

Article

Organizational and Structural Approaches on Administrative Simplification: The Case of Kosovo

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Abstract: Administrative simplification is a particular approach that is considered a key aspect to ensure the quality of regulations and legislation. The appropriate organizational and structural approach to managing, coordinating, and monitoring administrative simplification is an important factor. The institutional framework for managing and coordinating administrative simplification initiatives has been the subject of discussions in the Government of Kosovo for several years. The objective of this paper is therefore to analyze the institutional set up in the central administration, as well as gaps and challenges, and their implications for the implementation of such reforms in Kosovo. It also presents the context of the reforms implemented by the Kosovo state administration to simplify administration and reduce administrative burdens. Particular attention is paid to the importance, status of implementation, and administration of the Law on General Administrative Procedures. Several recommendations and options have been made based on the findings of this study, the authors' first-hand experience, and best comparative international practice.

Keywords: administrative simplification; reforms; good governance; quality of regulations; Kosovo



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1. Introduction

The quality of regulation is recognized as a key factor in efficient, effective, and good governance (Weatherill 2007). Regulations that enable society to function are often seen as excessive and/or of poor quality, thus placing an unnecessary burden on businesses and the economy (Katsoulacos et al. 2011). Necessary regulation is an administrative burden that is seen as protecting the public interest, while unnecessary regulation fails to meet the primary objective of regulation and could be eliminated without harm to the public interest (Kaufman 1977; Kovač 2021). Administrative simplification is a particular approach that is seen by many governments as a key aspect of ensuring the quality of regulation and has been high on the agenda of most OECD and EU countries over the last decade.

The growing awareness among Western Balkan countries that regulatory efficiency and quality affect economic performance has led to a more strategic approach to regulatory reform and the adoption of comprehensive or fragmented regulatory reform strategies (Kukovič and Justinek 2020). All Western Balkan countries recognize the improvement of service delivery as one of the priorities or main objectives of public administration reform (Weber 2018). Considering the new demands of citizens, new technological developments and the evolution of institutions, Kosovo has also made efforts to respond to the new challenges and demands of postmodern developments in public administration. Over the last decade, Kosovo has undergone extensive policy and legislative reforms that have introduced modern innovative tools, such as digital service delivery, the “silence is consent” principle, the “one time only” principle, the introduction of one-stop shops through various initiatives and, in particular, through the new Law on General Administrative Procedures (Law No. 05/L-031 on General Administrative Procedures (LGAP) 2017) adopted in 2017.

These developments provide a good basis to improve the quality of administrative services and reduce administrative burden. However, there is a lack of detailed analysis examining the extent of administrative burden in Kosovo (Halili 2020). The LGAP, either through its new principles or through other provisions, has introduced several innovations and institutes aimed at achieving the objectives of the law. The implementation of these new institutes, similar to other Western Balkan countries that have adopted new Laws on Administrative Procedures, is influenced by many special laws and secondary legislation. These institutes cannot be applied without these laws (Respa 2016). After the adoption of the LGAP, the former Ministry of Public Administration¹ made an inventory of primary legislation containing special procedures that need to be abolished or harmonized with the LGAP. However, the implementation of the LGAP in practice has been one of the main challenges in recent years.

International experience has shown that such complex reforms are not only high on the list of government priorities and require strong political commitment, but also an appropriate organizational and structural approach to managing, coordinating, and monitoring the reform process, as well as professional capacity within the administration (Sandor 2018). The institutional framework for managing and coordinating administrative service delivery reforms, including administrative simplification initiatives, is fragmented in the Kosovo government. One gap in this process is that the harmonization of new legislation with the LGAP is not specifically assigned to any institution in the current legislative process. The establishment of such a mechanism has been discussed by several initiatives in the Kosovo public administration in recent years. Despite the efforts and various recommendations made through external technical assistance as well as international programs (Shala 2019), such a solution is not yet in place. Considering these circumstances, this article aims to provide a brief analysis and discussion of the options related to the organizational and structural approaches to harmonize legislation with the LGAP, as well as the institutional mechanisms for administrative simplification and reduction of administrative burden. Moreover, the organizational and structural mechanisms cannot be addressed without a brief substantive and procedural analysis and presentation of the state of play in harmonizing legislation with the LGAP, administrative simplification, and administrative burden reduction.

For the purpose of this paper, document analysis is used as the main qualitative method in combination with other qualitative research methods as a means of triangulation.² The second method that was used is observation. Since one of the authors of this paper worked as an external expert with the Kosovo state administration when these reforms were implemented, much information was obtained through the observation method. The non-participant observation method was the most appropriate method, given the scope of the article and the fact that the observer was not involved in the decision-making process of the Kosovo state administration.

The article is structured as follows: in the first section, we provide a theoretical overview of administrative simplification and administrative burden reduction. In the second section, we provide a contextual analysis of administrative simplification in Kosovo. The most important part of this paper is the subsection that deals with the organizational and structural approaches to administrative simplification. In this section, we discuss the possible institutional approaches and solutions that the Kosovo state administration can adopt to advance the administrative simplification reforms and the implementation of the LGAP. The last section contains the conclusions of the paper.

2. General Overview on Administrative Simplification

Administrative simplification is a quality tool to review and simplify administrative paperwork and formalities through which governments collect information and intervene in individual economic decisions (OECD 2010). Administrative simplification is about cutting red tape, i.e., filling out unnecessary paperwork and complying with excessive administrative procedures and requirements, such as licenses (OECD 2009). The aim is

to reduce burdens on citizens, businesses, civil society organizations, and public sector organizations while speeding up administrative procedures. The challenge is to ensure that this measure improves quality and access to public services (OECD 2017). The administrative burden arises mainly when service users must comply with administrative procedures. Administrative procedures constitute an essential part of administrative technology, which is largely responsible for the (in)efficiency of public administration. Overly complex and detailed legal regulations for administrative procedures that mimic formal and complex court proceedings can significantly increase the inefficiency of public administration (Koprić et al. 2016).

Many technological, structural, and legal innovations are supposed to be used to simplify administrative procedures (Codagnone and Undheim 2008). The range and number of methods and tools to achieve the goal of simplification of administrative procedures are wide, while their selection depends on many factors that determine the system of public administration of a country, its capacities, the level of administrative burden, the factors causing the burden, etc. An important role in administrative simplification is played by the legal framework for administrative procedures. A good law on general administrative procedures should simplify administrative procedures as much as possible and vice versa. In general, an administrative procedure is not bound by any particular form. It must be as efficient and expeditious as possible. Only in cases prescribed by law should the rules of a more formalized procedure be applied (OECD/SIGMA 2012). Electronic communication and other e-government tools, one-stop shops, reduction of formalities, result orientation, single instance decision-making, and other measures can alleviate the situation with the complex legal regulation of administrative procedures (OECD 2009; Brezovšek et al. 2014) and improve the position of citizens in their relations with public administration (Kukovič 2015; Brezovšek and Kukovič 2015).

However, the promotion of administrative modernization represents an aspect that is different from the implementation process (Pollitt and Bouckaert 2001), as most public administration reforms are characterized by a gap between theoretical and practical implementation (Matei and Lazăr 2011). Implementation strategies and the intensity of the implementation process differ from country to country and are clearly influenced by several contextual factors, such as the degree of executive decentralization and the administrative and legal traditions in each country.

On the eve of such reforms in the EU, two approaches to reducing administrative and regulatory burdens were introduced: improving the quality of new and existing regulations and facilitating compliance (ICT/e-government, facilitating access to information, integrated service delivery) (Mandelkern Group 2001). Many challenges arise as the current reforms on administrative simplification and especially on general administrative procedures laws in Southeastern Europe can be seen as an interplay between the legalistic tradition and political and corporate pressures to streamline public administration (Koprić et al. 2016). All Western Balkan countries, including Kosovo, developed new laws on administrative procedures after 2014. An important role in this process was played by the European Commission and the OECD/SIGMA principles of public administration and the technical assistance they provided to the pre-accession countries. However, there were many challenges and delays in implementing these reforms, whether in general administrative simplification or, in particular, the implementation of general administrative procedures laws.

An important factor in the implementation of administrative simplification reforms is the application of the right organizational and structural approach. At the European level, the importance of coordination of both processes was recognized in the early stages of the reforms, particularly when the Mandelkern Group (2001) recommended that better regulation and simplification efforts at both the European and national levels must be pursued independently but in a coordinated manner as part of a coherent and well-coordinated overall policy on simplification. Although some general lessons and experiences are emerging, the benefits and experiences of organizational approaches vary according to the policy

and administrative context in which they occur (OECD 2013). The need for the Kosovo public administration to apply the right organizational and structural solutions is discussed in the following chapters of this article in the context of the practices and experiences of the Western Balkan countries.

3. Administrative Simplification and Burden Reduction Initiatives in Kosovo

In the context of administrative simplification reforms at the central level in Kosovo, the Kosovo government has launched or planned three major reform initiatives in recent years. First, the initiative to reduce and simplify licenses and permits;³ second, the administrative burden reduction program;⁴ and third, the need to harmonize the specific legal framework with the LGAP. The first two focus exclusively on reducing administrative barriers and administrative burdens for businesses in order to improve the business environment. Harmonization of legislation with the LGAP covers all aspects of service provision and administrative procedures. These three agendas are interrelated and in most aspects, they contribute to each other. These processes involve both better regulation and administrative simplification. Such processes running in parallel require strong coordination and management. Therefore, the choice of management and coordination system is very important for the success of these processes.

The adoption of the strategic and policy framework for administrative burden reduction has set a medium-term direction and commitments for the administration.⁵

The introduction of several new principles and institutes as well as specific rules through the LGAP in Kosovo in 2017 had an impact on a large number of specific administrative procedures applied through specific laws and secondary legislation. Therefore, in addition to modernizing general administrative procedure, it is important to create other conditions for their successful implementation. Harmonization of administrative procedures governed by specific laws and secondary legislation with the Law on General Administrative Procedure is a prerequisite for its implementation in practice. The process of its successful implementation requires a preventive approach and “cleaning up” of existing legislation (Virant and Kovač 2010). Both preventive processes and “cleaning up” of existing legislation are closely related to other processes. The preventive approach is usually integrated into the process of drafting policies and laws by the government, while harmonization or cleaning up of existing legislation is considered as an ex-post harmonization initiative with a single task that contributes to the same goal—simplification of administrative procedures and better provision of services to citizens and businesses.

3.1. State of Play on Harmonization of Special Laws with the Law on General Administrative Procedures (LGAP)

The adoption of the new LGAP in 2017 was an important step towards modernization and simplification of administrative procedures in Kosovo. The new LGAP recognizes all the important principles of good administration, such as proportionality, equality and non-discrimination, objectivity and impartiality, legitimate and reasonable expectations, open administration, de-bureaucratization and efficiency of administrative procedures, provision of information and active assistance, minimization of procedural costs, and the right to appeal (OECD/SIGMA 2017). For the purposes of this study, it is important to highlight the following new principles and innovations:

- The principle of non-formality and efficiency of the administrative procedure (Law No. 05/L-031, Article 10).
- The principle of non-remuneration of the procedure (Law No. 05/L-031, Article 12), which can be read in combination with the principle of efficiency, where the administrative services are free of charge or the party in the administrative procedure is exempt from paying the costs of the procedure, except in the cases provided by law.
- The principle of the single point of contact is regulated in the Services Directive (EU Directive 2006/123/EC) and was also regulated by the LGAP (Law No. 05/L-031, Article 33). It provides that in cases where, according to the law, two or more public

bodies are involved in a single procedure, all procedural steps and formalities are handled by a single contact person.

- The principle of “silence is consent or refusal” provides the applicant with a better guarantee that his or her request will be processed in a timely manner (Law No. 05/L-031, Article 100).
- Electronic Methods of Communication and Delivery of Administrative Services LGAP recognizes that many other administrative procedures can be handled through electronic means, such as filing an application, informing the parties in the proceedings, etc.
- Another important principle that would contribute to administrative simplification is the principle of one-time registration of data. The LGAP (Article 8) provides that the public body shall ex officio investigate all facts and evaluate all circumstances necessary for the resolution of the administrative case.

The introduction of the LGAP was influenced by external expertise and, in particular, by the support of the EU and the OECD in the countries of the Western Balkans, including Kosovo. The implementation of such innovations and principles in practice should be harmonized with the LGAP, unless there are exceptions that are justified. As in all other Western Balkan countries (with the exception of Albania), (Ligi and Kmecl 2021) an inventory of primary legislation regulating administrative procedures was conducted in Kosovo.

This does not include secondary legislation, which often sets out the important provisions defining the rights and obligations of the parties to the procedure (e.g., the application forms and the data or documents that an applicant must submit) (Ligi and Kmecl 2021). Of the 400 laws dealing with administrative procedures, 223 need to be harmonized with the LGAP (Ministry of Interior 2021). The target of harmonizing 60% of these laws by 2020 is set in the Public Administration Modernization Strategy 2015–2020 (Ministry of Public Administration 2018) and in Kosovo’s commitments and the European Commission’s Sectoral Budget Support Contract (Kosovo and European Union 2017, Indicator 4.1). The process and approach to harmonizing specific laws with the LGAP was fraught with many shortcomings from the outset. The government reports that these targets have not been met within the agreed deadline and to date⁶. It is estimated that since 2018, a total of 30% of laws have been harmonized with LGAP (OECD/SIGMA 2021).

On the other hand, the process of harmonization has avoided including new institutes and innovations in the amended legislation, coming back to the purpose of the LGAP to modernize public administration. An important segment of the LGAP is the introduction of methods that would enable the modernization of public administration and the improvement of service delivery in Kosovo. The revision of the special laws was aimed only at harmonizing them with the LGAP, and not at simplifying the administration and enabling citizen-oriented services. Nevertheless, the application of LGAP principles in practice is very complex and the impact of LGAP goes beyond the primary legislation, as does the subsidiarity application of LGAP, meaning that it allows the possibility for providing necessary derogations from general administrative procedure rules in specific administrative fields by provisions of separate laws. In addition to harmonizing primary legislation with the LGAP, a more complex process is to eliminate inconsistencies with the LGAP from secondary legislation, considering the number of sub-legislative acts under review and that most of the administrative burden and inconsistencies with the principles of the LGAP are in secondary legislation. One example is fees for building permits, which contradict the principle that the process should be free of charge,⁷ are regulated by secondary legislation. Moreover, it is not only a matter of revising primary and secondary legislation, but also a variety of forms, guidelines, and other practical materials that citizens use on a daily basis and whose alignment is therefore as important as the alignment of primary legislation (OECD/SIGMA 2017; Ligi and Kmecl 2021).

As the legislative process takes time and certain procedures need to be followed, alternative approaches can be considered, such as the so-called omnibus⁸ method of

legislation. The omnibus method does not seem to have been properly applied in the initial legislative harmonization initiatives, as the method of harmonizing specific laws with the LGAP through the regular legislative process was initially considered the appropriate one. However, based on the experience gained, such an approach, which is also applied in many other cases, is recommended by the OECD/SIGMA (Ligi and Kmecl 2021). Omnibus legislation for all laws requiring harmonization with LGAP could be very ambitious. Therefore, a more feasible alternative would be to harmonize through omnibus laws in specific areas using a phased approach, i.e., the omnibus law may include laws that regulate only trade, another may regulate energy and mining, and so on. However, a clear approach to the future harmonization of the identified procedures with the LGAP has not yet been established, considering the number of laws (about 200) that need to be amended within the next two years. In addition, it is important that new laws enacted as part of the ongoing legislative process are also reviewed and harmonized with the LGAP.

3.2. Organizational and Structural Approach

Complex reforms are not only high on the list of government priorities and require strong political commitment, but also an appropriate organizational and structural approach to managing, coordinating, and monitoring the reform process, as well as professional capacity within the administration.

As for the whole system of drafting laws, the coordination and review of all draft laws submitted by the Government to the Assembly is the responsibility of the Legal Office in the Prime Minister's Office in Kosovo (Article 38 of Regulation No. 09/2011 2011). Ministries exercise the right to take initiatives and draft laws in their respective areas of activity, as well as the responsibility arising from the approved concept documents (Regulation No. 09/2011 2011; Law No. 04/L 025 on Legislative Initiatives 2011). In addition to the Prime Minister's Office, which is responsible for ensuring that draft legislation complies with the Constitution and the existing legal framework, adheres to legislative drafting and public consultation standards, and complies with EU requirements and the *acquis communautaire*, the Ministry responsible for Finance is the only ministry responsible for quality control to ensure that any direct or indirect impact of the proposal on public spending or the economy is adequately addressed (Regulation No. 09/2011 2011). Other ministries that are not directly involved in the drafting of the legislative act in question may contribute to the draft law either by directly participating in its drafting, by participating in the preliminary consultation (Rules of Procedures of the Assembly of the Republic of Kosovo 2010, Article 7), or by conducting public consultations or by allowing the minister to raise questions at government meetings. Each Ministry, by virtue of its competence under the Regulation (Regulation (OPM) No. 01/2021 2021), is also responsible for reporting to the Assembly through the respective Parliamentary Committee, which has the ultimate supervisory role over the implementation of the legislation (Rules of Procedures of the Assembly of the Republic of Kosovo 2010, Article 73).

In particular, the harmonization of special laws with the LGAP is undertaken by the Ministry of Interior, which works with the Prime Minister's Legal Office to ensure that no bill that is not harmonized with the LGAP cannot be forwarded to the government (OECD/SIGMA 2021). However, the exercise of this responsibility has proven unsuccessful in practice.

There is a considerable variety of organizational models used by countries to implement administrative simplification measures. The OECD has identified three distinct roles. *First*, institutions can act in an advisory capacity, i.e., they can enhance the capacity of regulators by publishing and disseminating guidance and by providing assistance to regulators. In these cases, administrative simplification is often based on self-assessment by individual agencies and ministries. *Second*, agencies that promote administrative simplification may have a challenge function to any regulatory proposals that impose new (administrative) burdens on businesses and citizens. This challenge can take the form of an evaluation that puts pressure on the proposing agency to improve its performance in

accordance with a set of predetermined criteria. Or it may take the form of a “veto,” in which the reviewing agency acts as a gatekeeper in the regulatory process. The role of advisor and challenger is usually performed by agencies within government. The *third* role, advocacy, is often performed by external boards and committees. Advocacy refers to the promotion of long-term regulatory considerations, including policy changes, the development of new and improved instruments, and institutional changes. A common approach that has emerged in most countries is the central coordination of reviews of policy approaches to administrative simplification. This can lead to a strong emphasis on consistent approaches and broad application of reforms, with central coordination being the means to achieve this. The focus of these reviews is on existing burdens rather than on quality control of newly proposed arrangements (OECD 2003).

The institutional framework for managing and coordinating administrative service delivery reforms, including administrative simplification initiatives, is fragmented in the Kosovo government. Discussions on the organizational and structural approaches in the areas of administrative simplification and, in particular, harmonization of legislation with the LGAP in Kosovo should focus on two issues: first, the completion of the central institutional setup for the management and coordination of administrative simplification, i.e., the establishment of the administrative service delivery unit and the harmonization of the LGAP, and second, the strengthening of the coordination of these institutions with each other and with the institutions responsible for implementation.

The central institutional setup to manage and coordinate administrative simplification is fragmented. Better regulation or ex ante measures, introduced by the better regulation strategy (BRS), include tools aimed at avoiding administrative burdens during the ongoing policy development process, mainly through regulatory impact assessments and standard cost models (SCM), although SCMs are also used for ex post measures. The Prime Minister’s Office, as part of its mandate to coordinate policy development in the Kosovo government, is tasked with managing reforms related to the administrative burden reduction reform.⁹ This reform aims to use the SCM¹⁰ to be used during the ongoing systematic policy and legislative process, but also to implement the Administrative burden reduction reform program, which targets the existing body of procedures and other administrative requirements (Government of Kosovo 2020). On the other hand, the Legal Office of the Prime Minister’s Office is a mechanism responsible for ensuring the conformity of draft laws with the Law on Licenses and Permits System (Law No. 04/L-202 on Licenses and Permits System 2013, Article 15), which aims to reduce administrative barriers for businesses. The main focus of these two initiatives is to reduce the administrative burden on businesses rather than on citizens.

The harmonization of the new legislation with the LGAP through the ongoing legislative process is not specifically assigned to any institution. The Ministry of Interior is responsible for coordinating policy development in the area of service delivery, but this responsibility is not assigned to any specific unit. The recent review of the internal organization of the Ministry of Interior did not address this issue (Regulation (OPM) No. 01/2021 2021). Clarification of this jurisdiction through an amendment to the regulation is essential to clarify the existing confusion about the jurisdiction of MIA in this area and to allow for better coordination with all other institutions in terms of administrative simplification. Another related issue is the streamlining and digitalization of administrative processes. The digitization of services is entrusted to the Information Society Agency, which is also part of Ministry of Interior (Law No. 04/L-094 on the Information Society Services 2012). Another institution that plays an important central role in the development of digitization reforms is the Ministry of Economy. Its mandate is to “promote information technology and innovation, e.g., e-commerce, support access to technology for all citizens of Kosovo, etc. Within this mandate, it has promoted policies and legislation on e-signature” (Regulation (GRK) No. 02/2021 2021).

The lack of an institutional mechanism to steer, monitor, and coordinate these reforms, as well as weaknesses in the leadership, policy direction, and coordination of the overall

reform process are well known (Ministry of Public Administration 2015; European Commission 2020). International practices and approaches to addressing this problem vary across countries. The common assessment of OECD/SIGMA is that building the system and finding appropriate mechanisms for this purpose is a necessity for all administrations of the Western Balkan countries, including Kosovo. LGAP, as it is always emphasized, is an achievement in Kosovo and other countries, but the lack of implementation makes all the work done so far ineffective and useless. However, the management of the harmonization process can hardly be carried out if there is no proper mechanism with legal, political, administrative, and professional capacities.

In addition, in combination, a standing or ad hoc advisory committee or advisory group involving key institutions, nongovernmental organizations, and other stakeholders (such as business associations) may be an option to consider. Several countries have developed a number of such models to simplify administration, including administrative procedures. When the Dutch government initiated such reforms, it established a temporary advisory committee called the Committee for the Reduction of Administrative Burdens on Business (established in 1998 and reconfigured in 2000). The British government established the Better Regulation Taskforce (BRTF) in 1997, and the Korean government established the Regulatory Reform Committee (established by law in 1997) (OECD 2003).

In establishing the institutional framework for legislative harmonization with the LGAP, the following concerns should be addressed: first, it is necessary to ensure permanent and professional monitoring of legal regulations and assessment of their adequacy, as social circumstances, technological capabilities, and the requirements of each environment are constantly changing. Secondly, it is equally important to monitor the implementation of the LGAP in order to ensure a quick and adequate response to practical problems that appear constantly and everywhere. The next prerequisite for the successful implementation of the LGAP is qualified, well-trained, and high-quality administrative staff. Finally, there must be sound quality control of the implementation of the LGAP in practice through appeals, special remedies, inspections, ombudsman, and other bodies (Koprić 2005).

In addition to completing the institutional setup, coordination and cooperation should be established and strengthened. Since administrative simplification is a cross-cutting issue that requires the cooperation of all or most central government agencies, the coordinator should have the necessary “teeth” to put pressure on other actors to comply with the objectives, i.e., he or she should be located close to or report directly to the government headquarters (OECD 2010). There is evidence that there is very little coordination between the Information Society Agency and the other part of the Ministry of Interior (OECD/SIGMA 2021), including coordination with other central institutions responsible for policy coordination and development in this area (such as Regulation (OPM) No. 01/2021 2021), the Ministry of Economy, as well as with institutions responsible for the delivery of administrative services. The power of existing coordinating bodies is usually limited and there may be no possibility to directly influence those bodies that do not comply with the policy. A similar approach, as in most neighboring countries, to clarify the situation has been taken by the Kosovo public administration, although in some cases new decisions on the institutional framework for service delivery, including administrative simplification, still need to be taken.

3.3. Aspects Pointing to the Future

A central mechanism for reviewing new regulations has emerged as a common feature of policy approaches to administrative simplification (OECD 2003). OECD/SIGMA recommends that administrative simplification initiatives be combined with the harmonization process LGAP or at least that the two initiatives be closely coordinated (to avoid gaps in both processes or to avoid duplication of efforts when the same piece of legislation needs to be reviewed and amended twice). Close coordination between the two initiatives makes sense due to similar objectives (e.g., the once-only principle originates from LGAP, but is also a key element to reduce administrative burden). In this way, harmonization with the

LGAP can benefit from a higher level of political support than the process of administrative simplification normally receives. When administrative simplification efforts become part of the harmonization initiative, the institutions responsible for reducing administrative burden should be closely involved in the process (Ligi and Kmecl 2021; OECD/SIGMA 2021). Comparative experiences, especially from OECD and EU countries, show practices of using permanent organizational structures for administrative simplification and/or setting up ad hoc mechanisms (OECD 2003). Nevertheless, the application of organizational and structural solutions must consider the specificities of the political and administrative context, as well as the dynamics of reforms in the country. Several options can be recommended to the Government of Kosovo: first, a centralized and comprehensive approach, where a central and powerful mechanism within the Office of the Prime Minister is responsible for guiding, coordinating, and monitoring all administrative simplification reforms, including harmonization of legislation with the LGAP and other requirements stemming from similar laws, such as the Law on Licenses and Permits. Second, a centralized approach with two coordination centers, where administrative burden reduction is led by the Prime Minister's Office, while legislative harmonization and overall service delivery policies are coordinated by the Ministry of Interior. Third, the least preferred approach, where administrative simplification is carried out by ministries within their departments, with the option that central level institutions, such as the Prime Minister's Office or/and the Ministry of Interior retain the oversight role.

The application of whichever approaches by the Kosovo state administration is complicated due to the complexity of such agendas. Considering the lack of capacity and current practice of public administration in Kosovo, such reforms should be divided into two processes, but well-coordinated and managed. First, the process of measuring administrative burden to achieve a certain target (20% according to the concept paper on reducing administrative burdens—Removing Red Tape), harmonizing laws and taking stock and amending secondary legislation can be assigned as an ad hoc task to an existing unit at the central government level for a certain period of time. Secondly, the process of better regulation and harmonization of laws as part of regular and systematic policy making and law drafting may be exercised by a permanent body under its mandate. The rules of procedure of the government can regulate the procedural and quality assurance tools so that such a process can be successful.

In addition, some preconditions must be considered, such as a comprehensive strategic framework in this area and a clearly expressed political will and commitment. The highest political level of the government must be very active and concerned throughout the process to achieve such reforms. A gradual process is required, starting with reforms to reduce the administrative burden in certain areas and at certain institutions. The same approach can be followed in harmonizing legislation with the LGAP through the omnibus approach.¹¹ In addition, there is a need to build capacity and clarify roles and responsibilities within the administration, especially at the central level, among the units in the Prime Minister's Office and clarifying their role in the process as far as line ministries are concerned, as well as providing ongoing support to ministries. Finally, strong coordination between the institutions that have a central responsibility for administrative simplification reforms (such as the Prime Minister's Office and the Ministry of the Interior) and the ministries, the involvement of Parliament, as well as stakeholders, businesses, and representatives of specific groups through an ad hoc or standing committee.

4. Conclusions

The paper analyzes the main challenges facing administrative simplification reforms in Kosovo. It is well known that the role of an appropriate institutional framework is crucial for the management and coordination of such reforms and influences their implementation. The paper aims to discuss the institutional setup in the central administration and its coordination to manage and implement the administrative simplification reforms in Kosovo. Particular attention is paid to the importance, status of implementation, and management

of the Law on General Administrative Procedures (LGAP), which is seen as an important step towards improving the delivery of administrative services.

The study finds that the implementation of administrative simplification, administrative burden reduction reforms, and the LGAP in Kosovo has been plagued with many shortcomings from the beginning. The goals and targets were not met within the established deadlines and have not been met to date. First-hand information obtained through observation, as well as internal and international analysis, confirms that the institutional framework for managing and coordinating administrative service delivery reforms, including administrative simplification initiatives, is fragmented in the Kosovo government. Attention should be paid to addressing the following issues: complete the central institutional setup to manage and coordinate administrative simplification and strengthen the coordination of these institutions with each other and with the institutions responsible for implementation.

A central mechanism for reviewing new regulations has emerged as a common feature of policy approaches to administrative simplification. The application of organizational and structural solutions needs to consider the specificities of the political and administrative context as well as the dynamics of reforms in the country concerned. Close coordination and cooperation between the administrative simplification, administrative burden reduction, and LGAP implementation agendas is necessary for the success of the reforms. Discussion on this issue within the relevant Kosovo institutions, as well as external technical assistance projects, has been ongoing for many years. However, several other factors and preconditions highlighted in the previous section of this paper should be taken into account and decisions should be made based on the identified gaps and challenges for administrative simplification reforms to be successful.

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Notes

¹ Now Ministry of Interior.

² Such as published and unpublished reports of governments and international organisations, documents of technical assistance projects, formal communications, surveys, and public records, etc.

³ The main legal framework for the system of licenses and permits in Kosovo is Law No. 04/L-202 on Licenses and Permits System, which entered into force in January 2014. Its introduction was made on the strategic basis of the Action plan of the economic vision of Kosovo 2011–2014. The Government's objective to reduce the number of licenses and permits was expressed through the Better regulation strategy 2014–2018 and the Revised strategy for 2017–2021 (see [Government of Kosovo 2017](#)).

⁴ The aim, objectives, options and tools (such as the SCM) to reduce administrative burdens were set out in the Concept paper on reducing administrative burdens—Removing red tape, approved by the Government of Kosovo in 2020, available online: https://kryeministri.rks-gov.net/wp-content/uploads/2020/04/CD-on-Administrative-Burden-Reduction_final-version_English_Mars-2020.pdf (accessed on 12 December 2021).

⁵ Available at <https://kryeministri.rks-gov.net/wp-content/uploads/2018/10/Better-Regulation-Strategy-2-0-for-Kosovo-ENG.pdf> (accessed on 14 January 2022). Options, targets and methodology for reducing administrative burdens are set out in the Concept paper on reducing administrative burdens—Removing red tape.

⁶ The report on the implementation of public administration reform 2020: public administration modernisation strategy (2015–2020), April 2021.

- ⁷ Regulation 01-434/01-0094474/17 (K.PR) Administrative fees for issuing construction permits and tariffs for the regulation of infrastructure, issued by the Municipality of Pristina, in particular Article 5, point 5.1, for the construction of category I and II, is 6.50 €/m², before the company is 3.85 €/m² and on the application and 2.65 €/m² for inspection monitoring. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15291> (accessed on 14 January 2022). Building permit fees in Kosovo (and Albania) are far more expensive than in the Western Balkans (where a 100 m² house costs EUR 50 in Montenegro, EUR 24.29 in Northern Macedonia, and EUR 33.32 in Serbia) and in several EU member states with higher average salaries and higher costs of living (for example, the fee for a building permit for a similar house would be EUR 28 in Austria, EUR 150 in Estonia, EUR 65 in Ireland, about EUR 33 in Poland, EUR 90 in Portugal, and about EUR 280 in Slovenia (Ligi and Kmecl 2021)). Another example is the fees of 150 euros that applicants must pay for the procedure for loss of Kosovar citizenship, which is regulated in the Administrative Instruction (Mia) No. 06/2019 on the procedure for loss of Kosovar citizenship by dismissal and withdrawal. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=20689> (accessed on 14 January 2022).
- ⁸ An omnibus bill is a single bill that may contain separate and distinct legislative matters, but is processed by legislature as a single document. Available at: <https://lgsonline.com/insight/understanding-omnibus-law> (last access on 14 January 2022).
- ⁹ (Regulation (OPM) No. 01/2021 2021) on the internal organization and systematization of tasks in the Prime Minister’s Office transferred this function from the Government Coordination Secretariat to the Office of Strategic Planning and the Legal Office of the OPM.
- ¹⁰ The methodology of the SCM was approved by the Government of Kosovo in December 2018. See Government of Kosovo (2018).
- ¹¹ See Section 3.1.

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