



DEMOCRACY PLUS

POLICY BRIEF

# GOVERNMENT REORGANIZATION AND INSPECTORATES:

the impact on law implementation oversight





**POLICY BRIEF**

# **GOVERNMENT REORGANIZATION AND INSPECTORATES:**

**the impact on law**

**implementation oversight**

Prepared by: Visar Rushiti

Copyright© 2020. Democracy Plus (D+)

All rights reserved. No part of this publication may be reproduced, stored or transmitted in any form or by any means, electronic, mechanical, photocopying or otherwise, without the permission of D +.

This publication was supported by Kosovo Foundation for Open Society (KFOS). The views expressed do not necessarily reflect the views of KFOS.

May 2020

# PURPOSE

The purpose of this policy memo is to provide recommendations to the Government aimed at maintaining the central level inspectorates during the reorganization of ministries, and consequently to influence their strengthening. This document is based on the current situation of the functioning of the Government with 15 ministries, where six of the 21 ministries of the previous Government have become part of the current 15 ministries. As a result of this process, along with the fusion of six ministries into 15 other ministries, four inspectorates must also be fused to ensure the implementation of a certain number of laws and bylaws. These inspectorates are:

1. Market Inspectorate within the Ministry of Trade and Industry;
2. Metrology Inspectorate within the Metrology Agency in the Ministry of Trade and Industry;
3. Labour Inspectorate within the Ministry of Labour and Social Welfare;
4. Environmental Inspectorate within the Ministry of Environment and Spatial Planning.

# PROBLEM

Inspectorates are administrative bodies within ministries, which monitor the implementation of laws approved by the Assembly of Kosovo. Central level inspectorates, as part of several ministries, have different levels of organization and capacity to exercise functions for which they have been established. The primary purpose of inspectorates is to monitor and oversee the implementation of laws, for example: the Labour Inspectorate is primarily concerned with the implementation of the Labour Law, but also some other laws which regulate employment issues. Also, the Market Inspectorate takes care of the implementation of the Law on Inspectorate and market oversight, but also some other laws related to the market, and so on. These inspectorates are established on the one hand by special laws, for example the Labour Inspectorate is established by the Law on Labour Inspectorate<sup>1</sup> while others derive from sectoral laws, for example inspections in the field of metrology and inspection unit respectively derive from the Law on Metrology.<sup>2</sup> Based on previous research on the organization and functioning of inspectorates,<sup>3</sup> these four inspectorates foresee the implementation of 38 laws and a number of bylaws which are issued on their behalf. If these inspectorates that are part of the ministries that have been fused into other ministries, are not maintained or transferred into an adequate form to other ministries, there will be no bodies that will oversee the implementation of the relevant laws.

To this end, below are some recommendations on how to reorganize inspectorates to consequently strengthen them. In an effort to standardize the organization of inspectorates at the central level, eliminate the overlap of inspections by defining the inspection fields for each inspectorate but also the unification of the inspection procedure, the Ministry of Trade and Industry has recently drafted the Draft Law on Inspectorates which aims to address the aforementioned issues.<sup>4</sup>

## 1. Organization and transfer of four inspectorates

According to the restructuring of the Government, which entails reducing the number of ministries from 21 to 15, it turns out that the inspectorates as part of six ministries integrated in 15 other ministries will have to be organized to perform their function for the purpose for which they were established. So, the importance of inspectorates should not be neglected, and in a reorganization of ministries, they should have a certain position within the ministry. Additionally, their human and financial capacities should be strengthened in order to have a better implementation of laws in practice. The four inspectorates that are treated in this document are organized in three ministries that are already subject to reorganization: 1) Ministry of Trade and Industry which is now part

1 Law No. 2002/9 on Labour Inspectorate: <https://bit.ly/3bhgQ5Y>

2 Law No. 06/L-037 on Metrology: <https://bit.ly/2xLFFTN>

3 GAP Institute, Inspectorates in Kosovo: organization and functioning, March 2014: <https://bit.ly/3aQyi19>

4 The draft law has completed the phase of preliminary and public consultations and is expected to be processed in the Government for approval and then in the Assembly for final approval. The project is supported by WB/IFC, office in Pristina.

of the Ministry of Economy, Labour, Trade, Industry, Entrepreneurship and Strategic Investments (MELTIESI), 2) Ministry of Environment which is part of the Ministry of Infrastructure and Environment, and 3) Ministry of Labour and Social Welfare which is also integrated in MELTIESI.

The remaining ministries (i.e. those that integrate these three ministries) also have their own inspectorates, and in this respect there should be a reorganization of these inspectorates as well. For example, the Ministry of Economic Development has the Energy Inspectorate, where the Market Inspectorate, the Metrology Inspectorate and the Labour Inspectorate will also be transferred, in which case there will be four inspectorates within one ministry. On the other hand, the Ministry of Infrastructure has the Transport Inspectorate, but the Environmental Inspectorate will also be transferred and as a result, there will be two inspectorates which would have to be organized within one ministry. Regarding the individual organization of each of these inspectorates, the situation is as follows: The Energy Inspectorate is organized as a division that reports to the Minister, the Market Inspectorate is organized as an executive agency, the Metrology Inspectorate is organized as a unit within the executive agency (Metrology Agency), Labour Inspectorate as an executive agency (Executive Body of the Labour Inspectorate), and the Environmental Inspectorate organized as a department within the relevant ministry.

Based on the reorganization of the ministries as delineated above, it turns out that the division (Energy Inspectorate), two executive agencies (Labour Inspectorate and Market Inspectorate) and

the unit within the Metrology Agency should be organized within MELTIESI. Meanwhile, the department (Transport Inspectorate) and the other department (Environmental Inspectorate) should be organized within the Ministry of Infrastructure and Environment (MIE). Therefore, in this restructuring it should be considered that these four inspectorates (as well as others) are important in the implementation of laws and should be organized and functionalized in such a way that aids their role in the implementation of laws in practice.

## 2. Capacities of relevant inspectorates

Inspectorates do not have sufficient human resources, and this affects their ability or capacity to oversee law enforcement. For example, the inspection unit that is part of the Metrology Agency has no inspectors at all and their duties are covered by market inspectors.<sup>5</sup> On the other hand, market inspectors have a lot of commitments within their functions and will hardly be able to cover inspections related to the field of metrology.

The Labour Inspectorate for years has a shortage of staff and according to the Regulation on Internal Organization and Systematization of Jobs, the Labour Inspectorate has 65 employees.<sup>6</sup> This number is very small to cover the entire territory of Kosovo, given that this inspectorate oversees the employment relationships of all employees outside the civil service, including teachers throughout Kosovo, private sector employees and so on. In addition to employment relations, other elements

<sup>5</sup> Law No. 06/L-037 on Metrology, Article 48, Paragraph 2: <https://bit.ly/3bemDb>

<sup>6</sup> Regulation No. 15/2015 on Internal Organization and Systematization of Jobs in Labour Inspectorate: <https://bit.ly/2Ab5eVv>

for inspection by the relevant inspectorate are safety and health at work, the level of risk in the workplace, etc.<sup>7</sup>

The Market Inspectorate also lacks staff, according to the Regulation on Internal Organization and Systematization of Jobs, the Labour Inspectorate has 82 employees.<sup>8</sup> This number of employees also covers market inspections at the municipal level, because with the Law on Market Inspectorate and

Inspective Supervision, municipal market inspectors work within this inspectorate since 2010.<sup>9</sup> The Environmental Inspectorate, which includes inspections in the field of nature, water, construction and spatial planning, has 31 employees and oversees the implementation of 13 laws and a number of bylaws deriving from these laws.

**TABLE 1: SOME CHARACTERISTICS OF THESE FOUR INSPECTORATES**

Inspectorate	No. of monitored laws	No. of employees	2020 Budget <sup>10</sup>
Metrology Inspectorate	1	/	/ <sup>11</sup>
Market Inspectorate	17	82	279,966 €
Labour Inspectorate	7	65	823,078 €
Environmental Inspectorate	13	31	260,147 €

7 Labour Inspectorate work reports: <https://bit.ly/3bhbs30>

8 Regulation No. 10/2013 on Internal Organization and Systematization of Jobs in Market Inspectorate: <https://bit.ly/2ĒFvG8>

9 Law No. 03/L-181 on Market Inspectorate and Inspective Supervision, Article 38: <https://bit.ly/2AbVz0v>

10 Law No. 07/L-001 on the Budget Appropriations of the Republic of Kosovo for year 2020: <https://bit.ly/3bfmju7>

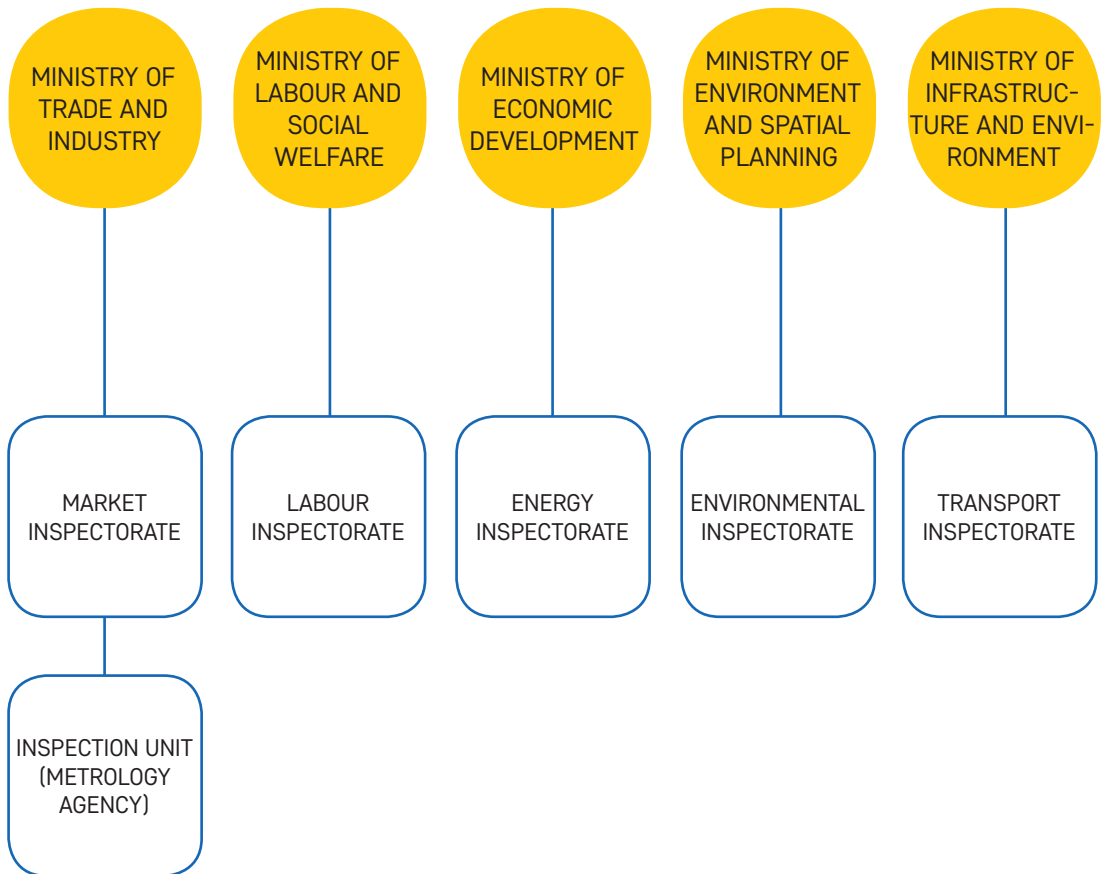
11 The Law on Budget for 2020 has presented only the budget at the level of the Metrology Agency, but not how much of this budget belongs to the inspection unit.



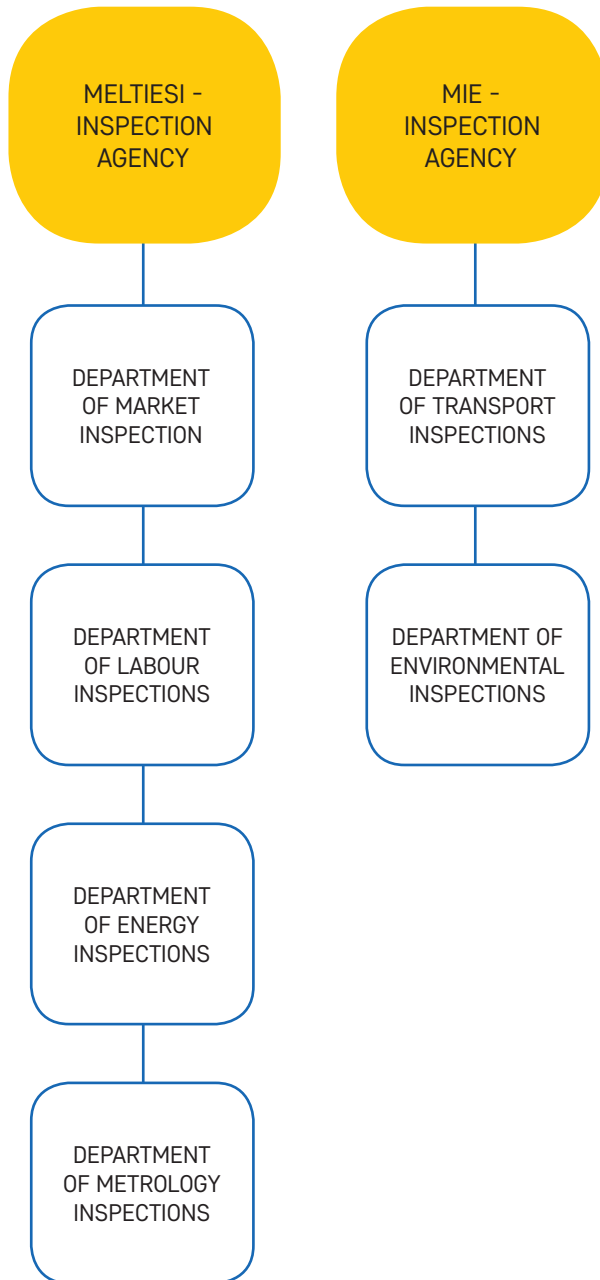
# RECOMMENDATIONS

- The Labour Inspectorate, the Market Inspectorate, the Metrology Inspectorate and the Energy Inspectorate, now all within MELTIESI, should be organized under one executive agency divided into departments and divisions depending on the volume of work and in accordance with the Law on Organization and Functioning of State Administration and Independent Agencies;
- The Environmental and Transport Inspectorates may also be merged under an agency divided into departments and divisions as needed, but in accordance with the Law on the Organization of State Administration and Independent Agencies (see Annex 2);
- Since inspections in the field of environment and infrastructure can have conflicts with each other, it is recommended to separate them to ensure the functional and organizational independence of both inspectorates;
- In order to have better results in monitoring law enforcement, inspectorates need to hire more staff;
- As part of the reorganization of MELTIESI, part of the staff will be engaged in the Metrology Inspectorate, in which case they will follow the trainings as needed;
- MELTIESI should once again consult the central level inspectorates for the new format of reorganization of inspectorates under MELTIESI as a result of the restructuring of the Government from 21 to 15 ministries, as well as follow the procedure of preliminary consultations;
- MELTIESI should proceed for approval to the Government the Draft Law on Inspections, including the comments of the inspectorates, then this draft law must be sent to the Assembly of Kosovo for final approval;
- Following the Draft Law on Inspections, the Government (i.e. the Office of the Inspector General) should establish a platform for training inspectors according to their needs.

**ANNEX 1: CURRENT ORGANIZATION OF RELEVANT INSPECTORATES**



**ANNEX 2: PROPOSAL FOR THE ORGANIZATION OF THE RELEVANT INSPECTORATES**



Democracy Plus (D+) is an independent, non-profit and nonpartisan organization, officially registered in March of 2016. D+ strives the development of a democratic society through increasing civic participation in political process, generating greater public accountability and influencing decision-making. We integrate information technology in of all our efforts as we make an effort to utilize the power of Internet, which plays an important role for democratizing a society.

D+ aims to contribute in establishing good governance practices in public institutions at the central and local level, strengthening the rule of law, advancing political parties and the process of free and fair elections.

Supported by:

