Organisation Mondiale de la Santé Animale
World Organisation for Animal Health
Organización Mundial de Sanidad Animal

Introduction to Veterinary Legislation: preparation

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"Useless laws harm necessary laws" (Montesquieu)

Recall

The norm serves an objective:

- It must set rules and be clear and intelligible
- It must not introduce legal uncertainty

The norm serves public interest and does not belong to an administration

Extrinsic Quality

- Relevance of the adopted technical solution;
- Intelligibility and accessibility
- Acceptability
- Applicability (technical and legal)
- Affordability (Cost for the administration and the beneficiairies).
- Application

How to get there?

- Ask the right questions
- Choose the right method (Study the options)
- Foresee impacts and determine their acceptability.

Preliminary Questions …

Which is the problem to be solved?

- Do not undertake anything without an accurate definition of the problem!

Why is the present situation "inadequate"?

- defects or poor application,

- lack of human or budgetary resources,

- adaptability of behaviours in an unforeseen direction …

Study the options

- Necessary only if the competent authority has the discretion and a choice.

- Unnecessary if the objective is to produce a norm.

- Seeks to know why a text is preferable to another solution.

...for which options?

They are the instruments of public action:

- "regulatory" option
- financial incentives,
- negociation leading to a conventional text,
- adoption of private certification mecanisms
- negotiated codes of good behaviour,
- information or communication.

For which outcomes…

- Identify the advantages and the drawbacks of each option through a cost and benefit <u>summary analysis</u>.

(May be extended by a real impact study)

- Set out the reasons for the choice of one of the options.

Impact assessment is…

- An analysis of the potential impacts of public action
- A decision-making tool
- A communication tool

It is not…

- A presentation of reasons or a presentation report;
- A document limited to presenting the advantages expected from future regulation;
- A form describing briefly the presumed consequences of a text.

Self-persuasion and impact study are not to be confused

VLSP Proposals

For any text creation or modification:

- Systematize the approach and deal with all the points
- Develop each point only according to needs
- Order and importance of developments are only a matter of circumstances and good sense

Organization

Identify or create the function
- Insert in the organization chart
- Nominate a person in charge

Allocate means
- Qualified staff
- Databases
- Consultative power

Coordinates the legislation and ensures its quality but is not a replacement of technical services for the content

Objective of the evaluation

Ensure the extrinsic quality of the legislation by first assessing:

- Applicability
- Acceptability
- Expected efficiency
- Administrative, legal, economic and social costs

In order to help the decision-maker as fully as possible

1- Specify the text objectives

•The precise description of the technical, legal, economical and social objectives is a compulsory prerequisite which allows:

- Identification of technical and legal solutions
- Efficient managing of working and consultation groups
- Development of monitoring indicators

2- Identify possible technical measures

- Look for solutions adopted by other States,
- List the possible technical measures to reach the objectives,
- Describe the measure chosen in first instance (modifiable after iteration according to the evaluation results)

3- Identify the beneficiaries

Identify among:
- State officials,
- Economic agents,
- Various categories of citizens and associations

The affected beneficiaries and in which way they are *a priori* affected in a positive or negative way.

4- Adopt a methodology

Establish working groups (texts preparation and studies)

Determine consultation groups

Create a schedule and a calendar

5- Evaluate the legal context

Identify the supranational legal framework (International and Regional)

Make an inventory of texts and case law linked to the objective (state of the law)

Identify the provisions to create, modify or suppress;

Assess the effects on legal certainty

6- Prepare a project

Prepare a draft project

- Taking into account the rules regarding internal quality.

- Directy or after a first consultation with the beneficiaries

7- Administrative impacts and distribution of responsbilities

- Responsible administrations, bottlenecks and deadline for decision-making

- Nature and quantity of resulting work

- Human needs (including training)

- Budgetary needs (implementation and operation) for all administrations involved

8- Impact on affected users

Advantages and drawbacks by category of beneficiary:

- Effect on competition

- Upgrading process and new investments

- Formalities…

  OECD considers the cost of administration on companies to be 7% of GDP

9- Short middle and long term social and economical impact

Main features

Resulting costs for companies (upgrading, formalities and operation)

Effect on productivity,

Effects on services (supplies)

Effects on competition

Effects on employment …

10- Funding

- Total cost for the administration and the beneficiaries

- Sharing of costs

- Source and funding mode (Budget, duties…)
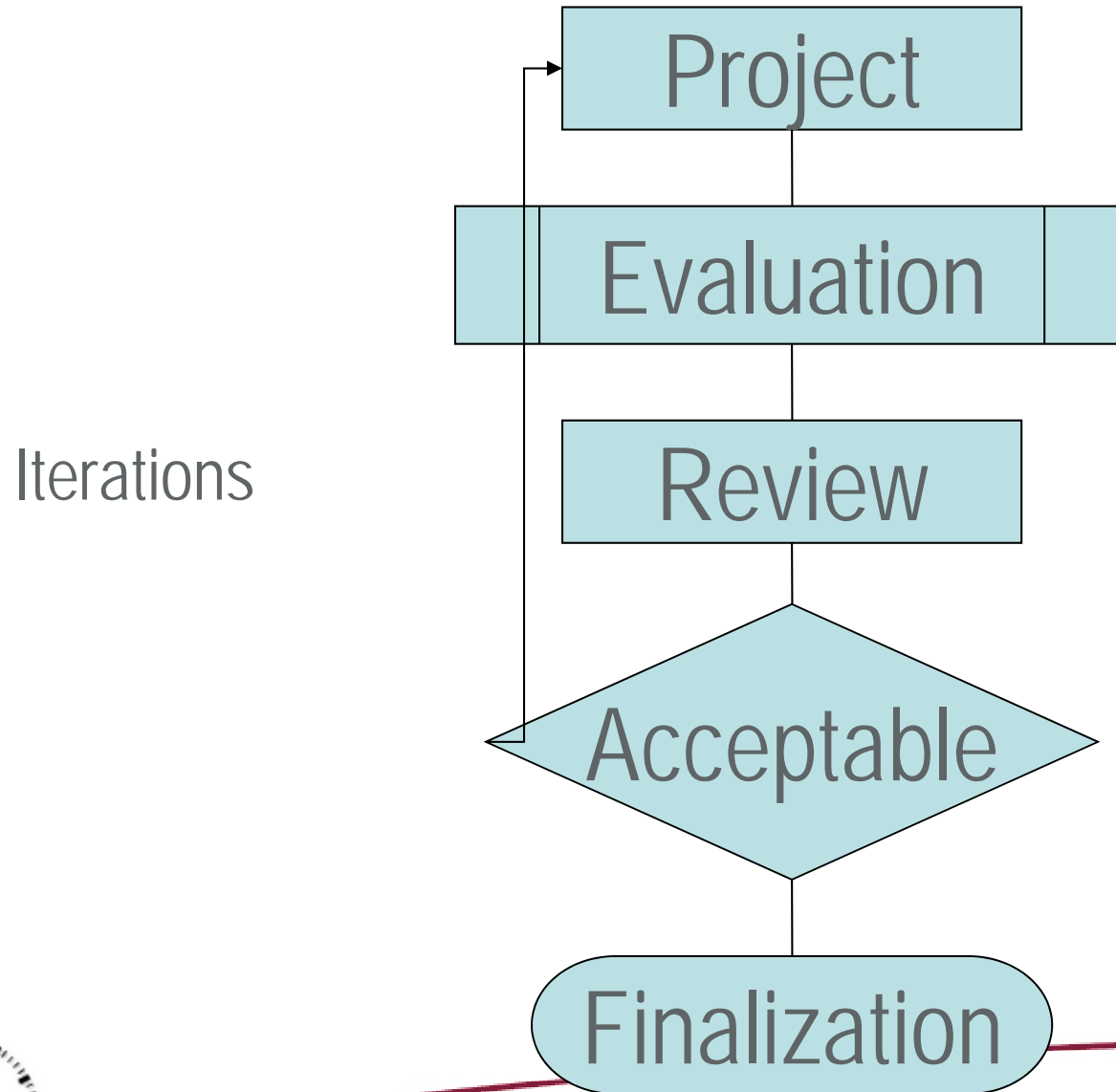
Multiyear implementation calendar

Draw up timeline

Programme

Interim measures

Cost-benefit analysis

Monitoring and Evaluation: indicators

Develop indicators corresponding to the objectives at outset of project

Indicators enable the monitoring and evaluation of the mechanism

Possible corrective measures

Indicateurs

Conclusion

In addition to legal and technical relevance the quality of the legislation needs:

- A strict methodology
- An in-depth knowledge of contexts
- A timely choice of mechanism
- Consultation with stakeholders
- An evaluation of all effects

Thank you for your attention

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