



**Republika e Kosovës**  
Republika Kosovo - Republic of Kosovo  
Kuvendi-Skupština-Assembly

# Manual

## EXTERNAL EXPERTISE IN PARLIAMENTARY COMMITTEES



Pristina, October 2011





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Pristina, October 2011



## First edition

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# Introduction

The manual on “Utilization of External Expertise by Parliamentary Committees” provides an overview of rules and best practices for utilizing external expertise by the parliamentary committees. Through this manual, the Legal Department of the Assembly, in cooperation with the Division for Budget and Payments, aims to standardize and enhance the procedures and actual practices of using the annual budget of the committees to ensure efficient utilization of external expertise.

The manual is primarily intended to be used as a guidebook by the Assembly staff responsible for providing support to committees and by the staff of the Division for Budget and Payments of the Administration of the Assembly, but also by the MPs and especially the committee chairs who have main roles on overall committee work.

Furthermore, the manual could be used by civil society organizations, think tanks, international organizations that support the work of the Assembly, and other independent experts to better understand the procedures for the utilization of external expertise by committees.

This manual has been prepared by a working group comprised of representatives of the Division for Support to Committees, head of the Division for Budget and Payments and representatives from the National Democratic Institute (NDI). The Rules of Procedure of the Assembly, the Guidelines for the Management of the Annual Budget of the Committees, the Law for the Management of Public Finances, the Law on Public Procurement, as well as the best practices for the management of the budget of the committees, all served as the basis for development of the manual.

The first chapter of the manual provides a clear overview of the role of external expertise in the work of the parliament as well as the experience and challenges that the Assembly faced on utilizing external expertise to this point. In the following chapters, the manual clearly explains procedures for engaging individual experts and think tanks, outlines identification and selection processes as well as procedures for executing payment and co-financing expertise. The second part of the manual elaborates practices and procedures for engaging think tanks and NGOs in committee work and the types of services that can be provided by them.

In order to unify working procedures in committees, the Legal Department managed to standardize the content and the structure of the documents and forms needed for utilizing external expertise. The standard forms for these documents are attached to the manual.



The Legal Department of the Assembly will continue to prepare similar manuals for other aspects of the work in parliamentary committees, in order to increase the efficiency of these bodies that carry the main burden of the work of the Assembly. In this occasion, we thank the members of the working group for their dedication and commitment and express our gratitude to both NDI and USAID for supporting preparation and publication of the manual.

**Daut Beqiri**  
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# 1. THE ROLE OF EXTERNAL EXPERTISE INTHEWORKOFTHEPARLIAMENTS

In almost all countries with a parliamentary system of governance, the government elected by the parliament develops public policies and drafts the necessary legislation to ensure their implementation. In comparison with the legislative branch, the executive branch always has greater resources available and the support of specialized teams of experts to draft the policies and draft-laws. However, in developed democracies, the Parliament has the final say through the process of reviewing, amending and approving public policies and draft-laws. Even though the authority of the Parliament is granted by the Constitution, not always the parliament is able to efficiently exercise its authority in practice.

Parliaments in general, but especially in countries in transition, have limited internal resources. This often creates difficulties when parliaments attempt to offer the necessary technical and professional support that MPs need to make decisions. In order to strengthen the role of the parliament in this regard, in most advanced parliaments there are specialized units that provide legislative research and offer the MPs the necessary expertise.

Regardless of the number of employees and resources, the research units do not have the internal capacity to cover all aspects of research and expertise for all matters under consideration by parliament. Therefore, these units are given a set annual budget that is used to contract independent experts or think tanks that can provide the expertise needed for MPs in the decision making process.

Using external expertise is very important for the work of parliamentary committees for at least two reasons. Firstly, the decisions of MPs based on professional external expertise are most likely not influenced by political views and as a result can be more justifiable and more effective. Secondly, being based in the conclusions and recommendations of experts, the decisions of MPs are more ensure higher degree of acceptability.

Through the utilization of external expertise, parliament ensures that the views of other relevant stakeholders were taken into consideration during the legislative process. Moreover, the external expertise ensures a more informed decision making process and avoids situations where the parliament is considered a 'rubberstamp' for the policies and draft-laws submitted by the Government.

## *1.1. Utilization of external expertise by the Assembly of Kosovo*

Since its establishment in 2001, the Assembly of Kosovo has been supported by many international institutions and organizations aiming at strengthening its capacity for efficiency within the representative, legislative and oversight branches. The Secretariat of the Assembly and especially the Legal Department, which plays the main role in offering the necessary technical and professional support for the Assembly and its bodies, was continuously a focal point for the assistance.

The main work of the Assembly takes place in the parliamentary committees, which review in detail the policies and draft-laws that are referred to them by the Assembly. The committees then forward their recommends to the Assembly for further consideration. The parliamentary committees of the Assembly of Kosovo are supported technically and professionally solely by the Division for Committee Support, which functions within the Legal Department and is still in the consolidation stage.

The Assembly has still not managed to establish a specialized unit for legislative research which would support MPs in their work, though initial steps in this regard have been undertaken. Furthermore, MPs do not have political staff hired by the parliamentary group and the so-called 'Democratization Fund' is used to a very little extent for hiring experts for the parliamentary group.

MPs do not have an office or personal assistant, and therefore the only professional support they receive comes from the staff of the Division for Support to Committees. Due to the dynamics of work in the parliamentary committees, the limited number of designated staff members and the numerous administrative and technical issues being brought to their attention quickly overwhelms those responsible for providing support to the committees.

In addition, experience to date has shown that, regardless of the available government resources, MPs often complain about the quality of the draft-laws submitted in the Assembly for review and approval. Statistics of the Legal Department show that during the review process and amendments of the draft-laws in committees, there is a need to make too many substantial amendments. Considering the large number of draft-laws that are submitted every year by the Government (around 140 in 2010) and the current capacity of the Assembly, it is of great importance to create mechanisms that would enable committees to use external resources.

The practice of using external resources during the review and amendments process of draft-laws in the Assembly committee started

years ago and relied mainly on the financial support of organizations that supported the work of Assembly (including USAID, NDI, OSCE, EAR, GTZ, etc.). Utilization of local and international external experts was done on an ad hoc basis without standard written procedures. In the absence of a research unit that would provide in-house expertise and coordinate the utilization of external expertise, the main task of utilizing external resources falls on the Division for Committee Support.

In an effort to facilitate the process of engaging external experts, in 2008, with the assistance offered by NDI, the staff of the Division for Committee Support managed to develop a database of experts and think tanks. During 2009, in line with the strategic plan of the Assembly approved in December 2008, the Assembly decided to allocate a separate annual budget for each committee. Since the bulk of the committee budget is used to engage external experts, the Presidency of the Assembly issued a decision to regulate the payment policies for external experts, which in practice became an inadequate and inefficient procedure.

Therefore, in the absence of internal guidelines for managing the annual budget of the committees and the lack of necessary information, the committees overall failed to efficiently use their allocated funds. As a result, during the midterm review of the budget in June 2010, it was decided that the committee budgets should be cut by 50%.

To address this problem, in 2011 the Assembly Presidency approved the Guidelines for Administering the Annual Budget by the Parliamentary Committees. The Guidelines defined in a specific manner the activities for which the committee could use the funds, the procedures for approving and executing the expenses, the role of the chair and the clerk of the committee, the necessary paperwork for the justification of the expenses as well as the role and responsibilities of the relevant bodies of the Assembly administration in managing the budget. Practically, the guidelines have proven to be effective and have helped the committees to be more efficient in hiring external expertise.

## *1.2. The database for experts and think tanks*

With the aim of increasing the efficiency of work in committees, in 2009 the Division for Committee Support took the initiative to develop a database of experts and think tanks. The database was considered necessary due to the fact that it offers the committees data on individual experts and think tanks on the areas under the jurisdiction of the committee.

The database was developed in cooperation with the National Democratic Institute (NDI), an organization that has continuously supplied committees with the names of external experts, mainly local, in the process of reviewing and amending draft-laws. The Division for



Committee Support aimed to include in prominent university professors and experts from different fields and think tanks in the database as well.

To develop the database, a public call was published to invite experts to submit their resumes. Think tanks, universities, and regional and international institutes were contacted to obtain their data as well. As a result of this process, the database initially included around 300 individual experts and over 230 think tanks and NGOs specializing in different fields. The experts were classified based on the scope of work covered by the committees. With the aim of simplifying the procedures for hiring external experts and increasing work efficiency, the Assembly Presidency decided that the database of experts will be considered an official list from which the committees can hire short term experts.

Based on Article 4 of the Guidelines for Administering the Committee Budget, in the beginning of each year, the committees update the database of experts and committee staff and MPs can propose new names of individual experts or think tanks to be added to the database. If during the mandate, the committee members propose potential new experts that have the necessary qualification to offer the expertise needed by the committee but are not on the data base, than with the decision of the committee, the committee clerk can include them on the list. Updating and maintaining the database are the responsibilities of the committee clerks.

### *1.3. The annual budget of the committee*

Aiming to fulfill the tasks and responsibilities with the highest efficiency, in 2009 the Assembly decided to allocate 20.000 Euro annually to the main committees and 10.000 euros to the standing committees. The budget of the committee is managed by the chair of the committee in close cooperation with the deputy chairs and committee clerk. The main budgetary expenses need to be foreseen in the annual work plan that the committee adopts in the beginning of the year, but it will be reviewed on a periodic basis to suit the needs of the committee.

The budget for the committees is mainly allocated to hire short term experts, organize public hearings, organize visits in public and state institutions, co-finance projects linked to the activities and duties of the committee, prepare and publish periodic bulletins and various publications that are related to the work of the committee.

The committee budget is managed based on the Guidelines for Administering the Annual Budget of the Parliamentary Committees, approved by the Assembly Presidency. The decision for spending the budget can only be made by the committee with a majority of votes after reviewing the proposals that could come by either the chairperson or members of the committee. The chair of the committee can allow

payments based on the annual financial plan of up to 100 (one hundred) Euro, without the decision of the committee.

The committee clerk is authorized to perform all procedural processes relating to the execution of the budget in cooperation with the Division for Budget and Payments of the Assembly. On a quarterly basis, the clerk informs the Division for Budget and Payments in writing of any expenditures from the annual budget of the committee. All documents related to expenditures of the committee budget should be signed by the committee chair.

## 2. PROCEDURES FOR ENGAGING INDIVIDUAL EXPERTS

Parliamentary committees have a range of external resources from which they can secure the necessary expertise for reviewing draft-laws, overseeing implementation of laws or reviewing governmental policies. Think tanks, civil society organizations, international institutions and organizations that operate in the country, as well as independent local or regional experts, are some of the main resources that committees can use to attain the necessary expertise.

Practice to date has shown that the parliamentary process for engaging individual experts is both procedurally simple and efficient. The current database for experts and NGOs contains a considerable number of data on individual experts of various fields. Even the procedures of hiring individual experts and the contractual aspects of that, especially those relating to timeframes, have shown to be appropriate for the nature of the work in committees.

### *2.1. Identification and selection of individual experts*

Based on the annual work plan and the number of draft laws that are referred by the Assembly to the committee, the latter determines the agenda and the draft laws that will be given priority for review. Depending on the importance and complexity of the issues covered by the draft-law, the committee decides what draft laws require the engagement of external experts. Despite the fact that the committee organizes public hearings or field visits, the expertise provided by external independent experts ensures a clearer picture of the contentious issues under consideration.

Once the committee decides the specific aspects of the draft law for which the expertise is needed, the process of identifying and selecting the expert begins. Referring to the database, the committee clerk, in consultation with the chair of the committee or the head of the committee working groups responsible for the draft law, identifies 3 to 5 candidates that are considered to have the necessary academic and professional background that matches the requirements of the committee.

The shortlist of candidates is put in the agenda of the next committee meeting, while the committee clerk explains to members of the committee the criteria for the selection process. Members of the committee review their academic and professional background and hold a vote, with the majority deciding on the candidate to be made an offer. To avoid delays and the repeating of the entire selection procedure should the first

candidate decline the offer, the committee selects a second candidate as an alternative.

The amount of compensation for experts is determined by the committee, depending on the work volume and subject content. The financial compensation for services provided by the expert is defined in articles 3, 4 and 5 of the Guidelines for Administering the Budget of the Parliamentary Committees.

The committee chair should aim at reaching consensus when making the decision for selecting the experts. In case of a disagreement by members of the committee, the selection of the experts is done by majority of votes of members present and voting. The formal decision for hiring the expert is made by the committee chair. The process of identifying and selecting the experts is sensitive and should be as transparent as possible to avoid situations where their findings and recommendations could be considered politically influenced.

## *2.2. Preparing the terms of reference*

Once it is decided to hire an external expert, the committee members emphasize the main aspects of the draft law where the expertise should be focused. At the same time, the committee decides on the duration and financial implications of hiring the expert. The committee clerk, in cooperation with the working group on the draft law, prepares the terms of reference, defines the duties and responsibilities of the expert, sets the deadlines for the work being done, and outlines the expert's financial remuneration.

In compliance with the committee's decision, the committee clerk contacts the expert to ensure that he/she does accept the committee's offer. If for any reason the first candidate does not accept, the then clerk contacts the second, alternate candidate that was previously selected by the committee. The clerk should demonstrate good negotiating skills to ensure that remarks and suggestions provided by the expert are taken into account, but do not exceed the framework set by the committee.

If the expert accepts the description of duties and responsibilities and the other aspects relating to the position, the clerk proposes the immediate signing of the terms of reference. The committee chair signs on behalf of the committee. Following the signing of the terms of reference, the committee clerk asks the expert for a copy of his identification and bank account. A copy of the terms of reference is kept by the committee, another copy by the expert, while another, together with the committee decision to hire the expert, is sent to the Division for Budget of the Assembly.



The terms of reference for hiring external experts are considered to be a standard document approved by the Assembly Committees. In cases where the scope of expertise requires specific arrangements that are not covered by the articles in the standard form, the committee clerk is required to consult with the Division for Budget and seek its approval before signing the terms of reference.

### *2.3. Preparing, submitting and presenting the expertise to the committee*

The expert is not obliged to attend meetings of the committee, but if he/she considers it necessary, the clerk enables them to attend whatever meetings necessary when the latter is reviewing the draft-law that they were hired for. At the same time the expert may participate in public hearings or field visits that are organized by the committee to collect information and data on the draft law.

Once the report is completed, the expert submits the final document to the committee clerk. The committee clerk informs the committee working group and a review of the document is placed on the next meeting agenda. The clerk informs the expert of the meeting date in written form.

The expert is obliged to appear before the working group on the set date and present the main findings and recommendations included in the document submitted. Committee members may ask questions and seek further clarifications regarding the observations and concrete recommendations. The purpose of allowing for MP questioning is to clarify possible dilemmas and uncertainties that could affect the decision making process during the preparation of the final report with amendments.

In subsequent meetings, the committee reviews once again the final recommendations provided by the expert and decides which recommendations could be transformed into amendments. The number of recommendations that the committee decides to include as specific amendments in the final report is an important indicator of the quality of expertise. A copy of the final document is kept in the committee files, while a copy is sent to the Assembly library.

### *2.4. Procedures for executing the payment*

After submitting and presenting the expertise in the committee, the chair of the committee, in cooperation with the clerk, conducts an overall assessment of the final product and assesses whether or not the expert met the terms of reference. Following this, the committee chair issues a confirmation letter to the Division for Budget which confirms



that the expert fulfilled their obligations and that the payment can be made. As proof, the confirmation letter is attached to the final document of the expertise presented in the committee.

*The following documents must be submitted to the Budget Division, by the Committee Clerk:*

- 1. Committee decision for engaging an expert;*
- 2. Terms of Reference;*
- 3. The confirmation letter for finalizing the expertise; and*
- 4. A copy of the expertise submitted to the committee, which should be signed by the expert.*

The total amount of funds approved by the committee for the hiring of an expert is executed by the Division for Budget, no later than 10 working days from the date when the confirmation letter was submitted. Since the external expert is considered a service provided to the committee, the Assembly will not have any tax obligations. Funds received by the expert for services provided to the committee should be subject to personal income tax, regulated by the applicable law. The Division for Budget is obliged to inform the committee clerk once the payment is executed.

The clerk completes the cycle of utilizing external expertise by gathering all relevant documents and archiving them in a designated folder. Finally, the clerk ensures that the database contains information that shows that the particular expert was hired by the committee and any additional information on the quality of the expertise that can be accessible by other committee staff.

## *2.5. Procedures in cases of co-financing of individual experts*

Since the establishment of the Assembly in 2001, committees were continuously supported by international institutions and organizations that were engaged in building capacities for analyzing and amending draft laws in committees. Since the budget available to committees is limited, co-financing expertise may be an alternative.

Therefore, at the beginning of each calendar year, the committee chair and the clerk hold separate meetings with organizations and institutions that support the work of the committee to discuss the possibilities for co-financing external experts. In some cases, the committee could sign memorandums of understanding to define the concrete support that would be offered to the committee for engaging external experts. By the end of this process, the committee would have a rough estimate of



the financial assistance that would be offered by these organizations throughout the year, which would be reflected in the annual work plan.

The committee should be able to identify the draft laws that fall on the scope of work and interest of these donor organizations, which will allow the committee to categorize its potential partners for co-financing expertise. The committee may also decide on a minimal percentage that other partner organizations should cover in cases of co-financing, while the details of these agreements will be decided in case by case basis.

During the identification and selection of experts in cases of co-financing, the co-financing organization or institution as a third party is engaged actively and gives recommendations for potential candidates as experts. In these cases the aim is to achieve consensus between the committee and the views of the supporting organization.

The third party (co-financer) also has an active role in setting the tasks and responsibilities of the expert and developing the terms of reference, through which the responsibilities of three parties are defined. In cases of co-financing, the terms of reference are signed by three parties: the committee chair, the expert and the co-financing party. The committee clerk manages the whole process and ensures that all parties have a copy of the package of document; meanwhile a copy is sent to the Division for Budget and Payments.

The process of preparing, submitting and presenting the expertise in cases of co-financing is the same as in cases of full financing by the committee, with the exception that the third party (the co-financer) is continuously informed on the progress of the process and is invited to take part in working group or committee meetings when the expertise is presented. The procedures for the financing of the share that is covered by the partner organization or institution could be defined also in the Agreement for Cooperation with the Assembly and it is not necessarily the subject of procedures set by the Guidelines for Administering the Budget of the Parliamentary Committees.

The committee clerk ensures that all relevant documents regarding the expertise are placed in a particular folder and are sent to all parties. At the end of the process, the chair, on behalf of the committee, sends an official letter to the partner organization through which it expresses gratitude for the financial support provided in co-financing the expert.

### 3. UTILIZATION OF EXPERTISE PROVIDED BY THINK TANKS AND NGOs

There is an increasing tendency among the parliaments of western governments to outsource expertise to either think tanks or NGOs. This progressive tendency is also visible in the Assembly of Kosovo over the past few years. In this context, contracting services through local institutes is a novelty for the Assembly of Kosovo and should be considered as a good opportunity to increase work efficiency.

The services of non-governmental entities are offered through two main initiatives: civil society initiatives and private initiatives. The main difference, which is important for this manual, refers to the nature of the non-governmental institutions in their definition as “profitable” and “non-profitable”. In this manual, the emphasis is put on the think tanks that are non-profitable and that belong to the civil society sector. Profitability is not the main goal of these institutes, but they are instead focused on the creation and promotion of a range of values for the good of society. In this case, it is important to identify non-governmental initiatives that have developed and advanced their profiling to that extent and which through their expertise could have an impact in policy development and decision making. By engaging professional local institutions, the Assembly of Kosovo could achieve two main goals: one, to enhance work efficiency and two, increase the transparency of the decision making process and legislative review process by the Assembly.

Institutes not only work to provide the contracted service but also to promote themselves and the quality of work they can provide. Moreover, gaining more knowledge on Assembly work and working with MPs, institutes would have the opportunity to promote Assembly work and promote a positive public image. In most cases, the Assembly could obtain professional expertise from these institutes, without any financial cost or with minimal cost, but only through partnerships and the building of mutual trust. In recent years, the Assembly has started to apply this practice more often and has managed to obtain more information from different perspectives during the law making process.

Another way of obtaining professional expertise is through the contracting of think tanks, whose expertise can be very valuable for the committees. These institutes could be registered legal entities, who have adequate professional capacity in specific fields and could be available to the parliamentary committees. Their services could be obtained in the form of consultancies through written agreements or contracts.

Moreover, building partnerships with these institutes is useful not only in the amendment stage but also in later implementation stages. Since the work of these organizations is focused in specific fields, they

could provide useful information to identify potential obstacles in implementation and help the committees in their oversight function.

### *3.1. Types of services provided through think tanks*

The commitment of parliaments to adopt good quality legislation, implementable in practice, raises the need to obtain the professional and credible expertise that often can only be provided by think tanks. Identifying and sorting these institutes is the first phase that the parliamentary committees need to work on. In the group of institutes that belong in this category are organizations that have capacities and professional staff that could offer specific and professional expertise in certain fields. Thus they have a certain profile and are considered competent within their scope of work.

Each committee should include in their experts database all institutes and non-governmental organizations specialized in the field covered by the committee. The chair of the committee and especially committee officers should build good relations with these subjects, with the aim of using their services during the process of reviewing legislation as well as monitoring the implementation of laws in practice.

As it has already been mentioned previously in this manual, the nature of expertise required by parliamentary committees is specific and requires human resources specialized in certain fields. Since identifying experts could be a difficult task, contracting think tanks could provide expertise in a very short time.

The committees could contract institutes to offer:

- research and policy analysis;
- financial analysis, including estimates of financial impact of draft-laws;
- research to assist the implementation or monitoring the laws;
- drafting legal provisions and amendments to draft-laws;
- legal advice and legal analysis;
- approximation of laws with EU legislation;
- policy briefings on topics of policies that relate to legislative agenda of the Assembly; etc.

These services could be obtained by the committees by establishing contractual relations with think tanks. The funds allocated for parliamentary committees could be used for this goal, as well as following the procedures defined in the Guidelines for Administering the Budget of the Parliamentary Committees.

### *3.2. Procedures for engaging think tanks*

Procedures for contracting think tanks are not that different from those for individual experts, explained above. The only difference that exists has to do with the contracting party. In this case the contracting party is not the physical person but a legal entity. The institutes are usually registered as legal entities and operate as such. The main benefit in contracting services from an institute has to do with the quality and 'quantity' of the service offered. In cases when an individual is contracted to provide services, the maximum that could be offered is the maximum of knowledge, skill and the work itself that the person has capacity to offer.

On the other hand, from the moment an institute is contracted, the expertise that could be obtained is much larger and vaster, not only in terms of 'quantity' but also in terms of 'quality'. Contracting an institute offers not only the expertise of an individual but the expertise of the whole institute, including all the experts that it contains or that could work for it. Thus the responsibility for the quality and quantity of the offered expertise is twofold, individual and 'institutional'.

### *3.3. The procedures for co-financing institutes/NGOs*

With the aim of increasing efficiency and establishing standard forms, the co-financing procedures do not differ much from the procedures of contracting independently by the committee. By now the Kosovo Assembly has established sustainable partnerships with organizations, mainly international ones that are ready to assist the Assembly and the parliamentary committees to discharge with efficiency their constitutional responsibilities. Within the framework of their programmers, these organizations not only provide support through their staff but have also foreseen support through co-financing. Conditions and forms of co-financing, including the proportion of the cost of services covered, should be part of the agreement between the committees and organizations that are willing to co-finance, always respecting applicable laws and regulations.

With the aim of increasing the efficiency of the work of the committee, the committee chair and clerk should hold regular joint meetings with partner organizations. The aim of this meeting should be discussing and finding ways of cooperation and better coordination to cover services through co-financing, which the committee might need through think tanks. A prior consent would help the committees to easily prepare the annual expenditure plan of spending the committee budget.

The process of selecting the institutes that need to be contracted is also similar to the process of selecting the individual experts through co-financing. The final decision for selection belongs to the committee;



however the organization that takes part in co-financing should be included actively throughout the process. The partner organization should also take an active part in defining the terms of reference for the contracted organization or institute.

Meanwhile, the committee clerk is responsible for respecting administrative procedures foreseen by the Guidelines for Administering the Budget of the Parliamentary Committees. An exception could be the part of procedures covering the payment by the partner organization since it will not necessarily follow the same procedures as the Assembly.



## 4. Appendix



## 1. Guidelines for Administering the Annual Budget of Parliamentary Committees



**Republika e Kosovës**  
Republika Kosovo - Republic of Kosovo  
*Kuvendi - Skupština - Assembly*

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### GUIDELINES

### FOR ADMINISTERING THE ANNUAL BUDGET OF PARLIAMENTARY COMMITTEES

Prishtina, April 2011



The Presidency of the Assembly,

In accordance with articles 15, 62.3 and 65.3 of the Rules of Procedures of the Assembly of Republic of Kosovo, during the meeting held on April 19, issues:

## **Guidelines for Administering the Annual Budget of Parliamentary Committees**

### **Article 1 Goal**

These Guidelines define the administration of the annual budget of parliamentary committees (further committee).

### **Article 2 Scope**

These Guidelines define the procedures for utilization of the annual budget of the committees for the following activities:

- a) External expertise,
- b) Committee hearings,
- c) Oversight activities,
- ç) Activities of committee working groups out of the Assembly building (Within the country),
- d) Inter-parliamentary relations.

### **Article 3 Planning and administering the budget in the committee**

1. In the beginning of the year, after the approval of the Law on Budget and the annual work plan, the Committee prepared its annual financial plan, for financing activities of the committee throughout the year.
2. Any amendment to the annual financial plan shall be approved by the committee.
3. The Committee Chairperson, in cooperation with Deputy Chairs and the Clerk is responsible for administering the annual budget.
4. The Committee Chairperson, in accordance with the annual financial plan may approve payments, up to 100 Euro, without consulting the committee. The total amount of funds approved by the Chairperson shall not exceed 500 Euro, annually. All payment above 100 Euros shall be approved by the Committee.



5. All payments are made through banking transfer by the Division for Budget and Payments.
6. In quarterly basis, the Committee Clerk informs in writing the Division for Budget and Payments for expenditures of the committee.
7. The Committee Chairperson shall be sign all documents related to expenditures of the committee budget.

#### **Article 4 External Expertise**

1. In the beginning of the year, the committee may review and update the existing list of experts. If during the mandate, members of the committee propose to engage an expert that is not in the data base, the committee may decide to so by the majority votes of member present.
2. Referring to the database, the committee working group in consultation with the committee chairperson and the clerk identifies 3 to 5 potential candidates and presents them to the committee.
3. The committee shall select two potential candidates, in order to not repeat the procedure in case the first candidate does not accept the offer to provide the expertise.
4. The committee clerk in cooperation with the committee working group and the Chairperson prepares the terms of reference, defining the duties and responsibilities of the expert, the deadlines for submitting the expertise to the committee and financial remuneration. Once the offer is accepted, the ToR is signed by the expert and the Chairperson.
5. The expertise is considered completed once it is introduced and approved by the Committee. Then, the committee chair issues a confirmation letter to the Division for Budget through which confirms that the expert fulfilled its obligations as defined in the terms of reference. The decision for engaging the expert, terms of references and the confirmation letter are submitted to the Budget and Payment Division, in order to execute the payment.

#### **Article 5 Financial remuneration for external expertise**

1. The ceiling of the funds allocated for external expertise is determined by the committee upon taking the decision for engaging external experts, depending on the content and the volume of the draft laws, reports etc.
2. Financial remuneration for providing expertise in the committee is based on working days, as follows:

1-5 working days,	50 € per day
1-10 working days	40 € per day
Over 10 working days	35 € per day

3. Financial remuneration specified in paragraphs 1 and 2 of this article, cannot exceed the amount of 800 Euros, for one expertise.

### **Article 6 Committee Hearings**

Expenditures for hearings organized in the Assembly building and in the field, shall be covered by the annual budget of the committee. Drinks, refreshments, reservations of facilities, and technical equipments are among expenditures covered by the committee budget.

### **Article 7 Committee oversight activities**

The committee utilizes funds from the annual budget to cover all expenditures related to oversight activities such as: monitoring implementation of government policies and programs, monitoring implementation of laws, field visits and oversight of independent institutions. Drinks, refreshments, reservation of facilities and technical equipments are among expenditures covered by the committee budget, during the oversight activities.

### **Article 8 Committee working group activities out of the Assembly building**

When working groups decide to work out of the Assembly building, with the approval of the committee, refreshments and drinks are covered by the committee budgets. When the working group works more than one day out of the Assembly, the accommodation is also covered by the committee budget.

### **Article 9 Inter-parliamentary relations**

1. Expenses for activities related to inter parliamentary cooperation, specified in article 74 of the Assembly Rules of Procedures, are not covered by the committee budget.
2. Expenditures outlined in paragraph 1 of this article, are covered with a decision of the Assembly Presidency.



## **Article 10** **Justification of expenditures**

1. In order to justify the expenditures specified in articles 6, 7, and 8, the committee clerk shall prepare the report on expenditures, which includes list of participants, agendas and. Invoices, and is signed by the committee chairperson.
2. Documents specified under paragraph 1 of this article, shall be submitted to the Division for Budget and Payments, no later than (5) working days after the end of the activity.

## **Article 11** **Co-financing**

1. The committee may seek co-financing opportunities from organizations and institutions that support the Assembly for all activities outlined in these Guidelines.
2. When co-financing expertise, organizations that provide financial support, shall have a say in selection of the experts and preparation of the terms of reference.
3. Terms of reference shall be signed by the committee chairperson, authorized representative of the organization/institution providing financial support and the expert.
4. The payment is made in accordance with the agreement, while the committee shall cover only its part in accordance with article 5 of these Guidelines.
5. The procedures for financing the part covered by the organization/institution providing financial support, can be determined by Memorandums of Cooperation with the Assembly, and is not necessarily subject to procedures specified by these Guidelines.

## **Article 12** **Entry in force**

1. These Guidelines enter in force the day of approval by the Presidency of the Assembly of Republic of Kosovo.
2. Entry to force of these Guidelines repeals the decision of the Assembly Presidency Nr. Nr. 03-V-259, approved on March 1, 2010, for compensation of external experts hired by committees.

**Prishtina, April 19, 2011**

**President of the Assembly,**

**Dr. Jakup KRASNIQI**

## 2. The standard form of the decision to engage experts



**Republika e Kosovës**  
Republika Kosovo - Republic of Kosovo  
*Kuvendi - Skupština - Assembly*

### 4th Legislature

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The committee for \_\_\_\_\_, based on Article 62.3 and 65.2 of the Rules of Procedure of the Assembly and Article 4 of the Assembly Presidency Guidelines for Administering the Budget of the Parliamentary Committees, and with the recommendation of the working group, takes this:

### DECISION

1. Mr/Ms. \_\_\_\_\_ is engaged as an external short term expert for the draft-law on \_\_\_\_\_.
2. The working group and the clerk should prepare the terms of reference within \_\_\_\_ working days, where the responsibilities, compensation terms and the deadline for submitting the expertise are defined.

Decision no. \_\_\_\_\_

Date: \_\_\_\_\_

**Committee Chairperson,**

\_\_\_\_\_

The decision should be submitted to the Division for Budget and Payments.

### 3. The standard form of terms of reference



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Republika Kosovo - Republic of Kosovo  
*Kuvendi - Skupština - Assembly*

#### 4th Legislature

Based on Article 4 of the Assembly Presidency Guidelines for Administering the Budget of the Parliamentary Committees and committee decision no. \_\_\_ for engaging the external expert, the committee proposes the:

#### **TERMS OF REFERENCE**

**Subject:** Expertise for the draft-law on \_\_\_\_\_

**Expert:** \_\_\_\_\_

Address:

Date of Birth:

Tel:

E-mail:

#### **I. Duties and responsibilities of the expert**

1. Provide detailed review and analysis of the draft-law and recommendations for amendments-improvements.
2. The report with recommendations (the expertise) should be submitted to the working group or the committee in writing.
3. The report (expertise) should be presented and defended before the working group or the committee.
4. The expert is obliged to take part in the legislative hearing that is organized by the committee on the draft-law.

## **II. Responsibilities of the committee**

1. The committee is obliged to offer the draft law and all other relevant materials to the expert to prepare the expertise.
2. The expert is given the opportunity to participate in the working group meetings, field visits and other activities relating to the draft-law.
3. During the preparation of expertise, the committee offers the necessary information and suggestions upon the request of the expert.

## **III. Financial compensation for the expertise**

1. For conducting and submitting the expertise, based on the conditions set in this document, the expert is compensated with \_\_\_\_ EURO.
2. The financial compensation is done for \_\_\_ working days.
3. The financial compensation to the expert is done within the deadline set by law from the Division for Budget and Payments.
4. The payment is done through a bank transaction.
5. All tax obligations and other payments applied to the service contracts will be done based in Kosovo applicable law.
6. The committee will not cover expenses incurred for travel, meals or per-diem for the activities of the expert during the completion of expertise.

## **III. Submitting the expertise in the committee**

1. The final report of the expertise with concrete recommendations should be submitted in writing to the committee before 00.00.2011.
2. The expertise submitted to the committee is intellectual property of the expert and the Assembly, and cannot be used for other purposes without prior authorization of both parties.

The parties agree with the conditions defined in this document:

Expert

\_\_\_\_\_

Committee Chairperson

\_\_\_\_\_

Pristina. \_\_\_\_\_2011.



## 4. Standard form of the confirmation letter



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**  
*Kuvendi - Skupština - Assembly*

### 4th Legislature

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**To:** Mr. \_\_\_\_\_, Head of Division for Budget and Payments,  
**From:** Mr/Ms \_\_\_\_\_ Chair of the Committee for \_\_\_\_\_  
**Subject:** Confirmation of completion of expertise  
**Date:** \_\_\_\_\_

Based on the decision of the committee no \_\_\_\_, for engaging the external expert, I confirm that Mr/Ms \_\_\_\_\_, completed the expertise for the draft-law on \_\_\_\_\_ and submitted it to the committee, based on the conditions and the deadline defined in the terms of reference.

The Division for Budget and Payments is authorized to execute the payment for the amount defined in the terms of reference and the provisions stipulated in the Guidelines for Administering the Budget of the Parliamentary Committees

Attached, you will find a copy of the expertise submitted to the committee.

**Committee Chairperson**

\_\_\_\_\_



## 5. The standard form of the decision to engage experts - Co-financing



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**  
*Kuvendi - Skupština - Assembly*

### 4th Legislature

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The committee for \_\_\_\_\_, based on Article 62.3 and 65.2 of the Rules of Procedure of the Assembly and Article 4, 5 and 11 of the Assembly Presidency Guidelines for Administering the Budget of the Parliamentary Committees, and with the recommendation of the working group, takes this:

### DECISION

3. Mr/Ms. \_\_\_\_\_ is engaged as an external short term expert for the draft-law on \_\_\_\_\_.
4. The working group, committee coordinator and the representative of co-financing organization are in charge to prepare the terms of reference within 3 working days, where the responsibilities, compensation terms and the deadline for submitting the expertise are defined.
5. The engagement of the external expert is co-financed by \_\_\_\_\_ ( the name of co-financing organization) in accordance with Article 11 of the Assembly Presidency Guidelines for Administering the Budget of the Parliamentary Committees

Decision no. \_\_\_\_\_

Date: \_\_\_\_\_

Committee Chairperson,

\_\_\_\_\_

The decision should be submitted to the Division for Budget and Payments.

## 6. The standard form of terms of reference - Co- financing



Republika e Kosovës  
Republika Kosovo - Republic of Kosovo  
*Kuvendi - Skupština - Assembly*

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Based on Article 4,5 and 11 of the Assembly Presidency Guidelines for Administering the Budget of the Parliamentary Committees and committee decision no. \_\_\_ for engaging the external expert, the committee proposes the:

#### TERMS OF REFERENCE

**Subject:** \_\_\_\_\_

**Expert:** \_\_\_\_\_

Address:

Date of Birth:

Tel:

E-mail:

#### I. Duties and responsibilities of the expert

5. Provide detailed review and analysis of the draft-law and recommendations for amendments-improvements.
6. The report with recommendations (the expertise) should be submitted to the working group or the committee in writing.
7. The report (expertise) should be presented and defended before the working group or the committee.
8. The expert is obliged to take part in the working group meetings, if requested. Also, if requested, he should take part in the legislative hearing that is organized by the committee on the draft-law.

## II. Responsibilities of the committee

4. The committee is obliged to offer the draft law and all other relevant materials to the expert to prepare the expertise.
5. The expert is given the opportunity to participate in the working group meetings, field visits and other activities relating to the draft-law.
6. During the preparation of expertise, the committee offers the necessary information and suggestions upon the request of the expert.

## III. Financial compensation for the expertise

7. For conducting and submitting the expertise, based on the terms set in this document, the expert is compensated with \_\_\_\_ EURO.
8. The financial compensation is done for \_\_\_\_ working days. From the committee budget will be compensated \_\_\_\_ working days in amount \_\_\_\_ euro, while, the other part in amount of \_\_\_\_ euro will compensated by \_\_\_\_\_ (co-financing organization)
9. The financial compensation to the expert is done within the deadline set by law from the Division for Budget and Payments and also \_\_\_\_\_ (co-financing Organization)
10. The payment is done via bank transaction in the account \_\_\_\_\_, bank: \_\_\_\_\_
11. All tax obligations and other payments applied to the service contracts will be done based in Kosovo applicable law.
12. The committee will not cover expenses incurred for travel, meals or per-diem for the activities of the expert during the completion of expertise.

## III. Submitting the expertise in the committee

3. The final report of the expertise with concrete recommendations should be submitted in writing to the committee before \_\_\_\_\_
4. The expertise submitted to the committee is intellectual property of the expert and the Assembly, and cannot be used for other purposes without prior authorization of both parties.

The parties agree with the conditions defined in this document:

Committee Chairperson

\_\_\_\_\_

Expert

\_\_\_\_\_

Authorized Representative of Co-financing organization

\_\_\_\_\_

Pristina, \_\_\_\_\_ 2011



## 7. Standard form of the confirmation letter - Co-financing



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**  
*Kuvendi - Skupština - Assembly*

### 4th Legislature

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**To:** Mr. \_\_\_\_\_, Head of Division for Budget and Payments,

**From:** Mr/Ms \_\_\_\_\_ Chair of the Committee for \_\_\_\_\_

**Subject:** Confirmation of completion of expertise

**Date:** \_\_\_\_\_

Based on the decision of the committee no \_\_\_\_, for engaging the external expert, I confirm that Mr/Ms \_\_\_\_\_, completed the expertise for the draft-law on \_\_\_\_\_ and submitted it to the committee, based on the conditions and the deadline defined in the terms of reference.

The Division for Budget and Payments is authorized to execute the payment for the amount defined in the terms of reference and the provisions stipulated in the Guidelines for Administering the Budget of the Parliamentary Committees. Part of the compensation covered by the co-financing organization shall be paid in accordance with the terms of reference.

Attached, you will find a copy of the expertise submitted to the committee.

**Committee Chairperson**

\_\_\_\_\_

## 8. The standard form of the annual budget plan of the committee

### Committee for ... - Annual budget plan<sup>1</sup>

Month	Committee Activity [Listed according to the work plan]	Expense description	Note	Amount in Euro
January	1	Activity 1		
	2	Activity 2		
	3	Activity 3		
	4	Activity 4		
	5	Activity ...		
<b>Subtotal:</b>				
February	1			
	2			
	3			
	4			
	5			
<b>Subtotal:</b>				
March	1			
	2			
	3			
	4			
	5			
<b>Subtotal:</b>				
...	1			
	2			
	3			
	4			
	5			
<b>Subtotal:</b>				
<b>Subtotal:</b>				
<b>Total:</b>				

<sup>1</sup>[This plan is attached as an appendix to the annual work plan of the Committee, which can be adopted simultaneously by the Committee]





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