

LEGAL STATUS OF AGENCIES IN KOSOVO

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Abstract

This paper is dedicated to the functioning and importance of independent agencies versus balance in the proper functioning of the legal system of the state. Independent institutions are the key element of a functioning democracy. Together with the legislature, the executive and the judiciary they enable a developed system of maintaining balance, increasing accountability and mitigating undue political influence. The challenges that accompany Kosovo's transitional democracy continue to hamper the development of institutions ranging from persistent resource shortages to political interference. The Government and Assembly of Kosovo should lead by example and publicly demonstrate their unwavering support for independent institutions. They must respect their full independence guaranteed by the Constitution and the law. The reasonable legal basis provides reasons for encouragement along with the strong institutional structure that most of the institutions analyzed possess. Otherwise, if current practices continue, then security institutions will have no motive to cooperate with independent institutions.

Keywords: *Assembly, Government, independent agencies, public administration, principles of separation of powers.*

JEL Classification: K23

1. Introduction

With the constitution of democratic institutions after the period of establishment of the UNMIK administration in Kosovo, through the regulations of this administration, but also with special laws, the foundations were established for the establishment and functioning of a large number of Independent Agencies, which regulate and administer certain and important issues.

The notion of "independent institutions" refers to the need for institutions to be protected from any kind of influence, making them independent and resistant to possible political interference and giving them operational autonomy. However, like the government, independent institutions are accountable to Kosovo's elected representatives who oversee their work.

The standards and practices of developed countries have set out some criteria or conditions which will influence the Independent Agencies to exercise their mandate efficiently and freely.

Among the primary criteria, it is estimated to be: 1. financial independence, which would affect the strengthening of full operational autonomy, 2. independence in the appointment of governing bodies, which would be based on meritocracy values and not clientelistic and political, and 3. Independence in decision-making and respect for decisions by other institutions.

Independent institutions, therefore, are key subjects of the functioning of power, guaranteeing and ensuring control, balance and the implementation of the rule of law. In fulfilling their function, in monitoring the institutions, they are independent, which means that their work should not be politically influenced or controlled by any executive body.

Independent agencies and institutions are entities, which serve to independently regulate various functions of public life and are divided into several types. The establishment of several independent institutions, such as: the Auditor General, the People's Advocate or the Independent Media Council, are provided by the Constitution of Kosovo. Meanwhile, the Constitution also leaves room for the formation of other agencies as needed, under the authority of the Assembly of Kosovo or the Government. These agencies and institutions are formed by relevant laws, which include regulations, organization, competencies, selection of boards or directors, etc.

The institutions of Kosovo, namely the Assembly of Kosovo have so far established about 31 Independent Agencies, which have a legal obligation for direct reporting to the Assembly of Kosovo. Independent Institutions and Agencies still have uncertainties about the way of financing, because there is no unique model of their financing. Some are financed directly from the Kosovo budget, while others are supported by their own source revenues through various taxes. But there are

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institutions, which take advantage of both of these opportunities. Some of them also receive financial assistance from international donors.

The role of the Assembly of Kosovo in overseeing and controlling these institutions has not been shown to be quite efficient. It has not developed objective criteria to evaluate the work of independent institutions through regular reporting.

Building the integrity of Independent Agencies is hampered by clientelist political appointments to senior leadership positions (at board and executive level). In many cases, such appointments have turned these institutions into "nurseries" to rehabilitate militants of certain political entities. On the other hand, the level of public awareness about the work of independent institutions is weak, as is access to information, which is limited.

So far there has been no major public pressure to influence the empowerment and depoliticization of Independent Agencies as important institutions in Kosovo.

2. Historical development of agencies

The tendency to form independent bodies is a model of organizing the public administration. This model of body formation is presented together with the process of privatization and liberalization of state-owned enterprises, so that with the establishment of independent agencies, the state withdraws from the function of being the owner and leader, but with the sole function to implement the role of regulatory body. In the implementation of this function, the state creates rules which determine the way of functioning and organization in certain sectors. In this way, the state begins to determine the conditions for new entrants to enter the market to set standards for the products offered.²

This model has its origins in the Anglo-Saxon countries - in Great Britain, in the time of the first Government of Margaret Thatcher and in the USA in the time of the great economic crisis and the establishment of state policy for intervention with the idea that it is the best method for it. ensure the organizational implementation of specialized knowledge in certain areas of state policy implementation.³

This tendency of increasing the number of regulatory bodies in the literature is known as agencyization, which in continental European countries gained momentum in the '80s. The creation of independent regulatory bodies as a concept of organizing public administration has its similarities with the concept of a new public administration. The new public management advocates for the rationalization of the public sector, the division of governing organizations according to the type of work of those responsible for their formation and monitoring of public policy and those performing tasks, as well as the creation of small administrative organizations with clear responsibilities for the result. At the same time, the state is based on the idea of trusting the regulatory work to specific bodies or organizations that are professional, specialized and isolated from possible political pressures, which will ensure fair competition in the market between public service providers, respectively protection of the special rights of users and employees.⁴

3. Notion of independent agencies

The notion of "independent bodies" refers to the aspect of protection from the influence of various and external factors, making them independent and stable from political and autonomous interventions in decision-making.

² Nastanak i nezavisnost regulatornih tela u Srbiji: domaće ili eksterne determinante?, Slobodan Tomić, Aleksandar Jovančić* <http://www.politickeperspektive.org/izdanja/broj-5/2>, Informacioni centar Evropske unije, Srbija.

³ Branko Smerdel, Nezavisni regulatori i vladavina prava hrvatska praksa u svijetlu američkog iskustva, taken from https://www.pravo.unizg.hr/_.../, on 26.08.2014.

⁴ G. Majone, *Regulating Europe London New York: Routledge, 1996*, G. Majone, *From the Positive to the Regulatory State: Causes and Consequences of Changes in the Mode of Governance*. „Journal of Public Policy” 17 (2): 139-167, taken from Anamarija Musa, Agencifikacija kao nova i dodatna centralizacija-hoce li se Hrvatska ikada moci decentralizirati, Hrvatska i komparativna javna uprava, 2012, no. 4, p.1197-1224.

The connection of independent bodies with the differentiation and decentralization of state administration, as „horizontal differentiation in contemporary states, develops from the beginning of modern administration, first as differentiation in the central state administration of different administrative departments, and later in recent decades as a functional decentralized administration in relation to the division of specialized organizations from the state administration into a large number of agencies”⁵.

Also, newer understandings on the character of public administration and the role of the state in society intensively promote the fragmentation of the state administration and the delegation of issues distributed to independent organizations, where the issue of control and responsibility are not sufficiently resolved.⁶

The notion of agency derives from the Anglo-Saxon law and defines the subjects that perform administrative activity, which according to us represent governing bodies.⁷

Independent agencies are regulatory bodies that carry out certain types of administrative activities. Starting from the criterion of function they represent a form of decentralization of force. The purpose of the existence of these agencies is to achieve greater efficiency in carrying out administrative activities, and as the main arguments and attributes for the existence of these agencies are calculated the specialization and expertise in their activity.⁸

Petrović, defines agencies as autonomous and independent bodies with public authority, established to regulate and supervise (liberalize) activities of general social interest.⁹

Xherxha and Rupe, estimate that the regulatory agencies are organizations with different names separated from the structure of the state administration whose function is the permanent performance of public works at the national level.¹⁰

The American author Mulock defines agencies as "powers that are neither legislative, nor executive, nor judicial," but unite something from each power, and are theoretically accountable to Congress. Those¹¹ are established when Congress deems that special conditions require the issuance of acts of a legislative nature on a continual basis, based on uniform and consistent policy.

Christensen, Lagreidi, Taçer, Stoun and Svit point out that these bodies where the employees are public servants who due to the performance of public works at the national level are separated from the public administration, they are mainly financed from the state budget and are subject to public law provisions.¹²

⁵ Eugen Pusić, *Nauka o upravi*, Zagreb, 2002, taken from Anamarija Musa, *Agencifikacija kao nova i dodatna centralizacija-hoce li se Hrvatska ikada moci decentralizirati*, *Hrvatska i komparativna javna uprava*, 2012, no. 4, p. 1197-1224.

⁶ Verhoest et al., 2010; Pollitt i Talbot, 2004, Verhoest, K., P.G. Roness, B. Verschuere, K. Rubecksen, M. MacCarthaigh (2010) *Autonomy and Control of State Agencies. Comparing States and Aencies*. Palgrave Macmilan, taken from Anamarija Musa, *Agencifikacija kao nova i dodatna centralizacija-hoce li se Hrvatska ikada moci decentralizirati*, *Hrvatska i komparativna javna uprava*, 2012, no. 4, p.1197-1224.

⁷ З. Урошевић, "Положај и улога јавних агенција у нашем правном систему", *Правни живот 10/2005*, [Z. Urošević, "The position and role of public agencies in our legal system", *Pravni život 10/2005*], 283-295.

⁸ Anamarija Musa, *Agencifikacija kao nova i dodatna centralizacija-hoce li se Hrvatska ikada moci decentralizirati*, *Hrvatska i komparativna javna uprava*, 2012, no. 4, p.1197-1224.

⁹ Petrović, Siniša, *Pojam i uloga nezavisnih regulatora*, *Pravo u gospodarstvu*, no. 3, 2008, p. 465, taken from Dr. sc. Edita Čulinović Herc, Dr. sc. Antonija Zubović: *Upravnosudski nadzor nad nezavisnim regulatornim agencijama: Aktuelnosti u postupcima Zbornik radova Pravnog fakulteta u Splitu*, god. 50, 2/2013, p. 371-392 (http://www.pravst.hr/dokumenti/zbornik/2013108/zb201302_371.pdf on 03.09.2014).

¹⁰ Đerđa, Dario, Rupe, Doris, *Pravno uređenje regulatornih agencija u hrvatskom pravu*, *Hrvatska pravna revija*, no. 11, 2010, p. 62, taken from Dr. sc. Edita Čulinović Herc, Dr. sc. Antonija Zubović: *Upravnosudski nadzor nad nezavisnim regulatornim agencijama: Aktuelnosti u postupcima Zbornik radova Pravnog fakulteta u Splitu*, god. 50, 2/2013, p. 371-392 (http://www.pravst.hr/dokumenti/zbornik/2013108/zb201302_371.pdf on 03.09.2014).

¹¹ Mulock, B. at Smerdel, Branko, *Regulatorne agencije*, *Informator*, no. 5432, p. 1; See more about the status of the regulatory agencies in American Law at Bajakić, Ivana, *Razvoj i učinci regulatornih agencija u SAD: uspješan model za Europu?*, *Zbornik Pravnog fakulteta u Zagrebu*, no. 2, vol. 60, 2012, p. 495-526, taken from Dr. sc. Edita Čulinović Herc, Dr. sc. Antonija Zubović: *Upravnosudski nadzor nad nezavisnim regulatornim agencijama: Aktuelnosti u postupcima Zbornik radova Pravnog fakulteta u Splitu*, god. 50, 2/2013, p. 371-392 (http://www.pravst.hr/dokumenti/zbornik/2013108/zb201302_371.pdf on 03.09.2014).

¹² Christensen i Laegreid te Thatcher i Stone Sweet at Koprić, Ivan, Musa, Anamarija, Đulabić, Vedran, *Europski standardi regulacije službi od općeg interesa: (kvazi) nezavisna regulacijska tijela u izgradnji modernog kapitalizma*, *Hrvatska javna uprava*, no. 3, 2008, p. 661, taken from Dr. sc. Edita Čulinović Herc, Dr. sc. Antonija Zubović: *Upravnosudski nadzor nad nezavisnim regulatornim*

Independent experts in agencies issue and implement regulations, in accordance with the rules of the profession, free from policy and government intervention.¹³

According to a research, independent agencies are considered as the fourth pillar of power, as they have authorizations of regulatory nature (eg. issuance of bylaws and draft laws), of an administrative nature (eg. issuance and obtaining various licenses, registration in the register, issuance of public documents) and of a judicial nature (eg. Arbitration and mediation).¹⁴

The constitutional nature of these regulatory bodies is debatable as in the general political systems the general threefold system of power is accepted in: legislators, executive and judiciary. Based on this principle, regulatory bodies can not be specifically placed in one of these powers, but work independently of other bodies.

The issue of constitutionality is also posed in American constitutional theory. That is, E. Corvin says: "if these bodies are not within the executive branch, then where are they?" In the legislature, or found in an indefinite situation, like the coffin that floats neither on earth nor in heaven?¹⁵

Regarding their powers to decide on matters of non-compliance, many authors believe that their authority represents a clear loss of the independence of the judiciary, as the cornerstone of the rule of law principle. Author R. Lorch wrote: "Judicial power is disguised after the word 'quasi'. The penalties imposed by agencies are called sanctions. This distortion of terminology buries the so-called principle of separation of powers."¹⁶

In the 1937 Report of an Inquiry Committee, independent agencies are described as "the fourth branch of headless government" and "an incredible group of irresponsible organizations with uncoordinated powers" that "violate the theory of law." The committee concluded: "Congress has not found a more efficient way to control them, the president is unable to control them, and the courts are solely responsible for the legality of their work."¹⁷

4. Agencies in Kosovo

The standards and practices of developed countries have set out certain criteria or conditions which will influence the Independent Agencies to exercise their mandate efficiently and freely. Among the primary criteria, it is estimated to be financial independence which would affect the strengthening of full operational autonomy, independence in the appointment of governing bodies which would be based on meritocracy and non-clientelistic and political values, and independence in decision making and observance of decisions by other institutions.

Independent institutions, therefore, are key subjects of the functioning of power, guaranteeing and ensuring control, balance and the implementation of the rule of law. In fulfillment of their function, in monitoring institutions, they are independent, which means that their work should not be politically influenced or controlled by any executive body. The Independent Agencies of the Republic of Kosovo are independent institutions established by the Constitution or special laws. Article 142 of the Constitution of the Republic of Kosovo defines the form and manner of establishment of

agencijama: Aktualnosti u postupcima Zbornik radova Pravnog fakulteta u Splitu, god. 50, 2/2013, p. 371-392 (http://www.pravst.hr/dokumenti/zbornik/2013108/zb201302_371.pdf on 03.09.2014).

¹³ Branko Smerdel, *Nezavisni regulatori i vladavina prava hrvatska praksa u svijetlu američkog iskustva*, taken from https://www.pravo.unizg.hr/_.../, on 26.08.2014.

¹⁴ Dragana Aleksić, „Agencifikacija“ Srbije, <http://www.ecinst.org.rs/sites/default/files/mat-kratki/temamesecaagencifikacijasrbije.pdf>

¹⁵ The President, Office and Powers 1387-1957, New York Univ. Press, New York 1957; cit. at Peter Woll, *American Bureaucracy*, Norton & Co, New York 1977. (2nd ed.) p. 155-176, with an overview of theory, taken from Branko Smerdel, *Nezavisni regulatori i vladavina prava hrvatska praksa u svijetlu američkog iskustva*, taken from https://www.pravo.unizg.hr/_.../, on 26.08.2014.

¹⁶ Robert Lorch, *Democratic Process and Administrative Law*, Wayne State University, Detroit, 1980. p. 81, taken from Branko Smerdel, *Nezavisni regulatori i vladavina prava hrvatska praksa u svijetlu američkog iskustva*, taken from https://www.pravo.unizg.hr/_.../, on 26.08.2014.

¹⁷ Bronslo Committee on Administrative Management, Commission on the Organization of the Executive Branch of Government, Task Force on Regulatory Commissions, Cit. Kenneth Culp Davis: *Administrative Law of the Seventies*, Rochester, New York 1976 p. 14-20 taken from https://www.pravo.unizg.hr/_.../, on 26.08.2014.

Independent Agencies. The article in question sets out four basic principles that should accompany the establishment and functioning of these institutions.

First, the Assembly of Kosovo is the constitutional authority that holds the right to establish Independent Agencies. For their establishment, the constitution stipulates that the Assembly must issue relevant laws, which regulate, inter alia, their functioning and legal scope.

Secondly, the Constitution defines the independent agencies of the Republic of Kosovo as institutions established by the Assembly, based on the relevant laws, which regulate their establishment, functioning and competencies. Independent Agencies perform their functions independently from any other body or authority in the Republic of Kosovo.¹⁸

Third, these independent institutions have their own budget, which is administered independently, in accordance with the law.

The number of Independent Agencies that have been established by the Assembly of Kosovo so far has reached 31 agencies. These agencies are accountable for their work and report directly to the Assembly, while operating remotely from the Assembly.

In terms of their mandate and scope, local legislation has defined two types of independent institutions operating in Kosovo. The first group includes those institutions, which have a mandate to oversee the government in respecting the standards for good governance in general and which are in function of the protection of human rights and freedoms. The second group includes independent institutions, which perform regulatory and licensing functions. In addition to these two groups, there are several quasi-judicial institutions, such as the Independent Oversight Board or the Independent Media Commission (IMC).

Common to all these institutions is that they are established by the Assembly and for their work reporting directly to the institution on a regular annual basis, some of them even quarterly.

Kosovo Independent Agencies are: Constitutional Court, Civil Aviation Authority, Judicial Council, Independent Commission for Mines and Minerals, Kosovo Property Agency (Supervisory Board, Property Claims Commission and Executive Secretariat), Anti-Corruption Agency, Kosovo Authority Competition, Election Complaints and Appeals Panel, Electronic and Postal Communications Regulatory Authority, Water and Sewerage Regulatory Office, Railway Regulatory Authority, Kosovo Judicial Institute, Free Legal Aid Agency, Academy and

Kosovo Arts, Kosovo Council for Cultural Heritage, State Agency for Personal Data Protection, State Prosecutor, Independent Civil Service Oversight Board, Pension Savings Trust, Privatization Agency of Kosovo, Kosovo Intelligence Agency, Review Body Public Procurement, Public Procurement Regulatory Commission, Kosovo Memorial Complex Management Agency, Kosovo Radio Television.

We will reflect the data of some Kosovo Agencies:

Kosovo Property Agency

Year of establishment: 2006

Reporting: Assembly of Kosovo

Number of employees: 231 civil servants, 11 technical-administrative employees

Labor relationship: Civil Service Law, Labor Law¹⁹

Composition and election of the board: 5 members (3 international members appointed by the Special Representative in Kosovo and 2 members elected by the assembly upon the proposal of the Prime Minister)²⁰

Average monthly salary: 469 euros²¹

Privatization Agency of Kosovo (PAK)

Year of foundation: 2002

Reporting: Assembly of Kosovo²²

¹⁸ The Constitution of the Republic of Kosovo, article 142 point 1, is found in: <http://www.kushtetutakosoves.info/>.

¹⁹ The Complaints and Disputes Resolution Commission is established within each institution at central and local level where civil servants are employed, based on Regulation 05/2001 on dispute and grievance resolution procedures.: <http://bit.ly/1SEg2ut>.

²⁰ Regulation no. 2006/10: <http://bit.ly/1U1Dh3P>.

²¹ Regulation no. 03/2012 for salary supplements and other compensations of civil servants, Article 9 <http://bit.ly/1TW1t9r>

²² Law no. 03/L-067 on the Privatization Agency of Kosovo: <http://bit.ly/247vrsp> Article 20.

Number of employees: 19 public servants, 239 civil servants
Labor relationship: Civil Service Law, Labor Law
Composition and election of the board: 8 directors, elected by the assembly upon the proposal of the government²³
Average monthly salary: 1,421 €

Anti-Corruption Agency (ACA)

Year of establishment: 2007
Reporting: Assembly of Kosovo
Number of employees: 1 public official, 39 civil servants;
Employment relationship: Law on ACA, Law on Civil Service²⁴
Composition and election of the board: Individual body - The Director of AKM is elected by competition public by the Assembly of Kosovo
Average monthly salary: 781 €

Memorial Complex Management Agency (AMKMK)

Year of establishment: 2013
Reporting: Assembly of Kosovo
Number of employees: 1 public official, 10 civil servants²⁵
Employment relationship: Law on KEPA, Law on Civil Service²⁶
Average monthly salary: 565 €

State Agency for Personal Data Protection (NAPDP)

Year of establishment: 2010
Reporting: Assembly of Kosovo
Number of employees: 5 public servants, 18 civil servants²⁷
Employment relationship: Law on NAPDP, Law on Civil Service, Labor Law²⁸
Composition and election of the board: 5 members, appointed by the assembly on the proposal of government²⁹
Average monthly salary: 827 €

Free Legal Aid Agency (AFLA)

Year of foundation: 2012
Reporting: Assembly of Kosovo
Number of employees: 7 public servants, 22 civil servants
Employment: Law on Free Legal Aid, Law on Civil Service³⁰
Composition and election of the board: 7 members are nominated by 7 institutions and elected to the Assembly³¹
Average monthly salary: 627 €

Kosovo Academy of Sciences and Arts (KASA)

Year of foundation: 1975
Reporting: Does not report to the Assembly of Kosovo
Number of employees: 19 members of the Academy, 16 civil servants, 2 support staff
Employment relationship: Law on KASA,³² Law on Civil Service, Labor Law³³
Composition and election of the assembly: 19 full members and 11 correspondent members, new members are elected by secret ballot every four years by the Assembly of KASA
Average monthly salary: 1,307 €³⁴

Kosovo Competition Authority (KCA)

²³ Regulation no. 01/2006 on the procedures for recruitment, nomination and appointment of the management and director of the executive secretariat of the board of directors: <http://bit.ly/23NMses>.

²⁴ Regulation 01/2013 on internal organization and systematization of jobs in the Anti-Corruption Agency: <http://bit.ly/25PaYu3>.

²⁵ Regulation 02/2014 on the internal organization and systematization of jobs in the Agency for the Management of Memorial Complexes: <http://bit.ly/1OrEU4H>.

²⁶ Law no. 04/L-146 on the Agency for the Management of Memorial Complexes: <http://bit.ly/24PYGjH>.

²⁷ Ibid. article 30, 31, 32.

²⁸ Law no. 03/L-172 on personal data protection: <http://bit.ly/1TVIfzc>.

²⁹ Regulation 01/2013 on internal organization and systematization of jobs: <http://bit.ly/24UbS7e>.

³⁰ Rules of Procedure of the Council: <http://bit.ly/1Qha6ms>.

³¹ The institutions that nominate their candidates for members of the Council are: the Ministry of Justice, the Ministry of Labor and Social Welfare, the Ministry of Returns and Communities, the Ministry of Finance, the Kosovo Bar Association, the Supreme Court and NGOs.

³² StatutiiASHAK:<http://bit.ly/1Qha6ms>.

³³ Law no. 05/L-038: <http://bit.ly/23xrDUd>.

³⁴ Desicion no. 02/39 date 8.10.2008: <http://bit.ly/1TThkEa>.

Year of foundation: 2008

Reporting: Assembly of Kosovo

Number of employees: 5 public officials, 17 civil servants, 1 support staff³⁵

Employment: Law on Protection of Competition³⁶, Law on Civil Service³⁷, Labor law

Composition and election of the commission: 5 members, proposed in packages by the Government and appointed in the Assembly

Average monthly salary: 680 €

Electronic and Postal Communications Regulatory Authority (RAEPC)

Year of foundation: 2004³⁸

Reporting: Assembly of Kosovo³⁹

Number of employees: 5 public officials⁴⁰, 30 civil servants

Employment: Law on Electronic Communications⁴¹, Law on Civil Service

Average monthly salary: 827 €

Railway Regulatory Authority (RRA)

Year of foundation: 2010

Reporting: Assembly of Kosovo

Number of employees: 4 public officials, 17 civil servants

Employment relationship: Law on Kosovo Railways⁴², Law on Civil Service

Average monthly salary: 642 €

Water Services Regulatory Authority (ARRU)

Year of foundation: 2004⁴³

Reporting: Assembly of Kosovo

Number of employees: 2 public officials, 17 civil servants

Labor relationship: Law on regulation of water services,⁴⁴ Law on civil service

Average monthly salary: 926 €

Civil Aviation Authority (CAA)

Year of foundation: 2008

Reporting: Assembly of Kosovo⁴⁵

Number of employees: 5 public officials, 27 civil servants

Employment: Law on Civil Aviation,⁴⁶ Law on Civil Service:

Average monthly salary: 1923 €

Central Bank of Kosovo (CBK)

Year of foundation: 1999⁴⁷

Reporting: Assembly of Kosovo

Number of employees: 215 employees

Employment relationship: Law on CBK⁴⁸, Labor law

Energy Regulatory Office (ERO) Year of foundation: 2004

Reporting: Assembly of Kosovo

Number of employees: 5 public officials, 28 public servants

³⁵ The lack of working space for the AKM has been going on for seven years, but recently the MPA has decided that the AKM will be moved to the same building where the People's Advocate will be.

³⁶ Law no. 03/L-229 on Protection of Competition: <http://bit.ly/23ABf0y>.

³⁷ According to Director Tërnavaj, some time ago it was discussed that the relationship of all employees in the ACA should be regulated by the Labor Law, but it was still decided to remain within the Law on Civil Service.

³⁸ RAEPC is the legal successor of the Telecommunications Regulatory Authority (TRA) established in 2004 by the Law on Telecommunications which in its current form is regulated by Law no. 04/L-109 on electronic communications, approved in 2012.

³⁹ RAEPC annual reports: <http://bit.ly/1TgMRrt>.

⁴⁰ Ibid. article 78.

⁴¹ Law No. 04/L-109 for electronic communications: <http://bit.ly/1TfqtrG>.

⁴² Law No. 04/L-063 for railways, neni 38: <http://bit.ly/29DC1Cf>.

⁴³ WWRO was originally established by UNMIK Regulation 2004/49 on the Activity of Water, Sewerage and Waste Providers.

⁴⁴ Law No. 05/L-042 for the regulation of water services: <http://bit.ly/1sOBBQr>.

⁴⁵ Annual reports: <http://bit.ly/1SgeKTX>.

⁴⁶ Law No.03/L-051 for civil aviation: <http://bit.ly/1qBfUSO>.

⁴⁷ The CBK was established by Law no. 03/L-209 in 2010 but the CBK is the successor to the Central Banking Authority of Kosovo established in 2006 and the Banking and Payments Authority of Kosovo established in 1999.

⁴⁸ Law No. 03/L-209 for Central Bank: <http://bit.ly/1qYBSQu>.

Labor relationship: Law on the energy regulator⁴⁹, Labor law

5. Conclusions

- The Assembly of Kosovo should analyze and review the number of Independent Agencies established and consider the possibility of merging or reducing them;
- The Assembly should standardize the legislation, which regulates the form of financing (income and wages), the form of reporting and selection of members of the governing bodies of Independent Agencies;
- The Assembly to include in the Rules of Procedure the sanction for non-reporting and non-approval of the report of a certain Agency;
- The Assembly should establish mechanisms for continuous monitoring and communication with agencies, to follow their work and implement the recommendations arising from the plenary session in those cases when their report is approved;
- Establish a policy coordination mechanism of Independent Agencies, due to the interconnection between policies;
- Parliamentary committees carefully consider the needs of Independent Agencies during the budget process to ensure that they have sufficient resources and physical space to exercise their mandate;
- The Assembly should review the deadlines for reviewing agencies' financial reports. The financial report of the institution must be reviewed and approved after the report of the Auditor General has been made public (in some cases, the parliamentary committee has approved without notice the financial report, while the audit report has found irregularities in budget management);
- The Government of Kosovo to nominate the heads or members of the board of institutions independently, on time according to the provisions determined by law;
- In order to depoliticize the governing bodies of agencies, parliamentary committees and civil society representatives should be involved in the initial stages of interviewing candidates proposed by the government to lead certain agencies;
- The Assembly and the Government should start with the procedures of identification and selection of candidates, to replace the international members, whose mandate ends as members of the boards;
- Update the websites of independent agencies in order to regularly inform citizens about developments related to the work of the institution, as well as the publication of regular press releases;
- Use the media to inform citizens about the role and function performed by these institutions.

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