

# Manual on ex-post evaluation of legal acts



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



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# Manual

ON EX-POST EVALUATION OF LEGAL ACTS



Republika e Kosovës  
Republika Kosovo – Republic of Kosovo  
*Qeveria – Vlada – Government*

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No. 07/145  
Date: 07 June 2023

Pursuant to Article 92 paragraph 4 and Article 93 paragraph 4 of the Constitution of the Republic of Kosovo, Article 8 of the Law no. 08/L-117 on the Government of the Republic of Kosovo, based on Article 4 of Regulation No. 02/2021 on the Scope of Administrative Responsibility of the Office of Prime Minister and Ministries as amended by Regulation No. 04/2021 and Regulation No. 03/2022 in accordance with Articles 19 of the Rules of Procedure of the Government of the Republic of Kosovo No. 09/2011, the Government of the Republic of Kosovo, in the meeting held on 7 June 2023, rendered this:

DECISION

1. The *Ex-Post* Evaluation Manual for the Legal Acts in the Republic of Kosovo is hereby approved.
2. The Office of the Prime Minister and line ministries are obliged to carry out *Ex-Post* evaluations of legal acts according to the instructions defined in the Manual.
3. Within the framework of the regular annual planning of the Government's work, the Legal Office in the Office of the Prime Minister coordinates the process of preparing the *Ex-Post* Evaluation of Legal Acts Program in cooperation with the legal departments of the ministries.
4. The General Secretary of the Office of the Prime Minister or the relevant ministry establishes the working group for conducting the *Ex-Post* assessment of the legal act in the field of their administrative responsibility.
5. All relevant institutions/units are obliged to provide support to the working group in the *Ex-Post* evaluation process.
6. Following the review of the *Ex-Post* draft evaluation report, depending on its' recommendation, the draft report is processed for review and approval at the Government meeting or returned to the proposing institution for amendment.
7. Recommendations of the *Ex-Post* evaluation report are taken into account during the process of planning and drafting of legal acts.
8. The Government of the Republic of Kosovo is responsible for revising and updating the Manual based on best practices and experiences gained during *Ex-Post* evaluation of legal acts.

9. The Legal Office within the Office of the Prime Minister is obliged to cooperate with the responsible units in the Assembly of the Republic of Kosovo, in order to advance the *Ex-Post* evaluation methodology of legal acts in Kosovo and the Post-Legislative Review.
10. The *Ex-Post* Evaluation Manual for Legal Acts is attached to the present decision.
11. Upon the entry into force of this Decision, The Decision of Government No. 03/38 dated 15 July 2015 is repealed.
12. The present Decision enters into force on the day of its' publication on "Official Gazette" of the Republic of Kosovo.

Albin KURTI  
*[Signature]*

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Prime Minister of the Republic of Kosovo

To be delivered to:

- Deputy Prime Ministers
- All ministries
- General Secretary of OPM
- Archive of the Government

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## Abbreviations

For purposes of this Manual, the following abbreviations have the following meanings:

**Proposing Institution** - Office of the Prime Minister or line ministries which propose, draft and implement ex-post evaluation.

**OECD** Organization for Economic Cooperation and Development

**RIA** Regulatory impact assessment

**RRP** Regulation on the Rules of Procedures of the Government of the Republic of Kosovo

**GDP** Gross Domestic Product

**ToR** Terms of Reference

**PMO** Office of the Prime Minister (Government of the Republic of Kosovo)

**LO-PMO** Legal Office of the Office of the Prime Minister



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## Foreword

Over the past few years, the Office of the Prime Minister and the ministries have taken important steps to improve the planning and preparation of legislative proposals, through more comprehensive engagement of stakeholders and the drafting of concept documents in a more systematic manner.

However, the legislation achieves the intended objectives, only if its implementation is ensured as well. Therefore, it is important to monitor the implementation process of the legislation and thus ensure the fulfillment of the intended goals. This constitutes the main objective within the efforts of the Legal Office in the Office of the Prime Minister in carrying out legal reforms.

In this direction, for several years now the Legal Office in the Office of the Prime Minister and the ministries are engaged in evaluation of legislation implementation. In this respect, Government Decision 03/38 of year 2015 on the approval of the Manual on Ex-Post Evaluation of Legislation, has for the first time in Kosovo laid the foundations for conducting Ex-Post Evaluation of Legislation. In the course of approval of the manual and the efforts of the Legal Office in the Office of the Prime Minister for continuous development of capacities through trainings and improvement of practices in conducting these assessments, the line ministries have gained experience and expertise in the field of ex-post assessment of legislation. In order to further advance the methodology of conducting ex-post evaluations of legal acts, this Manual has been drafted, which is further updated with the latest international practices of ex-post evaluation of legislation. The main purpose of this Manual is to simplify the instructions that contribute to the realization of the Ex-Post evaluation. So, in short, the Manual is intended to be practical, easy to consult and use, but at the same time to provide detailed information on carrying out the Ex-Post evaluation, providing checklists, templates and practical examples to guide the performance of this assessment. Furthermore, the Legal Office in the Office of the Prime Minister considers that this Manual is only one of the steps in the long journey towards the drafting of the most comprehensive and relevant Ex-post evaluation reports. To achieve this goal, the manual's concepts and tools that support Ex-Post evaluation must be acquired by all responsible officials who participate in the process of such evaluations.

For this reason, the implementation of legal reforms is a joint responsibility of the state administration which contributes to the improvement of evaluation of legislation implementation. Therefore, the Legal Office in the Office of the Prime Minister encourages all actors involved in the process of conducting Ex-Post evaluation to use this Manual, paying special attention to planning the time and resources necessary for such evaluations.

Furthermore, taking into account the wide impact of legislation, at the same time considering the importance of public reflection about the implementation of legislation and the room for further improvement, the Legal Office in the Prime Minister's Office encourages the institutions that in the process of carrying out Ex-Post evaluations of legal acts to cooperate closely with civil society and other stakeholders, as defined by this Manual.

And finally, the Legal Office in the Office of the Prime Minister remains committed to, in cooperation with other institutions, continue the implementation of reforms that contribute to the advancement of the Government's agenda for Better Regulation, among others through strengthening the capacities of the state administration and in general, as well as the exchange of international best practices in the field of Ex-Post evaluation of legal acts. The Legal Office in the Office of the Prime Minister thanks the international partners (especially the International Finance Corporation (IFC), a member of the World Bank Group in partnership with the Swiss Confederation, respectively the State Secretariat for Economic Affairs – SECO and the Organization for Security and Cooperation in Europe) and all the experts who have actively contributed to the drafting of this Manual.

Dr. Sc. Mentor Borovci  
Director of Legal Office, Office of the Prime Minister.

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## Part 1: Introduction



## 1.1. About the Manual

This Manual serves the execution of Ex-post Evaluation of Legal Acts (“Ex-Post Evaluation”) in the Government of the Republic of Kosovo. An Ex-Post Evaluation is the objective process of understanding how a “legal act” has been implemented, what effects it has had, for whom, and why.

The Manual is divided into five sections, which encompass the main steps underpinning the implementation of Ex-Post Evaluation. These sections are the following:

1. **Introduction:** introduces Ex-Post Evaluation and outlines the benefits of a good Ex-Post Evaluation. The section also describes the current legal basis for carrying out an Ex-Post Evaluation in Kosovo.
2. **Planning for evaluation:** offers guidance on how to select the legal act to be evaluated through Ex-post evaluation and determine the scope of such evaluation.
3. **Design of the evaluation:** outlines the methodology to carry out an Ex-Post Evaluation in greater detail and explains how to fill the evaluation report template. This section includes six steps that each evaluator should follow before conducting an Ex-Post Evaluation.
4. **Organizational arrangements:** This section provides information on the practical implications of carrying out an Ex-Post Evaluation, from timing and resources to ensuring quality control and the effective dissemination of the findings.
5. **Evaluation Report template:** Finally, the Manual presents a standard Ex-Post Evaluation template, summarizing the key elements to be included in the various report sections.

Further, this Manual includes 8 **Annexes** which are its integral parts and provide additional guidance related to conducting Ex-Post Evaluations, while it is worth mentioning that **Annex A.8** at the end of the Manual, offers a **practical** of the logic to be followed when carrying out an Ex-Post Evaluation.

The Manual is drafted in accordance with best international practices. For more technical or detailed guidance on specific analytical steps, each section to this Manual provides references to supplementary sources.

## 1.2. What is Ex-Post Evaluation of Legal Acts?

Ex-Post Evaluation of legal acts refers to the **systematic and thorough review of a legal act** which includes (but is not limited to) **their appropriateness (relevance), coherence, effectiveness, efficiency and / or impact**. An ex-post evaluation is also conducted to review **compliance**, respectively **compliance** with obligations derived from the act that is subject to ex-post evaluation. An ex-post evaluation therefore establishes a factual and objective overview of the current state of implementation of a legal act.

*“Legal act”* refers to the **object of the evaluation**. It may be a law (or laws in a sector), secondary regulation or legal provisions thereof.

Evaluation is “*Ex-Post*”<sup>1</sup> because it takes place **after a certain period of implementation** of the legal act (see Figure 1.).<sup>2</sup>

<sup>1</sup> Regulatory Impact Assessment (RIA), which is mentioned in the Concept Document, is often referred to as “ex-ante” assessment, to indicate that that analysis is carried out before the intervention is adopted. RIA covers the preparatory and elaboration stages of the legislative cycle.

<sup>2</sup> Figure 1. shows that evaluation differs from regular monitoring, although the latter is an important precondition for evaluation. While evaluation provides a snapshot analysis at a given point in time, monitoring is the continuous process that tracks what is happening during the policy implementation on an ongoing basis.

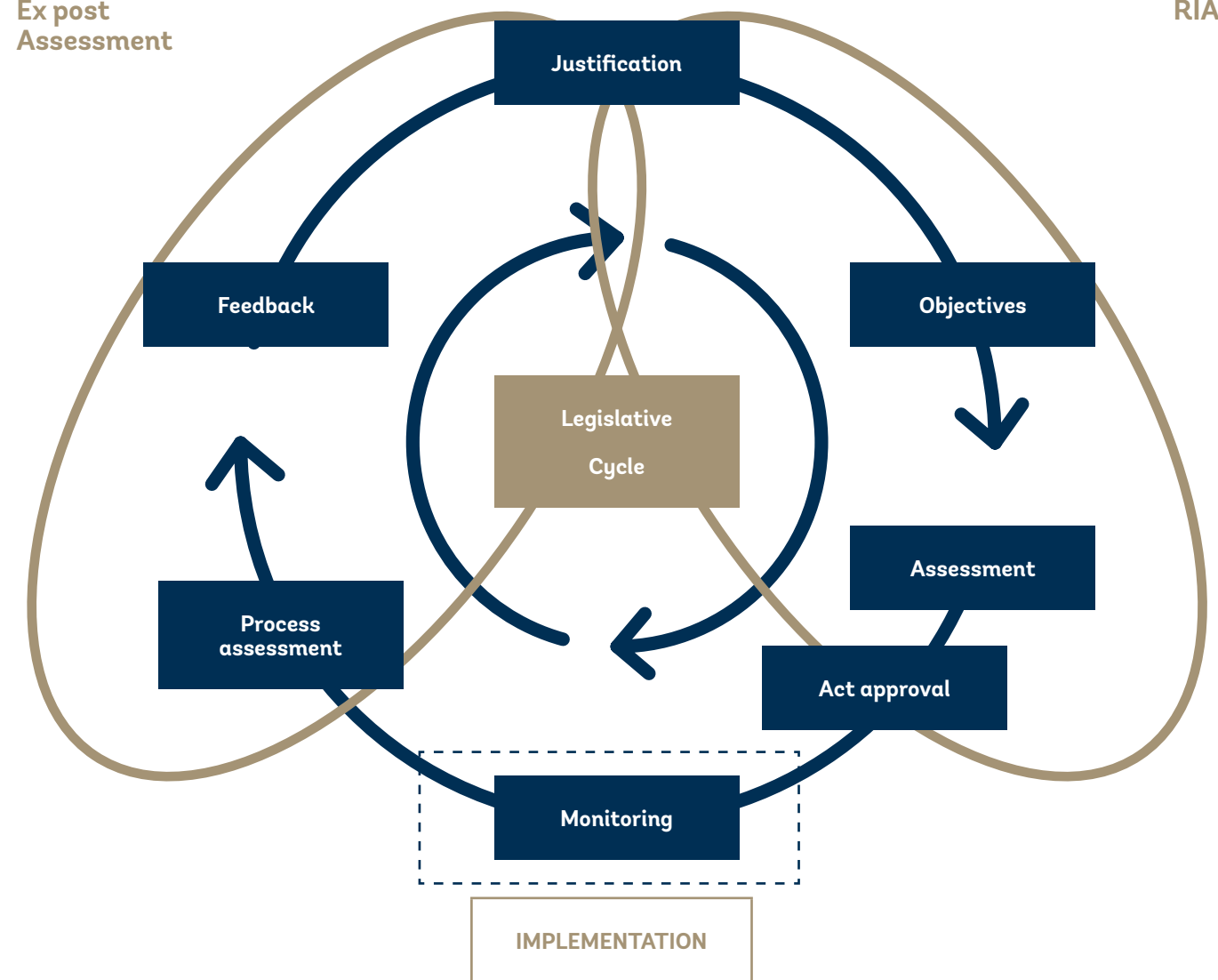


Figure 1. Situating ex-post evaluation in the legislative cycle

Ex-post evaluation examines and evaluates the appropriateness (relevance), effectiveness, efficiency of the legal provisions, after a certain period of their implementation, the coherence of such provisions with other acts as well as with the relevant international norms and standards.

Specifically, there are three (3) possible types of ex-post Evaluation – see Box 1.



### Box 1. Types of Ex-Post Evaluation

The evaluator may decide to carry out three (3) types of evaluations, depending on the needs and resources, as well as the overall purpose of the evaluation exercise.

- **Implementation and Compliance Assessment:** This type of evaluation seeks to assess whether the legal act is being implemented as foreseen, it investigates the extent to which the implementation process is unfolding correctly or not; and why. This type of evaluation is about identifying and understanding the factors that have helped or hindered implementation of the legal act. Findings from this kind of evaluation are relevant to understand for instance whether resources are sufficient to support the implementation process, or whether the parties subject to the legal act have acted in accordance with it. However, it must be noted that Implementation and Compliance Assessment cannot determine whether a legal framework “achieved its intended objectives” – this can only be ascertained through Performance and Impact Evaluations (see below).
- **Performance Evaluation:** This type of evaluation provides a description of the relationship between the legal act (the intervention) and the effects that it aimed to generate. The latter may be the immediate consequences (e.g. steps that stakeholders have undertaken to comply with a regulatory requirement) and considering the long term economic, social and environmental consequences. To that end, it is important to first draw up the so-called “chain of results” (see Section 3. Below).
- **Impact Evaluation:** The main aim of this evaluation is to establish a clear and direct causal link between the legal act and the observed effects. To that end, it must rely on a counterfactual analysis (i.e. Comparative analysis between control group and treatment group)<sup>3</sup>. However, since this type of analysis is difficult to perform for a legal act (legal provisions apply to all entities), there is less room to apply it for legal acts.

See **Annex A.4.** for more details on the evaluation types.

*It must be taken into account that these types of evaluation are sequential* this means that an “Implementation and Compliance Assessment” must be carried out first, before embarking in a “Performance Evaluation” or an “Impact Evaluation”. The first step must always be ascertaining the levels of implementation and compliance of the legal act. If an Implementation and Compliance Assessment shows that the legal act has not been implemented, this means that any recorded impact after its adoption is not due to the legal act but due to other circumstances which are not related to the legal act.

*It must also be pointed out that the analysis for an Ex-Post Evaluation may vary in scope and depth of the analysis,* on basis of the following considerations:

- The acknowledgment, upon the initial checking, that the legal act has not been implemented, or has been implemented only partially or wrongly. This “forces” the evaluator to limit its considerations to the implementation process and not move to assessment of effects; or
- Even if the legal act was implemented and has produced effects, the evaluator may nevertheless confine the assessment to some specific elements only. In this case, the proposing institution determines a priori the scope of the evaluation, during the time when the evaluation is conducted, for instance:

- Only for some specific effects (e.g. administrative burden on businesses) or certain effects (effect of the legal act on one certain group and not on all groups), or
- Only for one specific type of impact, (e.g. the effects of the legal act on foreign investment; on export increase; or on the promotion of gender equality).

### 1.3. Why is Ex-Post Evaluation important?

Ex-Post Evaluation helps institutions to:

- Establish whether there has been timely, fully, and correct implementation of the legal act;
- Identify what short and long-term effects have occurred from the implementation, affecting whom, how and why; and
- Assess whether the original objectives of the legal act have been achieved and at what cost.

An *Ex-Post* Evaluation may contain general recommendations for corrective actions about the evaluated legal act. In principle, however, an Ex-Post Evaluation does not prescribe in detail a specific legal intervention to be undertaken in order to address the identified problems or gaps in the legal act, since the latter is subject to an ex-ante impact assessment (Concept Document) process, which aims to establish the best options derived from the *Ex-Post* Evaluation findings.

However, there is no doubt that there are many benefits for institutions from carrying out an *Ex-Post* Evaluation, such as: (1) enhancing evidence-based decision-making; (2) promoting participation; (3) prioritizing planning and rationalizing resources; (4) stimulating policy implementation and, (5) increasing institutions’ effectiveness, proportionality, credibility, and legitimacy.

### 1.4. Ex-Post Evaluation system in Kosovo

The improvement of legislation implementation and the realization of its intended effects is significantly assisted, among others, by the continuous performance of ex-post evaluations. For this reason, the Government of Kosovo has committed to enhancing ex-post evaluation as a tool for better regulation in the Strategy for Better Regulation for Kosovo, approved by Government Decision no. 03/189 dated 23 May 2014.

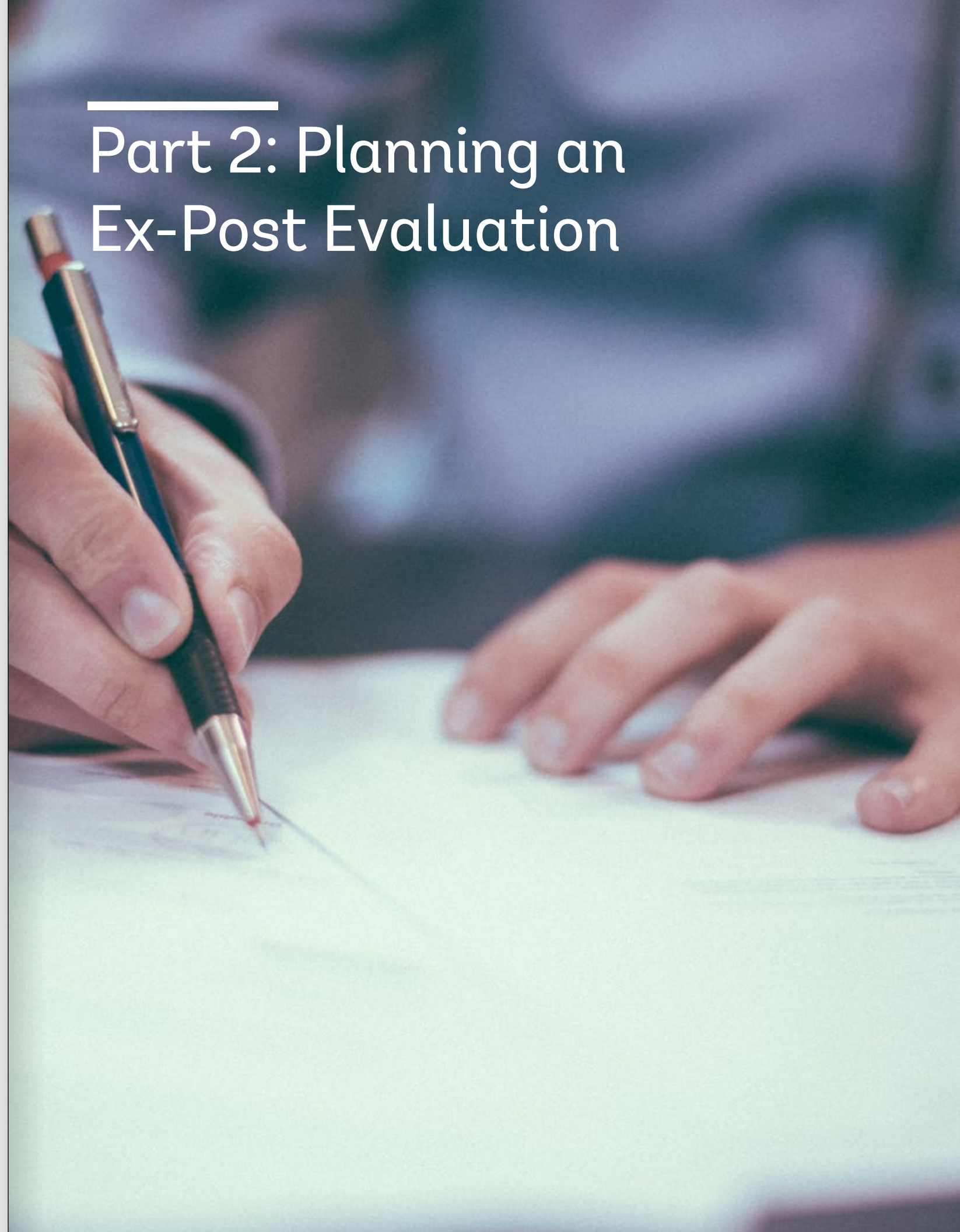
In any case, institutions must be familiar with the above mentioned requirements before starting an Ex-Post Evaluation. In this regard, Appendix A.1. details the duties and responsibilities of the institutions in Kosovo for the Ex-Post evaluation, resulting from the Decision of the Government of the Republic of Kosovo for the approval of this Manual.

<sup>3</sup> A treatment group is the group that is subject to provisions of the legal act, while the control group is not.



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## Part 2: Planning an Ex-Post Evaluation



Preparation and planning are important before an Ex-Post Evaluation is conducted. The “**Evaluation Plan**” in this context is like a compass that guides the organization of all the Ex-Post evaluation activities. A good evaluation plan helps allocate roles and responsibilities from design, coordination, execution and dissemination of the evaluation findings.

An **Evaluation Plan** includes the organization of all evaluation activities. A good evaluation plan helps allocate roles and responsibilities from design, coordination, execution, validation, and publication of the evaluation.

This chapter explains how to develop and structure an Evaluation Plan and it is divided in two main parts:

1. How to select the legal act that should be subject to evaluation; and
2. How to define the scope of an *Ex-Post* Evaluation?

## 2.1. Selection of the legal act to be evaluated

The proposing institution is to identify the legal act that shall be subject to evaluation. Nevertheless, an *Ex-Post* evaluation is not required for all legal acts. The proposing institution must therefore justify why a legal act is selected for *Ex-Post* evaluation.

The selection of the legal act may be voluntary (by proposal of the proposing institution and its inclusion in the *Ex-Post* Evaluation Program) or mandatory (by legal act, through a “review or evaluation clause”), as illustrated in Figure 2.

**Timing of the *Ex-Post* Evaluation is an important factor.** As a rule of thumb, the execution of Implementation and Compliance Assessment and Performance Evaluation **should not be launched before one year** following the entering into force of the legal act. By contrast, Impact Evaluations should be commenced in principle **not earlier than three years** after entering into force of the legal act. The deadlines set in review clauses from the legal act are binding and they must be respected. **Annex A.2.** provides more details on the selection process for legal acts for an *Ex-Post* evaluation.

## 2.2. Choice of the scope of evaluation Ex-Post of a legal act

Figure 2. Selection of the legal act

The selection of the legal act is done on basis of a deliberation by the proposing institution, on the basis of one or more **possible considerations** as follows.

The evaluation is **mandated by explicit legal requirements** in the legal act itself (“review clause or provision”). These are specific cases. Such review provisions can indicate the scope the evaluation and its purpose; the time when such evaluation must be conducted; and the obligation to consider the evaluation findings to possibly revise or repeal the legal provisions.

1

The legal act is the pivotal element of achievement of governmental priorities and strategic objectives. An ex-post evaluation of a legal act could be initiated also by the need of the Government to assess the impact of its strategic objectives and priorities with regard to a specific or a whole policy sector as enshrined in the legal act.

2

The legal act has significant impacts on the economy, society, the environment, and the public and private sector – this refers both to the magnitude of the impacts (e.g. the size of the economic sector expressed in Gross Domestic Product (GDP) percentage or number of businesses affected, or the amount of public funds invested) and to the complexity of the dynamics triggered by the legislative interventions (e.g. the type and number of ramifications of the results or effects created). In principle, the more significant the impacts in the above fields, the higher the priority for evaluation. You can assess the importance of a legal act also from what it is stated in its objectives and the budget allocated to its implementation. If available, relevant concept documents may assist in the identification of types of impact.

3

Another reason for the selection of a legal act may be the identification of deadlocks and difficulties in the implementation process. Such information may result from notifications by the enforcing authorities or direct feedback by stakeholders. Of course, not all suggestions for evaluation are relevant or justified: each proposing body has the responsibility to screen the proposals and make the case whether to launch an evaluation, and the scope of the evaluation in question.



Selection of scope of the Ex-Post Evaluation of a legal act is a critical element to be taken into account at this stage.

The possible scope of an *Ex-Post* evaluation may be a single, well-defined legal act with explicit objectives and a limited number of affected parties – or it can be covering several legal acts that are part of an overarching policy.

Within the same legal act, more than one *Ex-Post*

Evaluations could be carried out if such act addresses different issues and seeks to achieve different objectives.

For instance, a relevant Law on the Execution of Penal Sanctions can contain provisions pertaining to the security arrangements of the prisons and the standards for custody

and detention of inmates; and provisions on the promotion of the social re-integration of inmates upon their release from prison. These are different objectives, the achievement of which requires separate implementing processes and the involvement of different types of actors, and which face different challenges. A proposing institution should consider evaluating these two aspects separately, although they are integral part of the same legal act.

It is up to the proposing institution to define the scope of the Ex-Post evaluation of the legal act, if needed in consultation with the key actors involved (such as OPM) to ensure coherence between all the Government

Evaluation exercises. It is very important to justify how the scope of an *Ex-Post* evaluation is determined and why a certain scope was chosen.

The level of engagement (in resources and time) in the *Ex-Post* Evaluation process must be proportionate to the objectives of the evaluation.

The scope of an Ex-Post Evaluation defines which topics or themes are addressed to or taken into consideration during the evaluation exercise (e.g. time frame, kinds of interventions, target groups, types of impacts, funds and other aspects). The definition of the scope also covers whether the assessment should refer to a legal act as a whole (including its sub-legal acts); or only selected legal provisions of the legal act; or several legal acts pertaining to the same policy or sector.

## Part 3: Drafting/Design of the *Ex-Post* Evaluation



Once it is established what is to be evaluated and why, the Ex-Post evaluation design can start. This part consists of six steps:

1. Developing the “result chain”;
2. Selecting the type of evaluation;
3. Setting the evaluation criteria and questions;
4. Determining performance indicators;
5. Identifying data requirements;
6. Elaborate the “Evaluation matrix”

### 3.1. STEP 1: Developing the “result chain”

Any Government action (and hence also the legal act under evaluation) generates changes in behavior and consequences, which should lead to the desired impact: the mitigation of a societal problem or the achievement of an agreed policy objective. To identify such changes and consequences, it is necessary to draw up the **causal relationships** that link the initial situation analysis (the problem that the legal act is addressing) with the expected outcomes generated by the implementation of the legal act; which contribute to the achievement of the final impacts (objectives). Such an analysis is called the “**result chain**” (or the “**intervention logic**”) model.

A **result chain** establishes the “causal logic” of changes from the implementation of the legal act, beginning with resources available for implementation, to the achievement of final goals. It sets out a logical sequence linking inputs, activities, and outputs to the final impacts (see Box 3.)

#### Box 3. The components of the result chain – Some definitions

A typical results chain spells out the following elements:

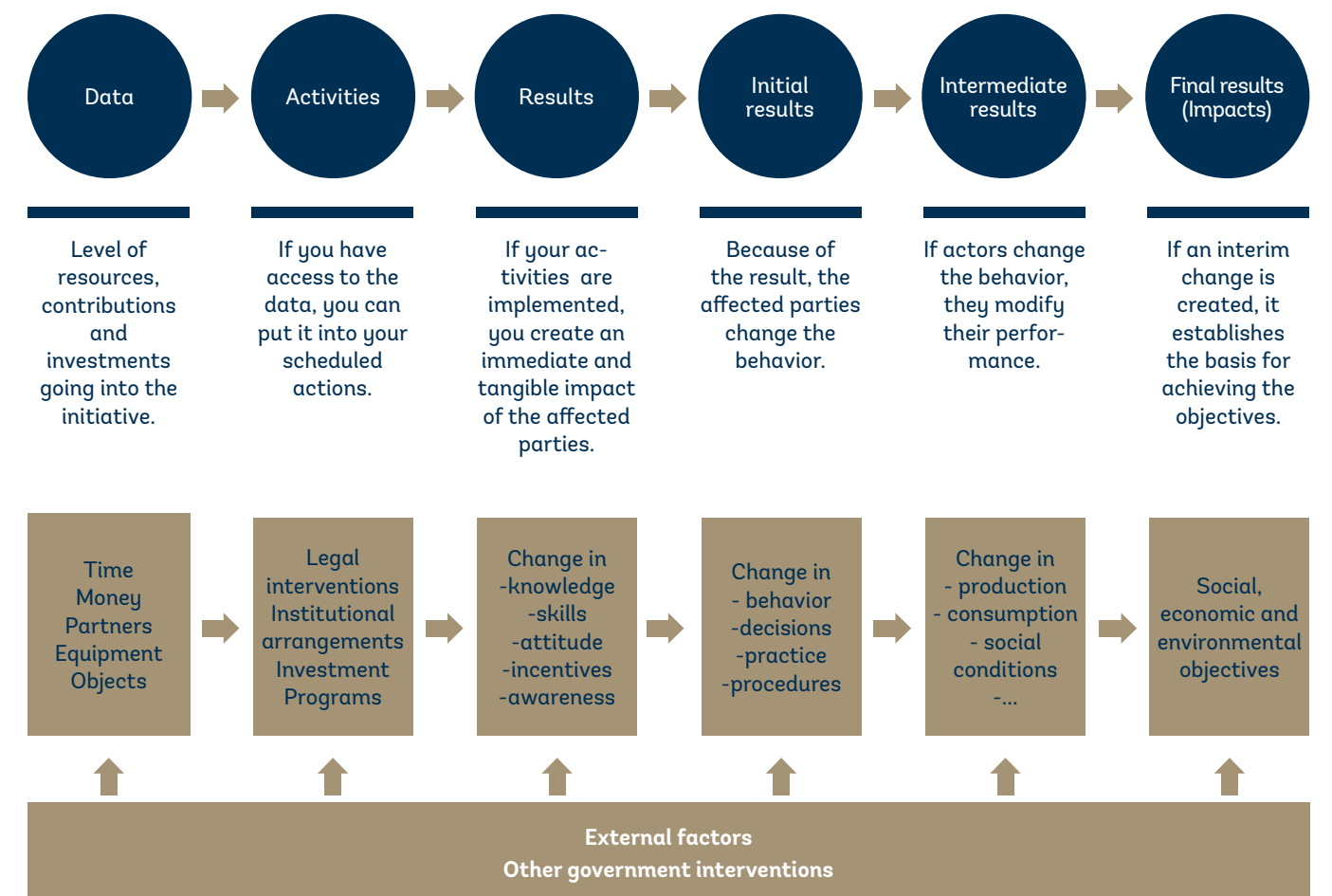
- **inputs** are the financial, human, material, time resources being invested for the formal requirements provided for by the legal act;
- **activities** are the tangible interventions resulting from using the inputs. Carrying out the activities ensures that the formal legal requirements are implemented and are enforceable;
- **outputs** encompass the immediate effects that result from the adoption of the formal requirements foreseen by the legal act;
- **outcomes** represent changes in behavior and in performance in the institutions or among the individuals or groups, which result from the compliance with (and enforcement of) the legal requirements; and
- **impacts** are the final results achieved, which usually aspire to be positive, stemming from the changes triggered by the materialization of the outcomes.

The result chain is constructed by considering the following questions: (see Figure 3.)

- What kind of interventions or measures/actions had to be taken as a result of the legal act?
- How different actors are expected to react on such measures/actions which are triggered by the legal act?
- What kinds of outcomes can be driven to achieve the intended change or goal?

Chain is a working tool to build the *Ex-Post* evaluation. A chain of results defines the causal logic from the implementation of actions from the legal act, starting with the available resources, to the final result/goal, looking at long-term goals. It describes the logical chain of why and how a particular action/measure of the legal act will achieve the desired result (e.g. preserve the environment, reduce injuries at work) by describing a sequence of inputs, activities, products and results. The chain defines a logical and reliable outline of how a sequence of inputs, interventions and products, which fall under the direct responsibility of the implementers of the legal act interacts with changes in the behavior and performance of subjects and beneficiaries to establish pathways through which results are achieved final or impact.

Figure 3. Building the chain of Results



**Note:** If there is a concept document, and the same has developed the chain of expected results, then these results can be used for the *Ex-Post* evaluation. In this respect, the task of the working group remains to determine whether the chain of results described in the Concept Document is suitable for use during the *Ex-Post* evaluation.

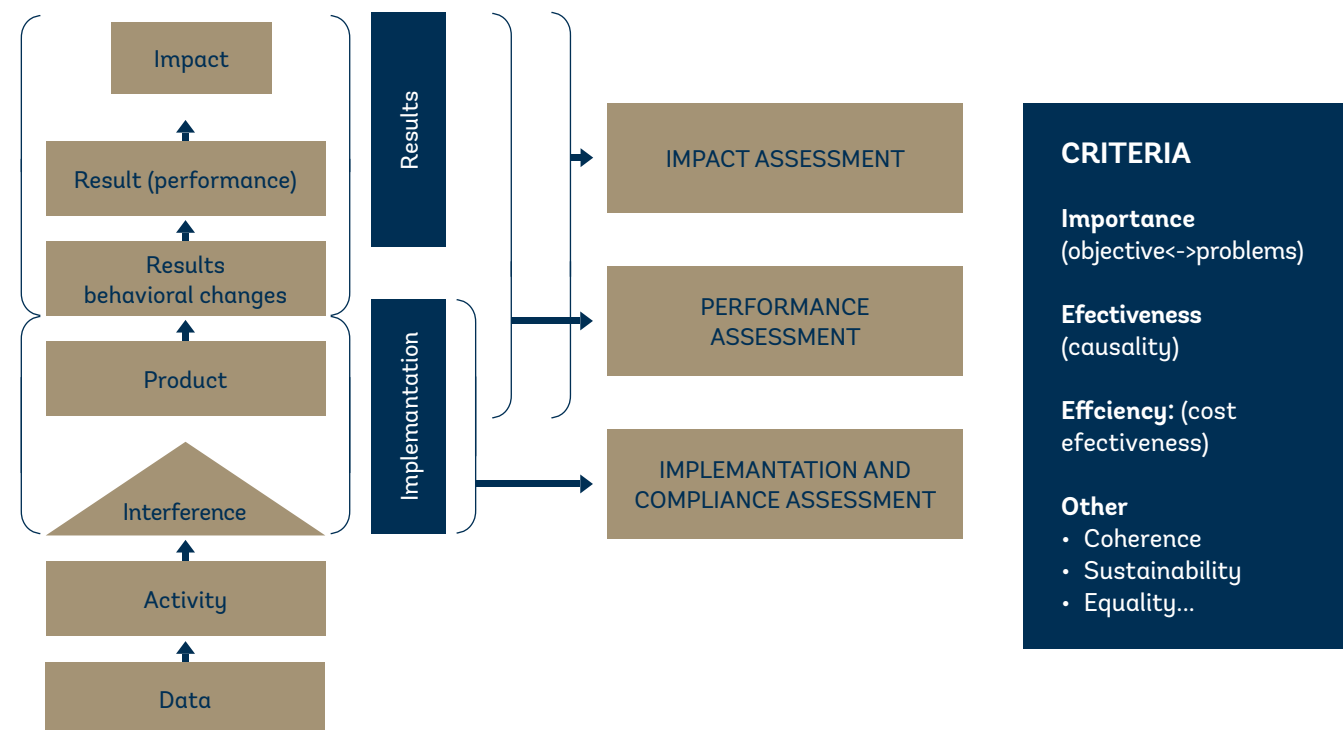
**Note:** When designing the chain of results, the working group must correctly identify all relevant stakeholders that are affected by the legal act and/or that should be included in the *Ex-Post* evaluation. The list of stakeholders should be comprehensive.

Refer to **Appendix A.3.** for detailed information on how to identify relevant stakeholders for an *Ex-Post* evaluation.

### 3.2. STEP 2: Selecting the type of evaluation

The elaboration of the chain of results helps to shape the entire evaluation exercise, starting from determining the type of evaluation that should, or can be carried out and the related key evaluation questions. In this respect, Figure 4. visualizes the segments of the chain of results that each type of evaluation typically covers. Each type can in turn be associated with various criteria and evaluation questions, as outlined in steps 3 and 4, respectively.

**Figure 4.** The chain of results model and the evaluation design: An overview



As introduced in Section 1.2. above, the working group may consider carrying out three types of evaluation. While all evaluations should deliver an “Implementation and Compliance Assessment”, not all of them can include a “Performance” or an “Impact Evaluation”.

Box 4. lists the factors that the working group must consider when deciding for which type of evaluation to opt.

#### Box 4. Selecting the appropriate type of Ex-Post evaluation

The following considerations help the working group choose the most appropriate *Ex-Post* evaluation approach:

- **the overall objectives of the evaluation:** this is linked also to the request from policymakers and the evaluation purpose. For example, if the purpose of the evaluation is to establish why stakeholders did not implement the legal act (i.e. the compliance rate is low), then the Implementation and Compliance Assessment should be chosen (possibly with the consideration and measurement of administrative burdens where applicable); Whereas, if the evaluation purpose is to determine if the final outcomes were achieved, then a Performance Evaluation or Impact Evaluation must be selected.
- **the complexity of the chain of results:** where the chain of results is complex and affects many different results, a Performance Evaluation should be selected, to provide sufficient evidence on the level of achievement of results created by the implementation of the legal act;
- **the existing data sources and measurability of outcomes:** if there is already a wide range of good quality data sources covering both interventions from the legal act as well as outcomes created for the treatment and control groups (comparative analysis), then it is recommended to carry out an Impact Evaluation; Otherwise, if this situation is not created, a Performance Evaluation is recommended to be conducted.
- **the time and resource availability:** in most cases, Impact Evaluations will require conducting a representative survey and organizing a dedicated research team, often contracted from outside the working group and the institution. This can imply a considerable time and resource commitment. On the other hand, Performance Evaluation can be managed with less resources and can be completed more quickly compared to Impact Evaluation – whereas Implementation and Compliance Assessments might require access to internal administrative data, only;
- **the timing of the evaluation:** The evaluation of the final impacts is more feasible and the findings more reliable, the longer the time passed since the implementation of the legal act. If the evaluation takes place relatively shortly after formal entry into force of the legal act, it is likely that only an Implementation and Compliance Assessment – or a partial Performance Evaluation – is possible.

The intervention logic assists the working group with choosing the appropriate type of evaluation (see Figure 3 above), Specifically,

- **Implementation and Compliance Assessment:** This type of evaluation is related to the lower part of the chain of results, in other words, it focuses on the inputs, activities and outputs of the chain of results. This type of evaluation can be launched relatively soon after the entering into force of the legal act, but no earlier than one year after entry into force of the legal act.
- **Performance Evaluation:** If sufficient time has passed since the entry into force of the legal act, and if the activities have been fully implemented (something that must be determined through the Implementation and Compliance Assessment), an Ex-Post evaluation can be taken or move to the next step in the intervention logic – i.e. the extent to which the **intervention outputs** have materialized; whether these have triggered the expected change in behavior of the targeted



groups (**initial outcomes**); and whether the legal act has contributed to achieving the final objectives (**intermediate outcomes and final impacts**).

- **Impact Evaluation:** Impact Evaluation can be launched only if sufficient data is available to determine “how things would have occurred if the legal act had not been implemented”. This depends on the ability to establish what would have happened to the “control group(s)” without the legal act, then make comparisons with the “treatment group” that was subject to the provisions of the legal act. This often requires several years elapsing since the implementation of the legal act. Impact Evaluation is a more complex exercise, since the further we move along the chain of results, the more likely the general context has changed, and external factors have co-influenced the achievement of the pursued goals and the type of results that are to be investigated. Therefore, attributing direct causality between the various steps of the chain of results as triggered by the legal act becomes less and less certain (see Figure 3. Above). For the above reasons, to conduct an Impact Evaluation the working group needs not only to carry out the Implementation and Compliance Assessment first, but also to ensure that sufficient time, resources and data are available for the exercise.

See Annex A.4. for a detailed elaboration of the evaluation types.

Sometimes, it is possible to determine the ultimate type of evaluation that can be conducted only after having started the evaluation process, because not all information is available from the outset and data is generated or contextualized while the evaluation is ongoing. For this reason, it is important to base the evaluation on a structured approach, which is framed by the so-called “**evaluation questions**”. Formulating the right questions is the next step in the design of the Ex-Post evaluation.

### 3.3. STEP 3: Setting the evaluation criteria and questions

As a default, the working group should consider the main evaluation criteria set out by the OECD (see Box 5).

#### Box 5. The main evaluation criteria

- **Relevance:** Is the legal act suitable for addressing the specific needs? - This criterion refers to the extent to which the legal act’s objectives and design respond to beneficiaries’, country, and institution needs, policies, and priorities, and continue to do so if circumstances change.
- **Coherence:** Is the legal act in accordance with the legal framework? - This criterion considers the compatibility of the legal act with other legal acts in force in Kosovo (internal coherence) as well as the consistency of the legal act with relevant international treaties, agreements or other norms or standards signed by Kosovo (external coherence).
- **Effectiveness:** Is the legal act achieving its objectives? - This criterion addresses the extent to which the legal act achieved, or is expected to achieve, its objectives, and its results, including any differential results across groups.
- **Efficiency:** How efficiently have resources been used? - This criterion refers to the extent to which the legal act delivers, or is likely to deliver, results in an economic and timely way. “Economic” is the conversion of inputs (funds, expertise, natural resources, time, etc.) into outputs, outcomes and impacts, in the most cost-effective way possible, as compared to feasible alternatives in the context. “Timely” delivery is within the intended time frame, or a time frame reasonably adjusted to the demands of the evolving context.
- **Impact:** What impact does the intervention make? - This criterion looks at the extent to which the legal act has generated or is expected to generate overall significant positive or negative, intended or unintended, higher-level effects (reflecting the original, stated objectives of the intervention).
- **Sustainability:** Will the benefits or effects last? - This criterion considers the extent to which the benefits<sup>4</sup> of the legal act continue or are likely to continue

Source: Adapted from OECD, *Evaluation Criteria*, available at: <https://www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm>

One or several evaluation criteria can be associated to each type of evaluation, depending on the kind of information that the evaluation is tasked to provide to decision-makers. Table 1. lists the principal evaluation criteria as well as examples of typical evaluation questions. It also associates the criteria to the types of evaluation.

<sup>4</sup> As well as net benefits (so, the difference between benefits/effects realized without the legal act and those realized as a consequence of the legal act) when an impact evaluation is conducted.

**Note:** When considering the “efficiency” criterion, the working group must measure the **administrative burden** generated by the legal act, in accordance with the relevant **Standard Cost Model**. If such measurement is not performed, the working group must justify the reasons explicitly in the evaluation report.

**Note:** The working group must substantiate any deliberate limitation of the application of the OECD evaluation criteria. The “sustainability” criterion is usually not covered under Ex Post Evaluation due to the implicit understanding that the legal act must be enforced (and in this way generates benefits) as long as it remains in force. The working group should also consider taking into account cross-cutting issues (e.g. gender).

**Table 1.** Key evaluation criteria and questions, and associated evaluation types

Criteria	Evaluation questions (sample)	Type of evaluation
Legality	<b><i>The legality of the legal act</i></b>	All three types
	<ul style="list-style-type: none"> <li>Has the legal act been issued in accordance with the legal framework?</li> <li>Is the legal act in force?</li> </ul>	
Compliance	<b><i>The extent to which the legal obligations provided for by the legal act have been complied with?</i></b>	Implementation and Compliance Assessment
	<ul style="list-style-type: none"> <li>What are the obligations arising from the legal act, are they implemented or are they being implemented, when and by whom?</li> <li>What were the inputs made available for the implementation? Have they been used?</li> <li>How far has implementation progressed?</li> <li>What difficulties have there been in the implementation process?</li> <li>Who has (or has not) acted in compliance with the legal obligations provided by the legal act?</li> <li>Are there margins to improve compliance or enforcement?</li> </ul>	
Effectiveness	<b><i>The extent to which the effects of the legal act defined in the chain of results logic have been achieved or are expected to be achieved?</i></b>	Performance Evaluation Impact Evaluation
	<ul style="list-style-type: none"> <li>Have the expected outputs, outcomes and impacts been achieved?</li> <li>To what extent have the target groups been reached?</li> <li>Have the eventual unintended consequences jeopardized the achievement of the objectives?</li> </ul>	

Efficiency	<b><i>Have the resources/inputs (such as funds, expertise, time, etc.) economically been converted into results?</i></b>	All three types
	<ul style="list-style-type: none"> <li>Is the relationship between input of resources and results achieved appropriate and justifiable? What is the cost-benefit ratio?</li> <li>Are there any alternatives for achieving the same results with less inputs (funds)? Would we have better results with resource reallocation?</li> <li>Does the legal act create an administrative burden? If yes, how high? Can the burden be reduced through simplification measures?</li> </ul>	
Impact	<b><i>The impact created from the legal act can be positive and negative; direct and indirect; primary and secondary; short-term and long-term, intended and unintended.</i></b>	Impact Evaluation
	<ul style="list-style-type: none"> <li>Are stated objectives achieved and to what extent have they been achieved?</li> <li>To what extent can these achieved objectives be attributed to the legal act?</li> <li>Are there any unintended consequences? Have they been directly caused by the legal act?</li> <li>How strong is the cause-effect relationship between law enforcement and these effects?</li> </ul>	
Sustainability	<b><i>What is the probability of continued long-term benefits from implementation of the legal act?</i></b>	Performance Evaluation Impact Evaluation
	<ul style="list-style-type: none"> <li>To what extent will activities, results and overall impacts be expected to continue?</li> <li>What is the likelihood that the benefits from the legal act will be maintained for a reasonably long period of time?</li> <li>To what extent has the legal act succeeded in building individual and institutional capacities and establish partnerships with relevant stakeholders to ensure sustainability of benefits?</li> </ul>	

Coherence	<p><i>The consistency/complementarity and alignment of the legal act with strategic objectives and other policies of the Government, as well as to the legal framework in place.</i></p> <ul style="list-style-type: none"> <li>• How compatible is the legal act with other legal provisions in force in Kosovo?</li> <li>• How consistent is the legal act with relevant international treaties, agreements or other norms or standards signed by Kosovo?</li> <li>• To what extent is the legal act compatible with strategic objectives and other policies of the Government?</li> </ul>	All three types
Importance	<p><i>To what extent are the objectives of the legal act still consistent with the context, the needs of the beneficiaries and/or the government's priorities and policies.</i></p> <ul style="list-style-type: none"> <li>• Has the issuance of the legal act been relevant to address the original problem? Is it still relevant and does it need to be changed/repealed?</li> <li>• How relevant is the legal act for the target group, and to what extent does it address their needs and interests?</li> <li>• To what extent does the legal act reflect the key priorities of the Government?</li> </ul>	All three types

### 3.4. STEP 4. Determining performance indicators

After drawing up the chain of results model and establishing the type of evaluation, the working group must determine the performance indicators for the chain of results.

A clearly articulated chain of results provides a useful map for selecting the indicators. Thus, the working group needs to identify at least **four levels of indicators**:

1. **Implementation indicator**;
2. **Indicator on behavioral changes**;
3. **Indicator on performance changes** (when applicable); and
4. **Final outcome indicator** (impact indicator).<sup>5</sup>

Indicators may be qualitative or quantitative. The number of indicators to associate to each segment of the chain depends on how many are needed to answer the question “Has the “change” been adequately

**Indicators** are those quantitative or qualitative metrics that specify what is to be measured, in order to ascertain whether progress is being made along the result chain – from implementation towards the achievement

<sup>5</sup> On the other hand, “proxy indicators” are used when results cannot be measured directly. An example is to measure whether the quality of judicial verdicts was improved: This can be measured through proxy indicators such as the proportion of judicial cases challenged at higher-level courts.

captured and expressed?” The evaluator should avoid setting too complex and too many indicators. Sometimes, less is Better!

Table 2. Quantitative and qualitative indicators

Quantitative indicators	Qualitative indicators
<p>Measures of:</p> <ul style="list-style-type: none"> <li>• Quantity;</li> <li>• Number;</li> <li>• Percentage;</li> <li>• Ratio;</li> </ul>	<p>Measures of:</p> <ul style="list-style-type: none"> <li>• Perception;</li> <li>• Opinion;</li> <li>• Judgments;</li> <li>• Factual/categorical indicator (Yes/No).</li> </ul>
<p>Examples:</p> <ul style="list-style-type: none"> <li>• # of women in decision-making positions;</li> <li>• employment levels;</li> <li>• wage rates;</li> <li>• education levels;</li> <li>• literacy rates.</li> </ul>	<p>Examples:</p> <ul style="list-style-type: none"> <li>• women’s perception of empowerment;</li> <li>• satisfaction levels on employment services;</li> <li>• quality of life;</li> <li>• are the sub-legal acts of law on ... adopted (Yes/No).</li> </ul>
Data collection method	Data collection method
<p>Usually (but not always) surveys or questionnaires:</p> <ul style="list-style-type: none"> <li>• More appropriate for service delivery sectors.</li> </ul>	<p>Usually semi-structured interviews, workshops and round tables; focus groups, attitude surveys, rating scales participant observation/ field visits; testimonials; scorecards:</p> <ul style="list-style-type: none"> <li>• More appropriate for areas such as democracy/good governance, policy reform, or institutional capacity-building.</li> </ul>

**Note:** When determining the indicators, the working group should bear in mind the “C.R.E.A.M.” rule: Indicators must be:

- **clear** (precise and unambiguous);
- **relevant** (appropriate to the change at hand);
- **economic** (available at reasonable cost);
- **adequate** (able to provide sufficient basis to assess performance or change);
- **monitorable** (amenable to independent validation of the change).

Source: World Bank Group (2009): *The Road to Results: Designing and Conducting Effective Development Evaluation* by Linda G. Morra Imas, Ray C. Rist.

### 3.5. STEP 5: Identifying data requirements / data collection

The performance indicators determine what data are needed. The specific data required for an evaluation will relate to the inputs, outputs, outcomes and impacts of the legal act.

Sometimes evaluation data are quite straightforward and easily available, because systems to collect data and keep record of them already exist. This is, for instance, the case when databases (statistical data) are created. But other times, finding the relevant data is more difficult.

The first stage in the data collection activity is to review what is already available. Data can be differentiated into:

- data that are already being collected by the relevant institution or other organizations that are related to the legal act;
- existing data that has been collected by other institutions but which are not related to the legal act;
- data based on structural surveys managed by Kosovo Agency for Statistics or by other organizations (local and international).

If none of these data types are available or are only partially available, then the working group needs to organize the collection of new data for evaluation needs. Box 6. guides how this process should be performed. Further, Annex A.5. provides details on various data collection methods and suggests advantages and disadvantages of deploying each of them.

#### Box 6. Key considerations when planning for data collection

- What data need to be gathered to give reliable and consistent measurement against the objective set out in the legal act?
- What additional data should be collected to meet the evaluation requirements?
- Who will have responsibility for gathering data?
- When will the data be gathered? What are the key time frames for collection?
- How will the data be gathered, transferred and stored?
- What format are the data required in?
- How will the data be verified to ensure it is accurate and consistent with the relevant requirements?

Source: HM Treasury (2011): *The Magenta Book, Guidance for Evaluation*

**Note:** Collecting data is done with the purpose of conducting an evidence-based evaluation. Disaggregating data on the basis of gender, age, ethnic, racial, or religious affiliation, persons with disabilities etc., is important if the Ex-Post evaluation of the legal act is about ascertaining the effects of the legal act on those categories. Disaggregated analysis can help identify an alternative perspective to the problem under investigation and consider mitigating / complementary measures to minimize potentially negative impacts or to maximize potentially positive impacts by the legal act on specific societal groups.

### 3.6. STEP 6: Elaborating the “Evaluation matrix”

Once completed all the steps, the working group can fill in the so-called “Evaluation matrix”. This is a table that consolidates all relevant information about the *Ex-Post* Evaluation in one single place. The Evaluation Matrix includes descriptions of results and outputs and resources derived from the chain of results, their performance indicators; baseline information and targets (if available); data collection methods and sources; timeline when the data will be collected; and who is responsible for producing, collecting and verifying the data.

Annex A.6. presents a typical Evaluation matrix.



# Part 4: Organizational arrangements





In principle, the resources (human and financial) dedicated to an *Ex-Post* evaluation should be proportionate to the level and the type of the legal act and its intended effects. The working group needs to consider the level and type of evaluation that is required for a particular legal act, as well as what each type and level of evaluation will offer and what it will not offer. For instance, whether parts of the *Ex-Post* Evaluation should be commissioned from external parties or conducted entirely in-house.

#### 4.1. Types of resources required in evaluation

When planning for an evaluation, the working group must consider what financial and human resource they need.

##### *Financial Resources*

A great variable cost in Ex Post Evaluation is data collection and processing. Naturally, cost will be substantially lower if the working group can rely on already existing reliable data. More financial resources are required for Impact Evaluation compared to Performance Evaluation. Additional funding resources are needed if it is decided to commission the evaluation externally (see below).

##### *Human resources*

Irrespective of it being outsourced or not, an Ex Post Evaluation requires at least one dedicated person with strong analytical and technical expertise.

- In case of in-house evaluation, the government officials in charge of evaluation need to design the results chain, identify performance indicators, collect and gather information on performance indicators, if necessary commission new data collection to fill data gaps, analyses information collected and produce an evaluation report. Depending on the nature of the evaluation at hand, it may be opportune to involve a multi-disciplinary team of (internal and/or external) experts. In the design phase for example, experienced staff from other ministries or external evaluation specialists can advise on the feasibility of undertaking different types of evaluation.
- Also in case of an external evaluation the proposing institution remains responsible for the Ex Post Evaluation (see Section 4.2. here below). The proposing institution's responsibility at minimum covers (i) defining the scope of the evaluation; (ii) selecting the types of evaluation; (iii) setting the evaluation criteria; (iv) developing the Terms of References; and (v) preparing the tendering documents and selecting the contractor. The proposing institution is also responsible for the day-to-day management, including advise and quality assurance during performance of the evaluation by external resources. The level of input required will be greatest at key points (in particular, the design and commissioning stage), but this will be an ongoing resource requirement during the execution as well. In external evaluations, proposing institutions can also decide to outsource the evaluation design (the steps outlined in Section 2. of the Manual), not only contracting out the execution of the evaluation.

##### *Wider stakeholders*

The evaluation may also involve other stakeholders – for example, ordinary citizens or stakeholder organizations directly or indirectly affected by the legal act. The level of involvement and method of engagement will be specific to each *Ex-Post* Evaluation. The working group may consider inviting them to a working group meetings, informing them about the evaluation, or engaging them in data collection methods.

#### 4.2. Ex-Post Evaluation design and execution from proposing institution or through external engagement

While the proposing institution remains the owner of the Ex-Post Evaluation process, it may consider outsourcing expertise outside the institutions for the full execution of the evaluation or only parts of it.

Whether external expertise is used or not, evaluations require significant input from the proposing institution – as well as from the members of the Working Group and from the OPM. In any case, the working group for execution of the *Ex-Post* evaluation within the proposing institution remains chiefly responsible for two core tasks:

- elaborating the *Ex-Post* evaluation design (following steps 1-6 explained above), which results in the Evaluation matrix; and
- ensuring quality control during the *Ex-Post* evaluation process and findings.

Typical activities that can be contracted out include the implementation of the surveys and other data collection and processing tools; as well as data processing and analysis. In the case of Impact Evaluations the requirement for external expertise for designing and executing the evaluation and data collection might be particularly intensive.

Proposing institution may also seek external support at the stage of elaborating the evaluation design, while the evaluation can be executed later by the institution itself. In this case, the external support assists in the elaboration of the Evaluation Plan and Evaluation Matrix, but the main responsibility for the Ex-post evaluation remains with the proposing institution.

If a proposing institution opts for outsourcing both the design and the execution of the Ex-Post Evaluation, then the proposing institution may decide to appoint two different contractors – one tasked with co-designing the Evaluation Plan and Evaluation Matrix and a second one responsible for conducting the Ex-Post evaluation - in order to avoid any conflict of interest.

Alternatively, the proposing institution may decide to elaborate certain steps of the Ex-Post evaluation design such as the selection of the scope of the evaluation, type of evaluation (step 2) and evaluation criteria (step 3) and engage the contractor for the remaining steps (such as step 1 and steps 4-6).

The proposing institution may also decide to outsource the entire evaluation (both the design as well as the execution of the evaluation). Depending on the option for outsourcing selected, the working group on Ex-Post Evaluation has to complete at least the following tasks:

- Develop and finalize the Evaluation Plan and the evaluation design (following steps 1-6 explained above), by itself or with the external contractor or as explained above, the proposing institution may decide to define several steps from the evaluation plan and request the evaluation design to be developed and proposed by the outsourced party.
- It finalizes the ToR together with any tendering documents, and the procurement procedure must be conducted according to the respective public procurement procedures.
- Following the signing of the contract with the contractor, it is recommended that the working group organizes an introductory workshop in which to discuss in details subject-specific issues as well the implementation of the Terms of Reference.
- It provides day to day necessary support during implementation of the evaluation to the contractor, including facilitating access to public administration databases.
- Discusses the working plan, including whether and when any primary and secondary data collection needs to take place, submission of inception, interim and final reports, organization of related workshops, as appropriate etc.
- Performs quality control by ensuring that the evaluation is conducted within the procedural deadlines and reviewing and providing substantive comments to draft *Ex-Post* evaluation reports.

### Box 7. Defining the Terms of Reference for outsourcing

The Terms of Reference (ToR) should cover the scope and objectives of the Ex-Post evaluation, as well as how it will be conducted and the delivery of the required outputs. The typical ToR would include the following:

- the background information about the legal act to be evaluated;
- the intended type of results of the legal act to be evaluated;
- the audience and intended use of the evaluation;
- the available information, for example monitoring data collection processes already set up;
- data collection requirements to collect evaluation information (alternatively this can be required from the contractor to propose and develop);
- the envisaged type or types of evaluation (or require the contractor to develop one such);
- the required capabilities, skills and experience of the proposed evaluation team;
- the required evaluation outputs and the milestones to be met;
- data and report submission requirements;
- the evaluation timetable; and
- the format of the report and the presentation.

### 4.3. Preparing the Ex-Post Evaluation report

The *Ex-Post* evaluation report is the key deliverable of the evaluation process, presenting the working group's evidence-based assessments of the legal act. The working group should present or make sure that its findings and conclusions are presented in a way that is useful to policymakers and that can be used as a basis for future policy development.

The elaboration of the *Ex-Post* Evaluation report along uniform standards increases transparency and consistency and increases the chances that the evaluation findings are made relevant to inform decision-making.

Part 5 of this Manual describes the structure which should be followed for each Ex-Post evaluation report, and provides guidance on what should be included in each part of the report.

### Guidelines on the report

- The report should be clear, concise and comprehensive;
- The report should contain main findings and conclusions must derive from such findings;
- Report should use bullet points to summarize findings within the report in the most concise way possible;
- Report should contain justifications and concrete findings, not descriptions of an advocating nature;
- Report should not overlook unintended consequences;
- Report may contain maps, pictures, charts and graphs, and tables in order to display information clearly and visually.

### 4.4. Quality Control

The quality of the evaluation performed is the primary responsibility of the working group which ensures that the *Ex-Post* Evaluation Report is complete and of appropriate quality. The proposing institution forwards it for review and approval according to the procedures defined in the Government's decision for the approval of this Manual.

The following mechanisms help ensure that the report meets quality standards:

- **Internal review by the proposing institution:** After the report is complete by the working group, the Ex-post Evaluation Report is reviewed from the aspect of quality control by the hierarchy of the proposing institution. The proposing institution may also establish advisory panels for further review of the draft Ex-Post evaluation report. Such panels can only be formed for more complex and large assessments. They may include representatives of other public authorities and/or relevant external parties and experts.
- **Review outside the proposing institution:** quality control of the Ex-Post evaluation report is also done by the Legal Office in the Prime Minister's Office, by the Board of Directors of the legal departments and by the Government.

### 4.5. Addressing the evaluation findings

The *Ex-Post* evaluation report should be published and its purpose achieved by addressing the findings and recommendations that came from the report.

After the approval of the Ex-Post evaluation report, the report is sent for notification to the relevant committee in the Assembly of the Republic of Kosovo in order to be informed about the findings of the evaluation.

#### *Publication of the report*

The Ex-Post evaluation report is published on the official website of the ministry (when it is a proposing institution) and of the Prime Minister's Office. However, the proposing institution may consider more actively disseminating the report, its findings and recommendations to stakeholders. Because the *Ex-Post* evaluation report is an instrument of evaluation of the implementation of a legal act, the Government can send the *Ex-Post* evaluation reports to the Assembly.

Wider dissemination of evaluation results is further enhanced if the proposing institution prepares media presentations, offers interviews, writes articles and organizes relevant events such as workshops, round tables or expert groups. Larger public events (conferences) can be organized if deemed necessary.

**Addressing the findings and recommendations of the Ex-Post evaluation Report**

The Ex-Post evaluation report is not the end of the evaluation process. After approval of the Report on the Ex-Post evaluation of the legal act, the proposing institution must identify the actions necessary to implement the findings and recommendations of the Report and include them in the planning and decision-making cycle. For example, if a finding of the Report states that the by-laws for the implementation of a law have not been issued, then the proposing institution includes in the planning the preparation and issuance of such acts.

**Part 5: The Evaluation Report template**

**Note:** The type of information and evidence to be included in the Ex-Post Evaluation report varies from one evaluation to the other, depending on the type of evaluation and the nature of the evaluation questions. For this reason, filling the template should not be the working group’s first priority when designing and conducting an Ex-Post evaluation. Once it is decided what legal act should be evaluated, the starting point should be the elaboration of the “chain of results” and its application to the evaluation process, as outlined in this Manual.

Proposing institution	
Title of the Ex-Post Evaluation Report	
Contact person	
Working group	
Date	

This report satisfactorily meets evaluation quality standards.  
Signature

**EXECUTIVE SUMMARY**

An executive summary must be provided at the beginning of the Ex-Post Evaluation report, which should provide a short summary of the evaluation process. The text should be clear and concise (2-3 pages maximum), non-technical, providing the full picture of the evaluation, its purpose, methodology, limitations, findings and recommendations. Any technical terminology should either be adapted or explained.

**I. INTRODUCTION**

**I.1. Evaluation context**

*This section of the report describes the reasons why the legal act that is being evaluated has been selected for an Ex-Post evaluation.*

**I.2. Purpose and scope of the evaluation**

*This section sets out the purpose of the evaluation and how its results may be used (e.g. to fulfill a legal obligation to provide the basis for a possible future Concept Document, to improve implementation, etc.). Indicative questions helping structure this section include:*

- *What are the main issues that the evaluation addresses?*
- *What type of evaluation is applied? (Possible types can be “Implementation and Compliance Evaluation” only, or include also “Performance Evaluation” or “Impact Evaluation”.)*
- *What are the evaluation criteria that are set out to be reviewed?*
- *Which time period does the evaluation address? – from the start of entry into force of the act up to now, or a different time period (when covering a different time period explain why)?*

**II. DESCRIPTION OF THE LEGAL ACT AND METHODOLOGY APPLIED**

**II.1. Description of the law or sub-legal act to be evaluated**

*Describe the purpose of the legal act and how it fits in the wider policy framework. If available, the Concept Document may provide valuable inputs.*

- *What issues did the legal act seek to address?*
- *Which parts of the legal act are treated as part of the evaluation? (If a part has not been addressed, explain why.)*
- *Which stakeholders / parts of society or the economy has the legal act aimed to affect?*

**II.2. Chain of results**

*Describe the chain of results (from inputs to impacts) that forms the basis of the evaluation work, showing the intended logic from the implementation of the legal act to the expected changes and the final expected results. The working group can also provide a visual illustration of the model used.*

- *What are the expected steps, in the result chain, that structure the logical change in behavior and move the intervention from implementation to outputs, outcomes and final impacts?*
- *What are the causal relationships that explain the shift from one step to the next in the chain of results?*
- *Which are the key indicators reviewed by this assessment?*
- *What assumptions underpin the model?*

### II.3. Methodology

This section explains the entire method applied to perform the evaluation. It reports on the approaches, tasks and methods that the working group followed throughout the exercise to address all evaluation questions.

- Which proposing institution is responsible for launching the evaluation? Was external expertise been outsourced for executing the evaluation (or parts thereof)? Why? (Please attach the Terms of Reference as an Annex? How has the evaluation execution and its findings been monitored and validated externally?
- What procedural steps have been followed from the inception to the conclusion of the evaluation?
- What stakeholders have been consulted during the evaluation? Why? Through which channels?
- What are the data sources used? What data collection methods have been used?
- What have been the limitations (if any) that have prevented the execution of the evaluation?

## III. EVALUATION RESULTS

This section answers **all** evaluation questions that were set out for the Ex-Post evaluation in a clear and concise manner. It must be understandable to the reader. The section should explicitly refer to the **types and criteria** applied in the evaluation (see Table 1. of the Manual).

The section should be analytical and evidence-based, using as many tables/graphs/pictures as possible to illustrate the statements made. To develop the findings, refer to the following steps:

- Explain the monitoring arrangements put in place to track implementation and compliance, and report on the different performance indicators related to implementation and performance. By so doing, describe the extent to which the measure has been implemented at the moment of launching the evaluation. Have any known unexpected or unintended changes been identified, which had spill-over effects in other areas due to the issuance of the legal act?
- (If possible and relevant:) Present the situation against which the evaluated legal act is benchmarked. Such points of comparison can be for example the situation before the legal act entered into force, the “no-action option” (baseline scenario) in the Concept Document, the desired situation or the situation aimed with the legal act (action scenario) and the situation created at the point of evaluation execution. This should facilitate a comparison with the current situation and should therefore cover as far as possible the same parameters/indicators that are used to describe the state of play.
- Use the information collected to analyses how far the outcomes observed match the expectations stated when the legal act was adopted, referencing the chain of results as appropriate and showing whether the chain has been followed as expected or not.
- Consider the impact of delays in implementation;
- Bring together different sources of data (clearly referenced so that the reader can investigate further if they wish) and provide unbiased and critical judgments of what has/has not been achieved; and
- Ensure triangulation and validation of data.

The findings should explain whether there has been divergence or disconnect from the chain of results, and if so why. The emergence of unintended consequences should be reported and analyzed.

### III.1. Questions for Implementation and Compliance Assessment

As a part of the assessment, the working group can consider elaborating on the following issues:

- Whether the legal act has been adopted timely and in full. If that is not the case, explain why.
- Whether there have been difficulties in the implementation process. In case there have been, expand on which ones and why they occurred.
- The elements of the legal act that have been complied correctly / fully / timely (or not), and explain why.
- Whether the legal act has been adequately enforced.
- The cost of implementation of the legal act. Measure the administrative burdens associated with implementation, and determine if such costs and burdens could have been minimized.

### III.2. Questions for Performance and for Impact Evaluation

Issues that the working group should consider when preparing the report include:

- Whether intermediate outcomes and, also the final effect (in both types of evaluation) have been met.
- Whether unintended consequences have emerged (in both types of evaluation).
- What was the strength of the cause-effect relationship between law enforcement and the results (in both types of evaluation, but in the case of impact evaluation, the methodology of comparison of results with control groups and treatment groups is used).
- The overall cost of achieving the outcomes and impacts. The evaluator can establish whether such costs are kept to a minimum or there is margin for savings (in both types of evaluation)
- The benefits that were generated during the implementation / by achieving the objectives (in both types of evaluation).
- The extent to which the findings compare to the situation described in the related Concept Document (if available). (In both types of evaluation)
- The stakeholders most affected and those who have been particularly affected by the legal act. (In both types of evaluation).
- The extent to which the outcomes and impacts are expected to continue after the evaluation period (in both types of evaluation).

## IV. CONCLUSIONS AND RECOMMENDATIONS

This part of the report is very important because it is the only one that many readers will read

### IV.1. Conclusions

The conclusions are factual, objective and neutral reflections drawn from the findings . The conclusions should summarize and present the performance of the legal act against the criteria used for the evaluation (i.e. compliance, implementation, effectiveness, coherence, efficiency, etc.). It is important to present the findings which match expectations, which findings are too preliminary to conclude upon and what does not work. As the conclusions text is often read independently of the preceding text, there should be a short recap of part I.2 and II.3 of the template and limitations of the evaluation. No new detail or issue should be introduced at this stage – all relevant information should always be presented in the analysis section first.

This part of the report should also provide:

- Summary of the findings against the criteria used for the evaluation.
- Are there lessons learned, and if yes, what are they?
- Are there lessons learned in terms of the evaluation process, what are they?



## IV.2. Recommendations

*The recommendations may be developed from the conclusions. However, the conclusions should not prescribe specific and details steps to be taken in the future, unless the evaluation identifies clearly defined causes for mis-implementation or bad legal design. The task of identifying the most appropriate options to address the gaps emerged from the Ex-Post Evaluation is part of an ex ante impact assessment (Concept Document).*

*The recommendations section includes the following issues:*

- *Recommended action to address each conclusion.*
- *Indicate the responsible body charged with executing the recommendation, related deadlines and expected outcomes.*
- *Indicate monitoring mechanisms to ensure compliance with the recommended actions.*

## TECHNICAL ANNEXES

*Attach relevant technical annexes, as appropriate. Such annexes might include (but not be limited to):*

- *Glossary and explanation of technical terminology*
- *Data sources and bibliographic references*
- *Details on the data collection and validation process*
- *List of stakeholders consulted, a summary of their inputs, and whether those have been retained or discarded in the evaluation (and why)*
- *Technical calculations and models*
- *Maps, charts, graphs, etc.*
- *Information on the involvement of external experts/consultants that carried out (parts of) the evaluation.*
- *Terms of Reference for engagement of external experts.*
- *Evaluation matrix*

# Annexes





## Annex A.1. Roles and responsibilities for Ex-Post Evaluation in Kosovo

Ex-Post Evaluation is a joint effort that includes various actors within and outside the government administration. Each actor has specific roles and responsibilities. This annex outlines who is performing which tasks in accordance with the relevant Government Decision on adoption of the Manual differentiating between “execution of evaluation”, “strategic coordination”, and “external participation”.

### A.1.1. Proposing Institution: responsible for development and execution of Ex-Post Evaluation:

**The Office of the Prime Minister or the sponsoring ministry of the legal act is the “owner” of the Ex-Post Evaluation process.** It bears the political and operational responsibility for the *Ex-Post* evaluation, as it is also responsible for the formulation of the overall policy and the elaboration and implementation of the legal act. For this reason, it is important that adequate resources are allocated and relevant job profiles capacities are developed in the line ministries to adequately design and execute Ex-Post Evaluation.

Ministries have a certain margin of discretion in organizing the tasks related to the design, management and execution of Ex-Post evaluations from their administrative responsibility. In this regard, ministries should consider the following circumstances:

- **“Respective department”:** The respective department in the ministry is best placed to carry out the actual design and execution of the evaluation, as it will have an easier time identifying: those responsible for implementing the law; the objectives of the law; potential effects; available data; and current practices already in place. In addition, they will be better suited to analyze the legal act and to assess the process of adopting any secondary legislation related to the legal act.
- **Legal Department of the ministry:** in principle, the divisions for supervision of legislation enforcement within the ministerial legal department are well placed to support and coordinate the Ex-Post evaluation process. In this respect, the Legal Department plays an important role also in the preparation of the Government program of Ex-post Evaluation. Each Head of Legal Department communicates to the OPM the list of legal acts proposed by his/her ministry: such proposal is accompanied by a short explanatory note on the reasons as to why each legal act is proposed for an ex-post evaluation, the main key issues of the evaluation (objectives, scope of evaluation), and evaluation’s timeframe which will be sent to the Council of Directors.
- **The oversight of the Working Group:** the institution that carries the Ex-Post Evaluation sets up a Working Group charged with designing the evaluation (defining scope of evaluation, evaluation criteria, schedule, etc.) in the initial phase of the Ex-Post Evaluation, and with discussing the findings of the Ex-Post in the concluding phase of the evaluation.

The Working Group should consist of:

1. The legal department and the relevant/thematic department of the ministry in charge of the Ex-Post evaluation (as the chairman and co-chairman of the working group);
2. Line ministries’ thematic departments involved in the implementation of the legal act, or in the field of responsibility impacted by the legal act;
3. Representatives of institutions and bodies directly related with the implementation and enforcement of the legal act (e.g. inspection agencies, local authorities, ...); and
4. As much as possible, considering the purpose of the law, representative of the private sector and civil society representatives (which may include also representatives of particular professions affected by the legal act).

### A.1.2. Promoting and coordinating the Ex-Post Evaluation across government: The LO-OPM and Council of Directors

The Government Decision allocates important planning, coordinating and oversight functions to the following actors:

- **The Legal Office in the Office of the Prime Minister (LO-OPM):** is responsible for the coordination of work with the ministries related to planning and coordinating an Ex-Post Evaluation of legal acts. For this purpose, the LO-OPM draws up an Ex-Post program and sets out the deadlines of the execution of the evaluations, in close cooperation with the Council of Directors (see below). Based on the proposals of the ministries, the annual program shall determine all Ex-Post Evaluations to be delivered each year, including the legal act, the responsible institution to conduct the evaluation, the timeframes and the justification for selecting the respective legal acts. Once the Ex-Post Evaluation report is completed, the proposing institution must ensure that the main findings of the Ex-Post Evaluation are duly taken into account and when necessary reflected in their future legislative planning process.
- **The Council of Directors:** Is composed of Directors of Legal Department of all ministries, under the chairmanship of the Director of Legal Office at the OPM. The role of the Council of Directors includes:
  - preparing and supervising the implementation of the government Ex-Post Evaluation program of legal acts and of the evaluation findings;
  - advising on the proposing institutions for development of the evaluation plan;
  - examining and finalizing a program of legal acts to be evaluated as proposed by the proposing institutions; and
  - examining the progress of performance of *Ex-Post* evaluations from proposing institutions and issuing a recommendation for processing the Ex-Post evaluation report in a Government Meeting, or returning it to the proposing institution for supplementation.

### A.1.3. Involving civil society in the Ex-Post evaluation

Ensuring that the citizens and civil society representatives can participate in the Ex-Post Evaluation process is crucial, as explicitly acknowledged and advocated for by the Government Strategy for Co-operation with Civil Society (2019-2023).<sup>6</sup> The Strategy evaluates public consultation and participation as an important means to making information about the socio-economic impact of the legal provisions under evaluation more comprehensive. In addition, consultation with civil society on the implementation of provisions of the legal act and results achieved may assist in identifying major concerns with the legal act and potential reasons for non-compliance or incomplete implementation of the act. Civil society, may, depending on the scope of the legal act being evaluated, also participate in the working groups established by the proposing institutions.

## Annex A.2. How to select the legal act for Ex-Post evaluation?

The selection of the legal act for *Ex-Post* Evaluation may be done in one of the following situations:

- **The legal act has a so-called “review/assessment clause”** – in this case, it is the legal act itself that contains an obligation to carry out a full or partial Ex-Post Evaluation. Typically, such review clauses indicate the scope of the evaluation and its purpose; the time when such evaluation must be conducted; and the obligation to consider the Ex-Post Evaluation findings to possibly revise or repeal the legal provisions. Note that not all provisions in a legal act mandating the elaboration of an Ex-Post Evaluation are review clauses (see Box A.2.1).

<sup>6</sup> The Strategy can be found at [http://ojqfinancime.rks-gov.net/wp-content/uploads/2020/02/Strategy\\_eng.pdf](http://ojqfinancime.rks-gov.net/wp-content/uploads/2020/02/Strategy_eng.pdf).

### Box A.2.1. Review clauses mandating an Ex-Post Evaluation: Examples

A provision in the legal act which requires a report to be drafted is not an evaluation or review clause. For example, Article 14 of the Law on Chemicals (Law No. 04/L-197) does not constitute an evaluation clause as it only requires that the government draft a report: The Article in question provides:

- “1. The Ministry shall draft **annual report** on the state of chemicals.*
- 2. The report on chemicals under the paragraph 1 of this Article will be part of the report on the state of the environment approved by the Government of the Republic of Kosovo.*
- 3. The report referred to in paragraph 2 of this Article contains mainly: data on the types of chemicals, information about the issued permits for the chemicals that are produced, imported, exported, information about research conducted for chemicals, information about accredited laboratories and the implementation of the strategy and action plan for the management of chemicals.”*

Nevertheless, the data collected in a report could provide a useful insight for an Ex-Post Evaluation.

By contrast, the following examples of legal provisions constitute explicit review or evaluation clauses:

- “3. The Commission shall carry out an interim evaluation of the ISA2<sup>7</sup> programme by 30 September 2019 and a final evaluation by 31 December 2021 and shall communicate the results of those evaluations to the European Parliament and to the Council by the same dates. In that context, the responsible committee or committees of the European Parliament may invite the Commission to present the results of the evaluations and to answer questions raised by their members.*

<sup>7</sup> ISA<sup>3</sup> is a European Union funding program that supports the development of digital solutions that enable public administrations, businesses and citizens in Europe to benefit from interoperable cross-border and cross-sectoral public services.

- 4. The evaluations referred to in paragraph 3 shall examine, inter alia, the relevance, effectiveness, efficiency, utility, including, where relevant, business and citizen satisfaction, and the sustainability and coherence of ISA2 programme actions. The final evaluation should, in addition, examine the extent to which the ISA2 program has achieved its objectives, such as the reuse of interoperability solutions across the European Union, paying particular attention to the needs expressed by European public administrations.*

Or, again, Article 12 of the EU Directive 2015/2193:

- “1. By 1 January 2020, the Commission shall review progress in relation to the energy efficiency of medium combustion plants and assess the benefits of setting minimum energy efficiency standards in line with best available techniques.*

- 2. By 1 January 2023, the Commission shall assess the need to review the provisions concerning plants which are part of SIS or MIS, as well as Part 2 of Annex II, on the basis of state-of-the-art technologies.*

*As part of this review, the Commission shall also assess whether for certain or all types of medium combustion plants there is a need to regulate CO emissions.*

*Thereafter, a review shall take place every ten years and shall include an assessment of whether it is appropriate to set stricter emission limit values in particular for new medium combustion plants.*

- 3. The Commission shall submit a report on the results of the reviews referred to in paragraphs 1 and 2 to the European Parliament and to the Council accompanied by a legislative proposal where appropriate.”*

If the legal acts **do not** contain legal provisions which create an obligation to conduct an Ex-Post Evaluation for a specific legal act, the proposing institution may however select a legal act for Ex-Post Evaluation taking into account the following situations:

- **The legal act has significant impacts on the economy, society, the environment, or the public sector** –this refers both to the magnitude of the impacts (e.g. the size of the economic sector expressed in GDP percentage or number of businesses affected, or the amount of public funds invested etc.,) and to the dynamics triggered by the legislative interventions (e.g. the type and number of ramifications of the result chain). In principle, the more significant the impacts, the higher the priority in selecting the legal act for Ex-Post Evaluation. Further, the contents and information outlined in the Concept Documents can provide important guidance in the selection of the Ex-Post Evaluation. In addition, the proposing institution can gauge the importance of a legal act for Ex-Post Evaluation also from what it is stated as the final objective of the legal act and the budget allocated to it.
- **Significant implementation difficulties of the legal act are already identified** – a further reason that can justify the selection of a legal act for Ex-Post Evaluation is the observation of deadlocks and impasses in the process of implementation of the legal act. Such information may result from notifications by the enforcing authorities (inspectorates), for instance. In such case, it is opportune to carry out an Implementation and Compliance Assessment as a priority initiative to identify where the problems lie – for instance, whether in the very design of the law or in the discretion with which stakeholders comply with it or inspectors enforce it – to avoid legal void, regulatory failures (e.g. an unclear provision, case of legal collision, etc.), unintended consequences and possible irreversible damage.
- **Relevant feedback is provided by stakeholders** – this is a channel increasingly used in the practice of governments and consists of stakeholders and end-users addressing requests or comments (e.g. the consumers, citizens, etc.) who identify or specify legal acts that, in their opinion, create problems or can be improved. Due consideration should be given, in this respect, to prompts for evaluations provided by stakeholders representing civil society, and in particular gender, youth and vulnerable groups interests,

when determining the legal act for an Ex-Post Evaluation.<sup>8</sup> Of course, not all suggestions for evaluation are relevant or justified: therefore each proposing institution has the responsibility to screen the proposals and make the case whether to include them in an Ex-Post Evaluation, and to what extent. Often, stakeholders are invited to recommend legal acts for Ex-Post Evaluation with a view to simplify the legal framework, reduce administrative procedure and minimise administrative and regulatory costs.<sup>9</sup>

- **The legal act falls within a broad programme of sectoral reviews** – finally, the choice of carrying out an Ex-Post Evaluation of a legal act can be dictated by a wider multi-annual evaluation strategy that encompasses entire sectors of the economy or whole policies (e.g. the evaluation of the legal framework affecting the metal industry in Kosovo; or the review of the legal acts regulating social inclusions of vulnerable groups).

Timing of the evaluation is a crucial factor affecting the use of evaluation in the decision-making process. In order for the findings to be relevant and to be used by the decision makers, both the planning and execution of the Ex-Post Evaluation must be aligned with political priorities and the Ex-Post Evaluation program.

In addition, the evaluator should bear in mind that regulatory interventions such as laws and sublegal acts have very different cycles. In some cases, the intended results might take several years to emerge and not linearly (thus, they do not emerge subsequently in accordance with the chain of results). Depending on situations, various stakeholders can be given longer or shorter periods to comply with the legal requirements (e.g. through review clauses). For these reasons, it might be unfeasible to initiate an Ex-Post Evaluation until some considerable time has passed after the legal act has entered into force. This makes evaluation planning difficult if a given intervention is revised very frequently.

As mentioned in the main text of the Manual, unless otherwise specified in mandatory review clauses, the proposing institution should not start carrying out an Implementation and Compliance Assessment before one year following the entering into force of the legal act. For an Impact Evaluation, this period should generally be at least three years after entering into force of the legal act. In order to be well prepared, the proposing institution must start the evaluation planning as soon as possible upon implementation start, along with the organization of the monitoring process.

The proposing institution should also factor in additional time if s/he intends to outsource the entire Ex-Post Evaluation or parts of it. The elaboration of Terms of References, the execution of the public procurement procedure as well as the selection of the external experts have a significant impact on the length of the evaluation work, therefore the proposing institution or the working group established for conducting the Ex-Post Evaluation needs to take this into account when planning evaluations.

### Annex A.3. Stakeholder analysis for the Ex-Post Evaluation

The stakeholders relevant for the *Ex-Post* Evaluation are individuals, groups, or organizations affected by the legal act under evaluation; those are involved in the implementation of the legal act; and those who possess information, resources and expertise needed for the evaluation exercise.

While the stakeholders of a policy or sector may be well known, it is important to identify and tailor the stakeholder mapping to the concrete legal act and evaluation. Besides being a pre-requisite of the “leave no-one behind” principles of the Agenda 2030 (Sustainable Development Goals),<sup>10</sup> mapping stakeholders correctly is important because reality on the ground is complex: different initiatives in the same sector may have similar/common key stakeholders, but concrete impacts

<sup>8</sup> Në përputhje me Strategjinë e Qeverisë për Bashkëpunim me Shoqërinë Civile (2019-2023).

<sup>9</sup> Disa vende kanë krijuar platforma të dedikuara online të hapura ndaj ideve për vlerësim nga palët e interesuara – shihni për shembull faqen e internetit të Komisionit Evropian “Lighten the Load” ([https://ec.europa.eu/info/law/better-regulation/lighten-load\\_en](https://ec.europa.eu/info/law/better-regulation/lighten-load_en)); ose uebsajti i Sfidimit të Burokracisë në Mbretërinë e Bashkuar (<https://www.gov.uk/government/news/red-tape-challenge>).

<sup>10</sup> Cfr. gjithashtu, në këtë drejtim, Strategjia e Qeverisë për Bashkëpunim me Shoqërinë Civile (2019-2023).

and implementing issues may concern additional stakeholders that also need to be identified and addressed. Accordingly, the working group must place adequate emphasis on private sector actors as well as relevant groups in society, such as women, the youth and vulnerable groups.

Stakeholder analysis follows three main steps: (1) identification; (2) sorting; and (3) engagement of stakeholders.

#### A.3.1. Identification of the stakeholder groups

The first step in the stakeholder analysis is the **identification** of the stakeholder groups. The main categories of stakeholders are listed in the table below.

##### Categories of stakeholders (non-exhaustive list):

Individuals	Individual persons – for instance women, youth or vulnerable groups.
Private sector	Large-sized enterprises SMEs and Microenterprises Self-employed Chambers of commerce Business organizations Companies providing professional consultancies
Non-Government Organizations	Trade Unions Civil Society Organizations Networks of certain groups Religious organizations
Research and academia	Research institutions Academic institutions
Public authorities	Local authorities Government of Kosovo and its agencies Assembly of Kosovo and its agencies Other national institutions and bodies Foreign governments and institutions EU institutions and bodies International organization

The identification of stakeholders can result from a structured approach. To be as comprehensive as possible, it is useful to rely on relevant past public consultations; policy papers such as concept document; and media reviews.

### A.3.2. Stakeholder sorting

The second step of the stakeholder analysis is the **sorting** of the identified stakeholder categories. This consists of

- distinguishing stakeholder groups which may be affected by the legal act (both directly and indirectly) in a significantly different way and determine the level of interest of these groups;
- differentiating the potential different ways stakeholders are affected within a specific stakeholder group e.g. depending on the size, location, type of activity, or other characteristics; and
- determining how different stakeholders can influence policymaking and its evaluation.

Further, the European Commission suggests using a “Six-Test checklist” to facilitate the identification and differentiation of relevant stakeholders:<sup>11</sup>

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#### Test 1 Who is directly impacted?

Whose daily/weekly lives will change as a result of the implementation of the legal act?

Are there specific effects on particular groups (determined by age, gender, disabilities, minority of ethnic or racial background, social group, mobility, region, etc.)? Who will have to change their behavior as a result of the legal act?

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#### Test 2 Who is indirectly impacted?

Whose daily lives will change because others have been directly impacted by the legal act?

Who will gain or lose because of changes resulting from the legal act?

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#### Test 3 Who is potentially impacted?

In particular circumstances, who will have a different experience as a result of the legal act?

Are there individuals or groups who will have to adjust their behavior if particular conditions apply?

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#### Test 4 Whose help is needed?

Who will have the ability to obstruct implementation of the legal act unless co-operating with the relevant actors?

Who understands the likely impact of the legal act on other stakeholders?

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#### Test 5 Who thinks they know about the subject?

Who has studied the subject and published views on it?

Who has detailed know-how related to the legal act?

Are there individuals or groups that will be perceived as knowledgeable on the subject?

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#### Test 6 Who will show an interest in the subject?

Are there organizations or individuals who think they have an interest?

Has anyone been campaigning about the issue?

Is there anyone publishing or broadcasting views on this subject?

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To ensure proper evidence-based *Ex-Post* Evaluation, issues related to the fundamental human rights should be addressed during the early preparatory stages of the evaluation design. Stakeholder consultation and engagement should include, whenever possible and appropriate, collection of disaggregated data concerning potential impacts on fundamental rights,

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<sup>11</sup> Adapted from the European Commission's Better Regulation Toolbox, “Tool#52. Consultation Strategy”, available at: [https://ec.europa.eu/info/sites/default/files/br\\_toolbox-nov\\_2021\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/br_toolbox-nov_2021_en_0.pdf).

such as social and gender inclusion and equality, as well as protection of vulnerable persons in society. Concretely, this means checking whether the legal act has created (or failed to mitigate) situations in which some parts of society experience inequalities based on gender or sexual orientation, ethnic and racial origins, religion or belief, disability, age, etc.

Box A.3.1. provides a short list of key questions pertaining to inequality issues in Ex-Post Evaluation.

#### Box A.3.1. Addressing societal inequality in Ex-Post Evaluation: Key questions

Has the legal act had (directly or indirectly) a different impact on persons such as women, youth or persons with disabilities? Is this the desired result of the legal act or is it an unintended consequence?

Has the legal act promoted equality between different persons? Why? How?

Has the legal act contributed to combating discrimination of specific groups such as people with a minority ethnic background (including Roma), religious communities, LGBTIQ people, children, older people, or person with a disability?

Income distribution, social protection and inclusion can be addressed also by investigating subordinate questions, such as:

- Has the legal act affected people/households' level of income or wealth, income distribution, or risk of poverty?
- Has the legal act affected the access to and quality of social protection benefits, including social services of general interest, particularly for those subject to social exclusion?
- Has the legal act affected the access to and quality of basic goods and essential services, including education, particularly for those at risk for social exclusion?

Source: Adapted from the European Commission Better Regulation Toolbox, “Tool #29. Fundamental Rights, Including the Promotion of Equality”, AND “Tool #30. Employment, Working Conditions, Income Distribution, Social Protection and Inclusion”, available at: [https://ec.europa.eu/info/sites/default/files/br\\_toolbox-nov\\_2021\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/br_toolbox-nov_2021_en_0.pdf).

A so-called “**Stakeholder matrix**” is an effective tool that allows to list and categorize stakeholders and their position vis-à-vis the problem or legal act under consideration. The matrix results from a number of stages, starting with enquiring

- the interests of different stakeholders concerning the identified problem;
- the resources at their disposal, esp. in relation to what can be brought into the debate on the specific issue;
- their capacity to mobilize resources; and
- official / public position regarding the legal act at stake



A possible table may look as follows:

Stakeholder	Interest / Benefit or loss	Available resources	Capacity to mobilise resources	Official position
Organization A				
Organization B				
....				

The purpose is to gauge the level of interest (affectedness) and of influence of each stakeholder, so as to most appropriately plan their engagement to support the Ex-Post Evaluation. This may be done, for instance, tailoring the efforts needed to reach out to relevant but not well organised or less visible in society stakeholders.

To identify the **level of interest (affectedness)** the following guiding questions could be used:

- How close is the issue to the stakeholder (proximity test)?
- If a meeting were held tonight, how prominently would the actor feature on the stakeholders' agenda (agenda test)?
- What is the history of the stakeholder's involvement with this issue?
- How many of the stakeholder's active members are directly affected?
- At 'worst case' how affected might the stakeholder be?

To identify the **level of influence** the following guiding questions could be used:

- Does the status of the stakeholder confer upon them any particular legitimacy or relevance ("status test")?
- Is the stakeholder's leadership regarded as personally influential ("VIP test")?
- Is there evidence this stakeholder has wide popular following?
- How effective is the stakeholder in using press relations or new technology to publish views?
- What is the stakeholder's track record?
- Has the stakeholder successfully persuaded decision-makers in the past?

As a result, a four-quadrant matrix could be developed, which places the capacity of the various stakeholder groups strategically in relation to the collection of data for the *Ex-Post* Evaluation:

	High capacity to self-mobilisation	Low capacity to self-mobilisation
High affectedness	PARTNERS (Dialogue, involve)	INVISIBLE (Need to actively engage with / help participate)
Low affectedness	INTERESTED PARTIES (Consult)	PUBLIC (Inform)

### A.3.3. Organising stakeholder engagement

Effectively engaging with both internal and external stakeholders can significantly increase the credibility of an Ex-Post Evaluation. By ensuring that different perspectives are discussed, analysed and reported, involving all relevant stakeholders in the evaluation process helps improve the quality of the Ex-Post Evaluation, ensure coherence with other policies, and demonstrate an open and transparent approach to critically analysing performance and delivery of the legal act.

Involving stakeholders also helps anticipate (and solve) problems that could emerge later in the process (e.g. in deciding possible follow-up measures from the evaluation findings). Colleagues from other areas and experts are well placed to test whether the arguments and statements made in the Ex-Post Evaluation are clear and easy to follow.

When planning an Ex-Post Evaluation, a checklist with key questions helps framing stakeholder engagement (see Box A.3.2.).

#### Box A.3.2. Planning for stakeholder engagement in the Ex-Post Evaluation

The following questions form part of the Evaluation Plan when it comes to identifying relevant Ex-Post Evaluation stakeholders and organising the engagement with them during the evaluation process:

- **Who should be engaged in the evaluation process?** – The answer is: not all the sectors of the economy, the sub-population groups or the geographical areas are equally affected. Therefore, it is important to accurately identify stakeholders.
- **Why shall I engage them?** – The answer is: generally, this becomes clearer as a result of the "matrix" that differentiates stakeholders in terms of their interests; capacities; relevance; and influence.
- **On what shall I engage them?** – The answer is: it may be on specific elements of the evaluation, to test conceptual ideas (intervention logic) or seek further inputs/data. The evaluator should spell out his/her reasons and objectives for consulting.
- **How shall I engage them?** – The answer is: many forms and various channels are at disposal, depending on the targeted stakeholders; the stage of the evaluation; and the resources available. Often, a mix of approaches is desirable. Using plain language helps.
- **When shall I engage them?** – The answer is: as early as possible, when the Evaluation Plan is finalised, and the working group has sufficient understanding of what information is sought from different stakeholders.
- **How shall I use their inputs?** – The answer is: it is essential to communicate timely and fully about the engagement round, reporting transparently on the reasons why some stakeholders' contributions to the consultation round have been retained and other discarded.

## Annex A.4. Types of assessment

This annex describes the evaluation types in more details and provides guidance to apply them in an Ex-Post Evaluation.

### A.4.1. Implementation and Compliance Assessment

Implementation and Compliance Assessments are the first type of evaluation. They should provide answers on whether the legal act has been implemented and enforced according to the law. They should appraise, in case of failed implementation, the reasons for delays or infringements.

If an Implementation and Compliance Assessment shows that the legal act was not implemented, this means that the act has not delivered the intended results. In such case, there is no need to continue with Performance or Impact Evaluations.

#### Key questions:

Some of the general questions that **Implementation and Compliance Assessment** should try to answer are:

##### Compliance:

- Have subsidiary legislation derived from the law been issued?
- Has the planned budget for implementation and enforcement of the legal act been allocated?
- How far advanced is the implementation of the legal act?
- What are the difficulties in implementing the legal act?

##### Efficiency:

- How much has the implementation / enforcement process of the legal act cost?
- Is there margin to simplify implementation and save resources (money, staff, ...)?

### A.4.2. Performance Evaluation

This is the second type of evaluation which analyses the progress along the result chain. While the performance evaluation may not appraise the full manifestation and magnitude of the final impacts, it allows the working group to capture a direction of change and explain it through evidence. Performance Evaluation provides an extensive description of the relationship between an intervention (the legal act) and its various effects.

The working group must be aware that the more factors or links exist in the chain of results (from one link of the result chain to the other), the more likely it is that there will be a range of possible explanations for any observable change.

The working group must collect evidence through quantitative and qualitative data collection methods about cause-and-effect relationship between activities and outputs within the result chain; between outputs and outcomes, between outcomes

and impact, in order to claim that the legal act has “contributed” to the achievement of the final intended outcome (i.e. Impact has been achieved).

If all the steps in the result chain are found to work as anticipated (i.e. the legal act is implemented as foreseen; participants change their behaviour as predicted; and the desired outcomes are observed), this increases the overall consistency of the evaluation findings. However, there may be occasions where some steps cannot be fully validated. For example, all the processes in the result chain are seen to have worked as expected, but there is only weak evidence of overall impact, in such a case, confirming the earlier steps in the logic model will lead to an increased confidence that the legal act had a desirable impact. However, if the working group cannot find satisfactory evidence even in just one of the segments of the result chain (either for the implementation of the legal act, or between implementation of the legal act and output or between output and outcome or between different outcomes), s/he cannot claim any contribution to the positive changes realized in the final intended outcome (final impact).

#### Key questions:

Some of the general questions that **Performance Evaluation** should try to answer are:

##### Relevance:

- Is the overall purpose of the legal act still valuable and important, relative to the initial problem?
- Does the current state of knowledge justify the existence of the legal act?

##### Coherence:

- Is there consistency between the legal act and other policy or legal measures in force in Kosovo, as well as international treaties, agreements and standards?

##### Impact:

- What are the goals of the legal act? Have there been positive changes observed towards achieving this goal?

##### Effectiveness:

- What are the direct effects from enforcing the legal act?
- Have output, outcomes and impacts been achieved?
- Are there specific distributional effects?
- Is there any unwanted side effect?

##### Efficiency:

- To what extent have the human, material and financial resources invested to pursue the results been cost-effective?
- Would we have had better results with resource reallocation?
- When a legal act can be implemented in several ways, which is the most efficient or least expensive way?

##### Sustainability:

- How sustainable is the implementation of the legal act?
- How sustainable are the achieved impacts?

### A.4.3. Impact Evaluation

Impact Evaluation analyzes:

1. whether the stated objectives of the legal act (the final impacts) – or the results mapped out through the intervention logic – have been achieved, and
2. the extent to which such changes/impacts these can be “attributed” to the legal act itself. It is this second point – establishing attribution, i.e. direct causality – the defining feature of Impact Evaluation.

Attribution refers to the empirical inference about the extent to which the legal act has actually caused any of the observed changes to occur. The feasibility of this approach largely depends on both the measure of the outcome and the means of estimating what would have happened without the legal act. To that end, the evaluator must set a counterfactual by establishing so-called “comparison (or control) groups”. Therefore, Impact Evaluation therefore requires finding one or more comparison groups to estimate what has happened to the control group (not subject to the requirements of the legal act), and then make comparisons with the group that has been subject to those requirements – see Box A.1. 1.

#### Box A.1. Attributional analysis

A common (non-legislative) example of attributional analysis is a medical drugs trial where one group of participants (the “treatment” group) receives a new drug and the other (the “comparison” or “control” group) receives a placebo. The allocation of the trial participants in the two groups is normally randomised. So long as the treatment and control groups are similar and equivalent in all other relevant respects, they can serve as a comparator to one another. If there is then any difference in observed outcomes between the two, it can reasonably be assumed (under certain technical assumptions) that the difference is due to the treatment. In the example, the treatment is the tested drug; in Ex-Post Evaluation, the treatment is the legal act.

In some result chains, the cause-and-effect relationship may be sufficiently simple and transparent that the change can be observed directly, without the need to control for confounding factors. In those cases, there is no need to create two or more equivalent or similar data samples. For example, with a project to supply water to a village in a developing country, any observed decreases in the average time household members spend collecting water for their needs can be attributed to the project without the need for a comparison group.

The principal strength of empirical Impact Evaluation is that it allows to isolate the effects of an intervention (i.e. the legal act) from the possible multitude of factors which might influence the considered outcome. That way, Impact Evaluation can provide a rigorous test (assessment) of whether the intervention (the legal act) has an effect or not.

Empirical Impact Evaluation is not feasible for every policy or legislative assessment, however. A main challenge in an Impact Evaluation is to construct a comparison group that is as similar as possible to the treatment group. Creating comparison groups, is even more difficult when we assess legal acts, since the legal requirements typically apply uniformly across the economy and society, and it is unlikely that there is a readily available comparison group who has not been subject to those legal requirements.

The way to establish counterfactuals<sup>12</sup> in the context of Ex-Post Evaluation of legal acts is to exploit variations if possible, comparing outcomes at times or places where the legal act was adopted with outcomes to other times or places where the legal act was not adopted. Impact Evaluation also assesses whether any outcome has occurred, which was not originally intended, and if so, what triggered the emergence of such an outcome and how significant it is.

Even if a comparison group can be determined, conducting Impact Evaluation would be difficult if the group triggers different outcomes from the treatment group because of the way it was selected, rather than because of the legal act itself. In such case, the comparison would be misleading. This problem is known as “selection bias”. In this situation, it will not be possible to tell whether differences in observed outcomes between the two groups are due to the legal act or to something else. Research design seeks to control the composition of the comparison group so that selection bias can either be avoided or taken into account. To that end, impact evaluators conduct “randomized experiments” or “quasi-experiments” (although sometimes “natural” randomness can be utilized instead).<sup>13</sup>

Impact Evaluation can further be divided into two categories: prospective and retrospective. Prospective Impact Evaluations are developed at the same time as the law or policy is being designed. Baseline data are collected before the law or policy is implemented for both the group subject to the intervention and the comparison group. Retrospective evaluations assess impacts after the law has been implemented, looking for treatment and comparison groups ex-post. Prospective Impact Evaluations are more likely to produce strong and credible evaluation results since in a prospective evaluation, the treatment and comparison groups are identified before the intervention being evaluated is implemented. Thus, prospective evaluations have the better chance of generating valid counterfactuals.

#### Key Questions:

Some of the general questions that an **Impact Evaluation** should try to answer are:

#### Effectiveness:

- Is a given legislative intervention effective compared to the absence of the legal act?
- How did any changes vary across different individuals, stakeholders, groups of society (economic sectors,) and how did they compare with what was anticipated?

#### Efficiency:

- When a legal act can be implemented in several ways, which one is the most effective or cost-effective way?

#### Impact:

- What were the objectives of the legal act? Were there any observed changes, and how much can be said to have been caused by the legal act as opposed to other factors?
- Did any outcomes occur because of the legal act, which were not originally intended? If so, what and how significant were the changes in question?

<sup>12</sup> The situation that would happen, should the intervention or legal act have not been implemented.

<sup>13</sup> Natural experiments happen when two groups are created by nature and not by experiment design

For more information about conducting experimental and quasi-experimental analysis for Impact Evaluation please consult the following publications:

1. World Bank Group (2016): Impact Evaluation in Practice, second edition <https://www.worldbank.org/en/programs/sief-trust-fund/publication/impact-evaluation-in-practice>.
2. World Bank Group (2009): The Road to Results: Designing and Conducting Effective Development Evaluation, by Linda G. Morra Imas, Ray C. Rist, <https://openknowledge.worldbank.org/handle/10986/2699>.
3. HM Treasury (2011): Magenta Book, Guidance for Evaluation, London, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/879438/HMT\\_Magenta\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879438/HMT_Magenta_Book.pdf).

#### A.4.4. Cost-Benefit and Cost-Effectiveness Analysis

Once Impact Evaluation results are available, they can be combined with information on costs associated with the implementation of the law or sublegal act to perform a Cost-Benefit Analysis (CBA) or Cost-Effectiveness Analysis (CEA).

**Cost-Benefit Analysis (CBA)** compares the benefits and the costs that emerge from the implementation of the legal act. CBA results from the difference between the total benefits and the total costs (Benefits – Costs). It is a very valuable technique, since it accounts for all (negative and positive) effects of legal acts. This means that CBA can examine the overall justification for a legal act (“Do the benefits outweigh the costs?”), as well as compare the legal act with different types of options that can create similar outcomes. CBA monetizes as many of the costs and benefits of a legal act as possible, including wider social and environmental impacts (such as crime, air pollution, traffic accidents and so on) where feasible.

Nonetheless, the working group must bear in mind its drawbacks: CBA can be applied only to impacts that are quantified and monetized; and it needs to be supplemented by additional analysis to cover distributional issues.

A full CBA procedure is based on the following steps:

1. analysing the types of stakeholders, and sectors, which are going to be affected by the legal act;
2. quantifying those who are affected - how many firms, how many sectors, how many patients, etc.;
3. identifying the costs and benefits for each category of actors;
4. quantifying / monetizing the costs and benefits;
5. adding up all the expected benefits and costs, and calculating the net benefits (= the value of the policy option in terms of cost-benefit analysis); and, possibly,
6. indicating which margins of error or uncertainty need to be taken into account.

The full CBA may be quite time-intensive and demanding. The working group should apply this procedure in a proportionate manner, depending on timing, resources and data availability. The working group should always indicate any assumption made during the determination of costs or benefits.

Since costs and benefits tend to occur over many years and at different moments in time, it is recommended to account for these differences through the process of “discounting”. Discounting allows to compare costs and benefits directly regardless of the time when they occur. By adding all benefits and costs that arise over a set number of years (i.e. cash flows of costs and benefits over the period of analysis) and applying the standard “discounting rate”<sup>14</sup> we can calculate a present value of the costs and benefits. Net Present Value (NPV) is the sum of net cash flows discounted over the period of analysis.

<sup>14</sup> The formula for the discount factor in period n: Future value in nth period  $x = 1/(1 + \text{discount rate})^n$

**Cost-Effectiveness Analysis (CEA)**, by contrast, may prove simpler to calculate. CEA reflects a very specific need: maximizing the efficiency given a stated objective or target, or an exogenous constraint (such as budget limits). Accordingly, this technique focuses on the cost side of the equation. CEA is given by the formula (Cost / Effects). A CEA relates the effects of the legal act to the total cost of producing those effects. The criterion for judgment of CEA is usually the cost per unit of outcome achieved (for example, the cost per job created or per civil servant trained). For this reason, this technique can be applied in other types of evaluation as well, not only Impact Evaluation. This unit cost is then compared to other scenarios or options that are expected to deliver the same outcome, (e.g., comparing savings created with the implementation of a legal act).

The CEA does not require to monetise the benefits, but it bears some disadvantages. First, CEA tends to neglect possible side-effects since it concentrates on a single type of benefit. Second, it does not provide a clear result whether the legal act has ensured net benefits to the society.

It is worth mentioning that through CEA we can:

1. calculate and monetize the costs of implementing the legal act;
2. investigate if the same results could be achieved at less cost, if a different approach would have been implemented, or if more or better results could have been achieved at the same cost by using a different approach or other alternatives;
3. draw conclusions on the cost-effectiveness of the implementation of the legal act and present options for amendment/improvement, as appropriate.

**Choosing between CBA and CEA:** The table below illustrates the two relevant criteria (policy objective and data environment) to benchmark CBA and CEA, respectively. The table suggests which of the two to use, given the conditions at hand.

**Table A.4.1.** Using CBA or CEA?

Methodology	Policy objective	Data environment
Cost-Benefit Analysis	<ul style="list-style-type: none"> <li>• uncertain</li> <li>• broadly defined</li> <li>• possible scenarios still open</li> </ul>	<ul style="list-style-type: none"> <li>• costs and benefits both quantifiable</li> <li>• trade-offs</li> </ul>
Cost-Effectiveness Analysis	<ul style="list-style-type: none"> <li>• fixed (e.g. conform to legal requirement; budget constraints)</li> </ul>	<ul style="list-style-type: none"> <li>• benefits difficult to calculate</li> <li>• absolute level of benefits not relevant</li> </ul>

More information on CBA and CEA can be found by consulting the following resources:

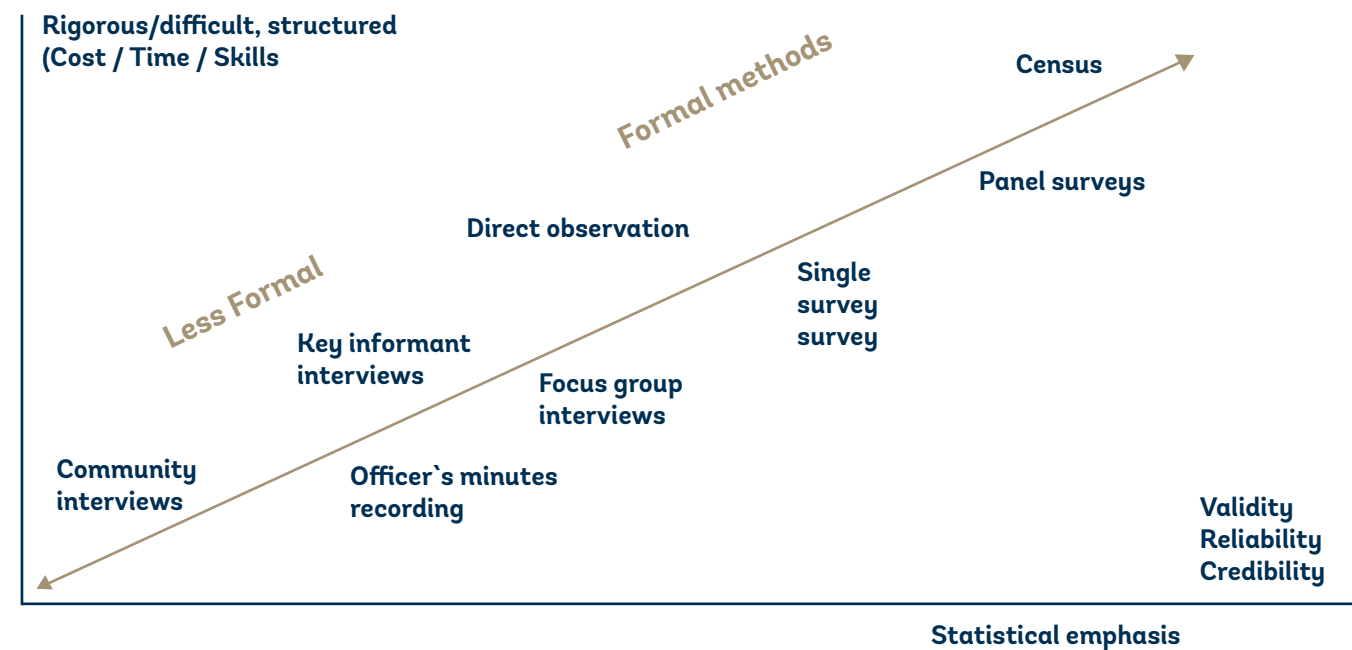
1. European Commission (2021), Chapter 8 - Methodologies for analysing impacts in impact assessments, evaluations and fitness checks, [https://ec.europa.eu/info/sites/default/files/br\\_toolbox\\_-\\_nov\\_2021\\_-\\_chapter\\_8.pdf](https://ec.europa.eu/info/sites/default/files/br_toolbox_-_nov_2021_-_chapter_8.pdf).
2. Zerbe Jr, R., and T. Scott (2015): A Primer for Understanding Benefit-Cost Analysis, [https://aisp.upenn.edu/wp-content/uploads/2015/09/0033\\_12\\_SP2\\_Benefit\\_Cost\\_000.pdf](https://aisp.upenn.edu/wp-content/uploads/2015/09/0033_12_SP2_Benefit_Cost_000.pdf).
3. Gines de Rus (2010): Introduction to Cost-Benefit Analysis, Edward Elgar Publishing.
4. Mishan, E.J., and Quah, E. (2014): Cost Benefit Analysis, 5th Edition,.



## Annex A.5. Data collection methods

The working group can deploy various data collection methods to support the evaluation – see Figure A.5.1. The choice depends on (i) the issue to be examined (the performance indicator considered); (ii) the quality of the information needed; (iii) the timeframe of the information needed; and (iv) the cost to collect the data.

Figure A.5.1. Data collection methods: An overview



This Annex shortly describes several data collection methods and their main features.

### • Participatory Data Collection

Participatory data collection can be conducted in various forms. **Community meetings** allow the working group to interact with the relevant population about progress achieved on key performance indicators. This method allows for broad participation; is rather inexpensive and relatively easy to arrange. However, the participants in the meetings may not accurately represent the community. For this reason, these meetings can be complemented by wider-ranging methods such as interactive websites, citizens' panels and juries, deliberative polls and participatory appraisals. **Mapping** on the other hand can be used for example for gathering the spatial data. (Alternatively, Google Earth™ can be used for mapping). A **transect walk** is a type of walk a working group may take around a community in order to obtain a representative observation of its people, surroundings, and resources for example for spatial data, housing conditions, informal street commerce, presence and nature of children's labour etc.

### • Analysis of administrative records and secondary data

Data that have already been collected can be used to answer Ex-Post Evaluation questions. Access to and analysis of documents collected may be relevant and can provide rich data on the legal act. These might include databases, case files, reports diaries etc. Furthermore, some of the data can be generated for example from data sets produced and collected by the Kosovo Agency of Statistics, as well as by other government institutions, public administrations and development organizations.

### Advantages and Challenges of Administrative and Secondary Data

**Advantages:** This type of data is usually less expensive and faster to collect compared to collecting primary data;  
**Challenges:** Data may not cover exactly what is needed may not be up-to-date; and it may be difficult to sustain long-term access to data.

### • Observation

Observation allows gathering first-hand, direct information, ongoing behaviour, process, events to examine physical evidence, products, outputs and especially behavioural change. Observation can be structured or unstructured. A structured approach implies that, before the observation itself, the working group determines precisely what will be observed and over which time interval.<sup>15</sup> Unstructured observations occur when the working group selects the data collection method depending on the situation, without preconceived ideas or a plan on what to observe or how long to observe.

### Advantages and Challenges of Observation

**Advantages:** Data is collected on actual behaviour rather than through self-reports or perceptions. It is real-time (rather than retrospective) data collection.  
**Challenges:** Sampling as well as recording and interpreting the data can be difficult. Collecting data can be labour intensive.

### • Interviews (or in-depth interviews)

An interview is a dialogue between an interviewer and one or more interviewees, predominantly on the basis of open-ended questions.<sup>16</sup> Interview responses can provide rich information about the attitudes, opinions and experiences of people affected by the legal act (as implementers and those complying or benefiting from the legal act). This method can provide in-depth information about how the legal act is working in practice. Interviews are especially useful when the working group wants to gain a deeper understanding of the changes that happened (or not happened) or to understand the reasons why respondents hold particular views. They allow participants to explicitly explain their views, decisions or actions. In any case, it must be taken into account that interviews are harder to complete, harder to analyse and less efficient when working with large numbers of people.

### Advantages and Challenges of Interviews

**Advantages:** Can explore complex issues in depth but also focus on specific issues and remain relatively short.  
**Challenges:** Can be expensive, labour intensive, and time-consuming, requires cultural sensitivity.

### • Focus Groups (or group interviews)

A focus group is a qualitative evaluation methodology in which small groups of people are brought together to discuss specific topics in great detail under the guidance of a moderator. Focus groups provide an opportunity to collect information for a group of people on their attitudes, opinions, perceptions and experiences, building and reflecting on each other's ideas

<sup>15</sup> Observations can be structured by using a checklist to count events or instances or a stopwatch to time activities.

<sup>16</sup> Interviews with key participants can be structured (a set list of questions is used with all interviewees), semi-structured (a list of questions with flexibility to probe further) or unstructured (no set list of questions).

and suggesting a variety of viewpoints and proposals. Focus groups can be used with the range of people delivering or receiving a policy or legislation. The discussion in a focus group is often nonlinear (i.e., the discussion does not progress in a logical manner from a stage or level of the result chain to another). Focus groups are used to collect data on the group participants' interaction to respond to questions "how" and "why" rather than "whether" and "how much", and on immediate feedback, complexity of behaviours and motivations, views on sensitive topics etc. Focus group generally includes 6–12 people which normally last one to two hours.

#### Advantages and Challenges of Focus Groups

**Advantages:** Can be conducted relatively quickly and easily; may take less staff time than in-depth, in-person interviews; can explore different perspectives

**Challenges:** Analysis is time-consuming; participants may not be representative of the population; group may be influenced by moderator or dominant group members

#### • Surveys

Surveys are ideal to collect data about a large sample of people's perceptions, opinions, and ideas. Structured surveys ask **predominantly closed-ended questions**, along a range of response choices, one or more of which respondents must select. All respondents are asked exactly the same questions in exactly the same way and given exactly the same choices to answer the questions. They are less useful to measure behaviour, because what people say they do may not reflect what they actually do (self-reporting bias). It may be possible to repeat surveys to map changes in key indicators during the life of the legal act. Depending on how the survey is set up, a survey can provide data that can be generalized to the whole population of interest. Surveys may be administered in a number of ways, including face to face, telephone, email and social media and by post, each of which has positive and negative implications with regard to issues such as response rates and cost. Questionnaires are most often used to collect quantitative data but can also contain free text questions to collect qualitative data.<sup>17</sup>

#### When designing surveys there are four golden rules that are useful to consider:

- Can the respondents understand the question – and do they understand it in the same way as the working group?
- Are respondents able to answer the question?
- Are they willing to answer the question?
- Will the question produce a reliable response?

Source: HM Treasury (2020): *The Magenta Book, Guidance for Evaluation*

<sup>17</sup> For more information about conducting survey please see: World Bank Group (2009): *The Road to Results: Designing and Conducting Effective Development Evaluation* by Linda G. Morra Imas, Ray C. Rist (chapter 9)

#### • Expert Judgment

Through this method, the working group engages with key experts as the source of information or opinion about the progress achieved on the performance indicator. Expert judgment can be obtained from individually or as a panel of experts. A panel of experts may perform additional data collection methods such as reviews or observations in a hospital or at school. Expert judgment can use pre-established professional criteria and procedures, or it can be done ad hoc. This method is especially useful in rapid assessments.

#### • Delphi technique

The Delphi technique enables experts to engage in dialogue and reach consensus through an iterative process. Experts are asked specific questions; their answers are sent to a central source, summarized, and fed back to the experts. The experts then comment on the summary. They are free to challenge particular points of view or to add new perspectives by providing additional information. Because no one knows who said what, conflict is avoided. The Delphi technique elicits information and judgments from participants on the progress achieved, without bringing participants face to face.

### Annex A.6. The "Evaluation matrix"

Stage in the intervention logic	Issue to be assessed	Indicator	Data collection method/ Data source	Baseline value <sup>18</sup>	Actual Value
Data					
Activities					
Product					
Initial outcomes (behavioural)					
Intermediate outcomes (performance)					
Impacts					

<sup>18</sup> Possibly before the legal act was introduced.

## Annex A.7. Quality control checklists

Quality control increases the confidence and reliability of the analysis. This Annex allows the evaluator to check the quality of the data used for the Ex-Post Evaluation, as well as the overall quality of the Ex-Post Evaluation.

### A.7.1. Data quality

Data quality applies to the whole Data Management System, from the source to the usage of data. The evaluator can check the quality of the data by applying a number of criteria, according to the following worksheet:

Indicator	Reviewer(s)	Date reviewed	Data source
Criterion	Definition	Yes / No	Explanation
Validity	<p>Do the data clearly and adequately represent the intended result? Some issues to consider are:</p> <p>-- <b>Face Validity.</b> Would an outsider or an expert in the field agree that the indicator is a valid and logical measure for the stated result?</p> <p>-- <b>Attribution.</b> Does the indicator measure the contribution made by the legal act?</p> <p>-- <b>Measurement Error.</b> Are there any measurement errors that could affect the data? Both sampling and processing errors should be reviewed.</p>		
Reliability	Do data reflect stable and consistent data collection processes?		
Precision	Are data sufficiently precise to present a fair picture of performance and enable management decisions at the appropriate levels?		
Duration	Are data timely enough to influence management decisions?		
Integrity	Are there mechanisms in place to reduce manipulation or simple errors in transcription of the data collected, analysed and reported?		
Key Issues and Recommendations (summary):			

## Annex A.8. Ex-Post Evaluation illustrated: The “Law on advisory services for rural development”

This Annex offers a fictional yet concrete example of how the guidance provided in this Manual may be applied to a single law. Let’s assume that the object of our evaluation is a law setting out minimum standards and requirements for the organisation and delivery of counselling services and training activities for agriculture and rural development in Kosovo.

### Key articles of the LAW NO. 04 / L-074 - ON ADVISORY SERVICES FOR AGRICULTURE AND RURAL DEVELOPMENT:

- Overall purpose of the Law: Raising the overall level of knowledge of farmers, provide training to manage the farm, increase farm incomes, training farmers to use new technologies etc. (Article 1)
- Organization and implementation of advisory services activities for agriculture and rural development (Article 2)
- Organization of public advisory services (central and local level) (Articles 5-7)
- Private advisory services (through a physical and legal person) (Articles 8-10)
- Methods of providing advisory service (Articles 11-14)
- Reporting of all advisory service providers to the Ministry (Article 16)
- Certification for providing private and public advisory services (under stated conditions, for 5 years) (Article 17)
- License for legal entities (under stated conditions, for 5 years) (Article 18)
- Register of legal and physical persons as advisors for advisory services (Articles 19-20)
- Training program and training plan for advisors (Articles 21-22)

In this case, the “legal act” is the entire Law 04 / L-074. In this respect, the Ex-Post Evaluation shall follow the following steps:

### STEP 1: Developing the result chain

First, we must develop the sequential chain of results upon which the successful implementation of the law is based. Table A.8.1 proposes a possible result chain.

Table A.8.1. Advisory services law: The result chain

<b>INPUTS</b>	<ul style="list-style-type: none"> <li>• Financial and human resources used to design the training programme (including selection, formation and certification of trainers and advisors)</li> <li>• Financial and human resources used to advertise, organise and deliver the training to the farmers</li> </ul>
<b>ACTIVITIES</b>	<ul style="list-style-type: none"> <li>• Delivery of the training programme for advisors</li> <li>• Certification, registration and licensing of the advisors/trainers</li> <li>• Delivery of the advisory services and training to farmers</li> </ul>
<b>PRODUCT</b>	<ul style="list-style-type: none"> <li>• Raising the level of knowledge of the farmers (attending the training)</li> </ul>

<b>INITIAL OUTCOMES (behavioural)</b>	<ul style="list-style-type: none"> <li>• Application of new knowledge, production method, technologies etc.</li> </ul>
<b>INTERMEDIATE OUTCOMES (performance)</b>	<ul style="list-style-type: none"> <li>• Increase in the level of production (and/or productivity) in farms</li> </ul>
<b>IMPACTS</b>	<ul style="list-style-type: none"> <li>• Higher income of farmers</li> <li>• Higher employment (seasonal and full time)</li> </ul>

### STEP 2: Selecting the type of evaluation

The next step for us is to then decide on the type of evaluation. The law considered in our example allows in principle to carry out all three types of evaluation. Specifically:

- **Implementation and Compliance Assessment:** As we know, this assessment pivots around checking the implementation (or not) of the legal requirements stipulated in the law. It therefore focuses on the inputs and activities of the intervention logic that we drew up in Step 1.

In the case of Ex-Post Evaluation of this law, carrying out an Implementation and Compliance Evaluation would mean to collect data related to (a) the enactment of necessary implementing regulations (if prescribed by the law); and (b) the design, organisation and delivery of both the trainings for the advisors (with related certification and licensing) and the ones for the farmers. After reviewing these performance indicators, we will have to investigate whether what has actually happened is in compliance with and reflects what was foreseen in the provisions of the law, whether the relevant provisions have been implemented timely and fully and which provisions have not – and why. We should also assess the extent to which the non-implementation of any of the activities has jeopardised the realization of the intended results.

- **Performance Evaluation:** We would carry out a Performance Evaluation if we knew that all the planned activities have been implemented. (So, those that we know after conducting the Implementation and Compliance Assessment.) Recall, the Performance Evaluation extends the scope of investigation to the realisation of the output(s), and whether these have triggered the expected change in behaviour of the targeted groups (initial outcomes) – possibly further to the final impacts. In our example, the critical step would thus be to ascertain that those farmers that have attended the training or the counselling services organised in the framework of the activities regulated by our law have actually acquired more knowledge about agricultural techniques and tools. If the farmers have gained more knowledge, the next evaluation step would be to investigate whether those farmers have applied those techniques and tools in their fields. It appears evident that a Performance Evaluation implies two things:

- first, the demonstration, based on objective evidence, of the existence of the cause-effect mechanisms that we have modelled in the result chain; and
- secondly, the elapsing of a certain period for our evaluation to take place since the entering into force of the law, because the technical time must be allowed for (1) the implementing measures (if required) to be enacted; (2) for the trainings to be organised and delivered (first to the advisors, who must also be certified, and then to the farmers); and (3) for the latter to make use of the knowledge acquired.

We can extend the performance evaluation to also the appraisal of the intermediate outcomes and the final impacts, provided that we can find evidence for that. Concretely, this would mean extending the scope of the evaluation to determine whether there are concrete changes from the application of methods and new production knowledge. Building on the previous step, we would therefore have to ask whether the fact that farmers apply the new techniques and tools in their fields leads to an increase in the overall productivity (and/or the production) of their farms – and eventually whether they get higher income. When conducting the performance evaluation, we must appreciate the causality mechanisms at

play: the law which is subject to evaluation may be the only factor producing a positive effect on the farmers' income, or just one of the (co-determinant) factors, which produces positive effects on the farmers' income. Also, it is possible that the law produced no positive effect on the farmers' income.

- **Impact Evaluation:** We will opt for this Evaluation if we need to prove that the use of new agriculture techniques and tools is linked only to those farmers who attended the training. If a clear direct causal relationship is observed between the training and the use of new production methods – hence we would be able to “attribute” the change to the law which is subject to evaluation. The Impact Evaluation implies therefore that we consider two groups: the farmers who attended the training, and the farmers who have not (the latter is our “control” group).

If we were to observe that other farmers do apply the new techniques and tools, even if they have not attended the training, then the law is only one of the concurrent factors that prompted such a change in the Kosovar farms.

The same would apply for the later segments of the result chain:

- first, we must check whether there is an increase in the income of those farmers who attended the training and who then applied the new techniques. If that is not the case, then our law has not delivered on its purpose, and we must investigate why that happened. If indeed the trained farmers had increased income, then we must ensure that such higher income is the result of applying the new techniques and tools taught during the training – and not, for instance, changes in prices of the agricultural products or due to adverse weather conditions;
- second, we need to check what happened to those farmers who did not attend the training (the control group). If their financial situation has not changed, then the training is likely to have played a major role in improving the situation of the farmers applying the new knowledge learned there. If the other farmers also had higher income during the same period, then the training is not the only cause – and actually it might not even be a relevant cause of the increase in income. In this case, we will have to investigate why farmers in Kosovo (trained or not) experienced an increase in their income and eventually determine whether the law is effective (and relevant) or not.

### STEP 3: Setting the evaluation criteria and questions

Evaluation questions are formulated in a way that best reflects the overarching goals of the evaluation, considering the resources available and the timing at which the Ex-Post Evaluation takes place. Sometimes, the questions need to be adapted or even expanded and new ones added while we are carrying out the evaluation, because new evidence redirects the exercise. Following Table 1. in the Manual, if we opt for an Implementation and Compliance Assessment, we can refer to the “Compliance” and the “Effectiveness” criteria. Accordingly, possible evaluation questions for our law on advisory and training services to farmers could be:

- *Did the law on advisory and training services require the enactment of implementing measures? If yes, have those been enacted? If not, why?*
- *What budget was available to organise and deliver the training programmes to the advisors and to the farmers, respectively – and how much has been disbursed? Why was not all of it spent / has the budget exceeded?*
- *How many trainings were planned, and how many were organised?*
- *How many advisors / farmers (respectively) have been trained? How many were certified / graduated (respectively)?*

The other types of evaluation allow the investigation of additional criteria. The evaluation questions will differ according to the segment of the result chain they refer to. Table A.8.2. below provides some examples.<sup>19</sup>

<sup>19</sup> In this example, it is assumed that both the law on advisory and training services and the measures taken to implement it are lawful and valid. Accordingly, Table A.8.2. does not consider the “legality criterion” explicitly.



**Table A.8.2.** Advisory services law: Formulating evaluation questions

Criteria	Related to the Outputs (acquisition of new knowledge)	Related to the Initial outcomes (application of new techniques/tools)	Related to the Intermediate outcomes (increase in production/productivity)	Related to the Impacts (higher income)
Effectiveness	How many participants in the trainings have passed the test, demonstrating to have acquired new knowledge/skills?	How many of the graduated farmers actually did apply the new techniques? How many did not – why?	Has the production in the farms of the graduated farmers increased during the evaluation period?	Has the average income of the graduated farmer increased?
Impact	---	Do non-trained farmers apply the new techniques)? If yes, why?	Has the production in other farms with non-trained farmers increased in the same period?	Has the average income of non-trained farmers increased?
Efficiency	Considering the cost of running the trainings, how many farmers passed successfully?  Are there better ways to achieve a better performance?	---	Considering the cost of the trainings, what is the cost-benefit ratio resulting from the recorded increase in the production?  Is this justified compared to other policy approaches?	What is the financial cost (public budget) of increasing the average wage of a trained farmer by 50 EUR?
Sustainability	---	How many trainings need to be organised, to ensure a constant increase in the use of new techniques?  Can these dynamics become common (without trainings)?	---	To which extent has the law contributed to meeting the relevant national sustainable development goals?

Coherence	---	---	Are there other programmes or laws in place to foster agricultural production?  Does this law complement / substitute / negatively affect those measures?	How is the economic support to the Kosovar farmers coordinated?  How does this law fit in the overarching policy of the government for rural development?
Relevance / Utility	Is there still a need to increase the farmers' knowledge?	---	Is there still a need to increase the overall agricultural production of the farmers through the use of new techniques?	What is the contribution of the law to fostering the economic well-being of the Kosovar farmers? (compared to other instruments)
Distribution	---	Have the training successfully targeted tailored groups of farmers (e.g. those in mountain areas/remote areas)?	Have targeted farmers especially experienced an increase in production / productivity?	Has the level of income of targeted farmers particularly increased?

**STEP 4: Determining performance indicators**

The next step for us is to find how to measure and express information related to our evaluation questions. This is the function of the performance indicators. For each step of the intervention logic, we must identify the types of data needed to determine the current state of play.

We must select those indicators that allow us to address the relevant evaluation questions. Table A.8.3. (the “Evaluation matrix” in STEP 6.) lists some possible performance indicators related to our law on advisory and training services to farmers in Kosovo.

**STEP 5: Identifying data requirements / data collection and consultation methods**

How do we collect the necessary data for our indicators? This closely links to the definition of the **data collection methods** outlined in Annex A.5.

In our example, the easiest and most direct source of data for most of the performance indicators outlined in Table A.8.3. are **official databases and administrative records**, including for instance the result of tests conducted during and after the trainings.

We should foresee **surveys or focus groups** with advisors to discuss both the certification and licensing requirements and the training programme delivered to them, with a view to obtain their feedback and satisfaction. Whether to opt for surveys or focus groups (less expensive and labour intensive) depends on the number of advisors that are envisaged to be certified.

**Representative surveys** should also be organised in relation to other performance indicators, such as the level of production and the level of income of the trained farmers; whether they have applied new production methods; and their level of satisfaction with the training or advice received.

If we follow attributional approaches in an Impact Evaluation, we need to envisage collecting data about the comparison groups to determine the counterfactual through statistical analysis of quantitative data.

When it comes to reaching out to relevant stakeholders, we must consider that various actors are involved in/affected by the advisory and training campaign set up by our law:

- **Farmers who are members of national or regional organisations** or farmers managing large cultivations are likely to be more visible, receptive, and powerful in reporting their policy stances. Because of the relative weight of this group of stakeholders in the agricultural sector, it is fundamental that we engage with them if the objective of the law is to increase agricultural productivity and production, and the farmers' income. Impacts of any measure in that respect should be visible for this group. Direct meetings with those organisations and focus groups are appropriate in this case.
- **Farmers active in remote areas and on smaller parcels**, are by contrast likely to be not only less organised, but also less informed on the initiatives launched by the government and the related opportunities for engagement that could be offered to them. Nonetheless, those small farmers are still primary stakeholders because any improvement in agricultural productivity is also (or even especially) of benefit for lower income farms. At the same time, any online consultation or use of social media might be ineffective because it is unlikely that such farmers are sufficiently literate in new information technologies and tools. Therefore, we should take active steps in order "not to leave anybody beyond/neglect stakeholder groups", for instance by organising individual interviews and meetings with smaller farmers as well.
- Various sectors of **agri-business**, such as the processing industry, the agricultural inputs industry etc. tend to have high capacities to mobilise interests and evidence to underpin the evaluation of our law. They are arguably less affected by the measures because advisory services or specific training to farmers (for instance dedicated training on a new variety of seed to plant, or of feed to use) might not have as significant direct economic consequences on the industry's turnover as for instance trade policy measures or fiscal decisions. However, the training and advisory services might lead to a (significant) increase in sale of their products. Because of their direct knowledge and role for the success of the legal act, nonetheless, we should consult the agro-business industry as well. The industry might have an interest in facilitating better implementation of the trainings or the introduction of the new techniques and tools, if the evaluation were to be considered inefficient in this respect.
- **Consumers** might be a further relevant source of evidence and information on the impact generated by the advisory services and trainings offered to farmers. For instance, they might have opinions on the impact that the new agricultural techniques deployed further to the measure might have generated in terms of change in the landscape; and in the availability, quality or price of the products, etc. However, these are not indicators reflecting the primary goal of our law. For this reason, it might be sufficient for us to generally offer the possibility to consumers to express their opinion, for instance by launching an online (perception) survey or creating social-media platforms.

#### STEP 6: Elaborating the "Evaluation matrix"

Based on the template outlined in Annex A.6., Table A.8.3 reports a possible Matrix for the Ex-Post Evaluation.

**Table A.8.3.** Law No. 04/L-074 on advisory services for Agriculture and Rural development: "Evaluation Matrix"

Stage in the intervention logic	Issue to be assessed	Indicator	Data collection method Data source
Inputs	Issuance of sub-legal acts	Percentage (%) of sub-legal acts issued	Administrative review
	Financial and human resources used to design the training program for advisors (trainers)	Amount of budget spent for training the advisors (trainers) Number of civil servants engaged (and their cost) for developing and organizing the trainings to advisors (trainers)	Administrative records Administrative records (Survey or interviews)
	Financial and human resources used to certify and license the advisors (trainers)	Amount of budget spent for certification and licensing of advisors (trainers) Number of civil servants engaged (and their cost) for certification and licensing	Administrative records Administrative records
	Financial and human resources used to train the farmers	Amount of budget spent for training the farmers Number of public advisors engaged (and their cost) for training the farmers	Administrative records Administrative records (Survey or interviews)

	Delivery of the training programme for advisors (trainers)	Number of advisors trained Types of training provided Satisfaction level of advisors Cost per training	Administrative records Administrative records Survey Administrative records
Activities	Certification, registration and licensing of advisors/trainers	Number of private and public advisors certified Number of advisory companies licensed Satisfaction level of certification/licensing requirements from advisors Cost per certification and licensing	Administrative records Administrative records Survey Administrative records
	Delivery of advisory services and training to farmers	Number of farmers advised/trained Types of trainings/advice provided Satisfaction level of farmers Cost for training one farmer	Administrative records Administrative records Survey or focus groups Administrative records
Product	Increase in the level of knowledge and skills of farmers (attending the training)	Number (or %) of farmers with knowledge/skills on new production methods Types of new knowledge/skills earned	Skill test before and after training
Initial outcomes (behavioural)	Application of new knowledge, production method, technologies etc.	Number (or %) of farmers that are applying new production methods	Observation
Intermediate outcomes (performance)	Increase in the level of production in farms	Level (volume) of production of farmers trained (vs non-trained farmers)	Survey
Impacts	Increasing income of farmers	Level of income of farmers trained (vs non-trained farmers)	Survey
	Increasing employment (seasonal and full time)	Number of jobs (seasonal and full time) created by farmers trained and their average salaries	Survey

The Ex-Post Evaluation of a legal act includes the following additional tasks:

#### *Checking the validity of data*

An example of applying the data validity test might be:

- **Data quality – Reliability:** Let's assume that the indicator is "Increased volume of agricultural commodities sold by farmers". A scale is used to measure the volume of agricultural commodities sold in the market. The scale is not properly calibrated. Because of this, the scale yields unreliable data, and it is difficult for managers to determine whether changes in the data truly reflect changes in volume sold.
- **Data quality – Precision:** The level of income earned by farmers is 100 EUR/month. Data shows that after a few years this had grown to 300 EUR/month for those farmers benefiting from the advisory services launched by the government. In this case, a 10 percent measurement error (+/- 30 EUR / month) would be essentially irrelevant. It is not important to know precisely whether the income is 270 or 330 EUR. A less precise level of detail is still sufficient to be confident in the magnitude of change. Consider an alternative scenario. If the second data point is 110 EUR / month, a 10 percent measurement error (+/- 11 EUR) would be completely unacceptable because it would represent all of the apparent change in the data.

