DIGITALISERINGSSTYRELSEN
AGENCY FOR DIGITISATION

Ensuring that legislation is digital-ready

Annual report 2019

March 2020

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Ensuring that legislation is digital-ready

In January 2018, all parties then represented in the Danish Parliament decided that new legislation should be simplified in order to make the best possible use of digital opportunities in a responsible manner. The intention is to establish a legal basis that is easily understandable and easy to administer, so that resources can be released from administrative tasks and directed toward better government services and welfare. One way to achieve this is by preventing the emergence of new complex and administratively suboptimal rules, and that the consequences of new legislation for, for example, the citizen, for the public use of citizens' data and in relation to new information systems are identified and described before the legislation is passed by the Danish Parliament.

With the agreement on digital-ready legislation, the Danish Parliament unanimously agreed to follow seven principles for digital-ready legislation and that implementation impacts should be described when political agreements are concluded and new legislation adopted in parliament.

The agreement means that from July 1st 2018, the ministries have been required to assess whether the legislation is digital-ready, by focusing on the simplicity, comprehensibility, and uniformity of concepts of new law and on the extent to which it permits taking advantage of the possibilities offered by digitisation. It is equally a point of attention that digital-ready legislation contributes to the promotion of citizens' rights and to safe and secure management of data.

At the same time, ministries are obliged to examine and describe the implementation impacts that new laws and political agreements are expected to cause. This includes, for example, a description of whether new workflows arise from the administration of the new rules or whether it becomes necessary to update supporting information systems. The new requirements complement the mandatory assessment which ministries are already making of economic and administrative consequences for the public sector and for business.

Main findings

Annual Report on Digital-ready Legislation for the parliamentary session of 2018/2019

Difficulties in describing the implementation impacts

Ministries experience some challenges in complying with the requirements of the Agreement on Digital-ready Legislation. In particular, challenges are linked to sufficiently describing the implementation impacts of the legislative proposals. Ministries indicate a lack of time as the main reason for this and call for more concrete examples of how the implementation impacts can be sufficiently described.

Ministries have good knowledge of the requirements to make legislation digital-ready

Making legislation digital-ready has become an integral part of the preparatory, legislative work of ministries. Ministries overall express that they have good knowledge of the guidelines and principles for making legislation digital-ready.

Digital-ready legislation throughout the decision making chain

There is considerable potential for further integrating the thinking on digital-ready legislation at an early stage in the political decision-making process, especially in connection with the negotiation and conclusion of political agreements. This will increase the possibility that also the legislative implementation of political agreements is digital-ready.

Adapting the organisation to support the efforts of ministries in ensuring that legislation is digital-ready

Ministries have organised their workflows to make legislation digital-ready in different ways according to their own needs. Some use a project organisation, where the knowledge of legal and IT specialists can be drawn upon at an early stage and at project critical times. Close cooperation between different professions enables the impact of political agreements and legislation on citizens, for example with regard to data protection, to be thoroughly considered from different perspectives early in the process.

New initiatives to address identified barriers

In the coming year, work will be undertaken to introduce the consideration of making legislation digital-ready in the early stages of the policy making process. This is expected to comprise for example information sessions for and regular dialogue with staff in the ministries. Similarly, work is ongoing to provide concrete tools to support the early identification of the impact of new initiatives in the legislative process. As part of this, the potential for increased digital support of the legislative drafting process is being studied. The aim is to ensure faster and more flexible workflows, but also to ensure the highest possible quality of legislative work. Finally, it is intended that the ministries receive consultation responses with more suggestions for concrete, directional action, which will be facilitated by increasing the dialogue with relevant parties throughout the legislative process.

The seven principles of digital-ready legislation

Assessment of principles.

Simple and clear rules

The legislation must be simple and clear, so that it is easy to understand for citizens and businesses and easy to administer.

Digital Communication

Legislation must support digital communication with citizens and businesses.

Enable automated workflows

The legislation should support that its administration can be digitised fully or in part, taking into account the legal certainty of citizens and businesses.

Coherence across government — homogeneous concepts and reuse of data

Concepts and data must be re-used across government bodies. If data is already available that matches the terms used in the legislation, the legislation should be designed to make it possible to use this data.

Safe and secure data handling

Technical solutions need to be constructed in such a way that all levels of administration support secure and secure data management and that transparency is ensured in public data management.

Use of public infrastructure

Public authorities shall use existing public IT infrastructure to ensure maximum re-use and coherence across government domains.

Prevent fraud and error

The legislation must be designed to allow for the effective application of digital solutions for control purposes.

Implementation impacts

The impact of new legislation must be assessed.
The assessment is comprised of the following four elements:

It-governance and risk

What are the consequences with regard to existing information systems, is development of new information systems required and does this entail any significant risks, for example in relation to when the legislation is supposed to enter into force?

Organisational circumstances

Are any substantial changes to the organisation or the division of competences between authorities planned, and are there any risks connected with these changes?

Data protection

Is the law and the proposed administration of the law in compliance with data protection legislation? Have the right technical measures been taken with regard to the exchange of data between public authorities.

Impact on citizens

Does the legislation contribute to greater transparency, better accessibility for citizens and businesses and a more consistent approach? Does it ensure that digitalisation respects the citizen's rights under national law?

The secretariat for digital-ready legislation

To support efforts to make new legislation digital-ready, the Secretariat for digital-ready legislation was established at the beginning of 2018 under the auspices of the Digitisation Agency.

One of the main tasks of the secretariat is to screen draft legislation and produce pre-consultation responses for those drafts that are assessed to have implementation impacts for government. Consultation responses and early, informal dialogue with the ministries are intended as a means to ensure that ministries receive guidance and reflection on how the legislation can comply with the Agreement on digital-ready legislation. It is thus the responsibility of the individual ministries to ensure that legislation meets the requirements of digital-ready legislation. To support this purpose, the secretariat is developing tools that can be used by the ministries in their efforts to make legislation digital-ready.

Tasks of the Secretariat

- Qualify the assessment of compliance and implementation impacts by ministries through early, informal dialogue and the submission of consultation responses.
- Develop tools to support ministries' efforts to make legislation digital-ready.

In the secretariat's first year, priority is given to carrying out a comprehensive communication effort to inform ministries and agencies and raise awareness of the concept of digital-ready legislation and the new requirements for legislation. Overall, the efforts have given ministries, industry and stakeholder organisations the opportunity to learn more about the efforts to make legislation digital-ready, ensuring that ministries are aware of the requirements arising from the political agreement on digital-ready legislation.

Is legislation digital-ready?

One of the aims with the agreement on digital-ready legislation is to achieve increased transparency upfront of the impacts of implementing proposed legislation. To this end, ministries receive consultation responses from the secretariat for digital-ready legislation to all draft laws that are assessed to have implementation impacts. The consultation responses may include recommendations to the ministries on changes they can make to potential amendments to the legislation in order to make it more digital-ready.

This chapter describes the state of the ministries' efforts to make legislation digital-ready.

Digital-ready legislation — from government decision to draft legislative proposal

It follows from the political agreement on digital-ready legislation that both political agreements, proposals for government decisions and legislation must be digital-ready. The requirement thus covers all stages of the political decision-making process beginning with the drafting of a case for a government decision.

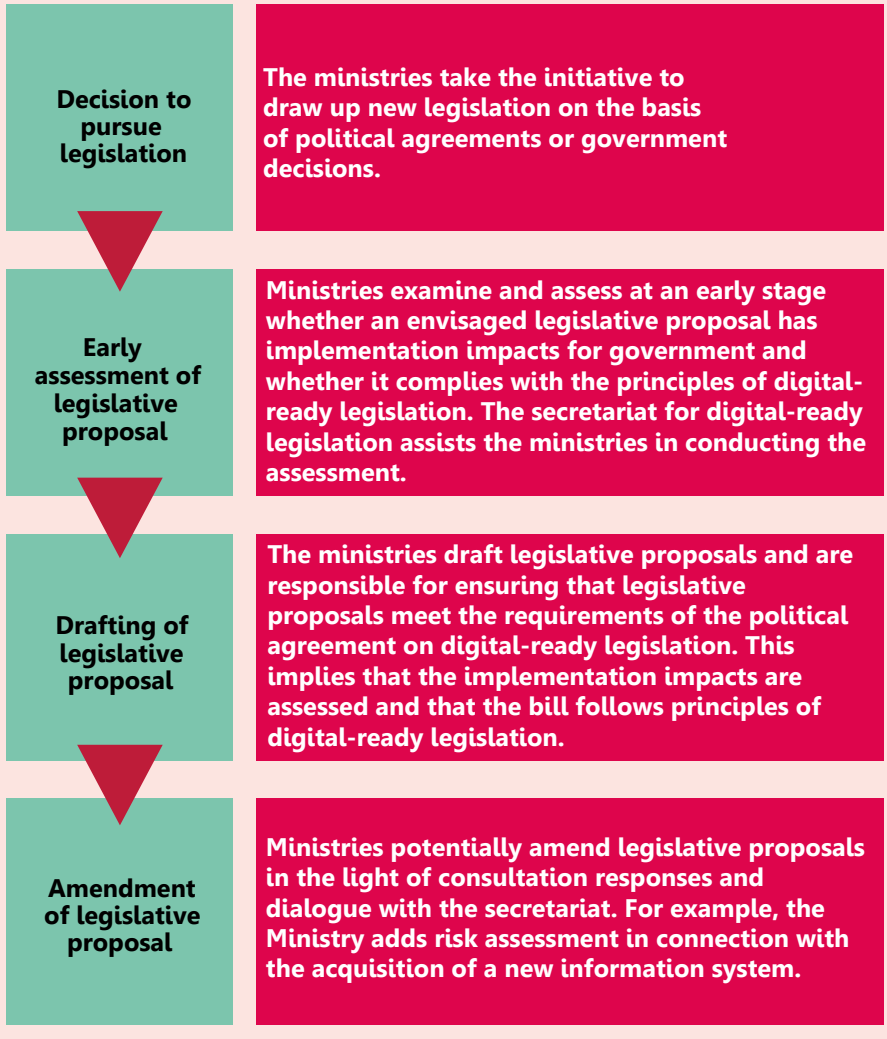
Consultation responses

In legislative proposals, ministries are required to clarify the implementation impacts that the legislative proposal is likely to have, as well as whether the provisions of the bill comply with the principles of digital-ready legislation. In addition, legislative proposals with implementation impacts for government should be submitted to the secretariat at least six weeks before the draft legislation is published in public consultation. The reason for the six-week period is twofold. On the one hand, it must ensure that the response to the ministry is in-depth and robust and, on the other, it must ensure that the ministry has sufficient time to incorporate any changes.
However, the deadline has proved difficult to meet for the ministries as only 22 pct. of the legislative proposals of the parliamentary session have been received in a timely fashion. In the parliamentary session of 2018/19, 52 pct. of the government's legislative programme (118 out of 222 legislative proposals) was assessed to have implementation impacts for government and should therefore be submitted for pre-consultation with the secretariat.

118 **legislative proposals with implementation impacts for government**

1 Public implementation impacts can be described in a broad sense as changes in the activities and operation of the public administration. They consist of transition impacts, which are characterised by being of a temporary nature, and of operational impacts, which are usually of a permanent nature. Public implementation impacts may be positive or negative.

Steps in the process of making legislation digital-ready



Comments in the pre-consultation

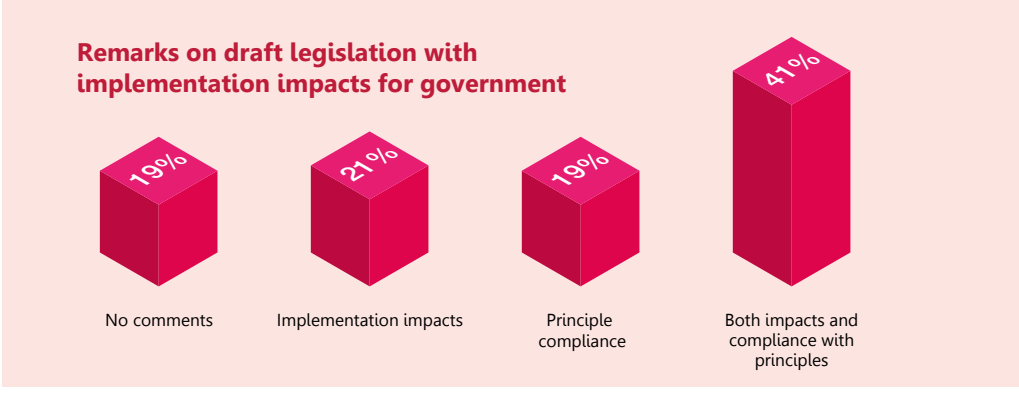
It varies among the individual legislative proposals, how and whether compliance with digital-ready legislation is an issue or indeed whether the principles are relevant. When the ministries receive remarks in a consultation response from the secretariat, these remarks typically concern the compliance with specific principles of digital-ready legislation and the Ministry's assessment of the implementation impacts of the draft legislation. However, a relatively large part of the ministries address the issue of compliance with the principles explicitly in the legislative draft submitted to the secretariat for pre-consultation.

A distinction is made between legislation where the Ministry has not received specific remarks in the consulation response and legislation, where the Ministry receives recommendations to expand the description in the draft legislation of the expected implementation impacts or of its compliance with the principles.

Remarks may include, for example, recommendations for the ministries to add concrete estimates on the launch date of important supporting information systems or to expand its description of the consequences of a reorganisation or relocation of a specific task arising from a legislative proposal.

It may also be the case that the Ministry is recommended to emphasise the description of the extent to which a legislative proposal complies with a specific principle such as how elements in a legislative proposal can make use of digital communication. Similarly, it may be recommended that the implementation impact of the proposal should be specified further, for example in relation to the way the legislative proposal has an impact on citizens access to services or on data security.

The secretariat has given remarks to eighty percent of the legislative proposals submitted for pre-consultation.



The statistics is based on the 118 legislative proposals received for pre-consultation of the Secretariat for digital-ready legislation in the period from May 1st 2018 to March 20th 2019.

In 60 pct. of cases remarks in a consultation response by the secretariat relate to the ministries' compliance with the principles of digital-ready legislation. Similarly, 62 pct. of the legislative proposals submitted for consultation have received remarks on the assessment of the implementation impacts.

For the 19 pct. of legislative proposals submitted for which the secretariat has had no remarks, it is typically the case that the legislative proposal has only very limited implementation impacts.

Half of the legislative proposals submitted for consultation receive positive remarks

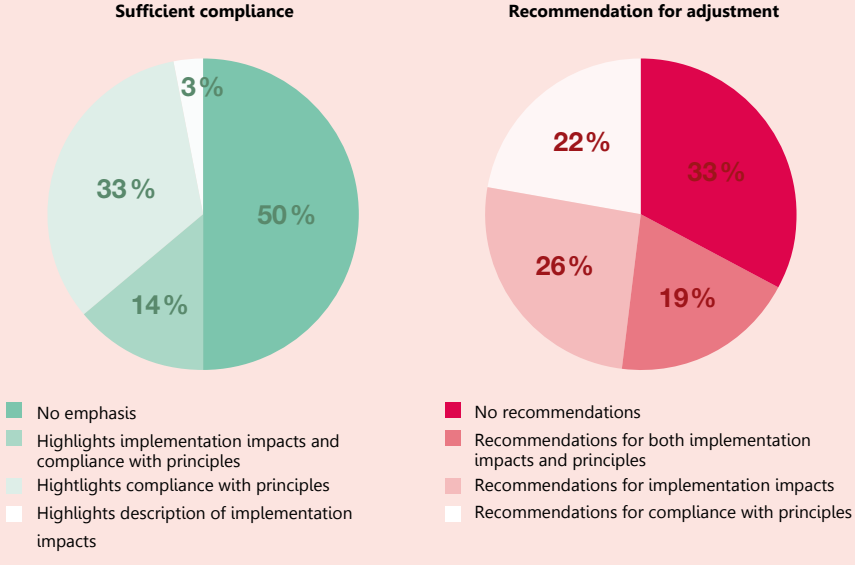
The legislative proposals are evaluated in terms of compliance with the principles and the adequacy of the description of the implementation impacts in the pre-consultation.

Half of all legislative proposals received for consultation demonstrate satisfactory compliance with the principles of digital-ready legislation or the adequate assessment of implementation implications.

Inversely, 45 pct. (26 pct. + 19 pct.) of the recommendations given to the ministries relate to how the implementation impacts can be described more comprehensively.

This underlines that there is still considerable potential to improve the assessments and the description of the implementation impacts of the legislative proposals.

The distribution of legislative proposals with adequate or incomplete compliance with digital-ready legislation



The statistics are based on the 118 legislative proposals for which the Secretariat for digital-ready legislation has submitted consultation responses in the period from May 1st 2018 to March 20th 2019.

The legislative proposals are simple, clear and automatic

Typically, a legislative proposal's compliance with the principles will be determined by more than one relevant principle. However, it is particularly the principles of automated processing, simple and clear rules, safe and secure data management and coherence through reuse of data that are consistently considered relevant. By contrast, the principle of prevention of fraud and error and the principle regarding reuse of public infrastructure apply less frequently.

In the case of implementation impacts, it is clear that the impacts related to the development and maintenance of supporting information systems and related to it-governance and risks is essential for a very large part of the legislative proposals.

Relevance of legislative proposals to the principles of digital-ready legislation and implementation

	Principle	Remark
	Simple and clear rules	42 percent
	Digital Communications	26 percent
	Enable the automated processing of the case;	46 percent
	Coherence across goverment — homogeneous concepts and reuse of data	32 percent
	Safe and secure data handling	38 percent
	Use of public infrastructure	19 percent
	Prevent fraud and error	18 percent
	Implementation impact	**Remark**
	It support, IT governance and risk	71 percent
	Organisational and administrative implications	50 percent
	Data protection	6 percent
	Impact on citizens	3 percent

The statistics on principles for digital-ready legislation are based on the 74 legislative proposals received in pre-consultation where the secretariat has made remarks on principle compliance.
The statistics on the description of implementation impacts are based on the 70 legislative proposals received in pre-consultation, for which the secretariat has given remarks on the ministry's assessment of implementation impacts.

Almost every fourth legislative proposal (24 pct.) is recognised to comply with the principles of simplicity and clarity. In 14 pct. of the legislative proposals, the ministries describe compliance with the principle of coherence, while in 13 pct. of the legislative proposals compliance with the principle of safe and secure data management is described satisfactorily.
It must be noted that not all principles are relevant for all legislative proposals.

The distribution of legislative proposals that comply with principles for digital-ready legislation

Principle	Share of legislative proposals where this is highlighted
Simple and clear rules	24 percent
Digital communications	8 percent
Enable the automated processing of the case	9 percent
Coherence across government — homogeneous concepts and reuse of data	14 percent
Safe and secure data handling	13 percent
Use of public infrastructure	6 percent
Prevent fraud and error	8 percent

The statistics are based on the 118 legislative proposals for which the Secretariat has made recommendations on principled compliance. A legislative proposal can be highlighted for compliance with one or more principles. The table can be used as an indication of which principles ministries are relatively best placed to include in the legislation.

CASE STUDY

Easier access to training with digital-ready legislation

As part of the tripartite agreement in the area of the Ministry of Education, the social partners wish to make it simpler to apply for reimbursement when it comes to continuing education and training. The example demonstrates good compliance with a number of principles on digital-ready legislation:

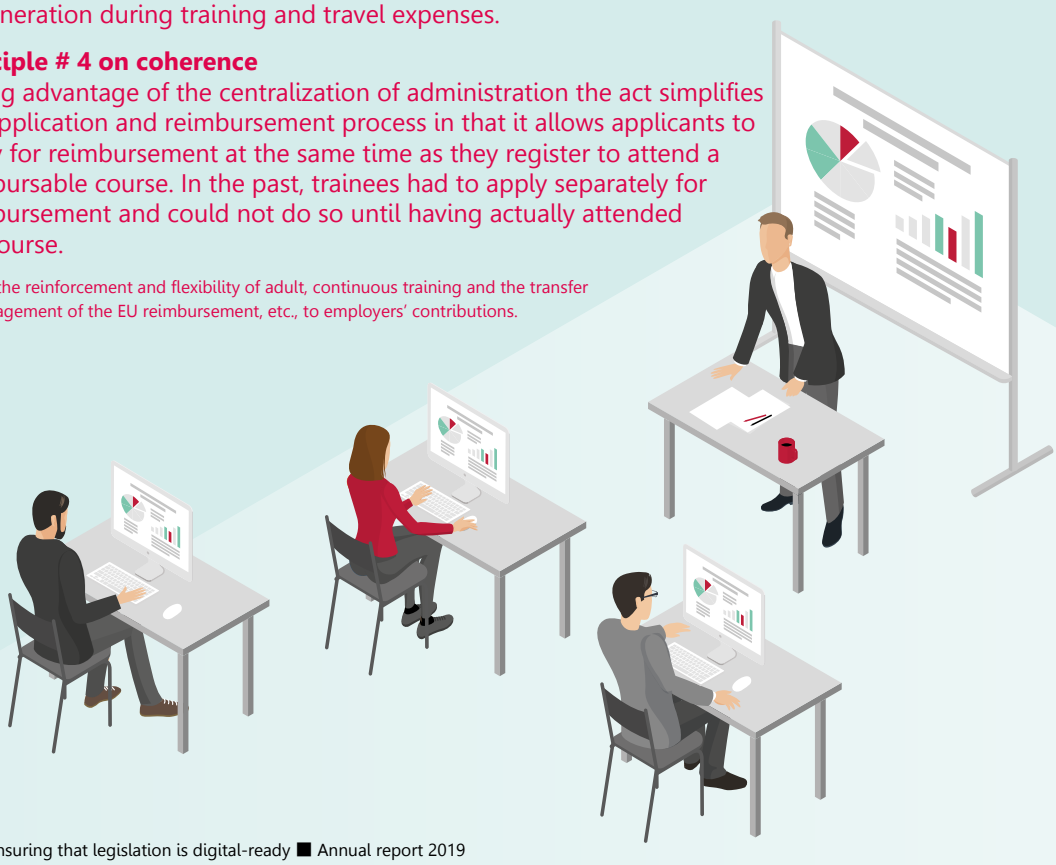
Principle # 1 on simple and clear rules
The Act provided for the administration of the reimbursement as a whole in the contribution of the Employers' Reimbursement System (AUB). At the same time, the AUB assumed responsibility for the administration of contributions to board and accommodation, so that all the employer-financed schemes for the adult education and training programme in the future are managed together.

Principle # 2 on digital communication
The law made it possible to store the evidence of formal qualifications digitally for completed adult, continuing and continuous vocational training so that the information is available online to employers and employees as required.

Principle # 3 on automated decisions based on objective criteria
In the future, the payment of the allowance and the grant of travel expenses will be made automatically to the company, assuming that the participants receive remuneration during training and travel expenses.

Principle # 4 on coherence
Taking advantage of the centralization of administration the act simplifies the application and reimbursement process in that it allows applicants to apply for reimbursement at the same time as they register to attend a reimbursable course. In the past, trainees had to apply separately for reimbursement and could not do so until having actually attended the course.

Act on the reinforcement and flexibility of adult, continuous training and the transfer of management of the EU reimbursement, etc., to employers' contributions.



Status of the effort to make digital-ready legislation: a view from the ministries

The political agreement on digital-ready legislation requires a new approach to the legislative process, where the practical implications for the administration of new bills have to be thoroughly considered from the beginning of the legislative process.

The secretariat for digital-ready legislation has examined the ministries' knowledge of digital-ready legislation and the challenges the ministries are experiencing with regard to making legislation digital-ready. The survey is based on a questionnaire survey and a series of interviews with ministerial officials working with legislation.

The survey shows that:

- Ministries generally have a good knowledge of digital-ready legislation and are professionally equipped to work with it in the drafting of new legislative proposals.
- Ministries have made use of information meetings, knowledge-sharing, etc. on digital-ready legislation.
- Ministries are calling for more concrete examples and tips as inspiration to describe the implementation impacts of a legislative proposal.
- Ministries are using different methods to assess whether new legislative proposals contain implementation impacts. Ministries whose domain traditionally requires a high degree of discretionary rules have more difficulty in incorporating a fixed procedure for addressing the seven principles of digital-ready legislation.

The Digitisation Agency has carried out surveys and interviews. Interviews were conducted with 10 ministries and sent to 78 people and answered by 22 (response rate: 28 pct.).
"Ministries" refers to survey respondents and/or the interviewees.

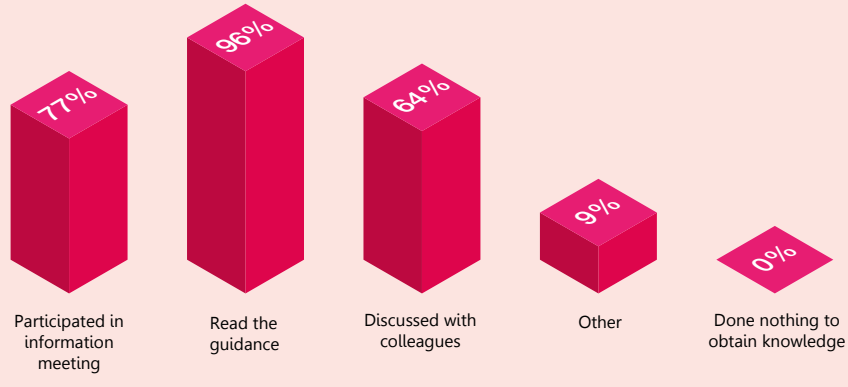
Knowledge of Digital-Ready Legislation

In the first year, ministries have been offered various forms of training in the form of training, information meetings, guidance, etc. These offers have been widely used.

Thus, all respondents have done something actively to meet the requirements for digital-ready legislation.

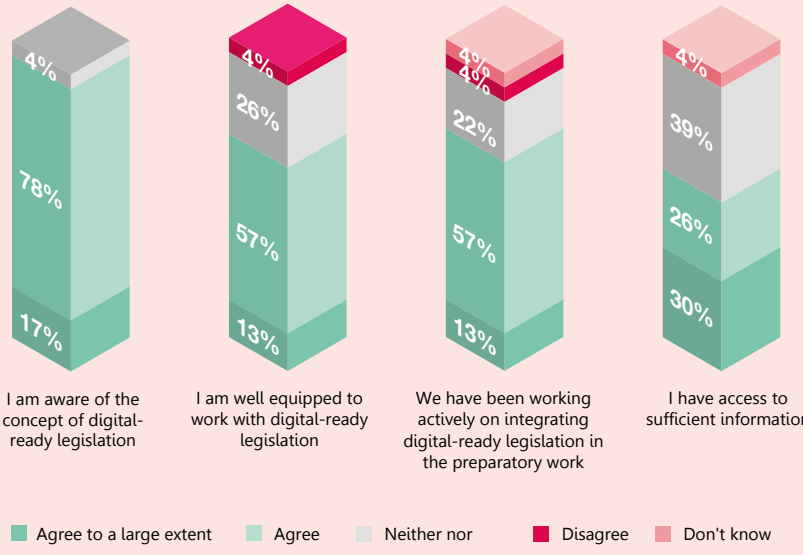
The majority of employees in the ministries indicate that they know of digital-ready legislation (96 pct. indicates a high degree of of agreement). More than half of them at the same time indicate that they consider themselves well equipped to make legislation digital-ready. The overall picture is that just over half of the ministries indicate that they are actively thinking of digital-ready legislation in the pre-legislative phase.

Use of guidance services by ministries



The ministries also demonstrate that they find the principles meaningful and equally applicable to their work when making legislation digital-ready. However, some ministries point out that the principles of digital-ready legislation per se have not changed the pre-legislative work of ministries.

Knowledge and qualifications to work with digital-ready legislation



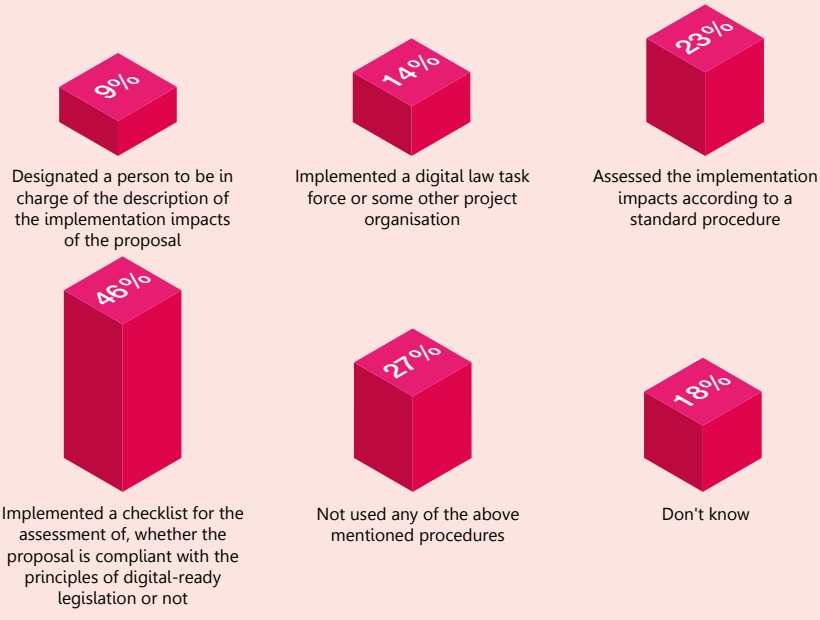
Figures rounded to the nearest whole and therefore the sum of all the answers is not 100 per cent;

The legal process and consultation process

The implementation of efforts on digital-ready legislation means that the process of legislation is changing, as ministries are formally obliged more than in the past to assess the impact of new legislation, including ensuring as simple legislation as possible. In order to meet the new requirements, some ministries have launched measures to anchor digital-ready legislation in their internal workings.

The majority of ministries are working to implement digital-ready legislation in the pre-legislative phase. Ministries also share their experience in a newly established network run by the Secretariat for digital-ready legislation.

Methods used in the preparation of proposals. The ministry has:

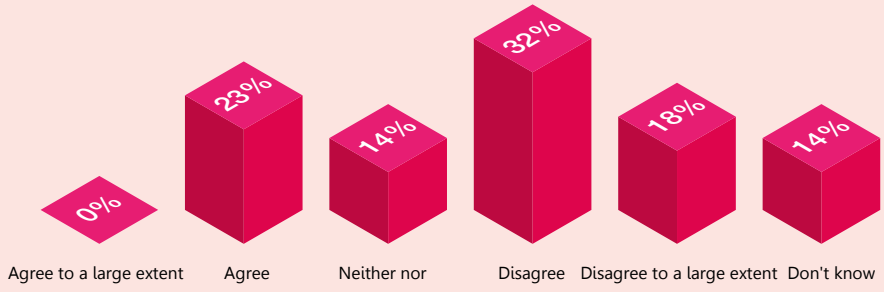


Effect of the pre-consultation response

Digital-ready legislation leads to concrete changes to the legislative proposals. A quarter of the interviewees in the ministries indicate that the pre-consultation responses have led to changes in the legislative proposal in question. In cases where ministries indicate to disagree with the statement, it is almost entirely the case that the pre-consultation response did not contain any suggestions for concrete changes.

It is pointed out by the ministries that it is especially the informal dialogue and ongoing guidance that gives rise to amendments to the legislative proposals.

The Ministry's assessment as to whether the Secretariat's response has given rise to changes in draft legislation



Challenges of making legislation digital-ready

Just over half of the ministries indicate that they face concrete challenges to making legislation digital-ready. Several factors identified, such as the lack of stakeholder involvement or the experience of a restrictive framework from political agreements.

Challenges to be able to meet digital-ready legislation requirements

46% Restrictive framework from political agreements

36% Lack of time to detect the impacts of implementation

27% The legislative proposal is part of an existing legal frame-work and therefore depends on it

23% Lack of knowledge on the identification of implementation impacts

9% Lack of involvement of relevant stakeholders

9% Lack of involvement of specialists/professionals in the preparation of legislative proposals

5% Other matters

46% No challenges faced

EXAMPLE

Law on better conditions for growth and correct tax payment in the sharing and platform economy

It is becoming increasingly common for citizens to rent out their homes, summerhouses or the like, via digital platforms for the sharing economy.

In the long run, this could become a challenge for tax collection when platforms of the sharing economy are offered by overseas companies, which leave the tax reporting to the individual citizen. In order to stem the potential erosion of tax revenue, new, digital-ready legislation provides an incentive for companies in the sharing economy to report revenues paid to their users to the tax authorities. This reporting obligation on behalf of the platforms is encouraged by the fact that any citizen who uses a service that has agreed to report information to the tax authorities benefits from an increased deduction relative to the revenues obtained through the platform.

This measure is an advantage to users, to the platforms and to the State by encouraging platforms to report users' revenues and to provide users with a higher tax deduction. Ultimately, it provides the authorities with the necessary data to carry out effective fiscal supervision.

The example shows good compliance with the principle of effective application of digital solutions for control purposes.

General challenges in incorporating digital-ready legislation in legislative proposals

Almost half of the ministries describe that restrictions from political agreements or from EU directives are perceived as a barrier to designing digital-ready legislation.

It is pointed out, that when political agreements are designed in a very specific way, thus providing concrete guidance as to how the legislation and the implementation of the legislation are to be dealt with ex post, there is a need to ensure that not only legislation but also political agreements comply with digital-ready legislation.

Ministries therefore emphasise that the drafting of political agreements should take greater account of digital-ready legislation, if the ministries are to be given the opportunity to make concrete changes to the legislative proposals following the secretariat's consultation response. The secreteriat will follow up on this in future efforts. The lack of time to identify implementation impacts in each legislative proposal is also perceived by ministries as a significant barrier to live up to the requirement of digital-ready legislation. This is supported by the fact that ministries are most frequently recommended to elaborate on the implementation impacts of legislative drafts, such as administrative consequences for citizens, data protection or IT-risks. In this context, it is mentioned by the ministries that legislation may be drafted as part of an existing coherent framework of legislation, where revisions to individual elements of legislation are constrained in the extent to which they can incorporate the principles for digital-ready legislation .

Ministries whose domain requires a high degree of discretionary legislation have indicated that they find it difficult to incorporate a fixed procedure for addressing the seven principles of digital-ready legislation in the pre-legislative phase. It will be a focus area in the future to have further dialogue with these ministries on how to use digital-ready legislation as well in legislation containing discretionary assessment.

Internal barriers to incorporating digital-ready legislation into legislative proposals

A few ministries point to the fact that they experience barriers in regards to the internal organisation. For example, it may be a challenge to find time time or opportunity to have the draft bill further qualified by involving the relevant specialists or professionals in the legislative proposal in question. However, at the same time, experience has shown that close coordination between relevant specialists contributes to well-described legislative proposals.

For the same reason, several ministries organise themselves in new ways, where new organisational structures bring together different competencies so that the legislative proposals are both reviewed by specialists within the given field, IT-specialists and employees within the field of public administration. Such organisation can help to break down barriers and ensure that digital-ready legislation is being taken into account from an early stage of the legislative procedure.

Impact of EU legislation on digital-ready legislation

Many ministries point to the fact that EU legislation provides a narrow framework for national alignment in the implementation of directives, leaving less room for compliance with the requirements for digital-ready legislation. Naturally the case is the same with EU regulations, that are immediately applicable after adoption at EU level. Ministries therefore seek to have the possibility to influence EU legislation earlier in the process, in order to promote, here too, the ideas of digital-ready legislation.

The Agency for Digitisation cooperates with the Danish Business Authority on a number of long-term initiatives to address this.

EXAMPLE

Use of law task force in the Danish Business Authority

In the Danish Business Authority, work has been carried out actively to bridge the gap between employees with legislative preparatory tasks and those responsible for the digital support of legislation. This is done by setting up a task force on digitisation in legislative proposals.

When the Danish Business Authority establishes a task force for digitisation, it is established among the agency's legal and digitisation units. Among other things, the task force focuses on ensuring that development and maintenance of IT-systems are completed in time for when legislation is set to enter into force.

In concrete terms, the Danish Business Authority has established a single point of entry, which emplyees working with pre-legislative work can use when they believe that a legislative proposal needs digital support. This will ensure that employees with the right skills will be appointed to take part in qualifying the implementation impacts of the legislative proposal.

A task force may consist of a process owner and a legislative drafter, an IT architect, an employee specialising in user-friendliness, one officer specialised in the rules and concepts of IT solutions, a so called "product owner", who is responsible for bridging the gap and translating between profession domain and digitalisation, as well as staff from customer services, who have a good sense of end-user needs and wishes.

The Danish Business Authority has developed a number of checklists and an interactive self-assessment tool that supports employees with responsibilities relative to preparatory legislative work to identify and assess relevant points of attention in relation to the digital support of legislation.

The example illustrates how the ministries are actively working with the organisation of the legislative drafting process in order to make legislation digital-ready.

Future efforts

Based on the examination of the ministries' work with digital-ready legislation, a number of actions have been launched to meet the challenges faced by ministries.

Challenges and future efforts in 2019/2020

Challenge	Development action
Focusing on the early assessment of implementation impacts in political agreements	Information meetings and guidance for the staff of ministries, etc. Training and guidance for new staff Digital-ready legislation is included in the courses of the Digitalisation Academy
Demand for concrete experiences and examples of digital-ready legislation	Collection of examples of good of digital-ready legislation Knowledge-sharing network for the ministries.
Demand for early engagement in the legislative process	Ensure early dialogue, continued cooperation and early coordination on legislative proposals
Limited compliance with time limits for pre-consultation	Explore the possibility to support the mapping of the legislative process digitally.
EU legislation limits the degree of compliance	Continue dialogue with the European Commission on regulation and digitalisation at EU level

Guidance and training activities for employees

There is significant development potential in order to take greater account of digital-ready legislation at the political level and in political agreements. This will to a large extent enable legislative proposals to be made digital-ready.

In this context, efforts will be stepped up to draw attention to the content of the Agreement on digital-ready legislation. With the training and guidance of employees in the ministries, the aim is to ensure that digital-ready legislation can become part of the foundation of the officials preparing proposals for new policy and political agreements.

As an additional educational measure, it is envisaged to include digital-ready legislation in the Digitalisation Academy, set up by the strategy A Solid ICT- foundation – Strategy for ICT management in Central Government to lift the skills in the field of IT and digitisation of generalists in the State.

Concrete experiences and examples of digital-ready legislation

Ministries are calling for more concrete examples of digital-ready legislation.

To accomodate this demand, the ministries will be provided with examples demonstrating the application of the principles of digital-ready legislation in concrete legislative proposals.

It is also intended to develop a number of tools for legislative drafters. These "legislative components" will support their work on making legislation digital-ready. A legal component could, for example, be a template for a territoriality clause which cuts across many legislative proposals. The aim is for legislative components to serve as guides to how new legislation can be effectively made digital-ready by making it simpler and more uniform across the board.

Similarly, there has been established a network of legislative writers across all ministries to share knowledge on digital-ready legislation.

Early dialogue, continued cooperation and early coordination on legislative proposals

As mentioned, according to the ministries it is often in cases where informal consultation has taken place between the ministries and the secretariat that the pre-consultation has been most successful. It is therefore also the ambition in the future to maintain and extend the good dialogue with the ministries and give priority to the informal guidance.

Procedural support for the legislative process

It will also be investigated whether it is possible to digitally support the legislative process. The aim is to support, on the one hand, a flexible and faster legislative process, so that legal and professional resources can be applied to the complexity of the legislation rather than procedural tasks, as well as to support better compliance with deadlines and high quality in law in general.

Dialogue with the European Commission on regulation and digitalisation at EU level

Ministries point out that EU legislation can be so specific and concrete that there is no room for adjustments to allow ministries to review new legislation in accordance with the principles of digital-ready legislation. Therefore, the Secretariat for Digital-Ready Legislation, in cooperation with the Danish Business Authority, is working to ensure that EU acts are intended to give good framework conditions to the ministry's work in designing digital-ready legislation. The secretariat is working on a number of long-term initiatives to address this.

The concrete initiatives include, among other things, establishing a collection of cases written in English illustrating the principles of digital-ready legislation. It also involves the creation of networks of like-minded actors across EU-member states, consisting of states that give special priority to digital development of government. This effort is expected to bear fruit in the longer term, in terms of increased potential for bilateral exchange of experience.

Annex

The efforts of ministries with regard to digital-ready legislation

The annex presents selected overviews and key figures of the work on digital-ready legislation, broken down by ministries. The Ministries are listed by the name used for the Parlamentary session of 2018/2019. The figures are provided up by the Secretariat for Digital-Ready Legislation on the basis of figures from Folketinget.dk and internal statistics.

Legislative proposals with implementation impacts

The following table shows the number of legislative proposals per Ministry in the 2018/19 session, as well as how many of these, the Secretariat on the basis of an initial screening exercise, have assessed as containing implementation impacts for public administrations. There is great variation between ministries in the proportion of legislative proposals that are considered to have implementation impacts.

Table 1
Number of legislative proposals with implementation implications per Ministry, 2018-19

Ministry	Number submitted legislative proposals	Number deemed to have implementation impacts	Percent -age
Ministry of Taxation	38	12	32 percent
Ministry of Justice	37	9	24 percent
Ministry of Industry, Business and Financial Affairs	29	11	38 percent
Ministry of Health	27	8	30 percent
Ministry of Transport and Housing	24	5	21 percent
Ministry of Employment	20	16	80 percent
Ministry of Higher Education and Science	15	6	40 percent
Ministry of Immigration and Integration	14	8	57 percent
Ministry for Children and Social Affairs	13	5	38 percent
Ministry of Environment and Food	11	1	9 percent
Ministry of Climate, Energy and Utilities	8	2	25 percent
Ministry of Finance	6	2	33 percent
Ministry of Education	5	2	40 percent
Ministry of Foreign Affairs	5	1	20 percent
Ministry of Defence	4	1	25 percent
Ministry of Culture	4	2	50 percent
Ministry for Economic Affairs and the Interior	4	0	0 percent
Average	**15**	**5**	**33 percent**

Legislative proposals received in pre-consultation

The following table shows the number of legislative proposals received by the Secretariat in pre-consultation in conjunction with the number of legislative proposals initially considered by the Secretariat to have implementation impacts. As shown in the table, most of the ministries sent a larger number of legislative proposals in pre-hearing than expected based on the screening of the 2018/2019 legislative programme.

Table 2
Number of legislative proposals received in pre-consultation per Ministry, 2018-19

Ministry	Number of legislative proposals received in preliminary consultation	Number deemed to have implementation impacts
Skatteministeriet Ministry of Taxation	12	29
Ministry of Justice	9	12
Ministry of Industry, Business and Financial	11	15
Ministry of Health	8	10
Ministry of Transport and Housing	5	8
Ministry of Employment	16	11
Ministry of Higher Education and Science	6	6
Ministry of Immigration and Integration	8	8
Ministry for Children and Social Affairs	5	5
Ministry of Environment and Food	1	3
Ministry of Climate, Energy and Utilities	2	4
Ministry of Finance	2	2
Ministry of Education	2	2
Ministry of Foreign Affairs	1	2
Ministry of Defence	1	0
Ministry of Culture	2	3
Ministry for Economic Affairs and the Interior	0	0
Average	**5**	**7**

Number of preconsultation responses with recommendations

The following table shows the number of responses from which the Secretariat has found a reason to make recommendations to ensure the compliance of the legislative proposal or to the description of the implementation impacts of the legislative proposal.

The table shows that the Secretariat provides recommendations in the majority of the preconsultation responses. However, there is a relatively large dispersion between ministries in relation to the proportion of consultation responses that contain recommendations for adjustments.

Table 3
Number of responses to the recommendations per Ministry, 2018-19

Ministry	Number of legislative proposals received in preliminary consultation	Number of consultation responses with recommendations	Percent-age
Ministry of Taxation	29	15	52 percent
Ministry of Justice	12	10	83 percent
Ministry of Industry, Business and Financial	15	9	60 percent
Ministry of Health	10	7	70 percent
Ministry of Transport and Housing	8	6	75 percent
Ministry of Employment	11	9	81 percent
Ministry of Higher Education and Science	6	5	83 percent
Ministry of Immigration and Integration	8	1	13 percent
Ministry for Children and Social Affairs	5	5	100 percent
Ministry of Environment and Food	3	2	66 percent
Ministry of Climate, Energy and Utilities	4	4	100 percent
Ministry of Finance	2	1	50 percent
Ministry of Education	2	1	50 percent
Ministry of Foreign Affairs	2	2	100 percent
Ministry of Defence	0	0	0 percent
Ministry of Culture	3	2	66 percent
Ministry for Economic Affairs and the Interior	0	0	0 percent
Average	**7**	**4**	**57 percent**

Complying with deadlines

The following table shows how many days prior to the public consultation of a legislative proposal, each ministry on average submits the legislative proposal to pre-consultation with the Secretariat. It should be noted that the average calculation will be more vulnerable to "outliers" the fewer drafts have been submitted by a Ministry.

As the table shows, there is great variation in relation to how early the individual ministry on average sends legislative proposals in pre-consultation, and hence the extent to which they meet the deadline of sending legislative proposals with implementation impacts for pre-consultation six weeks before the legislative proposal is to be published in public consultation.

Table 4

Compliance by ministries with the requirement to send draft legislation in pre-consultation six weeks prior to consultation per ministry, 2018-19

Ministry	Number of legislative proposals received in preliminary consultation	Average number of days before public consultation
Ministry of Taxation	29	22
Ministry of Justice	12	22
Ministry of Industry, Business and Financial	15	59
Ministry of Health	10	21
Ministry of Transport and Housing	8	-8
Ministry of Employment	11	25
Ministry of Higher Education and Science	6	8
Ministry of Immigration and Integration	8	14
Ministry for Children and Social Affairs	5	12
Ministry of Environment and Food	3	26
Ministry of Climate, Energy and Utilities	4	16
Ministry of Finance	2	58
Ministry of Education	2	9
Ministry of Foreign Affairs	2	-3
Ministry of Defence	0	0
Ministry of Culture	3	2
Ministry for Economic Affairs and the Interior	0	0
Average	**7**	**16**

Find out more

The Secretariat for Digital-Ready Legislation is available for further guidance on digital-ready legislation. We provide guidance as both dialogue meetings and formal presentations.

Contact Secretariat for Digital-Ready legislation at klarlovgivning@digst.dk

Published by the Agency for Digitisation

March 2020

ISBN 978-87-93073-29-6

Design BGRAPHIC
Tryk Rosendahls

digst.dk