

# **ASSESSING AND STREAMLINING POTENTIALS OF OPEN BALKAN INITIATIVE**

**STRATEGIC ASSESSMENT OF PRESENT STATE, HOW IT IS PLANNED WITH OBI AND THE  
ADMINISTRATIVE GAP IDENTIFICATION FOR THE AGREEMENT ON CONDITIONS FOR  
FREE ACCESS TO THE LABOUR MARKET IN THE WESTERN BALKAN**

**Final version**

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**Center for Economic Analyses-CEA**

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**Implemented by:** Center for Economic Analyses – CEA Skopje

**Title:** Strategic assessment of present state, how it is planned with OBI and the administrative gap identification for the Agreement on conditions for free access to the labour market in the Western Balkan

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# About the Project

**CENTER FOR ECONOMIC ANALYSES-CEA IS CONDUCTING A ONE-YEAR OSF PROJECT TITLED: ASSESSING AND STREAMLINING POTENTIALS OF THE OPEN BALKAN INITIATIVE (OBI).**

## **BACKGROUND**

Recognizing the lack of interest of the EU in enlargement in the Western Balkans, Serbian President Aleksandar Vučić, the Prime Minister of North Macedonia, Zoran Zaev, and Albanian Prime Minister Edi Rama decided to “take destiny in their own hands” and launch a “mini-Schengen” in October 2019. In July 2021, this idea evolved into a regional initiative “**Open Balkan**”<sup>1</sup>. The initiative is no substitute for membership in the EU, but a path to accelerated membership and utilization of the existing but insufficiently used potentials in these countries, which might facilitate additional economic growth and development, and thus, welfare for their citizens.

## **CHALLENGES TO KEEP THE MOMENTUM**

Developing and cultivating neighbourly relations in the Western Balkans in expectation of economic prosperity will require eliminating border controls and other barriers in order to facilitate the movement of people, goods and services, and capital in the region. Regional disparities analyses (for example, coastal vs. internal, NUTS 2 and NUTS 3 regions, urban vs. rural, capital cities vs. other cities) of the Open Balkan countries might offer insights when determining priorities for more accelerated growth and internal convergence of the Open Balkan region. **At the moment, there is a lack of properly elaborated analyses to assess the existing challenges.**

The Covid-19 pandemic, the food and energy crises, and the war in Ukraine illuminate the importance of internal cooperation and coordination and need for mutual understanding and solidarity among Open Balkan countries. Internal coordination and cooperation, exchange of experiences, and solidarity in the region bring value to future EU integration if the Open Balkan countries can speak in one voice.

The region’s external environment, especially now with the war in Ukraine, emphasizes the importance of cooperation and coordination and the need for mutual understanding and solidarity.

## **TOOLS AND INSTRUMENTS FOR ASSESSING THE POTENTIALS FOR ACHIEVING COOPERATION AND COORDINATION**

While on the highest political level there is still evidence of political will for Open Balkan, on the administrative level, or “on the ground”, people cannot really sense the benefits of this initiative just yet. **At the very least, what is missing is more evidence-based policy research on the bottlenecks in cooperation and potential of the six countries of the Open Balkan.**

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<sup>1</sup> By Open Balkan Initiative, we will define the territorial space of six countries of the Western Balkan-WB6: Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Kosovo, and Serbia.

## ACTIVITIES OF THE PROJECT

An independent pool of experts from the six countries diagnosing and investigating the bottlenecks for cooperation and coordination among the Open Balkan countries will add value to the already demonstrated political will for the Open Balkan Initiative, leading to its more structured, priority-focused, and systematic development.

## Background

As per the ToR, this regional research project has four main tasks:

- TASK 1: Country analysis - screening focused on the Open Balkan Initiative-OBI
- TASK 2: Disparities analysis
- TASK 3: Administrative gaps and bottlenecks assessment
- TASK 4: Open Balkan macroeconomic forecasts

**This document presents the findings of the TASK 3: *Administrative gaps and bottlenecks assessment*. As per the ToR, the TASK 3 has the following objective: *To do a fact check and prepare recommendations with a list of potential legislative changes*. This task follows after the TASK 1 of screening on the countries and after the TASK 2 on the disparity analysis.**

**The point with the TASK 1 was** that almost any political initiative could be implemented but the ultimate goal of any political initiative should be the improved welfare of the citizens. Thus, the political idea and will behind the Open Balkan should be somehow transferred vertically from the political actors on power (executive-government and legislative-parliament) through the administration with the instruments of the meetings, sessions, strategies, action plans, programs etc. and their implementation to the citizens and even more to the improved benefit of the citizens.

**The point with the TASK 2 was** that each of the WB6 countries have its own characteristics thus, there are disparities within and among the countries but also similarities. That is why we want to analyse the disparities and similarities at EU's NUTS 3 regions depending on the data available. The idea is that given the OBI MoUs and the OBI Agreements and the EU's freedom of movements some NUTS regions of the WB6 countries might have more similarities among themselves than the others. Thus, those NUTS 3 regions that are clustering e.g., are showing similarities in some demographic attributes and/or some socio-economic attributes might be a platform for more efficient implementation of the EU's freedom of movements and the objectives of the OBI MoUs and OBI Agreements. This does not mean that the regions that are with more disparities cannot achieve the same objectives. It just demonstrates that for more similar regions the policies might be implemented more efficiently as they have similar challenges. Those regions that show larger disparities will probably need more resources to reach convergence and less inequalities.

**The point with the TASK 3 is to** do fact-check about the main initiatives with the potentials of the administration to administer the initiatives. In this part we want to identify an OBI MoU and/or an OBI Agreement and for the identified one to do the fact-check and to prepare recommendations with a list of potential legislative changes.

Given the resources of the project we identified one OBI Agreement to do detailed fact check and to prepare recommendations with a list of potential legislative changes. This is the *Agreement on Conditions for Free Access to the Labour Market (provided this Agreement enters into force its application shall begin on the date of entry into force of the Agreement on interconnection of schemes for electronic implementation of the citizens of WB)*. This Agreement was also pointed out as the most significant for the business community field work and discussions in Skopje and Belgrade.

We developed a tool to assess if the participating OBI countries have developed/adopted/established any bylaws, protocols or other follow-up instruments prescribed in the OBI MoUs and the OBI Agreements. Finally, for the fact check of the implementation of the identified OBI Agreement experts of the six countries assessed the administrative gap come up with recommendations about the list of potential legislative changes. Thus, the TASK 3 comprised:

1. Workshop with business community in North Macedonia and Serbia to get the perception of the businesses about the relative importance of the OBI MoUs and the OBI Agreements (participating and non-participating countries);
2. Implementing a tool to assess if the participating OBI countries have developed/adopted/established any bylaws, protocols or other follow-up instruments prescribed in the OBI MoUs and the OBI Agreements (participating countries only);
3. Fact checks about the implementation of the one identified OBI *Agreement on Conditions for Free Access to the Labour Market* and preparation of recommendations with a list of potential legislative changes (participating and non-participating countries).

**IMPORTANT NOTE:** Country experts took a neutral stance and unbiased approach as they conduct the data collection and analysis for this research task. No matter on one's stance towards OBI, be that informed criticism or support of the initiative, their opinion should not affect the data collection process, the process of data analysis so it does not favour, nor disregard, nor encourage one answer or outcome over others.

The OBI countries from the Western Balkan (Albania, North Macedonia and Serbia) are defined for the purpose of understanding in this document as **“participating”** and the countries from the Western Balkan that are not part of the OBI (Bosnia and Hercegovina, Kosovo and Montenegro) are defined for the purpose of understanding in this document as **“not-participating”**.

## Introduction

This document illustrates a summary of the six country reports after the strategic assessment tool for the administrative gap was applied to the *Agreement on Conditions for Free Access to the Labour Market in the WB*<sup>2</sup> (provided this Agreement enters into force its application shall begin on the date of entry into force of the Agreement on interconnection of schemes for electronic implementation of the citizens of WB). However, given its importance and in order for the work force to benefit free access in the WB and to participate freely in the labour market we also worked to certain extend in our administrative gap assessment exercise on the:

- *Agreement on Cooperation in WB in the field of Mutual Recognition of Diplomas and Scientific Grades Issued by Higher Education Institutions and other Authorized Institutions*<sup>3</sup>
- *Agreement on Interconnection of Schemes for Electronic Identification of the Citizens of WB and*
- *Memorandum of Understanding on the Cooperation of the Taxation Administration in the WB.*

Thus, the team assessed the administrative gap in more details for the *Agreement on Conditions for Free Access to the Labour Market in the WB* but also assessed **to a certain degree** the current status of the:

- *Agreement on Cooperation in WB in the field of Mutual Recognition of Diplomas and Scientific Grades Issued by Higher Education Institutions and other Authorized Institutions*
- *Agreement on Interconnection of Schemes for Electronic Identification of the Citizens of WB and*
- *Memorandum of Understanding on the Cooperation of the Taxation Administration in the WB.*

We believe this information are important for the policy makers to bring welfare to the citizens of the WB6.

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<sup>2</sup> See more: [http://vlada.mk/sites/default/files/dokumenti/Otvoren\\_Balkan/working\\_permits.pdf](http://vlada.mk/sites/default/files/dokumenti/Otvoren_Balkan/working_permits.pdf).

<sup>3</sup> Note that the preliminary results of the questionnaire implemented in the Chamber of commerce show that 29% of the businesses selected the *Agreement on Conditions for Free Access to the Labor Market in the WB* as the one agreement from OBI that will have the highest influence on their businesses. Additional 15% say that the mutual recognition of the professional qualifications and diplomas and grades will also have influence on their businesses.

# Assessed administrative gap for the OBI Agreement on Conditions for Free Access to the Labour Market

## Qualitative country expert administrative gap assessment

Given the research findings from the team of country experts and given the Methodology the Country assessed administrative gap qualification for the OBI Agreement on conditions for free access to the labour market is presented in the next table (see Annex to this document for the explanation of the rating system).

Country	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
Assessment	<p>The country is ready to assume implementation of the Agreement on Conditions for Free Access to the Labour Market in the WB with major modifications in the legislation and sub-legislation procedure introduction and/or new staff systematization and/or planning and procuring new equipment.</p> <p>For legislation: 4 For procedures: 4 For staff in need: 4 For equipment in need: 2 Sum: 14</p>	<p>The country is not ready to assume implementation of the Agreement on Conditions for Free Access to the Labour Market in the WB and require major legislative actions, public finance planning and execution and public procurement planning and implementation</p> <p>For legislation: 5 For procedures: 5 For staff in need: 4 For equipment in need: 5 Sum: 19</p>	<p>The country is ready to assume implementation of the Agreement on Conditions for Free Access to the Labour Market in the WB with major modifications in the legislation and sub-legislation procedure introduction and/or new staff systematization and/or planning and procuring new equipment</p> <p>For legislation: 5 For procedures: 4 For staff in need: 3 For equipment in need: 3 Sum: 15</p>	<p>The country is not ready to assume implementation of the Agreement on Conditions for Free Access to the Labour Market in the WB and require major legislative actions, public finance planning and execution and public procurement planning and implementation</p> <p>For legislation: 5 For procedures: 4 For staff in need: 4 For equipment in need: 4 Sum: 17</p>	<p>The country is somehow ready to assume implementation of the Agreement on Conditions for Free Access to the Labour Market in the WB with modifications in the legislation/sub-legislation and/or procedures introduction and/or new staff systematization and/or planning and procuring new equipment</p> <p>For legislation: 4 For procedures: 3 For staff in need: 3 For equipment in need: 2 Sum: 12</p>	<p>The country is somehow ready to assume implementation of the Agreement on Conditions for Free Access to the Labour Market in the WB with modifications in the legislation/sub-legislation and/or procedures introduction and/or new staff systematization and/or planning and procuring new equipment</p> <p>For legislation: 2 For procedures: 2 For staff in need: 3 For equipment in need: 3 Sum: 10</p>

## Summary explanation of the administrative gap assessment

Detailed summary explanation of the qualitative assessment of the experts follows. More details can be found in the Table in the Annex and in the proper country reports.

### Current state of play

#### **Albania**

In Albania, the competencies to access the labour market are regulated by the Central Government Institutions (at least 12 institutions involved). The Government of Albania is in charge of establishing the annual quotas for aliens to enter the labour market in Albania (approved with dedicated DCM). The residence and work permit (the unique permit for employment, self-employment, highly qualified employees, transferred within enterprise, investors and digital nomads) is issued by the authority responsible for border and migration (under MoI) and approved by the National Agency for Employment and Skills (AKPA under MOFE). The procedure is done on-line in the e-Albania portal (established and managed by the National Agency for Information Society in Albania). The procedure has a maximum duration of 12 weeks from the application date and costs 8,000 ALL (app. 70 Euros).

#### **Bosnia and Herzegovina**

The competences for the access to the labour market of BiH are exercised by the state level, the two entities and Brčko District. The state level is competent to establish quotas for the access of foreigners to the labour market. At entity (Federation and Republika Srpska), Brčko District and cantonal level (ten cantons), employment services are responsible for issuing work permits for foreigners in the limit of the quotas established at state level. Current rules do not differentiate along the citizenship lines, so there are no special rules for citizens of the countries in the region. All foreign nationals are viewed the same.

According to October 2022 report, BiH has some level of preparation in the field of free movement of workers, and has made limited progress since 2021. Currently employers apply for a working permit with competent authority (not online!), and approval of working permit depends on whether there are unemployed citizens of BiH who could take the job. The process of issuing the working permits takes up to 30 days. The majority of working permits are issued by employment services in Sarajevo and Banja Luka, where lack of staff is an issue, as well as lack of developed IT system that is connected with other institutions.

## **Kosovo**

Kosovo is non-participating OBI country and as such has not yet signed and ratified the Agreement on Conditions for Free Access to the Labour Market in the Western Balkans; has not yet established the Joint Committee; has not yet adopted rules of procedure of the Joint Committee; has not yet carried out an analysis of legal changes needed in order to align them with the Agreement on Conditions for Free Access to the Labour Market in the Western Balkans and to implement this agreement. Finally, Kosovo has not yet developed the institutional system (staff in charge, procedures, databases/systems, etc.) in order to implement and ensure compliance with the Agreement on Conditions for Free Access to the Labour Market in the Western Balkan.

## **Montenegro**

In accordance with the Law on Foreigners and the by-laws of this Law, each year the Government makes a decision on the number of foreigners who can be employed in Montenegro, as well as the areas of economic activity that can employ foreigners. Every foreigner must obtain a Permit for residence and work in Montenegro (up to one year, which can be extended to two years), in order to establish an employment relationship.

The procedure for obtaining a residence and work permit is defined as well as the necessary documentation. Most of the work for securing work permits is completed by employers, who generally bear most of the costs for these permits. After obtaining this permit, in accordance with the Labour Law, such a foreigner has the same rights and obligations as any domestic employee. In the process of EU integration, Montenegro harmonized its legislation with the EU to the greatest extent.

## **North Macedonia**

Foreign nationals seeking to work in North Macedonia are required to obtain a temporary residence permit for employment purposes into one of three categories. That are: employment of a foreigner, seasonal employment of a foreigner, or secondment of employees, each with distinct criteria. The permits are issued for one-year duration, allowing the foreigner to engage the specific employment for which the temporary residence has been granted. Employment in Macedonia can occur through formal employment, self-employment. Work permit issued by the Employment Agency are issued to foreigners based on a regulated stay for other reasons. It's important to note that the process for issuing these permits is not yet digitized within the general legal and policy framework governing the stay and work of foreign individuals. Relevant by-laws have been adopted by the Ministry of Interior Affairs and the Ministry of Labour and Social policy.

## **Serbia**

According to the Law on Foreigners and the Law on Employment of Foreigners, the key institutions for free access to labour market in Serbia are the Ministry of Internal Affairs - Directorate for foreigners (MUP) and the National Employment Service (NES). The procedure currently works in the following way: The employer is the initiator on behalf of his worker, and he first applies at the NES for mediation in employment. The NES does the labor market test and ensures there is no available domestic worker on their record for that job position. After that, the employer applies with necessary documentation at the MUP for the residence permit for its worker. Finally, the employer once again applies with the residence permit and other necessary documentation at the NES in order to get the work permit. Both the residence and work permits are valid up to one year and the whole procedure incurs costs for employer in around EUR 330 per worker, takes around 2,5 months to complete and the worker should be present up to three times at the MUP.

However, after the changes in these two laws come into effect, from the February 1<sup>st</sup> 2024, the employer files the application for the Unified work and residence permit electronically via the eGovernment website. The MUP becomes the main administrative body that decides on the request, and the NES only conducts the labor market test. The whole procedure should last around 15 days and the worker will not have to be present during the procedure.

## Open Balkan scenario

### **Albania**

The Agreement provisions aim at easing the access to labor markets of the contracting parties (enter, stay and work freely, within and in respect of the terms and conditions applied in each contracting party). To this end, the Agreement simplifies procedures for an eased entering, staying and working in the contracting parties' territory, guaranteeing equal access to the labor market. The Open Balkan ID number (with a duration of 2 years) is foreseen to be the instrument for an on-line electronic service for registering data for those wanting to exercise the free access right. In addition, an agreement on social securities is to be signed among the contracting parties to fully take advantage of the free access to labor market rights.

The OB-ID number is to be issued upon the presentation of the documents, such as the valid ID card or biometric passport valid for at least 90 days, no presence of any ban from entry or stay, no threat to public order, national security, public health or the international relations.

## **Bosnia and Herzegovina**

At institutional level, the Open Balkan initiative, requires establishment and regular meetings and reporting by a Joint committee, which is tasked with organizing, coordinating and controlling activities related to the implementation of the agreement to be composed of at least five representatives from each contracting party.

The Agreement allows citizens of the Contracting Parties to have the right to move, stay, and work freely. It simplifies the administrative procedures for entry, movement, stay and work; and guarantees equal access to the labor market. It also foresees introduction of an online electronic service for registration of both personal and other data by persons wanting to exercise the right to free access (so-called Open Balkan ID number). It also foresees a very simple procedure: online registration followed by issuance of the Open Balkan ID number for up to two years. The documents needed: A valid ID card or biometric travel document, valid for at least 90 days; no ban on entry and stay confirmation; no threat to the public order, national security, public health or the international relations.

## **Kosovo**

The Agreement on Conditions for Free Access to the Labour Market in the Western Balkans signed in Tirana, in 2021 among the OBI participating countries, allows citizens of the Contracting Parties to freely move, reside, and work within the region. It simplifies administrative procedures, guarantees equal job market access, and introduces an online registration system (Open Balkan ID) for personal data. The process involves online registration and the issuance of the ID, valid for up to two years, requiring specific documentation and no security or public health concerns. Kosovo faces significant political and administrative challenges in implementing the agreement. Kosovo government has rejected the Open Balkan initiative, and this decision is also supported by the main opposition parties, and therefore it is highly unlikely that the country will embrace OBI in the near future. However, the business community in Kosovo sees OBI in more favourable terms. Kosovo government strongly supports the Berlin Process, and the government insists that the Common Regional Market is implemented.

## **Montenegro**

Bearing in mind the legislative framework in Montenegro, in the context of the OBI Agreement, it would be necessary to amend the Law on Foreigners, which prescribes the conditions for the residence and work of foreigners. The change would have to be made in the part of the exemption of the OBI countries, because in any case this solution would have to remain for other foreigners (given that the Law is harmonized with the EU). Changes should also be made to the by-laws in accordance with this: The Regulation that determines the methodology for determining the annual quota for the employment of foreigners, on the basis of which the decision on the quota is made annually, as well as the Rulebook that regulates the obtaining of work permits for foreigners. as far as the Labour Law is concerned, there should be no changes there, because it still gives the same treatment to foreigners as it does to local employees.

## **North Macedonia**

The "Free access to the labour market", as service, under the OBI obliges North Macedonia that citizens from other contracting parties (Serbia and Albania) are granted equal access to the labour market. To exercise this right to free labour market access, a citizen of the contracting parties must register their personal and other required data through the online electronic service established by each Contracting Party. The procedure should be fully digitalised and free of charge.

## **Serbia**

The Agreement simplifies the administrative procedures for entry, movement, stay and work of the citizens of NMK and ALB. In addition, it also guarantees that citizens of ALB and NMK have equal access to the labor market in Serbia. The Agreement envisages the establishment of an online electronic service for the registration of both personal and other data for the free access to labor market (in compliance with domestic legislation and Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans).

The procedure for the free access to labor market within the OBI should function as follows: in order to receive their Open Balkan ID number, citizens of the ALB and NMK should register both their personal and other data on their governments' online electronic services (e-governance portals). This should be done prior or following the entry to a country (but no later than 90 days). After that, they receive their Open Balkan ID number with which they can apply for the free access to the Serbian labor market on the Serbian E-uprava website. Ministry of Internal Affairs examine whether the necessary conditions are met and the National Employment Service of Serbia issues the Approval for free access to the labor market which lasts for up to two years.

For Albanian and Macedonian workers in Serbia, it is very favorable because the entire procedure is completely free, meaning there are no administrative costs involved.

## Gap assessment

### **Albania**

Albania and other contracting signatories of the *Agreement on Conditions for Free Access to the Labour Market in the WB* must enable the establishment of the Joint Committee as the authority guaranteeing the agreed-upon activities. Therefore, the Government of Albania has to choose

at least 5 representatives from involved institutions for free access to the labor market. The Joint Committee must approve its Rule of Procedures and monitor and report accordingly on the progress in the implementation of the provisions of the Agreement.

The law 79/2021 "On Aliens" regulating the entry, stay, and access to the labor market of aliens in Albania needs to be amended (including by-laws) to accommodate the Agreement's provisions. In particular, the OB-ID number has to be added as a particular sub-category of the "unique permit" currently in use. Simultaneously, the OB-ID number generation will be included in the electronic services pGoA provides the e-Albania portal, capitalizing on the experience with e-services. The OB-ID card can be digital, and a physical OB-ID card can be issued by an authority that issues biometric ID cards and passports for Albanian citizens (infrastructure established and added costs for printing the card). These changes require the signature of additional protocols and agreements to implement the Agreement provisions. In particular, agreements between contracting parties need to be negotiated and signed about health insurance, social security (and validity of working experience in the host country for pension age calculations), and taxation of income generated in the hosting country. Therefore, some new staff might need to be hired to follow up on applications from contracting parties' citizens, but there is no need for significant infrastructural changes (from a technological point of view since it is established).

### **Bosnia and Herzegovina**

If BiH were to join the Open Balkan Initiative and this agreement, then it would need to decide which five representatives would sit in a Joint committee (due to decentralized nature of BiH, might be challenging to decide). BiH would also need to introduce legislative changes (and then change bylaws) that would allow for simplification of the administrative procedures for entry, movement, stay and work; and guarantee equal access to the labor market to citizens of contracting parties (different levels of government in BiH, according to their competences). BiH would need to introduce an online electronic service for registration (legislative, but also resources needed). When it comes to procedures for the contracting citizens to work in BiH, next to required legislative changes, BiH would also need to build online registration platform, and connect institutions in order to be able to check weather conditions are met (e.g., entry ban). Furthermore, staff needed to run and maintain the platform would be required. As well as IT and other resources. Also, five representatives in the Joint Committee would need to be appointed.

### **Kosovo**

Kosovo lacks an electronic system for registration of workers from other WB countries, although it has a centralized national digital platform for services (E-Kosova), which can be used for this purpose. Kosovo also lacks a webpage where companies will publish job vacancies available in the labor market in Kosovo and people from other WB countries will apply for jobs available.

## **Montenegro**

Regarding the hiring of additional resources, it would certainly be necessary to hire additional employees who work with foreigners, given that the Identification Number of the OBI would have to be approved. Of course, assuming that an IT platform is built for this number. For those personnel engaged in new jobs, additional training would be necessary, and probably also equipment for their workplace, such as computers, internet, tables, chairs and the like.

Additionally, in addition to this IT platform, which concerns the foreign supply on the labor market, Montenegro is in the process of establishing the IT basis for the Network of EU Employment Agencies, therefore this gave the idea that in the context of OBI, such a platform would also be for OBI countries. necessary.

## **North Macedonia**

A joint committee has not been established and the foreseen rules of procedure have been adopted. Coordination for the drafting process of the protocol took place with involvement of various institutions, led by the Government and OBI coordinators rather a joint committee. This approach has led to slower implementation compared to a committee-based approach. Although an additional protocol has been developed and agreed upon at a technical level, it has not been officially adopted. While a working group has drafted the protocols, these protocols are not adopted.

The protocol to the OBI Labour market agreement and the OBI ID agreement, based on the draft texts, outlines the application and approval process and the technical aspects of the federation of electronic schemes, respectively. These protocols should be reviewed for conflict with domestic legislation, including for the newly established bodies. To ensure transparency and address potential conflicts, both protocols should be publicly presented for input from experts and practitioners before adoption and implementation.

The OBI service “access to labour markets differs significantly from standard procedures and will be fully digitalized. The service is not yet operational, partly because the Ministry of Interior's information system isn't integrated with other ministries and agencies. Thorough testing and verification should be conducted to ensure it functions smoothly without system issues before being made publicly available. The OBI Agreements and draft protocols do not specify how North Macedonia parties will verify the self-declared information provided by applicants, related to criminal background checks, as well as verification of education, professional qualifications, and other credentials for which the international agreements signed within the Berlin Process may be crucial.

The Ministry of Interior would have largest workload to issue “access to the labour market” and may be in need for new computers with internet connection and privileges to operate the system to regional operational units, depending on the interest for this service.

## **Serbia**

With regard to legal framework, this agreement is regarded as a *lex specialis* meaning it is applied exclusively to the matters outlined in the text, while national legislation is applied for everything else. The National Assembly of the Republic of Serbia has ratified it, thus providing it the force of law. Therefore, there is no need to amend other laws and by-laws in Serbia. The only thing left is for Serbia and Albania to conclude a social security agreement.

When it comes to the procedural part of the implementation of this Agreement in Serbia, since the key government institutions have been ready for it for over a year, the main general constrain is the lack of political will from “the above” to finalize the whole process.

With regard to staff, although the NES does not seem to miss workforce, we estimate that the MUP would need a substantial increase in the staff to effectively follow the procedures set in the Agreement. In addition, since the Joint Committee has not yet been formed, at least five representatives from the key institutions in charge of the free access to labor market should be appointed (Ministry of Internal Affairs, National Employment Service, Office for IT and eGovernment and Ministry of Labour).

When it comes to equipment, the NES does not foresee any gaps on their part since the MUP will be doing most of the job. As for the MUP, they would need to upgrade their equipment, for instance to develop software for swift and easy communication and data sharing with other key institutions (NES, Office for IT and eGov).

## [Additional comments](#)

## **Albania**

NA.

## **Bosnia and Herzegovina**

Highly decentralized system in BiH, which involves different levels of governance, would require an agreement on how exactly BiH would coordinate and manage implementation of this agreement. For example, would online platform for BiH be ran from one place or from both entities and Brcko District?

## Kosovo

At present, with the Agreement not ratified, Kosovo's challenges also include the lack of alignment with the EU acquis of the relevant legislation on matters related to the implementation of the Agreement. Kosovo has complex administrative procedures on entry, stay and work of other WB countries' citizens, and barriers to equal access of other WB countries' citizens in the labor market.

## Montenegro

It could be very demanding to adapt the national legislation to the Agreement, but also vice versa, at least when it comes to the case of Montenegro, because of EU integration process.

## North Macedonia

NA

## Serbia

One general comment regarding the research process for this report: some government institutions in Serbia, such as the Ministry of Internal Affairs (MUP), the Ministry of Labour, and the Office for IT and eGovernment, have been quite opaque when it comes to the providing information regarding the implementation of OBI agreements.

## Legislation amendment and resources in need

### Albania

<b>Legislation/sub-legislation</b>	<b>Amendment in need (what is it about)</b>	<b>Explanation</b>
Law on aliens, regulating the entry, stay and work of aliens in the Republic of Albania	Amend the law on aliens to include a particular category of permit dedicated to an Open Balkan ID number (and the rights deriving from it) and introduce protocols for data exchange with contraction parties.	Albania shifted to on-line services in 2023, meaning half-work is done. To ensure the implementation of the Agreement, in the list of the permits issued in Albania,

		adding the OB-ID number will ease the workload for the WB citizens living and working in Albania.
Amend laws and by-laws regulating labor relations in the Republic of Albania, including health insurance, social securities, income taxation (and any other related act).	Regulate issues related to the payment, recognition and validity of health insurance, social securities (and counting years of experience for pension age purposes), and income taxation for WB citizens with the OB-ID number working and living in Albania.	Citizens living and working in Albania must have access to health and social services and be subject to taxation. In addition, the working experience in any contracting party must be valid for pension age calculation purposes.

<b>TABLE 3: PROCEDURES, STAFF, EQUIPMENT IN NEED</b>		
<b>Legislation/sub-legislation</b>	<b>Procedure(s) in need* Staff in need** Equipment in need*** (notify in the cell below for each legislation/sub-legislation properly)</b>	<b>Explanation (Provide a proper explanation in the cell below.)</b>
Law on aliens, regulating the entry, stay and work of aliens in the Republic of Albania	*Introduce the OB-ID number and procedure for obtaining it in e-Albania and involve Aleat offices in the physical card production (where Albanian citizens obtain biometric ID cards and passports). **Hire the necessary staff to support follow-up on applications. ***No particular equipment is needed.	Albania provides on-line services, which avoid physical presence at the moment of the application. Once the OB-ID is issued, the ALEAT offices provide the physical card (the infrastructure is in place for Albanian IDs and passports). Since Albania has an established infrastructure, adding a new service does not require new investments and hiring many employees.
Labour market regulatory framework, including health insurance, social securities and taxation.	*Revise existing procedures for health insurance payment for OB-ID holders; *Revise existing procedures for social security's payment for the OB-ID holders; *Revise existing procedures for taxing incomes generated from the alien's OB-ID holders; **No extra staff needed for health insurance, social securities and taxation. ***No new investment in technology is needed: health insurance, social securities and taxation. Changes occur within the established technology and infrastructure.	The OB-ID card holders are to be enabled to have access to health, social and taxation services without any other applications or procedures to be followed or completed.

## Bosnia and Herzegovina

<b>TABLE 2: AMENDMENTS IN THE LEGISLATION IN NEED</b>		
<b>Legislation/sub-legislation</b>	<b>Amendment in need (what is it about)</b>	<b>Explanation</b>
Law on the movement and stay of foreigners and asylum of BiH (and its bylaws)	Introduce changes that would allow the existence/recognition of Open Balkan ID number, as well as establishment of online platform for registration of citizens of contracting parties.	At the moment, employers apply for working permits of all foreigners, without which foreigners cannot work.

Laws on employment of foreigners (two entity and Brcko District) (and their bylaws)	Introduce changes that would create exemptions for citizens of contracting parties in possession of Open Balkan ID number.	At the moment, employers apply for working permits of all foreigners, without which foreigners cannot work.
Two entity (and Brcko District) laws on social, health and pension insurance	Introduce changes that would create exemptions for citizens of contracting parties in possession of Open Balkan ID number.	At the moment, only foreigners with working permits have access to social, health and pension insurance.

**TABLE 3: PROCEDURES, STAFF, EQUIPMENT IN NEED**

<b>Legislation/sub-legislation</b>	<b>Procedure(s) in need* Staff in need** Equipment in need*** (notify in the cell below for each legislation/sub-legislation properly)</b>	<b>Explanation (provide a proper explanation in the cell below)</b>
Law on the movement and stay of foreigners and asylum of BiH (and its bylaws)	* Introducing the Open Balkan ID number ** No extra staff needed ***introducing documents that would serve as a confirmation of the Open Balkan ID number	At the moment BiH system does not recognize any exemptions for any specific groups of foreigners. Legislative changes would be required to introduce the Open Balkan ID number.
Laws on employment of foreigners (two entity and Brcko District) (and their bylaws)	* Introducing the online platform for registration ** Extra staff needed to run and maintain the online platform *** IT solution for the online platform, as well as changes allowing for Open Balkan number.	In case that the online platform would be run at entity and Brcko District level, legislative changes, as well as staff and IT solutions for development and maintaining of the online platform and Open Balkan number would be needed.
Two entity (and Brcko District) laws on social, health and pension insurance	* Introducing recognition of the Open Balkan ID number ** No extra staff needed *** minimal IT changes to allow for citizens with Open Balkan ID number to enjoy rights.	At the moment only foreigner with working permits have access to social, health and pension insurance. Changes would need to happen in order for those with Open Balkan number to be able to enjoy the same.

## Kosovo

**TABLE 2: AMENDMENTS IN THE LEGISLATION IN NEED**

<b>Legislation/sub-legislation</b>	<b>Amendment in need (what is it about)</b>	<b>Explanation</b>
Law No. 04/L-219 on Foreigners	Regulate all aspects related to the entry, stay and work of citizens from other WB countries in a single chapter of the Law on Foreigners.  Extend the duration of temporary residence permits for foreigners from other WB countries applying for the purpose of employment in the country to two years, with the possibility of further extension.	Overall, the proposed amendments seem to align Kosovo's legislation with EU directives and regulations, demonstrating an effort to meet international standards. The clarity in defining various categories of foreigners and the establishment of conditions and requirements for entry and residence permits are positive aspects of these amendments. Additionally, the exceptions for family reunification and the extension of permits for graduated students and

	Add a transitional provision in foreseeing adoption of a separate bylaw (regulation or administrative instruction) regulating the entry, stay and work of citizens from other WB countries.	scientific researchers show a consideration for specific groups and support their integration into the society. The current law regulates the entry, stay and work of all foreigners in the same way and in disparate provisions. It makes some exceptions for workers from EU Member States (as an obligation deriving from the Stabilisation and Association Agreement (SAA), but it does not contain separate provisions regulating the entry, stay and work of foreigners from other WB countries for the purpose of employment in the country's labour market. Under the current law, the duration of the temporary residence permit is usually one year, for all foreigners applying for such a permit for the purpose of employment in the country's labour market. The current law does not provide for the possibility to regulate procedural aspects in a coherent and streamlined way through separate implementing legislation.
A new bylaw	Draft and adopt a bylaw (regulation or administrative instruction) regulating the entry, stay and work of citizens from other WB countries.	Given that the provisions of the Law on Foreigners regulating procedural aspects are overly general, lengthy, disparate and often unclear, there is a need to adopt a regulation or an administrative instruction only regulating only the entry, stay and work of citizens from other WB countries.

**TABLE 3: PROCEDURES, STAFF, EQUIPMENT IN NEED**

<b>Legislation/sub-legislation</b>	<b>Procedure(s) in need* Staff in need** Equipment in need*** (notify in the cell below for each legislation/sub-legislation properly)</b>	<b>Explanation (provide a proper explanation in the cell below)</b>
Law No. 04/L-219 on Foreigners	The law could benefit from more streamlined procedures for granting permits and employment of foreign citizens in Republic of Kosovo	This could be achieved by specifying clear and streamlined procedures for the application, issuance, renewal, and cancellation of work permits. This would help facilitate the process for both foreign citizens and competent bodies involved in the issuance of work permits.
	Provide appropriate staff training and capacity building to ensure the law application	It would be beneficial to ensure that the relevant authorities and personnel responsible for issuing work permits receive adequate training and capacity building. This would enable them to effectively understand and implement the provisions of the law,

		ensuring consistency and efficiency in decision-making processes.
	Also, there is a need for improving the ICT Infrastructure, such as providing reliable internet connectivity, hardware (computers, servers) and software application tailored to the specific requirements of labor market access processes.	The establishment of the data exchange mechanisms, including the development of protocols and system to facilitate seamless information sharing.

## Montenegro

<b>TABLE 2: AMENDMENTS IN THE LEGISLATION IN NEED</b>		
<b>Legislation/sub-legislation</b>	<b>Amendment in need (what is it about)</b>	<b>Explanation</b>
Law on foreigners	It would be necessary to adopt some special acts or change Law that would place the WB countries in a special regime and exempt them from the rest of the countries, when the regulation employment in question.	Law on foreigners regulate status of foreigners and explain what they need to do if they want to work in Montenegro. Actually, they need to ask permit for residence and work. This procedure is the same for all foreigners. In case of OBI agreement, it would be necessary to make some exception of specific countries for compliance to legislative framework.
Regulation on the criteria and procedure for determining the annual number temporary residence and work permit for foreigners	This by-laws act would be necessary changed on the same way as basic Law on foreigners. Annual quote for OBI countries should be exclude	Regulation gives criterial for defining number of foreign workers as well as area of activities where them could be employ. So, in case of OBI Agreement criteria for OBI countries need to be different than others.
Decision on determining the annual number of permits for temporary residence and work of foreigners	Need to be in accordance to Law on foreigners and Regulation on the criteria and procedure for determining the annual number temporary residence and work permit for foreigners	Exception needs to be done in Law and Regulation. In that case Decision no need for OBI countries.
Rulebook on forms, closer conditions and method of issuing a permit for temporary residence and permits for temporary residence and work	Need to be in accordance to Law on foreigners and Regulation on the criteria and procedure for determining the annual number temporary residence and work permit for foreigners	Exception needs to be done in Law and Regulation. In that case, Rulebook would not be applicable for OBI countries.
Labour Law	Foreigner with permit for residence and work has the same right and obligation as domestic worker. This norm needs to be change by exception of OBI countries.	Exception needs to be done for OBI countries.

<b>TABLE 3: PROCEDURES, STAFF, EQUIPMENT IN NEED</b>		
<b>Legislation/sub-legislation</b>	<b>Procedure(s) in need* Staff in need** Equipment in need*** (notify in the cell below for each legislation/sub-legislation properly)</b>	<b>Explanation (provide a proper explanation in the cell below)</b>
Law on foreigners	New procedures should certainly be established, through certain Rulebooks and operational procedures,	After the legal legislation would be amended, in such a way as to exempt the countries of the Western Balkans

	<p>with previous changes to the legal framework (laws and by-laws).</p> <p>If it is taken as an assumption that the IT system for the "Identification number of the created Balkans" is being established (prerequisite), then in the part of the law and by-laws arising from this law, it will be necessary to hire new employees to work on these identification tasks, for each of the municipalities according to 1 at least. This probably requires new computer equipment for each of the new employees, but also equipment for the workplace (table, chair...)</p>	<p>from others when amending the Law on Foreigners and the by-laws of this law, and the hypothetical establishment of an IT platform for the "Identification Number of the Closed Balkans", additional staff would probably have to be provided for approving applications and assigning numbers. Also, in each of the municipalities, at least one additional employee would probably have to work on these jobs, who should be provided with the necessary conditions for work (computer, internet, chair, etc.)</p>
Labour Law	It probably wouldn't require additional engagement	Given that foreign workers are already given the same rights and obligations through this law as domestic workers, it is not to be expected that there would be additional hiring of administrative capacities.

## North Macedonia

<b>TABLE 2: AMENDMENTS IN THE LEGISLATION IN NEED</b>		
<b>Legislation/sub-legislation</b>	<b>Amendment in need (what is it about)</b>	<b>Explanation</b>
<p>Protocol to the Agreement on conditions for free access to the labour market in the Western Balkans</p> <p>Protocol on Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans</p>	<p>The draft protocol for the implementation of the Agreement on conditions for free access to the labour market in the Western Balkans and draft protocol to the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans should put to public scrutiny, revised where appropriate and later be adopted.</p>	<p>The draft protocol to the Agreement on conditions for free access to the labour market in the Western Balkans, as seen from the draft text, further specify the procedure on application an approval of application. The draft protocol to the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans for the technical specification infrastructure for the implementation of the agreement.</p> <p>The protocols to both agreements may need to be aligned with the domestic legislation in terms of application, review and approval procedure with broader set of laws to further specify the rights and obligations of the citizens of the sending countries (Albania and Serbia) as well as the state institutions of North Macedonia, including the rights and obligations of newly created bodies, particularly the Joint committee and Joint Working Groups for the implementation of the agreements, considering the legal order of North Macedonia.</p> <p>In this regard, both protocols should be presented to general public before being adopted. This would allow for inputs from the expert public and the practitioners in the field so any conflicts and gaps with existing</p>

		legislation and possible issues could be addressed before the Protocol is adopted and is being implemented.
Rules of Procedure of the Joint committee	The Joint committee foreseen in the Agreement on conditions for free access to the labour market in the Western Balkans should be established, and later it should its own rule of procedure.	Joint committee tasked with organising, coordinating and controlling activities related to the implementation of this Agreement with at least five representatives of each Contracting Party should be formed and in needs to adopt its rules of procedure.
By-law on the procedure on implementation of the Agreement on conditions for free access to the labour market in the Western Balkans and the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans	By-law on the procedure on implementation of the Agreement on conditions for free access to the labour market in the Western Balkans and the Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans should be adopted.	Given that the procedure in the terms of application, review and granting access to labour markets is changed with the OBI agreements in respect to the existing ordinary procedures, a by-law should be developed and adopted that would specify the procedure, the rights and obligations of the institutions of North Macedonia in terms of implementation of these OBI agreements. Such by-law would clarify the institutions responsible for implementation of the OBI agreements trough out the process and would increase the accountability of the institutions.
Rulebook for foreigners for citizens of OBI countries	There is a need to develop a rulebook for foreigners coming from the sending countries (in the case of North Macedonia, that is the citizens of Albania and Serbia).	A rulebook should be developed that would specify the interplay between the OBI agreements and the existing national legislation on entry, stay and working in receiving countries (in this case, North Macedonia). This rulebook should provide guidance on application and appeal procedures, and the rights and obligations to which interested citizens are entitled and the rights and obligations of the relevant domestic and foreign institutions. User-friendly language for this rulebook should be considered.
International agreement(s) on mutual recognition of secondary and higher education qualifications, and professional qualifications	Implement relevant agreements in this field, particularly the recognition of Higher Education Qualifications, Recognition of Professional Qualifications for Doctors of Medicine, Dentists and Architects, signed within the Berlin Process	In case the protocols to the OBI agreements do not specify how the professional background of the citizens of other countries will be confirmed, which is the case as seen in the draft protocols, the implemented the agreements with in the Berlin process may be crucial to facilitate the confirmation of the professional background of the applicants. The verification of the applicants, holders of diplomas from secondary education should be regulated additionally.

**TABLE 3: PROCEDURES, STAFF, EQUIPMENT IN NEED**

<b>Legislation/sub-legislation</b>	<b>Procedure(s) in need*</b> <b>Staff in need**</b>	<b>Explanation</b> <b>(provide a proper explanation in the cell below)</b>
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<p>Agreement on conditions for free access to the labour market in the Western Balkans</p>	<p><b>Equipment in need***</b></p> <p>*Activation of the service “Access to labour market”</p> <p>* Verification on the criminal and professional background of applicants</p> <p>**Members of the Joint Committee</p> <p>**members of the Joint Working group for implementation protocol Labour Market agreement</p> <p>** additional staff and training for the state administration</p>	<p>*The service “access to labour market” is not available to the users. This service should first be tested, and after confirmation that it works properly, to be made public.</p> <p>*As per the draft text of the protocol to the Agreement, the applicants will self-declare personal and other data as part of the application, including information on their (non)criminal background. There is a need to specify on how the institutions would verify this information.</p> <p>**The members of the Joint Committee, as per the Agreement and the members of the Joint Working Group, as per the draft text of the protocol should be appointed. Additional trained staff may be needed for the implementation of the agreement if the number of applications is large.</p>
<p>Agreement on interconnection of schemes for electronic identification of the citizens of the Western Balkans</p>	<p>**Establishment of Joint Working group</p> <p>**members of Joint Working group for implementation protocol ID agreement</p> <p>** additional staff and training in the state administration</p> <p>*** Federation of electronic schemes</p> <p>***New IT equipment</p>	<p>**The members of the Joint Committee, as per the Agreement and the members of the Joint Working Group, as per the draft text of the protocol should be appointed. Additional trained staff may be needed for the implementation of the agreement if the number of applications is large.</p> <p>*** The information system of the Ministry of Interior Affairs with the one of the Ministry of Information Society and Media should be integrated.</p> <p>*** As the Ministry of Interior Affairs will take largest workload to issue “access to the labour market”, the ministry may be a need of new computers with internet connection and privileges to operate the system to regional operational units.</p>

## Serbia

<b>TABLE 2: AMENDMENTS IN THE LEGISLATION IN NEED</b>		
<b>Legislation/sub-legislation</b>	<b>Amendment in need (what is it about)</b>	<b>Explanation</b>
Law on Confirmation of the Agreement on Social Security between the Government of the Republic of Serbia and the Government of the Republic of Albania	Serbia has to first conclude this Agreement with Albania and the National Assembly of RS needs to ratify it to become part of the Serbian legislation.	While the Agreement on Conditions for Free Access to the Labour Market in the WB stipulates the conclusion of Agreements on social security between contracting parties, Serbia currently does not have one with Albania. This measure needs to be taken in order to sort out any technicalities such as pension calculations for Albanian workers in Serbia and <i>vice versa</i> .

<b>TABLE 3: PROCEDURES, STAFF, EQUIPMENT IN NEED</b>		
<b>Legislation/sub-legislation</b>	<b>Procedure(s) in need* Staff in need** Equipment in need*** (notify in the cell below for each legislation/sub-legislation properly)</b>	<b>Explanation (provide a proper explanation in the cell below)</b>
Law on confirmation of the Agreement on conditions for free access to the labour market in the Western Balkans	<p>*Establish a Joint Committee with at least 5 representatives from relevant institutions (National Employment Service, Ministry of Internal Affairs, Ministry of Labour, Office for IT and eGovernment) Conclude additional protocols to define more specific procedures.</p> <p>** The NES does not need new staff regarding the OBI while the Ministry of Internal Affairs (MUP) would need more staff to receive, consider and approve requests for the Free access to labor market</p> <p>*** The NES does not need any new equipment while the MUP would probably need minor IT upgrades and procurements</p>	<p>The Agreement stipulated the establishment of a Joint Committee which has not been done yet.</p> <p>In addition, it is not sure which institution will be responsible for dealing with the "missing paperwork" and informing potential workers from North Macedonia and Albania about it.</p> <p>Regarding the staff, since the MUP would be the principal institution in charge of the Free Access to Labour Market within OBI, and taking into consideration their overall deficit of staff, we estimate that they would need more work force, maybe even new departments and systematization.</p> <p>The MUP would also need to upgrade its equipment, for instance to develop a software for swift and easy communication and data sharing with other key institutions (NES, Office for IT and eGov).</p>

# Legislation and sub-legislation related to Mutual Recognition of Diplomas and Scientific Grades Issued by Higher Education Institutions and other Authorized Institutions

## Albania

**Text:** In Albania, the recognition and unification of foreign certificates and diplomas issued by foreign institutions of higher education (which belong to levels 5 to 8 of the Albanian Qualifications Framework) concerns the qualifications of levels 5 - 8 of the Albanian Qualifications Framework, include Professional Diplomas, Bachelor, Master, and Long-term Specializations, as well as Doctorate/PhD and Academic Titles/AT (Professor and Associated Professor). The Educational Services Centre, (QSHA) is responsible for recognizing and unifying Professional Diploma, Bachelor, Master and Long-Term Specializations. The Ministry of Education and Sport, MAS, recognizes and unifies level 8 – Doctorate/Ph.D. diplomas and Academic Titles (Professor, Associated Professor).

**Legislation:** Law No. 9741, date 21.05.2021, "For Higher Education in the Republic of Albania" as amended. Guideline of the Minister of Education and Science No. 41, date 08.12.2009 "On the criteria and procedures for the recognition in the Republic of Albania of diplomas and certificates issued by foreign institutions of higher education" as amended; Order of the Minister of Education and Science No. 375, date 13.11.2009, "For setting up the commission and the Technical Secretariat for the Recognition of Diplomas and certificates obtained from the institutions of foreigners of higher education" as amended.

**Sub-legislation:** Following the signature of the Agreement on Cooperation in the Western Balkans in the Field of Mutual Recognition of Diplomas and Scientific Grades issued by Higher Education Institutions and other Authorized Institutions, amended the Guideline of the Minister of Education and Sports No. 21, date 15.10.2021 "On the criteria and procedures for the recognition in the Republic of Albania of diplomas, certificates, scientific degrees and academic titles, issued by foreign institutions of higher education and other authorized institutions" with the Guideline of the Minister of Education and Sports No. 18 dated 08/07/2022.

**Procedure:** The application for the recognition and unification of qualifications about levels 5 to 8 of the Albanian Framework, the European Qualifications Framework, as well as academic titles is done online through the e-Albania portal. The required accompanying documentation must be submitted in electronic format during the online application, according to the following definitions, as well as sent within 5 (five) days from the date of online application by regular mail to the QSHA address. The procedure has a duration of app. 45 days from application, and the cost is ALL 2,500 (about 20 Euros). For a PhD, it depends on the scheduled meeting of the evaluation commission (which meets 9 times a year).

## **Bosnia and Herzegovina**

**Text:** Recognition of diplomas and scientific grades acquired outside of Bosnia and Herzegovina for the purpose of employment is regulated and implemented at Republika Srpska entity, Brcko District and cantonal level (in ten cantons individually). At the state level there is Center for Information and Recognition of Documents of BiH, but it has a supportive and framework role.

**Legislation:** Republika Srpska entity: Law on Higher Education, regulating recognition in articles 109-111; Federation entity: Each of the ten cantons has its own legislation. For example, Canton Sarajevo has a Law on Higher Education which regulates recognition in article 82. Brcko District: Law on Higher education.

**Sub-legislation:** Republika Srpska entity: Rulebook on the composition and working methods of the Commission for information and recognition of documents in the field of higher education; Federation entity: each of the ten cantons have their own legislation on Higher Education so also their bylaws. For example, in Canton Sarajevo the University of Sarajevo has a Regulation on Recognition. Brcko District: Bylaw adopted by Department for Higher Education in Brcko District.

**Procedure:** In Republika Srpska Diplomas and Scientific Grades Issued by the Republic of Serbia are, on the basis of a bilateral agreement, recognized without any additional procedure. Otherwise, in Republika Srpska entity recognition is carried out on the basis of an application filed by an individual at the Commission for the Information and Recognition of Documents in the Higher Education, while in Federation entity at the higher education institutions and the cantonal ministries of education (depending on canton), and in Brcko District it is carried out by Commission for recognition of documents in Higher Education. Procedure for changing the current legislation to implement OBI agreement would require changes at the entity level in Republika Srpska, in each of the ten cantons, and in Brcko District.

## **Kosovo**

**Text:** The higher education system in Kosovo\* operates through public universities and private higher education institutions (colleges, institutes, higher professional schools and academies). Only accredited institutions of higher education can offer study programs that lead to a degree or diploma.

**Legislation:** The higher education in Kosovo\* is regulated by the Higher Education Law (No.04/L-037), adopted in August 2011. Kosovo's parliament adopted the country's National Qualifications Framework (NQF) in 2008, making it one of the early NQFs in the region.

**Sub-legislation:** Since the 2008 law, Ministers have approved a series of regulations to operationalize the NQF, spanning approval of standards, accreditation of providers, implementation of recognition of prior learning (RPL) procedures and other functions. The Kosovo NQF is a comprehensive lifelong learning framework, encompassing qualifications from all sectors of education, plus non-formal qualifications. It consists of eight level, defined by three sets of descriptors and has been developed in close cooperation with stakeholders. It is managed by a dedicated and

autonomous agency, the National Qualifications Authority (NQA), and supported by other public institutions with responsibility for the different education sub-sectors, e.g., general education, vocational education and training (VET) and higher education (HE).

**Procedure:** Kosovo and Serbia reached the Agreement on the Mutual Recognition of University Diplomas on 2 July 2011. In 2021, Kosovo and Albania reached an agreement on recognition of diplomas. In 2022 Kosovo and North Macedonia reached an agreement on recognition of professional qualifications of medical doctors and other healthcare service qualifications<sup>4</sup>. However, the practice has shown that agreements at the political level are often not followed in actual implementation by the administration, due to technical challenges and lack of legal guidance. For Kosovo it is important to resume the work of the Commission for verification of university diplomas obtained in the (Serbia-run) University of Mitrovica North; the Commission ceased working on 31 December 2021.

## Montenegro

**Text:** This OBI agreement has the same goal as the agreement that was signed through the Berlin process, which has already been signed by all the countries of the Western Balkans. Everything is based on more effective cooperation between the ERIC/NARIC Centers of the countries, which is ultimately the goal of the EU integration process, i.e., the free movement of workers.

**Legislation:** Law on recognition of foreign educational documents and equalization of qualifications. Need to be taken in account agreement adopted by the Government (sent to Parliament): Agreement on the recognition of higher education qualification on the Western Balkans. After ratification in the Parliament, it will also be part of the legal system.

**Sub-legislation:** Rulebook on the content and method of keeping records of issued decisions on the recognition of foreign educational documents, Rulebook on the content of the application form and the documentation to be submitted in the process of recognition of a foreign educational document.

**Procedure:** The recognition of foreign educational documents of higher education for the purpose of employment is carried out by the Ministry of Education through the National Information Center (ENIC), as a special organizational unit of the Ministry.

The process of recognition of a foreign educational document is initiated at the request of the holder of the document. During the process of recognition of a foreign educational document for the purpose of employment, it must be assessed whether the institution that issued the diploma is recognized, i.e., whether it is accredited by the competent authority in the country where the educational document was obtained.

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<sup>4</sup> See [https://www.kuvendikosoves.org/Uploads/Data/Documents/217Marreveshja\\_d9TJwNMNzT.pdf](https://www.kuvendikosoves.org/Uploads/Data/Documents/217Marreveshja_d9TJwNMNzT.pdf)

Educational documents issued in the republics of the former SFRY are not subject to the procedure for recognition of documents in accordance with the provisions of this law, if they were obtained before the date of international recognition of those republics. The law also stipulates that educational documents obtained in the Republic of Serbia before January 25, 2008 are not subject to the document recognition procedure.

## North Macedonia

**Text:** The aim of this Agreement is to enhance institutional cooperation for the recognition of diplomas and scientific degrees from higher education institutions within the Contracting Parties. This cooperation primarily involves the ENIC/NARIC offices and serves to streamline the diploma recognition processes. Previous research suggest that the trilateral OBI agreement has been side-lined and a push for its ratification is not expected. Instead, the Assembly of North Macedonia voted to approve the Law on Ratification of the Agreement on the Recognition of Higher Education Qualifications in the Western Balkans, signed within the Berlin Process.<sup>5</sup>

**Legislation:** The Law on Higher Education<sup>6</sup>

**Sub-legislation:** Rulebook on equivalence and recognition of foreign higher education qualifications<sup>7</sup>

**Procedure:** The Law on Higher Education outlines the process for recognizing academic qualifications. It defines the steps, necessary documents, timeframes for decision-making, and administrative fees, which are set by the Minister of Education. Diplomas from top-ranking global universities receive quicker processing times, but a uniform fee of approximately EUR 75 applies to all levels of higher education and various foreign institutions. Starting from November 2022, these procedures have been digitized and are now carried out via the government's online service portal.<sup>8</sup>

## Serbia

**Text:** The purpose of this Agreement is to facilitate institutional cooperation in the field of recognition of diplomas and scientific degrees of higher education obtained in the Contracting Parties, between the ENIC/NARIC offices, in order to facilitate the recognition procedures.

**Legislation:** [Law on Higher Education](#); [Law on the National Qualifications Framework of the Republic of Serbia](#); [Law on the Ratification of Agreements on the Recognition of Qualifications in Higher Education in the Western Balkans \(Berlin process\)](#)

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<sup>5</sup> [https://cea.org.mk/wp-content/uploads/2019/09/1.-OBI-Project-Regional-Report\\_Task-Final\\_NAJFINAL-CIP29052023.pdf](https://cea.org.mk/wp-content/uploads/2019/09/1.-OBI-Project-Regional-Report_Task-Final_NAJFINAL-CIP29052023.pdf)

<sup>6</sup> <https://mon.gov.mk/stored/document/zakon-za-visoko-obrazovanie-star-mk.pdf>

<sup>7</sup> <https://dejure.mk/zakon/pravilnik-za-ekvivalencija-i-priznavanje-na-stranskite-visokoobrazovni-kvalifikacii>

<sup>8</sup> [https://cea.org.mk/wp-content/uploads/2019/09/1.-OBI-Project-Regional-Report\\_Task-Final\\_NAJFINAL-CIP29052023.pdf](https://cea.org.mk/wp-content/uploads/2019/09/1.-OBI-Project-Regional-Report_Task-Final_NAJFINAL-CIP29052023.pdf)

**Sub-legislation:** [Regulation on the Evaluation of Foreign Study Programs and Recognition of Foreign Higher Education; Documents for the Purpose of Continuing Education](#)

**Procedure:** The procedure for recognizing a diploma from abroad in Serbia until recently has been the same for citizens of the Western Balkan countries as for other foreigners. If the recognition of a foreign diploma was done for the purpose of employment in Serbia, this procedure was carried out by the Qualifications Agency. Starting in 2020, the request could be submitted online through their website. For employment in the private sector, validation (srb. *nostrifikacija*) of the diploma is generally not necessary, while for employment in a state institution it was necessary to validate the diploma. If graduates of foreign universities wanted to continue their education in Serbia, it was necessary to contact the university and faculty where they want to continue their studies, since each has its own system of recognition of foreign diplomas.

However, in April 2023, the National Assembly of Serbia ratified the Agreement on the Recognition of Qualifications in Higher Education in the Western Balkans (as part of the Berlin Process). This agreement establishes common rules and procedures for the recognition of higher education qualifications, enable mobility of students and academic staff in the Western Balkans, reduce the decision-making period for recognition to a maximum of 14 days, and eliminate existing fees for submitting requests for recognition of higher education qualifications for students. This agreement applies to public universities and will eventually be extended to private ones.

## **Legislation and sub-legislation related to Electronic Identification of the Citizens of WB**

### **Albania**

**Text:** The competent institutions for electronic identifications are the Ministry of Interior of Albania, the National Agency for Information Society in Albania, and the General Customs Directorate (under the Ministry of Finance and Economy). As per the Decision of the Council of Ministers of 14/02/2023, the service will be provided by a shareholding company 100% owned by the state (and represented by the Ministry of Interior) to produce and distribute ID cards and biometric passports. It is in the complete competence of the company to provide for OB-ID, and the infrastructure is in place (the staff also).

**Legislation:** Law no. 8668, dated 23.10.2000, "On equipping Albanian citizens with a passport for abroad", as amended; Law no. 8952, dated 10.10.2002, "On the electronic identity card of Albanian citizens", as amended.

**Sub-legislation:** Law No. 9880, dated 25.02.2008, "On electronic signature" and "Electronic Signature Regulation" approved by the decision of the Council of Ministers, no. 525, dated 13.05.2009.

**Procedure:** ID and biometric passport applications are performed electronically on the e-Albania portal. The application process differs for first-time applicants and renewal of existing documents, children and +16 years old. The procedure starts with purchasing a voucher at the Post Office, booking an appointment online, and presenting in the Aleat office of competence at the scheduled time and date for formalities. The ID voucher costs 1,500 ALL, the regular biometric passport costs about 7000 ALL (passport issued in 7 days), and the rapid one is 14,000 ALL (passport issued in 1 day). Therefore, all the infrastructure is in place for OB-ID, and protocols must be designed and implemented.

## **Bosnia and Herzegovina**

**Text:** The competence in the area of identification documents is with state-level, in particular the Ministry of Civil Affairs of BiH and Agency for identification documents, registers and data exchange. State level Law on Electronic Signature is in force from 2006 and does not fully support electronic identification and trust services (eIDAS) compliant initiatives. The new draft Law on Electronic Identification and Trust Services for Electronic Transactions (Law) has been prepared and adopted by the Council of Ministers, but is not yet adopted by the state-level Parliamentary Assembly (pending due to political dispute over competences).

**Legislation:** Law on Identity Cards of BiH Nationals and Law on Permanent and Temporary Residence of Citizens of BiH

**Sub-legislation:** Rulebook on identity card form and data contained in the identity card of BiH nationals; Rulebook on supervision over implementation of the Law on identity card of BiH nationals; Guidelines on manner of data exchange between the IDDEEA and competent authorities; Guidelines on the manner of information access in the process of issuance of identification document through web portal of the Agency for Identification Documents, Registers and Data Exchange of Bosnia and Herzegovina and web portal of competent authorities.

**Procedure:** The legislation would need to be changed at the state level (proposed by the Council of Ministers, simple majority in both houses of parliament).

## **Kosovo**

**Text:** Ministry of Internal Affairs and the Kosovo Agency for Information Society have the primary responsibility for implementation of electronic identification of citizens of WB.

**Legislation:** This is regulated by the Law No. 08/L-022 on electronic identification and trust services in electronic transactions, which was adopted in 2022<sup>9</sup>.

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<sup>9</sup> See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=51618>

**Sub-legislation:** There are several sub-legal acts that are relevant for the implementation of the Law No. 8/L-022, including regulation (ME) no. 11/2022 on presentation, authentication, transfer (transmission), storage and protection of electronic document<sup>10</sup>.

## Montenegro

**Text:** In order to implement this OBI agreement, it would be necessary to amend the Law on Foreigners and the by-laws regulating the identification of foreigners.

**Legislation:** Law on foreigners

**Sub-legislation:** Rulebook on forms, closer conditions and method of issuing a permit for temporary residence and permits for temporary residence and work

**Procedure:** The application of a foreigner in accordance with the law in Montenegro should be done in a procedure through a local tourist organization. After that, a residence and work permit is submitted, if the foreigner intends to establish an employment relationship in Montenegro.

## North Macedonia

**Text:** The Ministry of Information Society and Administration oversees a registry of trusted service providers and electronic identification systems. This ministry is responsible for ensuring the e-services portal's availability and proper technical operation, while other national institutions serve as the competent authorities for delivering these e-services.<sup>11</sup>

**Legislation:** Law on Electronic Documents, Electronic Identification, and Confidential Services<sup>12</sup>

**Sub-legislation:**<sup>13</sup> Rulebook on the content and method of maintaining the register of confidential service providers and electronic identification schemes, the method of submitting the request for registration, the necessary documentation as an attachment to the request, the form of the request and the method of publishing the data from the register. Official Gazette, no. 47 of 19.02.2020

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<sup>10</sup> See: <https://gzk.rks.gov.net/ActDetail.aspx?ActID=68636>

<sup>11</sup> [https://cea.org.mk/wp-content/uploads/2019/09/1.-OBI-Project-Regional-Report\\_Task-Final\\_NAJFINAL-CIP29052023.pdf](https://cea.org.mk/wp-content/uploads/2019/09/1.-OBI-Project-Regional-Report_Task-Final_NAJFINAL-CIP29052023.pdf)

<sup>12</sup> <https://trusteid.mioa.gov.mk/wp-content/uploads/2021/10/LAW-ON-ELECTRONIC-DOCUMENTS.pdf>

<sup>13</sup> <https://www.mioa.gov.mk/documents-legislation0.nsp>

Rulebook for determining the lowest amount of insurance against possible damage caused by the issuer and the minimum amount or type of insurance coverage against the risk of liability for damage caused by the provider of a qualified confidential service, Official Gazette, no. 274 of 27.12.2019

Rulebook on the content and method of maintaining the list of assets for the creation of a qualified electronic signature or qualified electronic seal, the method of submitting the application for registration in the list, the necessary documents with the application, the method of registration in the list and the content of the asset conformity certificate on the creation of qualified electronic signatures or electronic seals and the method of its issuance, Official Gazette, no. 274 of 27.12.2019

Rulebook on the procedures and standards for the fulfilment of technical, physical and organizational security measures of electronic identification schemes, Official Gazette of RSM, no. 53 of 28.02.2020

Rulebook on the form and manner of publication of the list of providers of qualified confidential services and the list of qualified confidential services, Official Gazette, no. 175 of 01.07.2020

Rulebook on mandatory elements of electronic documents, RSM Official Gazette, no. 47 of 19.02.2020

Rulebook on the form, structure, size and logo of the trust mark of a qualified confidential service, Official Gazette, no. 4 of 09.01.2020

Rulebook on the standards that the qualified electronic time stamps must meet, the standards that contain the certificates for the qualified electronic registered delivery and the standards that the qualified certificate of authenticity of the web pages must meet, Official Gazette, no. 4 of 09.01.2020

Decree on the closer conditions for the preparation of documents for electronic storage and qualified electronic storage and the formats of documents that are suitable for storage, Official Gazette, no. 72 of 21.03.2020

Methodology for the implementation of procedures and technological solutions for secure electronic storage and qualified secure electronic storage of documents, Official Gazette of RSM, no. 51 of 25.02.2020

**Procedure:** eID is a non-material tool for electronic identification of e-Services provided by competent authorities and other entities providing services via the National e-Services Portal. Registration on the National e-Services Portal and on electronic systems integrated with SSO with an eID, by authentication on SSO with the username and password or by digital electronic signature certificate. eID levels concern levels of reliability of electronic identification verification in the registration and login process. SSO supports the following eID levels: Basic user profile, Low level eID, High level eID.<sup>14</sup>

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<sup>14</sup> <https://uslugi.gov.mk/e-id.nspix>

## Serbia

**Text:** The purpose of this Agreement is for the Contracting parties (SRB, ALB, NMK) to provide access to their own eGovernment services to the citizens of other Contracting Parties, using the authentication schemes for electronic identification of the Contracting Party to which the citizen who uses eGovernment services belongs.

**Legislation:** [Law on Electronic Document, Electronic Identification and Trust Services in Electronic Business](#); [Law on electronic administration](#)

**Sub-legislation:** [Regulation on closer conditions for the establishment of electronic administration](#); [Regulation on organizational and technical standards for the maintenance and improvement of the Unified Information and Communication Network of electronic administration and the connection of organs to that network](#); [Regulation on the method of maintaining the Meta register, the method of approving, suspending and cancelling access to the service bus of the organ and on the way of working on the eGovernment Portal](#); [Rulebook on the Register of Qualified Trusted Service Providers](#); [Rulebook on the Register of Electronic Identification Service Providers and Electronic Identification Schemes](#); [Regulation on the Detailed Regulation of the Conditions Electronic Identification Schemes Must Fulfil for Certain Levels of Reliability](#)

**Procedure:** The government of Serbia has fully established and working e-government services in many areas (e.g. health, personal documents, taxes, education etc.). In addition, foreigners can also create a personal account on [e-uprava](#) website to apply for a [temporary residence](#) in Serbia. This OBI Agreement stipulates the creation of Open Balkan ID number for citizens of North Macedonia and Albania in order to provide access to the first electronic service within this initiative - Free access to the labor market (the whole procedure covered in the text above). Although integration of labor markets was the primary goal of OBI ID number, other solutions have also been implemented, such as the unification of TAG system for toll collection (currently working only between North Macedonia and Serbia).

## Legislation and sub-legislation related to Cooperation of the Taxation Administration in the WB

### Albania

**Text:** Relevant institutions in taxation are the Ministry of Finance and Economy (including the General Tax Directorate and the General Customs Directorate) and the Agency for the Provision of Integrated Services (ADISA). The MoFE is in charge of designing the fiscal policy, GTD and GCD are implementers, and ADISA is a procedure facilitator.

**Legislation:** Law no 8438/1998 "On income tax" amended for the taxation of income and passive incomes (dividends, royalties, interest);

**Sub-legislation:** The Guideline of the Minister of Finance no. 5, dt.30.01.2006 "On the income tax."

**Procedure:** To implement the Agreement, a person from GTD (MoFE) has to be assigned to coordinate the activities foreseen from the Agreement.

### **Bosnia and Herzegovina**

**Text:** Taxation administration in BiH is highly decentralized. At the state-level, indirect taxes are collected, all other taxes are under competence of two entities, and Brcko District tax administrations.

**Legislation:** State level: Law on the system of indirect taxation of BiH; Republika Srpska entity: Law on tax system of Republika Srpska; Federation entity: Law on Tax Administration of the Federation.

**Sub-legislation:** Rulebooks related to exchange of information (?).

**Procedure:** Taking into account previous experiences when it comes to increased cooperation between different tax administrations in the region, then on behalf of BiH all four tax administrations would need to be consulted and included. While signing of a MoU would be possible on behalf of BiH as a single actor, when it comes to implementation any changes in the level of exchange of information, for example, would require each tax administration level to introduce law and bylaw changes.

### **Kosovo**

**Text:** Kosovo has Double Taxation Elimination Agreements aimed at preventing double taxation on income and capital as well as preventing tax evasion, with most countries of the WB.

**Legislation:** The primary legislation in the area of taxation in Kosovo is Law No. 03/L-222 on Tax Administration and Procedures<sup>15</sup>, while the Tax Administration of Kosovo<sup>16</sup>, is an Executive Authority, that functions with full operational autonomy within the Ministry of Finance.

**Sub-legislation:** EU country report for Kosovo notes that the country needs to pursue further alignment of tax legislation including the personal income tax (PIT), and value added tax (VAT) with the EU acquis, as well as increase cooperation with law enforcement and judicial institutions to ensure timely adjudication of tax evasion and fraud cases, with emphasis on high-risk sectors.

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<sup>15</sup> See: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2689#>

<sup>16</sup> See: <https://www.atk-ks.org/en/>

## Montenegro

**Text:** This OBI memorandum on cooperation refers to the cooperation of the tax administrations of the countries of the Western Balkans. Although cooperation is good in any case, it is important to note that Montenegro is negotiating taxation through Chapter 16 in the EU accession process. According to the EU Report, it is clear that Montenegro needs more work in this area, especially in the area of strengthening administrative capacities. but also, the establishment of an IT system that will prevent tax evasion.

**Legislation:** Labour Law, Law on Personal Income Tax

**Sub-legislation:** Instructions on how to calculate tax payments and contributions from and on personal income based on employment

**Procedure:** The calculation procedure is the same for all employees, regardless of whether they are residents or foreigners.

## North Macedonia

**Text:** North Macedonia has agreement on avoiding double taxation in relation to income and capital tax and the prevention of fiscal evasion with all Western Balkan countries. Different rules and procedure apply as per each of the agreements

**Legislation:** Agreement on avoiding double taxation in relation to income tax and capital tax and the prevention of fiscal evasion between Albania and North Macedonia

**Sub-legislation:** not relevant.

**Procedure:** North Macedonia has agreement on avoiding double taxation in relation to income and capital tax and the prevention of fiscal evasion with all Western Balkan countries. Different rules and procedure apply as per each of the agreements. The Agreement concluded by the Federal Republic of Yugoslavia and the Republic of Macedonia that is applied in regards of Republic of Serbia and Republic of Montenegro.<sup>17</sup>

## Serbia

**Text:** The purpose of this memorandum of understanding is to provide a framework for the cooperation of tax authorities in the field of knowledge sharing, but also experiences, good practices, facilitation of tax collection, and joint work on the suppression of tax evasion within the OB.

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<sup>17</sup> <http://www.ujp.gov.mk/en/plakjanje/category/137>

**Legislation:** [Law on Tax Procedure and Tax Administration](#); [Law on Personal Income Tax](#), [Law on Property Taxes](#); [Law on Profit Tax of Legal Entities](#)

**Sub-legislation:** [Rulebook on value added tax](#); [Rulebook on forms of tax declarations on determined, i.e. for determining, property tax](#); [Regulation on detailed conditions, criteria and elements for flat-rate taxation of self-employed income tax payers](#)

**Procedure:** Serbia has already established cooperation in relation to the avoidance of double taxation on personal income and tax on capital and other taxes, and on the fight against tax evasion and have bilateral agreements in place on these matters with all countries except Kosovo\*. When it comes to the implementation of this Agreement, the desk research and interviews conducted did not reveal information on the joint activities of the tax authorities of Serbia, Albania and North Macedonia.

## Annex. Overall expert rating system

Each expert assigns a rating from 1 to 5:

- **For legislation**, from 1 to 5 where qualification of 1 is for a full alignment of the national legislation/sub-legislation with the *Agreement on Conditions for Free Access to the Labour Market in the WB* including the ratification in the Parliament. Qualification of 5 is if there is a need of adopting new legislation. It is up to the expert to provide its own expert assessment from 1 to 5 depending on the level of assessed need for adopting/amending/changing legislation/sub-legislation related to free access to labor market in the country. Expert provide explanation for the rating.
- **For procedures**, from 1 to 5 where qualification of 1 is for a full alignment of the procedures regulated in legislation/sub-legislation with the *Agreement on Conditions for Free Access to the Labour Market in the WB*. Qualification of 5 is if there is a need of introducing a whole package of new procedures. It is up to the expert to provide its own expert assessment from 1 to 5 depending on the level of assessed need for introducing new procedures related to free access to labor market in the country. Expert provide explanation for the rating.
- **For staff in need**, from 1 to 5 where qualification of 1 is for a situation of enough existing human resources/staff to service the *Agreement on Conditions for Free Access to the Labour Market in the WB* at any institution. Qualification of 5 is if there is a need of introducing new systematization with new human resources/staff to be budgeted and employed in the institutions in order to service the *Agreement on Conditions for Free Access to the Labour Market in the WB*. It is up to the expert to provide its own expert assessment from 1 to 5 depending on the level of assessed need for new human resources/staff related to free access to labor market in the country. Expert provide explanation for the rating.
- **For equipment in need**, from 1 to 5 where qualification of 1 is for a situation of enough existing equipment to service the *Agreement on Conditions for Free Access to the Labour Market in the WB*. Qualification of 5 is if there is a need of budgeted and publicly procured a new equipment in the institutions in order to service the *Agreement on Conditions for Free Access to the Labour Market in the WB*. It is up to the expert to provide its own expert assessment from 1 to 5 depending on the level of assessed need for new equipment related to free access to labor market in the country. Expert provide explanation for the rating.

Thus, in total the minimum sum of the four ratings from above can be 4 and the maximum can be 20 (given that the range of discrete expert opinion rating is from 1 to 5 in the four categories: legislation, procedures, staff, equipment).

Presenting the final **qualification** related to the assessment of the administrative gap from the expert qualification will be depending on the following key for the administrative gap qualification for the country as it is presented in the next table:

<p><b>Overall country rating of administrative gap for the <i>Agreement on Conditions for Free Access to the Labour Market in the WB</i></b></p>	<p><b>Administrative gap qualification provided by the expert</b></p>
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4-7	The country is ready to assume implementation of the <i>Agreement on Conditions for Free Access to the Labour Market in the WB</i> with minor modifications
8-12	The country is somehow ready to assume implementation of the <i>Agreement on Conditions for Free Access to the Labour Market in the WB</i> with modifications in the legislation/sub-legislation and/or procedures introduction and/or new staff systematization and/or planning and procuring new equipment
13-16	The country is ready to assume implementation of the <i>Agreement on Conditions for Free Access to the Labour Market in the WB</i> with major modifications in the legislation/sub-legislation and/or procedures introduction and/or new staff systematization and/or planning and procuring new equipment
17-20	The country is not ready to assume implementation of the <i>Agreement on Conditions for Free Access to the Labour Market in the WB</i> and require major legislative actions, public finance planning and execution and public procurement planning and implementation

## Annex. Summary explanation of the administrative gap assessment

Given the research findings from the team of country experts the summary of the administrative gap assessment is presented in the next Table.

Country	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
<p>(A)</p> <p><b>Overall policy stand</b></p> <p>(Agreement is ratified; other activities are taken into action)</p> <p>It is ratified in North Macedonia</p>	<p>The 12 institutions have been contacted, and no one took ownership of the Agreement's implementation.</p> <p>Therefore, based on the complete lack of information in this regard, we assume:</p> <p>A Joint Committee has not been established – Albania (and other countries) provide for the establishment of the Joint Committee;</p> <p>5 representatives of the Joint Committee have not been assigned - Albania (and other countries) provide for the identification of the 5 representatives of the Joint Committee;</p> <p>Rules of procedure have not been adopted - Albania (and other countries) provide for preparation, approval and adoption of the Rules of Procedures of the Joint Committee;</p>	<p>BiH would need to decide which five representatives would sit in a Joint committee (due to decentralized nature of BiH, might be challenging to decide)</p> <p>According to October 2022 report, BiH has some level of preparation in the field of free movement of workers, and has made limited progress since 2021.</p>	<p>Kosovo has not yet signed and ratified the Agreement on Conditions for Free Access to the Labour Market in the Western Balkans</p> <p>Kosovo has not yet established the Joint Committee.</p> <p>Kosovo has not yet adopted rules of procedure of the Joint Committee.</p> <p>Kosovo has not yet carried out an analysis of legal changes needed in order to align them with the Agreement on Conditions for Free Access to the Labour Market in the Western Balkans and to implement this agreement.</p> <p>Kosovo has not yet developed the institutional system (staff in charge, procedures, databases/systems, etc.) in order to implement and</p>	<p>Whole system for employees of foreigner in Montenegro is based on EU integration process and further upgrade in that process as request to be at the end in compliance to EU. It is obvious that Montenegro needs specific IT for networking with EU countries, as well as common rules and procedures for health and social insurance. It should be request for all candidate and member countries and this should be taken in account in OBI as well as in agreement for free labor market on Western Balkan.</p> <p>In the Agreement on Conditions for Free Access to the Labour Market in the WB, in the article 14, there is a norm: "The Contracting Parties undertake to align their domestic legislation with the EU acquis on matters</p>	<p>North Macedonia has with significant time delay ratified the two agreements that are relevant for the implementation of the „Free access to labour markets“ for the citizen of the signatory countries, OBI participating countries.</p> <p>The Government has appointed representatives from North Macedonia to the working group that has produced the draft text of the protocols the joint committee has not yet been established. Therefore, no rules of procedure for the function of this committee have been adopted.</p> <p>Extensive coordination between relevant institution took place in drafting the protocols for implementation of the agreements with this approach the process is</p>	<p>The Joint committee has not yet been established. The first protocol on the implementation of this Agreement has been concluded.</p> <p>The main issue is the fact that Serbia does not have any clear vision and strategy of managing labor migrations. In short, Serbia does not know what it wants to achieve with these migrations, and it manages them passively - through labor market testing when domestic employers seek foreign workers.</p>

Country	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
	<p>No additional protocols have been concluded - Albania (and other countries) provide for the additional protocols to be prepared and approved.</p> <p>No agreement on social security has been signed -Albania (and other countries) provide for the Agreement on social security to be prepared and approved.</p> <p>No new staff has been hired - Albania (and other countries) provide engagement of existing staff and, if needed, hire new staff;</p> <p>No procurement of new equipment – equipment is in place (if extra equipment is needed, procure it);</p> <p>No amendments to legislation in force - Albania (and other countries) amend related legislation to accommodate the engagements in the OBI free movement agreement.</p>		<p>ensure compliance with the Agreement on Conditions for Free Access to the Labour Market in the Western Balkans.</p>	<p>related to the implementation of this Agreement “.</p> <p>Montenegro is on way to make it and it look like not so easy process.</p> <p>From the other side, that process can be useful for all Western Balkan counties in the accession EU and in opening labor market for all of them on the basis on same rules.</p>	<p>not coordinated by the institutions responsible for implementation of the agreement, but rather the Government and OBI coordinators. This approach allows for slower implementation, in respect of an established committee.</p> <p>Even though an additional protocol has been developed and agreed on technical level, the protocol has not been adopted. It is not clear which institution holds the responsibility to adopt these protocols.</p>	

Country	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
<p>(B)</p> <p><b>Legal framework</b> (laws and sub-legislation listing)</p> <p>Legal framework may include legislation relevant for regulating labor market access, residence and work</p> <p>For the social and health care, taxation, etc., just normative and not in detail</p>	<p>Albania needs to introduce legislative changes (Laws and by-laws) to harmonize with the OBI Agreement;</p> <p>Introduce the Open Balkan ID as the document allowing free access to Albania's labor market (the existing procedure on a single permit has to be harmonized with OB ID).</p> <p>The procedure must be simplified, and systems inter-operate regionally to shorten verification procedures</p> <p>The procedure for residence and work permits is on-line and can also be extended to working permits in the OBI framework with no additional infrastructural costs.</p>	<p>BiH would need to introduce legislative changes (and then change bylaws) that would allow for simplification of the administrative procedures for entry, movement, stay and work; and guarantee equal access to the labor market to citizens of contracting parties (different levels of government in BiH, according to their competences).</p> <p>BiH would need to introduce an online electronic service for registration (legislative, but also resources needed).</p>	<p>The relevant legislation is not fully aligned with the EU acquis on matters related to the implementation of this Agreement.</p> <p>A study identifying labour market gaps that could be filled by workers from other Contracting Parties has not been carried out.</p> <p>Complex administrative procedures on entry, stay and work of other WB countries' citizens.</p> <p>Barriers to equal access of other WB countries' citizens in the labour market.</p> <p>Lack of an electronic system for registration of workers from other WB countries.</p> <p>Lack of sufficient staff in the public institutions and services dealing with registration of workers from other WB countries</p> <p>Lack of information in the labour market and companies on the Agreement.</p>	<p>First of all is IT platform for "Open Balkan ID number", which can be challenging related to legal framework and implementation. It needs to be unique IT platform for all countries.</p> <p>From the other side, it should be considering some network of employment agencies (as in EU free labor market – EURES – European Network of employment services).</p> <p>Every market needs two sides: supply and demand.</p> <p>For the implementation of the agreement in question, the existing legislation in the country (which, as the agreement foresees, is harmonized with the EU) should be reviewed in detail, and it would be necessary to adopt some special acts or change Law that would place the WB countries in a special regime and exempt them from the rest of the countries, when the regulation employment in question. This, of course,</p>	<p>The Law on employment and work of foreigners allows different procedures for employment and work of foreigners to apply based on by a ratified international agreement. The rights and obligations of the national institutions and the rights of the citizens coming from Albania and Serbia are regulated with the Agreement on labour markets and the Open Balkan ID agreement. Both agreements have been ratified. Thus, there is no need for changes in the laws regarding obtaining access to the labour market.</p> <p>Additional protocol for both OBI agreements has been developed and agreed on technical level, but is yet not adopted.</p> <p>The protocols to both agreements may need to be aligned with the domestic legislation and further specify the rights and obligations of the two working groups that should be established, as</p>	<p>According to the interview information obtained from the NES, this agreement is regarded as a <i>lex specialis</i> meaning it is applied exclusively to the matters outlined in the text, while national legislation is applied for everything else. The National Assembly of the Republic of Serbia has ratified it, thus providing it the force of law. Therefore, there is no need to amend other laws and by-laws in Serbia.</p> <p>Additionally, they mentioned that efforts are currently underway to sign a social security agreement with Albania, but it is uncertain when this will be completed.</p> <p>Until then, several questions regarding this issue remain unanswered. For instance, how the Albanian worker's pensions will be calculated.</p> <p>The Office for IT and eGovernment which have been contacted for</p>

Country	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
			<p>Lack of a webpage where companies will publish job vacancies available in the labour market in Kosovo and people from other WB countries will apply for jobs available.</p>	<p>would have to be approved by the European Commission, because otherwise it would have consequences for EU integration, and none of the countries want that, especially Montenegro.</p> <p>Existing agreements with the countries of the Western Balkans should be amended and new ones should be adopted to define rights and obligations based on work.</p> <p>After defining the legal framework that would exempt the countries of the Western Balkans from the existing legislative framework for the employment of foreigners, it would be necessary to work with the administration in charge of this area, such as the Police Directorate, the Employment Office, the Pension Insurance Fund, the Health Fund insurance, the Tax Administration, for the application of new</p>	<p>seen in the draft text of the protocol. This is particularly important regarding their role to “discuss and resolve all legal and technical impediments arising from the implementation of the Agreement and this Protocol”, considering the legal order of North Macedonia.</p> <p>Moreover, given that the procedure in the terms of process of granting access to labour markets is changed, a sub-legislation may be needed to specify the rights and obligations of the institutions of North Macedonia for this agreement. This is particularly important in regards to the right and responsibilities</p> <p>There is a need to develop a rulebook for foreigners coming from the sending countries (in the case of North Macedonia, that is the citizens of Albania and Serbia). This rulebook needs to specify the interplay between the OBI</p>	<p>interview, have not responded.</p> <p>Another potential issue are bilateral agreements (for instance with China) which separately regulate labor migrations outside of domestic legislation and international obligations. In addition, these agreements are often not transparent – they are not published publicly so they are not easy to find.</p>

Country	Albania	Bosnia and Herzegovina	Kosovo	Montenegro	North Macedonia	Serbia
				regulations and the use of new IT platforms.	<p>agreements and the existing national legislation on entry, stay and working in North Macedonia.</p> <p>With no Joint committee being established, whose role is to organise, coordinate and control activities, the implementation of the agreement is hindered.</p> <p>Thus, the rules of procedures are not adopted, which may among other aspects, regulate the rights and obligations of the contracting parties as well as the citizens as interested parties.</p>	
<p>(C)</p> <p><b>Procedures</b> regulated in the legislation/sub-legislation (what exist, what is missing, practice versus normative regulation)</p> <p>The research may investigate the changes (status quo)</p>	<p>Albania has the infrastructure and procedures to accommodate the provisions of the OBI Agreement of free access to the labor market.</p> <p>Albania must make legislative, administrative and infrastructural changes to accommodate</p>	<p>Next to legislative changes that would allow for such procedures, BiH would also need to build online registration platform, and connect institutions in order to be able to check weather conditions are met (e.g., entry ban).</p>	<p>Amend the Law on Foreigners in order to regulate all aspects related to the entry, stay and work of citizens from other WB countries in a single chapter.</p> <p>Add a transitional provision in the Law on Foreigners foreseeing adoption of a separate bylaw (regulation or</p>	<p>Gaps exist in the legislation, which even in this OBI agreement is required to be harmonized with the EU acquis. It would take time and other resources to harmonize the legislation.</p> <p>Therefore, first the legal framework would have to be harmonized, so that the agreement could be</p>	<p>The service "access to labour markets" under OBU differs from the ordinary procedure in terms of application, review and approval process, and different rights and obligations are imposed to the national institutions and to the citizens of the sending countries. The implementation of the</p>	<p>According to the information gathered from the interview with the NES, the NES and the Office for IT were ready for the implementation of this Agreement as early as June of last year. However, they are waiting for a political decision "from above" to initiate it. The NES has been involved in the entire</p>

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VS OBI scenario) in terms of application process, application review process, approval process	the Open Balkan ID number.		<p>administrative instruction) regulating the entry, stay and work of citizens from other WB countries.</p> <p>Draft and adopt a bylaw (regulation or administrative instruction) regulating the entry, stay and work of citizens from other WB countries.</p> <p>Put in place streamlined and simplified procedures on the entry, stay and work of citizens from other WB countries.</p> <p>Carry out an assessment to identify discrepancies and gaps between the actual practice on access of foreigners from other WB countries in the labor market.</p>	<p>implemented, including the "Identification number of the open Balkans", which would additionally require a new IT platform.</p> <p>Note that it was already emphasized above that in addition to the IT platform for supply, there should also be some common IT platform on the demand side.</p>	<p>service "access to the single market" is be fully digitalized process.</p> <p>The service towards the citizens of Albania and Serbia "access to single market" is not yet functional.</p> <p>As the information system of the Ministry of Interior affairs is still not connected with the other ministries and agencies.</p> <p>Before making the service public, the whole process needs to be tested and verified it works well without system problems.</p> <p>The OBI Agreements and the draft protocols does not stipulate how the contracting parties will verify the self-declared information by the applicants. This may be problematic in two aspects.</p> <p>The first aspect is regarding a potential criminal background of the applicant as the process does not forces the need for a verified proof that the foreigner</p>	<p>preparation process, including trilateral and bilateral meetings, and everything has been tested from all three sides. In addition, the NES has a direct communication with the Central registry of compulsory social insurance (CROSO) regarding all the technical matters needed.</p> <p>However, it is still unclear which institution will be responsible for dealing with the "missing paperwork" and informing potential workers from North Macedonia and Albania about it.</p> <p>The Office for IT and eGovernment which have been contacted for interview, have not responded.</p> <p>Another issue for employers is that under the new system (from February 1st 2024), a worker with a unified permit valid for three years will be allowed to change employers. However, according to the Law on Foreigners, the</p>

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					<p>does not have a criminal record and proof that there are no criminal proceedings against the foreigner in the country of which he is a citizen or in the country in which he resides and from which he submits the request for the issuance of a residence permit, as per the existing procedure of the law for employment of foreigners.</p> <p>In similar vein, there is are no procedures that define how the contracting parties, in this case North Macedonia, conduct the background checks if an applicant poses a threat to the public order, national security, public health or the international relations of the other Contracting Party.</p> <p>These aspects may be incorporated in a by-law that would specify the rights and obligations of the institutions of North Macedonia for this agreement. This sub-legislation may increase the accountability of the institutions and the</p>	<p>inviting party or employer is responsible for the worker. In practice, there have been cases where foreign workers arrive in Serbia and quickly "disappear" to another, usually more developed country, effectively using Serbia as a means to obtain the necessary documents before leaving. This poses a significant challenge for employers who invest much in bringing workers to Serbia (incurring costs in around EUR 330 per worker) only to find that one day the worker just does not show up for work.</p>

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					<p>transparency of the process of granting labor market access.</p> <p>The second aspect is the professional background of the applicants, as the process does not force the need for a verified proof that a proof of appropriate education, professional qualifications, recommendations, certificates issued by a competent authority from the home country or references for completed appropriate training in the profession, as per the existing procedure of the law for employment of foreigners.</p> <p>In this regard, the Agreement on recognition of diplomas and scientific grades in the Western Balkans, signed within the OBI, and/or the recognition of Higher Education Qualifications, Recognition of Professional Qualifications for Doctors of Medicine, Dentists and Architects, signed within the Berlin Process may be</p>	

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					crucial to facilitate the confirmation of the professional background of the applicants. Lastly, it is not clearly defined how the OBI agreement will work for the seconded workers and seasonal workers, for which the other requirements apply.	
(D) Staff in need for successful implementation of the applications (new systematization; new departments; number of employees, new responsibilities, etc.)	Need to hire new staff or allocate from other departments or institutions to process applications;  Hire new staff to implement the OBI-ID and ensure smooth running.	Staff needed to run and maintain the platform would be required.  Five representatives would need to be appointed.	Employment of one (1) official in DCAM (MIA) who will be only in charge of processing and managing applications of foreigners from other WB countries coming to work in the country.  Employment of one (1) official in the Employment Agency of the Republic of Kosovo (EARK) who will be only in charge of dealing with foreign workers from other WB countries working in the country.  Provision of IT human capacities to maintain the electronic system for the registration of employers	Considering that additional employment would be necessary for the allocation of the "identification number of the open Balkans", someone would have to be additionally employed for the allocation of this number. Bearing in mind that it is about electronic delivery and issuance, probably for the needs of Montenegro, the number of about 10 new employees in these jobs would be sufficient.	The process of granting access to labour market under OBI and the existing process of granting residence permit for work purposes and work permits differs. The new work load coming with these changes is distributed unevenly among the different institutions. Under the OBI procedure, the Ministry of Foreign Affairs does not have the role in the process of receiving nor informing on the outcomes of applications at all, while the Ministry of Information society and Media plays a significant role due to the digitalisation of the	Since the Joint Committee has not yet been formed, at least five representatives from the key institutions should be appointed.  According to the information gathered from interview, the National Employment Service (NES) estimates that they will not have any additional workload related to it. For this process, they will not need to conduct labor market testing as they do for other foreign nationals. Instead, they will only keep a record of who has been granted an OBI ID by the Ministry of Internal Affairs and whether there is an employment

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			<p>from other WB countries working in the country.</p> <p>Provision of appropriate training and capacity building for DCAM/MIA and MFLT/EARK officials in charge of foreign workers from other WB countries working in the country, including IT-related.</p>		<p>process for application under OB.</p> <p>The Ministry of Interior Affairs, that may be most affected as it is the only institution that will review of applications. The Ministry has a plan to training staff to process applications under the OBI procedure in case of larger volume of requests, for a timely response. Moreover, this would require the Ministry to grant privileges to regional operational units and inspectors for foreigners to work on this procedure.</p> <p>The Joint Working group tasked to define the final text of the protocols counts seven members, coming from five institutions. All members of the working have additional obligations apart of their assigned duties. This could be problematic particularly for the ones that are directly involved in implementing the ordinary procedure for granting residence permit for work</p>	<p>relationship established or not, all of which will be done electronically. Individuals who apply electronically will go through the regular procedure, just like all other domestic individuals seeking employment.</p> <p>The Office for IT and eGovernment which have been contacted for interview, have not responded.</p> <p>However, based on the information gathered from outside the MUP, we can estimate that they would need a substantial increase in the staff to sustain the procedures set in the Agreement.</p> <p>We could not get the information whether the new staff for running the e-government online platform was appointed since the Office for IT and eGovernment did not respond to our requests.</p> <p>One of the ideas regarding the implementation of the agreement on work permits was that Albanian</p>

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					<p>purposes and work permits and the OBI access to labour market under.</p> <p>In terms of coordination and implementation structure, there will be need of at least five members for the establishment of the Joint Committee, as foreseen in the foreseen Agreement on the conditions for free access to the labour market in the Western Balkans.</p> <p>Moreover, as seen in the draft text of the protocols to both agreements, there will be need of at least two persons who will chair the working group. As the protocols foresee that the parties, in this case North Macedonia, may designate as many people as necessary as members of the Joint Working Groups it is not clear how many staff would be needed to be engaged in order to fulfil the obligations of the cooperation areas in the respective agreement(s) and protocol(s).</p>	<p>and Macedonian workers could register as unemployed with the National Employment Service (NES). However, the language barrier could be a problem, particularly for Albanian workers, as NES advisors may not have knowledge of Albanian language (and it's questionable whether all of them speak English well enough).</p>

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(E) Equipment (office space, ICT, software, interoperability equipment, data exchange, desks, vehicles etc.)	Design and implement the new platform for data registration and Open Balkan ID number generation (integrated into the e-Albania portal).  Enhance interconnection with contracting parties for the exchange of information.	Depending on which institutions would be in charge, it would require additional office space, IT	The establishment of the data exchange mechanisms, including the development of protocols and system to facilitate seamless information sharing.		According to the interviews, there is no need for additional equipment. The software information system of the Ministry of Interior Affairs with the one of the Ministry of Information Society and Media should be integrated.  As they will take largest workload to issue "access to the labour market". The Ministry of Interior may be a need for new computers with internet connection and privileges to operate the system to regional operational units.	According to the information gathered through interview with the NES, they do not foresee any gaps on their part regarding the equipment for the implementation of OBI as the Ministry of Internal Affairs will be in charge of approving the OBI ID certificate (in practice they will be doing most of the job).  The Office for IT and eGovernment which have been contacted for interview, have not responded.  However, according to the information gathered from the key expert interlocutors outside of MUP, this institution would need to upgrade its equipment, for instance to develop a software for swift and easy communication and data sharing with other key

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						<p>institutions (NES, Office for IT and eGov).</p> <p>As for the e-government platform, it is developed and maintained by the Office for IT and eGovernment working under the Ministry of Information and Telecommunication. However, we could not gather any information from them.</p>
<p>(F) <b>Other.</b> Other additional resources not mentioned above</p> <p><u>NOTE: THIS CATEGORY DOES NOT GO INTO THE RATING SYSTEM BELOW!</u></p>	NA	NA	NA	<p>Strategic approach is the main gap – to be sure what country want and need in the future and according to strategic approach engage administrative capacity to achieving specific goals. It includes training for the staff and all other involved in processes (like employer, potential workers etc.), manuals, guidelines and similar.</p>	NA	<p>Certain institutions, such as the Ministry of Internal Affairs, the Ministry of Labour, and the Office for IT and eGovernment, have been quite opaque when it comes to the providing information regarding the OBI.</p>