

## Priority Areas for Improving the Legal Framework for Assessing the Impact of the Regulatory Draft Regulatory Document

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### ABSTRACT

*This article analyzes in detail the issues of assessing the regulatory impact of a draft regulatory legal document based on national legislation and theoretical norms. The article also discusses the issues of improving the legal framework for assessing the regulatory impact of a draft regulatory legal document.*

**KEYWORDS:** *law, standard, impact, assessment, law, project.*

Without assessing the quality of preparation and adoption of regulatory legal documents, which is an important component of assessing the regulatory impact of regulatory legal documents, the goals of creating effective legislation and state regulation of socio-economic processes cannot be achieved.

Therefore, regulatory impact assessment is recommended by the Organization for Economic Cooperation and Development as a mandatory procedure for adopting regulatory documents. Today, this procedure is used in one form or another in all countries with developed economies[1].

Recently, in many countries of the world, public administration reforms have been followed by regulatory reforms aimed at creating a new, better regulation in terms of quality [2].

In developed countries, the decrease in the effectiveness of legal systems and other social regulation tools, the increase in the number of conflicting norms, as well as the increase in costs associated with the fulfillment of the requirements of regulatory documents, have led to regulatory reforms. This situation has led to a decrease in business activity, a decrease in international trade and a decrease in economic growth[3].

However, in Uzbekistan, regulatory impact assessment has not become a natural need, but it is considered as an additional burden that complicates legislative practice.

At the same time, in our opinion, the following factors have a negative impact on the effectiveness of the "Uzbek" model of the regulatory impact assessment mechanism:

- the fact that many ministries and agencies regard this institute as an excessive bureaucratic obstacle, and its implementation is approached very superficially;
- lack of knowledge and skills for its effective implementation in many cases;
- lack of proper and systematic monitoring of this process, in some cases "bypassing" or disregarding the legislative requirement for regulatory impact assessment;
- lack of availability of databases for comprehensive calculations, lack of facilities for holding public discussions;
- it is possible to indicate the unavailability of the mobile application, etc.

It is proposed to create a complete system of analytical support for the drafters of regulatory legal

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documents, including social and environmental policy, protection of citizens' rights, and other areas, and for this, the following measures should be implemented:

- assessment of the regulatory impact of current regulatory legal documents, posting the results on the official site ([regulation.gov.uz](http://regulation.gov.uz)), as well as on websites, providing drafters with complete analyzes of the effectiveness of adopted laws and implemented programs;
- creation of a knowledge base in the field of regulatory impact assessment, catalog of best national and global practices, development of additional recommendations and training materials for regulatory impact assessment;
- creating a catalog of web resources and placing them on the Internet, drafts of normative legal documents for discussion and posting assessment reports, establishing quality control of regional summary reports, creating a base of best practices, organizing exchange of assessment experience between regions;
- to consider the possibilities of creating a full-fledged system of developing state policy (evidence-based state policy) based on scientific evidence [4].

At the same time, in the process of norm creation, it is necessary to transfer from the "one to one" rule to the "many to one" rule.

When new requirements are introduced for the purpose of transitioning from stopping the increase in the volume of administrative burden on business entities through regulation to reducing such volumes by several times ("two-for-one", "many-for-one" mechanisms), in the same field of legal regulation in the relevant field of entrepreneurship or other economic activity it is recommended to change the existing "one-for-one" mechanism, which provides for the abolition of proportional requirements.

In recent years, the "one-for-one" rule has been replaced by the "many-for-one" rule in a number of countries, and this approach implies the elimination of several times the administrative burden when new obligations are introduced for businesses.

In Great Britain, the "one-for-one" rule first became the "two-for-one" rule, and then the "three-for-one" rule. Unlike many other countries, the British approach allows for the formation of a "savings bank" of administrative costs, that is, if the adopted document reduces business costs by \$ 10 and increases by \$ 1, the remaining \$ 7 can be used to balance the effects of other regulatory norms.

At the end of January 2017, the transition to the "two-for-one" rule was also announced in the USA, and according to a memorandum issued by the Office of Management and Budget, this rule should be applied to the normative legal document of economic importance (which leads to annual costs of more than 100 million US dollars). . In addition, the US approach is unique in that it takes into account all alternative costs for society, which significantly complicates the procedure when the objectivity of the assessment increases.

International indices describing the quality of the regulatory environment for doing business - the Ease of Doing Business index of the World Bank, the Global Competitiveness Index of the World Economic Forum, the Regulatory Quality Ranking - by the World Bank every It is necessary to take measures to improve the position of our country in the Public Governance Quality Index (Worldwide Governance Indicators) calculated in

In the literature, a number of proposals have been developed for the development of regulatory impact assessment in the regions: "collection of necessary data for assessment, assessment methods, methods of conducting public consultations, preparation of methodological recommendations for the organization of regulatory impact assessment in the part of quality analysis of regulatory impact assessment results; creation and development of data collection and exchange systems for assessment; providing additional independent quality control and expert review of regulatory impact assessment results by experts and the

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business community; inclusion of regulatory impact assessment tools in regional development management strategy»[6].

The main content of the regulatory reforms in relation to regulatory impact assessment included a number of provisions recommended by the Organization for Economic Co-operation and Development to improve the quality of regulation: "in order to explain the need for regulation, the introduction of regulatory impact assessment before the adoption of any regulatory decisions .

It is important to institutionalize regulatory impact assessment, that is, it should be included in the decision-making system at the state level; it is necessary to apply regulatory impact assessment not only to new measures being implemented, but also to existing regulatory norms for revision; it is necessary to introduce at least a general mechanism of public consultation on regulatory decision-making»[7].

In our country, there are the following systematic deficiencies in the practice of public discussion of draft regulatory legal documents and assessment of regulatory impact:

before public discussion of the developed projects, their comprehensive review by interested ministries and agencies is not organized;

the acceptance or rejection of proposals and opinions received on the portal as a result of the public discussion was not announced;

the requirement to prepare a report on the assessment of the impact of regulation on the developed projects and to conduct a public discussion was not complied with;

conclusions regarding the results of the assessment of the regulatory impact of the developed documents on the impact on business activities of the competent bodies - the Ministry of Economic Development and Poverty Alleviation and the impact on the competitive environment of the Anti-Monopoly Committee;

specialists of the ministries who develop drafts of regulatory legal documents do not have the necessary qualifications and skills for regulatory impact assessment, and working groups for regulatory impact assessment do not operate in practice;

despite the fact that in the course of legal expertise, the Ministry of Justice gives conclusions about the need to assess the regulatory impact of projects, these objections are not taken into account by the ministries, and projects are included in high-ranking organizations.

At the same time, in order to eliminate these shortcomings and systemic problems, it is necessary to continuously introduce a system of improving the qualifications and skills of the employees of the ministries and agencies responsible for developing drafts of regulatory legal documents and assessing their regulatory impact, including the annual contract for them. it is proposed to organize training courses based on it.

Within the structure of the central apparatus of the ministries and agencies, it is advisable to establish a separate methodology department (department) that will deal with the total number of management employees and the development of legislative documents within the framework of the labor compensation fund, assessment of their regulatory impact and methodological assistance in this direction.

Also, in the process of discussing the drafts of regulatory legal documents, it is necessary to consider measures to ensure the active participation of non-governmental organizations, research institutes, higher education institutions and experts and specialists, and to submit the information on the results of the discussion to the Ministry of Justice and the bodies that adopt the legislative document during the legal examination. according to

In addition, it is necessary to narrow down the scope of the documents on which the impact of regulation is assessed by studying foreign experience. Because, in the current situation, starting from 2022, a very

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large volume of documents will have to undergo regulatory impact assessment. In this regard, it is necessary to make appropriate changes to the regulation on the procedure for assessing the regulatory impact of draft regulatory legal documents and adopted regulatory legal documents approved by the decision of the President of the Republic of Uzbekistan No. PQ-5025 dated March 15, 2021.

Another issue is that it is desirable to continuously analyze the activities of the ministries and agencies, including regulatory impact assessment, to maintain their rating and to introduce a procedure for public disclosure.

It is proposed to carry out the regulatory impact assessment in a simplified manner. Such measures are scrutinized and ministries are given more freedom to determine the depth of impact assessment and other requirements. In addition, ministries are exempted from small and micro business impact assessments, as well as further regulatory impact assessments. Each ministry has its own approach to determining whether regulatory measures are subject to simplified regulation.

It is desirable to introduce the institution of regulatory impact assessment at the regional level, in particular, in relation to some documents of local governments and councils.

In the future, in order to further develop the institution of regulatory impact assessment, to improve its legal basis, it is appropriate to adopt the Law of the Republic of Uzbekistan "On Regulatory Impact Assessment" [8].

In this Law, the principles of regulatory impact assessment of regulatory legal documents and their drafts, state management in this regard, types of draft regulatory legal documents whose regulatory impact is assessed, report and conclusion on regulatory impact assessment of draft regulatory legal documents, their public discussion;

coordination with ministries and agencies and opinion-making bodies and submission to the Ministry of Justice of the Republic of Uzbekistan;

planning the assessment of the regulatory impact of regulatory legal documents, formalizing the results of the assessment and evaluation of the regulatory impact of regulatory legal documents and submitting the final information to the Cabinet of Ministers;

control over assessment of the regulatory impact of regulatory legal documents;

it is proposed to legally regulate issues such as forms, methods, simplified assessment and full assessment of the regulatory impact of normative legal documents and their drafts.

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