



Republika e Kosovës
Republika Kosova – Republic of Kosovo
Qeveria - Vlada - Government

Zyra e Kryeministrit – Ured Premijera – Office of the Prime Minister

**REPORT ON THE CONSULTATION PROCESS FOR THE BETTER REGULATION
STRATEGY 2.0 FOR KOSOVO (2017-2021) AND THE ACTION PLAN OF THE
STRATEGY**

Prishtina, 2018

Introduction

The Government Coordination Secretariat within the Office of the Prime Minister (GCS) has commenced the reviewing of the Better Regulation Strategy 2.0 for Kosovo in March 2018. In this regard, the GCS has conducted the preliminary consultations and public consultations process in accordance with Regulation no. 05/2016 on Minimum Standards for Public Consultation Process, and pursuant to relevant provisions of Regulation No. 09/2011 on Rules and Procedure of the Government of the Republic of Kosovo.

The updated version of the Strategy integrates commitments undertaken by Kosovo under the Sector Reform Contract for the Public Administration Reform as well as the related objectives for which the Government is engaged through the Sector Budget Support (SBS) indicators. This contract and the related financing Agreement have entered into force on 15th of December 2017. While the contract did not affect the objectives of the strategy, it has prompted the need to adapt some indicators, deadlines and consequently the Action Plan.

Additionally, the IFC has reoriented its support towards improvement of fact-based decision-making during the ex-ante phase. The Organization has shifted its focus towards supporting legislative assessment and simplifying licenses and permits.

All of those mentioned above have served as the pushing force in initiating the review of the Strategy in order to address them within the Strategy and Action Plan.

Public consultation process

Consultations on the Strategy and Action Plan have started from the early review phase, whereby all parties involved in the process have been consulted. In this context, the Strategy was also submitted for a preliminary consultation on 27th of March 2018, while line ministries and public institutions had a deadline of 15 days to provide comments.

The authorities who provided comments and suggestions were:

1. The Legal Office of the Prime Minister;
2. Agency for Gender Equality; and
3. Kosovo Agency of Statistics.

The GCS published the Strategy and Action Plan on the online public consultation platform on 10th of May 2018, but in this process the GCS received no feedback or suggestions. The brief accompanying document of the Consultation presented summarized information on the Strategy, the purpose of the review, the area for consultation, information on steps after the completion of the consultation process, etc.

The consultation conducted through meetings and the dissemination of the document and then the publication of the Strategy and Action Plan, have been sufficient means to receive contributions from stakeholders, taking also into account the nature and interests of the Strategy.

Consultation methods	Dates/duration	Number of participants/contributors
1. Written/electronic consultations;	15 working days	3 Contributors from Institutions of the Centre of Government and Line Ministries
2. Publication on the Website/Electronic Platform	15 working days	0 Contributors

Summary of contributions received during the consultation process

Contributions to the Strategy were mainly provided during the written consultation process, while there were no contributions through the online public consultation platform.

Other issues

All contributions received have been separately reviewed by the Government Coordination Secretariat. Detailed report on the comments received, contributors, and status of contributions is fully presented in Annex no. 1 of this report.

Next steps

The Better Regulation Strategy 2.0 for Kosovo and the Action Plan has been finalized, and pursuant to the relevant provisions of Regulation No. 09/2011 on Rules and Procedure of the Government of the Republic of Kosovo, will proceed further for review and approval in the Government of Kosovo.

Annex 1 - detailed table with information for contributors, justifications for accepted and rejected responses

Organization	Feedback	Date of feedback	Considered: Yes, Partially, No	Explanation
Kosovo Agency of Statistics	<p>F. 7-8</p> <p>Feedback:</p> <p>Honoured,</p> <p>This issue does not fall under the scope and mandate of KAS, as it relates to increasing efficiency, namely reducing the administrative burden in issuing permits and licenses. However, in discussions with other partners, side effects should also be considered. For example, KAS, as part of the public/state administration in its scope of activity, for the purpose of satisfying its mandate, requires data from families, businesses ... more than once a year, which at times are required by different documents or strategies that have a completely different purpose.</p> <p>Our comment relates to the entire page under Objective 8, referring to the document: The Government of Kosovo remains committed to the principles of proper implementation of policies and legislation. Specifically, these are: (1) “a multi-use report” that ensures that citizens, companies, civil society organizations and others <u>should provide information to the administration only once and that such information is accessible</u></p>	15-04-2018	NO	<p>Better Regulation Strategy does not address this issue in particular. It is not necessary to make changes to this principle.</p>

	<p><u>and can also be used by other parties</u> within the administration [P1];</p> <p>For example, KAS, as part of the public/state administration in its scope of activity, for the purpose of satisfying its mandate, requires data from families, businesses more than once a year</p>			
Legal Office, OPM -	<p>F. 11 Suggestion for deleting a sentence: The OSCE requested for a more clear reference to the current Draft Law on Normative Acts. The reference to the envisaged consolidation process in this draft has been added to the strategy.</p>	17-04-2018	YES	The comment has been integrated into the document.
	<p>F. 24 Replace "normative acts" with "legal acts"</p>	17-04-2018	YES	The comment has been integrated to the document. The word "normative acts" is replaced by the word "legal acts".
	<p>F. 36 Suggestion to add text about ex-post assessment:</p>		YES	<p>The comment has been integrated to the document, with a slight adjustment to the last sentence.</p> <p><u>The last sentence has been reworded as follows:</u> In conclusion, the</p>

<p>The <i>Ex-post</i> assessment should be distinguished from the monitoring function of the Assembly or the Parliament; the first is the self-assessment process carried out by the government with regard to its own policies and outcomes, while the latter is the function of parliamentary oversight, e.g. (See Article 4.4 of the Constitution, which stipulates that the Government "is responsible for implementation of laws and state policies and is subject to parliamentary control". See also Articles 6.9 and 47 of the Rules of Procedure of the Assembly of the Republic of Kosovo, the oversight role of the Assembly and the authority of the Commissions for monitoring the implementation of laws.)</p> <p>In conclusion, the ex-post assessment helps the government assess the impact of the law in the absence of an ex-ante assessment.</p>			<p>ex-post assessment is related to the assessment of the impact of the law during the policy-cycle process.</p>
<p>F. 36 The current BRS 2.0 specifies that in July 2015 Kosovo has approved [...] The LO has proposed to specify the following: The Government of the Republic of Kosovo, on 15.07.2015, by means of Decision No.03/38 has approved [...]. "This guide determines" The word determines is missing in Albanian, therefore, the LO suggests that the following text shall be added: This guide, inter alia, determines how it should be carried out</p>		<p>YES</p>	<p>The comment has been integrated to the document.</p>
<p>F. 36 LO suggests the following text to be added: The Legal Office within the OPM, in cooperation with the line ministries, will conduct an ex-post assessment program each year. The LO in cooperation with IFC will provide training to officials in the development of assessments. Based on the draft Cooperation Agreement that is expected to be concluded by the Office of the Prime Minister of the Republic of Kosovo and the International Finance Corporation (IFC), a Capacity Building Action Plan for Assessments in Central</p>		<p>YES</p>	<p>The comment has been integrated to the document.</p>

	<p>Institutions has been prepared (2018 and 2019). The Legal Office within the Office of the Prime Minister (OPM) and the IFC team have agreed that all sets of activities that could build post-implementation assessment abilities would be implemented in the framework of cooperation between the LO and IFC within the agreement reached.</p> <p>The IFC Project Training Program will cover some elements related to the ex-post assessment of legislation, ranging from the justification and main types of assessment in related organizational and procedural aspects.</p> <p>Referring explicitly to the Government's Guidelines on ex-post assessment, the training activities will broaden these guidelines and supplement them with tailored and practical methodological knowledge as well as analytical tools to assist government officials in developing all phases of the assessment process.</p>			
<p>Agency for Gender Equality (AGE)</p>	<p>F. 27-28</p> <p>In Figure 6, Integrated ex-ante and ex-post policy analysis by the European Commission, after the text Integrated impact assessment methodology - covering economic, environmental and social impacts, and the following text must also be added: gender impact assessment.</p> <p>Another question posed by AGE: "AGE is not mentioned in the Indicator Passport and, since there is a gender impact assessment, we think that the institution should be somewhere in it/ How do you plan on doing this?"</p>	<p>17-04-2018</p>	<p>NO</p>	<p>The Better Regulation Strategy, particularly figure 6, refers to the ex-ante and ex-post policy analysis by the European Commission. They (the EU Commission) refer to economic, environmental and social impacts, without referring to other influences such as gender equality, etc. If the gender impact assessment is to be included, then it would be necessary to expand the scope of impacts and include the SME test and other impacts.</p> <p>Passport indicators have been developed in 2016 and cannot be changed at the moment. This proposal may be included in the medium-term when indicators are revised.</p>