

1. Subject matter

1.1. The Unified Methodology for the Assessment of Selected Impacts (“the Unified Methodology”) sets out the procedure of ministries, other public authorities (“the Submitter”) and associations of legal entities with the participation of the Ministry of Economy of the Slovak Republic, whose interest and mission is to support and develop small and medium-sized enterprises in the Slovak Republic (“SME Support Association”) in assessing the effects of the material on the public administration budget, business environment, social impacts, environmental impacts, impacts on society informatisation and impacts on public administration services for citizens, that will be the subject of an inter-ministerial comment procedure (“I-MCP”) and at the meeting of the Government of the Slovak Republic.

1.2. The Unified methodology regulates:

a) Binding procedural rules applied in the assessment of selected impacts listed in Part I of the Unified Methodology;

b) Content requirements for the elaboration of the selected effects clause (“the Clause”) and the analysis of the effects listed in Part II of the Unified Methodology;

(c) Principles and recommendations for the assessment of selected impacts set out in Part III of the Unified methodology.

2.7 According to the Unified methodology, the environmental impact analysis is not performed for materials that have undergone an environmental impact assessment pursuant to Act no. 24/2006 Coll. on Environmental Impact Assessment and on Amendments to Certain Acts, as amended. Impact clause prepared in accordance with Act 24/2006 Coll. on Environmental Impact Assessment and on Amendments to Certain Acts, as amended, replaces the process of consultations with business entities.

4.1. The Clause is a part of the material submitted to the I-MCP and the material submitted to the meeting of the Government of the Slovak Republic according to 2.1. and 2.2.

4.2. The Clause and impact analyses on the draft legislative proposal, the draft legislative material and the draft non-legislative material are submitted as a separate part of this proposal.

4.3. The Clause and impact analyses on the government bill are submitted to the National Council of the Slovak Republic as part of the general part of the explanatory memorandum.

4.4 The Clause contains an identification of the expected selected effects of the proposed material, namely:

Implications for the public administration budget;

Impacts on the business environment, including a test for small and medium-sized enterprises;

Social impacts;

Environmental impacts;

Impacts on the society informatization;

Impacts on public administration services for the citizen.

The Clause also contains, in particular, a definition of the problem of the submitted material, the determination of the objectives to be achieved, the identification of the subjects concerned and the evaluation of alternative solutions to the said problem.

Consultations with business entities

5.1. Consultations with the business entities concerned or their representative organizations (“the Business Consultations”) form a mandatory part of the business impact assessment in the cases referred to in point 5.4. of the Unified methodology.

5.2. The main purpose of the consultation is to increase the transparency of the preparation of draft legislative and non-legislative materials and to create space for the involvement of the business entities concerned in their creation at an early stage in the preparation process. The consultations shall take place before the submission of the material for the preliminary comment procedure.

5.3. The evaluation of consultations with business entities is part of the analysis of impacts on the business environment (submitted to the I-MCP) and contains information on the participants in the consultations, the form and duration of consultations, topics discussed, proposals of consulted parties and the outcome of consultations.

5.4. The Ministry of the Economy decides on the need for consultations with business entities on the basis of

a) Work plan of the Government of the Slovak Republic;

b) Plan of legislative tasks of the Government of the Slovak Republic;

c) Information on the material preparation according to points 5.5 and 5.6 of the Unified methodology;

d) List of legislation concerning the business environment in accordance with point 5.6 of the Unified methodology.

Based on the assumption of significant impacts on the business environment, in particular with regard to the partial impacts contained in the analysis of impacts on the business environment listed in Annex no. 3a and recommendations of business unions and associations representatives.

5.5. The Ministry of Economy informs the Submitter of the obligation to consult with business entities in the case of materials included in the Plan of Legislative Tasks of the Government of the Slovak Republic or the Work Plan of the Government of the Slovak Republic within ten working days of approval of the relevant plan by the Government of the Slovak Republic. In the case of materials submitted outside the plan of legislative tasks of the Government of the Slovak Republic or the work plan of the Government of the Slovak Republic within five working days from the sending of information on the preparation of the material.

5.6. If the legislative material amending the current legislation, which the Submitter intends to submit to the I-MCP, was not included in the Plan of Legislative Tasks of the Government of the Slovak Republic, and is also listed in the list of legal regulations concerning the business environment published on the website of the Ministry of Economy, the Submitter shall send the information of preparation of this material to the Ministry of Economy to the address dolozka@mhsr.sk or publish it in accordance with a special regulation.

If it is a new legal regulation or non-legislative material, which was not included in the Plan of Legislative Tasks of the Government of the Slovak Republic, and/or Work plans of the Government of the Slovak Republic, information on its preparation must always be sent. This information shall include in particular the title of the material and a brief summary of the problems to be addressed by the material and the objectives to be achieved. It is recommended to send this information to the Ministry of Economy well in advance of the preparation of the material itself.

5.7. The Submitter shall publish information on the commencement of consultations with business entities (“the Information on Consultations”) and send an internet link to the material to the Ministry of Economy at dolozka@mhsr.sk, which will publish it on its website.

5.8. The minimum duration of consultations with business entities shall be four weeks or less in the case of an agreement between the economic operators participating in the consultation with the Submitter. A regular meeting of a working group or other grouping with representatives of the business environment set up to prepare the draft material is also considered to be consultations.

5.9. The Submitter will contact the entities with which the proposal will be consulted, taking into account the factual focus of the material and the expected significant impacts on these entities.

5.10. Following the publication of Information on Consultations, other relevant business entities may be involved in the consultation process and anticipate that the proposal will affect their business.

5.11. The principles and recommendations for holding consultations are set out in Part III, point 1. Consultations.

II. Substantive Requirements on the Selected Effects Clause

4. Affected entities

All types of entities concerned by the proposal, either directly or indirectly, shall be listed. These are, in particular, various groups of the population, entrepreneurs or public administration institutions, to whom the proposal imposes certain obligations, restrictions, imposes requirements on them or otherwise influences their functioning.

The definition of stakeholders may be supplemented during the impact assessment depending on the proposed solutions.

In identifying the entities concerned, the Submitter shall comply with the following rules:

- a) It will identify the entities that may receive additional benefits from the proposal and the entities that may be harmed by the proposal;
- b) It distinguishes between direct and indirect effects;
- c) It defines the entities concerned for all the alternatives considered and takes into account in the analysis that the different entities may not be equally affected under the different alternatives;
- d) It would also use consultations to identify business entities.

III. PRINCIPLES AND RECOMMENDATIONS

1. Consultations

Consultations with stakeholders serve to increase the transparency of the preparation of legislative and non-legislative materials and create space for entities whose activities may be directly affected by the proposed regulation to participate in the legislation drafting.

In order to achieve the maximum effect, the consultations should take place at the initial stage of the preparation of the material, in the case of legislation before the actual wording of the proposed amendment.

Prior to the start of the consultation, the Submitter shall set a clear objective for the consultation and communicate it to the participants of consultations. The consultations are mainly focused on the verification of the hypothesis, on the acquisition of background data for the elaboration of the analysis and on the acquisition of a new perspective on the problem that the adjustment is to solve.

The content and aim of the consultation is:

To find a new perspective on the problem;

To identify all the affected entities;

To identify alternative solutions;

To provide independent scrutiny of the impact assessment;

To mitigate the risk of unforeseeable consequences;

To obtain relevant data and information;

To find a balance between conflicting interests;

To increase the understanding of the proposal and improve the readiness of the stakeholders for the implementation of the solution;

To ensure a smoother process of approval of the submitted material;

To increase the transparency and credibility of the approval process.

The Submitter will provide the participants with background materials about the planned change, inform them about the points for discussion and about inputs he expects from them. As a rule, structured and targeted consultations have outputs that can be used more easily and effectively.

The form of consultations should be chosen according to the target group, the topic consulted and the financial and time capacities of the Submitter. Common forms include advisory and expert committees, public hearings, seminars, expert meetings, electronic consultations, questionnaires, etc.

The Submitter should proactively seek relevant subjects for consultation and, in the case of the business environment, send information on consultations directly to business associations, associations and societies.

The scope of the consultation should be determined on the basis of the proportionality principle.