



INDEPENDENT OVERSIGHT BOARD FOR THE CIVIL SERVICE OF KOSOVO

Annual Work Report



Republika e Kosovës
Republika Kosova – Republic of Kosovo

KËSHILLI I PAVARUR MBIKËQYRËS PËR SHËRBIMIN CIVIL TË KOSOVËS
NEZAVISNI NADZORNI ODBOR CIVILNE SLUŽBE KOSOVA
INDEPENDENT OVERSIGHT BOARD FOR THE CIVIL SERVICE OF KOSOVO

***ANNUAL WORK REPORT FOR THE
YEAR 2022***

Prishtina
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FOREWORD

Dear Speaker of the Assembly of Kosovo,
Dear Members of the Assembly of Kosovo,

respecting the rights and principles that regulate the civil service is first of all a constitutional obligation, and then also a measure of the state of law and functioning. For this to be fulfilled, the Assembly of Kosovo must ensure that it supervises the implementation of the civil service legislation through the mandate and legal authorizations it has given to the Independent Oversight Board for the Civil Service of Kosovo (hereinafter referred to as the Board).

For this supervision of the Assembly of Kosovo on the Board to be even more substantive, we are committed to present in the 2022 Annual Report all the necessary information that, I believe, will serve the fair assessment of the Board's commitment for this reporting year.

The Board concluded the year 2022 with the largest number of accepted and reviewed cases since its establishment (in 2004). During this year, the Board received 1,253 complaints involving 2,121 civil servants/candidates for admission to the Civil Service of Kosovo.

In addition to this year's complaints, there were also 241 complaints carried over from 2021, and 198 complaints from previous years, which the Board was obliged to review by the Basic Court in Pristina, Department for Administrative Affairs. It follows that the total number of complaints for review during the reporting period was 1,692.

From the total number of complaints received, the Board in 2022 reviewed a total of 1,381 complaints or 50% more than last year. For about 250 working days, five members of the Board, assisted by the professional staff, reviewed an average of almost 6 cases per working day. Undoubtedly, this is an extremely high burden that deserves appreciation and support.

But in addition to handling complaints, the Board has also carried out 26 regular monitoring visits and 6 extraordinary monitoring visits, from which violations have been identified and special recommendations have been given to the responsible officials of the respective institutions.

I believe that the Board is committed to overseeing the implementation of civil service legislation in public administration institutions, demonstrating consistency in impartial and professional decision-making, in accordance with the Constitution and the law. In this way, the Board has fulfilled the mandate for a professional and impartial civil service, which reflects the diversity of the people of Kosovo and respects the principle of gender equality.

Although the large number of civil servant complaints is a challenge for the Board, I estimate that this number is not only a consequence of more frequent violations in the civil service, but also an increased awareness of civil servants and candidates for admission to the civil service, adding even greater confidence in the Board's decision-making.

I want to thank the members of the Board for their dedication and exemplary commitment, causing the Board to decide on a record number of complaints. Also, I thank the professional collaborators and other employees of the secretariat, who have offered their professional and administrative support, so that we can successfully carry out the functions of the Board.



Honourable Members of Parliament, please allow me, on behalf of the Board, to place before you my pledge of unsparing commitment, selfless work and impartial service. This commitment is convincingly fulfilled with the effective support which the Board welcomes from you.

Thanking you in advance for your understanding,

Respectfully,

Jeton KOCA

Chairman of Independent Oversight Board
for the Civil Service of Kosovo

1 EXECUTIVE SUMMARY

The Independent Oversight Board for the Civil Service of Kosovo during the year 2022 has continued its activity in exercising the functions defined by Article 6 of Law No. 06/L-048 on the Independent Oversight Board for the Civil Service of Kosovo. These functions are related to the supervision of the implementation of the rules and principles of the civil service legislation in all public administration institutions that employ civil servants.

The report summarily reflects the works and activities carried out, but also a brief description of the situation ascertained together with the respective evaluations and recommendations. This report also contains a brief description of the legal framework; information on the organization, scope, responsibilities and authorizations of the Board.

The description of the activities is made in accordance with the annual work plan, including here: receiving and reviewing complaints of civil servants and candidates for admission to the civil service, as well as activities related to the monitoring function of public administration institutions for the implementation of rules and principles of civil service legislation.

In 2022, 1,253 complaints were received, involving a total of 2,121 civil servants/candidates for admission to the civil service. Of these, 1,203 complaints were submitted individually by civil servants, while 50 complaints were submitted by a group of complainants, involving a total of 918 civil servants.

Furthermore, during the reporting period, there were also 241 complaints from 2021, as well as 198 complaints from previous years, for which the Board was obliged to be reviewed and decided by the Basic Court in Pristina/Department for Administrative Affairs.

From the above, it follows that in the reporting period, there were a total of 1,692 complaints for review and decision. Of these, 1,381 complaints, or 81.6% of the total number, have been reviewed and the parties have been notified of the decisions, while 311 complaints, or 18.4% of the total number, have been transferred for review in 2023 - which up to the time of reporting all have been considered and decided.

As reflected above, it results that the number of complaints registered during the reporting period is increasing compared to the year 2021, where 884 complaints were registered, and the year 2020, where 444 complaints were registered, which indicates the consolidation of trust in the Board and the increase of the level of awareness of civil servants as well as third parties of interest to address the problems that concern them in relation to the operation and administration of the civil service.

It is noted that the main place is occupied by the complaints submitted due to the violation of the right to salary. These cases represent over 24% of the complaints handled and are related to civil servants' concerns about discrimination or unequal treatment in the realization of personal income. Also, quite a large number of complaints have been filed against the recruitment procedures. These cases represent over 22% of the complaints handled and are

related to the concerns of civil servants and candidates for admission to the civil service, that they have been treated unfairly or violations of the law have been allowed, which have violated the general principles of admission to the service civil.

Regarding the supervision of the implementation of the rules and principles of the civil service legislation, during the reporting period, 26 regular visits and 6 extraordinary monitoring visits were made to public institutions at the central and local level, where, as a result, special recommendations were given to the responsible officials relevant institutions.

Among the most frequent violations recorded, in almost all monitored institutions of the public administration, are the issues related to the internal organization and classification of jobs, the exercise of work positions with substitutes/executives, as well as the issue of regulating the status of public officials.

It is worth noting that the implementation of the decisions from the exercise of the complaint review function is at a satisfactory level, while the supervision and implementation of the recommendations from the exercise of the monitoring function remains a challenge even during the year 2023.

As for judicial representation, the Board has continued to participate in trials held by the Basic Court in Pristina/Department for Administrative Affairs, called as a defendant or as an interested party, and from the analysis of the facts it follows that during the reporting period only in four cases it was decided to postpone the execution of the Board's decisions, which shows that the decisions of the Board *prime face* have been assessed as legal and fair, and that the assessment of the Board's work by the Court during the reporting period is increasing.

During the reporting period, the Board has devoted special importance to establishing and advancing cooperation with local and international institutions. For this reason, visits to various public administration institutions at the central and local level continued; a cooperation agreement was signed with the Commissioner of Supervision of the Civil Service of the Republic of Albania, as well as cooperation meetings were held with the European Union Office in Kosovo, representatives of the BDO Project, as well as with the OSCE.

I am pleased to inform you that in order to exercise the constitutional and legal functions in an effective and efficient manner, the new organizational structure of the Board has been prepared, which is planned to be approved during 2023.

The current budget and the allowed number of employees remain the main challenge in the functionalization of the organizational structure and therefore the full and effective exercise of the mandate, therefore, to overcome these challenges, the support of the Assembly of Kosovo is required.

2 LEGAL FRAMEWORK

The Board is an independent institution established by the highest legal act of the Republic of Kosovo, namely by Article 101.2 of the Constitution, which states that: "*Independent Oversight Board for the Civil Service of Kosovo for the Civil Service ensures compliance with the rules and principles that regulate the civil service and which reflects the diversity of the people of the Republic of Kosovo*".

The Board exercises basic functions and responsibilities in accordance with:

- The Constitution of the Republic of Kosovo;
- Law No. 06/L-048 on Independent Oversight Board for the Civil Service Of Kosovo
- and the by-laws arising from this law; and
- The judgment in case KO171/18 dated May 20, 2019 of the Constitutional.

2.1 Existing legal basis

Law No. 06/L-048 on Independent Oversight Board for the Civil Service of Kosovo defines the functions, powers, organization and functioning of the Independent Oversight Board for the Civil Service of Kosovo, as well as the criteria and procedures for the appointment and dismissal of members of Board.

Based on the provisions of Article 30 of Law No. 06/L-048 on Independent Oversight Board for the Civil Service of Kosovo, the approved by-laws are:

1. Regulation No. 01/2018 for the work of the Independent Oversight Board for the Civil Service of Kosovo;
2. Regulation No. 01/2021 for completing and amending Regulation No. 01/2018 for the work of the Independent Oversight Board for the Civil Service of Kosovo;
3. Regulation No. 02/2018 for the procedure for examining and deciding complaints in the Independent Oversight Board for the Civil Service of Kosovo;
4. Regulation No. 04/2018 for the monitoring procedure of public administration institutions regarding the implementation of the rules and principles of civil service legislation;
5. Regulation No. 02/2021 for completing and amending Regulation No. 04/2018 for the monitoring procedure of public administration institutions regarding the implementation of the rules and principles of civil service legislation;
6. Regulation No. 05/2018 for the organization and systematization of jobs in the Independent Oversight Board for the Civil Service of Kosovo and
7. Code of Ethics in the Independent Oversight Board for the Civil Service of Kosovo.

2.2 Improvement of the legal basis in the reporting period

Except for Regulation No. 03/2018 on the rules and procedures for the supervision of the selection of civil servants of high management level and management level, which regulation derives from the function of observation, according to article 6, paragraph 1, subsection 1.2 of the Law

No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo, this function was abolished by the Judgment in the case KO171/18 of May 20, 2019 of the Constitutional Court, other by-laws are applicable.

During the reporting period, the existing by-laws were analysed and as a result, the need to change and complete them in certain segments was assessed in order to harmonize with the provisions of the Law on General Administrative Procedure. Completing and amending the by-laws is planned to be done during 2023 with the support provided by the OSCE.

It is worth noting that during this period the Proposal-Regulation for the Internal Organization and Systematization of Workplaces in the Independent Oversight Board for the Civil Service of Kosovo was prepared, which will be approved after following the relevant legal procedures.

2.3 Legal difficulties encountered in fulfilling the mission

With the provisions of Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo, namely Article 9, Paragraph 1, Subparagraph 1.3 states that:

- *The candidate who applies to be appointed a member of the Board must have at least ten (10) years of professional work experience, of which at least five (5) years of work experience in the civil service.*

The legal criteria defined by Article 9, paragraph 1, subsection 1.3 of Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo is a very high criteria, and as such has made it impossible to select two (2) members from non-Albanian communities, and as a result their absence has made it extremely difficult the exercise of constitutional and legal functions throughout the reporting period.

3 DESCRIPTION OF THE INSTITUTION

3.1 Mission/Vision

Mission - to supervise the observance of the rules and principles that regulate the civil service.

Vision - to guarantee the rule of law in the administration of the civil service throughout the procedure of admission, appointment, movement within the category and promotion, transfer, suspension, evaluation, disciplinary procedure, professional development, the rights and obligations of the civil servant, and the termination of relationship in the civil service, in all institutions that employ civil servants, in order for this process to be honest, objective, impartial and transparent for a public administration (civil service) stable, professional, based on merit, moral integrity and political impartiality..

In order to fulfil the mission, it is intended to realize these objectives:

- Examination of all complaints of civil servants and candidates for admission to civil service;
- Supervision and assessment of compliance with the rules and principles of civil service legislation;
- Functionalization of the organizational structure;
- Updating of the by-laws of the Board;
- Advancing cooperation with local and international institutions;
- Strengthening the professional capacities of the Board;
- Further increasing the transparency of the Board.

3.2 Powers of the Board

The Board for the purpose of exercising its functions, in support of the provisions of Article 7 of Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo, has the right to:

- visit any institution that employs civil servants;
- have access to and control the files and any document related to the implementation of the rules and principles of the civil service legislation;
- interview any civil servant who may have information that is directly relevant to the exercise of the Board's functions;
- request and receive from the institutions any information necessary for the performance of his duties;
- organize professional sessions, and
- issue decisions, instructions, attitudes and recommendations.

4 SCOPE OF THE BOARD

4.1 Organization of the Board

Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo regulates the internal organization and functioning of the Board. As a result, the organizational structure is determined by Regulation No. 05/2018 for Internal Organization and Systematization of Workplaces in the Independent Oversight Board for the Civil Service of Kosovo. The organizational structure is as follows:

Board and Secretariat

The Board consists of 7 (seven) members, who are appointed by the Assembly of the Republic of Kosovo. The composition of the Board reflects the multi-ethnic and gender character of Kosovo. At least two (2) members are appointed from non-Albanian communities, and at least two (2) members must be female.

The President of the Board is elected by a majority of votes from among the members of the Board, with a mandate of two (2) years, with the possibility of re-election. The Chairman of the Board leads, represents, and is responsible for the activity of the Board.

The secretariat functions within the Board, which helps in the realization of the duties and responsibilities of the Board. The secretariat is led by the general secretary, who answers directly to the chairman of the Board. The general secretary and all the employees of the secretariat have the status of civil servants, and are treated according to the legislation on the Civil Service in the Republic of Kosovo.

4.2 Mandate of Board members

The procedure for the election of Board members begins with the announcement of the public competition, which is published in written and electronic media by the Assembly of the Republic of Kosovo.

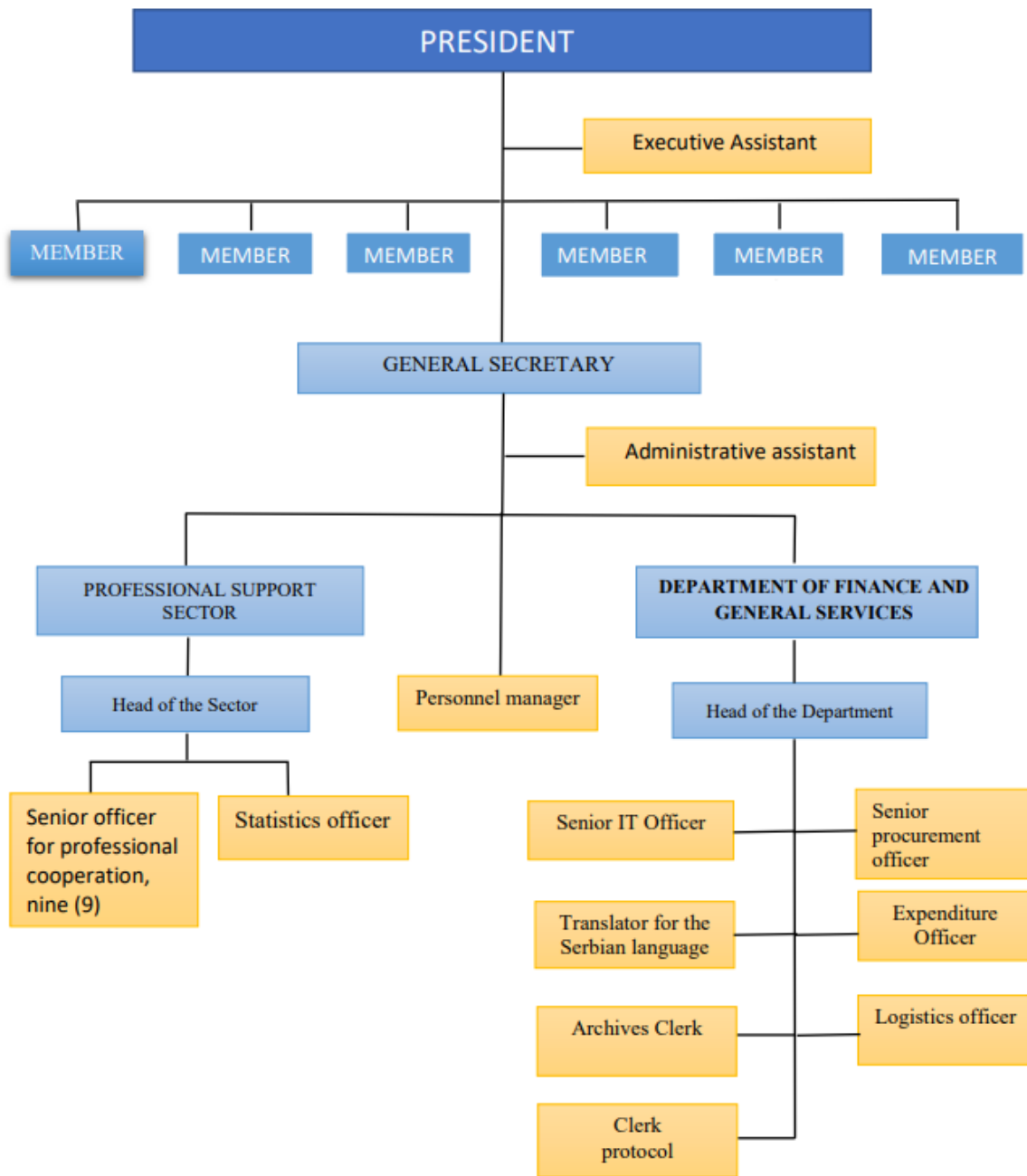
The members of the Board are appointed for a term of seven (7) years, without the possibility of re-election for another term.

In the reporting period, the Board had only five (5) members, of which two (2) were female members. While the number of members of the non-Albanian community has not yet been filled, despite continuous efforts by the Assembly of the Republic of Kosovo.

The current members were elected on 08.10.2020, and they have a mandate until 08.10.2027. The member of the Board does not have the right to exercise any other state function, be a member of a political party or participate in political activities during his mandate.

The Chairman and the members of the Board, in relation to decision-making within the constitutional and legal functions of the Board, enjoy immunity from criminal prosecution, civil lawsuits or dismissal.

BOARD ORGANIZATION CHART



4.2.1 Powers and functionalization

The Board in the exercise of the legally defined functions has the right to:

- Issue decisions, instructions, attitudes and recommendations;
- Organize professional sessions.

In the reporting period, 14 Board meetings were held, where 54 decisions were approved. The approved decisions concern the approval of the Work Plan for 2022, the Annual Monitoring Plan for 2022; Regular Monitoring Reports for Public Administration Institutions, approval of requests for Extraordinary Monitoring, approval of Extraordinary Monitoring Reports, formation of Colleges for review of complaints and other operational issues.

4.3 Secretariat

The secretariat functions within the Board, which helps in the realization of the duties and responsibilities of the Board. The secretariat is led by the general secretary, who answers directly to the chairman of the Board.

The organizational structure of the secretariat consists of:

- 1.1 Office of the Secretary General;
- 1.2 Department for Finance and General Services; and
- 1.3 Professional Support Division.

4.3.1 General Secretary

The Board has a general secretary, who performs the duties of the main administrative officer in accordance with the relevant legislation in force.

The general secretary is a civil servant of the senior management category, responsible for the direction, coordination, control and supervision of the internal administrative system, including the administration of financial, material and human resources.

The mandate of the general secretary is four (4) years, with the right to two mandates, as determined by the provisions of Article 42 of Law No. 06/L-114 for Public Officials. The general secretary was elected on 15.08.2022 and his regular mandate ends on 15.08.2026.

4.3.2 Department for Finance and General Services

The Finance and General Services Department provides support through administrative, logistical and financial services. This unit ensures that the budget organization has complied with all budget circulars and administrative instructions related to the drafting and execution of the budget.

4.3.3 Professional Support Division

The Division for Professional Support supports the members directly in the realization of the functions defined by the law of the Board.

This unit supports the members of the Board in the process of examining complaints, monitoring the implementation of the rules and principles of the civil service legislation, as well as representing the Board in court disputes. Also, this unit makes the appropriate preparations for the successful conduct of hearings, public and non-public, as well as keeps the minutes of the hearings. Under the direction of the members of the Board, he prepares proposal-decisions and proposal-reports for the realization of the Board's legal functions.

4.4 Human Resources

The Human Resources Office provides professional support to all employees in the Board's secretariat. Consequently, the exercise of the human resources activity is in full compliance with the legal rules in force and with the guidelines and policies of the institution.

4.4.1 Number of workers

According to the Budget Law for 2022, the total number of approved positions is a total of thirty (30), of which seven (7) elected public officials and twenty-three (23) career civil servants.

Table 1. Human resources

Board	Number of employees in Budget Law	Current number of employees in early 2022	Current number of employees in end of 2022
Elected public officials	7	5	5
Administration (civilian staff)	23	21	21
Total	30	26	26

Table 2. Gender structure

Status	Males	Females	Total
Elected public officials	3	2	5
Administration (civilian staff)	11	10	21

During the reporting period, three recruitment procedures were developed and consequently completed successfully:

- The position of the general secretary, which has been monitored by BDO;
- One position of senior official for professional cooperation (parallel movement);
- One position of senior official for professional cooperation (external public tender).

The salary level of the chairman and members of the Board as well as the civil staff is determined by Law No. 08/L-196 on Salaries in the Public Sector.

As we announced above, two positions of members of the Board from the ranks of the non-Albanian community, even during this reporting period, have not been filled despite continuous efforts by the Assembly of the Republic of Kosovo. Also, during the reporting period, two civil servants have resigned from the employment relationship, to be employed in other institutions.

4.4.2 Needs for additional staff

In the reporting period, one of the main challenges for the exercise of legal functions was the lack of sufficient human resources.

The number of complaints submitted by civil servants and candidates for admission to the civil service in the reporting period has increased significantly compared to the previous year. So the demands for extraordinary monitoring have increased. Consequently, such a thing has influenced the increase in the demand for the recruitment of new workers, in order to exercise the constitutional and legal mandate in an effective and efficient manner.

The lack of budget for the recruitment of new workers has made it difficult to exercise the function of reviewing complaints in terms of handling them within the legal term of 45 days, as defined by Article 17 paragraph 1 of Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo. This is due to the fact that during this period we had a total of 1,692 complaints to consider, while only nine (9) professional associates were employed, who directly support the work of the Board members.

Likewise, the lack of budget for the recruitment of support staff has influenced that the annual monitoring plan does not include a large number of institutions for regular monitoring, as well as the rejection of a certain number of requests for extraordinary monitoring this function derived from article 6, paragraph 1, subsection 1.3 and article 20 of Law no. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo.

Therefore, taking into account the increase in the volume of work during the reporting period, the request to increase the budget in the category of salaries and wages for the recruitment of eleven (11) new workers was an urgent request, because it enabled the recruitment of the necessary number of support staff and operationalization of the organizational structure, which has been prepared in accordance with the constitutional and legal mandate of the Board.

Consequently, the request for the recruitment of eleven (11) new workers remains an urgent request even during this year, because with the current number of employees, it will not be possible to handle all the received complaints within the deadline of 45 days, as defined by Article 17 paragraph 1 of Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo, just as it will not be possible to fully implement the monitoring plan related to the supervision of the implementation of the rules and principles of the legislation for the civil service.

4.4.3 Personnel training in 2022

During the year 2022, the members of the Board and the professional collaborators have followed the training related to recruitment practices based on merit, selection practices, objective principles based on fair and transparent selection data, organized through the Recruitment Project, implemented by BDO - LLP in partnership with PSI, funded by the British Embassy in Kosovo.

While the other planned trainings were not realized as a result of the lack of budget in the relevant category.

4.4.3.1 Need for training during the year 2023

Raising the professional capacities of officials who perform specific tasks is the basis for proper and proper functioning and therefore the achievement of institutional objectives.

The Board for raising the professional capacities of support officers has planned these trainings and activities:

- Professional training in the field of civil service legislation and the law on general administrative procedure;
- Trainings for the administration and updating of the database; and
- Organization of study visits to homologous institutions.

Continuous training in specific fields is considered necessary, but the lack of budget in the relevant category remains a constant challenge even during 2023.

4.5 Assets

4.5.1 Assets in the possession of the institution

As a non-financial asset, for work needs, the Board owns furniture (tables, chairs, drawers, file drawers), cars and other information technology equipment.

The estate is divided into two summaries:

1. Non-capital assets, worth less than €1,000.00, in the possession of the budget organization are furniture and usable information technology equipment, where the current value of the asset after depreciation over the years is €28,385.14.
2. Capital assets worth over €1,000.00 in the possession of the budget organization are cars and information technology equipment, most of which are out of use and the current value of capital assets after depreciation over the years is €1,221.28.

The above-mentioned values are cuts at the end of the calendar and financial year of 2022. The detailed reporting on the above-mentioned assets is in the Annual Financial Report 2022, as defined by Article 19 - Report on non-financial assets.

4.5.2 Plans for new assets

The board is located in a state facility with the address of the institution - *"Mother Teresa" Square, former Germia Building, Floor II, Pristina 10000, Republic of Kosovo.*

The building where the institution is located has a lack of spaces for work, respectively a lack of offices and halls for the organization of meetings and hearings, as well as there is no space and conditions for archiving subjects. In the absence of the necessary spaces for work, the entire secretariat is located in three offices, which do not meet the basic conditions for work in terms of the standards defined by the legal regulations in force.

Consequently, the headquarters of the institution is planned to be moved to the former Renaissance Building. When moving to the new location, furniture and work equipment are needed, which will be planned in coordination with the relevant unit within the Ministry of Internal Affairs.

5 ACTIVITIES FOR THE REPORTING PERIOD

Following this report, the activities carried out within the exercise of the function of examining complaints are described, comparing with the data on the activities of the last three years, as well as the activities in the exercise of the function of monitoring public administration institutions related with the supervision of the implementation of the rules and principles of the civil service legislation.

Also, this part of the report contains a brief description of the annual work plan of the reporting year and the current year, the implementation of decisions by public administration institutions, local and international cooperation, judicial representation, as well as the challenges presented during the reporting period.

5.1 Complaints received during 2022

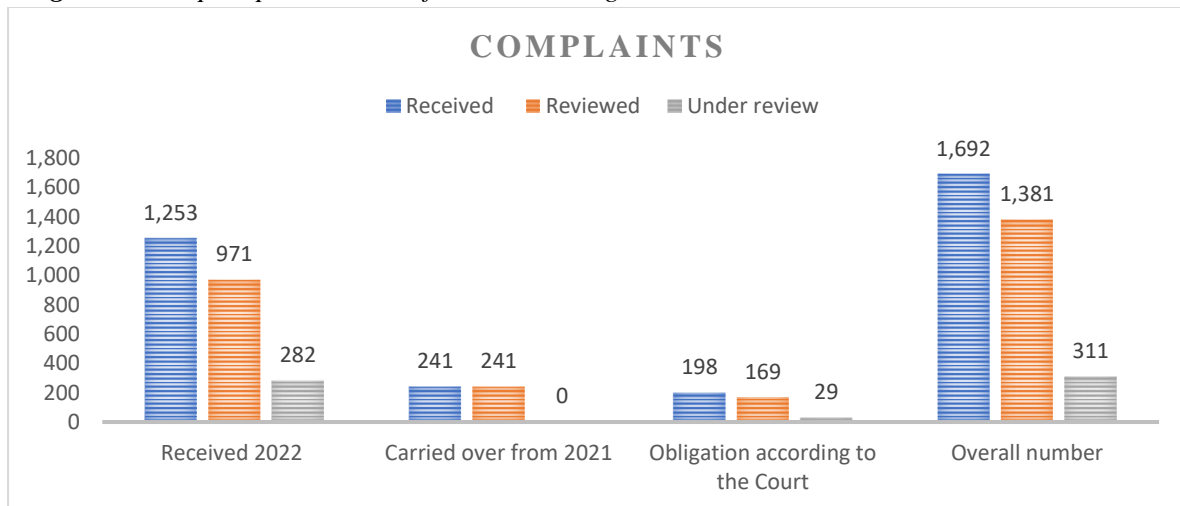
The Board has concluded the year 2022 with the largest number of accepted and therefore examined cases since its establishment.

In 2022, 1,253 complaints were received/registered, involving 2,121 civil servants/candidates for admission to the civil service. Of these, 1,203 complaints were submitted individually by civil servants or candidates for admission to the civil service, while 50 complaints were submitted by a group of complainants where a total of 918 civil servants were involved.

In addition to the complaints received during the reporting period (the number of which was 1,253), the Board also had for review 241 complaints carried over from 2021, as well as 198 complaints from previous years, which were reviewed as a result of the exhaustion of legal remedies in administrative conflict and obligation from the Basic Court in Pristina/Department for Administrative Affairs.

Table 3. Complaints received/reviewed

Complaints	Received 2022	Carried over from 2021	Obligation according to the Court	Overall number	In percentage
Received	1,253	241	198	1,692	100%
Reviewed	971	241	169	1,381	81.62%
Under review	282	0	29	311	18.38%

Diagram 1. Graphic presentation of data according to table no. 3

From the above it follows that in 2022 there were a total of 1,692 complaints for consideration, of which 1,381 complaints, or 81.6% of the complaints, were reviewed and the parties were notified regarding decision-making. While 311 complaints, or 18.4% of complaints, were transferred for review in 2023, which at the time of reporting were all reviewed and decided.

5.1.1 Complaints received during 2020, 2021 and 2022

From the analysis of the data collected related to the exercise of the function of examining and settling complaints, an increase in the number of complaints received during the reporting period compared to the previous two years is observed, which data are reflected as follows:

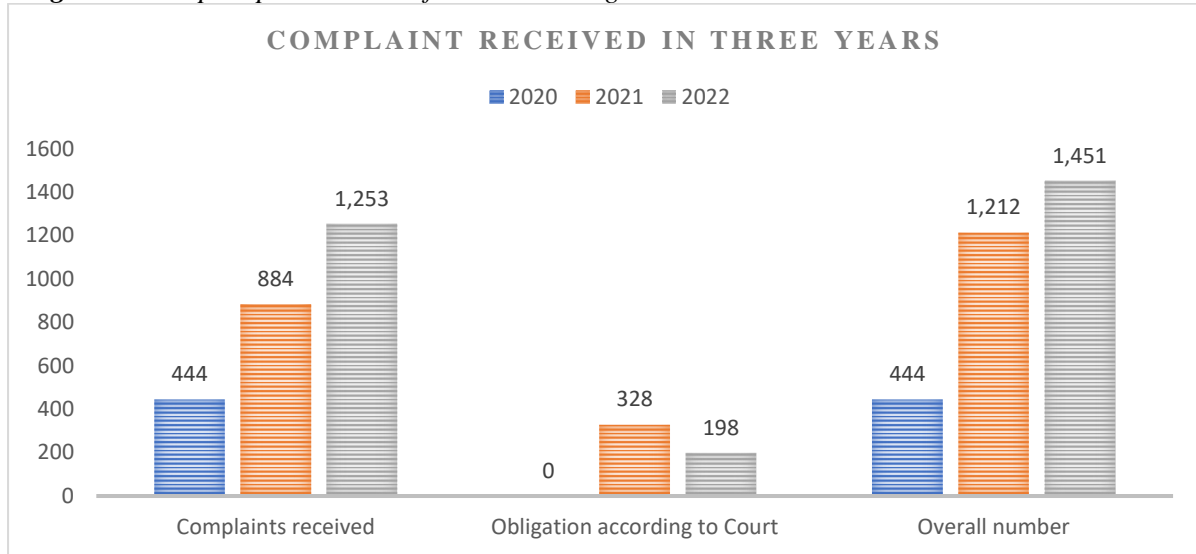
- In 2020, 444 complaints were received/registered;
- In 2021, 884 complaints were received/registered;
- In 2022, 1,253 complaints were received/registered.

This trend of increasing the number of complaints over the years shows the consolidation of trust in the work of the Board as well as the increase in the level of awareness of civil servants and stakeholders to address the problems that concern them in relation to the operation and administration of the civil service.

Table 4. Complaints received during the years 2020, 2021 and 2022

Year	Complaints received	Obligation according to Court	Overall number	Increase in (%) from year to year
2020	444	0	444	100%
2021	884	328	1,212	272.97%
2022	1,253	198	1,451	119.72%

Diagram 2. Graphic presentation of data according to table no. 4



This report also reflects in detail the statistical data on the complaints received and therefore examined, according to:

- subject matter of the complaint;
- gender and ethnic structure of the complainants;
- institutions to which a complaint has been submitted;
- subject matter of complaint for each institution; and
- type of ruling on complaints.

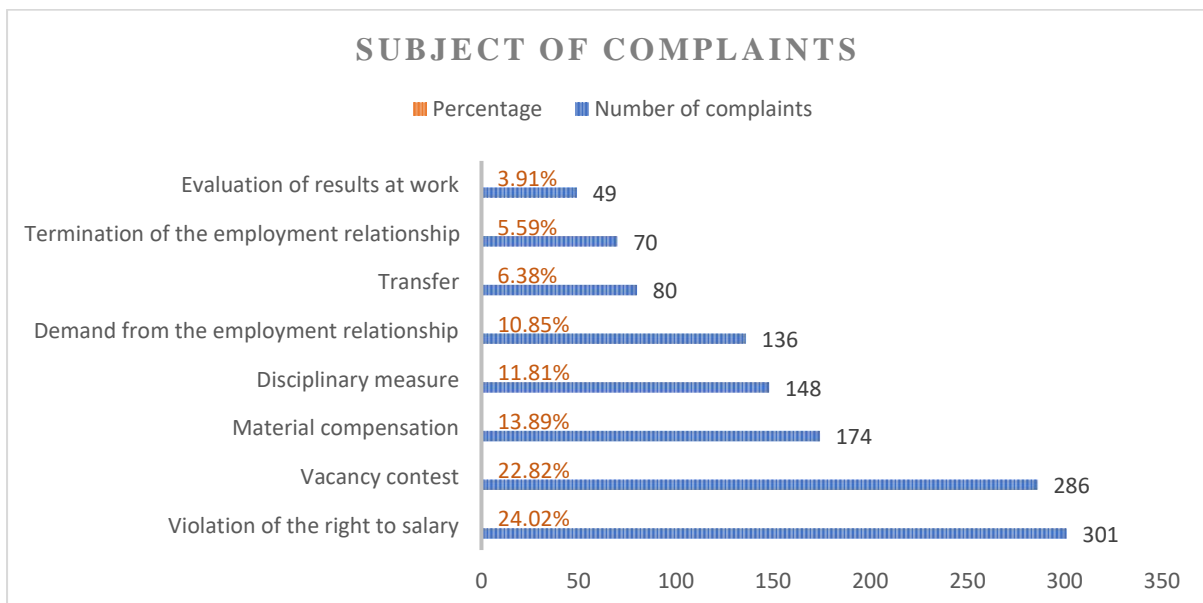
5.1.1.1 Complaints received by subject matter

During the reporting period, the Board received complaints with different objects of complaint and the same were registered according to the type of object, which are reflected in the following table:

Table 5. Complaints received by facility during 2022

No.	Subject of complaints	Number of complaints	Percentage
1	Violation of the right to salary	301	24.02%
2	Vacancy contest	286	22.82%
3	Material compensation	174	13.89%
4	Disciplinary measure	148	11.81%
5	Demand from the employment relationship	136	10.85%
6	Transfer	80	6.38%
7	Termination of the employment relationship	70	5.59%
8	Evaluation of results at work	49	3.91%
9	Suspension of the employment relationship	9	0.72%
10	Total	1,253	100%

Diagram 3. Graphic presentation of data as in table no. 5



From the data reflected as above, it is noted that the main place is occupied by the complaints submitted due to the violation of the right to salary. These cases represent over 24.0% of the complaints handled and are related to civil servants' concerns about discrimination or unequal treatment in the realization of personal income. Also, quite a large number of complaints have been filed against the recruitment procedures. These cases represent over 22.8% of the complaints handled and are related to the concerns of civil servants and candidates for admission to the civil service, that they have been treated unfairly or violations of the law have been allowed, which have violated the general principles of admission to the service civilians.

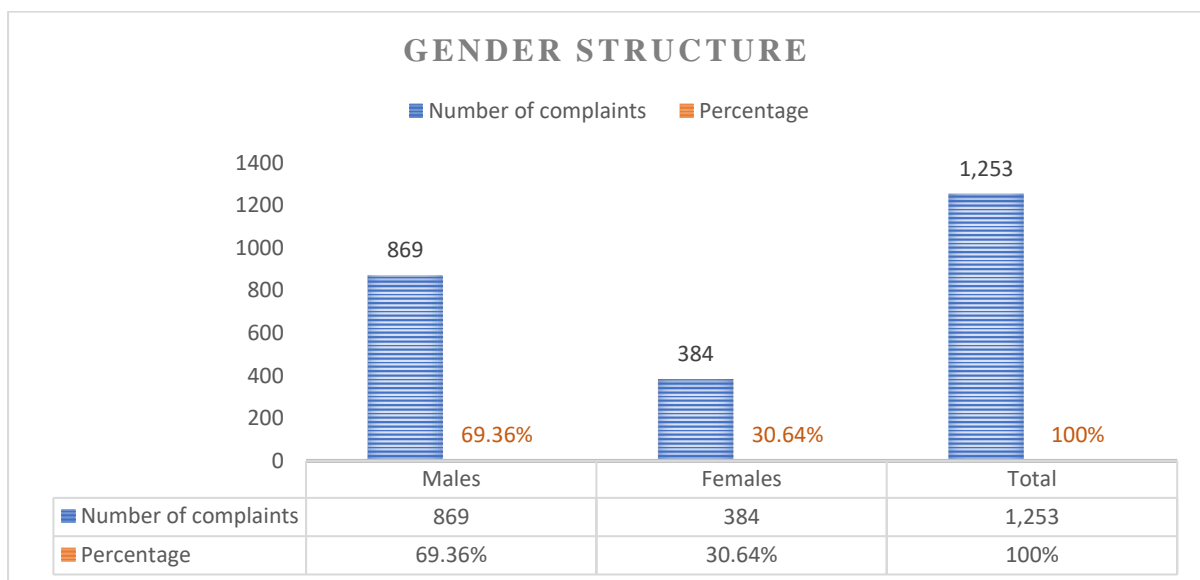
5.1.1.2 Complaints according to gender structure

From the total number of complaints received during the reporting period, the gender structure is reflected in the following table:

Table 6. Complaints according to gender structure

No.	Complaints by gender structure	Number of complaints	Percentage
1	Males	869	69.36%
2	Females	384	30.64%
3	Total	1,253	100%

Diagram 4. Graphic presentation of data as in table no. 6



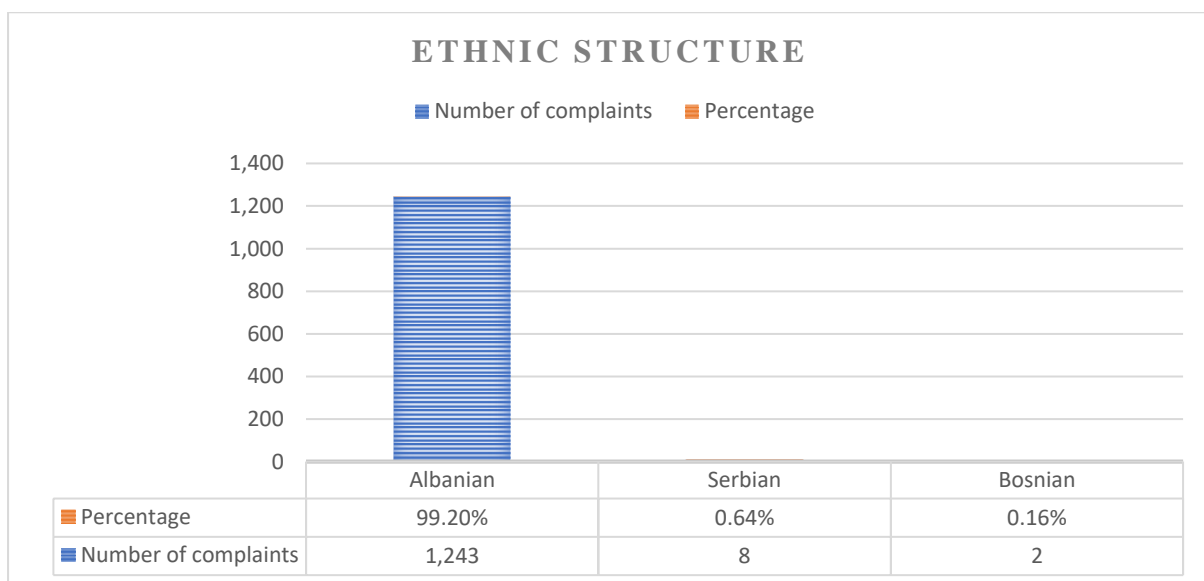
5.1.1.3 Complaints according to ethnic structure

From the total number of complaints received during the reporting period, the ethnic structure is reflected in the following table:

Table 7. Complaints according to ethnic structure

No.	Complaints by ethnic structure	Number of complaints	Percentage
1	Albanian	1,243	99.20%
2	Serbian	8	0.64%
3	Bosnian	2	0.16%
4	Total	1,253	100%

Diagram 5. Graphic presentation of data as in table no. 7



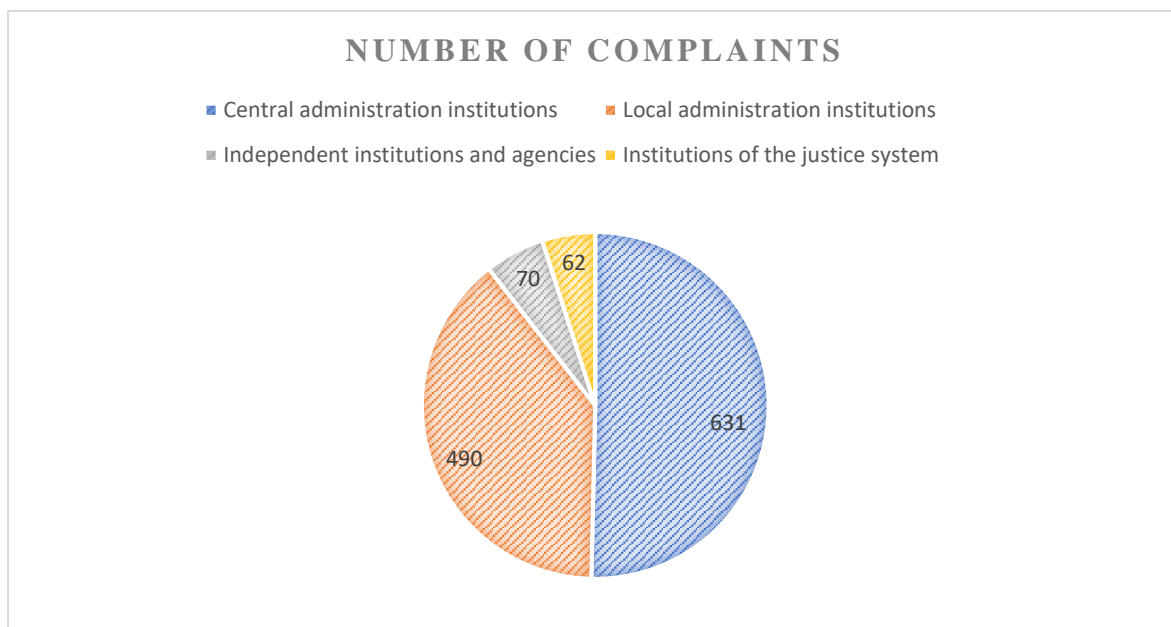
5.1.1.4 Complaints received according to institutions

From the total number of complaints received during the reporting period, the complaints received according to institutions are reflected in the following table:

Table 8. *Complaints received according to institutions*

No.	Institutions	Number of complaints	Percentage
1	Central administration institutions	631	50.36%
2	Local administration institutions	490	39.11%
3	Independent institutions and agencies	70	5.58%
4	Institutions of the justice system	62	4.95%
5	Total	1,253	100%

Diagram 6. *Graphic presentation of data as in table no. 8*





5.1.1.4.1 Received complaints - Central Administration Institutions

During the reporting period, the Board received for review 631 complaints, or 50.36% of the total number of complaints, submitted to the institutions of the central administration and the same were divided according to the object, as reflected below:

Table 9. Complaints received against central administration institutions

Institutions of Central Administration	Request from employment relationship	Material compensation	Vacancy contest	Disciplinary measure	Termination of the employment relationship	Violation of the right to salary	Preventive suspension	Transfers	Job evaluation	Total	Percentage
Kosovo Correctional Service	15	5	15	41	5	3	1	6	0	91	7.26%
Ministry of Foreign Affairs and Diaspora	26	3	4	4	20	0	0	16	1	74	5.91%
Ministry of Internal Affairs	15	8	14	8	4	0	0	15	4	68	5.43%
Ministry of Finance, Labour and Transfers	3	22	9	1	1	6	0	1	4	47	3.75%
Ministry of Environment, Spatial Planning and Infrastructure	7	9	1	0	1	7	0	6	2	33	2.64%
Tax Administration of Kosovo	2	2	5	7	4	0	0	5	2	27	2.15%
Ministry of Industry, Entrepreneurship and Trade	1	1	3	5	1	8	0	0	6	25	1.99%
Food and Veterinary Agency	4	0	0	6	0	11	0	2	1	24	1.91%
Kosovo Police	2	12	5	1	1	1	0	1	0	23	1.84%
Ministry of Justice	1	3	9	5	2	0	0	0	1	21	1.67%
Ministry of Culture, Youth and Sports	2	0	6	5	3	1	0	2	0	19	1.52%
Civil Aviation Authority	11	0	0	3	0	1	0	0	1	16	1.27%
Ministry of Health	2	8	0	3	0	0	0	1	0	14	1.11%
Prime Minister Office	0	2	2	4	4	0	0	0	2	14	1.11%
Ministry of Defence	1	1	11	0	0	0	0	0	0	13	1.04%
University of Prishtina	0	12	0	0	0	0	0	0	0	12	0.96%



Ministry of Education, Science and Technology	2	4	1	1	0	1	0	0	2	11	0.88%
Ministry of Local Government Administration	1	0	4	3	0	0	0	2	1	11	0.88%
Ministry of Economy	0	1	6	1	0	0	0	0	0	8	0.64%
Ministry of Agriculture, Forestry and Rural Development	0	3	4	0	1	0	0	0	0	8	0.64%
Agency for the development of Agriculture	0	0	0	5	0	0	1	0	0	6	0.48%
Free Legal Aid Agency	0	0	6	0	0	0	0	0	0	6	0.48%
Kosovo Security Board	0	2	0	2	0	0	0	0	1	5	0.40%
Employment Agency	0	1	1	0	0	3	0	0	0	5	0.40%
Forestry Agency of Kosovo	3	2	0	0	0	0	0	0	0	5	0.40%
Ministry of Regional Development	1	0	3	0	0	0	0	0	0	4	0.32%
Kosovo Institute for Public Administration	1	0	0	2	0	0	0	0	0	3	0.24%
Assembly of the Republic of Kosovo	1	1	0	0	0	0	0	0	1	3	0.24%
Labour Inspectorate	0	0	1	2	0	0	0	0	0	3	0.24%
Kosovo Accreditation Agency	0	0	3	0	0	0	0	0	0	3	0.24%
Kosovo State Archives Agency	1	0	0	0	0	0	0	0	2	3	0.24%
Kosovo Agency of Statistics	0	0	0	0	2	1	0	0	0	3	0.24%
Emergency Management Agency	0	2	1	0	0	0	0	0	0	3	0.24%
Ministry of Communities and Return	0	0	0	0	1	1	0	0	0	2	0.16%
Kosovo Probation Service	0	0	1	0	0	0	0	0	1	2	0.16%
Kosovo Academy for Public Safety	1	0	0	0	0	0	0	0	1	2	0.16%
Kosovo Police Inspectorate	0	2	0	0	0	0	0	0	0	2	0.16%
Agency on Management of Memorial Complexes	0	2	0	0	0	0	0	0	0	2	0.16%
Presidency of Kosovo	0	0	1	0	0	0	0	0	0	1	0.08%
Kosovo Cadastral Agency	0	1	0	0	0	0	0	0	0	1	0.08%
Central Procurement Agency	0	0	0	0	1	0	0	0	0	1	0.08%
Student Centre	0	0	1	0	0	0	0	0	0	1	0.08%
National Theatre of Kosovo	0	0	0	0	1	0	0	0	0	1	0.08%
University of Peja	0	0	1	0	0	0	0	0	0	1	0.08%
University Clinical Centre	0	0	1	0	0	0	0	0	0	1	0.08%
Kosovo Forensics Agency	0	0	0	0	0	0	0	0	1	1	0.08%
Agency for Gender Equality	0	0	0	1	0	0	0	0	0	1	0.08%
University of Mitrovica	0	0	0	1	0	0	0	0	0	1	0.08%
Total	103	109	119	111	52	44	2	57	34	631	50.36%



5.1.1.4.2 Received complaints - Local Administration Institutions

During the reporting period, 490 complaints, or 39.11% of the total number of complaints submitted to local administration institutions, were received for examination and the same were divided according to object, which are reflected as follows:

Table 10. Complaints received against local administration institutions according to the object of complaints

Local Administration Institutions	Request from the employment relationship	Material compensation	Vacancy contest	Disciplinary measure	Termination of employment	Violation of the right to salary	Transfer	Job evaluation	Preventive suspension	Total	Percentage
Municipality of Gjakova	1	4	2	4	0	55	3	2	0	71	5.66%
Municipality of Lipjan	0	2	0	0	0	59	0	0	1	62	4.95%
Municipality of Mitrovica	0	6	2	1	0	45	0	1	0	55	4.39%
Municipality of Peja	0	1	2	3	0	36	0	1	1	44	3.51%
Municipality of Prishtina	6	7	9	2	1	0	3	1	0	29	2.31%
Municipality of Podujeva	0	8	10	2	0	0	7	0	0	27	2.15%
Municipality of Kamenica	6	0	6	6	2	3	2	0	0	25	1.99%
Municipality of Klina	0	3	3	0	0	14	0	0	0	20	1.60%
Municipality of Obiliq	0	1	9	4	0	2	1	2	0	19	1.51%
Municipality of Skenderaj	0	0	7	1	1	7	0	0	0	16	1.27%
Municipality of Ferizaj	1	2	7	0	0	4	0	0	0	14	1.11%
Municipality of Prizren	0	4	7	1	0	0	0	1	0	13	1.04%
Municipality of Deçan	0	0	13	0	0	0	0	0	0	13	1.04%
Municipality of Viti	0	2	4	0	0	6	0	0	0	12	0.95%
Municipality of Malisha	0	0	1	3	2	0	4	0	0	10	0.65%



Municipality of Gjilan	0	2	1	1	2	1	0	1	1	9	0.71%
Municipality of Drenas	0	1	3	0	0	5	0	0	0	9	0.71%
Municipality of Shtime	0	1	3	0	1	4	0	0	0	9	0.71%
Municipality of Hani i Elezit	0	0	2	4	0	0	0	0	0	6	0.71%
Municipality of Fushë Kosova	0	1	2	0	0	1	0	1	0	5	0.39%
Municipality of Dragash	0	2	1	0	1	1	0	0	0	5	0.39%
Municipality of Shtërpce	0	0	3	1	0	0	0	0	0	4	0.32%
Municipality of Istog	1	0	2	0	0	0	0	0	0	3	0.24%
Municipality of Suhareka	0	0	2	1	0	0	0	0	0	3	0.24%
Municipality of Kaçanik	1	0	0	0	0	1	0	0	0	2	0.16%
Municipality of Vushtrri	0	2	0	0	0	0	0	0	0	2	0.16%
Municipality of Klllokot	0	0	1	0	1	0	0	0	0	2	0.16%
Municipality of Junik	0	0	0	0	1	0	0	0	0	1	0.08%
Total	16	49	102	34	12	244	20	10	3	490	39.11%



5.1.1.4.3 Received complaints - Institutions and Independent Agencies

During the reporting period, 70 complaints, or 5.58% of the total number of complaints, submitted to independent institutions and agencies were received for consideration and the same were divided according to the object, which are reflected as follows:

Table 11. Complaints received against institutions and independent agencies according to the object of the complaints

Institutions and Independent Agencies	Request from the employment relationship	Material compensation	Vacancy contest	Disciplinary measure	Termination of the employment relationship	Violation of the right to salary	Preventive suspension	Transfers	Job evaluation	Total	Percentage
Kosovo Privatization Agency	0	3	4	2	1	1	0	2	2	15	1.19%
Independent Commission for Mines and Minerals	0	1	6	1	0	2	0	0	0	10	0.80%
Information and Privacy Agency	0	0	6	0	0	2	0	0	0	8	0.64%
Central Election Commission	1	2	4	0	0	1	0	0	0	8	0.64%
Agency for the Prevention of Corruption	0	0	3	0	0	0	0	0	2	5	0.40%
Procurement Review Body	0	0	1	0	3	0	0	0	0	4	0.32%
Ombudsperson Institution of Kosovo	2	1	0	0	0	0	0	1	0	4	0.32%
Property Comparison and Verification Agency	1	1	1	0	0	0	0	0	0	3	0.24%
Air Navigation Services Agency	0	0	1	0	0	0	1	0	0	2	0.16%
Kosovo Board for Cultural Heritage	2	0	0	0	0	0	0	0	0	2	0.16%
Energy Regulator Office	0	0	2	0	0	0	0	0	0	2	0.16%
Kosovo Competition Authority	2	0	0	0	0	0	0	0	0	2	0.16%
National Audit Office	0	0	2	0	0	0	0	0	0	2	0.16%
Regulatory Authority of Electronic and Postal Communications	0	0	1	0	0	0	0	0	0	1	0.08%
Independent Media Commission	0	0	1	0	0	0	0	0	0	1	0.08%
Independent Oversight Board of the Civil Service of Kosovo	0	0	1	0	0	0	0	0	0	1	0.08%
Total	8	8	33	3	4	6	1	3	4	70	5.58%



5.1.1.4.4 Complaints received – Institutions of the Justice System

During the reporting period, 62 complaints, or 4.95% of the total number of complaints, submitted to the institutions of the justice system were received for review and the same were divided according to the object, which are reflected as follows:

Table 12. Complaints received against Justice Institutions according to the object of complaints

Institutions of the Justice System	Request from the employment relationship	Material compensation	Vacancy contest	Disciplinary measure	Termination of the employment relationship	Violation of the right to salary	Preventive suspension	Transfers	Job evaluation	Total	Percentage (%)
Secretariat of Kosovo Judicial Board	8	6	11	0	0	2	3	0	1	31	2.47 %
Prosecutorial Board Secretariat	0	2	19	0	2	3	0	0	0	26	2.07 %
Supreme Court of Kosovo	0	0	0	0	0	2	0	0	0	2	0.16 %
Basic Court in Mitrovica	1	0	0	0	0	0	0	0	0	1	0.08 %
Basic Court in Gjakova	0	0	1	0	0	0	0	0	0	1	0.08 %
Basic Court in Ferizaj	0	0	1	0	0	0	0	0	0	1	0.08 %
Total	9	8	32	0	2	7	3	0	1	62	4.95 %

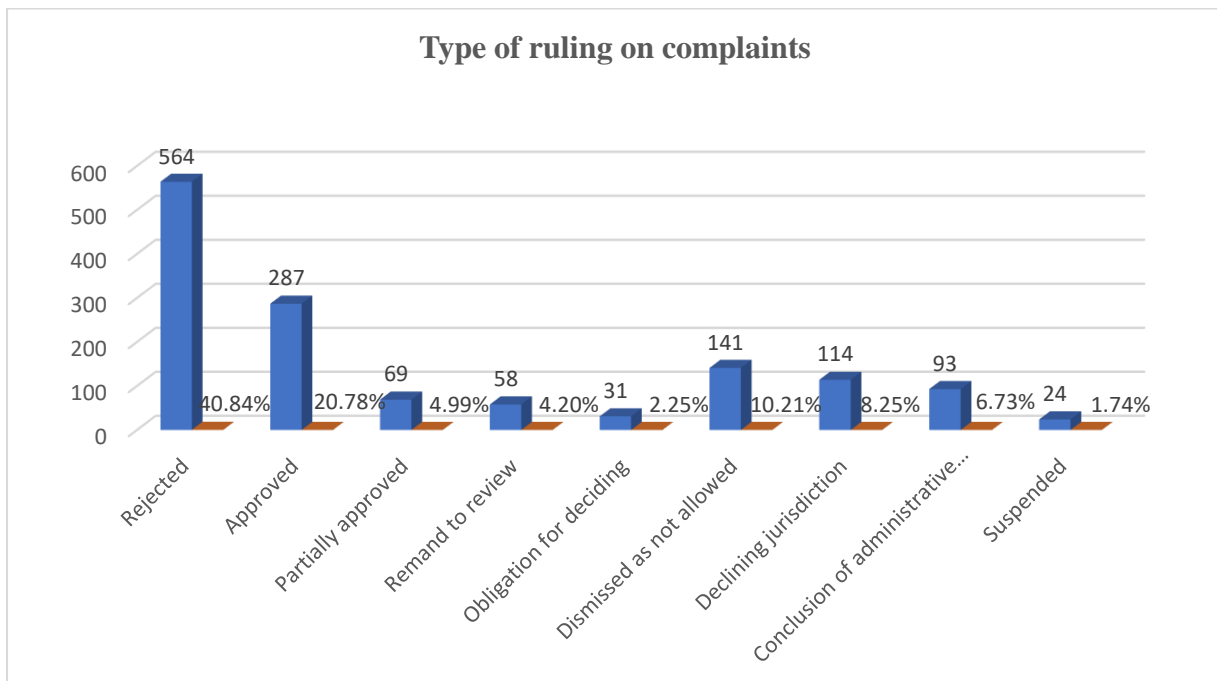
5.1.1.5 Type of ruling on complaints

This part of the report presents the data related to the type of ruling on complaints are decided, including the total number of complaints reviewed during the reporting period, namely 1,381 complaints.

Table 13. The method of placing complaints

Type of ruling	Number of complaints	Percentage
Rejected	564	40.84%
Approved	287	20.78%
Partially approved	69	4.99%
Remand to review	58	4.20%
Obligation for deciding	31	2.25%
Dismissed as not allowed	141	10.21%
Declining jurisdiction	114	8.25%
Conclusion of administrative proceeding	93	6.73%
Suspended	24	1.74%
Total	1,381	100%

Diagram 7. Graphic presentation of data as in table no. 13



Rejected - are decisions by which it was determined that the complaints of the complainants are not grounded and consequently the acts or actions of the employment bodies were left in force.

During the reporting period, the Board rejected **564** complaints.

Approved - are the decisions by which it has been meritoriously decided that the appeal claims are grounded and consequently the acts of the employment bodies have been annulled or repealed, obliging them to implement the decisions of the Board.

During the reporting period, the Board approved **287** complaints..

Partially approved - are the decisions by which it has been decided that the complaints of the complainants are partially based and consequently the acts of the employment bodies have been annulled, repealed or changed, obliging them to implement the decisions of the Board.

During the reporting period, the Board partially approved **69** complaints.

Remand to review – are the decisions with which the defects of the contested administrative act or other procedural defects were found which made it impossible for the Board to decide in a meritorious manner.

The Board, for the reporting period, has decided to return the case for reconsideration in **58** cases.

Obligations for deciding - are the decisions by which it has been established that the body of employment without right has not issued an administrative act and consequently the rights of the party have been violated from the employment relationship in the civil service.

During the reporting period, the Board issued **31** decisions, with which the employment bodies, respectively the competent bodies, were forced to issue an administrative act according to the request of the complainants.

Dismissed as not allowed - are decisions by which it was established that the complainants did not take action in advance or did not exhaust the internal means of the employment body, complaints were submitted outside the legal deadline for appeals, or were submitted by persons who, based on the law, do not have the legitimacy of the party in the procedure.

During the reporting period, the Board rejected **141** complaints as unauthorized.

Declining jurisdiction - are decisions by which it has been established that the appellants do not have the status of civil servants or candidates for the resolution of the status in the civil service.

During the reporting period, the Board was declared incompetent for **114** complaints.

Conclusion of administrative proceeding - are decisions by which it has been established that the legal conditions for the conclusion of administrative proceedings have been met because the complainant has withdrawn the complaint, the object of the decision has become impossible or futile, as well as for other defined issues expressly by law.

During the reporting period, the Board decided to end the administrative procedure for **93** complaints

Suspended - are decisions by which it was established that during the procedure issues were presented, the solution of which is a prerequisite for the solution of the main issue.

During the reporting period, the Board decided to suspend **24** procedures.

5.1.1.6 Ruling on complaints by subject matter of complaints

In this part of the report, the data on the method of ruling on complaints according to the subject matter of the complaints are presented.

Table 14. *Ruling on complaints by subject matter*

Ruling on complaints by subject matter	Approved	Rejected	Dismissed as not allowed	Declining competency	Conclusion of administrative proceeding	Partially approved	Remand to review	Ordering decision	Suspended	Total
Violation of the right to salary	74	177	11	5	5	23	1	2	2	300
Vacancy contest	46	131	29	24	34	10	9	0	12	295
Material compensation	21	115	39	42	10	8	1	6	3	245
Disciplinary measure	59	44	9	5	8	7	18	0	2	152
Demand from the employment relationship	31	37	31	6	16	5	10	13	1	150
Termination of the employment relationship	14	32	3	27	3	4	5	0	2	90
Transfer	32	11	8	3	14	1	10	0	2	81
Job evaluation	10	15	7	1	0	3	3	10	0	49
Preventive suspension	0	2	4	1	3	8	1	0	0	19
Total	287	564	141	114	93	69	58	31	24	1,381

Out of a total of 1,381 complaints reviewed during the reporting period, of them were reviewed: 971 complaints from 2022, 241 complaints carried over from 2021 and 169 complaints from previous years as required by the Basic Court in Pristina/Department for Administrative Affairs

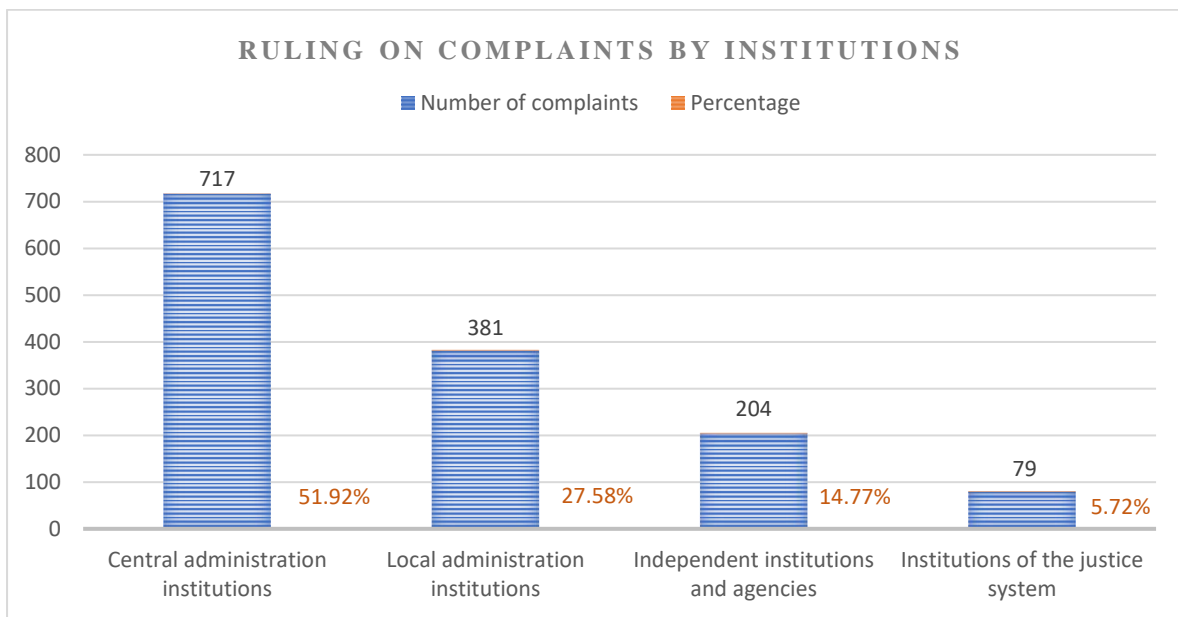
5.1.1.7 Ruling on complaints by institutions

This part of the report presents the data on how complaints received against the institutions of the central administration, local institutions, constitutional institutions and independent agencies, as well as the institutions of the justice system are decided.

Table 15. *Ruling on complaints by institutions*

No.	Ruling on complaints by institutions	Number of complaints	Percentage
1	Central administration institutions	717	51.92%
2	Local administration institutions	381	27.58%
4	Independent institutions and agencies	204	14.77%
5	Institutions of the justice system	79	5.72%
6	Total	1,381	100%

Diagram 8. Graphic presentation of data as in table no. 15



5.1.1.7.1 Settled complaints – Central Administration Institutions

During the reporting period, the Board decided on 717 complaints submitted to the institutions of the central administration and the same were divided according to the type of ruling, which are reflected as follows:

Table 16. Type of ruling on complaints submitted to the institutions of the central administration

Central Administration Institutions	Approved	Rejected	Dismissed as not allowed	Approved	Declining competency	Remand to review	Conclusion of administrative proceeding	Ordering the authority to issues the administrative act	Suspended	Number of complaints reviewed
Kosovo Correctional Service	30	34	1	6	2	15	9	0	1	98
Ministry of Foreign Affairs and Diaspora	3	20	0	6	20	11	10	5	1	76
Ministry of Internal Affairs	23	19	7	7		4	9	3	2	74
Kosovo Police	2	37	1	1	6	0	0	0	0	47
Ministry of Finance Labour and transfers	7	20	3	12	1	0	2	1	0	46
Ministry of Environment and Spatial Planning	6	13	2	10	1	2	2	1	0	37
Tax Administration of Kosovo	6	12	4	1	0	1	5	0	3	32
Ministry of Culture, Youth and Sports	6	6	4	4	3	2	1	0	0	26
Food and Veterinary Agency	2	5	9	10	0	0	0	0	0	26

Ministry of Industry, Entrepreneurship and Trade	6	9	1	1	0	1	0	2	0	20
Civil Aviation Authority	8	4	1	2	0	0	2	1	1	19
Ministry of Education, Science and Technology	2	7	0	4	2	1	0	1	0	17
Prime Minister's Office	1	8	2	0	4	2	0	0	0	17
Ministry of Health	5	3	0	0	0	1	3	4	0	16
University of Prishtina	0	0	0	1	15	0	0	0	0	16
Ministry of Justice	5	3	0	3	0	3	0	1	0	15
Ministry of Defence	4	8	0	0	0	0	2	0	0	14
Ministry of Economy	0	3	0	2	2	0	6	0	0	13
Ministry of Agriculture, Forestry and Rural Development	0	6	0	1	5	0	0	0	0	12
Ministry of Local Government Administration	2	7	0	1	0	0	0	1	0	11
Forestry Agency of Kosovo	0	2	0	3	0	0	1	0	0	6
Agriculture Development Agency	0	4	0	0	0	0	1	0	1	6
Kosovo Statistics Agency	1	0	0	1	1	0	0	1	2	6
Free Legal Aid Agency	2	3	0	0	0	0	1	0	0	6
Emergency Management Agency	0	1	0	0	4	0	0	0	0	5
Labour Inspectorate	1	1	2	0	0	0	0	0	0	4
Ministry of Regional Development	0	3	0	1	0	0	0	0	0	4
Kosovo Security Board	0	3	1	0	0	0	0	0	0	4
Employment Agency	1	1	1	0	0	0	0	1	0	4
Kosovo Academy for Public Safety	0	2	0	0	0	0	1	0	0	3
Kosovo Institute for Public Administration	1	1	0	0	0	0	0	0	1	3
Assembly of the Republic of Kosovo	1	0	0	2	0	0	0	0	0	3
Accreditation Agency of Kosovo	1	1	0	0	0	0	1	0	0	3
State Agency of Archives of Kosovo	1	2	0	0	0	0	0	0	0	3
University of Peja	0	1	0	0	1	0	0	0	0	2
Probation Service of Kosovo	0	1	0	0	0	0	0	1	0	2
Kosovo Pedagogical Institute	0	0	0	1	1	0	0	0	0	2
Kosovo Police Inspectorate	0	0	0	0	2	0	0	0	0	2
Kosovo Forensics Agency	0	0	1	0	1	0	0	0	0	2
Agency on Management of Memorial Complexes of Kosovo	0	2	0	0	0	0	0	0	0	2
Presidency of Kosovo	1	0	0	0	0	0	0	0	0	1
University of Prizren	0	1	0	0	0	0	0	0	0	1
Cadastral Agency of Kosovo	0	1	0	0	0	0	0	0	0	1
Agency for Gender Equality	1	0	0	0	0	0	0	0	0	1
Central Procurement Agency	1	0	0	0	0	0	0	0	0	1
University of Applied Sciences in Ferizaj	0	1	0	0	0	0	0	0	0	1
University of Mitrovica	0	0	0	0	1	0	0	0	0	1
National Theatre of Kosovo	0	0	0	0	1	0	0	0	0	1
Student Centre	0	0	0	0	1	0	0	0	0	1
University Clinical Centre	0	0	0	0	1	0	0	0	0	1
National Qualifications Authority	0	1	0	0	0	0	0	0	0	1
Ministry for Communities and Returns	0	1	0	0	0	0	0	0	0	1
Kosovo Agency for Southern Equipment and Products	1	0	0	0	0	0	0	0	0	1
Total	131	257	40	80	75	43	56	23	12	717

5.1.1.7.2 Settled complaints - Local Administration Institutions

During the reporting period, the Board has decided on 381 complaints submitted to local administration institutions and the same have been divided according to the type of ruling, which are reflected as follows:

Table 17. Type of ruling on complaints submitted to local administration institutions

Local Administration institutions	Approved	Rejected	Dismissed as not allowed	Approved	Declining competency	Remand to review	Conclusion of administrative proceeding	Ordering the authority to issue the administrative act	Suspended	Number of complaints reviewed
Municipality of Prishtina	11	14	12	6	2	3	0	3	1	52
Municipality of Mitrovica	36	4	2	4	1	1	0	0	0	48
Municipality of Gjakova	18	7	0	2	6	1	1	1	0	36
Municipality of Podujeva	13	6	1	5	3	4	0	0	0	32
Municipality of Kamenica	11	4	2	4	1	3	1	0	1	27
Municipality of Obiliq	10	5	0	1	1	1	1	1	0	20
Municipality of Ferizaj	3	4	2	3	2	2	0	0	0	16
Municipality of Skenderaj	4	5	0	4	1	0	0	0	0	14
Municipality of Viti	3	3	1	3	2	0	1	0	0	13
Municipality of Malisheva	2	6	0	1	1	1	1	0	0	12
Municipality of Klina	7	4	0	0	0	1	0	0	0	12
Municipality of Gjilan	2	4	1	0	2	1	1	0	0	11
Municipality of Lipjan	3	1	1	3	1	1	0	0	0	10
Municipality of Peja	2	3	1	2	0	0	0	2	0	10
Municipality of Prizren	1	4	0	2	2	0	0	0	0	9
Municipality of Shtime	2	3	1	0	0	1	0	0	1	8
Municipality of Drenas	2	3	0	1	1	0	0	0	0	7
Municipality of Hanit i Elezit	3	2	0	1	0	0	0	0	0	6
Municipality of Fushë Kosova	0	5	0	1	0	0	0	0	0	6
Municipality of Dragash	1	3	0	0	0	0	1	0	0	5
Municipality of Shtërpce	3	0	0	0	0	1	0	0	0	4
Municipality of Suhareka	0	3	0	0	1	0	0	0	0	4
Municipality of Istog	1	2	1	0	0	0	0	0	0	4
Municipality of Deçan	2	1	0	0	0	1	0	0	0	4
Municipality of Kaçanik	2	0	0	0	0	1	0	0	0	3
Municipality of Kllokot	0	0	0	0	2	0	0	0	0	2
Municipality of Leposaviq	0	2	0	0	0	0	0	0	0	2
Municipality of Vushtrri	0	2	0	0	0	0	0	0	0	2
Municipality of Junik	1	1	0	0	0	0	0	0	0	2
Total	143	101	25	43	29	23	7	7	3	381

5.1.1.7.3 Settled Complaints - Institutions and Independent Agencies

During the reporting period, the Board decided on 220 complaints submitted to institutions and independent agencies, and the same were divided according to the type of ruling, which are reflected as follows:

Table 18. Type of ruling on complaints submitted to independent institutions and agencies

Independent institutions and agencies	Approved	Rejected	Dismissed as not allowed	Approved	Declining competency	Remand to review	Conclusion of administrative proceeding	Ordering the authority to issue the administrative act	Suspended	Number of complaints reviewed
Kosovo Privatization Agency	2	155	0	0	4	0	1	1	1	164
Independent Commission for Mines and Minerals	2	2	0	1	0	0	3	0	0	8
Information and Privacy Agency	1	2	1	2	0	1	1	0	0	8
Central Election Commission	2	2	0	3	0	0	0	0	1	8
Agency for the Prevention of Corruption	0	2	2	1	0	0	0	0	0	5
Procurement Review Body	0	4	0	1	0	0	0	0	0	5
Ombudsman Institution of Kosovo	1	0	0	1	0	0	3	0	0	5
Air Navigation Services Agency	0	2	0	0	1	1	0	0	0	4
Kosovo Board for Cultural Heritage	1	2	0	1	0	0	0	0	0	4
Property Comparison and Verification Agency	0	2	0	0	1	0	0	0	0	3
Kosovo Competition Authority	1	0	1	0	0	0	0	0	0	2
Regulatory Authority for Electronic Communications	0	0	0	1	0	0	0	0	0	1
National Audit Office	0	0	0	0	1	0	0	0	0	1
Independent Media Commission	0	1	0	0	0	0	0	0	0	1
Independent Oversight Board for the Civil Service of Kosovo	0	0	0	1	0	0	0	0	0	1
Total	10	174	4	12	7	2	8	1	2	220

5.1.1.7.4 Settled Complaints– Institutions of the Justice System

During the reporting period, the Council decided on 63 complaints submitted to the institutions of the justice system, and the same were divided according to the way of decision, which are reflected as follows:

Table 19. Type of ruling on complaints submitted to justice institutions

Institutions of the justice system	Approved	Rejected	Dismissed as not allowed	Approved	Declining competency	Remand to review	Conclusion of administrative proceedings	Ordering the authority to issue the administrative act	Suspended	Number of complaints reviewed
Secretariat of Kosovo Judicial Board	1	13	0	5	2	3	2	0	6	32
Prosecutorial Board Secretariat	2	12	0	1	1	3	4	0	0	23
Supreme Court of Kosovo	0	3	0	0	0	0	0	0	0	3
Basic Court in Gjilan	0	0	0	0	0	0	0	0	1	1
Basic Court in Gjakova	0	1	0	0	0	0	0	0	0	1
Basic Court in Ferizaj	0	1	0	0	0	0	0	0	0	1
Basic Court in Peja	0	1	0	0	0	0	0	0	0	1
Court of Appeals in Prishtina	0	1	0	0	0	0	0	0	0	1
Total	3	32	0	6	3	6	6	0	7	63

5.1.2 MONITORING FUNCTION

In addition to the function of examining and deciding complaints, also during the reporting period the Board has continued exercising the monitoring function as defined by the provisions of Article 6, paragraph 1, subsection 1.3 and Article 20 of Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo, supervising the implementation of the rules and principles of the legislation for the civil service in the following areas:

- Internal organization and employee data;
- Recruitment and advancement procedures;
- Disciplinary procedures;
- Complaints procedures;
- Evaluation procedures;
- Vacation procedures;
- Transfer procedures;
- Data related to ethnic, gender and disabled persons representation;
- Procedures for suspension, termination and termination of the employment relationship;
- Incompatibility between the exercise of the duties of the civil servant and the public functionary;
- Data on whether civil servants are being prosecuted or have been convicted by a court decision;
- Cases of sexual harassment;
- Training of civil servants;
- Attendance at work, salaries, allowances and compensations of civil servants;
- Implementation of the Board's recommendations and decisions.

In support of the provisions of Law No. 06/L-048 for the Independent Oversight Board for the Civil Service of Kosovo, as well as Regulation No. 04/2018 for the Monitoring Procedure of Public Administration Institutions, dated 29.04.2022, through Decision number 47/2022, the Monitoring Plan for 2021 was approved.

Consequently, based on the annual monitoring plan, during 2022, 26 regular monitoring visits were made to public administration institutions. At the same time, during this period, 6 extraordinary monitoring visits were made to public administration institutions.

During the supervision of the implementation of the rules and principles of the civil service legislation in the relevant institutions, about 203 violations of the rules and principles of the civil service legislation were identified, and for the identified violations, 195 recommendations were given to the responsible officials of the monitored institutions. Monitoring reports have been forwarded to each institution and consequently published on the Board's website.

The institutions are listed below along with the number of findings and recommendations during regular and extraordinary monitoring:

Table 20. *Institutions, number of findings and recommendations in regular monitoring*

No.	Public administration institutions	Number of findings	Number of recommendations
1	Ministry of Internal Affairs	13	13
2	Municipality of Prishtina	13	13
3	Ministry of Finance, Labour and Transfers	11	9
4	Tax Administration of Kosovo	10	10
5	Municipality of Prizren	9	9
6	Ministry of Industry, Entrepreneurship and Trade	9	9
7	Ministry of Environment, Spatial Planning and Infrastructure	9	9
8	Ministry of Foreign Affairs and Diaspora	9	8
9	State Agency of Archives of Kosovo	8	8
10	Ministry of Culture, Youth and Sports	8	8
11	Ministry of Education, Science and Technology and Innovation	7	7
12	Ministry of Defence	7	6
13	Ministry of Justice	6	6
14	Prime Minister's Office	6	6
15	Municipality of Gjilan	6	6
16	Police of Kosovo	6	6
17	Employment Agency	6	6
18	Municipality of Gjakova	5	5
19	Embassy of the Republic of Kosovo in Germany	5	5
20	Municipality of South Mitrovica	5	5
21	Kosovo Correctional Service	5	4
22	Civil Aviation Authority of Kosovo	4	4
23	Embassy of the Republic of Kosovo in Switzerland	4	4
24	Embassy of the Republic of Kosovo in the Czech Republic	4	4
25	Municipality of Peja	4	3
26	Embassy of the Republic of Kosovo in Belgium	3	3
	Total	182	176

Table 21. *Institutions, number of findings and recommendations in exceptional monitoring*

No.	Public administration institutions	Number of findings	Number of recommendations
1	Information and Privacy Agency	6	6
2	Tax Administration of Kosovo	6	6
3	Ministry of Environment, Spatial Planning and Infrastructure	3	1
4	Ministry of Finance, Labour and Transfers	2	2
5	Ministry of Foreign Affairs and Diaspora	2	2
6	Ministry of Local Government Administration	2	2
	Total	21	19

5.2 Annual work plan for 2023

In order to fulfil the mission and vision for the supervision and guarantee of compliance with the rules and principles that regulate the civil service, a work plan with concrete objectives and activities has been prepared, as follows:

1. Review of all complaints of civil servants and candidates for admission to civil service:
 - *Receiving and processing complaints;*
 - *Holding professional sessions;*
 - *Holding public and non-public sessions of colleges;*
 - *Preparation of decisions and other follow-up documents as well as proceeding with the parties.*
2. Oversight and assessment of compliance with the rules and principles of civil service legislation;
 - *Preparation of the monitoring plan;*
 - *Realization of monitoring visits;*
 - *Preparation of monitoring reports;*
 - *Analysis and verification of data on the implementation of recommendations.*
3. Full functionalization of the organizational structure;
 - *Approval of the new organizational structure;*
 - *Transfer and systematization of staff.*
4. Updating of the bylaws of the Board;
 - *Amending and supplementing the Rules of Procedure of the Board;*
 - *Amending and supplementing the Regulation on the Code of Ethics in the Board;*
 - *Amending and supplementing the Regulation on Monitoring;*
 - *Amending and supplementing the Regulation for reviewing and placing complaints in the Board.*
5. Advancement of cooperation with local and international institutions;
 - *Realization of meetings and coordination of awareness-raising activities with public administration institutions where civil servants are employed;*
 - *Realization of meetings and coordination of activities with international partners, such as the EU Office in Kosovo, BDO Project, OSCE, USAID, GIZ, UNDP, and other international institutions.*
 - *Realization of mutual visits and exchange of practices and experiences with counterpart institutions of other countries.*
6. Strengthening the professional capacities of the Board:
 - *Professional training in the field of civil service legislation and the law on general administrative procedure;*
 - *Trainings for the administration and updating of the database; AND*
 - *Organization of study visits to homologous institutions.*



7. Further raising the transparency of the Board

- *Publication of decisions and reports on the Board's website;*
- *Organization of information tables and cooperation with media and civil society.*

8. Representation in court proceedings

- *Participation in all court hearings in cases where the Board is invited as a defendant or as a third party;*
- *Preparation of responses to lawsuits and other documents in court proceedings;*
- *Preparation of appeals against court decisions.*

5.2.1 Cooperation with local and international institutions

During the reporting period, special importance has been devoted to establishing and advancing cooperation with local and international institutions.

Within the framework of cooperation with local institutions, visits to various public administration institutions at the central and local levels, as well as the institutions of the justice system, have continued.

Consequently, according to the requests, support and cooperation was offered to the Kosovo Police and the State Prosecutor's Office for the cases that were requested for evaluation and interpretation within the constitutional and legal functions and responsibilities of the Board.

It is important to say that during the reporting period a Cooperation Agreement was signed with the Commissioner of Supervision of the Civil Service of the Republic of Albania, the purpose of which agreement is the exchange of expertise, experiences and best practices with the aim of providing a more professional supervision which will guarantee compliance with the law in the administration of the civil service in the two respective countries.

The Board has also continued to cooperate with international partners, such as the Office of the European Union in Kosovo, the BDO Project and the OSCE.

Cooperation with the Office of the European Union in Kosovo consists of issues of joint discussion regarding the implementation of legislation for public officials as part of the reform of the public administration in Kosovo.

While the cooperation with the BDO project refers to certain issues related to the implementation of the project for the recruitment of senior managers in public administration institutions in order to appoint professional officials, based on transparent and merit-based recruitment processes.

The Board has also recently restored cooperation with the OSCE, where as a result the latter has approved the Board's request for the support and support of certain activities such as the updating of by-laws as well as the evaluation and updating of the database of board.

5.3 Implementation of decisions

5.2.1 Implementation of decisions by employment bodies

According to Article 21 of Law No. 06/L-048 for the Independent Oversight Board for Civil Service of Kosovo, the Board's decisions are final administrative decisions and are implemented by high-level management officials or the responsible person of the institution that made the first decision towards the party.

The implementation of the decision must be done within fifteen (15) days from the day of acceptance of the decision. Non-implementation of the Board's decision by the responsible person of the institution represents a serious violation of work duties.

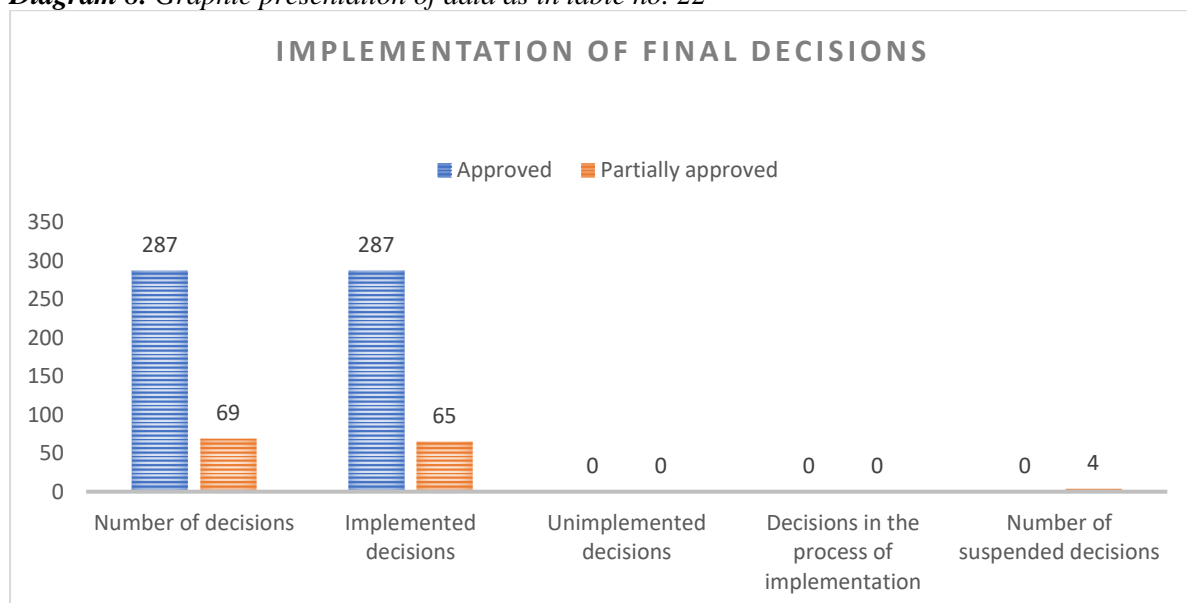
During the reporting period, the Board, in exercising its function of examining and deciding complaints, issued 445 decisions for which the employment bodies were obliged to implement. Of these, 356 final decisions and 89 intermediate decisions.

From the process of supervising the implementation of the decisions, it follows that the implementation of the final decisions is as follows:

Table 22. Implementation of final decisions

Final decisions	Number of decisions	Implemented decisions	Unimplemented decisions	Decisions in the process of implementation	Number of suspended decisions
Approved	287	287	0	0	0
Partially approved	69	65	0	0	4
Total	356	351	0	0	4

Diagram 8. Graphic presentation of data as in table no. 22

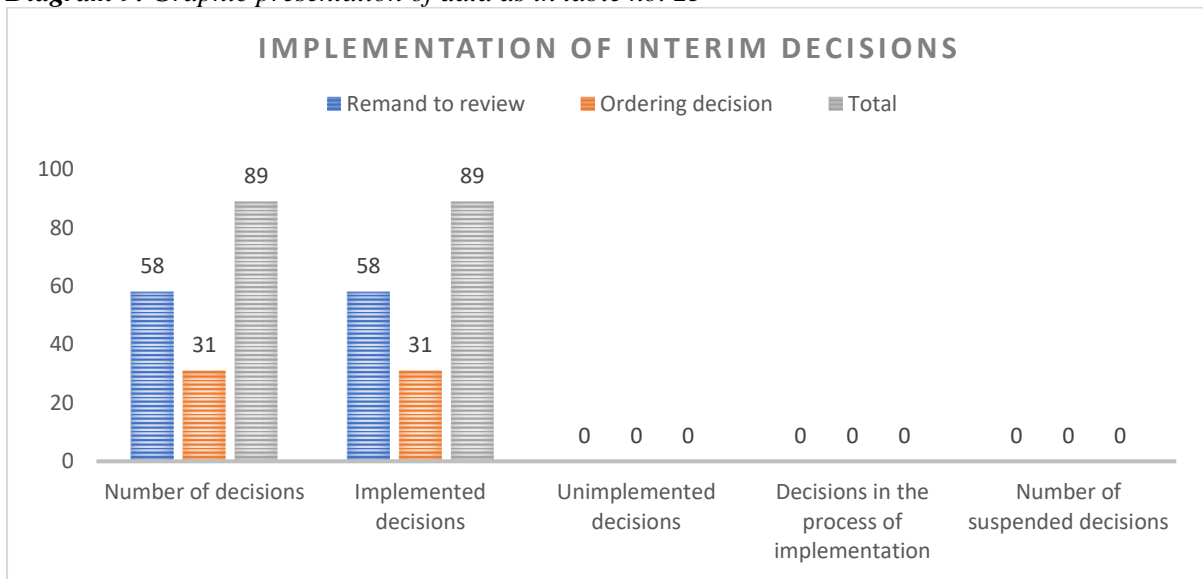


While the analysis of the collected data shows that the intermediate decisions have been implemented by the relevant public administration institutions, which are reflected as follows:

Table 23. Implementation of interim decisions

Intermediate decisions	Number of decisions	Implemented decisions	Unimplemented decisions	Decisions in the process of implementation	Number of suspended decisions
Remand to review	58	58	0	0	0
Ordering decision	31	31	0	0	0
Total	89	89	0	0	0

Diagram 9. Graphic presentation of data as in table no. 23



5.3.1 Representation and court decisions

Board decisions are final administrative decisions. Consequently, with the provisions of Article 22 of Law No. 06/L-048 for the Independent Oversight Board for Civil Service of Kosovo, it is determined that against the Board's decision, the dissatisfied party who claims that the Board's decision is not legal can initiate an administrative conflict in the competent court, within the specified period with the provisions of the law on administrative conflict. The initiation of the administrative conflict does not stop the execution of the Board's decision.

During the reporting period, the Board has received 230 invitations for court hearings and 140 rulings for responses to lawsuits. Also, during this period, it received 502 judgments and 72 decisions.

From the Basic Court - a total of 368 decisions were received, of which 288 judgments and 80 decisions, reflected as follows:

Judgements:

- *With 34 judgments, the lawsuits of the plaintiffs were approved and the cases were returned to the Board for reconsideration and reinstatement;*
- *With 7 judgements, the lawsuits of the plaintiffs were approved and the decisions of the Board were annulled;*
- *With 50 judgments, the lawsuits of the plaintiffs were rejected and consequently the decisions of the Board were confirmed;*
- *With 197 judgments, the announcements of the administration of the Board were cancelled, and the Board was obliged to examine the unresolved complaints of previous years when the Board was not functional.*

Decisions:

- *With 17 rulings, the lawsuits of the plaintiffs were rejected and the decisions of the Board were confirmed.*
- *With 1 ruling, the plaintiff's claim was rejected;*
- *Judicial proceedings were suspended with 9 rulings;*
- *With 40 decisions, the requests for postponing the execution of the Board's decisions were rejected;*
- *With 7 decisions, the execution of the Board's decisions has been postponed;*
- *With 1 decisions, the court decision was corrected;*
- *With 5 decisions, the court was declared incompetent to decide on the claim of the plaintiffs.*

From the Court of Appeal - 126 decisions have been received, of which 75 judgments and 51 decisions, reflected as follows:

Judgments:

- *With 59 judgments, the appeals against the decisions of the Board were rejected;*
- *With 8 judgments, the appeals of the parties were approved and the case was returned to the Board for reconsideration;*
- *With 3 judgments, the Board's appeal was rejected;*
- *With 5 judgments, the appeals of the parties were approved and it was decided in a meritorious manner.*

Decisions:

- *With 19 decisions, the party's appeal was approved and the matter was returned to reconsideration and reinstatement in the court of first instance;*
- *With 20 decisions, the complaints of the parties regarding the postponement of the implementation of the Board's decision were rejected;*
- *Board complaints were approved with 10 decisions;*
- *With 2 decisions, the complaints of the parties were rejected;*
- *With 1 decision, the correction of the judgment was made.*

By the Supreme Court - 20 decisions were accepted, of which 18 judgments and 2 decisions, reflected as follows:

Judgments:

- *With 17 judgments, the demands of the parties were rejected;*
- *With 1 judgment, the party's request was approved and the case was returned to reconsideration and reinstatement in the court of first instance.*

Decisions:

- *With 1 decision, the request of the Board was rejected;*
- *With 1 decision, the request of the party was dismissed.*

5.4 Challenges of 2022

The challenges that have continued to follow the work of the Board during the reporting period are related to the incomplete composition of the Board, the lack of the necessary budget, the small number of support personnel and spaces for work.

Operation in incomplete composition

With the provisions of Law No. 06/L-048 for the Independent Oversight Board for Civil Service of Kosovo, namely Article 8, it is determined that the Board consists of 7 (seven) members who are appointed by the Assembly of the Republic of Kosovo. The composition of the Board reflects the multi-ethnic and gender character of Kosovo. At least two (2) members are appointed from non-Albanian communities, and at least two (2) members must be female.

In the reporting period, the Board was composed of only five (5) members, of which two (2) were female members. While the number of members of the non-Albanian community has not yet been filled, despite continuous efforts by the Assembly of the Republic of Kosovo. Taking into account the large number of complaints for consideration and decision during the reporting period, the incomplete composition of the members was and continues to be a challenge in the exercise of the constitutional and legal mandate of the Board.

Lack of budget

With Law No. 08/L-066 on Budget Allocations for the Budget of the Republic of Kosovo for the year 2022, the budget of the Board in the category of goods and services was only €96,000.00, this budget with which it was not possible to include all requests and activities for the realization of the main objectives in the exercise of the defined legal functions.

In the category of goods and services, the Board had requested an increase in the budget in the amount of €42,000.00, but the same request had not found support from the responsible bodies.

Therefore, since the amount of the budget of €98,000.00, in the category of goods and services is very small and as such will continue during the year 2023, there is a real risk that some planned objectives cannot be realized such as the plan of monitoring, representation in court, and realization of the awareness campaign for public administration institutions that employ civil servants.

Lack of the necessary number of support staff

During the initial preparation of the 2023-2025 MTEF the Board has processed the request of the responsible bodies to increase the number of workers, namely the recruitment of eleven (11) new workers, of which at least five (5) professional associates and the recruitment of support staff necessary to function as an independent budget body.

Since the Ministry of Finance, Labour and Transfers did not consider the request for an increase in the budget in the category of salaries and wages, the same request was processed in the relevant committee of the Assembly of the Republic of Kosovo, but it did not find support

either from the latter.

Therefore, taking into account the increase in the volume of work during the reporting period, the small number of support staff was a challenge and that the request to increase the budget in the category of salaries and wages for the recruitment of eleven (11) new workers was an urgent request, because enabled the recruitment of the necessary number of support staff and the functionalization of the organizational structure which has been prepared in accordance with the constitutional and legal mandate of the Board.

Consequently, the request for the recruitment of eleven (11) new workers remains an urgent request even during this year, because with the current number of employees it will not be possible to handle all received complaints within the 45-day deadline, as defined with article 17 paragraph 1 of Law no. 06/L-048 for the Independent Oversight Board for Civil Service of Kosovo, just as it will not be possible to fully implement the monitoring plan related to the supervision of the implementation of the rules and principles of the legislation for the civil service.

Work spaces

The board is located in a small space of the former building of Germia. This work space is not sufficient in relation to the number of current staff and at the same time the working conditions are very difficult and as such the environment does not create opportunities for effective work. The creation of working conditions through the provision of the necessary spaces where the support staff exercise their duties and responsibilities, as well as the provision of spaces for holding public hearings when considering complaints and professional hearings, would facilitate the exercise of the constitutional and legal mandate and therefore will be a guarantee for effective and efficient work.

6 EVALUATIONS AND RECOMMENDATIONS

Based on the provisions of Law No. 06 / L-048 on the Independent Oversight Board for Civil Service of Kosovo and taking as a basis the data collected from the exercise of constitutional and legal functions, namely the function of examining complaints and the function of monitoring institutions of public administration, the Board has managed to draw a general assessment regarding the implementation of the rules and principles of the legislation for the civil service, as well as to present recommendations to the competent institutions with the aim of improvement.

The assessment of the implementation of the rules and principles of the civil service legislation was made in certain areas, taking as an indicator the number of complaints received and decided, as well as those found in the process of monitoring public administration institutions.

6.1 INTERNAL ORGANIZATION

The Board, based on the data provided by the exercise of the function of examining and deciding complaints as well as the monitoring function, assesses that the institutions of public administration have failed to implement the applicable legislation related to the internal organization at an appropriate level.

Law No. 06/L-113 on the Organization and Functioning of State Administration and Independent Agencies defines the rules for the organization and functioning of state administration institutions and independent agencies established by the Assembly of Kosovo. Consequently, with Regulation (GRK) No. 01/2020 on Internal Organization Standards, Systematization of Workplaces, the rules, standards and procedures for the preparation, proposal, consultation and approval of the internal organization of State Administration Institutions and Agencies are defined Independent, while according to Article 16 of this regulation, all state administration institutions have been obliged to draw up relevant regulations for the internal organization and systematization of workplaces within a time limit of six (6) months.

From the data obtained during the exercise of the monitoring function, it follows that most of the institutions of the state administration, despite the legal obligations, have not managed to issue regulations for the internal organization and systematization of workplaces.

In addition, the delays expressed in the approval of regulations for internal organization have also been observed in the institutions which have been merged/merged according to Decision No. 07-v-005 dated 03.02.2020 of the Assembly of the Republic of Kosovo. As a result, this situation has led to dualism of work positions and has had administrative consequences in terms of managing and fulfilling functional work tasks as well as budgetary burdens.

Recommendations:

Taking into account the above findings in this area, it is recommended:

1. *Public Administration Institutions and Independent Agencies, without delay, undertake appropriate legal actions for the drafting of Regulations for the internal organization and systematization of workplaces.*

6.2 CLASSIFICATION OF WORKPLACES AND SALARIES OF CIVIL SERVANTS

From the data presented in this report, it is noted that the main place is occupied by the complaints submitted due to the violation of the right to salary. These cases represent over 24.02% of the complaints handled and are related to civil servants' concerns about discrimination or unequal treatment in the realization of personal income.

Consequently, from the exercise of the complaint review function, it has been estimated that the increase in the number of complaints with this object of complaint is directly related to the delays in the approval of the wage law and the delay in the process of classifying jobs by the ministry responsible for public administration.

The Board has concluded that the delay in finalizing the process of classification and systematization of jobs in the civil service has meant that we still do not have a standardized salary system and as a result it has been continued that civil servants receive salaries even in the reporting period different for the same job or position in public administration institutions.

The Board has welcomed the adoption of Law No. 08/L-196 on Salaries in the Public Sector, in December 2022, the purpose of which is to create a uniform system of salaries in the public sector and create a system of salaries and rewards, transparent and manageable where the element the main one is the basic salary. However, the beginning of the immediate implementation of this law, without following the procedures for the classification of jobs, as provided by the legislation applicable to the Civil Service, may bring the same situation of dissatisfaction of civil servants, as the situation existed before the entry into force of this law.

Recommendations:

Considering the above findings in this area, it is recommended:

- 1. The Government of the Republic of Kosovo and the Ministry of Internal Affairs, as the minister responsible for public administration, to undertake urgent actions for the classification of jobs in the Civil Service of Kosovo.*
- 2. The Government of the Republic of Kosovo to undertake actions for the establishment of the Commission for handling requests related to the benefit of the supplement for **specific working conditions**.*
- 3. The Ministry of Finance, Labour and Transfers took action to establish the Commission for handling requests related to the benefit of the allowance for **labour market conditions**.*

6.3 RECRUITMENT IN THE CIVIL SERVICE

According to the data presented, it also results that the second place in terms of the number of complaints received is occupied by the complaints submitted to the recruitment procedures. These cases represent over 22.19% of the complaints handled and are related to the concerns of civil servants and candidates for admission to the civil service, that they have been treated unfairly or violations of the law have been allowed, which have violated the general principles of admission to the service civil.

The most frequent violations related to recruitment procedures have been identified:

- *failure to prepare personnel plans and publish them according to the legislation in force;*
- *publication of external recruitment announcements without exhausting internal procedures;*
- *determination of general formal criteria contrary to the relevant legislation;*
- *calculation of the work experience of candidates for admission to the civil service and evaluation of the curriculum vitae against the general formal criteria;*
- *not appointing the winning candidates after the end of the recruitment process;*
- *not applying the waiting list of winning candidates.*

Based on Article 15 of Law No. 06/L-114 for Public Officials, each public administration institution is obliged to prepare the annual and mid-term personnel plan in accordance with the budget planning process, while the ministry responsible for public administration, on the basis of the institution's personnel plans, draws up and approves the general plan.

Consequently, with Regulation (MIB) No. 02/2020 for Personnel Planning, it is determined that the annual personnel reports must be approved by the POMD and the same after their approval must be made public on the unique website of the competition and appointment procedures - HRMIS. In connection with this legal request, the Board, while exercising its monitoring function, found that the public administration institutions for the reporting period did not prepare the annual and mid-term personnel plans, and as a result, there is no approval from the responsible unit in this case, POMD.

The Board, also, by analysing the data in the relevant field, has found cases where public administration institutions have announced external competitions for admission to the civil service, without exhausting the internal procedures, i.e. the procedures for movement within the category and promotion, as defined by article 38 and 39 of the Law No. 06/L-114 for Public Officials. With special emphasis, such violations come in the expression of the recruitment of professional category positions.

As another finding that described the recruitment processes, it turns out to be the incorrect determination of the general formal criteria (required education and work experience) because in many cases it was done in violation of Regulation (GRK) No. 26/2020 on the Classification of Jobs in the Civil Service. Consequently, in some cases, it has been evidenced that public administration institutions have failed to accurately and clearly define the documents/evidence related to the general formal requirements as provided for in Article 8 of Law No. 06/L-114 for Public Officials and Article 12 of Regulation (GRK) No. 16/2020 for Admission and Career in the Civil Service of the Republic of Kosovo.

The Board has concluded that even in 2022, public administration institutions have continued to wrongly verify the work experience of candidates who have undergone recruitment

procedures. This phenomenon has been observed especially in cases where the work experience belonged to the private sector, because the experience declared by the applicants was not proven with the relevant documents, namely a work contract or certification from the employer supported by documents from the competent authorities, such as the Tax Administration of Kosovo or the Pension Savings Fund.

During the exercise of the complaint review function, in many cases it was found that the evaluation of the resume was done contrary to the criteria defined according to the competition, respectively the evaluations and resumes did not consist of the evaluation of the level of education, work experience and training related to the country of the work for which the procedure was developed. For the above, it was acted in violation of the Regulation (GRK) No. 16/2020 for Admission and Career in the Civil Service of the Republic of Kosovo, because the evaluation of the biography was also done for the areas that were not general formal criteria of the competition.

At the same time, it is noted that not always at the end of the recruitment procedure, the winning candidates are appointed by the competent employment bodies and, moreover, in such cases, the absence of an administrative act regarding the reasons for not appointing the candidates to the relevant positions has been found which have applied.

The Board has also found cases where public administration institutions have not applied the waiting list, as defined by Article 34 and 35 of Law No. 06/L-114 for Public Officials, namely the employment bodies did not take into account the successful candidates on the waiting list when opening new competitions for the same group of positions.

Recommendations:

Taking into account the above findings in this field, it is recommended that:

1. *Public Administration Institutions prepare annual and mid-term personnel plans, while POMD, as the responsible unit, approves the annual personnel plans and on their basis prepares the general personnel plan and publishes it in HRMIS.*
2. *Public Administration Institutions to announce external competitions to fill vacant positions in the civil service, only after exhausting internal procedures, according to Article 38 and 39 of Law No. 06/L-114 for Public Officials.*
3. *Public Administration Institutions, when preparing and announcing competitions, define the general formal criteria for the relevant positions accurately and in compliance with Regulation (GRK) No. 10/2022 for the Classification of Jobs in the Civil Service.*
4. *The responsible units, in terms of article 5 paragraph 1 under paragraph 1.6 of Law No. 06/L-114 for Public Officials, when reviewing and evaluating applications related to work experience in the private sector, take into account that the same is accompanied by relevant documents, namely a work contract or certification from the employer supported by documents from competent authorities such as the Tax Administration of Kosovo or the Pension Savings Fund.*
5. *Public Administration Institutions, upon completion of the recruitment procedure with successful candidates, appoint the winning candidate for the announced position according to the deadlines set by the legal provisions in force.*

6.4 EXERCISE OF JOB POSITIONS WITH SUBSTITUTES

The Board, while exercising its constitutional and legal functions, has found that in public administration institutions there is a considerable number of vacant positions, which are exercised through substitutes.

When analysing the decisions on the appointment of substitutes, it was observed that in most cases their appointment was made on the basis of the provisions of Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies.

The Board assesses that the exercise of vacant job positions with substitutes continues to be done in violation of the substantive law, because:

With the provisions of Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, respectively articles 18, 19 and 20, the possibility of replacing a civil servant at the management level is foreseen in cases where the same cannot temporarily exercise duty for various reasons, such as being on annual leave, medical leave, visiting abroad, etc., from which it follows that this legal basis does not refer to cases where the job position in the civil service remains vacant, but refers only to replacement temporary of the permanent civil servant, who, for the above-mentioned reasons, temporarily cannot exercise his work duties.

While with the provisions of Law No. 06/L-114 for Public Officials, namely Article 32 paragraph 4, it is determined that a regular job position in the civil service can be filled in case of the need to replace or the temporary absence of a civil servant, depending on the case, for a period of longer than 12 (twelve) months. In this case, the admission procedures are developed by the human resources unit, in accordance with the rules established by this law for the administrative and support employee, from which a regular job position in the civil service, remaining vacant for a period of up to 12 month, can be supplemented with substitutes; but that its completion must be done according to the provisions of Law No. 06/L-114 for Public Officials.

The Board, related to this field of monitoring, as in the previous year and in the reporting period, has given recommendations to state administration institutions that the replacement and filling of a position in the civil service can be done through the following procedure:

One professional position can be temporarily replaced only according to the procedure defined by Article 32 paragraph 4, or the temporary transfer procedure, according to Article 52 paragraph 1 under paragraph 1.1 of Law No. 06/L-114 for Public Officials. While the filling of the vacant professional position is done in accordance with the legal rules regarding movement within the same category and then through the open competition as defined by Article 34 and 38 of Law No. 06/L-114 for Public Officials.

One middle and low-level management position can be temporarily replaced only through the temporary transfer procedure, according to Article 52 paragraph 1 under paragraph 1.1 of

Law No. 06/L-114 for Public Officials. So a vacant position of this category is first filled through the procedure of movement within the category, and then through the procedure of advancement, as defined by article 38 and 39 of Law No. 06/L-114 for Public Officials.

A high-level management position can be exercised by the middle management category employee with longer experience in the civil service of the institution only if the recruitment procedure has started and the selection of the senior management official fails even in the second procedure. Pursuant to the provisions of Article 42 paragraph 5 of Law No. 06/L-114 for Public Officials and Article 6 paragraph 2 and 3 of the Regulation (GRK)-No. 15/2020 on the Admission, Evaluation and Discipline of Senior Managers (now amended by Regulation (GRK) No. 01/2022 on the Admission, Evaluation and Discipline of Senior Managers) in cases where a senior management position becomes vacant after the end of the mandate, the competition procedure must be initiated three (3) months before a position becomes vacant, and if the selection of the senior management official fails in the second procedure, then until the position is filled, the duties of the vacant position are exercised by the employee of the middle management category with longer experience in the civil service of the institution, as provided for in Article 40 paragraph 11 of Law No. 06/L-114 on Public Officials. Whereas, regarding the case where for any reason during the regular mandate a high-level management position becomes vacant, e.g. the death of a senior official, resignation from civil service, termination of employment, etc., the position in question can be replaced temporarily only through temporary transfer, according to Article 52 paragraph 1 under paragraph 1.1 of Law No. 06/L-114 on Public Officials.

The Board, in all state administration institutions monitored during the reporting period, has found that the provisions of Law No. 06/L-114 for Public Officials, related to the appointment of substitutes and as a result has given special recommendations to the responsible officials regarding the avoidance of detected violations.

Recommendations:

Taking into account the above findings in this area, it is recommended:

- 1. The holders of the public administration institutions, to undertake quick actions to fill the vacant positions which are exercised by substitutes, so that the filling of the vacant positions is done in accordance with the procedure defined by the provisions of the Law No. 06/L-114 for Public Officials.*
- 2. Exceptionally, in cases where there is a need to appoint a substitute, the heads of public administration institutions shall act in accordance with the provisions of Article 32 paragraph 4, Article 52 paragraph 1 under paragraph 1.1 and Article 40 paragraph 11 of Law No. 06 /L-114 for Public Officials, and to respect the duration of holding positions with substitutes.*

6.5 DISCIPLINARY PROCEDURES

The number of complaints received by civil servants in this field represents 11.81% of the total number of complaints received during the reporting period. In contrast to 2021, when the number of complaints received was 7.92%, it follows that the number of complaints in this field has increased by 3.89% in 2022.

Based on the data collected from the exercise of constitutional and legal functions, the Board, as the most frequent violations related to this field, has identified:

- *initiation of the disciplinary procedure by the non-competent body;*
- *imposition of disciplinary measures in violation of legal and bylaw acts;*
- *non-compliance with the legal deadlines related to the development of the disciplinary procedure;*
- *preparation of decisions contrary to the structure and mandatory elements of the administrative act.*

With the provisions of Law No. 06/L-114 for Public Officials, namely Article 48 paragraph 4 states that the Disciplinary Commission starts the procedure: at the request of the direct supervisor of the civil servant; on the recommendation of any other public body or unit with powers of administrative control, financial inspection or audit, or of any other official with hierarchical control duties over the civil servant, as well as at the request of the citizen; at the initiative of any member of the commission, based on concrete, provable facts for the commission of a disciplinary violation.

Even during the reporting period, the Board encountered cases where the disciplinary procedure was initiated by non-competent bodies, and in some cases by political staff without hierarchical control duties over the civil servant. It has been observed that the Disciplinary Commissions have in some cases failed to fully and fairly establish the factual situation and correctly apply the substantive law and have also developed procedures and decided, outside the legal deadline, as there are cases when the applicable legal provisions related to the structure and mandatory elements of the administrative act have not been respected, violations which in many cases have led to the illegality of the decisions, in the sense of Article 52 of Law No. 05/L-031 for the General Administrative Procedure.

Also, during the monitoring, the Board has found that some institutions have changed the composition of the disciplinary commission even though the mandate of the existing members had not yet expired and that they did not provide any justification for such an action. The frequent change in the composition of the members of the disciplinary commission negatively affects their professionalism and impartiality in terms of decision-making.

The Board has noticed that most of the members of the disciplinary commissions have not completed training related to disciplinary procedures, with special emphasis on training related to the implementation and interpretation of the Law on General Administrative Procedure.

Recommendations:

Taking into account the above findings in this area, it is recommended:

1. *Disciplinary commissions, when dealing with disciplinary issues, take into account the assessment of the competence of the initiator of the case, the observance of the deadline and the mandatory elements of the administrative act.*
2. *Public Administration Institutions to provide training opportunities for members of the Disciplinary Commission for disciplinary procedures and other trainings from the scope of the Law on General Administrative Procedure;*
3. *The Kosovo Institute for Public Administration should consider the possibility of providing training for all members of Disciplinary Commissions of public institutions, related to disciplinary procedures and other trainings from the scope of the Law on General Administrative Procedure.*

6.6 CIVIL SERVANTS' PERFORMANCE APPRAISAL

During 2022, the Board received 49 complaints against performance appraisals, which implies that the number of complaints filed by civil servants in this field represents 3.91% of the total number of complaints received during the reporting period, in contrast to the previous year, when the number of complaints received in the relevant field was 2.67%.

Based on the data collected from the exercise of constitutional and legal functions, the Board found that the most frequent violations, related to this field are the following:

- *lack of individual work plans for civil servants;*
- *lack of performance appraisals and exceeding the appraisal deadlines.*

The appraisal system, including the rules, criteria, methodology and procedures for performance appraisals of civil servants are defined by Regulation No. 21/2020 on the Procedure for the Civil Servants' and Public Service Employees' Performance Appraisal and Regulation (GRK) No. 01/2022 for the Admission, Evaluation and Discipline of Senior Management Employees. Consequently, according to this legal framework, the performance appraisal the measurement of the achievement of the defined objectives and the measurement of the professional behaviour of the employee.

The findings of the monitoring as well as the review of complaints indicates that the civil servants' performance appraisal in some institutions was not carried out in accordance with the legal provisions in force, because in some cases there were no defined objectives on the basis of which the civil servant's performance appraisal, as well as the evaluation of the progress achieved during the evaluation period should be carried out. Likewise, there are cases when a civil servant's performance appraisal was done outside the legal deadlines, and in some cases the appraisal of civil servants was not done at all by the leading managers.

The Board considers that the determination of objectives and the performance appraisal for all categories of civil servants is a legal obligation of the direct supervisor of the civil servant and that failure to define the objectives and, consequently, to conduct performance appraisal for the civil servant is considered a failure to fulfil the job obligations, therefore it also represents a denial of the employee's right to professional development.

Recommendations:

Given the above findings in this area, it is recommended that:

- *Leading managers in civil service should define the work objectives for every start of the year for their subordinates and supervise the progress achieved during the evaluation period.*
- *The heads of the institutions should ensure that all civil servants within the relevant institution are evaluated by the leading managers within the legal deadlines.*

6.7 TRANSFER OF CIVIL SERVANTS

The issue of transfer to civil service is regulated by the provisions of Articles 52, 53 and 54 of Law No. 06/L-114 on Public Officials, and consequently with Regulation (GRK) - No. 14/2020 on The Transfer of Civil Servants.

During the reporting period, 80 complaints or 6.38% of the total number of complaints received were received in this area, in contrast to 2021 when the number of complaints received was 43 or 3.48%. It follows that the number of complaints in this field has increased by 2.9% in 2022.

From the data collected during the exercise of constitutional and legal functions, the Board identified the most frequent violations related to this field:

- *transfer of civil servants from the non-competent authority;*
- *transfer without a preliminary analysis regarding the fulfilment of the conditions by the transferred employee;*
- *failure to determine the duration of the transfer.*

The review of complaints and the monitoring revealed cases when the temporal transfer of a civil servant at the interest of the institution was done by the non-competent authority, due to the fact that the transfer was not approved by the Human Resources Management Unit, as defined by the provisions of Article 5 paragraph 2 of Regulation (GRK) No. 14/2020 on The Transfer of Civil Servants.

Likewise, there were cases where the administrative act on the temporary transfer in the interest of the institution did not determine the duration of the transfer, as defined by Article 52 paragraph 1 under paragraph 1.1 of Law No. 06/L-114 on Public Officials, and as a result such a situation created legal uncertainty for the transferred civil servant.

Among other things, in many cases, there was a lack of a preliminary analysis by the responsible unit on whether the civil servant meets the qualifications and other conditions for the position to which he was transferred.

Recommendations:

Given the above findings in this area, it is recommended as below:

1. *The heads of the institutions should ensure that the decisions on the temporary transfer of civil servants in the interest of the institution are approved by the responsible unit of the relevant institution.*
2. *The responsible units of the institutions should approve the temporary transfer of civil servants, in the interest of the institution, only after a proper analysis regarding the fulfilment of the criteria by the civil servant for the job position to which he is requested to be transferred, and the administrative act on the transfer should contain accurate information about the duration of the transfer.*

6.8 PERSONNEL FILES

Based on the oversight process of the implementation of the rules and principles of civil service legislation in public administration institutions, the Board concluded that the administration and maintenance of personnel files is improving the standards defined by law. It has been observed that only a small number of public administration institutions do not archive personnel files in safe places. Although the assessment is positive in this area, the Board asserts that personnel files should be updated on a regular basis.

Recommendation:

Given the above findings in this area, we recommend as in the following:

- 1. The responsible units of the institutions update the personnel files on a regular basis so that the file contains the presentation sheet and all professional and personal data, disciplinary measures, the periodic individual performance appraisals of civil servants, as well as other data according to appendix 1.1 of Regulation (MIA) No. 01/2020 on the Content, Administration and Use of the Personnel File and the Human Resources Management Information System.*

6.9 REPRESENTATION OF PEOPLE WITH DISABILITIES

The provisions of Law No. 03/L-019 on Vocational Ability, Rehabilitation and Employment of People with Disabilities, respectively Article 12 paragraphs 2 and 3 provide that:

2. Each employer is obliged to employ a person with disability, in every fifty (50) employee;
3. Employer who does not meet obligations referred to in paragraphs 1 and 2 of this article, is obliged to pay monthly contributions for incitement of employment for persons with disabilities in the level of 1% of minimal wage to the Kosovo budget.

In exercising the function of supervising the implementation of the rules and principles of the civil service legislation, during the reporting period, the Board found that the majority of public administration institutions have not managed to fulfil the quota of representation of people with disabilities as defined by the provisions of Article 12 paragraph 2 of Law No. 03/L-019 Vocational Ability, Rehabilitation and Employment of People with Disabilities, and as a result the Board offered special recommendations to the responsible officials of the monitored institutions.

It is worth noting that the Government of the Republic of Kosovo, taking as a basis the relevant legal provisions as well as the recommendations of the Board for 2021, has undertaken concrete actions related to this issue, i.e. issued Decision No. 221/2021 dated 23.02.2022, which obliged the institutions of the state administration to fulfil the quota determined for the employment of people with disabilities. While the Ministry of Finance, Labour and Transfers issued Decision No. 19/2022 dated 24.03.2022 for setting the conditions for the implementation of measure 1.6 – Supporting people with disabilities, within the Economic Recovery Package, a measure which allowed the Ministry of Finance, Labour and Transfers to offered the possibility for persons with disabilities to attend trainings to further develop their skills, therefore the trainees have better employment opportunities through on-the-job training. Furthermore, this institution opened a special bank account in February 2023 where employers from the public, private sector and non-governmental organizations, which do not fulfil the legal obligation to employ people with disabilities, are obliged to encourage employment of this category, to pay monthly contributions in the amount of one percent (1%) of the minimum wage.

Recommendation:

Given the above findings, we recommend as in the following:

1. *The Ministry of Internal Affairs, as the ministry responsible for public administration, is recommended to develop special recruitment procedures for admission of people with disabilities to the civil service, in order to reach the quota defined by law.*

6.10 ETHNIC REPRESENTATION IN CIVIL SERVICE

The Constitution of the Republic of Kosovo, Article 101.1 defines that: “*The composition of the civil service will reflect the diversity of the people of Kosovo, taking into consideration the principles of gender equality, recognized internationally*”.

Whereas the provisions of Law No. 06/L-114 on Public Officials, respectively Article 9 of this Law defines that a minimum of 10% of the jobs in all categories of public officials in central public institutions should be filled by members of the communities which are not a majority in Kosovo, and that meet the admission criteria. Whereas at local level, the number of jobs filled by community members is defined in accordance with the percentage of the population in that municipality.

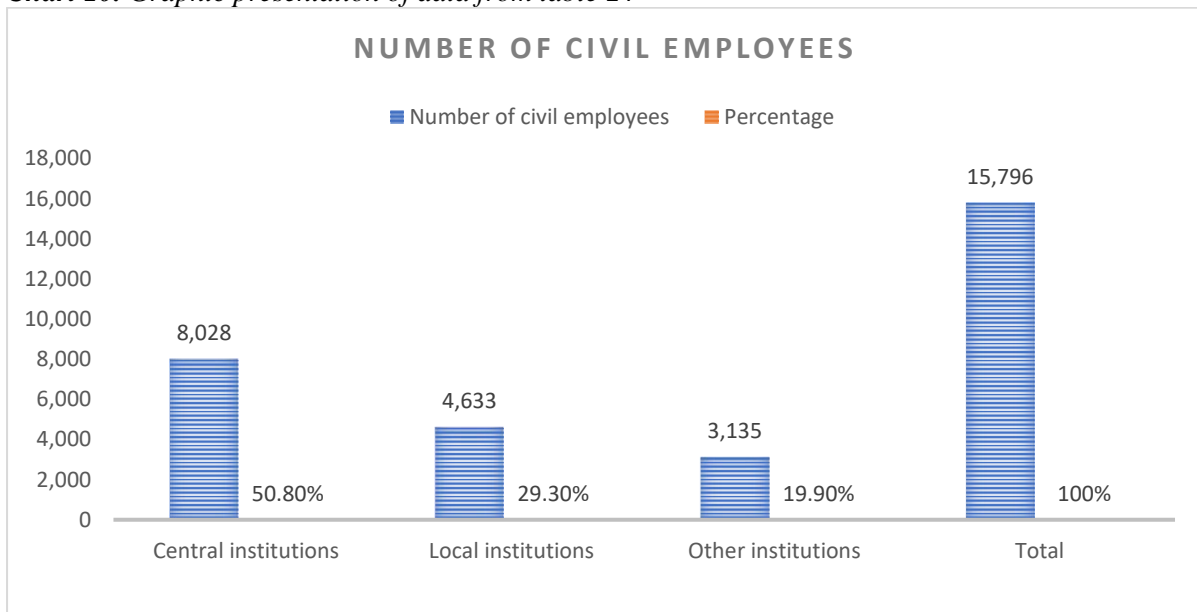
As can be observed, the legal provision related to the determination of the employment quota of communities that are not a majority in Kosovo is a general provision and refers to all categories of public officials.

Based on the statistics provided by the ministry responsible for public administration, the Board found that out of 15,796 employed in the civil service, 8,028 civil servants are employed at the central level, 4,633 civil servants are employed at the local level and 3,135 civil servants are employed in other institutions such as: the Presidency, the Assembly, constitutional institutions, independent agencies, the Kosovo Judicial Council and the Kosovo Prosecutorial Council.

Table 24 *Number of civil employees employed in public administration institutions*

Institutions	Number of civil employees	Percentage
Central institutions	8,028	50.8%
Local institutions	4,633	29.3%
Other institutions	3,135	19.9%
Total	15,796	100%

Chart 10. *Graphic presentation of data from table 24*

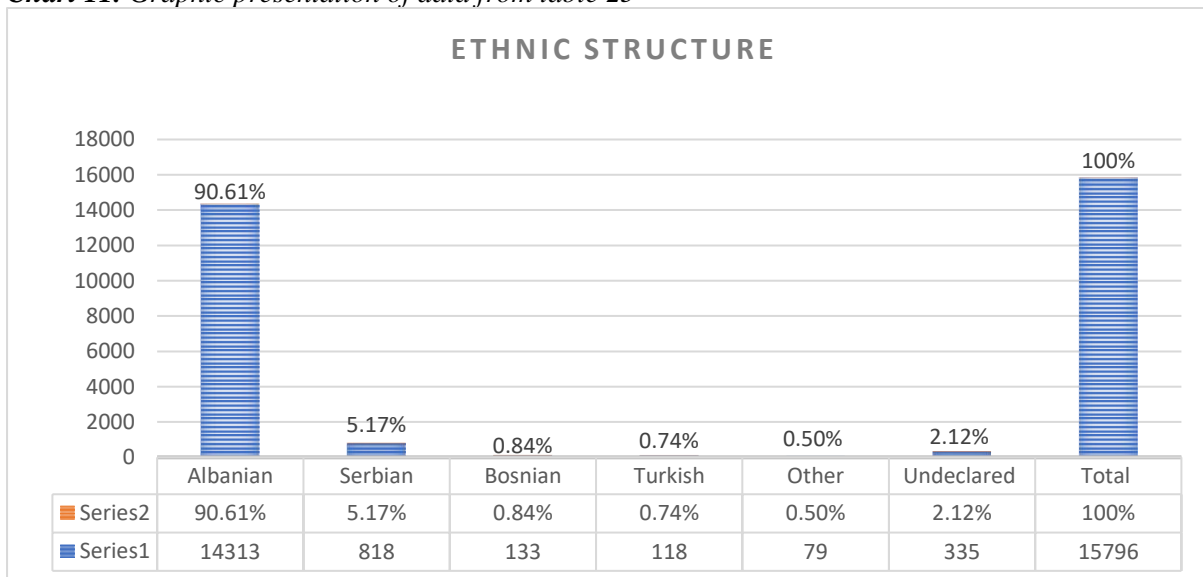


The Board finds that out of 15,796 civil servants employed in the Kosovo civil service, 14,313 civil servants, or 90.61%, are of Albanian ethnicity - as a majority. While the non-majority community is represented by 1,483 civil servants or 7.26%, as follows: 818 civil servants or 5.17% are of Serbian ethnicity, 118 civil servants or 0.74% of Turkish ethnicity, 133 civil servants or 0.84% of Bosnian ethnicity, 79 civil servants or 0.5% of other ethnicities (Roma, Ashkali, Goran, Egyptian, Croat, Montenegrin) and 335 civil servants or 2.12% who have not declared their ethnicity.

Table 25. Number of civil servants by ethnic structure

Albanian	Serbian	Bosnian	Turkish	Other	Undeclared	Total
14313	818	133	118	79	335	15796
90.61%	5.17%	0.84%	0.74%	0.50%	2.12%	100%

Chart 11. Graphic presentation of data from table 25



After analysing the data provided, the Board concluded that the ethnic representation of the non-majority communities in Kosovo is not at the required level, in particular the Board found that there is minimal representation of minority communities such as Roma, Ashkali, Goran, Egyptian, Croatian and Montenegrins.

Recommendations:

Given the above findings in this area, we recommend as in the following:

1. *The Government of the Republic of Kosovo and the Ministry of Internal Affairs, as the ministry responsible for public administration, should draft policies at the central and local level to ensure ethnic representation, according to the legislation in force on public officials. In particular, it is recommended that policies guarantee a higher representation of underrepresented communities in the civil service, namely non-majority communities, such as the Roma, Ashkali, Goran, Egyptian, Croatian, Montenegrin, etc..*

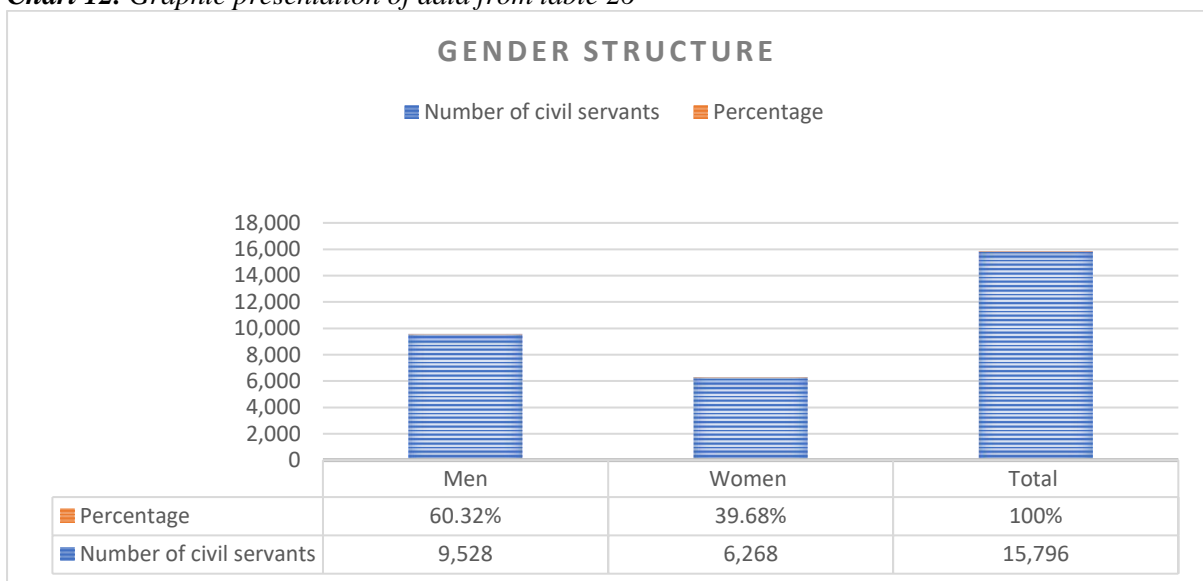
6.11 GENDER REPRESENTATION IN CIVIL SERVICE

Based on the data collected in the process of monitoring public administration institutions, as well as the data provided by the ministry responsible for public administration, the Board found that 15,796 civil servants are employed in the Civil Service of Kosovo. Of them, 9,528, or 60.32%, civil servants are men; while 6,268, or 39.68%, civil servants are women.

Table 26. *Number of civil servants by gender structure*

Gender	Number of civil servants	Percentage
Men	9,528	60.32%
Women	6,268	39.68%
Total	15,796	100%

Chart 12. *Graphic presentation of data from table 26*



The provisions of Law No. 06/L-114 on Public Officials, namely Article 33, defines that positions in civil service are grouped by category, class and nature of the position. Consequently, positions in civil service are divided into the following categories:

- Senior managerial category, which includes these positions: general secretary, executive director and deputy director of an executive agency and equivalent positions;
- Mid-level managerial category includes these positions: director of department and positions equivalent to it;
- Low-level managerial category includes these positions: head of division and positions equivalent to it; and
- Professional category which includes professional officers.

From the total number of employees in the Civil Service of Kosovo, according to data provided by the ministry responsible for public administration, gender representation is as follows:

In senior management positions, there are 94 civil servants employed, or 0,6% of the total number of civil servants. 85.1% of them are men, while 14.9% are women.

In middle management positions, there are 434 civil servants employed, or 2.7% of the total number of civil servants. 79.3% of them are men, while 20.7% of them are women.

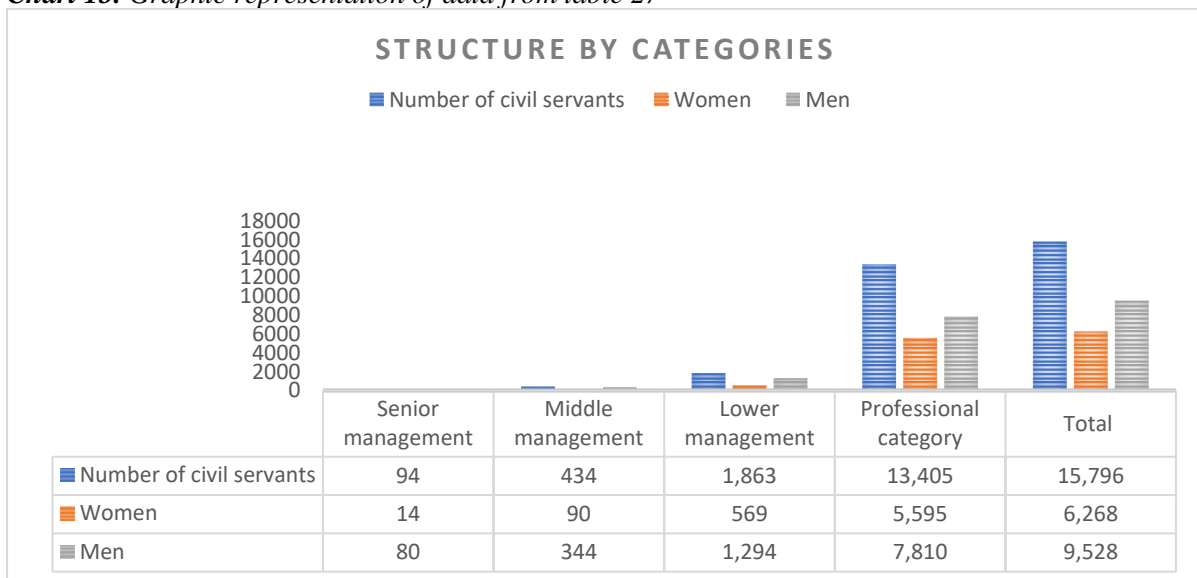
In lower management positions, there are 1,863 civil servants employed, or 11.8% of the total number of civil servants. 69,45% of them are men, while 30,54% of them are women.

In professional category positions, there are 13,405 civil servants, or 84,9% of the total number of civil servants. 58,3% of them are men, while 41,7% of them are women.

Table 27 *Number of civil servants by category*

Categories	Number of civil servants	Women	Men
Senior management	94	14	80
Middle management	434	90	344
Lower management	1,863	569	1,294
Professional category	13,405	5,595	7,810
Total	15,796	6,268	9,528

Chart 13. *Graphic representation of data from table 27*



After analysing the data collected, the Board found that the representation of women at the general level of the civil service is lower than the representation of men, which implies that there is no equal gender representation as defined by the provisions of Law No. 05/ L -020 on Gender Equality.

Recommendations:

Given the above findings, we recommend as in the following:

1. *The Government of the Republic of Kosovo and the Ministry of Internal Affairs, as the ministry responsible for public administration, should draft policies in order to ensure equal gender representation, with special emphasis on management positions in the civil service.*

PRIORITIES FOR 2023

The Board has analysed the problems identified in this report, and then included in the work plan processes that are related to the application of its legal powers in the field of monitoring the implementation of civil service legislation.

In addition to reviewing and deciding on addressed complaints, the Board will continue its activity in terms of advising and helping institutions to apply the law correctly, which is an already established experience, through the development of various activities and non-regular monitoring visits in public administration institutions.

Taking into account the importance of the restructuring process, one of the defined priority is to supervise the implementation of the legislation in this field and support the relevant public administration institutions, to ensure the observance of the best standards during the systematization of civil servants after the reorganization,

The increase in the performance of the institution of the Board will also be in focus during this year, as this directly affects both the independence of the institution and the implementation of all the works listed above. This aspect is ensured by building the professional capacities of human resources, in particular through specific trainings, to increase the quality of the work in the exercise of the Board's functions.

The Board will continue to work to help in all aspects related to the progress of the reform in the public administration, giving its contribution in the framework of the development of policies and strategies where it acts together with other actors.

It remains the Board's challenge to ensure an independent and efficient oversight process, with the aim of preventing violations of the law and restoring legality, in cases where it has occurred, through the mechanisms provided by the law.

At the end of the report, the Board asserts that compliance with the civil service legislation and its monitoring are essential aspects that ensure the success of the reform in civil service, as an important part of the public administration reform.

Hoping that through this report, we have presented you with a complete and comprehensive summary of the Board's activity for 2022, we thank you for your understanding.

Yours sincerely,

Jeton KOCA

Chairperson of the Independent Oversight Board for the Civil Service of Kosovo

7 FINANCIAL REPORT



Republic of Kosovo

Name of the organization

**INDEPENDENT OVERSIGHT BOARD FOR THE CIVIL SERVICE
OF KOSOVO**

Annual Financial Report

For the year ended 31 December 2022



Article 12

FINANCIAL STATEMENTS

To: **Committee on Budget, Labor and Transfer**

From: **Bujar Sadiku, Chief Administrative Officer (CAO)**

Islam Cakaj, Chief Financial Officer (CFO)

In our opinion, the attached financial statements, including the notes for the year ended 31 December 2022, have been prepared in accordance with International Public Sector Accounting Standards of 2017 "Financial Reporting under the Cash Basis of Accounting", comply with all reporting obligations arising from Law No. 03/L-048 on Public Finance Management and Accountability, supplemented and amended by Law no. 03/L-221, Law no. 04/L-116, Law no. 04/L-194, Law no. 05/L-063 and Law no. 05/L-007 and are based on properly maintained financial records.

This statement is given in relation to the presentation of the Financial Statements of the budget organization for the year ending on December 31, 2022 and is an integral part of the financial statements.

We believe and confirm, that:

- There were no irregularities related to the manager or the employees, which could have a material effect on the financial statements.
- Information provided and presented in the financial statements regarding the source of funds and their expenditure related to the consolidated Budget of Kosovo are complete and accurate.
- Information regarding the collection of revenues is correct.
- There are no other bank accounts of the Budget of the Republic of Kosovo except the bank accounts specified in the financial statements and this specification is complete and correct as of December 31, 2022.
- There were no violations of the requirements of the regulatory authorities which could have a material effect on the financial statements.
- There is no (legal) complaint in process which could have a material effect on the financial statements.
- All liabilities, both current and contingent, and all guarantees we have given to third parties have been recorded and/or properly disclosed.
- All accepted loans are registered and/or disclosed, according to the legislation in force.
- There was no transaction after the end of the period which would require correction or disclosure in the financial statements or in their notes.

In our opinion, the attached financial statements present a true and fair view of the finances and financial transactions for the year ended 31 December 2022 of the Independent Oversight Board for the Civil Service of Kosovo.

Date: 31/03/2023

Date: 31/03/2023

(CAO's signature)

(CFO's signature)



Article 13

Statement of receipts and payments in cash

Year	Receipts	Payments
2020		
2021		
2022		

Note: From the statement of receipts and payments in cash for 2022, funds were received in the amount of: €326 thousand, according to economic categories: wages and salaries €233 thousand, goods and services €91 thousand, as well as utilities in the amount of €2 thousand. The statement clearly shows the trend of receipts and expenses through years: 2020, 2021, 2022.



Article 14

Budget execution report

Statement of comparison of budget and actual amounts for the Council

For the year ended 31 December

	Notes	2022			Variance D=B-A %	2021	2020
		Executio n A € '000	Final budge t B € '000	Initial budget C € '000		Executio n E € '000	Execution F € '000
CASH INCOME							
Tax revenues	8	-	-	-			
Non-tax revenues	9	-	-	-			
Dedicated revenues	10	-	-	-			
Donor designated grants	11	-	-	-			
Other	12	-	-	-			
Total receipts		-	-	-		-	-
CASH OUTPUT							
<wages and salaries	2	233	272	272	85.66%	239	194
Goods and services	3	91	96	96	94.79%	69	78
Utilities	4	2	4	4	50.00%	2	2
Transfers and subsidies	5	-	-	-			
Capital expenditures	6	-	-	-			
Other	7	-	-	-			
Total payments		326	372	372	87.63%	310	274

Note: Column D shows the variance (change), between the final budget in KFMIS (column B) and the execution (column A) for the year 2022 where there is a change (variance) of 46 thousand € which are funds saved according to economic categories as follows: Wages and salaries in the amount of €39 thousand, as a result of the non-appointment of two (2) Board Members by the Assembly of Kosovo, and the resignation of two (2) officials for professional cooperation, goods and services, in the amount of €5 thousand, the funds which were committed but due to the delay of invoices, costing and rationalization of expenses, were not spent, as well as in the economic category 'utilities', 2 thousand € were saved, as a result of the saving of funds in landline telephony by the staff of the Board.

Article 15

Explanatory notes to the financial statements

Note 1

1. Accounting policies

The Financial Statements for the year ended December 31, 2022, have been prepared according to the International Public Sector Accounting Standards of 2017 "Financial Reporting under the Cash Basis of Accounting", comply with all the reporting obligations arising from Law No. 03/ L-048 on Public Finance Management and Accountability, supplemented and amended by Law no. 03/L-221, Law no. 04/L-116, Law no. 04/L-194, Law no. 05/L-063 and Law no. 05/L-007.

1.1 Information about the budget organization (activities, legislation, etc.)

The public sector entity the Independent Oversight Board for the Civil Service of Kosovo has prepared the Financial Statements in accordance with the requirements of Law No. 03/L-048 on Public Finance Management and Accountability, supplemented and amended by Law no. 03/L-221, Law no. 04/L-116, Law no. 04/L-194, Law no. 05/L-063 and Law no. 05/L-007.

According to the LPFMA, all transactions with funds within the Consolidated Fund of the Republic of Kosovo are made through the Single Treasury Account.

The Board is an independent institution established by the highest legal act of the Republic of Kosovo, namely by Article 101.2 of the Constitution, which states that: "*An independent oversight board for civil service shall ensure the respect of the rules and principles governing the civil service, and shall itself reflect the diversity of the people of the Republic of Kosovo*".

The Board exercises basic functions and responsibilities in accordance with:

- The Constitution of the Republic of Kosovo;
- Law No. 06/L-048 on the Independent Oversight Board for the Civil Service of Kosovo and the by-laws deriving from this law;
- The judgment in case KO171/18 dated May 20, 2019 of the Constitutional Court.

Law No. 06/L-048 on the Independent Oversight Board for the Civil Service of Kosovo defines the functions, powers, organization and operation of the Independent Oversight Board for the Civil Service of Kosovo.

Based on the provisions of Article 30 of Law No. 06/L-048 on the Independent Oversight Board for the Civil Service of Kosovo, the approved by-laws are:

- *Regulation No. 01/2018 on the Operation of the Independent Oversight Board for the Civil Service of Kosova;*
- *Regulation No. 01/2021 amending and supplementing Regulation No. 01/2018 on the operation of the Independent Oversight Board for the Civil Service of Kosova;*

- *Regulation No. 02/2018 on the procedure of reviewing and deciding on complaints submitted at the Independent Oversight Board for the Civil Service of Kosovo;*
- *Regulation No. 04/2018 on the Monitoring Procedure of Public Administration Institutions regarding the Implementation of the Rules and Principles of Legislation on Civil Service;*
- *Regulation No. 02/2021 amending and supplementing Regulation No. 04/2018 on the Monitoring Procedure of Public Administration Institutions regarding the Implementation of the Rules and Principles of Legislation on Civil Service;*
- *Regulation No. 05/2018 on the internal organization and systematization of jobs in the Independent Oversight Board for the Civil Service of Kosovo;*
- *Code of Ethics in the Independent Oversight Board for the Civil Service of Kosovo;*

Mission - supervise compliance with the rules and principles governing the civil service.

Vision - guarantee the rule of law in the administration of the civil service throughout the procedure of acceptance, appointment, movement within the category and promotion, transfer, suspension, evaluation, disciplinary procedure, professional development, the rights and obligations of the civil servant, and the termination of the relationship in civil service, in all institutions that employ civil servants, in order for this process to be fair, objective, impartial and transparent for a stable, professional public administration (civil service), based on merit, moral integrity, and political impartiality.

In order to fulfil the mission, it aims to achieve the following objectives:

- Examination of all complaints of civil servants and candidates for admission to civil service;
- Supervision and assessment of compliance with the rules and principles of civil service legislation;
- Functionalization of the organizational structure;
- Updating the by-laws of the Board;
- Advancing cooperation with local and international institutions;
- Strengthening the professional capacities of the Board;
- Further increasing the transparency of the Board;

1.1 Payments by third parties

Pursuant to IPSAS 2017, payments from third parties are disclosed in note 13.

1.3 Reporting amounts

Reporting amounts from article:

13 to Article 15 are in `000 (thousand) Euros (€),

16 to Article 24, the amounts are the full Euro amount (€).

1.4 Reporting currency

Amounts are reported in Euro currency (€),

1.5 Date of Authorization

Authorized with the date of signing the statement for the Financial Statements by the Chief Administrative Officer and the Chief Financial Officer.



Article 14.6

Disclosure of initial and final budget allocations

Changes authorized by LPFMA

<u>The division category</u>	<u>Initial budget (Law on Budget)</u>	<u>Change I</u>	<u>Change II</u>	<u>Change III</u>	<u>Change IV</u>	<u>Own source revenues</u>	<u>Donor designated grants</u>	<u>Other financing sources</u>	<u>Final budget IPSAS</u>	<u>Changes in initial budget</u>
	€ '000	€ '000	€ '000	€ '000	€ '000	€ '000	€ '000	€ '000	€ '000	€ '000
Incomes										
Tax revenues										-
Non-tax revenues										-
Dedicated revenues										-
Donor designated grants										-
Loans										-
Other										-
Total	-	-	-	-	-	-	-	-	-	-
Expenditures										
Wages and salaries	272								272	0%
Goods and services	96								96	0%
Utilities	4								4	0%
Transfers and subsidies	-								-	
Capital expenditures	-								-	
Return of borrowings	-								-	
Other	-								-	
Total	372	0	0	0	0	0	0	0	372	0.0%

Disclose in detail the notes in the table: *The Board's budget has not had any changes during 2022.*



Note 2 to 12 Presentation of material changes

In contrast to notes 2 to 12, these notes are used to clarify the **material** difference in column **D** (Article 14), that is the material difference of budget execution. Cash-based IPSAS aims to clarify material differences. Depending on the magnitude of the difference, explanations do not need to be provided for all categories, so changes to the note numbering system may be required. When clarifying the differences in any division category, a summary of the nature of the difference should be provided.

Note 2 Wages and salaries

Description	2022								Final Budget € '000	Comparison %	2021 € '000	2020 € '000
	Total Payme € '000	GG € '000	OSR € '000	DR € '000	R € '000	DDG € '000	IC € '000	DTF € '000				
Net wages through payroll	189	189							221	85.52%	195	154
Trade union fee	-											
Net overtime payment	8	8							8	100%	7	11
Contract workers (not on the payroll)	-											
Withheld tax on personal income	14	14							15	93.33%	11	11
Pension contribution-employee	11	11							14	78.57%	11	9
Pension contribution-employer	11	11							14	78.57%	11	9
Wages and salaries	233	233	-	-	-	-	-	-	272	86%	235	194

Disclose in detail the notes in the table: From the table above, the use of the budget in the category: Wages and salaries for the year 2022, was done in full according to the law on budget. In 2022, we have a saving of funds in the category: Wages and salaries in the amount of: €39 thousand, as a result of the non-appointment of two (2) Board Members by the Assembly of Kosovo, and the resignation of two (2) officials for professional cooperation.



Note 3 Goods and services

Description	2022								Final Budget	rison %	2021 € '000
	Total nts € '000	GG € '000	R € '000	DR € '000	R € '000	DDG € '000	IC € '000	DTF € '000			
Official travel expenses within the country	6.00	6							6		
Allowances for official travel within the country	-										
Accommodation for business trips within the country	-										2
Other expenses for official travel within the country	-										
Official travel expenses abroad	-										5
Allowances for official trips abroad	7.00	7							8		7
Accommodation for business trips abroad	5.00	5							7		1
Other official travel expenses abroad	6.00	6							6		
Internet expenses											
Mobile phone expenses	9.00	9							9		8
Postal costs	8.00	8							8		4
Costs for the use of optical cable	-										
Education training services	-										
Office supplies	8.00	8							8		3
Various health services	-										1
Fuel for cars	6.00	6							7		2
Vehicle registration and insurance	1.00	1							2		3
Other contracting services	2.00	2							2		0
Technical services	-										
Expenses for renting photocopiers	2.00	2							2		
Car rental expenses	14.00	14							14		13
Furniture (less than 1000 euros)	1.00	1							1		8
Phones (less than 1000 euros)	-										
Computers for less than 1000 euros	6.00	6							6		2
Maintenance and repair of vehicles	2.00	2							2		3
Official Lunch	8.00	8							8		6
Add codes as needed	-										
Goods and services	91	91	-	-	-	-	-	-	96	####	68

Disclose in detail the notes in the table: From the table above, it can be seen that for the reporting period 2022, the saving in the amount of 5 thousand €, are the means that were committed, but due to the delay of the invoices, the cost and the rationalization of the expenses, they were not spent.



Note 4 Utilities

Description	2022								Final Budget € '000	Compar ison %	2021 € '000	2020 € '000
	Total Payments € '000	gg € '000	OSR € '000	DR € '000	PAK-R € '000	DDG € '000	IC € '000	DTF € '000				
Power	-											
Water	-											
Waste	-											
Central heating	-											
Phone expenses	2	2							4	2	2	
Payment-judicial decisions	-											
Utilities	2	2	-	-	-	-	-	-	4	50%	2	2

Disclose in detail the notes in the table: Referring to the data as in the table above, we can confirm that utilities, namely the level of expenses in fixed telephony has remained the same throughout the three years. They are means saved by the staff of the Board which are necessary but the expenditure is 50% lower.



Note 5 Subsidies and transfers

Përshkrimi	2022									Krahasim %	2021 € '000	2020 € '000
	Gjithsej Pagesat € '000	GQ € '000	THV € '000	THD € '000	TH-AKP € '000	GPD € '000	K I € '000	FZHM € '000	Buxheti Final € '000			
	Subvencione për entitetet publike	-										
Subvencionet për entitetet publike (tea.bib)	-											
Subvencione për entitetet jopublike	-											
Transfere për qeveri tjera	-											
Pagesat për përfituesit individual	-											
Pensionet bazë	-											
Pensionet baze kotributdhënëse	-											
Pensionet për personat me nevoja të veçanta	-											
Pensionet e ndihmës sociale	-											
Pensionet për të burgosurit	-											
Pensionet për veteranët e luftës	-											
Pensionet për të verbërit	-											
Pensionet e TMK-së	-											
Pensionet e FSK-së	-											
Pagesat për invalidët e luftës	-											
Pagesat për familjet e të rënëve në luftë	-											
Pensionet e përkohshme të Trepçës	-											
Pushimi i lehonave	-											
Pagesa për vendime gjyqësore	-											
Pagesat për sektorin e blegtorisë	-											
Pagesat për kulturat	-											
Ristrukturimi i potencialit fizik	-											
Menaxhimi i burimeve të ujitjes për bujqësi	-											
Diversifikimi i fermave	-											
Subvencione dhe transfere	-	-	-	-	-	-	-	-	-	#DIV/0!	-	-

Disclose in detail the notes in the table: *The Board does not have a budget in the Subsidies and Transfers category.*



Note 6 Capital expenditures

Description	2022								Final Budget € '000	Comparison
	Total Payments € '000	GG € '000	OSR € '000	DR € '000	PAK-R € '000	DDG € '000	L € '000	DTF € '000		
Residential buildings	-									
Administration and business buildings	-									
Educational facilities	-									
Health facilities	-									
Cultural facilities	-									
Sports facilities	-									
Memorial facilities	-									
Fences	-									
Storages	-									
Garages	-									
Sports fields	-									
Construction of highways	-									
Construction of regional roads	-									
Construction of local roads	-									
Sidewalks	-									
Sewage	-									
Water supply	-									
Investment maintenance	-									
Power supply, transmission generation	-									
Information technology equipment	-									
Add codes as needed	-									
Capital expenditures	-	-	-	-	-	-	-	-	-	-

Disclose in detail the notes in the table: *The Board does not have a budget in the Capital Expenditure category.*



Note 7 Other

--

Disclose in detail the notes in the table: *The Board has no other payments.*

Note 8 Tax revenues

--

Disclose in detail the notes in the table: *The Board has no tax revenues.*



Note 9 Non-tax revenues

--

Disclose in detail the notes in the table: *The Board has no non-tax revenues.*

**Note 10 Dedicated revenues**

--

Disclose in detail the notes in the table: *The Board has no dedicated revenues.*

Note 11 Donor Designated Grants

--

Disclose in detail the notes in the table: *The Board has no designated donor grants.*

**Note 12 Other**

--

Disclose in detail the notes in the table: *The Board has not received other receipts.*

Note 13 Payments from third parties

--

Disclose the table in detail as in the following table, annex 1: *The Board has no payments from third parties.*



Article 16 Accounts Receivable Report

Receivables (applies to organizations that collect revenue)

<u>Economic code</u>	<u>Description</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>
Total		0	0	0

Disclose in FS the table in detail and according to the format as Annex 1: The Board does not collect income.



Article 17 Report on unpaid liabilities (invoices).

--

Disclose in FS the table in detail below as an Annex 2

--



Article 18 Contingent liabilities

--

Expand the notes in the table in detail: *The Board has no contingent liabilities.*

Article 19 Report on non-financial assets

Article 19.3.1 Capital assets (worth over 1000 Euro)

--



Article 19.3.2 Non-capital assets (worth less than 1,000 Euro)

--

Disclose in FS the table in detail below as an Annex 3:

Article 19.3.3 Inventory

--



Article 20 Report on unjustified advances

<u>Date of issuance</u>	<u>Supplier ID of the Official</u>	<u>No. Of CPO</u>	<u>Purpose</u>	<u>2022</u>
Total				<u>0</u>

Below disclose in detail the notes from the table: *The Board has no unjustified and unclosed advances.*

- disclosure of advances opened or carried over from the previous year, together with the reason for non-closure
- disclose the actions taken for their closure, including the suspension of payment or the initiation of legal procedures for their return

Article 21 Report on unspent own source revenues



Article 22 Report on the unspent balances of the Development Trust Fund

Description	2022	2021	2020
Revenues from the development trust fund from last year			
Own source revenues received this year			
Total available for allocation in current year	-	-	-
Amount spent in the current year			
Remaining carryover amount	-	-	-

Article 23 Report on dedicated revenues

Description	2022	2021	2020
Dedicated revenues from the previous year			
Dedicated revenues received in this year			
Total available for allocation in current year	-	-	-
Amount spent in the current year			
Remaining carryover amount	-	-	-

Article 24 Report on unspent donor funds

Description	2022	2021	2020
Designated donor grants carried over from the previous year			
Designated donor grants received this year			
Total available for allocation in current year	-	-	-
Amount spent in the current year			
Remaining carryover amount	-	-	-

**Article 25 Report on the number of employees in the payroll**

--

Article 26 Report on the number of employees outside the payroll

--

Note: Disclose the reason for the engagement, the duration, the purpose and the list of engaged persons.

Article 27 Report on the number of employees with contracts for special services

--

Note: Disclose the reason for the engagement, the duration, the purpose and the list of engaged persons.



Article 28 Report on the state/implementation of the recommendations of the National Audit Office (NAO)

--

Disclose the notes in the table in detail:

- disclose the recommendations carried forward from the previous year and not implemented, the efforts made and the results
- disclose the level of implementation of the recommendations of the internal audit of the OB

Note: *The Board from the previous year 2020 has only had one recommendation regarding the electronic wealth system and the recommendation has been implemented, while with the current budget we have, we do not have an internal auditor and no internal audit has been carried out.*

8 REPORT ON ADDRESSING THE RECOMMENDATIONS OF THE NATIONAL AUDIT OFFICE

The audit report for the Board's annual financial statements, submitted on 17.06.2022 with protocol number: 3557/2022 by the National Audit Office, includes the audit opinion, finding and recommendation, summarized information on budget planning and implementation, as well as progress for the implementation of the recommendations.

The National Audit Office has emphasized:

1. **Audit opinion** - where it reflected the audit performed and verified that the financial statements present a true and fair view in all material respects, in accordance with international public sector accounting standards, according to cash-based accounting and expressed the basis for an **unmodified opinion**.
2. **Finding and recommendation** – The National Audit Office has emphasized that improvements are needed in the implementation of IPSAS requirements and has resulted in one (1) recommendation on other financial management and compliance issues. The recommendation was given regarding the commitment of funds and the issuance of the purchase order after receipt of the invoice, which occurred as a result of improper care during the execution of payments.

This recommendation occurred due to the lack of financial officers and the secondary appointment with additional decisions for other support staff for the positions that are vacant and without which we cannot operate as an independent budget body. The Board has prepared the action plan for addressing the recommendation *where from June 2022 - the commitment of funds and the processing of the purchase orders is carried out before receipt of invoices*. We have undertaken our actions where we have delegated responsibility to certain responsible officials and will have regular controls in the payment execution process, namely the processing of purchase orders before receipt of invoices.

3. **Progress towards the implementation of recommendations** - The Board has implemented the recommendation given from the previous year 2020 regarding the registration of assets, while with the current budget, we do not have an internal auditor and no internal audit has been carried out.

The National Audit Office is in the audit process for 2022 and now at this stage of the audit it has assessed that based on the action plan June - December 2022 for the implementation of the recommendation: Recommendation according to the table, article 28 - Report on the state/implementation of recommendations of the National Audit Office (NAO), **has been implemented**.