significant effects as per paragraph 4 of the Article hereof, they shall limit the *ex-ante* impact analysis to providing precise responses to the question from the checklist of questions from appendix 2-10, printed alongside the regulation hereof and representing its integral part.

The Public Policy Secretariat of the Republic of Serbia, as the public administration body competent for the quality control of implemented impact analyses for public policy documents and regulations, shall take a view regarding the assessment of the proposing party as per paragraph 2 of the Article hereof, and explain their view in an opinion on the submitted material, directing the

proposing party in what way and to what level of detail should they implement the *ex-ante* impact analysis and present the results thus obtained.

III. IMPLEMENTING IMPACT ANALYSES PRIOR TO AND DURING THE DRAFTING OF PUBLIC POLICY DOCUMENTS, AND/OR REGULATIONS

Steps in implementing an *ex-ante* impact analysis

Article 9

The party proposing a public policy document, and/or regulation, prior to and during the drafting of such an act, shall implement an *ex-ante* impact analysis through the following steps:

- 1) Analyse the existing situation and identify the change to be achieved by implementing the public policy measure, conditions for implementing such a change and the causal relationships between such conditions;
- 2) Establish the goals and objectives of the public policy, and performance indicators to be used for measuring the achievement of objectives;
- 3) Identify options - potential measures, and/or groups of measures for achieving the objectives and resources for their implementation;
- 4) Analyse the effects of options - potential measures and risks for implementing each of the options;
- 5) Conduct the selection of the optimum option or optimum combination of the reviewed options;
- 6) Determine the type of public policy document, and/or regulation they will intervene with;
- 7) Identify the resources required for implementing and monitoring the implementation of public policies and establish performance indicators at the level of measures.

The sequence of steps stated under paragraph 1 of the Article hereof shall be the rule, but during an *ex-ante* impact analysis these steps overlap to an extent, and the need may arise, based on the findings obtained in a given step, to return a step back and revise the findings of previous steps, repeating the procedures from previous phases of the impact analysis.

Throughout the process of implementing *ex-ante* analyses of effects it is necessary to consult target groups and other stakeholders, and collect and analyse data to maximize the objectiveness of the *ex-ante* impact analysis.

1. Analysis of the existing situation and identification of changes to be achieved by implementing public policy measures

Analysis of the existing situation

Article 10

During the initial phase of impact analysis, i.e. prior to starting work on a public policy document, and/or regulation, an analysis shall be conducted of the existing situation and a projection of the desired situation shall be produced, used to identify the change to be achieved, the conditions for achieving this change and the causal relationship between these conditions, as well as potential risks.

An analysis of the existing situation shall cover the following:

1) Identification of the basic indicators monitored in this field, with an explanation why these precise indicators were selected for monitoring the situation in the given field, and an assessment of the situation in the field regarding these indicators;

2) Analysis of international competitiveness in the given field, particularly including an analysis of international trends and comparative practices in the field, and an analysis of international competitiveness lists, the status of the Republic of Serbia in such lists and opportunities to improve this status through the effects of public policies in the given field;

3) Analysis of the achieved results of implementing a previous public policy document, and/or regulation, including the identification of expected effects that have not materialized, i.e. results that have not been achieved in accordance with the planned values, i.e. performance indicators, and the reasons for this;

4) Identification of public policy documents and regulations in force with a direct impact on the situation in this field and an analysis of this impact with the aim of consistent and harmonized action in this field;

5) Identification of problems in this field, their scope and nature, and conditions leading to their occurrence and the consequences they cause in practice.

When analysing the existing situation it is particularly important to properly identify and analyse problems, if the goal of the change is to solve them. The identification of problems involves a detailed and precise description of the problem, and the analysis of the problem involves an analysis of the conditions and consequences of the problem, its nature and scope. The analysis of problems must show how the problem developed up to that point and how it would develop in the future without an intervention in that field.

Identification of target groups and other stakeholders

Article 11

This phase is used to identify target groups and other stakeholders that the change and its elements affect the most, and the distribution of positive and negative effects among the target groups and other stakeholders.

Identification of public policy documents and regulations in force in the specific field of planning and implementing public policies

Article 12

The analysis of the existing situation under Article 10, paragraph 2, item 4) involves an analysis of whether there already are adopted public policies, and/or regulations for implementing public policies in this field.

If there are, it is necessary to analyse and assess the effects of such public policies, and/or regulations, and explain in detail why the identified problems are not being resolved, and/or why the desired changes cannot be implemented based on the existing strategic and/or legal framework, with a presentation of data, evidence and facts on this.

This phase of the analysis shall also analyse social and economic trends, and the impact of undertaken international commitments in relevant public policy fields.

Analysis and correct definition of change

Article 13

When analysing and defining change it is necessary to establish the required conditions for achieving change, their mutual causal relationship, and the schedule/trends during the relevant period.

The analysis of change and related risks for achieving it shall be based on statistical and other data, facts and information collected from existing studies, analyses, reports by public administration and local self-government bodies, reports by international organizations, information obtained during consultation with civil society organizations working in the specific area, scientific-research and other relevant organizations and stakeholders, and a number of other sources.

During an analysis of change, it is necessary to consider the option of not undertaking additional measures to change the existing situation (the *status quo* option), by projecting the existing situation into the future to reach an assessment on whether it is possible to achieve change without additional interventions, taking into consideration identified trends, and a number of factors that may affect the considered situation in the future (including the impact of other public policies and regulations, the impact of the European Union accession process and membership in international organizations, the development of relevant markets, potential changes in trends, etc.).

Various analysis techniques can be used for the analysis and definition of change: such as the tree of change, SWOT analysis, PESTLE analysis, comparative-legal analysis and other techniques.

The existing state and changes shall be correctly analysed by responding to the questions from Appendix 2, representing an integral part of the regulation hereof.

2. Establishing the goals and objectives of public policy

Establishing goals

Article 14

This phase of the impact analysis shall establish the goals to be achieved by the change that should be achieved by implementing the public policy document, and/or regulation.

If the public policy document, and/or regulation is adopted under the procedure of implementing a public policy document of a higher order of generality, the relevant goal of that document shall be taken over.

When establishing the aims of public policy, goals and objectives shall always be determined.

Goals and objectives

Article 15

A goal shall be established as a projection of the desired situation at the level of society in a given area of planning and implementing public policy.

Objectives shall be the projections of the desired situation contributing to the achievement of the goal, achieved by implementing measures, and/or groups of measures contained in the public policy document, and/or solutions in a regulation, where each measure, and/or group of measures must be related to a specific objective.

Goals and objectives shall be determined so as to be specific, measurable, acceptable, realistic and time-bound.

At the level of a specific measure the proposing party shall define the desired state to be achieved by implementing the given public policy measure, through various activities.

Limited number of goals

Article 16

When establishing goals, it is necessary to limit their number, making sure they are based on already established priorities in the specific area of planning and implementing public policy.

The goal of a public policy shall, as a rule, be taken into the strategy from the objectives of development planning documents, where it is formulated as an objective.

Other public policy documents and regulations, as a rule, take over an objective from a documents with higher levels of generality, such as development planning documents or strategies.

Establishing goals relative to desired changes

Article 17

Goals shall be established based on a projection of desired changes, conditions for their achievement and their mutual causal relationships, particularly having in mind key issues if they are being resolved through change, the causes and consequences of those issues, and the results of the analysis conducted during the process of establishing the desired change.

Proper definition of goals

Article 18

Goals shall be defined so that they can serve as a basis for monitoring the efficiency and effectiveness of the implementation of measures defined in a public policy document, and/or regulation implementing the public policy.

Various analysis techniques can be used for the analysis and definition of goals, such as: the tree of goals, comparative-legal analysis, and other techniques.

Goals shall be correctly determined by responding to the questions given under Appendix 3, representing an integral part of the regulation hereof.

Performance indicators

Article 19

Performance indicators measure success in the achievement of desired change between the initial state and the state after the implementation of public policy measures in the form of effects, outcomes and results, i.e. the achievement of set goals, and the efficiency and effectiveness of implementing public policy.

Performance indicators shall be defined during the drafting of a public policy document, and/or regulation, namely - when defining the goals of the public policy and the measures for their implementation, so that the process of securing data necessary for monitoring the achievement of set goals can be planned in a timely manner.

Performance indicators may be:

- 1) Indicators of effects (at the level of the goal of the public policy);
- 2) Indicators of outcomes (at the level of an objective of the public policy);
- 3) Indicators of results (at the level of public policy measures);

Depending on the nature of the public policy, performance indicators may also be defined at the level of activity.

Performance indicators should be specific, measurable, acceptable, realistic and time-bound.

Performance indicators should be expressed in a quantitative manner. Only under exceptional circumstances, when it is not possible to formulate quantitative performance indicators, qualitative performance indicators may be formulated.

When defining performance indicators, whenever necessary, gender equality shall be ensured through the use of gender-sensitive indicators, along with other values protected by law.

For each of the identified and defined performance indicators it is necessary to define a source of verification, i.e. data to be used to measure the efficiency and effectiveness of public policy implementation, and/or monitor the achievement of set goals.

The application of performance indicators requires establishing the following: baseline (existing) value during the last period there is data for (baseline year), target values for the timeframe wherein the achievement of the specific goal, and/or realization of a specific measure is envisaged, and a source of verification for the achieved values. The target values shall be set based on the current situation (baseline value) and a realistic assessment of what can be achieved in a given period of time, having in mind the resources available.

3. Identification of potential options

Identification of options - potential measures for achieving goals

Article 20

Options shall be identified during this phase of the impact analysis of public policy, i.e. alternative measures or groups of measures for achieving the public policy objectives, and a list of such options shall be produced. Although the diversity of potential options depends on the complexity of the change to be achieved, set goals and available resources for their implementation, it is necessary to maximize the number of identified options for achieving the desired change, i.e. achieving the goals.

This phase shall also be used to identify potential resources required to implement potential options, including the required funds and other material resources (human, organizational, management, institutional, etc.)

Options shall be correctly identified by responding to the questions given under Appendix 4, representing an integral part of the regulation hereof.

Obligation of reviewing the “*status quo*” option

Article 21

When considering the implementable options, it is mandatory to take into consideration the “*status quo*” option, serving as a baseline scenario for comparison with all other options under consideration.

Avoidance of measures involving amendments to existing, and/or adoption of new regulations

Article 22

When reviewing measures involving amendments to existing, and/or the adoption of a new regulation as an option for achieving the desired change, attention should be given to potential methods for simplifying the existing legal framework through the elimination of regulations that have become unnecessary, inefficient or harmful, and the elimination and/or simplification of administrative procedures that prevent the efficient functioning of natural and legal persons.

Having in mind that there is always more than one way to achieve a desired change and achieve the set goals, and therefore multiple different public policy measures that may be applied, measures that involve amendments to existing, and/or the adoption of a new regulation should not automatically be selected as the best fitting public policy measure, particularly if no detailed impact analysis has been produced for this option.

In case of reviewing measures that involve amendments to an existing, or the adoption of a new regulation, it should be kept in mind that improvement of the implementation of existing regulations is in most cases a better option than the adoption of new regulations.

When a decision on the adoption of regulations for implementing the public policy has already been made, the impact analysis of the regulation shall be based on the impact analysis of potential solutions within the regulation.

Minimum number of considered options

Article 23

In case of limited resources, it is necessary to identify a minimum of two viable options, not including the “*status quo*” option.

When one option involves amendments to regulations, other types of measures must also be identified among the different options to be considered.

4. Impact analysis of public policy options

Impact analysis and assessment of public policy options

Article 24

An impact analysis of public policy options, and/or the effects of potential measures for achieving public policy objectives, and/or the effects of solutions in case of regulations, shall be

implemented to determine the strengths and weaknesses of the options considered through a comparative analysis of the following types of impact:

- 1) Analysis of financial impact;
- 2) Analysis of economic impact;
- 3) Analysis of social impact;
- 4) Analysis of environmental impact;
- 5) Analysis of governance impact;
- 6) Risk analysis.

If there is an assumption that one of the above analyses will exclude any of the analysed options, that analysis is performed first, so as to avoid implementing the remaining analyses for that option.

Since each of the analysed options involves an unequal distribution of costs and benefits for society, it is necessary to analyse the impact of such an unequal distribution of costs and benefits regarding certain categories of natural, and/or legal persons, and regarding various regions and/or areas of planning under the impact of the measures being analysed.

Both direct and indirect, positive or negative effects of each option shall be taken into consideration during an impact analysis of options.

The result of the impact analysis of options shall be the adoption of the optimum option, and/or group of measures for achieving the public policy objective, and/or regulation by the adopting party, based on the presented analysis of analysed options and a reasoned proposal of the optimum option presented under the findings on the implemented analysis.

Analysis of financial impact

Article 25

The analysis of financial impact shall involve an assessment of the following:

- 1) Funds required to implement each of the measures - public policy options, and/or solutions from regulations and the identification of potential sources for providing such funds;
- 2) Financial impact of the implementation of a public policy document, and/or regulation on the budget, in accordance with the law regulating the budget system.

The analysis and planning of public policy measures shall ensure that the implementation of measures financed from the budget, as a rule, is planned for subsequent budget years, and for the current year only if the funds for implementing the measure have already been secured in the budget or on another basis.

Regardless of the type of public policy document or regulation, this is the type of impact with a mandatory analysis, thus changes in revenues and expenditures generated by the options must be assessed in accordance with the regulation on the method of expressing and reporting on the estimated financial impact of laws, other regulations, or other acts on the budget.

The financial impact analysis shall be correctly conducted by responding to the questions given under Appendix 5, representing an integral part of the regulation hereof.

Analysis of economic impact

Article 26

The analysis of economic impact shall analyse the effects of the considered public policy options on the economy in general and conditions of competition, particularly on individual branches of the economy and economic entities, including effects on industrial growth, agricultural production, the service sector, consumption and competitiveness of the economy, workforce and productivity, technological and infrastructural development, and the distribution of social wealth.

During an analysis of the impact of options for the regulation a test of their impact on micro, small and medium-sized economic entities must be implemented separately.

The economic impact analysis shall be correctly conducted by responding to the questions given under Appendix 6, representing an integral part of the regulation hereof.

Analysis of social impact

Article 27

The analysis of social impact shall analyse the significant positive and negative direct and indirect effects of public policy options on various categories of the population, particularly on vulnerable categories of individuals or groups of individuals whose situation may deteriorate due to the implementation of public policy measures, and on the achievement of the principle of gender equality.

The analysis of social impact is particularly important when adopting public policy in the fields of competitiveness, social welfare, education, healthcare, urban planning, spatial planning and construction, as well as any other area with a direct or indirect impact on the population.

The impact analysis regarding gender equality should assess any impact on gender equality, with a particular reflection on the under-represented gender.

The social impact analysis shall be correctly conducted by responding to the questions given under Appendix 7, representing an integral part of the regulation hereof.

Analysis of environmental impact

Article 28

The analysis of environmental impact shall analyse the effects of the analysed public policy options on all aspects of the environment, including its effects on the quality of water, air and land, food quality, urban ecology and waste management, raw materials, energy efficiency and renewable energy sources, integrity and biodiversity of ecosystems, and flora and fauna.

The analysis of environmental impact is particularly important when considering options of measures in areas such as competitiveness, the economy, mineral resources, mining, energy and transport, to ensure environmental protection and the improvement of sustainable development through the integration of the basic principles of environmental protection in the procedure of drafting public policy documents that cover the above issues.

The analysis of environmental impact of the measures envisaged by public policy documents such as plans and programmes, as regarding the law regulating the strategic environmental impact assessment, is of a strategic nature and shall be developed in detail in accordance with that law.

When analysing and assessing environmental impact, it is necessary to respect the principle of precaution and produce a detailed analysis and assessment of environmental impact whenever considering options for establishing public policy measures related to the health of citizens. When

establishing measures of such public policies, it is necessary to envisage supplemental/corrective measures with the aim of reducing the risk for citizens' health.

The environmental impact analysis shall be correctly conducted by responding to the questions given under Appendix 8, representing an integral part of the regulation hereof.

Analysis of governance impact

Article 29

The analysis of governance impact shall analyse the legal, organizational, governance and institutional aspects of the effects of the public policy options under consideration. This type of impact analysis is key for planning available resources required to implement the measures contained in such options.

The governance impact analysis shall be correctly conducted by responding to the questions given under Appendix 9, representing an integral part of the regulation hereof.

Risk analysis

Article 30

Since the effects of the analysed public policy options cannot always be foretold with certainty, particularly if public policy is being established for a longer timeframe, attention shall be given during the implementation of the impact analysis to the following:

- 1) *Risks of public policy implementation*, when it is possible to determine the probability of an event occurring;
- 2) *Uncertainties of public policy implementation*, when it is not possible to determine the probability of an event occurring;

The shorter the timeframe that the analysed public policy option relates to, the more detailed the risk analysis should be. This analysis should also be more detailed in case of drafting public policy documents with a narrower scope (such as policy concepts).

Since long-term and comprehensive public policy is key for planning, it is necessary for the findings of the impact analysis of measures contained in the proposed option to be reliable, objective, fact-based and data-based, and it is desirable to analyse the "optimistic" and "pessimistic" scenario of the effects of the option, so that the competent adopting party could review the entire range of potential effects.

The risk analysis shall be conducted by responding to the questions given under Appendix 10, representing an integral part of the regulation hereof.

5. Comparison of public policy options and choice of best option

Comparison of public policy options

Article 31

This phase of the impact analysis shall be used to compare the options and adopt a decision on the selection of the best option, submitted through a draft public policy document, and/or regulation to the competent adopting party for adoption.

All the strengths and weaknesses of each of the analysed options shall be compared in this phase to determine which one is the most efficient for achieving the set objectives, and/or which one has the fewest weaknesses.

When comparing options, proposing parties may use quantitative techniques, while in situations where it is difficult to quantify and/or financially express the effects of the considered options, the proposing parties shall use qualitative techniques.

This phase of the impact analysis shall be implemented in the following sequence:

1) Criteria shall be established for comparing the options analysed during the previous phase of the procedure, these being all positive and negative, direct and indirect expected effects of each of the considered options, including the risks and uncertainties of their implementation;

2) A comparison shall be conducted of the options based on each of the established criteria;

3) Arguments for and against each of the options shall be identified;

4) Key arguments shall be summarised (set aside) for each of the options.

This phase of the impact analysis boils down to a comparison of relevance, efficiency, effectiveness and sustainability of the options under consideration, identified and analysed under previous phases of the impact analysis.

The proposing parties shall elaborate the results of this phase of the impact analysis in particular detailed in case of a policy concept, since this public document is, as a rule, used to choose between various options for public policy implementation and the achievement of set goals.

Identification of the optimum option

Article 32

The results of the implemented impact analysis shall first be used to select the desirable options, and thereafter the optimum option shall be selected among the desirable ones, as the best way to achieve the desired change and achieve the set goals.

If the list of desirable options contains three or four options, where neither can be eliminated, these options shall be subject to a detailed analysis that can be used to determine the optimum option.

The optimum option shall be proposed to the adopting party of the public policy document, and/or regulation by the proposing party, but the final decision regarding the optimum option shall be made by the adopting party of the document, and/or regulation, since they may opt for another option relative to the recommended one.

6. Identifying the type of public policy document, and/or regulation to be used for intervention

Correct choice of the type of public policy document, and/or regulation

Article 33

When selecting a public policy document to be used to intervene to achieve the set goal, particular attention shall be paid to the following:

- Scope of public policy established by this document, having in mind that a strategy, as a rule, comprehensively establishes strategic directions for action and public policy in a specific area

of planning, while a programme develops an objective of a strategy or another planning document, adopted in accordance with the same, or intervenes within the given area of planning under a section not covered by the strategy in force (identifying the goal of the programme not included among the objectives of the sectoral strategy, but in accordance with its goal, and/or the priority development goals and other priority goals of the Government);

- Connection between the objectives and measures to be implemented to achieve such objectives, having in mind that programmes are, as a rule, adopted to implement tightly linked measures and/or related (compatible) projects;

- Period of time it is being adopted for, having in mind that a strategy is, as a rule, adopted for a period of five to seven years, and a programme for a period of up to three years, but assessing this criterion in correlation with the previous one;

- Whether the identified options - potential measures have the kind of impact on the target groups and other stakeholders that require a previous adoption of a policy concept.

The party proposing a public policy document, and/or regulation shall initiate the development of the policy concept if they assess it as necessary for the Government to provide guidelines with the adoption of this document for further work on the public policy document, and/or a baseline for further work on the regulation, in order to avoid subsequent lack of harmonization with the specific public policy option, and/or principles to be used to implement the specific reform.

The type of regulation to be used to intervene for achieving the objective of the established public policy shall be chosen by the proposing party having in mind constitutional and legal authorizations for the adoption of regulations, taking care to draft and adopt regulations with significant impact on the method of exercise of the rights, obligations and legal interests of natural and legal persons through a transparent procedure.

The strategy or policy concept shall identify the type of public policy document to be used for their further elaboration, both at the national, as well as local level.

7. Final identification of the resources required for implementing and monitoring the implementation of public policies, and precise definition of the performance indicators at the level of measures

Article 34

In this phase the proposing party shall conduct a final identification of the resources required for the implementation of options, and/or the proposed optimum option, including the required funds and other material resources (human, organizational, governance, institutional, etc.) and determine the deadlines for implementation, having in mind the results of the analyses conducted up to that point.

Result indicators at the level of public policy measures shall be identified, at the latest, during this step. Result indicators at the level of activity may also be identified, depending on the nature of the public policy and the importance of the activity itself for the implementation of the measure.

IV. PRESENTATION OF THE RESULTS OF THE IMPLEMENTED IMPACT ANALYSIS

Obligation of presenting the results of the implemented impact analysis

Article 35

The results of the implemented impact analysis shall be elaborated by the proposing party in a report on the implemented impact analysis. The party proposing a public policy document shall present a resume of the implemented impact analysis within the public policy document itself, in accordance with the provisions of the regulation hereof on the mandatory elements of public policy documents.

The party proposing a public policy document and regulation shall publish the findings of the implemented impact analysis on their website and/or e-Government portal, along with the proposed public policy document, and/or regulation in accordance with the law regulating the planning system, at the latest on the date of initiating the public review.

Form of the report on the implemented impact analysis

Article 36

The report on the implemented impact analysis shall be drafted in written form and shall contain the following:

- 1) Introduction;
- 2) Analysis of the existing situation;
- 3) Information on the results of the implemented impact analysis;
- 4) Information on the initiative to draft a public policy document, if the drafting was initiated based on an external initiative;
- 5) Information on the notice on initiating work on a public policy document;
- 6) Information on the implemented consultations.

The report shall be drafted in print form, and/or electronic form, in accordance with the law regulating electronic documents.

Contents of a report on the implemented impact analysis for a public policy document

Article 37

The report shall state the following:

- 1) Name of the public policy document it relates to;
- 2) Field of planning and implementation of public policy it covers;

The analysis of the existing situation shall contain the following:

- 1) Information on the existing situation and needs for an intervention for achieving the desired change, however in the case of a mandatory implementation of a detailed impact analysis, the existing situation shall be presented through quantitative, and/or qualitative indicators;
- 2) Projection of the desired situation, to be achieved by the change;
- 3) Designation of issues, their causes and consequences, if their solution is the aim of change;

- 4) Identification of conditions for achieving change;
- 5) Identification of potential risk of the change not occurring;

Information on the results of the implemented impact analysis shall contain the following:

- 1) Designation of the goal - projects, and/or vision of the desired situation, stating what higher level public policy document it was taken from, if taken;

- 2) Designation of the public policy effect indicators used to evaluate the achievement of the goal, always stating the baseline value;

- 3) Designation of objectives contributing to the achievement of the goal;

- 4) Designation of the outcome indicators for objectives, used to evaluate the achievement of such objectives;

- 5) Designation of options considered for achieving the objectives, i.e. various measures, and/or groups of measures analysed in this regard;

- 6) Relevant information on the results of the implemented impact analysis regarding the analysed options and proposed measures, namely:

- Analysis of the financial impact of the considered options, with a mandatory presentation of the total funds required for implementing the proposed measures, sources to be used to secure such funds and the amount of funds to be secured in the budget, regarding each of the measures, and if securing the funds is uncertain, the measure is to be marked as conditionally implementable (if the proposed measures affect the mid-term budget revenue framework, the financial analysis should contain an analysis of such revenues);

- Analysis of the economic impact of the considered options, particularly on competition conditions, industrial growth, agricultural production, services, consumption and competitiveness of the economy, workforce and productivity, technological and infrastructural development, and on micro, small and medium-sized economic entities, if the analysed options have economic effects;

- Analysis of the social impact of the considered options, i.e. effects on various population categories, particularly on vulnerable categories whose situation may deteriorate due to the implementation of public policy measures, and effects on discrimination based on any grounds, including national affiliation, age, disability, gender identity, sexual orientation, and the results of a gender equality test, etc. if the analysed options have social effects;

- Analysis of the environmental impact of the proposed measures, particularly on the quality of water, air and land, quality of food, urban ecology and waste management, raw materials, energy efficiency and renewable energy sources, integrity and biodiversity of the ecosystem, and the flora and fauna, if such measures have environmental effects;

- Analysis of the governance impact of the considered options, particularly whether the measures in general involve organizational, governance or institutional changes, what type and in what timeframe, and whether such changes affect the system of accountability and transparency of the work of public administration, and whether the existing public administration has the capacities for implementing the proposed public policy measures (including the quality and quantity of available capacities) and whether certain measures need to be undertaken with the aim of this implementation to improve such capacities and in what timeframe, if the considered options have governance effects;

- 7) Relevant information on the results of the comparison of options;

8) Explanation of the proposed optimum option;

9) Information on the results of the analysis of the “*status quo*” option, stating the reasons why it is not recommended;

10) If the proposed option involves amendments to an existing, or the adoption of a new regulation, and explanation of why this is necessary, i.e. why an option, and/or measure not involving the amendment of an existing, or adoption of a new regulation was not proposed.

Information on the initiative for drafting the public policy document shall contain the basic data on the party submitting the initiative for drafting the public policy document and the subject matter of the initiative.

Information on the notice on initiating work on the public policy document shall contain data on the time and method of publication.

Information on the implemented consultations shall contain data on the following:

1) Time, scope and methods of consultation;

2) Participants of the consultative process;

3) Issues that were the subject matter of consultations;

4) Objections, suggestions and comments taken into consideration and rejected, and the reasons for their rejection;

5) Effect of the results of consultations on the selection of measures from the public policy document.

If, in accordance with Article 8, paragraph 4 of the regulation hereof there is an obligation for implementing a detailed impact analysis:

1) The performance indicators from paragraph 3, items 2) and 4) of the Article hereof should be precisely expressed, with a designation of the baseline value (initial state) and target value (state to occur through the implementation of public policy measures) in a specified timeframe, and/or periods;

2) Information on the results of the implemented impact analysis as per paragraph 3, item 6) of the Article hereof and on the results of the comparison of options from paragraph 3, item 7) of the Article hereof shall contain numerical indicators of the results of the applied methods for the impact analysis of the considered options (cost/benefit analysis, standard cost model, analysis of cost efficiency, multi-criterion analysis, etc.), and qualitative results indicators only if they cannot be shown quantitatively.

If a basic impact analysis is being implemented, information on the results of the implemented impact analysis from paragraph 3, item 6) of the Article hereof may be reduced to the responses to questions from appendices 2-10 of the regulation hereof, and the information on the results of the comparison of options from paragraph 3, item 7) of the Article hereof to the qualitative results indicators, and/or an explanation of the advantages of the considered options.

If the analysed option, and/or measure, and/or group of measures does not have any of the effects as per paragraph 3, item 6) of the Article hereof, this should be stated, with a brief explanation.

If any of the measures of the analysed options are conditionally implementable in accordance with paragraph 3, item 6), line 1 of the Article hereof, the expected impact of the non-implementation of this measure on the performance indicators from paragraph 3, items 2) and 4) of the Article hereof is to be presented.

The report on the implemented public policy document impact analysis shall, as a rule, be contained in the text of the given public policy document.

Contents of the report on the implemented impact analysis of a regulation

Article 38

The content of a report on the implemented impact analysis of a regulation shall be identical to the contents of the report on the implemented impact analysis for a public policy document. However, in case of a regulation the results of the analysis of both the measures prescribed by this regulation, and the material-legal and process solutions shall be presented.

V. CONSULTATIONS AND PUBLIC REVIEW

Difference between consultations and public review

Article 39

Consultations shall be implemented during the establishment of the public policy and drafting of the public policy document, and during the drafting of the regulation, and their purpose shall be to collect data from the stakeholders and target groups, required to implement the impact analysis, to define optimum public policy measures, and/or solutions in regulations.

A public review shall be implemented immediately before the adoption of a public policy document, and/or regulation, and its purpose shall be to introduce the entire public, particularly those entities the public policy measures are related to, and/or persons obliged to act based on the regulation, with the final draft, with the aim of timely preparation for the implementation and the collection of objections and suggestions for final interventions on the text.

1. Consultations

Obligation of implementing consultations

Article 40

Parties proposing public policy documents, and/or processing legislation, shall implement consultations with representatives of all target groups and other stakeholders identified in accordance with Article 11 of the regulation hereof, during the drafting of the given document, and/or law, and/or during the implementation of the *ex-ante* impact analysis, using the appropriate consultation technique.

Consultation methods

Article 41

The consultation method (technique) shall be chosen depending on the issue being resolved, available time and funds, and the accessibility of potential participants in the consultations.

The most frequently used consultation techniques shall be:

- 1) Focus group;

- 2) Round table;
- 3) Semi-structured interview;
- 4) Panel;
- 5) Survey;
- 6) Solicitation of written comments.

Implementation of consultations in public administration bodies

Article 42

During the process of formulating a public policy, and/or drafting a regulation, and depending on the nature, scope and potential effects, the proposing party shall include in the consultation process representatives of relevant civil society organizations, professional associations and scientific-research organizations, and representatives of public administration, including relevant public administration bodies.

The deadlines for consultations shall be established so as to enable participants to implement internal consultations and identify arguments for issuing recommendations for the improvement of public policy documents, and/or regulations. If these are public policy documents adopted regarding the process of negotiations on the accession of the Republic of Serbia to the European Union, consultations shall be implemented in accordance with the legal framework on the negotiations on the accession of the Republic of Serbia to the European Union.

The Public Policy Secretariat of the Republic of Serbia may propose to a state body proposing a public policy document, and/or regulation to apply a certain method of consultations, if they assess that the representative nature of the participants in the consultations was not ensured. An initiative to submit such a proposal to the Public Policy Secretariat of the Republic of Serbia may be submitted by any stakeholder, and the Public Policy Secretariat of the Republic of Serbia shall ensure the public availability of such initiatives and information on actions in regards to them through their website. The Public Policy Secretariat of the Republic of Serbia shall collect initiatives from civil society organizations in cooperation with the Office for Cooperation with Civil Society.

The party proposing a public policy document, and/or regulation shall consider the suggestions presented by stakeholders and target groups during consultations.

Participation of stakeholders in drafting a public policy document, and/or regulation

Article 43

The party proposing a public policy document, and/or regulation shall, as a rule, appoint to the working group for the development of the public policy document, and/or regulation representatives of target groups and other stakeholders participating in the process of consultations, with the aim of respecting the results of consultations under the process of drafting the given document, and/or regulation.

The Public Policy Secretariat of the Republic of Serbia and the Office for Cooperation with Civil Society may propose to the state body proposing the public policy document and/or regulation to include certain stakeholders and target groups in the working group for drafting the public policy document and/or regulation. An initiative to submit such a proposal to the Public Policy Secretariat

of the Republic of Serbia and the Office for Cooperation with Civil Society may be submitted by any stakeholder, and the Public Policy Secretariat of the Republic of Serbia and the Office for Cooperation with Civil Society shall ensure the public availability of such initiatives and information on actions in regards to them through their website.

In case of the development of intersectoral public policy documents, and/or intersectoral regulations with significant effects, the public administration body proposing them shall, as a rule, appoint representatives of state bodies competent for these sectors to the working group.

Method of reporting on the progress and results of the consultation process

Article 44

The competent proposing party shall inform the participants of consultations on the results of the implemented consultations, and in particular on the reasons why certain suggestions were disregarded, and shall publish the information on the results of implemented consultations on their website at the latest within 15 days as of the date of completion of consultations.

The party proposing a public policy document, and/or regulation shall provide a final elaboration of the progress and results of the consultation process in the report on the implemented impact analysis, unless there is no obligation of implementing an impact analysis in which case they shall complete a report on the results of the consultative process and submit it to the adopting party along with the document proposed for adoption.

2. Public review

Implementation of public review for public policy documents

Article 45

The procedure of public review on a draft public policy document shall be implemented in accordance with the Government Rules of Procedure.

The proposing party shall not have the obligation of implementing a public review in case of the following:

- Public policy documents that do not require an impact analysis as per the regulation hereof (Article 6);

- In case of an urgent need for adoption, and/or amendment of public policy documents in force at the local level, with the aim of implementing public policies adopted at the national level, and/or harmonization with such policies;

- In case of a need for urgent amendments to public policy documents in force at the national level, and in case of smaller changes to the action plan amending the activities with the aim of implementing previous public policy measures, if approval of this is issued by the competent Government committee.

In the case as per paragraph 1 of the Article hereof the proposing party shall publish the material, with an explanation of the reasons for not implementing a public review in accordance with the Article hereof at the latest when submitting it to the adopting party for adoption, except in case of public policy documents of relevance for national defence.

Report on the implemented public review

Article 46

The proposing party shall publish the report on the implemented public review on their website, and if the proposing party is a public administration body, on the e-government portal at the latest on the seventh working day prior to submission to the competent adopting party for deliberation and adoption.

The report as per paragraph 1 of the Article hereof shall in particular contain data on the following:

- Time and place of holding the public review;
- Participation of public authorities, civil society organizations and business entities in the public review;
- Provided suggestions regarding the definition of objectives and measures for achieving such objectives, and the choice of institutions competent for their implementation and the formulation of performance indicators for public policies, and/or measures;
- The way the suggestions were incorporated into the draft public policy document, and if not, the reasons why this was not done.

Simultaneously with its publishing, this report shall become an integral part of the previously published report on the implemented impact analysis.

VI. CONTROL OF THE IMPLEMENTATION OF AN IMPACT ANALYSIS

Obligation of obtaining an opinion from the Public Policy Secretariat of the Republic of Serbia

Article 47

Prior to submitting the proposed public policy document, and/or proposed or draft regulation to the Government for adoption, the proposing party shall submit the same to the Public Policy Secretariat of the Republic of Serbia for an opinion, with a report on the implemented impact analysis.

Scope of control exercised by the Public Policy Secretariat of the Republic of Serbia

Article 48

Upon receiving the proposed public policy document, and/or proposed or draft regulation with the report on the implemented impact analysis for an opinion, the Public Policy Secretariat of the Republic of Serbia shall assess the completeness of the content of the provided report on the implemented impact analysis and the harmonization of this document, and/or regulation with previously adopted public policy documents and regulations, and if it assesses it as necessary, shall provide proposals to the proposing party to improve the document, and/or regulation or report, in accordance with the regulation hereof.

If the proposing party did not implement an impact analysis, and/or detailed impact analysis due to their assessment that they were not obliged to do so based on the law regulating the planning system and the regulation hereof, and the Public Policy Secretariat of the Republic of Serbia assesses that it was necessary to implement the same, the Public Policy Secretariat of the Republic

of Serbia shall immediately notify the proposing party on the need to produce and submit an impact analysis, and/or detailed impact analysis.

Opinion of the Public Policy Secretariat of the Republic of Serbia

Article 49

The opinion of the Public Policy Secretariat of the Republic of Serbia on a proposed public policy document, and/or proposed or draft regulation may contain the assessment that:

1) *The impact analysis is complete*, if they assess that it was implemented at a satisfactory level, this being the case if the proposing party has provided detailed responses to all the questions from the checklist of questions as per appendices 2-10, representing an integral part of the regulation hereof, and that these provide a clear overview of the effects of the proposed measures, and/or if in case of the need for implementing a detailed impact analysis they have presented in detail the importance of the issue, quantitative and qualitative assessments of key potential consequences (positive and negative, direct and indirect) that the implementation of the public policy document, and/or implementation of the regulation can cause for natural and legal persons in practice, and if their assessments of potential effects have been supported by relevant quantitative and qualitative data and relevant analyses of such data, that can be used to review the effects of the proposed measures and that provide for the monitoring of the implementation of such measures and an assessment of their effects;

2) *The impact analysis is partial*, if they assess that it was implemented partially, which is the case if the proposing party has provided incomplete responses to the questions from the checklist of questions as per appendices 2-10, representing an integral part of the regulation hereof, but sufficient to be able to review the effects of the proposed measures, and/or if in case of the need for implementing a detailed impact analysis they have provided partial insight into the nature and importance of the issue to be resolved by adopting the public policy document, and/or regulation, and quantitative and qualitative data that is incomplete, but that may be used to review the effects of the proposed measures and that provides for the monitoring of the implementation of such measures and an assessment of their effects;

3) *The impact analysis is insufficient*, if they assess that the contents of the report on the implemented impact analysis is not at a satisfactory level, this being the case if the proposing party did not respond, and/or provided unsatisfactory responses to the majority of the questions from the checklist of questions as per appendices 2-10, representing an integral part of the regulation hereof, and/or if in case of the need for implementing a detailed impact analysis, they did not provide even a partial insight into the nature and importance of the issue to be resolved, and/or quantitative and qualitative data and relevant analyses of such data that could be used to review the effects of the proposed measures, monitor the implementation of such measures and conduct an assessment of their effects;

4) *(Unnecessary) there is no need for an impact analysis*, if they assess that the nature and importance of the public policy document or regulation are such that they do not affect natural and legal persons, i.e. that such effects are negligible, and/or if they agree with such an assessment by the proposing party, and in case of the obligation to ratify international agreements.

In case of issuing the opinion that the impact analysis is insufficient, the explanation should contain precise and complete objections and suggestions regarding the deficiencies of the implemented impact analysis and the content of the report on the implemented impact analysis.

This opinion may direct attention to public policy measures, and/or solutions from the regulation that may have negative effects and are proposed to be re-examined.

In case of issuing the opinion that the impact analysis is partial, the explanation should contain information on the deficiencies that were the reason for issuing such an opinion. Such an opinion may present objections and suggestions regarding the elimination of deficiencies in the implemented impact analysis, reservations regarding the quality of the implemented analysis and the effects of the proposed public policy measures, and/or solutions from the regulation.

The Public Policy Secretariat of the Republic of Serbia shall submit their opinion as per paragraph 1 of the Article hereof to the proposing party within ten business days, except in case of a systemic ("umbrella") law or strategy, where the deadline is 20 business days, unless otherwise prescribed by law.

Obligation of acting in accordance with the opinion

Article 50

Before a proposed public policy document, and/or proposed or draft regulation is referred to the Government for adoption, the public administration body shall act in accordance with the opinion as per Article 49 of the regulation hereof, i.e. explain in a statement of compliance why they failed to act in accordance with a specific recommendation from the given opinion.

The statement as per paragraph 1 of the Article hereof shall contain a statement regarding the implemented or non-implemented harmonization with each of the objections and suggestions from the opinion of the Public Policy Secretariat of the Republic of Serbia.

Obligation of re-acquiring an opinion

Article 51

If the proposing party subsequently amends the public policy document or amends the regulation differently or more than required for harmonization with the objections from the opinion of the Public Policy Secretariat of the Republic of Serbia, the proposing party shall acquire a new opinion from the Public Policy Secretariat of the Republic of Serbia.

Prior opinion on the need and scope of implementing an impact analysis

Article 52

If the proposing party needs professional assistance when assessing the need for implementing an impact analysis, and/or whether they will be implementing a basic or detailed impact analysis, prior to starting work and during their work on the document, and/or regulation they may inquire with the Public Policy Secretariat of the Republic of Serbia for an opinion on the need and scope of implementing such an analysis.

Consultations in accordance with paragraph 1 of the Article hereof shall be initiated by the proposing party in the earliest possible phase of drafting public policy documents, and/or regulations, with the aim of more efficient coordination and communication regarding the mandatory nature and method of implementing an impact analysis, and regarding the harmonization of the same with previously adopted public policies and regulations.

The proposing party may request that the Public Policy Secretariat of the Republic of Serbia issue a prior opinion on the need for implementing a detailed impact analysis, in which case a

request for an opinion shall be submitted to this body, with an explanation of where they shall enter the responses to the questions from the checklist of questions as per appendices 2-10, representing an integral part of the regulation hereof.

The Public Policy Secretariat of the Republic of Serbia shall issue, in their prior opinion, instructions for the proposing party regarding the scope of implementation of the impact analysis and recommendations on the methods how the proposed impact analysis is to be implemented.

VII. PUBLIC POLICY MEASURES

Types of public policy measures

Article 53

In regards to their nature, the measures for achieving the objectives of public policies, i.e. the implementation of desired change, may be the following:

1) *Regulatory*, these being regulations and other general acts, applicable in case of a need to establish or amend mandatory standards and/or rules regulating social relations;

2) *Incentive*, these being fiscal measures (subsidies, direct financial handouts, taxes, etc.) and other financial and non-financial measures, applicable when the specific objective can be achieved, and/or when the reasons for a key identified problem can be affected by changes in prices and/or fiscal burdens;

3) *Informational-educational*, these being information campaigns, the distribution of publications, educational programmes and similar activities, applicable when it is necessary to increase awareness on the desired change and the method of its implementation, and/or the need and the method of overcoming an existing problem, including the need to change the behaviour of a certain target group that a public policy or regulation is being implemented in relation to, or when it is necessary to raise the level of knowledge and thus enable stakeholders and target groups to make decisions based on improved information (particularly in areas such as healthcare, environmental protection, transport, etc.);

4) *Institutional-governance-organizational*, these being the forming of special institutions or the allocation of new, and/or reallocation of already available resources in existing ones, to ensure the implementation of measures envisaged in public policy documents in public administration institutions (state bodies and organizations, local self-government and autonomous province bodies and organizations, public agencies, public enterprises and other holders of public authority), when the existing organizational structure does not provide for the efficient functioning of such institutions, and/or the implementation of other types of measures envisaged in public policy documents;

5) *Provision of goods or provision of services by participants in the planning system*, when the specific objective can be achieved, i.e. when the causes of the key identified problem can be affected by the provision of goods and provision of services, including public investment (capital and infrastructural projects, investments, etc.).

To achieve the objectives of a given public policy, public policy documents may combine various types of public policy measures.

It is necessary to consult stakeholders and conduct comparative analyses of solutions for similar problems in other countries during the identification of potential public policy measures, the potential effects that will be caused by such measures in practice, the application, and the selection of optimum solutions.

If the implementation of a specific measure as per paragraph 1, items 2) to 5) of the Article hereof is provided by the adoption of regulations, such a measure does not belong among regulatory measures as per the classification from paragraph 1 of the Article hereof, nor is it to be considered a combination of different measures for this reason. In order for such regulations, and/or other general acts to be separated from the regulatory measures that regulate social relations in a general and permanent manner, the regulation hereof treats them as activities to be undertaken for the implementation of other types of measures, not as regulatory measures.

VIII. CONTENT AND FORM OF PUBLIC POLICY DOCUMENTS

Content and form of public policy documents

Article 54

The content of public policy documents shall depend on the type and scope of such documents.

The form of public policy documents shall be regulated regarding certain types of public policy documents, having in mind their specific nature and the need to adopt and implement such documents, and to analyse, assess and evaluate the effects of their measures.

If a public policy document is establishing public policy measures for the entire field of planning and implementing public policies, a sectoral strategy shall be drafted.

If a public policy document is establishing public policies for several fields of planning and implementing public policies, an intersectoral strategy shall be drafted.

The fields of planning and implementing public policy have been listed under Appendix 11, comprising an integral part of the regulation hereof.

Requirements regarding the form of public policy documents introduce minimum standards regarding the mandatory content and quality of public policy documents and provide for the quality control of such documents prior to their adoption, and the relevant transparency.

The form of public policy documents primarily provides their correct positioning in the legal system of the Republic of Serbia and harmonization with other planning documents in force, the correct identification of the goals to be achieved and identification of problems to be resolved, the selection of optimum measures for achieving such goals and activities that comprise it, as well as mechanisms for implementing such measures, and the analysis and assessment of their effects.

The form and content of strategies

Article 55

A strategy shall contain the following:

- 1) *Introduction*, containing:
 - The legal basis, prescribing the competence for adoption (reference to provisions of a law);
 - Reasons for adoption, including responses to the following questions:
 - (1) Why was the drafting of this document initiated, i.e. what are the indicators that there is a need for a public intervention?
 - (2) Whose initiative was it to start developing the document? (With particular reference to initiatives by natural and legal persons, if any).
 - (3) Is the public policy document in this field being adopted for the first time, or is it being adopted because of the expiry of a document in force?

(4) If it is being adopted because of the expiry of a document in force, brief information is to be provided on the results of the implementation of measures envisaged by the given document;

- Brief information on the institutions involved in the development of this strategy;

2) *Data on the planning documents and legal framework relevant for that strategy*, i.e. an explanation of the link to the planning document that it is being adopted in relation to, if such a document exists, and the relationship of this document with other relevant planning documents and the legal framework in force;

3) *Description of the current situation* in the specific field of planning and implementation of public policy, included an *ex-post* analysis of previous public policies in this field, conducted based on an assessment of the level of achieving the objectives of such public policies through the performance indicators of such policies, with reference to existing studies and analyses documenting the problem and the need for intervention;

4) *Definition of the desired change*, containing the following:

- A vision, i.e. the desired state that the achievement of the goal and objectives will contribute to;

- Identification of the desired change, including its elements and their causal relations;

- Identification of stakeholders and/or individuals, groups, legal persons or organizations that have an interest in, or are under the influence of measures used to implement public policy;

5) *Definition of the goals of public policy*, containing the following:

- Goal of the policy, established by the strategy or other public policy document (policy concept or broader strategy) or the development planning document it is being adopted in accordance with;

- Identification of performance indicators at the goal level (indicator of the effects of public policy), including the identification of baseline values, target values and sources of verification;

- Up to five policy objectives (as a rule), identified by this strategy or another public policy document it is being adopted in accordance with (policy concept or broader strategy) or development planning document, used to subsequently elaborate specific measures for achieving them;

- Identification of performance indicators at the objective level (outcome indicators), including the identification of baseline values, target values and sources of verification;

6) *Identification of public policy measures* for achieving the objective, and/or objectives, denoting what measures are envisaged alternatively, if any (if there are various options for achieving the goal), including an identification and formulation of performance indicators at the level of measures, and an overview, and/or brief description of projects to be used for implementing public policy measures;

7) *Report on the analysis of measures*, performed in accordance with articles 24-30 of the regulation hereof, including an impact analysis of such measures on natural and legal persons, and/or an analysis of social and economic impact, for each of the considered options, if any, including an analysis of environmental impact and governance impact of such measures, if any, with a particular reflection of the impact of measures on:

- Gender equality;

- Micro, small and medium-sized economic entities;

8) *Identification of mechanisms for the implementation of measures*, stating the following:

- Institutions competent for implementing the specific measure, and/or institutions with predominant competence in implementing the given measure, or identified as the coordinator for the implementation of the measure, if the implementation of a measure is under the competence of multiple institutions;

- Assessments of required funds and other material resources required for the implementation of measures;

- Information on the method for securing, and/or sources of funds for the implementation of measures;

- Deadlines for the implementation of measures;

9) *Identification of the method of evaluating the achieved results*, i.e. the efficiency of implementation of the public policy document, including the identification of key performance indicators at the level of goals, objectives and measures, measuring the efficiency and effectiveness of the implementation of public policy measures established by the document and the method for verification of such results (source of information);

10) *Identification of the method of reporting on results*, stating who shall report to whom on the implementation of the public policy document, the scope of reporting, and deadlines;

11) *Information on the results of implemented consultations*, stating the views presented by the consulted groups regarding the considered alternative measures, and the reasons their views were adopted or rejected;

12) *Estimate of funds*, required to implement each of the measures and identification of the sources for securing such funds;

13) *Assessment of the financial effects* of the implementation of each measure on the budget, in accordance with the law regulating the budget system. If the implementation of measures financed from the budget is planned for the current budget year, the basis shall be stated for these funds already being secured in the budget.

14) *Information on the regulations* to be adopted, and/or amended to implement the public policy measures;

15) *Action plan*, produced with the form prescribed by Article 68 of the regulation hereof.

If the strategy has more than one goal, and/or more than five objectives, the need for this deviation shall be explained.

An action plan is, as a rule, adopted for the entire period of the strategy it elaborates, yet under exceptional circumstances may be adopted for a shorter period, if at the time of its adoption the full schedule of activities cannot be envisaged. In such a case an action plan with a shorter duration shall be adopted, with the subsequent adoption of a further action plan, or action plans to cover the remaining period of the strategy.

In case an action plan is not an integral part of the strategy, the strategy shall contain a deadline for the adoption of an action plan that may not exceed 90 days as of the date of adoption of the given planning document.

The form and content of programmes

Article 56

A programme shall contain the following:

1) *Introduction*, in accordance with Article 55, paragraph 1, item 1) of the regulation hereof;

2) *Data on public policy documents and the legal framework relevant for the given programme*, i.e. an explanation of the relationship of this programme with the public policy

document it is being adopted under, and its relationship with other relevant public policy documents and the legal framework.

3) *Description of the current situation*, in accordance with Article 55, paragraph 1, item 3) of the regulation hereof;

4) *Definition of the desired change*, in accordance with Article 55, paragraph 1, item 4) of the regulation hereof;

5) *Definition of the goals of public policy*, involving the following:

- Taking over an objective from the strategy or concept policy, if the programme elaborates such documents, and/or defining a goal if the programme is being developed independently;

- Defining, as a rule, up to three objectives;

- Taking over performance indicators at the level of goals (impact indicators) if the programme is developing such documents and definition of results indicators at the level of up to three objectives (outcome indicators);

6) *Identification of public policy measures*, for achieving the objective, and/or objectives;

7) *Report on the analysis of measures*, in accordance with Article 65, paragraph 1, item 7) of the regulation hereof;

8) *Identification of the mechanism for the implementation of measures*, in accordance with Article 65, paragraph 1, item 8) of the regulation hereof;

9) *Identification of the method for evaluating the achieved results*, in accordance with Article 65, paragraph 1, item 9) of the regulation hereof;

10) *Identification of the method for reporting on the results*, in accordance with Article 65, paragraph 1, item 10) of the regulation hereof;

11) *Information on the results of implemented consultations*, in accordance with Article 65, paragraph 1, item 11) of the regulation hereof;

12) *Estimate of funds*, required to implement each of the measures and identification of the sources for securing such funds;

13) *Assessment of the financial effects* of the implementation of each measure on the budget, in accordance with the law regulating the budget system. If the implementation of measures financed from the budget is planned for the current budget year, the basis shall be stated for these funds already being secured in the budget;

14) *Information on the regulations* to be adopted, and/or amended to implement the public policy measures;

15) *Action plan*, produced with the form prescribed by Article 68 of the regulation hereof.

If the programme has more than three objectives, the need for such deviation shall be explained.

An action plan shall be adopted for the entire period of duration of the programme it elaborates.

If an action plan is not an integral part of the programme, the programme shall contain a deadline for the adoption of an action plan that may not exceed 90 days as of the date of adoption of the given document. Having in mind that a programme develops a strategy or a concept document, or the given public policy document is being adopted with the aim of resolving a specific issue, the programme shall elaborate in detail all measures for achieving the objectives, including the activities that these measures are being implemented through, therefore it is of particular importance to elaborate in detail the impact analysis as per paragraph 1, item 7) of the Article hereof.

If the programme elaborates activities being implemented under the envisaged measures, as a rule, no action plan is to be adopted for such a programme as a separate document.

Form and content of a policy concept

Article 57

A policy concept shall contain the following:

- 1) *Introduction*, containing:
 - The legal basis prescribing the competence for adoption (reference to the provisions of a law);
 - Reasons for adoption, including responses to the following questions:
 - (1) Does this document provide guidelines for drafting a strategy or programme or adopts reform principles in a given area of planning and implementing public policy, and is this a strategic reform?
 - (2) Are there multiple mutually exclusive options (directions) for implementing the desired change and are they assumed, or did an impact analysis already show that they will significantly affect various stakeholders and target groups, i.e. does the policy concept need to provide guidelines for drafting a strategy or programme or adopt reform principles with high costs?
 - (3) Has a policy concept already been adopted earlier for the same issues?
 - Brief information on the institutions involved in the development of this policy concept;
- 2) *Data on public policy documents and the legal framework relevant for the given policy concept*, i.e. an explanation of the relationship with the public policy document it is being adopted under, if there is such a document, and the relationship of this document with other relevant public policy documents and the legal framework;
- 3) *Description of the current situation*, in accordance with Article 55, paragraph 1, item 3) of the regulation hereof, relevant for the choice of potential and the proposed option;
- 4) *Description of the desired change* to be achieved, its elements and their causal relationships;
- 5) *Definition of public policy goals*, namely its goals and objectives, that the options are being considered under, and which are specific, realistic, time-bound and measurable;
- 6) *Identification of public policy measures for achieving the objectives*, that are alternative and represent mutually exclusive options for achieving the objectives of the policy concept, including the identification and formulation of result indicators at the level of these alternatively set measures, with a designation of the causal relationship between goals and objectives and the measures contributing to the achievement of such goals and objectives;
- 7) *Report on the impact analysis of alternative options*, in accordance with Article 60, paragraph 1, item 7) of the regulation hereof, with a detailed *ex-ante* impact analysis being mandatory if the policy concept is taking up a direction of action regarding a narrowly formulated change;
- 8) *Information on the results of the implemented consultations* and further impact analysis of the options considered based on the implemented consultations;
- 9) *Proposal and explanation of the chosen option* and the methods for achieving it, including an overview of potential measures proposed as the most purposeful method for resolving the identified issues and achieving the desired change;
- 10) *Estimate of funds*, required to implement each of the measures and identification of the sources for securing such funds;

11) *Assessment of the financial effects* of the implementation of each measure on the budget, in accordance with the law regulating the budget system. If the implementation of measures financed from the budget is planned for the current budget year, the basis shall be stated for these funds already being secured in the budget;

12) *Framework draft plan of next steps with estimated deadlines and competences*, where the proposing party may produce a full activity plan, in accordance with the specific needs of planning;

13) *Identifying the method of reporting on the implementation of the policy concept*, stating who shall report to whom on the implementation of the policy concept, the scope of reporting and deadlines;

Form and content of an action plan

Article 58

An action plan shall contain:

1) *Information on the public policy document* it is being adopted in accordance with, and/or it is a part of (strategy or programme);

2) *The goal* taken over from the strategy, and/or programme that is to be achieved by the public policy, and impact indicators at the level of the goal (public policy impact indicator), stating the baseline values, target values and sources of verification;

3) *Objectives* taken over from the strategy, and/or programme that is to be achieved by the public policy, and indicators at the level of objectives (final outcome indicators), stating the baseline values, target values and sources of verification;

4) *Public policy measures* taken over from the strategy, and/or programme, referred to the objective they are contributing to:

- What type of public policy measures does it belong to (is it regulatory, incentive, informational-educational, organizational-governance-institutional, or a measure for the provision of goods, and/or provision of services by participants in the planning system);

- Institutions responsible for the implementation, and/or monitoring and control of the implementation of the measure, and partners in the implementation of the measure, if any;

- If securing funds for the implementation of the measure is uncertain, whether it is conditionally implementable;

- Deadline for implementation;

- Results indicators;

- Method for verifying such results, i.e. sources of information used to conduct the verification;

5) *Estimate of funds*, required for implementing each of the measures and identification of the sources the funds are to be secured from, the programme activity or project within the programme budget wherein funds are secured for its financing or a donor project not covered by the programme budget;

6) *Assessment of the financial effects* of the implementation of each measure on the budget, in accordance with the law regulating the budget system. If the implementation of measures financed from the budget is planned for the current budget year, the basis shall be stated for these funds already being secured in the budget;

7) *List of activities* referred to the specific public policy measure, for each activity stating the following:

- Deadline for implementation;
- Principal party for the activity, i.e. institution responsible for its implementation, including partners in the implementation, if any;
- If the implementation of a given activity is critical for the implementation of a specific measure from the action plan, state this fact;
- Negotiation chapter in in the EU accession process, if the activity is part of this process.

As an exception to paragraph 1, items 5) and 6), if the funds for the implementation of various activities within a measure are being secured under various programme activities and/or projects in the programme budget or donor projects providing direct technical assistance, for each of the activities within the measure it is necessary to define the estimated funds required for its implementation and sources the funds are to be secured from, the programme activity and/or project in the programme budget wherein the funds for its financing are being provided or donor projects providing direct technical support in the implementation of activities. An activity may be financed:

- 1) Only from funds secured within a single programme activity and/or project in the programme budget;
- 2) From one or several donor projects providing direct support to the party under the obligation of mid-term planning (donor funds not registered in the budget execution system);
- 3) From funds secured under a single programme activity and/or project in the programme budget and donor projects providing direct technical support to the party under the obligation of mid-term planning.

If the implementation of the specific public policy measure requires amendments to regulations, the action plan shall state the regulation in question.

IX. IMPLEMENTATION OF THE IMPACT ANALYSIS OF ADOPTED PUBLIC POLICY DOCUMENTS AND REGULATIONS (*EX-POST* ANALYSIS) AND REPORTING ON THE RESULTS OF THE IMPLEMENTATION OF PUBLIC POLICY

Steps in Implementing an *Ex-post* Impact Analysis

Article 59

The body holding competence over the monitoring of the implementation of public policy documents, and/or regulations (hereinafter: body competent for *ex-post* analysis) shall implement the *ex-post* impact analysis through the following steps:

- 1) Monitor changes to priority development goals and other priority goals of the Government;
- 2) Monitor changes in objectives under higher order public policy documents;
- 3) Monitor and control the effects of measures from public policy documents;
- 4) Produce draft, and/or proposed amendments to public policy documents, if there is a need for harmonization, and/or improvement.

In case of regulations it shall monitor the following:

- 1) Compliance of the given regulation with new public policies;

- 2) Effects of the solution during implementation;
- 3) Produce draft, and/or proposed amendments to public policy documents, if there is a need for harmonization, and/or improvement.

If no competence is prescribed for monitoring the implementation of a public policy document, and/or regulation, the given competence shall be implemented by the body holding competence over proposing public policy documents, and/or regulations in the given field.

1. *Ex-post* impact analysis of public policy documents

Monitoring changes to priority development goals and other priority goals of the Government

Article 60

The body competent for *ex-post* analysis shall monitor changes to priority development goals set by the Development Plan and Investment Plan, and priority goals of the Government, set by the Action Plan for the implementation of the Government programme and the National Programme for the Adoption of the Acquis. Changes to priority goals of local authorities shall also be monitored at the level of local self-governments.

Monitoring changes in objectives under higher order public policy documents

Article 61

The body competent for *ex-post* analysis shall monitor changes to objectives in higher order public policy documents, taken over from such documents.

Monitoring and control of the effects of measures from public policy documents

Article 62

The body competent for *ex-post* analysis shall monitor the effects of public policy measures during their implementation, based on performance indicators defined by the public policy document, primarily based on results indicators at the level of individual public policy measures. This analysis may also be conducted based on other indicators and information at their disposal.

Development of a draft, and/or proposal for the amendment of a public policy document, and/or regulation

Article 63

If a need is determined for harmonization of the public policy document under their competence with the goals as per articles 60 and 61 of the regulation hereof, and/or the effects from Article 62 of the regulation hereof are found to be unsatisfactory, they shall produce a draft, and/or proposal for amendments to the public policy document, and/or regulation, implementing all steps prescribed by the regulation hereof for an *ex-ante* impact analysis.

In case of amending measures envisaged by a public policy document, it is necessary to amend the document, and if they are only amending activities within a specific measure, it is sufficient to change the action plan, if the action plan is not integrated into the public policy document.

In case of amendments to the action plan that have no significant impact on the status of the consulted parties, and in case of a need for an urgent amendment of measures in the public policy document, and/or activities in the action plan, an implementation of a public review on the given document shall not be mandatory.

2. *Ex-post* impact analysis of regulations

Monitoring the harmonization of the given regulation with new public policies

Article 64

The body competent for *ex-post* analysis shall monitor changes to public policies in the relevant fields and the harmonization of solutions in regulations with such public policies.

Monitoring and control of the effects of solutions from regulations

Article 65

The body competent for *ex-post* analysis shall monitor the effects of solutions from regulations during their implementation, by comparing the achieved and expected results, primarily results expected in the report on the implemented impact analysis produced for the proposal, and/or adoption of the given regulation.

Development of a draft, and/or proposal for the amendment of a public policy document, and/or regulation

Article 66

If the need is determined for the harmonization of the regulation with new public policies as per Article 64 of the regulation hereof, and/or if the effects from Article 65 of the regulation hereof are found to be unsatisfactory, they shall produce a draft, and/or proposal for amendments to the public policy document, and/or regulation, implementing all steps prescribed by the regulation hereof for an *ex-ante* impact analysis.

X. METHOD FOR THE PERFORMANCE EVALUATION OF A PUBLIC POLICY OR REGULATION

Method for the performance evaluation of a public policy

Article 67

A performance evaluation of a public policy shall be conducted by analysing whether and to what extent has the performance been achieved in accordance with the performance indicators defined by the public policy document, regarding the following:

- Indicators of effects at the level of the goal;
- Outcome indicators at the level of objectives;
- Indicators of results at the level of individual public policy measures;
- Performance indicators at the level of activity, if the implementation of such an activity is critical for the implementation of the specific measure.

Performance is evaluated by assessing to what percentage have the results been achieved compared to the performance indicators defined by the public policy document. Key questions regarding the evaluation of the performance of public policy have been provided in Appendix 12, comprising an integral part of the regulation hereof.

Method for the performance evaluation of a regulation

Article 68

The performance evaluation of a regulation shall be conducted by analysing whether and to what extent have the results been achieved at the level of individual measures taken from the public policy document, and/or whether the expected effects of the solutions prescribed by the regulation have been achieved.

XI. REPORTING ON THE RESULTS OF THE IMPLEMENTATION OF A PUBLIC POLICY DOCUMENT

Content of the report on the results of the implementation of a public policy document

Article 69

A report on the results of the implementation of a public policy document shall in particular contain the following:

- 1) Name of the public policy document it relates to;
- 2) Field of planning and implementation of public policy it covers;
- 3) Information on the performance of the public policy during implementation;
- 4) Information on whether the activities from the action plan have been implemented in the manner and timeframe envisaged by the public policy document, and if not, the reason;
- 5) If the report is not final, it should contain information on how and under what schedule will omissions in the implementation be corrected, and whether there are plans to amend measures and activities, and when amendments to the public policy document due to this reason will be submitted for adoption.

The information from paragraph 1, item 3) of the Article hereof shall contain data on the actual achieved performance compared to the performance indicators defined by the public policy document, if possible determined in percentages, regarding the following:

- Indicators of effects at the level of the goal;
- Outcome indicators at the level of objectives;
- Indicators of results at the level of individual public policy measures;
- Performance indicators at the level of activity, if the implementation of such the activity is critical for the implementation of the specific measure.

If the performance indicators have been misdefined by the public policy document and therefore the expected results have not materialised, information on this shall be included.

If reporting is based on a request by the Government, outside the deadlines prescribed by the law regulating the planning system, the report shall, as a rule, not contain the data as per

paragraph 1, item 3) of the Article hereof, but precise information on the implementation of activities from the action plan and on correcting omissions during their implementation.

Method of creating reports on the results of the implementation of a public policy document by a public administration body

Article 70

A public administration body shall generate the report as per Article 69 of the regulation hereof by taking over relevant data from the Unified Information System, entered into the Unified Information System when drafting the given public policy document, and during the drafting of mid-term plans that the given public policy document is being implemented through, and during reporting on the implementation of such mid-term plans, and by direct entry into the Unified Information System of the missing data.

Method of reporting on the results of the implementation of a public policy document

Article 71

Reporting on the results of the implementation of a public policy document shall be performed by publishing on the website of the proposing party, and/or adopting party, within the deadlines prescribed for reporting, in accordance with the law regulating the planning system.

Public administration bodies shall report to the Government on the implementation of a public policy document through the Unified Information System.

XII. METHOD OF KEEPING AND MAINTAINING THE UNIFIED INFORMATION SYSTEM FOR PLANNING

Content of the Unified Information System for Planning

Article 72

The Unified Information System shall contain relevant data on public policy documents and their implementation, as well as mid-term plans.

The party proposing a public policy document shall, during the drafting of the given document and at the latest before its adoption, and if the document is adopted by the Government prior to its submission to the Public Policy Secretariat of the Republic of Serbia for an opinion, enter the following data into the Unified Information System, with the option of revising such data until the adoption:

- 1) Name of the public policy document it refers to, with reference to the field of planning and implementation of public policy it covers;
- 2) Duration, i.e. the time period the document is being adopted for;
- 3) Goal, with reference to the higher level planning document it is taken from, with impact indicators at the level of the goal;
- 4) Objectives, with outcome indicators at the level of objectives;
- 5) Measures, and/or group or groups of measures for achieving the objective, with reference to the given objective, with result indicators at the level of individual measures;

6) Activities and performance indicators at the level of activity and entered only if the implementation of such an activity is critical for the implementation of the specific measure, with reference to the given measure.

The public administration body shall report to the Government on the results of the implementation of the public policy document under their competence by entering data into the Unified Information System as per Article 69 of the regulation hereof (report on the results of implementation of a public policy document).

Parties with the obligation of mid-term planning shall enter data from their mid-term plans into the Unified Information System, in particular the following:

1) Goal with indicators of effects at the level of the goal, with reference to the public policy document or development planning document the goal was taken from;

2) Objectives with outcome indicators at the level of objectives, with reference to the public policy document or development planning document the objective was taken from;

3) Measures for achieving the objective with results indicators at the level of individual measures, with reference to the public policy document or development planning document the measure has been taken from, or a designation that the measure has been established by a mid-term plan, and the programme activities and projects in the programme budget wherein funds for the implementation of the measures are provided;

4) Activities for achieving the measure, with deadlines and bodies responsible for implementing each of the activities, with reference to the programme activity or project in the programme budget wherein funds are provided for the implementation of the specific activity.

A party with the obligation of mid-term planning shall report on the results of the implementation of the mid-term plan during the preceding fiscal year by entering data into the Unified Information System on the achieved annual values of performance indicators and the status of implementation of activities, with explanations of deviations between planned and achieved indicator values, and deviations from planned deadlines for implementing activities.

An integral part of the Unified Information System shall also be all documents provided when entering data as per the Article hereof of the regulation hereof.

Method of keeping and maintenance of the Unified Information System for Planning

Article 73

The Unified Information System shall be kept by the Government through the Public Policy Secretariat of the Republic of Serbia.

The Public Policy Secretariat of the Republic of Serbia shall provide continuous access to users for entering and downloading data from the Unified Information System, in accordance with their authorizations.

The Public Policy Secretariat of the Republic of Serbia shall inform the public by making publicly available through their website all development planning documents, public policy documents, mid-term plans and reports on their implementation, mandatory for publication based on the law regulating the planning system.

Method of data and document entry into the

Unified Information System for Planning

Article 74

Data and relevant documents shall be entered into the Unified Information System in accordance with the software application for data entry into the Unified Information System.

Documents shall be supplied in the form of electronic documents, in accordance with the law regulating electronic documents.

Authorization for the adoption of instructions

Article 75

The Director of the Public Policy Secretariat of the Republic of Serbia shall adopt instructions for the implementation of the regulation hereof, elaborating further:

- Analysis techniques to be applied during the *ex-ante* impact analysis and *ex-post* impact analysis;
- Correct definition of performance indicators for public policies and regulations;
- Method of entry for data and relevant documents into the Unified Information System.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Start of implementation

Article 76

Until the establishment of the Unified Information System, the submission as per articles 69 and 71 of the regulation hereof shall be conducted through the registry office, and publication on the website of the body completing the report.

The Director of the Public Policy Secretariat of the Republic of Serbia will adopt the instructions as per Article 75 of the regulation hereof within six months as of the date of the regulation hereof coming into force.

Article 77

The provisions of Article 40, paragraphs 1 and 2, and Article 41, paragraph 1 of the Government Rules of Procedure ("Official Gazette of RS", No 61/06 - (consolidated text), 69/08, 88/09, 33/10, 69/10, 20/11, 37/11, 30/13 and 76/14), under the section related to development strategies, shall cease to be in effect on the date of the regulation hereof coming into force.

Coming into force

Article 78

The regulation hereof shall come into force on the eighth day as of the date of publication in the "Official Gazette of the Republic of Serbia".

APPENDIX 1:

Impact test			
Public policy impact level test		Public policy priority level test	
High impact	Highly complex, politically sensitive or with significant financial costs	High priority	Government and/or local self-government measures with a high political priority, with significant political, fiscal or legal consequences
Medium impact	Somewhat complex, politically sensitive or with significant financial costs	Medium priority	Government and/or local self-government measures with smaller political, fiscal or legal consequences
Low impact	Very clear, its implementation causes minimum expenses	Low priority	Measures by ministries or other public administration bodies, and/or local self-governments that will, in case they are not implemented, cause a minimum of harmful effects
Establishing the need for implementing an Impact Analysis (hereinafter: IA)			
	High priority	Medium priority	Low priority
High impact	IA required	required	required
Medium impact	IA required	required	required
Low impact	IA recommended	recommended	not required

Key questions for the analysis of the existing situation and correct definition of the change being proposed

- 1) What indicators are being monitoring in the given area, what are the reasons for these indicators being monitored, and what are their values?
- 2) Is the public policy document or regulation being implemented or was it being implemented in the subject matter area? Present the results of the implementation of the given public policy document or regulation and explain why the obtained results are not in accordance with the planned values.
- 3) What regulations and public policy documents in force are of importance for the change being proposed and what is this importance reflected in?
- 4) Have any problems been noted in this area and who do they relate to? Present the causes and consequences of the problems.
- 5) What change is being proposed?
- 6) Is the change truly necessary and at what scope?
- 7) What target groups will be affected by the proposed change? Identify and present the target groups that the change will affect directly, and/or indirectly.
- 8) Are there public policy documents in force that could be used to achieve the desired change and what documents are these?
- 9) Can the change be achieved through the application of regulations in force?
- 10) Quantitatively (numerically, statistically) present the expected trends in the subject matter area, if the intervention is abandoned (*status quo*).
- 11) What are the experiences in achieving such change compared to the experiences of other countries, and/or local self-governments (if this is a public policy or act by a local self-government)?

Key questions for identifying goals and objectives

- 1) Why is it necessary to achieve the desired change at the level of society? (responding to this question defines the goal).
- 2) What is desired to be achieved by the subject matter change? (responding to this question defines the objectives, their achievement should lead to the achievement of the goal. Measures for their achievement are formulated relative to the objectives).
- 3) Are the goals and objectives harmonized with public policy documents in force and the existing legal framework, and primarily with the priority goals of the Government?
- 4) What performance indicators will be usable to determine whether the goals and/or objectives have been achieved?

Key questions for identifying public policy options

- 1) What relevant options (alternative measures, and/or groups of measures) for achieving the goal have been considered? Was the “*status quo*” option considered?
- 2) Have other options for achieving the desired change been identified, in addition to regulatory measures, and have their potential effects been analysed?
- 3) Besides restrictive measures (prohibitions, limitations, sanctions, etc.) were incentive measures for achieving the objective examined?
- 4) Were institutional-governance-organizational measures that need to be implemented to achieve the objectives identified under the considered options?
- 5) Can the change be achieved through the implementation of informational-educational measures?
- 6) Can the target groups and other stakeholders from the civil and private sector be involved in the process of implementing the public policy, and/or regulation or can the problem only be solved by an intervention by the public sector?
- 7) Are there available, and/or potential resources for implementing the identified options?
- 8) What option was selected for implementation and what was the basis for the estimation that this option will produce the desired changes and achieve the set goals?

Key questions for the analysis of financial impact

- 1) What impact will the selected option have on public revenues and expenditures over the mid-term and long term?
- 2) Do the financial resources for the implementation of the selected option need to be secured in the budget, or from other sources of funding and which ones?
- 3) How will the implementation of the selected option affect international financial commitments?
- 4) What are the estimated costs of introducing changes that stem from the implementation of the selected option (founding of new institutions, restructuring of existing institutions and training of civil servants) expressed in capital expenditure categories, current expenditures and salaries?
- 5) Can the expenditures of the selected option be financed through the redistribution of existing funds?
- 6) What will the effects of implementing the selected option on the expenditures of other institutions be like?

Key questions for the analysis of economic impact

- 1) What costs and benefits (material and non-material) will the selected option cause for the economy, an individual sector, and/or certain category of economic entities?
- 2) Does the selected option affect the competitiveness of economic entities in the national and international market (including effects on price competitiveness) and how?
- 3) Do the selected options affect the conditions for competition and how?
- 4) Does the selected option affect the transfer of technology and/or application of technical-technological, organizational and business innovation and how?
- 5) Does the selected option affect social wealth and its distribution and how?
- 6) What effects will the selected option have on the quality and status of the workforce (rights, obligations and responsibilities), and the rights, obligations and responsibilities of employers?

APPENDIX 7:

Key questions for the analysis of social impact

- 1) What costs and benefits (material and non-material) will the selected option cause for the citizens?
- 2) Will the effects of the implementation of the selected option have a harmful effect on a specific group of the population and will this negatively affect the successful implementation of this option, and what measures need to be undertaken to minimize such risk?
- 3) What social groups, particularly what vulnerable social groups would be affected by the measures of the selected option and what would this impact be reflected in (primarily persons in poverty and socially excluded individuals and groups, such as persons with disabilities, children, youth, women, persons older than 65 years of age, members of the Roma national minority, undereducated persons, unemployed persons, refugees and internally displaced persons and the population of rural areas and other vulnerable social groups)?
- 4) Would the selected option affect the labour market and employment, as well as the working conditions (e.g. changes in employment rates, dismissal of redundant workers, eliminated or newly-formed jobs, existing rights and obligations of workers, needs for requalification or additional training imposed by the labour market, gender equality, vulnerable groups and forms of their employment, etc.) and how?
- 5) Do the selected options provide for an equal treatment, or lead to direct or indirect discrimination of various categories of persons (e.g. based on national affiliation, ethnic origin, language, sex, gender identity, disability, age, sexual orientation, marital status or other personal characteristics)?
- 6) Could the selected option affect the price of goods and services and the living standard of the population, how and to what extent?
- 7) Would the realization of the selected options positively affect changes in the social situation in a given region or county and how?
- 8) Would the realization of the selected option affect changes in the financing, quality or availability of the social welfare system, healthcare system, or educational system, particularly regarding equal access to services and rights of vulnerable groups and how?

Key questions for the analysis of environmental impact

- 1) Does the selected option affect and to what extent does it affect the environment, including effects on the quality of water, air and land, quality of food, urban ecology and waste management, raw materials, energy efficiency and renewable energy sources?
- 2) Does the selected option affect the quality and structure of ecosystems, including the integrity and biodiversity of ecosystems, and the flora and fauna?
- 3) Does the selected option affect human health?
- 4) Does the selected option pose a risk for the environment and human health and can supplementary measures lead to a mitigation of such risk?
- 5) Does the selected option affect the protection and use of land in accordance with the regulations in the subject matter field?

Key questions for the analysis of governance impact

- 1) Does the selected option introduce organizational, governance or institutional changes, and what are these changes?
- 2) Does the existing public administration has the capacity for implementing the selected option (including the quality and quantity of available capacities) and do certain measures need to be implemented for improving such capacities?
- 3) Did the implementation of the selected option require the restructuring of an existing state body, and/or other entity in the public sector (e.g. expansion, elimination, changes to functions/hierarchies, improvement of technical and staff capacities, etc.) and in what timeframe does this need to be implemented?
- 4) Is the selected option in accordance with regulations, international agreements and adopted public policy documents in force?
- 5) Does the selected option affect the rule of law and security?
- 6) Does the selected option affect the accountability and transparency of the work of public administration and how?
- 7) What additional measures need to be implemented and how much time will be necessary to implement the selected option and secure its later consistent implementation, i.e. its sustainability?

Key questions for risk analysis

- 1) Was the support of all key stakeholders and target groups secured for the implementation of the selected option? Is the implementation of the selected option a priority for the decision-makers during the forthcoming period (National Assembly, Government, state bodies, etc.)?
- 2) Have the funds for implementing the selected option been secured? Has sufficient time been secured for implementing a public procurement procedure if needed for the implementation of the selected option?
- 3) Are there any other risks for implementing the selected option?

Fields of planning and implementation of public policies

- 1) Judiciary and the legal system;
- 2) Public security;
- 3) Defence;
- 4) Public administration;
- 5) Urban planning, spatial planning, and construction;
- 6) Competitiveness;
- 7) Mineral resources, mining, and energy;
- 8) Environmental protection;
- 9) Transport and communications;
- 10) Employment and social welfare;
- 11) Healthcare;
- 12) Sports;
- 13) Youth;
- 14) Education;
- 15) Agriculture and rural development;
- 16) Public information;
- 17) Culture;
- 18) Human rights and civil society (including religion and the diaspora).

- a) The competent body for the entire field shall identify, through consultations with other bodies, an “umbrella” public policy document – a strategy for the field of planning and public policy documents with a narrower scope (programme) elaborating the objective of the strategy;
 - b) If the strategy for a given field of planning does not cover a topic or a new topic or issue emerges, a policy concept shall first be drafted as the relevant public policy document.
- B) Identified fields of planning and implementation of public policy at the national level have a direct link to the nine sectors¹ chosen by the Government for the adoption of the sectoral approach in the process of European integration and used as the basis for the planning and implementation of European Union funds and the coordination of international development assistance.

¹ The judiciary, internal affairs, public administration reform, human resource development and social development, competitiveness, the environment and climate change, energy, transport, agriculture and rural development

Key questions for evaluating the performance of public policy documents

RELEVANCE/IMPORTANCE

- 1) Are the policy goals directly correlated to superior public policy documents and Government priorities?
- 2) Why was a Government intervention necessary (creation and implementation of a public policy)?
- 3) Have the needs of the target groups of the public policy been met in full?
- 4) Are the achieved effects in direct correlation with the policy goals?

EFFICIENCY

- 1) What indicators and target values have been defined for the results and have they been achieved?
- 2) What are the costs of the results - per result and total? How much do they deviate from the planned costs?
- 3) Were the engaged resources sufficient for achieving the results?
- 4) Were the results achieved in accordance with the set deadlines? If not, why?

EFFECTIVENESS

- 1) Were the planned effects and outcomes achieved and were the development conditions changed?
- 2) If not, is it possible to quantify the difference and identify the causes?
- 3) Were the selected activities/measures relevant and the best fitting for achieving the results?
- 4) Are the public policy beneficiaries satisfied with the achieved outcomes?

SUSTAINABILITY

- 1) Have financial and economic mechanisms been established with the aim of long-term sustainable benefits from the specific public policy?
- 2) Can a more permanent creation of benefits from the specific public policy be provided from within the regulatory framework in force?
- 3) Are there appropriate institutional capacities for the permanent maintenance of the positive effects of the specific public policy?