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**Report on the assessment of transparency in municipalities**

**JANUARY-December 2022**



 MARCH, 2023

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INTRODUCTION

*Transparency is one of the most important principles of good governance. Transparency is the obligation of central and local authorities to share information with citizens, to make fair and informed decisions. It serves as a tool to hold officials accountable for their behaviour and work. Information, the involvement of citizens in decision-making and accountability are the three most weighty components of the exercise of democratic power. Public administration is considered one of the most important sectors of a state, as well as, it is a promoter of developments and social changes. Democratic governance means that beyond information, citizens must be heard and be an integral part of the political process. Local authorities must continuously provide information on their work,* *use mechanisms for consultation that respond best to citizens, make interested groups part of policy-making, account to them on a regular basis, as in the planning phase as well as during the drafting and implementation of these policies.*

*Today, millions of people depend on their governments for services on a daily basis. In view of this, the quality of municipal services and the efficient administration of citizens' requests also depend on the way information is distributed, information systems that are applied, technologies, consultation techniques, as well as other follow-up actions of public administration bodies.*

*The use of websites is one of the mechanisms to keep citizens informed about the activities of municipal bodies. Their use is regulated by a sub-legal act of the government, which obliges all public institutions to provide information on the work of their bodies, the services provided, the content and updating of official documents, information on the responsibilities of organizational units of municipalities, financial documents, procurement documents, etc. Also, the information published on the website must be in accordance with the language requirements and standards.*

*In 2018, the Ministry of Local Government Administration has redesigned the websites of 38 municipalities. The redesign enabled the unification of information publication standards, providing opportunities for online application for building permits, submission of requests and concerns in the field of community safety, as well as online broadcasting of municipal assembly (MA) meetings. In addition to the informational character, the municipal websites also enable administrative processes and are connected with other websites, which serve for the public consultation process. Their interconnection with the intranet system in the municipality enables citizens to submit all their requests online to the relevant directorates of the municipality.*

PURPOSE

The Report on the Assessment of Transparency for the January-December 2022 period reflects the level of achievements of municipalities in fulfilling their legal obligations to inform citizens about activities, municipal acts and public documents that must be open to the public.

The purpose of the report is to inform the central institutions, citizens, non-governmental organizations and interest groups about the real state of the official websites of the municipalities, thereby, raising the responsibility of the municipal bodies and responsible persons to take concrete steps in the implementation of the actions that will influence on the advancement of municipal transparency.

Within the report, the data for 38 municipalities of the Republic of Kosovo are included. We estimate that the information provided in this report, and in particular the findings presented, will serve for the benefit of local government, increase institutional responsibility and that municipal bodies take concrete steps to advance services to citizens.

The data of this report reflect the difference between the number of acts approved and those published, the number of acts of the Mayor, invitations to the meetings of the municipal assembly, the committee for politics and finance, other committees, the number of minutes of the meetings of the municipal assembly, the number of sessions broadcast online, the publication of strategic documents, public consultations, plans of the municipal assembly, reports, meetings of the Mayor, financial transparency, procurement and the process of public consultations.

METHODOLOGY

For the drafting of this report, statistical and comparative methods are included. The data used were obtained through the monitoring of the websites of the municipalities. These data have been compared with:

* + - * ***Legal obligations in this field;***
* ***Official report on the functioning of municipalities January - December 2022 for comparative purposes as well as;***
* ***Report on the assessment of transparency January-December 2021***

EXECUTIVE OVERVIEW

The operation and use of official websites of municipalities is regulated by Administrative Instruction No. 01/2015 on the Websites of Public Institutions. While in 2018 the project for the redesign of the websites of all municipalities was carried out, in 2019 their changes brought the integration of the intranet system on the websites of the municipalities, where citizens can address requests for equipment with civil status documents.

The year 2022 has continued to be challenging for the information offices of the municipalities, due to the non-functioning of the official websites of the municipalities, which has created a problem in the updating of data and the regular operation of the official websites of the municipalities. Access to the official websites of the municipalities is not possible all the time and creates difficulties in the slow opening of documents, the accuracy of the data and there are cases when the official websites of the municipalities leave the system and do not allow obtaining information about documents, which they must be accessible to the public, within the time limits.

Therefore, despite the unstable state of operation of official websites, the report on the assessment of municipal transparency for the period January-December 2022 reflects an advancement of municipal transparency compared to 2021. Municipalities have shown a slight increase in some segments of transparency by continuing to publish the planned activities, paying attention to transparency and informing citizens about direct meetings, active involvement of citizens, interest groups, roundtables, the use of electronic information systems, as well as other methods that will influence in the advancement of transparency for the work of municipal assemblies, committees, public meetings, procurement activities, published acts, financial transparency, public consultations, etc.

The report on the assessment of municipal transparency for the period January-December 2022 assesses the transparency of 38 municipalities, including indicators that are also a legal obligation of municipal institutions. The report includes a comparison of the publication of municipal activities in relation to the legal obligations for proper information of citizens regarding the publication of acts of the municipal assembly, the transparency of the Mayor, invitations and minutes of the municipal assembly, mandatory committees, strategic plans and documents, financial, procurement activities as well as public consultations, etc.

TRANSPARENCY OF THE WORK OF MUNICIPAL ASSEMBLIES

The Municipal Assembly is the highest representative body of the local government and at the same time a legally authorized body for the supervision of the provision of services by the executive of the municipality, in accordance with the legislation in force. In order to exercise its function, the Municipal Assembly must meet regularly in order to carry out the responsibilities within the municipal legal powers, to approve the necessary normative acts for the functioning of the municipality, which are expressly required by the legislation in force or those which the laws leave open to be issued, depending on the needs of the municipalities, as well as to discuss and decide issues of interest to the municipality.

**NOTICES OF MUNICIPAL ASSEMBLY MEETINGS**

Law No. 03/L-040 on Local Self Government has determined the minimum standards that refer to holding meetings of the municipal assembly, to ensure the work of this body. This Law has regulated the holding of at least 10 meetings of the municipal assembly per year, five of which must be held in the first six months of the year. Before each meeting of the assembly, the chairperson is obliged to notify the public at least 7 working days before regular meetings and, 3 working days before extraordinary meetings, as well as within the day, in cases of emergency meetings, by publishing the announcement on the official website of the municipality, social networks or media.

Referring to the data from the official websites of the municipalities, during the period January - December 2022, 443 Municipal Assembly invitations have been published, 33 or 87% municipalities, while 5 municipalities or 13% have not published any Municipal Assembly invitations and have not fulfilled this legal obligation.

A figure with data on the publication of notices for the meetings of the municipal assembly is presented below.

***Fig. 1. Publication of invitations to meetings of Municipal Assemblies***

**MUNICIPAL ASSEMBLY COMMITTEES**

Based on the Law No. 03/L-040 on Local Self Government, Article 51, paragraph 51.1 has determined that municipal assemblies establish mandatory committees; as well as the Committee on Politics and Finance and the Committee on Communities as standing committees.

The Committee on Politics and Finance is responsible for reviewing all policies, fiscal and financial documents, plans and initiatives, including strategic planning documents, the medium-term budget framework, the annual procurement plan, the annual regulation on taxes, fees and payments, the annual plan of work for the internal audit, the annual budget and any changes to the budget during the fiscal year, as well as for receiving reports from the Mayor and submitting recommendations to the municipal assembly.

During this period, 291 invitations to the Committee on Politics and Finances were published by 31 or 82% municipalities, while 7 municipalities or 18% did not publish any invitations for the Committee on Politics and Finances.

The Committee on Communities is responsible for reviewing municipal authorities' compliance with applicable law and for reviewing all municipal policies, practices and activities to ensure that the rights and interests of communities are fully respected. The Committee also recommends to the municipal assembly the measures that should be taken to ensure the implementation of provisions related to the need of communities to advance, express, protect and develop their ethnic, cultural, religious and linguistic identity, as well as to ensure adequate protection of the rights of the communities within the municipality.

The Committee on Communities during the period January-December 2022 has held 129 meetings, out of 38 municipalities, invitations for the Committee on Communities have been published by 20 or 53% of municipalities, while 18 or 47% of municipalities have not published invitations for the Committee on Communities.

A figure with data related to notices for meetings of the Committee on Politics and Finance and notices for meetings of the Committee on Communities is presented below.

*Fig. 2. Notices for the meetings of the Committee on Politics and Finance as well as the Committee on Communities*

Taking into account the notices published by the Report on the Assessment of Transparency for the reporting period, the Committee on Politics and Finance is more active compared to the Committee on Communities, which had a lower intensity of meetings held in the municipalities. According to the data, in the period January - December 2022, a total of 291 meetings of the Committee on Politics and Finance were held, while the Committee on Communities held 129 meetings, i.e., the difference in meetings of the Committee on Politics and Finance is 162 meetings more than the Committee on Communities.

**PUBLICATION OF THE ACTS OF THE MUNICIPAL ASSEMBLY**

Based on the Law No. 03/L-040 on Local Self Government, the Municipal Assembly has the competence to approve decisions and regulations for the implementation of laws affecting competences at the local level. The Assembly approves the Statute and the Regulations on Rules and Procedure, makes decisions, issues regulations and other general acts. Publication is one of the most important aspects in the process of approval and entry into force of acts of municipal assemblies, after receiving confirmation of legality from the supervisory authority. Also, the publication enables general information about all the acts, which are in force at the local level, based on the Regulation (MLGA) No. 02 /2021 on the Procedure for Drafting and Publishing Municipal Acts as well as Administrative Instruction No. 03 /2020 on the Transparency in Municipalities that regulate the principles, rules and procedures for the publication of normative acts of the municipality.

During the reporting period, a total of 2247 acts of municipal assemblies were published, of which 94 regulations and 2153 decisions.

The following figure presents the data for the number of municipal decisions and regulations published during the period January-December 2022

*Fig 3 Number of published decisions*

*Fig. 4 Number of published regulations*

**MINUTES**

Based on Article 8 of Administrative Instruction No. 03/2020 on the Transparency in Municipalities, municipality grants access to public documents through its official website, to the minutes of the meetings of the municipal assembly and mandatory committees. According to the data, 32 municipalities have published minutes of the assembly, while 6 municipalities have not. The municipalities that have not published any minutes of the municipal assemblies are as follows***:*** *Partesh, Zubin Potok, Zvecan, Leposaviq, North Mitrovica and Ranillug.*

Referring to the monitoring data, 27 municipalities or 71% of the municipalities have published the minutes of the Committee on Politics and Finance, while 11 municipalities or 29% of the municipalities have not published any minutes from the meetings of the Committee on Politics and Finance. Municipalities that have not published any minutes of the Committee on Politics and Finance are as follows: *Decan Fushe Kosova, Graçanica, Kllokot, Partesh, Ranillug, Shterpca, Zubin Potok, Zveqan, Leposaviq, North Mitrovica.*

Also, when it comes to publishing the minutes of the Committee on Communities, 74 minutes from 38 municipalities have been published. We find that 24 or 64% of municipalities have not published any minutes of this committee, while 14 or 36% of municipalities have published minutes of meetings of the Committee on Communities. Municipalities that have not published any minutes of Committee on Communities are as follows: *Decan, Fushe Kosova, Gjakova, Gllogoc, Istog, Graqanica, Junik, Kamenica, Klina, Kllokot, Malisheva, Obiliq, Partesh, Peja, Podujeva, Ranilug, Shterpca, Vitia, Vushtrria, Zubin Potok, Zveqan, Leposaviq, Mamusha, North Mitrovica.*

A figure with data on the total number of minutes of Municipal Assemblies, Committees on Politics and Finance, as well as minutes from Committee on Communities is presented below.

*Fig 5. Minutes of the Municipal Assembly, the Committee on Politics and Finance and the Committee on Communities*

**ONLINE BROADCASTING OF MUNICIPAL ASSEMBLY MEETINGS**

Based on paragraph 8 of Article 4 of Administrative Instruction No. 03/2020 on the Transparency in Municipalities, the municipality broadcasts the meetings of the municipal assembly through the official website, using the equipment necessary for broadcasting.

According to the data from the monitoring of the official websites of the municipalities for the period January - December 2022, 262 online meetings of the municipal assembly were broadcast from 38 municipalities, of which 14 municipalities or 42% did not broadcast any meetings online, while 24 other municipalities or 58% have published online meeting broadcast.

A figure with data for the municipalities that broadcast the meetings of the Municipal Assembly online is presented below.

*Fig 6. Meetings of the Municipal Assembly broadcast online*

**PUBLICATION OF THE WORK PLANS OF THE MUNICIPAL ASSEMBLIES**

Municipalities have a legal obligation to provide direct access to public documents through their official websites, such as: the work plan of the municipal assembly, strategies and other approved policy documents.

*Fig 7. Publication of the Municipal Assembly plan*

From a total of 38 municipalities, it is noted that 30 municipalities have published the work plan of the municipal assembly on their websites, while 8 other municipalities have failed to meet this criterion. The municipalities that have not published the plan of the assembly are: *Novoberda, Obiliq, Partesh, Ranillug, Zveqan, Zubin Potok, Leposaviq, North Mitrovica.*

REPORT ON ACCESS TO PUBLIC DOCUMENTS

Article 31 of Law No. 06/L-081 on Access to Public Documents has determined that, in order to ensure full transparency in their work and, as regards access to public documents, public institutions, through the official responsible for access to public documents, draw up an annual report on as far as the end of January of the current year, for the period up to December 31 of the previous year, which includes the number of cases in which the public institution has allowed access, the number of cases in which the public institution has refused access in the documents, as well as the reasons for these rejections.

A figure with the number of municipalities that have the report for access to public documents is presented below.

*Fig. 8. Report on access to public documents*

**ZONAL MAPS**

According to data from the monitoring of the official websites of municipalities for the period January-December 2022, out of 38 municipalities, 14 municipalities have published Zonal Maps, while 24 municipalities have not yet fulfilled this legal obligation.

Below is a figure with the number of municipalities that have published Zonal Maps.

*Fig 9. Publication of zonal maps*

**ACTION PLAN FOR TRANSPARENCY**

Administrative Instruction No. 2020/03 on the Transparency in Municipalities defines the obligation that municipalities have to draw up a four (4) year action plan for transparency. This plan is required to include actions that promote: meetings of the municipal assembly, committees, public meetings, consultative meetings for projects, transparency in the planning and utilization of the municipal budget, quick access to services, transparent procurement procedures, employment procedures, updating daily activities on the official website, active involvement of citizens in decision-making, etc. The action plan for municipal transparency aims to provide the public with easy access to the monitoring and implementation of policies by municipal bodies, including: quick information, accessible data, publication of all normative acts and documents of public interest, as well as increased opportunities for citizens' participation in decision-making processes.

The main objective of the Action Plan for Municipal Transparency is to "ensure open governance for citizens, inclusiveness in the process of planning and policy development, as well as transparent and accountable governance".

* Ensuring a clear framework of organized planning, where the roles of all participants responsible for municipal transparency are defined.
* Strengthening local democracy mechanisms to create a public interested in public issues;
* Advancing information mechanisms, so that citizens are heard and encouraged to be active in decision-making processes.
* Creating an effective governance system, in which the main principle of policy drafting is the information base.

A figure regarding the number of municipalities which have published the action plan for transparency is presented below.

*Fig. 10. Action plan for municipal transparency*

The data from the monitoring of the municipalities for the reporting period show that 25 or 66% of the municipalities have published the Action plan for municipal transparency, while 13 or 34% of the municipalities have not published the Action plan for transparency. The municipalities that have not fulfilled the legal obligation in this area are*: Fushe Kosova, Junik, Kllokot, Podujeva, Novoberda, Partesh, Shterpca, Zubin Potok, Zvecan, Leposaviq, North Mitrovica, Mamusha and Dragash.*

***REGULATION ON MUNICIPAL TRANSPARENCY***

Article 68, paragraph 68.4 of the Law No. 03/L-040 on Local Self Government determines that the Municipal Assembly shall adopt municipal regulation promoting the transparency of the legislative, executive and administrative bodies of the municipalities, enhancing the public participation in the decision making at the local level, and facilitating public access to official documents of the municipalities.

The data from the official websites show that, for the January-December 2022 period, 22 municipalities or 55% of the municipalities have published the Regulation on Transparency in Municipalities, while 16 or 45% of the municipalities have not done so. The municipalities that have not fulfilled the legal obligation in this area are**:** *Decan, Junik, Kllokot, Podujeva, Novoberda, Prizren, Shtime, Partesh, Vushtri, Shterpca, Zubin Potok, Zvecani, Lepoaviq, North Mitrovica, Mamusha and Dragash.*

A figure regarding the number of municipalities that have published the Regulation on transparency is presented below.

*Fig.11 Publication of the Regulation on Transparency in Municipalities*

**PUBLIC MEETINGS WITH CITIZENS**

Municipalities as local self-governing units, based on Law No. 03/L-040 on Local Self Government, Article 68.1, are obliged to hold public meetings, as a basic principle of direct communication with citizens, where each person or organization with an interest is entitled to participate.

At the local level, the mechanism of citizen participation in policy making is the basic principle of direct democracy.

Municipalities are obliged to use all opportunities for organizing public meetings with the aim of active involvement of citizens, interest groups, roundtables, use of electronic information systems, as well as any other method by which transparency would influence the advancement of local self-government.

So, according to the data derived from the monitoring of the official websites of the municipalities of the Republic of Kosovo, out of 38 municipalities in total, 32 municipalities or 85% of the municipalities have published notices for public meetings with citizens, while 6 municipalities or 15% of municipalities have not published any notices for meetings with citizens, during the January/December 2022 period.

A figure with data for the publication of notices for public meetings is presented below.

*Fig. 12 Notices for public meetings/debates*

TRANSPARENCY OF THE MAYOR

Based on Administrative Instruction No. 03/2020 on Municipal Transparency, all decisions of the Mayor that directly affect the interests of citizens after signing must be published on the official website of the municipality.

According to the findings from the monitoring of the municipalities, **6849** acts have been published, 29 municipalities or 77% have publishedacts of the mayor, while 9 or 23% of municipalities have not published any decision of the Mayor. The municipalities that have not published any decision of the Mayor are: *Fushe Kosova, Kllokot, Partesh, Klina, Ranilluk, Shterpca, Zubin Potok, Zvecan, Leposaviq and North Mitrovica.*

A figure with data on the publication of acts of the Mayor by each municipality is presented below.

*Fig. 13 Publication of Mayor's decisions.*

**PUBLICATION OF THE MAYOR’S REPORT**

Article 58 of Law No. 03/L-040 on Local Self Government stipulates that the Mayor is obliged to report to the Municipal Assembly at least once every six months, or whenever required by the Municipal Assembly, on the economic-financial situation of the municipality as well as the implementation of the investment plans of the municipality.

Based on the Administrative Instruction on Transparency, the Mayor's reports must be published on the municipality's website, along with other mandatory documents. The findings show that only 25 municipalities have published the Mayor's report, while 13 municipalities have not published it on the municipality's official website.

Compared to 2021, where only 23 municipalities have published the Mayor's report on the official website, while 15 municipalities have not published the Mayor's report on the official website, we note that there is an increase for two more municipalities in 2022.

The number of municipalities that have published the Mayor's report during this period is presented in tabular form below.

*Fig.14 The number of municipalities that have published the Mayor’s reports*

**Based on the data of the report on the functioning of the municipalities for 2022,** a total of 36 Mayors have reported to the Municipal Assembly, regarding the economic-financial situation of the municipality. While in the municipalities of Mamusha and Kllokot, the Mayors have never reported on the economic and financial situation.

**MAYOR'S MEETINGS**

Every year, the municipality holds at least two public meetings with citizens on issues of general interest. One of the public meetings must be held in the first six (6) months of the year, while the other meeting is held in the second six (6) months of the year. The public meetings must be attended by the highest officials of the municipal bodies, such as: the Mayor, the Chairman of the Municipal Assembly, the Directors of the Directorates, the Chairmen of the Committees and the competent officials for matters under public discussion. Public meetings are led and chaired by the Mayor, or his/her representative. The Mayor is authorized to set the agenda and the procedure for leading the discussions.

According to the data from the official website monitoring report for the January-December 2022 period, the following can be concluded:

The data of the Report on the assessment of the transparency of municipalities shows that 33 municipalities have organized meetings between the Mayor and citizens, where 7 municipalities have held only one meeting, while 5 municipalities have not held any meetings.

The municipalities that have not fulfilled this legal obligation are as follows:

*Fushe Kosova, Novoberda, Zvecan, Leposaviq, North Mitrovica.*

Whereas, the Report on the functioning of municipalities shows that a total of 26 municipalities have fulfilled their legal obligations to hold 2 public meetings with citizens, while 10 municipalities have held only 1 meeting with citizens. The municipalities which have not held any public meeting with the citizens within this reporting period are: Novoberda and Fushe Kosova.

**Based on the data of** theReport on the functioning of municipalities and Report on the assessment of the transparency of the municipalities, we find that 3 municipalities have not published any invitations for the Mayor's meetings.

The number of announcements for the meetings of the Mayor during this period is presented in tabular form below.

*Fig. 15. The number of announcements for the meetings that the Mayors have carried out during this period.*

FINANCIAL TRANSPARENCY

Financial transparency is one of the main criteria of good governance that affects the increase of accountability of municipal bodies to citizens. The importance of transparency affects many aspects including economic and financial stability, good governance, as well as the general system of state administration. Through this principle, the openness of the administration to the society is rendered possible, information about its work can be provided in different ways and in different volumes, a principle that can be limited only in the cases specified in the legislation of each country. Financial transparency makes the administration accessible from outside. For this reason, the official websites of public institutions are the basic and most applicable platforms for communicating information to citizens, providing information about their scope, financial management, procurement activities, as well as access to public documents.

Municipalities are obliged to make public the financial documents, such as annual budget plans, medium-term expenditure framework, budget hearing notices, 3-month financial reports, annual financial reports, audit reports, list of capital investments, etc.

PUBLICATION OF THE BUDGET PLAN

Budget planning in municipalities is a key condition for accountability and to prevent mismanagement of public money. Publication of the budget plan is one of the main criteria of good governance which affects the increase of accountability of municipal bodies to citizens.

As far as budget transparency is concerned, municipalities are generally doing well. Out of 38 municipalities, 31 or 82% of the municipalities have published the budget plan, while 7 municipalities or 18% of them have not published the budget plan for 2022. The municipalities that have not published the budget plan are: Novoberda, Partesh, Ranillug, Zubin Potok, Zvecan, Leposaviq and North Mitrovica.

*Fig. 15 Publication of the budget plan for 2022*

**MEDIUM-TERM BUDGET FRAMEWORK**

The Medium-Term Budget Framework is the main financial document, in which the annual budget for the following year is drawn up. The Medium-Term Budget Framework defines the priorities based on comprehensive analysis and budget planning for the following year. Municipalities stand relatively well in the publication of MTBF. Out of a total of 38 municipalities, 32 have published the MTBF, while 6 municipalities have not published this document. Municipalities which have not published the Medium-Term Budget Framework are: Partesh, Kllokot, Zubin Potok, Zvecan, Leposaviq and North Mitrovica.

The number of municipalities that have published the Budget Plan and MTBF during this period is presented in tabular form below.

*Fig. 17. Publication of MTBF*

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PUBLICATION OF PERIODIC REPORTS

In addition to budget planning documents, legislation in force obliges municipalities to make their financial activities public. The publication of periodic financial reports also facilitates other aspects of external control, to evaluate the efficiency of the work of the municipal assemblies, respect for legality, efficient financial management as well as the general performance of the municipal executive. Article 45.4 of the Law on Public Financial Management and Accountability determines that, in addition to being obliged to prepare the 3 monthly financial reports, the Mayor must publish them on the website of the municipality.

The number of municipalities that have published periodic and annual reports during the January-December 2022 period is presented in tabular form below.

*Fig. 18. Publication of periodic financial reports*

*Fig. 19 Publication of the annual financial report*

**BUDGET MEETINGS**

The municipality also holds other consultative meetings within the neighborhoods, settlements and other locations for issues related to municipal projects, local economic development, use of municipal property, spatial planning, investments, municipal revenues, municipal budget planning, as well as other matters of general interest.

Based on the data from the report on the assessment of transparency for the reporting period, it results that 31 municipalities have published notices for budget meetings, while 7 municipalities have not published notices such as (Budget planning and MTBF).

The number of municipalities that published the January-December 2022 meetings/discussions is presented in tabular form below.

*Fig. 20 Publication of notices for budget meetings*

**EXTERNAL AUDITOR'S REPORT**

Based on Article 27, paragraph 27.2 of Law No. 03/L-040 on Local Self Government, each auditor’s report and the replikës of municipal authorities shall be made public. The publication of the audit report is another important indicator, as in this form it provides the public with data on how public money has been managed, under the management of the municipalities. According to the data we find that, out of 38 municipalities, only 18 municipalities have not published the External Auditor's Report, while 20 municipalities have published it.

*Fig. 21 External Auditor’s Report*

**LIST OF CAPITAL INVESTMENTS**

The list of capital investments is a financial document and determines the capital expenditures that are necessary for the implementation of decisions, of certain plans in the municipalities. The list of capital investments determines the time of implementation, cost, sources of financing as well as other detailed information. The publication of the List of capital expenditures is part of financial transparency and determines the highest priority of securing funds, as well as the budget allocation necessary for the regular financing of the capital project during the preparation and approval of the Consolidated Budget of Kosovo.

According to the data, we find that out of 38 municipalities, 20 municipalities or 53% of the municipalities have published the list of capital investments, while 18 or 47% of the municipalities have not published it.

Transparency in public procurement

Public procurement is among the most sensitive processes for any budget organization, for which full transparency and accountability is required according to legal regulations. Municipal authorities are obliged by law to compile a procurement plan where they must plan projects, services and costs for each project and service in this plan. The municipal procurement plan must be compiled and published in the first three months of the year. Likewise, municipalities as contracting authorities based on the Rules and Operational Guideline for Public Procurement from PPRC must provide information on contract notices, notices on cancellations of procurement activities as well as contract award notices/design competition results notices, regardless of type or estimated value.

**PUBLICATION OF THE PROCUREMENT PLAN**

Law No. 04/L-042 on Public Procurement has determined that no less than sixty (60) days before the beginning of each fiscal year, each contracting authority must prepare the preliminary planning of procurement, in writing, which identifies reasonable details of all supplies, services and works that the contracting authority intends to procure during the fiscal year in question. Procurement plans are important because they determine all the expected requirements that will be procured during a period, provide a timeline for the fulfilment of these requirements, as well as predict the value of the procurement.

Also, in January of the following year, the municipality shall publish the annual report on the implementation of the public procurement plan in the respective municipality for the previous year.

According to the data from the report on the assessment of transparency in municipalities for the reporting period, out of 38 municipalities, 30 municipalities or 79% of them have published the annual public procurement plan, while 8 municipalities or 21% of the municipalities have not published the 2022 procurement plan.

**PUBLICATION OF THE PROCUREMENT REPORT**

For each contract or framework agreement that is covered by the law in force, and whenever a dynamic purchasing system is established, the contracting authority or entity draws up a written report, specifying the name and address of the contracting authority or entity, the object and the estimated value of contract, framework agreement or dynamic purchasing system as the case may be. Procurement reports reflect the expenditure of public money through public procurement. Referring to the data from the report on the assessment of transparency in municipalities for the reporting period, out of 38 municipalities, 13 municipalities or 34% of the municipalities have not published the annual public procurement report, while 25 municipalities or 66% of the municipalities have published the procurement report for 2022.

The number of municipalities that have published the Procurement Plan and the Procurement Report is presented in tabular form below.

*Fig. 22. Publication of the Procurement Plan*

*Fig. 22. Publication of the Procurement Report*

IMPLEMENTATION OF MINIMUM STANDARDS OF PUBLIC CONSULTATIONS

Administrative Instruction No. 06/2018 on Minimum Standards of Public Consultation obliges local authorities to ensure the participation of citizens and other interested parties during the policy-making and decision-making process at the local level, to promote municipal transparency, and to influence the development of sustainable policies in general interest.

This administrative instruction defines the rules, principles, forms, procedures and minimum standards of public consultation in municipalities in the case of the development of municipal policies and sub-legal acts. The municipality is obliged to offer public consultation on all local policy documents, as follows:

1. Draft Annual Work Plan of the municipal assembly and the mayor/executive;

2. Draft Budget of the municipality for the following year, and the budget review;

3. Mid-Term Budget Framework for the next 3 years;

4. Development strategies and action plans at the local level within the sectoral fields;

5. All spatial draft plans at the local level, in accordance with spatial planning legislation;

6. All other documents, for which the municipality assesses that it is necessary to go to public consultation;

7. Any other document provided for in the applicable legislation, which must be subject to the public consultation process.

**PUBLIC CONSULTATION PLAN**

Based on Article 5 of Administrative Instruction No. 06/2018 on Minimum Standards of Public Consultation, the municipality ensures the publication of draft proposals on the official websites of the municipalities and on the Public Consultation Platform at the Central level.

Project-proposals that are subject to public consultation must be clear and complete with all accompanying documents.

According to the data from the monitoring of the websites of the municipalities, we conclude that; 19 municipalities or 50% of municipalities have published the planning of public consultations, while 19 municipalities or 15% of municipalities have published the planning of public consultations in the municipalities.

**NUMBER OF REPORTS FOR PUBLIC CONSULTATIONS**

According to the data from the monitoring of the websites of the municipalities, we conclude that: 21 municipalities or 55% of municipalities have not published the number of reports for public consultations, while 17 or 45% of municipalities have published reports for public consultations for 2022.

The number of municipalities that have published the Planning of public consultations as well as the Reports of public consultations is presented in tabular form below.

*Fig23. Publication of the public consultations plan*

CONCLUSIONS/Recommendations

Based on the analysis of the data presented in this report, it is noted that transparency in some municipalities in the Republic of Kosovo has marked slight progress. However, in some of the municipalities such as In Novoberda, Partesh, Ranillug, Mamusha, and especially in Zubin Potok, Zveçan, Leposaviq and North Mitrovica, there is a stagnation in the implementation of transparency legislation.

Despite the fact that there is a slight increase during 2022, the municipalities should increase their care in the prior notices of the interested parties for the holding of the meetings of the municipal assemblies, debates, publication of municipal acts and other public documents. For this purpose, notices must be made public in any case through the official websites of the municipalities, as well as other information channels. Municipalities must fully implement the legal obligations defined by Administrative Instruction No. 03/2020 on Municipal Transparency, that all notices for holding meetings of the Municipal Assembly, committees, public meetings, must be made public according to legal deadlines, in order for all interested parties to be notified in time. Also, the municipalities must adhere to the Administrative Instruction No. 01/2015 on the Websites of Public Institutions, that the websites of public institutions should have a developed and operationalized search module, which should be located at the front page. The search module should be optimized so that documents and information on the website can be found quickly and easily. Search based on the first letters of the first word from the name of the document, file, date, number, etc., should be similar to the most advanced web browsers.

The progress of municipal transparency for 2022 has been observed by comparing with the data from the transparency report of 2021, starting from the acts of the Mayor to the process of public consultations.

Acts of the Mayor

As for the decision-making of the Mayors, ***during 2022, it turns out that 29 municipalities have published 6849 decisions***.

Municipalities have shown an ***increase in the publication of acts of the Mayor during 2022, compared to 2021, where 4587 acts of the Mayor were published***.We find that during 2022, we have **2262** more acts of the Mayor published, while, if we take into account the number of municipalities with the year 2021, we have an **increase of only (1) one more municipality** during 2022.

It is recommended that the Municipalities that have not fulfilled the legal obligation for transparency in the field of publication of the acts of the Mayor, implement the Administrative Instruction No. 03/2020 on Municipal Transparency, which obliges the municipalities to publish on the official website all the decisions of the mayor that directly affect the interests of citizens, after their signature.

Publication of the Mayor's reports

* According to data from the monitoring of the Mayor's report, 25 municipalities have published it, while 13 municipalities have not published the Mayor's report during January/December 2022.
* Compared to 2021, only 23 municipalities have published the Mayor's report on the official website, and we find that ***we have an increase for two more municipalities in the publication of the Mayor's report***.
* We recommend the municipalities, which have not fulfilled this legal obligation, to be more attentive in this regard.

Notices of the Mayor's meetings with citizens

* During January/December 2022, the municipalities have shown satisfactory performance in the publication of notices for the Mayor's meetings with citizens. Notices for the Mayor's meetings with citizens are a legal obligation.
* The data of the report on the assessment of the transparency of the municipalities shows that 33 municipalities have held meetings of the Mayor with citizens, where 7 municipalities have held only one meeting, and 5 municipalities have not held any meeting of the Mayor with citizens.
* Whereas, from the report on the functioning of municipalities, it results that a total of 26 municipalities have fulfilled the legal obligations to hold 2 public meetings with citizens, 10 municipalities have held only 1 meeting with citizens. The municipalities, which have not held any public meeting with citizens within this reporting period, are the municipalities of **Novoberda and Fushe Kosova**.
* **Based on the data of the** report on the functioning of municipalities and **the report on the assessment** **of the transparency of the municipalities**, we find that **3 municipalities** have not published any invitations for the meetings of the Mayor.

We recommend the municipalities, which have not fulfilled this legal obligation, to be more attentive in this regard, considering the legal obligation, one of the public meetings must be held in the first six (6) months of the year, while the other meeting is held in the second six (6) months of the year.

Notices for municipal assembly meetings

* The notices must be made public in any case, through the official websites of the municipalities and other informational channels, respecting the legal deadlines set by Administrative Instruction No. 03/2020 on Transparency in Municipalities. During January-December 2022, municipalities have published 443 notices for assembly meetings, that is, 33 municipalities have published 443 notices.
* The municipalities that have not published any notices about these meetings of the municipal assemblies are: ***Zubin Potok, Zveqan, Leposaviq, North Mitrovica and Partesh***.
* According to data from the report on the functioning of municipalities for 2022, 520 municipal assembly meetings were held, while according to data from the report on the assessment of municipalities in 2022, we find that 443 notices of municipal assembly meetings have been published. ***So, we have 77 unpublished notices***.
* We recommend the municipalities, which have not fulfilled this legal obligation, to be more attentive in publishing all notices for the meetings of the municipal assembly.

Notices to the Committee on Politics and Finances

* Notices to the Committee for Politics and Finance, during January-December 2022, have been published by 31 municipalities, **compared to 2021** ,30 municipalities have published 223 notices to the Committee on Politics and Finances. **--- we find a slight increase** for one more municipality during 2022. The municipalities, which have not published an invitation of the Committee on Politics and Finances, are: ***Fushe Kosova, Shterpca, Partesh, Zubin Potok, Zveqan, Leposaviq, North Mitrovica***,
* Municipalities, which have not published any invitation to the Committee on Politics and Finances, must publish the notice for holding meetings of the Committee on Communities.

Notices to the Committee on Communities

* Notices for meetings of the Committee on Communities must be made public in any case, through the official websites of the municipalities. Compared to 2021, we have the same number of municipalities that have published notices for the meeting of the Committee on Communities in 2022.
* The municipalities, which have not published any invitation of the Committee on Communities, are: ***Ferizaj, Fushe Kosova, Gllogoc, Istog, Kaçanik, Klina, Kllokot, Malisheva, Obiliq, Partesh, Peja, Shterpca, Vitia, Vushtrria, Zcveqan, Zubin Potok, Leposaviq, North Mitrovica***.

Annual Palan of the Assembly

* **During 2022,** 30 municipalities have published **the annual plan of the assembly** on the official website, compared to 2021, where 26 municipalities have published the annual plan of the assembly**.** ***It can be seen that we have an increase in this category for 4 more municipalities***. Municipalities, which have not published the work plan of the assembly, must act in accordance with Administrative Instruction No. 03/2020 on Transparency in Municipalities for the disclosure of all planned activities during the year.

**The municipalities that have not published the plan of the assembly are: *Novoberda, Obiliq, Partesh, Ranillug, Zveqan, Zubin Potok, Leposaviq, North Mitrovica.***

Minutes

* During January-December 2022, the municipalities published 367 minutes, while 520 meetings of the municipal assembly were held. So, we have 153 unpublished minutes, **32 municipalities have published 367 minutes for January-December 2022**.
* The municipalities which have not published any minutes of the municipal assembly are as follows**; Partesh, Zubin Potok, Zveqan, Leposaviq, North Mitrovica and Ranillug.**
* ***Compared to 2021, we have an increase of 2 more municipalities in the publication of minutes of the municipal assembly during 2022.***
* **Minutes of the Committee on Politics and Finances -** During 2022, 27 municipalities have published 219 minutes, while in 2021 we have 24 municipalities that have published 178 minutes of the Committee on Politics and Finances. ***According to the data, a slight increase is observed for three (3) more municipalities during 2022***.

***Whereas, compared to the notices for meetings of the Committee on Politics and Finances, during 2022, 291 meetings of the CPF were held and only 219 minutes were published, therefore, we find that the publication of 72 minutes of the CPF is missing.***

* Municipalities that have not fulfilled this legal obligation defined by the legislation in force, should pay attention to this obligation in the future. The municipalities that have not published any minutes ***are as follows: Deçan, Fushe Kosova, Graçanica, Kllokot, Partesh, Ranillug, Shterpca, Zubin Potok, Zveqan, Leposaviq, North Mitrovica***.

**During January - December 2022, the minutes of the Committee on Communities have been published** by only 14 municipalities, a total of 74 minutes and, ***compared to 2021, we have a slight increase for 4 more municipalities that have published the minutes during 2022***.

***Meanwhile, only 74 minutes and 129 notices for the meetings of the Committee on Communities have been published, where we find that the publication of 55 minutes during 2022 is missing.***

Municipalities, which have not fulfilled this legal obligation, are recommended to be more attentive in fulfilling this criterion.

Budget transparency in municipalities

In general, municipalities stand relatively well in the field of budget transparency. 31 municipalities have published the budget plan, while only 7 municipalities have not fulfilled this legal obligation, and compared to 2021, regarding budget transparency related to the publication of the budget, it is observed that we have a slight increase for two more municipalities in 2022.

* During 2022, 32 municipalities have published the MTBF, while only 6 other municipalities have failed to implement this legal obligation. Compared to 2021, we also have an increase for three more municipalities in the publication of MTBF.
* 29 municipalities have published the three-month financial reports as well as the annual financial report, while 9 other municipalities have failed to fulfil this legal obligation.
* Calls for budget discussions have been published by 31 municipalities, while 7 other municipalities have failed to fulfil this legal obligation, for which increased attention is required during the following period.
* 26 municipalities have published the auditor's report, while 12 others have not published the external auditor's report. ***Compared to 2021, we have an increase for 4 more municipalities during 2022***.
* Municipalities that have not published the auditor's external report must implement Article 27, paragraph 27.2 of Law No. 03/L-040 on Local Self Government, and all auditor reports and local authority responses should be made public.

30 municipalities have published **the annual procurement plan,** while 8 other municipalities have failed to fulfil this criterion. ***Compared to 2021, we have an increase of 1 more municipality during 2022***. Municipalities that have not published the procurement plan must, in the first three months, implement the rules of the procurement legislation.

* The municipalities that have not published the procurement plan are:
* ***Fushe Kosova, Kllokot, Ranillug, Partesh, Zubin Potok, Zveqan, Leposaviq, North Mitrovica.***

Also, only 25 municipalities have published the **procurement report**, while 13 municipalities have not published it. ***Compared to 2021, we have the same state of the Procurement Report during 2022***.

Public consultations in municipalities

Administrative Instruction No. 06/2018 on Minimum Standards of Public Consultation obliges local authorities to ensure the participation of citizens and other interested parties during the policy-making and decision-making process at the local level, to promote municipal transparency, and to influence the development of sustainable policies in general interest. Based on Article 5 of the Administrative Instruction No. 06/2018 on Minimum Standards of Public Consultation, the municipality ensures the publication of project proposals on the official websites of the municipalities and on the Public Consultation Platform at the central level. Project-proposals that are subject to public consultation, must be clear and complete with all accompanying documents.

* The legal obligation to appoint the official responsible for public consultations has been appointed by 28 municipalities and, compared to 2021, we have a significant increase of 6 more municipalities in 2022, out of 38 municipalities in 2021, whereas the official responsible for public consultations has been appointed by 22 municipalities.
* The municipalities that have appointed the official responsible for public consultations are as follows:

Public consultation plan

In order to facilitate the public consultation process, the municipalities, in parallel with the drafting of the annual work plan, must identify the activities for which cooperation with citizens is required and draw up a special annual plan for public consultations.

* According to the data, during 2022, 19 municipalities or 50% of them have published **the public consultation plan**, while another 19 have failed to fulfil this legal obligation. ***Compared to 2021, there is an increase for 12 more municipalities in the publication of the Public Consultation Plan on the official website of the municipality, but the criteria (forms) for planning of public consultations as defined in*** Administrative Instruction No. 06/2018 on Minimum Standards of Public Consultation have not been met.

It is recommended that the Municipalities that have not met this legal criterion, increase their focus on the publication of public consultation plans.

* Municipalities should start preparing feedback reports after the conclusion of public consultations, so that citizens and interest groups are informed about the issues they have addressed and the reasons for not accepting the proposals.
* Municipalities must submit the public consultation report, together with the proposed draft act for approval in the municipal assembly.
* According to the data, during 2022, **the public consultation reports** have been published by 17 municipalities, while 21 others have failed to fulfil this legal obligation. ***Compared to the data of 2021, we have a noticeable increase of 12 municipalities in the publication of public consultation reports during 2022.***
* ***It is recommended that the municipalities fulfil the criteria (forms) of the reports, the names of other documents and that the public consultations be published in time, as defined in*** Administrative Instruction No. 06/2018 on Minimum Standards of Public Consultation.
* Other recommendations for municipalities are the publication of draft proposals (draft acts) on the official website of the municipality, for which citizens' consultation is required and to place them on the public consultation link and not on public debates, which also creates difficulties for accurate data.