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on Government Decisions

Almost Done: Law on Government

- Border Demarcation Costs Kosovo over €600,000**
- Fiscal Machines to be Installed this Year**
- €150,000 for Independence Anniversary**
- PTK Bidding for Fourth Operator in Albania**

Good to See You Again!



This is the second issue of GAP's Government Decisions Monitor. This issue holds information and analysis on 13 decisions taken in four Government meetings in February 2009. This month has been the month of the 1st Anniversary of Kosovo's Independence. For this celebration, the Government has taken two decisions, through which it has formed an Organizing Committee for Independence Day Celebrations and has allocated 150,000 Euros for this purpose. For these particular decisions, the Government has met three days before February 17, 2009.

Apart from preparations for celebrating the Independence Day, the Government has taken 11 additional decisions, which are covered in this issue of Gap Monitor. In addition to February decisions, we have also looked at the progress made on January decisions' implementation and other follow up activities, which we have initially covered in the first issue of the GAP Monitor.

Although this publication is related to the decisions of the Government, we will also examine the decisions not taken by the Government, despite figuring in Government plans and strategies. According to the 2009 Government Legislative Strategy, during February, it was planned that the Government approved 12 draft laws. Nonetheless, not a single draft law was approved by the Government during this month.

As always, enjoy your reading and please don't hesitate to write to us with any critique or general comment on GAP Monitor at monitor@institutigap.org.

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What's Happening with January Decisions from Last Issue of GAP Monitor?

Draft Law on the Government reaches Last Stretch

In its 54th meeting, on February 13, the Kosovo Government established the Governmental Working Group for Harmonizing the Positions and Finalizing the Draft Law on the Government, through Decision 03/54. The Working Group will be chaired by the Deputy Prime Minister Ramë Manaj, whereas the members will be: Arsim Bajrami (MPS), Nekibe Kelmendi (MJ), Ahmet Shala (MEF) and Sadri Ferati (MLGA). The Draft Law on the Government has passed all the necessary phases before being ready for final Government review in December 2008. Decision 03/54 does not give a deadline on when the Working Group should finalize its job and hand over the Draft Law for Government approval and subsequent submission to the Assembly.

Since the establishment of the Provisional Institutions of Self-Government (PISG) in 2001, the executive branch has functioned based on the Constitutional Framework and UNMIK Regulation 2001/19 on PISG Executive Branch, which has been altered 8 times. With the approval of the new law, the Government of Kosovo will, for the first time, have a law that will define executive branch's work, composition, activities, responsibilities and competences.

Draft Law on the Government

is still being reviewed in the Government Working Group and foresees a restructuring of the Government in the future. According to a report of the Functional Review and Institutional Design of Ministries

With the approval of this Draft Law, the Kosovo Government will have less ministers and deputy ministers; introduce ministers without portfolios; and decrease the number of political advisors. However, it's difficult to see these changes implemented during this mandate

project (FRIDOM) entitled "Whole of Government Review", Kosovo currently has more Ministries than the small EU countries, which increases costs and hampers coordination. Therefore, the report recommends a decrease in number of ministries, by appointing ministers without portfolio.

The FRIDOM recommendation has been taken into consideration in the Draft Law on Government. Namely, the copy of the Draft Law GAP has obtained makes it clear

that ministers without portfolios can exist. These ministers are appointed and dismissed by the Prime Minister, without need for permission from the Kosovo Assembly. The deputy ministers, according to the new law, will be appointed only in the ministries that cover broad fields of activities and respective ministers should be involved in the appointment process.

According to the draft members of the Government are not allowed to have other fulltime public or private jobs while serving in the Government. In its meetings, the Government will decide on proposals for primary legal acts, sub-legal acts, policies/decisions and international cooperation. The Government meetings set or authorized by the Prime Minister have a quorum if majority of members participate in the meetings, while decisions are taken by a majority vote from members who are in attendance. According to this rule, and knowing that the Government consists of 17 Ministers and the Prime Minister along with the two deputy Ministers, there must be at least 10 members present for the quorum to be reached. This means that a vote from five members will suffice for decision making, in addition to the Prime Minister's

vote that can be also counted a two votes, in case of a tie in voting. The Government establishes permanent and provisional working bodies, such as committees, commissions, working bodies, expert councils and other organs.

According to UNMIK Regulation 2005/15, which amends and supplements UNMIK Regulation 2001/19 on the Executive Branch of PISG, the Prime Minister was required to appoint a maximum of 12 political advisors, while ministers could appoint a maximum of 6 political advisors each. Several ministries have exceeded the permitted number of political advisors (see table below). As a

result, the Government of Kosovo now has 126 Political Advisors.

The Draft Law on the Government concludes that the Prime Minister may appoint a maximum of 5 political advisors; Deputy Prime Ministers up to three advisors; Ministers two to four; while Ministers without portfolio may appoint a maximum of two political advisors. The Government will set the exact number of advisors for each ministry. Three months from the approval of the law, the Government will issue the new Working Regulation of the Government. Six months after the approval of the law, it will issue sub-legal acts foreseen by this law. The Draft Law on the Government

does not annul completely UNMIK Regulation 2001/19 on the Executive Branch of PISG. However, the Law will overrule this Regulation and still use its annexes until the Regulation for the Organizing and Structuring of the Government has been issued.

Should the Draft Law on Government be approved by the Assembly, and FRIDOM recommendations taken into consideration, then the Government should decrease the number of ministries; remove Deputy Ministers and ministries that do not cover large fields of activities, such as the Ministry for KSF or MAPL; remove some of the Advisors; and appoint Ministers without portfolio.

	OPM	MEST	MJ	MEF	MEF	MKSF	MESP	MALG	MIA	MFA	MLSW	MRC	MH	MPS	MCYS	MTPT	MAFRD	MTI
Minister	15	5	5	4	4	3	6	4	6	5	4	4	4	6	5	7	5	6
Dep. Minister	11	2	1	1	1	1	1	1	2	1	1	1	1	1	1	0	1	0
Total	26	7	6	5	5	4	7	5	8	6	5	5	5	7	6	7	6	6

Fiscal Machines will Start Being Installed this Year

Following the request of the Ministry of Economy and Finance (MEF), at its 56th, the Government took Decision 02/56, authorizing MEF to start installing fiscal machines from July 1, 2009. This decision is based on Article 12.6 of the Law 03/L-071 for Amending and Supplementing the Law on Tax Administration and Procedures: "TAK may request that all supplies made by all or a

persons, TAK may require such taxable persons to issue receipts in a manner prescribed by TAK."

According to this article, the Law leaves open the opportunity to apply such a policy in the future. Therefore, through this decision, the Government decides to execute this article of the Law on Tax Administration and Procedures. In order to execute the article, MEF

followed if data are lost in case of power cuts or other difficulties; specifications for fiscal memory, with access granted only to persons from TAK; etc.

As can be seen from the abovementioned criteria, one of the biggest problems that could affect this project is the lack of electricity. Kosovo is the only country in Europe that hasn't started installing fiscal machines. The execution of this Government decision would have a positive effect on better and easier tax collection from businesses, while at the same time decreasing the damages caused by the informal economy.

Fiscal Machines will be installed gradually and selectively. Machines will start being installed from July 1, 2009

certain group of taxable persons be recorded electronically. TAK may also establish the specifications of the types of electronic machines that will be used for such recording. In case of not recording electronically the supplies involving transactions being made by certain taxable

should until June 1, 2009 draft an Administrative Instruction that will oblige businesses to install fiscal machines, as well as set the date when businesses should start to use them; technical specifications, including their functioning in case of power cuts; procedures to be



Kosovo Government allocates €150,000 for First Independence Anniversary Celebrations

At the Government Meeting on February 14, 2009, three days before the celebration of the first anniversary of Independence of the Republic of Kosovo, Government discussed organizing the celebrations. As a result, 2 decisions were taken: Decision 01/55 on Creation of the Governmental Committee for Organizing Independence Celebrations; and Decision 02/55 on €150,000 Budget Allocation for Celebrations. Governmental Committee consisted of the 2 Deputy Prime Ministers and 3 Ministers (Ahmet Shala, Enver Hoxhaj and Valton Beqiri). The funds were allocated from the "Unexpected Government Reserves" and were

transferred to the Office of Prime Minister. This organization was lead by the Office of Prime Minister and State Protocol.

According to the program, the festive day started with a

The Government
hasn't yet made
public how €150,000
were spent

Solemn Session of the Republic of Kosovo Assembly at 11 o'clock, where the President, the Speaker of the Assembly and the Prime Minister addressed Members of

the Assembly and Kosovo citizens. At noon, primary school students and other citizens took part in the "independence walk". In the evening, Kosovo Philharmonic Orchestra performed a classical music concert, followed by an open air popular music concert at the Mother Teresa Square. Fireworks marked the end of celebrations at 22 o'clock in all towns.

The celebrations went as planned on February 17, 2009. On the other hand, Government didn't yet offer a financial report on how €150,000 were spent, but it has promised to do this by the end of April 2009.

PTK Ready to Raid Albania's Market

In the meeting on February 18, the Government of Kosovo has supported the request from the Board of the Kosovo Post-Telecom to apply for the fourth mobile operator license in Albania. This follows the initial support of the request from the Inter-Ministerial Group for Public Enterprises that functions under the Ministry of Economy and Finance.

PTK, together with a group

of entrepreneurs from Albania, prepared the application for the license. The company that applied for the license is ACI. It is a company registered in Albania with Mr. Petraq Shomo as the owner. The companies in the investors' group are: PTK, Infrosoft System, UNION GRUP, Albanian Drink Distribution, ACI Engineering and Samir Mane. The investors' group has reserved

€7.2 million for the bid.

PTK claimed that this participation would increase the value of the company, while at the same time increasing its regional span and reputation, enabling it to become a leader in the region. Should the bid succeed; PTK would manage to maintain 30 percent of the profits from the resulting venture.

Ministry of Foreign Affairs Requests Amending and Supplementing the Law on Public Procurement

Following a request from the Ministry of Foreign Affairs (MFA), the Government of Kosovo decided to incorporate the Draft Law for Amending and Supplementing the Law on Public Procurement into the 2009 Legislative Strategy

to be submitted to the Government and to the Assembly for respective approvals. According to MFA representatives, problems were noticed with the implementation of the 2003-approved law when purchasing property or other items

furnishing of these offices, in order to make them functional, etc.

So far, the 10 diplomatic missions abroad could not comply strictly with the Law on Public Procurement, since there were difficulties in using the Public Procurement Regulatory Committee forms. According to MFA, renting procedures for the 10 diplomatic mission offices were done based on laws of the states where those missions operate. However, because of the problems with the existing Law, the offices could not be furnished properly and, as a result, cannot become functional.

Office of Legal Assistance Services within the Prime Minister's Office, claims that since MFA did not set a precise timeframe for the draft-law, the final date for preparing the draft-law remains December 31, 2009.

The existing Law on Public Procurement cannot be used for buying, renting property for the embassies or any other purchase for this purpose. MFA wasn't able to use the Law until now.

through Decision 02/54. The obligation for the implementation of this decision lies with the Office for Legal Assistance Services within Prime Minister's Office. However, the Decision does not set a timeframe for this draft-law

outside Kosovo. Therefore, the MFA requested changes in the Law. These changes relate to the following: purchasing of offices for embassies; renting of offices and buildings that will serve to the diplomatic and consular missions;

€360.000 Allocated for Rent Payments of the North Mitrovica Displaced Families, but Not All will Benefit

Decision No. 06/56 on €360,000 Allocation for Rent Payment of Displaced Families from the North of Mitrovica, is the third consecutive decision of the Government within two first months of 2009, which is taken to fulfill the needs of inhabitants of the North of Mitrovica. The first two were taken in January 2009, each in the amount of €100,000 allocation. One of them was for the renovation of houses in the "Kroi i Vitakut" neighborhood and the other for renovation of damages afflicted from unrest in North of Mitrovica. The three decisions altogether reach the sum of €560,000.

By the Decision 06/56, Government decided to pay rent to the dislocated families from North of Mitrovica, as a result of the fear and pressure in the North. Rent payments will be done for

12 months of 2009, with €100 per family. Financial means for this decision will be taken from "unexpected expenses" and will be transferred for administration to the Municipality of Mitrovica, which is required to implement this decision.

Based on calculations, these financial means will cover the rent for 300 families. Whereas, according to Halit Berani – the Head of the Council for Protection of Human Rights and Freedoms for Mitrovica region, there are 1564 displaced North Mitrovica families, which means the Government of Kosovo will pay the rent only for 19% of the families.

According to Municipality of Mitrovica officials responsible for

this issue, the allocation of the financial means and selection of the beneficiary families will be done through an announcement, which will be made soon. The announcement will make public the selection

1564 families are displaced from North Mitrovica, but the €360,000 allocation can only cover the rent of 300 families

criteria and documents that families need to provide at the Municipality. Priority will be given to the families with difficult economic conditions. The implementation of this decision is expected to cause problems and dissatisfaction among the families that will not benefit from it.

Border Demarcation with Macedonia will cost Kosovo budget €625,832

According to the Comprehensive Status Settlement for Kosovo (“Ahtisaari Package”), the Government of Kosovo was obliged to reach an agreement with Macedonia on the contested territory. The dispute concerning approx. 2,500 hectares of land exists since 2001, when Macedonia signed an agreement with Serbia, settling the contest without Kosovo’s presence. One hundred and fifty kilometers were unmarked since 1992, when the former Federal Socialist Republic of Macedonia declared its independence.

The Governmental Committee for Demarcation of the Border between the Republic of Kosovo and the Republic of Macedonia was established on March 27, 2008 through Government Decision 06/13. Bekim Qollaku was appointed as Head of the Committee, whereas other

members were: Xhafer Tahiri, Behar Selimi, Murat Meha and Asllan Pushka. In April 2008, Kosovo and Macedonia signed the Agreement on Border Demarcation. On 25th Government meeting, held on

The Border Demarcation Committee will continue its work this year, too

July 3, 2008, the Government approved the Expenditure Financial Plan prepared by the Governmental Committee for Demarcation. This decision obliges MEF to transfer the requested amount to the Committee. The financial plan was not appended to this decision. Furthermore, the decision does not say what amount will be

allocated from MEF Reserve Fund. According to the financial plan, which we have obtained, the Government has allocated €346,556 to the Committee for Border Demarcation for 2008.

Throughout 2008, the majority of work has been finalized, with only 15 hectares remaining unmarked in the Debelldere region, land which Macedonia claims belongs to them. For the completion of work during 2009, the Government of Kosovo has allocated €279,276 through Decision 03/56. These funds will be used to compensate the work of the members of the Committee; the work done by “Geoproject” company; the aerophotogrametric recordings; etc. In total, the border line demarcation with Macedonia will cost Kosovo €625,832.

Government Issues Administrative Instruction on Municipal Representation on Public Enterprises Directors' Boards

At its 56th meeting, held on February 18, 2009, Government of Kosovo approved the Administrative Instruction 3/2009 on Municipal Representation on the Public Enterprises (PE) Directors' Boards. This instruction was issued based on Article 42 of the Law on Public Enterprises, which is a part of the Ahtisaari Legislative Package and was approved by the Kosovo Assembly on June 13, 2008.

Law on Public Enterprises defines central and local Public Enterprises. It also defines monitoring, representation, impact measurements, formation of new and privatization of existing Public Enterprises rules. According to the Law, there are 8 central PEs: KEK, PTK, KOSTT, RTK, Kosovo Railway, International Airport of Prishtina, Landfill Management Company and HPE Iber Lepenc, while there are 24

local PEs. According to the Article 16 of the Law on Public Enterprises, the Board of Directors of a PE consists of five members. Four of the members are elected at the shareholders meeting in accordance with the Law on Trade Societies, whereas the fifth director is elected by the 4 initial members and will serve as Chief Executive Officer of the PE Directors' Board.

At the 39th meeting, on October 8, 2008, Government took the Decision 10/39, through which it approved the property structure of 6 waste-management PEs. This decision sets municipalities' shares in those 6 waste-management enterprises, according to which shares are calculated based on the numbers of clients a local PE has in every municipality. For example, in the "Pastrimi" PE, Prishtina Municipality holds 73.1% of shares; Fushë Kosova

holds 5.6%; Kastriot 3%; Hajvalia 2.2%; Lypjan 3.4%; Podujeva 7.1%; Graçanica 2.3%; and Drenas 3.1%. According to the Government Administrative Instruction 3/2009, "Pastrimi" Enterprise operates in "8 municipalities", with Hajvalia and Graçanica already considered municipalities. Graçanica was planned to become a municipality during the year 2009, as Ahtisaari's Package proposes. Hajvalia, on the other hand, is part of Prishtina Municipality and there are no plans in changing that.

Administrative Instruction on Municipal Representation on the PE Directors' Boards defines how will Municipalities be represented on the Boards of Directors of PEs that function in two or more municipalities. The table below reflects local PEs, shares' percentages, shareholders and board representation.

Local Public Enterprise	Shareholders	% of shares	Participation on the Board of Directors
KRU "Bifurkacioni" Ferizaj	Ferizaj	85.3	3
	Kaçanik	14.7	1
KRM "Uniteti" Mitrovicë	Mitrovica	61.4	2
	Vushtrri	28.6	1
	Skenderaj	10.0	1
KRM "Higjiëna" Gjilan	Gjilan	72.4	2
	Kamenica	13.5	1
	Viti	14.1	1
KRM "Pastërtia" Ferizaj	Ferizaj	76.7	2
	Kaçanik	13.7	1
	Shtime	9.7	1
KRM "Ambienti" Peja	Peja	74.5	1
	Klina	10.6	1
	Istog	8.5	1
	Deçan	6.4	1
KRM "Eco-Regjioni" Prizren	Prizren	63.5	1
	Theranda	13.1	1
	Dragash	9.6	1
	Rahovec/Malisheva*	8.8/5.0	1
KRM "Pastrimi" Prishtina	Prishtina	77.4	1
	Podujeva	7.1	1
	Fushë Kosova/Obiliq*	5.6/3.0	1
	Lypjan/Glllogoc*	3.4/3.1	1

* Represented on 6-month rotation basis

** Government doesn't use the same names for the same municipalities in its decisions. In the Decision 10/39, a Municipality is referred to as Kastriot, whereas in the Instruction 3/2009 the name used is Obiliq. The same issue appears with Drenas/Glllogoc.

According to GAP Institute's research during September 2008 – March 2009 in 26 municipalities, municipalities show a tendency of criticizing regional public enterprises for problems with waste, water supply, etc. Municipalities perceive these

enterprises as being outside of their influence. Therefore, when water-supply or waste problems arise, they put the blame on PEs that operate at the regional level. However, municipalities appoint a member on the Board of Directors of a local PE,

through Shareholders' Municipal Committees, and can use the member to hold the PE accountable for its actions, which leaves no ground for them in blaming PEs for waste, water and other PE-related problems.

SHOQATA E INVALIDËVE TË LUFTËS TË
USHTRISË ÇLIRIMTARE TË KOSOVËS
THE SOCIETY OF WAR INVALIDS MEMBERS
OF KLA
SELIA - PRISHTINË

Government Allocates €343,510 for Repairing the Prosthesis of the KLA War Handicapped

Following a request from the Association of KLA War Handicaps (AWH KLA), the Government allocated €343,510 for repairing the prosthesis of the members of this association. These means will be shared from the “unexpected expenses of the Government” and will be transferred to the Ministry of Health, into the program “Medical Treatment Abroad”. Ministry of Health and the Ministry of Economy and Finance are required to implement the decision. With these

financial means, 80 people will be treated.

According to the AWH KLA, this association submitted eight requests to different ministries,

These funds will be used for medical treatment of 80 people

asking for €512,000 for the treatment of KLA war handicaps. The requests of the Association

are done based on the individual requests of war handicaps. In 2008, the Government decided to allocate €150,000 for the need of 25 war handicaps of KLA.

The Ministry of Labor and Social Welfare Working Plan foresees extension of agreements with Kilokot and Peja Health Spas, with the aim of sending war handicaps on rehabilitation. In 2008 only, the Government has financed 900 war handicaps for rehabilitation in these rehabilitation baths.

Government Lowers Compensations for Members of Public Enterprises Boards

At the 56th meeting of the Government, held on February 18, 2009, Government adopted the Rules on the Compensation Level for Public Enterprises Board Members through Decision 07/56. According to the Decision, there are 3 categories of compensation: first category includes Board Members of the Prishtina National Airport, PTK and KEK; second category includes Board Members of Kosovo Railways, and Transmission, System and Market Operator; and the third category includes the Board Members of central Public Enterprises for

drinking water supply, watering and waste management. Division

Chairs of PTK, KEK and Airport Boards will receive a maximum payment of €850 Euro.

Before this decision, they received €1000 per month and €100 per meeting

of public enterprises into these 3 categories is done based on

their activities, importance and generated income.

Prior to this decision, Public Enterprises Board Members were compensated according to a Kosovo Trust Agency (KTA) decision taken in March 2005. Based on it, compensations were higher, with Board Chairpersons from the first category getting €1000 per month and €100 additional for each meeting, while other members got €800 and €100 for each meeting.

Compensation will be paid as follows:

Category	Position	Maximum monthly compensation		
		Board of Directors	Auditing Commission	Other Commissions
Category 1	Chairperson	850	200	250
	Member	750	150	210
Category 2	Chairperson	500	150	130
	Member	400	120	110
Category 3	Chairperson	320	120	110
	Member	270	100	95

Kosovo Police Security Officers Become Police Officers

On February 20, 2008, the Kosovo Assembly has, through an accelerated procedure, approved the Law on Police, required also by the Ahtisaari Package. The Law entered into force on June 15, 2008, after the President's Decree. According to this law, from June 15, 2008, the Kosovo Police Service is referred to as the Kosovo Police (KP). The Law defines the ranks and functions of police officials, and according to Article 58.1, Police Officers of the operative level are: i) Trainee Police Officer, and ii) Police Officer.

But, nowhere did the Law

define KP Security Officers' status. According to the KP Spokesperson, Mr. Arber Bekaj, there are over 500 Security Officers employed at the KP, who are not Police Officers and have no right to carry weapons. This way, in order to solve their status, the Government of Kosovo, in its meeting on August 19, 2008, took a decision (04/30) to change the status of the Security Police Officers to Police officers. The KP Security Officers have completed many capacity-building training courses, but not the complete training program required for becoming a Police Officer. Therefore, the

Government of Kosovo, in its meeting on February 6, 2009, amended Decision 04/30. With the new Decision, changes of the status from Security Police Officers to Police Officers should be done in accordance with the KP recruitment procedures. Before changing their status to Police Officers, Security Police Officers should complete additional training at the Police School in Vushtrri, trainings which are currently ongoing, according to the KP Spokesperson.

10

The 2009 Government Working Plan is Approved

In its 53rd meeting, held on February 6, 2009, the Government took Decision 02/53 approving the 2009 Government Working Plan. It includes activities of the Office of the Prime Minister and 17 other ministries within the Government of Kosovo. The designed timeframes in the Working Plan are presented in three months

periods (K1-K4). Apart from the timeframes, the Working Plan

The ministries facing biggest challenges, such as the Ministry of Justice and Ministry of Health, have presented a poor plan for 2009

includes the budget for each activity, referred documents, involved stakeholders and plans which are foreseen to be achieved in 2009:

Office of the Prime Minister

- Submit 110 draft laws to the Assembly for approval;
- Sign a Memorandum of Understanding between the Office of the Prime Minister and the Ministry for European Integration of Albania; establish the Institute for Research and Gender Studies; develop stronger ties with Kosovar Diaspora;
- Organize the work for the feasibility study.

Ministry of Education, Science and Technology

- Amend and complete the New Curriculum Framework of Kosovo;
- Educational programs for Diaspora children;
- Review the Law on Professional Education;
- Work on Creation of the National Council for Informal Education;
- License institutions that offer informal education;
- Allocate grants for school development;
- Make the Career Orientation Center functional;
- Review the Law on Higher Education and Law on Primary and Secondary Education;
- Organize the Accreditation of the University of Prishtina and Private Institutions of Higher Education;
- Develop the national science program; publish a science magazine with peer review etc.

Ministry of Local Government Administration in Kosovo

- Implement the Decentralization Action Plan;
- Support the creation of new municipalities;
- Prepare a guidebook to measure and evaluate municipality performance;
- Establish a database of municipal statistics;
- Monitor the regular update of municipal web pages;
- Monitor the creation of Community Consultative Councils and Municipal Council on Community Security;
- Submit the Draft Law on Municipal Property Management and Draft Law on Municipality Residential Names.

Ministry of Forestry, Agriculture and Rural Development

- Complete legal framework (amend laws, submit 3 new laws and issue administrative orders);
- Rehabilitate irrigation systems;
- Establish Vineyard and Wine Cadastre, and establish the Enology Laboratory;
- Inspect mills and bakeries;
- Inspect producers of alcoholic and nonalcoholic beverages;
- Inspect tobacco producers and processors.

Ministry of Justice

- Build shelter for human trafficking victims;
- Build prison for protected witnesses;
- Build high security prison.

Ministry of Economy and Finances

- Përgatitja për hartimin e buxhetit të Kosovës për 2010, si dhe Kornizës Afatmesme të Shpenzimeve 2010-2012;
- Projekt hulumtues mbi procesin e inflacionit në Kosovë dhe projekt hulumtues mbi investimet në Kosovë;
- Fillimi i menjëhershëm i hartimit të marrëveshjeve për eliminimin e tatimeve të dyfishta;
- Krahasimi i legjislacionit doganor si dhe i akcizave të vendit me ato të regjionit dhe të UE-së;
- Krijimi i Njesisë për kontrollin e brendshëm të financave publike;
- Mbledhja e të hyrave nga TVSH-ja në import, akciza dhe obligimet doganore bazuar në projeksionet aktuale të MEF për vitin 2009 në shumë prej 663 milionë € ta cilat janë subjekt i rishqyrtimit nga MEF-i.
- Bashkëpunimi me doganat e rajonit, duke aspiruar statusin e anëtarit në Organizatën Botërore të Doganave;
- Themelimi i Njesisë së Avokatit të Tatimpaguesve;
- Themelimi i Njesisë së Hetimeve;
- Themelimi i Njesisë së Interpretimeve Tatimore;
- Themelimi i Njesisë për Matjen e Kualitetit të Kontrolleve;
- Funkcionalizimi i arkave fiskale.

Ministry of Energy and Mining

- Prepare “Energy Balance for 2008” and “Energy Demand Forecast for 2010”;
- Develop the National Plan for Energy Efficiency and establish the Energy Efficiency Agency;
- Establish a national database of energy statistics;
- Implement energy efficiency measures in public buildings;
- Establish energy efficiency auditing system;
- Establish database of mineral rich zones;
- Establish Kosovo Geological Services;
- Compile Kosovo Seismic Risk Map;
- Complete basic legislative framework and secondary legislation.

Ministry of the Kosovo Security Force

- Develop Trainings for Kosovo Security Force members, and ministry employees;
- Establish Trainings and Doctrine Center;
- Introduce vehicle registration plates for KSF and the Ministry;
- Purchase equipment to eliminate pyrotechnic explosive devices (€77,150), rifles (€465,000), handguns (€275,000) and ammunition (€1,250,000);
- Initiation of logistics asset management system of MKSF and KSF;
- Develop the KSF Strategy.

Ministry of Environment and Spatial Planning

- Check for compatibility of MESP laws with other legislation;
- Develop the following strategies: Strategy for Biodiversity, Strategy for Waste Management, Strategy for Air, Strategy for Waters, Strategy for Spatial Planning, Strategy for Informal Settlements, Strategy for Housing, Strategy for Construction and Spatial Plan for Special Purpose Zones;
- Make inspectorates fully-operational in the fields of constructions, spatial planning, waters and environment;
- Create the air quality monitoring network;
- Construct physical plants for the sterilization of infectious waste;
- Construct facilities for temporary storage of hazardous waste;
- Adjust the “Mirusha” river bottom in Gjilan; “Klina” river bottom in Skenderaj; and “Tërstena” river bottom in Vushtri.

Ministry of Culture, Youth and Sports

- Build Opera House and Theatre;
- Build the Contemporary Museum;
- Return archeological and ethnologic treasures to the Museum of Kosovo and return relevant documentation to the Institute for Protection of Monuments for 426 monuments;
- Restoration and Conservation of Prizren Castle;
- Proceed with works in sports halls;
- Continue efforts to create conditions for institutional management of Skiing school in Brezovica;
- Establish school sports leagues;
- Functionalize sports medicine sector and the anti-doping sector.

Ministry for Communities and Return

- Implement the national strategy for integration of RAE communities;
- Implement projects on sustainable return;
- Joint engagement with the Municipal Offices for Return to create a statistical database on the return process;
- Compile and publish a bulletin, DVD-s, and brochures to inform citizens about MCR activities.

Ministry of Labor and Social Welfare

- Draft primary and secondary legislation, such as the Draft Law on Labor (1st qtr of 2009); Draft Law on Unions; (2nd qtr of 2009); Draft Law on Strikes (last qtr of 2009);
- Establish the Department for Law Implementation, and create a government Committee for Implementation and Compatibility of Laws;
- Finalize the work on the Children's Recreational Center in Nashec;
- Build a Care Centre for the elderly in Gjilan;
- Build facilities for three Centers for Social Care;
- Build two Municipal Offices for Employment;
- Facilitate employment through the project "Autumn forestations 2009";
- Implement the project on seasonal employment of students in the German labor market
- Implement projects on public sector employment in the whole territory of Kosovo;
- Offer career orientation services for 200 students, as part of a pilot project financed by UNDP, which will also enable students to do internships in companies.

Ministry of Internal Affairs

- Draft nine pieces of legislation;
- Establish the new organizational structure of the Kosovo Police;
- Strengthen community policing;
- Develop operational plans for accident prevention and develop the Strategy for School Safety;
- Develop the following strategies: National Strategy and Action Plan to Combat Organized Crime; Strategy and Action Plan to Combat Terrorism; Strategy and Action Plan of Kosovo Police for Community Crime Prevention; modification of the National Strategy and drafting of the Action Plan for Integrated Border Management;
- Supply equipment to the authorities responsible for combating narcotics trafficking;
- Create the K9 Border Police Unit;
- Build Center for Asylum Seekers;
- Build a warehouse for storage of pyrotechnic and explosive devices;
- Build an additional facility to the Firefighters Training and Education Center;
- Establish an on-line civil status and a vehicle registration system;
- Establish and fully operate the Civil Registration Agency;
- Supply citizens with IDs and Kosovo vehicle registration plates;
- Establish the Institute for Higher Education in Public Safety and Security Studies.

Ministry of Foreign Affairs

- Become a member of IMF, WBO and other international financial organizations;
- Build special relations with USA (in cooperation with the respective desk);
- Draft Regulations on Foreign Services and Consular Services;
- Advance the NATO integration process;
- Research membership procedures for international financial institutions such as the European Bank for Reconstruction and Development;
- Research membership procedures for the World Trade Organization;
- Research membership procedures for international political institutions such as the United Nations and other bodies;
- Draft strategies for attracting foreign investments;
- Coordinate procedures for signing international agreements;
- Initiate bilateral agreements on visa liberalization;
- Draft the strategy for initiating procedures regarding multilateral agreements.

Ministry of Health

- Implement the Law on Health Insurance immediately after its approval;
- Achieve Millennium Development Goals (decrease infant mortality rates, improve mother's health care, etc.);
- Create a master plan for premises of health institutions.

Ministry of Public Services

- Implement the Public Administration Reform;
- Electronically archive national documents;
- Implement the e-Governance Strategy.

Ministry of Trade and Industry

- Establish the Central Laboratory for Metrology;
- Draft the Strategy on the Development of the Metrology System for the period 2009-2012;
- Integrate Kosova tourism in international tourism associations;
- Supervise and inspect sectors for petroleum and petroleum products, construction material and tourism;
- Adopt the Strategy for development of intellectual rights field in Kosova 2009-2014;
- Monitor the implementation of CEFTA;
- Prepare the application for membership to WTO;
- Organize and participate in international fairs to promote Kosova products;
- Organize the round table on industry.

Ministry of Transport and Post-Telecommunication

- Continue the project on road expansions Fushë Kosovë-Sllatinë-Komorani-Arrlat; and Prishtinë-Shkabaj-Milloshëvë (€31 million);
- Construct new roads (€23 million);
- Rehabilitate existing roads (€22 million);
- Construct and rehabilitate local roads (€12 million);
- Maintain and construct bridges (€12 million);
- Maintain roads network (€8 million);
- Improve traffic signs and correct black holes (€2.5 million)
- Draft an implementing plan for the Prishtina-Hani i Elezit highway; choose adequate financing method; construct the first part of the Morinë-Merdare highway;
- Implement the digital Takograf;
- Improve the infrastructure and increase the capacities of the Prishtina International Airport;
- Establish the Railway Regulatory Authority;
- Improvement and professional advancement for the system of car technical controls;
- Increase efforts to get the national phone dialing codes and national code for internet services;
- Create conditions for electronic trade, electronic procurement, and application of electronic signature;
- Develop the National Spatial Data Infrastructure;
- Create the Digital Archiving System.

The Government Work Plan 2009 is a voluminous document, while working plans differ in drafting methodologies from ministry to ministry. The timelines and budgetary expenses are not foreseen in many of the activities of these ministries. The Government did not publish its work plan, claiming it was a voluminous report which cannot be put online or be printed. However, the plan wouldn't be this voluminous, if better methods for presentation of activities were used, such as tables,

since, in the current plan, there are single sentence pages.

Many ministries have included statements of their work mission in their activities. There is no harmonization of activities among ministries. For example, the plan of Kosovo's membership to World Trade Organization was part of the activities of both the Ministry of Foreign Affairs and Ministry of Trade and Industry. On the other hand, Ministry of Education, Science and Technology and Ministry of the

Kosovo Security Force have used better methods to present their activities. Two main problematic sectors in Kosovo remain the health sector and judiciary, whereas the responsible ministries for these sectors have not presented a plan on how to overcome these problems. For every quarter, ministries will have to report to the Prime Minister on progress in implementation of their work plans.

What's Happening with January Decisions from Last Issue of GAP Monitor?

One of the main goals of GAP Monitor is continuous monitoring of the implementation of Government decisions. In the first issue, we analyzed and presented 18 government decisions taken in January.

In this issue, we will be also

focusing on the implementation of January decisions, especially the decisions that require follow-up activities and steps, with the aim of fulfilling the overall decision's goal. We will not monitor decisions regarding legislation, i.e. approval of administrative instructions and their

implementation since monitoring of legislative implementation would be very specific and would require much more space.

Below, we will list the decisions taken and their current status from the time they were taken:

1. Decision 02/50 on Recruitment for the Vacant SPAC Positions.

Even though this government decision, taken on January 16, 2009, was in contradiction with the decision of the Kosovo Assembly and laws in force, the Government has not yet filled three vacant positions after the withdrawal of international members from SPAC. Because of the nonfunctioning of SPAC, 12 out of 17 existing ministries have operated with acting

permanent secretaries. Although there were discussions to switch permanent secretary positions to political positions and regulate their status through the Draft Law on Government, such a thing was not included in the Draft Law that GAP Institute has seen.

Arsim Bajrami, Minister of Public Services, stated that the Kosovo Government plans to dissolve

SPAC and form another committee for senior appointments instead. According to this ministry, SPAC will not be functioning and as a result, the Government Decision 02/50 will not be implemented. Such decisions would lead to politicization of these positions and civil service within ministries.

2. Decision 02/51 on Increasing Pensions and Social Assistance by €5 and Civil Service Salaries by 10%

As reported in the first issue of GAP Monitor, the implementation of this decision has started in March

2009 and it includes retroactive payments for January and February 2009.

3. Decision 03/49 Allowing the Office for Communities Within the Office of the Prime Minister to Recruit Additional Staff

The Government of Kosovo, with the request of the Office for Communities, agreed to recruit additional staff. However, although this office has a separate budget

of €1 million, it still has not recruited any additional staff. The director of this office states that it is in the process of researching and evaluating the criteria for

recruitment of additional staff. The office should have researched and evaluated these criteria before it made the request.

4. Decision 04/49 on the Approval of Draft Law on Amending and Supplementing the Energy Regulatory Law

This Draft Law was approved by the Government, but it has not been approved in the first reading of the Kosovo Assembly that took place on March 26, 2009. The reasoning behind the rejection of the draft was the fear that it would jeopardize the independence of the Energy Regulatory Office. This would also lead to possibilities of conflict of interest, as the committee that is supposed to manage tenders is comprised of ministers.

5. Decision 04/51 on the Approval of Draft Law on Establishment of Forensic Medicine Department

This draft law has passed the first reading during an Assembly session held on March 12, 2009 and is now in the hands of the Parliamentary Committee on Legislation.

6. Decision 05/51 on the Approval of Draft Law on Amendment and Supplementation of Law on Petroleum and Petroleum Products Trade

This draft law has passed the first reading during an Assembly session held on March 12, 2009 and is in the process of being discussed on the Parliamentary Committee for Economy, Trade, Industry, Energy, and Transport and Telecommunication. In accordance with the Rules and Regulations of Kosovo Assembly, this draft law should be discussed in the second reading within a period of 2 months.

7. Decision 05/50 on approval of Draft Law on Business Organizations Financial Statements

This draft law was approved by the Government on January 16, 2009 and passed the first reading at the Assembly on February 26, 2009, but was withdrawn by the Government for further revision. This hasty Government action was taken because it had not done all the analyses of the Law before final approval. The Government has not yet scheduled when this draft law would be resent to the Assembly for approval or whether the Government will take any other decision.

8. Decision 06/05 on the Approval of the Draft Law on Employment of Foreign Citizens in Kosovo

This draft law has already passed the first review of the Assembly during the session of March 12, 2009, and is now up for a final review in the Parliamentary Committee for Health, Work and Social Welfare. The approval of this law has been criticized by a number of Assembly Members, who claim that the Draft Law on the Employment of Foreign Citizens should be based on the Labor Law, which doesn't exist.

9. Decision 08/51 on the Amendment of the Decision 23/48 Regarding the Allocation of Funds for the Statue of the Former US President Bill Clinton

This Government decision was taken prior to the signing of the decision it refers to – Decision 23/48. After the publication of 1st issue of GAP Monitor, after questions were raised as to why the decisions of the 48th Government Meeting have not been made public, the Government acted and made them public. In early March 2009, the Government has allocated €25,000 to the “Friends of America, Friends of Bill Clinton” association. The association has then forwarded these funds to the sculptor in Albania, who was contracted to build the statue. The official revealing ceremony of the statue in the “Bill Clinton” boulevard will take place on August 19, 2009, on the birthday of the former US president. It remains yet to be seen if the statue will be revealed on the announced date. Since the Government has provided the funding for this project, they are obliged to monitor the completion of the project. GAP will report on the developments of this decision after August 19, 2009, in order to see if this decision will be materialized in practice.

10. Decision 03/52 on the Establishment of the Committee for Managing the Fund to Support Minority, Multiethnic Media and Other Special Groups

The Committee that consists of 6 members will manage the €200,000 fund. On March 31, 2009, this committee has published a call for applications from the minority media. According to the announcement, the applying media organizations should fulfill the following conditions: they need to prove that they possess informative, entertainment and educational programs tailored to an identifiable population of at least 500 families; the frequency hosts must be Kosovo citizens who perform business activities in Kosovo

based on the laws and regulations currently applicable in the country; they should operate according to the current Law as well as the Regulation on the Independent Media Commission, and the Code on Printed Media; the media organizations need to present their financial situation and demonstrate the need for further funding; etc. According to the announcement, any media organization can apply with more than one project, but only one project may get the funding; the organizations also need to

demonstrate that they are able and willing to contribute up to 15% of the required funding for the proposed project. The application deadline is on April 20, 2009. Not more than 30 days after the deadline the Committee will announce the winners. GAP will continue to report on the developments of this announcement after May 20, 2009, the day when the Committee will announce the media organizations who won the grants for their proposed projects.

11. Decision 07/51 on the Allocation of €20,000 for the House Renovation Belonging to the Family of the Martyr Hasan Ramadani

The promised €20,000 were allocated accordingly and work has already started on the renovation of the martyr's home. According to the KLA

War Veterans Association's Podujeva Branch and at the same time the association which requested these funds, the works will be completed

very soon and will be followed by a manifestation where officials from the Government of Kosovo will be present, amongst other guests.

12. Decision 06/51 on the Allocation of €100,000 for the Renovation of the Damaged Houses in the "Kroi i Vitakut" Neighborhood in Mitrovica

For the implementation of this project, the Government has formed a 5-member Inter-Governmental Committee, which has already held its first meeting. According to officials from the Mitrovica Municipality, this municipality is

responsible for procurement and monitoring of the work that will take place. These funds will be used for the renovation of 5 houses in the "Kroi i Vitakut" neighborhood in Mitrovica, which were destroyed during the unrest of December 2008.

For the completion of the required work, the Mitrovica Municipality has announced a public tender, which will be closed by the end of March. GAP Institute will continue to report on the further developments of this project.

13. Decision 05/49 on the Allocation of €100,000 for Repairing the Damages Caused by the Last Unrests in the Northern Part of Mitrovica Municipality

The Government has not specified who is responsible for the implementation of this decision and who should receive the allocated funds from the MEF Reserve Fund. In comparison to Decision 06/51, where the Government also disbursed €100,000 for the renovation of damaged houses in "Kroi i Vitakut" neighborhood, spending of the allocated funds for this decision (Decision 05/49) will not be monitored by any working group. However, according to Mitrovica Municipality officials,

MEF has allocated these funds to the Municipality. The Mitrovica Municipal Assembly has formed a committee to evaluate the damages caused during the last unrests in the northern part of Mitrovica, which happened on December 2008. According to the committee evaluations, there are 5 houses, 4 shops which were burnt down and one person has been wounded. The works of the damaged houses are almost completed and the Municipality will then reimburse the completed work. The material

damages caused on the goods in the 4 shops that were burned down will not be compensated fully according to the statements of the shop owners to the police. The actual value of the material damages reaches very high values that the Municipality cannot cover. Hence, the Mitrovica Municipality will make the compensation for the shop owners based on evaluations of their own, which are not yet clear. On the other hand, the Municipality will provide €2,000 for the medical expenses of the injured.

SUMMARY

In February 2009, the Government of Kosovo held 4 meetings, in which it has taken 13 decisions: 3 were taken in the 53rd; 2 in the 54th; 2 in the 55th; and 6 decisions in the 56th meeting of the Government. Below there is a listing of all the decisions taken during February, in chronological order.

1. Decisions from the 53rd meeting of the Kosovo Government, February 6, 2009:

- 1.1 Decision 02/53 on the Approval of the 2009 Government Work Plan;
- 1.2 Decision 03/53 on the Allocation of €343,510 to KLA War Veterans Association for Repairing Prosthesis of its Members;
- 1.3 Decision 04/53 on the Amendment and Implementation of Decision 04/30 of August 16th 2008 on Changing the Status of the Security Officers of the Kosovo Police to Police Officials of the Kosovo Police.

2. Decisions from the 54th meeting of the Kosovo Government, February 13, 2009:

- 2.1 Decision 02/54 on the Approval of the Proposal of the Ministry of Foreign Affairs that the Legislative Strategy for the Year 2009 of the Government of the Republic of Kosovo Includes the Draft Law on the Modification of the Law on Public Procurement 2003/17;
- 2.2 Decision 03/54 on the Establishment of the Governmental Working Group for the Harmonization of Positions and Finalization of the Draft Law on Government.

3. Decisions from the 55th meeting of the Kosovo Government, February 14, 2009:

- 3.1 Decision 01/55 on the Establishment of the Governmental Committee for Organizing Republic of Kosovo Independence Day Celebrations;
- 3.2 Decision 02/55 on the Allocation of €150,000 for the Organization of Celebrations Related to the First Anniversary of Kosovo's Independence.

4. Decisions from the 56th meeting of the Kosovo Government, February 18, 2009:

- 4.1 Decision 02/56 on the Approval of the Proposal for Installing Fiscal Machines in the Territory of the Republic of Kosovo;
- 4.2 Decision 03/56 on the Approval of the request from the Governmental Committee on Demarcation of the Border between Republic of Kosovo and Republic of Macedonia, Regarding the Allocation of € 279,276 Continuation of Work in 2009;
- 4.3 Decision 04/56 on the Allocation of €360,000 for Paying the Rent for 2009, in a Sum of € 100 Per Family, for the Displaced North Mitrovica Families;
- 4.4 Decision 05/56 on the Approval of the Request from the PTK Board of Directors for the Possibility of Expanding their Business Operations to Albania by Participating in the Tendering Process for the Fourth Mobile Operator in Albania;
- 4.5 Decision 06/56 on the Approval of the Administrative Instruction on the Format of Municipal Representation on the Boards of Directors of Various Local Public Enterprises;
- 4.6 Decision 07/56 on the Approval of Regulations for the Compensation Level for the Board Members of Central Public Enterprises.

INSTITUTE FOR ADVANCED STUDIES



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GAP Institute is a Kosovar Think Tank that works in bridging the gap between Kosovo citizens and governance toward advancing the Kosovar society.