

# INDEPENDENT INSTITUTIONS AND AGENCIES:

## EMPLOYMENT RELATIONSHIP, SALARY SYSTEM, INTERNAL ORGANISATION AND ACCOUNTABILITY\*



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## CONTENTS

1.	INTRODUCTION .....	4
2.	LIST OF ABBREVIATIONS .....	6
3.	KOSOVO PROPERTY AGENCY (KPA) .....	7
4.	PRIVATISATION AGENCY OF KOSOVO (PAK) .....	9
5.	ANTI-CORRUPTION AGENCY (ACA) .....	12
6.	AGENCY FOR MANAGEMENT OF MEMORIAL COMPLEXES (AMMC) .....	14
7.	NATIONAL AGENCY FOR PERSONAL DATA PROTECTION (NAPDP) .....	16
8.	AGENCY FOR FREE LEGAL AID (AFLA) .....	18
9.	KOSOVO ACADEMY OF SCIENCES AND ARTS (KASA) .....	20
10.	KOSOVO COMPETITION AUTHORITY (KCA) .....	23
11.	REGULATORY AUTHORITY OF ELECTRONIC AND POSTAL COMMUNICATIONS (RAEPC) .....	25
12.	RAILWAY REGULATORY AUTHORITY (RRA) .....	27
13.	WATER SERVICES REGULATORY AUTHORITY (WSRA) .....	30
14.	CIVIL AVIATION AUTHORITY (CAA) .....	32
15.	CENTRAL BANK OF KOSOVO (CBK) .....	34
16.	THE CONSTITUTIONAL COURT OF KOSOVO .....	36
17.	THE OMBUDSPERSON INSTITUTION (OI) .....	39
18.	KOSOVO JUDICIAL INSTITUTE (KJI) .....	42
19.	KOSOVO JUDICIAL COUNCIL (KJC) .....	44
20.	KOSOVO PROSECUTORIAL COUNCIL (KPC) .....	47
21.	KOSOVO COUNCIL FOR CULTURAL HERITAGE (KCCH) .....	49
22.	INDEPENDENT OVERSIGHT BOARD FOR CIVIL SERVICE (IOBCSK) .....	51
23.	INDEPENDENT COMMISSION ON MINES AND MINERALS (ICMM) .....	53
24.	CENTRAL ELECTION COMMISSION (CEC) .....	55
25.	PUBLIC PROCUREMENT REGULATORY COMMISSION (PPRC) .....	58
26.	INDEPENDENT MEDIA COMMISSION (IMC) .....	60
27.	PROCUREMENT REVIEW BODY (PRB) .....	62
28.	ELECTIONS COMPLAINTS AND APPEALS PANEL (ECAP) .....	64
29.	RADIO TELEVISION OF KOSOVA (RTK) .....	67
30.	KOSOVO PENSION SAVINGS TRUST (KPST) .....	69

31.	UNIVERSITY OF PRISTINA "HASAN PRISHTINA".....	71
32.	OFFICE OF AUDITOR-GENERAL (OAG).....	74
33.	ENERGY REGULATORY OFFICE (ERO).....	76
34.	THE OFFICE OF THE PRESIDENT.....	78
35.	THE ASSEMBLY OF KOSOVO.....	80
36.	CONCLUSIONS.....	82
37.	ANNEX: INTERVIEWS.....	87

## 1. INTRODUCTION

Government of Kosovo has adopted the Public Administration Modernization Strategy in September 2015 as part of the strategic framework on public administration reform. This strategy includes four areas that fall under the responsibility of Ministry of Public Administration (MPA): 1) civil service, 2) human resources management, 3) delivery of public and administrative services, and 4) reorganisation and accountability in public administration. In order to address these elements, MPA has initiated supplementing the legal framework that would in turn facilitate undertaking adequate steps to achieve objectives of the strategy. In the legal framework, MPA has planned to amend and supplement the Law No. 03/L-189 on State Administration, which after amendments and supplements will be named the Law on Reorganization of Public Administration. This Law shall define elements of reorganization and functioning of public administration beyond state administration, including independent institutions and agencies established by the Assembly of Kosovo.

As support in preparing the Draft Law on Organisation of Public Administration, MPA has asked the GAP Institute to conduct a three month research in order to collect necessary information in independent institutions and agencies focusing on four key elements: establishment of employment relationship, definition/arrangement of salaries, internal organisation and accountability in these institutions. This cooperation between the MPA and GAP Institute was formalized with a Memorandum of Understanding signed in March 2016. The research in independent institutions and agencies established by the Assembly took place in the period from 15 March to 15 June when meetings were held with all independent institutions and agencies covered in the report. Research was conducted with a questionnaire prepared by MPA and GAP Institute. The research data on independent institutions and agencies focusing on four elements (employment relationship, salaries, organisation and accountability) are summarized in the report.

In addition to independent institutions and agencies established by and reporting to the Assembly, due to their independent administrative organisation, the research also covers Office of the President and the Assembly of Kosovo. Furthermore, the research includes some other institutions for the following reasons: 1) they are not established by the Assembly but report to the Assembly (Civil Aviation Authority is not established by the Assembly but reports to it), 2) they are not in the database of Assembly as agency which reports to the Assembly (Kosovo Academy of Sciences and Arts, University of Pristina), and 3) institutions which are integral part of another independent institution, but which have separate administration from the main institution, separate budget code and separate administrative organisation, as well as separate lines of accountability.

Institutions we tried to contact, but did not manage to arrange a meeting with, are: Environmental Protection Advisory Board, Committee on Bar Examination and National Council of Science, Kosovo Intelligence Agency was contacted for a meeting as an institution that

reports to the Assembly through Oversight Committee for KIA, but they did not respond for a meeting/interview.

## 2. LIST OF ABBREVIATIONS

PAK	Privatization Agency of Kosovo
ACA	Anti-Corruption Agency
AMMC	Agency for Management of Memorial Complexes
NAPDP	National Agency for Personal Data Protection
AFLA	Agency for Free Legal Aid
KASA	Kosovo Academy of Sciences and Arts
RAEPC	Regulatory Authority on Electronic and Postal Communications
RRA	Railway Regulatory Authority
CAA	Civil Aviation Authority
CBK	Central Bank of Kosovo
KPST	Kosovo Pension Savings Trust
IO	Institution of Ombudsperson
KJI	Kosovo Judicial Institute
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
KCCH	Kosovo Council for Cultural Heritage
IOBCS	Independent Oversight Board for Civil Service
ICMM	Independent Commission for Mines and Minerals
CEC	Central Election Commission
PPRC	Public Procurement Regulatory Commission
IMC	Independent Media Commission
PRB	Procurement Review Body
ECAP	Elections Complaints and Appeals Panel
RTK	Radio television of Kosovo
OAG	Office of Auditor General
ERO	Energy Regulatory Office

### 3. KOSOVO PROPERTY AGENCY (KPA)

#### Some basic facts:

<b>Year of establishment:</b>	2006
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	2,010,682 €
<b>Number of employees:</b>	- 231 civil servants; - 11 technical-administrative staff;
<b>Employment relationship:</b>	Law on Civil Service; Labour Law.
<b>Election and composition of the Board:</b>	5 members (3 international members appointed by the special representative in Kosovo and 2 members elected by the Assembly upon proposal of the Prime minister)
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	In the process of adjustment
<b>Expenditure for wages and salaries 2015</b>	1,187,401 €
<b>Average monthly salary (gross)</b>	469 €

#### Employment relationship

Employment relationship in Kosovo Property Agency is defined based on the Law on Civil Service and Labour Law. The positions are divided into civil and public servants in Kosovo Property Agency according to the Law on Civil Service, decisions of the Assembly and decisions/regulations issued by the Ministry of Public Administration (MPA). In total the Kosovo Property Agency employs 242 employees, 231 of which are civil servants and 11 are employed as technical and administrative staff performing the work in accordance with the Labour law. Director, deputy director and 2 national members of the Board are appointed by the assembly on the proposal of the Prime Minister, while 3 international members are appointed by the special representative in Kosovo. Kosovo Property Agency communicates with MPA mainly about salary system, positions, statistics and such communication is constant.

In case of disputes related to employment relationships, civil servants address to the Dispute and grievance appeals<sup>1</sup> committee established within the Kosovo Property Agency. If a case is not resolved by the committee, it may go to the Independent Oversight Board for Civil Service (IOBCS). For civil servants in the Kosovo Property Agency, in addition to the Law on Civil Service there is a special law that regulates their employment relationship. According to the

<sup>1</sup> Dispute grievances and appeals committee is established in every institution at central and local level where civil servants are employed, based on Regulation 05/2001 on Procedures for resolution of disputes and appeals: <http://bit.ly/1SEg2ut>

Kosovo Property Agency, employees in all independent institutions/agencies should be civil servants but with a special status because the nature of work in these institutions/ agencies is specific. Law on Civil Service is in the process of amendment and Kosovo Property Agency was informed by MPA about this. Kosovo Property Agency has sent its comments to MPA related to amendment of the law.

## **Salaries**

Two members of the board appointed by the assembly have fixed salaries with assembly decision. The rest of employees in the Kosovo Property Agency are paid based on coefficients. Kosovo Property Agency employees have coefficients ranging from 5 to 10 for managerial positions and coefficient 20 for top positions. Kosovo Property Agency is not part of the Cadre Fund. In addition to basic salary, all employees receive work experience allowance which is 0.5%<sup>2</sup> of the basic salary and an allowance of 30 Euro for civil servants. Salary compensations and other compensations incurred in the performance of duties are not applicable as Kosovo Property Agency is not allocated any separate budget line by the Ministry of Finance for allowances for professionals in demand. Whereas in case of overtime work, civil servants are compensated with time off. According to Kosovo Property Agency there should be a special salary system since duties and responsibilities of agency employees are very different from duties and responsibilities of those in the ministry having positions with the same titles. The preferred option for salary arrangement is civil servants with special salary system.

## **Internal organisation**

Kosovo Property Agency consists of Supervisory Board, Executive Secretariat and Property Claims Commission (Commission)<sup>3</sup>. Kosovo Property Agency is managed by the executive secretariat consisting of director and deputy director. The Board has five members who have a supervisory role. The practice of Kosovo Property Agency was for the board to have a one year term. Executive Director is the chief administrative officer who is elected by the Assembly on the proposal of the Prime Minister for an indefinite mandate. Kosovo Property Agency is organized in departments and divisions<sup>4</sup>. There is no structure within the institution that is considered to have fulfilled its mandate and that is considered unnecessary. Kosovo Property Agency has also drafted a regulation on internal organization and functioning and systematization of jobs which was forwarded to MPA for approval in 2012, but no reply has been received from MPA yet. Common services are organized in the department of administration which includes human resources, internal audit, transport, certification, etc. The Job catalogue is not adequate and creates difficulties in internal organization due to nature of work. Present organization is adequate but will change if the new law on the agency is adopted.

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<sup>2</sup> Regulation No. 03/2012 on allowances in salary and other compensations of civil servants, Article: <http://bit.ly/1TW1t9r>

<sup>3</sup> Regulation No. 2006/10: <http://bit.ly/1U1Dh3P>

<sup>4</sup> Organisational chart: <http://bit.ly/1VcQ3h5>



## Accountability

Director reports in meetings of the Board whereas Kosovo Property Agency reports once a year to the Assembly, where is present a work report. The report is divided into work report that is sent to the Committee on Legislation, Mandates, Immunities, Rules of Procedures of the Assembly and Supervision of Anti-Corruption Agency and financial report that is sent to the Budget and Finance Committee. Both parts of the report are presented as one single report at the Assembly session by the said committee. There has been no case when the Assembly has not approved the annual report of Kosovo Property Agency. Annual report is published in the website.<sup>5</sup>

## 4. PRIVATISATION AGENCY OF KOSOVO (PAK)

### Some basic facts:

<b>Year of establishment:</b>	2002 <sup>6</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	8,965,168 €
<b>Number of employees:</b>	- 19 public servants; - 239 civil servants;
<b>Employment relationship:</b>	Law on Civil Service; Labour Law.
<b>Election and composition of the Board:</b>	8 directors, elected by the Assembly on the proposal of the Government
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	4,321,066 €
<b>Average monthly salary (gross)</b>	1,421 €

### Employment relationship

Employment relationship in Privatization Agency of Kosovo (PAK) is defined in the Law on Civil Service and Labour Law. The Law on Budget has approved 258 positions in PAK, 239 employed as civil servants whose employment relationship is defined by the Law on Civil Service, while 19 others are public servants whose employment relationship is defined by the Labour Law. The Board of Directors is composed of eight directors who are appointed by the Assembly of Kosovo

<sup>5</sup> PAK annual reports: <http://bit.ly/23RJ1zX>

<sup>6</sup> Established as Kosovo Trust Agency (KTA) in 2002 with UNMIK Regulation No. 2002/12, PAK is the KTA successor whose current form is regulated with the Law of Kosovo Assembly No. 03/L-067: <http://bit.ly/1TSsbw3>

upon the proposal of the Government and have no contracts with PAK. The term of the chairperson and deputy chairperson of the Board is three years, whereas the term of other members is two years; 3 out of 19 public servants have limited duration contracts for 3 years and 16 other employees have unlimited contracts and probationary period of three months.

Communication with MPA pertains to issues such as interpretation of various regulations, recruitment of staff, salary system (Department of Budget and Finance is in direct communication on monthly basis regarding PAK salary system). Communication also takes place through Human Resources Management Information System (HRMIS). There are deficiencies in this communication, delayed replies or even non-functioning of HRMIS. In case of employment relationship disputes, PAK staff members may appeal to the Dispute and Grievances Appeal Committee within the PAK, following which an appeal may be addressed to the IOBCSK. Apart from the Law on Civil Service and Labour Law, there is no specific primary and secondary legislation that regulates the employment relationship of civil and public servants in PAK. PAK staff should be civil servants but with special status as the work and mandate of PAK are specific. Special status should be applied for all independent institutions and agencies. First comments on the amendment of the Law on Civil Service were submitted by PAK in 2013, and last time the draft law on civil service was sent late and comments were forwarded after the deadline. This law is not harmonized with the Labour Law in aspects like retirement, work experience, suspension cases, etc.

## **Salaries**

There is a specific salary system in PAK. Salaries are determined with grades and steps. Grade 1 is the highest and is allocated to functional category of Senior Manager which includes Managing Director and Deputy Directors, grade 2 is for managerial level, grade 3 is for leading level, grade 4 is for senior officers, grade 5 for professional official level, and grade 6 is for technical and administrative level. The PAK Board of Directors upon the proposal of PAK management has adopted the regulation on salaries. Compensation for members of the Board of Directors includes payment for engagement of directors in direct activities of Board of Directors (five days to prepare for Board meetings and one day for the meeting of Board of Directors). Payment is made from PAK budget line of goods and services. The only allowance given to PAK employees is for the work experience which was introduced last year with a government decision. PAK employees do not get additional allowance of 30 Euros for civil servants. PAK provides compensation for work outside working hours as stipulated in the Law on Civil Service and Law on Salaries of Civil Servants which can be 30%, 50% and 100%. According to PAK, employees in this institution should be civil servants but should be part of a special salary system because of the nature of work: privatization and liquidation done by PAK is very specific and is performed only by its officials; such system would be like civil servants with special salary system.

## Internal organisation

PAK is governed by the Board of Directors. Eight members of the Board are appointed by the Assembly of Kosovo and do not have a contract with PAK. Managing Director is the highest administrative officer (manager). Recruitment procedures are defined in the Regulation on recruitment, nomination and appointment of management and directors of the executive secretariat of PAK Board of Directors.<sup>7</sup> PAK internal organization is based on the following structural levels: Board of Directors - Managing Director and two deputy Managing Directors (liquidation and privatization) - two divisions divided into seven departments, units and 5 regional offices. Internal organization is done in order to implement the mandate of the institution, but the organizational chart should be changed based on the needs and performance of PAK mandate. On June 1, 2016, PAK management appointed by the Board of Directors started work and part of future business plan is to reorganize PAK, which also includes the Regulation on organization and systematization of jobs. PAK organizes adequately its staff in line with its mandate. Common services are organized as follows: logistics, transport, human resource management are part of Department of Administration and procurement is a separate department, whereas other tasks are divided in relevant departments. According to PAK, catalogue of jobs is not adequate for PAK. Specific job positions held by the PAK officials are not included in the catalogue and cannot be unified with other positions. This is causing difficulties in recruitment of staff for new vacancies in PAK. MPA, requesting unification of positions does not accept fulfillment of vacancies in PAK under justification that they are not included in the catalogue of jobs. PAK has its own catalogue of jobs. PAK organization will be updated in order to implement the PAK mandate and eliminate the overlapping of jobs in line with the dynamics and business plan of the agency.

## Accountability

Accountability lines between PAK and Assembly are defined in the Law on Privatization Agency of Kosovo<sup>8</sup>. The Board submits to the Kosovo Assembly and publishes an annual report of the agency. Board has the overall responsibility for PAK activities - a decision making role on issues of privatization, liquidation and adoption of regulations. The Managing Director is Chief Executive Officer of the Agency. Managing Director and two Deputy Managing Directors shall exercise the powers of the Agency vested in them by the Board or by law. Managing Director, under the general supervision of the Board, runs the usual business of the Agency. The Managing Director is responsible for organization, appointment and dismissal of personnel, except for the appointment and dismissal of the two Deputy-Managing Directors and other staff as may be specified by the Board. Managing Director exercises other powers as may be delegated by the Board<sup>9</sup>. Committee on Economic Development, Infrastructure, Trade and Industry of the Assembly oversees the work of PAK. This committee invites the Managing

<sup>7</sup> Regulation No. 01/2006 on procedures of recruitment, nomination and appointment of management and director of executive secretariat of the Board of Directors: <http://bit.ly/23NMses>

<sup>8</sup> Law No. 03/L-067 on Privatisation Agency of Kosovo: <http://bit.ly/247vrsp> Article 20.

<sup>9</sup> Law No. 03/L-067 on Privatisation Agency of Kosovo, Article 16.2

Director of the KPA and representatives from the Board of Directors to present annual work report of the agency. The part of financial report is presented also to the Budget and Finance Committee. In 2014 the annual report of the PAK was not adopted because PAK had no board but the report was adopted in 2016<sup>10</sup>. The annual report is published in the official PAK website.

## 5. ANTI-CORRUPTION AGENCY (ACA)

### Some basic facts:

<b>Year of establishment:</b>	2007
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	501,666 €
<b>Number of employees:</b>	- 1 public official; - 39 civil servants;
<b>Employment relationship:</b>	Law on ACA; Law on Civil Service;
<b>Election and composition of the Board:</b>	Individual body – Director of ACA is selected through public vacancy by the Assembly of Kosovo
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Mainly applicable
<b>Expenditure for wages and salaries 2015</b>	346,767 €
<b>Average monthly salary (gross)</b>	781 €

### Employment relationship

Employment relationship in ACA is defined with the Law on Anti-Corruption Agency in terms of employment relationship of the Director of ACA, and the Law on Civil Service for the rest of the staff at ACA. In ACA there are 40 employees, 39 of which are civil servants and the Director of ACA is a public official. The latter is elected by the assembly with an open competition. Two of the shortlisted candidates are proposed by the Committee on Legislation, Mandates, Immunities, Rules of Procedure of the Assembly and Oversight of Anti-Corruption Agency to the Assembly session, and by secret ballot, with majority vote, Assembly elects one candidate for Director of ACA for a five-year term (with a possibility of extension for another five-year term). The division of staff into civil and public servants is done according to the Law on ACA which classifies only the Director of ACA as public official while the employment relationship of other employees is determined by the Law on Civil Service. Since ACA employees are civil servants, there is regular communication of ACA with MPA on issues of recruitment, vacancies, staff plan, etc.

<sup>10</sup> Press release: <http://bit.ly/1T6ëGA2>

According to the Civil Service Law, ACA has established a dispute and grievances appeals committee where appeal can be filed. If the dispute and grievances appeals committee does not solve the problem for which the complaint is made, then the procedure continues in the Independent Oversight Board for Civil Service (IOBCSK). In addition to the Civil Service Law and the secondary legislation issued by MPA, ACA has issued the Regulation 01/2013 on internal organization and systematization of jobs in ACA<sup>11</sup>. This regulation applies in ACA with the exception of coefficients foreseen by this regulation. Also, according to ACA there should be a separate law for independent institutions that will regulate all open issues of independent agencies.

## **Salaries**

Salary of the Director of ACA is defined with the Law on ACA and is equal to the salary of a chairperson of an Assembly Committee. Civil servants have salaries determined based on coefficients, where the director of a department has a coefficient of 10, head of division 9, senior officer 8. Besides the basic salary, all ACA employees have an allowance of 107 Euros in the name of risk at work. Employee dealing with Information Technology (IT) receives an allowance of 300 Euros while the assistant director of ACA an allowance of 50 Euros, as defined by a regulation of Office of the Prime Minister. ACA does not apply allowances for replacement work. According to ACA, employees in this institution should be civil servants but should be paid through a specific salary system due to the nature of work in ACA. ACA employees are not part of the fund for cadres.

## **Internal organisation**

ACA is chaired by the director as an individual body who is chief administrative officer. ACA is organized in four departments which are divided into divisions and one support office. Organisation of ACA is defined by the Regulation on internal organization and systematization of jobs which is approved by the director of ACA. There is no structure within ACA which is considered to have fulfilled its mandate; on the contrary ACA is understaffed. ACA is organized to fulfil the mandate given by law. Job catalogue largely applies to ACA, however some comments are sent to MPA about the catalogue and its application to ACA.

## **Accountability**

The law stipulates that ACA reports to the Assembly. The director of ACA submits a written report for the previous year the latest by March 31. The report is divided into work report that is submitted to the Committee on Legislation, Mandates, Immunities, Rules of Procedure of Assembly and Oversight of Anti-Corruption Agency and financial report submitted to the Budget and Finance Committee. Both parts of the report are presented as a single report at the

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<sup>11</sup> Regulation 01/2013 on internal organisation and systematisation of jobs in Anti-Corruption Agency:  
<http://bit.ly/25PaYu3>

assembly session by the respective committee. It reports once a year, but there are times when the committee invites the Director of ACA to report to the committee on specific issues. So far there has been no case when Assembly session has not approved the ACA report. The report is public and is published on the website of ACA.

## 6. AGENCY FOR MANAGEMENT OF MEMORIAL COMPLEXES (AMMC)

### Some basic facts:

<b>Viti i themelimit:</b>	2013
<b>Year of establishment:</b>	Assembly of Kosovo
<b>Reports to:</b>	2,134,797 €
<b>Budget 2016:</b>	- 1 public officials - 10 civil servant
<b>Number of employees:</b>	Law on AMMC; Law on Civil Service
<b>Employment relationship:</b>	Individual body – Director of AMMC – selected in open competition by the Assembly
<b>Election of the Director:</b>	Coefficient based
<b>Institution's proposal on salaries:</b>	Applicable
<b>Civil service job catalogue:</b>	74,519 €
<b>Expenditure for wages and salaries 2015</b>	565 €

### Employment relationship

Employment relationship of the employees of the Agency for Management of Memorial Complexes (AMMC)<sup>12</sup> is defined with the Law on Establishment of AMMC and the Civil Service Law. There are currently 11 employees in AMMC, the director, an assistant to the director, an employee in the division of procurement, a director in the department of finance and general services, a logistics officer, an archivist, a head in the Legal Division and two guides in the Adem Jashari complex. The law provides that AMMC shall have 52 employees.

Division into civil and public servants is done based on the criteria defined by the Law on the Establishment of AMMC and Law on Civil Service. The director of the Agency is not a civil servant and is elected by the Assembly, while the Committee on Agriculture, Forestry, Environment and Spatial Planning oversees agency's work. The committee opens the competition for the position of director of agency and forwards two names to the Assembly for vote. Mandate of the Director of the Agency is five years with no possibility of extension. It

<sup>12</sup> Law No. 04/L-146 on Agency for Management of Memorial Complexes: <http://bit.ly/24PYGjH>

communicates with MPA for opening competitions for job vacancies, changing salary coefficients in case of promotion of employees and facilities where the AMMC operates. MPA handles payments for utilities. In case of disputes related to employment relationship, there is a dispute and grievance appeal committee within AMMC, but if the party is not satisfied with the decision, it may file an appeal to IOBCSK. In addition to civil service law, employment relationship of civil servants within AMMC is regulated with a secondary legislation, Regulation on internal organization and systematization of jobs in AMMC. According AMMC law, Articles 20 and 39 of the Law on civil service on probationary work, annual leave and appointment acts should be amended. According to AMMC, there should be a harmonization between the Civil Service Law and the General Collective Agreement for a better implementation in practice. Then, Civil Service Law should include compensation for fieldwork, which should be compensated with pay.

## **Salaries**

The salary of AMMC Director is determined by the Assembly on the proposal of the Committee on Budget and Finance. Salary system applied in AMMC for civil servants is coefficient based: Director's coefficient is 10, head of division - 9, officers -7, administrative assistant 6, the archives official 6 and two guides have coefficient 7. AMMC staff is not part of the fund for cadres. AMMC does not apply allowances to salaries, but if employees work overtime they get compensated with time off. According to AMMC, special salary system creates differences and should not be applied. People with the same positions should have same salary level.

## **Internal organisation**

KAMMC is managed by the director of the agency with a five year term, without possibility of extension. Director of the Agency has the role of chief administrative officer. Director's recruitment follows these steps: Committee on Agriculture, Forestry, Environment and Spatial Planning, six months before the end of incumbent director initiates procedures for selection of the new director, opens competition and committee selects two names that meet the criteria and those names are submitted to the Assembly. The names selected by the committee are voted in the Assembly and candidate who gets majority of votes is elected as new director of the agency. KAMMC has two departments: planning and projects department and department of finance and general services. Departments are divided into divisions. AMMC structure is proposed and approved by the director of the agency. The internal organization is determined, in part, by the Law on AMMC in relation to the position of director whereas the entire agency is regulated with the Regulation on internal organization and systematization of jobs in KAMMC<sup>13</sup>. Organization of common services (logistics, transportation, human resources management, procurement and other common works) in KAMMC is covered by the department of finance and general services. Job catalogue is applicable in KAMMC from the moment of its adoption in the government.

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<sup>13</sup> Regulation 02/2014 on internal organisation and systematisation of jobs in Agency for Management of Memorial Complexes: <http://bit.ly/1OrEU4H>

## Accountability

AMMCK reports to the Committee on Agriculture, Forestry, Environment and Spatial Planning once in six months and once a year reports to the Assembly for the work of AMMC. The financial report part is forwarded to the Committee on Budget and Finance. The annual report is sent to the relevant Committee no later than March 31 of the current year. The committee reports once a year to the assembly. AMMCK prepares annual report but it is not published in website. The committee recommended to the Assembly not to approve the report of 2013 but the Assembly approved that annual report.

## 7. NATIONAL AGENCY FOR PERSONAL DATA PROTECTION (NAPDP)

### Some basic facts:

<b>Year of establishment:</b>	2010
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	354,058 €
<b>Number of employees:</b>	- 5 public servants - 18 civil servant
<b>Employment relationship:</b>	Law on NAPDP; Law on Civil Service; Labour Law
<b>Election and composition of the Council:</b>	5 members, appointed by the Assembly on the proposal of the Government
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	208,359 €
<b>Average monthly salary (gross)</b>	827 €

### Employment relationship

Employment relationship in the National Agency for Personal Data Protection (NAPDP) is defined with the Law on Protection of Personal Data<sup>14</sup>, Civil Service Law and Labour Law. The Law on Protection of Personal Data defines employment relationship of the Chief National Supervisor and four national supervisors who make the Council of the Agency for the Personal Data Protection. They are proposed by the government, no competition is opened<sup>15</sup> for selection of shortlisted candidates and they are appointed by the Assembly. NAPDP has a total of 18 civil

<sup>14</sup> Law No. 03/L-172 on Personal Data Protection: <http://bit.ly/1TVlfzc>

<sup>15</sup> Ibid. Articles 30, 31, 32.



servants, including the Director-General as chief administrative officer. It communicates with MPA on issues like recruitment of new employees and promotion of civil servants.

In NAPDP there is a dispute and grievances appeal committee and civil servants have the right to file an appeal to the committee and then to IOBCSK. NAPDP has also issued a Regulation on internal organization and systematization of jobs<sup>16</sup> which defines the organization and work of civil servants, whereas the Law on Protection of Personal Data defines more the work and organization of the Council/ National Supervisors. There is no other legislation that defines employment relationship in NAPDP. According to this agency, officials in this institution must be civil servants and they should not be divided differently for different institutions.

## **Salaries**

NAPDP salary system is regulated by coefficients. Coefficients are divided from 6 to 19:38, whereas salaries of National Supervisors are determined with a decision of the Assembly. The agency is not part of the cadre fund. Regarding allowances, the only allowance is 100 Euros paid to transport officer. The issue of allowances is not defined in the annual Budget. Subsequently, if employees work overtime they are compensated with days off. Salaries in NAPDP, according to the director general, in the future will have to be adjusted to the level of responsibilities, workload and confidentiality, thus, there should be a special scheme.

## **Internal organisation**

National Supervisors who constitute the council are the highest body of NAPDP with a 5 year term, with possibility of reappointment for another term and work full-time<sup>17</sup>. The present law on NAPDP does not define the issue of national supervisors after the completion of these two terms. This law is currently being reviewed and in addition to clarifying the mandate of national supervisors, another proposal is that state supervisors should be inspectors but with civil servant status. The role of the highest administrative officer is exercised by the NAPDP Director General, who is selected through competition from national supervisors and has a three-year term. The catalogue of jobs in the civil service is generally adequate and applicable in NAPDP, although some comments were sent to MPA. NAPDP organizational structure consists of three departments: the Department for Registration and External Relations, Legal Department and the Department of Administration and Office for Inspection Support. The departments are divided into divisions. Organization of the Agency is defined with the Law on Protection of Personal Data but internal organization is defined with the Regulation on internal organization and job systematization which is issued the Chief National Supervisor. The agency's organizational structure is presented in this organisational chart.<sup>18</sup>

<sup>16</sup> Regulation 01/2013 on internal organisation and systematisation of jobs: <http://bit.ly/24UbS7e>

<sup>17</sup> Law on Personal Data Protection, Article 31 and 32

<sup>18</sup> Organisational chart: <http://bit.ly/1qmPZxO>

## Accountability

NAPDP is required by law to report to the Assembly<sup>19</sup>. On March 31 of each year NAPDP reports to the Committee on Security on the work of the previous year and to the Committee on Budget and Finance for the financial report part. Regulation on internal organization defines lines of responsibility between the Director General and the Council of the Agency. NAPDP reports to the Security Committee, Budget and Finance Committee and with representation from the Security Committee the work of agency is reported to the assembly. So far there has been no case when the session has not approved the NAPDP report. Report is published on NAPDP website.

## 8. AGENCY FOR FREE LEGAL AID (AFLA)

### Some basic facts:

<b>Year of establishment:</b>	2012
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	300,825 €
<b>Number of employees:</b>	- 7 public servants - 22 civil servants
<b>Employment relationship:</b>	Law on Free Legal Aid; Law on Civil Service
<b>Election and composition of the Council:</b>	7 members, proposed by seven institutions and elected by the Assembly
<b>Institution's proposal on salaries:</b>	Partially special scheme
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	158,099 €
<b>Average monthly salary (gross)</b>	627 €

### Employment relationship

Employment in the Agency for Free Legal Aid (AFLA) is defined by the Law on the Establishment of AFLA and the Law on Civil Service. The AFLA law also provides for the establishment of Council for Free Legal Aid which consists of seven members elected by the Assembly on the proposal of seven institutions in Kosovo<sup>20</sup>. These institutions propose to the assembly three candidates which then selects one of the three candidates for membership in

<sup>19</sup> Law on Personal data Protection, Article 29

<sup>20</sup> The following institutions propose their candidates for members of the Council: Ministry of Justice, Ministry of Social Welfare, Ministry of Returns and Communities, Ministry of Finance, Kosovo Chamber of Advocates, Supreme Court and NGOs.

the Council for Free Legal Aid. The council functions as decision-making body which elects the Executive Director of AFLA. AFLA has 22 employees, all civil servants, including the Executive Director. Communication with MPA is as prescribed by law. In case of disputes on employment relationships in AFLA, employees have the right to appeal initially to the disputes and grievances appeal committee within the agency and then to IOBCSK.

In AFLA there is no other primary or secondary legislation regulating employment relationships in the Council or AFLA, except the Rules of Procedure<sup>21</sup> of the Council and Regulation on internal organization and systematization of jobs in AFLA that is approved by the Council and sent to MPA only for information. According AFLA, its employees should be civil servants but due to the specifics of the work they perform there should be a special treatment compared to other civil servants, in particular for professional staff. Regarding amendment of the law on civil service, AFLA has not received the amended draft law.

### **Salaries**

AFLA salary system is based on coefficients. Coefficient 6 is for archive, 7 for officials, 8 for senior officials, 9 for division directors, 10 for directors of departments and 20 for the Executive Director equivalent to the Secretary General in the Ministry. While members of the council receive wages for every meeting that is held but not more than once a month. AFLA staff was not part of the cadre fund. In AFLA there is only one allowance of 200 Euros provided to one IT person. In AFLA overtime work of the staff is compensation with equivalent time off. According to AFLA, special salary system should be defined clearly. In this case, AFLA professional officials dealing with lawsuits, protection, complaints, etc., should have a special treatment. AFLA has forwarded to MPA the request for these officials to receive salaries at least with coefficient 8, because now they have salary coefficient 7.

### **Internal organisation**

AFLA has a Supervisory Board composed of seven members who have supervisory role over AFLA. The role of chief administrative officer is exercised by AFLA Executive Director who is selected by competition organized by MPA. After the end of competition, MPA sends three names to the Council of the Agency and the Council decides on one of the three names for Executive Director of AFLA. AFLA organizational structure consists of departments, divisions and offices. Internal organization is done in order to fulfil the mandate of AFLA, but it is required to open offices also in Gjakova and Ferizaj. There is no budget to open these offices and a request has been submitted to the Assembly to ensure a budget of 24 thousand Euros and two officials for each of these offices. Bodies of the agency are defined with relevant law<sup>22</sup> while business activities are defined with the Regulation on organization and systematization of jobs and Rules of procedure<sup>23</sup>.

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<sup>21</sup> Regulation on the work of the Council: <http://bit.ly/1Qha6ms>

<sup>22</sup> Law No. 04/L-017 on Free Legal Aid: <http://bit.ly/23GDVd5>

<sup>23</sup> Not public.

There are no structures in AFLA that are considered unnecessary because they have fulfilled their mandate. Common services (logistics, transportation, human resources management, procurement and other common business) are provided through administration department. The catalogue of jobs in the civil service is adequate, except for specific positions that exist in the agency and which are not treated as such. AFLA has sent its comments to MPA so that at least agency professional officials receive salaries with coefficient 8, but no reply has been received yet from the MPA. There are two suggestions or proposals for internal organization of AFLA: the first proposal is to open two more regional offices, one in Gjakova and one in Ferizaj. The second proposal is to add one more staff member in existing offices, who will perform field work and will fulfil agency's mission by visiting each municipality and covering the entire terrain of the specific area.

### Accountability

Accountability lines between AFLA and Assembly are defined with the Law on Free Legal AID. The Council reports to the Assembly of Kosovo for agency's work once a year. Executive Director reports to the Council of the Agency. The report is divided into work report submitted to the Committee on Mandates, Immunities, Rules of Procedure and Oversight of Anti-Corruption Agency by the president of the Council and Executive Director and financial report submitted to the Budget and Finance Committee. Both parts of the report are presented as a single report in the Assembly session by the stated committee. In AFLA there were no cases when the Assembly did not approve annual report; annual report is published on the website of the agency.<sup>24</sup>

## 9. KOSOVO ACADEMY OF SCIENCES AND ARTS (KASA)

### Some basic facts:

<b>Year of establishment:</b>	1975
<b>Reports to:</b>	Does not report to the Assembly of Kosovo
<b>Budget 2016:</b>	1,084,851 €
<b>Number of employees:</b>	- 19 members of the Academy - 16 civil servants - 2 support staff
<b>Employment relationship:</b>	Law on KASA; Law on Civil Service, Labour Law
<b>Election and composition of the Assembly:</b>	19 regular members and 11 part time members, new members are elected in secret ballots every four years by the KASA Assembly
<b>Institution's proposal on salaries:</b>	Regulation at the national level
<b>Civil service job</b>	In the process of adjustment and application

<sup>24</sup> Annual reports: <http://bit.ly/1r9f6pg>

<b>catalogue:</b>	
<b>Expenditure for wages and salaries 2015</b>	752,691 €
<b>Average monthly salary (gross)</b>	1,307 €

## Employment relationship

Employment in the Kosovo Academy of Sciences and Arts (KASA) is defined with the Law on Kosovo Academy of Science and Arts<sup>25</sup>, the Civil Service Law and the Labour Law. In addition to members of the Academy, the Presidency and President of the Academy, the employment relationship of which is regulated with the Law and Statute of the Academy<sup>26</sup>, the Academy has 18 other employees, 16 of whom are civil servants and their employment relationship is regulated with the Law on Civil Service and two employees as part of the support staff (a driver and technical worker). The employment relationship of the latter is governed by labour law. Civil service law and all secondary legislation for civil service apply to civil servants staff in the Academy. Academy communicates with MPA on issues of recruitment, new positions, increasing number civil servants and all matters related to civil servants under the Law on Civil Service. Civil servants have indefinite contracts and for any grievances they may appeals to the dispute and grievances appeal committee within the Academy and later to the Independent Oversight Board for Civil Service (IOBCSK). Besides the above legislation, KASA has a Regulation on internal organization and systematization of jobs.<sup>27</sup>

## Salaries

Regular and part time members of the Academy have a permanent monthly compensation defined with the government decision no. 02/2011 2006<sup>28</sup>. This decision regulates the salary of the Secretary of the Academy, who at the same time serves as chief administrative officer in the Academy. Salaries of civil servants and support staff are determined with coefficients. In addition to the basic salary, salary allowances are received by Director of Professional Support and Information Technology and Information Technology Officer based on the decision of Government of Kosovo Nr. 2008 02/39.<sup>29</sup> The Academy provides compensation for overtime work as defined by legislation. The Academy has responded to MPA's request for reviewing allowances and making new requests for allowances in line with decision no. 08/48 dated September 9, 2015.<sup>30</sup> According to the Academy, salaries should be regulated at the national level for independent institutions and agencies to the extent that independence of institutions is not affected.

<sup>25</sup> Law No. 05/L-038: <http://bit.ly/23xrDUd>

<sup>26</sup> KASA statute: <http://bit.ly/1OvlsCU>

<sup>27</sup> Not online.

<sup>28</sup> Not available at OPM website, as decision on the website are from 2008 onwards.

<sup>29</sup> Decision No. 02/39 of 8.10.2008: <http://bit.ly/1TThkEa>

<sup>30</sup> Decision No. 08/48 of 09 September 2015 classifies 13 types of allowances: <http://bit.ly/1SNR88X>

## **Internal organisation**

KASA is governed by a collegial body, the Assembly of the Academy, which is the highest decision-making body at the Academy. This institution has its presidency, president and four sections: section of linguistics and literature, section of social sciences, section of natural sciences and section of arts. This is the part which is organized primarily by the Law and the Statute of the Academy. The administration of the Academy starts from the Secretariat of the Academy which is managed by the Secretary and has three departments: 1) Department of Professional Support and Information Technology, 2) Department of Budget and Finance 3) Department of Library and Archives. All three departments are headed by directors, while inside the departments there are only employees, but no further divisions or sectors. Secretary of the Academy is selected through open competition according to the criteria set by the Presidency of Academy based on the Law on Academy, its Statute and Law on Civil Service. Secretary of the Academy proposes the organisational chart which is then approved by the Board of the Academy and it reports for its work to the President and the Presidency of the Academy. The KASA also has a Regulation on internal organization and systematization of jobs which is approved in the Assembly of the Academy. Transportation, human resources management, procurement and other common matters are within the Office of the Secretary of the Academy, whereas logistics (due to specifics of the institution where an employee also performs additional tasks) operates within the Department for Professional Support and Information Technology.

According to the Academy, the catalogue of jobs has shortcomings and should be reviewed and as such is hardly applicable. As to the suggestion for internal organization, the Academy has this position: "KASA is legally an independent institution. The internal organization is well regulated and in accordance with the nature and needs of the institution. Internal organization should be left to the institution itself, since the Academy is an independent institution of particular importance. The nature of work is significantly different from other institutions in the country. The work and staff of the Academy has always been organized taking into consideration experience of academies in the region and beyond. That is necessary for proper work and communication, since Academy has cooperation agreements with many Academies of the region and Europe, and is a fully fledged member of many international organizations and associations. KASA has a small number of staff and most employees perform two to three tasks."

## **Accountability**

KASA is established by the Assembly of Kosovo and according to its charter (statute) is not obliged to report to the Assembly. Work report is approved by Assembly of Academy and is published in the annual journal of the Academy "Vjetari" (Yearbook) and is available to public.

## 10. KOSOVO COMPETITION AUTHORITY (KCA)

### Some basic facts:

<b>Year of establishment:</b>	2008
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	224,810 €
<b>Number of employees:</b>	- 5 public officials - 17 civil servants - 1 support staff
<b>Employment relationship:</b>	Law on Protection of Competition, Law on Civil Service; Labour Law
<b>Election and composition of the Commission:</b>	5 members, proposed in package by Government and appointed by the Assembly
<b>Institution's proposal on salaries:</b>	Coefficient based
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	97,902 €
<b>Average monthly salary (gross)</b>	680 €

### Employment relationship

KCA employment relationship is defined with the Law on Protection of Competition<sup>31</sup>, Civil Service Law and Labour Law. The Law on Protection of Competition and Labour Law define the employment relationship of five members of the KCA Commission and one employee (driver) which is classified as KCA support staff. The law on civil service defines employment relationship of 17 civil servants. In total there are 23 allowed positions in KCA, but currently there are only 12 people employed, while six positions have not yet been filled due to lack of working space for KCA.<sup>32</sup> In addition to this legislation, KCA has its statute that is approved by the Assembly (through the Committee for Economic Development, Infrastructure, Trade and Industry) which applies for the entire KCA, but also the Regulation on internal organization and systematization of jobs that is approved by the KCA Commission and which regulates organization and systematization of jobs in the KCA Secretariat. One of the KCA commissioners is chairman and another one deputy chairman that are approved in package, proposed by the Government and through the Committee for Economic Development are sent for approval in the Assembly. KCA communicates regularly with MPA concerning accommodation, advertisement, salaries, etc. KCA applies the law on civil service but Regulation on organisation is approved on

<sup>31</sup> Law No. 03/L-229 on Protection of Competition: <http://bit.ly/23ABf0y>

<sup>32</sup> Lack of office space for ACA continues for the last 7 years but recently MPA has taken a decision to relocate ACA in the same building with the Ombudsperson.

in the KCA Commission. Civil servants have the right of appeal to KCA dispute and grievances appeal committee and then to IOBCSK.<sup>33</sup> In regard to amending and supplementing the Law on Civil Service, there should be clarity in this law in terms of secondary legislation, namely Regulation on business trips.

## **Salaries**

KCA Commission members are paid according to salaries defined by the Budget and Finance Committee in 2008. Salaries of the Secretariat are determined by coefficients: coefficient of the secretary is 19:36, director 10, head of division 10, professional officers 8, assistant 7 and driver 6. No additional allowance for overtime. Civil servants in the Secretariat are compensated with time off for overtime work. Allowances are paid in the name of hazard for department of market oversight (director and five inspectors) and the legal basis for this is Law on Protection of Competition. There is no compensation for replacement work. KCA is not part of the cadre fund. In terms of salaries under current system, according to KCA, this is a practice which has created many unfair divisions, such as practice of different payments for the same work.

## **Internal organisation**

KCA Commission is a collegial body consisting of five members, two of which serve as chairman and deputy chairman, respectively. All are approved in package and proposed by the government and approved by the Assembly. KCA secretary is chief administrative officer, who is civil servant and with the new Regulation on organisation shall be Director General. The secretary is elected in the same way as other secretaries of ministries and that process is administered by the MPA. KCA did not have a Commission from November 6, 2013, with the exception of one member who finished the work on April 28, 2015. The term of commissioners has not been the same in the beginning, therefore one of them continued to this date. The Secretariat has two departments (legal and administrative department that has four officials and market supervision department), headed by a director and an office for state aid headed by chief/ head of the division. With the amendment of the statute and regulation on organization of the secretariat but also with supplementing of the Law on State Aid, this office will become a department and head of office will be director of the department. There are no divisions within departments but the only department that should be divided into divisions is legal and administration department. The organization of the Secretariat is proposed by the Secretary and approved by the KCA Commission. There are no established structures that are considered redundant or which have completed their mandate, and common services as logistics, transportation, human resources, and procurement are all performed by the legal and administration department. KCA agrees with catalogue of jobs with the exception of naming of inspectors and Secretary of the Secretariat will be named Director-General.

## **Accountability**

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<sup>33</sup> According to director Těrnava, some time ago there were discussions to regulate all employment relationships of employees in ACA to be regulated with the Labour Law, but again it was decided to leave them within the scope of Law on Civil Service.



KCA according to the Law for the Protection of Competition prepares business and financial report by March 31 of the following year and submits it to the Committee on Economic Development and Committee on Budget and Finance. Accountability within the KCA is regulated with regulation and statute; directors report to the Secretary while the latter reports to the Chairman of the KCA. In principle KCA reports to the Committee on Economic Development and business report is presented to the session of the Assembly through the Committee. After submitting the report, the KCA Chairman is invited to the Committee on Economic Development to present the report. In addition to annual report, there are times when the Committee invites the chairman to report on specific periods of time. The annual report is not published on the KCA website and there were cases when the report was not adopted in the Assembly but there was no consequence or sanctioning measure. In cases where there is no KCA Commission, the report is only discussed in the Committee on Economic Development, but is not sent to the session for approval.

## 11. REGULATORY AUTHORITY OF ELECTRONIC AND POSTAL COMMUNICATIONS (RAEPC)

### Some basic facts:

<b>Year of establishment:</b>	2004 <sup>34</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	834,368 €
<b>Number of employees:</b>	- 5 public officials - 30 civil servants
<b>Employment relationship:</b>	Law on Electronic Communications; Law on Civil Service
<b>Election and composition of the Board:</b>	5 members, proposed by the Government and appointed by the Assembly
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applied
<b>Expenditure for wages and salaries 2015</b>	367,115 €
<b>Average monthly salary (gross)</b>	827 €

<sup>34</sup> RAEPC is the successor of Telecommunication Regulatory Authority (TRA) established in 2004 with Law on Telecommunication, which in the current form is regulated by Law No. 04/L-109 on Electronic Communications adopted in 2012.

## Employment relationship

RAEPC employment relationship is based on the Law on Electronic Communications<sup>35</sup> and the Civil Service Law. There are two types of job positions in RAEPC: public official and civil servant. In total there are 30 civil servants, and there are five public officials who are members of the Board. However, these numbers will increase with two members of the cabinet of the President of the Board who shall be civil servants with a temporary contract. Regarding the recruitment, the five board members are proposed to the Government on the recommendation of the Minister of Economic Development who are then appointed by the Assembly for a five-year term with possibility of extension<sup>36</sup>. Civil servants are recruited based on the rules established by the Board, which are in line with procedures described in the Civil Service Law and other applicable legislation<sup>37</sup>. RAEPC has a Regulation on internal organization that regulates positions within the agency, while the civil service law regulates employment relationship of civil servants in the RAEPC.

RAEPC communicates with MPA on issues of recruitment, salaries, etc. In case of appeals, RAEPC employees may address to the dispute and grievances appeal committee within RAEPC and after that they have the right to file the appeal to IOBCSK. According to the chairman of the Board, some changes should be made related to status of their employees. Regarding the salary system, RAEPC employees should not be put in the category of civil servants due to the specific work they do. While concerning benefits enjoyed by civil servants, the same should also be enjoyed by RAEPC employees.

## Salaries

According to the Law on Electronic Communications, the Board members are paid under the salary scheme and wages for members of independent boards which is approved by the Assembly of Kosovo, whereas the status of professional staff is addressed according to the Law on Civil Service and are paid based to the Law on Salaries of Civil Servants. But since there is no salary scheme for members of independent boards, salary scheme for members of the RAEPC board is defined as same with the basic salary of Members of the Budget and Finance Committee. In a subsequent decision, the board has lowered payments for its members for 100 Euros. However, since the Law on Salaries of Civil Servants is not being implemented, civil servants are paid with a special salary system which is based on different coefficients for civil servants in the executive. These coefficients are determined according to job descriptions and are approved by the Board. RAEPC does not apply additional allowances on the basic salary or compensations for overtime work or replacement. Also, RAEPC has not been part of the cadre fund. Special salary system works very well for RAEPC and the authority prefers to continue maintaining such a system. Furthermore, RAEPC proposes to have special schemes for specific agencies and not to make efforts aimed at unifying all agencies.

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<sup>35</sup> Law No. 04/L-109 on Electronic Communications: <http://bit.ly/1TfqtrG>

<sup>36</sup> Ibid. Article 78

<sup>37</sup> Ibid. Article 79

## Internal organisation

The highest governing body of RAEPC is the Board, which includes the office of the chairman of the board. Chairman performs the function of chief administrative officer. Then there are departments that perform legal and regulatory functions such as department of electronic communications, frequency management department, department of radio monitoring and inspection, legal department and the mail service sector. RAEPC also includes departments performing administrative support functions like department of administration, finance office, procurement office. Recently, RAEPC has added some additional units for technical support functions like: ccTLD management unit, KOS-IX unit and computer and emergency response centre.<sup>38</sup> All these departments and units are considered necessary for fulfilling the mandate of RAEPC. Furthermore, RAEPC needs to be expanded even further with new departments. RAEPC does not have regulation on organization and systematization of jobs, but it has an internal regulation that defines the organization of this authority. This regulation is approved only by the board and is not sent to MPA for approval. Civil service job catalogue is inadequate and in almost 80% of the cases is not applicable.

## Accountability

Under Article 11 of the Law on Electronic Communications, RAEPC reports to the Assembly within six months of the following year, i.e., submits annual report for the previous year. Business report is submitted in the first six months because the period through March 31 is the time when operators under the supervision of RAEPC report to this institution. By March 31, RAEPC submits financial report to the Committee on Economic Development and Committee on Budget and Finance. But RAEPC is often invited on ad-hoc basis to report to the Assembly Committee for Economic Development. The reports are in writing and as presentations. Until now there has not been any case when RAEPC annual report is not endorsed by the assembly. Report is made public in RAEPC website.<sup>39</sup>

## 12. RAILWAY REGULATORY AUTHORITY (RRA)

### Some basic facts:

<b>Year of establishment:</b>	2010
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	293,623 €
<b>Number of employees:</b>	- 4 public officials - 17 civil servants
<b>Employment relationship:</b>	Law on Kosovo Railways; Law on Civil Service
<b>Election and composition</b>	4 members, proposed by the Government and appointed by

<sup>38</sup> RAEPC Organisational chart: <http://bit.ly/1qvJXuU>

<sup>39</sup> RAEPC annual reports: <http://bit.ly/1TgMRRt>

<b>of the Board:</b>	the Assembly
<b>Institution's proposal on salaries:</b>	Coefficient based
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	123,270 €
<b>Average monthly salary (gross)</b>	642 €

## Employment relationship

Employment relationship in RRA is defined with the Law on Kosovo Railways and Civil Service Law. There are 17 civil servants employed in this authority, including the Director General who is also the chief administrative officer. Civil servants enjoy the rights under the Civil Service Law, including the right to appeal within the institution and to the Independent Oversight Board for Civil Service. There are also four members of the Board appointed by the Assembly<sup>40</sup>. These four Board members are proposed by the Government on the recommendation of the Ministry of Infrastructure, and are appointed by the Assembly. Board members have a five-year term of office. In addition to the two laws above, the employment relationship is influenced by the EU directives and Regulation for systematization of jobs that is approved by the Board in 2013. RRA has regular communication with MPA. The authority upholds all MPA regulations and attends all trainings for civil servants. Due to the specific work, RRA recommends that in the four main departments, in areas which are specialty of this authority, employees should be professional workers and not civil servants. In administration and finance they can remain civil servants. Though not informed by MPA about amendment of the Law on Civil Service, RRA considers that the law should distinguish between agencies established by the Assembly and those established by ministries, and subsequently their treatment.

## Salaries

Salaries of civil servants are regulated with coefficients that are equivalent to coefficients of the executive. Coefficients used are 20 (Director General), 10 (director of department), 9 (head of division), 9 (inspector), 7 (officer) and 6 (assistant). Compensation of members of the Board is determined by the Budget and Finance Committee which sends it to the Assembly for approval. The Director General, who according to the Law on Railways is the fifth member of the board, receives 50% of compensation of other members in addition to his/her basic salary received according to Civil Service Law. Apart from this allowance, other workers do not receive allowances. Moreover, RRA is not included in the cadre fund, although it is considered to have deficit cadres in engineering. According to RRA, the salary system should not be special for one

<sup>40</sup> Law No. 04/L-063 on Railways, Article 38: <http://bit.ly/29DC1Cf>

agency, but agencies should be categorized. Such as for example regulators, and salaries within such category, must be equivalent. There should be no special salary system.

## **Internal organisation**

RRA Board only has a supervisory, non-executive role, while Director General/Chief Executive has managerial responsibility and is the chief administrative officer<sup>41</sup>. Director General is recruited through competition according to the Law on Civil Service for senior managerial level. The Board has five members. Four of whom are elected by the Assembly while the fifth member is the Director General<sup>42</sup>. Board members have a five year term, which the right of re-election for an additional term. The Board in the capacity of supervisor proposes and approves the organizational structure of RRA, in accordance with the law. The Board has also approved the Regulation on organization and systematization of jobs which has been sent to MPA<sup>43</sup>.

The hierarchy of internal organization of RRA is as follows: First comes the Board, then the director who reports to the Board. Next come the departments (four professional and one administrative and financial department) and in the end procurement division which reports to the director. Although all these established structures are needed, according to the Director of RRA, financial and administration departments can be transformed into offices, or may have only one official, due to the small number of workers. Administration department is responsible to organize all common services such as transport and logistics, apart from procurement which is a special service of procurement office.<sup>44</sup> However, this office will no longer be able to carry out procedures after amendment of the procurement law, which specifies that for agencies with less than 50 employees the procurement office will not be able to conduct procedures. The 17 workers of RRA are sufficient; however the Authority needs more professional staff and less administration. The catalogue of jobs in the civil service has not solved this problem - it even made it worse, as that there are positions that are not included at all in the catalogue, like licensing officers or security assistant.

## **Accountability**

Lines of accountability between RRA and the Assembly are established based on the Law on Railways<sup>45</sup>. According to the law, the Director General reports to the Board. In the Assembly, RRA reports to the Committee of Economic Development, Trade and Industry and financial report is submitted to the Committee of Budget and Finance. Reporting is done in writing in the form of annual report, which they are invited to present to the Assembly, whenever there is a Board. The RRA does not have a board for the last two years and was not invited to present the report to the Assembly.

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<sup>41</sup> Ibid. Article 39

<sup>42</sup> Ibid. Article 38

<sup>43</sup> Ibid. Article 39

<sup>44</sup> RRA organisational chart: <http://bit.ly/1U1Fyaw>

<sup>45</sup> Law No. 04/L-063 on Railways, Article 38

## 13. WATER SERVICES REGULATORY AUTHORITY (WSRA)

### Some basic facts:

<b>Year of establishment:</b>	2004 <sup>46</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	358,734 €
<b>Number of employees:</b>	- 2 public officials - 17 civil servants
<b>Employment relationship:</b>	Law on Regulation of Water Services, Law on Civil Service
<b>Composition and election of the director and deputy director:</b>	Director (and deputy director) selected through open competition by Assembly and appointed by Assembly
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	177,792 €
<b>Average monthly salary (gross)</b>	926 €

### Employment relationship

WSRA employment relationship is defined with the Law on the Regulation of Water Services<sup>47</sup> and the Civil Service Law. In total WSRA employs 17 civil servants and two appointees from the Assembly, the director and deputy director elected for a five year term, with possibility of reappointment for only one more term. Director and Deputy-Director are elected by the Assembly with open public competition. In case of disputes related to employment, employees initially have the right to disputes and grievances appeal committee within WSRA and then proceed with procedures in IOBCSK. WSRA does not consider the communication with MPA to be good because of delays in response; there are even cases when MPA does not respond at all to requests of the institution. WSRA thinks that a new law should be adopted for independent institutions that will categorize employees of these institutions into a particular category and would maintain their independence. While in terms of changing the Law on Civil Service, WSRA is not aware of any amendment or supplement to this law and according to this institution, MPA should inform in advance about amendment of laws in order to be able to respond in time. There is no other primary or secondary legislation regulating employment relationships of WSRA employees.

<sup>46</sup> WWRO was established initially with UNMIK Regulation 2004/49 on activities of water and waste services providers.

<sup>47</sup> Law 05/L-042 on Regulation of Water Services: <http://bit.ly/1sOBBQr>

## **Salaries**

WSRA salaries are fixed and this is determined by a decision of the Committee on Budget and Finance of Kosovo Assembly in 2009. Fixed salaries apply to all employees including the Director and Deputy Director. Under the old law, Deputy-Director had the same competencies as the Director, but under the new law they are not at the same level. No allowances over salaries are provided for civil servants of WSRA, not even for IT employees. WSRA was not part of the cadre fund nor does it have any compensation for overtime work or for replacements at work. According to WSRA, salary issue should be regulated with a Law on independent institutions.

## **Internal organisation**

WSRA is led by the Director and in his/her absence, the Authority is led by the deputy director. With the new law adopted at the end of 2015, the director and deputy director are elected through relevant assembly committee, which makes public announcement for these two positions, while under the old law, they were appointed by the Assembly on the proposal Government. The director has the role of chief administrative officer. There has been a year now since the WSRA is functioning without a director and deputy director, as these positions were left to be filled after the entry into force of the new law. WSRA has four departments that are headed by heads of departments and which have officials, analysts and inspectors but not divisions or sections.<sup>48</sup> According to WSRA, the institution needs to have more departments. Common services such as logistics, transportation, human resource management, procurement are provided by the department of administration and finance. WSRA does not have regulation on internal organization and systematization of jobs.

## **Accountability**

According to the Law on Regulation of Water Services, WSRA presents annual report for the previous year to the Assembly of Kosovo, namely to the Committee on Agriculture, Forestry, Environment and Spatial Planning, Committee on Budget and Finance and Committee on Oversight of Public Finances at the latest by 31 March. The report includes all operational and financial activities of the Authority carried out in the previous year including detailed records of performance indicators for each sector established by this law and consolidated financial accounts of the Authority for the previous year. So far it has not happened for the Assembly not to approve the WSRA report. The report is accessible to public and is published on the website of the institution.<sup>49</sup>

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<sup>48</sup> WSRA organisational chart: <http://bit.ly/1sOG8Cs>

<sup>49</sup> WSRA annual reports: <http://bit.ly/1XkczGi>

## 14. CIVIL AVIATION AUTHORITY (CAA)

### Some basic facts:

<b>Year of establishment:</b>	2008
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	925,274 €
<b>Number of employees:</b>	- 5 public officials - 27 civil servants
<b>Employment relationship:</b>	Law on Civil Aviation; Law on Civil Service
<b>Composition and election of the Board:</b>	5 members, appointed by the Government on the proposal of the minister
<b>Institution's proposal on salaries:</b>	Special scheme <sup>50</sup>
<b>Civil service job catalogue:</b>	Not applied
<b>Expenditure for wages and salaries 2015</b>	622,980 €
<b>Average monthly salary (gross)</b>	1,923 €

### Employment relationship

CAA employment relationship is defined with the Law on Civil Aviation<sup>51</sup> and the Civil Service Law. The Civil Aviation Law provides that CAA is subject to relevant provisions for public authorities in other laws and normative acts applicable in Kosovo (Article 14.1). Further, paragraph 2 of this Article defines the position of Director General, and the method of selection is defined in Article 20 of the Law. The government appoints the Director following the recommendations of the relevant Minister for each candidate. Therefore, CAA has civil servants and the Director General, who is appointed by the Government with a specific mandate. All other recruitments in CAA are done based on the Civil Service Law and other bylaws implementing the law. There are 27 civil servants employed in CAA. CAA communicates with MPA on regular basis; all recruitments are authorized by MPA. In case of disputes or complaints related to employment relations, the right to appeal is guaranteed by the Law on Civil Service. On this basis, CAA has established a disputes and grievances appeal committee, which is the internal instance of administrative review of decisions. The second instance is IOBCSK. CAA was established and became operational with the entry into force of the Law on Civil Aviation. Moreover, certain rights and obligations of the staff are determined by this law, such as the salary level, in addition to those defined with civil service law. According to CAA, category of civil servants provides more security for employees in the public sector. It is a category of

<sup>50</sup> Exists and recommended to be extended.

<sup>51</sup> Law No.03/L-051 on Civil Aviation: <http://bit.ly/1qBfUSO>



workers that is very well protected and regulated by the applicable laws. Concerning amendment of the Law on Civil Service, the CAA suggests that it should be adjusted to emerging trends, in order to be more flexible and enable inclusion of all institutions within a system regulated by law.

## **Salaries**

The CAA applies the salary system provided for in Article 24.1 of the Law on Civil Aviation, approved by the Minister of Finance. That is, outside the system of salaries of civil servants. Based on the approval of salary level by the Minister of Finance, MPA has determined special corresponding coefficients for CAA. Civil Aviation Law stipulates that the Director General proposes a salary system to the Ministry of Finance taking into account the level of proven ability, educational attainment, experience and proven knowledge and salary competitiveness in the aviation industry. Minister of Finance approves the salary level of employees in the CAA, based on relevant provisions of the Law on Civil Aviation. The salary of Director General is determined in the appointment decision of the Government of Kosovo. The same is true for members of the Supervisory Board. CAA staff has not used the cadre fund. In accordance with the Government Decision since 2015 additional allowances apply for work experience. Their amount varies from case to case, taking into account years of work and basic salary which increases by 0.5% for every year of work, like the other employees of the state administration. Salary compensations and other compensations made while performing duties envisaged with the Law on Civil Service and bylaws. The opinion is that special salary system should be maintained in CAA. Relying on this system, CAA has managed to recruit professional staff for performing very complex tasks, which require knowledge and skills that are lacking, not only in our country but also in the region. Such a system would not be contrary to the principle of equality of pay, because duties and responsibilities that certain persons have will be different. So, current form of salary arrangement applied in CAA should be maintained, that is, it should be applied as provided in the Civil Service Law and Law on Salaries of Civil Servants.

## **Internal organisation**

Director General heads the CAA. The Supervisory Board has administrative oversight function on decisions and work of the CAA. The role of chief administrative officer (CAO) is exercised by Director General. Recruitment of chief administrative officer is done according to Article 20 of Law No.03 / L-051 on Civil Aviation. It is proposed by the Minister of Infrastructure and appointed by the Kosovo Government. There are five members of the Supervisory Board of CAA, appointed by the Government upon the proposal of the Minister of Infrastructure. They do not have executive powers, no full-time work and they meet every three months to review quarterly activity reports of CAA. Internal organization and functioning is regulated with the internal Regulation<sup>52</sup> which is approved by the Director General. Internal regulation foresees all required positions for the performance of duties and responsibilities of the CAA. Organisational

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<sup>52</sup> Regulation on internal organisation and functioning and systematisation of jobs in CAA: <http://bit.ly/1NèZ50E>

structure of CAA consists of departments and offices.<sup>53</sup> This structure is proposed by the Director General, discussed at the meeting of the management and approved by the Director General, who has this responsibility under the Law on Civil Aviation. The internal organization is not prescribed by law or bylaws. Common services are provided by the Department of administration and human resources. With the entry into force of the new law on procurement, procurement activities of the CAA, as agency with less than 50 workers, will be conducted by the Central Procurement Authority (CPA).

### Accountability

According to the Law on Civil Aviation, CAA reports once a year to the Assembly of Kosovo. Responsibilities and accountability lines between the CAA and Kosovo Assembly are determined by Article 19 of the Law on Civil Aviation. The reporting is done through written work report and financial report, as provided in Article 26 of the same law. The report is divided into work report submitted to the Committee for Economic Development, Infrastructure, Trade and Industry and financial report to the Committee on Budget and Finance. Both parts of the report are presented as a single report in the Assembly session by the respective Committee. Until now there have been no cases where the Assembly has not adopted the CAA annual report; the report is published in CAA official website.<sup>54</sup>

## 15. CENTRAL BANK OF KOSOVO (CBK)

### Some basic facts:

<b>Year of establishment:</b>	1999 <sup>55</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	374,921 € <sup>56</sup>
<b>Number of employees:</b>	- 215 employees
<b>Employment relationship:</b>	Law on CBK; Labour Law
<b>Composition and election of the Board:</b>	5 members, selected by the Assembly and appointed by the President
<b>Institution's proposal on salaries:</b>	Special scheme <sup>57</sup>
<b>Civil service job catalogue:</b>	Not applied

<sup>53</sup> Organisational chart: <http://bit.ly/1U1ZAGC>

<sup>54</sup> Annual reports: <http://bit.ly/1SgeKTX>

<sup>55</sup> CBK is established with the Law No. 03/L-209 in 2010, but CBK is successor of Central Banking Authority of Kosovo, established in 2006 and Banking and Payments Authority of Kosovo, established in 1999.

<sup>56</sup> Expenses for 2015, because budget planning in the Law on Budget for 2016 is not made public yet.

<sup>57</sup> Exists and is proposed to be continued.

## **Employment relationship**

Employment relationship in the Central Bank of Kosovo (CBK) is defined by the Law on Central Bank<sup>58</sup> and the Labour Law. The Governor appoints and terminates employment of staff members, agents and correspondents of the Central Bank, within the limits of, and in accordance with the general terms of employment, including remuneration policy approved by the Executive Board. Whereas according to Article 73, paragraph 2, of the CBK Law, the Central Bank is not subject to any legal provision that would hamper the attainment of its objectives. In particular, the CBK is not subject to the following laws: the Law on Civil Service, Law on Public Procurement, the Law on Internal Audit, and the Law on Auditor-General and the National Audit Office of Republic of Kosovo.

The CBK decision-making bodies are the CBK Board, the Executive Board and the Governor. Governor, three deputy governors and head of audit are five positions the selection of which is defined by the Law on the CBK. Under Article 38, the Governor and non executive members of the Central Bank Board shall be appointed for a term of five years. While the rest of the CBK staff are employed based on labour law and employment relations policy issued based on the Labour Law. Communication with MPA occurs in the scope of cooperation of CBK with institutions such as the Government and the Assembly, but not on matters of recruitment, positions, coefficients since employees in CBK are not civil servants. As a result, employees at CBK do not have the right to appeal to IOBCSK, but to bodies within the CBK.

## **Salaries**

CBK salaries are determined with the compensation policy (CBK document) and they are determined by the grading system, with a total of 13 grades. In addition to basic salaries, employees have an additional allowance for work experience and special allowances: the jubilee awards, and for any particular work that presents special contribution in the operation of CBK, compensation at the end of the business year (successful year) and in case of retirement (the last two salaries or two average salaries). In case of overtime work, employees are compensated with days off or paid for overtime work.

## **Internal organization**

CBK is managed by the Board of Central Bank, the Executive Board and the Governor. The Board of Central Bank consists of Governor and non-executive members. Non-executive members of the Board of the Central Bank are not staff members of the Central Bank. Governor serves as the chief administrative officer. Governor and non-executive members of the Board of the Central Bank shall be appointed for a term of five years. According to recommendation of the Executive Board, the CBK organizational structure is determined by the Board of CBK. Structural level of CBK consists of section as the highest unit, department and division. Common

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<sup>58</sup> Law No. 03/L-209 on the Central bank: <http://bit.ly/1qYBSQu>

services (logistics, transportation, procurement and other common tasks) are organized by the department of administration whereas human resources management by the Human Resources Department of the CBK.<sup>59</sup>

## Accountability

The Constitution of Republic of Kosovo and the Law on CBK determine the CBK's accountability to the Parliament. Six months after the end of financial year, the Central Bank submits to the Assembly of the Republic of Kosovo and Minister of Finance and publishes one or more reports approved by the Board of Central Bank on the state of economy during the past financial year, including an outlook of economy for the coming year, achievement of its policy objectives and the state of financial system of Kosovo. The report should also contain a review and assessment of the Central Bank's policies in the last financial year, as well as a description and explanation of policies to be followed in the next financial year. So far there has been no case when the session has not approved the CBK report. Report is published on the CBK website.

## 16. THE CONSTITUTIONAL COURT OF KOSOVO

### Some basic facts:

<b>Year of establishment:</b>	2009
<b>Reports to:</b>	Assembly of Kosovo <sup>60</sup>
<b>Budget 2016:</b>	1,541,513 €
<b>Number of employees:</b>	- 9 employed as judges <sup>61</sup> - 12 advisors <sup>62</sup> - 49 management, professional and support staff (civil servants)
<b>Employment relationship:</b>	Law on Constitutional Court; Labour Law; Law on Civil Service;
<b>Composition and election of the Board:</b>	9 judges (6 local and 3 international)
<b>Institution's proposal on salaries:</b>	Mixed system <sup>63</sup>
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	917,678 €
<b>Average monthly salary (gross)</b>	1,254 €

<sup>59</sup> CBK Organisational Chart: <http://bit.ly/1SeS3Sj>

<sup>60</sup> Constitutional Court just informs/ notifies the Assembly of Kosovo with annual reports, but report is not sent for reporting.

<sup>61</sup> Including three international judges who are not included in the payroll

<sup>62</sup> Including two international advisors who are not included in the payroll

<sup>63</sup> Exists and is proposed to continue.

## Employment relationship

Employment relationship in the Constitutional Court is defined with the Law on Constitutional Court<sup>64</sup>, the Labour Law and the Law on Civil Service. The Constitutional Court has a total of 65 employees as local staff not counting three international judges and two legal advisors. Employees are divided into judges, advisors and professional managerial and support staff. Division into these categories was done based on the three above-mentioned laws and Rules of Procedure of the Constitutional Court. More precisely, legal advisors are governed by the Law on Constitutional Court, Rules of Procedure of the Constitutional Court, Labour Law and other bylaws. Managerial and professional staff is governed by the Law on Constitutional Court and Rules of Procedure of the Constitutional Court and relevant principles and provisions of the Civil Service Law, to the extent they do not affect the independence of the Court guaranteed by the Constitution. Communication of Constitutional Court with MPA has been frequent until the salary system was transferred from MPA to the Ministry of Finance. The Constitutional Court has established an Appeals Committee for civil servants who have the right also to submit appeals to the Independent Oversight Board for Civil Service (IOBCSK). In addition to above mentioned laws, the Rules of Procedure<sup>65</sup> of the Constitutional Court also serves as the secondary legislation for employment of civil servants in the Constitutional Court issued based on the Law on the Constitutional Court. According to the Law, "The Constitutional Court shall enjoy organizational, administrative and financial independence in performing duties assigned by the Constitution of the Republic of Kosovo", and that "the Constitutional Court shall determine internal organisation, rules of procedure, decision making processes and other organisational issues in accordance with the law".<sup>66</sup> According to the Constitutional Court, due to the nature of the institution in general, but also because of their specific duties, the employee status in the Constitutional Court is different compared to employees of the general administration institutions. Comments on amendments and supplements to the Law on Civil Service are sent to the Prime Minister of Kosovo.

## Salaries

The salary system in the Constitutional Court is mixed, but it is dominated by elements of fixed salary system, based on the Law on Constitutional Court, Rules of Procedure, bylaws and special decisions of the Court. Employees have fixed salaries while allowances are applied between 5-40% of basic salary, while the earlier additional allowance of legal advisers in the amount of 20% is included in the basic salary. No payment is provided for overtime work or for duty, but only compensation with days off. According to the government decision on additional allowances for IT, the person who works as IT in Constitutional Court has a certain additional allowance on salary, like in all other institutions. According to Constitutional Court, this mixed

<sup>64</sup> Law No. 03/L-121 on Constitutional Court: <http://bit.ly/25labmM>

<sup>65</sup> Rules of Procedures: <http://bit.ly/1TwXb2l>

<sup>66</sup> Article 2, item 1 and 2 of the Law No. 03/L-121 on the Constitutional Court.

salary system should continue to be applied in the Constitutional Court. According to the Law on Constitutional Court, salary of judges is 1.3 times the salary of judges of Supreme Court, whereas salary of legal advisers is said to be determined in accordance with the applicable legislation.<sup>67</sup> The principle of "equal pay for equal work", according to the Constitutional Court, does not apply to the Constitutional Court because we are not dealing with "same work", same job descriptions and responsibilities with the ones in the executive branch.

## **Internal organisation**

The Constitutional Court is governed by a collegial body of judges but is headed by President and Deputy President. Under that collegial organ is the position of the Secretary General and his deputy under which are organized four departments headed by directors, an IT and multimedia unit led by the head at the departmental level and the procurement unit is at this level and led by the director. Under these departments and units are respective officers but there are no further divisions of departments into divisions or sections.<sup>68</sup> Currently, the Constitutional Court is in a functional review process which to some extent may later change the internal organization. Members of the collegial body work full time. The Secretary General is elected by competition and dismissed by the collegial body in accordance with the Law on the Constitutional Court and the Rules of Procedure. The Law on Constitutional Court provides the basis of organization, but this organization is determined by Rules of Procedure and Rules on internal organization and systematization of jobs.<sup>69</sup> Common Services are provided within the department of human resources and administration and within the office of the Secretary General and Deputy Secretary-General. The catalogue of jobs in the civil service is not appropriate and applicable due to titles and also descriptions are not adequate for the Constitutional Court. According to the Law on State Administration, "the provisions of this law do not apply to the administration of the Constitutional Court"<sup>70</sup> whereas according to the Law on civil service, "career and non-career positions shall be approved by the Government for the institutions of the executive, after proposal by relevant institution and approval by the ministry responsible for public administration and ministry responsible for finance".<sup>71</sup>

## **Accountability**

The Constitutional Court is established based on the Constitution and with a special law on the Constitutional Court. The annual report of Constitutional Court is sent to the Assembly and to other parties only for notification/ information but it is not reporting of the Constitutional Court to the Assembly. Accountability lines between the chief administrative officer (Secretary General) and the collegial body and the President of the Constitutional Court are defined with the Law on the Constitutional Court and other acts. According to the Law on Constitutional Court, the Secretary General reports to the President of the Constitutional Court and for his/her

<sup>67</sup> Law Nr. 03/L-121, Articles 13 and 15.

<sup>68</sup> Organisational chart of Constitutional Court: <http://bit.ly/1OMxwRx>

<sup>69</sup> Regulation on internal organisation is not online.

<sup>70</sup> Law No. 03/L-189 on State Administration, Article 16, item 2.3: <http://bit.ly/1fpUvqM>

<sup>71</sup> Law No. 03/L-149 on Civil Service, Article 12 item 3: <http://bit.ly/1D2CvaW>

work reports to all judges of the Constitutional Court. Constitutional Court independently manages its own budget and is subject to internal audit as well as external audit by the Auditor General of the Republic of Kosovo. Annual Report of the Court is made public on its official website.

## 17. THE OMBUDSPERSON INSTITUTION (OI)

### Some basic facts:

<b>Year of establishment:</b>	2000 <sup>72</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	980,071 €
<b>Number of employees:</b>	- 6 public officials - 45 civil servants
<b>Employment relationship:</b>	Law on Ombudsperson; Law on Civil Service
<b>Composition and election of the Board<sup>73</sup>:</b>	6 members, selected and appointed by the Assembly
<b>Institution's proposal on salaries:</b>	Special scheme for independent institutions under Chapter XII of the Constitution
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	601,535 €
<b>Average monthly salary (gross)</b>	946 €

### Employment relationship

Employment relationship in the Ombudsperson Institution (OI) is defined with the Law on Ombudsperson<sup>74</sup> and Law on Civil Service. The Ombudsperson and his five deputies are elected according to the rules stipulated in the Law on Ombudsperson. The Ombudsperson is elected by the Assembly through a public announcement published by the Assembly. Deputy ombudspersons are also elected by the Assembly but the vacancy and nomination of shortlisted candidates is done by the Ombudsperson Institution. Apart from this part of persons appointed by the Assembly of Kosovo, the OI staff are civil servants and are governed by provisions of Law on Civil Service, to the extent the constitutional independence of the institution is not hampered. The total number of employees in OI is: Ombudsperson and his five deputies and 45

<sup>72</sup> Institution of Ombudsperson was initially established in 2000 with UNMIK Regulation 2000/38, which established the Ombudsperson Institution in Kosovo.

<sup>73</sup> Ombudsperson Institution does not have a Board but it consists of Ombudsperson, five (5) deputies and support staff.

<sup>74</sup> Law No. 05/L-019 on Ombudsperson: <http://bit.ly/1QExxJG>

civil servants. The planning of the total number of employees was done for 63 positions. Civil servants also include drivers and cleaner.

Division into public and civil servants is done according to the Law on Ombudsperson which specifies that part of the staff that is selected and appointed by the Assembly and personnel that are civil servants. OI communicates with the MPA on following issues: processing of salaries, recruitment procedures and approval of titles for new positions to the extent they do not violate the independence of OI and do not affect the nature of institution, and the issue of facilities and accommodation of OI. OI expresses disagreement with the application of catalogue of jobs in OI. Civil servants have the right of appeal within OI and then to IOBCSK. In addition to the above mentioned laws, OI in accordance with Article 37 of the Law on Ombudsperson has issued the Regulation on organization and systematization of jobs.<sup>75</sup> Taking into account Article 32 of the Law on Ombudsperson that determines the provisions of the Law on Civil Service shall apply to employees of Ombudsperson Institution, to that extend that there is no infringement of constitutional independence of the Institution, "OI notes that the persistence of MPA for the implementation of the catalogue jobs and issuing continuous circulars that impose actions under acceptable parameters for the level of executive and subordinate agencies of executive, but not for independent constitutional institutions, is considered a violation of institutional independence, organization and functioning of the Ombudsperson Institution. "OI considers that Article 32 of the Law on Ombudsperson "the provisions of the Law on Civil Service shall apply to employees of OI, to that extend that there is no infringement of constitutional independence of the Institution" and defines the issue whether employees of OI should be civil servants or not. Regarding the amendment and supplement of the Law on civil service, OI considers that the law should clearly specify the category of civil servants by respecting the constitutional independence of independent institutions.

## **Salaries**

The salaries of the Ombudsperson and deputy ombudspersons are proposed by the Budget and Finance Committee and approved by the Assembly while the basic salary of civil servants is inherited from the period of establishment of the Ombudsman in 2000 (UNMIK Regulation Nr.2000/38<sup>76</sup>). However, salaries for staff in OI are according to the following coefficients: 5, 6, 7, 9, 10, 11.3, 15, 17 and 18. Salary of the Ombudsperson is not defined with the Law on the Ombudsperson, in this law the issue of salaries only refers to relevant Law on salaries from the budget of the Republic of Kosovo. There is no law that defines the salary of the Ombudsperson. OI has not been part of the cadre fund. Salary allowances are only given to two drivers in the name of risk in the amount of 100 Euros per person. Regarding compensation for overtime work, subject to budget availability, compensations are provided for work on weekends or official holidays. Otherwise, the staff members are compensated with days off. Regarding

<sup>75</sup> Regulation 01/2016 on internal organisation and systematisation of jobs in the Institution of Ombudsperson: <http://bit.ly/21gzMHQ>

<sup>76</sup> Regulation 2000/38 on establishment of Institution of Ombudsperson: <http://bit.ly/1rBEOmp>



special salary system, according to OI, to ensure guaranteed constitutional independence it is necessary to treat different independent institutions in a different way. Also, the principle of equal pay for equal work cannot apply because the work they do is not the same. OI considers that the same principles and criteria should apply for institutions that belong to the same constitutional level, such as independent institutions under Chapter XII of the Constitution.

### **Internal organisation**

The Ombudsperson Institution consists of five deputy ombudspersons and the staff. According to the law, OI has issued Rules on internal organization and systematization of jobs in the OI. Based on this regulation, OI consists of the following structures: the Ombudsperson, Professional Services and Administrative Services. The Executive Director has the same role as the secretary general in the ministry and is the chief administrative officer in OI. The administration is responsibility of the Executive Director who shall be selected through open competition, while investigation/ addressing of cases and administration of works in this context is the responsibility of Director of Investigations, a position which with the beginning of implementation of Regulation on organization and systematization of jobs will be spread over seven departments. Regulation is adopted by the Ombudsperson who according to the law is independent in organization and internal structuring. OI does not have structures which are considered to have fulfilled their mandate and are unnecessary. Common services are performed by the structure of administrative services, department of administration; procurement is conducted by the procurement division under the Office of the Secretary General (position of Executive Director today) while internal audit reports directly to the Ombudsperson. In the internal organization there are sections, and there are departments, offices and divisions within the sections. The catalogue of jobs in the civil service is not adequate and does not apply.<sup>77</sup>

### **Accountability**

According to the Constitution and the Law on Ombudsperson, OI reports to the Assembly while line of accountability between the chief administrative officer and the Ombudsperson is determined with the Regulation on internal organization and systematization of jobs. OI drafts annual report which is submitted to the Assembly of Kosovo. Before that, the report is discussed in the Committee on Human Rights, Gender Equality, Missing Persons and Petitions while the financial part is sent to the Budget and Finance Committee of the Assembly. OI submits other special reports and reports to the Assembly at the request/invitation of the Assembly in exceptional cases, in addition to annual reporting. The report published on OI website and there has been no case when the report was not adopted at the session of the Assembly.

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<sup>77</sup> Ombudsperson is the initiator of a joint request of four out of five independent institutions (Institution of Ombudsperson, Office of Auditor General, Independent Media Commission, and Central Election Commission) to be excluded from the Catalogue of Jobs in Civil Service.

## 18. KOSOVO JUDICIAL INSTITUTE (KJI)

### Some basic facts:

<b>Year of establishment:</b>	2006
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	571,884 €
<b>Number of employees:</b>	- 13 public officials - 25 civil servants
<b>Employment relationship:</b>	Law on KJI; Law on Civil Service
<b>Composition and election of the Council:</b>	13 members (4 are mandatory and 9 elected by the Assembly on the proposal of institutions they come from)
<b>Institution's proposal on salaries:</b>	Coefficient based
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	188,960 €
<b>Average monthly salary (gross)</b>	685 €

### Employment relationship

Employment relationship in KJI is regulated with the Law Establishing the KJI<sup>78</sup> and the Civil Service Law. A law is currently in the process in the Assembly which will transform KJI into the Justice Academy. Soon, this law will replace the Law Establishing the KJI, but there will not be many changes in the composition of KJI. For the moment, KJI has a total of 25 civil servants. However, MPA has requested one of employees, that is, the driver, to be removed from civil service and placed as administrative and technical staff, an employment relationship which is regulated under the Labour Law. This change has not happened yet, but is expected to happen soon. Meanwhile, 13 members of the Managing Board are not civil servants<sup>79</sup> employed in KJI.

KJI communicates with MPA on issues of recruitment, staffing, staff training and delivery of quarterly reports with data on ethnic structure, gender and managerial posts. In the event of termination of employment contract, civil servants have the right of appeal to the Independent Oversight Board for Civil Service, after having passed the appeals and disputes committee which is an internal committee in KJI. According to KJI the employees of this institution should have the same status with the administrative staff of courts and prosecution offices and with administration of the Kosovo Judicial Council and Prosecutorial Council of Kosovo since the KJI is directly linked with the work of these institutions and is in the service of judicial system. As for changes that should be made to the Civil Service Law, the KJI has sent comments to the

<sup>78</sup> Law No. 02/L-25 on Establishment of Kosovo Judicial Institute: <http://bit.ly/1Tjpcjq>

<sup>79</sup> Function from which they come can be found within the civil service, but they are not part of civil service of KJI

MPA. Some of the changes that should be made are related to disciplinary measures, coordination of recruitment period and the period of leaving employment and harmonization with labour law with regard to leave, senior management positions, etc.

## Salaries

The salary system for civil servants in KJI is determined based on coefficients for civil service. There are coefficients from 4-10, and over 10 for some specific positions. Director has the coefficient equivalent to that of the secretary in the ministry. KJI staff has not been part of the cadre fund. There is only one additional allowance on salary in KJI, in the amount of 100 Euros. However, as defined with legal acts compensations are applied for acting officers and for overtime work, either monetary or with time off, according to the needs and possibilities. For KJI, there should not be differences in salaries for the same job. There should be levelling of salaries. The majority of KJI staff should be part of the catalogue of jobs but there are specific positions that should be added to the catalogue, such as program staff and permanent KJI trainers, as proposed by the KJI.

## Internal organisation

According to the Law the highest management bodies of KJI are the Managing Board and Director of KJI. The Managing Board according to the Law has a broad representation of 13 members from institutions of the judiciary, prosecution, government and other national and international institutions. Nine members are appointed by the Assembly on the proposal of the relevant institutions according to the law, two members from international institutions and two mandatory members are the chairperson of Kosovo Judicial Council and Director of the Secretariat of the Judicial Council. Director is the chief administrative officer who is recruited by the Managing Board with Civil Service Law procedures<sup>80</sup>. The Director reports to the Managing Board<sup>81</sup>.

Internal organization of KJI is defined in the statute of KJI. KJI has a Regulation for systematization and organization of jobs, which is approved by the Director of KJI. Internal organization structures include the Managing Board, the Program Council (an advisory body), the Programme Department and Administration and Finance Department<sup>82</sup>. Administration and Finance Department is responsible for general services. There is a procurement officer, but with new amendments to legislation, for institutions with less than 50 employees procurement shall be conducted by the CPA. This internal organization is adequate for the KJI to realize its mandate. Regarding catalogue of jobs, some specific positions are not included or not included properly, such as program staff and permanent trainers, where under this system of coefficients, they may be downgraded, which would make recruitment in these positions more difficult.

<sup>80</sup> KJI statute, Article 11: <http://bit.ly/1W6cKEf>

<sup>81</sup> The Law establishing the KJI, Article 4.

<sup>82</sup> KJI organisational chart <http://bit.ly/1WQ624k>; KJI statute, Article 12

## Accountability

Lines of accountability between KJI and Assembly are not clearly defined in the law. However, KJI sends annual report to Assembly, namely the Committee for Legislation and Budget and Finance Committee. Director is invited to present the report to the Committee. In the end, the Assembly approves reports, which are also published. It has never happened for the report not to be approved. Lines of accountability within the KJI are defined in the law, statute and internal regulations.

## 19. KOSOVO JUDICIAL COUNCIL (KJC)

### Some basic facts:

<b>Year of establishment:</b>	2005
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	20,465,770 €
<b>Number of employees:</b>	- 13 public officials - 1,235 civil servants - 472 support staff - 452 judges
<b>Employment relationship:</b>	Law on KJC, Law on Courts, Law on Civil Service, Labour Law
<b>Composition and election of the Council:</b>	13 members (7 elected from the judiciary, 6 elected in the Assembly)
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	13,511,948 €
<b>Average monthly salary (gross)</b>	632 €

### Employment relationship

Employment relationship in KJC is defined with the Law on Kosovo Judicial Council<sup>83</sup>, Law on Courts<sup>84</sup>, Law on Civil Service and Labour Law. Law on the KJC defines the employment relationship of 13 members of the Council, the Law on Courts defines employment relationship for 452 judges, Law on Civil Service regulates the employment relationship of 1,235 civil servants and Labour Law defines employment relationship for 472 employees that are support

<sup>83</sup> Law No. 03/L-223 on Kosovo Judicial Council: <http://bit.ly/1NzEñNu>

<sup>84</sup> Law No. 03/L-199 on Courts: <http://bit.ly/1Tju4oH>

and maintenance staff in the KJC. The total number of employees in the KJC is 2,159. There is a communication between MPA and KJC on issues, such as positions, recruitment, approval of positions, etc. In the event of termination of contracts of KJC workers, they have the right to appeal within KJC to Appeals committee and later to IOBCSK. KJC civil servants, in addition to the Civil Service Law, are also subjected to recruitment regulations issued from the Government and MPA. According to KJC, employees in this institution should have a special status, separate from the civil service. KJC has taken an initiative to draft the law on judicial administration and as a result, this law will exclude the judicial administration from the Civil Service Law. The new law will provide for independence in recruitment of KJC employees without having to pass through the MF and MPA procedures. The main reason for such a law is recruitment procedures that implicate MPA, MF. Regarding the amendment and supplement of the law on civil service, comments were sent to MPA by the legal office of the KJC.

## **Salaries**

The KJC salary system is coefficient based. The KJC has coefficients from 5 to 10 (receptionist with coefficient 5, director of department with coefficient 10) and some coefficients like 17.3 applied for office of disciplinary prosecutor and 13.3 for judicial performance review unit. The KJC support and maintenance staff members are not civil servants and receive salaries with coefficient 4.5. Director of the KJC Secretariat, Director of Office of Disciplinary Prosecutor and Director of the Judicial Performance Review Unit receive a salary that is 90% of the salary of the Chairperson of KJC. The Chairperson has the same salary level with the Prime Minister while the Deputy-chairperson has the same salary level with ministers. Chairperson and deputy chairperson are paid by the KJC while members are paid by the courts from which they come from. KJC has not been part of the cadre fund. Two additional allowances are paid in KJC: allowance of 30 Euros from the Kosovo budget like for all other civil servants and allowance of 50 Euros from court revenues for all civil servants and support and maintenance staff. Additional 400 Euros is paid to the IT Director, additional 250 Euros for two civil engineers and 100 euro for IT operators. In case of additional duties KJC employees receive compensation. According to KJC, the preferred form for regulation of salaries is a separate/ special system that would be established with the new Law on administration of judiciary. With this law, judicial administration would be excluded from the Civil Service Law and this would create a distinction between the judicial administration and the rest of civil servants.

## **Internal organisation**

KJC is governed by the Council consisting of 13 members including the chairperson and deputy chairperson. Seven KJC members are elected directly by the judiciary and six members elected by the Assembly of the Republic of Kosovo. KJC members do not work full-time, except for the Chairperson of the KJC.<sup>85</sup> The role of chief administrative officer in the KJC is played by the Director of KJC Secretariat. Director of the Secretariat is selected by open public competition from the Council, although applicable laws create dilemmas for selection procedures. The

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<sup>85</sup> Article 108, section 6 of the Constitution of Kosovo.

internal organization of the KJC: Director of the Secretariat has two offices and a unit with officials which report directly to him/her: office for translation support, procurement office and the unit part of which is certifying officer, public communication, information and media monitoring, European integrations (two positions) and administrative officer. There are two more units under the supervision of the Director of KJC that have units led by coordinators and these units have officials but not structures like divisions or sections.<sup>86</sup> Present organization of the KJC is done to realize its mandate with some changes that are in the process. The internal organization of the KJC is not defined by the Law on Establishment of KJC with the exception of the Council. KJC has a regulation on internal organization and systematization of jobs in the KJC Secretariat.<sup>87</sup> Regulation is adopted by the KJC Council. KJC does not have structures that are considered unnecessary because they have realized their mandate. KJC common services are currently in separate departments, such as, procurement coordinator, internal audit, personnel, etc. Catalogue of jobs for specific positions that exist in the KJC is not so appropriate. A number of positions are not recognized as titles and grades. The internal organization of the KJC will change with the Law on judicial administration and Regulation that is being supplemented and with the process of adjustment to the catalogue of jobs.

### **Accountability**

Lines of accountability between the KJC and the Assembly are defined in a specific Article of the Constitution of Kosovo. Chairperson of the Kosovo Judicial Council addresses to the Assembly of Kosovo at least once a year regarding the Judicial System.<sup>88</sup> KJC drafts work report and informs the Assembly through the Committee on Legislation. In the KJC, Director of the KJC Secretariat is elected and reports to the KJC Council. The report is not voted, it is a report only to inform the Assembly. The report is published in the official website of the KJC.<sup>89</sup>

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<sup>86</sup> Organisational chart of KJC <http://bit.ly/209SAY9>

<sup>87</sup> Not available in the KJC website.

<sup>88</sup> Article 108, section 8 of the Constitution of Kosovo.

<sup>89</sup> KJC annual reports: <http://bit.ly/27DifxS>

## 20. KOSOVO PROSECUTORIAL COUNCIL (KPC)

### Some basic facts:

<b>Year of establishment:</b>	2001 <sup>90</sup>
<b>Reports to:</b>	Assembly of Kosovo, President
<b>Budget 2016:</b>	8,013,619 €
<b>Number of employees:</b>	- 357 civil servants - 78 support staff
<b>Employment relationship:</b>	Law on KPC; Law on State Prosecutor; Law on Civil Service; Labour Law
<b>Composition and election of the Council:</b>	13 members (10 prosecutor members including Chief Prosecutor and 3 non-prosecutor members elected by the Assembly of Kosovo)
<b>Institution's proposal on salaries:</b>	Grading system
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	5,169,452 €
<b>Average monthly salary (gross)</b>	749 €

### Employment relationship

Employment relationship in KPC is defined with the Law on Kosovo Prosecutorial Council<sup>91</sup> (KPC), the Civil Service Law and Labour Law. The Law on KPC defines employment relationship of the 13 members of the KPC for a five year term. Chief State Prosecutor, seven members of Basic Prosecutor Offices, a prosecutor from the Appellate Prosecution Office, a prosecutor member from the Special Prosecution Office and three non-prosecutor members. The last three members come from: one from Chamber of Advocates, one university law professor and one representative from civil society. All three members are elected by the Assembly from a list of three candidates for each position proposed by the respective institutions. The KPC communicates with MPA on issues related to the civil service, in the event of termination of contract or other issues there is a right of appeal to the Appeals Committee within the KPC and after that, depending on the procedure, to IOBCSK. There is no other KPC primary or secondary legislation regulating the employment relationship of civil servants in the KPC. Regarding the status of civil servant in this institution, according to the KPC there is a lack of functional independence since approval is required from the Ministry of Finance and MPA. Positions of staff in KPC should be regulated with a special law in line with principles of civil service. Regarding

<sup>90</sup> KPC was established initially with UNMIK Regulation 2001/8 on the Kosovo Judicial and Prosecutorial Council.

<sup>91</sup> Law No. 03/L-224 on Kosovo Prosecutorial Council: <http://bit.ly/288pePL>, amended and supplemented with Law No.05/L-035: <http://bit.ly/1TSIpbX>

the amendment and supplement of the Law on Civil Service, according to KPC, the law and entire secondary legislation must be supplemented in terms of very short deadlines and to prevent conducting procedures on time.

## **Salaries**

KPC salary system is based on coefficient and fixed salary. KPC has not been part of the cadre fund, while there are four types of salary supplements: 30 Euros additional allowance for civil service, limited allowance of 50 Euros and additional allowance for IT from 100 to 400 and allowance for civil staff in the Kosovo Special Prosecution Office. KPC provides compensations for duty work according to the KPC decision which is provided on the basis of data delivered by prosecutor's offices. According to the KPC, the preferred form to regulate salaries in this institution is the system of grades in civil service which defines vertical and horizontal elasticity of job levels.

## **Internal organisation**

KPC is a collegial body consisting of 13 members who are elected according to the KPC Law. The chief administrative officer is Director of the Secretariat of the KPC which is elected and dismissed in accordance with procedures, criteria and qualifications that are developed and approved by the KPC. The Secretariat assists the work of the KPC and is lead by the Director of the Secretariat. The KPC has a functioning Prosecution Performance Review Unit which is led by the Director who is elected and dismissed by the KPC and an Office of Disciplinary Prosecutor, which is also led by the Director who is elected and dismissed by the KPC. KPC also has five committees: Committee on normative issues, committee on budget, finance and personnel, committee for prosecution management, disciplinary committee and committee for evaluation the performance of prosecutors. The organisation of KPC is defined with the Law on KPC and amendments and supplements of this law and other sub-legal acts adopted by the Council. The internal structure is necessary for the realization of the KPC mandate and there is no structure or unit that is considered unnecessary. Common services function within the Secretariat which provides administrative support to KPC. The Secretariat consists of the following offices: the office of human resources, general services office, office of information and communication technology, budget and finance office, procurement office and office for protection and assistance to victims. According to the KPC and State Prosecutor the catalogue of jobs is good, but during the drafting all descriptions of MPA should have been included.

## **Accountability**

According to the Law<sup>92</sup>, the KPC reports to the Assembly, the President and the public on the work of the Council and the State Prosecutor's Office. The Secretariat provides administrative support to KPC, while the lines of accountability between the Director of the Secretariat (chief administrative officer) [and the KPC] are defined based on the law on KPC and regulations

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<sup>92</sup> Law No. 03/L-224 on Kosovo Prosecutorial Council, Art. 4.11 on duties, competences and limitations of Council.



adopted by the Council. Director of the Secretariat reports and is accountable to the Council. President of the Council at least once a year submits annual report on performance, costs and budgetary needs of the prosecutorial system. Reports of KPC and State Prosecutor are adopted in the Council and published in the official website of the KPC.

## 21.KOSOVO COUNCIL FOR CULTURAL HERITAGE (KCCH)

### Some basic facts:

<b>Year of establishment:</b>	2006
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	196,592 €
<b>Number of employees:</b>	- 7 public officials - 7 civil servants
<b>Employment relationship:</b>	Law on Cultural Heritage; Law on Civil Service
<b>Composition and election of the Council:</b>	7 members, elected by the Assembly <sup>93</sup>
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	83,977 €
<b>Average monthly salary (gross)</b>	500 €

### Employment relationship

Employment relationship in KCCH is defined by the Law on Cultural Heritage<sup>94</sup> and the Civil Service Law. KCCH has a total of 14 employees, seven public officials and seven civil servants. Number of civil servants is not sufficient to fulfil the mandate of KCCH. This institution has established an appeals committee which deals with complaints of civil servants, which according to procedures could be sent to the Independent Oversight Board for Civil Service. The communication of KCCH with MAP is conducted in order to implement civil service regulations and recruitment of staff. Regarding the status of KCCH employees, they should be civil servants, but there is a need for a number of employees with contract on deed. For KCCH, the Law on Civil Service should require to add a common institution that coordinates and regulates administrative and logistical services of independent agencies in Kosovo.

<sup>93</sup> Statute or Law on Cultural Heritage do not regulate the way how Council members are selected.

<sup>94</sup> Law No. 02/L-88 on Cultural Heritage: <http://bit.ly/25dWuCT>

## **Salaries**

The salary system applied in the Council is with coefficients for civil servants. There are coefficients 7, 8, 9 and 10, while the cleaner is with contract on deed for the service. The salary of council members is based on the decision of the Assembly, but there is no legal basis for this procedure. Council employees have not been part of the cadre fund. Although KCCH does not have additional payments on salaries, due to overloading of employees with work, compensations are paid for overtime work for up to 40 hours a month, although the overtime work may be much more than 40 hours a month. Regarding the salary system, it would be better for the KCCH to have a special system that applies only for scarce professionals.

## **Internal organisation**

The Council is governed by seven council members elected by the Assembly for a three-year term. Chief administrative officer is the executive manager, who is appointed by public competition for an undefined term. The internal organisation is determined by the Rules of Procedure and the Statute<sup>95</sup> approved by the Chairman of KCCH. As part of internal organization KCCH has departments, divisions and sections. Common services are organized by the department of administration. This organisation is adequate, but in the future it should be transformed into a regulatory body. Regarding the catalogue of jobs in the civil service, there are specific positions that are not included and which are necessary for the smooth functioning of KCCH.

## **Accountability**

Although the lines of accountability between KCCH and Assembly are not regulated by law, the Chairman of KCCH reports to Parliament, while the chief administrative officer reports to members of KCCH. There were no members of the council for three years. However, after the election of members of the Council, KCCH reports to the Assembly with a work report and financial report, namely the work report is submitted to Committee for Education, Science, Technology, Culture, Youth and Sport and the financial report to Committee on Budget and Finance. There were no cases when the report was not approved in the Assembly. The report submitted to the Assembly of Kosovo is published on the official website of KCCH.

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<sup>95</sup> KCCH statute: <http://bit.ly/245OlbC>

## 22. INDEPENDENT OVERSIGHT BOARD FOR CIVIL SERVICE (IOBCSK)

### Some basic facts:

<b>Year of establishment:</b>	2004 <sup>96</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	292,734 €
<b>Number of employees:</b>	- 7 public officials - 19 civil servants
<b>Employment relationship:</b>	Law on IOBCS; Law on Civil Service
<b>Composition and election of the Board:</b>	7 members, selected through competition by the Assembly
<b>Institution's proposal on salaries:</b>	Coefficient based and allowances
<b>Civil service job catalogue:</b>	Applies for civil servants of the Council's Secretariat
<b>Expenditure for wages and salaries 2015</b>	221,602 €
<b>Average monthly salary (gross)</b>	739 €

### Employment relationship

Employment relationship in the Independent Oversight Board for Civil Service (IOBCS) is regulated with the Law on Independent Oversight Board for Civil Service<sup>97</sup> and the Civil Service Law. In addition to seven public officials with a five year term and possibility to be re-elected for another term<sup>98</sup> IOBCS employs 19 civil servants. Public officials are selected by the Assembly with open competition with the right of application for all and the selection criteria defined under the Law on IOBCS. It communicates with the Ministry of Public Administration (MPA) for all substantial and procedural issues, and issues relating to functions of the council for the oversight of civil service legislation. In case of disputes and complaints related to employment, civil servants have the right of appeal as provided in the Law on Civil Service, first to the internal committee and then to IOBCS. Comments, suggestions and remarks that the Council had on the Law on Civil Service were made public to MPA and readiness was expressed to provide support in case of redrafting the law. Council position is that the civil service should remain unique (unified) and no separation from civil service with other acts or bylaws should be allowed, but only as stipulated in the Civil Service Law, recognizing specifics for certain categories of civil servants, which specifics should be determined with the relevant legal acts.

<sup>96</sup> Initially established by UNMIK Regulation 2001/36 on Civil Service in the Ministry of Public Services.

<sup>97</sup> Law No. 03/L-192: <http://bit.ly/1RYvtOT>

<sup>98</sup> Law on Independent Oversight Board of Civil Service, Article 4

## **Salaries**

Salary system of IOBCS is determined with coefficients for civil servants. The lowest coefficient is six while the highest is 20 (director). IOBCS applies additional allowances for IT in the amount of 200 euro, and compensation for overtime. According to IOBCS, special salary system should be unified but with possibility of providing specific allowances for specific employees. Consequently, the most preferred form of salary arrangement would be with coefficients and allowances. Salaries of public officials are determined with the decision of the Assembly in the absence of the Law on salaries of public officials. IOBCS has not been part of the cadre fund.

## **Internal organisation**

Under Article 7 of the Law on IOBCS, Council is composed of seven members who are elected and appointed by the Assembly of Kosovo on the basis of open and transparent procedures. Board members are appointed for a term of five years, with the possibility of reappointment only for another term. During his/her term, member of the Council shall not exercise any other function or actively participate in political activities. All Council members are employed full time. The role of chief administrative officer is exercised by the Executive Director, who is expected to be selected in accordance with legal provisions for civil servants of senior managerial level. IOBCS expresses dissatisfaction with the composition of this council as it may harm the independence of independent institutions, given that the majority of members (3 out of 5) are appointed by MPA. Furthermore, for institutions outside the executive, there are very few legal provisions for selection, appointment, evaluation, disciplinary proceedings, extension of mandate, dismissal and appeal procedure for employees and senior management, and this issue should be addressed with priority and urgently.

The internal organization is determined with the rules of procedure approved in the Council<sup>99</sup>. IOBCS consists of the administration department and professional services division, which is understaffed. Besides IOBCS Law, IOBCS secretariat proposes regulations that are sent to the Council for approval. Common services (logistics, transportation, human resources management, procurement and other common tasks) are organized by the Department of Administration. According IOBCS, the catalogue of jobs is not appropriate and there are specific positions that are not included. IOBCS needs to have more departments. Specifically, Division for professional services should be transformed into a department with three sectors: monitoring, observation of recruitment and appeals. The Council is also involved in amending and supplementing the Law on the Council to remedy the identified shortcomings.

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<sup>99</sup> Law on Independent Oversight Board of Civil Service in Kosovo, Article 22

## Accountability

The chief administrative officer, Executive Director, directly reports to the President of the Council of IOBCSK<sup>100</sup>. While by law, the Council is obliged to submit an annual report to the Assembly<sup>101</sup>, more precisely to the Public Administration Committee where annual report is presented. Regarding the financial part of the report the Council reports to the Budget and Finance Committee. Council sends a copy of the report to the Prime Minister for information. The report of the Council is available to the public after the approval by the Assembly through publication in IOBCSK website. According to IOBCSK, there are no consequences if the annual report is not approved by the Assembly, as this issue is not defined by law, but it should be regulated.

## 23. INDEPENDENT COMMISSION ON MINES AND MINERALS (ICMM)

### Some basic facts:

<b>Year of establishment:</b>	2005 <sup>102</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	1,347,368 €
<b>Number of employees:</b>	- 5 public officials - 77 civil servants
<b>Employment relationship:</b>	Law on Mines and Minerals; Law on Civil Service
<b>Composition and election of the Board:</b>	5 members, elected by the Assembly among 10 candidates shortlisted after the competition opened by the Office of Prime Minister
<b>Institution's proposal on salaries:</b>	Coefficient based
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	712,787 €
<b>Average monthly salary (gross)</b>	814 €

<sup>100</sup> Ibid. Article 20

<sup>101</sup> Ibid. Article 19

<sup>102</sup> ICMM was initially established with UNMIK Regulation 2005/2 and later with the Law No.03/L-163 on Mines and Minerals in 2010.

## Employment relationship

Employment relationship in the Independent Commission for Mines and Minerals (ICMM) is based on two laws, the Law on Mining and Minerals<sup>103</sup> and the Civil Service Law. There are a total of 77 civil servants this year, but still there are five vacancies that have not yet been filled. This total number includes drivers, who are also qualified as civil servants. Whereas cleaning services for ICMM are subcontracted. All civil servants, based on the law, have the right of appeal to the Independent Oversight Board for Civil Service after passing internal bodies. Law on Mines and Minerals provides for five more board members, who are appointed by the Assembly<sup>104</sup>. The term is five years with the possibility of appointment for one more term. The regulation on organisation and systematization of jobs also serves for regulation of positions in the ICMM. ICMM communicates with MPA for recruitment, approval of personnel and logistics. According to the ICMM, the civil servants in ICMM should remain civil servants, but in terms of job catalogue, according to ICMM the catalogue is very generic and does not respond to the specific needs of this institution.

## Salaries

Salaries are determined by coefficients ranging from six to ten, and 20 for the Director and chief inspector. These coefficients are equivalent to coefficients in ministries. Whereas salaries of the Board are determined with a decision of the Assembly. ICMM workers have not been part of the cadre fund. However, some of the workers who deal with IT and GIS take allowances as professionals in demand. Allowances these employees receive vary between 300 and 500 Euros, and have been approved in advance by the MPA. Furthermore, all employees except the auditor receive hazard pay. These additional allowances range from 100 to 370 euro, depending on the position. While overtime work or replacement are compensated with time off. According to the ICMM, a separate salary system is not adequate for the organization. Coefficient based system is easier and it is preferred to continue with this system.

## Internal organisation

The Executive Board consists of five members and manages the ICMM. Their selection procedure is as follows: notice soliciting applications is published and from those who apply, Office of the Prime Minister selects two candidates for each position and forwards them to the Assembly. From the two candidates, the Assembly shall approve one member of the board and select the Chairman of the Board. Board member has a five year term with the possibility of reappointment for a second term<sup>105</sup>. Chief administrative officer is the Director who is recruited according to the procedures of the Law on civil service for senior managerial positions. MPA proposes three names to the board and from these three names the Board elects the director. The director has a three year mandate with the right to be re-elected<sup>106</sup>. The hierarchy of the

<sup>103</sup> Law No. 03/L-163 on Mines and Minerals: <http://bit.ly/1OOEJR5>

<sup>104</sup> Ibid. Article 59

<sup>105</sup> Ibid. Article 59

<sup>106</sup> Ibid. Article 63

organization is divided down to office level (department, division, department and office). But there are also units (audit unit) that report directly to the Director. Internal organization is proposed by the Director and approved by the Board. Department of administration and procurement performs common services.<sup>107</sup> According to the ICMM, a licensing department should be added to this institution.

### Accountability

The Law on Mines and Minerals establishes lines of accountability between ICMM and Assembly<sup>108</sup>. ICMM reports to the Assembly through the annual report, namely to the Economic Development Committee and Budget and Finance Committee. Report is submitted in writing and is presented to the committee in the form of presentation. They are not invited to present it to the plenary session. There has never been a case when the ICMM annual report was not approved by the Assembly.

## 24. CENTRAL ELECTION COMMISSION (CEC)

### Some basic facts:

<b>Year of establishment:</b>	2000 <sup>109</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	5,439,152 €
<b>Number of employees:</b>	- 11 Public officials - 77 civil servants
<b>Employment relationship:</b>	Law on General Elections: Law on Civil Service
<b>Composition and election of the Commission:</b>	11 members including Chairperson appointed by the President (members are elected by Assembly groups represented in the Assembly)
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	714,800 €
<b>Average monthly salary (gross)</b>	726 €

<sup>107</sup> ICMM organisational chart: <http://bit.ly/1OZHLaA>

<sup>108</sup> Law on Mines and Minerals, Article 58

<sup>109</sup> CEC is initially established in 2000 with UNMIK Regulation 2000/21 and later with Law No. 03/L-073 on General Elections in the Republic of Kosovo.

## Employment relationship

Employment relationship in the Central Election Commission (CEC) and the Secretariat of the CEC is defined by the Constitution (Article 139), the Law on General Elections<sup>110</sup> and the Law on Civil Service in Kosovo. CEC has 11 members. Under Article 139 of the Constitution, the CEC Chairperson is appointed by the President from among judges of the Supreme Court for a term of seven years, whereas members are elected from parliamentary groups represented in the Assembly. One member is elected from the Serb community in Kosovo; three are elected from three other minority communities while the other six are elected from the parliamentary groups represented in the Assembly. Employment relationship in the CEC Secretariat (CECS) is defined by the Law on Civil Service. CECS is headed by Chief Executive Officer who is appointed according to a CEC Administrative Instruction on Civil Service. CECS has a total of 77 civil servants. The duration of employment contracts for the appointees to the CEC are defined by the Law on General Elections, while contracts of CECS employees are defined with the Law on Civil Service. CECS communicates with MPA and all MPA regulations on civil service are applied, such as for recruitment issues, competition, etc. CECS employees have the right of appeal to the complaints and disputes committee within the CEC and then, depending on assessment of the situation, to the IOBCSK. According to CECS, CECS employees should not be civil servants in order to be less restrictive in recruitment, dismissal, and due to some specific positions that exist in CECS. CECS has supported the initiative of the Ombudsman to not accept the catalogue of jobs in the civil service.<sup>111</sup>

## Salaries

The salary system applied in CECS is with coefficients. Chief Executive Officer and CECS have the coefficient 19/20, Internal Auditor (Director's position) has the same coefficient, coefficient of department directors is 10, heads of divisions 9, senior officer 8, officer 7 and driver with coefficient 6. The salary of the Chairperson of the CEC is equal to the salary of the Ombudsperson, while members of the CEC have a salary of Deputy Ombudspersons. As far as additional allowances to salaries, only during the election process, the CEC including CECS receive additional payments because of overtime and workload. Another additional allowance is received only by the IT. According to the CECS, the preferred form for CECS salary system arrangement is for them not to be with the civil service system (civil servants).

## Internal organisation

CEC is a collegial body and operates under the Rules of Procedure, which is an internal act and provides for calling the CEC meetings, quorum, decision making, etc.<sup>112</sup> In addition, the CECS has its Rules of Procedure. The role of chief administrative officer is exercised by CECS Chief

<sup>110</sup> Law No. 03/L-073 on General Election in the Republic of Kosovo: <http://bit.ly/1Ue4PmJ>

<sup>111</sup> This initiative includes four independent constitutional institutions Ombudsperson, Auditor-General, Central Election Commission (CEC) and Independent Media Commission (IMC), with the exception of the Central Bank of Kosovo.

<sup>112</sup> Rules of Procedure of CEC: <http://bit.ly/1NvJ9RF>



Executive Officer who is appointed by the CEC. According to Article 66.2 of the Law on General Election, the time for remaining in the post for the CEO, Deputy CEO and Executive Director of the Office is in accordance with the Civil Service Law. Within the Secretariat, the CEC establishes the Office for Political Party Registration and Certification which is headed by the Executive Director who reports directly to the CEC. In the CECS there are: Department of legal matters, Department for election operations, department administration and support and IT department. There are divisions and heads of divisions within departments. The communication of CECS is as follows: Officer - Senior Officer - Head of Division - Director - CEO.<sup>113</sup> The internal organization is defined in the Rules of Procedure of the CEC and Administrative Instruction on function, communication and reporting within CECS. There is no regulation in CECS on internal organization and systematization of jobs. Regulation and AI are approved by the CEC and signed by the President of the CEC. CEC has an internal auditor (director position) and the Director of Procurement. Other services are provided within the Department of Administration and Support. According to CECS, catalogue of jobs in the civil service is not applicable for some positions in this institution.

### **Accountability**

Although the CEC has not been established by the Assembly, it reports to the Assembly once a year. Responsibilities and lines of accountability between the chief administrative officer and collegial and individual body are defined with the Law on General Elections and Rules of Procedure of the CEC. Work report delivered to the Budget and Finance Committee is submitted through Committee on Legislation, while financial part of the report to the Committee on Budget and Finance. Until now, there has been no case when the session has not approved CECS report. The report is published on the CECS website.

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<sup>113</sup> Regulation 03/2015 on function, communication and reporting within the SCEC: <http://bit.ly/1T1qfyf>

## 25. PUBLIC PROCUREMENT REGULATORY COMMISSION (PPRC)

### Some basic facts:

<b>Year of establishment:</b>	2005
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	653,337 €
<b>Number of employees:</b>	- 3 public officials - 28 civil servants
<b>Employment relationship:</b>	Law on Public Procurement; Law on Civil Service
<b>Composition and election of the Board:</b>	3 members, appointed in the Assembly on the proposal of the Government
<b>Institution's proposal on salaries:</b>	Coefficient based and allowances
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	219,162 €
<b>Average monthly salary (gross)</b>	589 €

### Employment relationship

Employment relationship in the Public Procurement Regulatory Commission (PPRC) is defined with the Law on Public Procurement and Law on Civil Service. There are 33 positions in PPRC, 28 of which are civil servants, 2 are vacant positions and 3 positions belonging to the Board who are appointed by the Assembly upon the proposal of the Government. In the event of termination of contract of employees, they have the right of appeal, firstly to the appeals committee in the PPRC, then they can address to the IOBCS. According to PPRC, the status of employees should remain civil servants. There is a regular communication with MPA for vacancies or increase of coefficient, but there are many delays in the response from MPA.

### Salaries

PPRC was established in 2005 and after the establishment, the Board addressed to the Assembly to regulate salaries in this institution. PPRC is one of the few institutions where the highest coefficient is 9. The Board of the PPRC addressed to the Budget and Finance Committee of the Assembly to increase the coefficient, but it has not happened. Officials have coefficient 7, procurement experts and senior officers have coefficient 8, while department coordinators have the highest coefficient 9. According to PPRC, by now about 13 experts have left the job because

of low salary. Procurement experts in this institution should have additional allowances on salaries, due to their positions and works they perform. There should not be separate salary system but only additions to salary. Although the majority of civil servants perform between two to three additional jobs, the PPRC does not apply additional allowances. Only three out of seven persons perform the IT work receive additional payments on salaries. The driver in PPRC does the driver's work as a second job and is paid extra for that.

### **Internal organisation**

PPRC is governed by a Board composed of three members. Members of PPRC are appointed for a five year term without the right of re-appointment and work full time. The president and members of PPRC are proposed by the Government and appointed by the Assembly. All the duties of the CAO position are performed by the President of the Board. He/she exercises the role of chief administrative officer who represents, manages and organizes the work of PPRC. President of the Board authorizes two other members of the board to be heads of departments in PPRC, whereas these departments also have coordinators. Internal organization of the PPRC is regulated in departments. PPRC has four departments: rules department, information department, training department and supervision and monitoring department. Departments do not have directors. PPRC does not have internal auditor but there is an agreement with the Ministry of Finance so that the MF auditor performs internal audit of the PPRC. According to PPRC, this institution is understaffed. The request for increasing the staff has been made to the Ministry of Finance but there has been no change. Regulation on internal organization and systematization of jobs is has been prepared and submitted to MPA in 2012, but not reply has been received yet. The new Law on Public Procurement (adopted in Assembly in February 2016) mentions the position of procurement expert – a position that was not included in the old law. Job catalogue is not appropriate for positions in PPRC. Procurement expert position is not included in this catalogue. According to PPRC, internal organization and reporting should be organized better because in this institution, senior personnel officer, archives officer, finance, procurement, asset and logistics officer are under direct supervision of the President of the Board (who is the CAO). For this reason, there should be a position of a Secretary General or the Director General, who will be between members of the Board and Departments. Departments should have directors and two members of the Board should not be at the same time directors of departments.

### **Accountability**

According to Article 87 of the Law on Public Procurement, PPRC for each calendar year, prepares and submits to the Government and the Assembly an annual report analyzing public procurement activities in Kosovo occurring in that calendar year and setting forth any recommendations for the improvement of the public procurement system and/or the present law, a report that is submitted no later than the end of March of the following calendar year. The work and financial report is sent to the liaison officer for independent institutions and

agencies at the Assembly of Kosovo. Until now it has never occurred for the Assembly not to approve the report of the PPRC. The report is accessible to public; it is published on the website of the PPRC.

## 26. INDEPENDENT MEDIA COMMISSION (IMC)

### Some basic facts:

<b>Year of establishment:</b>	2005
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	1,046,477 €
<b>Number of employees:</b>	- 10 public officials - 31 civil servants
<b>Employment relationship:</b>	Law on IMC; Law on Civil Service
<b>Composition and election of the Board:</b>	7 members of the Commission and 3 members of the Appeals Board are elected by Assembly with open competition
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	362,239 €
<b>Average monthly salary (gross)</b>	736 €

### Employment relationship

Employment relationship in the Independent Media Commission (IMC) is defined with the Law on IMC<sup>114</sup> and Law in Civil Service. The Law on IMC regulates the employment relationship of seven members of the IMC Commission and three members of the Appeals Board while the Law on Civil Service regulates the employment relationship of 31 civil servants in the Executive Office of the IMC. These two laws divide employees into civil and public servants. Members of IMC Commission<sup>115</sup> and the Appeals Board<sup>116</sup> are appointed by the Assembly through an open competition issued by IMC for the Commission, while competition and all other appointment procedures for members of the IMC Board are performed by the Assembly. All applications submitted to the IMC are sent to the Assembly (Committee for Public Administration, Local Government and Media) and candidates are interviewed through an ad-hoc committee and two candidates for each position are submitted for a vote in the Assembly session. Commission and

<sup>114</sup> Law No. 04/L-44 on Independent Media Commission: <http://bit.ly/25t0kYV>

<sup>115</sup> Chairperson, deputy chairperson and five members.

<sup>116</sup> Head and two members of the Board.

Board members do not work full time. The Executive Office is headed by the Chief Executive Officer who is selected with open competition and all the staff of the executive office are civil servants. IMC has regular communication with MPA and MF on issues related to civil service, recruitment, announcement of positions, coefficients, etc. Civil servants have the right of appeal within the IMC to the Appeals Committee and Disciplinary Committee and then to IOBCSK. IMC has no other legislation governing the employment relationship of civil servants except the Law on Civil Service. IMC civil servants should not be civil servants due to the nature of work of IMC.

## **Salaries**

IMC salary system is determined by coefficients from 6 to 20. Part of the fund for professional in demand was the position of the Director of Frequency Management Department, Head of Division in this department and the IT person. In IMC there is an allowance for civil servants introduced with a Government decision and called allowance for Kosovo Civil Service, in the amount of 30 Euros. IMC applies compensation for work performed while on duty if such performance is based on a decision. IMC salaries should be based on the nature of work and performance evaluation, that is, institution should decide.

## **Internal organisation**

The Commission of seven members, Appeals Board with 3 members and the Executive Office with 31 civil servants represent the IMC structure. The Executive Office is headed by the Chief Executive Officer who is selected by competition for a three-year term and has five departments. The Office includes: Chief Executive, Frequency Management Department, Licensing Department, Monitoring and Analysis Department, Legal Department, Administration Department, Procurement Department, Department of Audit, Executive Assistant and Public Relations Officer. With the exception of the Department of Administration, the four departments are divided into divisions and they have officers in divisions. IMC has three regulations on employment relationships: Rules of Procedure of the IMC, Board's Rules of Procedure and Regulation internal organization and systematization of jobs in IMC. Common services are performed within the Department of Administration, except procurement and auditing which are separate from the department. Job catalogue is not applied as it was not in force and is not suitable in the present form. There is a need to increase number of staff in IMC, specifically in the Executive Office because some officers perform more than one duty.

## **Accountability**

The IMC law defines IMC lines of accountability to the Assembly. By 31 March IMC prepares an annual report for the previous year, which is submitted to the Assembly. An annual financial report submitted to the Ministry of Finance and then together with another form of the annual financial report (drafted by the Assembly for independent agencies) is sent to the Committee on Budget and Finance and then all these together with annual work report are reviewed in the Assembly session, when discussing the annual report of the IMC. In addition, IMC issues four quarterly reports which are sent to the Committee on Public Administration, Local Government

and Media and to the Speaker of the Assembly. There has been no case when the Assembly did not approve the IMC annual report, which after the approval by the Assembly is published in IMC website. The annual report also includes part from the internal and external audit and measures undertaken by the IMC to implement the recommendations of the OAG.

## 27. PROCUREMENT REVIEW BODY (PRB)

### Some basic facts:

<b>Year of establishment:</b>	2008
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	329,883 €
<b>Number of employees:</b>	- 5 public officials - 18 civil servants
<b>Employment relationship:</b>	Law on Public Procurement; Law on Civil Service
<b>Composition and election of the Board:</b>	5 members appointed by the Assembly on the proposal of the Government based on recommendation of independent selection body established by the Assembly
<b>Institution's proposal on salaries:</b>	Coefficient based and allowances
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	185,026 €
<b>Average monthly salary (gross)</b>	734 €

### Employment relationship

Employment relationship in the Procurement Review Body (PRB) is defined by the Law on public procurement<sup>117</sup>, and the Law on Civil Service. PRB employs a total of 18 civil servants including the chief financial officer (CAO) who is the head of the Secretariat. PRB Board consists of five members including the President who is proposed by the Government and appointed by the Assembly based on the recommendation made by an independent selection body established by the Assembly. Civil servants have the right of appeal initially to internal committee of the PRB then they can address to IOBCSK. PRB board members are appointed for a term of five years without possibility of re-appointment. PRB has regular communication with MPA on issues of competition, changing salaries. In addition to the Law on Civil Service in PRB there is secondary legislation, like internal regulation for organization and systemization of jobs in the PRB<sup>118</sup> and

<sup>117</sup> Law No.04/L-042 on Public Procurement: <http://bit.ly/1sH3IAW>

<sup>118</sup> Regulation No. 01/2015 on internal organisation and systematisation of jobs in Procurement Review Body: <http://bit.ly/1TtF5xO>

the Rules of Procedure of the PRB,<sup>119</sup> which help in allocation of tasks and responsibilities within the PRB. According to PRB, it suits best to employees to have the status of civil servants, with the exception of experts who should be treated in a special way due to the scale of risk in the work they perform.

## **Salaries**

PRB applies a system of coefficients for all employees, with the exception of the Chairman of the Secretariat which has a salary equivalent to general secretaries of ministries, and the Board which has a fixed salary, a salary which is defined by the Committee of Budget and Finance in the Assembly of Kosovo. Coefficient 6 applies for archives officer and executive assistant of review panel, coefficient 7 for complaints receiving officer, and revenue deposits return officers and IT Officer. Coefficient 8 for senior procurement officer, translator and senior legal officer, 8.5 is for expert and 9 for five review experts and personnel manager, and coefficient 10 applies for head of division of budget and finance, head of internal division and head for dealing with complaints. The only additional allowance of 200 Euros is provided for the IT Officer. The PRB was not part of the cadre fund. According to the PRB, concerning salary arrangements, experts receive low salary compared to the work they perform. Although the PRB has made a request for allowances, that has not been achieved yet.

## **Internal organisation**

PRB is governed by the board and the role of chief administrative officer in PRB is performed by the Head of the Secretariat. Head of the Secretariat is selected with a public competition. The PRB Board is elected by the Assembly on the proposal of the Government without the right of reappointment.<sup>120</sup> Internal organization of the PRB consists of a section (legal section), three divisions (division of budget and finance, complaints review and internal division) and an office (office of personnel). This organisation is in order to fulfil the mandate of PRB and it is considered that it is understaffed. Organisational chart of PRB is proposed by the Board and approved by the President of the Board<sup>121</sup>. Common services are primarily carried out by office of personnel. According to PRB, in the absence of staff, majority of employees, in addition to their own positions, hold two to three additional positions, and therefore there is a need to increase number of staff. Regarding catalogue of jobs in the civil service, most of the positions are appropriate for PRB except positions for specific experts within the PRB that do not exist at all, and that is in contradiction with the Law on public procurement.

## **Accountability**

According to the Law on public procurement, the PRB submits annual report to the Assembly no later than the end of February of the following calendar year. Lines of accountability within the

<sup>119</sup> Regulation 02/2015 on the work of Public Procurement Review Body: <http://bit.ly/1QS4yze>

<sup>120</sup> Law No. 05/L-068 amending and supplementing the Law No. 04/L-042 on Public Procurement, Article 100: <http://bit.ly/1VqnAE2>

<sup>121</sup> Organisational chart: <http://bit.ly/25we8oN>

PRB are in accordance with levels presented in the organizational chart. The PRB reports to the Budget and Finance Committee, and it is the president of PRB Board and financial officer that present the report. In 2013, the Assembly has not discussed the PRB report because the PRB did not have a Board. Annual reports are accessible to the public as they are published on the website of PRB.

## 28. ELECTIONS COMPLAINTS AND APPEALS PANEL (ECAP)<sup>122</sup>

### Some basic facts:

<b>Year of establishment:</b>	2008
<b>Reports to:</b>	President of the Supreme Court
<b>Budget 2016:</b>	212,160 €
<b>Number of employees:</b>	- 10 public officials - 10 civil servants
<b>Employment relationship:</b>	Law on General Elections; Law on Civil Service
<b>Composition and election of the panel:</b>	10 members, appointed by the President of the Supreme Court
<b>Institution's proposal on salaries:</b>	Coefficient based and allowances
<b>Civil service job catalogue:</b>	Mainly applied
<b>Expenditure for wages and salaries 2015</b>	123,492 €
<b>Average monthly salary (gross)</b>	542 €

### Employment relationship

ECAP employment relationship is defined with the Law No. 03 / L-149 on Civil Service of the Republic of Kosovo and Law on General Elections in Republic of Kosovo. In ECAP there are 10 civil servants who are employees of administration (Secretariat of ECAP is composed of civil servants, including its chairperson) and 10 public appointees who are members of ECAP panel.

Cooperation and communication of ECAP with MPA pertains to all matters related to personnel, such as recruitment, coefficients, vacancies, etc. In case of vacancy announcement for recruitment of civil servants, initially the announcement is internal, and in case no solution is found internally, an external vacancy is announced. For low and senior positions, Personnel Unit in ECAP upon authorization of the Department of Civil Service Administration (DCSA) at the

<sup>122</sup> ECAP is treated separately from the CEC because ECAP has a separate budget code and is listed among independent institutions and agencies and it has separate administrative and accountability structure, similar to independent institutions and agencies.



Ministry of Public Administration (MPA) conducts the competitive selection for the purpose of recruitment of civil servants under Article 11 and 12 of the Law on Civil Service. The communication on these issues is done through HRMIS - Human Resources Management Information System and manually. By law, employees have the right to appeal initially within ECAP dispute and grievances appeal committee which consists of senior officials of the Secretariat of ECAP, and after using this administrative instance, they have the right to appeal to IOBCS. Until now there have been no cases of appeals by civil servants. Since the Law on Civil Service and MPA regulations are applied, in ECAP there is no other legislation and there is no reason to have such legislation for employment relationships of civil servants. ECAP does not have a published regulation for the organization and systematisation of jobs, but it has been drafted and is expected to be adjusted to the job catalogue. According to ECAP, civil servants of ECAP secretariat should be civil servants and the Law on Civil Service should not be amended.

## **Salaries**

ECAP salary system according to the Law No. 03/L-147 on Salaries of Civil Servants, is defined by coefficients. Chief administrative officer receives a salary with coefficient 20 or equivalent to position of Chief Executive Officer. Two department directors receive a salary with coefficient 10, coefficient 8 is applied for three legal officers and an interpreter, coefficient 7 is for IT and executive assistant and coefficient 6 is for transport officer. Panel members perform the work in the ECAP as a secondary job and with a decision of the Government, the Chairman of the panel and the other nine members receive a secondary salary in ECAP, and they receive the primary salary in courts from which they come from. ECAP has not been part of the cadre fund. In ECAP only the information technology officer receives additional payment of 200 Euros. During elections, the CAO makes specific request for additional payments for all the staff of ECAP. Usually the practice was that these additional payments were 300 Euros for 9 administrative officers of ECAP and 400 Euros for the 10 members of the panel and head of the Secretariat. Salary compensations and other compensations incurred while performing their tasks are received by civil servants of ECAP based on the Law no. 03 / L-147 on Salaries of Civil Servants, and in accordance with article 5 paragraph 1.1, 1.2, 1.3 and Article 11, paragraph 6.1, 6.2, 6.3 of Regulation No. 33/2012 for additional payments on salary and other allowances of civil servants. According to ECAP, it is not reasonable to have salaries with special salary system, it is considered that the existing system should be maintained because it provides same salary for the same work. In ECAP, the current form of organization is a preferred form for regulating salaries.

## **Internal organisation**

The panel of 10 members including the Chairman shall be appointed by the Head of Supreme Court of Kosovo for a term of four years and they are judges of the Supreme Court of Kosovo, Court of Appeals of Kosovo and judges of the Basic Courts of Kosovo. In exercising its responsibilities and functions, respectively fulfilling the duties and obligations stipulated by Law on General Elections, ECAP is supported by the administration staff of the Secretariat. ECAP

Secretariat is composed of civil servants, including its chairperson. The Chairman is responsible for all administrative matters related to functioning of ECAP, preparing panels by ensuring that all required material is made available to ECAP and organization of Secretariat and observance of administrative procedures on all matters pertaining to functions of ECAP. Secretariat of ECAP consists of office of the head of secretariat, which includes the head and executive assistant, department of finance and general services, which consists of 4 civil servants including the director of the department, legal department consisting of 4 civil servants, director of the department and three senior legal officers.<sup>123</sup> Members of ECAP including the Chairman are appointed by the President of the Supreme Court for a term of four years. ECAP members including the Chairman do not work full time. This body governs the institution together with the Chairman of the EPAC Secretariat who is chief administrative officer. The position of the chief administrative officer is now exercised by Head of the Secretariat of EPAC with a new title according to the new catalogue of jobs - Director General. During election, ECAP hires additional 5-6 employees (legal officers and IT official) with contracts on deed. All internal acts are based on the Law establishing the institution and other applicable laws, such as: Law on Civil Service and applicable regulations of Government and Ministry of Public Administration for civil service. Regulations are proposed by the CAO and approved by the Panel. ECAP does not have unnecessary structures that have realized their mandate. Common services are organized and performed/ provided by civil servants of ECAP Secretariat, who besides their main work, have one or two additional jobs due to the limited number of staff. Some procurement works for ECAP in some cases are performed by the Central Procurement Agency. According to ECAP, the catalogue of jobs in the civil service is appropriate and applicable. Standard positions in ECAP derived from catalogue are adjusted to positions in ECAP, but the catalogue should be more specific about some certain positions. ECAP current internal organization is functioning.

### **Accountability**

Responsibilities and lines of accountability between the chief administrative officer and the collegial body (panel) within the institution are clear and well defined. CAO in monthly meetings and quarterly reports informs the Chairman and members of the panel about the work of ECAP. Law on General Elections does not specifically define who ECAP should report to. ECAP has not submitted annual reports to the Assembly. The ECAP Chairman should report to the Assembly, but today that is not defined by law. Secretariat and ECAP together draft an annual report that is published on the website, and discussed and approved only in the Panel but not submitted for approval or information to the Assembly. There is no mechanism where the Panel would report regularly and which would hold it accountable for its non-performance. The President of the Supreme Court can be informed about the work of ECAP. Chairperson and members of the panel perform according to applicable laws and decisions of President of the Supreme Court. The whole process is undefined by the Law on General Elections and employment regulations

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<sup>123</sup> ECAP organisational chart: <http://bit.ly/1W5AqbX>

based on which the ECAP functions.<sup>124</sup> Every year the Annual Report is approved by ECAP and published on the official ECAP website.

## 29. RADIO TELEVISION OF KOSOVA (RTK)

### Some basic facts:

<b>Year of establishment:</b>	1999 <sup>125</sup>
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	4,800,000 €
<b>Number of employees:</b>	- 11 public officials - 701 public servants
<b>Employment relationship:</b>	Law on RTK; Labour Law,
<b>Composition and election of the board:</b>	11 members, elected by the Assembly from the shortlist after public competition
<b>Institution's proposal on salaries:</b>	Special scheme <sup>126</sup>
<b>Civil service job catalogue:</b>	Not applicable

### Employment relationship

Employment relationship in RTK is defined with the Law on RTK,<sup>127</sup> Labour Law, statute of RTK<sup>128</sup> and a number of Regulations, like: Regulation on systematisation of jobs,<sup>129</sup> Regulation on internal organisation<sup>130</sup> and Methodology for defining complexity of jobs.<sup>131</sup> RTK does not have civil servants but only public officials who fall under the labour Law. In total there are 701 full time employees. These employees according to Labour Law have the right to appeal to Labour Inspectorate. To realize the mandate of RTK, employees should continue to have the same status they had until now and not be civil servants. Since RTK employees are not civil servants, communication with the MPA is more limited than other institutions/ agencies. More precisely, RTK communicates with MPA in terms of best practices and consultations in drafting regulations.

<sup>124</sup> Laws and regulations relevant to ECAP: <http://bit.ly/1YVv00G>

<sup>125</sup> RTK was initially established with an MOU between EBU and OSCE and later, in 2006, Assembly of Kosovo adopted the Law on RTK. The last law on the functioning of RTK is adopted in 2012.

<sup>126</sup> Exists and is proposed to continue.

<sup>127</sup> Law No. 04/L-046 on Radio Television of Kosovo: <http://bit.ly/1YcYIUy>

<sup>128</sup> The statute of RTK: <http://bit.ly/1NëQvPr>

<sup>129</sup> Regulation on systematisation of jobs: <http://bit.ly/1paJfCr>

<sup>130</sup> Regulation on internal organisation: <http://bit.ly/1S50roG>

<sup>131</sup> Methodology for determining complexity of jobs: <http://bit.ly/1ĒaUh7K>

## **Salaries**

For regulation of salaries in RTK apply the above mentioned regulations, methodology and statute drafted by the Board of Directors, all approved by the RTK Board, signed by the chairperson of the board. Coefficients applied in RTK are with a specific system, not equivalent to those of the MPA, respectively they are from 1-7 and the value of one coefficient is 195 Euros. This form of payment is preferable by the RTK. RTK has a regulation for rewards at work where it has regulated rewards for workers. Regulation appears in RTK website but cannot be accessed (not clickable). RTK applies additional payments for second job in case of worker replacement. Overtime and night shift are also paid additionally. RTK has signed a collective contract and provides meals (RTK has signed and respects the collective contract). Moreover, the workers also have health insurance.

## **Internal organisation**

RTK has a Board of Directors and a Director General. The Board consists of 11 members and serves as a collegial decision-making body in RTK. Board members are elected by competition under the Law on RTK through a public announcement issued by RTK. Five days after the deadline for submission of applications, the Assembly of Kosovo establishes an ad-hoc committee to review applications. After the interview, the committee recommends to the Assembly two candidates for one position in the Board. Assembly elects one of the candidates with the majority vote of members present and voting. The Board with an open competition selects the Director General, who shall serve as chief administrative officer. Internal organization of RTK is defined by the RTK Law, the Statute and the Regulations: 1) on internal organization and 2) on systematization of jobs. All these are approved by the RTK Board. Internal organizational hierarchy of RTK begins with the Board and Director-General, as RTK bodies established by law. RTK has one or two deputy directors who are elected by the RTK Board, with public competition and on the proposal of Director General. Then, the RTK Board selects the Director of the Television Channel in Albanian, Director of Radio and Head of Joint Services through a public competition but taking into consideration the recommendation of the RTK Director General. Subsequently, joint services are organized by sections, namely by section of finance, personnel, administration and legal office. This internal organization is appropriate to fulfil the mandate of RTK.

## **Accountability**

The Board is a collegial body that appoints and dismisses the General Director, Deputy General Directors of Radio and Television and head of common services. RTK law does not say that RTK reports to the Assembly, but in practice the Committee on Public Administration, Local Government and Media calls the Chairperson of RTK Board and Director General to report. Based on the law, the annual work report and financial report is drafted once a year; financial report goes to Budget and Finance Committee. The financial report is prepared and sent quarterly to the Budget and Finance Committee, while annual report once a year. According to the Law, RTK will send annual report, report on public debate and the opinion of the RTK Board

about the report on public debate for orientation purpose, to the Assembly of Republic of Kosovo. Moreover, the Committee on Public Administration, Local Government and Media calls RTK to report. RTK report is voted by the Assembly and it has never occurred that it was not approved. RTK law establishes lines of accountability between the Director General and the Board.<sup>132</sup> The RTK report is made public in the RTK website<sup>133</sup>.

## 30. KOSOVO PENSION SAVINGS TRUST (KPST)

### Some basic facts:

<b>Year of establishment:</b>	2001
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	1,282,483 € <sup>134</sup>
<b>Number of employees:</b>	- 7 public officials - 26 public servants
<b>Employment relationship:</b>	Law on Pension Funds; Labour Law
<b>Composition and election of the board:</b>	7 members, selected through competition, approved by the Government and sent to be voted in the Assembly
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applicable

### Employment relationship

KPST employment relationship is defined with the Law on Pension Funds of Kosovo<sup>135</sup> and the Labour Law. There are no civil servants in KPST; there are 26 employees as administrative staff and 7 members of the Governing Board. Contracts are permanent, whereas for new employees probationary period is one year. Communication with MPA is rare and mainly for official holidays. In the KPST, there is an internal committee for appeals in the event of termination of workers contracts which consists of members of the Board and Management of KPST. This commission is an internal instance within KPST. The status of KPST employees is regulated by the Labour Law and secondary legislation in accordance with this law. According to the KPST, employees in this institution should not be civil servants.

<sup>132</sup> Under the old law, RTK is audited by the auditor general, but under the law which entered into force in 2012, RTK through a tender selects an external auditor to do the audit. External auditor has recently audited the performance in RTK.

<sup>133</sup> RTK annual reports: <http://bit.ly/28054au>

<sup>134</sup> Administrative expenditure in 2015 according to the Independent Auditor's Report and Financial Statements: <http://bit.ly/1PfwFON>

<sup>135</sup> Law No. 04/L-101 on Pension Funds of Kosovo: <http://bit.ly/1Uj0Oxt>

## Salaries

Salaries in the KPST are determined with grades and levels according to the organisation, policies and procedures of KPST. Coefficients applied for grades and levels are different from the coefficients applied in civil service. Levels range from 1 to 46. The legal basis for this arrangement is the Law on Pension Funds in Kosovo. KPST was not been part of the cadre fund. As of January 2015 all KPST employees receive additional payment for work experience in accordance with the Collective Contract. KPST employees have the option of choosing method of compensation for overtime: monetary compensation or time off. So far it has been monetary compensation that dominated. Overtime compensations for 2015 were about 3,500 (three thousand five hundred) Euros. According to KPST, equal salary for the purpose of uniformity is not appropriate method and is not positive in terms of increasing professionalism (motivation/ incentives for employees to develop professionally).

## Internal organisation

KPST is governed by a seven-member Governing Board. Members of the Board are appointed through open competition initiated by the KPST. A selection committee is established consisting of the CBK, Office of the Auditor General and Minister of Finance who select the short list of candidates that meet the criteria to be members of the Board of KPST. This list is sent to the Government (Office of the Prime Minister) and after approval of names by the Office of Prime Minister, they are sent to be voted as a whole/ package in the Assembly. The role of chief administrative officer is exercised by the Managing Director of KPST who is recruited by open public competition. KPST organisation levels are: Board of Directors, Committees (consisting of members of the Board, and these committees have the right to take certain decisions), then comes the Managing Director, two deputy-directors and managers of units/ departments. KPST internal organization is arranged in order to realize its mandate. Law on Kosovo Pension Funds defines general lines of KPST organization, including the investment of assets under internal management and organization. Hierarchical structure, internal regulations and structure are adopted by the Governing Board. The statute<sup>136</sup> and external regulations are adopted by CBK and the entire activity of KPST is supervised by the CBK and Assembly of Kosovo (CBK inspections and annual external audit). There are no established structures in KPST that are considered unnecessary. Generally, common services within KPST have a combined organization. Logistics is part of the Office of administration and human resources.

## Accountability

Lines of accountability between KPST and Assembly are established with the Law on Pension Funds of Kosovo.<sup>137</sup> The KPST Governing Board presents annual report to the Assembly no later than five months after the end of the calendar year. KPST shall also reports to the Oversight Committee on Public Finance and Budget and Finance Committee. Responsibilities and lines of

<sup>136</sup> KPST statute: <http://bit.ly/1QCzZxa>

<sup>137</sup> Law No. 04/L-101 on Pensions Funds of Kosovo: <http://bit.ly/245sNGN>, article 5.3.

accountability are clearly defined in KPST. The Managing Director reports to the Governing Board. KPST reports to the Assembly of Kosovo, CBK and Budget and Finance Committee and the Oversight Committee of Public Finance. Reports are submitted as hard copies. KPST reports to the CBK on a monthly, quarterly and annual basis. It reports to Assembly committees and the Assembly on annual basis. There has been no case when the Assembly has not approved the KPST annual report. The consequences of not voting are not defined. However, according to KPST the discussion and voting on the annual report in the plenary session of the Assembly is unreasonable. This is because the Assembly is the highest decision making body of the state, and every year discussion and voting there for such a minor document like annual report is an unnecessary loss of time. Such a discussion would be adequate in exceptional situations when functional committees of the Assembly consider that to be necessary. Therefore, reporting and voting of annual reports at parliamentary committees would be more than enough. Annual KPST reports are published on its official website.<sup>138</sup>

## 31. UNIVERSITY OF PRISTINA "HASAN PRISHTINA"

### Some basic facts:

<b>Year of establishment:</b>	1970
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	28,548,052 €
<b>Number of employees:</b>	- 320 civil servants - 1,030 public servants (academic staff) - 600 temporary external employees
<b>Employment relationship:</b>	Law on Civil Service; Labour Law; Law on Higher Education; the Statute of UP
<b>Composition and election of the steering council:</b>	9 members (5 elected by the Senate and 4 from MEST)
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	20,584,860 €
<b>Average monthly salary (gross)</b>	1,062 €

<sup>138</sup> KPST annual reports: <http://bit.ly/1NCDU2o>

## Employment relationship

Employment relationship at the University of Prishtina is defined with the Law on Civil Service, Labour Law, Law on Higher Education<sup>139</sup> and the Statute of UP<sup>140</sup>. There are 320 civil servants in the UP (employees of administration), 1,030 public servants (academic staff, assistant and regular professors) and 600 others who are temporarily hired from outside. Duration of contracts: employment contract of assistants is three years, associate professor four years and regular professor indefinite. UP's communication with the Ministry of Public Administration relates primarily to matters of vacancy announcements and increasing coefficients. In the event of termination of contracts of civil servants in the UP, they have the right to appeal first to the Appeals Committee and then to IOBCS. In addition to the Law on Civil Service that regulates employment relationship of civil servants in the UP, labour law, law on higher education and the statute of UP establish employment relationship for the rest of the UP employees. According to the UP, the status of academic staff should be defined with the Law on Higher Education due to the retirement age of academic staff which is up to 70 years. According to UP, they are not informed about amendments and supplements to the Law on Civil Service.

## Salaries

Salary system in the UP: Salaries of professors are defined according to academic titles, while salaries of civil servants on the basis of several categories that are divided in UP with internal regulation based on responsibilities. Together with the basic salary, civil servants receive an additional allowance as incentive which is shared from the UP's revenues coming from student fees. This additional payment is given to approximate the salaries of the UP administration with similar positions paid based on coefficients outside UP. UP has not been part of the cadre fund. Additional allowance on basic salary applied by the UP is a stimulating allowance and varies depending on basic salary of the UP staff and is given in order to adjust salaries of the UP staff with the same positions that are paid based on coefficients outside the UP. Additional payment in UP is applied for IT in the amount of 348 Euros. Salary compensation is applied in case of absence of regular professors assistants are engaged to replace them. Usually the payment for this replacement is about 30% of basic salary. The proposal of UP is for civil servants to have civil servant status but salaries to be with a special system.

## Internal organisation

University of Prishtina is governed by the Steering Council.<sup>141</sup> The Council consists of nine members, five members elected by the senate and four members elected by MEST. Members do not work full time. The role of chief administrative officer is exercised by Secretary-General of UP. Secretary of the University is selected by the Council upon the proposal of the Rector based on the report of professional committee selected by Rector on the basis of a public

<sup>139</sup> Law No. 04/L-037 on Higher Education: <http://bit.ly/1UIXb5i>

<sup>140</sup> Statute of University of Prishtina "Hasan Prishtina": <http://bit.ly/1UjgMTK>

<sup>141</sup> Article 17, 18 of the statute of UP, <http://bit.ly/1UjgMTK>



competition.<sup>142</sup> The UP has 10 departments including personnel manager and director of the Central University Library. There are also 13 faculty secretaries whose positions are equivalent to the position of director. Two of the 10 departments have sections. Internal organization is arranged in order to fulfil the mandate of UP. The internal organization is defined with regulation for organization and systematization of jobs.<sup>143</sup> Regulations are adopted by the Steering Council of UP. UP does not have any established structures that are considered unnecessary, because they have fulfilled their mandate. Common services are provided in separate departments, while internal auditor reports to the both Secretary and Rector. Job catalogue is not very adequate, in particular for specific positions that exist in UP. According to UP, catalogue of jobs is causing problems in recruitment of new staff for positions that are not included in the catalogue. But it is mainly applicable. According to UP, laboratory assistants, about 40, have requested to be associates of academic staff rather than civil servants.

### **Accountability**

The Kosovo Assembly has established the UP, but UP does not report to the Assembly. UP was established in 1970. On financial aspects it reports to the Ministry of Finance, on academic issues it reports to MEST. Secretary reports to the Rector for efficient, economic and effective administration at all levels of the University. In this position General Secretary is responsible for all matters that are not the competence of other bodies or managers.<sup>144</sup> UP has been invited by the Assembly Committee on Education to provide an explanation about the Law on Higher Education, but not for reporting. Steering Council prepares and submits a report to MEST, while there is no practice to publish the report.

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<sup>142</sup> Articles 38 and 39 of the statute of UP.

<sup>143</sup> Regulation is not public.

<sup>144</sup> Article 38, section 2 of the UP statute.

## 32. OFFICE OF AUDITOR-GENERAL (OAG)

### Some basic facts:

<b>Year of establishment:</b>	2002
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	2,308,893 €
<b>Number of employees:</b>	- 5 public servants - 141 civil servants
<b>Employment relationship:</b>	Law on Establishment of OAG; Law on Civil Service
<b>Composition and election of the Auditor:</b>	Auditor is elected by the Assembly through a competition announced by the President
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	1,613,332 €
<b>Average monthly salary (gross)</b>	902 €

### Employment relationship

Employment relationship in OAG is defined with the Law on Establishment of the Office of the Auditor General and Audit Office of Kosovo<sup>145</sup> and Civil Service Law. Auditor, Deputy Auditor and assistant auditors are public servants while the rest are civil servants. With the new Law that is in the process, auditors will not be civil servants as they are now under the current law. Moreover, with the adoption of the new Law on the Office of Auditor General and the National Audit Office of Kosovo these categories will be divided into: 1) public servants (auditors, assistant auditor, deputy auditors and Auditor), and 2) civil servants (support staff). Civil servants in OAG have the right of appeal to the internal appeals committee, and then based on procedures, to IOBCS. Due to the specific nature of work, and the constitutional requirement, according to OAG, it would be better if employees would be outside the civil service in order to maintain independence of the institution. Regarding amendment and supplement of the Civil Service Law, the principle of privacy, according to OAG, should be the focus when amending the Law on Civil Service. OAG communicates with MPA through the Department of Human Resources on issues of this department related to the human resources.

### Salaries

OAG applies the system of coefficients for all its employees, while for leadership/ management it applies the Labour Law with fixed salaries and contracts. Salary of Auditor-General is determined by the Assembly. OAG employees have never been beneficiaries of the cadre fund,

<sup>145</sup> Law No. 03/L-075 on the Auditor General of Kosovo and National Audit Office of Kosovo: <http://bit.ly/1Vyxu6y>

although there were discussions with the government for this, but no progress was achieved to introduce any quota for OAG. Regarding additional allowances, OAG has an allowance scheme approved by the government, which includes: 1) allowance for risk at work for all employees; 2) allowance for auditors; 3) allowance for quality auditors; 4) allowance for audit team leader; 5) allowance for specific work of support staff; and 6) allowance for IT staff. All these allowances (additional payments) are covered by separate decisions of the Government and the purpose of these allowances relates to specific functions that contribute directly to the implementation of priorities of the Office of Auditor General, its strategies and action plans. Amount of allowances in most cases does not exceed 40% of the basic salary, but for some strategic and managerial functions it goes up to 50% of basic salary.

Besides compensations arising from Civil Service Law, OAG has also adopted an internal regulation, based on Law no. 04/ L-161 on Safety and Health at Work, where every staff member of the OAG benefits 40 Euros a year, if involved in prophylactic activities, which means involved in activities aimed at improving and preventing disease and promoting health for all. According to OAG, an independent institution should have the independence to regulate the salary scheme independently from the Kosovo civil service, but on condition that this does not have any impact in the disruption of salary scheme for civil service.

### **Internal organisation**

OAG is headed by the Auditor General, who is elected by the Assembly upon the proposal of the President of the country as result of an open and transparent process. Currently, OAG has the following form of internal organization: division, department, section and unit. Every year an organisational readjustment of OAG takes place, which rotates its audit staff, a practice in line with audit standards and European best practices of management. The purpose of this readjustment is to meet annual targets and demands from other partners. OAG has no regulation on organization and systematization of jobs, but it does this with a decision of the Auditor General. The Auditor General, with special decision determines conditions of organizational readjustment. For corporate services, OAG has established the Corporate Services Division that includes: human resources, finance and logistics, legal office, information technology, procurement, public relations, and translation office.

### **Accountability**

OAG reports about its work directly to the Assembly of the Republic, more precisely, to Oversight Committee on Public Finance. There were no occasions when this report was not approved. Article 136, paragraph 1 and 2, of the Constitution of the Republic of Kosovo, says "The Auditor-General of the Republic of Kosovo is the highest institution of economic and financial control. Organization, operation and competencies of the Auditor-General of the Republic of Kosovo shall be determined by the Constitution and law." Each function in the OAG has clear description of duties and reporting/ accountability line. OAG publishes annual performance report that shows how it is managed with available resources, as well as the

annual audit report, which includes the audit of work performed during the year and also gives recommendations to the Government. Reports are published on the official website of OAG.<sup>146</sup>

### 33. ENERGY REGULATORY OFFICE (ERO)

#### Some basic facts:

<b>Year of establishment:</b>	2004
<b>Reports to:</b>	Assembly of Kosovo
<b>Budget 2016:</b>	743, 516 €
<b>Number of employees:</b>	- 5 public officials - 28 public servants
<b>Employment relationship:</b>	Law on Energy Regulatory; Labour Law
<b>Composition and election of the panel:</b>	5 members, proposed from the Government and appointed by the Assembly
<b>Institution's proposal on salaries:</b>	Special scheme
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	336,277 €
<b>Average monthly salary (gross)</b>	1,218 €

#### Employment relationship

Employment relationship in ERO is regulated with the Law on Energy Regulator<sup>147</sup>, the Labour Law and other acts (for example Operations manual on employment relations), which are approved by the Board of ERO. Status of employees in ERO is defined in Article 7 of the Law on Energy Regulator "no member of the Board or employee of the Energy Regulatory Office has the status of civil servant. Board members are proposed by the Government and appointed by the Assembly, but with the amendment of the Law on Energy Regulator, Board members will be selected by competition and appointed by the Assembly. Before taking up duties, each new employee signs a fixed term contract. The probationary period of each new employee is 3 months. In the event of termination of employment relationship, if a party wants to appeal it may initiate the procedure in Labour Inspectorate and at the competent court under the Labour Law. Regarding the inclusion of ERO employees under the civil service, ERO considers it should continue to have this independent status and be released from salary restrictions, in order to be allowed to recruit and retain qualified personnel and provide career advancement to the staff.

<sup>146</sup> OAG reports: <http://bit.ly/1r3tLBI>

<sup>147</sup> Law No. 03/L-185 on Energy Regulator: <http://bit.ly/1MxEfto>

## **Salaries**

ERO as an independent body has financial, managerial and operational autonomy. According to ERO, the Constitution of the Republic of Kosovo and laws like the Law on Energy Regulator and the Law on Public Financial Management and Accountability provide exactly for this autonomy, therefore ERO has the right and retains the discretion to determine its own budget, free from interference by executive branch of government. The Board of the Energy Regulator in accordance with Article 8 of the Law on Energy Regulator approves the remuneration levels and other employment conditions for employees of ERO, and organizes employment, appoints and supervises the work of the staff employed by ERO. In absence of the Law on salaries of senior public officials, their salaries are set by the Board. ERO does not apply salary system based on coefficients. The Board has harmonized salaries based on job descriptions. ERO does not apply additional allowances on salaries; the only allowance applied is for work experience. ERO ensures revenues from the fees of licensed operators. According to ERO, the Law on Public Financial Management specifies dedicated revenues. ERO considers that salaries of independent agencies with dedicated revenues should be at the same level with salaries of the sector they regulate. According to ERO, current form of arrangement for salaries is appropriate for this institution.

## **Internal organisation**

According to Article 4 of the Law on Energy Regulator, ERO is governed by the Board as a collegial body composed of five members, including the chairperson. The term of each Board member is five years. Each board member shall be in regular employment relationship and shall work full time. Chairperson of the Board acts as the chief administrative officer and represents ERO before third parties. ERO organizational structure consists of the Board, Managing Director, 5 Departments and Administration Unit. ERO has a total of 33 employees including 5 members of the Board. ERO has an operations manual and regulation on organization and functioning of the office. Regulations are proposed by relevant departments and approved by the ERO Board. General administration unit manages the transportation, human resources, procurement and other administrative works.<sup>148</sup>

## **Accountability**

Law on Energy Regulator determines the accountability of ERO to Parliament. Chairman of Energy Regulatory Office submits to the Assembly of Republic of Kosovo an annual report no later than three (3) months after the end of calendar year. Assembly of the Republic of Kosovo through respective functional committee every time it considers reasonable may request the Chairperson of the Board to report to them. The operations manual and regulation for the organization and functioning of ERO define lines of accountability. Kosovo Assembly has not approved the annual report of 2014. Law on Energy Regulator does not envisage any

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<sup>148</sup> ERO organisational structure: <http://bit.ly/285fi9G>

consequences if the Assembly does not approve the report. Annual reports are published on the official website of ERO.<sup>149</sup>

## 34. THE OFFICE OF THE PRESIDENT

### Some basic facts:

<b>Budget 2016:</b>	1,631,433 €
<b>Number of employees:</b>	- 44 civil servants - 12 political staff <sup>150</sup>
<b>Employment relationship:</b>	Law on the President; Law on Civil Service
<b>Institution's proposal on salaries:</b>	Coefficient based
<b>Civil service job catalogue:</b>	Applicable
<b>Expenditure for wages and salaries 2015</b>	722,484 € (for the entire staff and former presidents)
<b>Average monthly salary (gross)</b>	1,003 €

### Employment relationship

Office of the President is special institution within the civil service of Kosovo. Employment relationship in the Office of the President is regulated with the Law on the President<sup>151</sup> of the Republic of Kosovo and Law on Civil Service. Political staff and support staff (close protection unit and assistants) are appointed by the President, while civil servants (including Secretary) are selected by open competition in accordance with the Law on Civil Service. There are 44 civil servants including the Secretary and the Secretariat of the Council for Communities. President establishes a selection committee to propose to President potential candidates for the position of Secretary and President appoints one of the candidates proposed by selection committee. Civil servants have the right to appeal to the appeals committee within the Office of the President and to IOBCS. According to the Secretary, the regulation in the Office of the President should be similar to that of the Assembly given the similarities of tasks in these two institutions, and this especially in terms of professional department of protocol and information and department of legal office and foreign relations. On the other hand, the Office of the President should be excluded from the civil service and reason for that is specific nature of work. Advisors

<sup>149</sup> ERO annual reports: <http://bit.ly/22zzywb>

<sup>150</sup> According to annual financial reports for 2015, number of employees in the Office of the President is 60. Average (gross) salary for 2015 was calculated based on this number. Annual financial report 2015, p. 84: <http://bit.ly/28YehHp>

<sup>151</sup> Law No. 03/L-094: <http://bit.ly/1THJeDr>

to the office of the President are appointed by the President and this method is approved in MPA and MF and advisors are at the same level with advisors of the Speaker of the Assembly.

### **Salaries**

Salaries for civil servants are determined by coefficients, ranging from Secretary with coefficient 20, professional department directors 16.5, directors of departments 10, and the rest with coefficients nine, eight, seven and six. Employees in the Office of the President are paid for overtime work or for work on weekends (whenever there is budget). Drivers (3) have additional allowance of 105 euro due to the risk; IT workers have an additional allowance of 500 Euros (managers) and 400 euro for system maintenance staff and 200 euro for website administrators and maintainers according to a Government decision. Three civil servants who were sent to three councils established with a Decree of the President are paid additional 200 Euros a month. Office of the President is not part of the fund for cadres.

### **Internal organisation**

The administration in the Office of President is headed by the Secretary who is the chief administrative officer. In administration there is a director of professional department, directors of other departments (department of information and communication, department of protocol, department of administration, legal department and department of external relations and internal audit unit) and division within the department. Organizational Chart of the Office of the President is proposed by the Secretary and approved by the President. Office of the President has a Regulation on internal organization and systematization of jobs which is approved by the President. Job catalogue is applicable to the Office of the President. Amendment of the Law on Civil Service should regulate the issue of compensation and working hours.

### **Accountability**

The Secretary reports to the President, as chief financial officer and on issues of salaries and recruitment reports to and requires approval from MPA and Ministry of Finance. The President in cooperation with the Secretary appoints and dismisses directors of professional departments.

## 35. THE ASSEMBLY OF KOSOVO<sup>152</sup>

### Some basic facts:

<b>Budget 2016:</b>	9,174,515 €
<b>Number of employees:</b>	- 174 civil servants - 39 public servants (political staff)
<b>Employment relationship:</b>	Law on Civil Service; Regulation on Organisation and Responsibilities of the Assembly Administration;
<b>Institution's proposal on salaries:</b>	Regulation at national level (Law on Salaries)
<b>Civil service job catalogue:</b>	Not applicable
<b>Expenditure for wages and salaries 2015</b>	6,060,091 €
<b>Average monthly salary (gross)</b>	1,535 €

### Employment relationship

Assembly has adopted Rules of procedure which define the organization and functioning of the Assembly, its bodies, working groups and rights and duties of deputies.<sup>153</sup> Employment relationship in the administration of the Assembly is defined by the Civil Service Law (and secondary legislation) and Regulation on Organization and Responsibilities of the Assembly Administration. Administration of Assembly has 174<sup>154</sup> civil servants, whereas the personnel of parliamentary groups count 39 employees, who are not civil servants and their contracts are linked with the mandate of the Assembly. Employment relationship for political staff is established according to the Regulation on employment of political staff in the Assembly. Administration of Assembly communicates with MPA regarding civil service regulations, recruitment, vacancies, coefficients, etc. In the event of termination of employment relationship or other, civil servants have the right of appeal to the appeals committee within the administration of Assembly and further to the Independent Oversight Board for Civil Service of Kosovo. According to the Assembly, civil servants in the Assembly administration should be treated differently from civil servants of other institutions.

### Salaries

Assembly administration applies coefficients to determine salaries that range from 6 to 28. In addition, Assembly administration on the basis of the decision of the Presidency applies an

<sup>152</sup> The Assembly of Kosovo treats all four elements related to administration of Assembly of Kosovo and political support staff, but not the members of the assembly.

<sup>153</sup> Rules of Procedure of the Assembly of Kosovo, 2 April 2010: <http://bit.ly/1JWURNu>

<sup>154</sup> Two more civil servants will be added to this number as they are at the end of recruitment procedure.



additional allowance of 50% of the basic salary for civil servants in the administration and a daily meal. This allowance is justified with overload at work, overtime, replacement at work and they are paid pursuant to Regulation on additional allowances on salaries and other compensation for civil servants<sup>155</sup>. According to the Assembly, the preferred method for regulation of salaries is the Law on Salaries which would regulate salaries for all positions and institutions in Kosovo and Law on Assembly based on Assembly's request and recommendations of the Twinning Project 2001-2014.

## **Internal organisation**

Administration of Assembly is headed by the Secretary of the Assembly as chief administrative officer who reports to the Presidency of Assembly. According to Rules of Procedure of the Assembly, organization of work of Assembly administration services and other rights and obligations are regulated with a separate act adopted by the Presidency on the proposal of Secretary of the Assembly.<sup>156</sup> In this regard, Presidency of Assembly has approved Regulation on Organisation and Responsibilities of Assembly Administration at the proposal of Secretary-General. Secretary decides for expenses up to 99 Euros, and the spending over that amount is handled by the Presidency as collegial body of Assembly. Secretary of the Assembly heads five departments: two<sup>157</sup> of which have departments and units within the department and three<sup>158</sup> others are organized at the unit level.<sup>159</sup> Common services are provided within the Department of General Administration with the exception of procurement which is organized as separate department and internal auditor that reports directly to Secretary. Catalogue of jobs for the civil service is not appropriate, and except for two positions, others are not found in this catalogue. Administration of the Assembly has a job catalogue which has been sent to MPA but no reply has been received.

## **Accountability**

Lines of responsibility and accountability between the chief administrative officer and collegial body are determined by the Rules of Procedure and Regulation on organization and responsibilities of the Assembly administration. Kosovo Assembly is audited by the external auditor and it drafts an annual work report which is made public in the website of Assembly. The Assembly of Kosovo also publishes a financial report (quarterly and annual) which is more detailed compared to many other financial reports of budget organizations in Kosovo.

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<sup>155</sup> Regulation No. 33/2012 on allowances in salaries and other compensations of civil servants:

<http://bit.ly/1TW1t9r>

<sup>156</sup> Rules of Procedure of the Assembly of Kosovo, Article 80: <http://bit.ly/1JWURNu>

<sup>157</sup> General Department for Legal and Procedural Matters and General Department of Administration.

<sup>158</sup> Department of Protocol and International Relations, Department for Media and Public Relations and Department of Procurement.

<sup>159</sup> Organisational chart of Assembly administration: <http://bit.ly/1Np5MqU>

## 36. CONCLUSIONS

Based on the meetings/interviews with 33 independent institutions and agencies in relation to the establishment of the employment relationship, definition of wages, internal organization and accountability, a number of conclusions could be drawn on the following elements:

### **On the employment relationship:**

- In independent institutions and agencies the employment relationship is principally established by the law on the establishment of the institution and the Civil Service Law. The law on the establishment of the institution defines the employment relationship of the members of the collegial or individual body elected or appointed by the Parliament, while the civil service law regulates the employment relationship of civil servants in the respective institution;
- Out of 33 independent institutions and agencies, only four institutions do not apply the Law on Civil Service and their employees are public servants. These institutions are: the Energy Regulatory Office (ERO), the Central Bank of Kosovo (CBK), the Radio Television of Kosovo (RTK) and the Kosovo Pension Savings Trust (KPST);
- Out of 33 independent institutions and agencies, only three of them are governed by individual bodies: The Agency for the Management of Memorial Complexes (AMMC), the Anti-Corruption Agency (ACA) and the Regulatory Authority for Water Services (RAU);
- A different method is used to elect members of collegial bodies of independent institutions and agencies. In some cases, they are proposed by the Government and appointed by the Assembly, for instance: at the Agency for Protection of Personal Data, the Kosovo Competition Authority, the Railway Regulatory Authority, etc. In other cases, members of the decision making collegial body are elected by competition, for example: at the Regulatory Authority of Water Services, the Independent Oversight Council of the Civil Service, the Anti-Corruption Agency, the Independent Media Council;
- Institutions and agencies that apply the Civil Service Law engage in communication with the MPA on matters relating to the civil service, such as raising coefficients, opening competitions, etc.;
- The institutions and agencies that apply the Civil Service Law have established Appeals and Disciplinary Commissions. In all these institutions, civil servants have the right to appear at the Appeals Commission and later at the Independent Oversight Council of the Civil Service;
- A large number of institutions and agencies propose that their employees should be treated separately due to the specific work of the respective institutions;
- A small number of institutions and agencies have applied in full the catalog of jobs in the civil service;
- A small number of institutions and agencies have issued concrete proposals for amendments to the Civil Service Law;

- There are still some institutions that do not distinguish between civil and public servants, and support staff are still considered civil servants, for example in the Public Procurement Regulatory Commission or the Kosovo Judicial Institute;
- Some institutions have proposed the adoption of a Law on Independent Institutions which would clarify the status of employees and payroll schemes in these institutions. For example, this was proposed by the Anti-Corruption Agency, the Regulatory Authority for Water Services, the Kosovo Judicial Council, etc.

### **On the salary system:**

- There is no single salary system (scheme) for independent institutions and agencies. Some institutions are paid according to coefficients from 5-10 and 20 for the Secretary or the Director General, and some others have coefficients above 10, for example, 13.5 or 16.5. There is no legal basis for this payroll scheme. The Civil Aviation Authority, the Radio Television of Kosovo, and the Energy Regulatory Office apply special payroll schemes that do not follow the coefficients of the civil service because their employees are not civil servants;
- The salaries of members and chairpersons of collegial bodies and individual decision-making bodies and institutions in independent institutions and agencies are set by the Assembly's Budget and Finance Commission. The salary level of a small number is set by the law establishing the institution, for example that of the Director of the Anti-Corruption Agency is determined by the Law establishing the ACA, and the Director's salary is of the same level with that of a Chairperson of a Committee in the Assembly;
- Most institutions have preferred a special salary scheme, unlike the wage determination by coefficients in the civil service. Some institutions prefer the status of civil servant employees to be under the Civil Service Law, but a different salary scheme and separate treatment because of the specificity and nature of the institution or agency. Some institutions prefer salaries defined by coefficients, but with supplements applied on the coefficients;
- There is a large number of supplements that are applied on the basic salary. These supplements are different in name and amount. For example, the Assembly applies fixed salary supplements of 50% of the basic salary, which varies depending on the coefficient of pay of the employee. Then, there are some institutions that apply supplements for officers on grounds of danger, for example, the Anti-Corruption Agency applies the supplement of 107 euros upon the base salary. Then, the Kosovo Judicial Council applies a fixed 50 euros supplement for each civil servant, which is drawn from courts' revenues. With the exception of the Public Procurement Regulatory Commission, all institutions and agencies apply the IT supplement. This supplement is different depending on the position, IT director or IT officer. Then, the Central Election Commission and the Electoral Complaints and Appeals Panel apply supplements during the months elections are prepared and held in Kosovo;
- Salary compensations for the execution of tasks or overtime are paid in few institutions. Overtime is primarily rewarded with holidays, but institutions with budgetary means do

award compensations for replacements at work when there is a decision on compensation and the exercised task is of a higher position; for instance, this is applied in the Kosovo Judicial Institute.

### **On internal organization:**

- With the exception of the three agencies, the Regulatory Authority for Water Services, the Agency for the Management of Memorial Complexes and the Anti-Corruption Agency, other institutions and agencies are governed by collegial bodies. These collegial bodies have different names, such as board, commission, council, assembly, but they also have different powers, executive or supervisory: for example, the Board of the Railway Regulatory Authority and the Board of the Civil Aviation Authority have a supervisory role, whereas the executive role is held by the Director Generals in these institutions;
- In some institutions and agencies, board members including the Chairperson work full time, and in others they do not work full time. For example, the members of the Council of the Agency for Protection of Personal Data and the members of the Independent Oversight Board of the Civil Service work full time, while the members of the Board of the Civil Aviation Authority and members of the Judicial Council do not work full time;
- The role of the highest administrative function is exercised by various positions, such as the Chairperson of the Board in the case of the Regulatory Authority of Electronic and Postal Communications, the Director of the Secretariat at the Kosovo Prosecutorial Council, the Director General at the Authority of Kosovo Railways, the Chairperson of the Secretariat at the Election Complaints and Appeals Panel and the Director in the case of institutions governed by individual organs, such as the Anti-Corruption Agency, the Agency for the Management of Memorial Complexes, the Regulatory Authority of Water Services;
- The internal organization of institutions and agencies is different in each case. There are no structured levels, such as in the case of Ministries, with divisions as basic units and as structures within departments. For example, at the Assembly of Kosovo, the administration has directorates within directorates. The internal organization of all institutions and agencies serves the purpose of fulfilling the mandate, but in some of them there is a lack of staff, for example: The Agency for Management of Memorial Complex should have 58 employees, but has only 11 employees. Several other institutions are in the process of the functional review of internal organization, for example the Constitutional Court;
- The internal organization is defined in the law/act of establishment of the institution only with regards to the structure of the decision-making (collegial) body. All institutions/agencies have either Rules of Procedure or Regulations on Internal Organization and Systematization of Positions, which are proposed by the most senior administrative manager and approved by the collegial or individual decision-making body. In cases when the same position is the highest administrative manager and

director of the institution (as an individual body) the Regulation is proposed and approved by the same position, for example the Director of the Anti-Corruption Agency;

- Common services are performed in several cases within a department, for example the Legal and Administration Department at the Kosovo Competition Authority, but in some cases they are scattered in several departments/offices, for example the Office of the Auditor General has divided the following functions into several offices;
- The Job Catalog is fully applied only at the Agency for the Management of Memorial Complexes, and it is not applied in many institutions/agencies, for example: at the Regulatory Authority of Electronic and Postal Communications, the Civil Aviation Authority, the Central Bank of Kosovo, the Ombudsperson Institution, etc. Other Institutions and agencies have applied the catalog in general, but there are still question marks regarding its application in its entirety;

### **On Accountability:**

- The lines of accountability between the institution/agency and the Assembly are determined by the law establishing the institution/agency. However, some institutions draft annual reports but do not report to the Assembly, for example: The Academy of Arts and Sciences of Kosovo compiles its annual report which is published, but not submitted for discussion in the Assembly, the Kosovo Prosecutorial Council drafts an annual report but does not send it to the Assembly for reporting, the Constitutional Court compiles an annual report but does not send it to the Assembly for reporting or discussion. Only in some cases, the law establishing the institution does not require reporting to the Assembly, but only notification of the Assembly with the report, for example, the Radio Television of Kosovo.
- Responsibilities and lines of accountability between the highest administrative official and the collegial or individual body are regulated in some cases by the law for the establishment of the institution, in some cases with internal regulations, and in some cases the highest administrative manager is the Chairperson of the Board (for example at the Regulatory Authority of Electronic and Postal Communications, the Chairperson of the Board is the highest administrative manager). In the office of the President, the highest administrative official is the Secretary and the Law on the President defines the lines of accountability of the Secretary to the President;
- Most institutions and agencies report to the Assembly through the relevant functional Committee and the Committee on Budget and Finance. The work report is sent to the functional Committee, while the financial report is submitted to the Committee on Budget and Finance. Then, the whole report is read in session and submitted for approval by the representative of the functional Committee. There have been cases when the Assembly has not approved the report of an institution, but there have been no consequences, for example the report of the Radio Television of Kosovo, or cases when the relevant functional committee has recommended not to approve the report in session, and still the report is approved: the case of the Agency for Management of Memorial Complexes. The reports of some institutions/agencies have only been

discussed by the relevant functional commissions, but have not been sent to the Assembly for a vote due to the absence of the collegial body, such as the case of the Regulatory Authority for Water Services.

## 37. ANNEX: INTERVIEWS

- Fahri Breznica, Secretary, The Office of the President, 15.3.2016, Prishtinë.
- Arsim Tërnavë, Director of the Department of Law and Administration, Kosovo Competition Authority, 21.3.2016, Prishtinë.
- Hilmi Jashari, The Ombudsperson, Jashar Kastrati, Executive Director, Majlindë Sinani-Lulaj, Head of Public Relations & Media Office, The Ombudsperson Institution, 24.3.2016, Prishtinë.
- Sebahate Jonuzi, Personnel Manager, Milot Krasniqi, Legal Adviser Anti-Corruption Agency, 25.3.2016, Prishtinë.
- Idriz Blakaj, Director, Adnan Elshani, Director of the Department of Finance and General Services, Agency for Management of Memorial Complexes, 25.3.2016, Prishtinë.
- Bujar Sadiku, Director of Administration, National Agency for Personal Data Protection, 29.3.2016, Prishtinë.
- Enis Berisha, General Director, Arban Bytyqi, Senior Procurement Officer, Railway Regulatory Authority, 31.3.2016, Prishtinë.
- Kreshnik Gashi, Chairman of the Board, Regulatory Authority of Electronic and Postal Communications, 31.3.2016, Prishtinë.
- Dritan Gjonbalaj, General Director, Civil Aviation Authority, 01.4.2016, Prishtinë.
- Lendita Pula, Secretary, Kosovo Academy of Sciences and Arts, 01.4.2016, Prishtinë.
- Fehmi Pireva, Liaison officer with Independent Institutions and Agencies, The Assembly of Kosovo, 03.04.2016, Prishtinë.
- Florije Kika, Deputy Director, Arian Krasniqi, Acting Head of Information Unit public relations, media, operations, Shpresa Sogojeva, Acting Head of Human Resources for Local and international staff, Kosovo Property Agency, 04.4.2016, Prishtinë.
- Gani Nekaj, Deputy Director, Sokol Buqolli, Internal Auditor, Haradin Gërvalla, Director of Finance, Independent Commission on Mines and Minerals, 05. 4.2016, Prishtinë.
- Gjejlane Hoxha, Director, Kosovo Council for Cultural Heritage, 05.4.2016, Prishtinë.
- Lulzim Aliaj, Chairman of the Board, Independent Oversight Board for Civil Service, 06.4.2016, Prishtinë.
- Ramadan Gashi, Executive Director, Agency for Free Legal Aid, 07.4.2016, Prishtinë.
- Petrit Pepaj, Managing Director Energy Regulatory Office, 07. 4.2016, Prishtinë.
- Skender Klllokoqi, Senior Legal Advisor, Central Bank of Kosovo, 08.4.2016, Prishtinë.
- Ibrahim Gjylderen, Assistant Auditor-General, Office of Auditor-General, 12.4.2016, Prishtinë.
- Mentor Shalë, General Director, Radio Television of Kosova, 18.4.2016, Prishtinë.
- Mulë Desku, Head of Secretariat, Elections Complaints and Appeals Panel, 19.4.2016, Prishtinë.
- Ramiz Krasniqi, Director of Administration and Finance Department, Water Services Regulatory Authority, 20. 4.2016, Prishtinë.
- Jeton Demi, Public Relations Officer, Kosovo Pension Savings Trust, 21.4.2016, Prishtinë.

- Arta Berisha, Personnel Manager, Procurement Review Body, 21.4.2016, Prishtinë.
- Liana Xharra, Human Resource Manager, Privatisation Agency of Kosovo, 22.4.2016, Prishtinë.
- Suzana Pllana, Director of Administration and Finances, Kosovo Judicial Institute, 22.4.2016, Prishtinë.
- Ismet Krasniqi, Secretary of the Assembly, Shqipe Krasniqi, Senior Officer for donor coordination and relations with civil society, The Assembly of Kosovo, 22.4.2016, Prishtinë.
- Enis Halimi, Head of Secretariat, Central Election Commission, 25.4.2016, Prishtinë.
- Pranvera Krasniqi, Senior Officer of Personnel, Abdyl Limani, Procurement Expert in the Department of Rules, Public Procurement Regulatory Commission, 29.4.2016, Prishtinë.
- Arsim Dreshaj, Executive Assistant/ Acting Senior Officer of public relations, Independent Media Commission, 07.4.2016, Prishtinë.
- Lavdim Krasniqi, Director of the Secretariat, Kosovo Prosecutorial Council, 12.5.2016, Prishtinë.
- Vahid Limani, Director of General Administration and Personnel, Osman Kelmendi, Personnel Officer, Kosovo Judicial Council, 18.5.2016, Prishtinë.
- Shefqet Berisha, Director of Administration and Personnel, The Constitutional Court of Kosovo, 23.5.2016, Prishtinë.
- Esat Kelmendi, General Secretary, University of Pristina "Hasan Prishtina", 03. 6.2016, Prishtinë.



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