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Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister
Zyra për Qeverisje ë Mirë/Kancelarija za Dobro Upravljanje/Office on Good Governance

ANNUAL REPORT



ON THE PUBLIC CONSULTATIONS OF THE GOVERNMENT OF THE REPUBLIC OF KOSOVO

May, 2018

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List of abbreviations

DEIPC	Department for European Integration and Policy Coordination
KIPA	Kosovo Institute of Public Administration
KCSF	Kosovar Civil Society Foundation
MPA	Ministry of Public Administration
MLGA	Ministry of Local Government Administration
MEST	Ministry of Education, Science and Technology
MAFRD	Ministry of Agriculture Forestry and Rural Development
MJ	Ministry of Justice
MD	Ministry of Diaspora
MF	Ministry of Finance
MKSF	Ministry of the Kosovo Security Force
MI	Ministry of Infrastructure
MEI	Ministry of European Integration
MCYS	Ministry of Culture, Youth and Sports
MESP	Ministry of Environment and Spatial Planning
MIA	Ministry of Internal Affairs
MLSW	Ministry of Labour and Social Welfare
MFA	Ministry of Foreign Affairs
MoH	Ministry of Health
MTI	Ministry of Trade and Industry
MED	Ministry of Economic Development
SIDA	Swedish International Development Agency
OPM	Office of the Prime Minister
OGG	Office on Good Governance

Foreword

Republic of Kosovo has already entered its second year of implementing the minimum standards in the public consultations process. We consider 2017 as the year when the implementation of these standards has made tremendous progress in creating mechanisms and an excellent environment of cooperation between the public administration, civil society organizations and all stakeholders in drafting documents, policies and legislation.

We present this progress through this Annual Report drafted for the first time by the Office on Good Governance/Office of the Prime Minister in cooperation with all line ministries through the consultations coordinators appointed in these ministries.

As stated in this report, the degree of public involvement in drafting government documents based on the Regulation on minimum standards is very satisfactory considering the factors and the time of its entry into force. This shows the commitment of all institutions to involve the public in the process of developing policies that have a direct impact on their lives.

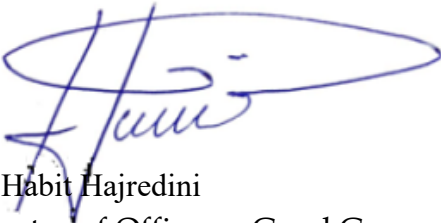
Transparency is one of the key factors that affects the enhancement of accountability and as a result improves the public administration performance. Therefore the public consultation serves to increase transparency and accountability in public administration. In addition, it directly impacts the quality of the policies and decisions of institutions and as a result increases the level of their implementation. The public consultations process, coordinated and monitored by the Office on Good Governance/Office of the Prime Minister, will have a direct impact on the development of the public administration reform in the Republic of Kosovo and the fulfilment of the obligations undertaken by the Government for the integration process and in particular in achieving its objectives and indicators included in the sectorial budget support provided by the European Commission. The excellent work during 2017, but also in the previous years, is attributed to a comprehensive engagement of all institutions that have consulted their documents, policies and legislation during 2017, as well as the public and the organizations representing certain categories of citizens who were continuously active with comments and recommendations for these documents.

A special contribution in the implementation of public consultations was given by the project team of the European Commission "Support the implementation of the strategy of the Government for cooperation with civil society."

However, greater commitment is required in the coming years, especially in addressing the findings, recommendations and lessons learned from the 2017 public consultations process. The future steps and emphasis in 2018 and beyond will be in focusing the consultation process and

monitoring the work of the central level governance to increase the quality of consultations in relation to the mobilization of a wider public to contribute and improve the quality of recommendations and comments.

In order to achieve this goal we will utilize all our capacities, together with the supporting institutions and partners, civil society organizations and the general public.

A handwritten signature in blue ink, appearing to read 'Habit Hajredini', is written over the printed name.

Mr Habit Hajredini

Director of Office on Good Governance/Office of the Prime Minister

1. Executive Summary

This is the first annual report on the public consultations process by the Government's departments pursuant to Regulation No.05/2016 on minimum standards in the public consultations process (hereinafter the Regulation)¹. The report presents the work done during 2017 to implement the minimum standards in the public consultations process by the Government led by the Office of the Prime Minister/Office on Good Governance, in cooperation with all other institutions involved in the process of developing policies and legislation.

The commitment of the institutions in establishing preparatory mechanisms to implement the minimum standards is multidirectional. During 2017, under the guidance of the Office on Good Governance, (it is worth mentioning the commitment in 2016, as there are no earlier reports) coordination structures have been established, including the coordinators for public consultations in each ministry, whereas in order to increase their capacities in depth-trainings (two training sessions) have been organized, including on-the-job trainings on the use of the electronic platform as well as several informing workshops. One of the most important steps that has contributed and facilitated the public consultations is the functionalization of the public consultation electronic platform through which all the documents specified by the Regulation shall be consulted.

In 2017, out of 245 documents 221 or 90% of the total number of the documents approved by the Government have been subjected to public consultation through this platform. Including 40 draft laws, 46 draft regulations, 92 draft administrative instructions, 25 concept documents, 9 draft strategies and annual work plans of the Government of the Republic of Kosovo as well as the legislative program, concept papers and the strategic documents plan. It should be noted that four ministries (excluding the new ministries) have either not drafted any document that should be subject to the public consultation process or there is no information about this.

It is estimated that 116 or 52 % of the consulted documents have met the minimum standards which are stipulated in the current regulation, while 105 or 48% of them did not meet the minimum standards. In total 2104 participants are reported to have participated in the public consultations process and they have provided 1119 comments either through meetings, groups or in writing. 535 or 48% of these comments have been taken into consideration, 183 or 16% of them have been taken partially into consideration, and 401 or 36% of the comments have been rejected by the institutions.

¹ Regulation No.05/2016 (QRK) on minimum standards in public consultation process was adopted in the 86th meeting of the Government of Kosovo, with Decision No.06/86 date 29.04.2016.

The online platform is the main consultation method for the documents drafted by the Government (used for 221 documents). Other additional frequently used methods are: e-mail communication (used to consult 90 documents), workshops with stakeholders were used for 30 documents, public meetings were used for 9 documents, and meetings with stakeholders were used for 3 documents. Besides the platform and e-mail consultations it is reported that public meetings were used by 4 ministries, meetings with stakeholders were used by 2 ministries and workshops with stakeholders were used by 2 ministries. According to the reports no other methods were used.

In addition to the work that has been done and the level of compliance with the minimum standards, this report highlights the challenges and problems faced during the implementation of the minimum standards but also gives the necessary recommendations for institutions to ensure a more qualitative public consultations process and a more accurate reporting on this process.

2. Introduction

2017 marks an upturn in the development of public consultations for the documents drafted and adopted by the Government. This development is a result of the entry into force of Regulation (QRK) No. 05/2016 on minimum standards in the process of public consultation and the comprehensive engagement of institutions in implementing the requirements deriving from this regulation. In addition, advancing the development of the public consultation system is one of the objectives of the Government introduced through the Government Program, the Government Strategy for Cooperation with Civil Society and the Strategy for Better Regulation 2017-2021 as *“effective public communication, public consultation and participation of stakeholders”*.

Public Consultations are a fundamental value of the European Union, but also a value of good governance, which helps in better policy making and increases the citizens’ confidence in the work of public institutions. In the context of meeting the obligations from the Stabilization and Association Agreement, meaningful public consultations and the participation of civil society in policy-making are an essential precondition to ensure an effective public administration reform, but also have a positive impact on the sustainability of the reforms in other fields". The positive development in this area has also been appreciated by the 2018 European Commission Progress Report on Kosovo wherein it is stated *"Inter-ministerial and public consultations are regulated and progress has been made in implementing the minimum standards in the public consultations process. These standards came into force in January 2017 and in February 2017 were followed with the establishment of the online platform for inter-ministerial and public consultations."*

This is the first annual report that presents the progress, work, challenges and problems in developing public consultations on the part of the Government of Republic of Kosovo. The report aims to provide detailed information for policy-makers, policy implementers and citizens in general on the implementation of the minimum standards in the consultation process. This report, in addition to informing on the work in the consultation process, also aims to identify the stagnation, deficiencies and problems encountered by the institutions during the implementation of the regulation on minimum standards. Besides the findings and challenges the report also presents the recommendations that should be taken into consideration by the Office of the Prime Minister in particular Office on Good Governance, ministries and civil society organizations to ensure a quality public consultation process in order to improve the quality of the documents that are approved by the Government.

The development of the public consultation system is a direct contribution in the public administration reform. Thus this Report serves to reflect the results and progress in this area of the reform. This report also presents the inputs in assessing the Government's achievements in implementing the Sectorial Budget Support Agreement signed between the Government of the Republic of Kosovo and the European Commission as the public consultation is also one of the conditions included in this agreement through a special indicator.

3. Regulation (QRK) No. 05/2016 on minimum standards in the public consultations process

The Regulation on minimum standards in the public consultation process, adopted on 29 April 2016, establishes rules and standards that should be taken into consideration by the institutions upon drafting public documents as to enable citizens and civil society to be involved in shaping public policies.

This Regulation aims to encourage and provide a public consultation process between public authorities, stakeholders and the general public, for an all-inclusive participation in the policy and decision making process of public interest and to increase the transparency and accountability of public authorities towards the stakeholders and the public. This Regulation stipulates the minimum standards, principles and procedures of the public consultation process between public authorities, stakeholders and the public in drafting policies and laws. The provisions of this Regulation shall be implemented by all public authorities to plan and implement effectively the public consultations process upon drafting the legislation and policies. Minimum standards set forth in this regulation shall apply to all such documents, the drafting of which requires public consultation. Draft annual plans of public authorities shall be subject to the

public consultation process in accordance with this Regulation. Other documents that are subject to the public consultation process pursuant to this regulation are:

1. Draft Annual Plans of strategic documents;
2. The Government's legislative draft program;
3. Sub legal acts draft plan;
4. Draft list of concept documents;
5. Draft concept documents;
6. Normative draft acts;
7. Draft Strategies; and
8. All other documents that must be accompanied with an explanatory memorandum or which require public consultations.

Minimum standards in public consultations set forth in this Regulation shall apply to all such documents the drafting of which requires public consultation from January 1st, 2017.

4. The methodology of reporting and monitoring the implementation of standards

The information was collected and this report was drafted in compliance with the methodology of reporting and monitoring the implementation of the minimum standards, and it was drafted and finalised by the Office of the Prime Minister/Office on Good Governance. After the consultation process this methodology was approved in late April 2017. In order to facilitate the work of institutions and standardize the reporting process and method, besides describing the reporting process and the responsibilities of each institutional structure the reporting and monitoring methodology also contains the data transferring forms, which the responsible institutions for public consultation shall use to report to the Office on Good Governance. This methodology also contains more detailed guidelines on the content of the annual report and with examples presented in the annual report form.

During this period the platform has been used by the majority of relevant institutions. Office on Good Governance/ Office of the Prime Minister has managed, as the coordinator of the public consultation process according to the Regulation, through coordinators in line ministries, to functionalise and regularly update the platform. Therefore, the main source of information to draft this report is the online platform for public consultation. Moreover, the information pertaining to the use of other consulting methods was obtained directly by the coordinators responsible to coordinate consultations in each ministry through the forms that are part of the reporting methodology. The information received from the coordinators and through the platform, was also verified by checking the 2017 list of decisions adopted by the Government.

It should be noted that significant difficulties were identified during the collection of information on the public consultations process from several institutions. Difficulties were identified especially for the documents that were not consulted through the platform regarding the information that cannot be generated by the public consultation platform such as the number of participants, number of comments, the accepted or rejected comments, the development level of the qualitative consultation process, etc. Such lack of information has been observed in most documents for which no consultation reports have been published.

It should be highlighted that the report does not assess the quality of the public consultation process, although often the quality of the consultation process can be implied based on certain parameters or statistics presented in the report, especially the statistics on the contributions and how many of them are included in the adopted documents.

5. Mechanisms for monitoring the implementation of Regulation No. 05/2016 on minimum standards in the public consultations process

The Office on Good Governance / Office of the Prime Minister, according to Regulation No. 05/2016 on minimum standards in public consultations, is the responsible authority to coordinate the consultation process. The Secretaries General in each ministry have appointed public consultation coordinators. The consultations coordinators are responsible to create an effective reporting system on the implementation of minimum standards in public consultations as well as continuously support the officers responsible to draft policies and laws in line ministries.

Consequently the Office on Good Governance has taken this responsibility and under this regulation each ministry appoints consultation coordinators and they are the contact points for the Office on Good Governance and they also coordinate the entire process in their respective ministries. So far 26 coordinators have been appointed in all ministries and the Office on Good Governance through the coordinators in line ministries, has managed to functionalise and update the platform on regular monthly and daily basis. According to the Regulation on Minimum Standards in Public Consultations, the Office of the Prime Minister/ Office on Good Governance in cooperation with the public consultation coordinators prepare annual reports on the public consultation process. The information on the public consultation process is collected by all public authorities through the public consultation coordinators that are appointed by the Secretaries' General or equivalent positions under Article 20 of the Regulation. The relevant public consultation process coordinating officers shall collect the annual data on the conducted consultations from the relevant authority, namely the responsible officer appointed by the public authority to draft the relevant policy or legislation, who at the same time is responsible to conduct the public consultation process as well. The consultation report for each draft proposal is prepared by the consultation process responsible officer who also leads the work in drafting that specific document. The final report on the public consultation shall contain all the data from the consultation process, including the consulted stakeholders, used consultation methods, duration of consultation, number of contributions received from each consultation method, number of

contributions approved in full or partially and those rejected and the reason for their rejection, progress of the consultation process and other information necessary for the consultation process.

Throughout 2017, Office on Good Governance / Office of the Prime Minister as the coordinator of the implementation process of minimum standards in public consultations pursuant to Regulation No. 05/2016, has organized and conducted work meeting sessions for the Public Consultation Coordinators in ministries.

The updated data of documents published by the ministries on the online platform, complete publication of documents to be consulted and final reports on the public consultation reports, and the connection between the consultation process and the budgetary support for the Public Administration Reform have always been discussed and presented in these activities.

6. Connection between the public consultation process and the implementation of indicators

In the context of meeting the obligations from the Stabilization and Association Agreement, meaningful public consultations and civil society participation in policy-making are an essential precondition to ensure an effective public administration reform, but also have a positive impact on the sustainability of the reforms in all other areas. Consequently, assessing the indicators defined in the agreement signed between the Government of the Republic of Kosovo and the European Commission for direct budgetary support in the policy and legislation drafting process is an obligation that we have to meet. According to this agreement, public consultation should be conducted systematically through the public platform for a complete overview of the number of public consultations carried out during the year. The number of proposals approved by the government and the proposals that must be submitted for public consultations should be available in the Annual Report on the implementation of the Regulation on Minimum Standards in the public consultation process. Office on Good Governance/Office of the Prime Minister, in the quality of the monitorer of the platform and the consultation process reporting, in line with the implementation of this agreement, has addressed all Secretaries General with the request that each ministry complies with the Regulation on minimum standards in public consultations and all documents drafted within their ministries are published on the public consultations platform. The Public Administration Reform performance indicators, which are used in the EU's direct budgetary support in Kosovo, provide that draft strategies/ sectorial policies/ concept papers and primary laws that will be adopted by the government shall be subject to public consultations in accordance with the minimum standards in public consultation. At the same time the Secretaries General were asked to support the consultation process as well as the coordinators of the consultation process in the ministries.

The Public Administration Reform performance indicators for the EU's direct budgetary support in Kosovo provide that at least 50% of the draft strategies/sectorial policies/concept documents and primary laws, which are adopted by the government in 2018 are subject to the public consultation in accordance with minimum standards in public consultation, 70% in 2019 and

100% must meet the consultation criteria in 2020. The responsible offices in the Office of the Prime Minister/Legal Office, Office for Strategic Planning and Coordinating Secretariat of the Government shall ensure that all public consultation requirements are applied in accordance with the commitments set forth in the indicative passport of the Strategy for better regulation. All three offices will report on the consultations for strategies, concept documents and laws. This information will be shared directly with the EU and the OGG for reporting purposes. The Methodology of Minimum Standards defines the following steps for the government to plan and implement public consultations:

- Consultation Planning - developing consultation plans for each strategy consultation, concept document and legislative proposal (article 11 of Minimum Standards)
- Preparation of a consultation document for any draft legal act published on the online platform (explaining the main problems and objectives, consultation purpose, the expected impact on the target groups, key issues addressed by the draft policy/act, etc.)
- Conducting public consultations for at least 15 working days (or 3 weeks) through the online platform, and
- Preparation of a final report on the public consultations results (with the overview of processed reasons to accept/reject certain comments) and its publication on the online platform.

The Government Rules of Procedure, namely Article 7 paragraph (3.3) provides the option to cut short the consultation deadline with a decision of the Secretary General of the Office of the Prime Minister. Consequently Regulation (QRK) No. 05/2016 for Minimum Standards in the Public Consultation Process, Article 16 provides (exemption from the notification and public consultation obligation) and paragraph 2 of this Article provides that the reasons to implement the accelerated procedure should be communicated to the public through the notification channels provided by this Regulation.

The reduction of the public consultation period and impact assessment of indicators defined in the agreement signed between the Government of the Republic of Kosovo and the European Commission on the direct budgetary support in the process of policies and legislation drafting, as stipulated under Article 16 of the Regulation (Exemption from the notification and public consultation obligation) and Article 17 (Limitations), when it is justified to implement the accelerated procedure in the publicly announced public consultation process will not affect the assessment of indicator.

This process of fulfilling these indicators is also supported by the project of the Government of Republic of Kosovo and the European Commission in the Ministry of Public Administration "Support to the Implementation of the Public Administration Reform" through Novus Consulting and the experts engaged in this project.

6. The Online Platform for public consultations

As required by the regulation on minimum standards in public consultations the Office on Good Governance/Office of the Prime Minister, has developed the Online Platform, which ensures the implementation of minimum standards in public consultations. The platform was launched on February 22nd, 2017. The Online Platform is an access point for all public consultations conducted by Public Institutions for draft laws, concept documents, strategic documents and other acts subject to public consultations. This platform provides the opportunity to invite and include all parties in the public consultation process for legal initiatives as well as the decision and policy making process. Once the public consultations are completed, the reports of line ministries and respective agencies on the results of public consultations are published together with the justification on the approved and rejected proposals. Based on the Regulation, Office on Good Governance/Office of the Prime Minister is obliged to manage and maintain the online platform, which is used by all public authorities to identify the stakeholders to conduct the public consultation (Fig. 1).

konsultimet.rks-gov.net

REPUBLIKA E KOSOVES
QEVERIA - ZYRA E KRYEMINISTRIT
ZYRA PER QEVERISJE TE MIRE

Shqip | English | Srpski

Ballina Lajmet Rreth platformës Institucionet Kerko konsulta Standardet e konsultimeve Dokumentet Kontaktet Kycu Regjistrohu

Mirë se vini në platformën e konsultimeve publike - Bëjeni zërin tuaj të dëgjohet

MERR PJESE!

Rreth Platformës

Bazuar në RREGULLOREN PËR STANDARDET MINIMALE PËR PROCESIN E KONSULTIMIT PUBLIK nr.05/2016, e cila është aprovuar nga Qeveria e Republikës së Kosovës me datë 29 prill 2016, Zyra për Qeverisje të Mirë/Zyra e Kryeministrit, obligohet të krijoj dhe mirëmbaj platformën online, të cilin e shfrytëzojnë të gjitha organet publike për të identifikuar hisedarët për zhvillimin e konsultimit me publikun.

Platforma Online, do të sigurojë zbatimin e standardeve minimale për konsultime publike sipas Rregullores nr. 05/2016. Kjo platformë do të ofroj mundësinë që të gjitha palët relevante të jenë të ftuara dhe të përfshira në procesin e

Sesion Pune me Koordinatorët e Konsultimeve Publike

Zyra për Qeverisje të Mirë/Zyra e Kryeministrit në linjë të zbatimit të standardeve minimale për konsultime publike, me 9 Shkurt 2018 ka organizuar sesion pune për Koordinatorët e Konsultimeve Publike nëpër Ministri.

Qëllimi i këtij takimi ishte për të diskutuar:

- Përmbledhjen dhe prezantimin e Planit Vjetor për konsultime me publikun për 2018 si dhe
- Përgatitjet për raportin vjetor për rrjedhën e procesit të konsultimeve me publikun për vitin

Konsultimet e fundit

DRAFT UDHËZIMI ADMINISTRATIV (MI) NR. XX/2018 PËR NDRYSHIMIN DHE PLOTËSIMIN E UDHËZIMIT ADMINISTRATIV NR. 19/2017 PËR INSTRUKTOR SHOFERË

Ky Udhëzim Administrativ ka për qëllim ndryshimin dhe plotësimin e Udhëzimit Administrativ Nr.19/2017 për Instruktor Shoferë.... Më shumë

PROJEKT UDHËZIMI ADMINISTRATIV PËR PLOTËSIMIN EDHE NDRYSHIMIN E UDHËZIMIT ADMINISTRATIV NR. 19/2017 PËR INSTRUKTOR SHOFERË

Figure 1: Platform for public consultations www.konsultimet.rks-gov.net

The purpose of this platform is to assist ministries and government agencies of the Republic of Kosovo in the public consultations process, with the wider involvement of public authorities and

non-governmental organizations, civil society and all relevant partners who are responsible for decision making policies.

The online platform is an achievement according to civil society and CiviKos itself, as the latter is engaged in advancing a more favourable environment between civil society and state institutions.

7. Capacity Building/Trainings on Minimum Standards in the Public Consultation Process

With the aim of increasing the capacities of institutions and their preparation for the implementation of minimum standards in public consultations, since 2016 the Office on Good Governance/Office of the Prime Minister has organized and held trainings for officers in line ministries including two rounds of trainings for civil servants.

The first round of training sessions was conducted from 11th to 14th July 2016 in Prishtina, and about 50 civil service officers were included. Representatives of all ministries from Legal Offices or Departments, IT Offices, Strategic Planning Offices, Integration Offices or Information Offices were included in this training.

The second round of training sessions was conducted from 26th to 30th September 2016. The second round of training sessions was focused on the practical demonstration of international and European consultation standards and practices by getting the participants acquainted with the main demands of the new regulation and the tasks of key officers, the planning of the public consultations process and by presenting the online platform for public consultations.

The main purpose of these trainings was to train the coordinators of ministries for the public consultations process who according to the Regulation are appointed by each ministry to coordinate the work and monitor the implementation of standards.

The appointed coordinators are responsible to create an effective reporting system on the implementation of minimum standards in public consultations as well as to continuously support the officers responsible to draft policies and laws in line ministries. They shall collect the public consultations reports prepared by the responsible officers in the relevant ministries for the respective time period as stipulated by the Regulation, prepare the unified annual report on the implementation of the minimum standards in public consultations at the level of the respective public institution, which is then submitted to the Office on Good Governance. They shall also provide the necessary advice to the officers responsible for the effective implementation of the minimum standards in public consultations and serve as contact points for the Office on Good Governance/Office of the Prime Minister in implementing this Regulation.

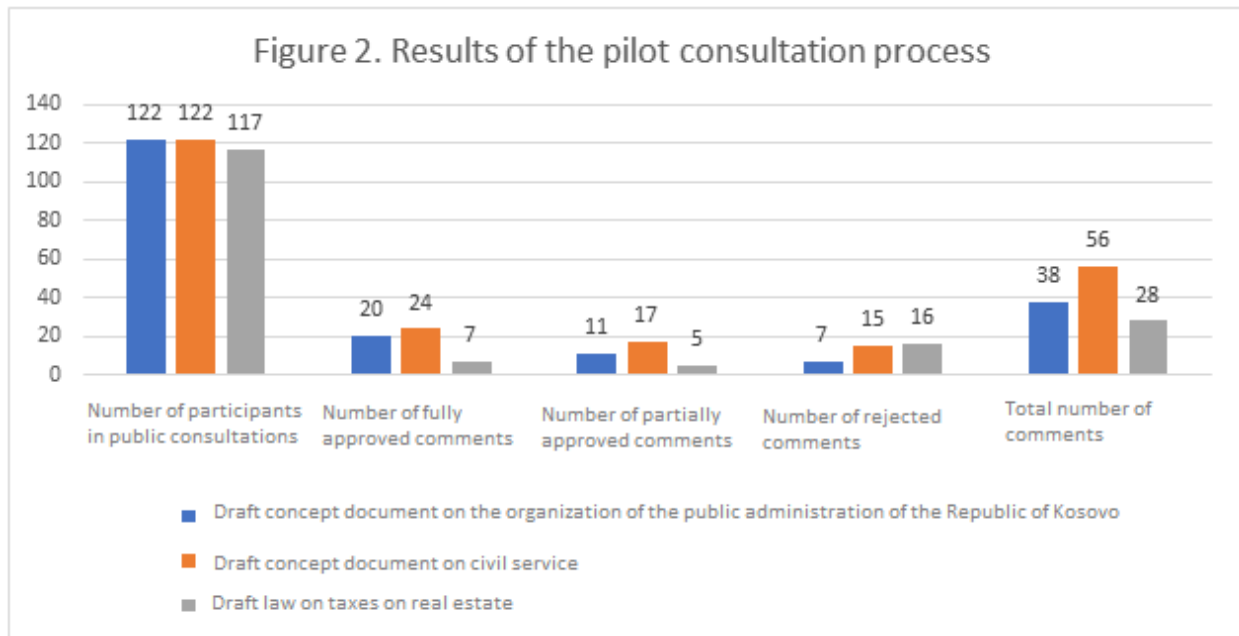
Also during 2017 the Office of the Prime Minister/Office on Good Governance has organized 4 workshops (on January 27th, March 17th, May 3rd, and September 15th, 2017) and many meetings (nearly every month) with the institutions' responsible coordinators for public consultations. Various topics related to the publications on the Online Platform for Public Consultations, the reports and results of these consultations and other issues pertaining to the process of developing the Platform have been discussed in these workshops.

Office on Good Governance, in cooperation with the Office for Public Communication in the OPM and with the support of SIDA project and the EU project support for the implementation of government strategy for cooperation with civil society, organized a training "Communication and public consultations". The training was held on 28-29 June 2017. The purpose of this training was to strengthen the capacity to communicate the public consultations process during the policies development process

8. Pilot projects for the development of public consultations

In February 2017 the Office on Good Governance/Office of the Prime Minister with the support of the EU project "Support for the Implementation of the Government Strategy for Cooperation with civil society" as well as the support of the project funded by SIDA, and the Ministry of Public Administration have conducted the first two public consultation pilot projects based on the Regulation for minimum standards. During these sessions two draft concept documents were consulted: The "Draft Concept Document on Civil Service" and the "Draft Concept Document on the Organization of Public Administration of the Republic of Kosovo", which were previously published on the online platform.

According to the Regulation, a third pilot consultation was also prepared, and in this case the Ministry of Finances was involved with the draft law on taxes on real estate.



The consultation methods used for these three pilot Consultations facilitated by the EU project were the platform, written consultations or e-mails and public meetings with stakeholders. The consultation documents and reports with all the necessary information were published on the platform pursuant to the Regulation on minimum standards.

As a result, the concept document on civil service and the concept document on the organization of public administration each had 122 participants² whereas the consultation on the draft law on taxes on real estate had 117 participants during three public meetings.

It is considered that the process of the pilot consultation was passed successfully considering the quality of the consultation process which can be found if we look at the level of participation and the number of comments. It should be noted that the consultation process of these three pilot consultations and the forms of published documents was intended and served as an example to be followed by the institutions.

9. Institutional cooperation with civil society in the public consultation process

In order to increase the quality of the consultation process Office on Good Governance/Office of the Prime Minister and many partners and associates have worked in developing and advancing the consultation process. It is worth mentioning the cooperation and partnership with the

² These two consultations had the same number of participants as their consultation process was developed in a package, namely they were consulted in public meetings on the same day and with the same participants.

Kosovar Civil Society Foundation (KCSF), with whom we have signed a Memorandum of Understanding to cooperate in implementing the followup Training on Minimum Standards in Public Consultations. The Memorandum is a general agreement between the two subjects for drafting and implementing the capacity building program of civil servants and civil society organizations for the public consultation process. So, the building of capacities was done parallelly at the institutions by the Office on Good Governance and at the NGOs by the KCSF through experts. In order to advance the electronic platform the Office on Good Governance has continuously cooperated with the KCSF and taken into particular consideration their recommendations and has involved and is involving them in developing the platform.

- The complete functionalization of the option to register new users by avoiding the obstacles that hinder the registration
- Enabling the online publication of work plans of the government and ministries along with the option of expressing the interest/subscription for special elements of each plan.
- Enabling the online publication of public consultation meetings, together with the relevant preparatory and reporting materials.
- Enabling the publication of the updated version of the draft proposal after handling the comments received during the public consultation.
- Automation of notifications to subscribers for each open public consultation, thus eliminating the manual sending of notifications by the civil servants to the stakeholders.
- Specific designation of notification sent by the Online Platform, thus avoiding standard unique designation despite the type and content of the notification³.

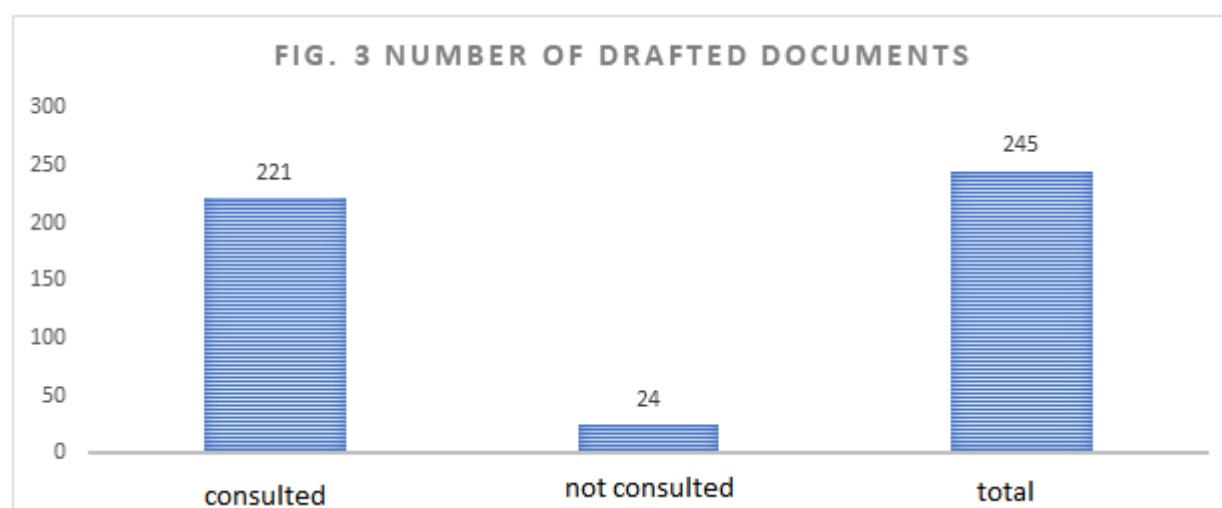
Office of the Prime Minister/Office on Good Governance has also signed a memorandum of understanding with the Kosovo Institute for Public Administration (KIPA). Through this agreement the parties have expressed their willingness to establish cooperation relationships to further improve the capacity building of officers on minimum standards in the public consultation process. The training program was focused in three components: minimum standards in the public consultation process, contracting Civil Society Organizations for public services and creation of a System to Finance Civil Society Organizations.

10. Number of consulted and unconsulted draft proposals

From January to December 2017 the Government of the Republic of Kosovo has drafted 245 documents, which pursuant to the regulation for minimum standards should have been subject to the public consultation process. According to the provided information, out of 245 draft

³http://www.kcsfoundation.org/repository/docs/03_04_2018_7635999_Platforma_Online_gjate_2017_KCSF.PDF

documents in total, 221 were consulted and only 24 of them were not subject to the public consultation process (see Fig. 3).



As shown in the table below the majority of the documents drafted by the government departments fall under the category of by-laws, most of them being administrative instructions (out 96 administrative instructions, 92 of them are consulted and 4 have not been subject to the consultation process) followed by regulations (in total 55 regulations, out of which 9 have not been subject to the consultation process) and 42 draft laws, 2 of which were not subject to the public consultation process (Table no. 1).

Type of draft proposal	Number of those subjected to consultation	Number of those not subjected to consultation	Total
Draft Concept documents	25	4	29
Draft Laws	40	2	42
Draft Action Plans	4	0	4
Draft Regulations	46	9	55
Draft Administrative Instructions	92	4	96
Draft Strategic Documents	9	5	14
Other	5	0	5
Total	221	24	245

Table 1. Categories of consulted and unconsulted documents

It should be noted that the list of unconsulted documents does not include those exempt from the consultation process pursuant to Article 17 of the Regulation. The majority of documents approved by the Government that fall under this category are international agreements. The list

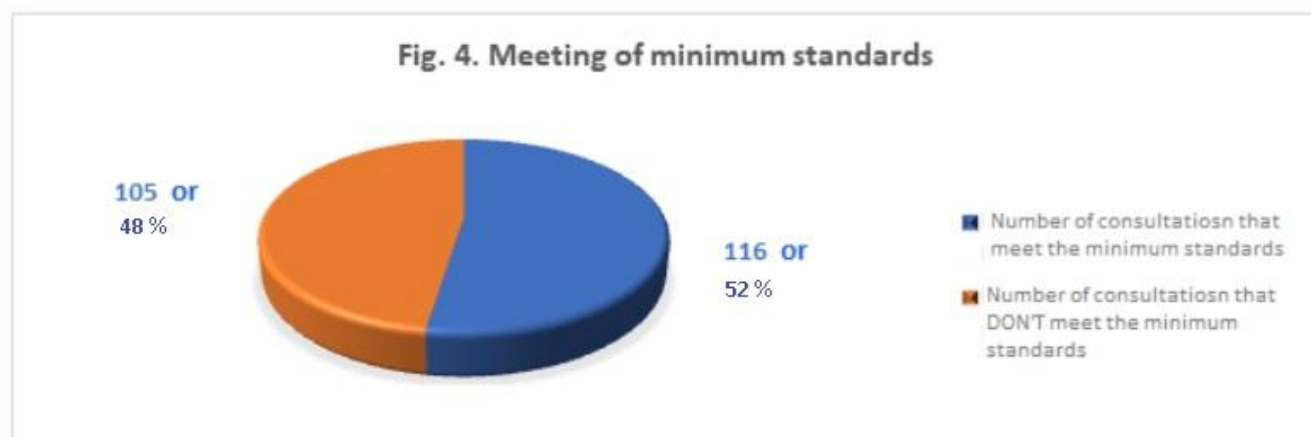
of documents also doesn't include the laws that were returned to the Government as a result of the dissolution of the Assembly and were readopted once the Government was created again. It should be noted that while these laws were drafted and adopted by the Government the public consultations platform was not operational. Among them are:

- Draft Law amending and supplementing Law No. 04/L-072 on the Control and Supervision of the State Border, as amended and supplemented by Law No. 04/L-214
- Draft Law on Critical Infrastructure
- Draft Law on Standardization
- Draft Law on Business Organizations
- Draft Law on the Capital of the Republic of Kosovo/Prishtina
- Draft Code of Juvenile Justice
- Draft Law amending and supplementing Law No.03/L-007 on Out Contentious Procedure
- Draft Law on Mediation
- Draft Law on Notary
- Draft Law on Prevention of Conflict of Interest in Exercising Public Function
- Draft Law amending Law No. 2004/26 on Inheritance in Kosovo.

11. Fulfilment of Minimum Standards

To ensure a consultation process and the inclusion of all stakeholders in drafting the documents that are adopted by the Government departments, the Regulation on Minimum Standards provides clear procedures to be followed by the institutions responsible to draft the documents. Although the subjection to a consultation process through the publication of documents on the online platform is a precondition and one of the standards for every document that falls under the category of Article 5 of the Regulation, the consultation process cannot be considered successful if it is not subject to some other steps during the consultation process. This includes: *Planning the consultation process* (Article 11 of the Regulation) which stipulates, determining the time frame of the public consultation process; identifying the stakeholders and the intended audience for the public consultation process; identifying the resources, tools, forms and methods necessary for the public consultation process; defining the manner of collecting the relevant answers/recommendations and addressing them. The second stage of the consultation process is the *development of the consultation process* which begins once the draft document is finalized and the preliminary consultation foreseen under the Rules of Procedure of the Government is finalized. Whereas the final stage of the consultation process is *collecting comments*, addressing and publishing the information on the consultation process and the public consultation results.

After analysing the information sent by the institutions it is found that out of the total number of consulted documents (221 documents - see table above) minimum standards provided by the Regulation were met by 116 documents or 52%, whereas the number of documents that have not met any of the standards is 105 or 48 % of documents.



According to the table below (Table no. 2) the MKSF is among the institutions that have been more strict in meeting the minimum standards, it is estimated they have met the standards in 7 documents that have been subjected to the consultation process, whereas the MLGA has gone through all the consultation stages and criteria provided in the Regulation for all its 6 consulted documents. Another institution with a high level of observing the minimum standards is the OPM as out of 18 documents that are in the consultation process only one has failed to meet all the conditions under the Regulation. Documents consulted by the MTI, MESP, MF and MPA also have a fulfilment level over 60%.

On the other hand, among the institutions that do not fare well in observing the minimum standards are: Ministry of Labour and Social Welfare with 17 documents neither of which has met any of the minimum standards, i.e. no consultation reports were published for any of the consulted documents. Next is MIA, out of 36 drafted documents only 2 have met all minimum standards while others have not met the standards, namely no consultation reports were published. The MED also falls in the category of institutions with a high number of documents that do not meet the minimum standards as out of 19 documents, 4 of them did not meet the minimum standards. The criterion that is not met by the MED for the majority of the documents is the failure to publish the consultation report on the public consultations platform as stipulated by Article 15, paragraph 3.3 of the Regulation on Minimum Standards. This group also contains the MJ, MEI, MD, and MoH. (Table no.2)

Institution	Number of consulted proposals	Number of consultations that meet the minimum standards	No. of consultations that don't meet the minimum standards
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OPM	18	17	1
MED	19	5	14
MTI	22	17	5
MLSW	17	0	17
MIA	36	2	34
MESP	28	20	8
MKSF	7	7	0
MF	9	7	2
MLGA	6	6	0
MI	38	29	9
MPA	7	4	3
MD	1	0	1
MJ	9	2	7
MEI	2	0	2
MoH	1	0	1
MCYS	1	0	1
MAFRD	0	0	0
MEST	0	0	0
MFA	0	0	0
MCR	0	0	0
Total	221	116	105

Table 2. Consulted and unconsulted documents according to the ministries

12. Methods used during the consultation process

The selection of appropriate consultation methods represents one of the very important factors for a successful consultation process. The methods are selected in appropriation with the stakeholders that are expected to contribute in drafting the consulted document.

Consultation through the electronic platform is one of the minimum standards stipulated by the regulation (Article 12). However using the platform does not exclude the use of other consultation methods (Article 12 paragraph 10) which are stipulated by Article 7 of the Regulation which include:

- Written and electronic form consultations;
- Publishing on the website;
- Public meetings;
- Conferences;
- Meetings with stakeholders;

- Working sessions;
- Interviews/ face-to-face meetings;
- Opinion polls
- Deliberative polling;
- Citizen panels;
- Stands on the streets.

As already stated above and according to the table below, 221 documents have been published in the consultation platform. The majority of the documents published in the platform include by-laws (92 instructions and 46 Regulations) followed by the number of laws (40 laws). Besides the publication on the platform 90 documents (or 40.7 % of the total number of the consulted documents) have been consulted through the electronic written method, namely via email. In addition, 30 documents or 13.5% have been consulted through workshops, 9 documents have been consulted through public meetings and 3 more were consulted through direct meetings with stakeholders. Other methods such as conferences, face-to-face meetings, opinion polls, etc. have not been used or the ministries have not reported their use (Table no. 3).

	Written consultations	Platform	Public meetings	Conference	Meetings with stakeholders	Workshops	Face-to-face interviews	Opinion polls	Deliberative polling	Citizen panels	Street stands	other
Concept Documents	12	25	2	0	1	6	0	0	0	0	0	0
Draft Laws	15	40	4	0	0	2	0	0	0	0	0	0
Action Plans	2	4	0	0	0	0	0	0	0	0	0	0
Draft Regulations	29	46	3	0	1	4	0	0	0	0	0	0
Administrative Instructions	29	92	0	0	1	17	0	0	0	0	0	0
Strategic documents	3	9	0	0	0	0	0	0	0	0	0	0
Other	0	5	0	0	0	1	0	0	0	0	0	0
Total	90	221	9	0	3	30	0	00	0	0	0	0

Table 3. Used consultation methods

Institutions that have used the most consultation methods are the MLSW which in addition to the publication on the platform has also used written consultations, public meetings, meetings with stakeholders and workshops. The MPA has also used various consultation methods in addition to the publications on the platform (4 consultation methods), then the MTI, MF and the MLGA have all used 3 consultation methods each (table no. 4)

	Written consultations	Platform	Public meetings	Conferences	Meetings with stakeholders	Workshops	Number of used methods
OPM		✓					1
MED	✓	✓					2
MTI	✓	✓			✓		3
MLSW	✓	✓	✓		✓	✓	5
MIA	✓	✓					2
MLSW		✓					1
MKSF	✓	✓					2
MF	✓	✓	✓				3
MLGA	✓	✓	✓				3
MI		✓					1
MPA	✓	✓	✓			✓	4
MD		✓					1
MJ		✓					1
MEI		✓					1
MoH		✓					1
MCYS		✓					1
MAFRD							
MEST							
MFA							
MCR							

Table 4. Consultation methods used according to ministries

13. Level of public participation in the consultation process

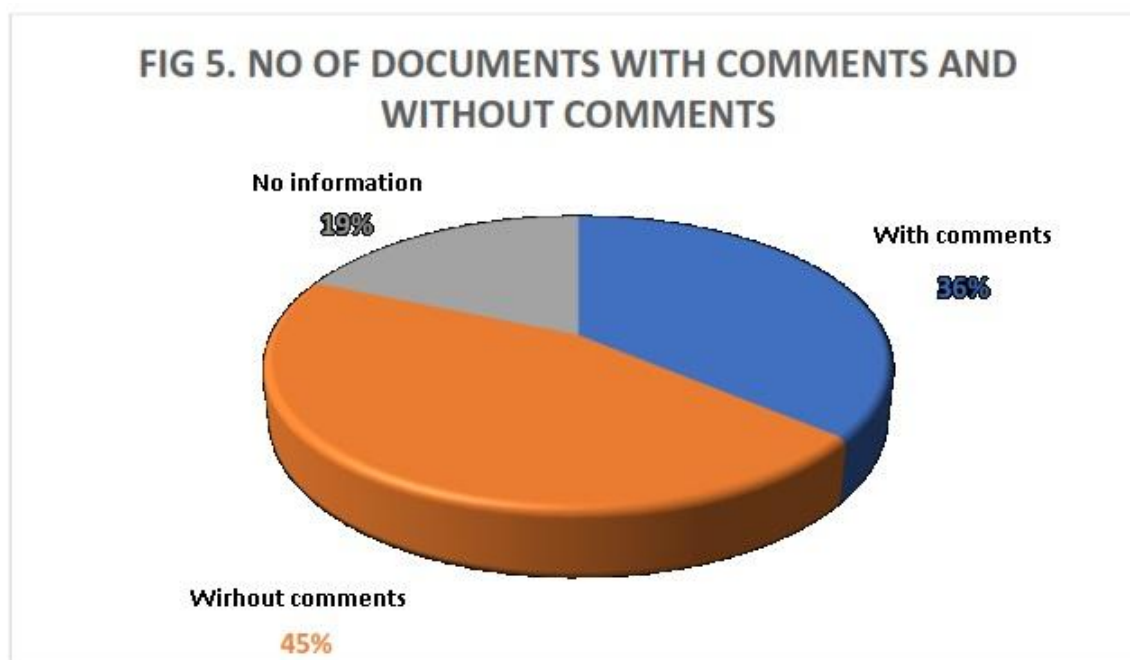
The stakeholders' participation in the consultation process has a direct impact in the level of contribution provided for the documents subject to the consultation process. The electronic consultation platform, as a mandatory and main instrument of the consultation period is constantly accessible to all categories of citizens with Internet access. Although the documents that are accessible through the platform, (or through the official websites of institutions) may have a very broad participation, where everyone can get acquainted with the content of the documents that should be consulted, the number of participants through this form shall be registered only if the stakeholders send comments to the drafting institution. The situation differs altogether when calculating the participation when other consultation methods are used, i.e. conferences, public meetings when the number of participants is calculated based on the stakeholders' attendance regardless of whether they have commented or not the document under consultation.

In our case out of 221 consulted documents a total of 2104 participants have been registered. The MTI has registered a large number of participants, namely for 23 documents they have reported 737 participants, the MLGA has reported 383 participants for 7 documents, MESP has reported 349 participants for 20 documents, the MPA has reported 312 participants for 8 documents and finally the Ministry of Finance has reported 141 participants (Fig. No. 7 section 13 below).

14. Number and status of comments

The main purpose of providing contributions by the stakeholders is to improve the quality of the drafted documents and the reflection of the stakeholders' interests. The selection of appropriate methods and the level of the pro-activeness of the document drafting institutions impacts the increase of participation and quality of contributions provided by the citizens and certain groups. Besides this, the activities and the engagement of organizations and organized groups that represent specific categories of citizens also have an impact.

During 2017, out of 221 documents that were subject to the consultation process 80 documents were commented, 100 documents received no comments and for 41 documents there is no information on whether they have been commented or not.



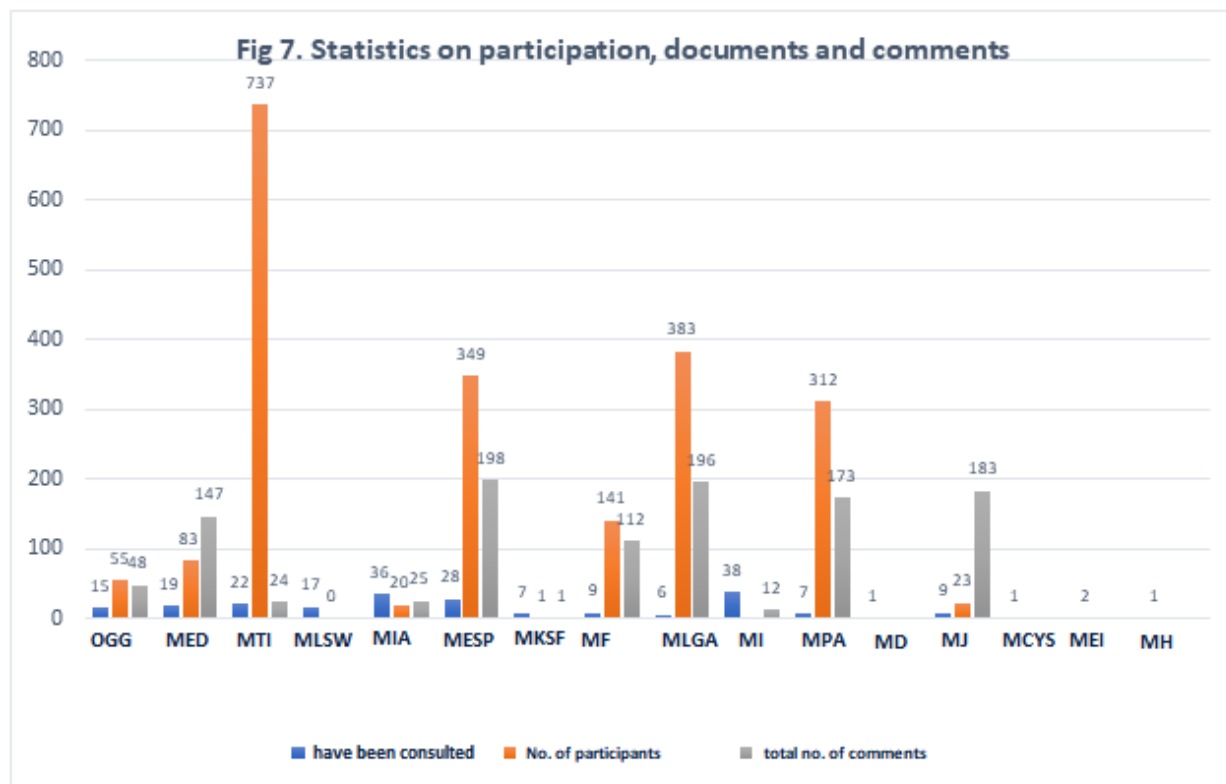
In total, 1119 comments have been received for 80 documents. This means that 8.7 comments in average have been given for each document. In relation to the status of the comments it turns out that out of 1119 comment 535 or 48% of them have been accepted by the drafting institutions,

183 or 16% have been partially accepted and 401 or 36% have been rejected.

Fig 6. Status of comments



The graphic below reflects the comparative information on the number of consulted documents, number of participants and the number of comments according to ministries. It is worth mentioning that according to the data the audience participation in the consultation process varies from one ministry to the other. Often this participation does not depend on the number of consultations or the number of participants in the consultation process. I.e. In the case of the MTI, the number of comments is extremely low (24 comments) although 22 documents have been consulted and there was a large number of participants in the consultation process. The MLGA case is the opposite example because it had only 6 consultations, 383 participants and 196 comments (fig. no. 7).



15. Conclusions and challenges

Although the history of public consultations in the Government of the Republic of Kosovo does not start with the adoption of the Regulation on minimum standards, because a similar segment is also regulated with the Rules of Procedure of the Government, the success and the upturn in implementing the consultation process is related to this Regulation.

The minimum standards set many procedural demands during the drafting of public documents, however true challenges arise in ensuring a quality process that aims the best contribution from the stakeholders. The first year in implementing these standards that is presented through this report constitutes a success story in relation to the impact the standards stipulated in this regulation had in the consultation process. The engagement during the first year has been multidimensional in relation to the development of the public consultation system, capacity building and conducting real-time public consultations. Year 2017 constitutes a sustainable ground to advance the implementation of these standards in the years to come. As it is shown in the statistics provided in this report the percentage of the documents published on the platform is very high. But the publication of the documents in the platform in itself is not sufficient without engaging in notifying the stakeholders, motivating them to participate in the consultation process

and contribute in it as well as notify them on the results of the consultation process, etc. It is noticed that other methods besides the platform and the written method, have not been developed sufficiently in 2017.

The institutions should increase their efforts in the coming years to ensure the stakeholders' participation and to improve the confidence in the possibilities provided by the public consultations to reflect their interests in the drafted documents. This is not enough though without the stakeholders' added mobilization in particular the organizations and structures that represent certain groups of interest and citizen structures.

Besides ensuring the participation a continuous challenge will be to ensure a quality and all inclusive public consultation process.

Understanding the benefits of the consultation process to improve policies and the legislation by the drafting institutions is a challenge and overcoming the same requires continuous work from the central level in particular, namely the Office of the Prime Minister/Office on Good Governance.

It should be noted that during the drafting of this report significant difficulties were registered in collecting the information on the public consultation process from the majority of the institutions. Difficulties were related to the information that cannot be generated by the public consultation platform, especially for the documents that have not been consulted through the platform, number of participants, number of comments, those accepted and those rejected, to what degree has the quality consultation process been developed. Such lack of information has been observed in most documents for which no consultation reports have been published.

Challenges have also been noticed due to the fact that the coordinators of the public consultation process in several cases have been replaced by the ministries, and the consultation task is of secondary priority to the coordinators. Lack of coordination and internal information in some ministries also constitutes one of the problems that impacts the development of the quality of consultations in particular the accurate reporting at the central level as stipulated by the Regulation.

Besides capacity building, information and awareness raising, another challenge is the fact that the Legal Departments and the DEIPC at ministry level as well as the Offices at the Prime Minister's Office, the Government's Coordination Secretariat, Legal Office and Office for Strategic Planning should be strict in not permitting the processing of documents to be approved by the Government if the public consultation minimum standards have not been met.

16. STEPS AND ACTIONS TO UNDERTAKE IN PUBLIC CONSULTATIONS

In the future stages of the public consultation process Office on Good Governance/Office of the Prime Minister should focus on:

- Increased engagement to ensure a quality public consultation process. This means that in addition to the formal meeting of the standards, a pro-active attitude from the ministries is required to ensure the inclusion of stakeholders in the public consultation process. This can be done by:
 - Increasing the cooperation with umbrella organizations or those representing the stakeholders, such as civil society organizations, chambers of commerce, organisations representing free vocations, etc.
 - Continuing building capacities in ministries for minimum standards in the public consultation process through trainings or meetings with ministries, and in particular by providing mentoring or support during the drafting of documents. Piloting three consultations in early 2017 through mentoring constitutes a successful example of this approach.
- Greater cooperation between the Offices at the Prime Minister's Office and more strict approach to not permit documents that do not meet the minimum standards to be included in the Government Agenda.
- Greater cooperation and a more strict approach by the relevant departments in ministries, namely the DEIPC and legal departments to not permit the documents that do not meet the minimum standards to be processed to the government for approval.
- Work in improving the data correction and reporting process to ensure correct and credible data. In particular the data deriving from the consultation process in other forms that differ from the electronic platform (public meetings, conferences, etc.)
- To this purpose it is recommended that the coordinators of ministries should report to the OGG all year round or on monthly or quarterly basis.
- Awareness raising and information campaigns on the electronic platform of consultations shall be organized for NGOs, citizens and other stakeholders.
- Work on improving technical omissions deriving from the electronic platform. Improving some segments that have been reported during its application in practice.
- Work in adding to the platform a segment for the automatic generation of reporting information and statistics and to advance the system to face new requirements.

- Develop and functionalise the option to register new users by avoiding the obstacles that hinder the registration.
- Future annual reports should bring more quality data through interviews or surveys between the public consultation coordinators and/or other responsible officers as well as between the CSOs.
- Besides the platform use other appropriate consultation methods for certain categories of stakeholders.



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