

SIMPLIFICATION TRANSPARENCY AND OPENNESS OF ADMINISTRATIVE ACTIVITIES

What does simplification mean?

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What does simplification mean?

- To rationalize
- To reduce
- To concentrate

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What is the purpose of simplification?

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What is the purpose of simplification?

- Collective wellness
- Economic relaunch
- Prevention of corruption
- Liberalization of economic activities

“Laws and institutions, like clocks, must occasionally be cleaned, wound up, and set to true time”

-Henry Ward Beecher-

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Which ones are the objects of simplification?

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Which ones are the objects of simplification?

- REGULATION
- ORGANIZATION
- RELATIONSHIPS
- PROCEDURES

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Who is required to comply with simplification
obligations?

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Who is required to comply with simplification obligations?

- **LEGISLATOR** (European - national – regional - local - authorities with regulatory powers): observing the guidelines for “*better*” and “*smart*” regulation and the REFIT program
- **PUBLIC ADMINISTRATION** (And private people exercising administrative activities) : observing the principles of containment of the time limits and non-aggravation of procedures.

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Major stages of simplification in Italy

1. Law 241/90 on the administrative proceeding:
 - proceduralization of the administrative activity
 - division of the proceeding into precise phases
 - provision of rapid and certain time limits
 - identification of a subject responsible of the proceeding
 - participation rights
 - duties of motivation

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Major stages of simplification in Italy

2. law 142/2015:

- New digitization means
- Rationalization of regulation
- More transparency: FOIA
- More simplification of proceedings
- Reform of Public Managers

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Chapter IV of the l. 241/90 on simplification

- Self-certification
- The services conference
- Dia / Scia
- Administrative silence - Silence as assent; Silent as rejection; Silence as non-fulfillment -

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What does transparency means and what does
it respond to?

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What does transparency means and what does it respond to?

- **The economic crisis** and the consequent need for the State to incentive private investments to face the difficulty of the public bodies to provide services to citizens.
- **The rise and growth of the European Market**, imposing principles of fair competition, liberalization, transparency and non-discrimination.

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What is the purpose of transparency?

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What is the purpose of transparency?

- To ensure principles of good performance and impartiality
- To compensate a lack of a democratic legitimacy
- To prevent corruption

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Publicity and transparency before the '90s

- PUBLIC PROCUREMENT
- PUBLIC EMPLOYMENT

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Transparency within administrative proceeding (Law 241/90)

- The supervisor of the ad. proceeding
- Participation rights
- Motivation duty
- Right of access

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Rights of Access to documents and data

- FOIA (Freedom of Information Act)
- "Simple" civic access
- Procedural access

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“With bad laws and good civil servants it's still possible to govern. But with bad civil servants even the best laws can't help”

- Otto von Bismarck -