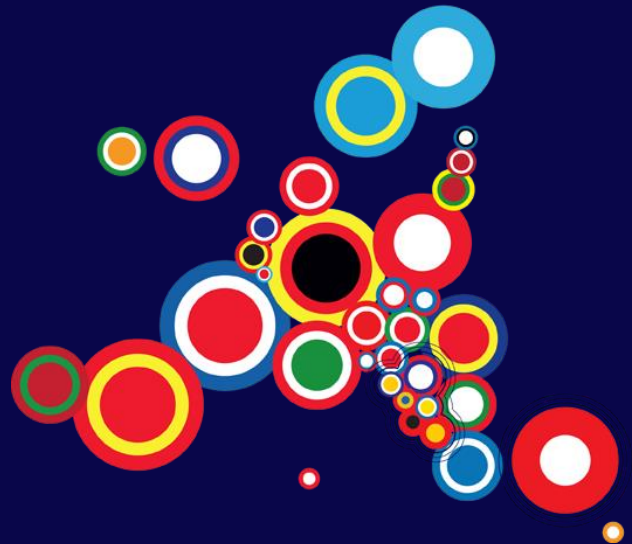




## INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

### Kosovo\*

#### EU Acquis Approximation Facility and Young Cell Scheme



#### **Action summary**

The main aim of the action is to further support Kosovo's with approximation with the EU acquis through strengthening technical and administrative capacity of the administration and the assembly in relation to Kosovo's European Reform Agenda, EULEX gradual handover of responsibilities to Kosovo and other relevant political developments. In addition the action will aim to enhance the institutional capacities of the Assembly as to operate more closely with EU standards, specifically on legal approximation process and increase oversight function towards the executive and will support the public administration reform efforts through a scholarship programme that aims at improving the professional capacity of the civil service to better serve Kosovo citizens and meet the obligations arising from the SAA.

\*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

<b>Action Identification</b>	
<b>Action Programme Title</b>	Annual Action Programme for Kosovo for the Year 2018
<b>Action Title</b>	EU Acquis Approximation Facility and Young Cell Scheme
<b>Action ID</b>	IPA 2018 / 041245 / 01/ Kosovo/EU Approximation Facility
<b>Sector Information</b>	
<b>IPA II Sector</b>	1. Democracy and Governance
<b>DAC Sector</b>	43010
<b>Budget</b>	
<b>Total cost</b>	EUR 6 112 800
<b>EU contribution</b>	EUR 5 612 800
<b>Budget line(s)</b>	22 02 01 01
<b>Management and Implementation</b>	
<b>Management mode</b>	Direct management
<b>Direct management:</b> <b>Indirect management:</b>	European Union Office in Kosovo
<b>Implementation responsibilities</b>	European Union Office in Kosovo
<b>Location</b>	
<b>Zone benefiting from the action</b>	Kosovo
<b>Specific implementation area(s)</b>	Kosovo
<b>Timeline</b>	
<b>Final date for concluding Financing Agreement(s) with IPA II beneficiary</b>	At the latest by 31 December 2019
<b>Final date for concluding delegation agreements under indirect management</b>	
<b>Final date for concluding procurement and grant contracts</b>	3 years following the date of conclusion of the Financing Agreement, with the exception of cases listed under Article 114(2) of the Financial Regulation
<b>Final date for operational implementation</b>	6 years following the conclusion of the Financing Agreement
<b>Final date for implementing the Financing Agreement (date by which this programme should be de-</b>	12 years following the conclusion of the Financing Agreement

<b>committed and closed)</b>			
<b>Policy objectives / Markers (DAC form)</b>			
<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<b>x</b>
Aid to environment	<b>x</b>	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	<b>x</b>	<input type="checkbox"/>
Trade Development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Biological diversity	<b>x</b>	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>

# 1. RATIONALE

## PROBLEM AND STAKEHOLDER ANALYSIS

The 2018 Kosovo Report emphasises Public Administration Reform (PAR) as one of the main fundamentals that require particular attention. As most of the Kosovo Reports from 2009 onwards stress that ensuring the delivery of public services to all people in Kosovo and establishing a professional, accountable, accessible, representative public administration free from political interference is a key priority. The 2018 Kosovo Report acknowledges the progress that Kosovo has achieved over the years. However, given Kosovo's ambitious reform agenda, continued strong political commitment is essential to ensure its implementation. Moreover, the performance, professionalism and efficiency of public administrations are key foundations not only for the political development and Kosovo's European path, but also for its economic development.

The Stabilisation and Association Agreement (SAA) between the European Union and Kosovo, an EU-only agreement, entered into force on 1 April 2016. The SAA establishes a contractual relationship that entails mutual rights and obligations and covers a wide variety of sectors. The SAA focuses on respect for key democratic principles and core elements that are at the heart of the EU's single market. The SAA aims at the gradual development of a free trade area between the EU and Kosovo where free movement of goods, services and capital are mutually guaranteed and where the application of European standards in areas such as competition, state aid and intellectual property rights are upheld. Other provisions cover political dialogue, cooperation in a wide variety of sectors ranging from education and employment to energy, the environment and justice and home affairs. The SAA obligations assume that Kosovo's public administration is ready and capable to adopt and implement the SAA in an efficient and effective manner. As part of overall PAR efforts, Kosovo's main priority is to establish the policy planning system and ensure better regulation, as well as to prepare the structures and strengthen the capacities required for the implementation of the SAA.

EULEX is the EU's largest Common Security and Defence Policy (CSDP) mission. Since 2008, the EU rule of law mission **EULEX** has been monitoring, mentoring and advising Kosovo on the rule of law, notably on justice, police, customs, civil registry matters and home affairs and assumed some executive responsibilities. The process of gradual handover of responsibilities from EULEX to the Kosovo authorities and phasing out EULEX activities has been ongoing since 2014. This process is accompanied by financial assistance from the EU. The EULEX mandate was renewed in June 2018 for a two-year period. The Mission was extended until June 2020 with a revised mandate. EULEX will transfer most of its executive responsibilities to the Kosovo authorities and focus on monitoring the progress of local institutions, including the fate of the cases handed over to the local judiciary. Most of the EULEX mentoring and advising tasks will be assumed by other EU presence, mostly the IPA projects and the newly created Rule of Law Strategic Advice Section within the EU Office, while some tasks in relation to the Dialogue will be carried out by the EUSR.

Kosovo, supported by a number of donors including the European Union (EU), places significant importance on improving the statistical system to align to international standards. Official statistics are used for decision making by local and international policy makers, businesses and society at large. It is an essential tool for the development of democratic and market oriented societies. Building a sustainable statistical system according to EU and international standards is a demanding and lengthy process.

Despite the progress made in several areas of statistics, in general Kosovo continues to have made limited progress in the sector. The main problems encountered are related to: (i) the harmonisation of the produced statistics with central processes, (ii) the quality and reliability of the produced statistics, and (iii) alignment of Kosovo statistics with the EU standards and methodologies.

### *Support to the Assembly*

The European agenda remains Kosovo's priority, and there is a full consensus within the political spectre thereon. However, the core competences of the Assembly – legislative and oversight function and representation need to be improved

The Assembly needs to substantially improve its performance as a forum for constructive political dialogue and representation, as well as to guarantee proper checks and balances. Both the ruling coalition and the opposition should intensify their parliamentary work and seek consensus on EU-related reform priorities. Overall, the Assembly's effective oversight of the executive and the transparency and quality of law-making need to be improved, and the use of urgent procedures should be limited.

The Assembly has 120 deputies that are elected by secret ballot on the basis of an open list. The 100 seats in the Assembly are distributed among all parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received in the parliamentary elections. 20 seats are reserved for the additional representation of non-majority communities in Kosovo: 10 seats are allocated to parties, coalitions, citizens' initiatives, and independent candidates that represent the Kosovo Serb Community. Ten other seats are allocated to other communities: 4 seats for Roma, Ashkali and Egyptian Communities, 3 seats for Bosnian Community, 2 seats for Turkish Community, and 1 seat for the Gorani Community.

The work of the Assembly is organised through:

- Presidency (In accordance with the Rules of Procedure, the Presidency meets every working week of the Assembly to prepare the agenda for the meeting of the next Assembly session as well as to prepare the agenda for the next coming two weeks).
- Four Standing Committees (Committee on Budget and Finances; Committee on the Rights, Interests of the Communities and Return; Committee on Legislation, Mandates, Immunities, Rules of Procedure of the Assembly and the Oversight of the Anti-Corruption Agency; Committee for European Integration).
- Ten Functional Committees (Committee on Foreign Affairs, Diaspora and Strategic Investments; Committee for Education, Science, Technology, Culture, Youth, Sports, Innovation and Entrepreneurship; Committee for Economic Development, Infrastructure, Trade, Industry and Regional Development; Committee on Agriculture, Forestry, Rural Development, Environment and Spatial Planning; Committee on Health, Labour and Social Welfare; Committee on Public Administration, Local Governance and Media; Committee on Internal Affairs, Security and Oversight of the Kosovo Security Force; Committee on Human Rights, Gender Equality, Missing Persons and Petitions; Committee for the Oversight of Public Finances; Committee for the Oversight of Kosovo Intelligence Agency).

The Administration of the Assembly has 178 civil service staff. The Office of the Secretary General (SG) comprises of two General Directories: the General Directory for Legal and Procedural Affairs and the General Directory of Administration. The SG office has the following organisational units: Directory for Protocol and International Relations, Directory for Media and Public Relations and the Procurement Directory. Under the direct supervision of the Secretary General are the Internal Auditor and the Certifying Officer for Finances.

In addition, under the SG the Assembly has the General Directory for Legal and Procedural Affairs, which is responsible for providing the professional legal and procedural for the Assembly and its bodies, thorough organisational units. The General Directory for Legal and Procedural Affairs consists of the following organisational units:

- a. Directory of Plenary and Procedural Affairs
- b. Directory for the Support of Parliamentary Committees
- c. Directory for Legal Standardization, Approximation and Harmonization, and
- d. Directory for Research, Library and Archive

The General Directory for Administration, through its organizational units, provides technical, professional and administrative support to the Assembly and its bodies. It is comprised of the following organizational units:

- a. Directory for Budget and Payments,

- b. Directory for Information Technology (TI),
- c. Directory for Technical Services,
- d. Directory of Personnel,
- e. Directory for Linguistic Services

The 2018 Kosovo Report emphasises the need for the Assembly to substantially improve its performance as a forum for constructive political dialogue and representation, as well as to guarantee proper checks and balances. Parliamentarians are frequently absent from plenary sessions leading to a lack of quorum. Consequently, agenda items are often delayed from session to session. Political polarisation and obstructive behaviour, including the use of teargas, has hindered the work of the Assembly. Overall, the Assembly's effective oversight of the executive and the transparency and quality of law-making need to be improved, and the use of urgent procedures limited.

Ministerial attention to legislation in the Assembly, from proposals until adoption, needs to be improved. Ministers' failure to attend plenary sessions and failure to answer parliamentary questions continue to undermine transparency, accountability and communication with the Assembly. The Assembly needs to establish an ambitious work plan to address the increasing workload and to make up for lost time. The Assembly should plan its work in advance by presenting agendas every 6 months with dates of regular weekly plenary sessions to enable proactive oversight and ensure checks and balances.

The Assembly continued holding irregular plenary sessions between 2017 and 2018. The fast-track procedure was frequently used (22 out of 115 laws were adopted in this way). This resulted in legislation being adopted without substantive debate or stakeholder consultation, including legislation of vital importance, such as the annual budget.

Parliamentary oversight of the executive and independent agencies remains weak. While parliamentary committees continued consultations with relevant stakeholders, improvements are required on early notification and follow-up. Furthermore, the Assembly lacks the powers and capacity to effectively supervise the 32 agencies / bodies, which report directly to it. The Assembly often failed to appoint, in a timely manner or on the basis of merit, professional board members for several independent institutions. Apart from the proper legal and procedural background that defines tools and mechanisms of oversight, it is indispensable that a culture of oversight develops.

The third EU funded twinning project in the Assembly was concluded in March 2018 with the Member State partners collecting 224 recommendations in an Action Plan establishing a prioritisation of tasks and a differentiation between issues of political or administrative nature. The Action Plan indicates clear deadlines and bodies responsible for implementation and also possible budgetary consequences where relevant. According to the Action plan with Recommendations, there is a need to support Kosovo Assembly in many areas, mainly to improve its legislative and oversight functions, approximation of Kosovo legislation with the EU *acquis*. Kosovo Assembly needs to develop methods for raising public awareness and external communication on the parliamentary activities on European issues. The implementation of SAA requires an increasing number of quality expertise and EU knowledge in judicial, economic and political matters. The capacity of the EU Integration Committee should be increased to reflect its key role in advancing EU-related reforms. Furthermore, it is necessary to strengthen administrative structures that satisfy the requirements of the EU *acquis* in a number of areas, including the EU gender equality *acquis*.

During the last quarter of 2018, the EUO will contract an evaluation of EU-funded support to the Kosovo Assembly to identify areas which need support. The recommendations of the evaluation will feed into the planned future support to the Assembly and specify the needed details to the current action document.

### *Young Cell Scheme – Round XIII*

Building on the success of the previous rounds of Young Cell Schemes (YCS), this action foresees the continuation of the programme with a view to further strengthening the Kosovo civil service, especially in view of the ongoing public administration reform efforts and the obligations and challenges stemming from the implementation of the Stabilisation and Association Agreement (SAA).

Since 2004, a total number of 272 grantees from Kosovo have benefited from a scholarship under the Young Cell Scheme. The Young Cell Scheme evolved throughout the years from a Master scholarship scheme for general European Studies (Rounds I-V) into more sectoral development grants (Rounds VI – X) – meaning scholarships aimed to build professionals in specific sectors of Kosovo Approximation with the EU Acquis, based on the necessity for specific expertise in different sectors of the public administration. Since Rounds IXa and X, the YCS provides scholarships to a selected number of civil servants, as well for Round XI.

From the external evaluation carried out in 2012 for Rounds I – VII, out of the total of 153 grantees (Rounds I-VII), 117 grantees (76%), were employed by the Kosovo institutions, while 36 grantees (24%) did not join the Public Administration.

As for the second external evaluation carried out in 2015 for Round VIII and IX (64 grantees in total awarded with a scholarship), 32 (80%) Round VIII and 17 (71%) Round IX grantees were employed by the Institutions of Kosovo. In 2016 this number raised to 34 (85 %) for Round VIII and to 20 (80%) for Round IX. The evaluation of Round X was carried out in 2017. Out of 35 grantees, 28 have been already employed, 2 of them have extended their studies for one additional year (so for them the obligation to work for the government will start after one year), and 5 of them have not been employed. Until the end of this year, the Ministry of European Integration will look at the possibilities to employ them as well.

The retention rate after obligatory three years of employment has been already requested by the EUO before the end of Round X. The Ministry of European Integration, in cooperation with Ministry of Finance and Ministry of Public Administration, is collecting the information and we expect to have the data before the start of this round.

The main recommendations coming from the last evaluation in 2017 to improve the YCS are:

- All institutions should assess their strategic needs (priorities for fields of study);
- The lack of a long-term incentive strategy that could prevent potential brain drain from the public sector towards the private and/or international one. The scarce incentives of the Public Administration (PA) are perceived not only in financial terms, but also in terms of career advancement;
- The legal placement of the grantees in the Public Administration is unclear, because the Ministries are not legally bound to employ YCS graduates;
- Lack of communication and collaboration between Institutions could be considered as a transversal challenge for the YCS, which is also linked with the overall process of YCS employment.

The 2018 Kosovo Report states that the education sector is not properly aligned with labour market needs, resulting in the lacking employability of graduates and a significant skills premium. Public spending on education remained unchanged at 4.6 % of GDP in 2016, which is broadly in line with middle-income countries with similar age profiles. However, considering the relatively high number of students, Kosovo spends considerably less than some neighbouring countries per student in primary and secondary education. Enrolment at tertiary level is very high with 120,000 students in both public and private higher education institutions. However, low PISA scores and a high unemployment rate among higher education graduates (26.7 % in Q3 2017) indicate the poor quality of education in general and its misalignment with labour market needs. Given this situation, Kosovo should work on developing closer cooperation between the educational and the private sectors.

Education remains a high-risk sector for corruption and political influence, especially in higher education. The Kosovo institutions also decided to dismiss the members of the Presiding Board of the University of Pristina, which deprives the institution from having a stable management able to carry out their duties and reforms.

Within the public administration, women remain under-represented, particularly in decision-making positions. Women comprise only 37.25% of civil servants and occupy only 27.8% of senior level posts. Thus, the public administration has not yet sufficiently implemented the Law on Gender Equality, which calls for equal representation at all levels of decision-making, defined as 50% of each gender. Women, including minority women, are particularly under-represented in occupations traditionally considered “for men”. Affirmative measures are needed, as foreseen by this Law, to increase women’s participation in the public administration. This is particularly true considering that young women’s unemployment rates (60.2%) far exceed those of young men (47.1%).

## OUTLINE OF IPA II ASSISTANCE

With the view to assist Kosovo in advancing its European Reform Agenda, the activity supporting the EU acquis approximation facility will contribute to the strengthening of technical and administrative capacity of the Kosovo administration and to support the effective and efficient management and absorption of EU funds. It will support specific projects that cannot be programmed in advance. These aim, on the one hand, to help prepare and implement action responding to the challenges identified in the SAA, the Economic Reform Programme (ERP) and the European Reform Agenda (ERA), the Kosovo Report, and in the improvement of the Kosovo's electoral framework, the gradual handover of responsibilities from EULEX to the Kosovo authorities and the visa liberalisation process. On the other hand, these will implement any action necessary to support the measures the EU could take in response to recent developments, which cannot be identified at this stage, as they depend on the progress made with Kosovo's legislation and institutions.

Supporting the Kosovo institutions will happen in a coordinated manner with other donors, especially those that are supporting the Ministry of European Integration aiming to support Kosovo by increasing and strengthening the capacities in relation to its European perspective.

The main stakeholder for this action is the Ministry of European Integration (MEI), which was established in April 2010. The mandate of the MEI was defined by decision of Kosovo government in May 2010, setting out its competencies of management, co-ordination and monitoring. The decision emphasises the strategic role of MEI in ensuring a centralised and harmonised co-ordination of all central institutions that are stakeholders in the implementation of the European agenda. In order to ensure proper follow-up and the implementation of various priorities linked to its European perspective, Kosovo set up the necessary structures with the so-called Reform Package (or Plan on European Integration 2008-2010). These structures were formalised through a decision in August 2008. The package mainly aimed at establishing institutions that could effectively run a complex and sophisticated process linked to Kosovo's European perspective.

An in-depth analysis of the work of the Assembly has been carried out through a twinning project, as well as in the 2018 Kosovo Report. From these analyses, it has become clear that further support to the Kosovo Assembly is needed. Since the Assembly has been continuously supported by the EU with the third twinning project that finished in March 2018, an evaluation of past support will provide an overall independent assessment with key lessons and recommendations in order to improve the current action, to be included in the detailed Guidelines for Applicants. The evaluation will be finished by the time when IPA 2018 will be approved.

Support to the Assembly will be focused on:

- Enhancing the accountability and effectiveness of the Assembly in its legislative functions notably on the EU legal approximation process. More specifically, assistance will be provided for the deepening of the cooperation of the Assembly bodies on EU matters. Additionally, the engagement of the Assembly administration in these processes will be facilitated through support in the establishing of the necessary procedures and structures.
- Oversight functions towards the executive and independent agencies, for which the Assembly will have to establish a realistic work plan to address the increasing workload. This plan should contain the number of regular hearings organised by the Assembly at the level of Committees and plenary. The Assembly should plan its work in advance by presenting agendas every 6 months with dates of regular weekly plenary sessions enabling proactive oversight and ensuring checks and balances; regular monitoring mechanism for the used oversight tools is needed.

The last activity – Young Cell Scheme under this action seeks to establish a new generation of civil servants who will act as initiators of change and reforms part of Kosovo's European path. The implementation of the proposed activity will take into account the recommendation from the Evaluation regarding Round X, carried out in 2017. In order to produce immediate and tangible results, as well as long-term intended impact on the target audiences and final beneficiaries, the Young Cell Scheme needs to be institutionalised by the Kosovo Institutions. Part of this institutionalisation is Kosovo's co-funding that has been ensured starting from Round X. Nonetheless, there continues to be a need to establish a standardised recruiting strategy in order to ensure the employment of YCS grantees in the Public Administration. In addition, the monitoring of employment process in PA and their carrier development is needed in order to establish an impact analysis of



the YCS for PAR. As a direct consequence of the implementation of the Action, the following results will be achieved:

**Result 1:** Selected candidates, chosen on the basis of current and forecasted professional administrative capacity gaps in the Kosovo public sector, complete postgraduate degrees in universities throughout the EU in relevant technical fields, and are subsequently employed by the Kosovo institutions.

**Result 2:** The Young Cell Alumni association continues to operate in a sustainable manner and provides a forum for YCS alumni to be active participants in Kosovo public administration reform efforts and further develop their EU related skills and capabilities.

The overall Action will contribute to EU Gender Action Plan II (GAP II) Objective 17: “Equal rights and ability for women to participate in policy and governance processes at all levels”, among others.

## **RELEVANCE WITH THE IPA II STRATEGY PAPER AND OTHER KEY REFERENCES**

In February 2018, the EU Commission adopted the strategy for 'A credible enlargement perspective for and enhanced EU engagement with the Western Balkans'. It outlines the priorities and areas of joint reinforced cooperation, addressing the need for fundamental reforms and good neighbourly relations. In addition, the Kosovo 2018 Report clearly emphasises the need for further work on Kosovo's alignment with EU standards.

Efficient and effective public administration is crucial to fulfil the Copenhagen criteria and has a key role to play in improving governance through more stable institutions and the implementation of the public administration reform agenda.

One of the four objectives pursued under the IPA Indicative Strategy Paper for Kosovo 2014-2020 is the strengthening of the ability of the IPA II beneficiary to fulfil the obligations linked to the European perspective by supporting progressive alignment with, implementation and adoption of the EU *acquis*. This requires that all ministries and other relevant institutions build the capacities and secure the resources to be able to address the related key challenges. All actions financed under this action will be directly or indirectly linked to Kosovo's European path. Specific reference is included in the section IV of the Indicative Strategy Paper for Kosovo, namely that IPA II will support the implementation linked to the developments of the EULEX mission.

IPA II assistance will support Kosovo to continue its reform of public administration at central and local level, including the enforcement of legislation on the civil service. This will necessarily include developing the capacities of both women and men in the civil service, as well as ensuring equal opportunities in terms of gender. IPA II will support the alignment of the Kosovo institutional framework and capacities with the standards required by the *acquis* in particular for the implementation of the SAA. This includes alignment of the Kosovo institutional and legal framework to EU gender equality *acquis*, especially in light of the emphasis put on gender equality and women's rights in the 2014 “European Council Conclusions on Enlargement and Stabilisation and Association Process”.

The action will mainly contribute to the implementation of the ongoing IPA projects as well as the ones planned for the near future. More specifically, it will focus on supporting MEI and other ministries in reaching the set objectives in the IPA Indicative Strategy Paper for Kosovo 2014-2020. Specifically, to guide reforms under the implementation of the SAA, the Commission and Kosovo started work on a European Reform Agenda for Kosovo. The Agenda outlines priority actions in the fields of good governance and the rule of law, competitiveness and investment climate, and employment and education.

The relevance with the IPA II and other strategies the activity supporting the assembly has been identified as follows:

**The Strategy for the Western Balkan**, published in February 2018, is confirming the European future of the region as a geostrategic investment in a stable, strong and united Europe based on common values. It spells out the priorities and areas of joint reinforced cooperation, addressing the specific challenges the Western Balkans face, in particular the need for fundamental reforms and good neighbourly relations. A

credible European perspective requires sustained efforts and irreversible reforms. Progress along the European path is an objective and merit-based process that depends on concrete results achieved.

**The 2018 Kosovo Report** published in April 2018 stresses the weak performances of the Assembly, which needs to substantially improve its performance through constructive political dialogue and by guaranteeing proper checks and balances.

The **Indicative Strategy Paper** sets out the priorities for EU financial assistance for the period 2014-2020, and aims to support Kosovo on its European path. For PAR to take place, the Assembly of Kosovo should support political reforms, and the strengthening of the ability of Kosovo to fulfil the (future) obligations stemming from its European perspective.

**With the National Strategy on European Integration** Kosovo has committed to the strengthening of its institutional capacities of the Assembly Committee on Public Administration.

**The Twinning project “Further Support to Kosovo Assembly”**, implemented by the Hungarian National Assembly between 2016 and 2018 provided a detailed set of findings and recommendations that have been translated into an Action Plan for the further development and capacity building of the Assembly.

**Stabilisation and Association Agreement (SAA)** under title VI - Approximation of Kosovo Laws, Article 74 states the following: “The Parties recognise the importance of the approximation of the existing legislation in Kosovo to that of the EU and of its effective implementation. Kosovo shall endeavour to ensure that its existing law and future legislation will gradually be made compatible with the EU *acquis*. Kosovo shall ensure that existing law and future legislation will be properly implemented and enforced. This approximation shall start on the date of signature of this Agreement, and shall gradually extend to all the elements of the EU *acquis* referred to in this Agreement by the end of the transitional period defined in Article 9. Approximation will, at an early stage, focus on fundamental elements of the EU *acquis* in the field of the Internal Market, and in the field of Freedom, Security and Justice, as well as on trade-related areas. At a further stage, Kosovo shall focus on the remaining parts of the EU *acquis*.” For that purpose, this project will support the Assembly administration in strengthening its administrative capacities.

**According to the first obligation of the NPISAA** (National Plan for Implementation of the SAA), the SAA is a legally binding framework and establishes contractual relations between Kosovo and the EU. These obligations are met through approximation of Kosovo legislation with the *acquis*. More precisely, the implementation of the SAA takes place into the first stage (during the first five years), and the second stage (during the second five years). Article 74 provides that the priority areas in which is required full alignment with the *acquis* and its implementation in the first phase of three to five years (respectively 2016-2019 and 2016-2021) are those related to the internal market, trade, as well as justice, freedom and security.

**Declaration and Recommendations of the European Union - Kosovo Stabilisation and Association Parliamentary Committee (SAPC)** emphasised that the Kosovo Assembly’s oversight of the work of the Kosovo institutions needs to be further strengthened and called on them to create the necessary conditions to enable the Assembly to exercise its oversight role. Furthermore, the declaration stressed the importance of the active and constructive participation of the opposition in the decision-making processes within the democratic institutions. Additionally, it advised the Assembly to conduct timely and open parliamentary debates organised by the ruling coalition, which should avoid fast-track procedures of adoption of sensitive laws. Also, the declaration called for the upgrading of the capacity of the EU Integration Committee given its important role in advancing EU-related reforms, and highlighted the need for increased civil society engagement by all institutional bodies and institutions in decision-making at all levels;

With regard to Young Cell Scheme, the Action will contribute to the implementation of **the Strategy for Modernisation of the Public Administration**, especially the objective related to the establishment of a professional and de-politicised civil service. This includes competitive recruitment and selection on the basis of merit, as well as the engagement of disabled persons.

Finally, this Action will contribute to the implementation of the **EU Gender Action Plan II (GAP II)**, objective 13, which among other objectives, calls for the “Equal access for girls and women to all levels of quality education and vocational education and training (VET) free from discrimination”.

## LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

The EU *acquis* approximation facility has funded many projects that were successfully implemented under previous programmes, including 2007-17 IPA programmes. This type of assistance has proven particularly useful in responding quickly to urgent priorities. Furthermore, it allows Kosovo to address unforeseen challenges linked to further strengthening its administrative capacity.

This action is linked and complementary to the previous and current IPA funded actions that support the strengthening the line ministries and other institutions in the area policy and strategic planning, law making and administrative capacity building.

A general lesson learned is that whereas EU and other donor assistance have contributed to building capacities in one particular sector, they have not always contributed to strengthening the overall functioning of public administration. In fact, the past assistance has sometimes contributed to creation of sectoral isolated 'islands of excellence', which are rarely sustainable in the overall administrative environment. This has notably been criticised by the Court of Auditors (e.g. Meta Audit on IPA I assistance). Therefore, assistance envisaged under this specific facility will take into consideration the overall horizontal public administration reform efforts and will integrate the key principles of public administration, including the 'Better Regulation' approach in actions funded under this Facility. In practice, this means that all draft policies and legislation will be prepared on the basis of impact assessments, and in an inclusive process that ensures timely internal and external stakeholder consultations.

**Improving the legislation and enhancing legal approximation to the EU *acquis*:** In order to improve the legislative procedure the modification of provisions in Chapter XIII of Rules of Procedure of the Assembly are in process. The proposals intend to enhance the quality of legislation and cover all stages of the legislative procedure. Special emphasis should be put on allocating necessary timeframe for the procedural steps and the adequate preparation of the committee meetings and the readings.

The capacities of the Assembly administration should be strengthened to ensure high quality support to legislation. For this purpose, the Directorate for Legal Standardisation, Approximation and Harmonisation **is suggested to be restructured and staffed significantly with lawyers specialised in different legislative areas and fields of EU *acquis*.**

In order to increase the transparency of the legislation and the efficiency of the legislative activity the draft law, the amendments and the documents supporting the legislative procedure should be accessible through the e-parliament and the legislative tracking system.

For **strengthening the oversight functions of the Assembly** at the level of plenary session and committees a structured and regular monitoring mechanism is needed. The most commonly used oversight tools are oral and written questions from members of the parliament, interpellations, hearings in the plenary session and in committees, establishment of inquiry committees, etc. It is important to develop a culture of oversight.

The Assembly does not keep statistics on the non-answered questions but civil society organisations are filling this data gap. This is a problematic area with ample room for improvement, especially concerning the website of the Assembly. Regular policy debates should also be organized on the state of play of the EU relations of Kosovo. The level of engagement in oversight activities of committees is not sufficient to provide an effective control of the institutions.

As part of the public administration reform a targeted functional review and rationalization of independent institutions is implemented with the lead role of the Ministry of Public Administration and with the involvement of the Assembly. The Assembly should take a proactive role and use its legislative initiative to amend the identified ambiguous regulations or to introduce missing articles of the specific laws on the independent bodies. The Assembly oversees the independent bodies mainly through the appointment and nomination procedure and the evaluation of their annual reports. Regulations should be standardised, clear and detailed in laws on these institutions.

A systematic and thorough technical assistance could improve the overall quality of the Assembly's oversight activity. Consequently, the duties and responsibilities of the Liaison Officer should be revised and updated, as well as cooperation and proactive approach of committee support staff members should be encouraged. The assessment of the situation in the Assembly done by the twinning project is very detailed and thorough. The new action will focus on two main functions of the parliament: on enhancing the accountability and effectiveness of the Assembly in its legislative functions, notably on EU legal

approximation and on oversight functions towards the executive and independent agencies. As Kosovo is slowly following the EU agenda for the integration, these two functions of the Assembly are crucial in this process.

The Assembly of Kosovo has been supported by partner organizations in the Kosovo Assembly through their programs in drafting strategic documents, sectoral strategies, monitoring of law enforcement, transparency, and partnership, budget oversight with NDI, OSCE, GIZ, DCAF, UNDP, INDEP and KDI.

**NDI (National Democratic Institute)** supported by USAID focuses its program on capacity building of the Parliamentary Groups, preparation of the updated Rules of Procedure for the Assembly, citizen transparency, and women's rights.

**GIZ** support, called *the European Integration Project in Kosovo* supports the Kosovo Assembly is focused on the European Integration Committee, the Legal Directorate and the Office of the Secretary General.

Another project by GIZ supports the Public Finance System Reform in Kosovo, and specifically supports the Kosovo Assembly in improving parliamentary control of public finances and in enhancing the transparency of the public finance system. The project has a longstanding cooperation with the Budget and Finance Committee of the Assembly of Kosovo and has recently extended its support to the Committee for the Oversight Public Finances.

**UNDP** through their Development Program and the Millennium Declaration supported the parliamentary committees in overseeing the implementation of laws through experts and technical assistance at various regional meetings, mainly the area of social affairs, women's rights and youth.

**OSCE** programmes during 2015-2016 related to the democratization department for the functioning of the Assembly in relation to international declarations and agreements in respect of human rights. OSCE supported the Presidency of the Assembly and parliamentary committees on human rights, community rights, transparency and participation of civil society in the work of parliamentary committees, and also supported the process of overseeing independent institutions and reporting forms.

**DCAF**, Geneva Centre for Democratic Control of Armed Forces, provided capacity building and advocacy support for selected Kosovo Assembly committees, focusing on the Committee for Internal Affairs, Security and Oversight of the Kosovo Security Force (KSF), the Committee for the Supervision of the Kosovo Intelligence Agency, as well as other Assembly committees that have an interest in security policy issues.

**INDEP** has continued to support the work of the Parliamentary Committee for Economic Development, Infrastructure, Trade and Industry, supported by the British Embassy. INDEP is supporting the Committee including its work on oversight of the functioning of the independent agencies.

**KDI**, Kosovo Democratic Institute, supported by USAID, supports parliamentary committees in the field of research and Directorate for Research, Library and Archives. The project also supports the Assembly of Kosovo on Strengthening Parliamentary Oversight of the Kosovo institutions and increasing the participation of citizens in the framework of the EU facilitated dialogue between Belgrade and Pristina.

The activity foreseen to fund the Young Cell Scheme – Round XIII is built on a number of lessons learnt from previous rounds. This programme was evaluated three times, in 2012 (Rounds I-VII), in 2015 (Rounds VIII-IX) and the last evaluation in 2017(Round X). As a results of the numerous recommendations, the process of every YCS round evaluated each time.

Second evaluation recommendations stressed the need for a more rigorous and transparent procedures. This has been improved and the confirmation can be found in the latest evaluation results that all the steps of the selection process are highly rated. This was regulated in the Rules of Procedures agreed among the main stakeholders (EU Office, MEI and project implementing partner).

In addition the evaluation sets the basis for a Monitoring and Evaluation System, which could allow for the development of prompt adaptation strategies that could strengthen the YCS Programme in achieving a greater systemic efficiency and, ultimately, more effective services delivery from the Public Administration. The main topics taken into consideration for monitoring are a communication strategy, selection procedures, experience at the universities abroad, overall satisfaction with and appreciation of the Master degree, the

process of transition from the Scholarship towards the Public Administration; and the relevance of the YCS Master for the overall processes concerning PAR.

Nevertheless, the recommendations regarding the procedures linked to the placement of YCS grantees in PA and their contract formula once employed in PA were never addressed. Due to the very demanding Public Administration Reform processes in adopting the new legislation, but also due to the lack of communication and collaboration between Institutions these recommendations were neglected. However, with the institutionalisation of the YCS, these reform processes needs to be put in place. Additional areas of studies should be 'made available' by the Programme, only upon a thorough needs assessment among the PA institutions and ministries. This should be done prior to design of this action in order to match the real needs of the Kosovo institutions.

There is a need to properly regulate the employment of the graduates from the programme, by establishing procedures defined by the new Law on Civil Service. MEI and MPA have agreed on to include an article which stipulates: *"The Government of Kosovo based on paragraph 1 of Article 6 of the Law on specific areas deficient in the civil service may sign agreements with different organizations or countries with the aim of advancing the professional civil service through scholarship schemes. Beneficiaries of scholarships can be civil servants and all other persons who fulfil the conditions required by the scheme. Civil Service institutions will take responsibility to accommodate individuals from paragraph 2 of this Article the civil service, in accordance with the law and respecting the principles of civil service defined in law. For the implementation of this Article ministry responsible for public administration will issue a bylaw."*

Kosovo has specifically requested the continuation of the Young Cell post-graduate scholarship scheme (11th round) in the next school year (2017/18) in light of the need for additional expertise for the successful implementation of obligations arising from the SAA. Such expertise is particularly required in the field of legal approximation and economic matters. In order to ensure that the awarded YCS grantees are integrated into Kosovo's public administration immediately upon return (and are offered at least a 3-year employment contract by Kosovo institutions), the Ministry of Public Administration has been involved in the programme as a member of the project's steering committee. The grantees are furthermore obliged to finish a short-term internship in Kosovo's public administration prior to their Master studies in order to facilitate their integration in the public sector upon return, and increase awareness of the programme among the beneficiary institutions. In the past 10<sup>th</sup> round of the project, a pilot scheme for existing civil servants was introduced, which proved to be a welcome addition to the programme. Representatives of the donor community have been regularly informed of the progress of the YCS project, and contributed by conveying the information about the YCS program to their universities in. Such cooperation will be maintained in the future in order to ensure an exhaustive list of quality Master programmes in the field of law, economics and public administration, which the awarded grantees can apply to.

## 2. INTERVENTION LOGIC

Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification	
To facilitate the approximation with the EU <i>acquis</i> by enhancing capacities of the Kosovo administration and assembly for an efficient and professional, gender balanced, accountable and apolitical Civil Service at all levels in Kosovo.	Progress made towards meeting Copenhagen criteria.	Eurostat Commission Annual Report.	
Specific objectives (per component)	Objectively verifiable indicators (OVI)	Sources of Verification	Assumptions
<p><b>EU Acquis Approximation Facility</b></p> <p>1. To strengthen technical and administrative capacity of the Kosovo administration in relation to approximation with the EU <i>acquis</i> and to support the effective and efficient implementation of IPA assistance;</p> <p>2. To support Kosovo authorities to gradually take over the responsibilities from EULEX.</p>	MEI's responsibility for coordination and management of EU assistance programmes.	<p>Reports of IPA monitoring meetings;</p> <p>Monitoring/evaluation reports<sup>1</sup> including ROM and Sector evaluation reports;</p> <p>Kosovo Report.</p>	<p>Legislative Framework is in place;</p> <p>Political commitment is there;</p> <p>Progress towards approximation with the EU <i>acquis</i>.</p>
<p><b>Support to the Assembly</b></p> <p>To enhance the accountability and effectiveness of the Assembly in its legislative functions notably on EU legal approximation process and oversight function towards the executive and independent agencies.</p>	<p>Key laws approved by the Assembly fully in line with the EU requirements;</p> <p>Number of laws approved by fast-track procedure used.</p> <p>Regular hearings organised by the</p>	<p>SAA;</p> <p>NPISAA;</p> <p>Kosovo Report;</p> <p>Implementation Plan for implementation of Twinning recommendations;</p> <p>Conclusions of SAA dialogue.</p>	<p>Continued commitment to Kosovo's European path;</p> <p>Political commitment to PAR;</p> <p>Allocation of sufficient human resources for the project, including a balance of women and men;</p> <p>Proactive involvement of the administration;</p>

<sup>1</sup> The monitoring and/or evaluation reports will identify the level of the responsibility and ownership undertaken by MEI compared to previous years

	Assembly at the level of Committees and plenary to implement its monitoring role vis-à-vis Independent agencies and other Kosovo Institutions.	Meetings; Assembly reports and other Kosovo institutions' reports; Reports of CSO and other independent reports; National Audit report.	Effective communication between experts of the project and the Assembly administration; Effective donor coordination.
<b>Young Cell Scheme – Round XIII</b> To improve the professional capacity of the civil service to better serve Kosovo citizens and meet obligations arising from the SAA.	Number of grantees that completed their postgraduate degrees in universities in EU Member States disaggregated by sex	Kosovo Report. Administrative reform policy studies. Contractors' reports.	Commitment on the part of the Kosovo to reform the public administration; Improved communication and exchanges of information between and within institutional bodies.
<b>Results (per component)</b>	<b>Objectively verifiable indicators (OVI)</b>	<b>Sources of Verification</b>	<b>Assumptions</b>
<b>EU Acquis Approximation Facility</b> 1. Coordinated response in order to meet urgent and unforeseen needs related to Kosovo's European perspective, improvement of the electoral framework in Kosovo and programming/implementation of IPA funds;  2. Kosovo's Ministry of European Integration and relevant line ministries capable of preparing and developing programming documents and aligning programmes with relevant processes (National Development Plan, Economic Reform Programme, European Reform Agenda, Medium-Term Expenditure Framework and the IPA Indicative Strategy Paper);  3. The capacity of Kosovo authorities to gradually assume responsibilities in view of	<ul style="list-style-type: none"> <li>• Number of projects developed and implemented under the facility for the approximation with the EU <i>acquis</i>;</li> <li>• Quality document developed and well defined IPA annual programmes;</li> <li>• Degree of EULEX responsibilities transferred to Kosovo authorities.</li> </ul>	<ul style="list-style-type: none"> <li>• Monitoring reports such as ROM report and project progress reports;</li> <li>• Annual report on Implementation of IPA by NIPAC</li> <li>• Quality Review process reports /checklists;</li> <li>• Project implementation reports;</li> <li>• EULEX reports;</li> <li>• Annual report on Implementation of IPA by NIPAC.</li> </ul>	<ul style="list-style-type: none"> <li>• Sufficient absorption capacity;</li> <li>• Approximation with the EU <i>acquis</i> is the priority of the Kosovo institutions and of the Assembly of Kosovo;</li> <li>• Overall commitment to implement the European Reform Agenda.</li> </ul>

<p>EULEX's phasing out and to the visa liberalisation process has been strengthened.</p>			
<p><b>Support to the Assembly</b> 1: The institutional capacities of the Assembly with regard to EU legal approximation are strengthened.</p>	<p>Number of the passed laws that aligned with EU requirements; Number of laws approved by fast-track procedure used.</p>	<p>Response to Kosovo report; Legislative Program of Kosovo Assembly; Legislative Program of Parliamentary Committees.</p>	<p>Political and administrative commitment to establish the new coordination service; Necessary resources (human, financial, physical) provided; Parliament engagement with EU affairs.</p>
<p>2: Oversight function towards the executive and independent agencies are improved.</p>	<p>Number of regular hearings organised by the Assembly at the level of Committees and plenary to implement its monitoring role vis-à-vis Independent agencies and Kosovo institutions.</p>	<p>Response to Kosovo report; Legislative Program of Kosovo Assembly; Working Program of Parliamentary Committees. Annual Audit Report by the NAO; Performance audit reports by the NAO; Regularity audit report by the NAO.</p>	<p>Political and administrative commitment.</p>



<p><b><i>Young Cell Scheme – Round XIII</i></b></p> <p>1. Developed and implemented scholarship programme;</p> <p>2. Supporting system to YCS returnees by YCS alumni is in place.</p>	<p>Number of YCS grantees employed disaggregated by sex;</p> <p>Number of civil servants trained/mentored/coached by Young Cell Alumni Association and activities organised by them.</p>	<p>Students' diplomas.</p> <p>Employment contracts;</p> <p>Budget allocation for employment of students upon return;</p> <p>Kosovo strategy papers and policy documents;</p> <p>Contractors' reports.</p>	<p>Interest of universities in EU MS in being involved in the selection process;</p> <p>Candidates will not withdraw after selection; Functioning coordination between the MEI and all line institutions; Non-resignation from the civil service; Opportunities to absorb grantees after completion of their studies open in the different departments of Kosovo civil service;</p> <p>Full commitment of all stakeholders and beneficiaries during implementation of the project; Kosovo takes into account lessons learned from past experience in addressing the problems identified.</p>
--	--	---	--

## DESCRIPTION OF ACTIVITIES

The activities under this action are described below as per the three main interventions:

EU *acquis* approximation facility:

Result 1: Coordinated response in order to meet specific and urgent needs related to Kosovo's European perspective, improvement of the electoral framework in Kosovo and programming/implementation of IPA funds.

Result 2: Activities will include continuation of the support to Kosovo's Ministry of European Integration and line ministries in preparing and developing programming documents; alignment of IPA annual programmes with all relevant processes such as National Development Plan, Economic Reform Programme, European Reform Agenda, Medium-Term Expenditure Framework and the IPA Indicative Strategy paper for Kosovo 2014-2020.

Result 3: Activities will include institution building and investments that are linked to the gradual handover of responsibilities from EULEX to the Kosovo authorities and to the visa liberalisation process.

Support to the Assembly the action:

Result 1: Activities will include:

- Organising seminars for MPs about the European standards, including a balance of women and men participants.
- The staff of the newly established EU integration Coordination service trained on best working practices of similar services within MS parliaments.
- Work with MPs and Administrative staff on improved legislative procedures and working methods
- Providing support for developing the Assembly work plan regarding the legislative function
- Thematic workshops on elaboration chapters of EU *acquis* (according to SAA priorities).
- Developing a legal database to ensure the distribution of all the relevant information and the transparency in the field of legal approximation with the EU.
- Drafting 10 joint legal opinions for draft laws.

Result 2: Activities will include:

- Work with staff of functional committees on the oversight functions understanding and methodology
- Work with CSO, Kosovo National Audit on closer cooperation with regards to the oversight of executive and independent agencies.
- Organisation of regular hearings.

Young Cell Scheme Round XIII;

Result 1: Activities will consist of the selection of up to 50 candidates, per IPA programming year for postgraduate studies in specific identified-areas of the civil service that need strengthening . The selection shall include a gender balance and use affirmative measures to include more, diverse women in YCS (e.g., from non-majority ethnic groups); the organisation of information and communication campaign which reaches diverse women and men with information about YCS; the organisation of language courses; the placement of students in EU universities, internships and arrangement of employment contracts before their departure; the supervision of students during their studies; the support YCS returnees during their employment; the development of concise contracts between Kosovo and Young Cells before they depart to universities; and the systematic incorporation of Young Cells into Kosovo institutions at local or central level.

Result 2: Activities focus on developing and delivering trainings, mentoring and coaching support to YCS returnees by YCS alumni; developing YCS alumni web platform for knowledge exchange and support to YCS returnees; logistical support to the Alumni association to organise activities that will have an impact on reforming policy issues in Kosovo; support alumni strategic developments.

## **RISKS**

The following risks have been identified for the EU Acquis Approximation Facility:

Risk: Weak capacity for evidence-based policy and legislative development

Mitigation measures:

- Capacity building for regulatory and fiscal impact assessment in the framework of the ongoing public administration reform projects.

Risk: Lack of inter-ministerial cooperation and timely external stakeholder consultations.

Mitigation measures:

- Ensure appropriate inter-ministerial coordination and public consultations on all policy and legislative proposals.
- Provide relevant coordination capacities from the action to ensure increased flow of information which will aim at increasing the awareness on the importance of efficient inter-ministerial cooperation.
- Communication strategy and awareness raising campaign on the importance of the activities to be implemented.

Risk: Lack of donor coordination in the sector

Mitigation measures:

- Participate at the coordination of the Sector Working Groups on Donor Coordination. Organised/managed by the Ministry for European Integration.
- Share information at the technical level coordination meetings organised by the EU Office in Kosovo.
- Regular meetings organised by the technical assistance with other on-going project teams to share information and avoid overlap.

Risk: Limited absorption capacity at the relevant institutions and agencies.

Mitigation measures:

- Capacity building measures targeting the beneficiary institutions to be implemented at an early stage of action implementation and during the entire implementation of the action.
- Consultations, at an early stage of project implementation with highest institutional officials, gender equality officers, sector regulators, representatives of the private sector and civil society, including women's organizations, to identify the needs.

The following risks have been identified for the Support to the Assembly:

### **Risks:**

- Lack of absorption capacities of Beneficiary – insufficient time to attend trainings and engage in skills acquisition due to engagement in various donor-funded projects.
- Lack of political will for further implementation of reforms.

### **Mitigation measures to be undertaken will include:**

- Appropriate and timely planning of the activities of the Action - the implementation phase will rely on intensive coordination and communication between stakeholders.
- Regular and timely exchange of information between the administrations.

The following risks have been identified for the support to the Young Cell Scheme – Round XIII:

- Kosovo fails to approve and/or implement the Law on the Public Officials by the time of the project implementation.
- Kosovo fails to offer a competitive career for scholars due to for example lack of funds or uncertainty with regard to short-term contracts. While most of YCS returnees are highly committed to their work and to fulfil their contractual commitments after the end of their scholarships when they return to work for the Kosovo civil service, some are also very dissatisfied and de-motivated with low salaries and the non-settlement of their contractual status in a longer term perspective.
- There is a high rate of fluctuation in the civil service and the scholars can easily convert their knowledge for the private sector.
- Kosovo is not able to retain the scholars in the long term, as many may seek greener pastures in the private sector with the knowledge they have gained. There is unfortunately a high rate of fluctuation in the civil service due to this reason.
- Insufficient number of applications from minority groups and persons with disabilities.

Mitigation measures to be undertaken will include:

- Appropriate and timely planning of the activities of the Action with intensive coordination and communication between stakeholders.
- Regular and timely exchange of information between the stakeholders.
- Sufficient communication on the action and the scholarship to reach out to all.

The main assumptions identified for the implementation of the Action are:

- Coordination and cooperation between the involved parties in the launching and implementation of the Action;
- Maintaining and improving the cooperation between the political and technical level;
- Maintaining political support to the Action;
- Appointment of counterpart personnel by the Beneficiary;
- Allocation of working space and facilities by the Beneficiaries for Twinning assistance before the launch of the tender process/Work plan process;
- Results from the Evaluation of EU support to the Assembly to be included and addressed in the Guidelines for Applicants of the Call for Proposals.

### **CONDITIONS FOR IMPLEMENTATION**

There are no particular conditions for the implementation of the action

## **3. IMPLEMENTATION ARRANGEMENTS**

### **ROLES AND RESPONSIBILITIES**

This action will be managed by the EU Office in Kosovo and coordinated by the relevant beneficiary institutions and the NIPAC office at the Ministry for European Integration. For the EU acquis approximation facility and the Young Cell Scheme the leading institution/main beneficiary of this action is the NIPAC at the Ministry for European Integration. With regard to the Young Cell Scheme, the MEI has the responsibility to support the graduates in their employment process as well as their progress in the respective ministries. MEI was put in charge of coordination of YCS due to its capacity as coordinator of EU assistance to Kosovo. For this purpose, MEI has appointed one official in charge of coordinating the YCS.

Close coordination between the Assembly of Kosovo (as a beneficiary), the Ministry of European Integration, and the EUO will take place. A Project Steering Committee will monitor the progress of Action

implementation, facilitate the access to relevant institutions, ensure their timely and sufficient inputs when required, provide advice, and include the main institutional stakeholders in accordance with common practice, under the chair of the EU Office in Kosovo. Gender equality officers and women's CSOs will be involved.

#### **IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING**

The activities under this action will be implemented under direct management and depending on the needs, the EU acquis approximation facility will be implemented through a number of service/framework contracts, work contracts and supply contracts if there is a need for a rapid response to unforeseeable circumstances. The implementation modalities of the projects arising under this action will be closely discussed with the Unit D3 in DG NEAR as well as the beneficiaries.

For the activity to support the Assembly the implementation will be a call for proposals with a national or international organisations based in an EU Member State dedicated to supporting multi-party democracy in new and developing democracies.

The activity supporting the Young Cell Scheme, is to be implemented through a grant contract, by way of a competition between public sector agencies based in EU Member States involved in cultural and educational activities. The aim is to have a signed contract by September 2020, as to ensure an early start of the application process for the project. The grant will be supplemented by parallel co-financing by the Ministry of European Integration specifically for **scholarships** The funding aims to ensure that the selected candidates will start their studies in the academic year of 2020-2021.

## **4. PERFORMANCE MEASUREMENT**

### **METHODOLOGY FOR MONITORING (AND EVALUATION)**

Monitoring should be carried out from the very beginning of all action activities, and beneficiaries should allocate sufficient resources for data collection from the outset including sex disaggregated data. Overall coordination of monitoring the financial and technical progress of the Action will be obtained by the EUO as Contracting Authority.

The European Commission may carry out a mid-term, a final or an ex-post evaluation for this Action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the Action might be subject to external monitoring in line with the European Commission rules and procedures outlined in the Financing Agreement. As per the EU Gender Action Plan, monitoring and evaluation will include gender analysis (indicator 4.1.2).

An evaluation which was done in 2017 for the Young Cell Scheme set the basis for a Monitoring and Evaluation System, which could allow for the development of prompt adaptation strategies that could strengthen the YCS Programme in achieving a greater systemic efficiency and, ultimately, more effective services delivery from the Public Administration.

Project monitoring should be set up in each twinning, service and supply contract and call for proposals, through the following actions by the beneficiary:

- a) It will ensure that monitoring requirements are promoted in information to potential beneficiaries;
- b) During calls for proposals/tenders, the Beneficiary and CA will ensure that monitoring requirements are explained to potential beneficiaries in the guidelines for applicants, and that the requirements for financial, outputs and results information in the application form is compatible with the strategic documents (financial table and measure-level monitoring indicators) and the operating structure's monitoring needs;

- c) A Project Steering Committee (PSC) will hold the main responsibility for monitoring and evaluating the projects. The PSC will also be responsible for establishing the methodology and instruments for monitoring the implementation of the project. The PSC will be comprised of members from the Ministry of European Integration and Ministry of Public Administration and representatives from the EUO.
- d) The request for payment from final beneficiaries, including the financial, outputs and results data, will be checked by the CA and verified by Beneficiary, as part of the financial management and control system, before being forwarded for payment, to ensure they are compatible with the contractual obligations.
- e) The verification of operations by the CA/Beneficiary through sample on-the-spot visits to projects will include checks as to whether the expenditure claimed has actually been incurred and the outputs achieved.

## INDICATOR MEASUREMENT

<b>Indicator</b>	<b>Baseline 2016/2017</b>	<b>Target 2020</b>	<b>Final Target 2020/2021</b>	<b>Source of information</b>
MEI's responsibility for coordination and management of EU assistance programmes.	50%	70%	70%	LRM Reports; Annual Legislative Programmes.
Number of projects developed and implemented under the EU acquis approximation facility.	0	15	15	Monitoring reports; Project implementation reports by NIPAC; Monitoring Committee meeting reports; MEI annual report on IPA.
Quality documents developed and well defined IPA annual programmes.	0	3	3	The Annual Programmes; Monitoring Committee meeting reports; MEI annual report on IPA; Quality Review process reports /checklists.
Degree of EULEX responsibilities transferred to Kosovo authorities.	n/a	40%	40%	Monitoring Report; EULEX report; Sectoral reports (depending on the transfer of responsibilities).
Number of the passed laws that are aligned with EU requirements.	4 (2017). <sup>2</sup>	30 laws per year.	60 laws aligned with EU requirements approved by the Assembly.	Kosovo Reports; Project reports; Donor's reports; Reports of CSOs; Parliamentary information and statistics on

<sup>2</sup> The 2017 was the least productive year for the assembly due to the delays in the consolidation of the institutional structures after the general elections in June 2017 and the municipal elections in November/December 2017.

				approximated laws passed in the Parliaments.
Number of laws approved by fast-track procedure used.	22 out of 115 laws adopted in this way which is 19% of the total (2017).	10% of the total number of laws approved.	5% of the total numbers of laws approved.	Kosovo Report; Assembly reports and other Institutions different reports; Reports of CSOs and other independent reports; Project reports
Regular hearings organised by the Assembly at the level of Committees and plenary to implement its monitoring role vis-à-vis Independent agencies and Kosovo Institutions.	30 hearings per year (2017).	40 hearings per year.	50 hearings per year	Kosovo Report; Assembly reports and other reports; Reports of CSOs and other independent reports; Project reports.
Number of YCS graduates employed, age/sex-disaggregated.	177 (2016).	216 (provided that all 35 selected grantees will be sent to Master studies under Round X) (gender balanced).	315 (provided that 50 grantees are sent to studies in each of the two upcoming rounds, foreseen under IPA 2016) (gender balanced.)	Reports of Ministry of Public Administration;  Follow up of the Ministry of European Integration on the employment.
Number of civil servants trained/mentored/coached by Young Cell Alumni Association.	0	35	80	Reports of the Young Cell Alumni Association.



## **5. SECTOR APPROACH ASSESSMENT**

The activities under the *acquis* approximation facility are horizontal and across several sectors. In terms of IPA 2018 Programme and following the logic of the IPA Indicative Strategy paper for Kosovo 2014-2020, this facility is presented within the Democracy and Governance sector. The action addresses several issues related to this sector. In late 2017, the DG NEAR Evaluation Unit had initiated an evaluation of the IPA II sector Approach in Western Balkans including Kosovo. One of the main preliminary findings was that the prospect for sectoral approach are based on the increased political dialogue, IPA programming and implementation, which has taken place for the two Sector Budget Support programmes; one in PAR and the other in Public Finance Management (PFM). Beyond this Sector Budget Support (SBS) dialogue, the interaction between the two levels mentioned above still needs strengthening, as they are not systematised or structured.

Despite the fact that part of Kosovo legislation is in place and is in line with the EU *acquis*, the obligations of Kosovo to harmonise its legislation are clearly stated in the SAA. In accordance with the Article 74, Kosovo shall approximate its legislation to that of the EU and ensure its effective implementation. Kosovo shall make sure that its existing and future legislation gradually will be made compatible with the EU legislation. The SAA also stipulates that legislation shall be effectively implemented and enforced. The SAA foresees that the approximation shall be done in several stages. The SAA also has provisions that the legal approximation shall be based on the approximation programme, which is agreed between the Kosovo and the EU (National Programme for the SAA implementation for 2016 – 2020).

National Programme for the SAA implementation was adopted on 10 March 2016 by the Assembly, based on the proposal (Decision of 16 December 2016) and amendments proposed by the CEI. The National Programme serves as a planning tool and monitoring instrument for SAA implementation. It is adopted for the period of 2016 – 2020. The priorities in the programme are divided into short term (for 2016) and medium term (2016 – 2020) actions that consist of two types of measures: a) legislative measures; b) implementing measures. Legal approximation is divided in to 35 Chapters.

Since 2016, the European Reform Agenda (ERA) has been the key policy programme complementing the National Programme for the Implementation of the SAA.

## **6. CROSS-CUTTING ISSUES**

### **GENDER MAINSTREAMING**

The action will support women to participate in the EU-funded activities. Law No. 05 /L 020 on Gender Equality guarantees men and women's equal rights.

For that purpose, the MEI, Agency for Gender Equality and line ministries will continue capacity building towards gender mainstreaming in all IPA programming. This includes in particular improving a participatory approach to programming that considers the potential different needs of women and men, as well as improving the collection and usage of gender-disaggregated data.

The current efforts on the GAP (Gender Action Plan) will continue, and more should be done on developing gender analysis (indicator 4.1.1) and gender disaggregated data (6.1.2.) to inform the policy development in the programming and the implementation phase. As foreseen by GAP, programmes will use findings from consultations with National Gender Equality Mechanisms, CSOs, and women's organisations (4.3.1.) to inform action design, and any sector programmes will work with NGEMs (6.3.2.).

Although the constitution of Kosovo guarantees equal opportunities for men and women, enforcement of this right is lacking while women caucuses exist in some political parties, this has not resulted in an increased participation of women in the electoral process. Out of 120 elected members of the Assembly, 39 are women. Discrepancies between the electoral legal framework and the equal representation provision of the Law on Gender Equality persist. Women candidates do not receive equal financial or

logistical support from their political entities for their campaigns, and they rarely speak at rallies. The media continues to give priority coverage to male candidates.

Based on the Kosovo Law on Gender Equality, the intervention planning and execution will ensure gender mainstreaming which entails integrating a gender perspective into every stage of the process; planning, approval, implementation, monitoring and evaluation of legislation, policies or programmes and budgets, in all political, economic and social areas (Art. 3.1.16).

This Action will contribute to the implementation of the EU Gender Action Plan II, objective 17: “Equal rights and ability for women to participate in policy and governance processes at all levels”.

In addition, the Constitution of Kosovo “ensures gender equality as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life” (Art. 7). Furthermore, the Law on Gender Equality calls for the equal representation of women and men at all decision-making levels within the public administration, , and foresees the use of temporary affirmative measures towards furthering gender equality.

Considering women’s underrepresentation in the civil service and young women’s high unemployment rates, this Action will intentionally support women’s entrance into the public administration, particularly in occupations and positions where women are under-represented (holding less than 50% of positions). The Action will use gender analysis when identifying insufficient capacities and vacant positions within the public administration, to be addressed by the YCS. Special efforts will be made to recruit women into the YCS so that they may gain education for entering into positions traditionally held by men. In this regard and in accordance with the EU Gender Action Plan II (GAP), the Action will involve close collaboration with gender equality mechanisms (e.g., the Agency for Gender Equality and gender equality officers in ministries) and women’s CSOs to identify needs and promote the programme to young women.

## **EQUAL OPPORTUNITIES**

Based on the fundamental principles of promoting equality and combating discrimination, participation in the project will be guaranteed on the basis of equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Equal access to all benefits of the Action will be promoted. More specifically, training and other capacity building activities in this project (timing and schedule) will be fully adjusted to the needs of women with children, training and meeting premises will be fully adapted to the needs of persons with disabilities, equal opportunities principles and concrete measures will be embedded in all strategic documents that will be produced under this Action.

Equal opportunity will also be taken into account in the preparation of all tender documents and in the recruitment of personnel through the placement of appropriate wording.

In addition, the Action will address problems and practical needs specific to men and women in order to ensure capacities to deliver services in a gender-sensitive manner. Gender sensitive language will be maintained throughout the project cycle. It will be ensured that the project management will have adequate capacities to enhance women's participation in project activities and work towards gender equality objectives.

The EU Recast Directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation encourages equality in matters of occupation and employment.<sup>3</sup>

## **MINORITIES AND VULNERABLE GROUPS**

During the implementation of the activities under this action, a special focus will be given to offering equal opportunities for everyone, including minority groups involved in the public sector as well as in the private service sector. The aim will be to contribute to the multi-ethnic representation in the institutions

---

<sup>3</sup> Directive 2006/54/EC of the European Parliament and of the Council on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), 2006, at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32006L0054&from=EN>.

benefiting from this projects, which will address the ethnic groups fairly and equitably in accordance with the law, along with other non-majority groups. Special attention will be paid to ensuring involvement of women from diverse non-majority groups.

Within the Assembly, all non-majority groups are presented. Women and men from different ethnic groups in Kosovo will be involved in this Action. Kosovo is fully committed to a policy of equal opportunities and inclusiveness of its whole population of the Kosovo municipalities, including municipalities with non-majority groups.

Special efforts will be made to include Roma, Ashkali and Egyptian students in activities, through close communication with local and international organisations supporting their communities. Vulnerable and social disadvantaged/excluded groups will also be targeted by this Action. Therefore, all the activities will try to maximise the benefits for women and men, youth and children amongst the most vulnerable groups including ethnic non-majority groups (notably those in poverty and social exclusion), women in rural areas, and people with disabilities.

### **ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER STAKEHOLDERS)**

Specific attention will be paid in the framework of this action to ensure that civil society and other stakeholders are consulted at the right time of the legislative and policy-making process. Kosovo will monitor the progress in the different areas covered by the action. The involvement of the civil society in the area of consumer protection and consumer rights is particularly important.

### **ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)**

The foreseen activities under this action are not expected to have an environmental impact. Should this change, then the activities will be screened in light of environmental sustainability. Furthermore, environmental considerations will be duly reflected in all IPA financed activities. Adequate environment protection measures will be foreseen as per EU financing requirements and Kosovo laws. It should be noted that the legislation in the field of environment protection has seen improvements, but significant challenges remain, especially in terms of implementation. Energy efficiency and promotion of renewable sources of energy will be at the core of Kosovo institutions attempts to minimize the carbon footprint and adverse effects on the environment.

## **7. SUSTAINABILITY**

With regard to the acquis approximation facility, this type of assistance has proven useful for the sustainability of the overall EU assistance to Kosovo especially as the interest and ownership of MEI of the activities has increased.

Similarly, the NIPAC office has undertaken a more active role in reporting on the implementation of the IPA assistance by providing annual reports to the EU. This has ensured that the NIPAC takes into consideration the monitoring of the implementation of different action that ensures the ownership and sustains the process.

Finally, the integration of the key principles of public administration, including the 'Better Regulation' approach into envisaged assistance will also contribute to sustainability of results. In particular:

- a) The development of new legislation, amendments and/or policies and strategies will be carried out while respecting all procedures and legislative requirements of Kosovo, especially those related to (fiscal and regulatory impact assessments, public consultations, inter-ministerial coordination. Also, the action will provide support to the beneficiaries with 'options analysis', regulatory impact assessments, concept papers and such, prior to supporting them with the drafting of legislation/amendments. Actual legal drafting will be done by the beneficiary and even if some drafting is done by experts, it will be paired with capacity building (e.g. detailed explanation of proposed texts, comparison among international examples and such);
- b) Any training, capacity building and human resources development activities shall be coordinated with the institution that is centrally responsible for human resource management and the professional development of civil servants;

- c) Any activity supporting the development of IT tools shall ensure consistency with the interoperability standards in each beneficiary and, where these do not exist, they shall promote consultations with the Ministries in charge of information society related matters;
- d) Any guidelines developed by EU assistance shall allow for the revision by the beneficiary administrations without further external support;
- e) Any new law or administrative procedure shall not contradict any existing law or procedure, and if necessary, the action will support the harmonisation of the new procedures with the existing provisions.

Sustainability of the Young Cell Scheme will be ensured by linking the action with the overall reforms targeting public administration, ensuring that lessons learned and good practices established by the project will be fully integrated. MEI, together with the MPA, will ensure that the grantees are recruited to appropriate positions and retained in the public service, also beyond their three year contract.

## **8. COMMUNICATION AND VISIBILITY**

Communication and visibility will be given high importance during the implementation of the action.

All necessary measures will be taken to publicise the fact that the action has received funding from the EU in line with the EU communication and visibility requirements. All stakeholders and implementing partners shall ensure the visibility of EU financial assistance provided through IPA II throughout all phases of the programme cycle.

Visibility and communication actions shall demonstrate how the intervention contributes to the agreed programme objectives, as well as the benefits of the action for the general public. Actions shall be aimed at strengthening general public awareness and support of interventions financed and the objectives pursued. The actions shall aim at highlighting to the relevant target audiences the added value and impact of the EU's interventions and will promote transparency and accountability on the use of funds.

Visibility and communication aspects shall be complementary to the activities implemented by DG NEAR and the EUO.

The EUO has developed clear visibility guidelines and ensures that all projects that are implemented in Kosovo are fully in line with these guidelines. Project visibility is clearly stipulated in all contractual documents whereby the contractors/implementers are obliged to adhere to all EU visibility requirements. Awareness campaigns are included within the project activities. Visibility materials will be produced, such as brochure, leaflets and newsletters.

It is the responsibility of the beneficiary to keep the EUO fully informed of the planning and implementation of the specific visibility and communication activities.

The beneficiary shall report on its visibility and communication actions in the report submitted to the IPA monitoring committee and the sectoral monitoring committees.