

## EU INITIATIVE OF BETTER REGULATION AND ITS STATUS IN LITHUANIA

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*Implementation of better regulation is one of the top matters on legislative agenda of the European Commission. The main purpose of better regulation is to create more proper regulatory environment, i.e. legal acts that better meet the needs of business and society. At the EU level it is stressed that the different measures of better regulation, such as regulatory impact assessment, reduction of administrative burden, simplification and codification of legal act, etc., should directly contribute to the achievement of sustainable growth of economy and jobs. Although Member States are constantly encouraged by the European Commission, they still are rather reluctant regarding better regulation activities. They tend to adopt exhaustive better regulation policies, but usually refrain from result-orientated actions.*

*Aim of the article is to determine the actual situation of better regulation initiative in Lithuania and make proposals for its improvement. By employing rigorous research methods it is sought to define the main features of better regulation and assess better regulation actions carried out by the EU and Member States. Better regulation activities of Lithuanian regulators and legislators are analysed separately. The analysis also includes critical assessment of the latest legal developments such as newly adopted Law on Legislative Framework and Law on Reduction of Administrative Burden. The article is supported by conceptual ideas of European scientists that make research on better regulation.*

*Conclusion is drawn that better regulation activities in Lithuania do not create actual and significant results yet. There is no single system of implementation of better regulation principles – separate, unrelated laws are adopted, also there is an unhealthy trend to regard particularly the reduction of administrative burden as the only (important) measure of better regulation. Also, Lithuanian regulators do not sufficiently refer to good practices of better regulation already collected at the EU level. In order to achieve progress of better regulation initiative in Lithuania, it is proposed to form clear concept of better regulation, basically, by choosing the Law on Legislative Framework as the main tool for such purpose. As well, the importance to make research on better regulation in Lithuania is emphasized and further research vectors are proposed.*

**Keywords:** *better regulation; regulatory reform; legislation procedures; regulatory impact assessment; reduction of administrative burden.*

**Introduction**

Currently the EU and Lithuania implement the initiative of better regulation, which has the main purpose to create proper regulatory environment, i.e. legal acts that better meet the needs of business and society (European Commission, 2014a; Ministry of Economy, 2014). The EU and Lithuanian national institutions continuously adopt specific programmes and new legal acts related to this initiative, thus it can be stated that better regulation is currently among the most important and even, as indicated by some authors, among the most fashionable goals of the public administration (Allio, 2007, p. 82).

Better regulation in the EU has passed several stages of development. At first, better regulation was understood only as better law-making in the sense of legal technique (European Commission, 2002; Radaelli and Meuwese, 2009, p. 644). Later, in the Lisbon strategy the EU set a goal for itself to become the most competitive knowledge-based economy in the world (European Council, 2000, cl. 5). Then the European Commission started to emphasize that better regulation should significantly contribute to achieving sustainable economy growth and jobs (European Commission, 2005, p. 2; Radaelli, 2007, p. 190; Van Den Abeele, 2010, p. 57).

The scale of better regulation actions implemented by the European Commission is impressive. Thousands of legal acts have been reviewed, codified and simplified during the last decade. It is officially stated that performed changes in regulation reduced the administrative burden on European companies by almost one third (European Commission, 2010, p. 3–4).

In Lithuania more consistent performance of better regulation measures started in 2008, when the Government approved the Programme on Better Regulation. In accordance with this programme, the Ministry of Economy has taken certain initiatives aimed to improve regulatory environment. By the end of 2012 two entirely new laws were adopted in connection with better regulation – the Law on Reduction of Administrative Burden and the Law on Legislative Framework. In December 2013, the Government formed a special Better Regulation Supervisory Commission, which should act namely in the area of reducing administrative burden. Although certain documents were adopted, upon carrying out a more detailed analysis, it can be stated that better regulation in Lithuania is still at the early stage of formation.

European scientists make wide research on better regulation processes ongoing at the EU level and in their countries (Laffan, 2001; Baldwin, 2005; Eijlander, 2005; Radaelli, 2005; 2007; Allio, 2007; Kaeding, 2007; Kirkpatrick and Parker, 2007; Lofstedt, 2007; Radaelli and De Francesco, 2007; Staroňová, Pavel and Krapež, 2007; Torriti, 2007; Meuwese, 2008; Prosser, 2008; Radaelli and Meuwese, n.d.; 2009; Radaelli and O'Connor, 2009; Theodoropoulos, 2009; Verschuuren, 2009; Flückiger, 2010; Jyrki, 2010; Robinson, 2010; Van Lochem, Westerman, 2010; Van Den Abeele, 2010; Vogel and Van den Abeele, 2010; Bomhoff and Meuwese, 2011; Smismans, 2011; De Francesco, Radaelli and Troeger, 2012; Dunlop, Maggetti, Radaelli and Duncan, 2012; Karpen, 2012; Korkea-Aho, 2012; Mak, 2012; Messerschmidt, 2012; Popelier, 2012; Torrit and Löfstedt, 2012, etc.). These researches, mostly performed in the areas of law, politics, economy and public administration, enable to assess the reasonability, efficiency of better regulation and various changes happening due to its implementation. Scientists emphasize that better regulation has a significant impact on various legislation procedures and it is expected that the role of better regulation in the future should only increase (Radaelli, 2007, p. 203–204; Torriti, 2007, p. 249; Radaelli and De Francesco, 2007, p. 196; Radaelli and Meuwese, 2009, p. 639; Smismans, 2011, p. 511–512).

Meanwhile, better regulation processes in Lithuania are not yet researched sufficiently. To the best knowledge of the author, there are no researches currently performed in Lithuania regarding the implementation of better regulation. Application of better regulation measures should have a significant impact on current legislation procedures and quality of legal acts; also it may be an important tool ensuring higher competitiveness of Lithuanian investment environment. Therefore, there is a natural need for performing research and properly assessing how the legislation mechanisms currently existing in Lithuania could or should be reformed due to better regulation initiative and how the quality of legal acts could or should change.

The goal of this article is to determine the actual situation of better regulation initiative in Lithuania and to make proposals for its improvement. The objectives of this article are to define the main features of better regulation formed in the EU, to overview better regulation actions carried out in Lithuania and to assess them critically, as well as to emphasize the need for research in Lithuania in connection with the ongoing changes.

In writing this article the rigorous scientific methods were employed. The analytical method was used in assessing scientists' papers related to better regulation initiative. The comparative method was used in analysing better regulation initiative being implemented in the EU and Lithuania and individual measures of better regulation. The logical, systemic and critical methods were used in order to assess the situation of better regulation initiative in Lithuania. The historical research method was used in analysing the development of better regulation initiative. The teleological research method was used in analysing a number of *travaux préparatoire* materials – preparatory documents of the EU institutions, drafts, resolutions, reports of working groups, etc.

### Concept of better regulation

Documents and literature prepared by the European Commission give various descriptions but no generalised concept of better regulation. Better regulation is usually regarded as an umbrella term, covering various measures of creating and ensuring better regulatory environment (European Commission, 2006; Allio, 2007, p. 73; Radaelli and Meuwese, 2009, p. 645; Bomhoff and Meuwese, 2011, p. 145). One of the most interesting definitions is proposed by Bomhoff and Meuwese, who indicate that better regulation means rules, according to which “regulation in general” is regulated (2011, p. 144).

There is certain debate among scientists over the nature of better regulation. It is often discussed, which aspects of better regulation measures, legal or economic, are more important. Some authors emphasize that better regulation is, first of all, related to use of various legal means, such as application of legal principles and legal techniques, therefore, it is “restricted to the art of law-making” (Flückiger, 2010, p. 213; Messerschmidt, 2012, p. 359, 360). Meanwhile, the others accentuate different side of better regulation – the aim “to look wider” and to supplement various legal reasons with more explicitly economic rationality (Bomhoff and Meuwese, 2011, p. 146; Torriti and Löfstedt, 2012, p. 173–174). In the latter case it is usually stressed that legislative techniques used is just one instrument of better regulation among a number of other non-legal measures (Karpen, 2012, p. 155).

The above-mentioned discussion reveals the versatile nature of better regulation initiative. However, it may not be denied that namely legislative methods and procedures are the essential part and the main form of expression of better regulation. Therefore, the main support should be given to those authors, who emphasize particularly the legal aspect of better regulation and indicate that better regulation is, first of all, a certain alternative for traditional law-making, which seeks to enhance the quality and justifiability of regulation (Popelier, 2012, p. 262; De Francesco, Radaelli and Troeger, 2012, p. 491).

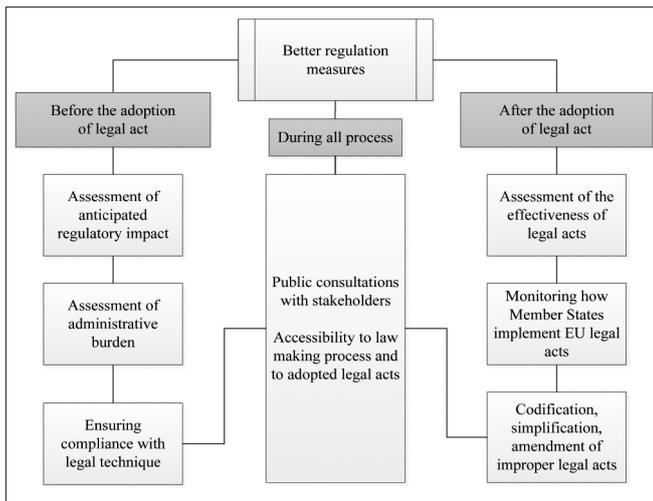
Practically the concept of better regulation can be best revealed by naming specific better regulation tools. In spite of the development of better regulation initiative, the European Commission formed rather clear and stable list of better regulation measures. Better regulation measures could be presented in a number of ways, but it is suggested to divide them into three groups, depending on the stage of legislation procedure, in which they are applied:

- 1) measures applied before the adoption of legal acts are: anticipated regulatory impact assessment, determination of possible administrative burden on business and on the society, selection of the most suitable regulatory instruments (forms of legal acts), drafting legal acts that meet the requirements of legal technique (European Parliament, European Council and European Commission, n. d.; European Commission, 2007a; 2009; 2012b; Verschuuren, 2009);
- 2) measures applied after the adoption of legal acts are: assessment of the efficiency of already effective legal acts and need to amend and change them, simplification, codification and recasting of existing legal acts, proper

implementation of the EU legal acts in national legal systems of the Member States (European Commission, 2001b; 2007b);

- 3) measures applied throughout the whole legislative cycle are: performing consultations with stakeholders before undertaking adoption of new regulation or changing the existing regulation, ensuring the publicity of law-making processes and accessibility of legal acts to the society (European Commission, 1997; 2002c; 2012a).

Better regulation measures applied in the EU are summarised in Picture 1.



**Picture 1. Better regulation measures applied in the EU**  
(Source: the author)

### Implementation of better regulation at the EU level

The White Paper *European Governance* adopted by the European Commission in 2001 is considered as the start of formal establishment of better regulation policy in the EU. It set forth the aim to reform the activities of the EU institutions and, in this way, to overcome specific challenges faced, such as that in some areas the EU institutions cannot work as effectively as national governments of the Member States, that the EU lacks many other sources of traditional power, that activities of the EU institutions often are too far from citizens and many people do not have a possibility to feel and appreciate the positive impact of the EU activities, etc. (European Commission, 2001a, p. 7; Laffan, 2001, p. 711).

The White Paper named many specific lines of action that the European Commission proposed to all the EU institutions to follow, e.g. to encourage inter-institutional cooperation, to set minimal standards of ethical behaviour, etc. Among these lines of action, the aim of better regulation was for the first time specifically indicated – to constantly improve the quality, efficiency and simplicity of legal acts (European Commission, 2001a, p. 17, 20–26). A specially formed *Mandelkern* working group determined that during many years the European Community had adopted a big number of complicated legal acts, therefore, the regulatory environment in Europe should be improved in essence (2001, p. 7). This working group prepared the detailed report with recommendations how separate actions of better regulation should be implemented.

Creation of better regulation measures was the basis for very intensive actions of the European Commission. For example, since 2005 the European Commission drafted and implemented 640 initiatives aimed at simplification, codification or recasting of legal acts. Over 4,450 legal acts were annulled, 1,750 of these legal acts were annulled because they were codified or recast (European Commission, 2012c, p. 9). Also, the set aims of reducing administrative burden were considerably exceeded. At first it was sought to reduce the administrative burden on companies and persons by 25% by 2012. However, the European Commission tabled such regulation improvement proposals that enabled to reduce the administrative burden on the European companies even by 31% or by EUR 38 billion (European Commission, 2010, p. 3–4).

In 2010 it was stated that certain aims of better regulation initiative were successfully implemented. As a result, better regulation was renamed as smart regulation, in this way emphasising the transition to a certain new, qualitatively different stage of this initiative. The main idea of smart regulation is that better regulation principles must simply become a permanent part of the law-making process, as the European Commission indicated – “a part of the Commission’s work culture”, in this way ensuring better regulation quality in all law-making stages (European Commission, 2010, p. 2, 11; Korkea-Aho, 2012, p. 398). In 2012, as a part of smart regulation, a special Regulatory Fitness and Performance Programme (REFIT) was created. Main tasks of this programme is a constant monitoring of legal acts applicable in the EU, identification of burden created by them, defects, non-efficient provisions, as well as assessment how EU legal acts are implemented in national systems of the Member States (European Commission 2012c, p. 3).

Though certain actions of the European Commission towards implementing better regulation seem very active and successful at first sight, they are criticised by scientists researching better regulation. First of all, a critical view is held of particularly large work volumes performed by the European Commission – it is believed that the coverage was too broad and consultants hired for performance of some actions were not competent enough. Besides, better regulation initiative was often implemented more formally, e.g. by annulling a certain number of legal acts only for the sake of a certain “rhetoric effect” (Lofstedt, 2007, p. 426–427, 440–441).

It is also noted that though better regulation measures are publicly announced, reports about their fulfilment are submitted, still there is no clear and official description how better regulation is organised at the EU level, what duties and responsibilities of the main actors are. That has resulted in certain overlapping of initiatives and processes (Allio, 2007, p. 78–79). This issue also relates to the fact that better regulation measures are discussed only in European Commission communications and other non-compulsory documents of soft law. Namely for this reason better regulation initiative cannot be evaluated by the Court of Justice of the European Union (Messerschmidt, 2012, p. 359–360). Some authors hold that it may be done on purpose, in order to avoid possible judicial control over better regulation processes (Mak, 2012, p. 302).

### Need to involve the Member States

As it was mentioned, White Paper *European Governance*, which introduced the concept of better regulation, raised specific problems of the EU, which were clearly different from those of the Member States. Therefore, it may seem that better regulation measures have been necessary only for the EU institutions. However, this is not true. Legal regulation in Europe is carried out on two levels – the EU level and the Member States. Several times the European Commission noted that the EU institutions solely would not be able to ensure reduction of regulatory burden if the Member States did not take relevant measures, as in many cases they were responsible for the final implementation of the EU law (2005, p. 2, 8; 2012c, p. 11; 2013, p. 13).

For the above reasons, from the very beginning of better regulation the Member States were asked to apply better regulation measures related namely to transposition the EU legal acts into their national legal systems (European Commission, 2002b, p. 16–18). For example, the Member States were encouraged to take active actions in order to avoid the so-called “gold-plating” – creation of additional and unnecessary administrative encumbrances by improper transposition of directive provisions (European Commission, 2003, p. 5; Hansard Society, 2005, p. 3).

While the EU passed into a qualitatively new level of smart regulation, it was accentuated that though the Member States made a progress in some better regulation aspects, but only few of them adopted such a wide better regulation system as the EU. Therefore, the Member States were encouraged to set national better regulation priorities and take wider actions towards their implementation (European Commission, 2012c, p. 10–11). Thus, it can be understood that the Member States are currently encouraged to take all relevant better regulation measures (not only with regard to transposition of the EU law). The Member States are encouraged to follow good practices of the EU, choosing and adapting better regulation measures of the EU so that they would be compatible with legislation traditions of the relevant Member States (Mandelkern Group on Better Regulation, 2001, p. 38; ESTEP, 2004, p. 31; Radealli and Meuwese, 2009, p. 641).

There is no uniform evaluation of the progress achieved by the Member States in the area of better regulation. As some scientists indicate, one may have an impression that the Member States have implemented exhaustive better regulation policies, but in many cases such measures existed mostly in name and not in substance (Staroňová, Pavel and Krapež, 2007, p. 279). This is also confirmed by information published on the website of the European Commission about good practices of the Member States in implementing better regulation measures. It provides better regulation documents prepared by just a few Member States, such as the United Kingdom, Luxembourg or Germany (European Commission, 2014b). Wider research has also shown that many Member States have actually implemented better regulation measures only in several pilot projects (Radealli and Meuwese, 2009, p. 649–650). The status of better regulation in Lithuania is similar, too.

### Better regulation processes in Lithuania

Specific actions of better regulation in Lithuania started in 2008, when the Government approved the Programme on

Better Regulation. This programme for the first time in the context of Lithuanian law has determined for the concept and the main principles of better regulation, such as necessity (regulation is undertaken only when that is necessary), proportionality (selected regulation measures correspond to regulation purposes), transparency (process of adoption of legal acts is public, legal acts are simple and understandable), accessibility (legal acts are accessible to the public) and accountability (decisions taken are reasonable and accounted for to the public) (Programme on Better Regulation, 2008, cl. 4–5). The programme also clearly indicated the results sought by it, i.e. more attractive business and investment environment, transparent legislation procedures, efficient implementation of legal acts, smaller administrative burden on entities, simpler and shorter procedures in connection with issuance of licenses, permits and other documents, transparent transposition of EU directives into the national law, wider use of information technologies for provision of public services, less corruption (Programme on Better Regulation, 2008, cl. 20).

The Programme on Better Regulation stated that Lithuanian institutional and legal system was not ready for the implementation of better regulation policy. Although some better regulation measures were defined in Lithuanian legal acts and applied practically, but they were planned and implemented inconsistently, they were scattered in various programmes and other legal acts, different institutions were responsible for their preparation and implementation (Programme on Better Regulation, 2008, cl. 13–14). Under the said programme, the Ministry of Economy was appointed as the authority responsible for implementation of better regulation in Lithuania, i.e. the Ministry was assigned to prepare plans of the implementation better regulation measures and methodological recommendations, also to make proposals for programme improvement (Programme on Better Regulation, 2008, cl. 25).

Some of the aims of the Programme on Better Regulation were partially implemented, e.g. selected competent authorities reviewed regulations of certain areas and made lists of legal acts, which should be replaced or amended for the purpose of simplification, an amendment to the Government Rules on Legislation was initiated, also, as a result of several expert studies, the Methodology of Identification and Assessment of Administrative Burden on Citizens and other Persons and the Methodology of Identification of Administrative Burden on Economic Entities were adopted by the Government (Ministry of Economy, 2008, p. 5; 2010, p. 4–5; Jurevičius, Balčiūnas & Bartkus, 2009; Baltic Legal Solutions Lithuania, 2011; Deloitte Lietuva, 2011). Also, better regulations actions are further continued, e.g. the Ministry of Economy has indicated that it intendeds to prepare an example of good practices of *ex-ante* impact assessment of draft decisions on business conditions (Ministry of Economy, 2014).

Some significant activities related to better regulation were also performed separately, not within framework of the Programme on Better Regulation. For example, during the years 2009–2012 the project “Improvement of result-oriented governance” was implemented. It was aimed at introducing elements of result-oriented and evidence-based governance in the public sector by referring to successful international practices. The third stage of this project was dedicated for the improvement of the impact assessment of the decisions which

is one of better regulation measures (Lithuanian Government, 2014). Experts prepared a detailed analysis of impact assessment of the decisions and legal acts in Lithuania and presented recommendations on the improvement of impact assessment based on international practice (ESTEP, Public Policy and Management Institute and Jacobs&Associates, 2010).

Still, one of the most significant events of better regulation initiative in Lithuania is the adoption of two new laws by the end of 2012 – the Law on Reduction of Administrative Burden (effective from 1 July 2013) and the Law on Legislative Framework (effective from 1 January 2014). The adoption of these laws should change the status of better regulation actions in Lithuania. Better regulation measures stipulated therein should become not only implementation of political programme but also legally binding obligation to all authorities to constantly follow the principles and rules of law-making and reducing administrative burden.

The Law on Reduction of Administrative Burden is in essence intended for one better regulation measure – the aim to ensure that legal acts would not establish obligations unreasonably causing administrative burden on persons and business. It is indicated in the preamble of the law that unreasonable and disproportionate administrative burden has a serious negative impact on residents of the country, on the economy and business environment. This law sets forth principles and measures of reducing administrative burden and establishes how constant monitoring of administrative burden should be performed (Law on Reduction of Administrative Burden, 2012, art. 1).

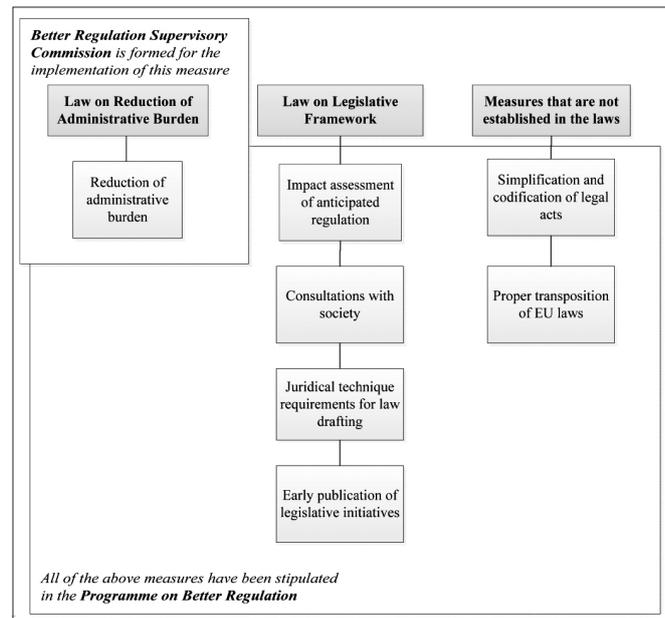
The Explanatory Note of the law reveals why it was sought to establish the main principles of reducing administrative burden namely at the statutory level: “<...> the purpose of reducing administrative burden and the principle of better regulation cannot be achieved by subordinate legal acts. Besides, in the absence of a specific law regulating this area, there are no systemic actions of reducing administrative burden and there is no control. Therefore, having assessed the legislation tradition and practice in the Republic of Lithuania, this draft law is aimed at establishing the practice of regulation of the administrative burden institution, which is under formation” (Auštrevičius, *et. al.*, 2012). Please note that this law is rather short – it mostly gives principles and goals but it does not formulate specific rules of behaviour applicable to state institutions. The law gives references to methodologies of reducing administrative burden that were prepared earlier and approved by the Government (Law on Reduction of Administrative Burden, 2012, art 3).

The Law on Reduction of Administrative Burden also provides for establishment of a special governmental body – Better Regulation Supervisory Commission, the purpose of which would be to perform assignments related with assessment of administrative burden and application of measures for its reduction in state and municipal institutions and bodies (Law on Reduction of Administrative Burden, 2012, art. 8). At the end of 2013 the Government formed such commission and established that it would consist not only of representatives of state institutions, but also of non-governmental organisations or even associations representing interests of private persons and public institutions (Resolution on the Formation of Better Regulation Supervisory Commission (2013).

The Law on Legislative Framework, which was also adopted in 2012, for the first time defined the concept of legislative process, also directly identified essential legislation principles, such as expediency, proportionality, respect to human rights and freedoms, openness and transparency, efficiency, clarity, consistency (Law on Legislative Framework, 2012, art. 2(5), 3). In general, this law is aimed at regulating the whole law-making process; therefore, its regulatory scope is considerably wider than that of the Law on Reduction of Administrative Burden.

From the perspective of better regulation initiative it is very important that the Law on Legislative Framework regulates three better regulation measures – anticipated regulatory impact assessment, consultations with the public on drafted legal acts and the obligation to plan and publish legislative initiatives. Until the adoption of this law, these measures were regulated only by implementing legal acts and now they are transposed at the statutory level (Law on Legislative Framework, 2012, art. 2, 7–8, 15–16; Methodology on the Anticipated Regulatory Impact Assessment, 2003; Work Regulation of Lithuanian Government, 1994). Specific procedures of application of these better regulation measures are still not known as they will be later on elaborated in implementing regulations and will greatly depend on practical application of such legal acts.

Better regulation measures currently established in Lithuanian legal acts are shown in Picture 2.



**Picture 2. Better regulation measures established in Lithuania** (Source: the author)

### **Better regulation problems in Lithuania and lack of researches**

Better regulation actions carried out in Lithuania seem rather active at first. However, upon greater scrutiny it can be noted that implementation of better regulation measures does not give actual and tangible results – in Lithuania many regulatory areas still do not conform to modern standards of good regulation. Legal acts (especially implementing regulations) that regulate some specific areas of administrative law are particularly complicated, inconsistent, have

contradictory provisions. Due to these reasons very often business and private persons and even professional lawyers face with difficulties while applying legal acts in practice (Monkevičius, 2008, p. 11; Lithuanian Confederation of Industrialists, 2013; Jankaitytė, 2013).

Such situation in Lithuania is not so unique. Scientists Radealli and Meuwese, who research better regulation, indicate that better regulation phenomenon is particularly politicized in EU and most Member States, therefore, usually there is a certain gap between adoption of this initiative and its implementation (2009, p. 649–650; n.d., p. 12–13). It means that public administration usually seeks to adopt as many documents establishing better regulation as possible, but pays much less attention to their practical implementation. Upon overview of the situation of better regulation initiative in Lithuania, it can be stated that Lithuania has both problems – those related to the adoption of better regulation and to its implementation. This may be demonstrated by following arguments.

First, Lithuanian institutions pay most of their attention to practical implementation of exclusively one better regulation measure – reduction of administrative burden. Initially, the Programme on Better Regulation approved by the Government in 2008 was a rather consistent document – it contained references to better regulations goals set out at the EU level, widely and clearly identified various better regulation measures (Programme on Better Regulation, 2008, cl. 1–2, 6–8, 18–19, 24). However, during the practical implementation of the Programme on Better Regulation, a clear problem has arisen – annual plans of programme implementation were mostly committed to the sole measure that is least related to qualitative law-making, i.e. to the reduction of administrative burden. Meanwhile, performance of other better regulation measures, such as consultations with stakeholders, anticipated regulatory impact assessment, simplification of legal acts, was planned rather sporadically (Lithuanian Government, 2008; 2009; 2011; 2012). Such a tendency can be partially explained by the fact that reduction of administrative burden is most often prioritised by public administration namely due to its specifics and direct impact on business (Korkea-Aho, 2012, p. 400–401). However, such exceptionality of administrative burden reduction measure is not grounded as it is neither accentuated nor supported in the EU documents or in the Programme on Better Regulation.

Second, the new Law on Reduction of Administrative Burden has affirmed the misleading assumption about reduction of administrative burden, as the core of better regulation, at the statutory level. The Explanatory Note of the Law on Reduction of Administrative Burden indicates that reduction of administrative burden is a significant measure, but it does not explain why it was decided to specifically regulate only this measure. Some measures indicated in the law as exclusively forming part of reduction of administrative burden actions (e.g. annulment, reduction, consolidation or improvement of the existing regulation, data and information exchange among institutions) should be regarded as other independent better regulation instruments (Law on Reduction of Administrative Burden, 2012, art. 3). Also, as it has been mentioned, a special Better Regulation Supervisory Commission, which will supervise exclusively implementation of administrative burden reduction goals,

was formed. In this way, Lithuania will have a situation where many better regulation measures will be used only for achieving one of better regulation goals – reduction of administrative burden. There will be a special commission in Lithuania, which, judging by its name, should take care of improving the quality of legal acts and legislation procedures, but actually will be responsible only for application of relatively narrow administrative burden reduction measure.

Third, the Law on Legislative Framework that could properly establish other better regulation measures was not properly linked to better regulation initiative. The Law on Legislative Framework by its essence is an instrument that could directly contribute to implementing better regulation in Lithuania. However, by looking at the Explanatory Note of the law, it is evident that the law has not been directly related to better regulation initiative (Ministry of Justice, 2010). There is an impression that this law, which is particularly significant for better regulation, was adopted for absolutely different, unrelated purposes. Probably due to these reasons the Law on Legislative Framework does not list all better regulation measures directly related to legislation, e.g. there are no provisions regarding simplification and codification of law, nor is the specifics of transposition of the EU legal acts into national legal acts regulated in detail. Also, this law has not remedied the situation where administrative burden reduction is actually regarded as the main better regulation measure in Lithuania. Significant improvements of current regulatory scope of the Law on Legislative Framework could be considered.

Fourth, the implementation of better regulation initiative in Lithuania does not have sufficient theoretical and scientific basis. In spite of the fact that certain issues of relationship of the Lithuanian and EU law, the implementation of the EU law in the national system and some legislative problems are researched (Andriuškevičius, 2004; 2008; Šedbaras, 2006; Bakaveckas, *et. al.*, 2005; Paužaitė-Kulvinskienė, 2005, 2009; Ambrasaitė-Balynienė, *et. al.*, 2010; Prapiestytė 2006; Kargaudienė, 2006; Valančius, 2007a; 2007b; Urmonas, 2007; 2009; Valančius and Kavalnė, 2009; Rasulevičius, 2011; Kondratienė, 2012; Deviatnikovaitė, 2013; Šimašius, 2004; Šlapkauskas, 2004; Monkevičius, 2008, Arlauskas, *et. al.*, 2012; Mikulskienė, 2013; Miežanskienė and Šlapkauskas, 2013, etc.), the said research is not directly related to better regulation initiative. As it has been mentioned, better regulation involves interdisciplinarity – it is evident that the reasonability and efficiency of better regulation measures can be assessed by representatives of various social sciences, especially of law, economics, public administration and politics. Still, better regulation is first of all treated as a particularly broad regulatory reform (De Francesco, Radaelli and Troeger, 2012, p. 491), therefore, it is presumable that one of the biggest contributions into research of this initiative could be made namely by scientists of law.

### Conclusions

- Though the Programme on Better Regulation is officially being implemented in Lithuania, however it may not be regarded as successful. First of all, its results cannot be felt – the regulatory environment is still too complicated. Second, with regard to actions performed until now, it is obvious that there is no single system

of implementation of better regulation – separate, unrelated laws are adopted, also there is an unhealthy trend to regard the reduction of administrative burden as the only (important) measure of better regulation. It is also noteworthy that Lithuania does not sufficiently refer to good practices of better regulation already formed at the EU level, therefore, it is considerably lacking behind the better regulation developments happening at the EU level.

- Clear formulation of the better regulation concept in Lithuania would contribute to more successful implementation of better regulation initiative. Better regulation could, first of all, be regarded as a mean for performance of a wide scope regulatory reform. Such reform could be aimed at changing many already effective legal acts in the area of administrative law, both in terms of quantity and quality, and at setting strict requirements for drafting and adoption of new legal acts. The new Law on Legislative Framework could become one of the main tools for giving the correct better regulation concept and providing for clear better regulation measures. Current version of the law and its scope of application should be adjusted – it should relate legislative measures to better regulation initiative more clearly, identify all better regulation measures necessary for the Lithuanian legal system, describe their purposes, content and main requirements for their application. In the future the incorporation of the Law on Reduction of Administrative Burden into the regulatory scope of the Law on Legislative Framework could be considered. In this way unreasonable advantage given to the measures of reducing administrative burden compared with other better regulation measures could be corrected.
- In order to achieve progress in terms of better regulation initiative in Lithuania, it is necessary to discuss better regulation concept and consider which of better regulation measures are required for the Lithuanian legal system. Within this context, the role of research on better regulation issues should be emphasized – namely such research, particularly in the field of law, could contribute to proper establishment of better regulation initiative in legal acts in Lithuania and more efficient practical implementation of this initiative. The following research vectors in connection of better regulation in Lithuania could be proposed: (1) proper transposition of better regulation initiative applied at the EU level and application of its individual measures in Lithuania; (2) proper definition of better regulation measures and their establishment in relevant legal acts or other documents; (3) institutions that should participate in implementation of better regulation, their interrelations, functions and responsibilities; (4) necessary changes in the currently effective legislation procedures; (5) processes of implementation of individual better regulation measures; (6) possible impact of better regulation measures on drafting of Lithuanian legal acts, practices of persons issuing acts of administrative law and on rights of persons dealing with public administration entities and acts of administrative law, etc.

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