



## **GYLA to submit draft amendments to be made to the Rules of Procedure in order to fulfil the obligations under the Open Parliament Action Plan of 2015-2016**

The Georgian Young Lawyers' Association will submit draft amendments to be made to the Rules of Procedure of the Permanent Parliamentary Council on Open and Transparent Governance, which is related to the fulfillment of obligations initiated by GYLA under the Open Parliament Action Plan of 2015-2016. The amendments to the Rules of Procedure have been reviewed by the Parliamentary Council and the Advisory Council, and their recommendations have been taken into consideration when preparing the draft amendments.

At the initiation of the organization, two obligations have been presented under the Open Parliament Action Plan of 2015-2016:

- a) obligation 2.3: Developing and Approving Legislative Framework for Consultations during the Legislative Drafting;
- b) obligation 2.4: Posting Changes and Edits Made to Initial Draft Legislation on the Website of the Parliament of Georgia in a Visible and Timely Manner

The development of regulatory norms for the conduct of consultations during the legislative drafting aims to raise public awareness and engagement in the process of reviewing draft laws. The proposed changes provide for contacting professional and non-governmental organizations by leading parliamentary committees in order to receive consultations and publishing draft laws in the 'Consultations' section of the parliamentary website, as well as for the reinforcement of scientific advisory councils established at committees and increasing the role of consultations in the review of draft laws under an accelerated procedure.

Publishing changes made to initial draft legislation at all the three hearings on the website in a visible and timely manner ensures the provision of comprehensive information on the course of legislative drafting to the public and its engagement in the working process. Interested parties, members of Parliament and the staff of the Parliament of Georgia will have an opportunity to view the changes made to initial draft laws after each hearing and track the changes made between the stages of proposing legislative initiatives and passing a law.

With regard to the fulfillment of the above obligations, the proposed legislative initiatives involve the following:

**a) the reinforcement of scientific advisory councils of committees**

According to the Rules of Procedure, as at present in force, the chairperson of a committee makes a decision on setting up and staffing a scientific advisory council, whereas the committee convenes meetings of a scientific advisory council where necessary.

According to the proposed changes, a committee may set up a scientific advisory council when specific issues are to be considered. In addition to the chairperson of a

committee, committee members will have the right to initiate the formation of a scientific advisory council, and the relevant decision on the formation of a scientific advisory council will be made by a majority of votes of those present.

In addition, the procedure for the staffing of councils will be changed and, in addition to the chairperson of the committee, committee members, universities and scientific and research institutes, as well as professional associations or non-governmental organizations operating in the relevant field, will have the right to recommend candidates for council members. Committees shall determine the rules of operation of respective scientific advisory councils. Reports prepared by councils shall be reviewed by respective committees and shall be enclosed to draft laws submitted to the Bureau of the Parliament. Councils will cease to function once a decision on a specific issue is made.

#### **b) obtaining consultations on a particular draft law**

A leading committee, if necessary, shall make a decision by a majority of votes of attending members to apply to a particular non-governmental or professional organization for obtaining consultations, as well as to publish draft laws in the 'Public Consultations' section of the website and establish a reasonable time limit for obtaining public consultations.

#### **c) review of draft laws under an accelerated procedure**

According to the proposed changes, the standard of proof will be added to the review of draft laws under an accelerated procedure and a minimum time frame will be determined from the date of making a decision on the review of a draft law under an accelerated procedure until the date when the review is commenced.

According to the proposed changes, the standard of proof means that 'draft laws may be reviewed in an accelerated manner only in special cases, when the review of a draft law in a general manner may cause a substantial damage to the field to be regulated by the draft law'. Furthermore, 'the leading committee may not review the draft law to be reviewed in an accelerated manner on the day when the decision to review the draft law under an accelerated procedure is made. The above-mentioned changes will contribute to the decrease of the number of draft laws to be reviewed in an accelerated manner and will determine minimum time frames for submitting draft laws to interested parties, which excludes the possibility of the review by committees

of draft laws in an accelerated manner on the day when the decision on the review of the draft law under an accelerated procedure is made.

**d) posting changes made to initial draft legislation adopted at all the three hearings in a visible manner**

According to the proposed changes, the Staff of the Parliament of Georgia ensures that draft laws are published on the website of the Parliament in the manner that will allow to reflect the changes made from the first to the third hearing in an easily editable and visible format, which will enable the interested parties to track the modification of draft laws from the stage when legislative initiatives are proposed to the stage when draft laws are passed.

We hope that the Permanent Parliamentary Council on Open and Transparent Governance will submit the proposed draft amendments to the Rules of Procedure to the Parliament of Georgia and the Parliament of Georgia will amend the Rules of Procedure of the Parliament of Georgia, which will ensure strengthening the mechanism of consultations and increasing public engagement in the process of legislative drafting.