Legislative Planning in Central Europe:

Towards Strategic Management of Government Legislation

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# Contents

Acknowledgments ........................................................................................................... 4
Executive Summary ......................................................................................................... 5
Section 1  Introduction: Why legislative planning matters ................................................. 7
Section 2  How institutions affect planning outcomes ..................................................... 11
Section 3  Legislative planning in the Czech Republic, Hungary, Poland and Slovakia ...... 15
Section 4  Planning in context: The United Kingdom and Germany ................................. 26
Section 5  Conclusion: Ways forward .............................................................................. 34
Notes ............................................................................................................................... 37
Annex 1 ......................................................................................................................... 38
Annex 2 ......................................................................................................................... 39
Annex 3 ......................................................................................................................... 40
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Most governments in Central Europe publish legislative programmes, i.e. periodical lists of bills to be adopted by the cabinet and introduced to parliament. Such legislative planning has the potential to make an important contribution towards achieving better governance in Central Europe and elsewhere. Comparative research has shown that there exists a strong positive relationship between legislative reliability and direct foreign investment and economic growth. High reliability in delivering on legislative promises has also been found to lead to higher public sector productivity.

The comparative experience of legislative planning in the Czech Republic, Hungary, Poland and Slovakia shows, however, that many governments find it difficult to transform legislative programmes into effective tools for strategic management of government legislation. In all of the four countries examined here, a large proportion of bills is adopted outside the agreed programme and many planned initiatives are never passed to parliament. These data suggest problems in using programmes to effectively prioritize legislation, mobilize government resources and send reliable signals to individuals and organizations.

Such problems may have many underlying causes. This paper focuses on the role of institutions that govern the process of preparation and implementation of legislative programmes. A survey of planning practices reveals that the four Central European cabinets examined here - perhaps with the partial exception of Hungary - do not possess many of the institutional preconditions for the effective use of legislative programmes. The most serious lacunae are:

- insufficient involvement of political leadership, in particular at the departmental level,
- limited incentives for prioritization and internalization of resource constraints,
- incentives for circumventing the legislative programme,
- excessive reliance on monitoring and sanctioning.

The shortcomings in the institutional infrastructure translate into a weak performance of legislative planning. The combination of insufficient preparatory time, opportunity to propose bills outside the programme, and the presence of sanctions for non-compliance substantially lowers the motivation of departments to include in the programme ambitious projects to be accomplished during the planning period. Moreover, the mixture of limited procedures for matching resources to intentions and the laconic descriptions of planned initiatives reduce the ability of the cabinet and prime minister to use programmes as instruments of prioritization, resource mobilization, and gate-keeping.

The UK and German examples offer some pointers as to how the performance of legislative planning can be improved. The UK example shows that the key ingredients of a successful planning system include:

- a lengthy preparatory stage,
- strict prioritization of proposals,
- effective gate-keeping by the centre of government.

The German case shows that problems of bottom-up planning can also be partially compensated by:

- effective departmental coordination,
- detailed coalition negotiations,
- resource rich environments.
Overall, the paper recommends that Central European states reform their planning systems by combining elements that are sensitive to their specific political and institutional conditions.
Section 1
Introduction: Why legislative planning matters

This introductory section identifies key governance functions that such legislative planning may fulfil – information-sharing, coordination, prioritization, mobilization, and signalling. It reviews the extent to which Central European (CE) governments have been successful in using legislative programmes to support these functions. In doing so, it casts doubts over the ability of the CE cabinets to prepare and implement programmes that fulfil some of the more advanced governance functions. The section ends by presenting possible explanations for the problems in transforming legislative planning into an effective tool for strategic management of government legislation.

The paper focuses on four Central European countries – the Czech Republic, Hungary, Poland and Slovakia – all of which publish periodical legislative programmes. The Czech Republic and Slovakia develop such programmes for each calendar year. In Hungary, programmes are prepared biannually, covering individual parliamentary sessions. In Poland, governments tend to plan the introduction of bills on a biannual basis, but shorter-term plans are not uncommon. In all four countries, legislative programmes are announced publicly and are easily accessible on the internet.

The programmes in all the four states tend to contain similar types of information (Table 1). All of them list titles of bills to be adopted by the cabinet and introduced to parliament. In Poland, Slovakia (and more recently in Hungary), bill titles are typically accompanied by a brief justification for the initiative. All programmes specify deadlines for a cabinet decision on the bill (Czech Republic, Poland and Slovakia) or for introduction to parliament (Hungary). The deadlines are typically determined on a monthly basis. All the programmes normally list departments in charge of (and sometimes collaborating in) the preparation of planned bills.

<table>
<thead>
<tr>
<th>Country</th>
<th>Term</th>
<th>Bill Title</th>
<th>Deadlines</th>
<th>Ministry in Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech Republic</td>
<td>Annual</td>
<td>Yes</td>
<td>Yes (monthly)</td>
<td>Yes</td>
</tr>
<tr>
<td>Hungary</td>
<td>Twice a year</td>
<td>Yes††</td>
<td>Yes (monthly)</td>
<td>Mostly</td>
</tr>
<tr>
<td>Poland</td>
<td>Twice a year</td>
<td>Yes††</td>
<td>Yes (monthly)</td>
<td>Yes</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Annual</td>
<td>Yes††</td>
<td>Yes (monthly)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: own compilation †shorter-term programmes are introduced on an ad hoc basis †† a brief justification is available for each bill.

What is legislative planning for?
Executives may use planning and programmes to achieve a number of important tasks. First – and at a most basic level – legislative
programmes are information-sharing and coordination tools. Executives are complex organizations and there is a constant need for their component parts - departments and other central agencies - to keep track of each other’s initiatives. Legislative planning provides an opportunity to collate - at regular intervals - sectoral plans into a single document accessible to all internal actors. Its goal is to exchange information about planned activities with a view to minimizing overlap and identifying areas for inter-departmental cooperation.

At a more advanced level, legislative programmes function as prioritization instruments. Governments are busy organizations and priority actions must be clearly identified and widely communicated. Legislative programmes are helpful in identifying priorities across government and in communicating them to all the parties concerned. Prioritization is all the more crucial, since resources that executives have at their disposal are inevitably limited. Time is scarce and so are staff and finances. Hence, legislative programmes provide governments with a useful mobilization tool for allocating resources to strategic policy initiatives. In doing so, programmes function as gate-keeping devices precluding the use of resources for non-priority items.

Finally, legislative programmes have a signalling function. Governing parties seek re-election and legislative programmes offer a useful tool of political management. Advance lists of planned legislation can be used to create positive expectations among the electorate. More importantly, by delivering on legislative promises, governing parties can acquire the reputation for political competence. Legislative signalling can also be viewed as a tool of economic management. Pre-announced credible commitments to change (or not to change) existing legislation allow private actors and markets to adjust their plans in anticipation of changes.

Central European record on legislative planning

How good are Central European cabinets in using legislative planning as a tool of government? There is little systematic research in this area but the available data on the performance of legislative programmes suggest that the governments find it problematic to gear planning to support the more advanced functions of prioritization, mobilization and signalling. This is particularly evident if one examines the proportion of legislation that is adopted by governments outside the programme and the share of planned bills that are actually adopted and passed to parliament.

Figure 1 shows the average share of legislation that governments in the four Central European states have adopted outside the legislative programme in three recent planning periods (see Annex 1 for detailed figures). The data demonstrates that in all of the four countries a large proportion of bills has been adopted outside the agreed programme. In the Czech Republic, the share of such legislation is more than one in two bills. Even in Hungary and Poland - where the share of unplanned bills is slightly lower - almost one in three bills passed to parliament have not been included in the programme.

**Figure 1. Bills passed to parliament outside the programme (average % of all bills)**

<table>
<thead>
<tr>
<th>Country</th>
<th>Average Share of Bills Passed Outside Programme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech Republic</td>
<td>50</td>
</tr>
<tr>
<td>Hungary</td>
<td>50</td>
</tr>
<tr>
<td>Poland</td>
<td>50</td>
</tr>
<tr>
<td>Slovakia</td>
<td>50</td>
</tr>
</tbody>
</table>

Source: average calculations based on three recent programmes
Figure 2 demonstrates the average proportion of planned bills that the CE executives actually adopt (see Annex 2 for detailed figures). The data shows that Czech and Polish governments find it most problematic to deliver on the planned priorities. On average, only one in four bills envisaged in the programme is actually passed to parliament. Slovakia demonstrates a slightly better record. Hungary has the best record with almost two in three planned bills actually passed to parliament. Yet, overall, the picture is that of low to medium ability to deliver on the promised legislative initiatives.

Figure 2. Planned bills passed to parliament (average % of all planned bills)

Source: average calculations based on three recent programmes

These data demonstrate three points. First, the large proportion of unplanned legislation places a question mark over whether legislative programmes are effectively used as prioritization instruments. Second, even if one assumes that programmes do contain all priority initiatives, then the high share of unplanned legislation suggests that resources are not actually concentrated behind the achievement of these goals. Third, limited adherence to planned legislative commitments casts serious doubts over the signalling value of legislative programmes.

Does it matter?

Governments that find it difficult to use legislative programmes as prioritization, mobilization and signalling devices run the risk of being perceived as unreliable. There are, of course, obvious political reasons for why governments should normally avoid unreliability². After all, the re-election prospects of any government hinge, in a large part, on the extent to which it keeps its policy commitments. By effectively implementing their policy pledges governments project the image of leadership and competence. Low reliability is likely to be considered as a sign of poor performance. The media normally keep track of government records in implementing policy promises and can “name and shame” unreliable administrations.

But legislative unreliability also carries an economic cost. Once announced, legislative programmes create expectations on the part of individuals and organizations who adjust in anticipation of legislative changes. Delaying or abandoning legislative initiatives creates risks and costs for private actors and markets. Indeed, comparative research has shown that there exists a strong positive relationship between legislative reliability and direct foreign investment and economic growth³. High reliability in delivering on legislative promises has also been found to lead to higher public sector productivity⁴.

Possible explanations

There are three major explanations for why Central European executives find it a problem to use legislative programmes as mobilizing and signalling devices. First, the problem may be related to political instability. If governments or prime ministers change (due to elections or otherwise), then this is likely to lower the prioritization, mobilization and signalling value of the legislative programme. The introduction of new priorities of the incoming government or prime minister will result in a high proportion of
unplanned initiatives and a relatively low share of planned legislation. A similar effect will occur if a country experiences some other shock necessitating a reappraisal of policy priorities.

The second possible explanation is coalition politics. If governing parties do not share similar programmatic positions, they can be expected to have strong incentives to pursue individual law-making strategies within the policy jurisdictions they control. This will threaten the capacity of the government as a whole to use legislative programmes as a prioritization, mobilization or signalling tool. In such circumstances, one can expect to see a large share of legislation being initiated outside the programme and relatively low implementation records for planned legislation.

The third explanation - one that is at the heart of this paper - is that the degree to which legislative programmes can fulfill some of the more advanced governing functions is related to the configuration of rules that govern the process of their preparation, adoption and implementation. It is argued here that, while external shocks and party preferences play an important role, the choices that governmental actors make in constructing and implementing legislative programmes are critically shaped by underlying institutional incentives and opportunity structures. The next section presents this argument in detail.

### Key points

- Legislative programmes fulfill a number of functions – information-sharing, coordination, prioritization, mobilization, and signalling.
- The four Central European countries examined here find it problematic to gear legislative programmes to support the more advanced functions of prioritization, mobilization and signalling.
- Inefficient usage of legislative programmes may create the perception of government unreliability undermining re-election prospects and hindering economic development and policy implementation.
- The quality of legislative programming is critically affected by a range of factors, including political stability and coalition politics. This paper focuses on the effect of institutional incentives that affect the preparation, adoption and implementation of legislative programmes.
Section 2

How institutions affect planning outcomes

This section discusses the institutional infrastructure which, if present, should help governments to use legislative programmes as prioritization, mobilization and signalling instruments. Institutions are defined as standard operating procedures – customary or legally mandated – that shape actor incentives in the process of planning legislation. The focus is on four areas: the planning cycle; departmental proposals; cabinet adoption; and implementation and monitoring.

Planning cycle

A well-structured planning cycle is a critical precondition for effective usage of legislative programmes. Its first attribute is the sufficient length of the preparatory stage. The crucial point is that bids for legislation are collected well in advance of the term for which the plan is developed. The precise time allowed may vary but normally should not be shorter than three to six months. Early collection of legislative bids is advantageous not only because it facilitates prioritization, but also because it allows governments the necessary time to advance work on legislation before a final programme is publicly announced. It is thus helpful to agree a provisional programme to mobilize resources in advance. The final cabinet programme may then take into account progress already achieved in the preparation of bills.

The second key feature of a good planning cycle is coordination with the budgetary process. Much parliamentary legislation is adopted to mandate public expenditure and to raise revenue. In large part, legislative programmes can be seen as implementation tools for earlier strategic policy and budgetary decisions. Two points are particularly important. First, it is crucial that the timing of budgetary decisions is coordinated with that of legislative programming, with the former typically preceding the latter. Failing that, governments risk making legislative pledges that have to be revised once budgetary negotiations are finalized. The other point is that institutional mechanisms exist inside the government which ensure that the outcomes of budgetary negotiations systematically feed into the process of legislative planning.

<table>
<thead>
<tr>
<th>Planning cycle</th>
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<tbody>
<tr>
<td>1 The preparatory stage of the planning cycle is long enough to allow time for prioritization and advance resource mobilization.</td>
</tr>
<tr>
<td>2 Budgetary negotiations precede legislative programming and systematically feed into legislative planning.</td>
</tr>
<tr>
<td>3 The planning cycle is synchronized with the parliamentary timetable forcing executives to internalize external resource constraints.</td>
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</table>

The final issue under the rubric of a well-structured planning cycle is synchronization with the parliamentary timetable. The latter can be formally pre-defined or determined ad hoc by parliament.
(with more or less executive input). But the key point is that in planning its internal law-making processes the executive follows the parliamentary clock. Under such institutional conditions, governments have strong incentives to internalize the constraints of limited parliamentary resources. This, in turn, makes the use of legislative programmes as prioritization and mobilization devices more likely.

**Departmental proposals**

The structure of the departmental planning routine is another critical factor that affects the success of legislative programmes. The legislative programme is more likely to function as an effective prioritization and mobilization instrument if procedures are in place that emphasize close engagement by the senior political staff (minister, junior ministers, political cabinet) in the planning process. It is important that the political leadership communicates policy priorities to officials through special guidelines. The political leadership need to be responsible for the final selection of proposals to ensure commitment. If the decision on departmental proposals is made at administrative level, there is a risk that proposals focus on minor technical issues whose relevance is then easily challenged during the term of the programme.

Prioritization at later stages of the planning process depends critically on the information provided in the departmental proposals. Of course, it is often too early to know the details of the policy and departments are normally reluctant to spend too much effort at this stage. But the planning routine should require departments to supply as much information about planned legislation as possible. Proposals would normally need to contain at least the following details: the statement of why a bill is needed (political commitments, international requirements, etc.); the key content of proposed legislation (including estimated volume and complexity); the work already performed on the bill; and the timetable for completion (indicating possible delays or other complications).

**Cabinet adoption**

Planning routines at the cabinet level are another important factor. Once departments have developed their proposals for legislation, the cabinet or a special committee must ensure that the final legislative programme reflects the true strategic priorities of the government for a specific period. This is facilitated if explicit prioritization criteria exist and are known to all the actors involved. The criteria can, for example, give preference to bills related to a party manifesto or coalition programme; international commitments such as the transposition of EU directives or treaty ratifications; urgent technical amendments to bring legislation into line with court judgments or to remedy errors and lacunae. Prioritization may also take into account other considerations such as progress already achieved on a bill. Such priorities may change from session to session and be communicated in special guidelines.

The cabinet or its special committee must further ascertain that the implementation of the programme is feasible in technical terms. It is important that governments have an implicit or explicit limit on the total number of legislative bids that can be accepted in a planning cycle. Such limits reflect past experience of the technical capacity of the government administration and the parliament. Each bill takes up resources that departments share in common such as the time of the cabinet,
its committees and central legal services. Unless such costs are considered, the government may be unable to implement its programme due to gridlock and overload. Bills that are not placed on the programme need be confined to a reserve list or postponed. Finally, it is crucial that the government has procedures in place that encourage rationalization of bill output, for example, through merging small bills into omnibus legislation.

The cabinet must further ensure that the legislative programme has political support inside both the executive and the parliament. Credible political endorsement ensures that there is sufficient motivation for programme implementation. It is thus important that mechanisms exist that ensure that the legislative programme is cleared by all senior ministers and the prime minister. Arrangements must also be made for the leaders of the parliamentary parties supporting the government to be fully briefed and consulted on the final selection of proposals to the programme. This will not only facilitate the passage of government bills in parliament, but also help anticipate any problems that may put programme implementation at risk.

### Cabinet adoption

1. Special procedures exist at the centre of government to ensure that the legislative programme reflects earlier collective agreements on priorities.
2. There are strong institutional incentives for the centre of government to ensure that available resources match legislative intentions.
3. The planning routine at the cabinet level emphasizes the need to secure agreement of coalition parties and parliamentary leaders.

### Implementation and monitoring

The final element are the institutional incentives that departments obtain during the implementation of the legislative programme. For one thing, it is important that, once the programme has been finalized, departments are discouraged from preparing and submitting bills that have not been included in the programme. The unconstrained right to develop and propose non-planned legislation undermines the authority of the programme and consumes time and other resources that need to be committed to programmed work. It is, of course, crucial that governments have procedures in place for dealing with urgent issues that arise after the programme has been approved. However, such procedures need to emphasize that permission to propose outside the programme can be obtained only in exceptional circumstances.

Special arrangements must be made for monitoring programme implementation at departmental level. These would ensure that the senior departmental management is regularly informed of progress in implementing the legislative programme and of any problems or delays. Departments need to report to the cabinet office or prime minister’s office on programme implementation. This may take, for example, the form of regular reporting procedures and/or special meetings of senior officials or cabinet ministers to review progress. Governments must also have arrangements for the centre to intervene whenever unexpected problems arise in the preparation of bills envisaged in the programme.

It is crucial that some form of sanctioning is available in case of non-compliance with cabinet legislative programmes. These may take the form of a requirement to provide explanations to the prime minister or the cabinet secretary (in writing or during a special meeting). There may be special cabinet meetings during which progress is reviewed and ministers in delay are ‘named and shamed’. The important point is
that both ministers and departmental staff are aware that the record in implementing the cabinet legislative programme is a key criterion in the overall assessment of departmental effectiveness inside the government. Mechanisms should also be in place for rewarding good compliance at political and administrative levels. Such negative and positive incentives provide the departments with sufficient motivation to make all efforts to comply with the programme.

## Implementation and monitoring

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<thead>
<tr>
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<tbody>
<tr>
<td><strong>1</strong></td>
<td>Departments are discouraged from preparing and submitting bills that have not been included in the programme.</td>
</tr>
<tr>
<td><strong>2</strong></td>
<td>Procedures for close monitoring of programme implementation are in place at both departmental and central levels.</td>
</tr>
<tr>
<td><strong>3</strong></td>
<td>Some form of sanction is imposed if serious non-compliance with programmes is revealed.</td>
</tr>
</tbody>
</table>

## Key points

- A well-structured planning cycle is a critical precondition for the effective usage of legislative programmes.
- Departmental planning routines that emphasize involvement by senior political staff and the provision of detailed information strengthen the prioritization and mobilization value of the legislative programme.
- The effective usage of legislative programmes is encouraged if incentives exist for cabinets to ensure that programmes reflect prior policy agreements, are feasible in technical terms and enjoy political support.
- The value of legislative programmes is enhanced if there exist procedures for gate-keeping unplanned initiatives and monitoring programme implementation.
Section 3
Legislative planning in the Czech Republic, Hungary, Poland and Slovakia

This section reviews institutional rules that govern the preparation, adoption and implementation of legislative programmes in the Czech Republic, Hungary, Poland and Slovakia. In presenting planning practices, it examines the extent to which national rules reflect the institutional preconditions for effective usage of programmes identified in the previous section. The section then provides a comparative analysis of the relationship between institutional incentives and programme performance.

Czech Republic

Planning cycle

Governments in the Czech Republic normally plan the introduction of legislation on an annual basis. Most cabinets also develop longer-term legislative forecasts for the entire term of the parliament. The structuring of the planning framework is in the gift of the government of the day but planning practices have remained fairly stable over time. The preparatory stage of the planning cycle is short and normally lasts about a few weeks. It is initiated by the Deputy Prime Minister for Legislation in the Government Office (GO) who invites bids from departments and ends with adoption of the programme by the cabinet. There are no internally binding provisional programmes.

Legislative planning follows budgetary negotiations. The budget bill is introduced to parliament by the end of September. When making proposals to the plan, departments possess the information on budgetary resources. In practice, however, budgetary decisions provide limited guidance for legislative planning, since bills can amend the financial framework outside the budgetary process. The executive legislative planning does not explicitly follow the parliamentary clock. The dates for bill submissions are not coordinated with parliamentary sittings or sessions.

Departmental proposals

The involvement of senior political management varies but is generally low. Inside departments, legislative planning is coordinated by heads of legislative sections. There is a tendency to include mainly uncontroversial minor legislation into the programme.

Each bill proposal is normally accompanied by a short description. The information includes the title of the bill, a justification for the initiative and the proposed deadline for completion. In practice, substantive information tends to be laconic and is rarely longer than one or two sentences. No information is typically supplied on work already performed or potential problems. The ministerial bid divides bill proposals according to the month in which they are scheduled for adoption.
Cabinet adoption

The Legislative Section (LS) in the Government Office collates proposals it receives from departments. The draft programme then goes through written consultations and is discussed by a meeting of deputy ministers chaired by the Deputy Prime Minister for Legislation (DPML). The GO’s capacity to ensure that political priorities of the government are addressed depends chiefly on the quality of the DPLM’s leadership. This said, since mid-2006, special IT software is being put in place to manage the linkage between the government manifesto and the legislative programme.

Limited prioritization is undertaken to coordinate the legislative programme with the available resources. There is no implicit or explicit upper limit on bill slots and the total number of items is determined by the number of ministerial proposals. There is no categorization into main and reserve items. The LS section sometimes uses the meetings of deputy ministers to encourage bill mergers or at least synchronization of submission timings. Such attempts are less driven by the perception of resource scarcity and more by the ambition to ensure high legal consistency. Rationalization is typically undertaken during the discussions on the actual bill.

The legislative programme is discussed in the Legislative Council – which prepares an advisory opinion – and is then approved by the full cabinet. Once accepted, it has the formal status of a cabinet resolution. There is no standing practice regarding the advance clearance of the programme with parliamentary leaders of governing parties. The final text is, however, sent to the parliament for information.

Implementation and monitoring

Unplanned legislation can be submitted for cabinet clearance at any time. There are no requirements to apply for prior cabinet or prime ministerial consent. Ministers tend to use quarterly review sessions – held in cabinet on the legislative programme – to signal any new initiatives they are likely to bring forward. These sessions provide a particularly good opportunity to highlight revisions if a bill must be withdrawn or postponed to the next planning period.

Implementation is monitored inside departments and at the centre. At departmental level, detailed plans are developed to cover each legislative task and to assign specific responsibilities to individual policy sections. These plans are developed on a half-yearly basis. The Agenda Section (AS) of the Government Office monitors progress in the implementation of the legislative programme throughout the government. The AS is well-placed to fulfil this role because it is in charge of all document flows to and from the cabinet. The AS prepares monthly progress reports for the prime minister and deputy prime ministers. These reports provide the basis for cabinet discussions led by the prime minister and the deputy prime minister for legislation.

Non-compliance is not trouble-free. There are two forms of sanctions – both fairly light-touch – that defaulting ministers may face. The first sanction is to attract prime minister’s attention. Departments that want to revise a deadline must write to the prime minister with an explanation for the delay. Such requests are usually accepted without major problems but, if they concern a bill that is politically important, the prime minister may reject them. The other sanction is to risk ‘naming and shaming’ in the cabinet if the AS report highlights
major delays or other problems in the implementation of the programme.

### Legislative planning in Czech Rep.

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>The Czech planning cycle is short and is not synchronized with the parliamentary clock. Budgetary negotiations precede, but do not feed into, legislative planning.</td>
</tr>
<tr>
<td>2</td>
<td>The involvement of senior political management in legislative planning is rather limited. Ministry proposals contain limited information.</td>
</tr>
<tr>
<td>3</td>
<td>Depending on his political position, the Deputy Prime Minister for Legislation may attempt to ensure that prior agreements are reflected in the programme. No procedures exist for matching resources to intentions or securing agreement of the key veto players.</td>
</tr>
<tr>
<td>4</td>
<td>Ministries are not discouraged from initiating bills outside the programme. There are procedures for monitoring and sanctioning of non-compliance.</td>
</tr>
</tbody>
</table>

### Hungary

**Planning cycle**

Governments in Hungary develop legislative programmes on a half-yearly basis. The six-month legislative plans follow from a policy programme which the executive adopts for each year. The structuring of the planning cycle is determined by law which requires governments to inform parliament of its legislative plans. The preparatory stage of the cycle is short and typically lasts about a month. It is initiated by a letter from the head of the Prime Minister's Office (PMO) inviting ministries to submit bill proposals and ends with the formal adoption of the legislative plan by the cabinet. There are no internally binding provisional programmes.

Legislative planning is preceded by detailed budgetary negotiations. Once the prime minister has communicated spending limits to departments, the cabinet holds a two-day away session in the summer of each year to discuss policy priorities for the next calendar year. The head of the PMO can then use the outcomes of these discussions to prepare guidelines for legislative programming. In preparing legislative programmes, Hungarian governments follow the parliamentary clock. The six-monthly plans are prepared specifically to cover spring and autumn sessions of the parliament. While bills do not lapse at the end of each session, there is a strong expectation that bills should be passed in the session in which they are introduced.

**Departmental proposals**

Inside departments, legislative planning is coordinated by heads of legislative sections and the involvement of political leadership is low. Each bill proposal is normally accompanied by a short description. The information includes the title of the bill, a justification for the initiative and the proposed deadline for completion. In practice, the substantive information tends to be brief and ranges from a few words to one or two sentences. No information is typically supplied on work already performed or potential problems.

**Cabinet adoption**

Ministerial bids are collated by the PMO. The draft programme then goes through written interministerial consultations and is discussed in a meeting of administrative state secretaries chaired by the administrative secretary of the PMO. There are clear criteria for prioritization. Bills relating to the government policy programme, EU law, special cabinet decisions and bills required for technical reasons as determined by the justice ministry enjoyed priority in the construction of the programme. The minister heading the PMO and his
Administrative Secretary act as strong gatekeepers at this stage of legislative planning.

Close attention is paid to whether legislative plans match the level of parliamentary capacity. Based on previous experience, the PMO maintains a limit on the number of bills that can be scheduled for introduction during one parliamentary session following the recommendation of the Speaker. The cabinet typically submits around fifty bills per session. The programme is divided into the main list and – sometimes – a reserve list. The latter contains bills that can be introduced if the time allows. It is customary for the PMO’s administrative secretary to recommend bill merges both within and across departmental lines if they are related to similar issues. Until 2005, small amendments were typically merged with a budget bill; at present there is one or more accompanying omnibus bills.

The legislative programme is discussed by cabinet committees and approved by the cabinet. Ministers can always reopen discussion on the programme if they think some of the important bills were not included. Such last-minute revisions are, however, rare and any new additions normally necessitate some other bills to be dropped. There is a long-standing tradition of clearing the legislative programme with parliament before it is adopted by the cabinet. This is done through informal – but detailed – discussions with the Parliamentary Speaker, Secretary General and coalition parliamentary groups.

**Implementation and monitoring**

Departments have the right to initiate work on bills that have not been included in the programme. In practice, however, ministers must make a special case for non-planned legislation, demonstrating its importance and/or urgency to the cabinet and clearing it with the PMO who check if time is available in parliament. Frequent resorting to non-planned initiatives is further discouraged by the risk of damaging the relationship with the speaker and the house committee who can always oppose ad hoc revisions to the programme. This said, opportunity for proposing outside the programme often arises if planned legislation is delayed and the cabinet looks for other available initiatives.

Programme implementation is monitored inside departments. This task is typically performed by legal departments. The PMO also monitors progress in legislative work by requiring quarterly reports from all departments. If it detects a serious delay, it may write to the department concerned and ask for explanation. The PMO prepares quarterly reports on the implementation of the programme for the cabinet and the Prime Minister. The PMO is further alerted to potential problems in the preparation of legislation by its main Policy Department (former Referatura) which keeps tabs on legislative work at ministry level. Its reports are passed on to the minister heading the PMO and the Administrative State Secretary who take appropriate action to solve the problem.

Non-compliance with legislative programmes is subject to some form of sanctioning. Departmental requests for changes to deadlines are approved in most cases for minor bills, but in the case of politically important bills the PMO alerts the Prime Minister who then raises the issue with the minister concerned. Another possibility is provided by the quarterly reports submitted by the PMO to the cabinet. The Prime Minister may arrange a debate on legislative progress and use the opportunity to ‘name and shame’ defaulting ministers in cabinet. In such cases, the minister found in delay is requested to look into the issue and report back within a week or so to the cabinet.
Legislative planning in Hungary

1 The Hungarian planning cycle is short but it is closely synchronized with the parliamentary timetable. Budgetary negotiations typically feed into legislative planning.

2 The involvement of political leadership is low. Bill proposals are accompanied by short descriptions.

3 Explicit criteria for prioritization exist and are upheld by the PMO. Procedures exist for matching resources to intentions and securing agreement of the key veto players.

4 Ministries are somewhat discouraged from initiating bills outside the programme. Monitoring arrangements and sanctions are available.

Poland

Planning cycle

Polish governments typically plan legislation on a yearly or half-yearly basis. In the last few years, there has been a tendency to prepare plans for two six-monthly periods, possibly with one additional short-term plan. The structuring of the planning cycle is in the gift of the cabinet of the day, though since March 2006, the executive has been legally bound to announce at least two plans a year. The preparatory stage of the cycle is short and normally lasts from four to five weeks. It starts with a letter from the head of the Prime Minister’s Office (PMO) inviting ministries to submit bids and ends with formal adoption of the plan by the cabinet. The time allowed for the preparation of departmental proposals is also short and can range from a few days to a week. Polish governments do not adopt internally binding provisional plans before publishing the final programme.

Legislative planning tends to follow budgetary negotiations. The latter normally take place between February and September for the next year’s budget. However, there is limited evidence of the systematic feeding of budgetary negotiations into the legislative planning process. In preparing their legislative programmes, Polish cabinets do not explicitly adhere to the parliamentary clock. The timeframe of the executive planning cycle is rarely synchronized with the parliamentary sessions or sitting days.

Departmental proposals

The extent to which senior management drives the planning process varies but is generally low. Planning is coordinated by the legal section (finance, environment, economics) or the minister’s secretariat (labour, health and regional policy). No special guidelines are communicated to policy sections that develop proposals. Bids must be cleared through junior ministers (under-secretaries of state) and are collated by the coordinating unit. Depending on the time available, the draft is subject to intra-ministerial consultations or is directly placed on the agenda of the management meeting (the minister and deputy ministers). It is not uncommon for the list of ministry proposals to be approved without discussion or in writing.

Departmental proposals are required to contain a brief description of each proposed bill. As a rule, the information must include the title of the bill, the name of the ministry, and the cabinet committee which will review the bill. Since March 2006, ministries have been required to provide additional data, including in particular a justification for the bill, its key contents, and the name of the person in charge. Yet, in practice, compliance with the new requirements is perfunctory. The substantive information supplied tends to be laconic and ranges from a few words to one or two sentences. No information is provided on the work already performed or potential problems. The ministerial submission divides
bill proposals according to the month when they are scheduled for submission to cabinet.

**Cabinet adoption**

Ministerial bids are collated into a draft programme by the PMO’s Cabinet Committee Section (CCS). The CSS may introduce technical revisions at this stage, in particular by adding postponed or delayed bills from previous planning periods. The head of the PMO sends the revised draft to all departments for consultations. The PMO typically takes some - though largely unsystematic - actions to make sure that bill proposals reflect the major political goals of the governments and its supporting parties. This is done chiefly by way of comments submitted by the PMO secretaries of state and staff to the head of the PMO. Once comments are received, the PMO’s head presents the draft in the Cabinet Committee which passes it on to the cabinet.

Limited central prioritization is undertaken to ensure that legislative plans match the available resources inside government or parliament. There is no implicit or explicit upper limit on the number of bill slots. The programme is not divided into primary and reserve items. Neither are there arrangements for rationalizing legislative output through bill mergers or similar mechanisms. If prioritization or rationalization is undertaken, such interventions are unsystematic and undertaken ad hoc in response to concerns expressed by the Legislative Council, Government Centre for Legislation (both of which send comments to the PMO’s head) or the chair of the Cabinet Committee.

The legislative programme is approved by the cabinet and signed by the prime minister. But it is typically approved without discussion, unless unresolved disputes have been passed on by the cabinet committee, which, however, happens rarely. Before March 2006, it was the prime minister who approved the programme; at present the prime minister is bound by the cabinet decision on the programme. There is little tradition of clearing the draft legislative programme with parliamentary leaders of the supporting parties. Only once it is approved is the plan sent to parliament for information.

**Implementation and monitoring**

Departments can initiate work on bills that have not been included in the programme. All that is required is that the minister formally notifies the prime minister of his or her intention to do so. The prime minister cannot block such initiatives at this stage. In practice, the notification rarely reaches the prime minister and is processed by the head of the PMO. There are no special information requirements regarding such notifications but, in practice, they tend to be slightly more detailed than the data supplied with regular programme bids. Once supplied, notification of an unplanned bill does not necessitate revision of the cabinet programme.

Implementation of legislative programmes is monitored inside departments. Progress is checked during the meetings of deputy ministers responsible for legislation with section directors and, perhaps less formally, by political cabinets of ministers. A more regular form of monitoring is provided by weekly reports that each department must send to the CSS in the PMO. These are typically prepared by the legal department or the minister’s secretariat. The PMO further keeps tabs on legislative work inside the departments through a government-wide documentation system which - introduced in October 2006 - is designed to contain regularly updated records for each legal initiative. Moreover, the cabinet committee and the full cabinet hold periodic sessions reviewing progress in the implementation of the programme.

Since 2006, a new practice has been introduced of convening informal meetings of the chair of the Cabinet Committee with relevant ministers, if prolonged consultations
delay or block progress on a bill inside the government. Non-compliance with legislative programmes is subject to sanctioning. The most common form is that ministers found in delay must provide explanation and risk being ‘named and shamed’ in the cabinet committee or cabinet. A decision by the PMO to take over the preparation of a bill may also be viewed as a form of sanctioning for defaulting ministers. Finally, the prime minister holds review sessions with ministers during which individual implementation record is discussed.

**Legislative planning in Poland**

1. The Polish planning cycle is short, with little synchronization with the parliamentary timetable. Budgetary negotiations typically precede, but rarely feed into, legislative planning.

2. Legislative planning at the departmental level is rarely driven by senior political management. Ministry proposals contain limited information.

3. There is some tradition of ensuring that prior agreements are reflected in the programme. No procedures exist for matching resources to intentions and securing agreement of the key veto players.

4. Ministries are not discouraged from initiating bills outside the programme. Monitoring arrangements and some form of sanction are available.

**Slovakia**

**Planning cycle**

Slovak governments plan the adoption of legislation on an annual basis, though the last few years have seen some attempts to extend the planning period to two or more years. The planning framework is determined by the cabinet rules of procedure. The preparatory stage of the cycle is short and normally lasts about a month (from late November to December). It commences with a letter drafted by the Government Legislative Section (GLS) in the Government Office (GO) and signed by the Deputy Prime Minister for Legislation, inviting departments and other central bodies to submit bill proposals and ends with formal adoption of the programme by the cabinet. There are no internally binding provisional programmes.

Legislative planning follows budgetary negotiations but there is limited practice of translating the outcome of the latter into the process of the former. In preparing the legislative programme, the executive does not explicitly follow the parliamentary clock. The dates for introduction of legislation are not synchronized with sittings or sessions of the parliament.

**Departmental proposals**

The involvement of senior political management is limited. Legislative planning is coordinated mainly by legal divisions who invite individual sections to propose initiatives to the programme. There is some bias against including controversial legislation for which scheduling uncertainty is high. In preparing the departmental submission, special attention is given to whether sufficient internal capacity exists and whether timing is synchronized with anticipated dates for entry into force.

Departmental bids are required to contain a brief description of proposed bills. The information must include the title of the bill, a justification for legislative action, the ministry in charge, any cooperating ministries, and the proposed deadline for submission to cabinet. In practice, the substantive information tends to be brief and ranges from a few words to one or two sentences. No information is provided on work already performed or possible delays. The ministerial bid divides bill proposals according to the month in which they are scheduled for cabinet submission.
Cabinet adoption

The GLS in the Government Office collates bids it receives from departments. The role of the GLS at this stage is purely technical and it has no power to introduce any revisions. The draft programme is sent to departments for interministerial consultations and is then discussed in the Legislative Council. The Deputy Prime Minster for Legislation may undertake some verification of proposals for compliance with strategic priorities. Attempts were made in the last few years to reinforce central steering in this area but they met with mixed success. No prioritization is undertaken to ensure that the legislative programme matches the resources that departments share in common, e.g. the agenda of government councils or parliamentary time. There is no implicit or explicit limit on the number of bill slots. The programme is not divided into primary or reserve lists, though priority items are indicated with an asterisk. There are no special incentives for output rationalization at this stage. Bill mergers are infrequent and even related items are kept separate in the programme. Some (rare) rationalization attempts are made in the Legislative Council when discussions are held on the actual bill.

The legislative programme is discussed by the Legislative Council, an advisory body to the cabinet, and is then approved formally by the cabinet. The programme has the status of a cabinet resolution. There is no tradition of clearing the draft programme with parliamentary leaders before it is adopted. There is, however, an informal rule to send one copy to the constitutional committee of the parliament.

Implementation and monitoring

Departments can initiate work on bills that have not been included in the programme at any time. There are no requirements to apply for prior cabinet or prime ministerial clearance. Since 2005, departments are required, however, to circulate an 'Information Notice' about the launching of work on non-planned legislation at least three months before it is submitted for consultation. The same applies to planned tasks, but with a shorter time limit. In practice, compliance with this requirement is mixed. Otherwise, the only difference is that, when a bill is sent for consultation, its covering letter says that it is tabled as an own initiative of the proposing department. The rules for negotiating and agreeing non-planned legislation are the same as for planned bills.

Implementation is monitored inside departments. Specific tasks are assigned to policy sections and internal deadlines are specified. The GLS in the Government Office is responsible for monitoring implementation of the programmes. This is done through contacts with the heads of legislative sections in departments and day-to-day scrutiny of the flow of bills through the Legislative Council. Monitoring is also performed by the Control Section in the Government Office who follow up implementation of all government resolutions. The Control Office prepares periodic reports for the cabinet.

Sanctions for non-compliance with legislative programmes exist but are fairly light-touch. Departments that wish to change the deadline for a bill write to the office of the prime minister, requesting a change to the programme. The GLS processes all such requests and approves them in most cases. Withdrawal of a bill from the programme is more difficult because it requires a cabinet decision. Departments that fail to update deadlines risk being 'named and shamed' in cabinet, in particular when periodic GO reports on implementation are discussed.
Comparative assessment

Planning practices and effects for performance

The overall picture that emerges from the survey of planning practices is that the four Central European cabinets examined here - perhaps with the partial exception of Hungary - do not possess many of the institutional preconditions for the effective usage of legislative programmes (see Annex 3 for a summary assessment). None of the four executives start developing programmes well in advance, and only one ensures coordination with budgetary and parliamentary cycles. In all four, departments treat planning as a minor bureaucratic process. Three of the four countries have no arrangements for matching legislative intentions to available resources and seeking the support of key veto players. Finally, all four countries permit departments to work on unplanned legislation.

On the positive side, one must note that all four countries have some processes in place for making sure that prior agreements on policy priorities are reflected in legislative programmes. But, with the exception of Hungary, these processes are rarely embedded in standardized operating procedures. An area in which the four Central European states come closest to having the required institutional preconditions is that of implementation monitoring. All four countries have established systems for regular reporting and monitoring of compliance. In all four some form of sanction is also available for departments that delay or ignore the implementation of planned legislative commitments.

How does this configuration of institutional incentives translate into a weak performance of programmes as prioritization, mobilization and signalling instruments identified in Section 1? Two channels deserve highlighting. First, the combination of (i) insufficient preparatory time, (ii) opportunity to propose bills outside the programme, and (iii) the presence of sanctions for non-compliance substantially lowers the motivation of departments to include in the programme ambitious projects to be accomplished during the planning period. Such projects are normally associated with high scheduling uncertainty and so departments are likely to minimize the risk of potential sanctions by proposing them outside the programme. This combination of institutional incentives thus undermines the prioritization and signalling value of the legislative programme.

The second point is that the combination of (i) limited procedures for matching resources to intentions and (ii) the laconic descriptions of planned initiatives in departmental proposals reduce the ability of the cabinet and prime minister to use programmes as instruments of prioritization and resource mobilization. Since the centre of government lacks detailed information on what is being proposed and is not under pressure to internalize resource constraints, it rarely adopts
a selective approach to formulating legislative programmes. It also has no incentives to gatekeep unplanned proposals once the programme has been agreed. Under such conditions, legislative programmes are more likely to function as simple collations of all departmental initiatives than instruments of strategic management of government legislation.

Hungary and its planning system provides a partial exception. First of all, it has procedures in place that ensure coordination of legislative planning with budgetary and parliamentary cycles. Furthermore, the Hungarian practice emphasizes the need to match legislative intentions to available resources in particular parliamentary time. It is also the only country which discourages – albeit in a light-touch manner – the adoption of non-planned legislation. These institutional incentives reinforce the prioritization, mobilization and signalling role of planning, which in turn is reflected, in particular, in a comparatively high adherence to legislative programmes (Figure 2, Section 1).

Impact of party political factors

The institutional infrastructure determines the overall pattern of legislative performance. But, as Figure 2 (Section 1) and Annexes 1 and 2 make clear, there is some fluctuation across countries sharing a similar institutional set-up, particularly in the extent to which legislative programmes are adhered to. Such variation cannot be accounted for with reference to institutions and the effect of other factors must be considered.

One interesting question is why the proportion of planned bills actually submitted to parliament is higher in Slovakia than in Poland and the Czech Republic, even if the institutional preconditions in the former are similar to those in the latter. The answer to this question most probably lies with party political factors. The ability to deliver on the legislative programmes in Slovakia is likely to have been facilitated by a relatively cohesive coalition (in the period 2004-2006) compared to the incohesiveness of Polish (2006-2007) and Czech (2004-2006) coalitions. See Figure 3.

The Dzurinda cabinet was composed of four parties, but all of them shared a similar ideological position on the key left-right political spectrum. In contrast, the coalitions supporting the Gross and Paroubek cabinets in the Czech Republic and Marcinkiewicz and Kaczynski governments in Poland were much more internally divided. Not without significance were also the frequent changes of premiers in the two latter countries.

Figure 3. Ideological distance between coalition party positions on the left-right political spectrum


These data show that party political factors can reinforce or mitigate the impact of institutional factors. Internally divided cabinets may find it more difficult to effectively use legislative programmes, regardless of well-structured institutional incentives. Cohesive governments are in a relatively better position irrespective of the institutional set-up. But whereas party political factors may be more or less helpful to the cause of legislative planning, the overall pattern of a country’s performance is likely to be decisively shaped by institutions and their quality.
Key points

- The four Central European cabinets – with the partial exception of Hungary – do not possess many of the institutional preconditions for the effective usage of legislative planning.

- The key lacunae are: (i) insufficient time to develop programmes, (ii) perception of planning as a minor bureaucratic process at departmental level, (iii) limited arrangements for matching legislative intentions to available resources, (iv) little tradition of clearing plans with parliamentary veto players.

- Such institutional characteristics reduce the government motivations to include all priority projects and adopt a selective approach in formulating legislative programmes.

- The institutional infrastructure determines the overall pattern of legislative performance, but party political factors can reinforce or mitigate the effects of institutions.
Section 4
Planning in context:
The United Kingdom and Germany

This section discusses how executives in two West European states - the United Kingdom and Germany - organize legislative planning. The two cases provide for an interesting comparison with planning systems in Central Europe. Like the CE executives, the UK government prepares a detailed programme for each parliamentary session. In contrast, Germany is one of several countries in Europe in which governments do not publish periodical lists of bills they plan to submit to parliament. In discussing these two cases, this section, first, presents the institutional arrangements that govern the preparation and implementation of legislative programmes in the UK and, second, identifies alternative instruments of prioritization, mobilization and signalling available to the German federal government.

United Kingdom

Legislative programme

At the historical centre of legislative programming in the United Kingdom is the ‘Queen’s Speech’ at the beginning of each parliamentary session, in which the Sovereign sets out the legislative programme previously agreed by the cabinet. The process leading to the formulation of the programme is coordinated inside the executive by the Legislative Programming (LP) Committee. This cabinet committee has been set up recently as part of a wider government modernisation process. In the past its functions were separated across two committees, one looking at ongoing processes within parliament, the other at legislative programmes in future years (the ‘Queen’s Future Legislation Programme’ committee). These two functions have now been merged.

The LP committee itself is part of the Cabinet Office. Its membership is based on convention but ultimately is in the power of the prime minister. It is traditionally chaired by the Leader of the House of Commons. Other members are ‘business managers’ in the two parliamentary chambers and ministers from key government departments. In other words, membership of the committee is restricted, including also advice from officials, in particular from the parliamentary council (i.e. those drafting the actual legislation).

The planning cycle starts 16 months before the Queen’s Speech for a given parliamentary year. The LP committee chairman writes to all departments inviting bids for legislation. Departments have around 3-4 months to prepare their bids and informally discuss them with the secretariat of the LP committee. Around 9-12 months before the given parliamentary session the LP secretariat prepares a provisional programme which is accepted by the cabinet. The provisional programme is widely seen as a ‘fantasy’ in the sense that some of the bills put on the programme will be delayed due to problems
in preparation, political controversy (overall and in committees) and the need to introduce emergency legislation. Hence, for the next ten to eleven months the LP secretariat monitors the progress in the preparation and drafting of the bills included in the provisional programme. The final programme is agreed a month before the Queen’s Speech.

In the UK, legislative programming is as much about setting the government legislative agenda as it is about agreeing parliamentary time with the party in government and the opposition. Legislative programmes are there both to enhance the government’s possibilities in pushing through its legislative agenda and to allow the opposition sufficient time for consideration and debate. The key concern regarding legislative programming has thus been the explicit granting of certain time slots for the consideration of legislation.

Prioritization

Departmental proposals need to provide extensive documentation (in a ‘bid memorandum’) as to the political ‘fit’ with the government overall programme and its rationale, obtain consent in terms of spending implications and policy (via cabinet committees), and a Regulatory Impact Assessment. In terms of official priority setting, the official documentation stresses that bids should indicate:

- the need for legislation and detailed content including, the estimated number of pages;
- political background and urgency of the proposed bill;
- the degree of preparation that the proposed Bill has already received;
- planned consultation with parliament and non-governmental actors;
- whether legislation is required in the first place.

Although the content requirements exist, it has been argued that these formal documents are unlikely to prevent the ‘weeding out’ of potential political problems, as some bids seek to conceal the absence of agreement on expenditure implications or fail to acknowledge wider political implications (that would require longer parliamentary debate).

No bids of legislative time are permitted that have not received consent through cabinet committee decision-making. Any demands for legislative time by ministers that have not received assent through cabinet decision-making processes would be regarded as violation of the principle of collective ministerial responsibility, and thus a matter deserving ministerial resignation. In that sense, legislative programming is the final ‘gate-keeping’ device within the system of executive government to decide, at a broad level, on government priorities and tactics within a system of one-party government and limited bicameralism given parliamentary time constraints and competing demands for legislative time.

In deciding on the programme, the LP committee is guided by explicit prioritization criteria. The latter typically include:

- political content and urgency of the proposed bills (manifesto commitments, international obligations, etc.);
- how far advanced work on the bill is and how well prepared the bill is likely to be. It is normally expected that significant progress in agreeing the policy content of the bill has been made;
- whether legislation is necessary. The LP committee checks if the proposal can be implemented using other means such as secondary legislation.

The prioritization process is facilitated by a general awareness of the limited nature of resources such as legislative time. The latter is engendered by two important external constraints that UK cabinets face. First, despite
some recent modifications, bills that fail to receive parliamentary assent by the end of the annual parliamentary session ‘fall’: in other words, they require re-introduction into the parliamentary process from the beginning. Second, all bills are centrally drafted by the Parliamentary Counsel, a specialised team of around 60 lawyers specialized in drafting government legislation. The capacity of this office is naturally limited, as it can only be concerned with so many bills at any particular time.

Special institutional arrangements are in place to support prioritization. When submitting proposals to the programme, departments with more than one bid are asked to rank such bids in order of priority. There are normally more proposals than bill slots available, and the LP committee has the power to reject or postpone a departmental bid. The LP committee typically draws up a reserve list of bills that may be passed to parliament, if time allows. It does not offer, however, any form of ‘commitment’ for rejected bids that they may be included in a future parliamentary session.

Implementation

Departments are supposed to provide the necessary resources to establish sufficiently resourced bill teams to accompany legislation through the policy formulation, drafting and parliamentary stages. Such teams are established prior to the allocation of the bids by the LP committee. Once a bill slot has been allocated, the departmental bill team is expected to report to the LP committee on the Bill’s progress. The bill team is briefed by LP committee officials on required procedures. The responsibility of the LP committee is concentrated on making sure that the parliamentary timetable is maintained; it does not involve itself in the quality of drafting of policy. Such issues are a matter of departmental bill teams.

Departments cannot propose bills that are not included in the programme. They may announce a general intention to legislate, but may not announce an intention to do so in a particular session or to a specified timescale, unless they have obtained the agreement of LP Committee and the bill has been announced in the Queen’s Speech. There are, of course, arrangements for considering emergency legislation outside the annual bidding round. Ministers must make a special case and clear such urgent legislation with the chair of the LP committee.

The annual programming cycle is supplemented by so-called ‘handout bills’. Each year, the LP committee seeks bids from departments for a number of short and uncontroversial measures which can be offered to MPs for introduction as private member bills. The LP committee must approve the introduction of such bills before they are passed to parliament. The handout bills are also typically drafted by the Parliamentary Counsel.

** Legislative planning in the UK

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<td><strong>1</strong></td>
<td>The UK planning system provides for a long preparatory stage of the planning cycle. Legislative proposals are invited 16 months before a given parliamentary session, and departments are given time to formulate policy and arrange for bill drafting.</td>
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<td><strong>2</strong></td>
<td>Proposals are strictly prioritized at the level of the LP committee which can reject or postpone departmental bids for legislation.</td>
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<td><strong>3</strong></td>
<td>External resource constraints are internalized in the planning process, as bill slots in the programme are limited.</td>
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<td><strong>4</strong></td>
<td>The LP committee functions as an important gate-keeping mechanism inside the executive. No bill can be submitted to parliament without it having been previously included in the programme or planned as a handout bill.</td>
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Germany

A legislative programme in the sense introduced at the start of this report – i.e., publicly available documents that set out the government’s legislative intentions over a specified period of time and establish deadlines for the adoption of bills by the Cabinet and their submission to parliament – does not exist within the Federal Government of Germany. But whilst there is no legislative programme, there is, of course, legislative planning. This planning does, for the most part, follow a bottom-up logic and is focused on individual pieces of legislation. Put differently: there are very detailed procedures for developing legislation within the Federal ministerial executive, but multi-annual programming of legislative activity that would seek to co-ordinate the substance and/or the timelines of bills across ministerial departments is non-existent.

It is important to note at the outset that the absence of a legislative programme does not imply a free-for-all when it comes to the launching of legislative initiatives by individual ministries. Neither sections, as the basic building blocks of German ministries in which technical-legal expertise is concentrated, nor ministries as a whole can successfully advance legislation without extensive intra- and interdepartmental consultation and co-ordination. Procedural rules relating to the development of bills do, to some extent, assume the functions of a legislative programme, notably as regards signalling, information-sharing and co-ordination. Also the functions of mobilization and prioritization are, at least in parts, fulfilled by institutions and procedures other than a programme. But, as will be shown below, executive law-making in the absence of an integrated programme with deadlines can only work tolerably well under specific conditions; and it does come at a political price.

Mobilization and prioritization

In deciding which bills they should develop, ministries take their clues from a number of sources. They include, first and foremost, a coalition agreement which is negotiated after Federal elections. With 16,5000, 26,6000 and 53,100 words in 1998, 2002 and 2005 respectively, German coalition agreements are quite voluminous. The degree of policy substance they contain varies considerably across policy domains, but they give a good indication of the broad policy objectives to be pursued. Coalition agreements typically do not contain a clear timetable for the government’s legislative programme, nor are priorities systematically ranked. Although some envisaged deadlines for specific legislative projects may be mentioned, most issues are, in an oft-used expression, “to be dealt with during the current parliamentary session”, i.e. within the four-year term of parliament.

Second, the Federal Chancellor’s first government declaration contains commitments to a coherent working programme. Government declarations are a joint act of the Cabinet. Departments, accordingly, lobby hard for their favourite projects to be mentioned in the Chancellor’s speech, though again, strict time commitments tend to be avoided.

Finally, legislative packages have increasingly been used as a means to establish legislative priorities and mobilize departmental resources in their pursuit. For example, in January 2006, the current Grand Coalition met outside Berlin to specify its working programme for the year 2006. Amongst other things, it adopted a 25 billion euro policy package to stimulate the economy and agreed upon a rough timetable for the resolution of outstanding contentious issues. All ministers, coalition parliamentary group leaders and party leaders participated in this meeting. In August 2007, the Federal cabinet met again to develop its working programme for the second part of the legislative period (2007-2009). Chancellor
Merkel had asked her ministers to submit their ideas beforehand, which were collated at the Chancellery.

To help turn political priorities into bills that can be submitted for approval to the cabinet, the government relies on the so-called project planning and the project documentation of the Federal Government (Vorhabenplanung and Vorhabendokumentation der Bundesregierung). They serve as technical planning and co-ordination instruments and both are strictly non-public. The IT-based project planning contains all planned projects, including bills, ministerial ordinances and directives. Departments are obliged to notify their projects as early as possible with a short description (bullet points) and a rough timetable, which is regularly updated.

This project planning, which is no more than a list of initiatives, serves as the basis for the more specific project documentation. The latter covers a period between three and nine months and lists priorities for every policy field. In September 2007, the project documentation ran to some 94 pages, one page for each legislative project. Each side comprises a short description of the project’s aims (between 50-100 words) and lists the most important steps (completion of the draft, introduction to cabinet, different stages of parliamentary procedures) and a corresponding timetable.

The project documentation is administered by the “staff for political planning” in the Chancellery, which reports to the Chancellor. The decision as to which projects to include is guided by the considerations about the political salience of an issue and heavily influenced by leading figures of the coalition. Every two or three months, the Head of the Chancellery meets for discussions with the departmental state secretaries in the so-called group of formal project documentation. But, as the head of the staff for political planning has pointed out, due to the strong departmental principle in coalition governments, the project documentation cannot perform central steering functions in executive law-making. It should rather be seen as technical progress control and device for interministerial co-ordination. Finally, there is a time plan for the cabinet, where all ministries notify bills that are considered ready or nearly ready for submission to the cabinet.

Signalling, information sharing and co-ordination

Coalition treaties, government declarations and other public announcements of legislative intentions serve to signal the government’s legislative priorities to the electorate and affected interests; the project planning, project documentation and cabinet planning databases help to keep track of where matters stand. But signalling about the details of proposals, interdepartmental information sharing and intra- and interdepartmental coordination rely mainly on other mechanisms, which are largely procedural in nature.

The procedures to be followed are laid down in the Joint Rules of the Federal Government and in the very detailed Joint Rules of the Federal Ministries. The key point to note in this respect is that the entire process of executive law-preparation is structured by a norm of co-operation between the affected ministries to assure a “uniformity of measures and statements” of the Federal Government as early as possible.

This signalling and coordination imperative also extends beyond the executive to the Länder and local authorities, which, if likely to be affected by a bill, must have their views considered before the drafting of a bill begins. During the drafting stage, the bill “must be sent to the Länder, national associations of local authorities and representatives of the Länder to the Federation as early as possible”. By contrast, consultation with organized interest should be limited to their central and umbrella associations. These and other
procedural rules ensure that by the time the bill reaches the Cabinet it has been subject to extensive interdepartmental scrutiny. It is perfectly possible for ministries to start working on a bill without explicit authorisation from the Chancellor or the Cabinet; but it is impossible to take this work significantly forward without securing the co-operation and, ultimately, the assent of other affected departments and, ultimately, the Chancellor.

Law-making without programming

Repeated attempts to introduce longer-term legislative programming in the Federal ministerial administration have come to nothing. Typical explanations focus on obstacles to programming, on the one hand, and insufficient incentives, on the other. The chief obstacles include, in particular, the strength of the departmental principle in the Federal Government, which means that ministries jealously guard their powers; coalitions politics, which tend to reinforce these ministerial autonomy claims; and the need to include a wide range of actors from within, but also from outside the Federal ministries, notably the German Länder, but also key figures in the parliamentary parties and affected interest groups, in the early stages of preparing government bills, all of which can make it very difficult to adhere to timetables. All these factors militate against self-binding through public legislative programmes with dates. The need for signalling, information-sharing and coordination is certainly recognised at both the level of ministries and within the Chancellery; but these are not seen as tasks that need necessarily be centrally orchestrated, let alone steered and controlled.

There is also a lack of institutional and political incentives to promote more ambitious forms of legislative planning. The UK example has shown how executive legislative planning is partly driven by the requirement to manage parliamentary time. In the German case, parliamentary time does not act as a major constraint on the executive, so that there is much less of a need to prioritize. In stark contrast to the UK, ministries do not have to compete for slots on the parliamentary legislative timetable and scarcity of parliamentary time for the consideration of bills is not viewed as a restriction on the preparation of bills within the executive. Ministries and the Chancellery rely on the willingness and ability of parliament ‘to make time’ for government bills, irrespective of their number and volume.

The executive does not control the parliamentary timetables, but with the help of the majority parliamentary parties, government bills can be expedited through the various stages of the parliamentary process. In cases where government bills linger in parliament, this is either because of reservations on the part of members of the majority party or problems within the governing coalition. As to the timing of the submission of bills, there are occasions when parliamentarians of the majority parties may signal to the government that bills should be submitted at a specific time, though this is rare. There are, of course, also instances where, towards the end of a parliamentary term, legislative proposals are expedited within the Government or, if already submitted to the Bundestag, fall foul of the discontinuity principle. But there are no formal or informal limits on the number or the volume of bills that the Government may submit to the Bundestag, and parliamentary timetabling, including at the crucial committee stage, is done in close collaboration with the Government. In this way, a potential source of both intra- and interdepartmental conflict – competition over legislative slots in parliament – is eliminated.

It could be argued that the German system of developing legislation works tolerably well in the absence of a formal legislative programme, although there is no lack of comment criticising both the volume and the quality of Federal legislation. But the German system of planning legislation does not travel well: it is dependent
on a number of facilitating conditions that cannot be easily replicated elsewhere. Three such conditions need to be highlighted. First, whilst legislative planning in the form of an authoritative legislative plan that is centrally monitored and enforced is alien to German government, there is a strongly entrenched culture of interdepartmental consultation and coordination, backed up by effectively enforced rights of other affected departments and, where necessary, blocking powers. Bottom-up planning, thus, goes hand in hand with coordination, although departments have some flexibility as to when to start formal consultation and coordination procedures.

Second, the German Chancellery does not set the clock for legislative planning, in the sense of setting or enforcing deadlines for the development of legislation (though, of course, the Chancellor may ask ministers to speed up work on bills). The Chancellery is, however, a very effective gate-keeper to the Cabinet through which all bills must pass. Thus, only fully coordinated proposals reach the Cabinet. Formal interdepartmental coordination requirements; coalition government, in which ministerial departments of one party monitor closely the activities of the departments headed by the other party; and effective gate-keeping by the Chancellery mean that the scope for pursuing departmental law-making strategies at the expense of the priorities of the Government as a whole is very limited. In other words, there are checks-and-balances in place to protect substantive collective decision-making.

Finally, executive legislative planning is conditional on a parliament willing and able to adapt its own resources and timetables flexibly to the Government's legislative agenda. In practice, this requires, in particular, some procedural flexibility on the part of parliament; a willingness to give priority to government bills; discipline on the part of the majority governing parties; and, if substantive scrutiny of government bills is not to suffer, ample human resources. It is interesting to note in this respect that the German Bundestag is, with 614 members of parliament, amongst the largest democratic legislatures in the world, and with a staff of some 2,300 officials and employees and some 4,500 members of staff (including part-time staff) working for MPs and the parliamentary parties also amongst the best resourced.

Although, as shown, the functions of a legislative programme can, at least in part, be met through other devices, the absence of programming does come at a political price. The divergent interests of the coalition parties already make it difficult to communicate Government policy clearly and effectively to the electorate, as public squabbling amongst the coalition parties over legislation and other government initiatives is common. The incentives to highlight differences amongst the parties making up the coalition are even greater when, as at present, the coalition parties make it clear that they do not wish to continue to work together after the next elections. The impression of a lacking overall strategy is heightened when, as is the case in Germany, the Government timetable is essentially driven by individual ministries rather than carefully orchestrated with a view to its effective communication as in the UK.
Legislative planning in Germany

1 The German government does not publish periodical legislative programmes. It does, however, rely on other documents such as coalition agreements, Chancellor’s government declaration and legislative packages.

2 The government operates an internal IT-based project planning and documentation system whose role is to support monitoring and coordination.

3 To ensure information-sharing and coordination, interdepartmental information-sharing and coordination rely on strict norms and procedures of cooperation between affected ministries.

4 In structuring its legislative agenda, the German government depends on the willingness and ability of parliament to ‘make time’ for government bills.

Key points

- The UK government prepares a detailed programme for each parliamentary session. In contrast, the German government does not publish lists of bills it plans to submit to parliament.

- The UK planning system emphasizes the prioritization and mobilization functions, while German programming is more an internal process focused on information-sharing and coordination.

- In the UK, executive legislative planning is driven by the requirement to manage parliamentary time. In the German case, legislative time is not a major constraint, and so there is less need to prioritize.

- The UK centre of government maintains a much tighter grip on legislative planning than in the German case which reinforces the prioritization, mobilization and signalling value of the programme.
Executive legislative programmes have the potential to make an important contribution towards achieving better government in Central Europe and elsewhere. If the planning is well-designed - both in terms of processes and instruments - it helps to improve information sharing, coordination, prioritization and mobilization within government; and it serves as a means of communicating the government's key political objectives to affected interests and the electorate at large. It, thus, reduces the risk of the misallocation of resources in both the public and private sectors. Well-designed and properly executed plans also hold the promise of improving the quality of the government bills that are submitted to parliament for approval. This is because they help to ensure that law-making in government is timely; matches legislative ambitions and available resources; and that bills adopted by the government enjoy the substantive backing of the political leadership (a factor that militates against abrupt policy reversals).

The preceding sections have shown that the four Central European countries under review recognise, in principle, the benefits to be reaped by legislative programming; but it has also become clear that in the Czech Republic, Poland and Slovakia, and also, albeit to a lesser extent, Hungary, the planning and programming systems in operation under-perform. The problems that our discussion has identified can broadly be grouped under three headings: problems of institutional design; problems of institutional enforcement (including monitoring, implementation, and sanctioning); and problems of institutional context.

Institutional design - the detailed analysis of legislative planning in Section 3 has highlighted a number of areas in which planning processes and instruments ought to change so as to maximise its contribution to better government. Critical areas of concern that have been noted include, in particular, the short time horizons of the planning cycle in several countries; lack of synchronization with budgetary planning and budgetary cycle; little or no synchronization with parliamentary timetables; deficient substantive content of proposals included in the plan; and procedural rules that provide insufficient incentives to ensure continuous involvement of the political leadership at departmental level and within the centre of government throughout the key stages of programming.

Institutional enforcement - there are two types of enforcement problems that have been noted. The first is about instances where the planning machinery operates, but there is a lack of monitoring, notably at departmental levels, of implementation, so that parts of the programme remain dead letter; and of sanctioning, when departments - intentionally or by default - cut corners and mandated procedures are not fully followed. The second type arises where the planning
process is altogether circumvented and bills are put to Cabinet that have not been included in the official programme.

Institutional context - enforcement of legislative programming is decisively influenced by the wider institutional context in which it is set. The discussion in Section 3 has highlighted three interrelated factors that impact on programming performance: type of government, notably the relative strength of the prime minister (and also the Finance Minister) vis-à-vis their ministerial colleagues; cohesion of government, i.e. how ideologically divided are the parties that make up the governing coalitions (coalition government is, of course, the norm in Central Europe); and stability of government, i.e. is there frequent turnover in political personnel and how likely governments are to serve their full term.

Our discussion of legislative planning in the UK and Germany underlines the importance of institutional design, enforcement and context and it offers pointers as to how the performance of legislative planning in Central Europe can be improved, despite an institutional context which is - at least in the Czech Republic, Poland and Slovakia - not very favourable to effective programming.

The key ingredients of a successful planning system that have emerged include:

- a lengthy preparatory stage of the planning cycles (so that departments are not rushed into submitting ill-thought-out proposals);
- strict prioritization of proposals through a committee that includes senior members of both the government and parliament (this ensures top political backing, the early involvement of the parliamentary governing party in setting political priorities, and sensitivity to parliamentary timetables);
- effective gate-keeping, which means that departments cannot circumvent the government-wide planning machinery and ‘go it alone’.

But the UK example also underlines how political context matters for planning performance. In decisive respects, the UK provides a near-ideal setting for successful legislative planning. Its government is of a decidedly prime-ministerial type, institutionally backed up by a centre of government that gives organisational muscle to prime-ministerial leadership. Under conditions of single-party rule the cohesion of governments is high and the manifold problems of coalition politics are avoided. Finally, forced resignations of governments are very rare.

Whilst the Central European countries can, therefore, learn a good deal from the UK about designing the planning system and how to make planning stick, the majority of them have to make planning work in a much less favourable institutional context of limited prime-ministerial authority; ideologically diverse, tension-ridden coalitions; and government instability. In considering how to achieve this, the
German case of executive law-making without programming offers instructive lessons.

First, the German example shows that the problematic consequences of a bottom-up planning process can at least in part be compensated by effective interdepartmental coordination in combination with gate-keeping by the centre of government. What appears crucial is not so much that the centre possesses the capacity to manage planning itself; but rather that, as in the German case, it is able to assess whether proper coordination procedures have been followed and political consensus has been reached before bills are submitted to the Cabinet.

Second, the German example underscores the importance of linking coalition management and legislative planning. The coalition agreement, which performs an important priority-setting function, as well as legislative packages, agreed by the coalition partners in mid-term, give a strong steer to departments in developing proposals. Such devices cannot replace legislative programmes of the type advocated in Section 2; but they are indispensable if legislative programming and coalition politics are to work together.

Finally, whilst the British system operates under self-imposed rationing in respect of legislative slots and parliamentary time, the German system is based on the implicit assumption that both are essentially free goods. British rationing is assisted by the extensive reliance on delegated, non-parliamentary legislation; in Germany, constitutional provisions mandate extensive reliance on parliamentary law. In reviewing their planning systems, the Central European countries would be well advised to steer a middle course between British legislative thrift and German lavishness.

Key points

- In the Czech Republic, Poland, Slovakia and – albeit to a lesser extent – Hungary, the planning and programming systems in operation under-perform. The UK and German examples offer pointers as to how the performance of legislative planning can be improved.

- The UK examples shows that the key ingredients of a successful planning system include: a lengthy preparatory stage; strict prioritization of proposals; and effective gate-keeping by the centre of government.

- The German case shows that problems of bottom-up planning can be compensated by effective departmental coordination; detailed coalition negotiations; and resource rich environments.

- The Central European countries would be well advised to steer a middle course between the British and German systems.
Notes


Annex 1

Bills passed to parliament outside the programme

<table>
<thead>
<tr>
<th>Country</th>
<th>Jan-Dec 2004</th>
<th>Jan-Dec 2005</th>
<th>Jan-Dec 2006</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czech Republic</td>
<td>77</td>
<td>115</td>
<td>28</td>
<td>65</td>
</tr>
<tr>
<td>Hungary</td>
<td>33</td>
<td>79</td>
<td>29</td>
<td>48</td>
</tr>
<tr>
<td>Poland</td>
<td>92</td>
<td>55</td>
<td>49</td>
<td>28</td>
</tr>
<tr>
<td>Slovakia</td>
<td>143</td>
<td>118</td>
<td>37</td>
<td>46</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Jan-Dec 2004</th>
<th>Jan-Dec 2005</th>
<th>Jan-Dec 2006</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hungary</td>
<td>16</td>
<td>46</td>
<td>10</td>
<td>34</td>
</tr>
<tr>
<td>Poland</td>
<td>26</td>
<td>32</td>
<td>18</td>
<td>28</td>
</tr>
<tr>
<td>Slovakia</td>
<td>66</td>
<td>63</td>
<td>28</td>
<td>46</td>
</tr>
</tbody>
</table>

1 Ratification bills were excluded from the analysis.

2 The Jan-June 2007 programme was replaced by the May-July 2007 plan. The data here shows the statistics for the period Jan-April 2007.

3 The data for Slovakia was calculated as the number of bills submitted to cabinet × 95 per cent (the average proportion of submitted bills that were actually adopted by the cabinet and passed to parliament in 2004-2006)
## Annex 2

### Planned bills passed to parliament

<table>
<thead>
<tr>
<th>Country</th>
<th>All bills planned</th>
<th>All bills actually adopted</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Czech Republic</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jan-Dec 2004</td>
<td>98</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Jan-Dec 2005</td>
<td>71</td>
<td>42</td>
<td>59</td>
</tr>
<tr>
<td>Jan-Dec 2006</td>
<td>66</td>
<td>12</td>
<td>18</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td>32</td>
</tr>
<tr>
<td><strong>Hungary</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spring 2005</td>
<td>41</td>
<td>17</td>
<td>41</td>
</tr>
<tr>
<td>Autumn 2005</td>
<td>38</td>
<td>33</td>
<td>87</td>
</tr>
<tr>
<td>Spring 2006</td>
<td>28</td>
<td>19</td>
<td>68</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td>65</td>
</tr>
<tr>
<td><strong>Poland</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>July-Dec 2006</td>
<td>202</td>
<td>66</td>
<td>33</td>
</tr>
<tr>
<td>Jan-June 2007</td>
<td>112</td>
<td>23</td>
<td>20</td>
</tr>
<tr>
<td>May-July 2007</td>
<td>106</td>
<td>31</td>
<td>29</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td>27</td>
</tr>
<tr>
<td><strong>Slovakia</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jan-Dec 2004</td>
<td>130</td>
<td>77</td>
<td>59</td>
</tr>
<tr>
<td>Jan-Dec 2005</td>
<td>89</td>
<td>55</td>
<td>62</td>
</tr>
<tr>
<td>Jan-June 2006</td>
<td>55</td>
<td>9</td>
<td>16</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td>46</td>
</tr>
</tbody>
</table>

1 Ratification bills were excluded from the analysis.

2 The Jan-June 2007 programme was replaced by the May-July 2007 plan. The data here shows the statistics for the period Jan-April 2007.

3 The data for Slovakia was calculated as the number of bills submitted to cabinet × 95 per cent (the average proportion of submitted bills that were actually adopted by the cabinet and passed to parliament in 2004-2006).
### Planning practices in four central European governments

<table>
<thead>
<tr>
<th>Area</th>
<th>Institutional rules</th>
<th>Czech Republic</th>
<th>Hungary</th>
<th>Poland</th>
<th>Slovakia</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Planning cycle</strong></td>
<td>Bids invited well in advance</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Budgetary negotiations feed into legislative programming</td>
<td>-</td>
<td>+</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Legislative planning follows the parliamentary clock</td>
<td>-</td>
<td>+</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Departments proposals</strong></td>
<td>Senior political management drives legislative planning</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Bids contain detailed information about planned legislation</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Cabinet adoption</strong></td>
<td>Procedures exist to ensure that the programme reflects strategic priorities</td>
<td>-/+</td>
<td>-/+</td>
<td>-/+</td>
<td>-/+</td>
</tr>
<tr>
<td></td>
<td>Institutional incentives to ensure that resources match legislative intentions</td>
<td>-</td>
<td>+</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Planning routine emphasizes agreement of key veto players</td>
<td>-</td>
<td>+</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Implementation and monitoring</strong></td>
<td>Departments are discouraged from preparing and proposing bills not included in the programme</td>
<td>-</td>
<td>-/+</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Implementation is monitored</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td></td>
<td>Sanctions are available for non-compliance</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
</tbody>
</table>
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