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Qeveria –Vlada-Government

Zyra e Kryeministrit / Ured Premijera / Office of the Prime Minister

Zyra për Qeverisje të Mirë / Kancelarja za Dobro Upravljanje / Office on Good
Governance

METHODOLOGY FOR MONITORING AND REPORTING ON IMPLEMENTED PUBLIC CONSULTATIONS

PRISHTINA, APRIL 2017

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1. INTRODUCTION

This methodology provides a detailed description of the proposed monitoring and reporting system structure for implementing the Regulation on Minimal Standards of Public Consultation. The monitoring and reporting methodology describes the annual reporting process to the Office of the Prime Minister/Office of Good Governance by the institutions responsible for the conducted public consultations. This methodology also provides instructions on how to prepare the reports for each consultation process conducted according to the Regulation on Minimal Standards.

The implementation level of the regulation by the ministries is a precondition for the quality of the public consultation annual report data, in particular the quality of the required data and their publication for the public consultation process. The general annual report contains the data deriving from the annual reports prepared by every public authority that are generated from the individual reports on each document consultation process.

The Regulation on Minimal Standards of Public Consultation clearly specifies which information should be collected by the responsible institutions for public consultations.

Office of Good Governance is obliged to publish the public consultation annual report in the official languages by 31st March of the following year. Each institution responsible to draft a public document shall publish their report once the consultation process is completed and the document is finalized.

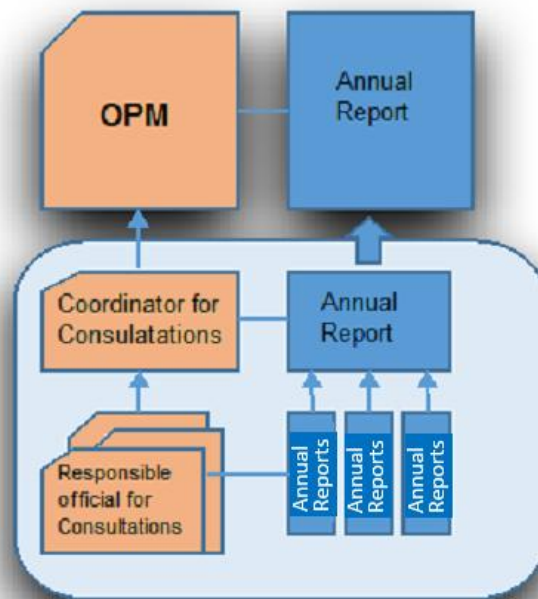
In order to facilitate the work of institutions and standardize the reporting process and method, besides describing the reporting process and the responsibilities of each institutional structure, the reporting and monitoring methodology also contains the data transferring forms the responsible institutions for public consultation shall use to report to the Office of Good Governance. It also contains detailed instructions about the content of the annual report and in some cases even illustrated examples of the annual report format. The format of the annual report and each public consultation report also contains some of the possible visual or graphic forms of presenting the data.

2. INSTITUTIONAL RESPONSIBILITY FOR MONITORING AND REPORTING

According to the Regulation on Minimum Standards for Public Consultations, Office of the Prime Minister/ Office of Good Governance in cooperation with the officers responsible for public consultations shall prepare the annual reports on the public consultation process.

The information pertaining to the public consultation process shall be collected from all public authorities. The information from all public authorities on each public consultation is collected through the relevant public consultation process coordinating officers appointed by the Secretary General or the corresponding position in compliance with Article 20 of the Regulation.

The relevant public consultation process coordinating officers shall collect the annual data on the conducted consultations from the relevant authority, namely the responsible officer appointed by the public authority to draft the relevant policy or legislation, who at the same time is responsible to conduct the public consultation process as well. Below is the annual reporting structure and process graph.



Annual reporting structure

3. ANNUAL REPORTING PROCESS

According to the Regulation all public authorities shall conduct a unified monitoring of the implementation of minimal standards in public consultation. Moreover, there shall also be a standardized reporting based on the annual reports of institutions and individual consultation reports.

The annual report on the implementation of the minimal standards in public consultation shall be prepared in compliance with the following steps and calendar:

1. Until December 31st of the reporting year the OPM/OGG shall send to the ministries and institutions a circular letter with the instructions, deadlines and reporting forms.
2. Until January 20th of the following year, the responsible institutions shall summarize the requested information and send it to the OGG in the instructed format through the standard information collecting form (attached form).
3. The information at the relevant institution shall be collected by the responsible public consultation coordinating officer (Article 20 of the Regulation), by the officers responsible for the public consultation of each document drafted in the relevant institution (Article 6 of the Regulation), or from the reports on each consulted document.
4. Once the relevant consultation coordinating officer collects the information in compliance with the standard format, ensures its accuracy and if needed verifies the same in the documents or archives of the specific consultation he then sends the same to the Office of Good Governance both in hard and soft copy.
5. OGG shall analyze and consolidate the information received from the relevant institutions and then prepare the annual draft report according to the format in annex 2. OGG may request additional information from these institutions if the provided information is unsatisfactory or insufficient. In case of obstacles in obtaining information the OGG may address the Secretary General of the OPM to exercise his authority directly or through the Council of Secretary Generals.
6. The reports prepared by the OGG shall be published in the electronic platform for public consultations in the official languages of the Republic of Kosovo, not later than March 31st of the current year for the previous year.

4. ANNUAL REPORT STRUCTURE AND CONTENT

The public consultation annual report shall contain the information that serves to measure the progress in the implementation of minimal standards by each institution and the Government in general. The progress in the implementation of minimal standards in public consultation shall be measured based but not limited on the fulfilment of the following:

- Clear planning of the consultation of each document by its drafting team leader.
- Preparation of the consultation document for each drafted initiative. The consultation document shall contain the main issues, objectives aimed to be achieved through the initiative, consultation purpose, expected impact from the consultation of specific stakeholders, main issues aimed to be addressed by the initiative, etc.
- Targeting proper stakeholders for consultation and the appropriate consultation methods. It must be taken into consideration that consultation through the electronic platform is mandatory but insufficient for each consulted initiative.
- Observing the consultation deadline of at least 15 working days.
- Preparing and publishing the consultation report with the consultation results including the received contributions, elaboration of reasons for approving or denying specific comments.

The information pertaining to the public consultation process shall be collected from all public authorities.

According to the Regulation on Minimal Standards of Public Consultation, the Annual Report prepared by the Office of Good Governance shall contain but not limit to the following data:

1. Number of draft proposals initiated by the public authority during the reporting period and their types;
2. Number of initiated draft proposals subject to public consultation in compliance with this Regulation, and their types;
3. Number of initiated draft proposals not subjected to public consultation, the relevant reasons and their types;
4. Methods used during the consultation process.
5. Approximate number of public members and stakeholders participating in public meetings;
6. Approximate number of public members and stakeholders participating in public meetings that have commented in writing, number of received written comments

and the number of written comments the public authorities have approved in full, partially or rejected.

Detailed information on the structure and content of the Annual Report can be found in annex 2. Institutions shall use the same information and format to prepare their own public consultation annual reports.

This information is presented separately for each public authority. Each public authority prepares public consultation annual reports within its scope of work. Each authority sends the following information on the conducted consultation and the project proposals drafted by the relevant authority.

1. Correct name of each draft proposal initiated by the relevant authority during the reporting period.
2. Number of draft proposals initiated by the public authority during the reporting period and their types;
3. Number of initiated draft proposals subject to public consultation in compliance with this Regulation, and their types;
4. Number of initiated draft proposals not subjected to public consultation, the relevant reasons and their types;
5. Information on the documents available to the public in the electronic platform or during the use of other consultation methods in relation to every consulted document.
6. Methods used during the consultation process for each draft proposal. If combined methods such as conferences combined with group work meetings have been used during the consultation than the authority shall provide accurate information. Moreover, information should be provided on whether more than one public meeting or individual meetings have been held in relation to a specific draft proposal.
7. Approximate number of public members and stakeholders participating in public and other head to head meetings, workshops, conferences, etc.
8. Approximate number of public members and stakeholders participating in public meetings that have commented in writing, number of received written comments and the number of written comments the public authorities have approved in full, partially or rejected.
9. Duration of the consultation process for each draft proposal.
10. Information on whether the consultation report has been published for each project proposal drafted and consulted by the ministry.
11. Other information the proposing authority considers necessary to send to the Office of Good Governance.

5. REPORT WITH RESULTS FROM THE CONSULTATION PROCESS

The consultation report for each draft proposal is prepared by the consultation process responsible officer who also leads the work in drafting that specific document.

The final report on the public consultation shall contain all the data from the consultation process, including the consulted stakeholders, used consultation methods, duration of consultation, number of contributions received from each consultation method, number of contributions approved in full or partially and those rejected and the reason for their rejection, progress of the consultation process and other information necessary for the consultation process.

Annual Reporting Structure

1. Introduction/background
2. Progress of consultation process
3. Summary of contributions received during the consultation process
4. Other issues
5. Future steps
6. Detailed table with information on contributors; justification for the approved and rejected responses.

In annex 3 see more detailed instruction on the structure and content of the consultation report.

Besides this, the report should inform about the main issues presented by the drafter of the document on the comments received through the consultation document and what was the general reaction of the public towards these questions. The report also presents general information on the nature of the consulted stakeholders and those that have answered. It also gives a general assessment of the consultation process contribution in improving the document's quality.

The consultation report shall be published in the consultation electronic platform in the end of the consultation process and after reviewing all the contributions received from the stakeholders.

ANNEX 1. ANNUAL INFORMATION COLLECTION FORM FOR THE CONSULTATION PROCESS IN INSTITUTIONS

1. Name of Institution _____

Date: _____

2. Name and surname of the responsible coordinator of public consultation process _____

| Type of Initiative | Name of Initiative | Which of the external stakeholders have participated in the working group/document draft team? | The document has been consulted (write Yes or No) ¹ | Documents made available to the public | Methods used during the consultation | Number of participants in the public consultation (including meetings, the platform, in writing, etc.) | Number of contributing participants | Number of received comments (from public meetings and in writing) | Number of fully approved comments | Number of partially approved comments | Number of rejected comments | Duration of the consultation process (from - to) | Consultation Report has been published |
|---------------------|-----------------------------------|--|--|---|--------------------------------------|--|---|---|-----------------------------------|---------------------------------------|-----------------------------|--|---|
| <i>Draft Law</i> | <i>Draft Law on Civil Service</i> | <i>Representatives of X, Y NGO</i> | <i>YES</i> | <i>Consultation document, Draft Law, Annual report on civil service</i> | <i>2 Public meetings Platform</i> | <i>250 participants in the meeting</i> | <i>25 participants that have given comments</i> | <i>30 comments in public meetings 17 written comments</i> | <i>35</i> | <i>4</i> | <i>8</i> | <i>From 1 to 21 Sept (15 working days)</i> | <i>Yes, it was published on 1 September in the electronic platform and the webpage of the MPA</i> |
| <i>Sublegal act</i> | <i>AI on the procurement</i> | <i>xxx</i> | <i>NO Draft proposal</i> | <i>//</i> | <i>//</i> | <i>//</i> | | <i>//</i> | <i>//</i> | <i>//</i> | <i>//</i> | | |

¹ If the document has not been consulted the rest of the form is not filled out, but rather the reason why the document has not been consulted is provided as stipulated under Article 17 of the Regulation on Minimal Standards.

| | | | | | | | | | | | | | | |
|--|--|--|---|--|--|--|--|--|--|--|--|--|--|--|
| | <i>procedures for the purchase of security equipment</i> | | <i>according to the Law on the classificatio n of information and security clearances</i> | | | | | | | | | | | |
| | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | |

ANNEX 2. PUBLIC CONSULTATION ANNUAL REPORT FORMAT

1. EXECUTIVE SUMMARY

The executive summary contains summarized information on the progress of implementing the Regulation on Minimal Standards of Public Consultations by all the institutions responsible to conduct public consultations according to this Regulation. The report shall provide general information on the consultation process conducted by the institutions, statistics on public meetings, number of participants in the consultation process, number of submitted comments, number of those included in draft proposals, and those not included, etc. Besides this, the report also aims to include the information on the obstacles in implementing the consultation process by the institutions, challenges and difficulties encountered by institutions, analyses of the level of implementing minimal standards and implementation trends throughout the years (starting from the regulation's second year of implementation), then comparative information on the better performing institutions and those falling behind in the consultation process, as well as other necessary information.

2. INTRODUCTION

The introduction contains the purpose of reporting as one of the segments of monitoring the implementation of the Regulation on Minimal Standards of Public Consultation and the general purpose of the consultation. The scope of work of the report is presented and is referenced to the legal source and the position of public consultations in Government priorities, strategic orientations and general objectives, general situation in the public consultation process, in particular reflecting international Reports, EU Progress Report, OECD/SIGMA assessment reports, etc.

The introduction also presents the work process during the collection of information by the institutions, methodology, readiness of institutions to respond to demands, quality of received information, encountered challenges, institutions that may have not responded to the OGG annual reporting request, etc.

3. GENERAL PROGRESS

This section contains the general information on the progress achieved by all consultation process segments. It also contains the visual presentation of the necessary tables and graphs with statistics]

4. CAPACITY BUILDING ACTIVITIES

Present the data relating to the organization of institutions public consultation capacity building activities. In this part you may also provide information on whether the institutions have appointed the responsible public consultation officers and other similar information]

5. NUMBER OF CONSULTED AND UNCONSULTED DRAFT PROPOSALS

Provide the number of all project proposals drafted by the reporting institutions during the reporting period regardless whether the consultation process has been conducted or not. The number of draft proposals is divided according to categories and as a total number of draft proposals. The complete list of all draft proposals is given in a separate Annex. From the total number of draft proposals also provide the number of all draft proposals subject to consultation and those not subjected to consultation, as well as the reasons why they have not been consulted. The number of draft proposals is divided according to categories and as a total number of draft proposals. The complete list of all draft proposals is given in a separate Annex].

| Type of draft proposal | Number of those subjected to consultation | Number of those not subjected to consultation | Total |
|--|---|---|-------|
| Draft Annual Plan of Strategic documents ; | | | |
| Draft Legislative program | | | |
| Draft Plan of Secondary Legislation /By-Laws | | | |
| Draft list of concept documents | | | |
| Draft concept documents | | | |
| Draft normative acts | | | |
| Draft Strategies | | | |
| Others | | | |
| Total | | | |

Provide the reasons for each draft proposal that is not subjected to the consultation process. If their number is higher and if the reasons can be categorized then they are divided in specific categories. i.e. Due to urgency pursuant to Article 33 of the Government Rules of Procedure the following have not been consulted: Draft law no. ----: draft Administrative Instruction no. --- etc.

In addition to the total the information is provided separately for each institution.

| Institution | Number of consulted proposals | Number of unconsulted proposals |
|--|-------------------------------|---------------------------------|
| <i>Ministry of Education, Science and Technology</i> | <i>7</i> | <i>2</i> |
| <i>Ministry of Internal Affairs</i> | <i>11</i> | <i>1</i> |

| | | |
|--------------|-----------|----------|
| | | |
| <i>Total</i> | <i>18</i> | <i>3</i> |

From the second year onwards comparing analyses on the progress trend or stalling throughout the years shall be done.



6. METHODS USED DURING THE CONSULTATION PROCESS

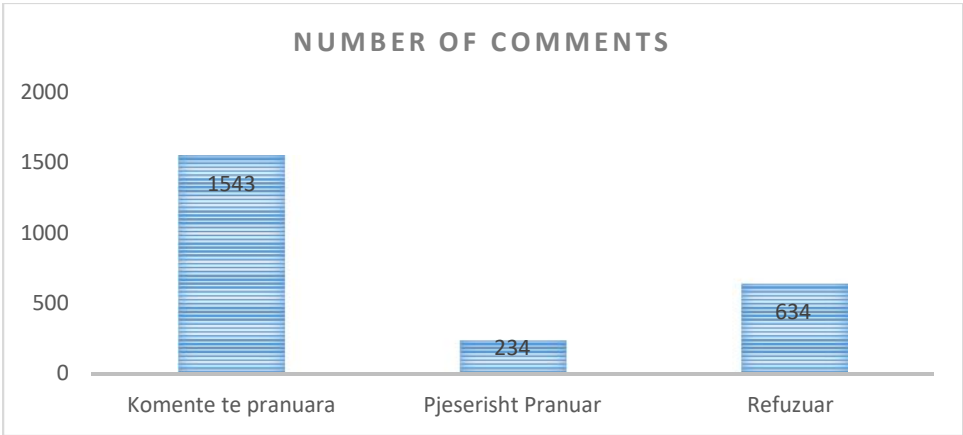
Provide information on the consultation methods used. If several methods are used during the consultation of one document, then present here all the methods used. Present also the number of conducted public meetings and workshops, and their duration for a specific document.

| Consultation methods | Number of participants | Number of contributing participants. | Number of approved comments |
|--|------------------------|--------------------------------------|-----------------------------|
| 1. Written consultations/electronic (email); | | | |
| 2. Publishing in the webpage/Central Online platform | | | |
| 3. Public meetings | | | |
| 4. Conferences | | | |
| 5. Meetings with stakeholders | | | |
| 6. Workshops | | | |
| 7. Interviews/eye to eye meetings | | | |
| 8. Opinion research | | | |
| 9. Deliberative polling | | | |
| 10. Citizen panels | | | |
| 11. Street stands | | | |

| | | | |
|-----------|--|--|--|
| 12. other | | | |
|-----------|--|--|--|

Approximate number of public members and stakeholders that have commented in writing, number of received written comments and the number of written comments the public authorities have approved in full, partially or rejected.

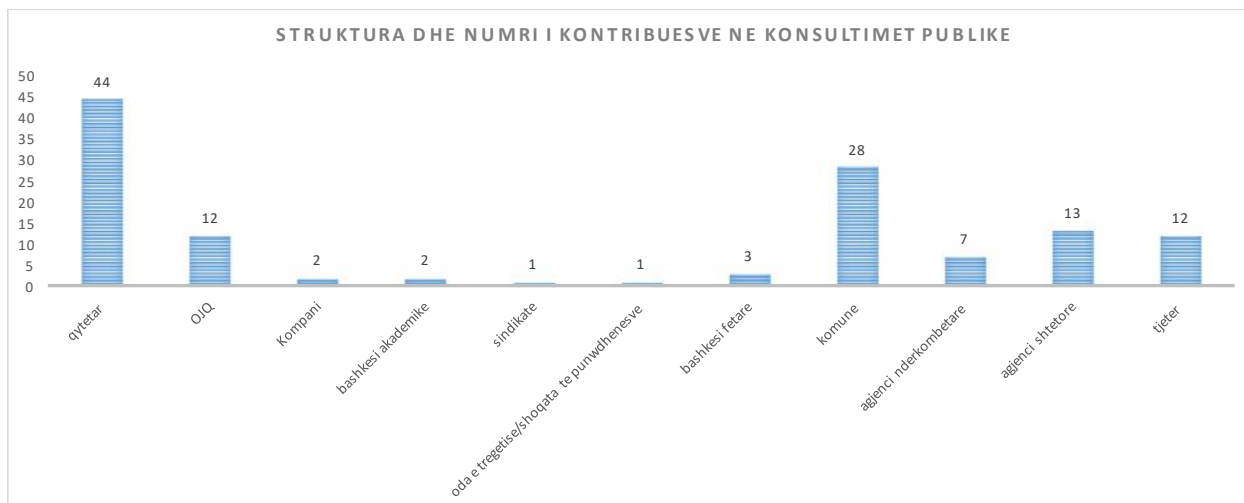
| Total number of contributions | Number of approved contributions | Number of partially approved contributions | Number of rejected contributions |
|-------------------------------|----------------------------------|--|----------------------------------|
| | | | |



In this section provide also information on the typical reasons for rejecting the received comments.

Structure of contributors in public consultation

Place the information on the structure of contributing participants in the consultation process, according to categories. .



7. CONCLUSIONS AND RECOMMENDATIONS

In the end of the report present the conclusions pertaining to the reporting process, the progress achieved in implementing the minimal standards, difficulties and the recommendations on the future steps to be undertaken.

ANNEX 2.1. TABLE OF ALL SUMMARIZED DATA - ANNUAL REPORT

| No. | Type of Initiative | Name of Initiative | Institution | Which of the external stakeholders have participated in the working group/document draft team? | The document has been consulted (write Yes or No)? | Consultation methods | | | | | | | | | | | Number of participants in the consultation process | Number of contributing participants | Number of received comments (from public meetings and in writing) | Number of fully approved comments | Number of partially approved comments | Number of rejected comments | Duration of the consultation process (from-to) | The Consultation Report has been Published (date published in the platform) | | | | | | | | | |
|-----|--------------------|---|-------------|--|--|--|-----------------|-------------|----------------------------|-----------|------------|------------------|----------------------|--------|---------------|-------|--|-------------------------------------|---|-----------------------------------|---------------------------------------|-----------------------------|--|---|--|---------------------------------|--|--|----|---|---|--------------------------------------|-------------|
| | | | | | | Written consultations/electronic/email: Publishing in the webpage/Electronic platform | Public meetings | Conferences | Meetings with stakeholders | Workshops | Interviews | Opinion research | Deliberative polling | Panels | Street stands | Other | | | | | | | | | | | | | | | | | |
| 1. | Draft Law | Draft Law on Civil Service | MPA | | YES | √ | √ | | | | | | | | | | | | | | | | | | | 250 participants in the meeting | | 30 comments in public meetings 17 written comments | 35 | 4 | 8 | From 1 to 21 Sept (15 working days) | 1 September |
| 2. | Sublegal act | AI on the procurement procedures for the purchase of security equipment | MKSF | | NO | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

² If the document has not been consulted the rest of the form is not filled out, but rather the reason why the document has not been consulted is provided as stipulated under Article 17 of the Regulation on Minimal Standards.

ANNEX 3. CONSULTATION PROCESS REPORT FORMAT

Introduction/background

Present a summary of information on the consulted draft project, its nature, draft process, methodology, and participation in the workgroup/s, public consultation importance, and consultation purpose. Then provide a summary of the stakeholders' contribution in improving the document's quality, difficulties encountered during the consultation process, etc.

Progress of consultation process

In this part present a summary of the consultation process from the planning stage, identification of stakeholders, reason for selecting specific stakeholders, methods used in the consultation process and the reason for selecting them, stakeholders' participation, and their number.

Provide here also information about the external participants in the drafting process, namely the participants in the group drafting the document.

Then present information relating to the consultation process of the specific document.

If necessary the information is followed with graphs and tables.

| Consultation methods | Date/duration | Number of participants | Number of contributing participants | Number of approved comments |
|--|---------------|------------------------|-------------------------------------|-----------------------------|
| 1. Written consultations /electronic/ email; | | | | |
| 2. Publishing in the webpage/Electronic platform | | | | |
| 3. Public meetings | | | | |
| 4. Conferences | | | | |
| 5. Meetings with stakeholders | | | | |
| 6. Workshops | | | | |
| 7. Interviews/eye to eye meetings | | | | |

| | | | | |
|-------------------------|--|--|--|--|
| 8. Opinion research | | | | |
| 9. Deliberative polling | | | | |
| 10. Citizen panels | | | | |
| 11. Street stands | | | | |
| 12. other | | | | |

Summary of contributions received during the consultation process and contributors' categories

Present information relating to the contributions sent by the stakeholders, including their number, the method they were submitted as well as information on the category of participants (citizens, NGOs, companies, etc.)

Other issues

Provide information on other issues that the authority conducting the consultation process finds necessary.

Future steps

After concluding the consultation process and finalizing the document the parties are notified about the steps that shall be taken to finalize and process the documents pursuant to the governmental procedures.

Detailed table with information on contributors; justification for the approved and rejected responses.

| Name of organization/individual | Comment of organization/individual | Response from the Ministry Fully approved Partially approved Rejected | Explanation from the Ministry (in particular reasons for rejecting specific comments) |
|---------------------------------|------------------------------------|--|--|
| | | | |
| | | | |
| | | | |