

INFORMATION ON THE PROJECT

No. of the Contract:	01-07-273-48/08 (annex no. 04-07-2-154-20/11)
Title of the Project:	Improvement of Rules and Procedures for Legal, Other Regulation and General Acts Drafting in Bosnia and Herzegovina
Implementer:	Faculty of Economy Sarajevo
Start Date:	June 9, 2010
Duration of the Contract:	18 months
Date of Completion:	December 9, 2011
Extension Duration:	4 months
Changed Date of Completion:	April 9, 2012
Status of the Project:	Completed

FINANCIAL INFORMATION

Table 1 - Budget Overview:

CONTRACTED BUDGET in BAM	BAM 786,041.57		
SPENT FUNDS in BAM	BAM 674,979.88		
SPENT FUNDS in %	86 %		
	planned	spent	%
<i>Work Days of the Key Expert 1</i>	320	288	90 %
<i>Work Days of the Key Expert 2</i>	320	288	90 %
<i>Short term local staff</i>	630	529	84 %
TOTAL	1,270	1,105	87 %
<i>Key Expert 1</i>	274,104.00	222,393.60	81 %
<i>Key Expert 2</i>	224,640.00	202,176.00	90 %
<i>Other Experts</i>	235,872.00	198,057.60	84 %
<i>Extraordinary Expenses</i>	78,425.57	52,352.68	67 %
TOTAL	786,041.57	674,979.88	86 %

1. SUMMARY

The Report was prepared in accordance with the methodology described in the *Guidelines for Monitoring and Evaluation of the Projects Financed by the Public Administration Reform Fund*, and the recommendations stemming from the *Evaluation of the System for Monitoring and Evaluation of the Public Administration Reform Coordinator's Office*, drafted in the period October 2012 - March 2013 by the GIZ monitoring and evaluation expert. Aspects of the project, analysed by this evaluation are relevance, efficiency, effectiveness, impact and

sustainability. After a detailed analysis of the project documentation, the evaluation team had conversations / interviews with the representatives of the contracting authority and the implementer, as well as with the relevant representatives of the beneficiaries (mostly members of the Implementation Team (IT) and the Supervisory Team (ST)) in order to gather as objective as possible information on the said aspects of the project. Based on the gathered information, this Evaluation Report has been prepared.

The condition in the subject area, in the period before start of implementation of the project, was regulated in different manners at each administrative level in Bosnia and Herzegovina.

- ✍ At the state level the *Common Rules for Legal Regulations Drafting in the Institutions of BiH* are being applied, which have been adopted by the Parliamentary Assembly of BiH and which are being applied since January 2005.
- ✍ At the level of the RS, since January 2006, the *Rules - norm-legal techniques for legal and other regulation drafting* are being used, which have been enacted by the Republic Secretariat for Legislation.
- ✍ At the level of the FBiH, there were no rules that regulate this area, and they also have not existed at the level of the cantons either.
- ✍ In the Brčko District of BiH, the subject area was regulated by the *Decision on the Procedure of Legal and Other Regulation Drafting of the BD BiH*, which the Government of the BD BiH enacted in October 2007, and additionally also by the *Instruction on the Manner and the Procedure of Draft of Budget Analysis for the Draft Laws and Proposals of Trainings* (Official Gazette of the BD BiH, No. 32/07).

The Terms of Reference, and later on the Inception Report, stipulated that after the necessary analyses, in cooperation with the representatives of the key institutions (members of the Implementation Team, and others as needed) a proposal of nomotechnical rules, which would be adopted by each of the four administration levels in BiH, should be drafted. In order for the rules to be mandatory for all the originators, and in order to ensure their greater legal force, it has been decided to adopt the rules at the legislative level of authority (Parliament / Assembly). The plan was to have the rules adopted during the project, and then to have the trainings and draft the handbooks for the beneficiaries.

Because of objective reasons, which could not be significantly influenced by any of the actors involved in implementation of the project (project team and beneficiaries of the project), the Rules were not adopted within the planned period. For that reason the duration of the project was extended for additional 4 months, so the probability for implementation of the remaining project activities would be increased (draft of handbooks and training of the beneficiaries).

In January 2012, the Assembly of the Brčko District of BiH adopted the Common Rules and Procedures for Legal and Other Regulation Drafting in the BD BiH. Since adoption of the Rules did not happen at three out of four administration levels (other administration levels by the moment of drafting of this Report have not adopted the said Rules, although the Rules have been sent in the procedure), in agreement with the beneficiaries, trainings have been organised for the beneficiaries in the Brčko District of BiH in the planned volume, while at the levels of BiH, the RS and the FBiH, the trainings were organised in a limited volume on the matter of contents and the number of attendees (only a part of the planned topics was processed and only for the representatives of the Legislation Office).

Currently, at the levels of BiH and the RS the Rules are in the so called "commission phase", while at the level of the FBiH they have also been sent in the Parliamentary procedure and were in the phase of "expert public discussion".

From the aspect of quality of the exit result, i.e. satisfaction of the beneficiaries with the prepared material (by the Implementer of the Project), there is a predominant opinion that the material which is the key exit result of this project (Common Rules) is of a satisfactory quality. This standpoint is not shared by the representatives of the Legislation Office of the Federation of BiH, who pointed out that the offered material did not meet the needs and specificities of this administration level in the segment of legal, other regulation and general acts drafting, i.e. that it was not in accordance with the expectations of the beneficiaries of this administration level. However it should be mentioned that the representatives of the level of the FBiH, as well as the representatives of other administration levels were involved in the process of preparation of the Common Rules (at this level in the form of Proposal of Regulation¹), and after the project delivery of the said document they gave certain comments to it. A part of the comments has been accepted, and for part of the comments concerning certain provisions the engaged experts gave explanation, after which the beneficiaries (Legislation Office) gave agreement to all the amendments to the proposal of the Regulation. The need for additional amendments to the said material was pointed to later, after completion of the project, i.e. after sending the Proposal of the Regulation in the Parliamentary procedure.

2. PROJECT SYNOPSIS

LINK WITH THE AP1 / RAP 1: The Project is in a direct link with the measures from the Action Plan 1 of the Public Administration Reform Strategy, in the reform area Strategic Planning and Coordination Capacities:

PM 2.2. - *Establishment of Consistent Policy on Quality of Regulations* and

PM 3.2. - *Improvement of Verification of Harmonisation with the Regulations (Nomotechnics and Stile)*, and the chapter

PM 4. - *Improvement of the Process of Enactment of Laws;*

and with the Revised AP 1 in the area of Strategic Planning, Coordination and Policy Making in the part:

SPCPM 2.2. - *Standardise Processes of Draft of Legal Regulations*

OBJECTIVE: Establishment of the best practice and coherent principles and standards for legal, other regulation and general acts drafting in Bosnia and Herzegovina, which would contribute to further improvement of the process of policy development, methodological harmonisation of the process of legal, other regulation and general acts drafting, as well as to improvement of the legal system in general. Achievement of this objective would contribute to development of public administration that would be more effective, more professional, more transparent, more accountable and in the service of the citizens.

PURPOSE: Adopt new or improve the existing rules and procedures for legal, other regulation and general acts drafting at the state, the entity and the Brčko District of BiH level,

¹ Regulation on Nomotechnical Rules for Legal and Other Regulation of the Federation of Bosnia and Herzegovina Drafting

in order to ensure that all the drafts / proposals of normative acts are prepared and discussed in an adequate, harmonised and consistent manner.

RESULTS:

R1. Comprehensive analysis of the existing practice of legal, other regulations and general acts drafting implemented and drafted, as well as the analysis of the existing rules for legal, other regulations and general acts drafting at the level of the state, the entities and the Brčko District of BiH, including impact assessment and assessment of harmonisation of legal and other regulations.

R2. Appropriate data gathered, comparative analysis of practice of legal, other regulation and general acts drafting at the state, entity and the Brčko District of BiH level with the practice in selected EU member states that have a similar legal tradition and / or similar structure of authority as in BiH implemented and drafted. This analysis should result in proposals of the best practice in this field for adoption in BiH.

R3. Prepared programme document, which will cover overview of the condition in the subject area, as well as recommendations, concrete measures and proposals for improvement of rules and procedures for legal, other regulation and general acts drafting in BiH.

R4. Prepared harmonised proposals of amendments to the existing regulations or proposals of new regulations for legal, other regulations and general acts drafting in BiH.

R5. Proposals of amendments to the existing regulations or proposal of new regulations for legal, other regulations and general acts drafting submitted for adoption to the competent bodies of government at the level of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republic of Srpska and the Brčko District of Bosnia and Herzegovina.

R6. Implemented training needs analysis for the key personnel in all the institutions and bodies that participate in preparation and draft of laws, other regulations and general acts. Detailed Training Plan drafted, types of trainings and the number of key personnel who would attend the training with the objective of efficient application of changed or new regulation for legal, other regulation and general acts drafting defined.

The Handbook for Legal Regulation Drafting drafted and distributed.

R7. The planned training implemented.

LOCATION: Bosnia and Herzegovina - Federation of Bosnia and Herzegovina, Republic of Srpska, Brčko District of Bosnia and Herzegovina (Sarajevo, Banja Luka, Brčko).

BENEFICIARIES: the Legislation Office within the Council of Ministers of BiH, the Office for Legislation and Regulations of the EU within the Government of the FBiH, the Republic Secretariat for Legislation within the Government of the RS and the Department for Legislation Activities within the Government of the BD BiH.

SOURCE OF FUNDS: The Project is completely financed by the funds of the Public Administration Reform Fund.

3. FRAMEWORK OF EVALUATION

Evaluation was implemented in the period January – March 2013, related to the period of implementation of the project from June 9, 2010 to April 9, 2012, as well as to the period after the completion of implementation, through information on project impact and its sustainability. During the evaluation, all the available project documentation (the Contract, the Terms of Reference, the Inception Report, the Interim Reports and the Final Report of the Implementer, including all the annexes) has been thoroughly reviewed. Additionally, there were interviews with the representatives of the Implementer, the Contracting Authority and the beneficiaries of the project from the state, the entity and the District levels of authority in BiH.

This evaluation gives answers to the questions regarding relevance, efficiency, effectiveness, impact and sustainability of the project. However, it should be noted that because of failure to adopt the Rules at three out of four administration levels, the matters of impact and sustainability at those levels could not be fully processed, i.e. they could not be processed in a manner as it was the case in the Brčko District of BiH, where the Rules have been adopted and were being applied since January 2012.

4. RESULTS OF EVALUATION

a. Relevance

The need for the process of reform and strategic objectives in accordance with the Strategy of Public Administration Reform include: the need of impact assessment and feasibility of policy during draft of legal regulations; the need for basing the legal regulations on common standards in the sense of form, format, style of drafting, etc.; the need of harmonisation of nomotechnics and style, harmonisation with the Constitution and the existing laws and legal system, verification of impact on the budget, etc.;

From the complex setting of Bosnia and Herzegovina stem numerous specificities of the legal system, especially regarding division of legislation solutions. In accordance with this state setting, there are laws and general legal acts that are common for the whole territory of BiH, and in addition to that also those that exist only on entity, cantonal and the level of the District. Non-existence of nomotechnical rules in the Federation of BiH, and the need for revising the existing ones at the levels of BiH, the RS and the BD BiH, are a sufficient reason for a common project that would provide a framework (within common rules) for harmonised, standardised and coherent approach in the field of regulation drafting. Additionally, at the levels of the RS and the BD BiH, there was a need for giving greater prominence to the Rules through their adoption at the legislative level.

In the end, the process of harmonisation of local legislation with the EU acquis imposed an additional need for such a project that would revise the existing ones and / or propose new common rules for draft of laws, other regulations and general acts in the whole territory of Bosnia and Herzegovina.

This project is based on concrete measures from the Action Plan 1 of the Strategy of Public Administration Reform in BiH, within the reform area Strategic Planning and Coordination Capacities.

b. Efficiency

b. 1 Evaluation of the Implementer's Work:

The leader of the project team, during implementation of the project, has shown a satisfactory degree of engagement.

Readiness of the implementer to achieve a compromise and to be oriented to achievement of project results was noticeable.

Administrative-technical capacities, provided by the Implementer, were sufficient for the needs of the project. Most of the beneficiaries evaluated the engaged experts as of quality and adequate.

The reporting was in accordance with the deadlines, procedures and required quality, and it was not objected to any significant extent.

b. 2 Project Partners and Beneficiaries:

The members of the Implementation Team (IT) were mostly also the members of the Supervisory Team (ST). That fact has been shown as a significant advantage in this case, considering that the members of the IT approached their obligations with maximum seriousness and dedication. Their dedication and engagement on drafting Common Rules has been noticeable, as well as good cooperation with the implementer and the contracting authority.

Additionally, on drafting of the Common Rules, in addition to the members of the IT, in the Republic of Srpska the representative of the legislative authority has been engaged as well, with the objective of ensuring the best possible quality of the exit result of the Project.

b. 3 Implementation of the Activities:

Planned Activities	Objectively Verifiable Indicators	Planned (yes/no)	Achieved (yes/no)	Comment
A1 Analysis of the existing practice of draft of regulations, as well as of the existing rules for draft of laws, other regulations and general acts at the level of the state of BiH, the entities and the Brčko District of BiH	Analysis drafted and approved	yes	yes	Activity implemented in accordance with the methodology and the plan. This analysis covered: <ul style="list-style-type: none">- Relative span of application of the existing rules;- Requirements in organisation of the process of draft of regulations;- Preparation of proposals of regulations (techniques of draft of regulations, techniques of draft of explanations, organisation of jobs for normative activities, etc.);- Inter-ministerial consultations and consultations of various levels of authority;- Consultations of external interest groups and possibilities of

				<p>establishment of principles and standards for consultations (public and inter-institutional);</p> <ul style="list-style-type: none"> - Assessment of impact, feasibility and harmonisation of regulations and possibility of determining and establishment of standard methods and criteria for assessment of effect; - Publication of consolidated texts of laws; - Standards in the sense of form, format, stile of drafting, etc. <p>Analysis has been completed and approved.</p>
<p>A2 Gathering of data on the process of draft of legal regulations, with the accent on ex ante and ex post regulations impact assessment in at least two EU member states, which have a similar legal tradition as BiH and / or similar structure of authority. Comparative analysis of practice of legal, other regulations and general acts drafting at the state, entity and the Brčko District of BiH level with the selected EU member states. Recommendation of the best international practice for adoption in BiH.</p>	<p>Comparative analysis approved.</p> <p>Study trip taken.</p>	yes	yes	<p>Comparative analysis has been completed and approved. Analysis has been implemented in accordance with the planned methodology and plan of work.</p> <p>A study trip in Brussels implemented, which significantly contributed to widening of the knowledge and adoption of the good practices of the EU. A study trip has been organised for 13 members of the Supervisory Team and the Implementation Team and 3 representatives of the implementer.</p>
<p>A3 Support of work of the Implementation Team</p>	<p>Number of meetings of the Implementation Team and progress of the project</p>	yes	yes	<p>Support to the work of the Implementation Team has been given through the meetings where project activities and progress of the project have been presented. This activity lasted during the whole period of duration of the project. The meetings were held periodically in the terms and at locations agreed with the members of the Implementation Team.</p>
<p>A4 Preparation of detailed programme document, which would cover overview of the</p>	<p>Programme document adopted</p>	yes	yes	<p>The best practice of the EU has been identified in the segment of draft of legal regulations, which would be proposed for incorporation in the</p>

<p>condition in the subject field, as well as recommendations, concrete measures and proposals for improvement of rules and procedures for legal, other regulation and general acts drafting in BiH, which shows how, when and by whom the noted shortcomings could be removed.</p>				<p>existing rules of BiH. The RIA (Regulatory Impact Assessment) has been analysed and recommendations and the best practice of application of the RIA have been given. Problems, advantages and shortcomings have been identified in the subject area at the state, entity and the BD BiH level. Recommendations have been drafted regarding in which direction amendments of the existing regulations should go (how, when and by whom the noted shortcomings could be removed).</p> <p>The Programme document has been completed and adopted by the Supervisory Team and the Implementation Team.</p>
<p>A5 Draft of proposal of amendments to the existing regulations or draft of proposal of new regulations for legal, other regulations and general acts drafting, using on that occasion the results of the implemented analysis and the programme document from the previous activity.</p>	<p>Draft of the nomotechnical rules has been completed.</p>	<p>yes</p>	<p>yes</p>	<p>Based on the programme document and a detailed implementation plan, proposals of new nomotechnical rules for legal and other regulation drafting have been drafted.</p> <p>The best practice of the EU has been identified in the segment of legal regulations drafting and it has been included in the proposal of the new nomotechnical rules for legal and other regulation drafting.</p> <p>Shortcomings in the existing regulations have been identified in cooperation with the members of the Implementation Team and the Supervisory Team. Also, the manners of overcoming the noted shortcomings have been identified and incorporated in the recommendations of the programme document, and later on in the very draft of new nomotechnical rules for legal and other regulation drafting at the levels of BiH, the FBiH, the RS and the Brčko District of BiH.</p>
<p>A6 Submission for adoption of the amendments to the existing regulations, or of the new regulations for legal, other regulations and general acts drafting by the competent bodies</p>	<p>Nomotechnical rules approved by the Implementation Team and the Supervisory Team</p>	<p>yes</p>	<p>yes</p>	<p>Proposals of amendments to the existing regulations or proposal of new regulations for legal and other regulation drafting submitted for adoption by the competent bodies of authority at the level of BiH, the FBiH, the RS and the BD BiH.</p> <p>During the project, the nomotechnical</p>

<p>of authority (the Council of Ministers / the Governments or the Parliaments / the National Assembly of the RS) at the level of Bosnia and Herzegovina, the Republic of Srpska, the Federation of Bosnia and Herzegovina and the Brčko District of BiH. Work with the directors of the Legislation Offices / Secretariats, secretariats of the governments / CoM and the secretariats of the parliaments in order to ensure completion, approval and adoption of the defined legal framework.</p>				<p>rules have been adopted in the Brčko District of BiH (January 18, 2012). The parliaments of BiH, the FBiH and the RS still have not adopted these rules, but their adoption is expected during the first half of 2013.</p>
<p>A7 Analysis of the training needs of the key personnel in all the institutions and bodies that participate in preparation and draft of laws, other regulations and general acts, and based on the results of the implemented analysis, preparation of a detailed Plan of Training, which will consist of various forms of training (teaching / coaching, training on the job, study visits, seminars, workshops, etc.). Preparation and printing of the Handbook for draft of legal regulations that would facilitate and clarify application of the new legislation for draft of legal regulations</p>	<p>Analysis completed</p> <p>Detailed plan of training has been prepared</p> <p>Handbook for draft of legal regulations has been prepared</p>	<p>yes</p>	<p>yes</p>	<p>This activity consisted of mutually linked and parallel sub-activities:</p> <ul style="list-style-type: none"> - Training needs analysis for the key personnel in all the institutions and bodies that participate in preparation and draft of laws, other regulations and general acts; - Preparation of a detailed training plan; - Preparation of the handbook for draft of legal regulations <p>Training needs analysis and the Training Plan have been completed in accordance with the plan. Considering that only the BD BiH adopted the nomotechnical rules, the handbook was finalised and distributed only at the level of the BD BiH, while at the other levels only a draft handbook was given.</p>
<p>A8 Implementation of the planned training</p>	<p>Training implemented</p>	<p>yes</p>	<p>yes</p>	<p>Implementation of this activity was conditioned by adoption of nomotechnical rules. Because of objective reasons, the rules were not adopted at all the levels of authority,</p>

				<p>and they are beyond the influence of the implementer of the contract. Only in the Brčko District of BiH the training was implemented completely by the terms of reference because only at the level of the BD BiH the Nomotechnical rules were adopted.</p> <p>By the decision of the PARF JMB, the planned training was implemented in a limited volume at the level of BiH, the FBiH and the RS, regarding transfer of the best nomotechnical practice of the EU and the selected EU member states (Belgium, Austria and Slovenia), as well as a part of the training concerning possibility of application of IT in nomotechnics.</p>
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b. 4 Achievement of the Results:

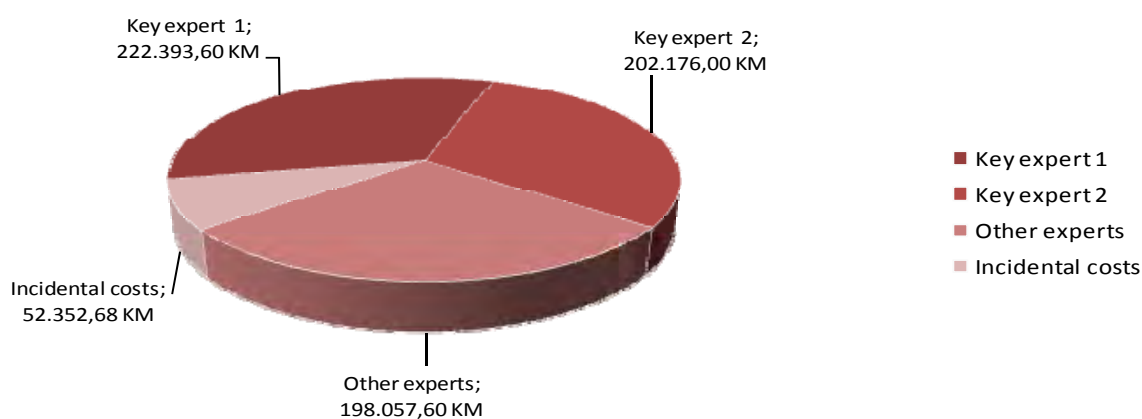
Planned Results		Description of Achievement
R1	Comprehensive analysis of the existing practice of legal and other regulations drafting as well as analysis of the existing rules for legal and other regulations drafting at the level of the state, the entities and the Brčko District of BiH has been drafted, including impact assessment and assessment of harmonisation of legal and other regulations.	Necessary analyses have been implemented, and based on them the proposals of amendments have been prepared as well as new regulations for legal and other regulations drafting (Common Rules).
R2	Appropriate data gathered and comparative analysis of the practice of draft of legal and other regulations at the state, entity and the Brčko District level with the selected EU member states that have a similar legal tradition as BiH and/or similar structure of authority, with proposals for best practice in this field implemented.	During the project, the nomotechnical rules have been adopted in the Brčko District of BiH (January 18, 2012). At the levels of BiH, the FBiH and the RS, their adoption is pending.
R3	Detailed implementation plan prepared and submitted for adoption to the Implementation Team.	In the RS, the proposed rules have been incorporated in the Plan of Work of the national Assembly of the RS, so their adoption is certain and can be expected to happen soon.
R4	Prepared detailed programme document, which will cover overview of the condition in the subject area, as well as recommendations, concrete measures and proposals for improvement of rules and procedures for legal, other regulation and general acts drafting in BiH	The training needs analysis has been implemented and the training plan was prepared.
R5	Prepared proposals of amendments to the existing regulations or new regulations for draft of legal and other regulations drafted.	Considering that only the BD BiH adopted the nomotechnical rules, the handbook was finalised and distributed only at the level of the BD BiH, and also the plan of training for the BD BiH was implemented.
R6	Proposals of amendments to the existing regulations or proposal of new regulations for legal, other regulations and general acts drafting submitted for adoption by the competent bodies of government at the level of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republic of Srpska and the Brčko District of Bosnia and Herzegovina.	At other levels, only the draft handbook was prepared, and the planned trainings have

R7	Defined types of trainings and the number of key personnel who would attend the training with the objective of efficient application of changed or new regulation for legal, other regulation and general acts drafting. Handbook for draft of legal regulations has been created.	been implemented in a restricted volume.
R8	The planned training implemented.	

b. 5 Spending of Funds:

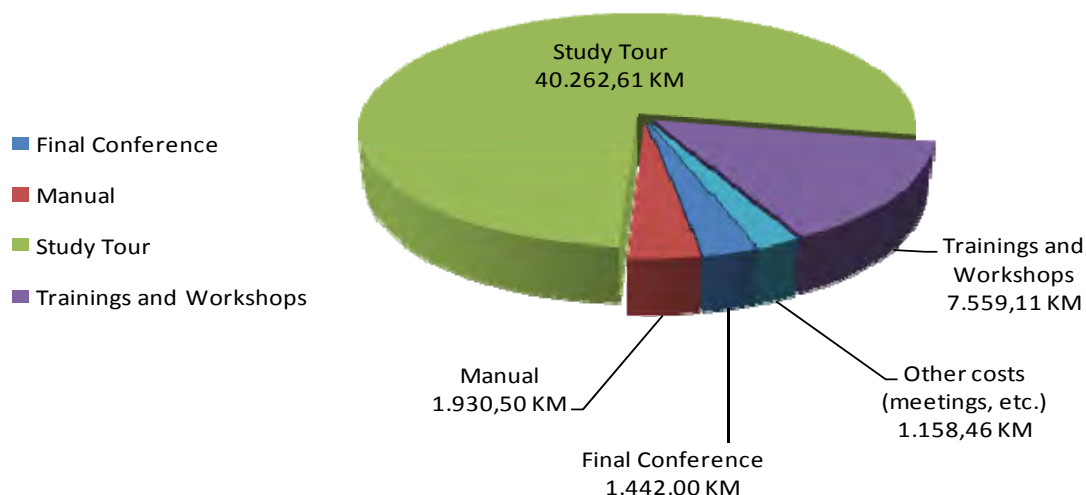
The funds were not spent completely. Only 86% (BAM 674,979.88) of the contracted amount (BAM 786,041.57) has been spent.

The reasons for this are in the smaller volume of the trainings held in relation to the planned volume and in fact that the handbook was not printed at the levels of BiH, the RS and the FBiH.



For the engaged experts on this project 92% of funds has been spent, while on the incidental (extraordinary) expenses 8% of the funds has been spent.

Structure of the incidental (extraordinary) expenses has been provided in the graph below:



All the stated amounts include the VAT.

c. Effectiveness

Through implementation of this project, the intention was to establish a framework for coherent and standardised approach for draft of laws, other regulations and general acts. That implies draft of Common Rules, draft of the Handbook for their application and strengthened capacities for application of the Rules. Therefore, the effects of the project could be measured through the said three segments, which together constitute one unit and they are to be observed as a unit. From this, it further stems, that the evaluation of effectiveness is possible to be given if the Rules have been adopted, the Handbook drafted, and the trainings completely implemented. Since it is the case only at one of the four administrative levels, evaluation in this segment is greatly limited to one said administrative level.

That is, in the Brčko District of BiH, since January 2013, the new Common Rules that have been adopted by the Assembly of the BD BiH are being applied in practice, and the project provided the training of the civil servants, who deal with the subject affairs, for application of Common Rules and the Handbook has been provided, which is being regularly used by the beneficiaries. This achieved a great move forward in the segment of legal, other regulation and general acts drafting in the Brčko District of BiH. By the words of the beneficiaries, representatives of the Legislation Office of the BD BiH, the expected project results have been, without a doubt, achieved, the planned positive changes have been achieved and systematised approach to drafting laws, other regulations and general acts has been introduced in accordance with the specifics of the Brčko District of BiH.

Regarding other administration levels in BiH, considering that the Rules have not been adopted as planned, as concrete effects of this project the preconditions created by drafting Common Rules could be pointed out, as well as by training a part of the civil servants for their application and by drafting the Handbook. Effects are somewhat smaller than planned, but it should be born in mind that these are factors that are beyond the framework of this project, which directly condition adoption of the Common Rules, and thus their application in practice. However, it should be pointed out that although the Rules have not been formally adopted, in some cases they are informally applied in practice, which is additionally one more indicator in favour of this project. Only after adoption of the Rules at all three levels, which is certain and realistic to expect by mid-2013, effects of this project will be visible and clearly measurable.

d. Impact

After adoption of the said rules, in the whole territory of Bosnia and Herzegovina, the legislative, executive and administrative authority would be formally as well covered by the harmonised standards for enactment of regulations, and harmonised application of the rules and procedures for draft of legal regulations would be enabled, thus contributing to full harmonisation of the legal system. This would further contribute to improvement of the legal system in Bosnia and Herzegovina, facilitate adoption of the Acquis on the path of integration of Bosnia and Herzegovina in the European Union, and it would contribute to approximation of BiH to the common European administrative space.

Impact of this project has been noted also through regular progress reports in implementation of the Action Plan 1 of the Strategy of Public Administration Reform in BiH. Considering that the project was conceived primarily as the need of the beneficiaries at all the administrative levels, and then also as a set of measures stemming from then present AP 1, implementation of the project fulfilled the said measures from the AP 1 of the PAR Strategy. Adoption of the Common Rules will also contribute to implementation of the measures from the Revised AP 1. Concretely, it is the activity 2.2.1. *Prepare and adopt (on those levels of authority where it has*

not been done yet) mandatory common rules for draft of legal regulations, which reflect the said standards of quality of regulations.

Currently, according to the Annual Progress Report (Monitoring of Implementation of the RAP 1 of the PAR Strategy) for 2012, at the level of the Brčko District of BiH, this activity from the RAP 1 has been fully implemented, while on other levels this activity has been evaluated as *partially implemented*.

e. Sustainability

The key precondition for ensuring sustainability of the project results is adoption of the Common Rules at each of the administrative levels which have not done that yet. Adoption of the Rules by the legislative authority would ensure obligation of their application, and thus sustainability of the project results. All other aspects of sustainability of the project results, relevant for this project, have already been greatly ensured. This primarily implies institutional and financial sustainability.

Organisational structure at each of the four administrative levels ensures unhindered application of the project results, and further existence of institutions (Legislation Offices) that are the key bearers of the activity in the process that is the subject of this project is unquestionable. Additionally, budget funds for unhindered work of the said institutions are not questionable and have been ensured through corresponding budgets.

Widely seen, institutional aspect starts from the fact that organisation is made of people. In that sense, it is necessary to have further improvement of human resources for application of rules, which has been planned through this project, but was not fully implemented, i.e. it has been implemented in a limited volume. In any case, in the long term, there is a need for further trainings in this segment for all the participants in the process of legal, other regulation and general acts drafting in BiH.

Also, computerisation of the process is the next step in the reform in this segment.

5. CONCLUSIONS

The Implementer, with significant cooperation of the Implementation Team, implemented most of the project activities, and prepared a proposal of the Common Rules, which were then sent in the procedure of adoption at all administration levels. So far, the Rules have been adopted only at the level of the Brčko District of BiH, while at the levels of BiH, the RS and the FBiH, they are in the parliamentary procedure. At the levels of BiH and the RS, they are in the "commission phase", while in the FBiH, they are in the phase of "expert public discussion". Because of failure to adopt the Common Rules, at the said three levels the trainings were held in a limited volume, and the handbooks for their application were not printed, but draft handbooks were prepared.

Successfulness, impact and sustainability of the project directly depend on adoption of the Common Rules at all administration levels. According to the beneficiaries, representatives of the key institutions, from the levels of BiH, the RS and the BD BiH, the quality of the Common Rules the implementer prepared with significant cooperation with the Implementation Team is not questionable.

In spite the fact that each level had representatives in the Implementation Team, who actively participated in drafting of the document, and agreements of all the representatives of the beneficiaries to the offered proposals of the Common Rules, there is a certain inconsistency in

the standpoints of the representatives of the FBiH level. That is, the representatives of the Legislation Office of the Government of the FBiH, in spite the agreement with the said rules, point to their insufficient quality and the need for their additional changes. Insufficient quality of the offered materials at the level of the FBiH was corrected later on, by additional activities of the Legislation Office of the FBiH in cooperation with the USAID project "Strengthening of the Parliaments of BiH" and the members of the legislation-legal commissions of both Houses of the Parliament of the FBiH. Additionally, the Rules have been sent in the expert public discussion, with the objective of obtaining additional quality assurance.

6. RECOMMENDATIONS

- 1. Quicken the procedure of adoption of the *Common Rules* at the levels of BiH, the RS and the FBiH (deadline for implementation of this activity by the RAP 1 expired at the end of 2011).**
- 2. After adoption of the Common Rules, revise draft Handbooks and distribute them to the competent institutions.**
- 3. Incorporate in the annual training plans those trainings that are directly related with strengthening of the capacities for application of the new *Common Rules* and implement these trainings.**

7. LEARNED LESSONS

It is noticeable that the key challenge in implementation of the projects that have as a result strategic documents that need to be adopted by the executive branch, and especially by the legislative branch, lies in the fact that there is a great risk of failure to adopt or being significantly late in adoption of those documents. Experiences from this, as well as from other projects point to the fact that in such cases it is often necessary to ensure political support with the objective of timely implementation of the project activities. The implementer often is not in a situation to be able to significantly influence adoption of the documents at higher instances, so a question is drawn regarding feasibility of the terms of reference that condition a part of the activities by adoption of the documents by the governments or the parliaments. The practice has shown that in these cases it would be desirable, within the project activities, to incorporate activities of lobbying, or winning influential individuals or groups. That means that it is necessary to find a module with the objective of developing efficient and effective communication with those that have a formal and informal power, which could ensure timely implementation of the project activities, and by that, achievement of the results.

In addition to the aforementioned, in these cases it would be necessary to discuss also the option of two-phase approach to implementation of the project. That means, in the first place, that the project is, regarding time, divided in two phases. The first phase would be implementation of the project by the moment of draft of the proposal of the document foreseen for adoption. The second phase of the project implementation would start only when, and if, the subject document is adopted. This would avoid frequent extensions of the project because of postponements by the local authorities, i.e. lack of political support and will. The project, in that case, would be continued when the conditions for that are ensured, as well formal determination of the local authorities in the form of adoption of the project results.

The next challenge, or segment in which improvements are possible in the process of project cycle management, is related with project documentation. Logical framework of the project is a tool susceptible to changes and which needs to be updated in accordance with the situation

in the field. It is necessary to be updated in the inception phase, as well as with each interim report if necessary. Activities in the logical framework can be changed, and even a result, if the need for that occurs, as long as the intervention logic is followed and as long as that efficiently and effectively achieves the project purpose and objective. Of course, this update implies agreement of the actors involved in implementation, management and supervision over the project.

In the end, it should be mentioned that when formulating the results in the project documentation, a guidance should be the adopted methodology and good practices, i.e. the results should be formulated in a way that they reflect future condition, i.e. positive changes in relation to the initial condition. Formulation of the results should be avoided that they actually represent reformulated activity. The best way to describe this is the following example:

Athlete can prepare themselves and train for years. That preparation and training are called activities. If the athlete wins, that is the result.

Therefore, the result are not trainings and preparations that took place. Those are only activities that should lead to victory, and the victory is the result.

List of Annexes

1. *Logical Framework*
2. *List of Interlocutors / Interviews*

Dates of Evaluators' Visits: From February 8 to 19, 2013.

Interviews with: see the list of interlocutors in the annex

Date of Report: March 31st, 2013

Annex 1 – Logical framework

LOGICAL FRAMEWORK /MATRIX				
	Logic of activities	Objectively verifiable indicators	Sources of verification	Requirements/Risks
Overall goals	<p>Establishing the best practice and coherent principles and standards for drafting laws, other regulations and general acts in Bosnia and Herzegovina, which will contribute to further improvement of the policy development process, methodological conformity of the process of drafting laws, other regulations and general acts, and improvement of legal system in general.</p> <p>Achievement of this goal will contribute to the development of public administration, which will be more efficient, professional, transparent, responsible and will serve citizens.</p>	<p>Established procedures and practices</p> <p>Efficient passing</p>	<p>PARCO Office</p>	
Project objective	<p>To adopt new or improve existing rules and procedures for drafting laws, other regulations and general acts at state, Entity and Brčko District B-H levels, in order to ensure that all drafts/bills of normative acts are prepared and discussed in an appropriate, harmonized and consistent way.</p>	<p>Adopted new or improved existing rules and procedures for drafting laws, other regulations and general acts at all levels in B-H</p>	<p>Official gazettes</p> <p>Final project report</p>	<p>Adoption of proposed regulations at all levels in scheduled time period</p>

<p>(Expected) results</p>	<p>R1 Conducted a comprehensive analysis of the existing practice of drafting regulations, and of the existing rules for drafting laws, other regulations and general acts at the level of B-H state, Entities and BD B-H, including impact assessment and conformity of laws and other regulations.</p> <p>R2 Collected the required data and conducted a comparative analysis of the practice of drafting legal and other regulations at state, Entity and Brčko district level with selected EU member countries that have a similar legal tradition to B-H and/or similar government structure, with proposals for the best practice in this area.</p> <p>R3 Prepared a detailed implementation plan and submitted to the Implementation team for adoption.</p> <p>R4 Prepared a detailed program document that will encompass an overview of conditions in the given area, and recommendations, actual measures and proposals for improving rules and procedures for drafting laws, other regulations and general acts in B-H</p> <p>R5 Prepared proposals for changes and amendments to the existing regulations, or created new regulations for</p>	<ul style="list-style-type: none"> ▪ Analysis conducted and adopted by the Implementation team. ▪ Comparative analysis adopted by the Implementation team. ▪ Implementation plan adopted by the Implementation team. ▪ Adopted proposals for changes and amendments to the existing regulations or adopted proposals for new regulations for drafting legal and other regulations by the Implementation team. ▪ Adopted changes and amendments to the existing regulations or adopted new regulations for drafting legal and other regulations by competent authorities at levels of Bosnia and Herzegovina, Federation Bosnia and Herzegovina, Republika Srpska and Brčko Districta Bosnia and Herzegovina. ▪ Training schedule adopted by the Implementation team. ▪ Completed training and adopted the report on the completion of training by the Implementation 	<p>Sources of information on progress: Periodical reports Report on the completion of training Official gazettes Meetings</p>	<p>Establishment of Implementation team Performing functions of Supervisory and Implementation team Cooperation of administration bodies at the levels of BIH, RS, FBiH and BD</p>

	<p>drafting legal and other regulations.</p> <p>R6 Submitted proposals for changes and amendments to the existing regulations, or proposed new regulations for drafting legal and other regulations and submitted for adoption by relevant authorities at the level of Bosnia and Herzegovina, Republika Srpska and Brčko district of Bosnia and Herzegovina.</p> <p>R7 Defined kinds of training and the number of key staff that will attend the training aimed at efficient implementation of the changed or new regulations for drafting legal and other regulations. Created Manual for drafting legal regulations.</p> <p>R8 Completed the scheduled training.</p>	<p>team.</p>		
<p>Activities</p>	<p>A1 Analysis of the existing practice of drafting regulations, and of the existing rules for drafting laws, other regulations and general acts at the level of B-H state, Entities and BD B-H.</p> <p>A2 Collecting data on the process of drafting legal regulations with the emphasis on ex ante and ex post regulation impact assessment in at least two European Union Member Countries that have a similar legal tradition to that in B-H and/or similar government structure. Comparative analysis of the practice of drafting laws, other regulations and general acts at state, Entity and Brčko District B-H levels with the selected EU Member Countries. Recommendation of</p>	<p>Resources:</p> <p>Key expert 1 – team leader (320 days)</p> <ul style="list-style-type: none"> - Key expert 2 (320 days) - Other experts (630 days) - Premises (School of Economics and Business) - Administrative and technical support (School of Economics and Business) 	<p>Sources of information on progress: Periodical reports Meetings</p>	<p>Securing resources Project management</p>

	<p>the best international practice to be adopted in B-H.</p> <p>A3 Support to Implementation team activities</p> <p>A4 Preparing a detailed program document that will encompass an overview of conditions in the given area, and recommendations, actual measures and proposals for improving rules and procedures for drafting laws, other regulations and general acts in B-H, which shows how, when and by whom the observed shortcomings can be removed.</p> <p>A5 Generating a proposal for changes and amendments to the existing regulations or a proposal for new regulations for drafting laws, other regulations and general acts, using results of the conducted analysis and the program document from the preceding activity.</p> <p>A6 Submitting, for adoption, changes and amendments to the existing regulations, or new regulations for drafting laws, other regulations and general acts by competent authorities (Ministers' Council/government or parliaments /National assembly of RS) at the level of Bosnia and Herzegovina, Republika Srpska, Federation Bosnia and Herzegovina and Brčko district B-H. Work with directors of Legislation Offices/ Secretariats, secretariats of governments/VM and parliament secretariats in order to ensure completion, approval and adoption of the defined legal framework.</p> <p>A7 Analysis of needs for training key staff in all</p>			
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	<p>institutions and bodies involved in drafting laws, other regulations and general acts and, based on the results of conducted analysis, preparation of the detailed Training Schedule that will consist of various forms of training (coaching, in-house training, study visits, seminars, workshops, etc.). Preparing and printing a Manual for drafting legal regulations, which will facilitate and clarify the implementation of new legislation for drafting legal regulations</p> <p>A8 Delivering scheduled training</p>			
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Annex 2

List of interlocutors /Interviews

No	Name and Surname	Position, Sector	Institution	Place	Date	Meeting Held (Yes/No)
1.	Nedžib Delić	Manager of the project, Expert Advisor for Public Administration Reform	PARCO	Sarajevo	February 8, 2013.	yes
2.	Dragana Kezunović	Member of the IT ¹	Ministry of Justice of the BiH	Sarajevo	February 11, 2013.	yes
3.	Lejla Saračević- Hasanagić	Member of the IT	Legislative Office of the BiH			
4.	Vedad Silajdžić	Key expert in the Project	Faculty of Economics Sarajevo	Sarajevo	February 13, 2013.	yes
5.	Milena Simović	Member of the ST ²	Secretariat for Legislation of Republic of Srpska	Banja Luka	February 14, 2013.	yes
6.	Miroslavka Vojvodić-Vencelj	Member of the IT				
7.	Ljiljana Timotija	Predstavnica korisnika				

¹ Implementation Team

² Supervisory Team

8.	Jelica Vidović	Member of the ST Member of the IT	Legislative Office of Brcko District	Brčko	February 18, 2013.	yes
9.	Ehlimana Begović	Member of the IT		Brčko	February 18, 2013.	yes
10.	Srđan Mikić	Member of the ST	Office of the Government of FBiH for legislation and compliance with EU regulations	Sarajevo	February 19, 2013.	yes
11.	Minela Alibegović	Member of the ST				