

PAR PRINCIPLES MAINSTREAMING IN SECTORAL POLICIES

WESTERN BALKAN OVERVIEW REPORT



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I. Purpose and Approach to the PAR Sectoral Mainstreaming

1.1 About PAR mainstreaming: beyond the pilot

Public administration reform (PAR) in the region is regularly assessed against the Principles of Public Administration, developed jointly by the European Commission and SIGMA/OECD.¹ These assessments continue to the present day. The Principles, revised in 2023, serve as a unique roadmap for the horizontal functioning of administrative systems in the Western Balkans. Their significance is particularly evident in the EU accession process, as their implementation is essential for successfully completing negotiations in the area of good governance.

The WeBER initiative to monitor how these Principles are embedded in sectoral policies came from the understanding that for Western Balkan administrations to fully embrace good governance, sectoral institutions must integrate these principles into all aspects of their operations. In this context, “sectoral mainstreaming” simply refers to the effective application of these Principles by all civil servants and institutions. While SIGMA/OECD’s regular PAR assessments do not extend to evaluating the implementation of these Principles across individual policy areas and sectoral institutions, and while civil society organisations typically focus on their specific areas of interest, many sectoral institutions to this day remain outside the scope of external scrutiny regarding their adherence to these Principles.

Building on the pilot monitoring exercise, which resulted in the first Western Balkans Overview Report published in 2022,² WeBER 3.0 seeks to continue addressing this gap by leveraging lessons learned.³ This initiative aims to sustain bottom-up pressure from civil society for better alignment of sectoral policies with good governance Principles. Additionally, it strives to foster further dialogue with sectoral institutions across the region on how to incorporate these Principles into both policymaking and daily operations.

1 SIGMA/OECD, “The Principles of Public Administration”, OECD, 2023 edition, available at: <https://www.sigmaweb.org/publications/principlesofpublicadministration.htm>.

SIGMA is a joint initiative of the OECD and the EU, principally financed by the EU.

2 The first Western Balkan Overview Report, available at:

<https://www.par-monitor.org/mainstreaming-principles-of-public-administration-into-policy-sectors/>.

3 “Western Balkan Enablers for Reforming Public Administrations” or WeBER3.0, project is the third consecutive EU-funded grant of the largest civil society-led initiative for monitoring public administration reform (PAR) in the Western Balkans. Its implementation period is February 2023 – July 2026. It is implemented by six organisations from the Western Balkans (WB), members of the Think for Europe – TEN Network, more information available at: <https://www.par-monitor.org/about-us/>.

1.2 Guiding principles

Ever since the pilot exercise, the PAR sectoral mainstreaming approach has been developed with guiding principles in mind, that have been observed in the second application of this approach too.

Civil society perspective: The main principle that has guided the PAR sectoral monitoring idea is the civil society perspective. In line with the overall WeBER approach, that empowering local actors – civil society organisations, to demand and influence PAR in their respective countries is one the key prerequisites for reform sustainability, WeBER team relied on civil society views and knowledge when designing the PAR mainstreaming approach. Thus, the PAR sectoral mainstreaming methodology was collaboratively designed and revised within WeBER research team, which was subsequently shared and consulted for improvements with the wider civil society in the region through the WeBER Platform.⁴ In addition to the region's civil society, extensive and invaluable support in the methodology design came from other key important WeBER partners, especially in the initial phase of monitoring methodology development. These include PAR authorities in the WB region, DG NEAR and SIGMA/OECD.

EU accession requirements: The Principles of Public Administration have been applied as the guiding monitoring standards for the PAR mainstreaming. The rationale for relying on the EU-SIGMA framework corresponds to the wider rationale of the WeBER initiatives, in that these Principles represent the common denominator for PAR in the EU accession process of the countries in the region. With the revision of the Principles in 2023 made by SIGMA, the WeBER team has adjusted the approach to PAR sectoral mainstreaming too, mainly to accommodate changes in the formulation and direction of Principles, and sub-principles, used as reference framework for monitoring

Simplicity of the monitoring tools: The design of methodological framework was guided by the idea that not all the Principles, or their specific aspects, can or should be monitored from the start. For this reason, methodological tools for monitoring PAR mainstreaming have been developed as “checklists”, meaning that for each PAR area the WeBER team defined a limited number of requirements that correspond to specific SIGMA Principles. Focus was placed on those Principles where relevance for civil society and wider public interest is the highest, such as those relating to openness and transparency of policymaking, provision of information to the public by the institutions, transparency of recruitment procedures for the civil service jobs, etc.

Case study approach: Monitoring is organised by applying one checklist per single institution. As this type of analysis of PAR mainstreaming in sectoral policies is still a new endeavour for the CSOs in the region, the exercise takes a case-study approach, same as in the pilot monitoring, which means that no regional or country comparisons can be made. Rather, each sectoral analysis tells a story of its own, applicable to the specific institution it refers to and providing specific recommendations for the future functioning of that institution. Work is primarily based on qualitative data collection, although for certain PAR areas quantitative data are collected and analysed, too. In the second monitoring round, a total of 15 institutions were selected across the region.

1.3 Methodology in detail - checklist's design and content

Following the methodology revision, this monitoring exercise introduced five checklists, each corresponding to one of the five PAR areas defined by the SIGMA Principles. As in the pilot phase, the first area—Strategy for PAR—was excluded, as it does not directly translate to a sectoral approach. Instead, it focuses on the design and implementation of horizontal PAR policies, such as strategic documents, policymaking and regulatory improvements, and public service provision. Checklist for the largest PAR area, Public Finance Management, includes only the public procurement sub-area, as it fully aligns with the sectoral approach. Checklist templates remain public and open documents, subject to future amendments and refinements as needed.

⁴ WeBER Platform, the regional civil society platform on PAR in the Western Balkans (WB), is the venue for dialogue of CSOs and governments. For Platform membership, please visit: <https://www.par-monitor.org/members/>.

Revised checklists are defined as follows:

- Checklist 1 - Policy Development and Coordination
- Checklist 2 - Public Service and Human Resource Management
- Checklist 3 – Organisation, Accountability, and Oversight (formerly Accountability)
- Checklist 4 - Service Delivery and Digitalisation (Formerly Service Delivery)
- Checklist 5 - Public Finance Management - Public Procurement.

In the introductory part, each checklist begins with:

- Name of the PAR area (pre-defined)
- Selected ministry or institution for assessment (to be inserted by an assessor)
- Policy sector a selected institution belongs to (to be inserted by an assessor)
- Title of the relevant SIGMA Principle(s), and sub-principle(s) (pre-defined).

Given that multiple institutions can be responsible for a single sector, the selection of a lead institution for assessment was determined by the assessors in consultation with the WeBER team. The checklists are designed to be adaptable to the needs and preferences of analysts and assessors using them. By focusing on the practices of a single institution, they help localise responsibility for the recommendations issued based on the assessment.

In the assessment part, each checklist is composed of same methodological components as in the pilot exercise:

Approach. Each requirement is followed by a detailed assessment approach, outlining what needs to be analysed and how. This includes definitions of key concepts, specific criteria, timeframes for analysis, sample selection, and data sources. A crucial part of this field is the Assessment Guideline, which provides assessors with a structured method for determining whether a requirement is fully met, partially met, or not met, ensuring consistency across all checklists.

- **Requirement.** This field provides the formulations of requirements, i.e. the specific standards being assessed, based on the SIGMA Principles. The number of requirements varies across checklists.
- **Approach.** Each requirement is followed by a detailed assessment approach, outlining what needs to be analysed and how. This includes definitions of key concepts, specific criteria, timeframes for analysis, sample selection, and data sources. A crucial part of this field is the **Assessment Guideline**, which provides assessors with a structured method for determining whether a requirement is fully met, partially met, or not met, ensuring consistency across all checklists.
- **Analysis.** This field serves for the detailed presentation of research findings, including qualitative and, where applicable, quantitative data. It guides assessors on how to structure their analysis to ensure comprehensive coverage of the requirement. For the purposes of additional description, qualitative insight and enrichment of analysis, these instructions go beyond what is required in the assessment guideline allowing for highlighting specific practices or challenges based on collected data and expert opinion. The final report is later compiled based on the analysis recorded in this section, using a predefined template.
- **Final assessment.** This field is completed at the end of the process, summarizing the assessment outcome as "**Requirement fully met,**" "**Requirement partially met,**" or "**Requirement not met,**" in line with the guidelines set out in the Approach section.
- **Freedom of information list.** Each checklist concludes with a list of data points that require collection through freedom of information (FOI) requests.

1.4 Methodology changes

In 2023, the WeBER team revised the PAR mainstreaming monitoring methodology (individual checklists) based on insights from the pilot exercise and lessons learned. The revision focused on two key areas: workload management, and structural and methodological improvements. General lessons and potential next steps from the pilot monitoring exercise are outlined in the first Western Balkan Overview Report. Additionally, detailed proposals for changes were discussed and documented internally by the WeBER team. The methodology changes are summarized below.

Overall approach revision

1. Titles of PAR areas, as well as the formulations of the SIGMA Principles and relevant sub-principles, were aligned with the 2023 revision of the SIGMA Principles of Public Administration.
2. In the pilot exercise, assessors selected a policy sector based on the EU sectoral approach: Democracy, Governance, Rule of Law, and Fundamental Rights; Environment and Climate Action; Energy; Competitiveness and Innovation; Education, Employment, and Social Policies; Agriculture and Rural Development; Regional and Territorial Cooperation; and Transport. However, due to the broad definition of policy sectors and the fact that multiple institutions can share responsibilities within a sector, assessors faced dilemmas during the pilot in selecting the appropriate institution to assess. As a result, the EU sectoral approach typology was not applied in the second monitoring. Instead, the checklists were revised to allow assessors to first select an institution and then assign it to the corresponding policy sector, rather than first choosing a sector and then identifying the responsible institution.

Individual checklists revision

Organisation, Accountability, and Oversight

(formerly titled Accountability before the revision of the SIGMA Principles)

- To streamline monitoring and report preparation, the observation period for assessing whether public authorities responded to freedom of information (FOI) requests within legal deadlines was reduced from 12 to 6 months preceding the assessment.
- The requirement for public authorities to maintain an accessible and user-friendly FOI section on their websites was expanded to include all relevant FOI information, rather than focusing solely on frequently asked questions by requesters.

Policy Development and Coordination

- The assessment of quality of impact assessment reports shifted from evaluating whether assessed authorities provided responses to all questions outlined in national impact assessment methodologies and regulations to assessing the quality and substance of their responses, including proper explanations and reasoning.
- The analysis of stakeholder consultations was refined to ensure assessors evaluate whether key stakeholders and target groups, as identified in impact assessment documentation, were involved in the policy development process, rather than all stakeholders as previously stated.
- For interviews with participants in public consultations (mandatory for two requirements in this area), a standardized questionnaire with a mix of open- and closed-ended questions was developed. The instruction on a minimum number of interviewees for each of the three sample documents analysed was removed.
- Due to feasibility concerns, the requirement assessing whether final policy proposals undergo further changes during inter-ministerial consultations was removed, reducing the total number of requirements from 15 in the pilot to 14.

Public Service and Human Resource Management

- For assessing the professionalism and impartiality of recruitment selection committees, the revised approach specifies that all committee members must be at the civil service level (excluding political appointees) and that at least one member must be a civil servant with an HR role or a psychologist.
- Due to feasibility reasons, Instead of assessing whether the top-ranked candidates in recruitment procedures were hired in practice, the revised requirement now focuses on whether the legal framework ensures that the first-ranked candidates are, as a rule, appointed to civil service positions.

Service Delivery and Digitalisation

(formerly titled Service Delivery before the revision of SIGMA Principles)

- The requirement assessing whether published citizen feedback on services is sufficiently detailed was refined to explicitly state in title that "sufficiently detailed" means data disaggregated by gender, age groups, education level, and territorial distribution.

Public Finance Management

- Based on feedback from assessors and challenges encountered during monitoring, the checklist on budget management was removed from the monitoring framework.
- The checklist on public procurement practices was retained, as public procurement procedures are implemented by individual bodies, making them fully applicable to the PAR sectoral mainstreaming approach.

1.5 Outputs

In this second monitoring exercise, the PAR mainstreaming initiative produced 15 regional case studies/sectoral analyses covering all Western Balkan administrations. These studies were mainly conducted by assessors from CSOs involved in the WeBER Platform. As in the pilot exercise, assessors used a selected checklist to research and analyse the practices of individual institutions, compiling their findings into assessment reports based on a predefined template. Once the assessments were finalised, this regional report was compiled using the collected case studies.

II. Focus of the Second Monitoring

As the result of assessors' preferences, i.e., their selection of checklists, the second monitoring covered four out of five PAR areas (individual checklists) available.

The monitoring in **Policy Development and Coordination** (PDC) area is performed against two SIGMA Principles.

Principle 4: *Public policies are developed based on evidence and analysis, following clear and consistent rules for law making; laws and regulations are easily accessible.*

Principle 5: *All key external and internal stakeholders and the general public are actively consulted during policy development.*

PDC checklist consists of 14 requirements that are monitored by analysing practices of developing three adopted policy and legal acts. Starting with practices of assessing policy impacts, it is monitored whether impact assessment documents substantively respond to questions set by regulations, whether they use credible information (quantitative and qualitative) that pertain to various types of impacts (social, economic, environmental, and gender impacts, if required). Furthermore, it is monitored whether policy options are defined when assessing impacts, as well as if cost analysis for such options is performed. Lastly, in the part related to impact assessments, it is examined whether monitoring and evaluation mechanisms for measuring policy performance are developed.

When it comes to inclusiveness of policy design, it is monitored whether consultations have been held in the process of developing sample acts, from the early phases, whether all relevant stakeholders were included from the start, and whether sponsoring institution has taken their comments and suggestions into consideration. Moreover, it is separately monitored if produced drafts of policy proposals undergo public debates (discussion, public consultation) as well as if invitations to such debates include all relevant information and how widely they are disseminated. Monitoring continues with analysing how much time participants in public debates have for preparation and submission of inputs, and finally, if detailed public consultation reports are published.

In this checklist, the focus is entirely on the practices in the development of the last three policy documents and laws adopted in the period preceding the assessment. For data collection, approach to this checklist relies on publicly available evidence available online, from websites of the assessed institution, relevant centre-of-government bodies, and public consultation portals, but also on filing of requests for free access to information for all documents that are not available online. Additionally, interviews with participants in consultation processes and with representatives of assessed institution are conducted, to complement available evidence or to get first-hand insights necessary for final assessments.

The monitoring in the **Organisation, Accountability and Oversight** (OAO) area is performed based on SIGMA Principle 15.

Principle 15: *Public administration is transparent and open.*

OAO checklist consists of 7 requirements that pertain to the practice of reactive (based on free access to information requests) and proactive information provision. In the area of reactive informing, requirements consider whether assessed institution meets legal deadlines when responding to free access to information requests, whether contents of such responses correspond to what was requested (based on a sample), and whether assessed institution as a rule provides responses free of charge. Finally, it is monitored whether all interested parties can easily access online at the website of responsible institution a section that provides useful and citizen-friendly guidance or tips for exercising this right.

In the domain of proactive informing, it is monitored whether responsible institution makes information on contact person(s) for freedom of information easily accessible online, and whether all the basic information from the institution's work is available for public scrutiny, which includes policy and legal acts, offered public services, annual reports, budget, general contacts, and organisational charts. Lastly, it is monitored whether practices of proactive disclosure of datasets in open formats exist, and how regularly open data is published.

For monitoring and assessing how free access to information is achieved, freedom of information requests are filed for all documents that are not available online, but also to assess practices of the responsible institution in providing responses to request. Also, approach to this checklist relies on review of websites of assessed institution and government-sponsored open data portals. Depending on individual requirement, the timeframe of analysis covers either current practices that exist at the time of assessment, or 6 and 12 month-periods.

The **Service Delivery and Digitalisation (SDD)** area is monitored on the basis of three SIGMA Principles.

Principle 19: *Mechanisms for ensuring the quality of public services are in place.*

Principle 20: *The public administration delivers streamlined and high-quality services.*

Principle 21: *Administrative services are easily accessible online and offline, taking into account different needs, choices and constraints.*

The SDD checklist comprises eight requirements addressing key aspects of service delivery, including user feedback mechanisms, data transparency and accessibility, and electronic service provision practices.

For feedback, the monitoring evaluates whether service providers integrate feedback channels into their websites or government service portals and whether submitted feedback is publicly accessible. Regarding accessibility, it assesses whether service providers create conditions enabling vulnerable and marginalized populations to access needed services easily, offering at least two access options (digital and in-person). It also checks whether providers collect and publish accessibility-related data, such as statistics, analyses, and reports.

In terms of electronic service provision, monitoring examines the presence and development of e-services based on the United Nations' four-tier classification. Lastly, it evaluates whether open data publication practices related to service delivery are established and how regularly datasets are made publicly available for further use or reuse.

The data collection approach for this checklist involves reviewing the assessed service provider's website, government-sponsored portals for centralized service delivery, e-services, and open data. Additionally, requests for free access to information are filed for any documents not available online. Depending on the specific requirement, the analysis timeframe includes current practices observed during the assessment, as well as data from the past two years related to accessibility and citizen feedback.

Finally, monitoring of **public procurement** practices, within the **PFM area**, is performed against SIGMA Principle 29.

Principle 29: *Contracting authorities conduct public procurement operations, including public-private partnerships, efficiently and economically*

PFM checklist on public procurement consists of 7 requirements that pertain to transparency and competitiveness of public procurement practices of assessed contracting authority. Firstly, requirements focus on public procurement planning – availability of up-to-date plans, as well transparency and justification to their amendments. In addition, it is monitored whether these plans are adhered to in terms of launching public procurement procedures as scheduled (based on a sample). Secondly, competitiveness and transparency of public procurements are monitored by assessing how open these procedures are for interested suppliers, i.e., whether open and competitive procurement methods constitute the most frequently used options in practice, and what is average number of bidders using these methods within the observed period. Finally, the last requirement considers whether there is a transparent and comprehensive annual reporting practice, that encompasses all conducted public procurements planned for a calendar year.

For data collection, approach to this checklist relies on review of websites of assessed contracting authority, government-sponsored public procurement portal, but also on filing of requests for free access to information for all documents that are not available online. Depending on individual requirements, the timeframe of analysis covers public procurement practices for the ongoing year at the time of assessment, or last calendar year, or both.

III. Monitoring Exercises – Case Studies

A total of 15 monitoring exercises (case studies) were conducted across four PAR areas in all six Western Balkan administrations. Five focused on Organisation, Accountability and Oversight, while four examined public procurement practices. In addition, three case studies were carried out in each of the areas of Policy Development and Coordination, as well as Service Delivery and Digitalisation. The monitoring exercises were done in various policy sectors within the competence of the central administration, analysing the practices of ministries and, in one case, a body subordinated to the ministry. Research findings on each case study are published as standalone monitoring reports, offering a detailed overview of the monitoring methodologies applied and the recommendations for improvement. The following sections provide a concise overview of conducted case studies, outlining their main findings and, where applicable, the challenges or advantages encountered in applying the sectoral approach to PAR monitoring.

III.1 Policy Development and Coordination

CASE STUDY 1

Sector: Health

Institution: Ministry of Health, Montenegro

Assessor: Zorana Marković, CRNVO, Podgorica

The health sector in Montenegro is highly centralised at the national level. Current legal regulations recognise the Ministry of Health as the creator of health policy responsible for developing and implementing policy frameworks, management, regulation and supervision.

The Ministry is responsible for legislation and regulation of all specific aspects of public health, the development and implementation of development strategies, as well as all other aspects of health system management. Other relevant institutions are the Fund of Health Insurance (FZO), which is the sole purchaser of health services and is responsible for implementing health insurance policies, as well as the Institute for Medicines and Medical Devices, which oversees pharmaceutical policy. Procurement and distribution of medicines are entrusted to the Health Institution of the Pharmacy of Montenegro "Montefarm".

To assess the Policy Development and Coordination requirements based on SIGMA's Principles of Public Administration, the report examined three legislative acts: Early Childhood Development Strategy 2023-2027; The National Healthcare Development Strategy 2023-2027 and The Law on Health Care, which were planned by the Government's Work Program for 2023.

Despite certain shortcomings, the existing normative framework regulating Montenegro's legislative process provides a comprehensive legal basis for preparing strategic documents and laws. The Government Regulation on the method and procedure of drafting, harmonising and monitoring the implementation of strategic documents⁵ (hereinafter: the Regulation on strategic documents) prescribes the conditions and procedures for the preparation of strategies and programs that propose internal and external policies in a given area, adopted by the Government of Montenegro, which are additionally explained in the Methodology for developing policies, drafting and monitoring the implementation of strategic documents⁶. Furthermore, according to Article 23 of the Law on State Administration⁷, ministries are responsible for the development of internal and external policy by proposing internal and external policy, normative activity and administrative supervision in the area for which they are

5 Decree on the manner and procedure of preparation of harmonisation and monitoring of the implementation of strategic documents (Official gazette of Montenegro, no. 54/2018 from 31.07.2018.). Available at: <https://www.gov.me/dokumenta/23c216b2-3eb7-453c-b0a7-3cdde9e9742e>

6 Methodology of developing policies, drafting and monitoring the implementation of strategic documents. General Secretariat of Government of Montenegro. Podgorica, 2020. Available at: https://www.gov.me/dokumenta/4d95d6d8-ace1-4338-96ce-0f4de29c36b0_

7 Law on State Administration (Official Gazette of Montenegro, no. 078/18; 070/21; 052/22) Available at: <https://www.gov.me/dokumenta/91e5f2fe-00bf-401c-a7c1-6aafc5737de3>

responsible, while the rules for drafting acts are prescribed by the Rules of Procedure of the Parliament of Montenegro⁸ and Legal and technical rules of the Secretariat for Legislation⁹.

Since 2012, there has been a comprehensive legal framework that enables the participation of NGOs in the process of creating public policies. The legal basis for public consultations and the participation of non-governmental organisations in the adoption of public policies and laws are established by the Law on State Administration, the Rules of Procedure of the Government¹⁰ and are further elaborated in Section III of the Decree on the Election of Representatives of Non-Governmental Organizations into the Working Bodies of the State Administration Bodies and Conducting Public Consultation in Preparation of Laws and Strategies¹¹.

During the monitoring process, significant challenges have been identified regarding the consultation and policy development processes. Although the rules regulating these processes have been implemented for many years, they still need to be fully implemented. During the assessment of the requirements, it was concluded that out of 14 requirements, 3 were fully met, 2 were partially met, and 9 were not met.

Issues related to the consultation process of the legislation include the following: i) all the relevant documentation is not public and easily accessible, ii) IA are conducted only in order to fulfil formal obligations ii) the gender perspective is completely missing, iii) the Impact assessment does not comprehensively take into consideration relevant data to inform the policymaking process, iv) the budgeting and costing of the draft laws do not take into consideration the long- and short-term impact of the draft-law, v) marginalised and vulnerable groups are not involved in a comprehensive and tangible way in the consultation process. On the other hand, the report underscores that all steps of the consultation process are followed as stipulated by the Law.

CASE STUDY 2

Sector: Environmental Protection and Climate Change

Institution: Ministry of Environmental Protection, Serbia

Assessor: Aleksandar Bogdanović and Marija Todorović, Belgrade Open School, Belgrade

The report provides findings from monitoring the policy development and coordination process (PDC) of the Ministry of Environmental Protection of the Republic of Serbia (the Ministry). The analysis was based on the predefined methodology developed by WeBER 3.0, which was detailed in the checklist consisting of 14 requirements. For the Report, researchers collected data and information on the Ministry's official website, eConsultation portal, and other publicly available sources. In addition, researchers gathered data through freedom of information requests (hereinafter: FOI) and interviews with the stakeholders. The analysis was conducted from April to July 2024.

The monitoring process encompassed analysis of the last three policy documents and laws that were subject to impact assessment (IA) according to national legislation and adopted by The Government of the Republic of Serbia (the Government) on the proposal of the Ministry ending with the first quarter of 2024. Namely, *the Strategic Environmental Impact Assessment Law (SEIA)*, *the Environmental Impact Assessment Law (EIA)* and the *Program of Adaptation to Changed Climate Conditions for the period from 2023 to 2030 with Action Plan (PA)*. The analysis was performed against SIGMA Principles 4 and 5.¹²

8 Rules of Procedure of the Parliament of Montenegro, (Official Gazette of Montenegro no. 59/2013) Available at: <https://wapi.gov.me/download-preview/c012a622-d12e-4ec0-a119-013f4901ecc1?version=1.0>

9 Legal and technical rules for legal drafting (Official Gazette of Montenegro no. 2 from 18.01.2010.) Available at: http://www.podaci.net/_gCGO/propis/Pravno-tehnicka_pravila_z/P-ipropi04v1002.html

10 Rules of Procedure of the Government of Montenegro, (Official Gazette of Montenegro no.003/12 from 13.01.2012, 031/15 from 18.06.2015, 048/17 from 24.07.2017, 062/18 from 21.09.2018) Available at: <https://www.gov.me/dokumenta/04972dde-fc60-4a80-b587-f0a3efc1bdfd>

11 The Decree on the Election of Representatives of Non-Governmental Organizations to the Working Bodies of the State Administration Bodies and Conducting Consultation in Preparation of Laws and Strategies (Official Gazette 41/18) Available at: <https://www.gov.me/dokumenta/1f353a31-1729-4db3-a378-e8c4610a5b04>

12 Principle 4: Public policies are developed based on evidence and analysis, following clear and consistent rules for law making; laws and regulations are easily accessible; Principle 5: All key external and internal stakeholders and the general public are actively consulted during policy development.

The analysis showed that development of PA was implemented in a more substantial manner and aligned more closely with actual national legislation compared to the drafting of the monitored laws. While examples of good practice were found in PA development, some ambiguities were also noted. This inconsistency in the drafting of the sampled documents was identified in phases of *ex-ante* IA (referred to SIGMA principle 4), then consultations and, finally, public debates (referred to SIGMA principle 5).

Unlike PA *ex-ante* IA, insufficient commitment in IA of SEIA and EIA is evident due to the lack of considerable input needed for a detailed assessment of social, economic, environmental, and governance impacts. Moreover, only one policy option is discussed, and policy monitoring and evaluation mechanisms weren't properly developed. However, in the case of PA, it is unclear whether alternative policy options (measures) were considered or just derived from scientific studies' recommendations previously generated within the process. The use of qualitative data prevails in all three sampled documents. Considered policy options of all sampled documents are costed.

Consultations were carried out in drafting sampled documents in accordance with the national legislation, and relevant interested parties were formally involved. Different inclusion methods for various stakeholder groups were used, but details about the participants and their contribution are available only for public consultations, i.e. from the moment when The Ministry involved the public. Detailed information about the early phase consultations, implemented with different groups of stakeholders, is unknown. In all three analysed samples, the Ministry considered the comments, suggestions and proposals received in the public consultations. Provided answers were kept to the legislative minimum, leaving more detailed explanations for the rejected proposals, comments and suggestions in relation to the accepted ones. Still, adequate feedback was not provided in some cases related to SEIA and EIA drafts.

Public debates for sampled documents were organised separately from consultations in accordance with the legislation of the Republic of Serbia. Formally, the public was given the opportunity to voice its opinion on the final policy drafts before they were sent to The Government for adoption within the deadlines stipulated by the national legislation. Actually, in the case of SEIA and EIA drafts, the public was hindered from contributing because the public debate was organised during the New Year's and Christmas sessions, at the same time with public debate on other important Ministry policy documents. It was not the case in the public debate on PA, although the public debate on strategic environmental impact assessment study was simultaneously organised. In all sampled documents, the public was invited via social networks and official websites to contribute to the public debates, missing the use of traditional media or targeted emailing. The IA documents were not published as attached documentation for the public debates. As is the case with the analysed laws, the PA public debate report was not published as an integral document, missing the public debate process overview. However, it is an example of good practice for a clear presentation of PA improvements based on the suggestions, comments and proposals of the interested public.

CASE STUDY 3

Sector: Smart Specialisation

Institution: Ministry of Science, Technological Development and Innovation, Serbia

Assessor: Časlav Jovičić, European Movement in Serbia, Belgrade

The Ministry of Science, Technological Development, and Innovation started the process of adopting a Smart Specialisation Strategy in early 2017. The sample of documentation used for the report below includes the Smart Specialization Strategy of the Republic of Serbia 2020-2027,¹³ and its corresponding Action Plans for the years 2021-2022 and 2023-2025.¹⁴

The policy development process was largely aligned with the national legislation, namely the Law on the Planning System of the Republic of Serbia. It produced both a qualitative and quantitative *ex-ante* analysis. However, in both the analysis and the policy development process as a whole, the Ministry

¹³ Adopted on February 27th, 2020.

¹⁴ 2021-2023 Action plan was adopted on April 15th 2021, while the Action Plan 2023-2025 was adopted on December 28th 2023.

failed to provide policy options for the specified objectives as well as detail the required resources and costs associated with the policy options. The impact assessment documentation Mapping of economic, innovative and scientific potential in Serbia (published in 2017) and the Report on the Qualitative Analysis of Preliminary Priority Areas in the Process of Smart Specialization in the Republic of Serbia (published in 2018) does provide ample quantitative and qualitative data required for the policy development process. While the quantitative data was gathered using standard desk research techniques, qualitative data was gathered through the Entrepreneurial Discovery Process (EDP). The EDP process was conceived as an inclusive, evidence-based process of stakeholder engagement that produces information about the potential for new activities.¹⁵

While both analyses provide valuable data for understanding the Smart Specialization Strategy, no impact assessment documentation exists for the connecting action plans. Moreover, while the impact documentation provides insight into the economic and innovative reach of the policy documentation, it does not include a gender or environmental impact analysis. The impact assessment documentation for the strategy also lacks policy options, cost details, and a monitoring, evaluation, and reporting structure. These requirements do appear in the draft versions of the Strategy and the Action Plans, but these do not fulfil the requirements.

The public debate conducted during the EDP workshops provided a robust list of participants and relevant stakeholders for the policy development process. The full list of participants for the consultation process has been published, and a short report on the contents of the workshops has been published within the Appendix to the Strategy, within the section “Transition report: from the EDP to Smart Specialization”. Nevertheless, no full minutes of these workshops are available, and no report on the individual workshops is available, making it difficult to measure the full impact of the participants and the consultation process. The public debate process was properly communicated to the public; the public was given ample time to provide feedback on the draft legislation, and the public was given access to the relevant documentation, although some documentation was missing, namely the IA documentation for the Action Plans. No report on the results of these public debates has been published, and as such, the impact of the public debate process is difficult to measure.

Overall, the Ministry has several areas for improvement in future policy development processes:

- Include policy options and costs in the IA documentation;
- Publish the IA documentation for the Action Plans;
- Publish a report and precise lists of the participants within the consultation process;
- Publish a report on the impact of the public debate process.

In the long term, it is important to take greater care in publishing the relevant documentation and reporting on the consultation process as well as the whole development timeline.

III.2 Organisation, Accountability and Oversight

CASE STUDY 4

Sector: Justice

Institution: Ministry of Justice, Albania

Assessor: Rabie Zika, Eldisa Zhebo, and Entela Kaleshi, Institute for Change and Leadership in Albania, Tirana

The Institute for Change and Leadership in Albania (ICLA) conducted a study assessing the implementation of principles of freedom of information by the Ministry of Justice in Albania. This report evaluates the Ministry of Justice’s effectiveness in integrating freedom of information principles into its sectoral policies. The assessment aims to strengthen the monitoring capabilities of civil society organisations (CSOs), encouraging grassroots advocacy for the adoption of good governance principles in public administration.

¹⁵ <https://s3platform.jrc.ec.europa.eu/en/w/the-entrepreneurial-discovery-process>.

The sectoral assessment of freedom of information (FOI) is conducted based on the SIGMA principles. The FOI checklist consists of seven requirements that focus on key elements of freedom of information. It assesses whether the responsible institution submits information within established deadlines, provides the requested information, and does not charge for responses to FOI requests. Additionally, it assesses whether the institution maintains an accessible, useful, and citizen-friendly online section for public information access, makes contact information for FOI inquiries easily available, proactively publishes essential public information about its activities, and publishes data in open formats.

The report provides a detailed assessment based on specific indicators and criteria for each requirement and includes recommendations for future actions to enhance FOI practices within the Ministry of Justice. The assessment period spanned six months, from November 2023 to April 2024. The findings highlight the need for improved measures to ensure transparency and free access to information.

CASE STUDY 5

Sector: Agriculture

Institution: Ministry of Agriculture Forestry and Water Management of Republika Srpska, Bosnia and Herzegovina

Assessor: Aleksandar Draganić and Bojan Kovačević, Enterprise Development Agency – EDA, Banja Luka

Although in place, freedom of information (FOI) legislation at all levels in BiH still does not secure effective implementation of the right to information, leading to a perceived low level of performance of public institutions across BiH in processing public information requests by the business community and citizens. There are many reasons for this situation, from shortcomings in legal and institutional framework to poor implementation of the FOI legislation by responsible institutions.

No specialised body (commission or commissioner) responsible for overseeing public institutions' compliance with transparency requirements is established, leading to a lack of adequate supervision of public authorities' observance of the right to information. The main feature of public institutions in implementing FOI policies is that they are passive, thus only reacting to requests and not acting proactively. Except for the state level, there is no catalogue of information to be disclosed proactively (Standards of Proactive Transparency in Public Administration in BiH).

This analysis shows that the Ministry of Agriculture, Forestry and Water Management of Republika Srpska (the Ministry) only partially fulfils the conditions imposed by the Organization, Accountability and Oversight principle. Although the Ministry do fulfil basic requirements regarding the FOI, significant shortcomings are still present. The Ministry fails to provide citizens and the business community with easily accessible information in open formats, with information/documentation often very difficult to access.

There is no specialised FOI section on the Ministry web page, and consequently, there are no template FOI forms, instructions, guidelines, reports, or similar. Proactive transparency has not taken root yet, noting that the Law on Freedom of Access to Information of Republika Srpska (the FOI Law)¹⁶ does not impose special obligations concerning proactive transparency. The Ministry fails to communicate policies under its jurisdiction, leading to the exclusion of the business community and citizens in developing and implementing these policies. This is especially important considering the huge number and importance of policies under the Ministry's jurisdiction and the considerable public funds for policy implementation.

Furthermore, even information/documentation published or accessible in other ways is often difficult to use, considering that the Ministry does not publish data in open, machine-readable, and non-proprietary formats. An obvious conclusion emerges that the Ministry does not use available information/documentation as a tool for communication and creating and implementing better policies but that the entire FOI policy is nothing more than a legal obligation to fulfil.

16 "Official Gazette of Republika Srpska", No. 20/01.

CASE STUDY 6

Sector: Media

Institution: Ministry of Culture and Media, Montenegro

Assessor: Media Centre, Podgorica

For the purposes of creating this Analysis, the Media Center sent the Ministry of Culture and Media a request on 26 June 2024 and requested that all cases in the previous 6 months be submitted for solutions, as well as data on the funds charged for providing information. We have received the answer from the Ministry on 11/07/2024.

This Report describes seven cases of requests for free access to information submitted to the Ministry of Culture and Media related to the work of this public administration body in the area of media. Dominantly, the requests were rejected due to the lack of information in the possession of the Ministry, or they were already published on the website of this authority.

Although the Ministry fully respects the legal deadlines for providing responses to users on requests for access to information, there is no price list on the Ministry's website regarding free access to information. Thereby, it cannot be determined why the user must pay a specific amount to prepare material delivered in scanned (electronic) or printed format. The Ministry should provide users with a clear price list of services for the preparation of materials that are delivered via printed materials and the like. It is unclear why some copying services are charged exactly in the requested amount.

Some segments of the website section dedicated to free access to information are not possible for further search (e.g. various registers that are only listed but cannot be searched). It is necessary to enable co-authors to search the media register as well as other registers that are in the possession of the Ministry. There is no information on the website about the contact person who is in charge of free access to information and contact information and instructions for submitting requests are in the Guide, which is easily available on the website. The contact information for submitting requests for access to information and the contact person's name must be on the first page of the section of the Ministry's website intended for this area.

There is no information on the Ministry's strategic and other plans on the website. What is missing are the various analyses that are in the possession of the ministries, which can help users to more easily understand the reasons for creating public policy. The website mainly contains drafts and adopted versions of documents, but there are no working versions accompanied by comments while creating public policies. The website is dominated by PDF versions of documents that are not easy to use. It is necessary to fully apply the law and allow as many documents as possible to be published in other formats (e.g. Word) so that they can be used further without difficulty.

The Ministry should make available a larger number of decisions and documents that are the subject of interest of NGOs and citizens. The preparation of individual periodic reports should take into account the interest of NGOs so that there is no need to create new information which would help different organisations in monitoring the work of the Ministry (e.g. within the report on the implementation of annual schemes for financing NGOs, data on projects that are they insult certain target groups, LGBT, women, national minorities, etc.).

CASE STUDY 7

Sector: Social Policy

Institution: Ministry of Social Policy, Demography and Youth, North Macedonia

Assessor: Dimitar Vrglevski, Centre for Change Management, Skopje

This report showcases the level of transparency of the Ministry of Social Policy, Demography and Youth (MSPDY), as seen through the WeBER methodology. Precisely, the report is divided into seven sections that show in detail the readiness of MSPDY to fulfil its obligations regarding the transparency of its work.

The first section presents the effectiveness of the MSPDY in answering Free Access to Public Information Requests (FOIs) within the legal deadlines, which in the case of North Macedonia are 20 days as a general deadline with a possibility for an extension of an additional 10 days, so in total 30 days. The second section is related to the first one and presents whether the MSPDY provides quality answers that suffice the petitioner's request. The third section presents whether the MSPDY charges for providing public information. The fourth section presents whether the MSPDY promotes free access to public information in a user-friendly and citizen-friendly manner. The fifth section presents whether the MSPDY has a contact person for access to public information and whether it publishes its contact information. The sixth section presents whether the MSPDY publishes basic information about its work and competence on its website so that the citizens can be easily and well informed. The last section presents whether the MSPDY publishes data in open formats on its website and the national (centralised) website/portal for open data. The analysis included website reviews, FOI requests to the MSPDY and a review of national legislation (laws and bylaws).

The report shows that the MSPDY is transparent and open since its website is frequently updated with the necessary information and documents, its section on free access to public information is rather extensive and easily accessible, and it provides the requested information and data whenever it receives a FOI request. However, there is a space for enhancement in the field of open data. More precisely, the MSPDY lacks in publishing data in an open format on its website, and the data published on the national open data portal are outdated.

CASE STUDY 8

Sector: Environment

Institution: Ministry of Environmental Protection, Serbia

Assessor: Uroš Jovanović, Civic Initiatives, Belgrade

The Ministry of Environmental Protection generally responded to requests for access to information of public importance within the legally defined deadlines. In 98% of cases, responses were provided to requesters within the law-prescribed deadlines. A response was lacking in only one instance. The Ministry took 12 days on average to respond. The quality of the responses to requests for information of public importance was analysed in three random samples. Only one case recorded a satisfactory response. In one case, the Ministry informed the requester with an official note that there was a delay in the response because some of the requested information was archived. It was not explained exactly what this meant and how the archiving affected the delay in the process of accessing information of public importance.

Access to information of public importance is free of charge; however, a fee is charged for copying documents but also for converting documents from physical to electronic form. There are exceptions for journalists, human rights organisations, and any individuals if the information pertains to public health or environmental protection. Specifically, the Ministry of Environmental Protection requested clarification from the information requester on only two occasions regarding why they invoked the exception related to public health and environmental protection.

The Ministry has highlighted a section on its website titled 'Information,' which contains summarised, easy-to-understand, and accessible information about exercising the right to access information of public importance. This page also includes a list of individuals authorised to handle requests, forms in multiple formats, and the Information Booklet. Two-way communication is not listed as an option, but citizens are certainly able to contact the Ministry via the prominently displayed email address with any inquiries related to the exercise of their rights.

A series of deficiencies has been recorded regarding the proactive publication of basic information about the Ministry's operations. Although the list of regulations and public policy documents is up to date within the Ministry's Information Booklet, this is not the case with the website. There are no official reports on the Ministry's work nor information about the current year's budget. The Information Booklet contains information about the budget execution for the previous year. Additionally, the organisational chart of the Ministry was not adequately published on the website, and the section of the Booklet dedicated to the chart was completely empty.

Finally, neither the Ministry nor the Environmental Protection Agency, a state administration body within the Ministry, published any open data sets in 2023, despite the obligation under the Law on Electronic Administration. Despite some open datasets being present on the Government's Open Data portal, it could not be determined when they were published.

III.3 Service Delivery and Digitalisation

CASE STUDY 9

Sector: Health

Institution: Health Care Services Operator, Albania

Assessor: Fatbardha Nergjoni and Arlinda Shehu, Information Network & Active Citizenship, Elbasan

The digitalisation of public administration is transforming how governments deliver services to citizens. A key advantage is the 24/7 availability of public services, removing the need for physical visits. Digitalisation also improves communication and citizen engagement, lowers administrative costs, and promotes transparency-essential for building public trust. This report evaluates the Ministry of Health and Social Protection's digitalisation efforts, focusing on the Health Care Services Operator's service delivery.

Established in 2018 under the Council of Ministers' Decision No. 419 (dated 4.7.2018), the Health Care Services Operator was designed to align with the structure of European national health services. As stated on its website, the institution oversees regional directorates, local units, health centres, and municipal and regional hospitals within its jurisdiction.

The monitoring period for this report covers May to September 2024, focusing on eight key criteria related to the Operator's service delivery and digitalisation based on the methodology developed by the Weber 3.0 team. The process involved submitting a Request for Information (RFI) and analysing the responses received. While communication with the designated coordinator was generally consistent, there was one instance where the Information and Data Protection Coordinator had to intervene due to a delayed response.

Regarding user-friendliness, the report highlights that while the Operator has integrated the "Bashkëqeverisja" platform into its public portal to allow citizens to provide feedback on service quality, clear instructions on how to use the platform are missing. This issue affects all sections of the website, where the absence of explanations makes it challenging for citizens to navigate and understand the purpose of each category.

The website frequently presents "raw information" under the guise of transparency, but the data is dense and difficult for the average citizen to interpret. This complexity creates a barrier to understanding the institution's activities and services. As a result, only experts may be able to decipher the content, undermining the intended goal of transparency.

Additionally, the website lacks mechanisms for actively collecting public feedback, such as surveys, polls, or interactive infographics. There are also no published reports on service delivery, whether from internal evaluations or external stakeholders like civil society. While some links suggest the availability of such reports, they are non-functional. During an interview, the Operator's Coordinator for the Right to Information claimed that the institution collects citizens' feedback and publishes reports. However, none were found during the evaluation.

While digital service delivery enhances communication and access, inclusivity remains a significant challenge. The monitoring revealed that although in-person services are accessible to most groups, online services fall short of addressing the needs of vulnerable populations, such as the elderly, individuals with visual or hearing impairments, and those with limited digital literacy. Without clear instructions and adequate support, navigating digital systems becomes even more challenging for these groups.

The importance of open data in the digitalisation of public services cannot be overstated. Although the Operator's website has a section for Data Regulation, it remains empty and does not provide any

information to the public. Additionally, the Operator is not listed among health institutions offering e-services despite overseeing health centres and hospitals across the country.

CASE STUDY 10

Sector: Energy

Institution: Ministry of Economy, Kosovo

Assessor: Dardan Abazi, Institute for Development Policy, Pristina

The assessment of the Ministry of Economy's policies and initiatives related to energy efficiency reveals significant gaps in several critical areas, including mechanisms for user feedback, transparency in publishing feedback, demographic segmentation of feedback, adaptation of services for vulnerable groups, availability of different service access channels, e-services, and the accessibility and openness of sector-specific data.

Current services lack structured mechanisms for users to provide feedback on the quality of services received (Requirement 1). This results in users having to resort to indirect methods, such as contacting officials instead, which is neither practical nor conducive to efficient feedback collection. In addition to contacting officials directly, citizens often resort to other informal and unstructured methods of providing feedback on energy efficiency services, such as voicing concerns on social media, sending emails to general inboxes, or expressing opinions through third-party platforms and media outlets. These approaches are typically inefficient, leading to fragmented feedback that lacks consistency and depth. There is no formal mechanism for collecting and publishing feedback for public review (Requirement 2). This lack of visibility discourages user engagement and leaves feedback largely inaccessible. Enhancing transparency through developing a feedback collection system integrated within each program, analysing collected feedback, and regularly publishing detailed reports on citizen feedback and satisfaction are necessary steps.

The Ministry also lacks any structured feedback data collection that segregates feedback based on demographics such as gender, age, education, and geographical location (Requirement 3). Implementing standardised feedback forms that collect demographic information and publishing detailed reports that segregate feedback data by these demographics can address this gap. Additionally, while the Ministry provides some financial support aimed at vulnerable groups, the services are not explicitly adapted to meet their unique needs (Requirement 4). Enhancing programs by detailing how services are adapted for vulnerable groups, ensuring accessibility, and conducting targeted outreach programs is essential for meeting this requirement. Implementing Targeted Outreach Programs like partnering with NGOs and using multiple communication channels ensures vulnerable groups are aware of available support, addressing the lack of special outreach efforts.

The Ministry offers several channels for accessing information and services but lacks comprehensive details and outreach programs (Requirement 5). Improvements can include implementing community outreach programs, ensuring accessibility measures, and regularly updating and promoting the different channels available. While progress has been made in providing e-services through the platform eKosova¹⁷, allowing users to apply for subsidies online, further enhancements could include online feedback mechanisms to continuously improve e-services based on user experiences (Requirement 6).

Information on sector-specific services is available but not comprehensive or fully up-to-date, resulting in partial fulfilment of this requirement (Requirement 7). More frequent and thorough updates are needed to ensure the reliability and completeness of the information. Lastly, most reports and documents are provided in PDF format, limiting accessibility and reusability for data analysis and integration (Requirement 8). Providing data in open formats such as CSV, JSON, or XML and developing APIs for automated data access would significantly enhance data usability. We recognise that the Department of Energy within the Ministry of Economy has only relatively recently begun offering services directly to

¹⁷ eKosova is a state portal where public services that are found in offices and physical wickets of institutions are offered in an electronic way, available at the following link.

citizens, and our report and monitoring indicate that there is substantial opportunity for improvement, which presents a positive outlook for future developments.

CASE STUDY 11

Sector: Agriculture

Institution: Ministry for Agriculture, Forestry and Water Management, North Macedonia

Assessor: Liljana Jonoski, Rural Coalition, Skopje

This report presents the analysis of the service delivery performance of the Ministry of Agriculture, Forestry and Water Management (MAFW) of the Republic of North Macedonia (RNM). The analysis focuses on monitoring the agriculture sector according to three SIGMA principles: (19) Users are at the centre in the design and delivery of administrative services; (20) Public administration delivers streamlined and high-quality services; and (21) Administrative services are easily accessible online and offline, taking into account different needs, choices, and constraints. This report is structured according to eight requirements, which are related to the following: (1) the possibility for citizens to voice their opinions on the quality of the services received from the particular sector-specific institution; (2) public display of information on citizen feedback and satisfaction with received services; (3) detailed segregation of such information, (4) adapting service provisions to the needs of vulnerable groups; (5) existing different channels for accessing sector-specific services; (6) stages of development of the e-services that the sector-specific institution provides; (7) availability of information on the accessibility of sector-specific services to users; and (8) availability of data relevant to sector-specific services in open formats.

Through the listed order, qualitative research methods and mechanisms have been used to determine whether the selected sector-specific institution has fulfilled the abovementioned requirements. More precisely, website reviews, legislation reviews, on-site visits, requests for access to public information (FOI requests), and interviews with relevant employees from the MAFW have been conducted during the past period. Overall, the analysis was conducted to determine if the citizens/users can use the services that the MAFW provides via different channels and assess their quality, as well as if they are able to voice or express their satisfaction with the service delivery performance of the MAFW. At the same time, the report shows whether the MAFW collects data and conducts regular examinations, which may contribute to future enhancement of the services as well as the service delivery performance tailored to the citizens' needs and priorities. Also, the analysis gives information about the institutions' investments in transparency and accountability by providing data in open formats, specifically the investments and efforts of the MAFW, which are the subject of this analysis.

Regarding the possibility of voicing the citizens' opinion on the services and the service delivery, the MAFW has limited the citizens by using only one publicly available method on their website (a form on which citizens can ask questions or report problems). In the section on services, there is another form for reporting issues with the Ministry's services, but this complaint form is linked directly to the national portal for e-services (www.uslugi.gov.mk). On the MAFW web portal, no available data provides statistics or responses from the citizens as feed back on their satisfaction with the service delivery. The only available report covers the number and the content of the request for FOI in the last several years (2021, 2022, 2023). Regarding the adaptation of the services to the needs of vulnerable groups, the MAFW has an internal legal act for communication with citizens with disabilities, as well as an appointed person for working with vulnerable groups of citizens, but this information is not available to the public. All the services that the MAFW provides are available in the traditional (physical) way of delivery, and some of them are also provided electronically (www.mzsv.gov.mk). However, most of the services are available only in the traditional way (citizens can only download applications for the services). Two electronic services are available on different web portals: one on the national platform for e-services (www.uslugi.gov.mk) and another, an e-application for financial support in agriculture and rural development, is available on the web page of the Agency for Financial Support in Agriculture and Rural Development (www.ipardpa.gov.mk). The e-services that the MAFW provides are user-friendly and have detailed guidelines for each of the services.

The Ministry needs to work further on digitalising more services by concentrating them on one systematically organised platform to ease the citizens' path to using digital services. Also, in the future, the MAFW needs to collect information on the accessibility of the services available both online and in the traditional way so that it can serve as evidence for future public service design and enhancement of already existing services. Publishing more data in an open format in a systematic way, coordinating with the national platform for open data, and registering the Agency for Financial Support in Agriculture and Rural Development are other recommendations that the MAFW should implement in the forthcoming period to improve its own transparency and accountability. According to the research and national data, the MAFW is among the first 15 institutions out of 98 range national institutions for active transparency in the country.¹⁸

Overall, the MAFW faces a significant challenge in adapting all services to be equally available to each group of citizens because of its complex work with specific groups of citizens (rural inhabitants, wineries, cooperatives, etc.). On the other hand, it has great potential to enhance its service delivery performance according to the general trends of modernisation in the sector. An additional motivation is the institution's high ranking in active transparency, which means that the institution already meets many similar requirements. With some additional efforts, the MAFW could easily achieve the requirements and SIGMA principles on which this monitoring report is based.

III.4 Public Finance Management - Public Procurement

CASE STUDY 12

Sector: Tourism and Environment

Institution: Ministry of Tourism and Environment, Albania

Assessor: Elda Zotaj, European Movement Albania, Tirana

The report covers the procurement procedures planned and executed by the Ministry of Tourism and Environment of Albania from January 2023 to July 2024. Public procurement is one of the main areas of state activity and a crucial process in managing public finances. In Albania, it involves the procedures through which government institutions at both levels of governance acquire goods, services, and works. The primary objectives are to ensure transparency, fairness, and efficiency in using public funds. According to the annual analysis of 2022 published by the Public Procurement Agency (PPA), public procurement accounted for about 9.4% of GDP, reflecting an increase from 8.9% in 2021.¹⁹

Public Procurement policy is part of the EU Acquis Chapters, specifically Chapter 5 – Public Procurement, included in Cluster 1 – Fundamentals of the Chapters, which are the first to be opened during EU negotiations between Albania and the European Union. The legal framework reflects key EU treaty principles such as transparency, equal treatment, and non-discrimination, alongside value for money, free competition, mutual recognition, and proportionality. It also includes provisions designed to uphold integrity in public procurement.

Albania has a comprehensive central Electronic Procurement System (EPS) where tender and contract notices, as well as important information and guidance from all public institutions at all levels, are published. The use of the portal is mandatory, including for low-value procurements. Standard tendering documents for each type of procedure and contract are published on the PPA website²⁰, and the procurement forecast register is prepared by each institution and published online through the EPS.²¹

Since January 2018, the Register of Forecasts of Public Procurement Procedures and the Register of Performed Public Procurement Procedures have been prepared electronically and published in the

¹⁸ <https://www.ccc.org.mk/images/stories/ak2023mk.pdf>.

¹⁹ Annual Analysis 2022, PPA, p. 13

²⁰ Official website of the Public Procurement Agency: <https://app.gov.al/>

²¹ The Register of Forecasts and the Register of Performed Procurements can be found on the official website of the Public Procurement Agency: <https://www.app.gov.al/regjistri-i-parashikimeve/> (Register of Forecasts) and <https://www.app.gov.al/regjistri-i-realizimeve/> (Register of Performed Procurements)

EPS, making them freely accessible to any interested parties at any time. The aim of a transparent public finance management system is to provide the public with relevant information on government expenditures and their outcomes.²² Additionally, as stipulated by the Transparency Programme, public institutions are required to systematically publish their public procurement documentation. Automating this information has played a crucial role in enhancing the accountability of contracting authorities in planning their needs throughout the year.

Based on the monitoring, desk research of relevant legislation and documents, and face-to-face interviews on the 7 requirements per checklist, the following was concluded. The Register of Forecasts of Public Procurement is prepared and published according to the deadlines stipulated by the law and made available on the EPS. Although this information is accessible on the platform and publicly available, the Ministry does not display it on its official website under the Transparency Programme section.

Another identified issue relates to updating and amending the Register of Forecasts. Added or cancelled procedures are not easily identifiable by the public without further research and detailed examination. Even though publicly available, the information is not easily accessible or clearly understandable. The absence of an annual integrated public report directly published in the Transparency Programme section of the Ministry's website hinders straightforward access. Such a report would simplify finding information on planned procurements, updates or amendments, completed procurements, and relevant details such as procedure types, bidders, budgets, tender documents, and justifications or analyses for cancelled procurements. It is concluded that out of a total of 7 requirements, 4 are fully met, 2 requirements are partially met, and 1 requirement is not met.

CASE STUDY 13

Sector: Transport and Communications

Institution: Ministry of Communications and Transport, Bosnia and Herzegovina

Assessor: Emsad Dizdarević, Transparency International in BiH, Sarajevo

For the purpose of this analysis, the contracting authority observed was the Ministry of Communications and Transport of Bosnia and Herzegovina (MoCT BiH), focusing on its public procurement practices. The analysis examined the MoCT's practices concerning the procurement plans, competitiveness, timeliness, and reporting of procurement procedures.

In compliance with the Amendments to the Law on Public Procurement of Bosnia and Herzegovina from 2022, MoCT BiH has published its procurement plans on both the electronic public procurement portal and its website. Despite the absence of a state budget for 2024, which has prevented the adoption of a final public procurement plan, the MoCT BiH has issued temporary public procurement plans for the first half of 2024. These plans cover the periods from 1 January to 31 March and from 1 April to 30 June. For assessment purposes, these temporary plans are regarded as the official public procurement plans as the contracting authority is prevented from adopting the final plan. Public procurement plans for 2023 were published together with the amendments. MoCT BiH clearly indicates amendments to its procurement plans for 2023 by adding new procurements rather than revising the entire document. This approach, however, results in the absence of a consolidated plan encompassing all amendments. There are no explanations or justifications for amendments to the procurement plans, neither for the current period nor previous years.

For the monitoring assessment, the first five public procurements of 2024 were examined to observe whether public procurements are being implemented within the timeline proposed in the plan. Three of these procurements were launched in the timeline with the plan, although with slight deviations, while the remaining two had not been implemented by the time of analysis. The three implemented procurements followed the planned procedures.

Part of this analysis was also focused on the public procurement procedures of this contracting authority, analysing whether competitive or non-competitive procedures characterise the public procurement

²² Alban Dafa and Ina Shënplaku, Institute for Democracy and Mediation, 2023, June 2023, National PAR Monitor Albania 2021/2022, p.115. <https://idmalbania.org/national-par-monitor-albania-2021-2022/>

process. For this analysis, competitive procedures encompassed open procedures, competitive requests, negotiated procedures with publication of notice, competitive dialogues, design contests, and restricted procedures. Non-competitive tenders include negotiated procedures without the publication of notice and direct agreements. The majority of procurements of this contracting authority were conducted through non-competitive procedures. Specifically, direct agreements were used in 315 out of 332 procurements, and negotiated procedures without publication of notice were used in 2 procurements. Thus, 95.5% (317 out of 332) of procurements were non-competitive. A mere 15 procurements were awarded competitively during 2023 and the first half of 2024, with an average of 2.3 bidders per competitive procedure.

When it comes to annual reports, the results show that the MoCT publishes an annual report (Osnovni elementi ugovora) detailing procurements carried out in the previous calendar year. For 2023, the report listed 29 procurements, while the data shows that a lot more contracts were signed during this period.

To conclude, the MoCT BiH adheres to publication requirements for procurement plans on appropriate platforms, ensuring transparency. Using temporary procurement plans due to the lack of an adopted state budget demonstrates adaptability but also underscores budgetary constraints affecting long-term planning. The method of adding new procurements as amendments without updating the entire plan is efficient but lacks a consolidated view, potentially complicating oversight. The absence of explanations for plan amendments suggests a need for improved communication and transparency regarding procurement changes. Overwhelming use of non-competitive procedures raises concerns about fairness and competition in public procurement. The limited number of competitive procurements and the low average number of bidders highlight potential issues in encouraging competitive participation.

Overall, the monitoring results reveal that while the Ministry of Communications and Transport of Bosnia and Herzegovina fulfils basic transparency obligations and adapts to budgetary constraints through temporary plans, significant improvements are needed in justifying procurement amendments, increasing competitive procedures, and ensuring comprehensive reporting. These steps are crucial for enhancing transparency, fairness, and accountability in public procurement processes.

CASE STUDY 14

Sector: Infrastructure

Institution: Ministry of Environment, Spatial Planning and Infrastructure, Kosovo

Assessor: Arber Kadriu

This summary provides an overview of the monitoring results of the Ministry of Infrastructure's public procurement activities, assessing compliance with Kosovo's public procurement legislation. The analysis highlights both compliance and gaps in key areas, including the publication and implementation of procurement plans, competitiveness of procedures, and transparency of reporting.

This report was prepared using several methods, beginning with an analysis of the procurement planning of the Ministry of Infrastructure for 2023 and 2024. Data was gathered from the public procurement platform to examine procurement activities, with a focus on the types of procedures used and the number of bidders involved. Quantitative analysis was employed to calculate the percentages of competitive versus non-competitive procedures, while comparative analysis identified discrepancies between procurement planning and initiating procurement activities. To gain insights into the challenges of aligning procurement activities with the plan, an interview was conducted with the Chief Procurement Officer of the Ministry of Infrastructure.

The Ministry met the legal requirement to publish its procurement plan for 2024, with the plan available on the e-procurement platform and the Ministry's website since January 19, 2024. No updates or amendments were made to the procurement plan, reflecting compliance with regulations. However, the Ministry has struggled to align its procurement activities with planned deadlines. Among the last five planned activities, only one was initiated, and it was started ahead of schedule, while the remaining four were not initiated by the end of August 2024 due to delays in the execution of the requesting unit's project. This misalignment points to a significant gap between planning and execution.

The Ministry did not amend its procurement plans in 2024 or 2023, rendering the evaluation of amendment justifications inapplicable. However, the absence of changes suggests a lack of adaptive management in response to evolving circumstances. Of the 126 procurement activities initiated in 2023 and 2024, 59.52% were conducted through competitive procedures, while 40.48% were non-competitive, including 25 annexes contracts. The high reliance on non-competitive procedures indicates a need to improve the Ministry's approach to fostering competition and transparency.

The average number of bidders in competitive procedures was 5.69, which, although reasonable, fell slightly short of the desired threshold, suggesting a limited pool of contractors and a need for broader engagement in procurement processes. A critical issue identified was the lack of publicly available annual reports on signed contracts for 2023, as the Ministry failed to publish these reports online, although they were submitted to the Regulatory Commission for Public Procurement. This omission impairs transparency and diminishes public trust.

Overall, the Ministry of Infrastructure complies with several legal aspects of public procurement but requires significant improvements in execution, transparency, and competitiveness. Strengthening internal coordination, enhancing the accessibility of procurement data, and promoting broader competition are essential steps for aligning the Ministry's practices with best procurement standards and ensuring more accountable and efficient public spending.

The recommendations focus on enhancing the transparency, efficiency, and competitiveness of the Ministry of Infrastructure's procurement processes. It is advised that the Ministry should publish its procurement plans and annual reports on signed contracts on its website and the e-procurement portal to improve public access and accountability. Furthermore, the Ministry should ensure that procurement deadlines align with the needs of requesting units to avoid delays and enhance overall efficiency. Providing justifications for unplanned procurement activities will increase transparency and maintain the integrity of the process. Additionally, increasing the use of competitive procedures and raising the average number of bidders per procedure will foster greater competition, improve quality, and help achieve better pricing. Implementing these recommendations will strengthen procurement practices, ensure compliance with legal standards, and build greater public trust in the Ministry's procurement activities.

CASE STUDY 15:

Sector: Transport and Communications

Institution: Ministry of Transport and Communications, North Macedonia

Assessor: Todor Conev, Initiative of Unemployed Intellectuals, Vinica

The Ministry of Transport and Communications (MTC) of the Republic of North Macedonia carries out public procurement procedures in line with the fundamental principles of transparency, competition among economic operators, equal treatment and non-discrimination. In 2023 and 2024, the Ministry of Transport and Communications published the annual public procurement plans and their amendments. In 2023, the original plan had two amendments, and in 2024, the original plan had only one amendment.

The procedures are carried out in full compliance with the Law on Public Procurement via the electronic public procurement system (EPPS). In the reporting period, 01.01.2023 to 30.06.2024, the contracting authorities (CAs) carried out open/competitive public procurement procedures, and by procedure types, 71.7% are small value procurements, in 84.7% of procedures, the main criterion is the lowest price, and an electronic auction was carried out in more than 90% of procedures. The publication of the annual report of all public procurement procedures is not required by law. The law requires keeping records in a special electronic ledger in the EPPS.

The data related to the public procurement procedures carried out are published on the EPPS and are publicly available. The EPPS is straightforward and clear, and anyone can easily access and download the data for the public procurement procedures they are interested in. The EPPS has a high level of data accessibility. In order to improve transparency, CAs need to draft detailed explanations for the need for public procurement, as well as detailed explanations for any amendments to the annual public

procurement plan. Furthermore, all CAs need to develop internal procedures for public procurement. Depending on the number of procedures carried out and the number of persons directly involved in public procurement procedures at the CA, the procedures should delegate competencies and duties and include timelines for the planning, implementing and executing the public procurement procedure at all stages. The drafting of an annual report for all implemented/not implemented/ annulled public procurements is key for planning public procurement for all contracting authorities for the coming year.

IV. Conclusions From the Second Monitoring Cycle and Prospects for Future Implementation of the Sectoral Approach

In this monitoring cycle, assessors produced 15 case study monitoring reports across four PAR areas: Policy Development and Coordination; Organisation, Accountability, and Oversight; Service Delivery and Digitalisation; and Public Finance Management (Public Procurement). While these studies are case-specific and the regional overview is not intended to draw direct comparisons between Western Balkan administrations, the findings highlight several aspects of PAR at the institutional level in the region:

- **Policy Development and Coordination.** Divided into two key aspects - impact assessments and consultation practice during policy development - case studies indicate that sectoral authorities implement the former far less rigorously than the latter. The findings suggest missed opportunities for properly defining, measuring, and monitoring the impact of adopted policies. These gaps range from assessing different types of impacts and collecting diverse data to determining policy costs and establishing effective monitoring and evaluation mechanisms. Future applications of the sectoral mainstreaming monitoring approach in this area would particularly benefit from tracking how sectoral institutions in the region comply with impact assessment requirements. In all three case studies within this area, no impact assessment-related requirement was assessed as “fully met.” In fact, the majority were labelled as “not met,” and consultation practices appear to be far more established in the observed institutions (*A regional overview of all requirements for this and other checklists is provided in the Appendix*).
- **Organisation, Accountability, and Oversight.** The most frequently assessed PAR area in this monitoring cycle is also among the two with the highest number of “fully met” requirements. This suggests relatively strong practices in ensuring free access to information and proactive transparency across the five case studies. However, transparency is never a final achievement but rather an ongoing effort that requires continuous advocacy. Notably, the requirement for sectoral institutions to publish institutional data in open formats was the only one assessed as “not met” across all five case studies. This highlights not only a missing element of proactive transparency but also a lack of alignment with modern data management trends.
- **Service Delivery and Digitalisation.** Three case studies in this area resulted in the least favourable assessments. With only a single requirement fully met in one case study, the results of this monitoring cycle indicate significant challenges. Particularly concerning are two requirements related to citizen feedback - *Information on citizen feedback and satisfaction with received services is published, and Published data on citizen feedback is segregated based on gender, age groups, education, and territorial distribution* - as these requirements were not even partially met in any of the case studies. Service delivery often serves as the primary point of contact between citizens and public authorities, shaping public perceptions of administrative effectiveness and the quality of services. Therefore, collecting, analysing, and publishing feedback from service users - and ultimately using it to redesign services - should be among top priorities for each service provider individually. Therefore, for future monitoring efforts, attention should remain focused on how sectoral institutions facilitate feedback, the tools used, and how these practices align with the overall service delivery objectives in a country.

- **Public Financial Management - Public Procurement.** Alongside Organisation, Accountability, and Oversight, public procurement was one of the most frequently selected areas in this monitoring cycle, with a high number of “fully met” requirements. However, two key findings from the case studies in this area stand out: inconsistencies in how contracting authorities justify amendments to public procurement plans and the general absence of publicly available annual reports covering all conducted procurements. Given the importance of these issues for a transparent procurement system, the findings suggest that assessed contracting authorities are far from contributing to it. For future applications of the sectoral monitoring approach, advocating for greater transparency in procurement planning and reporting remains a key priority for civil society and public oversight.

Regarding advocacy efforts, it is important to highlight that their full potential was hindered by the lack of responsiveness from the assessed institutions, despite multiple joint attempts by the WeBER team and assessors to present the monitoring results. Advocacy activities and strategies to address these challenges were a key focus of the regional WeBER Platform meeting held in Skopje in November 2024, which also included representatives from PAR-leading institutions across the region. Ultimately, several case studies were presented to representatives of the assessed institutions during advocacy meetings following the completion of the monitoring reports. However, the full advocacy potential has yet to be realized, particularly in the period before the start of the assessments, when assessed institutions could gain a clearer understanding of the approach and objectives behind monitoring the mainstreaming of PAR Principles.

Finally, the pilot exercise provided valuable lessons regarding the application of the monitoring methodology for mainstreaming PAR principles in policy sectors which were translated into potential next steps in the first Western Balkan Overview Report. These lessons have been partially integrated into the second monitoring cycle and should be considered for potential future editions of this approach. The goal is to further adapt methodology where needed but also to expand and deepen discussion with sectoral institutions on the application of good governance principles. For these reasons, for the future application, the following options can be considered:

- Extending the sectoral approach to governance levels below the central state administration (e.g., local government, regions, provinces, or federal units) where clear sectoral competencies exist.
- Extending the coverage of the assessment to the wider policy sector, by applying the checklists to a broader range of institutions, particularly those that share responsibilities within a sector.
- Preparing and organizing meetings with representatives of the assessed sectoral institutions prior to monitoring exercises. These meetings would serve general purpose of awareness raising and advocacy, but also familiarising institutions in detail with the goals, methodology, expected outcomes, and data requirements of the monitoring process.

Appendix 1: Final assessment of the requirements – regional overview of all assessments

REQUIREMENTS	FINAL ASSESSMENT		
	MNE	SRB1	SRB2
Policy Development and Coordination			
IAs produced by the relevant institution substantively respond to all the questions posed by the central-government IA regulations and methodologies	Not met	Partially met	Partially met
IA use quantitative and qualitative data and information, pertaining to various types of impacts as needed	Not met	Partially met	Partially met
Gender IAs are conducted as part of the IA process	Not met	Partially met	Not met
Policy options are determined as part of the IA process	Not met	Partially met	Not met
Policy options are costed, and the outputs of the analysis clearly indicate the costs and the source(s) of funding for the proposed policy	Not met	Partially met	Not met
Policy monitoring and evaluation mechanisms are properly developed as part of the IA process, along with performance indicators	Not met	Partially met	Not met
Consultations are conducted in the course of developing policies and legislation.	Partially met	Fully met	Fully met
The consultations conducted in the policy development process include all relevant stakeholders.	Not met	Fully met	Fully met
Consultations conducted in the policy development give proper consideration to the inputs received from the consultees	Not met	Partially met	Partially met
Once the draft policy proposal is prepared, it undergoes a public consultation (debate) process	Fully met	Fully met	Fully met
The public consultation (debate) announcement includes the publication of all relevant documents	Partially met	Partially met	Partially met
The relevant ministry proactively disseminates the invitation to participate in the public consultation (debate)	Not met	Fully met	Fully met
The public consultation (debate) process allows sufficient time to prepare and submit inputs	Fully met	Partially met	Fully met
The ministry conducting the public consultation prepares and publishes a detailed public consultation report	Fully met	Partially met	Not met

Organisation, Accountability, and Oversight	ALB	MKD	BIH	MNE	SRB
Responsible institution submits information within the respected deadlines	Partially met	Fully met	Partially met	Fully met	Partially met
Responsible institution submits information that was requested	Partially met	Fully met	Fully met	Partially met	Not met
Responsible institution as a rule does not charge for providing responses to FOI request	Fully met	Fully met	Fully met	Fully met	Partially met
Responsible institution publishes online an accessible, useful and citizen-friendly section on free access to public information	Fully met	Fully met	Not met	Partially met	Fully met
Responsible institution makes available information on the contact person for FOI easily accessible online	Fully met	Fully met	Partially met	Partially met	Fully met
Responsible institution proactively publishes online basic public information on their work	Partially met	Fully met	Partially met	Partially met	Not met
Responsible institution publishes data in open formats	Not met	Not met	Not met	Not met	Not met

Service Delivery and Digitalisation	ALB	MKD	KS
Users are enabled to voice their opinion on the quality of services received	Partially met	Partially met	Not met
Information on citizen feedback and satisfaction with received services is published	Not met	Not met	Not met
Published data on citizen feedback is segregated based on gender, age groups, education, and territorial distribution	Not met	Not met	Not met
Service provision is adapted to the needs of vulnerable groups	Partially met	Partially met	Partially met
Different channels for accessing sector-specific services are made available to users	Partially met	Partially met	Partially met
E-services are developed and available to users	Fully met	Partially met	Partially met
Information on the accessibility of sector-specific services is available to users	Not met	Not met	Partially met
Data relevant to sector-specific services is available in open formats	Not met	Partially met	Partially met

Public Finance Management – Public Procurement	ALB	KS	BIH	MKD
Up-to-date public procurement plans are publicly available	Partially met	Fully met	Fully met	Fully met
Public procurements are launched in accordance with the plan	Fully met	Partially met	Partially met	Not met
Amendments to public procurement plans are clearly visible	Partially met	Fully met	Fully met	Fully met
Amendments to public procurement plans are duly justified	Fully met	Fully met	Not met	Not met
Contracting authority conducts open/competitive public procurement procedures	Fully met	Partially met	Not met	Fully met
Average number of bidders in open/competitive procedures	Fully met	Partially met	Partially met	Partially met
Annual reports encompassing all conducted public procurements are publicly available	Not met	Not met	Partially met	Not met

Appendix 2: Assessors

Blerina Reqica, Institute for Development Policy, Pristina

Liljana Jonoski, Ruralna Koalicija, Kičevo

Fatbardha Nergjoni, Information Network & Active Citizenship, Elbasan

Zorana Marković, Centre for the Development of Non-Governmental Organisations, Podgorica

Aleksandar Bogdanović, Belgrade Open School, Belgrade

Časlav Jovičić, European Movement in Serbia, Belgrade

Dimitar Vrglevski, Center for Change Management, Skopje

Goran Đurović, Media Centre, Podgorica

Bojan Kovačević, Enterprise Development Agency, Banja Luka

Rabie Zika, Institute for Change and Leadership, Tirana

Uroš Jovanović, Civic Initiatives, Belgrade

Todor Conev, Association INI Vinica, Vinica

Emsad Dizdarević, Transparency International Sarajevo

Elda Zotaj, European Movement of Albania, Tirana

Arber Kadriu, Initiative for Progress (INPO), Pristina

