Independent Reporting Mechanism (IRM): Estonia Progress Report 2016-2017

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Executive Summary: Estonia

Independent Reporting Mechanism (IRM) Progress Report 2016–17

Estonia's third action plan derived its commitments from pre-existing government initiatives, including focused, citizen-centred public services, and open and inclusive policy-making. Civil society stakeholders expressed concerns over the lack of consultation during implementation. Moving forward, Estonia should ensure greater civil society involvement in both action plan development and implementation, and allocate funds to the implementation of more ambitious commitments.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. Estonia began participating in OGP in 2011. The Independent Reporting Mechanism (IRM) carries out an annual review of the activities of each country that participates in OGP.

In Estonia, the Government Office is the lead agency in charge of OGP participation, while the OGP Coordinating Council oversaw the development and implementation of the third action plan. The Coordinating Council consists of an even number of government and civil society organisation (CSO) representatives and met twice during the first year of the action plan period. The Coordinating Council lacks the authority to compel other agencies to implement commitments.

OGP Process
Countries participating in the OGP follow a process for consultation during development of their OGP action plan and during implementation.

Estonia's third action plan was developed along with seven CSOs selected by the OGP Civil Society Roundtable, who gathered and proposed commitments from CSOs based on the Coordinating Council's pre-chosen themes. However, CSO representatives expressed doubts that the roundtable was the most effective entity to encourage civil society involvement in OGP. While CSO proposals

At a Glance:
Member since: 2011
Number of commitments: 9

Level of Completion:
Completed: 0
Substantial: 5 of 9
Limited: 3 of 9
Not started: 1 of 9

Commitment Emphasis:
Access to
information: 1 of 9
Civic participation: 6 of 9
Public accountability: 0
Tech & innovation
for transparency &
accountability: 4 of 9

Commitments that are
Clearly relevant to an
OGP value: 8 of 9
Of transformative
potential impact: 0
Substantially or completely
implemented: 5 of 9
All three (✪):   0

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were included in the final action plan as commitments, the scope and wording was tailored to accommodate the proposals to other existing government initiatives.

The Coordinating Council oversaw implementation of the action plan. There was no regular multistakeholder consultation forum during the first year of implementation, apart from the Coordinating Council, and there were no channels to actively monitor the implementation activities of specific commitments. The IRM researcher recommends appointing a specific CSO to oversee the implementation of each commitment.

The Coordinating Council decided to replace the self-assessment report with an in-person Coordinating Council meeting. During the third action plan, this meeting took place on 20 June 2017, and the minutes are available online.

Commitment Implementation

As part of OGP participation, countries make commitments in a two-year action plan. Estonia's action plan contains nine commitments. Table 1 summarizes each commitment's level of completion and potential impact. Table 2 provides a snapshot of progress for each commitment and recommends next steps. In some cases, similar commitments are grouped and reordered to make reading easier.

Note that the IRM updated the criteria for starred commitments in early 2015 in order to raise the standard for model OGP commitments. Under these criteria, commitments must be highly specific, relevant to OGP values, of transformative potential impact, and substantially completed or complete. Estonia did not receive any starred commitments.

Table 1: Assessment of Progress by Commitment

COMMITMENT SHORT NAME	POTENTIAL IMPACT				LEVEL OF COMPLETION			
	NONE	MINOR	MODERATE	TRANSFORMATIVE	NOT STARTED	LIMITED	SUBSTANTIAL	COMPLETE
Theme I: Increase the Participation of Users in Designing and Developing Public Services								
1. e-Tax and Customs Board 2020	■	■	■		■	■	■	
2. Reducing bureaucracy and a simpler state — the zero bureaucracy project	■	■	■		■	■	■	
Theme II: Increase Engagement and Transparency in Policy-Making								
3. Implementation of the principles of open governance at local level as a result of the administrative reform	■	■			■	■	■	
4. More inclusive policy-making on a central government level	■	■			■	■		
5. More open and transparent law-making	■	■			■	■	■	
6. Increase of the engagement capacity of state authorities and participation capacity of non-governmental organisations in policy-making	■	■			■	■		
Theme III: Increase the Transparency of the Use of Public Funds								
7. Intensify participatory budgeting on a local level	■	■			■			
8. Increasing the transparency of the funding of non-governmental organisations	■	■	■		■	■		
Theme 1V: Development of Social and ICT Know-How Taking into Account the Opportunities of the Information Society and E-state								
9. Defining participatory democracy and development of digital competence in school education	■	■	■		■			

Table 2: Summary of Progress by Commitment

NAME OF COMMITMENT	RESULTS
1. e-Tax and Customs Board 2020 • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	Estonia's current e-Tax and Customs Board (e-TCB) is outdated and unable to adequately address common technological problems with its e-services. This commitment aims to update the e-TCB by creating a new e-service visual, conducting an analysis of user needs through consultations, simplifying the submission and administration of data, and amending relevant legislation on tax filings. The government developed a new e-TCB prototype and shared it among end users to gather feedback, and updated the e-TCB in late 2016 and early 2017. The commitment is expected to be fully implemented by 2018, but improvements and developments of the e-TCB will continue into 2020. If this commitment is carried forward, the IRM researcher recommends continuing to regularly engage end users on the functionality of the new e-TCB home page, and to use the process as a case study on how to develop a public service.
2. Reducing bureaucracy and a simpler state — the zero bureaucracy project • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Substantial	This commitment seeks to improve the Estonian business environment and simplify communication between businesses and the state by reducing excessive bureaucracy for businesses and entrepreneurs when engaging with the state. To accomplish this, the government plans to gather entrepreneurs' proposals on bureaucracy reduction and create a task force of civil society and government representatives to implement the proposals, develop a monitoring system to reduce bureaucracy, and prepare a report to the government on the results of implementation. Implementation of this commitment began before the development of the action plan. The government had already created the task force, collected 252 proposals, and combined 164 eligible proposals into 69 subprojects. Twenty-six out of 37 proposals scheduled for 2016 were fully implemented, while 50 proposals are scheduled to be implemented in 2017. If this commitment is carried forward, the IRM researcher recommends placing greater emphasis on implementing activities targeted toward the reduction of bureaucracy within the public sector. The IRM researcher also recommends including a mechanism to monitor follow-up activities.
3. Implementation of the principles of open governance at local level as a result of the administrative reform • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial	This commitment aims to address a lack of open government culture at the local level by implementing open government test projects in two newly merged municipalities. The results of these projects will then form the basis for countrywide recommendations on local government practises. The test projects implemented for this commitment involved several meetings and trainings on open government principles for local officials and CSOs, as well as the development of working documents on good practises. If the commitment is carried forward, the IRM researcher recommends including additional supportive actions for other municipalities to integrate open government principles into their governing practices.

4. More inclusive policy-making on a central government level • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Substantial	This commitment seeks to increase public participation at the earlier stages of policy-making by updating the "participation" sections on government ministry websites, many of which are currently outdated and have low levels of activity. It will also work toward this goal by introducing an initiation stage to support earlier engagement as an Information System of Draft Acts (EIS) development. The Government Office has encouraged ministries to develop their participation web pages, but only some have added new functions to their pages. The Government Office also prepared guidelines for all ministries on how to use the new processes and development function in the EIS, which was developed during the previous action plan. Government ministries are incorporating this new function into their work, but there have been no consultations. The IRM researcher recommends either continuing this commitment with a new focus on training civil servants on public consultation or not carrying it forward. If carried forward, the commitment should develop minimum standards for participation tools available on official web pages with a self-assessment for ministries to improve involvement practices.
5. More open and transparent law-making • OGP Value Relevance: Unclear • Potential Impact: Minor • Completion: Substantial	CSOs have noted a lack of laws to regulate interest group lobbying activities in Estonia, particularly regarding the Estonian parliament (Riigikogu). This lack has created a degree of opaqueness in policy-making. This commitment aims to update the Riigikogu handbook with good practises for lobbying. It also aims to amend the Riigikogu Rules of Procedure and Internal Rules Act according to the updates. The Anti-Corruption Select Committee of the Riigikogu submitted proposals for amending the Riigikogu handbook, but these proposals were not approved. Instead, the Anti-Corruption Select Committee submitted a different document with eight general recommendations on good practises when meeting with lobbyists. While this document was approved, the recommendations are currently non-binding, and there is no evidence of change in law-making practice. Therefore, the implementation activity did not correspond to the deliverables laid out in the action plan. The IRM researcher recommends carrying the commitment forward, but with the inclusion of a mechanism for the public to monitor lobbying activities. The IRM researcher also recommends expanding the commitment to include other public officials besides members of the Riigikogu.
6. Increase of the engagement capacity of state authorities and participation capacity of non-governmental organisations in policy-making • OGP Value Relevance: Clear • Potential Impact: Minor	This commitment seeks to create the necessary conditions for increased non-governmental organisation (NGO) engagement in the policy-making process by implementing NGO engagement projects. The Government Office's committee responsible for this commitment approved three projects, two of which were fully implemented. The implemented projects included one to develop the EIS and another to increase public participation in environmental policy. The project currently being implemented is the creation of an advocacy development program for 25 NGOs called Advocacy Lab. The Government Office is also considering four additional project proposals. According to public officials and

• Completion: Limited	CSOs, the public consultation practises of the Ministry of the Environment have improved due to this commitment. Going forward, the IRM researcher recommends clarifying the rules for proposing projects and the rules for receiving funding to implement the proposals.
7. Intensify participatory budgeting on a local level • OGP Value Relevance: Clear • Potential Impact: Minor • Completion: Not Started	This commitment seeks to address concerns of declining civic participation in newly formed Estonian municipalities by implementing participatory budgeting. To do this, the commitment calls on the Ministry of Finance to analyse current examples of participatory budgeting and prepare instructions for best practises. Due to personnel changes at the Ministry of Finance, implementation of this commitment has been delayed. The IRM researcher recommends expanding this commitment to include more public scrutiny over inclusive budgeting in local governments. The commitment should also include public consultations on the budgeting of larger, multiyear strategies and projects.
8. Increasing the transparency of the funding of non-governmental organisations • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	This commitment aims to address a lack of transparency in the funding of NGOs in Estonia by developing a methodology of analysing NGO financing practises and gathering, analysing, and disclosing data on NGO financing. The Ministry of the Interior tasked the Centre for Applied Social Sciences at the University of Tartu with the first analysis on NGO financing. That analysis was to be completed in November 2017. However, the Ministry of Finance has not yet executed the second analysis of NGO financing data. The IRM researcher recommends carrying this commitment forward with additional focus on working through the public sector to make financial statistics easier for the public to understand.
9. Defining participatory democracy and development of digital competence in school education • OGP Value Relevance: Clear • Potential Impact: Moderate • Completion: Limited	Although Estonia is considered a leading country in digital technology and innovation, CSOs have reported that the teaching of digital skills in schools has been inconsistent. This commitment aims to improve digital competencies of Estonian pupils. The commitment will thus increase civic participation by updating the syllabi of courses for social subjects in Estonian schools, based on consultations with interest groups and civil society. The commitment also calls for adding to the digital learning portal e-Koolikott the materials necessary for studying and teaching. The commitment also calls on the foundation Innove (established by the Government of Estonia) to assist in the development of the new syllabi. A digital competency model and examination was developed prior to the start of the action plan period. During the first year of implementation, the Ministry of Education and Research formed a working group of two teachers and two senior academic researchers to develop the concept notes for each social science subject. These concept notes for the subject syllabi should be prepared by the end of 2017. If carried forward, the IRM researcher recommends more explicitly connecting technological competencies and school syllabi to the principles of open government and civic participation.

Recommendations

Moving forward, the Coordinating Council should make a more serious effort to reinvigorate the OGP process in Estonia by making it into an advisory board to the government. It could also be chaired by the Minister of Public Administration, and CSOs could choose its co-chair. Stakeholders should be afforded better consultation opportunities and mechanisms during both development and implementation of the action plan. Commitments should be more ambitious and not just derived from pre-existing government initiatives, the latter being the case for the third action plan. Additionally, OGP activities should have dedicated funding to encourage more innovative commitments and to support their timely implementation.

Beginning in 2014, all OGP IRM reports include five key recommendations about the next OGP action planning cycle. Governments participating in OGP will be required to respond to these key recommendations in their annual self-assessments. These recommendations follow the SMART logic; they are Specific, Measurable, Answerable, Relevant, and Timebound. Given these findings, the IRM researcher presents the following key recommendations:

Table 3: Five Key Recommendations

Establish motivation and tools for stronger everyday leadership, both in the Coordinating Council and OGP Civil Society Roundtable, and consider revising the status of the Coordinating Council.
Include activities that are coherent with the state reforms that already have their own budgets, but would offer clear additional value to already planned activities. Find a better balance between pre-existing plans and new initiatives.
Each commitment should have a CSO responsible for monitoring its implementation, while also having enough capacity and resources fulfil this task.
Include commitments that are well defined, ambitious, and feasible over a two-year period, and that have a public-facing element.
Include stakeholder priority areas—such as anti-corruption, local decision-making structures, and youth policy—in the action plan.

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Eligibility Requirements: To participate in OGP, governments must demonstrate commitment to open government by meeting minimum criteria on key dimensions of open government. Third-party indicators are used to determine country progress on each of the dimensions. For more information, see Section VII on eligibility requirements at the end of this report or visit bit.ly/1929F1I.

I. Introduction

The Open Government Partnership (OGP) is an international multistakeholder initiative that aims to secure concrete commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP provides an international forum for dialogue and sharing among governments, civil society organisations (CSOs), and the private sector, all of which contribute to a common pursuit of open government.

Estonia began its formal participation in 2011, when President Toomas Hendrik Ilves declared his country's intention to participate in the initiative.[1]

In order to participate in OGP, governments must exhibit a demonstrated commitment to open government by meeting a set of (minimum) performance criteria. Objective, third-party indicators are used to determine the extent of country progress on each of the criteria: fiscal transparency, public official's asset disclosure, citizen engagement, and access to information. See Section VII: Eligibility Requirements for more details.

All OGP-participating governments develop OGP action plans that elaborate concrete commitments with the aim of changing practise beyond the status quo over a two-year period. The commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area.

Estonia developed its national action plan from December 2015 to June 2016. The official implementation period for the action plan was 1 July 2016 through 30 June 2018. This year one report covers the action plan development process and first year of implementation, from July 2016 to June 2017. Beginning in 2015, the IRM started publishing end-of-term reports on the final status of progress at the end of the action plan's two-year period. Any activities or progress occurring after the first year of implementation [July 2017] will be assessed in the end-of-term report. The government does not plan to publish any self-assessment report. The Coordinating Council held its progress review meeting about the action plan on 20 June 2017.

In order to meet OGP requirements, the Independent Reporting Mechanism (IRM) of OGP has partnered with Dr. Kristiina Tõnnisson from the Johan Skytte Institute of Political Studies at the University of Tartu, who carried out this evaluation of the development and implementation of Estonia's third action plan. To gather the voices of multiple stakeholders, the IRM researcher held focus groups and interviews with government officials and civil society stakeholders in Tallinn and Tartu. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. Methods and sources are dealt with in Section VI of this report (Methodology and Sources).

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[1] "Estonia Letter of Intent to Join OGP," Open Government Partnership, https://www.opengovpartnership.org/documents/estonia-letter-of-intent-join-ogp.

II. Context

Estonia's third action plan focused on citizen-centred public services and open and inclusive policy-making processes. While the action plan included commitments that were proposed by civil society, such as more open and transparent policy making and the zero bureaucracy project, the final commitments were derived from pre-existing strategic documents and generally lacked ambition. Moving forward, Estonia should more actively involve civil society, local governments, and Parliament in the development and implementation of the next action plan, and include other stakeholder priorities such as anti-corruption legislation.

2.1 Background

Since gaining independence in 1991, Estonia has made significant progress in good government and democracy. Estonia ranked first in democratic governance among 29 post-communist countries, according to Freedom House's 2017 Nations in Transit Index,[1] and it ranked 22 out of 176 countries in Transparency International's 2016 Corruption Perceptions Index.[2] Estonia joined the European Union (EU) in 2004 and the Organisation for Economic Co-operation and Development in 2010. Estonia's previous two action plans largely focused on improving e-government, public participation, and public service delivery. Both action plans saw high levels of implementation but resulted in mostly minor improvements to open government due to unambitious commitments. Most OGP commitments have come directly from the pre-existing plans and activities of various public organisations. The government has also done little to raise public awareness of Estonia's action plans and related activities. E-government and e-services remain major open government issues in Estonia, and Estonia has prioritized these topics during its EU presidency period, from July to December 2017.[3]

A new government took office in November 2016 after a no confidence vote in Parliament, and it promised to promote open governance and to involve entrepreneurs, experts, civil society, and opposition parties in the decision-making process.[4] The new government's commitment to open government principles has been questioned after the new prime minister decided not to participate in the 2016 OGP Global Summit and implemented important tax reforms without consulting interested parties.[5] However, Estonia was still represented at the Summit by the Estonian President, who has been actively promoting open governance values and a "seamless society."[6]

As one of the commitments from the last action plan was "early access to tax policy decisions," speedy tax reforms by the current government were not discussed or explained in advance created confusion among open government stakeholders. According to the Estonian Employers' Confederation, the swift tax changes have negatively affected the economic environment in Estonia. The director of the Estonian Employers' Confederations stated that "the tax changes were handled in violation of law making practice and in violation of public engagement practice" and that such law-making practises have "diminished confidence in [the] Estonian economy and decreased public trust towards the government."[7]

While Estonia ranks high in global indices for transparency and accountability, CSOs and public media outlets have raised concerns over recent trends in these areas. According to Anni Jatsa, the executive director of Transparency International Estonia, the country's position in the Corruption Perceptions Index stalled for the first

time in five years in 2017, due to a lack of substantial reforms in transparency.[8] The new coalition party, the Centre Party, has been embroiled in several corruption scandals in recent years.[9] Organisational transparency has been an issue for various public institutions, such as the Port of Tallinn,[10] Eesti Energia,[11] and the Estonian Health Insurance Fund. In 2016, the Estonian Health Insurance Fund saw a budget deficit of around 30 million euros. According to the head of Estonian Health Insurance Fund, Tanel Ross, the budget deficit was the result of one-time expenses.[12] However, six health experts issued a statement in May 2017 in the daily newspaper *Postimees* claiming that EU funds for healthcare have been misused in Estonia, and that politicians frequently make important healthcare decisions based on party interests and not on expert consultations.[13]

A lack of public participation in decision-making processes is another area of concern for some stakeholders in Estonia. According to CSO representatives Liia Hänni and Tarmo Treiman, public participation in Estonia is often undermined by hasty decisions or "window dressing," situations in which the government pretends to consult the public on decisions but ultimately does not take public opinion into account when making final decisions.[14] There have been concerns over the lack of public engagement at the local level (e.g., regarding a new law on forestry,[15] road construction cases,[16] etc.), which is important, considering that local government directly impacts citizens' lives. Estonian entrepreneurs have also expressed a desire to be consulted more in the decision-making process, particularly around bureaucracy reduction policy and tax reforms.[17]

2.2 Scope of Action Plan in Relation to National Context
Estonia's third action plan derives most of its commitments from pre-existing strategic documents and government activities, thus limiting its potential to address open government challenges in the country. The plan focuses on two broad policy areas: developing citizen-centred public services and opening and creating inclusive policy-making processes. The two commitments under the first theme address the issues of e-tax reforms and reducing bureaucracy for businesses and entrepreneurs, both of which call for consultations with relevant stakeholders and entrepreneurs as part of their implementation. The zero-bureaucracy project was a major stakeholder priority during the development of the action plan, and the project attempts to address a major open government priority for the country's entrepreneurs.

Most commitments under the second theme, to increase public engagement and transparency in policy-making, address certain open government issues to an extent, but these commitments are largely limited in scope, given the pervasive nature of some of these issues. Notably, the general issue of window dressing regarding public engagement by public institutions is not sufficiently addressed in the action plan's civic participation commitments. The commitment to implement the principles of open governance at the local level is based on a pre-existing administrative reform and the implementation of test projects. However, it does not guarantee that these test projects will impact the preparation and implementation of broader public policy in local governments. Future commitments on local governance could offer long-term consultation opportunities. Another commitment calls for the development of the "participation" sections of government ministry websites, but the commitment does not mention how traffic to these websites will be increased.

The action plan generally does little to address the lack of transparency in the decision-making process at the local and central levels. For example, the commitment to increase transparency in Parliament (Riigikogu) focuses on updating the Riigikogu handbook with rules on lobbying activities but does not provide public

oversight of lobbying. Other commitments on transparency could go further to mitigate potential corruption in Estonia.

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[1] "Nations in Transit 2017," Freedom House, https://freedomhouse.org/report/nations-transit/2017/estonia.

[2] "Corruption Perceptions Index 2016," Transparency International, https://www.transparency.org/news/feature/corruption_perceptions_index_2016#table.

[3] "Priorities of the Estonian Presidency," eu2017.ee, https://www.eu2017.ee/priorities-estonian-presidency.

[4] Vabariigi Valitsus, *Eesti Keskerakonna, Sotsiaaldemokraatliku Erakonna Ning Isamaa ja Res Publica Liidu Valitsusliidu Aluspõhimõtted 2016-2019*, page 3, http://bit.ly/2tLnNvw.

[5] Rauno Vinni, "Valitsus on Oma Lubadused Juba Unustanud," *ERR Uudised*, 9 December 2016, http://www.err.ee/578873/rauno-vinni-valitsus-on-oma-lubadused-juba-unustanud.

[6] President of the Republic at the Eastern Partnership Civil Society Conference, 25 October 2017, https://www.president.ee/en/official-duties/speeches/13674-president-of-the-republic-at-the-eastern-partnership-civil-society-conference/index.html,

[7] "Tööandjad: Kiired Maksu-uuendused Halvendavad Majanduskeskkonda," *BNS News*, 25 January 2017, http://www.rmp.ee/uudised/uldmajandus/tooandjad-kiired-maksu-uuendused-halvendavad-majanduskeskkonda-2017-01-25.

[8] Ühing Korruptsioonivaba Eesti, "Estonia's Standstill in the CPI Has Been Cemented," Transparency International, 25 January 2017, http://www.transparency.ee/cm/en/uudised/estonias-standstill-cpi-has-been-cemented.

[9] Vabaerakond, "Keskerakonna Korruptsioon on Võtnud Maksumaksja Rahakotist Vähemalt Miljon Eurot," 31 May 2017, http://arileht.delfi.ee/news/uudised/vabaerakonna-analuus-keskerakonna-korruptsioon-on-votnud-maksumaksja-rahakotist-vahemalt-miljon-eurot?id=78394114.

[10] Ann-Marii Nergi, "Eesti Suurimaid Korruptsiooniskandaale Jõuab Kohtusse: Allan Kiil Küsis Süüdistuste Kohaselt Parvlaevatehastelt 3,5 Miljonit Eurot," *Eesti Päevaleht*, 29 September 2017, http://arileht.delfi.ee/news/uudised/eesti-suurimaid-korruptsiooniskandaale-jouab-kohtusse-allan-kiil-kusis-suudistuse-kohaselt-parvlaevatehastelt-3-5-miljonit-eurot?id=79666492.

[11] Helene Mihelson, "Kapo Pidas Korruptsioonis Kahtlustatavana Kinni Eesti Energia Tütarettevõtte Tootmisjuhid," *Postimees*, 3 February 2014, https://majandus24.postimees.ee/2684024/kapo-pidas-korruptsioonis-kahtlustatavana-kinni-eesti-energia-tutarettevotte-tootmisjuhid.

[12] Marian Võsumets, "Päevaintervjuu Haigekassa Juht Eelarve Puudujäägist: Muretsemiseks Pole Põhjust," *Postimees,* 8 September 2016, https://arvamus.postimees.ee/3828869/paevaintervjuu-haigekassa-juht-eelarve-puudujaagist-muretsemiseks-pole-pohjust.

[13] Erki Mölder, Tiit Meren, and Eero Merilind, "Avalik Pöördumine: Kes Vastutab Meie Tervise Eest?" *Postimees*, 23 May 2017, http://arvamus.postimees.ee/4120763/avalik-poordumine-kes-vastutab-meie-tervise-eest.

[14] Liia Hänni (E-Governance Academy), interview by IRM researcher, 5 September 2017; and focus group by IRM researcher in Tallinn, 22 September 2017.

[15] Züleyxa Izmailova, "Rohelised: Uus Valitsus ei Peaks Jätkama Eesti Lagedaks Raiumisega," *Pealinn*, 22 November 2016, http://www.pealinn.ee/newset/rohelised-uus-valitsus-ei-peaks-jatkama-eesti-lagedaks-raiumisega-n180196.

[16] Anu Saagim, "Haabersti Hõberemmelgas on Kogu Eestimaa Vabadussammas, on Aeg Võtta Oma Vabadus Tagasi!" *Õhtuleht*, 22 June 2017, http://www.ohtuleht.ee/812732/video-saale-kareda-haabersti-hoberemmelgas-on-kogu-eestimaa-vabadussammas-on-aeg-votta-oma-vabadus-tagasi.

[17] Marko Udras (Estonian Chamber of Commerce and Industry), interview by IRM researcher, 9 June 2017.

III. Leadership and Multistakeholder Process

The Government Office started the consultation process on time and included advance notice for consultation. However, it did not execute awareness-raising activities so that the public could become involved. Finalization of the action plan was done quickly and without giving sufficient time for consultation with CSOs. The Coordinating Council served as the multistakeholder consultation forum, but it did not meet regularly during the first year of the action plan's implementation.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Estonia. Table 3.1 summarizes this structure while the narrative section (below) provides additional detail.

Table 3.1: OGP Leadership

1. Structure	Yes	No
Is there a clearly designated Point of Contact for OGP (individual)?	✔	
	Shared	**Single**
Is there a single lead agency on OGP efforts?		✔
	Yes	**No**
Is the head of government leading the OGP initiative?		✔
2. Legal Mandate	**Yes**	**No**
Is the government's commitment to OGP established through an official, publicly released mandate?	✔	
Is the government's commitment to OGP established through a legally binding mandate?		✔
3. Continuity and Instability	**Yes**	**No**
Was there a change in the organisation(s) leading or involved with the OGP initiatives during the action plan implementation cycle?		✔
Was there a change in the executive leader during the duration of the OGP action plan cycle?		✔

Estonia is a parliamentary democracy with a clear separation of government powers. The Government Office is the lead institution responsible for implementing the action plan in Estonia. Currently, the Government Office's mandate is largely based around providing organisational support to the cabinet ministers and the prime minister, and it lacks the legal authority to compel other agencies to enter into OGP commitments.

The Government Office's secretary of state is the head of the OGP Coordinating Council. The Coordinating Council itself is an advisory council to the secretary of the state, not to the government. Previously, the Coordinating Council oversaw just the implementation of the action plan, but starting with the current action plan, it oversees both development and implementation.[1] The action plan needs official

government approval before it can be implemented, but most partnership-related decisions are made at this collaboration forum. The Coordinating Council can also call on responsible ministries to report on the progress of implementation and other policies connected to commitments, since most of the commitments derive from pre-existing public policies.

The Coordinating Council is composed of 14 members: seven from the public sector and seven from civil society. Since 2016, the council has also invited representatives from Parliament and local government to join the OGP initiative. These representatives have an equal say with the other council members in how the action plan is developed and implemented, but the representative from Parliament participated just once during the Coordinating Council meetings. Council meetings have been less frequent than in previous action plan cycles, having met just twice during the current action plan cycle at the time of writing this report, in September 2016 and in June 2017.

Estonia derives its action plan priorities from existing policies and fine-tunes the individual commitments at the Coordinating Council meetings. Most of the activities are bound to other activities and measures from other strategic documents.[2] The Ministry of Finance and the Ministry of Economic Affairs and Communications are responsible for developing and implementing the largest number of commitments in the current action plan.

There is a small budget for OGP in the Government Office's budget, mostly for administration and communication. Numerous public servants are responsible for various OGP activities and carry them out in addition to their normal administrative tasks. However, most CSOs believe that the Government Office lacks special financial and human resources dedicated to coordinating the implementation of the action plan.[3]

A new government was formed in November 2016. The change in government did not affect the formal implementation of the action plan because most of the commitments are connected to pre-approved organisational work plans. (See Table 3.1 on the leadership and mandate of OGP in Estonia.)

3.2 Intragovernmental Participation
This subsection describes which government institutions were involved at various stages in OGP. The next section will describe which nongovernmental organisations were involved in OGP.

Table 3.2 Participation in OGP by Government Institutions

How did institutions participate?	Ministries, Departments, and Agencies	Legislative	Judiciary (including quasi-judicial agencies)	Other (including constitutional independent or autonomous bodies)	Subnational Governments
Consult: These institutions observed or were invited to observe the	6 (at least)[4]	1[5]	0	0	1[6]

action plan but may not be responsible for commitments in the action plan.					15
Propose: These institutions proposed commitments for inclusion in the action plan.	6[7]	0	0	0	0
Implement: These institutions are responsible for implementing commitments in the action plan whether or not they proposed the commitments.	6[8]	1[9]	0	0	0

In Estonia, participation in OGP is centred around the executive branch. In most cases, the responsible institutions for the activities are ministries, which develop and implement policies that are subject to oversight by Parliament. Table 3.2 above details which institutions were involved in OGP.

The Coordinating Council carried out the logistics of the action plan development. Drawing on the recommendations from the previous IRM report, the Coordinating Council decided on 1 March 2016 to focus on two priority areas: 1) citizen-centred public services and 2) an open and inclusive policy-making process. The Government Office invited other government institutions and public to suggest commitments based on these two priority areas. Although seven commitments in the action plan were proposed by CSOs, the final focus and scope of the commitments in the action plan are based on the existing initiatives of various government institutions, including the timeframes and budgets. According to the Government Office, the commitments were chosen based on these priorities in order to focus the action plan's development, and not due to a lack of special budget. Still, many interviewed CSOs viewed the action plan as another framework or "package" for most of the activities.[10]

Six public institutions made commitment proposals. There were no proposals made by Parliament, by local governments, or by the Association of Estonian Cities. The Coordinating Council used three criteria to decide if a proposal was suitable for inclusion in the action plan: 1) it should fall under the two priority areas; 2) it should be ambitious; and 3) the activities should be implemented in cooperation with other institutions and there should be enough resources for the implementation. It should be noted that, in order to meet the resource criteria, proposals were tailored to fit into pre-existing government initiatives.

The Government Office oversees the implementation of two out of the nine commitments in the current action plan. The Ministry of Finance is responsible for implementing three commitments (one commitment is shared with the Ministry of the Interior). The Ministry of the Interior, the Ministry of Economic Affairs and Communications, the Ministry of Education and Research, the Tax and Customs Board, and Parliament are each responsible for one commitment. There are also other public agencies involved in implementing specific milestones of the planned policy initiatives. Implementation of many commitments involves support from CSOs, but most of these organisations were not specified in the action plan

3.3 Civil Society Engagement

Table 3.3: National OGP Process

Countries participating in OGP follow a set of requirements for consultation during development, implementation, and review of their OGP action plan. Table 3.3 summarizes the performance of Estonia during the 2016-2018 action plan.

Key Steps Followed: 4 of 7						
Before	**1. Timeline Process & Availability**			**2. Advance Notice**		
	Timeline and process available online prior to consultation	Yes ✔	No	Advance notice of consultation	Yes ✔	No
	3. Awareness Raising			**4. Multiple Channels**		
	Government carried out awareness-raising activities	Yes	No X	4a. Online consultations:	Yes ✔	No
				4b. In-person consultations:	Yes ✔	No
	5. Documentation & Feedback					
	Summary of comments provided				Yes ✔	No
During	**6. Regular Multistakeholder Forum**					
	6a. Did a forum exist?	Yes ✔	No	6b. Did it meet regularly?	Yes	No X
After	**7. Government Self-Assessment Report**					
	7a. Annual self-assessment report published?	Yes	No X	7b. Report available in English and administrative language?	Yes	No X
	7c. Two-week public comment period on report?	Yes	No X	7d. Report responds to key IRM recommendations?	Yes	No X

Seven CSO representatives were members of the OGP Coordinating Council for the third action plan: the e-Governance Academy, the Estonian Chamber of Commerce and Industry, Estonian Education Forum, the Estonian Trade Union Confederation, the Network of Estonian Nonprofit Organisations (NENO), Open Estonia Foundation, and the Praxis Centre for Policy Studies. These organisations were selected by the OGP Civil Society Roundtable. The roundtable was created in 2011 as a platform for contributing to the information, monitoring, and implementation of Estonia's action plans. It includes 19 CSOs, and it collected commitment proposals from these CSOs during the development of the third action plan.

After the action plan's themes were established at the OGP Coordinating Council meeting in March 2016, an open invitation for commitment proposals was sent out to CSOs. At the same meeting, many CSOs expressed concerns about the lack of awareness-raising activities for the action plan development and pointed out that the participating CSOs lacked sufficient resources to make active commitment proposals. For example, in early 2016, the Civil Society Roundtable proposed an engagement project to the committee responsible for discussing the proposals under Commitment 6 that would have increased engagement among CSOs and the public the during development of Estonia's third action plan. However, the project idea did not receive funding. The representative of NENO, Maris Jõgeva, said that in the future, her organisation might not have enough time and resources to share information about the process and actively represent other NGOs at the council. The representative from Praxis, Annika Uudelepp, said that all participating CSOs have enough resources only to represent themselves.[11] Many CSOs questioned the ability of the Civil Society Roundtable to encourage active CSO involvement in the OGP process, due to the roundtable's own lack of activity.

After the March 2016 meeting, NENO made a broader call for commitment proposals among its CSO members throughout Estonia. All other interested parties had a month to make proposals on concrete activities. CSOs altogether made 27 proposals, while government institutions made six proposals. There was a web-based open call to the public to submit commitment proposals. This call was closed on 15 April 2016, and no additional proposals came from this open call. All proposals were discussed at the next Coordinating Council meeting on 27 April 2016, when a preliminary draft of the action plan was put on the table. Although the Government Office provided limited feedback on the proposals, there is no summary of the feedback for the comments, and CSOs expressed dissatisfaction, at the overall lack reasoning for why certain proposals were not included in the final action plan. While the Coordinating Council explicitly stated at the previous meeting that the reasons for leaving out certain proposals from the draft action plan should be explained to the public, few explanations were given before and after the draft plan was prepared.[12] Since the members of the Coordinating Council did not see the draft plan before the meeting, it was difficult for them to give appropriate feedback on the plan. Of the nine commitments in the final action plan, seven were proposed by CSOs (commitments 3, 4, 5, 6, 7, 8, and 9), and two were proposed by public sector representatives (commitments 1 and 2). The draft action plan was posted online for public consultation on the Information System of Draft Acts (EIS)[13] and on the "participation" page of the website osale.ee for two weeks, but it was not advertised and no public suggestions or comments were made. The draft did not receive feedback from any organisation, and it appeared that the preliminary decisions had already been made. The government agencies approved the final action plan on 30 June 2016.

Table 3.4: Level of Public Influence
The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.[14] This spectrum shows the potential

level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

Level of public input		During development of action plan	During implementation of action plan
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	✔	✔
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

3.4 Consultation During Implementation

As part of their participation in OGP, governments commit to identify a forum to enable regular multistakeholder consultation on OGP implementation. This can be an existing entity or a new one. This section summarizes that information.

In Estonia, the Coordinating Council, chaired by the secretary of state, served as the multistakeholder consultation forum during the action plan implementation. Membership in the Coordinating Council continued to be evenly distributed: half were CSO representatives chosen by the OGP Civil Society Roundtable (all professional CSOs), and half from the public sector (ex-officio).

During the first year of the action plan, the Coordinating Council met just twice: on 21 September 2016 and on 20 June 2017. Both meetings took place in person in the capital Tallinn. During the first meeting, 16 people were present (representing five CSOs and five public sector organisations from the Coordinating Council), and during the second meeting, 17 people were present (representing four CSOs and five public sector organisations from the Coordinating Council). The remaining participants were invited guests and speakers from the public sector. All the official meetings of the OGP Coordinating Council proceeded by protocol, and these protocols were published on the Government Office's OGP web page. The IRM researcher has not been part of preparing the current action plan or monitoring the progress of its implementation.

The Estonian government replaced its midterm self-assessment report with a general overview meeting about the progress of implementing the action plan, so the aim of the last Coordinating Council meeting was to share information about the current state of implementation of the commitments.

CSOs have criticized the nature of Estonia's participation in OGP, claiming the government uses OGP membership to build international prestige, as opposed to promoting open governance.[15] Similarly, public sector representatives agree that the government often uses OGP membership as an additional publicity platform for government initiatives, but not to add value to these initiatives.[16] This criticism is

exemplified by the fact that a majority of the action plan commitments were already planned by public organisations prior to the development of the plan, and they would be implemented regardless of their status as OGP commitments. The focuses and scope of some commitment are smaller than the planned activities (e.g. commitments 1 and 2), while in other cases, the scope is greater than previously planned (e.g. Commitment 4). This approach might create confusion among the involved parties since they are often unsure of the exact scope and/or wording of the final commitments in the action plan. Even though most of the proposals selected for inclusion in the final action plan came from CSOs, the scope and wording of the commitments was formalized in a way that accommodates the commitments into existing government initiatives. While the action plan omits all commitment proposals that lacked special funding in the implementing organisation's budget, the most important factor in determining the final focus and scope of the commitments is the approval of the implementing organizations. Additionally, there are almost no channels to actively monitor the progress of the implementation of commitments, other than emailing the responsible institution or the government point of contact for OGP. The minutes of the Coordinating Council's meetings give a general overview of the implementation progress, but should be updated more frequently.

3.5 Self-Assessment

The OGP Articles of Governance require that participating countries publish a self-assessment report three months after the end of the first year of implementation. The self-assessment report must be made available for public comments for a two-week period. This section assesses compliance with these requirements and the quality of the report.

At its September 2016 meeting, the Coordinating Council declared it will no longer prepare midterm self-assessment reports for future action plans, including for the current plan. Midterm self-assessment reports will be replaced by the meetings of the Coordinating Council, where an overview of the progress of the commitments will be made. Meeting minutes of all Coordinating Council meetings are available online.[17] During the current action plan, this overview meeting took place on 20 June 2017.

3.6 Response to Previous IRM Recommendations

Table 3.5: Previous IRM Report Key Recommendations

	Recommendation	Addressed?	Integrated into Action Plan?
1	**The Government Office should continue to improve proactive and regular communication around the Action Plan and the OGP process.** This will involve dedicating sufficient time for a more participatory design process for the plan and optimising communication channels to more clearly promote OGP results and outputs.	X	X
2	**Estonia's OGP process requires more high-level political support to promote and galvanise wider participation in Estonia's OGP process, especially at the early stages.** The Government Office should seek out allies and champions across all branches and levels of government.	X	X
3	**The action plan should make**	✓	X

	commitments that follow the SMART logic: They should be clear, specific, measurable, answerable, relevant, and timebound. Commitments should all include clear baselines, targets, and indicators, and explanations of their relationship to or overlap with other public administration initiatives.		
4	**The next action plan should focus on fewer but more ambitious reforms.** Commitments should reflect ambitious goals, with a greater focus on how the action plan could add value to Estonia's open government process.	X	X
5	**The action plan should include certain key open government topics that are priorities for Estonia.** Among other priorities that stakeholders will identify in the consultation process, possible priorities include anti-corruption activities; public ethics; and key public service sectors, such as health and education. The plan should also be coherent and complementary with Estonia's presidency of the Council of the European Union.	✔	✔

The current action plan addressed two of the key recommendations from the previous IRM report, while one of the recommendations was fully integrated into the action plan. Concerning the first recommendation about proactive and regular communication around the action plan, the Coordinating Council's participating organisations support this idea, but nothing has changed in practise. Indeed, there was less communication around OGP activities during the current action plan than during the previous plan. The second recommendation on more political support for the OGP process has not been addressed or incorporated into the action plan. While Parliament was invited to participate in the development and implementation of the action plan, its participation was highly limited.

The third recommendation about using SMART logic has been followed partially. While the commitments in the current action plan are more precise and concrete than those in previous plans, they still lack concrete outcomes and information about connections to other development plans or strategic documents. The fourth recommendation called for fewer and more ambitious reforms. While there are fewer and clearer commitments in the current action plan, the plan's level of ambition is generally low. Concerning the fifth recommendation on choosing key topics and priorities, it is a positive step that the government decided to focus on two thematic areas.

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[1] "Estonia's Third OGP Action Plan 2016-2018," Open Government Partnership, 8-9, https://www.opengovpartnership.org/documents/estonias-third-ogp-action-plan-2016-2018.
[2] Riigikantselei, *Summary of the OGP Consultation Board's Meeting*, 1 March 2016, 2, https://riigikantselei.ee/sites/default/files/content-editors/Failid/AVP/avp16p1.pdf.
[3] Focus group with CSOs by IRM researcher in Tallinn, 22 September 2017.
[4] Government Office, Ministry of Finance, Ministry of the Interior, Ministry of Economic Affairs and Communications, Tax and Customs Board, and Ministry of Education and Research.
[5] Parliament.

[6] Association of Estonian Cities.

[7] Government Office, Ministry of Finance, Ministry of the Interior, Ministry of Economic Affairs and Communications, Tax and Customs Board, and Ministry of Education and Research.

[8] Government Office, Ministry of Finance, Ministry of the Interior, Ministry of Economic Affairs and Communications, Tax and Customs Board, and Ministry of Education and Research.

[9] Parliament.

[10] Focus group with CSOs by IRM researcher in Tallinn, 22 September 2017, Viola Mäemurd (Ministry of the Interior), interview by IRM researcher, 18 September 2017, Margus Sarapuu, Ministry of Economic Affairs and Communications, 4 September 2017.

[11] Riigikantselei, *Summary of the OGP Consultation Council's Meeting*, 1 March 2016.

[12] Riigikantselei, *Summary of the OGP Consultation Council's Meeting*, 27 April 2016, https://riigikantselei.ee/sites/default/files/content-editors/Failid/AVP/avp16p2_0.pdf.

[13] For a summary of proposals received and comments provided, see: http://eelnoud.valitsus.ee/main#82TsCohx.

[14] For more information on the IAP2 Spectrum, see http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

[15] Focus group by IRM researcher in Tallinn, 22 September 2017; and focus group by IRM researcher in Tartu, 20 September 2017.

[16] Margus Sarapuu (Ministry of Economic Affairs and Communications), interview by IRM researcher, 4 September 2017; and Viola Mäemurd (Ministry of the Interior), interview by IRM researcher, 18 September 2017.

[17] Meeting minutes available at: https://riigikantselei.ee/et/avatud-valitsemise-partnerlus.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programmes.

Commitments should be appropriate to each country's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.[1]

What Makes a Good Commitment?

Recognising that achieving open government commitments often involves a multiyear process, governments should attach time frames and benchmarks to their commitments that indicate what is to be accomplished each year, whenever possible. This report details each of the commitments the country included in its action plan and analyses the first year of their implementation.

The indicators used by the IRM to evaluate commitments are as follows:

- **Specificity**: This variable assesses the level of specificity and measurability of each commitment. The options are:
    - o High: Commitment language provides clear, verifiable activities and measurable deliverables for achievement of the commitment's objective.
    - o Medium: Commitment language describes activity that is objectively verifiable and includes deliverables, but these deliverables are not clearly measurable or relevant to the achievement of the commitment's objective.
    - o Low: Commitment language describes activity that can be construed as verifiable but requires some interpretation on the part of the reader to identify what the activity sets out to do and determine what the deliverables would be.
    - o None: Commitment language contains no measurable activity, deliverables, or milestones.
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
    - o Access to Information: Will the government disclose more information or improve the quality of the information disclosed to the public?
    - o Civic Participation: Will the government create or improve opportunities or capabilities for the public to inform or influence decisions?
    - o Public Accountability: Will the government create or improve opportunities to hold officials answerable for their actions?
    - o Technology & Innovation for Transparency and Accountability: Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?[2]
- **Potential impact**: This variable assesses the potential impact of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
    - o Identify the social, economic, political, or environmental problem;
    - o Establish the status quo at the outset of the action plan; and

o Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.

Starred commitments are considered exemplary OGP commitments. In order to receive a star, a commitment must meet several criteria:

- Starred commitments will have "medium" or "high" specificity. A commitment must lay out clearly defined activities and steps to make a judgement about its potential impact.
- The commitment's language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.[3]
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Based on these criteria, Estonia's action plan did not contain any starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its progress reporting process. For the full dataset for Estonia and all OGP-participating countries, see the OGP Explorer.[4]

General Overview of the Commitments
Estonia's third action plan has two main priority areas: citizen-centred public services, and open and inclusive policy-making. These themes were determined by the Government Office prior to the development of the action plan, and commitment proposals from members of the Coordinating Council had to be relevant to one of these two areas.

Themes
Estonia's third action plan listed two priority areas (mentioned above), under which there were four "commitments" and nine "activities." For the purposes of this report, the IRM considers the four commitments to be "themes" and the nine activities to be "commitments." The four themes are as follows:

1. Increase the participation of users in designing and developing public services (activities 1.1 and 1.2),
2. Increase engagement and transparency in policy-making (activities 2.1-2.4),
3. Increase the transparency of the use of public funds (activities 3.1 and 3.2), and
4. Development of social and ICT know-how taking into account the opportunities of the information society and e-state (activity 4.1).

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[1] Open Government Partnership: Articles of Governance, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf.
[2] IRM Procedures Manual. Available at: http://www.opengovpartnership.org/sites/default/files/IRM-Procedures-Manual-v3_July-2016.docx
[3] The International Experts Panel changed this criterion in 2015. For more information visit: http://www.opengovpartnership.org/node/5919
[4] OGP Explorer: bit.ly/1KE2Wil.

Theme I: Increase the Participation of Users in Designing and developing Public Services

1. e-Tax and Customs Board 2020

Commitment Text:

The TCB's new self-service environment is being developed with the aim of making the submission of data to the state and the payment of claims in public law simple, comprehensive, central and contactless for the taxpayer (residents, non-residents incl. e-residents), while supporting the development of real-time economy solutions. The following will be done:

1) administration of taxpayer's data.

2) administration of taxes.

3) administration of claims.

4) single submission of data to the state and reuse.

Milestones:

1.1. Technical analyses of the IT systems' platforms of the Tax and Customs Board (TCB) are carried out to build the new system
        - A visual of e-services is created in cooperation with end users to enable them to avail of the TCB self-service environment and its services as conveniently and simply as possible in the future.

1.2. User needs are analysed in cooperation with the consumer, asking for input from various associations and entrepreneurs in the course of direct meetings and as a result of the recommendation index method.
        - Test environments and a product environment are created for the new developments being created.
        - New non-functional requirements for the systems are developed in cooperation with IT.

1.3. The following is created as central components: administration of persons, administration of users, new payment methods, central administration of claims.
        - The completed prototypes will be given to end users for testing. The feedback received will be taken into account in a further development activity.

1.4. Data-based taxation will be switched to; the submission of declarations will be minimised. For this, the respective legislation will be amended, and entrepreneurs that are end users of the service will be engaged though active communication.

1.5. A new platform (freeware) and a new architecture of the TCB information systems will be implemented.

Responsible institution: Tax and Customs Board

Supporting institutions: All ministries, Employers' Confederation, Chamber of Commerce and Industry, enterprises

Start date: January 2016

End date: June 2018

Editorial Note: This is a partial version of the commitment text. For the full commitment text please see the Estonia National Action Plan: https://www.opengovpartnership.org/sites/default/files/Estonia_NAP3_2016.pdf.

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
1. Overall				✔		✔		✔			✔		Yes			✔	

Context and Objectives

The current self-service mechanism of the Tax and Customs Board (TCB)—the "e-TCB"— was created approximately 16 years ago to administer taxes in Estonia. However, the TCB can no longer achieve the sub-aim "Smarter governance" of the Ministry of Economic Affairs and Communications' Digital Agenda 2020 (e.g., satisfaction with the quality of public services, settlement with invoices between the public and private sectors).[1] The TCB has become technologically and functionally outdated, while hindering the development of modern solutions to common problems with the e-TCB (e.g., machine-to-machine interface, settlement with e-invoices between the public and private sectors, language options). Until now, the TCB's e-services have been developed mostly to serve the needs of officials, but the new self-service environment must meet the standards of a variety of users, from accountants and entrepreneurs to average citizens.

This commitment seeks to update the TCB's e-services by simplifying both the submission of tax information and compliance with tax obligations for all types of taxpayers.[2] Specifically, the commitment calls for the creation of a new e-service interface, an analysis of user needs, simplification of the submission and administration of data, amendment of relevant legislation, and implementation of a new platform and new architecture for the e-TCB information system. According to the commitment, end users (including entrepreneurs) of the e-TCB should be consulted throughout the process, to test the system and provide feedback on the prototype, thus making the commitment relevant to civic participation.

The commitment provides a well-planned framework for developing, testing, and administering the new e-TCB system, so the specificity is high. Successful implementation of this commitment would increase the cost-effectiveness of public services and increase the user friendliness of the e-TCB. During the development process, many interest groups (individuals, professional associations, local governments) were consulted in separate meetings in all 15 Estonian counties. According to an interviewed TCB representative, 90 percent of the updates to the e-TCB are designed to better facilitate the payment of taxes, while 10 percent are targeted toward in-house administration.[3] However, as written, the commitment includes mostly in-house activities to enhance everyday business, data exchange, and user interface, but it does little to enhance open governance. Thus, the potential impact of the commitment is moderate.

Completion

Development of the e-TCB project started with in-house consultations in spring 2014, before the current action plan. In 2015, the TCB held over 10 meetings with various partners to set aims and priorities for the new e-TCB. The TCB awarded a public procurement to the design agency Velvet in early 2016 to develop different options for the new e-TCB interface.

During the current action plan period, the TCB successfully carried out the technical analysis of the new IT system platform (milestone 1.1) in September 2016 by collaborating with Velvet and the IT company Icefire to develop the new e-TCB prototype. User needs were analysed during numerous meetings in February 2017 with entrepreneurs and associations, completing milestone 1.2. The new prototype was subsequently shared with users to get feedback from various entrepreneurs and associations, completing milestone 1.3.[4] The e-TCB service was updated in early 2017. Also, as one of the outcomes from the consultations with end users, significant efforts have been made to adapt tax systems to shared economy principles, an effort that involved interaction with companies such as Uber and Airbnb. In June 2017, the TCB and the Information Technology Centre for the Ministry of Finance signed a contract with Cybernetica (an information and communications technology [ICT] company that researches, develops, and manufactures software solutions) to develop the new e-TCB, scheduled to be launched in 2020.[5]

The previous government supported the development of the e-TCB in the 2016-2020 period with approximately 16-18 million euros, with most of the funding coming from European Union structural funds.[6] According to TCB representative Kersti Karuse-Veebel, about 6 million euros have been spent on the project as of September 2017.[7] An additional 2.6 million euros will be invested, and an eIDAS requirement will be implemented in the new system to allow EU citizens to log in and use the e-services.[8]

Next Steps

The commitment is expected to be fully implemented by 2018, but the development of the e-TCB will continue until 2020. By September 2018, the first public user interface will be launched, but after that, more improvements and development activities will be executed. Given its time frame and potential impact, this commitment could extend to the next action plan. To ensure two-way communication, the IRM researcher recommends that developers' terms of reference include regular consultations with stakeholders on functionality and content of home pages. Also, more focus should be placed on developing a plan to use and share the collected data with the public, and on providing information relevant to the public.

[1] For more information on the plan, see
https://www.mkm.ee/sites/default/files/digital_agenda_2020_estonia_engf.pdf.
[2] Praxis Centre for Policy Studies, *E-teenuste Kasutamise Tulemuslikkus ja Mõju*, (Tallinn, 2013), 81-82, https://www.struktuurifondid.ee/sites/default/files/e-teenuste_kasutamise_tulemuslikkus_ja_moju.pdf.
[3] Kersti Karuse-Veebel (Tax and Customs Board), interview by IRM researcher, 19 September 2017.
[4] "E-MTA Väljatöötamisse Annavad Suure Panuse Kasutajad," Maksu- ja Tolliamet,
https://www.emta.ee/et/uudised/e-mta-valjatootamisse-annavad-suure-panuse-kasutajad; and "Vaata, Milline Hakkab Välja Nägema uus E-maksuamet!" *Ä rileht,* 13 September 2016,
http://arileht.delfi.ee/news/uudised/vaata-milline-hakkab-valja-nagema-uus-e-maksuamet?id=75605275.
[5] "Cybernetica and ETCB Signed Contract to Develop New e-Tax Board," News, Cybernetica, 24 July 2017, https://cyber.ee/en/news/cybernetica-and-etcb-signed-contract-to-develop-new-e-tax-board/.
[6] Liina Valdre, "Maksuameti Infosüsteemide Uuendus Maksab Peaaegu 20 Miljonit Eurot," *Delfi Ä rileht*, 28 February 2016, http://arileht.delfi.ee/news/uudised/maksuameti-infosusteemide-uuendus-maksab-peaaegu-20-miljonit-eurot?id=73792073.
[7] Kersti Karuse-Veebel (Tax and Customs Board), interview by IRM researcher, 19 September 2017.
[8] Aivar Pau, "E-maksuamet Saab 2,6 Miljoni Eest Võimsa Uuenduse," *Postimees*, 25 May 2017,
http://tehnika.postimees.ee/4124543/e-maksuamet-saab-2-6-miljoni-eest-voimsa-uuenduse.

2. Reducing bureaucracy and a simpler state—the zero bureaucracy project

Commitment Text:

To ensure the implementation of proposals for a reduction in bureaucracy made by business organisations and to develop and implement a mechanism for a constant reduction in the burden arising for entrepreneurs when communicating with the state and when dealing with the requirements of legislation, and bureaucracy within the public sector.

Originally, proposals were gathered from entrepreneurs for a reduction in bureaucracy, but the opportunity to make proposals is constantly open to everyone. To simplify this, a web-based opportunity will also be created for the constant submission of proposals for a reduction in bureaucracy. Furthermore, regular collections of proposals and analyses of options for their implementation will be organised in cooperation with entrepreneurs.

The representatives of non-governmental partners and government authorities are also involved in the work of the task force responsible for implementing the proposals. The Ministries have analysed the proposals submitted so far and have decided together with the representatives of entrepreneurs which proposals can be implemented in full and which in part. Each Ministry shall prepare a more precise plan for a reduction in bureaucracy.

Proposals which presume greater changes than a reduction in bureaucracy are reviewed separately. Meetings at ministerial and business organisational levels shall be organised to discuss the implementation of these proposals and deal with further reduction in bureaucracy (e.g. field-based special requirements).

Milestones:

2.1. Gathering proposals from business organisations and companies for a reduction in bureaucracy

2.2. Analysis of proposals by government authorities

2.3. Making decisions about the implementation of the proposals for a reduction in bureaucracy

2.4. Developing organisation-based plans (projects) for implementing proposals to reduce bureaucracy

2.5. Coordinating the development of the applications of IT developments

2.6. Developing and launching the monitor for reducing bureaucracy

2.7. Interim report to the Government on the status of implementing the proposals for reducing bureaucracy

2.8. Agreeing on the priorities for a reduction in special requirements arising from activity licences, and launching the reduction

2.9. Final report to the Government on the results of implementing the proposals

Responsible institution: The Ministry of Economic Affairs and Communication

Supporting institutions: Ministry of Finance, Ministry of Justice, Ministry of the Environment, Ministry of Social Affairs, Eesti Pank, Health Insurance Fund, Chamber of Commerce and Industry, Employers' Confederation, Service Industry Association

Start date: 1 June 2015

End date: 30 April 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
2. Overall				✔		✔		✔			✔		Yes			✔	

Context and Objectives

Although Estonia ranked 12th in the World Bank's ease-of-doing-business index in 2017, entrepreneurs and businesses in Estonia often face excessive and unnecessary bureaucracy when communicating with the state.[1] This bureaucracy forces many businesses to spend significant time and resources on communicating with the state, instead of focusing on their principal activities (e.g., the state requires the submission of the same information multiple times, and there are unnecessary requirements for obtaining permits). This commitment aims to reduce unnecessary bureaucracy for businesses by 1) implementing proposals for zero bureaucracy collected from the entrepreneurs and businesses, 2) abolishing special requirements affecting economic activities, 3) reducing in-house bureaucracy within public organisations, and 4) after implementing the proposals, preparing a report on the results for the government. The commitment also calls on the government to create a special task force of private, NGO, and government representatives to implement the proposals and maintain communication between businesses and the government.

The commitment requires each participating organisation to develop a specific work plan and schedule for reducing bureaucracy and to develop their information technology (IT) systems accordingly. The commitment also establishes a leadership structure (the task force) to monitor implementation of the projects. Therefore, the commitment is considered to have high specificity. There have been discussions about the project in different sectors[2] and in Parliament, which shows the ambition and soundness of the commitment. According to the interviewed representative from the Estonian Chamber of Commerce and Industry, Marko Udras, the commitment is a useful step toward bureaucracy reduction because it involves numerous public institutions simultaneously trying to reduce bureaucracy within the same general framework.[3] According to an interviewed representative from the CSO Praxis, Rauno Vinni, activities targeted toward entrepreneurs were well implemented, but the commitment does not explicitly target bureaucracy reduction within the public sector.[4] Also, Parliament raised several concerns over the implementation, such as the unpublished feedback report from entrepreneurs and whether interest groups will

remain involved as implementation continues.[5] For these reasons, the commitment could have a moderate potential impact.

In November 2016, there was a change of government and ministries, and the new government promised to continue the task force and projects in its coalition agreement.[6] The commitment is explicitly mentioned in a major state reform plan that extends until March 2019.

Completion
The first three milestones of this commitment and the creation of the special task force were completed in March 2016, before the development of the action plan. Therefore, for the purposes of this report, when determining the implementation level, the IRM researcher assessed only those activities that were carried out during the action plan period.

The government created the special task force to implement the bureaucracy reduction proposals. Businesses submitted a total of 252 proposals, of which 164 proposals were determined possible to be implemented in part or in full, based on self-analyses by the public institutions that would be responsible for implementing them. The 164 proposals were combined into 69 special subprojects before the action plan was developed. According to the work plan, 37 proposals were scheduled to be implemented in 2016, of which 26 were fully implemented on time. Of the 37 proposals, Eesti Pank and the Ministry of the Interior made two proposals each, and all four were implemented in 2016. The Ministry of Finance made 14 proposals out of the 37, with ten being implemented by the end of 2016. Fifty proposals are scheduled to be implemented in 2017, including the 11 not implemented in 2016 and carried forward. Under milestone 2.6 (developing and launching the monitor for reducing bureaucracy), Ernst & Young conducted an additional pilot analysis about the administrative costs related to five specific cases involving companies' permits and communication obligations (e.g., cost of the licence for motor vehicle training, cost of the construction business announcement).[7]

The task force is also responsible for gathering proposals for reducing bureaucracy from public sector organisations. Officially, this subtask is not part of the commitment. The proposals were gathered before the action plan. However, a synopsis of this information was included in the interim report to the government, and it was presented to the Coordinating Council during the progress review meeting. Ministries, agencies, inspectors, and local governments altogether made 963 proposals, out of which 484 were for reducing bureaucracy. They were divided into seven categories, and the responsible public institutions will move forward with them. The highest number of the proposals (approximately 50 percent) related to the work of the Ministry of Finance, mostly in the areas of taxes and statistics.

The milestones for developing organisation-based plans, and developing and launching the monitor for reducing bureaucracy have been delayed. Organisation-based plans have required more time and effort than previously planned for stakeholders to agree on concrete activities. Efforts to develop and launch the monitor for reducing bureaucracy are more complicated than expected, mainly because of a lack of quality existing data and statistics, and due to the extended discussion about the structure and logic of the monitor. The interim report was presented to the government on 3 April 2017.

Early Results
The creation of the special task force (on 3 March 2016) prior to the development of the action plan has institutionalized this commitment, and has brought greater

confidence and wider attention among the public. The Ministry of Economic Affairs and Communications created a special section of its website to post information on the commitment, which it consistently updates.**Error! Bookmark not defined.** The project has had positive outcomes—e.g., smaller packaging companies do not have to do audits on their packaging data, entrepreneurs can now apply for building permits online, and submission of certain financial data to the Ministry of Finance is less frequent. The head of Strategy Department in the Ministry of the Interior, Viola Mäemurd, agreed that the zero bureaucracy project helped to identify the problems and drawbacks, but the follow-up implementation might be problematic if there are no additional monitoring activities.[8]

Next Steps

The task force is scheduled to fully implement the commitment by April 2018. If the zero bureaucracy project is carried forward into the next action plan, the IRM researcher recommends focusing on reducing bureaucracy within the public sector and monitoring follow-up activities. Since similar activities are already planned in the task force's work plan, future commitments could offer additional value by involving the private and third sectors during the implementation and follow up process.

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[1] "Estonia," Doing Business, World Bank, http://www.doingbusiness.org/data/exploreeconomies/estonia.
[2] Kristina Haavala, "Ministeerium Asub Analüüsima Nullbürokraatia Projekti Ettepanekuid," Rahandusministeeriumi Pressiteade, http://www.fin.ee/rahandusministeeriumi-valitsemisala-asub-nullburokraatia-ettepanekuid-ellu-viima/.
[3] Marko Udras (Estonian Chamber of Commerce and Industry), interview by IRM researcher, 6 September 2017.
[4] Rauno Vinni (Praxis Centre for Policy Studies), focus group by IRM researcher in Tallinn, 22 September 2017.
[5] "XIII Riigikogu stenogramm, III istungjärk," Stenogrammid, Riigikogu, 9 March 2016, http://stenogrammid.riigikogu.ee/et/201603091300.
[6] Vabariigi Valitsus, *Eesti Keskerakonna, Sotsiaaldemokraatliku Erakonna ning Isamaa ja Res Publica Liidu Valitsusliidu Aluspõhimõtted 2016-2019* (Tallinn, 2016), 5, http://bit.ly/2tLnNvw.
[7] Ernst & Young, *Uuring Erinõuete Maksumuse Arvutamiseks Loakohustusega Tegevusaladel*, 14 June 2016, http://bit.ly/2w1LoVW.
[8] Viola Mäemurd (Ministry of the Interior), interview by IRM researcher, 18 September 2017.

Theme II: Increase Engagement and Transparency in Policy-Making

3. Implementation of the principles of open governance at local level as a result of the administrative reform

Commitment Text:

*As part of the activities **the merging local governments will be advised and supported when implementing the principles of open governance following the merger**, also in preparing joint development before the merger takes place (by more advanced local governments), incl. in the field of applying various activities and e-solutions promoting open governance. A suitable time for implementing the project would be from the beginning of 2017. By then, the voluntarily merged local governments will have submitted their applications to join and will have made the relevant legal preparations. Furthermore, they will have had the time and opportunity until the elections in October to deal with implementing the principles of management and inclusion and open government partnership in the merged parish.*

The selected local governments include about 8-10 local governments, which are sufficient to achieve an impact, but to enable a personal approach for the participating local governments, setting goals and evaluating their achievements will be necessary. The activities are directly related to the priority of the OGP Action Plan, which increases the engagement of citizens and openness in the policy-making process.

The implementation of activities is planned through the open application round of the Ministry of Finance. Project applicants can be an umbrella organisation of local governments and or non-profit associations together with the e-Governance Academy.

Milestones:

3.1. Preparing the measures, submitting applications, evaluation and selection

3.2. Implementing test projects

Responsible institution: Ministry of Finance

Supporting institutions: Ministry of the Interior, local governments, e-Governance Academy, Network of Estonian Nonprofit Organizations (NENO), non-governmental organisations valuing participatory democracy

Start date: 1 January 2017

End date: 30 June 2018

Commitment Overview	Specificity	OGP Value Relevance	Potential Impact	On Time?	Completion

	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
3. Overall		✔			☐	✔				✔			Yes			✔	

Context and Objectives

Local governments in Estonia often lack the understanding and skills to increase civic participation, and/or they lack the technical skills to implement new means of management that lead to higher public accountability. This commitment aims to develop the principles of open governance culture at the local level as part of the implementation of the local administrative reform that coincides with the action plan. This commitment is based on the e-Governance Academy project "Open Government Partnership in Local Authorities" and focuses on the implementation of open government test projects in two newly merged government units: Lääneranna municipality (consisting of four former municipalities) and Elva municipality (consisting of six former municipalities).

The design of the commitment lacks the specificity and framework for the IRM to determine how it relates to OGP values directly. As written, the commitment does not explicitly state which areas of open government or which participation channels it seeks to improve at the local level. However, in the action plan, the commitment refers to the "Open Government Partnership for Local Governments" project as the guiding principle for the test projects launched in this commitment.[1] The principles promote engagement and collaboration between local governments and CSOs under the test projects. Opening the call for proposals to CSOs as well as local governments, creates an opportunity for CSOs to actively engage their local authorities to improve local governance.

While the commitment gives a specific number of local governments that will participate in the test projects (8-10), much of the information on how the implementation will be carried out and monitored has been left out. The scope of the test projects and the content of the call for proposal guidance is also left to some interpretation as it references the "Open Government Principles for Local Governments" project. Therefore, the specificity is low.

There are differing views on the potential impact. On one hand, according to Rauno Vinni from Praxis, this commitment is just a small element of the broader administrative reforms taking place.[2] The results of the projects in two newly formed local governments (previously 10 local governments that were selected for the test projects by the e-Governance Academy) will inform the recommendations for all local governments in Estonia (since most underwent administrative reform). However, this sample size of participating local governments might be too small to form the basis for countrywide recommendations. Also, the commitment does not create a mechanism to ensure that the reforms will be adopted by other municipalities. On the other hand, according to a high official from the Ministry of Finance, the administrative reform is important to bringing greater representation to citizens in smaller municipalities.[3] A civil society representative involved in the implementation told the IRM researcher that they believe that the potential impact is greater than the

assessment in this report since the guidelines will hopefully affect most Estonian local governments.[4]

Despite the differing views, the text of the commitment is too vague for the IRM to assign more than a minor potential impact. To maintain consistency across IRM reports, the assessment of potential impact is based on the text of the commitment. In this case, since the government does not provide details on how the test projects will be implemented, nor on their scope, the commitment is considered to have a minor potential impact.

Although the commitment text is vague, as implemented this commitment holds significant value towards improving open government at the local level in Estonia. As described below in the Completion section, civil society has been an integral part of the test projects. The upcoming IRM End of Term Report, which focuses on the outcomes of the commitment as implemented (as opposed to this report which focuses on the design of commitments), will reflect these achievements and assess the improvements to civic participation.

Completion
According to the Administrative Reform Act, the alteration of administrative-territorial organization had to be adopted by 15 July 2017. The change of government during the reform often created conflicting messages,[5] and the person holding the office of Minister of Public Administration (responsible for overseeing the administrative reform) has changed twice since November 2016. However, all the decisions were made according to the terms set in law.

Implementation of this commitment has been substantial, and it is on time to be completed by June 2018. In early 2017, the two test municipalities for the commitment were chosen following a public procurement to find the implementing agency. The commitment included one January to November 2017 test project implemented by the e-Governance Academy that involved two newly merged local governments. In both municipalities, local administrators and CSOs were trained in open government principles in practise, including what channels to use for sharing information, how to determine the role of CSOs in decision-making processes, and what issues to focus on. Several meetings with various parties and regular trainings occurred during the first year of the action plan. Several working documents were created and analysed (guidelines, good practises, etc.). Currently, a team from the e-Governance Academy is finalizing "lessons learned" and general recommendations suitable for all local governments.

Next Steps
If this commitment is carried forward, the IRM researcher recommends providing clearer goals and putting in place both concrete monitoring and evaluation mechanisms in order to more effectively standardize results across the country. The IRM researcher also advises involving third-party advisers to better facilitate the implementation process of open government reforms at the local level. Moreover, after completion of the administrative reform and local elections in October 2017, there is a need for more concrete measures to ensure the transparency, efficiency, and inclusivity of new local government councils. The IRM researcher recommends taking advantage of the current situation in which the state is seeking to reduce administrative costs, and use this context to allow citizens to become more involved in local government.

[1] For more information on the "Open Government Partnership in Local Governments" project, see: http://ega.ee/project/open-government-partnership-in-local-governments-2/.

[2] Rauno Vinni (Praxis Centre for Policy Studies), focus group by IRM researcher in Tallinn, 22 September 2017.

[3] Lemmi Kann, "Sulev Valner: Joon Alla Haldusreformile ehk Kuidas Eesti Saab 70 uut Edulugu," Rahandusministeeriumi Blogi, 30 June 2017, http://online.le.ee/2017/07/02/sulev-valner-joon-alla-haldusreformile-ehk-kuidas-eesti-saab-70-uut-edulugu/.

[4] Email from Mrs. Liia Hänni, 5 March 2018.

[5] Noorkõiv, R, Lõhmus, M. "Administrative Reform: An Overview and First Conclusions", Quarterly Bulletin of Statistics Estonia, 3/17, 27 February 2018, https://drive.google.com/file/d/0B3G3zQTCqNv9OXU3T3N2dkN3cVU/view.

4. More inclusive policy-making on a central government level

Commitment Text:

The aim of the activity is to improve the availability of information about the government's plans, which would enable earlier participation in policy-making.

The full picture of engagement offered on the government website increases the comprehensibility of the policy-making process and offers a direct link to the engagement websites of ministries, where the interested parties can contribute to policy-making. The engagement sections ensure that it is not duplicating information. Instead, it offers the opportunity of the same function to move from the aggregate information of all ministries on the government website to more detailed information in the engagement section of a specific ministry. This section has more detailed information about the respective field and engagement activities in the areas of responsibility of the ministry.

Introducing the practice of the initiation stage so that people are able to receive information for earlier participation in policy-making.

Milestones:

4.1. Development of the engagement sections of ministries and introduction of practice

4.2. Introducing the practice of use of the initiation stage created for supporting earlier engagement as an Information System of Draft Acts (EIS) development

Responsible institution: Government Office

Supporting institutions: Ministries, non-government organisations, social partners

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
4. Overall		✔				✔		✔		✔			Yes			✔	

Context and Objectives

While government ministries in Estonia have similar and unified "participation" sections on their websites, the information on how to participate in decision-making processes is vague and limited to only a few ministries. These sections have been generally available since 2011 but have low levels of activity. This commitment seeks to increase public participation in the earlier stages of policy-making by developing the engagement-related sections of government ministry websites and by including

information about the initiation stages of policy-making processes in the Information System of Draft Acts (EIS). This commitment is directly related to commitments 1.3 and 2.2 from the previous action plan, which focused on developing the content of the participation section on the Government Office's web page to increase public participation in the early stages of policy-making. The development of the engagement sections of government ministry websites will result in the public having more information about various stages of policy planning, thus making the commitment relevant to the OGP value of access to information. The offering of information on the initiation stages of policy-making processes will provide greater opportunities for participation in policy-making and is thus relevant to the OGP value of civic participation.

The commitment lacks concrete milestones or outcomes, other than the development of the engagement sections and introducing the practise as an EIS. It does not specify which ministries will update their engagement sections or what the updates will entail, so the specificity is low. While the commitment aims to ensure the opportunity for citizens to engage the ministries during the policy-making process, it does not ensure that civil servants will be responsive to suggestions and comments from the public when developing policies. According to Liia Hänni of e-Governance Academy, the mere existence of participation sections on ministerial websites does not guarantee an increase in civic engagement if the civil servants are not encouraged to change their preconceived notions of civic engagement and actively incorporate suggestions from the public into policy.[1] Since these participatory sections also promote other participation portals that receive limited traffic and contain outdated information (such as osale.ee, which currently has only a few active proposals posted and lists consultations that occurred five or six years ago[2]), the commitment might inadvertently decrease public interest in participation, instead of increasing it.

It remains unclear how the situation will improve by updating participation sections on ministries' websites and adding initiation information about policy-making in the EIS. With the additional feature in the EIS, at earlier stages of the policy-making process, ministries can share information about any issue, event, or draft law on EIS. Until now, it was possible to post draft laws only when they were in final stages. Interviewed government and CSO representatives agreed that the EIS is not user friendly enough for the public to offer feedback on draft laws, and that public officials are often not motivated to publish initiatives because they must adhere to strict time schedules.[3] Therefore, the potential impact of the commitment is considered minor.

Completion
The completion status of the commitment is substantial. During the action plan period, the Government Office encouraged the ministries to start to use the new developed functions or these participation sections to elicit citizen involvement with the help of engagement coordinators of ministries. According to Government Office representative Liis Kasemets, all ministries should receive their first active involvement cases by November 2017.[4] The Government Office has also initiated a program to train over 500 civil servants in public engagement during a one and half year period.

In 2015, CSOs Praxis and Pulse analysed the functionality and user friendliness of the EIS,[5] but the Government Office has implemented only a small amount of their recommendations, which covered topics such as automatic adding and notification functions, the defining of criteria, opinion-sharing, requirements for summaries, and technical support for users. In early 2016 (during the previous action plan cycle), a new function was added to the EIS to inform the public about process and

development stages of draft acts (including the start and end of the coordination, and information about public consultation or meetings). During the first year of the current action plan cycle, the Government Office prepared guidelines for all ministries on how to use this new function. According to Kasemets, most ministries are still in the process of incorporating the new function into their everyday working habits,[6] but currently, there are no cases for consultation and no notices for early stage policy planning.[7] There are, however, quite a few draft laws in their final stages that are open for comments. There is a place in the system to show what contact person is handling the draft law, but often this information is missing.

Early Results
Currently the active usage of the "participation" section varies heavily by ministry. Only some ministries have more functions available on their "participation" sections. For example, on the web page of the Ministry of the Environment there is information about ongoing consultations, time schedules of the processes, and protocols of the meetings. However, most ministries continue to have more general information about public participation in policy making.

Next Steps
This commitment has remained vague in two consecutive action plans, and there has been little usage of the participation sections of ministry websites. The IRM researcher recommends either continuing this commitment with a new focus or not carrying it forward to the next action plan at all. If carried forward, the IRM researcher recommends shifting the focus to training civil servants to increase their knowledge about and skills for involving citizens and their willingness to do so. Civil servants should also be trained in advertising engagement opportunities during decision making, rather than creating more sections on websites that see little public usage. Going forward, a more holistic approach towards improving civic participation in decision-making processes should be developed and applied, such as setting out options for future policies or laws, offering more opportunities for stakeholder assessments, sharing outcomes from public consultations, hearings, and solicitation of expert opinions, listing clear timelines for proposals, and providing the public the opportunity to leave feedback on proposals.

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[1] Liia Hänni (E-Governance Academy), interview by IRM researcher, 5 September 2017; and focus group by IRM researcher in Tallinn, 22 September 2017.
[2] https://www.osale.ee/konsultatsioonid/.
[3] Viola Mäemurd (Ministry of the Interior), interview by IRM researcher, 18 September 2017; and Marleen Kirsipuu (Foundation for Science and Liberal Arts Domus Dorpatensis) in focus group by IRM researcher in Tartu, 20 September 2017.
[4] Liis Kasemets (Government Office), interview by IRM researcher, 12 September 2017.
[5] Hille Hinsberg, *Osalusveebi Ja Valitsuse Eelnõude Infosüsteemi Kasutatavuse Analüüs* (Tallinn: Praxis Centre for Policy Studies and Pulse, April 2015), http://bit.ly/22wigek.
[6] Liis Kasemets (Government Office), interview.
[7] "Eelnõude Infosüsteem," https://eelnoud.valitsus.ee/main#2sEKxFIz.

5. More open and transparent law-making

Commitment Text:

*Developing lobbying rules and principles of representation of interests for members of the Riigikogu for increasing the openness of law-making, **creation of the respective self-regulation mechanism** as a code of good practice. Implementing open law-making and strengthening engagement practice.*

Monitoring the minutes of the committees' sittings (§ 39) and the part of the participation of interest groups (§ 36) on compliance with the Riigikogu Rules of Procedure and Internal Rules Act.

Milestones:

5.1. Supplementing the handbook of the member of the Riigikogu "Good practice of the member of the Riigikogu"

5.2. Developing the lobbying rules / good practice of representation of interests of a member of the Riigikogu (engaging interest groups) and adding rules to the handbook of the member of the Riigikogu

5.3. Implementation of the engagement practice and open law-making process according to the new wording of the Riigikogu Rules of Procedure and Internal Rules Act

Responsible institution: Riigikogu

Supporting institutions: Transparency International Estonia, Open Government Partnership Roundtable, parties related to representing interests

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
5. Overall		✔			Unclear					✔			Yes			✔	

Context and Objectives

Currently, Estonian law does not regulate lobbying activities. According to a 2014 Transparency International (TI) Estonia report, "there is lack of oversight on lobbying ethics, and oftentimes communication between lobbyists and decision makers happens out of the public eye, behind closed doors."[1] Participants in the IRM researcher's CSO focus groups agreed that public decision makers should have a clearer understanding of who submitted amendment proposals for legislation or who is behind an expert opinion on a particular issue.[2] For the general guidance of

members of the Estonian Parliament (Riigikogu), there is a handbook entitled "Good Practice of the Members of the Riigikogu," first published in December 2014, and the Riigikogu Rules of Procedure and Internal Rules Act, last updated in 2016. This commitment seeks to increase transparency in law-making by updating the Riigikogu handbook with a code of good practise for lobbying and amending the Riigikogu Rules of Procedure and Internal Rules Act based on these updates.

The specificity for the commitment is low because it calls for the creation of a self-regulation mechanism without providing further details on what the mechanism itself will look like. While the idea for the commitment came from TI Estonia, an interviewed representative from TI Estonia said the organisation was not consulted on the final wording of the commitment in the action plan.[3] Overall, the potential impact of the commitment is minor. Given the current lack of substantial regulations on lobbying activities in Estonia, any significant change in practise would require much more than adding new best-practise guidelines on lobbying to the Riigikogu handbook. Additionally, the commitment does not call for the creation of an enforcement mechanism and instead relies on self-regulation as a means of limiting the influence of special interest groups in the decision-making process. While the commitment is a positive first step toward greater transparency and accountability in lobbying, it is not relevant to public accountability as defined by the IRM because it lacks a public-facing component. Since no additional information will be made available to the public and no mechanism for the public to engage in decision making will be established, the commitment is not relevant to access to information or civic participation.

Completion
In May 2017, the Anti-Corruption Select Committee of the Riigikogu sent to the Council of Elders its proposals for amending the "Good Practice of the Members of the Riigikogu." However, the submitted proposals were not approved, and after discussions, a document entitled "Recommendations of the Anti-Corruption Select Committee to the Members of the Riigikogu for Interaction with Interest Representatives" was approved. The document included eight recommendations that were much more general and less impactful than previous proposals and not legally binding. These recommendations included guidelines on what to pay attention to before, during, and after a meeting (such as finding out who are the interest groups being represented and who is financing them); how to evaluate if there might be any private conflicts of interest for Riigikogu members in a particular law; and how to document the meetings. It advises members of the Riigikogu to follow general "good practises" for documenting meetings, such as writing down the date and the place of the meeting, the names of the people participating in the meeting, and the issues under discussion. No special suggestion was made concerning the monitoring of committee meeting minutes and the participation of interest groups in those meetings. According to Mariko Jõeorg Jurtsenko from the Ministry of Justice, the recommendations lack enforcement and would do little to effectively regulate lobbying activities.[4]

Though the first and the second milestones of the commitment are completed, the outcome was different from what was stated in the action plan. The commitment's original call to supplement the handbook did not happen, and the lobbying rules turned into general recommendations of the Anti-Corruption Select Committee. The third milestone—implementing more open law-making processes—should be finished by March 2019.

Early Results

During the focus groups, interviewed CSO representatives said they have not witnessed any changes in Parliamentarian verbal or written communication that would suggest these recommendations have been made.[5] The IRM researcher did not find any evidence of more open law-making by the time this report was written. Nevertheless, this commitment was a step toward making Riigikogu's work more transparent and toward establishing lobbying rules. The process of preparing and discussing such rules within the Riigikogu is already a minor step forward toward greater transparency.

Next Steps

The IRM researcher recommends carrying the commitment forward to the next action plan, but with the inclusion of a mechanism for the public to monitor lobbying activities. For example, Ireland introduced a lobbying register in 2015 that registers meetings with members of the Parliament and national politicians, and shares this information with the public.[6] Such a monitoring mechanism would be beneficial to Estonia, given the general lack of lobbying regulations in Parliament. The IRM researcher also recommends expanding the commitment to include other public officials, not just elected officials. Moreover, it is vital to monitor whether the new Riigikogu handbook recommendations from the current commitment are being used in practise. If the public continues not to be able to oversee the lobbying efforts of interest groups in the Riigikogu, this commitment will have no viable effect on open governance.

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[1] Hanna Jemmer, *Lobbying in Estonia: Mapping the Players Risks and Political Context* (Tallin: Transparency International Estonia, 2014), 2, http://transparency.ee/cm/files/lisad/lobbying_in_estonia.pdf.

[2] Focus group with CSOs by IRM researcher in Tartu, 20 September 2017; and focus group with CSOs by IRM researcher in Tallinn 22 September 2017.

[3] Anni Jatsa (Transparency International Estonia), focus group by IRM researcher in Tallinn, 22 September 2017.

[4] Mariko Jõeorg-Jurtsenko (Ministry of Justice), interview by IRM researcher, 12 September 2017.

[5] Focus group with CSOs by IRM researcher in Tartu, 20 September 2017; and focus group with CSOs by IRM researcher in Tallinn, 22 September 2017.

[6] "Summary of the Main Provisions of the Act," Standards in Public Office Commission, https://www.lobbying.ie/help-resources/information-for-lobbyists/quick-guide-to-the-act/.

6. Increase of the engagement capacity of state authorities and participation capacity of non-governmental organisations in policy-making

Commitment Text:

Improve the quality of policy-making by supporting the increase in the engagement capacity of state authorities and participation capacity of non-governmental partners in policy-making. The testing of new engagement-related solutions, the development of the state's engagement policy, and the development of the capacity of non-governmental organisations to participate in policy-making are supported.

Milestones:

6.1. Planning and implementing projects

Responsible institution: Government Office

Supporting institutions: Ministries, non-governmental organisations

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. For Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
6. Overall		✔				✔				✔			Yes		✔		

Context and Objectives

This commitment aims to create the necessary conditions for increased NGO engagement in the policy-making process by implementing NGO engagement projects. The types of commitments to be supported include 1) the testing of new engagement-related solutions, 2) the development of the state's engagement policy, and 3) the development of the capacity of NGOs. Altogether, at least seven projects have been planned from 2015 to 2020, with a total budget of 440,000 euros (about 60,000-70,000 euros per project). One finished project aiming to improve the EIS is also connected to this commitment in the current action plan. This effort will make it possible for government ministries to use the EIS to announce the initiation stage of policy-making.

Due to the lack of detail about the engagement projects, the specificity of the commitment is low. Implementation of participation projects could be an incremental step toward more NGO engagement in policy-making, but a handful of projects

altogether is limited in scope. Thus, the potential impact of the commitment is considered minor.

The current commitment is a direct continuation of commitment 2.5 from the previous action plan. During the previous action plan, the Government Office established a special committee, consisting of NGO and government representatives, to discuss the project proposals and allocate funds to the selected projects. Funding decisions for the first two projects were made during the previous action plan period. However, the commitment received strong criticism from civil society during the previous action plan, due to the lack of clear guidelines for applying for funds and general confusion about the selection process for the projects. Interviewed CSO representatives expressed particular confusion over the process for awarding public procurements for implementing projects.[1] Kasemets from the Government Office, however, stated that the Government Office prefers to maintain a degree of flexibility in the procurement awarding process and thus has not committed to following an explicit set of guidelines.[2] Her successor, Ms. Merilin Truuväärt clarified that funding for the projects came from EU funds, thus requiring a public procurement process based on EU regulations in order to award them. However, the general dissatisfaction of CSOs toward this commitment remained the same and even worsened during the current action plan period.

Completion

The committee responsible for discussing the project proposals and allocating funding to the selected projects has met twice within the first year of the current action plan. At the writing of this report, the committee has approved three projects.[3] According to Kasemets from the Government Office, two projects have been implemented during the time frame of the current action plan, one is currently being implemented (with an expected finish in 2018), and four project proposals are under consideration.[4] Among the two finished projects, one aimed to improve the EIS, and the second aimed to increase public participation in environmental policy. The project currently being implemented is a CSOs Advocacy Lab. The lab aims to educate 25 CSO leaders to more effectively participate in policy-making during a two-year programme. According to Kasemets, the following four project proposals are under consideration in the Government Office to 1) increase and evaluate the influence and effectiveness of youth organisations, 2) increase civic participation during the development of agriculture and fishery policy, 3) increase civic participation in the creation of a sustainable development plan, and 4) strengthen strategic partnerships between civil society and the public sector.[5] Two of these proposals were initiated by the government, while two of them were initiated by CSOs.

Early Results

By the end of the previous action plan cycle, there was just one project approved: the further development of the EIS. The project involved adding a "notice" function to announce the initiation stage of policy-making during the first draft of a law. The second completed project enhanced the development of climate policy and took place from January 2015 to December 2016. The project included many rounds of public consultations within the framework of five working groups: 1) forestry, 2) transport, 3) agriculture, 4) energy and industry, and 5) waste management. Altogether, over 50 CSOs and business sector organisations were involved during the consultation process (e.g., Estonian Development Fund, Estonian PackCycling, Estonian Environmental Research Centre, Estonian Fund for Nature). The leaders of the five working groups were trained in holding meetings, and various paid experts from different fields (energy, transport, etc.) were invited to take part in the process. According to Kairi Toiger from the Ministry of the Environment, the public engagement practise within the ministry has improved after this experience. She

noted that there are now more working groups organised for public consultations around various issues and there are more engagement events offered for the public.[6] Interviewed CSO representatives agreed that the Ministry of the Environment has improved its engagement practises, and it is ahead of other ministries in this regard.[7]

Next Steps

The commitment would benefit from more efficient communication between the Government Office and CSOs about the selection process and the awarding of funding for the NGOs projects. The Government Office is currently considering new projects to implement during the next action plan, and whether or not they should be incorporated as separate commitments. If the test projects are carried forward, the IRM researcher recommends clarifying the rules for proposing projects and for receiving funding to implement the proposals. Increasing the participation capacity of NGOs requires constant support and training that should receive special attention and funds as well. Future trainings for CSOs could involve writing draft amendments to laws, while future training for public officials could include instruction on when to use which tools for public consultation, and how to record and respond to proposals and feedback.

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[1] Teele Pehk (Estonian Cooperation Assembly), focus group by IRM researcher in Tallinn, 22 September 2017.
[2] Liis Kasemets (Government Office), interview by IRM researcher, 12 September 2017.
[3] "Summaries of the Participation Projects' Commission Meetings," Riigikantselei, 29 January 2016, 4 May 2016, and 13 April 2017, https://riigikantselei.ee/et/kaasamisprojektid-2015-2020.
[4] Liis Kasemets (Government Office), interview.
[5] Liis Kasemets (Government Office) interview.
[6] Kairi Toiger (Ministry of the Environment), interview by IRM researcher, 25 September 2017.
[7] Focus group with CSOs by IRM researcher in Tartu, 20 September 2017; and focus group with CSOs by IRM researcher in Tallinn, 22 September 2017.

Theme III: Increase the Transparency of the Use of Public Funds

7. Intensify participatory budgeting on a local level

Commitment Text:

To introduce the inclusive budget more broadly the aim will be to analyse the various current examples of inclusive budgeting and the possible necessary amendments in the legal order and to prepare instructions and raise awareness in local governments.

Milestones:

7.1. Collecting examples implemented in local governments

7.2. Analysis of theoretical literature

7.3. Analysis of legislation

7.4. Preparation of instructions

7.5. Introducing inclusive budgeting to local governments

Responsible institution: Ministry of Finance

Supporting institutions: Association of Estonian Cities, Association of Municipalities of Estonia, local government units implementing open budgeting

Start date: 1 September 2016

End date: 31 March 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
7. Overall		✔				✔				✔			No	✔			

Context and Objectives

There is speculation of possible declining democracy in newly formed Estonian municipalities following the implementation of the administrative reform in January 2017.[1] Among the most common public concerns in similar situations is an increased distance between citizens of municipalities and those in political power.[2] This commitment aims to increase public participation at the local level by way of inclusive (participatory) budgeting. More specifically, the commitment plans to analyse current examples of inclusive budgeting, and prepare instructions on and raise awareness about best practises in local governments. In 2012, e-Governance Academy published a report explaining what inclusive budgeting is and how to implement it at the local level.[3] Inclusive budgeting started in practise in Tartu in 2014.[4] Currently,

many cities and municipalities throughout Estonia (such as Elva, Haapsalu, Jõgeva, Pärnu, Rapla, Tapa, Tõrva, Viljandi) organise their own participatory budgeting.[5] However, allocated funds have remained low, and so has public participation.

The specificity of this commitment is low because there is little detail on how the Ministry of Finance will introduce inclusive budgeting to local governments, and the commitment does not mention how many local governments will introduce inclusive budgeting. The potential impact is minor because inclusive budgeting is already in use in many Estonian municipalities and preparing instructions on how to implement inclusive budgeting to local governments may not be enough to substantially increase public participation, especially since the commitment does not create a way for the public engage in final budgetary decision making over the proposed ideas.

Completion
According to the timeframe for this commitment, the first three milestones were supposed to be completed by the end of July 2017. However, according to the Ministry of Finance, the specialist to whom implementation of this commitment was assigned left his job, and the ministry is currently searching for a replacement.[6] Because of this, implementation of the commitment has been delayed.

Next Steps
If inclusive budgeting remains as modest as it has been so far, it will likely have little significant impact on civic participation. Hermann Kelomees from the Estonian Debating Society believes that inclusive budgeting is more about improving the government's image than increasing public participation,[7] and Kristina Reinsalu from e-Governance Academy believes that inclusive budgeting can only be effective at increasing civic participation if the discussion on local budgets is held in public and not in the committee of council.[8] While inclusive budgeting encourages citizens to discuss the development of their own municipalities and often brings them closer to practising active citizenship, the overall link between inclusive budgeting and increased civic participation remains weak. Therefore, the IRM researcher recommends carrying this commitment forward to the next action plan, but expanding it to include more public scrutiny of inclusive budgeting in local governments. The IRM researcher also recommends having public consultation around the budgeting of larger, multiyear strategies and projects as well (e.g., public amenities).

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[1] Raivo Kokser, 20 February 2017, "Kohalike omavalitsuste liitmine: kasulik või mitte?", https://vabaerakond.ee/opinions/raivo-kokser-kohalike-omavalitsuste-liitmine-kasulik-voi-mitte.
[2] Georg Sootla, "Omavalitsuste ühinemised, kas tupiktee või võimalus?, 5 March 2010, https://www.aripaev.ee/uudised/2010/03/04/omavalitsuste-uhinemised-kas-tupiktee-voi-voimalus.
[3] "Kaasava Eelarve Juhendmaterjal," E-Governance Academy, http://ega.ee/et/publication/kaasava-eelarve-juhendmaterjal/.
[4] "Participatory Budgeting in Tartu City," E-Governance Academy, http://www.ega.ee/project/participatory-budgeting-in-tartu-city/.
[5] "Kaasamine Tartus," Kaasamine, Tartu City Government, http://www.tartu.ee/et/kaasamine-tartus.
[6] Andrus Jõgi (Ministry of Finance), interview by IRM researcher, 5 September 2017.
[7] Hermann Kelomees (Estonian Debating Society), in focus group by IRM researcher in Tartu, 20 September 2017.
[8] Kristina Reinsalu (E-Governance Academy), interview by IRM researcher, 5 September 2017.

8. Increasing the transparency of the funding of non-governmental organisations

Commitment Text:

In order to increase the transparency of financing non-governmental organisations, it is necessary, on the one hand, to harmonise the financing practice, and on the other hand, to disclose the data describing financing.

In order to harmonise the practice of financing non-governmental organisations, a knowledge-based analysis methodology shall be prepared for evaluating compliance with the principles of financing and the first analysis shall be carried out. (Ministry of the Interior is responsible)

In order to disclose financing data, making inquiries from the central financial accounting software in respect of funds allocated to non-governmental organisations through state authorities and sending information to NENO for analysis preparation shall be continued. In addition, similar data are aggregated from intermediaries of the support, whose respective data are not on the central system. The aggregate analysis made by NENO is disclosed in the application of the public funds (Ministry of Finance is responsible).

Milestones:

Analysis activities of the financing principles of non-governmental organisations (Ministry of the Interior is responsible):

8.1.1. Developing the methodology of the analysis of the financing principles of non-governmental organisations

8.1.2. The first analysis that evaluates the financing practices as well as changes in the dynamics of financing has been carried out on the basis of the methodology and the recommendations have been implemented.

Gathering, analysing and disclosing data describing the financing of non-governmental organisations (Ministry of Finance is responsible):

8.2.1. Overview of funds transferred through state authorities in 2015 has been sent to NENO

8.2.2. NENO analyses and prepares an overview

8.2.3. Aggregating 2015 data through intermediaries of support and sending to NENO

8.2.4. NENO prepares an aggregate analysis

8.2.5. Introducing the analysis and disclosing it in the application of public funds

8.2.6. Overview of funds transferred through state authorities in 2016 has been sent to NENO

8.2.7. Aggregating 2016 data through intermediaries of support and sending to NENO

8.2.8. NENO prepares an aggregate analysis

8.2.9. Introducing the analysis and disclosing it in the application of public funds

Responsible institutions: Ministry of the Interior (analysis activities), Ministry of Finance (disclosing financing data)

Supporting institutions: Ministry of Finance / Ministry of the Interior, National Foundation of Civil Society, Network of Estonian Nonprofit Organisations (NENO)

Start date: 1 July 2016

End date: 30 June 2018

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
8. Overall				✔	✔						✔		No		✔		

Context and Objectives

There is currently a lack of transparency for public funding of NGOs in Estonia. According to a 2016 Network of Estonian Nonprofit Organisations (NENO) shadow report on NGO funding, Estonian NGOs receive between 60 and 100 million euros annually from public funds. However, the procedures for receiving funds is unclear in many cases, and there is often no monitoring of whether the funds are being used for their intended purposes.[1] According to Ly Sari of the Ministry of Finance, there is a significant difference between the guidelines for allocating financial supports and how they are used in practise.[2] The head of NENO, Maris Jõgeva, added that state funds allocated to NGOs need to be accompanied by clearly stated goals to avoid misappropriation, and there should be increased cooperation between the public sector and NGOs in this area.[3]

This commitment plans to make the use of public funds more transparent and aims for the disclosure of data on the financing of NGOs. To accomplish this goal, the commitment calls on the Ministry of the Interior to develop a methodology to analyse NGO financing, and for the Ministry of Finance to gather, analyse, and disclose the existing data describing the financing of NGOs. The milestones are based on a clearly structured work plan with well-defined responsibilities assigned to the two ministries. Thus, the specificity of the commitment is marked as high. While rules and guidelines for funding NGOs already exist, implementation is clearly lacking. The disclosure of data on funding will provide greater transparency on how public funding is allocated to NGOs and what is the benefit of such cooperation, though the commitment will not permit the public to participate in the funding decisions or hold accountable officials who misappropriate state funds. Therefore, the potential impact is moderate.

This commitment extends from commitment 4.3 of the previous action plan, which aimed to make data on government funding of NGOs available through a "State Finances" application.[4] However, that commitment saw limited implementation, as

potential solutions were still under consideration at the end of the previous action plan cycle. The commitment was considered overambitious because the quality of the existing data was insufficient for the application, and given the low functionality of the application, the expected outcomes were not realistic.

Completion
Planned Ministry of the Interior activities are expected to be completed on schedule. The Ministry of the Interior created a special commission to complete the analysis and had three meetings in 2016. The ministry assigned the first analysis of the financing practises and changes in the dynamics of financing to the Centre for Applied Social Sciences at the University of Tartu, which is expected to be completed in November 2017.

However, some activities for the gathering, analysing, and disclosing of data describing NGO financing have been delayed. The Ministry of Finance has delivered its data to NENO and the Centre for Applied Social Sciences, both of which participate in the implementation of the project, but the gathering and clarifying of raw data for the aggregate analysis has been time consuming and challenging. Therefore, the analysis of funds transferred through state authorities to NGOs in 2015 and 2016 (milestones 8.2.2 and 8.2.4) have been delayed, and the overall implementation of the commitment is considered limited. In the future, the aggregating analyses are expected to be launched as an online database.

Next Steps
Given the current lack of transparency in NGO funding, the IRM researcher recommends carrying this commitment forward to the next action plan, with additional focus on using public sector resources to make financial statistics easier for the public to understand.

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[1] Maiu Lauring, Hanna Jemmer, Maaja Mätlik, Siim Tuisk, and Risto Hinno, *Variraport Vabaühenduste Riigieelarvest Rahastamise Juhendi Järgimisest 2013-2015* (Tallinn: EMSL Vabaühenduste liit, 2016), 24, http://heakodanik.ee/sites/default/files/files/variraport.pdf.
[2] Ly Sari (Ministry of Finance), interview by IRM researcher, 5 September 2017.
[3] Hea Kodanik, "Maris Jõgeva: Kodanikuühiskond Ilma Riigiga Kokkupuutumata Pole Mõistlik," Hea Kodanik, 9 June 2016, http://heakodanik.ee/uudised/maris-jogeva-kodanikuuhiskond-ilma-riigiga-kokkupuutumata-pole-moistlik/.
[4] Open Government Partnership, *Estonia: 2014-2016 End of Term Report*, 30, https://www.opengovpartnership.org/sites/default/files/Estonia_EOTR_2014-2016_Public-Comment_1.pdf.

Theme 1V: Development of Social and ICT Know-How Taking into Account the Opportunities of the Information Society and E-state

9. Defining participatory democracy and development of digital competence in school education

Commitment Text:

In the development work of the subject syllabi of social subjects between 2016 and 2018 the Ministry of Education and Research shall consult with the respective interest groups, incl. civil society organisations. The interested parties, non-governmental organisations etc. shall submit their proposals for supplementing/renewing the learning aims and learning outcomes of the field of social subjects in accordance with the general part of the syllabus.

Milestones:

9.1. The subject syllabi of social subjects will be updated by 2019 and the study materials necessary for studying and teaching will be made available through the digital study resources portal e-Koolikott.

9.2. Plans of the drafts of syllabi will be ready.

9.3. According to the national syllabus, the schools must prescribe the development of their students, including digital competences, in their syllabi. Foundation Innove advises schools in developing their syllabi.

Responsible institution: Ministry of Education and Research

Supporting institutions: Ministry of Economic Affairs and Communication, Foundation Innove, Information Technology Foundation for Education, Government Office, universities, interested citizen initiatives, teachers, school administrators, students

Start date: 1 January 2016

End date: 31 December 2019

Commitment Overview	Specificity				OGP Value Relevance				Potential Impact				On Time?	Completion			
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Tech. and Innov. for Transparency and Accountability	None	Minor	Moderate	Transformative		Not Started	Limited	Substantial	Complete
9. Overall			✔			✔		✔			✔		Yes☐		✔		

Context and Objectives
Estonia is widely considered one of the leading countries in Europe in digital technology and innovation.[1] The country has made significant progress in this field. The CSO Praxis Centre for Policy Studies reported in 2017 that the teaching of digital skills in Estonian schools has been uneven, and the teaching of basic skills

(such as data analysis, programming, and website creation) have been left out of school curriculums altogether.[2] According to the Estonian Lifelong Learning Strategy, one-third of Estonia's working-age population lacks basic digital skills, and there is a lack of digital teaching materials in the country.[3] These missing competencies might lead to such national problems as ineffective collaboration in the work environment, less active citizens, or missed opportunities for future digital developments.

This commitment aims to improve the ICT knowledge and digital competence of Estonian pupils to increase active participatory democracy within society. Specifically, the commitment plans to update the syllabi of social science subjects for Estonian schools based on consultations with interest groups and civil society, and add the materials necessary for studying and teaching to the digital learning portal e-Koolikott. The education Foundation Innove established by the Estonian Government is expected to assist schools in developing their syllabi with information from the consultations and study materials.

The commitment calls for the consultation of CSOs in developing the new social subject syllabi, thus making it relevant to the OGP value of civic participation. The commitment provides a structure and clear time frame for when the new syllabi will be developed and gives a specific place for uploading study materials. However, it does not specify how consultations with interest groups during the syllabi development will occur, or how they will be incorporated into the final school syllabi. Similarly, the role of Foundation Innove in the development of the final syllabi is not articulated beyond an advisory role. Therefore, the specificity of the commitment is medium. Viola Mäemurd from the Ministry of the Interior stated that this commitment is one of the few that is more ambitious in the action plan than in the government's work plan itself.[4] According to Liia Hänni of e-Governance Academy, the idea for the commitment came from her organisation, but e-Governance Academy was not involved in the development of the specific wording or milestones.[5] Even though the development of ICT skills among students is important for supporting open government in a digital information society, concentrating exclusively on updating syllabi would lead to a moderate potential impact.

Completion
Before the start of the current action plan, some work had already been done on developing the syllabi, such as implementing a digital competences model and a digital competences examination for basic and secondary education students. Schoolteachers have uploaded study materials from start-up company Tebo, which has over 10,000 different study materials.[6] These activities support the implementation of the commitment but are not directly connected to the action plan.

Overall, implementation of this commitment has been limited. At the time of the writing of this report, the process for developing the special model for digital competences has just ended, and there are public events planned to introduce the model. Additionally, the Ministry of Education and Research formed a special working group of two teachers and two senior academic researchers to develop the concept notes for each respective social science subject for the schools. The concept notes for the subject syllabi should have been ready at the end of 2017. All three milestones are on time to be implemented but have end dates scheduled for 2018 or 2019, which might occur after the current action plan cycle.

Besides the commitment's milestones, the government also completed two additional activities connected to the commitment but not mentioned in the action plan: organising meetings to enhance value-based school cultures, and developing the concept of human rights, together with ministries and CSOs.[7]

Mr. Kaarel Haav from the Estonian Education Forum criticised the commitment implementation, stating that greater emphasis should be placed on participatory democracy (in keeping with the original purpose of the commitment), in additional to improving digital competencies.[8]

Next Steps

If this commitment is carried forward, the IRM researcher recommends including clearer and more concrete milestones in future action plans, to avoid having to figure out the content of a commitment after the action plan has already started. The commitment should also more explicitly connect technological competences and school syllabi to the principles of open government and civic participation.

[1] Innar Liiv, "Welcome to E-Estonia, the Tiny Nation That's Leading Europe in Digital Innovation," *The Conversation,* 4 April 2017, http://theconversation.com/welcome-to-e-estonia-the-tiny-nation-thats-leading-europe-in-digital-innovation-74446.

[2] Cenely Leppik, Hanna-Stella Haaristo, and Eve Mägi, *IKT-haridus: Digioskuste Õpetamine, Hoiakud ja Võimalused Üldhariduskoolis ja Lasteaias* (Tallin: Praxis Centre for Policy Studies, 2017), 5-11, http://www.praxis.ee/wp-content/uploads/2016/08/IKT-haridus-uuring_aruanne_mai2017.pdf.

[3] *Estonian Lifelong Learning Strategy, 2014*, https://www.valitsus.ee/sites/default/files/content-editors/arengukavad/eesti_elukestva_oppe_strateegia_2020.pdf.

[4] Viola Mäemurd (Ministry of the Interior), interview by IRM researcher, 18 September 2017.

[5] Liia Hänni (E-Governance Academy), interview by IRM researcher, 5 September 2017.

[6] "Eestlaste Loodud Startupil on Ambitsiooni Saada Maailma Suurimaks," *Ituudised*, 7 September 2016, http://www.ituudised.ee/uudised/2016/09/07/eestlaste-loodud-startupil-on-ambitsiooni-saada-maailma-suurimaks.

[7] Riigikantselei, *Summary of the OGP Consultation Council's Meeting*, 20 June 2017, https://riigikantselei.ee/sites/default/files/content-editors/Failid/AVP/avp20.06.2017.pdf.

[8] Email from Kaarel Haav, 15 February 2018.

V. General Recommendations

Civil society stakeholders expressed disappointment in the lack of ambition in Estonia's third action plan. It is important to keep local governments and Parliament on board, and to continue focusing on major stakeholder priorities (such as decreasing bureaucracy and emphasising youth policy). Moving forward, other stakeholder priorities (such as anti-corruption activities and increased transparency in the state budget) should receive greater attention.

This section aims to inform development of the next action plan and guide completion of the current action plan. It is divided into two sections: 1) those civil society and government priorities identified while elaborating this report and 2) the recommendations of the IRM.

5.1 Stakeholder Priorities

Stakeholder priorities in the current plan were concentrated around the theme of open and inclusive policy making. Seven of the nine commitments in the action plan fell under this theme, and those seven were proposed by CSOs. Additionally, the commitment on zero bureaucracy was considered a high priority under the second theme, citizen-centred public services.

Stakeholders' priorities for the next action plan include opening up Parliament, continuing efforts for inclusiveness in policy-making processes, actively raising awareness about Estonia's participation in OGP, conducting anti-corruption activities, and working on transparency of the state budget. Also important to stakeholders are topics such as civic engagement in the early stages of policy-making and open data. These stakeholder priorities for future action plans are directly connected to open government issues, especially to public accountability and civic participation.

5.2 IRM Recommendations

- Both the Coordinating Council and the OGP Civil Society Roundtable should find new ways to reinvigorate the OGP process in Estonia. More active and stronger leadership is needed for both platforms. The Coordinating Council could be upgraded from an advisory council to the secretary of the state to an advisory council to the Estonian Government. The head of the Council could be the Minister of Public Administration, and its Co-Chair could be nominated by CSOs.

- It is important to have a clear understanding from the beginning of who is responsible for actively involving the public during the development of the action plan. While CSOs should be involved in developing the action plan on an individual or group basis, they should not be responsible for awareness raising and engagement activities without additional resources.

- The Coordinating Council's members' availability and willingness to participate, together with clear structure of working processes, should be put into focus. Strong leadership, regular meetings, shared agendas, and provision of relevant action plan materials before consultations begin could potentially improve the situation.

- Commitments and activities in the next action plan should be concretely defined, with clearer milestones. Commitments should be "new" (or at least new initiatives added to enhance existing commitments) and not just continuations of existing activities. Most of the commitments in the current action plan as general themes are relevant to Estonia, but additional open government themes like anti-corruption activities, transparency in state budget would also be important. The main question should not be whether or not a topic is right or wrong for Estonia, but finding the proper scope, focus, and ambition of the commitment.

- Action plans should contain only commitments that have and emphasise public-facing elements of OGP values: access to information, civic participation, or public accountability. Simply continuing the current practise of including in the action plan general activities with little concreteness (e.g. Commitment 4) and/or mostly improvements to in-house administration (e.g. Commitment 1) is not advised. Future action plans could also expand into new sectors beyond e-government. It is important to remember that while the level of ambition should be increased, the commitments should be feasible enough to be completed within a two-year period.

- Include activities that enhance stakeholder involvement in the early stages of policy development. There are enough channels and platforms, but more attention should be put on the skills to involve a wide variety of stakeholders. To do this, the government could build on the current commitments to improve the real engagement capacities of state officials and the participation capacity of CSOs both during development and implementation of the action plan. Creating strategic partnerships between ministries and CSOs (e.g. strategic partnerships between Ministry of the Interior and CSOs) would offer a strong basis for stakeholder involvement.

- While the processes to develop more ambitious action plans exist, the implementation coordination lacks time, energy, and resources and does not meet OGP standards for active collaboration and empowerment (see Table 3.3 in Section III). It is important to encourage CSOs that no longer actively participate in OGP due to loss of confidence in the process to become involved again in the implementation of commitments. Commitments in future action plans should list one interested CSO responsible for monitoring the implementation. Since the Coordinating Council decided to abolish midterm reports, ongoing, regular monitoring of the process is needed. Joint government-CSO structures and working rules should be established for this purpose. A short (paragraph long) update on each commitment every three months of implementation would keep communication open and active. There is no need for a physical meeting, but there is a critical need for updated information on the status of implementation.

- It is important that enough information-sharing activities occur before the next action plan is finalised. Confusion among the members of the Coordinating Council around who is deciding what, when, and how hampered the current action plan, and such a situation should be avoided in the future. Also, open communication during the two-year period is important, not just in the beginning and in the end. The next action plan should also include awareness-raising activities about OGP, both among administrators and CSOs.

- OGP needs to have dedicated funding, at least for coordination and communication activities, to improve its ability to enact change in Estonia regarding open government. The funding should go to the Government Office, with the Coordinating Council having decision-making power over how it is used. Ideally, OGP should have a dedicated budget for innovative and cross-cutting activities that do not come from an existing public organisation plan or budget. Even if new and potentially transformative commitments are proposed, they might not be included in the action plan due to lack of funding. CSOs involvement might continuously fall behind in future action plans if no special budget is allocated to the OGP.

- Local governments (both urban areas and umbrella organizations) and Parliament should be more active in the development of the next action plan, while proposing ideas to becoming more transparent in their own activities. It would also be beneficial if they continue to be responsible for implementing certain commitments (e.g. Commitment 5 in the action plan on transparency in law-making).

- It would be advised to have some brainstorming rounds between government representatives and CSOs to determine policy issues that would enhance societal cohesion. The brainstorming is not about finding the right topics, but finding the right balance and right capacity for dealing with topics. The volume and power of the implementation activities are crucial.

- Commitments in the next action plan can continue to find common ground with the existing state reform plans, such as administrative reforms, but should be developed in a way that adds additional value to the reforms.

- The next action plan could include themes of anti-corruption, youth education policy, and local decision-making structures in its commitments. Currently, the awareness of the possible problems in these areas is low at the local level, especially on anti-corruption issues.

Table 5.1: Five Key Recommendations

1	**Establish motivation and tools for stronger everyday leadership, both in the Coordinating Council and OGP Civil Society Roundtable, and consider revising the status of the Coordinating Council.**
2	**Include activities that are coherent with the state reforms that already have their own budgets, but would offer clear additional value to already planned activities. Find a better balance between pre-existing plans and new initiatives.**
3	**Each commitment should have a CSO responsible for monitoring its implementation, while also having enough capacity and resources fulfil this task.**
4	**Include commitments that are well defined, ambitious, and feasible over a two-year period, and that have a public-facing element.**
5	Include stakeholder priority areas (such as anti-corruption activities, local decision-making structures, and youth policy) in the action plan.

VI. Methodology and Sources

The IRM progress report is written by researchers based in each OGP-participating country. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, and feedback from nongovernmental stakeholder meetings. The IRM report builds on the findings of the government's own self-assessment report and any other assessments of progress put out by civil society, the private sector, or international organisations.

Each IRM researcher carries out stakeholder meetings to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested or affected parties. Consequently, the IRM strives for methodological transparency and therefore, where possible, makes public the process of stakeholder engagement in research (detailed later in this section.) Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary on public drafts of each report.

Each report undergoes a four-step review and quality-control process:

1. Staff review: IRM staff reviews the report for grammar, readability, content, and adherence to IRM methodology.
2. International Experts Panel (IEP) review: IEP reviews the content of the report for rigorous evidence to support findings, evaluates the extent to which the action plan applies OGP values, and provides technical recommendations for improving the implementation of commitments and realization of OGP values through the action plan as a whole. (See below for IEP membership.)
3. Prepublication review: Government and select civil society organizations are invited to provide comments on content of the draft IRM report.
4. Public comment period: The public is invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.[1]

Interviews and Focus Groups

Each IRM researcher is required to hold at least one public information-gathering event. Researchers should make a genuine effort to invite stakeholders outside of the "usual suspects" list of invitees already participating in existing processes. Supplementary means may be needed to gather the inputs of stakeholders in a more meaningful way (e.g., online surveys, written responses, follow-up interviews). Additionally, researchers perform specific interviews with responsible agencies when the commitments require more information than is provided in the self-assessment or is accessible online.

The IRM researcher conducted the following stakeholder interviews:

Government representatives:
- Margus Sarapuu, Ministry of Economic Affairs and Communications, 4 September 2017
- Ly Sari, Ministry of Finance, 5 September 2017
- Kersten Kattai, Ministry of Finance, 7 September 2017
- Mariko Jõeorg-Jurtsenko, Ministry of Justice, 12 September 2017

- Liis Kasemets, Government Office, 12 September 2017
- Viola Mäemurd, Ministry of the Interior, 18 September 2017
- Kersti Karuse-Veebel, Tax and Customs Board, 19 September 2017
- Mariann Rikka, Ministry of Education and Research, 21 September 2017
- Kairi Toiger, Ministry of the Environment, 25 September 2017

NGO representatives:
- Maris Jõgeva, Network of Estonian Nonprofit Organisations, 21 August 2017
- Andrei Liimets, OGP Civil Society Roundtable, 21 August 2017
- Liia Hänni, E-Governance Academy, 5 September 2017
- Kristina Reinsalu, E-Governance Academy, 5 September 2017
- Maie Kiisel, Centre for Applied Social Sciences, 5 September 2017
- Marko Udras, Estonian Chamber of Commerce and Industry, 6 September 2017

The IRM researcher conducted the following focus groups:

Focus group in Tartu, 20 September 2017:
- Hermann Kelomees, Estonian Debating Society
- Kertu Vuks, Municipality of Elva
- Jüri Saar, Postimees newspaper
- Marleen Kirsipuu, Foundation for Science and Liberal Arts Domus Dorpatensis

Focus group in Tallinn, 22 September 2017:

- Tarmo Treimann, National Foundation of Civil Society
- Teele Pehk, Estonian Cooperation Assembly
- Mari Roonemaa, Open Estonian Foundation
- Anni Jatsa, Transparency International Estonia
- Rauno Vinni, Praxis Centre for Policy Studies

About the Independent Reporting Mechanism
The IRM is a key means by which government, civil society, and the private sector can track government development and implementation of OGP action plans on an annual basis. The design of research and quality control of such reports is carried out by the International Experts Panel, comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Hazel Feigenblatt
- Mary Francoli
- Brendan Halloran
- Hille Hinsberg
- Anuradha Joshi
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Ernesto Velasco

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org

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[1] IRM Procedures Manual, V.3: https://www.opengovpartnership.org/documents/irm-procedures-manual.

VII. Eligibility Requirements Annex

The OGP Support Unit collates eligibility criteria on an annual basis. These scores are presented below.[1] When appropriate, the IRM reports will discuss the context surrounding progress or regress on specific criteria in the Country Context section.

In September 2012, OGP officially encouraged governments to adopt ambitious commitments that relate to eligibility.

Table 7.1: Eligibility Annex for Estonia

Criteria	2011	Current	Change	Explanation
Budget Transparency[2]	N/A	N/A	No change	4 = Executive's Budget Proposal and Audit Report published 2 = One of two published 0 = Neither published
Access to Information[3]	4	4	No change	4 = Access to information (ATI) Law 3 = Constitutional ATI provision 1 = Draft ATI law 0 = No ATI law
Asset Declaration[4]	3	4	+1	4 = Asset disclosure law, data public 2 = Asset disclosure law, no public data 0 = No law
Citizen Engagement (Raw score)	4 (10.00)[5]	4 (10.00)[6]	No change	*EIU Citizen Engagement Index* raw score: 1 > 0 2 > 2.5 3 > 5 4 > 7.5
Total / Possible (Percent)	11/12 (92%)	12/12 (100%)	No change	75% of possible points to be eligible

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1 For more information, see http://www.opengovpartnership.org/how-it-works/eligibility-criteria.

2 For more information, see Table 1 in http://internationalbudget.org/what-we-do/open-budget-survey/. For up-to-date assessments, see http://www.obstracker.org/.

3 The two databases used are Constitutional Provisions at http://www.right2info.org/constitutional-protections and Laws and draft laws at http://www.right2info.org/access-to-information-laws.

4 Simeon Djankov, Rafael La Porta, Florencio Lopez-de-Silanes, and Andrei Shleifer, "Disclosure by Politicians," (Tuck School of Business Working Paper 2009-60, 2009), http://bit.ly/19nDEfK; Organisation for Economic Cooperation and Development (OECD), "Types of Information Decision Makers Are Required to Formally Disclose, and Level Of Transparency," in Government at a Glance 2009, (OECD, 2009), http://bit.ly/13vGtqS; Ricard Messick, "Income and Asset Disclosure by World Bank Client Countries" (Washington, DC: World Bank, 2009), http://bit.ly/1cIokyf. For more recent information, see http://publicofficialsfinancialdisclosure.worldbank.org. In 2014, the OGP Steering Committee approved a change in the asset disclosure measurement. The existence of a law and de facto public access to the disclosed information replaced the old measures of disclosure by politicians and disclosure of high-level officials. For additional information, see the guidance note on 2014 OGP Eligibility Requirements at http://bit.ly/1EjLJ4Y.

5 "Democracy Index 2010: Democracy in Retreat," The Economist Intelligence Unit (London: Economist, 2010), http://bit.ly/eLC1rE.

6 "Democracy Index 2014: Democracy and its Discontents," The Economist Intelligence Unit (London: Economist, 2014), http://bit.ly/18kEzCt.