



SIMPLEGIS™

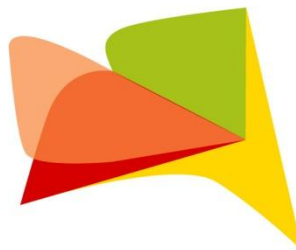
PROGRAMA
SIMPLIFICAÇÃO
LEGISLATIVA

FEWER LAWS, MORE ACCESS, IMPROVED ENFORCEMENT

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In 2006, the 17th Constitutional Government launched the “Better Regulation” (Legislar Melhor) programme, within the framework of SIMPLEX.

Once again under SIMPLEX, **a new phase** of the “Better Regulation” programme is being launched today:



GOALS

- GOAL 1# To simplify legislation** by having fewer laws; by making fewer amendments to laws; and by having ZERO delays in transposing European Union directives.
- GOAL 2# To make laws more accessible for citizens and businesses** by drafting laws that are easier to understand; by having a greater involvement of citizens in law-making; by providing better information about the laws.
- GOAL 3# Better enforcement of laws** by adopting laws that will come with manuals of instructions, to ensure that the laws' objectives are achieved and that legislation is evaluated to assess its impact.

GOAL 1 TO SIMPLIFY LEGISLATION

Simplifying legislation is essential:

- # **To have fewer laws**, so that citizens and businesses understand more easily the applicable regulations;
- # **To have “ZERO delays” in the transposition of EU directives**, so that citizens and businesses may benefit from identical regulations across the European Union;
- # To have **clearer laws** that are more easily understood.

TO SIMPLIFY LEGISLATION FEWER LAWS

The number of laws in force has to be reduced, so that citizens and businesses understand more easily the applicable regulations.

To **reduce the legislative burden**, it is necessary:

- # **To repeal unnecessary laws that are no longer being enforced:** In 2010, at least 300 pieces of legislation shall be repealed.
- # **To repeal more laws than are actually enacted :** In 2010, the number of decree-laws (decretos-leis) and implementing decrees (decretos regulamentares) to be repealed will exceed the number of newly enacted ones.
- # **To legislate wisely:** To strengthen review and oversight mechanisms in relation to law-making. Decree-laws and implementing decrees should only be adopted whenever **necessary** and **one subject matter should be regulated by a single piece of legislation.**

TO SIMPLIFY LEGISLATION FEWER MISTAKES

Mistakes and lapses in a law are usually corrected by means of an Amending Statement (*Declaração de Rectificação*) that is published in the Official Gazette.

For citizens and businesses to trust the laws that govern them, they have to remain unchanged from the moment they come into force. There should be no need to make amendments to laws shortly after they are published.

To achieve this goal, authorities should make fewer mistakes/amend fewer laws: In 2010, **the percentage of decree-laws and enacting decrees with no amendments shall be of 95%, to achieve the best result of the period 2001-2010.**

TO SIMPLIFY LEGISLATION ZERO DELAYS IN TRANSPOSING EU DIRECTIVES

The European Union Directives have to be transposed by means of a Parliamentary Law (*Lei da Assembleia da República*) or a Government Decree-Law (*Decreto-Lei do Governo*) within the timeframe provided. Delays in transposing Directives will result in fines.

The timely transposition of EU Directives is advantageous for citizens and businesses. Whenever directives are transposed, the applicable rules become more accessible in all EU member states. Life becomes easier for citizens and companies that wish to live, work or do business in different EU countries.

A “ZERO delays” policy in transposing Directives is going to be adopted: by the end of the first semester of 2011, there will be no Directives whose transposition is late.

TO SIMPLIFY LEGISLATION KNOWING HOW TO DRAFT LAWS SIMPLY AND CLEAR

To draft laws that are simple and clearly worded, it is necessary to have the know-how and use techniques that are familiar to those with specific training.

To **draft laws that are more simple and clearer**, the following commitments will be made:

- # **As from 2010, training programmes will be designed**, together with universities and other entities.
- # **By the end of 2011, a “practical guide for drafting legislation”** will have been compiled, providing practical guidance on how to decide when a law/regulation is required; how to assess laws; how to organize consultations and public hearings, etc.
- # **By the end of the first quarter of 2012, the handbook on rules for lawmaking (*Regras de Legística*) will have been updated**, providing practical tips on how to draft a law.

GOAL 2

TO MAKE LAWS MORE ACCESSIBLE FOR CITIZENS AND BUSINESS

To make laws more accessible for citizens and businesses, the following are required :

- # **Laws have to be clearer,** so that people and businesses can understand them;
- # It should be possible for **individual citizens and businesses to be involved in the drafting of laws;**
- # **Access to laws should be made easier,** with their contents presented in new formats implying fewer costs for citizens and businesses.

TO MAKE LAWS MORE ACCESSIBLE FOR CITIZENS AND BUSINESSES: SUMMARIES IN A CLEAR LANGUAGE

Sometimes, laws are hard to understand because of their technical complexity.

- # Citizens and businesses alike are entitled to know and understand the contents of laws. It should be possible for national and foreign citizens and businesses to understand Portuguese legislation at a lower cost.
- # **During the second half of 2011, explanatory summaries shall be prepared in a clear and simple language, both in Portuguese and English. The summaries will be made available together with the decree-laws and implementing decrees.**

TO MAKE LAWS MORE ACCESSIBLE FOR CITIZENS AND BUSINESSES: NEW FORMATS FOR PUBLIC CONSULTATIONS

Public hearings are an important tool when drafting laws on certain subject matters. Procedures for consultations and public hearings are currently in place, but they have been designed mainly for institutions and not for citizens or companies.

Laws should be drafted to address the problems faced by citizens and businesses. Hence, public hearings and consultations for certain laws should become more inclusive to allow all stakeholders to participate.

To ensure that hearings and consultations on decree-laws and implementing decrees reach out to citizens and businesses, the following shall be implemented during the second half of **2011**:

- # **A website shall be created providing information on public consultations and hearings;**
- # **A new format shall be adopted for hearings that will be especially geared towards citizens and businesses. It will be based on questionnaires with specific questions, rather than on legislative drafts, which would be far more difficult for individual citizens and businesses to understand.**

TO MAKE LAWS MORE ACCESSIBLE FOR CITIZENS AND BUSINESSES: LESS DISPERSION, MORE CONSOLIDATION

When a law is amended many times, it becomes difficult to tell which version of the law is in force and this generates costs for citizens and businesses.

To facilitate access to the legislation that is in force, **it is necessary to prepare consolidated versions of the laws** that reflect the text that is in force at a particular moment in time.

In 2010, the laws to be consolidated shall be identified and a schedule shall be established for their consolidation and posting on the internet by the end of the second semester of **2011**.

TO MAKE LAWS MORE ACCESSIBLE FOR CITIZENS AND BUSINESSES: BETTER INFORMATION IN THE OFFICIAL GAZETTE

Many pieces of very specific legislation are published in the Official Gazette (*Diário da República, DR*), e.g. ministerial orders concerning game reserves. Their publication makes the search for, identification and perusal of such legislation as well as of other laws quite difficult.

To improve access to the laws published in the Official Gazette, as well as the perusal of those specific pieces of legislation, **the latter will no longer be published in the Official Gazette after September 2010, but will be made available on other websites instead.**

TO MAKE LAWS MORE ACCESSIBLE FOR CITIZENS AND BUSINESSES: A NEW PORTAL WITH INFORMATION ON LEGISLATION

Several databases with legal information are currently available, such as DIGESTO and *Diário da República Electrónico* (the electronic version of the Official Gazette). However, the information included therein is not available and searchable in a single location.

To improve access to information on laws, a new portal for legislative information will be established on the Internet during the second half of 2011:

- # **It will bring together all the data contained in the DIGESTO and *Diário da República Electrónico* databases,** and make available more comprehensive information;
- # **It will provide new services and display new features** with added value and usefulness for citizens and businesses.

GOAL 3

BETTER ENFORCEMENT OF LAWS

Better enforcement of laws is essential to ensure that **the objectives for which they were originally drafted are actually met.**

IMPROVED ENFORCEMENT: “MANUALS OF INSTRUCTIONS”

The poor enforcement of a law represents costs for citizens and businesses because the new rules are not duly implemented and the set objectives are not met.

When a piece of legislation has to be applied by many individuals and institutions, it may be difficult to enforce it consistently across different sectors of society.

To ensure a better enforcement of laws, “Manuals of Instructions” should be prepared whenever the legislation has to be implemented by many different people and institutions. Such “Manuals of Instructions” should be drafted in a language that is easy to understand and should explain clearly the contents and objectives of the laws to those who will enforce them and those who will have to abide by them

In 2010 and 2011, 10 “Manuals of Instructions” will be prepared to support the enforcement of decree-laws and implementing decrees.

IMPROVED ENFORCEMENT: BETTER EVALUATION OF LAWS

Evaluating laws is essential to determine:

- # Whether the provisions to be adopted will achieve the desired objectives (ex ante evaluation);
- # Whether the provisions in a law are being duly enforced and its objectives met (ex post evaluation).

In order to better evaluate laws:

- # **In 2010, the simple *ex ante* evaluation model for decree-laws and implementing decrees will be streamlined, so that the impact of new legislation in terms of regulatory simplification, administrative burden, costs, etc. may be adequately assessed;**
- # **In 2010, a more complex *ex ante* and *ex post* evaluation model shall be designed. It will be used in 2011 to assess 10 laws;**
- # **In 2010, specialist teams will be set up and trained in legislative evaluation techniques.**

SIMPLEGIS

BENEFITS FOR CITIZENS AND BUSINESSES

SIMPLEGIS **benefits citizens and businesses:**

- # **Transparency:** citizens and businesses will be able to know more easily the rules applicable to their lives and their activities.
- # **Lower costs:** only considering direct costs, a saving of 200M€/year is estimated for citizens and businesses.
- # **Better enforcement of laws:** it is ensured that laws actually meet the objectives for which they were originally drafted.
- # **International credibility:** Portugal's obligations in transposing EU legislation will be permanently met, contributing to the country's international credibility.

SIMPLEGIS

TARGETS FOR CITIZENS AND BUSINESSES

SIMPLEGIS is a programme with targets to achieve concrete results for **citizens and businesses:**

- # To **repeal unnecessary laws that are no longer being enforced:** In 2010, at least 300 pieces of legislation shall be repealed.
- # **During the second half of 2011, explanatory summaries in a clear and simple language, both in Portuguese and English, will be made available together with the decree-laws and implementing decrees.**
- # **Preparation of “Manuals of Instructions”** drafted in a language that is easy to understand, to explain clearly the contents and objectives of the laws to those who will enforce the decree-laws and implementing decrees and those who will have to abide by them. In 2010 and 2011, 10 “Manuals of Instructions” will be prepared to support the enforcement of decree-laws and implementing decrees.



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A JOINT PROJECT

The SIMPLEGIS project isn't just a Government project.

SIMPLEGIS is a joint project involving the Government and a range of stakeholders who share the SIMPLEGIS goals:

fewer laws, more access, improved enforcement.

Among others, the following entities have participated in SIMPLEGIS:

AEP - Associação Empresarial de Portugal, Câmara de Comércio e Indústria; **AIP** - Associação Industrial Portuguesa; **ANJAP** - Associação Nacional de Jovens Advogados Portugueses;
ANJE - Associação Nacional de Jovens Empresários; **CAP** - Confederação dos Agricultores de Portugal; **CCP** - Confederação do Comércio e Serviços de Portugal;
CIP - Confederação da Indústria Portuguesa; **CGTP-IN** - Confederação Geral dos Trabalhadores Portugueses - Intersindical Nacional; **CTP** - Confederação do Turismo Português;
DECO - Associação Portuguesa para a Defesa do Consumidor; **OA** - Ordem dos Advogados; **OTOC** - Ordem dos Técnicos Oficiais de Contas;
OROC - Ordem dos Revisores Oficiais de Contas; **UGT** - União Geral de Trabalhadores.