

PART 3.

**LEGISLATIVE, POLICY AND INSTITUTIONAL
APPROXIMATION**

PART 3.**LEGISLATIVE, POLICY AND INSTITUTIONAL APPROXIMATION*****Principles of legislative approximation***

This Chapter elaborates on the principles of organization of elaboration activities, expertise, submission and coordination of the legal acts of the Republic of Armenia within the framework of the National Programme.

The competence of adopting legal acts within the framework of the National Programme is defined by Article 6 of the RoA Law on Legal Acts (hereinafter the Law)¹. The types of legal acts adopted within the framework of the National Programme are defined by the National Programme in accordance with Title 2 of the Law.

Legal acts to be adopted on the basis of the principles defined by this Chapter shall cover the legislative and prudential or individual legal acts of Armenia, which will be adopted within the framework of the National Programme.

Preparation of draft legal acts

The preparation of draft legal acts (hereinafter law-making activities) will be carried out according to the schedule of the National Programme. The National Programme provides the provisional names and types of the mentioned legal acts, bodies responsible for the elaboration thereof and submission dates of legal acts, as well as other additional information.

Given that the National Programme envisages the establishment of a Legal Translation Centre, prior to the initiation of law-making activities the latter shall carry out the official translation of EU legal acts into Armenian on the basis of the schedule defined by the National Programme. The annual Work Plan of the Translation Centre shall be approved by the decree of the Ministry of Justice of Armenia, as agreed with the EU Integration Department of the Prime Minister's Office, in accordance with the schedule of the National Programme. The Translation Centre shall submit the translated legal act to the responsible body according to the annual Work Plan of the Translation Centre. In addition, the upper right hand corner of the first page should bear the following words: "OFFICIAL TRANSLATION".

Elaboration and submission of draft legal acts

Within ten working days following the receipt of the translated EU legal act, the body responsible for the elaboration of a draft legal act (hereinafter the Draftsman) makes a proposal to the EU Integration Coordinating Commission in regard to the organization and implementation of measures for elaboration of legal acts.

If necessary, an ad-hoc interagency Working Group shall be established for the elaboration of other draft legal acts or laws, which are important in terms of their necessity. The staff of ad-hoc interagency Working Group shall be approved by the

¹ HO-320, 03.04.2002. It is necessary to amend the law following the adoption of the National Programme.

decision of the EU Integration Council. Specialists and/or representatives of think tanks, other stakeholders and NGOs may also be engaged in the drafting activities. The Draftsman may establish an intra-agency working group for elaboration of draft legal acts, consisting of the specialists of the body.

In the initial stage of elaboration activities of a draft law significant either by its scale or importance, the draftsman may prepare a concept paper, which shall provide the description of relations subject to coordination and the objectives of the future legal act, define the main provisions, and analyse the enforcement consequences of drafted acts.

When submitting a draft legal act for the consideration of the Government of Armenia, the following documents shall be attached to the draft:

- list of EU legal act(s) on the basis of which the draft legal act has been elaborated,
- in case of non-applicable norms and transitional provisions of the EU legal act(s), the substantiation thereof ,
- statement on the necessity or irrelevance of making amendments to other legal acts in relation with the adoption of the draft,
- conclusions of state legal expertise,
- list of bodies, that the draft was agreed with,
- statement on opinions provided in regard to the draft,
- other documents required by laws or other legal acts.

Expertise and state registration of draft legal acts

According to the order established by the legislation of the Republic of Armenia, with the purpose of approximating draft legal acts, including those of the National Programme, with that of the EU, the Armenian draft legal acts shall be subjected to mandatory expertise of EU legislative compliance by the EU Integration Department of the Prime Minister's Office of Armenia. With the purpose of ensuring full compliance with the requirements of the law and the rules of legislative technique, the mentioned legal acts are subject to mandatory state legal expertise to be performed by the Ministry of Justice of the Republic of Armenia.

Legal acts elaborated within the framework of the National Programme shall be adopted only after having been subjected to legislative compliance and legal expertise (with positive results) by the EU Integration Department of the Ministry of Justice of the Republic of Armenia. In case of negative results, the draft legal act shall be sent back to the Draftsman for further amendments.

Legal acts adopted within the framework of the National Programme are subject to state registration by the Ministry of Justice of the Republic of Armenia. The Ministry of Justice shall develop and maintain a special register of legal acts adopted within the framework of the National Programme.

Public awareness and collection of opinions on drafts of legal acts

The Draftsman shall present the draft legal acts elaborated within the framework of the National Programme to the public for their consideration. The Draftsman shall collect the opinions of interested parties, discuss, summarize and together with the drafts submit them to the Government of Armenia. The monitoring of the process of public awareness and collection of opinions on legal acts is undertaken by the EU Integration Department of the Prime Minister's Office of Armenia.

The Government of Armenia shall define the procedure for public awareness, collection of opinions, circulation and finalization of draft legal acts elaborated within the National Programme.

Public Awareness on Legal Acts

The EU Integration Department of the Prime Minister's Office shall present the prudential legal acts adopted within the framework of the National Programme to the public in accordance with the procedure established by the Government of Armenia.

Peculiarities of legal acts to be adopted within the framework of the National Programme

The legal act adopted within the framework of the National Programme shall consist of a title and main body. The legal act may include a conclusion and transitional provisions. A legal act may include transitional provisions, if certain terms and conditions are required for complete enforcement of the act or if for a certain period of time it is necessary to define certain norms which differ from the main provisions. Moreover, detailed justifications should be presented regarding the transitional provisions of legal acts.

If a relevant EU legal act provides the definition of main terms, the Armenian legal act shall also provide their definitions. The regulatory nature of the norms of relevant EU legal acts shall be preserved in the legal acts elaborated within the framework the National Programme.

1.1 Schedule for the implementation of legal acts of the EU Integration Governance System of Armenia

0	1	2	3	4	5
NN	Measure	Responsible Institution	Submission Date	Necessary Resources (man/day)	EU Technical Assistance
2006					
1.	Draft law of the Republic of Armenia on making amendments to the RoA Law on Legal Acts	Ministry of Justice of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
2.	RoA Law on making amendments to the RoA Law on Civil Service	Civil Service Council of Armenia	2 nd quarter	25	Consultancy, preliminary expertise
3.	Draft Presidential Decree of the Republic of Armenia on making amendments to the Presidential Decree No. NH-1064 of Armenia of 16 March 2002 on establishing the procedure of the activity of the Government of the Republic of Armenia	Prime-Minister's Office of Armenia	2 nd quarter	15	Consultancy, preliminary expertise
4.	Draft Presidential Decree of Armenia on the Appointment of the Minister of Foreign Affairs of the Republic of Armenia as Chief Negotiator of Armenia in EU integration issues	Ministry of Foreign Affairs of Armenia	2 nd quarter	15	Consultancy, preliminary expertise
5.	Draft Presidential Decree of Armenia on the Appointment of the Minister of Finance and Economy of Armenia as National Aid Coordinator of Armenia	Ministry of Finance and Economy of Armenia	2 nd quarter	15	Consultancy, preliminary expertise
6.	Draft Governmental Decree of Armenia on the Approval of the procedure of operation, statutes and individual structures of the European Union Integration Council, Coordination Committee and Coordinating Working Group	Prime-Minister's Office of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
7.	Draft Governmental Decree of Armenia on Approving the procedure of elaboration, submission, public awareness, circulation and	Ministry of Justice of Armenia	2 nd quarter	30	Consultancy, preliminary expertise

	finalization of legal acts within the framework of the National Programme				
8.	Draft Governmental Decree of Armenia on establishing the procedure of ensuring the public awareness on legal acts adopted within the framework of the National Programme	Prime-Minister's Office of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
9.	Draft Governmental Decree of Armenia on Establishing the "Legal Translation Centre" non-commercial state organization	Ministry of Justice of Armenia	2 nd quarter	15	Consultancy, preliminary expertise
10.	Draft Governmental Decree of Armenia on Establishing "EU Integration Information Centre" non-commercial state organization	Prime-Minister's Office of Armenia	2 nd quarter	15	Consultancy, preliminary expertise
11.	Draft Governmental Decree of Armenia on the Approval of the procedure for undertaking of activities aimed at the programming of the schedule and course of and issues to be discussed at EU integration negotiations with relevant EU structures, as well as for their submission to the EU Integration Council	Ministry of Foreign Affairs of Armenia Prime Minister's Office of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
12.	Draft Governmental Decree of Armenia on the Approval of the procedure for monitoring of National Programme and Action Plan implementation process, elaboration of a system of criteria for evaluation of implementation results and their submission to the EU Integration Council	Prime-Minister's Office of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
13.	Draft Governmental Decree of Armenia on Approving the procedure of performing the monitoring of EU Integration National Programme and Action Plan based on the reports and statistical data	Prime-Minister's Office of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
14.	Draft Governmental Decree of Armenia on Approving the order of programming and coordination of financial assistance allocated for the EU integration process	Ministry of Finance and Economy of Armenia	2 nd quarter	25	Consultancy, preliminary expertise

15.	Draft Decree of the Government of Armenia on the Approval of the procedure for the study, analysis and evaluation of the efficiency of utilization of financial resources provided by projects aimed at the EU integration, implementation of EU Integration National Programme and Action Plan	Ministry of Finance and Economy of Armenia	1 st quarter	25	Consultancy, preliminary expertise
16.	Draft Governmental Decree of Armenia on mandatory expertise of EU legislative compliance with the purpose of approximating the draft legal acts of the National Programme with those of the EU	Prime-Minister's Office of Armenia	2 nd quarter	25	Consultancy, preliminary expertise
17.	Draft Decree of the Minister/Head of Prime Minister's Office of the Republic of Armenia on the Approval of the procedure for public opinion polls and data analysis on the processes of EU integration, implementation of the EU Integration National Programme and Action Plan, as well as publication of documents relating to EU integration and the distribution and circulation thereof, by the "EU Integration Information Centre"	Prime-Minister's Office of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
18.	Draft decrees (on establishing EU Integration subdivisions) of the Government of Armenia on making amendments to the statutes of relevant public executive bodies and other state agencies of the Republic of Armenia	Relevant public executive bodies and other state agencies of the Republic of Armenia	2 nd quarter	30	Consultancy, preliminary expertise
19.	Draft decree of the Prime Minister of Armenia on making amendments to the Decree No 802-N of the Prime Minister of Armenia of 29 December 2002 on approving job descriptions of civil servants of the Prime-Minister's Office of the Republic of Armenia	Prime-Minister's Office of Armenia	2 nd quarter	25	Consultancy, preliminary expertise
20.	Draft decree of the Civil Service Council of Armenia on Approving the procedure for the training of specialists involved in the process of EU integration and implementation of the EU Integration National Programme	Civil Service Council of Armenia	2 nd quarter	30	Consultancy, preliminary expertise

21.	Draft decree of the Ministry of Justice of Armenia on Approving the form of and procedure for the special register of legal acts of Armenia adopted on the basis of the EU legal acts.	Ministry of Justice of Armenia	2 nd quarter	15	Consultancy, preliminary expertise
TOTAL				545	

1.2 Institutional capacities

0	1	2	3	4
NN	Measure	Responsible Institution	Training Needs	Technical Assistance Needs
1.	Establishment of “Legal Translation Centre” state non-commercial organization	Ministry of Justice of Armenia	<ol style="list-style-type: none"> 1. EU Institutions and Legal Acts System (general course) 2. Special translation training courses for translators of EU legal acts 	Consultancy
2.	Establishment of “EU Integration Information Centre” state non-commercial organization	Prime-Minister’s Office of Armenia	<ol style="list-style-type: none"> 1. EU Institutions and Legal Acts System (general course) 2. Special training courses for PR specialists in the field of EU integration 	Consultancy
3.	Establishment of EU Integration Department of the Prime-Minister’s Office of Armenia	Prime-Minister’s Office of Armenia	EU Institutions and Legal Acts System (general course)	Consultancy
4.	Establishment of EU Integration subdivisions within the Public Administration Bodies of Armenia or delegation of powers as envisaged by the National Programme	Prime-Minister’s Office of Armenia	EU Institutions and Legal Acts System (general course)	Consultancy