

# Main audit findings

## Implementing parliamentary resolutions

The main issue in the audit was how the Government has implemented the resolutions approved by the Parliament.

The resolution procedure has little direct impact on central government finances as no specific resources are allocated for implementing the resolutions in addition to the operating expenses of the individual ministries. Occasionally, however, the resolutions may also have direct impact on central government finances. They may have an effect on the distribution of resources between different activities.

The resolution procedure may, however, have a significant indirect impact on central government finances. The resolutions are one of the instruments that the Parliament can use for steering the work of the Government. The resolutions may also have an impact on whether the Parliament gets the information that it needs. The task of the National Audit Office is to examine whether the Government complies with the decisions of the Parliament.

The resolutions may also have an impact on the quality of the legislation as they may make it easier to carry out ex ante and ex post monitoring of the impacts.

The number of resolutions passed by the Parliament is substantial. During the 2007-2010 parliamentary term, the Parliament adopted a total of 193 resolutions. However, the number of resolutions is small when compared with the total number of government proposals. During the parliamentary term in question, the Parliament considered a total of 1,019 legislative proposals (excluding the budget proposals).

Another reason why the resolution procedure should be reviewed is that there is little evaluation information available about its past use even though it has been in existence since the establishment of the Parliament.

## There are four types of resolution

A classification was made as part of the audit, allowing the resolutions to be grouped into four different types. The implementation of the different types of resolution was assessed in the audit using a number of criteria and in accordance with the typical features of the resolutions. The four different categories are as follows:

1. a reporting resolution, in which the Parliament calls for the Government to examine an issue (such as a problem concerning the existing legal state)
2. a follow-up resolution, in which the Parliament calls for the Government to carry out a follow-up on the effects of a legislative reform
3. a statute-drafting resolution, in which the Parliament calls for the Government to draft a legislative proposal or a lower-level provision
4. resourcing resolution or a call for action, in which the Parliament calls for the Government to allocate additional resources for a sector or to take other action.

During the 2007-2010 parliamentary term, the Parliament passed 59 reporting resolutions, 50 follow-up resolutions and 50 resourcing resolutions. The number of statute-drafting resolutions adopted by the Parliament was significantly lower (34).

### **Most of the measures called for in the resolutions are implemented**

The conclusion made on the basis of the audit was that the Government has taken most of the measures called for in the resolutions. This conclusion was reached on the basis of the following two questions:

- 1) Has the Government acted in accordance with the minimum requirements set out in the resolutions?
- 2) Has the Government implemented the resolutions in a manner that is satisfactory to the Parliament?

Observations made on the basis of these questions are examined below.

When the implementation of the resolutions is assessed it should be remembered that the resolution procedure is only one of the instruments on the basis of which the Parliament and the Government maintain their dialogue. The Parliament has a host of other instruments for influencing matters and obtaining information, such as the reports produced by the parliamentary committees and the questions put to the Government by Members of Parliament. Many of the measures called for in the resolutions are also implemented for reasons other than the fact that the Parliament has passed a resolution on them. By adopting resolutions, the Parliament often underlines the message that it also conveys using other instruments.

Based on the audit results, the conclusion is that the shortcomings in the implementation of the resolutions are mostly caused by a lack of

resources. The lack of resources may have led to delays in law drafting, to a situation where an authority has not been allocated the resources called for by the Parliament or to reports in which the topic is only discussed in a summary fashion.

The fact that a minister or the Government disagrees with the Parliament on the need to put a resolution into effect is also a common reason for the inadequate implementation of the resolutions. Moreover, some of the resolutions are formulated so that it is not possible or practicable to implement them rigorously.

## **The Government has met most of the minimum requirements set out in the resolutions**

Only a small percentage of the resolutions have contained significant shortcomings concerning their implementation.

The Government has submitted most of the reports and follow-ups to the Parliament on schedule. According to the audit, the Government had failed to produce two reports called for by the Parliament. The conclusion made on the basis of the interviews is that deadlines have occasionally been exceeded but that the delays have not been serious and have not complicated the work of the parliamentary committees. The length of the reports varies from memoranda of a few pages to commissioned research. The quality of the reports was not assessed in the audit though there was no criticism of this point either.

The legislative proposals called for in the resolutions had been submitted to the Parliament or they were being drafted. However, two drafting projects had been substantially delayed. The delays were the result of inadequate drafting resources and the scope of the legislative projects.

Most of the resolutions in which the Parliament called for the allocation of resources for a task or urged the Government to take other measures had also been implemented. However, many of these resolutions are of such general nature that it is difficult to assess how well they have been put into effect. It was found out in the audit that the Government had failed to allocate the Finnish Centre for Media Education and Audiovisual Media the funding for protecting children from harmful impacts of media called for by the Parliament. The second finding was that despite calls by the Parliament the maritime research centre had not been established.

## The Government has implemented the resolutions in a manner that is satisfactory to the Parliament

The Parliament allows the resolutions to lapse at a fairly slow pace. Almost half of all resolutions are still in force about six years after the passing of the resolution. The oldest resolution still in force is from 1992. A resolution may remain in force because the Parliament has not been satisfied with the action of the Government. At the same time, a resolution may also remain in force for other reasons: The matter concerned may be relevant or the Parliament wants to send a political message with the resolution. Thus, the length of the time that a resolution remains in force is only an indication of how well the Government has implemented it.

In their written statements, the parliamentary committees have not expressed much criticism of the manner in which the resolutions have been implemented. The sample contained a total of 73 resolutions from the period 2006-2013. In their statements, the parliamentary committees criticised the implementation of the resolutions on 17 occasions.

Most of the criticism concerned the failure of the Government to implement the resolutions as it should. For example, a ministry may not have supervised a matter in a proper manner or reported on a matter extensively enough. On three occasions, a parliamentary committee had noted that there are serious shortcomings in the implementation of a resolution. The preparation of a legislative project called for in a resolution took more than ten years as a result of inadequate drafting resources. It also transpired that the Government had failed to submit two requested reports to the Parliament. In one of these cases, the wording of the resolution was such that if it had been interpreted literally, no report would have been necessary. In the case of the other resolution, a ministry had produced a report but had failed to submit it to a parliamentary committee.

The four Members of Parliament interviewed for the audit were divided on the implementation of the resolutions. Two of the MPs were of the view that the Government does not implement the resolutions as it should. In their opinion, the resolution procedure is not effective enough as an instrument and therefore it does not allow the Parliament to genuinely steer the work of the Government. Their view was that the will of the Parliament is not adequately enforced.

However, two of the MPs were of the view that it is not necessary to implement the resolutions rigorously because they also have other functions than improving the law drafting process or ensuring that the Parliament has better access to information. Even though the resolutions

are often prepared carefully, the preparatory process is not as thorough as the drafting of legislative proposals in ministries. For this reason the four MPs were of the opinion that it is not necessary to implement all measures only because the Parliament has passed a resolution on them.

There were few differences between the views of the six committee counsels interviewed for the audit. In their opinion, the Government implements most of the measures called for in the resolutions. The committee counsels highlighted the fact that there are slight differences between the parliamentary committees concerning how thoroughly they prepare the resolutions and how quickly they allow them to lapse. The differences are partially a result of the composition of the parliamentary committees. Some of the committees also consult experts more frequently in matters pertaining to the implementation of the resolutions than others.

## Improving the resolution procedure

Both the audit questions and ways of improving the resolution procedure were examined in the audit.

Based on the audit results, the conclusion was that reducing the number of resolutions would be a good way to strengthen the effectiveness and weight of individual resolutions. If there were fewer resolutions, ministries could allocate more resources for implementing individual resolutions and Members of Parliament would also have more time to discuss them.

Assessing the implementation of the resolutions is made more difficult by the fact that the resolutions do not always specify concrete measures. Sometimes the deadlines given in the resolutions are unrealistic. Issuing general resolutions may still be justified in situations where the main purpose of the resolution is to ensure unanimity in a parliamentary committee.

At the moment, the resolution procedure does not generate enough interaction between the Parliament and the public administration. Most of the documents produced as part of the resolution procedure are in writing. There could be more interaction if the parliamentary committees heard ministers or public servants more often in resolution-related matters. The Parliament is in the process of updating the electronic resolution database. There are plans to make the database more interactive. The new database might also simplify the process of compiling the Government's annual report.

It was found out in the audit that the ministries' public servants do not receive enough feedback from the Parliament on what they could do to

implement resolutions in situations where the Parliament keeps a resolution in force. Parliamentary committees can give feedback on the resolutions in their written statements although this rarely happens. At the same time, public servants that have followed a legal sector for many years know that keeping a resolution in force is not always a result of Government action.

At the moment, the reports and follow-ups produced by the Government are not always extensively used in the Parliament. One approach would be for the parliamentary committees to hear the public servants preparing the reports more often.

One option suggested in the audit was to limit the validity of the resolutions to a specific period, such as five years. The Parliament could allow the resolutions to lapse before that date or keep the resolutions in force for longer periods. At the same time, however, the lapse of the resolutions at the end of the parliamentary term would be problematic because in that case the last resolutions of the parliamentary term would carry little weight.

The recommendation made by the Speaker's Council in October 2013 may reduce the number of resolutions in force. According to the recommendation, the parliamentary committees should, as a rule, propose that resolutions adopted before the 2007 parliamentary session should lapse.

All four ministries that submitted an opinion on the audit were of the view that the resolution procedure should be developed in the manner described in the audit.

According to the Ministry of Transport and Communications, the current resolution procedure is administratively cumbersome and there are good grounds to examine its practicality. In the central government steering system, the implementation of the resolutions should be coordinated with the implementation of the Government Programme. The Ministry of Transport and Communications supported the limitation of the validity of the resolutions as this would facilitate planning and reporting during each government term. A resolution could remain in force for one parliamentary term or until the beginning of the parliamentary term immediately following it. The Ministry of Transport and Communications also noted that resolutions concerning the increasing of resources are problematic in a situation where the spending limits procedure is a central fiscal policy steering instrument of the central government.

In the opinion of the Prime Minister's Office, the lapse of the resolutions at the end of the parliamentary term should be considered even though it would involve problems because the new parliament may not agree with

the policies of its predecessor. The Parliament should, however, be able to extend the validity of the resolutions adopted by the previous Parliament if it so wished.

The Ministry of Agriculture and Forestry strongly supported the updating of the resolution database so that ministries could add to it information on measures that they have taken on the basis of the resolutions. This would help to streamline reporting in connection with the annual report.