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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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**UNIDEM Campus Trieste
Seminar**

“LEGISLATIVE EVALUATION”

Trieste, Italy

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REPORT

**“LEGISLATIVE EVALUATION – A NECESSARY ELEMENT OF
EVIDENCE-DRIVEN APPROACHES TO LAW-MAKING”**

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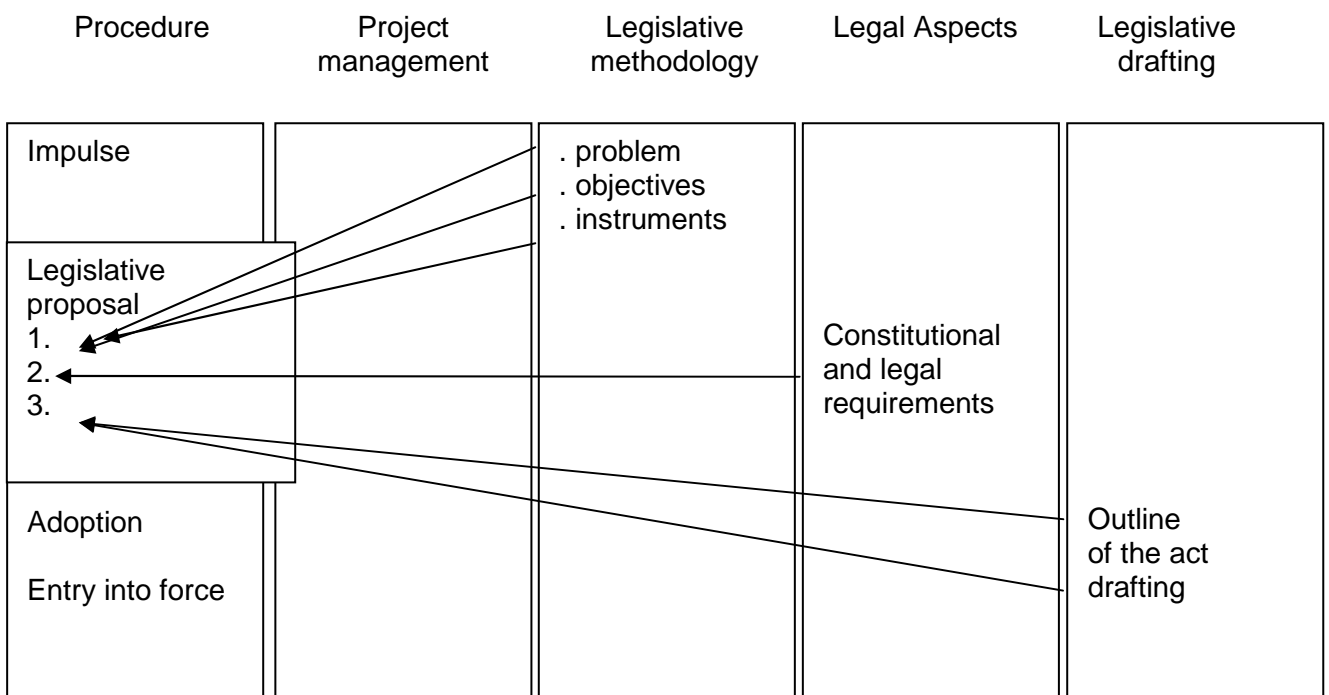
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Legisprudence

Areas of interest

1. Legislative methodology (material legistic)
2. Legislative technique (formal legistic)
3. Legislative drafting
4. Legislative communication
5. Legislative procedure
6. Management of legislative projects
7. Sociology of legislation
8. Theory of legislation

Multidimensional approach to law-making



Legislative methodology

1. the analysis and definition of the problem that legislative action presumes to solve;
2. the determination or clarification of the goals of legislation;
3. the examination of legal instruments or means that can be used to solve the problem and the choice of such instruments (based – among other things – upon a prospective evaluation of their possible effects);
4. the drafting of the normative content;
5. the formal enactment;
6. the implementation;
7. the retrospective evaluation; and
8. if necessary or appropriate, the adaptation of legislation on the basis of the retrospective evaluation.

Legislative evaluation

= the analysis and assessment of the effects of legislation

- legislation
- effects (causal relations)
- methodical analysis and assessment
 - in a way that can be generally understood and followed
 - in a systematic way
 - as objective as possible
 - written results

Types of evaluations

- monitoring
 - retrospective evaluation
 - prospective evaluation (e.g. CBA, RIA)
- (a special case: experimental legislation)

Evaluation criteria I

- effectiveness
- efficacy
- efficiency

Evaluation criteria II

- input
- output
- impact
- outcome

Typology of the effects of legislation

- intentional / non-intentional
 - expected / unexpected
 - beneficial / adverse
 - direct / indirect
 - immediate / delayed
- [• symbolic]
[• anticipatory]

Article 170 of the Federal Constitution

The Federal Parliament "shall ensure that the efficacy of measures taken by the Confederation is evaluated".

Article 141 of the Federal Parliament Act

Article 141 of the Federal Parliament Act. This article provides that whenever the government submits a legislative proposal to the parliament, the proposal has to be accompanied by a report giving information on the expected or possible consequences or effects in a rather detailed and comprehensive manner including not only effects in terms of personnel or finances but also social, economic, environmental effects, etc.