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EX-POST EVALUATION REPORT

ON

LAW NO. 04/L-184 ON OFFICE WORK ADMINISTRATION¹

¹ *Ex-post* evaluation Report on Law no. 04/L-184 on Office Work Administration was adopted at the 243-th session of the Government of the Republic of Kosovo, by decision No. 05/243, dated 10.01.2025.

Proposing institution.	Legal Department of the Ministry of Internal Affairs.
Title of Ex-Post Evaluation Report	Ex-Post Evaluation Report of Law No. 04/L-184 on Office Work Administration.
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EXECUTIVE SUMMARY

The administration of official documents was regulated in 2013 through the approval of Law No. 04/L-184 on Office Work Administration. The law regulates the management of official documents from the initial registration to their archiving according to deadlines defined in the legislation implementing this law.

Law No. 04/L-184 on Office Work Administration was published in the Official Gazette of the Republic of Kosovo² on 2 May 2013 and, in accordance with Article 16 thereof, it entered into force fifteen (15) days after publication. With the entry into force of Law No. 04/L-184 on Office Work Administration, the Ministry responsible for public administration was designated as the competent body for implementing this law.

Based on the Law, the former Ministry of Public Administration (MPA) as the responsible body, from 2015 to 2017 drafted bylaws such as Regulation No. 01/2015 on unique marks for classification of documents and timelines of their preservation and Administrative Instruction No. 01/2017 on office work administration, basic evidence and work duties of archivists. Regulation No. 01/2015 on unique marks for classification of documents and timelines of their preservation was amended and supplemented in 2020³.

Considering that the process of office work administration was regulated eleven (11) years ago and after that time separate laws were approved affecting office work administration, such as the law on state archives, the law on organization and functioning of state administration, etc., it was deemed necessary to carry out the ex-post evaluation of this law.

The purpose of this initiative is to identify the challenges in the implementation of this law, including establishment of the documents administration unit, acceptance and classification of documents, sufficient resources to support its implementation, and storage periods in the unit/archive until their delivery to the general archive. Likewise, special focus was paid to the compatibility of the law with other laws; any conflict with such other laws may lead to the amendment of the law.

Moreover, this ex-post evaluation aims to analyze the impact and implementation of the Law on Office Work Administration, with the aim of

² Official Gazette of the Republic of Kosovo No. 18 / 28 May 2013, accessible *online* < <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8670> >

³Regulation (MIA) No. 05/2020 amending and supplementing Regulation (MPA) No. 01/2015 on unique marks for classification of documents and timelines of their preservation.

evaluating its efficiency and identifying aspects that can be improved. The law aims to regulate operations and standardize administrative practices to improve transparency, efficiency and accountability of public administration.

In this regard, the Ministry of Internal Affairs established a working group⁴ mandated to conduct the ex-post evaluation of Law No. 04/L-184 on Office Work Administration. The working group is led by the Legal Department and the Department for General Services of the Ministry of Internal Affairs, while also including representatives of other institutions.

This report found that the Law on Office Work Administration has been well implemented by institutions at the central and local level, with better implementation at the local level than at the central level, as shown by the responses to the questionnaire. The municipalities have established the documents administration unit at the sector level within the administration directorate. At the central level, the archive functions have been organized so far as part of logistics services, which also covered the responsibilities of the documents administration unit. The Law on Office Work Administration enables the establishment of the archive unit as a separate organizational unit. However, with the entry into force of the Regulation on internal organization standards in state administration institutions, the management and archiving of documents within the Ministry has been grouped into divisions or departments⁵.

The challenge in the full implementation of the Law is the marked lack of human resources to manage the entire cycle of documents according to the responsibilities of the unit described by the Law (Article 4). Lack of adequate training for the full implementation of the Law has also been highlighted as a challenge.

The Law is mainly compliant with other laws, with the exception of the provision regulating the destruction of documents through burning, which is not supported by the Law on Environmental Protection. According to the Law on Office Work Administration (Article 7, paragraph 5), official documents are destroyed by burning in the presence of the commission. However, some institutions that had cases of destruction of documents, such as the Municipality of Skenderaj, did this through shredding.

The "Evaluation of implementation and compliance" method, as one of the three (3) types of *ex-post evaluation*, was chosen for this evaluation in order to fully evaluate the process of implementation of Law No. 04/L-184 on Office Work Administration. Moreover, this evaluation will verify whether the implementation is being carried out in the right way, as well as identify the factors that have helped or hindered its adequate implementation.

⁴ Established by Decision No. 414/2024 of 13/03/2024 of the Secretary General of the Ministry of Internal Affairs.

⁵ Regulation (GRK) No. 01/2020 on internal organization standards, job systematization and cooperation in state administration institutions and independent agencies : <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18684>

Regarding the scope of the evaluation, it covers the Law in entirety.

Finally, the Report recommends actions for complete implementation of Law No. 04/L-184 on Office Work Administration. More specifically, the recommendations consist of steps to be taken to address the challenges identified in its full implementation.

I. INTRODUCTION

A) Evaluation background

Based on monitoring and analysis conducted during this evaluation, as well as on previous data, it is observed that the implementation of the law from responsible institutions is very challenging, mainly due to several problems in the law and the lack of human capacities.

This law was selected to undergo an ex-post evaluation taking into account, among other things, its importance in the entire cycle of management of official documents in an institution, from their acceptance, classification for the purpose of easy finding them and up to final archiving.

Therefore, starting from this and based on the requests issued by the departments within the Ministry of Internal Affairs as well as other public institutions, the Ministry of Internal Affairs decided to conduct the ex-post evaluation of Law No. 04/L-184 on Office Work Administration.

B) Purpose and scope of the evaluation

The purpose of the ex-post evaluation report is to highlight the main challenges in the field of management of official documents defined by the relevant law. In addition to implementation, the second focus of the evaluation is the compliance of the law with other legislation in force. Hence, this is an "Evaluation of implementation and compliance".

The evaluation criteria are firstly related to the establishment according to the Law of the documents administration unit, sufficient human resources engaged in the entire document management process (acceptance, classification, sending of documents), and capacity building of the current staff for the implementation of the Law. Another criterion related to the second component of compliance is whether the Law is in accordance with other legislation in force, especially with the Law on Environmental Protection since the destruction of documents

according to the Law is foreseen to be done through burning.

Consequently, the ex-post evaluation of the Law is considered a very necessary instrument to identify the level of implementation, the challenges encountered during implementation, as well as the measures to be taken in order to strengthen the implementation of this Law.

Evaluation of Law No. 04/L-184 on Office Work Administration covers the period from the entry into force in June 2013 until June 2024. This ex-post evaluation covers the Law in entirety.

The stakeholders actively involved in the process of implementing the Law are:

- Ministries;
- Regulatory agencies within the state administration;
- Executive agencies within the ministries;
- Municipalities.

II. DESCRIPTION OF THE LAW TO BE EVALUATED AND APPLIED METHODOLOGY

A) Description of the law or bylaw to be evaluated

Law No. 04/L-184 on Office Work Administration determines how documents are accepted by the institution, their classification, and sending to other units for further processing. Documents are kept for up to two years in the acceptance/writing office of the documents administration unit, then archived in this unit for up to 30 years. After this time, they are sent to the state archive.

The ex-post evaluation covered Law No. 04/L-184 on Work Office Administration in entirety, including its bylaws. According to the authorization given by the Law, three bylaws were issued in 2015, 2016 and 2017, including the amendment and supplementation in 2020.

More specifically, Law No. 04/L-184 on Office Work Administration has given authorization to regulate in more detail the issues related to:

- Unique marks for classification of documents and contents of main groups, as well as the list of timelines of preservation of documents;
- Basic evidence;
- Archive files, management procedures, access to data and duties of the

archivist.

Since its entry into force, the Ministry of Internal Affairs has issued all bylaws implementing the law. Neither the Law nor the by-laws have been supplemented from the time of entry into force, with the exception of the annex to Regulation No. 01/2015 on unique marks for classification of documents and timelines of their preservations in 2020.

B) Chain of results

The chain of results for the type of evaluation defined by the working group "Assessment of implementation and compliance" is presented in the following table:

Level of result	Indicator
Impact	Positive assessment of the implementation of laws as a result of their ex-post evaluations
Outcome	The law is implemented at satisfactory level and is in harmony with the relevant laws
Output	The number of institutions that have established units with sufficient staff and trained in specific aspects of the law

Achievement of the output depends on a number of inputs, such as: drafting and approval of regulations on internal organization and systematization of jobs by all state administration institutions. Likewise, another input to achieve this output is the recruitment of the necessary staff for the entire process of document administration in the office, including archiving. Another input is staff training on specific aspects of the law.

Achievement of the outcome depends on the achievement of the output, that is: when the units are established, have sufficient staff and are trained, then the implementation of the law should also be of a good level. It also depends on another process, i.e. the amendment and supplementation of the Law on Office Work Administration in order to harmonize it with the relevant laws mentioned in this report.

Achievement of the impact is the highest level of achievement and is not only related to the Law on Office Work Administration. The achievement of the impact depends on the evaluations outside the public administration for the level of implementation of the laws that were evaluated ex-post. The achievement of the impact will be assessed by evaluations through surveys, statistics, and data from organizations outside the Government that monitor the implementation of

laws.

C) Ex-post evaluation method

The Ministry of Internal Affairs, as the minister responsible for public administration, pursuant to the Guidelines for Ex-Post Evaluation of Legislation in the Republic of Kosovo, has established the working group on 13/03/2024. The working group has been mandated to conduct the *ex-post evaluation* of Law No. 04/L-184 on Office Work Administration. The working group was led by the Legal Department of the Ministry of Internal Affairs, in cooperation with the Department for General Services of the Ministry of Internal Affairs, as well as participants from other competent institutions in the field of document management, who are directly or indirectly involved in the implementation of the Law such as the Office of the Prime Minister, the State Archives Agency, the Municipalities represented by the Association of Kosovo Municipalities and the Ministry of Foreign Affairs and Diaspora.

The methodology applied in preparing the ex-post evaluation report of Law No. 04/L-184 on Office Work Administration included administrative data collection from institutions in public documents (accessible online), including the drafting and sending of a questionnaire to public institutions and field research.

The desk research analyzed the following legislation:

- a. Law No. 04/L-184 on Office Work Administration and all bylaws that were issued according to the authorization of the Law;
- b. Law No. 08/L-111 on State Archives;
- c. Law No. 03/L-025 on Environmental Protection;
- d. Law No. 06/L-113 on Organization and Functioning of State Administration and Independent Agencies.

Data were collected from public institutions through a questionnaire consisting of questions about the challenges of implementing the Law, shared with all institutions.

As for the challenges that the working group had in carrying out the research, they are related to the small number of responses received from public institutions.

Meetings with relevant stakeholders

A meeting was also held with the former director of the Legal

Department in the former Ministry of Public Administration, which sponsored the Law on Office Work Administration. The meeting was held on 23/05/2024.

Through the method of field research, the working group conducted two visits to see closely the implementation of the Law in practice, in the documents administration unit in the Municipality of Skenderaj (30/05/2024) and the Ministry of Foreign Affairs and Diaspora (23/05/2024).

Workshop for finalizing the report

After drafting the draft report, which was distributed to the working group on June 10, the working group with the support of NDI also held a two-day workshop (June 13-15) in order to finalize the report. As a result, the working group reviewed each part of the report, including the conclusions and recommendations of this report.

III. EVALUATION FINDINGS

A) Applicability of Law

a. General information

The ex-post evaluation process showed, specifically from the meetings held by the working group with the competent institutions, that the implementation of Law No. 04/L-184 on Office Work Administration has been accompanied by several challenges, such as: establishment of documents administration units at the central level has not been complete; lack of adequate human resources; lack of specific training for the implementation of the Law; and the eventual obstacles arising from the method of destruction of documents through burning due to the non-existence of other options in compliance with the Law on Environmental Protection.

Establishment of the documents administration unit.

The establishment of the documents administration unit has not been fully implemented either at the central or local level. At the central level, in most cases, the documents administration units has not been established as required by the Law on the Office Work Administration. According to Article 2, paragraph 1.14, of the relevant Law, the Archive is an integral part of the documents administration unit or a separate organizational unit. The documents administration unit has started to be established in recent years with the drafting of Regulations on internal organization and systematization of jobs in the

Ministry. This unit is being established as a division or department depending on the nature of the work of the ministries and agencies within the ministries and state administration.

Lack of sufficient human resources.

Public institutions at the central and local level have a lack of human resources that deal with the administration of official documents (acceptance, classification, distribution, archiving).

According to the answers received through the questionnaire, the challenge and reason for not fully implementing the Law was the lack of sufficient human resources and the lack of establishment of the documents administration units. As understood from the visits to some institutions, the documents administration unit has only one archivist in the municipality and it is estimated that the number is too small to carry out all the work carried out by the documents administration unit. This is because archiving means storing documents electronically and not only physically.

Lack of specific training for capacity building for better implementation of the Law

In addition to the number of staff being small, public institutions at the central and local level have also assessed the lack of specific training for the full implementation of the Law as a challenge or reason.

Destruction of official documents – reliance on the Law on Environmental Protection

Many of the public institutions have responded that so far there have been no cases of destruction of documents. However, this has not been done also due to the fact that the Law on Office Work Administration foresees destruction through burning, while this form is not supported by the Law on Environmental Protection. The Law on Office Work Administration does not provide other options for the destruction of documents except through burning.

Establishment of the commission for classification of documents

Regulation (MPA) No. 01/2015 on unique marks for classification of documents and timelines of their preservation does not define further who classifies the documents.

Establishment of the commission for destruction of documents

Law No. 04/L-184 on Office Work Administration (Article 7, paragraph 5) determines that institutions establish commissions for the destruction of

documents, but does not provide details on the manner of their establishment.

B) Compliance

The working group has estimated that Law No. 04/L-184 on Office Work Administration and Law No. 08/L-111 on Archives are not in harmony with each other (especially with Articles 7, 9, 10, 13, 18 of the Law on Archives) including the terms used in these two laws. For example, the Law on Archives uses the term fund-creator, which is not mentioned anywhere in the Law on Office Work Administration.

Also, the Law is not in harmony with the Law on Environmental Protection regarding the method of destruction of documents through burning.

Therefore, the working group has estimated that Law No. 04/L-184 should be amended and supplemented to address the findings of this report.

IV. CONCLUSIONS AND RECOMMENDATIONS

A) CONCLUSIONS

The ex-post *evaluation* of Law No. 04/L-184 on Office Work Administration has identified the following conclusions:

- Incomplete implementation of the provisions of the Law related to the establishment of the documents administration unit;
- Lack of human resources and necessary capacities for the implementation of the Law;
- Need to harmonize the Law with the Law on Archives and the Law on Environmental Protection;
- Lack of legal provisions on establishment of the commission for destruction of documents;
- Failure to clarify through bylaw on classification marks as to who classifies documents that are sent for destruction.

B) RECOMMENDATIONS

The following recommendations are the result of the evaluation of the working group, which are naturally related to the conclusions above:

1. Public institutions at the central level should complete the process of establishing documents administration units through the drafting and approval of Regulations on internal organization and systematization of jobs. The unit in question must be organized as a division within the department for general services;
 - 1.1. The institutions responsible for the implementation of the recommendation are the ministries and executive agencies which have not yet drawn up regulations on internal organization and systematization of jobs. The deadline for their drafting is Q4 2024. The result expected from this action concerns the establishment of document administration units as a structure responsible for the administration of documents in the office. The implementation of this recommendation will be monitored by the Ministry of Internal Affairs (MIA)/Department for the Management of Public Officials.
2. Municipalities that have not yet established such a unit should establish it within the administration directorate, organized at the sector level.
 - 2.1. All municipalities that have not yet established such a unit must establish it during Q1 2025. The result expected from this action concerns the establishment of document administration units as a structure responsible for the administration of documents in the office. The implementation of this recommendation will be monitored by the Ministry of Local Government Administration (MLGA)/Department for Municipal Monitoring.
3. Public institutions, including municipalities, must ensure sufficient staff in this unit, for the acceptance, classification, distribution of documents and their archiving.
 - 3.1. All public institutions are responsible for the implementation of this recommendation in order to ensure the necessary staff for the units. The deadline for the completion of the staff is the period Q1-Q2 2025. The expected results are related to the efficient management of documents in the public institution. The implementation of this recommendation will be monitored by the Ministry of Internal Affairs as the ministry responsible for public administration.
4. The staff engaged in the unit should have specific training on the topics of the Law on administration of documents in order to increase the implementation of the Law.
 - 4.1. The Ministry of Internal Affairs and the MLGA must assess the training needs of ministries and agencies within the state administration and municipalities respectively, and both ministries in cooperation with the

Kosovo Institute for Public Administration (KIPA) should develop during 2025 the necessary modules for the training of staff according to the assessment results. The result that emerges from the implementation of this recommendation is related to the increase of human capacities in the institutions of the central and local level in the implementation of the requirements of the Law on Office Work Administration. The implementation of this recommendation will be monitored by the Ministry of Internal Affairs as the ministry responsible for public administration.

5. The Ministry of Internal Affairs, as the Ministry responsible for public administration, must provide the necessary clarifications regarding the interpretation of the Law and the obligations of the institutions regarding its implementation.

- 5.1. All public institutions that have challenges regarding the implementation of the law or the interpretation of the provisions of the law must request interpretations during 2025 from the Ministry of Internal Affairs in order to clarify all dilemmas regarding the implementation of the law. The result that emerges from the implementation of this recommendation is related to the fact that the institutions receive the necessary clarifications/interpretations on the interpretation of certain provisions of the law. The implementation of this recommendation will be monitored by the Ministry of Internal Affairs as the ministry responsible for public administration.

6. The implementation of the electronic documents management and archiving system (EDMAS) envisaged by the strategy on e-Government should be a requirement of the Law on office work administration and implemented in all public administration institutions.

- 6.1. The Ministry of Internal Affairs, as the Ministry responsible for public administration, should include in the Legislative Plan 2025 the amendment and supplementation of the Law on Office Work Administration and the implementation of the EDMAS system should be a requirement of the law for all institutions that fall under the scope of the law. The result is related to the increase in the efficiency of the state administration in the management and electronic archiving of documents. The implementation of this recommendation will be monitored by the Legal Office of the Office of the Prime Minister.

7. The working group, based on the evaluation and the recommendations derived, proposes to amend and supplement Law No. 04/L-184 on Office Work Administration. Also, the working group recommends building of human capacities in the public administration for the full implementation of Law No. 04/L-184 on Office Work Administration. In addition, this law should be harmonized with the relevant law on state archives.

7.1. The implementation of this recommendation is related to recommendation six (6) above as it concerns the introduction into the process of amending the Law on Office Work Administration. This process must be conducted by the Ministry of Internal Affairs during the year 2025 and the same must be harmonized with the legislation mentioned above. The result of the implementation of this recommendation lies in the fact of harmonizing the law with other laws and opening the way for the implementation of the law without being in conflict with other laws. The implementation of this recommendation will be monitored by the Legal Office of the Office of the Prime Minister.

Technical annexes

Annex I: Questionnaire

Ex -post evaluation of Law No. 04/L-184 on Office Work Administration

Type of evaluation: Implementation and Compliance

Questions to assess implementation and compliance:

General questions:

1. Have all the bylaws provided for by this Law been issued⁶?
2. Do you think there is a conflict between Law No. 04/L-184 on Office Work Administration with any other law? If so, which law and which provisions?
3. Do you think that Law No. 04/L-184 on Office Work Administration should be harmonized with any other law? If so, which law and which provisions?
4. How do you generally assess the implementation of this Law in your institution? Please clarify the difficulties and problems for a better implementation of this law?
5. What do you think should be done for better implementation of this law?

Specific questions:

6. Has a documents administration unit been established in your institution?
7. If so, do all official documents go through this unit? If not, which ones do not go through this unit and are these defined by a separate law?
8. Are the professional services performed in this unit (such as document acceptance, classification, distribution) also performed electronically or only physically?
9. How long are documents stored in the documents administration unit?

⁶The Law envisages the issuance of these bylaws: 1) Unique marks for classification of documents and the content of the main groups, as well as the list of timelines for the storage of documents; 2) Basic evidence; 3) Regulation of the content of archive files, procedures for management, access to it and archivist's work duties; 4) Rules and standards of official electronic communication.

10. Do you have an archive established within the documents administration unit or is the archive established as a separate organizational unit? Do you have an archivist?
11. Do you have any challenges in accepting the submission of completed documents to your institution's archive repository?
12. Do you have enough staff working in this unit? If not, why?
13. Does the unit need a separate budget for unit needs or is this not presented as a problem?
14. Do you have a protocol book and main protocol book? If not, why?
15. Is the protocol book also available electronically? If not, why?
16. How are documents destroyed in your institution?
17. Are documents stored in physical and electronic form?
18. Do you have archival storage and are there conditions for the storage of archival material?

Regulation (MPA) No. 01/2015 on unique marks for classification of documents and timelines of their preservation⁷

19. Have you encountered any challenges in implementing the Regulation on unique marks for classification of documents and timelines of their preservation? Is it clear to you how documents are classified into groups, subgroups and their retention periods?
20. Do you think that classification should be done differently than it is done today and document categories should have other storage terms?
21. Do you think there is any conflict between this Regulation and any other bylaws?
22. Do you think more should be done to better implement this Regulation? If so, what?

Administrative Instruction (MAP) No. 01/2017 on office work administration, basic evidence and archivist's work duties

23. Have you encountered any challenges in implementing the administrative instruction on office work administration, basic evidence and archivist's work duties?
24. Do you think there is any conflict between this instruction and any other bylaws?
25. Do you think more should be done to better implement this administrative instruction? If so, what?

⁷The appendix of the regulation was amended/completed in 2020, where the documents are classified into main groups, groups, subgroups, determining the storage term according to them.