

# Inspectorates in Kosovo

## organization and functioning



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## 1. Executive Summary

Inspectorates in Kosovo do not have a single legal basis under which they would function as a whole, but some of them are established and regulated with laws, some with administrative instructions, and some with decisions. As a result, central level inspectorates are part of a number of institutions, mainly ministries, but also part of independent institutions.

In an attempt to unify their legal basis, the Government of Kosovo had planned in the legislative program 2013 to issue a single law for all inspectorates in the central level in Kosovo. However, after failing to precede the Draft Law on Inspectorates, on 27 December 2013, the Government of Kosovo adopted the Draft law on Inspections, which will be reviewed by the Assembly during 2014.

Aiming to provide an alternative towards unifying the legal basis and organization of inspectorates, GAP Institute will examine the manner of establishment, organization and functioning of inspectorates in Kosovo. In addition, GAP visited each inspectorate to better understand the functioning in practice of these inspectorates. GAP Institute considers that the Draft Law on Inspections submitted to Assembly will not have practical effects in the work of inspectorates and as a consequence any increase on the level of implementation of laws which inspectorates aim. Therefore, Law on Inspections cannot be considered a replacement for the Law on Inspectorates.

Currently, each inspectorate has its own separate legal basis. As a result, in absence of a single legal act that would serve as a legal basis for the functioning and hierarchical regulation, inspectorates function as separate administrative bodies scattered across different institutions. In practice, this type of organization does not seem efficient; therefore GAP Institute concluded that it is necessary to discuss the possibility of initiating a special law which would regulate the legal basis and hierarchical regulation of all inspectorates in Kosovo. Such a law would strengthen the role of inspectorates, would increase their responsibility and would have a direct effect in increasing the level of implementation of laws.

## 2. Introduction

Inspectorates are special administrative bodies that have an important role in implementing laws. They may be considered as guardian mechanisms that oversee the implementation of laws in practice. For this reason, a number of different inspectorates are established in Kosovo to monitor the implementation of laws in the fields that they cover. However, the implementation of laws in practice is not easy. The implementation of laws requires that institutions have a clear mandate, are well organized and be responsible for the work that they are obligated to do.

This report intends to reflect the functioning and organization of inspectorates in Kosovo. What is the role of inspectorates? How many inspectorates are in Kosovo? What is their legal basis? How are they organized and how do they function in practice? What is the cooperation between them? These are the questions, the answers to which GAP Institute considers will give us the overall picture of the functioning and organization of inspectorates in Kosovo.

To complete this goal in methodological terms, three phases have preceded this report:

The first phase involved identifying all inspectorates and analyzing the legal basis for their functioning. For this reason not only laws were reviewed, but also other legal acts where the responsibility and functioning of inspectorates is based on. In this stage, GAP Institute has also researched the legal basis and functioning of inspectorates in countries in region.

Following the identification of inspectorates and their legal basis, in the second phase, GAP Institute has conducted meetings with almost all the heads of inspectorates in central level. These meetings aimed to look deeper on the means of organization and challenges in practical functioning of inspectorates.

In the third stage, to obtain a comprehensive vantage point of the functioning of inspectorates, GAP has conducted meetings in local level as well. These meetings intended to provide a “bottom-up” approach on the organization and functioning of inspectorates and challenges that local level inspectors face in practice.

### **3. Role of inspectorates in implementing laws**

Drafting of a significant number of laws by Kosovo institutions as an effort to avoid legal gaps and to complement the legal framework with local legislation has produced a large number of laws, implementing which is not easy. Furthermore, it is assessed that many adopted laws did not receive the appropriate attention and as a consequence, even without their implementation in practice, it was proceeded with proposals for amending and supplementing them.<sup>1</sup>

In addition, issuing legislation was not accompanied with strengthening mechanisms which are responsible to ensure their implementation in practice. Therefore, strengthening these mechanisms should continuously be the focus. In this regard, due to the important role in implementing laws in practice, strengthening of inspectorates should be one of priorities of Kosovo institutions.

Based on data obtained by GAP Institute, inspectorates are responsible to oversee implementation of around 140 laws. These laws encompass almost all areas of social activities and cover the whole territory of the country. Increasing the level of implementing these laws would have multispectral social effects. Implementing these laws would create better hygiene and sanitary conditions in our institutions, food would be safer, informality would be avoided and the state of Kosovo would receive more budget resources, there would be urban rule and order and Kosovo's assets would be used more rationally in accordance with legal standards.

Inspectorates are given the right to issue or propose sanctions for entities that violate or do not implement the law. To ensure that all are treated equally before the law, as we elaborate in the following sections of this report, inspectorates cover all levels of institutional organization and cover all the territory of the country.

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<sup>1</sup> Out of 72 draft laws planned by the Government of Kosovo to be drafted in 2014, 42 are draft laws to amend and supplement existing laws.

## 4. Number and type of inspectorates

In Kosovo there is no single legal act that determines the number and types of inspectorates. In absence of this act, inspectorates are established with separate acts depending on the need. For this reason, although their function is similar, they can be found with different naming such as: Inspectorate Executive Bodies, Division, Directorate, office, Inspectorate, etc. Further, there are variations with regard to their organization. In some cases inspectorates function only at central level, in some at regional level but also local, and in some cases we have inspectorates in all three levels.

Regarding the legal basis of establishment and organization of inspectorates in Kosovo, a tendency of centralization of powers in the field of inspection (market inspection, sanitary, etc.) can be observed. From the perspective of central level, this allows a more efficient functioning of inspectorates and increase of level of implementation of laws. This is justified with the fact that inspectors are not influenced by possible connections with subjects who they are supposed to inspect. However, from the local level perspective, stripping the local level from this responsibility, conflicts with powers conferred by the Law on Local Self-governance and decreases the level of efficiency of functioning of inspectorates, and as a result the implementation of laws. This is justified with the fact that local institutions are closer to subjects that they should look after and know better the reality in the field<sup>2</sup>.

In reality, regardless of legal provisions, local inspectors continue to function within municipal directorates of inspections, are paid by the municipality and are accountable only to local level.<sup>3</sup> After adopting laws that centralize their powers, the Market Inspectorate and Food and Veterinary Agency (FVA) sought as a solution a Memorandum of Understanding with municipalities to allow their inspectors to utilize municipal

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2 Bujar Nerjovaj, Director of Inspection Directorate, Municipality of Prizren and Fail Hoxhaj, legal coordinator of this directorate.

3 With Law No. 03/L-181 on Market Inspectorate and Inspective Supervision, amended and supplemented with Law No. 04/L-186 on Market Inspectorate of 2010, the municipal inspectors are transferred under the auspices of the central level. According to this law, these inspectors are accountable only towards the hierarchy of market inspectorate.

assets, but to be accountable only to the central level. In reality this never worked out.

In Kosovo, more than 20 inspectorates are active, with a number that tends to increase, due to the need for more effective work. Around 800 inspectors work in all these inspectorates. The Tax Administration of Kosovo (TAK) leads with the highest number of inspectors with around 300, followed by FVA with 164 inspectors and the Market inspectorate with 82 inspectors. For the heads of some inspectorates contacted by GAP Institute, the current number of inspectors is insufficient. Therefore, if the aim is to increase the efficiency of work of inspectors and to increase the level of enforcement of laws, legal and financial means should be found to increase the number of inspectors.<sup>4</sup>

## 5. Legal basis for the functioning of inspectorates

The Constitution of Kosovo only mentions in two cases inspectorates and inspections, in the case of appointing Inspector General of the Kosovo Intelligence Agency and issuing the responsibility of Judicial Council to conduct judicial inspections.<sup>5</sup>

Since the Constitution does not specify anything and there is no specific code or law that regulates the work of inspectorates, the legal basis for the functioning of the inspectorates is their establishment acts and specific administrative regulations or guidelines that derive from their establishment acts. In this regard, there are inspectorates whose legal basis is a specific law, inspectorates that are based on an administrative instruction, or inspectorates that are based on decision of bodies that

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4 See table in the appendix of this report on the number of inspectorates, institution under which they function, number of inspectors, coefficients of inspectors and the manner of their organization.

5 In article 84, point 21, the Kosovo Constitution gives the President the right, in consultation with the Prime minister to appoint the Inspector General of KIA, whereas in Art. 108, point 5. the Kosovo Judicial Council is responsible for judicial inspections. But due to the specific nature of these institutions, the issue of their inspectorates is not part of this research.

established them, such as the case with Inspectorate for Correctional Services, established with decision of the Minister.

For the majority of inspectorates, powers and responsibilities are defined with legal acts, whereas their organization and functioning is regulated in more detail with administrative instructions or internal regulations of inspectorates. There are cases, such as the Labor Inspectorate, where the sole legal basis is the Law on Labor, which fully provides all aspects of organization and responsibilities of the Inspectorate in all levels. In municipal level the organization of inspectorates is regulated with statute or regulation on organization of municipal administration.

However, in reality, inspectorates not always function as it is stipulated in legal acts. Furthermore, we have a case where the law stipulates the establishment of the inspectorate, but it was never established.<sup>6</sup>

This way of functioning, according to the majority of heads of inspectorates, both in central and local levels, has proved inadequate, and therefore it should be considered to initiate procedures to issue a special legal act, which would serve as a basic law for the functioning of all inspectorates.

## **6. Organization of functioning of inspectorates**

There is no single formula that determines the organization of inspectorates. Each inspectorate has its own way of organizing determined by law or other secondary legislation issued by institutions within which they work. Therefore, in practice inspectorates vary by both denomination and territorial organization.

If we analyze applicable legislation and functioning in practice, as we can see in tables above and appendices of this report, we can observe several types of organization:

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<sup>6</sup> In 2006, the Inspectorate for Construction Products was established by law, which was planned to function within the Ministry for Trade and Industry, but it was never established in reality. Further, with a decision of the Prime Minister, the Department of Constructions that functioned within MTI was transferred under MESP. Only one inspector for construction materials remains as a part of the sector for general safety of products in the market inspectorate.

Executive body, Division, Department or Directorate of Inspectorate within a Ministry (Labor, Education, Energy Inspectorate), Inspectorate Office or Office of General Inspectorate within an Agency (Forestry inspectorate, VFA, AEM, ARC);

- Independent inspectorate within a Ministry (Police Inspectorate);

- Inspectors (Civil Aviation Authority – CAA) and TAK.

■ Meanwhile, in terms of institutional hierarchy, inspectorates can be categorized in two levels.

- Central level inspectorates

- Local level inspectorates.

■ To further elaborate the functioning of inspectorates, the central level inspectorates, based on the territorial coverage can be grouped in:

- Inspectorates that only function in the central level;

- Inspectorates that besides central level function also with regional offices; and,

- Inspectorates that besides central and regional level cover the local level as well.

Inspection Directorates<sup>7</sup> function in the local or municipal level. These directorates function as part of municipal government and collect almost all municipal inspectors.<sup>8</sup> With the amendments to the Law on Market Inspection and VFA, the responsibilities of these directorates have shrunk as the market and sanitary inspectors are transferred in the central level. However, in practice, these inspectorates continue to function as they did prior to the changes in legislation, where they were accountable only towards municipal institutions. From the perspective of municipalities, the tendency to centralize inspectorates is not very functional. Further, according to them, this type of centralization may be inconsistent with the Law on Local Self-government, where the responsibility for the functioning of law in the local level falls on municipal institutions.<sup>9</sup>

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7 Until 2013, the Municipality of Ferizaj also had the Directorate for Inspection as part of the executive team, but with statutory amendments adopted in the last session of the mandate of the Municipal Assembly of Ferizaj, it was decided to dissolve this directorate and inspectors to be distributed in other directorates.

8 In the municipal level, fire safety inspectors are not categorized within the directorates of inspection. They function within the directorates for protection and rescue.

9 Fadil Hoxhaj, legal coordinator of the Directorate for Inspection, Municipality of Prizren.

There is no unified model as to the structure of inspectorates. Each inspectorate has a particular structure based on a law or internal regulation for their organization. They have different names, numbers and coverage depending on the powers and responsibilities. Inspectorates are considered administrative bodies and in most cases they are accountable towards their administrative supervisors. Regardless of their headquarters, the structure of inspectorates extends to all levels and has the responsibility to supervise the enforcement of laws in the whole territory of Kosovo.

Laws in force do not provide for a special treatment of inspectors. Therefore all inspectors are categorized as civil servants. For this reason, their recruitment, salaries and treatment is done according to the rules of the Law on Civil Service. Exceptions to these rules are made only to some inspectorates where besides regular salaries, they also have hazard pay as is the case with inspectors of Civil Aviation Authority that are paid under a special scheme approved by Ministry of Finance. With regard to professional preparation of inspectors, their educations should respond to the fields covered by the inspectorate. However, in practice, especially in local level, a significant number of inspectors only completed secondary education. The assumption is that the reason is the low level of salaries that does not encourage professionals to work as inspectors. Inspection directors in municipalities where GAP Institute conducted the interviews, estimate that increasing the salaries of local inspectors is necessary to increase the efficiency of their work.<sup>10</sup>

Because inspectors are considered civil servants, excluding KSF and CAA inspectors, their salaries are based on the same system of civil servant coefficients. However, this does not mean that all inspectors are treated equally regarding payment. Besides the salary, a number of inspectors receive additional amounts for “hazard” and additional funds from Cadre Fund.<sup>11</sup>

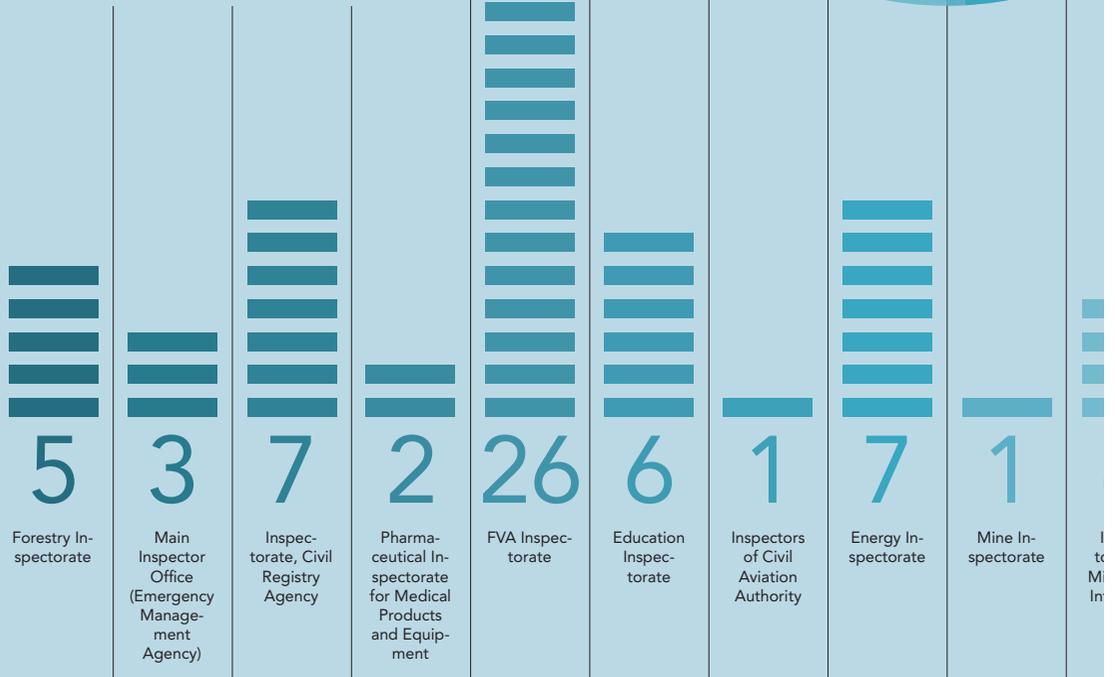
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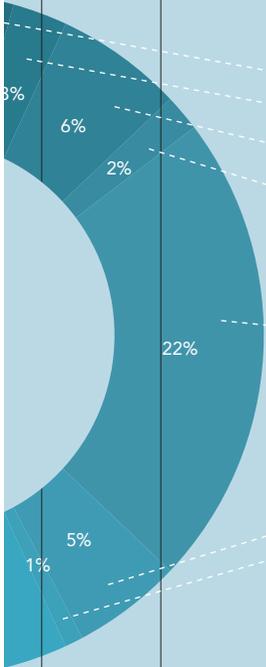
10 Valon Shefkiu, acting Director of Inspection Directorate, Municipality of Gjilan, Bujar Nerjovaj, Director of Inspection Directorate, Municipality of Prizren, Naim Hajra, Director of Inspection Directorate, Municipality of Mitrovica.

11 Cadre Fund was adopted in December 2008 by the Government of Kosovo and deals with preserving deficient positions/skills in the public service. Positions that are classified as deficient are paid a higher salary at the rate of 800 to 1800 per month. Decision of the

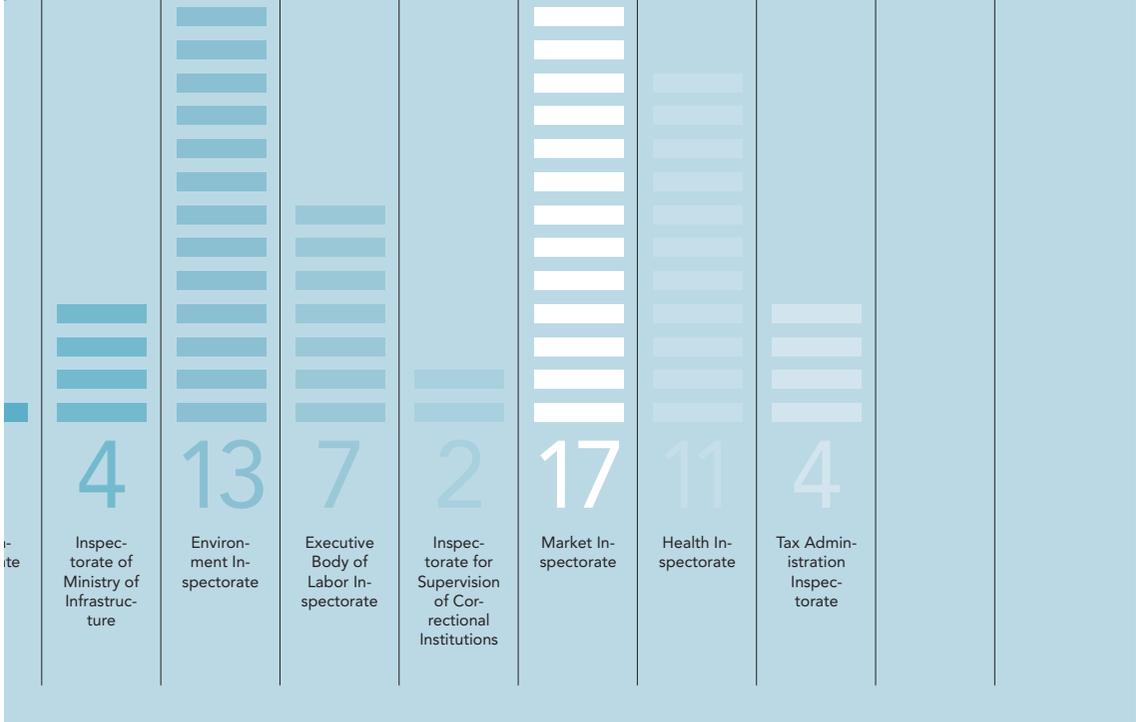
# INSPECTORIATS DEVIDED BY NUMBER OF LAWS THEY INSPECT

- Tax Administration Inspectorate
- Health Inspectorate
- Market Inspectorate
- Inspectorate for Supervision of Correctional Institutions
- Executive Body of Labor Inspectorate
- Environment Inspectorate
- Inspectorate of Ministry of Infrastructure
- Mine Inspectorate
- Energy Inspectorate





- Forestry Inspectorate
- Main Inspector Office (Emergency Management Agency)
- Inspectorate, Civil Registry Agency
- Pharmaceutical Inspectorate for Medical Products and Equipment
- FVA Inspectorate
- Education Inspectorate
- Inspectors of Civil Aviation Authority



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Inspectorate of Ministry of Infrastructure

Environment Inspectorate

Executive Body of Labor Inspectorate

Inspectorate for Supervision of Correctional Institutions

Market Inspectorate

Health Inspectorate

Tax Administration Inspectorate

According to heads of inspectorates, the ceiling of wages according to coefficients is conditioned by the level of education and performance of inspectors. The most dissatisfied in this regard are considered local inspectors operating within municipal institutions. The majority of them receive gross salaries according to “coefficient 6” or 308.82 Euro and do not have additional benefits. It is assessed that this might impact on the motivation and work efficiency of these inspectors and in building unofficial relations between inspectors and subjects they inspect, which affects in avoiding law enforcement.<sup>12</sup>

To clarify this further, the appendix to this report reflects the salaries of inspectors of each inspectorate and their legal status.

## 6.1 Budget and raising budget revenue

As inspectorates operate within higher institutional structures, they do not represent separate budget organizations. Budget means that are spent by inspectorates are within budget lines of budget organization or institution within which they work.

Although they do not represent separate budget organizations and their primary function is not raising revenues, but ensuring enforcement of laws, some inspectorates raise budget revenues. Collecting budget revenues primarily is achieved by imposing fines for subjects that violate the law or by issuing work permits and licenses. In practice, collecting budget revenues is not easy, because in most cases their collection is not done directly. Inspectors, except for some small mandatory fines, which account as measures to improve behavior of business entities, are not entitled to collect budget revenues. They only prepare the process, whereas the execution of cases is the responsibility of the courts. This mode of operation has proven inefficient. Due to the large number of cases, the courts are failing to process them and as a result, after two

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Government 02/48 dated 24.12.2008: [http://www.kryeministri-ks.net/repository/docs/Vendimet\\_e\\_Mbledhjes\\_se\\_48-te\\_te\\_Qeverise\\_se\\_Republikes\\_se\\_Kosoves\\_2009.pdf](http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_se_48-te_te_Qeverise_se_Republikes_se_Kosoves_2009.pdf)

12 Naim Hajra, Director of Inspection Directorate, Municipality of Mitrovica.

years statutory limitations apply.<sup>13</sup>

However, in terms of revenues, the role of inspectors is wider than that of a guardian that ensures that obligations towards the state are carried out according to the law. In this context, among the most influential inspectors should be those of the Tax Administration, whose main responsibility is to ensure that business entities pay taxes and other obligations according to norms stipulated by law.

## **7. Separation of powers and responsibilities of inspectorates at the central and local levels**

In the legal aspect, significant ambiguities, which would cause conflict of powers between central and local level, are not noticed. Each inspectorate has defined powers and responsibilities in accordance with the law or acts with which they are established. According to law, some inspectorates function only at the central level and do not have any conflicting powers with local level.

However, although laws are clear, inspectorates that also extend in the local level, in practice have trouble functioning, especially regarding accountability and reporting. Such is the case with Market Inspectorate and FVA, which following recent legislation changes are centralized and all municipal inspectors are under the responsibility of the central level. Despite legal provisions, local market inspectors and those of FVA continue to operate within municipalities, are paid by municipal budget and are accountable only towards municipal institutions. According to the heads of these inspectorates, this situation is created due to financial constrains to build a special infrastructure only for their inspectors. To facilitate this cooperation, these inspectorates, have found temporary solutions through signing Memorandum of Understanding with municipalities, where the latter agree to allow the market inspectors to continue to use municipal assets to perform their work, while being account-

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13 Naim Hajra, Director of Inspection Directorate, Municipality of Mitrovica.

able only towards the central level.<sup>14</sup> In practice this solution has proven dysfunctional and these inspectors continue to work as before. Problems of similar nature are faced also by Education Inspectorate, which has the legal right to inspect the local level as well, but municipalities are reluctant to submit to the authority of this inspectorate.<sup>15</sup>

## 8. Cooperation between inspectorates

There is no specific legal act which regulates cooperation between inspectorates. However, in practice, many inspectorates to complete their work need to cooperate. Cooperation between inspectorates covering related fields is especially needed, such as between Health Inspectorate and Inspectorate for Pharmaceutical Products and Medical Devices, or with VFA Inspectorate. Apart from cases of cooperation between Energy Inspectorate and that of Market that is regulated with an Administrative Instruction and Labor Inspectorate and that of TAK that is based on a memorandum of understanding, the cooperation between other inspectorates is not formal. In practice, cooperation takes place on case by case basis and depends on the will and relations that heads of inspectorates have cultivated. According to majority of leaders of inspectorates interviewed by GAP Institute, in practice there are no problems with cooperation. But there are cases, such as that between the Inspectorate for Mines and Inspectorate for Environment, where cooperation problems exist; further, inspectors of these inspectorates see each other more as obstacles to fulfill their obligations. A better coordination between inspectorates is possible and would avoid cases when a business entity faces successive inspections by different inspectors, which happens in reality, and may create the impression that state institutions intentionally are pressuring that business entity. It is assessed that this mode of operation has damaged the image of inspectorates, by creating the percep-

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14 Prishtina, Lipjan, Podujeva and Istog have refused signing the Memorandum.

15 According to Defrim Gashi, Director of Inspection Directorate a MEST, municipalities are hesitating to respect the powers of MEST inspectors, because according to him, the local staff is politicized and was not hired according to criteria and professional merits.

tion that inspectorates are only punitive mechanisms and do not work toward enforcing laws to ensure a favorable environment for all activities of business entities. Therefore, it is necessary to find a mechanism that regulates the cooperation and coordination of inspectorates. Furthermore, it would be useful, that besides better coordination, to organize awareness campaigns aiming at improving the public image of inspectorates.<sup>16</sup> In this regard, the decision of the Government of Kosovo is a specific case, when it decided to establish the Inspectorate of Customs and Tax Administration, as a mechanism that is expected to cover two common areas of two different institutions.<sup>17</sup>

## 9. Oversight of the work of inspectorates

Regarding the issue of monitoring the work of inspectorates, there is no special mechanism to oversee their work. In practice, inspectorates provide accountability only through their regular reports, which in almost all cases presents mores statistics rather than the level of implementation of laws which is their responsibility. Reports of inspectorates do not provide any analysis that would assess the impact of their work towards enhancing the implementation of laws or identification of problems that need to be addressed by responsible institutions.

To date, the executive branch has not shown particular dedication to oversee the work of inspectorates and to increase the level of implementation of laws in practice. There is no public report from the Government dedicated to the work of inspectorates and the level of implementation of laws. While the Assembly of Kosovo was confined to only monitor some laws, excluding Police Inspectorate, it did not focus on overseeing the work of inspectorates as important mechanisms to enforce the laws. The Assembly of Kosovo has the authority, through the parliamentary committee, to request accountability from the executive on the level of implementation of laws.<sup>18</sup> Therefore, taking into account the inability of

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16 Naim Hajra, Director of Inspection Directorate, Municipality of Mitrovica.

17 Government Decision No. 01/159 dated 03.12.2013.

18 Article 73 of the Rules of Procedure gives the right to the parliamentary committees to

the Assembly to undertake oversight activities of all adopted laws, the focus in oversight of the work of inspectorates would have a wider effect, due to the fact that inspectorates have the responsibility to ensure the implementation of a higher number of laws, compared with the current practice of parliamentary committees who focus on oversight of only two laws for a parliamentary year. In this regard, it can be considered encouraging that three parliamentary committees have planned oversight activities on the inspectorates that fall within their scope of activities.<sup>19</sup>

## 10. Functioning of inspectorates in regional countries

For the purpose of this report, research was conducted on organization and functioning of inspectorates in Albania, Croatia, Macedonia, Montenegro and Bosnia and Herzegovina.

**Albania** in recent years took the initiative to reorganize and coordinate inspectorates in all levels. For this reason, in 2011, Albania issued Law no 10433 on Inspection in Republic of Albania. In addition to the general principles of inspection, this law established the Central Inspectorate, which amongst other issues has the task to coordinate and support activities of inspectors in all levels. The Central Inspectorate is a separate budget organization directly under the supervision of the Prime Minister who has the right to appoint the head or the General Superintendent. In the organizational aspect, the Central Inspectorate is on top of the hierarchy and according to the law, inspectors of all levels, apart from the institutional level in which they operate, are obligated to report




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oversee the implementation of laws. Further this article provides that “The relevant ministry shall report to the functional committee about the implementation of the law without request, at least once in every year”. Practically this never happened. There are cases when a minister refuses several times to appear in front of Committee even after being invited officially to report.

<sup>19</sup> Committee for Economic Development, Infrastructure, Trade and Industry, Committee for Agriculture, Forestry, Rural Development and Spatial Planning and Committee for Internal Affairs, Security and Oversight of KSF, included in their work plans for 2014 monitoring inspectorates in the fields that these committees cover.

to the Central Inspectorate as well, who in turn prepares a general report on inspections for the Council of Minister or the Government of Albania. In addition to coordinating the work of inspectors, the Central Inspectorate has the right to oversee the inspectors and in cases of proven infringements proposes disciplinary actions. The Central Inspectorate also plays an important role in terms of personnel. This inspectorate is responsible for the approval of programs which aim towards raising the professionalism of inspectors and draft rules and criteria for evaluating the work of inspectors. In this regard, the Central Inspectorate organizes initial and periodic tests for inspectors of all levels. In legal terms, as in Kosovo, inspectors are subject to rules of civil service.<sup>20</sup> In organizational and functional terms, Albania has established state inspectorates for specific areas, which function within the ministries.<sup>21</sup>



Similar to Albania with regard to hierarchy, inspectorates are also regulated in **Croatia**. Since December 1997, with a legal act, Croatia established the State Inspectorate, as a central administrative body that is responsible for inspections. This inspectorate is led by the superintendent who is appointed by the Government of Republic of Croatia and has a deputy and some assistants who are in charge of managing separate sectors such as: oversight in the field of goods and services, in the field of labor and occupational safety, electrical engineering, mines and pressure equipment, etc. To provide more efficient services, the State Inspectorate is organized in five regional services: Zagreb, Split, Rijeka, Osijek and Varazdin, which than branch out in offices in all counties of Croatia. To ensure that decisions of inspectors are legitimate and not arbitrary, Croatia recognizes the right of appeal against decisions of inspectors. The Appeals Commission was established for this reason, as a special body that reviews the appeals against the decisions of inspectors. The members of this commission are appointed directly by the Government. To enable inspection activities, inspectors are equipped with special identification cards to prove their official capacity to conduct

<sup>20</sup> Detailed information, including internal regulations of Albanian Central Inspectorate can be found at: <http://www.inspektoratiqendror.gov.al/> (accessed on 10.02.2014)

<sup>21</sup> Information on each inspectorate can be found at: <http://www.inspektoratiqendror.gov.al/>

inspections. Croatian law allows inspectors, in addition to reviewing documents, to photograph and film as evidence all premises and persons who are subject to inspections.<sup>22</sup>

Unlike Albania and Croatia, **Macedonia** has adopted only the model of state inspectorates in ministerial level. In Macedonia, seven state inspectorates operate in ministerial level: 1. State Labor Inspectorate (within the Ministry of Labor and Social Policy); 2. State School Inspectorate (Ministry of Education and Science); 3. State Agriculture Inspectorate and Inspectorate for Forestry and Hunting (Ministry of Agriculture, Forestry and Water Supply); 4. State Sanitary and Health Inspectorate (Ministry of Health); 5. State Administrative Inspectorate (Ministry of Justice); 6. State Foreign Exchange Inspectorate (Ministry of Finance) and 7. State Market Inspectorate (Ministry for Economy).<sup>23</sup> Each inspectorate has its own legal basis and is accountable for its work to the ministry under which it operates.

In **Montenegro**, the Directorate for Inspection is considered an independent administrative body. This directorate is organized in three sectors: 1. Sector for protection of economy and markets, gaming and public procurement; 2. Sector for protection of health and safety of humans, animals, plants and forests; and, 3. Sector for protection of environment and space. 23 departments operate within these sectors and cover different fields. In addition to these sectors, within the directorate, operates the sector for legal issues in the field of inspection, planning, human resources and IT together with three separate departments: Department for International Cooperation, for Internal Audit and that for Finances. The directorate is headed by the Director, who is assisted by an assistant for each sector.<sup>24</sup>

The characteristics of state organization of **Bosnia and Herzegovina** influenced the organization of inspectorates, which are organized differ-



22 For more information on State Inspectorate of the Republic of Croatia, please visit <http://www.inspektorat.hr> (accessed on 10.02.2014)

23 At <http://vlada.mk/?q=node/355&language=en-gb> and relevant links to ministries, more information can be found on the legal basis and functioning of inspectorates (accessed on 10.02.2014).

24 <http://www.uip.gov.me/inspekcije> is the website where more detailed information can be found (accessed on 11.02.2014)

ently compared with other countries in the region. In this country inspectorates are organized in entity levels: Federation of Bosnia and Herzegovina, Republika Srpska and Brcko District. In the federal level, Bosnia established the Federal Administration for Inspection Matters. This institution, functions at the level of department within the federal government and to fulfill its inspection duties is organized in 10 inspectorates that cover various fields: 1. Inspectorate of Market and Tourism; 2. Sanitary, Health and Pharmaceutical Inspectorate; 3. Labor Inspectorate; 4. Spatial planning and environment Inspectorate; 5. Traffic Inspectorate; 6. Agricultural Inspectorate; 7. Forestry Inspectorate; 8. Water Inspectorate; 9; Veterinary Inspectorate; and, 10. Technical Inspectorate. The Federal Administration for Inspection Matters is headed by the Director.<sup>25</sup>

## 11. Conclusions and recommendations from the conference<sup>26</sup>

1. The draft law on Inspections approved in the Government on the 27th of December 2013 will not have any positive impacts on the work of inspectorates; on the contrary, it will hinder the inspections work of inspectorates. Especially the draft law dispositions which oblige the inspectorates to inform in advance the subjects to be inspected is critical;
2. The draft law on inspections does not substitute the draft law on inspectorates foreseen with the Government legislative program of 2013;
3. Inspectorates have to be established with a single law, law on inspectorates, in order to have a unification of the organization of inspectorates in the central level. In this regard, the participants have referred several times to the case of Croatia as how the organization of inspectorates in regulated in this country;
4. The law on inspectorates would unify the legal basis and organization of inspectorates by drawing them out of Ministries, and organize

<sup>25</sup> [http://www.fbihvlada.gov.ba/english/uprave/feder\\_uprava\\_inspekcija.php](http://www.fbihvlada.gov.ba/english/uprave/feder_uprava_inspekcija.php) (accessed on 11.02.2014)

<sup>26</sup> The conference has been held on the 4th of March 2014 with participants from all inspectorates of central level and few from the local level. The draft report on Inspectorates in Kosovo: organization and functioning has been presented in this conference.



them in a form of sectorial departments into an Agency which will be led by a Chief Inspector who will report directly to the Prime Minister;

5. A few inspectorates are in the process of establishing databases where data about the number of inspections will be gathered; this has been mentioned especially from the Labour Inspectorate and Health Inspectorate;

6. There is not any training institution in Kosovo which will train inspectors on their inspections work;

7. Directorates for Inspections of local level are not satisfied with the centralization of inspectorates from the local to central level. In this regard several cases have been mentioned, such as the case of market inspectors which by law have to be part of the Market Inspectorate of the central level, and sanitary inspectors which by law have to be part of the Agency on Food and Veterinary but in practice are part of the local level;

8. An overlapping of competences and responsibilities on inspection exists between inspectorates of the central level and directorates on inspections in the local level;

9. There is a lack of staff working as inspectors in both central and local levels;

10. Inspectors, especially those in the local level are paid very low, according to rank 6 or 280 euro net in monthly basis;

11. The contact number for notification from the citizens is not working in a few inspectorates;

## **12. Conclusions**

Inspectorates are specific administrative bodies that ensure the implementation of laws in practice. Therefore, their role is significant since there are a great number of laws that regulate social relations in many fields, for which inspectorates ensure their implementation.

There is no single legal act in Kosovo that regulates the work and organization of all inspectorates. Each inspectorate has its own specific legal basis and its work and organization is governed by internal legal acts of the institution under which they operate.

In Kosovo, there are over 20 inspectorates scattered in different institutions. Cooperation is needed between them, but because there is no binding legal act, cooperation depends on the willingness of heads of inspectorates. Only in some cases, cooperation between inspectorates is formalized with a memorandum of understanding. However, in practice, there were no major problems in cooperation.

With the exception of KSF Inspectorate, all inspectors are considered civil servants and are governed by the Law on Civil Service. However, they differ regarding the amount of salaries for their work. The lowest salary of an inspector is the gross salary with coefficient 6 or 308.85 Euros and the highest is with coefficient 20 or 950.40 Euros. Some inspectors receive additional hazard pay, while there are cases where in addition to the standard salary they are paid by the 'cadre fund'. Only CAA inspectors, due to the specifics of their work, were allowed a special scheme which provides for more income.

Although the primary role of inspectorates is to ensure enforcement of laws and not raising budget revenues, indirectly inspectorates affect the increase of budget revenues for the state. In this context, TAK inspectors could give the biggest contribution.

Since inspectorates do not represent bodies that function independently, Kosovo has since to develop a mechanism that would focus on overseeing the work of inspectorates. The oversight of inspectorates is done only by the hierarchical level of the institution in which they function. In practice this is accomplished through regular periodic reports, which represent more statistical data rather than show the effect of their work on the implementation of laws. Encouraging in this regard is the inclusion of oversight of inspectorates in the work plan 2014 of three parliamentary committees.

## 13. Interviews

- Defrim Gashi, Director of Inspection Directorate, Ministry of Education, Science and Technology, 29.10.2013, Prishtina.
- Florim Shabani, Head of Control Division, Agency for Agricultural Development, 01.11.2013, Prishtina.
- Ahmet Zejnullahu, Chief Executive of Kosovo Forestry Agency, 04.11.2013, Prishtina.
- Ilirjana Zymberaj, Director of Inspection, Food and Veterinary Agency, 05.11.2013, Prishtina.
- Jahir Gashi, Acting Chief Inspector, Mine Inspectorate, Independent Commission for Mines and Minerals, 13.11.2013, Prishtina.
- Muharrem Pozhegu, Chief Inspector and Lebibe Haliti, Head of the Sector for Legal Issues, Market Inspectorate, 14.11.2013, Prishtina.
- Bedri Halimi, Chief Inspector, Environmental Inspectorate, 15.11.2013, Prishtina.
- Shemsi Hajrizi, Acting General Director of Administration, Correctional Service Inspectorate, 18.11.2013, Prishtina.
- Ylber Topalli, Chief Inspector, Correctional Service Inspectorate, 19.11.2013, Prishtina.
- Ismet Dervari and Mustafë Hyseni, Inspectors for Environment, Environmental Inspectorate, 22.11.2013, Prishtina.
- Kadri Kadrijaj, Director of Forests Inspectorate, 29.11.2013, Prishtina.
- Ardita Baraku, Chief Inspector, Health Inspectorate, 02.12.2013, Prishtina.
- Basri Ibrahim, Chief Inspector, Executive Body of Labor Inspectorate, 04.12.2013, Prishtina.
- Sherafedin Mumxhiu, Head, Energy Inspectorate, 06.12.2013, Prishtina.
- Bashkim Jashari, General Inspector and Tahir Morina, Inspector, KSF Inspectorate, 10.12.2013, Prishtina.
- Çerkin Dukolli, Director of Inspection Department and Hasan Ibraj, 10.12.2013, Prishtina.
- Jetullah Aliu, Director of Investigation Department and Arben Vrajolli, Director of Inspection Department, Police Inspectorate, 11.12.2013, Prishtina.

- Arianit Jakupi, Chief of Kosovo Medicines Agency and Basri Rexha, Chief Inspector, Pharmaceutical Inspectorate for Medical Products and Equipment, 11.12.2013, Prishtina.
- Behxhet Haliti, General Director, Kosovo Tax Administration, 11.12.2013, Prishtina.
- Vjollca Aliu, Director of Cultural Heritage Department, Ministry of Culture, Youth and Sport, 13.12.2013, Prishtina.
- Arben Mustafa, Chief Inspector, Inspectorate of Civil Registry Agency, 18.12.2013, Prishtina.
- Ahmet Fejza dhe Shaban Salihu, Section for Fire Cause Research, Emergency Management Agency, 20.12.2013, Prishtina.
- Naim Hajra, Director of Inspection Directorate, Municipality of South Mitrovica, 15.01.2013, Mitrovica.
- Naim Ferati, Director of Administration, Municipality of Ferizaj, 16.01.2013, (by telephone).
- Valon Shefkiu, Acting Director of Inspection Directorate, Municipality of Gjilan, 17.01.2013, Gjilan.
- Bujar Nerjovaj, Director of Inspection Directorate and Fail Hoxhaj, Coordinator of Directorate, Municipality of Prizren, 20.01.2013, Prizren.

## 14. Annexes

No	Inspectorates	Legal Basis	Institution
1	Forestry Inspectorate	Law No. 2003/3 on Forests amended by Law No. 2004/29 and Law No. 03/L-153	Kosovo Forestry Agency, Ministry of Agriculture, Forestry and Rural Development
2	Main Inspector Office (Emergency Management Agency)	Law No. 04/-L-027 on protection against natural and other disasters	Ministry for Internal Affairs
3	Inspectorate, Civil Registry Agency	Administrative Instruction 18/2010 on organization of CRA Inspectorate	Ministry for Internal Affairs
4	Kosovo Police Inspectorate	Law No. 03/L-231 on Kosovo Police Inspectorate	Ministry for Internal Affairs
5	Pharmaceutical Inspectorate for Medical Products and Equipment	Law No. 03/L-188 on Medical Products and Equipment	Ministry for Health
6	FVA Inspectorate	Law on Food (2009) and Regulation 01/2011 on FVA organization	Food and Veterinary Agency, Prime Minister Office
7	Education Inspectorate	Law No. 2004/37 on Kosovo Education Inspectorate	Ministry of Education, Science and Technology
8	Inspectors of Civil Aviation Authority	Law No. 03/L-051 on Civil Aviation	Civil Aviation Authority of Kosovo
9	Energy Inspectorate	Law No. 03/L-184 on Energy	Ministry of Economic Development

Numbers of Inspectors	Legal Status	Organization	Salary according to coefficients <sup>1</sup>
13	Civil Servants	Central and regional level	Director 10 Inspectors 8 + 100 Euros for risk
12	Civil Servants	Central Level	Inspectors 7 + 107 Euros for risk
6	Civil Servants	Central Level	Chief Inspector 9 Inspectors 8 +107 Euros for risk
10	Civil Servants	Central Level	The salary of the Chief is at the level of Secretary General of the Ministry Directors 10 Inspectors 8 + 107 Euros for risk
9	Civil Servants	Central Level	Chief Inspector 10 Inspectors 8
164	Civil Servants	Central and regional level	Director 10 Inspectors 7.5 and 8
48	Civil Servants	Central and regional level	Chief Inspector/Director 10 Heads of regional offices 9 Inspectors 8
12	Civil Servants	Central Level	Special scheme
5	Civil Servants	Central Level	Chief Inspector 9 Inspectors 8

10	KSF Inspectorate	Administrative Instruction No. 02/2010 on duties and responsibilities of KSF Inspectorate	Kosovo Security Force
11	Mine Inspectorate	Law No. 03/L-163 on mines and minerals and Law No. 04/L-158 for amending of Law No. 03/L-163 on mines and minerals	Ministry of Economic Development
12	Inspectorate of Ministry of Infrastructure	AI 2004/1 on inspectorate body	Ministry of Infrastructure
13	Environment Inspectorate	Law No. 03/L-05 on Environment protection	Ministry of Environment and Spatial planning
14	Executive Body of Labor Inspectorate	Law No. 2002/9 on Labor Inspectorate, amended by Law No. 2008/03-L017	Ministry of Labor and Social Welfare
15	Inspectorate for Supervision of Correctional Institutions	Law No. 04/L-149 on execution of penal sanctions	Ministry of Justice
16	Market Inspectorate	Law No. 03/L-181 on Inspectorate and market supervision, amended by Law 04/L-186	Ministry of Trade and Industry
17	Health Inspectorate	Law No. 2006/02-L-38 on health inspectorate	Ministry of Health
18	Tax Administration Inspectorate	Law No. 03/L-222 tax administration and procedures	Kosovo Tax Administration, Ministry of Finance

1 Gross salaries according to coefficients are: coefficient 6 – 308.85, 7 – 356.04, 7.5 – 378.92, 8 – 401.80, 8.5 – 426.11, 9 – 448.99, 10 – 496.18, and coefficient 20 – 950.40.

5	Militaries and Civil Servants	Central Level	N/A
11	Civil Servants	Central Level	Chief Inspector 10 Inspectors 8
19	Civil Servants	Central Level	Director 10 Heads of Divisions 9 Inspectors 7
14	Civil Servants	Central Level	Chief Inspector 10 Inspectors 8
50	Civil Servants	Central and regional level	Chief Inspectors 20 Regional coordinators 9 Inspectors 8
5	Civil Servants	Central Level	Chief Inspector 10 Inspectors 8 + 107 Euros for risk
82	Civil Servants	Central and regional level	Chief Inspector 10 Head of region 9 Inspectors 6, 7 and 8
8	Civil Servants	Central Level	Chief Inspector 10 Inspectors 7 Chief Inspector and six (6) inspectors paid extra by extra fund
300	Civil Servants	Central and regional level	Inspectors of second instance 7,5 Inspectors of first instance 7.5 + 200 Euros for risk



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