



OPENNESS AND TRANSPARENCY OF THE CONSULTATIONS

Luxembourg experience

Bernadette Friederici-Carabin

Luxembourg SME Envoy

What about Luxembourg

Small is beautiful

www.luxembourg.lu

- Geographic and social facts:
 - Heart of the Europe
 - Borders: Belgium, France and Germany
 - Surface : 2,586 km²
 - Population : 500,000 / 45% non-nationals (65,22% non-nationals in Luxembourg city)/ 94,41% non-nationals born in EU/
 - 150 nationalities/ 158,000 employed from the Great-Region enter in the country every day/
 - Trilinguisme: Luxemburg, French, German

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- Political situation:

Representative democracy/ parliamentary monarchy

- Legislative power: joint action between the Parliament (Chamber of representatives), the Government and the Council of State (Conseil d'Etat)

- Executive power: the Grand Duke and the Government

- Judiciary power: independant Courts and Tribunals

Founding member of UE and host of EU institutions

What about Luxembourg

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- Economic facts :
 - Politic and social stability, workforce qualified and multilingual/attractive legal and fiscal framework/international finance center
 - 20,000 SMEs/180,000 employed/ 50% global workforce/40,000 new jobs during the last 10 years/1,000 new enterprises yearly/Minister and ministry dedicated to the SMEs

The voice of the SMEs in the legislative process

- The Chamber of Commerce www.cc.lu
 - + than 50,000 members, occupying 75 % of the total employment and representing 80 % of the GDP
- The Chamber of Trades and Crafts www.cdm.lu
 - 5,500 enterprises/companies occupying+- 70,000 employees
 - The crafts sector represents 20 % of the number of companies and 20 % of the total employment
- The Chamber of Agriculture www.lwk.lu
 - +- 2,242 exploitations with +- 8.000 people

The voice of the SMEs in the legislative process

Characteristics of the 3 professional chambers:

<http://www.legilux.public.lu/leg/a/archives/1924/0021/1924A0257A.html?highlight=>

<http://www.legilux.public.lu/leg/a/archives/2010/0191/a191.pdf#page=2>

<http://www.legilux.public.lu/leg/a/archives/2010/0191/2010A3160A.html?highlight=>

- **Compulsory registration**
- **Compulsory consultation anchored in the law.**
- Possibility of making **proposals** to the Government which this has to examine and is also subject to the Chamber of representatives

The voice of the SMEs in the legislative process

- The Luxembourg Confederation of Commerce www.clc.lu
 - Groups 58 federations and entrepreneurs from commerce, transports and services
 - 11,000 enterprises/companies
 - 6,000 employees
 - more than 22% of the GDP
- The Federation of Crafts www.fda.lu
 - Groups more than 50 federations
 - 4,000 members (SMEs)

The voice of the SMEs in the legislative process

- The Horesca, National Federation of the Hotelkeepers, Restaurant owners and Barkeepers www.horesca.lu
 - Represents about 2,600 enterprises, from the smallest coffee shops (café) to the 5 stars hotels.
 - More than 12,000 employees are occupied in this sector which underlines its economic importance
- The Fedil - Business Federation Luxembourg www.fedil.lu
 - a multisectorial federation of companies from the industrial sectors, the construction and services sector.
 - The members represent 25 % of the added value, 30 % of the internal employment and count +/-8 billions EUR a year of exports

The voice of the SMEs in the legislative process

- Characteristics of these associations:
 - **Voluntary registration**
 - **Frequently but non compulsory consultation / participation for consultation made by professional chambers**

The voice of the SMEs in the legislative process

- The Register of Architects and counselling engineers www.oai.lu
http://www.mcm.public.lu/en/legislation/loi_architectes.pdf
- The Register of chartered accountants www.oec.lu
<http://www.legilux.public.lu/leg/a/archives/1999/0083/a083.pdf#page=2>
- etc...
- Characteristics:
 - **Compulsory registration**
 - **Voluntary consultation** for specific matters

Consultation of the SMEs

- Preparatory phase for the writing of the new legislation
 - Legislation from EU origin (directive or regulation): participation of professional chambers in European consultations, national consultation on the European proposals, information given by the persons in charge of the discussions in the working parties from the Commission/Council
 - Legislation from national origin: preparatory discussions on necessity and contents

Consultation of the SMEs

- Draft advised by the Council of Government before being deposited in the Parliament. At the same time the opinion of the State Council and the opinion of the professional chambers is requested. The State Council waits for the opinion of Chambers expressing their own opinion. The State Council and the Parliament quite often make references to the opinions from the Chambers and ask some times why their advices on some specific points are not followed by the Government.

Consultation of the SMEs

- The regulatory impact assessment form and the SME test
 - **Compulsory** to attach to the legislation's draft in order to receive the agreement of the Council of Government. Without this document no possibility to send a legislative file to the Council of Government.

Concrete example: The legal fixation of the sales periods

- stage 1: before writing this legislative text, the minister of the SMEs sends a request for opinion to the Chamber of Commerce and to the Chamber of Trade and Crafts
- stage 2: the Chamber of Commerce asks the Confederation of Commerce to proceed to a survey with the storekeepers (Questionnaire with multiple choices)
- stage 3: the ministry of the SMEs writes a draft on the basis of the results of the survey

Concrete example: The legal fixation of the sales periods

- stage 4: a file including the draft of the ministry, the opinions of both professional chambers and the regulatory impact assessment form, including the SME test is sent to the Council of Government (Council of Ministers)
- stage 5: a report is written by the Council of Government, and the list of the projects of approved texts is published on the governmental site
- stage 6: the finalized text is sent with all its files to the the Grand duke for signature (emergency procedure)
- stage 7: official publication with wide echos in the media

Elements to transpose this good practice

- Minister / ministry dedicated to the SMEs
- Implementation of representative professional chambers
 - Whole cover/compulsory adhesion
 - Consultation anchored in the law
 - Respect of the procedures
 - Regular informal consultations
 - Networking

Thank you