

Standards der Öffentlichkeitsbeteiligung

Dokumentation internationaler Beispiele

Endbericht

Mai 2006

Erstellt von:



Dr. Kerstin Arbter
Büro Arbter – Ingenieurbüro für Landschaftsplanung
Vorgartenstraße 145-157/2/16, A - 1020 Wien
office@arbter.at, www.arbter.at

im Auftrag von (Projektleiterinnen):

Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft, Abteilung V/8
Mag. Rita Trattnigg, Rita.Trattnigg@lebensministerium.at und

Bundeskanzleramt, Abteilung III/7
Dr. Elisabeth Dearing, Elisabeth.Dearing@bka.gv.at

Copyright:

Bundeskanzleramt und Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft, 2006
Alle Rechte vorbehalten
Unter Angabe der Quelle ist eine Verwendung zulässig.

Mai 2006

Dieses Dokument ist online erhältlich unter www.partizipation.at.



BUNDESKANZLERAMT  ÖSTERREICH

Inhaltsverzeichnis

1 Einleitung.....	3
2 Grundsätze und Mindeststandards für Konsultationen der EU-Kommission.....	4
2.1 Allgemeine Grundsätze.....	4
2.2 Mindeststandards.....	5
3 Code of Practice on Consultation des britischen Premierministerbüros.....	6
4 Code of Consultation des finnischen Finanzministeriums.....	7
5 Fragebogen zur Öffentlichkeitsbeteiligung in Slowenien	8
6 Konzept zur Entwicklung der Zivilgesellschaft in Estland.....	8
7 Accord between Government of Canada and the Voluntary Sector	9
8 Public Consultation Guidelines der North American Commission for Environmental Cooperation	9
9 Anhang.....	11
9.1 Mindeststandards für die Konsultation betroffener Parteien durch die EU-KOM	11
9.2 Code of Practice on Consultation des britischen Premierministerbüros (Originaltext)	14
9.3 Code of Consultation des finnischen Finanzministeriums (Originaltext)	21
9.4 Aktivitäten zur Entwicklung der Zivilgesellschaft in Estland.....	23



1 Einleitung

Auf Initiative des Lebensministeriums und des Bundeskanzleramtes hat eine interministerielle Arbeitsgruppe gemeinsam mit VertreterInnen aus Kammern und NGOs **Standards der Öffentlichkeitsbeteiligung** für die Bundesverwaltung entwickelt. Diese Standards sollen einen Impuls für Good Governance in Österreich setzen. Sie sind ein Beitrag zum geplanten österreichischen Good Governance-Leitfaden, der im Arbeitsprogramm 2004 zur Umsetzung der österreichischen Nachhaltigkeitsstrategie (Beschluss Bundesregierung im Juni 2004) festgelegt ist.

Die Standards der Öffentlichkeitsbeteiligung bieten der Verwaltung praktische Unterstützung, damit sie die **Öffentlichkeit effizient und effektiv beteiligen** kann. Hilfreich können sind die Standards insbesondere bei der Entwicklung von **Politiken, Plänen, Programmen** oder **Rechtsakten** sein, beispielsweise von Strategien, nationalen Aktionsplänen und politischen Leitlinien. Die Standards der Öffentlichkeitsbeteiligung sind als Service für VerwaltungsmitarbeiterInnen bei Öffentlichkeitsbeteiligungsprozessen gedacht.

Als Ausgangspunkt für dieses Projekt wurde recherchiert, welche vergleichbaren Standards bereits auf EU-Ebene sowie in anderen europäischen und außereuropäischen Staaten angewandt werden. Wegweisend für die österreichische Initiative können sein:

- die Grundsätze und Mindeststandards für Konsultationen der EU-Kommission,
- der Code of Practice on Consultation des britischen Premierministerbüros,
- der Code of Consultation des finnischen Finanzministeriums,
- der Fragebogen zur Öffentlichkeitsbeteiligung in Slowenien,
- das Konzept zur Entwicklung der Zivilgesellschaft in Estland,
- der Accord between Government of Canada and the Voluntary Sector sowie
- die Public Consultation Guidelines der North American Commission for Environmental Cooperation.

In diesem Bericht werden die bestehenden Ansätze zusammengefasst.



2 Grundsätze und Mindeststandards für Konsultationen der EU-Kommission

Die EU-Kommission (EU-KOM) erkennt und würdigt zunehmend die Bedeutung der Öffentlichkeitsbeteiligung für die Qualität der Politikgestaltung. Sie hat sich in ihrem "Weißbuch über das europäische Regieren"¹ zu einer verstärkten Kultur der Konsultation und des Dialogs in der EU verpflichtet. Um dieser Verpflichtung nachzukommen, hat sie im Dezember 2002 eine Mitteilung über allgemeine Grundsätze und Mindeststandards für die Konsultation betroffener Parteien durch die Kommission beschlossen². Diese Mitteilung definiert einheitliche Grundregeln für Beteiligungsprozesse und enthält klare Hinweise, auf welche Prinzipien dabei jedenfalls geachtet werden sollte. Die allgemeinen Grundsätze und Mindeststandards sind selbst in einem Konsultationsprozess entstanden. Sie haben nun selbstbindenden Charakter für die Kommission und werden ab 1.1.2003 angewandt, ohne jedoch rechtsverbindlich zu sein.

In der Mitteilung wird betont, dass die Konsultation der Betroffenen eine Ergänzung und kein Ersatz für die Entscheidungen der gesetzgebenden und demokratisch legitimierten Institutionen ist. Die Kommission folgt dem Grundsatz, die betroffenen Parteien anzuhören, ihnen jedoch kein formales Stimmrecht zu verleihen. Sie zieht eine klare Trennlinie zwischen Konsultationen, die auf eigene Initiative der Kommission vor Annahme eines Vorschlags eingeleitet werden, und dem sich anschließenden formellen und verbindlichen Beschlussfassungsprozess.

Mit den allgemeinen Grundsätzen und Mindeststandards möchte die Kommission die Gefahr vermindern, "dass sich die Entscheidungsträger allzu einseitig informieren oder dass einzelne Gruppen [...] bevorzugt werden"³. Insbesondere soll die organisierte Zivilgesellschaft bei den Konsultationsverfahren einbezogen werden.

Die allgemeinen Grundsätze und Mindeststandards sollen in einem ersten Schritt bei der Durchführung von Folgenabschätzungsverfahren ("impact assessments") und bei der Erstellung von Grünbüchern angewandt werden.

2.1 Allgemeine Grundsätze

Die allgemeinen Grundsätze sollen das Konsultationsverhältnis zwischen der Kommission und den betroffenen Parteien regeln. Beide Seiten sollen sich dazu verpflichten. Diese Grundsätze entsprechen den Good Governance Grundsätzen aus dem Weißbuch der Kommission über das europäische Regieren:

- **Partizipation**
Bei großen politischen Initiativen soll möglichst umfassend konsultiert werden.
- **Offenheit und Verantwortlichkeit**
Konsultationsverfahren müssen sowohl für die Beteiligten als auch für die breite Öffentlichkeit transparent sein. Es muss deutlich werden, welche Themen zur Debatte stehen, welche Mechanismen für die Anhörung angewandt werden, wer angehört wird und warum und wodurch die Entscheidungen bei der Politikgestaltung beeinflusst werden. Die beteiligten Organisationen müssen bekannt geben, welche Interessen sie vertreten und wie einschließend die Vertretung ist.
- **Effektivität**
Die Konsultationen sollen frühzeitig während der Entwicklung einer Politik durchgeführt werden, zu einem Zeitpunkt also, zu dem noch Einflussmöglichkeiten bestehen.
- **Kohärenz**
Politik und konkretes Handeln müssen kohärent und leicht nachvollziehbar sein.

¹ Europäische Kommission (2001): Europäisches Regieren – Ein Weißbuch, KOM(2001)428 endgültig, Brüssel

² Europäische Kommission (2002): Hin zu einer verstärkten Kultur der Konsultation und des Dialogs – Allgemeine Grundsätze und Mindeststandards für die Konsultation betroffener Parteien durch die Kommission, Mitteilung der Kommission KOM(2002)704 endgültig, Brüssel

³ Europäische Kommission (2001): Europäisches Regieren – Ein Weißbuch, KOM(2001)428 endgültig, S. 22, Brüssel



2.2 Mindeststandards

Die Mindeststandards regeln folgende fünf Bereiche (aus: Europäische Kommission, 2002, Seite 18ff⁴):

- **Eindeutiger Inhalt der Konsultationsverfahren:**
Jegliche Kommunikation im Hinblick auf Konsultationen muss klar und präzise sein und alle notwendigen Informationen enthalten, um Antworten zu erleichtern.
- **Zielgruppen für Konsultationen:**
Bei der Bestimmung von Zielgruppen für Konsultationsverfahren muss die Kommission gewährleisten, dass betroffene Parteien Gelegenheit haben, ihren Standpunkt darzulegen.
- **Veröffentlichung:**
Die Kommission muss eine angemessene, auf Sensibilisierung ausgerichtete Werbung gewährleisten und ihre Kommunikationskanäle den jeweiligen Zielgruppen anpassen. Ohne andere Kommunikationsmittel ausschließen zu wollen, sollten öffentliche Konsultationen im Internet veröffentlicht und über die "zentrale Anlaufstelle" angekündigt werden (europa.eu.int/yourvoice).
- **Fristen für eine Partizipation:**
Die Kommission sollte für Planung und Antworten auf Einladungen und schriftliche Beiträge ausreichend Zeit einräumen. Sie sollte sich bemühen, für Antworten zu schriftlichen öffentlichen Konsultationen eine Frist von mindestens acht Wochen und für Sitzungen eine Frist von 20 Werktagen vorzusehen.
- **Eingangsbestätigung und Feedback:**
Der Eingang von Beiträgen ist zu bestätigen. Die Ergebnisse der öffentlichen Konsultationen sind auf Internetseiten, die über einen Link mit der zentralen Anlaufstelle verbunden sind, zu veröffentlichen.

Zu diesen fünf Mindeststandards gibt es jeweils konkrete Erläuterungen (s. Anhang, Seite 11).

Zur Umsetzung der allgemeinen Grundsätze und Mindeststandards setzt die Kommission z. B. folgende Begleitmaßnahmen:

- Gute Beispiele werden auf einer kommissionsinternen Website als praktische Anleitung angeboten.
- Ein Helpdesk mit einer Mailbox wird eingerichtet. Dorthin können sich die Kommissionsbediensteten mit Fragen zur Anwendung der allgemeinen Grundsätze und Mindeststandards wenden.
- Sensibilisierungs- und gegebenenfalls auch Schulungsmaßnahmen werden durchgeführt.

⁴ Europäische Kommission (2002): Hin zu einer verstärkten Kultur der Konsultation und des Dialogs – Allgemeine Grundsätze und Mindeststandards für die Konsultation betroffener Parteien durch die Kommission, Mitteilung der Kommission KOM(2002)704 endgültig, Brüssel



3 Code of Practice on Consultation des britischen Premierministerbüros

Das Büro des britischen Premierministers gab bereits im November 2000 den "Code of Practice on Written Consultation" heraus. Anfang 2004 wurde ein überarbeiteter "Code of Practice on Consultation"⁵ veröffentlicht. Dieser Code ist im gesamten Vereinigten Königreich von allen "government departments and agencies" bei öffentlichen Konsultationen anzuwenden, so auch bei Konsultationen zu EU-Richtlinien. Darüber hinaus werden "non-departmental bodies" und lokale Behörden zur Anwendung des Codes ermutigt. Obwohl der Code keine Gesetzeskraft hat, ist er für die "departments and agencies" prinzipiell verbindlich. Ausnahmsweise kann ein Minister feststellen, dass außergewöhnliche Umstände ein Abweichen vom Code erforderlich machen. Wenn beispielsweise das behandelte Thema sehr speziell ist und es dazu nur eine kleine Zahl an Betroffenen gibt, die direkt im Politikentwicklungsprozess eingebunden wurden, kann auf die verpflichtende schriftliche Stellungnahmemöglichkeit verzichtet werden. Alle Abweichungen vom Code müssen jedoch in den Konsultationsdokumenten hervorgehoben werden. Sie sollen vom zuständigen Minister begründet werden.

Der "Code of Practice on Consultation" enthält sechs Kriterien für Konsultationen.

1. Konsultieren Sie breit während des Entwicklungsprozesses der Politiken und geben Sie mindestens einmal während des Prozesses die Möglichkeit zur Abgabe schriftlicher Stellungnahmen. Dafür sollen mindestens 12 Wochen Zeit zur Verfügung gestellt werden.
2. Stellen Sie klar, welches Thema in der Politik behandelt wird, wer davon betroffen sein kann, welche Fragen dazu gestellt werden und innerhalb welcher Frist die Stellungnahmen abgegeben werden müssen.
3. Stellen Sie sicher, dass die Konsultationen klar, präzise und breit zugänglich sind.
4. Nehmen Sie zu den eingelangten Stellungnahmen Stellung und erklären Sie, wie der Konsultationsprozess die Politik beeinflusst hat.
5. Überwachen Sie die Effizienz der Konsultationen Ihres Ministeriums, u. a. mit Hilfe eines dafür ernannten "Konsultations-Koordinators".
6. Stellen Sie sicher, dass die Konsultationen der guten Praxis zur Erstellung von Rechtsakten oder Politiken entsprechen. Dazu gehört gegebenenfalls die Durchführung einer Folgenabschätzung ("Regulatory Impact Assessment")⁶.

Diese sechs Kriterien müssen in allen Konsultationsdokumenten aufscheinen. Zu jedem Kriterium gibt es im Code einige Unterpunkte (s. Anhang, Seite 14). Zur praktischen Durchführung der Konsultationen wird ein ausführlicher online-Leitfaden zur Verfügung gestellt. Alle Dokumente und Hilfsmittel sind im Internet zugänglich unter:

www.cabinetoffice.gov.uk/regulation/consultation/code.asp.

Außerdem gibt es seit 1998 einen "**Compact**" zwischen der Regierung und Organisationen der Zivilgesellschaft in England, um ihre Zusammenarbeit zum beiderseitigen Nutzen zu verbessern⁷. Es wurden fünf "Compact codes of good practice" erarbeitet, einer davon über Konsultationen und Folgenabschätzung. Er ähnelt dem "Code of Practice on Consultation" des Premierministerbüros und ist etwas ausführlicher. Im Anhang enthält er Kriterien zur Evaluierung von Konsultationsprozessen.

⁵ Cabinet Office, Regulatory Impact Unit (2004): Code of Practice on Consultation, Crown copyright, London; <http://www.cabinetoffice.gov.uk/regulation/consultation/code.asp>; [Download 5.1.2004]

⁶ Das "regulatory impact assessment" (kurz: RIA) ist ein Instrument zur Überprüfung von Rechtsvorschriften hinsichtlich ihrer Auswirkungen auf die Wirtschaft, auf Wohltätigkeitsorganisationen und auf gemeinnützige Körperschaften. Werden derartige Auswirkungen erwartet, so ist es verpflichtend von jenen Behörden bzw. Dienststellen durchzuführen, die die Rechtsvorschriften ausarbeiten.

⁷ www.thecompact.org.uk



4 Code of Consultation des finnischen Finanzministeriums

Finnland hat eine lange Tradition zur Öffentlichkeitsbeteiligung. Dennoch sank die Wahlbeteiligung, die Unzufriedenheit aktiver Bürger mit den Beteiligungsmöglichkeiten wuchs und das Vertrauen in die Beteiligung seitens passiver Bürger ging zurück. In einer Studie stellte sich außerdem heraus, dass die Bürger den Ministerien wenig vertrauen. Daher wurde eine breite Initiative zur Stärkung der Öffentlichkeitsbeteiligung gestartet. Zu Beginn der Aktionen hatten vor allem Beamten Bedenken, dass die Beteiligung der Öffentlichkeit durch die Verwaltung die Rolle der Politiker schmälern könnte. Für die Politiker war allerdings klar, dass weiterhin sie entscheiden, welche Themen auf die politische Agenda und ins Regierungsprogramm kommen und dass die Öffentlichkeitsbeteiligung in der Verwaltung in der Vorbereitungsphase der Entscheidung stattfindet und die Rechte und Pflichten der Entscheidungsträger daher nicht beeinflusst. Die Politiker sahen die stärkere Öffentlichkeitsbeteiligung als Mittel gegen das fehlende Vertrauen sowohl in Politiker als auch in Beamte. Daher unterstützten sie die Initiative zur Stärkung der Öffentlichkeitsbeteiligung sehr. Das Finanzministerium wurde mit der Leitung der Initiative betraut, da sich schon oft gezeigt hatte, dass Mängel in der Vorbereitung von Initiativen für den Staat sehr teuer sind. Von der Offenheit und der Nutzung des breiten Wissens der Öffentlichkeit erwartete man sich besseres Verständnis, bessere Entscheidungen und auch mehr Vertrauen in die Regierung und in der Folge sogar eine Stärkung der Wettbewerbsfähigkeit. Das Ziel war nicht die repräsentative Demokratie zu ersetzen, sondern sie zu unterstützen (Holkeri, K., 2005⁸).

Als erster Schritt zur besseren Information der Verwaltung und der Öffentlichkeit wurde eine Internet-Datenbank über alle Initiativen der Regierung, des Parlaments und der Ministerien erstellt. Die Datenbank enthält Informationen über die Entwicklung von Rechtsakten und anderen Projekten.

Außerdem erarbeitete eine Arbeitsgruppe aus Beamten und NGOs einen Code of Consultation. Er beschreibt, wie die Beamten der Ministerien die Öffentlichkeit beteiligen sollten. Der Code of Consultation soll von den Ministerien bei der Entwicklung von Gesetzen und anderen Initiativen angewandt werden. Bürger sollen die Möglichkeit bekommen, die Planungsprozesse zu beeinflussen und die Verwaltung soll vom eingebrachten Wissen profitieren. Der Code of Consultation enthält fünf Leitlinien:

- Gewissenhafte Planung sichert eine erfolgreiche Konsultation.
- Kommunikation ist in allen Phasen wichtig.
- Die Konsultation soll ausreichend breit angelegt sein.
- Die Hauptpunkte der Stellungnahmen müssen zusammengefasst werden.
- Die Konsultation muss evaluiert werden.

Zu allen Leitlinien gibt es einige Unterpunkte (s. Anhang, Seite 21).

Als dritte Initiative wurde ein politisches Programm zur Öffentlichkeitsbeteiligung erstellt (Civil Participation Policy Programme). Das Ziel des Programms ist es, die Wahlbeteiligung wieder zu heben und Möglichkeiten zur Öffentlichkeitsbeteiligung zwischen den Wahlen zu schaffen. Es enthält die vier Schwerpunkte demokratische Strukturen und Methoden, Öffentlichkeitsbeteiligung, Funktionieren der Zivilgesellschaft und bürgerschaftliches Engagement.

Im Rahmen dieses Programms zur Öffentlichkeitsbeteiligung wurde ein Handbuch für die MitarbeiterInnen der Verwaltung erstellt, das Prinzipien zur Öffentlichkeitsbeteiligung, den Code of Consultation, Prinzipien zu e-Consultation und good practice Beispiele enthält. Das Justizministerium erstellt ein Öffentlichkeitsbeteiligungs-Portal im Internet.

⁸

Holkeri, Katju (2005): Public Governance and Citizen Involvement in Finland, o.O.



5 Fragebogen zur Öffentlichkeitsbeteiligung in Slowenien

In Slowenien ist das Ministerium für öffentliche Verwaltung für die Entwicklung des Dialogs mit der Zivilgesellschaft auf nationaler Ebene verantwortlich. Im Zusammenhang mit dem Maßnahmenprogramm zur Reduktion des Verwaltungsaufwands hat die Regierung auch einen Fragebogen angenommen. Ab 9. April 2006 müssen alle Ministerien, die neue Gesetze vorschlagen, diese Fragen beantworten und die Antworten an das Ministerium für öffentliche Verwaltung senden, wo eine Kontrollstelle eingerichtet wurde. Der Fragebogen besteht aus drei Fragegruppen:

- Fragen zum Inhalt des neuen Gesetzesentwurfs,
- Fragen, wie die neuen Vorschriften die Zivilgesellschaft betreffen und ob sie wirklich notwendig sind sowie
- Fragen zum Konsultationsprozess mit der Zivilgesellschaft, z. B. ob eine Konsultation durchgeführt wurde, wer konsultiert wurde, wer die Konsultierten ausgewählt hat, wie lang die Konsultation dauerte etc.

6 Konzept zur Entwicklung der Zivilgesellschaft in Estland

Vor dem Hintergrund geringer Wahlbeteiligung und genereller Enttäuschung über die Politik beschloss das estnische Parlament im Dezember 2002 einstimmig das Konzept zur Entwicklung der Zivilgesellschaft⁹. Das besondere an dieser Vereinbarung über die Kooperation der NGOs Estlands und der öffentlichen Verwaltung ist, dass sie zwischen den Organisationen der Zivilgesellschaft und dem Parlament geschlossen wurde und nicht mit der Regierung, wie in anderen Staaten. Alle großen politischen Parteien unterstützten das Konzept. Die Initiative ging 1999 vom Network of Estonian Non-profit Organisations aus, unterstützt vom United Nations Development Programme. Bevor das Konzept dem Parlament vorgelegt wurde, wurde es von Hunderten NGOs diskutiert und angenommen.

Das Konzept zur Entwicklung der Zivilgesellschaft definiert einander ergänzende Rollen der öffentlichen Verwaltung und der Zivilgesellschaft, Prinzipien für ihre Kooperation sowie Mechanismen und Schwerpunkte für die Schärfung und Umsetzung der Politiken und zum Aufbau der estnischen Zivilgesellschaft. Es ist in vier Abschnitte gegliedert (s. Anhang, Seite 23):

- Ziele: Das Konzept beschreibt die Basis der Partnerschaft zwischen NGOs und öffentlicher Verwaltung und einen Rahmen zur Förderung von Bürgerinitiativen und zur Stärkung der Demokratie in Estland.
- Prinzipien der Kooperation und Werte:
 - Bürgerengagement
 - Partizipation
 - Respekt
 - Partnerschaft
 - Verantwortung
 - Politische Unabhängigkeit der Bürgerinitiativen
 - Korruptionsbekämpfung
 - Nachhaltige und ausgewogene Entwicklung
 - Gleichbehandlung
- Wege zur Zielerreichung
 - Anerkennung und Vertretung
 - Partnerschaft

⁹

www.ngo.ee/1030



- Entwicklung von Politiken
- Ressourcen
- Umsetzung des Konzeptes

Zur Umsetzung des Konzeptes wurde ein 22-köpfiges Komitee aus Regierungs- und NGO-Vertretern unter Vorsitz des Ministers für regionale Angelegenheiten eingesetzt. In drei Arbeitsgruppen wurde ein Aktionsplan 2005 – 2007 mit 11 Zielen erstellt (s. Anhang, Seite 28). Alle zwei Jahre findet im Parlament eine öffentliche Anhörung zur Umsetzung des Konzeptes statt.

Im April 2002 haben die NGOs Estlands einen "Code of ethics of Estonian non-profit organisations" angenommen (s. Anhang, Seite 32). Der Code enthält Regeln zu demokratischer Verwaltungsführung, Zivilcourage und Rücksichtnahme, Nachhaltigkeit und Sorgsamkeit bei der Verwendung von Geldern und Ressourcen, Verantwortlichkeit, Offenheit und Transparenz, Unabhängigkeit und Konfliktvermeidung, Anerkennung von Vereinbarungen und Achtung der Urheberschaft von Ideen sowie Toleranz. 2004 wurde ein "Handbook of NGO Governance" publiziert¹⁰.

7 Accord between Government of Canada and the Voluntary Sector

In Kanada haben Regierung und NGOs eine Vereinbarung geschossen, den "Accord between Government of Canada and the Voluntary Sector"¹¹. Darin bekennen sie sich zu mehr Offenheit, Transparenz und Kooperation. Im Accord sind Werte wie bürgerschaftliches Engagement, Demokratie, Gleichbehandlung, Vielfalt, Integration und soziale Gerechtigkeit verankert. Die Regierung verpflichtet sich, die Auswirkungen von Rechtsakten, Politiken und Programmen auf NGOs zu berücksichtigen und diese in offene, auf Informationen gestützte und anhaltende Dialoge einzubeziehen. Die NGOs verpflichten sich, wichtige oder aufkommende Themen und Trends aufzuzeigen und die Regierung darauf hinzuweisen sowie bei Verhandlungen auf die ganze Breite und Vielfalt der NGOs zurückzugreifen.

Zur Umsetzung des Accords wurden ein "Code of Good Practice on Funding" und ein "Code of Good Practice on Policy Dialogue" sowie ein Handbuch herausgegeben¹². Zur Anwendung des Accords werden Fortschrittsberichte erstellt.

8 Public Consultation Guidelines der North American Commission for Environmental Cooperation

Die "North American Commission for Environmental Cooperation" ist eine internationale Organisation, der Kanada, Mexiko und die USA angehören. Sie verfolgt das Ziel, regionale Umweltthemen zu behandeln, potentielle Handels- und Umweltkonflikte zu vermeiden und die Berücksichtigung des Umweltrechts effektiv zu fördern. Diese Organisation stellt "Public Consultation Guidelines" auf ihrer Homepage zur Verfügung¹³. Sie enthalten Empfehlungen, wie Konsultationsveranstaltungen strukturiert sein sollen.

Bei Konsultationsveranstaltungen ist folgender Ablauf vorgesehen:

- Information der Teilnehmenden über den Zweck und die Ziele der Veranstaltung,

¹⁰ <http://www.policy.lvl/index.php?id=102558&lang=en>

¹¹ <http://www.vsi-isbc.ca/eng/relationship/accord.cfm>

¹² http://www.vsi-isbc.ca/eng/relationship/order_tools.cfm

¹³ http://www.cec.org/who_we_are/jpac/pub_consult/index.cfm?varlan=english



- Möglichkeit für die Teilnehmenden, ihre individuellen Standpunkte ohne Unterbrechung und Widerspruch vorbringen zu können,
- Möglichkeit, über die Standpunkte zu diskutieren und Schlussfolgerungen, Konsens oder Empfehlungen zu entwickeln,
- Möglichkeit, an Diskussionen mit offenem Ende teilnehmen zu können sowie
- Rückmeldungen der Veranstalter zu den eingebrachten Stellungnahmen und Information der Teilnehmenden über die weitere Vorgangsweise.

Kleingruppendiskussionen werden empfohlen. Für die breite Öffentlichkeit besteht die Möglichkeit, ihre kurzgefassten Stellungnahmen am Beginn der Veranstaltung zu präsentieren oder innerhalb bestimmter Fristen an die Veranstalter zu übermitteln.

Nach den Konsultationen werden alle Stellungnahmen von den Veranstaltern analysiert und in einem Bericht zusammengefasst. Dieser Bericht ist allen Personen auf Anfrage zugänglich. Für NGOs, die sich zur Teilnahme an der Veranstaltung angemeldet haben, gibt es finanzielle Unterstützung.



9 Anhang

9.1 Mindeststandards für die Konsultation betroffener Parteien durch die EU-KOM

Auszug aus der Mitteilung der KOM(2002)704 (S. 18ff)

A. EINDEUTIGER INHALT DER KONSULTATIONSVERFAHREN

Jegliche Kommunikation im Hinblick auf Konsultationen muss klar und präzise sein und alle notwendigen Informationen enthalten, um Antworten zu erleichtern.

Die Informationen in Werbe- und Konsultationsunterlagen sollten folgendes beinhalten:

- Eine Zusammenfassung des Hintergrundes, des Gegenstands und der Ziele der Konsultation, wozu auch eine Beschreibung der Sonderfragen, die zur Diskussion stehen oder für die Kommission von besonderer Bedeutung sind, gehört.
- Gegebenenfalls detaillierte Angaben zu Anhörungen, Tagungen oder Konferenzen.
- Angaben zu Ansprechpartnern und Fristen
- Erläuterungen im Hinblick auf die Behandlung der Beiträge durch die Kommission, das zu erwartende Feedback und Einzelheiten der folgenden Phasen der politischen Erarbeitung
- Hinweise auf einschlägige Dokumentation, falls nicht beigelegt (gegebenenfalls auch unterstützende Dokumente der Kommissionsdienststellen).

B. ZIELGRUPPEN FÜR KONSULTATIONEN

Bei der Bestimmung von Zielgruppen für Konsultationsverfahren muss die Kommission gewährleisten, dass betroffene Parteien Gelegenheit haben, ihren Standpunkt darzulegen.

Damit die Konsultationen gerecht verlaufen, sollte die Kommission dafür Sorge tragen, dass folgende Parteien angemessen in Konsultationsverfahren eingebunden werden:

- Parteien, die von der Politik betroffen sind
- Parteien, die an der Umsetzung der Politik beteiligt sind, oder
- Gremien, die aufgrund ihrer formulierten Ziele ein unmittelbares Interesse an dieser Politik haben.

Bei der Bestimmung der für eine Konsultation in Frage kommenden Parteien sollte die Kommission ebenfalls folgende Kriterien berücksichtigen:

- die größeren Auswirkungen der Politik auf andere Politikfelder, z.B. Umweltschutzinteressen oder Verbraucherschutz
- gegebenenfalls die Notwendigkeit einschlägiger Erfahrungen, Expertenwissen oder technisches Know-how
- die Notwendigkeit, gegebenenfalls auch nicht organisierte Interessengruppen zu konsultieren
- die einschlägigen Erfahrungen der an früheren Konsultationen Beteiligten
- gegebenenfalls die Notwendigkeit einer Ausgewogenheit zwischen den Vertretern:



- sozialer und wirtschaftlicher Gremien
- großer und kleiner Organisationen oder Unternehmen
- vielfältiger Einheiten (z.B. Kirchen und Religionsgemeinschaften) und besonderer Zielgruppen (z.B. Frauen, ältere Menschen, Erwerbslose oder ethnische Minderheiten)
- von Organisationen in der Europäischen Union und in Nichtmitgliedstaaten (z.B. in den Bewerberländern, in Entwicklungsländern oder der großen Handelspartner der Europäischen Union).

Gegebenenfalls sollte die Kommission auch Beiträge betroffener Parteien, die auf europäischer Ebene organisiert sind, einholen.

Falls bereits ein förmliches oder strukturiertes Konsultationsgremium existiert, trifft die Kommission Maßnahmen, um zu gewährleisten, dass seine Zusammensetzung dem Sektor entspricht, den es vertritt. Ist dies nicht der Fall, prüft die Kommission, wie sichergestellt werden kann, dass die Interessen aller Beteiligten berücksichtigt werden (beispielsweise durch andere Formen der Konsultation).

C. VERÖFFENTLICHUNG

Die Kommission muss eine angemessene, auf Sensibilisierung ausgerichtete Werbung gewährleisten und ihre Kommunikationskanäle den jeweiligen Zielgruppen anpassen. Ohne andere Kommunikationsmittel ausschließen zu wollen, sollten öffentliche Konsultationen im Internet veröffentlicht und über die "zentrale Anlaufstelle" angekündigt werden.

Um sich an die breite Öffentlichkeit zu wenden, wird eine zentrale Anlaufstelle für Konsultationen eingerichtet, bei der die betroffenen Parteien Informationen und einschlägige Dokumentationen finden können. Die Kommission greift hierfür auf das Internetportal "Ihre Stimme in Europa"¹⁴ zurück.

Allerdings könnte es gleichzeitig sinnvoll sein, traditionellere Internet-Alternativen (z.B. Pressemitteilungen oder Postsendungen) beizubehalten. Gegebenenfalls und im Rahmen des Möglichen stellt die Kommission Konsultationsdokumente in alternativen Formaten bereit, damit Behinderte leichter Zugang finden.

D. FRISTEN FÜR EINE PARTIZIPATION

Die Kommission sollte für Planung und Antworten auf Einladungen und schriftliche Beiträge ausreichend Zeit einräumen. Sie sollte sich bemühen, für Antworten zu schriftlichen öffentlichen Konsultationen eine Frist von mindestens acht Wochen und für Sitzungen eine Frist von 20 Werktagen vorzusehen.

Hierbei geht es im Wesentlichen darum, den an den Konsultationen der Kommission Beteiligten genügend Zeit für Vorbereitung und Planung zu lassen. Der Konsultationszeitraum muss so bemessen sein, dass sowohl eine angemessene Beitragsabgabe als auch eine rasche Entscheidungsfindung möglich ist. In dringenden Fällen oder in Fällen, in denen die betroffenen Parteien bereits ausreichend Gelegenheit zur Meinungsäußerung gehabt haben, kann er verkürzt werden. Andererseits kann ein Konsultationszeitraum von mehr als acht Wochen erforderlich sein, um folgendes zu berücksichtigen:

- die Notwendigkeit für europäische oder nationale Organisationen, die Mitglieder anzuhören, um zu einem konsolidierten Standpunkt zu gelangen

¹⁴ http://europa.eu.int/yourvoice/index_de.htm



- bestimmte bestehende bindende Instrumente (dies gilt insbesondere für die Meldepflicht aufgrund des WTO-Abkommens)
- die Besonderheiten eines Vorschlags (z.B. wegen der Unterschiedlichkeit der betroffenen Parteien oder der Komplexität des Themas, um das es geht)
- Hauptferienzeit.

Ist die Frist für die Einreichung von Kommentaren abgelaufen, schließt die Kommission die Konsultation ab und geht zur nächsten Phase innerhalb des Verwaltungsverfahrens über (z.B. Vorbereitung des Beschlusses der Kommission).

E. EINGANGSBESTÄTIGUNG UND FEEDBACK

Der Eingang von Beiträgen ist zu bestätigen. Die Ergebnisse der öffentlichen Konsultationen sind auf Internetseiten, die über einen Link mit der zentralen Anlaufstelle verbunden sind, zu veröffentlichen.

Je nach Anzahl der eingegangenen Kommentare und verfügbaren Ressourcen kann die Eingangsbestätigung in folgender Form erfolgen:

- individuell (per E-Mail oder Kontrollabschnitt) oder
- als Sammelantwort (per E-Mail oder abrufbar bei der zentralen Internet-Anlaufstelle der Kommission; werden binnen 15 Tagen Kommentare bei der zentralen Internet-Anlaufstelle abgegeben, wird dies als Empfangsbestätigung angesehen).

Die Beiträge werden sorgfältig analysiert im Hinblick darauf, ob und inwieweit die vorgebrachten Ansichten in die politischen Vorschläge einbezogen werden können. Beiträge im Rahmen offener, öffentlicher Konsultationen werden bei der zentralen Anlaufstelle veröffentlicht. Die Ergebnisse anderer Formen der Konsultation sollten, soweit möglich, ebenfalls bei der zentralen Internet-Anlaufstelle öffentlich nachprüfbar sein.

Die Kommission stellt ein angemessenes Feedback für die Parteien, die geantwortet haben, und die Öffentlichkeit bereit. Zu diesem Zweck beinhalten die Begründungen zu den Legislativvorschlägen oder zu den Mitteilungen der Kommission im Nachgang zu einem Konsultationsverfahren die Ergebnisse dieser Konsultationsverfahren sowie Erläuterungen zu ihrer Durchführung und zu der Art und Weise, wie die Ergebnisse im Vorschlag berücksichtigt wurden. Darüber hinaus werden die Ergebnisse der im Rahmen des Wirkungsanalyseprozesses durchgeführten Konsultationen in den entsprechenden Berichten zusammengefasst.



9.2 Code of Practice on Consultation des britischen Premierministerbüros (Originaltext)

Foreword

by the Prime Minister

Effective consultation is a key part of the policy-making process. People's views can help shape policy developments and set the agenda for better public services. But we also need to make the process of consultation less burdensome and easier for people to engage with.

We have made progress in recent years. In November 2000, I launched the Code of Practice on Written Consultation, which set out principles for departments to follow. This has been effective in raising both the quality and quantity of consultation carried out by government.

We consult more extensively now than ever before. And, in the vast majority of cases, consultation periods are now at least 12 weeks long, enabling more time for responses and more people to be involved.

But there is much more we can do to improve the effectiveness of the way we consult with stakeholders. This new, revised code will help focus those efforts. It is shorter and clearer, and strengthens the commitment to providing respondents with feedback and to following better regulation best practice in developing policy options. I encourage all departments and relevant public bodies to use it effectively.

January 2004

CODE OF PRACTICE ON CONSULTATION

The six consultation criteria

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

These criteria must be reproduced within all consultation documents.



INTRODUCTION

The code and the criteria within it apply to all UK public consultations by government departments and agencies, including consultations on EU directives.

UK non-departmental public bodies and local authorities are encouraged to follow this code. Devolved Administrations are free to adopt this code, but it does not apply to consultation documents issued by them unless they do so.¹⁵

Though the code does not have legal force, and cannot prevail over statutory or mandatory external requirements (eg under European Community law), it should otherwise generally be regarded as binding on UK departments and their agencies, unless Ministers conclude that exceptional circumstances require a departure from it.

This code should be used in conjunction with the Code of Good Practice in Consultations and Policy Appraisal, which supports the Compact on Government's Relations with the Voluntary and Community Sector.

Ministers retain their existing discretion not to conduct a formal written consultation exercise under the terms of the code, for example where the issue is very specialised and where there is a very limited number of stakeholders who have been directly involved in the policy development process. In these circumstances the general principles of the code should still be followed as far as possible, and departments should consider how to ensure that the public is made aware of the policy, for example through a press notice or statement on the department's website. This should state the Minister's reason for their decision.

When you consult, care must be taken to comply with your legal duties, such as those that arise under the Human Rights Act, the Data Protection Act, the Freedom of Information Act and laws against discrimination and defamation. In addition, your Race Equality Scheme contains specific obligations relating to the assessment of the impact of proposed policies on the promotion of race equality and to consultation.

Any deviation from this code must be highlighted in the consultation document and should state the Minister's reasons for departing from the code, and what specific measures have been taken to ensure that consultation is as effective as possible. The Cabinet Office are committed to reviewing the effectiveness of the code. Feedback is welcome to the address below:

Consultation Co-ordinator
Regulatory Impact Unit
Cabinet Office
5th Floor
Kirkland House
22 Whitehall
London SW1A 2WH
Tel: 020 7276 6275

E-mail: consultation.policy@cabinet-office.x.gsi.gov.uk

Web address: www.cabinet-office.gov.uk/regulation/consultation/code.htm

¹⁵ For non-Ministerial departments and other organisations, where 'department' is used it refers to the consulting organisation and where 'Minister' is used it means the decision-maker, for example the board, responsible for the consultation.



Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.

1.1 Consultation is a continuous process that needs to be **started early** in the policy development process.

1.2 It is important to identify proactively relevant interested parties and those whom the policy will be likely to affect. These groups should be contacted and engaged in discussion as early as possible in the policy development process.

1.3 Informal consultation with these stakeholders should be conducted prior to the written consultation period. Not only does this lead to a more informed consultation exercise but it also ensures that stakeholders are engaged early and have a better understanding of the policy.

1.4 The formal consultation period should always include a written consultation exercise. **This written consultation period should be a minimum of 12 weeks.** Departments should consider the specific circumstances of their stakeholders and consider longer consultation periods at certain times, for example during the summer holiday period.

1.5 Although there will sometimes be circumstances that require a consultation period of less than 12 weeks, this should be the exception and should be avoided wherever possible. Such circumstances may be timetables set out in statute; those unavoidably dictated by EU or other international processes; those tied to the Budget or other annual financial cycles; measures where there is a health and safety or security dimension; or some other urgent requirement for the introduction of new measures. Where re-consultation takes place on the basis of amendments made in the light of earlier consultation, a shorter period may also be appropriate.

1.6 Where a consultation takes place over a holiday period or lasts less than 12 weeks, extra effort should be made to ensure that the consultation is still effective, by supplementing the written exercise with other methods of consultation.

1.7 Where a consultation period is less than 12 weeks this must be highlighted in the consultation document, which should explain the Minister's reasons for this, and the extra efforts taken to ensure that the consultation is as effective as possible.

1.8 Some stakeholders, for example small businesses, children, consumers and those from minority communities, may be particularly difficult to reach. It is important to engage proactively with individuals, organisations and trade associations. Written consultation is not the only or even always the most effective means of consultation. Other forms of consultation may help in this process. These might include:

- stakeholder meetings;
- public meetings;
- web forums;
- public surveys;
- focus groups;
- regional events; and
- targeted leaflet campaigns.



2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.

2.1 Ask focused questions, and be clear about the areas of policy on which you are seeking views. Responses that do not refer to the specific questions asked should still be accepted. Encourage respondents to provide evidence, where appropriate, to support their responses.

2.2 Explicitly state any assumptions made about those who are likely to be affected by the proposed policy. Encourage respondents to challenge these assumptions.

2.3 As far as possible, consultation should be completely open, with no options ruled out. However, if there are things that cannot be changed because, for example, they are part of a European Directive or due to prior Ministerial commitments, then make this clear. The risks and consequences of doing nothing should be outlined.

2.4 If there are particular areas where respondents' input would be especially valuable, make this clear as well. Responses are likely to be more useful and focused if the respondents know where to concentrate their efforts.

2.5 Representative groups should be asked when responding to give a summary of the people and organisations they represent.

2.6 Provide a list of consultees as an annexe to your consultation document and ask for suggestions of other interested parties who should be consulted. It may also be helpful to refer to any earlier or informal consultation.

2.7 Clearly state the deadline for responses and any alternative ways of contributing to the process in the consultation document.

2.8 Explicitly state both who to respond to and who to direct queries to, giving a name, address, telephone number and e-mail address. This may be the same person.

3. Ensure that your consultation is clear, concise and widely accessible.

3.1 Clear

Use plain language: avoid jargon and only use technical terms where absolutely necessary. A consultation should be as accessible as possible. Explain complicated concepts as clearly as possible and, where there are technical terms, use a glossary.

3.2 Concise

Provide an executive summary to the written consultation document that covers the main points of the document, preferably no longer than two pages. Even if the document is technical, ensure that the executive summary is accessible to all. Having read the executive summary consultees should be in a position to decide whether the consultation is relevant to them, and whether they need to read further.

3.3 Accessible

Ensure that the consultation documents are available in paper format and with the fullest use of electronic means. They should be available and easily found on the internet from the day that the consultation is launched.

3.4 Efforts should be made to bring the consultation to the attention of all interested parties. As well as using the internet you should consider publicising the consultation in ways most appropriate for the groups you wish to reach.



3.5 Respondents should be able to respond electronically if they choose. Produce documents in electronic formats appropriate to achieving wide accessibility. Consider the range of electronic response methods to ensure that providing a response is simple, engages a broad range of people and encourages deliberation. Costs to users should never be such that they are an obstacle to effective consultation.

3.6 Consider groups who cannot access traditional written consultations or the online versions of these. It may be necessary to produce the document in different languages, including, for example, Welsh. There may be some circumstances in which written consultation is not the best way to reach your target audience.

3.7 With regard to equality issues, ensure that your consultation engages with the whole community. You may need to consider the format of the consultation to achieve this and to consider how to reach groups which could be overlooked. These groups could include black and minority ethnic communities, women or disabled people.

3.8 Ensure that the consultation is suitable for the topic and groups involved. Certain issues may demand particular approaches to consultation: for example, discussion groups or meetings may be appropriate, especially where representative groups' capacity to respond to formal consultation is limited and many bodies are seeking to consult with them.

3.9 The consultation criteria should be reproduced in all consultation documents. Explicitly state that the consultation should abide by these criteria. Invite respondents to comment on the extent to which the criteria have been adhered to and to suggest ways of further improving the consultation process. Explicitly state whom to contact if respondents have comments or complaints about the consultation process. This should be someone outside the team running the consultation, and is likely to be the consultation co-ordinator for the department.

4. Give feedback regarding the responses received and how the consultation process influenced the policy.

4.1 Responses should be carefully and open-mindedly analysed. Do not simply count votes when analysing responses. Particular attention may need to be given to representative bodies, such as business associations, trade unions, voluntary and consumer groups and other organisations representing groups especially affected. In order to ensure that responses are analysed correctly, it is important to understand whom different bodies represent, and the methodology used to gain members' input into the response.

4.2 Particular attention should be paid to:

- possible new approaches to the question consulted on;
- further evidence of the impact of the proposals; and
- strength of feeling among particular groups.

4.3 The consultation document should state the date when, and the web address where, the summary of responses will be published. As far as possible this should be within three months of the closing date of the consultation. Those without web access should be able to request a paper copy of this summary. Feedback should also be available in formats which are appropriate to the audience.

4.4 The summary should give an analysis of the responses to questions asked: for each question there should be a summary of responses to that question and then an explanation of how it is proposed to change the proposal in light of the responses received. There should also be information provided on themes that came out of the consultation which were not covered by the questions.



4.5 Wherever possible the summary of responses should also include a summary of the next steps for the policy, including reasons for decisions taken.

4.6 Explain who will use the responses and for what purpose, and make it clear that responses, including the names and addresses of respondents, may be made public unless confidentiality is specifically requested. In accordance with freedom of information legislation, individual responses should be made available to anyone who asks for them, unless one of the exceptions in the legislation applies, for example the information was provided in confidence, or its disclosure would prejudice third parties.

4.7 When providing copies of responses, it is legitimate to make a reasonable charge for copying and postage.

5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.

5.1 Each department should have a nominated consultation co-ordinator, who should ensure that the consultation code is followed. They should act as an adviser to those conducting consultation exercises.

5.2 Consultation should be evaluated for effectiveness, looking at numbers and types of responses, whether some methods of consultation were more successful than others, and how the consultation responses clarified the policy options and affected the final decision.

5.3 This evaluation should be used to inform future consultations in the department, and lessons learnt can be disseminated across government.

5.4 The consultation co-ordinator should collate information regarding how many national consultations the department has carried out and any deviations from the code, with the reasons given for these. This data should be available for the Cabinet Office to collate annually, and will be made available to the public.

6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

6.1 When consulting on a review of a policy area, ensure consideration is given to opportunities for **reducing** bureaucracy and regulatory burdens, for example simplification or repeal of existing regulations.

6.2 Ensure that a **Regulatory Impact Assessment (RIA)** is attached, where required, highlighting the costs, benefits and risks of the proposal. Respondents should be encouraged to comment on and challenge the assumptions in the RIA where one is included. For more guidance on RIAs please see www.cabinetoffice.gov.uk/regulation/scrutiny/betterpolicy.htm

6.3 Consider **alternatives** to regulations, such as voluntary codes, and encourage respondents to suggest alternatives when responding to the consultation exercise.

6.4 Consider any unintended consequences of the proposal and ask respondents to highlight these in their response.

6.5 When consulting, ensure that you ask about the practical enforcement and implementation issues of your policy, including asking respondents for alternative approaches to implementation. For



guidance on implementation issues please see
www.sbs.gov.uk/content/pdf/implementationguidelines.pdf

6.6 More generally, seek to ensure that the Principles of Good Regulation are followed whenever policy is being developed. These are:
proportionality;
accountability;
consistency;
transparency; and
targeting.

6.7 For more information about these and their application, please see
www.brtf.gov.uk/taskforce/reports/entry%20pages/principlesentry.htm

Regulatory Impact Unit
Cabinet Office
5th Floor
Kirkland House
22 Whitehall
London SW1A 2WH
Tel: 020 7276 6275
Fax: 020 7276 2138
E-mail: consultation.policy@cabinet-office.x.gsi.gov.uk
Web address: www.cabinet-office.gov.uk/regulation/consultation/code.htm
Published: January 2004
© Crown copyright 2004

The text in this document may be reproduced free of charge in any format or media without requiring specific permission. This is subject to the material not being used in a derogatory manner or in a misleading context. The source of the material must be acknowledged as Crown copyright and the title of the document must be included when being reproduced as part of another publication or service. The material used in this publication is constituted from 75% post consumer waste and 25% virgin fibre.
Ref: 259782/0104/D32



9.3 Code of Consultation des finnischen Finanzministeriums (Originaltext)

9.3.1 The aim of this code

The citizens and citizen organisations are being consulted by the ministries in preparation processes such as law-drafting and in different development initiatives¹⁶. The aim of this code is to ensure that consultation is as extensive as possible, well conducted and taking into account all necessary considerations. This can be achieved only by a careful planning of consultation processes. In this code the term consultation refers to all processes through which information is collected to enrich the knowledge of the issue under preparation, leading to better-founded decision making. These processes may include circulations of proposals, public hearings, use of discussion forums etc.

The purpose of consultation is to provide citizens with opportunities to influence planning processes and also to gather expert and empiric knowledge to the administration. The quality of preparation and decision making is highly dependant on administration's ability to utilize and evaluate different justified opinions and viewpoints.

Consultation of citizens leads to better prepared decision making, enhances the transparency of preparation processes and citizens' opportunities to participate and influence the preparation. It also eases the enforcement of the decisions made.

Consultation and citizen participation do not diminish the responsibilities nor the rights of the decision makers.

This code is formulated to help civil servants in connecting consultation to preparation processes. It is designed for ministries, their departments and personnel.

9.3.2 Practical guidelines

Careful planning ensures successful consultation

- When launching a preparation process also the process of best possible consultation or participation needs to be planned.
- The methods of consultation should be planned on the first stage of preparation process. (The methods may include circulations of proposals, discussions on Internet forums, public hearings, studies, investigations, assigned working groups etc.). Different methods are suitable for different processes. The methods may also be combined. In all cases consultation should be organized in the most economic and efficient manner under the circumstances in question.
- In cases where an issue is simultaneously prepared by two or more authorities it is their responsibility to ensure that consultation is also co-ordinated, for example by collective public hearings.
- Sufficient time to prepare for public hearings as well as for written statements has to be provided. In all major processes, such as law-drafting, 8-12 weeks should be the standard minimum period for consultation. In circumstances which unavoidably require a consultation period less than 8-12 weeks (e.g. an external factor, such as EU preparations), the reason for a shorter consultation time must be clearly argued. Even in the case of a shortened time period authentic consultation must be secured. When shorter consultation period is unavoidable, authorities need to inform the consultees in advance about the date when they can expect to receive the request for comments and about the deadline of handing in their comments.
- A view should be taken before the consultation about dealing with requests for deadlines to be extended.

¹⁶ In this code the concepts of citizens and citizen organisations refer to all people, societies and foundations with legal permit of residence in Finland.



- When ever possible, organizing consultations during the summer months (from middle of June to middle of August) should be avoided. During this period the operational preconditions of citizen organisations are lower than during the year in general.
- The possible difficulties and chances of failure in a consultation process should be considered in advance in order to find solutions to these problems.

Communication is important in all phases

- Active communication should be started already before the actual beginning of a preparation process. This allows all possible interest groups to react already to preliminary plans of a process content as well as to the plans of consultation methods to be used.
- To proceed successfully with the preparation process, it is essential to communicate in all phases of the process. Also the communication within the administration itself needs to be secured.
- It is important that all documents and information are set out in plain and unambiguous language.
- In all circumstances documents and other information should be widely and easily available (for example at the government programme register www.hare.vn.fi) so that it is possible for anyone interested to give their opinions even in the cases where no consultation is organized do to the insignificant nature of the matter in question.
- As far as consultation is concerned, it is very important that documents include well prepared evidence of the evaluated impacts of the proposals. Only then citizen and citizen organisations are able to base their comments on alleged outcomes of the process.
- The consultees must be informed about any possible aspects of preparation on which decisions have already, for some reason, been taken or about some outcomes that will be inevitable.
- It must be assured that at the phase of consultation it is clear who is being consulted. All citizen organisation consulted need to provide a short description of who they represent, the number of their members etc.
- The citizen organizations must be informed about the fact that their comments will be public information (unless confidentiality is specially required by law).
- It is useful to turn the main issues of preparation into questions. It often makes it easier to form opinions. The questions must be written carefully to assure that they do not lead to biased responses and that they provide useful information.
- For possibility to ask questions, contact details of the responsible civil servant must be given and additional background information needed must be easily available.

Consultation should be sufficiently extensive

- Considering the result of a preparation, it is important that consultation is sufficiently extensive. The number of consultees cannot be limited due to time constraints or other such reasons.
- At least all interest groups who will be directly affected by an issue under preparation should be consulted.
- Also regional representation should be considered in consultation. When consulting citizen organisations with many member or local sub-organisations it should be mentioned, if wished, that also these organisations have a say on the issue in question.

Summary underlining the main responses

- A summary of a project ,containing received consultation material, must be available clarifying the main issues.
- The responses and comments received must be presented to decision makers, also the ones which did not lead to any alterations.



- The summary must be public and widely available (for example at the programme register www.hare.vn.fi) and needed communication assured.

Consultation must be evaluated

- Evaluation of a consultation process should be included in an initiative or a planning process. In minor processes self-evaluation might be sufficient but in larger processes external assessment should be considered.
- Sharing good practices and different experiences of consultation should be secured as well as testing of new innovations.

9.4 Aktivitäten zur Entwicklung der Zivilgesellschaft in Estland

9.4.1 Konzept zur Entwicklung der Zivilgesellschaft in Estland (Originaltext)

Estonian Civil society Development Concept

DECISION OF ESTONIAN PARLIAMENT
APPROVAL OF ESTONIAN CIVIL SOCIETY DEVELOPMENT CONCEPT

Estonian Parliament decides: To approve the attached Estonian Civil Society Development Concept.

Speaker of Estonian Parliament - Toomas Savi
Tallinn, December 12, 2002

ESTONIAN CIVIL SOCIETY DEVELOPMENT CONCEPT
INTRODUCTION

The Estonian Civil Society Development Concept (hereinafter EKAK) is a document which describes the different roles of the public sector and the nonprofit sector which supplement each other, and the co-operation principles in developing and implementing public policies and building up the civic society.

Civic initiative has been essential for shaping the Estonian nation and state. The formation of nation's self-initiative in the second half of the 19th century, its intensification and widening made it possible to achieve the national goals of the Estonians, ensured solidarity and gained importance in guiding the whole social life. Respect for education, characteristic of the Estonians, rooted in the traditions of educational societies; in joint activities the economic interest was combined with mutual willingness to help; choral and theatrical societies were the cradle of our professional culture. Most importantly, by the network of self-initiated organizations and through local governments, Estonians created the possibilities for taking part in the management of public issues. The willingness of people for co-operation made possible the establishment of Estonian statehood, and after occupations also its restoration. Even now the citizens' associations are necessary for ensuring the continuation of democratic process in Estonia which involves all the population. According to our traditions, free individual and a state are not the enemies but partners.

EKAK is a statement of mutual devotion of the public sector and the nonprofit sector for supporting and promoting the self-initiated organization of citizens. By establishing voluntary associations, people create new possibilities for expressing and following their interests, values and goals and for public discussions, also for solving daily problems and offering mutual aid. Consideration of the citizens' associations and co-operation with them raises the efficiency of public authorities and the legitimacy of public policies in the eyes of the citizens.

EKAK is based on the understanding that in the name of a lasting and developing democratic regime, the public sector needs to hear its citizens and co-operate with possibly many of them. In decision-making, the public sector must consider the special interests, values and goals of the members of the society and their associations, and take them seriously also in case they form a numerical minority. At the same time the historical experience proves the positive influence of self-initiated activity. By ensuring citizens' associations



and democracy, members of the society and their organizations and the public sector can work together for the preservation of fundamental values enacted in the Constitution of the Republic of Estonia: liberty, justice and law, internal and external peace, social progress and welfare, Estonian nation and culture.

I. GOALS

EKAK phrases the basis of partnership between nonprofit associations and the public sector, and a framework to promote civic initiative and strengthen democracy in Estonia.

The specific aims of co-operation between nonprofit associations and the public sector under this concept are the following:

1. to promote civic initiative and involvement democracy;
2. to support the idea of voluntary action being one of the essential features in acting as a citizen;
3. improve the better acknowledgement and implementation of the economic, social and political rights and obligations of citizens;
4. the citizens' sense of responsibility towards their family, other citizens, home neighbourhood, state and world;
5. to make conscious the values and principles which are the basis of co-operation between the nonprofit sector and public sector, to frame mutual obligations, rights and priorities of action;
6. to establish a favourable environment for the functioning and strengthening of citizens' associations as an inevitable factor for the development of democracy;
7. to develop a support system for nonprofit sector;
8. to spread good co-operation practices and the knowledge on favourable co-operation of the public institutions, citizens and citizens' associations;
9. to involve citizens and their associations more widely in the process of developing, implementing and analyzing public policies and legal acts, to develop necessary information channels and mechanisms;
10. to acknowledge and consider the specific rights and interests of insufficiently represented or unacknowledged citizens and their associations in arranging public life;
11. to create an environment supporting charity and philanthropy, and involve business sector.

In this document, the concept of citizens indicates to all the persons legally living in Estonia.

In this document, citizens' associations are considered to be various types of organizations established on the basis of the freedom of association which do not strive for profit, such as non-governmental organizations, foundations, associations, etc.

In this document, the support system of civic initiative is considered to be an institutional structure (network) shaped in co-operation with the nonprofit associations and public institutions in order to guarantee the competence and sustainability of citizens' associations.

Civil society indicates to the self-initiated co-operation of people for following their interests, discussing public issues and participating in decision-making processes, also the associations, networks and institutions which enable such co-operation.

II. PRINCIPLES OF CO-OPERATION AND VALUES

The representatives of public sector and nonprofit sector shall co-operate under this concept based on the following principles and values:

1. Citizen action

Citizen action, self-initiative and voluntary participation in public life are an integral part of the democratic society. Public authorities support it by creating a favorable legislative environment, informing the public about their work, involving citizens and their associations in the planning and implementation of relevant decisions.

2. Participation

Nonprofit organizations are channels in the democratic society for representing different values and interests; people receive information on drafted decisions and express their viewpoints. The actions of public sector will get more credibility in the eyes of the public if the proposals emerging in public debates are taken into consideration by the political decision-makers.

3. Respect

In developing and implementing policies, the public sector and nonprofit sector have different roles to play, yet they benefit from each other. Public authorities respect the right of citizens and their associations to set goals



for themselves and execute their activities within the framework of the Constitution.

4. Partnership

Partnership between the citizens' associations and public sector enables practical co-operation and division of tasks to follow the public interests more efficiently.

5. Responsibility and accountability

Concerning the activities and use of allocated resources, acting in public interests requires openness, responsibility and accountability from both the public institutions and nonprofit organizations.

6. Political independence of civic initiative

Citizens' associations are free and independent in their goal-setting, decisions and activities. When civic initiative receives allocations from public sector budgets and foundations, restrictions of political nature are to be avoided.

7. Preventing corruption

When selecting contractual co-operation partners from citizens' associations and delegating services or other tasks to citizens' associations, the public institutions must avoid establishment of any relations which might give rise to corruption.

8. Sustainable and balanced development

In their activities and mutual co-operation, the nonprofit sector and public sector proceed from the principle of sustainable and balanced development.

9. Equal treatment

Citizens' associations and the public sector respect the principled equality of all citizens and their associations to access and participate in public life.

III. WAYS OF ACHIEVING GOALS

In order to achieve the above-mentioned goals, EKAK provides the main obligations and rights in the co-operation of the public sector and nonprofit sector which are related to the acknowledgement and representation of both sides, their partnership, development of policies, use of resources and reporting.

1. Acknowledgement and Representation

Citizens' associations and the public sector:

1.1 determine transparent and easily accessible communication channels, inform the interested groups and public thereof;

1.2 enable that the public sector could be responsible to the public for efficient use of resources allocated to citizens' associations, guaranteeing the distribution and use of resources for intended purposes, transparency and reporting;

1.3 avoid conflict of interest of their representatives;

1.4 create conditions whereby citizens' associations are able to appoint their representatives to nonpolitical open bodies and committees, and respect the authority given to the representatives;

1.5 acknowledge the role of umbrella organizations and networks of the nonprofit sector in representing its members, which does not exclude the right of separate citizens' associations to represent their own interests;

1.6 acknowledge that no citizens' association or umbrella organization can represent the interests of the whole nonprofit sector in relations with the public sector. Widely acknowledged representative councils or umbrella organizations of certain areas of activity proceed from the following principles in the performance of their representational function with regard to the public sector:

1.6.1 represent the joint interests of their members and supporters, explain to the public sector bodies what is the consultation process with their membership and to whom they hold responsible;

1.6.2 assist in infrastructure development so as to help various interest groups to express their opinion and reach public authorities;

1.6.3 provide their opinions to the public sector in a reasoned manner and within the agreed time schedule;

1.6.4 support co-operation between different parts of the nonprofit sector.

2. Partnership

Citizens' associations and the public sector:

2.1 co-operate with each other bearing in mind the principles of openness, trust, tolerance, flexibility and



- respect for the specific nature of the other party;
- 2.2 in mutual co-operation, look for the representation of a possibly wide circle of persons and assure the sufficient knowledge of their representatives;
- 2.3 give necessary information to co-operation partners to make the process more efficient, if necessary indicate clearly the confidential nature of such information and guarantee the confidentiality of the information given by the other party;
- 2.4 starting from the level of finding common interests, agree on the requirements of efficient time schedule;
- 2.5 promote and inform their supporters, members, employees, customers and the general public of the mutual co-operation principles, priorities of action and good practices;
- 2.6 introduce and support mutual co-operation by providing information in mass media and public presentations, and avoid providing general negative opinion.

3. Development of policies

Citizens' associations and the public sector:

- 3.1 co-operate in establishing, implementing and assessing the policies of different areas through their authorized members or representatives according to their areas of activity and competence;
- 3.2 arrange the collection of opinions necessary for establishing policies and initiating legal acts, present them to the authorized bodies systematically and according to the agreed time schedules and form;
- 3.3 consider each others experience in establishing policies and initiating legal acts and consult with various citizens' associations already in the drafting stage, giving them sufficient time for drafting their own opinion;
- 3.4 assess the effect of various policies and legal acts on the society and environment both in the drafting stage and later;
- 3.5 enhance the competence of their representatives for participating in the process of establishing, implementing and assessing the policies;
- 3.6 in devising the policies concerning minority groups, consider the opinions and viewpoints of the citizens' associations representing such groups, and involve them in the drafting of legislation and in political debates;
- 3.7 jointly draft and follow the good co-operation practices in order to organize the drafting, implementation and assessment of policies and to involve the nonprofit sector in the law-making process.

4. Resources

Citizens' associations and the public sector:

- 4.1 use the means at their disposal for promoting voluntary work and involving citizens in the solution of global problems by voluntary action;
- 4.2 ensure that citizens' associations are not prevented from activities guaranteed by law for strengthening their economic basis, and acknowledge the confidentiality of the business and other sensitive information;
- 4.3 elaborate and make public the allocation, use, reporting and controlling of necessary monetary and non-monetary resources from public funds and devises for developing the support system of the nonprofit sector;
- 4.4 use any opportunity to introduce and develop a tax system that supports the civic initiative and charity in order to raise the interest of the business sector to support nonprofit activities;
- 4.5 elaborate and make public the principles and order for transferring services to the nonprofit organizations and for financing the implementation of co-operation agreements between the public sector offices and citizens' associations;
- 4.6 use the allocated resources for the intended purpose, in an efficient and innovative manner in order to achieve the set goals.

IV. IMPLEMENTATION OF EKAK

1. The general long-term priorities of implementing EKAK include:

- 1.1 Major rise in civic education and citizen action, and strengthening of involvement democracy.
- 1.2 Introduction of the co-operation based on partnership principles between the public sector and nonprofit sector, promotion and wide implementation of good co-operation practices and creation of co-operation network.
- 1.3 Guaranteeing of a functioning support system for civic initiative.

2. The short-term priorities of implementing EKAK include:

- 2.1 Mapping of the conditions necessary for the nonprofit sector and its sustainability, development of the classification system for citizens' associations and systematization of the statistics.
- 2.2 Mapping, improvement and strengthening of the co-operation and support structures.
- 2.3 Large-scale promotion of the Code of Ethics of the nonprofit sector.
- 2.4 Revision of the legal acts related to citizens' associations and, if necessary, drafting of the amendments.
- 2.5 Elaboration of the mechanisms for involving the representatives of citizens' associations in the development and implementation of the policies of different areas and legislation in general.



2.6 Mapping, systematization and improvement of the system for financing citizens' associations from public budgets and informing the general public thereof.

2.7 Improvement of the information channels and feedback mechanisms between the public sector and the society.

2.8 Development of the order for concluding and implementing co-operation agreements between the public sector and the nonprofit sector.

2.9 Elaboration of the general standards for offering public services and the principles and quality standards for transferring public services to the nonprofit sector.

2.10 Examination and updating of the civil education curricula and training materials, organizing of the in-service training for teachers of civic education.

2.11 Starting of the state-financed broadcasts and programs in mass media concerning the joint activities of civic initiative and the public sector, and creation of a related sub-section in the state server.

* * *

Citizens' associations and the public authorities use their facilities for propagating and promoting the EKAK and its main ideas, values, principles and priorities of action, the rights and obligations of the parties to, and good practices of, the cooperation. The public authorities make the knowledge of the basics and principles of action of citizens' associations an integral part of the qualification requirements of officials.

The Government of the Republic of Estonia and representatives of citizens' associations will establish a joint committee for launching a system of elaborating plans of action for implementing the EKAK, for fulfilment of these plans and assessing their results.

Once every two years, the Riigikogu, the parliament of Estonia, will organise deliberations of the implementation of the EKAK and the development of the civil society as a matter of significant national importance



9.4.2 Aktionsplans 2005 – 2007 zur Umsetzung des Konzeptes (Originaltext)

Goals	Activities	Results/indicators	Timeframe	Responsible authority
<i>Legislation and involvement</i>				
Goal 1: Establishing of structures to increase cooperation between the government and CSOs (civil society organizations) in the development of civic initiatives	Development of a strategy for the support of civic initiatives by the Government	Unified approach in the government sector to the development of the field	2005	Min of Interior
	1.2. Review of the statutes of the joint commission and development of mechanisms to publicize its role, tasks and activities more widely	Increased role and capacity of the commission in the implementation of EKAK	2004 2 nd half /2005	EKAK JC (joint committee)
	1.3. Organizing of an international conference on compacts/agreements between CS (civil society) and the public sector	Exchange of practical experience, strengths and weaknesses of such cooperation models	2005	EKAK JC
Goal 2: Clear mechanisms for the involvement of CSOs in the development and implementation of policies and legislative acts	2.1. Analyzing of current practices and defining of needs and opportunities to unify these mechanisms	Defined problems, needs and opportunities related to the mechanisms of involvement of CSOs	2004 2 nd half	EKAK JC
	2.2 Development of the principles of CS involvement and the respective plan of action	Formulation of principles Proposals for raising the effectiveness of involvement mechanisms and unification of various practices	2005 2005	EKAK JC Min of Interior, Min of Justice
	2.3. Introducing of the principles of involvement to CSOs and the general public	Informational materials	2006	EKAK JC
Goal 3: Overview of different forms of civic engagement and the appropriate legal environment for the support of civic initiatives	3.1. Analyzing of opportunities and obstacles related to the activities of partnerships; developing solutions	Formulation of problems and needs Development of solutions (raising of awareness, amendment of legislative acts, etc.)	2005/2006	Min of Interior
	3.2. Analyzing of the needs and opportunities related to the regulation of volunteer activities	Report	2005	Min of Interior
Goal 4: Effective usage of ICT means for the involvement of citizens in the decision-making processes	4.1. Mapping of Internet-based means to engage citizens in the decision-making processes, analyses of current usage and developing of proposals to increase their effectiveness	Proposals: for the amendments of citizen portals; for more effective usage of the available means to raise the awareness and skills of citizens	2005	Min of Interior

Funding and statistics				
Goal 5: Transparent and clear funding schemes targeted to support the development of CS and CSOs from the state budget	5.1. Overview of governmental sector funding of CSOs and of respective procedures	Report	2004	Min of Interior
	5.2. Development of unified procedures for ministerial funding of CSOs	Report	2004	Min of Interior
	5.3. Analysis of the effectiveness of current practices of governmental sector funding of CSOs (Law on Gambling Tax, state-financed programs, allocations to governmental foundations, ministries, etc.) formulation of necessary legislative amendments	Proposals for making funding schemes more transparent, their administration more cost-effective, and improving the analysis of the effectiveness of governmental funding schemes	2005 2006	EKAK JC Min of Finance
	5.4. Developing of principles and appropriate forms of governmental funding of CSOs	Formulation of principles	2005-2006	EKAK JC
	5.5. Discussions and introduction of principles to the public	Both parties are aware and recognize funding principles	2006	EKAK JC
Goal 6: Improved and targeted system of tax benefits and charitable giving	6.1. Review of the criteria of public benefit organizations, amendment of respective legislative acts	The notion of public benefit is clear, its allocation is transparent and understandable Tax benefits are applicable to public benefit organizations only	2004 - 2005	Min of Finance
	6.2. Raising awareness levels related to existing opportunities for charitable giving	Informational materials	2005	EKAK JC Min of Finance
	6.3. Analysis of existing opportunities for charitable giving and their effectiveness	Evaluation of current practices and their dynamics	2006	Min of Finance + EKAK JC
Goal 7: Overview of umbrella organizations, their current and potential future role in cooperation with the public sector	7.1 Analysis of current practices: # of umbrella organizations, their membership, representation of interests Partnership between umbrella organizations and ministries in practice, expectations	1) Overview of cooperation practices 2) Basis for working out partnership mechanisms between umbrella organizations and public authorities	2005	EKAK JC
Goal 8: Adequate and informational register of non-profit organizations, and data collection methods describing civic engagement	8.1. Raising the awareness of CSOs on obligations related to official registration; simplifying of liquidation procedures	Up to date register of non-profit organizations	2006	Min of Finance Min of Justice

	8.2. Analysis of needs and opportunities to amend the current register of non-profit organizations Formulation of legislative amendments Technical improvement of the register	Up to date overview of the state of the non-profit sector	2006	Min of Finance Min of Justice
	8.3. Developing of opportunities to include questions related to civic engagement in public opinion polls	Data related to civic engagement and volunteering among the general public is regularly available	2006	Min of Finance

Civic education and public awareness				
Goal 9: Educational institutions are nurturing the development of caring and responsible citizens who value participation and volunteering	9.1. Modernization of civic education curriculum	Civic education curriculum in public schools deals with various aspects of participation and volunteering	2004-...	Tartu Uni curriculum dev center
	9.2. Integration of civics into various subjects taught at primary and high school level	Civic education is integrated into school curriculum and taught in various classes	2004-...	Tartu Uni curriculum dev center
	9.3. Analysis and improvement of educational materials	Appropriate educational materials	2004-...	Min of Ed EKAK JC
	9.4. Establishment of pilot civic education schools	Practical examples of ideal practices of civic engagement for youth, as well as active learning methods	2005/2006	Min of Ed
	9.5. Development of cooperation between schools and volunteer centers; highlighting the importance of civic education during Citizen Day celebrations	Models of cooperation on a local level, usage of practitioners in civic education classes; wide-scale celebration of Citizen Day	2005 - ...	Individual schools, CSOs
	9.6. Training of civic education teachers	Developing requirements for awareness on CS as part of teacher's professional standards; inclusion of respective topics in training curriculum	2005 - ...	Min of Ed
	9.7. Replication of the 1999 study of the International Education Association (IEA)	Overview of the effectiveness of civic education in schools	2005/2006	Min of Ed
Goal 10: Infrastructure and networks supportive of civic engagement and civic initiatives	10.1. Development of CS information and resource system based on regional development centers	Country-wide coordinated services to support civic engagement	2005-....	Min of Interior
	10.2. Public awareness campaign on civic engagement	Increased awareness of opportunities for civic engagement	2005-...	Min of Interior
	10.3 Integration of the basics of CS into the training programs of civil servants	Improved knowledge of civil servants on CSOs, civic initiatives and opportunities for partnerships	2005-...	Civil service training organizations
	10.4. Availability of CS related information in governmental information portals	Information on CS and CSOs is available in governmental information portals	2005	Min of Interior



	10.5. Increasing of civic engagement among youth, working out respective action plan	Increased civic engagement among youth on a local level	2005-...	Min of Ed Association of Est Youth Organizations
Goal 11: Various opportunities for life-long learning accessible to everyone	11.1. Development of respective curricula and materials for continuing education teachers	Increased quality of continuing education classes	2005-...	Centers of continuing education
	11.2. Publication of educational materials		2005-...	Centers of continuing education

Not included in the current plan of action but noted as an important goal by the EKAK JC:

Activities	Anticipated results	Timeframe	Responsible authority
Establishing of Civil Society Research and Development Center	CS studies, monitoring and analysis, publishing of informational and educational materials	2005-...	???



9.4.3 Code of ethics of Estonian non-profit organizations (Originaltext)

www.ngo.ee/7457

Adopted on April 7, 2002 at the General Assembly of the Roundtable of Estonian Nonprofit Organizations in Tartu.

Nonprofit organizations value integrity, equality, dignity, openness, solidarity, collaboration, diversity and reliability and they act on the basis of these values. Their cooperation is based on benevolent partnership, mutual respect and recognition. It is the duty of nonprofit organizations to contribute to the development of a safe, balanced and caring society. In so doing the nonprofit organisations are guided in their day-to-day activities by the Republic of Estonia legislation. The Code of Ethics provides the principles for actions of nonprofit society organizations, which increase the reliability of the organizations and the non-profit sector in the society.

PRINCIPLES OF ETHICAL OPERATION OF NONPROFIT ORGANIZATIONS

Democratic governance

1. A nonprofit organization has a clear and understandable mission. In carrying out its mission a nonprofit organization is guided by its statutes, internal documents and operating standards.
2. A nonprofit organization expresses and represents a diversity of interests and needs of people. A nonprofit organization engages people in the development of civil society through civic education, participatory democracy, advocacy and other forms.
3. A nonprofit organization as a voluntary association of the members of the society values its members, ensures democratic governance of the organization, holds the governing bodies and employees of the organization responsible and reacts to their misconduct.
4. A nonprofit organization considers involvement of people and voluntary work as a foundation for civil society, values citizens and their voluntary work.
5. A nonprofit organization consistently pursues skilled actions, professionalism and perfection in order to achieve better results in its work.
6. Getting funds for its activities mainly from supporters and donors, a nonprofit organization uses the funds efficiently and in accordance with designated purposes.

Civic courage and care

7. A nonprofit organization demonstrates civic courage in fighting against social injustice.
8. When discovering incompetence and disregard for the principles of social justice in legislation, a nonprofit organization works to amend such legislation.
9. A nonprofit organization does not use or advocate the use of violence to express its opinions, achieve its goals or gain the attention of the public.

Sustainability and prudence in using funds and resources

10. In seeking to achieve its goals a nonprofit organization uses natural, human and intellectual resources, as well as material and financial assets with sustainability and prudence, considering the needs of both present and future generations.
11. A nonprofit organization in its capacity as both applicant and donor, complies with generally accepted funding principles, uses only justified and transparent budgets and avoids duplication in funding.

Responsibility and accountability

12. A nonprofit organization is accountable its activities and is responsible to the founders, members, stakeholders, supporters, donors and the general public.

13. A nonprofit organization considers important readiness to account for its activities, achieved through professional management, internal accountability and pursuing generally accepted accounting principles.

14. A nonprofit organization discloses a report of its activities and finances at least once a year.

Openness and transparency

15. Information regarding the mission, membership, activities and funding of a nonprofit organization are public and understandable, its activities transparent.

16. A nonprofit organization communicates in an open and direct manner with all parties concerned and does not act anonymously.

17. A nonprofit organization is open to new and diversified ideas and opinions, as well as cooperation in achieving common goals.

Independence and avoiding conflicts of interest

18. A nonprofit organization is independent in setting its goals, decisions and activities and refrains from being controlled by political parties, public institutions or companies, resulting in losing its independence, autonomy and ability to act for the public benefit.

19. A nonprofit organization and persons involved therein prevent from entering in the conflict of interest. In the event of a conflict of interest the necessary measures to eliminate such conflict of interest must be applied.

Honouring commitments and recognition of authorship of ideas

20. A nonprofit organization honours all written contracts and oral agreements.

21. A nonprofit organization honours the authorship and ownership of ideas and projects of other organizations.

Tolerance

22. A nonprofit organization recognizes the diversity of ways of thought, organizations and their goals.

23. In protecting its opinions and discussing those of other organizations a nonprofit organization does not disparage or slander other organizations, their opinions or persons operating therein