

“Impact Assessment for the Young Generation” in Austria “Youth check”*

Regulatory Impact Assessment (RIA) for children and youth

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* **“Youth Check”** is not an accurate term because it is shortened: because the children are missing! Regulatory Impact Assessment Children and Youth is correct!

RIA – better law making

- In 2013, triggered by the joint initiative of the **Ministry of Finance** and the **Federal Chancellery** a systematic **ex ante Regulatory Impact Assessment (RIA)** mechanism has been introduced in Austria aimed at establishing principles of better Regulation.
- Introducing the Regulatory Impact Assessment **process** should ensure that new bills / regulations with significant societal impacts are **adequately assessed** before being introduced.

Federal Budget Act 2013

- Para. § 17 BHG: *"Each federal legislative project, draft bill or regulation has to be supplemented by an effect-oriented **impact assessment** to be carried out by the member of the Federal Government, within the scope of which the draft bill is being prepared."*
- § 9 RIA Basic Regulation: *The Regulatory Impact Assessment process should kick in at the **earliest possible stage** of the law-making procedure.*

RIA – Impact Categories



Impact on the State Budget



Macro-economic impact



Impact on the Environment



Consumer Protection Impact



Administrative burden on citizens / businesses



Social impact dimensions



Impact on Children and Youth



Impact on the actual equality of men and women

„Children & Youth Check“ – CY/RIA

Age groups considered

The “**Child and Youth Impact Assessment**“ is mandatory for all new bills and regulations which *may* render an impact on a certain number of *potentially affected* “**children**“ and “**youth**“ (significance threshold 1 000 children/young adults)

- **children: 0 – 18** years of age (aligned to the definition of Art. 1 of the Convention on the Rights of the Child)
- **youth: 18 – 30** years of age (in alignment to the definition of the Federal Youth Representation Act)

With the Child Impact Assessment the basis has been laid to oblige the decision-makers responsible for law-making or engaged in other important undertakings to in future **put themselves in the shoes/position of children and young adults** and to extend the prevailing perspective of adults to include the **viewpoint of children and adolescents** where it is a question of assessing the manifold regulatory impact on the everyday lives of this section of the population

Areas of impact – applicability

In Austria, any ministry proposing new legislation needs to answer the question **“*What is the impact of the proposed legislation on young people?*”** if the new legislation is expected to render an effect on

1. protection, promotion of health, development and self-realization of *children and young adults* ≡ significance threshold ≤ 1 000 ≡

2. care of children, provision of maintenance for *children and eligible young adults*, compensation for the costs of raising children ≡ significance threshold ≤ 1 000 ≡

3. safeguarding the future of *children and young adults* from a medium-term perspective (=Generational justice)

▪ financial impact of spending 1 billion over 10 years or ▪ other significant effects (e.g. long-term strategies or policy decisions (e.g. in fiscal, energy or environmental policy with implications for lifestyle for at least 25 years))

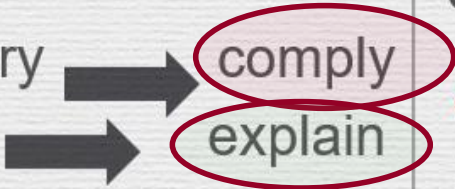
RIA "Children and Youth" – integral part of the Austrian Youth Strategy

The Austria Regulatory Impact Assessments (RIA) concerning children and youth is aligned with the **national youth strategy**:

*The **youth check** creates clarity about the intentions as well as about the undesirable side effects of laws on children and young adults, it brings transparency and better comprehensibility of political decisions.*

"Youth Screening" – an initiative which should draw attention to the concerns of young people in all areas of politics and the different administrative departments of bureaucracy

Children & Youth RIA law making process (ex-ante)

<p>Stage of <u>CY/RIA</u> Law Making Process</p>	<p><u>Ministry</u> in Charge</p>	<p>Federal Performance Management Office (FPMO)</p>
<p><u>Drafting process</u></p>	<p>Preparation of draft legislation incl. RIA to be submitted to public consultation</p>	
<p>Public consultation process</p>	<p>Ministry or</p> 	<p>Quality control <small>(internal)</small></p> <p><< recommendations on draft bill/regulation</p>

Determination of involvement

The following question of involvement gives rise to a materiality test regarding the impact on children and young persons.

Is an impact to be expected

- on children Youth and / or youth young adults,
- as for their right to protection,
- promotion of health,
- development and self-realisation,
- on the care of children,
- the provision of maintenance for children and eligible young adults,
- compensation for the costs of raising children and
- the safeguarding the future of children and young adults from a medium-term perspective?

Monitoring via the Federal Performance Management Office (FPMO)

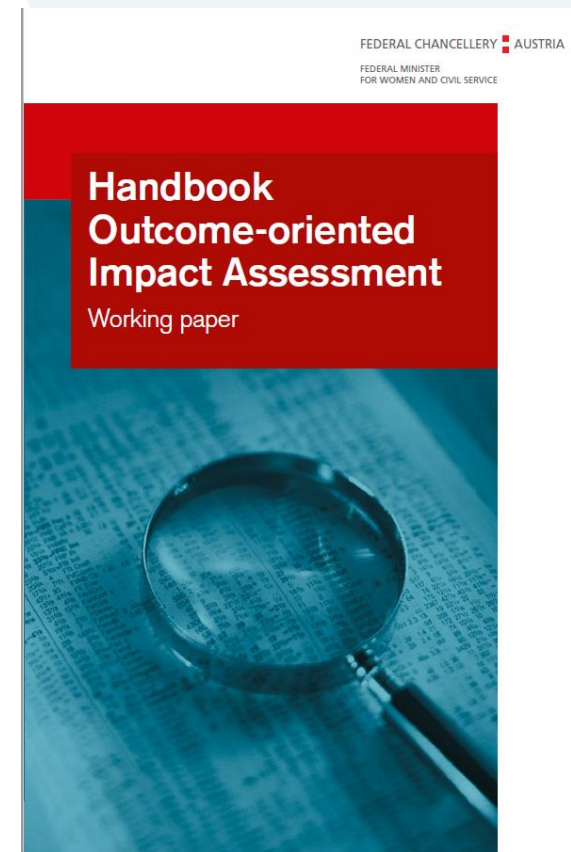
FPMO is not a "super authority", but the FPMO urges the departments to underpin the draft laws with **facts** that should serve as a basis for decision-making in the pre-parliamentary discussions and the parliamentary decision-making process

- Significance threshold / RIA - plausibility of applicability
- Relevance and thematic consistency
- Comprehensibility, transparency and clarity
- Verifiability of the impact assessment

FPMO Quality Control (internal)

Assessment criteria

- FPMO **refrains** from assessing / evaluating / commenting draft bills/regulations in terms of **content**
- FPMO **does not** avail of thematic expertise in the whole array of political fields (FPMO is not a “super-agency”)
- FPMO in its “gatekeeping” role produces quite some pressure on lead ministries to comply to RIA rules and standards
- FPMO delivers its **Recommendations** following a systematic examination of the draft legislation presented by the lead ministry



RIA **Ex-post** evaluation

- Ex-post evaluation has to be carried out within 5 years
- Lead ministry conducts (or commissions) ex-post evaluations of estimations on the impact on children and youth
- Ex-post evaluations increase performance transparency
- Example: Ex-post evaluation of the Parent and Child Law 2013



examines the effects of the new regulations of the Parent and Child Law and the effects of the procedural instruments on conflict resolution

Data

Factbook „Children in Austria“ – represents a specific data compilation based on the guidelines of the UN Committee on the Rights of the Child regarding the inclusion of statistical information and data in the periodic reports in accordance with Article 44 of the Convention on the Rights of the Child

„Focus Youth – an overview in figures“ offers a compact overview of the most important data on the living situation of young people in Austria

Thank you for your attention

For further questions:

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