



## **EUROPEAN REFORM AGENDA GOOD GOVERNANCE AND RULE OF LAW**

### **Progress Overview**

**This report is supported by:**

The Democratic Society Promotion (DSP) Project - Funded by the Swiss Cooperation Office in Kosovo (SCO-K) and the Ministry of Foreign Affairs of Denmark (DANIDA) and managed by the Kosovar Civil Society Foundation (KCSF). The content of this publication is the responsibility of the Balkans Policy Research Group (BPRG) and does not represent SCO-K's, DANIDA's or KCSF's position.

and

Royal Norwegian Embassy.

**Disclaimer:** The views and analyses in this policy report are solely of the Balkans Group and do not reflect the views of the donors.

**Author:** Balkans Policy Research Group (BPRG)



**ADOPTING LEGISLATION, MAKING MANDATORY THE SUSPENSION/ REMOVAL OF PUBLIC OFFICIALS RESPECTIVELY INDICTED OR CONVICTED FOR CORRUPTION.**



**AMENDING THE LAW ON CONFLICT OF INTEREST & RELATED REGULATIONS BRINGING THEM IN LINE WITH EUROPEAN STANDARDS. REGULATE ADDITIONAL EMPLOYMENT / APPOINTMENTS.**



**ENSURING THE TRANSPARENCY & ACCOUNTABILITY OF FUNDING OF POLITICAL PARTIES.**



**CARRYING OUT AN INDEPENDENT REVIEW OF THE ACCOUNTABILITY MECHANISMS OF INDEPENDENT INSTITUTIONS AND AGENCIES.**



**LEGISLATIVE PACKAGE COVERING CIVIL SERVICE, SALARIES AND ORGANISATION OF STATE ADMINISTRATION SHOULD BE PREPARED IN AN INCLUSIVE AND EVIDENCE-BASED PROCESS.**



**TRANSPARENT, MERIT-BASED, AND NONPOLITICAL SELECTION PROCESSES. FULL IMPLEMENTATION OF ACA RECOMMENDATIONS.**



**E-PROCUREMENT**



**REINFORCE THE CAPACITY OF THE ADMINISTRATIVE DEPARTMENT OF THE FIRST INSTANCE COURT IN PRISHTINA. IN THE AREAS OF TAX AND CUSTOMS, WITH A VIEW TO REDUCE THE BACKLOG OF CASES.**



**STRENGTHENING FIGHT AGAINST CORRUPTION AND ORGANISED CRIME. REINFORCING THE CAPACITY OF THE SPECIAL PROSECUTION OFFICE INVESTIGATING AND PROSECUTING HIGH-LEVEL CASES.**

### **1.1 Reviewing and adopting legislation making mandatory the suspension/removal of public officials indicted and convicted for corruption**

1. Concept document on amendment of the applicable legislation to ensure mandatory suspension and/or removal of public officials respectively indicted and convicted for corruption.

**Completed**

2. Adoption of the legislation to ensure mandatory suspension and/or removal of public officials respectively indicted and convicted for corruption.

**Not commenced**

### **1.2 Amending the law on conflict of interest and related regulations bringing them in line with European standards and indicating the exact circumstances in which public officials may take on additional employment and appointments.**

**The Law on Prevention of Conflict of Interest in Discharge of Public Functions, to be amended, in line with EU recommendations:**

- a. The categories of public officials need to be clearly defined.
- b. There should be a clear indication as to which activities officials are permitted and not permitted to do while in office.
- c. There should be a clear indication as to which activities officials are banned from performing after they have left the office.
- d. There should be clear indication as to the obligations of officials and their superiors in the situation of the conflict of interest.
- e. There should be clear indication of the procedures that should be set in motion once the conflict of interest arises.

**In progress**

**1.3 Ensuring the transparency and accountability of funding for political parties:**

- a. Carry out independent audits of political parties finances for 2013-2015
- b. Ensure the publication of financial reports of political parties as foreseen in the law

1. Publish financial reports of political parties and take effective enforcement action against those that do not.	Partially Completed
2. Provide adequate funding for procuring auditing services for political party financial reports.	In progress
3. Select independent auditors through an open call.	Completed
4. Amend the Law on Financing of Political Parties to ensure transparency, accountability and effective enforcement and sanctions, on the basis of wide public consultations.	Not commenced

**1.4 Carrying out an independent review of the accountability mechanisms of all independent institutions, agencies and regulatory bodies, following up on its recommendations, and adopting legislative measures that clearly define the roles, responsibilities and lines of accountability of these institutions.**

1. Conduct a qualitative analysis review of independent agencies and independent regulatory agencies (analysis on regulation of employment relationship, salaries, establishment and organization of agencies).	Completed
2. Commit to implementing the recommendations of that qualitative analysis.	Not commenced
3. Develop a concept document for the draft-law on the organization of public administration; civil service and salaries.	In progress
4. Adoption of the legislative package on: civil service, salaries and organization of public administration.	Not commenced

**1.5 Ensure that the planned legislative package covering civil service, salaries and organization of state administration is prepared in a coordinated way in an inclusive and evidence based process on the basis of concept notes agreed at the government level.**

1. Develop concept documents for the draft-laws on: civil service, salaries and the organization of public administration.

**In progress -  
with delays**

2. Adoption of the legislative package on: civil service; salaries and organization of public administration.

**Not  
commenced**

**1.6 Ensuring transparent, merit-based and nonpolitical selection processes in line with the law for all independent institutions, agencies and regulatory bodies as well as in public companies, full implementation the recommendations by the Kosovo Anti-Corruption Agency (AKK-DLK-3113/15).**

a. Amendment of the applicable legislation for the selection of independent institutions in order to ensure robust and transparent and merit-based candidate selection procedure.

- Publication of CVs of short-listed candidates;
- Inclusion of civil society in the selection committees, on the basis of a transparent and open selection of civil society representatives;
- Strengthening and clarifying minimum requirements for candidates, by including criteria analogous to Art.17 paragraph 2 of the Law on POEs, for instance, in the amendments to the Law on Conflict of Interest, thereby making them applicable to all independent agencies and regulatory bodies.

**Partially  
completed**

b. Government commits to act on the recommendations issued by ACA of 15.02.2016 (AKK -DLK -3113/15) concerning appointments to 9 boards of POEs:

- The sworn affidavit form/declaration to be amended to reflect the law for all future appointments;
- OPM to take action under Art 17.5 of the law (i.e. 17.5 Each person holding or applying for a director position shall execute a sworn affidavit truthfully attesting that he meets the eligibility, independence and professional suitability requirements of paragraphs 1 -3 of this Article. Any material misrepresentation - whether intentional or the result of negligence - or any material change in the information set forth in such affidavit shall result in the immediate disqualification and, if applicable, termination of such person);
- OPM to take actions against officials which drafted this form/declaration which is not in accordance with the law;
- Ensure the implementation of the MoU signed between the Assembly the Government on the one hand and the UK Embassy in Prishtina on the other, for the appointments of board members of independent institutions and agencies.

**Partially  
completed**

**1.7 Implementing the government decision of March 2016 on introducing mandatory electronic procurement, along with the indicated timelines Agency (AKK-DLK-3113/15).**

1. The beginning of the second phase of the pilot project of e-procurement.
2. Implementation of changes amended Procurement Law in the electronic platform.
3. Training of public officials at local level.
4. Certification of public officers at Central level.
5. Certification of public officers at Local level.
6. Test on electronic procurement modules.
7. Development of operational guidelines on e-procurement. The Government should provide standard machine readable data in real time of procurement contracts to the public.

**Completed**

**1.8 Reinforce the capacity of the Economic Department and Fiscal Division in the Administrative Department of the First Instance Court in Pristina including in the areas of tax and customs, with a view to reduce the backlog of cases.**

1. The KJC will carry out a needs assessment for the increase of the number of judges in the Economic Basic Courts. The assessment will determine what are the budget costs as well as human capacities needed for reducing the backlog of cases in the economic basic courts.

**In progress**

**1.9 Continue to strengthen the track record on the fight against corruption and organised crime, including through reinforcing the capacity of the Special Prosecution Office investigating and prosecuting high-level cases.**

1. Amendment of the Law on State Prosecutor in order to enable the increase of the number of prosecutors in the Special Prosecution Office investigating and prosecuting high-level corruption and organised crime cases.

**In progress**

2. Provide training to strengthen the capacity of the Special Prosecution Office to conduct financial investigation and confiscate assets.

**Completed**

**This report is supported by:**

Democratic Society Promotion (DSP) Project - Funded by the Swiss Cooperation Office in Kosovo (SCO-K) and the Ministry of Foreign Affairs of Denmark (DANIDA) and managed by the Kosovar Civil Society Foundation (KCSF). The content of this publication is the responsibility of the Balkan Policy Research Group (BPRG) and does not represent SCO-K's, DANIDA's or KCSF's position.

and

Royal Norwegian Embassy.



NORWEGIAN EMBASSY

**Balkans Policy Research Group**