

Development of capacities to improve legal regulation: clarity and transparency of legislation

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Current situation review

private sector | development

- One of the key problems of development of private enterprises is obvious **unpredictability of legal regulation and policy**
- This includes:
 - Inaccessibility of normative acts
 - Not clear norms → too wide discretion in application of norms
 - Application of normative acts that have not been registered and published
 - As a result → unpredicted and too deep interference

Development of capacities to improve legal regulation

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- Policy for Legal Regulation
- Introduction of policies to improve legal regulation
 - institutional side
- Drafting process of secondary legislation and tools to ensure quality (both of the flow, and the whole volume and application):
 - Standard processes of drafting and changing legislation
 - Planning
 - Coordination
 - Public consultations in the process of drafting
 - Access to normative and legal acts
 - [...]

Based on example of supervisory and control bodies private sector | development

- New laws are being adopted
- By-laws ?
 - SES
 - Fire engineering service
 - Tajikstandart
 - [...]
- Those, which did not pass an independent assessment on compliance with laws in the Ministry of Justice and minimal discussion process
- Not registered
- Not published
- As a result → changes/reforms built up into new laws do not come to their implementation level

Based on data from the Ministry of Justice

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- Before May 2005 there were registered 134 normative acts

Year	Before 2001	2002	2003	2004	Before May 2005
Number of registered normative acts	65	27	26	16	7
List of registered normative acts	No	Partially	Yes	Yes	No
Number of published registered normative acts	0	0	0	0	0