

Project Fiche – IPA National programmes / Component I

1 IDENTIFICATION

Project Title	<i>Support to Civil Service Reform</i>
CRIS Decision number	<i>2012/023-036</i>
Project no.	<i>5</i>
MIPD Sector Code	<i>1. Public Administration Reform</i>
ELARG Statistical code	<i>01.36 – Political criteria</i>
DAC Sector code	<i>15110 - Public sector policy and administrative management</i>
Total cost (VAT excluded) ¹	<i>1.890.000 (1.89 million Euro)</i>
EU contribution	<i>1.800.000 (1.8 million Euro)</i>
Management mode	<i>Centralised</i>
EU Delegation in charge	<i>The Delegation of the European Union to Albania</i>
Implementation management	<i>Name and contact of project manager:</i> Mrs. Blerta Selenica, Director of the Department of Public Administration, Ministry of Interior Address: Department of Public Administration, Ministry of Interior E-mail: blerta.selenica@moi.gov.al, Tel Office: +355 4 2228 498, Mobile: +355 68 2013644 <i>Second contact person:</i> Denada Kakeli Project Coordinator E-mail: denada.kakeli@moi.gov.al Tel: +355 4 2235 937
Implementing modality	<i>Stand-alone project: one twinning</i>
Project implementation type	<i>C01 - Project-type interventions</i>
Zone benefiting from the action(s)	<i>Albania</i>

¹ The total project cost should be net of VAT and/or of other taxes. Should this not be the case, clearly indicate the amount of VAT and the reasons why it is considered eligible.

2 RATIONALE

2.1 PROJECT CONTEXT: ISSUES TO BE TACKLED AND NEEDS ADDRESSED

The improvement of public administrative capacities in Albania represents one of the key criteria for EU membership. The overall objective of the PAR process is that Public Administration in Albania complies with the principles of the common ‘European Administrative Space’.

The first attempts for establishing a civil service in Albania started in 1996 with the approval of the first law on civil service. Unfortunately due to a number of reasons, like lack of experience, lack of capable institutions to manage the law, inclusion within the scope of law of a large number of employees and above all lack of clear political will in this regard, the institutions included in this law were never operable and a proper civil service was never established. At the end of 1999 the “Status of the Civil Servant” (law no. 8549, /1999) was approved. It was prepared with the assistance of SIGMA, the World Bank and the OSCE and put the milestone for the establishment of a civil service based on the principles of equal chances for entering civil service, professionalism and political impartiality.

It complies with many of the generally-accepted European standards and principles, but these principles were not fully embraced by the relevant Albanian political and administrative actors. Subsequently, in the period 1999-2002 the legislation was completed through detailed secondary regulations; the Department of Public Administration, DoPA (the central policy and management unit) was strengthened and a Civil Service Commission (reporting to the Assembly) was established to deal with the functions of appeal resolution and the supervision of compliance with the civil service legislation.

In 2009 the Albanian Government approved, the Inter-sectorial Strategy for Public Administration Reform 2009-2013² referred to as SNRAP. Together with the analysis and recognition of the “problems” in the civil service reform and law enforcement, the SNRAP establishes as one of its strategic objective the creation of a professional, stable, effective and accountable civil service. In pursuit of the EU and national objectives, the Albanian government has undertaken a number of legislative amendments.

The current project will assist DoPA and Line Ministries in implementing the new legal framework which is expected to be in force by 2012/2013, namely: the New Civil Service Law, and the New Law on Administrative Procedures, through the adoption of more democratic and efficient administrative procedures which will help make the civil servants more efficient and administrative decision making more predictable. The amendments proposed for the new Civil Service Law mainly addresses the following:

- Extending the scope of the law Status of the Civil Servant: inclusion in the scope of civil service legislation, institutions depending on the line ministers or the Prime Minister, Office of the Prefect, the administration of municipalities which currently are not part of the Civil Service Legislation.
- Pool Recruitment: The new law proposes that candidates for “entry level” positions in the civil service should be selected through a group testing (one or two per years)

² Inter-sectorial Strategy of Public Administration reforms 2009-2013, within the framework of the National Strategy for Development and Integration

aimed at composing one or more pools with candidates who meet the general recruitment conditions and the specific ones for being recruited to positions with similar requirements and responsibilities in a ministry or institution. The successful candidates will be eligible to be appointed as civil servants. They may stay in the pool for a maximum stand-by period of 2 to 3 three years. Once this period ends the right to be recruited elapses as well.

- The establishment of a senior civil service corps. This corps will need a specific employment legal regime and managerial instruments and it should be based on the merit principle. Therefore recruitment to this corps will be carried out through a group testing handled by a national committee made up of individuals with a reputation and a long experience in the field who will rotate in an apportioned way, i.e. the members are renewed partially every year. The appointment to the senior civil service will be open, as a rule, to civil servants only and it will be carried on in a case by case basis.
- Mobility The new civil service law provisions of rotation and transfer as the instruments of mobility and of career enhancement. The legal framework for horizontal mobility will recognize rotation as one of the instruments of mobility and, in addition, it will clarify further the principles of application of secondment and transfer within and across public institutions.
- Rotation (mainly within the institution but also across institutions) will be added to the instruments of mobility at the disposal of the institution. It will be temporary (3-6 months over a period of 2-4 years) and aims to enable the civil servants to work in different similar positions and understand better the way the institutions works. It will only refer to horizontal mobility of a civil servant to a position with similar functions and with (in most cases) the same class. The rotation will be based upon the initiative of the respective institution (based on an internal human development plan) or upon request of the respective civil servant. In cooperation with different institutions, DoPA will approve plans for rotation across the civil service. If a senior civil service is established, rotation every three or five years will be compulsory for those who belong to the senior civil service corps.
- Transfer and secondment: transfer and secondment will also refer only to the horizontal mobility of a civil servant to a position with similar functions and with (in most cases) the same class in the same or a different institution.

Through the above mentioned changes the aim is to upgrade and align the civil service system with European standards and best practices in the following areas:

- a) Strengthening the unity and homogeneity of the employment regime of the civil service;
- b) Strengthening the merit principle in recruitment;
- c) Enhancing the mobility and career development within the civil service, by giving priority to existing civil servants.

Furthermore, the draft law on the New Civil Service Legislation foresees under the Civil Service System also the institutions which are subordinate to the line ministers, the Prime Minister Office, Office of the Prefect and the administration of municipalities.

Therefore, the inclusion of these institutions will subsequently increase number of civil servants and the needs for training, capacity building for DoPA, Training Institute of Public

Administration and all the public administration institutions at large in relation to implementing the new law and all the relevant secondary legislation.

IPA 2012 project will support Albania in the creation of a stable, impartial public administration, capable to cope with the EU undertaken obligations and law commitment implementation.

2.2 LINK WITH MIPD AND NATIONAL SECTOR STRATEGIES

MIPD 2011-2013

Efficient and effective public administration is crucial to fulfil the Copenhagen membership criteria and has a key role to play in improving governance through more stable institutions and in implementing the anti-corruption agenda. Overall, public administration reform is far-ranging in terms of objectives and aspects to be dealt with. It is a multi-faceted, multi-disciplinary process, which is interrelated with many other sectors linked to the enlargement agenda. Support to public administration and governance will therefore continue to be a priority as far as the IPA Instrument is concerned.

One of the specific objectives according to the MIPD is to *"Support the development and implementation of a properly costed public administration reform, which shall ensure that recruitment, appointments, promotion, transfers and dismissals are conducted according to the established rules in order to build an accountable, efficient civil service, based on professional career development criteria"*.

National Plan for Implementation of SAA

The project is in line with a number of relevant legislative initiatives and implementing activities have been foreseen, especially the ones related to amendment of civil servant law and improving the human resources procedures.

Link with the National Strategy for Development and Integration, NSDI

The National Strategy for Development and Integration 2007-2013 (NSDI) foresees as its strategic priorities the strengthening of effective structures and deepening of civil service reform by improving the relevant legislation. Furthermore, the government objectives are linked to the improvement of human resources management system and the implementation of remuneration schemes for civil servants.³

Cross-cutting Strategy for Public Administration Reform

The project is also in line with the Cross-cutting Strategy for Public Administration Reform, under the National Strategy for Development and Integration, NSDI, approved by the Council of Ministers no. 1017, dated 18.09.2009 and its Action Plan that address the shortcomings in the functioning of public administration and its implementation is being closely monitored by (DoPA). This project will embody the implementation of the priorities defined in the Intersectorial Strategy of Public Administration Reform, 2009 – 2013, that foresee the establishment of a sustainable and professional administration that can handle tasks in a small

³ NSDI 2007-2011, Modernisation of Administration, pg. 39

but effective way, based on a decision-making processes, transparent, inclusive and accountable to the public.

2.3 LINK WITH ACCESSION PARTNERSHIP (AP) / EUROPEAN PARTNERSHIP (EP) / STABILISATION AND ASSOCIATION AGREEMENT (SAA) / ANNUAL PROGRESS REPORT

The proposed project is in line with the obligations deriving from the **Stabilization and Association Agreement**, especially with article 111 “Public Administration”.

The project will assist to achieve the mid-term priorities which reflect the need to introduce results-oriented management and training for civil servants, as foreseen in the **European Partnership**.

The project is in line with the recommendation given by the **European Commission for Albanian in 2011 Progress Report**, where it is stated that “despite some reform measures such as the Council of Ministers decision on structure and organisation of public bodies of June 2011, essential steps in public administration reform, which is a key priority of the Opinion, including amendments to the civil service law, have not been completed. Adoption of relevant legislation is pending and contingent on overcoming the persistent political stalemate. Implementation of the existing laws and administrative acts remains weak. Establishing an independent, merit-based and professional civil service free from political interference has yet to be achieved⁴”.

2.4 PROBLEM ANALYSIS

The development of a modern and professional civil service is a major objective of the Government of Albania, in order to attract, retain and motivate the personnel needed for an effective public administration, which is yet to be achieved. After a first period of moderate success in initiating the development of a professional civil service and in improving the quality of work of the public administration, further progress on civil service reform and the enforcement of the civil service legislation proved to be difficult, unstable and “remained problematic.”⁵

The main problems, as identified by several assessments, might be summarized as follows:

- a) Non-merit based recruitment (mainly because of the use of temporary contracts and the lack of transparency and accountability in appointments⁶);
- b) Politicization and instability (reflected in “politically motivated turnover⁷”); and
- c) Poor management and control over the civil service law enforcement.

The Albanian Government has explicitly recognized the problems and the need for a professional, impartial and efficient civil service as well as the importance of a civil service reform. The aims of this latter should be to increase the state’s capacity and reliability to

⁴ Albania 2011 Progress Report, 2.1 Public Administration Reform, pg.9

⁵ Albania 2011 Progress Report, 2.1 Public Administration Reform, pg.9.

⁶ Communication from the commission to the European Parliament and the Council “Enlargement strategy and main challenges 2009-2010” Brussels, 14.10.2009 com (2009) 533, pg. 22;

⁷ Albania 2011 Progress Report, 2.1 Public Administration Reform, pg.9

continue the country's development and modernization of the economy and society as well as to prepare Albania for EU accession and subsequent membership.

In relation to the recent developments for improving the legal framework in Public Administration Reform, during 2010 – 2011, DoPA with the support of SIGMA experts has prepared a draft-law on a New Civil Servant Law which was consulted with all relevant stakeholders and interested parties.

The amendments addressed by the New Civil Service Draft-Law, aim to upgrade and align the civil service system with European standards and best practices in the following areas:

- a) Strengthening the unity and homogeneity of the employment regime of the civil service;
- b) Strengthening the merit principle in recruitment;
- c) Enhancing the mobility and career development within the civil service.

A policy paper on a new Law on Organisation and Functioning of the State Public Administration and a draft of this new law were also prepared and communicated to stakeholders within the public sector in 2011. These documents are waiting to be approved. Lastly also a new Law on General Administrative Procedures has been prepared and the final draft presented (2011) making the law ready for approval by Parliament.

Support for the implementation of the mentioned laws will therefore be provided in the framework of this IPA 2012 project subject to the adoption of the new Laws by the Parliament in 2012. Assistance in this area will help Albanian public administration, strengthen its capacities and prepare for accession to the European Union, by bringing its institutions, management capacity and administrative systems up to the standards that will ensure the effective implementation of the EU acquis.

2.5 LINKED ACTIVITIES AND DONOR COORDINATION

CARDS support for administrative capacity building has been significant in the period 2001-2004, with a total investment of more than € 28 million. Assistance has been directed to a range of public administration functions, including, inter-alia, internal and external audit, taxation and customs, public procurement, competition and state aid, statistics, and direct support to the Department of Public Administration in charge of the implementation of the civil service law.

The World Bank has been the other main donor in the area of public administration reform through the provision of an \$8.5 million credit over the period 2001-2004. The Programme components have included support to public expenditure management, human resource development and policy formulation and coordination. Other donors include UNDP and GTZ. The Organization for Security in Europe (OSCE) has been providing technical support to officials of the Parliament as well as to members of selected Parliamentary Committees.

- During 2006 DoPA was supported by the World Bank (PARP) on “Management and Organization of Subordinate Institutions” The project aim was to assist the government to develop a strategy and to improve management and execution of government functions through core of government and subordinate agencies.
- However, the project’ was not completed due to the not satisfactory performance of the consulting team which carried out the activities not according to ToR requirement. During 2008 DoPA was assisted by the World Bank on the project “Review of the

Implementation of Civil Service Legislation”. The Government of Albania agreed with the World Bank, to undertake a review of implementation of that CSL, in order to better understand both why progress on some of the objectives of that law has proven particularly difficult, as well as why setbacks have occurred.

The recommendations delivered with the final report of the project, were used by DoPA and SIGMA experts as a basis for the process of drafting the policy paper and the draft on a new civil service law.

During 2009 - 2011, DoPA was supported by the project "Support to the Albanian Civil Service/Department of Public Administration, funded by IPA 2008 and GiZ. The project supported Public Administration Reform by carrying out a functional assessment of the DoPA's management structure with recommendations to make the reform process sustainable and enforce the implementation of the Civil Service Law.

Under this assistance a Draft-law on the Functioning of the Public Administration was developed, in terms of the functioning of the institutions of the executive which aims to set rules and standards similar to:

- Provide a general legal framework for the organisation of the State administration that can and must be used for all sectors of the State activity, and avoid the development of ad-hoc solutions that result in fragmentation, coordination problems and waste of resources;
- Reinforce the accountability of top civil servants through a clear structure that facilitates the assignment and identification of responsibilities;
- Work out basic principles for the operation of public administration units, In order to direct all leaders, when performing their tasks, according to “good administration” requirements.

In addition, under this project a Council of Ministers’ Draft-decision was drafted, on the methods of building institutions in terms of structure and organization (including line ministries, subordinate institutions of the council of ministers, or of line ministers, as well as independent institutions).

This project also assisted DoPA in the preparation of Manuals for Human Resources Management in Albania’s Public Administration.

As a conclusion, the crucial areas related to civil service reform that need further strengthening and support are as follows:

- PAR Strategy implementation
- Civil service management
- Organization and functioning of the public administration
- Human Resources Management Information System
- Administrative procedures
- Improve/review secondary legislation;

2.6 LESSONS LEARNED

This project is demanding and requires strong political, resource and time commitments by the key beneficiaries. The efficiency and the effectiveness of the performance of the PA bodies is directly dependent on an encouraging working environment for civil servants, developed retention policy and from the political commitment to the PAR objectives. Further efforts are needed towards policy coordination in the public administration, as well as the uninterrupted support for the implementation of the PAR and for monitoring and evaluation of the PAR Strategy implementation.

3 DESCRIPTION

3.1 OVERALL OBJECTIVE OF THE PROJECT

The project overall objective is to further strengthen public sector governance and efficiency by improving the management of human resources and the processes of the Albanian Public Administration in line with Copenhagen criteria

3.2 SPECIFIC OBJECTIVE(S) OF THE PROJECT

The specific objective of the project is to support the implementation of the new Civil Service Law and the new General Law on Administrative Procedures.

3.3 RESULTS

Activity 1

Result 1.1: Implementation of the Civil Service Law supported

- Result 1.1.1 The current secondary legislation and practices with respect to the new legal provisions of the Civil Service Law reviewed.
- Result 1.1.2 New necessary secondary legislation drafted, translated and manuals for implementation produced.
- Result 1.1.3 Raised awareness of and the civil servants on the new legal framework, civil service developments and public service values.
- Result 1.1.4 Assessment of the organisational / managerial and control structures of the Civil Service Law performed, recommendation formulated and tools for implementation developed.
- Result 1.1.5 Study visit to a Ministry of Public Administration of a Member State country organised.

Result 1.2: Implementation of the Law on Administrative Procedures supported

- Result 1.2.1 Existing administrative procedural aspects of selected sectorial legislation reviewed and recommendations formulated in the framework of the new legal provisions of the Law on Administrative Procedures.
- Result 1.2.2 Manual or Commentary on the provisions of the new Law on General Administrative Procedures produced, and tools for implementation developed.

- Result 1.2.3 Operational infrastructure of administrative bodies - including e-governance potentials reviewed, recommendations formulated and tools for implementation developed..
- Result 1.2.4 Law on Administrative Dispute and it's compatibility with new LGAP reviewed, recommendations formulated and tools for implementation developed.
- Result 1.2.5 Awareness raised of the public, including business community and other civil society organisations, and civil society on the new legislation on Administrative Procedures.
- Result 1.2.6 Surveys on the degree of compliance and on the recurrent procedural failures of civil servants in applying administrative procedures.
- Result 1.2.7 Survey on the use of delegation of decision-making powers within administrative hierarchy conducted and recommendations formulated.
- Result 1.2.8 Coherence of the new Law on Administrative Procedures with the 2011 Law on Inspections assessed and recommendations formulated.

Result 1.3: Strengthened management capacities of Civil Service

- Result 1.3.1 Training Needs Assessment in line with the new legal provisions conducted
- Result 1.3.2 Training action plan to be carried out by the TIPPA under the direction of DOPA, for ministries and to a selected number of subordinated institutions prepared.
- Result 1.3.3 Relevant training modules, books and materials for civil servants developed.
- Result 1.3.4 Detailed training programs for the Training Institute of Public Administration' experts and facilitators developed.
- Result 1.3.5 Training of trainers, experts and facilitators conducted
- Result 1.3.6 Selected Public administration human resources trained on new procedures regarding the new Civil Service Law and the Law on General Administrative Procedures.

Performance indicators are developed in the Log frame

3.4 MAIN ACTIVITIES

The approval of the New Legal Acts will affect to a great extent the structures for managing, coordinating and controlling the civil service as well as almost all Human Resources Management together with other administrative procedures (as provisioned by the Draft Law on General Administrative Procedures - LGAP).

A non-exhaustive listing of activities to be carried out by this project is as follows:

Activity 1

Contract 1.1 –Twinning Contract

For this activity a twinning partnership will be established with an institution/Ministry of Public Administration from an EU Member State to draw upon its resources and experience of their work concerning rightful implementation of the new public administration legal acts.

The twinning contract should cover the following sub-activities:

Sub-activity 1.1: Implementation of the Civil Service Law

- Sub-activity 1.1.1: Reviewing the current secondary legislation and practices with respect to the new legal provisions of the Civil Service Law.
- Sub-activity 1.1.2: Support adapting and translating secondary legislation and practices to the new primary legal framework.
- Sub-activity 1.1.3: Conducting awareness raising activities and establish an information desk at DOPA on civil service related issues both to acquaint the civil servants on the new legal framework and also to disseminate ideas on civil service development and public service values through newsletters or similar instruments.
- Sub-activity 1.1.4: Conducting the assessment of the provisions of the new Civil Service Law vis-a'-vis its consistency with the organisation, management and control structures in place.
- Sub-activity 1.1.5: Organize one study visit to gain insight in the Ministry of Public Administration of the selected MS country and report to the Ministry of Interior.

Sub-activity 1.2: Implementation of the Law on Administrative Procedures.

- Sub-activity 1.2.1: Reviewing selected current administrative legislation and assess its compatibility with the needs of the new LGAP and make the necessary recommendations.
- Sub/activity 1.2.2: Preparing a Manual or Commentary on the provisions of the new Law on General Administrative Procedures providing detailed and operational explanations.
- Sub-activity 1.2.3: Analysing the operational infrastructure of administrative bodies, including IT able to support e-accessibility and the future development of e-government, especially with the introduction of “points-of-single-contact” and draft recommendations for improvements in line with the needs of the new legislation.
- Sub-activity 1.2.4: Analysing the Law on Administrative Dispute and it’s compatibility with new LGAP and preparation of recommendations for its alignment;
- Sub-activity 1.2.5: Conduct awareness raising activities and establish an information desk at DOPA on administrative procedures and decision making related issues both to acquaint the public, including business community and other civil society organisations, and the civil servants on the new legal framework.
- Sub-activity 1.2.6: Carrying out an analytical survey of the case law of the Albanian legal jurisprudence, of the Ombudsman reports, and of the reports of other relevant Institutions (for instance CSC, HIDAA, etc. and identify the main failures of public administration bodies in the respect of procedural

requirements in administrative decision-making having an impact on the legal certainty of administrative decisions. The survey should also assess the degree of compliance of administrative bodies with court rulings and the Ombudsman/other Institutions recommendations. Sub-activity 1.2.7:

Carrying out an analytical survey on the use of delegation of decision-making powers within the administrative hierarchy.

Sub-activity 1.2.8: Assessing the coherence of the new Law on Administrative Procedures with the 2011 Law on Inspections in the new scenario provided for by the entering into force of the new Law on Administrative Procedures.

Sub-activity 1.3: Strengthening the capacities of Civil Service

Sub-activity 1.3.1: Upon approval of the new laws on civil service and on administrative procedures, to carry out a Training Needs Analysis (TNA) in all ministries and subordinated institutions.

Sub-activity 1.3.2: Prepare training action plan to be carried out by the TIPA under the direction of DOPA, for ministries and to a selected number of subordinated institutions in order to enable them to cope with the new legislation.

Sub-activity 1.3.3: Develop training modules, books and materials for civil servants on the subject matters which may be relevant to the sound implementation of the new legislation.

Sub-activity 1.3.4: Produce detailed training programs for the Training Institute of Public Administration' experts and facilitators.

Sub-activity 1.3.5: Training of trainers, experts and facilitators, to be continuously used by TIPA.

Sub-activity 1.3.6: Pilot and conduct of training programmes for public servants in terms of their responsibilities according to new legal provisions. Training should be specifically targeted at rank and file civil servants and also at all management levels in the state and local self-governments administrations

Contract 1.2 - Service contract

Under activity 1, a co-financing of 5 % will be provided by DoPA and Ministry of Interior according to the work plan that will be jointly prepared with the selected Member State. The co-financing which will cover some of the activities of the project, upon the agreement with the member state, will be in addition to the contribution in kind (office space, facilities, ect.). Contribution in kind is not included in the budget table (section 4).

3.5 ASSESSMENT OF PROJECT IMPACT, CATALYTIC EFFECT AND CROSS BORDER IMPACT (WHERE APPLICABLE)

The immediate impact of the proposed project is to build an accountable, efficient and effective public administration which is crucial to fulfil the Copenhagen membership criteria and has a

key role to play in improving governance through more stable institutions and in implementing the anti-corruption agenda.

3.6 SUSTAINABILITY

Practically all project's results envisage strong involvement of civil servants whether they concern directly the principal beneficiaries or other PA bodies that will be subject to horizontal and vertical functional reviews and pilot exercises. Know-how will be transferred to civil servants while performing daily tasks and the sustainability of the achieved outcomes will be guaranteed in maintaining the jointly produced strategic documents, training programs and analytical studies and guidelines, interoperability and safety standards.

Other elements that will contribute to the sustainability of this project are:

- Strong political commitment and leadership by government to implement Public Administration Reform in Albania;
- The continuous implementation by the Albanian administration of the PAR Strategy.
- Meeting the training needs of public employees that will come up as a result of the New Legal Acts approved;
- The commitment by the Albanian Government and Albanian administration to make functional the Human Resources Management Information System, HRMIS.
- Establishment of an high level inter-institutional Advisory Committee monitoring and supervising the reform implementation and advising on actions and means to be taken to guarantee the sustainability of the reform.

3.7 ASSUMPTIONS AND PRE-CONDITIONS

Assumptions:

- Growing acceptance of reform needs within Government, in civil service and in general political discussions;
- Authorities commitment to develop reforms;
- Sustainable support of Line Ministries' staff and of other PA institutions.

Preconditions:

- New Civil Service law approved, and its quality assessed positively by the European Commission before twinning fiche is launched;
- New Law on Administrative Procedures approved and its quality assessed positively by the European Commission (a *vacatio legis* of between 12 and 18 months would be advisable to carry out the activities of this project);
- Human Resources Management Information System, HRMIS implemented as a minimum within the central government institutions.

4 IMPLEMENTATION ISSUES

The project will be centralised and managed by the EU Delegation to Albania

4.1 INDICATIVE BUDGET

Indicative Project budget (amounts in EUR) (for centralised management)

PROJECT TITLE				SOURCES OF FUNDING								
			TOTAL EXPENDITURE	IPA CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	% (2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Activity 1			1 890 000									
contract 1.1	x			1 800 000	95							—
contract 1.2	x					90 000	5	90 000				—
.....												
TOTAL IB			1,890,000	1 800 000	95	90 000	5	90 000				
TOTAL INV												
TOTAL PROJECT			1,890,00	1 800 000	95	90 000	5	90 000				

NOTE: DO NOT MIX IB AND INV IN THE SAME ACTIVITY ROW. USE SEPARATE ROW

Amounts net of VAT

(1) In the Activity row, use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

4.2 INDICATIVE IMPLEMENTATION SCHEDULE (PERIODS BROKEN DOWN BY QUARTER)

Dates indicated in the schedule cannot go beyond the contracting and execution deadlines in the financing proposal

Contracts	Start of Tendering/ Call for proposals	Signature of contract	Project Completion
Contract 1.1 (Twinning)	Q2 2013	Q2 2013	Q1 2014*
Contract 1.2	Q2 2013	Q3 2013	Q1 2014*

All activities should in principle be ready for tendering in the 1ST Quarter following the signature of the FA.

External assistance may be required for the preparation of twinning fiche for contract 1.1 and to be agreed with EUD. Preparation activities will be timely carried out to ensure launch of Twinning by 1st quarter 2013.

4.3 CROSS CUTTING ISSUES

4.3.1 Equal Opportunities and non-discrimination

During the implementation of the project equal opportunities and non-discrimination shall be guaranteed to all stakeholders and parties involved.

4.3.2 Environment and climate change

Not applicable

4.3.3 Minorities and vulnerable groups

During the implementation of the project the concept of “respect for minority rights” shall be taken into consideration and guaranteed in the activities to be carried out.

4.3.4 Civil Society/Stakeholders involvement

All relevant stakeholders and interested parties have been consulted during the process of preparing the draft-law on the New Law of Civil Service Legislation, who received the Policy Paper in a written form in order to address their comments and they also participated in various meetings and conferences in order present their suggestions on this document As such, during these activities, issues that will be addresses by this project have been discussed and considered as crucial for the rightful implementation of the New Legislation upon approval

In addition, this project shall include visibility activities such as conferences, meetings, promotional materials and related events where civil society representatives will be present and involved.

ANNEXES

Documents to be annexed to the Project fiche

- 1. Log frame**
- 2. Description of Institutional Framework**
- 3. Reference list of relevant laws and regulations only where relevant**
- 4. Details per EU funded contract(*) where applicable:**
- 5. Project visibility activities**

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Project title and number		Support to Civil Service Reform. 5	
		Contracting period expires: no later than three years from the date of conclusion of Financial Agreement		Execution period expires: the contracts must be executed within a maximum of two years from the end date of contracting	
		Total budget	EUR 1,89 mil		
		IPA budget:	EUR 1,8 mil		
Overall objective	Objectively verifiable indicators (OVI)	Sources of Verification			
To further strengthen public sector governance and efficiency by improving the management of human resources and processes in the Albanian Public Administration in line with Copenhagen criteria	Positive assessment done by EU and SAA committee ;	•EU annual progress reports on Albania			
Specific objective	Objectively verifiable indicators (OVI)	Sources of Verification		Assumptions	
To support the implementation of the new Civil Service Law and the new General Law on Administrative Procedures.	- Decrease of staff turnover - Reduced Number of temporary contracts - Number of vacancies through advertised procedure - Reduced Number of dismissals. - Reduced numbers of controversial cases	- European Partnership – short term Political Criteria; - Monthly progress report of Albanian Government on the implementation National Plan of the SAA - World Bank reports		- Growing acceptance of reform needs within Government, in civil service and in general political discussions - Sustainable support from the Government authorities	

Results	Objectively verifiable indicators ⁸ (OVI)	Sources of Verification	Assumptions
Activity 1 Result 1.1: Implementation of the Civil Service Law supported Result 1.1.1 The current secondary legislation and practices with respect to the new legal provisions of the Civil Service Law reviewed. Result 1.1.2 New necessary secondary legislation drafted, translated and manuals for implementation produced. Result 1.1.3 Raised awareness of and the civil servants on the new legal framework, civil service developments and public service values. Result 1.1.4 Assessment of the organisational / managerial and control structures of the Civil Service Law performed, recommendation formulated and tools for implementation developed. Result 1.1.5 Study visit to a Ministry of Public Administration of a Member State country organised. Result 1.2: Implementation of the Law on Administrative Procedures supported Result 1.2.1 Existing administrative procedural	• Review report • Number of legislation and practices drafted • Operational Information desk • Number of media campaigns • Number of participants study tour	• Expert's activity reports • Government authorities evaluation • Experts' progress reports • DoPA's monthly progress reports • Line ministries and other institution's reports; • Memos and written information of the network activities	• Authorities commitment to develop reforms; • Sustainable support of Line Ministries' staff and of other PA institutions

⁸ The exact time will be decided in cooperation with the selected Member State

aspects of selected sectorial legislation reviewed and recommendations formulated in the framework of the new legal provisions of the Law on Administrative Procedures. Result 1.2.2 Manual or Commentary on the provisions of the new Law on General Administrative Procedures produced, and tools for implementation developed. Result 1.2.3 Operational infrastructure of administrative bodies - including e-governance potentials reviewed, recommendations formulated and tools for implementation developed. Result 1.2.4 Law on Administrative Dispute and it's compatibility with new LGAP reviewed, recommendations formulated and tools for implementation developed. Result 1.2.5 Awareness raised of the public, including business community and other civil society organisations, and civil society on the new legislation on Administrative Procedures. Result 1.2.6 Surveys on the degree of compliance and on the recurrent procedural failures of civil servants in applying administrative procedures. Result 1.2.7 Survey on the use of delegation of decision-making powers within administrative hierarchy conducted and recommendations formulated Result 1.2.8 Coherence of the new Law on Administrative Procedures with the 2011 Law on Inspections assessed and recommendations formulated.	• Review report on administrative legislation • Manual or Commentary on the provisions of the new LGAP • Review report of operational infrastructure • Recommendations Law on Administrative Dispute • Operational Information desk established and ready to function • Number of media campaigns • 2 Surveys • Assessment Report		
--	--	--	--

Result 1.3: Strengthened management capacities of Civil Service Result 1.3.1 Training Needs Assessment in line with the new legal provisions conducted Result 1.3.2 Training action plan to be carried out by the TIPPA under the direction of DOPA, for ministries and to a selected number of subordinate institutions prepared. Result 1.3.3 Relevant training modules, books and materials for civil servants developed. Result 1.3.4 Detailed training programs for the Training Institute of Public Administration' experts and facilitators developed. Result 1.3.5 Training of trainers, experts and facilitators conducted Result 1.3.6 Selected Public administration human resources trained on new procedures regarding the new Civil Service Law and the Law on General Administrative Procedures.	• Training needs assessments report in line with the new legal provisions • One training action plan that will be carried out by TIPPA • Number of training modules, books and materials developed • Quality of training modules, books and materials • Number of detailed training programmes • Number of Trainers, experts and facilitators trained. • Evaluation of the trainings by the trainers, experts and the facilitators trained • Number of public administration human resources units trained.		
Activities to achieve results	Means / contracts	Costs	Assumptions

Contract 1.1 -Twinning Sub-activity 1.1.1: Reviewing the current secondary legislation and practices with respect to the new legal provisions of the Civil Service Law. Sub-activity 1.1.2: Support adapting and translating secondary legislation and practices to the new primary legal framework. Sub-activity 1.1.3: Conducting awareness raising activities and establish an information desk at DOPA on civil service related issues both to acquaint the civil servants on the new legal framework and also to disseminate ideas on civil service development and public service values through newsletters or similar instruments. Sub-activity 1.1.4: Conducting the assessment of the provisions of the new Civil Service Law vis-a'-vis its consistency with the organisation, management and control structures in place. Sub-activity 1.1.5: Organize one study visit to gain insight in the Ministry of Public Administration of the selected MS country and report to the Ministry of Interior. Sub-activity 1.2: Implementation of the Law on Administrative Procedures. Sub-activity 1.2.1: Reviewing selected current administrative legislation and assess its compatibility with the needs of the new LGAP and make the necessary recommendations. Sub/activity 1.2.2: Preparing a Manual or	1 Twinning contract (IPA) 1 Service contract (national)	1,89 million EUR	• New Civil Service law approved, and its quality assessed positively by the European Commission. • New Law on Administrative Procedures approved, and its quality assessed positively by the European Commission (a <i>vacatio legis</i> of between 12 and 18 months would be advisable to carry out the activities of this project). • Human Resources Management Information System, HRMIS implemented as a minimum within the central government institutions.
---	---	-------------------------	--

Commentary on the provisions of the new Law on General Administrative Procedures providing detailed and operational explanations. Sub-activity 1.2.3: Analysing the operational infrastructure of administrative bodies, including IT able to support e-accessibility and the future development of e-government, especially with the introduction of “points-of-single-contact” and draft recommendations for improvements in line with the needs of the new legislation. Sub-activity 1.2.4: Analysing the Law on Administrative Dispute and it’s compatibility with new LGAP and preparation of recommendations for its alignment; Sub-activity 1.2.5: Conduct awareness raising activities and establish an information desk at DOPA on administrative procedures and decision making related issues both to acquaint the public, including business community and other civil society organisations, and the civil servants on the new legal framework. Sub-activity 1.2.6: Carrying out an analytical survey of the case law of the Albanian legal jurisprudence, of the Ombudsman reports, and of the reports of other relevant Institutions (for instance CSC, HIDAA, etc) and identify the main failures of public administration bodies in the respect of procedural requirements in administrative decision-making having an impact on the legal certainty of administrative decisions. The survey should also assess the degree of compliance of administrative bodies with court rulings and the Ombudsman/other			
--	--	--	--

Institutions recommendations. Sub-activity 1.2.7: Carrying out an analytical survey on the use of delegation of decision-making powers within the administrative hierarchy (why to anticipate here that delegation might hamper decision making?) Sub-activity 1.2.8: Assessing the coherence of the new Law on Administrative Procedures with the 2011 Law on Inspections in the new scenario provided for by the entering into force of the new Law on Administrative Procedures. Sub-activity 1.3: Strengthening the capacities of Civil Service Sub-activity 1.3.1: Upon approval of the new laws on civil service and on administrative procedures, to carry out a Training Needs Analysis (TNA) in all ministries and subordinated institutions. Sub-activity 1.3.2: Prepare training action plan to be carried out by the TIPA under the direction of DOPA, for ministries and to a selected number of subordinated institutions in order to enable them to cope with the new legislation. Sub-activity 1.3.3: Develop training modules, books and materials for civil servants on the subject matter which may be relevant to the sound implementation of the new legislation. Sub-activity 1.3.4: Produce detailed training programs for the Training Institute of Public Administration' experts and facilitators. Sub-activity 1.3.5: Training of trainers, experts and facilitators, to be continuously used by TIPA.			
--	--	--	--

Sub-activity 1.3.6: Pilot and conduct of training programmes for public servants in terms of their responsibilities according to new legal provisions. Training should be specifically targeted at rank and file civil servants and also at all management levels in the state and local self-governments administrations.			
---	--	--	--

ANNEX 2: Description of Institutional Framework

Department of Public Administration was founded upon Council of Ministers Decision No 443 of 05.09.1994 and actually functions pursuant to the Law No 8549 of 11.11.1999 “On the status of civil servant”. As from November 2005, DoPA is under the structure of the Ministry of Interior and directly subordinate to the Minister of Interior

Department of Public Administration Mission, Status, Competences and Tasks

Mission

Public Administration Department is responsible for drafting, co-ordination and implementation of policies and strategies of the Albanian government on public administration reform.

Public Administration Department is a public institution responsible for:

- (i) management and implementation of civil service law in all central administration institutions;
- (ii) drafting and implementation of policies in remuneration and constitution of public administration institutions; and
- (iii) drafting and implementation of general policies and training programs applicable to the public administration at large.

Public Administration Department has these competences:

- a) Develops, implements and supervises implementation of government policies in civil service area and other personnel-related issues;
- b) Prepares for the Council of Ministers new bylaws and regulations - or amendments to existing ones - applicable generally to the civil service;
- c) Gives opinion on the legitimacy of draft bylaws proposed by ministries;
- d) Prepares for the Council of Ministers classification and assessment of job hierarchy and the changes to them upon ministries’ proposal, or for an interested institution with the consent of the Minister of Finances;
- e) Drafts and implements programs with the view of enhancing civil service efficiency (Annex 5 – Instruction on the activity of the Public Administration Department representative to the *Ad Hoc* Testing Committee);
- f) Prepares and published general guidelines, procedures, manuals and forms for (i) job description, classification and evaluation of job positions; and (ii) recruitment, selection, promotion, parallel transfer of personnel, disciplinary measures and evaluation of civil servants’ work;
- g) Launches open public competition for recruitment in civil service, upon the request by the interested institution of the central administration;
- h) Announces start of procedures for parallel transfer or promotion upon the request by the interested institution of the central administration;
- i) Appoints civil servants in central administration institutions after they are declared winners in public competitions;
- j) Supervises civil service law implementation in central administration institutions;

- k) Drafts, co-ordinates and implements institution building policies (integral part are the proposal for approval submitted to the Prime Minister, the structures and the hierarchy of public administration institutions;
- l) Holds and manages the Central Register of Personnel;
- m) Drafts and implements policies on remuneration for all public administration employees (integral part is the drafting of draft legal acts and bylaws in the remuneration area, in co-ordination with the Ministry of Finance).

Location and date of establishment

Public Administration Department was founded upon Council of Ministers Decision No 443 of 05.09.1994 and actually functions pursuant to the Law No 8549 of 11.11.1999 “On the status of civil servant”. As from November 2005, DAP is under the structure of the Ministry of Interior and directly subordinate to the Minister of Interior.

Address: Department of Public Administration

Ministry of Interior

“Skënderbej” Square, No.3

Tirana, Albania

Mailbox: No .1751

Tel: +355 4 235937; Tel/Fax: +355 4 251241

Reporting

The director of DoPA reports to the Minister of Interior or to its cabinet. The head of sectors report to the director of DoPA. The experts report at the head of the respective sector or to the director of DoPA.

The relation of DoPA with other institutions

DoPA cooperates with all line ministries, with institutions subordinate to line ministries and other independent institutions. In relation to this DoPA will be able to organize meeting with the General Secretaries of line ministries and with the Human Resource Directorates, which will be leaded by the experts in issues related to the management of the civil service. This will help the purpose of involving the managing level of line ministries in order to have their feedbacks in the process.

Structure

Department of Public Administration (22)

Director

Project Coordinator (1)

Communication Coordinator (1)

Secretary/Archivist

Directorate of Human Resource Management and Development (6)

Director -1

Coordinator of Recruitment and Confirmation Policies -3

Expert on Legal Issues -2

Directorate of Organizational, Functional Development and Salary Policies (6)

Director -1

Coordinator for Job Description, Classification, & Self/Individual Evaluation Policies (3)

Coordinator of Organigrams & Functions Policies-1
Expert of Salaries & Pensions Policies-1

Directorate of Computerization of Public Administration (6)

Director-1

Expert on Information Technology -5

Duties and rights of the DoPA employees, are determined/defined by the law no. 8549, date 11.11.1999 “Status of the Civil Servant”.

DoPA’s Directing Body

DoPA is directed by the director, who is appointed according to the procedures determined by the law no. 8549 of 11.11.1999 “On the status of civil servant”.

The director of DoPA has these Competences:

- Develops, implements and supervises the implementation of government policies in the civil service and other personnel related issues;
- Prepares an annual report on the general situation of the civil service and presents it to the Council of Ministers;
- Exercises all competences in issues related to personnel, which have not been legally determined for institutions of central administration;
- Prepares bylaws for the Council of Ministers generally applicable to the civil service, or amendments to the existing ones;
- Gives opinions for the legitimacy of draft bylaws proposed by ministries;
- Drafts and implements programs with the view of enhancing civil service efficiency;
- Drafts and implements general training policies and programs, applicable to the civil service at large;
- Supervises civil service law implementation in central administration institutions.

DoPA’s Directorates and Duties

Project Coordinator

- Drafts programs and projects financed by foreign donors, such as the EU, WB etc and coordinates the work in order to avoid overlapping and ensure a normal process in the project field;
- Drafts proposals for financing and project-ideas in relation to foreign assistance in the public administration. Prepares the terms of reference for these projects;
- Coordinates foreign assistance in the field of public administration, by analyzing the progress achieved and pinpointing the need for further financial assistance;
- Gathers, analyzes and approves project reports that make evident the process, its problematic, suggestions and achievements in the project field;
- Prepared monthly reports on the progress on the civil service field.

Communication Coordinator

- Manages events and activities related to public administration reform;
- Responsible for the PR of the Department;
- Manages the flow of information between the organization and its publics;
- Contributes to the publishing of the magazine and brochures of the Department;
- Maintains the official website, updating it and also being an active participant in social network where the department is a member.

Directorate for the Management and Development of Human Resources

- Assists the director of DoPA in the process of drafting and implementing in general human resources management policies for the civil service and public administration;
- Drafts legal acts and bylaws related to the civil service and public administration, specifically for human resources management;
- Offers assistance and is opponent to legal acts drafted by other institutions, for the purpose of assuring the implementation of developing policies in public administration;
- Supervises the recruiting process in the civil service, including the advertisement of unoccupied positions, pre-selection, competition and other procedures until the nomination of the civil servants;
- Reports to public administration institutions and other international organizations, which monitor the reform process in the civil service;
- Directs and attends the complaint procedures and trials in which DoPA is a party.

Directorate for the Organizational, Functional Development and Salaries' Policies

- Assists the director of DoPA in the process of drafting and implementing policies in the salary field and structures in public administration institutions, and also for the process of managing the civil service (Job description and evaluation);
- Drafts and attends the implementation of government policies in the salary field and the establishment of institutions (structuring);
- Drafts legal acts and bylaws drafted by other institutions in relation to the salary field;
- Is opponent to legal acts and bylaws drafted by other institutions in relation to the establishment and functioning of other institutions, with the purpose of ensuring the implementation of developing policies of public administration
- Supervises the process of description, job classification, and self-evaluation;
- Establishes cooperation with other institutions in order to accomplish DoPA's duties, within the framework of government policies.

Directorate for the Computerization of the Administration and Project Coordination

- Drafts and Implements policies in the field of Information technologies for the public administration (e-government)
- Coordinates and manages the process of public administration computerization, in implementing an electronic system for the management of state employees' register;
- Implements the Register System for state employees. Converting it to Web and managing and maintaining it, by exchanging information with other systems (financial managing system in the Ministry of Finance)
- Interministerial coordination for the Register System of State employees.
- Improving the technology and policies of DoPA;
- Supervising the staff of experts and of the electronic DoPA's infrastructure, such as e-mails, internet, etc

Project Advisory Committee, PAC.

To oversee the management of the project and to provide overall strategic advice to the project team a *Project Advisory Committee* (PAC) will be established and chaired by the DoPA. The PAC will meet on a quarterly basis during the project lifetime. Additional PAC meetings will be held, if required. The PAC will be composed on a permanent basis of representatives from the DoPA, Ministry of Justice, the Ministry of Finance, the Training Institute of the Public Administration (TIPA), the EU Delegation, possibly assisted by SIGMA, and representatives from other selected stakeholders (such as the Department for Strategy and Donor Coordination) on a non-permanent (non-voting) basis.

These stakeholders can include representatives from other key line ministries and local/regional actors. To further support donor coordination in this sector the Committee will invite representatives from ADA, the World Bank, DIS project as observers, if and when emerging issues are tabled. The first meeting of the PAC will take place immediately after the inception phase.

ANNEX 3: Reference list of relevant laws and regulations only where relevant

Reference to relevant laws and regulations

The legislation dealing with the functioning of the public administration is wide-ranging. Primary legislations worth mentioning are as follows:

- Law No 8549 dated 11.11.1999 “On the Status of the Civil Servant”;
- Law No 9131 dated 08.09.2003 “On Rules of Ethics in Public Administration”;
- Law No 8487 dated 13.05.1999 “On the Competencies for the Determination of Salaries”, amended;
- Law No 9000 dated 30.01.2003 “On the Organization and Functioning of the Council of Ministers”;
- Law No 8485 dated 12.05.1999 “The Code of Administrative Procedures”;
- Law No 8503 dated 30.06.1999 “On the Right of Information regarding Official Documents”;
- Law No 9367 dated 07.04.2005 “On the Prevention of Conflict of Interests in carrying out public functions”, amended.

ANNEX 4: Details per EU funded contract (*) where applicable:

Profile and tasks of the Project Leader (PL):

This project requires a Project Leader, PL, who will be responsible for the overall coordination of the project activities. The project leader is expected to closely work with the resident twinning advisor and the short-term experts as well as with the counterpart of the beneficiary institution.

a) Tasks of the PL:

- Overall project co-ordination,
- Supervision of the implementation of the project in coordination with the Albanian counterpart
- Mobilising short-term experts
- Closely work with the resident twinning advisor and the short term experts
- Executing administrative issues (i.e. signing reports etc.)
- Advising on the future plans and reporting to the relevant authorities on the progress of the project

Profile and tasks of the Resident Twinning Advisor (RTA):

This project requires a Resident Twinning Advisor, RTA.

The RTA will work on a day-to-day basis in the Department of Public Administration and support the co-ordination of different actions.

a) Tasks of the RTA:

- design a work plan for the implementation of project;
- assist in the preparation of all strategic project documents and training manuals, quarterly monitoring reports and final project report etc;
- ensure the day-to-day management of the project working on the daily basis with the DOPA staff to implement the project;
- to ensure that all activities are implemented in a professional way;
- to plan and organise study visits, training activities;
- to provide detailed reports on the impact of the programme.

Profile and tasks of the short-term experts:

The PL and the RTA will be assisted by international and/or national short-term experts. The short-term experts shall assist the PL and the RTA in delivering the activities within the project.

ANNEX 5: Project visibility activities

The project's visibility activities will include conferences, meetings, promotional materials and related events to inform the general public about the advantages for the citizens and public administration at large provided by the new LGAP and CSL (using all modern means of public promotion/communication: leaflets, print media, radio/TV, website, social networks, etc.). Visibility activities will be according EU visibility requirements.