

June 2011

gap

monitor

of decisions by Kosovo Government

KOSOVO GOVERNMENT



1

Prime minitster



6

Deputy prime ministers



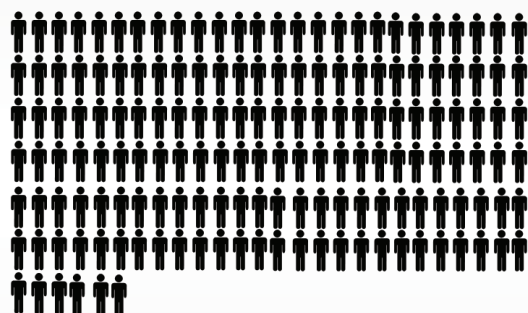
19

Ministers



33

Deputy ministers



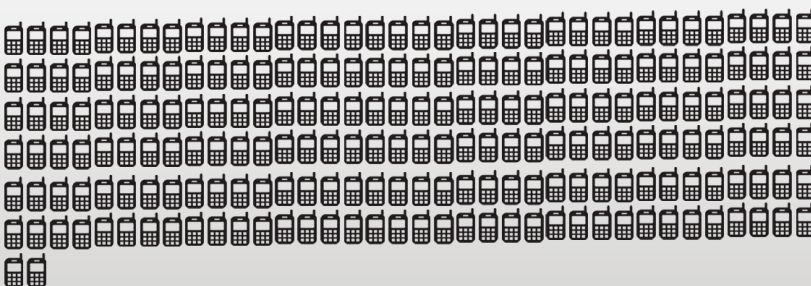
162

Political advisers



59

Cars



218

Mobile Phones

- Even this month the Government did not approve the Draft Law on the Government;
- The import of old vehicles of up to 13 years is allowed;
- In the first six months the Legislative Strategy is approved by 31%;
- The Government exceeds the budget allocations foreseen with the 2011 Budget on contingency spending;
- Another five permanent secretaries of ministries are selected.

Introduction

The Kosovo Government has concluded the first 6 months of 2011. The activities of the Government in these 6 months are the same with the 6 month periods of the three previous years (see the table below)

	2008	2009	2010	2011
Decisions	165	145	155	144
Meetings	22	21	30	22
Draft Laws	59	32	34	45

Even though the Government has approved a considerable number of draft laws, it still remains considerably behind in the fulfilment of the 2011 Legislative Strategy. During these 6 months 45 draft laws have been approved or 31.04% of the strategy. The Draft Law on the Government is still not amongst the approved draft laws, which according to the Legislative Strategy should have been approved in June of 2011. As you will be able to read in the GAP Monitor of June, most of the draft laws approved and forwarded to the Assembly are not in line with the Kosovo Assembly Work Plan and the dates foreseen in the Legislative Strategy.

Six out of the 41 decisions taken during this month, deal with allocations of budgetary finances for unfore-

seen projects. In the first 6 months 3.9 million euro were allocated or 1.4 million euro more than what was foreseen by the reserve fund of the Kosovo Government for 2011.

In the GAP Monitor of June 2011 more extended reports can be found related to the Government decision on excise tax on vehicles, the content of the Strategy on Increasing Recognitions, Reconfiguration of the Steering Committee of the Technical Assistance Project of Energy from Lignite, etc.

This month the Kosovo Government has approved 28 documents. The full list of documents approved and documents that we have secured can be downloaded from the GAP Monitor website on the internet.

In June 2011, the Kosovo Government has held five regular meetings and has reached 53 decisions. The decisions reached by the Kosovo Government are related to:

- 19 decisions approving Draft Laws;
- 6 decision for allocation of finances from the budget;
- 5 decisions on the appointment of officials in various posts;
- 9 decisions approving plans, reports, strategies;
- 14 other decisions;

Content:

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- 2 The import of old vehicles of up to 13 years is allowed
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- 5 The Draft Law on Public Procurement is approved
- 6 The Draft Law on the Public Broadcaster is approved

- 7 Another five permanent secretaries of ministries are selected
- 8 During June the Government has allocated 2.6 million euro, exceeding the sum foreseen with the 2011 Budget
- 9 The Steering Committee of the Technical Assistance Project on Energy from Lignite is reconfigured
- 10 The Regulation on the leave of civil servant is approved
- 11 Other decisions

Even this month the Government did not approve the Draft Law on the Government

• *As the Assembly monitors the work of the Government, the Assembly should lay the legal basis for the functions and structure of the Government*

• *The 19 current ministries have been established and operate on the basis of three different practices: 15 have been established under UNMIK Regulation 2001/19, two with laws of the Kosovo Assembly and two with executive decisions of the Government.*

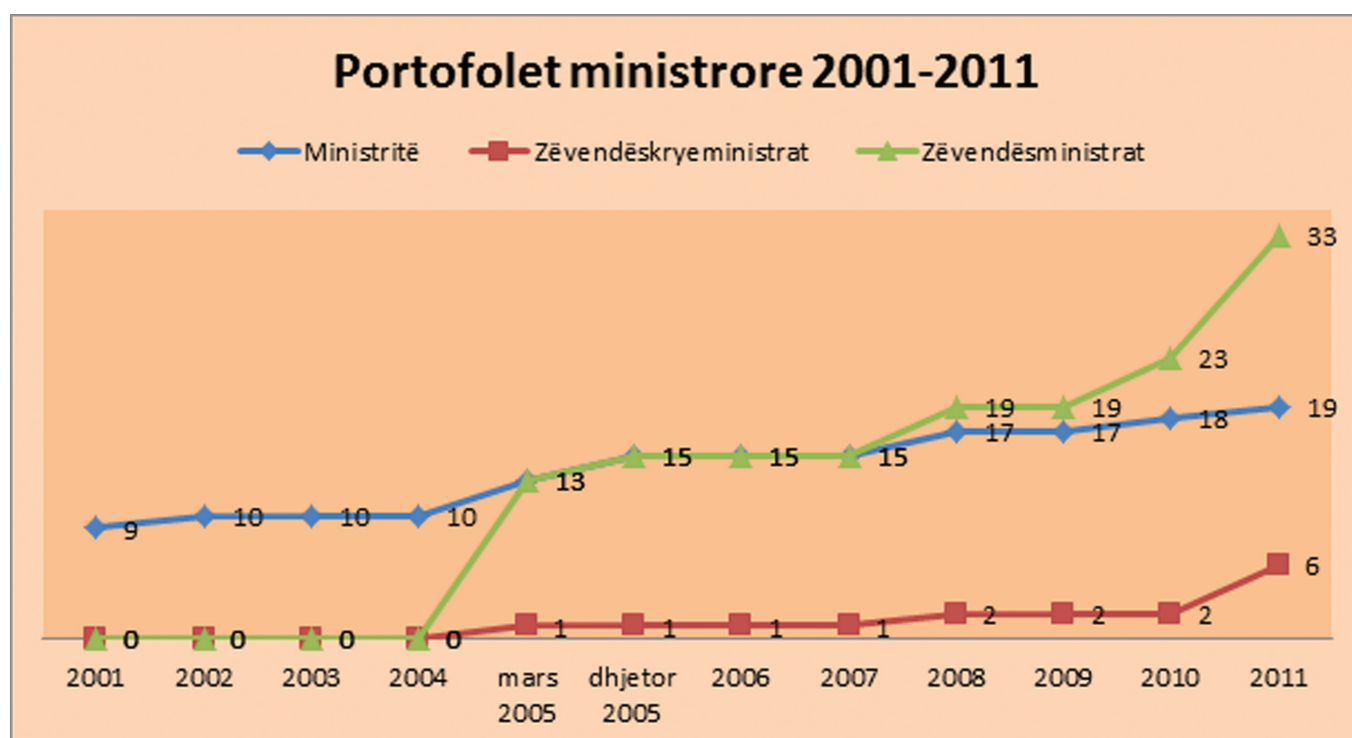
According to the Legislative Strategy of the Kosovo Government for 2011, the Draft Law on the Government should have been approved by the Government latest by June. However, this has not happened. In the period of January 2008 – June 2011, the Kosovo Government has approved and proceeded to the Assembly 252 draft laws. Most of these draft laws have been transformed into laws after approval at the Assembly. However, the Law on the Government of Kosovo is not amongst them. Even after 39 months from the declaration of independence and from the transformation

of Provisional Institutions of Self-government into the Institutions of the Republic of Kosovo, the executive branch continues not to have a specific law.

Kosovo has a parliamentary system of government. The members of the Assembly are directly elected by the people, while the Government is appointed by the Assembly and is subject to parliamentary control. As the Assembly monitors the work of the Government, the Assembly should lay the legal basis for the functions and structure of the Government. The structure and func-

tions of the executive branch were regulated under UNMIK Regulation 2001/19. Based on this regulation, which has the status of law, 15 ministries were established and made operational. After entry into force of the Kosovo Constitution, after the 15th of June 2008 the Government no longer referred to the UNMIK Regulation. However, it did not forward to the Assembly a new law to replace this regulation. The UNMIK Regulation was replaced with bylaws which were approved by the Government. Kosovo has now 19 ministries, 15 of which were established under the UNMIK Regula-

Portofolet ministre 2001-2011



tion, 2 under laws of the Kosovo Assembly and 2 with Government decisions. Hence, there is a need for a clear legal basis to exist, under which ministerial posts are dissolved and established.

In June the Government has taken two decisions related to the government structure and the cost of Government. With decision 07/19 of the 8th of June 2011, the Kosovo Government has amended Regulation No. 02/2011 on the areas of administrative responsibility of the OPM and the ministries by adding the Ministry of Diaspora, which was created after this regulation entered into force. And at the meeting of the 15th of June with decision 12/19 the Government obliged the Ministry of

Finance to create a separate budget heading for the Ministry of Diaspora and allocated from the Government reserves 750 thousand euro for the operations of this ministry for 2011.

Changes in the governmental structure have a financial effect also, and therefore together with the Law on the Government the Evaluation of the Financial Impact should be prepared. So far the Government has not been transparent in making public the information on the salaries of senior public officials, their expenses on communication, transportation,

representation, etc.

Based on the information on salaries of senior public officials presented to the Anti Corruption Agency (ACA) and based on administrative instructions on governmental expenses, the GAP Institute has made a rough estimation on the financial impact of the current government structure operation.

GAP Institute has prepared a special analysis which argues the need for the approval of the Law on the Government. This analysis can be read on the website of the GAP Institute (www.institutigap.org) or in the internet portal of the GAP Monitor (www.gapmonitor.org).

Kosovo Government Cost					
Salary (according to declarations to the ACA, average wage and minimum wage)					
	1	2	3	4	
	No. of positions	Level of monthly salary for the position (€)	Level of annual salary for the position (€)	Annual total (Level of salary multiplied by number of positions)	
Prime Minister	1	1.661	19.932	19.932	
D/Prime Minister	6	1.357	16.284	97.704	
Minster	16*	1.270,5	15.246	243.936	
D/Minister	33	1.182,5	14.190	468.270	
Political Advisor	162	693	8.316	1.347.192	
Cabinet Official	184	345	4.140	761.760	
Driver	59	170	2.040	59.160	
Subtotal for salaries (annual)				€ 2.997.954	
Total no. of vehicles for all the senior executive positions:				59	
Communication (according to Administrative Instruction 04/2008)					
	Units	Mobile (€ per month)		Landline (€ per month)	Annual total (Mobile + Landline * 12 months * no. of posts)
		Roaming	Prepaid		
Prime Minister	1	Un/ltd	-	Un/ltd	-
D/Prime Minister	6	250	-	200	32.400
Minster	16	250	-	150	76.800
D/Minister	33	150	-	100	99.000
Political Advisor	162	-	70	50	233.280
Head of the Prime Minister's Cabinet	1	150	-	100	3000
Subtotal for communication:					€ 444.480
No. of telephone sets (mobile):					218
Representation (according to Administrative Instruction 01/2008)					
	No. of positions	€ per month	€ per year	Total (Annual expenses * no. of positions)	
Prime Minister	1	Un/ltd	Un/ltd	Un/ltd	
D/Prime Minister	6	Un/ltd	Un/ltd	Un/ltd	
Minster	19**	500	6000	114.000	
D/Minister	33	200	2400	79.200	
Political Advisor	162	100	1200	194.400	
Subtotal for representation (without including the Prime Minister and Deputy Prime Ministers):			€ 387.600		
Total (salary + communication + representation)				€ 3.830.034	

*Due to the fact that three ministers are at the same time deputy prime ministers, we have calculated only one of their positions

** Different from the above mentioned cases where we calculated only 16 ministers, because three ministers discharge the role of deputy prime minister, on the expenses of representation we have calculated 19 ministers, because the deputy prime ministers has an unlimited representation budget.

In order to have a clearer picture of budgetary expenditure of the Kosovo Government for these categories, the Kosovo Assembly should require from the Government to attach in addition to the draft Law on the Government the following documents:

- The salary level for all the senior public officials in the institutions of the Kosovo Government;
- The monthly report on the Telephone or Communication Spending which are prepared by the Department of Information Technology (DTI), as foreseen by Article 11 of the Administrative Instruction No. 04/2008 on the usage of telephones (landlines and mobile) in the Kosovo Government;
- The report on the usage of offi-

cial vehicles which is prepared by the Vehicle Usage Monitoring Unit, which operates within the Ministry of Public Services, as foreseen with Article 13 of the Administrative Instruction No. 03/2008 on the usage of official vehicles;

- The database on all the vehicles which is in the possession of the Vehicle Usage Monitoring Unit, as foreseen by Article 14 of the AI No. 03/2008;
- Detail information on the Special Economic Code for Representation Spending, as foreseen by Article 11.2 of the Administrative Instruction No. 01/2008 on the determination of representation spending for the officials of the Kosovo Government institutions.

Despite our requests made to the competent institutions, as foreseen by the Law on Access to Public Documents, we were not granted access to the above listed documents. Therefore, the Kosovo Assembly should oblige the Government to publicise these reports.

The Institute for Advances Studies GAP has prepared a special analysis in which it argues the need for the existence of a Law on the Government, by giving also concrete recommendations on its content. This analysis can be read on the website of the GAP Institute (www.institutigap.org) or on the internet portal of the GAP Monitor (www.gapmonitor.org).

The import of old vehicles of up to 13 years is allowed

• Until the end of 2010 in Kosovo, according to the data of Ministry of Internal Affairs, there were 400,488 vehicles in circulation. If we compare this number of vehicles in circulation with the latest figures of the civil census it equals one vehicle for every fourth inhabitant of Kosovo.

• The new decision of the Government is expected to further increase the number of vehicles in circulation in Kosovo.

In the 20th meeting held on the 22nd of June 2006 the Kosovo Government reached two decisions on the import of vehicles: with decision 05/20 it determined the new excise tax norm for imported vehicles, while with decision 06/20 it prohibited the import of all vehicles which are older than 13 years.

With these two decisions the amendment of Annex A was completed of Law No. 03/L-220 on the excise tax norm in Kosovo. This law leaves at the discretion of the Government to change the excise norm for any product, after preliminary consultation with the Parliamentary Commission on Budget and Finance. This practice of revision-amendment of the law is not seen with other laws approved so far by the Kosovo

Assembly. In the last two months this is the second decision which increases excise on products, after the decision of April to impose excise tax on gaming.

Before reaching the decision at the Government level, on the 15th of June 2011 the Minister of Finance requested from the Parliamentary Commission on Bud-

get and Finance to approve the proposal for the new excise norms and the extension of the age limitation for imported vehicles from 8 to 13 years. According to the Minister there are four reasons behind such a decision, which can be classified in social, budgetary, safety and environmental reasons:

- **The social aspect** of this decision, according to the Minister, is that it will enable the poorer categories to own a vehicle, as the vehicle is part of the daily personal needs;

- **The budgetary importance** of this decision is that an additional 20 million per year are expected

er due to the same reasons given on safety, because the vehicles that are in circulation within the territory of Kosovo are potentially bigger pollutants than those which are imported.

One of the other reasons behind this extension to the age of imported vehicles is related to the stabilisation of technical control services and the homogenisation centres. The members of the Commission on Budget and Finance approved this proposal of the Minister on a majority vote.

The members of the Parliamentary Commission on Budget and

Vote cast	Member of the Parliamentary Commission on Budget and Finance
For	Safete Hadergjonaj (PDK), Jelena Bontic (SLS), Latif Gashi (PDK), Duda Balje (Grupi 6+), Hasime Krasniqi (PDK).
Against	Naser Osmani (LDK), Sali Asllanaj (LDK), Hykmete Bajrami (LDK), Albana Fetoshi (Vetëvendosje).
Abstaining	Xhevdet Neziraj (AAK), Muhamet Mustafa (KKR)

ed to be collected into the Kosovo Budget;

- **The new decision** on the import of vehicles according to the minister will increase safety in traffic, because older and unsafe vehicles will be eliminated, as the vehicles brought from foreign countries will be in a better technical condition; and

- **The environment** will be clean-

Finance approved the proposal of the Minister even though the reasoning presented from him was not based on additional facts and was conflicting. Conflicting due to the following reasons:

- The increase in the age of imported vehicles is accompanied with an increase in excise tax and as a consequence the

poorer categories will not be able to obtain vehicles due to the high costs of excise tax;

- The increase in the age of imported vehicles is accompanied with an increase in excise tax and as a consequence the poorer categories will not be able to obtain vehicles due to the high costs of excise tax;

- Additionally, the environment can be improved only by imposing stricter control on the technical aspects of the vehicles and the quality of fuels. The

import of older vehicles without taking other measures on the technical control and the quality of fuels will only add to environmental pollution and will increase the number of scrap yards.

According to decision 05/20 of the Kosovo Government, new vehicles which are imported will be exempted from excise tax. While for used vehicles the following excise norm will be applied:

This decision of the Government entered into force on the day of its signing (28th of June 2011). Until the end of 2010 in Kosovo, according to the data of Ministry of Internal Affairs, there were 400,488 vehicles in circulation. If we compare this number of vehicles in circulation with the latest figures of the civil census it equal one vehicle for every fourth inhabitant of Kosovo. The new decision of the Government is expected to further increase the number of vehicles in circulation in Kosovo.

Age	≤ 2000 ccm	2001 ccm to 3000 ccm	≥ 3000
New	0		
≤ 8	500 €	500 €	1000 €
≤ 9	700 €	700 €	1500 €
≤ 10	800 €	900 €	1800 €
≤ 11	900 €	1100 €	2100 €
≤ 12	1000 €	1300 €	2400 €
≤ 13	1100 €	1500 €	2700 €





The Government approved the strategy on increasing recognitions

• This document, in addition to presenting the problem and the general process of Kosovo independence recognition, includes the operational element and the Action Plan on increasing recognitions.

On the 2nd of March this year, the Government reached a decision to initiate the preparation of the lobbying agenda for the increase of recognitions for the Republic of Kosovo. However, only at the meeting of June 8th did the Government approve the Strategy for Concluding the Process of Recognitions of the Republic of Kosovo. Hence it took the Government 3 months to prepare this strategy for recognitions! This strategy envisages the involvement, apart from institutional energies, also other factors like members of civil society and internationally known personalities who have an influence on other states and can lobby.

This document also identifies the main obstacles in the process of recognitions like:

- The objections of the Russian Federation on the Ahtisaari Plan at the United Nations Security Council;
- The lack of consensus between all the EU countries to recognise Kosovo, which as a consequence is giving the impression of Kosovo remaining an unresolved European issue;
- The misjudgement of some countries which face internal political challenges, that the declaration of Kosovo's independence was a secessionist act (separation from a sovereign state) and not an act which came as a consequence of violence and the non-consensual destruction of a multinational federal state, something which the Serbian diplomatic circles are using to encourage fear within countries that have not recognised the Republic of Kosovo, by telling them that this can create secessionist tendencies within their territories;
- The low priority which is given to the recognition and the lack of immediate interest by a large number of

countries;

- The lower placement of Kosovo in the foreign policy priorities of powerful countries which have supported the consolidation of Kosovo's statehood;
- The replacement of many influential personalities from the international scene during the process of Kosovo's liberation and independence.

This document, apart from presenting the problems of the general process of recognition of the international subjectivity of Kosovo, includes also the operational part and the Action Plan on which it was said to us that they cannot be made public due to the sensitivity of the process.

However, brief descriptions are given in this document on some points of the action plan, of which it is worth mentioning the institutional coordination and restructuring. The lobbying structure foresees the establishment of a Task Force, Advocacy Group and Logistics Team. The lobbying Task Force will be co-lead by the Deputy Prime Minister for Recognitions and the Minister of Foreign Affairs, and will include representatives of foreign policy institutions. This Task Force will also be in charge of supervising the implementation of this strategy and to advise the Advocacy Group in fulfilling relevant activities for its implementation.

Furthermore, three strategic orientations have been presented in this strategy which should be followed by the implementers of this document: Individual states; Specific group-states and regions; International organisations and mechanisms

General arguments have also been

presented in this document on why Kosovo should be recognised by states that have not yet taken such a step:

- Kosovo is one of the independent states, created as a consequence of the violent and non-consensual breakup of the former Federal Socialist Republic of Yugoslavia. Kosovo was a constitutive part of the federal state which no longer exists as a subject of international law.
- The state-creating policies of Kosovo during the 90s were based on the peaceful political resistance, not forgetting the continuous persecution and repression, and the war-inducing policies of Serbia. Kosovo is the only European state that has two personalities awarded with the prestigious Sakharov prize by the European Parliament, the two icons of peaceful resistance and political dissidents: Ibrahim Rugova and Adem Demaci.
- The International Court of Justice, by responding to the request of Serbia made through the General Assembly of the UNO, on whether the Declaration of Kosovo's Independence was in line with international law, give its opinion on this request on the 22nd of July 2010, through which it confirmed that the declaration of independence of Kosovo has not violated any applicable international law. This opinion confirmed once more that Kosovo is a sui generis case, based also on the fact that the declaration of independence of Kosovo did not cause a negative chain effect.

Kosovo declared independence on the 17th of February 2008. The most powerful democratic countries like the USA, Japan, Canada, and 22 countries of the EU have so far recognised Kosovo. The number of recognitions has reached 76.



Approval of Draft Laws and the progress achieved on the 2011 Legislative Strategy

In June, the Kosovo Government approved 19 draft laws from the LS'11. The approved draft laws are:

1. Draft Law on Protection from Natural Disasters and Accidents;
2. Draft Law on Trademarks;
3. Draft Law on Industrial Design;
4. Draft Law on Patents;
5. Draft Law on Pre-University Education;
6. Draft Law on Criminal Responsibility of Legal Persons;
7. Draft Law on International Cooperation in Criminal Cases;
8. Draft Law on the Special Chamber of the Kosovo Supreme Court on Issues Related to the Kosovo Privatisation Agency;
9. Draft Law on Reorganising Enterprises and Assets;
10. Draft Law on the Kosovo Privatisation Agency;
11. Draft Law on Official Statistics of the Republic of Kosovo;
12. Draft Law on Higher Education;
13. Draft Law on Public Procurement;
14. Draft Law on the Independent Media Commission;
15. Draft Law on the Public Broadcaster of Kosovo;
16. Draft Law on Benefits of Former Senior Officials;
17. Draft Law on Technical Requirements of Products and Evaluation of Conformity;
18. Draft Law on Production, Gathering, Processing and Trading of Tobacco;
19. Draft Law on Regulating Land.

The nineteen draft laws approved during June raise the number of approved draft laws to 45 or 31.04% of the LS'11. Until the end of the year another 102 draft laws remain to be approved or 68.06% of the strategy.

Legislative Strategy 2011 148 draft laws		
January-May 26 +	June 19	To be approved: 103
31.04%	68.06%	

Six of the above mentioned Draft Laws were sent back to the Government for re-approval, draft laws which were in process from the previous mandate, as after the dissolving of the Assembly the draft laws had to be approved again by the executive and afterwards processes further to the Assembly once more.

The table below represents the 19 draft laws approved in June, the dates of their approval by the Government, the deadlines foreseen by the LS'11 and the deadlines foreseen with the Work Plan of the Kosovo Assembly for 2011.

Draft Laws	Forwarded to the OSLA as foreseen by the LS'11	Approval by the Government	Kosovo Assembly Work Plan 2011	
			I Reading	II Reading
Protection form Natural Disasters and Accidents	31.5.2011	1.6.2011	07/2011	09/2011
Trademarks	31.5.2011	1.6.2011	07/2011	09/ 2011
Industrial Design	30.5.2011	1.6.2011	07/2011	09/2011
Patents	31.5.2011	1.6.2011	07/2011	09/2011
Pre-University Education	31.5.2011	8.6.2011	07/2011	09/2011
Criminal Responsibility of Legal Persons	31.5.2011	8.6.2011	07/2011	09/2011
International Cooperation in Criminal Cases	30.4.2011	8.6.2011	05/2011	07/2011
Special Chamber of the Kosovo Supreme Court on Issues Related to the Kosovo Privatisation Agency	30.4.2011	15.6.2011	05/2011	07/ 2011
Reorganising Enterprises and Assets	1.04.2011	15.6.2011	04/ 2011	06/2011
Kosovo Privatisation Agency	30.4.2011	15.6.2011	05/2011	07/ 2011
Official Statistics of the Republic of Kosovo	31.5.2011	22.6.2011	07/2011	09/2011
Higher Education	30.4.2011	22.6.2011	05/2011	07/2011
Public Procurement	31.5.2011	29.6.2011	07/2011	09/2011
Independent Media Commission	31.5.2011	29.6.2011	07/2011	09/2011
Public Broadcaster of Kosovo	31.5.2011	29.6.2011	07/2011	09/2011
Benefits of Former Senior Officials	30.4.2011	29.6.2011	05/2011	07/2011
Technical Requirements of Products and Evaluation of Conformity	31.5.2011	29.6.2011	07/2011	09/2011
Production, Gathering, Processing and Trading of Tobacco	31.3.2011	29.6.2011	4/2011	6/2011
Regulating Land	31.3.2011	29.6.2011	4/2011	6/2011

Two of the most important draft laws which were required by the progress reports of the European Commission are the Draft Law on Public Procurement and the Draft Law on Public Broadcasting, which will be described in more detail in this issue of the GAP Monitor.

The Draft Law on Public Procurement is approved

• *In its regular meeting held on June 29th, the Kosovo Government approved the Draft Law on Public Procurement.*

The aim of this Draft Law is to ensure the integrity and responsibility of public officials and public employees as well as other persons who are involved in public procurement activities, by requiring that such individual decision have a legal and factual basis for the decisions that they reach, so that they are not influenced by personal interests and to be characterised with non-discrimination and a level of transparency before the citizens of Kosovo. Furthermore, another aim of this draft law is to encourage the creation of a professional institutional culture by protecting the interest of the Republic of Kosovo, and impartiality in work and in the ethics of officials who are involved in these activities.

According to this draft law every contract larger than 10 thousand euro should be signed by the

appropriate ministers themselves. The reason for including this norm according to the Government comes from the requirements of the European Union, in order to make the process of utilising public funds more transparent and responsible. However, it's the procurement officials which will handle the procedures, while the minister will sign the medium and large contracts at the end.

This is the first time that the Government attempts to institute such a rule. In May of last year the Government approved an Administrative Instruction on the Signing of Public Contracts with a Medium and High Value, which foresaw for contracts above 10 thousand euro to be signed by the secretary and the minister. Such a decision was criticised by the civil society because it was not in accordance

to the law. In June 2010 the Government approved the Draft Law on Public Procurement which contained the requirements of this Administrative Instruction. However, MPs did not approve the law as required by the Government.

Civil society was continuously against such an approach because through this the political forces have more opportunity to meddle in issues of tenders, because civil service employees who are responsible for the selection of economic operators in the process of procurement will be subject to political pressures. This is very dangerous especially because tenders are particularly considered to be the biggest source of corruption. Furthermore, such a rule would further delay the tendering procedures.

The Draft Law on the Public Broadcaster is approved

In the same meeting of June 29th, the Government approved the draft law on the Public Broadcaster of Kosovo. According to this draft law the Radio Television of Kosovo (RTK), from 2012 will have a budget of 0.7% of the total budget of Kosovo, deducting the own source revenues from the central and local levels, dedicated revenues and one-off revenues. Based on current revenues of the Kosovo budget this means that the budget of the RTK to be around 9 million per year.

The Public Broadcaster of Kosovo did not have the method of its financing defined for a long time, ever since the Constitutional Court on the 16th of October 2009 reached a decision to sus-

pend the method of financing of the RTK by the citizens through the payment of 3.5 euro which was added to the electric bill.

The public tax for RTK was collected by KEK since the end of 2003, for which KEK was the only agent of tax collection, and as such it represented a huge burden for KEK in relation to improving its own revenues. The collection of the RTK money was done through KEK through which every family, business or other institution of Kosovo which utilised electricity services of KEK was charged with an additional 3.5 euro every month. For this service KEK received a commission of 6% and free advertisement in RTK on raising aware-

ness among Kosovo citizens on safety, payment and saving electricity. With the promulgation of Law no. 02/L 47 on the Radio Television of Kosovo in January 2006, under which the financial reporting responsibility of RTK was transferred from the SRSG to the Kosovo Assembly, families that received social assistance were exempted from paying as well as those who live in territories where RTK cannot be received. The Board of KEK in August of 2007 reached a decision on the contract between the RTK and KEK which should end due to it causing damage to the process of collecting unsettled accounts of electric energy. Since 2010 the RTK is paid directly by the Kosovo Budget.



Another five general secretaries of ministries are selected

- *During June the Government has selected five general secretaries to various Ministries.*
- *The Ministry of Public Administration did not accept to make public the composition of the commissions for the selection of general secretaries of three ministries: MF, MTI and MKSF.*
- *Another four new positions have been advertised for the posts of the general secretaries for the Ministry of Environment and Spatial Planning, Ministry of Communities and Returns, Ministry of Internal Affairs and the Ministry of Foreign Affairs.*

The Kosovo Government in its 18th and 20th meeting appointed another five permanent secretaries to the Ministry of Economic Development, Ministry of Education, Science and Technology, Ministry of Finance, Ministry of Trade and Industry and the Ministry of the Kosovo Security Force.

The selection of general secretaries of the MED, MEST and MF was made on the basis of the vacancy announcement made on the 1st of April 2011, which remained open for 15 days. The position of general secretary is held for a 3 year period with a monthly salary of 693 euro.

For the position of General Secretary of the MESP, Nazmi Zenelaj was the appointed one, former Chairperson of the Board of Hydro-economic Enterprise "Iber Lepenc". While in the post of General Secretary of the MEST, Xhavit Dakaj was the appointed one, former head of personnel in Lipjan Municipality.

The Commission for Criteria Evaluation based on the regulation for senior managerial appointments in the civil service of the Republic of Kosovo is composed of: three permanent secretaries; a university professor of the appropriate field; a member of civil society.

The Evaluation Commission for the selection of the General Secretary of the MED was comprised of these members: Eshref Shabani (chairperson), Arben Citaku (member), Zana Kotori (member), Skender Ahmeti (lecturer at the UP) and Berat Rukiqi (Kosovo Chamber of Commerce).

While the Evaluation Commission for the selection of the General Secretary of the MEST was comprised of these members: Fitim Sadiku (member), Shkelzen Sylja (member), Arben Citaku (member), Basri Capriqi (lecturer at the UP) and Aferdita Maliqi (NGO).

On the other hand the selection of general secretaries of the MF, MTI and MKSF was made on the basis of a

second vacancy announcement by the Kosovo Government, positions that are also held for a 3 year period with a monthly salary of 909.90 euro, in contrast to the first vacancy announcement in which the same position was indicated to have a 693 euro salary.

In the position of general secretary of the MF, Naim Baftiu was the appointed one, former director of the Central Administration Department in the Ministry of Economy and Finance. While in the post of general secretary of the MTI, Eliana Naka was the appointed one. And in the MKSF Shkelzen Sylja was appointed, who was the acting officer in the same position.

The Government advertised another four positions to fill the posts of general secretaries of the Ministry of Environment and Spatial Planning, Ministry of Communities and Returns, Ministry of Internal Affairs and the Ministry of Foreign Affairs, with a monthly salary of 900.90 euro.

During June the Government allocated more than 2.6 million euro from the contingency spending

• *The contingency Reserve Government Fund is 2.5 million euro*

• *The 2.6 million allocated in June, together with 1.3 million allocated in the first 5 months, result in the Government spending during the first half of 2011 more money from the contingency reserve than what was initially projected with the Kosovo Budget of 2011*

In the 17th meeting of the Government held on the 1st of June 2011, a decision was reached to allocate the sum of 330 thousand euro for the compensation of villagers from the village Debellde, specifically on their private properties. This allocation of finances was a result of an agreement reached between the Republic of Kosovo and the Republic of Macedonia, as foreseen with the Ahtisaari plan for the conclusion of the demarcation agreement of the border between the two countries.

In 2011, as a result of the agreement reached between the Republic of Serbia and that of Macedonia, a territory of 2500ha was annexed from Kosovo and given to the Republic of Macedonia. Since that time and until 2009, the inhabitants of the village Debellde, Municipality of Viti, as a result of this agreement, lost the right to utilise their lands.

In the meeting of the Kosovo Government of the 11th of June 2010, experts made an assessment of damages due to lack of utilisation of their land and as a result they had concluded that the Government of Kosovo should compensate these owners with a sum of 530,000 euro. With this decision only 200 thousand euro were allocated, which also left the possibility of allocating the remaining balance of 330 thousand euro at a later date, specifically until the 1st of June this year, when it was also decided to allocate this remaining balance to the owners.

Furthermore, a decision of this nature was reached in the same meeting for the compensation of the inhabitants of Junik, Klina, Drenas, Decan and

Viti, in relation to the effects of the natural disaster at the end of last year, on which occasion agricultural properties suffered damages due to heavy rain. With decision 09/17, the Decision 02/150 was revised on the allocation of finances at the sum of 500,000 euro. The municipalities that will benefit from this sum are:

- Municipality of Junik - 60,000 euro;
- Municipality of Klina - 28,800 euro;
- Municipality of Drenas - 45,000 euro;
- Municipality of Deçan - 354,700 euro;
- Municipality of Viti - 11,500 euro.

Additionally, 200,000 euro' are allocated to the Municipality of Prishtina for the same reason of covering material losses caused by flooding in May of this year. Furthermore, 480,000 euro' are allocated for the Municipality of Gjilan for the continuation of works on the city riverbed.

Additionally, in the following meeting, the 18th one, the Government reached two decisions for the allocation of finances at the sum of 199,800 euro for the purposes of covering the costs of rehabilitating 900 War Invalids of the KLA, specifically 120,000 euro for the families of martyrs, who travelled to the Albanian coastline. This is the fourth year of financial allocations for this category. Since 2008 and up to now, including the latest decisions, the Kosovo Government has allocated a total of 922,800 euro for purposes of covering travel costs to the Albanian coastline.

At the 18th meeting it was decided on the allocation of another financial sum of 46,000 euro for covering the costs of co-organising and holding

of the Conference for Kosovo in the Economic Forum of Vienna. Kosovo is a member of the Economic Forum of Vienna, an informal organisation established in April of 2004, with the objective of promoting economic co-operation between the Adriatic states up to those of the Black Sea. The President of this organisation is Mr. Erhard Busek. This forum had the opportunity to organise one of its meetings in Prishtina at the end of March 2009, on the topic "Investments in Kosovo".

Furthermore, at the 19th meeting held on the 15th of June, the Government reached a decision upon which the Ministry of Finance is to establish a new budgetary heading for the Budget of the Republic of Kosovo for 2011 for the Ministry of Diaspora, established on the 18th of May with Decision 09/15, and allocated finances at the amount of 750,000 euro, out of which:

- 270,000 euro for Goods and Services;
- 180,000 euro for Salaries, and;
- 300,000 euro for Capital Investments.

With the last decision, the sum of finances allocated for the objectives presented above come to the sum of 2.6 million euro only for the month of June, a sum which does not coincide with the amounts determined by the budget tables – budget categories – contingency reserves foreseen with the Law on the Budget of 2011, approved by the Assembly on the 1st of April, which is 2.5 million euro, a sum that should cover the whole fiscal year.

The Regulation on the Leave of Civil Servants is approved

• *With the new law a female employee of the civil service has the right to 12 months of maternity leave. While all the female employees of the private and public sector had this right since last year, for the female employees of the civil service until June 2011 the system of 3+3 maternity leave was applied.*

With decision no. 05/19, the Government of Kosovo has approved Regulation No. 06/2011 on the Leave of Civil Service Employees. This regulation approved at the meeting of June 15th, annuls the administrative instruction MSHP/DASHC 10/2003 which until now regulated the leave structure of civil servants. Civil service employees had their leave regulated differently in contrast to the Law on Labour which has entered into force since the 16th of December 2010. One of the greatest differences which at the same time caused a lot of anger and uncertainty for this category was the Article that regulates maternity leave. While the Law on Labour guarantees the maternity leave with pay of 6+3 months, the civil service female employees until the approval of this regulation were eligible to 3 months of paid maternity leave, this according to administrative instruction no. 10/2003. However, according to the new regulation a female civil service employee has the right to 12 months of maternity leave, of which 6 months are compensated by the institution with 70% of the salary value, 3 subsequent months are paid by the Government with a 50% compensation of the average Kosovo salary, and another three months can be taken without pay.

Such a system of maternity leave is foreseen by the Law on Labour also,

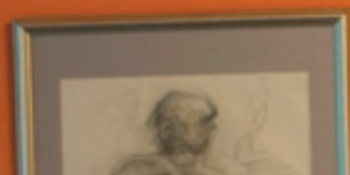
which is applicable for employees of both the public and private sectors. The Ministry of Labour and Social Welfare on the 20th of April 2011 promulgated Administrative Instruction no. 05/2011 on the Regulation and Determination of Administrative Procedures for the Payment of Maternity Leave, but this document was not made public until the beginning of June. Article 12 of this Instruction annuls the provisions of Administrative Instruction no. 05/2007 on the Regulation and Determination of Administrative Procedures for the Payment of Maternity Leave in the Civil Service of Kosovo. This means that with A.I. no. 05/2011 pregnant women in the civil service should get maternity leave according to the 6+3+3 system. However, it still remains unclear why this A.I. was not published in April but rather only in June 2011, and what has happened with female civil servants which were given maternity leave with the old system during this period (April – June)?

However, Regulation no. 06/2011 only strengthens the right of female civil servants to maternity leave of 12 months. The civil service of Kosovo is estimated to have around 24,000 employees, while until June there were a total of 226 female civil servants on maternity leave. Maternity leave for civil servant should be

covered for the whole nine months by the budget of Kosovo. Civil servants have their salaries determined subject to their position level. But if the current average salary in Kosovo of 345 euro is taken into consideration, then the maternity leave for one person will cost Kosovo 1,966 euro (70% of the average salary for 6 months is calculated at 1,449 euro, plus 50% of the average salary for another 3 months is 517.5 euro). On this, the allocated budget by the Government for maternity leave of 300,000 euro comes into the picture, which is nowhere sufficient to cover the cost of maternity leave in the public sector, without leaving aside the 3 month period in the private sector. (For more on the difficulties of implementing the Law on Labour the analysis of GAP Institute can be read “Law on Labour six months after entering into force”, June 2011.)

Other provisions of the Regulation no. 06/2011 regulate other types of leave of civil service employees, like: the right to annual leave of 18 working days and for every additional two years of work in the civil service an additional day is added to annual leave; leave on official holidays; medical leave with pay of up to 20 working days per year; matrimonial leave; bereavement leave for deaths of close family members; other types of leave without pay, etc.

Rregullimi i marrëdhënies së
punës në Kosovë





The Steering Committee of the Technical Assistance Project Energy from Lignite is reconfigured

At the 17th meeting held on the 1st of June 2011, the Kosovo Government approved the decision for the reconfiguration of the Steering Committee for the Technical Assistance Project Energy from Lignite, a committee responsible for the Thermo Power Plant “Kosova e Re” project, established with decision no. 2006/6.

The new composition of the Committee will be as follows:

- Minister of Economic Development (chairperson)
- Minister of Finance (member)
- Minister of Environment and Spatial Planning (member)
- Minister of Trade and Industry (member)
- Head of the Energy Regulatory Office (member)
- Head of the Independent Commission for Mines and Minerals (member), and
- One representative appointed by the Office of the Prime Minister (member)

The Thermo Power Plant “Kosova e Re” project is valued to be materially advanced and as a consequence is disqualified from the preliminary authorisations and procedures determined with the Law on Public Private Partnerships and Concessions in Infrastructure and Procedures for their awarding. However, the Government confirms that the process of procurement will utilise an open, transparent and competitive procedure for the awarding of contracts to

a bidder for the project of the Thermo Power Plant “Kosova e Re”.

However, at its 18th meeting, held on the 8th of June 2011, the Kosovo Government has approved the review of the proposed-decision for the establishment of an Inter-Ministerial Commission in accordance to the Law on Public Enterprises, a commission which would be comprised of the Minister of Economic Development, Minister of Infrastructure, Minister of Trade and Industry, Minister of Labour and Social Welfare, Minister of Finance and the Minister of Environment and Spatial Planning. This commission is established based on the Law on Public-Private Partnerships and has operated earlier, but due to developments that occurred after the last legislative structure and the approval of regulation 02/2011 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministers, the approval of this proposed-decision was seen necessary. This proposed-decision confirms that the commission of Ministers is the same as foreseen by the law on public enterprises and that the commission of Ministers enables this inter-ministerial commission to become operational.

The Inter-Ministerial Commission on Public-Private Partnerships manages the development policies of the public-private partnerships and conducts the review, approval or rejection

of project proposals. At the 83rd meeting of the Government held in September 2009, the Government approved the decision of the Prime Minister's Office to appoint Bekim Collaku as a representative of this office in the Inter-Ministerial Commission.

(See: <http://www.gapmonitor.org/index.php?id=2&n=203>).

The law on public enterprises has the objective of determining the conditions under which private parties can obtain concessions or through another method obtain the right to utilise and exploit public infrastructure, public enterprises and public resources.

Additionally, at the 20th meeting held on the 22nd of June 2011, the Government reached the decision for the establishment of the Working Group for Business Environment Reform. The objective behind establishing this working group is related to monitoring the implementation of reform in the way business is conducted by identifying the obstacles and unnecessary burdens on businesses, by examining policies, processes and governmental inspections, and establishment of short-term, mid-term and long-term deadlines. Furthermore, this working group will propose specific recommendations for revisions of laws and policies. The Working Group will report to the Prime Minister and to Ministers on a monthly basis.

Other decisions

Reports on all the decisions reached by the Kosovo Government during June 2011 are published in the GAP Monitor internet portal www.gapmonitor.org. Some of the other decisions reached this month are:

- **Construction of the highway Prishtina – Hani i Elezit to begin in 2012.** The Kosovo Government at the 20th regular meeting reached the decision for the construction of the highway Prishtina – Hani i Elezit.

[Full report at <http://www.gapmonitor.org/index.php?id=2&n=395>]

- **The Revision and Amendment of the Government Decision for the Issuance of Diplomatic Passports is approved.** At the 17th meeting of the Kosovo Government held on the 1st of June 2011, the Law on Travel Documents was amended for the third time. [Full report at <http://www.gapmonitor.org/index.php?id=2&n=394>]

- **The Regulation on the Titles and Payments of Creators and Performers of Culture and Professional Employees of Cultural Heritage was approved.** At the 17th Government meeting held

on the 1st of June 2011, Regulation no. 05/2011 was approved on the Titles and Payments of Creators and Performers of Culture and Professional Employees of Cultural Heritage. [Full report at <http://www.gapmonitor.org/index.php?id=2&n=393>]

- **The composition of the Institute for Investigation of War Crimes Council in Kosovo is determined.** At the 19th meeting with decision 10/19, the Government reached the decision that the Institute for Investigation of War Crimes Council in Kosovo to be comprised of the Chairperson of the Council and to have 7 regular members.

[Full report at <http://www.gapmonitor.org/index.php?id=2&n=392>]

- **The National Commission of Civil Aviation Safety is established.** The commission will be chaired by the Minister of Internal Affairs, as foreseen by Article 89 of the Law on Civil Aviation. [Full report at <http://www.gapmonitor.org/index.php?id=2&n=391>]

- **The Water Services Sector is consolidated.** At the 18th meet-

ing of the Kosovo Government held on the 8th of June 2011, the decision to consolidate the Water Services Sector was approved. [Full report at <http://www.gapmonitor.org/index.php?id=2&n=390>]

- **The decision on implementing the Law on Former Political Prisoners and Fugitives.** At the 18th meeting held on the 8th of June 2011, the Kosovo Government on the proposal of the Minister of Finance approved the proposed decision for the implementation of Law 03/L-95 on the Rights of former Political Prisoners and Fugitives. [Full report at <http://www.gapmonitor.org/index.php?id=2&n=388>].

- **The Medical Products Agency is authorised to Issue Import Licenses.** At its 19th meeting held on the 15th of June 2011, the Kosovo Government approved decision no. 11/19, which authorises the Medical Products Agency to issue import licenses for certain quantities and types of medical products without a marketing authorisation, which are dedicated for the local market. [Full report at <http://www.gapmonitor.org/index.php?id=2&n=387>]

Summary:

All the decisions taken during June:

1. Decisions from the 17th meeting of Kosovo Government held on the 1st of June 2011

- 1.1. Decision 01/17, approving the Draft Law on Protection from Natural Disasters and other Accidents;
- 1.2. Decision 02/17, approving the Draft Law on Trademarks;
- 1.3. Decision 03/17, approving the Draft Law on Industrial Design;
- 1.4. Decision 04/17, approving the Draft Law on Patents;
- 1.5. Decision 05/17, approving the Draft Law on the amendment and revision of decision no. 02/31 on the issuance of diplomatic and official passports;
- 1.6. Decision 06/17, to allocate 330,000 euro for the compensation of damages caused by the non-utilisation of land in accordance to decision no. 11/128;
- 1.7. Decision 07/17, approving the regulation on the Titles and Payments of Creators and Performers of Culture and Professional Employees of Cultural Heritage;
- 1.8. Decision 08/17, to reconfigure the Steering Committee of the Technical Assistance Project Energy from Lignite;
- 1.9. Decision 09/17, to revise and amend the decision for the allocation of finances at the sum of 500,000 euro on the flooding of Kosovo Municipalities (Junik, Klina, Drenas, Deçan and Viti);

2. Decisions from the 18th meeting of Kosovo Government held on the 8th of June 2011

- 2.1. Decision 02/18, approving with changes the Draft Law on Pre-University Education;
- 2.2. Decision 03/18, approving the Draft Law on the responsibilities of Legal Persons for Criminal Acts;
- 2.3. Decision 04/18, approving the Draft Law on International Legal Cooperation on Criminal Issues;
- 2.4. Decision 05/18, establishing the Ministerial Commission with the objective of preparing the Government debate on issues related to Public Enterprises;
- 2.5. Decision 06/18, on the Government support to the incorporation of seven regional water supply companies;
- 2.6. Decision 07/18, allocating finances at the sum of 199,800 euro with the objective of covering the rehabilitation costs for 900 War Invalids of the KLA in the Albanian coastline;
- 2.7. Decision 08/18, allocating finances at the sum of 120,000 euro to cover the costs rehabilitation of 600 Families of Martyrs of the KLA in the Durres coastline;
- 2.8. Decision 09/18, allocating finances at the sum of 46,000 euro to cover the costs of co-organising and holding of the Conference for Kosovo in the Economic Forum of Vienna;
- 2.9. Decision 10/18, appointing Mr. Nazmi Zenelaj as the Secretary General of the Ministry of Economic Development;
- 2.10. Decision 11/11, to appointing Mr. Xhavit Dakaj as Secretary General of the Ministry of Education, Science and Technology;
- 2.11. Decision 12/18, approving the Strategy for Achieving Full International Recognition of the Republic of Kosovo;
- 2.12. Decision 13/18, approving the request of the MF for the implementation of Law no. 03/L-95 on the rights of former political prisoners and fugitives.

3. Decisions from the 19th meeting of Kosovo Government held on the 15th of June 2011

- 3.1. Decision 02/19, approving the Draft Law on the Special Chamber of the Kosovo Supreme Court on Issues Related to the Kosovo Privatisation Agency;
- 3.2. Decision 03/19, approving the Draft Law on the Reorganisation of Certain Enterprises and their Assets;
- 3.3. Decision 04/19, approving the Draft Law on the Kosovo Privatisation Agency;
- 3.4. Decision 05/19, approving the Regulation on the Leave of Civil Servants;
- 3.5. Decision 06/19, allocating finances at the sum of 150,000 euro to cover the costs for the rehabilitation of 750 War Veterans of the KLA;
- 3.6. Decision 07/19, approving the Regulation on the Amendment and Revision of Regulation no. 02/2011 on the areas of administrative responsibility of the OPM and the Ministries;
- 3.7. Decision 08/19, establishing the National Commission on Civil Aviation Safety of the Republic of Kosovo;
- 3.8. Decision 09/19, declaring a protective zone and special interest in the areas where the "Battle of Koshara" took place by the Agim Ramadani brigade at a surface area of 2488ha in the Municipality of Gjakova;

- 3.9. Decision 10/19, establishing the Institute for the Investigation of War Crimes;
- 3.10. Decision 11/19, authorising the Kosovo Agency for Medial Products to issue import licenses for certain amounts and types of medical products without a marketing authorisation;
- 3.11. Decision 12/19, for the Ministry of Finance to establish a new budget heading in the budget tables of the Republic of Kosovo Budget for 2011, for the Ministry of Diaspora.

4. Decisions from the 20th meeting of Kosovo Government held on the 22nd of June 2011

- 4.1. Decision 02/20, obliging the Ministry of Infrastructure to develop all the tender procedures for the implementation of the project for the R6 highway construction, Prishtina – Hani i Elezit according to a traditional model contract, in accordance to the Law on Public Procurement;
- 4.2. Decision 03/20, approving the Draft Law on Higher Education;
- 4.3. Decision 04/20, approving the Draft Law on Official Statistics of the Republic of Kosovo;
- 4.4. Decision 05/20, approving the request of the MF to extend the list of Annex A of Law no. 03/L-220 for the application of the Excise Tax Norm on Vehicles;
- 4.5. Decision 06/20, on the prohibition of import for authorisation the free circulation and the authorising of free circulation from every customs warehouse, of any motor vehicle registered for the first time inside and outside Kosovo before 13 or more years;
- 4.6. Decision 07/20, approving the Spatial Plan with Special Economic Interest “The New Excavation Field 2010-2020”;
- 4.7. Decision 08/20, establishing the Inter-Ministerial Working Group for the Business Environment Reform;
- 4.8. Decision 09/20, appointing Mr. Naim Baftiu as Secretary of the Ministry of Finance;
- 4.9. Decision 10/20, appointing Mr. Shkëlzen Syla as Secretary General of the Ministry of the Kosovo Security Force;
- 4.10. Decision 11/20, appointing Ms. Eljana Caka as Secretary General of the Ministry of Trade and Industry;
- 4.11. Decision 12/20, approving the Regulation on the Organisation and Operation of Municipal Offices for European Integration.

5. Decisions from the 21st meeting of Kosovo Government held on the 29th of June 2011

- 5.1 Decision 02/21, approving the Draft Law on Public Procurement;
- 5.2 Decision 03/21, approving the Draft Law on the Independent Media Commission;
- 5.3 Decision 04/21, approving the Draft Law on the Kosovo Public Broadcaster
- 5.4 Decision 05/21, approving the Draft Law on the Benefits of Former Senior Officials;
- 5.5 Decision 06/21, approving the Draft Law on the Technical Requirements for Products and Conformity Assessment;
- 5.6 Decision 07/21, approving the Draft Law on the Production, Gathering, Processing and Trading of Tobacco;
- 5.7 Decision 08/21, approving the Draft Law on Land Regulation;
- 5.8 Decision 09/21, approving the Strategy for Land Consolidation 2010 -2010;
- 5.9 Decision 10/21, approving proposal – decision on proposing the Chairperson and members of the Independent Board for the Review of Appeals;
- 5.10 Decision 11/21, approving the Strategic Document for Integrated Conservation in Kosovo.

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i vendimeve të Qeverisë së Kosovës

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"GAP Monitor" is one of GAP Institute's main projects that began in January 2009, whose aim is to monitor all Kosovo government decisions. "GAP Monitor" is a monthly publication that aims to offer citizens additional information and more analysis on all government decisions. Now, 'GAP Monitor' project has its own website, which allows more interaction with our readers and gives us the opportunity to publish our news and reports in daily basis.

INSTITUTI PËR STUDIME TË AVANCUARA



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