



ReSPA

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of Public Administration

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# National Study of Policy Coordination Processes in Kosovo\*



ReSPA activities are funded  
by the European Union

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The Regional School for Public Administration (ReSPA), as the inter-governmental organisation for enhancing regional cooperation, promoting shared learning and supporting the development of public administration in the Western Balkans, helps governments in the region develop better public administration, public services and overall governance systems for their citizens and businesses, and prepare them for membership in the European Union (EU). ReSPA Members are Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia, while Kosovo\*<sup>1</sup> is a beneficiary.

ReSPA improves regional cooperation, promote shared learning and support the development of public administrations within the Western Balkans, and support the integration of the countries in the region into the EU.

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<sup>1</sup> \* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo Declaration of independence.

## Abbreviations

AI	Administrative Instruction
BO	Budget Organisations
CGPFM	Coordination Group on Public Finance Management
COFOG	Classification of Government Functions
CoG	Centre of Government
DEIPC	Departments of European Integration and Policy Coordination
DG NEAR	Directorate-General for Neighbourhood and Enlargement Negotiations
EC	European Commission
EI	European Integration
ERA	European Reform Agenda
ERP	Economic Reform Programme
EU	European Union
GAWP	Government Annual Work Plan
GLP	Government Legislative Programme
GMTP	Government Medium-Term Priorities
GoK	Government of Kosovo*
IPA I	Instrument of Pre-Accession Assistance 2007–2013
IPA II	Instrument of Pre-Accession Assistance 2014–2020
IPA III	Instrument of Pre-Accession Assistance 2021–2027
IPS	Integrated Planning System
LPFMA	Law on Public Financial Management and Accountability
M&R	Monitoring and Reporting
MoF	Ministry of Finance
MP	Member of the Parliament
MTEF	Medium-Term Expenditure Framework
NDS	National Development Strategy
NIPAC	National IPA Coordinator

NPISAA	National Programme for the Implementation of the SAA
NSMF	National Strategic Management Framework
PAR	Public Administration Reform
PFM	Public Finance Management
PFMRS	Public Finance Management Reform Strategy
PMO	Prime Minister's Office
ReSPA	Regional School of Public Administration
RIA	Regulatory Impact Assessment
RoP	Rules of Procedure
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SDGs	Sustainable Development Goals
SEE	South Eastern Europe
SIGMA	Support for Improvement in Governance and Management
SIPPC	Strategy for Improving Policy Planning and Coordination
SME	Small and Medium-Sized Enterprises
SMG	Strategic Management Group
SPSG	Strategic Planning Steering Group
SSWG	Sub-Sector Working Groups
STM	Stabilization and Association Process Tracking Mechanism
SWG	Sector Working Groups
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UN	United Nations
WB	World Bank

# 1

## Introduction

The Regional School of Public Administration (ReSPA) is an intergovernmental organisation for enhancing regional cooperation, promoting shared learning and supporting the development of public administration in the Western Balkans. ReSPA's Members include Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia, while Kosovo\* is a beneficiary. ReSPA's purpose is to help governments in the region develop better public administration, public services and overall governance systems for their citizens and businesses and prepare for the membership of the European Union.

Following consultations and the expressed interest of the ReSPA Members, it has been decided that ReSPA should continue with the development of specific analytical papers and studies devoted to important topics related to the reforms of public administration in the region. One of these policy papers relates to policy coordination.

In 2020, ReSPA developed a comprehensive analytical paper on policy coordination. In order to further improve the analytical fundamentals of policy coordination among ReSPA Members, ReSPA has initiated the preparation of country-specific in-depth analyses of the policy coordination processes for each public administration in the Western Balkans.

The aim of this paper is to take stock of policy coordination in Kosovo\*, focussing on the legal, strategic and institutional aspects of the coordination of public policies.

# 2

## Executive summary

This paper presents the key findings of a study on the current state of affairs regarding policy coordination in Kosovo\*, taking stock of seven key processes that shape policy coordination in Kosovo\*.

With regard to **strategic planning**, the legal framework for such planning is well defined through secondary legislation. Kosovo\* adopted a Strategy on Policymaking and Coordination in 2015 and a National Development Strategy in 2016. Kosovo\* is currently revising the policy framework for strategic planning by introducing a National Strategic Management Framework. The institutional framework has been set up at both the centre of government and ministerial level, and inter-institutional structures have been established.

Challenges remain in terms of ensuring better linkage with key planning processes, including the process of EU integration. Furthermore, sectoral strategies remain fragmented and have a weak track-record in terms of implementation. Inter-institutional coordination is largely conducted ad hoc.

With regard to **EU integration**, the legal framework is based on the Stabilization and Association Agreement (SAA) and a range of secondary legislation. The National Programme for the Implementation of the SAA (NPISAA) and the European Reform Agenda (ERA) constitute key policy-planning documents. Institutional coordination lies within the responsibility of the Prime Minister's Office (PMO) and the Departments for European Integration and Policy Coordination (DEIPC) in line ministries. A number of inter-institutional structures have also been established.

There are challenges related to the changes that have been introduced to the institutional structure responsible for EU coordination. Currently there is no unified and structured EU coordination body within the government. This situation is jeopardizing the progress made over previous years. The implementation of EU commitments remains low. Inter-institutional coordination is fragile.

With regard to **legislative drafting and approximation with the EU *acquis***, the legal framework in this area is well consolidated through primary and secondary legislation. The institutional framework within the legislative system in Kosovo\* is well-established in terms of both setup and institutional responsibilities.

Challenges remain in terms of the simplification, streamlining and harmonization of the different legal acts that govern legislative drafting. Furthermore, Kosovo\*'s track record shows that the Government Legislative Programme has been persistently over-ambitious. Concrete steps need to be taken to make progress on the translation of the EU *acquis*.

With regard to **policy planning and budgetary processes**, the legal framework in this area is robustly defined through primary and secondary legislation. Since 2006 the Medium-Term Expenditure Framework (MTEF) has served as a medium-term planning instrument, while the national budget is prepared on annual basis. The Public Finance Management Reform Strategy is part of the strategic framework for Public Administration Reform (PAR). The Ministry of Finance, Labour and Transfers is a lead institution in this area, while the Coordination Group on Public Finance Management ensures inter-institutional coordination. Kosovo\* has started taking steps towards transitioning to programme-based budgeting. Challenges remain in terms of ensuring better linkage between the policy planning framework and budgetary processes.

With regard to **regulatory impact assessment**, the legal framework is well defined through secondary legislation. The policy framework consists of the Better Regulation Strategy, which was first adopted in 2014 and later revised in 2017. In terms of the institutional framework, regulatory impact assessment (RIA) processes are overseen by the PMO and the Government Coordination Secretariat.

Institutions in Kosovo\* suffer from limited capacities for the implementation of processes related to impact assessment. More practical guidance is needed to provide hands-on advice on the implementation of the impact assessment methodology. There are no clear criteria for how government interventions RIA should be conducted, and there is no clear linkage with the legislation on the ex post evaluation of legislation.

With regard to **inclusion and communication**, the legal framework is well defined through secondary legislation, while the key institution that drives government efforts is the Office of Good Governance in the PMO. A number of operational documents have been developed to ensure structured, transparent and participatory policy-making processes.

As far as the implementation is concerned, it is rather difficult to assess the state of play due to a lack of clear and publicly accessible information. Public consultations have not yet achieved qualitative and meaningful requirements. The legal framework needs to be streamlined.

With regard to **parliamentary oversight and scrutiny**, the legal framework is well defined through secondary legislation. The Assembly has gradually put in place a number of oversight tools and mechanisms based on EU best practices. The most recent relevant Assembly legislature has set-up fourteen oversight committees.

The Rules of Procedure (RoP) of the Government and Assembly need to be streamlined and improved.

The RoP of the Assembly do not sufficiently regulate standards, instruments and procedures to ensure parliamentary oversight and scrutiny. The oversight of independent institutions should be improved.

This paper offers 39 recommendations in all of the seven areas described above.

# 3

## Strategic planning

In Kosovo\*, strategic planning started to gain more traction with the establishment of the Strategic Planning Office in the PMO in 2009. Soon after the establishment of this office, an Administrative Instruction (AI) on Strategic Documents was introduced to regulate the processes, procedures and formats for strategic documents.<sup>2</sup> At the same time, the PMO and the former Ministry of European Integration (MEI) started discussions on introducing an Integrated Planning System (IPS) in Kosovo\* to allow for the development of sector strategies within an overarching strategic planning system. This system was intended to coordinate and foster communication between the development agenda and the European integration agenda. Further efforts were also to be taken to ensure policy planning was reflected in the budgetary processes. Inter-institutional bodies would be established to ensure the involvement of the centre of government (the PMO, the MEI and the Ministry of Finance (MoF)) in the management of the strategic planning system.<sup>3</sup>

Based on such discussions, support was secured through the Instrument for Pre-Accession Assistance (IPA). This IPA support was focused on the development of a Strategy on Policymaking and Coordination in 2015 and the establishment of a National Development Strategy (NDS). In addition, the regulatory framework for strategic planning was revised in 2018, while efforts were also made in 2017 to increase the capacity of the civil service through a Training of Trainers (ToT) programme run by the German Federal Enterprise for International Cooperation (GIZ). In 2019 the PMO started work on revising the Integrated Planning System (IPS) by introducing a National Strategic Management Framework (NSMF) that included sector definitions and institutional plans and identified the linkage

<sup>2</sup> Available at: [https://kryeministri.rks-gov.net/wp-content/uploads/docs/Draft\\_Udhezimi\\_Administrativ\\_Per\\_Strategjite\\_FINAL\\_2012\\_\\_2\\_.pdf](https://kryeministri.rks-gov.net/wp-content/uploads/docs/Draft_Udhezimi_Administrativ_Per_Strategjite_FINAL_2012__2_.pdf)

<sup>3</sup> *Roadmap on Establishing an Integrated Planning System in Kosovo\**, 2014.



of objectives across planning instruments.<sup>4</sup> In addition, efforts are underway to revise the NDS. Unlike the previous NDS, the revised Strategy is expected to focus on the definition of sectoral issues and outcome objectives and indicators. Arrangements for implementation will be the task of sector strategies.

The Government Rules of Procedure (RoP) establish the **legal basis for strategic planning** by envisaging the requirements for reviewing the government's actions in relation to its strategic objectives and priorities. While the main requirements for preparing strategic documents are outlined in the RoP, the strategic planning process in Kosovo\* is regulated by the Administrative Instruction (AI) 7/2018 on Planning and Drafting Strategic Documents and Action Plans.<sup>5</sup> This Instruction details the strategic planning system, including its processes, hierarchy, and procedures for the development and approval of strategic documents and actions plans, as well as their structures and coordination bodies. (The institutional framework will be dealt with in the section below.)

In terms of the strategic planning system, the AI outlines a system in which the overarching strategy, i.e. the National Development Strategy (NDS) and sector strategies are central for ensuring the effectiveness and delivery of government interventions. In addition, the AI allows for intra-sectoral and sub-sectoral documents to deal with specific and cross-sectoral issues.

The AI also envisages the processes in strategic planning, including the initiation of the strategic document, relevant consultation processes, formats, analysis tools such as SWOT analysis, PESTLE and problem tree analysis. In addition, the Instruction also regulates the tasks and responsibilities of the specific inter-institutional bodies tasked with developing the strategic document.

In addition, the AI establishes processes and procedures for the involvement of the Centre of Government (CoG) in the strategic development process. It also provides for coordination between different policy-planning processes, such as the involvement of the European integration structures as well as the MoF. The AI further outlines the necessary steps to be taken for ensuring the monitoring and reporting of strategic documents. It calls for annual reporting to the CoG on the implementation of activities for strategic documents, including on their outcomes where possible.

The main strengths of the legal framework on strategic planning include the clear system of strategic documents it introduces, the hierarchical relationship between these documents, and clear allocation of the tasks and responsibilities of various actors. Detailed descriptions of the structure of the documents and the tools to be used in each phase are also provided. Serious efforts have been made towards ensuring an effective monitoring system.

Nevertheless, the following areas remain challenging in terms of the legal framework: difficulties in ensuring linkages with other policy coordination efforts such as impact assessment; the integration of 'development' agendas with European integration agendas; and the non-adoption of planning models from the EU process, such as the sector approach under IPA 2.<sup>6</sup>

<sup>4</sup> Draft NSMF of spring 2020.

<sup>5</sup> Administrative Instruction (AI) 7/2018 on Planning and Drafting Strategic Documents and Action Plans. Available at: <https://kryeministri-ks.net/wp-content/uploads/2018/04/UDH%C3%8BZIMI-ADMINISTRATIV-QRK-NR.-07-2018-P%C3%8BR-PLANIFIKIMIN-DHE-HARTIMIN-E-DOKUMENTEVE-STRATEGJIKE-DHE-PLANEVE-T%C3%8B-VEPRIMIT-28-03-2018.pdf>

<sup>6</sup> IPA II, unlike IPA I, introduces a sector-wide approach in the assistance programming cycles. At its core,

Regarding the **policy framework covering strategic planning**, the Government of Kosovo\* adopted the Strategy for Improving Policy Planning and Coordination (SIPPC) in 2015.<sup>7</sup> This Strategy embraced the principles of an Integrated Strategic Planning system. As mentioned, the focus of such a system is on ensuring a hierarchical strategic planning system for the delivery of government policy, with one umbrella strategy and sector strategies. Another function of this system is to support the coordination of the development agenda and the EI agenda, as well as ensuring proper linkages between policies and the budget through the Medium-Term Expenditure Framework (MTEF). The SIPPC will be integrated in the forthcoming Strategy on Public Administration Reform.<sup>8</sup>

One of the main strengths of this policy framework is the fact that it offers a stage for the main actors of the CoG to streamline their processes and activities. The policy framework also brought together all the relevant actors, enabling them to learn the processes under the management of other actors, as was the case with the budgetary processes and the European integration requirements. For example, some of the main successes in implementing the mentioned Strategy relate to the linkages established between the Government Work Plan and the National Programme for the Implementation of the Stabilisation and Association Agreement (NPISAA), as well as the use of costing methodology.<sup>9</sup>

The challenges experienced in Kosovo\* in relation this approach are primarily related to implementation. The government of Kosovo\* has not yet managed to integrate the thinking behind the IPS concept in the system. At present there is no clear integration between the development agenda and the European integration (EI) agenda. While there has been increasing cooperation between the various actors in the CoG and other institutions, no sustainable efforts have been made to ensure that the planning for development and for EI are functionally integrated. This can be seen in the NDS and European Reform Agenda (ERA). Another challenge remains the lack of serious efforts to ensure clear linkages between strategic planning and the MTEF and other budgetary processes. Another major challenge relates to the inability to focus on delivery in sectoral strategies. These strategies are still too numerous, fragmented, and weakly implemented.

An important dimension of strategic planning is of course the **institutional setup**. As already mentioned, some of the main bodies are the SPO in the PMO and the European integration offices in the PMO and MoF. In addition, there are Departments for European Integration and Policy Coordination (DEIPC) in each line ministry. These departments oversee the European integration process as well as strategic planning. There are also inter-institutional strategic planning bodies, including a) the Strategic Management Group (SMG), covering strategic coordination at the level of sectors, b) the Strategic Planning Steering Group (SPSG), covering inter-institutional efforts at strategic planning, and c) the Strategic Planning Committee, which is led by the Prime Minister and oversees leading

IPA II provides for proper sectoral strategies, including performance frameworks, proper management bodies, including donors, a proper budget, and linkages with budgetary processes, as well as greater transparency. It is the view of the author that the Government of Kosovo\* has unfortunately not managed to take the opportunity to ensure alignment with such an approach either through the revised legal framework described here or through the policy framework.

<sup>7</sup> [http://www.kryeministri-ks.net/repository/docs/Strategy\\_for\\_improvement\\_policy\\_planning\\_and\\_coordination\\_\(IPS\)\\_2016-2018.pdf](http://www.kryeministri-ks.net/repository/docs/Strategy_for_improvement_policy_planning_and_coordination_(IPS)_2016-2018.pdf)

<sup>8</sup> This is unlike 2014, where policy planning and better regulation were planned in separate strategies.

<sup>9</sup> With regard to the Implementation Report on the SIPPC 2020, the greatest extent of implementation has taken place in the alignment of various planning mechanisms and in costing.

strategic planning at national level. A clear advantage of this institutional setup is the clear division of tasks and responsibilities among the different bodies. The responsibilities of these bodies are clearly delineated, and cooperation has been increasing in the recent years. Moreover, most bodies are well equipped to manage the processes in their currently mandated area of responsibility.

A remaining challenge is the need to further strengthen cooperation and coordination among the various actors in the CoG and in the line institutions. Also, such an institutional set up tasked with strategic planning needs to further strengthen its role in shaping proper policy and delivery at both levels, i.e., at the CoG level and the ministerial level.

#### Recommendations

- Revise the legal framework to ensure proper regulation of the linkages between the European integration agenda and other policy coordination efforts.
- Embed policymaking and coordination procedures in the forthcoming revised Rules of Procedure of the Government.
- Introduce sustainable efforts to ensure the functional integration of planning for development and European Integration.
- Introduce efforts to ensure that there is a clear linkage between strategic planning and budgetary processes, including the Medium-Term Expenditure Framework.
- Focus on the delivery of results through sectoral strategies, revising such strategies to identify overlapping issues and strengthen implementation.
- Further strengthen cooperation and coordination between the various stakeholders dealing with strategic planning, including the CoG and line institutions. In addition, these institutions must work towards strengthening their role in shaping proper policy and delivery at both levels, i.e., at CoG and ministerial level.

# 4

## EU integration

Kosovo\* has undertaken active efforts towards European integration over many years. The government prepared its first European Partnership Action Plan (EPAP) in 2005 and regularly participated in the Stability Pact Tracking Mechanism (STM). In 2009, based on an EC Communication,<sup>10</sup> the STM was upgraded to the Stabilization and Association Process Dialogue (SAPD), and the stage was set for a Stabilization and Association Agreement (SAA). In 2012, the EC proposed that the Parliament and Council start negotiating an SAA.<sup>11</sup> An SAA was concluded in 2015 and entered into force in 2016. To implement the SAA, Kosovo\* prepared a NPISAA in 2016, as well as an ERA. In addition, Kosovo\* and the EU set up SAA structures in the same year.

The mentioned Communication of 2009 also opened the path for a process of visa liberalisation for Kosovo\*. Although a roadmap was issued to the Kosovo\* Government in 2012, however, the visa regime has yet to be lifted despite the Commission and the Parliament having confirmed that Kosovo\* has fulfilled all the requirements.

The **legal framework for European integration** consists of the secondary legislation establishing the central EI structure in the PMO,<sup>12</sup> the regulation on DEIPCs,<sup>13</sup> and the legislation establishing the

<sup>10</sup> *Communication from European Commission to European Parliament and Council, 'Kosovo\*: fulfilling its European Perspective', 2009, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52009DC0534&from=EN>*

<sup>11</sup> *See the Feasibility Study by the EC on an SAA with Kosovo\*: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52012DC0602>*

<sup>12</sup> *The central EI structure is based on Government Regulation on Organization and Jobs Systematization in Office of Prime Minister, from November 2020, [https://kryeministri-ks.net/wp-content/uploads/2020/11/RREGULLORE\\_ZKM\\_NR\\_01\\_2020\\_P%C3%8BR\\_ORGANIZIMIN\\_E\\_BRENDSH%C3%8BM\\_DHE\\_SISTEMATIZIMIN\\_E\\_VENDEVE\\_T%C3%8B\\_PUN%C3%8BS\\_N%C3%8B\\_ZYR%C3%8BN\\_E\\_KRYEMINISTRIT...pdf](https://kryeministri-ks.net/wp-content/uploads/2020/11/RREGULLORE_ZKM_NR_01_2020_P%C3%8BR_ORGANIZIMIN_E_BRENDSH%C3%8BM_DHE_SISTEMATIZIMIN_E_VENDEVE_T%C3%8B_PUN%C3%8BS_N%C3%8B_ZYR%C3%8BN_E_KRYEMINISTRIT...pdf). Such Regulation abolished the previous Regulation on Structures of Ministry of European Integration, which established the organizational structure of the ministry.*

<sup>13</sup> *Regulation on Departments for European Integration and Policy Coordination, 2011: [https://www.mei-ks.net/repository/docs/rregullore\\_nr\\_01-2011\\_per\\_departamentet\\_ML.pdf](https://www.mei-ks.net/repository/docs/rregullore_nr_01-2011_per_departamentet_ML.pdf)*

SAA structures<sup>14</sup> and the inter-institutional bodies on EI. The processes of EI in Kosovo\* are also based on legislation related to IPA programming and monitoring, as well as donor coordination.<sup>15</sup>

In terms of structures, the strengths of this legislation lie in the establishment of a well-functioning structure at the centre of government and in line ministries. The legislation enables the clear allocation of tasks and responsibilities to the various bodies and it allows for clear lines of coordination and cooperation among these bodies.

In terms of processes, such legislation is adequate for managing the planning and monitoring related to the requirements of the EI process. This can be seen in the fact that the National Programme for the Implementation of the Stabilisation and Association Agreement is one of the best implemented mechanisms in Kosovo\*.<sup>16</sup> In terms of monitoring and reporting, this legislation further enables good monitoring practices and a clear chain of reporting.

The structures for programming and monitoring IPA actions are based on the above legislation regulating EI structures. In terms of processes, the work of Kosovo\* institutions is based on EU legislation on the IPA as well as the Financial Framework and Financial Agreements.<sup>17</sup> Because Kosovo\* has not yet managed to undertake the indirect management of EU funds, the country has not developed any legislation on structures or other processes related to IPA. The national legal basis has been deemed appropriate in terms of the use of direct budget support allowed under IPA II.<sup>18</sup> Since the legislation is quite basic, moreover, most of the challenges identified are related to difficulties in establishing the Financial Agreements in a timely manner.

The legislation has enabled Kosovo\* to make good progress in the process of process of national approximation with the EU acquis. (Please refer to the section on legislative drafting for a detailed account of the legal approximation framework in Kosovo\*.) The legislation on SAA structures also seems adequate, enabling comprehensive political and technical dialogue on all matters related to the SAA and EI.<sup>19</sup>

Challenges to the EI legal framework relate primarily to changes introduced in the EI structure in 2020. This is because the former MEI departments have not been integrated into the PMO as separate bodies with a clear institutional hierarchy but as additions to the existing PMO structure. This change prevents any clear chain of responsibility, while the practical functions of EI coordination have not been improved or made more effective but are merely carried out on the basis of previous arrangements.

14 Regulation on representation of Kosovo\* bodies in SAA structures, 2016: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=15063>

15 [https://www.mei-ks.net/repository/docs/Rregullorja\\_per\\_koordinim\\_\\_te\\_donatoreve.pdf](https://www.mei-ks.net/repository/docs/Rregullorja_per_koordinim__te_donatoreve.pdf)

16 Monitoring of PAR SRC Indicators: Assessment Report 2018, p 24.

17 For a detailed account of challenges faced by the government of Kosovo\* in programming IPA-related actions, please refer to the Project Preparatory Facility, Report on Government Legal Challenges in Coordinating IPA, 2018. For a detailed account of the processes, structures and standards required for programming, monitoring, reporting, contracting and implementing IPA funds, please refer to the Council regulations and EC implementing regulations on IPA I and II.

18 This is evidenced by the fact that Kosovo\* benefits from two direct budget-support programmes under IPA: PAR and PFM. Under EU legislation, before such programmes are agreed, the EU first assesses the sectoral support, including the legal basis of PFM.

19 GIZ Kosovo\*, 2017, CSOs in SAA Structures.

**The policy framework** in the area of EI consists of the NPISAA, the ERA, the ERP and the IPA. The National Programme for the Implementation of the Stabilisation and Association Agreement is a medium-term document that is meant to support the implementation of all EI requirements, including the SAA, the Country Report, the actions agreed by the SAA structures, and any other mechanisms derived from the Kosovo\*-EU dialogue.

The main strengths of the NPISAA include the fact that it is a well-established mechanism with a clear structure, a clear allocation of tasks and responsibilities, good guidelines, and a well-functioning monitoring and reporting platform supported by staff with sufficient knowledge of EI affairs in EU acquis chapters as well as sufficient technical capacity for policy planning and coordination. The NPISAA is one of the few relevant documents that is systematically planned, monitored and implemented. (Here it should be noted, however, that the implementation of this document has suffered in recent years, in part due to the pandemic.)<sup>20</sup> A number of challenges remain, however, including the need for a greater focus on planning for approximation to the EU acquis, the need for properly ambitious measures, and the need for reporting that provides relevant, reliable and up-to-date information on where Kosovo\* stands in terms of fulfilling its EI requirements.

The Economic Reform Agenda (ERA) provides for a prioritised and focused policy document, whereby Kosovo\* and the EU agree on short-term measures to be undertaken to address EI requirements. The ERA outlines priorities in three areas: good governance and the rule of law; competitiveness, the investment climate and sustainable development; and employment, education and health.

One of the main strengths of the ERA is that it provides a platform for high-level political dialogue between Kosovo\* and the EU. Because of its relevance, the measures included in the ERA receive the political attention they deserve, which in turn enhances the likelihood of their implementation.

On the other hand, the challenges presented are related to the fact that there are no agreed procedures and steps for the preparation of the ERA. There is no clear differentiation between what the ERA represents as compared to the NPISAA or the ERP. In terms of planning, it seems difficult to reconcile the NPISAA long-term priorities and short-term measures (two years), rendering it difficult to measure progress.

The Economic Reform Programme (ERP) has been prepared since 2014 and aims to provide planning for macroeconomic stability as well as structural reforms that support economic development. The ERP includes a well-run process of planning and implementation. There are clear guidelines for the preparation of the ERP and well-defined processes and procedures for designing interventions.<sup>21</sup>

Some of the main challenges related to ERP include the planned measures falling short in addressing the priorities identified, inconsistent monitoring, as well as the over-ambitiousness of the designed actions.<sup>22</sup>

20 Please refer to the PAR Sector Budget Support assessment report for 2018, where the relevant indicator for NPISAA implementation rate of 60% for 2018 was fulfilled: Monitoring of PAR SRC Indicators: Assessment Report 2018.

21 There is a good process and guidelines are in place for preparing and monitoring the ERP. For further details please refer to the European Commission Guidelines and Assessments on Kosovo\*'s ERP, available at: [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/erp\\_2020-2022\\_guidance\\_note.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/erp_2020-2022_guidance_note.pdf)

22 Commission Staff Working Document, Economic Reform Programme of Kosovo\* 2021–23, p. 40.



IPA programming is based on the strategic framework. This framework is based on the proposed country Strategic Response Paper, which is then broken down into sector strategy documents and then finally into action documents.<sup>23</sup> The programming framework is to be based on the national policy planning system, and where possible identify the needs for the sector support mechanisms, such as sector budget support.

Among the strengths of the IPA programming framework are its relevance, its good strategic basis, and its well-defined processes. This is especially the case since IPA is still managed by the EU in Kosovo\*. Nevertheless, there are still outstanding issues with local ownership and the way in which IPA is regarded as separate from normal national policy, as well as challenges related to the implementation of technical assistance.<sup>24</sup>

**The institutional setup for European integration** processes in Kosovo\* comprises the PMO departments on EI, the DEIPCs, the SAA structures, and the EI coordination bodies. The central EI structure has been functioning in Kosovo\* since 2003.<sup>25</sup> Initially designed as an executive agency within the PMO, the structure was upgraded to a Ministry in 2010 but then re-integrated back into the PMO in 2020.

The central EI structure covers two areas of EI processes: policy planning and the coordination of assistance. The policy departments are organised thematically around EI requirements into a Department on Political Criteria, a Department on Economic Criteria and Internal Market, and a Department on Sectoral Policy, while the Assistance Department is organised on a process and thematic basis. The task of approximating and translating the EU acquis has been integrated with the Legal Department within the PMO.<sup>26</sup>

In terms of strengths, the central EI structure has been consolidated through a clear institutional setup with a clear division of tasks and responsibilities. The staff assigned to these who are well-equipped in terms of their knowledge of the requirements of each EI chapter and their skills in policymaking and coordination.<sup>27</sup>

Among the main challenges faced by the central EI structure are issues arising from the recent re-integration of this structure into the PMO, which has caused impediments to its proper functioning.<sup>28</sup> One of the main issues the structure has been unable to address is the lack of integration of the

<sup>23</sup> This structure is based on the programming documents for IPA II since IPA III regulation has only recently been agreed by the Parliament and Council and is yet to enter into force. The programming framework is to be defined through the EU Commission's Implementing Regulation on IPA III.

<sup>24</sup> EPIK, *Roadmap to IPA III, 2020*. Available at: <https://cdn.website-editor.net/8a3b242c12494d76b2b60ea75852e5f4/files/uploaded/ROADMAP%2520TO%2520IPA%2520III.pdf>.

<sup>25</sup> For the purposes of this paper the EI departments of the PMO are referred to as the central EI structure.

<sup>26</sup> Please refer to the PMO regulation on structure and jobs systematization, November 2020, available <https://kryeministri.rks-gov.net/dokumente/?kategoria=aktet-nenligjore-te-miratuara-nga-qeveria&nenkategoria=&viti=2020>

<sup>27</sup> *MEI Capacity Development Training Plan, 2018*, p 5.

<sup>28</sup> The above-mentioned Regulation on the PMO from 2020 abolished the legal basis for the Ministry of European Integration (Regulation from 2011), which had established the Departments of the Ministry. These departments have now been re-integrated into the PMO as Offices. Although they still function as a separate body in their day-to-day operations, it is difficult for them to do so as part of a larger organisation.

functions of policy-planning and legal approximation, which have been separated between policy departments and the legal department. Due to weaknesses in the staffing of the legal department, legal approximation has rarely received sufficient attention from the leadership of the EI structure, which in turn has prevented policy departments from integrating the needs of approximation into the regular EI policy cycle. Further efforts are also needed to strengthen strategic and technical competencies. To ensure that this body delivers well-defined interventions, efforts are needed to further strengthen knowledge of the contents of the EU acquis and to increase the structure's involvement in supporting sectoral policy planning and monitoring.<sup>29</sup>

The Departments of European Integration and Policy Coordination (DEIPCs) were first established in 2011 to cover the functions of EI integration and policy coordination. Their responsibilities are based on the 2011 Regulation on DEIPCs, which envisages a uniform structure in all ministries. The DEIPCs are organised into two divisions, with one overseeing EI policy and donor coordination while the other oversees strategic planning within the ministry. DEIPCs have been established in all ministries in Kosovo\*.

The main strengths of this structure include the clear legal basis for the functioning of the departments, the clear and effective division of roles and responsibilities, and the significant efforts undertaken to integrate EI and strategic planning within the ministries. The DEIPCs do face challenges, however, primarily in relation to their sometimes-inadequate standing within ministries and in relation to the CoG and staffing which is uniform for all ministries independent on the volume of work in EI or strategic planning. In terms of competencies, the DEIPC staff share the same difficulties as their colleagues in the former Ministry for European Integration.

The SAA structures were established in 2016<sup>30</sup> with a regulation establishing the political level structure of the SAA Council, with participation from the high political level and organised by Ministry of Foreign Affairs, the SAA Committee, and the SAA sub-committees, which represent technical bodies. Their role is to follow the implementation of SAA requirements, and design actions for such implementation. They meet at least once a year to discuss progress, open issues and follow-up actions.

These fora work on the whole, and the SAA structures have for the most part implemented their mandate to a sufficient extent. Outstanding issues relate to the need for increased attention to be paid to the implementation of follow-up actions and to ensuring the participation of civil society in their work.

In addition to these Kosovo\*-EU structures, the government established inter-institutional EI coordination bodies in 2009. These bodies resemble the SAA structures in organisation, consisting of a Council, a Working Committee and SAA Committees. Their role is to closely follow progress and open issues in terms of EI, and to design interventions when necessary.

One strength of these internal coordination structures is the opportunity they offer for increasing inter-institutional cooperation and coordination. They face challenges in their functioning, however, since they are not taken seriously by the EI habitat, their meetings are not held regularly, and their

<sup>29</sup> *MEI Capacity Development Training Plan, 2018*, p 16.

<sup>30</sup> *Regulation on representation of Kosovo\* bodies in SAA structures, 2016*. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=15063>

interventions are not treated with the seriousness they deserve. These structures are typically used for line institutions to present their progress, with open issues only rarely discussed, and no cooperative actions designed to address such issue.

In addition to the above coordination structures, the government has also established donor coordination structures. Among the strengths of these structures is that they cover all sectors and sub-sectors in which donors are active. In addition, they are useful fora for discussing progress and open issues. Unfortunately, however, they have never taken the role envisaged by their mandate.

#### Recommendations

- Revise the legal and regulatory framework pertaining to the central structure for European Integration, especially considering the former Ministry for EI, establishing a clear institutional hierarchy and chain of responsibility as well as practical functions for this structure.
- Ensure that the Departments of European Integration and Policy Coordination have adequate standing within the respective ministries as well as in relation to the CoG. For example, the allocation of resources to these departments must reflect the volume of work involved in EI and strategic planning.
- Establish and agree on clear procedures, steps and guidelines for the preparation of the ERA. Clarify the interconnections among the ERA, the NPISAA and the ERP. Further efforts are needed to reconcile long-term priorities and short-term measures.
- Ensure better alignment between ERP measures and identified priorities, including the planning of realistic actions.
- Undertake efforts to strengthen local ownership of IPA and to overcome the prevailing perception of the IPA as separate from normal national policy.
- Inter-institutional EI and donor coordination bodies must further strengthen their role, establishing a clear schedule of their activities as well as serving as fora to discuss open issues and cooperation in addressing these issues.

# 5

## Legislative drafting, including approximation with the EU acquis

The legislative drafting system in Kosovo\* has improved in many aspects since 2008 when the institutions started to consolidate the entire legal framework into a single integrated framework. This process also required a clear definition of the legal framework governing the legal drafting system, including the institutional setup and responsibilities. Another milestone in this system was the entry into force of the Stabilisation and Association Agreement (SAA) with the EU on 1 April 2016, establishing the basis for the process of approximating domestic legislation with the EU acquis. The SAA enables this process to be prioritised and planned more clearly within the main national planning document for EU integration, i.e., the NPISAA. This also enables a clearer division of institutional responsibilities and improvements in the procedural setup for conducting this process.

The **legal framework** governing the legislative drafting system in Kosovo\* can be considered consolidated in terms of its scope and content. While the main principles of law-making are established in the Constitution, the following acts detail different stages of such process: Law No. 04/L-025 on Legislative Initiatives; Government Regulation No. 09/2011 of Rules of Procedure of the Government; the Rules of Procedure of the Assembly; Government Regulation No. 13/2013 on Government Legal Service; and Administrative Instruction No. 03/2013 on Standards for the Drafting of Normative Acts.

The Law on Legislative Initiatives,<sup>31</sup> in force since October 2011, derives from the Constitution of the Republic, namely Article 79, which stipulates that proposals for new laws may be initiated by the President of the Republic, the Government, Members of the Parliament (MP) and at least ten

<sup>31</sup> Law No. 04/L-025 on Legislative Initiatives, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2776>.

thousand citizens.<sup>32</sup> Pursuant to the Constitution, this law further details the legal basis for initiating new legislation. Its purpose is to establish rules and procedures for initiating new legislation, whereas its scope covers the initiative to propose laws by all the four entities specified by the Constitution. In addition to general provisions, the law contains four main chapters. Under the general provisions, in addition to the purpose and scope, it also contains definitions, stipulating that legislative initiatives must comply with the Constitution and standards for drafting laws, and thus also grounds upon which a legislative initiative may be rejected, as well as a reiteration of the four entities who may take a legislative initiative. The remaining chapters address rules and procedures for legislative initiatives by the President, the Assembly (at least six MPs), the Government and citizens, regulating the latter in more detail.

The Government Rules of Procedure,<sup>33</sup> in force since September 2011, contain a separate section on drafting and reviewing draft-laws and bylaws (Articles 38–45) regulating the following six aspects: legislative initiative, drafting procedures in the sponsoring ministry, internal approval procedures following the completion of the initial draft, the responsibilities of the PMO Legal Office as the coordinating body in this process, the principles and standards of legislative drafting, and the role of external experts. The right to legislative initiative is given to public servants from the Prime Minister to the directors of departments, and the sponsoring institution is obliged to appoint a responsible official no later than one month after the adoption by the Government of the respective concept document. The sponsoring institution is also obliged to align the draft of the normative act with the relevant EU acquis during the initial drafting procedures internally.

Regarding the principles and standards of drafting legislation, professionalism is the most important principle. The RoP enable direct application of the June 1993 Resolution of the Council of European Communities on the Quality of Drafting of Community Legislation.<sup>34</sup> The Resolution sets out the following ten principles: clarity and conciseness; precise reference to other texts; internal consistency; clear definition of rights and obligations; standard structure (chapters, sections, articles and paragraphs); a simple preamble; internal consistency of existing legislation and clarity of amendments to, extensions of or repeals of an act; outlining only provisions to be incorporated into the amended act (in cases of amendments); and clearly stating the date of entry into force of the act.

The Assembly Rules of Procedure,<sup>35</sup> in force since April 2010, regulate the law-making procedure in the Assembly in Chapter XIII (Articles 53–61). This regulation covers seven aspects of this process: the introduction of a draft law and the initiative to draft them; the procedural criteria for initiating and presenting draft laws; three rounds of reviewing draft laws (readings); the review of draft law by committees; the ratification of international agreements; and the signature and promulgation of draft laws. The provisions for proposing a draft law have the same scope as the Law on Legislative Initiatives. Such laws should be proposed for formal proceeding together with an explanatory note, a statement of budgetary implications and a statement of approximation with the EU acquis. This RoP

32 Constitution of the Kosovo\*, Article 79, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>.

33 Regulation No. 09/2011 of Rules of Procedure of the Government, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3259>.

34 Council Resolution of 8 June 1993 on the Quality of Drafting of Community Legislation, <https://op.europa.eu/en/publication-detail/-/publication/290144bc-51a5-43db-b0d1-e8b2b38d11fd/language-en>.

35 Rules of Procedure of the Assembly of the Kosovo\*. Available at: [http://mei-ks.net/repository/docs/RULES\\_OF\\_PROCEDURE\\_OF\\_THE\\_ASSEMBLY\\_OF\\_THE\\_REPUBLIC\\_OF\\_KOSOVO\\*\(29.04.2010\).pdf](http://mei-ks.net/repository/docs/RULES_OF_PROCEDURE_OF_THE_ASSEMBLY_OF_THE_REPUBLIC_OF_KOSOVO*(29.04.2010).pdf).

also sets a timeframe within which each procedure should be completed, as follows: a Government opinion within up to one month after a draft law is introduced by the Assembly; a review of an Assembly initiative for a draft law in plenary session no later than two months after its introduction; the preparation of a draft law by the Government within up to three months after the initiative is approved; a first reading within two to four weeks after the draft-law is submitted to the Assembly; a review of the draft-law by the relevant Assembly committees within two months after the first reading, with the possibility of an extension for another month; and no timeframe for the second and third readings.

Regulation No. 13/2013 on Government Legal Service,<sup>36</sup> in force since June 2013, has two aims. The first aim is to streamline the legislative drafting process across the government, including the procedures for the government to provide opinions on draft laws initiated by the Assembly, the President, or directly by the citizens. The second aim is to regulate the government's institutional setup responsible for legislative drafting, namely the responsibilities and functioning of the PMO Legal Office and the legal departments in ministries. More specifically, the regulation comprises three main chapters, regulating legislative planning, legislative drafting procedures, and the functioning and responsibilities of legal departments. On legislative planning, the regulation foresees the Government's Legislative Programme (GLP) and a plan of bylaws as annexes to its Annual Work Plan. The former seeks to serve to "facilitate the management and monitoring of legislative initiatives of the Government" and the latter to plan and coordinate the fulfilment obligations regarding the issuance of implementing legislation. This regulation also establishes nine phases of legislative drafting, from the first draft of a draft law to its promulgation by the President.

The Administrative Instruction No. 03/2013 on Standards for the Drafting of Normative Acts,<sup>37</sup> in force since May 2013, aims to establish unified standards for the drafting of normative acts by Kosovo\* institutions. It contains three main chapters on the following aspects: the general principles of the legislative process; the structure of a draft-normative act; and the compliance of draft normative acts with EU legislation. The Instruction established the following main principles of the legislative process: compliance with the Constitution and directly applicable international agreements and instruments; non-discrimination; compliance with relevant EU acquis acts; and promotion of the general interest of Kosovo\* and its citizens. The AI also contains a number of principles guiding normative regulation, which serve as a toolkit for decision-makers when considering the initiation of a normative act. The chapter on the structure of a draft-normative act focuses on aspects such as the overall structure of an act (in terms of the order of provisions and their categorization, from 'books' to 'sub-sub-articles'), types of provisions, the approach to amending and abrogating an act, as well as linguistic and technical formatting. Lastly, it establishes the procedural tools of the process of approximation of Kosovo\*'s legislation with the EU acquis.

Among the most obvious strengths of the legal framework governing the legislative drafting system in Kosovo\* is its clear scope. Another strength is the clear constitutional and legal basis it provides for the initiation of laws. A third strength is that it establishes some basic principles for how to regulate areas and issues through legal acts and some standards that such acts should comply with in terms of

36 Regulation No. 13/2013 on Government Legal Service. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10229>.

37 Administrative Instruction No. 03/2013 on Standards for the Drafting of Normative Acts: Available at: <https://gzk.rks-gov.net/actdocumentdetail.aspx?actid=8696>.



their content and structure. A fourth strength is that the annual planning process is well-established through the Government Legislative Program (GLP) and has a well-functioning process that is now properly linked with the Centre of Government's planning framework and with the framework on EU integration.

A weakness of this framework is that there is a certain degree of incoherence in some individual definitions and incomplete alignment among them. For instance, whereas the Constitution only refers to laws regarding the legislative initiative, the Law on Legislative Initiatives in most cases refers to initiatives for all kinds of legislative acts. Secondly, although the stated purpose of this law is to establish rules and procedures on legislative initiatives, it refers to some principles already regulated by the Constitution and other legal acts, such as that of constitutionality. This renders its purpose and scope of regulation not completely clear. Thirdly, some provisions of this law are the same as in the Constitution and in the Government RoP. Therefore, it overlaps with the Constitution and the RoP, rendering such provisions redundant. Another gap is that the list of principles of legislative drafting outlined in the Government RoP, taken from a 1993 resolution of the Council of European Communities, is insufficient because it has too few principles and only superficially reflects the process of approximation of the national legislation with the *acquis*. A fifth weakness is unrealistic planning by the government, resulting in a low rate of implementation of the Government Legislative Programme (GLP), amounting to under 50% over the last three to five years.

The **institutional setup** within the legislative system in Kosovo\* is well-established in terms of the setup in place and institutional responsibilities. The Regulation on Government Legal Service obliges all ministries to establish legal departments. Their function is to manage and coordinate all legislative activities within the ministry, with uniform organisation and responsibilities. Regarding the legal drafting process, these departments have three main responsibilities: planning of GLP and monitoring its implementation; coordinating and streamlining drafting of legal acts within the ministry in cooperation with departments and other structures of the ministry that are in charge of specific policy areas; and ensuring compliance of draft-legislation with the EU *acquis* and with relevant domestic legislation in force. This regulation also contains a provision on the EU Law Department which oversees issuing opinions on the compliance of draft-legislation with the relevant EU *acquis*. This department functioned within the Ministry of European Integration until June 2020 and has since functioned as a division within the PMO's Legal Office. The department has the following duties and responsibilities: to issue opinions assessing the compliance of national draft-legislation with the *acquis*; supporting the preparation of the methodology, planning and drafting of the national version of the *acquis*, including by supporting the translation of the *acquis* into national languages; and supporting the institutional development of the approximation process, including capacity-building.<sup>38</sup>

Beyond the annual cycles of GLPs, the concrete work of legislative drafting starts with the initiation of a normative act (a new one or amendments) by the sponsoring ministry (or PMO) and the formation of a working group led by the department in charge of that policy area. Once the act has been finalised, it goes through preliminary consultations and public consultation and finally through procedures of approval and adoption. Draft laws are approved by the Government and finally adopted by the Assembly, entering into force after being promulgated by the President and published in the Official

38 Regulation No. 01/2020 on Internal Organization and Systematization of Jobs in the Office of the Prime Minister, Article 12. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=34004>.

Gazette. Draft bylaws are adopted either by the minister of the sponsoring ministry, the PMO or the Government (when their scope involves more than one institution or when their nature is more systemic for the functioning of the entire Government). In this context, specific policy departments play a leading role in the stage of the actual drafting of normative acts, whereas legal departments must ensure that all the procedures are carried out in time and that the act drafted is appropriate in terms of standards and quality.

Another important effort to enhance legal drafting in Kosovo\* is the ongoing work being undertaken to establish an online Legal Drafting System. This system will enable all legal drafting processes to be managed through an online platform, which will also support real-time monitoring of progress in legal drafting. The platform will also include tools enabling checking of the legal approximation with the EU *acquis*, as well as serving as a tracking mechanism of this process of approximation.

One strength of this institutional setup and performance is that there are well-established rules across the government regarding the structure and mandate of legal departments in line ministries. A second strength is that there are well-established practices and capacities to comply with the structure and principles of drafting legislation required under existing legislation. Thirdly, there are well-established practices and capacities to follow the phases of legislative drafting required under the current legislation.

On the other hand, the system is cumbersome in that the institutional responsibilities for legislative drafting, including for legal approximation with the *acquis*, are scattered among many legal documents. Secondly, the overall functioning of the legal departments needs to be further strengthened to ensure that legislative planning is more realistic and is accompanied by systematic monitoring and follow-up, thereby ensuring sufficient implementation. A third gap that contributes to the insufficient performance of the legal departments is that the Government RoP does not foresee mandatory deadlines for each phase of the drafting of a legal act. Moreover, there are no detailed guidelines on legislative planning to help line ministries plan their legislative agendas more realistically, including properly reflecting the process of approximation of domestic legislation with the EU *acquis*. A fifth gap is that the Government RoP does not establish the GLP as a proper planning tool in the hands of the PMO Legal Office to use it as an effective policy planning instrument within the entire CoG policy planning system. A legislative planning system coordinated by a PMO Legal Office that has no power to discipline planning across the Government is a key impediment to more realistic planning.

The process of **approximation of domestic legislation with the EU *acquis*** is now legally binding under the SAA, Article 74 of which stipulates that the approximation of Kosovo\*'s legislation to the *acquis* "shall be carried out on the basis of a programme to be agreed between the EC and Kosovo\*":<sup>39</sup> In terms of prioritisation, the SAA stipulates that this process shall at an early stage focus on fundamental elements of the EU *acquis* in three groups of areas: the internal market; freedom, security and justice; and trade-related issues. Regarding the planning aspect of the legal approximation process, priorities and specific reforms are put forward on an annual basis within the NPISAA, in the horizontal aspect (Chapter 3.0: Legal Framework on Approximation of Kosovo\*'s Legislation with the EU *Acquis*) and in specific *acquis* chapters. Chapter 3.0 contains key reforms on

39 Stabilisation and Association Agreement between the European Union and Kosovo\*, Article 74, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22016A0316\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22016A0316(01)&from=EN).

the system of legal approximation, including the assessment of the compliance of draft legislation, the translation of the acquis, the procedural setup and capacity-building. Acquis-based reforms in individual chapters are planned through the legislative measures of the NPISAA, planned and monitored annually. Each legislative measure specifies the domestic legal act (law or bylaw) planned, the acquis acts to be transposed, the level of transposition of the latter into the former (partial or full), as well as institutional responsibilities, timeframes (in quarters) and cost estimates.

The AI on Standards for the Drafting of Normative Acts establishes three procedural tools of the process of approximating Kosovo's legislation with the EU acquis. The first of these tools, i.e. the Table of Concordance and Statement of Compliance, are drafted by the legal departments of the sponsoring institutions, while an Opinion on Compliance is drafted by the PMO's Legal Office as the main coordinating institution in charge of the legal approximation process. Although the translation of the acquis into Kosovan official languages is an integral part of this process, it is governed by a separate bylaw, i.e. Regulation No. 02/2015 on the Process of Translation of the EU Acquis into Official Languages of the Kosovo\*,<sup>40</sup> which has been in force since 2015. This regulation defines the translation procedures, the coordination of this process, and provides a unified terminology for translating the EU acquis into national languages (Albanian and Serbian). The regulation contains three main groups of provisions regulating the mandate of the main coordinating institution in charge of this process (formerly the MEI, now the PMO) and five procedural phases of the translation process: preparation, actual translation, review of the translated act, approval of the translation, and publication of the translated act. The preparation phase includes the identification of priority areas and specific acts and a working instrument in the form of the annual calendar of acquis translation.

The working tools for legal approximation are now well-established across the government. This process is also supported by two guidelines: the Practical Guideline on the Approximation of Legislation of the Kosovo\* with EU Legislation (in use since 2013, updated in 2021) and the Manual on Compiling Tables of Concordance and Statements of Compliance (in use since 2015).<sup>41</sup> Reviewing prior reports on the implementation of the NPISAA, as the track record of this process, provides a good indication of progress achieved so far. These reports show that the legal approximation process still faces challenges, since the rate of implementation of legislative measures has so far been unsatisfactory:

42.59% in 2020;<sup>42</sup>

36.88% in 2019;<sup>43</sup>

40 Regulation No. 02/2015 on the Process of Translation of EU Acquis into Official Languages of the Kosovo\*. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10769>.

41 National Programme for Implementation of the Stabilisation and Association Agreement (NPISAA) 2020–2024, p. 67. Available at: [http://mei-ks.net/repository/docs/3%20PKZMSA%202020-2024%20Final%20\[miratar%20nga%20Qeveria\]%20ENG.PDF](http://mei-ks.net/repository/docs/3%20PKZMSA%202020-2024%20Final%20[miratar%20nga%20Qeveria]%20ENG.PDF).

42 Report on Implementation of the National Programme for Implementation of the Stabilisation and Association Agreement during 2020, p. 5. Available at: <http://mei-ks.net/repository/docs/Raport%20mbi%20zbatimin%20e%20PKZMSA%20gjate%20vitet%202020%20ENG.pdf>.

43 Report on Implementation of the National Programme for Implementation of the Stabilisation and Association Agreement during 2019, p. 5. Available at: [http://mei-ks.net/repository/docs/raport\\_mbi\\_zbatimin\\_e\\_pkzmsa\\_gjate\\_vitet\\_2019\\_eng.PDF](http://mei-ks.net/repository/docs/raport_mbi_zbatimin_e_pkzmsa_gjate_vitet_2019_eng.PDF).

55.56% in 2018;<sup>44</sup>

38.47% in 2017;<sup>45</sup> and

34.87% in 2016.<sup>46</sup>

One strength of the legal approximation process in Kosovo\* is the clear long-term framework provided by the SAA and the planning framework provided by the NPISAA, which are aligned with the Government Legislative Programme and on which basis the legal approximation system functions. Another strength is that most legal departments have a division dedicated to the legal approximation process. Thirdly, there is a well-established practice of utilizing the legal approximation guidelines and tools. This could serve as a good basis for accelerating this process when the dynamics of Kosovo's EU accession process so demand.

The weaknesses of legal approximation in Kosovo\* are due to the lack of a systemic regulation and ineffective functioning of the institutional setup. Firstly, the legal approximation process is not regulated as an integral part of the legislative drafting system. Secondly, translation is not seen as integral to the legal approximation process and is therefore weakly regulated and insufficiently linked to this process at the levels of the legal framework, guidelines and working instruments. Thirdly, the planning of the legal approximation process (within the NPISAA) is often not seen as a framework with which the legal departments and the sectoral departments in line ministries must work together with daily. This contributes to an unsatisfactory level of implementation of acquis-based legislative reforms required by the SAA and planned through the NPISAA.

#### Recommendations

- Undertake efforts to ensure alignment between the various legislative acts governing this area to avoid incoherence and overlaps.
- Revise the legal framework to introduce further principles regarding legislative drafting and to properly reflect the process of approximation of the national legislation with the acquis. Approximation with the acquis should be established as an integral part of the legislative drafting system.
- The government must realistically plan its legislative initiatives each year through the GLP, since this would result in a higher rate of implementation of these initiatives. This in turn would require further strengthening the functioning of legal departments in this regard, as well as towards the systematic monitoring and follow-up of legislation.

44 Report on Implementation of the National Programme for Implementation of the Stabilisation and Association Agreement during 2018, p. 5. Available at: [http://mei-ks.net/repository/docs/20190530071808\\_anglisht2018.pdf](http://mei-ks.net/repository/docs/20190530071808_anglisht2018.pdf).

45 Report on Implementation of the National Programme for Implementation of the Stabilisation and Association Agreement during 2017, p. 5. Available at: [http://mei-ks.net/repository/docs/20190530071648\\_anglisht2017.pdf](http://mei-ks.net/repository/docs/20190530071648_anglisht2017.pdf).

46 Report on Implementation of the National Programme for Implementation of the Stabilisation and Association Agreement during 2016, p. 5. Available at: [http://mei-ks.net/repository/docs/20190530072717\\_anglisht2016.pdf](http://mei-ks.net/repository/docs/20190530072717_anglisht2016.pdf).



- Revise and compile the legal framework to ensure that institutional responsibilities for legislative drafting are clearly outlined, including for legal approximation with the *acquis*. Introduce clear deadlines pertaining to each phase of legal drafting.
- Develop the Legal Drafting System and ensure its application throughout the administration.
- Establish practices to ensure that the planning of the legal approximation process (within the NPISAA) is regarded as a framework within which legal departments and sectoral departments in line ministries must work together daily.

# 6

## Policy planning and budgetary processes

A crucial aspect of strategic planning is how this process links to finances. For the purposes of this paper, the focus here is on the requirements for costing and budgeting and the institutional efforts undertaken to introduce programme-based budgeting.

The government of Kosovo\* has been preparing MTEFs since 2006. These frameworks cover macroeconomic policy as well as sectoral planned expenditures for three years. In addition, cost estimates for strategic interventions are laid down in the Administrative Instruction. Regarding the budget, the government has more recently added a section on programme budgeting that requires budget organisations to present their priorities as to which budget is required during the budget preparation cycle.

In terms of the **legal framework**, the budgeting process in Kosovo\* is governed primarily by the Law on Public Financial Management and Accountability (LPFMA) as well as the annual budget appropriations law(s). The LPFMA outlines the budgeting process, including the key requirements, defines the relevant institutions and sets out the responsibilities of each of these institutions in the process. The annual budget appropriations law presents the detailed budget allocations per budget organisations. The budget is presented in tables of allocations per budget organisations, including information for each budget category as well as public investments, which are presented in separate tables.<sup>47</sup> In terms of preparing the budget, Budget Organisations (BOs) are invited to share their budget requests in formats set by the MoF. In addition to providing information on their budget

<sup>47</sup> For example, in the first section of the tables the budget is presented per budget organization and their departments and divided into wages and salaries, services, utilities, capital investments and transfers and subsidies. Under the public investment tables, information is provided about each project (such projects could include, for example, a small investment in a municipal office IT or the construction of a road connecting two municipalities).

requests, BOs also need to include information on the strategic priorities to be supported with the requested budget.<sup>48</sup>

In terms of **policy framework**, the linkage between policy and finances is ensured through the Government's Medium-Term Priorities (GMTP), the Medium-Term Expenditure Framework (MTEF) and the budget, especially the newly introduced budget programmes. The main mechanism that supports the overall strengthening of public finances is the Public Finance Management (PFM) Strategy. In addition, the policy framework in this area also relates to the IPS and IPA policy frameworks.

The MTEF is a medium-term expenditure tool that presents the macro-financial outlook of the country, sets out medium-term priorities and lists the medium-term budget for sectors. Within sectors, the MTEF presents aggregated budgets by institutions attached to the sector.<sup>49</sup> Some of the main priorities identified in the sectoral or other strategic documents are also presented in these sections. The budget per institution is presented in the usual categories of wages, services, utilities, capital investments and transfers.

In addition to the MTEF, the annual budget law presents the detailed budget allocations per BOs. The budget is presented in tables of allocations per budget organisations, including information per budget categories, as well as the public investments, which are presented in separate tables.<sup>50</sup> In terms of preparing the budget, BOs are invited to share their budget requests in formats set by MoF. In addition to providing information on the budget requests, the BOs also need to include information on the strategic priorities to be supported with the requested budget.<sup>51</sup>

Work is also ongoing to introduce programme-based budgeting through the revision of the Law on Public Finance. This will further strengthen the linkage between policy and the budget in the MTEF.

An important role in the policy framework of PFM is played by the Public Finance Management Reform Strategy, which is part of the strategic framework for Public Administration Reform (PAR) in Kosovo\*.<sup>52</sup> The strategy was established in 2016 and covers all areas of the public financial system, including fiscal discipline, allocation efficiency, operational efficiency and financial control. Over the years, Kosovo\* has achieved commendable levels of progress in implementing the PFM strategy.

The National Strategic Management Framework (NSMF) also plays a role in ensuring proper linkage between policy and budget frameworks. The draft NSMF proposes that the Classification of Government Functions (COFOG) sectors be used in the strategic and budgetary processes. It further

48 This practice started in 2019, whereby BOs need to present their priorities based on the strategic framework. This is an important development towards ensuring a better linkage between policy and budget. The effects of this practice remain to be seen.

49 The MTEF sectors are defined as per the COFOG methodology.

50 For example, the first section of the budget tables presents the budgets of each organisation and their departments, divided into wages and salaries, services, utilities, capital investments and transfers and subsidies. The public investment tables present information about each project. (The project could be a small investment in a municipal office IT or in a road connecting two municipalities.)

51 This practice started in 2019, whereby BOs need to present their priorities based on the strategic framework. This is an important development in ensuring a better linkage between policy and budget, though its effects remain to be seen.

52 [http://www.kryeministri-ks.net/repository/docs/Public\\_Finance\\_Management\\_Reform\\_Strategy2016-2020.pdf](http://www.kryeministri-ks.net/repository/docs/Public_Finance_Management_Reform_Strategy2016-2020.pdf)

proposes that a cascade of objectives be utilized in all planning mechanisms, including in the MTEF and the budget. The draft NSMF also envisages the establishment of institutional plans to serve as an instrument for ensuring the alignment of policy actions and resources at lower levels of activity implementation.

The ways in which donor assistance is programmed, and especially the IPA, also plays an important role in the area of budgetary processes. For example, ever since the introduction of IPA II, the EU has pushed for the implementation of its funds through budget support.<sup>53</sup> This requires that a sector approach is functional in the countries receiving budget support. This in turn has obvious implications for the PFM systems in these countries, especially since the European Commission (EC) checks the PFM system of the receiving countries and because of the budgetary needs implied in the sector-wide approach.

Some of the main advantages in the area, are related to fact that planning and delivery in the framework of the PFMRS functions well.<sup>54</sup> As regards the linkage between policy and budget, the strategy identifies the need for the PFM system to integrate within the broader policy planning efforts of the country.

However, challenges remain in ensuring proper linkage between policy action and budgetary processes. It is expected that the further implementation of the Public Finance Management Reform Strategy (PFMRS) and the use of direct budget support mechanisms will further strengthen the capacity of Kosovo\*'s PFM system.

As regards the **institutional framework**, one of the main coordinating bodies is the Coordination Group on Public Finance Management (CGPFM), which is run by the Ministry of Finance with the participation of all relevant bodies active in the area. The CGPFM oversees the design of activities for the Strategy and monitors and reports on their implementation.

The Coordination Group has worked well so far and has managed to develop realistic planning for the strategy. The work undertaken by this group has made PFMRS one of the best run mechanisms as well as the best implemented. In 2020, for example, implementation reached a rate of 78%, which is 13% higher than 2019, despite the pandemic.<sup>55</sup>

#### Recommendations

- Further strengthen the role of MTEF in the policy planning process by introducing elements of budget programming.
- Further strengthen the ongoing process of programming elements in the budget preparations.

53 Mrak, M. (2016). Challenges for absorption of EU pre-accession funds in Kosovo\* under the Multiannual Financial Framework 2014–2020. Available at: [https://www.kcsfoundation.org/wp-content/uploads/2017/12/29\\_06\\_2016\\_8623468\\_160404\\_Clean\\_Version\\_Challenges\\_for\\_absorption\\_of\\_EU\\_pre\\_accession\\_funds\\_.pdf](https://www.kcsfoundation.org/wp-content/uploads/2017/12/29_06_2016_8623468_160404_Clean_Version_Challenges_for_absorption_of_EU_pre_accession_funds_.pdf).

54 As can be seen from the PFMRS progress reports, the government of Kosovo\* has achieved a good implementation rate. These reports are available at: <https://mf.rks-gov.net/page.aspx?id=2,117>. The EC Kosovo\* Country Report (p. 15) also considered the PFMRS to be adequate.

55 Ministry of Finance, Report on Implementation of Strategy on PFM, January–September 2020, p. 4.

- Agree and decide on the use of NSMF proposed changes, especially with regards to COFOG sector definitions.
- Agree and use objective cascades in strategic planning as well as in NSMF-proposed institutional plans.
- Further strengthen the administration's use of budgetary impact assessment, especially in terms of cost-benefit analysis.
- Further strengthen efforts to integrate pre-accession assistance with national PFM policy.

# 7

## Impact Assessment

In accordance with the need for evidence-based policy making, the government of Kosovo\* introduced Regulatory Impact Assessment (RIA) into the policy cycle in 2007 through the Government Rules of Procedures (RoP). This effort was further defined with the adoption of revised Government RoP in 2011 and the adoption of the Better Regulation Strategy in 2014, which was further revised in 2017. In addition, ten trainers were trained through donor support as part of the Kosovo\* Institute of Public Administration (KIPA) annual training cycles. In 2018, the government adopted a Manual on Concept Documents.<sup>56</sup>

The **legal framework** for RIA in Kosovo\* consists of the Government RoP as well as the Guidelines and the Manual on Concept Documents from 2018. The Government RoP define the requirements for policy development and analysis, outlining the purpose of the Concept Documents, which is to enable the government to undertake comprehensive reviews of the main objectives and features of a proposal and provide various options to tackle the issue at hand. The RoP set out the main requirements of a Concept Document, including the definition of the issue, the main objectives to be achieved, the elaboration of options, as well as the consultation process. In order to provide further details on the content of the Concept Document as well as the process for the preparation of this document, the government has enacted Guidelines and a Manual on Concept Documents. These two supporting documents are inter-related, highlighting the requirements entailed in drafting of the Concept Documents and detailing the analysis and steps needed in this process.

As part of ex-post impact assessment, the government has also adopted Guidelines on the Ex-Post Evaluation of Legislation in 2015.<sup>57</sup> These Guidelines set out the steps that must be undertaken to

<sup>56</sup> Available at: [http://kryeministri-ks.net/wp-content/uploads/2018/06/Udhezuesi-dhe-Doracaku-per-Hartimin-e-Koncept-Dokumenteve-Shq-24-05-18\\_Publish.pdf](http://kryeministri-ks.net/wp-content/uploads/2018/06/Udhezuesi-dhe-Doracaku-per-Hartimin-e-Koncept-Dokumenteve-Shq-24-05-18_Publish.pdf)

<sup>57</sup> Available at: [https://kryeministri.rks-gov.net/repository/docs/2\\_Guidelines\\_on\\_Ex-post\\_evaluation\\_.pdf](https://kryeministri.rks-gov.net/repository/docs/2_Guidelines_on_Ex-post_evaluation_.pdf)

conduct ex-post evaluation, providing specific examples of legal provisions that could be subject to such evaluation and stipulating the proper scope of the evaluation. The document further provides guidance on the indicators and methodology to be used, as well as the role of respective institutions in conducting such evaluation.

In 2015 the government adopted the Administrative Instruction (AI) on Budget Impact Assessment for new government Initiatives. This AI defines the methodology, criteria and procedures for assessing the potential impact that new government initiatives might have on the budget. In accordance with this AI, any new initiative by the government (or the proposing authority) must have a budgetary impact assessment prior to adoption. The AI outlines the procedure for conducting such assessment for different types of documents, including laws, sub-legal acts, and strategies. In order to further clarify the issues and processes regulated by the AI, especially the methodology for conducting the budgetary impact assessment, the government has adopted a Manual on conducting Budgetary Impact Assessments of new initiatives.

The strengths of the legal framework include its comprehensive approach to regulating all aspects of RIA, allowing for assessments to be conducted well before work starts on legislation, as well as the clear guidelines in place for preparing Concept Documents.

Challenges remain, however, including the fact that the methodology and materials have been found to be general and theoretical, with few practical instructions.<sup>58</sup> In addition, there are no clear criteria as to which government interventions RIA should be conducted, and there is no clear linkage with the legislation on ex-post evaluation of legislation. When it comes to budgetary impact assessment, clearer guidelines were issued in 2015 through the AI on budgetary impact assessment, which focused on ensuring proper cost estimates for proposed initiatives and on providing the most cost-efficient options.

The **policy framework** consists of the Better Regulation Strategy, which was first adopted in 2014 and then revised in 2017. This strategy is part of the PAR strategic framework and has served as a basis for government intervention in strengthening RIA efforts. In terms of strengths, the strategy provides a good basis for designing a focused government approach towards enhancing evidence-based policymaking, as well as a good basis for monitoring such efforts. The strategy also introduces new elements to the policy-making process through its focus on reducing the administrative burden, enhancing RIA through concept documents, as well as better processes of consultation and inclusion. The Better Regulation Strategy will be integrated into the forthcoming Strategy on Public Administration Reform.

Nevertheless, the strategy is over-ambitious in many regards and does not consider the limited capacity of the administration for conducting impact assessments.<sup>59</sup> Instead of clearly focusing on establishing a realistic approach towards the gradual introduction of RIA elements, the strategy covers a broad range of issues. Moreover, it is too early to consider introducing some of these issues in Kosovo\*, including Standard Cost Modelling (SCM). The risks arising from this unfocused approach of trying to do too much too early may render the implementation of RIA even more difficult than it is already.

58 SIGMA, 2021, Regulatory Impact Assessment and EU Law Transposition in Western Balkans, p 32.

59 ReSPA, 2018, *Better Regulation in the Western Balkans*, p 69.

A further challenge is that of ensuring the application of RIA principles to the European integration process, both in policy planning and ensuring legal approximation, although efforts have recently been made to ensure linkage between the approximation process and RIA.<sup>60</sup>

In terms of **institutional framework**, RIA processes are overseen by the PMO's Government Coordination Secretariat. The functions of this body have been strengthened by recent increases of staff. At ministerial level, DEIPCs oversee the management of the RIA processes. However, their capacities in this regard remain weak.

The development of the Guidelines and the Manual on Concept Documents has further strengthened the capacity of the administration in preparing concept documents. In addition, Kosovo\* has already established institutionalised training through KIPA, and over 500 civil servants were trained in 2018–19,<sup>61</sup> which is one of the highest rates of training on RIA in the region.<sup>62</sup>

The institutional capacity for budgetary impact assessment is considered to have been improved by the overhaul of the regulatory framework in 2015. While the dimensions of the cost estimates for government initiatives have been strengthened, however, more remains to be done in terms of ensuring the provision of cost-efficient options.<sup>63</sup> In addition, legal ex-post evaluation is only used sporadically and ineffectively.

Overall, the government has been making serious efforts to improve and consolidate its impact assessment system. The policy and legal frameworks have been established and are operational. Concept documents are well-received in the policy cycle by the administration, though their quality remains weak. While the administration's capacity has improved for RIA, there is still a need to develop a comprehensive approach in increasing such capacities across the board.

#### Recommendations

- Clearly define the criteria that regulate which government interventions require RIA
- Ensure a clear linkage between the legislation on RIA and ex-post evaluation.
- Consider undertaking a more gradual implementation of RIA elements in accordance with the capacity of the administration for conducting impact assessments.
- Continue with efforts to further apply RIA principles to the European integration process, both in policy planning and ensuring legal approximation.
- Consider adopting a comprehensive approach to further strengthening the capacities of the administration for conducting impact assessment

60 For a detailed account of the linkage between RIA and EU legal approximation, please refer to SIGMA's 2021 *Regulatory Impact Assessment and EU Law Transposition in the Western Balkans*.

61 Report on Implementation of Better Regulation Strategy 2016-21, from 2019, p. 20.

62 Kosovo\* and Serbia lead in provision of training on RIA activities in the region. For a full picture please refer to SIGMA 2021 *Regulatory Impact Assessment and EU Law Transposition in Western Balkans*, p 43.

63 SIGMA 2017, *Principles of Public Administration Kosovo\**: Monitoring Report, p 36.

# 8

## Inclusion and communication

The legal framework and institutional setup for public involvement in policymaking in Kosovo\* has improved in recent years, as has its implementation. Overall, the legal framework and institutional responsibilities are clearly defined and harmonised across all public institutions at both levels of governance. Implementation, particularly on the component of public consultations, has also progressed at central level, though the municipalities are lagging in this regard.

The **legal framework** governing public involvement in policymaking consists of the following main acts: Law No. 06/L-081 on Access to Public Documents; Government Regulation No. 09/2011 of the Rules of Procedure of the Government; Government Regulation No. 05/2016 on Minimum Standards for the Public Consultation Process; Government Regulation No. 27/2018 on the Government Public Communication Service; and the Rules of Procedure of the Assembly.

The Law on Access to Public Documents<sup>64</sup> derives from the Constitution of the Kosovo\*. Article 41 of the Constitution recognises the right to access to public documents as a constitutional right. The Constitution stipulates that “Every person enjoys the right of access to public documents” and that “Documents of public institutions and organs of state authorities are public, except for information that is limited by law due to privacy, business trade secrets or security classification”.<sup>65</sup> Article 3 of the Law on Access to Public Documents includes drafts of documents held by public institutions among the definitions within the scope of its application. This provision defines public documents as “any act, fact or information, stored in electronic form or on sound, in print, in visual or audiovisual recordings produced or maintained by a public institution”.

The legislation recognises two types of consultations: preliminary (or prior) consultations and public

64 -Law No. 06/L-081 on Access to Public Documents, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=20505>.

65 Constitution of the Kosovo\*, Article 41, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>.



consultations. These are both regulated by the Government RoP.<sup>66</sup> On preliminary consultations, Article 7 specifically obliges the institution sponsoring a piece of legislation or policy to conduct such consultations with respective institutions on the following cross-cutting areas and aspects: finance, European integration, public administration reform, local self-government, human and minority rights, (including gender equality), the government's strategic and operational planning, public communication, and compliance with the Constitution and laws (including on criminal law aspects). The standard duration of preliminary consultations is 15 working days.

The Government RoP is less clear on public consultations, however. Article 32 of the RoP stipulates that public consultations are required for "the substance of proposals" for the purpose of seeking comments from non-governmental organisations that would be "substantially affected" by these proposals. To this end, it is further stipulated that sufficient information and time must be allowed for proposals to be considered.

More broadly, under Article 69 the Government has the responsibility to cooperate with civil society. Under this provision, civil society includes the business community (organised through their associations), professional associations, NGOs, trade unions, communities and other entities. On the substance of such cooperation, this provision obliges the Government to discuss civil society's opinions and initiatives and take a position on them, to inform them of its positions and measures and, when necessary, to invite civil society representatives to meetings of the government working bodies and to organise other forms of cooperation with them.

The purpose of the Regulation on Minimum Standards for the Public Consultation Process<sup>67</sup> is to promote and ensure public consultation between public institutions and the public with a view to making policy-making inclusive and to increasing their transparency and their accountability to stakeholders and the wider public. To this end, the Regulation establishes minimum standards, principles and procedures for public consultation in the development of policies and legislation. More specifically, it consists of two main chapters, with the first one outlining general provisions and the second one regulating the public consultation process in detail. Under general provisions it outlines general principles and a list of public documents for which minimum standards for public consultations apply. Furthermore, it establishes the following general principles of the public consultation process: transparency, publicity, inclusion at an early stage, and active partnership.

The chapter on the public consultation process regulates the following main aspects: institutional responsibilities; the acceptable forms and techniques of public consultations; the phases of public consultations; the oversight and coordination of this process; reporting; exceptions from public consultations; and the use of information and communication technology (ICT) in this process. There are two main forms of public consultation: public meetings and written consultations. The regulation sets three of the phases of this process: preparations for consultation; the conduct of the consultation process; and the follow-up phase. Preparations include the planning of the consultation process and the identification of stakeholders. According to the regulation, written consultations, which are the most common form of consultations in practice, should last fifteen working days, though they can

66 Regulation No. 09/2011 of Rules of Procedure of the Government, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3259>.

67 Regulation on Minimum Standards for Public Consultation Process. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15036>.

be extended for up to sixty days in the case of complex and lengthy documents.

The Regulation on the Government Public Communication Service,<sup>68</sup> in force since December 2018, aims to establish a coherent and coordinated system of government public communication. It applies at both the central and local levels of governance. This regulation contains five main chapters regulating the following aspects: general aspects; the functions of the government communication service; government communication with the public through social networks; the media's access to government institutions; and the ethical standards applicable to the government's public communication service. Under general provisions, Article 3 sets out the following principles of government communication: openness, objectivity and impartiality; clarity, responsibility and timeliness; inclusiveness; a proactive active approach; and coherence.

The chapter on the functions of the government public communication system regulates the institutional setup in charge of public communication and the functions of all involved, further requiring a government coordination body in charge of public communication to be put in place. The chapter on government communication with the public through social media regulates the use of social media accounts by senior government officials, such as the Prime Minister and ministers, and obliges institutions to run official social media accounts and to use these for policy communications and for promoting the active involvement of the public and engagement in dialogue. The chapter on media access to government institutions regulates the accreditation of reporters. Finally, the chapter on ethical standards regulates publicization of government's measures and rules on public interviews and the statements of public officials.

The Assembly RoP<sup>69</sup> (Article 43) stipulates that all Assembly sessions are public unless the Assembly decides otherwise. The RoP also obliges the Assembly to publish minutes and transcripts of sessions on its webpage and to ensure public access to these documents. Article 66 stipulates that Assembly committees may hold public hearings with experts, public organisations, representatives of interests groups and other persons. Public hearings are designed to support committees to obtain additional information on the subject matters within the scope of their mandate.

On **institutional responsibilities** for policy communication, the Regulation on Minimum Standards for the Public Consultation Process contains three main provisions. Article 6 stipulates that the official in charge of leading the process of drafting such a document is also in charge of public consultations on that document. Articles 20 and 21 regulate the coordination of the public consultation process. Article 20 obliges the General Secretaries of government institutions to appoint officials from their institution to oversee public consultations. These appointments may be of officials from Legal Departments or DEIPCs and oversee reporting on the implementation of minimum standards for public consultation and for providing support in this task to officials dealing with the drafting of legislation and policies. These officials form the network of policy communication institutional setup across the government and are coordinated by the Office of Good Governance (OGG) within the PMO. Under Article 21, the OGG oversees preparing annual reports on public consultations.

68 Regulation on the Government Public Communication Service. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18380>.

69 Rules of Procedure of the Assembly of the Kosovo\*. Available at: [http://mei-ks.net/repository/docs/RULES\\_OF\\_PROCEDURE\\_OF\\_THE\\_ASSEMBLY\\_OF\\_THE\\_REPUBLIC\\_OF\\_KOSOVO\\*\(29.04.2010\).pdf](http://mei-ks.net/repository/docs/RULES_OF_PROCEDURE_OF_THE_ASSEMBLY_OF_THE_REPUBLIC_OF_KOSOVO*(29.04.2010).pdf).

The Regulation on the Government Public Communication Service establishes mandatory functions and institutional units in charge of public communication and information at both central and local levels of government. These functions include those of spokespersons of the government, the ministries and the municipalities. Spokespersons are political appointees responsible for: presenting an institution's activities to the media as well as participating in the presentation of its policies to the public and preparing its media statements, etc. The Regulation also establishes Public Communication Offices in the PMO and in each ministry, as well as public communication officials in agencies and municipalities. The functions of such offices are organised in three components: public information and communication of their institution's policies; informing the public and communicating with it through media outlets; and informing the public and communicating with it through their institution's Internet-based infrastructure.

Policy communication functions include the following: preparing, implementing and monitoring public information and communication plans; communicating their institution's policy documents; coordinating media coverage of their institution's policies; planning and coordinating their institution's public awareness campaigns; and communicating public consultation processes carried out by their institution. The functions of public information and communication through media outlets include the following: preparing and distributing press releases; organizing press conferences; planning media interviews of their institution's leadership; providing answers to questions asked by media outlets; and monitoring and analysing media reporting related to their institution's policies. The third component of their functions includes the following: publishing their institution's decisions and other documents on the webpage, as well as information on its activities and other relevant information; and managing and maintaining their institution's email and social media accounts.

As far as **implementation** is concerned, it is difficult to assess the state of play due to lack of clear and publicly accessible information. One component for which there is some information is that of public consultations, mainly because it is one of the pillars of the Government's Strategy for Cooperation with Civil Society 2019–2023. The PMO's OGG regularly monitors the government's implementation of minimum standards for public consultations and publishes annual reports on this. The findings of the 2020 annual report showed good performance in quantitative terms, with 181 out of 184 documents drafted during the year having undergone public consultation, amounting to a 98.4% rate of compliance with the formal obligation for public consultations.

However, the 2020 annual report assesses the performance of public consultation as less unsatisfactory in qualitative terms. This is because 115 out of the 181 documents published for public consultations comply with the standards whereas 66 do not, amounting to a compliance rate of 63.5%. Of these 181 documents, 98 were consulted through official communications and working meetings were also held for 91 of the documents, with comments received on 148 (or 81.77%) of them.<sup>70</sup> The government's performance on public consultations in 2019 was better both quantitatively and qualitatively, since all 272 documents drafted underwent public consultations, of which 183 (or 67%) were assessed as having met the minimum standards for public consultations. All these 272 documents were consulted through the platform, and 103 (or 37%) of them were also subject to consultation through workshops.<sup>71</sup>

<sup>70</sup> Annual Report on Public Consultations in the Government of the Kosovo\* for 2020, pp. 7–8. Available at: <https://konsultimet.rks-gov.net/Storage/Docs/Doc-606c64aa41753.pdf>.

<sup>71</sup> Annual Report on Public Consultations in the Government of the Kosovo\* for 2019, pp. 7–8. Available at:

One strength of the system of consultations and other forms of public participation in policymaking in Kosovo\* is that the legal framework is comprehensive, regulating the main aspects of public information and communication at both levels of governance. Secondly, the legal framework is overall simple and uniform for all types and levels of public institutions. Thirdly, this legal framework is clear in terms of the methods and stages of the public consultation process. A fourth strength is that it clearly stipulates which categories of documents need to go through public consultations. Likewise, it is also quite clear on what documents and information government institutions should publish and make available to the public in other ways. Finally, this legal framework is flexible in the sense that the specific forms of public consultations it provides for are only minimum standards, meaning other forms of consultations may also take place depending on the nature and complexity of the policy.

On the other hand, there are also a number of weaknesses in this legal framework. One of these is that the Government RoP and the Regulation on Minimum Standards for Public Consultations are not fully aligned. The former requires public consultations only on the substance of proposals to receive comments from non-governmental organisations that would be affected by them. The Minimum Standards, on the other hand, go much further, also requiring, for instance, direct consultations with stakeholders at an early stage of the development of a policy. A second gap is that the division and sharing of responsibilities between political appointees and civil servants in charge of public information and communication is not completely clear.

A third shortcoming is that the legal framework does not require the drafting of a guiding document as a policy implementation tool in implementing minimum standards for public consultations. In the absence of such a tool there is a lack of sufficient clarity, especially within the government, as to what the other requirements beyond the minimum standards put forward by the Regulation might be and how to implement them. This also creates confusion over the real ownership of a policy, since there is an unclear division of responsibilities for the substance of policies being developed between sponsoring and coordinating institutions and between public institutions and other stakeholders.

A fourth gap is that coordination from the CoG is weak, especially when it comes to planning and ensuring coherence over implementation. More specifically, the legal framework only foresees monitoring functions for the OGG as the main coordinating institution in charge of the system of consultations and other forms of public participation in policy development. This creates potential for confusion about public consultations and the government's public accountability and transparency more widely since there are different interpretations and assessments of the extent of compliance with the legal framework and standards in place in qualitative terms.

Finally, the legal framework is rather incomplete when it comes to institutional responsibilities and instruments to monitor and evaluate the extent of implementation in the system of public involvement in policy-making. This is because there is not yet a setup and practice in place to regularly monitor and evaluate this rate of implementation and thereby improve the policy framework. That is also why there is currently a lack of information on the state of play and on institutional performance in all aspects of this system beyond public consultations.

<https://konsultimet.rks-gov.net/Storage/Docs/Doc-5ea09893862a6.pdf>.

*Recommendations*

- Ensure full alignment between the Government RoP and the Regulation on Minimum Standards for Public Consultations.
- Clarify the division and sharing of responsibilities between political appointees and civil servants in charge of public information and communication.
- Further clarify additional requirements beyond minimum standards for public consultations, including guidance on their implementation.
- Further strengthen coordination from the CoG, especially regarding planning and ensuring coherence in implementation.
- Strengthen the legal framework regarding institutional responsibilities and instruments for monitoring and evaluating the implementation of the system of public involvement in policy-making.

## 9

**Parliamentary oversight and scrutiny**

The **legal framework** governing parliamentary oversight and scrutiny consists of the following main acts: Government Regulation No. 09/2011 of Rules of Procedure of the Government and the Rules of Procedure of the Assembly.

The Government RoP<sup>72</sup> regulates relations between the government and the Assembly in Chapter IX (Articles 56–65). The government is obliged to appoint a minister or a deputy prime minister to represent it in the Assembly, while in cases of motions, including those on the appointment or dismissal of a minister, the Government should be represented in the Assembly by the Prime Minister. This RoP also obliges the PMO/Government General Secretary to submit materials on its work to the Assembly as per request. Thirdly, the Government is obliged to ensure the attendance of ministers and other officials at the sessions of the Assembly and its bodies to provide professional information and clarifications on matters under discussion. The RoP specifies two types of issues, i.e., those submitted by the Government, and parliamentary initiatives and questions. On parliamentary questions, the RoP obliges the ministers in charge of a specific area to attend sessions at which issues within their ministry's remit are discussed. In cases of their absence, ministers must provide prompt written answers as requested by the Assembly.

Two additional instruments of this cooperation between Assembly and Government are the decisions of the Assembly and amendments to draft laws proposed by the Government. The former are decisions instructing the Government to carry out specific tasks or to provide certain materials for deliberation in the parliament. On amendments, the RoP stipulates that these should be sent to the relevant ministry, which is then required to prepare an opinion and submit it for discussion at a government cabinet session. When draft-laws are discussed in the Assembly, the minister of the

<sup>72</sup> Regulation No. 09/2011 of Rules of Procedure of the Government. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3259>.



proposing ministry may provide the Assembly with an introductory explanation and further present the Government's position on initiatives and proposals and relevant facts and information.

The Assembly RoP<sup>73</sup> regulates many aspects of parliamentary oversight and scrutiny over the government, starting from chapter IX with procedures for the election and dismissal of the government. The RoP also stipulates in Article 6 that the Assembly oversees overseeing the work of the government and other public institutions in accordance with the Constitution and the law. Article 15 is more specific, stipulating that the Assembly Presidency may review the Government's Legislative Programme to align it with the Assembly Work Programme. As per Article 16, a representative of the Government may attend meetings of the Assembly Presidency in the capacity of an observer capacity. Article 21 stipulates that MPs have the right to submit questions to government cabinet members.

Chapter XII of the RoP, on the business of the Assembly, also contains provisions on parliamentary oversight and scrutiny. Article 40 allows the Assembly to request the Government's opinions on draft laws not sponsored by the Government or on any other substantive motion. Under Article 44, at least six MPs may submit a motion of interpellation for the entire government or for a minister, and one interpellation may last up to three hours. Articles 45 and 46 regulate parliamentary questions to government cabinet members. The government is obliged to attend Assembly sessions to discuss questions raised by MPs, and it is stipulated that such questioning may not last longer than one hour per session. MPs may also submit questions in written form, in which case the government is obliged to submit written answers within two weeks.

Chapter XIII, on law-making procedure, obliges the Government, upon the request of the Assembly Speaker, to provide an opinion on draft-laws initiated within the Assembly within one month after having received such a draft-law. According to Article 55, the government is then obliged to prepare a draft law within three months of the approval given by the Assembly Presidency of such an initiative.

Within the provisions of chapter XIV, on Assembly committees, Article 65 allows a committee to summon a minister to meetings in which matters within the scope of their responsibilities are discussed. In addition, Article 73 obliges each committee, within its purview, to monitor the implementation of a law introduced by the Government. Likewise, each ministry is obliged to report to the functional committee covering its purview once a year, without the need for a request, or more often upon request. To this end, the respective committee may also carry out various controls and queries with the respective ministry, including requesting the ministry in question to submit written reports.

Another oversight and scrutiny function of the Assembly is that of exercising oversight over the independent institutions it has established, which it exercises through the appointment and dismissal of the top managers and boards of these institutions and through annual reporting. However, such appointment and dismissal functions are stipulated in the respective laws governing such institutions, while only a few of them are provided for in the Assembly RoP. The latter include the Ombudsperson (Art. 36), and the board members of the Independent Media Commission and public broadcaster (Annex II, point 10). Under Article 72 of the RoP, meanwhile, independent institutions are obliged to report to the Assembly on an annual basis. Each such institution is obliged to submit

73 Rules of Procedure of the Assembly of the Kosovo\*. Available at: [http://mei-ks.net/repository/docs/RULES\\_OF\\_PROCEDURE\\_OF\\_THE\\_ASSEMBLY\\_OF\\_THE\\_REPUBLIC\\_OF\\_KOSOVO\\*\\_\(29.04.2010\).pdf](http://mei-ks.net/repository/docs/RULES_OF_PROCEDURE_OF_THE_ASSEMBLY_OF_THE_REPUBLIC_OF_KOSOVO*_(29.04.2010).pdf).

an annual report to the functional committee covering the respective policy area. Based on these reports, the committee drafts a report with recommendations that is then discussed and approved in plenary session.

In terms of the *institutional structures* of the Assembly of Kosovo\* in charge of parliamentary oversight and scrutiny, the relevant work is performed by its 14 committees: four standing committees and 10 sectoral committees. The functioning of these committees is regulated under Chapter 14 (Articles 62–73) of the Assembly Rules of Procedure. Three sectoral committees are explicitly assigned, in their titles, the responsibility of overseeing an institution: the Committee on Legislation (also covering the Anti-Corruption Agency); the Committee on Home Affairs (also covering the Kosovo\* Security Force); and the Committee on Oversight of the Kosovo\* Intelligence Agency. In terms of human capacities, these committees are supported in the exercise of their functions by their professional staff as well as by the administration of the Assembly, by the Directorate of Support to Assembly Committees, which is part of the Directorate-General of Legal and Procedural Affairs. Data published on the Assembly webpage show that committees employ 32 staff members in total.<sup>74</sup>

According to a 2016 report reviewing the functions of independent institutions and which was drafted for the purpose of rationalising these institutions, there are a total of 32 independent institutions<sup>75</sup> of various types under some form of oversight of the Assembly.

According to a report on the work of the Assembly in its fifth term (2014–2017), a total of 42 reports of independent institutions were reviewed and adopted in plenary sessions during this period. In addition, 19 reports on the oversight of the implementation of laws were reviewed by the Presidency and proceeded to plenary sessions, while 50 reports were reviewed by the committees.<sup>76</sup>

Kosovo\*'s parliament uses four procedures to *implement* its oversight and scrutiny function: parliamentary questions, interpellations, votes of no confidence, and public hearings. Concerning public hearings, a good institutional practice employed by the committees is that of inviting CSOs to public hearings at which draft-laws are discussed. This is an important tool to support the Assembly in exercising its function of parliamentary oversight and scrutiny in terms of expertise and accountability and transparency, including when it comes to overseeing independent executive institutions that report directly to the Assembly. According to data published on its webpage, over 150 CSOs are involved in such a form of cooperation.<sup>77</sup>

According to the report on the Assembly's work during its fifth term, 580 parliamentary questions were dealt with and 8 interpellations in plenary sessions were held during this period, while the committees held 80 public hearings.<sup>78</sup>

74 Assembly of the Kosovo\*, *Parliamentary Committees*. Available at: <https://www.kuvendikosoves.org/eng/comitees/>.

75 For a detailed account of the institutions under Assembly oversight, please refer to the following: *Rishikimi i institucioneve dhe agjencive të pavarura të Kuvendit dhe organeve qendrore të Qeverisë*, pp. 70–110. Available at: <https://mpb.rks-gov.net/ap/desk/inc/media/A2077B02-AF9F-4B8B-A488-BE9C2B01DADB.pdf>.

76 Assembly of the Kosovo\*, *Report on the Work of the Assembly of the Kosovo\* 2014-2017*, pp. 22-23, 39-40. Available at: <https://www.kuvendikosoves.org/eng/for-the-public/reports-of-assembly-legislatures/>.

77 Assembly of the Kosovo\*, *List of NGOs*. Available at: <https://www.kuvendikosoves.org/eng/for-the-public/participation-of-civic-society/list-of-ngo/>.

78 Assembly of the Kosovo\*, *Report on the Work of the Assembly of the Kosovo\* 2014-2017*, pp. 22-23, 39-40. Available at: <https://www.kuvendikosoves.org/eng/for-the-public/reports-of-assembly-legislatures/>.

Among the most obvious strengths of the system of parliamentary oversight and scrutiny is that both the Assembly RoP and the Government RoP regulate this issue in principle. Secondly, the Government RoP refers to several specific obligations of ministers and other government officials towards the Assembly to ensure parliamentary oversight and scrutiny. A third strength is that the Government RoP specifies the documents on whose implementation the Government is obliged to report to the Assembly, namely referring to the Government Legislative Programme. This allows for better structuring of the lines of accountability of the Government to the Assembly and the responsibilities of individual ministers and ministries related to such accountability.

A fourth strength is that the Assembly RoP sets out a number of specific instruments of parliamentary oversight and scrutiny in chapter XII, on the Assembly's business. Having one specific chapter dedicated to most instruments of parliamentary oversight and scrutiny creates a basis for coherent regulation of this aspect of the Assembly's functioning, as well as for alignment with the Government RoP on this aspect. A fifth strength is that the Assembly RoP sets out specific provisions dedicated to the oversight of specific independent institutions, such as the Constitutional Court and the Ombudsman Institution. This creates a good basis for clear regulation of the Assembly's function of performing oversight of independent institutions. Finally, the current structure of the Assembly committees is aligned with that of the Government, thus offering a basis for clear lines of parliamentary oversight and scrutiny over the Government and its responsibilities in this regard.

On the other hand, parliamentary oversight and scrutiny in Kosovo\* suffers from a number of weaknesses that need to be tackled to improve this function of the national parliament. One weakness is that the Government RoP and the Assembly RoP are not aligned when it comes to the regulation of parliamentary oversight and scrutiny. This creates confusion over institutional responsibilities and lines of communication at various levels between the Government and the Assembly, which are needed to ensure effective parliamentary oversight and scrutiny. A second gap is that none of the Rules of Procedure are specific enough when it comes to specific documents (laws and policy frameworks) on whose implementation the Government must report to the Assembly for the purpose of parliamentary oversight and scrutiny, since the RoPs only refer to the Government Legislative Programme. This gap creates the potential for confusion over the content aspects of parliamentary oversight and scrutiny, further exacerbating the confusion over institutional responsibilities in this regard.

A third gap in both Rules of Procedure is that various issues of parliamentary oversight and scrutiny are dispersed over various provisions rather than being clearly outlined in a single chapter dedicated solely to parliamentary oversight and scrutiny. A fourth gap is that the Assembly RoP does not sufficiently regulate standards, instruments and procedures to ensure parliamentary oversight and scrutiny. Finally, there are weaknesses related to the oversight of independent institutions. While 32 such institutions are under the oversight of the Assembly, the Assembly RoP sets out provisions on oversight for a very limited number of them and their scope covers only a limited number of aspects of the functioning of such institutions. The RoPs also do not stipulate sufficiently detailed standards and procedures to be pursued by the Assembly to ensure their effective oversight.

#### Recommendations

- Ensure full alignment between the Rules of Procedure of the Government and the Rules of Procedure of the Assembly on the dimension of parliamentary oversight and scrutiny.
- Integrate all provisions on parliamentary oversight and scrutiny within the Rules of Procedure of the Government and the Rules of Procedure of the Assembly into one chapter on each. These provisions should also reflect the entire scope of functions of the Assembly and other institutions in the context of parliamentary oversight and scrutiny.
- Establish more specific provisions in the Government RoP and the Assembly RoP on the dimension of parliamentary oversight and scrutiny, specifically outlining policy and planning documents on whose implementation ministers and other officials of the government must report for the purpose of parliamentary oversight and scrutiny.
- Establish more specific provisions in the Government RoP and the Assembly RoP on the dimension of parliamentary oversight and scrutiny, specifically outlining standards, instruments and procedures to ensure parliamentary oversight and scrutiny.
- Develop a separate chapter in the Government RoP and the Assembly RoP on parliamentary oversight and scrutiny of independent institutions, setting out specific provisions on the standards, instruments and procedures to be applied with each independent institution for the purpose of parliamentary oversight and scrutiny. These provisions need to be aligned with the respective legal acts regulating the functioning of such institutions.

# 10

## Recommendations

### *Strategic planning:*

- Revise the legal framework to ensure proper regulation of the linkages between the European integration (EI) agenda and other policy coordination efforts.
- Embed policymaking and coordination procedures in the forthcoming revised Rules of Procedure of the Government;
- Undertake sustainable efforts to ensure the functional integration of planning for both development and EI.
- Introduce efforts to ensure that there is a clear linkage between strategic planning and budgetary processes, including the Medium-Term Expenditure Framework.
- Focus on the delivery of results through sectoral strategies, revising these strategies to identify overlapping issues and to strengthen their implementation.
- Further strengthen cooperation and coordination among the various stakeholders dealing with strategic planning, including the CoG and line institutions. In addition, these institutions must work towards strengthening their role in shaping proper policy and delivery at both levels, i.e., at the CoG and ministerial level.

*EU integration:*

- Revise the legal and regulatory framework pertaining to the EI structure, especially the former Ministry for EI, establishing a clear institutional hierarchy and a clear chain of responsibility with practical functions.
- Ensure the adequate standing of DEIPCs within the ministries as well as in relation to the CoG. Resource allocation to such departments must reflect the volume of work entailed in EI and strategic planning.
- Establish and agree on clear procedures, steps and guidelines for the preparation of the Economic Reform Agenda (ERA). Clarify the interconnections between the ERA, the NPISAA and the ERP. Further efforts are needed to reconcile long-term priorities and short-term measures.
- Ensure better alignment between ERP planned measures and identified priorities, including planning realistic actions.
- Undertake efforts to strengthen local ownership of the IPA and counter the prevailing perception of the IPA as separate from normal national policy.
- Inter-institutional EI and donor coordination bodies must further strengthen their roles, establish clear schedules of their activities, and serve as fora to discuss open issues and cooperation in addressing these issues.

*Legislative drafting, including approximation with the EU acquis:*

- Introduce efforts to ensure there is alignment among the various legislative acts governing this area to avoid incoherence and overlap.
- Revise the legal framework to introduce further principles regarding legislative drafting, ensuring these properly reflect the process of approximation of the national legislation with the acquis. Approximation with the acquis should be established as an integral part of the legislative drafting system.
- The government of Kosovo\* must realistically plan the legislative initiatives per year through the GLP to achieve a higher rate of implementation of such initiatives. This requires further strengthening the functioning of legal departments in this regard, as well as more systematic monitoring and follow-up of legislation.
- Revise the legal framework to provide a clear outline of the institutional responsibilities for legislative drafting, including for legal approximation with the acquis. Clear deadlines pertaining to each phase of legal drafting are also required.
- Develop the Legal Drafting System and ensure its use throughout the administration.
- Establish practices to ensure that the planning of the legal approximation process (within the NPISAA) is understood and respected as a framework within which legal departments and sectoral departments in line ministries must work together daily.

*Policy planning and budgetary processes:*

- Further strengthen the role of the MTEF in the policy planning process by introducing elements of budget programming.
- Embed policymaking and coordination procedures in the forthcoming revised Rules of Procedure of the Government.
- Further strengthen the already started process of programming elements in the budget preparations.
- Agree and decide on use of NSMF proposed changes, especially with regards to COFOG sector definitions.
- Agree and use objective cascades in strategic planning, as well as NSMF proposed institutional plans.
- Further strengthen the administration's use of budgetary impact assessment, especially in terms of cost-benefit analysis.
- Further strengthen efforts to integrate pre-accession assistance efforts with national PFM policy.

*Impact assessment:*

- Clearly define the criteria that regulate which government interventions require RIA. Ensure there is a clear link between legislation and ex-post evaluation.
- Consider a more gradual implementation of RIA elements in accordance with the capacity of the administration to conduct impact assessment.
- Continue with efforts towards the further application of RIA principles in the European integration process, both in planning policy and in ensuring legal approximation.
- Consider adopting a comprehensive approach towards further strengthening the capacities of the administration for impact assessment and for further improvement of the quality of concept documents.

*Inclusion and communication:*

- Ensure full alignment between the Government RoP and the Regulation on Minimum Standards for Public Consultations.
- Clarify the division and sharing of responsibilities between political appointees and civil servants in charge of public information and communication.
- Further clarify additional requirements beyond the minimum standards for public consultation, including guidance on their implementation.

- Further strengthen the CoG's role in coordination, especially regarding planning and ensuring coherence over implementation.
- Strengthen the legal framework regarding institutional responsibilities and instruments to monitor and evaluate implementation in the system of public involvement in policy-making.

*Parliamentary oversight and scrutiny:*

- Ensure full alignment between the Government Rules of Procedure and the Assembly Rules of Procedure on the dimension of parliamentary oversight and scrutiny.
- Integrate all provisions on parliamentary oversight and scrutiny within the Government RoP and the Assembly RoP into one chapter of each RoP, and ensure these provisions reflect in the entire scope of functions of the Assembly and other institutions in the context of parliamentary oversight and scrutiny.
- Establish more specific provisions in the Government RoP and the Assembly RoP on the dimension of parliamentary oversight and scrutiny, specifically outlining policy and planning documents on whose implementation ministers and other officials of the Government must report to the Assembly for the purpose of parliamentary oversight and scrutiny.
- Establish more specific provisions in the Government RoP and the Assembly RoP on the dimension of parliamentary oversight and scrutiny, specifically outlining standards, instruments and procedures to ensure parliamentary oversight and scrutiny.
- Develop a separate chapter in the Government RoP and the Assembly RoP on parliamentary oversight and scrutiny of independent institutions, setting out specific provisions on standards, instruments and procedures to be pursued with each independent institution for the purpose of parliamentary oversight and scrutiny. These provisions need to be aligned with the relevant legal acts regulating the functioning of independent institutions.





# ReSPA

Regional School  
of Public Administration

BUILDING TOGETHER  
GOVERNANCE FOR THE FUTURE

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