

Memorandum

GOVERNMENT OFFICES

2008-06-13

Ministry of Enterprise, Energy and Communications

To the Prime Minister's Office and all ministries

Guidelines for the Provision of Information by the Government Offices to the Swedish Better Regulation Council

The undersigned State Secretaries in the Prime Minister's Office and the Ministries of Justice, of Health and Social Affairs, of Finance, of Agriculture, of Environment, of Enterprise, Energy and Communications, of Integration and Gender Equality and of Labour establish the following guidelines to be applied from 1 October 2008.

When the Government Offices prepares proposals for new or amended regulations that may have effects on the working conditions of enterprises, their competitiveness or other conditions affecting them, the Swedish Better Regulation Council shall be given the opportunity to state its opinion on the text of the draft legislation and the impact assessment. The examination by the Swedish Better Regulation Council shall take place at as early a stage as possible in the preparation of a matter.

When proposals are referred for consultations by the Government Offices, the Swedish Better Regulation Council shall be one of the bodies consulted. Proposals prepared in some other way than through a formal consultation shall be sent to the Swedish Better Regulation Council for an opinion during joint preparation or in connection with circulation for comments in the Government Offices. In such cases matters may only be sent to the Swedish Better Regulation Council when the Political Coordination Secretariats have given their approval to doing so. A case-by-case assessment will have to be made of whether proposals referred for consultation before the Swedish Better Regulation Council was set up should be sent to the Council.

If the Council's opinion leads to changes in the proposal referred for comment, a new referral shall take place if this follows from the routines that apply for the renewed circulation for comment of amended proposals.

The Swedish Better Regulation Council shall be given the opportunity to express an opinion within a period of at least two weeks, on the proposal for the formulation of the regulations and the impact assessment, according to the requirements in the Committees Ordinance (1998:1474) or according to the guidelines for work on impact assessments in the Government Offices, that has formed the basis for the proposal. The Government Offices may decide not to give the Council the opportunity to express its opinion before the Government takes its decision if:

- the examination by the Council would be of no importance;
- on account of secrecy the Government Offices cannot deliver the information to the Council that is needed for the Council to be able to state its opinion;
- significant inconvenience would result if the information needed by the Council to state its opinion was made public;
- it would delay the processing of the matter in a way that would result in significant inconvenience; or
- pursuant to the Guidelines for work on regulatory impact assessments in the Government Offices, the ministry responsible has decided not to carry out an impact assessment.