



**Published by**

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

**Prepared by:**

Law firm Ibrahimaga Osmani Tigani (I.O.T),

**Contributors:**

Flakron Sylejmani, on behalf of the Legal Reform Project – GIZ

© 2014 Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and Avokatura Ibrahimaga Osmani Tigani (I.O.T)

All rights reserved. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH does not accept any responsibility for the content presented and is not responsible for the actuality, correctness, completeness or quality of the information presented. Therefore, all claims about the damage caused from the use of the presented information, including information that is either incomplete or inaccurate, shall be rejected.

No duplication or use of objects such as images, etc. in other publications without the express permission of the GIZ and authors, is not permitted.

If any part or individual expression in the text is not lawful or correct, the content or validity of the other parts remains unaffected by this fact

March 2014

Printed in Prishtinë

Drafting and publication of this Commentary was made possible by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Legal Reform in Kosovo Project, on behalf of the German Federal Ministry for Economic Development and Cooperation (BMZ).

## FOREWORD

Legislative activity in Kosovo in recent years has resulted in the adoption of numerous laws – pieces of primary legislation by the Kosovo Parliament, which have an impact in many areas of our daily life. The accessibility of primary legal acts is one of the preconditions for the establishment of the rule of law in Kosovo.

Moreover, a lack of legal literature prompted the GIZ Legal Reform Project to take the initiative in preparation of the first edition of the law compilation in 2009 and finally published in 2012.

In response to the questionnaire disseminated to the legal community the results were very positive. All the respondents appreciated the work GIZ- Legal Reform Project by publishing the compilations of laws. In addition, because of the dynamic development of the legislations the respondents suggested to publish the new edition of the updated set of the law compilations.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, on behalf of the German Federal Ministry for Cooperation and Economic Development (BMZ) and in cooperation with Ibrahimaga Osmani Tigani (I.O.T) Law Firm, aiming to improve the situation with legal publications in Kosovo and providing the legal community with the effective working tool, has the pleasure of presenting the second edition of Compilation of Applicable Laws in Kosovo.

In these compilations you can find all respective laws with amendments and additions up to the date of publication of compilations.

Users may use legal texts from the compilations, as applicable versions without having the need to search for other legal texts. Legislation included in these compilations refers to the original source of law, title and the number of the law, and the date of publication in the Official Gazette of the Republic of Kosovo.

Compilation is divided in four main areas: Civil, Criminal, Administrative, and Commercial - Administrative law. For the easier reference, each of these areas is divided in sub-areas, part of the volume of the respective area.

Laws are compiled in 7 books organized by areas:

**Compilation of laws in administrative area** I divided in three volumes with the following content:

Volume I Legislation: State interests, Public order and security, Human rights, Civil status, Environment and construction;

Volume II Legislation: Healthcare, Work and social, Economy and Industry, Public administration, Justice, Local government;

Volume III Legislation: Media and publishing, Foreign and humanitarian affairs, Culture and sport, Communication, Education and Science, Inspectorates and International Conventions.

**Compilation of laws in civil area** has one volume with the following content: Systemic civil law, Procedural laws and Non- contentious procedural laws.

**Compilation of criminal laws** has one volume with the following content: Material laws and procedural laws.

**Compilation of economic laws** is divided in two volumes:

Volume I Legislation: Trade and Industry sector, Companies, Privatization, Concessions and other forms of investment, Industrial property sector, Publishing activities, Agricultural, Livestock, Waters, Forestry, Fisheries, Beekeeping and Hunting sector;

Volume II Legislation: Energy and Mines sector, banking and Finance sector, Tax and Customs Legislation, International Agreements on economic development, Public finances and Audit.

These compilations are available in printed version in Albanian language, whereas version in English and Serbian are available on CD-ROM.

GIZ – Legal Reform Project in Kosovo wishes to thank Ibrahimaga Osmani Tigani Law Firm and all their associates who assisted in this work, with hope that this and future publications of compilations will facilitate use of applicable laws to legal professionals (in their respective duties), and will enable to citizens to easily find a law of their interest.

**Volkmar Theobald**

Project Manager

Legal Reform Project - GIZ

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH



## CONTENTS

### I. STATE INTEREST

Constitution of the Republic of Kosovo .....	4
Amendments on the Constitution of the Republic of Kosovo regarding the ending of international supervision of independence of Kosovo .....	58
Amendment of the Constitution of Republic of Kosovo .....	61
Law No. 03/L-073 on general elections in the Republic of Kosovo .....	62
Law No. 03/L-256 on amending and supplementing the Law No. 03/L-073 on general elections in the Republic of Kosovo .....	123
Law No. 02/L-37 on the use languages .....	127
Law No. 03/L-094 on the president of the Republic of Kosovo .....	139
Law No. 03/L-046 Law on the Kosovo Security Force .....	148
Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	155
Law No. 03/L-107 draft law amending the law on the Ministry of the Kosovo Security Force No. 03/L-045 of 15.06.2008 .....	167
Law No. 03/L-050 on the establishment of the kosovo security council .....	169
Law No. 03/L-063 on the Kosovo Intelligence Agency .....	177
Law No. 03/L-089 Law on amendments to the law on administrative Municipal boundaries, law on the privatization agency of kosovo, law on education in the municipalities of the Republic of Kosovo, the law on official holidaysin Republic of Kosovo, law on the Kosovo Intelligence Agency, law on asylum and the law on integrated managment and control of the state border .....	198
Law No. 03/L-132 for the state protocol of the Republic of Kosovo .....	200
Law No. 03/L-235 on amending and supplementing the Law No.03/L-132 on the state protocol of the Republic of Kosovo .....	222
Law No. 03/L-064 on official holidays in Republic of Kosovo .....	229
Law No. 03/L-089 Law on amendments to the law on administrative municipal boundaries, law on the Privatization Agency of Kosovo, law on education in the municipalities of the Republic of Kosovo, the law on official holidays in Republic of Kosovo, law on the Kosovo Intelligence Agency, law on asylum and the law on integrated managment and control of the state border .....	232
Law No. 03/L-054 on stamps of the Republic of Kosovo institutions .....	234
Law No. 03/L-190 on Official Gazette of the Republic of Kosovo .....	241
Law No. 03/L-176 on parliamentary investigation .....	248
Law No. 03/L-111 on rights and responsibilities of the deputy .....	259
Law No. 03/L-038 on use of state symbols of Kosova .....	279
Law No. 03/L-174 on financing political parties .....	288
Law No. 04/L-058 on amending and supplementing the Law No. 03/L-174 on financing political parties .....	296
Law No. 2002/5 on the establishment of the immovable property rights register .....	299

Law No. 2003/13 on amendments and additions to Law No. 2002/5 on the establishment of the immovable property rights registry .....	303
Law No. 04/L-009 on amending and supplementing the Law No. 2002/5 on the establishment of the immovable property rights register .....	305
Law No. 03/L-075 on the establishment of the office of the Auditor General of Kosovo and the Audit Office of Kosovo.....	307
Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	314
Law No. 04/L-025 on legislative initiatives .....	326

## **II. PUBLIC ORDER AND SECURITY**

Law No. 04/L-057 on freedom of association in non-governmental organisations .....	335
Law No. 04/L-076 on police .....	349
Law No. 03/L-172 on the protection of personal data.....	374
Law No. 03/L-142 on public peace and order .....	410
Law No. 03/L-118 on public gatherings .....	417
Law No. 03/L-178 on classification of information and security clearances .....	427
Law No. 03/L-159 on anti-corruption agency .....	449
Law No. 04/L-072 on state border control and surveillance .....	457
Law No. 04/L-217 on asylum .....	481
Law No. 04/L-219 on foreigners.....	516
Law No. 04/L-088 on state archives .....	579
Law No. 04/L-071 on address system .....	587
Law No. 04/L-036 on official statistics of Republic of Kosovo .....	596
Law No. 03/L-143 on weapons .....	615
Law No. 03/L-246 on weapons, ammunition and relevant security equipment for authorized state security institutions.....	656
Law No. 04/L-022 on civil use of explosives.....	676
Law No. 04/L-012 on fire protection .....	708
Law No. 04/L-027 for protection against natural and other disasters .....	723

## **III. JUSTICE**

Law No. 03/L-202 on administrative conflicts.....	773
Law No. 03/L-199 on courts .....	790
Law No. 04/L-171 on amending and supplementing the Law No. 03/L-199 on courts .....	806
Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	808
Law No. 03/L-224 on the Kosovo Prosecutorial Council .....	820
Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	840
Law No. 03/L-053 on the jurisdiction, case selection and case allocation of EULEX judges and prosecutors in Kosovo .....	852
Law No. 03/L-223 on the Kosovo Judicial Council.....	869

Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	893
Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo .....	905
Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	923
Law No. 03/L-052 on the Special Prosecution Office of the Republic of Kosovo.....	935
Law No. 03/L-225 on state prosecutor.....	953
Law No. 04/L-193 on the bar .....	965
Law No. 02/L-25 on establishing the Kosovo Judicial Institute .....	984
Law No. 04/L-017 on free legal aid .....	989
Law No. 03/L-101 on pardon.....	1002
Law No. 03/L-141 on managing sequestered or confiscated assets .....	1006
Law No. 03/L-187 on forensic medicine.....	1011
Law No. 03/L-137 on the Department of Forensic Medicine .....	1017
Law No. 04/L-157 on the state advocacy office.....	1023
Law No. 04/L-141 on bar examination .....	1032
Law No. 04/L-064 on Kosovo Agency on Forensic.....	1041

#### **IV. HUMAN RIGHTS**

Law No. 02/L-31 on freedom of religion in Kosovo.....	1053
Law No. 2004/3 the anti-discrimination law.....	1058
Law No. 03/L-215 on access to public documents.....	1064
Law No. 2004/2 on gender equality in Kosovo.....	1075
Law No. 03/L-047 on the protection and promotion of the rights of communities and their members in Kosovo.....	1085
Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	1098
Law No. 04/L-020 on amending and supplementing of the Law No. 03/L-047 on the protection and promotion of the rights of communities and their members in Republic of Kosovo .....	1110
Law No. 03/L-95 on the rights of former politically convicted and persecuted...1112	
Law No. 03/L-195 on Ombudsperson.....	1120

#### **V. FOREIGN AFFAIRS**

Law No. 03/L-044 on Ministry for Foreign Affairs and diplomatic service of Republic of Kosovo .....	1135
Law No. 03/L-207 on amending the Law No. 03/L-044 on Ministry of Foreign Affairs and diplomatic service of the Republic of Kosovo.....	1141
Law No. 03/L-125 on consular service of diplomatic and consular missions of the Republic of Kosovo.....	1143
Law No. 03/L-122 on Foreign Service of the Republic of Kosovo .....	1151
Law No. 03/L-033 on the status, immunities and privileges of diplomatic and consular missions and personnel in Republic of Kosovo and of the international military presence and its personnel.....	1165

Law No. 04/L-115 on amending and supplementing the laws related to the ending of international supervision of independence of Kosovo .....	1171
Law No. 04/L-052 on international agreements.....	1183
Law No. 03/L-183 on implementation of international sanctions.....	1193
Law No. 04/L-122 on ratification of exchange of diplomatic notes on status of foerign forces between the Republic of Kosovo and the United States of America .....	1200
Law No. 04/L-148 on ratification of the international agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo .....	1204

## **VI. INTERNATIONAL CONVENTIONS**

Law No. 04/L-207 on ratification of framework agreement between Government of the Republic of Kosovo and European Investment Bank which governs the activities of the European Investment Bank in Kosovo.....	1213
Law No. 04/L-134 on the condominium .....	1224
Law No. 04/L-199 on ratification of the first international agreement of principles governing the normalization of relations between the Republic of Kosovo and the Republic of Serbia.....	1247

# **ADMINISTRATIVE LAW – STATE AFFAIRS**

## **STATE INTEREST**



## CONSTITUTION OF THE REPUBLIC OF KOSOVO

### Contents

Chapter I: Basic provisions .....	4
Chapter II: Fundamental rights and freedoms .....	8
Chapter III: Rights of communities and their members .....	17
Chapter IV: Assembly of the Republic of Kosovo .....	21
Chapter V: President of the Republic of Kosovo .....	27
Chapter VI: Government of the Republic of Kosovo .....	31
Chapter VII: Justice system .....	34
Chapter VIII: Constitutional court .....	39
Chapter IX: Economic relations .....	41
Chapter X: Local government and territorial organization .....	43
Chapter XI: Security sector .....	44
Chapter XII: Independent institutions .....	47
Chapter XIII: Final provisions .....	50
Chapter XIV: Transitional provisions .....	52

*We, the people of Kosovo,*

*Determined to build a future of Kosovo as a free, democratic and peaceloving country that will be a homeland to all of its citizens;*

*Committed to the creation of a state of free citizens that will guarantee the rights of every citizen, civil freedoms and equality of all citizens before the law;*

*Committed to the state of Kosovo as a state of economic wellbeing and social prosperity;*

*Convinced that the state of Kosovo will contribute to the stability of the region and entire Europe by creating relations of good neighborliness and cooperation with all neighboring countries;*

*Convinced that the state of Kosovo will be a dignified member of the family of peace-loving states in the world;*

*With the intention of having the state of Kosovo fully participating in the processes of Euro-Atlantic integration;*

*In a solemn manner, we approve the Constitution of the Republic of Kosovo.*

## **Chapter I**

### **Basic Provisions**

#### **Article 1**

##### **[Definition of State]**

1. The Republic of Kosovo is an independent, sovereign, democratic, unique and indivisible state.
2. The Republic of Kosovo is a state of its citizens. The Republic of Kosovo exercises its authority based on the respect for human rights and freedoms of its citizens and all other individuals within its borders.
3. The Republic of Kosovo shall have no territorial claims against, and shall seek no union with, any State or part of any State.

#### **Article 2**

##### **[Sovereignty]**

1. The sovereignty of the Republic of Kosovo stems from the people, belongs to the people and is exercised in compliance with the Constitution through elected representatives, referendum and other forms in compliance with the provisions of this Constitution.
2. The sovereignty and territorial integrity of the Republic of Kosovo is intact, inalienable, indivisible and protected by all means provided in this Constitution and the law.
3. The Republic of Kosovo, in order to maintain peace and to protect national interests, may participate in systems of international security.

#### **Article 3**

##### **[Equality Before the Law]**

1. The Republic of Kosovo is a multiethnic society consisting of Albanian and other Communities, governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions.
2. The exercise of public authority in the Republic of Kosovo shall be based upon the principles of equality of all individuals before the law and with full respect for internationally recognized fundamental human rights and freedoms, as well as protection of the rights of and participation by all Communities and their members.

#### **Article 4**

##### **[Form of Government and Separation of Power]**

1. Kosovo is a democratic Republic based on the principle of separation of powers and the checks and balances among them as provided in this Constitution.
2. The Assembly of the Republic of Kosovo exercises the legislative power.
3. The President of the Republic of Kosovo represents the unity of the people. The President of the Republic of Kosovo is the legitimate representative of the country,



internally and externally, and is the guarantor of the democratic functioning of the institutions of the Republic of Kosovo, as provided in this Constitution.

4. The Government of the Republic of Kosovo is responsible for implementation of laws and state policies and is subject to parliamentary control.
5. The judicial power is unique and independent and is exercised by courts.
6. The Constitutional Court is an independent organ in protecting the constitutionality and is the final interpreter of the Constitution.
7. The Republic of Kosovo has institutions for the protection of the constitutional order and territorial integrity, public order and safety, which operate under the constitutional authority of the democratic institutions of the Republic of Kosovo.

## **Article 5** **[Languages]**

1. The official languages in the Republic of Kosovo are Albanian and Serbian.
2. Turkish, Bosnian and Roma languages have the status of official languages at the municipal level or will be in official use at all levels as provided by law.

## **Article 6** **[Symbols]**

1. The flag, the seal and the anthem are the state symbols of the Republic of Kosovo all of which reflect its multiethnic character.
2. The appearance, display and protection of the flag and other state symbols shall be regulated by law. The display and protection of the national symbols shall be regulated by law.

## **Article 7** **[Values]**

1. The constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of environment, social justice, pluralism, separation of state powers, and a market economy.
2. The Republic of Kosovo ensures gender equality as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life.

## **Article 8** **[Secular State]**

The Republic of Kosovo is a secular state and is neutral in matters of religious beliefs.

**Article 9**  
**[Cultural and Religious Heritage]**

The Republic of Kosovo ensures the preservation and protection of its cultural and religious heritage.

**Article 10**  
**[Economy]**

A market economy with free competition is the basis of the economic order of the Republic of Kosovo.

**Article 11**  
**[Currency]**

1. The Republic of Kosovo uses as legal tender one single currency.
2. The Central Banking Authority of Kosovo is independent and is called the Central Bank of the Republic of Kosovo.

**Article 12**  
**[Local Government]**

1. Municipalities are the basic territorial unit of local self-governance in the Republic of Kosovo.
2. The organization and powers of units of local self-government are provided by law.

**Article 13**  
**[Capital City]**

1. The capital city of the Republic of Kosovo is Pristina.
2. The status and organization of the capital city is provided by law.

**Article 14**  
**[Citizenship]**

The acquisition and termination of the right of citizenship of the Republic of Kosovo are provided by law.

**Article 15**  
**[Citizens Living Abroad]**

The Republic of Kosovo protects the interests of its citizens abroad as provided by law.

**Article 16**  
**[Supremacy of the Constitution]**

1. The Constitution is the highest legal act of the Republic of Kosovo. Laws and other legal acts shall be in accordance with this Constitution.
2. The power to govern stems from the Constitution.
3. The Republic of Kosovo shall respect international law.
4. Every person and entity in the Republic of Kosovo is subject to the provisions of the Constitution.

**Article 17**  
**[International Agreements]**

1. The Republic of Kosovo concludes international agreements and becomes a member of international organizations.
2. The Republic of Kosovo participates in international cooperation for promotion and protection of peace, security and human rights.

**Article 18**  
**[Ratification of International Agreements]**

1. International agreements relating to the following subjects are ratified by two thirds (2/3) vote of all deputies of the Assembly:
  - (1) territory, peace, alliances, political and military issues;
  - (2) fundamental rights and freedoms;
  - (3) membership of the Republic of Kosovo in international organizations;
  - (4) the undertaking of financial obligations by the Republic of Kosovo;
2. International agreements other than those in paragraph 1 are ratified upon signature of the President of the Republic of Kosovo.
3. The President of the Republic of Kosovo or the Prime Minister notifies the Assembly whenever an international agreement is signed.
4. Amendment of or withdrawal from international agreements follows the same decision making process as the ratification of such international agreements.
5. The principles and procedures for ratifying and contesting international agreements are set forth by law.

**Article 19**  
**[Applicability of International Law]**

1. International agreements ratified by the Republic of Kosovo become part of the internal legal system after their publication in the Official Gazette of the Republic of Kosovo. They are directly applied except for cases when they are not self-applicable and the application requires the promulgation of a law.
2. Ratified international agreements and legally binding norms of international law have superiority over the laws of the Republic of Kosovo.

**Article 20**  
**[Delegation of Sovereignty]**

1. The Republic of Kosovo may on the basis of ratified international agreements delegate state powers for specific matters to international organizations.
2. If a membership agreement ratified by the Republic of Kosovo for its participation in an international organization explicitly contemplates the direct applicability of the norms of that organization, then the law ratifying the international agreement must be adopted by two thirds (2/3) vote of all deputies of the Assembly, and those norms have superiority over the laws of the Republic of Kosovo.

**Chapter II**  
**Fundamental Rights and Freedoms**

**Article 21**  
**[General Principles]**

1. Human rights and fundamental freedoms are indivisible, inalienable and inviolable and are the basis of the legal order of the Republic of Kosovo.
2. The Republic of Kosovo protects and guarantees human rights and fundamental freedoms as provided by this Constitution.
3. Everyone must respect the human rights and fundamental freedoms of others.
4. Fundamental rights and freedoms set forth in the Constitution are also valid for legal persons to the extent applicable.

**Article 22**  
**[Direct Applicability of International Agreements and Instruments]**

Human rights and fundamental freedoms guaranteed by the following international agreements and instruments are guaranteed by this Constitution, are directly applicable in the Republic of Kosovo and, in the case of conflict, have priority over provisions of laws and other acts of public institutions:

- (1) Universal Declaration of Human Rights;
- (2) European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols;
- (3) International Covenant on Civil and Political Rights and its Protocols;
- (4) Council of Europe Framework Convention for the Protection of National Minorities;
- (5) Convention on the Elimination of All Forms of Racial Discrimination;
- (6) Convention on the Elimination of All Forms of Discrimination Against Women;
- (7) Convention on the Rights of the Child;
- (8) Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment;

**Article 23**  
**[Human Dignity]**

Human dignity is inviolable and is the basis of all human rights and fundamental freedoms.

**Article 24**  
**[Equality Before the Law]**

1. All are equal before the law. Everyone enjoys the right to equal legal protection without discrimination.
2. No one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.
3. Principles of equal legal protection shall not prevent the imposition of measures necessary to protect and advance the rights of individuals and groups who are in unequal positions. Such measures shall be applied only until the purposes for which they are imposed have been fulfilled.

**Article 25**  
**[Right to Life]**

1. Every individual enjoys the right to life.
2. Capital punishment is forbidden.

**Article 26**  
**[Right to Personal Integrity]**

Every person enjoys the right to have his/her physical and psychological integrity respected, which includes:

- (1) the right to make decisions in relation to reproduction in accordance with the rules and procedures set forth by law;
- (2) the right to have control over her/his body in accordance with law;
- (3) the right not to undergo medical treatment against his/her will as provided by law;
- (4) the right not to participate in medical or scientific experiments without her/his prior consent.

**Article 27**  
**[Prohibition of Torture, Cruel, Inhuman or Degrading Treatment]**

No one shall be subject to torture, cruel, inhuman or degrading treatment or punishment.

**Article 28**  
**[Prohibition of Slavery and Forced Labor]**

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced labor. Labor or services provided by law by persons convicted by a final court decision while serving their sentence or during a State of Emergency declared in compliance with the rules set forth in this Constitution shall not be considered as forced labor.
3. Trafficking in persons is forbidden.

**Article 29**  
**[Right to Liberty and Security]**

1. Everyone is guaranteed the right to liberty and security. No one shall be deprived of liberty except in the cases foreseen by law and after a decision of a competent court as follows:
  - (1) pursuant to a sentence of imprisonment for committing a criminal act;
  - (2) for reasonable suspicion of having committed a criminal act, only when deprivation of liberty is reasonably considered necessary to prevent commission of another criminal act, and only for a limited time before trial as provided by law;
  - (3) for the purpose of educational supervision of a minor or for the purpose of bringing the minor before a competent institution in accordance with a lawful order;
  - (4) for the purpose of medical supervision of a person who because of disease represents a danger to society;
  - (5) for illegal entry into the Republic of Kosovo or pursuant to a lawful order of expulsion or extradition.
2. Everyone who is deprived of liberty shall be promptly informed, in a language he/she understands, of the reasons of deprivation. The written notice on the reasons of deprivation shall be provided as soon as possible. Everyone who is deprived of liberty without a court order shall be brought within fortyeight (48) hours before a judge who decides on her/his detention or release not later than fortyeight (48) hours from the moment the detained person is brought before the court. Everyone who is arrested shall be entitled to trial within a reasonable time and to release pending trial, unless the judge concludes that the person is a danger to the community or presents a substantial risk of fleeing before trial.
3. Everyone who is deprived of liberty shall be promptly informed of his/her right not to make any statements, right to defense counsel of her/his choosing, and the right to promptly communicate with a person of his/her choosing.
4. Everyone who is deprived of liberty by arrest or detention enjoys the right to use legal remedies to challenge the lawfulness of the arrest or detention. The case shall be speedily decided by a court and release shall be ordered if the arrest or detention is determined to be unlawful.
5. Everyone who has been detained or arrested in contradiction with the provisions of this article has a right to compensation in a manner provided by law.

6. An individual who is sentenced has the right to challenge the conditions of detention in a manner provided by law.

### **Article 30** **[Rights of the Accused]**

Everyone charged with a criminal offense shall enjoy the following minimum rights:

- (1) to be promptly informed, in a language that she/he understands, of the nature and cause of the accusation against him/her;
- (2) to be promptly informed of her/his rights according to law;
- (3) to have adequate time, facilities and remedies for the preparation of his/her defense;
- (4) to have free assistance of an interpreter if she/he cannot understand or speak the language used in court;
- (5) to have assistance of legal counsel of his/her choosing, to freely communicate with counsel and if she/he does not have sufficient means, to be provided free counsel;
- (6) to not be forced to testify against oneself or admit one's guilt.

### **Article 31** **[Right to Fair and Impartial Trial]**

1. Everyone shall be guaranteed equal protection of rights in the proceedings before courts, other state authorities and holders of public powers.
2. Everyone is entitled to a fair and impartial public hearing as to the determination of one's rights and obligations or as to any criminal charges within a reasonable time by an independent and impartial tribunal established by law.
3. Trials shall be open to the public except in limited circumstances in which the court determines that in the interest of justice the public or the media should be excluded because their presence would endanger public order, national security, the interests of minors or the privacy of parties in the process in accordance with law.
4. Everyone charged with a criminal offense has the right to examine witnesses and to obtain the obligatory attendance of witnesses, experts and other persons who may clarify the evidence.
5. Everyone charged with a criminal offense is presumed innocent until proven guilty according to law.
6. Free legal assistance shall be provided to those without sufficient financial means if such assistance is necessary to ensure effective access to justice.
7. Judicial proceedings involving minors shall be regulated by law respecting special rules and procedures for juveniles.

### **Article 32** **[Right to Legal Remedies]**

Every person has the right to pursue legal remedies against judicial and administrative decisions which infringe on his/her rights or interests, in the manner provided by law.

### **Article 33**

#### **[The Principle of Legality and Proportionality in Criminal Cases]**

1. No one shall be charged or punished for any act which did not constitute a penal offense under law at the time it was committed, except acts that at the time they were committed constituted genocide, war crimes or crimes against humanity according to international law.
2. No punishment for a criminal act shall exceed the penalty provided by law at the time the criminal act was committed.
3. The degree of punishment cannot be disproportional to the criminal offense.
4. Punishments shall be administered in accordance with the law in force at the time a criminal act was committed, unless the penalties in a subsequent applicable law are more favorable to the perpetrator.

### **Article 34**

#### **[Right not to be Tried Twice for the Same Criminal Act]**

No one shall be tried more than once for the same criminal act.

### **Article 35**

#### **[Freedom of Movement]**

1. Citizens of the Republic of Kosovo and foreigners who are legal residents of Kosovo have the right to move freely throughout the Republic of Kosovo and choose their location of residence.
2. Each person has the right to leave the country. Limitations on this right may be regulated by law if they are necessary for legal proceedings, enforcement of a court decision or the performance of a national defense obligation.
3. Citizens of the Republic of Kosovo shall not be deprived the right of entry into Kosovo.
4. Citizens of the Republic of Kosovo shall not be extradited from Kosovo against their will except for cases when otherwise required by international law and agreements.
5. The right of foreigners to enter the Republic of Kosovo and reside in the country shall be defined by law.

### **Article 36**

#### **[Right to Privacy]**

1. Everyone enjoys the right to have her/his private and family life respected, the inviolability of residence, and the confidentiality of correspondence, telecommunication and other communication.
2. Searches of any private dwelling or establishment that are deemed necessary for the investigation of a crime may be conducted only to the extent necessary and only after approval by a court after a showing of the reasons why such a search is necessary. Derogation from this rule is permitted if it is necessary for a lawful



arrest, to collect evidence which might be in danger of loss or to avoid direct and serious risk to humans and property as defined by law. A court must retroactively approve such actions.

3. Secrecy of correspondence, telephony and other communication is an inviolable right.
4. This right may only be limited temporarily by court decision if it is necessary for criminal proceedings or defense of the country as defined by law.
5. Every person enjoys the right of protection of personal data. Collection, preservation, access, correction and use of personal data are regulated by law.

### **Article 37**

#### **[Right to Marriage and Family]**

1. Based on free will, everyone enjoys the right to marry and the right to have a family as provided by law.
2. Marriage and divorce are regulated by law and are based on the equality of spouses.
3. Family enjoys special protection by the state in a manner provided by law.

### **Article 38**

#### **[Freedom of Belief, Conscience and Religion]**

1. Freedom of belief, conscience and religion is guaranteed.
2. Freedom of belief, conscience and religion includes the right to accept and manifest religion, the right to express personal beliefs and the right to accept or refuse membership in a religious community or group.
3. No one shall be required to practice or be prevented from practicing religion nor shall anyone be required to make his/her opinions and beliefs public.
4. Freedom of manifesting religion, beliefs and conscience may be limited by law if it is necessary to protect public safety and order or the health or rights of other persons.

### **Article 39**

#### **[Religious Denominations]**

1. The Republic of Kosovo ensures and protects religious autonomy and religious monuments within its territory.
2. Religious denominations are free to independently regulate their internal organization, religious activities and religious ceremonies.
3. Religious denominations have the right to establish religious schools and charity institutions in accordance with this Constitution and the law.

### **Article 40**

#### **[Freedom of Expression]**

1. Freedom of expression is guaranteed. Freedom of expression includes the right to express oneself, to disseminate and receive information, opinions and other messages without impediment.

- 
2. The freedom of expression can be limited by law in cases when it is necessary to prevent encouragement or provocation of violence and hostility on grounds of race, nationality, ethnicity or religion.

**Article 41**  
**[Right of Access to Public Documents]**

1. Every person enjoys the right of access to public documents.
2. Documents of public institutions and organs of state authorities are public, except for information that is limited by law due to privacy, business trade secrets or security classification.

**Article 42**  
**[Freedom of Media]**

1. Freedom and pluralism of media is guaranteed.
2. Censorship is forbidden. No one shall prevent the dissemination of information or ideas through media, except if it is necessary to prevent encouragement or provocation of violence and hostility on grounds of race, nationality, ethnicity or religion.
3. Everyone has the right to correct untrue, incomplete and inaccurate published information, if it violates her/his rights and interests in accordance with the law.

**Article 43**  
**[Freedom of Gathering]**

Freedom of peaceful gathering is guaranteed. Every person has the right to organize gatherings, protests and demonstrations and the right to participate in them. These rights may be limited by law, if it is necessary to safeguard public order, public health, national security or the protection of the rights of others.

**Article 44**  
**[Freedom of Association]**

1. The freedom of association is guaranteed. The freedom of association includes the right of everyone to establish an organization without obtaining any permission, to be or not to be a member of any organization and to participate in the activities of an organization.
2. The freedom to establish trade unions and to organize with the intent to protect interests is guaranteed. This right may be limited by law for specific categories of employees.
3. Organizations or activities that infringe on the constitutional order, violate human rights and freedoms or encourage racial, national, ethnic or religious hatred may be prohibited by a decision of a competent court.

**Article 45**  
**[Freedom of Election and Participation]**

1. Every citizen of the Republic of Kosovo who has reached the age of eighteen, even if on the day of elections, has the right to elect and be elected, unless this right is limited by a court decision.
2. The vote is personal, equal, free and secret.
3. State institutions support the possibility of every person to participate in public activities and everyone's right to democratically influence decisions of public bodies.

**Article 46**  
**[Protection of Property]**

1. The right to own property is guaranteed.
2. Use of property is regulated by law in accordance with the public interest.
3. No one shall be arbitrarily deprived of property. The Republic of Kosovo or a public authority of the Republic of Kosovo may expropriate property if such expropriation is authorized by law, is necessary or appropriate to the achievement of a public purpose or the promotion of the public interest, and is followed by the provision of immediate and adequate compensation to the person or persons whose property has been expropriated.
4. Disputes arising from an act of the Republic of Kosovo or a public authority of the Republic of Kosovo that is alleged to constitute an expropriation shall be settled by a competent court.
5. Intellectual property is protected by law.

**Article 47**  
**[Right to Education]**

1. Every person enjoys the right to free basic education. Mandatory education is regulated by law and funded by public funds.
2. Public institutions shall ensure equal opportunities to education for everyone in accordance with their specific abilities and needs.

**Article 48**  
**[Freedom of Art and Science]**

1. The freedom of artistic and scientific creativity is guaranteed.
2. Academic freedom is guaranteed.

**Article 49**  
**[Right to Work and Exercise Profession]**

1. The right to work is guaranteed.
2. Every person is free to choose his/her profession and occupation.

**Article 50**  
**[Rights of Children]**

1. Children enjoy the right to protection and care necessary for their wellbeing.
2. Children born out of wedlock have equal rights to those born in marriage.
3. Every child enjoys the right to be protected from violence, maltreatment and exploitation.
4. All actions undertaken by public or private authorities concerning children shall be in the best interest of the children.
5. Every child enjoys the right to regular personal relations and direct contact with parents, unless a competent institution determines that this is in contradiction with the best interest of the child.

**Article 51**  
**[Health and Social Protection]**

1. Healthcare and social insurance are regulated by law.
2. Basic social insurance related to unemployment, disease, disability and old age shall be regulated by law.

**Article 52**  
**[Responsibility for the Environment]**

1. Nature and biodiversity, environment and national inheritance are everyone's responsibility.
2. Everyone should be provided an opportunity to be heard by public institutions and have their opinions considered on issues that impact the environment in which they live.
3. The impact on the environment shall be considered by public institutions in their decision making processes.

**Article 53**  
**[Interpretation of Human Rights Provisions]**

Human rights and fundamental freedoms guaranteed by this Constitution shall be interpreted consistent with the court decisions of the European Court of Human Rights.

**Article 54**  
**[Judicial Protection of Rights]**

Everyone enjoys the right of judicial protection if any right guaranteed by this Constitution or by law has been violated or denied and has the right to an effective legal remedy if found that such right has been violated.

**Article 55**

**[Limitations on Fundamental Rights and Freedoms]**

1. Fundamental rights and freedoms guaranteed by this Constitution may only be limited by law.
2. Fundamental rights and freedoms guaranteed by this Constitution may be limited to the extent necessary for the fulfillment of the purpose of the limitation in an open and democratic society.
3. Fundamental rights and freedoms guaranteed by this Constitution may not be limited for purposes other than those for which they were provided.
4. In cases of limitations of human rights or the interpretation of those limitations; all public authorities, and in particular courts, shall pay special attention to the essence of the right limited, the importance of the purpose of the limitation, the nature and extent of the limitation, the relation between the limitation and the purpose to be achieved and the review of the possibility of achieving the purpose with a lesser limitation.
5. The limitation of fundamental rights and freedoms guaranteed by this Constitution shall in no way deny the essence of the guaranteed right.

**Article 56**

**[Fundamental Rights and Freedoms During a State of Emergency]**

1. Derogation of the fundamental rights and freedoms protected by this Constitution may only occur following the declaration of a State of Emergency as provided by this Constitution and only to the extent necessary under the relevant circumstances.
2. Derogation of the fundamental rights and freedoms guaranteed by Articles 23, 24, 25, 27, 28, 29, 31, 33, 34, 37 and 38 of this Constitution shall not be permitted under any circumstances.

**Chapter III**

**Rights of Communities and Their Members**

**Article 57**

**[General Principles]**

1. Inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of the Republic of Kosovo (Communities) shall have specific rights as set forth in this Constitution in addition to the human rights and fundamental freedoms provided in chapter II of this Constitution.
2. Every member of a community shall have the right to freely choose to be treated or not to be treated as such and no discrimination shall result from this choice or from the exercise of the rights that are connected to that choice.
3. Members of Communities shall have the right to freely express, foster and develop their identity and community attributes.
4. The exercise of these rights shall carry with it duties and responsibilities to act in accordance with the law of the Republic of Kosovo and shall not violate the rights of others.

**Article 58<sup>\*</sup>**  
**[Responsibilities of the State]**

1. The Republic of Kosovo ensures appropriate conditions enabling communities, and their members to preserve, protect and develop their identities. The Government shall particularly support cultural initiatives from communities and their members, including through financial assistance.
2. The Republic of Kosovo shall promote a spirit of tolerance, dialogue and support reconciliation among communities and respect the standards set forth in the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.
3. The Republic of Kosovo shall take all necessary measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their national, ethnic, cultural, linguistic or religious identity.
4. The Republic of Kosovo shall adopt adequate measures as may be necessary to promote, in all areas of economic, social, political and cultural life, full and effective equality among members of communities. Such measures shall not be considered to be an act of discrimination.
5. The Republic of Kosovo shall promote the preservation of the cultural and religious heritage of all communities as an integral part of the heritage of Kosovo. The Republic of Kosovo shall have a special duty to ensure an effective protection of the entirety of sites and monuments of cultural and religious significance to the communities.
6. The Republic of Kosovo shall take effective actions against all those undermining the enjoyment of the rights of members of Communities. The Republic of Kosovo shall refrain from policies or practices aimed at assimilation of persons belonging to Communities against their will, and shall protect these persons from any action aimed at such assimilation.
7. The Republic of Kosovo ensures, on a non-discriminatory basis, that all communities and their members may exercise their rights specified in this Constitution.

**Article 59**  
**[Rights of Communities and their Members]**

Members of communities shall have the right, individually or in community, to:

- (1) express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture;
- (2) receive public education in one of the official languages of the Republic of Kosovo of their choice at all levels;
- (3) receive preschool, primary and secondary public education, in their own language to the extent prescribed by law, with the thresholds for establishing specific classes or schools for this purpose being lower than normally stipulated for educational institutions;

---

<sup>\*</sup> Article 58, paragraph 4 shall be reworded with amendment 1.

- (4) establish and manage their own private educational and training establishments for which public financial assistance may be granted, in accordance with the law and international standards;
- (5) use their language and alphabet freely in private and in public;
- (6) use their language and alphabet in their relations with the municipal authorities or local offices of central authorities in areas where they represent a sufficient share of the population in accordance with the law. The costs incurred by the use of an interpreter or a translator shall be borne by the competent authorities;
- (7) use and display community symbols, in accordance with the law and international standards;
- (8) have personal names registered in their original form and in the script of their language as well as revert to original names that have been changed by force;
- (9) have local names, street names and other topographical indications which reflect and are sensitive to the multiethnic and multilingual character of the area at issue;
- (10) have guaranteed access to, and special representation in, public broadcast media as well as programming in their language, in accordance with the law and international standards;
- (11) to create and use their own media, including to provide information in their language through, among others, daily newspapers and wire services and the use of a reserved number of frequencies for electronic media in accordance with the law and international standards. The Republic of Kosovo shall take all measures necessary to secure an international frequency plan to allow the Kosovo Serb Community access to a licensed Kosovo-wide independent Serbian language television channel;
- (12) enjoy unhindered contacts among themselves within the Republic of Kosovo and establish and maintain free and peaceful contacts with persons in any State, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage, in accordance with the law and international standards;
- (13) enjoy unhindered contacts with, and participate without discrimination in the activities of local, regional and international non-governmental organizations;
- (14) establish associations for culture, art, science and education as well as scholarly and other associations for the expression, fostering and development of their identity.

#### **Article 60** **[Consultative Council for Communities]**

1. A Consultative Council for Communities acts under the authority of the President of the Republic of Kosovo in which all Communities shall be represented.
2. The Consultative Council for Communities shall be composed, among others, of representatives of associations of Communities.

3. The mandate of the Consultative Council for Communities shall:
  - (1) provide a mechanism for regular exchange between the Communities and the Government of Kosovo.
  - (2) afford to the Communities the opportunity to comment at an early stage on legislative or policy initiatives that may be prepared by the Government, to suggest such initiatives, and to seek to have their views incorporated in the relevant projects and programs.
  - (3) have any other responsibilities and functions as provided in accordance with law.

### **Article 61**

#### **[Representation in Public Institutions Employment]**

Communities and their members shall be entitled to equitable representation in employment in public bodies and publicly owned enterprises at all levels, including in particular in the police service in areas inhabited by the respective Community, while respecting the rules concerning competence and integrity that govern public administration.

### **Article 62**

#### **[Representation in the Institutions of Local Government]**

1. In municipalities where at least ten per cent (10%) of the residents belong to Communities not in the majority in those municipalities, a post of Vice President of the Municipal Assembly for Communities shall be reserved for a representative of these communities.
2. The position of Vice President shall be held by the non-majority candidate who received the most votes on the open list of candidates for election to the Municipal Assembly.
3. The Vice President for Communities shall promote inter-Community dialogue and serve as formal focal point for addressing non-majority Communities' concerns and interests in meetings of the Assembly and its work. The Vice President shall also be responsible for reviewing claims by Communities or their members that the acts or decisions of the Municipal Assembly violate their constitutionally guaranteed rights. The Vice President shall refer such matters to the Municipal Assembly for its reconsideration of the act or decision.
4. In the event the Municipal Assembly chooses not to reconsider its act or decision, or the Vice President deems the result, upon reconsideration, to still present a violation of a constitutionally guaranteed right, the Vice President may submit the matter directly to the Constitutional Court, which may decide whether or not to accept the matter for review.
5. In these municipalities, representation for non-majority Communities in the Republic of Kosovo in the municipal executive body is guaranteed.



**Chapter IV**  
**Assembly of the Republic of Kosovo**

**Article 63**  
**[General Principles]**

The Assembly is the legislative institution of the Republic of Kosovo directly elected by the people.

**Article 64**  
**[Structure of Assembly]**

1. The Assembly has one hundred twenty (120) deputies elected by secret ballot on the basis of open lists. The seats in the Assembly are distributed amongst all parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly.
2. In the framework of this distribution, twenty (20) of the one hundred twenty (120) seats are guaranteed for representation of communities that are not in the majority in Kosovo as follows:
  - (1) Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community shall have the total number of seats won through the open election, with a minimum ten (10) seats guaranteed if the number of seats won is less than ten (10);
  - (2) Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the other Communities shall have the total number of seats won through the open election, with a minimum number of seats in the Assembly guaranteed as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosnian community, three (3) seats; the Turkish community, two (2) seats; and the Gorani community, one (1) seat if the number of seats won by each community is less than the number guaranteed.

**Article 65<sup>\*</sup>**  
**[Competencies of the Assembly]**

The Assembly of the Republic of Kosovo:

- (1) adopts laws, resolutions and other general acts;
- (2) decides to amend the Constitution by two thirds (2/3) of all its deputies including two thirds (2/3) of all deputies holding seats reserved and guaranteed for representatives of communities that are not in the majority in Kosovo;
- (3) announces referenda in accordance with the law;
- (4) ratifies international treaties;

---

<sup>\*</sup> In the article 65 after (14) point added (15) according to amendment no. 23.

- (5) approves the budget of the Republic of Kosovo;
- (6) elects and dismisses the President and Deputy Presidents of the Assembly;
- (7) elects and may dismiss the President of the Republic of Kosovo in accordance with this Constitution;
- (8) elects the Government and expresses no confidence in it;
- (9) oversees the work of the Government and other public institutions that report to the Assembly in accordance with the Constitution and the law;
- (10) elects members of the Kosovo Judicial Council and the Kosovo Prosecutorial Council in accordance with this Constitution;
- (11) proposes the judges for the Constitutional Court;
- (12) oversees foreign and security policies;
- (13) gives consent to the President's decree announcing a State of Emergency;
- (14) decides in regard to general interest issues as set forth by law.

### **Article 66** **[Election and Mandate]**

1. The Assembly of Kosovo shall be elected for a mandate of four (4) years, starting from the day of the constitutive session, which shall be held within thirty (30) days from the official announcement of the election results.
2. Regular elections for the Assembly shall be held no later than thirty (30) days before the end of the mandate or, when the Assembly has been dissolved, no later than forty-five (45) days after the dissolution.
3. The President of the Republic of Kosovo shall convene the constitutive session of the Assembly. If the President of the Republic of Kosovo is unable to convene the initial session, the Assembly shall be convened without the President's participation.
4. The Mandate of the Assembly of Kosovo may be extended only in a State of Emergency for emergency defense measures or for danger to the Constitutional order or to public safety of the Republic of Kosovo and only for as long as the State of Emergency continues as regulated by this Constitution.
5. The election conditions, constituencies and procedures are determined by law.

### **Article 67** **[Election of the President and Deputy Presidents]**

1. The Assembly of Kosovo elects the President of the Assembly and five (5) Deputy Presidents from among its deputies.
2. The President of the Assembly is proposed by the largest parliamentary group and is elected by a majority vote of all deputies of the Assembly.
3. Three (3) Deputy Presidents proposed by the three largest parliamentary groups are elected by a majority vote of all deputies of the Assembly.
4. Two (2) Deputy Presidents represent non-majority communities in the Assembly and are elected by a majority vote of all deputies of the Assembly. One (1) Deputy President shall belong to the deputies of the Assembly holding seats reserved or guaranteed for the Serb community, and one (1) Deputy shall belong to deputies of

the Assembly holding seats reserved or guaranteed for other communities that are not in the majority.

5. The President and Deputy Presidents of the Assembly are dismissed by a vote of two thirds (2/3) of all deputies of the Assembly.
6. The President and the Deputy Presidents form the Presidency of the Assembly. The Presidency is responsible for the administrative operation of the Assembly as provided in the Rules of Procedure of the Assembly.
7. The President of the Assembly:
  - (1) represents the Assembly;
  - (2) sets the agenda, convenes and chairs the sessions;
  - (3) signs acts adopted by the Assembly;
  - (4) exercises other functions in accordance with this Constitution and the Rules of Procedure of the Assembly.
8. When the President of the Assembly is absent or is unable to exercise the function, one of the Deputy Presidents will serve as President of the Assembly.

## **Article 68**

### **[Sessions]**

1. Meetings of the Assembly of Kosovo are public.
2. Meetings of the Assembly of Kosovo may be closed upon the request of the President of the Republic of Kosovo, the Prime Minister or one third (1/3) of the deputies of the Assembly as set forth by the Rules of Procedure of the Assembly. The decision shall be made in an open and transparent manner and must be adopted by two thirds (2/3) vote of the deputies of Assembly present and voting.

## **Article 69**

### **[Schedule of Sessions and Quorum]**

1. The Assembly of Kosovo conducts its annual work in two sessions.
2. The Spring Session begins on the third Monday of January and the Autumn session begins on the second Monday of September.
3. The Assembly of Kosovo has its quorum when more than one half (1/2) of all Assembly deputies are present.
4. The Assembly of Kosovo convenes an extraordinary meeting upon the request of the President of the Republic of Kosovo, the Prime Minister or one third (1/3) of the deputies.

## **Article 70**

### **[Mandate of the Deputies]**

1. Deputies of the Assembly are representatives of the people and are not bound by any obligatory mandate.
2. The mandate of each deputy of the Assembly of Kosovo begins on the day of the certification of the election results.
3. The mandate of a deputy of the Assembly comes to an end or becomes invalid when:

## Administrative laws

- (1) the deputy does not take the oath;
  - (2) the deputy resigns;
  - (3) the deputy becomes a member of the Government of Kosovo;
  - (4) the mandate of the Assembly comes to an end;
  - (5) the deputy is absent from the Assembly for more than six (6) consecutive months. In special cases, the Assembly of Kosovo can decide otherwise;
  - (6) the deputy is convicted and sentenced to one or more years imprisonment by a final court decision of committing a crime;
  - (7) the deputy dies.
4. Vacancies in the Assembly will be filled immediately in a manner consistent with this Constitution and as provided by law.

### **Article 71** **[Qualification and Gender Equality]**

1. Every citizen of the Republic of Kosovo who is eighteen (18) years or older and meets the legal criteria is eligible to become a candidate for the Assembly.
2. The composition of the Assembly of Kosovo shall respect internationally recognized principles of gender equality.

### **Article 72** **[Incompatibility]**

A member of the Assembly of Kosovo shall neither keep any executive post in the public administration or in any publicly owned enterprise nor exercise any other executive function as provided by law.

### **Article 73** **[Ineligibility]**

1. The following cannot be candidates or be elected as deputies of the Assembly without prior resignation from their duty:
  - (1) judges and prosecutors;
  - (2) members of the Kosovo Security Force;
  - (3) members of the Kosovo Police;
  - (4) members of the Customs Service of Kosovo;
  - (5) members of the Kosovo Intelligence Agency;
  - (6) heads of independent agencies;
  - (7) diplomatic representatives;
  - (8) chairpersons and members of the Central Election Commission.
2. Persons deprived of legal capacity by a final court decision are not eligible to become candidates for deputies of the Assembly.
3. Mayors and other officials holding executive responsibilities at the municipal level of municipalities cannot be elected as deputies of the Assembly without prior resignation from their duty.

**Article 74**  
**[Exercise of Function]**

Deputies of the Assembly of Kosovo shall exercise their function in best interest of the Republic of Kosovo and pursuant to the Constitution, Laws and Rules of Procedure of the Assembly.

**Article 75**  
**[Immunity]**

1. Deputies of the Assembly shall be immune from prosecution, civil lawsuit and dismissal for actions or decisions that are within the scope of their responsibilities as deputies of the Assembly. The immunity shall not prevent the criminal prosecution of deputies of the Assembly for actions taken outside of the scope of their responsibilities as deputies of the Assembly.
2. A member of the Assembly shall not be arrested or otherwise detained while performing her/his duties as a member of the Assembly without the consent of the majority of all deputies of the Assembly.

**Article 76**  
**[Rules of Procedure]**

The Rules of Procedure of the Assembly are adopted by two thirds (2/3) vote of all its deputies and shall determine the internal organization and method of work for the Assembly.

**Article 77**  
**[Committees]**

1. The Assembly of Kosovo appoints permanent committees, operational committees and ad hoc committees reflecting the political composition of the Assembly.
2. On the request of one third (1/3) of all of the deputies, the Assembly appoints committees for specific matters, including investigative matters.
3. At least one vice chair of each parliamentary committee shall be from the deputies of a Community different from the Community of the chair.
4. Competencies and procedures of the committees are defined in the Rules of Procedure of the Assembly.

**Article 78**  
**[Committee on Rights and Interests of Communities]**

1. The Committee on Rights and Interests of Communities is a permanent committee of the Assembly. This committee is composed of one third (1/3) of members who represent the group of deputies of the Assembly holding seats reserved or guaranteed for the Serbian Community, one third (1/3) of members who represent the group of deputies of the Assembly holding seats reserved or guaranteed for

- other communities that are not in the majority and one third (1/3) of members from the majority community represented in the Assembly.
2. At the request of any member of the Presidency of the Assembly, any proposed law shall be submitted to the Committee on Rights and Interests of Communities. The Committee, by a majority vote of its members, shall decide whether to make recommendations regarding the proposed law within two weeks.
  3. To ensure that community rights and interests are adequately addressed, the Committee may submit recommendations to another relevant committee or to the Assembly.
  4. The Committee may, on its own initiative, propose laws and such other measures within the responsibilities of the Assembly as it deems appropriate to address the concerns of Communities. Members may issue individual opinions.
  5. A matter may be referred to the Committee for an advisory opinion by the Presidency of the Assembly, another committee or a group composed of at least ten (10) deputies of the Assembly.

### **Article 79** **[Legislative Initiative]**

The initiative to propose laws may be taken by the President of the Republic of Kosovo from his/her scope of authority, the Government, deputies of the Assembly or at least ten thousand citizens as provided by law.

### **Article 80** **[Adoption of Laws]**

1. Laws, decisions and other acts are adopted by the Assembly by a majority vote of deputies present and voting, except when otherwise provided by the Constitution.
2. Laws adopted by the Assembly are signed by the President of the Assembly of Kosovo and promulgated by the President of the Republic of Kosovo upon her/his signature within eight (8) days from receipt.
3. If the President of the Republic of Kosovo returns a law to the Assembly, he/she should state the reasons of return. The President of the Republic of Kosovo may exercise this right of return only once per law.
4. The Assembly decides to adopt a law returned by the President of the Republic of Kosovo by a majority vote of all its deputies and such a law shall be considered promulgated.
5. If the President of the Republic of Kosovo does not make any decision for the promulgation or return of a law within eight (8) days from its receipt, such a law shall be considered promulgated without her/his signature and shall be published in the Official Gazette.
6. A law enters into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo, except when otherwise specified by the law itself.

**Article 81<sup>\*</sup>**  
**[Legislation of Vital Interest]**

1. The following laws shall require for their adoption, amendment or repeal both the majority of the Assembly deputies present and voting and the majority of the Assembly deputies present and voting holding seats reserved or guaranteed for representatives of Communities that are not in the majority:
  - (1) Laws changing municipal boundaries, establishing or abolishing municipalities, defining the scope of powers of municipalities and their participation in intermunicipal and crossborder relations;
  - (2) Laws implementing the rights of Communities and their members, other than those set forth in the Constitution;
  - (3) Laws on the use of language;
  - (4) Laws on local elections;
  - (5) Laws on protection of cultural heritage;<sup>\*</sup>
  - (6) Laws on religious freedom or on agreements with religious communities;
  - (7) Laws on education;
  - (8) Laws on the use of symbols, including Community symbols and on public holidays.
2. None of the laws of vital interest may be submitted to a referendum.

**Article 82**  
**[Dissolution of the Assembly]**

1. The Assembly shall be dissolved in the following cases:
  - (1) if the government cannot be established within sixty (60) days from the date when the President of the Republic of Kosovo appoints the candidate for Prime Minister;
  - (2) if two thirds (2/3) of all deputies vote in favor of dissolution, the Assembly shall be dissolved by a decree of the President of the Republic of Kosovo;
  - (3) if the President of the Republic of Kosovo is not elected within sixty (60) days from the date of the beginning of the president's election procedure.
2. The Assembly may be dissolved by the President of the Republic of Kosovo following a successful vote of no confidence against the Government.

**Chapter V**  
**President of the Republic of Kosovo**

**Article 83**  
**[Status of the President]**

The President is the head of state and represents the unity of the people of the Republic of Kosovo.

---

<sup>\*</sup> Article 81, paragraph 1 shall be reworded with amendment 2.

<sup>\*</sup> Article 81, paragraph 1, item (5) shall be reworded with amendment 3.

**Article 84**  
**[Competencies of the President]**

The President of the Republic of Kosovo:

- (1) represents the Republic of Kosovo, internally and externally;
- (2) guarantees the constitutional functioning of the institutions set forth by this Constitution;
- (3) announces elections for the Assembly of Kosovo and convenes its first meeting;
- (4) issues decrees in accordance with this Constitution;
- (5) promulgates laws approved by the Assembly of Kosovo;
- (6) has the right to return adopted laws for reconsideration, when he/she considers them to be harmful to the legitimate interests of the Republic of Kosovo or one or more Communities. This right can be exercised only once per law;
- (7) signs international agreements in accordance with this Constitution;
- (8) proposes amendments to this Constitution;
- (9) may refer constitutional questions to the Constitutional Court;
- (10) leads the foreign policy of the country;
- (11) receives credentials of heads of diplomatic missions accredited to the Republic of Kosovo;
- (12) is the Commander-in-Chief of the Kosovo Security Force;
- (13) leads the Consultative Council for Communities;
- (14) appoints the candidate for Prime Minister for the establishment of the Government after proposal by the political party or coalition holding the majority in the Assembly;
- (15) appoints and dismisses the President of the Supreme Court of the Republic of Kosovo upon the proposal of the Kosovo Judicial Council;
- (16) appoints and dismisses judges of the Republic of Kosovo upon the proposal of the Kosovo Judicial Council;
- (17) appoints and dismisses the Chief Prosecutor of the Republic of Kosovo upon the proposal of the Kosovo Prosecutorial Council;
- (18) appoints and dismisses prosecutors of the Republic of Kosovo upon the proposal of the Kosovo Prosecutorial Council;
- (19) appoints judges to the Constitutional Court upon the proposal of the Assembly;
- (20) appoints the Commander of the Kosovo Security Force upon recommendation of the Government;
- (21) with the Prime Minister, jointly appoints the Director, Deputy Director and Inspector General of the Kosovo Intelligence Agency;
- (22) decides to declare a State of Emergency in consultation with the Prime Minister;
- (23) may request meetings of the Kosovo Security Council and chairs them during a State of Emergency;
- (24) decides on the establishment of diplomatic and consular missions of the Republic of Kosovo in consultation with the Prime Minister;



- (25) appoints and dismisses heads of diplomatic missions of the Republic of Kosovo upon the proposal of the Government;
- (26) appoints the Chair of the Central Election Commission;
- (27) appoints the Governor of the Central Bank of the Republic of Kosovo who will also act as its Managing Director, and appoints the other members of the Bank's Board;
- (28) grants medals, titles of gratitude, and awards in accordance with the law;
- (29) grants individual pardons in accordance with the law;
- (30) addresses the Assembly of Kosovo at least once a year in regard to her/his scope of authority.

## **Article 85**

### **[Qualification for Election of the President]**

Every citizen of the Republic of Kosovo who is thirty five (35) years old or older may be elected President of the Republic of Kosovo.

## **Article 86**

### **[Election of the President]**

- 1. The President of the Republic of Kosovo shall be elected by the Assembly in secret ballot.
- 2. The election of the President of the Republic of Kosovo shall take place no later than thirty (30) days before the end of the current president's term of office.
- 3. Every eligible citizen of the Republic of Kosovo may be nominated as a candidate for President of the Republic of Kosovo, provided he/she presents the signatures of at least thirty (30) deputies of the Assembly of Kosovo. Deputies of the Assembly can only sign for one candidate for the President of the Republic.
- 4. The President of the Republic of Kosovo shall be elected by a two thirds (2/3) majority of all deputies of the Assembly.
- 5. If a two thirds (2/3) majority is not reached by any candidate in the first two ballots, a third ballot takes place between the two candidates who received the highest number of votes in the second ballot, and the candidate who receives the majority of all deputies of the Assembly shall be elected as President of the Republic of Kosovo.
- 6. If none of the candidates is elected as President of the Republic of Kosovo in the third ballot, the Assembly shall dissolve and new elections shall take place within forty five (45) days.

## **Article 87**

### **[Mandate and Oath]**

- 1. The President of the Republic of Kosovo begins her/his term of office after taking the oath before the Assembly of Kosovo. The text of the Oath will be provided by law.
- 2. The President's term of office is five (5) years.

3. Upon completion of his/her first term of office, the President of the Republic of Kosovo may be re-elected only once.

**Article 88**  
**[Incompatibility]**

1. The President shall not exercise any other public function.
2. After election, the President cannot exercise any political party functions.

**Article 89**  
**[Immunity]**

The President of the Republic of Kosovo shall be immune from prosecution, civil lawsuit and dismissal for actions or decisions that are within the scope of responsibilities of the President of the Republic of Kosovo.

**Article 90**  
**[Temporary Absence of the President]**

1. If the President of the Republic of Kosovo is temporarily unable to fulfill her/his responsibilities, he/she may voluntarily transfer the duties of the position to the President of the Assembly who shall then serve as Acting President of the Republic of Kosovo. The President's order of transfer shall state in particular the reason for the transfer and the duration of the transfer if known. The President of the Republic of Kosovo shall resume exercise of the duties of the position when she/he is able to do so and the President of the Assembly shall relinquish the position as Acting President.
2. When there is no voluntary transfer of power, the Assembly of the Republic of Kosovo determines by two thirds (2/3) vote of all deputies, after consultation with the medical consultants team, that the President of the Republic of Kosovo is temporarily unable to fulfill his/her responsibilities. The President of the Assembly shall serve as Acting President until the President of the Republic of Kosovo is able to resume carrying out her/his duties as President.
3. The position of Acting President of the Republic of Kosovo may not be exercised for a period longer than six (6) months.

**Article 91**  
**[Dismissal of the President]**

1. The President of the Republic of Kosovo may be dismissed by the Assembly if he/she has been convicted of a serious crime or if she/he is unable to exercise the responsibilities of office due to serious illness or if the Constitutional Court has determined that he/she has committed a serious violation of the Constitution.
2. The procedure for dismissal of the President of the Republic of Kosovo may be initiated by one third (1/3) of the deputies of the Assembly who shall sign a petition explaining the reasons for dismissal. If the petition alleges serious illness,

the Assembly shall consult the medical consultants team on the status of the President's health. If the petition alleges serious violation of the Constitution, the petition shall be immediately submitted to the Constitutional Court, which shall decide the matter within seven (7) days from the receipt of the petition.

3. If the President of the Republic of Kosovo has been convicted of a serious crime or if the Assembly in compliance with this article determines that the President is unable to exercise her/his responsibilities due to serious illness, or if the Constitutional Court has determined that he/she has seriously violated the Constitution, the Assembly may dismiss the President by two thirds (2/3) vote of all its deputies.

## **Chapter VI**

### **Government of the Republic of Kosovo**

#### **Article 92**

##### **[General Principles]**

1. The Government consists of the Prime Minister, deputy prime minister(s) and ministers.
2. The Government of Kosovo exercises the executive power in compliance with the Constitution and the law.
3. The Government implements laws and other acts adopted by the Assembly of Kosovo and exercises other activities within the scope of responsibilities set forth by the Constitution and the law.
4. The Government makes decisions in accordance with this Constitution and the laws, proposes draft laws, proposes amendments to existing laws or other acts and may give its opinion on draft laws that are not proposed by it.

#### **Article 93**

##### **[Competencies of the Government]**

The Government has the following competencies:

- (1) proposes and implements the internal and foreign policies of the country;
- (2) promotes the economic development of the country;
- (3) proposes draft laws and other acts to the Assembly;
- (4) makes decisions and issues legal acts or regulations necessary implementation of laws;
- (5) proposes the budget of the Republic of Kosovo;
- (6) guides and oversees the work of administration bodies;
- (7) guides the activities and the development of public services;
- (8) proposes to the President of the Republic of Kosovo the appointment and dismissal of the heads of diplomatic missions of the Republic of Kosovo;
- (9) proposes amendments to the Constitution;
- (10) may refer Constitutional questions to the Constitutional Court;
- (11) exercises other executive functions not assigned to other central or local level bodies.

**Article 94**  
**[Competencies of the Prime Minister]**

The Prime Minister has the following competencies:

- (1) represents and leads the Government;
- (2) ensures that all Ministries act in accordance with government policies;
- (3) ensures the implementation of laws and policies determined by the Government;
- (4) may change members of the Government without the consent of the Assembly;
- (5) chairs the Kosovo Security Council;
- (6) appoints the Kosovo Police General Director;
- (7) consults with the President of the Republic of Kosovo on matters of intelligence;
- (8) in cooperation with the President, jointly appoints the Director, Deputy Director and Inspector General of the Kosovo Intelligence Agency;
- (9) consults with the President on the implementation of the foreign policy of the country;
- (10) performs other duties as set forth by the Constitution and the law.

**Article 95**  
**[Election of the Government]**

1. After elections, the President of the Republic of Kosovo proposes to the Assembly a candidate for Prime Minister, in consultation with the political party or coalition that has won the majority in the Assembly necessary to establish the Government.
2. The candidate for Prime Minister, not later than fifteen (15) days from appointment, presents the composition of the Government to the Assembly and asks for Assembly approval.
3. The Government is considered elected when it receives the majority vote of all deputies of the Assembly of Kosovo.
4. If the proposed composition of the Government does not receive the necessary majority of votes, the President of the Republic of Kosovo appoints another candidate with the same procedure within ten (10) days. If the Government is not elected for the second time, the President of the Republic of Kosovo announces elections, which shall be held not later than forty (40) days from the date of announcement.
5. If the Prime Minister resigns or for any other reason the post becomes vacant, the Government ceases and the President of the Republic of Kosovo appoints a new candidate in consultation with the majority party or coalition that has won the majority in the Assembly to establish the Government.
6. After being elected, members of the Government shall take an Oath before the Assembly. The text of the Oath will be provided by law.

**Article 96**  
**[Ministries and Representation of Communities]**

1. Ministries and other executive bodies are established as necessary to perform functions within the powers of the Government.
2. The number of members of Government is determined by an internal act of the Government.
3. There shall be at least one (1) Minister from the Kosovo Serb Community and one (1) Minister from another Kosovo non-majority Community. If there are more than twelve (12) Ministers, the Government shall have a third Minister representing a Kosovo non-majority Community.
4. There shall be at least two (2) Deputy Ministers from the Kosovo Serb Community and two (2) Deputy Ministers from other Kosovo non-majority Communities. If there are more than twelve (12) Ministers, the Government shall have a third Deputy Minister representing the Kosovo Serb Community and a third Deputy Minister representing another Kosovo non-majority Community.
5. The selection of these Ministers and Deputy Ministers shall be determined after consultations with parties, coalitions or groups representing Communities that are not in the majority in Kosovo. If appointed from outside the membership of the Kosovo Assembly, these Ministers and Deputy Ministers shall require the formal endorsement of the majority of Assembly deputies belonging to parties, coalitions, citizens' initiatives and independent candidates having declared themselves to represent the Community concerned.
6. The Prime Minister, Deputy Prime Minister(s) and Ministers of the Government may be elected from the deputies of the Assembly of Kosovo or may be qualified people who are not deputies of the Assembly.
7. The incompatibilities of the members of the Government as to their functions shall be regulated by law.

**Article 97**  
**[Responsibilities]**

1. The Government is accountable to the Assembly of Kosovo regarding its work.
2. The Prime Minister, deputy prime minister(s) and ministers are jointly accountable for the decisions made by the Government and individually accountable for decisions made in their fields of responsibility.

**Article 98**  
**[Immunity]**

Members of the Government shall be immune from prosecution, civil lawsuit and dismissal for actions or decisions that are within the scope of their responsibilities as members of the Government.

**Article 99**  
**[Procedures]**

The methods of work and decision making procedures of the Government shall be regulated by law and regulations.

**Article 100**  
**[Motion of No Confidence]**

1. A motion of no confidence may be presented against the Government on the proposal of one third (1/3) of all the deputies of the Assembly.
2. A vote of confidence for the Government may be requested by the Prime Minister.
3. The motion of no confidence shall be placed on the Assembly agenda no later than five (5) days nor earlier than two (2) days from the date it was presented.
4. The motion of no confidence is considered accepted when adopted by a majority vote of all deputies of the Assembly of Kosovo.
5. If a motion of no confidence fails, a subsequent motion for no confidence may not be raised during the next ninety (90) days.
6. If a motion of no confidence against the Government prevails, the Government is considered dismissed.

**Article 101**  
**[Civil Service]**

1. The composition of the civil service shall reflect the diversity of the people of Kosovo and take into account internationally recognized principles of gender equality.
2. An independent oversight board for civil service shall ensure the respect of the rules and principles governing the civil service, and shall itself reflect the diversity of the people of the Republic of Kosovo.

**Chapter VII**  
**Justice System**

**Article 102**  
**[General Principles of the Judicial System]**

1. Judicial power in the Republic of Kosovo is exercised by the courts.
2. The judicial power is unique, independent, fair, apolitical and impartial and ensures equal access to the courts.
3. Courts shall adjudicate based on the Constitution and the law.
4. Judges shall be independent and impartial in exercising their functions.
5. The right to appeal a judicial decision is guaranteed unless otherwise provided by law. The right to extraordinary legal remedies is regulated by law. The law may allow the right to refer a case directly to the Supreme Court, in which case there would be no right of appeal.

**Article 103**  
**[Organization and Jurisdiction of Courts]**

1. Organization, functioning and jurisdiction of the Supreme Court and other courts shall be regulated by law.
2. The Supreme Court of Kosovo is the highest judicial authority.
3. At least fifteen percent (15%) of the judges of the Supreme Court, but not fewer than three (3) judges, shall be from Communities that are not in the majority in Kosovo.
4. The President of the Supreme Court of Kosovo shall be appointed and dismissed by the President of the Republic of Kosovo from among the judges of the Supreme Court for a non-renewable term of seven (7) years upon proposal by the Kosovo Judicial Council for the appointment or dismissal.
5. Presidents of all other courts shall be appointed in the manner provided by law.
6. At least fifteen percent (15%) of the judges from any other court established with appeal jurisdiction, but not fewer than two (2) judges, shall be from Communities that are not in the majority in Kosovo.
7. Specialized courts may be established by law when necessary, but no extraordinary court may ever be created.

**Article 104**  
**[Appointment and Removal of Judges]**

1. The President of the Republic of Kosovo shall appoint, reappoint and dismiss judges upon the proposal of the Kosovo Judicial Council.
2. The composition of the judiciary shall reflect the ethnic diversity of Kosovo and internationally recognized principles of gender equality.
3. The composition of the courts shall reflect the ethnic composition of the territorial jurisdiction of the respective court. Before making a proposal for appointment or reappointment, the Kosovo Judicial Council consults with the respective court.
4. Judges may be removed from office upon conviction of a serious criminal offense or for serious neglect of duties.
5. A judge has the right to directly appeal a decision of dismissal to the Kosovo Supreme Court.
6. Judges may not be transferred against their will unless otherwise provided by law for the efficient operation of the judiciary or disciplinary measures.

**Article 105**  
**[Mandate and Reappointment]**

1. The initial mandate for judges shall be three years. The reappointment mandate is permanent until the retirement age as determined by law or unless removed in accordance with law.
2. The criteria and procedures to reappoint a judge shall be determined by the Kosovo Judicial Council and they may be different in degree from the criteria used for the removal of judges.

**Article 106**  
**[Incompatibility]**

1. A judge may not perform any function in any state institution outside of the judiciary, become involved in any political activity, or be involved in any other activity prohibited by law.
2. Judges are not permitted to assume any responsibilities or take on any functions that would in any way be inconsistent with the principles of independence and impartiality of the role of a judge.

**Article 107**  
**[Immunity]**

1. Judges, including lay-judges, shall be immune from prosecution, civil lawsuit and dismissal for actions taken, decisions made or opinions expressed that are within the scope of their responsibilities as judges.
2. Judges, including lay-judges, shall not enjoy immunity and may be removed from office if they have committed an intentional violation of the law.
3. When a judge is indicted or arrested, notice must be given to the Kosovo Judicial Council without delay.

**Article 108**  
**[Kosovo Judicial Council]**

1. The Kosovo Judicial Council shall ensure the independence and impartiality of the judicial system.
2. The Kosovo Judicial Council is a fully independent institution in the performance of its functions. The Kosovo Judicial Council shall ensure that the Kosovo courts are independent, professional and impartial and fully reflect the multiethnic nature of Kosovo and follow the principles of gender equality. The Kosovo Judicial Council shall give preference in the appointment of judges to members of Communities that are underrepresented in the judiciary as provided by law.
3. The Kosovo Judicial Council is responsible for recruiting and proposing candidates for appointment and reappointment to judicial office. The Kosovo Judicial Council is also responsible for transfer and disciplinary proceedings of judges.
4. Proposals for appointments of judges must be made on the basis of an open appointment process, on the basis of the merit of the candidates, and the proposals shall reflect principles of gender equality and the ethnic composition of the territorial jurisdiction of the respective court. All candidates must fulfill the selection criteria provided by law.
5. The Kosovo Judicial Council is responsible for conducting judicial inspections, judicial administration, developing court rules in accordance with the law, hiring and supervising court administrators, developing and overseeing the budget of the judiciary, determining the number of judges in each jurisdiction and making recommendations for the establishment of new courts. New courts shall be established according to law.



6. The Kosovo Judicial Council shall be composed of thirteen (13) members, all of whom shall possess relevant professional qualifications and expertise. Members shall be elected for a term of five (5) years and shall be chosen in the following manner:
  - (1) five (5) members shall be judges elected by the members of the judiciary;
  - (2) four (4) members shall be elected by deputies of the Assembly holding seats attributed during the general distribution of seats; at least two (2) of the four (4) must be judges and one (1) must be a member of the Kosovo Chamber of Advocates;
  - (3) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for the Kosovo Serb community and at least one of the two must be a judge;
  - (4) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for other Communities and at least one of the two must be a judge.
  - (5) Incompatibilities with membership on the Kosovo Judicial Council shall be regulated by law.
7. The Kosovo Judicial Council elects from its members a Chair and Vice Chair each for a term of three (3) years. Election to these offices does not extend the mandate of the members of the Kosovo Judicial Council.
8. The Chair of the Kosovo Judicial Council addresses the Assembly of the Republic of Kosovo at least once a year regarding the Judicial System.
9. Candidates for judicial positions that are reserved for members of Communities that are not in the majority in Kosovo may only be recommended for appointment by the majority of members of the Council elected by Assembly deputies holding seats reserved or guaranteed for members of communities that are not in the majority in Kosovo. If this group of Council members fails to recommend a candidate for a judicial position in two consecutive sessions of the Council, any Council member may recommend a candidate for that position.
10. Candidates for judicial positions within basic courts, the jurisdiction of which exclusively includes the territory of one or more municipalities in which the majority of the population belongs to the Kosovo Serb community, may only be recommended for appointment by the two members of the Council elected by Assembly deputies holding seats reserved or guaranteed for the Serb Community in the Republic of Kosovo acting jointly and unanimously. If these two (2) members fail to recommend a judicial candidate for two consecutive sessions of the Kosovo Judicial Council, any Kosovo Judicial Council member may recommend a candidate for that position.

## **Article 109**

### **[State Prosecutor]**

1. The State Prosecutor is an independent institution with authority and responsibility for the prosecution of persons charged with committing criminal acts and other acts specified by law.
2. The State Prosecutor is an impartial institution and acts in accordance with the Constitution and the law.

3. The organization, competencies and duties of the State Prosecutor shall be defined by law.
4. The State Prosecutor shall reflect the multiethnic composition of the Republic of Kosovo and shall respect the principles of gender equality.
5. The mandate for prosecutors shall be three years. The reappointment mandate is permanent until the retirement age as determined by law or unless removed in accordance with law.
6. Prosecutors may be removed from office upon conviction of a serious criminal offense or for serious neglect of duties.
7. The Chief State Prosecutor shall be appointed and dismissed by the President of the Republic of Kosovo upon the proposal of the Kosovo Prosecutorial Council. The mandate of the Chief State Prosecutor is seven (7) years, without the possibility of reappointment.

### **Article 110** **[Kosovo Prosecutorial Council]**

1. The Kosovo Prosecutorial Council is a fully independent institution in the performance of its functions in accordance with law. The Kosovo Prosecutorial Council shall ensure that all persons have equal access to justice. The Kosovo Prosecutorial Council shall ensure that the State Prosecutor is independent, professional and impartial and reflects the multiethnic nature of Kosovo and the principles of gender equality.
2. The Kosovo Prosecutorial Council shall recruit, propose, promote, transfer, reappoint and discipline prosecutors in a manner provided by law. The Council shall give preference for appointment as prosecutors to members of under-represented Communities as provided by law. All candidates shall fulfill the selection criteria as provided by law.
3. Proposals for appointments of prosecutors must be made on the basis of an open appointment process, on the basis of the merit of the candidates, and the proposals shall reflect principles of gender equality and the ethnic composition of the relevant territorial jurisdiction.
4. The composition of Kosovo Prosecutorial Council, as well as provisions regarding appointment, removal, term of office, organizational structure and rules of procedure, shall be determined by law.

### **Article 111** **[Advocacy]**

1. Advocacy is an independent profession, which shall provide services in the manner provided by law.
2. The manners by which the right of exercising the profession of the advocate is obtained and lost shall be determined by law.

**Chapter VIII**  
**Constitutional Court**

**Article 112**  
**[General Principles]**

1. The Constitutional Court is the final authority for the interpretation of the Constitution and the compliance of laws with the Constitution.
2. The Constitutional Court is fully independent in the performance of its responsibilities.

**Article 113**  
**[Jurisdiction and Authorized Parties]**

1. The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties.
2. The Assembly of Kosovo, the President of the Republic of Kosovo, the Government, and the Ombudsperson are authorized to refer the following matters to the Constitutional Court:
  - (1) the question of the compatibility with the Constitution of laws, of decrees of the President or Prime Minister, and of regulations of the Government;
  - (2) the compatibility with the Constitution of municipal statutes.
3. The Assembly of Kosovo, the President of the Republic of Kosovo and the Government are authorized to refer the following matters to the Constitutional Court:
  - (1) conflict among constitutional competencies of the Assembly of Kosovo, the President of the Republic of Kosovo and the Government of Kosovo;
  - (2) compatibility with the Constitution of a proposed referendum;
  - (3) compatibility with the Constitution of the declaration of a State of Emergency and the actions undertaken during the State of Emergency;
  - (4) compatibility of a proposed constitutional amendment with binding international agreements ratified under this Constitution and the review of the constitutionality of the procedure followed;
  - (5) questions whether violations of the Constitution occurred during the election of the Assembly.
4. A municipality may contest the constitutionality of laws or acts of the Government infringing upon their responsibilities or diminishing their revenues when municipalities are affected by such law or act.
5. Ten (10) or more deputies of the Assembly of Kosovo, within eight (8) days from the date of adoption, have the right to contest the constitutionality of any law or decision adopted by the Assembly as regards its substance and the procedure followed.
6. Thirty (30) or more deputies of the Assembly are authorized to refer the question of whether the President of the Republic of Kosovo has committed a serious violation of the Constitution.
7. Individuals are authorized to refer violations by public authorities of their

- individual rights and freedoms guaranteed by the Constitution, but only after exhaustion of all legal remedies provided by law.
8. The courts have the right to refer questions of constitutional compatibility of a law to the Constitutional Court when it is raised in a judicial proceeding and the referring court is uncertain as to the compatibility of the contested law with the Constitution and provided that the referring court's decision on that case depends on the compatibility of the law at issue.
  9. The President of the Assembly of Kosovo refers proposed Constitutional amendments before approval by the Assembly to confirm that the proposed amendment does not diminish the rights and freedoms guaranteed by Chapter II of the Constitution.
  10. Additional jurisdiction may be determined by law.

#### **Article 114**

##### **[Composition and Mandate of the Constitutional Court]**

1. The Constitutional Court shall be composed of nine (9) judges who shall be distinguished jurists of the highest moral character, with not less than ten (10) years of relevant professional experience. Other relevant qualifications shall be provided by law. Principles of gender equality shall be respected.
2. Judges shall be appointed by the President of the Republic of Kosovo upon the proposal of the Assembly and shall serve for a non-renewable mandate of nine (9) years.
3. The decision to propose seven (7) judges requires a two thirds (2/3) majority of the deputies of the Assembly present and voting. The decision on the proposals of the other two (2) judges shall require the majority vote of the deputies of the Assembly present and voting, but only upon the consent of the majority of the deputies of the Assembly holding seats reserved or guaranteed for representatives of the Communities not in the majority in Kosovo.
4. If the mandate of a judge ends before the end of the regular mandate, the appointment of the replacement judge shall be made in compliance with this article for a full mandate without the right to reappointment.
5. The President and Deputy President of the Constitutional Court shall be elected from the judges of the Constitutional Court by a secret ballot of the judges of the Court for a term of three (3) years. Election to these offices shall not extend the regular mandate of the judge.

#### **Article 115**

##### **[Organization of the Constitutional Court]**

1. The Constitutional Court shall determine its internal organization, rules of procedure, decision-making processes and other organizational issues pursuant to law.
2. The Constitutional Court shall publish an annual report.

**Article 116**  
**[Legal Effect of Decisions]**

1. Decisions of the Constitutional Court are binding on the judiciary and all persons and institutions of the Republic of Kosovo.
2. While a proceeding is pending before the Constitutional Court, the Court may temporarily suspend the contested action or law until the Court renders a decision if the Court finds that application of the contested action or law would result in unrecoverable damages.
3. If not otherwise provided by the Constitutional Court decision, the repeal of the law or other act or action is effective on the day of the publication of the Court decision.
4. Decisions of the Constitutional Court are published in the Official Gazette.

**Article 117**  
**[Immunity]**

Judges of the Constitutional Court shall be immune from prosecution, civil lawsuit and dismissal for actions taken, decisions made or opinions expressed that are within the scope of their responsibilities as Judges of the Constitutional Court.

**Article 118**  
**[Dismissal]**

Judges of the Constitutional Court may be dismissed by the President of the Republic of Kosovo upon the proposal of two thirds (2/3) of the judges of the Constitutional Court only for the commission of a serious crime or for serious neglect of duties.

**Chapter IX**  
**Economic Relations**

**Article 119**  
**[General Principles]**

1. The Republic of Kosovo shall ensure a favorable legal environment for a market economy, freedom of economic activity and safeguards for private and public property.
2. The Republic of Kosovo shall ensure equal legal rights for all domestic and foreign investors and enterprises.
3. Actions limiting free competition through the establishment or abuse of a dominant position or practices restricting competition are prohibited, unless explicitly allowed by law.
4. The Republic of Kosovo promotes the welfare of all of its citizens by fostering sustainable economic development.
5. The Republic of Kosovo shall establish independent market regulators where the market alone cannot sufficiently protect the public interest.

6. A foreign investor is guaranteed the right to freely transfer profit and invested capital outside the country in accordance with the law.
7. Consumer protection is guaranteed in accordance with the law.
8. Every person is required to pay taxes and other contributions as provided by law.
9. The Republic of Kosovo shall exercise its ownership function over any enterprise it controls consistently with the public interest, with a view to maximizing the longterm value of the enterprise.
10. Public service obligation may be imposed on such enterprises in accordance with the law, which shall also provide for a fair compensation.

### **Article 120** **[Public Finances]**

1. Public expenditure and the collection of public revenue shall be based on the principles of accountability, effectiveness, efficiency and transparency.
2. The conduct of fiscal policy at all levels of government shall be compatible with the conditions for low-inflationary and sustainable economic growth and employment creation.
3. Public borrowing shall be regulated by law and shall be compatible with economic stability and fiscal sustainability.

### **Article 121** **[Property]**

1. Types of property shall be defined by law.
2. Foreign natural persons and foreign organizations may acquire ownership rights over immovable property in accordance with such reasonable conditions as may be established by law or international agreement.
3. Foreign natural persons and foreign organizations may, in accordance with such reasonable conditions as may be established by law, acquire concession rights and other rights to use and/or exploit publicly owned resources, including natural resources, and publicly owned infrastructure.

### **Article 122** **[Use of Property and Natural Resources]**

1. The people of the Republic of Kosovo may, in accordance with such reasonable conditions as may be established by law, enjoy the natural resources of the Republic of Kosovo, but they may not infringe on the obligations stemming from international agreements on economic cooperation.
2. Natural resources such as water, air space, mineral resources and other natural resources including land, flora and fauna, other parts of nature, immovable property and other goods of special cultural, historic, economic and ecologic importance, which have been determined by law to be of special interest to the Republic of Kosovo, shall enjoy special protection in accordance with law.
3. Limitations on owners' rights and other exploitation rights on goods of special

interest to the Republic of Kosovo and the compensation for such limitations shall be provided by law.

## **Chapter X**

### **Local Government and Territorial Organization**

#### **Article 123**

##### **[General Principles]**

1. The right to local self-government is guaranteed and is regulated by law.
2. Local self-government is exercised by representative bodies elected through general, equal, free, direct, and secret ballot elections.
3. The activity of local self-government bodies is based on this Constitution and the laws of the Republic of Kosovo and respects the European Charter of Local Self-Government. The Republic of Kosovo shall observe and implement the European Charter on Local Self Government to the same extent as that required of a signatory state.
4. Local self-government is based upon the principles of good governance, transparency, efficiency and effectiveness in providing public services having due regard for the specific needs and interests of the Communities not in the majority and their members.

#### **Article 124**

##### **[Local Self-Government Organization and Operation]**

1. The basic unit of local government in the Republic of Kosovo is the municipality. Municipalities enjoy a high degree of local self-governance and encourage and ensure the active participation of all citizens in the decision-making process of the municipal bodies.
2. Establishment of municipalities, municipal boundaries, competencies and method of organization and operation shall be regulated by law.
3. Municipalities have their own, extended and delegated competencies in accordance with the law. The state authority which delegates competencies shall cover the expenditures incurred for the exercise of delegation.
4. Municipalities have the right of intermunicipal cooperation and crossborder cooperation in accordance with the law.
5. Municipalities have the right to decide, collect and spend municipal revenues and receive appropriate funding from the central government in accordance with the law.
6. Municipalities are bound to respect the Constitution and laws and to apply court decisions.
7. The administrative review of acts of municipalities by the central authorities in the area of their own competencies shall be limited to ensuring compatibility with the Constitution of the Republic of Kosovo and the law.

## **Chapter XI**

### **Security Sector**

#### **Article 125**

##### **[General Principles]**

1. The Republic of Kosovo has authority over law enforcement, security, justice, public safety, intelligence, civil emergency response and border control within its territory.
2. Security institutions in the Republic of Kosovo shall protect public safety and the rights of all people in the Republic of Kosovo. The institutions shall operate in full transparency and in accordance with internationally recognized democratic standards and human rights. Security institutions shall reflect the ethnic diversity of the population of the Republic of Kosovo.
3. The Republic of Kosovo fully respects all applicable international agreements and the relevant international law and cooperates with the international security bodies and regional counterparts.
4. Civilian and democratic control over security institutions shall be guaranteed.
5. The Assembly of the Republic of Kosovo oversees the budget and policies of the security institutions as provided by law.

#### **Article 126**

##### **[Kosovo Security Force]**

1. The Kosovo Security Force shall serve as a national security force for the Republic of Kosovo and may send its members abroad in full conformity with its international responsibilities.
2. The Kosovo Security Force shall protect the people and Communities of the Republic of Kosovo based on the competencies provided by law.
3. The President of the Republic of Kosovo is the Commander-in-Chief of the Kosovo Security Force, which shall always be subject to control by democratically elected civilian authorities.
4. The Kosovo Security Force shall be professional, reflect ethnic diversity of the people of the Republic of Kosovo and shall be recruited from among the citizens of the Republic of Kosovo.
5. The Commander of the Kosovo Security Force shall be appointed by the President of the Republic of Kosovo upon the recommendation of the Government. Internal organization of the Kosovo Security Force shall be determined by law.

#### **Article 127**

##### **[Kosovo Security Council]**

1. The Security Council of the Republic of Kosovo in cooperation with the President of the Republic of Kosovo and the Government develops the security strategy for the Republic of Kosovo. The Security Council of the Republic of Kosovo shall also have an advisory role on all matters relating to security in the Republic of Kosovo.



2. The Security Council of the Republic of Kosovo shall be chaired by the Prime Minister with the support of the Government, except during a State of Emergency as provided by this Constitution.
3. The President of the Republic of Kosovo may require meetings of the Security Council of the Republic of Kosovo and the Council is obliged to closely coordinate its work with the President. The Security Council of the Republic of Kosovo shall closely cooperate with international authorities.
4. Members of the Security Council of the Republic of Kosovo shall be appointed and dismissed in a manner provided for by law.

**Article 128**  
**[Kosovo Police]**

1. The Police of the Republic of Kosovo shall be responsible for the preservation of public order and safety throughout the territory of the Republic of Kosovo.
2. The Police shall be professional and reflect the ethnic diversity of the population of the Republic of Kosovo.
3. The Prime Minister shall appoint the Police Director General of the Republic of Kosovo upon the recommendation of the Government and in accordance with law. Internal organization of the Kosovo Police shall be provided by law.
4. The Police of the Republic of Kosovo shall have a unified chain of command throughout the Republic of Kosovo with police stations corresponding to municipal boundaries. The Kosovo Police shall facilitate cooperation with municipal authorities and community leaders through the establishment of Local Councils as provided by law. Ethnic composition of the police within a municipality shall reflect the ethnic composition of the population within the respective municipality to the highest extent possible.
5. The Police of the Republic of Kosovo shall be responsible for border control in direct cooperation with local and international authorities.

**Article 129**  
**[Kosovo Intelligence Agency]**

1. The Kosovo Intelligence Agency shall identify, investigate and monitor threats to security in the Republic of Kosovo.
2. The Kosovo Intelligence Agency shall be professional, politically impartial, multi-ethnic and shall be subject to Assembly oversight in a manner provided by law.
3. The President of the Republic of Kosovo and the Prime Minister, upon consultation with the Government, shall jointly appoint the Director, Deputy Director and Inspector General of Kosovo Intelligence Agency. Qualifications and terms of office shall be determined by law.
4. The President of the Republic of Kosovo and the Prime Minister shall receive the same intelligence information.

**Article 130**  
**[Civilian Aviation Authority]**

1. The Civilian Aviation Authority of the Republic of Kosovo shall regulate civilian aviation activities in the Republic of Kosovo and shall be a provider of air navigation services as provided by law.
2. The Civilian Aviation Authority shall fully cooperate with relevant international and local authorities as provided by law.

**Article 131**  
**[State of Emergency]**

1. The President of the Republic of Kosovo may declare a State of Emergency when:
  - (1) there is a need for emergency defense measures;
  - (2) there is internal danger to the constitutional order or to public security; or
  - (3) there is a natural disaster affecting all or part of the territory of the Republic of Kosovo.
2. During the State of Emergency, the Constitution of the Republic of Kosovo shall not be suspended. Limitations on the rights and freedoms guaranteed by the Constitution shall only be to the extent necessary, for the least amount of time and in full accordance with this Constitution. During the State of Emergency, the law on elections of the Assembly and Municipalities shall not be changed. Further principles for the actions of the public institutions during the State of Emergency shall be regulated by law, but shall not be inconsistent with this Article.
3. If there exists the need for emergency defense measures, the President of the Republic of Kosovo shall declare a State of Emergency upon consultation with the Prime Minister. In declaring the State of Emergency, the President of the Republic of Kosovo shall immediately issue a decree setting forth the nature of the threat and any limitations on rights and freedoms. Within forty eight (48) hours, the Assembly may provide its consent by two thirds (2/3) vote of the deputies present and voting. If consent is not provided, the President's decree shall have no force or effect.
4. If there exists a danger to the constitutional order and to the public safety in the Republic of Kosovo or there exists a natural disaster in all or part of the territory of the Republic of Kosovo, the President of the Republic of Kosovo may declare a State of Emergency upon consultation with the Prime Minister. In declaring the State of Emergency, the President of the Republic of Kosovo shall immediately issue a decree setting forth the nature of the emergency and any limitations on rights and freedoms. Within forty eight (48) hours, the Assembly may provide its consent by a majority vote of the deputies present and voting. If consent is not provided, the President's decree shall have no force or effect.
5. A State of Emergency shall last only as long as the danger continues and may last no longer than a period of sixty (60) days. With the consent of a majority vote of the deputies of the Assembly present and voting, the State of Emergency may be extended if necessary for successive periods of thirty (30) days up to a total of ninety (90) additional days.

6. The Assembly may place such limitations on the duration and extent of the State of Emergency as deemed necessary. When the President determines that the danger to the Republic of Kosovo is of an extraordinary nature, the Assembly may authorize an extension of the State of Emergency beyond the one hundred fifty (150) days, only if adopted by two thirds (2/3) vote of all deputies of the Assembly.
7. The President of the Republic of Kosovo may, upon consultation with the Government and the Assembly, order mobilization of the Kosovo Security Force to assist in the State of Emergency.
8. The Security Council of the Republic of Kosovo, only during the State of Emergency, shall exercise executive functions which shall be limited to those functions which specifically relate to the State of Emergency. In a State of Emergency the Security Council of the Republic of Kosovo shall be chaired by the President of the Republic of Kosovo, as provided by law. During the State of Emergency, the Security Council of the Republic of Kosovo shall closely cooperate with the Government, the Assembly and international authorities.
9. The law shall define the principles, areas and manner of compensation for any losses resulting from the limitations imposed during a State of Emergency.

## **Chapter XII**

### **Independent Institutions**

#### **Article 132**

##### **[Role and Competencies of the Ombudsperson]**

1. The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities.
2. The Ombudsperson independently exercises her/ his duty and does not accept any instructions or intrusions from the organs, institutions or other authorities exercising state authority in the Republic of Kosovo.
3. Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law.

#### **Article 133**

##### **[Office of Ombudsperson]**

1. The Office of the Ombudsperson shall be an independent office and shall propose and administer its budget in a manner provided by law.
2. The Ombudsperson has one (1) or more deputies. Their number, method of selection and mandate are determined by the Law on Ombudsperson. At least one (1) Deputy Ombudsperson shall be a member of a Community not in the majority in Kosovo.

**Article 134**  
**[Qualification, Election and Dismissal of the Ombudsperson]**

1. The Ombudsperson is elected by the Assembly of Kosovo by a majority of all its deputies for a non-renewable five (5) year term.
2. Any citizen of the Republic of Kosovo, who has a university degree, high moral and honest character, distinguished experience and knowledge in the area of human rights and freedoms, is eligible to be elected as Ombudsperson.
3. The Ombudsperson and Deputy Ombudspersons shall not be members of any political party, exercise any political, state or professional private activity, or participate in the management of civil, economic or trade organizations.
4. The Ombudsperson shall be immune from prosecution, civil lawsuit and dismissal for actions or decisions that are within the scope of responsibilities of the Ombudsperson.
5. The Ombudsperson may be dismissed only upon the request of more than one third (1/3) of all deputies of the Assembly and upon a vote of two thirds (2/3) majority of all its deputies.

**Article 135**  
**[Ombudsperson Reporting]**

1. The Ombudsperson shall submit an annual report to the Assembly of the Republic of Kosovo.
2. Upon request of the Assembly, the Ombudsperson is required to submit interim or other reports to the Assembly. Upon the request of the Ombudsperson, the Assembly shall permit the Ombudsperson to be heard.
3. The Ombudsperson is eligible to make recommendations and propose actions when violations of human rights and freedoms by the public administration and other state authorities are observed.
4. The Ombudsperson may refer matters to the Constitutional Court in accordance with the provisions of this Constitution.

**Article 136**  
**[Auditor-General of Kosovo]**

1. The Auditor-General of the Republic of Kosovo is the highest institution of economic and financial control.
2. Organization, operation and competencies of the Auditor-General of the Republic of Kosovo shall be determined by the Constitution and law.
3. The Auditor-General of the Republic of Kosovo is elected and dismissed by the Assembly by a majority vote of all its deputies on the proposal of the President of the Republic of Kosovo.
4. The Assembly decides on the dismissal of the Auditor-General of the Republic of Kosovo by a two thirds (2/3) majority of all its deputies upon the proposal of the President of the Republic of Kosovo or upon the proposal of one third (1/3) of all its deputies.

5. The mandate of the Auditor-General of the Republic of Kosovo is five (5) years with the possibility of re-election to only one additional mandate.

#### **Article 137**

##### **[Competencies of the Auditor-General of Kosovo]**

Auditor-General of the Republic of Kosovo audits:

- (1) the economic activity of public institutions and other state legal persons;
- (2) the use and safeguarding of public funds by central and local authorities;
- (3) the economic activity of public enterprises and other legal persons in which the State has shares or the loans, credits and liabilities of which are guaranteed by the State.

#### **Article 138**

##### **[Reports of the Auditor-General of Kosovo]**

1. The Auditor-General of the Republic of Kosovo addresses the Assembly:
  - (1) to report on the execution of the State budget;
  - (2) to give an opinion on the report of the Government on its expenditures of the previous year before it is adopted by the Assembly;
  - (3) to inform the Assembly on conclusions of audits when requested.
2. The Auditor-General of the Republic of Kosovo submits an annual report on the activities of the office to the Assembly.

#### **Article 139**

##### **[Central Election Commission]**

1. The Central Election Commission is a permanent body, which prepares, supervises, directs, and verifies all activities related to the process of elections and referenda and announces their results.
2. The Commission is composed of eleven (11) members.
3. The Chair of the Central Election Commission is appointed by the President of the Republic of Kosovo from among the judges of the Supreme Court and courts exercising appellate jurisdiction.
4. Six (6) members shall be appointed by the six largest parliamentary groups represented in the Assembly, which are not entitled to reserved seats. If fewer groups are represented in the Assembly, the largest group or groups may appoint additional members. One (1) member shall be appointed by the Assembly deputies holding seats reserved or guaranteed for the Kosovo Serb Community, and three (3) members shall be appointed by the Assembly deputies holding seats reserved or guaranteed for other Communities that are not in majority in Kosovo.

#### **Article 140**

##### **[Central Bank of Kosovo]**

1. The Central Bank of the Republic of Kosovo is an independent institution which reports to the Assembly of Kosovo.

Administrative laws

2. The Central Bank of the Republic of Kosovo exercises its competencies and powers exclusively in accordance with this Constitution and other applicable legislative instruments.
3. The Governor of the Central Bank of the Republic of Kosovo will serve as the Chief Executive Officer.
4. The governance of the Central Bank of the Republic of Kosovo and the selection and nomination procedures of the Central Bank Board members shall be regulated by law, which shall ensure its independence and autonomy.

#### **Article 141** **[Independent Media Commission]**

1. The Independent Media Commission is an independent body, which regulates the Range of Broadcasting Frequencies in the Republic of Kosovo, issues licenses to public and private broadcasters, establishes and implements broadcasting policies and exercises other competencies as set forth by law.
2. The members of the Independent Media Commission shall be elected in a transparent process in accordance with the law.

#### **Article 142** **[Independent Agencies]**

1. Independent agencies of the Republic of Kosovo are institutions established by the Assembly based on the respective laws that regulate their establishment, operation and competencies. Independent agencies exercise their functions independently from any other body or authority in the Republic of Kosovo.
2. Independent agencies have their own budget that shall be administered independently in accordance with the law.
3. Every organ, institution or other entity exercising legal authority in the Republic of Kosovo is bound to cooperate with and respond to the requests of the independent agencies during the exercise of their legal competencies in a manner provided by law.

### **Chapter XIII** **Final Provisions**

#### **Article 143<sup>\*</sup>** **[Comprehensive Proposal for the Kosovo Status Settlement]**

Notwithstanding any provision of this Constitution:

1. All authorities in the Republic of Kosovo shall abide by all of the Republic of Kosovo's obligations under the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007. They shall take all necessary actions for their implementation.
2. The provisions of the Comprehensive Proposal for the Kosovo Status Settlement

---

<sup>\*</sup> Article 143 shall be deleted with amendment 4.

dated 26 March 2007 shall take precedence over all other legal provisions in Kosovo.

3. The Constitution, laws and other legal acts of the Republic of Kosovo shall be interpreted in compliance with the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007. If there are inconsistencies between the provisions of this Constitution, laws or other legal acts of the Republic of Kosovo and the provisions of the said Settlement, the latter shall prevail.

**Article 144\***  
**[Amendments]**

1. The Government, the President or one fourth (1/4) of the deputies of the Assembly of Kosovo as set forth in the Rules of Procedure of the Assembly may propose changes and amendments to this Constitution.
2. Any amendment shall require for its adoption the approval of two thirds (2/3) of all deputies of the Assembly including two thirds (2/3) of all deputies of the Assembly holding reserved or guaranteed seats for representatives of communities that are not in the majority in the Republic of Kosovo.
3. Amendments to this Constitution may be adopted by the Assembly only after the President of the Assembly of Kosovo has referred the proposed amendment to the Constitutional Court for a prior assessment that the proposed amendment does not diminish any of the rights and freedoms set forth in Chapter II of this Constitution.
4. Amendments to the Constitution enter into force immediately after their adoption in the Assembly of the Republic of Kosovo.

**Article 145\***  
**[Continuity of International Agreements and Applicable Legislation]**

1. International agreements and other acts relating to international cooperation that are in effect on the day this Constitution enters into force will continue to be respected until such agreements or acts are renegotiated or withdrawn from in accordance with their terms or until they are superseded by new international agreements or acts covering the same subject areas and adopted pursuant to this Constitution.
2. Legislation applicable on the date of the entry into force of this Constitution shall continue to apply to the extent it is in conformity with this Constitution until repealed, superseded or amended in accordance with this Constitution.

---

\* Article 144 shall be moved to Chapter I – Basic provisions with amendment 5.

\* Article 145 shall be moved to Chapter I – Basic provisions with amendment 6.

## **Chapter XIV Transitional Provisions**

### **Article 146<sup>\*</sup> [International Civilian Representative]**

Notwithstanding any provision of this Constitution:

1. The International Civilian Representative and other international organizations and actors mandated under the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007 have the mandate and powers set forth under the said Comprehensive Proposal, including the legal capacity and privileges and immunities set forth therein.
2. All authorities in the Republic of Kosovo shall cooperate fully with the International Civilian Representative, other international organizations and actors mandated under the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007 and shall, *inter alia*, give effect to their decisions or acts.

### **Article 147<sup>\*</sup> [Final Authority of the International Civilian Representative]**

Notwithstanding any provision of this Constitution, the International Civilian Representative shall, in accordance with the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007, be the final authority in Kosovo regarding interpretation of the civilian aspects of the said Comprehensive Proposal. No Republic of Kosovo authority shall have jurisdiction to review, diminish or otherwise restrict the mandate, powers and obligations referred to in Article 146 and this Article.

### **Article 148<sup>\*</sup> [Transitional Provisions for the Assembly of Kosovo]**

1. For the first two (2) electoral mandates, the Assembly of Kosovo shall have twenty (20) seats reserved for representation of Communities that are not in the majority in Kosovo, as follows: Ten (10) seats shall be allocated to the parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community and ten (10) seats shall be allocated to other Communities as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosniak community, three (3) seats; the Turkish community, two (2) seats; and the Gorani community, one (1) seat. Any seats gained through elections shall be in addition to the ten (10) reserved seats allocated to the Kosovo Serb Community and other Communities respectively.

---

<sup>\*</sup> Article 146, shall be deleted with amendment 7.

<sup>\*</sup> Article 147 shall be deleted with amendment 8.

<sup>\*</sup> Article 148 shall be deleted with amendment 9.



2. Notwithstanding paragraph 1 of this Article, the mandate existing at the time of entry into force of this Constitution will be deemed to be the first electoral mandate of the Assembly, provided that such mandate continues for a period of at least two (2) years from the date of entry into force of this Constitution.

**Article 149<sup>\*</sup>**

**[Initial Adoption of Laws of Vital Interest]**

Notwithstanding the provisions of Article 81 of this Constitution, the laws of vital interest enumerated therein shall be initially adopted by the majority vote of the deputies of the Assembly present and voting.

**Article 150<sup>\*</sup>**

**[Appointment Process for Judges and Prosecutors]**

1. The comprehensive, Kosovo-wide review of the suitability of all applicants for permanent appointments, until the retirement age determined by law, as judges and public prosecutors in Kosovo shall continue to be carried out in accordance with Administrative Direction 2008/02 and shall not be affected by the termination of the United Nations Mission in Kosovo (UNMIK)'s mandate or the entry into force of this Constitution.
2. All successful candidates who have been appointed or reappointed as judges and prosecutors by the Special Representative of the Secretary General (SRSG) as part of the Appointment Process shall continue to serve in their posts until the natural expiration of their appointment, or until such time as they are dismissed in accordance with law.
3. The Independent Judicial and Prosecutorial Commission shall submit recommendations on candidates for appointment or reappointment as judges and prosecutors in writing to the Kosovo Judicial Council, which shall exercise final authority to propose to the President of Kosovo candidates for appointment or reappointment as judges and prosecutors.
4. All successful candidates who have been appointed or reappointed as judges and prosecutors by the President of Kosovo on the proposal of the Kosovo Judicial Council as part of the Appointment Process shall continue to serve in their posts until the natural expiration of their appointment, or until such time as they are dismissed in accordance with law.
5. Notwithstanding Article 105 of this Constitution, the mandate of all judges and prosecutors successfully completing the appointment process set forth in this Article and who have exercised the function for at least two years prior to appointment pursuant to this article is permanent until the retirement age as determined by law or unless removed in accordance with law.

---

<sup>\*</sup> Article 149 shall be deleted with amendment 10.

<sup>\*</sup> Article 150 shall be deleted with amendment 11.

**Article 151<sup>\*</sup>**  
**[Temporary Composition of Kosovo Judicial Council]**

Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement, dated 26 March 2007, the Kosovo Judicial Council shall be composed as follows:

1. Five (5) members shall consist of the Kosovan members of the Independent Judicial and Prosecutorial Commission who have been vetted by the Independent Judicial and Prosecutorial Commission as part of Phases 1 and 2 of the Appointment Process, in accordance with Administrative Direction 2008/02. Of these five (5) members, one (1) judge and one (1) prosecutor, randomly selected, shall serve on the Kosovo Judicial Council until the natural expiration of their existing mandates, at which time they shall be replaced by one (1) judge and one (1) prosecutor vetted by the Independent Judicial and Prosecutorial Commission and elected by their peers following methods intended to ensure the widest representation of the judiciary and prosecutorial service. The remaining two (2) judges and one (1) prosecutor, from among the five Kosovan Independent Judicial and Prosecutorial Commission members, shall serve on the Kosovo Judicial Council for an additional one (1) year term after the natural expiration of their existing mandates, at which time they shall be replaced by the same procedure as their former Independent Judicial and Prosecutorial Commission colleagues. In the event that an entity responsible for matters related to the appointment, disciplining and dismissal of prosecutors were established, all five remaining members of the Kosovo Judicial Council shall be judges.
2. The remaining eight (8) members of the Council shall be elected by the Assembly of Kosovo as set forth by this Constitution, except that two (2) out of the four (4) members elected by deputies holding seats attributed during the general distribution of seats shall be international members selected by the International Civilian Representative on the proposal of the European Security and Defense Policy Mission. One of the international members shall be a judge.

**Article 152<sup>\*</sup>**  
**[Temporary Composition of the Constitutional Court]**

Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement, dated 26 March 2007, the Constitutional Court shall be composed as follows:

1. Six (6) out of nine (9) judges shall be appointed by the President of the Republic of Kosovo on the proposal of the Assembly.
2. Of the six (6) judges two (2) judges shall serve for a non-renewable term of three (3) years, two (2) judges shall serve for a non-renewable term of six (6) years, and two (2) judges shall serve for a non-renewable term of nine (9) years. Mandates of initial period judges shall be chosen by lot by the President of the Republic of Kosovo immediately after their appointment.

---

<sup>\*</sup> Article 151 shall be deleted with amendment 12.

<sup>\*</sup> Article 152 shall be deleted with amendment 13.

3. Of the six (6) judges, four (4) shall be elected by a two-thirds (2/3) vote of the deputies of Assembly present and voting. Two (2) shall be elected by majority of the deputies of the Assembly present and voting including the consent of the majority of the deputies of the Assembly holding seats reserved or guaranteed for representatives of Communities that are not in the majority in Kosovo.
4. Three (3) international judges shall be appointed by the International Civilian Representative, upon consultation with the President of the European Court of Human Rights. The three (3) international judges shall not be citizens of Kosovo or any neighboring country.
5. The International Civilian Representative shall determine when the mandates of the international judges expire and the judges shall be replaced as set forth by the Constitution.

**Article 153\***

**[International Military Presence]**

Notwithstanding any provision of this Constitution, the International Military Presence has the mandate and powers set forth under the relevant international instruments including United Nations Security Council Resolution 1244 and the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007. The Head of the International Military Presence shall, in accordance with the Comprehensive Proposal for the Kosovo Status Settlement dated 26 March 2007, be the final authority in theatre regarding interpretation of those aspects of the said Settlement that refer to the International Military Presence. No Republic of Kosovo authority shall have jurisdiction to review, diminish or otherwise restrict the mandate, powers and obligations referred to in this Article.

**Article 154\***

**[Kosovo Protection Corps]**

The Kosovo Protection Corps shall be dissolved within one year after entry into force of this Constitution. Until such dissolution, the International Military Presence, in consultation with the International Civilian Representative and the Republic of Kosovo, shall exercise executive authority over the Kosovo Protection Corps and shall decide on the schedule of its dissolution.

**Article 155\***

**[Citizenship]**

1. All legal residents of the Republic of Kosovo as of the date of the adoption of this Constitution have the right to citizenship of the Republic of Kosovo.
2. The Republic of Kosovo recognizes the right of all citizens of the former Federal Republic of Yugoslavia habitually residing in Kosovo on 1 January 1998 and their

---

\* Article 153 shall be deleted with amendment 14.

\* Article 154 shall be deleted with amendment 15.

\* Article 155 shall be moved to Chapter I – Basic provisions with amendment 16.

direct descendants to Republic of Kosovo citizenship regardless of their current residence and of any other citizenship they may hold.

**Article 156<sup>\*</sup>**  
**[Refugees and Internally Displaced Persons]**

The Republic of Kosovo shall promote and facilitate the safe and dignified return of refugees and internally displaced persons and assist them in recovering their property and possession.

**Article 157<sup>\*</sup>**  
**[Auditor-General of Kosovo]**

Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement, dated 26 March 2007, the Auditor-General of the Republic of Kosovo shall be an international appointed by the International Civilian Representative.

**Article 158<sup>\*</sup>**  
**[Central Banking Authority]**

Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement, dated 26 March 2007, the Governor of the Central Bank of the Republic of Kosovo shall be appointed by the President of the Republic of Kosovo following consent by the International Civilian Representative.

**Article 159<sup>\*</sup>**  
**[Socially Owned Enterprises and Property]**

1. All enterprises that were wholly or partly in social ownership prior to the effective date of this Constitution shall be privatized in accordance with law.
2. All socially owned interests in property and enterprises in Kosovo shall be owned by the Republic of Kosovo.

**Article 160<sup>\*</sup>**  
**[Publicly Owned Enterprises]**

1. The Republic of Kosovo shall own all enterprises in the Republic of Kosovo that are Publicly Owned Enterprises. All obligations related to such ownership rights shall be the obligations of the Republic of Kosovo. The Government of Kosovo

---

<sup>\*</sup> Article 156 shall be moved to Chapter II with amendment 17.

<sup>\*</sup> Article 157 shall be deleted with amendment 18.

<sup>\*</sup> Article 158 shall be deleted with amendment 19.

<sup>\*</sup> Article 159 shall be deleted with amendment 20.

<sup>\*</sup> Article 160 shall be deleted with amendment 21.

may privatize, concession or lease a Publicly Owned Enterprise as provided by law.

2. The ownership rights in a Publicly Owned Enterprise that provides services only in a specific municipality or in a limited number of municipalities shall be the ownership rights of the concerned municipality or municipalities. Obligations related to such ownership rights shall be the obligations of the concerned municipality or municipalities. The Assembly of Kosovo shall, by law, identify such Publicly Owned Enterprise and the concerned municipality or municipalities having ownership rights and related obligations with respect thereto. If authorized by law, the concerned municipality or municipalities may privatize, concession or lease such a Publicly Owned Enterprise.

**Article 161<sup>\*</sup>**

**[Transition of Institutions]**

1. Except where the Constitution provides a different transition, all powers, responsibilities and obligations of the institutions foreseen by this Constitution are immediately vested in those institutions on the day of entry into force of this Constitution. The mandate of each institution as established prior to the entry into force of this Constitution remains intact and unchanged until its natural expiration or the next elections.
2. Until the first parliamentary elections following entry into force of this Constitution, the Presidency of the Assembly will remain in place with those powers foreseen under its existing mandate. As of the constitutive session of the first Assembly following the entry into force of this Constitution, the Presidency of the Assembly will be restructured to comply with the terms of this Constitution.
3. The provisions of Article 70.3(3) shall not apply until the constitutive session of the Assembly following the first parliamentary elections following the entry into force of this Constitution.
4. Until the establishment of the Kosovo Prosecutorial Council, its functions and responsibilities will be exercised by the Kosovo Judicial Council.

**Article 162**

**[Effective Date]**

This Constitution shall enter into force and effect on 15 June 2008.

**Decision of the Assembly of the Republic of Kosovo No. V-027, 9 April 2008.**

---

<sup>\*</sup> Article 161 shall be deleted and there shall be added a new Article as transitional provision with amendment 22.

Administrative laws

**Assembly of Republic of Kosovo;**

Based on Article 65 (2) of the Constitution of the Republic of Kosovo,

Approves

**AMENDMENTS ON THE CONSTITUTION OF THE REPUBLIC  
OF KOSOVO REGARDING THE ENDING OF INTERNATIONAL  
SUPERVISION OF INDEPENDENCE OF KOSOVO**

**Annex: Amendments I – XXII**

Amendment of the Constitution of Republic of Kosovo regarding the ending of international supervision of independence of Kosovo (Official Gazette of Republic of Kosovo No. 25 date 7 September 2012)

**Amendment 1**

Article 58, paragraph 4, shall be reworded with the following text:

4. The Republic of Kosovo shall adopt adequate measures as may be necessary to promote full and effective equality in all areas of economic, social, political and cultural life, among members of communities and the effective participation of communities and their members in public life and decision making. Such measures shall not be considered to be an act of discrimination.

**Amendment 2**

Article 81, paragraph 1, shall be reworded with the following text:

1. The following laws shall require for their adoption, amendment or abrogation both the majority of the Assembly deputies and the majority of the Assembly deputies who hold seats guaranteed for representatives of Communities that are not in the majority.

**Amendment 3**

Article 81 paragraph 1. item (5) shall be deleted and reworded as follows:

- (5) Laws on protection of cultural heritage and special protected areas.

**Amendment 4**

Article 143 shall be deleted.

**Amendment 5**

Article 144 (Amendments), shall be moved to Chapter I – Basic Provisions

**Amendment 6**

Article 145 (Continuity of International Agreements and Applicable Legislation), shall be moved to Chapter I – Basic Provisions.

**Amendment 7**

Article 146 shall be deleted.

**Amendment 8**

Article 147 shall be deleted.

**Amendment 9**

Article 148 shall be deleted.

**Amendment 10**

Article 149 shall be deleted.

**Amendment 11**

Article 150 shall be deleted.

**Amendment 12**

Article 151 shall be deleted.

**Amendment 13**

Article 152 shall be deleted.

**Amendment 14**

Article 153 shall be deleted.

**Amendment 15**

Article 154 shall be deleted.

**Amendment 16**

Article 155 (Citizenship), shall be moved to Chapter I – Basic Provisions.

**Amendment 17**

Article 156 (Refugees and Internally Displaced Persons) shall be moved to Chapter II of the Constitution.

**Amendment 18**

Article 157 shall be deleted.

**Amendment 19**

Article 158 shall be deleted.

**Amendment 20**

Article 159 shall be deleted.

**Amendment 21**

Article 160 shall be deleted.

**Amendment 22**

Article 161 shall be deleted and a new Article shall be added as transitional provision with the following text:

**Article 161  
Transitional Provision**

The individuals appointed by the International Civilian Representatives in accordance with the Comprehensive Proposal for the Kosovo Status Settlement, 26 March 2007 whose appointments have not been terminated prior to the declaration of the end of supervised independence shall continue to carry out their functions in the institution for the specified term of appointment. Kosovo shall accord to these individuals the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

**Decision of the Assembly of the Republic of Kosovo No. 04-V-436, 7 September 2012.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**



**Assembly of Republic of Kosovo;**

Based on Article 65 (2) of the Constitution of Republic of Kosovo,

Approved

**AMENDMENT OF THE CONSTITUTION OF REPUBLIC OF KOSOVO**

**I.**

**Amendment No. 23**

Article 65, after point (14) there is added point (15), with the following text:

*“(15) gives amnesty by the respective Law, which shall be approved by two-thirds (2/3) of the votes of all deputies of the Assembly”.*

**II.**

Constitutional amendments shall enter into force immediately after their approval at the Assembly of Republic of Kosovo.

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 7 / 26 MARCH 2013**

**LAW No. 03/L-073**  
**ON GENERAL ELECTIONS IN THE REPUBLIC OF KOSOVO**

**Contents**

Chapter I: General provisions.....	62
Chapter II: Voter eligibility, voters list, and challenge and confirmation period for the voters list.....	68
Chapter III: Political party registration and political entity certification .....	71
Chapter IV: Candidate certification .....	77
Chapter V: The code of conduct for political entities, their supporters and candidates.....	80
Chapter VI: Campaign spending limit and financial disclosure.....	83
Chapter VII: Campaigning and notification of political events .....	86
Chapter VIII: Media during the electoral campaign.....	87
Chapter IX: Election observers .....	90
Chapter X: The CEC .....	92
Chapter XI: Municipal election commissions .....	97
Chapter XII: Polling station committees .....	101
Chapter XIII: Polling stations and voting.....	104
Chapter XIV: Out of Kosovo voting .....	109
Chapter XV: Special needs voting .....	110
Chapter XVI: The counting of ballots and announcement of election results.....	110
Chapter XVII: Voter information and media .....	113
Chapter XVIII: Electoral system for the Assembly of Kosovo.....	113
Chapter XIX: Cost of elections .....	117
Chapter XX: Election complaints and appeals commission.....	117
Chapter XXI: Transitional and final provisions .....	121

**The Assembly of Republic of Kosovo,**

On the basis Article 65.1 of the Constitution of the Republic of Kosovo,

And for the purpose of conducting free, fair and democratic elections for the Assembly of Kosovo with the aim of strengthening the democratic rule in Kosovo,

Hereby adopts:

**THE LAW ON GENERAL ELECTIONS IN THE REPUBLIC OF KOSOVO**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose of the Law**

The purpose of this law is to regulate:

- a) the electoral system for election of the Assembly of the Republic of Kosovo;
- b) the financing and holding of elections for the Assembly of the Republic of Kosovo;
- c) the recognition and the protection of the voting rights and the voter eligibility criteria;
- d) maintenance of the list of voters;
- e) regulation of Political Parties and certification of Political Entities;
- f) responsibilities and functioning of the Central Election Commission;
- g) establishment and functioning of the ECAC;
- h) the organization and functioning of the election commissions and councils;
- i) rules for accreditation of election observers, as well as their rights and responsibilities;
- j) campaign spending limits and financial disclosure obligations;
- k) the coverage of electoral campaigns by the media;
- l) the code of conduct of political entities, their candidates and supporters;
- m) voting procedures, counting, and the announcement of results;
- n) the sanctions and fines imposed for violations of the provisions of this law.

## **Article 2**

### **Fundamental Principles**

The conduct and administration of the elections for the Assembly of Kosovo and the legislation pertaining to elections shall be guided by the following principles:

- Elections for the Assembly of Kosovo shall be held on the basis of free, universal, equal, direct and secret vote pursuant to this law and CEC rules.
- Eligible voters are equal in the exercise of the right to vote and have the right to cast an equal number of votes in the same elections.
- Every citizen of Kosovo has the right to vote and be elected without discrimination on the ground of race, ethnicity, color, language, gender, religious belief or political convictions, education, social affiliation or any other similar criteria pursuant to the provisions of this law.
- Election administration bodies shall undertake voter education activities designed to increase voter awareness on the voting procedures and procedures for protecting electoral rights. For this purpose, elections administration bodies shall make available education material in the languages of communities in those geographical areas where such communities are located and through the media operating in minority languages.
- Freedom and privacy in casting the vote is guaranteed. No person has the right to prevent a citizen from voting, force one to vote in a certain way, hold anyone accountable for the vote, or request that anyone reveal his/her vote or state the reasons for failure to vote against his/her will.
- The elections for the Assembly of Kosovo shall reflect the geographic representation of all regions of Kosovo.
- All political entities are free to campaign and make electoral propaganda in the mass media, by holding political events, and by publishing and disseminating campaign materials in any lawful manner pursuant to the applicable legislation and rules.

- Political entities shall be entitled to equality of opportunity of radio and television air-time, public funds and other forms of support.
- The use of public office, resources, or staff of any institution at a central or local level for the purpose of supporting a political entity in an election is strictly prohibited. Political entities shall not take advantage of civil servants using the post, resources, or staff to campaign during elections.
- All political entities and elections bodies are obliged to respect the gender quota requirements as set forth by this law.
- All political entities, their supporters, and all other institutions are obliged to respect the fundamental principles set forth in this article and take all measures to ensure the conduct of free, fair and well-informed elections within a climate of democratic tolerance, peace and respect for the rule of law.

### Article 3 Definitions

For the purpose of this law,

**“Accredited Observer”** shall mean a representative of a certified political entity, NGO, governmental or inter-governmental organization, international organization specializing and engaged in the protection of human rights, foreign country, or the media, who has submitted a request to observe the elections and has been granted the approval by the CEC in accordance with this law and CEC rules;

**“Assembly”** shall mean the Assembly of Kosovo;

**“Assets”** shall mean all real or movable property owned directly or indirectly, including cash on hand and bank deposits, as well as any proceeds derived there from by way of sale, disposition or other agreements, the value of businesses owned, and any item owned having a value greater than five hundred euro (€500) and with an expected economic life exceeding three (3) years;

**“Balance sheet”** shall mean the political entities’ financial disclosure of assets, liabilities and equity as defined in this Article;

**“Campaign Period”** shall mean the thirty (30) day period for election campaigning by Political Entities ending on the day immediately preceding the election day;

**“Campaign Expenditure”** shall mean any payment made for goods or purchase of goods, materials, labour, services whether tangible or intangible, made for the purpose of influencing an election, regardless of whether incurred in support of a specific candidate, political party, coalition, or citizens' initiative, such as the cost of print media advertisements; production of broadcast spots; campaign materials, including pamphlets, posters, buttons; display advertisements, including billboards and their production; in-kind contributions. This shall not include Expenditures made in support of the ordinary operation of a Political Entity. Goods or services for which payments are made prior to or after the Campaign Period, for use during the Campaign Period, shall also be considered Campaign Expenditures;

**“Candidate”** shall mean a candidate for Member of the Kosovo Assembly, who runs in the name of a political party or citizen initiative.

**“Contact Person”** shall mean the person who is duly authorized to communicate on behalf of a Political Entity with the Office on non-financial matters;

**“CEC”** shall mean the Central Election Commission, an independent body of experts responsible for the administration of elections.

**“CECS”** shall mean the CEC Secretariat.

**“Certified political entity(ies)”** shall mean a political entity, i.e. political party, coalition of political parties, citizens’ initiative and independent candidate, which is certified by the CEC, in accordance with this law and CEC rules;

**“Central Civil Registry”** shall mean the registry of habitual residents established under the Law on Citizenship and under this law;

**“Citizens of Kosovo”/habitual residents of Kosovo** are those individuals meeting the criteria set forth in article 28 of the Law on Citizenship;

**“Challenge and Confirmation Period”** shall mean the period of time following the declaration of election day by the President of Kosovo, during which eligible voters may challenge inaccuracies or omissions in the Voters List at the places designated by CEC and in accordance with the rules and procedures established by the CEC;

**“Citizens’ Initiative”** shall mean a group of persons who voluntarily associate on the basis of a common idea, interest or viewpoint with the objective of having their candidates elected, but who do not wish to form a Political Party;

**“Coalition”** shall mean a coalition of two or more Political Entities;

**“Community”** shall mean inhabitants belonging to the same national, ethnic, linguistic or religious group traditionally present in the territory of Kosovo.

**“Conditional Voters List” (CVL)** shall mean a blank Voters List to be used in PSs where Conditional Ballots are cast;

**“Constitution”** shall mean the Constitution of the Republic of Kosovo;

**“Contribution”** shall mean a gift, subvention, donation, or bequest of any kind to a Political Entity, whether in cash or in-kind, and includes the payment of Entities’ debts and the provision, otherwise than on commercial terms, of any property, loan, loan made out of the ordinary course of business, services or facilities for the use or benefit of the Entity. Services provided to a Political Entity by individuals voluntarily, on their own time and free of charge shall not be considered to be Contributions. The contribution is made at the moment when the political entity benefits from the contribution;

**“Count and Results Centre” (CRC)** shall mean the location where Conditional Ballots (CBs), out of Kosovo ballots, and any Regular Ballots as required by the CEC (CEC) or ECAC (ECAC) are counted, RRFs from each PS are audited and tabulated, and the final result is compiled;

**“ECAC”** shall mean the Elections Complaints and Appeals Commission, an independent body in charge of adjudicating complaints and appeals concerning the electoral process.

**“Elections”** shall mean elections in Kosovo;

**“Equity”** shall mean the difference between Assets and Liabilities;

**“Equitable Access”** shall mean fair and proportional media access to print and broadcast media in terms of time periods of media coverage, placement and lineage in print media, with the absence of discrimination for or against specific certified political entities;

**“Event”** shall mean a public indoor or outdoor political rally, gathering, march or procession, speech, or any other similar activity designed to disseminate a political message in order to gain support from voters;

**“Expenditure”** shall mean a Payment made for goods or purchase of goods, materials, labor, or services whether tangible or intangible. An expenditure is made on the date the payment or purchase is made or on the date the goods, materials, labor, or services are provided, whichever is earlier;

**“Final Voters List” (FVL)** shall mean the Voters List as set out in Article 8.6;

**“Financial Representative”** shall mean the person who is personally responsible for keeping a Political Entity’s financial records, ensuring the Entity’s compliance with the present Law and communicating with the CEC Secretariat with respect to the Entity’s Campaign Finance Disclosure Reports;

**“Independent Candidate”** shall mean a candidate for Member of the Kosovo Assembly, who does not belong to any political party or citizen initiative and does not run on behalf of any other Political Entity;

**“Income”** shall mean any monetary sum received as membership fees or dues; rent; contributions from abroad by individuals, businesses or organizations of any kind; donations; the value of contributions in the form of goods and services (in-kind ) contributions and any payment to the political entity;

**“Liabilities”** shall mean all monetary sums that a Political Entity is obliged to pay to other persons;

**“Media”** means all the TV stations and Radio Stations which broadcast in the territory of Kosovo and are licensed by the Independent Media Commission, including the print media.

**“Municipality”** shall have the meaning of the term under the Article 124 of the Constitution of Kosovo;

**“Municipal Election Commission” (MEC)** is a body responsible of implementing elections within the municipal territory.

**“Non-governmental organization” (NGO)** shall mean any non-governmental organization registered in accordance with the provisions of the applicable legislation;

**“Office”** shall mean the Office of Political Party Registration and Certification within the CEC acting as specified in the applicable legislation;

**“Out of Kosovo voter”** shall mean a successful out of Kosovo applicant using one of the means of voting outside of the territory of Kosovo, as specified in CEC rules;

**“Payment”** shall mean a transfer of valuable consideration, including payment in kind. A Payment is made at the time the benefit of the Payment is received;

**“Political Party”** shall mean an organization of individuals who voluntarily associate on the basis of common ideas, interests or views, for the purpose of obtaining influence and having their representatives elected to public office or as otherwise defined by applicable legislation;

**“Political Entity”** shall mean a Political Party, Coalition, Citizens’ Initiative or independent candidate;

**“Public Service Broadcaster”** shall mean the not for profit public broadcasting organization of Kosovo, as defined by the Law on Radio Television of Kosovo;

A **“public employee”** includes, but is not limited to, a person in an employment relationship with a department of government administration, municipal administration or body of a like kind or whose remuneration is received from funds provided from the Kosovo Consolidated Budget.

**“Private Broadcaster”** shall mean a broadcasting outlet which is not publicly owned;

**“Political Advertising Spot”** shall mean a single advertisement of a political nature representing the views of a certified political entity that is transmitted by a broadcast medium;

**“Political Campaign Activity”** shall mean any political rally or speech, gathering, public presentation, or another activity designed to propagate a political message in relation to the elections;

**“Polling Station” (PS)** shall mean a room, hall or similar facility designated for the purpose of voting on Election Day and shall also include the public area within a radius of 25 meters of the entrance of the building in which a Polling Station is located;

**“Polling Centre” (PC)** shall mean building where one or more than one Polling Station is located for the purpose of voting in the elections and shall include the public area within a radius of 25 meters of the entrance of the building;

**“Polling Station Final Voters List” (PS FVL)** shall mean the list of voters assigned to a Regular PS bearing the signature of those voters who cast a Regular Ballot in that PS;

**“Reconciliation and Results Form” (RRF)** shall mean the form approved by the CEC ahead of every election for the purpose of reconciling votes cast in a Polling Station;

**“Resource”** shall include tangible and intangible items as defined in the applicable rules of an institution, such as vehicles, expendable material, photocopy, phone, cell phone, office equipment, premises.

**“Special Need Voting” (SNV)** shall mean the arrangements made and the procedures followed for those voters eligible to vote in Kosovo who cannot vote in person at the PS to which they were assigned on Election day;

**“Tribunal”** shall mean the International Criminal Tribunal for the former Yugoslavia (ICTY);

**“Voters List” (VL)** shall mean the list of all eligible voters for the elections as set out in Article 7.1 of this law.

## **Article 4**

### **Date and Announcement of Elections**

- 4.1. After consultation with political parties, the President of Kosovo shall set and announce the date of elections for the Assembly of Kosovo.
- 4.2. Elections for the Assembly of Kosovo shall take place on a Sunday every four (4) years. Elections may not be held earlier than sixty (60) days and shall be held no later than thirty (30) days before the end of the mandate.
- 4.3. According to the powers vested in the President by the Constitution, the decree of the President setting the date of elections shall be made not less than six (6) and not more than four (4) months ahead of the election date. The decree shall contain the date of the elections.
- 4.4. The Assembly of Kosovo shall be elected for a mandate of four (4) years, starting from the day of the constitutive session, which shall be held within thirty (30) days from the official announcement of the election results.
- 4.5. Upon dissolution of the Assembly of Kosovo early elections shall be called by the President no later than ten (10) days after the dissolution. Early elections may not be held earlier than thirty (30) days and no later than forty-five (45)

days after the dissolution. Early elections shall be regulated by the same laws and CEC rules as other elections, except that CEC may change time frames as needed in accordance with the circumstances.

- 4.6. The decision on calling for the election shall be made public in the ‘Official Gazette of Kosovo’.

## **CHAPTER II**

### **VOTER ELIGIBILITY, VOTERS LIST, AND CHALLENGE AND CONFIRMATION PERIOD FOR THE VOTERS LIST**

#### **Article 5**

##### **Voter Eligibility**

- 5.1. A person is eligible to vote in an election in accordance with the present Law if he or she is at least eighteen (18) years of age on the day of the election and satisfies at least one of the following criteria:
- a) he or she is registered as a citizen of Kosovo in the Central Civil Registry;
  - b) he or she is residing outside Kosovo and left Kosovo on or after 1 January 1998, provided that he or she meets the criteria in applicable legislation for being a citizen of Kosovo; or
  - c) he or she obtained the status of a refugee, as defined in the Convention Relating to the Status of Refugees of 28 July 1951 and its Protocol of 16 December 1966, on or after 1 January 1995, and is eligible to be registered in the Central Civil Registry as a habitual resident of Kosovo.
- 5.2. No person may vote if he or she:
- a) is serving a sentence imposed by the International Criminal Tribunal for the former Yugoslavia (“the Tribunal”);
  - b) is under indictment by the Tribunal and has failed to comply with an order to appear before the Tribunal; or
  - c) has been declared mentally incompetent by a final court decision.

#### **Article 6**

##### **Voting in Kosovo and Outside of Kosovo**

- 6.1. A person who is eligible to vote has the right to cast a ballot in Kosovo on the day of an election and in the electoral district where he or she is registered, provided his or her name appears in the Central Civil Registry or has registered as a citizen of Kosovo by a date specified by the CEC.
- 6.2. An eligible voter who is temporarily residing outside of, or is displaced from, Kosovo is entitled to cast a ballot in an election according to procedures and deadlines as specified in this law.

#### **Article 7**

##### **Voters List**

- 7.1. The CEC shall maintain a Voters List and it shall ensure that the Voters List is accurate and up to date, which represents:



- a) the most recent available extract from the Central Civil Registry of all eligible voters who are registered as citizens of Kosovo pursuant to the law on Citizenship; and
  - b) eligible voters who have successfully applied to vote outside of Kosovo.
- 7.2. All eligible voters listed in the manner required by the CEC. The personal information provided for each voter shall be: name, surname, date of birth, address, and the Polling Center where he/she is assigned to vote.
  - 7.3. For confirmation of eligibility, the CEC shall have access to registers, records of residence, and other official records.
  - 7.4. The Voters List shall be accessible as set out by CEC rules.
  - 7.5. All activities and documents of the state bodies, and all submissions and evidence related to registering citizens in the Voters List shall be exempted from payment of fees and taxes.
  - 7.6. The personal data of the citizens on the Voters List shall be written in the languages and alphabets in which the original records are kept and in accordance with the Law on the Use of Languages in Kosovo.
  - 7.7. The competent court shall submit data to the CEC on persons who have been deprived of their legal capacity with a final court decision. Such data shall be delivered as required by the CEC.
  - 7.8. The Central Civil Registry shall supply the CEC with all relevant information that the CEC requires to maintain the Voters List in accordance with deadlines established by the CEC.
  - 7.9. The CEC shall provide the Municipal Election Commissions (hereinafter: MECs) with an electronic copy of the entire VL and one printed copy of the VL for their municipality.

## **Article 8**

### **Review of Voters List and Challenge Period**

- 8.1. Eligible voters may challenge, as specified under article 9, inaccuracies or omissions in the Voters List during a period established for that purpose by the CEC.
- 8.2. Prior to the start of the Challenge and Confirmation Period, following the declaration of the election date by the President of Kosovo, the CEC Secretariat shall make the VL available at MEC Office in each municipality as set out by CEC rules and in conformity with data protection law. In addition, the MEC may designate additional locations to view the VL when necessary to allow for access to it within its municipality.
- 8.3. Decisions regarding changes in the VL shall be made by the court of first instance.
- 8.4. Prior to the commencement of the challenge period the CEC shall provide the designated Contact Person of each certified Political Entity with the VL. Any use of the VL by certified political entities that contravenes Chapter V on the Code of Conduct for Political Entities and their Supporters and Candidates, shall be a violation of this Law. Changes to the VL may be done in accordance with CEC rules.

- 8.5. The CEC shall provide accredited electoral observers with the VL during the election period upon individual request. Accredited electoral observers may observe the Challenge and Confirmation Period in all locations where the VL is available for viewing.
- 8.6. The CEC shall, after the public has had the opportunity to challenge inaccuracies and omissions in the Voters List, but before the day of the election, certify that the Voters List has been established in accordance with applicable law.

## **Article 9**

### **The Challenge Procedure**

- 9.1. Any eligible voter as set out in Article 5 may review the VL provided that he/she:
  - a) properly identifies him/herself to the MEC as an eligible in Kosovo voter appearing on the VL and provides one of the following identification documents:
    - i. a valid ID card;
    - ii. a valid travel document;
    - iii. a valid passport;
    - iv. a valid driving license; or
  - b) properly identifies him/herself to the MEC as a successful out of Kosovo voter applicant with a valid picture identification and out of Kosovo registration receipt.
- 9.2. A person who wishes to challenge a name that he/she considers should not be on the VL shall submit a request to the court of first instance clearly stating the facts supporting his/her challenge and including any relevant evidence.
- 9.3. A person may submit a request to the court of first instance if he/she discovers that his/her name does not appear on the VL. Such request shall include any relevant evidence.

## **Article 10**

### **Adjudication Process**

- 10.1. All decisions of the court of first instance are final, including decisions regarding the inclusion or exclusion of a name from the VL.
- 10.2. The Court of first instance shall notify CEC and any other parties requested against, and provide such parties an opportunity to respond. Any response to a request must be received within two (2) working days of receipt of notification from the court of first instance that a request has been filed.
- 10.3. The court of first instance within five (5) days shall communicate decisions regarding requests to the party that submitted a request and to any other party to whom written notification pursuant to paragraph 2 of this Article has been issued.
- 10.4. A request regarding improper exclusion from the Voters List, regular or by-mail, must be received by the court of first instance within 40 days before the election day.

- 10.5. The court of first instance will not act on requests that do not meet the requirements set forth in its Rules of Procedure. The court of first instance may summarily reject a request or a group of requests if it does not present a prima facie case or where the request or group of requests is manifestly ill-founded.
- 10.6. The court of first instance shall have the power to direct the CEC to take remedial action on issues regarding requests regarding the VL.

### **CHAPTER III**

#### **POLITICAL PARTY REGISTRATION AND POLITICAL ENTITY CERTIFICATION**

##### **Article 11**

##### **General Provisions**

- 11.1. The CEC shall establish, within the CECS, an Office of Political Party Registration and Certification ("The Office"). The Office shall be responsible for maintaining the registry of political parties, certification of all political entities to be included on a ballot, and the campaign spending limit and financial disclosure articles of this law.
- 11.2. The Office shall be headed by an Executive Director who shall report directly to the CEC.
- 11.3. All registrations held by the Political Party Registration Office established within UNMIK Pillar III (OSCE) at the time this law comes into force shall be considered be registered by this law subject to article 18.1 of this Law.
- 11.4. A registered Political Party shall be automatically certified at the time of election and after fulfilling requirements of article 15.3 of this Law, unless it informs the Office otherwise in accordance with provisions of this law.
- 11.5. A registered Political Party or any other applicant for certification in accordance with this law shall be deemed a political entity. The Office shall establish and maintain a mailbox for each Political Entity certified by the CEC. All official correspondence in writing with political entities shall be conducted through the Contact Person and respective mailbox. Entities are obliged to regularly check their mailboxes situated at the CEC.

##### **Article 12**

##### **Political Party Registration**

- 12.1. Applications for registration of Political Parties may be submitted to the Office at any time during normal working hours.
- 12.2. Applications submitted for registration to the Office between the day of the declaration of the election date by the President of Kosovo and the date established for the ballot drawing will only be considered as applications for certification as a political entity in accordance with this law.
- 12.3. The application for the registration of a Political Party shall be submitted in the form established by CEC rule as required by the Office, and shall include the following:

## Administrative laws

- a) name, surname, address and telephone number of the president of the Party;
  - b) name, surname, address and telephone number of the authorized financial agent of the party;
  - c) name, surname, address and telephone number of the person authorized to communicate with the CEC on behalf of the Party;
  - d) telephone number and the postal address of the headquarter of the party;
  - e) statement signed by the President of the Party to respect and abide by the Political Party Code of Conduct;
  - f) statute of the Party;
  - g) any acronym or seal of the Party;
  - h) the most recent financial statement of the Party;
  - i) the date of the most recent party convention;
  - j) name and address of at least 500 party members who are residing in Kosovo and who are found on the Kosovo Voters List.
- 12.4. The Office shall review applications within ten (10) days of receipt and inform the authorized representative of the party within five (5) of the completion of the review of any matter that requires clarification or change in the application form.
- 12.5. Within thirty (30) days of receiving the application, the Office shall inform the CEC of the status of the application, recommending to register, recommending not to register, or specifying areas that may require further clarification.
- 12.6. Each registered political party shall submit a form as prescribed by the CEC rules to continue its registration no later than March 31 of each calendar year.
- 12.7. Failure to reregister in accordance with this law shall mean that the party shall be removed from the register of political parties.
- 12.8. The Office shall be informed of any change in Political Party's president or financial officer shall be notified within five (5) working days of changes.

## **Article 13**

### **Auditing of Financial Statements**

Financial statements of a registered Political Party shall be audited annually in accordance with provisions of this law.

## **Article 14**

### **Criminal conviction of political entities**

- 14.1. A criminal conviction against a registered political entity shall mean deregistration of that political entity, as determined by the court.
- 14.2. The authorized financial officer of the party and the president of the party shall be legally responsible for the accuracy of all information submitted to the Office as required by this law.

**Article 15**  
**Certification of Political Entities**

- 15.1. In order to contest an election, a Political Entity must be certified for that purpose by the CEC.
- 15.2. Application for certification may be submitted at any time during normal working hours up to sixty (60) days prior to election. No application for certification may be considered by the Office between the 60th day prior to an election and the day of the election.
- 15.3. A registered Political Party is automatically certified but shall notify the Office within fifteen (15) days of the declaration of the election date by the President of Kosovo of any change of the president of the party, authorized representative of the party, or authorized financial representative of the party, and any necessary information related to such changes.
- 15.4. A registered Political Party not wishing to be certified for an election shall notify the Office within fifteen (15) days of the declaration of the election date by the President of Kosovo that it is not contesting the election, or that the Political Party will be seeking certification as a coalition in accordance with this law.
- 15.5. The CEC shall certify an eligible Political Entity if it submits a complete application, in the form prescribed and by a date established by a CEC rule the CEC. Such application shall be accompanied by all supporting documentation required under this article as follows:
  - a) a Registration Certificate (ID number in case of independent candidates);
  - b) name, surname, address, and telephone number of the Entity's President where applicable, and the authorized representative and the telephone number of the headquarters of the political entity;
  - c) a copy of the party's seal, or in case of coalitions, a copy of the seal of all political parties in the coalition;
  - d) name, surname, address, and telephone number of the Financial Officer of the Entity;
  - e) name, surname, address, and telephone number of a person authorized to deal with electoral process on the Entity's behalf;
  - f) statement signed by the President of the Party, or bearer of the list for other Entities committing to respect and abide by the Code of Conduct as set forth in this Law;
  - g) a policy statement, not exceeding 150 words, and in a language or languages of its choice, for the purposes of distribution to voters intending to participate in the elections as out of Kosovo voters. The Policy Statement shall be consistent with the Code of Conduct set forth in this Law and signed by the President or authorized signatory for the Political Entity;
  - h) in the case of a coalition,, a statement signed by the president of each registered political party participating in the coalition consenting to participate, indicating the manner in which the candidates shall be distributed between the members of the coalition on the ballot, and committing to respect and abide by the Code of Conduct of this law;

- i) in the case of citizens initiative, the ID number of the leader of the initiative, the authorized representative, and the authorized financial representative. In the case of an independent candidate or citizens initiative, the candidate or the leader of the initiative may also serve as authorized representative and financial representative;
  - j) name, surname, address and telephone number of the leader of the list of the coalition, representative and financial representative;
  - k) in the case of a coalition, a copy of any seal of the coalition.
  - l) The Office shall be informed of any change in Political Party's president or financial officer shall be notified within five (5) working days of changes.
- 15.6. A Political Entity shall submit with its application a certification fee as defined by Article 23 of this law.
- 15.7. Subject to the exemptions specified in Articles 15.8 below, each application for certification shall include the necessary number of signatures as set forth in CEC rule.
- 15.8. A Political Party that gained at least one (1) seat in the Kosovo Assembly in the last election of the same type is not required to submit signatures in support of its application for certification in elections for the Assembly of Kosovo.
- 15.9. A person may give his or her signature in support of only one Political Entity per election.
- 15.10. Each Political Entity shall, in its application for certification, commit in writing and sign to follow the Code of Conduct for Political Entities as set forth in Chapter VI of this Law.
- 15.11. Each Political Entity shall indicate in its application whether it wishes to contest any of the seats guaranteed for the representation of Kosovo Serb and other non-majority communities under Article 64 of the Constitution.
- 15.12. Any failure to comply with the requirements of this Article shall entitle the CEC to suspend the application process. In addition to the certification requirements of this Chapter, above, the CEC shall, on receipt of a certification application by a political entity, including a registered political party, require the ECAC to provide it with a written confirmation that the political entity applying has fully paid any fines in relation to any previous election and confirm that there are no financial or other outstanding liabilities.
- 15.13. All requests to withdraw a certified political entity from the election shall be submitted to the CEC.

## **Article 16**

### **Processing of Applications**

- 16.1. The Office shall review each application for certification and if it determines that a Political Entity has not satisfied all of the criteria set out in the Article 15, then the Office shall within ten (10) days after the receipt of the application send a notice informing the Entity of the reason or reasons why its application for certification is not sufficient.
- 16.2. An applicant who receives a notice under article 12.4 of this Law, has five (5) working days to submit a revised application or an explanation that addresses the concerns identified in the notice.

- 16.3. The Office shall make a written recommendation to the CEC for or against the approval of each application it receives within five (5) days from receiving full documentation. The recommendation shall contain written explanation for each criteria. No party shall be certified unless it fulfills all of the criteria set forth.
- 16.4. After receiving a recommendation from the Office, the CEC shall either approve or reject the application for certification within seven (7) working days.
- 16.5. Upon a decision of the CEC, the Office shall immediately notify the applicant in writing about the status of the application, and in case of rejection, provide the reasons for the rejection and advise the applicant of its right to appeal to the ECAC within five (5) days.

### **Article 17**

#### **Political Parties**

- 17.1. A Political Party may be certified to participate in an election, provided that its registration under UNMIK Regulation No. 2004/11 is not under suspension.
- 17.2. The Office shall inform the CEC regarding the registration status of each applicant Political Party prior to the conclusion of the certification procedure.

### **Article 18**

#### **Coalitions**

- 18.1. A Coalition may be certified to contest an election under one name, provided that it consists solely of Political Parties that are eligible to be certified under 15.4.
- 18.2. The CEC shall treat a Coalition as a single Political Entity from the day the Coalition is certified by it until the results of the election are certified. A Political Party may not withdraw from a Coalition once it has been certified, until the results of the election are certified.
- 18.3. Upon dissolution of a Coalition, each of the registered Political Parties that were members of the Coalition shall be responsible for a share of all Liabilities incurred by the Coalition proportional to the agreement of the Coalition, including any outstanding fines imposed by the CEC or the ECAC.
- 18.4. A political party that is a member of a Coalition cannot participate as a member of another Coalition or as a separate political party in the same election.

### **Article 19**

#### **Citizens' Initiatives**

- 19.1. The CEC shall treat a Citizens' Initiative as a single Political Entity from the day it is certified until the Citizens' Initiative has filed its final Campaign Financial Disclosure Report under Article 40.2 (b) of this Law.
- 19.2. Each candidate on the certified candidate list of a Citizens' Initiative shall be personally responsible for an equal share of any fines imposed on the Citizens' Initiative by the CEC or the ECAC.

## **Article 20**

### **Independent Candidates**

- 20.1. An independent candidate may be certified to participate in an election, provided he or she is eligible to be a candidate under Article 29 and is registered to vote.
- 20.2. An independent candidate may not, in the same election, seek certification as a candidate for a Political Party, Coalition or Citizens' Initiative.
- 20.3. An independent candidate may not withdraw his or her candidacy before the certification of the election results.

## **Article 21**

### **Identical or Similar Names**

- 21.1. The CEC shall not certify a Political Entity under a name or acronym that is the same as, or in the judgment of the CEC, is confusingly or misleadingly similar to, the name or acronym under which a different Political Entity has previously been certified.
- 21.2. If two or more Political Entities apply for certification under names or acronyms that are the same, or so similar that they are likely to cause confusion or mislead voters, the CEC shall decide which Entity has the right to be certified under the name or acronym. In deciding which Political Entity has the right to be certified under a name or acronym, the CEC shall consider the date on which each Entity submitted its application to the CEC and each Entity's previous use of the names or acronyms.
- 21.3. For the purposes of this article, a Coalition shall be considered to be a different Political Entity from one election to the next unless its membership includes all the Political Parties that were previously part of the Coalition.
- 21.4. Nothing in this article precludes the certification of an independent candidate under his or her legal name. Where candidate names are the same, the CEC may include distinguishing information to avoid confusion on the ballot.

## **Article 22**

### **Signatures**

- 22.1. As part of its review under article 16.1 of this Law, the Office shall review each signature booklet submitted in support of an application for certification to ensure that the signatures are valid.
- 22.2. In authenticating signatures of support, the Office shall subject each signature booklet submitted by each applicant to a review as specified by CEC rules.
- 22.3. The following types of signatures shall be considered invalid and shall not count towards the signature requirement:
  - a) signatures of persons who are not registered voters;
  - b) signatures of support for which any required information is missing or illegible;
  - c) signatures that are in the same handwriting as other signatures, including signatures by the head of the family for other family members; and



- d) signatures that include information that does not match information recorded in the most current version of the voters list.

### **Article 23**

#### **Certification Fee**

- 23.1. Certification fees shall be established as specified by CEC rules.

### **Article 24**

#### **Order of the Ballot**

- 24.1. The ballot lottery shall be held on a date determined by the CEC.
- 24.2. The Chairperson of the CEC shall decide the procedures to be followed in the lottery, ensuring that the lottery is fair and transparent. The Chairperson of the CEC shall preside over the drawing of lots.
- 24.3. The Office shall notify the Political Entities of the location, date, and time at which the ballot lottery will be held. Each Political Entity shall send a representative to draw a lot and observe the conduct of the ballot lottery. The Chairperson of the CEC shall chair the ballot lottery and if a Political Entity does not send a representative to the ballot lottery, a member of the CEC Secretariat shall draw a lot for that Entity.

## **CHAPTER IV**

### **CANDIDATE CERTIFICATION**

### **Article 25**

#### **General Provisions**

- 25.1. A political party, coalition of political parties, or citizen's initiative, that has applied to be certified to participate in the election shall submit to the Office a candidate list on the date and in the manner established by CEC rules.
- 25.2. The CEC shall decertify a certified political party, citizens' initiative or coalition if it fails to submit to the Office a candidate list by the deadline set by the CEC.

### **Article 26**

#### **Review of Candidate lists**

- 26.1. No later than five (5) working days after the deadline for submission, the Office shall make a written recommendation to the CEC either for or against the certification of each candidate list it receives.
- 26.2. The Office shall review all candidate lists and, if it determines that a Political Entity has complied with requirements of Chapter III and IV of this Law, then it shall recommend that the CEC certify the candidate list within 10 days of receiving the list.
- 26.3. If the Office determines that a candidate list does not comply with the preceding provision, then it shall notify the relevant Political Entity to rectify its candidate

- list within five (5) working days, giving the reason(s) why its list needs to be amended.
- 26.4. A Political Entity that receives a notice under paragraph 3 of this Article has three (3) working days to submit a revised application, or an explanation that addresses the concerns identified in the notice, or both.
- 26.5. The Office shall make a written recommendation to the CEC either for or against the certification of a candidate list within ten (10) working days of sending a notice under Article 26.3.
- 26.6. Any Political Entity appeal to the ECAC of a CEC decision refusing to certify its candidate list shall be within five (5) working days of that Political Entity being notified of the decision.

### **Article 27**

#### **Gender Requirement**

- 27.1. In each Political Entity's candidate list, at least thirty (30%) percent shall be male and at least thirty (30%) percent shall be female, with one candidate from each gender included at least once in each group of three candidates, counting from the first candidate in the list.
- 27.2. This article has no application to lists consisting of one or two candidates.

### **Article 28**

#### **Withdrawal or Replacement of Candidates and Political Entities**

- 28.1. A Political Entity that has been certified may withdraw from an election by providing the CEC with written notice clearly indicating its intention to withdraw no later than two (2) working days before the date set for the ballot lottery under Article 24.1 of this Law.
- 28.2. If the ECAC removes a candidate from a candidate list because it determines that the candidate did not give his or her consent to stand as a candidate, the Political Entity may not replace that candidate on its candidate list, but shall ensure that the list remains in compliance with Article 27 of this Law.
- 28.3. Without prejudice to the provisions of paragraph 2 of this Article, a certified political party, citizens' initiative or coalition may within four (4) days after removal of a candidate replace him or her if that candidate also appears on the candidate list of another political party, citizens' initiative or coalition and has indicated a clear intention in writing to remain on the list of the other political entity.
- 28.4. If a candidate dies prior to the election, a certified political party, citizens' initiative or coalition may replace the deceased candidate by a date established by the CEC.
- 28.5. All requests to withdraw a certified candidate from the election shall be submitted to the CEC.

**Article 29**  
**Candidate Eligibility**

- 29.1. Any person whose name appears on the Voters List is eligible to be certified as a candidate, except if he or she is:
- a) judge or prosecutor in Kosovo or elsewhere;
  - b) member of the Kosovo Security Force;
  - c) member of the Kosovo Police;
  - d) member of the Customs Service of Kosovo;
  - e) member of the Kosovo Intelligence Agency;
  - f) head of an independent agency;
  - g) diplomatic representative;
  - h) chairperson or a member of the CEC;
  - i) member of the ECAC;
  - j) member of a Municipal Election Commission;
  - k) member of the armed forces of any state;
  - l) member of any police force or similar body;
  - m) serving a sentence imposed by the International Tribunal for the Former Yugoslavia;
  - n) under indictment by the Tribunal and has failed to comply with an order to appear before the Tribunal;
  - o) deprived of legal capacity by a final court decision;
  - p) deprived by a final court decision, including an ECAC decision, of the right to stand as a candidate;
  - q) found guilty of a criminal offence by a final court decision in the past three (3) years;
  - r) has failed to pay a fine imposed by the ECAC or the CEC; or
  - s) has failed to obey an order of the ECAC,
- 29.2. The number of the names of the candidates submitted may not be more than ten percent (10%) more than the maximum number of seats to be allocated.
- 29.3. If more than the maximum number of candidates is submitted, the CEC shall reduce the candidate list to bring it into compliance with the provisions of this article.
- 29.4. If a candidate who has been certified by the CEC has or acquires a status that would render him or her ineligible to be a candidate by reference to the provisions of paragraph 1 of this Article, that person shall be decertified by the CEC and removed from the candidates list of the relevant Political Entity.
- 29.5. No person who is a member of another elected legislative body may take a seat in the Kosovo Assembly. An Assembly member who is or becomes a member of another elected legislative body after taking up his or her seat in the Assembly shall forfeit his or her mandate in the Assembly.
- 29.6. A public employee contesting a seat in the Assembly must take a leave of absence effective of the date of the beginning of the campaign period.
- 29.7. The CEC shall publish the certified lists of candidates within five (5) days of the certification and any amendments thereto within five (5) additional days.
- 29.8. A candidate may not at the same time stand for office on more than one

Administrative laws

candidate list of a political party, coalition, citizens' initiative, or run as an independent candidate.

- 29.9. The intentional provision of false information pertaining to articles 29.1 or 29.5 shall be a separate offence punishable in accordance with the rules of ECAC.

### **Article 30**

#### **Protection and Verification of Candidate Data**

- 30.1. The CEC Secretariat shall keep confidential all candidate information submitted to the CEC in compliance with this law and CEC rules, until after the candidate is certified by the CEC, except that the CEC Secretariat shall provide all law enforcement agencies with any information that those organizations require for the purpose of election security.
- 30.2. Once a candidate is certified, the CEC may disclose that person's personal data only as permitted under the applicable law.
- 30.3. If a candidate is not certified by the CEC, the CEC Secretariat shall not disclose any of the candidate's personal data.

## **CHAPTER V**

### **THE CODE OF CONDUCT FOR POLITICAL ENTITIES, THEIR SUPPORTERS AND CANDIDATES**

#### **Article 31**

##### **Purpose of the Code of Conduct**

The Code of Conduct for Political Entities and their supporters and candidates has the purpose of establishing conditions under which the people of Kosovo may choose their representatives in free, fair and well-informed elections within a climate of democratic tolerance, peace, and respect for the rule of law.

#### **Article 32**

##### **The Responsibilities of Political Entities, their Supporters and Candidates**

- 32.1. This Code is binding on all Political Entities, candidates, members of Entities, and their supporters.
- 32.2. The ECAC shall have jurisdiction to adjudicate allegations that the provisions of the Code have been breached and impose sanctions and remedies in accordance with its procedures.
- 32.3. Political Entities shall effectively inform their members, supporters and candidates of the provisions of the Code.
- 32.4. Political Entities shall make all reasonable efforts to prevent their members, supporters and candidates from violating the Code.
- 32.5. Political Entities shall be responsible for violations of the Code committed by their members, supporters and candidates.
- 32.6. A Political Entity may submit evidence to the ECAC showing that it made reasonable efforts to prevent and/or discourage its members, supporters and

candidates from violating the Code. Such evidence may be considered in determining an appropriate sanction, and may include evidence that:

- a) the Political Entity has informed its members, supporters, and candidates of the provisions of the Code and the need to comply with its provisions;
  - b) the Political Entity and its candidates have spoken out publicly in the condemnation of violence, threats of violence, or intimidation during the electoral process;
  - c) the Political Entity has publicly and actively reprimanded its members, supporters, and candidates for any violations of applicable laws pertaining to elections;
  - d) the Political Entity has not encouraged, incited, or abetted its members, supporters, and candidates to violate the Electoral Rules in the particular case or in any other cases; and
  - e) any other evidence regarding the Political Entity's efforts to prevent its members, supporters, and candidates from violating the Electoral Rules.
- 32.7. Each candidate shall sign a statement confirming that he or she will comply with all applicable legislation and support the full implementation of the certified election results.

### **Article 33**

#### **Prohibited Actions by Political Entities**

During the campaigning period a Political Entity, its supporters or candidates shall be prohibited from doing any of the following:

- a) removing, covering, destroying, or altering any printed notice, placard, poster or other material, which is used for the purpose of election campaigning by another Political Entity;
- b) displaying notices, placards and posters, or otherwise placing their names or slogans related to the election campaign, in or on public buildings or structures, on or above public roads, on public road traffic signs, in or on premises or structures occupied or otherwise used by international organizations, or in private premises without permission of the owners or users;
- c) carrying or displaying weapons of any kind at political meetings or during any events related to the activities of Political Entities. The carrying of weapons by other persons at political meetings/events is permitted only if the persons carrying such weapons have been authorized to do so by the appropriate authorities and the Kosovo Police have been notified in advance that such weapons will be carried at given meetings;
- d) disturbing meetings of other Political Entities or inciting others to do so;
- e) preventing or attempting to prevent journalists from carrying out their professional functions;
- f) promising any financial reward for the purpose of gaining support of voters;
- g) threatening, or attempting to threaten, other Political Entities or their supporters or candidates;
- h) encouraging any person to register to vote in an election who has no legal right to register;

- i) encouraging any person to vote in an election who has no legal right to vote;
- j) encouraging a person to vote more than once in the same election, or to vote in the name of another person;
- k) abusing the right to complain, or making false, frivolous or vexatious complaints or submissions to the ECAC;
- l) using language, in oral or written form, which incites or provokes, or is likely to incite or provoke, another person to commit an act of violence against other persons or property, or which incites or is likely to incite hatred towards others, or publishing or using pictures, symbols or any other material that has or is likely to have such effects; or
- m) for the purpose of promoting a Political Entity or its candidates using pictures, symbols or any other material which refers to a person who:
  - i. is serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia; or
  - ii. is under indictment by the Tribunal and has failed to comply with an order to appear before the Tribunal.

#### **Article 34**

##### **Intimidation and Violence During the Electoral Process**

- 34.1. The use or threat of use of violence of any kind by Political Entities, their members, supporters or candidates, is strictly prohibited.
- 34.2. No Political Entities or candidates shall encourage, support or approve of violence, threats of violence or intimidation, during the electoral process. Each Political entity shall inform its members and supporters of the need to avoid such behavior.
- 34.3. Election campaigns shall be organized in such manner that a congenial and peaceful atmosphere prevails during the campaign period.

#### **Article 35**

##### **Prohibited Actions by Public Employees**

- 35.1. A person who holds a public office, elected or appointed, may not use such office or any of its resources for the purpose of obtaining votes. No resource of any institution of the public administration at a central or local level or any enterprise owned or controlled by central or local authorities can be used or applied in support of a political entity in an election.
- 35.2. No political entity shall, during the course of an electoral campaign period, encourage or take advantage of a public employee using his or her public position to campaign for a political entity.

#### **Article 36**

##### **Prohibited Actions Prior to Polling**

- 36.1. During the twenty-four (24) hour period prior to the opening of Polling Stations for the casting of the vote, and until their closing, political entities, their supporters or candidates, are prohibited from doing any of the following:

- a) distributing or otherwise displaying at any Polling Stations, or within an area of 100 meters thereof, any kind of materials for the purpose of influencing voters;
- b) campaigning in any manner.

### **Article 37**

#### **Acceptance of Election Results**

All political entities, their supporters and candidates, are obliged to abide by the results of the elections and to support the full implementation of the certified election results.

### **Article 38**

#### **Sanctions for Violations of the Principles of the Code**

- 38.1. The violation of any one of the articles of the Code of Conduct set forth in this Chapter, in cases when these violations have not affected the election result, is an administrative offence and is punishable with a fine as determined by ECAC.
- 38.2. The amount of the fine is determined on basis of Article 146.
- 38.3. The violations of the Code of Conduct determined by ECAC that have attempted to affect the elections results constitute a criminal offence pursuant to the Criminal Code of Kosovo.

## **CHAPTER VI**

### **CAMPAIGN SPENDING LIMIT AND FINANCIAL DISCLOSURE**

### **Article 39**

#### **Campaign Spending Limit and Contributions**

- 39.1. No certified political entity shall have campaign expenditures exceeding an amount to be established by a CEC rule no later than five (5) days following the announcement of Election Day.
- 39.2. The CEC shall determine the maximum campaign expenditures based on the total number of voters registered in the voters list at the time of the last update of the voters list available to the CEC.
- 39.3. Maximum campaign expenditures shall apply to any goods and services purchased for campaign purposes regardless of the time of purchase or provision of service.
- 39.4. A Political Entity shall not accept a Contribution, except as regulated under the applicable legislation.

### **Article 40**

#### **Financial Disclosure Requirements**

- 40.1. Each Political Entity certified to participate in the election shall submit a Campaign Financial Disclosure Report for the Entity, including all of its branches and all its constituent parts, and ending with the day of the election.

- Campaign Financial Disclosure Reports for the Entity shall be submitted no later than forty-five (45) calendar days after the day of the election.
- 40.2. Each Campaign Financial Disclosure Report of every political entity including all of their branches and constituent parts shall include complete and accurate disclosure of:
- a) the Income of the Political Entity during the reporting period, including the source and date of all cash Contributions;
  - b) all Expenditures, including Campaign Expenditures, made by the Entity during the reporting period; and
  - c) a balance sheet showing the Assets, Liabilities and Equity of the Entity as of the first and last day of the reporting period.
- 40.3. Political entities shall provide the Office with copies of receipts for each administrative fee paid.
- 40.4. The Office shall report to the CEC on all administrative fees collected and remitted hereunder to the Kosovo Consolidated Budget.
- 40.5. If a Political Entity fails to submit a Campaign Financial Disclosure Form by the deadline, or if it submits an incomplete or inaccurate report, the Office may file a complaint with the ECAC in accordance with the procedures of that body.
- 40.6. Each Political Entity certified to participate in an election shall keep and maintain for a period of seven (7) years accurate and detailed records of the financial situation of the Entity and all of its branches during the period covered by the Campaign Financial Disclosure Reports, including:
- a) accounting books that record, in accordance with generally accepted accounting principles:
    - i. all Income by source, amount, identifying the manner in which the Payment was made (i.e. cash, cheque, bank draft, etc.); and
    - ii. all Payments made by the Entity to another person, the purpose of the Payment and the manner in which the Payment was made;
  - b) receipts for all Expenditures in excess of one hundred euro (€100);
  - c) bank records for all accounts held by or on behalf of the Political Entity;
  - d) documents establishing the legal basis for ownership or occupation of all real property occupied by the Political Entity;
  - e) contracts to which the Entity is a party, including contracts relating to the lease or purchase of movable or immovable property;
  - f) a record of all Contributions to the Entity, regardless of when they were made, including:
    - i. the value of each Contribution;
    - ii. the date on which each Contribution was made;
    - iii. the full name, address and Civil Registration, passport or driver's license number of each contributor; and
    - iv. the full name of the person who received the Contribution on behalf of the Entity.
- 40.7. Each Financial Officer shall attend a training session in accounting and auditing arranged by the Office as soon as possible after his or her appointment unless he or she can establish to the satisfaction of the Office that he or she possesses sufficient expertise and experience that such training is not necessary.



## **Article 41**

### **Auditing**

- 41.1. For the purposes of this article, “the Campaign Auditor” shall mean any organization specifically tasked by the Office to audit campaign spending.
- 41.2. The Office shall audit any Campaign Finance Disclosure Report or Candidate Financial Disclosure Form.
- 41.3. The use of an external auditor as a campaign auditor is subject to decisions of the CEC.
- 41.4. Each Political Entity shall cooperate fully with the Campaign Auditor and shall provide the auditors with full and unfettered access to the financial records of the Entity, including without limitation all of the records referred to paragraph 3 of this Article.
- 41.5. The Campaign Auditor shall present the preliminary results of an audit, including a list of any apparent errors or omissions, to the highest executive body of the Political Entity within forty-five (45) days of commencing the audit, and no later than four months.
- 41.6. A Political Entity may, within fifteen (15) working days of its receipt of the preliminary results of an audit, submit a revised financial report and an explanation that addresses any apparent errors or omissions identified by the Campaign Auditor.
- 41.7. The Campaign Auditor shall submit a final audit report to the CEC and the highest executive body of the Political Entity no later than fifteen (15) working days after delivering the preliminary results of the audit under Article 46.5 of this Law. The final report shall identify any errors or omissions in the financial report, taking into account any explanation and revision submitted under paragraph 5 of this Article.
- 41.8. No provisions of this Law shall prevent the General Auditor of Kosovo or any other relevant institutions from conducting auditing for spending by political entities at any time, including campaign spending.

## **Article 42**

### **Sanctions**

- 42.1. The CEC may charge administrative fees in accordance with rules, against Political Entities that submit Campaign Financial Disclosure Reports after the applicable deadlines. The CEC shall remit any administrative fees that it collects here under to the Kosovo Consolidated Budget.
- 42.2. The imposition of a fine or other sanction by the CEC does not prejudice any criminal sanction that may apply.
- 42.3. A Political Entity may appeal a decision of the CEC imposing a fine under this article to the court of first instance within five (5) working days of being notified of the decision.
- 42.4. The court of first instance shall not impose a sanction in respect of a matter that is subject to an administrative fee under paragraph 1 of this Article.
- 42.5. Political entities shall submit to the Office a copy of the payment slip for the administrative tariff that they have paid.

**Article 43**  
**Public Information**

- 43.1. The CEC, acting through the Office, shall establish and maintain a Public Information File containing current copies of the following:
- a) a Register of Donors indicating:
    - i. the full name and Civil Registration, passport or drivers license number of each person who has made Contributions to a Political Entity, the combined value of which have exceeded one hundred euro (€100) in any calendar year;
    - ii. the identity of the recipient Political Entities;
    - iii. the value of the Contributions; and
    - iv. the dates on which the Contributions were made;
  - b) copies of all Campaign Financial Disclosure Reports submitted to the Office;
  - c) copies of all Candidate Financial Disclosure Forms for certified candidates submitted to the Office; and
  - d) copies of any final reports relating to audits performed by the Office.
- 43.2. The Office shall make the contents of the Public Information File available for viewing by members of the public in a central location to be established by the Office during regular business hours, at the CEC web-site and at such other locations and times as the CEC may direct.

**CHAPTER VII**  
**CAMPAIGNING AND NOTIFICATION OF POLITICAL EVENTS**

**Article 44**  
**General Provisions**

- 44.1. During the election campaign period, Political Entities shall, subject to the conditions specified in the Code of Conduct above, have the right to:
- a) organize and hold public meetings/events, roundtables, press conferences, speeches, or any other similar activities, at which they can freely express their opinions in order to gain support from voters;
  - b) publish and distribute placards, posters and other material related to an election campaign; and
  - c) campaign through any television, radio or cable operator, as well as via journals, newspapers, phone network, postage system or any other means of advertisement, in accordance with CEC rules and other applicable laws.
- 44.2. Disputes regarding holding of a political event in public places may be considered and resolved by ECAC. Police reports regarding disturbances at the political event shall be made available to ECAC and CEC.

**Article 45**  
**Armed Close Protection Staff at Political Events**

Armed close protection unit members authorized by the responsible law enforcement authority to carry weapons who are on duty at any event shall identify themselves beforehand and upon request to any KPS Officer present. All arms carried shall be concealed.

**Article 46**  
**Sanctions**

Apart from individual responsibility for violations of any provisions of this Chapter punishable by the Criminal Code of Kosovo, violations may also be referred to the Elections Complaint and Appeals Court (ECAC). The ECAC may impose a sanction on the Political Entity found to be in violation of the provisions of this Chapter.

**CHAPTER VIII**  
**MEDIA DURING THE ELECTORAL CAMPAIGN**

**Article 47**  
**General Provisions**

- 47.1. The Code of Conduct for Broadcast Media and the Code of Conduct (CoC) for Print Media as issued by the Independent Media Commission, shall be applicable to all aspects of campaign coverage and advertising. This Code of Conduct shall be applicable for all journalists, editors, broadcast managers and publishers.
- 47.2. All broadcast public media shall air voter education material free of charge as requested and provided by the CEC.
- 47.3. Journalists, editors, broadcast managers, publishers and media owners standing as candidates to be elected in a public office, shall not contribute to or otherwise influence the content of their respective media.
- 47.4. All media shall accept paid advertising in the language(s) in which they normally broadcast or publish.
- 47.5. The publication or broadcast coverage of opinion polls and surveys during the campaign period and relating to the elections shall be accompanied by the total number of respondents, the name of the implementing company, the name of the party responsible for it, and the margin of error.

**Article 48**  
**Equitable and Fair Treatment by the Media during the Electoral Campaign**

All media shall ensure that all certified political entities receive fair and equitable coverage during the electoral campaign, and all broadcast media shall ensure fair and equitable access to political discussion shows and debates for all certified political entities.

**Article 49**  
**General Rules for Political Advertising on Radio and Television**

- 49.1. Political advertising spots shall be no longer than 2 minutes (120 seconds).
- 49.2. Broadcasters which choose to air paid political advertising are required to offer a minimum number of minutes of free airtime to each certified political entity during the campaign period as following:
  - a) 20 minutes for private Kosovo-wide television broadcasters;
  - b) 40 minutes for the Public Service Television Broadcaster;
  - c) 15 minutes for private Kosovo-wide radio stations;
  - d) 30 minutes for each of the two Public Service Radio channels;
  - e) 15 minutes for all other television stations;
  - f) 10 minutes for all other radio stations.
- 49.3. This free airtime may be provided, at the discretion of individual broadcasters, in the form of participation in debates, discussion shows, interviews outside regularly scheduled news programs, or as free political advertising spots.
- 49.4. Coverage in regularly scheduled news programs shall not be counted as free airtime.
- 49.5. No political advertising spots shall air within news programs. For this Article, news programs are defined to include sports and weather components of news broadcasts.
- 49.6. Broadcasters shall ensure that every political advertising spot is clearly identified as such and shall clearly indicate the organization or individual responsible for it.
- 49.7. Broadcasters are required to keep separate daily logs, provided by the IMC, of free access provided and advertising time sold to each certified political entity. These logs are to be prepared and submitted weekly to the IMC in accordance with the instructions provided. These logs shall be open for public inspection upon receipt.
- 49.8. Broadcasters which choose to air paid political advertising shall offer one week prior to the start of the campaign period an unbiased and equitable schedule of free air time, for political advertising spots, in writing to all certified political entities.
- 49.9. Broadcasters shall not be penalized if a certified political entity fails to use time offered on equitable terms.
- 49.10. The total time of aired free political advertising spots on one broadcaster shall have a maximum of 20 minutes per certified political entity.
- 49.11. Broadcasters which choose to air paid political advertising but fail to offer the minimum required free air time to certified political entities over the course of the campaign period shall be considered in violation of this Law.
- 49.12. Private broadcasters which choose not to air paid political advertising time to any certified political entity are not required to offer the minimum free airtime as specified in paragraph 2 of this Article.
- 49.13. Private broadcasters which choose not to air paid political advertising but do offer free airtime to any certified political entity shall provide similar free airtime to all certified political entities.

- 49.14. The price per second charged for paid political advertising spots shall be no higher than the lowest rate charged for that time and day of the week in the past six (6) months.

## **Article 50**

### **Paid Political Advertising in the Print Media**

- 50.1. Print media shall provide equitable access to all certified political entities that request advertising space.
- 50.2. A print medium shall apply the same rate without discrimination to all certified political entities.
- 50.3. Each paid political advertisement shall clearly indicate the organization or individual responsible for it.
- 50.4. Free advertising space provided to a certified political entity shall be clearly identified as such. Similar free space shall be promptly provided to all other certified entities that request it.
- 50.5. Print media shall charge advertising rates to certified political entities that are no higher than the lowest officially listed and published advertising rates offered to all other advertisers for similar space and lineage which are in use thirty (30) days prior to the campaign period.

## **Article 51**

### **Regulating Regime and Complaints Procedure**

- 51.1. All complaints regarding violations of this Chapter by political entities shall be directed to the ECAC, whereas violations by media outlets shall be referred to the Independent Media Commission (IMC) in accordance with provisions of the Law on the Independent Media Commission.
- 51.2. All complaints that allege violations of this Chapter by the media shall be forwarded by the ECAC to the IMC for review and adjudication.
- 51.3. A violation of the duties and responsibilities of the media, as stated in this Chapter, may result in sanctions by the IMC.
- 51.4. The ECAC shall have authority to impose sanctions on certified political entities in respect of violations of this Chapter in accordance with the provisions of Chapter XX. Other violations of this Chapter shall be referred to ECAC.

## **Article 52**

### **Prohibition of Media Coverage**

- 52.1. No person or media outlet shall broadcast or publish any material pertaining to campaign activity during the period commencing twenty-four (24) hours prior to the opening of the polling stations until the official close of the polling stations.
- 52.2. No publication or broadcast of opinion poll and survey results relating to the election campaign, including exit polls, shall take place in Kosovo during the period commencing 24 hours prior to the official close of the polling stations and until the official closing of the polling process.

### **Article 53**

#### **Maintenance of Media Coverage Log**

The Independent Media Commission shall make sure that media maintain a log to record the air-time, and other media exposure, for paid and non-paid advertising, of the campaign activities of each political entity. The log needs to measure all relevant indicators of exposure, separately for each Political Entity, in the manner set forth by IMC rules.

## **CHAPTER IX**

### **ELECTION OBSERVERS**

#### **Article 54**

##### **General Provisions**

- 54.1. Certified Political Entities, NGOs and governmental and inter-governmental organizations as well as international organizations specialized and engaged in elections or the protection of human rights, and representatives of foreign countries have the right to request the accreditation of observers to the elections.
- 54.2. A person may not be a local observer if he or she is not eligible to vote in the elections.
- 54.3. Requests for accreditation by an organization may be submitted to the CEC at any time prior to the 25th day before the Election Day.
- 54.4. Requests for accreditation for observing the Election Day only may be submitted by an organization at any time prior to the 20th day before the Election Day.
- 54.5. Accreditation of individuals to observe elections on behalf of on an organization shall be submitted to the CEC no later than 30 days before the Election Day.
- 54.6. The CEC approves or refuses the requests no later than ten (10) days after their submission.
- 54.7. Any person or organization who has applied for certification as an electoral process observer who has been denied accreditation by the CEC may submit an appeal to ECAC to review that decision in accordance with the procedures of the ECAC.
- 54.8. The CEC may remove the accreditation of an electoral process observer who has violated applicable Laws, Rules, Administrative Directions, Electoral Rules or Administrative Procedures concerning the electoral process.

#### **Article 55**

##### **Qualifications of Observers**

- 55.1. All accredited observers, except those appointed by an inter-governmental organization, foreign government, or NGO not registered in Kosovo, shall be persons who are registered to vote in the elections.
- 55.2. No person may serve as an accredited observer if he or she is:
  - a) a candidate for elected office in Kosovo; or

- b) a member of a police, military or intelligence unit of Kosovo or any other state.
- 55.3. An accredited observer organization shall record the full name, address, and telephone contact number of each of its observers and shall make such information available immediately upon request to the CEC or the ECAC.
- 55.4. The responsibility to report any of the incompatibilities described above rests with each nominated observer and the organization that submits the request for accreditation to observe the electoral process. If it is found out that an observer holds any of the positions set out in paragraph 2 of this Article, the CEC shall withdraw the accreditation of the observer.

## **Article 56**

### **Rights and Duties of Observers**

- 56.1. An observer has the right to:
  - a) observe without hindrance the preparation and conduct of elections, including post-election day meetings, hearings and activities related to the elections, complaints and appeals over election results, and determination of the winning candidates;
  - b) submit written comments to election commissions and polling station committees;
  - c) observe the packaging, transfer, delivery, handling, counting, safekeeping, and destruction of ballots;
  - d) obtain copies of decisions, protocols, tabulations, minutes, and other electoral documents during the entirety of the election processes, including processes before and after election day.
- 56.2. During the electoral process, including the voter registration process, an accredited observer may submit a complaint of any violation of applicable Rules, Administrative Directions, Electoral Rules, or Administrative Procedure to the CEC in accordance with its procedures.
- 56.3. An observer has the duty to:
  - a) respect the requirements of this law and the rules of the CEC;
  - b) to wear the observer's identity badge where it can be easily seen when the observer is engaged in observation activities;
  - c) refrain from wearing distinctive signs that serve as means of propaganda or that might influence the voters' will or identify them with a particular political entity or a candidate; and
  - d) refrain from violating the right of the voter to a secret ballot and from hampering the process of voting and the administration of the election.
- 56.4. An accredited observer organization may send one observer to CEC and MEC meetings.

## **Article 57**

### **Impartiality and Neutrality**

- 57.1. Election observers shall be impartial and politically neutral while observing the electoral process.

- 57.2. Election observers shall not interfere in any way with the conduct of the election and shall respect the secrecy of the ballot.
- 57.3. The number of observers from a single observer organization that may be present at the same time in a polling station, counting centre, voter information centre may not exceed two (2).
- 57.4. Accredited observers shall, while observing the electoral process, visibly display accreditation badges and carry such documentation as the CEC may require by Electoral Rule.

## **Article 58**

### **Accreditation of Observer Organizations**

The CEC shall establish rules for observers organizations and observers.

## **CHAPTER X**

### **THE CEC**

## **Article 59**

### **The CEC**

- 59.1. The Central Election Commission (hereinafter “the CEC”) as established pursuant to article 139 of the Constitution, shall be a permanent and independent body within the meaning of this Law.
- 59.2. The CEC of Kosovo ensures preparation and conduct of elections in accordance with the principles and requirements of this law.
- 59.3. In carrying out its mandate the CEC, shall, inter alia:
  - a) undertake voter education activities designed to increase voter awareness of and participation in elections;
  - b) undertake projects or research in relation to electoral system and related matters;
  - c) establish appropriate procedures and undertake activities to ensure that all persons with disabilities are able to exercise their right to vote and participate fully in electoral processes in Kosovo; and
  - d) perform any other functions ancillary to the holding of elections in Kosovo assigned to it by relevant Rules and subsidiary instruments there under, including actions necessary to protect the integrity of elections process in the face of force major.
- 59.4. The headquarters of the CEC is in the capital of Kosovo, Prishtinë/Priština.
- 59.5. The Commission may enter into technical arrangements and understandings that are required for the fulfillment of its functions and responsibilities.
- 59.6. The CEC shall establish and maintain a separate bank account in the name of the CEC, which shall be used solely for the collection and refunding of deposits as required in this law.
- 59.7. The CEC shall consider all personal data of candidates and voters collected for election purposes as confidential, except as provided in this law, and shall take all measures to protect such data, except when expressly required by law enforcement agencies.



**Article 60**  
**Composition of the Commission and Remuneration**

The CEC shall consist of 11 members in accordance with the Constitution.

**Article 61**  
**Mandate and Appointment of CEC Members**

- 61.1. The Chair of the CEC shall be appointed in accordance with article 139(3) of the Constitution of Kosovo.
- 61.2. The mandate of the Chair of the CEC shall be seven (7) years commencing on the day stipulated in the notification of appointment by the President of Kosovo.
- 61.3. Appointment of CEC members as provided in article 139(4) of the Constitution of Kosovo shall be done by the following procedures:
  - a) within 10 days of the coming into force of this law parliamentary groups entitled to appoint a member(s) to the CEC shall notify the President of Kosovo of their appointment. Provided that the individual appointed by the parliamentary group conforms to the requirements of this law, the President of Kosovo shall, within five (5) days confirm the appointment in writing. The appointment shall be effective on the day stipulated in the official appointment by the President of Kosovo.
  - b) the Chairman of the CEC shall serve for not more than 2 consecutive mandates.
  - c) the Members of the CEC shall serve for not more than 3 consecutive mandates.
  - d) the termination of a mandate shall be on the last calendar day of the same month of the commencement of the mandate.
  - e) notwithstanding point (d) of this paragraph mandate that expires 90 or fewer days before an election or up to 90 days following the certification of the results of an election shall be automatically extended to 90 days after the certification of the results of an election.
- 61.4. The mandate of the members of the CEC shall begin no later than sixty (60) days after the certifications of the Assembly elections results.
- 61.5. . The mandate of the Chair or any member of the CEC may be terminated with resignation or terminated with immediate effect by the President of Kosovo in the following circumstances:
  - a) the member fails to meet the conditions and criteria of this law.
  - b) the members fails to attend without any reasonable motive three consecutive meetings of the CEC and the termination of the mandate is approved by 2/3 of the majority vote of the CEC;
  - c) the member is convicted of a criminal offence;
  - d) The member behaves or acts in a manner that seriously affects the status and integrity of the CEC;
  - e) The member is unable to perform his or her duties for more than six consecutive months.
- 61.6. In the case where a mandate is terminated by the President of Kosovo, the new

appointment shall be made in accordance with this article. The new appointment of a replacement shall be in accordance with the procedures in this article and the new member shall only serve for the remainder of the mandate of the member replaced, but shall be subject to reappointment in accordance with this article.

- 61.7. A member of the CEC must have work experience of no less than 5 years and a university degree in law, public administration, political science, human rights, mathematics, election administration, in social sciences, public relations, or statistics.
- 61.8. A person shall not be eligible to be a Member of the CEC if he or she is:
- a) a member of the Assembly of Kosovo;
  - b) a member of a Municipal Assembly in Kosovo;
  - c) a candidate for elected public office in Kosovo;
  - d) a member of a publicly elected representative assembly outside of Kosovo;
  - e) a holder of a senior public or high political party office;
  - f) a member of a public electoral commission within or outside of Kosovo;
  - g) a member of the Kosovo Protection Corps;
  - h) a member of any police force or body of like kind;
  - i) a person not eligible to vote in Kosovo;
  - j) a person serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia or under indictment by the Tribunal and has failed to comply with an order to appear before the Tribunal; or
  - k) a member of a non-governmental organization monitoring the elections;
  - l) have been convicted of a crime by a final court decision;
  - m) have been a member of an intelligence or security service in Kosovo or abroad in the last 5 years; and
  - n) have been dismissed from the public administration for a violation of the law.
- 61.9. If a parliamentary group or community fails to appoint a person to be a Member of the CEC within 21 days of being requested to do so, the President shall at his discretion select and appoint an eligible person to fill the vacant position from the category as described in the Constitution.
- 61.10. If the President considers that an appointee is not suitable to serve as a Member of the CEC under this Law, he shall hold consultations with and request the appointing organization concerned to appoint a new candidate. If the appointing organization in question fails to appoint an eligible person to be a Member of the CEC within 14 days of such request, the President shall at his discretion select and appoint an eligible person to fill the vacant position.

## **Article 62**

### **Oath of Declaration and Appointment**

- 62.1. The President shall issue a letter of appointment to each Member of the CEC who shall personally appear before the President or his designated representative on a date notified by the President and make the following Declaration in the language of his or her choice: "I solemnly declare that I shall discharge the

duties of my office as Member of the CEC honorably, faithfully, impartially, diligently and conscientiously.”

- 62.2. If a person appointed to be a Member of the CEC fails, without good cause shown, to make the Declaration pursuant to article 67.1, the President shall request the appointing organization to appoint a different person. If the authority fails to appoint an eligible person to be a member of the CEC within 14 days of such request, the President shall at his discretion select and appoint an eligible person to fill the vacant position.

### **Article 63**

#### **Decision-making**

- 63.1. CEC meetings are called by the chairman or by at least four (4) members. The notice for a meeting shall also include the agenda of the meeting.
- 63.2. During the Campaign period and until the declaration of the final results, the CEC remains in session according to a pre-determined and published time-table.
- 63.3. Meetings of the CEC are valid when attended by no fewer than seven (7) CEC Members.
- 63.4. On Electoral Rules, the registration of political parties and certification of political entities, the declaration of election results, as well as decisions related to complaints regarding the declaration of results, the CEC shall aim to decide by consensus; when it is not possible to reach consensus with 2/3 of the votes. Every other decision is taken by a simple majority of votes.
- 63.5. Meetings are chaired by the chairman of the CEC.
- 63.6. A decision of the Commission is not subject to appeal, except as may be expressly provided for in this law.
- 63.7. The CEC shall establish rules of procedure consistent with this Law.
- 63.8. A Member shall not participate in the making of a decision by the CEC on a matter in which he or she or his or her family member has an interest of a personal or financial nature, which may call into question the ability of the Member to act impartially.
- 63.9. Meetings of the CEC are open to the public, except when issues related to personnel of the CEC or CECS are discussed.
- 63.10. The CEC shall prepare an annual report to the Assembly of Kosovo, to be provided in the month of April. The report shall contain information about activities of the CEC and recommendations that the CEC deems appropriate to be dealt by the Assembly.
- 63.11. All decisions of the CEC shall be public documents.

### **Article 64**

#### **Responsibilities and Functions of the CEC**

- 64.1. The CEC shall be responsible for the implementation of this law.
- 64.2. The CEC shall:
- a) prepare and issue rules, forms and procedures relating to the implementation of this law and any other matter pertaining to the conduct of elections within its competence;

- b) publish all approved rules, forms and procedures and make them readily accessible to the public;
- c) establish and maintain the list of persons eligible to vote in a particular election;
- d) maintain an Office for Registration of Political Parties and Certification of Political Entities as provided in this law;
- e) design and approve ballot papers and other electoral materials;
- f) accredit official election observers;
- g) certify the voters list in relation to an election;
- h) certify the results of elections
- i) publish the results of elections;
- j) establish municipal election commissions and polling station committees and regulate their operation;
- k) appoint ballot counting teams for any polling station committees as circumstances may warrant.

### **Article 65** **Secretariat of the CEC**

- 65.1. The Commission shall be assisted in the discharge of its responsibilities and functions by a Secretariat (hereinafter the “CEC Secretariat”) which shall operate in accordance with this Law.
- 65.2. The Office shall function as part of the CEC Secretariat. The CEC Secretariat shall implement the decisions of the CEC, prepare reports, recommendations for CEC decisions and shall provide administrative and other necessary support to the CEC. The Secretariat shall also assist the CEC in the implementation of functions and responsibilities assigned to it in accordance with this Law, and subsidiary instruments there under.
- 65.3. The Secretariat may, with the approval of the CEC, conclude agreements with third parties on behalf of the CEC pursuant to procedures established by the CEC.

### **Article 66** **Management of the CEC Secretariat**

- 66.1. The Secretariat shall be managed by the Chief Executive Officer (hereinafter: “CEO”), and a Deputy Chief Executive Officer (hereinafter: “Deputy CEO”) who shall both be appointed by the CEC. The CEO shall be directly accountable to the CEC.
- 66.2. The terms of appointment of the CEO, Deputy CEO and the Executive Director of the Office shall be in accordance with the Civil Service Law and may be extended. The CEC may remove the CEO, Deputy CEO or the Executive Director of the Office at any time in accordance with applicable procedures.
- 66.3. No person may serve as CEO, Deputy CEO of the Secretariat or the Executive Director of the Office if he or she:
  - a) holds or seeks public office;

- b) holds any official post or executive position in a political party; or
  - c) has been criminally convicted.
- 66.4. Either the Chief Executive Officer or the Deputy Chief Executive Officer of the CEC Secretariat shall attend every meeting of the CEC.
- 66.5. The CEO shall be responsible for:
- a) under direction of the Chair, organizing the agenda for CEC meeting and ensuring all required material is available prior to each meeting;
  - b) reporting to the CEC on any matter pertaining to the duties of the CECS, with the exception of the Executive Director of the Office;
  - c) the overall administration and management of the Secretariat and ensuring that the functions entrusted to it are implemented;
  - d) providing proper guidance to the Secretariat and accurate, impartial and expert advice to the CEC;
  - e) organizing the Secretariat and issuing administrative procedures on any matters pertaining to its functions;
  - f) the effective and efficient management of human and financial resources provided to the Secretariat; and
  - g) implementing non-discriminatory personnel policies within the Secretariat, including equitable gender representation, in all areas and levels and ensuring that the composition of the Secretariat staff reflects the multi-ethnic character of Kosovo.
- 66.6. The CEO shall designate a financial authorizing officer for the Secretariat and shall ensure compliance with such decisions, administrative instructions and financial rules as may be issued in this regard by the Ministry of Finance and Economy, or other appropriate authorities.
- 66.7. Staff of the Secretariat shall be selected and employed by the CEO of the CECS in accordance with the procedures established by the Government of Kosovo.
- 66.8. The CEC shall have an annual appropriation from the Kosovo Consolidated Budget to cover the expenses for the proper function of the Secretariat, based on a budget proposal submitted by the CEC. The CEC shall prepare a separate budget request to the Government of Kosovo each election year.
- 66.9. The members of the election commissions and employees of the public administration in the service of these commissions are subject to criminal and administrative liability in accordance with the legislation in force for violations of the provisions of this Code.

## **CHAPTER XI**

### **MUNICIPAL ELECTION COMMISSIONS**

#### **Article 67**

#### **Composition of MECs and Qualifications of the Members**

- 67.1. Municipal Election Commission (MEC) shall generally have seven (7) members; this number may increase if number of Political Entities qualified as part of Committee is bigger. Each Municipal Election Commission shall be composed of:

## Administrative laws

- a) a MEC Executive Officer (MEO) employed by the CEC and that shall be the Chair of the MEC; and
  - b) one member appointed by Political Entities that have passed election threshold in national elections, if they are subject of election threshold;
- 67.2. Members of an MEC shall be eligible to vote in the municipality and be persons with high professional and ethical standing with administrative or electoral experience and knowledge sufficient to efficiently perform the work of the MEC.
- 67.3. The CEC shall endeavor to ensure that all ethnic communities with significant numbers in respective municipalities are fairly represented in the membership of MECs.
- 67.4. The CEC shall appoint the MEC within 15 days of the announcement of the election. Appointment shall terminate 15 days after the certification of the elections results, unless the term of MECs is terminated prior to the completion or extended.
- 67.5. No person may be appointed to serve as a member of a MEC, or may continue to serve once appointed, if he or she:
- a) is seeking or holds elected public office;
  - b) holds appointed public office;
  - c) is not eligible to stand as a candidate in elections;
  - d) holds any office or appointed position within or on behalf of a certified Political Entity;
  - e) has been declared mentally incompetent by a final court decision; or
  - f) has been previously terminated as an MEC member by the CEC; or
  - g) has been prohibited from serving as a member of an MEC by the ECAC.
- 67.6. No person may serve as a member of more than one MEC at the same time.
- 67.7. A member of a Municipal Administration appointed to serve as a Municipal Election Commission member shall, with respect to his or her duties as a Municipal Election Commission member, serve under the authority of the CEC and the MEC Executive Officer during the period of his or her appointment.
- 67.8. Appointment of an MEC member is subject to the signing of the MEC Code of Conduct as adopted by the CEC before commencing their work.
- 67.9. Notwithstanding the preceding paragraphs of this article, if so required, the CEC shall have the authority to appoint at its sole discretion MEC members that do not meet the requirements of this article.

## **Article 68**

### **Responsibilities of the Municipal Election Commissions**

- 68.1. Each MEC shall, under the exclusive supervision and direction of the CEC acting through the Secretariat, administer elections within its municipality ensuring the legality, legitimacy and efficiency of the electoral process. Without limiting the generality of their responsibilities, each MEC shall:
- a) establish an office in the premises of the municipality administration for the discharge of its duties;
  - b) provide information to voters of all communities and disseminating information necessary for the administration of elections;

- c) impartially provide political parties, citizens' initiatives, coalitions and independent candidates with information about their rights and obligations in relation to elections;
  - d) attend any training session required by the CEC;
  - e) assist in the appointment and training of any person assisting in the administration of the election including polling station committees;
  - f) assist in the technical arrangements at the polling stations and any other technical preparations for the elections including receiving all non-sensitive election materials;
  - g) ensure the proper conduct of polling and counting and compiling the results of the elections within their jurisdiction;
  - h) collect and store election- related materials after the election; and
  - i) perform other duties required by any other applicable legislation or CEC rule.
- 68.2. Each MEO shall issue reports to the CEC Secretariat regarding the work of the MEC every week as specified by the CECS. A MEO shall issue an immediate report if asked to do so by the CEC Secretariat. MEO shall perform other duties as specified by the CEC.
- 68.3. Municipal Election Commissions shall keep regular records of their work, including minutes of proceedings, decisions made, and the weekly reports to the CEC and other relevant information.

## **Article 69**

### **Appointment Process**

- 69.1. The CEC Secretariat shall provide a list of nominees for each MEC to the CEC. Each list may include the names of some, all or none of the employees of the Municipal Administration nominated by the CEO of the Municipal Administration, at the discretion of the CEC Secretariat.
- 69.2. The CECS may consult non-governmental organizations, academic institutions and other similar bodies in order to identify qualified and suitable candidates.
- 69.3. Where the CEC rejects a nominee, it shall notify the appropriate MEO of that rejection and request him/her to submit another nominee. The MEO shall have ten (10) days to nominate an additional nominee and the CEC shall decide on the additional nomination without delay.
- 69.4. Any other person or persons that the CEC Secretariat considers appropriate for membership on the MEC, giving special consideration to the need to ensure fair gender and ethnic representation.
- 69.5. The CEC Secretariat shall issue a Certificate of Appointment to each MEC member.
- 69.6. The appointed members of a Municipal Election Commission shall begin their work immediately upon appointment by the CEC.

## **Article 70**

### **Termination of MEC Members**

- 70.1. The CEC may revoke the appointment of any MEC member at any time if the member:
- a) fails to perform his or her duties as set out in CEC rules;
  - b) acts in a biased or unprofessional manner;
  - c) fails to attend two consecutive meetings of the MEC without a valid reason;
  - d) participates in an electoral campaign on behalf of a political entity or interferes in the electoral process;
  - e) does not report for duty for more than two (2) days during the election period without a valid reason;
- 70.2. A MEC member whose appointment is revoked shall immediately cease all involvement with MEC business and return all MEC property to the MEC Executive Officer.

## **Article 71**

### **Compensation of MEC Members**

- 71.1. MEC members and their Chairpersons shall be remunerated for the performance of their duties with resources of CEC in accordance with the rules adopted to this effect.
- 71.2. MEC members who are current employees of a Municipal Administration shall receive remuneration equal to half the salary to that provided by the municipality in addition to usual salary, instead of overtime pay. Members of MEC other than the MEO shall not be employed on a full-time basis outside of the election period.

## **Article 72**

### **Decision-making Process**

- 72.1. The Municipal Election Commission shall take decisions by a majority of the total number of members present.
- 72.2. No member of a Municipal Election Commission shall participate in the decision of a matter in which the member or member of his/her family may have an interest of a personal, financial or other nature, or which may raise doubts as to his or her ability to act impartially.

## **Article 73**

### **Access to Meetings and Documents of a Municipal Election Commission**

An accredited observer shall have access to all meetings and documents of an MEC. If a Municipal Election Commission does not allow attendance at a meeting, or access to a document, a complaint may be filed with the CEC. The CEC shall reach a decision on a complaint within 48 hours and take such action as it considers appropriate.



## **CHAPTER XII POLLING STATION COMMITTEES**

### **Article 74 General Provisions**

- 74.1. Composition of Polling Station Committee (PSC) reflects the structure of members of MEC. The Municipal Election Commission may, in special cases, increase the number of members of a PSC and immediately notify the CEC.
- 74.2. Based on a CEC decision a second PSC responsible for counting the ballots may be established.
- 74.3. All persons appointed as PSC members shall satisfy the criteria for appointment specified in this Law.
- 74.4. Each Municipal Election Commission (MEC) shall submit to the CECS the nominations of those persons who satisfy the relevant criteria for appointment. The CECS will present the lists supplied by the MECs to the CEC for its approval, along with its recommendations or observations.
- 74.5. The CEC shall consider the lists of persons submitted by the CEC Secretariat and decide by simple majority whether to appoint the persons submitted or not, as the case may be.
- 74.6. Any member of a PSC who fails to attend training sessions organized by the MEC without good cause shall be precluded from working on Election Day and will lose some or all entitlement to remuneration as decided by the CEC.
- 74.7. Any member of a PSC who fails to attend the polling station to which he or she was allotted for Election Day will lose entitlement to remuneration and will be replaced immediately by the MEC with a trained and appointed reserve.
- 74.8. Each PSC member at the time of appointment shall sign a Code of Conduct, as prescribed by the CEC.
- 74.9. Each PSC member shall, regardless of political party affiliation or political viewpoint, act impartially in the service of all voters.
- 74.10. The PSC shall be responsible for ensuring the integrity, security and tranquility of the polling and counting process at the Polling Station under the immediate supervision of the MEC.

### **Article 75 Qualifications and requirements for appointing the PSC members and chairperson**

- 75.1. In order to be appointed as a PSC member, a person must:
  - a) be a registered voter in the same Municipality where the Polling Station/Polling Centre is located;
  - b) be able to read and write in a language officially used in that municipality.
- 75.2. In order to be appointed as a PSC chairperson, a person must qualify as a PSC member in accordance with the provisions of this article, and in addition has completed at least secondary education; and
- 75.3. A person is not eligible to be appointed as a PSC member if s/he is:

- a) a candidate for elected office in Kosovo;
- b) a member of any Assembly in or out of Kosovo;
- c) a member of an MEC, the CECS or CEC;
- d) a member of the Kosovo Police Service, any police force or a member of Kosovo Protection Corps or any other military, security or intelligence services;
- e) has been declared mentally incompetent by a final court decision; or
- f) has been found guilty of a criminal offence within the past 3 years by a final court decision.

## **Article 76**

### **Method of selecting polling station committees**

- 76.1. Each PSC shall be approved by the CEC and is directed by Chairperson:
- 76.2. At the time determined by the CEC, the CECS shall invite all certified Political Entities represented in the Assembly of a Municipality that are contesting national elections to submit to the MEC nominations of persons they wish to be appointed to the PSCs established within their Municipality.
- 76.3. The CECS shall invite newly certified political entities, NGOs and other civic organizations to submit additional nominations for the PSCs.
- 76.4. All nominations under the provisions of article 74.2 and 74.3 of this Law shall be submitted to the respective MECs no later than five (5) days after the request for nomination is made by the CEC Secretariat.
- 76.5. The list of PSC nominations must include:
  - a) the name of the political entity or NGO making the submission, the name of the contact person and his/her contact details;
  - b) the name, surname, personal number, date of birth for each nominee;
  - c) specification for each nominee whether s/he has or not prior experience in elections and a secondary school degree; and
  - d) date and place of submission of the nominee list; signature of the representative of the political entity or NGO, as well as the signature of receiving the list from the MEC representative.

## **Article 77**

### **Appointment of PSC members and their chairpersons**

- 77.1. Immediately after receiving all the nominations, the MECs will assign the nominees to their proposed PS observing the following set of rules:
  - a) no more than one person from a single list of PSC nominees submitted under article 76.2 shall be appointed as a PSC member in the same PS;
  - b) in selecting from among candidates on a list of PSC nominees submitted under article 76.3, preference shall be given to the candidates with better qualification and particularly to those with previous election experience;
  - c) no more than one person from within the same immediate family may be appointed to the same PSC. For the purposes of this article, immediate family includes spouse, children, parents and siblings;

- d) in new municipalities or where results from previous elections were not certified, the membership of PSCs shall be selected by lot among those political entities certified to participate in the upcoming elections for that municipality.
- 77.2. The MEC shall submit these nominations to the CEC Secretariat for recommendation to the CEC no later than five (5) working days after receiving the nominations. The CEC shall appoint all PSC members, including reserve PSC members, no later than four (4) days after receiving the nominations.
- 77.3. The chairpersons of a polling station committee shall be chosen equally between the four certified Political Entities that received the most votes during the last Kosovo Assembly election in that municipality.
- 77.4. Notwithstanding the preceding paragraphs of this article, if so required, the CEC shall have the authority to appoint at its sole discretion PSC members that do not meet the requirements of this article.

### **Article 78**

#### **Remuneration of PSC members and chairpersons**

The PSC members and their Chairpersons shall be remunerated for the performance of their duties with resources provided from the Kosovo Consolidated Budget. The CEC shall issue a separate decision which will regulate this issue.

### **Article 79**

#### **Appointment of reserve to PSC members**

- 79.1. The procedures specified in article 77 shall apply for appointing an additional 10% of reserve PSC members per municipality.
- 79.2. An appointed member shall be replaced by a reserve member by an MEC if, for any reason, the appointed member becomes unavailable to serve either before or on Election Day. If there are not sufficient numbers of reserve members available, an MEC may fill the vacancies with persons it deems fits and who also satisfy the criteria set forth in Article 80 of this Law. An MEC shall:
  - a) ensure that no more than one person from a Political Entity as set out in Article 77.2 of this Law is appointed as a PSC member in the same PS;
  - b) ensure that the replacement signs the Code of Conduct; and
  - c) arrange appropriate training for the replacement.

### **Article 80**

#### **Penalties and other measures**

- 80.1. Certified political entities or NGOs that have nominated persons to be members of PSCs shall be responsible for ensuring that such persons attend all training sessions organized by the MEC.
- 80.2. Certified political entities or NGOs that have nominated PSC members shall be responsible for ensuring that such persons punctually attend and perform their duties in their polling station at such times and for such periods as directed by the MEC.

- 80.3. Where a person, or persons, nominated by a certified political entity or NGO fails without good cause to perform the obligations specified in paragraphs 1 and 2 of this Article, the matter shall be reported to the ECAC by the MEC. ECAC may, if it finds the matter proved, impose a fine or sanction.
- 80.4. Where, in the opinion of the Municipal Election Commission, a member of a polling station committee is, for whatever reason, unwilling or unable to perform his/her obligations, the MEC shall terminate the appointment of that member. The vacant position arising as result of such decision shall, so far as possible, be filled in accordance with the provisions of this Law.

### **Article 81**

#### **Code of Conduct for PSC Members**

Every Member of a PSC appointments are subject to taking the Oath as and signing the Code of Conduct as per CEC rule.

## **CHAPTER XIII**

### **POLLING STATIONS AND VOTING**

#### **Article 82**

##### **General Provisions**

- 82.1. The FVL of voters assigned to the same PC shall be prepared in the manner prescribed by the CEC and in a way that no PS within the PC exceeds 750 voters. Exceptions to this Rule may be authorized by the CEC.
- 82.2. A PS must be large enough to ensure the proper conduct of voting by setting up all work stations as defined in this Law and ensuring the secrecy of voting, the free view and control of the ballot box, and unimpeded access to observers.
- 82.3. The following persons are authorized to be present in a Polling Station or Centre:
- a) persons attending for the purpose of voting;
  - b) members of the Polling Station Committee and Polling Centre staff;
  - c) CEC Members and CECS staff;
  - d) Municipal Election Commission members;
  - e) accredited observers;
  - f) police, when called upon to restore order; and
  - g) interpreters for the persons listed in items (c), (e) and (f) of this sub article.

#### **Article 83**

##### **Polling Station and Polling Centre Locations**

- 83.1. Based on the recommendation of the Municipal Election Commission (MEC), the CEC, through the CEC Secretariat, shall, no later than forty (40) days prior to the Election, make public the exact location of all PCs.
- 83.2. Each registered voter will be assigned to a Polling Centre that will be the location where his/her name will appear on the Final Voters List used during the conduct of voting on election day.

- 83.3. As much as possible no voter shall travel more than 3km to his or her place of voting.
- 83.4. Subsequent changes to PC locations shall be allowed in case of force majeure, or other objective and unpredictable reasons that would make a PC unsuitable for polling purposes. The CEC Secretariat shall immediately inform the CEC of these changes.
- 83.5. If a PC location has been changed, the MEC shall notify the voters of the change through local available media sources. Additionally, the MEC shall post a notice at the original PC location advising voters of the new PC location.
- 83.6. PSs shall be located in an accessible place to allow voters to form and stand in a queue and should, when possible, have level access so that disabled persons shall have unimpeded entry and exit. PSs shall have adequate lighting and protection from the elementary accidents.
- 83.7. A PC or PS shall not be located in a place of worship, a building which is owned by or is the seat of a political entity, or premises in which alcohol is served or consumed.

#### **Article 84** **Polling Station Security**

- 84.1. The PSC Chairperson, with the assistance of all PSC members, shall ensure the tranquility and security of the voting process inside the PS. The order in the queue in front of the PS shall be maintained by the PSC member assigned as Queue Controller.
- 84.2. In case of serious disturbance inside or in the immediate vicinity of a PS, the PSC Chairperson shall request immediate assistance from the police. The incident shall be immediately noted in the Poll Book.
- 84.3. In case the disturbance turns into a serious threat to the integrity of the voting process or against the people inside the PS, the PSC Chairperson may decide to suspend polling and close the PS until order is re-established. The PSC Chairperson shall inform the MEC immediately and record the event in the Poll Book, including the period during which polling was suspended.
- 84.4. No person carrying weapons or arms shall be allowed inside a PS except on duty Kosovo Police in uniform. On duty Kosovo Police may not linger inside the PS after casting their ballot.

#### **Article 85** **Election Campaign Material and Voter Information Material at PSs and PCs**

- 85.1. All political entities which have not removed their election campaign materials placed inside and within a radius of 100 meters of a PS or PC 24 hours prior to commencement of polling shall have such material removed by the PSC members or the PC Manager. Political entities which have not removed and or were found posting election campaign material after the imposed deadline shall be reported to the ECAC for violating this Law.
- 85.2. Printed material produced by the CEC Secretariat on behalf of the CEC, listing

## Administrative laws

the names of all candidates of all certified political entities and the voting procedures shall be displayed at the PSs for the benefit of the voters. These lists shall also be displayed at the main access door of each PC.

- 85.3. Informational signs on the building must clearly display the number of the PC. Inside the PC, especially where there is more than one PS, signs to direct voters to the right PS must be displayed prominently. Each PS must be clearly marked with signs showing the PS number and the letters from the FVL of those voters assigned to that PS.
- 85.4. No election campaign information shall be broadcast on any communication device in the Polling Station, nor within hearing distance.

### **Article 86 Procedures Before Voting Begins**

- 86.1. The CEC shall establish a rule governing the procedures for distribution and receipt of election materials to be delivered to a MEC and PSC.
- 86.2. On Election Day, the PSC Chairperson and/or his/her Deputy shall, under police escort, take the materials listed under article 103.1 from the MEC to the PC.
- 86.3. All PSC members shall be present at the PS at least one hour prior to the opening of the polls.
- 86.4. The PSC Chairperson shall perform all duties required to open the PS as established by CEC rules.
- 86.5. If the PS opens late, the PSC Chairperson shall immediately notify the MEC, who will inform the CEC Secretariat and record the time of opening in the Poll Book.

### **Article 87 Description of the Ballot and Ballot related material**

- 87.1. The name of a political entity and their candidates shall appear on the ballot as it appears on its original certification application, subject to modifications – if any – and finally approved by the CEC.
- 87.2. The voter shall be instructed to indicate his/her choice so clearly that there is no uncertainty over the preference(s).
- 87.3. The names of all candidates on the printed material displayed in Polling Stations or Polling Centers shall appear directly under the political party's, coalition or citizens' initiative's name that submitted the candidates' list.
- 87.4. The CEC shall determine the number of ballot papers to be printed and distributed. Number of ballots shall not exceed by more than 5 % of the number of voters in the voters list.
- 87.5. The ballot shall contain:
  - a) indication of the electoral district;
  - b) the public body that is to be elected;
  - c) the ordinal number placed before each individual electoral Political Entity;
  - d) name and acronym of each Political Entity according to the order determined on the ballot lottery;

- e) security features as determined by the CEC;
  - f) any other information required by this law and rules enacted in accordance with it.
  - g) 87.6 The CEC shall further determine by rule the details of ballots:
  - h) content;
  - i) the form and layout/appearance;
  - j) the manner and control of printing;
  - k) verification, distribution and handling of ballot papers;
  - l) security features; and
  - m) any other related matters not covered by this Law.
- 87.6. Ballots are printed under the immediate supervision of the CEC.
- 87.7. Ballots shall be printed in all official languages at the national level and at the local level, according to the Law on the Use of Languages. A certified Political Entity may choose the language and script in which its name is written on the ballot.

## **Article 88**

### **Hours of Voting**

- 88.1. The polling stations open at 7:00 and close at 19:00.
- 88.2. No one may vote after the closing time of the polling centers, except voters who are in the queue of a PS at the time of closing.

## **Article 89**

### **Right to Vote and Secrecy of the Vote**

- 89.1. An eligible voter has the right to vote if he/she either is civilly registered in Kosovo or successfully applied for out of Kosovo voting as set out in Articles 5 and 6 of this Law.
- 89.2. No person shall prevent or attempt to prevent an eligible voter from exercising his/her right to vote.
- 89.3. No person shall be allowed to vote on behalf of another voter, except in accordance with provisions of article 89.5 of this Law.
- 89.4. Each voter must mark his/her ballot in secret behind a voting screen. Only one person shall be allowed behind the voting screen at any time unless the voter has requested the assistance from another person as set out in paragraph 5 of this Article.
- 89.5. A voter who is disabled in such a way so as it is not able to mark or cast the ballot and/or illiterate may be assisted to vote by another person chosen by the voter if they so request assistance. Such person shall only assist one voter and shall not be a member of the PSC or an accredited observer.
- 89.6. The person consenting to assist the voter shall print and sign his/her name on the appropriate Voters List or Conditional Ballot Envelope, next to the name or other space provided of the voter who was assisted.
- 89.7. Members of the PSC may in no way influence the decision of the voter.
- 89.8. The Polling Station Commissioners and/or Polling Station staff shall explain the voting procedure only if so requested by the elector.

Administrative laws

- 89.9. Members of the PSC shall take special care to ensure that the elector is not disturbed by anyone while marking out his ballot paper, and that the secrecy of voting is completely ensured.

### **Article 90**

#### **Accepted Identification Documents**

For the purpose of this election the following are the acceptable identification documents:

- a) a valid personal Identification Document (ID) card;
- b) a valid travel document;
- c) a valid passport
- d) a valid Kosovo driving license;
- e) a valid IDP card; or
- f) a valid Refugee card.

### **Article 91**

#### **Regular Voting**

- 91.1. Procedures for regular voting shall be established by CEC Rule.
- 91.2. Voting in the same elections more than once constitutes a criminal offence and is punishable in conformity with the Criminal Code of Kosovo.

### **Article 92**

#### **Voting of Polling Station Committee Members**

PSC members and the Chairperson shall vote first when the Polling Station opens.

### **Article 93**

#### **Closing the Polling Station**

- 93.1. Any person in the queue at the closing hour of a PS shall be allowed to vote if eligible. The Queue Controller shall inform the last person in the queue that he/she will be the last to vote. Any other person who joins the queue after that person shall not be allowed to enter the PS and shall be informed of his/her inability to vote.
- 93.2. After the last person in the queue at closing time votes, the PSC Chairperson shall close the PS, seal the ballot box in view of the observers present, and mark the exact time of closure in the Poll Book.

### **Article 94**

#### **Poll Book**

- 94.1. Each PS shall have a Poll Book in which all significant events regarding the conduct of voting which occur at the Polling Station during election day shall be noted.



- 94.2. Only the PSC Chairperson, the PSC members, and present accredited observers shall be allowed to make notes in the Poll Book. If a voter has a complaint regarding any activity within the PS, he/she may request the PSC Chairperson to record his/her complaint in the Poll Book and/or submit an appeal to the ECAC in accordance with the set out procedures.

### **Article 95**

#### **Conditional Ballot Voting**

A voter in Kosovo whose name cannot be found on the FVL, or his/her name is found on the FVL with a mark or notation indicating that he/she must vote by conditional ballots, shall be allowed to cast a conditional ballot at a PS issuing conditional ballots in accordance to CEC rules.

## **CHAPTER XIV**

### **OUT OF KOSOVO VOTING**

#### **Article 96**

##### **General Provisions**

- 96.1. An eligible voter who is temporarily absent from Kosovo may vote for elections for the Kosovo Assembly if he or she has successfully applied for Out of Kosovo voting in accordance with the provisions of this law and CEC rules.
- 96.2. An Out of Kosovo Vote should be received by the CEC prior to election day as determined by CEC rule

#### **Article 97**

##### **Application for a Ballot**

- 97.1. An eligible voter may apply to receive an Out of Kosovo ballot by submitting a completed Out of Kosovo Voting Application/Voter Registration Form ("By-Mail Application") in the form available from the CEC web-site:
- a) by mail to one of the CEC P.O. Boxes; or
  - b) by fax to the CEC at a number indicated on the Out of Kosovo Application.
- 97.2. An eligible voter who has not previously been registered to vote in an election under the authority of the CEC shall submit, along with a completed Out of Kosovo Application, documentary proof that he or she fulfils the eligibility criteria set in Article 5 of this Law.
- 97.3. For the purposes of paragraph 2 of this Article, documents listed in article 90 may be used to establish some or all of the eligibility criteria under article 5 of this Law.

#### **Article 98**

##### **Confirmation and Appeal Process**

- 98.1. The CEC shall notify each applicant whether his/her application has been accepted or denied and appeal process shall be specified in accordance with CEC rules.

- 98.2. Each applicant who has been rejected shall be able to appeal the decision to the ECAC

## **CHAPTER XV SPECIAL NEEDS VOTING**

### **Article 99 General Provisions**

- 99.1. The CEC shall establish special needs voting rules for.
- a) homebound voters: eligible voters who cannot leave their home to vote in person at a regular PS due to physical, medical, or any other kind of disability;
  - b) voters confined to an institution: eligible voters who are hospitalized, elderly people in specially designated homes for the elderly, persons of diminished mental capacity in institutions of health care, inmates in prisons and detainees in detention centers; or
  - c) special circumstance voting: eligible voters living in communities who, due to relocation from the vicinity of their regular PS or security concerns, cannot vote at their assigned PS. This type of voting shall require the approval of the Municipal Election Commission.

### **Article 100 Adjudication Process**

- 100.1. The MECs shall issue a written notice provided by CEC informing any eligible voter or group of voters whose request for SNV was denied the right to submit a complaint to the Court of First Instance by a date to be specified in the notice.
- 100.2. The Court of First Instance shall consider each appeal it receives in accordance with its Rules of Procedure and the deadlines in this law and the CEC rules.
- 100.3. The Court of First Instance may direct the MECs to include or exclude eligible voters from the SNV Voters List, pursuant to its Authority.

## **CHAPTER XVI THE COUNTING OF BALLOTS AND ANNOUNCEMENT OF ELECTION RESULTS**

### **Article 101 General Provisions**

- 101.1. The procedures of counting of the ballots shall be governed by the following objectives: accuracy, transparency, efficiency, capability for recount and repeat elections, and protection of the secrecy of the vote.
- 101.2. Regular ballots cast at Polling Stations within Kosovo will be counted at those Polling Stations immediately after the close of voting.
- 101.3. The counting procedures shall be in accordance with the CEC rules.

## **Article 102**

### **Reporting the Preliminary Count at the Polling Station**

- 102.1. Any member of the Polling Station Committee who objects to the recorded results at a Polling Station may record his or her dissenting opinion in the Polling Station Poll Book and may submit a complaint to the ECAC in accordance with this Law.
- 102.2. The Chairperson of the Polling Station Committee and the CEC Supervisor, if present, shall be responsible for the compilation and accuracy of the counted results from the Polling Station recorded on the appropriate forms and shall forward the completed Reconciliation and Results Forms to the designated location.
- 102.3. The results of the counts at the PS shall be posted in the polling center by its Chair person.

## **Article 103**

### **Storage of Ballots and Transportation of Election Material**

- 103.1. After completion of the count, all used and unused ballots, Final Voters List, Conditional Voters List, Poll Book, conditional ballot envelopes containing marked ballots, and other official election materials of the Polling Station shall be:
  - a) packed and transported in accordance with CEC rules;
  - b) transported under secure conditions to a location specified by the CEC.
- 103.2. The Chairperson of the PSC shall accompany the transport of ballots and election materials to the designated collection point, and if requested, accompanied by a member from the opposition at the respective level chosen by consensus, or in absence thereof, drawn by a lot organized by the Chairperson.
- 103.3. The ballots, forms and the other election materials transported to the specified location in Kosovo shall be stored there under secure conditions until all complaints are resolved and results are certified by the CEC.
- 103.4. The CEC shall, by decision after the official certification of the results of the election, destroy specified election materials at an appropriate time within 60 days, except as directed by ECAC.

## **Article 104**

### **Observers**

- 104.1. All activity conducted at the C&RC may be observed by CEC (CEC) members, the CEC Secretariat's staff, Municipal Election Commission (MEC) members, and election observers accredited by the CEC.
- 104.2. Not more than four (4) accredited observers from the same Political Entity, as defined in Article 3 of this Law, or other accredited organizations may be present inside the C&RC at the same time.
- 104.3. Notwithstanding the provisions of this Law, if the Chief Executive Officer of the CEC Secretariat determines in his/her sole discretion that the number of

accredited election observers or accredited media representatives present inside the C&RC is impeding the counting process, he/she shall instruct the accredited election observers or media observers to reduce their numbers.

### **Article 105**

#### **Complaints Concerning the C&RC Process**

- 105.1. Complaints concerning the conduct of the count at the C&RC shall be submitted in writing to the ECAC within 24 hours of the complainant's becoming aware of the alleged violation, and in any event no later than two (2) working days after the occurrence of the alleged violation.
- 105.2. The submission of a complaint shall not interrupt or suspend the counting process.
- 105.3. All complaints to the ECAC shall be decided no later than 5 days from receipt of the complaint in the ECAC central offices.

### **Article 106**

#### **Election Results**

- 106.1. The CEC shall certify the election results after the completion of all polling station and counting centre procedures and when all outstanding complaints concerning polling and counting have been adjudicated by the ECAC and by the Constitutional Court.
- 106.2. Prior to certification of the election results, the CEC may order a recount of ballots in any polling station, or counting centre, or a repeat of the voting in a polling centre or municipality.
- 106.3. The results of an election are final and binding once they have been certified by the CEC.
- 106.4. The CEC shall publish the results of an election after they have been certified. The CEC Secretariat shall make public the following final results in a tabulated format including the publication on its web-site:
  - a) number of electors entered in the register of electors;
  - b) number of electors who have voted in each polling station;
  - c) number of electors who have voted outside the polling station;
  - d) number of electors who have voted (total ballots cast);
  - e) number of valid ballots received;
  - f) number of ballots unused;
  - g) number of used ballots;
  - h) number of invalid ballots;
  - i) number of blank ballots;
  - j) number of spoiled ballots;
  - k) number of votes for each Political Entity;
  - l) number of votes received by each individual candidate, when applicable;
  - m) number of seats granted to each entity;
  - n) names of candidates elected to office.

## **CHAPTER XVII VOTER INFORMATION AND MEDIA**

### **Article 107 General Provisions**

- 107.1. The CEC shall, on a timely fashion, organize and sponsor a voter education campaign. It shall disseminate nation-wide, according to the Law on the Use of Languages, information on:
- a) voting procedures; and
  - b) voters rights and procedures for protecting them and including complaint mechanisms,
- 107.2. In each polling station, on the day of the election, printed material, designed and produced on behalf of the CEC, listing the names of all political entities and names of candidates, as well as voting procedures, shall be issued, displayed or published by the CEC Secretariat for the benefit of voters. The names of the candidates on such printed and displayed material shall be listed in the same order as they appear on the candidate lists as certified by the CEC in relation to the political entity that submitted them.
- 107.3. When conducting the voter education campaign, CECS shall pay particular attention to target the rural, the disabled and the illiterate voters.

### **Article 108 Broadcasting of Voter Information**

- 108.1. The CEC shall produce material suitable for transmission by radio and television informing the public on the electoral process in Kosovo.
- 108.2. Informational material produced by the CEC for use on television shall contain means for its simultaneous transmission to hearing impaired persons in the sign language appropriate to the needs of language groups serviced by the broadcaster.

### **Article 109 Violations**

If a radio or television broadcaster fails to comply with the provisions of this Law or implementing legislation, the CEC shall immediately notify IMC.

## **CHAPTER XVIII ELECTORAL SYSTEM FOR THE ASSEMBLY OF KOSOVO**

### **Article 110 General Provisions**

- 110.1. Kosovo shall be considered a single, multi-member electoral district.
- 110.2. A Political Entity shall submit a list of candidates based on procedures

established by this law and CEC rules. Each candidate list shall comprise at least 30% of candidates from the other gender according to the table attached as Annex 1.

110.3. Each certified Political Entity shall appear on an “open list” ballot.

110.4. In the exercise of his/her right to vote, a voter shall vote for one (1) certified Political Entity and may vote for one (1) candidate from the said Political Entity’s candidate list. If a ballot is marked with more than one (1) candidate, only the vote for the Political Entity shall be counted.

110.5. A vote cast for a Political Entity shall be considered as a vote cast for the candidate ranking first on the Political Entity’s candidate list. The CEC shall ensure that the ballot does not allow a vote to be simultaneously cast for a Political Entity and the candidate ranking first on the said Political Entity’s candidate list.

### **Article 111**

#### **Distribution of Seats**

111.1. Seats in the Assembly shall be distributed according to the system of representation established by article 64 of the Constitution of the Republic of Kosovo, by allocating:

- a) one hundred (100) seats amongst all certified Political Entities in proportion to the number of valid votes received by them; and
- b) twenty (20) seats guaranteed for representation of communities that are not in the majority in the Republic of Kosovo, as follows:
  - i. Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community shall have the total number of seats won through the open election, with a minimum ten (10) seats guaranteed if the number of seats won is less than ten (10);
  - ii. Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the other Communities shall have the total number of seats won through the open election, with a minimum number of seats in the Assembly guaranteed as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosnian community, three (3) seats; the Turkish community, two (2) seats; and the Gorani community, one (1) seat if the number of seats won by each community is less than the number guaranteed.

111.2. The hundred (100) seats of the Assembly as described in article 111.1 (a) shall be allocated in the following manner based upon the total number of valid votes received by each Political Entity:

- a) amongst Political Entities representing Albanian majority community who have won at least five percent (5%) from general number of total valid votes for Assembly elections and Political Entities of the Kosovo Serb and other non majority communities;

- b) the total number of valid votes received by each Political Entity in the Assembly elections shall be divided by 1, 3, 5, 7, 9, 11, 13, 15, et seq. until the number of divisors used is equal to the number of seats;
  - c) the quotients resulting from this series of divisions shall be arranged in descending order. Seats shall be allocated to Political Entities according to the quotients, with the first seat going to the Entity with the largest quotient, the second seat going to the Entity with the next largest quotient, et seq. until all seats have been allocated;
  - d) if a Political Entity is allocated seats equal to the number of candidates on its list and there are still seats to be allocated to that Political Entity, then the remaining quotients of that Political Entity shall not be taken into account in allocating any remaining seats. Subsequent quotients in descending order shall be used until all seats are allocated.
  - e) if a tie occurs because two or more quotients are identical, the seat shall be allocated on the basis of a drawing of lots by the Chairperson of the CEC in the presence of the authorized representatives of the Political Entities concerned.
- 111.3. The twenty (20) reserved seats of the Assembly as described in point (b) of paragraph 1 of this Article shall be allocated to the Political Entities representing the Kosovo Serb community and other non majority communities in the same manner as described in article 111.2 of this Law, based on the total number of valid votes received by each Political Entity, irrespective of the number of seats already allocated from the hundred (100) seats.
- 111.4. All votes received by the candidates appearing on the open list of each Political Entity shall be counted separately. A vote cast for a Political Entity shall be considered as a vote received by the candidate ranking first on the Political Entity's candidate list. The candidate lists shall then be reordered in descending order based on the number of votes received by each candidate.
- 111.5. The seats allocated to a Political Entity in paragraph 2 of this Article shall be distributed to the candidates on the Political Entity's candidate list as reordered in paragraph 4 of this Article, starting from the first candidate on the list in descending order, until the number of seats allocated to the Political Entity is exhausted. Additional seats allocated to Political Entities representing the Kosovo Serb community and other non majority communities as in paragraph 3 of this Article shall be distributed to the subsequent candidates on the Political Entity's candidate list reordered as in paragraph 4 of this Article.
- 111.6. If, after the allocation of seats as set out in paragraph 5 of this Article, the candidates of the minority gender within a Political Entity have not been allocated at least 30% of the total seats for that Political Entity, the last elected candidate of the majority gender will be replaced by the next candidate of the opposite gender on the reordered candidate list until the total number of seats allocated to the minority gender is at least 30%.
- 111.7. No person who is a member of another elected legislative body may take a seat in the Assembly. An Assembly member who is or becomes a member of another elected legislative body after he takes up his or her seat in the Assembly, shall forfeit his or her mandate in the Assembly.

111.8. A person whose mandate is forfeited under this article shall be replaced in accordance with the provisions of article 112 of this law.

## **Article 112**

### **Replacement of Assembly Members**

112.1. Seats allocated in accordance with the present Law are held personally by the elected candidate and not by the Political Entity. A member's mandate may not be altered or terminated before the expiry of the mandate except by reason of:

- a) the conviction of the member of a criminal offence for which he or she is sentenced to prison term as provided by the article 69.3 (6) of the Constitution;
- b) the failure of the member to attend for six (6) consecutive months a session of the Assembly or the Committee(s) of which he or she is a member, unless convincing cause is shown as per Assembly Rules;
- c) the member's forfeiture of his or her mandate under article 29 of this Law;
- d) the death of the member;
- e) mental or physical incapacity as determined by final Court decision; or
- f) the resignation of the member.

112.2. A member of the Kosovo Assembly the term of which ceases pursuant to article 112.1 shall be replaced as follows:

- a) by the next eligible candidate of the same gender who won the greatest number of votes of the reordered candidate list of the Political Entity on whose behalf the member contested the last election;
- b) if there is no other eligible candidate of the same gender on the candidate list, by the next eligible candidate who won the highest number of votes from the candidate list;
- c) if there are no other eligible candidates on the candidate list, by the next eligible candidate on the candidate list of the Political Entity which had the next largest quotient of votes under the formula set out in article 111.4 of this Law in the most recent election of the same type; and
- d) if the member is an independent candidate, by the next eligible candidate on the candidate list of the Political Entity that had the next largest quotient of votes under the formula set out in article 111.4 of this Law.

112.3. Upon a seat becoming vacant, the Speaker of the Assembly shall make a request in writing to the President for the vacancy to be filled. Such request shall include an explanation as to how the vacancy arose.

112.4. Upon receipt of a request under paragraph 3 of this Article, President shall, if the explanation provided is satisfactory, request the CEC to recommend the name of a person to fill the vacancy. The CEC shall, within five (5) working days of being requested to do so, provide the President with the name of the next eligible candidate under paragraph 2 of this Article.



## **CHAPTER XIX COST OF ELECTIONS**

### **Article 113 Financing of Elections**

- 113.1. The Government of Kosovo finances the holding of the elections.
- 113.2. The CEC administers the funds designated for the conduct of the elections according to the rules set forth in this Law.
- 113.3. The budget of the CEC constitutes a separate line in the state budget.
- 113.4. The CEC determines the rules for distribution and use of election funds necessary for the conduct of elections by election commissions and the adequate functioning of the CEC Secretariat commensurate with its responsibilities, taking into account the applicable legislation on management of public finances.
- 113.5. The CEC may accept donations other than money that serve the electoral process, without infringing on its independence and authority.
- 113.6. Within 60 days from the day of the official announcements of the election result, the CEC shall publish a complete report on the election expenditures and the manner of their spending.
- 113.7. The proper use of funds allocated for elections and donations are controlled by the Auditor - General of Kosovo.

### **Article 114 Public Support for Election Campaigns**

- 114.1. Public facilities, on equitable basis to all certified political entities and the CEC, shall make available their premises, equipment, means and other facilities for conducting the electoral campaign, in accordance with their normal procedures.

## **CHAPTER XX ELECTION COMPLAINTS AND APPEALS COMMISSION**

### **Article 115 Appointment of Election Complaints and Appeals Commission**

- 115.1. The ECAC shall be a permanent independent body competent to adjudicate complaints and permitted appeals concerning the electoral process as established in this law and electoral rules.
- 115.2. The President of the Supreme Court shall appoint the ECAC members from among the judges of the Supreme Court and the District Courts. Upon the entry into force of this law the President of the Supreme Court shall appoint the ECAC members within sixty (60) days.
- 115.3. The ECAC members shall serve for a renewable term of 4 (four) years.
- 115.4. If a position becomes vacant, the President of the Supreme Court shall have the authority to replace any ECAC member at his sole discretion, following the consultation with CEC.

## **Article 116**

### **Composition of ECAC**

- 116.1. The ECAC shall consist of five (5) members including the chairperson. The ECAC may sit in panels of at least three (3) members.
- 116.2. The appointed ECAC members shall in the period starting sixty (60) days prior to election day and until certification of election results give full priority to their obligations as ECAC members. All Kosovar authorities are required to afford to ECAC any assistance which ECAC may need in said time period.

## **Article 117**

### **Procedures of ECAC**

- 117.1. The ECAC shall establish its own rules of procedure.
- 117.2. The ECAC shall, in adjudicating a complaint or appeal examine and investigate all relevant evidence, and grant a hearing if it deems it necessary.
- 117.3. Adjudication on appeals and complains by ECAC shall be based on clear and convincing evidence.
- 117.4. The ECAC may order a recount of the ballots in a polling station or polling centre and an examination of the balloting material as part of its investigation into a complaint or appeal.

## **Article 118**

### **Decisions**

- 118.1. The ECAC shall accept a complaint that is well-grounded and dismiss a complaint that does not meet this standard.
- 118.2. The ECAC shall provide the legal and factual basis for its decision in writing. The ECAC shall provide copies of its written decisions to the parties involved in the matter within two (2) days of the issuance of the decision if it affects the certification of the election results. For other decisions the ECAC shall provide copies of its written decisions to the parties involved in the matter within five (5) working days.
- 118.3. ECAC decisions shall be published in accordance with ECAC's rules of procedure.
- 118.4. An appeal may be made from a decision of the ECAC, as ECAC may reconsider any of its decisions upon the presentation by an interested party of new evidence or for good cause shown. An appeal to the Supreme Court of Kosovo will be accepted if the fine involved is greater than 5,000 Euro or if the matter affects a fundamental right. The Supreme Court shall give priority to any such appeal
- 118.5. The ECAC decision is binding upon the CEC to implement, unless an appeal allowed by this law or by the constitution is timely filed and the higher court determines otherwise.

## **Article 119**

### **Complaints**

- 119.1. A person who has a legal interest in a matter within the jurisdiction of ECAC, or whose rights concerning the electoral process as established by this law or electoral rule have been violated, may submit a complaint to the ECAC.
- 119.2. The Office may submit a complaint to the ECAC in respect of a Political Entity failing to comply with this law or CEC Rules affecting the electoral or the registration process.
- 119.3. The ECAC shall not consider a complaint concerning a decision of the CEC, but may consider an appeal from a decision of the CEC as specified under article 122 of this Law.
- 119.4. The ECAC may impose sanctions on a Political Entity for violation of this law or CEC rules committed by the members, supporters and candidates of the Entity. A Political Entity may submit evidence to the ECAC showing that it made reasonable efforts to prevent and discourage its members, supporters and candidates from violating this law or electoral rules. The ECAC shall consider such evidence in determining an appropriate sanction, if any, to be imposed on the Political Entity.
- 119.5. The ECAC may upon its own discretion consider matters otherwise within its jurisdiction, when strictly necessary to prevent serious injustice.
- 119.6. The provision of false information to the ECAC shall be a violation of this law that the ECAC may sanction under article 121 of this Law.

## **Article 120**

### **Remedies and Sanctions for Violations**

- 120.1. The ECAC may, if it determines that a violation of this law or CEC rules has occurred:
  - a) order a Political Entity or observer organization to take remedial action;
  - b) prior to certification of the election results and under exceptional circumstances in the sole discretion of ECAC, nullify the results of a specific polling station or direct the CEC to order a repeat of the voting in a polling centre; and
  - c) impose a fine on a Political Entity or observer organization of up to two hundred thousand euro (€200,000).
- 120.2. Failure to pay a fine or comply with an order of the ECAC within the time period specified in a decision of the ECAC shall be a separate violation of this law that may be sanctioned additionally by the ECAC.
- 120.3. If a violation of this law or an electoral rule, undermining the integrity of elections, has occurred, the ECAC may:
  - a) remove a candidate from a candidates list when it is determined that the candidate was responsible for the violation;
  - b) remove a candidate or candidates from the candidates list of a Political Entity and not allow that Political Entity to replace such removed candidates, if the ECAC determines that the Entity was responsible for the violation;

## Administrative laws

- c) decertify a Political Entity from participating in the election; and
  - d) (d) prohibit an individual from participating in an election held under the authority of the CEC, either as a candidate or a member of an electoral administrative body, for a period not exceeding six (6) years.
- 120.4. The ECAC shall remit any funds it collects as fines to the Kosovo Consolidated Budget.
- 120.5. The imposition of a fine or other sanction by the ECAC does not prejudice any criminal sanction that may apply.

### **Article 121** **Electoral Observers**

- 121.1. The ECAC may revoke the accreditation of an observer organization if that organization's observers have systematically, repeatedly or in an organized fashion, violated this law or electoral rules.
- 121.2. The ECAC may prohibit a person from serving or continuing to serve as an electoral observer if that person has violated this law, rules or electoral rules concerning the electoral process.

### **Article 122** **Electoral Appeals**

- 122.1. A natural or legal person whose legal rights have been affected by any of the following decisions of the CEC may appeal that decision to the ECAC:
- a) the inclusion or exclusion of a person from participation in an out-of-Kosovo voting programme;
  - b) the certification or refusal to certify a Political Entity or candidate to participate in an election;
  - c) a candidate who after certification does not want to participate in an election;
  - d) the accreditation or refusal to accredit an electoral observer;
  - e) the imposition or an administrative fee on a Political Entity under article 42 of this law; and
  - f) the refusal to register a Political Party within the Office
- 122.2. The ECAC shall uphold an appeal from a decision of the CEC if it determines that the CEC decision was unreasonable having regard to all the circumstances.
- 122.3. The ECAC may, if it upholds an appeal from a decision of the CEC:
- a) direct the CEC to reconsider its decision; and
  - b) direct the CEC to take remedial action.

### **Article 123** **Secretariat of the ECAC**

- 123.1. The ECAC shall be assisted in its responsibilities and functions by a Secretariat which shall operate in accordance with this Law.
- 123.2. No person may serve in the Secretariat of the ECAC if he or she:

- a) holds or seeks public office;
  - b) holds any official post or executive position in a political party; or
  - c) has been criminally convicted.
- 123.3. The ECAC Secretariat shall:
- a) receive complaints and appeals;
  - b) archive, translate and investigate cases;
  - c) maintain an official address and access to information at all times about the decisions of the ECAC in all official languages as per the Law on the Use of Languages.
- 123.4. The ECAC Secretariat will have an office head, who, under the direction of the ECAC Chairperson, will be responsible for the following
- a) all administrative matters connected to the functioning of ECAC.
  - b) preparations for ECAC panels ensuring all required material is available.
  - c) organizing the Secretariat and issuing administrative procedures on any matters pertaining to ECAC functions.
- 123.5. The ECAC Secretariat shall have an annual appropriation from the Kosovo Consolidated Budget to cover the expenses for the proper functioning of the Secretariat, based on a budget proposal submitted by the President of the Supreme Court.

## **CHAPTER XXI TRANSITIONAL AND FINAL PROVISIONS**

### **Article 124 Legal Interpretation and Applicability**

The present Law shall supersede any provision in the applicable laws.

### **Article 125 All Rules and Forms**

All rules referred to in this Law shall be prepared by the CEC Secretariat and approved by the CEC by simple majority. All these rules shall be available from the web-site of the CEC Secretariat on a timely fashion.

### **Article 126 Sanctions and Fines**

- 126.1. The CEC or the Court of First Instance may punish violations of the provisions of this Law, when they do not constitute a criminal offence and have not been addressed by ECAC, by a fine between 200 and 2,000 euros.
- 126.2. The CEC shall issue an Electoral Rule defining sanctions and fines for each type of violation of the rules.

**Article 127**  
**Transitional Provisions**

The administrative bodies in charge of running the elections shall continue to serve in their positions until the inauguration of new bodies.

**Article 128**  
**Implementation**

- 128.1. The CEC shall issue secondary legislation for the implementation of this Law. Within nine (9) months from the day of entry into force of this Law, the CEC shall approve the rules referred to this Law;
- 128.2. The CEC shall issue any other rules deemed necessary for the implementation of this Law.

**Article 129**  
**Entry into Force**

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-073**  
**5 June 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 31 / 15 JUNE 2008**

**LAW No. 03/L-256  
ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-073  
ON GENERAL ELECTIONS IN THE REPUBLIC OF KOSOVO**

**The Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 03/L-073 ON  
GENERAL ELECTIONS IN THE REPUBLIC OF KOSOVO**

**Article 1**

Article 3 of the law in force the definition of “ECAC” is reworded as the following:  
“**ECAP**” shall mean the **Elections Complaints and Appeals Panel**, an independent body in charge of adjudicating complaints and appeals concerning the electoral process.

**Article 2**

In the whole text of the law in force “**ECAC**” - **Elections Complaints and Appeals Committee is replaced by**”**ECAP**” - **Elections Complaints and Appeals Panel**.

**Article 3**

Article 4 of the law in force, paragraph 3. is reworded as the following:

- 4.3. According to the powers vested in the President by the Constitution, the decree of the President setting the date of elections shall be made not less than four (4) months and not more than six (6) months ahead of the election date. The decree shall contain the date of the elections.

**Article 4**

Article 105 of the law in force, paragraph 1. is reworded as the following:

- 105.1. Complaints concerning the conduct of the count at the C&RC shall be submitted in writing to the ECAP within twenty four (24) hours of the occurrence of the alleged violation.

## **Article 5**

Article 105 of the law in force paragraph 3. is reworded by the following:

105.3. All complaints to the ECAP shall be decided no later than seventy two (72) hours from receipt of the complaint in the ECAP central offices.

## **Article 6**

Article 106 of the law in force, paragraph 1. is reworded as the following:

106.1. The CEC shall certify the final election results after the completion of all polling station and counting centre procedures and when all outstanding complaints related to voting and counting have been adjudicated by the ECAP and any appeals of ECAP's decisions on them have been determined by the Supreme Court of Kosovo.

## **Article 7**

Article 110 of the law in force is replaced by the following:

110.1. Kosovo shall be considered a single electoral district.

110.2. A Political Entity that is not an independent candidate shall submit a list of candidates that complies with Article 27, Article 29 and CEC rules.

110.3. Each certified Political Entity shall appear on an "open list" ballot.

110.4. A voter shall be issued with a single ballot for the election and

a) shall mark it with a vote for one (1) political entity, and

b) may also mark it with votes for up to five (5) candidates from the list for the political entity for whom the voter has voted.

110.5. If a ballot is marked for more than five (5) candidates only the vote for the Political Entity shall be counted.

## **Article 8**

1. Article 111 of the law in force paragraph 4. is reworded as following:

111.4. All votes received by the candidates appearing on the open list of each Political Entity shall be counted separately. The candidate lists shall then be reordered in descending order based on the number of votes received by each candidate.

2. Article 111 of the law in force paragraph 6. is reworded as following:

111.6. If, after the allocation of seats to candidates on the list of a Political Entity, as set out in paragraph 5 of this Article, the candidates of the minority gender have not been allocated at least 30% of the total seats allocated to that Political Entity, the last elected candidate of the majority gender will be replaced by the next candidate of the minority gender on the reordered candidate list until the total number of seats allocated to the minority gender is at least 30%. This paragraph does not apply to allocation of seats from a list consisting of one (1) or two (2) candidates.



## **Article 9**

Article 115 of the law in force paragraph 2. is reworded as the following:

115.2. The President of the Supreme Court shall appoint a chairperson of ECAP from among the judges of the Supreme Court and members from among the judges of District Courts. Upon the entry into force of this paragraph, the President of the Supreme Court shall appoint the ECAP chairperson and members within fifteen (15) days.

## **Article 10**

Article 115 of the law in force, paragraph 4. is reworded as the following:

115.4. If a position of chairperson or member becomes vacant, the President of the Supreme Court shall appoint a person to fill the vacancy within fifteen (15) days in accordance with Article 115.2.

## **Article 11**

Article 116 of the law in force, paragraph 1. is reworded as the following:

116.1. The ECAP shall consist of ten (10) members including the chairperson. The ECAP may sit in divisions of at least three (3) members.

## **Article 12**

1. Article 118 of the law in force, paragraph 2. is reworded as following:

118.2. The ECAP shall provide the legal and factual basis for its decision in writing. The ECAP shall provide copies of its written decisions to the parties involved in the matter within seventy two (72) hours of the issuance of the decision if it affects the certification of the election results. For other decisions the ECAP shall provide copies of its written decisions to the parties involved in the matter within five (5) calendar days.

2. Article 118 of the law in force, paragraph 4. is reworded as following:

118.4. An appeal may be made from a decision of the ECAP, as ECAP may reconsider any of its decisions upon the presentation by an interested party. An appeal to the Supreme Court of Kosovo may be made within twenty four (24) hours of the decision by ECAP, if the fine involved is higher than five thousand Euro (€5,000) or if the matter affects a fundamental right. The Supreme Court shall decide within seventy two (72) hours after the appeal is filed.

3. Article 118 of the law in force, paragraph 5. is reworded as following:

118.5. The ECAP decision is binding upon the CEC to implement, unless an appeal allowed by this law is timely filed and the Supreme Court determines otherwise.

### **Article 13**

Article 119 of the law in force paragraph 1. is reworded as the following:

119.1. A person who has a legal interest in a matter within the jurisdiction of ECAP, or whose rights concerning the electoral process as established by this law or electoral rule have been violated, may submit a complaint to the ECAP within twenty four (24) hours after the close of the polling stations and the ECAP shall decide the complaint within seventy two (72) hours after the complaint is received.

### **Article 14**

Article 120 of the law in force, paragraph 1. points b) and c) are reworded as the following:

- b) prior to certification of the election results and, in the sole discretion of ECAP, under exceptional circumstances to nullify the results of a specific polling station or polling center, and to order the CEC to repeat the voting in a polling centre or polling station; if it considers that the final election results could be affected; and
- c) impose a fine on a Political Entity of up to fifty thousand euro (€50,000).

### **Article 15**

Article 122 of the law in force, paragraph 1. is reworded as the following:

122.1. A natural or legal person whose legal rights have been affected by any of the following decisions of the CEC may appeal that decision to the ECAP within twenty four (24) hours after the decision being appealed is announced by CEC and the appeal must be decided by ECAP within seventy two (72) hours after the appeal is made:

### **Article 16**

This law enters into force on the day of decreeing by the President of Republic of Kosovo.

**Law No. 03/L-256**

**29 October 2010**

**Promulgated by Decree No. DL-067-2010, dated 01.11.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 87 / 16 NOVEMBER 2010**

## **LAW No. 02/L-37 ON THE USE LANGUAGES**

### **Contents**

Part one: General provisions .....	127
Part two: Specific provisions.....	129
Part three: Implementation .....	136
Part four: Transitional and final provisions.....	137

### **Assembly of Kosovo,**

Pursuant to Chapters 5.4 (a), 5.7 and 9.1.26 (a) of Constitutional Framework for Provisional Self-Government in Kosovo (Regulation No.2001/9 dated May 15, 2001)

And for the purpose to respect the linguistic identity of all persons and with an intention to create an environment for all communities to express and preserve their linguistic identity,

Based on the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages,

And taking into account the Hague Recommendations regarding the Education Rights of National Minorities and the Oslo Recommendations regarding the Linguistic Rights of National Minorities, the Guidelines on the use of Minority Languages in the Broadcast Media, and with the intention to regulate the use of languages,

Hereby adopts the following:

## **LAW ON THE USE LANGUAGES**

### **PART ONE General Provisions**

#### **Article 1**

- 1.1. The purpose of this law is to ensure:
  - i. The use of the official languages, as well as languages of communities whose mother tongue is not an official language, in Kosovo institutions and other organizations and enterprises who carry out public functions and services;

- ii. The equal status of Albanian and Serbian as official languages of Kosovo and the equal rights as to their use in all Kosovo institutions;
  - iii. The right of all communities in Kosovo to preserve, maintain and promote their linguistic identity;
  - iv. The multilingual character of Kosovo society, which represents its unique spiritual, intellectual, historical and cultural values.
- 1.2. At the Municipal level, other community languages, such as Turkish, Bosnian and Roma will be languages in official use under conditions specified in this Law.

## **Article 2**

- 2.1. Albanian and Serbian and their alphabets are official languages of Kosovo and have equal status in Kosovo institutions.
- 2.2. All persons have equal rights with regard to use of the official languages in Kosovo institutions.
- 2.3. In municipalities inhabited by a community whose mother tongue is not an official language, and which constitutes at least five (5) percent of the total population of the municipality, the language of the community shall have the status of an official language in the municipality and shall be in equal use with the official languages. Notwithstanding the foregoing, exceptionally, in Prizren Municipality the Turkish language shall have the status of an official language.
- 2.4. In municipalities inhabited by a community whose mother tongue is not one of the official languages of Kosovo and which represents above 3 (three) percent of the total population of the municipality, the language of the community shall have the status of a language in official use in the municipality in accordance with the provisions specified in Article 8. In addition, community whose language has been traditionally spoken in a municipality shall also have the status a language in official use within that municipality. Pursuant to Article 35, municipalities shall adopt detailed regulations on this issue within six months of the promulgation of this law.
- 2.5. Kosovo institutions will ensure the language rights of persons belonging to communities whose mother tongue is not the official language, in accordance with the provisions of this Law.

## **Article 3**

- 3.1. Every person shall have the right to freedom of expression. This right shall include freedom to receive, seek and impart information and ideas in the language of one's choice without interference. Free receiving of the cross-boarder broadcasting, whether directly or through the repeated broadcasting or retransmission is not prohibited on the basis of language. The exercise of this freedom may be subject to such limitations as are compatible with binding international human rights treaties.
- 3.2. Every person has the right of equality before the law and of equal protection of the law. Any discrimination based on the grounds of language shall be prohibited.

## **PART TWO**

### **Specific Provisions**

#### **Use of Languages in the Central Institutions**

##### **Article 4**

- 4.1. In the central institutions of Kosovo the equality of the official languages applies.
- 4.2. Every person has the right to communicate with, and to receive available services and public documents from, the central institutions of Kosovo in any of the official languages. All central institutions have a duty to ensure that every person can communicate with, and can obtain available services and public documents from, their organs and institutions in any official language.
- 4.3. The official languages are used on an equal basis in the meetings and work of the central institutions. The central institutions shall make interpretation available from one official language into another, if such interpretation is requested, for meetings of central institutions, as well as in public meetings organized by these institutions.
- 4.4. Members of the Government whose mother tongue is not an official language have the right to use their mother tongue in the meetings of the central institutions, and in public meetings organized by these institutions. If requested, the central institutions shall ensure interpretation.
- 4.5. Official records and official documents shall be kept and issued in the official languages.
- 4.6. The official names of central institutions shall be displayed in the official languages as well as in the official languages of the municipality.
- 4.7. The central institutions must ensure that their work environments are conducive to the effective use of the official languages and accommodate the use of any official language by their officers and employees.

##### **Article 5**

- 5.1. The official languages are used on an equal basis in the work, debates or other proceedings of the Assembly of Kosovo and its Committees. Facilities shall be made available for simultaneous interpretation from one official language into the others of the debates and other proceedings of the Assembly and its committees.
- 5.2. Members of the Assembly of Kosovo whose mother tongue is not an official language have the right to use their mother tongue in the work, debates or other proceedings of the Assembly of Kosovo and its Committees, as well as in public meetings organized by the Assembly of Kosovo. Facilities shall be made available to ensure interpretation from and into the member's language, if requested. Any document submitted by such members shall be translated into the official languages and all responses requested by the member shall be made to the member in the original language used by that member.
- 5.3. Official documents as well as official records of the debates or other

- proceedings of the Assembly of Kosovo and its Committees shall be kept and issued in official languages.
- 5.4. All laws adopted by the Assembly of Kosovo shall be issued and published in the official languages. The official language versions are equally authoritative. All promulgated laws shall be published into the Bosnian and Turkish languages.

## **Article 6**

Persons belonging to a community whose mother tongue is not the official language shall have the right to present oral or written submissions to Ombudsperson Institution, and to receive a reply in their mother tongue by the respective Institution.

## **Use of Languages in Municipal Institutions**

### **Article 7**

- 7.1. In municipal institutions applies the equality of the official languages of the municipality.
- 7.2. Every person has the right to communicate with, and to receive available services and public documents from, municipal institutions and officials in any of the official languages. Every municipal representative and executive body has a duty to ensure that every person can communicate with, and can obtain available services and public documents from, any municipal institution or organ in any official language.
- 7.3. The official languages are used on an equal basis in the meetings and work of the municipal representative and executive bodies. Municipal institutions shall make interpretation available from one official language into another, if such interpretation is requested, for meetings of the representative and executive bodies of the municipality, as well as in public meetings organized by the municipality.
- 7.4. Records of meetings and official records of municipal representative and executive bodies, public registers and other official documents shall be kept and issued in all official languages of the municipality.
- 7.5. Municipal institutions must ensure that their work environments are conducive to the effective use of the official languages and accommodate the use of any official language by their officers and employees.
- 7.6. Regulations and subsidiary acts adopted by municipal institutions shall be printed and published in the official languages of the municipality. All official language versions are equally authoritative.

## **Article 8**

- 8.1. In municipalities, persons belonging to communities whose language is in official use in accordance with Article 2.4, have the right to present oral or written submissions and documents, and to receive a reply in their own language, from municipal institutions and officials, if they so request.

- 8.2. Every municipal representative and executive body has a duty to ensure that such persons can present oral or written submissions and documents, and to receive a reply in their own languages.
- 8.3. Municipal regulations and subsidiary acts shall be issued and published in the languages of such communities, if they so request.
- 8.4. Members of municipal representative bodies, and their committees, belonging to communities whose mother tongue is not an official language of the municipality, have the right to use their languages in the work and meetings of the municipal representative bodies, and their committees as well as in public meetings organized by the municipality. Facilities shall be made available to ensure interpretation from and into the members' language, if requested. Any document submitted by such members shall be translated into the official languages and all responses requested by the member shall be made to the member in the original language used by that member.

### **Article 9**

- 9.1. The official names of municipal institutions and organs shall be displayed in the official languages and in the languages that have the status of official language in the municipality in accordance with Article 2.3.
- 9.2. Official signs indicating or including the names of municipalities, villages, roads, streets and other public places shall be displayed in the official languages and in the languages that have the status of official language in the municipality in accordance with Article 2.3.

### **Article 10**

The Ministry of Local Government Administration shall issue an Administrative Instruction defining the procedures by which communities can express their requests in accordance with Articles 8.1, 8.2, 8.3. and 9.1 of this law, 90 days after the date of promulgation of this Law.

### **Use of Languages in Public Enterprises**

#### **Article 11**

- 11.1. In Publicly Owned Enterprises and in Socially Owned Enterprises the equality of the official languages applies.
- 11.2. Every person has the right to communicate with, and to receive services and documents from, Publicly Owned Enterprises and Socially Owned Enterprises in any of the official languages.
- 11.3. Every such enterprise has a duty to ensure that every person can communicate with and can obtain services and documents in any official language.

## **Use of Languages in Judicial Proceedings**

### **Article 12**

- 12.1. Official languages shall be used on an equal basis in judicial proceedings.
- 12.2. Courts and prosecution bodies, as well as other authorities involved in a criminal procedure, shall, in any proceedings before them, ensure that any person participating in criminal or any other judicial proceedings may use the official language of his or her choice.

### **Article 13**

- 13.1. Courts shall conduct proceedings in the official language or official languages chosen by parties to the proceedings. At the request of any party to the proceedings, facilities shall be made available for simultaneous interpretation of the proceedings, including evidence given, from one official language into another.
- 13.2. Courts shall make available facilities for the simultaneous interpretation of proceedings, including evidence given, from one official language into another, where it considers the proceedings to be of general public interest.

### **Article 14**

Courts have a duty to issue documents related to proceedings in the official language(s) chosen for the proceedings and in other official languages if so requested by any party to proceedings or if in the view of the court so doing would serve the general public interest.

### **Article 15**

- 15.1. Every person who is arrested or charged with a criminal offence and who does not speak or understand the language(s) of proceedings has the right to be promptly informed about the reasons for the arrest and of any charge against him or her in a language understood by the person.
- 15.2. Persons belonging to communities whose mother tongue is not an official language have the right to be promptly informed about the reasons for their arrest and of any charge against them in their mother tongue.

### **Article 16**

- 16.1. Any person participating in criminal or other judicial proceedings who does not speak and understand the language(s) of proceedings, has the right to use his or her language in the proceedings.
- 16.2. Persons belonging to communities whose mother tongue is not an official language and who are participating in criminal or other judicial proceedings have the right to use their mother tongue in the proceedings.
- 16.3. Courts and prosecution bodies, as well as other authorities involved in a criminal



procedure, should provide to persons mentioned in paragraphs 1 and 2 of this article the assistance of an interpreter free of charge.

### **Article 17**

- 17.1. Any person participating in criminal proceedings who does not speak and understand the language(s) of proceedings, has the right to make submissions, testify and hear the facts of the case and any evidence against him or her, in a language spoken by him or her.
- 17.2. Persons belonging to communities whose mother tongue is not an official language who are participating in criminal proceedings have the right to make submissions, testify and hear the facts of the case and any evidence against them, in their mother tongue.
- 17.3. Courts and prosecution bodies, as well as other authorities involved in a criminal procedure, should provide to persons mentioned in paragraphs 1 and 2 of this article the assistance of an interpreter and translator free of charge.

### **Article 18**

Penal and detention institutions should ensure that their staff speaks the language(s) of the greatest number of the incarcerated, or the language(s) understood by them. Interpretation into a language understood by an incarcerated person shall be provided when there is a need.

## **Use of Languages in Education**

### **Article 19**

- 19.1. The languages of instruction in public education shall be in the compliance with the provisions of the Constitutional Framework and with the laws in the field of education.
- 19.2. Every person has the right to choose, and to choose for their children, their preferred official language of instruction.
- 19.3. Every person has the right to enroll, and to enroll their children, in a school where their chosen official language is the language of instruction.
- 19.4. In municipalities where a person's chosen official language is not used by any school as the language of instruction, special provision shall be made to ensure appropriate teaching in their chosen official language. The details of implementation shall be determined by the Ministry of Education, Science and Technology.

### **Article 20**

- 20.1. In areas inhabited by persons belonging to communities whose mother tongue is not an official language, the persons belonging to these communities have the right to receive instruction in their mother tongue in public school education.
- 20.2. The Ministry of Education, Science and Technology shall determine by an

Administrative Instruction detailed rules for implementation of the right established in paragraph 20.1.

### **Article 21**

- 21.1. In primary and secondary schools where the language of instruction is not an official language, pupils shall also study an official language of their choice.
- 21.2. The Ministry of Education, Science and Technology shall determine by an Administrative Instruction the procedure by which persons can declare which official language they wish to study as a second language.

### **Article 22**

- 22.1. The right of persons to establish private educational institutions with instruction in a language of their choice is guaranteed in Kosovo.
- 22.2. The Ministry of Education, Science and Technology shall establish a procedure for registration of such private educational institutions.

### **Article 23**

- 23.1. The official languages of Kosovo are the primary languages of instruction in public universities.
- 23.2. The use of official languages and of any other language in educational programs is determined by universities through their own regulations.
- 23.3. In training teachers, interpreters and translators in the languages of communities, universities shall accommodate the use of such languages as the languages of instruction.
- 23.4. The use of language in university administration is determined by universities through their own regulations, which must conform to the provisions of this law.

### **Article 24**

- 24.1. A pupil, together with his or her parents, shall decide in which official language his/ her school records will be kept, and reports issued, by the educational institutions that he/she attends. The Ministry of Education, Science and Technology shall establish through administrative instruction the procedure by which persons shall declare in which official language they wish their records to be kept.
- 24.2. The Ministry of Education, Science and Technology shall determine procedures for issuing school certificates in the official languages of Kosovo through an Administrative Instruction 90 days after the promulgation of this Law.
- 24.3. A pupil receiving education under Article 20.1 has the right to have his or her school records kept, and reports and certificates issued, in his/her mother tongue, in addition to the official languages.

## **Use of Languages in Media**

### **Article 25**

Every person has the right to establish media in the language of his/her choice in accordance with the Law in force.

### **Article 26**

- 26.1. The public broadcaster shall promote cultural diversity and the multilingual character of Kosovo in accordance with the Law in force.
- 26.2. Communities have the right to program broadcast time in their own language in the public broadcaster in accordance with the Law in force.
- 26.3. The use of languages during the broadcasting in public broadcaster, the broadcast time and programs in Article 26.2 shall be determined by the other law, fully taking into account the rights and interests of community members to have equal opportunity and access to information.

## **Personal Names**

### **Article 27**

- 27.1. The name and surname of a person shall be entered into public registers, personal identification and other official documents in the writing system in the official language chosen by the person.
- 27.2. A person belonging to a community whose mother tongue is not the official language shall have the right to entry of the original form of their name and surname in the script, and according to the tradition and linguistic system, of their language, in public registers, personal identification and other official documents and this form shall be used by public officials.

## **Linguistic Freedom**

### **Article 28**

All persons have the right to establish and manage judicial subjects as cultural associations and business enterprises in their languages, including the right of displaying these names on the basis of their tradition and language system.

## **Use of Official Languages in the Private Sphere**

### **Article 29**

- 29.1. Any person has the right to act in the private enterprises, private institutions, associations, organizations or in self-employed activities in language or in languages of their choice.
- 29.2. In the cases mentioned in Paragraph 1 where the language is not one of the official languages, Kosovo institutions require an additional use of the official languages, where their activities affect legitimate public interests as public order, public safety, health or protection of rights of other persons, as well as for the purposes of public administrative supervision.

### **Article 30**

- 30.1. In enterprises performing public services the equality of the official languages applies in connection with the performance of these services.
- 30.2. Every person has the right to communicate with, and to receive services and documents from, enterprises performing public services in any of the official languages. Every such enterprise has a duty to ensure that every person can communicate with and can obtain services and documents in any official language.
- 30.3. In municipalities inhabited by communities, whose language has the status of language which is spoken in the municipality, the provisions of Paragraphs 30.1 and 30.2 apply.

## **PART THREE Implementation**

### **Article 31**

The Government and Kosovo institutions shall adopt measures promoting the use and equal status of the official languages, as well as ensuring the protection, preservation and promotion of the languages of communities whose mother tongue is not an official language.

## **Language Commission**

### **Article 32**

- 32.1. In order to preserve, promote and protect the official languages and their equal status in Kosovo, as well as to ensure protection of the languages of communities whose mother tongue is not an official language, the Kosovo Government shall establish a Language Commission to supervise the implementation of this Law.
- 32.2. The Language Commission will take actions and measures within its authority to ensure recognition of the equal status of the official languages and the compliance with this Law.
- 32.3. The Language Commission will conduct and carry out investigations pursuant to any complaint made to it that, by act or omission:
  - i. The equal status of the official languages was not or is not being recognized.
  - ii. Any provision of any Law or Regulation relating to the use of the official languages, or languages of communities whose mother tongue is not an official language, was not or is not being complied with.
- 32.4. The Language Commission can also conduct and carry out investigations on its own initiative.
- 32.5. The Language Commission can mediate in situations where such mediation is required to ensure the implementation of this Law.
- 32.6. On conclusion of an investigation, the Language Commission can issue Recommendations on remedies required, and recommendations for redress.

- 32.7. Where recommendations of the Language Commission have not been implemented within a reasonable period, as determined by the Commission, the Commission can issue a written warning.
- 32.8. Where recommendations of the Language Commission have not been implemented within a reasonable period after the Commission issues a written warning, this shall be cited in the Commission's annual report to Government and the Assembly of Kosovo.
- 32.9. The Language Commission may review, and make recommendations regarding:
- i. Any regulations or administrative instruction made under this Law, and
  - ii. Any other regulations or administrative instruction that affect or may affect the status or use of the official languages, or languages of communities whose mother tongue is not an official language.
- 32.10. The detailed competencies and composition of the Commission will be determined by an Administrative Instruction issued by the Office of the Prime Minister, taking into account the rights and interests of all language communities in Kosovo, and taking into account the need to reflect the linguistic diversity of communities in Kosovo, 90 days after the date of promulgation of this Law.
- 32.11. Within the period of one year after adoption of this Law, and thereafter on an annual basis, the Language Commission will inform the Government and the Assembly of Kosovo on the legal and other measures undertaken to implement this Law.

### **Administrative Sanctions**

#### **Article 33**

Administrative sanctions in case of violation of provisions of this Law shall be determined by an Administrative Instruction issued by the Ministry of Public Services.

### **PART FOUR**

#### **Transitional and Final Provisions**

#### **Article 34**

Kosovo Institutions shall use the English language in their work, contacts and official documents during the mandate of the United Nations Interim Administration Mission in Kosovo.

#### **Article 35**

The Provisional Institutions of Self-Government are obliged to adopt in their bylaws detailed regulation for the use of languages, in accordance with the provisions of this Law.

**Article 36**

- 36.1. Within the deadline of 6 (six) months after promulgation of this Law by the SRSG, the Provisional Institutions of Self-Government will issue administrative instruction for the purpose of implementation of this Law.
- 36.2. The Government of Kosovo shall conduct a public awareness programme with regard to the Law immediately upon its promulgation.

**Article 37**

This Law shall abrogate all the provisions of the applicable Law with which it is in contradiction.

**Article 38**

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

**Law No. 02/L-37**  
**27 July 2006**

**President of the Assembly**

---

**Kolë Berisha**

**OFFICIAL GAZETTE OF THE PROVISIONAL INSTITUTIONS OF SELF-  
GOVERNMENT IN KOSOVO / PRISHTINA: YEAR II / NO. 10 / 01 MARCH 2007**

**LAW No. 03/L-094  
ON THE PRESIDENT OF THE REPUBLIC OF KOSOVO**

**Contents**

Chapter I: General provisions.....	139
Chapter II: The rights of the President of Republic of Kosovo after the end of mandate.....	144
The rights of the family of the President of Republic of Kosovo after the end of president's mandate.....	145
The rights of the family of the President of Republic of Kosovo if passed away during his/her mandate.....	146
Final provisions.....	146

**Assembly of Republic of Kosovo,**

Pursuant to article 65 (1) of the Constitution of Republic of Kosovo;

With the purpose of establishing legal rules for President of Kosovo

Approves

**LAW ON THE PRESIDENT OF THE REPUBLIC OF KOSOVO**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
The Status of the President**

1. The President is the head of the State and represents the unity of the people of Republic of Kosovo.
2. The President of Republic of Kosovo shall have his symbols that may be used along the Symbols of Republic of Kosovo.

**Article 2  
Residence of the President of the Republic**

The residence of the President of the Republic of Kosovo shall be in capital city of Republic of Kosovo, in Prishtina. The President of the Republic, after assuming the duty, shall move together with his family, to the State Residence of Republic of Kosovo.

### **Article 3**

#### **Qualification necessary to be elected as a President**

President of Republic of Kosovo shall be a citizen of the Republic of Kosovo, only, and shall be over thirty five (35) years old with a permanent residence in Kosovo for at least ten (10) years.

### **Article 4**

#### **Election of the President**

1. President of Republic of Kosovo shall be elected through secret votes by the Assembly of Kosovo, according to the procedure provided for by the Constitution of Republic of Kosovo.
2. The election of the President of Republic of Kosovo shall be made no later than thirty (30) days prior to the end of the mandate of an actual President.
3. Any citizen of Republic of Kosovo, fulfilling criteria provided for in Article 3 of the present law, may be nominated as a candidate for the President of Republic of Kosovo, provided that he/she gathers the signatures of, at least, thirty (30) deputies of the Assembly of Kosovo. Deputies of the Assembly of Kosovo may only sign for one candidate for the President of Republic of Kosovo.

### **Article 5**

#### **Mandate and Oath**

1. President of Republic of Kosovo shall commence the mandate after giving oath before the Assembly of Kosovo. The text of the oath:  
*“I swear to commit all my powers to the preservation of independence, sovereignty and territorial integrity of Republic of Kosovo, to ensure human and citizen rights and freedoms, to respect and protect the Constitution and the laws, to maintain peace and welfare of all citizens of Republic of Kosovo and to conduct all my duties with consciousness and responsibility”.*
2. The mandate of the President shall last for five (5) years. This mandate does not relate and is not dependant with the mandate of other institutions.
3. After the end of the first mandate, the President may be reelected for one more mandate only.

### **Article 6**

#### **Competencies of the President**

President of Republic of Kosovo shall exercise competencies provided for by the Constitution of Republic of Kosovo and other laws in force.

### **Article 7**

#### **Inconsistency**

1. President may not exercise any other public function.
2. After election, the President may not exercise any function within a political party.



## **Article 8**

### **Immunity**

1. President of Republic of Kosovo shall enjoy immunity from criminal prosecution, civil charges or from actions and decisions within the scope of responsibilities of the President of Republic of Kosovo.
2. President of Republic of Kosovo, while giving testimony, is not obliged to disclose any information learned during the exercise of his/her mandate.
3. President of Republic of Kosovo, while giving testimony, is not obliged to reveal any information that may incriminate him/her in any possible way, criminal or civil, that has occurred during his/her actions and decisions within the scope of responsibilities as the President of Republic of Kosovo.
4. Immunity of the President, according to this Article, shall be valid after the end of President's mandate.

## **Article 9**

### **Temporary Absence of the President**

1. In case the President of Republic of Kosovo is temporarily incapable to exercise his/her responsibilities, he/she may voluntary transfer responsibilities to the Speaker of the Assembly, who will act as the President of Republic of Kosovo. The Decree of the President on the transfer responsibilities shall specifically include the reasons and duration of transferred competencies, if he/she holds knowledge of that. President of Republic of Kosovo shall recommence the exercise of competencies when he/she is able to exercise them. This means that the Speaker of the Assembly shall cease exercising the rights of the acting President. President may also recommence exercising his/her responsibilities before the expiry of duration envisaged for the transfer of responsibilities to the Speaker of the Assembly, in case that the reasons that caused temporary absence have ceased to exist.
2. In case that the transfer of responsibilities did not occur voluntary, according to paragraph 1 of this Article, but due to serious illness, the Assembly of Republic of Kosovo, after consultations with a medical consilium, shall decide, with two thirds (2/3) of the votes of all deputies whether the President of Republic of Kosovo is temporary incapable of exercising his/her responsibilities. The Speaker of the Assembly of Kosovo shall be the Acting President of Republic of Kosovo, until he/she is capable of recommencing to exercise responsibilities of the President.
3. The post of the acting President of Republic of Kosovo may not be exercised for a period longer than six (6) months.

## **Article 10**

### **Dismissal of the President**

1. President of Republic of Kosovo may be dismissed by the Assembly of Kosovo if:
  - 1.1. he/she is convicted for committing a serious crime;
  - 1.2. the Constitutional Court concluded that he/she has made a serious infringement of the Constitution; or

- 1.3. he/she is not capable of exercising responsibilities deriving from this post due to serious illness or if
2. The President of Republic of Kosovo shall be dismissed according to the procedure provided for by the Constitution of Republic of Kosovo.

### **Article 11**

#### **Salary of the President of Republic**

1. Salary of the President of Republic of Kosovo shall be the highest among the state institutions of Republic of Kosovo.
2. Salary of the President of Republic shall always be at least twenty five percent (25%) higher than the general income of the President of the Assembly of Republic of Kosovo and of the other institutional leaders.

### **Article 12**

#### **Diplomatic Status of the President of the Republic**

President of Republic of Kosovo shall be equipped with a diplomatic passport of Republic of Kosovo. The right to a diplomatic passport shall also be entitled to President's spouse and children.

### **Article 13**

#### **The First Lady**

1. The First Lady of Republic of Kosovo shall be the spouse of the President of Republic.
2. Ceremonial and Protocol functions of the First Lady shall be defined by the Law on State Protocol.

### **Article 14**

#### **Office of the President of Republic of Kosovo**

1. Office of the President of Kosovo is a special institution within the Kosovo Civil Service.
2. The civil staff of the Office of the President shall be selected in compliance with the applicable laws on Civil Service.
3. The responsibility for the administration of civil staff lies with the Secretary of the Office of the President, on the basis of provisions of the applicable laws in Kosovo.
4. President of Republic of Kosovo shall appoint his/her support staff and members of the Cabinet of the President.
5. President of Republic of Kosovo shall appoint and dismiss the Secretary of the Office of the President of the Republic, on the basis of the procedure provided for by Article 16 of this Law.
6. President of Republic of Kosovo, in cooperation with the Secretary of the Office, shall appoint and dismiss the Directors of Professional Departments in the Office of the President of the Republic.

7. Internal organization of the Office of the President shall be defined with internal acts, proposed by the Secretary of the Office and approved by the President of Republic of Kosovo.

### **Article 15**

#### **Secretary of the Office of the President of Kosovo**

1. Secretary is the principal administrative officer and the head of civil staff of the Office of the President of Kosovo.
2. Secretary must have the necessary qualification, competency, experience and high professional honesty in order to manage the resources of the Office of the President of Kosovo.

### **Article 16**

#### **Procedure for the appointment of the Secretary of the Office of the President**

1. For the appointment of the Secretary of the Office of the President, a public advertisement shall be made on the basis of the Law on Kosovo Civil Service.
2. President of the Republic shall appoint a selection committee to propose to the President the possible candidates for the position of the Secretary.
3. The President shall appoint the Secretary from the proposed list by the selection committee.

### **Article 17**

#### **Responsibilities of the Secretary**

1. The Secretary shall report directly to the President and shall perform his/her duties in close cooperation with the President.
2. The Secretary is responsible for the following:
  - 2.1. the overall administration and management of the Office and ensuring that the functions entrusted to it are implemented;
  - 2.2. providing the proper guidance and impartial and professional advice to the President;
  - 2.3. staffing and organizing the Office and issuing administrative directives on any matters pertaining to its functions;
  - 2.4. the effective and efficient management of resources provided to the Office;
  - 2.5. implementing non-discriminatory personnel policies in the Office, including equitable gender representation, in all areas and levels and ensuring that the composition of the personnel reflects the multi-ethnic character of Kosovo; and
  - 2.6. ensuring that the recruitment of the staff for the Office is based on professional qualifications, competence and merits and is undertaken through fair and open competition.
  - 2.7. issuing internal secondary legislation for the purpose of accomplishment of the functions of the President of Republic as defined by the Constitution and laws.

## **CHAPTER II**

### **THE RIGHTS OF THE PRESIDENT OF REPUBLIC OF KOSOVO AFTER THE END OF MANDATE**

#### **Article 18**

1. President of Republic of Kosovo shall enjoy the rights provided for by the present law after the end of mandate.
2. The rights provided for by the present law shall not be valid for a President of Republic of Kosovo, whose mandate has not been completed due to circumstances provided for by sub-paragraphs 1.1. and 1.2. of paragraph 1 of Article 10 of this law.
3. After the end of the mandate, the title “President” shall continue to be valid for the President of Republic of Kosovo, whose mandate has ended in compliance with paragraph 1 of this Article.

#### **Article 19**

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 of Article 18 of this Law, shall be entitled to a pension in amount of seventy percent (70%) of the salary received by the President of Republic of Kosovo.
2. President of Republic of Kosovo, and his/her family, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to a full health insurance and health services within military and public hospitals for life.
3. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to a provisional monetary remuneration for a period of seven months of transition into the private life. Funds may be used for office, staff remuneration, communication services, relevant printing and postal services during the transitional period.

#### **Article 20**

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to office space, office equipment and up to three (3) professional staff in the office for a period of five years after the end of his/her mandate. The President is engaged in state activities, by the Government of Kosovo, then the five year period shall commence after the termination of President’s engagement.
2. Professional staff, under paragraph 1 of this Article, shall accomplish their employment relationship within the Cabinet of the President of Republic of Kosovo and shall be appointed by the President whose mandate has ended.

#### **Article 21**

President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, shall be entitled to official escort for a period of

three years, in compliance with special acts to be issued by the Minister of Interior in cooperation with the Office of the President of Republic of Kosovo.

## **Article 22**

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law,, shall participate in state manifestations and solemnities according to the protocol and in compliance with the rules on the Kosovo state protocol service.
2. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law, and his spouse, shall continue to use the diplomatic passport of Republic of Kosovo for lifetime. His children are entitled to this right until the age of eighteen (18).

## **Article 23**

President of Republic of Kosovo, whose mandate has ended, may make a request to waive the rights provided for by this law.

## **Article 24**

In case of pass away, President of Republic of Kosovo, whose mandate has ended, when passed away shall be buried with state expenses and honors, unless otherwise desired.

## **Article 25**

1. President of Republic of Kosovo, after the end of his/her mandate pursuant to paragraph 1 Article 18 of this Law,, shall be entitled to financial compensations for his/her activities when these activities are conducted in the capacity of the former President.
2. Funds from paragraph 1, under this Article, shall be covered by the budget allocated for the Office of the President of Republic of Kosovo.

## **THE RIGHTS OF THE FAMILY OF THE PRESIDENT OF REPUBLIC OF KOSOVO AFTER THE END OF PRESIDENT'S MANDATE**

## **Article 26**

1. For the purpose of the present law, the family of the President of Republic of Kosovo includes the President's spouse and children.
2. Family of the President of Republic of Kosovo shall be entitled to rights provided for by the present law after President's pass away.
3. When the President of Republic of Kosovo after the end of mandate, passes away, the rights provided for by Article 19 of this law shall be entitled to the spouse for life and his/her children until the end of regular schooling, twenty six (26) years old respectively.

4. Family of the President of Republic of Kosovo, whose mandate has ended in compliance with paragraph 1 Article 18 of this law, shall be entitled to official escort for a period of three years, in conformity with special acts issued by the Ministry of Interior in cooperation with the Office of the President of Republic of Kosovo.

## **THE RIGHTS OF THE FAMILY OF THE PRESIDENT OF REPUBLIC OF KOSOVO IF PASSED AWAY DURING HIS/HER MANDATE**

### **Article 27**

1. In case the President of Republic of Kosovo passes away during his/her mandate, his/her family shall enjoy all rights as provided for by Article 19 of this law.
2. If the President, when passed away, had minor children, they shall be entitled to the rights under paragraph 1 of this Article, until the end of their regular schooling twenty six (26) years old respectively.
3. In case the President of Republic of Kosovo passes away during the exercise of his/her mandate, his/her children shall be entitled to scholarships by Government of Kosovo, within the country, until the age of twenty six (26).
4. In case the President of Republic of Kosovo passes away under unnatural circumstances, during the exercise his/her mandate, the family of the President shall be entitled to financial compensation for the immaterial damage. The amount of immaterial damage shall be defined by the Government of Republic of Kosovo.
5. In case the President of Republic of Kosovo passes away during the exercise of his/her mandate, his/her family may also be entitled to some other rights to be defined by a decision of Government of Kosovo

## **FINAL PROVISIONS**

### **Article 28**

The rights provided for by the present law shall also be applicable for the families of the President of Republic of Kosovo whose mandate has ended prior to entry into force of this law.

### **Article 29**

This law, after entry into force, shall supersede all decisions, instructions and directives issued by the Government of Kosovo and/or UNMIK dealing with functions and the rights of the President of Republic of Kosovo during and after his/her mandate.

**Article 30**

This law shall enter into force fifteen (15) days after publication in the Official Gazette of Republic of Kosovo.

**Law No. 03/L-094  
19 December 2008**

**Promulgated by the Decree No. DL-082-2008, dated 07.01.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
IV / No. 47 / 25 JANUARY 2009**

**LAW No. 03/L-046**  
**LAW ON THE KOSOVO SECURITY FORCE**

**Contents**

Chapter I: General provisions.....	148
Chapter II: Command and control.....	149
Chapter III: Kosovo Security Force .....	151

Based on Chapter IV article 65 item 1, Chapter XI article 126 of the Constitution of Republic of Kosova, and for the purpose of regulating the responsibility and competences of the Republic of Kosovo's institutions in the field of security,

The Assembly of the Republic of Kosovo,

Hereby adopts:

**THE LAW ON THE KOSOVO SECURITY FORCE**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Application of Law**

This Law applies to the Kosovo Security Force including its uniformed (active and reserve) component, civilian members and its recruits.

**Article 2**  
**Territorial areas of activity**

- 2.1. Members of the Kosovo Security Force are authorized to serve within the territory of the Republic of Kosovo, and to be deployed abroad on operations only when mandated by the Assembly of the Republic of Kosovo and with the agreement of the recipient country, or upon invitation by international organizations to which the Republic of Kosovo is or aspires to be a member of, or under a UN Security Council Resolution.
- 2.2. Members of the Kosovo Security Force may participate in education, training and exercises beyond the territorial limits of the Republic of Kosovo without consult of the Assembly of the Republic of Kosovo only upon invitation by international organisations to which the Republic of Kosovo is or aspires to be a member of or on a bilateral basis with members of those organisations and following Ministerial authorisation.



## **CHAPTER II**

### **COMMAND AND CONTROL**

#### **Article 3**

##### **General Principles**

- 3.1. The Assembly of the Republic of Kosovo, President, Prime Minister, and Minister for the Kosovo Security Force comprise the chain of civilian oversight of the Kosovo Security Force, as set out in the Constitution, this law and other relevant laws.
- 3.2. The Government of the Republic of Kosovo shall exercise transparent, democratic and civilian control of the Kosovo Security Force and shall be answerable to the Assembly of the Republic of Kosovo.

#### **Article 4**

##### **Kosovo Assembly**

- 4.1. In accordance with the law, the Assembly of the Republic of Kosovo, shall have the competence to:
  - a) exercise democratic parliamentary control over the Kosovo Security Force,
  - b) oversee and investigate all matters related to the organisation, funding, manning, equipping, and basing of the Kosovo Security Force,
  - c) legislate all matters related to the organisation, funding, manning, equipping, and basing of the Kosovo Security Force,
  - d) adopt the annual budget and the rolling ten-year plan for the Kosovo Security Force;
  - e) approve the deployment of the Kosovo Security Force during a state of emergency or to peace support operations overseas.
- 4.2. The Assembly of the Republic of Kosovo shall establish a Parliamentary Committee which must have the competence to:
  - a) require the Commander of the Kosovo Security Force to submit an annual report and to answer questions personally as required. The report shall be sent to the President and the Prime Minister.
  - b) demand the presence of the Commander of the Kosovo Security Force at their meetings and to answer any questions,
  - c) review the budget for the Kosovo Security Force prior to its submission to the Assembly of Kosovo for approval,
  - d) review all equipment projects of a value higher than €1 million, both those to be funded by the Government of Kosovo and those to be funded by donors, prior to their submission to the Assembly of Kosovo for approval,
  - e) make available to the International Military Presence all the information needed to identify all sources of funds and equipment provided to the Kosovo Security Force.

## **Article 5**

### **President**

- 5.1. The President is the Supreme Commander of the Kosovo Security Force.
- 5.2. The President shall have the competence to authorise deployment of the Kosovo Security Force on operations during a state of emergency or to peace support operations abroad when approved by the Assembly of the Republic of Kosovo.
- 5.3. In accordance with the Constitution of the Republic of Kosovo and other appropriate laws the President must have the competence to:
  - a) appoint the Commander of the Kosovo Security Force upon the recommendation of the Government
  - b) approve all promotions into the rank of General Officer on the joint recommendation of the Commander of the Kosovo Security Force and the Minister responsible for the Kosovo Security Force,
  - c) approve all changes of appointment of General Officers on the joint recommendation of the Commander of the Kosovo Security Force and the Minister for the Kosovo Security Force,
  - d) confer decorations, medals, honours and awards.

## **Article 6**

### **Prime Minister**

- 6.1. The Prime Minister shall have the competence to exercise effective oversight and control of the Kosovo Security Force through the Minister for the Kosovo Security Force.
- 6.2. Pursuant to authority from the Kosovo Assembly, the Prime Minister must have the competence to:
  - a) authorise the Minister for the Kosovo Security Force to order employment and deployment of the Kosovo Security Force,
  - b) commit the Kosovo Security Force to assist civilian authorities in responding to natural and other disasters or accidents,
  - c) determine and alter the structure of the Kosovo Security Force (see article 14 of this Law) as necessary, in consultation with the President and subject to confirmation by the Assembly,
  - d) determine the minimum representation of all communities within the Kosovo Security Force, based on the latest census.

## **Article 7**

### **Kosovo Security Council**

- 7.1 The Kosovo Security Council, pursuant to the Law on the Kosovo Security Council, shall consider and advise on all matters relating to the security of the Republic of Kosovo, including the use of the Kosovo Security Force.
- 7.2 In considering security matters, the Kosovo Security Council may request the assistance of personnel from the Kosovo Security Force as appropriate.

**Article 8**  
**Minister for the Kosovo Security Force**

- 8.1. In accordance with the Law on the Ministry for the Kosovo Security Force:
- a) The Minister for the Kosovo Security Force shall be appointed by the Prime Minister subject to the approval of the Assembly of Kosovo,
  - b) The Minister for the Kosovo Security Force shall have the competence to exercise general control and administration of the Kosovo Security Force, including any powers vested in the Commander of the Kosovo Security Force.
  - c) The Minister for the Kosovo Security Force shall act as the international representative of Kosovo in Kosovo Security Force related matters at the ministerial level but may delegate this function for specific activities.

**CHAPTER III**  
**KOSOVO SECURITY FORCE**

**Article 9**  
**General**

- 9.1. The Kosovo Security Force shall be an all-volunteer force drawn from all strata of society in accordance with this law.
- 9.2. The official languages of the Kosovo Security Force shall be Albanian and Serbian; in communication with international organisations the English language shall also be used.
- 9.3. The Kosovo Security Force will be designed and prepared to fulfil security functions not appropriate for the police or other law enforcement organisations, which shall be authorised in accordance with a benchmarked, monitored process to be established by the International Military Presence in coordination with the International Civilian Representative.

**Article 10**  
**Missions and Tasks**

- 10.1. The mission of the Kosovo Security Force, as an instrument of Security, is to support the Government of the Republic of Kosovo.
- 10.2. The Kosovo Security Force shall be lightly armed and possess no heavy weapons, such as tanks, heavy artillery or offensive air capability. Any changes will be determined by the International Military Presence, in coordination with the International Civilian Representative. A full review of these limits to be conducted no earlier than 5 years from the date this Law enters into force. The initial tasks of the Kosovo Security Force shall be:
  - a) to participate in crisis response operations, including peace support operations. This will include operations outside the territory of the Republic of Kosovo where invited to do so;
  - b) to assist civil authorities in responding to natural and other disasters and emergencies, including as part of a regional or international response effort,

- c) to conduct explosive ordnance disposal,
- d) to assist civil authorities through civil protection operations.

### **Article 11** **Political Impartiality, Integrity and Standards**

- 11.1. The Kosovo Security Force may not be used for political purposes or political activities.
- 11.2. Members of the Kosovo Security Force may not be members of political parties nor may they display overt signs of support for any political party although this Article shall not infringe on the right to vote of individual members.
- 11.3. Members of the Kosovo Security Force are required to conform to the code of conduct prescribed by the Minister for the Kosovo Security Force.

### **Article 12** **Applicable Law**

- 12.1. All members of the Kosovo Security Force are subject to the applicable laws of Kosovo.
- 12.2. When serving beyond the limits of the territory of the Government of the Republic of Kosovo members of the Kosovo Security Force are subject to the laws of the Republic of Kosovo and the host nation unless agreed otherwise in a Status of Forces Agreement.

### **Article 13** **Membership**

- 13.1. All citizens of the Republic of Kosovo having attained the age of 18, are eligible to apply for membership of the Kosovo Security Force.
- 13.2. Citizens may enrol in the Kosovo Security Force upon satisfying the screening criteria. Selection will be based on medical and physical fitness, merit, the needs and priorities of the Kosovo Security Force and successful completion of the approved vetting procedure. This enrolment is to be confirmed following completion of the necessary basic training during which time citizens will be classified as recruits.
- 13.3. The Kosovo Security Force shall be composed of professional security personnel, reserve personnel, civilian personnel and recruits.

### **Article 14** **Organisation**

- 14.1. The Kosovo Security Force shall initially comprise an active component of a maximum of 2500 personnel and a reserve component of a maximum of 800 personnel.
- 14.2. The Kosovo Security Force shall initially consist of a Land Forces Command, a Rapid Reaction Brigade, an Operations Support Brigade and a Training and

Doctrine Command. Selected uniformed members of the Kosovo Security Force shall also be required to serve periods of duty in the Ministry for the Kosovo Security Force.

- 14.3. The emergency response component of the Kosovo Security Force shall comprise search and rescue, demining, hazardous materials, fire fighting and other humanitarian assistance capabilities.

## **Article 15**

### **Rank Structure**

- 15.1. The officer service of the Kosovo Security Force shall be composed of nine ranks in ascending order: Second Lieutenant, Lieutenant, Captain, Major, Lieutenant Colonel, Colonel, Brigadier General, Major General, and Lieutenant General. Not all of these ranks must, necessarily, be used.
- 15.2. The non-officer service of the Kosovo Security Force shall be composed of six ranks in ascending order: Private, Corporal, Sergeant, Staff Sergeant, Sergeant Major and Sergeant Major Class 1.
- 15.3. At any given time, there shall as a maximum be only one Lieutenant General and two Major Generals in the Kosovo Security Force.

## **Article 16**

### **Commander of the Kosovo Security Force**

- 16.1 The Minister responsible for the Kosovo Security Force shall recommend a suitable candidate to be appointed as the first Commander of the Kosovo Security Force by the President. To be eligible for consideration, subsequent candidates for this position must have held the rank of Major General for at least twelve months.
- 16.2 The Commander of the Kosovo Security Force is accountable to the Minister for the Kosovo Security Force.
- 16.3 The Commander of the Kosovo Security Force shall exercise full command of the Kosovo Security Force and its reserve element and is responsible for:
- a) the direction, training, oversight and activities of the Kosovo Security Force,
  - b) submitting an annual report to the appropriate Parliamentary Committee and answering that Committee's questions personally as and when it may require,
  - c) overseeing and ensuring the execution of all lawful orders upon instruction by the Minister for the Kosovo Security Force,
  - d) planning and implementation of the employment of the Kosovo Security Force,
  - e) proposing to the Minister for the Kosovo Security Force the manning and structure of the Kosovo Security Force,
  - f) acting as the key adviser on Kosovo Security Force related issues to the President, Prime Minister, and Kosovo Security Council, which he shall be a member of,
  - g) ensuring the operational readiness of the Kosovo Security Force and approving all operational plans,

- h) recommending promotions of personnel to General officer, and confirming other promotions in accordance with the Law on Service in the Kosovo Security Force,
  - i) acting as Kosovo's international representative in KSF related matters at the level of Chief of Defence Staff.
- 16.4 The Commander of the Kosovo Security Force shall, as a maximum, hold the rank of Lieutenant General and shall be the highest-ranking officer in the Kosovo Security Force.

## **Article 17**

### **Oath**

A person entering the Kosovo Security Force for the first time shall take the following oath:

*"I do solemnly swear (or affirm) that I will be faithful and bear true allegiance to Republic of Kosovo; that I will obey the orders of the President of Kosovo and the officers appointed above me, in accordance with the law; and that I will carry out my duties with diligence, honour and dignity. I will at all times be a firm protector of human rights and freedom and I will not allow discrimination of any sort including language, ethnicity or religious belief. I do solemnly swear (or affirm) that I will never misuse my position, rank, or influence for material benefit or personal gain."*

## **Article 18**

### **Flag, Anthem and Insignia**

- 18.1 The flag and anthem of the Kosovo Security Force shall be the flag and anthem of the Republic of Kosovo.
- 18.2 The insignia of the Kosovo Security Force shall be the flag of the Republic of Kosovo, and shall be worn by all members of the Kosovo Security Force.
- 18.3 The insignia of the units of the Kosovo Security Force shall be approved by the President on the joint recommendation of the Commander of the Kosovo Security Force and the Minister for the Kosovo Security Force.
- 18.4 No person shall be authorized to reproduce or use any insignia of the Kosovo Security Force without the written authorization of the Minister for the Kosovo Security Force.

## **Article 19**

### **Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**

**Date: 13.03.2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR III / NO. 27 / 03 JUNE 2008**

**LAW No. 04/L-115  
ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Article 1  
Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L –223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L –224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

## Administrative laws

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L –237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

### **Article 2**

#### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

### **Article 3**

#### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworted with the following text:

### **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

### **Article 4**

#### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

#### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

#### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

#### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

#### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

#### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworded as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

#### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition **“the Comprehensive Status Proposal”** shall be deleted from the text o the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

#### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

#### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon 'their free and informed

## Administrative laws

decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.

3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

### **Article 16**

#### **Amending and Supplementing the Law No. 03/L-041 on Administrative Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

### **Article 17**

#### **Amending and Supplementing the Law No. 03/L-068 on Education in the Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

### **Article 18**

#### **Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo (the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

### **Article 29**

#### **Registration and Determination of Citizenship**

### **Article 19**

#### **Amending and Supplementing the Law No. 03/L-237 on Population and Housing Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;



**Article 20**

**Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

**Article 21**

**Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

**Article 22**

**Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.

### **Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

## **II. FINAL PROVISIONS**

### **Article 24**

#### **Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**

**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**LAW No. 03/L-107  
DRAFT LAW AMENDING THE LAW ON THE MINISTRY OF THE  
KOSOVO SECURITY FORCE NO. 03/L-045 OF 15.06.2008**

**Assembly of Republic of Kosovo**

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**THE LAW AMENDING THE LAW ON THE MINISTRY OF THE KOSOVO  
SECURITY FORCE NO. 03/L-045 OF 15.06.2008**

**Article 1**

Article 3.3 of the Law on the Ministry of the Kosovo Security Force shall be deleted and replaced by a new Article 3.3 which shall read as follows:

- a) “The Minister of the Ministry for Kosovo Security Force shall be appointed pursuant to the procedure set forth in Article 95 of the Constitution of the Republic of Kosovo, and may be changed in accordance with Article 94 paragraph 4 of the Constitution of the Republic of Kosovo. Deputy Minister[s] shall be appointed in accordance with applicable law.”

**Article 2**

A new Article 4.A shall be included after Article 4 of the Law on the Ministry of the Kosovo Security Force and shall read as follows:

**“Article 4.A  
Transitional Provision**

The first Minister and Deputy Minister(s) of the Ministry for Kosovo Security Force shall be appointed by the Prime Minister after adoption of the Law on the Ministry of KSF No. 03/L-045 of 15.06.2008 and the Law on the Law on the Kosovo Security Force No. 03/L-046 of 15.06.2008 as subsequently amended.”

### **Article 3**

This Law shall enter into force on the day of its publication in the Official Gazette of Kosovo.

**Law No. 03/L-107  
10 November 2008**

**Promulgated by the Decree No. DL- 056 - 2008, dated 17.11.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
III / NO. 42 / 25 NOVEMBER 2008**

**LAW No. 03/L-050  
ON THE ESTABLISHMENT OF THE KOSOVO SECURITY COUNCIL**

**Contents**

Chapter I: Normal situation.....	169
Chapter II: State of emergency.....	173
Chapter III: Supporting bodies.....	174
Chapter IV: Final and transitional provisions .....	175

Based on Chapter IV article 65 item 1, and also Chapter IX article 127 of the Constitution of Republic of Kosova, for the purpose of establishment the Kosova Security Council.

The Assembly of the Republic of Kosovo,

Hereby adopts:

**THE LAW ON THE ESTABLISHMENT OF THE  
KOSOVO SECURITY COUNCIL**

**CHAPTER I  
NORMAL SITUATION**

**Article 1  
Role**

- 1.1. The Kosovo Security Council shall have an advisory role on all matters relating to the security of Kosovo and its contribution to regional stability.
- 1.2. The Kosovo Security Council shall recommend security policies and security strategies.
- 1.3. The Kosovo Security Council shall provide information and assessments on the security situation in Kosovo to enable the Government of the Republic of Kosovo to make informed decisions on security related issues

**Article 2  
Competences**

- 2.1. The Kosovo Security Council shall, in coordination with the President of the Republic of Kosovo, develop and review the Security Strategy of Kosovo. The Security Strategy of Kosovo shall be approved by the Government and submitted to the Assembly of Kosovo for final approval.

- 2.2. The Kosovo Security Council shall provide written comments on all draft laws related to the security sector and its institutions. Advice and comments by the Kosovo Security Council shall be considered by the Government of the Republic of Kosovo before the draft is approved by the Government and submitted to the Assembly of the Republic of Kosovo for final approval.
- 2.3. The Kosovo Security Council shall review the rolling ten year plan for the Kosovo Security Force prior to its being approved by the Government and subsequently submitted to the Assembly of Kosovo for final approval.
- 2.4. The Kosovo Security Council shall review the annual intelligence platform and strategic priorities for the Kosovo Intelligence Agency prior to its approval by the Government of Kosovo.
- 2.5. The Kosovo Security Council shall review the policies and strategic plans presented by the Minister of Internal Affairs pertaining to the Kosovo Police before approval by the Government of the Republic of Kosovo.
- 2.6. The Kosovo Security Council shall review the policies and strategic plans presented by the Minister of Internal Affairs pertaining to the Customs Services before approval by the Government of Kosovo.
- 2.7. The Kosovo Security Council shall review the foreign security policy, the drafts of all treaties and international agreements relevant to security, and the establishment of relations between national security agencies and foreign counterpart agencies or organizations.
- 2.8. The Kosovo Security Council shall submit advice to the President and the Government of the Republic of Kosovo on the proposed deployment of Kosovo security institutions and agencies on operations outside the territory of the Republic of Kosovo. Kosovo governmental security institutions and agencies shall only be authorized to serve abroad with the agreement of the recipient country, or upon invitation by international organisations to which Kosovo is or aspires to be a member of, or under a United Nations Security Council Resolution. The Assembly of the Republic of Kosovo shall consent to any proposed participation in operations prior to the deployment of personnel.
- 2.9. President of the Republic of Kosovo shall be entitled to submit requests for advice to the Kosovo Security Council. The Kosovo Security Council shall in a timely manner prepare and transmit such advice to the President of the Republic of Kosovo.

### **Article 3** **Composition**

- 3.1. The Kosovo Security Council shall be composed of the following permanent members with executive authority:
  - a) the Prime Minister;
  - b) the Deputy Prime Minister(s);
  - c) the Minister for the Kosovo Security Force, or in his or her absence, the Deputy Minister;
  - d) the Minister of Foreign Affairs, or in his or her absence, the Deputy Minister;

- e) the Minister of Internal Affairs, or in his or her absence, the Deputy Minister;
  - f) the Minister of Justice, or in his or her absence, the Deputy Minister;
  - g) the Minister of Economy and Finance, or in his or her absence, the Deputy Minister; and
  - h) the Minister of Returns and Communities, or in his or her absence, the Deputy Minister.
- 3.2. If none of the Kosovo Security Council's permanent members with executive authority belongs to the Kosovo Serb Community, the Prime Minister shall appoint one additional member among the Kosovo Serb Ministers as an additional member of the Kosovo Security Council with executive authority.
- 3.3. Additional non-permanent, Ministerial executive members may be appointed by the Chair of the Kosovo Security Council on an ad hoc basis.
- 3.4. The Kosovo Security Council as permanent members shall also include the following members in an advisory capacity:
- a) a representative of the President of the Republic of Kosovo;
  - b) the Director of the Kosovo Intelligence Agency;
  - c) the Senior Advisor to the Prime Minister;
  - d) the Security Advisor to the Prime Minister,
  - e) General Director of the Kosovo Police;
  - f) the Commander of the Kosovo Security Force;
  - g) the Secretary of the Kosovo Security Council;
  - h) the Director of the Department of Emergency Management of the Ministry for Internal Affairs;
  - i) Director of the Customs of Republic of Kosovo
- 3.5. Additional non-permanent advisory members may be appointed by the Chair of the Kosovo Security Council on an ad hoc basis.
- 3.6. As observers may also participate the Chair of the Assembly Committee for Security and the Chair of the Assembly Committee on Rights and Interests of Communities.

#### **Article 4** **Chairing Meetings**

- 4.1. The Kosovo Security Council will work under the responsibility of the Prime Minister, who will chair its meetings.
- 4.2. If the Prime Minister is incapable of chairing the meeting, he may delegate his authority to one of the Deputy Prime Ministers, or in his absence to another member of the Kosovo Security Council in the order of precedence.

#### **Article 5** **Calling Meetings of the Kosovo Security Council**

- 5.1. The Kosovo Security Council shall set an Annual Plan and schedule no less than one meeting every three months.
- 5.2. The priorities for the Annual Plan shall be set out by the Kosovo Security Council.

- 5.3. Meetings of the Kosovo Security Council will be formally called by the Prime Minister.
- 5.4. The Prime Minister shall be obliged to call a meeting of the Kosovo Security Council if the President of the Republic of Kosovo or a majority of the permanent members of the Kosovo Security Council formally requests a meeting. Meetings shall be convened following notice, as defined by applicable regulations.

## **Article 6**

### **Meeting Agenda**

The agenda of meetings of the Kosovo Security Council shall be defined by the Chair of the Council.

## **Article 7**

### **Decision Making**

The decision-making process shall be regulated by an internal Regulation of the Kosovo Security Council.

## **Article 8**

### **Reporting of the Kosovo Security Council**

The Chair is responsible for reporting the deliberations and/or recommendations of the Kosovo Security Council to the Government.

## **Article 9**

### **Parliamentary Oversight of the Kosovo Security Council**

- 9.1. The Chair shall submit an Annual Report of Activity for the debate and approval of the relevant Parliamentary Committee of the Assembly, no later than March of the last year. The relevant Parliamentary Committee may request reports on specific activities of the Kosovo Security Council whenever deemed necessary.
- 9.2. The relevant Parliamentary Committee of the Assembly of the Republic of Kosovo may organize hearings on issues related to the work of the Kosovo Security Council which the Assembly wishes to raise.

## **Article 10**

### **Confidentiality Obligation of the Members of the Parliamentary Committee**

- 10.1. Members of the Parliamentary oversight Committee shall be bound by an obligation of confidentiality with respect to information received in any form from the Kosovo Security Council, or its duly authorized representatives, which are considered as confidential according to applicable law. The obligation of confidentiality shall remain in effect after the expiration of their membership on the parliamentary oversight Committee. Any violation of the secrecy obligation may be punishable to the full extent of the law.



- 10.2. The Parliamentary oversight Committee shall establish written procedures, in compliance with applicable laws, to protect from unauthorized disclosure all classified information that is furnished to the Parliamentary oversight Committee, or its individual members, by the Kosovo Security Council or its duly authorized representatives.

### **Article 11**

#### **Publication of Decisions of the Kosovo Security Council**

- 11.1. Matters discussed by the Kosovo Security Council shall be classified according to the applicable law
- 11.2. All decisions that, under the applicable law, are not considered as confidential shall be published and made available to the public.
- 11.3. All members and former members of the Kosovo Security Council, including the members of the Secretariat and the Situation Centre shall have the individual legal responsibility for the disclosure and non-disclosure of information according to applicable law.

## **CHAPTER II**

### **STATE OF EMERGENCY**

#### **Article 12**

##### **Missions**

During a State of Emergency, the Kosovo Security Council shall exercise executive authority and responsibilities on behalf of the Government as set forth under Article 13 of this law, limited in time and to those actions deemed necessary to deal with the emergency situation.

#### **Article 13**

##### **Executive authority during a State of Emergency**

- 13.1. The Kosovo Security Council shall be vested the executive authority upon a declaration of the State of Emergency by the President of the Republic of Kosovo, in accordance with the Constitution and applicable laws.
- 13.2. The authority of the Kosovo Security Council during a State of Emergency shall be limited to those actions necessary to deal with the emergency, in accordance with applicable laws.
- 13.3. The Kosovo Security Council may delegate authority to different bodies to deal with situations during a State of Emergency, as prescribed by applicable laws.
- 13.4. The Kosovo Security Council shall inform the Assembly of Kosovo of its actions, as prescribed by applicable laws.

**Article 14**  
**Kosovo Security Council meetings during a State of Emergency**

- 14.1. During a declared state of emergency, the President of the Republic of Kosovo shall Chair the Kosovo Security Council.
- 14.2. If the President of the Republic of Kosovo is unable to call the meeting, meetings of the Kosovo Security Council may be called at any time during a State of Emergency by the special request of the Government or the Assembly of Kosovo, by a majority vote of members present.

**Article 15**  
**Composition**

- 15.1. During a declared State of Emergency, the Kosovo Security Council shall be composed of the President of the Republic of Kosovo, Prime Minister and Ministers of the Government, in whom executive authority shall be vested. If a Minister is not available to attend, then the Deputy Minister of shall be permitted to attend in his/her absence.
- 15.2. The Kosovo Security Council shall also include the following members in an advisory capacity:
  - a) the Director of the Kosovo Intelligence Agency;
  - b) the Senior Security Advisor to the President;
  - c) the Security Advisor to the Prime Minister,
  - d) General Director of the Kosovo Police;
  - e) the Commander of the Kosovo Security Force;
  - f) the Secretary of the Kosovo Security Council;
  - g) the Director of the Department of Emergency Management of the Ministry for Internal Affairs.

**CHAPTER III**  
**SUPPORTING BODIES**

**Article 16**  
**Role of the Secretariat**

- 16.1. The Kosovo Security Council shall have its own Secretariat which shall be regulated by subsidiary legislation.
- 16.2. The Secretariat shall be headed by the Secretary of the Kosovo Security Council, who shall be appointed by the Senior Public Appointments Commission in accordance with the applicable law.
- 16.3. The Secretary of the Kosovo Security Council shall report directly to the Chair.
- 16.4. The Kosovo Security Council Secretariat shall be responsible for:
  - a) preparing periodic reports and analysis on political-security related issues for the Government of the Republic of Kosovo and the Kosovo Security Council;
  - b) coordinating the development of Kosovo's security strategy and policies, including also capacity building, policy and research instruments; and

- c) providing administrative and functional support for the Kosovo Security Council.

### **Article 17**

#### **Situation Centre**

- 17.1. The Kosovo Security Council shall be supported by a Situation Centre which shall provide timely situational awareness and coordinate Kosovo-wide operational response activities. It shall serve as an operational centre for information gathering, basic analysis, and support of crisis management.
- 17.2. All relevant Ministries, security institutions, and agencies shall provide inputs to the Situation Centre.
- 17.3. The Situation Centre shall also be supported by representatives of the Kosovo Security Force, the Kosovo Police, and the Kosovo Intelligence Agency who shall be responsible for liaising with their respective agencies.

### **Article 18**

#### **Coordination Committees**

- 18.1. The Prime Minister shall establish an Intelligence Committee. The Intelligence committee shall be comprised of the Secretary of the Kosovo Security Council and senior representatives of Kosovo Police, Kosovo Intelligence Agency, Kosovo Security Force, the Customs Service, and of any other statutorily authorized agency or organization the mandate of which includes intelligence activities. The Committee shall report to the Kosovo Security Council and shall be chaired by the Prime Minister or his/her designate.
- 18.2. The Committee shall coordinate the intelligence activities of the organizations and agencies set forth in paragraph 1 of this Article for the purposes of:
  - a) ensuring that the policies of the Government in intelligence sector are being carried out according to the priorities set;
  - b) ensuring efficient inter-agency cooperation and the sharing of intelligence;
- 18.3. The Kosovo Security Council may establish ad-hoc committees, which will report to the Kosovo Security Council.

## **CHAPTER IV**

### **FINAL AND TRANSITIONAL PROVISIONS**

### **Article 19**

#### **Qualifications for Employment in the Situation Centre and the Secretariat of the Kosovo Security Council**

In addition to the normal requirements for employment in the Kosovo Civil Service, the employees of the Situation Centre or the Secretariat of the Kosovo Security Council shall possess an appropriate security clearance, issued in accordance with applicable laws.

## **Article 20**

### **Transitional Provisions**

- 20.1. The Kosovo Security Council shall exercise its functions without prejudice to the specific mandates of international organizations as provided for by the status settlement and the Constitution.
- 20.2. Pending the approval of a security clearance procedure as mentioned in Article 19 of this Law, an employee of the of the Situation Centre or the Secretariat of the Kosovo Security Council may be issued with a provisional security clearance, valid up to 6 months, provided that such employee has submitted a completed security clearance questionnaire. The provisional security clearance may be renewed once, for a period not to exceed an additional six months.
- 20.3. Paragraph 2 of this Article only applies to individuals employed by the Situation Centre or the Secretariat of the Kosovo Security Council prior to the implementation of the security clearance procedure.

## **Article 21**

### **Final Provisions**

The budget of the Kosovo Security Council shall be presented by the Secretary of the Kosovo Security Council and approved by the Assembly of Kosovo, in accordance with the applicable law.

## **Article 22**

### **Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**  
**Date: 13.03. 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 26 / 02 JUNE 2008**

**LAW No. 03/L-063  
ON THE KOSOVO INTELLIGENCE AGENCY**

**Contents**

Chapter I: General provisions.....	178
Chapter II: Organization and administration of KIA .....	180
Chapter III: Inspector general.....	183
Chapter IV: Kosovo Intelligence Agency employees .....	184
Chapter V: Information collection sharing and protection.....	189
Chapter VI: Secrecy .....	193
Chapter VII: Parliamentary oversight .....	193
Chapter VIII: Complaints mechanisms .....	195
Chapter IX: Funding.....	195
Chapter X: Transitional and final provisions .....	196

**The Assembly of Republic of Kosovo,**

According to Articles 65 (1) and 129 of the Constitution of Republic of Kosovo;

Recognizing that the need for timely and accurate information about intelligence, counterintelligence, domestic and foreign threats, international or domestic terrorism, narcotics production and trafficking, organized crime, economic crime, sabotage and all other intelligence issues related to Kosovo security is essential to the people of Kosovo.

Recognizing that all reasonable and lawful means must be used to ensure that Kosovo will receive the best intelligence available.

For that purpose, the Kosovo Intelligence Agency shall be established to collect, analyze and disseminate this intelligence in a vigorous and responsible manner. The principles set forth in this Law are designed to achieve a proper balance between the acquisition of essential information and the protection of individual interests;

Hereby adopts:

## **THE LAW ON THE KOSOVO INTELLIGENCE AGENCY**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Establishment of the Kosovo Intelligence Agency**

- 1.1. The Kosovo Intelligence Agency (hereafter KIA) is hereby established as the security and intelligence agency in Kosovo.
- 1.2. The KIA shall be governed by this Law in accordance with the Constitution and all other applicable laws in Kosovo.
- 1.3. The KIA shall have a legal personality.
- 1.4. The KIA shall have a mandate to operate throughout the territory of Kosovo.
- 1.5. Any use of covert techniques in Kosovo without a specific authorization by law are prohibited.
- 1.6. Financial means for the operation of the KIA shall be provided from the Kosovo Consolidated Budget in accordance the Law applicable thereto.
- 1.7. Depending on the specific operational needs of the KIA, the KIA may also establish field presences within Kosovo for carrying out tasks within the KIA's mandate.

#### **Article 2 Scope of Operation**

- 2.1. The KIA shall gather information concerning threats to the security of Kosovo. As a threat to the security of Kosovo shall in any event be considered a threat against the territorial integrity, integrity of the institutions, the constitutional order, the economic stability and development, as well as threats against global security detrimental to Kosovo, including:
  - (i) terrorism;
  - (ii) the incitement to, aiding and abetting or advocating of terrorism;
  - (iii) espionage against Kosovo or detrimental to the security of Kosovo;
  - (iv) sabotage directed against Kosovo's vital infrastructure;
  - (v) organized crime against Kosovo or detrimental to the security of Kosovo in any other way, including money laundering;
  - (vi) inciting the disaffection of security personnel;
  - (vii) trafficking of illegal substances, weapons or human beings;
  - (viii) illegal manufacturing or transport of weapons of mass destruction, or their components, as well as materials and devices necessary for their manufacture;
  - (ix) illegal trafficking of products and technologies under International Control;
  - (x) activities that contravene international humanitarian law;
  - (xi) acts of organized violence or intimidation against ethnic or religious groups in Kosovo; and

- (xii) matters relating to severe threats to public health or safety.
- 2.2. In furtherance of the activities of the KIA detailed in Article 2.1 above, and in compliance with Articles 28 and 30 of this Law, the KIA shall have its own information collection capabilities, which shall include:
  - (i) mobile and static surveillance;
  - (ii) (ii)covert human intelligence sources;
  - (iii) technical surveillance, such as listening devices, interception and tracking;
  - (iv) undercover agents;
  - (v) gathering of confidential data, such as from banks, ports and telephone.
- 2.3. The strategic priorities for the KIA shall be set forth in an Annual Intelligence-Security Policy Platform (hereafter AISPP) which will contain general guidelines for the work of the KIA. The KIA Director shall propose a draft of the Annual Intelligence-Security Policy Platform to the Kosovo Security Council (hereafter KSC) for their review. Upon consultation with the President of the Republic of Kosovo, the AISPP shall then pass to the Government for its approval. Upon such approval, the AISPP shall be delivered to the Parliamentary Oversight Body for information, and the KIA Director for action.
- 2.4. The KIA shall not act against rights and interests of any communities nor will discriminate against any person on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- 2.5. The KIA shall respect the principles and carry out its activities in accordance with the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and other relevant principles reflected in internationally recognized legal instruments.

### **Article 3**

#### **Prohibited KIA Functions**

- 3.1. The KIA shall have no executive functions. Accordingly, the KIA shall not have:
  - (i) the right to use direct or indirect force;
  - (ii) any power of arrest;
  - (iii) be able to initiate criminal proceedings; and
  - (iv) power to compel persons or companies to cooperate with their activities, though persons or companies may cooperate with the KIA on a voluntary basis.
- 3.2. The KIA shall not collect intelligence using covert mechanisms and methods regarding third parties enjoying diplomatic immunities and privileges consistent with those under the Kosovo Law on the Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in the Republic of Kosovo and of the Military Presence and it's Personnel, and the Vienna Convention on Diplomatic Relations, except for the purpose of preventing threats to such organizations and bodies. The KIA Director shall be obliged to inform the heads of these organizations and bodies of all such threats.

- 3.3. All actions and inactions of the KIA and its employees shall be in accordance with applicable law, including international instruments for the protection of human rights described inter alia in Article 2.5, above.
- 3.4. The Government of Kosovo shall be held liable for damage inflicted upon legal or natural persons as a result of acts of employees of the KIA committed in the performance, or in relation to the performance, of tasks of the KIA, in accordance with this Law.
- 3.5. The Government of Kosovo shall be entitled to recover by judicial means any amount paid as reimbursement by it to a third party from an employee of the KIA if such employee is found to be responsible for damages referred to in Article 3.4 above, and if the damage results from the gross negligence, or intentional or unauthorized act of the employee.

#### **Article 4** **Vetting and Other Securing Activities**

- 4.1. The KIA will protect the security of its activities, information, employees and property by appropriate means, including through vetting of applicants, employees, and contractors as necessary.
- 4.2. All actions taken in connection with the vetting procedures described above, and in Article 14 below, will be carried out confidentially and on the exclusive purpose to protect the security of Kosovo and its people.
- 4.3. No applicant, employee or contractor will be discriminated against on the basis of their membership in a Community or otherwise in violation of Article 2.4 of the present Law.

### **CHAPTER II** **ORGANIZATION AND ADMINISTRATION OF KIA**

#### **Article 5** **Director of the KIA**

- 5.1. The Director of the KIA shall, in accordance with this Law, the Book of Rules on Internal Organization and all other laws applicable thereto, be responsible for all aspects of management of the KIA. The KIA Director shall be accountable directly to the Prime Minister.
- 5.2. In the execution of his or her responsibilities, the KIA Director shall be assisted by a Deputy Director, Heads of organizational units, Advisors, and such suitably qualified staff as may be necessary, in accordance with the rules and procedures set forth in this Law and in the Rules on Internal Organization.
- 5.3. The President of the Republic of Kosovo and the Prime Minister shall jointly appoint the KIA Director within twenty (20) working days from the day the position becomes vacant.
- 5.4. The Director of the KIA shall be dismissed through the same process by which he or she was appointed.
- 5.5. The KIA Director shall be appointed for a term of (5) years, which may be renewed once.



- 5.6. The KIA Director must have a university degree and must be appointed on the basis of demonstrated professionalism and experience.
- 5.7. The KIA Director shall:
- (i) be used as adviser to the President and prime Minister of Republic of Kosovo for intelligence matters related to the security of Kosovo;
  - (ii) brief the President and the Prime Minister of the Republic of Kosovo on the activities of the KIA;
  - (iii) provide intelligence related to security to the President and the Prime Minister of the Republic of Kosovo;
  - (iv) be responsible for the collection, analysis, production and dissemination of intelligence and ensure that its shall be done in a timely and objective manner, independent of political considerations;
  - (v) protect intelligence sources and methods of operation and other classified information from unauthorized disclosure;
  - (vi) have exclusive authority to appoint employees to the KIA, which shall be done in accordance with the principles set forth in Chapter IV of the present Law, and in the Rules of Internal Organization;
  - (vii) enter into and coordinate relationships with intelligence and security agencies of foreign governments on matters involving intelligence;
  - (viii) ensure that no action is carried out by the KIA that could give rise to any reasonable suspicion that the KIA is concerned in furthering, protecting, or undermining the interests of any Community, or any political party or organization;
  - (ix) ensure that no action is carried out by the KIA which is intended to influence Kosovo political processes, public opinion, policies or media;
  - (x) propose an annual budget based on the guidelines in the Intelligence-Security Policy Platform and submit the proposal together with the opinion of the Minister of Finance and Economy for incorporation into the Kosovo annual budget;
  - (xi) prepare reports and propose plans and programs of the KIA, including inter alia, the Annual Activity Program and Annual Activity Report;
  - (xii) prepare a draft of the Annual Intelligence-Security Policy Platform;
  - (xiii) initiate and conclude Memoranda of Understanding and Cooperation with other institutions and bodies;
  - (xiv) report to the parliamentary oversight committee upon request; and
  - (xv) respond to the complaints made by individuals who believe their rights have been violated by the KIA.

## **Article 6**

### **Deputy Director of KIA**

- 6.1. The Deputy Director of KIA shall assist the KIA Director and direct the operational activities of organizational units of the KIA under the supervision of the KIA Director.
- 6.2. The Deputy Director of KIA must have a university degree and shall be appointed on the basis of demonstrated professionalism and experience and

- without regard to political affiliation for a five (5) year renewable term which shall run independently of the term of the KIA Director.
- 6.3. The President of the Republic of Kosovo and the Prime Minister shall jointly appoint the Deputy Director of KIA within twenty (20) working days from the day the position becomes vacant.
  - 6.4. The Deputy Director of the KIA shall be dismissed through the same process by which he or she was appointed.
  - 6.5. The Deputy Director of KIA shall temporarily act for and exercise the powers of the KIA Director during the Director's absence or incapacity. In the event of permanent incapacity, the Deputy Director of KIA shall act for and exercise the powers of the KIA Director until such time as a replacement for the KIA Director is formally appointed.

## **Article 7**

### **Book of Rules and Internal Organization**

- 7.1. The internal organization of the KIA shall be determined by the Rules on Internal Organization.
- 7.2. The Rules on Internal Organization shall be submitted to the Prime Minister for approval.
- 7.3. In accordance with this Law and other applicable legislation, The KIA Director shall be responsible for issuing, inter alia, the following rules, regulations and instructions:
  - (i) code of Ethics;
  - (ii) data Security Plan;
  - (iii) rules on Classification and Declassification of Data;
  - (iv) rules on the Security Clearance Procedure;
  - (v) rules on the Safeguarding of Secret Data and Data Storage;
  - (vi) regulations on Dissemination of Data;
  - (vii) rules on the Recruitment, Handling and Payment of Informants;
  - (viii) rules on the Application, Use and Engagement of Special and Technical Operational Means;
  - (ix) rules on Carrying and Use of Weapons;
  - (x) rules on Work;
  - (xi) rules on Salaries;
  - (xii) rules on Internal Security;
  - (xiii) rules on Disciplinary Procedure;
  - (xiv) rules on Basic and General Vocations of Employees of the KIA;
  - (xv) rules on Cooperation with Bodies and Institutions;
  - (xvi) rules on the Conclusion of Memoranda of Understanding with Bodies and Institutions Kosovo;
  - (xvii) rules on Cooperation with International Bodies and Intelligence Exchange;
  - (xviii) rules on Identification Cards;
  - (xix) rules on Complaints Mechanism, to be developed in consultation with the Ombudsperson Institution in Kosovo and placed in the public domain.
- 7.4. The Rule Books, regulations and instructions set forth under Article 7.3 of the present Law, will be classified, as appropriate in the interest of Kosovo security.

- 7.5. The KIA Director shall ensure that KIA employees are familiar with the Rule Books, regulations and instructions issued pursuant to this Law and under Article 7.3 of the present Law.

## **Article 8**

### **Intra-Governmental Cooperation**

- 8.1. Cooperation between the KIA and the Kosovo Police, the Ministry of Internal Affairs, and other Security and Public Safety Institutions shall be of paramount importance. The KIA shall cooperate with other Kosovo government institutions for the purpose of protecting the officers, facilities and information of the KIA.
- 8.2. A memorandum on cooperation, assistance and mutual coordination of the activities between the KIA and the Kosovo Police, the Ministry of Internal Affairs, and other relevant governmental institutions shall be signed after the appointment of a KIA Director. The government shall define general principles for coordination and assistance between and among the KIA and bodies and institutions in Kosovo.
- 8.3. The KIA and other bodies and institutions in Kosovo shall be obliged to mutually cooperate and assist one another in performing their duties and shall coordinate activities within their competence, consistent with the applicable laws and regulations regarding the protection of sources, methods and other classified information.
- 8.4. The Director of KIA, with the approval of the Prime Minister, makes agreements with institutions in Kosovo for the provision of undercover intelligence support.

## **CHAPTER III**

### **INSPECTOR GENERAL**

## **Article 9**

### **Appointment and Mandate of the Inspector General**

- 9.1. The President of the Republic of Kosovo and the Prime Minister shall jointly appoint the Inspector General of KIA within twenty (20) working days from the day the position becomes vacant.
- 9.2. The Inspector General shall serve for a term of four (4) years and may be renewed for a further term of four (4) years.
- 9.3. The Inspector General shall be dismissed by the same process by which he or she was appointed.
- 9.4. The appointment of the Inspector General shall be made on the basis of integrity, compliance with the security standards of the KIA and experience in the field of Kosovo security or governmental administration.
- 9.5. The Inspector General shall report directly to the Prime Minister.
- 9.6. The Inspector General shall report to the parliamentary oversight body at least every six (6) months and upon specific written request of the Parliamentary Oversight Committee.

## **Article 10**

### **Responsibility of the Inspector General**

- 10.1. The Inspector General shall conduct inspections of KIA activities.
- 10.2. It is the responsibility of the Inspector General to assist the Director in being kept fully and currently informed about potential problems in the activities of the KIA, with a goal of helping promote economy, efficiency and effectiveness, and avoiding any violation of law.
- 10.3. The Inspector General will recommend to the KIA Director corrective actions and monitor the progress of any corrective actions ordered by the KIA Director.
- 10.4. The responsibility of the Inspector General will include financial audits of the activities of the KIA. The results of these audits will be made available to the Prime Minister in addition to the KIA Director.
- 10.5. Upon notification of the KIA Director, the Inspector General shall have the authority to question KIA employees and shall have access to the premises and data of the KIA where necessary for the purpose of an internal investigation, inspection, or audit.
- 10.6. The KIA Director may prohibit the Inspector General from initiating, carrying out, or completing any inspection or audit if the Director determines that it is necessary to protect vital security interests of Kosovo. If the Director exercises this power, he or she will report this action to the Prime Minister and the President of the Republic of Kosovo within seven (7) calendar days.
- 10.7. The Inspector General shall be responsible for providing an internal control function with the KIA by reviewing the activities of the KIA, initiating inspections, audits and investigations, investigating complaints regarding the activities of the KIA or made by persons of Kosovo.
- 10.8. The Inspector General shall be responsible for supporting inquiries of the Ombudsperson of Kosovo.

## **Article 11**

### **Assistance to the Inspector General**

Subject to approval of the Director of the KIA, the Inspector General will select individuals to help him carry out his or her functions, including individuals qualified to conduct financial audits.

## **CHAPTER IV**

### **KOSOVO INTELLIGENCE AGENCY EMPLOYEES**

## **Article 12**

### **Applicability of Employment Legislation to KIA Employees**

- 12.1. KIA employees shall not be civil servants. However, legislation governing civil service issues shall apply to KIA, unless otherwise regulated by this law.
- 12.2. Vacancy announcements for positions in the KIA shall be subject to open competition and shall be published in multiple daily newspapers distributed in

Kosovo with a description of the general requirements for the positions in accordance with the applicable law.

- 12.3. The internal selection process for KIA employees shall be classified.

### **Article 13**

#### **Conditions Specific to KIA Employees**

- 13.1. In addition to the general requirements for employment that apply to other government employees, the KIA Director may establish special conditions for KIA employees regarding expertise, health, work assignments, and security requirements that are consistent with the interests of Kosovo security.
- 13.2. The Rules on Internal Organization, drafted by the KIA Director, shall define the requirements for each position in the KIA, as well as set forth specific requirements for employment within the KIA.
- 13.3. Where so required KIA may contract third parties for support services, subject to KIA internal rules.

### **Article 14**

#### **Security Clearance**

- 14.1. People selected for employment with the KIA must meet strict security standards which shall be determined in accordance with applicable law and in line with procedures specified in regulations issued by the Director of the KIA and approved by the Government. The candidate must be judged stable, trustworthy, and reliable, of excellent character, judgment and discretion. Any doubt as to any of the preceding factors will be resolved in favor of Kosovo security and security clearance will be denied.
- 14.2. Candidates shall not be employed by the KIA if they do not submit to the security clearance procedure or fail to meet the requirements set forth under Article 15.
- 14.3. Candidates who intentionally submit false information shall be automatically dismissed.
- 14.4. If the person is not employed with the KIA because he or she fails to meet the requirements above, or there are impediments to such employment, the KIA shall explain the reasons for which the employee was not employed, unless the disclosure of such information would result in the compromise of classified information.

### **Article 15**

#### **Qualifications for Employment in KIA**

Candidates may not be recruited by the KIA unless they meet the following personal requirements:

- (i) be citizens of Kosovo;
- (ii) be over 18 years of age;
- (iii) hold appropriate educational and professional qualifications, as determined by the Rules on Internal Organization;

- (iv) satisfy medical examination required for the position;
- (v) be free of military obligations if applicable; and
- (vi) be capable of meeting the security requirements that shall be determined by a security clearance procedure.

## **Article 16**

### **KIA Employee Rights**

- 16.1. KIA Employees shall have the right to:
- (i) a permanent tenure of office until such time as the requirements for a pension are met with the exception of those individuals who are employed under a contract of service for a fixed period, and those that are dismissed for cause in accordance with applicable legislation;
  - (ii) take leaves of absence in accordance with applicable legislation and the ability to continue in the same or similar job when the leave ends;
  - (iii) be rewarded for duties and performance as established by this law;
  - (iv) receive salary and remuneration in accordance with applicable legislation;
  - (v) advance their career and professional development through training and other means;
  - (vi) be protected in their physical and moral integrity while fulfilling their official duties.
- 16.2. When a KIA employee believes that the disclosure in court of information he became aware of because of his employment in the KIA might be of prejudice to the security of Kosovo, he shall refer the matter to the presiding judge. The presiding judge shall consult the Inspector General and shall have final authority over its use in court and whether an in camera procedure is necessary for the proceeding.
- 16.3. If judicial proceedings are initiated against a KIA employee due to acts committed in the performance of the tasks of the KIA, the KIA shall provide a lawyer or other legal aid to the employee, unless the employee acted outside the scope of his or her authority or misused his or her authority.
- 16.4. Under the same conditions as listed in Article 16.3, above, the KIA shall also ensure legal aid for an employee after termination of his or her employment, unless the employee is otherwise entitled to equivalent legal aid.

## **Article 17**

### **Prohibited Employee Conduct**

- 17.1. KIA employees shall not be members of political parties or take instruction from political parties, organizations or movements, or individuals outside KIA, nor perform any remunerative activity or other public or professional duties incompatible with the work of the KIA. KIA employees shall seek the prior approval of the KIA Director before joining any organization or group; failure to report may be grounds for suspension or dismissal of the KIA employee.
- 17.2. KIA employees shall not hold any other employment during their tenure as an employee of the KIA.

- 17.3. KIA employees shall not have the right to industrial action or any other form of collective work stoppage
- 17.4. KIA employees shall not, without the prior agreement of the KIA Director, give public statements or otherwise comment on the work of the KIA, or provide information to unauthorized persons on data, documents, contacts, intentions, knowledge or personnel of the KIA.
- 17.5. KIA employees shall not pursue or accept any gain, benefit, monetary advantage, or service for themselves or others, other than those provided by this Law.
- 17.6. A violation of any of the provisions of the present Article or of this Law otherwise shall be considered grounds for suspension and/or termination of employment pursuant to this Law.

### **Article 18**

#### **Personal Obligation of Employee Legality**

- 18.1. Each employee of the KIA shall perform the tasks assigned to such employee consistent with this and other relevant laws and shall be personally responsible for the lawful execution of the tasks of the KIA as set forth in this Law. that fall within the scope of such employee's assigned tasks.
- 18.2. Should an employee believe that he or she has received an illegal order, he or she shall inform the issuer of the order of his or her concerns.
- 18.3. In cases where the issuer of the order repeats the order, the employee shall seek a written confirmation of such order. If the employee continues to have reservations, he or she shall forward the order to the immediate superior of the issuer of the order and report the matter to the Inspector General.
- 18.4. The employee must refuse to perform an order that he or she reasonably believes to be in violation of the applicable law of Kosovo.
- 18.5. If an employee otherwise believes that the KIA or a KIA employee may have violated or may be in violation of a relevant law, regulation or policy, he or she must report this to the Inspector General.
- 18.6. An employee shall not be subject to disciplinary proceedings relating to taking action as foreseen in Articles 18.2, 18.3, 18.4 or 18.5 of the present Law, unless the Inspector General decides otherwise.

### **Article 19**

#### **Salaries and Compensation for KIA Employees**

- 19.1. The development of a compensation package for KIA employees shall recognize the special conditions under which they perform their duties. The basic salary of KIA employees shall vary based on factors including, but not limited to, rank and length of service.
- 19.2. In addition to basic salary, KIA employees may lawfully receive various types of salary supplements, allowances and benefits. Such supplemental payments may be based on factors including, but not limited to, hazardous duty, overtime, shift differential, working during holidays or other days that would normally be days off, special assignments, and special skills.

- 19.3. Supplemental payments may include, but are not limited to, risk allowance, shift allowance, holiday pay, overtime pay, and special assignment pay. Benefits may include, but are not limited to, medical and health expenses, professional and technical training expenses, living expenses for temporary transfer or special assignment, paid leave, death benefits and pension benefits.
- 19.4. The basic salaries and any authorized supplemental payments shall be determined and paid in accordance with procedures defined in relevant applicable law and subsidiary legal acts of the Government. The KIA Director may include in the annual budget proposal for KIA employees, subject to the approval of the Prime Minister, amounts to be used for the payment of any supplemental payments authorized by law.
- 19.5. A record shall be kept of all salary increases pursuant to the present Article and be periodically reviewed by the Inspector General of the KIA.

## **Article 20**

### **Disciplinary Provisions and Termination of Employment**

- 20.1. Employees may be held accountable for violations of official duty as set forth in this Law.
- 20.2. Procedures determining disciplinary responsibility within the KIA shall be governed by internal procedures.
- 20.3. The employment of KIA employees shall be terminated in the following cases:
  - (i) voluntary resignation from the KIA;
  - (ii) end of contract;
  - (iii) (iii)reaching of retirement age;
  - (iv) permanent inability to fulfill official duties due to health conditions, provided that the employee is not eligible to be transferred to other suitable position within the KIA;
  - (v) loss of citizenship of Kosovo;
  - (vi) voluntary acquisition of the citizenship of another country after obtaining employment within the KIA;
  - (vii) redundancy;
  - (viii) conviction of a criminal offense which carries a prison sentence; and
  - (ix) dismissal from the service as a result of a disciplinary procedure.

## **Article 21**

### **Identification Cards**

KIA employees shall be issued identification cards. The type, form and contents of the KIA employee identification card shall be determined by a regulation issued by the KIA Director after consultation with the Prime Minister.

## **Article 22**

### **Right to Carry Weapons**

- 22.1. KIA employees shall not routinely carry weapons.



- 22.2. KIA employees shall only be authorized to carry a weapon if the KIA Director reasonably believes that it is necessary for the personal protection of KIA personnel.
- 22.3. Weapons authorizations shall be:
- (i) memorialized in writing;
  - (ii) granted for a limited duration of time; and
  - (iii) subject to review of the Inspector General.
- 22.4. The KIA Director shall draw up clear guidelines for the carriage and use of weapons that will include the training and testing necessary to qualify for authority to carry a weapon. All employees authorized to carry a weapon must first have qualified in the use of that weapon.

## **CHAPTER V**

### **INFORMATION COLLECTION SHARING AND PROTECTION**

#### **Article 23**

##### **Information Collection**

- 23.1. The KIA is authorized to collect, retain and disseminate for lawful government purposes, information pursuant to Article 2 of the present Law. These activities will be regulated by strict procedures in accordance with the principles of legality, proportionality, and necessity, and only in furtherance of national security. All information so collected shall be classified in a manner deemed appropriate by the KIA Director and in accordance with the respective applicable legislation for the protection and classification of information.
- 23.2. The procedures specified above shall permit the collection of information that includes, but is not limited to, information obtained in the course of a lawful intelligence activity; information arising out of a lawful personnel or physical security investigation; or information concerning persons who are reasonably believed to be potential sources or contacts for the sole purpose of determining their suitability or credibility.

#### **Article 24**

##### **Sources of Information**

In carrying out its duties and responsibilities, the KIA may:

- (i) gather information concealing the reasons for their gathering due to the secret nature thereof;
- (ii) establish clandestine contacts with private individuals;
- (iii) establish and use information systems promoting the gathering of intelligence;
- (iv) use forms of operative deception which do not cause physical injury or impair health;
- (v) prepare and use cover documents for the protection of KIA employees and natural persons cooperating with them, as well as for the concealment of the security purpose thereof;

- (vi) establish and maintain temporary organizations for the purpose of covert data gathering; and
- (vii) assign KIA employees to work undercover in institutions or bodies of Kosovo “in compliance with this law”..

## **Article 25**

### **Dissemination of Information**

- 25.1. The KIA Director or his/her designee will approve the dissemination, as appropriate, to other governmental institutions of the results of its analysis on a timely basis and consistent with the protection of classified information.
- 25.2. If in the performance of its functions, the KIA establishes that grounds exist for suspicion that a certain person or entity has committed or is committing a criminal offense, or is preparing or organizing a criminal offense subject to public prosecution, it is bound to notify the General Director of the Kosovo Police and the competent public prosecutor.
- 25.3. If a case deriving from Article 25.2, above, involves the suspicion of a criminal offense against the security of the Government of Kosovo and its constitutional order, the KIA Director may submit a demand to the competent public prosecutor that the Police temporarily suspends the execution of its acts and measures in pre-criminal proceedings when this is in the interest of national security and the lives and health of third persons are not thereby put at risk.

## **Article 26**

### **Support from Other Government Institutions**

Government institutions shall cooperate with and assist the KIA, unless precluded by law, under the oversight of the Prime Minister.

## **Article 27**

### **Support to Other Government Institutions**

The KIA may provide intelligence support, including expert assistance, to other government institutions as necessary for Kosovo security.

## **Article 28**

### **Judicial Order for Surveillance or Entry into Premises**

- 28.1. Surveillance in non-public places, or where the parties might reasonably expect to have privacy, the surveillance of telecommunications, and all other forms of electronic surveillance, as well as the entry into property without consent of the owner or temporary occupant, may only be used in cases where there has been advance authorization by a Supreme Court Judge which shall only be granted upon the review of a written application made under oath and approved by the KIA Director or Deputy KIA Director.
- 28.2. The Supreme Court Judge shall be bound by an obligation of secrecy with respect to information gained pursuant to the provisions of the present Law.

- 28.3. The KIA Director shall make a written application to the Supreme Court Judge where he or she believes on reasonable grounds that surveillance or entry is required to enable the KIA to investigate matters within its scope of operations.
- 28.4. The application and order for covert surveillance will provide:
- (i) the name and address or a precise physical description of the target or targets;
  - (ii) the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained; and the means to be exercised for that purpose;
  - (iii) a general description of the place or places where the surveillance or search is proposed to be executed, if a general description of that place can be given;
  - (iv) provide justification for the assertion that the technique to be used is required to enable the KIA to collect intelligence regarding a threat to the security of Kosovo;
  - (v) information to justify that the surveillance or search is required, on reasonable grounds, to enable the KIA to investigate a threat to the security of Kosovo;
  - (vi) a declaration that the required information cannot be reasonably obtained through a less intrusive technique within the necessary time;
  - (vii) the period, not exceeding sixty (60) days, for which the warrant is requested to be in force; and
  - (viii) information on any previous application made in relation to the person or place subject to the surveillance or search, the date on which such application was made, the name of the judge to whom such application was made; and the decision of the judge thereon.
- 28.5. The techniques of surveillance will be used in accordance with standards designed to minimize acquisition, retention and dissemination of information not relevant to the stated purpose of the surveillance order.
- 28.6. The judge shall make a decision within forty-eight (48) hours of the submission of the application.
- 28.7. The judge's order for surveillance will specify the period of time during which the technique is approved, which shall not exceed sixty (60) days. Extensions of an order may be granted upon an application for an extension made in the same manner as that described in Article 28.2 stating the justification for the proposed extension.
- 28.8. The use of a surveillance technique shall be immediately terminated if the objectives set forth in the judge's order are achieved or if no further results can be expected from its continued use.

## **Article 29**

### **Emergency Surveillance Order**

In an emergency situation, when time does not permit the preparation of a written application by the KIA Director or Deputy KIA Director or the granting of a written order by a Supreme Court Judge, the application may be made and the order for covert surveillance granted orally, to be confirmed in writing within forty-eight (48) hours.

**Article 30**  
**Access to personal data held by a third party**

- 30.1. Subject to this Article, the KIA may obtain personal data held by a third-party.
- 30.2. Upon application by a member of the KIA, the Director may grant authority to requests that a third-party provide such information as described on the prescribed notice if satisfied that it is reasonably necessary in order to further the responsibilities of the KIA described in article 2.1.
- 30.3. The third-party may comply with the requirements of the prescribed notice but is under no obligation to do so. Where a third-party cannot or is not willing to comply with all of the prescribed notice, they may comply with a partial response.
- 30.4. A third-party may require appropriate compensation for complying with the requirements of a prescribed notice. Compliance with the requirements of a prescribed notice may not be delayed in order to obtain the appropriate compensation.
- 30.5. The application referred to in Article 30.2 should include:
- (i) the name and address or a precise physical description of the target or targets;
  - (ii) the information that is requested;
  - (iii) the time when the information is requested;
  - (iv) the format in which the information is requested;
  - (v) the name and address of the third-party who holds the information that is requested;
  - (vi) information to justify that the information is requested, on reasonable grounds, to enable the KIA to investigate a threat to the security of Kosovo;
  - (vii) a declaration that the requested information cannot be reasonably obtained through a less intrusive technique within the necessary time; and
  - (viii) information on any previous application made in relation to the target subject to the prescribed notice, the date on which such application was made, and the decision thereon.
- 30.6. 30.6 The prescribed notice in 30.2 shall be in an agreed format and shall contain the following information:
- (i) the fact that it is a prescribed notice under Article 30 of this law;
  - (ii) the fact that the third-party is entitled to be paid appropriate compensation;
  - (iii) how the third-party can claim payment of appropriate compensation;
  - (iv) the fact that compliance with the prescribed notice is voluntary.
- 30.7. The authority shall not require the third-party to gather information that they would not otherwise have gathered in the course of their normal and legal activities.
- 30.8. The third-party shall not disclose the existence of the prescribed notice, or any information that may reveal the existence of the prescribed authority, to any unauthorized person, other than persons that are required to fulfill the requirements of the prescribed notice.

**Article 31**  
**Treatment of Collected and Stored Data**

- 31.1. Personal data that is collected by the KIA must be stored for specified and legitimate purposes and not used in any way incompatible with those purposes, and must be held by the KIA only as long as necessary for the performance of its tasks. Once personal data are unnecessary to be kept by KIA, KIA shall destroy such data as provided by its internal rules.
- 31.2. Appropriate security measures shall be taken for the protection of this information stored in automated data files against accidental or unauthorized destruction or accidental loss, as well as accidental access, alteration or dissemination.

**CHAPTER VI**  
**SECRECY**

**Article 32**  
**Reporting Exemption**

In furtherance of the KIA Director's authority and responsibility to protect intelligence sources and methods and other classified information, the KIA shall be exempt from the provision of any laws which require the disclosure of the organization, functions, names, official titles.

**Article 33**  
**Employees' Secrecy Obligation**

The KIA employees must protect classified information, and will sign a secrecy agreement as a condition of employment. The obligation to protect these secrets does not cease when the employee is no longer employed by the KIA.

**Article 34**  
**Criminal Prosecution of unauthorized disclosure of the classified information**

To disclose classified information of the KIA to any individual not authorized to receive it shall be a violation of the Criminal Code of Kosovo, subjecting the offender to the punishment specified in relevant provision therein.

**CHAPTER VII**  
**PARLIAMENTARY OVERSIGHT**

**Article 35**  
**Parliamentary Oversight**

The oversight of the KIA shall be conducted by the parliamentary oversight body, whose mandate is determined by this law. Its composition shall be described by the Rules of Procedure of the Assembly of Kosovo.

**Article 36**  
**Operation and Responsibilities of the Parliamentary Oversight Body**

- 36.1. The parliamentary oversight body shall hold sessions at least bi-annually.
- 36.2. The chairperson of the parliamentary oversight body shall not be a member of a governing political party or coalition.
- 36.3. The chairperson of the parliamentary oversight body shall convene sessions at his or her initiative.
- 36.4. The chairperson of the parliamentary oversight body shall be obliged to convene a session of the parliamentary oversight body upon the signed written request of one third of the members of the parliamentary oversight body pursuant to the applicable rules of procedure of the Assembly.
- 36.5. Interactions between the KIA and the parliamentary oversight body shall be closed to the public unless otherwise specified by the Chairperson of the parliamentary oversight body, at his or her discretion or following the recommendation and vote of a simple majority of the members of the parliamentary oversight body.
- 36.6. The parliamentary oversight body shall be responsible for:
  - (i) overseeing the legality of the work of the KIA;
  - (ii) reviewing reports from the Prime Minister regarding matters within competence, which shall include actions taken to correct any problems in the KIA made evident by an inspection, audit, or investigation;
  - (iii) reviewing reports from the KIA Director regarding the operations and expenditures of the KIA;
  - (iv) reviewing reports from the Inspector General;
  - (v) providing an opinion on the detailed budget proposal for the KIA; and
  - (vi) conducting inquiries regarding the work of the KIA.

**Article 37**  
**Parliamentary Inquiries**

- 37.1. If the parliamentary oversight body has grounds to believe that the KIA is performing its duties in an unlawful, inappropriate or unprofessional manner, it may conduct an inquiry during the course of which the parliamentary oversight body may question KIA employees and have access to relevant KIA documents.
- 37.2. Parliamentary inquiries shall be closed to the public unless otherwise specified by the Chairperson of the parliamentary oversight body, at his or her discretion or following the recommendation and vote of a simple majority of the members of the parliamentary oversight body.
- 37.3. If the parliamentary oversight body finds that the operation of the KIA is unlawful, it may call the Prime Minister to take necessary measures and to initiate an examination of liability.
- 37.4. The Prime Minister shall be obliged to inform the parliamentary oversight body about the findings of any examination conducted pursuant to the provisions of this Article.
- 37.5. In the exercise of its function, the parliamentary oversight body may request

information from the Prime Minister, KIA Director, or any KIA employee. In furtherance of this function the parliamentary oversight body may order the KIA Director appear to before it so that the KIA Director may give an oral report regarding the activities of the KIA.

- 37.6. In the course of parliamentary oversight exercised by the parliamentary oversight body, classified information shall be made available unless its disclosure would threaten vital national security interests linked to the protection of sources or methods in a specific case.
- 37.7. If Prime Minister or the KIA Director chooses to withhold information from the parliamentary oversight body on the basis of Article 36.5 above, he shall immediately inform the parliamentary oversight body in writing with an explanation for withholding such information.

### **Article 38**

#### **Secrecy Obligation of the Parliamentary Oversight Body**

- 38.1. The members of the parliamentary oversight body shall be bound by an obligation of secrecy with respect to information concerning official secrets to which they have had access in their capacity as such, which shall remain in effect after the termination of their membership to the Parliamentary oversight body. Any violation of the secrecy obligation shall be subject to punishment as referred to in Article 34 of this Law.
- 38.2. The Parliamentary oversight body shall establish written procedures to protect from unauthorized disclosure all classified information that is furnished to the Parliamentary oversight body.

## **CHAPTER VIII COMPLAINTS MECHANISMS**

### **Article 39**

- 39.1. Individuals, institutions and third parties shall have the right of complaint against the KIA.
- 39.2. Complaints may be addressed to the Ombudsperson Institution in Kosovo (OIK).
- 39.3. Any complaint submitted to the OIK shall not prejudice the right of an individual, institution or third party to seek adjudication from a court.

## **CHAPTER IX FUNDING**

### **Article 40**

#### **Preparation and Provision of Budget**

- 40.1. The KIA Director shall develop and submit to the Prime Minister, for approval and transmission to the Parliamentary oversight body a proposed annual budget for the KIA, the details of which shall be considered as a classified information.

- 40.2. The Kosovo Assembly shall make available to the KIA an annual budget sufficient to carry out its duties and responsibilities to protect Kosovo security.

#### **Article 41**

##### **Expenditures Responsibility**

- 41.1. The KIA Director shall be responsible for the lawful expenditure of funds granted to the KIA.
- 41.2. Sums made available to the KIA shall be expended in accordance with the laws of Kosovo by the KIA Director, or those to whom the KIA Director has delegated this responsibility, for any purpose necessary to carry out KIA duties and responsibilities.

#### **Article 42**

##### **Emergency Expenditures**

- 42.1. In extraordinary circumstances relevant to the work of the KIA, the KIA Director may expend funds without regard to the provision of laws relating to the expenditure of government funds, unless otherwise specifically barred by law.
- 42.2. If the KIA Director exercises the authority to make an emergency expenditure as foreseen above, he or she shall immediately orally report the expenditure to the Prime Minister and justified in writing within forty-eight (48) hours of the expenditure.

### **CHAPTER X**

#### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 43**

##### **Transitional Resource Allocation**

- 43.1. Notwithstanding the provisions of Article 1.6 and Chapter VII of the Present Law, the Government shall make special provision to provide appropriate premises and financial resources to the KIA upon its formation until such time as the funding of the KIA may be completed under normal procedures.
- 43.2. The Government shall make available such funds necessary for the appointment and initial operation of the KIA Director and the Deputy KIA Director until such funds are specifically allocated for by the Kosovo Consolidated Budget.

#### **Article 44**

##### **Transitional Operation**

- 44.1. With the prior approval of the Prime Minister, the KIA Director may apply laws and regulations applicable to governmental institutions to such extent as such application of law is not inconsistent with the provisions of the present Law. Such application shall not be made for a period greater than six (6) months following the establishment of the KIA.



- 44.2. Pending the approval and implementation of the relevant legislation on the protection of classified information, the KIA Director shall issue a regulation provisionally establishing a system of classification of information, the measures of protecting this information, and the responsibilities of employees for the protection of this security information.
- 44.3. The creation of the vacancies following from this law shall be rendered from the date of entry into force of this Law, pursuant to Article 45.
- 44.4. Pending the establishment of a security clearance procedure, an employee of the KIA may be issued with a provisional security clearance, valid up to 6 months, provided that such employee has submitted a completed security clearance questionnaire, the contents of which do not reveal obvious grounds for denial of a security clearance. The provisional security clearance may be renewed once, for a period that shall not exceed an additional six months.
- 44.5. Article 44.4 of this Law only applies to individuals joining the KIA prior to the implementation of the security clearance procedure.

#### **Article 45** **Entry into Force**

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo.

**Law no. 03/L-063**  
**21 May 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 30 / 15 JUNE 2008**

**LAW No. 03/L-089**

**LAW ON AMENDMENTS TO THE LAW ON ADMINISTRATIVE  
MUNICIPAL BOUNDARIES, LAW ON THE PRIVATIZATION AGENCY OF  
KOSOVO, LAW ON EDUCATION IN THE MUNICIPALITIES OF THE  
REPUBLIC OF KOSOVO, THE LAW ON OFFICIAL HOLIDAYS IN  
REPUBLIC OF KOSOVO, LAW ON THE KOSOVO INTELLIGENCE  
AGENCY, LAW ON ASYLUM AND THE LAW ON INTEGRATED  
MANAGEMENT AND CONTROL OF THE STATE BORDER**

**The Assembly of Republic of Kosovo,**

On the basis of the authority granted to it under Article 65(1) of the Constitution of the Republic of Kosovo,

Hereby adopts

**LAW ON AMENDMENTS TO THE LAW ON ADMINISTRATIVE  
MUNICIPAL BOUNDARIES, LAW ON THE PRIVATIZATION AGENCY OF  
KOSOVO, LAW ON EDUCATION IN THE MUNICIPALITIES OF THE  
REPUBLIC OF KOSOVO, THE LAW ON OFFICIAL HOLIDAYS IN  
REPUBLIC OF KOSOVO, LAW ON THE KOSOVO INTELLIGENCE  
AGENCY, LAW ON ASYLUM AND THE LAW ON INTEGRATED  
MANAGEMENT AND CONTROL OF THE STATE BORDER**

**Article 1**

The following Articles:

- a) article 19 of the Law on administrative municipal boundaries No. 03/L-041
- b) article 32 of the Law on the privatization agency of Kosovo No. 03/L-067
- c) article 17 of the Law on Education in the municipalities of the Republic of Kosovo No. 03/L-068
- d) article 9 of the Law on Official Holidays in the Republic of Kosovo No. 03/L-063
- e) article 45 of the Law on the Kosovo Intelligence Agency No. 03/L-063
- f) article 73.1 of the Law on Asylum No. 03/L-066 and
- g) article 38 of the Law on Integrated Management and control of the State Border No. 03/L-065 shall be amended and shall read as follows:

“This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo”

Law No. 03/L-089 Law on amendments to the law on administrative municipal boundaries,...

**Article 2**

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-089**

**13 June 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
III / NO. 31 / 15 JUNE 2008**

**LAW No. 03/L-132**  
**FOR THE STATE PROTOCOL OF THE REPUBLIC OF KOSOVO**

**Contents**

Chapter I: .....	201
Chapter II: .....	202
Chapter III: .....	205
Chapter IV: Official ceremonial of the highest state authorities .....	206
Chapter V: .....	212
Chapter VI: .....	216
Chapter VII: Major official ceremonies .....	219

**Assembly of Republic of Kosovo,**

Pursuant to article 65 (1) of the Constitution of the Republic of Kosovo,

With the aim to set up legal rules for State Protocol of the Republic of Kosovo,

Approves

**LAW FOR THE STATE PROTOCOL OF THE REPUBLIC OF KOSOVO**

**Article 1**

1. By this law in the Ministry of Foreign Affairs is established the Office of State Protocol, Which is obliged for:
  - 1.1. organization and realization of all protocol engagements of the President of the Republic, President of the Assembly, Prime Minister and Minister of Foreign Affairs for all their activities inside and outside the country;
  - 1.2. coordination of protocol activity of the Government and titles of the high central institutions;
  - 1.3. coordination and implementation of the Visit Programs of foreign delegations of higher level. The activity of the Office of State Protocol is regulated by special legal and sub-legal acts”.
2. Activity of the State Protocol’s Office shall be regulated by special legal acts or sub-legal acts.

## **CHAPTER I**

### **Article 2 STATE PROTOCOL**

1. The State Protocol represents the institutional summary of the criteria which regulate every aspect of formal and informal nature of official relations. The State Protocol is competent for the implementation of these criteria. The State Protocol is the competent office which determines and treats the protocol and State Protocol in the Republic of Kosovo.
2. The State Protocol fulfils the duty of State Protocol and protocol activity of the President of the Republic, President of the Assembly, Prime Minister and Minister of Foreign Affairs for their activities inside and outside the country.

### **Article 3 The competences of State Protocol**

1. The State Protocol fulfils these functions:
  - 1.1. Implements with exactness the range of precedence of official positions of the Republic of Kosovo, Diplomatic Missions and also determines it in special cases which are unforeseen in this law. The basic criterion of the functioning of this structure is the respecting of official positions.
  - 1.2. Organizes and attends the ceremonials of expectancy and accompany of foreign delegations such as: President, Prime Minister, President of Assembly and Minister of Foreign Affairs; in cooperation with cabinets of President, Prime Minister, President of the Assembly and Minister of Foreign Affairs drafts the program of their visit and responds for its implementation.
  - 1.3. Prepares the protocol part for the official visits outside the country of the President, President of the Assembly, Prime Minister and Minister of Foreign Affairs of Republic of Kosovo. The state protocol, in cooperation with Kosovo Diplomatic Legation and with the homologue institution of hosting state, develops the program of visit of abovementioned statesmen.
  - 1.4. Is responsible for the organizing of ceremonials for the official holidays, memorials, national and local, in cases when they are commemorative and for organizing of which is established by the decision of the Government of the Republic of Kosovo a state commission, where participates also the State Protocol.
  - 1.5. Defines the use of state symbols, flag, anthem, coat of arms and other state signs according to the Law on use of state symbols of Republic of Kosovo.
  - 1.6. Coordinate the meetings of the President of the Republic, Prime Minister, President of the Assembly and Minister of Foreign Affairs and other ministers with diplomatic representatives accredited in the Republic of Kosovo.
2. Central or local institutions, also diplomatic representations of the Republic of Kosovo are obliged to offer to the State Protocol the required information when it

is linked directly or indirectly with its activity, with normative of State Protocol, of Vienna Conventions “For diplomatic relations” and “For consular relations”, also for the implementation of the reciprocity.

#### **Article 4**

##### **Other protocol offices**

1. Central and local institutions have their own specifics and characteristics in implementation of official protocol. Respective protocol offices function to handle directly the protocol and ceremonial practices of other officials.
2. Office of state protocol keeps close contacts with protocol offices of central and local institutions, communicates the protocol practices, exchanges information, organizes consultative meetings and serves as central structure for unification of protocol practices in the Republic of Kosovo.
3. Respective offices beside state institutions are responsible for the official activity of respective officials, their daily life with formal or informal character, movements inside the territory of Kosovo, inaugurations, welcomes and visits, meetings and different public events.
4. The Assembly Protocol is responsible for the implementation of the internal ceremonial of this institution, parliamentary activity and regulation of different aspects of relations with diplomatic body, public relations of the institution and meetings of the members of parliament with foreign delegations.
5. The protocol of Ministry of Security Force has the competency of organizing respective military ceremonials within this institution and military department, in accordance with basic norms of Protocol of the Republic of Kosovo and military regulation into force.

## **CHAPTER II**

#### **Article 5**

##### **DIPLOMATIC CEREMONIAL**

1. Diplomatic ceremonial defines:
  - 1.1. the protocol relations between the Republic of Kosovo and other states;
  - 1.2. rules, administrative practices and advantages that are granted to diplomatic legations in Kosovo, in accordance with the Law on Status, immunity and privileges of diplomatic missions and in accordance with Vienna Conventions “For diplomatic relations” and “For counselor relations”;
  - 1.3. the bilateral and multilateral agreements on the reciprocity base.
2. Diplomatic ceremonial collects the formalities that are respected for the arrival and departure from Kosovo of diplomatic authorities, the characteristics of their status, immunities, the privileges of diplomatic body, the modalities of their security. It is an exclusive duty of State Protocol to lead and to respect these important procedures.

## **Article 6**

### **Presentation of Credentials to President of Republic**

1. State Protocol informs the respective embassy for the date, time and place of presenting the credentials to President of Republic from the side of new ambassador.
2. He accompanies the ambassador in a special receiving room, where the ambassador signs the Guests Book and stay for a while for a brief conversation. Later on the Protocol Director leads him in a main room of ceremony.

## **Article 7**

### **Connections between Ministry of Foreign Affairs and Central Institution**

1. Diplomatic representations make connections with state administration of Republic of Kosovo through Ministry of Foreign Affairs. For the meetings that they want to hold with state administration and that are related to bilateral relations or issues with common interest, shall inform State Protocol and respective directorate within the Ministry of Foreign Affairs in advance.
2. Diplomats, specialists and foreign experts can communicate directly with their Kosovar homologues in state administration, when it is about social relations, courtesy or special problems between experts.
3. Diplomatic representations accredited in Republic of Kosovo, for official expectancies in case of official holiday and memorials and for any other festive, political, scientific and social activity that are organized, invitations directed to President of Republic, Head of the Assembly, Prime Minister, Minister of Foreign Affairs should be delivered to State Protocol. It is an institution that is responsible for their delivery to the destination. State Protocol suggests the level of representation. Ministers, in principle, do not participate in hosting without informing the State Protocol.

## **Article 8**

### **Opening of a New Diplomatic Legation**

Foreign Officer that comes in Kosovo to open a diplomatic representation can be its diplomat or another diplomat charged by this duty. In order to arrive, he meets in Ministry of Foreign Affairs with respective directory and State Protocol, whom he informs about the purposes of his mission.

## **Article 9**

### **Support for Diplomats**

1. State Protocol supports the Diplomatic Mission for different issues. Within the allowed frame, it supports diplomats and their families from the arrival day until the day of their leave.
2. Respective Office of Protocol informs the diplomats for the most suitable places for accommodation, for market, language learning, artistic activities, health

- service, schools and education of children and other recommendations according to their requirements.
3. State Protocol serves as a support for issues that foreign representations have with other Republic of Kosovo institutions, public or private institutions and with particular individuals.

### **Article 10**

#### **Participation in Official Ceremonials and Memorials**

1. The chief of representation is informed from the beginning of his / her arrival with a verbal note, where are presented official holidays and memorials of Kosovo and the timetable of the offices of public administration.
2. Diplomatic Mission is invited to participate in main official ceremony and memorials that are determined by the law on official holidays of the Republic of Kosovo.

### **Article 11**

#### **Expiration of Duty and Leave of the Chief from the Mission**

1. When the chief of one representation leaves finally from the Republic of Kosovo, in advance he/she informs with a verbal note the Ministry of Foreign Affairs for his leave, and for the name of the diplomat that is going to replace in a mission as charged with duty.
2. State Protocol gives the necessary support to realize the valedictory meetings with the President of Republic, Prime Minister, Minister of Foreign Affairs, Deputy Minister and other figures that he might want to meet.

### **Article 12**

#### **Decease of a Diplomat**

1. As soon as Ministry of Foreign Affairs is informed from the diplomatic representation for the decease of the chief of representation or of another diplomat offers the support and its cooperation in the form of assistance and orientation.
2. Respective directorate prepares a letter of condolence that Minister of Foreign Affairs shall send to the family of the late diplomat and the telegram of condolence that shall be sent to Minister of Foreign Affairs of the state of the late diplomat.
3. In the case of death of a Republic of Kosovo diplomat in charge, his/her coffin shall be received in the airport by the State Protocol and other representatives of Ministry of Foreign Affairs. The funeral departs from Ministry of Foreign Affairs and the expenses are covered by the institution.

### **Article 13**

#### **State Flag in Diplomatic Legation**

1. Foreign diplomatic representation accredited in Kosovo can hold unfurled the state flag in the residency building or territory.



2. They should raise the Kosovo state flag next to their flag only in the case of when there goes for a visit the President of Republic of Kosovo. The flag stands there until the leave of head of state.

### **CHAPTER III**

#### **Article 14**

#### **THE SYMBOLS OF THE REPUBLIC**

Main representative symbols of the Republic of Kosovo are state flag, state anthem and the coat of arms of Republic of Kosovo. The use of symbols in Kosovo is regulated according to the law for the use of Republic of Kosovo state symbols.

#### **Article 15**

#### **State Flag**

1. Unfurling the state flag is a universal right in the Republic of Kosovo. Its dimensions are orientated and are fixed in the scale 1:1,4 . When the flag is unfurled in height above 10m from the land, it is recommended the sizes not higher 350cm x 490cm. In cases when is unfurled in balcony or till 10m high, is suggested the size 200cm x 280cm. In closed environments (rooms, offices) is recommended the size 1.07 x 1.50 or 150cm x 210cm in one flagpole 2.5m long, depending on the space of environment. The flag of the table should have the sizes 16 x 23cm.
2. In outdoor environments the state flag stands raised on or next to the central and local governmental institutions, in border points and in diplomatic representation of the Republic of Kosovo, twenty four (24) hours per day and lighted during the night. In cases of official holidays and memorials the flag is raised also in other places with the authorization of Prime Minister, for state events or Major of Municipality for local events.

#### **Article 16**

#### **The Ceremony of Raising and Lowering of the Flag**

1. During the lowering and raising the flag ceremony or marching, all the people present stand at attention by following with eyes the movement of the flag.
2. Soldiery honor militarily directed to the flag. When the flag is not seen, the stand at attention is kept from the band. The foreigners present stand at attention. This ceremony is not implemented only in cases when is transmitted in television or radio.

#### **Article 17**

#### **State Anthem**

State anthem is intoned anytime in the presence of state flag. Intonation of anthem in official ceremonials and memorials shall be defined by the Law on use of State Symbols of Kosovo.

## **Article 18**

### **The Coat of Arms of the Republic**

1. The usage of the coat of arms of the Republic is an exclusive right of state bodies. The dimensions of the Republic emblem are oriented and are formulated by the scale 1:1,5.
2. Officially are recognized also the emblems of different levels of local governance, of public organs, distinctive signs of different weapons of military, of police and universities approved by the Protocol of State in the name of the Government.
3. The use and set up of the coat of arms of the Republic of Kosovo shall be defined by the Law on Use of Kosovo State Symbols.

## **CHAPTER IV**

### **OFFICIAL CEREMONIAL OF THE HIGHEST STATE AUTHORITIES**

#### **Article 19**

##### **General Rules**

1. The ranks of the President of the Republic, The President of the Assembly, The Prime Minister, and Foreign Affairs Minister because of their functions they have, are distinguished in the rank of ceremonial advantages and privileges.
2. The ceremonies where these authorities participate are organized according to the specifics of activities by the State Protocol, their internal protocol office, various institutions, ministries or municipal institutions.
3. The preparation of activities is done in advance. The organizers' task is to announce the State Protocol when foreign figures participate in the ceremony, at least 1-2 weeks before the due date. They are obliged to inform for the aim, the entire program of the activity, the way of organizing, undertaken measures, the list of the invited, the arranged time and place.
4. The state protocol is preliminarily informed for any movement, of the major figures, President, President of the Assembly and Prime-Minister abroad. Visits are coordinated in order not to be the three of them abroad at the same time.
5. The President of the Republic, the President of the Assembly, The Prime Minister accomplishes high- level visits abroad. The State Protocol deals with the official procedures of organizing the visits, from the preparation phase until the end of the visit. In the function of this program it cooperates with certain cabinets.
6. The hosting ceremony of a foreign counterpart is done at the airport or at the headquarters of a high personality. This is preliminarily arranged through talks of the State protocol with the foreign party protocol. The ceremony is accomplished in accordance with the schemes approved by the State protocol of the Republic.

#### **Article 20**

##### **The President of the Republic**

1. The President of the Republic represents the authority of the highest level of the state of Kosovo, which is the expressing of the unity of people. The exercise of his

entire mandate is conducted by a special ceremonial for all the official and unofficial aspects of his life and activities.

2. In various hosting and state holidays given by the diplomatic representatives accredited in Kosovo, the President of the republic participates only on the occasions when his presence is considered reasonable and important. The participation of the State President is signaled by the State Protocol.
3. All the institutions of the Republic of Kosovo are obliged to put the picture of the President in their environments. The minimal sizes should be 40 – 60 cm.

## **Article 21**

### **The Ceremony of Starting the Duty of the President of Republic**

1. The ceremony of starting the duty of the President of Republic is held as a whole and is divided in two major moments, in the Assembly hall and at the President's Residency.
2. The assigned day for the Kosovo Assembly session, except the assembly members, others invited can participate as well. The Assembly protocol conducts the ceremony in the Assembly hall.
3. Kosovo State anthem shall be intonated. The President of the assembly invites the President to take the salutation speech before the assembly members.
4. After the Kosovo assembly, the presidential ceremony is followed at President's Residency.

## **Article 22**

### **The First Lady**

1. The spouse of the President of the Republic is granted the status of the First Lady of the country.
2. Grown up members of President's family that are living with him are granted a protocol status equal to the president's counselor. This status is valid only when they participate as invited in formal activities, together with the President. In other cases, and the close juvenile, are not granted the protocol status.
3. In the ceremonies where the president participates alone, the First Lady stands on his right side. In honor ceremonies, where the state anthems are executed, she stands together with the first lady counterpart, three steps behind the presidents. In a formal host setting, on the occasion where there are invited guests of honor, the President walks first together with the spouse of the guests of honor, whereas the First Lady accompanies the invited guest of honor and enters second after the President.
4. If the president is not married, none of his family members cannot represent or be in the role of the First Lady. In official activities, the President of the Republic appears unaccompanied. In celebrative ceremonies when he travels outside the capital city or abroad, the President of the Republic may be accompanied by any other family member by will, but not in the level of the first lady. The President's accompanier is granted a special protocol on all occasions.

### **Article 23**

#### **The Presidency**

1. The Presidency is the headquarters for the official activities of the President of the Republic of Kosovo. Two guards of honor stand at the entrance of the Presidency in the honor by wearing ceremonial uniforms.
2. When the President passes by, those present; be they invited or co-operators raise and respond to his salutation. Even those who know the President in person, they should not stop and salute him first. Everyone approaches him with “Mr. President”. The President’s spouse is directed to with Mrs. (her surname follows).
3. The president of the Republic has the right to keep a distinguished flag as a special sign which identifies the rank of his hierarchy and authority lead and command. At the office of the President, a flag stands behind his chair: the state flag on the right and the distinguished President’s flag on the left.
4. The internal protocol of the Presidency is led by the head of President’s protocol. He is responsible for the daily meetings which take place at the President’s office, the activities and movements within the Kosovo in accordance with the State Protocol.
5. If the accompaniment of the president of the Republic by the Ministers is required, this shall be accomplished after a request had been presented by the President to the Cabinet of the Prime Minister.
6. A red carpet is laid down at the entrance of the Very Important Persons hall, at the airport or at the airplane’s entrance to host and accompany the President of the Republic. The Protocol of the Presidency accomplishes all the formalities of documents necessary before his departure and arrival.

### **Article 24**

#### **The Hosting in the Presidency**

1. On the occasions of the visit of a state President, Prime minister or any other high-level visitor, The President of the Republic hosts him at the Presidency headquarters or at any other government headquarters.
2. The President of the Republic hosts friends of the highest level in other environments such as the President’s Residency. The same ceremony of honor can take place there as well. The president, on occasion hosts his counterpart with courtesy, lunch or state dinner.
3. In cases, when the President of the Republic meets his visitors of the level of Prime Minister, the hosting takes place in the President’s hall, whereas for the minister, state secretary or other authorities of the same rank, the hosting takes place in the meeting hall.

### **Article 25**

#### **The Ceremony of the Assembly**

1. The assembly is a legislative institution of the Republic of Kosovo. As such it has the right of a special ceremonial in its official activity. The office of the Assembly

protocol has the competences for treatment and implementation of this ceremonial within the Assembly territory.

2. The Assembly Protocol leads the ceremonial of the Assembly. Its duties are foreseen in the internal regulation of the Assembly.
3. The Assembly Protocol organizes, attends and programs the hosting and accompaniment ceremonies as well as all other protocol practices during the visits of foreign delegations of parliamentary interstate institution.
4. The State Protocol in cooperation with the Assembly Protocol coordinates meetings of the President of the Assembly with the delegations in the level of President, The Prime Minister and the Minister of Foreign Affairs who visit our country and the delegations of young ambassadors who present their credentials has the duty of organizing, accomplishing the activities of the protocol of the Assembly President and his activities in the country and abroad. The meetings of heads of parliamentary groups and deputies are coordinated by the Assembly protocol.
5. The Assembly Protocol compiles invitations and official telegrams of the President of the Assembly for counterparts and officials of different interstate organizations and institutions and then submits these to the State Protocol.
6. Attends consular practices with the diplomatic legations accredited in the republic of Kosovo for the visits of the Assembly delegations, for sending the invitations and telegram compliments and compiles the list of participants in official meetings and hosting of the President of Assembly.

## **Article 26**

### **The President of the Assembly**

1. The president of the Assembly is the second authority in the rank of priority of the Republic of Kosovo. President of the Assembly has the right of a special ceremonial of their official and life activities. Two guards of honor stand in the entrance of the Office of the President of the Assembly. Everyone is directed to him/her with “Mr. President of the Assembly”.
2. The spouse of the President of the Assembly is granted a protocol status during the hosting of activities where he/she is invited together with her/his spouse, within the state or abroad or alone, when organizing various social, humanitarian activities as well as Diplomatic Mission. The spouse of the President of the Assembly, everyone is directed to him/her as Mrs. (her own name).
3. When the President of the Assembly participates in public activities together with the President of the Republic, stands on his right side, except in cases decided otherwise.

## **Article 27**

### **The Prime Minister**

1. The Prime Minister as the highest rank of the executive power of Kosovo has the right of a special ceremonial in all official and unofficial aspects of his life and activities. Everyone approaches him with “Mr. Prime Minister”.

2. The Prime Minister's spouse is a public figure and has the right of hosting and organizing various social, humanitarian activities even with the representatives of the Diplomatic Mission. The Prime Minister's spouse is directed with Mrs. (followed by surname).
3. In cases when the President of the Republic is not married or a widow, the Prime minister's spouse has the privileges of the First Lady of the country until a change occurs to the President's marital status, but her denomination is of a First Lady.
4. The Prime Minister's spouse accompanies his spouse in his visits, and on occasion participates, in activities and ceremonials which are held, but does not participate in official meetings. During these activities, he is granted the right of a special protocol program.
5. The Prime Minister's mature children living with him are equal with the Prime Minister's advisors' rank when they participate as invited in various formal ceremonies. In other cases, if they are small children, they are granted a protocol status.

### **Article 28** **Government's Oath**

1. The ceremony of the new Government's oath is held in the Republic of Kosovo Assembly. Except members of the parliament invited to attend are from the main state institutions, diplomatic corps accredited in Kosovo, a prominent representative of science, culture and art, heads of religious communities: Muslim, Catholic and Orthodox and other prominent representative of the society in the Republic of Kosovo
2. The Government members led by the Prime Minister is seated at a certain place according to the rank on Government's list. The ceremony is opened by the President of the Assembly. The president of the Republic enters and takes the certain seat. All present rise. State anthem is intonated.
3. After the oath, the new Government holds a meeting in the headquarters of the Prime Minister in the first entrance meeting the Prime Minister greets every minister wishing them success in their duty.
4. On the occasion of starting the duty, the Prime Minister organizes a hosting for the Diplomatic Mission in one of the Government headquarters. All heads of legations accredited in Kosovo as well as other figures are invited. The list is compiled from the Office of the Prime Minister. This activity is organized by the State Protocol.

### **Article 29** **The Prime Ministry**

1. At the entrance of the Prime Ministry, two uniformed guards of honor wearing various ceremonial uniforms of the Presidency.
2. The rank of the Prime Minister has the right to hold distinguished flags as a special sign which identifies the scale of his hierarchy and authority for this rank to lead and command. At the Prime Minister office, two flags stand behind his chair: the state flag on the right and the distinguished flag of the Prime Minister on the left.

3. The Prime Minister has the right to participate in various hosting given by the Diplomatic Mission accredited in Kosovo. If the Prime Minister is not able to participate in such events, he sends one of his main representatives for these activities.
4. The protocol of the Office of the Prime Minister is lead by the Head of Prime Minister's protocol. He/she is responsible for the hosting and the accompaniment accomplished at the office of the Prime Minister, the movements and the activities done within the Kosovo territory in accordance with the State Protocol.

### **Article 30**

#### **The Hosting at the Prime Ministry**

1. In his headquarters the Prime Minister of the Republic of Kosovo hosts and accompanies visitors according to a preliminarily approved program. He/she welcomes and accompanies the head of a foreign state to his/her car, whereas his/her counterpart accompanies him/her up to the headquarters entrance. Official ceremonies with foreign visitors are directed by the state protocol.
2. Two hours before the arrival, the flag of the guest state is raised at a certain place, on the left side of Kosovo flag. The flags of both countries are placed in the meeting hall, small measure flags are put on the table of official talks.
3. Honor ceremony is developed in official visits. It can be held at the airport, at the Prime Minister's headquarters or any other government headquarter according to the certain scheme.
4. Honor ceremony is not held in unofficial visits. The Prime minister hosts his guest visitor at the Prime Minister's headquarters. On occasion, together with the Prime Minister, 2-3 official accompaniers, persons in charge of the protocol, the press and the translator.
5. The Prime Minister of the Republic of Kosovo hosts high- level guests such as a foreign state President and Prime Minister in the setting of the Residency of the President as well as in other Government headquarters. The same hosting ceremony can take place there as well. On occasion the Prime Minister offers official lunch or dinner for friends.
6. On occasions when the Prime Minister meets foreign visitors in the minister level, state secretary or authorities of the same level, their hosting takes place in the meeting hall.

### **Article 31**

#### **The Hosting in the Ministry of Foreign Affairs**

1. The Ministry of Foreign Affairs and the Diplomatic Missions organize various hosting, by the opportunity including the Republic of Kosovo's statesmen from political and public life.
2. Because of the duty, their leaders participate in many hosting, state, official and private activities where organizing authorities are invited and where the representatives of Diplomatic Missions or foreign delegations participate when they visit Kosovo.

3. The Minister of Foreign Affairs, together with his spouse, has the right to organize hosting and diplomatic activities, by the moment and the goals set to achieve through them. This is determined in accordance with the political intentions which he has approved himself.
4. The first welcome of the Foreign Affairs Minister is done as soon as he starts his official duty. The hosting is given within the official schedule, only for the heads of diplomatic missions or out of the official schedule, if they are invited together with their spouses.

## **CHAPTER V**

### **Article 32 VISITS AND MEETINGS**

1. The ceremonial of the Republic of Kosovo foresees the following visits:
  - 1.1. State (only by a state President);
  - 1.2. Official;
  - 1.3. Work;
  - 1.4. Courtesies, private.
2. Inter-state visits and meetings of the President, The President of the Assembly, The Prime Minister and the Minister of Foreign Affairs of the Republic of Kosovo, are organized through diplomatic channels, and assisted by the State Protocol.
3. The invitations shall be made by the President of the Republic, the President of the Assembly, the Prime Minister, and the Minister of Foreign Affairs to their foreign counterparts during the meetings they may have with them or officially, through diplomatic representatives.
4. The invitations are sent through State Protocol.
5. Parties agree through diplomatic channels for the time of the visit, as well as its duration.
6. When the head of the delegation is the State President, The President of the Assembly, The Prime Minister and the Minister of Foreign Affairs a short biography of life and activities is given to the press accompanied to a short summary of history of relationships amid the two countries.
7. A few days before the scheduled date of the arrival of delegations, the final draft program of the visit is composed. The manner of welcoming and conduct, the composition of delegations, the development and format of talks, agreements, if any, meetings with local and foreign personalities, visits in various cultural-historic sites the information about the place and its climate etc are foreseen in the program.
8. The drafting of the program shall be done in close cooperation with diplomatic representatives of the country from which the delegation comes. Diplomatic representation of the country the delegation is coming. A copy of the final program is given to the diplomatic representation a few days before the arrival of the delegation.



### **Article 33**

#### **The Hosting in of Foreign Delegation of the Highest Level**

1. In cases of any state and official visit a full ceremony of hosting takes place, with guards of honor and the execution of the national anthems.
2. Foreign delegation in the level of State President, The President of the Assembly, The Prime Minister, UN- Secretary General, NATO, EC- President or any delegation of the same rank and with an appropriate ceremony is hosted at the Pristine Airport or in the headquarter of the authority who has made the invitation. This is emphasized in the program of the visit which is preliminary approved by the Kosovo hosting authority.
3. Kosovo authorities are presented by the Kosovo authority, whereas the diplomatic authority is presented by the appropriate embassy.
4. When the delegation is led by the Minister of Defense, the ceremony takes place in the indoors of the Ministry of the Kosovo Security Force or by the army unit preliminary specified according to the program.
5. When the head of the delegation is the Prime Minister and Meets the President, this last one is accompanied by the Foreign Affairs Minister and in his absence, by the Deputy Foreign Minister.
6. In all visits of the delegations in the level of State President, The Prime Minister, Foreign Affairs Minister, the accredited Ambassador of Republic of Kosovo is called by the country where the delegation is from. He is ranked second on the list of the Republic of Kosovo delegation, except when two of the above authorities participate in it.
7. During the time of the guest's stay in Kosovo, his state flag is raised in the headquarters, which remains unfolded until the guest leaves.
8. Foreign delegation, the visits made to other towns of Kosovo is accompanied by a high authority preliminary determined by the State Protocol. In this occasion, the delegation welcomes the Head of Municipality and other authorities of the local government. The accompaniment of the delegation is accomplished in the same way, by the same host persons.

### **Article 34**

#### **The Usage of the Very Important Persons' Airport Hall**

1. The Very Important Persons Pristine Airport hall is composed of the two or more environments. The usage of the airport hall (for Very Important Persons) is regulated with special sub-legal act by the Ministry of Foreign Affairs.
2. The usage of the Very Important Persons halls is made without ignoring the security checking of luggage and persons. The exception to this security check is only made for the rank of the President, The Prime Minister, and The president of the Assembly, Foreign Affairs Minister and their foreign counterparts. Every other person who uses the Very Important Persons hall or any delegation in general, undergoes checking procedures.

### **Article 35**

#### **Talks**

1. Official talks between the two delegations are held at the table of talks, which is preliminary prepared. The delegations take their seats in front of each other according to the rank. The head of the delegation remains in the central position. Small state flags are put on the table. The hosts take their seats with their backs turned by the window or in front of the entrance, whereas the guests are in front of them. Large state flags can be placed as well.
2. If the meeting is of an official character or courtesy meeting and of not equal rank, it is held at a host room.
3. Homogeneous bilateral meetings are held on straight- angled tables, triple meetings are held in U shaped tables with the host delegation at the centre and if there are four delegations, a square table is used.
4. If there are five or more delegations, oval or straight- angle tables are used, where the hosting delegation stands in its close part. In the cases when it is necessary to evident a formal equality of the participants and to avoid the hierarchic positions of the head of the meeting, then the square or circular table is used.
5. In all kinds of talks the initial participation of the media is allowed and the official photos of the delegations or their presidents are allowed. Stenography secretaries are allowed.

### **Article 36**

#### **The Signing of the Agreements**

1. The signing of the bilateral or multilateral agreements is a solemn moment, which requires a careful and special protocol. The ceremony should respect the following basic rules:
  - 1.1. The signing table should be of a suitable size in accordance with the number of signatories, who all sit on the same side.
  - 1.2. The host authority places his guest on his right side. If they are more than two, the host stands in the middle.
  - 1.3. Files of the agreement and pens are placed on the table in advance
  - 1.4. After the signatories, state and representation flags are put, which should be of the same size. It is possible that apart from big flags to put small flags on the table.
  - 1.5. At least two persons help the signatories during the signing procedure.
  - 1.6. The media is systemized in front of the table of signatures, not less than 2-3 meters distance.
  - 1.7. Certain delegations take their seats beside their president or after him.
  - 1.8. If the agreement is not signed by the highest authorities presenting in the ceremony, the latter take their seats after the signatories or sit on the table between them.

**Article 37**  
**The Exchange of Presents**

1. In case of visits, meetings and in general during the exercise of the state duty, high level authorities are given presents by the people and institutions. State President, The Prime Minister, The President of the assembly, Foreign Affairs Minister, exchange presents in sign of courtesy.
2. The value of the present should not exceed the limits of courtesy, rules or legal limits that may have been put by certain countries, as well the reciprocity. Certain descriptive documents are drafted for each present given. The institutions are recommended to present their gifts.
3. Major authorities do not exchange presents themselves in official meetings, except in cases preliminary agreed. In any other case, the presents are exchanged through certain protocols.

**Article 38**  
**The Hosting of the Delegations of the Lower Level**

1. When foreign delegations coming in the Republic of Kosovo are led by the authorities in the minister level or below, are hosted or accompanied by the Republic of Kosovo representatives of the same rank.
2. These delegations are hosted without any official ceremony or flag rise. The flags of both countries are raised in certain ministries only when the delegation is led by the Foreign Affairs Minister or Minister of Defense.
3. Foreign delegations led by the rank of a minister may be hosted in special meetings by the President of the Republic and the Prime Minister based on their request to the State Protocol. Legislative delegations of the same rank are hosted by the President of the Assembly. In any case, a preliminary opinion is required by the certain directorate of the Ministry for Foreign Affairs
4. In all visits in the rank of minister or equal to it, Kosovo Police is informed about the program of the visit not less than forty eight (48) hours before the arrival of the foreign authority.
5. The host ceremony of a Defense Minister or a senior military, when taking place in the Ministry of the Security Force or at any army barrack, is held in the presence of the army guard of honor and is lead by the protocol of the Security Force Ministry.

**Article 39**  
**The Accompaniment of the High- Level Kosovo Delegations**

1. When the President of the Republic, The President of the Assembly, The Prime Minister, Foreign Affairs Minister, travel abroad for an official or state visit, it is possible for the protocol employee of a certain institution or the state Protocol to travel to the host country 1 day earlier, who is informed about the preparations, place and the program of the visit or this activity is accomplished by the accredited diplomatic representation of the Republic of Kosovo in that particular country.
2. High- level delegation is accompanied at the airport by the Director of the State

Protocol, or his deputy. In the accompaniment of the President of Republic as a rule The Secretary of the Presidency or the Head of the Cabinet and his staff members participate as well. The ambassador of the certain country also participates.

3. In the accompaniment of the Prime Minister the Permanent Secretary of the Prime Ministry, Head of the Cabinet of the Prime Minister and Director of the State Protocol or his deputy.
4. In the accompaniment of the Foreign Affairs Minister, Head of the Cabinet and Director of the State Protocol or his deputy participate. On the occasion of official visits assists even the ambassador of the particular country.
5. The above mentioned authorities come to the airport only a few moments before the take- off of the airplane. Other delegation members accomplish all the formalities before the arrival of the authority and emplane first. The person in charge with the protocol of the authority accomplishes all formalities before his arrival to the airport.

#### **Article 40**

##### **The Hosting of the Important Authorities without an Official Rank**

1. If the special authorities without any official rank, but important and of the high-rank in their own countries such as: a non- heir prince to the throne, leader of important funds, great art representatives, culture representatives, big world families or others equal to this level come for a visit to Republic of Kosovo or are invited form the high- rank authorities and special protocol is applied towards them.
2. If their arrival has been negotiated through diplomatic means, they are welcomed by the State Protocol officials, representatives of the Foreign Affairs Ministry and are treated as visitors with a diplomatic status. The level of hosting is determined by the State Protocol.

### **CHAPTER VI**

#### **Article 41**

##### **The Order of Advantage of Official Ranks**

1. In the Republic of Kosovo, the order of advantage of official ranks is divided into three main groups:
  - 1.1. **Group I:** President, President of the Assembly, the Prime Minister, Chairman of the Constitutional Court and former presidents.
  - 1.2. **Group II:** Assembly deputies, Deputy Prime Ministers, Ministers of the Government according to the list of decree, Foreign Ambassadors, Heads of Parliamentary Groups, Chairmen of Parliamentary Committees, MPs, Ambassadors of the Republic of Kosovo in office, members of the Constitutional Court, President of the Supreme Court , Chairman of the Capital, the Ombudsperson, the President of the Academy of Sciences and Arts of Kosovo, Central Bank Governor, Attorney General of the Republic

of Kosovo, Commander General of the Kosovo Security Force, Director Kosovo Police, AIK Director, Heads of religious communities: Islamic, Catholic and Orthodox, the charge d'affaires in the Republic of Kosovo, Major of Municipality, the first Political advisers to President and Prime Minister, Rector of the Public University, Military with the rank of General, Permanent Secretary of the Presidency, Assembly and the Office of the Prime Minister and First advisers of the Ministers.

- 1.3. **Group III:** Chairperson of the Municipal Assemblies, the Permanent Secretaries of Ministries, Directors of Institutes and agencies at the country level, Mayors of the District Court, District Public Prosecutors, the Director of the Museum, Archive Director, Chairman of the Organization of War Veterans, President of the Economic Chamber, Directors of Directorates in the Municipal Assemblies, Presidents of non-parliamentary parties, Advisers of the Municipal Assemblies and Leaders of Non Governmental Organizations.

## **Article 42**

### **The Advantage in the Republic of Kosovo**

1. Among the qualified of the same rank, the eldest on duty has the advantage of official ranking and so fourth up to the eldest.
2. Among the qualified of the equal rank, a foreigner has the priority.
3. All heads of States have the equal rank, be they presidents or kings, therefore the advantage is given based on age: the eldest on duty has the advantage and so fourth.
4. "Ex" and retired persons are ranked below compared to those who have filled their positions of duty.
5. On the occasions of ceremonies of a specific nature related to the issues and manifestations of a determined character, it may occur that they may make exceptions in the order of advantages of ranks. In these cases it is the nature of the ceremony which determines the putting the authorities in a different order. This is accomplished within the certain limits and according to a program approved beforehand. For instance, in an arms manifestation of the State Police, the place of the general director of the police should be beside the Interior Affairs Minister. In the inauguration of objects or local feasts, a certain leading rank stands beside the highest authority present. In work meetings, various functionaries, permanent secretary of the Presidency, the Government, the Assembly, are placed behind their authorities.
6. In public manifestation, indicating the official holidays, memorials, local celebrations, commemorations, commemorative ceremonies ranking is done in conformity with priority of the official ranks of this Law.

## **Article 43**

### **The Advantage of the Local Government Authorities**

In order to determine the order of advantages of the local government authorities, it is decided by the State Protocol in consultation with the Ministry of the Local Governance.

#### **Article 44**

##### **The Elements of the Official Ceremonies**

1. The official walking is organized by respecting its first rank, which, as a rule should be an odd number. The place of honor is in between according to the order 4-2-1-3-5. When a certain number of persons in the first order is span, the order of honor is on the right side: 1-2-3-4.
2. When the authorities depart to take a place in the tribune, they walk in this way: 2-1-3 and in the end the authorities are to fill their certain places assigned by the protocol.
3. The right side is considered as the place of honor if there are two places, the middle is also considered a place of honor if there are three. The second place of importance is the right side of the middle position; the third is the one on the left and so fourth. If there are two authorities of the same rank, then both of them are placed in between, having an equal number of companions on both sides.
4. The assignment of the places in halls follows the pattern of advantage of the participants' ranks. The middle armchair is the point of reference in the first rank or the first armchair on the right of the thoroughfare where the most important person is seated.
5. In order to respect the ceremonial, a clear map should be compiled for the manner of sharing the places according to the names of the participants in the ceremony and which is distributed to them attached to the invitation.

#### **Article 45**

##### **Inauguration Ceremony**

If the highest authorities of the state participate in the inauguration of objects, deeds, new products, this makes a special ceremony, which is organized with special care. The guests are accompanied in the same way as welcomed.

#### **Article 46**

##### **The Appointment Ceremony**

1. Every institution has a moral obligation to recognize the officials who start working in it. For this, a simple ceremony takes place, during which the person is introduced, his abilities and activities are introduced, and then the oath is made. If the object is a group of new appointees, the presentation may be accomplished by the titular of the institution.
2. The Ministry of Foreign Affairs holds ceremonies accompanied by the accredited ambassadors to the diplomatic representations of the Republic of Kosovo in other countries. Apart from the officials of the institution, the ambassadors of certain countries are also invited to participate in the ceremony.

## **CHAPTER VII**

### **MAJOR OFFICIAL CEREMONIES**

#### **Article 47**

#### **Official and Public Holidays**

1. Official celebrations, memorials and their ceremonies in the Republic of Kosovo are determined by law and by the Republican Commissions for determining the memorial and marked celebrations.
2. Method of marking the official holidays and memorials are regulated by sub-legal act of the government.

#### **Article 48**

#### **State Mourning**

1. Mourning is a solemn ceremony of the state and citizen respect which is developed in the spirit of the highest human values and universal principles of human rights, democracy and freedom determined with the constitution.
2. State mourning is held for:
  - 2.1. high state and public authorities
  - 2.2. distinguished personalities of the state community with a Kosovar origin.
  - 2.3. the people who sacrifice their own lives while performing their duty
  - 2.4. hard human fatalities which deeply touch collective conscience.
3. State mourning is announced by a decision of the President and is communicated to the Diplomatic Mission through State Protocol.
4. The extensibility of the mourning is determined by the President.

#### **Article 49**

#### **Mortal Ceremony**

1. There shall be established a special committee for organizing the ceremony mortal according to the case
2. Mortal ceremonies of the Republic of Kosovo are state, official, army and not fully official or military ceremonies. All kinds of ceremonies are important, which are programmed to minuteness to preserve the solemnities and manifest merited respect. Military ceremonies are organized by the protocol of the Security Force Ministry.
3. The ranks which deserve a state funeral are:
  - 3.1. the President of the Republic in power
  - 3.2. the former Presidents
  - 3.3. the President of the Assembly in power
  - 3.4. the Prime Minister
  - 3.5. any other figure assigned by a Government's decision
4. On the occasion of a mortal ceremony organized by a President, president of the Assembly or Prime Minister, the coffin is placed in the bed of the couch and is covered with a state flag or accompanied by a guard of honor of the Republic.

5. The placing of the coffin into the grave is accompanied with shooting by the guard of honor. All the official figures participating in the ceremony should put a black ribbon on the left arm. The soldiers stand at attention. The honor by shooting is reserved to the following:

5.1. the President of the Republic	21 shootings
5.2. the President of the Assembly	19 shootings
5.3. the Prime Minister	19 shootings
5.4. the Ministers	15 shootings
5.5. the Commander of KSF	15 shootings

### **Article 50** **State Mortal Ceremony**

1. When the Government decides to accomplish a state mortal ceremony and the family of the defunct agrees on this kind of funeral, a committee shall be established, including the State Protocol as well.
2. State Protocol coordinates the work with other institutions.
3. A special place is created in front of the coffin for the family and relatives who agree on this kind of funeral, a commission is raised, where the State Protocol participates.
4. The coffin is placed on a special holder. The guard of honor stands at attention "arms in honor" while moving the coffin. The assigned figure does the occasional salutation (3 min). The flag is removed from the coffin by unfurling it and the coffin is placed in front of the grave.
5. The placing of the coffin into the grave is preceded by the shootings of honor. The squadron is made of (five) 5 to (seven) 7 soldiers and is commanded by a guard officer. Weapons are held (forty five) 45 degrees horizontal, directed to the over the grave. The shootings are commanded by the officer of the personal guard. After the shootings, the squadron stands at attention "be honored".
6. The figures present express their condolences to the family of the defunct and leave. The expenses of the state funeral are covered by the Government.

### **Article 51** **Official Mortal Ceremony**

1. Homage ceremony is organized with the permission of the family, of the certain institution where the coffin is placed and the Book of Condolences. At certain times, the funeral cortege departs towards the cemeteries escorted only by police petrol.
2. The organization of the ceremony and the expenses of the funeral are covered by the certain institution.

### **Article 52** **The Decease of a Foreign Authority**

If a State President, Prime Minister, a Foreign Affairs Minister or a high figure deceases, the counterparts from Republic of Kosovo visits the certain ambassador in



Law No. 03/L-132 for the state protocol of the Republic of Kosovo person. The counterpart from Kosovo expresses the condolences in person and signs in the Book of Condolences. Other authorities may send a representative by will.

**Article 53**  
**Final Provisions**

Ministry on Foreign Affairs issues sub-legal acts for implementation of this law.

**Article 54**  
**The entering into force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-132**  
**16 April 2009**

**Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 53 / 01 JUNE 2009**

**LAW No. 03/L-235  
ON AMENDING AND SUPPLEMENTING THE LAW No.03/L-132  
ON THE STATE PROTOCOL OF THE REPUBLIC OF KOSOVO**

**The Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Adopts:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NR.03/L-132 ON  
THE STATE PROTOCOL OF THE REPUBLIC OF KOSOVO**

**Article 1**

After Article 5 of the Law in force, a new Article 5A shall be added as follows:

**Article 5A  
Accreditation of the Head of a Diplomatic Mission**

1. Pursuant to the Constitution of the Republic of Kosovo and instruments and international practices, a foreign Ambassador shall be accredited by the President of the Republic of Kosovo as a representative of his/her respective Head of State.
2. The procedure shall commence with the receipt of the request, in the form of the diplomatic note for Agreement; afterwards the State Protocol shall prepare an assessment briefing, which together with the respective *Curriculum Vitae* shall be submitted to the President of the Republic.
3. After issuing the Agreement by the Office of the President, the State Protocol is obliged to inform the embassy of the state that submitted the request on the position of the Republic of Kosovo as well as our representative mission in that state in case of presence. In general, this procedure demands thirty (30) working days or the principle of reciprocity shall be implemented.
4. The arrival of the new Ambassador shall be subject to special rules implemented by the diplomatic ceremony of the State Protocol.
5. The time of arrival of the Ambassador shall be registered because it determines the order of presentation of Credentials. If the Protocol is not informed of its arrival, than the time of arrival shall be considered when the respective embassy issues a notice, through a verbal note, for the arrival of its head. From this point forward, he shall be considered as an Ambassador designate and within few days (no longer than 10 days), the Director of State Protocol (or the Deputy) shall expect him/her to receive copies of Credentials and the invitation of the predecessor. During this

Law No. 03/L-235 on amending and supplementing the Law No. 03/L-132 on the state...

period, the new Ambassador may meet members of the Diplomatic Corps, officers of the Ministry of Foreign Affairs and other non-formal persons, but meetings with members of the Government, the Assembly and Presidency are not recommended.

6. As soon as the Presidency sets the date for the ceremony of accreditation, the State Protocol shall inform the Ambassador. The respective note shall define, apart from the ceremony, the place where the Ambassador shall be escorted from to the Ceremony and one or two of his/her associating collaborators.
7. The following attire is recommended: black or dark grey suit, white shirt, black shoes or national attire.
8. From the time of the presentation of Credentials the new Ambassador shall enjoy its diplomatic status.
9. The news for the accreditation of the Ambassador shall be immediately published in the coming edition of the Official Gazette. The Office of the President of the Republic of Kosovo shall ensure this.
10. Within a month or two from the day the credentials are submitted, the new Ambassador shall be invited, along with one or two (2) other ambassadors, for a courtesy lunch or dinner by the Minister of Foreign Affairs.
11. In cases when the Head of Mission departs for short periods or when the post remains vacant, the mission shall inform the State Protocol on this event through a verbal note stating the date of departure and the name of the Charge D’Affairs deputizing. Immediately after the return of the Head of Mission, the State Protocol shall be informed on the date his/her functions resume.

## **Article 2**

The Title and Article 6 of the Law in force shall be amended to read, as follows:

## **Article 6**

### **Presentation of Credentials to the President of the Republic**

1. The State Protocol shall inform the respective embassy with regards to the decision of the President on the date, time and location of presentation of Credentials to the President of the Republic by the new Ambassador.
2. The Director of State Protocol shall escort the Ambassador to a reception room, whereby the Ambassador shall sign the Guests Book and stay for few moments for a brief talk. Afterwards the Director of Protocol shall escort him/her to the main ceremony room.

## **Article 3**

After Article 6 of the Law in force, a new Article 6A shall be added, as follows:

**Article 6A**  
**Official Meetings of the Head of Mission**

1. After the presentation of Credentials, the new Ambassador shall inform the Dean of the Diplomatic Corps and all foreign missions on the day of presentation of Credentials and the commencement of performance of his/her functions.
2. The new Ambassador shall make an official request for a meeting with the Speaker of the Assembly, the Prime Minister, members of the Government Cabinet and Mayor of Prishtina. None of the abovementioned high personalities shall visit the new Ambassador at his residence.
3. The spouse of the new Ambassador shall request a meeting with the First Lady, in her/his absence the spouse of the Prime Minister, and the spouse of the Minister of Foreign Affairs. The First Lady (or in her/his absence the spouse of the Prime Minister) shall invite for courtesy meetings in groups of two or three, the spouses of new ambassadors on few occasions during the year.

**Article 4**

After Article 7 of the Law in force a new Article 7A shall read as follows:

**Article 7A**  
**Commencement of the Duty of the Diplomat, Military Attaché, Consul and Functionary of International Organisations**

1. A verbal note shall be sent to the Office of State of Protocol informing on the commencement of the duty of a diplomat, including the position of the newly-arrived diplomat, the person being replaced or the new position. The Verbal Note shall include an attached form prepared by the Ministry of Foreign Affairs.
2. The accreditation of a Military Attaché shall follow the same procedure as applied to the Agreement, whereas protocol consultations shall be conducted with respective structures of the Ministry of Kosovo Security Force. Notice on admission shall only be made after the consent reached at the end of these consultations.
3. The notice on the arrival of military attaché shall be made by the mission prior to his/her arrival, through a verbal note specifying the full name, the exact qualification, the person being replaced and his/her CV. The mission shall wait for the approval by the Ministry of Foreign Affairs prior to the commencement of his/her functions.
4. The notice for the commencement of office for the Head of Consulate shall be made through a verbal note addressed to the State Protocol and the respective unit for Consular issue of the Ministry of Foreign Affairs, specifying the territory, location and the address of the city where the consular functions will be performed.
5. Honorary Consuls, who are statesmen of Kosovo, or have a double nationality, shall enjoy a specific status. They shall perform their diplomatic mission on voluntary basis, while being allow to continue performing their private activity simultaneously.

Law No. 03/L-235 on amending and supplementing the Law No. 03/L-132 on the state...

6. Proposals for Honorary Consuls shall be made through an official request made by the diplomatic mission accredited in Kosovo or directly by the Ministry of Foreign Affairs of the state requesting it and shall be approved by the competent authorities of the Republic of Kosovo.
7. The following are excluded from the possibility of becoming Honorary Consuls:
  - 7.1. nationals of Kosovo selected in representative bodies of the Republic of Kosovo;
  - 7.2. individuals working in state institutions with functions that are incompatible with this duty on the basis of the law;
  - 7.3. persons exercising the duty of the judge or prosecutor and intelligence services.
8. International Organisations shall inform of their first category functionaries in the same form as applied for diplomatic missions, by following the same procedures, under otherwise provided for by a law of the Republic of Kosovo.

### **Article 5**

Article 8 of the Law in force shall include a new paragraph, as follows:

2. The Diplomat shall be equipped by the respective Ministry of Foreign Affairs of sending state with the respective letter to be addressed to the Ministry of Foreign Affairs of the Republic of Kosovo including the responsibility of the office commissioned. It shall be submitted to the State Protocol. The President of the Republic of Kosovo shall approve the mission and decree its accreditation.

### **Article 6**

In Article 20 of the Law in force words ‘The President of the Republic’ in the title of the Article and in the first paragraph shall be substituted with words ‘The President of the Republic’.

### **Article 7**

Article 20 of the Law in force a new paragraph 4, after paragraph 3, shall be added, as follows:

4. Government upon proposal of the State Protocol approves the sub-legal act to determine the criteria for setting the picture of the President.

### **Article 8**

1. In Article 22 of the Law in force, a new paragraph 3, after paragraph 2, shall be added, as follows:
  3. The First Lady shall associate the President of the Republic in state visits abroad, conduct visits in the capacity of the First Lady on her own, organize various public and private ceremonies of social, humanitarian and patriotic nature, maintain contacts with first ladies of other states, but may not participate in the official responsibilities and meetings of the President of the Republic.

2. Other paragraphs of this Article of the law in force shall change the alignment for a number.

### **Article 9**

Article 24, paragraph 2 of the Law in force shall be amended to read, as follows:

2. President of the Republic shall receive high-level dignitaries in other premises such as the Residency of the President. The same honoring ceremonies may be organised in these premises as the ones organised by the protocol of the Presidency in cooperation with the State Protocol.

### **Article 10**

In Article 24 of the law in force, after paragraph 3, the following new paragraphs 4, 5, 6 and 7 shall be added:

4. If the visitor is a Head of State in a state visit, a honoring ceremony shall be organised in the Airport or the Residency of the Presidency on the basis of the scheme approved earlier by the State Protocol and the Protocol of the Presidency.
5. Two (2) hours after the arrival of the Head of State, his/her national flag shall be raised in a certain location on the left hand side of the flag of Kosovo. The flags of both states shall be placed in the meeting room or in smaller sizes in the meeting table.
6. If the Head of State is not paying a state visit (transit, private, multilateral), then a honoring ceremony shall not be organised. The President of the State shall receive him, at the entrance of the Residence and escort him inside the premises. The foreign visitor shall be honored by the honorary guard. The departure shall be organised in the same way as the arrival.
7. In cases when no official talks are being held, the meeting shall take place in the reception room sitting in faldstools. The form of participation shall be determined earlier by the Protocol of the President. State ceremonies shall be led by the State Protocol.

### **Article 11**

Article 34 paragraph 1 of the Law in force shall be amended entirely to read, as follows:

The Very Important Persons Pristine Airport hall is composed of the two or more environments. Government upon proposal of the State Protocol approves the sub legal act to determine the procedure for the use of the airport room for Very Important Persons (VIPs’).

### **Article 12**

Article 41 of the Law in force shall be amended entirely to read, as follows:

1. In the Republic of Kosovo, the order of priority of official ranks is regulated in three (3) main groups, as follows:

1.1. **Group I**

- 1.1.1 President of the Republic of Kosovo;
- 1.1.2 President of the Assembly;
- 1.1.3 Prime Minister;
- 1.1.4 President of the Constitutional Court;
- 1.1.5 Former Presidents of the Republic.

1.2. **Group II**

- 1.2.1 Deputy Presidents of the Assembly;
- 1.2.2 Deputy Prime Ministers;
- 1.2.3 Ministers;
- 1.2.4 Mayor of the Capital;
- 1.2.5 Deputies;
- 1.2.6 President of the Kosovo Supreme Court;
- 1.2.7 President of the Kosovo Judicial Council;
- 1.2.8 President of the Kosovo Prosecutorial Council;
- 1.2.9 Commander of the Kosovo Security Forces;
- 1.2.10 Commander of the Guard of the Republic;
- 1.2.11 State Prosecutor;
- 1.2.12 Director General of the Kosovo Police;
- 1.2.13 Director of the Kosovo Intelligence Agency;
- 1.2.14 of the Central Bank of the Republic of Kosovo;
- 1.2.15 President of the Academy of Science and Arts of Kosovo;
- 1.2.16 Rector of the public university;
- 1.2.17 Mayors of the Municipalities;
- 1.2.18 Head of the international mission in Kosovo;
- 1.2.19 Presidents of the Assembly Parties;
- 1.2.20 Ambassadors of the foreign countries accredited in Kosovo;
- 1.2.21 Kosovo Ambassadors – Heads of Missions;
- 1.2.22 Former Prime Minister;
- 1.2.23 Judges of the Constitutional Court;
- 1.2.24 Presidents of the Assembly Committees;
- 1.2.25 Presidents of the Assembly Groups;
- 1.2.26 Judges of the Supreme Court;
- 1.2.27 Ombudsperson;
- 1.2.28 Auditor General of Kosovo;
- 1.2.29 Chiefs of the Cabinet of the President, Prime Minister and President of the Assembly
- 1.2.30 Senior Political Advisors of the President, Prime Minister and President of the Assembly;
- 1.2.31 Heads of the religious communities in Kosovo;
- 1.2.32 Deputy Ministers;
- 1.2.33 General Secretaries of the President, Office of the Prime Minister and Assembly;
- 1.2.34 Charge d'affaires of the foreign countries accredited in Kosovo;

1.3. **Group III**

- 1.3.1 Presidents of the Non-Parliamentary Parties;

## Administrative laws

- 1.3.2 Deputy Commander of the Kosovo Security Forces;
- 1.3.3 Generals of the Kosovo Security Forces;
- 1.3.4 Generals of the Kosovo Police;
- 1.3.5 Deputy Director and Inspector General of the Kosovo Intelligence Agency;
- 1.3.6 Senior Political Advisors of the Ministers;
- 1.3.7 Heads of the Independent Agencies;
- 1.3.8 Heads of the Independent Institutions;
- 1.3.9 General Secretaries of the Ministries and equal positions;
- 1.3.10 Directors of the Offices of the Prime Minister, Presidency and Assembly;
- 1.3.11 Representatives of martyr's family members of Kosovo;
- 1.3.12 Prominent representatives of the literature, art, science and civil society;
- 1.3.13 President of the War Veterans Society;
- 1.3.14 Presidents of the Courts;
- 1.3.15 Director of the State Protocol.

### **Article 13**

Article 43 of the Law in force shall include a new paragraph to read, as follows:

- 2. The Capital shall hold a special status unlike other cities.

### **Article 14**

This Law shall enter into force fifteen (15) days from its publication in the official gazette of the Republic of Kosovo.

**Law No. 03/L-235**

**28 October 2010**

**Promulgated by Decree No. DL-065-2010, dated 09.11.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 89 / 30 NOVEMBER 2010**



**LAW No. 03/L-064**  
**ON OFFICIAL HOLIDAYS IN REPUBLIC OF KOSOVO**

**Assembly of the Republic of Kosovo,**

Pursuant to Article 65 (1) of the Constitution of Republic of Kosovo, and for the purpose of determination of official holidays,

Adopts:

**THE LAW ON OFFICIAL HOLIDAYS IN REPUBLIC OF KOSOVO**

**Article 1**

**Aim**

This Law shall determine the Official Holidays in Republic of Kosovo.

**Article 2**

**Official Holidays in Republic of Kosovo**

- 2.1. Taking into account the respect of history, culture and tradition of the people of Kosovo and its citizens, official holidays in the Republic of Kosovo are the following:
- a) New Year, 1<sup>st</sup> and 2<sup>nd</sup> January;
  - b) The Independence Day of Republic of Kosovo, 17 February;
  - c) Constitution Day of Republic of Kosovo (April 9<sup>th</sup>);
  - d) International Labor Day, 1<sup>st</sup> May;
  - e) Europe Day, 9 May;
  - f) Eid Al –Fitr- the first day;
  - g) Eid Al Addha – the first day;
  - h) Christmas Day (Catholic) – 25 December;
  - i) Christmas Day (Orthodox) - 7 January,
  - j) Easter Monday, (Catholic),
  - k) Easter Monday (Orthodox).

**Article 3**

- 3.1. The official holidays dates set out in Article 2 shall be paid days off for all Kosovo employees, unless otherwise regulated by other Laws.
- 3.2. One working day during official holidays shall be compensated with one and a half day off or shall be paid.

#### **Article 4**

If official holidays mentioned in Article 2 are on Saturday or Sunday, the following working day will be a non-working day.

#### **Article 5**

##### **Republican Holidays Committee**

- 5.1. The Government of the Republic of Kosovo shall establish the Republican Holidays Committee, composition of which shall reflect the diversity of Kosovo society.
- 5.2. Republican Holidays Committee shall prepare the rules and manners of celebrating Official Holidays and Memorial Days.
- 5.3. Republican Holidays Committee, latest by the end of October of each year shall make the calendar of Official Holidays and Memorial Days for the following year, according to this Law.
- 5.4. New official holidays can be established by supplement and amendment to this law.
- 5.5. Memorial days shall be:
  - a) 28 November - Day of Albanians;
  - b) 12 June Peace Day;
  - c) 6 March Day of Memorial and Respect for Veterans;
  - d) 23 April Day of Turks;
  - e) 8 April Day of Roma's;
  - f) 15 February Day of Ashkalia;
  - g) 28 September Day of Bosnians;
  - h) 6 May Day of Gorans;

Other Memorial days shall be established by the Government of the Republic of Kosovo, in consultation with the President of the Republic of Kosovo, out of which two days in consultation with Serb community in Kosovo”

#### **Article 6**

The Government of the Republic of Kosovo shall determine which public and private institutions and other public services are obliged to work during Official Holidays in Kosovo.

#### **Article 7**

Municipal Assembly may determine its Official day as well as Memorial Days in accordance with this Law.

#### **Article 8**

The Government of the Republic of Kosovo shall issue relevant sub-legal acts in order to implement this Law.

**Article 9**  
**Entry into force**

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-064**  
**23 May 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 30 / 15 JUNE 2008**

**LAW No. 03/L-089**

**LAW ON AMENDMENTS TO THE LAW ON ADMINISTRATIVE  
MUNICIPAL BOUNDARIES, LAW ON THE PRIVATIZATION AGENCY OF  
KOSOVO, LAW ON EDUCATION IN THE MUNICIPALITIES OF THE  
REPUBLIC OF KOSOVO, THE LAW ON OFFICIAL HOLIDAYS IN  
REPUBLIC OF KOSOVO, LAW ON THE KOSOVO INTELLIGENCE  
AGENCY, LAW ON ASYLUM AND THE LAW ON INTEGRATED  
MANAGEMENT AND CONTROL OF THE STATE BORDER**

**The Assembly of Republic of Kosovo,**

On the basis of the authority granted to it under Article 65(1) of the Constitution of the Republic of Kosovo,

Hereby adopts

**LAW ON AMENDMENTS TO THE LAW ON ADMINISTRATIVE  
MUNICIPAL BOUNDARIES, LAW ON THE PRIVATIZATION AGENCY OF  
KOSOVO, LAW ON EDUCATION IN THE MUNICIPALITIES OF THE  
REPUBLIC OF KOSOVO, THE LAW ON OFFICIAL HOLIDAYS IN  
REPUBLIC OF KOSOVO, LAW ON THE KOSOVO INTELLIGENCE  
AGENCY, LAW ON ASYLUM AND THE LAW ON INTEGRATED  
MANAGEMENT AND CONTROL OF THE STATE BORDER**

**Article 1**

The following Articles:

- a) article 19 of the Law on administrative municipal boundaries No. 03/L-041
- b) article 32 of the Law on the privatization agency of Kosovo No. 03/L-067
- c) article 17 of the Law on Education in the municipalities of the Republic of Kosovo No. 03/L-068
- d) article 9 of the Law on Official Holidays in the Republic of Kosovo No. 03/L-063
- e) article 45 of the Law on the Kosovo Intelligence Agency No. 03/L-063
- f) article 73.1 of the Law on Asylum No. 03/L-066 and
- g) article 38 of the Law on Integrated Management and control of the State Border No. 03/L-065 shall be amended and shall read as follows:

“This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo”

Law No. 03/L-089 Law on amendments to the law on administrative municipal boundaries,...

## **Article 2**

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-089**

**13 June 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
III / NO. 31 / 15 JUNE 2008**

**LAW No. 03/L-054**  
**ON STAMPS OF THE REPUBLIC OF KOSOVO INSTITUTIONS**

**Contents**

Chapter I: General provisions.....	234
Chapter II: Special provisions .....	235
Chapter III: Making of the stamp .....	237
Chapter IV: The use and responsibility .....	238
Chapter V : Offence sanctions.....	239
Chapter VI: Provisional provisions .....	240

**The Assembly of Republic of Kosovo,**

Pursuant to Article 65, point (1) of the Constitution the Republic of Kosovo

Hereby adopts:

**LAW ON STAMPS OF THE REPUBLIC OF KOSOVO INSTITUTIONS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Aim**

The aim of this Law is to regulate and determine the form of contents of the stamp, the procedure on the manner of making, using and keeping the stamp and the responsibility for using the stamp in Republic of Kosovo Institutions.

**Article 2**  
**Definitions**

For the purpose of this Law, the following terms shall have the following meaning:

**“Institution”** - shall mean bodies of legislative, executive and judicial authority of central and local level and bodies in their dependency;

**“Ministry”** - means the Ministry of Public Services. or the Ministry competent for Public Administration

**“Commission”** - means the Commission nominated by the head of the institution which (com) develops the procedure for taking permission for the stamp, ordering of the stamp from the stamp maker, supervision of the stamp maker regarding the stamp, archiving of the stamp, announcement of the stamp as invalid and other proceedings as foreseen by the provisions of this Law.

### **Article 3**

- 3.1. According to the request of relevant institution, Ministry shall give permit for supply with the stamp.
- 3.2. Permit or refuse the request for stamp is granted in a time-line of three days.
- 3.3. Ministry shall keep records on given permits.
- 3.4. The institution shall have only one stamp, but in specific cases may also have a small stamp.
- 3.5. The institution is allowed to have more stamp exemplars, if exercise its activity in more than one building and if it is justified according to the work requests.
- 3.6. If there are more stamp exemplars, then each exemplar shall have ordinal roman number, which shall be put in the middle of the emblem of Kosovo and the name of the residency of the institution.

### **Article 4**

- 4.1. The stamp of the institution serves for certifying authentic act of the official, which is issued by the institution.
- 4.2. Only documents or acts that are signed by authorized persons shall be stamped.
- 4.3. The stamp shall be put on the left side of the signature of authorized person, so it will approximately cover the 1/4 of the signature.

## **CHAPTER II SPECIAL PROVISIONS**

### **Article 5**

- 5.1. The stamp of the institution has the following form and size:
  - a) the stamp has circular form,
  - b) the size of the stamp shall be 40 mm, 50 mm and 60 mm.
- 5.2. The size of the stamp shall be determined according to the text and number of languages in the stamp.
- 5.3. Regardless of the paragraph 1 of this article, if by the specific provisions in force the use of the stamp of other form, size and content from the one determined by this law is foreseen, institution or the organizational unit can be supplied with such a stamp, by respecting other provisions of this law.

### **Article 6**

- 6.1. The stamp of the institution has more concentric circles and contains the following data:
  - a) in the first outside circle shall be written: Republic of Kosovo,
  - b) in the circles shall be written the name of the institution and its residency and
  - c) in the surface inside the smallest circle of the stamp shall be placed the emblem of the Republic of Kosovo.

- 6.2. The text of the institution's stamp shall be written in the same size and form in official languages in Kosovo.
- 6.3. The text of the municipality institution's stamp shall be written in the same size and form in official languages in municipality.
- 6.4. The Government of the Republic of Kosovo in terms of three months upon entry into force of this Law enacts the sub legal act for implementation of this article.

### **Article 7**

- 7.1. Institutions may have small stamp for the cases when its use is more suitable for certifying small documents, but its diameter shall not be smaller than 20 mm.
- 7.2. The contents and form of the small stamp shall be the same as in the stamp under article 5 and 6 of this Law, however the name of the institution may be shortened, but only to that extent that can be seen to whom the stamp belongs.

### **Article 8**

- 8.1. Institutions have square stamps, which are used to protocol documents.
- 8.2. Square stamp, as a rule, has these dimensions 35mm with 70mm, but according to the needs may have other dimensions.
- 8.3. Square stamp contains the following data:
  - a) in the upper part of the stamp is the Republic of Kosovo emblem,
  - b) Republic of Kosovo,
  - c) name of the institution written in capital letters,
  - d) name of the organizational unit of the institution,
  - e) protocol number of the organizational unit, and the space for the number of the document protocol,
  - f) space for the number of attached pages,
  - g) space for the date, month and year, and
  - h) location of the institution
- 8.4. In terms of three months upon entry into force of this Law the Ministry enacts sub-legal act regarding the shape of the square stamp and technical parameters.

### **Article 9**

- 9.1. Kosovo municipality's use their stamp and emblem in those acts where is not obligatory to put the Kosovo emblem, according to the provisions of the Law on Kosovo State Symbols.
- 9.2. Stamps of municipalities shall be in accordance with the provisions of this Law, excluding the use of their emblem, according to paragraph 1 of this article.

### **Article 10**

- 10.1. The stamp shall be made of gum, metal or plastic.
- 10.2. The color of the stamp shall be blue.
- 10.3. In terms of three months the Ministry shall determine the type and the nuance and technical parameters of the colors by sub legal act.



### **Article 11**

- 11.1. The head of the institution shall name, by a decision, the commission composed of three members which shall develop the procedure for obtaining permit for the stamp, order the stamp to the stamp-maker, oversee the work of the stamp-maker, archive the stamp, announce the stamp invalid and other actions foreseen according to the provisions of this Law.
- 11.2. The commission shall keep records for every action.

### **Article 12**

- 12.1. In cases when the name of the institution is changed, and the stamp is not in use anymore, it is stored in the competent archive in compliance with the rules and procedures determined in the Law No. 2003/7 for the archive subject and archives (promulgated with UNMIK Regulation No. 2003/20).
- 12.2. The archive shall be responsible for safety and protection of received stamp.
- 12.3. The commission for stamp on archiving the stamp shall make records in three identical copies, from which one copy shall be sent to Ministry and archive, whereas one copy shall be held in the institution's archive.

### **Article 13**

- 13.1. The institution, user of the stamp is responsible for the authorship and veracity of documents which are stamped.
- 13.2. Every institution user of the stamp is obliged to keep evidence on the stamps it uses.
- 13.3. The Ministry of Internal Affairs undertakes all actions for notifying important outside entities related to official stamps in communication with outside.

## **CHAPTER III MAKING OF THE STAMP**

### **Article 14**

- 14.1. The stamp of the institution shall be made by the stamp-maker determined by the institutions.
- 14.2. The stamp-maker should have its activity registered in accordance with legal provisions in force for business registration.

### **Article 15**

- 15.1. The stamp maker of the stamp of the institution is obligated that after making the stamp, under supervision of the commission to return or destroy all models, frames, and all other tracks remained after the process of stamp making.
- 15.2. The commission, for actions foreseen under paragraph 1 of the present article shall keep records in three identical copies, which shall be also signed by the

stamp-maker, from which one copy shall be sent to Ministry, one copy to the stamp-maker and one copy shall be kept in the archive of the institution.

#### **Article 16**

The stamp-maker authorized for making the stamp shall bear full legal responsibility for any misuse of the stamp from the moment of receiving the order for making the stamp until its delivery to the commission of the institution.

#### **Article 17**

The stamp-maker is obligated to keep written records for made stamps.

#### **Article 18**

The stamp-maker is obligated to make the stamp only according to the given order; otherwise the authorization shall be taken away.

### **CHAPTER IV THE USE AND RESPONSIBILITY**

#### **Article 19**

- 19.1. The head of the institution, upon receiving the stamp from the commission, brings a decision on the starting date of use of the stamp.
- 19.2. The head of the institution authorizes in written form the responsible person to use the stamp.
- 19.3. The person responsible to use the stamp is obliged to keep full and precise evidence, and a copy of stamped document.
- 19.4. The stamp of the institution is used only within the institution premises; exceptionally it may be used outside the premises, but with special permit given by the principal of the institution.

#### **Article 20**

The authorized person is responsible for using of the stamp and is obliged to take care of unauthorized use of the stamp

#### **Article 21**

- 21.1. In case of loss or in case that the stamp is damaged, the head of the institution and the permit giver for supply with stamp shall be informed immediately within term not longer than 24 hours.
- 21.2. Immediately upon the verified loss of the stamp, or in case when the stamp is no longer in good order to be used, based on the decision issued by the principal of the institution the stamp shall be published non-effective.

- 21.3. The ordering of the new stamp is made based on the procedure foreseen by this law and it contains the next roman serial number of the lost stamp or of the stamp which is out of use.

## **Article 22**

The stamp is kept in the safe box when not used and after working hours.

## **Article 23**

Ministry supervises the institutions for implementation of this law and obliges the institution to act based on the provisions of this law.

## **Article 24**

- 24.1. Ministry of Interior Affairs supervises the stamp-maker determined to make the stamps for the institutions.
- 24.2. While supervising, Ministry of Interior Affairs may order the stamp-maker to send back or to destroy all models, moulds and all other signs that remained during the production process and to adjust its work with the provisions of this law and with other provisions in force.

# **CHAPTER V OFFENCE SANCTIONS**

## **Article 25**

- 25.1. The institution shall be fined from five hundred euro (500) up to five thousand euro (5.000) € for the following cases:
- a) if it orders the stamp without permission from Ministry,
  - b) if it does not inform Ministry in case of lost of the stamp,
  - c) if the person authorized to use the stamp has not been issued written decision for using the stamp,
  - d) if the stamp is not kept in the safe box while not in use,
  - e) if the lost or damaged stamp is not published as non-effective and
  - f) if the non-effective stamp is not delivered to the archive.
- 25.2. The responsible person from the institution is fined from two hundred fifty (250) up to two thousand five hundred (2.500) euro in case of violation of paragraph 25.1 of this article.

## **Article 26**

The stamp maker is fined from five hundred (500) up to five thousand (5.000) euro in the following cases:

- a) if he/she makes the stamp without the authorization of the institution according to the provisions of this law,

Administrative laws

- b) if he/she does not send back or destroy all models, moulds or other remains during the process of making the stamp, and
- c) if he/she gives the stamp to the unauthorized persons.

#### **Article 27**

The punitive provisions foreseen according to this law do not eliminate other responsibilities foreseen by legal provisions in force.

#### **Article 28**

The fines foreseen by provision of this law are deposited in the Kosovo Consolidated Budget.

### **CHAPTER VI PROVISIONAL PROVISIONS**

#### **Article 29**

The institutions are obliged to prepare their stamps according to the provisions of this law in term of six (6) months upon entering into force of this law.

#### **Article 30**

This law abrogates each legal provision that regulates this matter.

#### **Article 31**

This law enters into force fifteen (15) days after its publication in Official Gazette of Republic of Kosovo.

**Law No. 03/L-054  
30 July 2008**

**Promulgated by the Decree No. DL-047-2008, dated 07.08.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR III / NO. 38 / 20 SEPTEMBER 2008**

**LAW No. 03/L-190  
ON OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of Constitution of the Republic of Kosovo,

Approves

**LAW ON OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVO**

**Article 1  
Purpose and scope**

1. The present Law shall regulate the procedures for publication of the Official Gazette of the Republic of Kosovo as well as the rights, duties and responsibilities of the Office for Publication of Official Gazette.
2. Official Gazette of the Republic of Kosovo shall be the sole official publication in the Republic of Kosovo, in which Laws and other acts adopted by institutions of the Republic of Kosovo shall be published.

**Article 2  
Definitions**

1. For the purposes of this law, terms and abbreviations used herein shall have the following meanings:
  - 1.1. **Official Gazette** - the Official Gazette of the Republic of Kosovo.
  - 1.2. **The Office** - the Office for Publication of Official Gazette of the Republic of Kosovo, which operates within the Office of Prime Minister of the Republic of Kosovo.
  - 1.3. **Publication of Official Gazette** - the publication of Official Gazette in printed (on paper) and electronic version (in **Official Gazette** webpage).
  - 1.4. **Official Gazette Webpage** - the electronic internet page where all laws and other legal acts adopted by institutions of the Republic of Kosovo are published.
  - 1.5. **Index of the Official Gazette** - the list of all Laws and sub-legal acts published in the Official Gazette.

### **Article 3**

#### **Contents of the Official Gazette**

1. Official Gazette of the Republic of Kosovo contains:
  - 1.1. Emblem of the Republic of Kosovo;
  - 1.2. Designation/ the Official Gazette of the Republic of Kosovo;
  - 1.3. Ordinal number;
  - 1.4. Year of publication ( date, month and year);
  - 1.5. Place of publication.
2. Designation, year of publication, and number of the Official Gazette shall be clearly indicated in all pages of the Official Gazette.

### **Article 4**

#### **Publication of the Official Gazette**

1. Publication of Official Gazette of the Republic of Kosovo (Official Gazette) shall be done in printed and electronic version.
2. The following legal acts shall be published in Official Gazette of the Republic of Kosovo:
  - 2.1. Constitution of the Republic of Kosovo;
  - 2.2. laws adopted by Assembly of the Republic of Kosovo and promulgated by President of the Republic of Kosovo;
  - 2.3. laws adopted by Assembly of the Republic of Kosovo pursuant to paragraph 4 and 5 of Article 80 of Constitution of the Republic of Kosovo;
  - 2.4. international agreements, ratified in accordance with article 18 of Constitution of the Republic of Kosovo;
  - 2.5. decisions of the Constitutional Court;
  - 2.6. decrees of President of the Republic of Kosovo in cases when requested by the President ;
  - 2.7. declarations and resolutions adopted by Assembly of the Republic of Kosovo, in cases when requested by the President of the Assembly.
  - 2.8. Sub-legal acts of the Government and ministries in cases when requested by the Prime Minister.
  - 2.9. other acts determined by special Laws.
  - 2.10. annual Official Gazette INDEX
3. Printed versions published in Official Gazette and those published in electronic version shall be equal.

### **Article 5**

#### **Language**

The Official Gazette of Republic of Kosovo shall be published in Albanian, Serbian, Bosnian, Turkish and English language.

## **Article 6**

### **Sending the legal acts to the Office for Publication of the Official Gazette**

1. Legal acts determined in Article 4 of this Law, shall be published in Official Gazette only when such a legal act is received by the Office for Publication of the Official Gazette in its final original signed version, with a request by the entity issuing such legal act.
2. All institutions shall be under the obligation to send to the Office for Publication of the Official Gazette the legal acts to be published in Official Gazette in printed and electronic version.

## **Articles 7**

### **Obligations of institutions publishing their legal acts in Official Gazette**

1. The Secretary of the Office of the President or a person duly authorized by him shall send other legal acts issued by the President of the Republic of Kosovo for publication to Official Gazette.
2. The Secretary of the Assembly or a person duly authorized by him shall send Laws and other legal acts adopted by Assembly of the Republic of Kosovo for publication to Official Gazette.
3. The Permanent Secretary or a person duly authorized by him shall send legal acts issued by Government of the Republic of Kosovo for publication to Official Gazette.
4. The Permanent Secretary or a person duly authorized by him shall send legal acts issued by ministries for publication to Official Gazette.
5. The body or institution duly authorized to enter different agreements shall send the relevant agreements for publication to Official Gazette.
6. Title holder of the institution, entity or organization issuing other legal acts shall send the relevant legal acts for publication to Official Gazette.
7. Title holder of the institution shall be responsible for the sending of final legal act for publication in Official Gazette.
8. All institutions shall be under the obligation to send all legal acts to the Office for Publication of the Official Gazette within 5 (five) days from the moment of their issuance.
9. The entity or institution, which has send a legal act or document for publication, shall be responsible for any inaccuracy, discrepancy or error in the content of the legal act, any inconsistency in translation of the legal act or document, or any legal impediment to publication.

## **Article 8**

### **Publication of legal acts issued by the international institutions**

1. Legal acts issued by the international intuitions operating in the Republic of Kosovo shall be published in Official Gazette through the Prime Minister.
2. International institutions shall ensure that the legal act preceded for publication in Official Gazette is the final version as established in provisions of this Law.

3. Prime Minister shall issue decision regarding publication procedures of legal acts of international institutions.

### **Article 9**

#### **Rights of institutions publishing their legal acts in Official Gazette**

1. Local institutions shall be entitled to request from the Office for Publication of the Official Gazette to have the final versions of their legal acts published in Official Gazette within the due time, in full compliance with provisions established by this Law.
2. Local institutions shall be entitled to request explanations from the Office for Publication of the Official Gazette with respect to eventual delay in publication of their legal act in Official Gazette.

### **Article 10**

#### **Responsibilities of the Office for Publication of the Official Gazette**

1. The Office for Publication of the Official Gazette shall be responsible for:
  - 1.1. publication of legal acts sent for publication to the Office for Publication of the Official Gazette, in printed or electronic version, and which meet the criteria established by this Law;
  - 1.2. keeping or unrevealing the confidentiality or the official secret of data of laws and other legal acts unless they are published in Official Gazette in printed or electronic version;
  - 1.3. technical editing of final versions to be published in Official Gazette in printed and electronic version;
  - 1.4. accurate and timely publication of legal acts in Official Gazette in printed and electronic version;
  - 1.5. constant oversight of works related to the accurate and timely publication of legal acts in Official Gazette in printed and electronic version;
  - 1.6. coordinating the works with the economic operator carrying out publication of Official Gazette;
  - 1.7. coordinating the works with economic operator carrying out distribution of Official Gazette ;
  - 1.8. coordinating the works with other stakeholders and different donors, in cooperation with the Prime Minister;
  - 1.9. cooperating with competent state institutions in securing Official Gazette webpage from possible misuses and maintaining this webpage;
  - 1.10. drafting a long-term strategic action plan and office activities;
  - 1.11. preparing an annual action report and presenting it to Prime Minister.
2. Layout, technical criteria, preparation procedures, authorization of publication, volumes, modality of availability and distribution of copies of Official Gazette as well as the rules on preparation and publication of legal acts in the Office for Publication shall be determined by Administrative Instruction issued by the Prime Minister and proposed by the Director of the Office for Publication of the Official Gazette.



3. Official Gazette shall be sent for publication upon the approval and responsibility of the Director of Office for Publication of Official Gazette, and in his absence, by his duly authorized representative.
4. Director of the Office for Publication of Official Gazette provides for the receipt of acts from the institutions and for the publication of these acts in Official Gazette in printed and electronic version.

### **Article 11**

#### **Rights of the Office for Publication of the Official Gazette**

1. The Office for Publication of the Official Gazette shall have the following rights:
  - 1.1. publish the Official Gazette of the Republic of Kosovo in printed and electronic version;
  - 1.2. republish the Official Gazette in printed and electronic version upon the requests and needs of institutions and citizens;
  - 1.3. enter Memorandums of Understanding with different institutions regarding the advance payment of the Official Gazette, upon the consent of supervising institution;
  - 1.4. enter different agreements with all local and international institutions, having intention to fulfill the duties and mission of the Office for Publication in compliance with supervising institution;
  - 1.5. ask from economic operators to render timely and quality services as envisaged in the contract;
  - 1.6. file suit against all contracting parties that does not fulfill their obligations towards Official Gazette;
  - 1.7. the Office for Publication of the Official Gazette shall have its own official stamp, round stamp and protocol stamp in compliance with law.

### **Article 12**

#### **Publication**

1. Official Gazette shall be published regularly, as appropriate, in printed and electronic version, in languages defined by this Law, but no later than fifteen (15) days from the day of the submission for publication of legal acts as established in Article 4 of this Law.
2. Official Gazette shall be published in printed and electronic version upon the urgent needs of institutions of the Republic of Kosovo.
3. Special publications of Official Gazette in printed and electronic version shall be issued upon the request of Prime Minister.
4. Official Gazette shall be printed by a printing office qualified and selected pursuant to public procurement rules of the Republic of Kosovo.
5. The republication of Official Gazette in printed and electronic version, by anyone and by any means, shall be prohibited.
6. All users of the materials of the Official Gazette shall indicate name, number and year of publication of the Official Gazette.

### **Article 13**

#### **Price and distribution of the Official Gazette**

1. The price of the Official Gazette shall be set by a decision issued by Government of the Republic of Kosovo.
2. Upon the suggestion of the Office for Publication of the Official Gazette, the Government of the Republic of Kosovo shall issue a decision on beneficiary subjects and the number of copies of the Official Gazette to be distributed free of charge.
3. The Official Gazette in electronic version shall be published on the same day when these legal acts are published in Official Gazette in printed version.
4. The Official Gazette in electronic version shall be free of charge for citizens.
5. Distribution of copies of the Official Gazette shall be done by the economic operator qualified and selected pursuant to public procurement rules of the Republic of Kosovo.

### **Article 14**

#### **Funding**

1. Funding of the Official Gazette shall be done by the budget of the Republic of Kosovo and donors.
2. All institutions entering a Memorandum of Understanding with the Office for Publication of the Official Gazette shall be under obligation to conduct the payment for copies of Official Gazette within fifteen (15) days from the day of the receipt of invoice as established by Law on Management of Public Finances.
3. Funds generated by the Office for Publication shall be collected in Kosovo budget.

### **Article 15**

#### **Appeals**

1. The Office for Publication of the Official Gazette shall receive appeals concerning errors and deficiencies related to publication of legal acts in Official Gazette, either in printed or in electronic version.
2. Deadlines and adequate measures related to appeals to Official Gazette shall be regulated by a separate sub-legal act issued by the Government.

### **Article 16**

#### **Implementation**

Upon proposal of the Office for Publication of the Official Gazette, the Government of Kosovo shall issue relevant legal acts on implementation of this Law, within six (6) months after the entry into force of this Law.

**Article 17**  
**Transformation**

Office for the Management and Administration of the Official Gazette of Provisional Institutions of Self-Government in Kosovo shall be transformed into the Office for Publication of the Official Gazette and shall resume all rights and responsibilities of this office.

**Article 18**  
**Repeal of legal acts**

The present Law shall repeal the Law No. 2004/47 on Official Gazette of Provisional Institutions of Self-Government in Kosovo and all other legal acts regulating the issue of publication of the Official Gazette.

**Article 19**  
**Entry into force**

This Law shall enter into force fifteen (15) days after the publication in Official Gazette of the Republic of Kosovo.

**Law No. 03/L-190**  
**4 June 2010**

**Promulgated by the Decree No. DL-023-2010, dated 28.06.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 74 / 20 JULY 2010**

**LAW No. 03/L-176  
ON PARLIAMENTARY INVESTIGATION**

**Contents**

Chapter I: General provisions.....	248
Chapter II: General provisions .....	249
Chapter III: Organization and functioning of the investigative committee.....	251
Chapter IV: Accomplishment of parliamentary investigations .....	253
Chapter V: Report for the assembly .....	256
Chapter VI: Other provisions .....	257

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

**LAW ON PARLIAMENTARY INVESTIGATION**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose of the Law**

Purpose of this Law is to regulate the functioning of the Investigation Committee by determining organizational structure, activity, competencies and responsibilities of Investigation Committee.

**Article 2  
Scope**

1. The scope of the committee should be in compliance with Constitution and legal provisions of the international right, by not violating the independence and not interfering with the activities of other bodies.
2. The Committee shall be established to investigate problems, issues that involve directly the responsibilities of the Government or State.
3. The Committee shall be established with the aim to conclude, describe the flow of events in order to clarify what has happened and to define responsibilities of those involved in it.
4. The Committee shall be established to inform, recommend, exercise the parliamentary supervision and achievement of a conclusion.

5. The Committee shall be established and functions on the basis of constitutional principles and rules defined by this Law.
6. The Committee prepares the final report regarding the investigations within the given term by the Assembly and in compliance with the Law.

### **Article 3** **Definitions**

1. Terms used in this law have the following meanings:
  - 1.1. **Day** - the calendar days.
  - 1.2. **Committee** - the ad hoc Parliamentary investigative Committee established by the Assembly of Kosovo.
  - 1.3. **CPCCK** - the Criminal Procedure Code of Kosovo.
  - 1.4. **CCK** - the Criminal Code of Kosovo.
  - 1.5. **Personnel of the Assembly** - the civil staff of the Assembly of Kosovo.
  - 1.6. **Parliamentary investigations** - procedural actions taken by the Committee, in order to reveal a case or a specific issue, without having an accused party and without raising an indictment.
  - 1.7. **Evidence** - any information, proof, document or a fact that contributes to issuing the conclusions from the investigation.
  - 1.8. **Impermissible questions** - questions which according to the CCK are not permissible to be raised or in which the answer could be refused.
  - 1.9. **Appellant** - the committee or a group of deputies that propose the establishment of the Investigative Committee.

## **CHAPTER II** **GENERAL PROVISIONS**

### **ESTABLISHMENT OF THE INVESTIGATIVE COMMITTEE**

#### **Article 4** **Procedure for Establishing the Parliamentary Investigative Committee**

1. The right to initiate the procedure for establishing the Committee have six (6) deputies, a permanent Parliamentary Committee or 1/3 of members of the Assembly.
2. The proposal for establishing the Committee is tabled to the Presidency of the Assembly in writing and it should include the issue which will be investigated, the justification, the signature of the initiation group, the proposal on the amount of the Committee members and the time frame within which the mandate of the Committee will rest, which cannot be longer than six (6) months.
3. In cases when the request for the committee is tabled by 1/3 of the deputies, the Assembly in the next plenary session mandatory establishes the Committee for the requested matter.
4. In cases of initiation by a permanent Parliamentary Committee or a group of deputies that consists less than 1/3 of deputies of the Assembly, the Assembly may decide by the majority of votes for establishing the committee.

5. The Committee cannot be established during six (6) last months of the Assembly's mandate

### **Article 5**

#### **The Intermission of the Committee's Work**

1. The Assembly decides for the intermission of the Committee work before the end of the mandate, this only by the request of the initiator (of the committee) and with the majority of votes by all deputies.
2. In cases when the Assembly is dismissed before the end of the regular mandate, the Committee will also cease to exist.
3. Issues that once have been an object of parliamentary investigation in one of the mandates of the Assembly cannot be again subject of parliamentary investigation, except in cases indicated in paragraph 2 of this Article.

### **Article 6**

#### **The Mandate of the Committee**

1. The issue determined for parliamentary investigation can be subject of amendment by a decision of the Assembly or extended later by a decision of the Assembly, if the initiator of the Committee has agreed with that amendment.
2. The Committee is obliged to stick to its mandate given by the Assembly. Amendment or the later extension of the mandate can be done only in accordance with the 1 paragraph of this Article.
3. The mandate for investigating a matter is six (6) months when the committee should present the final report.

### **Article 7**

#### **Obligations of the Assembly Bodies**

1. The President of the Assembly, not later than seven (7) days from the date of receipt of the request for establishing the Committee invites the Presidency of the Assembly to discuss upon the initiative.
2. Irrespective from the initiators proposal on amount of members of the Committee, the Presidency of the Assembly before establishing the Committee can propose to the Assembly the extension or the decrease of the general number of the members of the Committee.
3. The Presidency proposes to the Assembly the composition of the Committee based on nominations of Parliamentary Groups for members of the Committee. In case that one Parliamentary Group doesn't respond to the request of the Presidency on time, the Presidency proposes to the Assembly the compositions by the nominations made by the Parliamentary Groups and non nominated positions are left empty.
4. The Presidency of the Assembly includes the request for establishing the Committee in the agenda not later than three (3) calendar weeks after the date when the request is presented by the applicant. In case where the Presidency

doesn't succeed to put the request in the aforementioned term, the request is reviewed without the proposal of the Presidency in the first upcoming meeting of the Assembly.

### **CHAPTER III**

## **ORGANIZATION AND FUNCTIONING OF THE INVESTIGATIVE COMMITTEE**

### **Article 8**

#### **Composition of the Committee**

1. Members of the Committee may be only deputies of the Assembly of Kosovo.
2. The Committee consists of not less than seven (7) and not more than fifteen (15) members. Number of members of the Committee should always be odd.
3. Every Parliamentary Group of the Assembly shall be represented in the Committee with at least one (1) member.
4. In principle, when the composition of the Committee is determined the proportion of the representation of Parliamentary Groups in the Assembly shall be taken into consideration. However, the Committee shall consist of deputies coming from the parties that are in a governmental coalition and in the opposition, in closest representative relations. The difference of total members of the Committee in relation coalition to opposition in the Assembly cannot have more than one (1) member.

### **Article 9**

#### **Dismissal from the Investigative Committee**

1. A member of the Committee may resign from the membership in the Committee only by its own initiative at any time, except in the period after the finalization of the investigative procedures and of the beginning of reviewing the results by the Committee.
2. The Committee decides necessarily to dismiss a member of the Committee, if he misses three (3) times in a row in the sessions of the Committee without any legal justifiable reason.
3. In case of dismissing a member of the Committee, the Chairperson of the Committee immediately informs the Presidency of the Assembly.
4. Dismissed member of the Committee need to be replaced by the political group which they represent, except cases when it is concluded that the member for no reason interferes the work of the committee.
5. The Assembly in the next upcoming plenary session decides for the appointment of the new member of the Committee.

## **Article 10**

### **Chairperson of the Committee**

1. The Chairperson of the Committee is appointed by the Assembly when the committee is established. The Chairperson is appointed from the biggest Parliamentary Group which is not initiator of the investigation Committee and does not belong to the party of governing coalition. Deputy Chairperson of the Committee is appointed by the Assembly on proposal of the initiator or the initiating group of the committee.
2. The Chairperson of the Committee conducts the work of the Committee in compliance with this law and decisions of the Assembly for establishing the Committee. In absence of the Chairperson, his/her duties shall be carried out by the Deputy Chairperson.

## **Article 11**

### **Meetings of the Committee**

1. The first meeting of the Committee is convoked by the Chairperson of the Committee, not later than fourteen (14) days from the date when the Assembly took the decision for establishing the Committee.
2. The Chairperson convokes the meetings of the Committee in conformity with the working plan which is approved by the Committee in one of the first meetings of the Committee.
3. On request of 1/3 of the members of the Committee, the Chairperson convokes the meeting on the date required by the proposing group.
4. Members of the Committee and the support staff are obliged to keep the confidentiality related to the information and the work of the Committee.
5. Provisions for the work of permanent committees determined with the Rules of Procedure of the Assembly are implemented in accordingly for the investigation Committee, except cases when this law indicates differently.

## **Article 12**

### **Decision making**

1. Committee meetings and sessions are held only if more than half of Committee members are present (the quorum).
2. The committee takes decisions by a simple majority of the members present.
3. In cases when during the meeting there is no quorum, the Chairperson interrupts the meeting for a certain time. In case that within this time no quorum is reached, the Chairperson closes the meeting and calls for another meeting not later than seven (7) days.
4. If one member of the Parliamentary Group does not participate in the meeting three (3) times in row for no reason then the Committee requires from the Assembly replacing the member, not necessarily by the same Parliamentary Group.



## **CHAPTER IV**

### **ACCOMPLISHMENT OF PARLIAMENTARY INVESTIGATIONS**

#### **Article 13**

##### **Rights and Duties of the Committee during the Investigative Phase**

1. With the aim to fulfill the investigations, the Committee has the right:
  - 1.1. to summon the holders of public functions to be heard before the Committee;
  - 1.2. to summon other natural and legal persons to be heard before the Committee;
  - 1.3. to summon persons from point a. and b. to give their testimony under oath;
  - 1.4. to have the absolute access in all official documents;
  - 1.5. to request hearing of evidence;
  - 1.6. to order for compulsory behavior of persons from sub-paragraphs 1.1., 1.2. and 1.3. of this paragraph called to give their testimonies in front of the Committee;
  - 1.7. to establish an investigative group to develop specific investigations from members of the Committee.
2. The Committee is entitled to ask for an independent experts' expertise while accomplishing their tasks. Financial means for this expertise shall be provided by the Assembly.
3. The work of the Committee is supported by the Assembly staff.

#### **Article 14**

##### **Working Phases of the Committee**

1. The work of the Committee is divided in three (3) main phases:
  - 1.1. investigation phase
  - 1.2. evaluation of investigations
  - 1.3. preparation of the final report

#### **Article 15**

##### **Investigation Phase**

1. The Committee compiles and approves the action plan on the matter that is object of investigation.
2. The action plan contains the procedural actions, investigative actions and time frame to be followed by the Committee on the investigating matter, as well the circle of persons to be heard and to be taken as witnesses or experts.
3. The action plan may change during the progress of investigations, in cases when new events occur or new evidence comes to light that are linked with the matter that is investigated.
4. Every member of the Committee can propose procedural actions, hearing of evidences and investigative actions linked to the matter.

## **Article 16**

### **The Publicity of the Committee Meetings**

1. Meetings of the Committee are public, except in cases when it is foreseen differently by law or in cases when the Committee decides for close session.
2. Meetings of the Committee are necessarily closed in cases when the Committee reviews the gathered evidences or decides based on them.
3. The Committee decides for close session in the cases when this is needed for:
  - 3.1. safeguarding the official secrecy;
  - 3.2. safeguarding the secret information which will be jeopardized by public review;
  - 3.3. safeguarding the order and respecting the law;
  - 3.4. protection of personal or family life of a person that is affected by the procedure;
  - 3.5. protection of those affected or of witnesses; and
  - 3.6. protection of enterprise secret.
4. The Committee can decide for a closed meeting or meeting with limited participation of the public with simple majority of votes. In this case the Committee decides for a circle of persons authorized to be present in the meeting of the Committee.
5. Request for a closed session or limited participation can be made by;
  - 5.1. one (1) member of the Committee that is present;
  - 5.2. a witness;
  - 5.3. an expert;
  - 5.4. a person that is heard by the Committee.
6. The decision for a closed or limited meeting is made public by the Chairperson of the Committee in an open meeting.
7. Sessions of the Committee are recorded only through official electronic equipment of the Assembly and safeguarded as an official secrecy except if the Committee decides differently.
8. In the next meeting of the Committee the minutes of the meeting are approved and signed by the Chairperson.

## **Article 17**

### **Keeping the Order in the Meetings of the Committee**

1. The Chairperson is in charge for keeping the order in the meetings of the Committee.
2. Every participant that is present, except the members of the Committee who do not respect the order in the meeting of the Committee can be expelled from the meeting room. If they refuse to leave, then they will be taken out by force from the security personnel.
3. Against persons from paragraph 2 of this Article the prosecutor's office may be requested to initiate a criminal procedure.
4. The Committee can also decide to deny the right of persons mentioned in paragraph 2 of this Article to participate in the Committee meetings.

## **Article 18**

### **Evidence**

1. The Committee decides for hearing and reviewing of evidences.
2. Provisions of CPCK regarding the proof and witnesses are applicable accordingly.
3. On request of 1/3 of members of the Committee the evidence shall be heard, except in cases when this is not in conformity to the legal procedures.
4. All natural and legal persons (private or public) are obliged to submit to the Committee all documents or other material evidence requested from them.
5. In case of a rejection or unjustifiable delay for submission of evidences by the entities mentioned in paragraph 4 of this Article, the committee will request from the Competent Court to secure the certain requested evidence.
6. The Courts are obliged to submit to the Committee the required proofs as in paragraph 5 of this Article.

## **Article 19**

### **Witnesses**

1. The Committee compiles the list of witnesses.
2. The list can be adjourned until the closure of investigation phase.
3. The Committee even during the closure of investigation phase when it is considered that the proof of the witness can essentially change the flow of the process can decide to hear the closing phase too.
4. The Committee invites witnesses to clarify different circumstances linked to the matter that is investigated.
5. Alignment of proof to be heard in front of the Committee is decided with a consensus. If the Committee doesn't reach a consensus then the alignment is decided with majority of votes.
6. Witnesses are obliged to reply to the invitation for summoning in front of the Committee. The invitation note shall contain the date and hour, venue, matter for which is the evidence requested, the rights of the witness in the procedure as well the legal consequences in case the witness does not respond to the invitation of the Committee.
7. In case the witness does not respond to the invitation of the Committee, the Committee can request to be taken measures against the witness in conformity with the applicable laws.
8. Provisions of CPCK regarding the witnesses are applied accordingly in the investigative procedure of the Committee.
9. Public bodies are obliged to allow the officer or a public employee to give testimony in front of the Committee, except in cases when the law provides differently.
10. The witness is obliged to testify in conformity to the procedures foreseen by this law and by CPCK. In contrary the witness can be subject to legal sanctions foreseen by this law. The Committee can ask also hearing of criminal procedure against the witness who does not testify in conformity to his obligations set out with this law or with the provisions of CPCK.

## **Article 20**

### **Interrogation of the witness**

1. Witnesses are questioned by the members of the Committee.
2. Chairperson of the Committee informs the witness before the beginning of his/her testimony regarding his/her rights and responsibilities in the procedure.
3. The witness is obliged to answer the questions of the Committee, except in cases when it is foreseen differently with the provisions of CPCK.
4. The witness can refuse to answer the impermissible questions. Chairperson of the Committee has the task to intervene against an impermissible question.

## **Article 21**

### **Expertise**

1. Experts are proposed and appointed by the members of the Committee.
2. The experts are called and have obligations as provided with the provisions of CPCK.
3. The person who is called as an expert has the task to respond to that call and to give his expertise, except in cases foreseen by Article 178 of CPCK.
4. The Committee and the expert agree regarding the time frame for giving or submitting the expertise. Deadlines are obligatory for the expert. If the expert delays the expertise for unjustifiable reasons, the Committee can require to be taken measures against the witness in conformity with the applicable laws.
5. Experts give their expertise based on the principle of professionalism and impartiality.

## **Article 22**

### **Completion of the Investigation**

1. The investigation is deemed as complete by a decision of the Committee, when the items of the investigative plan are fulfilled and when the Committee has a clear opinion on the matter of the subject of the investigation.
2. The Committee decides for completing the investigation phase with a consensus. In case there is no consensus, the Committee decides with the majority of votes.

## **CHAPTER V**

### **REPORT FOR THE ASSEMBLY**

## **Article 23**

### **Final Report**

1. After finalizing the investigations and their evaluation, the Committee prepares its final report. The report needs to reflect in objective manner the flow of the procedure, conclusions from the investigation, evidence that led the Committee to take these conclusions and proposals for the Assembly on the investigated matter.
2. The details on the sources of evidence are not published in the final report.

3. The final report is approved by the Committee with a consensus. In case the Committee does not reach consensus, the decision is taken by the simple majority of votes.
4. Members of the Committee which don't agree with the conclusions or the content of the final report have the right to present their opinion regarding the report on a written form. This opinion needs to have justification and necessarily should be attached to the final report.
5. The Chairperson of the Committee submits the final report of the Committee of the Assembly within ten (10) days from the day of its approval by the Committee. The Presidency of the Assembly should include it in the agenda of the Assembly's session review of the report within a following term of thirty (30) days from the day of its submission.
6. To the final report is also attached the decision taken by the Assembly for establishment of the Committee, and the investigation plan of the Committee.
7. Material proofs, testimonies of the investigation and the expertise are archived and preserved in accordance with the law.
8. If it is evident that the Committee cannot manage to prepare the final report before the end of the relevant mandate of the respective legislation, then the Assembly may ask for a report of the Committee on the present situation of the investigation.
9. By a decision of the Assembly, the Committee could be requested to write a temporary report.

## **CHAPTER VI OTHER PROVISIONS**

### **Article 24 The Budget of the Committee**

1. For its activities, the Committee has a special budget approved by the Assembly upon proposal of the Committee.
2. The Committee manages in an autonomous manner the special budget allocated by the Assembly and presents the report according to the requests of the Assembly.
3. General legal provisions implemented by the Court regarding the compensation and costs regarding the experts and witnesses are applicable also for the Committee.

### **Article 25 Final Provisions**

The committee can issue internal rules according to the need, which should not be in contradiction with this law and with the Rules of Procedure of the Assembly of Kosovo.

**Article 26**  
**Entry into Force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No.03/L –176**  
**4 June 2010**

**Promulgated by the Decree No. DL-024-2010, dated 28.06.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**V / No. 74 / 20 JULY 2010**

**LAW No. 03/L-111  
ON RIGHTS AND RESPONSIBILITIES OF THE DEPUTY**

**Contents**

Chapter I: General provisions.....	259
Chapter II: Candidacy and the end of the deputy's mandate.....	260
Chapter III: Immunity .....	261
Chapter IV: Relations with the central and local authorities.....	262
Chapter V: Compensation, expenses and other benefits of the deputy .....	263
Chapter VI: Other rights of the deputies .....	266
Chapter VII: Code of conduct and the conflict of interests.....	268
Chapter VIII: Temporary and final provisions.....	270

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) and Article 84 (28) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON RIGHTS AND RESPONSIBILITIES OF THE DEPUTY**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose of the Law**

This Law regulates rights, responsibilities, immunity and the compensation of deputy's of the Assembly of Kosovo (henceforth, the Deputy) before, during and after his mandate.

**Article 2  
Status of the deputy**

1. The deputy enjoys a special status during the period he practices his mandate as a deputy in accordance with the constitutional provisions, the Law on elections and this Law.
2. The special status of the deputy is the position he has in relations with the state bodies and with the bodies of local governance, as well as the rights and financial and protocol obligations.

**Article 3**  
**Free mandate**

1. The deputy is a representative of the citizens and during his mandate he is subject only to his conscience.
2. The deputy carries out his tasks in accordance with the constitutional provisions, with Law and with the Rules of Procedure of the Assembly.

**CHAPTER II**  
**CANDIDACY AND THE END OF THE DEPUTY'S MANDATE**

**Article 4**  
**Candidacy for the Mandate of the Deputy**

1. No one can be hindered to candidate or to practice the mandate of the deputy, except in cases foreseen by the Law.

**Article 5**  
**Deputy's mandate**

1. The mandate of the deputy is given from the free vote of citizens and begins from the moment when his/her mandate is certified in accordance with the Law in force.
2. The mandate of the deputy shall commence from the moment when his/her mandate is certified by the competent authority in accordance with the Law. The mandate of the deputies of the previous composition of the Assembly ends on the same day.
3. The deputy who practices regular working relations in public sector is obliged to declare in written form the primary and secondary salary within fifteen (15) days from the certifying day of his/her mandate.

**Article 6**  
**Incompatibility with executive function**

1. The deputy can not be at the same time Prime Minister, Deputy Prime Minister, Minister or Deputy Minister.
2. In case of appointing a deputy to functions foreseen in paragraph 1 of this Article, the deputy's mandate terminates on the day of his/her appointment as a member of the Government from the paragraph 1 of this Article.

**Article 7**  
**Incompatibility with economic activities**

1. The deputy can not be a Board member of one private company.
2. The deputy can not act as an advisor or a legal representative of any company or business during his mandate.
3. The deputy can not be the chief editor or the deputy chief editor of written and electronic media, with exception of his/her political party ones.



4. The deputy during his mandate can not practice the activity of lawyer.
5. The deputy can not to carry out the economic activities which create conflict of interests.

### **Article 8**

#### **End of mandate**

1. The deputy's mandate ends prematurely:
  - 1.1. if the deputy doesn't oath in inauguration session or in coming session, in which he/she is physically able to do the oath;
  - 1.2. after his resignation;
  - 1.3. if the deputy becomes member of the Kosovo Government;
  - 1.4. if he/she becomes unable to carry out his/her function;
  - 1.5. if in six (6) months period he/she doesn't attend any plenary session of the Assembly or the Committee meetings where he is a member. In special cases, the Assembly may decide otherwise;
  - 1.6. if he is by a valid decision convicted of a crime, with imprisonment for a period of at least six (6) months;
  - 1.7. in case of death.
2. For cases specified in sub-paragraph 1.4. and 1.5. paragraph 1 of this Article, the decision regarding the end of the mandate of a deputy is taken by the Assembly, by 2/3 vote of the deputies present in the Assembly and who vote following the recommendations of the Committee for Mandate and Immunity.

## **CHAPTER III IMMUNITY**

### **Article 9**

#### **The Immunity of the Deputy**

1. The deputies of the Assembly enjoy the immunity towards penal prosecution, civil action or towards dismissal for their actions within scope of their responsibilities as deputies of the Assembly. Immunity does not hinder penal prosecution of the deputies of the Assembly for actions undertaken outside their scope of responsibilities as deputies of the Assembly.
2. The deputy of the Assembly can not be arrested or stopped while he/she is performing his/her duties as deputy of the Assembly, without consent of the majority of all deputies of the Assembly.
3. The request for dismissing the immunity of the deputy is to be done only by the Attorney General of Kosovo. Only in cases when the private indictment is raised against the deputy according to the Criminal Procedure Code of Kosovo, the request for suspending the immunity can be submitted only by the court that is investigating the case.
4. The request for dismissing the immunity is addressed to the President of the Assembly who immediately sends it to the Committee for Mandates and Immunities that reviews and prepares the recommendations for the next plenary session of the Assembly.

5. The Committee for Mandates and Immunities prepares the recommendation for the Assembly within thirty (30) days from the day of receiving the request by the President of the Assembly.
6. The Assembly without debate will bring a decision regarding the dismissal of the immunity however the deputy can put forward his views regarding the case.
7. For the dismissal of the immunity of the deputy the majority of votes by all deputies of the Assembly of Republic of Kosovo are necessary.
8. The deputy which has a dismissed immunity has the right to complain to the Competent Court, in term of thirty (30) days. The deputy's complaint shall not suspend the decision of the Assembly.
9. With exception from paragraph 3 of this Article, the measure of imprisonment can be undertaken towards a deputy without any prior consent from the Assembly in case when he or she is caught while committing (in flagranti) a severe criminal act that is condemnable with five (5) or more years of imprisonment.

#### **Article 10**

##### **Beginning and respect of the Immunity**

1. The deputy shall enjoy parliamentary immunity from the date his mandate is certified.
2. The immunity of the deputy must be respected by all, regardless of the function.
3. The deputy may inform the President of the Assembly for any violation of his immunity. The President of the Assembly is obliged to undertake necessary measures without any delay.

#### **Article 11**

##### **Access to public institutions**

1. The Identification Card issued for the deputies shall guarantee free entering in all state and public administration bodies. In conformity with the issued regulations by the competent Ministries of the Government, the deputy may be also authorized to enter in zones of local armed forces, security service, police and Kosovo Police Force.
2. Bodies of the public administration are obliged to provide support for deputy in fulfilling his mandate and to provide appropriate information required for their work.

### **CHAPTER IV**

#### **RELATIONS WITH THE CENTRAL AND LOCAL AUTHORITIES**

#### **Article 12**

##### **Participation of the deputy in local governance policies**

1. The deputy has the right of attendance in meetings organized by the local governance authorities.
2. The authorities mentioned in paragraph 1 of this Article, at the beginning of each month provide the deputies with the calendar of the sessions, including possible changes that it can bare.

### **Article 13**

#### **The rights in relation to the central executive authorities**

1. The chief heads of the Ministries and of other central institutions are obliged to welcome the deputy with priority, any time he asks for a meeting for the problems linked to carrying out their duties.
2. The deputy has the right to ask for explanations for every matter regarding the fulfillment of his task, of Ministers or of the Heads of other central institutions, as well as of every institution in the state administration of the local governance. The supervisors and their staff are obliged to respond to the deputy within seven (7) days from the date the request was submitted.
3. For the violation of procedures from paragraph 1 and 2 of this Article, the Cabinet of the Prime Minister and the Committee for Mandate and Immunity will be informed in written form in order of issuing relevant responsibilities.
4. The deputy will receive an invitation and he can attend the Government meetings, Ministry ones or those of other central institutions, when the issues discussed there are raised by him.
5. The public authorities and institutions are obliged to take into consideration the requests, complaints and proposals made by voters through the deputy within thirty (30) days, from the day they were submitted, they are obliged to notify the deputy for the way of their treatment.
6. When the deputy estimates that one sub-legal act issued by the Government, central institution, local governance authorities, is contestable, he makes a written proposal to the relevant authority to review or to repeal it, while in the same time informing on this behalf also the Cabinet of the Prime Minister or the Municipality. The relevant conducting authorities are obliged to review the proposal made by the deputy in the next possible meeting and within seven (7) days they should inform in written form regarding the completion of the review.
7. When the deputy, finds out that appointed employees of the public administration violate laws, he has the right to ask the relevant authority to take certain measures in accordance with the relevant legislation. The heads of these authorities are obliged to immediately review the proposals made and within thirty (30) days to make the appropriate decision while informing the deputy.

### **CHAPTER V**

#### **COMPENSATION, EXPENSES AND OTHER BENEFITS OF THE DEPUTY**

### **Article 14**

#### **Financial and material benefits of the deputy**

1. The deputy during the exercise of his/her mandate has a right on compensation for:
  - 1.1. basic salary;
  - 1.2. transitional salary after the end of the mandate;
  - 1.3. participation in sessions and meetings of the committees;
  - 1.4. parliamentary functions;
  - 1.5. monthly expenses;

Administrative laws

- 1.6. supplementary pension; and
- 1.7. other rights determined by this Law.

### **Article 15**

#### **Compensation of the Deputy**

The basic salary of the deputy shall be determined by provisions of the Law on the Salaries of the Public Functionaries.

### **Article 16**

#### **Transitional Compensation**

Until the commencement of realizations of the financial incomes from any source, or from realization of the pension, since the day of the end of mandate, the deputy has a right to basic salary for twelve (12) months.

### **Article 17**

#### **Monthly expenses**

The deputy has the right of compensation of monthly expenses regarding the work in the Assembly.

### **Article 18**

#### **Compensation for the function**

1. The deputy that holds a parliamentary function, upon proposal of the Committee for Budget and Finances, shall receive additional monthly compensation which shall be determined by the decision of the Assembly.
2. The compensation for the function is a subject to taxes and pension contribution.
3. Deputy from paragraph 1 of this Article has no right on additional compensation only for one managing function.

### **Article 19**

#### **Canceling the compensation**

For no participation because of unjustifiable reasons of the deputy in the plenary session, in Committees or in other Parliamentary functions, in which he is appointed, he will not gain any compensation from sub-paragraph 1.3. and 1.5. paragraph 1 of Article 14 of this law, pursuant to the special act of the Presidency of the Assembly.

### **Article 20**

#### **Determining the height of the compensation**

The height of the compensation for the function and monthly expenses is determined upon the proposal of the Committee on Budget and Finance and with the decision of the President of the Assembly.

**Article 21**  
**Daily-pay for official journeys**

1. The deputy that goes on official journey outside of Kosovo gains from the Assembly daily-pay and compensation for the transport, according to the acts approved by the Assembly.
2. The deputy in cases when he is appointed to attend in Governmental delegations or in other institutions, the expenses are covered by the institution that has invited him/her, while benefiting the allowances pursuant to the acts approved by the Government.
3. The deputy while practicing his parliamentary function has the right to adequate transport service or adequate compensation for journey expenses, according to quotations and procedures defined by special acts of the Assembly.

**Article 22**  
**Supplementary pension**

1. The deputy, after the end of his mandate, has the right on supplementary pension, if a deputy has practiced his/her task for at least one mandate and is fifty-five (55) years of age.
2. The deputy who fulfils the conditions defined in paragraph 1 of this Article, realizes a supplementary pension in amount of fifty percent (50%) of the compensation of the deputy. The deputy that has served two (2) mandates under conditions defined in paragraph 1 of this Article realizes a supplementary pension of a deputy in amount of sixty percent (60%) of the basic compensation and the one who served in three and more mandates in amount of seventy percent (70%) of the basic salary.

**Article 23**

1. The rights and responsibilities of a deputy, determined with this law, start to run from year 2001, with certification of the mandate of the deputy.
2. The status of the deputy for legislature 1990 – 2000 shall be regulated with special law.

**Article 24**  
**Pension basis**

1. As basis for determining the supplementary pension of the deputy is used the basic recent salary that the deputy realizes in the Assembly.
2. The overall sum of the supplementary pension of the deputy can not be higher than seventy percent (70 %) of the basic salary of the deputy.

**Article 25**  
**Pension for disability reason**

1. The deputy to whom because of the injury while performing his/her task was in general disabled for work, has a right on supplementary pension of a deputy regardless of the retirement seniority, age and his mandate as deputy.

Administrative laws

2. The Pension from paragraph 1 of this Article is determined in sum of seventy percent (70 %) of the basic salary.

#### **Article 26**

##### **Special circumstances**

Criterion to realize and determine the amount of the pension is the overall retirement seniority, realized in and outside the country.

#### **Article 27**

##### **Family pension**

1. Members of the family of the deputy who has passed away and who used the supplementary pension are entitled to the family pension in the amount of seventy percent (70 %) of that pension on the day he passed away.
2. The right to a family pension from paragraph 1 of this Article is valuable for all the cases, starting from the legislature of 2001.
3. The foreseen procedures for fulfillment of rights for the regular pension are applicable also for achieving the supplementary pension of the deputy.
4. The right to a family pension has spouse and children until the age of eighteen (18), respectively until the age of twenty-two (22), if they continue the high schooling

#### **Article 28**

##### **Ensuring means**

The financial means for compensation determined in Article 14 of this law, are provided from the Budget of Republic of Kosovo.

### **CHAPTER VI**

#### **OTHER RIGHTS OF THE DEPUTIES**

#### **Article 29**

##### **Annual leave**

The deputy enjoys the right for an annual leave not more than thirty (30) calendar days within the annual sessions of the Assembly works.

#### **Article 30**

##### **Compensation for annual leave**

The deputy has the right on compensation in the amount of a basic compensation for the period when the Assembly defines its recess.

**Article 31**  
**Diplomatic status**

1. The deputy is acknowledged the right to be provided with a diplomatic passport during his/her mandate as well as one (1) year after completion of his/her mandates.
2. The wife/husband of the deputy is provided with facilities regarding the supply with traveling visa, in order of realizing the common official visits.
3. The diplomatic immunity of the deputy is guaranteed by the agreement between states and according to the obligations coming from international conventions.

**Article 32**  
**Seniority on employment**

1. The period when the deputy practices his mandate is reckoned as the seniority of active employment.
2. While practicing his mandate the deputy is provided with health insurance and pension one in accordance with the Law.

**Article 33**  
**Working equipment**

1. The committees and the Parliamentary groups are provided with offices in the Assembly and with the assisting staff.
2. The deputies are provided with offices in the Assembly.
3. Also, by any constituency, the local governance authorities open special working offices for deputies. The President of the Assembly of Kosovo, with the consent of the deputies, appoints at their service a secretary, as a rule with high judicial education, who is provided with the necessary working equipment.
4. The funds for above mentioned needs will be covered by the Budget of the Assembly.

**Article 34**  
**Other benefits**

The deputy is provided free of charge with the "Official Notebook," Bulletin of the Assembly or of other central institutions; sub-legal acts of the Government as well as those of the municipality bodies, where he is elected.

**Article 35**  
**Security of the deputy**

1. The deputy is provided with the special protection by the authorities of the Ministry of Internal Affairs, in accordance with procedure on special protection in cases when he requests so.
2. With regard to the request of the deputy, for provision of a special protection shall decide the Ministry of Internal Affairs with accelerated procedure.

### **Article 36**

#### **Identification Document**

1. The deputy is provided by the Assembly with an identification document, which is valid till the end of his mandate. This document will replace any other ID issued by other public authorities, civil or military ones in order to have access to different locations and buildings with exception to those locations and buildings where the access is prohibited by law.
2. After the completion of the mandate, the deputy is issued with an ID in which the commencement and expiration date of the mandate is indicated.

### **Article 37**

#### **Non taxable contribution**

1. The rules for the health insurance and for pension insurance applicable for the civil employees are applicable also for the deputies.
2. The deputy for the purpose of paragraph 1 of this Article will be considered as employed for the period till his mandate lasts, after the end of the mandate, according to Article 16 of this Law.

### **Article 38**

#### **Returning to the workplace**

The deputy which before gaining the mandate was employed in the public sector or in the institution financed through public means has the right to continue the function of his same position or in the position of the same rank after completion of the mandate of the deputy. For this reason the deputy needs to submit a request to his employer within six (6) months after the completion of the mandate.

## **CHAPTER VII**

### **CODE OF CONDUCT AND THE CONFLICT OF INTERESTS**

### **Article 39**

#### **Principles**

1. The deputy is obliged to respect the constitutional provisions and the Law and in all the cases to act in compliance with the trust given to him and he should comply the following principles:
  - 1.1. Self-devotion - The deputy takes a stand or votes for the matters which are only in the public interest. He cannot participate in decisions making for financial benefit or other material benefits for himself, for his family or for his friends.
  - 1.2. Moral Integrity - The deputy can not have financial obligations towards individuals or organizations that can influence on practicing his official tasks.
  - 1.3. Objectivity - The deputy shall decide only based on merits and on the public



interest while practicing the public functions including also the public appointments, announcing the winner of the contracts or recommendations of individuals for awards and subventions.

- 1.4. Responsibility - The deputy bares the responsibility for his decision and is a subject to a careful self-control, appropriate to his function.
- 1.5. Sincerity - The deputy should be sincere for all the decisions and actions that he undertakes.
- 1.6. Honesty - The deputy is obliged to state his private interest that can be relevant for his public tasks and he has to undertake actions for solving eventual conflicts with the aim of protection of the public interest.
- 1.7. Managerial skill - The deputy with management and through concrete examples has to ensure the support of these principles.

#### **Article 40**

#### **Obligations**

1. The deputy is obliged to participate in the Plenary Sessions and in meetings of the assisting bodies of the Assembly in which he is a member.
2. Assisting authorities of the Assembly from paragraph 1 of this Article are all the permanent authorities or ad hoc thus formed by a decision of the Assembly.
3. The deputy that cannot participate the Assembly Sessions or in the meetings of the assisting authorities of the Assembly in which he is a member he should inform in time the President of the Assembly respectively the President, vice President of that assisting body, by submitting the reasons for his absence.

#### **Article 41**

#### **Incompletion of the obligations**

1. If the deputy does not participate in the work of the Plenary Session or that of the assisting bodies of the Assembly, where he is a member, the basic compensation and the additional compensation is reduced. By this reduction, the cases when the deputy performs an official task in his parliamentary function are excluded.
2. Other rules for the participation of the deputy in work and other sanctions are determined with the Rules of Procedure of the Assembly or with an internal regulation of the Assembly.

#### **Article 42**

#### **Parliamentary obligations**

The deputy can not refuse the membership or participation in the working bodies of the Assembly without any objective and acceptable justification.

#### **Article 43**

#### **Confidentiality**

The deputy is obliged to keep the confidentiality of information and of the official documents in accordance with the Law.

**Article 44**  
**Conflict of interests**

The deputy has no right to vote for a matter for which the decision can result with financial gain for him and the same one shall not be accepted by a wide category of people who are not deputies of the Assembly or by the relatives of the deputies of the Assembly.

**Article 45**  
**Register of interests**

The deputies have to register in the Registry of Interests, all the relevant interests defined in the annex of this Law.

**Article 46**  
**Gifts**

1. The deputy during his mandate can accept gifts in compliance with the relevant applicable law.
2. The restrictions foreseen by paragraph 1 of this Article do not deal with the amount of means or things acknowledged by the deputy for using the means free of charge provided by the Assembly, his party, his group of deputies and by a foundation that supports the legislative or that is in close connection with this. Such sums and means for free of charge usage have to be registered by the deputy as a part of their statement on the property, income and economic interests, according to annex no. 1 of this Law. The deputy, by the end of his mandate, the means acknowledged for free of charge usage can not keep in his property or in his further use or by any person close to him.

**Article 47**  
**Declaration of the wealth**

1. The deputy is obliged that within thirty (30) days from the certification of the deputy's mandate and after the 1st of January each year as well as after thirty days from the end of his duty, to make a statement regarding his wealth, income and his economical interests, to the President of the Assembly in conformity with the Annex of this Law.
2. The deputy has to attach to his personal statement the declaration of wealth of his/her spouse or life partner as well as of the child living in the same family in compliance with the Annex of this Law.

**CHAPTER VIII**  
**TEMPORARY AND FINAL PROVISIONS**

**Article 48**

The Assembly of Kosovo, within six (6) months from when this law enters into force, shall issue the Law on public functionary's salaries.

**Article 49**  
**Sub-legal acts**

The Government and the Assembly are obliged that in term of 6 (six) months from the day when this Law enters into force, to issue sub-legal acts for the implementation of this Law.

**Article 50**  
**Invulnerability of rights**

The rights that deputies benefit with this Law cannot be violated.

**Article 51**  
**Entry into force**

This Law shall be published in Official Gazette and shall start to be implemented on 1 January 2011

**Law No. 03/L-111**  
**4 June 2010**

**Promulgated by the Decree No. DL-029-2010, dated 05.07.2010, of the President of Republic of Kosova, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 74 / 20 JULY 2010**

## Annex

### **Statement on property, income and economic interests for Member of Parliament, for his spouse or partner in life and child(ren) living together with him**

Declaring person

1. The declaring:
  - a. Member of Parliament
  - b. spouse or partner in life living together with the member of Parliament (hereinafter: spouse/partner in life)
  - c. child living together with the Member of Parliament (hereinafter: child)
2. Name of the Member of Parliament: .....
3. Name of the spouse/partner in life: .....
4. Name of child: .....

#### **Section A) STATEMENT ON PROPERTY**

##### **I. Real estates**

1.
  - a. Name of the settlement where the real estate is located: .....
  - b. Area of the real estate: .....
  - c. Occupation branch (or name of the area removed from occupation): .....
  - d. The character of the building according to its main purpose (residential building, holiday home, business plant, etc.), area of the building: .....
  - e. Legal character of the real estate .....
  - f. Legal status of the declarant (owner, lessee, etc.): .....
  - g. In the case of joint ownership the share in the property: .....
  - h. Title and date of acquisition (commencement of the legal status): .....
2.
  - a. Name of the settlement where the real estate is located: .....
  - b. Area of the real estate: .....
  - c. Occupation branch (or name of the area withdrawn from occupation): .....
  - d. The character of the building according to its main purpose (residential building, holiday home, business plant, etc.), basic area of the building: .....
  - e. Legal character of the real estate (condominium, building cooperative, landmark building, mining plot, etc.): .....
  - f. Legal status of the declarant (owner, lessee, etc.): .....
  - g. In the case of joint ownership the share in the property: .....
  - h. Title and date of acquisition (commencement of the legal status): .....
3.
  - a. Name of the settlement where the real estate is located: .....
  - b. Area of the real estate: .....
  - c. Occupation branch (or name of the area withdrawn from occupation): .....
  - d. The character of the building according to its main purpose (residential building, holiday home, business plant, etc.), basic area of the building: .....

- e. Legal character of the real estate (condominium, building cooperative, landmark building, mining plot, etc.): . . . . .
  - f. Legal status of the declarant (owner, lessee, etc.): . . . . .
  - g. In the case of joint ownership the share in the property: . . . . .
  - h. Title and date of acquisition (commencement of the legal status): . . . . .
- 4.
- a. Name of the settlement where the real estate is located: . . . . .
  - b. Area of the real estate: . . . . .
  - c. Occupation branch (or name of the area withdrawn from occupation): . . . . .
  - d. The character of the building according to its main purpose (residential building, holiday home, business plant, etc.), basic area of the building: . . . . .
  - e. Legal character of the real estate (condominium, building cooperative, landmark building, mining plot, etc.): . . . . .
  - f. Legal status of the declarant (owner, lessee, etc.): . . . . .
  - g. In the case of joint ownership the share in the property: . . . . .
  - h. Title and date of acquisition (commencement of the legal status): . . . . .

## II.

### Personal property of high value

- 1. Vehicles
  - a. Passenger car: . . . . . type  
 date and legal title of acquisition: . . . . . type  
 date and legal title of acquisition: . . . . . type  
 date and legal title of acquisition: . . . . .
  - b. Van, bus: . . . . . type  
 date and legal title of acquisition: . . . . . type  
 date and legal title of acquisition: . . . . . type  
 date and legal title of acquisition: . . . . .
  - c. Motor bicycle: . . . . . type  
 date and legal title of acquisition: . . . . . type  
 date and legal title of acquisition: . . . . . type  
 date and legal title of acquisition: . . . . .
- 2. Water or airborne vehicle:
  - a. character: . . . . .  
 type: . . . . .  
 date and legal title of acquisition: . . . . .
  - b. character: . . . . .  
 type: . . . . .  
 date and legal title of acquisition: . . . . .
- 3. Listed work of art, collection:
  - a. Individual works of art: . . . . .  
 description . . . . . pieces  
 date and legal title of acquisition . . . . .  
 description . . . . . pieces  
 date and legal title of acquisition . . . . .

## Administrative laws

- description . . . . . pieces
  - date and legal title of acquisition . . . . .
- b. collection: . . . . .
- description . . . . . pieces
  - date and legal title of acquisition . . . . .
  - description . . . . . pieces
  - date and legal title of acquisition . . . . .
  - description . . . . . pieces
  - date and legal title of acquisition . . . . .
- 4. Other personal property whose value exceeds the six months' current MP's basic fee as per piece or set (collection):
  - a. description: . . . . .
  - date and legal title of acquisition . . . . .
  - b. description: . . . . .
  - date and legal title of acquisition . . . . .
  - c. description: . . . . .
  - date and legal title of acquisition . . . . .
  - d. description: . . . . .
  - date and legal title of acquisition . . . . .
  - e. description: . . . . .
  - date and legal title of acquisition . . . . .
- 5. Savings deposited in securities (share, bond, investment unit, insurance with great sum insured etc.):
  - description: . . . . .
  - nominal value, sum insured: . . . . .
  - description: . . . . .
  - nominal value, sum insured: . . . . .
  - description: . . . . .
  - nominal value, sum insured: . . . . .
  - description: . . . . .
  - nominal value, sum insured: . . . . .
  - description: . . . . .
  - nominal value, sum insured: . . . . .
- 6. Savings in savings deposit: . . . . .
- 7. Cash exceeding the amount of six months' current MP's remuneration: . . . . .
- 8. Balance due of a bank account or other pecuniary claim on the basis of another contract exceeding, in the whole, the amount of six months' current MP's remuneration:
  - a. balance due of a bank account
    - in Forint: . . . . .
    - in foreign exchange (forint countervalue): . . . . .
  - b. cash amount due on the basis of another contract: . . . . .
- 9. Other properties of considerable value if their joint sum exceeds the amount of six months' current MP's remuneration:
  - description: . . . . .
  - description: . . . . .

1. Public debts (tax, customs, duties, SI-contribution, etc.): .....
2. Debts to financial institutes (credit, loan, etc.): .....
3. Debts towards private persons: .....

[illegible]

## 275

- b. Paying person (except activities under the scope of secrecy obligation provided by the legal rules): .....
- c. Frequency of income (monthly, other frequency, case-by-case, transitory): ...  
.....
- d. Amount of the income (gross): .....
- a. Description of the activity: .....
- b. Paying person (except activities under the scope of secrecy obligation provided by the legal rules): .....
- c. Frequency of income (monthly, other frequency, case-by-case, transitory): ...  
.....
- d. Amount of the income (gross): .....

### Section C)

#### STATEMENT ON ECONOMIC INTERESTS

##### Position or interest in economic enterprise:

### I

- 1. Name of the economic enterprise: .....
- 2. Form of incorporation: .....
- 3. Form of interest (owner, shareholder, in the case of partnership company internal member/external member, etc.): .....
- 4. Shareholding at the establishment of proprietary interest: ..... %
- 5. Shareholding currently: ..... %
- 6. Position in the economic enterprise: .....

### II

- 1. Name of the economic enterprise: .....
- 2. Form of incorporation: .....
- 3. Form of interest (owner, shareholder, in the case of partnership company internal member/external member, etc.): .....
- 4. Shareholding at the establishment of proprietary interest: ..... %
- 5. Shareholding currently: ..... %
- 6. Position in the economic enterprise: .....

### III

- 1. Name of the economic enterprise: .....
- 2. Form of incorporation: .....
- 3. Form of interest (owner, shareholder, in the case of partnership company internal member/external member, etc.): .....
- 4. Shareholding at the establishment of proprietary interest: ..... %
- 5. Shareholding currently: ..... %
- 6. Position in the economic enterprise: .....



## IV

1. Name of the economic enterprise: .....
2. Form of incorporation: .....
3. Form of interest (owner, shareholder, in the case of partnership company internal member/external member, etc.): .....
4. Shareholding at the establishment of proprietary interest: ..... %
5. Shareholding currently: ..... %
6. Position in the economic enterprise: .....

## V

1. Name of the economic enterprise: .....
2. Form of incorporation: .....
3. Form of interest (owner, shareholder, in the case of partnership company internal member/external member, etc.): .....
4. Shareholding at the establishment of proprietary interest: ..... %
5. Shareholding currently: ..... %
6. Position in the economic enterprise: .....

**Section D) \***  
**STATEMENT**

*on the allowances and things given for gratis use received by MP from Parliament, his own party or Members' Group and/or a foundation supporting legislation activity, necessary for performing the MP's activity or in close connection therewith (hereinafter allowance)*

[illegible]


**Section E) <sup>\*</sup>**  
**STATEMENT**

*on gifts received by MP in connection with his mandate as MP and his gratis allowances not subject to item D) of this statement (hereinafter: gift)*

[illegible]

\*\*\*

Dated on: ..... , (month) .....  
 ..... (day) (year)

With this statement, I have enclosed the statement(s) of my spouse/partner in life  
 .....  
 as well as of my child(ren) living together with me .....

*I make this states as spouse/partner in life/child living together with* ..... *MP.*

signature

**LAW No. 03/L-038**  
**ON USE OF STATE SYMBOLS OF KOSOVA**

**Contents**

Chapter I: General provisions.....	279
Chapter II: The use, placing and the order of the flag of the Republic of Kosova.....	280
Chapter III: Kosova emblem.....	283
Chapter IV: The anthem of the Republic of Kosova.....	285
Chapter V: Transitional provisions .....	286

Based on Chapter IV article 65 item 1 and also article 81 item 1 paragraph 8 of the Constitution of Republic of Kosova, for the purpose of Use of State Symbols of Republic of Kosova,

The Assembly of Republic of Kosova,

Hereby adopts

**LAW ON USE OF STATE SYMBOLS OF KOSOVA**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Aim**

With this Law is regulated the use of state symbols of the Republic of Kosova.

**Article 2**  
**State symbols of Republic of Kosova**

- 2.1. The state symbols of the Republic of Kosova are: the flag, the emblem and anthem.
- 2.2. With the flag, emblem and anthem, the Republic of Kosova shall be represented and the identity of Republic of Kosova shall be shown.
- 2.3. The flag, emblem and anthem of the Republic of Kosova shall be used according to this Law and other respective sub legal acts that shall be enacted in order to implement this Law.

### **Article 3**

#### **The form and the content of the state symbols of Republic of Kosova**

- 3.1. The form, size of the flag and emblem, content of the text and the score of the anthem are determined by the Assembly of Republic of Kosova.
- 3.2. The geometric rules of the sight and the colours which form the emblem and the flag and the text and writing of notes for the melody of the anthem determined by the Republic of Kosova Assembly shall be integral part of this Law.
- 3.3. The original of Kosova symbols is stored in the archive of the Republic of Kosova Assembly, in compliance with the rules and procedures determined in the Law No. 2003/7 for the archive subject and archives (promulgated with UNMIK Regulation No. 2003/20, from June 23, 2003, for promulgation of the Law approved by the Republic of Kosova Assembly on the archive material and the archive.

## **CHAPTER II**

### **THE USE, PLACING AND THE ORDER OF THE FLAG OF THE REPUBLIC OF KOSOVA**

#### **Article 4**

##### **The use of state flag of the Republic of Kosova by the state institutions**

- 4.1. The state flag is placed in the internal and external environments of the state and public institutions. In order to arrange the use of the state flag in the internal and external environments of the institutions, the Government of the Republic of Kosova shall adopt respective sub-legal acts.
- 4.2. The state flag can be placed in the internal environment of public offices, in universities, in the premises of political parties, in the premises of science, religion buildings and various organisations. In these cases the flag is placed on the right of the main place or on the work-desk.
- 4.3. The national flag shall be used in ceremonial meetings of representatives of state institutions with representatives of foreign states:
  - a) freely in official's tables used by legal persons;
  - b) in premises and vehicles of Republic of Kosova representatives in foreign countries; and
  - c) in all cases when Republic of Kosova is represented.

#### **Article 5**

##### **The use of the state flag of the Republic of Kosova by citizens**

Every Kosovo citizen has the right to use the state flag of Republic of Kosova (hereinafter: the state flag) in accordance with this Law and the legislation in force.

**Article 6**  
**The use of national flags**

- 6.1. Every Kosovo citizens has the right to use national flags in accordance with this Law and other legislation in force.
- 6.2. Citizens of all communities in Republic of Kosova have the right to use the flags individually or as a community in accord with this Law and the international standards.
- 6.3. Regarding the way of using of the national flags in the internal and external environments of public institutions, the Kosova government shall enact respective sub legal acts.
- 6.4. It is forbidden to place national flags in public environments if they are old or damaged.

**Article 7**  
**Placement of state flag**

- 7.1. The state flag is always placed:
  - a) in the residence of the Republic of Kosova president, the residence of the Republic of Kosova Assembly, and the residence of the Republic of Kosova government;
  - b) in the check points at border crossings;
  - c) in the buildings of the Republic of Kosova's representative offices abroad and in the official vehicles used by the head of the mission while performing the official duties, in accord with the international provisions and the state customs in which the mission is, respectively in accord with the rules and practices of the international organisation, where the representative mission is; and
  - d) during the official holidays of the Republic of Kosova.
- 7.2. The state flag shall be placed:
  - a) on the occasion of the official solemnity escorting the President of the Republic of Kosova, the President of the Republic of Kosova Assembly, the Prime minister, when they go from the Republic of Kosova in visit to foreign states and in their reception when they return to the Republic of Kosova;
  - b) on the occasion of the official arrival of the leader of a foreign state or the authorized representative of an international organization in the Republic of Kosova, respectively on the occasion of their departure when they leave the Republic of Kosova;
  - c) more detailed rules regarding the use of the state flag determined in item 1 and 2 are foreseen in the ceremonial of the state protocol.
- 7.3. The state flag is also placed:
  - a) in the occasion of local and international meetings, public meetings, sports cultural and other competitions, humanitarian military and other shows in which the Republic of Kosova is presented, respectively in which the Republic of Kosova is taking part.
  - b) in case of official holidays.

- 7.4. The state flag may be placed:
- a) on the occasion of memorial days;
  - b) in public manifestations which are important for the Republic of Kosova, as determined by the Government;
  - c) in other cases, if the use of the flag is not in contrary to this Law.
- 7.5. In all the cases of placement of the state flag in addition to other flags, the state flag can not be smaller than other flags.
- 7.6. It is forbidden to place in public the flags if they are old or damaged.

## **Article 8**

### **Placement of the state flag at special cases**

- 8.1. In mourning days proclaimed in the Republic of Kosova, the state flag shall be placed in half flagstaff. The way of placement and the way of remove of the state flag is determined with sub-legal acts adopted by the Republic of Kosova government.
- 8.2. The flag hold by units of the Kosova Security Force (KSF) is never placed at half flagstaff.
- 8.3. Raising the state flag in KSF, police and border or similar environments, is done with respect and special solemnity, according to the determined regulations enacted by respective ministries and approved by the Republic of Kosova's government.
- 8.4. At state funeral ceremonies the flag is used to cover the coffin. It is not allowed at any cases that the flag is put in the grave or to touch the ground during the ceremony.
- 8.5. The flag is raised and lowered, it is placed and removed, respectively it is transported in case of official events with usual honour, in accord with the customs, respectively the provisions on flag honour.

## **Article 9**

### **Ordering of Flags**

- 9.1. In cases when the state flag is placed along with any other flag, looking ahead, it shall always be on the left.
- 9.2. In case that the state flag is placed together with two or more other flags on the crossed flagpoles seeing from the front side, the flagpole of the Republic of Kosova flag should be placed in front of the flagpoles of other flags.
- 9.3. When the national flag is unfurled along with any other flag, it shall always stay in the honored place in the right side. Other flags shall be placed on its left side with the same dimensions and flagstaff distance.
- 9.4. Placement of one or more foreign flags in public offices along with the national flag shall be done only in official ceremonies or meetings of two or multilateral foreign delegations of ministerial level and in cases when official agreements are signed.
- 9.5. The flag shall be placed in the high place, behind the speaker, when the flag is placed next to the oratory, or when is in the flagstaff, on his/her right side. Other flags shall be placed on the left side of the speaker.

- 9.6. If in different buildings the national flag is unfurled along with other flags of central or local institutions, it shall be placed at the highest point or with the highest flagstaff. No other flag shall be placed higher than the national flag or in its right side.
- 9.7. In multilateral international meeting, flags of these countries shall be placed in the left side of national flag and their order shall be determined according to alphabetic order.
- 9.8. If the Flag is placed to together with other flags the state flag is:
  - a) in the middle of the circle, so that could be seen clearly-if the flags are placed on the circle;
  - b) in the middle of the half circle if the flags line up on the half circle;
  - c) on the top of the column if the flags are lined-up in the column;
  - d) in the first place of the column, respectively, on the left if the flags are lined-up in the column;
  - e) on the top of the group if the flags are lined-up in groups.

## **Article 10**

### **Distinctive Flags of the Institutions**

- 10.1. To specify the difference and their identification, the following institutions have the right for distinctive flags:
  - a) The President of the Republic of Kosova;
  - b) The Government of Republic of Kosova;
  - c) The Ministry on KSF;
  - d) Ministry of Internal Affairs;
  - e) Ministry of Foreign Affairs;
  - f) Kosova Republic Security Force;
  - g) The Kosova Republic Protection Corps;
  - h) Kosova Republic Police; and
  - i) Municipalities of Republic of Kosova.
- 10.2. A distinctive flag according to paragraph 1 of this Article includes in itself all others. The Flag of the President of the Republic of Kosova is the first flag.
- 10.3. These Flags will be placed on the residencies and on the transportation vehicles of the respective institutions.

## **CHAPTER III**

### **KOSOVA EMBLEM**

## **Article 11**

### **Placement of the emblem**

- 11.1. The Republic of Kosova Emblem shall be placed:
  - a) in the Entrance of the State Institutions, together with their nomination;
  - b) in all official acts;
  - c) on the stamps of the state institutions;
  - d) on documents and agreements of the the Republic of Kosova with other states, based on reciprocity.

## **Article 12**

### **The Use of the Emblem**

- 12.1. The Use of the Republic of Kosova emblem is the exclusive right of the state organs.
- 12.2. The Republic of Kosova emblem shall be used as identification sign:
- a) on the Seal, on the stampings, on the documentations signs and on signs of the organs state;
  - b) on the documents of the civil status and on the personal documents;
  - c) on the degrees and notes for final education;
  - d) for the demarcation of the border, at the border control stations and on the buildings of the state organs and in the rooms of these organs;
  - e) in and on buildings, which are residence of state organs;
  - f) in the premises of Republic of Kosova diplomatic representations and on transporting vehicles, that are used by head of the representations, in accordance with international agreements, with provisions and legislation of the state hosting the respective mission, respectively in line with regulations and practice of international organization, to which the mission is accredited;
  - g) in stamps and signs of documents of local community when performing specific tasks, respectively tasks from state competencies;
  - h) in stamps and signs of documents of companies and other organizations as well as private ones who have public authorization to perform specific tasks, respectively certain tasks of state competencies;
  - i) in invitations, felicitations, visit-cards, similar official identification cards used by the President of the Republic of Kosova, the President of the Assembly of the Republic of Kosova, the Prime Minister, ministers and heads of Kosova missions outside the country;
  - j) in invitations, felicitations, visit-cards, similar official identification cards used by deputies, functionaries and employees of state bodies;
  - k) on the occasion of international sport, cultural meetings and other competitions, humanitarian meetings and other performances where the Republic of Kosova is represented, respectively where participates in accordance with rules and tradition of such meetings;
  - l) with the emblem shall be also signed the aircraft and other public transport vehicles according to the conditions and the manner determined according to the provisions and general legal acts;
  - m) on other occasions and conditions determined according to the law;
  - n) on other occasions, if the use of the emblem is not in contradiction to the law.

## **Article 13**

### **Ordering of the Emblems**

- 13.1. The Republic of Kosova Emblem when presented with other state emblems shall be placed in more visible place or in the same place with them.



- 13.2. When the Republic of Kosova emblem is used beside the other emblem, looking ahead should always be in the left side. With the exception, when this emblem respectively the sign is used on the occasion of the official visit of the leader of foreign state, respectively the authorized representative of international organization, the emblem can be placed in the right side of the other state emblem or adequate sign of international organization,
- 13.3. If the Republic of Kosova emblem is used along with two other emblems, respectively other signs, the Republic of Kosova emblem shall be placed in the middle.
- 13.4. If the Republic of Kosova emblem is used with more foreign and local emblems, respectively adequate signs of international organizations or with similar signs, the Republic of Kosova emblem shall be placed:
  - a) in the middle of the circle and can be clearly seen, if the emblems and signs are lined-up in the circle;
  - b) in the middle of half circle and can be clearly seen, if the emblems and signs are lined-up in the half circle;
  - c) on the top of column, if the emblems and signs are lined-up in the column;
  - d) in the first place, respectively looking ahead, on the left side, if the emblems and signs are lined-up in a row;
  - e) on the top of the group, if emblems and signs are lined-up in groups.

## **CHAPTER IV**

### **THE ANTHEM OF THE REPUBLIC OF KOSOVA**

#### **Article 14**

##### **Execution of the Kosova State anthem**

- 14.1. The state anthem of the Republic of Kosova (hereinafter: Anthem) shall be performed in official ceremonies, and other occasions determined by respective laws.
- 14.2. When the anthem is performed persons shall stand at attention.
- 14.3. In every international activity, where our country is a party, the anthem shall be performed.
- 14.4. Only the first verse and the refrain of anthem shall be officially performed.
- 14.5. The anthem shall be intoned:
  - a) on the occasion of official solemnity when the President of Republic of Kosova visits other states and on the occasion of return to Kosova;
  - b) on the occasion of arriving and escorting the Presidents of foreign states or senior officials or authorized representatives of international organizations;
  - c) on the occasion of placing wreaths on the monuments, martyr's cemeteries and similar by official representatives of the Republic of Kosova, respectively representatives of foreign states or international organization.
- 14.6. Every Kosova inhabitant has the right to sing the anthem.

**Article 15**  
**Ordering of the intone/Execution of the Republic of Kosova state anthem**

- 15.1. When the national anthem is executed together with the anthem of another country, the priority shall be given to the other country.
- 15.2. The official visit of a foreign president or prime minister shall be accompanied with execution of state anthems of the two countries. The anthem shall be executed after the anthem of the visitor's country.
- 15.3. During the execution of the anthem, the KSF units stand at attention or according to the event, they honor with weapons. The soldiers shall honor the flag according to their rules, whereas the civil authorities and all other present shall stand up and at attention.
- 15.4. If two or more anthems executed, their turn shall be determined according to alphabetical order of the countries present at the meeting, but also other criteria may be determined.
- 15.5. If more than two anthems are executed, the Republic of Kosova anthem shall be executed the last one for hospitality reasons.
- 15.6. The anthem shall not be executed in that manner that will harm the honor and prestige of Republic of Kosova.
- 15.7. It is forbidden to intone the anthem for marketing purposes, respectively for advertising services.

**Article 16**  
**The Use of the Kosova State symbols by other juridical persons**

- 16.1. Parts of the state symbols can be used as component part of emblems and other signs of juridical persons, public and private, under the condition that this will not hurt the Republic of Kosova prestige.
- 16.2. The Using of the Republic of Kosova symbols shall be allowed for artistic, musical and for educative purposes on the condition not to infringe upon the honor and prestige of Republic of Kosova.
- 16.3. The Republic of Kosova Symbol and their composed parts are not allowed to become legally protected signs or to used as signs, model respectively the example or as a trade mark.
- 16.4. The Republic of Kosova Government shall promulgate respectively sub-legal acts for implementation of the preliminary paragraphs.

**CHAPTER V**  
**TRANSITIONAL PROVISIONS**

**Article 17**  
**Offence Sanctions**

- 17.1. With fine with the monies from 500-1000 Euro shall be punished the juridical persons in case of
  - a) use the flag or emblem in objection with paragraph 3 of Article 2 of this law;

- b) use the emblem and the flag on the form and content, which isn't determined with this law and legal provisions into force;
  - c) in the public place shall shown the emblem and the older flag, on irregular form, damaged or in other manner damaged;
  - d) does not use emblem and flag when the use is obligatory;
  - e) execution of the Kosova anthem in objection with paragraph 6 of Articles 15 of this law and legal provisions that are into force.
- 17.2. For violation from paragraph 1 of this article shall be pronounced the fine of 250-500 euros to the responsible officer of the juridical person.
- 17.3. For violation from the paragraph 1 of this article shall be pronounced the fine of 250-500 euros responsible person and state organ.
- 17.4. Punishment with the monies of 150-300 euros shall be punished the physic person for violations of the items a, b, c, d and e of this article.

### **Article 18** **Respective Sub-legal acts**

The Republic of Kosova Government shall issue respective sub-legal acts for implementation of this law.

### **Article 19** **Entry into force**

This law shall enter into force after being edited in the Official Gazette of Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**  
**Date: 20.02.2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 26 / 02 JUNE 2008**

**LAW No. 03/L-174  
ON FINANCING POLITICAL PARTIES**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON FINANCING POLITICAL PARTIES**

**Article 1  
Purpose**

This law regulates the manner, conditions of funding, administration and observation, incoming report of political party and also foresees gained transparency and reporting expenditure of funds of political subjects in Republic of Kosovo.

**Article 2  
Definitions**

1. Expressions used in this law have the following meaning:
  - 1.1. **Administration** - organization, direction, use, maintenance and reasonable expenditure of the assets of political parties;
  - 1.2. **Sheet balance** - financial declaration of political subject, assets, obligations and capital;
  - 1.3. **Fund for support of political party- Fund-** a fund for financing a political subject through the Budget of the Republic of Kosovo, which operates within the Central Election Committee;
  - 1.4. **CEC** - Central Elections Committee;
  - 1.5. **Contribution** - any gift (donation) or assistance that is given to political subject, whether in cash or material goods; contribution;
  - 1.6. **Membership Dues** - the limited sum of money which is paid every month or year for membership in one organization;
  - 1.7. **Political party** - every registered and certified political party, by the competent authority;
  - 1.8. **Asset** - the whole set of items, material partitions, money and other assets of a political subject;
  - 1.9. **Financial representative** - the responsible person for finances in the political subject;
  - 1.10. **Political subject** - political subject, coalition, citizens initiative, independent candidate;

- 1.11. **Certified Political Party** - a certified political subject from the Central Election Commission in accordance with the law into force and regulations of Central Election Commission;
- 1.12. **Expenses for campaign** - every payment that is done for goods and services in accordance with the law for general elections;
- 1.13. **Incomes** - any received monetary amount that the political subject has received from legal and natural entities, from membership dues and from the budget of the Republic of Kosovo.

### **Article 3** **Status of political subject**

Political subject is a non profitable legal entity.

### **Article 4** **Financial and material sources**

- 1. Financial and material sources of the political subject are:
  - 1.1. dues (membership fees);
  - 1.2. contributes;
  - 1.3. financing from the budget of the Republic of Kosovo;
  - 1.4. every assets gained as foreseen by this law;
  - 1.5. incoming from the activities of political subject determined with Article 6 of this law.

### **Article 5** **Contributions for political subjects**

- 1. Political Subjects are allowed to receive contribution from:
  - 1.1. natural persons in the amount not exceeding two thousand (2.000) Euro per calendar year;
  - 1.2. legal entities in the amount not exceeding ten thousand (10.000) Euro per calendar year.
- 2. A political subject receiving a contribution, the origin of which cannot be proven by the contributing entity, shall be under obligation to notify the competent authorities, within two (2) weeks, for verification of the origin of respective contribution.
- 3. If the origin of the contribution cannot be proved, the respective amount shall remain in the Budget of the Republic of Kosovo.
- 4. As to the above paragraphs, it is forbidden the expenditure of financial resources, for personal benefits.

**Article 6**  
**Incomings from the activity of political subject**

1. Political Subject shall not engage in a profitable business activity, except the sale of goods like: publications, editions, advertisings, posters with party emblem or acronym of political subject and other allowed legal sources.
2. All incoming and outgoing payment from financial activities of political subjects shall be registered subjects financial registers.

**Article 7**  
**Financial funds for the support of political subject**

1. Public financing of political subject is made through the Fund for supporting the political parties within the Budget of the Republic of Kosovo.
2. Fund for supporting political subject s, functions within the Central Election Committee.
3. Amount of budget dedicated to support fund for political subject cannot exceed 0.17% (zero point seventeen percent) of the Budget of Kosovo.
4. Public financial resources, from the budget of the Republic of Kosovo are used for financing pre-election and election activities, financing the Assembly working groups and other regular activity of political subjects.
5. Allocation of funds shall be done based on criteria foreseen in Article 9 of this Law.

**Article 8**  
**The purpose of use of allocations from the support fund of political subject**

1. Fund allocations may be used for these purposes:
  - 1.1. financing the activities of political subject;
  - 1.2. financial of political subject branches;
  - 1.3. yearly material expenses of deputies and parliamentary working group for activities of the party;
  - 1.4. expenditures for local and central elections, and extraordinary elections of political subjects.

**Article 9**  
**Allocation of public financial funds**

1. As to the financing of the regular activities of political subjects, Funds allocations for the support of political parties shall be allocated among the political subjects represented in the Assembly according to the number of seats for that mandate.
2. If one deputy decides to leave the political subject, where he/she won the mandate, he/she shall not receive the financial means allocated from the fund for that mandate in new political subject.
3. Political subject in order to benefit from this fund should attach to the request a financial declaration for the previous year.

## **Article 10**

### **Allocation of funds for election campaigns**

1. Upon the proposal of the Government the Assembly shall allocate funds, but not exceeding 0.05% of Kosovo Budget, to finance the local and central elections campaigns related to regular or extraordinary elections.
2. Funds to finance the pre-election campaign are given to political subjects that are participating in these elections according to criteria's:
  - 2.1. 90% of funds shall be allocated based on the number of seats in the Assembly:
    - 2.1.1. during central election based on the number of seats in the last central election;
    - 2.1.2. during local elections based on the number of seats in municipal assemblies in the last local elections.
  - 2.2. 10 % of the funds shall be allocated proportionally to recently registered political subjects and certified ones by the Central Election Committee.

## **Article 11**

### **Ban on financial assistance**

1. Ban on financial and material assistance shall apply to:
  - 1.1. government and non government foreign institutions and foreign natural and legal persons;
  - 1.2. unknown natural and legal persons;
  - 1.3. unknown donators;
  - 1.4. institutions that gain capital from the gambling , different betting and also;
  - 1.5. public institutions authorities or with participation of state capital.
2. Public enterprises cannot support financially political subjects.

## **Article 12**

### **Prohibition of exercise of pressure**

1. It is prohibited the exercise of any political pressure in any form on natural and legal entities, in cases of collection of contributions for political subjects.
2. It is forbidden to promise privileges or personal illegitimate benefits to donors of any political subjects.

## **Article 13**

### **Collection of funds**

1. Political subject, besides the membership payment fees, has the right to collect its election expenses, no more than six (6) months, before the election campaign starts.
2. Political subject in accordance with paragraph 1 of this Article shall open bank account on one of the registered commercial banks in the Republic of Kosovo.
3. Political subject is obliged to keep accurate records for the origin, structure and flow of collected funds.

#### **Article 14**

##### **Responsibility to use funds**

1. Political subject shall appoint a representative who holds financial responsibility:
  - 1.1. for incoming registration;
  - 1.2. for expenses of funds;
  - 1.3. for submitting the final report of assets expenses;
  - 1.4. for submitting financial statements report of campaign; and
  - 1.5. for other liabilities related with incomes, expenses, presentation of the aim and sharing amounts of subject's fund.
2. Authorized financial officer of the political subject and president of the political subject are legally responsible for accuracy of all information's that were submitted to Central Election Committee and other institutions as it is required by the law.

#### **Article 15**

##### **Financial Report**

1. Registered political subjects submit to CEC every year the annual financial report at latest till 1 March of the coming year in the manner as foreseen by CEC.
2. Each financial report includes:
  - 2.1. the state balance, which shows the assets, obligations and capital of a party, including all its branches in its first and the final days of the period included in the report;
  - 2.2. the statement of benefits and losses, which shows the incomes and expenditures of a party, including all its branches during the period included in the report; and
  - 2.3. the statement showing every payment made to another person during the period included in the report, if the overall value of all payments made to that person during this period exceeds the amount of five thousand (5.000) Euro, by writing the reason for the payment.
3. Each annual financial report includes copies of the following documents:
  - 3.1. financial statement of political subject registered in the period included in the report;
  - 3.2. invoices for all expenditures exceeding the amount from one hundred (100) Euros;
  - 3.3. bank balances for every bank account of registered political subject or accounts in its name; and
  - 3.4. register of all contributes for registered political subject, data from unique source, if the overall value of contributions from that source has exceeded the amount from one hundred (100) euro during the period included in the report, which shows:
    - 3.4.1. the value of each given contribution for political subject;
    - 3.4.2. the date when each contribution was given; and
    - 3.4.3. full name, address and personal number of passport or drivers license of the contributor.



- 3.5. political subjects that accept contributions from public enterprises, which, through contracts with state institutions perform services, should prepare a special list of accepted contributions.
4. CEC should publish all annual financial reports together with auditing declaration of political parties in its official page.

### **Article 16** **The income tax of political subjects**

1. Incomes from the membership fees and the incomes provided for in Article 6, shall not be subject to taxes.
2. Other incomes of political subjects shall be subject to taxes.

### **Article 17** **Internal Control**

1. Political subjects are obliged to define in the Statute, the possibility to exercise the internal financial control.
2. Political subjects should clearly define, with statute, the rights of members to be informed for all incoming and expenses of political subject and also for the responsibility of appropriate authority for financial transactions.

### **Article 18** **Overdue obligations**

In case when a political subject does not pay its obligations such as fines, judicial sentences, bills etc., then the respective amount will be deducted from the budget, that it is distributed to support the political subject.

### **Article 19** **Financial control**

1. CEC performs control of each financial report.
2. CEC performs control in compliance with standards of applicable accounting in Kosovo.
3. Registered political subject cooperates closely with CEC auditors and offers them full and open access in party's financial notes, by including all unlimited notes.
4. CEC shall present preliminary results of annual financial report's control to the highest executive body of the political subject, by including the list of mistakes or laxness within sixty (60) days from the beginning of controlling.
5. Registered political subject within five (5) working days from receiving preliminary results of controlling may submit the reviewed financial report and explanations regarding every visible mistake or laxness identified by CEC.
6. CEC shall prepare the final audit report of the registered political party within ten (10) working days from submission of prior audit report. The final report identifies every mistake or laxness in financial report, by taking into consideration every submitted explanation or review.

7. After completing control of final report, the CEC shall submit a copy of it to the highest body of a registered political party.
8. CEC prepares the annual report for the Assembly of Republic of Kosovo for distribution and expenditures from the fund.

## **Article 20**

### **Allocation of the assets**

1. In case of separation of political subject, assets sharing shall be made with an agreement.
2. If there is no agreement within political subject, then the allocation of assets is made through the competent court.

## **Article 21**

### **Penal provisions**

1. Political subject will be penalized with three thousand (3.000) to ten thousand (10.000) Euro, whereas the deputy, advisors and other independent deputies will be imposed a fine from five hundred (500) to three thousand (3.000) Euro, for violation of provisions of this Law, if:
  - 1.1. receives funds in violation with provisions of this Law and other applicable legislation.
  - 1.2. maintains records in its files in violation with provisions of this Law and other applicable legislation.
  - 1.3. they do not comply with provisions of this Law and other applicable legislation related to central and local elections.
2. A political subject, that does not submit the annual financial report to the CEC within the term defined by this law, shall lose the right to receive benefits from the fund for coming year.
3. Responsible person within political subjects will be penalized for more than three hundred (300) Euro to one thousand (1.000) Euro for violation of provisions of this Law.
4. Revenue from fines paid under this law shall be deposited to the budget of the Republic of Kosovo.

## **Article 22**

### **Presentation of assets**

Political subjects are obliged to present to CEC all data's on their assets, categorized according to the value, type and origin.

## **Article 23**

### **Responsible authority for the issuance of secondary legislations**

OAG, CEC and the Government, when is needed will adopt particular acts to implement this law.

**Article 24**  
**Abrogation Provisions**

Upon the entry into force, of this Law shall supersede all provisions which regulate all financial issues of political parties that are in the contradiction with this law.

**Article 25**  
**Entry into force**

This law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-174**  
**16 September 2010**

**Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**V / No. 82 / 21 OCTOBER 2010**

**LAW No. 04/L-058  
ON AMENDING AND SUPPLEMENTING THE LAW No. 03/L-174  
ON FINANCING POLITICAL PARTIES**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 03/L-174  
ON FINANCING POLITICAL PARTIES**

**Article 1  
Purpose**

The purpose of the Law is to amend and supplement the Law No. 03/L-174 on Financing Political Parties (Official Gazette, No. 82, 21 October 2010).

**Article 2**

1. Article 7 of the basic Law, paragraph 3 shall be amended and reworded as following:
  3. Amount of budget dedicated to support fund for political subject cannot exceed 0.34% of the Budget of Republic of Kosovo.
2. Article 7 of basic Law, paragraph 4 shall be deleted from the text of the Law.

**Article 3**

Article 8 of basic Law, paragraph 1 shall be amended and reworded as following:

1. The allocated funds may be used for these purposes:
  - 1.1. financing the regular activities of political parties;
  - 1.2. financing the branches of the political subjects;
  - 1.3. financing the respective unites of organization of women and youth of the political subjects;
  - 1.4. financing the pre-election and election activities of the political subjects;
  - 1.5. financing the activities of parliamentary groups.

#### **Article 4**

1. Article 10 of the basic Law, paragraph 2. sub-paragraph 2.2 shall be amended and reworded as following:
  - 2.2. 10% of funds shall be allocated proportionally for other political subjects registered and certified by the Central Election Commission, for respective elections.
2. Article 10 of the basic Law, after paragraph 2, there is added a new paragraph 3, with the following text:
  3. Political party which benefits financial means in accordance with paragraph 2 of Article 10 of this Law, if it does not participate in respective elections, shall be obliged to return the means to budget of Kosovo.

#### **Article 5**

Article 11 of the basic Law, after paragraph 2. there is added a new paragraph 3 with the following text:

3. There is prohibited the granting of donations from which the donor clearly may benefit any economic advantage. Donations of natural and legal persons to political parties should be done in a transparent manner in bank account and should be included in financial reports of beneficiary political parties. The financial report of political parties should contain the name and registration number of legal persons or name, surname and address of natural persons.

#### **Article 6**

Article 15 of the basic Law, after paragraph 4 there shall be added a new paragraph 5 with the following text:

5. CEC shall prepare an annual report for the Assembly of the Republic of Kosovo for the distribution and expenditure of funds from the Fund, by no later than 30 June of the following year.

#### **Article 7**

Article 21 of the basic Law shall be amended and reworded as following:

1. Political party shall be fined from five thousand (5.000) Euro up to fifty thousand (50.000) Euro, while the candidate for Mayor, candidate for Deputy, municipal advisor and independent candidate shall be fined from one thousand (1.000) Euro up to five thousand (5.000) Euro for violating the provisions of this Law if:
  - 1.1. receives financial funds in contradiction with provisions of this Law and other applicable legislation;
  - 1.2. maintains records in its files in contradiction with provisions of this Law and other applicable legislation;
  - 1.3. they do not comply with provisions of this Law and other applicable legislation related to general and local elections.

2. A political party, that does not submit the annual financial report to the CEC within the term defined by this Law, shall lose the right to receive benefits from the fund in coming year.
3. Responsible persons within political party shall be fined from one thousand (1.000) Euro up to five thousand (5.000) Euro.
4. Political parties which can not prove the origin of revenues over twenty thousand (20.000) Euro will be fined three times of that amount.
5. If funds are misused by a candidate or the political party and there can be verified that the winning of mandate/s is as the result of misuse of funds in contradiction to the provisions of this Law and applicable legislation, the mandate of the candidate or political subject may be taken.
6. Political parties shall have rights to appeal against the penal provisions. Appeals shall be addressed to the Election Panel on Complaints and Appeals according to the legislation in force.
7. Revenue from fines paid under this Law shall be deposited to the budget of the Republic of Kosovo.

### **Article 8**

Article 23 of the basic Law shall be amended and reworded as following:

When necessary, CEC shall issue sub- legal acts for implementation of this Law.

### **Article 9**

#### **Entry into force**

This Law shall enter into force fifteen (15) days after the publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-058**

**21 December 2011**

**Promulgated by Decree No.DL-055-2011, dated 30.12.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 1 / 12  
JANUARY 2012, PRISTINA**

**LAW No. 2002/5**  
**ON THE ESTABLISHMENT OF THE IMMOVABLE**  
**PROPERTY RIGHTS REGISTER**

**The Assembly of Kosovo,**

On the basis of Chapter 9, Article 9.1.26 of the Regulation 2001/9 of 25 May 2001, the Constitutional Framework for Provisional Self-Government in Kosovo,

Hereby adopts the following Law:

**Section 1**  
**Immovable Property Rights Register**

- 1.1. The Immovable Property Rights Register (hereinafter the “Register”) is hereby established as a mechanism to implement and validate immovable property rights in Kosovo under the Applicable Law.
- 1.2. The Kosovo Cadastral Agency (hereinafter the “KCA”) shall have the authority for the overall administration of the Register in compliance with the provisions of the Applicable Law. The Municipal Cadastral Offices (hereinafter the “MCO”) shall record immovable property rights in the register under the authority of the KCA and in compliance with the provisions of the present law and administrative guidelines issued by the KCA.
- 1.3. KCA shall determine the level of fees to be charged by the MCO’s for the services of registration of immovable property rights.

**Section 2**  
**Immovable Property Rights**

- 2.1. Immovable property rights, as regulated by the Applicable Law, pertaining to land, buildings and apartments (hereinafter the “immovable property”) shall be recorded in the Register.
- 2.2. Immovable property rights include:
  - a) Ownership;
  - b) Mortgages;
  - c) Servitudes; and
  - d) Rights of use of socially owned property and state owned property.

### **Section 3**

#### **Registration of Immovable Property Rights**

- 3.1. Requests for the registration of immovable property rights shall be made in writing to the MCO where the concerned immovable property is located. The MCO shall confirm the time and date of receipt of the request for registration.
- 3.2. The Applicant requesting the registration of a immovable property right shall attach to the request the documentation to support the immovable property right as required by the Applicable Law and subject to section 3.7 of the present law.
- 3.3. The MCO shall review the submitted documentation, and if the documentation submitted is not sufficient according to the Applicable Law the MCO may set a deadline for the Applicant to submit the complete documentation.
- 3.4. The MCO shall reject registration if the documentation submitted is not sufficient to prove that the Applicant is holder of the:
  - (i) Claimed immovable property right;
  - (ii) The request and supporting documents contain apparent irregularities;
  - (iii) The validity of the request or any of the supporting documents is in question;
  - (iv) If documentation is so incomplete that it cannot form a basis for registration.
- 3.5. The MCO shall make its decision pursuant to sections 3.3 to 3.4 in writing.
- 3.6. Without prejudice to Sections 3.3 to 3.4 above, the MCO shall register the immovable property right no later than fifteen (15) days after the receipt of the request for registration and inform the Applicant immediately of its determination. Registration shall be effective as of the entry of the decision of the MCO into the register.
- 3.7. Without prejudice to Section 1.2 (b), UNMIK Regulation No. 1999/23 (on the Establishment of the Housing and Property Directorate and the Housing and Property Claims Commission) the MCO shall only register a immovable property right in the register if the competent court has issued the appropriate documents in writing to the MCO for the registration of the immovable property right in the Register.

### **Section 4**

#### **Reconsideration**

- 4.1. The Applicant may, within thirty (30) days after receiving written information by MCO on the rejection to register the immovable property right, request the MCO to reconsider its decision. The MCO shall confirm the time and date of the request for reconsideration.
- 4.2. The MCO shall make its decision whether or not to register the immovable property right within fifteen (15) days of the receipt of the request for reconsideration.
- 4.3. When the MCO determines that the Applicant has satisfied the criteria for registration, it shall make a record of such determination and shall register the immovable property right accordingly.



## **Section 5**

### **Correction of the Register**

- 5.1. Any person (hereinafter the “Objector”) claiming that the registration of an immovable property right is not legally justified and that his/her own immovable property rights are adversely affected thereby may request the MCO to supplement the Register accordingly. The Register shall be supplemented by entering a caveat with respect to the registered immovable property right.
- 5.2. Filing of the caveat shall neither create nor diminish the legal rights of any person. In particular, it shall not operate as a bar to the sale or other transfer of the immovable property but any purchaser shall be deemed to have notice of the Objector’s claim or interest in the registered immovable property.
- 5.3. The Objector’s request shall be accompanied by the documents as required by Section 3.2 above. The procedure set out in Sections 3.3 to 3.5 shall apply *mutatis mutandis* for filling the caveat.
- 5.4. Upon adjudication of the claim by a court of competent jurisdiction or a determination by the Housing and Property Directorate, the Housing and Property Claims Commission, or any other competent body as may be established by subsequent legislation, the MCO shall correct the Register accordingly.

## **Section 6**

### **Review of the Decisions by MCO**

- 6.1. Within thirty (30) days from the receipt of the written decision by the MCO refusing to register the immovable property right, the Applicant may request the KCA to review the decision of the MCO.
- 6.2. The decision by the KCA pursuant to Section 6.1 above shall be subject to judicial review in accordance with the Applicable Law.

## **Section 7**

### **Effect of Registration**

- 7.1. Once the Register is established, no subsequent transfer of rights in immovable property shall be effective unless registered in accordance with the present law.
- 7.2. Entries in the Register of immovable property rights enjoy the presumption of accuracy, truthfulness, and legality until and unless corrected by means of the procedures established by this law. Entries in the Register shall be made accessible to the general public.

## **Section 8**

### **Implementation**

The Ministry of Public Services shall issue administrative instructions for the implementation of the present law.

**Section 9**  
**Applicable Law**

The present law shall supersede any provision of the Applicable Law which is inconsistent with the provisions of this law.

**Section 10**  
**Entry into Force**

This law shall enter into force on 20<sup>th</sup> December 2002.

**UNMIK/REG/2002/22**  
**20.08. 2002**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 34 / 01 AUGUST 2008**

**LAW No. 2003/13**  
**ON AMENDMENTS AND ADDITIONS TO**  
**LAW No. 2002/5 ON THE ESTABLISHMENT OF THE IMMOVABLE**  
**PROPERTY RIGHTS REGISTRY**

**The Assembly of Kosovo,**

Pursuant to the authority given to it under Sections 9.1.26, 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Institutions of Self-Government in Kosovo (UNMIK Regulation No. 2001/9),

Taking into account that The Special Representative of the Secretary General (SRSG), by UNMIK Regulation No. 2002/22 On the Promulgation of the Law Adopted by the Assembly of Kosovo On the Establishment of the Immovable Property Rights Register, promulgated Law No. 2002/5, subject to the condition that Law No. 2002/5 would become effective upon promulgation of supplementary legislation providing for effective public notification and other necessary safeguards for the protection of persons whose rights may be affected by the registration,

Hereby adopts this Law, as follows:

**Section 1**  
**Additions to Law No. 2002/5**

In the Law No 2002/5 on the Establishment of the Immovable Property rights Registry Sections 3.3.a, 3.3.b and 3.3.c shall be added at the end of paragraph 3.3:

- 3.3.a. Each MCO shall maintain a public notice board where notices of requests for registration shall be posted. The notice board shall be located in a secure and accessible place and visible to the public during official working hours.
- 3.3.b. For at least five (5) working days prior to issuing a decision authorizing registration, the MCO shall post a notice of the request for registration on the public notice board. The notice shall contain:
  - i. the address of the property, and if applicable, the cadastral parcel number;
  - ii. information regarding the person from whom the property rights will be transferred;
  - iii. information regarding the person who by this registration will acquire the property right;
  - iv. the right being registered; and
  - v. the deadline by which any objecting party should submit objections to the MCO (at least five (5) working days after the date the notice is first posted on the notice board).

Ligjet administrative

3.3.c. Prior to registering any right relating to a building or apartment, the MCO shall make an inquiry to the appropriate branch of the Housing and Property Directorate to determine whether a claim against the building or apartment has been made under UNMIK Regulation No. 2000/60 or UNMIK Regulation No. 1999/23 and the MCO will decide:

- i. To register the property right if no claim has been submitted and if the deadline for submitting of claims has expired;
- ii. If a claim has been submitted, the MCO will suspend the registration until the dispute has been resolved by the Housing and Property Claims Commission; and
- iii. If a claim has not been submitted and the deadline for submission of claims has not passed, the MCO shall note the following on the registration:

Notice is hereby given that the deadline for submitting claims under UNMIK Regulation No. 2000/60 or UNMIK Regulation No. 1999/23 has not expired as of the date of registration of this right. Therefore, it is possible that the registered right may in the future be subject to a claim. It is recommended that any interested party seek professional legal advice to help assess the risk of a claim being made.

## **Section 2**

### **Entry into Force**

This Law shall enter into force upon its adoption by the Assembly of Kosovo and promulgation by the Special Representative of the Secretary General.

**UNMIK/ REG/2003/27**  
**18.08.2003**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 34 / 01 AUGUST 2008**

**LAW No. 04/L-009**  
**ON AMENDING AND SUPPLEMENTING THE LAW No. 2002/5**  
**ON THE ESTABLISHMENT OF THE IMMOVABLE PROPERTY**  
**RIGHTS REGISTER**

**Assembly of the Republic of Kosovo;**

Based on the Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW NO. 2002/5**  
**ON THE ESTABLISHMENT OF THE IMMOVABLE PROPERTY**  
**RIGHTS REGISTER**

**Article 1**

This law aims at amending and supplementing the Law No. 2002 / 5 on the establishment of the immovable property rights register.

**Article 2**

Article 1 of the basic Law, paragraph 1.3 is amended and reworded as follows:

- 1.3. KCA by a sub-legal act shall determine the level of payments for services provided for the registration of immovable properties rights in compliance with the cost of services performance.

**Article 3**

1. Article 2 of the basic Law, paragraph 2.2 point d) is amended and reworded as follows:
  - d) the rights of use of municipal, public, social and state property.
2. Article 2 of the basic Law, paragraph 2.2, after the point d) there is added a new point e) as follows:
  - e) property burdens and charges.

**Article 4**

Article 3 of the basic Law, paragraph 3.7 is amended and reworded as follows:

- 3.7. Rights on immovable property as provided under Article 2 of the Law shall be registered based on:

## Administrative laws

- a) omnipotent court decision;
- b) the decision of state administrative body;
- c) contract for transfer of immovable property rights certified by the competent body;
- d) decision or contract for the privatization issued by the Kosovo Privatization Agency;
- e) the Commission's decision for the Reconstruction of Cadastre;
- f) the Commission's decision for the regulation of lands; and
- g) other document that by special Laws there is foreseen the property rights registration.

### **Article 5 Implementation**

Article 8 of the basic Law is amended and reworded as follows:

Competent Ministry for Spatial Planning within six (6) months issues sub-legal acts on implementation of this Law.

### **Article 6**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of Republic of Kosovo.

**Law No.04/ L-009  
21 July 2011**

**Promulgated by Decree No.DL-011-2011, dated 03.08.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 7 / 10 AUGUST 2011, PRISTINA**

**LAW No. 03/L-075**  
**ON THE ESTABLISHMENT OF THE OFFICE OF THE AUDITOR GENERAL**  
**OF KOSOVO AND THE AUDIT OFFICE OF KOSOVO**

The Assembly of the Republic of Kosovo,

Pursuant to Articles 65 (1) and 142 of the Constitution of the Republic of Kosovo,

For the purpose of promoting high standards of transparency, accountability and integrity in the financial management and performance of public administration in Kosovo;

Hereby adopts:

**LAW ON THE ESTABLISHMENT OF THE OFFICE OF THE AUDITOR**  
**GENERAL OF KOSOVO AND THE AUDIT OFFICE OF KOSOVO**

**Article 1**  
**Definitions**

For the purposes of the present Law:

“**Assembly**” shall have same meaning as defined by the Constitution of the Republic of Kosovo.

“**Auditor-General function**” means a function performed pursuant to the duties and responsibilities of the Auditor-General as described in article 3 of this Law.

“**Authorized Official**” means an official who is authorized by the Auditor-General of Kosovo to perform official functions under this Law.

“**INTOSAI**” means International Organization of Supreme Audit Institutions.

“**KBSFR**” means Kosovo Board on Standards for Financial Reporting.

“**Performance Audit**” means an audit of the economical manner, efficiency and effectiveness with which the audited institution or entity uses and manages its resources in carrying out its responsibilities.

“**Public Sector**” means the general Government Sector including Financial and non-Financial Enterprises as defined in the Government Financial Statistics as issued by the International Monetary Fund.

“**Regularity Audit**” means attestation of financial accountability involving examination and evaluation of financial statements and other financial records and expression of opinions on:

- i. whether the financial statements give a true and fair view of the accounts and financial affairs for the audit period;
- ii. whether the financial records, systems and transactions comply with applicable statutes and regulations;

- iii. the appropriateness of internal control and internal audit functions;
- iv. the probity and propriety of administrative decisions taken within the audited institution or entity; and
- v. all matters arising from or relating to the audit.

## **Article 2**

### **Auditor-General of Kosovo**

- 2.1. The Auditor-General shall carry out his or her functions independently and not subject to the direction or control from any other person or institution.
- 2.2. Subject to the provisions of this Law, the Auditor-General shall have complete discretion in the performance or exercise of his or her functions or powers. In particular, the Auditor-General shall not be subject to any direction in relation to:
  - a) whether or not a particular audit is to be conducted;
  - b) the way in which a particular audit is to be conducted; or
  - c) the priority to be given to any particular matter.
- 2.3. The Assembly shall appoint the Auditor-General for a term of five (5) years. The Auditor-General shall be a person who possesses the required qualifications, high moral character, impartiality and integrity that are necessary to carry out the functions of the office, and who:
  - a) has a university degree and qualified experience in the area of accounting and audit, public finance or public administration for not less than 10 years; and
  - b) is not under criminal investigation for a criminal offence and who has not has not been sentenced by a court of competent jurisdiction for having committed a criminal offence.
- 2.4. The Auditor-General shall hold office on a full-time basis and shall not hold other paid employment while serving as Auditor-General.
- 2.5. Whenever the office of Auditor-General becomes vacant, the Assembly shall fill the vacancy within 60 (sixty) days.
- 2.6. The Auditor-General shall be paid remuneration and allowances as set out in the appointment by the Assembly.
- 2.7. The Auditor-General may resign by giving the Assembly thirty (30) days written notice, signed by the Auditor-General.
- 2.8. The Assembly may appoint one of the deputies of the Auditor General to serve as Acting Auditor-General in the event that the Auditor-General is absent from the duty for more than 60 (sixty) days as he/she is temporarily absent from Kosovo or for any reason is unable to perform the duties of the office.
- 2.9. A person appointed to serve as Acting Auditor-General under paragraph 8 of this Article shall have the same powers and responsibilities as apply to the office of Auditor-General.
- 2.10. The Assembly may remove the Auditor-General from office only if the Auditor-General:
  - a) is unable to perform the function of his or her office due to physical or mental disability affecting his or her capacity to perform such functions



- b) has engaged in misconduct or misbehavior in the performance of his or her duties or in circumstances that might compromise his or her ability to perform his or her duties;
- c) is incompetent;
- d) is convicted upon final judgment of a criminal offence and is sentenced to a term of imprisonment;
- e) becomes bankrupt or applies to take benefit of any law or rule for the relief of bankrupt or insolvent debtors;
- f) becomes unable to pay his or her debts and enters into a formal agreement with creditors;
- g) assigns his or her remuneration for the benefit of his or her creditors.

### **Article 3**

#### **Powers and Responsibilities of the Auditor-General**

- 3.1. The Auditor-General shall report to the Assembly.
- 3.2. The Auditor-General shall annually conduct a Regularity Audit of the Kosovo Consolidated Budget, budget organizations, including but not limited to the Assembly of the Republic of Kosovo, the Office of the President of the Republic of Kosovo, each Ministry and executive agency, municipalities, independent bodies, the Central Bank of the Republic of Kosovo (CBK), and other entities that are either more than 50 % publicly owned or receive funding from, or provide dividends or other non tax revenue to, the Kosovo Consolidated Fund including but not limited the Kosovo Customs Service, the Kosovo Privatization Agency and the Ombudsperson.
- 3.3. The Auditor-General shall report on all Regularity Audits and in this context the following requirements and procedures shall apply:
  - a) the Auditor-General shall provide to the Assembly a report of the Regularity Audit of the Kosovo Consolidated Budget and each institution or entity referred to in paragraph 2 of this Article no later than 31 August of the year following the audit period;
  - b) the Auditor-General shall provide his or her report to the audited institution or entity;
  - c) the management of an institution or entity referred to in article 3.2 shall have fourteen (14) days from receipt of the Auditor-General's report to provide the Auditor-General with any responses thereto and these responses (if any) shall be attached to the audit report and form a part thereof; and
  - d) copies of the report of the Auditor General shall be made available to the public.
  - e) within 30 days after the publication of the respective audit report the institution or entity audited pursuant to paragraph 2 of this Article shall submit to the Auditor General a report that indicated how such institution or entity intends to implement recommendations made in the audit report.
- 3.4. The Auditor-General may at any time conduct a Performance Audit of any institution or entity referred to in paragraph 2 of this Article. The provisions of paragraph 3 of this Article relating to a Regularity Audit shall apply equally to a Performance Audit.

- 3.5. The Auditor-General may at any time consult with any of the institutions or entities referred to in paragraph 2 of this Article for the purpose of coordinating audit responsibilities between the Auditor-General and the requirements of internal audits for any of those institutions or entities.
- 3.6. In addition to the compulsory audit requirements referred to in paragraph 2 of this Article the Auditor-General may enter into an arrangement with any institution or entity referred to the same paragraph to:
  - a) conduct a Regularity Audit;
  - b) conduct a Performance Audit; or
  - c) provide additional services of a kind commonly performed by an auditor.
- 3.7. The Auditor General may, upon the written request of the Assembly or the Government, conduct a financial Regularity Audit or a Performance Audit on any of the institutions or entities listed in paragraph 2 of this Article.
- 3.8. The Auditor-General shall not perform audit functions under this article for a purpose that is outside the scope of his responsibilities in respect of the institutions or entities referred to in paragraph 2 of this Article.
- 3.9. The Auditor-General may engage any person or entity including a national auditing organization of a foreign country to assist in the performance of an Auditor-General function.
- 3.10. The Auditor-General may, by written instrument, delegate all or part of the audit under the present Law provided that any person, organization or entity so delegated shall comply with all lawful directions of the Auditor-General.
- 3.11. The Auditor-General may, upon a request in writing from a donor state or organization, conduct an audit of funds donated by that state or organization to an institution or entity referred to in paragraph 2 of this Article if such funds have been included in the Kosovo Consolidated Budget, subject to an agreement regarding the coverage of the costs of such audit by the donor state or organization requesting the audit.
- 3.12. Unless otherwise instructed by the Auditor-General, an institution or entity referred to in paragraph 2 of this Article shall include in its annual report all audit reports issued by the Auditor-General and provided to the institution or entity concerned relating to the period covered in that annual report.
- 3.13. The Auditor-General shall publish in writing and regularly update the current Public Sector auditing standards that shall be complied with by persons performing Regularity and Performance Audits. These standards shall comply with INTOSAI, European Union (EU) Auditing Standards, and the International Standards of Auditing (ISA) as promulgated by the International Auditing Practices Committee (IAPC) of the International Federation of Accountants (IFAC). These standards should also comply with the relevant requirements of the KBSFR;
- 3.14. Pending the publication of the applicable standards referred to herein the Auditor-General shall publish an initial set of auditing standards prior to the commencement of audit work.
- 3.15. On an annual basis within three (3) months of the end of the year of account, the Auditor-General shall provide to the Assembly an annual report of the audit activities of the Auditor-General. The report shall include the report of the independent audit of the accounts of the Audit Office of Kosovo.

**Article 4**  
**Information Gathering Powers, Confidentiality and Secrecy**

- 4.1. The Auditor-General may by written notice specifying a reasonable time for compliance, direct a person to do all or any of the following:
  - a) provide the Auditor-General with any information that the Auditor-General requires;
  - b) attend and give evidence before the Auditor-General or an authorized official; and
  - c) produce to the Auditor-General any documents related to the execution of their duty in the custody or under the control of the person concerned.
- 4.2. The Auditor-General may direct that:
  - a) the information or answers to questions be given either orally or in writing; and
  - b) the information or answers to questions shall be given on oath or affirmation that the information provided is true. Such oath or affirmation shall be administered by the Auditor-General or by an authorized official.
- 4.3. A person who does not comply with a direction under paragraphs 1 and 2 of this Article commits a criminal offence punishable by a fine of up to five thousand (5000) euro or a term of imprisonment of up to three (3) years.
- 4.4. The Auditor-General or an authorized official:
  - a) may, at all reasonable times, enter and remain on any premises occupied by an institution or entity described in paragraph 2 of this Article;
  - b) is entitled to full and free access at all reasonable times to any property or to documents whether in hard copy or in electronic form; and
  - c) may examine, make copies of or take extracts from data.
- 4.5. If an authorized official enters, or proposes to enter, premises acting under the authority of the Auditor-General, the occupier shall provide the official concerned with all reasonable facilities for the effective exercise of the powers and duties of the Office of the Auditor-General. Any person who fails to comply with this provision commits a criminal offence punishable by a fine of up to five thousand (5000) euro or a term of imprisonment of up to three (3) years.
- 4.6. An authorized official is not entitled to enter or remain on premises if he or she fails to produce a written authorization by the Auditor-General on being requested by the occupier to produce proof of his or her authority.
- 4.7. A person is not excused from producing a document or answering a question under paragraph 2 of this Article on the ground that the answer, or the production of the document, might incriminate the person or make the person liable to a penalty. However, no such answer or document, or anything directly or indirectly obtained from such answer or document shall be admissible in evidence against the person in any criminal proceedings other than proceedings for an offence arising under paragraph 3 of this Article.
- 4.8. If a person has obtained information in the course of performing an Auditor-General function, the person concerned shall not disclose the information except in the course of performing an Auditor-General function or for the purpose of any provision of the applicable law that gives functions to the Auditor-General.

Any person who fails to comply with this provision commits a criminal offence punishable by a fine of up to five thousand (5000) euro or a term of imprisonment of up to three (3) years.

- 4.9. The Auditor General shall not publish or otherwise disclose in a public report any information, which is classified by law as confidential information,
- 4.10. If the Auditor General omits from public report information pursuant to paragraph 9 of this Article, the Auditor General shall prepare and submit to the Presidency of the Assembly of Kosovo, upon its written request, a confidential report identifying such information and providing justification for their omission.

## **Article 5**

### **Establishment of the Audit Office of Kosovo**

- 5.1. The Audit Office of Kosovo is hereby established.
- 5.2. The Audit Office consists of the Auditor-General and the staff of the Audit Office. The Auditor-General may appoint a maximum of two Deputy Auditors-General persons who:
  - a) have a university degree and qualified experience in the area of accounting and audit, public finance or public administration, not less than 8 years;
  - b) are not under criminal investigation for a criminal offence and who have not been sentenced by a court of competent jurisdiction for having committed a criminal offence.
- 5.3. The function of the Audit Office is to assist the Auditor-General in performing the Auditor-General's functions.
- 5.4. Directions to staff of the Audit Office relating to the performance of the Auditor-General's functions may only be given by:
  - a) the Auditor-General; or
  - b) a member of the staff of the Audit Office authorized to give such directions by the Auditor-General.
- 5.5. The Audit Office, to the extent that it is not funded from other sources, shall be funded from the Kosovo Consolidated Budget. The budget for the Office shall be subject to the approval by the Assembly. The Auditor-General shall annually prepare and submit to the Assembly the proposed budget for the Audit Office in accordance with requirements, guidelines and arrangements established by the Assembly. The Assembly shall review such proposed budget within 30 days from the day it has received the proposal. While reviewing and deciding on the proposed budget, the Assembly shall ensure that sufficient funds from the Kosovo Consolidated Budget are allocated to the Audit Office to allow it to carry out its functions and responsibilities fully and independently.

## **Article 6**

### **Audit of the Audit Office of Kosovo**

- 6.1. The accounts, records, and financial statements of the Audit Office of Kosovo shall be audited by internationally recognized independent external auditors

Law No. 03/L-075 on the establishment of the office of the Auditor General of Kosovo and...

selected and appointed by the Assembly of the Republic of Kosovo. The Assembly of the Republic of Kosovo may dismiss the independent external auditors for good cause. The same external auditor shall not be used for more than five years in a row.

- 6.2. Without prejudice to any reporting requirements pursuant to the Law on Public Financial Management and Accountability, the Audit Office of Kosovo shall, within four months after the close of each of its fiscal year, submit to the Assembly of the Republic of Kosovo:
- a) financial statements certified by its external auditors;
  - b) a report of its operations and affairs during the year

### **Article 7**

#### **Implementation**

The Auditor-General shall have the authority to issue sub-normative acts for the implementation of this Law.

### **Article 8**

#### **Transitional provision**

Until the end of international supervision of the implementation of the Comprehensive Proposal for the Kosovo Status Settlement, dated 26 March 2007, the Auditor General shall be an international appointed by the International Civilian Representative.

### **Article 9**

#### **Entry into Force**

This Law shall enter into force on the day of publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-075**  
**5 June 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 32 / 15 JUNE 2008**

**LAW No. 04/L-115**  
**ON AMENDING AND SUPPLEMENTING THE LAWS RELATED**  
**TO THE ENDING OF INTERNATIONAL SUPERVISION**  
**OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED**  
**TO THE ENDING OF INTERNATIONAL SUPERVISION**  
**OF INDEPENDENCE OF KOSOVO**

**Article 1**  
**Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L -223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L -224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L -237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

## **Article 2**

### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

## **Article 3**

### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworted with the following text:

## **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

## **Article 4**

### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworted with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworted as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworted with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworted with the following text:

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

##### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition “**the Comprehensive Status Proposal**” shall be deleted from the text o the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

##### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

##### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon 'their free and informed

- Law No. 04/L-115 on amending and supplementing the laws related to the ending of... decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.
3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

**Article 16**  
**Amending and Supplementing the Law No. 03/L-041 on Administrative**  
**Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

**Article 17**  
**Amending and Supplementing the Law No. 03/L-068 on Education in the**  
**Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

**Article 18**  
**Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo**  
**(the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

**Article 29**  
**Registration and Determination of Citizenship**

**Article 19**  
**Amending and Supplementing the Law No. 03/L-237 on Population and Housing**  
**Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;

## **Article 20**

### **Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

## **Article 21**

### **Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

## **Article 22**

### **Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.



**Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

**II. FINAL PROVISIONS**

**Article 24**

**Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**

**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

## **LAW No. 04/L-025 ON LEGISLATIVE INITIATIVES**

### **Contents**

Chapter I: General provisions.....	326
Chapter II: Legislative initiative from the institutions of Republic of Kosovo.....	327
Chapter III: Legislative initiative by citizens.....	328
Chapter IV: Procedures and criteria for legislative initiative by the citizens.....	328
Chapter V: Review of draft law and the proposal for drafting the draft law initiated by the citizens.....	330
Chapter VI: Transitional and final provisions.....	331

### **Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

## **LAW ON LEGISLATIVE INITIATIVES**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Purpose**

The aim of this Law is to establish rules and procedures for legislative initiatives.

#### **Article 2 Scope**

The scope of this Law includes the initiative to propose Laws, by the President of Republic of Kosovo, the Government, Members of Parliament and at least ten thousand (10.000) citizens.

#### **Article 3 Definitions**

1. Terms used in this law shall have the following meanings:
  - 1.1. **Citizens** – every citizen of the Republic of Kosovo with the right to vote.
  - 1.2. **Legislative initiative** – a proposal aimed to regulate a field by Law or by amending and supplementing the Law in force.

- 1.3. **The representative of initiative** - citizen/s or organizations of citizens that participate in the legislative initiative, with the aim of representing them to the Assembly and relevant Institutions as well as in front of citizens.

#### **Article 4**

##### **Legislative initiative**

1. All the activities for submission of legislative initiatives shall be in accordance with the Constitution of Republic of Kosovo and legislation in force.
2. All Draft Laws submitted to the Assembly shall contain conditions of submission of the Draft Law defined by the Rules of Procedures of the Assembly unless otherwise provided by this Law.
3. All legislative initiatives must adhere to the draft standards for drafting the Law set by the Government unless otherwise provided by this law.

#### **Article 5**

##### **The right of legislative initiative**

1. Legislative initiative may be taken by:
  - 1.1. President of Republic of Kosovo from her/his scope;
  - 1.2. Members of Parliament;
  - 1.3. Government; or
  - 1.4. at least ten thousand (10.000) citizens with the right to vote.

#### **Article 6**

##### **Rejection of legislative initiative**

1. The Assembly of Republic of Kosovo, rejects the legislative initiatives in the following cases:
  - 1.1. when it is against basic principles of the Constitution of Republic of Kosovo, and
  - 1.2. when it does not contain the terms and criteria set by this law.

### **CHAPTER II**

#### **LEGISLATIVE INITIATIVE FROM THE INSTITUTIONS OF REPUBLIC OF KOSOVO**

#### **Article 7**

##### **Legislative initiative by the President**

1. President of Republic of Kosovo has the right to propose a legislative initiative from his/her scope.
2. The President addresses the legislative initiative to the Presidency of the Assembly of Kosovo.

**Article 8**  
**Legislative initiative by members of the Parliament**

At least six (6) members of the Assembly have the right of initiative to propose laws as provided in the Rules of Procedure of the Assembly.

**Article 9**  
**Legislative initiative by the Government**

Government of Republic of Kosovo has the right of initiative to propose Laws, by its scope, as determined by the Rules of Procedures of the Government and by Rules of Procedures of the Assembly.

**CHAPTER III**  
**LEGISLATIVE INITIATIVE BY CITIZENS**

**Article 10**  
**The right of legislative initiative by citizens**

1. Every citizen may initiate a legislative initiative.
2. Every citizen enjoys equal rights in terms of legislative initiative.
3. Any form of discrimination or restriction to propose laws on basis of race, color, sex, language, religion, political or other opinion, national or social origin, association with community, property, economic, social, sexual orientation, birth, disability, or other personal status is prohibited.

**CHAPTER IV**  
**PROCEDURES AND CRITERIA FOR LEGISLATIVE INITIATIVE  
BY THE CITIZENS**

**Article 11**  
**The representative of legislative initiative**

1. Every legislative initiative must have a representative.
2. The representative of initiative is a point of contact and communication with relevant institutions.

**Article 12**  
**Form of legislative initiative**

1. Citizen/s has/have the right of initiative to propose Laws by:
  - 1.1. drafting the Draft Law or,
  - 1.2. proposing the drafting of the Draft Law to the Assembly.

### **Article 13**

#### **Notifying the Assembly for the commencement the initiative**

1. The representative of legislative initiative sends the announcement for the commencement of the initiative to appropriate Table unit in the Assembly of Kosovo and provides information to the Assembly whether the initiative for drafting a draft law or the proposal for the draft law will begin by providing detailed explanation regarding the objectives aimed to implement.
2. The appropriate Table unit in the Assembly confirms a receipt of notice for legislative initiative.

### **Article 14**

#### **Deadline for collecting signatures**

Within six (6) months from the date when the representative of the legislative initiative notifies the Assembly of Kosovo about the commencement of the initiative, the process of collecting signatures must be completed and the legislative initiative must be sent to the Assembly of Kosovo.

### **Article 15**

#### **Funding of legislative initiative**

1. Expenses for the preparation of collecting signatures for the legislative initiative are covered by the representative of the initiative.
2. The representative notifies the Assembly of Kosovo for the legislative initiative and for funding of the initiative and shall make transparent the sources and the amount of funding.

### **Article 16**

#### **The list of signatures from citizens**

1. The list which includes at least ten thousand (10.000) signatures, shall include:
  - 1.1. form of legislative initiatives and its title;
  - 1.2. name and surname;
  - 1.3. personal number;
  - 1.4. place of birth;
  - 1.5. signature and date of signature.
2. Representative makes sure that the citizens sign only once and contain all the information required in paragraph 1 of this Article.
3. Every page of the list should contain data set in paragraph 1 of this Article.

### **Article 17**

#### **Verification of the list**

1. The list which includes at least ten thousand (10.000) signatures shall be verified by Central Election Commission within fifteen (15) days.

2. In case of any discrepancies found in the context of Article 16 of this Law during the process of verification list, Central Election Commission shall inform the representative of initiative to improve the list of signatures not more than thirty (30) days.
3. In case the Central Election Commission states that the initiative is in accordance with terms defined by this Law, shall notify the representative of legislative initiative, within three (3) days.

### **Article 18**

#### **Submitting the initiative to the Assembly**

1. Draft Law or the proposal of drafting a certain Draft Law together with the disclosure document about the objectives to be achieved to realize and signed by at least ten thousand (10.000) citizens shall be submitted to the Assembly by the representative of initiative.
2. The representative of the initiative shall submit the Draft Law to the President or Presidency of the Assembly, solemnly.

### **Article 19**

#### **Right of appeal**

If the legislative initiative undertaken by citizens will be rejected by the relevant unit of the Assembly with justification that the initiative does not contain terms determined by this Law, citizens have the right to approach the competent Court on administrative disputes.

## **CHAPTER V**

### **REVIEW OF DRAFT LAW AND THE PROPOSAL FOR DRAFTING THE DRAFT LAW INITIATED BY THE CITIZENS**

### **Article 20**

#### **Review of Draft Law**

1. In case when the legislative initiative by citizens is in the form of the Draft Law, the Assembly shall be responsible for its review according to the Rules of Procedures of the Assembly to review the Draft Laws.
2. The Assembly shall submit the Draft Law to the Government for taking the relevant opinions and statements.
3. After obtaining the relevant opinions and statements by the Government, the review of draft law shall start according to procedures defined by the Rules of Procedures of the Assembly.
4. The representative of legislative initiative is invited to participate in the work of relevant Committees of the Assembly.
5. Presidency of the Assembly may allow the representative to present the initiative at a plenary session or shall assign a deputy with the proposal of the representative to present the initiative in the plenary session.

## **Article 21**

### **Review of proposal for drafting the draft law**

1. In case when the legislative initiative by citizens is in the form of proposal for drafting the Draft Law, the Assembly is responsible for its drafting according to the Rules of Procedure of the Assembly for review of draft laws.
2. The Assembly, based on the proposal for drafting the Draft Law may request from the Government to draft the relevant draft law.
3. Government shall appoint one of the Ministries as a bearer for drafting the draft law.
4. The representative of the legislative initiative is invited to participate in the relevant Working Groups.

## **CHAPTER VI**

### **TRANSITIONAL AND FINAL PROVISIONS**

## **Article 22**

### **The issuance of sub-legal acts**

1. The Government has the authority to approve guidelines and other relevant acts with the aim of implementing this Law.
2. Respective unit dealing with legal issues within the Office of the Prime Minister, as requested and in cooperation with institutions and civil society, shall take the necessary measures to promote and support the rights specified in this Law.

## **Article 23**

Provisions of this Law shall be applicable in an analogue way even to initiatives on amending the Laws.

## **Article 24**

### **Entry into force**

This law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No.04/L -025**

**6 October 2011**

**Promulgated by Decree No. DL-040-2011, dated 13.10.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 23 / 26  
OCTOBER 2011, PRISTINA**





## **PUBLIC ORDER AND SECURITY**



**LAW No. 04/L-057  
ON FREEDOM OF ASSOCIATION IN NON-GOVERNMENTAL  
ORGANISATIONS**

**Contents**

Chapter I: General provisions.....	335
Chapter II: Establishment of NGO.....	336
Chapter III: Internal organization and functioning of NGO.....	340
Chapter IV: Public beneficiary status of NGO, financial reporting and its suspension .....	342
Chapter V: Termination and removal of NGO from register .....	345
Chapter VI: Cooperation and support of NGOs.....	347
Chapter VII: Provisional and final provisions.....	347

**The Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON FREEDOM OF ASSOCIATION IN NON-OVERNMENTAL  
ORGANISATIONS**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Aims and scope of this Law**

1. This Law sets out the establishment, registration, internal management, activity, dissolution and removal from register of legal persons organized as NGOs in Kosovo.
2. This Law does not apply to political parties, trade unions and unions' organizations and religion centers or temples and other fields regulated with special laws.

**Article 2  
Definitions**

1. Terms used in this Law shall have the following meaning:
  - 1.1. **Non-Governmental Organization** ("NGO") - any domestic association and foundation, as defined in Article 5 of this Law, or any foreign or international organization as defined in Article 7 of this Law;

- 1.2. **Ministry** - the Ministry of Public Administration;
- 1.3. **Minister** - the Minister of Public Administration;
- 1.4. **Competent Body** - the NGO registration and removal from register;
- 1.5. **Person** - any foreign or domestic legal or natural person;
- 1.6. **Authorized Representative** - an individual residing in Kosovo, who is of legal age and has ability to act, authorized to represent an NGO and to receive official notices and inquiries;
- 1.7. **Family member** - a spouse, children, parents, grandparents, grandsons, granddaughters, siblings, their children and spouses and immediate in-law family members (parents in law, brothers and sisters in law and their children);
- 1.8. **Extraordinary situations** - including natural disasters that are beyond the NGOs control and actually prevent the NGO from completing and submitting a report as foreseen by Article 18 of this law.

### **Article 3** **Freedom of Association**

1. Every person in Kosovo shall enjoy the full rights to freedom of association and establishment of NGO.
2. No person shall be required to associate involuntarily and no person shall be discriminated against in any way because of any decision to associate or not to associate.

### **Article 4** **Non-distribution of Earnings**

1. NGO shall not distribute any net earnings or profits as such to any person.
2. The assets, earnings and profits of an NGO shall be used to support the non-profit purposes assigned for the organization.
3. The assets, earnings and profits of NGO shall not be used to provide benefits, directly or indirectly, to any founder, director, officer, member, employee, or donor of the NGO, except the payment or reasonable compensation to such persons for work performed for the organization.

## **CHAPTER II** **ESTABLISHMENT OF NGO**

### **Article 5** **Notion of NGO in Kosovo**

1. Domestic NGO is association or foundation established in Kosovo to accomplish the purpose based on the law, either for public benefit or mutual interest.
2. An association is a membership organization. An association may be established by at least three (3) or more persons, at least one of whom has a residence or seat in Kosovo.

3. A foundation is an organization without membership established to manage properties and assets. A foundation may be established by one or more persons, at least one of whom has a residence or seat in Kosovo.

## **Article 6**

### **Establishment of Associations and Foundations in Kosovo**

1. An association or foundation is established by a founding instrument which shall contain the following records:
  - 1.1. the official name, official acronym and the official logo of the organization;
  - 1.2. its organizational form (association, foundation);
  - 1.3. the organization's address;
  - 1.4. the organization's purposes and activities;
  - 1.5. the names and addresses of the founders;
  - 1.6. the name, address and other contact information of the authorized representative;
  - 1.7. the timeline for which the organization is established, if there is such.
2. A foundation may also be established by a will, bequest, if it includes the information set forth in paragraph 1 of this Article.
3. An association or foundation shall have a statute containing the following information:
  - 3.1. the name of the organization, seat and logo;
  - 3.2. the purposes of the organization;
  - 3.3. the name of the highest governing body;
  - 3.4. if the NGO is an association, the procedures for electing and dismissing members, the conditions for membership, and if the organization decides to have a Board, the procedures for electing and dismissing members of the Board and the allocation of powers and responsibilities between the General Assembly of members and the Board;
  - 3.5. if the NGO is a foundation, the procedures for electing and dismissing members of the Board;
  - 3.6. the competences and responsibilities of officers, if any;
  - 3.7. the way of decision-making;
  - 3.8. rules and procedures for:
    - 3.8.1. amending the founding instrument and statute;
    - 3.8.2. merging, splitting up, or dissolving the organization, and
    - 3.8.3. distribution of any assets remaining after such dissolution.
4. A statute may contain any other rule, provision, or procedure that is not inconsistent with the requirements foreseen in this Law.
5. Rules and procedures of internal governance included in NGOs statute shall comply with democratic principles.
6. An association or foundation shall have only those powers, and be entitled to engage only in those activities and purposes, consistent with its Founding Instrument and statute and which are permitted by Law.

**Article 7**  
**Foreign and International NGOs**

A foreign or international NGO is a legal person established outside of Kosovo under legislation that substantially meets the requirements of Article 4 of this Law.

**Article 8**  
**Association of Legal Persons**

Legal Persons, including NGOs, may found associations, foundations to advance their lawful purpose, whether for public or mutual benefit, in accordance with Articles 5 and 6 of this Law.

**Article 9**  
**Registration**

1. Every person, notwithstanding the nationality, race, color, gender, language, religion, political or other opinions, national or social origin, association with any community, property, economic and social situation, sexual orientation, birth, disability or any other personal statute shall be eligible to register NGO under the terms and conditions of this Law. No person needs to register the NGO to exercise the right on freedom of association.
2. The NGO shall be registered at the respective department at the Ministry of Public Administration.
3. The NGO shall attach to registration application an application form, founding instrument, and its statute.
4. An NGO shall designate in writing an Authorized Representative. All applications for registration must be signed by the NGOs Authorized Representative. The establishment act is signed by three establishers.
5. A foreign or international NGO registers by filing the following documentation:
  - 5.1. an application form;
  - 5.2. proof that it is a legal person in another country;
  - 5.3. the organization's address in Kosovo; and
  - 5.4. a written statement from a representative of the NGOs headquarters with authority to provide such statement stating:
    - 5.4.1. the purposes of the NGO;
    - 5.4.2. a general description of the activities that the NGO is planning to carry out in Kosovo, and
    - 5.4.3. the name, address and other contact information of the Authorized Representative.
6. Applications for the registration of NGOs shall be submitted to and accepted by the competent body. Registration decisions and Registration numbers shall be taken and assigned by the competent body.
7. Documents submitted by an NGO in support of its application for registration shall be in corresponding languages in compliance with Constitution of Republic of Kosovo.

8. Notwithstanding paragraph 7. of this Article, documents submitted by a foreign or international NGO as proof that it is a legal person in another country, shall be submitted in their original language, together with translation of documentation in official languages in the Republic of Kosovo. Translation should be from the licensed authorized interpreter. Any substantive or misleading difference between the original language and translated document is a reason for withdrawing the organization's registration.
9. The Competent Body shall issue to an NGO a registration certificate or a written decision denying registration within sixty (60) days from the day of receipt of the registration application, unless the competent body requests in writing during that same time period further information or clarification. If registration is refused, the competent body shall include in the decision on refusal an explanation of the legal basis on grounds of which registration is refused and the right to appeal.
10. If the competent body requests in writing further information or clarification in connection with an application to register, the sixty (60) day period within which the competent body must issue a registration certificate or a written decision denying registration shall cease to run as of the date of the written request. Upon receipt of the further information or clarification requested, the competent body shall issue a registration certificate or a written decision denying registration within:
  - 10.1. the number of days remaining in the original sixty (60) day time period for issuing a decision;
  - 10.2. fourteen (14) days from the receipt of additional information or clarification, whichever term is longer.
11. A NGO shall inform the competent body within thirty (30) days of any change to the information required in paragraphs 1. and 3. of Article 6 and paragraph 5 of this Article. Amendments to registration shall be subject to procedures, standards, and time limits equivalent to those applicable to initial registration. Amendments accepted by the competent body shall be recorded, registered, and publicly available under Article 12 of this Law.

## **Article 10**

### **Denial of Registration**

1. The Competent Body may deny an application if:
  - 1.1. the registration documents do not comply with the requirements of this Law;
  - 1.2. if the statute of the NGO would violate the provisions of the applicable Law;
  - 1.3. the organization seeking registration has the same name or acronym so similar to a previously registered or already established NGO that confusion is likely to result.
  - 1.4. if the statute and the program of the NGO promotes inequality based on race, religious, color, gender, language, religion, political or other opinions, national or social origin, association with any community, property, economic and social situation, sexual orientation, birth, disability or any other personal statute.

### **Article 11**

#### **Legal Status**

1. A domestic NGO shall have the status of a legal person in Kosovo upon registration pursuant to this Law.
2. Upon registration, a foreign or international NGO is authorized to operate as a legal person in Kosovo.
3. Domestic and foreign or international NGOs are subject to all applicable Laws in Republic of Kosovo.
4. Any notice, letter, summons, or other legal acts shall be considered validly served on a registered NGO if it is delivered in person or by mail to the authorized representative or to the address specified pursuant to sub-paragraph 1.3. paragraph 1 of Article 6 and sub-paragraph 5.3. paragraph 5 of Article 9 of this Law.
5. Officers, directors and employees of registered NGOs shall not be personally liable for the debts or obligations of the NGO, but they shall be personally liable for willful or grossly negligent performance or neglect of duty.

### **Article 12**

#### **NGOs Register**

1. The Competent Body shall maintain a register of NGOs.
2. The register shall contain the name, address, organizational form and purposes, establishers of each NGO, name and other contact information of its authorized representative and shall also indicate if an NGO has public benefit status.
3. The competent body shall be responsible for updating the data in the public register.
4. Local, foreign and international NGOs are obliged to submit once a year to the competent authority a statement confirming that the information required under paragraph 2 of this Article are still valid, or that have changed.
5. Failure to submit this statement for two (2) years in a row obligates the competent body to undertake procedures for removing from register the NGO. The competent body is obliged that sixty (60) days before the expiry of three (3) years term to deliver this statement and notify in written the NGO on the consequences of failure to meet this obligation.
6. The register shall be available to the public in accordance with the Law on protection of personal data.

## **CHAPTER III**

### **INTERNAL ORGANIZATION AND FUNCTIONING OF NGO**

### **Article 13**

#### **Internal Governance of Associations and Foundations**

1. The highest governing body of an association shall be the Assembly, which shall consist of all members of the association. All members of the association shall be entitled to participate in meetings of the Assembly.



2. The highest governing body of a foundation shall be the Board of Directors. The Board of Directors shall consist of at least three (3) members.
3. The highest governing body shall have full responsibility for the policies and financial affairs of the organization and shall meet at least once a year, at which time it shall review and approve the assets, liabilities, income, expenditures, and programs of the organization for the past year as well as the anticipated plans for assets, liabilities, income, expenditures and programs for the upcoming year.
4. The highest governing body of an NGO shall not delegate:
  - 4.1. the duties under paragraph 3 of this Article;
  - 4.2. the election of officers in leading positions of the NGO;
  - 4.3. amendments to the Founding Instrument or Statute; and
  - 4.4. decisions to merge, split up, or dissolve the NGO.

#### **Article 14**

##### **Conflicts of Interest and Duty of Loyalty**

1. No member of a governing body shall be allowed to participate in the consideration or decision of any matter in which he or she has a direct or indirect personal or economic interest. A member of a governing body shall be deemed to have an economic interest if he/she or any family member has a direct or indirect economic interest.
2. Any transaction between an NGO and an affiliated organization, or between an NGO and its members, officers, members of the Board, or employees shall be prohibited unless the governing body determines after reasonable investigation that the transaction is in the best interests of and fair and reasonable to, the NGO and that the NGO could not have obtained a more advantageous arrangement with reasonable effort under the existing circumstances.
3. Officers and board members of an NGO have a duty to exercise loyalty to the NGO, to protect the confidentiality of non-public NGO-related information and interest of the NGO, and to carry out their responsibilities to the NGO with faith and diligence.

#### **Article 15**

##### **Prohibition on Fundraising, Campaigning, and Endorsing Political Candidates/Parties**

NGOs may not engage in fundraising or campaigning to support political parties or candidates for political office, nor may they propose, register or in any way endorse candidates for public office.

#### **Article 16**

##### **Property and Resources**

1. The income of an NGO may include donations of cash, securities, contributions in goods, bequests; membership, gifts, grants, real or personal property and income generated from any lawful activities undertaken by the NGO with its property and resources.

2. An NGO may engage in economic activities for the purpose of supporting its non-profit activities, in compliance with Article 4, and provided that income realized through economic activities is used solely to accomplish the purposes specified in the NGOs statute.
3. An NGO may own and manage property and assets for the accomplishment of its non-profit purposes.
4. It is forbidden by law to finance organizations whose activity does not coincide with legal order in the Republic of Kosovo and the international applicable right.

## **CHAPTER IV**

### **PUBLIC BENEFICIARY STATUS OF NGO, FINANCIAL REPORTING AND ITS SUSPENSION**

#### **Article 17**

##### **Public Beneficiary Status**

1. NGO registered under this law may apply for public beneficiary status if the NGO is organized and operated to undertake one or more of the following as its principal activities: humanitarian assistance and relief, support for disabled persons, charity activities, education, health, culture, youth, sport, environmental conservation or protection, economic reconstruction and development, the promotion of human rights, the promotion of democratic practices and civil society, or any other activity that serves the public beneficiary.
2. Education and health NGOs activities shall constitute public beneficiary activities only if significant benefits are provided free of charge or less than fair market value to disadvantaged individuals or groups. NGOs activity for economic development shall constitute a public beneficiary activity only if it is undertaken primarily for the benefit of disadvantaged individuals or groups.
3. An NGO may apply for public beneficiary status upon initial registration by the NGO or thereafter. The Competent Body shall grant public beneficiary status if the registration documents of the NGO demonstrate that the purposes and activities of the NGO satisfy the requirements of paragraph 1 and paragraph 2 of this Article.
4. NGOs with public beneficiary status shall be entitled to tax and fiscal benefits, except those which are essentially charges for municipal public services.
5. To implement this Article, the Ministry shall propose sub-legal act which shall be adopted by the Government.

#### **Article 18**

##### **Financial and Activity Reporting Obligations for NGOs with Public Beneficiary Status**

1. An NGO that has been granted public beneficiary status must file each year an annual report to the Competent Body with respect to its operations and activities within Kosovo. Reports must be filed by the end of March each year for the reporting year ending 31 December of the previous year.
2. The annual report shall be signed by the Authorized Representative of the NGO.

The Authorized Representative is responsible that all statements in the report are true and correct.

3. The annual report shall necessarily consist of the following three sections:
  - 3.1. management and Administration Section;
  - 3.2. report on Activities and Achievements, and
  - 3.3. financial Statement.
4. The Management and Administration Section shall include:
  - 4.1. name, acronym, (name in initials), address, telephone number, fax number and e- mail address of the NGO;
  - 4.2. name of the chief executive officer (e.g. the manager or Executive Director), and
  - 4.3. names of the members of the governing body, and names and titles of all officers in leading positions.
5. The Report on Activities and Achievements shall include:
  - 5.1. a statement of the mission and public benefit purpose of the NGO;
  - 5.2. identification of major programs, and the activities designed to implement those programs. The statement should be sufficient to demonstrate how the organization fulfills its public benefit purposes through its activities;
  - 5.3. a statement of key program achievements;
  - 5.4. if the NGO undertakes other activities in addition to activities that serve the public benefit as defined in paragraph 1 of Article 17 of this Law, a statement describing those activities;
  - 5.5. a statement that the NGO undertook no fundraising or campaigning to support political parties or appointed or elected candidates for public office, or registration or endorsement of appointed or elected candidates for public office, during the reporting period;
  - 5.6. an NGO that engages in public benefit activities in the fields of education or health, a statement of the following should be filed:
    - 5.6.1. the type of disadvantaged individuals or groups served;
    - 5.6.2. the types of benefits to these disadvantaged individuals or groups that the organization provides, and
    - 5.6.3. a certification that those benefits are provided free of charge or at less than fair market value;
  - 5.7. for an NGO that engages in public benefit activities in the field of economic development, a statement of the type of disadvantaged individuals or groups served.
6. The Financial Statements shall be prepared using forms provided by the competent body, and shall include, at a minimum:
  - 6.1. a balance sheet, showing the assets and liabilities of the organization; and
  - 6.2. a financial statement on the source of income, where incomes and expenses of the NGO are presented separately for the management, administration and programming section.
7. By the request of an NGO, the competent body may grant to the NGO, extra time for filing annual reports if such a requirement would be imposed by extraordinary circumstances, but not later than thirty (30) days from the day when passing these circumstances.

8. The Financial Statements shall be prepared by the end of March for the one year period ending December 31st of the previous year.
9. The Financial Statements prepared and submitted by domestic NGOs with annual income or expenditure in excess of one hundred thousand (100.000) € and by foreign and international NGOs with annual income or expenditure in connection with their operations and activities within the Republic of Kosovo in excess of one hundred thousand (100.000) € shall include a financial statement of fiscal year as in the Republic of Kosovo, including the audit report for the previous year, signed by a licensed auditor in the Republic of Kosovo, in order that the material aspects and financial position of the organization for that reporting period is presented fairly.
10. The annual report shall include:
  - 10.1. a statement including all activities as well as payment of salaries of the NGO employees, including job descriptions of the persons involved and contractual relations between the NGO and the other party in performing that task, or
  - 10.2. a certification that the NGO has not developed the foreseen activity under subparagraph 10.1 of this paragraph, during the reporting period.
11. Reports filed in accordance with this Article shall be available to the public. An NGO may identify information it considers confidential in its report and request that the competent body delete such information before making the report available to the public. Information or assets that may be considered confidential for purposes of this Article includes personal or financial information of employees of the organization. An NGO must file a request for non publishing information at the time that it files the report in question, and must state specific reasons for confidential treatment of the information. The NGO shall in addition provide confidential information separately from the rest of its Report and must clearly state that the report is subject to a request for non publishing. The Competent Body shall respond in writing stating its decision to grant or deny the request to non publishing within fifteen (15) days of the request.
12. Unauthorized and illegal publication, by competent body containing respective data shall be punished according to legal provision in force.
13. The competent body, after successfully completing the reporting obligation of NGO with public benefit status, as required under this article, shall provide the NGO with a new certificate for public beneficiary status for one (1) year.

## **Article 19**

### **Suspension, revocation and voluntary withdrawal of Public Beneficiary Status**

1. The Competent Body may suspend a public beneficiary status of an NGO that fails to file a complete annual report as required by Article 18. An NGO that fails to file a report required by this law within the time specified in paragraph 1 of Article 18 of this law, or that files an incomplete report, will be given written notice of the failure by the competent body. The written notice shall instruct the NGO to file the missing or incomplete reports within thirty (30) days of the date of the notice, and inform the NGO that failure to do so shall result in the suspension of the public benefit status of the NGO and all benefits thereof.

2. An NGO that fails to file a complete report as required within thirty (30) days of a written notice pursuant to paragraph 1 of this Article, will be given written notice by the competent body that its public beneficiary status and all benefits thereof have been suspended, and, if the NGO fails to provide the report within sixty (60) days of the notice, the competent body shall issue the decision for revocation of public beneficiary status. The NGO is obliged to retroactively conduct all unpaid tax and customs duties derived from tax and customs facilities for Public Beneficiary Status, for the period for which failed to report, within six (6) months of the receipt of decision.
3. The Competent Body shall suspend the public beneficiary status of an NGO if, after review of an annual report submitted by an NGO, determines that the NGO no longer meets the requirements for public beneficiary status foreseen under Article 17 of this Law. Upon this determination, the competent body shall notify the NGO in writing about the reasons for suspension of the NGO's public beneficiary status and benefits thereof. The NGO may, within thirty (30) days from the receipt of notice, provide the competent body with written information to support its eligibility for public beneficiary status. Upon failure of the NGO to provide acceptable information by the required date, the Competent Body shall issue a decision on revocation of the public beneficiary status. The NGO is obliged to retroactively accomplish all unpaid tax and customs duties derived from unpaid tax and customs facilities for public beneficiary status for the period for which violation is found, within six (6) months from the receipt of the decision. The competent body shall notify in writing the tax and customs authorities on the decision.
4. The NGO, whose public beneficiary status is revoked, has the right to apply again for the public benefit status after three (3) years of expiry of the date of revocation.
5. NGO with public beneficiary status may apply to withdraw from this status after the end of the financial year for which enjoyed the facilities guaranteed by the public benefit status. The request for withdrawal from this status for the coming year should be made at least forty-five (45) days before the end of calendar year during which the NGO is enjoying the public benefit status. The competent body is obliged to decide on the withdrawal from public benefit status no later than thirty (30) days after receipt of request, by informing on the decision all tax and customs authorities. NGO that voluntarily withdraws the public beneficiary status has the right to request this status again, according to the procedures prescribed by law.

## **CHAPTER V**

### **TERMINATION AND REMOVAL OF NGO FROM REGISTER**

#### **Article 20**

#### **Termination of NGO**

1. An NGO may be terminated when:
  - 1.1. a voluntary decision to terminate the organization is made by the highest governing body in accordance with the NGO's statute;
  - 1.2. the NGO becomes insolvent as defined by applicable law;

- 1.3. the stated time limit expires, if such time limit is defined in the establishment act;
- 1.4. based on the valid court decision.

## **Article 21**

### **Removal of NGO from Register**

1. The competent body may remove the NGO from register:
  - 1.1. in one of the cases referred to in paragraph 1 of Article 20 of this Law;
  - 1.2. if the NGO for three (3) years fails to file the annual statement foreseen under paragraph 5 of Article 12 of this Law.
2. The competent body shall give to the NGO a written notice of the grounds for termination and the opportunity to respond prior making a decision to terminate an NGO's registration.
3. In the event of the termination or removal from the register of an NGO that received tax or fiscal benefits, public donations, or government grants, all assets remaining after discharge of the NGO's liabilities shall be distributed to another NGO with the same or similar purposes. This NGO shall be identified in the NGO's statute or with a proposal of the NGOs highest governing body. The Ministry shall establish the Committee for Distribution of remained Assets of terminated or removed from register NGOs, with representatives of NGOs too, pursuant to the sub-legal act issued by the Government.
4. In all other cases, any assets remaining after the discharge of liabilities shall be distributed in accordance with the statute or a decision by the highest governing body and in all cases in compliance with Article 4 of this law.
5. An NGO with public beneficiary status that is dissolved or removed from the register, or ceased its activity in Kosovo during a reporting period shall file a report for that period, pursuant to Article 4 and 18 of this law. In its report, the NGO shall state the date of dissolution, termination, removal from the register, the provisions made for winding up of its affairs, the amount of assets remaining after discharge, the intended disposition of those assets, and how the determination to dispose of assets was made (i.e., by provision in the Statutes of the organization, by decision of its highest governing body or by the competent body.)
6. Authorized person of the NGO has legal responsibility for registration before the competent body and other bodies.
7. After the exhaustion of all rights of appeal and based on the decision for removal from the register, the competent body shall remove the NGO from the register of NGOs.

## **CHAPTER VI COOPERATION AND SUPPORT OF NGOs**

### **Article 22 Institutions of the Republic of Kosovo and NGOs**

Institutions of the Republic of Kosovo support, but not interfere in the activities of NGOs, and make public all forms of cooperation and support. Giving any public funds from the Republic of Kosovo to NGOs is done based on predetermined public criteria.

### **Article 23 Appeals**

1. If an NGO is not satisfied with the decision of the first instance body has a right to file an appeal to the second instance body.
2. The Appeal can be filed to the competent body of the second instance through the body of first instance.
3. Pertinent ministry establishes the competent body of the second instance, which should be an independent body.
4. The manner of establishing and functioning of this body shall be regulated with special regulation issued by pertinent ministry.

## **CHAPTER VII PROVISIONAL AND FINAL PROVISIONS**

### **Article 24 Sub-legal acts**

1. The Ministry, for implementation of this law, shall propose sub-legal acts in terms of six (6) months after entry into force of this law.
2. The government shall issue sub-legal acts within nine (9) months after entry into force of this law.

### **Article 25 Abrogation**

This Law shall abrogate the Law no. 03/L-134 on Freedom of Association in Non-Governmental Organizations and any other provision which is inconsistent with this law dealing with freedom of association in non-governmental organizations.

### **Article 26 NGOs Registered under the Law 03/L134 on Freedom of Association in NGOs in Kosovo**

Any NGO registered under the Law 03/L134 on Freedom of Association in NGOs in Kosovo is considered a registered NGO in Kosovo under this law.

**Article 27**  
**Entry into force**

This Law shall enter into force (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-057**  
**29 August 2011**

**Promulgated by Decree No.DL-034-2011, dated 31.08.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 14 / 9**  
**SEPTEMBER 2011, PRISTINA**



## **LAW No. 04/L-076 ON POLICE**

### **Contents**

Chapter I: General provisions.....	349
Chapter II: Police duties and powers.....	353
Chapter III: Organization of police of the Republic of Kosova .....	362
Chapter IV: Senior management of the police .....	364
Chapter V: The employment relationship .....	367
Chapter VI: Financing .....	370
Chapter VII: Transitional and final provisions.....	371

### **Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

## **LAW ON POLICE**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Objective**

This law regulates the authorizations and duties of Police of the Republic of Kosovo, its organization and other issues related to activities and actions of the Police of the Republic of Kosovo.

#### **Article 2 Guiding Principles**

1. The actions of the Kosovo Republic Police shall be guided by the following principles:
  - 1.1. fair and equal treatment of all persons;
  - 1.2. respect for human rights and fundamental freedoms;
  - 1.3. neutrality and impartiality regarding persons' political views and affiliations;
  - 1.4. integrity, honesty and accountability in public service;
  - 1.5. transparency - providing information to the public and being open to public;

- 1.6. legitimacy, suitability and proportionality;
- 1.7. commitment to employment, advancement and assignment of duties in comprehensive, merit-based and non-discriminatory manner, by reflecting the multi-ethnic character of Republic of Kosovo and by recognizing the principles of gender equality and human rights foreseen by the Constitution.
2. Police officers shall exercise their authorizations and perform their duties in a lawful manner, based on the Constitution, on other applicable laws, and in the Code of Ethics compiled by the Police of Republic of Kosovo and approved by the Ministry of Internal Affairs.
3. The Code of Ethics should be in accordance with the above mentioned principles and with the European Code of Police Ethics.

### **Article 3** **Definitions**

1. Terms used in this Law shall have the following meaning:
  - 1.1. **Commission** – commission established by the Minister of Internal Affairs for selection of General Director of Police and Deputy General Directors of Police;
  - 1.2. **Civilian Staff** – police staff members who are employed to perform administrative or support services, but who do not have police authorizations;
  - 1.3. **Directors of Departments** – Directors of Departments who lead one of the certain fields on the central level of Police of the Republic of Kosovo;
  - 1.4. **Deputy General Directors** - the Deputy General Directors of Police of the Republic of Kosovo;
  - 1.5. **General Director**- the General Director of the Police of the Republic of Kosovo;
  - 1.6. **Inspectorate** - the Police Inspectorate of the Republic of Kosovo established by the Law on the Police Inspectorate;
  - 1.7. **Legitimate Police Objective** - an objective that the Police shall pursue in the performance of its functions and which is consistent with constitution and with the applicable law;
  - 1.8. **Minister** - the Minister of the Ministry of Internal Affairs;
  - 1.9. **Ministry** - the Ministry of Internal Affairs;
  - 1.10. **Police** - the Police of the Republic of Kosovo;
  - 1.11. **Police Officer** - an officer under oath of the Police of the Republic of Kosovo to whom it is given the authority to exercise Police Powers in the performance of his/ her duties;
  - 1.12. **Police Powers** - the power of a Police Officer to impose reasonable control over people and property within his/her jurisdiction to protect the public order and safety;
  - 1.13. **Regional Director** - any Regional Director of the Police of the Republic of Kosovo including the Regional Director of Border Police;
  - 1.14. **Municipal Safety Council** - a Municipal Community Safety Council established in each municipality of the Republic of Kosovo; and

- 1.15. **Local Safety Committee** - a Local Public Safety Committee established by the General Director in a local community within a municipality of the Republic of Kosovo.

#### **Article 4** **Police Status**

1. With this law, Police of the Republic of Kosovo is public service within the scope of the Ministry of Internal Affairs.
2. The Police is a legal entity.
3. The Police shall operate through unified chain of command throughout the territory of the Republic of Kosovo.
4. The Police have its own uniform, flag and symbol, which shall be approved by the Government with the proposal of the Minister.

#### **Article 5** **Relationship between the Police and the Ministry**

1. The Police shall function under the authority of the Minister of the Ministry of Internal Affairs and under the control and supervision of the General Director of the Police. The Minister's authority does not include the operational management of the Police. The General Director shall report and shall be directly accountable to the Minister for Administration and Management of the Police. The General Director cooperates with the Minister and provides him/her with information and reports according to the manner determined by the law.
2. In the field of public order and safety, the Minister has the following rights;
  - 2.1. to develop policies and to support the preparation and implementation of legislation;
  - 2.2. to oversee coordination between the Police and other public authorities with respect to border crossing control;
  - 2.3. to oversee coordination between the Police and other agencies, international responsible organizations in the field of public order and safety;
  - 2.4. to develop and implement strategies on public relations and relations with other responsible public bodies in the field of public order and safety;
  - 2.5. to collect, maintain and analyze statistical data and information; and
  - 2.6. to perform functions related to preparations for emergency cases, as it is defined by this law and applicable laws.

#### **Article 6** **Relationship between Police, Public Prosecutors and the Court**

1. The Police shall apply the orders and instructions lawfully issued by a public prosecutor or competent judge.
2. The Police shall cooperate and report to the competent public prosecutor's office for information related to alleged criminal activity, for which the Police is notified, in accordance with the applicable law.

## **Article 7**

### **Cooperation with Community**

1. The Police shall communicate and cooperate with local governmental authorities, civic organizations, and local communities for the purpose of preventing and combating crime and enhancing the safety of all communities in Republic of Kosova.
2. The Police shall cooperate with community, whereas the station commander and other police representatives shall participate on the Municipal Council for Community Safety, established in each municipality.
3. The Safety Council is an advisory body chaired by the Municipal major and with membership representing all communities within the municipality.
4. The purpose of the Safety Council is to develop awareness related to the nature of crime, disorder and violent behaviour in the local community, to identify the concerns regarding public safety and security and to recommend action plans, to address those concerns through the cooperative efforts of municipal authorities, local communities and the Police.
5. The General Director is authorised to establish a Public Safety Community, as an advisory body within any specific area in each municipality which is in the best interests for effective work of community Police.

## **Article 8**

### **Cooperation with Central and Local Government Institutions**

1. The Police shall cooperate with institutions of the central government of Republic of Kosova that are responsible in the security field. Such cooperation may be regulated with sub-legal acts of the Government and understanding memorandums approved by the Minister.
2. Upon the request of central or local governmental institutions, the Police is authorized to provide assistance to them in the performance of their public duties when there is a reason to believe that the safety of the person or persons performing the public duties could be at risk because of possible resistance to their actions.

## **Article 9**

### **International Cooperation**

1. The Police shall cooperate with international police organizations and other foreign institutions, in accordance with applicable law or with international agreements.
2. The Police may deploy Police Officers for an interim service period to another international police organization for the purpose of performing police duties abroad, in accordance with the applicable law or by international agreements.

## **CHAPTER II**

### **POLICE DUTIES AND POWERS**

#### **Article 10**

##### **General Duties and Powers of the Police**

1. The Police shall have the following general duties:
  - 1.1. to protect the life, property and offer safety for all people;
  - 1.2. to protect the human rights and fundamental freedoms of all citizens;
  - 1.3. to prevent the risk to citizens and maintain the public order and safety;
  - 1.4. detect and prevent criminal acts and offenders;
  - 1.5. to investigate criminal acts and offenders;
  - 1.6. to supervise and control for traffic safety;
  - 1.7. to manage and control the state border;
  - 1.8. to provide assistance during natural disasters and other emergencies; and
  - 1.9. to perform other duties as assigned by applicable law.

#### **Article 11**

##### **Police Powers**

1. During the performance of police duties, a Police Officer has power to impose reasonable control on people and property within his/her jurisdiction and power to issue and enforce lawful orders and instructions for members of society in general to achieve legitimate police objectives.
2. The powers mentioned in this law describe the general powers and limitations of a police officer when performing duties related to prevention of the risk and maintenance of public order and safety. The powers and limitations of a Police Officer during performance of duties related to criminal investigation generally are described by other laws including, but not limited to, the Criminal Procedure Code of Republic of Kosova.
3. In fulfilling their police duties, Police Officers have power to patrol the border, control transborder traffic, examine border crossing documents, enter onto private property along the border, except that they may not enter into private residences but may enter into railway stations, airports, trains and airplanes. The Police has the right to meet a property owner or require a property owner along the border to have a boundary path and to have gates in fences to provide access to the property for Police Officers on patrol.
4. The Police shall provide security and protection to religious and cultural heritage sites in Republic of Kosova.
5. Police officer exercises police powers off duty in accordance with the law.

#### **Article 12**

##### **Suitability and Proportionality**

1. A Police Officer shall apply the principles of suitability and proportionality as a limitation on the exercise of police powers.

2. When preventive measures are taken to restrict a person's freedom, a Police Officer should use discretion, taking into account the degree of danger and the seriousness of any criminal conduct in the situation, to determine the degree to which a person's freedom will be restricted, in accordance with the law.
3. Police Powers shall be exercised only when it is necessary and only to the extent required to achieve legitimate police objectives with the least harmful consequences in the shortest possible time.

### **Article 13**

#### **Police Officer's Duty to Obey Lawful Orders and Refuse Unlawful Orders**

1. A Police Officer has as a duty to obey lawful orders issued by his/her superior.
2. A Police Officer shall have a duty to refuse orders when they are unlawful and to report such orders immediately, in accordance with sub-legal acts.
3. A Police Officer shall not inflict, instigate, support or tolerate any torture act or inhuman or degrading treatment under any circumstances, and no issued order can justify any such action.

### **Article 14**

#### **Police Officer Introduction**

1. Prior to exercising police powers, a police officer shall inform persons of his/her status as a Police Officer, and, if not in uniform, should present his/her police identification card or badge.
2. A Police Officer will be introduced later in cases of life risk, property or the achievement of a legitimate police objective.

### **Article 15**

#### **Receiving Information on Criminal Acts and Other Violations of Law**

1. A Police Officer has a duty to receive data offered by persons about the commission of any criminal act or of any other violation of the law that is relevant to the work and the competences of the Police.
2. When the Police determines that the reported act does not constitute a criminal act or if it is a criminal act which is subject only to private prosecution, the police officer should notify the person who made the report and the injured party, if any.
3. Information on criminal acts shall be transmitted to the office of the competent Public Prosecutor in compliance to the Criminal Procedure Code.

### **Article 16**

#### **Identification of Persons and Items**

1. A Police Officer has power to identify other person only when:
  - 1.1. there is a reasonable suspicion that the person has committed, is committing, or will commit a criminal act;
  - 1.2. there is a reasonable suspicion that the person poses a danger to persons or property or is causing a disturbance;

- 1.3. the person is in an area where a criminal act was committed, is being committed or it will be committed, or in an area where the suspect is hiding;
- 1.4. the person is in a prohibited location according to the applicable law;
- 1.5. the person is at the scene of a criminal act, in a restricted area, or at the border;
- 1.6. the person should be arrested or detained;
- 1.7. it is authorized to undertake such an action according to any applicable law.
2. In accordance with paragraph 1. of this Article, a Police Officer has power to stop a person, inquire about his/her identity and demand some form of valid identification document with a photo. The Police Officer shall indicate to the person the reason for establishing his/her identity. When a person is uncooperative and other measures fail to establish identity, the Police Officer may take the person into custody, following procedures set forth in applicable law, in order to establish the person's identity.
3. Such custody shall last only for the time strictly necessary to complete the identification, and in no event shall exceed six (6) hours. The Police Officer shall write a report on the identification procedure, and shall give a copy of the report to the person taken into custody, if he/she is requested to do so.
4. A Police Officer has power to establish or verify the identity of an item. This power may be exercised when it is necessary to determine the item's value, characteristics or ownership or to establish a link between the item and a particular person, event or action. The Police has power to publish a photograph, sketch, recording, or description of an item, if there is reasonable belief that it will aid in the establishment of identification item.

## **Article 17**

### **Police calls**

1. A Police Officer may summon a person to provide information if there is reasonable justification to believe that a certain person possesses information necessary for the achievement of a legitimate police objective. Response to such inquiries is voluntary on the part of the person receiving the summon.
2. A Police Officer has power to call verbally a certain person for a police interview if there is reasonable justification to believe that the person possesses information necessary for the achievement of a legitimate police objective.
3. The Police officer should notify the person related to the reason for the summons and if the person consents, the Police Officer may escort the person to the police facilities. In urgent cases, when a delay would pose a danger or if many people are being summoned, a summons can be issued by means of public media.
4. A Police Officer has power to issue a written police summon to a person for a police interview if there is reasonable justification to believe that the person possesses information necessary for the achievement of a legitimate police objective. The summons shall include the title, the place and address of the Police organization requesting the person's presence, the reason for the summons, the place and time where the summoned person should appear.
5. A police interview of a minor in response to a summons shall be conducted only

after a parent or guardian has signed the summons to give permission and only in the presence of a parent or guardian. Response to a written police summons is voluntary on the part of the person summoned.

6. A Police Officer shall issue a summons to appear for a police interview only during daily working hours, except when any delay in issuing the summons would endanger persons, property, or the achievement of a legitimate police objective.
7. Only when there is a court order and only in accordance with the applicable law, a Police Officer may use force to take a summoned person into custody and bring the person to the police station or any other location. If force is used in such cases, the person summoned shall be informed, in a language he or she understands, of the rights to remain silent, to consult a lawyer and to contact a family member or other trusted person, as provided in the Code of Criminal Procedure.

### **Article 18**

#### **Temporary restriction of freedom of movement**

1. A Police Officer has the power to restrict temporarily a person's freedom of movement within a specific area or to redirect a person's movements away from a specific area, in order to secure the specific area for a legitimate police objective or to protect persons from a temporary danger.
2. Legitimate police objectives include, but are not limited to, protecting persons from disasters, epidemics, and other cases of imminent danger.
3. The temporary restriction of a person's freedom of movement shall conclude immediately when the legitimate police objective of the temporary restriction has been achieved.

### **Article 19**

#### **Warnings and Orders**

1. A Police Officer has power to issue verbal, written, visual or other warnings to any person who is posing a danger to personal or public safety, posing a danger to public or private property, disturbing the public law and order, posing a danger to traffic safety, or is reasonably suspected to be committing or preparing to commit a criminal act or to be forcing another person to commit a criminal act.
2. A Police Officer also has power to issue orders to such persons either to stop their actions or to take such other actions as the Police Officer may reasonably require.
3. Warnings and orders may be issued in order to achieve any legitimate police objective including, but not limited to the terms of Article 11 of this law.

### **Article 20**

#### **Temporary Police Custody**

1. A Police Officer has power to take a person into temporary custody when it is necessary to:
  - 1.1. protect the person from harm or danger, especially when the person is in a helpless condition; or



- 1.2. to identify the person or to restrict the movement of the person as authorized by law, when the person is uncooperative with lesser measures.
2. Temporary police custody shall continue as long as necessary for the achievement of the legitimate police objective, but no longer than six (6) hours, excluding circumstances when the person is still in a helpless condition, but no longer than additional six (6) hours.
3. Temporary police custody, in accordance with subparagraph 1. 2. of paragraph 1 of this Article, may last up to twenty four (24) hours, within this time the police is obliged to inform a competent Public Prosecutor, in accordance with the Penal Procedure Code.
4. A person in temporary police custody pursuant to this Article shall not be held together with prisoners or persons arrested and detained, or shall not be held together with persons of opposite gender, minors, unless if he/she is a minor.
5. The person taken into temporary custody shall be informed of the reason for custody, and shall be given an opportunity to notify any family member, protector, any respective institution, or other trusted person.
6. If the person taken into custody is incapable to act, the Police Officer shall attempt to notify a family member or other trusted person, unless such notification would be against the interests of the person in custody.

## **Article 21**

### **Temporary Sequestration of Items**

1. A Police Officer has power to temporarily sequester an item in order to prevent an imminent danger to persons or property, to protect the owner or lawful possessor from loss or damage of the item, or, in accordance with applicable law, to maintain the item in safekeeping for a person taken into police custody. If known, the owner or lawful possessor of the item shall be informed of the purpose of the temporary sequestration, and shall be given a receipt for the item.
2. The sequestered item shall be held by the Police only as long as necessary for the achievement of the legitimate police objective for which it was seized and, in any event, but not more than ten (10) days, and thereafter shall be returned to the owner or lawful possessor as soon as possible.
3. The limitations set forth in the Criminal Procedure Code of Republic of Kosova shall apply to temporary sequestration in accordance with this Article.

## **Article 22**

### **Preventive Search**

1. A Police Officer is authorized to perform a search by his/her own initiative in order to prevent immediate risk against public order, life and property, preventive search of persons, objects, premises and certain spaces, when there is a grounded suspicion that committed activities may endanger life or property in accordance with the limitations within the Criminal Procedure Code of Republic of Kosova.
2. The preventive search, within the meaning of this Article, is implemented in order to remove weapons, or other items that may represent inevitable risk for life or

- property, or to prevent activities that may represent an inevitable risk for life or property. The search may include the use of technical or other equipments to discover explosive, chemical, biological or radioactive materials.
3. After the search exercising, the Police Officer shall compile a report and within forty eight (48) hours to forward it to the Public Prosecutor, competent to the searched area. A copy of the report should be delivered to the owner, property possessor or searched person. The persons searched by Police have the right to make an appeal to the competent court, of jurisdiction where Police organization is situated, if they feel that they have been searched unfairly by Police and in contradiction to the law.

### **Article 23**

#### **Stopping and Control Conveyance**

1. While performing his/her duties that are foreseen with the laws in force, a police officer is authorized to give orders, stop and control vehicles, in compliance with the Criminal Procedure Code of Kosova.
2. Based on reasonable suspicion, a police officer is authorized to control a vehicle if:
  - 2.1. a motor vehicle was used in a commission of a criminal act, or the vehicle is related to a criminal act;
  - 2.2. searching for wanted persons, firearms, ammunition, explosives, drugs or precursors, dangerous material or Articles connected with criminal activities.

### **Article 24**

#### **Security and crime scene or accident investigation**

1. A Police Officer has the power to secure and inspect the scene of a criminal act or accident awaiting the arrival of a competent authority in order to find and secure evidence, find the perpetrator, and gather information about the criminal act or accident.
2. In order to protect the victims of a criminal act or an accident, a Police Officer has power to prohibit the video or audio recording, within the perimeter of security, of the scene of a criminal act or accidents.

### **Article 25**

#### **Preventive Surveillance of a Public Place**

1. The Police has power to set-up preventive surveillance of a public place, using video and audio recording equipment and photographic equipment to survey public places where criminal acts have been committed often in the past, or where there is reasonable justification to believe that public surveillance will reduce the risk of criminal acts and improve public safety in the future, in accordance with Penal Procedure Code.
2. The Police have power to use video and audio recording and photography to observe and collect information at a public gathering when there is reasonable justification to believe that the public gathering will endanger persons or property.

3. Before undertaking preventive surveillance pursuant to this Article, the Police shall inform the public of its intent and its reasons for doing so, unless this might compromise the purpose and the outcome of the surveillance.
4. Video and audio recordings resulting from preventive surveillance shall be retained no longer than thirty (30) days after the date of recording except when it is determined after inspection that the recordings contain evidence of criminal activities. Such recordings may be retained longer only in specific cases, as provided by applicable law.

## **Article 26**

### **Use of Force**

1. A Police Officer has the power to exercise the use of force only when strictly necessary and only to the extent required to achieve a legitimate police objective.
2. A Police Officer may use force to protect a person's life, to prevent an attack, to prevent a criminal act, to prevent the flight of a perpetrator, or, when other measures are not successful, to achieve another legitimate police objective.
3. The Police Officer shall use his/her discretion to determine the type of force suitable and the limits on the use of force. The Police Officer shall take into account the specific circumstances, the nature of the criminal act, the degree of danger to other persons who are present and the physical, mental and emotional condition of the person against whom the force is to be used.
4. When using force, the Police Officer shall attempt to minimize the intrusion into a person's rights and freedoms and to minimize any detrimental consequences.
5. Use of force, as the term is used in this law, includes, but is not limited to the use of: physical force, a baton, pepper spray, handcuffing, means for stopping a motor vehicle, a police dog, chemical repellents for temporal disability, a police horse, firearms, water cannons, special vehicles and special types of weapons and explosive devices.

## **Article 27**

### **Use of Firearms**

1. A Police Officer is authorized to possess and carry an official firearm issued by the Police. A Police Officer is authorized to use a firearm only when strictly necessary and only up to the level intended to achieve the legitimate police objective, and only when its use is proportional to the degree of danger and to the seriousness of the offence in the situation and only if it is considered that with the use of smaller force means the legitimate police objective shall not be achieved.
2. A Police Officer is authorized to use a firearm against a person only when less extreme means are insufficient to:
  - 2.1. defend the Police Officer's own life or the life of another person from an imminent attack;
  - 2.2. prevent the imminent commission or continuation of a criminal offense involving grave threat to life;
  - 2.3. arrest a person presenting an imminent threat to the life of other persons and who is resisting orders lawfully issued by the Police Officer; and

- 2.4. prevent the escape of a person presenting an imminent threat to the life of other persons and who is resisting orders lawfully issued by the Police Officer.
3. Before using a firearm, a Police Officer shall issue a verbal warning, identifies himself/ herself as a Police Officer, ordering the person to stop, and warning that he/she will shoot if the person does not stop.
4. As an exceptional measure in exigent circumstances, a Police Officer may withhold the warning if issuing it would place the Police Officer or other persons in imminent danger of serious harm.
5. A Police Officer is authorized to use a firearm against animals when they pose a danger to the health or safety of any person or because of the risk of the attack.

#### **Article 28**

##### **The use of a third person's property in urgent circumstances**

1. A Police Officer has power to temporarily take or use any property, including, but not limited to, means of transportation or communication or protection, in the possession of any citizen, but only when it is necessary to prevent imminent danger to persons or property or to achieve another urgent police objective that requires immediate action.
2. Property taken must be returned to the person from whom it was taken as soon as it is no longer needed to achieve the urgent police objective for which it was taken and, in any event, no later than twenty four (24) hours after it was taken. The Police shall reimburse the owner or possessor for any expenses or damages incurred while using the property.

#### **Article 29**

##### **Confidential Sources of Information**

1. A Police Officer shall receive and evaluate all information received from anonymous individuals that is relevant to performing police duties and achieving legitimate police objectives.
2. A Police Officer may establish confidential, cooperative relationships with persons in order to receive information that are relevant in performing police duties and achieving legitimate police objectives.
3. A Police Officer shall protect the confidentiality of such cooperative relationships and the information received until the legal obligation to maintain confidentiality is fulfilled.

#### **Article 30**

##### **Public Announcement of Reward**

1. The Police have power to offer rewards for relevant given information to perform police duties and achieve legitimate police objectives. Such offers of reward shall be announced publicly in newspapers, radio, television or other appropriate media or other means.

2. Such a reward may be paid only if the information received was not already in the possession of the Police and only if receipt of the information leads to the achievement of the legitimate police objective for which the information was sought.

### **Article 31**

#### **Collection, Retention, Processing, Analysis, Use and Deletion of Data**

1. The Police have power to collect and retain personal data, crime data and other data. Personal data are data relating to an identified or identifiable natural person including, but not limited to, name, birth date, birth place, and places of residence. Crime data are data relating to specific criminal acts including, but not limited to, the type of criminal act, the time and location of its commission, the methods and means used in its commission, any injuries to persons or damage to property resulting from the criminal act, and the motive for the criminal act.
2. The collection, retention, use and transfer of personal data shall be performed in accordance with the Law on Protection of personal Data.
3. The Police shall collect and retain personal data and crime data only for analysis and use in protecting public order and safety, in the detection and prevention of criminal acts, in identifying, locating and catching the perpetrators of criminal acts, and in achieving other legitimate police objectives.
4. The Police shall retain personal data only to the extent that there is reasonable justification to believe that the retention of the information will aid in achieving legitimate police objectives. Reasonable limits on the types of information retained, the length of time personal data may be retained in Police records, and other matters related to the collection, retention and use of data shall be established by subsidiary legal acts issued in accordance to the applicable law or international agreements.
5. The Police shall not collect and retain information and personal data about persons for the purpose of maintaining records regarding political, religious or philosophical beliefs or affiliations.
6. A Police Officer shall have the duty to maintain the confidentiality of all personal data and crime data that he or she obtains in the performance of police duties except when release of data is authorized by law and necessary to achieve a legitimate police objective.
7. The Police shall provide competent supervision of the information systems where Police records are retained for the purpose of protecting the personal data in conformity with the applicable law that regulates the protection of personal data.
8. Numerical data regarding criminal acts, perpetrators, victims or other crime-related or public safety-related categories may be used for statistical and analytical purposes by the Police or the Ministry. Such data may also be made available for use by competent professional or academic research authorities.
9. Personal data may be submitted to foreign or international police organizations based on the law in force.
10. The Police shall provide, at the request of any person, any personal data retained by the Police regarding the person making the request, except when providing the

data could harm a pending investigation or when the interests for confidentiality of another person or the public outweigh the interests for disclosure of the person making the request. Upon discovery that personal data retained in its records is incorrect, the Police shall either correct or remove the personal data.

### **CHAPTER III**

#### **ORGANIZATION OF POLICE OF THE REPUBLIC OF KOSOVA**

##### **Article 32**

##### **Organization of the Police of Republic of Kosova**

1. Police shall be organized in central and local levels. The General Police Directorate shall be the central headquarters responsible for all of Kosova. The local level shall include the Regional Police Directorates, responsible for regions comprising specified municipalities, Police Stations, which shall be responsible for local policing within each municipality, and police substations, if any, responsible for local policing within specific areas of a municipality.
2. The territorial jurisdiction of each Regional Directorate shall be established by the General Director. The territorial jurisdiction of each Police Station shall be coterminous with the municipality in which it is located. The territorial jurisdiction of any Police substation shall be established by the General Director.
3. The internal organizational structure of Police of the Republic of Kosova shall be established by the General Director, subject to approval by the Minister. The General Director may also establish, subject to the approval of the Minister, police units to perform specific, temporary duties.
4. With the purpose of border management and control, besides police stations located in each municipality, there shall also be established border police stations under the authority and jurisdiction of Regional Directorate of Border Police.

##### **Article 33**

##### **The General Police Directorate**

1. The General Police Directorate shall be directed by the General Director and is comprised of departments, according to the specific fields.
2. The General Police Directorate shall have the following duties and responsibilities:
  - 2.1. to support the General Director in the performance of his/her duties;
  - 2.2. to supervise effectiveness of the Regional Police Directorates;
  - 2.3. to manage, observe, analyze and evaluate the overall security situation;
  - 2.4. to lead police operations in extraordinary or exigent circumstances;
  - 2.5. to coordinate development and implementation of strategies for prevention and reduction of crime, for restoration and maintenance of public order and safety, and to secure and control the border;
  - 2.6. to coordinate administrative functions of the Police, including, but not limited to, maintenance of police data and telecommunications systems, recruitment, training and education of police personnel, management of budget and financial matters, procurement and management of police assets and facilities;

- 2.7. to cooperate with international organizations and to coordinate implementation of international agreements related to police activities; and
- 2.8. to perform other functions as assigned by law, or by lawful rule, instructions or orders.
3. The General Police Directorate of the Republic of Kosova shall be located in Prishtina.

#### **Article 34**

##### **The Regional Police Directorates**

1. In order to manage police operations effectively, the Police of Republic of Kosova shall be divided into regions which, wherever possible, shall be coterminous with the boundaries of judicial districts.
2. In establishing the territorial jurisdictions of the Regional Directorates, consideration shall be given to factors such as, but not limited to, the size of the region, the number of inhabitants, the level of crime, geographical position, and significant buildings, roads and other infrastructure.
3. Regional Directorate's functions shall include, but not be limited to, the following:
  - 3.1. to perform functions and duties assigned by law, instruction or order of the General Police Directorate;
  - 3.2. to support and supervise police effectiveness within the region where they serve; and
  - 3.3. to coordinate various duties that may be assigned by the General Directorate, such as professional education and training for Police Officers and staff or administrative duties related to finances, facilities and equipment.

#### **Article 35**

##### **The Local Police Stations**

1. Police Stations shall be established in every municipality, and the territorial jurisdiction of the Police Station shall be coterminous with the municipal boundaries, as determined by law.
2. Police Stations shall perform police duties within their municipal jurisdictions. Each Police Station shall be headed by a Station Commander.
3. The Regional Director may propose for approval to the General Director, the establishment of police substations, other organizational units within Police Stations.
4. The ethnic composition of the Police Officers assigned within a municipality shall, to the extent possible, reflect the ethnic composition of the population within the municipality.
5. Before any operations conducted by central or special police forces within the territorial jurisdiction of a Police Station, the Station Commander shall be informed by the General Director, the Regional Police Director, or other Police officer conducting the special operations, unless operational conditions require otherwise.

### **Article 36**

#### **Establishment of Police Reserves**

1. The General Police Director may establish, subject to the approval of the Minister, police reserves to assist the Police with special security operations. The police reserves shall consist of volunteers who have signed a contract with the Police to be a member of the reserves and are qualified and trained to perform police duties.
2. Members of the police reserves may be engaged by the General Director, subject to the approval of the Minister. Operational management of Police reserves is exclusive right of the General Police Director. Police reserves may be engaged in combination with regular Police Officers in extraordinary or exigent circumstances such as: a significant public emergency, an emergency response to terrorist attack, a major public disturbance or disorder, an emergency response to danger caused by natural and other disasters.

### **CHAPTER IV**

#### **SENIOR MANAGEMENT OF THE POLICE**

#### **Article 37**

##### **Commission for selection of the General Director and the Deputy General Directors of Police**

1. Candidates for the position of the General Director and Deputy General Director/s of the Police will be selected and nominated by the Commission which will be established by the Minister.
2. The General Director of the Police and the Deputy General Directors of the Police, shall be appointed for a period of five (5) years, with the possibility of renewal after every five (5) years, from the appointing authority.
3. If the mandate of the General Director and Deputy General Directors of Police ends in the calendar year of general elections, then his/her mandate will be extended automatically for one (1) year after certification of the elections.
4. The Commission proposes to the Minister the candidates for appointment in the position of General Director of Police, whereas the Minister in one of the Government's meetings proposes to the Government the candidate for this position whereas the Government recommends to the Prime Minister the candidate for General Director of Police. The General Director of Police is appointed by the Prime Minister.
5. The Commission shall propose to the General Director of Police, the candidates for appointment in the position of Deputy General Directors of Police, whereas the General Director of Police recommends to the Minister candidates for Deputy General Directors. The Deputy General Directors are appointed by the Minister.
6. Directors of Departments should be selected by General Director based on internal procedures of Police of the Republic of Kosovo.
7. The General Director of Police is responsible to lead, control and supervise the Police, to manage and to allocate the budget of the Police in compliance with the strategic objectives and aims set by the Minister.



8. Establishment, composition and procedure of commission is regulated by a sub legal act issued by the Minister.

### **Article 38**

#### **Criteria for Selection and Appointment of the General Director and the Deputy General Directors**

1. The criteria for selecting and appointing the General Director and the Deputy General Directors are:
  - 1.1. to hold the citizenship of the Republic of Kosovo;
  - 1.2. to be graduated from one of the accepted universities or to have a nostrificated diploma in fields related to police, justice or public administration;
  - 1.3. to have the police rank colonel, lieutenant colonel or major, at least five (5) years;
  - 1.4. not to have been convicted of a criminal offence by a final decision;
  - 1.5. not to have been punished for serious discipline violations according to the discipline regulation of police or the regulation of other state institutions within last ten (10) years period that is equivalent with the violations that are defined in the disciplinary regulation of the Kosovo Police;
  - 1.6. not to have a conflict of interest with the position or as foreseen in the Law on Preventing Conflict of Interest in Exercising Public Function.
2. Every candidate who applies for the position of the General Director or Deputy General Directors will be subject to security verification according to the applicable law.

### **Article 39**

#### **Release or dismissal from duty of the General Director and of Deputy General Directors**

1. General Director or Deputy Directors are released or dismissed from the duty by the appointing authority, for one of the following reasons:
  - 1.1. is convicted of a criminal offence;
  - 1.2. reaches retirement age;
  - 1.3. resigns;
  - 1.4. due to the incapability to exercise the duty for a period of time no longer than six (6) months;
  - 1.5. due to termination of his mandate;
  - 1.6. due to poor documented performance.
2. When there is a reasonable suspicion to believe that the General Director of Police, has committed a criminal act or for any reason set forth in paragraph 1. of this Article, the Minister may immediately suspend the General Director and present the facts for the suspension to the Prime Minister. The Prime Minister shall decide on extending or terminating the suspension.
3. In case of release, dismissal or suspension of General Director, Prime Minister shall immediately appoint one of the Deputy General Directors as acting General Director.

**Article 40**  
**Regional Police Directors**

Regional Police Directors shall be appointed by the General Director based on the standard of ranks, positions and description of working places in Police.

**Article 41**  
**Police Station Commanders**

Police Station Commanders shall be appointed from the General Director based on the internal procedures of the Police.

**Article 42**  
**Special Selection of Station Commanders**

1. In municipalities where Serbian community is the largest ethnic community, Commanders of Police Stations and Commanders of substations shall be appointed by the Ministry of Internal Affairs with the proposal of Municipal Assembly and the General Director pursuant to provisions of this Article.
2. When the position of the Station Commander or of the substation commander becomes vacant, the General Director will send a written request to the Municipal Assembly of the municipality in which is located the Police Station or substation in question. Along with the request, General Director will submit also a list with all candidates eligible for the post. The General Director will require from the Municipal Assembly to recommend at least two (2) candidates who meet the minimum criteria for position from the list. Within fifteen (15) days of receiving the request the Municipal Assembly will recommend at least two (2) candidates from this list to the General Director and may rank them in order of preference. Within fifteen (15) days after receiving the recommendations, the General Director will forward the names of all candidates recommended by the Municipal Assembly to the Ministry of Internal Affairs. The General Director may indicate his preference for the names recommended by the Municipal Assembly. The Ministry of Internal Affairs will appoint a candidate from the recommended names within fifteen (15) days upon receipt of the list, unless the provisions of paragraph 3. of this Article apply.
3. If none of the recommended candidates is acceptable to the Ministry of Internal Affairs, it will inform the General Director without delay. Within seven (7) days after the notification for this rejection the General Director will notify the Municipal Assembly in writing and will require from them at least two (2) additional recommendations for the position. Within fifteen (15) days after receiving this request the Municipal Assembly will recommend at least two (2) new names from the list of all eligible candidates provided by the General Director. The Municipal Assembly may rank the recommended candidates in order of preference. Within fifteen (15) days of receipt of recommendations, the General Director will forward names of all candidates recommended by the Municipal Assembly to the Ministry of Internal Affairs. The General Director may indicate

his preference from the names recommended by the Municipal Assembly. Ministry of Internal Affairs should appoint one candidate from the recommended names within fifteen (15) days from the day of the receipt of the list.

4. If within fifteen (15) days after receipt of the written request by the General Director, the Municipal Assembly does not provide recommendations as required by this Article, the General Director is authorized to submit to the Ministry the list of all candidates eligible for the position of the Station Commander or substation commander without recommendations of the Municipal Assembly. Within fifteen (15) days from the day of submission of the list to the Ministry, the General Director will inform the Municipal Assembly that the complete list has been submitted to the Ministry for appointment of the candidate. The Ministry shall appoint one of the candidates from this list. During the appointment process the Ministry must have into consideration the needs and concerns of the local communities regarding the police services.
5. Except the procedure of appointment of Station and Substation commanders provided in this Article, for all other issues shall be applied regular provisions foreseen by this law and other sub legal acts.

### **Article 43**

#### **Disciplinary Procedures for police personnel**

1. All disciplinary offences involving Kosovo Police personnel, except the cases foreseen by the Law on Police Inspectorate shall be investigated and decided by the Kosovo Police.
2. Disciplinary violations, measures and procedures are regulated by a sub legal act.

## **CHAPTER V**

### **THE EMPLOYMENT RELATIONSHIP**

#### **Article 44**

##### **Employment of Police Personnel**

1. The Police of the Republic of Kosovo shall employ three (3) categories of police personnel:
  - 1.1. police officers who take an oath and have authority to exercise and to perform authorizations and police duties;
  - 1.2. civil personnel that is employed to perform administrative and support services, but who do not have authority to exercise police authorizations.
  - 1.3. police cadet
2. Work relation for Police personnel is regulated by a sub legal act.

#### **Article 45**

##### **Ranks and Assignments of Police Officers**

1. The ranking system for police officers is in accordance to the following ranks:
  - 1.1. junior police officer;

## Administrative laws

- 1.2. police officer;
- 1.3. senior police officer;
- 1.4. sergeant;
- 1.5. lieutenant;
- 1.6. captain;
- 1.7. major;
- 1.8. lieutenant colonel;
- 1.9. colonel;
2. Police officers appointed in the position of General Director and Deputy General Director/s upon completion of the mandate shall regain the previous rank that they had before their appointment in such positions.

### **Article 46**

#### **The Rights and restrictions of police personnel**

1. Police officers shall enjoy the same civil and political rights as other citizens, being subject only to restrictions in this Law deemed necessary for the effective exercise of their police powers and duties in the democratic society.
2. Police officers shall enjoy the same social and economic rights as other public servants, such as the rights to organize or to participate in representative organizations and to receive appropriate remuneration, social insurance, legal aid, health and other benefits for their work.
3. Police officers shall not have the right to strike, but are entitled to express their dissatisfaction through protests organized and lead by their representative bodies.

### **Article 47**

#### **Salary and Compensation for police personnel**

1. The compensation for police officers has into consideration special conditions under which they perform their duties. Basic salary of police officers shall vary based on including factors, but is not limited only to the rank and the length of service.
2. In addition to basic salary, police officers may lawfully receive various types of salary supplements, compensations and benefits. Such supplemental payments are based on factors including, but not limited to, only in hazardous duties, work under pressure, overtime work, work with shifts, work during holidays or other days that are days on leave, assignment in special works and for special skills.
3. Supplemental payments may include, but are not limited in compensation work hazardous work, work under pressure, compensation work schedule with shifts, and payments for assignment in special works. Benefits may include, but are not limited to, medical and health expenses, expenses for professional and technical training, living expenses for temporary transfer, paid leave, compensation in cases of death, and pension benefits.
4. The basic salaries and any authorized supplemental payment shall be determined and paid in accordance with procedures defined in relevant applicable law and sub legal acts. The General Director, with the approval of the Minister may include in

the annual budget of the Police the proposal for the amounts that are needed to be used for the payment of any supplemental payments authorized by law.

5. Except invalid pension enjoyed based on the applicable law, police officers who become invalid while performing their duty or in the line of duty shall be eligible to invalid pension with 20% of gross salary.

#### **Article 48**

#### **Compensation for Death in the Line of Duty**

1. The Police shall pay the expenses for the funeral ceremony for the police officer who dies in the line of duty. The burial place shall be determined by the family members of the police officer. The Police shall pay the following expenses:
  - 1.1. transportation to move the body;
  - 1.2. travel expenses for two (2) accompanying persons;
  - 1.3. funeral expenses that have not been otherwise paid;
  - 1.4. other expenses with the approval of the Minister.
2. The Police shall pay the spouse or children under age of eighteen (18) of a Police Officer who dies in duty or in the line of duty with immediate financial assistance in an amount equal to the police officer's gross monthly salary multiplied by six (6). Such payment shall be made only after it is determined that the spouse or children were supported by the police officer prior to his/her death. In certain cases according to the assessment, the Government shall allocate an immediate higher financial amount for the Police officer who died in the line of duty.
3. The spouse who considered to be supported by the police officer and children under age of eighteen (18) of a police officer who dies in the line of duty shall be eligible to receive a family pension, but only up to the amount of 80 % of gross salary.
4. The spouse who considered to be supported by the police officer and children under age of eighteen (18) of a police officer who dies in the line of duty shall be eligible to receive a family pension, but only up to the amount of 60 % of gross salary.
5. With the proposal of the relevant Ministry of Internal Affairs, the Government shall issue the secondary legislation for determining the incidence of police officers who dies in duty or in the line of duty.

#### **Article 49**

#### **Conflict of Interest**

1. The Police officer shall not accept a position or obligation, and shall not participate in any function or activity, that creates a conflict of interest with the official police duties. Positions and activities that constitute conflict of interest include, but are not limited to, the following:
  - 1.1. appointment or election to public duty or other government position;
  - 1.2. participation in electoral campaigns for selection in a public duty;
  - 1.3. employment, or participation in any business activity for compensation, except with permission granted by the General Director;

- 1.4. active participation in any political party; following instructions of any political party in performance of police duties; appearing in police uniform at any political gathering, except when there is on official police duty (mere membership in a political party is not a conflict of interest); and
- 1.5. issuance of public statements or comments regarding the work of Police, except in cases when it is allowed by the superior with appropriate authorization.

#### **Article 50**

##### **Assignment of Police Officer in Duty Abroad**

1. A Police officer may be assigned in duty abroad as part of his/her regular duty in order to support the cooperation with the competent international authorities or international organizations.
2. Assignment in duty abroad may be carried out only with the consent of the police officer.
3. Assignment abroad shall be implemented as it is set forth in the international agreement, to which signatory is the Republic of Kosovo.

### **CHAPTER VI FINANCING**

#### **Article 51**

##### **Police Budget and Financial Management**

1. The Police shall have its own budget, which is a separate budget within the Ministry, subject to approval in accordance with the Law on Management of Public Finances.
2. The General Director shall prepare the budget of Police, and shall submit it to the Minister for review and further processing in accordance with the procedures established by law.
3. The Police shall be responsible for the implementation and management of the budget.

#### **Article 52**

##### **Police Special Funds**

1. The Police budget shall have a certain amount for special funds to be used for payment of rewards, payment of informants, payment for witness protection, and payment for other special police operations.
2. Funds described in paragraph 1. of this Article shall be administered by the General Director in conformity with sub-legal acts issued by the Minister for governance, management and spending such funds.

**Article 53**  
**Accountability for Damage or Injury**

1. The police officer shall report to his/her supervisor any damage or injury that he/she may have caused during the performance of his/her police duties.
2. In accordance with applicable law, the Government of the Republic of Kosovo shall be accountable for the damage or injury caused to natural and legal persons as a result of the actions of police officers in the execution or in conjunction with the execution of police duties.

**Article 54**  
**Medals, Commendations, Awards and Gratitude**

1. The Prime Minister, Minister and General Director are authorized to award medals, commendations, awards and gratitudes to police officers, other police employees, local and foreign natural and legal persons who have distinguished themselves for their merits.
2. The Prime Minister shall award the following medal:
  - 2.1. medal of honour.
3. The Minister shall award the following medals:
  - 3.1. medal for merits;
  - 3.2. medal of valour; and
  - 3.3. life saving medal.
4. The General Director shall award the following medals:
  - 4.1. police shield medal;
  - 4.2. distinguished service medal;
  - 4.3. police commendation medal; and
  - 4.4. faithful service medal.

**CHAPTER VII**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 55**  
**Issuance of sub legal acts**

1. General Director issues sub legal acts, for the:
  - 1.1. manner of performing duties and police authorizations as described in Articles 10 and 11 of this Law;
  - 1.2. use of force by police officers, as described in Article 26 of this Law;
  - 1.3. use of firearms by police officers, as described in Article 27 of this Law;
  - 1.4. standards and methods on collection, preservation, usage and deletion of personal data kept by police, as described in Article 31 of this Law;
  - 1.5. needed qualifications and engagement of reserve police, as described in Article 36 of this Law;
  - 1.6. disciplinary violations, measures and procedures, as described in paragraph 2. Article 43 of this Law

## Administrative laws

- 1.7. work relation; as described in paragraph 2. Article 44 of this Law;
  - 1.8. grading procedure for police staff;
  - 1.9. types of commendations, awards and graditutes, as described in paragraph 3. Article 54 of this Law; and
  - 1.10. General Director shall issue sub-legal acts in order to support the cooperation between the municipal assembly and community in accordance with this Article, and will support the entire functionality of Safety Committees and Boards.
2. The Minister issues sub-legal acts for:
    - 2.1. establishment, composition and procedure of the commission under paragraph 8. of Article 37 of this law;
    - 2.2. management and expenditure of special police funds; and
    - 2.3. criteria and procedure of rewarding medals, under paragraph 2. of Article 54 of this law.
  3. The Government with the proposal of the relevant Ministry of Internal Affairs shall issue a sub-legal act to provide assistance to the Government Authorities, as specified in Articles 7, 8 and 9 of this law.

### **Article 56**

#### **Applicable provisions**

All issues which are not regulated by this law and sub-legal acts that are into force, continue to remain into force until the issuance of sub-legal acts that derive from this law.

### **Article 57**

#### **The deadline for issuing sub-legal acts**

Sub-legal acts for implementation of this law, shall be issued six (6) months after the entry into force of this law.

### **Article 58**

#### **Repeal**

With the entry into force of this law shall be repealed the Law no.03/L-035 on Police and all sub-legal acts deriving from it, unless it is stated otherwise in this law.



**Article 59**  
**Entry into force**

This law enters into force fifteen (15) days after the publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-076**  
**2 March 2012**

**Pursuant to the article 80, paragraph 4 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 04 / 19 MARCH 2012, PRISTINA**

**LAW No. 03/L-172  
ON THE PROTECTION OF PERSONAL DATA**

**Contents**

Chapter I: General provisions.....	374
Chapter II: Legitimacy of data processing .....	377
Chapter III: Rights of the data subject.....	384
Chapter IV: Institutional protection of personal data .....	387
Chapter V: Transfer of personal data .....	393
Chapter VI: Rights and supervision .....	396
Chapter VII: Penal provisions .....	403
Chapter VIII: Transitional and final provisions .....	408

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of Constitution of the Republic of Kosovo,

Approves

**LAW ON THE PROTECTION OF PERSONAL DATA**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose of the Law**

This Law determines the rights, responsibilities, principles and measures with respect to the protection of personal data and sets up an institution responsible for monitoring the legitimacy of data processing.

**Article 2  
Definitions**

1. Terms used in this Law shall have the following meanings:
  - 1.1. **Personal data** - any information relating to an identified or identifiable natural person (data subject); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his or her physical, physiological, mental, economic, cultural or social identity;
  - 1.2. **Processing of personal data** - any operation or set of operations which is performed upon personal data whether or not by automatic means such as

collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

- 1.3. **Automated data processing** - the processing of personal data using information technology means;
- 1.4. **Data controller** - any natural or legal person from the public or private sector who individually or jointly with others determines the purposes and means of the processing of personal data, or a person designated by law that also determines the purposes and means of processing;
- 1.5. **The data processor**- any natural or legal person or another person from the public or private sector that processes personal data on behalf and for the account of the data controller;
- 1.6. **Data recipient**- any natural or legal person or any other person from the public or private sector to whom personal data are disclosed;
- 1.7. **Filing system**- any structured set of personal data which are accessible according to specific criteria irrespective of whether the set is centralized, decentralized or dispersed on a functional or geographical basis;
- 1.8. **Filing system catalogue** - a detailed description of the structure and the content of filing systems;
- 1.9. **Register of filing systems** - a register allowing a detailed overview of existing filing systems;
- 1.10. **The data subject's consent** - any unambiguous, freely given specific and informed indication of the data subjects wishes by which the data subject signifies his or her agreement to personal data relating to him or her being processed;
- 1.11. **Written consent of the data subject** - the consent from sub-paragraph 1.10 of paragraph 1 of this Article, with the addition that the data subject has to put his or her signature or sign under his or her written consent to process his or her data.
- 1.12. **Oral consent or other appropriate consent of the data subject** - the consent from sub-paragraph 1.10 of paragraph 1 of this Article given verbally, by means of telecommunication or by any other appropriate means from which it can clearly be concluded that the data subject has given his or her consent;
- 1.13. **Blocking** - the prohibition of further data processing. Decision to block personal data has to be properly indicated and has to remain attached to the personal data for as long as the reasons for blocking exist;
- 1.14. **Classification of personal data** - the labelling of personal data to indicate their sensitive nature. If data are classified conditions have to be laid down under which a user can process them. The classification has to remain with the sensitive personal data until they are deleted, erased, destroyed or anonymized;
- 1.15. **Anonymity** -the alteration of personal data in such a way that they can no longer be linked to the data subject or where such a link can only be made by disproportionate efforts, expense or use of time;

- 1.16. **Sensitive personal data** - any personal information revealing racial or ethnic origin, political or philosophical opinions, religious beliefs, trade-union membership or any information on health status and sex life, any entries in or removals from criminal records or records on minor offences that are kept on the basis of the law. Biometric characteristics are also considered as sensitive personal data if they enable the identification of a data subject in connection with any of the aforementioned circumstances mentioned in this point;
- 1.17. **Connecting code** - a personal identification number or any other specific identification number defined by law relating to an individual that can be used to disclose or retrieve personal data from filing systems in which the connecting code is also processed;
- 1.18. **Biometric characteristics** - any physical, psychological and behavioural characteristics which all individuals have but which are unique and permanent for each individual if in particular they can be used for identification of an individual, such as finger prints, papillary ridges of a finger, iris, retina, facial characteristics and DNA.
- 1.19. **National Agency for the Protection of Personal Data (hereinafter the Agency)** – an independent agency, responsible for supervision of implementation of rules for personal data protection.

### **Article 3** **Principles of Data Processing**

1. Personal data shall be processed fairly and lawfully without violating the dignity of data subjects.
2. Personal data must be adequate, relevant and not excessive in relation to the purposes for which they are collected and /or further processed.
3. Personal data are collected only for specified, explicit and legitimate purposes, and may not be further processed in a way incompatible with these purposes, unless otherwise provided by law.
4. Personal data must be accurate and kept up to date. Prior to collecting personal data the data controller verifies the accuracy of personal data by examining an identity document or any other suitable public document of the data subject.
5. Personal data may only be stored for as long as necessary to achieve the purpose for which they were collected or further processed. On completion of the purpose of processing, personal data shall be erased, deleted, destroyed, blocked or anonymised, unless otherwise provided by the Law on Archive Material and Archives or any other relevant law.

### **Article 4** **Scope of activity**

1. This Law shall apply to the processing of personal data by public and private bodies. This Law shall not apply to the processing of personal data if it is done for purely personal purposes.

2. This law shall also be applied in diplomatic and consular offices as well as any other official representative offices of the Republic of Kosovo abroad.
3. This Law shall also apply to a data controller who is not established in the Republic of Kosovo but who for the purposes of processing personal data makes use of equipment, automatic or otherwise in the Republic of Kosovo, unless such equipment is used only for purposes of transit through the territory of Kosovo. In these circumstances the controller must designate a representative established in Kosovo.
4. Paragraph 2 of the Article 16, Articles 17, 18 and 20 and the Chapter V (five) of this Law shall not apply to personal data which are processed by media for the purpose of informing the public and for the purposes of artistic and literary expressions.
5. Articles 17, 18 and 20 of this Law shall not apply to personal data, which are processed by political parties, trade unions, associations or religious communities in relation to their members.

## **CHAPTER II LEGITIMACY OF DATA PROCESSING**

### **Subchapter A Legal grounds and purposes**

#### **Article 5 Lawful processing of personal data**

1. Personal data may only be processed if:
  - 1.1. the data subject has given his or her consent;
  - 1.2. the processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
  - 1.3. the processing is necessary for compliance with a legal obligation to which the controller is subjected;
  - 1.4. the processing is necessary in order to protect the vital interests of the data subject;
  - 1.5. the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or in a third party to whom the data are disclosed; or
  - 1.6. the processing is necessary for the purposes of the legitimate interests pursued by the controller or by the third party or parties to whom the data are disclosed, except where such interests are overridden by the interests for fundamental rights and freedoms of the data subject.

#### **Article 6 Processing of sensitive personal data**

1. Sensitive personal data may only be processed in the following cases:
  - 1.1. if the data subject has given the consent;

- 1.2. if the processing is necessary for the purposes of fulfilling the obligations and specific rights of a data controller in the field of employment in accordance with relevant laws which also provide appropriate safeguards for the rights of the data subject;
- 1.3. if the processing is necessary to protect the vital interests of the data subject where the data subject is physically or legally incapable of giving his or her consent pursuant to point 1 of this paragraph;
- 1.4. if they are processed for the purposes of legitimate activities by institutions, societies, associations, religious communities, trade-unions or other non-profit organizations with a political, philosophical, religious or trade-union aim, but only if the processing concerns their members or data subjects in regular contact with them in connection with such aims, and if they do not disclose such data to others without the written consent of the data subject;
- 1.5. if the data subject has made them public without evidently or explicitly restricting their use;
- 1.6. if they are processed by health-care workers and health-care staff in compliance with relevant laws for the purposes of protecting the health of the public and individuals and the management or operation of health services;
- 1.7. if the processing is necessary for asserting or opposing a legal claim;
- 1.8. if they are processed in accordance with relevant law for reasons of substantial public interest.

### **Article 7**

#### **Protection of sensitive personal data**

1. Sensitive personal data must be specifically protected and classified to prevent any unauthorized access and use, except in instances from sub-paragraph 1.5 of paragraph 1 of Article 6 of this Law.
2. When sensitive personal data are transmitted over telecommunications networks they shall be considered as suitably protected if they are encrypted to ensure their illegibility and non-recognition.

### **Article 8**

#### **Automated Decision-Making**

1. Automated decision-making which might produce legal effects or significantly affect the data subject and which is solely based on automated data processing intended to evaluate certain personal aspects, especially the data subject's performance at work, credit-worthiness, reliability, conduct or compliance with certain conditions, shall only be permitted if the decision:
  - 1.1. is taken during the conclusion or performance of a contract, provided that the request to conclude or implement a contract submitted by the data subject has been satisfied or if there exist appropriate measures to protect his or her legitimate interests, such as arrangements enabling the data subject to object to such decisions or to express his or her position;

- 1.2. is provided by law which also provides measures to protect the legitimate interests of the data subject, particularly the possibility of legal remedy against such decisions.

## **Article 9**

### **Processing for historical, statistical and scientific-research purposes**

1. Irrespective of the initial purpose of collection, personal data may be further processed for historical, statistical and scientific-research purposes.
2. If personal data are further processed for purposes mentioned under paragraph 1 of this Article they shall be anonymized unless otherwise provided by law or if the data subject has given his or her prior written consent.
3. Personal data disclosed to data recipients in accordance with paragraph 2 of this Article shall on completion of processing be destroyed or deleted, unless otherwise provided by law. Following the destruction or deletion the data recipient shall without delay inform in writing the data controller who disclosed the data about when and how the data were destroyed or deleted.
4. The results of processing from paragraph 1 of this Article, shall be published in anonymised form, unless otherwise provided by law, unless the data subject has given his or her prior written consent for the publication in a non-anonymised form or unless the prior written consent for such publication has been given by the legal heirs of the deceased individual under this Law.

## **Article 10**

### **Information to be given to the data subject**

1. If personal data are collected directly from the data subject, the data controller or his representative must provide the data subject at the moment of collecting the data with at least the following information, except where the data subject is already acquainted with it:
  - 1.1. identity of the data controller and his or her possible representative such as personal name(s), title or respectively official name, address or seat and where applicable electronic address and phone number;
  - 1.2. the purpose of the processing;
  - 1.3. information of whether the replies to the questions are compulsory or voluntary as well as consequences in case of failure to reply;
  - 1.4. information on the right to access, transcription, copy, supplement, correction, block and erase of personal data.
2. If in view of the special circumstances of collecting personal data from paragraph 1 of this Article there is a need to ensure lawful and fair processing of personal data, the data controller from paragraph 1 of this Article, must also provide the data subject with the additional information, if the data subject is not yet acquainted with it, as following:
  - 2.1. information as to the recipients or the categories of recipients of the personal data;
  - 2.2. the legal basis of the processing operations;

3. If personal data were not collected directly from the data subject, the data controller or his representative must provide the data subject with the following information, except where the data subject is already acquainted with it:
  - 3.1. identity of the data controller and his or her possible representative such as personal name(s), title respectively official name and address or seat and where applicable electronic address and phone number;
  - 3.2. the purpose of the processing;
  - 3.3. information on the right to access, transcribe, copy, supplement, correct, block and erase personal data;
  - 3.4. the origin of the data.
4. If in view of the special circumstances of collecting personal data from paragraph 3 of this Article, there is a need to ensure lawful and fair processing of personal data the data controller from paragraph 3 of this Article must also provide the data subject with the following additional information and in particular:
  - 4.1. information on the categories of personal data collected;
  - 4.2. information as to the recipients or the categories of recipients of the personal data;
  - 4.3. the legal basis of the processing operations.
5. Information from paragraphs 3 and 4 of this Article shall not be given if for historical, statistical or scientific-research purposes it would prove impossible or would incur large costs or disproportionate efforts or would require a large amount of time, or if the processing or disclosure of personal data is expressly provided for by law.

### **Article 11** **Use of connecting codes**

1. Personal data contained in filing systems in the areas of health must not be collected and processed by using only a connecting code.
2. The connecting code may exceptionally be used to obtain personal data if this is the only data element in a specific case to protect the life or body of data subjects. Following the use of a connecting code an official annotation or other written record attached to the personal data must be made thereof without delay.
3. Personal data in the land register and the commercial register may be collected and processed by using only the connecting code.

### **Article 12** **Disclosure of personal data**

1. A data recipient shall carry forward the cost for any legal disclosure of data by the data controller if not provided otherwise by law.
2. Information from Central Population Register and the Register of Records of Permanently and Temporarily Registered Residents shall be disclosed to recipients showing a legitimate interest. The following information contain: personal name and permanent or temporary address of a data subject.
3. When disclosing such information the data controller must ensure that the



following information is registered: which personal data were disclosed, to whom, when and on what legal basis. Such information about the disclosure has to be kept with the data subject's data for as long as they are stored.

### **Article 13**

#### **Protection of personal data of deceased individuals**

1. Personal data of deceased individuals may only be disclosed to recipients authorized by law.
2. Irrespective of paragraph 1 of this Article, personal data of deceased individuals may be disclosed to their legal heirs, if they demonstrate a legitimate interest and the deceased individuals did not prohibit in writing the disclosure of such personal data.
3. Personal data of deceased individual may be disclosed for historical, statistical or scientific-research purposes if the deceased individual has preliminarily allowed in writing the disclosure of such data, unless otherwise provided by law
4. If the deceased individual had preliminarily allowed the disclosure of his/her data, the legal heirs may allow in writing the disclosure of such data, unless otherwise provided by law.

### **Subchapter B**

#### **Obligations of data controllers and data processors**

### **Article 14**

#### **Security of data processing**

1. Security of personal data comprises appropriate organizational, technical and logic-technical procedures and measures to protect them and to prevent any accidental or deliberate unauthorized destruction, disclosure, modification, access or use of data or their accidental or deliberate loss:
  - 1.1. by protecting premises, equipment and systems software, including access control;
  - 1.2. by protecting software applications used to process personal data;
  - 1.3. by preventing any unauthorized access to or reading of personal data during their storage and transmission including the transmission via telecommunications means and networks;
  - 1.4. by ensuring effective methods of blocking, destruction, deletion or anonymization of personal data;
  - 1.5. by enabling subsequent determination of when personal data were entered into a filing system, accessed, modified, disclosed, destroyed, used or otherwise processed, and who did so, for the whole storage period.
2. If personal data are processed via telecommunications networks it must be ensured that the processing takes place within the limits foreseen by law. Also the hardware, the systems software and the software applications must ensure an appropriate level of data protection.
3. The procedures and measures to protect personal data must be adequate and kept

- up to date taking into account the nature of the personal data to be protected and the risks represented by the processing of such data.
4. Functionaries, employees and other individuals performing tasks related to the processing of data including the data controller are obliged, that during and after the contracted work, to protect the confidentiality of personal data with which they become familiar.

### **Article 15**

#### **Contractual processing**

1. A data processor may be entrusted with the processing of personal data by written contract if he or she is registered in the Republic of Kosovo to perform such activities pursuant to procedures and measures foreseen by Article 14 of this Law.
2. A data processor may only act within the limits of the data controller's authorizations and may not process personal data for any other purpose. Mutual rights and obligations shall be arranged by written contract which must also contain a detailed description of the procedures and measures pursuant to Article 14 of this Law.
3. The data controller shall oversee the implementation of procedures and measures pursuant to Article 14 of this Law. This may also include ad-hoc visits to the premises where the personal data processing takes place.
4. In the event of a dispute between the data controller and the data processor, the data processor shall immediately at request of the data controller return all data in his or her possession. The data processor is not allowed to keep copies and to process them any further.
5. In the event of cessation of a data processor's activities, personal data shall immediately be returned to the data controller.

### **Article 16**

#### **Obligation to secure personal data**

1. Data controllers and data processors shall care at any time that personal data are protected in the manner set out in Article 14 of this Law.
2. Data controllers and data processors shall describe in their internal acts the procedures and measures established for the security of personal data and shall nominate in writing competent persons who are responsible for filing systems and those who, due to the nature of their work, shall process personal data.

### **Subchapter C**

#### **Filing systems**

### **Article 17**

#### **Filing system catalogue**

1. A data controller shall establish for each filing system a detailed description called filing system catalogue containing:

- 1.1. title of the filing system;
  - 1.2. identity of the data controller and his or her representative. For natural persons: personal name(s), permanent or temporary address where activities are performed or permanent or temporary address of residence, and where applicable phone number and email address. For independent traders: their official name(s), registered office, seat and registration number and where applicable, phone number and email address. For legal persons: name of the founder, title or registered office, address or seat, registration number and where applicable, phone number and email address;
  - 1.3. legal basis for the data processing;
  - 1.4. the categories of data subjects
  - 1.5. 1.5. the categories of personal data in the filing system;
  - 1.6. purpose of processing;
  - 1.7. intended duration of storage of personal data;
  - 1.8. restrictions of the rights of data subjects and the legal basis for such restrictions;
  - 1.9. data recipients or categories of data recipients contained in the filing system;
  - 1.10. information on whether personal data have been or are to be transferred to another country, where, when and to whom, and the legal grounds for such transfers;
  - 1.11. a general description of the procedures and measures pursuant to Article 14 of this Law;
  - 1.12. data of linked filing systems from official records and public books.
2. The data controller must ensure that the content of the filing system catalogue is accurate and kept up to date.

### **Article 18**

#### **Notification of the Agency**

1. Data controllers shall provide the Agency in writing or by electronic means with information from the points of paragraph 1 of Article 17 of this Law at least twenty (20) days prior to establishing a filing system or prior to the entry of new categories of personal data.
2. Data controllers shall inform the Agency about any modifications to the information from paragraph 1 of this Article no later than eight (8) days from the date of modification.

### **Article 19**

#### **Prior checking**

1. Following the receipt of the notification, the Agency checks whether the processing operation is likely to present specific risks to the rights and freedoms of the data subjects by virtue of the nature of the personal data being processed and the scope or the purposes of the data processing.
2. The Agency shall deliver its opinion within three (3) weeks following receipt of the notification. This period may be suspended until the Agency has obtained any

further information that it considers necessary. Depending on the complexity of the matter, this period may be extended up to three (3) months by decision of the Agency which has to be notified to the data controller prior to the expiry of the three (3) month period.

3. If the opinion has not been delivered by the end of the three (3) month period or any extension thereof, it shall be deemed to be favourable.
4. If the Agency is of the view that the notified processing may involve a breach of data protection rules, it shall make appropriate proposals to avoid such breaches.
5. The data controller has to respect any proposals and decisions issued by the Agency to ensure lawful data processing.

## **Article 20**

### **Register**

1. The Agency shall establish and maintain a Register of Filing Systems containing information from Article 18 of this Law defined in accordance with its internal procedures.
2. The Register shall be managed by using information technology means and shall be published on the website of the Agency.
3. The rules on the internal procedures from paragraph 1 of this Article shall be defined in a sub-legal act.

## **CHAPTER III**

### **RIGHTS OF THE DATA SUBJECT**

## **Article 21**

### **Consultation of the Register**

Every person has the right to consult the Register of Filing Systems kept by the Agency and make copies or transcribe details free of charge.

## **Article 22**

### **Right of access**

1. Every data subject can consult the filing system catalogue kept by the data controller. The data controller shall provide the data subject at his or her request with the following information:
  - 1.1. personal data stored about him or her;
  - 1.2. the purposes of the processing and the categories of personal data being processed;
  - 1.3. the legal basis for the processing;
  - 1.4. the origin of the data;
  - 1.5. data recipients or categories of data recipients and when and on which basis and for what purposes the data subject's data were disclosed including data recipients in other countries;
  - 1.6. technical procedures and information regarding the logic included in decision-making, if applicable.

2. An extract issued by the data controller about the personal data stored by him or her shall not replace the document or certificate, and this is indicated on the extract.

### **Article 23**

#### **Procedure for access**

1. Data subjects can ask data controllers in regular intervals to consult, transcribe and copy information related to them pursuant to Article 22 of this Law and can ask for an extract or a copy of this information. This request can be lodged orally, in writing or by electronic means.
2. Within fifteen (15) days data controllers have to confirm in writing the receipt of the data subject's request, or within the same period of time they have to inform the data subject in writing of the reasons why the request cannot be accommodated.
3. Within thirty (30) days following receipt of the request data controllers shall provide the data subject with an extract or a copy of any information requested according to paragraph 1 of Article 22 of this Law.
4. If the data controller fails to act in accordance with paragraphs 1, 2 and 3 of this Article the data subject can consult the Agency.
5. Costs relating to any requests lodged by data subjects from this Article shall be borne by the data controller.

### **Article 24**

#### **Right to supplement, correct, block, destroy, erase, delete and object**

1. At the data subject's request the data controller must supplement, correct, block, destroy, delete or erase personal data which the data subject proves as being incomplete, inaccurate or not up to date, or if they were collected or processed contrary to law.
2. At the data subject's request the data controller must immediately inform all data recipients and data processors to whom personal data were disclosed about the measures taken according to paragraph 1 of this Article. The data controller is not obliged to do this if this would incur large costs.
3. Data subjects whose personal data are processed in accordance with sub-paragraphs 1.5 and 1.6 of Article 5 of this Law shall have the right to object at any time to the processing of their data. The data controller shall accept the objection if the data subject demonstrates that the conditions for processing have not been fulfilled pursuant to sub-paragraphs 1.5 and 1.6 of Article 5 of this Law. In this case the personal data of the data subject may no longer be processed.
4. If the data controller does not accept the objection from paragraph 3 of this Article, the data subject may ask the Agency to decide on whether the processing is in accordance with sub-paragraphs 1.5 and 1.6 of Article 5 of this Law. The data subject may lodge such request within fifteen (15) days upon receipt of the data controller's objection.
5. The Agency shall decide on requests from paragraph 4 of this Article within two

- (2) months upon receipt. The lodging of the request shall suspend the processing of the personal data.
6. Costs for measures from paragraph 5 of this Article shall be borne by the data controller.

### **Article 25**

#### **Procedure of supplementing, correction, blocking, erasure, destruction, deletion and objection**

1. Any request or objection according to Article 24 of this Law can be lodged orally, in writing or by electronic means.
2. Within fifteen (15) days data controllers shall supplement, block, correct, erase, destroy or delete personal data in question following receipt of the request. They shall inform in writing the data subject within the same period of time about the reasons of refusal. Within the same period of time data controllers shall decide on an objection raised by the data subject regarding the processing of his or her data.
3. If data controllers fail to act pursuant to paragraph 2 of this Article, the data subject can consult the Agency.
4. If the data controller concludes on his or her own that the personal data are incomplete, inaccurate or not up to date, he or she shall supplement or correct them and inform the data subject accordingly, unless otherwise provided by the law.
5. All costs relating to the completion, correction, blocking, destruction, erasure and deletion of personal data and of the notification or decision regarding the objection shall be borne by the data controller.

### **Article 26**

#### **Judicial protection of the rights of the Data Subject**

1. Data subjects who find that their rights provided for by this Law have been violated may request judicial protection for as long as such violation lasts. This is without prejudice to the data subject's right to consult and complain with the Agency according to this Law.
2. If the violation from paragraph 1 of this Article ceases, the data subject may file a suit in the competent Court to rule that the violation existed if he or she is not provided with other judicial protection in relation to the violation.

### **Article 27**

#### **Temporary Prohibition of Processing the Personal Data**

In a suit submitted due to violations of rights from Article 24 of this Law, data subjects may ask the court until a final decision is issued, to bind the data controller, to prevent any kind of processing of the disputed personal data, if their processing could cause irreparable damage to the data subject, while the postponement of processing should not be contrary to public interests and neither is there any danger of greater irredeemable damage being done to the opposing party.

**Article 28**  
**Restrictions and exemptions**

1. The rights of the data subject from Article 10, Articles 22 and 24 of this Law and the obligation to publish the register of filing systems from paragraph 2 of Article 20 of this Law may exceptionally be restricted by law for reasons of:
  - 1.1. national security;
  - 1.2. national defence;
  - 1.3. public security;
  - 1.4. the prevention, investigation, detection and prosecution of criminal offences, or for breaches of ethics for regulated professions;
  - 1.5. an important economic or financial interest of the Republic of Kosovo including monetary, budgetary and taxation matters;
  - 1.6. the monitoring, inspection or regulatory functioning connected even occasionally with the exercise of official authority in cases referred to sub-paragraphs 1.3, 1.4 and 1.5 of this paragraph;
  - 1.7. the protection of the data subject or of the rights and freedoms of others.
2. Measures from paragraph 1 of this Article may only be taken to the extent necessary to achieve the purpose for which the restrictions were introduced.

**CHAPTER IV**  
**INSTITUTIONAL PROTECTION OF PERSONAL DATA**

**Subchapter D**  
**National Agency for the Protection of Personal Data**

**Article 29**  
**The Status of the Agency**

1. The National Agency for the Protection of Personal Data is an independent agency in charge of supervising the implementation of data protection rules. Its members act independently in accordance with this Law and must not take any instructions from third parties. It shall respond to the Kosovo Assembly.
2. The Agency shall in particular:
  - 2.1. give advice to public and private bodies on data protection related questions;
  - 2.2. decides on complaints of the data subject;
  - 2.3. carry out inspections and audits;
  - 2.4. inform the public about issues and developments in the field of data protection; and
  - 2.5. promote and uphold the fundamental right to data protection.

**Article 30**  
**Organization of the Agency**

1. The Agency is presided by a Council consisting of the Chief State Supervisor and four (4) National Supervisors. (Hereinafter: the Supervisors). At least one of the

Council members must have a university degree in law. Decisions of the Council shall be taken by simple majority.

2. The Chief State Supervisor shall represent the Agency, organize and coordinate its work.

### **Article 31**

#### **Appointment of the Chief National Supervisor**

1. The Chief State Supervisor may be appointed a person who has university education and five (5) years of professional working experience.
2. The Chief State Supervisor shall be appointed by the National Assembly on the proposal of the Kosovo Government for a period of five (5) years and may be reappointed once.

### **Article 32**

#### **Appointment of the National Supervisors**

1. Persons who have university education and three (3) years of professional working experience may be appointed as National Supervisors.
2. National Supervisors shall be appointed by the Assembly of Kosovo on the proposal of the Government of Kosovo for a period of five (5) years. They may be reappointed once.

### **Article 33**

#### **The deputy of the Chief National Supervisor**

The Chief State Supervisor shall choose among the National Supervisors his or her deputy, who shall replace him or her during his or her absence or temporary incapacity.

### **Article 34**

#### **Dismissal of the Supervisors**

1. The members of the Council may be released from their duties only in the following cases:
  - 1.1. if they tender a statement of resignation to the Kosovo Assembly;
  - 1.2. if they are convicted with a final decision of a criminal offence with prison of over six (6) months;
  - 1.3. neglect of official duty;
  - 1.4. if they cannot perform their duties for health or other important reasons for more than six (6) months;
  - 1.5. if they become permanently incapable of performing their duties.
2. The members of the Council shall be released from their duties early and their position shall cease on the day the Kosovo Assembly determines the reasons from paragraph 1 of this Article.



### **Article 35**

#### **Independence of Supervisors**

1. In the performance of their tasks the members of the Council act in complete independence and are only bound by this Law, the Constitution and other relevant laws. They shall refrain from any action incompatible with their duties and cannot exercise any other occupation whether gainful or not.
2. The members of the Council shall closely work together and shall assist each other in the performance of their duties.

### **Article 36**

#### **The Internal Organization of the Agency**

1. The Chief State Supervisor shall define in accordance with the relevant law in force the sub-legal act on the internal organization and functioning of the agency.
2. At the Agency may be assigned to perform legal tasks or ancillary work, Civil servants of state bodies on the basis of a proposal of the Chief State Supervisor. Judges or state prosecutors may be assigned to perform such tasks pursuant to the provisions of the law on courts and prosecutor's office.
3. Civil servants and officials from paragraph 2 of this Article may not conduct inspections but shall assist the Supervisors in preparing and carrying out such inspections.

### **Article 37**

#### **Funds for the work of the Agency**

1. The Agency has its own budget, administered independently in accordance with the law.
2. Funds for the work of the Agency shall be provided from the Kosovo Budget. The Budget of the Agency shall be determined by the Kosovo Assembly on the proposal of the Chief State Supervisor

### **Subchapter E**

#### **Tasks of the Agency**

### **Article 38**

#### **Providing advice to public and private institutions**

1. The Agency shall advise the Kosovo Assembly, the Government, local governing community bodies, other state bodies and holders of public powers in all matters regarding data protection including interpretation and application of relevant laws.
2. The Agency shall also advise private institutions on all data protection related matters where requested to do so including the interpretation and application of relevant laws.

### **Article 39**

#### **Obligation to Consult**

The Kosovo Assembly and the Kosovo Government would inform the Agency when drawing up legislative and administrative measures relating to the processing of personal data. The Agency would be consulted prior to the adoption of such measures.

### **Article 40**

#### **Right to start legal procedures**

1. The Agency files a request with the Constitutional Court of Kosovo to assess the constitutionality of laws, regulations and other acts where it believes that they are not compatible with the right to data protection as enshrined in Article 36 of the Kosovo Constitution.
2. The Agency files a suit with competent court, in cases where it believes that the right to data protection has been infringed.

### **Article 41**

#### **Right to complain**

1. Every person has the right to lodge a complaint with the Agency if he or she believes that his or her right to data protection has been violated.
2. Complaints can be lodged orally, in writing or by electronic means.

### **Article 42**

#### **Handling of Complaints**

1. The Agency shall immediately inform the complainant of the outcome and action taken following the investigation of the complaint.
2. The procedure regarding complaints will be regulated by sub-legal act by the Agency.

### **Article 43**

#### **Cooperation with other bodies**

The Agency shall cooperate with national, international and European Union bodies regarding issues considered important for the protection of personal data.

## **Subchapter F**

### **Publicity of work**

### **Article 44**

#### **Annual work activities**

1. The Agency shall submit an annual activities report on its work to the Kosovo Assembly and should publish it, not later than by 31 March of the coming year.

2. The annual activities report shall give an overview of the work of the Agency and the developments in the field of data protection in the previous year and shall spell out assessments and recommendations regarding the protection of personal data.

### **Article 45**

#### **Publicity concerning work**

1. The Agency may publish on its website or in another appropriate manner:
  - 1.1. an internal journal and professional literature;
  - 1.2. any advise given according to paragraph 1 of Article 38 of this Law, in particular if laws or other regulations concerning the processing of personal data have been adopted and published in the Official Gazette;
  - 1.3. any requests from Article 40 of this Law, after the Constitutional Court has received them;
  - 1.4. any decisions of the Constitutional Court on requests from Article 40 of this Law;
  - 1.5. any decisions of courts of general jurisdiction relating to the protection of personal data. However, in such cases there should be no indication of personal data of parties, injured parties, witnesses or experts involved;
  - 1.6. opinions on the compliance of codes of professional ethics, general terms of business or drafts thereof with regulations in the area of data protection;
  - 1.7. opinions, clarifications and positions on issues in the area of data protection;
  - 1.8. any instructions and recommendations regarding the protection of personal data in individual fields;
  - 1.9. public statements on inspections undertaken in individual cases;
  - 1.10. any other important announcements.
2. The Agency shall hold regular media conferences relating to its work and publish transcripts of statements or recordings of statements on its website or in any other way considered appropriate. It may also hold seminars and organize awareness raising campaigns as considered appropriate.
3. The Agency may for the performance of its tasks encourage the cooperation with representatives of associations and other nongovernmental organizations in the area of data protection, privacy and consumer protection.

### **Subchapter G**

#### **Inspections and audits**

### **Article 46**

#### **Scope of inspections**

1. The Agency may carry out inspections and audits on its own initiative to monitor the compliance with data protection rules. Within the framework of inspection powers the Agency shall:
  - 1.1. monitor the legitimacy of data processing;
  - 1.2. monitor the suitability of procedures and measures taken for the protection of personal data pursuant to this Law;

- 1.3. monitor the implementation of the provisions of this Law regulating the filing system catalogue, the register of filing systems and the recordings of the disclosures of personal data to recipients;
- 1.4. monitor the implementation of provisions regarding the transfer of personal data to other countries and international organizations.

#### **Article 47**

##### **Direct performance of inspections**

1. Inspection and audits shall be carried out directly by the Supervisors within the limits of their competences.
2. Supervisors when carrying out inspections and audits, shall identify themselves with an official identity card containing a photograph of the Supervisor, his or her personal name, professional or scientific title and other necessary information.
3. The Government of Kosovo shall issue the official identity cards of the Supervisors according to sub-legal act upon the proposal of the Agency detailing the format and the content of the cards.

#### **Article 48**

##### **Responsibility of the Supervisors**

1. In performing inspection and audits, the Supervisors shall be entitled:
  - 1.1. to examine and confiscate any documentation relating to the processing of personal data, irrespective of their confidentiality or secrecy, and the transfer of personal data to other countries and international organizations as well as the disclosure to foreign recipients;
  - 1.2. to examine the contents of filing systems, irrespective of their confidentiality or secrecy, and the filing system catalogues;
  - 1.3. to examine and confiscate any documentation and instructions regulating the security of personal data;
  - 1.4. to examine premises in which personal data are supposed to be processed and they are entitled to examine and confiscate computers and any other equipment and technical documentation;
  - 1.5. to verify measures and procedures intended to secure personal data, and the implementation thereof;
  - 1.6. to perform any other matters considered necessary for the carrying out of inspections and audits as provided by this Law.

#### **Article 49**

##### **Inspection measures**

1. If a Supervisor notices a violation of this Law or any other law or regulation governing the processing of personal data he or she shall have the right to immediately:
  - 1.1. order the elimination of irregularities or deficiencies he or she notices in the manner and within the terms he or she has previously defined. This may

include the erasure, blocking, destruction, deletion or anonymization of data in compliance with the Law.

- 1.2. impose a temporary or definite ban on the processing of personal data by controllers and processors in the public or private sectors who have failed to implement the necessary measures and procedures to secure personal data;
  - 1.3. impose a temporary or definite ban on the processing of personal data, their anonymity, classification and blocking whenever he or she concludes that the personal data are being processed in contravention of legal provisions;
  - 1.4. impose a temporary or definite ban on the transfer of personal data to other countries or international organizations, or their disclosure to foreign recipients if they are transferred or disclosed in contravention of legal provisions or international agreements;
  - 1.5. in minor cases of violations the Supervisor can warn or admonish the data controller or data processor in writing.
2. In case of irregularities or deficiencies the data controller or data processor shall immediately correct them by following the written instructions or advice of the Supervisor to ensure lawful data processing.
  3. There shall be no appeal against a final decision of the Supervisor from paragraph 1 of this Article, but an administrative dispute shall be permitted in the competent Court.

## **Article 50**

### **Protection of confidentiality**

1. The Supervisors shall be obliged to protect the confidentiality of personal data they encounter in performing their tasks also after ceasing to perform their duties.
2. The obligation from paragraph 1 of this Article shall apply to the all members working at the Agency.

## **CHAPTER V**

### **TRANSFER OF PERSONAL DATA**

#### **Subchapter H**

#### **Transfer of personal data to other Countries and international organizations**

## **Article 51**

### **General provisions**

The transfer to other countries and international organizations of personal data that are processed or are intended to be processed after transfer may take place only in accordance with the provisions of this Law and if the country or the international organization in question ensures an adequate level of data protection.

## **Article 52**

### **Procedure for determining an adequate level of data protection**

Countries and international organizations are considered as ensuring an adequate level of data protection if the Agency has taken a formal decision and they are included in the respective list established by the Agency in accordance with this Law.

## **Article 53**

### **List of countries and international organizations with an adequate level of data protection**

1. The Agency shall maintain a list of countries and international organizations for which it finds that they ensure an adequate level of data protection in the meaning of this Law
2. The list can contain the Member States of the European Union and the European Economic Area. As to other countries the Agency can take over any decisions taken by the competent body of the European Union as to whether such countries and international organizations ensure an adequate level of data protection or it can take a formal decision according to Article 54 of this Law.
3. The Agency shall publish the list from paragraph 1 of this Article in the Official Gazette and on its website.

## **Article 54**

### **Decisions on the adequate level of data protection of other countries and international organizations**

1. In its decision-making on the adequate level of protection of personal data of another country or an international organization, the Agency shall determine all circumstances relating to the transfer of personal data. In particular, it shall take account of the type of personal data, the purpose and duration of the proposed processing, the legal arrangement in the country of origin and the recipient country, including legal arrangement for protection of personal data of foreign citizens, and measures to secure personal data used in such countries and international organizations.
2. In its decision-making from paragraph 1 of this Article the Agency shall in particular take account of:
  - 2.1. whether the transferred personal data are used solely for the purpose for which they were transferred, or whether the purpose may change only on the basis of a permission of the data controller supplying the data or on the basis of personal consent of the data subject;
  - 2.2. whether the data subject has the possibility of determining the purpose for which his or her personal data have been used, to whom they were supplied and the possibility of correcting or erasing inaccurate or outdated personal data, unless this is prevented due to the secrecy of the procedure by binding international treaties;
  - 2.3. whether the foreign data controller or data processor performs adequate

- organizational and technical procedures and measures to protect personal data;
- 2.4. whether there is an assigned contact person authorized to provide information to the data subject or to the Agency on the processing of personal data transferred;
  - 2.5. whether the foreign data recipient may transfer personal data only on the condition that another foreign data recipient to whom personal data will be disclosed ensures adequate protection of personal data also for foreign citizens;
  - 2.6. whether provide legal protection is ensured for data subjects whose personal data were or are to be transferred.

### **Article 55** **Criteria for Decision Making**

The Agency defines in greater detail which information is necessary to decide whether another country or an international organization provides an adequate level of data protection in the meaning of this Law.

### **Article 56** **Special provisions**

1. Irrespective of Article 51 of this Law, personal data may be transferred and disclosed to a country or international organizations not ensuring an adequate level of data protection, if:
  - 1.1. it is so provided by another law or binding international treaty;
  - 1.2. the data subject has given his or her consent and is aware of the consequences of the transfer;
  - 1.3. the transfer is necessary for the performance of a contract between the data subject and the data controller or for the implementation of pre-contractual measures taken in response to the data subject's requests;
  - 1.4. the transfer is necessary for the conclusion or performance of a contract concluded in the data subject's interests between the data controller and a third party;
  - 1.5. the transfer is necessary and legally required on important public interest grounds;
  - 1.6. the transfer is necessary to protect the life and body of the data subject;
  - 1.7. the transfer is necessary for the establishment, exercise or defence of legal claims;
  - 1.8. the transfer is made from a register which according to laws or regulations is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, to the extent that the conditions laid down for consultation are fulfilled in this particular case.

**Article 57**  
**Authorization for data transfers**

1. Without prejudice to Article 51 of this Law the Agency may authorize a transfer or a set of transfers of personal data to another country or an international organization not ensuring an adequate level of data protection within the meaning of this Law where the data controller adduces adequate safeguards for the protection of personal data and the fundamental rights and freedoms of individuals as regards the exercise of adduces rights. Such safeguards may result from the provisions of the contract or the general terms of business activities governing the transfer of personal data.
2. The data controller may transfer personal data only upon receipt of the authorization according to paragraph 1 of this Article. In his or her request for authorization the data controller shall provide the Agency with all information necessary regarding the required transfer of personal data. This includes in particular the categories of data, the purpose of the transfer and the safeguards in place for the protection of personal data in the other country or international organization.
3. The Agency shall decide on the application from paragraph 2 of this Article without delay and shall define in a sub-legal act the details and internal procedures for filing such requests. The above mentioned decision is final in administrative procedure but an administrative dispute shall be permitted in the competent court.

**Article 58**  
**Registration of authorizations**

The authorizations concerning the transfer of personal data to another country or international organization granted by the Agency shall be registered in accordance with sub-paragraph 1.10 of paragraph 1 of Article 17 of this Law.

**CHAPTER VI**  
**RIGHTS AND SUPERVISION**

**Subchapter I**  
**Direct marketing**

**Article 59**  
**Rights and responsibilities of data controllers**

1. Data controllers may use personal data they obtained from publicly accessible sources or within the framework of the lawful performance of activities for the purposes of offering goods, services, employment or temporary performance of work through the use of postal services, telephone calls, electronic mail or other telecommunications means (hereinafter: direct marketing) in accordance with the provisions of this Chapter, unless otherwise provided by relevant law.
2. For the purposes of direct marketing, data controllers may use only the personal



data collected in accordance with paragraph 1 of this Article: personal name(s), permanent or temporary address, telephone number, e-mail address and fax number. Based on the data subject's prior consent data controllers may process other personal data but may only process personal sensitive data if they possess the written consent.

3. When data controllers do direct marketing, data controllers must inform data subjects of their rights according to Article 60 of this Law.
4. If data controllers intend to disclose personal data from paragraph 2 of this Article to other data recipients for the purposes of direct marketing or to data processors, they shall inform the data subject and get his or her written consent before disclosing such data. The notification of the data subject regarding the intended disclosure must contain all information that is intended to be disclosed as well as to whom and for what purposes. The costs of notification shall be borne by the data controller.

### **Article 60** **Right to object**

1. A data subject may at any time in writing request that data controllers permanently or temporarily cease to use his or her personal data for the purposes of direct marketing. Within eight (8) days following the receipt of the data subject's objection, data controllers shall refrain from using the personal data for direct marketing and within the subsequent five (5) days they shall inform the data subject in writing confirming the data subject's wishes.
2. Any costs regarding the data controller's activities as to requests from paragraph 1 of this Article shall be borne by the data controller.

## **Subchapter J** **Video surveillance**

### **Article 61** **General provisions**

1. The provisions of this Subchapter shall apply to the installation of video surveillance systems unless otherwise provided by relevant law.
2. Public or private sector persons intending to install video surveillance systems must set up a notice to that effect. Such a notice must be plainly visible and made public in a way that data subjects can easily acquaint themselves with the measures at the latest where the video surveillance begins.
3. Through the correct notification from paragraph 2 of this Article, the data subject shall be deemed to have been informed of the processing of personal data pursuant to Article 10 of this Law.
4. The video surveillance system and the recordings of the monitoring must be adequately protected against unauthorized access and use.

**Article 62**  
**Monitoring of official and business premises**

1. Public and private sector persons may install video surveillance systems to monitor their premises if this is considered necessary for the safety of people and the security of property. Video surveillance may in particular be required to monitor the entrance of premises or where due to the nature of their work there exists a potential threat to employees.
2. The competent functionary, director or other competent or authorized person of the public or private sector shall take the necessary decisions.
3. The decision must contain the reasons for setting up the video surveillance systems.
4. Video surveillance systems may monitor the outside and the entrance(s) of premises but not the entrance and the interior of apartments.
5. Persons working in public or private premises under video surveillance are adequately informed in writing about the installation of such systems and their rights.
6. Each data controller shall establish a filing system for the recording of video surveillance systems. The filing system shall contain apart from the recordings (images and/or sound), date, place, time of the recording and where the recordings are stored.
7. The recordings from paragraph 6 of this Article may be stored for up to six (6) months unless required otherwise for legitimate purposes.

**Article 63**  
**Monitoring of apartment buildings**

1. For the installation of video surveillance systems in apartment buildings at least 70% of the owners have to agree in writing to such measures.
2. Video surveillance systems may only be installed if this is necessary for the safety of people and the security of property.
3. Video surveillance systems in apartment buildings may only monitor the entrance and common areas. Monitoring of the housekeeper's apartment and his or her workshop shall be prohibited.
4. The transmission of video surveillance recordings through internal cable television, public cable television, the internet or other telecommunications means whether at the same time or later on shall be prohibited.
5. Entrances to individual apartments may only be monitored by video surveillance systems if the owner decides so. The owner may keep the recordings only for his or her own purposes.

**Article 64**  
**Video surveillance in the employment sector**

1. Video surveillance systems at work places may only be done in cases where this is necessarily required for the safety of people, the security of property and the

protection of confidential information if these purposes cannot be achieved by milder means.

2. Video surveillance must be strictly limited to those areas where the interests from paragraph 1 of this Article are at stake.
3. Video surveillance shall be prohibited outside work places particularly in changing rooms, lifts and sanitary areas.
4. Prior to the installation of video surveillance systems the employer must inform in writing the data subjects about their rights and the reasons for the surveillance. The monitored areas have to be indicated by the employers through appropriate signs.
5. Prior to the installation of video surveillance systems in the public or private sectors, the employer informs the trade union representatives, if applicable.
6. The paragraphs 4 and 5 of this Article shall not apply to areas of national defence, national intelligence – security activities in places where the secret data are protected.

## **Subchapter K**

### **Use of biometric features**

#### **Article 65**

#### **Processing of biometric features**

The determination and use of a data subject's biometric characteristics and their comparison to allow his or her identification shall be governed by the provisions of this Law.

#### **Article 66**

#### **Use of biometric features in the public sector**

1. The public sector may only use biometric features if this is necessarily required for the safety of people, the security of property or the protection of confidential data and business secrets if this cannot be achieved by milder means.
2. Irrespective of paragraph 1 of this Article, the use of biometric features may be allowed in compliance with obligations arising from binding international treaties or for the identification of persons crossing state border.

#### **Article 67**

#### **Access Control**

Biometric features may be used in the public sector for reasons of access control. In this case the provisions of the paragraphs 2, 3 and 4 of Article 68 of this Law shall be applied mutatis mutandis.

#### **Article 68**

#### **Use of biometric features in the private sector**

1. The private sector may only use biometric features if this is necessarily required for the performance of activities, for the safety of people, the security of property

- or the protection of confidential data or business secrets. Employees have to be informed in writing prior to the use of their biometric characteristics, about the intended measures and their rights.
2. If not provided otherwise by relevant law the data controller shall prior to the introduction of measures using biometrics provide the Agency with a detailed description of the intended measures including the information to be given to data subjects, the reasons for their introduction and the safeguards for the protection of personal data.
  3. Upon receipt of the information from paragraph 2 of this Article, the Agency shall decide within thirty (30) days whether the intended introduction of measures complies with the provisions of this Law.
  4. Data controllers may implement measures using biometrics upon the receipt of an authorization from the Agency.
  5. There shall be no appeal against a decision from paragraph 3 of this Article, but an administrative dispute shall be permitted in the competent court.

### **Subchapter L** **Records of entry to and exit from premises**

#### **Article 69** **Recording**

1. Public and private sector bodies may for reasons of protecting the safety of people and the security of property ask persons entering or leaving premises to give them the information from paragraph 2 of this Article. If considered necessary the personal data may be verified by examining identification documents.
2. The records registering persons entering or leaving premises may only contain the following personal data: personal name(s), number and type of identity document, permanent or temporary address, date and time as well as the reason for entering the premises.
3. Records from paragraph 2 of this Article shall be regarded as official documents if the collection of data is required for the purposes of police and intelligence-service activities.
4. Personal data contained in the records from paragraph 2 of this Article may be stored for a maximum period of three (3) years starting from the day of their recording and than shall be deleted or destroyed, unless otherwise provided by law.

### **Subchapter M** **Public books and protection of personal data**

#### **Article 70** **Public books**

Personal data contained in public books regulated by relevant law may only be used in accordance with the purposes for which they were collected or processed, if the statutory purpose of their collection or processing is defined or definable.

**Subchapter N**  
**Linking filing systems**

**Article 71**  
**Official records and public books**

1. Filing systems from official records and public books may be linked if so provided for by law.
2. A data controller or data controllers who intend to link two or more filing systems kept for different purposes shall prior to doing so notify in writing the Agency.
3. If at least one of the filing systems to be linked contains sensitive data or the linking would result in the disclosure of sensitive data or if the implementation of the linking requires the use of a connecting code, linking shall not be permitted without the prior authorization of the Agency.
4. The Agency may authorize with decision the linking from paragraph 3 of this Article if it determines that the data controller ensures an adequate level of data protection.
5. There shall be no appeal against a decision from the paragraph 4 of this Article but an administrative dispute shall be permitted in the competent court.

**Article 72**  
**Prohibition of linking filing systems**

The linking of filing systems from criminal records and minor offence records to other filing systems and the linking of filing systems from criminal records and minor offence records shall be prohibited.

**Article 73**  
**Special provisions**

Personal data contained in filing systems from official records and public books shall be kept separately in the Register of Filing Systems.

**Subchapter O**  
**Data Protection Official**

**Article 74**  
**Official of Data Protection**

1. All public bodies processing personal data shall choose and appoint in writing an internal data protection official.
2. Only persons who possess the specialized knowledge and demonstrate the reliability necessary for the performance of the duty concerned may be appointed as data protection officials.
3. The data protection official shall be subordinated to the head of the public body. He or she shall suffer no disadvantage through the performance of his or her duties.

4. The data protection official shall maintain the confidentiality of personal data he or she shall be informed with during the performance of his or her duties.
5. The public body shall support the data protection official in the performance of his or her duties and shall in particular to the extent necessary make available equipment and other recourses.
6. If the data protection official no longer fulfils the conditions mentioned in paragraph 2 of this Article he or she shall be released from his or her duties.

#### **Article 75**

##### **Duties of the Data Protection Official**

1. The data protection official shall assist the public body in ensuring that relevant data protection rules are observed and properly implemented. For this purpose he or she may consult at any time the Agency.
2. The data protection official shall regularly monitor the proper use of data processing programs and the measures and procedures in place to ensure secure data processing.
3. The data protection official shall be informed on a regular basis all persons employed by the public body in the processing of personal data with relevant rules and provisions. He or she shall also regularly inform all employees of their rights and obligations pursuant to this Law and inform them about developments in the area of data protection.

#### **Article 76**

##### **Control**

1. The data protection official may carry out controls on his or her own initiative.
2. The data protection official shall have the right to consult, extract, transcribe or copy personal data he or she encounters during the controls. He or she shall respect the confidentiality of personal data.
3. The data protection official shall report in writing to the head of the public body of the results of the controls.

#### **Article 77**

##### **Information to the data subject**

1. When carrying out controls the data protection official may inform the data subject in writing about the performance of his or her duties. He or she may also inform the data subject that he or she will provide the public body with his or her opinion about the control.
2. The data subject from paragraph 1 of this Article may disclose to the data protection official additional information that might be necessary to carry out the control.

**Article 78**  
**Sensitive personal data**

If in the performance of a control sensitive personal data are processed, the data protection official shall make an official annotation in the file of the data subject.

**CHAPTER VII**  
**PENAL PROVISIONS**

**Article 79**  
**General violations of the provisions of this Law**

1. A fine between four thousand (4.000) and ten thousand (10.000) Euros shall be imposed for minor offences to a legal or independent trader:
  - 1.1. if he or she processes personal data without any legal basis or the consent of the data subject according to paragraph 1 of Article 3 and paragraph 1 of Article 5 of this Law;
  - 1.2. if he entrusts an individual task relating to the processing of personal data to another person without concluding a written contract in accordance with paragraph 2 of article 15 of this Law;
  - 1.3. if he processes sensitive personal data in contravention of Article 6 of this Law, or does not protect them in accordance with Article 7 of this Law;
  - 1.4. if he processes personal data in contravention of Article 10 of this Law;
  - 1.5. if he collects personal data for purposes that are not clearly defined and unlawful, or if he continues to process them in contravention of Article 5 of this Law;
  - 1.6. if he discloses to a data recipient personal data in contravention of paragraph 2 of Article 9 or if he does not destroy personal data in accordance with paragraph 3 of Article 9 or does not publish the results of processing in accordance with paragraph 4 of Article 9 of this Law;
  - 1.7. if he does not inform the data subject of the processing of personal data in accordance with Article 10 of this Law;
  - 1.8. if he uses the same connecting code in contravention of Article 11 of this Law;
  - 1.9. if he does not delete, destroy, block or anonymise personal data once the purpose for which they were collected and/or processed has been achieved in accordance with paragraph 5 of Article 3 of this Law;
  - 1.10. if he or she acts in contravention of Article 12 of this Law;
  - 1.11. if he or she fails to ensure that the filing system catalogue contains the information provided for by Article 17 of this Law;
  - 1.12. if he fails to notify the Agency of information regarding the Register of Filing Systems according to Article 18 of this Law
  - 1.13. if he acts in contravention of paragraphs 1 and 2 of Article 22 or the paragraphs 2, 3 or 5 of Article 23 of this Law;
  - 1.14. if he acts in contravention of Article 24 or paragraphs 2 or 5 of Article 25 of this Law;

- 1.15. if he acts in contravention of paragraph 1 of Article 52 or in contravention of Article 56 concerning the transfer of personal data to other countries or international organizations.
2. A fine for a minor offence between five hundred (500) and two thousand (2.000) Euros shall be imposed on the responsible person of a legal person or independent trader for infringements of sub-paragraph 1.15 of paragraph 1 of this Article.
3. A fine between five hundred (500) and two thousand (2.000) euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from paragraph 1 of this Article.
4. A fine between two hundred (200) and eight hundred (800) euros shall be imposed for a minor offence on an individual who commits an act from paragraph 1 of this Article.

### **Article 80**

#### **Violation of the provisions on contractual processing**

1. A fine of between four thousand (4.000) and ten thousand (10.000) euros shall be imposed for a minor offence on a legal person or a person who practices an independent activity, if he oversteps the authorization contained in the contract from paragraph 2 of Article 15 of this Law or does not return personal data in accordance with paragraph 4 of Article 15 of this Law.
2. A fine of between five hundred (500) and two thousand (2.000) shall be imposed on the responsible person of the legal person or on the person who practices an independent activity for violations of paragraph 1 of this Article.
3. A fine of between five hundred (500) and two thousand (2.000) euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from paragraph 1 of this Article.
4. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed on an individual who commits an act from paragraph 1 of this Article.

### **Article 81**

#### **Violation of the provisions on security of personal data**

1. A fine of between four thousand (4.000) and ten thousand (10.000) Euros shall be imposed for a minor offence on a legal person or on the person who practices an independent activity, if he or she fails during the processing of personal to ensure an adequate level of security for the protection of personal data according to Articles 14 and 16 of this Law.
2. A fine of between five hundred (500) and two thousand (2.000) euros shall be imposed for a minor offence on the responsible person of the legal person or on the person who practices an independent activity who commits an act from paragraph 1 of this Article.
3. A fine of between five hundred (500) and two thousand (2.000) euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from paragraph 1 of this Article.
4. A fine of between two hundred (200) and eight hundred (800) euros shall be imposed on an individual who commits an act from the paragraph 1 of this Article.



## **Article 82**

### **Violation of the provisions on direct marketing**

1. A fine of between two thousand (2.000) and four thousand (4.000) Euros shall be imposed for a minor offence on a legal person or a person who practices an independent activity, if in accordance with this Law he processes personal data for the purposes of direct marketing and does not act in accordance with Articles 59 or 60 of this Law.
2. A fine of between four hundred (400) and one thousand (1.000) euros shall be imposed for a minor offence on the responsible person of the legal person or on a person practicing an independent activity who commits an act from paragraph 1 of this Article.
3. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed for a minor offence on an individual who commits an act from paragraph 1 of this Article.

## **Article 83**

### **Violation of general provisions on video surveillance**

1. A fine of between four thousand (4.000) and ten thousand (10.000) euros shall be imposed for a minor offence on a legal person or on a person practicing an independent activity:
  - 1.1. if he does not publish a notice in the manner set out in paragraph 2 of Article 61 of this Law;
  - 1.2. if the information does not contain the necessary information from paragraph 3 of Article 61 of this Law;
  - 1.3. if he does not protect the video surveillance system and the recordings in contravention of paragraph 5 of Article 61 of this Law.
2. A fine of between eight hundred (800) and one thousand (1.000) Euros shall be imposed for a minor offence from paragraph 1 of this Article on the responsible person of the legal person or on a person who practices an independent activity.
3. A fine of between five hundred (500) and two thousand (2.000) Euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from paragraph 1 of this Article.
4. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed for a minor offence on an individual who commits an act from paragraph 1 of this Article.

## **Article 84**

### **Violation of the provisions on video surveillance regarding access to official and business premises**

1. A fine of between four thousand (4.000) and ten thousand (10.000) Euros shall be imposed for a minor offence on a legal person or on a person practicing an independent activity:
  - 1.1. if he implements video surveillance systems without the necessary written decision or without any legal grounds from Article 62 of this Law;

- 1.2. if he implements video surveillance systems which monitor the interior of residential buildings in contravention to paragraph 4 of Article 62;
- 1.3. if he does not inform employees in writing from paragraph 5 of Article 62;
- 1.4. if he stores personal data in contravention of paragraph 7 of Article 62 of this Law.
2. A fine of between five hundred (500) and two thousand (2.000) Euros shall be imposed for a minor offence on the responsible person of the legal person or on the person practicing an independent activity who commits an act from paragraph 1 of this Article.
3. A fine of between five hundred (500) and two thousand (2.000) Euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from the paragraph 1 of this Article.
4. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed for a minor offence on an individual who commits an act from the paragraph 1 of this Article.

### **Article 85**

#### **Violation of the provisions on video surveillance in apartment buildings**

1. A fine of between two thousand (2.000) and eight thousand (8.000) Euros shall be imposed for a minor offence on a legal person or on a person practicing an independent activity, who implements video surveillance systems in contravention of Article 63 of this Law.
2. A fine of between four hundred (400) and one thousand (1.000) Euros shall be imposed for a minor offence from paragraph 1 of this Article to responsible person of the legal person or on a person practicing an independent activity.
3. A fine between eight hundred (800) and one thousand (1.000) euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from paragraph 1 of this Article.
4. A fine of between two hundred (200) and four hundred (400) Euros shall be imposed on an individual who commits an act from paragraph 1 of this Article.

### **Article 86**

#### **Violation of the provisions on video surveillance in work areas**

1. A fine of between four thousand (4.000) and ten thousand (10.000) Euros shall be imposed on a legal person or on a person practicing an independent activity who implements video surveillance systems in work areas in contravention of Article 64 of this Law.
2. A fine of between one thousand (1.000) and two thousand (2.000) Euros shall be imposed for a minor offence from paragraph 1 of this Article on the responsible person of the legal person or on a person practicing an independent activity.
3. A fine of between one thousand (1.000) and two thousand (2.000) Euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from paragraph 1 of this Article.
4. A fine of between eight hundred (800) and one thousand (1.000) Euros shall be imposed on an individual who commits an act from paragraph 1 of this Article.

### **Article 87**

#### **Violation of the provisions on biometrics in the public sector**

1. A fine of between four thousand (4.000) and ten thousand (10.000) Euros shall be imposed on a legal person or on a person practicing an independent activity who implements biometric measures in contravention of Article 66 of this Law.
2. A fine of between one thousand (1.000) and two thousand (2.000) Euros shall be imposed from paragraph 1 of this Article on the responsible person of the legal person or on a person practicing an independent activity.
3. A fine of between one thousand (1.000) and two thousand (2.000) Euros shall be imposed on the responsible person of the state body who commits an act from paragraph 1 of this Article.

### **Article 88**

#### **Violation of the provisions on biometrics in the private sector**

1. A fine of between four thousand (4.000) and ten thousand (10.000) Euros shall be imposed for a minor offence on a legal person or an independent trader who implements biometric measures in contravention of Article 68 of this Law.
2. A fine of between one thousand (1.000) and two thousand (2.000) Euros shall be imposed on the responsible person of the legal person or on a person practicing an independent activity who commits an act from paragraph 1 of this Article.

### **Article 89**

#### **Violation of the provisions on records of entry and exit**

1. On a legal person or a person who practices an independent activity a fine of between two thousand (2.000) and four thousand (4.000) Euros:
  - 1.1. shall be imposed for a minor offence if he or she uses entry and exit records as official records in contravention of paragraph 3 of Article 69 of this Law;
  - 1.2. who acts in contravention of paragraph 4 of Article 69 of this Law.
2. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed for a minor offence on the responsible person of the legal person or on a person practicing an independent activity who commits a minor offence from paragraph 1 of this Article.
3. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed for a minor offence on the responsible person of the state body who commits a minor offence from paragraph 1 of this Article.
4. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed for a minor offence on an individual who commits a minor offence from paragraph 1 of this Article.

**Article 90**  
**Violation of the provisions on linking filing systems**

1. A fine of between eight hundred (800) and two thousand (2.000) Euros shall be imposed for a minor offence on the responsible person of a state body, who links filing systems in contravention of Article 71 of this Law.
2. A fine of between eight hundred (800) and two thousand (2.000) Euros shall be imposed for a minor offence on the responsible person of a state body who links filing systems from criminal records or minor offence records with other filing systems, or links filing systems from criminal records with filing systems from records on minor offences according to Article 72 of this Law.

**Article 91**  
**Violation of the provisions on supervision from the expert**

1. A fine of between four thousand (4.000) and ten thousand (10.000) Euros shall be imposed for a minor offence on a legal person:
  - 1.1. i if he or she carries out controls in contravention of paragraph 2 of Article 78 of this Law;
  - 1.2. if he or she makes an official annotation in contravention of Article 78 of this Law.
2. A fine of between eight hundred (800) and one thousand (1.000) Euros shall be imposed for a minor offence from paragraph 1 of this Article on the responsible person of the legal person.
3. A fine of between one thousand (1.000) and two thousand (2.000) Euros shall be imposed for a minor offence on the responsible person of a state body who commits an act from paragraph 1 of this Article.
4. A fine of between two hundred (200) and eight hundred (800) Euros shall be imposed for minor offences on an individual who commits an act from paragraph 1 of this Article.

**CHAPTER VIII**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 92**  
**Other responsibilities**

The pronouncement of penal provisions according to this Law, does not exclude other responsibilities according to legal provisions in force in particular the liability of data controllers and data processors for damages arising from unlawful processing.

**Article 93**  
**Fees**

The fees for notifications and authorizations according to this Law will be regulated by sub-legal act adopted by the Agency.

Law No. 03/L-172 on the protection of personal data

**Article 94**  
**Sub-legal acts**

The Agency can issue also other sub-legal acts to implement this Law.

**Article 95**  
**Abrogation**

This law abrogates part seven of the Law no. 02/L-23 on Information Association Services.

**Article 96**  
**Entry into Force**

This law enters into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosovo.

**Law No. 03/L-172**  
**29 April 2010**

**Promulgated by the Decree No. DL-020-2010, dated 13.05.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 70 / 31 MAY 2010**

**LAW No. 03/L-142  
ON PUBLIC PEACE AND ORDER**

**Contents**

Chapter I: General provisions.....	410
Chapter II: Minor offences against public peace and order .....	411
Chapter III: Sequestration of means.....	415
Chapter IV: Final provisions .....	415

**Assembly of Republic of Kosovo,**

In support of Article 65 (1), of the Constitution of Republic of Kosovo,

With the purpose of establishing legal rules for preservation of public peace and order.

Adopts

**LAW ON PUBLIC PEACE AND ORDER**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

The purpose of this law is to regulate personal conduct in order to preserve public peace and order.

**Article 2  
Scope**

The scope of this Law is to preserve public peace and order by defining minor offences against public peace and order, and providing penalties for committing the minor offences.

**Article 3  
Definitions**

1. Terms used in this law have the following meaning:  
    **“Public Peace and Order”** means the public adherence to the legal system and public institutions and the protection of the legal interests and freedoms of individuals.

**“Public place”** means any indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not, but not a place used exclusively by one or more individuals for a private gathering or other personal use.

**“Private space”** means property with access by the permission of the owner, possessor, or other authorized person.

**“Fight”** means a physical confrontation between two or more individuals in an attempt to harm one another.

**“Prostitution”** means performing sexual acts for material benefit, in money or other equivalent value.

**“Official person”** means person elected or appointed to a public entity or an authorized person in a business organization or other legal person, who by law or by other provision issued in accordance with the law, exercises public authority, and who within this authority exercise specific duties or a person who exercises duties, based on authorization provided for by law.

**“Noise”** means excessive and undesirable sound.

**“Competent Body”** means Ministry of Internal Affairs.

## **CHAPTER II**

### **MINOR OFFENCES AGAINST PUBLIC PEACE AND ORDER**

#### **Article 4**

##### **Aggressive behavior**

1. Whoever in public place incites or participates in a fight shall be punished for minor offence, unless the severity of the fight constitutes as a criminal offence.
2. The offender of the minor offense foreseen in paragraph 1 of this Article shall be liable for a penalty a fine from fifty (50) € to seven hundred (700) € or imprisonment up to fifty (50) days.
3. If the minor offence foreseen in paragraph 1 of this Article is committed toward official persons or persons protecting peace and public order pursuant to the applicable law on public gatherings, he/she shall be liable for the penalty with a fine from one hundred fifty (150) € to nine hundred (900) € or imprisonment up to sixty (60) days.

#### **Article 5**

##### **Verbal Assault**

1. Whoever in public place uses any insulting language with the intent to provoke a breach of peace and public order shall be punished for minor offence.
2. The offender of the minor offense foreseen in paragraph 1 of this Article shall be liable for a penalty with a fine from thirty (30) € to five hundred (500) € or imprisonment up to forty (40) days.
3. If the minor offences foreseen in paragraphs 1 of this Article is committed toward official persons or persons protecting peace and public order pursuant to the applicable law on public gathering, he/she shall be liable for the penalty with a fine

from one hundred (100) € to seven hundred (700) € or imprisonment up to fifty (50) days.

### **Article 6** **Indecent sexual behaviors**

1. Whoever in a public place performs a sexual act, or exposes an intimate part of the body, or any other inappropriate sexual behavior that causes a public disturbance shall be punished for minor offence.
2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from one hundred (100) € to seven hundred (700) € or imprisonment up to fifty (50) days.

### **Article 7** **Engaging in Prostitution**

1. Whoever engages in the sexual act of prostitution shall be punished for minor offence.
2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from one hundred (100) € to nine hundred (900) € or imprisonment up to sixty (60) days.

### **Article 8** **Public Nuisance – Noise Violations**

1. Whoever causes unnecessary and unbearable noises that can be heard by the habitants around or in the street and that disturbs other persons between the hours of 22:00 p.m. and 07:00 a.m. on weekdays, and between the hours of 23:00 p.m. and 07:00 a.m. on Saturdays and Sundays shall be punished for minor offence.
2. If the minor offences foreseen in paragraphs 1 of this Article are committed by a natural person, he/she shall be liable for the penalty with a fine from thirty (30) € to five hundred (500) €.
3. If the minor offences foreseen in paragraphs 1 of this Article are committed by a owner or responsible person of a business, he/she shall be liable for the penalty with a fine from one hundred fifty (150) € to seven hundred (700) €.

### **Article 9** **Public Intoxication**

1. Whoever appears in a public place manifestly intoxicated or under the influence of a controlled substance, not therapeutically administered and endangers himself/herself or other persons or property shall be punished.
2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from thirty (30) € to five hundred (500) € or imprisonment up to thirty (30) days.



**Article 10**  
**Begging in public place**

1. Whoever in a public place asks for alms in an intrusive manner shall be punished for minor offence.
2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from thirty (30) € to five hundred (500) €.

**Article 11**  
**Display of Obscene and Assaulting Material**

1. Whoever distributes or displays any writing, sign or visible representation which is insulting or obscene with the intent to threaten a breach of peace shall be punished for minor offence.
2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from one hundred (100) € to eight hundred (800) € or possible arrest and imprisonment up to forty (40) days.

**Article 12**  
**Negligent Supervision of Animals**

1. Whoever in public places owns or who has custody of an animal and does not supervise the animal through appropriate protective means shall be punished for minor offence.
2. The offender of the minor offence foreseen in paragraphs 1 of this Article shall be liable for the penalty with a fine from fifty (50) € to five hundred (500) €.

**Article 13**  
**Protection of Juveniles**

1. An owner or responsible person of a business who allows a juvenile under the age of sixteen (16) years to enter and/or stay in a business where serves alcohol from 22:00 p.m. to 7:00 a.m. without the escort of the parents or guardians shall be punished for minor offence.
2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from fifty (50) € to seven hundred (700) € or possible arrest and imprisonment up to forty (40) days.

**Article 14**  
**False Alarm**

1. Whoever knowingly causes a false alarm of fire or other emergency to be transmitted to or within any emergency body shall be punished for minor offence.
2. Whoever knowingly causes a panic in a public gathering by purposely falsely referencing a fire alarm or bomb threat shall be punished for minor offence.
3. The offender of the minor offence foreseen in paragraph 1 and 2 of this Article

shall be liable for the penalty with a fine from thirty (30) € to five hundred (500) € or possible arrest and imprisonment up to thirty (30) days.

### **Article 15**

#### **Creating a Dangerous Condition**

1. Whoever places an item or device in front of a building, protective wall, or external wall which may cause physical injury to a pedestrian shall be punished.
2. Whoever throws an item or device in the street or places a dangerous item or device on an insecure location on a balcony or window sill which may cause physical injury to a pedestrian or may cause material damage to another person shall be punished with fine.
3. An individual, business owner or responsible person who does not undertake necessary measures to close or secure a well, ditch, channel, electric installation, and other equipment which represent risk to pedestrians shall be punished.
4. If the minor offences foreseen in paragraphs 1-3 of this Article are committed by a natural person, he/she shall be liable for the penalty with a fine from thirty (30) € to five hundred (500) € or possible arrest and imprisonment up to thirty (30) days.
5. If the minor offences foreseen in paragraphs 1-3 of this Article are committed by a natural person, he/she shall be liable for the penalty with a fine from one hundred fifty (150) € to eight hundred (800) € or imprisonment up to forty (40) days.

### **Article 16**

#### **Disobeying lawful orders**

1. Whoever knowingly disobeys a lawful order related to public peace and order of any official person shall be punished for minor offence.
2. Individual, owner, or a responsible person of a business not obeying an order from an official representative from the electrical, heating, or water company to temporarily disconnect electrical power heating, or water supply network services in danger to the public or does not obey an order from an official representative from the electrical, heating, or water company to reconnect the services mentioned above shall be fined.
3. If the minor offences foreseen in paragraph 1 of this Article are committed by a natural person, he/she shall be liable for the penalty with a fine from one hundred (100) € to seven hundred (700) € or imprisonment up to forty (40) days.
4. If the minor offences foreseen in paragraph 1 of this Article are committed by an owner or a responsible person of a business in this capacity, he/she shall be liable for the penalty with a fine from one hundred fifty (150) € to eight hundred (800) € or imprisonment up to sixty (60) days.

### **Article 17**

#### **Vandalism**

1. Whoever knowingly, willfully or in a malicious manner causes damage or destruction of public or private property structure or any of its contents shall be punished.

2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from one hundred (100) € to nine hundred (900) € or imprisonment up to sixty (60) days.

**Article 18**  
**Failure to Supervise a Juvenile**

1. If a minor offense is committed as a consequence of a parent or guardian failing to supervise his/her child who commits a minor offense pursuant to this law, the parent or guardian shall be punished for minor offence.
2. The offender of the minor offence foreseen in paragraph 1 of this Article shall be liable for the penalty with a fine from fifty (50) € to four hundred fifty (450) €.

**CHAPTER III**  
**SEQUESTRATION OF MEANS**

**Article 19**  
**Sequestration of property and assets**

1. The competent body may immediately sequester property used or to be used or gained in the commission of a minor offense even if the offender of the minor offense is not the owner of the sequestered property.
2. The competent body may sequester means or assets until a decision making by the court decision.

**CHAPTER IV**  
**FINAL PROVISIONS**

**Article 20**  
**Supervision**

Ministry of Internal Affairs is responsible for supervision of the enforcement of this law.

**Article 21**  
**Repeal**

On the day of entry into force of this law, is repealed the Law on Public Peace and Order (“Official Gazette”) of SAPK No. 23/81.

**Article 22**  
**Entry into force**

This law enters into force fifteen (15) days after being published in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-142**  
**17 September 2009**

**Promulgated by the Decree No. DL-027-2009, dated 13.10.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 59 / 29 OCTOBER 2009**

**LAW No. 03/L-118  
ON PUBLIC GATHERINGS**

**Contents**

Chapter I.....	417
Chapter II.....	423

**Assembly of Republic of Kosovo,**

Pursuant to article 65 (1) of the Constitution of the Republic of Kosovo,

With the aim of setting legal rules for organizing public gatherings, respect for freedom of speech and procedure for announcement, restriction or interruption of public gathering.

Approves:

**LAW ON PUBLIC GATHERINGS**

**CHAPTER I**

**Article 1  
General provisions**

This Law shall regulate: the right of public gatherings, of freedom of speech in public gatherings, the right to protest, the right for public manifestations, time of organizing, duties and responsibilities of organizers.

**Article 2  
Definitions**

Definitions used in this law have the following meaning:

“**Public gatherings**” are open gatherings of citizens organized by groups, entities, NGO’s, political entities etc, to celebrate, make performances or to express concerns and dissatisfaction on different issues.

“**Public places**” are considered squares, boulevards, streets and any other location used freely for the movement of citizens and vehicles.

“**Public open place**”, are places made available for the public, who may enter with a permit after meeting certain requirements.

“**Organizer**” means a person that organizes a gathering and other persons providing assistance.

**“Guardians”** means persons appointed by the organizer of the gathering to keep order and peace during the time of public gathering and which have distinctive marks.

**“Violence”** means the violence exercised by a group of participants, and not by specific individuals, towards other people or objects.

**“Protest”** means firm contradiction for an injustice or an illegal action, expression of dissatisfaction in something firmly.

**“Demonstration”** means manifestation of population in the streets and squares to express openly a political, economic or social request, to oppose something.

### **Article 3**

#### **The right to hold public gatherings, types of public gatherings**

1. According to the rules determined under this law, any citizen of Republic of Kosovo regardless of sex, race, color, religion, nationality, economic, financial, education and social state, political affiliation, or any other status, has the right to organize and participate in the public gatherings, according to rules set by this law.
2. According to this law types of public gatherings are considered all peaceful gatherings, like:
  - 2.1. gatherings,
  - 2.2. manifestations,
  - 2.3. marches,
  - 2.4. protests,
  - 2.5. public celebrations,
  - 2.6. peaceful commemorations,
  - 2.7. manifestations and events of similar nature where participants express freely and peacefully their viewpoints on issues of interest for them.
  - 2.8. demonstrations.
3. Cultural, humanitarian, sportive, religious and amusement performances are also considered to be public gatherings.

### **Article 4**

#### **Restrictions and interruptions of public gatherings**

1. This law regulates public gatherings, determines restrictions or interrupts public gatherings when they endanger order, peace and public security, with regard to freedom and rights of other people, moral and public health.
2. The right to participation and speech in public gatherings is forbidden in cases when public gatherings are used to incite violence, inter ethnic or religious hatred or other incitement forbidden by the Law.
3. No public gathering may be held when it is forbidden from police, unless otherwise specified.

### **Article 5**

#### **Peaceful public gatherings**

1. Peaceful public gatherings are considered those gatherings which comprise more

than twenty (20) persons with the aim to express public political, social, national or racial concerns.

2. Competent bodies for public peace and order are responsible to provide the safety to organize, participate and to provide the freedom of speech to citizens at peaceful public gatherings.
3. Competent bodies for public order can undertake measures to use force, only when the public gathering respectively the protest endangers the general good.
4. An organizer or a representative of a public gathering is obliged to notify the competent bodies for any public gathering to take place, in line with the foreseen terms and conditions.
5. The organizer of a public gathering is responsible to maintain and organize the order of the public gathering.
6. The organizer of a public gathering is responsible to undertake all measures to organize the public gathering, in compliance with this law

## **Article 6**

### **The notice for peaceful public gatherings**

1. The notification for organization of the public gathering, aim of the gathering, time and place of organization shall be made at the Kosovo police in the place where the gathering shall be held.
2. The notification shall be made at the latest seventy two (72) hours before the public gathering is held.
3. Kosovo Police authorities shall inform the organizer no later than forty eight (48) hours prior to the gathering on permission or prohibition of the public gathering. If the decision on prohibiting the public gathering is not issued within the foreseen time, then such gathering shall be considered as permitted.
4. The notice for public gathering must comprise:
  - 4.1. the purpose, time and location,
  - 4.2. duration of the peaceful public gathering,
  - 4.3. data on the organizer or the representative,
  - 4.4. data on the leader of the public gathering,
  - 4.5. number of duty guards,
  - 4.6. approximate number of participants
5. The time and location of the gathering shall be decided by the organizer. No public gathering shall be allowed within the space of a public institution.

## **Article 7**

1. Gatherings that may be held without notice are those which take place in indoor premises or premises foreseen for purposes like: meetings, tribunals, round tables of registered political parties and unions.
2. No notice is required for gatherings if they are to be held in: stadiums, cinema halls, theatres etc and which do not require additional security measures,
3. Public gatherings may be held at any suitable location.
4. The following locations are exempted from paragraph 3 of this article:

## Administrative laws

- 4.1. near hospitals and locations where first aid vehicles might be obstructed and the quietness of hospitalized persons might be spoiled,
- 4.2. near nursery schools and primary schools during the school hours,
- 4.3. in national and natural protected parks except when the public gathering has a purpose of protecting the nature and the environment,
- 4.4. near monuments and premises of high cultural and historical value with an aim of protecting them from possible damages,
- 4.5. in crossroads and highways in order not to obstruct the movement of vehicles,
- 4.6. in other locations where, taking into account the time, the number of participants and the purpose, the gathering might seriously disturb a large number of citizens.

### **Article 8**

1. The Kosovo Police may forbid a calm public gathering when if they consider that:
  - 1.1. the notice for the public gathering was not made on due time,
  - 1.2. it is foreseen to be held in a place that is prohibited under this law,
  - 1.3. the aims of the gathering incite or call for inter-ethnic, religious, racial, political violence and hatred.
  - 1.4. there are substantial reasons that the gathering might be used for violence.
2. The public gathering according to paragraph 1 of this article can be prevented from taking place twenty four (24) hours prior to the commencement.
3. The organizer or the representative of the public gathering, who is not satisfied with the decision of the authority to prohibit the public gathering, has the right of appeal to the competent court to review the case within three (3) days.
4. On this occasion the court shall decide on a fast track procedure.
5. A spontaneous gathering having no organizer, which may turn into a violent gathering, is prohibited.

### **Article 9**

#### **Responsibilities of the organizer for organizing a calm public gathering**

1. The organizer must undertake all measures for keeping peace and order at the public gathering.
2. The organizer must secure a sufficient number of duty guards to maintain order.
3. The organizer can entrust duty-guarding to legally operating security companies licensed in compliance with the law.
4. The organizer must undertake all measures for the participants to come unarmed and not to cause damages.
5. On request of the organizer, Kosovo police can cooperate to maintain order and undertake measures against persons acting in contradiction with the law.
6. The organizer must create space for Kosovo police vehicles, first aid, fire rescue vehicles during the time of gathering.



## **Article 10**

The police shall maintain peace and order around the location where the public gathering takes place.

## **Article 11**

1. Participants of the gathering or peaceful public protest are prohibited from carrying weapons or any other prohibited items, as well as from carrying or selling alcohol.
2. Participants of the peaceful public gathering are prohibited from carrying or wearing: clothes, symbols, marks, inscriptions or any other distinguishing items which incite or call for inter-ethnic, political, religious, racial, social or similar violence or hatred.

## **Article 12**

### **Duty guards**

1. Duty guards are adult persons assigned by the organizer of the public gathering to maintain the order in the public gathering.
2. Duty guards are responsible for the protection of properties that may be damaged by the participants during the public gathering.
3. Duty guards should immediately hand in to the police the participant or any other person violating peace and order, carrying weapons or any other dangerous items or prohibited signs, during the public gathering.
4. During the public gathering, with the purpose of maintaining the order, duty guards are entitled to:
  - 4.1. control persons entering the location of a public gathering;
  - 4.2. prohibit persons from entering that might violate the order;
  - 4.3. stop the movement of participants outside of the location of the public gathering;
  - 4.4. detain (hand in to the police) persons violating order;
5. During the public gathering, the duty guards must put on a distinctive ribbon and must adhere to the instructions of the leader of the gathering.
6. Also, the duty guards are not allowed to carry weapons, items or signs prohibited under paragraph 2 of Article 11 of this law.

## **Article 13**

1. The leader of the gathering or peaceful public protest is a person appointed by the organizer to assign duty guards to ensure the proper organizing of the gathering.
2. The leader can undertake additional measures concerning order and security of the public gathering.
3. The leader may call the peaceful gathering to end earlier, if he considers that the further continuation of the gathering might lead to violence.
4. After the situation has been settled, the leader may call for the continuation of the gathering.

5. The leader may expel from the public gathering persons who do not adhere to the rules of the gathering. Such persons must immediately leave the place of the gathering.
6. The police, respectively the highest competent bodies, may postpone or stop the gathering, if:
  - 6.1. the notice was not made or the gathering was refused;
  - 6.2. the gathering does not take place at the location given in the notice;
  - 6.3. there are armed participants;
  - 6.4. if the participants call for or incite violence, hatred;
  - 6.5. if the duty guards can not maintain peace and order;
  - 6.6. if the public gathering or the protest seriously jeopardizes peace, security and order.
7. The official person who decides to stop the public gathering can require from the leader of the gathering to ask the participants to disperse peacefully.
8. If the leader, respectively the participants do not act according to paragraph 7 of this Article, then the competent officer may undertake necessary measures to disperse the participants.

#### **Article 14** **Urgent gatherings**

1. On urgent circumstances the gathering may be held without respecting the terms of seventy two (72) hours, provided by this law, but necessarily must submit a notice in writing containing the details defined under paragraph 4 of Article 6 of this law, as well as the reason for the urgency.
2. The notice should be given immediately, but not later than three (3) hours before the gathering takes place.

#### **Article 15** **Gatherings in private zones**

1. Public gatherings may be held in private properties without notifying the police.
2. The police can not enter private properties, where public gatherings take place, without the permission of the organizer of the gathering or of the property owner, except for flagrant cases when life and health of the participants are jeopardized.

#### **Article 16** **Public protests**

1. Public protests may be held in open environment or indoor premises foreseen or suitable for protests.
2. Public protests may not be held in open places foreseen in paragraph 4 of Article 7, of this Law;
3. The organizer of the protest must inform about the protest;
4. The responsibilities of the organizer for the public protest are same as those foreseen in article 9 of this law;

5. The responsibilities foreseen for duty guards in article 12 are valid for public protests as well
6. The public protest shall be notified at least seventy two (72) hours prior to the public protest.
7. This notification must be submitted to the police and it must comprise:
  - 7.1. the name, surname, personal ID number, address as well as the post of the organizer at the organization or entity that organizes the protest;
  - 7.2. data of the leader of the protest, duty guards engaged and their number;
  - 7.3. the purpose of the public protest, time and location;
  - 7.4. measures undertaken for order and security;
  - 7.5. the number of duty guards;
  - 7.6. the approximate number of participants.

### **Article 17**

1. Based on the request for public protest, the police shall evaluate if there are reasonable conditions and circumstances for the protest in respect of security.
2. The police may refuse the request for public protest if they consider that:
  - 2.1. the notice for the protest was not made duly;
  - 2.2. the foreseen location of the protest is prohibited;
  - 2.3. the purpose of the protest is to call for or to incite inter-ethnic, religious, racial or similar violence or hatred;
  - 2.4. there are reasons to believe that the protest might violate peace and order or might lead to the damaging of premises of general importance;
  - 2.5. if another protest or public gathering is allowed at the same place and time.
3. When the police determines that there are no reasonable conditions and circumstances in respect of security, then the police may forbid twenty four (24) hours prior to the protest.
4. A claim may be made against this decision within forty eight (48) hours to the highest police bodies.
5. These bodies are obliged to decide within forty eight (48) hours on the complaint and to inform the organizer.
6. In case the claimant is not satisfied with the decision from paragraph 5 of this article, he can address the court. In this case the court shall decide on fast track procedure.

## **CHAPTER II**

### **Article 18 Public Manifestation**

1. Public manifestations may be held at open locations or indoor premises foreseen or suitable for such events.
2. The organizer of the public manifestations may be a natural or legal person according to the rules provided under this law.
3. Ninety-six (96) hours notice must be given prior to the public manifestations.

4. The notice for the public manifestations must be made to local police authorities where the manifestation is going to be held.
5. The notice for the public manifestation must comprise:
  - 5.1. the name, surname, personal ID number, place of birth and address as well as other data of the organizer;
  - 5.2. data of the leader of the protest;
  - 5.3. organizing of order, peace and security and the number of duty guards;
  - 5.4. nature of the event;
  - 5.5. date, time and location;
  - 5.6. the approximate number of participants.
6. The organizer of the public manifestation at open locations is responsible to hand in the data provided under paragraph 5 of this Article and the measures to be undertaken in compliance with the provisions in the sphere of traffic, if the manifestation might obstruct the traffic security.
7. Based on the notice, the police authorities shall evaluate if there are suitable conditions for the public manifestation in respect of security;
8. In line with paragraph 6 of this article, the police may ask the organizer to increase the measures of security, of order, respectively to increase the number of duty guards.
9. If the police authorities evaluate that the organizer has not increased the security measures and that the public manifestation might lead to the violation of public security and order, then the police may prohibit the manifestation twenty four (24) hours beforehand.
10. The police may prohibit the public manifestation if they consider that:
  - 10.1. the notice was not duly made;
  - 10.2. the requirements under paragraph 8 of this Article were not considered;
  - 10.3. the location foreseen is not suitable for those purposes or is not suitable for public manifestation;
  - 10.4. there are reasons to believe that public manifestation shall violate the general security, peace and order, public moral, general health or shall pollute the environment.
11. A claim against the decision of police authorities may be made to the highest police bodies within forty eight (48) hours.
12. Competent bodies shall make the final decision within forty eight (48) hours and shall inform the organizer
13. In case the claimant is not satisfied with the decision from paragraph 12 of this article, he can address the court. In this case the court shall decide on fast track procedure.

## **Article 19**

1. On the occasion of engaging the police with additional security measures during the sport, cultural or entertaining event, the organizer is responsible for the compensation of expenses caused by that engagement.
2. The organizer shall conclude an arrangement with the police for the compensation of expenses forty eight (48) hours prior to the public manifestation.

3. The organizer is responsible to compensate the expenses caused by the participants of the public manifestations at premises or locations provided under paragraph 1 of Article 18 of this law.

## **Article 20**

### **Other similar gatherings**

1. Gatherings such as: religious, weddings, funerals and other similar gatherings require no notice.
2. Exceptionally from paragraph 1 of this article, gatherings which independently from their nature or number of participants require additional security measures outside of normal engagement by the police shall be notified.
3. The notice under paragraph 2 of this article must be made not later than twelve (12) hours prior to the gathering.
4. The notice for the kind of gatherings must be made according to paragraph 2 of Article 6 of this law.

## **Article 21**

### **Penalty measures**

1. With the amount of one hundred (100) – two hundred (200) Euros shall be the fined, if:
  - 1.1. the organizer of the public gathering or protest has not given notice in compliance with paragraph 4 of Article 5 this law;
  - 1.2. the organizer carries on the public gathering or protest despite the police prohibition (Article 8 of this law.);
  - 1.3. the organizer did not undertake extra security measures (paragraph 8 of Article 18 of this law),
  - 1.4. the organizer did not give notice for other public gatherings and for which he was obliged to do so (Article 20 of this law);
2. An amount of two hundred- five hundred (200 – 500) Euro shall be the fine, if:
  - 2.1. the leader does not call for an end of the public gathering or protest (paragraph 3 of Article 13 of this law);
  - 2.2. the leader does not call for an end of the public gathering or protest on request of the police (paragraph 7 of Article 13 of this law);
3. An amount of five hundred-seven hundred (500 – 700) Euro shall be the fine, if:
  - 3.1. the organizer carries on with the public protest without the permit issued by the police authorities (paragraph 2 of Article 17 of this law);
  - 3.2. the organizer keeps the gathering or the public protest in places forbidden by this Law (paragraph 4 of Article 7 of this law);
4. An amount of seven hundred-one thousand (700 - 1.000) Euro shall be fine, if:
  - 4.1. any person carries weapons or sells alcohol at the place of the gathering (paragraph 1 of Article 11 of this law),
  - 4.2. any person at the peaceful public gathering carries: clothes, signs, inscriptions or any other item that calls for or incites inter-ethnic, political, religious, racial or similar violence or hatred (paragraph 2 of Article 11 of this law)

**Article 22**  
**Entry into force**

1. This law shall supersede all other laws or regulations regulating this sphere.
2. This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-118**  
**4 December 2008**

**Promulgated with the decision of the Assembly of Republic of Kosovo, No. 03-V-101, dated 26 March 2009.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 51 / 15 APRIL 2009**

**LAW No. 03/L-178**  
**ON CLASSIFICATION OF INFORMATION AND SECURITY CLEARANCES**

**Contents**

Chapter I: General provisions.....	427
Chapter II: lassification of information .....	429
Chapter III: Personnel security .....	436
Chapter IV: Files and data protection.....	444
Chapter V: Industrial security .....	445
Chapter VI: Administration of the classification and security clearance system.....	446
Chapter VII: Final provisions.....	447

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Adopts

**LAW ON CLASSIFICATION OF INFORMATION  
AND SECURITY CLEARANCES**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose**

The purpose of this law is to establish a uniform system for classifying and safeguarding information related to Kosovo's security interests and for security clearances of all persons who have access thereto.

**Article 2**  
**Scope of Application**

1. This law shall apply to all public authorities that exercise executive competences, legislative and judicial ones and towards the Presidency of Kosovo.
2. This law shall also apply to natural and legal persons who in any form may have access to classified information.

### **Article 3**

#### **Definitions**

1. Terms used in this law have the following meaning:
  - 1.1. **Access** - the ability or opportunity to gain knowledge of classified information.
  - 1.2. **Business Organization** - the meaning as defined in the Law on Business Organizations No. 02/L-123.
  - 1.3. **Classification** - the act or process by which information is determined to be classified information.
  - 1.4. **Classification Authority** - any person referred to in Article 7 of this Law having original or delegated authority to classify information.
  - 1.5. **Classified information** - any information and material, the unauthorized disclosure of which would cause varying degrees of prejudice to security interests of the Republic of Kosovo.
  - 1.6. **Classified contract** - any contract entered into by a public authority that contains information which are classified pursuant to this Law.
  - 1.7. **Declassification** - the authorized change in the status of information from classified information to unclassified information.
  - 1.8. **Document** - any physical or electronic mean on which the information is recorded.
  - 1.9. **Downgrading** - a decision that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.
  - 1.10. **Foreign government information:**
    - 1.10.1. information provided to the Republic of Kosovo by a foreign government or an international governmental organization;
    - 1.10.2. information produced by the Republic of Kosovo pursuant to or as a result of a joint arrangement with a foreign government or international governmental organization with the expectation or requiring that such information, arrangement or both are to be held in confidence.
  - 1.11. **Information** - knowledge that can be communicated in any form.
  - 1.12. **Material** - includes documents as well as any machinery, equipment or weapons either manufactured or in the process of manufacture.
  - 1.13. **Processing** - any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction.
  - 1.14. **Public authority** - includes all institutions and entities referred to in Article 2.1 of this Law.
  - 1.15. **Security interests** - refers to defense, intelligence and law enforcement activities, security or foreign relations of the Republic of Kosovo, including its territorial integrity, integrity of its institutions, the constitutional order and economic stability and development.



- 1.16. **Spouse** - any relationship established by lawful marriage and shall include for the purposes of this Law any extramarital relationship between two natural persons.
- 1.17. **Agency** - the Kosovo Intelligence Agency.
- 1.18. **Head of a public authority** - for the purposes of this Law the highest civil servant of a public authority at the level of a Permanent Secretary, Chief Executive Officer or any other equivalent position.
- 1.19. **Necessity for knowledge** – the decision taken from an authorized holder of classified information that the next receiver needs to have access to specific classified information to work or help in a legal function and authorized by government, official duty or public function.
- 1.20. **Authorized holders of classified information** – a person possessing the classified information, has a valid security permit and fulfils other conditions that allow access to classified information, unless otherwise determined by the law.

## **CHAPTER II**

### **CLASSIFICATION OF INFORMATION**

#### **Article 4**

##### **Classification Criteria**

1. Information shall be classified only if necessary and if
  - 1.1. the classification is conducted by a competent Classification Authority as determined in this Law;
  - 1.2. the information is owned by, produced by or for, or is under the control of the Republic of Kosovo;
  - 1.3. the information falls within one or more of the following categories:
    - 1.3.1. public security;
    - 1.3.2. defense, military plans, weapons systems, or operations;
    - 1.3.3. foreign relations and foreign government information, including confidential sources;
    - 1.3.4. intelligence and law enforcement activities, including intelligence methods and sources;
    - 1.3.5. systems, installations, infrastructures, projects, plans or protection services relating to security interests of the Republic of Kosovo;
    - 1.3.6. scientific, technological, economic, financial activities related to security interests of the Republic of Kosovo; and
  - 1.4. the Classification Authority decides for the level of classification of information depending on the level of damage that would come from its unauthorized publication in security interests of the Republic of Kosovo.

#### **Article 5**

##### **Prohibition of Classification**

1. Classified information shall be prohibited to:

- 1.1. conceal violations of law, abuse of authority, inefficiency or administrative error;
- 1.2. prevent embarrassment to a person, public authority or organization;
- 1.3. restrain competition; or
- 1.4. prevent or delay the release of information, which is not clearly related to security issues.

## **Article 6**

### **Classification Levels**

1. Information may be classified at one of the following levels:
  - 1.1. "TOP SECRET" shall be applied to information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to security interests of the Republic of Kosovo;
  - 1.2. "SECRET" shall be applied to information the unauthorized disclosure of which could seriously damage security interests of the Republic of Kosovo;
  - 1.3. "CONFIDENTIAL" shall be applied to information the unauthorized disclosure of which could damage security interests of the Republic of Kosovo;
  - 1.4. "RESTRICTED" shall be applied to information the unauthorized disclosure of which could be disadvantageous to the security interests of the Republic of Kosovo.

## **Article 7**

### **Classification Authority**

1. Notwithstanding paragraphs 2 and 3 of this Article, classification authority shall be vested solely in the originator of the information.
2. "TOP SECRET" original classification authority may be exercised only by:
  - 2.1. the President of Kosovo,
  - 2.2. the President of the Assembly of Kosovo,
  - 2.3. the Prime Minister,
  - 2.4. the Chair of the Kosovo Security Council;
  - 2.5. the Director of the Kosovo Intelligence Agency;
  - 2.6. the Director General of the Kosovo Police;
  - 2.7. the Commander of the Kosovo Security Force;
3. The persons listed in paragraph 2 of this Article may delegate their classification authority to their direct subordinate officials.
4. "SECRET", "CONFIDENTIAL" and "RESTRICTED" original classification authority may be exercised only by Permanent Secretaries, Chief Executive Officers or Executive Directors of public authorities and other equivalent senior positions, unless they delegate such classification authority to subordinate senior officials.
5. Officials authorized to classify information at a specified level shall also be authorized to classify information at a lower level.
6. Delegations of classification authority shall be limited to the minimum required to

implement this Law. Authorities referred to paragraphs 2 and 4 of this Article, shall be responsible for ensuring that any delegation of classification authority to subordinate officials is withdrawn if there is no demonstrable and continuing need for the officials to exercise such classification authority. Classification authority delegated to officials pursuant to paragraphs 2 and 4 of this Article shall not be sub-delegated to any other person.

7. Each delegation of classification authority shall be in writing and shall identify the official clearly by name and position title as well as the classification authority.
8. The Agency shall establish, maintain and regularly update a register of officials with "TOP SECRET", "SECRET" and "CONFIDENTIAL" classification authority.
9. When an official, employee or contractor of a public authority, who does not have original or delegated classification authority, originates information, which in the opinion of that person requires classification, he/she shall protect such information in a manner consistent with this Law and immediately transmit the information to the official, which has appropriate classification authority and responsibility for the subject-matter. The person with classification authority and responsibility shall decide within eight (8) days whether to classify this information.

## **Article 8**

### **Classification Decision**

1. A Classification Authority shall decide whether to classify information and determine the classification level of the information as of the moment when the information is originated.
2. The decision whether to classify information and its level of classification shall be based on an evaluation of the possible harmful effects of unauthorized disclosure of such information to the security interests of the Republic of Kosovo. The evaluation shall be in writing and shall be attached as an annex to the document, which contains the classified information.
3. A Classification Authority shall avoid over-classification of information and shall assign to information only such classification level that is necessary to safeguard the interests of the Republic of Kosovo.

## **Article 9**

### **Classification of parts of a document and of separate documents**

1. Individual pages, paragraphs, Articles, annexes, appendices, attachments and enclosures of a given document, which require different classifications, shall be marked accordingly. The classification of the document as a whole shall be that of the most highly classified part.
2. The classification of a letter or a note covering enclosures shall be as high as the highest classification level of its enclosures. The Classification Authority shall indicate clearly at which level the letter or note should be classified if detached from its enclosures.
3. A Classification Authority may classify information contained in separate documents, which separately are not considered to require classification, but which when combined as a whole require protection from unauthorized disclosure.

## **Article 10**

### **Marking**

1. All documents containing classified information shall on their face have the following marking:
  - 1.1. Classification level;
  - 1.2. Date of classification
  - 1.3. Name and position title of the Classification authority;
  - 1.4. Public authority of origin;
  - 1.5. Distribution list, if any; and
  - 1.6. Declassification information.
2. Markings shall be applied as follows:
  - 2.1. on “RESTRICTED” documents, by mechanical or electronic means;
  - 2.2. on “CONFIDENTIAL” documents, by mechanical means and by hand or by printing on pre-stamped registered paper;
  - 2.3. on “SECRET” and “TOP SECRET” documents, by mechanical means and by hand.
3. Unless otherwise provided by treaty, to which the Republic of Kosovo is a party, or any other binding international instrument, the marking of a document of a foreign government or international organization containing classified information shall retain its original classification markings or may be assigned classification under Kosovo legislation classification that provides a degree of protection at least equivalent to that required by the entity that furnished the information.

## **Article 11**

### **Duration of Classification**

1. Information shall remain classified only as long as it requires protection. Unless the Classification Authority has established a specific date or event for declassification taking into account the duration of the sensitivity of the information the following timelines shall apply for automatic declassification:
  - 1.1. information classified as “RESTRICTED” shall be declassified one (1) year from the date of the classification decision;
  - 1.2. information classified as “CONFIDENTIAL” shall be declassified five (5) years from the date of the classification decision
  - 1.3. information classified as “SECRET” shall be declassified fifteen (15) years from the date of the classification decision; and
  - 1.4. information classified as “TOP SECRET” shall be declassified twenty five (25) years from the date of the classification decision.
2. In the event that the Classification Authority considers that information requires protection for a longer period of time than provided for under paragraph 1, it shall take a new classification decision in accordance with Article 8 of this law. Such decision shall not be taken earlier than six months before the date of declassification according to paragraph 1 of this Article.

## **Article 12**

### **Declassification**

1. Information shall be declassified as soon as it no longer requires protection and does not meet the criteria for classification of information pursuant to this Law.
2. The Classification authority, which has originated classified information, shall conduct the declassification of such information.
3. The decision for declassification of information shall be in writing and shall provide reasons for the declassification. The decision shall be communicated immediately by the Classification authority to all public authorities and other addressees, to whom they have sent or copied the document.
4. The Classification Authority which has originated classified information shall conduct a review every five (5) years to verify if classified information continues to require protection in accordance with the classification criteria established by this Law. Should the Classification Authority come to the conclusion that the classified information does not meet classification requirements, it shall immediately issue a declassification decision.
5. Notwithstanding the requirement for a mandatory review pursuant to paragraph 4 of this Article, a Classification Authority referred to in paragraph 2 of this Article shall immediately declassify information if it becomes aware of facts that clearly indicate that the information does not require protection according to classification criteria established by this Law.
6. Classified foreign government information may be declassified by Kosovo authorities only if such information has been declassified by the foreign classification authority that has classified the information.

## **Article 13**

### **Downgrading and Upgrading of Classification Levels**

1. The Classification Authority, which has originated classified information, shall be responsible for the downgrading of the classification level of such information.
2. The competent Classification Authority shall downgrade the classification level if it becomes aware of facts that clearly indicate that the classified information does not require the level of protection associated with the existing classification level.
3. Paragraphs 3 and 4 of Article 12 of this law shall apply mutatis mutandis to the downgrading of classification levels of classified information.
4. Classified foreign government information may be downgraded by Kosovo authorities only if and to the extent the foreign classification authority, which has the competence to downgrade said information, has downgraded the classification level of such information.
5. The Classification Authority, which has originated classified information, may upgrade the classification level of a classified information if such upgrading is necessary to protect security interests of the Republic of Kosovo and if it meets the requirements set out in Article 6 of this Law for the respective classification level to which classification will be upgraded.

#### **Article 14**

##### **Challenge of Classification**

1. Authorized holders of classified information, who, in good faith, believe that its classification status is improper or not justified according to law, may propose to the Classification Authority that has originated the classified information to review the classification status and eventually declassify the information or downgrade the classification level.
2. The Classification Authority shall consider the proposal and shall inform such authorized holder in writing of the decision within (eight) 8 days from the day of the receipt of the proposal.
3. Persons, who have been denied access to classified information, may challenge the classification decision by filing a request for review with the Classification Authority that has originated the classified information. Such request for review shall be filed within 3 (three) days from the date of receipt of the decision for access to classified information. The provisions on administrative review of the Law on Administrative Procedures shall apply accordingly and does not have a suspension effect.

#### **Article 15**

##### **Derivative Classification**

1. Authorized holders of classified information who reproduce, extract, summarize, incorporate, paraphrase, restate or generate in new form classified information shall apply classification markings consistent with classification markings that apply to the source information.
2. Authorized holders of classified information who use derivative classification markings shall
  - 2.1. observe and respect original classification decisions; and
  - 2.2. carry forward to any newly created documents the pertinent classification markings.
3. For information derivatively classified based on multiple sources the derivative classifier shall carry forward
  - 3.1. the highest classification level of any of the multiple sources;
  - 3.2. the date or event of declassification that corresponds to the longest period of classification among the sources; and
  - 3.3. a listing of these sources on or attached to the official file or record copy.

#### **Article 16**

##### **Preparation and Translation of Classified Information**

Documents containing information classified as “CONFIDENTIAL” or above shall be typed, translated, stored, copied or in any other form reproduced only by persons who have a valid security certificate for the classification level of the respective document.

### **Article 17**

#### **Distribution of Classified Information**

1. Documents containing information classified “CONFIDENTIAL” or above shall be distributed only to persons who have a valid security certificate and a need to know.
2. The initial distribution of classified information shall be specified by the authority originating the information.
3. Security standards to be applied for the purpose of distributing classified information shall be established by secondary legislation.

### **Article 18**

#### **Transfer of Classified Information**

1. Classified information shall not be removed from official premises and in no other way transferred to other public authorities unless the originating authority authorizes such transfer. The public authority receiving classified information shall not disclose such information without the approval of the originating authority.
2. Classified information shall be transferred only to public authorities:
  - 2.1. that meet information security standards as set out in this Law or subsidiary legal acts; and
  - 2.2. whose personnel has an appropriate security clearance and a need to know.
3. The public authority transferring classified information shall keep record of all documents transferred and public authorities receiving such documents.
4. In the event of a transfer of classified information together with a transfer of functions the receiving public authority shall be considered to be the originating authority. This shall not apply in the event that classified information is transferred to another public authority for storage purposes only.
5. In the event that the originating authority has ceased to exist and no transfer pursuant to paragraph 4 of this Article, to a successor authority has been effected, the public authority in possession of such classified information shall be considered to be the originating authority.
6. Security standards applied for the purpose of transferring classified information shall be established by secondary legislation.

### **Article 19**

#### **Physical Security and Information Security**

All public authorities shall ensure physical security and information security related to classified information in accordance with standards and procedures established by secondary legislation, which shall be in compliance with relevant standards established by the North Atlantic Treaty Organization and European Union security regulations.

## **Article 20**

### **Loss of Classified Information**

1. All authorized holders of classified information shall immediately report to their respective public authority any loss, suspected loss, any breaches or suspected breaches of security of classified information and any actual or suspected unauthorized access to classified information. The respective public authority shall immediately inform the Agency of such event and take all necessary measures to:
  - 1.1. investigate the event;
  - 1.2. identify the causes of the loss;
  - 1.3. track any disclosure to persons not authorized to access such information;
  - 1.4. remove any harmful effects and prevent further loss of classified information;
  - 1.5. initiate disciplinary, criminal and other available legal procedures against persons who have caused the loss of classified information and who have received such information without authorization.

## **CHAPTER III**

### **PERSONNEL SECURITY**

#### **Article 21**

##### **General Provisions**

1. Every person has the duty to protect classified information in accordance with this Law irrespective of how such person has gained access to or has received or in any other form established possession of classified information.
2. When leaving the public authority, termination of working relation or any other contractual arrangement, an official or contracted person of a public authority shall be prohibited to remove classified information from the public authority's control.

#### **Article 22**

##### **General Rules on Access to Classified Information**

1. A person may have access to information classified as "CONFIDENTIAL", "SECRET" or "TOP SECRET" provided that person:
  - 1.1. has a valid security certificate;
  - 1.2. has a need-to-know for carrying out his/her official mission or duty; and
  - 1.3. has signed an approved nondisclosure statement.
2. Only the President of the Republic of Kosovo, the President of the Assembly of Kosovo and the Prime Minister are authorized to access classified information for the purpose of discharging their official duties without fulfilling the requirements set out in paragraph 1 of this Article provided they have a need to know.
3. All persons authorized to access classified information pursuant to paragraph 1 and 2 of this Article shall sign a statement of non-disclosure attesting that they:
  - 3.1. access and use classified information solely for the purpose of discharging their official duties;



- 3.2. are familiar with the provisions of this Law and other relevant legislation concerning access to and safeguarding of classified information and the respective legal sanctions for non-compliance;
  - 3.3. will handle classified information in their possession strictly in accordance with the provisions of this Law and any other relevant legislation;
  - 3.4. will not disclose to any unauthorized person classified information in their possession and any knowledge related thereto during and after their term of office.
4. Access to information classified as “RESTRICTED” shall be permitted without a security certificate to all officials and contracted persons who
    - 4.1. have a need-to-know for carrying out his/her official mission or duty;
    - 4.2. have signed a non-disclosure statement set out in paragraph 3 of this Article.

### **Article 23**

#### **Request for Access to Classified Information**

1. The head of a public authority where classified information is generated, processed, stored, received or transmitted shall be responsible for ensuring that all persons having access to such classified information fulfill the conditions set out in Article 22 of this law permitting access to classified information.
2. The head of a public authority referred to in paragraph 1 of this Article shall ensure that all security measures are taken by the public authority as required by this Law and any secondary legislation issued there under to ensure security of classified information.
3. All requests for access to classified information in possession or in control of a public authority shall be submitted to the head of the public authority who shall make a decision permitting or denying access to classified information in accordance with this Law.
4. The head of a public authority, while retaining residual responsibility, may delegate the responsibility to decide on access to classified information and to administer classified information within the public authority pursuant to this Law to a senior official of the public authority who has the necessary security clearance and adequate professional qualifications and experience to exercise the delegated responsibility.

### **Article 24**

#### **Vetting Authority**

1. The Kosovo Intelligence Agency shall be the Vetting Authority responsible for conducting security clearance procedures as set out in this Law for all public authorities of the Republic of Kosovo and their contractors.
2. The Kosovo Intelligence Agency shall establish a special Vetting Department exclusively responsible for conducting security clearance procedures. The Vetting Department and all its employees and assigned personnel shall be strictly politically neutral, professional, unbiased in their judgment and act solely in accordance with the law and not be subject to instructions or guidelines from any

- person or institution.
3. Requests for conducting a security clearance shall be submitted by the respective head of public authority in writing to the head of the Vetting Department specifying the classification level for which security clearance is required.

### **Article 25**

#### **Security Certificate**

1. The Vetting Authority shall issue a security certificate to a person only if such person, after having conducted a security clearance procedure in accordance with this Law, has been determined to be an acceptable security risk.
2. The security certificate shall clearly indicate the level of classified information to which the cleared person may have access. A security certificate for a given classification level shall give the holder access to information with a lower classification level.
3. Every public authority shall respect the decision of the Vetting Authority and shall not allow a person who has been denied a security clearance access to classified information.

### **Article 26**

#### **Unacceptable Security Risk**

1. A person shall be an unacceptable security risk if there are clear indications that he/she
  - 1.1. is not loyal to the Republic of Kosovo and its constitutional order and values;
  - 1.2. has a preference or may be manipulated, induced or blackmailed to help a group, person, organization or foreign government in a manner detrimental to the security interests of the Republic of Kosovo; or
  - 1.3. displays conduct that indicates a personality of emotional or mental disorder, lack of judgment or discretion, dishonesty, self-control or lack of willingness to comply with rules in a manner that raises doubts about that person's reliability, trustworthiness and ability to protect classified information.
2. A person may be considered an unacceptable security risk if his/her spouse fulfills one or more of the criteria listed in sub-paragraph 1.1. up to 1.3. of this Article.

### **Article 27**

#### **General Rules on Security Clearance Procedures**

1. The purpose of a security clearance procedure is to reveal whether a person constitutes an unacceptable security risk as set out in Article 26 of this law.
2. Refusal to fully participate in the security clearance procedure shall automatically constitute an unacceptable security risk.
3. When conducting a security clearance procedure and deciding whether a person constitutes an unacceptable security risk, the Vetting Authority shall pay due

regard to the whole person and shall evaluate information on the person's conduct in line with, but not limited to, the following factors:

- 3.1. the nature, extent, and seriousness of the conduct;
  - 3.2. the circumstances surrounding the conduct;
  - 3.3. the frequency and recency of the conduct;
  - 3.4. the person's age and maturity at the time of the conduct;
  - 3.5. the extent to which participation is voluntary;
  - 3.6. the presence or absence of rehabilitation and other permanent behavioral changes;
  - 3.7. the motivation for the conduct;
  - 3.8. the potential for pressure, coercion, exploitation or duress; and
  - 3.9. the likelihood of continuation or recurrence.
4. Any doubt concerning a person being vetted shall be resolved in favor of Kosovo's security interests.
  5. Any security clearance procedure shall be conducted with the consent of the respective person unless otherwise determined by law. The consent shall be given in writing but not in electronic form. Persons subject to security clearance procedures shall be eighteen (18) years of age or older.
  6. A security clearance procedure of a spouse, as may be required by paragraph 3 of Article 32 of this law, shall be conducted only with the consent of the spouse. Paragraph 5 of this Article shall apply accordingly. Refusal of the spouse to participate in the security clearance procedure may result in denial of security clearance.
  7. Failure to obtain a security certificate shall result in the transfer of the official person to another equivalent post for which no security clearance is required. If this is not possible, then the failure to obtain a security certificate shall result in the termination of the person's employment or service contract with the respective public authority if the possession of a valid security certificate is a necessary requirement for the respective employment or service.

## **Article 28**

### **Rights of the person undergoing a security clearance**

1. In the event that the security clearance procedure gives reasons to believe that the person is an unacceptable security risk, that person shall be given the opportunity to be heard before a decision is made. Such person may be assisted by an authorized person during the hearing.
2. The hearing shall be conducted in a manner that protects legitimate privacy rights and interests of the person.
3. No hearing shall be held if the conduct of a hearing would be detrimental to legitimate security or political interests of the Republic of Kosovo.
4. A person who has been found to be an unacceptable security risk shall be issued a decision in writing denying the issuance of a security certificate. Such person may file an appeal against the decision within fifteen (15) days from the day he/she has been notified of the decision. The appeal shall be filed and processed in accordance with the Law on Administrative Procedures and does not have suspension effect.

## **Article 29**

### **Security Questionnaire**

1. All persons undergoing a security clearance shall fill out a security clearance questionnaire which shall contain at a minimum the following:
  - 1.1. name, surname, including previous names and surnames;
  - 1.2. date and place of birth;
  - 1.3. nationality, including previous or multiple nationalities;
  - 1.4. civil status;
  - 1.5. dwellings inside and outside of Kosovo;
  - 1.6. current profession;
  - 1.7. contact data of current and previous employers;
  - 1.8. number of children;
  - 1.9. name, surname, place and date of birth, nationality and place of residence of persons living in common household;
  - 1.10. name, surname, place and date of birth, nationality and place of residence of parents, step-parents, foster parents or custodians;
  - 1.11. education and employment history;
  - 1.12. military service;
  - 1.13. all ID and travel documents held and their numbers;
  - 1.14. information on bankruptcy or liquidation procedures or enforcement measures taken during the last ten (10) years;
  - 1.15. information on current financial situation, including debts and other financial obligations;
  - 1.16. contacts to foreign intelligence services, domestic and foreign media and political parties;
  - 1.17. contacts to organizations acting contrary to the constitutional order of the Republic of Kosovo;
  - 1.18. criminal records, minor offences and ongoing criminal proceedings;
  - 1.19. disciplinary measures taken;
  - 1.20. alcohol and drug usage;
  - 1.21. mental, and emotional disorders, and current health condition;
  - 1.22. information on relatives in or other connections to foreign states;
  - 1.23. previous security clearances;
  - 1.24. two references.
2. The security questionnaire shall include a statement to be signed by the person undergoing the security clearance authorizing the Vetting Authority to access private data held by financial, medical and other institutions related to this person for the purpose of verifying the information provided in the security questionnaire. Article 27, paragraph 2 of this law shall be applied accordingly in the event that the person refuses to sign such statement.

## **Article 30**

### **Simple Security Clearance Procedure**

1. A simple security clearance procedure shall be applied to persons who shall have access to information classified not higher than “CONFIDENTIAL”.

2. The Vetting Authority shall verify whether the information provided in the completed security questionnaire examination are complete and accurate. For this purpose, the Vetting Authority shall inspect civil status registers, criminal record registers and any other official national or international registers or databases.
3. A simple security clearance procedure shall be completed within three (3) months from the day the procedure has been initiated.

### **Article 31**

#### **Extended Security Clearance Procedure**

1. An extended security clearance procedure shall be applied to persons who shall have access to information classified not higher than “SECRET”.
2. For the purpose of conducting an extended security clearance procedure, the Vetting Authority shall take all actions authorized pursuant to paragraph 2 of Article 30 of this law and in addition to that it shall:
  - 2.1. order a medical examination if this is considered necessary to verify information concerning alcohol and drug usages, addictions or any mental or emotional disorders;
  - 2.2. request information from Kosovo’s security institutions if this is considered necessary to verify information related to contacts to foreign governments and intelligence services and related information;
  - 2.3. access bank account balances and request debt related information from banks and other financial institutions;
  - 2.4. conduct interviews with neighbors at the place of residence and with current and former employers.
3. An extended security clearance procedure shall be completed within six (6) months from the day the procedure has been initiated.

### **Article 32**

#### **Special Security Clearance Procedure**

1. A special security clearance procedure shall be applied to persons who shall have access to information classified as “TOP SECRET”.
2. For the purpose of conducting an extended security clearance procedure, the Vetting Authority shall take all actions authorized pursuant to paragraph 2 of Article 30 and paragraph 2 of Article 31 of this law and shall require the spouse to complete a security questionnaire. In addition to that it shall conduct interviews with the person undergoing a security clearance, the spouse and the persons listed as references.
3. A special security procedure shall be completed within nine (9) months from the day the procedure has been initiated.

### **Article 33**

#### **Extension of Timeline for Security Clearances**

In the event that the Vetting Authority is not able to collect and process all required information for conducting a security clearance within the timelines set out in Articles

30, 31 and 32 of this law, it may by decision in writing communicated to the person undergoing the security clearance extend the timeline for a non-renewable period of not more than three (3) months.

#### **Article 34**

##### **Security Clearance Cooperation**

1. When conducting a security clearance procedure, the vetting authority may cooperate with agencies of foreign governments or international governmental organizations responsible for security clearance as may be set out in international treaties to which the Republic of Kosovo is a party or other relevant binding international instruments. The Vetting Authority shall thereby respect relevant legislation on data protection.
2. When conducting a security clearance procedure, the vetting authority may cooperate with other public authorities as may be needed. Other public authorities shall provide available assistance as may be required.

#### **Article 35**

##### **Repeat of Security Clearance**

1. Persons who were issued a security certificate shall undergo a new security clearance at regular intervals as follows:
  - 1.1. every ten (10) years for persons with a security certificate permitting access to information classified as “CONFIDENTIAL”; and
  - 1.2. every five (5) years for persons with a security certificate permitting access to information classified as “SECRET” or “TOP SECRET”.
2. The Vetting Authority or the head of the public authority where the vetted person is employed may request this person to undergo a new security clearance procedure even before the expiry of the validity of the security certificate if it has indications that events have occurred or circumstances have emerged that raise doubts as to whether the vetted person is still an acceptable security risk.

#### **Article 36**

##### **Revocation of Security Certificate**

1. The Vetting Authority shall revoke a security certificate before expiry of its validity if:
  - 1.1. a new security clearance procedure has resulted in a decision that the vetted person is no longer an acceptable security risk;
  - 1.2. the vetted person has resigned or has been transferred to a new duty or mission where he/she has no need to access classified information;
  - 1.3. the vetted person has been found guilty of a criminal or disciplinary offence that is so serious that the person has to be considered an unacceptable security risk.
2. In the event that a new security clearance procedure is initiated pursuant to paragraph 2 Article 35 of this law, the Vetting Authority may suspend the validity of the security certificate until completion of the security clearance procedure.

3. Revocation of a security certificate shall result in termination of the person's employment or service contract with the respective public authority if the possession of a valid security certificate is a necessary requirement for the respective employment or service.

### **Article 37**

#### **Provisional Access to Classified Information**

1. In exceptional cases, when there is a compelling official need to access classified information, the head of a public authority may permit a person who has not an appropriate security clearance for the required classification level access to classified information after giving the vetting authority prior notification provided
  - 1.1. the person has a valid security certificate though not for the classification level to which access is sought;
  - 1.2. the vetting authority does not object in writing within fifteen (15) days from the receipt of the notification.
2. Permission for provisional access to classified information shall be valid for a non-renewable period not exceeding six (6) months.
3. No provisional access to information classified as "TOP SECRET" shall be permitted.
4. The head of the public authority shall keep record of name, surname, title and rank of all persons who have been permitted provisional access to classified information, including the documents they have inspected or used and immediately inform the Vetting Authority thereof.

### **Article 38**

#### **Emergency Access to Classified Information**

1. In a state of emergency or during extraordinary operations the head of a public authority may grant in writing persons who have no security clearance access to classified information provided that there:
  - 1.1. is an absolute official need for that that person to access such information;
  - 1.2. are no reasonable doubts about the person's loyalty, trustworthiness and reliability.
2. The head of the public authority shall keep record of name, surname, title and rank of all persons who have been permitted provisional access to classified information, including the documents they have inspected or used and immediately inform the Vetting Authority thereof.

### **Article 39**

#### **Meetings and Conferences**

The head of a public authority shall ensure that all officials or contracted persons attending a meeting or conference where classified information are produced or distributed have appropriate security clearance and have been duly authorized to attend such meeting or conference.

#### **Article 40**

#### **Security Register**

1. Every head of a public authority shall establish and regularly update a security register, which shall contain information on name, surname, post and rank of the persons authorized to access classified information held by the respective public authority.
2. The Vetting Authority shall maintain a central register of name, surname, post and rank of all persons in Kosovo authorized to access information classified as “CONFIDENTIAL”, “SECRET” or “TOP SECRET”.

### **CHAPTER IV**

### **FILES AND DATA PROTECTION**

#### **Article 41**

#### **Security File**

1. The security certificate, the completed security questionnaire and all other documents and materials related to the security clearance shall be kept by the Vetting Authority in a security file.
2. In addition to data referred to in paragraph 1 of this Article, the security file shall also include information on any subsequent changes to the information provided in the security questionnaire.
3. The head of a public authority and the vetted person shall have the duty to immediately inform the Vetting Authority of any new developments, events or circumstances that may result in a change of information provided in the security questionnaire or that may otherwise affect the security clearance of the respective person.
4. The vetting authority shall classify and keep the security file in a manner that accords to the security file the level of classification and protection that the Vetting Authority considers necessary to safeguard Kosovo’s security interests.

#### **Article 42**

#### **Deletion of security file**

The security file shall be deleted ten (10) years from the day when the vetted person has ceased to have a valid security certificate unless the vetted person consents to a longer period of time or if a longer period of time is in the interest of the Republic of Kosovo.

#### **Article 43**

#### **Processing of Data**

1. The vetting authority may process personal data of the vetted person contained in the security file for the sole purpose of exercising its functions and responsibilities vested in it pursuant to this Law.



2. Personal data contained in the security file shall not be transferred by the Vetting Authority to other public authorities unless there is an overriding public interest without compromising the security interests of the Republic of Kosovo and for the sole purpose of:
  - 2.1. law enforcement activities;
  - 2.2. intelligence related activities;
  - 2.3. parliamentary inquiries.
3. The public authority receiving such data may use and process them only if absolutely necessary and solely for the purposes specified in paragraph 2 of this Article and it must accord them protection from unauthorized disclosure required for the respective classification level.
4. Law enforcement agencies may use and process data referred to in paragraph 2 of this Article for the purposes of criminal prosecution only as a last resort when such data cannot be collected otherwise or if criminal prosecution would be seriously hindered without having access to such data.

#### **Article 44**

##### **Information on Personal Data**

1. A formerly or currently vetted person shall have the right to be informed by the vetting authority of all personal data collected and stored during the security clearance procedure. Information on such personal data shall be granted by the vetting authority upon a written request filed by the vetted person.
2. The vetting authority shall decline the request if:
  - 2.1. disclosure of the requested information would be detrimental to public security or security interests of the Republic of Kosovo; or
  - 2.2. the information must be kept confidential in order to protect legitimate rights and interests of a third person or intelligence sources.
3. In the event that the request is declined, the person requesting the information may file a request for administrative review with the vetting authority in accordance with the Law on Administrative Procedures.

### **CHAPTER V**

#### **INDUSTRIAL SECURITY**

#### **Article 45**

##### **General provisions on access to classified information**

1. Owners, managers and employees of business organizations and their sub-contractors who are invited to bid, negotiate or perform a classified contract or otherwise might gain access to classified information shall have access to such classified information provided they have a valid security certificate issued by the Vetting Authority and they have a need to know.
2. Classified information shall be released to a business organization only with the consent of the public authority that has originated the information.

**Article 46**  
**Security of business premises**

1. Business organizations and their sub-contractors whose owners, managers or employees have lawfully access to classified information shall ensure that their business premises, where such information will be handled, fulfill security standards as established in this Law and subsidiary legal acts. The Vetting Authority shall inspect such premises and shall prohibit access to classified information if the business premises do not comply with security standards established in this Law and with pertinent sub-legal acts.
2. The Vetting Authority shall from time to time and without prior notice inspect premises of business organizations which have access to classified information.

**Article 47**  
**Termination of Negotiations or Contracts**

1. Failure of a business organization to ensure compliance with security standards shall immediately be a cause for termination of ongoing negotiations or existing contractual arrangements without obligation to compensate any losses or expected profits to the respective business organization.
2. Paragraph 1 of Article 46 of this law shall be without prejudice to claims of the public authority against the respective business organization for compensation of losses caused by the termination of negotiations or contractual arrangements.
3. Paragraphs 1. and 2. of this Article shall apply mutatis mutandis if an owner, manager or employee of the respective business organization who has or should have access to classified information fails to have a valid security certificate for the respective classification level.

**Article 48**  
**Security File and Data Protection**

The Vetting Authority shall be responsible for keeping a security file for every owner, manager and employee that has lawfully access to classified information. The provisions of Chapter IV shall otherwise apply mutatis mutandis to personal data of such owners, managers and employees.

**CHAPTER VI**  
**ADMINISTRATION OF THE CLASSIFICATION AND SECURITY**  
**CLEARANCE SYSTEM**

**Article 49**  
**Responsibilities of the Kosovo Intelligence Agency in the field of Classification**  
**of Information and Security Clearances**

1. For the purpose of implementing this Law, the Agency shall have the following functions and responsibilities:

- 1.1. conduct security clearance procedures and perform other functions as set out in this Law;
- 1.2. monitor and coordinate developments in the field of safeguarding classified information;
- 1.3. propose measures, including draft policies and legislation, to improve protection of classified information;
- 1.4. prepares secondary legislation for the implementation of this Law for adoption by the Government
- 1.5. 1.5 issue guidelines and instructions related to administrative and technical aspects of this law;
- 1.6. ensure the development and implementation of physical, organizational and technical standards for protection of classified information;
- 1.7. oversee the implementation of international treaties or instruments on the protection of classified information and propose measures related thereto
- 1.8. cooperate and coordinate with counterpart institutions in other states and international organizations in matters pertaining to protection of classified information;
- 1.9. provide regular training and capacity-building in the field of protection of classified information.

## **CHAPTER VII FINAL PROVISIONS**

### **Article 50 Criminal Sanctions**

1. A person who discloses without authorization information classified as “CONFIDENTIAL” in accordance with this Law and any authorized holder of such classified information who fails to protect the information as required by this Law shall commit a criminal offence and shall be punished by imprisonment of one (1) to five (5) years.
2. A person who discloses without authorization information classified as “SECRET” in accordance with this Law, and any authorized holder of such classified information who fails to protect the information as required by this Law shall commit a criminal offence and shall be punished by imprisonment of three (3) to ten (10) years.
3. A person who discloses without authorization information classified as “TOP SECRET” in accordance with this Law and any authorized holder of such classified information who fails to protect the information as required by this Law shall commit a criminal offence and shall be punished by imprisonment of five (5) to twelve (12) years.

### **Article 51 Secondary Legislation**

On proposal of the Kosovo Intelligence Agency, the Government shall approve secondary legislation for implementation of this Law within one (1) year of its entrance into force.

**Article 52**  
**Entry into Force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No.03/L –178**  
**1 July 2010**

**Promulgated by the Decree No. DL-035-2010, dated 15.07.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 76 / 10 AUGUST 2010**

**LAW No. 03/L-159  
ON ANTI-CORRUPTION AGENCY**

**Contents**

Chapter I: General provisions.....	449
Chapter II: Anti-corruption agency .....	450
Chapter III: Oversight committee of the agency .....	453
Chapter IV: Strategy and action plan against corruption .....	453
Chapter V: Procedure of the preliminary investigations .....	454
Chapter VI: Protection of data, saving the records and informaton confidentiality .....	456
Chapter VII: Transitional and final provisions.....	456

**Assembly of the Republic of Kosovo,**

In support of Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON ANTI-CORRUPTION AGENCY**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose of the Law**

This Law defines the status and responsibilities of the Anti-Corruption Agency in the field of combating and preventing corruption, especially in the area of reporting, detection and investigation of corruption, the implementation of the Strategy and Action Plan against Corruption

**Article 2  
Definitions**

1. For the purposes of this Law, terms used shall have the following meaning:
  - 1.1. **Agency** - the Anti-Corruption Agency
  - 1.2. **Committee** - the Parliamentary Supervisory Committee
  - 1.3. **Corruption** - any abuse of power or any other behavior of official person, responsible person or other person for the purpose of achieving or obtain of an advantage for himself or for illegal profit for his/her self or any other person.

- 1.4. **Official Person** - the official person defined in the Penal Code of Kosovo.
- 1.5. **Responsible person** – the responsible person defined in the Penal Code of Kosovo.

## **CHAPTER II**

### **ANTI-CORRUPTION AGENCY**

#### **Article 3**

##### **Agency Status**

The agency is an independent and specialized body responsible for implementation of state policies for combating and preventing corruption in Kosovo.

#### **Article 4**

##### **Budget of Agency**

1. With the proposal of the Agency, the Kosovo Assembly approves the annual budget of the Agency.
2. Agency decides independently to use the budget.

#### **Article 5**

##### **Agency Competences**

1. Agency has the following competences:
  - 1.1. Initiates and undertakes the detection and preliminary investigation procedure of corruption, and forward criminal charges if, for the suspected cases of corruption in competent public prosecutors office, if for the same case the criminal procedure has not been undertaken.
  - 1.2. Cooperates with local and international institutions that have as a mission fighting and preventing corruption;
  - 1.3. In cooperation with the Commission, Government, other Institutions and non-government organizations prepares Strategy against the Corruption and action plan;
  - 1.4. Monitors and supervises the implementation of the Strategy against Corruption and action plan;
  - 1.5. Supervises and prevents cases of conflict of interest and undertakes the measures as foreseen by a special Law,
  - 1.6. Supervises and the property of senior public officials and other persons, as required by specific Law;
  - 1.7. supervises the acceptance of gifts relating to the performance of official duty and undertakes measures foreseen by Law;
  - 1.8. Cooperates with public authorities responsible for drafting, implementation and harmonization of legislation for combating and preventing corruption;
  - 1.9. It is represented in international meetings that have to do with combating and preventing the corruption and takes part in the process of negotiations to conclude bilateral and multilateral agreements or the adoption of international legal instruments against corruption;

- 1.10. cooperates with the competent institutions of the Republic of Kosovo for the implementation of obligations arising from international acts against the corruption and offers recommendations for their completion;
- 1.11. Participates and offer advice on drafting the code of ethics in the public and private sectors;
- 1.12. Provides opinions regarding the conflict of interest and supervision of gifts related to the performance of official duty;
- 1.13. Offers clarification regarding the manner of declaration of wealth and other issues from the scope of the Agency;
- 1.14. Collects, analyzes and publishes statistical data or other data regarding the state of corruption in Kosovo;
- 1.15. cooperates with state institutions and civil society for raising public awareness about corruption;
- 1.16. Reports to the Assembly once a year and to the Commission every six (6) months for the work of the Agency. The Commission may request more frequent reports from the Agency.
- 1.17. Prepares and proposes the annual budget of the Agency;

## **Article 6**

### **Wages and compensation**

1. Salaries and supplements for employees of the Agency are based on the specific conditions under which they perform their duties and functions.
2. Basic salary and any supplements for the employees of the Agency are determined and paid in accordance with procedures determined by the legislation in force.

## **Article 7**

### **Director of the Agency**

1. The Agency is led by Director.
2. The Director of the Agency can not practice any function that might generate a conflict of interest with the position that she/he holds according to the Law in force.

## **Article 8**

### **Procedures for the election of director**

1. The Commission six (6) months before the expiration of the mandate of the Director of the Agency informs the Assembly of Kosovo in order to commence the procedure to appoint the new Director.
2. The Assembly of Kosovo, according to its the Rules of Procedures, selects the Director for the Agency based on the open competition.
3. Candidate for Director of the Agency must meet the following conditions:
  - 3.1. To be citizens of the Republic of Kosovo and have permanent residence in Kosovo;
  - 3.2. To have at least a four (4) year University diploma or Master diploma;
  - 3.3. not have been convicted of a criminal offence;

- 3.4. to have high moral integrity;
- 3.5. to have at least five (5) years professional work experience.
4. The Commission manages the procedures of selection of the best candidates, by submitting two of them to the Assembly of Kosovo for voting.
5. Kosovo Assembly by secret voting and simple majority votes chooses one of the proposed candidates.
6. Director is elected for five (5) years mandate and can be re-elected only for one more mandate.

### **Article 9** **Salary of Director**

Director of the Agency has a salary at the salary level of the President of the Parliamentary Committee of the Assembly of Kosovo.

### **Article 10** **Completion of the Mandate of the Director**

1. The function of the Director of the Agency is completed:
  - 1.1. with the completion of the mandate as foreseen by this Law;
  - 1.2. by permanent loss of ability to perform his/her function;
  - 1.3. by resignation;
  - 1.4. if, by the court's final decision he/she has been sentenced for criminal offence, which by the Law is punishable more than six (6) months of imprisonment;
  - 1.5. if exercises functions which are in contrary with his function according to the applicable Law;
  - 1.6. if dismissed by the Assembly of Kosovo because of failure to complete the legal mandate.
  - 1.7. by death

### **Article 11** **Responsibilities and the Competences of the Director**

1. Director of the Agency has the following responsibilities:
  - 1.1. leads and organizes the work of the Agency;
  - 1.2. supervise the work of employees of the Agency;
  - 1.3. Represents Agency inside and outside the country;
  - 1.4. manages the budget of the Agency and is responsible for the way of spending it;
  - 1.5. concludes agreements with other local and international institutions, in accordance with applicable Law;
  - 1.6. decides on the commitment of experts outside the Agency;
  - 1.7. exercises also other tasks determined by Law.
2. Director shall authorize, in writing, one of his/her direct dependent, to replace him/her in case of his/her temporary absence.



**Article 12**  
**Reporting for the work of the Agency**

The Agency presents the annual report for the previous year in the Assembly of Republic of Kosovo at the latest by the date March 31.

**CHAPTER III**  
**OVERSIGHT COMMITTEE OF THE AGENCY**

**Article 13**  
**The Committee**

The Assembly of Kosovo based on this Law and its Rules of Procedure, establishes the Oversight Committee of the Agency.

**Article 14**  
**Competences of the Committee**

1. the Committee:
  - 1.1. Reviews the reports of the Agency;
  - 1.2. Supervise and periodically assess the performance of the Director of the Agency.
  - 1.3. Initiates the procedure for selection and dismissal of the Director of the Agency;
  - 1.4. Upon the submission of the report of the of the Agency, the Committee may request a special report regarding the cases the Agency has terminated the investigations;
  - 1.5. The report shall comprise the clarifications regarding the reasons for closing these cases without mentioning the identity or the personal data of the investigated people.
  - 1.6. Controls and supervises the wealth stated by senior officials of the Agency and the conflict of interest cases in accordance with the rules and procedure foreseen by special Laws.

**Article 15**

The Committee has no right to interfere in any way in cases which are in the process of preliminary investigation of the Agency.

**CHAPTER IV**  
**STRATEGY AND ACTION PLAN AGAINST CORRUPTION**

**Article 16**  
**Strategy against Corruption**

1. Agency, in cooperation with Government and other government and non-government institutions drafts strategy against corruption.

2. The Agency through the Government submits for approval the Strategy against Corruption in the Kosovo Assembly, a document which contains policies against corruption that must be implemented by the responsible institutions of the Republic of Kosovo, as in the central level also in the local one.

### **Article 17**

#### **Action Plan against Corruption**

1. On Implementation of the Strategy against Corruption, the Agency drafts the Action Plan against Corruption in cooperation with the responsible institutions of the Republic of Kosovo, a document that contains concrete measures against corruption that must be implemented by institutions as in the central level also in the local one.
2. Anticorruption Action Plan can be amended and supplemented on the basis of proposals from the responsible institutions or at the initiative of the Agency.
3. The agency monitors the implementation of the Action Plan against Corruption by the Kosovo institutions as in the central level also at the local level. For the implementation of measures against corruption, the responsible institutions report to the Agency periodically once in six (6) months and whenever required by this Agency.
4. In the annual report of the Agency to the Assembly of Kosovo there also is reported the progress on the implementation of the Strategy and Action Plan against Corruption.

## **CHAPTER V**

### **PROCEDURE OF THE PRELIMINARY INVESTIGATIONS**

#### **Article 18**

##### **Preliminary Investigation**

1. Agency conducts the procedure of preliminary investigation in case of suspicion of corruption, according to:
  - 1.1. Official duty, or
  - 1.2. according to the information received by natural and legal persons.
2. For the implementation of measures from paragraph 1 of this Article, the Agency:
  - 2.1. seeks, collects, investigates and analyzes other information and documentation relevant to the case;
  - 2.2. seeks information from persons involved in case;
  - 2.3. examines the circumstances relating to the case.
3. Preliminary investigations should be completed within a period of six (6) months from the moment of initiation of the investigation, exclusively in exceptional cases the Director of the Agency may allow the extension of the deadline by six (6) months more.
4. The extension of the deadline for completing the investigation under paragraph 3 of this Article must be justified in writing by the director and the justification shall be placed in the case file.

5. The Agency in exercising its function, if it meets any difficulties shall require assistance from the police.
6. If after completion of preliminary investigative procedures it is ascertained that there is sufficient data and / or reasonable suspects that the case could constitute a criminal offence, the Agency submit the case to the competent prosecutor office for further processing.
7. Competent prosecutor office informs the Agency for further proceeding and final decision in connection with the case.
8. If not suspected of a criminal act but for administrative violations, the Agency forwards the case to the competent administrative body.
9. Competent administrative body should inform the Agency for further proceeding and final decision in connection with the case.
10. If after completion of preliminary investigative procedures Agency finds that there is no sufficient data and / or based suspects that the case could constitute a criminal offence or administrative violation, the Agency issues a decision to close the case.
11. The case may be reopened at any time when new circumstances may emerge
12. Agency informs the case reporter about the final decision on the case.

### **Article 19**

#### **Reporting corruption cases**

1. When a person suspects on a corruption case he or she may report such case in the Agency.
2. If a person during the official duty is aware of official corrupted action, should notify the Agency and also to undertake necessary measures to preserve data in connection with corrupted conduct.
3. Paragraphs 1 and 2 of this Article shall not exclude the possibility of person to report cases directly to other institutions responsible for law enforcement.

### **Article 20**

#### **Access to the documentation**

1. Public and private authority, local authorities and official persons are obliged to provide the Agency with its request the relevant information to perform their jobs and provide the relevant documentation within a reasonable time specified by Agency.
2. If the bodies and institutions foreseen in paragraph 1 of this Article refuse to provide requested information, the Agency shall notify the State Prosecutor Office, which acts in accordance with the Code of Criminal Procedure of Kosovo.

### **Article 21**

#### **Independence in the exercise of powers**

Agency officials during the exercise of their official duty enjoy full independence and can not be imposed by any outside pressure because of their duty or when taking certain concrete actions in accordance with this Law or other laws in force.

## **CHAPTER VI PROTECTION OF DATA, SAVING THE RECORDS AND INFORMATION CONFIDENTIALITY**

### **Article 22**

1. Officials of the Agency, any person employed by the Agency, as well as all persons that are aware for official secret during the cooperation with the Agency, are obliged to keep as secret any information they have learned while performing their official duty which is considered secret information.
2. In terms of this Law secret information are considered:
  - 2.1. information regarding personal data of individuals that are or have been object of investigation by the Agency,
  - 2.2. personal data of reporters of corruption cases if this is required by the reporter;
  - 2.3. and other information publication of which may damage the investigation process.

### **Article 23**

The Agency is obligated to preserve received data, information and documentation on the basis of this Law and in accordance with the provisions of applicable Law.

## **CHAPTER VII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 24**

Selection of the Director under the procedure prescribed by this Law is made after the end of mandate of the current director of the Agency.

### **Article 25 Repeal**

The entry into force of this Law abolishes all legal provisions that are contrary to it.

### **Article 26 Entry into force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No.03/L-159  
29 December 2009.**

**Promulgated by the Decree No. DL-006-2010, dated 19.01.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
V / No. 65 / 05 FEBRUARY 2010**

**LAW No. 04/L-072**  
**ON STATE BORDER CONTROL AND SURVEILLANCE**

**Contents**

Chapter I: General provisions .....	457
Chapter II: Competencies and authorizations in conducting border control .....	459
Chapter III: State border crossing .....	460
Chapter IV: Border control.....	460
Chapter V: Border crossing point and border crossing area .....	467
Chapter VI: Border surveillance.....	469
Chapter VII: Border line.....	470
Chapter VIII: Police duties inside the state .....	472
Chapter IX: Cooperation between state authorities that have competences in border management .....	472
Chapter X: International police cooperation .....	473
Chapter XI: Collection of personal data .....	474
Chapter XII: Minor offence provisions .....	476
Chapter XIII: Transitional and final provisions .....	479

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON STATE BORDER CONTROL AND SURVEILLANCE**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**The purpose**

With this Law there is regulated the border control, police powers inside the state, cooperation between state bodies which have competence in border management.

**Article 2**  
**Border control**

1. Border control includes border control and surveillance, analysis of threats and risks to national security and that could affect the security of the border and is carried out in order to:
  - 1.1. prevent and detect the criminal offences and minor offences and to detect and apprehend their perpetrators;

- 1.2. prevent and detect the illegal migration and human trafficking;
- 1.3. protect life, health of people, personal safety, property, environment and nature; and
- 1.4. prevent and detect other risks to public order, legal order, national security and international relations.

### **Article 3**

#### **Understanding the specific expressions**

1. Terms used in this law shall have the following meaning:
  - 1.1. **Borderline** - the range of point of the earth's surface defined by coordinates, in which lies the state limit which defines the territory of Kosovo from the territory of neighboring states;
  - 1.2. **State Border** - the line which separates the territory by land, water, underground, the airspace of the Republic of Kosovo with neighboring countries, as well as the state border in the area of the border crossing points at airports, through which interstate and international traffic is carried;
  - 1.3. **Border control** - control performed at border crossing points to ensure that persons, goods and means of transportation are authorized to enter the territory of Kosovo or leave the Republic of Kosovo;
  - 1.4. **Border Surveillance** – surveillance of border between crossing points and surveillance of border crossing points outside the specified working hours in order to prevent avoidance, respectively avoidance of the border control;
  - 1.5. **Border crossing points** - places designated by the competent state authorities for state border crossing, on the road traffic, rail, air;
  - 1.6. **Border crossing points zone** - the space which is necessary for the performance of border controls and other border formalities, and direct surroundings with facilities that are needed for the development of safe and unimpeded traffic, border controls and other border formalities;
  - 1.7. **Border Management** - the activities and measures undertaken by state authorities which are authorized in border management in accordance with relevant laws;
  - 1.8. **Threat to public health** - any disease with the potential to switch to pandemic as defined in the International Health Regulations of the World Health Organization and other infectious diseases or illnesses caused by parasites, if they are subject of protective provisions which apply to citizens of the Republic of Kosovo;
  - 1.9. **Operator** - a natural person or legal entity, owner or user of the airport or aerodrome (airport operator) and natural or legal person who supplies via the rail transport (rail operator);
  - 1.10. **Control in the second line** - the further control which will be carried out in the special place outside the place where all other passengers are checked;
  - 1.11. **Airline carrier** - any natural or legal person whose job is to provide transportation of passengers in air traffic.

## **Article 4**

### **The scope of the law**

This law applies to all persons who cross the state border of the Republic of Kosovo, without hereby jeopardizing the rights of refugees and persons seeking international protection, particularly in relation to the principle of non refoulement.

## **CHAPTER II**

### **COMPETENCIES AND AUTHORIZATIONS IN CONDUCTING BORDER CONTROL**

## **Article 5**

### **The body that carries out border control**

1. Border control is in the competence of the Ministry of Internal Affairs (hereinafter: Ministry).
2. Duties dealing with border control are performed by the border police within the police of the Republic of Kosovo (hereinafter as: border police).

## **Article 6**

### **Personnel, equipment and tools for exercise of border control**

To exercise effective border control, unified and at the top level should be deployed sufficient number of border police officers and to provide sufficient tools and equipment.

## **Article 7**

### **Authorizations**

1. During the performance of border control border police officers work in accordance with the powers set out in this laws or other legislation.
2. Authorizations from the paragraph 1 of this Article, border police officers apply to the entire territory of the Republic of Kosovo.

## **Article 8**

### **Respect of human dignity**

1. During the performance of border control border police officers are obliged to fully respect human dignity.
2. Authorizations that border police officers undertake in the performance of border control should be proportionate to the purpose for which they are taken.
3. During the performance of border control border police officers can not discriminate on gender, ethnicity or race, colour, age, social origin, religious belief, disability or sexual determination, property and social position.

## **CHAPTER III STATE BORDER CROSSING**

### **Article 9 State border crossing**

1. State border, can be crossed only at border crossing points, within their official working hours. Working hours at border points which do not work twenty-four (24) hours must be readable and clear, published in a visible place.
2. With the exception of paragraph 1 of this Article, state border may be crossed outside the border points and over hours of working schedule:
  - 2.1. by persons or groups of persons when there is a requirement of a special nature and when is not contrary to the interests of public order and national security of the Republic of Kosovo; and
  - 2.2. by individuals and groups of persons in case of disaster or of an unforeseen emergency situation.
3. Permits under paragraph 2 of this Article are issued by the Ministry and has the validity of up to one (1) year.
4. The person who intends to cross the state border on the way defined in paragraph 2 of this Article is obliged that without delay to notify the police.

## **CHAPTER IV BORDER CONTROL**

### **Article 10 Place of performance of border control**

1. Border control is carried out in the area of border crossing point.
2. Border control may be performed also outside the border crossing point on the train, flying aircraft, or another location.
3. With the exception of paragraphs 1 and 2 of this Article in accordance with international agreements, border controls can be performed also in the territory of the neighbouring state.

### **Article 11 Facilitation of performing the border control**

1. A person who intends to cross the state border or has already crossed the border line, is obliged to provide valid travel document or other document designated for crossing the state border, to enable performing border control and must not leave the area of the border crossing point until all necessary formalities are completed, including vehicle inspections and transportation means, owned by the person who crosses the border.
2. The person from paragraph 1 of this Article is obliged that at the request of the border police officer who carries out border control to provide information for all circumstances regarding the fulfillment of the conditions for crossing state border and act according to the instructions and orders of the border police officer.



## **Article 12**

### **Border control of persons**

1. Border police officer in the performance of border control on persons, is authorized:
  - 1.1. to require for valid travel document or other document designated for crossing state border, to determine the identity of the person who intends to cross the state border;
  - 1.2. to check whether the conditions for entry and exit from the Republic of Kosovo are fulfilled, as defined by law, to give instructions and orders for the purpose of carrying out rapid and unimpeded border control;
  - 1.3. if there exist indications, respectively suspicion for a criminal offense or minor offenses committed, to carry out border control in the second line, which means the control or raiding of the person, items and the vehicle he possesses;
  - 1.4. to check the validity of the travel document, respectively any other document designated for crossing state border;
  - 1.5. to conduct controls of fingerprint and palm trace and of other biometric data in the relevant evidences, to perform operational control records (required) and other records and electronic data bases of people, objects and means of transportation.

## **Article 13**

### **Types of border control**

Border controls are carried out as detailed and minimal border controls.

## **Article 14**

### **Minimal border controls**

1. Minimal border control are conducted to all persons who cross the state border in order to control and determine their identity on the basis of the travel document or other document determined for crossing state border.
2. Minimal border controls from paragraph 1 of this Article consist of a rapid and normal control with the assistance of relevant technical equipment and with control on relevant evidences and on the electronic database. This control is conducted with the aim of verifying the travel document, respectively the other document designated for crossing state border is stolen, misused, lost or invalid, to check its validity, and to control the presence of signs that indicate abuse, forgery or modification of the document.

## **Article 15**

### **Detailed border control**

1. Detailed border control during entry consists of the control of fulfilling conditions for entry into the territory of the Republic of Kosovo, as well as:

- 1.1. verification of the validity of travel document, respectively any other document designated for crossing state border and check its validity, and the control whether it, if necessary, regarding the possession of necessary visa or residence permit;
  - 1.2. examination of travel document, respectively of any other document designated for crossing border control for the detection of signs of falsification or modification;
  - 1.3. review of square seals which are placed during the entry and departure in the travel document in order to determine, by comparison of dates of entry and departures, that the person has not exceeded the length allowed to stay in the territory of the Republic of Kosovo;
  - 1.4. ascertainment of country of growth and destination and the purpose of residence of the person and if necessary the control of additional relevant documents;
  - 1.5. ascertainment if the person has sufficient money for maintenance during and for the purpose of his stay, as well as his return to the place from which he comes or transit to the country in which probably will be accepted;
  - 1.6. ascertainment that the foreign national, his means of transports or items that he carries do no risk the public order, national security, public health or public relations of the Republic of Kosovo with other countries.
2. Detailed border control during departure consist of:
  - 2.1. ascertainment if the foreigner possess a valid travel document or any other document designated for crossing state border;
  - 2.2. verification of the travel document, respectively of the other document designated for crossing state border to detect signs of forgery or modification;
  - 2.3. the ascertainment that the national of the third country is not considered to be a danger to public order, national security and international relations.
3. Except control under paragraph 2 of this article detailed border controls during departure should also contain:
  - 3.1. ascertainment if the person possesses a valid visa to travel to another country, unless such person possesses a valid residence permit;
  - 3.2. ascertainment if the person has not exceeded the length of the permitted stay in the territory of the Republic of Kosovo;
  - 3.3. control in electronic data bases.
4. At the border points where conditions allow it and if the person requests so, detailed border control are implemented in a specific local.
5. Persons to whom are performed detailed border controls should be realized, on the second line they should be informed about the purpose and procedure of that control, and they can request and obtain the name and last name and registry number of the border police officer who performs detailed border control, name of the border point and date of the last border crossing.

## **Article 16**

### **Facilitation of border control**

1. Border controls can be performed on a reduce capacity due to extraordinary and unexpected circumstances.
2. As extraordinary and unexpected circumstances on paragraph 1 of this Article are considered to be those unforeseen occurrences which bring such a traffic intensity, where waiting time at the border point lasts excessively despite usage of all the possibilities and potential human, technical and organizational resource.
3. In the case of border control in paragraph 1 of this Article, border control during the entry into the Republic of Kosovo have priority before border control during the departure from the Republic of Kosovo.
4. For facilitation of border controls decides the border police officer who manages the border crossing point.
5. Facilitation of border control is temporary, is set gradually and corresponds to the reasonable circumstances
6. In carrying out border control in paragraph 1 of this Article border police officer sets the square stamp on travel documents of nationals of third countries during the entry and departure from the Republic of Kosovo.

## **Article 17**

### **Placing the square stamp**

1. The border police officer in the performance of border control for foreigner citizens necessarily sets the square stamp on their travel document during the entry and departure from the Republic of Kosovo.
2. The border police officer does not set square stamp during entry and departure from the Republic of Kosovo on:
  - 2.1. travel documents of heads of state, and members of their delegation whose arrival is announced officially on diplomatic way;
  - 2.2. pilots licenses or certificates the their crew members; and
  - 2.3. in local flight permits.
3. With the exception of paragraph 1 of this Article, with the request of third country nationals, he can be released from placement of the square stamp during the entry and departure from the Republic of Kosovo, if placing it, can create serious difficulties for the person. In this case the entry or departure must be written on separate sheet of paper on which is written the name and the last name of the person and number of the travel document or any other document designated for crossing state border and the copy of a sheet will be given to the person.

## **Article 18**

### **Entry of members of foreign security bodies in the Republic of Kosovo**

1. In the Republic of Kosovo can enter members of foreign security bodies with uniform with firearms, equipment and vehicle that are marked with their signs in accordance with international agreement.

2. Cases of paragraph 1 of this Article are not related to the entry, residence or transfer of foreign armed forces in the territory of the Republic of Kosovo for acting activities, training and participation in peacekeeping and humanitarian operations in accordance with the legislation in force.
3. Members of foreign security bodies and military who with the invitation of the state institutions are on an official visit, as members of delegation can enter on the Republic of Kosovo even without a special permission, to wear a uniform and short firearm, whether it is an integral part of their uniform, with written notice, preliminary to the Ministry.
4. Members of foreign security bodies who directly provide close protection to the representative of the foreign country and organization or international institution during the official visit or lawful stay in the Republic of Kosovo may possess and carry firearms, ammunition and equipment on the basis of a written permit issued by the Ministry.
5. In the case of transit through the territory of Kosovo of members of foreign security authority, for the transfer of arms, ammunition and equipment is needed permission from paragraph 4 of this Article.

#### **Article 19**

##### **Ways of performing border control on road traffic**

1. In carrying out border control on road traffic and the persons who cross the state border with the vehicle, as a rule, have to stay on the vehicle while the controls are being carried out.
2. With the exception of paragraph 1 of this Article, if circumstances require so, from the people can be asked to leave the vehicle and to show items that are in themselves or in the vehicle and carry out their control in order to find banned items.
3. Border police officers are authorized to perform control of the means of transport, including the dismantling of its individual parts without court order if there are grounds for suspicion that the person who drives the vehicle carries banned substance, as well as objects and documents that will assist in determining his identity or the identity of the other passengers in the vehicle, and because of the obstruction of illegal crossing of state border.

#### **Article 20**

##### **Presence during the inspection or the raid**

The owner of transport vehicle, the owner of items, respectively the person who owns or uses them is entitled to be present during the control or search of the conveyor vehicle.

#### **Article 21**

##### **Action in accordance with another law**

If border police officer during the control or the raid of the person, items or transport vehicle finds items that under the provisions of the Code of Criminal Procedure and

the Law in force for a minor should be seized, or items that are necessary for the conduct of criminal proceedings or offender, the procedure will be continued in accordance with legislation in force.

## **Article 22**

### **Place of performance of border controls on air traffic**

1. Border control on air traffic, as a rule, are not carried in the airplane, at the departure from the airplane, or in the entrance, respectively exit from passenger terminal, unless justified on the basis of risk assessment related to national security and illegal migration.
2. In order to ensure that the airports designated as border crossing points, control are carried out in accordance with legislation in force. The airport operator shall take all necessary measures to guide passengers in areas intended to carry out border control.
3. The airport operator is obliged to take all necessary measures to prevent the unauthorized persons to enter or leave the restricted security area.
4. Border control, by rule, are not performed in the transit area, unless justified on the basis of risk assessment related to national security and illegal migration.
5. Border control in the transit zone of paragraph 4 of this Article can be carried for persons who need to possess the airport transit visa in order to be controlled if they possess a transit visa.

## **Article 23**

### **Border control on private flight**

Captain, respectively the leader of the aircraft that performs private flight, who flies from another country or to another country, before the flight, must submit a general statement consisting of flight plan in accordance with Annex 2 of Convention on International Civil Aviation, as well as information relating to the identity of travellers.

## **Article 24**

### **Obligation of the airline carriers for submitting information about travelers**

1. Airline carriers, upon the request of the police station responsible for border control, with the aim of facilitating the border control, by the end of the presentation of passengers must submit information relating to travelers that they carry to the border crossing point through which they will enter into the territory of the Republic of Kosovo.
2. Information from paragraph 1 of this article contains the following data:
  - 2.1. number and type of travel document or other valid document for crossing the state border;
  - 2.2. nationality;
  - 2.3. name and last name;
  - 2.4. birthday;

## Administrative laws

- 2.5. border crossing point for entrance into the territory of the Republic of Kosovo;
  - 2.6. flight number;
  - 2.7. time of departure and arrival of transport;
  - 2.8. total number of passengers;
  - 2.9. accompanying document for goods; and
  - 2.10. initial point of departure.
3. Data from paragraph 2 of this Article are sent via electronic means or in case of failures in other appropriate ways

### **Article 25**

#### **Rail way border control**

1. Border control for railway traffic shall be conducted in the area of border crossing point for railway traffic.
2. Border crossing control shall be conducted to persons travelling by train and to official railway staff.
3. In case it is not possible to conduct border control in a border crossing point for railway traffic, border control may be conducted on board the train, during movement.
4. Border police officer if necessary, may order the hidden cavities of carriages to be inspected with the assistance of the train inspector, to ensure that persons or objects subject to border control are not concealed in them.
5. Train machinist, in international traffic, can not stop the train between border and border crossing point, except on the cases when such action is necessary, because of regulating the railway traffic or in case of any major force.
6. In case of stopping in this area, the machinist shall immediately notify the nearest police, and take emergency measures to prevent passengers from leaving the train.

### **Article 26**

#### **Categories of persons to whom there are applied special rules during the performance of border control**

1. In carrying out border control, special rules apply to the categories of persons as following:
  - 1.1. heads of states and members of their delegation;
  - 1.2. pilots and their crew members;
  - 1.3. holders of diplomatic passports or official and members of international organizations;
  - 1.4. trans boundary workers;
  - 1.5. minors; and
  - 1.6. holders of permits for local border traffic.

## **CHAPTER V**

### **BORDER CROSSING POINT AND BORDER CROSSING AREA**

#### **Article 27**

##### **Determination and categorization of border crossing point**

Border crossing points, work schedule and volume of usage and categorization of border crossing points, defines the Government of the Republic of Kosovo.

#### **Article 28**

##### **Temporary border point**

1. With the exception of Article 27 of this Law, in accordance with the Ministry of Finance and the competent body of the neighbouring state, with decision could establish a temporary border crossing points, if this is necessary for carrying the short-term activities, such as:
  - 1.1. activities and cultural events, professional, scientific, sport and tourism;
  - 1.2. measures on reorientation of traffic;
  - 1.3. implementation of activities arising from international ratified agreements;
  - 1.4. agricultural and economic activities; and
  - 1.5. other public interest work.
2. Temporary border crossing points can be determined for the period up to six (6) months during a calendar year, while for cases under sub-paragraph 1.4 and 1.5 of paragraph 1 of this Article during the duration of those activities, respectively in the period until there is public interest.
3. In the decision under paragraph 1 of this Article is determined working time, the volume of use of border crossing point, ways of crossing the state border, the necessary conditions for state border crossing and expenses for determining the temporary border point.

#### **Article 29**

##### **Zone of border crossing point**

1. The zone of the border crossing point is assigned by the Ministry in consultation with the Ministry of Finance.
2. In joint border crossing points with the neighbouring country, area of the border crossing point is determined in accordance with international agreements.

#### **Article 30**

##### **Marking of the border crossing point and its zone**

1. Border crossing and its area are marked with border tables, signs and other signs.
2. Border tables, signs and the other alert from paragraph 1 of this Article, with the proposal of the Ministry, are set and maintained by the competent Ministry for Infrastructure.
3. With the exception of paragraph 2 of this Article, border tables, signs and the other

alert of the border crossing point and its area in airports, and rail traffic, with the proposal of the Ministry, are set and maintained by the operator.

### **Article 31**

#### **Terms for construction and regulation**

1. Buildings which are used by the Ministry in the border crossing point should be planned, constructed and regulated in order to allow safe, unimpeded and economic execution of border control in accordance with international standards and laws that establishes the Government of Kosovo.
2. The operator is obligated to provide appropriate working conditions, space and facilities that will provide smooth execution of border control in accordance with the provisions of this law.
3. The operator of airports, where the international traffic is carried, must be obliged to create conditions for accommodation of foreigners who do not fulfill the conditions for entry into the Republic of Kosovo, as well as passengers who transit through the territory of the Republic of Kosovo.
4. Costs for providing the conditions and standards of paragraphs 1, 2 and 3 of this Article and Article 22 of this Law are charged to the operator.
5. Mutual relations between the operators and the competent state bodies regarding the use of premises and facilities dedicated for conducting border control are regulated by agreement.

### **Article 32**

#### **Construction and installation of new buildings and change of the activity in the area of border crossing point**

1. Construction and placement of objects and change of activity in the area of border crossing points that must not be obstruct the performance of implementation of border controls and implementing security measures at border.
2. The undertaker of the activity in the area of border crossing point is obliged to carry the activity on the relevant locals intended for that purpose.
3. The investor or owner of the facility, respectively the perpetrator of the activity is obliged that before the start of construction activities, placement of objects or change of activities to obtain permission from the Ministry.
4. Permit under paragraph 3 of this Article shall not be issued, if with object or activity is prevented the commission of uninterrupted border controls and implementation of security measures at state border and if are not in accordance with the urban plan for the respective border crossing point.

### **Article 33**

#### **Movement and residence in the area of border crossing point**

1. At the area of border crossing point movement and stay of the persons, vehicle and goods is allowed that will undergo the border control as well as persons or transportation means that have state authority authorization.



2. Passengers and other person, who are in the area of the border crossing point, are obligated to obey instructions and orders of the border police officers.

#### **Article 34**

##### **Obligations of persons who conduct activities in the area of border crossing point**

1. Operator and other legal and physical entities that carry activities on the border crossing point zone are obliged to the responsible police station for border controls to submit personal information of employees before they start the work in the area of border crossing point.
2. For workers under paragraph 1 of this article, are submitted the following personal data: name and last name, personal number of the citizen, birthday, birthplace, dwelling, emplacement and citizenship.
3. Personal data of paragraph 2 of this article are saved one year from the date of termination of employment of the employee in the area of border crossing point.
4. Employees of paragraph 1 of this article, in a visible place is needed to keep the badge which contains data for first and last name, photography and dates for the name of the operator, respectively physical or legal entity to which they are employed.
5. Operators, other physical or legal entity from paragraph 1 of this article, are obliged to ensure file to their employees before the start of their work in the area of border crossing point.

### **CHAPTER VI**

#### **BORDER SURVEILLANCE**

##### **Article 35**

##### **The purpose border surveillance**

Border surveillance is performed in order to prevent illegal state border crossing, preventing cross-border crime and taking actions against persons who have illegally crossed the border.

##### **Article 36**

##### **Way of performing border surveillance**

1. Border surveillance is performed with intention of prevention and discouragement of those persons who aim to avoid border controls at border crossing points.
2. While performing border surveillance police officers use static or mobile equipment.

##### **Article 37**

##### **Method for carrying out border surveillance**

Border surveillance is carried out by border police officers, which number and methods of operation are in conformity to the existing risks and threats.

**Article 38**  
**Units and police equipments for border surveillance**

1. Border surveillance is carried out using static and mobile police units patrol or through posting in locations which are considered as illegal crossings, in order to detect and prevent people who illegally cross the border.
2. Border surveillance may also be performed by technical means, including also electronic equipment.
3. During the border surveillance operation, border police is authorized to use dog borders and put obstacles that preclude illegally crossing of state border.

**Article 39**  
**Enabling border surveillance**

1. Owners, respectively agricultural land users are obliged to provide free access for border police officers to perform unimpeded border surveillance and other officials who are competent for placement and maintaining equipment and technical appliances as well maintenance of border tables and signs.
2. Border police officers, despite the provisions prescribed by other law and will of the persons mentioned in paragraph 1 of this Article, move through property and for that purpose to use all kinds of means of transport, in case it is necessary to perform all activities under paragraph 1 of this Article.

**CHAPTER VII**  
**BORDER LINE**

**Article 40**  
**Determination and demarcation of border**

The Government of the Republic of Kosovo shall nominate members of state commission for demarcation and maintenance of state borders, established on the basis of existing international agreements.

**Article 41**  
**Border table and signalling**

1. If the border line is not visible enough, near it, are set the border tables, signs and other signalling which announced the approach to the borderline.
2. Border tables, signs and other signalling from paragraph 1 of this Article, the proposal of the Ministry, are set and maintained by the Ministry of Infrastructure.
3. On border tables, signs and in other signalling is prohibited the placement of other tables, signs or signalling with which will be obscured the visibility of border tables, signs and of other signalling with which is warned for the border line.

## **Article 42**

### **Prohibition of carrying out activities along the border line for security reasons**

1. Ministry for security reasons can stop hunting, fishing, and declare non flight-zone the flight of flying objects and other means for flight, movement, attitude and population in depth to five hundred (500) meters from the border line in whole or in part of the state border.
2. The prohibition from the paragraph 1 of this Article is valid until there are security reasons.

## **Article 43**

### **Visibility of borderline and measures for its maintenance**

1. Borderline in accordance with international agreements must be cleared of trees, shrubs that reduce the visibility of border tables, signs and other signals and extent of the borderline. Responsible for maintenance of borderline is the competent Ministry for Agriculture and Forestry.
2. For borderline visibility, Ministry may prohibit the planting of certain types of agricultural crops, planting of woods and other plants along the border line.
3. Whether because of the prohibition of paragraph 2 of this article, natural or juridical persons suffer damage, they are entitled for compensation in accordance with the rules on legislation in force.

## **Article 44**

### **Regulation of space along the border line**

1. Urban plans to which is regulated the area of five hundred (500) meters from the border line and from the area of border point are approved with prior consent by the Ministry.
2. In case when by spatial plan is regulated the area of the border crossing point the consent is given also by the Ministry of Finance.
3. The Ministry will not grant consent for the adoption of the urban plan of paragraph 1 of this Article, if it hinders the visibility of the border.
4. Ministry of Finance will not give consent for the adoption of the urban plan of paragraph 2 of this Article, if it disrupted the implementation of the customs authority in accordance with law.

## **Article 45**

### **Border Incident**

1. Border incidents, according to this law, are foreign activities of state bodies in the territory of the Republic of Kosovo, that are not allowed by the international agreements or legislation of the Republic of Kosovo, conducted by officials of state bodies or local authorities of neighbouring states.
2. Ministry of Foreign Affairs in cooperation with the Ministry shall verify and resolve border incidents.

## **CHAPTER VIII POLICE DUTIES INSIDE THE STATE**

### **Article 46 Police duties in interior**

1. In accordance with this law, border control activities can be performed throughout the Republic of Kosovo. In order to prevent human trafficking, immigrant smuggling, illegal border crossings and to ensure the control of foreigners, border police officers are authorized to:
  - 1.1. control and apply appropriate measures to discover illegal entry and stay of foreign citizens and persons in the Republic of Kosovo;
  - 1.2. .control of persons, items and vehicles, outside of the border crossing zone.

## **CHAPTER IX COOPERATION BETWEEN STATE AUTHORITIES THAT HAVE COMPETENCES IN BORDER MANAGEMENT**

### **Article 47 Cooperation of State Bodies in the Area of Border Management**

1. On conducting border control, the Ministry cooperates with other state bodies that have competencies in border management, in accordance with the law.
2. Cooperation in paragraph 1 of this Article conducted between the Ministry, Ministry of Foreign Affairs, Ministry of Finance, Food and Veterinary Agency, and other state bodies that have competences in border management.
3. State authorities in paragraph 2 of this Article of this cooperate in order to:
  - 3.1. facilitate faster movement of persons, goods and means of transport at border points;
  - 3.2. prevent and detect the trans boundary crime, collect, analyze and exchange the data and information related to border management; and
  - 3.3. implement the other forms of cooperation in accordance with the powers of state bodies established by law.

### **Article 48 Way of cooperation between the state bodies on the state border**

1. State bodies involved in border management assist one another, and cooperate closely and continuously, aiming to achieve more efficient and effective border control.
2. The cooperation from paragraph 1 of this Article is achieved through the strategy for Integrated Border Management.

#### **Article 49**

#### **National Centre for Border Management**

1. To achieve effective coordination, facilitation of exchange of information and data and greater efficiency of the system for integrated border management, National Centre for Border Management (hereinafter: the Centre) is established.
2. In accordance with a ratified international agreement, the liaison officer of a foreign country, international organizations and other institutions can participate on the national centre's work.
3. Function, duties and responsibilities of the national centre for border management are set through sub-legal acts issued by the Government.

### **CHAPTER X**

### **INTERNATIONAL POLICE COOPERATION**

#### **Article 50**

#### **International police cooperation**

International police cooperation in carrying out border control includes activities of foreign police services in the territory of the Republic of Kosovo, respectively those of Kosovo Police in the territory of other countries, and cooperation with foreign security bodies and exchange of officers for connections.

#### **Article 51**

#### **Cooperation with foreign police officers**

1. Authorized Police officers from other countries can enter inside the Republic of Kosovo and perform duties foreseen by international agreements.
2. Kosovo Police officers, in accordance with international agreements in other states may perform duties as determined on the paragraph 1 of this Article.
3. Foreign police officers in the territory of Kosovo may use technical equipment and vehicles with their signs, wear uniforms, weapons and other tools to liability, in conditions and ways determined by international agreement.

#### **Article 52**

#### **Cooperation with foreign security bodies**

Ministry in accordance with international agreements cooperates with foreign security bodies in carrying out border control.

#### **Article 53**

#### **Liaison Officer**

Ministry in accordance with international agreement can send abroad liaison officers, for the performance of international police cooperation, where it sets their concrete duties and powers.

## **CHAPTER XI COLLECTION OF PERSONAL DATA**

### **Article 54 Collection, processing and use of data**

1. During the performance of border control and other duties defined by this law, border police is authorized that by the persons to whom it applies the police powers, directly to collect personal data processed in the evidence, with the application of technical apparatus in accordance with this law, and to use personal data and other data from the records that are developed and maintained in accordance with other laws.
2. Border police is obliged to collect, process and use of personal data from paragraph 1 of this Article, in accordance with the rules for personal data protection.

### **Article 55 Use of equipment**

1. Border Police have the authority during the commission of border control aiming to investigate, determine the identity and finding the perpetrators of crimes and offenses, to do photography, video recording and surveillance, as well to apply other technical aids.
2. Technical equipment of paragraph 1 of this Article, when placed in the area of border point, must be visible and the persons, who are located in that area, must be warned for the existence of such apparatus.
3. If for the application of technical devices by paragraphs 1 and 2 of this Article are recorded personal data, is needed that these records to be destroyed within six months from the date of recording, unless if they are not necessary for the prosecution of perpetrators of crimes or offenses, in accordance with law.

### **Article 56 Evidence**

1. In accordance with this law, border police is authorized due to border control requirements and other functions to maintain:
  - 1.1. evidence of people and transport means undergoing border control;
  - 1.2. evidence of persons who have been granted permission to state border crossing outside the boundaries and outside the determined overtime work at the border point;
  - 1.3. evidence of given permits for entrance and keeping of weapons, ammunition and equipment in the Republic of Kosovo by the members of foreign security bodies;
  - 1.4. evidence of committed border incidents;
  - 1.5. evidence for personal data of operator's employees and other physical or legal entities who perform activities in the area of border point;

- 1.6. evidence of the issued visas at the border crossing points;
- 1.7. evidence of facilitation of border control; and
- 1.8. evidence for refusal of entry at the border.

## **Article 57**

### **Personal data**

1. In evidence from sub-paragraph 1.1 of paragraph 1 of article 56 of this law, are collected, processed and stored personal data in the following: name and surname, date of birth, information on travel document or other document designated for state border crossing with which the person has passed the state border, photography of the person who has passed the state border, residence, nationality, place, time and direction.
2. In evidence from sub-paragraph 1.2 of paragraph 1 of article 56 of this law, are collected, processed and stored personal data in the following: name and surname, date of birth, place of birth, residence, nationality, type and number of the document, based on which the permit was given, reason for granting permission, the place of crossing the state border and validity of the permit.
3. In evidence from sub-paragraph 1.3 of paragraph 1 of article 56 of this law, are collected, processed and stored personal data in the following: name and surname, date of birth, place of birth, residence, nationality, type and number of the travel document and any other valid document to determine the state border crossing, the type of weapons, equipment and number of ammunitions.
4. In evidence from sub-paragraph 1.4 of paragraph 1 of article 56 of this law, are collected, processed and stored personal data in the following: name and surname, date of birth, place of birth, residence, time, place and manner of conducting border incident, type, number and validity of documents pursuant to which identity is defined.
5. In evidence from sub-paragraph 1.5 of paragraph 1 of article 56 of this law, are collected, processed and stored personal data in the following: name and surname, date of birth, place of birth or residence, nationality, date of commencement and termination of work in the area of border point, name of operator and other legal or physical entity to which the person is employed.
6. In evidence from sub-paragraph 1.6 of paragraph 1 of article 56 of this law, the following personal data are collected, processed and stored such as: name and surname, date of birth, place of birth or residence, nationality, type and duration of the visa.
7. At the records from sub-paragraph 1.7 of paragraph 1 of article 56 of this law, personal data's are collected, analyzed and stored as in following: name of the border crossing point which is a subject to border control facilitation, time when it has started and when it has ended the facilitation of the border control, reason for its appliance and details of the officers that has ordered the facilitation of the border control.
8. At the records from sub-paragraph 1.8 of paragraph 1 of article 56 of this law personal data's are collected, analyzed and stored as in following: date of birth, name and surname, place of birth, permanent or temporary residence, citizenship type and

duration of the visa( if for entry is required visa), last starting point towards the Republic of Kosovo, reasons for refusal, border crossing point that maybe the refusal, ban for entry, if applicable, and details of the officials who gave the refusal order.

9. Personal data from the records of paragraph 1 of this article are saved five (5) years from the date of recording.
10. Personal data from the evidence from paragraph 2 of this article are stored two (2) years after the passage of time for which the permit is granted.
11. Personal data from the evidence from paragraph 3 of this article are stored three (3) years from the date of entry realized in the territory of Kosovo.
12. Personal data from the evidence from paragraph 4 of this article are stored for five (5) years from the date of the performance of border incident.
13. Personal data from the evidence from paragraph 5 of this article are stored two (2) years from the date of termination of employment in the area of border point.
14. Personal data from the evidence in paragraph 6 of this article are stored five (5) years from the issuance of the visa at the border.
15. Personal data's from records of paragraph 7 and 8 of this article will be stored for two (2) years from the day of implementation of facilitation of the border control respectively from the refusal on entry.

### **Article 58**

#### **Supervision of personal data processing**

The Agency for Personal Data Protection performs supervision of the processing of personal data and their protection defined by this law.

## **CHAPTER XII**

### **MINOR OFFENCE PROVISIONS**

#### **Article 59**

1. With a fine in amount of five hundred (500) to eight hundred (800) Euro the sentence for minor offence will be imposed to a physical person who:
  - 1.1. would cross or would attempt to cross the state border outside the border point and during non-working hours of border point (paragraph 1 of article 9 of this Law);
  - 1.2. would cross or would attempt to cross the state border contrary to the provision for crossing border (paragraph 3 of article 10 of this Law);
  - 1.3. during the border control does not provide for sight a valid travel document or any other document designated for state border crossing, does not enable to be conducted border controls and leaves the area of border point before are conducted necessary formalities including transport vehicle controls and objects in its possession (paragraph 1 of article 11 of this Law);
  - 1.4. captain of private flying object, respectively the aircraft used for personal transportation, which flies from another country or to another country, before the flight does not submit a general statement at the police station



for border controls consisting of flight plan in accordance with Annex 2 of the Convention on International Civil Aviation, and information relating to the identity of travelers (article 23 of this Law); and

- 1.5. hunts, fishes, flies with aircraft and other equipments for flight, moves, stands and is placed along the boundary line in the whole or a part of the border, if prohibited (paragraph 1 of Article 42 of this Law).

### **Article 60**

1. With a fine in amount of one hundred (100) to five hundred (500) Euro the sentence for minor offence will be imposed to a physical person:
  - 1.1. who will act in contravention with paragraph 4 of Article 9 of this law;
  - 1.2. who would not give notice to all the circumstances relating to the fulfillment of conditions for state border crossing, does not comply with warnings and orders of the police officer who carry border controls (paragraph 2 of Article 11 of this Law);
  - 1.3. to the machinist who in an international traffic would stop the train at the railway between the border line and area of border crossing point, unless it is necessary to regulate rail traffic or in case of a majeure force (paragraph 5 of article 25 of this Law);
  - 1.4. to the machinist will not take the measures necessary for the purpose of disabling the passenger leaving the train, respectively disabling the entry of persons to train and for the stop of the train does not notify the police (paragraph 6 of article 25 of this Law);
  - 1.5. who does not conduct its activity at the relevant locations for this purpose on the border point zone (paragraph 2 of Article 32 of this Law);
  - 1.6. who did not secure the permit from the ministry before starting constructing activities, placement of objects or modification of the activity on the border point zone (paragraph 3 of Article 32 of this Law);
  - 1.7. which moves or stays in the area of border point without an intent to pass the border or already has passed and it is not held at the border point due to border control or has reasonable grounds for this (paragraph 1 of article 33 of this Law);
  - 1.8. who at the area of border crossing point does not comply with instructions and orders of police officers (paragraph 2 of Article 33 of this Law);
  - 1.9. who won't submit employees personal data to the responsible police station for border control, before the employees start working on the border crossing point zone (paragraph 1 of Article 34 of this Law);
  - 1.10. employees at the operator and other legal and physical persons who carry activities at the area of border crossing point, in conspicuous places do not carry badge which contains data on first and last name, photographs and details of the name of the operator, respectively physical or legal person to whom are employed (paragraph 4 of article 34 of this Law);
  - 1.11. who conducts activities at the border crossing point zone, without providing employees with ID Cards before they start working at the border crossing point

- zone, and doesn't cover the expenses for their production (paragraph 5 of Article 34 of this Law);
- 1.12. who will not enable free passage of police officers for performing unimpeded border surveillance and other officials responsible for the establishment and maintenance of technical devices and maintenance of border signs and signs (paragraph 1 of Article 39 of this Law);
  - 1.13. who on the border tables, signs and other signal sets other tables, signs or signalization which would decrease the visibility of border tables, signs and other signals that warn the border line (paragraph 3 of article 41 of this Law);
  - 1.14. who plants specific types of agricultural plants, or plants trees along the border line when prohibited (paragraph 2 of Article 43 of this Law).

### **Article 61**

1. With a fine of one thousand (1000) up to two thousand and five hundred (2 500) Euro will be imposed the penalty for minor offense to the legal person:
  - 1.1. machinist who on the international traffic shall stop the train at the railway between the border line and area of border crossing point, unless it is necessary to regulate the rail traffic or in case of a majeure force (paragraph 5 of article 25 of this Law);
  - 1.2. machinist who would not stop the train that has passed the state border, in the open railway outside the area of border point, or after leaving the area of border crossing point before the state control and will not take the measures necessary for the purpose of preventing the passenger to leave the train, respectively preventing the entry of persons to train and for the stop of the train does not notify the police (paragraph 6 of article 25 of this Law);
  - 1.3. which does not comply with paragraph 2 and 3 of article 31 of this law;
  - 1.4. who during the construction or placement of objects, as well as during the modification of activity in the area of border point disables border controls and the implementation of the security measures in state border, without the permission of the Ministry, initiates constructing, placement of objects and the rededication of the activity in the area of border point (paragraphs 1 and 3 of article 32 of this Law);
  - 1.5. who the activity in the area of border crossing point does not carry at the relevant premises designated for this purpose (paragraph 2 of article 32 of this Law);
  - 1.6. who will not submit personal information for employees, before they start work in the area of border point to the police station responsible for border crossing control (paragraph 1 of article 34 of this Law);
  - 1.7. who at border point area carries on activities, and does not provide badge for the employees before beginning their work in the area of border crossing point and does not bear the costs for their processing (paragraph 5 of article 34 of this Law);
  - 1.8. who would not allow mandatory passage of police officers to commit unimpeded border supervision and other officials responsible for establishing

and maintaining the technical means and devices and maintenance of border borders and signs (paragraph 1 of article 39 of this Law);

- 1.9. worker who hunts, fishes, flies with flying objects and other equipments for flight, moves, stands and is placed along the border line in the whole or a part of the border, whether it is prohibited (paragraph 1 of article 42 of this Law);
  - 1.10. who sow certain types of agricultural crops or sow trees or other plants along the border line when it is prohibited (paragraph 2 of article 43 of this Law).
2. Fine of five hundred (500) to eight hundred (800) Euro shall be imposed to the responsible person on legal person for the actions in paragraph 1 of this Article.

## **Article 62**

1. With a fine of three thousand (3 000) to five thousand (5 000) Euro will be imposed the penalty for offense to the physical person and legal person who with his fault with the request of the responsible police station for border control by the end of the presentation of passengers does not submit information relating to passengers who are carried to the determined border point, through which they will enter in the territory of the Republic of Kosovo, or submit incomplete or false data (Article 24 of this Law).
2. With a fine of three thousand (3 000) to five thousand (5 000) Euro will be imposed the penalty to the responsible person on the legal person for the actions in paragraph 1 of this Article.

## **CHAPTER XIII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 63**

#### **Abrogation and application and adoption of sub-legal acts**

1. By entering into force of this law, any other provision in contradiction with this law shall be abrogated, as well as:
  - 1.1. Law no. 03/L-065 on Integrated Management and Control of the State Border; and
  - 1.2. Government Administrative Instruction no.06/2010 on Border Control Exercise;
2. Up to approval of sub-legal acts to implement this law, provided that this is not in violation with this law, the following sub-legal acts will continue to be implemented:
  - 2.1. Government Administrative Instruction no. 03/2010 on Marking the Border Line;
  - 2.2. Government Administrative Instruction no. 04/2010 on Border Incidents;
  - 2.3. Government Administrative Instruction no. 05/2010 on the Construction of Buildings within the Border Crossing Zones;
  - 2.4. Government Administrative Instruction no. 07/2010 on Categorization of Border Crossing Points;

Administrative laws

- 2.5. Government Administrative Instruction no. 08/2010 on Form, Content, and Manner of Placing of Warning and Written Signs on Border Crossing Points and Border Crossing Zone;
- 2.6. Government Administrative Instruction no. 09/2010 on Prohibition, Limitation or Conditioning of Certain Activities along the State Border.
3. Ministry in cooperation with other relevant state authorities adopt sub-legal acts for implementation of this law.

**Article 64**  
**Entry into force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-072**  
**21 December 2011**

**Promulgated by Decree No.DL-001-2012, dated 06.01.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 02 / 20**  
**JANUARY 2012, PRISTINA**

## **LAW No. 04/L-217 ON ASYLUM**

### **Contents**

Chapter I: General provisions and basic principles.....	481
Chapter II: The rights and duties of asylum seekers, the persons with the refugee status and persons under subsidiary protection .....	493
Chapter III: Asylum procedure.....	498
Chapter IV: Appeals procedure.....	506
Chapter V: Granting temporary protection and status of persons with temporary protection .....	508
Chapter VI:.....	511
Chapter VII: Handling of personal data .....	512
Chapter VIII: Final provisions .....	515

### **Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

## **LAW ON ASYLUM**

### **CHAPTER I GENERAL PROVISIONS AND BASIC PRINCIPLES**

#### **Article 1 Purpose of the Law**

This Law regulates the standards and procedures for granting the status of refugee, subsidiary protection, and temporary protection, as well as the rights and obligations of asylum seekers, the persons with the refugee status and persons who are granted Subsidiary Protection and Temporary Protection.

#### **Article 2 Definitions**

1. Terms used in this Law shall have the following meaning:
  - 1.1. **Ministry** - the Ministry of Internal Affairs;
  - 1.2. **DCAM** - the Department for Citizenship, Asylum and Migration within the MIA;
  - 1.3. **DMF** –the Directorate for Migration and Foreigners in the Kosovo Police;
  - 1.4. **UNHCR** - the office of the United Nations High Commissioner for refugees;

- 1.5. **Asylum seeker** –every foreign national or stateless person who submits an application for asylum and for whom a final decision has not yet been taken;
- 1.6. **Asylum application** –the application made by a foreign national or a stateless persons, which means a request for international protection. Every request for international protection presumes a request for asylum, unless the foreign national or stateless persons expressly requests another form of protection;
- 1.7. **Foreigner** - any person who is not a citizen of the Republic of Kosovo;
- 1.8. **Foreign national** –each person who is not a citizen of the Republic of Kosovo and who has a foreign citizenship;
- 1.9. **Stateless person (apatrid)** - a person who is not considered as a national by any state under the operation of its law;
- 1.10. **Refugee status** –the recognition by the Republic of Kosovo of a foreigner or a stateless person as a refugee;
- 1.11. **Refugee** –a person who owing to the well founded fear of persecution for reason of race, religion, nationality, political conviction or belonging to a particular social group, is outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to that country.
  - 1.11.1. the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;
  - 1.11.2. the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;
  - 1.11.3. the concept of nationality shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;
  - 1.11.4. group shall be considered to form a particular social group where in particular:
    - 1.11.4.1. members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and
    - 1.11.4.2. that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of

sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Republic of Kosovo. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

- 1.11.5. the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in subparagraph 1.26 of this Article and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the asylum seeker;
- 1.11.6. when assessing if an asylum seeker has a well-founded fear of being persecuted it is immaterial whether the asylum seeker actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the asylum seeker by the actor of persecution.
- 1.12. **Subsidiary protection** – protection provided to foreign nationals or stateless persons who do not qualify for refugee status, but in respect of whom substantial grounds have been shown for believing that should they return to their country of origin, or in the case of a stateless person, to his/her country of former habitual residence, they will face a real risk of suffering serious harm and is unable, or owing to such risk, unwilling to avail himself or herself of the protection of that country. Serious harm consists of:
  - 1.12.1. death penalty or execution; or
  - 1.12.2. torture or inhuman or degrading treatment or imprisonment of the asylum seeker in their country of origin; or
  - 1.12.3. serious and individual threat to the life of a civilian or person because of indiscriminate violence in armed international or internal conflicts.
- 1.13. **Temporary protection** – special procedures providing immediate and temporary protection to persons displaced from third countries in immediate and massive influxes and which cannot return to the country of origin, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection;
- 1.14. **Geneva Convention** – the convention Relating to the Status of Refugees of 28 July 1951 and the 1967 Protocol, on the Status of Refugees;
- 1.15. **Country of origin** – the country of nationality of a foreign person or the country in which a stateless person was formerly habitually resident;
- 1.16. **Country of first asylum** – a country can be considered to be a first country of asylum for a particular asylum seeker if:
  - 1.16.1. he/she has been recognized in that country as a refugee and he/she can still avail himself/herself of that protection,

- 1.16.2. he/she otherwise enjoys sufficient protection in that country, including benefiting from principle of non-refoulement provided that he/she will be readmitted to that country.
- 1.17. **Safe third country-** the concept of safe third country may be applied only where the competent authority is satisfied that the asylum seeker will be treated in accordance with the following principles in the third country concerned:
  - 1.17.1. life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
  - 1.17.2. the principle of non-refoulement in accordance with the Geneva Convention is respected;
  - 1.17.3. the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and
  - 1.17.4. the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.
  - 1.17.5. The application of the safe third country concept shall be subject to rules laid down in national legislation, including:
    - 1.17.5.1. rules requiring a connection between the asylum seeker and the third country concerned on the basis of which it would be reasonable for that person to go to that country;
    - 1.17.5.2. rules on the methodology by which the competent authority satisfies itself that the safe third country concept may be applied to a particular country or to a particular asylum seeker. Such methodology shall include case-by-case consideration of the safety of the country for a particular asylum seeker and/or national designation of countries considered to be generally safe;
    - 1.17.5.3. rules in accordance with international law, allowing an individual examination of whether the third country concerned is safe for a particular asylum seekers which, as a minimum, shall permit the asylum seeker to challenge the application of the safe third country concept on the grounds that he/she would be subjected to torture, cruel, inhuman or degrading treatment or punishment.
  - 1.17.6. When implementing a decision solely based on this Article, Republic of Kosovo shall:
    - 1.17.6.1. inform the asylum seeker accordingly; and
    - 1.17.6.2. provide him/her with a document informing the authorities of the third country, in the language of that country, that the asylum application has not been examined in substance.
  - 1.17.7. Where the third country does not permit the asylum seeker to enter its territory, Republic of Kosovo shall ensure that access to a



procedure is given in accordance with the basic principles and guarantees described in this Law.

- 1.18. **Safe country of origin** – a country is considered as safe country of origin where, on the basis of the legal situation, the application of the law within democratic system and the general political circumstances, it can be shown that there is a generally and consistently no persecution as defined in Article 1A of Geneva Convention, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situation of international or internal arms conflict.
  - 1.18.1. in making this assessment, account shall be taken, inter alia, of the extent to which protection is provided against prosecution or mistreatment by:
    - 1.18.1.1. the relevant laws and regulations of the country and the manner in which they are applied;
    - 1.18.1.2. observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the International Convention for Civil and Political Rights and/or the Convention Against Torture in particular the right from which the derogation cannot be made under Article 15(2) of the said European Convention;
    - 1.18.1.3. respect of the non-refoulement principle according to the Geneva Convention;
    - 1.18.1.4. provision for a system of effective remedies against violation of this right and freedom.
- 1.19. **Family members** – in so far as the family already existed in the country of origin, the following members of the family of the beneficiary of international protection who are present in the Republic of Kosovo in relation to the application for International Protection:
  - 1.19.1. the spouse of the beneficiary of international protection or his/her unmarried partner in a stable relationship, where the law or practice of the Republic of Kosovo treats unmarried couples in a way comparable to married couples under its law relating to foreign national;
  - 1.19.2. the children of the couples referred to in paragraph 1.19.1. of the beneficiary of international protection, on condition that they are unmarried and regardless of whether they were born in or out of wedlock or adopted as defined under national law;
  - 1.19.3. the father, mother or another adult responsible for the beneficiary of international protection whether by law or by the practice of the Republic of Kosovo concerned, when that beneficiary is a child and unmarried.
- 1.20. **Child** – for the purpose of this law means a foreign nationals or stateless person less than eighteen (18) years of age.
- 1.21. **Unaccompanied child** - foreign nationals or stateless persons under the age of eighteen (18), who enter the territory of the Republic of Kosovo without being accompanied by an adult who is responsible for them according to the

law or customary tradition and for as long as they are not effectively taken into the care of such a person. An unaccompanied child includes a child left alone after entry in the territory of Kosovo.

- 1.22. **Residence permit** – shall mean any authorisation issued by the authorities of the Republic of Kosovo allowing a foreigner to stay legally on its territory, with the exception of:
  - 1.22.1. visas;
  - 1.22.2. permits issued pending examination of an application for a residence permit or for asylum.
- 1.23. **Representative** – a person who acts on behalf of an organization which represents an unaccompanied child as a legal guardian, a person who acts on behalf of a state organization which is responsible for the care and welfare of the child, or another representative ensuring the child's best interest.
- 1.24. **Competent Authority** – DCAM, the National Committee for Refugees and the competent court, in accordance with the Law on the Courts.
- 1.25. **Acts of persecution** – means:
  - 1.25.1. Acts which are considered persecution among the reasons referred to in sub sub-paragraph 1.10 of this Article, besides others mean:
    - 1.25.1.1. Acts sufficiently serious by their nature or repetition to constitute a severe violation of basic human rights and in particular the rights from which derogation cannot be made under Article 15, paragraph 2. of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
    - 1.25.1.2. or an accumulation of various measures including violations of human rights, which are sufficiently severe as to affect an individual in a similar manner as mentioned in subparagraph 1.25.1.1. of this Article.
  - 1.25.2. Acts of persecution in subparagraph 1.25.1 of this paragraph can, inter alia, take the form of:
    - 1.25.2.1. physical or mental violence, including sexual violence,
    - 1.25.2.2. legal, administrative, police and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner,
    - 1.25.2.3. prosecution, or punishments, that are disproportional or discriminatory,
    - 1.25.2.4. denial of judicial redress resulting in a disproportionate or discriminatory punishment;
    - 1.25.2.5. prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling within the scope of the grounds for exclusion as set out in Article 7 of this law;
    - 1.25.2.6. Actions which by their nature are gender or child specific.
- 1.26. **Actors of persecution or serious harm- means:**
  - 1.26.1. The actors of persecution or harm outlined in Article 2, subparagraph 1.10 of this Law include:

- 1.26.1.1. the state;
  - 1.26.1.2. the parties or organizations which control the state or a considerable part of the state's territory;
  - 1.26.1.3. non-state actors if it can be demonstrated that actors referred to in paragraphs 1.26.1.1. and 1.26.1.2 including international organizations are unable or unwilling to provide protection against persecution or serious harm.
- 1.27. **Actors of protection** – means:
- 1.27.1. Protection from the persecution outlined in subparagraph 1.10 of this Article can be secured by:
    - 1.27.1.1. the state;
    - 1.27.1.2. the parties or organizations which control the state or a considerable part of the state's territory;
    - 1.27.1.3. protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under sub-points 1.27.1.1. and 1.27.1.2. of this Article take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the asylum seeker has access to such protection.
- 1.28. **Detention** - confinement of an asylum seeker by a Republic of Kosovo within a particular place, where the asylum seeker is deprived of his or her freedom of movement.

### **Article 3**

#### **Protecting family integrity**

- 1. In accordance with this law, during the procedure and after the end of the examination of the application for asylum or subsidiary protection, the competent authorities must undertake all measures aimed at protecting the unity of the family.
- 2. The competent authorities must ensure that, in cases when family members of the beneficiary of protection do not qualify individually for such protection, they benefit from the derivative refugee status in accordance with the Law on Foreigner.
- 3. The exceptions to paragraph 1. and 2. of this Article are family members whose refugee status has been revoked, ended or refused or when circumstances exist excluding them from refugee status in accordance with this Law.
- 4. The benefits of paragraphs 1. and 2. of this Article can be refused or limited or removed for reasons relating to national security or public order.

### **Article 4**

#### **Prohibition of expulsion or return (“refoulement”)**

- 1. The Republic of Kosovo shall not expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would

- be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefit from the paragraph 1. of this Article may not, however, be claimed by a refugee for whom there are reasonable grounds for regarding as a danger to the security of the Republic of Kosovo, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the Republic of Kosovo.
  3. In cases in paragraph 2. of this Article, the residence permit will be revoked or refused.

### **Article 5**

#### **International protection needs arising *sur place***

1. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on events which have taken place since the asylum seekers left the country of origin.
2. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which have been engaged in by the asylum seeker since he left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.
3. Without prejudice to the Geneva Convention, Republic of Kosovo may determine that an asylum seekers who files a subsequent asylum seekers shall normally not be granted refugee status, if the risk of persecution is based on circumstances which the asylum seeker has created by his own decision since leaving the country of origin.

### **Article 6**

#### **Granting of asylum**

1. The Republic of Kosovo grants asylum to a foreign national or stateless person, at their request, who fulfils the criteria laid down in Article 2, paragraph 1.10 of this Law.
2. Persons granted asylum in accordance with paragraph 1. of this Article shall be issued residence in accordance with the Law of Foreigners.

### **Article 7**

#### **Exclusion from Asylum**

1. The right to asylum will not be granted to a person, about whom there are serious reasons for considering that he/she has:
  - 1.1. committed a crime against peace, war crimes or crimes against humanity as defined in the international instruments drawn up to make provision in respect of such crimes;
  - 1.2. committed a serious non-political crime outside the Republic of Kosovo prior to his or her admission as a refugee, to that country as a refugee;

- 1.3. been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1. and 2. of the Charter of the United Nations.
2. Paragraph 1. of this Article will be applied to persons who incite or in other ways participate in committing the crimes or acts mentioned therein.
3. Asylum will not be granted to persons who at present receiving the assistance or protection of United Nations bodies and agencies, other than the protection or assistance of the High Commissioner of the United Nations for refugees. When such protection or assistance has ceased for any reason, without the position of these persons being definitively settled in accordance with the relevant resolutions adopted by the United Nations General Assembly, these persons according to the facts (ipso facto) shall be entitled to benefit from this law.
4. Asylum is not allowed to persons whose rights and duties as Kosovo citizens are recognized by the state of Kosovo.

### **Article 8** **Granting subsidiary protection**

1. The Republic of Kosovo grants subsidiary protection to foreign nationals or stateless persons who do not qualify for refugee status, but do meet specified criteria defining subsidiary protection, as set out in Article 2, paragraph 1.12 of this Law.
2. As soon as possible after the status has been granted, Ministry shall issue to beneficiaries of subsidiary protection status a residence permit which must be valid for at least one (1) year and renewable, unless compelling reasons of national security or public order otherwise require.

### **Article 9** **Exclusion from subsidiary protection**

1. The right to subsidiary protection will not be granted to a person, about whom there are serious reasons for considering that he/she:
  - 1.1. has committed crimes against peace, war crimes or crimes against humanity according to the international provisions that define these crimes;
  - 1.2. has committed serious and punishable crimes;
  - 1.3. guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
  - 1.4. constitutes a danger to the community or to the security of the Republic of Kosovo.
2. Paragraph 1. of this Article is applied to persons who incite or in another manner participate in committing crimes or acts mentioned therein.
3. Subsidiary protection shall not be granted to a person if he or she, prior to his or her admission to the Republic of Kosovo, has committed one or more crimes outside the scope of paragraph 1. of this Article which would be punishable by imprisonment, had they been committed in the Republic of Kosovo, and if he or

she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

## **Article 10**

### **Entry into the Republic of Kosovo**

Foreign nationals or stateless persons who declare their intention to apply for asylum in the Republic of Kosovo will be treated as asylum seekers in accordance with this Law, and thus will be allowed to enter into the territory of the Republic of Kosovo.

## **Article 11**

### **Assistance for Asylum seekers**

1. The asylum seeker shall be able to apply for asylum in a language which he or she understands.
2. Within a period of fifteen (15) days from the submission of their application for asylum, the asylum seeker will be informed in a language that they understand, about the procedure of asylum, the rights and duties of such a procedure, as well as the right to contact UNHCR and any Non-Governmental Organization which offers assistance to asylum seekers.
3. The asylum seeker shall have the right to choose a representative who will assist them and represent them during the process of deciding on asylum, at the expense of the asylum seeker.
4. The representative of the asylum seeker and the representative of the UNHCR office have the right to contact the asylum seeker at all times and in each phase of the procedure deciding on asylum.
5. The Asylum seeker has the right to talk with their representative, or with the UNHCR representative at any time and to be informed of this right.
6. The representative shall enjoy access to such information in the asylum seeker's file as is liable to be examined by the authorities responsible for examination of request for asylum insofar as the information is relevant
7. to the examination of the application
8. As an exception, the representative shall not enjoy access in the applicant's file where disclosure of information or sources would jeopardise national security, the security of the organisations or person(s) providing the information or the security of the person(s) to whom the information relates or where the investigative interests relating to the examination of applications of asylum by the competent authority or the international relations of Republic of Kosovo would be compromised. In these cases, access to the information or sources in question shall be available to the competent authority, except where such access is precluded in cases of national security.

## **Article 12**

### **Language of the procedure and the right to a translator**

1. In cases where the asylum seeker does not understand the language in which procedures are done, the Competent Authority will provide translation services to

ensure that the process occurs in a language he or she is considered to understand. The translator will be bound by professional confidentiality.

2. In special cases, if it is possible the asylum seeker will be provided with a translator of the same gender.
3. The asylum seeker has the right to engage a translator as long as the latter is not also an asylum seeker.

### **Article 13** **Women asylum seekers**

Where possible, women asylum seekers have the right to their asylum claim being processed by a woman official.

### **Article 14** **Unaccompanied child**

1. Unaccompanied child asylum seekers will be assigned an official for social services appointed from the Center for Social Affairs as soon as is it possible as a representative of the unaccompanied child in order to represent and/or assist the unaccompanied child with respect to the examination of the application. In no circumstances an unaccompanied child cannot be interrogated without being accompanied from the Official for the Social Affairs.
2. The best interests of the child shall be a primary consideration for competent Authority when implementing this Article.
3. The opportunity shall be ensured to the official for social affairs to inform the unaccompanied child about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. The official for social affairs shall be allowed to be present at that interview and to ask questions or make comments, within the framework set by the person who conducts the interview.
4. If an unaccompanied child has a personal interview on his/her application for asylum, that interview is conducted by a person who has the necessary knowledge of the special needs of child the determining authority on the application of an unaccompanied child.
5. After the recognition of the refugee status, subsidiary protection and the temporary protection, a legal custodian from the Center for Social Affairs for child is appointed to the unaccompanied child.
6. Ministry is obliged to start tracing parents or close relatives of unaccompanied child asylum seeker in cooperation in relevant organizations.
7. The ministry shall ensure that unaccompanied minors are placed either:
  - 7.1. with adult relatives; or
  - 7.2. with a foster family; or
  - 7.3. in centres specialized in accommodation for children; or
  - 7.4. in other accommodation suitable for children.
8. In this context, the views of the child shall be taken into account in accordance with his or her age and degree of maturity.

9. Those working with unaccompanied child shall have had or receive appropriate training concerning their specific needs, and shall be bound by the confidentiality principle in relation to any information they obtain in the course of their work.

### **Article 15**

#### **Asylum seekers with limited mental capacities**

Asylum seekers with limited mental capacities will be assigned a representative before the process begins.

### **Article 16**

#### **Persons with special needs**

1. The Government will pay special attention to the treatment and care of persons with special needs, particularly children, unaccompanied children, the elderly people, disabled people, pregnant women, single parents with just one child minor, and persons who have been victims of torture, rape or another serious form of psychological, physical and sexual violence.
2. According to this law, special needs will be defined on the basis of an individual assessment of each asylum seeker, refugee or person under subsidiary protection or persons under temporary protection.
3. Asylum seekers, refugees, persons under subsidiary protection or persons under temporary protection with special needs will be given special treatment in accordance to their specific needs in the event of accommodation, provision of special standards for admission, necessary medical treatment, and required psycho-social counsel.

### **Article 17**

#### **Residence and freedom of movement**

1. Asylum seekers may move freely within the territory of the Republic of Kosovo.
2. Republic of Kosovo may decide on the asylum seekers residence for reasons of public interest, public order or, when necessary, for the swift processing and effective monitoring of his or her application.
3. When it proves necessary, for example for legal reasons for reasons of public order, Republic of Kosovo may confine an asylum seeker to a particular place in accordance national law.
4. Asylum seekers shall not require permission to keep appointments with authorities and courts if his or her appearance is necessary.

### **Article 18**

#### **The role of the UNHCR**

1. State authorities will allow UNHCR:
  - 1.1. to have access to asylum seekers, including those in detention and in airport;
  - 1.2. to have access to information on individual applications for asylum, on the



course of the procedure and on the decisions taken, provided that the asylum seeker agrees thereto;

- 1.3. to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention, to any competent authorities regarding individual applications for asylum at any stage of the procedure.
2. Paragraph 1. of this Article shall also apply to an organisation which is working in the territory of the Republic of Kosovo on behalf of the UNHCR pursuant to an agreement with the Government of Kosovo.

## **CHAPTER II**

### **THE RIGHTS AND DUTIES OF ASYLUM SEEKERS, THE PERSONS WITH THE REFUGEE STATUS AND PERSONS UNDER SUBSIDIARY PROTECTION**

#### **Article 19**

##### **The rights of asylum seekers**

1. The asylum seeker has the right:
  - 1.1. to reside in the Republic of Kosovo;
  - 1.2. to basic living conditions;
  - 1.3. to basic health care;
  - 1.4. to basic social assistance;
  - 1.5. to free legal assistance;
  - 1.6. to education for children asylum seekers;
  - 1.7. to freedom of thought and religious belief;
  - 1.8. to employment and professional training.

#### **Article 20**

##### **The right to residence of the asylum seeker**

1. The asylum seeker has the right to reside in the Republic of Kosovo until a final decision is taken.
2. Members of the family which have arrived in the Republic of Kosovo together with the asylum seeker have the right to residence, in accordance with paragraph 1. of this Article.
3. The competent authority shall take appropriate measures to maintain as far as possible family unity as present within the territory of the Republic of Kosovo, if asylum seekers are provided within housing.

#### **Article 21**

##### **The right to basic living and social conditions**

Asylum seekers have the right to financial help that include housing, food and clothing, provided in kind, or as financial allowances or in vouchers, and a daily expenses allowance. Asylum seekers with special needs will be provided the living standards in accordance with their specific needs.

**Article 22**  
**Health care**

1. Asylum seekers have the right to health care, which includes emergency health care and the treatment of illnesses
2. Asylum seekers who have been raped or tortured or who have suffered other serious forms of violence, and asylum seekers with special needs, will be provided with the necessary medical treatment according to specific requirements and the effects caused.

**Article 23**  
**Free legal assistance**

1. Asylum seekers are provided the following free legal assistance:
  - 1.1. information regarding the rights and duties of asylum seekers;
  - 1.2. assistance in drafting appeals;
  - 1.3. representation in procedures before competent authorities.
2. Assistance according to paragraph 1. of this Article will be provided to the Asylum seeker who does not have sufficient means or valuable assets to cover the respective costs.
3. Assistance according to paragraph 1. of this Article can be provided by: lawyers or organizations assisting refugees.

**Article 24**  
**The right to education of asylum seeker minors**

Asylum seeker minors have the right to elementary and secondary education according to the same conditions as citizens of the Republic of Kosovo.

**Article 25**  
**The right to freedom of thought and religious belief**

The Kosovo Government will guarantee to asylum seekers the right to freely exercise religion according to their convictions

**Article 26**  
**The right to employment and professional training**

1. Asylum seekers have the right to engage in profit-making activities six (6) months after the day on which they submitted their application and up to a final decision.
2. Asylum seekers have the right to professional training regardless of whether they have access to employment.

**Article 27**  
**Duties of the asylum seeker**

1. Asylum seekers are obliged to:
  - 1.1. to act in accordance at all times with the laws and other sub-legal acts of the Republic of Kosovo and measures undertaken by state authorities;
  - 1.2. to cooperate with the DCAM and other relevant government authorities;
  - 1.3. to respond to invitations from the Competent Authority and other government offices and to cooperate in every phase of the asylum procedure;
  - 1.4. to submit travel and identity documents and other evidence at their disposal.
  - 1.5. to inform DCAM and other respective asylum authorities of any change of address within three (3) days;
  - 1.6. to act in accordance with instructions issued by the Competent Authority and all other government instructions regarding restriction of movement.
  - 1.7. to not leave the territory of Kosovo without the permission of the Competent Authority while the asylum process is ongoing.
  - 1.8. to cooperate with competent authority relating to the finger prints and photography registration,
2. Competent authorities might check and control the asylum seekers and things he possession,
3. Competent authority may record the asylum seekers oral statements, provided he/she has previously been informed thereof.

**Article 28**  
**The rights of the persons with the refugee status and persons under subsidiary protection**

1. The persons with the refugee status and persons under subsidiary protection have the following rights:
  - 1.1. the right to reside in the Republic of Kosovo for as long as Asylum or Subsidiary Protection lasts;
  - 1.2. elementary social assistance;
  - 1.3. elementary shelter;
  - 1.4. health care;
  - 1.5. education;
  - 1.6. assistance for integration into society;
  - 1.7. the right to freedom of thought and religious belief;
  - 1.8. the right to employment and the right to professional training;
  - 1.9. maintaining family unity, as required by the law.
  - 1.10. the right to access a court and legal assistance.
  - 1.11. the right to possess immoveable and moveable property;
2. The persons with the refugee status and persons under subsidiary protection enjoy the rights in paragraph 1. of this Article up to the level of protection enjoyed by citizens of the Republic of Kosovo.
3. The competent authority will inform the person with the refugee status or person

under subsidiary protection within a fifteen (15) day period starting from the day of granting of asylum or subsidiary protection, in a language which he or she understands, about the rights and duties which derive from recognition of this status.

### **Article 29**

#### **The right to residence**

The persons with the refugee status or persons under subsidiary protection have the right to reside in the Republic of Kosovo for as long as they have been given asylum or subsidiary protection.

### **Article 30**

#### **Social Welfare**

The persons with the refugee status and persons under subsidiary protection have the right to necessary social help under the same conditions as the citizens of the Republic of Kosovo.

### **Article 31**

#### **Elementary shelter**

1. The persons with the refugee status or persons under subsidiary protection will be provided shelter for up to two (2) years from the day of receiving a decision granting asylum or subsidiary protection.
2. The persons with the refugee status or persons under subsidiary protection will lose the right to accommodation if they refuse the offer of elementary shelter made according to paragraph 1. of this Article.
3. The persons with the refugee status or persons under subsidiary protection who have their own means to cover the costs related to shelter do not have the right to benefit from paragraph 1. of this Article.

### **Article 32**

#### **Health Care**

A person with the refugee status or the person under subsidiary protection has the right for health care under the same conditions as the citizens of Kosovo.

### **Article 33**

#### **Education**

The persons with the refugee status or persons under subsidiary protection have the right to elementary, secondary and higher education under the same conditions as citizens of the Republic of Kosovo.

**Article 34**  
**Integration in society**

For the purpose of integrating them into Kosovar society, the study of Kosovar history, languages and culture will be facilitated for the persons with the refugee status or persons under subsidiary protection.

**Article 35**  
**Freedom of thought and of religious belief**

The Kosovo Government will guarantee the persons with the refugee status or persons under subsidiary protection the right to exercise freely his or her religion and his or her opinion according to their convictions.

**Article 36**  
**The right to employment and professional training**

1. The persons with the refugee status or persons under subsidiary protection have the right to work in the Republic of Kosovo without a work permit for foreigners.
2. The persons with the refugee status or persons under subsidiary protection have the right to professional training, and work experience under the same conditions as Kosovar citizens.

**Article 37**

The persons with the refugee status or persons under subsidiary protection have the right to family unity as set out in Article 2 paragraph 1.19. of this Law.

**Article 38**  
**Free legal assistance**

1. The persons with the refugee status or persons under subsidiary protection are provided free legal assistance as follows:
  - 1.1. information regarding the rights and duties deriving from recognition of asylum status or subsidiary protection;
  - 1.2. assistance in drafting appeals and representation before competent authorities in the event of the cessation, annulment or revoking of the status refugee or subsidiary protection.
2. Assistance according to paragraph 1. of this Article will be provided to the persons with the refugee status or persons who do not have sufficient funds or valuable assets to cover the respective costs.
3. Assistance according to paragraph 1. of this Article can be provided by: lawyers or organizations for the assistance of refugees.

### **Article 39**

#### **The right to possess immoveable and moveable property**

The persons with the refugee status or persons under subsidiary protection have the right to possess immoveable and moveable property under the same conditions as foreigners.

### **Article 40**

#### **Naturalization**

The person with the refugee status has the right for the naturalization in accordance with the Law on Citizenships.

### **Article 41**

#### **The duties of the persons with the refugee status and persons under subsidiary protection**

1. The persons with the refugee status or persons under subsidiary protection are obliged:
  - 1.1. to respect the Constitution, the laws and sub-legal acts of the Republic of Kosovo;
  - 1.2. to inform the Competent Authority of any change of address within seven (7) days.

## **CHAPTER III**

### **ASYLUM PROCEDURE**

### **Article 42**

#### **Decision-making competent authorities**

1. DCAM is responsible for decision-making at the first instance about asylum;
2. The National Committee for Refugees is responsible for examining appeals lodged against decisions taken at the first instance;
3. The competent court in accordance with the Law on Courts is responsible for examining administrative decisions.

### **Article 43**

#### **Principles of the Asylum procedure**

1. The asylum procedure starts when the foreign national or stateless person applies for asylum.
2. The Competent Authority enables the asylum seeker to present, explain and prove all facts and circumstances relating to his/her request for asylum.
3. The asylum seeker must fully and actively cooperate with the Competent Authority during the procedure. The asylum seeker will present and explain all facts and circumstances of which they are aware in order to assist the Competent Authority

in its examination of all the evidence which the asylum seeker has at their disposal. He/she will present all respective documents in his/her possession that could be relevant to ascertaining asylum.

4. The Competent Authority examines the context of the information relating to the current situation in the country from which the person has departed and tries to verify the facts and circumstances relating to the asylum seeker with regard to all evidence provided by him/her. The Competent Authority can take into consideration additional evidence available in order to decide about the asylum application.
5. The decision of the Competent Authority to recognize or refuse asylum is not taken only on the basis of formal documents and other similar proof. The decision is taken based on an assessment of all evidence available, including the declarations of the asylum seeker.
6. During the asylum procedure, the Competent Authority will do everything possible to ensure that the procedure is not adversarial and as far as is possible and when necessary, will assist the asylum seeker in presenting his/her application. The officials responsible for interviewing the asylum seeker are responsible for preventing the asylum seeker's lack of knowledge and experience damaging his or her rights.

#### **Article 44**

#### **Implementing the Law on Administrative Procedure**

If it is not otherwise provided for in this law, the asylum procedure will be in accordance with the Law on Administrative Procedure.

#### **Article 45**

#### **Submitting the application**

1. The asylum application is submitted at the moment of entry into Kosovo, at a border crossing point, in a police station or at DCAM.
2. The authorities in paragraph 1. of this Article are obliged to help the asylum seeker to submit an application for asylum as soon as possible. Asylum request are neither rejected nor excluded from examination on the sole ground that they not been made as soon as possible.
3. The Authority which receives the asylum request according to this Article should in the event of receiving the application fill out an initial form, as well as taking the finger prints, photographs, and other proof relating to the asylum request and travel documents.
4. After filling out the initial form the Authority receiving the request must immediately contact the competent asylum official in the DCAM and transport the asylum seeker to the Center for Asylum Seekers.

**Article 46**  
**Center for Asylum Seekers**

1. Center for Asylum Seekers (in the following text the Center) will administered by DCAM.
2. The functioning and procedures of the centers will be regulated by special procedures approved by the Ministry of Internal Affairs.

**Article 47**  
**Receiving an Asylum Seeker at the Center**

1. After receiving an Asylum Seeker in the Center, the official of the asylum center must inform the asylum seeker about their rights and duties and the asylum procedure including the possibility of benefiting from free legal assistance and of contacting UNHCR representatives or other organizations dealing with the protection of the rights of refugees in his or her language or in a language which they understand.
2. After informing the asylum seeker about their rights and duties and asylum procedure, the asylum seeker is given a medical examination.

**Article 48**  
**Accommodation of the asylum seeker**

1. The asylum seeker can be accommodated in the Center for Asylum Seekers, in another location assigned by the DCAM or somewhere else, as they wish.
2. In the event of the accommodation of the asylum seeker in a location which they have chosen, they will cover the expenses themselves.

**Article 49**  
**Participation of third parties in the asylum procedure**

1. Asylum procedures are not open to the public.
2. The following individuals below can be present at asylum procedures:
  - 2.1. authorized representative;
  - 2.2. legal guardian for unaccompanied minors;
  - 2.3. guardian for persons with limited mental capacities.
  - 2.4. UNHCR representative;
  - 2.5. translator.

**Article 50**  
**Interview with asylum seeker**

1. The asylum seeker will interview personally without the presence of family members unless the determining authority consider it necessary for an appropriate examination to have other family members present.
2. DCAM will interview the asylum seeker as soon as possible. If necessary, the asylum seeker will be interviewed various times.



3. The asylum seeker is obliged to declare all the facts and circumstances supporting his or her request for asylum, to declare the truth in all responses, to present all evidence available and to give a convincing and trustworthy explanation.
4. Interviews with the asylum seeker must occur in conditions which guarantee confidentiality.
5. A record of the interviews with the asylum seeker must be kept and it must be signed by the asylum seeker to confirm its authenticity after it is communicated in a language that he or she understands.
6. Where an asylum seeker refuses to approve the contents of the report, the reasons for this refusal shall be entered into the asylum seekers file. Refusal to approve the content of the report shall not stop the competent authority to decide on the request for asylum.
7. Asylum seekers shall be interviewed by the person who is sufficiently competent to take account of the personal or general circumstances surrounding asylum request, including the asylum seeker's cultural origin or vulnerability, insofar as it is possible to do so.

#### **Article 51** **Verification of the facts**

1. According to its official duty, DCAM verifies all the relevant facts when making a decision. The Competent Authority, if it considers it necessary, will hold supplementary interviews with the asylum seeker, it will examine the evidence found and if necessary, it will request other evidence.
2. In cases where DCAM needs an expert to verify the facts set out in order to take a decision about an asylum application, the Competent Authority is authorized to consult an expert of that field. The expert will be instructed about the confidentiality of the procedure and will agree to be bound by confidentiality, as required by the law.
3. DCAM is authorized to be advised by an expert on issues relating to the evidence for ascertaining asylum according to the request of the asylum seeker, his or her representative or the UNHCR office representative if they conclude that such an opinion might be important with regard to deciding on asylum.
4. The competent Authority, during the examination of the requests, should ensure that the decisions are taken individually, objectively and impartially, and the precise and up-to-date information is obtained from various sources, such as the United Nations High Commissioner for Refugees (UNHCR), as to the general situation prevailing in the countries of origin of asylum-seekers for asylum and, where necessary, in countries through which they have transited, and that such information is made available to the personnel responsible for examining requests and taking decisions;

#### **Article 52** **Accelerated procedures**

1. DCAM may take a decision under accelerated procedure in accordance with the basic principles and guarantees of the first instance procedure, relating to cases when:

## Administrative laws

- 1.1. a positive decision is based on the evidence available;
  - 1.2. a negative decision is taken pursuant to Article 54 of this Law.
2. The asylum seeker has the right to lodge an appeal at the National Committee for Refugees within seven (7) days against a decision taken under accelerated procedures.
3. Subparagraphs 1.2. of this Article are not valid for requests submitted by an unaccompanied child or person with limited mental capacities.

### **Article 53** **First Instance Decision**

1. DCAM takes, but is not limited the decisions as following:
  - 1.1. recognizes asylum;
  - 1.2. rejection of the request for asylum, and recognizes subsidiary protection;
  - 1.3. rejection of the request for asylum;
  - 1.4. stops the asylum procedure.
2. DCAM will take a decision in written, and in cases when the asylum request is refused, the factual and legal reasons have to be shown in the respective decision as well as information relating to the possibility of the submission of the appeal.

### **Article 54** **Rejection of the request for asylum and subsidiary protection**

1. DCAM will reject the request for asylum in cases when:
  - 1.1. the asylum seeker does not meet the criteria for a refugee as set out in the definition of a refugee or for subsidiary protection, as set out in the definition of subsidiary protection;
  - 1.2. in cases where it is considered that the asylum seeker does not have the right to protection according to Articles 7 and 9 of this law;
  - 1.3. in cases when the request for asylum is unfounded, according to Article 55 of this law.

### **Article 55** **Asylum request which is unfounded**

1. DCAM will reject the request for asylum which is considered unfounded under accelerated procedure in accordance with procedural guarantees which are foreseen by this law in cases when:
  - 1.1. the asylum seeker in submitting his/her application and presenting the facts, has only raised issues that are not relevant or of minimal relevance to the examination of whether he/she qualifies as a refugee by virtue of this law;
  - 1.2. the asylum seeker comes from a safe country of origin;
  - 1.3. the asylum seeker comes from a safe third country on the condition that the respective country re-admits the asylum seeker;
  - 1.4. the asylum seeker when submitting the request for asylum, has not, without any justified reasons, stated the data on his/her identity, age, family

- relationships, former residence, travelling directions, identification documents, reasons for seeking asylum;
- 1.5. the asylum seeker has filed another asylum request stating other personal data;
  - 1.6. the asylum seeker has not produced information establishing with a reasonable degree of certainty his/her identity or nationality, or it is likely that, in bad faith, he/she has destroyed or disposed of an identity or travel document that would have helped establish his/her identity or nationality;
  - 1.7. the asylum seeker was the subject of an asylum request in the Republic of Kosovo which received a negative decision and the circumstances of that decision have not altered.
  - 1.8. the asylum seeker has failed without reasonable cause to make his/her asylum request earlier, having had opportunity to do so.
  - 1.9. the asylum seeker uses the asylum process merely to obstruct or delay deportation.
  - 1.10. false information is given about identity or false documents are presented which are intentionally declared to be original.
  - 1.11. the asylum seeker refuses to cooperate regarding the taking of finger prints.

#### **Article 56**

##### **Suspension of the procedure**

1. DCAM will suspend procedure in cases where one of the following conditions is met:
  - 1.1. the asylum seeker withdraws the asylum application;
  - 1.2. when the asylum seeker departs from the last place of residence for over three (3) days without informing the competent authority, except cases when the asylum seeker proves within a reasonable time that announcement of the asylum seeker and non-announcement has happened from the circumstances out of his or her control;
  - 1.3. the asylum seeker leaves the Republic of Kosovo during the procedure.
2. The asylum seeker can request to reopen the asylum process only if strong reasons are presented. The request to reopen the asylum procedure will stop the expulsion of a foreigner from Kosovo.

#### **Article 57**

##### **Presenting a new asylum request**

1. The asylum seeker, whose request has been refused and a final decision has been taken, can present a new asylum request for asylum.
2. The new asylum request according to the paragraph 1. of this Article will be preliminary examined if he or she presents new evidence related to the ascertainment if he or she has good chances to be qualified as a refugee. If during the preliminary examination according to this paragraph, new facts are ascertained on basis of which the asylum seeker can be qualified as a refugee, than the new request will be examined through a regular scrutiny.

3. Asylum request which is subject to preliminary examination according to paragraph 2. of this Article shall be examined in accordance with procedural guarantees foreseen in this law.

### **Article 58** **Return of the asylum seeker**

If the request for asylum is rejected by a final decision or stopped, DCAM decides, as a general rule, on return from Kosovo and orders the decision to be executed. DCAM takes into consideration the principle of family unity

### **Article 59** **Cessation of asylum**

1. A foreign national or a stateless person shall cease to be a refugee, if he or she:
  - 1.1. has voluntarily re-availed himself or herself of the protection of the country of nationality; or
  - 1.2. having lost his or her nationality, has voluntarily reacquired it; or
  - 1.3. has acquired a new nationality, and enjoys the protection of the country of his or her new nationality; or
  - 1.4. has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or
  - 1.5. can no longer, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of nationality;
  - 1.6. being a stateless person with no nationality, he or she is able, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, able to return to the country of former habitual residence.
2. In considering subparagraphs 1.5 and 1.6 of paragraph 1. of this Article, the Republic of Kosovo shall have regard to whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded.
3. Subparagraphs 1.5 and 1.6 of paragraph 1. of this Article shall not apply to a refugee who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself or herself of the protection of the country of nationality or, being a stateless person, of the country of former habitual residence.

### **Article 60** **Revocation of, cancel of or refusal to renew refugee Status**

1. The competent authority will revoke, or refuse to renew the refugee status in cases when:
  - 1.1. he or she has ceased to be a refugee in accordance with Article 59 of this law;

- 1.2. he or she should have been or is excluded from being a refugee in accordance with Article 7 of this law.
2. The competent authority will cancel, or refuse to renew the refugee status in cases when:
  - 2.1. his or her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status;
  - 2.2. there are reasonable grounds for regarding him or her as a danger to the security of the Republic of Kosovo;
  - 2.3. he or she, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the society.
3. Before revoking, cancel or reuse to renew, the refugees status the Competent Authority shall inform the refugee in writing about the reasons for re-examining asylum status and shall offer him/her an opportunity to present verbally or in writing reasons why the status should not be revoked.
4. A person whose refugees status is revoked according to subparagraph 1.2 of this Article and who is present in the Republic of Kosovo will be guaranteed the following rights: the right to non-discrimination, the right to religious freedom, access to a court, education, no punishment for illegal entry or stay, and respect for the principle of non-return (non-refoulement).

### **Article 61**

#### **Cessation of subsidiary protection**

1. Persons with subsidiary protection are not considered as such from the moment when the circumstances justifying the granting of this protection no longer exist or when these circumstances have changed in such a manner that this protection is no longer necessary.
2. In applying paragraph 1. of this Article, the competent authority shall have regard to whether the change in circumstances is of such a significant and non-temporary nature that the person eligible for subsidiary protection no longer faces a real risk of serious harm.
3. Subsidiary protection terminates if:
  - 3.1. the person withdraws from subsidiary protection.

### **Article 62**

#### **Revocation of, ending of or refusal to renew subsidiary protection status**

1. The competent authority will revoke, end or refuse to renew the subsidiary protection status in cases when:
  - 1.1. he or she has ceased to be a beneficiary of subsidiary protection in accordance with Article 61 of this Law;
  - 1.2. he or she should have been or is excluded from having the subsidiary protection status in accordance with Article 9 of this law; or
  - 1.3. the foreign national or stateless person has been granted subsidiary protection by giving false declarations or by withholding key facts.
2. Before revoking subsidiary protection the Competent Authority will inform the

persons under subsidiary protection in writing about the reasons for the re-examination of the status of subsidiary protection and offer him/her the opportunity to explain the reasons verbally or in writing why this status should not be revoked.

**Article 63**  
**Deadlines for first instance procedures**

1. The asylum procedure in the first instance as a general rule has a duration of six (6) months from the day when the request is submitted.
2. The decisions taken in accordance with Article 52 of this law shall, as a general rule is taken within thirty (30) days from the day of the submission of the request.

**CHAPTER IV**  
**APPEALS PROCEDURE**

**Article 64**  
**Appeal**

1. The asylum seeker, the person with the refugee status, person under subsidiary protection or person under temporary protection has the right to lodge an appeal at the National Committee for Refugees against a DCAM decision.
2. Appeals against a first instance decision are regulated by the Law on Administrative Procedure, except in cases when the Law on Asylum provides otherwise.
3. Appeals against second instance decisions are lodged at the competent court. Appeals against first and second instance decisions suspend the execution of a decision.

**Article 65**  
**Deadline for lodging appeal**

1. The deadline for lodging an appeal against a first instance decision is fifteen (15) days from the day of the notification of the decision, except in cases determined otherwise by this law.
2. A complaint which is transmitted by fax is considered valid if it is sent within the deadline and the original is sent later.

**Article 66**  
**National Committee for Refugees**

1. The Kosovo Government shall establish a National Committee for Refugees and its members shall serve for a three (3) year mandate:
  - 1.1. the committee is comprised of a President, Vice President and five regular members;
  - 1.2. the President, Vice President and Committee members are appointed from

- the ranks of graduated lawyers, employed in state administrative authorities and with at least five (5) years of professional work experience;
- 1.3. the first instance authority is excluded from participation in the National Council for Refugees;
- 1.4. the UNHCR representative participates as an observer and has the right to provide comments in the context of final decision.
- 2. The Committee is independent in its work.
- 3. In principle, the Committee decides about cases in a three (3) member council, chaired by the President or Vice President. The council takes decisions based on a majority vote.
- 4. The Government issues sub-legal acts to regulate the procedures of the National Committee for Refugees.

### **Article 67** **Grounds for appeal**

- 1. The grounds for appeal are as follows:
  - 1.1. violation of the provisions of procedural law;
  - 1.2. violation of the provisions of material law;
  - 1.3. inaccurate or incomplete ascertaining of the factual situation;
  - 1.4. new substantial facts in support of the request.

### **Article 68** **Re-instatement by the deadline**

- 1. If the asylum seeker for good cause cannot submit an appeal within the legal deadline, they may request reinstatement in time to appeal
- 2. The application for re-instatement is presented within ten (10) days of the day of becoming aware of the filing of a decision taken on his behalf.
- 3. The application for reinstatement by the deadline suspends the execution of the decision on the expulsion of the asylum seeker from Kosovo.

### **Article 69** **Procedures at the second instance**

- 1. The national committee for refugee shall decide on the basis of evidence gathered during the asylum procedure in the first instance and on the basis of other evidence presented by the asylum seeker.
- 2. At the conclusion of the review of an appeal, the Committee decides as follows:
  - 2.1. it approves the first instance decision;
  - 2.2. it annuls the first instance decision and returns it for examination at the first instance;
  - 2.3. it remedies noted shortcomings by taking appropriate decision;
  - 2.4. it changes the first instance decision on the basis of the same evidence.

**Article 70**  
**Deadline for the examination of the appeal**

1. As a general rule the Committee decides within thirty (30) days on the examination of the appeal, except in cases of appeals presented against decisions taken pursuant to Article 55 of this law.
2. In cases when the appeal is lodged against decisions taken pursuant to Article 55 of this Law then the deadline to decide about the appeal is fifteen (15) days from the day of submitting the application.

**CHAPTER V**  
**GRANTING TEMPORARY PROTECTION AND STATUS OF PERSONS**  
**WITH TEMPORARY PROTECTION**

**Article 71**  
**Decision of the Government**

1. The Republic of Kosovo can provide temporary protection to foreign nationals or stateless persons who come in large numbers from countries where, because of war or similar situations, general violence or internal conflict, fundamental human rights are violated as the country of origin is unable or unwilling to protect them.
2. The decision about the need of granting temporary protection and the decision relating to the termination of the reasons for granting protection will be taken by the Kosovo Government.
3. The decision about the need for granting temporary protection will define the group of persons to which temporary protection will apply and the date for which this protection will be in effect
4. The decision about the necessity of giving temporary protection under this Article should be taken while considering the economic capacities, national security, maintenance of public law and order and relevant information provided by UNHCR and other organizations assisting refugees.
5. Temporary protection shall not prejudice recognition of refugee status under Geneva Convention.
6. Republic of Kosovo shall apply temporary protection with due respect for human right and fundamental freedoms and their obligations regarding non-refoulement.

**Article 72**  
**The Competent Authority for granting temporary protection**

1. The Ministry is the competent authority for granting temporary protection.
2. Temporary protection expires within one (1) years.
3. Temporary protection may be extended for an additional six (6) months if the conditions remain in the country of origin of the protected person that formed the basis of the decision to grant the protection. Temporary protection may be extended for a maximum period of two (2) years.



### **Article 73**

#### **Grounds for exclusion**

Temporary protection is not given to foreign nationals or stateless persons in the cases where it is found that they do not have the right to protection, as set out in Articles 7 and 9 of this law.

### **Article 74**

#### **Submitting application for asylum**

1. Persons under temporary protection have the right to submit an asylum request at any time.
2. Asylum request according to paragraph 1. of this Article will be examined after the end of temporary protection.

### **Article 75**

#### **End of temporary protection**

1. Temporary protection will end in these cases:
  - 1.1. after the end of the period during which temporary protection was granted;
  - 1.2. after the Government's decision regarding the termination of the reasons for granting temporary protection.

### **Article 76**

#### **Return**

1. The Republic of Kosovo shall take the measures necessary to make possible the voluntary return of persons enjoying temporary protection or whose temporary protection has ended. Kosovo shall ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity. The Republic of Kosovo shall ensure that the decision of those persons to return is taken in full knowledge of the facts.
2. The Republic of Kosovo will undertake all necessary measures to ensure that the forced return of persons, whose period of temporary protection has expired or has been terminated, occurs in accordance with respect for human dignity.

### **Article 77**

#### **The rights and duties of persons under Temporary Protection**

1. Persons under Temporary Protection have the right:
  - 1.1. to stay temporarily in the Republic of Kosovo in accordance with the period of temporary protection;
  - 1.2. to have basic conditions for shelter and living;
  - 1.3. health care
  - 1.4. the right to family unity according to this Law
  - 1.5. the right to education

- 1.6. to access legal advice and defense;
  - 1.7. the right to freedom of thought and religious belief;
  - 1.8. the right to engage in profit-making activity;
  - 1.9. essential assistance in the sense of social welfare.
2. The duties defined in Article 41 of this Law are valid also for persons who have been granted Temporary Protection.

### **Article 78** **The right to health care**

1. Persons under temporary protection have the right to health care which includes emergency health care and the treatment of illnesses.
2. Persons under temporary protection who have been subjected to rape, torture or other serious forms of violence and asylum seekers with special needs will be offered medical assistance according to specific needs and the effects caused.

### **Article 79** **The right to basic living conditions**

1. Persons under temporary protection have the right to basic living conditions which include but are not limited to: shelter, food, clothing and hygiene packs. Persons under temporary protection with special needs will be provided the living standards in accordance with their specific needs.
2. Asylum seekers have the right to benefit from social assistance in accordance with the Law on Social Schemes.

### **Article 80** **The right to education**

Persons under temporary protection have the right to elementary and secondary education under the same conditions as citizens of the Republic of Kosovo.

### **Article 81** **The right to family reunification**

The reuniting of the family with dependent members is allowed for persons who have been given Temporary Protection, for family members, as set out in Article 2 of subparagraph 1.19 of this Law.

### **Article 82** **The right to employment**

1. Persons under temporary protection have the right to employment in the Republic of Kosovo without a work permit for foreign nationals.
2. Persons under temporary protection have the right to professional training and work experience under the same conditions as Kosovar citizens.

**Article 83**  
**The right to freedom of thought and religious belief**

The Kosovo Government guarantees persons under temporary protection the right to freely exercise religion according to their convictions.

**Article 84**  
**Accommodation of foreigners granted Temporary Protection**

Persons under Temporary Protection will be secured accommodation in accordance with the economic capacities of the Republic of Kosovo.

**CHAPTER VI**

**Article 85**  
**Issuing documents**

1. The Ministry issues asylum seekers the following documents:
  - 1.1. certification of the submission of an application for asylum;
  - 1.2. identity card for asylum seeker.
2. The person with the refugee status will be issued the following documents:
  - 2.1. resident permits for refugee; and
  - 2.2. travel document for refugees.
3. Persons under subsidiary protection and persons under temporary protection will be issued the following documents:
  - 3.1. residence permit; and
  - 3.2. travel document for foreigners.
4. The documents pursuant to paragraph 2. and 3. of this Article will be issued in accordance with the Law on Foreigners.

**Article 86**  
**Identity card for asylum seeker**

1. The identity card for an asylum seeker also serves as a temporary residence permit in the Republic of Kosovo.
2. The identity card is issued to all family members of the asylum seeker's family.
3. The identity card of the asylum seeker is valid up to the end of the asylum process.

**Article 87**  
**Residence permit of the person with the refugee status, person under subsidiary protection and person under Temporary Protection**

1. The persons with the refugee status, persons under subsidiary protection and persons under Temporary Protection will be issued a residence permit.
2. According to paragraph 1. of this Article, residence permits will be issued also to beneficiaries of family unification.

### **Article 88**

#### **Travel documents for the persons with the refugee status**

1. A travel document is issued to the person with the refugee status in accordance with the Schedule of the Geneva Convention and International Civil Aviation Organisation standards.
2. An application for travel documents must be personally submitted by the person with the refugee status if he or she is eighteen (18) years old and has the capacity to act, or through his/her representative.
3. When the person with the refugee status is younger than eighteen (18) years, the application must be made by his or her legal representative or guardian.
4. DCAM will confirm the status of asylum for the purpose listed in this Article.
5. In the event of the withdraw of the status of refugee the person will be required to return the travel document to DCAM.

### **Article 89**

#### **Travel documents for persons under subsidiary protection and temporary protection**

Ministry shall issue to beneficiaries of subsidiary protection status who are unable to obtain a national passport, documents which enable them to travel outside the territory, unless compelling reasons of national security or public order otherwise require.

### **Article 90**

#### **Return of documents**

The documents listed in Article 85 subparagraph 1.2, 2.1, 2.2 and 3.1 of this Law are to be returned to DCAM after the end of the procedure, revoking of status or in cases of replacement due to damage.

## **CHAPTER VII**

### **HANDLING OF PERSONAL DATA**

#### **Article 91**

##### **Handling of personal data**

In accordance with the fulfillment of their legal function, the DCAM, the authorities handling appeals and other organizations charged with duties pursuant to this law, can handle or provide for the handling of the personal data of an asylum seeker, a person to be protected and their relatives, including sensitive data, as defined in the Law on Data Protection.

#### **Article 92**

##### **Communication of personal data of the country of origin or descent**

1. Personal data of asylum seekers shall be protected by the Law on Data Protection.

2. The competent authorities when examining individual requests shall not:
  - 2.1. directly disclose information regarding individual request for asylum, or the fact that an request has been made, to the alleged actor(s) of persecution of the asylum seeker;
  - 2.2. obtain any information from the alleged actor(s) of persecution in a manner what would result in such actor(s) being directly informed of the fact than an request for asylum has been made by the asylum seeker in question, would jeopardize the physical integrity of the asylum seeker and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.
3. DCAM in case of organizing the return of asylum seekers can get in touch with the country of origin or descent in order to find the travel documents necessary for the execution of the decision, provided that refugee status is not granted by a final decision.
4. For the purpose of executing the decision to return to the country of DCAM in case of organizing the return, may communicate the following information to foreign authorities:
  - 4.1. personal data (name, surname, date and place of birth, gender, nationality, last known address in the country of origin or descent) of the person concerned, and if necessary the personal details of his relatives
  - 4.2. data on the passport or other identity document;
  - 4.3. fingerprints, photographs and perhaps biometric data;
  - 4.4. information about other documents that enable the identification of the person;
  - 4.5. data regarding the health condition of the person provided that this is consistent with their interests;
  - 4.6. any other information necessary to ensure the person's entry into the country of destination and to maintain the security of associated persons;
  - 4.7. data relating to open criminal proceedings to the extent that it is important for the return procedure of the person concerned, the maintenance of order and public safety in the country of origin or descent, and as long as the person concerned is not threatened.

### **Article 93**

#### **Cooperation with criminal prosecution authorities**

DCAM transmits to criminal prosecution authorities all data and evidence for an asylum seeker suspected of breaking public international law, especially if they have committed a crime against peace, a war crime or a crime against humanity, by participating in genocide or practicing torture.

### **Article 94**

#### **Biometric data**

1. The competent authorities can handle biometric data of an asylum seeker or a person to be protected for the purpose of ascertaining their identity.

2. The type of biometric data that must be gathered and the right of access is regulated by the Law on the Protection of Data.

### **Article 95** **Finger prints and photographs**

1. The finger prints and photographs of each asylum seeker and person to be protected will be taken. The Government defines as exceptions to this rule children who are under twelve (12) years.
2. The finger prints and photographs will be registered in a database held by DCAM
3. The finger prints taken by DCAM will be compared to the fingerprints registered by the police.
4. If the police ascertain that the new fingerprints are the same as those previously registered, they inform DCAM, noting the personal data of the person (name, surname, date of birth, gender, reference number, personal number, citizenship and country in which they are located). If this concerns data gathered by the police it is necessary to indicate (with a code) the date, location and reason of taking the finger prints.

### **Article 96** **Use of this data**

1. DCAM uses this data for the purposes of:
  - 1.1. verifying the identity of the person in question;
  - 1.2. verifying whether the person has submitted an asylum application;
  - 1.3. verifying if there is data which confirms or contradicts the person's declarations;
  - 1.4. verifying if the data exists which puts in doubt the ability of the person to win asylum status;
  - 1.5. facilitating cooperation between the DCAM and the police.
2. Communicating personal data outside the country gathered in accordance with paragraph 4. of Article 96 of this law without the approval of DCAM is prohibited. Article 6 of the Law on the Protection of Data applies correspondingly.

### **Article 97** **Destruction of data**

1. Data will be destroyed:
  - 1.1. if asylum status is given to the person;
  - 1.2. ten (10) years after receipt of a final decision refusing an asylum request, after voluntarily withdrawing an asylum request, or after the cessation of the asylum procedure;
  - 1.3. ten (10) years after removing subsidiary protection for a person to be protected.

**Article 98**  
**Keeping statistics**

1. DCAM administers a database which allows the registering of asylum applications and appeals and manages dossiers.
2. This database can hold sensitive personal data as long as necessary to complete duties defined by law.
3. Inaccurate data should be corrected.

**CHAPTER VIII**  
**FINAL PROVISIONS**

**Article 99**  
**Time limits for issuing sub-legal acts**

1. After the entrance into force of this law, within six (6) months, the Ministry of Internal Affairs will issue necessary sub-legal acts.
2. The Ministry in cooperation with other Institutions may also issue other sub-legal acts for the implementation of this law.

**Article 100**  
**Repeal**

The Law on Asylum No. 04/L-073 and all other acts that are contrary to the provisions of this Law shall be repealed.

**Article 101**  
**Transitional provisions**

Applications ongoing before the entrance into force of this Law shall be regulated by this Law.

**Article 102**  
**Entry into force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-217**  
**31 July 2013**

**Promulgated by Decree No.DL-039-2013, dated 19.08.2013, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 32 / 30**  
**AUGUST 2013, PRISTINA**

## **LAW No. 04/L-219 ON FOREIGNERS**

### **Contents**

Chapter I: General provisions.....	516
Chapter II: Visas.....	522
Chapter III: Entry and exit of foreigners .....	529
Chapter IV: Residence of foreigners .....	532
Chapter V: Illegal residence, return and removal of foreigners .....	557
Chapter VI: Supervision and control .....	567
Chapter VII: Processing of personal data.....	569
Chapter VIII: Address of residence of a foreigner .....	571
Chapter IX: Integration of foreigners into economic, cultural and social life.....	572
Chapter X: Penalty provisions.....	572
Chapter XI: Provisional and final provisions .....	576

### **Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts

## **LAW ON FOREIGNERS**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Purpose**

This law regulates the conditions of entry, movement, residence and employment of foreigners in the territory of the Republic of Kosovo.

#### **Article 2 Scope**

1. The provisions of this law shall apply to foreigners as long their status shall not be regulated under other legal provisions or under an international agreement endorsed by the Republic of Kosovo.
2. The provisions of this law shall not apply to foreigners as long their status is regulated under the law on status, immunity and privileges of diplomatic and consular missions, their staff, international military presence and their staff in the Republic of Kosovo.



3. Nothing in this law shall affect the rights, obligations and responsibilities of authorities and individuals under international law, including international humanitarian law and international human rights law and, in particular, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the principle of non-refoulement and the right to seek asylum as contained therein.

### **Article 3**

#### **Definitions**

1. Terms used in this Law shall have the following meaning:
  - 1.1. **Foreigner** - any person who is not a citizen of the Republic of Kosovo;
  - 1.2. **Stateless Person** – any person who is not considered a citizen of any state in the framework of the law of the pertinent state;
  - 1.3. **Travel Document** – a passport or other equivalent document entitling the holder to cross the border and to which a visa may be affixed;
  - 1.4. **Travel Document for Foreigners** – a travel document for foreigners, a travel document for stateless persons, travel document for refugees, persons under subsidiary protection and travel paper for foreigners issued by the Republic of Kosovo;
  - 1.5. **Carrier** – a natural or legal person whose profession is to provide transport of persons;
  - 1.6. **Daily Migrant** – a citizen of a neighboring state, where he/she lives and comes every day to work in the Republic of Kosovo and returns back to his/her place of residence;
  - 1.7. **Legal person** – an entity having such status under the applicable law, except for state or public bodies exercising state authority and for public international organizations;
  - 1.8. **Visa** – an authorization issued by the Republic of Kosovo for the purpose of transit through territory of the Republic of Kosovo or international airport, or residence for a given time no longer than three months for a six months period from the date of first entry in the territory of the Republic of Kosovo;
  - 1.9. **Residence permit** – any authorization issued by the authorities of the Republic of Kosovo allowing a foreigner to stay legally on its territory, with the exception of:
    - 1.9.1. visas;
    - 1.9.2. permits issued pending examination of an application for a residence permit or for asylum.
  - 1.10. **Illegal Residence** – the presence on the territory of the Republic of Kosovo, of a foreigner who does not fulfill, or no longer fulfills the conditions for entry, residence or residence in the Republic of Kosovo;
  - 1.11. **Refugee** – a person who owing to the well founded fear of persecution for reason of race, religion, nationality, political conviction or belonging to a particular social group, is outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to that country.

- 1.11.1. the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;
- 1.11.2. the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;
- 1.11.3. the concept of nationality shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;
- 1.11.4. a group shall be considered to form a particular social group where in particular:
  - 1.11.4.1. . members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and
  - 1.11.4.2. That group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Republic of Kosovo. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;
- 1.11.5. . the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in sub-paragraph 1.11 of this Article and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.
- 1.12. **Employment** – the exercise of activities covering whatever form of labour or work regulator under the applicable law or in accordance with established practice for or under the direction and/or supervision of an employer;
- 1.13. **Employer** – any natural person or any legal entity, including temporary work agencies, for or under the direction and/or supervision of whom the employment is undertaken;
- 1.14. **Employee** – a natural person hired for conducting work or services against a payment for the employer;
- 1.15. **Work permit** – the authorization entitling its holder to reside and work within the territory of the Republic of Kosovo under the terms of this law;

- 1.16. **Illegal employment** – the employment of an illegally residing foreigner in the Republic of Kosovo;
- 1.17. **Sub-Contractor** – any natural person or any legal entity, to whom the execution of all or part of the obligations of a prior contract is assigned;
- 1.18. **Temporary Work Agency** – any natural or legal person who, in compliance with applicable law concludes contract of employment or employment relationships with temporary agency workers in order to assign them to user undertakings to work there temporarily under their supervision and direction;
- 1.19. **Seasonal worker** – a foreigner that resides in the state of which he/she is citizen of or in which he/she has a permanent residence permit and who is with an employer based in the Republic of Kosovo and has signed a contract for a certain job for a limited time no longer than six (6) months;
- 1.20. **Foreign employer** – a foreign natural or legal person which carries out work in the Republic of Kosovo based on previous agreement or contract and which has an authorized office registered in the Republic of Kosovo;
- 1.21. **Posted worker** – a worker, his/her foreign employer in the framework of cross-border provision of services has sent him/her for a limited period of time to work in the Republic of Kosovo, which is not the state in which he/she normally works;
- 1.22. **Highly qualified employment** – the employment of a person who:
  - 1.22.1. is protected as an employee under the law on employment or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of someone else;
  - 1.22.2. is paid; and
  - 1.22.3. has the required adequate and specific competence, as proven by higher professional qualifications.
- 1.23. **Higher professional qualifications** - qualification attested by evidence of higher education qualifications;
- 1.24. **Higher education qualification** -- any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognized as a higher education institution by the State in which it is situated, a higher education qualification shall be taken into account, on condition that the studies needed to acquire this qualification it lasted at least three years;
- 1.25. **Return** - the process of a foreigner going back, whether in voluntary compliance with an obligation to return or enforced, to his country of origin or to another country;
- 1.26. **Removal** - the enforcement of the obligation to return, namely the physical transportation out of the Republic of Kosovo;
- 1.27. **Family reunification** – the entry into and residence in the territory of the Republic of Kosovo by family members of a foreigner residing lawfully in the Republic of Kosovo in order to preserve the family unit, whether the family relationship arose before or after the resident's entry;

- 1.28. **Unaccompanied child** - foreign nationals or stateless persons under the age of eighteen (18), who enter the territory of the Republic of Kosovo without being accompanied by an adult who is responsible for them according to the law or customary tradition and for as long as they are not effectively taken into the care of such a person. An unaccompanied child includes minors left alone after entry in the territory of Kosovo.
- 1.29. **Sponsor** - a foreigner residing lawfully in the Republic of Kosovo and applying or whose family members apply for family reunification to be joined with him/her.

#### **Article 4**

##### **Foreigner with more than one citizenship**

A foreigner who has more than one citizenships shall be obliged that during his/her residence in the Republic of Kosovo to use and leave from the Republic of Kosovo by a regular travel document by which has entered into the Republic of Kosovo.

#### **Article 5**

##### **Applicable legislation**

1. A foreigner is obliged during the movement and residence in the Republic of Kosovo to comply with applicable legislation in the Republic of Kosovo.
2. A foreigner whose movement has been limited to a given area, he/she may move within that area, only.
3. A foreigner who infringes provisions from paragraph 2 of the present Article, may be confiscated the document which enables his/her movement in the given area and for this shall be issued a certificated.
4. The rights of foreigners which request, or it is reasonably believed that may request any kind of international protection shall be prescribed in accordance with provisions of Law on Asylum.
5. The foreigner is not allowed to establish political parties, but is allowed to establish associations in accordance with respective legislation in power.
6. If not otherwise provided with this law, procedure for foreigners shall be in accordance with law on administrative procedure and other relevant laws.

#### **Article 6**

##### **Rejection or revocation of residence permit for national security circumstances**

1. Security checks of foreigners for the purpose of determining the reasons related to national security shall be carried out by the Kosovo Intelligence Agency (hereinafter KIA), as provided in Article 2 of the Law on Kosovo Intelligence Agency.
2. In case of rejection or revocation of a residence permit to a foreigner for the reasons related to national security, a decision shall be issued without justification with regard to the circumstances for which such a decision has been issued.
3. A foreigner subject to paragraph 1 of this Article has a right to appeal at a competent court.

4. A foreigner subject to paragraph 1 of this Article that have refugee status or subsidiary protection will be processed according to the procedure provided for in the Law on Asylum.

## **Article 7**

### **Travel Documents for foreigners**

1. Republic of Kosovo shall issue the following travel documents for foreigners, which do not possess any travel document:
  - 1.1. travel document for a foreigner, valid for a foreigner who legally resides in the Republic of Kosovo but does not possess and is unable to obtain a valid foreign travel document from the country whose citizen he/she is;
  - 1.2. travel document for refugees, valid for a foreigner who has been granted Asylum or Complementary Protection in accordance with the Law on Asylum;
  - 1.3. travel document for a stateless person, as defined in the 1954 Convention of the Status of Stateless Persons;
  - 1.4. travel paper for foreigners, valid for a single exit or entry to a foreigner who does not possess a valid travel document, as specified in this law.
2. Travel document for stateless persons shall be issued in accordance with the conditions laid down under international agreements.
3. Travel paper for a foreigner shall be issued with a validity period of thirty (30) days.
4. The format, content and procedure for issuing the Travel Documents laid down under this Article, shall be defined by a by-law to be adopted by MIA.

## **Article 8**

### **Issuance of a travel paper to a foreigner**

1. A travel paper to a foreigner shall be issued to a person who has no foreign travel document if:
  - 1.1. it is released from the citizenship of the Republic of Kosovo to go abroad;
  - 1.2. has lost the travel document or in any other way has been left without it, whereas the state whose citizen he/she is has no diplomatic or consular mission in the Republic of Kosovo and there is nobody to represent his/her interests from another state to exit outside the country;
  - 1.3. a foreigner has lost the travel document for refugee outside the country, the travel document for stateless persons and persons under subsidiary protection issued by the Republic of Kosovo;
  - 1.4. it is under enforced removal procedure for the purpose of removal from the Republic of Kosovo.
2. Exceptionally to paragraph 1 of the present Article, travel paper for a foreigner may be issued also in cases there are other legal reasons.
3. Travel paper for a foreigner in accordance to the reasons under sub-paragraph 1.1., 1.2. and 1.4. of the present Article shall issue the Department for Citizenship, Asylum and Migration (hereinafter DCAM) of the Ministry of Internal Affairs.

4. Travel paper for a foreigner in accordance to the reasons under sub-paragraph 1.3. of the present Article shall issue diplomatic or consular missions of the Republic of Kosovo, based on a previous consent by DCAM.

### **Article 9**

#### **Rejection of issuing a travel document to a foreigner**

1. A travel document for a foreigner shall not be issued to a foreigner:
  - 1.1. against whom there is a procedure being carried out for a criminal or minor offense, unless there is the consent of the state authority which is carrying out the procedure;
  - 1.2. who was sentenced with imprisonment or a fine, as far as he/she has not served the sentence or paid the punishment by a fine;
  - 1.3. who did not perform legal property accrued liabilities for which there is an executive order;
  - 1.4. if wanted for the reasons of state security, public order or public health.
2. A foreigner who is under the removal process may be issued a travel document for a foreigner, irrespective of the existence of circumstances according to paragraph 1. Sub-paragraph 1.1. 1.2. and 1.3. of the present Article.
3. In the case referred to in paragraph 1 of this Article, the foreigner is entitled to appeal for which an Appeals Commission shall decide upon, to be nominated by the Government (hereinafter Appeals Commission).
4. Composition, duties, responsibilities and the decision-making procedure of the Appeals Commission shall be regulated with a bylaw to be adopted by the Government.

### **Article 10**

#### **Withdrawal of a travel document for a foreigner**

1. In cases when is established that there is one of the reasons referred to in paragraph 1 of Article 9 of this Law, DCAM shall withdraw the travel document for a foreigner.
2. In cases of withdrawal of the travel document for a foreigner, DCAM must issue a decision. Against such a decision the foreigner has the right to appeal for which the Appeals Commission shall decide.

## **CHAPTER II**

### **VISAS**

### **Article 11**

#### **Visa regime**

1. A foreigner who is a citizen of the state for which a visa is required to enter into the Republic of Kosovo is obliged to obtain a visa prior to entry into the Republic of Kosovo.
2. The Government of the Republic of Kosovo shall set a visa regime with a decision, based on the proposal of the Ministry of Foreign Affairs (hereinafter MFA).

3. On the basis of a visa, a foreigner can not work in the territory of the Republic of Kosovo.
4. Visas shall be issued by the diplomatic or consular missions of the Republic of Kosovo, or authorized authorities by the Government of the Republic of Kosovo.
5. An issued visa guarantees not the entry of a foreigner into the Republic of Kosovo.

## **Article 12**

### **Types of visas**

1. Republic of Kosovo shall issue the following visas:
  - 1.1. air-transit visa;
  - 1.2. entry visa.

## **Article 13**

### **Air-transit visa**

1. A foreigner, which during his time of residence in an airport of the Republic of Kosovo or in the course of international flights does not leave the international transit zone, needs no visa.
2. Exceptionally from paragraph 1. of this Article, the Government of the Republic of Kosovo, may set out for foreign citizens of given states as well as holders of the passports issued by competent authorities of the state to have an air transit visa.
3. An air-transit visa shall be issued for one (1), two (2) or more transit passages through the international air transit zone.
4. Validity of the air transit visa includes an additional grace period of fifteen (15) days.
5. Exceptionally from paragraph 4. of this Article, additional time is not applied in cases concerning reasons which relate to state security, public order or international relations.
6. Multiple air transit visa shall be issued for a period of up to six (6) months.

## **Article 14**

### **Entry visa**

1. Entry visa is issued for the purpose of transit through the Republic of Kosovo or residence in the territory of the Republic of Kosovo.
2. Entry visa is issued for one (1), two (2) or more entries into the Republic of Kosovo.
3. Period of validity of the entry visa shall not exceed five (5) years.
4. Multiple-entry visas shall be issued with a period of validity between six (6) months and five (5) years, if the foreigner proves:
  - 4.1. the need or the intention to travel frequently and/or regularly, in particular due to his occupational or family status, such as: business purpose, civil servants engaged in regular official contacts with the institutions of the Republic of Kosovo, representatives of civil society organizations travelling for the purpose of education, training, seminars and conferences, family

- members of a citizen of the Republic of Kosovo, family members of a foreign citizen legally residing in the Republic of Kosovo;
- 4.2. integrity and reliability, in particular the lawful use of previously issued visas, his financial situation in the country of origin and his genuine intention to leave the territory of the Republic of Kosovo before the expiry of the visa applied for.
  5. In the case of transit, period of validity of the visa shall be in compliance with the time required for transit.
  6. Period of validity includes also an additional grace period of fifteen (15) days.
  7. Exceptionally from paragraph 6 of this Article, additional grace period of time shall not apply in cases concerning reasons which relate to state security, public order or international relations.

### **Article 15**

#### **Cooperation with commercial intermediaries and external service providers**

1. In the course of collection of visa applications, commercial intermediaries and/or external service providers, may take part as well.
2. Based on paragraph 1 of this Article the examination of applications, interviews, the decision making and the printing and affixing of visa is exclusive responsibility of the diplomatic or consular missions. Commercial intermediaries and/or external service providers shall have no access in the visa information system of Kosovo.
3. Duties and responsibilities of commercial intermediaries and/or external service providers shall be regulated with a bylaw to be adopted by MFA.

### **Article 16**

#### **Obligation to obtain a visa**

1. Prior to issuance of a visa, MFA in given cases referred to in the sub-legal act, must obtain priorly a consent from MIA and KIA.
2. Without prejudice to paragraph 1 of the present Article, applications for visas may be examined and decided on at the borders, in accordance with Article 25 and 26 of the present Law.

### **Article 17**

#### **Lodging a visa application**

1. Applications for visa shall be lodged via the form not later than three (3) months before the start of the intended visit.
2. In cases where more than one person are included in a travel document, visa applications should be made separately for each person who intends to obtain a visa, under the form referred to in paragraph 1. of this Article.
3. Visa application must be accompanied with the documents that verify the purpose of entry or residence in the Republic of Kosovo and the conditions of transit. Taxes and other documents required to obtain a visa, the form, manner and procedure of issuance shall be stipulated under a bylaw to be adopted by MFA.



### **Article 18**

#### **Affixing a visa sticker**

1. The visa shall be affixed to the valid travel document in the form of a sticker.
2. Exceptionally from the paragraph 1. of this Article, where the Republic of Kosovo does not recognize officially the applicant's travel document, visa sticker shall be affixed in the separate sheet and such an undertaking shall be registered in the visa information system of the Republic of Kosovo.

### **Article 19**

#### **Travel medical insurance**

1. A foreigner who applies for an entry visa for one or more entries shall have to prove that he/she is in possession of an adequate and valid travel medical insurance to cover any expenses which might arise in connection with repatriation in the country of origin he/she came from, for medical reasons, urgent medical attention and/or emergency hospital treatment or death, during their residence in the Republic of Kosovo.
2. A foreigner who applies for an entry visa for one or more than two entries (multiple entries) shall have to prove that he/she is in possession of an adequate and valid travel medical insurance covering the period of his/her first intended visit. In addition, the foreigner shall sign the statement, set out in the application form, declaring that they are aware of the need to be in possession of travel medical insurance for subsequent entries.
3. Irrespective of paragraph 1. and 2. of the present Article, evidence of travel medical insurance shall be exempted to submit:
  - 3.1. holders of diplomatic passports;
  - 3.2. other professional groups which already are in possession of travel medical insurance due to their professional activities.

### **Article 20**

#### **Kosovo Visa Information System**

1. Visa form and the data collected from a foreigner, as well as natural or legal persons referred to in Article 17 paragraph 3. of this Law shall be stored and processed in Kosovo Visa Information System (hereinafter referred to as KVIS) in accordance with the bylaws to be adopted by MFA.
2. The data on issuing, extension, refusal and annulment of the visa shall be entered into KVIS in accordance with the bylaws to be adopted by MFA.

### **Article 21**

#### **Collection of biometric data**

1. A foreigner who for the first time submits an application for the issuance of an entry visa must personally submit the application to the diplomatic or consular missions of the Republic of Kosovo for the collection of biometric data, such as:

## Administrative laws

- 1.1. a photograph, scanned or taken at the time of application, pursuant to the bylaws governing the visa issuance;
  - 1.2. his ten (10) fingerprints, taken digitally, pursuant to the bylaw via which KVIS shall be governed.
2. Biometric data referred to in paragraph 1 of the present Article must be added to KVIS.
3. Irrespective from paragraph 1 of this Article, fingerprints shall not be collected from:
  - 3.1. children under the age of twelve (12);
  - 3.2. persons for whom fingerprinting is physically impossible. If the fingerprinting of fewer than ten (10) fingers is possible, the maximum number of fingerprints shall be taken. However, should the impossibility of fingerprinting be temporary, the applicant shall be required to give the fingerprints at the following application;
  - 3.3. heads of state or government and members of a government with accompanying spouses, and the members of their official delegation when they are invited by the Government of the Republic of Kosovo or by an international organization for an official purpose;
  - 3.4. sovereigns and other senior members of a royal family, when they are invited by the Government of the Republic of Kosovo or by an international organization for an official purpose.

## **Article 22**

### **Admissibility of a visa application**

1. A visa application shall be admissible if:
  - 1.1. has been lodged no later than three (3) months before the intended date of travel;
  - 1.2. has been sent in the form prescribed under Article 17 of this law;
  - 1.3. application is accompanied by a travel document pursuant to Article 24 paragraph 1. of the this law;
  - 1.4. the application is accompanied by a photograph;
  - 1.5. the biometric data have been collected;
  - 1.6. the administrative fee has been paid as set out in the bylaw on visa issuance.
2. In cases where the conditions referred to in paragraph 1. of this Article have been fulfilled, the competent consulate shall receive the application, examine the application and follow the procedures described under the bylaw on visa issuance.
3. In cases where the conditions referred to in paragraph 1. of this Article have not been fulfilled, the competent consulate shall declare the application inadmissible and shall act in accordance with the bylaw on visa issuance. Exceptionally, if the requirements set out in paragraph 1. of this Article are not met, the application may be considered admissible on humanitarian grounds or for reasons of national interest.

**Article 23**  
**Deadline for decision on a visa application**

1. In the cases where a visa application is admissible in accordance with Article 22 of this Law, competent consulate shall decide on the visa application within fifteen (15) calendar days of the date of the lodging of the application.
2. Exceptionally from paragraph 1 of this Article, the period of time for decision on a visa application may be extended up to thirty (30) calendar days in cases when further scrutiny of the application is needed, in cases of representation where further consultations are required by authorities of the Republic of Kosovo or up to sixty (60) calendar days when additional documentation is needed in specific cases.

**Article 24**  
**Issuing of visa on a travel document**

1. A visa shall be issued on the travel document if:
  - 1.1. its validity shall extend at least three (3) months after the intended date of departure from the territory of the Republic of Kosovo or, in the case of several visits, after the last intended date of departure from the territory of the Republic of Kosovo;
  - 1.2. it shall contain at least two (2) blank pages;
  - 1.3. it shall have been issued within the previous ten (10) years.
2. Exceptionally from sub-paragraph 1.1. of this Article, in cases of emergency, the visa may be issued on a travel document whose validity is shorter.

**Article 25**  
**Issuing of a visa at border crossing point**

In exceptional cases, entry visa may be issued at a certain border crossing point for residence of no longer than fifteen (15) days, depending on the purpose and the conditions of residence.

**Article 26**  
**The conditions for issuing a visa at border crossing point**

1. A visa at border crossing point pursuant to Article 25 of this law may be issued in exceptional cases by the Border Police if foreigners fulfill the following conditions:
  - 1.1. they are in possession of a valid travel document or other documents necessary to cross the border;
  - 1.2. they justify the purpose and conditions of residence, and they have sufficient means of subsistence, including for the duration of residence in the Republic of Kosovo and for the return to their country of origin or to cross transit to a country into which they are certain to be admitted, or are in a position to acquire such means lawfully;

## Administrative laws

- 1.3. no entry ban or residence in the Republic of Kosovo has been issued;
  - 1.4. they are not considered to be a threat to state security, public order, public health or the relations of the Republic of Kosovo with other states;
  - 1.5. The applicant has not been in a position to apply for a visa in advance and submit, if required, supporting documents substantiating unforeseeable and imperative reasons for entry;
  - 1.6. The applicant's return to their country of origin or residence or transit is assessed as certain.
2. The requirements and procedure for issuing of a visa at a border crossing point shall be governed by a separate bylaw to be adopted by MIA.

### **Article 27** **Extension of visa**

1. Extension of visa and the duration of residence shall be extended where the DCAM considers that a visa holder has provided sufficient proof of force majeure or humanitarian reasons preventing him/her from leaving the territory of the Republic of Kosovo before the expiry of the period of validity of or the duration of residence authorized by the visa. Visa extension from this paragraph shall be granted free of charge.
2. The period of validity and the duration of residence may be extended if the visa holder provides proof of serious personal reasons justifying the extension of the visa and the duration of residence. The amount of payment for extension of visa under this paragraph shall be prescribed by a bylaw
3. Extension of visas shall take the form of a separate sticker and the information on an extended visa shall be entered into the KVIS.
4. The requirements and procedure for visa extension shall be governed under a bylaw to be adopted by MIA.

### **Article 28** **Refusal of a visa**

1. A visa shall be refused in case the applicant:
  - 1.1. presents a travel document which is false, counterfeit or forged;
  - 1.2. does not provide justification for the purpose and conditions of residence;
  - 1.3. does not provide proof of sufficient means of subsistence, for the duration of residence in the Republic of Kosovo, including the duration of residence in the Republic of Kosovo and for the return to his/her country of origin he/she is coming from, or for the transit to a country into which he/she is certain to be admitted;
  - 1.4. has already resided for three (3) months during the six (6) month period in the Republic of Kosovo;
  - 1.5. an entry ban or residence in the Republic of Kosovo has been issued;
  - 1.6. presents a threat to state security, public order, public health or the relations of the Republic of Kosovo with other states;
  - 1.7. is not in possession of an adequate travel medical insurance.

2. A visa shall be refused in case there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the reliability of the statements made by the applicant, and his/her intention to leave the territory of the Republic of Kosovo is not reliable.
3. In case of a visa refusal and the reasons on which it is based shall be issued to the applicant by means of a written decision set out in the form as prescribed under the bylaw.
4. Applicants who have been refused a visa shall have the right to appeal to the Appeals Commission within eight (8) days from receiving the decision on refusal of visa.
5. Information on a refused visa shall be entered into the KVIS.

### **Article 29**

#### **Annulment and revocation of a visa**

1. A visa shall be annulled where it becomes evident that the conditions for issuing it were not met at the time when it was issued, in particular if there are serious grounds for believing that the visa was fraudulently obtained.
2. A visa shall be revoked where it becomes evident that the conditions for issuing it are no longer met. Visa may be revoked at the request of the visa holder.
3. If a visa is annulled or revoked, a stamp stating "ANNULLED" or "REVOKED" shall be affixed to it and shall be invalidated by being crossed out.
4. In the case of annulment or revocation of a visa a written decision shall be issued, including the reasons for annulment or revocation.
5. In the case of annulment or revocation of a visa, the applicant shall have the right to appeal to the Appeals Commission within eight (8) days after receiving the decision.
6. Information on an annulled or a revoked visa shall be entered into the KVIS.

## **CHAPTER III**

### **ENTRY AND EXIT OF FOREIGNERS**

#### **Article 30**

##### **Entry of foreigners in the territory of the Republic of Kosovo**

1. A foreigner shall be considered to have entered in the territory of the Republic of Kosovo if he/she has crossed the border check point and undergone the border check and in specific cases if he/she has crossed the border line.
2. A foreigner registered in the travel document of another person may enter and exit the territory of the Republic of Kosovo together with the person on whose travel document he/she is registered, only.
3. Border checks referred to in paragraph 1 of the present Article shall be carried out in compliance with the Law on State Border Control and includes the verification of the conditions for entry specified under Article 31 of the Law.

**Article 31**  
**Entry conditions for a foreigner into the Republic of Kosovo**

1. A foreigner may be allowed to enter the Republic of Kosovo for stays not exceeding three (3) months per six (6) month period provided that he or she meets the following conditions:
  - 1.1. is in possession of a valid travel document or other document authorizing him/her to cross the border;
  - 1.2. is in possession of a valid visa or residence permit, when required;
  - 1.3. he/she justifies the purpose, the conditions of entry and residence and proves to have sufficient means of subsistence, both for the duration of the intended residence in the Republic of Kosovo and for the return to their country of origin or transit to a third country into which they are certain to be admitted, or are in a position to acquire such means lawfully;
  - 1.4. no entry or residence ban has been issued for in the Republic of Kosovo;
  - 1.5. constitutes no threat to state security, public order, public health in the Republic of Kosovo.
2. A foreigner who does not fulfills the conditions referred to in paragraph 1. of the present Article, may be authorized to enter in the Republic of Kosovo at a given border crossing point, if required on humanitarian grounds, in particular persons in need of international protection, on grounds of national interest or because of international obligations of the Republic of Kosovo.
3. The amount of sufficient means of subsistence shall be set out with a decision of the Minister of MIA and height of this amount shall be assessed in accordance with the duration and the purpose of residence, by reference to average prices for subsistence.
4. The assessment of sufficient means of subsistence may be based on the cash, travellers' cheques and credit cards in the foreigner's possession. Declarations of sponsorship and letters of guarantee from hosts which shall be approved by the DCAM prior to their entry in the Republic of Kosovo, may also constitute, in certain cases, evidence of sufficient means of subsistence.
5. The Government of the Republic of Kosovo with a decision may decide that the citizens of certain states may enter and exit the Republic of Kosovo with a valid identification document or other documents proving the identity and citizenship. Also the Government of Kosovo may with a decision may prescribe in cases when foreigners who come from countries which need a visa for entering the country may enter and residence for a given period of time in the Republic of Kosovo with a valid Schengen visa or residence permit of one of the countries of the Schengen zone, if they do fulfill the conditions referred to in paragraph 1. of this Article.
6. A non-exhaustive list of supporting documents which the border police may request from the foreigner in order to verify the fulfillment of the conditions set out in sub-paragraph 1.3 of this Article will be detailed in a sub-legal act related to the prohibition of entry of foreigners into the Republic of Kosovo.

**Article 32**  
**Refusal of entry of a foreigner in the Republic of Kosovo**

1. A foreigner who does not fulfill the entry conditions laid down in Article 31 of the Law, shall be refused entry to the territory of the Republic of Kosovo and a decision with the justification for the refused entry shall be issued to him/her.
2. A foreigner has the right to appeal against the decision referred to in paragraph 1. of the present Article. Appeal shall be made at the diplomatic or consular missions having territorial competence or at the Appeals Commission. Appeal against such a decision shall not have suspensive effect of its execution.

**Article 33**  
**Illegal entry in the Republic of Kosovo**

1. Illegal entry in the Republic of Kosovo shall be considered if a foreigner:
  - 1.1. crosses the border at a place and time not defined for state border crossing;
  - 1.2. avoids border check as defined under the Law on State Border Control;
  - 1.3. enters in the territory of the Republic of Kosovo having an entry and residence ban in the Republic of Kosovo;
  - 1.4. has used the three (3) months period of residence within six (6) months;
  - 1.5. has entered on the basis of a false, counterfeit or forged travel document, visa or residence permit.

**Article 34**  
**Exit of a foreigner from the Republic of Kosovo**

1. A foreigner may freely leave from the Republic of Kosovo, unless:
  - 1.1. a foreigner is in possession of an invalid foreign document, false document and other forged travel document used in abusive manner;
  - 1.2. a foreigner does not meet the conditions of entry to the other state;
  - 1.3. there are reasonable doubts that the foreigner shall avoid a criminal or minor offense prosecution, warrant arrest or settlement of obligations as defined under the law;
  - 1.4. such is required for the reasons of state security, constitutional order or public affairs pursuant to the decision of competent authority.
2. A foreigner shall be granted exit from the Republic of Kosovo when the reasons referred to in paragraph 1. of the present Article cease to exist.

**Article 35**  
**Carrier duties**

1. A carrier may carry a foreigner to a border crossing point of the Republic of Kosovo if the foreigner is in possession of a valid travel document or other document required for border crossing, of a valid visa, if required or a residence permit.
2. The carrier may bring the foreigner to the border crossing point if he/she meets the requirements for entry in the Republic of Kosovo.

3. If a foreigner is refused entry into the Republic of Kosovo, the carrier that has brought him/her to the border crossing point, at the request of the authority for border control, shall return him/her to the state from which he/she entered, in the state where the document of the foreigner is issued, or any other state which he/she is certain to be admitted.
4. If the carrier cannot bring the foreigner back from the Republic of Kosovo in accordance with paragraph 3. of this Article, it shall promptly and at its own expenses provide another carrier.
5. The carrier, which has brought the foreigner to the state border or in the territory of the Republic of Kosovo in infringement of paragraph 2. of the present Article, must pay for the accommodation and expenses for returning back the foreigner.
6. Obligations deriving from the present Article shall also apply to carriers that carry a foreigner to the state border or within the territory of the Republic of Kosovo, which is in transit or who has been refused further transportation by the other carrier or to whom entry into the country of destination has been refused and returned back in the Republic of Kosovo.
7. An organizer of tourist trips or business ones in the Republic of Kosovo, shall be obliged that to foreigners to whom have been provided the relevant service, to cover the costs of leaving from the Republic of Kosovo, if to the foreigner has been applied an entry ban or the foreigner shall be removed by force from the Republic of Kosovo, if these costs the foreigner can not cover themselves.

### **Article 36**

#### **Prohibition of illegal assistance to a foreigner**

Any person that in any form assists foreign citizens to enter illegally, transit through or residence illegally in the territory of the Republic of Kosovo will be held criminally responsible and will be convicted in accordance with applicable law.

## **CHAPTER IV**

### **RESIDENCE OF FOREIGNERS**

#### **Article 37**

##### **Types of residence**

1. Types of residence in the Republic of Kosovo are:
  - 1.1. short-term residence;
  - 1.2. temporary residence and
  - 1.3. permanent residence.

#### **Article 38**

##### **Short-term residence**

1. Short-term residence shall mean residence of a foreigner up to three (3) months within the period of six (6) months without visa or with visa, if required.
2. Short-term residence may be shorter than three (3) months when this is indicated in



the visa. Period of residence shall be calculated from the date of first entry in the Republic of Kosovo.

3. A foreigner who has already used a three (3) months of residence period within the six (6) months period, may enter again and residence in the Republic of Kosovo after the six (6) months period is due from the date of first entry.

### **Article 39**

#### **Interruption of short-term residence**

1. Short residence to a foreigner shall be interrupted if:
  - 1.1. no longer meets the conditions referred to in Article 31 paragraph 1. of the Law;
  - 1.2. validity of the visa expired;
  - 1.3. utilized the period referred to in Article 38 of this law;
  - 1.4. his residence has been annulled.

### **Article 40**

#### **Annulment of short-term residence**

1. A short residence of a foreigner shall be annulled if:
  - 1.1. no longer meets the conditions referred to in Article 31 of the Law;
  - 1.2. is residing in the Republic of Kosovo in violation of his purpose of entry;
  - 1.3. is affecting state security, public order or public health;
  - 1.4. has not paid financial obligations to the state.
2. Annulment referred to in paragraph 1. of the present Article shall be carried out by the Border Police.
3. A foreigner has the right to an appeal against the decision on annulment of a short residence, however may initiate an administrative dispute at the Basic Court.

### **Article 41**

#### **Temporary residence**

1. Temporary residence shall be granted to a foreigner who resides or his/her intention is to residence in the territory of the Republic of Kosovo, for the purpose of:
  - 1.1. family reunification;
  - 1.2. secondary and higher education;
  - 1.3. scientific research;
  - 1.4. humanitarian grounds, including refugees, persons under subsidiary protection and victims of human trafficking or victims of migration, smuggling and foreigners who have willingly expressed cooperation with competent authorities;
  - 1.5. employment and
  - 1.6. employment of a posted worker.
2. Foreigner with temporary residence and foreigner with permanent residence permit pursuant to Article 84 of this Law shall be issued a uniform residence permit.

3. Temporary residence for a posted worker shall be issued to a foreigner which fulfills the conditions laid down in Article 48 and Article 77 paragraph 1. of the law.
4. Irrespective from the paragraph 1. of the present Article, a foreigner may be issued a temporary residence for other purposes as well. Residence for other purposes shall not exceed more than six (6) months within one (1) year.
5. The form, content and procedure for issuance of residence permit pursuant to paragraph 2. of this Article shall be regulated by bylaws adopted by MIA.

## **Article 42**

### **Filing an application for a temporary residence**

1. A temporary residence permit application shall be submitted to a diplomatic or consular mission of the Republic of Kosovo.
2. Foreigner for whom to enter the Republic of Kosovo does not need a visa, may apply for temporary residence permit in the DCAM.
3. Notwithstanding paragraph 1. of the present Article, a foreigner who is in possession of a visa and if he/she comes for the purpose of full-time regular studies at undergraduate, university and post-university levels, as well as a foreigner referred to in article 70 paragraph 1. sub-paragraph 1.12. 1.13. and 1.14. of the law, and the members of their close family, may apply for temporary residence permit in the DCAM.
4. A foreigner referred to in paragraph 2. and 3. of the present Article must submit an application for temporary residence permit before the expiration of the short-term residence and can residence in the Republic of Kosovo till his/her application has been decided upon.

## **Article 43**

### **Manner of making an application for temporary residence permit by a foreigner**

1. Application for residence permit a foreigner shall submit in person or in case of unaccompanied children or vulnerable persons application can be submitted by a parent or legal custodian.
2. Exceptionally from paragraph 1. of the present Article, application for residence permit for the purpose of employment may submit the employer as well.

## **Article 44**

### **Decision on the request for temporary residence permit**

1. In relation with the application of a temporary residence permit, DCAM shall decide upon within thirty (30) days from the date of receipt of the application.
2. Against the decision from paragraph 1 of this Article within eight (8) days may be appealed for which the appeals commission shall decide within thirty (30) days from the receipt of the appeal. The appeal does not suspend the execution of the decision.
3. Against the decision to refuse a temporary residence permit for work due to the

completion of the annual quota for employment, or if the annual quotas for the continuation of valid permits, new employment or seasonal employment, still has not been set out, the foreigner has no right to appeal, however may initiate an administrative dispute at a Basic Court.

#### **Article 45**

#### **Arrangement of a temporary residence of the children born in the Republic of Kosovo**

1. The parent or guardian of a child born in the Republic of Kosovo is obliged to apply for a temporary residence permit for the child, not later than three (3) months from the date of birth.
2. Temporary residence under paragraph 1. of this Article may be granted for the time the temporary residence for the parent or guardian of a child is permitted or up to one (1) year, if one of the parents or guardian have a permanent residence permit.

#### **Article 46**

#### **Period of validity of a temporary residence**

1. Temporary residence permit is issued for a period of one (1) year unless otherwise is specified under this law.
2. The period of validity of the travel document must be at least three (3) months longer than the period for which the temporary residence permit is issued.
3. Residence permit for persons enjoying refugee status will be issued with a validity of at least three (3) years and renewable unless compelling reasons of national security or public order otherwise require.

#### **Article 47**

#### **Extension of a temporary residence permit**

1. Application for extension of a temporary residence permit must be submitted no later than thirty (30) days before the expiration of a temporary residence permit at DCAM.
2. A foreigner who has submitted an application for the extension of temporary residence permit before the expiration of the existing temporary residence may residence in the Republic of Kosovo till the application shall be decided upon.
3. Without prejudice to Article 46 paragraph 2. of the Law, a foreigner who does not possess a valid travel document, and who submits an application for extension of a temporary residence permit in the Republic of Kosovo, shall be issued a decision for the approval of a temporary residence permit.
4. A foreigner from paragraph 3. of the present Article, which submits an application for the extension of a temporary residence permit must attach the foreign travel document.
5. A foreigner with a temporary residence permit may, prior to the expiry of the period for which the permit was issued, lodge an application for a subsequent residence permit for a different purpose.

**Article 48**  
**Conditions for issuing a temporary residence permit**

1. A foreigner shall be issued a temporary residence permit, if:
  - 1.1. proves the purpose of temporary residence;
  - 1.2. is in possession of a valid travel document;
  - 1.3. is in possession of sufficient means of subsistence;
  - 1.4. is in possession of medical insurance;
  - 1.5. has no entry and residence ban in the Republic of Kosovo;
  - 1.6. constitutes no threat to state security, public order or public health.

**Article 49**  
**Temporary residence permit for the purpose of family reunification**

1. A temporary residence permit for the purpose of family reunification may be granted to a foreigner who is a close family member:
  - 1.1. of a citizen of Kosovo;
  - 1.2. of the foreigner who is in possession of a permanent residence permit;
  - 1.3. of the foreigner who is in possession of a temporary residence permit;
  - 1.4. of a foreigner who has been granted international protection in accordance with the Law on Asylum.
2. Irrespective of paragraph 1. sub-paragraph 1.3. of this Article, a close family member of a foreigner who is residing in the Republic of Kosovo on the basis of a temporary residence permit for employment issued for one (1) year, pursuant to annual quotas for the employment of foreigners, may be granted a temporary residence permit for the purpose of family reunification, if the foreigner seeks family reunification in the Republic of Kosovo, and if he/she has at least two (2) years of temporary residence.
3. Temporary residence for the purpose of family reunification shall not be given to a family member of a foreigner who has been issued a residence permit for seasonal work, asylum seekers and to foreigners under temporary protection.
4. Submission of the application for temporary residence with the purpose of family reunification shall be submitted and considered when the family members are residing outside the territory of the Republic of Kosovo. Exceptionally, in certain circumstances, the application for temporary residence with the purpose of family reunification may be submitted and considered when the family members are residing in the territory of the Republic of Kosovo.
5. When examining the application the best interests of the minor children shall be taken into consideration.

**Article 50**  
**Family members**

1. Family members in the meaning of this law are:
  - 1.1. the sponsor's spouses or partners;
  - 1.2. the minor children of the sponsor and of his/her spouse, including children

- adopted in accordance with a decision taken by the authority in the Republic of Kosovo, or a decision which is automatically enforceable due to international obligations of the Republic of Kosovo, or must be recognized in accordance with international obligations;
- 1.3. the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. Family reunification may be authorized for children of whom custody is shared, provided that the other party sharing custody has given his or her agreement;
  - 1.4. the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her. Family reunification may be authorized for children of whom custody is shared, provided that other party sharing custody has given his or her agreement.
2. Notwithstanding the paragraph 1 of this Article, the competent authority may consider also family member of a citizen of Kosovo, of a foreigner to whom has been granted temporary or permanent residence, and of a foreigner who has the refugee status,, if there are special personal or serious humanitarian reasons for a family reunification in the Republic of Kosovo.
  3. In the event of a polygamous marriage, where the sponsor already has a spouse living with him in the territory of the Republic of Kosovo shall not authorize the family reunification of a further spouse.
  4. Family reunification shall not be granted if the spouse or unmarried partner is married or is in a long-term relationship with another person.
  5. Partnership in the meaning of this law is a partnership of an unmarried man and an unmarried woman living together and which lasts at least three (3) years or less if in this partnership was born a child of both of them.
  6. Minor children must be below the age of majority and must not be married.
  7. By way of derogation, the child is aged over twelve (12) years and arrives independently from the rest of his/her family, the Republic of Kosovo may, before authorizing entry and residence under this law, verify whether he or she meets a condition for integration provided for by its existing legislation in force.

## **Article 51**

### **Penalties and redress**

1. DCAM may reject an application for entry and residence for the purpose of family reunification, or, if appropriate, withdraw or refuse to renew a family member's residence permit, in the following circumstances:
  - 1.1. when the conditions defined by this law are not or no longer will be fulfilled. When renewing the residence permit, when the sponsor has not sufficient resources without recourses without having access to the social assistance system of the Republic of Kosovo. Account shall be taken to the contributions of the family members to the family economy;
  - 1.2. when the sponsor and his/her family member do not or no longer live in a real marital or family relationship;
  - 1.3. when it is found that the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person.

2. DCAM may also reject an application for entry and residence for the purpose of family reunification, or withdraw or refuse to renew the family member's residence permits, where it is shown that:
  - 2.1. false or misleading information, false or falsified documents were used, fraud was committed or other unlawful means were used;
  - 2.2. the marriage, extramarital relationship or adoption were contracted for the sole purpose of enabling the person concerned to enter or reside in the territory of the Republic of Kosovo. When making an assessment related to this issue, DCAM may have regard in particular to the fact that the marriage, extramarital relationship or adoption was contracted after the sponsor had been issued his/her residence permit.
3. DCAM may withdraw or refuse to renew the residence permit of a family member when the sponsor's residence permit expires and the family member does not yet enjoy an autonomous right of residence under Article 54 of this law.
4. DCAM may conduct specific checks and inspections when there is reason to suspect that there is fraud or a marriage, extramarital relationship or adoption of convenience. Specific checks may also be undertaken on the occasion of the renewal of family members' residence permit.

## **Article 52**

### **Entry and residence of family members of a foreigner which enjoys protection in accordance with Law on Asylum**

1. The definition of family members prescribed in paragraph 1 of Article 50 of this law shall be applicable as well to the family members of persons to whom is given protection in accordance with Law on Asylum.
2. A family member who has been granted protection in accordance with the Law on Asylum, to grant a temporary residence permit for the purpose of family reunification shall not be required to fulfill the conditions laid down in Article 48 paragraph 1. sub-paragraph 1.3. and 1.4.. of the law.
3. If a foreigner to whom protection is granted in accordance with Law on Asylum is an unaccompanied child, then the Republic of Kosovo:
  - 3.1. shall authorize entry and residence for the purposes of family reunification of his/her first-degree relatives in the direct ascending line;
  - 3.2. shall authorize the entry and residence for the purposes of family reunification of his/her legal guardian or any other member of the family, where the refugee has no in the direct ascending line or such relatives cannot be traced.
4. Where a refugee cannot provide official documentary evidence of the family relationship, the DCAM shall take into account other evidence, to be assessed in accordance with national legislation, of the existence of such relationship. A decision rejecting an application can not be based solely on the fact that documentary evidence is lacking.
5. There shall be created facilities on getting the necessary visa to the persons who submit application on temporary residence for the purpose of family reunification.

### **Article 53**

#### **Validity of a temporary residence permit for the purpose of family reunification**

1. A temporary residence permit for the purpose of family reunification shall be given for a period of time valid of one (1) year or until the expiration of the temporary residence permit to a foreigner who requests that family reunification.
2. A foreigner who previously had a continuous temporary residence permit for the purpose of family reunification for at least two (2) years, a temporary residence permit for the same purpose may be granted for a period of up to two (2) years, or until the expiration of the temporary residence permit of the foreigner who is seeking family reunification.

### **Article 54**

#### **Autonomous residence**

1. To spouse, unmarried partner and the child who has reached the age of majority, may be granted an autonomous residence permit, if it meets the conditions referred to in article 48 paragraph 1. subparagraph 1.2. 1.3. 1.4. 1.5. and 1.6. of this law, in the event to him/her has been granted a temporary residence permit for the purpose of family reunification for a continuous period of three (3) years.
2. Exceptionally, a foreigner from paragraph 1. of this Article may be granted an autonomous residence if it meets the conditions referred to in article 48 paragraph 1. sub-paragraph 1.2. 1.3. 1.4. 1.5. and 1.6. of this law, and in the event he/she is granted of a temporary residence permit for the purpose of family reunification for a continuous period of two (2) years, if the person on the basis of which he/she was granted a temporary residence permit for the purpose of family reunification, has died.
3. Exceptionally, autonomous residence may be issued upon application to persons who have entered by virtue of family reunification, in the event of widowhood, divorce, separation.

### **Article 55**

#### **Rights of a foreigner with a temporary residence for the purpose of family reunification and autonomous residence**

A foreigner to whom a temporary residence permit has been granted for the purpose of family reunification and a foreigner with autonomous residence referred to in Article 54 of this law, enjoys the rights to education, vocational training, work and self-employment.

### **Article 56**

#### **Temporary residence for the purpose of secondary education**

1. A temporary residence permit for the purpose of secondary education shall be granted to a foreigner who besides the conditions referred to in Article 48 of the Law shall meet the following conditions as well:

## Administrative laws

- 1.1. is enrolled in a secondary school;
  - 1.2. participates in a student exchange program approved by the responsible ministry for education;
  - 1.3. presents the consent of the parents or of the legal guardian for the scheduled residence whose objective is secondary education in the Republic of Kosovo;
  - 1.4. provides evidence that the organization which manages the student exchange program is responsible for him/her during his/her residence in the Republic of Kosovo, particularly in relation to the means of living, learning, and health care and returning costs; and
  - 1.5. the family to which he/she legally resides is eligible in accordance with specific provisions and is selected based on the student exchange program.
2. A temporary residence permit for the purpose of secondary education shall be issued with a validity period of up to one (1) year.

### **Article 57**

#### **Temporary residence for the purpose of study**

1. A temporary residence permit for the purpose of study shall be granted to a foreigner who meets the requirements of article 48 of the Law and the following conditions:
  - 1.1. studies at a higher education institution in the Republic of Kosovo;
  - 1.2. comes under an exchange of students and youth mobility;
  - 1.3. comes for an internship authorized by an organization or on the basis of international agreements or agreements between the universities.
2. A temporary residence permit for the purpose of study shall be issued with a period of validity of up to one (1) year, or until the end of the academic year.
3. Performing of an internship of a foreigner referred to in paragraph 1. of this law shall not be considered as work in terms of the provisions of the law.

### **Article 58**

#### **Temporary residence for the purpose of scientific research**

1. A temporary residence for the purpose of scientific research shall be granted to a foreigner who has an agreement with an institution licensed in the Republic of Kosovo for a visit and meets the requirements of article 48 of the Law.
2. A temporary residence permit for the purpose of scientific research shall be issued with a period of validity of up to one (1) year.
3. A foreigner who has an agreement for the purpose of scientific research with any of the European Union Member States or States which are part of the Schengen area may reside for the purpose of scientific research up to ninety (90) days in the Republic of Kosovo without an agreement referred to in paragraph 1. of this Article provided that they fulfill the conditions of article 48 of the law.



**Article 59**  
**Temporary residence on humanitarian grounds**

1. A temporary residence on humanitarian grounds shall be granted to a foreigner as in the following cases:
  - 1.1. if he/she is a victim of human trafficking (hereinafter victim) and has accepted the assistance and protection program;
  - 1.2. if a minor has been abandoned or is a victim of organized crime or for any other reason, without parental care, custody, or unaccompanied;
  - 1.3. has cooperated or accepts to cooperate with the justice authorities or upon the proposal of the authorities of the state security;
  - 1.4. in case he/she cooperates with the authorities and his/her participation is required in a criminal proceeding against an employer who employed him/her illegally;
  - 1.5. is a pregnant woman with over six (6) months, and
  - 1.6. other serious humanitarian reasons.
2. A foreigner referred to in paragraph 1. of this Article shall be exempt from meeting the conditions referred to in article 48 paragraph 1. sub-paragraph 1.3. and 1.4. of the law.

**Article 60**  
**Victims of human trafficking**

After the identification of victims from the part of relevant authorities pursuant to respective Law on Trafficking with Humans, victims of trafficking shall be granted temporary residence permit.

**Article 61**  
**Reflection period and issuance residence permit**

1. Republic of Kosovo shall ensure that the foreigners concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities. The duration of reflection period shall be from thirty (30) to ninety (90) days and starting point of this period shall be calculated from the moment the matter is referred to the respective unit against human trafficking.
2. During the reflection period and while awaiting the decision of the competent authorities, foreigner concerned shall have access to the treatment referred to in paragraph 1. of Article 62 of this Law and where appropriate access to psychological assistance, translation and interpreting services, safety, protection needs, free legal aid according to national law.
3. Republic of Kosovo may at any time terminate the reflection period if the competent authorities have established that the person concerned has actively, voluntarily and on his/her own initiative renewed contact with the perpetrators of the offences or for reasons relating to public policy and to the protection of national security.

4. After the period of reflection has expired on the request of the competent authority shall be issued a residence permit for at least six (6) months and it shall be renewed if the respective conditions continue to be met.

#### **Article 62**

##### **Rights of victims of human trafficking who have been granted temporary residence permit**

1. A victim who has been granted temporary residence has the right to safe housing, health care, financial assistance, education and employment pursuant to respective law in force.
2. A special attention should be paid to pregnant women and people with disabilities, as groups of victims particularly vulnerable.
3. A foreigner who has been granted temporary residence on humanitarian grounds pursuant to article 59 paragraph 1. sub-paragraph 1.4. and 1.5. shall exercise its rights under paragraph 1. of this Article.

#### **Article 63**

##### **Best interest of minor victims of human trafficking**

1. Authorities involved in the prevention, combating and protection of minor victims shall take into account the best interests of the minor.
2. For a minor victim under paragraph 1. of this Article, due account shall be taken to the best interests of the child, access to the educational system and the necessary measures shall be taken to establish its identity, citizenship, and to find his/her family members.

#### **Article 64**

##### **Returning of victims of human trafficking**

1. Safe return of a foreigner who enjoys the status of a victim shall be carried by MIA taking care of his rights, safety and dignity. The return, if possible, should be voluntary and the principle of non-refoulment shall always be taken into account.
2. The minors who are victims of human trafficking shall not be returned to any other state, if after assessing the level of risk and safety there are assumptions that such a return would not be in the best interest of the minor.

#### **Article 65**

##### **Termination of temporary residence permit to victims of human trafficking**

1. Temporary residence of a victim on humanitarian grounds, shall cease if:
  - 1.1. has lost the status of the victim;
  - 1.2. is confirmed that he/she abuses with the status of the victim or he/she got it by cheating, he/she ceases cooperation with competent authorities and when competent authorities terminate the procedure;
  - 1.3. if it is required for the reasons of protection of public order, state security and public health.

2. In the event of taking the final decision for a temporary residence permit for the minor victim, an opinion of competent authorities for preventing and combating of human trafficking shall be requested.
3. A temporary residence on humanitarian grounds in accordance to Article 59 paragraph 1. sub-paragraph 1.2. 1.3. 1.4. 1.5. 1.6. and 1.7. of this law shall expire if the purpose for which to the foreigner is granted temporary residence ceases or it is required for the protection of public order, state security and public health.
4. Against the decision referred to in paragraph 1. and 3. of this Article may be lodged an appeal for which the Commission shall decide.

## **Article 66**

### **Revocation of a temporary residence**

1. A temporary residence shall be revoked to a foreigner if:
  - 1.1. the conditions for granting temporary residence according to article 48 of this law cease to exist;
  - 1.2. if within thirty (30) days after the approval of temporary residence does not notify his/her place of residence;
  - 1.3. residences outside the territory of the Republic of Kosovo for more than thirty (30) days consecutively;
  - 1.4. if his/her residence in the Republic of Kosovo is in contradiction to the purpose of a temporary residence.
2. The decision referred to in paragraph 1. sub-paragraph 1.2. and 1.3. of this Article may be taken without a preliminary hearing of the foreigner, as long as he/she has been informed in advance that against him/her is being conducted the procedure for termination of his/her temporary residence.
3. The decision referred to in paragraph 1. of this Article may be appealed to the Appeals Commission.
4. Notwithstanding paragraph 1. sub-paragraph 1.3. of this Article, a foreigner who for ninety (90) days due to reasonable causes resides outside the Republic of Kosovo, his/her temporary residence shall not be revoked, if notifies DCAM or the Border Police, no later than ten (10) days from the date of return to the Republic of Kosovo.

## **Article 67**

### **Employment of a foreigner in the Republic of Kosovo**

1. A foreigner in the Republic of Kosovo may work on the basis of a permit issued for residence and employment or a certificate for employment notification, unless otherwise specified under this law.
2. Employment residence may be issued on basis of an annual quota or separate to it.
3. A foreigner shall be exempted from a work permit or a certificate for employment notification with:
  - 3.1. a permanent residence;
  - 3.2. a refugee status or temporary or subsidiary protection;
  - 3.3. a temporary residence for the purpose of family reunification with a citizen

- of the Republic of Kosovo, with a foreigner with permanent residence, with a foreigner with the refugee status and a foreigner to whom subsidiary or temporary protection have been approved;
- 3.4. a temporary residence on humanitarian grounds;
  - 3.5. autonomous residence;
  - 3.6. a status of the pupil or regular student in the event they perform work through an authorized intermediary, without establishment of an employment relationship;
  - 3.7. a temporary residence for the purpose of scientific research referred to in article 58 of this law.
4. Work in terms of this law, shall not be considered performance of preliminary actions for the establishment and registration of company or commercial turnover.
  5. A foreigner may work in the Republic of Kosovo only in those jobs for which residence permit for work or certificate for employment notification has been issued, and solely with the employer with which the employment relationship was established.
  6. The employer may only employ a foreigner for the jobs, for which a work permit, respectively certificate for employment notification, has been issued.
  7. The employer can not hire a foreigner who is illegally residing in the Republic of Kosovo.
  8. If a foreigner has presented an invalid permit under paragraph 7. of this article, the employer shall not be deemed guilty of hiring the foreigner who is illegally residing in the Republic of Kosovo, unless the employer knew that the document presented as a residence and work permit was not genuine and valid.
  9. An employer who hires a foreigner referred to in paragraph 3. of this article, is required within eight (8) days from the date of establishment of the employment relationship or the beginning of the work, to inform MLSW for this, which should inform the MIA for this.
  10. The provisions of this article concerning the employer shall adequately apply also to the subcontractor.

### **Article 68**

#### **Annual employment quota for foreigners**

1. The Government of the Republic of Kosovo shall adopt a decision which shall set out an annual quota of employment of foreigners at the latest by 31 October for the coming year, for extension of permits issued and new employment. Annual employment quota for foreigners shall be made public.
2. Proposal of annual quota for the employment of foreigners shall be drafted by MLSW based on the recommendation of the Economic-Social Council.
3. Annual quota for employment of foreigners shall be determined in accordance with the policy on migration and the labour market situation and in accordance with the needs and opportunities of employment of foreigners in the Republic of Kosovo.
4. Through the annual quota for employment of foreigners shall be defined the activities and occupations for which the new employment is allowed and the number of permits for each activity and occupation.

5. Through annual quota for employment of foreigners might be set out also the quota for seasonal employment.

### **Article 69**

#### **Work permit on the basis of annual quota for employment of foreigners**

1. Work permit on the basis of annual quota referred to in article 68 of the law, shall be allowed to a foreigner which meets the requirements referred to in article 48 of the law and must be accompanied by:
  - 1.1. employment contract, respectively a written confirmation for concluding a contract of employment or adequate evidence of employment;
  - 1.2. evidence on foreigner's education, qualifications acquired and training;
  - 1.3. evidence on registration of the trade company, association, representation and turnover in the Republic of Kosovo.

### **Article 70**

#### **Work permit outside the annual quota**

1. Work permit outside the annual quota may be issued to:
  - 1.1. daily immigrants on the condition of reciprocity;
  - 1.2. key personnel, service providers, employees and their family members, whose status is regulated by the Stabilization and Association Agreement and the interaction between the European Union and its states and the Republic of Kosovo;
  - 1.3. a foreigner working in private companies which are subcontractors to diplomatic missions that operate in the Republic of Kosovo;
  - 1.4. a foreigner who perform major duties for trade companies, associations and representations;
  - 1.5. a foreigner who is transferred within the internal transfer of staff within trade companies and other personnel required determined in advance under the contract;
  - 1.6. a foreigner who is self-employed in its own trade company or trading company, having a greater share than fifty-one percent (51%) or turnover of its own;
  - 1.7. teachers who teach in educational institutions in one of the languages of ethnic minorities;
  - 1.8. professional athletes or sports activists who work in the Republic of Kosovo;
  - 1.9. artists working in cultural institutions in the Republic of Kosovo;
  - 1.10. foreigners who have established employment relationships in corporations, which are registered as a foreign corporation in the Republic of Kosovo and at least in three (3) countries;
  - 1.11. foreigners working under Youth Mobilization Program, which the Republic of Kosovo carries out in cooperation with other states;
  - 1.12. scientific researchers, foreigners employed at scientific positions, scientific-educational or other research jobs to scientific legal entities;

- 1.13. foreign language professors, lecturers and other teachers who teach in higher educational institutions in the Republic of Kosovo or in registered foreign languages schools;
- 1.14. foreigners working on the basis of international contracts, except the contract referred to in paragraph 1. sub-paragraph 1.2. of this article.
2. A person who carries out the key functions in the company, association or representation of a foreign trading company within the meaning of paragraph 1. sub-paragraph 1.4. of this article, shall be deemed:
  - 2.1. a person who in a trading company, association or representation has a senior position, the person who manages the business, a person who is under the general supervision or management of the department or the shareholder, respectively member of the trading company and the person who carries an equal responsibility, including:
    - 2.1.1. heading of a section or sub-section of the trading company;
    - 2.1.2. monitoring and supervising the work of other employees, respectively performing supervisory or management work;
    - 2.1.3. authorization for employment and lay-off of workers, respectively making of recommendations that are related to employment, lay-off or other personnel affairs.
  - 2.2. a person who works in a trading company, association or representation, who is in possession of special professional skills or skills needed to provide services, the use of means for research, admission of techniques or business management of the trading company, association or representation.

## **Article 71**

### **Requirements for acquiring work permit outside the annual quota**

1. Work permit referred to in article 70 of the law may be granted to a foreigner, if he/she meets the requirements laid down in Article 48 of the law, and must be accompanied by:
  - 1.1. employment contract, respectively a written confirmation for binding a contract of employment or adequate evidence of employment;
  - 1.2. evidence on foreigner's education, qualifications acquired and training;
  - 1.3. evidence on registration of the trade company, association, representation and turnover in the Republic of Kosovo;
  - 1.4. justification for the employment of a foreigner containing data on the skills and professional qualifications and work experience of the foreigner and the reasons why the workplace can not be filled by the workforce from the labour market in the Republic of Kosovo.
2. With the application for issuing of work permit under article 70 paragraph 1. sub-paragraph 1.1. 1.2. 1.4. 1.5. and 1.6. of the law is not required to be attached the justification of the reasonableness of the employment of a foreign national.

## **Article 72**

### **Requirements for acquiring work permit outside the annual quota for foreigners who perform major duties for trade companies, associations and representations**

1. A foreigner referred to in Article 70 paragraph 1. sub-paragraph 1.4. of the law, the work permit may be granted, if he/she meets the requirements laid down in Article 71 of the law and if:
  - 1.1. presents evidence on the registration of trade company;
  - 1.2. in a foreign trade company, association or representation are hired at least three (3) citizens of the Republic of Kosovo in different jobs, ranging from a job of a representative, member of the department or the supervisory authority;
  - 1.3. gross payment of the turnover is of at least the value of a average wage paid in the Republic of Kosovo in the past year.
2. In the event more foreigners referred to in paragraph 1. of this Article perform key functions for the same employer, work permit may be issued, if:
  - 2.1. for each foreign national there are at least five (5) citizens of the Republic of Kosovo employed in various jobs, ranging from a job of a representative, member of the department or supervisory authority;
  - 2.2. presents evidence on the registration of trade company;
  - 2.3. gross payment of the turnover is of at least the value of a average wage paid in the Republic of Kosovo in the past year.
3. A foreigner referred to in article 70 paragraph 1. sub-paragraph 1.6. of the law, the work permit may be granted, if he/she meets the requirements laid down in article 71 of the law and if:
  - 3.1. presents evidence on the registration of trade company;
  - 3.2. there are employed at least three (3) citizens of the Republic of Kosovo;
  - 3.3. its gross payment is of at least the value of a gross wage paid in the Republic of Kosovo in the past year;
  - 3.4. accompanies evidence on tax obligations and contributions paid in the Republic of Kosovo.

## **Article 73**

### **Requirements for acquiring work permit outside the annual quota for foreigners whose status is regulated by the Stabilization and Association Agreement and the interaction between the European Union and its states and the Republic of Kosovo**

1. A work permit outside of the annual quota may be issued to a foreigner, who meets the requirements specified in article 48 of the law, and:
  - 1.1. performs key functions in accordance with article 70 sub-paragraph 1.2. of the law, in the company which is the leader of incentive measures in accordance with the provision on attracting investment, or which owns the assets of at least fifty-one percent (51%) or;
  - 1.2. which in the Republic of Kosovo performs functions (tasks) or manages

projects on the basis of international agreements on professional and technical assistance, the Republic of Kosovo has made with the European Union, with another state or an international organization.

#### **Article 74**

##### **Decision for granting work permit**

1. The decision about the application for issuance of a work permit shall be issued by the DCAM, after confirmation of permit to work from MLSW. Such a decision may be appealed within eight (8) days from the receipt of the decision, to the Appeals Commission shall decide.
2. Work permit shall be issued to foreign nationals for the period of time required to carry out the tasks, respectively for the time for which an employment contract or other relevant contracts are made, and the longest up to one (1) year.
3. Notwithstanding paragraph 2. of this article, a foreigner's work permit referred to in article 70 paragraph 1. sub-paragraph 1.5. of the law, shall be issued for a period of validity of two (2) years, unless otherwise required a shorter period of time for granting a work permit.
4. A foreigner who has been granted a work permit for the reasons of seasonal work, may residence in the Republic of Kosovo at most six (6) months in the period of one (1) year and must residence outside the Republic of Kosovo for at least six (6) months before it may become possible again for him/her an entry into and residence for the purpose of work.
5. Employer and Tax Administration on the basis of the head office of the legal entity or place of residence of a natural person, who uses the services of a foreign or the place where contracted work will be carried out, shall be informed by DCAM, for granting a work permit.

#### **Article 75**

##### **Refusal of issuance of a work permit**

A foreigner may be refused issuance of a work permit, in the event the employer violates labour provisions and work protection provisions, medical and pension insurance or in case the foreigner or the employer have not paid a penalty imposed in cash.

#### **Article 76**

##### **Certificate for employment notification**

1. On the basis of a certificate for employment notification, up to ninety (90) days within a year, the following foreigners may work:
  - 1.1. a trading representative, key personnel and members of the supervisory board of a trading company, which carry out work for a trading company, but are not in an employment relationship;
  - 1.2. tourism service providers, tourism representatives, respectively animators, in accordance with the special provisions;



- 1.3. scientists in a scientific and professional training, scientists - representatives of international organizations, then scientists which will take part in the realization of scientific projects, important for the Republic of Kosovo;
- 1.4. managerial staff, experts, teachers and lecturers of foreign cultural, educational and scientific institutions, which in the Republic of Kosovo shall carry out works in the framework of cultural and educational cooperation programs, and managerial staff, experts, teachers and lecturers of foreign cultural, educational and scientific institutions, which in the Republic of Kosovo have their own associations, in case they do come from the parent institution;
- 1.5. civil and military personnel of the government of other states, who in the Republic of Kosovo come to work based on a cooperational contract with the Government of the Republic of Kosovo;
- 1.6. foreign correspondents accredited in the Republic of Kosovo or foreign media reporters;
- 1.7. representatives and personnel of religious communities who perform works exclusively related to charitable religious service;
- 1.8. students, who come to unions or Kosovo institutions for voluntary work in work camps or educational and work programs, respectively, who are coming for an internship in the diplomatic and consular missions accredited to the Republic of Kosovo;
- 1.9. volunteers who are working in unions and non-profit institutions in the Republic of Kosovo in accordance with the special provisions, respectively, based on voluntary cooperation and exchange programs;
- 1.10. foreign nationals who come in the Republic of Kosovo to do an internship in practice in a trading company, association or representation, who are owners of foreign trading firm, if such foreigners come from that firm to headquarters or from a representation or its association in another state;
- 1.11. foreigners who perform supervisory and inspection works, repairs and shipbuilding, respectively foreigners who perform supervisory or inspection tasks of production, prefabricated equipment, machinery and other instruments, based on a contract for export or an order from a foreigner;
- 1.12. foreigners who carries out an internship, training or voluntary work within a Cooperation Programme, Lifelong Learning Programme and Youth in Action program, and other programs and initiatives, which are being implemented by a competent authority for education and science;
- 1.13. experts in the field of protection of cultural heritage, literature and archive;
- 1.14. foreigners who perform professional learning, training and education of employees working for natural persons and legal entities in the Republic of Kosovo;
- 1.15. foreigners who perform works related to orders, assembling or servicing of machines or equipment, whereas their work is a prerequisite for the realization of their rights on warranty or is connected with making machinery and equipment orders;
- 1.16. foreigners, who are professionally trained at a legal entity headquartered in the Republic of Kosovo, which is connected with the foreign employer;

- 1.17. pupils, who through an authorized organization or through a student exchange program come for internship.
2. Foreign nationals referred to in paragraph 1. sub-paragraph 1.3. 1.4. 1.5. 1.6. 1.7. 1.8. 1.9. 1.10. 1.11. 1.12. 1.13. 1.14. and 1.15. of the article, which intend residence to work in the Republic of Kosovo for more than ninety (90) days, may be issued a work permit outside of the annual quota, if they meet the requirements from article 48 of the law.
3. On the basis of a certificate for employment notification, up to sixty (60) days within one (1) year may work the following foreigners:
  - 3.1. audit and consultancy service providers;
  - 3.2. lecturers that participate in organized professional gatherings and seminars;
  - 3.3. artists and technical personnel, for the performances of opera, ballet, theater, concerts and other cultural performances, respectively authors and performers in the field of the art of film and television;
  - 3.4. workers at circus parks and entertainment ones.
4. On the basis of a certificate for employment notification, up to thirty (30) days within one (1) year, the following foreign nationals may work:
  - 4.1. authors and performers in the field of music, scene music and art of dance and back up performers, technical personnel;
  - 4.2. on a fair and exhibition shows, where their employer shall perform.
5. The notification referred to in paragraph 1. 3. and 4. of this Article shall be filed at MLSW, which issues a certificate for employment notification and shall immediately inform the Tax Administration and DCAM and Border Police.
6. On the basis of the certificate for employment notification, a foreigner may work for the same employer or recipient of the services, in the entire territory of the Republic of Kosovo.
7. A legal or natural person who employs or uses the services of a foreigner referred to in this article, must have an appropriate contract or other evidence for execution of works by the foreigner or the foreign employer, who sends a foreigner to work in the Republic of Kosovo.
8. If a foreign national, which in the Republic of Kosovo shall appear in the sports events and competitions, as representatives of the teams, foreign clubs or state representations, paragraphs 5. and 7. of this Article shall not be applied.

## **Article 77**

### **Posted worker**

1. A posted worker is a worker, which is sent to the Republic of Kosovo by a foreign employer in the framework of temporary or occasional work through the provision of cross-border services for a limited period of time, under any of the following circumstances:
  - 1.1. shall be sent to work to the Republic of Kosovo on their account and under their direction, under a contract concluded between the foreign employer and the employee there is employment relationship, or;
  - 1.2. shall be sent to the Republic of Kosovo to his association or company owned by the same group, the foreign employer belongs to as well, provided

that at the time of posting between the foreign employer and worker there is an employment relationship;

- 1.3. to be presented as a temporary employment agency, a user which is established or operating in the Republic of Kosovo, provided that upon introduction (presentation) there is an employment relationship between the temporary employment agency and the worker.
2. A posted worker referred to in this article which resides more than three (3) months in the Republic of Kosovo should be provided with a work permit in accordance with article 41 sub-paragraph 1.6. of the law.
3. Working and employment conditions referred to in this law shall not apply for a skilled worker sent by the foreign employer to work in the Republic of Kosovo for the period shorter than eight (8) days, if the foreign employer, which makes the posting for making the first installation, necessary for taking the goods ordered into use, and which is contracted, as an important part of the contract for the supply of goods.
4. For workers, which a foreign employer shall send in the Republic of Kosovo in the construction works related to the construction, repair, maintenance or demolition of buildings, especially mining works, earth works, rough construction works, assembly and dismantling of the installations, renovations, demolitions, regular maintenance, cleaning or improvement, shall not apply paragraph 3. of this article.

#### **Article 78** **Reference period**

1. Period of time in which a worker has been posted, in accordance with article 77 of the law, at work in the Republic of Kosovo is calculated on the basis of a reference period of one (1) year from the beginning of the posting.
2. For the purpose of calculating the period of time of posting, are taken into account all previous periods, in which the same work for a foreign employer has realized each posted worker.

#### **Article 79** **Legal protection and cooperation**

1. To protect and realize the rights and conditions specified in article 77 of this law, a posted worker can against a natural or legal person, a foreign employer, respectively the recipient of services in the Republic of Kosovo, to initiate a judicial proceedings at the Basic Court, in accordance with the relevant legislation in the Republic of Kosovo.
2. For the purpose of information for the implementation and extension of the rights set out in Article 77 of this law and adequate international cooperation, MLSW, shall ensure administrative cooperation and mutual assistance, in order the working conditions must be reachable for all concerned.

## **Article 80**

### **Statement of posting**

1. A foreign employer referred to in Article 77 of this law, is obliged that before initiating a posting to present a statement of posting, which should contain:
  - 1.1. name and headquarters, respectively name and last name, address of the foreign employer and contact information;
  - 1.2. name and last name of the posted worker and data on the state where he/she normally works;
  - 1.3. initiation and period of time scheduled for posting;
  - 1.4. name and headquarters, respectively name and last name, address of the user of services, place of service provision and short description of the services;
  - 1.5. data on the date of issuance, period of validity, number and competent authority who has issued a valid residence permit and the permit of a posted worker referred to in article 76 paragraph 4. of this law, in accordance with the relevant legislation in the Republic of Kosovo, where a foreign employer carries out the activity.
2. a foreign employer referred to in article 77 of this law is obliged in case of extension of the period of time of a posting to present any modification referred to in paragraph 1. of this article.
3. A statement referred to in paragraph 1. of this article shall be presented in writing or electronically to the authority which under special provisions has been appointed as an authority authorized for coordinating the system of social security in the Republic of Kosovo.

## **Article 81**

### **Revocation of validity of a work permit**

1. A work permit shall be revoked if:
  - 1.1. the conditions referred to in Article 66 paragraph 1. of the law have been fulfilled;
  - 1.2. the conditions under which it is issued do cease;
  - 1.3. a foreigner carries out duties for which there has not been issued a work permit;
  - 1.4. a foreigner works for an employer for which there has not been issued a work permit;
  - 1.5. employer or the foreigner does not comply with the labour provisions and provisions for protection at workplace, health and pension insurance, based on which the activity must be carried out;
  - 1.6. Employer has refused to hire a jobseeker offered from the working agency, who met the conditions prescribed by the responsible state authorities, pursuant to provisions of the law;
  - 1.7. has been issued on the basis of unproven data for employee or employer;
  - 1.8. salaries acquired from employees were at the level prescribed by sub-legal acts issued by the Government;
  - 1.9. employer has not paid obligations arising from taxes and contributions of mandatory social scheme;

- 1.10. has reasonable concerns, which constitute risk for public order, state security and public health of the Republic of Kosovo, except in cases when the health state of the foreigner has no impact in his work for which he/she has been recruited;
- 1.11. foreigner leaves the Republic of Kosovo for a period of time longer than six (6) months.
2. Revocation of a work permit shall carry out DCAM.
3. Against the DCAM decision referred to in paragraph 2. of this article, may be appealed pursuant to article 44 paragraph 2. of this law.

## **Article 82**

### **Residence in the event of contract termination**

1. A foreigner, who without his/her fault has his/her employment contract terminated or other pertinent contract, is entitled to residence in Kosovo until the expiration of the work permit.
2. In the event of termination of the employment contract or other relevant contract, termination of the existence of other conditions, based on which the work permit has been granted, the employer and the foreigner shall be obliged to notify DCAM, within fifteen (15) days from the date such circumstances have occurred.

## **Article 83**

### **The right for equal treatment**

1. A foreigner working in the Republic of Kosovo shall enjoy equal treatment as citizens of the Republic of Kosovo as regards to:
  - 1.1. working conditions, including the salary and dismissal from work as well as safety and health in the workplace;
  - 1.2. freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organizations, without prejudice to legal provisions of the Republic of Kosovo on public policy and public security;
  - 1.3. education and vocational training;
  - 1.4. recognition of diplomas, certificates and other professional qualifications in accordance with the relevant procedures;
  - 1.5. provisions of respective legislation regarding social security;
  - 1.6. access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing as well as information and counselling services afforded by employment offices.
2. Foreigner be either natural or legal person shall have the duties and responsibilities equal to the citizen of the Republic of Kosovo.

#### **Article 84**

##### **Permanent residence**

1. A permanent residence permit may be granted to a foreigner who at the time of submission of the application has a temporary residence permit continuously for a period of five (5) years in the Republic of Kosovo.
2. Periods of absence from the territory of the Republic of Kosovo do not terminate the calculation of the time limit referred to in paragraph 1. of this Article, if such an interruption is shorter than six (6) months and in total does not exceed the period of ten (10) months.
3. At the time of making the decision for permanent residence permit the temporary residence must be valid.

#### **Article 85**

##### **Calculation of required period of time for permanent residence**

1. As required period of time for granting of a permanent residence permit referred to in article 84 paragraph 1. of the Law, shall not be calculated:
  - 1.1. residence permit granted on employment basis for seasonal workers, daily immigrants and service providers on behalf of a foreign employer, and
  - 1.2. the time spent in prison serving his/her sentence.
2. A foreigner who has been granted a temporary residence permit for the purpose of study, the period of residence required under article 84 paragraph 1. of the Law, shall be taken into account only half of the time spent on the basis of residence permit for study purposes.

#### **Article 86**

##### **Exceptional circumstances for granting permanent residence permit**

1. Without prejudice to Article 84 of the Law, permanent residence may be granted to:
  - 1.1. a foreigner which on the day of submitting his/her application has at least 5 years of refugee status recognized under the Law on Asylum;
  - 1.2. a foreigner who has resided in the territory of the Republic of Kosovo, at least five (5) years without interruption and which is considered to have close economic and family ties with the Republic of Kosovo. Residence referred to in this paragraph may be evidenced by documents that prove his/her residence without interruption in the territory of the Republic of Kosovo and which meets the requirements of article 48 of the law;
  - 1.3. a child, at the time of his/her birth, to both parents, has been granted permanent residence, or a child living with a single parent who has a permanent residence permit;
  - 1.4. persons who are released from the citizenship of the Republic of Kosovo.

## **Article 87**

### **Additional requirements for permanent residence permit**

1. A permanent residence shall be granted to a foreigner who meets the requirements specified in article 84 of this law and must:
  - 1.1. have in possession a foreign valid travel document;
  - 1.2. have in possession sufficient subsistence means;
  - 1.3. have in possession a medical insurance;
  - 1.4. have basic knowledge of one of the official languages of the Republic of Kosovo in writing and reading, knowledge on the culture and social establishment;
  - 1.5. not constitute a threat to public order, state security and public health.
2. A foreigner referred to in article 86 paragraph 1. sub-paragraph 1.1. and 1.3. of this Law shall not be required to meet the requirements laid down under paragraph 1. sub-paragraph 1.1. 1.2. and 1.3. of this Article.
3. A foreigner in accordance to article 86 paragraph 1. sub-paragraph 1.2. and 1.4. of this Law shall not be required to meet the conditions referred to in sub-paragraph 1.4 of this Article.

## **Article 88**

### **Lodging of an application for a permanent residence permit**

1. Application for a permanent residence permit shall be lodged to DCAM.
2. For an application for a permanent residence permit shall decide DCAM within sixty (60) days from the day of submitting the application.
3. Against the decision from paragraph 2. of this Article shall not be permitted an appeal, however an administrative dispute to a Basic Court may be initiated.

## **Article 89**

### **Examination of language, culture and social establishment in the Republic of Kosovo**

1. Examination of knowledge of one of official languages and of writing in one of official languages may be carried out by a higher educational institution, secondary school and institutions for learning adults licenced or accredited in the Republic of Kosovo.
2. Knowledge on the culture and social establishment of the Republic of Kosovo can be certified by filling out a questionnaire in the process of adopting permanent residence.
3. Provisions referred to in paragraph 1 of this Article shall not be valid for:
  - 3.1. preschool children;
  - 3.2. participants or persons who completed their primary or secondary education in the Republic of Kosovo;
  - 3.3. persons older than sixty-five (65) years of age, if not employed.
4. A foreigner who by filling out the questionnaire independently referred to in paragraph 2. of this Article, demonstrated knowledge on the culture and social

establishment in the Republic of Kosovo shall not conduct examination in one of the official languages in the Republic of Kosovo.

5. A foreigner who hasn't shown knowledge of an official language and of writing, shall be forced to take courses of one of the official languages in the Republic of Kosovo for at least one hundred and fifty (150) hours.
6. Expenses for examination referred to in paragraph 1. of this article and attending a course of one of the official languages referred to in paragraph 5. of this article shall be borne by the foreigner himself.

## **Article 90**

### **The rights of a foreigner holding a permanent residence permit**

1. A foreigner holding a permanent residence has the right on:
  - 1.1. employment and self-employment;
  - 1.2. vocational training;
  - 1.3. education and student scholarship;
  - 1.4. social welfare, right to pension and medical insurance;
  - 1.5. access to goods and services and the supply of goods and services;
  - 1.6. freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organization.
2. A foreigner may exercise its rights laid down in paragraph 1. of this Article pursuant to legislation in force in the Republic of Kosovo.

## **Article 91**

### **Revocation of a permanent residence permit**

1. A permanent residence permit shall be revoked to a foreigner if:
  - 1.1. has an entry and residence ban in the Republic of Kosovo;
  - 1.2. resides outside of Republic of Kosovo uninterruptedly for over one (1) year;
  - 1.3. determined that consciously has given false information or consciously concealed his intentions and circumstances which were significant for his/her permanent residence;
  - 1.4. constitutes a threat to public order, state security or public health;
  - 1.5. such is requested upon his/her request.
2. A decision for revocation of residence permit shall issue DCAM.
3. A decision for termination of a permanent residence permit can be issued without a hearing of the foreigner.
4. Against a decision for termination of permanent residence permit can not be appealed, however an administrative dispute may be initiated at Basic court.



## **CHAPTER V**

### **ILLEGAL RESIDENCE, RETURN AND REMOVAL OF FOREIGNERS**

#### **Article 92**

##### **Non-refoulement, best interest of the child, family life and state of health**

1. The Republic of Kosovo shall not expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefits from the paragraph 1 of this article may not, however, be claimed by a refugee for whom there are reasonable grounds for regarding as a danger to the security of the Republic of Kosovo, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the Republic of Kosovo.
3. When deciding on return or removal of foreigner from the territory of the Republic of Kosovo, there will be considered:
  - 3.1. the best interest of the child;
  - 3.2. family life;
  - 3.3. the state of health of the foreigner concerned;
  - 3.4. the principle of non-refoulement.

#### **Article 93**

##### **Illegal residence**

1. Foreigners shall be considered to have resided illegally in the territory of the Republic of Kosovo when:
  - 1.1. they are not in possession of a valid visa required for entry and residence in the Republic of Kosovo;
  - 1.2. have entered illegally in the territory of the Republic of Kosovo;
  - 1.3. have no valid residence permit or residence permit has been annulled or revoked;
  - 1.4. application for asylum, supplementary or temporary protection has been refused and no longer fulfills the conditions for entry and residence laid down under this law;
  - 1.5. they are found working in violation with the conditions laid down under this law and other laws in effect.
2. A foreigner who is residing illegally in the territory of the Republic of Kosovo must immediately leave the territory of the Republic of Kosovo, except the foreigner who has applied for international protection and is awaiting a decision on his status.

#### **Article 94**

##### **Return decision and deadline for execution**

1. DCAM shall issue a return decision to a foreigner residing illegally in the territory of the Republic of Kosovo or when a foreigner served a sentence issued from a

- competent court for a criminal offense which under the Penal Code of the Republic of Kosovo is sanctioned in a minimum of one (1) year imprisonment.
2. Return decision referred to in paragraph 1. of this Article shall be issued in the form of a decision and shall contain personal data of the foreigner subject to return, reasons for the return decision, period of time within which the foreigner has to leave the territory of the Republic of Kosovo, border crossing point through which shall pass and the period of entry ban in the Republic of Kosovo, if foreigner's return decision shall be accompanied by such a prohibitive measure.
  3. Period of an entry ban under paragraph 2. of this Article may not be shorter than one (1) month and longer than five (5) years.
  4. Period for voluntary implementation of a return decision shall be no less than seven (7) days and no longer than thirty (30) days from the date of notification.
  5. A return decision for different categories of foreigners illegally residing shall apply as follows:
    - 5.1. a foreigner who entered illegally in the territory of the Republic of Kosovo, or who no longer fulfills the conditions of entry and residence in the Republic of Kosovo in accordance with the conditions laid down under this law, or is caught working illegally, no longer than ten (10) days from the date of notification;
    - 5.2. a foreigner, whose visa has been annulled or revoked, or renewal of the residence permit has been refused, or residence permit has been annulled or revoked, no more than thirty (30) days from the date of notification.
  6. Voluntary execution of return decision may be extended for an appropriate period, no more than sixty (60) days, taking into account the specific circumstances of the individual case, for the following categories:
    - 6.1. children attending school and conclusion of the school year is less than three (3) months till the end of the child/children school year;
    - 6.2. a foreigner who has a financial obligation and must liquidate an investment three (3) months from the date of notification;
    - 6.3. a foreigner with health problems, until they are capable medically to travel or conclusion of isolation based on a decision from the public health authorities.
  7. A foreigner illegally residing to whom extension of period has been approved for voluntary departure, every ten (10) days must show up at the Border Police.
  8. A foreigner to whom extension of period has been approved of voluntary removal order has the right:
    - 8.1. to reside together with his family members who are present in the territory of the Republic of Kosovo;
    - 8.2. to use medical emergency services, treatments for specific diseases and public health services;
    - 8.3. minors have guaranteed access to educational system on the basis of the period of time they reside;
    - 8.4. to special services for people with disabilities.
  9. When implementing return decision of a foreigner from the territory of the Republic of Kosovo shall be taken into account the best interests of the child, vulnerable persons, family life and state of health of foreigner subject of removal from the territory.

10. To a foreigner the return decision order shall be communicated in written form in one of the official languages and in English. Removal order shall contain legal advice for appeal and the appealing procedure. The form of the removal order shall be defined by a sub legal act to be issued by MIA

### **Article 95**

#### **Appeal against the return decision**

1. A foreigner who is subject to a return decision, has the right to appeal, within eight (8) days of receipt of the return decision to the Appeals Commission. Commission should resolve the issue within fifteen (15) days of the receipt of the appeal.
2. In cases where the foreigner is dissatisfied with the decision of the Appeals Commission then he/she may lodge an administrative dispute at Basic Court, within eight (8) days from the receipt of the decision. The Court should resolve the issue referred to in this paragraph within sixty (60) days from the date of the receipt of the appeal.
3. Appeal against the return order shall not have suspensive effect on its execution.

### **Article 96**

#### **Voluntary implementation of a return decision**

1. Voluntary implementation of a return decision shall be provided in case the foreigner leaves voluntarily from the territory of the Republic of Kosovo. Statement for voluntary return of the foreigner shall be considered when deciding for extension of the period of prohibitive measure for entry to, exceptionally for the cases of public order and security such a statement may not be taken into consideration.
2. During the implementation of return decision priority to voluntary return shall be given as follows:
  - 2.1. a foreigner found to be illegally residing in the territory of Kosovo however who did not bring any harmful consequences for public order and security and who declares that will voluntarily leave the territory of the Republic of Kosovo;
  - 2.2. unaccompanied child;
  - 2.3. sick, handicapped or persons with disabilities;
  - 2.4. parents with minor children;
  - 2.5. victims of trafficking in human beings, who want to return to their country of origin;
  - 2.6. asylum seekers who have been refused asylum or who have withdrawn their application for asylum and do not have sufficient income to return;
  - 2.7. foreigners supplied with regular travel documents, but who do not have the financial means necessary to residence;
  - 2.8. foreigners who have been found working illegally in the territory of the Republic of Kosovo.

**Article 97**  
**Forced removal from the Republic of Kosovo**

1. Forced removal of a foreigner from the territory of the Republic of Kosovo shall be decided and carried out by Border Police in cases when a foreigner:
  - 1.1. has entered illegally in the territory of the Republic of Kosovo and there is a reasonable doubt that will use its territory to cross illegally towards other countries;
  - 1.2. did not leave the Republic of Kosovo within the time-limits, specified in the return decision, without any objective justification, or after leaving the territory and within the period of the entry ban, re-enters the territory of the Republic of Kosovo;
  - 1.3. did not leave the territory of the Republic of Kosovo up to sixty (60) days after the expiry of the visa, residence permit or time-limit laid down in this law, for the foreigners entering without a visa;
  - 1.4. has been readmitted by another country within the framework of readmission agreements in force in the Republic of Kosovo;
  - 1.5. is convicted of a criminal offense for which the legislation of the Republic of Kosovo provides a minimum sentence of one (1) year imprisonment.
2. In the event the foreigner is subject to removal by force according to this article, he/she shall be kept in a detention center, till the execution of the removal order by force. In case of finding other alternative possibilities, for the implementation of temporary measures as defined by the law, the latter ones have priority over detention.
3. A foreigner who does not possess a travel document must appear in person or accompanied by the competent authorities, at the diplomatic and consular missions accredited in the Republic of Kosovo, in order to obtain such a document.
4. If in the Republic of Kosovo there is no diplomatic and consular missions of the country of the foreign national, the responsible authority within the Ministry of Internal Affairs, shall make a request for obtaining a travel document in the country of origin or in the country's diplomatic and consular representations of the foreign national at another place, through the Consular Department of the Ministry of Foreign Affairs.
5. In case that the diplomatic representation cannot issue a travel document, MIA shall provide the foreigner with a standard travel document as defined under the readmission agreement, whose intentions are to implement the forced removal of the foreigner.
6. In the course of enforcement of this law, MIA may issue a travel sheet to a foreigner, if the foreigner is not supplied with a travel document, in accordance with Article 7 of this law.
7. MIA on the basis of agreements in force in the Republic of Kosovo may cooperate with other countries in the return procedure, or joint returns of foreigners.
8. To a foreigner shall be communicated in writing, in one of the official languages and in English that against him/her the administrative measures of forced removal shall be executed, explaining the reasons for the issuance of the removal order, the date and place where it will be executed, mode of his transportation to the place of

destination and the length of entry ban. The form of forced removal order shall be determined by a by-law issued by the MIA.

### **Article 98**

#### **Appeal against a forced removal order**

1. The foreigner has the right to appeal within eight (8) days after receipt of removal order by force at the Appeals Commission. Commission should resolve the issue within fifteen (15) days of the receipt of an appeal. The appeal against the decision on the removal by force, does not suspend the execution of the warrant removal by force.
2. In cases where the foreigner is dissatisfied with the decision of the Appeals Commission then may lodge an administrative dispute to the Basic Court within eight (8) days of the receipt of the decision. The court should resolve the issue referred to in this paragraph within sixty (60) days of the receipt of the appeal.

### **Article 99**

#### **Enforcement procedures of a removal order**

1. The removal order shall be given by DCAM and shall be implemented by the Border Police which:
  - 1.1. undertakes measures to keep the foreigner in a detention center, or for the application of temporary measures specified in this law, until the removal order is enforced;
  - 1.2. takes fingerprints and palm of the hand of the foreigner, photograph and biometric data;
  - 1.3. registers the removal order in relevant data bases, stating the period of prohibition of entry into the Republic of Kosovo and the border crossing point of departure of the foreigner;
  - 1.4. initiates undertaking of measures for the supply with the travel paper and ensures the return to the country of origin and a travel ticket.
2. The removal order shall be enforced immediately, in case the presence of the foreigner constitutes a threat to public order and state security.
3. In the event that neither the foreigner nor the host have the financial capabilities to afford the return expenses of a foreigner in the country of destination, travel expenses will be given as an advance loan from MIA and will be paid back by the host if the foreigner desires to come to the Republic of Kosovo after the expiration of the entry ban, or from his future employer.

### **Article 100**

#### **Categories of foreigners that shall not be removed**

1. A foreigner shall not be forcibly removed if one of the following conditions are met:
  - 1.1. is in possession of permanent residence permit;
  - 1.2. is born in the Republic of Kosovo;

- 1.3. has entered into the Republic of Kosovo as an unaccompanied child and has been fitted with a permanent residence permit;
  - 1.4. has been fitted with a temporary residence permit and is married to a foreigner who has a permanent residence permit or is a citizen of Kosovo;
  - 1.5. there is a reasonable doubt that the foreigner, in his/her country of origin or another country, shall be punished by death, shall be subject to torture, inhuman or degrading treatment or punishment for discriminatory reasons;
  - 1.6. an unaccompanied child, if the country of origin or another country or other institutions guarantee not family reunification or adequate health care;
  - 1.7. is a family member of a foreigner whose refugee status is recognized in the Republic of Kosovo.
2. Exceptionally, a foreigner may be removed, even though he meets the conditions referred to in paragraph 1. of this Article, if his/her residence threatens public order and security, and constitutes a threat to national security.

### **Article 101**

#### **Appeal against a removal order**

1. Against a removal order a foreigner have the right to appeal at a Basic Court, within eight (8) days of the receipt of the decision.
2. Basic Court decision may be appealed at Court of Appeals within eight (8) days which shall review the case with a priority.

### **Article 102**

#### **Execution of temporary measures**

1. Temporary measures shall be undertaken by the Border Police to prepare and ensure the implementation of a removal order of a foreigner from the territory or to supervise his/her removal.
2. Temporary measures shall be taken as alternative detaining measures in the detention center for foreigners who are subject to removal by force, based on a case-by-case review, without affecting in guaranteeing the execution of the removal order by force.
3. Temporary measures can be taken immediately after the issuance of the removal order by force, but can be replaced, if necessary, the detaining measure at the center after it is issued and enforced.
4. Criteria, procedures and forms of the removal order shall determine by an MIA sublegal enactments.

### **Article 103**

#### **Obligation to appear to authorities**

1. A foreigner may be obliged to report on regular period of times at the Border Police when:
  - 1.1. against him a removal order from the territory has been issued and security is required for the implementation of this order or it is required supervision of foreigner's removal from the territory;

- 1.2. the foreigner before removal had a correct and a known address by the Border Police and there are no indications that the foreigner may avoid the implementation of the removal and haven't respected the terms for voluntary removal;
- 1.3. assess the best interest of the family of the foreigner.
2. The foreigner who has to report to the Border Police should be informed about the reasons of such an obligation.
3. Obligation to report in shall remain in force until the foreigner meets the requirements for removal from the territory, or when examination of the case has concluded otherwise. Obligation to report in shall cease immediately when no longer is deemed necessary to seek the implementation of such a measure.

#### **Article 104**

##### **Temporary confiscation of the ticket or travel document**

1. In case a foreigner is subject to a forced removal or removal order, the Border Police may, to ensure the return, confiscate the ticket and travel document. Procedures of confiscation shall be adopted with a bylaw by the Minister of Internal Affairs.
2. The Border Police shall confiscate foreigner's travel document until the decision of an administrative procedure becomes final or the fine is paid, or end of the deadline set by a court or the prosecution.
3. For the time the travel document is held confiscated, to the foreigner is issued a certificate.

#### **Article 105**

##### **Confiscation of financial means or imposing a guarantee**

1. The Border Police shall confiscate to a foreigner the financial means if he/she owns up to the amount necessary to cover the costs of his/her return. The remainder of the financial guarantee shall be returned to the foreigner right away.
2. Instead of other temporary measures, or in parallel, according to the case-by-case assessment, Border Police may require from the foreigner to deposit a financial guarantee by which he/she guarantees his/her return.
3. Financial guarantee shall be returned to the foreigner immediately when it is estimated that there is no longer necessary or when the return of the foreigner is carried out.

#### **Article 106**

##### **Restrictions on freedom of movement**

1. Border Police imposes restrictions to freedom of movement of foreigners, ordering him/her to residence in a given territory, if:
  - 1.1. the return or removal can not be ordered or implemented, for objective reasons or because of an obligation taken over by the Republic of Kosovo in the framework of an international agreement in force;

- 1.2. has a residence permit for humanitarian reasons;
  - 1.3. the period of detention have been concluded at the detention center and removal of a foreigner is not possible or for humanitarian reasons the foreigner can not be kept detained at the detention center;
  - 1.4. in cases when public health authorities, based to an assessment and in accordance with the International Health Regulation, recommend the isolation of the person or persons for a period of time valid for the isolation of the suspected disease.
2. The foreigner has the right to lodge an appeal at a Basic Court against the residence order in a given territory, same as against the detention order to the foreigner at the detention center.
  3. Border Police shall specify in the order the residence in a given territory, define the general rules of residence, place and length of the residence, as well as notify the foreigner to report in at the competent police authorities every month. Form of the forced residence order in a given territory shall be defined under a by-law to be issued by MIA.

#### **Article 107** **Detention Center**

1. Detention centers shall have a certain level of security and of freedom limitations, where may only be kept a foreigner who is the subject of forced removal or removal from the territory of the Republic of Kosovo.
2. Detention center must meet all conditions of human treatment as well as respect for human rights guaranteed by the Constitution of Kosovo and to enable the provision of health services.
3. DCAM in the case of detaining a foreigner in the detention center, at the request of the latter, shall take immediate measures for taking care for the family members of the detained foreigner, who are left unattended by.
4. Detention center is part of the organizational structure of the MIA.

#### **Article 108** **Detainment at the detention center**

1. Detainment at the detention center is a last resort administrative measure, which is issued and executed by the Border Police, against a foreigner, for whom a forced removal or removal order has been issued, based on the case-by-case assessment, when all possible alternative measures are implemented or when based on an assessment such measures are considered inapplicable to a foreigner, or to a foreigner who is under readmission procedures according to readmission agreements in force.
2. A foreigner shall remain detained in the detention center, for the shortest period of time, until the legal proceedings are carried out, to enable his removal from the Republic of Kosovo, within the period of time specified in this law.
3. Border police may detain a foreigner in the detention center for the reasons of public security, identity verification or other reasons.



4. A foreigner shall be notified in written form, in one of the official languages and in English, for his/her detention at the detention center, which shall contain the reasons for the detention, the detention period, the right to provide him/her with legal protection, as well as to contact his/her relatives.

#### **Article 109**

##### **Appeal against a detaining order**

1. A foreigner has the right to appeal against the detaining order, to the Basic Court, within thirty (30) days after receipt of the detaining order or extension of detention.
2. Appeal against the decision of the Basic Court shall be lodged at the Court of Appeals according to the relevant legislation in force.

#### **Article 110**

##### **Detaining period at the detention center**

1. A foreigner is detained at the detention center for a maximum period of time of up to six (6) months.
2. Border Police in consultation with DCAM may extend detaining period at the detention center for up to additional six (6) months, if within the six (6) months detaining period of time, removal of the foreigner was not possible in cases when:
  - 2.1. foreigner refuses to provide data or personal information and travel documents necessary for his/her return, or provides false information;
  - 2.2. foreigner has prevented his/her return in various forms;
  - 2.3. there are delays in the issuance of the travel document or any other document necessary for the return.
3. Extension of the period of detainment at the Detention Center shall be carried out at least fifteen (15) days before the expiration of the six (6) months of detainment at the center.
4. During the period of detention in the detention center, Border Police in consultation with DCAM will review the existence of the conditions for keeping detained at the center the detained foreigner. Depending on the assessment of the circumstances, the Border Police may decide to replace the measure of detainment at the center with other appropriate measures prescribed by the law.
5. If a foreigner commits a criminal offense during his residence in the detention center, against him/her shall commence criminal prosecution under the provisions of penal legislation in force.

#### **Article 111**

##### **Termination of detainment in the detention center**

1. Detaining a foreigner in the detention center shall be terminated in the following cases:
  - 1.1. with the removal of the foreigner;
  - 1.2. at the end of the detention period specified in the detention order;

- 1.3. if the residence of a foreigner becomes illegal;
- 1.4. upon annulment of the decision for detainment in the detention center;
- 1.5. with the replacement of the measure of detaining at the detention center with another temporary measure as stipulated by this law;
- 1.6. upon release from the center.
2. A foreigner shall be released from detention center in cases where:
  - 2.1. based on the circumstances the removal of the foreigner can not be carried out by force;
  - 2.2. the court orders his release from the detention center.

### **Article 112**

#### **Detention of unaccompanied children**

1. Exceptionally, an unaccompanied child, against whom a detention order has been issued, shall be kept in a state social center or other center in the framework of cooperation with international organizations that carry out missions for children, victims of trafficking or other categories of individuals in need.
2. A child may be kept in detention center, only in case of his/her or his/her family best interest, in special facilities separate from those for adults.
3. Before a child is detained in the detention center, shall be requested an opinion of a social worker or psychologist.

### **Article 113**

#### **Notification of the diplomatic representative**

1. At the request of the foreigner, or when it is determined by a bilateral agreement, the Ministry of Foreign Affairs shall immediately notify the diplomatic or consular representative of the country of the foreigner in the Republic of Kosovo about detainment of the foreigner in the detention center, and also about the extension of the detention period.
2. In case the foreigner has applied for asylum or enjoys the refugee status or other protection in the Republic of Kosovo, the information referred to in paragraph 1. of this Article shall not be disclosed to the diplomatic or consular representative of his/her country.

### **Article 114**

#### **The rights of a foreigner in the detention center**

1. A foreigner who is residing in the detention center, shall be informed, where possible, in his/her language, or in the English language at least, with every action which is undertaken by the competent authorities, for keeping him/her in the center.
2. A foreigner shall enjoy the right to human treatment, sufficient food, legal assistance at any time and health care.
3. A foreigner shall enjoy the right for informing the diplomatic or consular representative for his/her detention. The foreigner has the right to appeal at the Basic Court for violation of his/her fundamental rights in the detention center.

4. In case the foreigner is subject to readmission procedure, he/she shall be informed about his/her rights and obligations which he/she has under the legislation in force, when possible, in the language he/she understands, or at least in English.

### **Article 115**

#### **Compensation of costs of removal or forced return**

1. A foreigner shall be charged with accommodation costs at the detention center and other costs incurred during his/her removal or forced return.
2. All financial means that are taken from a foreigner who is subject to removal or forced return shall be made against the issuance of a certificate.
3. Financial means that are taken from a foreigner shall be used only to cover the costs set out in paragraph 1. of this Article.
4. If a foreigner does not have the means to cover the costs in accordance with paragraph 1. of this Article, the costs shall be charged to the natural or legal person, who has enabled him/her to enter or residence, or illegal transit of the foreign in the territory of the Republic of Kosovo, or the natural or legal person which took over to cover the expenses of residence and return of the foreigner in and out of the territory of the Republic of Kosovo, carriers and employers who employed a foreigner in violation of the provisions of this law.
5. Confiscation of financial means according to this article shall carry out the Border Police for covering the costs.

## **CHAPTER VI**

### **SUPERVISION AND CONTROL**

#### **Article 116**

#### **Supervision and control of foreigners**

1. Border Police, in the course of exercising their duties as defined under the law shall:
  - 1.1. supervise the implementation of the rules of entry and residence of foreigners defined under this law;
  - 1.2. perform checks (controls) and enter into private facilities, where a foreigner resides, if there are reasonable doubts, in accordance with the rules and conditions set forth in the Criminal Procedure Code;
  - 1.3. ask for travel documents, residence permit or identity document;
  - 1.4. accompany a foreigner who does not have an identity document, residence permit, travel document or any other document that proves his/her identity;
  - 1.5. transport the foreigner, which has a removal, forced removal or removal order, to the border crossing point or to the country of origin;
  - 1.6. transport a detained foreigner, if necessary, to a medical institution, to receive medical treatment, or for public health reasons to ensure his isolation;
  - 1.7. accompany and take measures for the return of a foreigner illegally residing to the country of origin or the transit country which the foreigner has used it for entry into the Republic of Kosovo;

- 1.8. take measures that the foreigner detained appears at court;
  - 1.9. accompany a foreigner to the diplomatic or consular representation, in order to conduct an interview required, to get the travel documents and returns him/her back to the institution where the detainment is implemented;
  - 1.10. collaborate with other authorities of control of law enforcement by foreigners during their entry and residence in the territory of the Republic of Kosovo;
  - 1.11. impose fines on a foreigner and take measures to enforce them for all the cases specified under this law.
2. Supervision of implementation of the provisions of this law with regard to working conditions, protection at work and working environment as well as other foreign workers rights shall carry out the Labour Inspectorate according to the relevant legislation in force.

#### **Article 117**

##### **Obligation of a foreigner to prove his/her identity**

1. A foreigner shall prove his/her identity by:
  - 1.1. travel document;
  - 1.2. personal identity document of a foreigner;
  - 1.3. other official document that contains a photo and on the basis of which is possible to establish his/her identity.
2. A foreigner is obliged to keep the document by which proves his/her identity and present it if requested by an official person responsible for control.
3. A foreigner is obliged to show his/her travel document while crossing the border when requested by an official person.
4. A foreigner who does not possess an identification document is required to submit his/her personal information correctly to an officer responsible for the control of foreigners in the territory.
5. A foreigner shall not provide others to use his/her travel documents, and also it is forbidden the use of false identity documents or travel documents of another person.

#### **Article 118**

##### **Obligations of an employer in the cases of employing foreigners working illegally**

1. An employer who employs or uses the work of foreigners residing illegally in the territory of the Republic of Kosovo shall be liable for the payment of taxes, fines and other coercive penalties.
2. Among other obligations under paragraph 1 of this Article shall be considered all taxes and obligatory insurance contributions laid down under the legislation in force, which the employer shall pay in case the foreigner was legally employed.

#### **Article 119**

##### **Return of travel document and residence permit of foreigner**

1. A foreigner shall be obliged to return the travel document and residence permit of foreigner issued by the Republic of Kosovo in case:

- 1.1. is removed definitively from the territory of the Republic of Kosovo;
- 1.2. period of validity of the document expired;
- 1.3. acquires the citizenship of Kosovo.

## **CHAPTER VII**

### **PROCESSING OF PERSONAL DATA**

#### **Article 120**

##### **Data collection and evidences**

1. State competent authorities dealing with foreigners collect and administrated personal data for foreigners from state bodies, private subjects, or foreigners with residency in the Republic of Kosovo, and also from the foreigner himself; they record these data in the database for foreigners, and also in special record where this;
  - 1.1. is foreseen with law or with international agreements ratified by the Republic of Kosovo;
  - 1.2. is in the interest of the foreigner and he does not oppose it;
  - 1.3. it is required in order to protect public order, state security and public health.
2. In order to implementation of this law, in cases of expelling or deportation of the foreigners, responsible authorities have the right to communicate the personal data with the countries of origin and transit countries, other countries and relevant international organizations, with the condition that those countries and organizations ensure a similar protection of transmitted data.
3. Personal data mentioned below are communicated:
  - 3.1. personal data (name, surname, date and place of birth, gender, citizenship, last known address at the country of origin) of the person in question, if it is necessary, personal data of his relatives;
  - 3.2. data on the passport or other identification document;
  - 3.3. fingerprints, photos and other biometric data;
  - 3.4. data related to other documents that enable identification of the person;
  - 3.5. data on health condition of the person, with condition that this is in line with his interest;
  - 3.6. any other data necessary to grant entrance of the person in the country of destination and to preserve the security of the persons that accompany that person;
  - 3.7. data on the itinerary followed by the person, and also the places where he resided;
  - 3.8. data on the residency permits and visas the person was issued;
  - 3.9. data related to penal procedure as much as this is important for return procedure, maintenance of public order and security in the place of origin or residence place and as far as the foreigner is not endangered.
4. On request the abovementioned data of the paragraph 3 of this article are also communicated to the prosecution authorities.
5. Communication, access and information of personal data according to this article will be conducted in accordance with Law on Protection of Personal Data.

6. Collection, processing, recording, communication, information, access and deleting of personal data for foreigners after the foreseen deadline with article 122 of this law is stipulated with the Law on Protection of Personal Data.

### **Article 121**

#### **Use of data**

1. Competent authorities for the treatment of foreigners shall administer and use the data of foreigners collected in accordance with the principles for data protection, and shall make them available to judicial authorities, state security authorities, refugee institutions dealing with foreigners areas.
2. The data collected and administered in accordance with the law and for implementation of the law for the protection of personal data, shall be stored and used for a certain period of time, no more than it is necessary for the purpose for which they were collected or processed.
3. For legal reasons, have the right to collect, administer, exchange and seek the availability of data of the foreigners, the following authorities for the issues:
  - 3.1. citizenship;
  - 3.2. employment of foreigners;
  - 3.3. finance and customs;
  - 3.4. civil status;
  - 3.5. public health;
  - 3.6. education and science.

### **Article 122**

#### **Storing of data**

1. Competent authorities for the treatment of foreigners, which collect and administer data of foreigners, according to the law, shall store them for a period of five (5) years after expiration of validity of the visa or temporary residence permit, or ten (10) years from the conclusion of punitive administrative or criminal proceedings.
2. Competent authorities for the treatment of foreigners, which collect and administer personal data of foreigners, shall take appropriate organizational and technical measures to protect personal data from unlawful or accidental destruction, accidental loss, access or distribution to unauthorized persons, especially when data processing is performed in the network, as well as any other form of unlawful processing.
3. Anyone who has access to personal data collected, stored and processed by competent authorities for the treatment of foreigners, as in the course of exercise of duties as well as upon conclusion, shall be subject to liability for maintaining confidentiality and non distribution of any personal data, except when otherwise specified by the law.

## **CHAPTER VIII**

### **ADDRESS OF RESIDENCE OF A FOREIGNER**

#### **Article 123**

##### **Notification of address**

1. A foreigner shall be obliged to notify his/her address and change of his/her address in the nearest Police Station within three (3) days from the date of entry into the territory of the Republic of Kosovo, respectively from the date of change of the address of residence.
2. A foreigner with a residence permit in the Republic of Kosovo shall be obliged to notify place of residence and change of the address of residence in the nearest Police Station or DCAM, within eight (8) days from the date of change of the address of residence.
3. A foreigner referred to in paragraph 1. and 2. of this Article shall be obliged to de-register the place of residence, respectively place of residence, before he/she leaves the Republic of Kosovo.

#### **Article 124**

##### **Notification of address by public and private institutions**

1. Public or private health institutions that admit foreigners for treatment shall be obliged to inform the nearest Police Station within twenty-four (24) hours from the date of receipt.
2. Natural and legal persons who provide accommodation to foreigners, but also to persons who come for visit to foreigners in the Republic of Kosovo shall be obliged to inform the nearest Police Station within twelve (12) hours of the receipt of the foreigner.
3. The provisions referred to in paragraph 1. and 2. of this article, are dealing with the foreigners who residence in the Republic of Kosovo for up to ninety (90) days.

#### **Article 125**

##### **Records of foreigners**

1. Natural and legal persons who provide accommodation for foreigners, shall be obliged to maintain records for the foreigners accommodated.
2. Persons referred to in paragraph 1. of this Article are obliged to maintain the records on foreigners at least three (3) years from the date of the conclusion.
3. Persons referred to in paragraph 1. of this Article shall be obliged that at the official request of an authorized official of the competent authority, to provide the data from the records for viewing.

## **CHAPTER IX INTEGRATION OF FOREIGNERS INTO ECONOMIC, CULTURAL AND SOCIAL LIFE**

### **Article 126 Aid for foreigners integration**

Institutions responsible must provide conditions for integration in to economic, cultural and social life of foreigners who enjoy the right to reside in the Republic of Kosovo.

### **Article 127 Institutions and organizations**

1. State institutions in accordance with their competencies shall cooperate with social partners, non-profit organizations and international organizations for the promotion and implementation of the integration programs of foreigners into society.
2. State institutions and organizations in accordance with paragraph 1. of this Article shall provide the foreigners with protection against any form of discrimination.

## **CHAPTER X PENALTY PROVISIONS**

### **Article 128 Penalty provisions and execution**

1. A fine in the amount of one hundred (100) to three hundred (300) Euro will be sentenced by Police to the foreigner who:
  - 1.1. is served with a travel document different from that with which he has entered in the Republic of Kosovo (article 4 of this Law);
  - 1.2. does not file in an application for a temporary residence of the child within the period defined by law (article 45, paragraph 1 of this Law);
  - 1.3. does not file in an application for extension of temporary residence within thirty (30) days before the expiration of the existing temporary residence (article 47 paragraph 1 of this Law);
  - 1.4. has resided in the Republic of Kosovo in non compliance with the purpose for which he/she was granted a temporary residence (article 66, paragraph 1, sub-paragraph 1.4 of this Law);
  - 1.5. does not present the removal order to the police officials at the border crossing point (article 94, paragraph 2 of this Law);
  - 1.6. does not inform DCAM, for the cease of the conditions for which a temporary work permit has been granted (article 81, paragraph 1.2. of this Law);
  - 1.7. does not possess a certificate of work notification (article 76 of this Law);
  - 1.8. at the request of an official person he/she does not present a document proving his/her identity nor carries with him/her (article 117, paragraph 2 of this Law);



- 1.9. does not return the travel document for foreigners and the residence permit (article 119 of this Law);
- 1.10. does not report the loss, disappearance or theft of documents;
- 1.11. does not notify or de-register the address (article 123 and 124 of this Law);
- 1.12. resides in the territory of the Republic of Kosovo in contravention of the purpose of entry. (article 40 paragraph 1.2. of this Law).
2. From the Labour Inspectorate with a fine in the amount of one thousand (1,000) to two thousand and five hundred (2,500) Euro shall be punished an employer as a natural person, with a fine in the amount of five thousand (5,000) to seven thousand (7,000) Euro shall be punished an employer as a legal entity and the responsible person who:
  - 2.1. has not signed contract or without other appropriate documents for a foreigner whose services he/she is utilizing (article 71, paragraph 1 of this Law);
  - 2.2. does not inform DCAM for termination of conditions which the residence and work permit has been granted to him/her (article 82, paragraph 2 of this Law);

### **Article 129**

1. With a fine of two hundred (200) to five hundred (500) Euro will be punished by the Police a foreigner who:
  - 1.1. moves into areas where his/her movement has been limited (article 106 of this Law);
  - 1.2. is illegally residing in the Republic of Kosovo (article 93 of this Law);
  - 1.3. obstructs forced removal (article 97, paragraph 2 of this Law);
  - 1.4. departed from the detention center without permission or has not applied the rules of residence in the detention center (article 108 of this Law);
  - 1.5. at the request of officials did not submit for control the travel document or any other document which is used for border crossing (article 117, paragraph 3 of this Law);
  - 1.6. does not have an identity document and at the request of a police officer does not provide personal data (article 117, paragraph 4 of this Law);
  - 1.7. his/her documents were given to another person to use, or uses an invalid document, or of someone else as if it were his/her (article 117, paragraph 5 of this Law).
2. For infringements referred to in paragraph 1 of this article, parallel to or independently from the punishment, a removal order for the foreigner may be issued.

### **Article 130**

1. A fine of five thousand (5,000) to seven thousand (7,000) Euro will be imposed by the Labour Inspectorate if the foreigner:
  - 1.1. works without a residence and a work permit as well as a certificate of registration of work (article 67, paragraph 1 of this Law);

- 1.2. which works and acts in non-compliance with article (67, paragraph 5 of this law).
2. For the offenses referred to in paragraph 1 of this Article may be sanctioned with removal order independently and without punishment.

### **Article 131**

1. With a fine in the amount of three thousand (3,000) to six thousand (6,000) Euro for each foreigner carried, shall be punished by the Police the carrier of a foreigner who does not have a valid passport or other document which is used for border crossing, a valid visa or a residence permit (article 35, paragraph 2 of this Law).
2. With a fine in the amount of four thousand (4,000) to six thousand (6,000) Euro for each foreigner carried, shall be punished by Police the carrier as a natural person who at his/her own expense has not delivered (removed) a foreigner to the border crossing point or from the Republic Kosovo or didn't take over the expenses for the return of the foreigner (Article 35, paragraph 3, 4 and 5 of this Law).
3. With a fine in the amount of four thousand (4,000) to six thousand (6,000) Euro for each foreigner assisted shall be punished by Police a natural person who assists a foreigner illegally to cross the border, transit and illegal residence in the Republic of Kosovo (article 36 of this Law).
4. With a fine in the amount of six thousand (6,000) Euro shall be punished by Police a legal entity in the case of paragraph 2 and 3 of this Article, with a fine in the amount of two thousand and five hundred (2,500) Euro the responsible person at the legal entity, for each foreigner carried or assisted.

### **Article 132**

1. From Labour Inspectorate with a fine in the amount of five thousand (5,000) to eight thousand (8,000) Euro for each foreigner will be punished an employer - a natural person who employs a foreigner or uses his/her work, and a fine in the amount of twenty thousand (20,000) to forty thousand (40,000) Euro for each foreigner will be punished an employer - a legal entity which employs a foreigner or uses his work:
  - 1.1. If employs a foreigner who is in no possession of residence and work permit or certificate of registration of work (article 67, paragraph 1 of this Law);
  - 1.2. If employs a foreigner in non-compliance with the provisions of article 67 paragraph 6. of this law.
2. From Labour Inspectorate with a fine in the amount of five thousand (5,000) to eight thousand (8,000) Euro for each foreigner shall be punished an employer – a legal person which employs or uses the work of foreigners illegally residing in the Republic of Kosovo, and a fine in the amount of seventy thousand (70,000) to eighty thousand (80,000) Euro for each foreigner shall be punished an employer - a legal person who employs or uses the work of foreigners illegally residing in the Republic of Kosovo (article 67, paragraph 7 of this Law).
3. For offenses referred to in paragraph 1 of this Article shall be punished by Labour Inspectorate by a fine of five thousand (5,000) to eight thousand (8,000) Euro the responsible person in the legal person.

4. For offenses referred to in paragraph 2 of this article with a fine in the amount of twenty thousand (20,000) to forty thousand (40,000) Euro, shall be punished by Labour Inspectorate the responsible person in the legal person.
5. For offenses referred to in paragraph 1 and 2. of this article, conduct of activities may be prohibited.
6. From the Labour Inspectorate with a fine in the amount of ten thousand (10,000) to fifteen thousand (15,000) Euro shall be punished an employer - a natural person, with a fine in the amount of thirty thousand (30,000) to sixty thousand (60,000) Euro shall be punished an employer - a legal person which does not offer to provide data or obstructs access to indoor or fenced areas or to commercial property.

### **Article 133**

1. By the Labour Inspectorate with a fine in the amount of five thousand (5,000) to eight thousand (8,000) Euro shall be punished for an infringement a foreign employer, if before sending an employee, does not submit the statement or submits it incomplete or wrongfully (article 80 of this Law).
2. By the Labour Inspectorate with a fine of five hundred (500) to one thousand and five hundred (1,500) Euro for offenses referred to in paragraph 1 of this article shall be punished the foreign employer as natural person or responsible person of the legal person.
3. The Labour Inspectorate with a fine of fifteen thousand (15,000) to thirty thousand (30,000) Euro for each foreigner shall punish any foreigner as a service receiver, if he knows or has reasons to know that for the work is using a posted worker who is not legally employed by a foreign employer (article 77 of this Law).
4. By the Labour Inspectorate with a fine of three thousand (3,000) to five thousand (5,000) Euro for each foreigner for a criminal offense according to paragraph 3 of this Article shall be punished the beneficiary and a natural person and the responsible person of legal person.

### **Article 134**

1. With a fine in the amount of two hundred (200) to four hundred (400) Euro shall be punished a natural person or with a fine in the amount of four hundred (400) to eight hundred (800) Euro shall be punished from the Police a legal person if:
  - 1.1. does not notifies or de-register the address, (article 124 of this Law);
  - 1.2. to an authorized person does not makes available the data from the records on foreigners providing services (article 125 paragraph 3 of this Law).
2. For infringements referred to in paragraph 1. of this Article with a fine in the amount of five hundred (500) to one thousand (1,000) Euro a responsible from Police person of the legal person.

## **CHAPTER XI PROVISIONAL AND FINAL PROVISIONS**

### **Article 135 Final provisions for a work permit**

A work permit, issued to foreign employers and employees and exemptions from the obligation to obtain a work permit in accordance with the provisions of the legislation in force before the entry into force of this law, are valid until the end of the validity period, unless annulled by the responsible state authorities or become invalid in application of the provisions of this law.

### **Article 136 Final provisions for a residence permit**

Residence permits issued to a foreigner in accordance with the provisions of the legislation in force, before the entry into force of this law, shall be valid until the end of their date of termination, unless annulled by the responsible state authorities or become invalid, pursuant to the provisions of this law, or bylaws issued for its implementation.

### **Article 137 Issuing of sublegal enactments and implementation of the sublegal enactments in power**

1. For implementation of this law, MIA issues sublegal enactment for following:
  - 1.1. form, content and the procedure of issuing travel documents according to paragraph 4 of Article 7 of this law;
  - 1.2. structure, duties, responsibilities and decision- making procedure of the Commission for Appeals, according to paragraph 4 of Article 9 of this law;
  - 1.3. conditions and procedures of issuing the visa at the border crossing point, according to paragraph 3 Article 26 of this law;
  - 1.4. conditions and the procedures of extending the visa according to paragraph 4 Article 27 of this law;
  - 1.5. form, content and the procedure for issuing of temporary resident permit according to paragraph 5 Article 41 of this law;
  - 1.6. form for Order for Expelling, Form for Order for Expelling by force and the Form of Order for Compulsory Residence in a particular territory according to paragraph 10 Article 94, paragraph 8 Article 97 and paragraph 3 of Article 106 of this Law;
  - 1.7. criteria, procedures and the form of order for expelling according to paragraph 1. Article 104 of this law;
2. Implementing this law, the MFA issue following sublegal enactments for:
  - 2.1. duties and responsibilities of the commercial inter-mediator and/or external provider of services according to paragraph 3 Article 15 of this law;
  - 2.2. the form, way and procedures of issuing of visas according to paragraph 3 of article 17 of this law;

- 2.3. Information System for Kosovo Visas SIVK according to paragraph 2 article 20 of this law;
3. Implementing this law, MLSW in cooperation with MIA issue following sublegal enactments for:
  - 3.1. form, structure, categories and procedures of application for resident permit for job.
4. The fee for taxes for resident permit will be defined with a special sublegal enactment by the Minister of MIA.
5. For implementation of this law can be issued also other sub-legal acts.

### **Article 138** **Abrogation**

1. By entering into force of this law, the following are abrogated:
  - 1.1. Law on Foreigners No. 04/L-069;
  - 1.2. Law on Issuing of Working and Employment Permit for Foreigners Nr 03/L-136;
  - 1.3. All provisions that are in contradiction with this law.
2. Until issuing the Administrative Instructions, following Administrative Instructions remain in force:
  - 2.1. Administrative Instruction Nr 18/2009 – MIA on Travel Documents for Foreigners;
  - 2.2. Administrative Instruction Nr. 01/2010 - MIA on Establishment of Commission for Assessment and Commission for Appeals;
  - 2.3. Administrative Instruction Nr. 02/2010 - MIA on Content, Form, Way if Issuing and Termination of the Resident Permit;
  - 2.4. Administrative Instruction Nr. 03/2010-MPB MIA on Banning Entrance in the Republic of Kosovo;
  - 2.5. Administrative Instruction Nr. 21/2010 - MIA on Issuing Visas at the Border Crossing Points;
  - 2.6. Administrative Instruction Nr. 22/2010 –MIA on Issuing of Travel Documents for Foreigners;
  - 2.7. Administrative Instruction Nr. 23/2010 – MIA on Maintaining and Managing of Registers for Foreigners;
  - 2.8. Administrative Instruction Nr.31/2010 –MIA on ID cards for Foreigners;
  - 2.9. Administrative instruction 07/2012 on Procedures for the Issuance of Visas for Foreigners by the Consular Missions of the Republic of Kosovo;
  - 2.10. Administrative Instruction 08/2012 on the Regulation of the Kosovo Visa Information System (kvis);
  - 2.11. Administrative Instruction no.05./2010, for Regulation of Procedures for issuing of the Working Permits of Foreign Citizens in the Republic of Kosovo;
  - 2.12. Administrative Instruction no.14./2012, for i Amendment and Fulfillment of Administrative Instruction no.05/2010, for Regulation of Procedures for issuing of the Working Permits of Foreign Citizens in the Republic of Kosovo.

**Article 139**  
**Entry into force**

This law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L- 219**  
**31 July 2013**

**Promulgated by Decree No.DL-042-2013, dated 19.08.2013, President of the Republic of Kosovo Atifete Jahjaga**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 35 / 5 SEPTEMBER 2013, PRISTINA**

**LAW No. 04/L-088  
ON STATE ARCHIVES**

**Contents**

Chapter I: General provisions.....	579
Chapter II: Basic provisions.....	580
Chapter III: Transitional and final provisions .....	585

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

**LAW ON STATE ARCHIVES**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

This law determines the ground rules for the organization and operation of Archival Services in institutions of the Republic of Kosovo.

**Article 2  
Scope**

For the purposes of this law, public institutions, which fall within the scope of this law shall include: Government and administration at central and local level, legislative and judicial institutions, the Office of the Presidency, Prosecution office, legal and natural persons, on condition of exercising administrative authority, performing public duties or operate with public funds according to Laws of the Republic of Kosovo (private holders of public competences), and their legal obligations for the establishment, maintaining and use of archival wealth.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meanings:
  - 1.1. **Agency – Kosovo State Archives Agency** – is the Governmental body,

which organizes, directs and controls all archive network activity in the country (hereinafter the Agency).

- 1.2. **Archived Material** - all original and reproduced material by public institutions, legal and natural entities in their activities such as: manuscripts, printed records, drawings, photographs, stamps, audiovisual materials, electronic materials and all other supporting tools that enable a clear understanding of the content of information and facilitate the use of them.
- 1.3. **Documentary Material** - all documents or data generated during the work and activities of public institutions, legal and natural entities and legal records related to them, regardless of the form and format of the record.
- 1.4. **State Archival Fund** - the whole state archival material, which is under state protection of the Republic of Kosovo, and serves as a source of information for society to realize its interests and needs of the state.
- 1.5. **The creators and holders of archive materials** - institutions defined within the scope of this law, which during the work performance create the material which shall be submitted for archiving to the Archives Authority after the expiration of the deadline set by the law.

## **CHAPTER II BASIC PROVISIONS**

### **Article 4 Agency Organization**

1. State Archive Agency is Governmental body that carries out duties and responsibilities defined by this Law.
2. The Agency is led by Chief Executive, who is responsible for the administration, operation and management of the Agency.
3. The appointment, dismissal, functions and responsibilities of the Chief Executive shall be regulated by relevant provisions in force in the Republic of Kosovo.
4. The structure and organization of the Agency shall be regulated by a secondary legislation proposed by the Agency and approved by the Government.

### **Article 5 Duties and responsibilities of the Agency**

1. The Agency is an institution, which receives, identifies, maintains and publishes the archival material and enables its use for scientific research and professional work and for other needs which are of interest to institutions, organizations, legal and natural entities.
2. The Agency shall exercise its activities in accordance with the law and other acts based on it and international archival standards.
3. When necessary advises and guides institutions that enter into the scope of the law relating to the management, maintaining and protection of archival.
4. Organizes training, courses, training lectures and perfection of professional archival staff in Kosovo and performs other activities defined by the law and general legal acts, referring to the Archive.



## **Article 6**

### **Network Archival Institutions**

1. In order to maintain, protect and proper use of archival material and further development of archival activity is created the Kosovo archive network.
2. Kosovo Archive Network shall be established through functional interconnection of all archival institutions in Kosovo.
3. Kosovo Archive Network is created, organized and functions according to the secondary legislation on archival network in Kosovo, which is proposed by the Agency and is approved by the Government.

## **Article 7**

### **Archival Fund at local and central level**

The archival fund at local and central level includes the whole archival material created during the activities of the institutions, that fall within the scope of this law and natural and legal entities with historical, legal, political, economic, social and cultural values, which serves as a source of the information to realize the needs and interests of the state and society in general.

## **Article 8**

### **Public Archive Registry**

1. Agency, in order to improve opportunities for the use of archive material shall create, maintain and update the public archive registry.
2. Public archive registry among others contains the following elements:
  - 2.1. evidence of data for all archival institutions and creators of archive materials of Kosovo. These data are classified according to the central, municipal and private level.
  - 2.2. a general overview of all the archived material in the Agency.
  - 2.3. conditions for the use and access to archived material in the Agency.
3. All records in the central, municipal and private are obliged to make available all agency records and information necessary for updating the registry public archive.
4. The Agency cooperates with other archives to build and update the public archive registry.
5. Every natural and legal entity may have access to public archive registry.
6. Registry should be managed by using the most modern systems of information technology and should be published in the website of the Agency.

## **Article 9**

### **Responsibility for archiving**

1. Kosovo State Archives Agency shall be responsible for archiving the materials of all public institutions, which fall within the scope of this law, which are no longer necessary for use and which expired the preservation at the respective institution.
2. Except from paragraph 1. of this Article, in the following institutions, may develop self-archive within their fields of operation:

## Administrative laws

- 2.1. Administration of the Assembly of the Republic of Kosovo;
  - 2.2. Constitutional Court and Supreme Court of the Republic of Kosovo;
  - 2.3. Universities of the Republic of Kosovo;
  - 2.4. Ministry of Kosovo Security Force;
  - 2.5. Ministry of Internal Affairs;
  - 2.6. Kosovo Intelligence Agency.
3. In case of institutions listed in paragraph 2. of this Article do not possess the necessary conditions and space for archiving, preservation and protection of archival material from damage or destruction, then the above mentioned institutions shall provide their materials for archiving to the Agency, considering the conditions and criteria set forth in this law.

### **Article 10**

#### **Provision and acceptance of archival material**

1. Public institutions which fall within the scope of this law are obliged to provide to the Archiving Agency all materials which are not considered necessary to perform further duties and whose deadline for storage has passed.
2. Provided material for admission to the Agency is the latest after the expiration of thirty (30) years from the moment of creating the material, except in cases when content of the material is specific and relevant legislation in force requires a longer-term storage at the institution.
3. Access to all material and relevant data are provided from the relevant institution, which is proposed for admission to the Agency in order to evaluate whether the material meets the requirements for archiving. All relevant data are attached together with the material provided for the archive at the Agency by the respective institution, which are necessary for clear understanding of information and their effective use.
4. All electronic materials subject to continuous actualization should be offered which undergo continuous actualization should be offered to be filed in the Agency.
5. Responsible Commission of evaluates whether the offered material by the relevant institution meets the required conditions and criteria to be archived. In case the conditions and criteria foreseen by law and sub-legal acts are not met, respective material, for archiving in the Agency continues to remain in the respective institution until their completion.
6. Agency within the time limit of (6) months after delivery of material from the creators of archive materials should evaluate which material is relevant for archiving in the Agency. To make this assessment enable the Agency access to all material offered for archiving.
7. In case when the Agency decides not to archive the material provided by the institution concerned within the time limit of (6) months, continues the obligation of the relevant institution for further storage provided for archive material.

## **Article 11**

### **Administering and Protecting of Archive Material**

1. Archive material is to be preserved in the condition it was accepted in the Agency.
2. Archive material is to be preserved as a whole and can not be alienated, damaged and annihilated.
3. Archive material is processed in accordance with standards and criteria on archiving and is protected by unauthorized usage and abuse.

## **Article 12**

### **Usage of Archive Material**

1. Archive material is preserved and used for education science, cultural, research and information needs as well as professional and civilian need.
2. This law guarantees the rights for each legal and natural entity, without discrimination on any basis, right on access after the request archived in the Agency, with expectance of restrictions which are determined by this law and other legislation in force.
3. Research and usage of archive material is fundamental right of citizens for free information, and being so, in principle it can not be restricted.
4. Usage of archive material in the Agency is in principle free.
5. With exception to paragraph 4. of this Article with appropriate legal and sub-legal acts are set the fees and taxes for archive servile which are created by usage of archive material and copying which is approved by the Agency.
6. Usage of archive material can be restricted partly or fully in cases:
  - 6.1. when wellbeing of Republic of Kosovo is endangered;
  - 6.2. when national security is violated as well as security of international relations and defense;
  - 6.3. when life of private individual is violated;
  - 6.4. when rights of third party are violated which are protected by appropriate legislation for protection of personal information;
  - 6.5. when finance, monetary and tax policy of Republic of Kosovo is violated;
  - 6.6. each document under supervision of Kosovo archive which contains information that can affect fundamental human rights and freedom guaranteed by European Convention on human rights.
7. Respective personnel in the Agency, in cases when material is used or copied, issues a document which contains fact that are included in the archive material. The issued document by the Agency has the value of official document.

## **Article 13**

### **TimeLine for Using Archived Material in the Agency**

1. If it is not to be decided differently by a respective legislation in power, archived material in the Agency, in principle can be used after a period of 30 (thirty) years from the moment of creating of this material by the creators of archive material, if it is not determined otherwise by this law.

2. If, by giving this material in usage, as determined in paragraph 1. of this Article protection of interests of Kosovo and its relations with other countries is violated, then this material is delivered for use only after reasons are given, or at last after 50 (fifty) years from the starting year of protecting of material in the Agency.
3. Timeline to give in usage of archive material, in which are foreseen certain rules of confidentiality is 60 (sixty) years from the moment of its creation.
4. Archive material, which according to its purpose and content is related to personal data of natural entity, can not be given in usage before the following timelines:
  - 4.1. 10 (ten) years after decease of natural entity;
  - 4.2. 100 (one hundred) years from year of birth, in case when the year of death of natural entity is unknown;
  - 4.3. 60 (sixty) years from the moment of creation of archive material in case when birth and death year is unknown;
5. Timelines determined in paragraph 4. of this Article are not meant for documents, which, when created were public and were dedicated to public.
6. Timelines determined in paragraph 4. of this Article are not meant for archive material, archived in the Agency by public institutions.
7. Spouse, children and parents of person whose data are in the Agency can have access and use the archive material in the Agency before the timeline determined in paragraph 4. of this Article, except cases when respective person before death has not granted access in this material for his/her family members.
8. Usage of archive material within timelines determined in paragraph 4. of this Article can be allowed on the basis of request before expiration of time in these cases:
  - 8.1. when respective person has approved usage of archive material;
  - 8.2. after decease of respective person, this right can exercise his/her legal descendants, except cases when respective person has not approved access in his/her personal data.

## **Article 14**

### **Duties and Responsibilities of Creators of Archive Material**

1. Creators of archive material are obligated that the material in their possession to be delivered to the Agency for evidence and maintenance according to the criteria determined in this law and archive standards.
2. Creators of archive material shall be obliged to act as follows:
  - 2.1. preserving archive material in normal condition and protection from damage until its delivery to the competent archive;
  - 2.2. delivery of archive material for registration and preservation on request of the Agency, as well as informing for every change and development related to it;
  - 2.3. evidencing and classifying of archive material according to the determined system for managing of official material;
  - 2.4. delivery of archive material to the Agency after the deadline determined by the law.

## **Article 15**

### **List of Categorization for Preserving and Using of Archive Material**

The Agency approves the list of categorization for preserving and using of archive material in which are determined value and timeline of preserving as well as how to use the material.

## **Article 16**

### **Local Archive Fund**

1. Local archives administer, preserve, protect, classify and categorize archive material of local institutions and other bodies which operate within respective territorial administrative unit. They control and offer professional help creators of archive material of institutions in local level.
2. Archive material is delivered in the competent archive under the Agency after the timeline determined by this law, registered and evidenced in accordance with rules and standards of archives. In cases when archive material is not regulated in accordance with methodology of official management of material determined by the Agency, then the competent authority in the Agency determines timeline within which the polder is obligated to deliver the supplemented material as requested.
3. In case when condition foreseen in the paragraph 1. of this Article is not fulfilled, the Agency regulates the material on the expenses of the holder.

## **CHAPTER III**

### **TRANSITIONAL AND FINAL PROVISIONS**

## **Article 17**

### **Sub-Legal Acts**

1. Every institution is obligated to issue an instruction on ways of preserving and using archive material, which, amongst others needs to regulate these fields:
  - 1.1. formal management system;
  - 1.2. procedure of using archive material;
  - 1.3. criteria and standards for preservation of archive material;
  - 1.4. creation of copies and reproduction;
  - 1.5. responsibility of the user of archive material in case of damaging of this material;
  - 1.6. fees and taxes for using archive material and compensation for expenses in cases of copying and reproduction;
  - 1.7. other conditions and procedures of using archive material.

## **Article 18**

### **Timeline for Issuing Sub-legal Acts**

1. Sub-legal acts, for implementation of this law are issued in period of 6 (six) months after entering into force of this law.

Administrative laws

2. Digitalization of public archive registry ends up within three (3) years from entrance into force of this law.

#### **Article 19**

##### **Repeal**

1. After entering in force this law repeals:
  - 1.1. Law on Archive Substances and Archives (Law no. 2003/7)
  - 1.2. Law no. 02/L-80 for Amending and Supplementing 2003/7 and
  - 1.3. Law no. 03/L-077 for Amending and Supplementing the Law no. 2003/7 on Archive Substances and Archives, dated 7 November 2008.

#### **Article 20**

##### **Entry into Force**

This law shall enter into force 15 (fifteen) days after publishing it in the Official Gazette of Republic of Kosovo.

**Law No. 04/L-088**

**15 February 2012**

**Promulgated by Decree No.DL-007-2012, dated 01.03.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 04 / 19 MARCH 2012, PRISTINA**

**LAW No. 04/L-071  
ON ADDRESS SYSTEM**

Contents

Chapter I: General provisions.....	
Chapter II: Criterias for naming .....	
Chapter III: Criterias for numbering .....	
Chapter IV: Address register.....	
Chapter V: Criterias for address signs.....	
Chapter VI: Responsibilities of municipalities.....	
Chapter VII: Responsiibilities of competent ministries.....	
Chapter VIII: Transitional and final provisions .....	

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

**LAW ON ADDRESS SYSTEM**

**CHAPTER I  
GENERAL PROVISIONS**

**Article1  
Purpose**

The purpose of this law is to determine and regulate the manner of establishing and administering the Address System, to set out the criteria and identification of each building, object and every free cadastral parcel in the territory of the Republic of Kosovo.

**Article 2  
Scope of Application**

This law determines the competencies and responsibilities of municipalities and duties of Government in establishing and administering the Address System in the territory of Kosovo.

### **Article 3**

#### **Definitions**

1. Terms used in this law shall have the following meaning:
  - 1.1. **Address** - compilation of words, numbers, and language orthographic signs, listed according to a certain order, indicating the exact location of the building and a free cadastral parcel. It is composed of letters in official languages and Arabic numbers.
  - 1.2. **Ministry** - Ministry responsible for Environment and Spatial Planning.
  - 1.3. **Municipality** - the determination of Municipality, as provided in the Law on Local Self Government-Law No. 03/L-040.
  - 1.4. **Municipal Register of Addresses** – the official register which contains all elements of addresses for the certain Municipality and which is maintained and continuously updated by the Municipality.
  - 1.5. **State Address Register** - the official register which contains data from all Municipal Address Registers which is maintained and continuously updated by the Ministry responsible for Environment and Spatial Planning and Kosovo Cadastral Agency.
  - 1.6. **Official Languages** - official languages defined by the Law on the use of languages-Law no 02/L-37.
  - 1.7. **Free Space** – free cadastral parcel.
  - 1.8. **Public Circulation Area** – denominated part of public territory, such as boulevard, street, alley, square, park and ring road which serves as a reference to describe the exact location of an object, building, and a free cadastral parcel within the same Municipality in the territory of the Republic of Kosovo.
  - 1.9. **Roads** - defined in accordance with the Law on Roads-Law No. 2003/11
  - 1.10. **Address Sign** – a sign which contains the name and number of addresses.
  - 1.11. **Kosovo Cadastral Agency** - the central responsible Agency for Kosovo Cadastral, as it is provided by the Law No. 2003/25 on Cadastre.

### **Article 4**

#### **Address elements**

1. Elements of an address are as following:
  - 1.1. name of the municipality;
  - 1.2. name of the village;
  - 1.3. name of the public circulation area to which the object has an exit;
  - 1.4. number of the building;
  - 1.5. entrance number;
  - 1.6. floor number;
  - 1.7. apartment number; and
  - 1.8. postal code.



## **Article 5**

### **Address System**

The address system shall be applied to any type of object, building or free cadastral parcel, regardless of its purpose of use in the Republic of Kosovo.

## **Article 6**

### **Languages used for Address System implementation**

Address system shall be implemented using the official languages of the Republic of Kosovo. This provision shall apply to determine the names of public circulation areas for production and installation of the address signs.

## **CHAPTER II**

### **CRITERIAS FOR NAMING**

## **Article 7**

### **Naming of Public Circulation Areas**

1. The decision on the names of public circulation areas shall be taken by the Municipal Assembly under whose jurisdiction they are located.
2. The names of public circulation areas shall be proposed by the responsible Municipal directorate. The names are decided upon the decision of the Municipal Assembly. Names of public circulation areas aim to preserve the continuity and homogeneity in cultural and historical terms taking into account the consultative process with communities living in specific areas. Names of public circulation areas are registered in the Municipal Address Register.
3. Responsible Municipal directorate shall also assign a unique code for each public circulation area within the Municipality. The code shall be registered in the Municipal Address Register.
4. Responsible Municipal directorate is obliged to establish, retain, and continuously update an alphabetical list of all names of the public circulation areas. The list shall be consulted during the naming process to avoid the duplication of names in the same Municipality and it shall be published.

## **Article 8**

### **Naming criteria**

1. Each public circulation area shall have a specific name within the same Municipality.
2. A Public Circulation Area with one exit shall be assigned a separate name from the name of the main road if there are over ten (10) apartments-houses or when in the regulatory plan provides access to another road. The same shall apply to the villages.
3. A Public Circulation Area with an exit to less than ten (10) apartments-houses shall retain the same name of the main road where it has an exit.
4. If there are reasons to assign different names to the same public circulation area through its length, the name can be change only at a crossroad, bridge, railway intersection or at another recognizable historical place. This provision shall not

imply that the same segment of public circulation area can have different names.

### **Article 9**

#### **Naming prohibitions**

1. The following names shall not be used in regards to public circulation areas:
  - 1.1. initials, abbreviations and abbreviated names;
  - 1.2. names in foreign languages;
  - 1.3. names containing linguistic mistakes;
  - 1.4. names of families;
  - 1.5. descriptive names;
  - 1.6. names using numbers shall not use numbers with fractions.

### **Article 10**

#### **Re- naming of Public Circulation Areas**

1. In case of a need to change the existing name of a Public Circulation Area provisions set out for this law for assigning new names of public circulation areas shall be applied.
2. When due to a change of Municipal borders of the Republic of Kosovo, a public circulation area is assigned to another Municipality and there is a conflict with an existing name, the re-naming process shall take place in accordance with this law.

### **Article 11**

#### **The list of reserve names**

Responsible municipal directorate shall draw and retain a list of reserve names for public circulation areas. The names on the reserve list must comply with naming criteria set out in this law.

### **Article 12**

#### **Inter-municipal Public Circulation Areas**

1. Public circulation areas that pass through two or more Municipalities shall preserve the same name throughout its length.
2. When a public circulation area passes through two or more Municipalities, the Municipalities shall corporate with each other in order to ensure a compliance in naming and numbering of the same public circulation area throughout its length.

### **Article 13**

#### **Notification for assigning New Name and the change of existing Name**

1. In case of assigning a new name or changing an existing name of a public circulation area, the Municipality shall inform the Ministry for the proposed new name within five (5) days.

2. Ministry shall review the proposed name in terms of its compliance with this law and relevant administrative instructions. Ministry shall notify the Municipality for its assessment within fifteen (15) days.
3. In case the Ministry finds incompatibility of naming with this law and administrative instructions of this law, then the Ministry within the above mentioned time limits requires from the Municipality to reconsider the naming.
4. If the Municipality does not respond to the request for review within the time limit of thirty (30) days or refuses the request and supports the decision contested for naming, then the ministry can refer the contested issue in the District Court that is competent for the territory of the Municipality, within the time limit of thirty (30) days after failing to respond the notice of refusal or support of the contested decision.

### **CHAPTER III CRITERIAS FOR NUMBERING**

#### **Article 14**

##### **Assignment of Address Numbers in Urban Areas**

1. Responsible Municipal directorate is competent to assign address numbers to buildings, objects and free cadastral parcels for Address System needs within the whole territory of Municipality, by acting always in compliance with this law.
2. Responsible Municipal directorate shall also assign a unique code for each building, object or free cadastral parcel.
3. Responsible Municipal directorate shall insert address numbers and assigned building codes in the Municipal address register.
4. For new buildings planned to be built on the Municipal territory, the address is assigned during the process of issuance of building permit. The responsibility to assign the address number for planned buildings shall be implemented by the responsible Municipal directorate. Once the building is completed and approved for use, the address number is confirmed in address register. This rule shall apply towards all for assignment of numbers for buildings in rural areas.

#### **Article 15**

##### **Assignment of Address Numbers within Buildings**

Each apartment within the building, including offices and shops shall have a unique assigned number. The responsible Municipal directorate shall be competent to decide on numbers of addresses for each flat, office and shop for the need of Address System in the whole territory of the Municipality.

#### **Article 16**

##### **Assignment of Address Numbers in Rural Areas**

The responsible Municipal directorate shall be competent to assign and decide on the numbers for houses, buildings and free cadastral parcels for the needs of Address System within the territory of Municipality, acting always in compliance with this law.

**Article 17**  
**Naming and Numbering of Bridges and Tunnels**

Bridges and tunnels are named and numbered for the purpose of identification. In most of cases, measurements are made in the middle of the bridge and the number is placed at the end of the bridge on both sides. Competences for placement of signs belongs to the Municipality where the area is located.

**CHAPTER IV**  
**ADDRESS REGISTER**

**Article 18**  
**Municipal Address Register**

Municipality shall establish, maintain and continuously ensure the accuracy of data in the Municipal Addresses Register.

**Article 19**  
**State Address Register**

1. The Ministry shall establish and administrate State Address Register.
2. State Address Register shall be implemented and maintained by the Kosovo Cadastral Agency.

**Article 20**  
**Distribution of data by State Address Register**

1. Data from the State Address Register shall be distributed for free to Ministries, institutions and governmental agencies, municipalities, private companies, nongovernmental entities and natural persons in compliance with the Law on Protection of Personal Data.
2. State Address Register shall be part of National Spatial Data Infrastructure (NSDI).

**CHAPTER V**  
**CRITERIA FOR ADDRESS SIGNS**

**Article 21**  
**Technical specifications for Address Signs, Names and Numbers**

1. Signs for names of public circulation areas and numbers of buildings and entrances, shall be produced and placed by using the best and appropriate European practices.
2. Numbers must be Arabic numbers.
3. Letters in the signs must be in accordance with the relevant legislation on the use of languages in the Republic of Kosovo.
4. In Municipalities where other languages have the status of official languages, the signs shall be in official languages of Municipality.

## **Article 22**

### **Placement of Address Signs**

Responsible Municipal directorate shall place the Address signs in objects, buildings and free cadastral parcels within the territory of the Municipality.

## **Article 23**

### **Costs for placement of Address Signs**

1. Costs for placement of Address signs for public circulation areas shall be covered by Municipal budget of where the area is located.
2. Costs for placement of Address signs in buildings and inside of them for the first time, shall be covered by the Municipal budget.

## **CHAPTER VI**

### **RESPONSIBILITIES OF MUNICIPALITIES**

## **Article 24**

### **Responsibilities of Municipalities**

1. The municipality shall assign specific names and numbers to all buildings, apartments, and free cadastral parcels, in compliance with provisions of this law.
2. All elements of addresses in the Municipality shall be registered and maintained by the existing staff of responsible directorate in municipal address register in compliance with provisions of this law.
3. The Municipality shall not issue building permit unless the address is assigned and is included in the building permit.
4. The Municipality shall coordinate the naming and numbering process with the neighbouring municipality in case of inter-municipal public circulation areas.
5. The Municipality shall notify the owners of properties and residents on the name and number of public circulation area in which they reside.
6. The municipality shall be responsible to install and maintain signs with names and numbers for all existing public circulation areas.
7. The municipality shall be responsible to ensure and maintain all name address signs, within its territory.
8. The municipality shall maintain data in the Municipal Address Register ensuring that all data are complete, correct and up to date.

## **CHAPTER VII**

### **RESPONSIBILITIES OF COMPETENT MINISTRIES**

## **Article 25**

### **Responsibilities of Ministries**

1. The ministry in corporation with responsible Ministry of Local Government, responsible Ministry of Internal Affairs and Municipalities shall be responsible for the implementation of the overall Address System in Republic of Kosovo.

2. The Ministry shall ensure the coordination among governmental and municipal institutions and shall provide technical and financial possibility for uniform implementation of Address system.
3. The Ministry shall be responsible to review the names decided by Municipality for public circulation areas and to notify municipalities in case of violation of this law.
4. The Ministry shall establish and administer the State Address register.
5. The ministry shall distribute data from the State Address Register in accordance to provisions of this law.

## **CHAPTER VIII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 26 Transitional and final provisions**

1. The Ministry and Kosovo Cadastral Agency shall provide maps, Administrative Instructions, appropriate manuals and guidelines to Municipalities in order to start the implementation of Address System.
2. Within six (6) months from the approval of bylaws provided by this law, the Municipality shall identify all public circulation areas and assign names for those in accordance with provisions of this law.
3. Within twelve (12) months from the approval of bylaws as provided in this law, the Municipalities shall assign numbers for all existing buildings, objects and free cadastral parcels, for assignment of exact numbers.
4. Within eighteen (18) months from the approval of bylaws as provided in this law, the Municipalities shall assign numbers for buildings and apartments entrances inside existing buildings, according to provisions of this law.
5. Within twenty-four (24) months from the approval of bylaws as provided in this law, the Municipality shall register in the Municipal address register, the name and number public traffic areas, objects and buildings and the same ones shall be registered in municipal addresses register, according to provisions of this law.

### **Article 27 Issuance of Administrative Instructions**

1. The Ministry and Kosovo Cadastral Agency shall be responsible for the issuance of the following Administrative Instructions:
  - 1.1. Administrative Instruction on the sequence of address elements and assigning the format of letters, numbers and address signs;
  - 1.2. Administrative Instruction on assigning the naming and numbering of addresses for public circulation areas, buildings, houses, and free cadastral parcels;
  - 1.3. Administrative Instruction on the methodology of installation of physical address signs in public circulation areas, buildings, houses, objects and free cadastral parcels;
  - 1.4. Administrative Instruction on the establishment and administration of the

alphabetical list of names, reserve list and their assignment by the Municipal Register of Addresses;

- 1.5. Administrative Instruction on procedures of establishing and administering the Municipal Register of Addresses and State Address Register;
- 1.6. Ministry shall also issue other Administrative Instructions for implementation of this law.
2. The Ministry and Kosovo Cadastral Agency shall be responsible for the issuance of these Administrative Instructions, within six (6) months from the entry into force of this law.

## **Article 28**

### **Entry into force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-071**  
**8 December 2011**

**Promulgated by Decree No.DL-052-2011, dated 21.12.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 29 / 27  
DECEMBER 2011, PRISTINA**

**LAW No. 04/L-036**  
**ON OFFICIAL STATISTICS OF REPUBLIC OF KOSOVO**

**Contents**

Chapter I: General provisions.....	596
Chapter II: Fundamental principles of the official statistics .....	598
Chapter III: Organisation, status, tasks and coordination of the official statistics system.....	599
Chapter IV: Planning, programming and implementation measures .....	603
Chapter V: Data collection.....	605
Chapter VI: The processing and storing of statistical data.....	606
Chapter VII: Statistical registers .....	607
Chapter VIII: The dissemination and use of official statistics .....	608
Chapter IX: Confidentiality and protection of statistical data.....	609
Chapter X: International statistical collaboration.....	612
Chapter XI: Penalty provisions .....	612
Chapter XII: Transitional and final provisions.....	613

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo, hereby

Aiming to regulate the official statistics of the Republic of Kosovo in compliance with international standards on statistics,

Approves

**LAW ON OFFICIAL STATISTICS OF REPUBLIC OF KOSOVO**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose of the Law**

1. The purpose of this law is to determine the fundamental principles and to establish a legal framework for the organization, production and publication of official statistics of Kosovo.
2. The purpose of official statistics is the collection, processing and dissemination of data for statistical purposes to economic activities, social and general conditions in Kosovo, as well as to ensure Kosovo the fulfillment of international obligations in producing and publishing official statistics.



## **Article 2**

### **Definitions**

1. Terms used in this Law, shall have the following meaning:
  - 1.1. **Statistics** - final information emerging from data processing and analyzing, characterizing collective phenomena for a given population;
  - 1.2. **Official statistics** - the information obtained by processing data in order to characterize collective phenomena in the population in the framework of implementing the program of official statistics, that is under the authority of the Kosovo Agency of Statistics- (hereinafter as KAS), Central Bank of Kosovo and the Ministry of Economy and Finances;
  - 1.3. **Production of Statistics** - the process encompassing all the activities necessary for the preparation, collection, storage, processing, analysis, and dissemination of statistical data;
  - 1.4. **Statistical survey** - a comprehensive method of data collection by which the producers of official statistics collect data directly from the statistical unit exclusively for statistical purposes;
  - 1.5. **Statistical form** - any record-document written on paper or the electronic entry of a document, used to collect data from the statistical unit;
  - 1.6. **Data collection** - the activity implementing the statistical surveys, as well as the use of official sources, administrative data and other data collected through the methods of observing and monitoring by the producers of official statistics, for the purpose of official statistics;
  - 1.7. **Reporting Unit** – all units that can issue statistical data such as: different governmental and non-governmental institutions, natural persons, household, economic enterprises or operators and if required data from KSA those units shall cooperate and report to the KAS;
  - 1.8. **Statistical unit** - the basic observation unit, namely a natural person, a household, an economic operator and other undertakings, referred to by the data;
  - 1.9. **Other statistical activity** - the statistical activity that is not included in the program;
  - 1.10. **Identifiers** - the names, addresses or other any clearly determined feature (code), which enables recognition of the identity of an individual statistical unit;
  - 1.11. **Dissemination** - giving to users, regardless of the form and means used, access to statistical information not subject to official confidentiality;
  - 1.12. **User of data** - any legal and natural person, state institutions, scientific institution, international and local organizations, which uses statistical data;
  - 1.13. **Statistical registers** – the nominal lists of reporting units, which are continuously updated and used exclusively for statistical purposes;
  - 1.14. **Statistical material** - a group of documents containing: methodological bases, statistical forms, instructions, statistical reports, statistical studies and analysis, summary reviews and results, publications and other documents, resulting from performing the official statistics activities;
  - 1.15. **Probative Plan** - a plan for a test through a statistical research;
  - 1.16. **Frequency** - the time period for an action.

## CHAPTER II FUNDAMENTAL PRINCIPLES OF THE OFFICIAL STATISTICS

### Article 3 Principles of Official Statistics

1. In order to ensure the quality of Official Statistics and to retain the trust of the public and for organization and implementation of the Program, Official Statistics covered by this Law shall be governed by the following principles:
  - 1.1. **Principle of Relevance:** the production of statistical data shall indispensably meet clearly defined information requirements, regarding the purpose of official statistics. The requirements determine the fields, timelines and scale of statistics, which should include the demographic, education, economic, agriculture, social and environmental developments at all times. Data collection should be limited to what is necessary for attaining the desired results. Statistical data shall be checked periodically, and the necessary needs for statistical data shall be identified in due time;
  - 1.2. **Principle of impartiality**, meaning that statistics must be developed, produced and disseminated in a neutral manner and that all users must be given equal treatment;
  - 1.3. **Principle of objectivity**, meaning that statistics must be developed, produced and disseminated in a systematic, reliable and unbiased manner; it implies the use of professional and ethical standards and that the policies and practices followed are transparent to users and survey respondents;
  - 1.4. **Principle of Reliability:** the methods and procedures that deal with collecting, processing and publication of statistical data. They shall be determined based on professional standards, scientific methods and principles of professional ethics;
  - 1.5. **Principle of financial funds economization/Cost-effectiveness:** the optimum use of all available resources and the minimization of the burden to respondents.
  - 1.6. **Principle of Professional independence:** official statistics must be developed, produced and disseminated in an independent manner, particularly as regards the selection of techniques, definitions, methodologies and sources to be used, and the timing and content of all forms of dissemination, free from any pressures from political or interest groups, national authorities, without prejudice to institutional or budgetary settings or definitions of statistical needs;
  - 1.7. **Principle of Transparency:** the right of units for statistical reporting to have information on the legal obligation, to give and receive data as well as to take measures for protection of statistical data. It shall also mean that the outputs of official statistics, must be at the same time available to all users;
  - 1.8. **Principle of Statistical confidentiality** the protection of statistical data, collected directly or indirectly. Statistical confidentiality also implies the prevention – usage of statistical data collected for non-statistical data and illegal publication of statistical data;

- 1.9. **Principle of coordination and harmonization:** KAS coordinates the state statistical system and is responsible for harmonization of official statistical data;
- 1.10. **Use of individual data exclusively for statistical purposes:** the statistical data collected through the performance of statistical activities and which are bound by the provisions on statistical confidentiality shall be used exclusively in conformity with the provisions of this Law and of the another legislation in force regarding this issue.

#### **Article 4**

##### **Quality of Official Statistics**

1. To guarantee the quality of results, official statistics shall be developed, produced and disseminated on the basis of uniform standards and of harmonised methods. In this respect, the following quality criteria shall apply:
  - 1.1. **“relevance”**, which refers to the degree to which statistics meet current and potential needs of the users;
  - 1.2. **“accuracy”**, which refers to the closeness of estimates to the unknown true values;
  - 1.3. **“timeliness”**, which refers to the period between the availability of the information and the event or phenomenon it describes;
  - 1.4. **“punctuality”**, which refers to the delay between the date of the release of the data and the target date (the date by which the data should have been delivered);
  - 1.5. **“accessibility”** and **“clarity”**, which refer to the conditions and modalities by which users can obtain, use and interpret data;
  - 1.6. **“comparability”**, which refers to the measurement of the impact of differences applied in statistical concepts, measurement tools and procedures where statistics are compared between geographical areas, sectorial domains or over time;
  - 1.7. **“coherence”**, which refers to the adequacy of the data to be reliably combined in different ways and for various uses.
2. KAS and other authorities shall, if required, report on data quality transmitted to competent authorities of the EU.

### **CHAPTER III**

#### **ORGANISATION, STATUS, TASKS AND COORDINATION OF THE OFFICIAL STATISTICS SYSTEM**

#### **Article 5**

##### **Producers of Official Statistics**

1. The tasks of Official Statistics are performed by the certain producers of official statistics:
  - 1.1. The Kosovo Agency of Statistics (KAS) and
  - 1.2. Central Bank of the Republic of Kosovo,

- 1.3. Ministry competent for Finances,
- 1.4. Other authorized bodies of the Kosovo Agency of Statistics determined by the Program.

## **Article 6**

### **Status and Funding of the KAS**

1. KAS is a professional, independent, bearer, and disseminator institution and the coordinator of the statistical system of Kosovo, acting within the framework of the Prime Ministers Office (PMO).
2. The organization of KAS shall be approved by the Prime Minister, after proposal by the KAS.
3. Employees of KAS shall have the status, according to the legal provisions of civil service.
4. The recruitment of the employees of KAS is performed according to the rules applicable for Kosovo civil service.
5. KAS, on special cases, is entitled to engage contracted workers for special services in compliance with the legislation in force.
6. KAS shall be funded by the budget of the Republic of Kosovo and donors, according to the applicable law.
7. KAS is an autonomous budgetary organization with its own budgetary code.
8. KAS creates self incomes from the services foreseen under this law, which are managed according to the legislation in force.

## **Article 7**

### **Responsibilities and Rights of the KAS**

1. KAS has the general responsibility for the production of Official Statistics and other issues provided by the Program of Official Statistics.
2. These tasks of KAS are as follows:
  - 2.1. to prepare the draft program and Annual Plan of Official Statistics in consultations with the Council of Kosovo Agency of Statistics (hereinafter: the Council);
  - 2.2. to prepare and organize the implementation of the official activity determined by the Program;
  - 2.3. to determine and develop the statistical methodology, classification and standards for producing Official Statistics;
  - 2.4. to collect the necessary statistical data, analyze, publish and disseminate statistical results;
  - 2.5. to provide professional assistance and technical explanation of the results to avoid erroneous interpretation of the data provided in Official Statistics;
  - 2.6. to carry out studies and research on and further develop of statistical methodology and of technology;
  - 2.7. to monitor the carrying out of statistical tasks imposed on other authorities by the statistical program;
  - 2.8. to submit, through the minister of the Ministry Competent for Public

Administration, for approval to the Government and Assembly the report on implementation of the plan, program and use of budgetary funds. The approved Annual Report shall be published;

- 2.9. to upgrade the statistical skills and knowledge of the employees working in the field of official statistics;
  - 2.10. to promote knowledge on statistics in cooperation with universities;
  - 2.11. to cooperate with competent local and international organizations competent for official statistics in order to enable the comparison of official statistics with statistics produced in other statistical systems.
3. In performance of its tasks, KAS shall have the right to:
- 3.1. request from statistical units to give data about the progress regarding particular tasks stipulated in the Program;
  - 3.2. request administrative and statistical data from the ministries and other institutions;
  - 3.3. undertake any other activity towards fulfilling the responsibilities and tasks, as set out by this Law.
  - 3.4. all units of Institutions are obligated to offer statistical records foreseen under this article, unless otherwise foreseen by any other legal act.

## **Article 8**

### **The Chief Executive Officer of KAS**

1. The Chief Executive Officer of KAS shall be appointed according to the legislation in force for appointment of high civil employees.
2. The Chief Executive Officer of KAS for his/her work shall directly respond to the Minister of the Ministry Competent for Public Administration.
3. The Chief Executive Officer of KAS has responsibility to:
  - 3.1. administer KAS and ensure fulfillment of its duties;
  - 3.2. propose the organizational structure of KAS;
  - 3.3. represent KAS in relation with third parties at national and international level;
  - 3.4. annually prepare proposals for modifications in the Program, based on the advices of the Statistical Council;
  - 3.5. manage efficiently and effectively the funds provided for KAS from the Kosovo Budget or other sources;
  - 3.6. participate and discuss in all the meetings of the Statistical Council; and
  - 3.7. execute other duties assigned by the program, plan and by decisions of the ministry and of the Government of Kosovo.

## **Article 9**

### **Composition of Statistical Council**

1. The Council shall consist of a chairperson and twelve (12) members. The Chief Executive Officer of KAS is a member of the council. The following institutions shall have one representative in the Council:
  - 1.1. Ministry competent for Finances;

## Administrative laws

- 1.2. Ministry competent for Trade and Industry;
  - 1.3. Ministry competent for Education;
  - 1.4. Ministry competent for Health;
  - 1.5. Office for Strategic Planning;
  - 1.6. Central Bank of Kosovo;
  - 1.7. Tax Administration;
  - 1.8. Ministry competent for Labor and Social Welfare;
  - 1.9. Ministry competent for Agriculture, Forestry and Rural Development;
  - 1.10. University, recognized research expert from the field of Statistics;
  - 1.11. Civil society representing the think tank organizations; and
  - 1.12. Business community.
2. Members of the Council shall be appointed by the institutions stated in paragraph 1. of this Article. The recognized research expert from the field of statistics shall be appointed by the University, amongst the academic staff of the relevant institution based on criteria determined by KAS, whereas the members representing think tank organizations, social and economic groups will be appointed by the Council itself.
  3. The members of the Council from the institutions are nominated amongst civil servants of the relevant institution based on criteria determined by KAS.
  4. The members of the Council shall be appointed based on professional qualifications.
  5. All members of the Council shall be appointed for a mandate of five (5) years.

## **Article 10**

### **Functions and Tasks of the Council**

1. The council shall be established to give advices for preparation and implementation of the official statistic program and for overall development and functioning of the KAS.
2. Fulfilling its mandate, the Council should perform the following tasks:
  - 2.1. to make recommendations on the preparation of the Draft Program of Official Statistics, provide opinions and advices on changes, supplements of the Program and Annual Plan.
  - 2.2. to provide opinion and advices on amendments, additions to the Program and annual Plan;
  - 2.3. to set Working Groups for developing statistical guidelines for the merging statistical areas at national statistics system of Kosovo;
  - 2.4. to convene meetings of the working progress achieved by the Working Groups;
  - 2.5. to monitor, evaluate and give advice on the implementation of the Program;
  - 2.6. to give opinions on laws and other legal acts regarding the activities or producers of official statistics;
  - 2.7. to give opinions on development of the Official Statistics system and international collaboration;
  - 2.8. to give opinions on other issues of significance for the work of the Official Statistics;

- 2.9. to comment on the budgetary situation of the implementation of the Program;
- 2.10. the Council shall present an annual report of its work to the competent ministry for public administration and to the Government of the Republic of Kosovo.

### **Article 11**

#### **Organization of the Statistical Council**

1. The Council shall decide on the representative from the civil society and business community during the first meeting.
2. The Council shall operate according to the Rules of Procedures which will be adapted within three (3) months after the establishment of the Council.
3. The Council shall appoint a chair and deputy chair from amongst its members.
4. KAS shall support the activity of the Statistical Council technically and through administration.
5. KAS shall finance the activities of the Council from its own budget.

### **Article 12**

#### **Implementation of Official Statistics by other Authorities**

1. In order to implement Official Statistics except KAS, the Central Bank of Kosovo and Ministry competent for Finances, other authorities may be in charge with the Program of Official Statistics.
2. Methods, classifications and standards used by these authorities shall be determined by KAS in accordance with Program of Official Statistics and the Annual Plan.
3. KAS, Central Bank of Kosovo and Ministry competent for Finances shall announce results in its publications.

## **CHAPTER IV**

### **PLANNING, PROGRAMMING AND IMPLEMENTATION MEASURES**

### **Article 13**

#### **The Program of Official Statistics**

1. The Program of Official Statistics shall constitute a framework for the production of Official Statistics in Kosovo.
2. The Draft Program of official statistics shall be drafted by KAS with the recommendation of the Council and in consultation with the users and producers of official statistics for a period no less than five (5) years and in accordance with the Statistical Program of European Union.
3. The Program of official statistics is adopted by the Government and it is published in the "Official Gazette".
4. The Program shall cover the statistical surveys, necessary for providing the data on demographic, socio-economic, agriculture and environmental situation in Kosovo,

- focusing in basic phenomenon for decision makers and respecting the right of citizens for protection of personal data.
5. KAS shall draft a Draft Proposal of the Program for periods that are comparable to the periods defined in the Statistical Program of the European Union.

#### **Article 14** **Content of the Program**

1. The Program shall specify for each of its elements the coverage, the type, the frequency and the topics of the characteristics to be drawn from the relevant sources.
2. Unless otherwise provided in the Program, the surveys and questionnaires are to be implemented directly from the Program and the units called upon are obliged to provide the information necessary for the production of the respective statistics.

#### **Article 15** **Annual Plan**

1. In order to implement the Program, KAS shall draft an Annual Plan proposal by 31 May of the current year for the following year.
2. The proposal of Annual Plan shall be drafted by KAS in consultation with users and producers of official statistics.
3. Annual Plan shall determine the scheme of required general resources foreseen by the Budget of Republic of Kosovo.
4. The Annual Plan shall be adopted by the Government of Kosovo and published in the "Official Gazette".

#### **Article 16** **Statistical surveys**

1. Statistical surveys shall include:
  - 1.1. the producer of official statistics;
  - 1.2. the name of the statistical survey;
  - 1.3. the period of surveying;
  - 1.4. the report statistical units;
  - 1.5. the method of data collection;
  - 1.6. data collection timelines;
  - 1.7. the obligation for providing data;
  - 1.8. the connection to the outputs or activities within the Program;
  - 1.9. the deadlines and level of publication of outputs;
  - 1.10. relevant international standards.

#### **Article 17** **Reporting**

The report on the implementation of the Annual Plan shall be prepared by KAS in



Law No. 04/L-036 on official statistics of Republic of Kosovo  
compliance with requests of the Ministry and the Government for preparation of annual reports.

### **Article 18** **Extraordinary statistical activities**

1. In extraordinary cases, upon approval by the Government, KAS shall perform statistical activities which have not been determined by the Program and Annual Plan.
2. Data obtained by conducting the statistical activities referred to in paragraph 1. shall be regarded as official statistical data.

## **CHAPTER V** **DATA COLLECTION**

### **Article 19** **Data sources**

1. KAS shall be entitled to draw the data necessary for the production of Official Statistics from all types of sources such as the responses from statistical units called upon and from administrative records or by means of estimations on the basis of information already available in KAS.
2. The data sources to be used shall be decided by KAS with regard to quality, timelines, costs and burdens on respondents.

### **Article 20** **Right to information**

Statistical units, called upon to provide information for of Official Statistics are entitled to be informed about the purpose and the scope of the survey or the questionnaire, the legal grounds, the measures taken to ensure statistical confidentiality and their rights and obligations.

### **Article 21** **Obligation to provide information**

1. Statistical units, natural and legal persons, regardless of whether they have a legal personality or not, are obliged to provide complete, updated and truthful information to the KAS and other producers of official statistics in appropriate form, timely and free of charge determined by the producer of official statistics.
2. Only units included in testing plan are obliged for sample surveys with the aim of the quality surveys inspection.
3. The sample plan shall be elaborated by KAS with a view to representation and limitation of response burdens.
4. No one shall be bound to provide data if the statistical survey has not been determined by the Annual Plan, by the Program, or by the decision of the

Government of Kosovo according to this Law, or if the obligation of providing data does not arise from this or a special law.

## **Article 22**

### **Correction of the giving information**

If the data stated by the statistical units are not accurate, complete and updated, the statistical units shall be bound to correct them, respectively to fulfill them, in conformity with instructions and within set deadlines.

## **Article 23**

### **Access to administrative data**

1. All bodies of public administration shall give the KAS access to the information collected, processed and stored in the domain of their respective competencies, notably to registers and other data files, to the extent that is necessary for the production of Official Statistics, thus avoiding the imposition to response burdens on the units concerned.
2. The data for statistical purposes may be also obtained from public registers and administration data sources, in accordance with the legislation in force.

## **Article 24**

### **Pilot surveys**

1. In the cases where it is necessary to perform an assessment of the methodology or of the quality of the source of data which are to be collected through statistical surveys, KAS and other producers of official statistics, with the approval of the Chief Executive Officer of KAS may conduct pilot-surveys even in cases where such surveys have not been foreseen in the Annual Plan or by any other special law.
2. Data collected through the implementation of statistical surveys referred to in paragraph 1. shall not be considered as official statistical data, and the provisions of the present Law on the dissemination of data shall not apply to them, although provisions of reliability and confidentiality are applicable.

## **CHAPTER VI**

### **THE PROCESSING AND STORING OF STATISTICAL DATA**

## **Article 25**

### **Processing of statistical data**

Producers of official statistics, after inputting, compiling and codification of the collected data or data obtained from administrative sources and after using these data to update statistical registers, shall be bound to separate the identifiers from the content variables.

**Article 26**  
**Statistical data storing**

1. Producers of official statistics shall be bound to store and protect in accordance with Law on Access to Official Documents, statistical forms in paper format which contain data collected through statistical surveys once the phase of inputting, compiling, coordinating and processing the data has been completed.
2. Statistical material shall be documented and stored by the producers of Official Statistics of Kosovo.
3. Statistical material shall be stored in such a way as to prevent its destruction, misuse, alienation, misinterpretation, and its disclosure, based on Law in force on Archive material and Archives.
4. The Prime Minister's Office shall regulate by means of a sub-legal act, the storing method, time, technique and organization of storage of statistical material according to the Law in force on Archive Materials and Archives.

**CHAPTER VII**  
**STATISTICAL REGISTERS**

**Article 27**  
**Statistical registers**

1. KAS shall be responsible for creating, storing and keeping the following statistical registers:
  - 1.1. register of population;
  - 1.2. register of family economy;
  - 1.3. the register of flats and buildings;
  - 1.4. usiness register;
  - 1.5. the spatial units register; and
  - 1.6. the register of agriculture holdings and other registers in compliance with plans and decisions.
2. The creation, storage, holding and use of records of statistical registers, under paragraph 1. of this Article, shall be regulated by sub-legal acts issued by the competent institution for official statistics of the Republic of Kosovo.

**Article 28**  
**Use of data from statistical registers**

1. The data from the statistical registers shall be used exclusively for statistical purposes, that is, for the compilation of aggregate data.
2. The data from statistical registers shall not be given to users in a form and in a manner which allows for the disclosure of the unit to which the data refer.

## **Article 29**

### **Classification Standards**

1. KAS shall use data from administrative data sources, censuses, statistical surveys and data collected through surveying, observation and monitoring method for statistical purposes such as the extended model and framework for statistical surveys.
2. KAS shall have the right to adjust the data obtained from administrative data sources in order to harmonize them with the definitions and classifications used for the statistical registers that are kept by KAS.
3. Other producers of official statistics may be provided with certain data from statistical registers provided that such data is used only for identifying respondent units for their involvement in a statistical survey, under their responsibility. Relevant forms of surveys are to be determined by KAS.
4. KAS shall allocate a numerical code as a unique identifier for each unit in the statistical register, regardless of the code used by other bodies for their administrative data.
5. The Prime Minister's Office by means of sub-legal act shall lay down rules on classification standards for economic activities and products, on statistical units for the observation and analysis of the production system and on drawing up business registers for statistical purposes.
6. All statistical units and institutions of the Republic of Kosovo are obliged to implement the new international classified product in the internal system of data required by KSA.

## **CHAPTER VIII**

### **THE DISSEMINATION AND USE OF OFFICIAL STATISTICS**

#### **Article 30**

##### **Dissemination measures**

1. The dissemination of official statistics shall be undertaken in full compliance with the statistical principles, as set out in Article 3 of this law, particularly in respect of protecting statistical confidentiality and ensuring equality of access as required under the principle of impartiality.
2. The dissemination of official statistics shall be carried out by the statistical authorities, within their respective competence.

#### **Article 31**

##### **Access to statistical data**

1. KAS and other authorities shall ensure that official statistics are disseminated in such a way, that all users have the necessary support for ensuring quality on equal access in accordance with the results that are specified in the Program by type, form and date of publication.
2. Statistics, the dissemination of which is not specified in the Program, shall be made available to users as soon as they are produced.

3. The dissemination of official statistical data, prior to their official dissemination, is prohibited.
4. Statistical data shall be accompanied by an explanation in order to facilitate interpretation and to provide professional help to users in the interpretation and evaluation of the data.
5. The users of statistical data shall state the source of data when using such data.
6. Media forms shall be used in order that the users reach those data. This includes publications of the KAS or other producers of Official Statistics, mass media or any other form of addressing individual groups of users.

## **Article 32**

### **Calendar of Publication of Statistical Data**

1. The producer of official statistics shall be obliged to draft and make public a Calendar of statistical data Publication which includes the dates of publication of statistical data at least three months prior to the period to which the Annual Plan refers.
2. Any deviation from the timelines stated in the Calendar referred to in paragraph 1. of this Article shall be announced.

## **Article 33**

### **Special Processing of official statistics**

1. On the request of the user, the producers of official statistics may, provide data obtained through special processing, but taking into account the limitations of confidentiality foreseen by the Law.
2. The costs of the special processing referred to in paragraph 1. of this Article shall be borne by the users who have requested such processing.
3. The terms and ways of providing the data referred to in paragraph 1. of this Article, as well as the costs of special processing, shall be determined by administrative instruction.

## **CHAPTER IX**

### **CONFIDENTIALITY AND PROTECTION OF STATISTICAL DATA**

## **Article 34**

### **Confidential data**

1. Confidential data shall be exclusively used for statistical purposes and their illegal disclosure is prohibited.
2. Confidential data obtained exclusively for the production of official statistics shall be used by the authorities of official statistics exclusively for statistical purposes unless the statistical unit has unambiguously given its consent to the use for any other purposes.
3. Statistical results which may make it possible to identify a statistical unit may be disseminated in the following exceptional cases:

## Administrative laws

- 3.1. where specific conditions and modalities are determined by a special act and when statistical results are amended in such a way that their dissemination does not prejudice statistical confidentiality whenever the statistical unit has so requested; or
- 3.2. where the statistical unit has unambiguously agreed to the disclosure of data.
4. Within its respective spheres of competence, KAS and other producers of official statistics shall take all necessary legal, administrative, technical and organisational measures to ensure the physical and electronic protection of confidential data.

### **Article 35**

#### **Data from public sources**

Data taken from publicly available sources shall not be considered confidential.

### **Article 36**

#### **Use of confidential data**

Confidential data shall be used exclusively for production of statistics or for scientific purposes in accordance with the provisions of this law.

### **Article 37**

#### **Access to Confidential Data**

1. Access to confidential data shall be permitted only to persons who are in charge of producing the official statistics up to that level that these data are necessary for producing statistics.
2. Access to confidential data which only allow for indirect identification of the statistical units may be granted to researchers carrying out statistical analyses in their respective spheres of competence under special agreements on data confidentiality.

### **Article 38**

#### **Scientific Research**

1. Upon a written request which determines the purpose of use, the Chief Executive Officer of the KAS can give the permission for use of data which do not allow direct identification to national and International institutions or to the persons that submit their projects for scientific purposes, result of which do not refer to the units of individual identification.
2. Permission for use of data which do not allow direct identification is given only if the standard of protection of the confidential data within the research project is ensured according to the legislation in force.
3. If the permission for data use, foreseen under paragraph 1. of this Article, is refused, interested parties are entitled to appeal.
4. The complaint shall be reviewed by an independent commission, which is established by decision of the Prime Minister.

**Article 39**  
**Record for Scientific use of Data**

Producers of official statistics shall keep records on the users and register the aim for using the statistical data.

**Article 40**  
**Dissemination of Confidential Data**

1. Official Statistics must not be disseminated, if they contain or reveal confidential data. To this end, aggregates shall comprise at least three (3) units and the share of one unit in an aggregate must not exceed 85% of the total measure of the, amount of unit.
2. By derogation from paragraph 1. of this Article, information about economic situation taken from enterprises or other economic agents or about the environmental situation may be disseminated, even if the results do not meet the aggregate requirements set out in paragraph 1. of this Article, in cases where this is necessary for ensuring significant basic information and provided that the Statistical Program foresees the dissemination of such information.

**Article 41**  
**Protection Measures**

1. All regulatory, administrative, technical measures and those of organizational nature necessary to protect confidential data against unlawful access shall be taken by the authorities competent for the Production of Official Statistics.
2. The protection of statistical data collected in conformity with the Program and the annual Plan includes procedures of a technical and organizational nature, as well as other suitable logistic-technical procedures which ensure the space and information technology, the dissemination of statistical data and the subsequent determination of the processing method, time and purpose.
3. The way of protecting the statistical data referred to in paragraph 1. of this Article is proposed by the Chief Executive Officer of KAS and it is approved by a decision of the Prime Minister.

**Article 42**  
**The use of confidential data during the performance of official statistical tasks**

1. Persons who during the performance of official statistical tasks have access to confidential data shall not use the individual statistical data for their own needs or for performing tasks for other persons.
2. Liability of persons who during the performance of official statistical tasks have access to confidential data, according to paragraph 1. of this Article shall continue, even after the cessation of their functions.
3. A person acting contrary to this Article shall be punished according to Article 46 of this law.

## **CHAPTER X INTERNATIONAL STATISTICAL COLLABORATION**

### **Article 43 Application of international standards**

In performing of international obligations the persons in charge of official statistics shall ensure comparability with other European States, to respect and apply the international standards and actively participate in the development of Kosovo official statistics at an international level.

### **Article 44 International Cooperation**

1. The KAS shall organize the exchange of the outputs and methodological bases of official statistics with other countries and international organizations.
2. Other producers of official statistics shall exchange the outputs and methodological bases of official statistics with other countries and international organizations, after the approval by the KAS.
3. The KAS and other producers of official statistics under paragraph 1. and 2. of this Article may transfer individual statistical data without identifier, in compliance with the provisions of this Law on confidentiality and protection of statistical data.
4. Individual statistical data without identifier can be given to the statistical services of various international organizations, if such users guarantee statistical confidentiality, after the approval by the Chief Executive of the Agency.
5. Any transfer of statistical data referred in paragraph 1. of this Article shall be evidenced by noting the place and the international organization to which the data have been transferred.
6. KAS and Statistical Service of the international organization that requires statistical data referred to in paragraph 2. of this Article shall make a written statement confirming that these statistical data shall be exclusively used for statistical purposes and they shall have statistical credibility.

## **CHAPTER XI PENALTY PROVISIONS**

### **Article 45 Breach of Confidentiality**

1. Breach of confidentiality of statistical data, foreseen under this law is prohibited.
2. It is prohibited to match individual statistical data or to combine such data with other information with the aim of establishing a reference to persons, enterprises, or various institutions for purposes other than stipulated by this law.
3. Persons responsible for the breach of provisions under paragraphs 1. and 2. of this Article shall be sentenced according to legal provisions in force.



## **Article 46**

### **Unlawful Use of Data**

Any person who, for personal or financial reason gains, uses statistical data that he or she obtained in connection with performance of professional duties or activities delegated by a producer of Official Statistics, shall be fined or sentenced according to the legal provisions in force.

## **Article 47**

### **Violation Sanctions**

1. Any person who, despite the legal obligation, refuses to provide statistical data or provides false data or does not observe the prescribed deadline for submission of data shall be fined to an amount ranging from five hundred (500) Euro to five thousand (5.000) Euro, as for the following cases:
  - 1.1. if he/she fails to provide accurate, complete and updated data in the content and within the timelines under Article 21 of this law;
  - 1.2. if he/she does not allow access to all the administrative data sources, unless otherwise provided by a special law under Article 23 of this law;
  - 1.3. if he/she uses the obtained statistical data contrary to this Law.
2. For the violation referred to in paragraph 1. of this Article, the responsible person of the legal person shall also be fined to an amount ranging from three hundred (300) Euro to three thousand (3.000) Euro.
3. For the violation of paragraph 1. of this Article, a natural person shall be fined to an amount ranging from three hundred (300) Euro to one thousand (1.000) Euro.
4. For the violation of paragraph 1. of this Article, other authorized subjects shall be fined to an amount ranging from five hundred (500) Euro to one thousand five hundred (1.500) Euros.
5. An official person and any other natural person within the producer of official statistics referred to in Article 5 of this Law shall be fined to an amount ranging from five hundred (500) Euro to five thousand (5.000) Euro for a violation if he or she proceeds contrary to the provisions of this Law concerning the confidentiality and protection of statistical data if acts in contradiction with provisions of Article 31 paragraph 3 and Articles 34 - 41 of this law, and criminal proceedings will be initiated against him/her, according to the law in force.
6. The incomes from the fines shall be transferred to Kosovo budget.

## **CHAPTER XII**

### **TRANSITIONAL AND FINAL PROVISIONS**

## **Article 48**

### **Appointments**

1. Members of the Statistical Council shall be appointed no later than three (3) months following the entry into force of this Law.
2. The institutions that shall delegate Statistical Council members as referred to in

## Administrative laws

Article 9 of this law shall be notified no later than one (1) month following the entry into force of this Law.

3. Following the appointment of Council members from the institutions, the Prime Minister issues a decision on the establishment of the Council, in accordance with Article 9, paragraph 1, sub-paragraphs 1.1.to 1.10. of this Law.

### **Article 49** **Law Enforcement**

The Prime Minister's Office within six (6) months following the entry into force of this Law approves sub-legal acts for KAS for the issues related to the implementation of this Law, in order to provide interior organization and duties detailed by this Law.

### **Article 50** **Applicable Law**

This Law shall abrogate the Regulation no. 2001/14 on the Establishment of the Statistical Office of Kosovo (UNMIK/REG/2001/14, July 2 2001.)

### **Article 51** **Entry into force**

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/ L-036**  
**21 October 2011**

**Promulgated by Decree No.DL-047-2011, dated 15.11.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 26 / 25**  
**NOVEMBER 2011, PRISTINA**

## **LAW No. 03/L-143 ON WEAPONS**

### **Contents**

Chapter I: General provisions.....	615
Chapter II: Acquiring and possession of weapons .....	623
Chapter III: Weapon register cards and amnesty .....	635
Chapter IV: Revocation and confiscation of weapon permit .....	636
Chapter V: Duties on weapons and ammunition .....	638
Chapter VI: Production of weapon and ammunition.....	642
Chapter VII: Trade of weapons, parts of weapons and ammunition .....	645
Chapter VIII: Transfer of weapons, parts of weapons and ammunition across state borders .....	646
Chapter IX: Civil shooting ranges.....	648
Chapter X: Evidences .....	649
Chapter XI: Supervision .....	651
Chapter XII: Punitive provisions.....	652
Chapter XIII: Transitional and final provisions .....	654

### **Assembly of Republic of Kosovo,**

In support of Article 65, point (1), of the Constitution of the Republic of Kosovo,

Adopts:

## **THE LAW ON WEAPONS**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Purpose and Scope**

1. This Law regulates the conditions for natural persons and legal entities to acquire, possess, carry, store, produce, repair, disable, trade, buy, sell, trace, transport, import, and ship weapons within the territory of the Republic of Kosovo and export from the territory of the Republic of Kosovo.
2. The provisions of this Law shall not apply to military armament, equipment, weapons and ammunition intended for the needs of, the Kosovo Security Force, Kosovo Intelligence Agency, Kosovo Police, Correctional Services, and other authorized state bodies.

## **Article 2**

### **Definition**

1. Expressions used in this Law have the following meaning:

- 1.1. **“Business certificate”** means a certificate that a legal entity is registered in the economic business register of the Republic of Kosovo;
- 1.2. **“License”** means that a legal entity has been licensed by the competent body and for the purpose of this Law shall contain the following: production license, repair license, trade license, weapon ammunition and explosive transport license, civil shooting ranges license, deactivation license;
- 1.3. **“Permit”** means that a legal entity or natural person has been permitted by the competent body and for the purpose of this Law shall contain the following:
  - 1.3.1. Natural persons: hunting or shooting permit, collection weapon permit, firearms carrying permit and permit for category D.
  - 1.3.2. Legal entities: permit for category D, firearms possession permit, permit for production of weapon, parts of weapon and ammunition of category A, permit for repair of weapon of category A, collection weapon permit, weapon trade permit, weapon transport permit.
- 1.4. **“Consent”** means approval by the competent body for legal entity or natural person purchasing weapons of category B, C, D, purchasing of collection weapon and deactivation of firearms.
- 1.5. **“Certificate”** means for a natural person that prove is provided for specialized qualifications by the competent body.
- 1.6. **“Special permit”** means that legal entity or natural person has been permitted by the competent body for the following:
  - 1.6.1. Natural person transport of a permitted weapon from its residence to the shooting or hunting area or to the repair shop and transport of a permitted collection weapon to a repair shop or to an exhibition.
  - 1.6.2. Legal entity transport of a permitted weapon from the principle place of business or the storage room to the shooting or hunting area or to the repair shop, transport of a permitted collection weapon to a repair shop or to an exhibition and special permit for category A weapon according to the relevant Laws on weapons for Law enforcement.
- 1.7. **“A firearm”** means a device that can be used as a weapon that fires either single or multiple projectiles propelled at high velocity by the gases produced through rapid, confined burning of a propellant, or by other means of propulsion of the projectile dispelled from the firearm;
- 1.8. **“Short firearm”** means a firearm, with a barrel not exceeding 30 cm or whose overall length does not exceed 60 cm;
- 1.9. **“Long firearm”** means any firearm with a barrel exceeding 30 cm or whose overall length exceeds 60 cm;
- 1.10. **“Automatic firearm”** means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull of the trigger;

- 1.11. **“Semi-automatic firearm”** means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull of the trigger;
- 1.12. **“Directed-energy weapons (DEW)”** means a type of weapon that emits energy in an aimed direction without the means of a projectile. It transfers energy to a target for a desired effect.
- 1.13. **“Repeating firearm”** means a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of manually-operated action;
- 1.14. **“Single-shot firearm”** means a firearm with no magazine which is loaded before each shot by manual insertion of a round into the chamber or a loading recess at the breech of the barrel;
- 1.15. **“Pneumatic weapon”** means a weapon that fires a projectile by means of air pressure or compressed gases similar in principle to the operation of pneumatic tube delivery systems;
- 1.16. **“Weapons for the use of agents”** means all types of rifles, pistols, revolvers and other devices, which under pressure of gunpowder, gases or other kind of gas, spread in one direction irritating gas which has an impact on people’s health.
- 1.17. **“Firearm for light-acoustic signalization”** means a firearm typically used as a distress signal as well as other signalling purposes at sea and between aircraft and people on the ground, including all types of pistols, revolvers and other devices, which under the pressure of gun, powder or gases fire or throw signalling shots in a direction and expel or disperse projectiles with the exclusion of flare pistols for military use;
- 1.18. **“Explosive weapon”** means any type of, but not limited to, bomb, mine, rocket, grenade or other device that contains explosive substances or inflammable materials, to which due to internal or external action (weight, impact, friction, chemical reaction, electric energy and similar) causes release or creation of energy and explosion. As explosive weapons, according to this Law, are considered also parts of the explosives, detonators, pyrotechnics or other parts for which it is obvious that they are intended for preparation of explosive weapons. This definition is meant to include Thermobaric weapons distinguish themselves from conventional explosive weapons by using atmospheric oxygen, instead of carrying an oxidizer in their explosives. Thermobaric weapons are also called high-impulse thermobaric weapons (HITs), fuel-air explosives (FAE or FAX) or sometimes fuel-air munitions, heat and pressure weapons, or vacuum bombs.
- 1.19. **“Sinew backed Weapons”** means arches, cross bows and other mechanisms, that functions under pressure of a strung sinew and which propels an arrow or other projectile;
- 1.20. **“Cold weapon”** means any object to conduct an assault or cause body injuries, by using physical force by the attacker when these are carried in public gatherings, premises and similar places;
- 1.21. **“Electroshock weapon”** means a weapon that is considered an

- incapacitating weapon used for subduing a person or animal by administering electric shock aimed at disrupting superficial muscle functions. Additionally, an electroshock weapons such as, but not limited to, stun guns and stun batons administer an electric shock by direct contact;
- 1.22. **“Weapons for industrial purposes”** means weapons designed for alarm, signalling, life rescue, animal slaughtering or for fishing with harpoon or for industrial and technical purposes, under condition that these may be used only for the mentioned purpose.
  - 1.23. **“Hunting firearms”** means firearms designed or used primarily for hunting game animals for food or sport, as distinct from A category or weapons used primarily in warfare, of B and C category by which hunting is permitted in accordance to the legal provisions regulating hunting;
  - 1.24. **“Sport firearms”** means firearms designed or used primarily for specific and sanctioned sporting events, and is a firearm of B, C and D category, which according to special provisions regulating shooting sports;
  - 1.25. **“Collection or Relic weapon”** means a firearm original weapon from B, C and D category that must fall into at least one of the following three (3) categories:
    - 1.25.1. Firearms which were manufactured at least fifty (50) years prior to the current date, but not including replicas thereof;
    - 1.25.2. Firearms which are certified by the curator of a countries museum which exhibits firearms to be curios or relics of museum interest; and
    - 1.25.3. Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less which is defined by a competent body through sub-legal acts.
  - 1.26. **“Decorative weapons”** means an object manufactures for decorative purposes, which cannot be used as a firearm;
  - 1.27. **“Imitation of weapon”** means a device, which externally appearance to look like a weapon, but which can not be used as fire arm, and constructed without any necessary firing mechanisms, nor capable of being or adapted for firing;
  - 1.28. **“Antique firearm”** means any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1899;
  - 1.29. **“Reproduction of an antique firearm”** means a copy of an antique firearm but where the firing mechanism has been modified with modern technology;
  - 1.30. **“Main part of the firearm”** means any element or specifically designed for a firearm and essential to its operation: including, but not limited to trigger mechanism, firing pin, barrel, frame or receiver, slide or cylinder, bolt or breech block, bolt and bolt assembly group;

- 1.31. **“Special equipment for firearms”** means each mechanism which is produced and dedicated for upgrading of the basic firearm nomenclature which through its application increases the abilities and quality of the use of firearms, apart from an optic sight;
- 1.32. **“Suppressor or silencer”** means device either attached to or part of the barrel of a firearm to reduce the amount of report sound or flash generated by firing the firearms;
- 1.33. **“Optic sight”** means special equipment for firearms or cold weapons, which is designed as a sight or optical device used to assist aim by guiding the eye and aligning it with a weapon or other item to be pointed. An optic sight may be used to enhance hunting and sport arms used respective authorized purposes, as authorised by the competent body as a shooting or hunting association;
- 1.34. **“Calibre or barrel adapters”** means tools dedicated for use in hunting and sport target shootings, which are entered in to the firearm barrel in order to change the type of the barrel or calibre of the firearm, by which the firearm does not change the existing category, in accordance with this Law;
- 1.35. **“Firearm that has been rendered permanently unfit for use (de-activated)”** means a fire arm of category B, C and D, which has made permanently inoperable through the application of a technical procedure on one of the main parts of the fire arm, and which has been certified by the competent body;
- 1.36. **“Ammunition”** means projectiles, such as bullets, air gun pellets, and shot, together with their fuses and primers that can be fired from firearms or otherwise propelled, the definition shall include, but with technological advances, is not limited to:
  - 1.36.1. A "round" is a single unit of ammunition; for a modern small arms cartridge this is the combination of bullet, propellant, primer and cartridge case in a single unit.
  - 1.36.2. Large numbers of small projectiles intended to be fired all at once in a single discharge are also called shot; hand-held guns designed for this type of ammunition are generally known as shotguns; and
  - 1.36.3. An air gun pellet is a non-spherical projectile designed to be fired from an air gun.
- 1.37. **“Ammunition with high penetrating level (commonly referred to as armour piercing rounds)”** means any handgun or rifle bullet or handgun and rifle ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 5.6 mm designed and intended for use in a handgun or rifles and whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun or rifle projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that primarily intended to be used for sporting purposes or industrial purposes or that

otherwise does not constitute "armour piercing ammunition" as that term is defined by Law. The definition contained herein shall not be construed to include shotgun shells, unless meeting above said definition.

- 1.38. **"Ammunition with explosive projectiles"** means ammunition dedicated only for military use, of which the bullet contains a filling which explodes at the time of impact or has a set timed or delayed fuse which will cause the round to detonate at a predetermined time;
- 1.39. **"Ammunition with flammable bullets"** means, but is not limited to ammunition dedicated for military use, of which the bullets contain chemical inflammable mixtures, and may include ammunition that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flamethrower;
- 1.40. **"Tracer ammunition"** means an ammunition type that traces its own course in the air with a trail of smoke or fire, so as to facilitate adjustment of the aim. Tracer ammunition use special bullets that are modified to accept a small pyrotechnic charge in their base. Ignited upon firing, the composition burns very brightly making the projectile visible to the naked eye;
- 1.41. **"Ammunition for weapons for use of chemical agents"** means ammunition which contains a chemical filling within the round, which impacts on the health of people or animals;
- 1.42. **"Competent body"** means the Ministry of Internal Affairs;
- 1.43. **"Carrying of firearm"** means considered all manners of carrying by which the firearm is ready for immediate use by its possessor, or that the possessor has immediate access to the firearm.
- 1.44. **"Manufacturing of weapons and ammunition"** is considered every activity of research, study, development, producing, reproducing and assembly of weapons, parts of weapons and ammunition, except activities carried out by the owner of hunting firearm or sport firearm in order to reload ammunition for personal needs, which is used as hunting weapons or sports weapons;
- 1.45. **"By repair of firearm"** in regards to this Law, is considered eliminating of defects or maintenance to the firearm and replacement of inoperable, worn and or defect parts of firearms with original working parts as needed or required;
- 1.46. **"By trade of firearm, ammunition and parts of firearms"** is considered supplying firearms, ammunition and parts of firearms and ammunition with purpose of selling, brokering, transaction and storing of firearms and ammunition. As trade is also considered export, import and transit of a quantity of firearms and ammunition between natural persons and legal entities. Brokering is the activity of legal entities or natural persons who act as agents for others in negotiating or arranging contracts, purchasers, sales or transfers of firearms, ammunition or parts of firearms in return for a fee or other compensation;
- 1.47. **"By transportation of firearm and ammunition"** means the shipping of firearms, parts of firearms and ammunition from supplier to the person or entity acquiring these items.



- 1.48. **“Tracing of firearms and parts of firearms”** shall mean the systematic tracking of firearms and where possible the parts of firearms from manufacturer to purchaser.
- 1.49. **“Public place”** shall have the meaning as defined with the applicable Law on preservation of public peace and order.
- 1.50. **“Combined firearms”** means firearms with multiple barrels. The combination of the barrels can consist of smoothbore and rifled barrels.
- 1.51. **“Sequestration”** shall mean temporary suspension of the right given pursuant to this Law by the competent body or state prosecutor.
- 1.52. **“Confiscation”** means a measure, ordered by a court, following proceedings in relation to a criminal offence resulting in the permanent deprivation of property acquired by the commission of a criminal offence.

### **Article 3**

#### **Meaning of weapon and types**

1. **“Weapon”** according to this Law, is considered, but not limited to, any object or device manufactured in the way that under pressure of gasses, which are released during the burning of explosive, electricity, materials, compressed gas or other potential energy, expels projectiles in the form of a bullet, shotgun shells, gas, liquid, arrows or other components, which is designed or used for inflicting bodily harm or physical damage or used to damage, even psychologically, and also any other object which main purpose is carrying out a physical attack towards physical integrity of people or property.
2. In accordance to this Law, as a weapon is considered:
  - 2.1. Firearms;
  - 2.2. Collection arms;
  - 2.3. Pneumatic (air) arms;
  - 2.4. Arms for the use of dispersing irritating gas;
  - 2.5. Explosive weapons;
  - 2.6. Sinew backed weapons;
  - 2.7. Cold weapons;
  - 2.8. Weapons for light-acoustic signalization;
  - 2.9. Electro shock weapons; and
  - 2.10. Directed-energy weapons
3. As a weapon are also considered the ammunition and main parts of the weapon, unless otherwise defined under this Law.
4. As weapons according to this Law are not considered:
  - 4.1. Arms for industrial purposes;
  - 4.2. Decorative weapons;
  - 4.3. Imitations of weapons;
  - 4.4. Firearms rendered permanently unfit for use (de-activated) by the application of technical procedures which are guaranteed by the competent body or recognized by the competent body; and
  - 4.5. Harpoons for under water fishing.

## **Article 4**

### **Categorisation of Weapons**

1. Weapons, according to this Law, are categorised as follows:
  - 1.1. Category A – prohibited weapons are:
    - 1.1.1. Explosive military missiles and launching systems (A1);
    - 1.1.2. Automatic firearms (A2);
    - 1.1.3. Firearms disguised as other objects (A3);
    - 1.1.4. Ammunition with high penetrating level, explosive ammunition or incendiary projectiles and the projectiles for such an ammunition (A4);
    - 1.1.5. Ammunition for pistols and revolvers with expanding and discarding bullets and projectiles for such an ammunition, except in the cases of hunting or shooting arms of persons who are entitled to use them (A5);
    - 1.1.6. Firearms with mounted deafening silencer (A6);
    - 1.1.7. Firearms with a rifled barrel and caliber over 12,7 millimeters (A7);
    - 1.1.8. Semi automatic firearms for civil use which resemble automatic firearms (A8);
    - 1.1.9. Explosives and its parts (A9);
    - 1.1.10. Weapons for the use of gasses and its ammunition (A10);
    - 1.1.11. Special equipment for firearms (A11);
    - 1.1.12. Electro shock weapons (A12);
    - 1.1.13. Tracing ammunition (A13);
    - 1.1.14. Ammunition with double action (A 14);
    - 1.1.15. Ammunition caliber 5.7 x 28 mm SS190 (A15);and
    - 1.1.16. Direct Energy weapons (A16)
    - 1.1.17. Firearms with polygonal barrels. (A17)
  - 1.2. Category B– a firearms for which a permit is required are:
    - 1.2.1. Semi-automatic or repeating short firearms (B1);
    - 1.2.2. Single shot short firearms with centre fire percussion (B2);
    - 1.2.3. Single-shot short firearms with rim fire percussion whose overall length is less than 28 cm (B3);
    - 1.2.4. Semi-automatic long firearms whose magazine and chamber can together hold more than three (3) rounds (B4);
    - 1.2.5. Semi-automatic long firearms whose magazine and chamber can hold together up to three (3) rounds, where the loading device is removable or where this can be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three (3) rounds (B5);
    - 1.2.6. Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length (B6); and
    - 1.2.7. Pneumatic firearms with projectile energy over 7,5 J and caliber over 4,5 mm (B7).
  - 1.3. C Category – fire arms which may be purchased subject to a permit with facilitating conditions are:

- 1.3.1. Repeating long firearms other than those listed in category B, point 1.2.6 (C1);
- 1.3.2. Long firearms with single-shot rifled barrels (C2);
- 1.3.3. Semi-automatic long firearms other than those in category B, points 1.2.4 to 1.2.6 (C3);
- 1.3.4. Single-shot short firearms with rim fire percussion whose overall length is not less than 28 cm (C4);
- 1.3.5. Single-shot long firearms with smooth-bore barrels (C5);
- 1.3.6. Pneumatic weapons with projectile energy up to 7,5 J and caliber up to 4,5 mm (C6);
- 1.3.7. firearms for light-acoustic signalization (C7); and
- 1.3.8. Adapters (C8).
- 1.4. D Category – firearms which should be declared and for which is issued a permit are:
  - 1.4.1. Antique firearms (D1);
  - 1.4.2. Sinew backed weapons (D2); and
  - 1.4.3. Cold weapons (D3).
- 2. Combined firearms will be classified under the category to which the rifled barrel belongs or to the largest caliber of the smooth barrel in case there is no rifled barrel.
- 3. Exceptionally from paragraph 1 point 1.1. of this Article, as prohibited firearms are not considered hunting firearms and sportive ones with telescopic optics.

## **CHAPTER II**

### **ACQUIRING AND POSSESSION OF WEAPONS**

#### **Article 5**

##### **Consent**

- 1. Weapons, parts of weapons and ammunition shall only be acquired subject to a consent issued by the Competent body, in accordance with the categorization of weapons in Article 4 of this Law.
- 2. By sub legal act the Competent body, in cooperation with the Ministry of the Kosovo Security Force and Ministry of Foreign Affairs shall regulate the type of weapons which can be acquired based on consent.

#### **Article 6**

##### **Limitation of the Consent**

- 1. A natural person, who is a citizen or a foreigner granted permanent residence in the Republic of Kosovo, or a legal entity with principle place of business registered in the business register of the Republic of Kosovo may request an consent to acquire a firearms from categories B and C of this Law subject to consent issued by the Competent body.
- 2. Main parts of firearms and ammunition for firearms with rifled barrels may require consent to acquire similar to the type of firearm for which a permit is issued.

3. The consent for acquiring firearms, parts of firearms and ammunition from paragraphs 1 and 2 of this Article shall be valid six (6) months from the day of issuance of the consent.
4. Ammunition for arms with smooth barrels may be acquired if a permit is issued for these firearms.
5. Natural person may acquire and possess up to two hundred (200) bullets for firearms with rifled barrels during one (1) calendar year, only up to fifty (50) bullets per one request, except evidence is provided that there exist justifiable reasons, such as hunting, target shooting or similar activities, for acquiring and possessing larger quantity.
6. A natural person or legal entity registered as shooting, hunting association or training centers may possess up to three (3) kg black powder for reloading purposes intended for firearms with smooth-bore barrel for which they own a permit.
7. A natural person and legal entities may possess unlimited amount ammunition for pneumatic firearms for which they own a permit of category D.
8. Legal entities registered to provide services in the field of security of persons, security of money and other valuable things and other valuable deliveries during transportation and also legal entities that provide trainings or are registered as hunting or shooting association may possess up to fifty (50) rounds of ammunition for every permitted firearm in possession.

## **Article 7**

### **Application for Acquiring a Firearm for a Natural Person**

1. A consent to acquire a firearm may be issued to a natural person based on his/her submitted request, if he/she fulfils the following criteria:
  - 1.1. is twenty one (21) Years Old;
  - 1.2. possesses full legal capacity to act;
  - 1.3. possesses physical and mental capacity and is able to possess or carry a firearm;
  - 1.4. does not represent danger to public order;
  - 1.5. has justified reasons for purchasing the firearm, according to Article 11 of this Law;
  - 1.6. passes a theoretical and practice exam which proves technical knowledge of proper use, storing, maintaining of the firearm and the legal provisions on weapons;
  - 1.7. is either a citizen of the Republic of Kosovo or if a foreigner, he/she should have been granted permanent residence status within the territory of the Republic of Kosovo, except if an international agreement(s) specify otherwise;
  - 1.8. presents a confirmation stating that no criminal proceedings are in progress; and
  - 1.9. acquire a firearm for hunting shall include the confirmation that he/she is a certified member of Hunting Association.

**Article 8**  
**Confirmation of Full legal capacity to act**

1. The Centre for Social Work issues a confirmation by which it confirms that an applicant is not deprived or is not limited in the capacity to act by court decision.
2. Confirmation from paragraph 1 of this Article can not be older than three (3) months.

**Article 9**  
**Certificate for physical and mental Capacity**

1. Capacity for possession and carrying of firearm according to Article 7 paragraph 1.3. of this law is determined by a medical certificate which can not be older than three (3) months.
2. Expenses of the medical examination shall be born by the natural person;
3. Ministry of Health, in cooperation with the competent body, shall determine the type and modalities of the medical examination for verification of the health capacity for possession and carrying of firearms by sub-legal acts.
4. Medical examination mentioned in this Article for natural persons in order to verify the health ability regarding the possession and carrying of firearm shall be conducted by respective health institutions which are determined by the Ministry of Health in cooperation with the competent body.

**Article 10**  
**Danger to Public Order**

1. A danger for public order in accordance with Article 7 paragraph 1.4. of this Law is considered if:
  - 1.1. a natural person has been convicted through a final court decision for criminal offence;
  - 1.2. a natural person has been convicted through a final court decision for minor offence of acting violently against public order and peace; or
  - 1.3. other circumstances that show that firearms may be misused, particularly, when a person is registered on a lists of relevant authorities for frequent and exceeding consumption of alcohol or narcotic drugs or psychotropic substances, for domestic violence, violence in an educational institution or at the work place.
2. The certificate issued by the court regarding paragraph 1.1, 1.2, 1.3 and paragraph 1.8 of Article 7 of this law shall not be older than six (6) months.
3. The Competent body shall cease the procedure for issuing a consent for acquiring a firearm if a proceeding is underway for either a minor or criminal offence against an applicant until final decision.

**Article 11**  
**Justified Reasons for acquiring weapons for natural persons**

A natural person can only be issued a consent to acquire a firearm, main part of a firearm, or ammunition for hunting, sport shooting activity, or collection purposes.

**Article 12**  
**Professional Exam**

1. Testing of the professional knowledge for proper use, maintenance and knowledge on the provisions of this Law is provided by passing a professional exam established by the competent body.
2. This professional exam shall be composed of a theoretical part and practical part:
  - 2.1. theoretical part of the exam shall verify the theoretical knowledge about:
    - 2.1.1. possession and preservation of firearms and ammunition;
    - 2.1.2. knowledge use of the firearm;
    - 2.1.3. providing first aid;
  - 2.2. practical part of the exam contains:
    - 2.2.1. testing knowledge about the safe use of firearms and ammunition;  
and
    - 2.2.2. target shooting and evaluation of the results.
3. Practical training on using the firearm for natural persons who request consent to acquire firearms shall be conducted by a licensed legal entity. The licensed legal entity shall issue a certificate to the natural person after successfully completing the practical training.
4. Practical training on using the hunting firearm or target shooting firearms for natural persons who request consent to acquire firearms shall be conducted by the licensed hunting association or target shooters association, who shall issue a certificate after the successfully completing the practical training.
5. License for legal entities from paragraphs 3 and 4 of this Article is issued by the competent body.
6. Practical training of paragraphs 3 and 4 of this Article shall be conducted by certified instructors.
7. The Competent body shall determine the minimal technical and security conditions which should be met by legal entities, hunting or shooting association regarding the locations for practical training, theoretical and practical knowledge through sub-legal acts.
8. The Competent body shall determine the type, modality of theoretical and practical training, and verification of the qualification of the instructors employed in the legal entities which shall be licensed for training through sub-legal acts.
9. Expenses for practical training and holding of the exam shall be covered by the applicant for the consent for acquiring of a firearm.

**Article 13**  
**Application for Acquiring a Firearm for a Legal Entity**

1. A legal entity shall apply for a consent for acquiring a firearm to the competent authority.
2. Requirements for a request of issuing a consent for legal entities are enumerated in Article 23 to 29 of this Law.
3. A legal entity requesting a consent shall be subject to a background investigation by the competent body.
4. Timeframes and procedures for request review and appeals applicable to natural persons pursuant to Article 15 and 16 of this Law shall apply to legal entities.

**Article 14**  
**Reasons for acquiring firearms for Legal Entity**

1. Legal entities shall be certified to provide services in the field of security of persons or security for monetary and valuable things transport. Firearms possession shall be limited to registered legal entities in the field of security of persons to one (1) firearm per three (3) certified security workers whereas for legal entities in the field of security for money and other valuable things transport to one (1) firearm per one (1) certified security worker.
2. Legal entities who provide training may be issued a consent to acquire firearms on the basis of the license issued for the commission of this activity. Legal entities from this paragraph shall only possess up to eight (8) revolvers, eight (8) rifles, and eight (8) pistols.
3. Hunting associations, shooting associations and legal entities which own hunting areas may be issued a consent to acquire firearms for hunting and sport shooting purposes.
4. Scientific institutions, state bodies or other legal entities for scientific research regarding animals may be issued a consent to acquire fire arms or pneumatic weapons with ammunition exclusively for temporary incapacitation of animals.

**Article 15**  
**Procedure and Timeframe for Requests Review**

1. All applications to acquire a firearm shall be reviewed and decided upon by a Reviewing Committee established by the competent body. The reviewing committee shall be consisted out of three (3) members:
  - 1.1. one (1) director of a department from MIA who shall be the president of the commission;
  - 1.2. one (1) legal officer from MIA; and
  - 1.3. one (1) representative of Kosovo Police.
2. The Reviewing Committee shall decide upon the request for firearms acquisition consent for natural person and legal entities within three (3) months after filing the request, or in complicated cases within six (6) months. In complicated cases, the Reviewing Committee shall inform the requesting party of the reasons why the case is complicated.

3. If the Reviewing Committee rejects a natural persons or the legal entity's application, the applicant may appeal to an Appeals Commission within fifteen (15) days from the day when the Reviewing Committee decision is received;
4. The appeals committee shall exist of three (3) members: the president of the committee which is a member of the Ministry of Internal Affairs and head of a department, one (1) legal officer belonging to the Ministry of Internal Affairs and one (1) legal officer of the Kosovo Police. The members of the reviewing commission have no right to be part of the appeal committee.
5. The Appeals Commission shall decide on the appeal within thirty (30) days.
6. The Competent body shall determine the procedures and the appointment of members of the Reviewing Committee and the Appeals Commission through sub-legal acts.

### **Article 16**

#### **Time Frame for registration**

1. A natural person or legal entity, who has been issued a firearm acquisition consent shall submit, within fifteen (15) days from the day weapon is purchased, a request to the Competent body for registration of the weapon and for issuing a permit for possession of hunting weapon or sport shooting permit for a natural person or a firearms possession permit for a legal entity.
2. Licensed legal entity that trades weapons shall present, within five (5) days after firearms sale, a report to the competent body on the sale and present cartridges and bullets of the test shooting.
3. The report in paragraph 2 of this Article should contain data about natural person or legal entity that purchased the weapon, legal entity which sold the weapon and the identification information regarding the sold weapon(s). At least two (2) bullets and two (2) cartridge cases from the test shootings shall be submitted with the report. The template for this report will be part of the sub-legal acts pursuant to Article 69 of this Law.
4. Every weapon will be assigned a unique identification number by the competent body.

### **Article 17**

#### **Types of Permits for Natural Persons**

1. Permits for Natural Persons shall include:
  - 1.1. firearm Carrying Permit;
  - 1.2. weapon Collection Permit;
  - 1.3. hunting or Sport Shooting Permit; and
  - 1.4. permit for D category weapons

### **Article 18**

#### **Firearm Carrying Permit**

1. A firearm carrying permit is a permit that allows a certified contracted employee of a licensed legal entity in the field of security of persons and security of money and



other valuable deliveries during transportation to carry a firearm belonging to B and C category during duty hours at the place of work.

2. Legal entities who possess firearm on the basis of a firearms possession permit shall give these firearms for use only to the certified workers who have an employment contract with that legal entity, who perform activity of security to persons or services for money transport and other valuable things, and fulfil conditions prescribed in Article 7 of this Law.
3. With the request of the legal entity under paragraph 1 of this Article, the competent body may issue a firearm carrying permit to the user of firearm with a validity period of one (1) year.
4. The validity period of the Firearm Carrying permit shall be extended on the request of the legal entity and if the person who possess the permit continues to fulfil the conditions from Article 7 of this Law.
5. Legal entities shall request an extension of the firearm carrying permit at least two (2) months before the expiry of its validity;
6. Person, whose employment agreement with the legal entity ended prescribed under paragraph 1 of this Article, shall on the day of expiring of the working relationship to relinquish the weapon and the firearm carrying permit to the responsible person of the legal entity.
7. Legal entities under paragraph 6 of this Article are obliged within eight (8) days after the expiring of an employment contract to inform the competent body in writing that the working relationship between the employee and employer has ceased. The competent body shall immediately revoke the firearm carrying permit.

### **Article 19** **Weapon Collection Permit**

1. A weapon collection permit is a permit that allows a natural person to possess collection weapons pursuant to this Law.
2. The permit for acquiring of collection weapons shall be issued to a natural person upon request, and if the conditions are fulfilled from Articles 7, 39 and 40 of this Law.
3. If a weapon collection consists of more than twenty five (25) pieces of firearms, according to the requirements of paragraph 2 of this Article, a collector shall attach to the request a written and signed consent to the competent body stating that about the fact that he/she will freely relinquish control of these firearms and that he/she fulfils the requirements of a certified storage place.
4. A collector who has been issued the consent to acquire collection weapons shall be obliged, within fifteen (15) days from the day of acquiring the weapon, to submit a request to the competent body for weapon registration and for the issuance of a weapon collection permit.
5. Permit from paragraph 4 of this Article may be for ten (10) years.
6. After issuing of a first weapon collection permit from paragraph 4 of this Article, the consent for acquiring another collection weapon is issued if the collector fulfils only condition from Article 7, paragraph 1.5 of this Law;
7. Weapons subject to this permit shall not be carried and only be transported to a

repair shop or exhibition subject to a special permit issued by the competent body.  
Ammunition cannot be purchased for these firearms.

## **Article 20**

### **Hunting Weapon or Sport Shooting Permit**

1. A hunting or sport shooting permit is a permit that allows a natural person to possess a firearm belonging to B and C categories for only for hunting or sport shooting purposes.
2. Firearms can only be transported from the permanent residence to the shooting ranges, hunting range or repair shop if special permit has been issued by the competent body.
3. If firearm storage of a shooting or hunting association is not located at the civilian shooting range/hunting ground or in the field designed for it, members of such association shall possess a special permit issued by the competent body.
4. Notification of the competent body of the conditions pursuant to paragraph 3 of this Article should be conducted within seven (7) days before the beginning to transport the firearm.
5. An active member of a shooting or hunting association who possesses a hunting or sport shooting permit may rent a sport shooting or hunting firearm from a shooting or hunting association with the purpose of one (1) day sport activity or hunting in a recognized range or hunting area. The shooting or hunting association shall issue a rental confirmation to the active member while the active member is in possession of the rented firearm.
6. Permit from paragraph 1 of this Article may be for five (5) years.

## **Article 21**

### **Permit for category D weapons**

1. Weapon from D category may be purchased by a natural person who fulfils the condition from Article 7, paragraph 1.1 of this Law.
2. Weapons subject to category D shall only be transported to the shooting areas, hunting areas or repair shops subject to a special permit issued by the competent body.
3. A natural person who has purchased a weapon pursuant to this Article shall present the weapon to the competent body within five (5) days from the day of purchase of the weapon.
4. Permit from paragraph 1 of this Article may be for five (5) years.

## **Article 22**

### **Types of Permits for Legal Entities**

1. Types of Permits for Legal Entities shall include:
  - 1.1. firearm Possession Permit
  - 1.2. weapon, Parts of weapons and ammunition for category A Production Permit

- 1.3. weapon repair Permit of weapons of category A;
- 1.4. weapon Collection Permit
- 1.5. weapon and ammunition Trade Permit
- 1.6. weapon Transport Permit
- 1.7. permit for D category Weapon
2. Procedures for applying of reviewing committee and appeals commission shall be in pursuant to Article 15 of this Law.

### **Article 23**

#### **Firearm Possession Permit**

1. Firearm possession permit is a permit that allows a licensed legal entity to possess a firearm belonging to B and C category.
2. Legal entities shall obtain a firearm possession permit only if:
  - 2.1. provides services in the field of money transport and other valuable things;
  - 2.2. provides services in the field of physical security for persons;
  - 2.3. provides practical training; or
  - 2.4. provides scientific research regarding animals. This type of entity may only possess fire arms or pneumatic arms with ammunition exclusively for temporary incapacitation of animals.
3. A legal entity from paragraph 2 of this Article shall file a request for a firearm possession permit. The request shall contain the following:
  - 3.1. name of the firm and responsible person;
  - 3.2. number of registered certified employees;
  - 3.3. business Certificate;
  - 3.4. license issued by the competent body to provide services from paragraph 2 of this Article;
  - 3.5. court certificate that the work of the legal entity is not forbidden or terminated by a final court decision of the competent Court;
  - 3.6. verification that they have a principle place of business in the Republic of Kosovo;
  - 3.7. verification of the competent body that they possess a storage room for firearm and ammunition; and
  - 3.8. contracts that confirm their activity.
4. Hunting and shooting associations shall file a request for issuing a firearm possession permit. The request shall contain the following:
  - 4.1. name of the association and responsible person;
  - 4.2. business Certificate;
  - 4.3. certificate of the shooting range (Type) or hunting range issued by the competent body; and
  - 4.4. certificate of the competent body that they possess a storage room for weapons and ammunition;
5. A firearm possession permit may be issued to a legal entity with a validity period of five (5) years.
6. Firearm possession permits may be extended by a written request from a legal entity, which shall be submitted to the competent body at least two (2) months prior to the expiry of its validity period;

7. A legal entity should attach evidence that it fulfils the criteria paragraph 3 of this Article to request for an extension of the firearm possession permit.
8. Permit of firearm possession is issued only to legal entities that has at least annual circulation of over thirty thousand (30 000) Euro within the previous calendar year or an initial financial budget of thirty thousand (30 000) Euro.

#### **Article 24**

##### **Category A weapon production permit**

1. A production permit is a permit that allows a legal entity to produce weapons, parts of weapons and ammunition of category A.
2. Applicant for production permit of weapons, parts of weapon and ammunition of category A shall file a request for this permit. The request shall contain the following:
  - 2.1. name of the legal entity and responsible person;
  - 2.2. business certificate;
  - 2.3. court confirmation that the work of the legal entity is not forbidden or terminated by a final court decision of the competent court; and
  - 2.4. certificate of the competent body that the installation of the legal entity fulfils the conditions for storing of weapons.
3. Legal entities which are issued an license pursuant to Article 49 of this Law shall inform the Competent body within fifteen (15) days from the start of production of weapons, parts of weapon and ammunition.
4. The Competent body in consultation with the Ministry of Kosovo Security Force shall issue sub-legal act for the minimal technical and security conditions which shall be fulfilled regarding the buildings in which is production, repair or trade is performed and weapons and ammunition is stored.
5. Permit from paragraph 1 of this Article may be for ten (10) years.
6. Criteria and conditions for production of weapons, parts of weapons and ammunition of category A shall be prescribed according to relevant Laws.

#### **Article 25**

##### **Category A weapon repair permit**

1. A repair permit is a permit that allows a legal entity to repair weapons of category A.
2. Applicant for repair permit of weapons of category A shall file a request for this permit. The request shall contain the following:
  - 2.1. name of the legal entity and responsible person;
  - 2.2. business certificate;
  - 2.3. court confirmation that the work of the legal entity is not forbidden or terminated by a final court decision of the competent court;
  - 2.4. confirmation of the competent body that the installation of the legal entity fulfils the conditions for storing of weapons.
3. Legal entities which are issued an license pursuant to Article 51 of this Law shall inform the Competent body within fifteen (15) days from the start of repair of weapons.

4. The Competent body in consultation with the Ministry of Kosovo Security Force shall issue sub-legal act for the minimal technical and security conditions which shall be fulfilled regarding the buildings in which is production, repair or trade is performed and weapons and ammunition is stored.
5. Permit from paragraph 1 of this Article may be for ten (10) years.
6. Criteria and conditions for repair of weapons of category A shall be prescribed according to relevant Laws.

## **Article 26**

### **Collection Weapon Permit**

1. A weapon collection permit is a permit that allows a legal entity to possess collection weapons pursuant to this Law.
2. The legal entity from paragraph 1 of this Article shall file a request to the competent body for a consent to acquire a collection weapon. The request shall contain the following:
  - 2.1. name of the legal entity and responsible person;
  - 2.2. business certificate;
  - 2.3. court confirmation that the work of the legal entity is not forbidden or terminated by a final court decision of the competent Court;
  - 2.4. certificate issued by the competent body that the installation of the legal entity fulfils the conditions for storing of weapons and for museums for safely exhibiting of weapons; and
  - 2.5. If a weapon collection consists of more than twenty five (25) pieces of firearms, according to the requirements of paragraph 1 of this Article, the legal entity shall attach to the request a written and signed consent to the competent body stating about the fact that he/she will freely relinquish control of these firearms and that he/she fulfils the requirements of a certified storage place.
3. Obligations for registration according to Article 16 shall be applicable except the delivery of the test shooting cartridges and bullets.
4. Permit from paragraph 1 of this Article may be for ten (10) years.

## **Article 27**

### **Trade permit with weapon and ammunition**

1. Permit for trade of weapons and ammunition conducted by the legal entity shall be issued by the competent body with previous consent of the Ministry of the Kosovo Security Force and Ministry of Foreign Affairs.
2. Request for issuance of the permit pursuant to paragraph 1 of this Article contains:
  - 2.1. license issued by the competent body of the applicant for activity for trade with weapons and ammunition in accordance to Article 55 of this Law;
  - 2.2. name of the company, business certificate, name of the responsible person, address of the deliverer and recipient and the name technical person of the legal entity;
  - 2.3. name of the producer and country of production, of weapon and ammunition; and

- 2.4. type, brand, model serial number, calibre and quantity of weapons and ammunition.
- 2.5. confirmation of the end user; and
- 2.6. contract or other official document regarding the contracted quantity of the weapons, ammunition or parts of weapons.
3. A trade permit shall be issued with a validity of six (6) months.
4. The permit in paragraph 3 of this Article shall be revoked if in the period of the validity of the trade permit restrictive measures are put in effect by international organizations that forbid the trade.
5. The weapon technical person of the legal entity that deals with trade with weapons shall be certified person in technical issues concerning weapons and ammunition.
6. It is prohibited that employees of state bodies to be engaged in licensed weapons trade companies as responsible, technical person or as employee.

### **Article 28**

#### **Weapon Transport Permit**

1. For every transport of weapons, parts of weapons and ammunition a permit by the competent body is needed
2. Provisions from Article 24, 49 and 51 shall apply to legal entities which transport weapon and ammunition.
3. The legal entity shall file a request for permit for transportation of weapons, parts of weapons and ammunition. The request shall contain the following:
  - 3.1. business certificate
  - 3.2. for transport of weapon and ammunition issued by the competent body.
  - 3.3. license for transport issued by the Ministry of transport and post telecommunication.
  - 3.4. the name of the company, the principle place of business for the company, personal name, address of the deliverer, transporters and receptor;
  - 3.5. the name of the company, the principle place of business for the company of the producer of weapon and ammunition;
  - 3.6. type, brand, model, serial number, calibre, category and quantity of weapons and ammunition;
  - 3.7. approximate time, date, direction of the movement and place of delivery;
  - 3.8. type of the transportation mean, registration plates number, name and surname, and a copy of the personal document, identity card or passport, of the driver;
  - 3.9. security measures implemented by the transporter during the time of transportation; and
  - 3.10. name of the border crossing point where the weapons and ammunition will be transported and date of arrival at that border crossing point in case of export or import.
4. A transport permit of weapons, parts of weapons and ammunition may be issued with a validity of up to three (3) months.
5. The Competent body, if needed, shall determine special security measures during the transportation of weapons and ammunition.

### **Article 29**

#### **Permit for category D weapons for legal entity**

1. Permit for D category weapons is a permission issued by the competent body that allows a licensed legal entity for possessing weapons belonging to D category.
2. Weapons registered on this type of permit may only be transported to the shooting areas, hunting areas or repair shops subject to a special permit issued by the competent body.
3. A legal entity who has purchase a weapon pursuant to this Article shall present the weapon to the competent body within five (5) days from the day of purchase of the weapon.

### **Article 30**

#### **Rejection for all types of weapon /firearms permits**

The Competent body shall refrain from the issuing of hunting or shooting permit, firearm carrying permit, firearms possession permit, weapon collection permit, or permit of category D, if the origin of weapon/firearm cannot be determined, the firearm is not adequately marked according to the Law or the registration procedure confirms that there are reasons to reject the application for weapon registration.

## **CHAPTER III**

### **WEAPON REGISTER CARDS AND AMNESTY**

### **Article 31**

#### **Weapon Registration Card and weapon authorization cards**

1. Weapon Registration Cards and Weapon Authorization Cards issued according to the legal provisions in force shall be replaced at latest in the timeframe of two (2) years from entry into force of this Law if the owner fulfils the criteria in Article 7 for natural persons or Article 23 for a legal entity.
2. Person who has submitted the request for replacement of the issued cards according to the provisions in force is considered that have a weapon's permit until the moment of decision for his/her request.

### **Article 32**

#### **Legalization of Firearms**

1. Natural persons that fulfil the criteria prescribed in Article 7, legal entities that fulfil the criteria prescribed in Article 23 and that are in possession of a firearm of Category B,C and D of this Law and for which they do not possess a permit can forward a request for legalization of these weapons
2. Firearms from paragraph 1 of this Article:
  - 2.1. shall not derive from the commission of criminal offence respectively to be dedicated or used for commission of criminal offence,
  - 2.2. shall not be in ownership of other natural or legal person; and

- 2.3. the marking of the firearm shall not be damaged or deleted.
3. Permits from paragraph 1 of this Article shall be given on the basis of personal request of the natural person or legal entity.
4. Firearms that are resulting from a request for legalization and are not conform to paragraph 1 and 2 of this Article shall be confiscated and destroyed.
5. The Competent body shall determine conditions, criteria and procedures through sub-legal acts.

### **Article 33** **Amnesty for Weapons**

Natural person or legal entities who possesses a firearm from category A, B, C and D for which was issued a weapon registration card or a weapon authorization card or other respective document by a competent body but are prohibited by the provisions of this Law shall in timeframe of six (6) months from the date of entry into force of this Law hand over the firearm of B, C and D category to a legal entity from Article 53, paragraph 2 of this Law, in order to deactivate the firearm or firearms A,B,C and D to the competent body for destruction or for temporary storage.

## **CHAPTER IV** **REVOCATION AND CONFISCATION OF WEAPON PERMIT**

### **Article 34** **Revocation of weapon permit**

1. Hunting or sport shooting permit, weapon collection permit, firearm carrying permits, and permit of Category D issued to natural persons shall be revoked, if:
  - 1.1. expiry of the validity of the permit and the permit is not extended;
  - 1.2. a final decision for confiscating the permit is made;
  - 1.3. authorization for permanent stay of an foreigner in the territory of Republic of Kosovo has ceased, in accordance with the Law on Foreigners; or
  - 1.4. death of the permit holder.
2. The firearm possession permit, permit of Category D, or weapon collection permit issued to legal entities shall be revoked in the case when:
  - 2.1. expiry of the validity of the permit and the permit is not extended;
  - 2.2. a final decision for seizing the firearm possession permit is made; or
  - 2.3. legal entity ceases to exist;
3. If a firearm possession permit is revoked, the firearm carrying permit shall be revoked simultaneously.

### **Article 35** **Confiscation of a permit**

1. The Competent body executes a decision for confiscation upon a court decision, a hunting or shooting permit, weapon collection permit, firearm carrying permit or permit of Category D weapons issued to natural persons if the permit possessor:



- 1.1. has lost full legal capacity to act according to the Article 8 of this Law;
- 1.2. has lost the physical and mental capacity to possess or carry weapon in accordance with Article 9 of this Law;
- 1.3. is convicted through a final decision for criminal offence or minor offence from Article 10, paragraph 1.1, 1.2, and 1.3 of this Law; or
- 1.4. has violated the obligations pursuant to this Law.
2. The Competent body executes a decision for confiscation upon a court decision the firearm possession permit, weapon collection permit or permit of Category D weapons issued to a legal entity if:
  - 2.1. the reasons for issuing of the permit cease to exist; or
  - 2.2. legal entity violated the obligations pursuant to this Law.
3. An appeal may be file with the Appeals Commission within fifteen (15) days from the day of the reception of decision.
4. An appeal against the decision from the paragraphs 1 and 2 of this Article does not stop the execution of the decision.
5. In a case when the hunting or shooting permit, weapon collection permit, firearm possession permit or permit Cat D is taken in accordance with paragraph 2 of this Article, point 2.2 and paragraph 4 of this Article, a new request for issuing of an consent for acquiring a weapon may be submitted no earlier than five (5) years from the day of issuing the final confiscation decision.
6. After issuance of the final decision from paragraph 3 of this Article, the competent body will redraw the weapon from the registration evidence and destroys it in front of the Appeals Commission. The weapon owner shall not be entitled to any compensation if the weapon is destroyed.

### **Article 36** **Sequestration**

1. In a case where the possessor of a hunting or shooting permit, a firearms possession permit, a weapon collection permit, a firearm carrying permit or a permit of Category D weapons a proceedings for a criminal offence from Article 10 paragraph 1 point 1.1 of this Law or minor offences procedure from Article 10 paragraph 1 point 1.2 of this Law have been initiated the competent body shall sequestrate the hunting or shooting permit, firearm carrying permit, weapon collection permit, the weapon/firearm and its ammunition until the issuance of final decision.
2. The competent body shall sequestrate the permit, weapon/firearm and ammunition if during the extension of the validity of a permit, the competent body determines that the weapon/firearm is amortized or damaged to such a level that its use may endanger public safety or if the owner states that the repair is economically not justifiable.
3. The owner may file an appeal to the Appeals Commission within fifteen (15) days from the day of reception of decision in paragraph 1 and 2 of this Article. This appeal does not stop execution of the decision.

### **Article 37**

#### **Selling of Confiscated firearms**

1. If the firearm has a legal background, the competent body will issue a confirmation of confiscation and will require the natural person or legal entity within three (3) months to sell the firearm and ammunition after the appeals process is completed.
2. If the owner or the legal entity within the timeline set forth in paragraph 1 of this Article shall not be able to sell the firearm or ammunition, the Competent body will organize a sale of the firearm and ammunition through a public auction organized by legal entities dealing with trade of weapons and ammunition to natural persons or legal entities who have an consent for acquiring a firearm. For the sold firearm and ammunition, the owner shall receive an amount equal to the achieved sale price minus the costs of the sale.
3. If the firearm is not sold through public auction, with the firearm will be dealt according to the Article 35 of this Law.

### **Article 38**

#### **Procedures for confiscated weapons/firearms**

1. Weapon/firearm and ammunition confiscated during a criminal procedure or in minor offences procedure will be handed over to the competent body within fifteen (15) days from the day of taking of the final court decision.
2. If the equipment is prohibited by the Law, the weapon/firearm and ammunition from paragraph 1 of this Article, is destroyed.
3. Exceptionally, weapons/firearms and ammunition from paragraph 1 and 2 of this Article and confiscated during minor offences only, may be again used for official needs of the competent bodies for security and Ministry of the Kosovo Security Force, if they were part of the stockpiles of their armament
4. Firearms and ammunition confiscated in minor offences, of which the legal background is proven and of which the markings are intact may be sold through a public auction to legal entities or natural persons who have a consent for acquiring a firearm.
5. Received funds of the sale of weapons/firearms and ammunition shall be regarded as the revenue of the budget of the Republic of Kosovo.

## **CHAPTER V**

### **DUTIES ON WEAPONS AND AMMUNITION**

### **Article 39**

#### **Duty to care for a weapon**

1. The weapon owner or user is obliged to maintain a weapon in proper condition, to use it with care and to store it in a manner that shall not allow access to it by an unauthorized person.
2. The firearm owner or user shall not delete or alter the markings of the firearm which were placed by the producer of the weapon or made in a supplementing manner by other competent state bodies.

## **Article 40**

### **Duty to Secure Weapons**

1. The owner or user of the weapon shall secure the weapon in a manner that does not endanger the personal safety and security of others.
2. The owner or user of the weapon shall transport the weapon in a manner, if technically possible, which the firearm is disassembled, respectively the barrel shall be separated from the closing mechanism, or if this is impossible, at the least the ammunition shall be separated from the firearm.
3. It is prohibited to use a weapon by the weapon owner or user if he/she is under influence of alcohol, drugs or any another condition in which he/she may not understand the gravity of his/her actions.
4. It is prohibited to carry weapon unless otherwise described in this Law.
5. It is prohibited for hunting or sports weapons to be used outside of the hunting area or civilian shooting ground. If an owner or use of a hunting weapon transports the weapon outside of the hunting area or civilian shoot ground, the owner or user shall transport the weapon in an adequate holster and all ammunition shall be stored separately from the weapon.
6. It is prohibited to carry and use collection weapons outside of the permanent residence or dwelling of collector. Collection weapons may be transported outside of the permitted residence or dwelling only for repair, exhibition or sale of the collection weapon based on a special permit issued by the competent body.
7. It is prohibited to supply, possess and manufacture ammunition for collection weapons.
8. Provision from paragraph 4 of this Article shall not apply for participants of:
  - 8.1. film productions, theatre performances and other cultural manifestations, which it is required to use unloaded weapons or weapons with manoeuvre ammunition or; and
  - 8.2. sport competitions after the starting signal has been ordered by the organizer.
9. The Competent body shall be informed of the events of paragraph 8 points 8.1 and 8.2 of this Article at least fourteen (14) days prior to the event. The requesting organization shall acquire consent by the Competent body prior the executing the events.
10. Pneumatic/air weapons and sinew backed weapons shall be prohibited to be used outside the recognized shooting area or other licensed secured space;
11. Sport weapons, pneumatic weapons or sinew backed weapons may be used by persons from sixteen (16) to twenty one (21) years old but only in the civilian shooting ranges or other authorized places designed for sport shooting competition and under supervision of an authorized adult person.
12. It is prohibited the alteration of weapons from one (1) category to another, respectively conversion of non deadly weapon to deadly weapons.

## **Article 41**

### **Duty to present firearm carrying permit to an official**

1. Person carrying a weapon shall carry also the firearm carrying permit for the weapon.

2. On request of an authorized official person, the person from paragraph 1 of this Article shall present the firearm and the permit.

#### **Article 42**

##### **Storage of firearm**

1. Natural persons who possess a type of permitted firearm shall store these firearms in a locked drawer, safe or in a special room which is technically secured. The firearm and ammunition shall be stored separately.
2. The competent body shall determine in a sub-legal act the minimum requirements for storing of firearms and ammunition

#### **Article 43**

##### **Legal entities duty store firearms**

1. Legal entities shall store firearms separately from the ammunition, either in a room which is technically secured, in an iron drawer or in a safe. Firearms and ammunition shall be stored separately in rooms dedicated for storing of firearms or ammunition.
2. Legal entities shall maintain records of firearms and ammunition and shall appoint a responsible person for firearm and ammunition oversight. The Legal entity shall inform the competent body of the identity of the responsible person. If the responsible person changes, legal entities shall inform the competent body within three (3) days from the day of representative changing.
3. Responsible person shall be able to inspect the manner in which firearm and ammunition are stored and evidence is recorded.
4. Museums shall store firearms in rooms which are technically secured and display the firearms in a manner to restrict unauthorized access to the firearms.
5. The competent body shall determine in a sub legal act the minimum technical requirements for storing of firearms and ammunition

#### **Article 44**

##### **Selling of Firearms**

1. A firearm can be sold only to natural persons and legal entities that possess an consent for acquiring a firearm issued pursuant to this Law.
2. Selling of firearms between natural persons shall be completed via a contract, certified which contains: name, surname, date of birth, extract number, personal number, number of identity card or passport; residence and living address contracting parties, type, mark, and caliber of firearm, data on producer, data included in the consent, respectively consent, place and date of the contract.
3. Exchange of firearms will also be treated as sale and the procedures for sale of weapons will be implied, according to paragraph 2 of this Article.
4. Natural person who has purchased or exchanged a firearm in accordance with the paragraph 2 and 3 of this Article, shall within eight (8) days from the day of the signing of the purchasing contract, to hand over the purchased firearm for test shooting to the competent body.

5. It is prohibited to sell/buy weapons, ammunition and parts of weapons through the internet.

#### **Article 45**

#### **Disappearance, Loss or Theft**

1. In case of disappearance, loss or theft of a weapon, parts of weapons or ammunition, the owner, user or legal entity shall inform the competent body within twenty four (24) hours from the moment he/she/it have noticed.
2. In case of disappearance, loss or theft of a consent to acquire firearm, parts of a firearm or ammunition, a hunting or sport shooting permit, weapon collection permit, firearm carrying permit, firearm possession permit, permit of Category D, the owner or legal entity shall inform the competent body where the weapon is registered or in the nearest police station. The owner shall submit a request for providing of copies of these documents to the competent body who shall provide these copies within eight (8) days.

#### **Article 46**

#### **Found Weapons or Ammunition**

1. Found weapons or ammunition shall be immediately reported in the nearest police station.
2. If after three (3) months from the day of recovery, the owner has not reclaimed the weapon or ammunition, Article 38 of this Law shall apply.

#### **Article 47**

#### **Change of Residence**

If a natural person which possess a hunting or shooting permit, a permit of D category weapons, or collection weapon permit or the legal entity which possess a firearm possession permit, collection weapon permit or permit of D Category weapons changes his/her residence, dwelling or its seat, natural person or legal entity shall present the weapon to the nearest police station within thirty (30) days in the region of the new residency.

#### **Article 48**

#### **Inheritance of a weapon**

1. In the case of death of the owner of a weapon, adult family members or other adults living in the same household, are obliged within thirty (30) days after the death of the person to hand over the weapon and ammunition to the competent body or nearest police station, for which a hand over document shall be provided. In case the location of the weapon is not known by the adult family members, but they are sure that the deceased owned a weapon they will also inform the competent body.
2. The weapon and ammunition shall be stored by the competent body until a decision is made on the inheritance.

3. The competent body shall define in a sub legal act the way how the weapon and ammunition will be handed over and kept in case of the death of the owner, as well as the form and the content of the hand over document for weapon and ammunition issued by the competent body.
4. The person who inherited the weapon and fulfils the criteria of Article 7 of this Law can within two (2) months after the completion of the heritage request the issuing of a permit for the weapon. The person who inherited the weapon and does not fulfil the criteria from Article 7 of this Law or does not want the issuing of a permit, will inform the competent body to start the procedure as described in Article 36 of this Law.
5. When the request from paragraph 4 of this Article shall not be presented within the prescribed period, or when the request is refused, the weapon and ammunition shall be confiscated and shall be treated according to Article 34 of this Law.
6. In case the deceased has no heirs, the weapon shall be dealt with according to Article 38 of this Law.
7. The competent body will be informed by the competent court of the outcome of the inheritance procedure within eight (8) days.

## **CHAPTER VI**

### **PRODUCTION OF WEAPOND AND AMMUNITION**

#### **Article 49**

##### **License to produce weapons, parts of weapons and ammunition**

1. Production of weapons, parts of weapon and ammunition shall be conducted by legal entities with a principle place of business in territory of the Republic of Kosovo and has obtained a license for performing such an activity.
2. Applicants will file request to the competent body to issue a license for production. This request will include the documents according to Article 23 paragraph 3 points 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7 of this Law.
3. The competent body will decide on the request of paragraph 2 of this Article following the procedures from Article 15 of this Law and decide within thirty (30) days.
4. The license from paragraph 1 of this Article is issued by the competent body, upon approval by the Ministry of the Kosovo Security Force and after previous registration in the business register of the Republic of Kosovo.

#### **Article 50**

##### **Scope of license**

1. The license of Article 49 of this Law may be issued for production of all types of weapons, parts of weapons and ammunition which may be supplied on the basis of a permit, or for certain categories/types of weapons and ammunition only.
2. The license from paragraph 1 of this Article shall not be valid if the legal entity has not started its activity within one (1) year after the issuing of the license.
3. Timeframe from paragraph 2 of this Article may be extended if it is proven that

new circumstances have occurred which influence the beginning of the production of all types of weapons and ammunition. This additional period cannot be more than one (1) year.

## **Article 51**

### **License to Repair Weapons**

1. Repair of weapons shall be conducted by legal entities with a principle place of business in territory of the Republic of Kosovo and has obtained a license for performing such an activity.
2. Applicants will file request to the competent body to issue a license for repair. This request will include the documents according Article 23 paragraph 3 points 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7 of this Law.
3. The competent body will decide on the request of paragraph 2 of this Article following the procedures from Article 15 and decide within thirty (30) days.
4. The license from paragraph 1 of this Article is issued by the competent body, upon approval by the Ministry of the Kosovo Security Force and after previous registration of the business register of the republic of Kosovo.
5. The license of paragraph 1 of this Article of this Law may be issued for repair of all types of weapons which may be supplied on the basis of a permit, or for certain categories/types of weapons only.
6. The license from paragraph 1 of this Article shall not be valid if the legal entity has not started its activity within one (1) year after the issuing of the license.
7. Timeframe from paragraph 6 of this Article may be extended if it is proven that new circumstances have occurred which influence the beginning of the repair of all types of weapons. This additional period cannot be more than one (1) year
8. Legal entities that perform repair of weapons shall only repair registered weapons.
9. Legal entities pursuant to paragraph 8 of this Article shall issue a certificate for each repaired weapon.
10. Legal entities pursuant to paragraph 9 of this Article shall perform test shooting with the repaired firearm after repairing the main parts of the fire-arm.
11. Legal entities pursuant to paragraph 10 of this Article shall present a report on the test shooting to the competent body within five (5) days.
12. Report pursuant to paragraph 11 of this Article should contain data about natural person or legal entity who owns the firearm, data about the firearm (mark, type, producer, production country, serial number, caliber, main parts repaired) and test shooting. At least two (2) shells and cartridges from the conducted test shooting shall be attached to the report.
13. The owner of the repaired firearm shall present the repaired firearm to the competent body within five (5) days in cases where main parts of the firearm are repaired.

## **Article 52**

### **Duty of the Legal Entity**

1. Weapons and ammunition in the process of production and repair shall only be used by persons with a permit.

2. Legal entities shall ensure permanent physical-technical protection on the premises where the weapons and ammunition are stored.
3. The competent body shall determine the minimum technical and security standards for their premises in a sub-legal act.

### **Article 53**

#### **Weapons during repair**

1. Weapon shall not leave the legal entities premises while the weapon is being repaired; except if a test shooting is needed.
2. For the test shooting of the weapon under repair, the legal entity which possesses the license from Article 51 of this Law, may acquire and store all needed types and quantities of the ammunition on basis of a consent for acquiring ammunition.

### **Article 54**

#### **Permanent disabling/deactivation**

1. Permanent disabling/deactivation of the firearm shall be conducted through undertaking at least one (1) of the technical procedures:
  - 1.1. drilling three (3) holes directly in the bolt, with one hundred twenty (120) degree angle, with a diameter equal to the barrel caliber of the firearm or having the bolt permanently closed with coating that disables further charging of the firearm with ammunition;
  - 1.2. closing the firearm barrel, with smelted metal, throughout the barrel longitude or only in the chamber namely throughout its longitude;
  - 1.3. cutting the barrel throughout its longitude, at least five (5) mm wide starting from the chamber and ends to the barrel muzzle;
  - 1.4. removing the front part of the closing mechanism through cutting in an angle of forty five (45) degrees or permanently closing the exit hole of firing pin at the closing mechanism. At the same time the firing pin has to be removed; or
  - 1.5. closing the revolver barrel according to paragraph 1.2 and 1.3 of this Article, by having drilling a hole with the diameter equal to the weapon caliber, closing the revolver bolt with metal coating which is placed inside the barrel.
2. Permanent disabling/deactivation of the firearm may be conducted by legal entity that has its principle place of business in the territory of Republic of Kosovo, has obtained a license for production of weapons and ammunition or for repair of weapons, and has obtained a license for deactivation by the competent body.
3. Applicants will file request to the competent body to issue a license for disabling/deactivation. This request will include the documents according Article 23 paragraph 3 points 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7. and provide prove that they are in possession of a license for production or repair.
4. The competent body will decide on the request of paragraph 2 following the procedures from Article 15 and decide within thirty (30) days of this Law.
5. After the completion of one of the technical procedures pursuant to paragraph 1 of



this Article, legal entities shall issue a confirmation that states that the firearm was deactivated and shall inform the competent body within forty eight (48) hours.

6. The firearm that has been permanently disabled for use, the owner of the firearm shall relinquish within eight (8) days the firearm and the confirmation from paragraph 5 of this Article to the Reviewing Committee. The Committee issues a confirmation that the firearm is permanently disabled for use. The Reviewing Committee shall mark the firearms identifying that it is deactivated. The mark will incorporate the letters official international code of Kosovo, the year of deactivation and the Sign D of deactivation.
7. It is prohibited to reactivate a firearm which is permanently disabled for use.
8. Export of deactivated firearms shall be prohibited.
9. The deactivated firearm shall not leave the residence.

## **CHAPTER VII**

### **TRADE OF WEAPONS, PARTS OF WEAPONS AND AMMUNITION**

#### **Article 55**

##### **License for trade with weapons, parts of weapons and ammunition**

1. Trade of weapons, parts of weapons and ammunition may be conducted by legal entities which reside in the Republic of Kosovo and are registered in the business register.
2. Applicants will file request to the competent body to issue a license for trade. This request will include the documents according Article 23 paragraph 3 points 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7. of this Law
3. The competent body will decide on the request of paragraph 2 following the procedures from Article 15 of this Law and decide within thirty (30) days.
4. Trade of weapons and ammunition from Article 4 of this Law, Category A shall be performed with a special permit issued by the competent body and with previously approval from the Ministry of the Kosovo Security Force according to the provisions that regulate the supply of weapons and ammunition to authorized state bodies.
5. Legal entities from paragraph 1 of this Article shall sell firearms and ammunition only to natural and legal entities which possess a consent for acquiring firearms and ammunition.
6. Provisions from Articles 24, 49 and 50 of this Law shall apply to legal entities which trade weapons and ammunition.
7. Legal entities may sell ammunition for firearms to natural persons, in accordance with Article 6, paragraph 5 and 6 of this Law, while ammunition for firearms can be sold to legal entities who conduct the activity in accordance with Article 6, paragraph 8 of this Law.

#### **Article 56**

##### **Marking of Firearms**

1. Only firearms, ammunition and parts of firearms that are dully marked can be sold.
2. The Competent body in cooperation with the Ministry of Trade and Industry shall develop a sub legal act on marking of firearms, parts of firearms and ammunition.

**Article 57**  
**Storage**

The storage and trade facilities for weapons and ammunition shall fulfil the conditions for storage of explosive materials, in accordance with this Law and the Law on Civil Use of Explosives.

**Article 58**  
**Stamp of imported firearms**

1. Legal entities pursuant to Article 55, paragraphs 1 and 2 of this Law which import firearms shall mark the firearm with a sign for import.
2. A sign pursuant to paragraph 1 of this Article shall be stamped on a part of firearm where the other producer marks are placed.
3. A sign pursuant to paragraph 1 of this Article shall be in the form of circle with diameter of 6 millimetres pressed in the firearm in depth of at least 0.8 millimetres.
4. A sign pursuant paragraph 1 of this Article shall contain the international official code of Kosovo and the year of the import of the firearms.
5. Firearms and ammunition which are transited through the territory of the Republic of Kosovo shall not be marked with the import mark.

**CHAPTER VIII**  
**TRANSFER OF WEAPONS, PARTS OF WEAPONS AND AMMUNITION**  
**ACROSS STATE BORDERS**

**Article 59**  
**License for transport of weapons, parts of weapons and ammunition**

1. Transport of weapons, parts of weapons and ammunition may be conducted by legal entities which reside in the Republic of Kosovo and are registered in the business register.
2. Applicants will file request to the competent body to issue a license for trade. This request will include the documents according Article 23 paragraph 3 points 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7. and a license from the ministry of transport and post-telecommunication.
3. The competent body will decide on the request of paragraph 2 following the procedures from Article 15 o this Law and decide within thirty (30) days.
4. Transport of weapons and ammunition from Article 4 of this Law, Category A shall be performed with a special license issued by the Competent body and with previously approval from the Ministry of the Kosovo Security Force according to the provisions that regulate the supply of weapons and ammunition to authorized state bodies.

## **Article 60**

### **Transport of weapons, parts of weapons and ammunition by a natural person**

1. A citizen of the Republic of Kosovo or a foreigner with permanent residence or transiting may transport across the state border only weapons and ammunition which he/she can acquire, possess or carry in conformity with the provisions of this Law.
2. While transporting a weapon and ammunition pursuant to paragraph 1 of this Article, the citizen of the Republic of Kosovo or foreigner shall present the weapon and ammunition and the permit issued by the authority in charge, to the authorized officials at the border crossing point.
3. If the authorized officials at the border crossing points during an inspection, especially of a vehicle, finds a weapon or ammunition that is not reported or a permit/license for weapon or ammunition has not been presented, the authorized official shall sequester the weapon or ammunition until the final completion of a criminal or minor offence procedure.
4. The Competent body regulates the manner of transfer of weapons and ammunition in the state border, by a sub legal act.

## **Article 61**

### **Natural persons transporting hunting weapons**

1. Citizens of Kosovo, who permanently reside abroad, and a foreigner may transport a hunting weapon and its ammunition for hunting purposes only in the Republic of Kosovo, if they are in possession of a hunting permit and a health insurance issued by the authority in charge of the other country and upon the invitation for hunting previously approved by the Competent body.
2. Persons described in paragraph one (1) of these Article are obliged at the time of crossing the border to present the hunting weapon and ammunition to the police officials.
3. The police officials during the control of the state border crossing will issue to the persons from paragraph 1 of this Article consent for transporting of hunting weapons during hunting activities in the territory of Republic of Kosovo.
4. The Competent body shall determine the procedures for approval of the invitations for hunting activities by sub-legal acts.

## **Article 62**

### **Transportation of weapons by members of shooting associations**

1. Members of a shooting association in groups or in individual travelling to a foreign country to prepare or participate in shooting competitions, may transport weapon and ammunition across border crossing points for such needs on the basis of a consent received from the Competent body.
2. Members of a foreign shooting association may transport sport weapons into Republic of Kosovo with a purpose to prepare or participated in a shooting competition with a consent issued by the Republic of Kosovo competent body and another adequate document issued by competent body of some other country.

3. The authorized officials at the border crossing point will issue a permit to individuals pursuant to paragraph 2 of this Article.
4. Members of the shooting association in paragraph 2 of this Article will have to possess a health insurance.
5. The Competent body shall determine the procedures for approval of the invitations for shooting competitions by sub-legal acts.

### **Article 63**

#### **Selling of weapons, parts of weapons or ammunition confiscated at the border**

1. Hunting weapons, sport weapons, and ammunition for weapons which are confiscated by authorized officials at state border crossing points may be sold after notification through a public auction done by legal entities with the licence for trade with weapons, parts of weapons and ammunition to legal entities and to natural persons who have a consent for acquiring firearms.
2. With firearms and other ammunition which are confiscated by the authorized officials at state border crossing points shall be acted in accordance with Article 38 of this Law.

### **Article 64**

#### **International Agreements**

Weapons and ammunition shall not be transported across the border crossing points, if otherwise determined by international agreements.

## **CHAPTER IX CIVIL SHOOTING RANGES**

### **Article 65**

#### **License for Civil Shooting Ranges**

1. Civil shooting ranges shall be a premises dedicated for sport-recreation exercises in shooting and training for the proper and safe use of firearms which include the technical and security criteria for use of firearms, hunting and sport weapons.
2. Civil shooting ranges may be established by legal entities which shall obtain license by the competent body and meet all the conditions of registration in the business register.
3. Applicants will file request to the competent body to issue a license for civil shooting ranges. This request will include the documents according Article 23 paragraph 3 points 3.1, 3.2, 3.3, 3.5, 3.6, and 3.7 of this Law.
4. The competent body will decide on the request of paragraph 2 following the procedures from Article 15 of this Law and decide within thirty (30) days.
5. Legal entities pursuant to paragraph 1 of this Article shall draft a range standard procedure manual for the civil shooting range within thirty (30) days from the day of establishment of the civil shooting range, which includes approval from the competent body.

6. Provisions pursuant to Articles 24, 49 and 50 of this Law shall apply to establishing civil shooting ranges.
7. Provisions of this Law for civil shooting ranges shall not be applicable to hunting areas which hunting associations are using for shooting and testing of hunting weapons in accordance with the provisions of the Law on Hunting.
8. The Competent body shall determine the technical and security conditions which should be fulfilled by the premises pursuant to paragraph 1 of this Article through sub-legal acts.

#### **Article 66**

##### **Permit to use the shooting range**

1. Natural persons shall shoot in the civil shooting ranges that have a permit to carry such a weapon or have submitted a request for acquiring with firearm and taking part in the practical training part of the procedure to obtain a consent.
2. Natural persons pursuant to paragraph 1 of this Article shall wear protection glasses and protection for ears during shooting exercises.

#### **Article 67**

##### **Ammunition for shooting ranges**

1. Civil shooting ranges may acquire higher quantities of ammunition for shooting at the shooting range based on the prior consent from the competent body.
2. The competent body may issue an consent for the repeated acquisition of ammunition with an expiry date of one (1) year and for determined quantities of ammunition in compliance with the possibilities for storage and use of the ammunition.

### **CHAPTER X**

### **EVIDENCES**

#### **Article 68**

##### **Maintenance of evidence by competent body**

1. The Competent body maintains records about the;
  - 1.1. issued consents for purchasing of weapons, parts of weapons and ammunition,
  - 1.2. submitted requests for registration of weapons,
  - 1.3. requests for recognition of existing
  - 1.4. licenses/permits, hunting or sport shooting permits,
  - 1.5. firearm carrying permits,
  - 1.6. consent for purchasing of collection weapons,
  - 1.7. submitted requests for registration of collection weapons,
  - 1.8. weapon collection permit,
  - 1.9. permits of weapons of category D,
  - 1.10. confiscated weapons and ammunition, found, handed over,

## Administrative laws

- 1.11. permits/licences for production and repair,
- 1.12. handover document for fire-arms which are permanently disabled,
- 1.13. permits/licenses for trade,
- 1.14. permits/licenses for transport,
- 1.15. licenses for establishment of civil shooting ranges,
- 1.16. approvals for import and export of weapon and ammunition for the state bodies,
- 1.17. license for transporting weapons for persons or associations participating in hunting and shooting competitions and ammunition by the diplomatic-consular representation,
- 1.18. data base of the digital photos of each registered weapon,
- 1.19. national list of identification numbers,
- 1.20. national list of weapons,
- 1.21. permit for carrying of hunting weapons during hunting in the country,
- 1.22. permit for carrying of sport weapons and
- 1.23. license for transit of weapons and ammunition.

### **Article 69**

#### **Obligation of maintenance of evidence**

1. Hunting and shooting associations, training centres, legal entities users of hunting areas and other legal entities which possess firearms on the basis of a firearms possession permit shall maintain records of firearms and ammunition also about the person to whom they give firearms for use.
2. Evidence of the firearms and ammunition shall be maintained by legal entities which perform:
  - 2.1. production of weapons, parts of weapons and ammunition, for produced weapons, parts of weapons and ammunition and for ordered ones;
  - 2.2. repair of weapons, evidence for repaired weapon; and
  - 2.3. trade with weapons, parts of weapons and ammunition, for weapons, parts of weapons and ammunition purchased and sold.
3. Legal entities shall maintain evidence about the test shooting (bullets and cases) for each firearm.
4. Civil shooting ranges shall maintain evidence of the issued and used ammunition.
5. Sub-legal act will describe the procedures of the special permit.

### **Article 70**

#### **Determining the form of templates and requests**

1. Pursuant to this Law, the competent body shall adopt a sub legal act regarding the;
  - 1.1. form of the request for the consent for acquiring of firearms, parts of firearms and ammunition,
  - 1.2. the request for replacing the weapon permit issued by the authority in charge of another state;
  - 1.3. hunting or shooting permit,
  - 1.4. the weapon possession permit,

- 1.5. firearm carrying permit,
- 1.6. permit for category D weapon;
- 1.7. the permit/license for production, trade or transport of weapon, parts of weapons and ammunition;
- 1.8. permit/license for repair of weapons;
- 1.9. permit for carrying weapon and ammunition out of the country;
- 1.10. the permit for carrying a weapon and ammunition provided to diplomatic-consular offices;
- 1.11. the permit for possessing and carrying hunting weapon during hunting in the country;
- 1.12. the permit for transfer of sports weapon and
- 1.13. permit for transit of weapon and ammunition,
- 1.14. license for establishment of civil shooting ranges and
- 1.15. for the way of evidence keeping of weapons and ammunition.
2. Evidence shall be maintained for at least twenty (20) years by all entities mentioned before.
3. The Competent body will define in a sub legal act the way of tracing of firearms and ammunition.

## **CHAPTER XI SUPERVISION**

### **Article 71**

#### **Supervision by the competent body**

1. The Competent body shall monitor the conformity with the requirements of this Law for manufacture, repair, trade, storing and maintenance of weapon and ammunition, use of shooting ranges, and the legality of possessing and carrying a firearm and ammunition and keeping evidence.
2. Authorized natural persons and legal entities shall be obliged to enable the monitoring, the control of weapons and to put on disposal the appropriate documentation and provide the required data and reports.
3. The Competent body shall prohibit to the legal person the manufacture, repair, trade in weapons and ammunition, or the use of civil shooting ranges, if it determines that conditions based on which the license/permit was issued according to this Law cease to exist, or if the discovered irregularities shall not be removed within the prescribed deadline.
4. The legal persons which licence/permit for manufacture, repair or trade of weapon and ammunition or use of civil shooting ranges was confiscated can request a new license/permit after the ending of a two (2) year period from the day when the decision for confiscating the license/permit went into effect.
5. The firearm and ammunition belonging to legal person shall be handed over to the authority in charge within fifteen (15) days from the day when the decision went into effect.
6. The firearm and ammunition from paragraph 5 of this Article will be sold on a public auction to legal entities dealing with trade of weapons and ammunition and natural persons who have a consent for acquiring firearm and ammunition.

7. Means incurred through selling of firearms and ammunition is the incomes of the legal person. Competent body has right to be reimbursed for the procedural expenses.

## **CHAPTER XII PUNITIVE PROVISIONS**

### **Article 72 Punitive provisions**

1. Natural persons and legal entities that act against the provisions of this Law will be sanctioned.
2. For criminal Offence responsibility shall be valid provisions of the Kosovo Criminal Code.

### **Article 73**

1. With fine from ten thousand (10 000) Euro to one hundred thousand (100.000) Euro shall be fined a legal person who shall trade, supply, intercede, possess, product, repair, change or to give someone else a weapon, parts of weapons and ammunition, which supply, intercede, trade, possession production, repair or circulation is prohibited or it is in contradiction with provisions of this law.
2. For actions foreseen in paragraph 1 of this Article legal person shall be enounced an additional measure of acquiring weapon, ammunition and prohibition of exercising the activity (production, repair, circulation with weapons and ammunition or utilisation of civil shooting range) in terms from two (2) to five (5) years.

### **Article 74**

1. Legal person shall be convicted for criminal offence with fine from one thousand (1000) Euro to ten thousand (10 000) Euro, whereas the natural person shall be convicted with fine from five hundred (500) to five thousand (5 000) Euro or with imprisonment up to sixty (60) days, who:
  - 1.1. weapon in a way that contradicts the provisions of Article 18 of this law;
  - 1.2. in a determined term shall not submit a request for registration of a weapon and issuance of permit for weapon to the Competent body Article 16, paragraph 1 of this law;
  - 1.3. does not have permit to carry the weapon from the warehouse for weapons in shooting/hunting association to the shooting range or in a certain field for hunting, and in contrary with Article 19 paragraph 7, Article 20 paragraph 2 and Article 21 paragraph 2 of this law;
  - 1.4. does not present to the Competent Body collective weapon who has bought or possesses according to Article 19 paragraph 4 of this law;
  - 1.5. acts in contradiction with Article 43 paragraph 3 of this law;
  - 1.6. acts in contradiction with Article 45 of this law;



- 1.7. acts in contradiction with Article 47 of this law;
- 1.8. acts in contradiction with Article 48 paragraph 1 of this law;
- 1.9. acts in contradiction with Article 60 paragraph 2 of this law;
- 1.10. acts in contradiction with Article 61 paragraph 2 of this law; and
- 1.11. acts in contradiction with provisions of Article 69 paragraph 2 of this law;
2. For offence from paragraph 1, points 1.1, 1.3, 1.7 and 1.8 of this Article, the natural and legal person shall be enounced the additional conviction – collection of weapon and ammunition.

## **Article 75**

1. With fine for offence from ten thousand (10 000) to fifty thousand (50 000) Euro shall be fined the legal person, who:
  - 1.1. acts in contradiction with Article 44 of this Law;
  - 1.2. preserves weapon in a way that contradicts the provisions of this Law;
  - 1.3. acts in contradiction with Article 50, paragraph 2 of this Law;
  - 1.4. accepts to repair the weapon that is not registered Article 51 paragraph 8 of this law;
  - 1.5. acts in contradiction with Article 52, paragraph 2 of this Law;
  - 1.6. accepts to repair the weapon that was issued from the work place Article 53 paragraph 1 of this law;
  - 1.7. trades with weapons and ammunition in a way that contradicts the provisions of Article 54 paragraph 5 and 6 of this law;
  - 1.8. puts in circulation weapons, ammunition and parts of weapons that have not been labelled, tested, sealed, respectively labelled in compliance with rules for testing and sealing, respectively those for labelling small and easy firearms and ammunitions Article 56 of this Law;
  - 1.9. carries weapons and ammunitions without permit or in contradiction with orders for undertaking special measures for safety during transport Article 59 of this Law;
  - 1.10. acts in contradiction with provisions from Article 60 paragraph 2 of this Law.
2. With fine from one thousand (1 000) to ten thousand (10 000) Euro shall be convicted for acts foreseen by this Article the responsible person to the legal person, whereas for paragraph 1 point 1.2 and 1.8 of this Article with the same conviction foreseen with fine.
3. For violations of this Article shall be enounced additional convictions in duration from one (1) year to three (3) years.
4. Weapons and ammunition shall be confiscated.

## **Article 76**

1. Legal person shall be fined in amount from five thousand (5 000) to fifty thousand (50 000), who:
  - 1.1. does not issue certificate for practical capacity in manipulating with weapon to natural persons - persons who requested permit for supply with weapon Article 12 paragraphs 3 and 4 of this Law;

## Administrative laws

- 1.2. in defined term does not submit a request for registration of a weapon and issuance of permit for weapon Article 16 paragraph 1 of this Law;
- 1.3. in defined term does not notify the Competent Body Article 16 paragraph 2 of this Law;
- 1.4. issues certificate by which a person who is not member of hunter's association shall be confined a hunting weapon for one (1) day hunting in hunting region Article 20 paragraph 5 of this Law;
- 1.5. gives a weapon to use to the persons, who possess hunting permit, but are not active members of hunting association Article 20 paragraph 5 of this Law;
- 1.6. in defined term, does not present disappearance, loss or theft of the weapon and ammunition, consent to purchase weapon or permit Article 45 paragraph 1 of this Law;
- 1.7. when changing the residency, in defined term, does not present the weapon to the Competent Body Article 47 of this law;
- 1.8. in defined term does not perform the testing shooting of a weapon, after reparation of main parts of a firearm Article 51 paragraph 9 of this Law; and
- 1.9. does not keep evidence in compliance with provisions of Article 69 of this Law;
2. Responsible person to the legal person shall be fined in amount from two hundred (200) to one thousand (1000) Euro for actions foreseen in Article 75 paragraph 1 points 1.1, 1.2, 1.3, 1.6, 1.7, 1.8 and 1.9 of this Law.
3. For actions from paragraph 1 and 2 of this Article shall be enounced additional punishment – acquirement of weapon and ammunition.

## **CHAPTER XIII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 77 Sub legal acts**

Sub-legal acts foreseen by this Law will be issued in the timeframe of one (1) year from the day of entry into force of this Law.

### **Article 78 Procedures and conditions of voluntary surrender of weapons**

The Government of Kosovo shall determine the procedures, conditions and criteria for voluntary surrender of small arms and light weapons (SALW) following the entry into force of this Law.

### **Article 79 Funds of the Law**

All funds collected pursuant to this Law shall be sent to the Budget of Republic of Kosovo.

**Article 80**  
**Repeal**

With entrance into force of this Law are repealed all legal provisions which are inconsistent with this Law.

**Article 81**  
**Entry into force**

This Law enters into force after fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-143**  
**17 September 2009**

**Promulgated by the Decree No. DL-025-2009, dated 13.10.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 59 / 29 OCTOBER 2009**

**LAW No. 03/L-246**  
**ON WEAPONS, AMMUNITION AND RELEVANT SECURITY EQUIPMENT**  
**FOR AUTHORIZED STATE SECURITY INSTITUTIONS**

**Contents**

Chapter I: General provisions.....	656
Chapter II: Production and repair of ESP.....	663
Chapter III: Trade in ESP.....	667
Chapter IV: Security of ESP.....	671
Chapter V: Quality control of ESP.....	672
Chapter VI: Supervision.....	673
Chapter VII: Penalty provisions.....	673
Chapter VIII: Transitional provisions.....	674
Chapter IX: Final provisions.....	675

**The Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Adopts:

**THE LAW ON WEAPONS, AMMUNITION AND RELEVANT SECURITY**  
**EQUIPMENT FOR AUTHORIZED STATE SECURITY INSTITUTIONS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Aim**

The aim of this Law is to establish legal provisions regarding equipping authorized state security institutions with weapons, ammunition and relevant security equipment.

**Article 2**  
**Scope**

This Law regulates the production, repair, trade, import, export, marking, evidencing, safety during stockpiling and transport, and assessment of compliance with the prescribed requirements of weapons, ammunition and relevant security equipment for the needs of authorized state security institutions except for the needs of the Kosovo Security Force.

### Article 3 Definitions

1. Terms used in this Law have the following meaning:
  - 1.1. **Authorised State Security Institutions** - the Kosovo Police, Kosovo Police Inspectorate, Kosovo Intelligence Agency, Correctional Services, Kosovo Custom and Kosovo Forestry Agency;
  - 1.2. **Equipment for Special Purposes (ESP)** - weapons, ammunition and relevant security equipment for state security institutions;
  - 1.3. **Weapon** - means but not limited to, any object or device manufactured in the way that under pressure of gasses, which are released during the burning of explosive, electricity, materials, compressed gas or other potential energy, expels projectiles in the form of a bullet, shotgun shells, gas, liquid, arrows or other components, which is designed or used for inflicting bodily harm or physical damage or used to damage, even psychologically, and also any other object which main purpose is carrying out a physical attack towards physical integrity of people or property;
  - 1.4. **A firearm** - a device that can be used as a weapon that fires either single or multiple projectiles propelled at high velocity by the gases produced through rapid, confined burning of a propellant, or by other means of propulsion of the projectile dispelled from the firearm;
  - 1.5. **Short firearm**- a firearm, with a barrel not exceeding 30 cm or whose overall length does not exceed 60 cm;
  - 1.6. **Long firearm**- any firearm with a barrel exceeding 30 cm or whose overall length exceeds 60 cm;
  - 1.7. **Automatic firearm**- a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull of the trigger;
  - 1.8. **Semi-automatic firearm**- a firearm which reloads automatically each time a round is fired and can fire only one round with one pull of the trigger;
  - 1.9. **Repeating firearm**- a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of manually-operated action;
  - 1.10. **Directed energy weapons (DEW)** - a type of weapon that emits energy in an aimed direction without the means of a projectile. It transfers energy to a target for a desired effect;
  - 1.11. **Weapons for the use of agents** - all types of rifles, pistols, revolvers and other devices, which under pressure of gunpowder, gases or other kind of gas, spread in one direction irritating gas which has an impact on people's health;
  - 1.12. **Firearm for light-acoustic signalization**- a firearm typically used as a distress signal as well as other signaling purposes at sea and between aircraft and people on the ground, including all types of pistols, revolvers and other devices, which under the pressure of gun powder or gases fire or throw signaling shots in a direction and expel or disperse projectiles with the exclusion of flare pistols for military use;
  - 1.13. **Explosive weapon**- any type of, but not limited to, bomb, mine, rocket,

grenade or other device that contains explosive substances or inflammable materials, to which due to internal or external action (weight, impact, friction, chemical reaction, electric energy and similar) causes release or creation of energy and explosion. As explosive weapons, according to this Law, are considered also parts of the explosives, detonators, pyrotechnics or other parts for which it is obvious that they are intended for preparation of explosive weapons. This definition is meant to include Thermobaric weapons distinguish themselves from conventional explosive weapons by using atmospheric oxygen, instead of carrying an oxidizer in their explosives. Thermobaric weapons are also called high-impulse thermobaric weapons (HITs), fuel-air explosives (FAE or FAX) or sometimes fuel-air munitions, heat and pressure weapons, or vacuum bombs;

- 1.14. **Cold weapon-** any object to conduct an assault or cause body injuries, by using physical force by the attacker when these are carried in public gatherings, premises and similar places;
- 1.15. **Electroshock weapon-** a weapon that is considered an incapacitant weapon used for subduing a person or animal by administering electric shock aimed at disrupting superficial muscle functions. Additionally, an electroshock weapons means, but not limited to, stun guns and stun batons administer an electric shock by direct contact;
- 1.16. **Main part of the fire arm-** any element or specifically designed for a firearm and essential to its operation: including, but not limited to trigger mechanism, firing pin, barrel, frame or receiver, slide or cylinder, bolt or breech block, bolt and bolt assembly group;
- 1.17. **Special equipment for firearms-** each mechanism which is produced and dedicated for upgrading of the basic weapon nomenclature which through its application increases the abilities and quality of the use of firearms, apart from an optic sight;
- 1.18. **Suppressor or silencer-** a device either attached to or part of the barrel of a firearm to reduce the amount of report sound and or flash generated by firing the weapon;
- 1.19. **Firearms optical instrument sighting devices (also referred to as “police firearm optics”)-** devices authorized for Police use, which may be manufactured directly to or affixed to a firearm, for the purposes of target acquisition or target acquiring, but does not include normally affixed iron sights, peep-sights, and retractable iron or peep sights. Firearms optics shall be understood to include a device meant to enhance the authorized user’s ability to identify, recognize, range; by magnification, non-magnifying targeting aids, sound, direct non-lethal laser sighting, infrared sighting, or optics allowing target acquisitions to be produced in levels of light approaching total darkness, and / or acquire a target which would assist in a legitimate policing objective;
- 1.20. **Ammunition-** projectiles such as bullets, air gun pellets, and shot, together with their fuses and primers that can be fired from guns or otherwise propelled. The definition shall include, but with technological advances, is not limited to;

- 1.21. **A round-** a single unit of ammunition; for a modern small arms cartridge this is the combination of bullet, propellant, primer and cartridge case in a single unit;
- 1.22. **Shot-** a large numbers of small projectiles intended to be fired all at once in a single discharge; hand-held guns designed for this type of ammunition are generally known as shotguns;
- 1.23. **An air gun pellet-** a non-spherical projectile designed to be fired from an air gun;
- 1.24. **Ammunition with high penetrating level-** (commonly referred to as armor piercing rounds) any handgun or rifle bullet or handgun and rifle ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber designed and intended for use in a handgun or rifles and whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun or rifle projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute” “armor piercing ammunition”” as that term is defined by law. The definition contained herein shall not be construed to include shotgun shells, unless meeting above said definition;
- 1.25. **Ammunition with explosive projectiles-** ammunition dedicated only for use by institutions of the law enforcement, of which the bullet contains a filling which explodes at the time of impact or has a set timed or delayed fuse which will cause the round to detonate at a predetermined time;
- 1.26. **Ammunition with flammable bullets-** means, but is not limited to ammunition dedicated for law enforcement use, of which the bullets contain chemical inflammable mixtures, and may include ammunition that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flamethrower;
- 1.27. **Tracer ammunition-** an ammunition type that traces its own course in the air with a trail of smoke or fire, so as to facilitate adjustment of the aim. Tracer ammunition use special bullets that are modified to accept a small pyrotechnic charge in their base. Ignited upon firing, the composition burns very brightly making the projectile visible to the naked eye;
- 1.28. **Ammunition for weapons for use of agents-** ammunition which contains a chemical filling with a gas round, which impacts on the health of people or animals;
- 1.29. **Carrying of weapon-** all manners of carrying by which the weapon is ready for immediate use by its possessor, or that the possessor has immediate access to the weapon;
- 1.30. **By manufacturing of weapons and ammunition -** every activity of research, study, development, producing, reproducing and assembly of

- weapons, parts of weapons and ammunition, except activities carried out by the owner of hunting weapons or sport weapons in order to reload ammunition for personal needs, which is used as hunting weapons or sports weapons;
- 1.31. **By repair of weapons-** eliminating of defects or maintenance to the firearm and replacement of inoperable, worn and or defect parts of firearms with original working parts as needed or required;
  - 1.32. **Trade of weapons, ammunition and parts of firearms-** supplying firearms, ammunition and parts of firearms and ammunition with purpose of selling, brokering, transaction and storing of firearms and ammunition. As trade is also considered export, import and transit of a quantity of firearms and ammunition between legal entities. Brokering is the activity of legal entities or natural persons who act as agents for others in negotiating or arranging contracts, purchase, sale or transfer of firearms, ammunition or parts of firearms in return for a fee or other compensation;
  - 1.33. **Transportation of weapon and ammunition-** the shipping of firearms, parts of firearms and ammunition from supplier to the person or entity acquiring these items;
  - 1.34. **Police equipment-** any equipment determined by the Law on Police;
  - 1.35. **Weapons used during force exercise in continuity by the police commonly referred as non-lethal weapons or compliance weapons-** weapons intended to be unlikely to kill or to cause great bodily injury to a living target;
  - 1.36. **Weapons classified as A1 category-** weapons that may be used to disperse by a launching mechanism (i.e. 37 mm) gas munitions, compliance munitions, or breaching munitions. In no manner is this definition to be interpreted that the use of a weapon in the A1 category are for any other purpose that those described in this Law;
  - 1.37. **Responsible person-** an individual who is legally responsible for the activities of applicant or licensee;
  - 1.38. **Competent Body** -the Ministry of Internal Affairs;
  - 1.39. **Modification of firearms-** changing the initial category of firearms by adding additional parts or equipment;
  - 1.40. **Internal parts cleaning-** the first level of repairing that a user it is unable to manage or clean without proper training and without armorer certification or necessary armorer tools.
2. Special Collective equipment that are subject of the certificate of final user, in accordance with the Common Attitude on Arms Export respectively Military list may contain the following items:
    - 2.1. munition and equipment for placement of primers, components designed specifically (ML 3)
    - 2.2. fire control and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, as follows: target acquisition, designation, range finidng, surveillance or tracking systems, detection, data fusion, recognition and identification equipment, and sensor integration equipment (ML5);



Law No. 03/L-246 on weapons, ammunition and relevant security equipment for...

- 2.3. ground vehicle and components, as follows: armored vehicles; armoured protection of vital parts, blackout lightning (ML 6);
  - 2.4. riot control chemical agents (ML 7);
  - 2.5. armoured or protective equipment (ML 13) as follows helmets, shields and body armor;
  - 2.6. simulators for training of any firearm (ML 14);
  - 2.7. Imaging equipment (ML 15) as follows: Recorders, cameras, image intensifier equipment, infrared or thermal imaging equipment;
  - 2.8. Miscellaneous equipment (ML 17) as follows as robots.
3. Authorized list for equipment for special purposes is the list of equipment based on state needs and based on requests of security state institutions which shall be approved by the Prime Minister after consultations with Kosovo Security Council.

#### **Article 4** **Responsibilities**

1. The Competent Body in compliance with given authorizations shall conduct the activities of supervision over manufacturing, repair, trade, import, export, storage and marking ESP in accordance to this Law and maintains an integrated database on imported and exported items as described in this Law.
2. Competent Body shall maintain a central database which includes all weapons, ammunition and explosives within the Republic of Kosovo. The database shall be accessible by the various institutions based upon needs of the institution.
3. Authorized state security institutions shall assign a responsible person for cooperation with the competent body regarding the activities defined to in paragraph 1 of this Article.
4. In accordance with the national list of authorized equipment signed by the Prime Minister, the Competent Body shall be the central approving authority for all transfers and procurement of the ESP, in accordance with this Law and other laws related to the security sector except for the equipment for the needs of the Kosovo Security Force.
5. Data resulting from implementation of this Law shall be maintained for a minimum of twenty (20) years.
6. The competent body shall compile the annual report for weapon export according to the Law on Trade of Strategic Goods.

#### **Article 5** **Categories of Weapons**

1. The following categories of weapons may be used by the Kosovo Police based on the Law on Weapons:
  - 1.1. Category A1. 37 mm or like launching platforms restricted as defined to above;
  - 1.2. Category A2. Automatic Firearms;
  - 1.3. Category A6. Firearms with mounted silencer;
  - 1.4. Category A7. Weapons with rifled barrels over 12,7 mm;

- 1.5. Category A8. Semi Automatic firearms for civilian use which resemble weapons with a mechanisms automatic;
- 1.6. Category A9. Explosives and its parts;
- 1.7. Category A10. Weapons for the use of agents and its ammunition;
- 1.8. Category A11. Special equipment for firearms;
- 1.9. Category A12. Electric Paralyser (Electro Shock Weapons);
- 1.10. Category A13. Tracing ammunition;
- 1.11. Category A17. Firearms with Polygonal Barrels ( pistols);
- 1.12. Category B1. Semi Automatic or repeating short firearm;
- 1.13. Category B2. Single Shot short firearms with centre fire percussion;
- 1.14. Category B3. Single Shot short firearms with rim fire percussion whose overall length is less than 28 cm;
- 1.15. Category B4. Semi Automatic long firearm whose magazine and chamber can together hold more than three rounds;
- 1.16. Category B5. Semi Automatic long firearm whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools into a weapon whose magazine and chamber together hold more than three rounds;
- 1.17. Weapons B6. Repeating and semi- automatic long firearms with smooth bore barrels not longer than 60 cm in length;
- 1.18. Category C1. Repeating long firearms other than those listed in Category B, point 6;
- 1.19. Category C2. Long firearm with single shot rifled barrels;
- 1.20. Category C3. Semi Automatic long firearms other than those in Category B, points 4, 5, 6, 7;
- 1.21. Category C4. Single Shot short firearms with rim fire percussion whose overall length is not less than 28 cm;
- 1.22. Category C5. Single Shot short firearms with smooth bore barrels;
- 1.23. Category C6. Weapons for light acoustic signalization;
- 1.24. Category C7. Adapters;
- 1.25. Category D4. Cold weapons.
2. The following categories of weapons may be used by the Kosovo Intelligence Agency:
  - 2.1. Category B1 Semi – automatic or repeating short Firearms and limited to pistols;
  - 2.2. Category A17 Firearms with polygonal barrels and limited to pistols;
3. The following categories of weapons maybe used by the Correctional Services and these categories:
  - 3.1. Category B1 (Semi – automatic or repeating short Firearms) and limited to pistols;
  - 3.2. Category B6 Repeating or Semi Automatic long firearms with smooth bore barrels not exceeding 60 cm in length);
  - 3.3. Category C1 (Repeating or Semi Automatic long firearms with smooth bore barrels exceeding 60 cm in length) ( shotguns);
  - 3.4. Category A1. 37 mm or like launching platforms restricted as explained in definition;

Law No. 03/L-246 on weapons, ammunition and relevant security equipment for...

- 3.5. Category A 17 Firearms with polygonal barrels and limited to pistols;
- 3.6. Category A2. Automatic Firearms.
4. The following categories of weapons can be used by the Kosovo Customs:
  - 4.1. Category B1 (Semi – automatic or repeating short Firearms) and limited to pistols;
  - 4.2. Category A 17 Firearms with polygonal barrels and limited to pistols.
5. The following categories of weapons may be used by the Kosovo Forestry Agency:
  - 5.1. Category B6 (Repeating or Semi Automatic long firearms with smooth bore barrels not exceeding 60 cm in length); and
  - 5.2. Category C1 (Repeating or Semi Automatic long firearms with smooth bore barrels exceeding 60 cm in length) ( hunting rifles).
6. The following categories of weapons may be used by the Kosovo Police Inspectorate:
  - 6.1. Category B1 (Semi – automatic or repeating short Firearms) and limited to pistols;
  - 6.2. Category A 17 Firearms with polygonal barrels and limited to pistols.

## **Article 6 Ammunition**

State security institutions may purchase ammunition for weapons mentioned in Article 5 of this law in accordance with their requirements.

## **Article 7 Equipment**

1. State security institutions may propose to purchase the equipment from the military list based on their responsibilities and the Law on Trade of Strategic Goods.
2. Other security equipment that are not mentioned in EU military list and in the Law on Trade of Strategic Goods may be purchased based on the Law on Public Procurement.

## **CHAPTER II PRUDUTION AND REPAIR OF ESP**

### **Article 8 Production and Repair – General Information**

1. Production of ESP subject to this Law shall be based on the request of the Competent Body and the authorized state security institutions as enacted by the Assembly of the Republic of Kosovo following the proposal of the Government of the Republic of Kosovo.
2. Production of armament and equipment subject to this Law for the requirements of the civilian market shall be prohibited.
3. Authorized state security institutions shall assign a responsible person for repair and evaluation. The responsible person shall assess if the repair can be

accomplished by first level or second level repair shops, or to be sent to the gun manufacturer for repair.

- 3.1. First level repair shall mean that the repair is completed or performed by a certified weapons armorer, specific to the type of weapon needing repair. First level repair, shall mean, and is limited to:
  - 3.1.1. instructing users in proper and safe handling of firearms;
  - 3.1.2. complete disassembly and reassembly inspections for proper usage;
  - 3.1.3. sighting adjustments on fixed sighted firearms;
  - 3.1.4. internal parts cleaning;
  - 3.1.5. includes repairs, inspections, and tests handguns, rifles, and shotguns according to the respective armorer certification and tools authorized by the department;
  - 3.1.6. inspects and test the weapons used by officials for shootings; writing and maintaining records of inspection and test results, as allowed by the respective armorer certification and tools available;
- 3.2. Second level repair shall mean the repair performed by a certified weapons armorer, specific to the type of weapon needing repair, and is not limited only to:
  - 3.2.1. all points as described for first level repair;
  - 3.2.2. straightening of barrels and firing pins;
  - 3.2.3. trigger mechanism repair;
  - 3.2.4. bolt and bolt assembly repair;
  - 3.2.5. retaining rod and retaining rod spring(s) repairs;
  - 3.2.6. upper receiver repair;
  - 3.2.7. lower receiver repair;
  - 3.2.8. repair of fixed and non-fixed firearm sighting systems;
  - 3.2.9. magazine well repair;
  - 3.2.10. specific and specialized repairs as allowed by the respective armorer certification and tools available according to laws and instructions of the Government of Kosovo, Competent Body and the Kosovo Police, regarding weapon specifications; and
  - 3.2.11. inspections, tests, and modifications necessary of the weapons to ensure compliance with the Government of Kosovo, Competent Body and Kosovo Police laws, rules and regulations regarding weapon specifications, as allowed by the respective armorer certification and tools available.
4. The responsible person referred to in paragraph 3 of this Article shall be allowed to exercise such listed responsibilities as described upon certification as armorer for the respective weapon / firearm as regulated under this Law and the Law on Weapons, and to ensure compliance with the Government of the Republic of Kosovo, Competent Body and Law on Kosovo Police in relation to the rules and regulations regarding weapon specifications.
5. Authorised security institutions shall be allowed to outsource the repair on the budget of their respective institutions.

## **Article 9**

### **License for production of ESP**

1. Production of ESP, shall be conducted by licensees with a principle place of business in territory of the Republic of Kosovo and has obtained a license for production according to the Law on Weapons.
2. Applicants for production in ESP shall file a request for license to produce ESP, which shall contain the following information:
  - 2.1. name of the legal entity applicant and responsible person;
  - 2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;
  - 2.3. court certificate that verifies there are no criminal proceedings ongoing against that applicant;
  - 2.4. certificate of the Competent Body that the installation of the applicant fulfills the conditions for storing of weapons;
  - 2.5. license for production of weapons and ammunition in accordance with the law on weapons;
3. The request for this type of license shall be treated by the commissions established according to the law on weapons;
4. The license from paragraph 1 of this Article shall be issued by the Competent Body, upon approval by the Ministry of the Security Force.

## **Article 10**

### **Scope of License for production**

1. The license of Article 7 of this Law may be issued for production for all types of ESP, or solely for certain categories/types of ESP.
2. The license from paragraph 1 of this Article shall not be valid if the licensee has not started its activity within one year after the issuing of the license.
3. Timeframe from paragraph 2 of this Article may be extended if it is proven that new circumstances have occurred which influence the beginning of the production of ESP, but which cannot be more than one (1) year.

## **Article 11**

### **Duty of the Licensee**

1. ESP, in the process of production, shall only be used by persons employed and licensed.
2. ESP shall not be intermingled with equipment for the civilian market.
3. ESP shall not be exposed and used by to unauthorized personnel.
4. Licensees shall ensure permanent physical-technical protection on the premises where the ESP is stored.

## **Article 12**

### **License for repair of ESP**

1. Repair of ESP shall be conducted by licensees with a principle place of business in territory of the Republic of Kosovo and has obtained a license for repair according to the Law on Weapons.
2. Request for license to repair ESP, shall contain the following information:
  - 2.1. name of the legal entity applicant and responsible person;
  - 2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;
  - 2.3. court certificate that verifies there are no criminal proceedings ongoing against that applicant;
  - 2.4. certificate of the competent body that the installation of the applicant fulfills the conditions for storing of weapons;
  - 2.5. license for repair in weapons and ammunition in accordance with the Law on Weapons.
3. The request for this type of license shall be reviewed by the commissions according to the Law on Weapons.
4. The license from paragraph 1 of this Article shall be issued by the competent body, upon approval by the Ministry of Security Force.

## **Article 13**

### **Scope of License for repair**

1. The license of Article 10 of this Law may be issued for repair for of all types of ESP, or solely for certain categories/types of ESP.
2. The license from paragraph 1 of this Article shall not be valid if the licensee has not started its activity within one year after the issuing of the license.
3. Timeframe from paragraph 2 of this Article may be extended if it is proven that new circumstances have occurred which influence the beginning of the repair of ESP, which cannot be more than one (1) year.

## **Article 14**

### **Duty of the Licensee for repair**

1. The licensee is obliged that ESP, in the process of repair, shall only be used by persons employed and authorized by the license.
2. ESP shall not be intermingled with equipment for the civilian market.
3. ESP shall not be exposed and used by unauthorized personnel.
4. Licensees shall ensure permanent physical-technical protection on the premises where the ESP is stored.
5. Weapon shall not leave the premises of the licensee while the weapon is being repaired. The test shooting, if needed, shall be performed in a location agreed upon and under supervision of the competent body.
6. The licensee from Article 10 of this Law, shall use ammunition stockpiled by the Competent Body for the test shooting of the weapon during repair.

7. During the repair of ESP type weapons by the licensee the following records shall be held (but not limited to):
  - 7.1. repair number and date;
  - 7.2. individual who the ESP weapon has been returned to;
  - 7.3. any changes in markings or serial numbers due to the nature of the repair;
  - 7.4. nature of the repair;
  - 7.5. identifying features of the manufacture of the firearm;
  - 7.6. responsible official requesting the repair;
  - 7.7. firearm identification details
  - 7.8. reasons for the rejection and the nature of the fault of the weapon.
8. The responsible person for repair shall inform the competent body on every change regarding the repair of weapons, within forty eight (48) hours.

### **Article 15**

#### **Records**

Records of the facilities and production capacity of ESP shall be maintained by the Competent Body.

### **Article 16**

#### **Foreign applicants**

1. Foreign applicants, registered as a business in the territory of the Republic of Kosovo, may be licensed in the field of ESP production.
2. Licensing of foreign applicants will follow the same procedure as domestic applicants.

## **CHAPTER III**

### **TRADE IN ESP**

### **Article 17**

#### **General descriptions Trade in ESP**

1. Trade in ESP comprises of trade activities and service provisions in connection with ESP. Activities of trade are limited to procurement of ESP, activities of service provisions, transportation, storing and maintaining ESP.
2. A licence on Trade of weapon, ammunition and other tools of special purposes shall be issued by the Competent Body with previous consent of the Ministry of Security Force and Ministry of Foreign Affairs.

### **Article 18**

#### **Trade in ESP license**

1. Licensed registered entities for trade in ESP shall be entered and maintained on a list of Licensed ESP trade companies by the Competent Body.
2. Applicants for Trade in ESP shall file a request for license to the Competent Body for trade in ESP, which shall contain the following:

## Administrative laws

- 2.1. name of the legal entity applicant and responsible person;
  - 2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;
  - 2.3. certificate of the competent court that verifies there are no criminal proceedings ongoing against that applicant;
  - 2.4. certificate of the Competent Body that the installation of the applicant fulfills the conditions for storing of weapons;
  - 2.5. license for trade in weapons and ammunition in accordance with the Law on Weapons.
3. The request for this type of license shall be treated by the commissions according to the Law on Weapons and will include a financial and legal background check and the security screening of the responsible person.
  4. Licensee shall inform the Competent Body within fifteen (15) days from the start of trade in ESP.
  5. Trade in explosives shall be conducted in accordance with the provisions of this Law and other laws in compliance with the international norms and conventions.

### **Article 19** **Limitations in Trade of ESP**

1. Activities of import of ESP for the requirements of the authorized state institutions for security shall be conducted by the Competent Body in accordance with the Custom and Excise Code of Kosovo. Import subject to this Law shall be based on the request of the authorized state security institutions.
2. Export of Equipment marked as ESP shall be prohibited.
3. Exceptionally ESP may be exported to the manufacturer for repair or warranty issues or for temporary export for operational goals.
4. Temporary export described in paragraph 3 of this Article means the authorization by the Competent Body to temporarily export ESP outside of the Republic of Kosovo, for the authorized persons exclusive official use.
  - 4.1. temporary export of ESP may be conducted by the authorized person for official assignments outside the Republic of Kosovo;
  - 4.2. temporary export shall be permitted by the Competent Body with previous request of the person's authorizing agency, and related laws and sub-legal acts in force;
  - 4.3. the ESP will be temporarily exported for a period not to exceed the authorization by the Competent Body, and will be returned to the Republic of Kosovo upon expiration of the permit;
  - 4.4. time frame from sub-paragraph 4.3 of this paragraph, may be extended if it is proven that new circumstances have occurred which influence a change in the time frame of the temporary export permit. This additional period cannot be more than the time frame to complete the person's officially authorized objectives abroad;
  - 4.5. transfer of ownership of ESP will not occur during the period of temporary export;
  - 4.6. ESP exported pursuant to a temporary export permit may not be sold or



Law No. 03/L-246 on weapons, ammunition and relevant security equipment for...

otherwise permanently transferred to a foreign person while they are abroad under a temporary export license;

- 4.7. permits for temporary export of ESP shall be maintained in the central database by the competent body.
5. Permits for importing ESP intended for use by the authorized state security institutions shall be issued by Competent Body upon decision from the Committees established based on the Law on Weapons.
6. Permits for importing ESP shall be maintained in a database by the Competent Body.

## **Article 20**

### **Marking of ESP**

1. ESP shall be imported only after the weapons, ammunition and other equipment are duly marked in accordance with the relevant international agreements and relevant laws of the Republic of Kosovo. Weapons shall be additionally marked with quality markings pursuant to the CIP Permanent International Commission for Firearms Testing (CIP) or Sporting Arms and Ammunition Manufacturers' Institute (SAAMI) standards.
2. ESP shall be marked with a visible sign "ESP" and not be made available to the civilian market.

## **Article 21**

### **Trade in ESP permit**

1. Trade of ESP conducted by the applicant shall be permitted by the Competent Body with previous consent of the Ministry of Security Force and Ministry of Foreign Affairs.
2. Request for issuance of the permit pursuant to paragraph 1 of this Article contains:
  - 2.1. name of the company, principle place of business of the company or registered branch office of the business, personal name and address of the deliverer and recipient;
  - 2.2. name of the company, principle place of business of the company or registered branch office of the business, producer of weapon, ammunition and other equipment;
  - 2.3. type, brand, serial number, caliber and quantity of weapons, ammunition and other equipment.
3. The submitter of the request from paragraph 1 of this Article shall attach the following information to the request:
  - 3.1. certificate of the end user; and
  - 3.2. contract or other official document regarding the contracted quantity of the weapons, ammunition and other equipment.
4. A permit shall be issued with a validity of six (6) months.
5. A permit from the above mentioned paragraphs shall be revoked if in the period of the validity of the trade license restrictive measures are put in effect by international organizations that forbid the trade.

**Article 22**  
**Transportation of ESP – General descriptions**

1. Transportation of ESP by licensees into the territory of the Republic of Kosovo may be conducted through the national border crossings.
2. Transport of ESP shall be conducted in accordance with the provisions of relevant laws.
3. All transport of ESP shall be subject to special security measures and escorted by a special police escort.
4. Legal person shall cover the cost of the special security measures and the police escort.

**Article 23**  
**License to transport ESP**

1. Transport of ESP shall be conducted by licensees with a principle place of business or registered branch office of the business in territory of the Republic of Kosovo and has obtained a license for performing such an activity.
2. Applicants for transport in ESP shall file a request for license to transport ESP to the Competent Body, which shall contain the following:
  - 2.1. name of the legal entity applicant and responsible person;
  - 2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;
  - 2.3. certificate from the competent court that verifies there are no criminal proceedings ongoing against that applicant issued by the competent court;
  - 2.4. certificate of the Competent Body that the means of the applicant fulfills the conditions for transporting of ESP.
  - 2.5. license for transport in weapons and ammunition in accordance with the Law on Weapons.
3. The request for this type of license shall be reviewed by the commissions according to the law on weapons including legal and financial background check of the business entity and background check of the responsible person.
4. The license from paragraph 1 of this Article shall be issued by the Competent Body, in cooperation with the Ministry of Security Force.

**Article 24**  
**Permit to transport ESP**

1. An permit shall be required for every transport of ESP.
2. The applicant shall file a request for permit for each transportation of ESP, which shall contain the following:
  - 2.1. the name of the company, the principle place of business for the company and the registered branch office, personal name, address of the deliverer, transporters and receptor;
  - 2.2. the name of the company, the principle place of business for the company and the registered branch office of the producer of weapon, ammunition and other equipment;

Law No. 03/L-246 on weapons, ammunition and relevant security equipment for...

- 2.3. type, brand, serial number, caliber, category and quantity of weapons, ammunition and specific details of other equipment;
  - 2.4. approximate time, date, direction of the movement and place of delivery;
  - 2.5. type of the transportation mean, registration plates number, name and surname, and a copy of the personal document, identity card or passport, of the driver;
  - 2.6. special Security measures during the time of transportation;
  - 2.7. name of the border crossing point where the weapon, ammunition and other equipment will be transported and date of arrival at the particular border post; and
  - 2.8. license to transport ESP.
3. Permitted entities that transport weapons, ammunition and other equipment shall be in possession of a permit permitting the activity of transport of weapons and ammunition from the Ministry of Transport and Communications pursuant to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) regulations.
  4. The permit may be issued with a validity of up to three (3) months.
  5. The same requirements shall be valid for ESP in transit.

## **CHAPTER IV SECURITY OF ESP**

### **Article 25 General Security of ESP**

1. Security and storing of ESP shall be conducted pursuant to this Law, the Law on Transport of dangerous goods, the Law on Classification of Information and Verification of security, and other legal provisions governing occupational safety, environmental protection, and protection when handling hazardous materials.
2. Security measures shall include: transport security, stockpile security, measures after loss or theft, safe handling of firearms, criteria for use of force, data of ESP, issuing of authorization cards, and training and shooting areas.

### **Article 26 Management and storage of ESP**

The state bodies that are allowed through law to possess and carry weapons, ammunition and other equipment shall appoint a responsible person for storing and management of ESP.

### **Article 27 Storage facility**

1. Authorized state security institutions shall store weapons separately from the ammunition, either in a facility technically secured or in a safe (box).
2. Authorized state security institutions shall maintain records of weapons and

ammunition and shall appoint a responsible person for weapon and ammunition oversight. The authorized state security institutions shall inform the Competent Body of the identity of the responsible person. If the responsible person changes, authorized state security institutions shall inform the Competent Body within three (3) days from the day when the representative was changed.

3. Responsible person shall inspect the manner which weapon and ammunition are stored and evidence is recorded, explosives will be stored according to United Nations hazard classification and Law on Transport of Dangerous Goods.

### **Article 28**

#### **Disappearance, Loss or Theft of ESP**

In case of disappearance, loss or theft of ESP, the owner, user, or legal entity shall inform the Competent Body and the Kosovo Police immediately but not later than twenty four (24) hours from the moment the loss or theft he/she have noticed.

## **CHAPTER V**

### **QUALITY CONTROL OF ESP**

#### **Article 29**

##### **Assessment of Compliance – General Information**

1. Confirmation of compliance with the prescribed requirements for ESP, during the production and repair process and before putting ESP into circulation, shall be conducted by a Quality Control Committee consisting of representatives of the Competent Body, Ministry of Justice, Customs and accredited institutions authorized by the Competent Body.
2. During the production and repair process, for the purposes of confirming the compliance with the prescribed requirements for ESP, the Competent Body shall have the authority to assign to the producers an individual other than those employed by the Ministry of Internal Affairs, Ministry of Justice and Kosovo Customs on a written recommendation of the Quality Control Committee.
3. Producers of ESP shall have the obligation to ensure for the individual referred to in paragraphs 1 and 2 of this Article the work conditions required for assessment of compliance with the prescribed requirements for ESP.

#### **Article 30**

##### **Quality Control Standardized Documentation**

1. Assessment of compliance with the prescribed requirements for ESP shall be conducted based on the legal provisions governing the quality of products, which include the following:
  - 1.1. technical data about the ESP means and systems;
  - 1.2. content of ESP means and systems;
  - 1.3. accompanying technical documentation;
  - 1.4. quality requirements and standards for ESP means and systems;

Law No. 03/L-246 on weapons, ammunition and relevant security equipment for...

- 1.5. methods for testing and confirmation of the prescribed quality characteristics;
- 1.6. criteria for assessment and evaluation of quality of the ESP means and systems.

## **CHAPTER VI SUPERVISION**

### **Article 31**

1. Competent authority in compliance with this Law and respective laws regulating this field, shall supervise the:
  - 1.1. development of standard operational procedures related to training of all entities in possession of ESP.
  - 1.2. development of standard operational procedures concerning safe use of ESP by all entities in possession of ESP.
  - 1.3. development of standard operational procedures concerning the record and issue of authorization cards of all entities in possession of ESP.
  - 1.4. development of standard operational procedures concerning shooting polygons to be used by all entities in possession of ESP.
  - 1.5. development of standard operational procedures concerning with use of force by all entities in possession of ESP.
  - 1.6. implementing of standard operating procedures concerning the storing and firearms management by all entities in the possession of ESP.

## **CHAPTER VII PENALTY PROVISIONS**

### **Article 32**

1. Legal entity and responsible persons who act in contraversion of provisions of this Law shall be punished.
2. Regarding the criminal responsibilities the Kosovo Criminal Code shall apply.

### **Article 33**

1. A fine of between one thousand (1.000) and ten thousand (10.000) Euros shall be imposed for a minor offence on the legal entity if it:
  - 1.1. acts in contraversion of Article 9 of this Law;
  - 1.2. acts in contraversion of Article 11, paragraph 1, of this Law;
  - 1.3. acts in contraversion of Article 12 of this Law;
  - 1.4. acts in contraversion of Article 16, paragraph 4 of this Law;
  - 1.5. acts in contraversion of Article 20 paragraphs 2 and 3 of this Law;
  - 1.6. acts in contraversion of Article 26 paragraph 1, of this Law;
  - 1.7. acts in contraversion of Article 27 paragraph 3 of this Law;

### **Article 34**

1. A fine of between five thousand (5.000) and fifty thousand (50.000) Euros shall be imposed for a minor offence on the legal entity, whereas a fine of between two hundred (200) and one thousand (1.000) shall be imposed for a minor offence on the responsible person if it:
  - 1.1. acts in contraversion of Article 6 paragraph 2 of this Law;
  - 1.2. acts in contraversion of Article 8 paragraph 1 of this Law;
  - 1.3. acts in contraversion of Article 10 paragraph 1 of this Law;
  - 1.4. acts in contraversion of Article 18 paragraph 1 of this Law.

### **Article 35**

1. A fine of between ten thousand (10.000) and fifty thousand (50.000) Euros shall be imposed for a minor offence on the legal entity, whereas a fine of between one thousand (1.000) and ten thousand (10.000) shall be imposed for a minor offence on the responsible person if it:
  - 1.1. acts in contraversion of Article 6 paragraph 1 of this Law;
  - 1.2. acts in contraversion of Article 7 paragraph 1 of this Law;
  - 1.3. acts in contraversion of Article 15 paragraph 2 of this Law;
  - 1.4. acts in contraversion of Article 20 paragraph 1 of this Law;
  - 1.5. acts in contraversion of Article 21 paragraph 1 of this Law;
  - 1.6. acts in contraversion of Article 22 paragraph 1 of this Law.

## **CHAPTER VIII TRANSITIONAL PROVISIONS**

### **Article 36**

#### **Sub-legal acts of the Competent Body**

1. Competent Body within six (6) months from the day of the entry into force of this Law shall issue sub legal acts on:
  - 1.1. authorized list of equipment of the security state institutions based on the requests of executive agencies which further will be treated as classified information;
  - 1.2. minimum training conditions which shall be implemented by all entities that possess ESP;
  - 1.3. stipulation of minimum technical and safety standards of facilities;
  - 1.4. procedures to issue export temporary permits in ESP;
  - 1.5. minimum conditions of storage and management of ESP, to be implemented by all entities that possess ESP;
  - 1.6. procedures for treatment of weapons, ammunition and other equipment, lost or stolen;
  - 1.7. minimum conditions for use of force in ESP, which must be implemented by all entities in possession of ESP;
  - 1.8. minimum conditions of records in ESP and issue of authorization cards which shall be implemented by all entities in possession of ESP.
  - 1.9. shooting polygons approved, which will be used by all entities in possession of ESP;

Law No. 03/L-246 on weapons, ammunition and relevant security equipment for...

- 1.10. level two of repair organized in centralized manner;
- 1.11. the access to the database and the structure of this database;
- 1.12. the criteria for escort, exempt when the transport of ESP is done by authorized state bodies for operational goals;
- 1.13. the procedures to verify the import of end user;
- 1.14. the process of quality control and the accreditation of legal entities;
- 1.15. rules on assessment of compliance and product quality for ESP;
- 1.16. general and special measures comprising the overall security system mentioned under Article 20 of this Law;
- 1.17. security measures of Authorized state institutions of security that shall be responsible for appointment of a responsible person.

### **Article 37**

#### **Sub legal acts of government**

Government within six (6) months from the day of the entry into force of this Law will issue sub legal acts on minimum technical and safety conditions which facilities must meet where the production, repair or trade is conducted and the weapons, ammunition and other equipment are stored.

## **CHAPTER IX FINAL PROVISIONS**

### **Article 38**

#### **Funds of the law**

Collected means pursuant to this Law shall transfer to the Budget of the Republic of Kosovo.

### **Article 39**

#### **Abrogation**

Upon enter into force of this law all legal provisions in non-compliance with this Law shall be nullified.

### **Article 40**

#### **Entry into Force**

The law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-246  
28 October 2010**

**Promulgated by Decree No. DL-073-2010, dated 09.11.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
V / No. 91 / 10 DECEMBER 2010**

**LAW No. 04/L-022  
ON CIVIL USE OF EXPLOSIVES**

**Contents**

Chapter I: General provisions.....	676
Chapter II: Authorities.....	679
Chapter III: Authorized persons.....	682
Chapter IV: Permitted and prohibited items.....	683
Chapter V: Placing on the market in Kosovo.....	685
Chapter VI: Sale of explosives.....	686
Chapter VII: Safety measures.....	689
Chapter VIII: Licenses and permits.....	694
Chapter IX: Amending and revocation of licenses and permits.....	700
Chapter X: Evidencing and record keeping.....	701
Chapter XI: Incidents and accidents.....	703
Chapter XII: Special procedures.....	703
Chapter XIII: Punitive provisions.....	704
Chapter XIV: Transitional and final provisions.....	706

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**THE LAW ON CIVIL USE OF EXPLOSIVES**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

1. This law defines conditions and criteria of production, trade, import, export, transit, transfer, storage, use and destruction of explosives or fireworks, and also the criteria for supervision and application of this law with purpose of protection of people, property and the environment.
2. This law applies to all explosives for civil use and fireworks within the Republic of Kosovo and any activity where the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) and other international agreements apply as are:
  - 2.1. International agreement apply dangerous goods by rail (RID);
  - 2.2. International Civil Aviation Organization (ICAO);



- 2.3. International Maritime Dangerous Goods (IMDG) Code.
3. This law includes authorised explosives, ammonium nitrate and other substances which are not themselves explosive, such as oxidizers and fuels. But this law does not include an explosive substance produced as part of a manufacturing process which thereafter reprocesses it in order to produce a substance or preparation which is not an explosive substance.

## **Article 2**

### **Definitions**

1. Terms used in this law shall have the following meaning:
- 1.1. **Civil use of explosives** - use of explosives by legal entities authorized by the competent body which are also in possession of a blast permit and permit issued by ICMM or the Ministry;
  - 1.2. **Explosives used for commercial purposes** - any explosive, detonator, and/or other chemical or technical device used, or intended to be used, to conduct blast operations in connection with any exploration, mining or quarrying operation in line with applicable Law on Mines and Minerals;
  - 1.3. **Explosive initiators** - all types of capsules, inflammatory and sticks, fuses and also pyrotechnical means which are used during the ignition of explosives, regardless of the manner of activation before mining;
  - 1.4. **Tinder** - explosive which is burnt through means of thermal transmission;
  - 1.5. **Products filled with explosives** – products which contain or are filled with explosives, in which is based their efficiency;
  - 1.6. **Pyrotechnical Products** - any product containing articles or mixture of designed articles which release heat, light, gas, fog or smoke, or their combination, bringing effects through chemical reactions, exothermic, self-consistent reactions for entertainment and other purposes which are called fireworks;
  - 1.7. **Explosive substances** - hard or liquid substances or their mixture, ready for chemical reaction, which release gases, temperatures and pressure and which may destruct the environment;
  - 1.8. **ADR** - European Agreement concerning the International Carriage of Dangerous Goods by Road;
  - 1.9. **RID** - international agreement apply dangerous goods by rail;
  - 1.10. **ICAO** - International Civil Aviation Organization;
  - 1.11. **IMDG** - International Maritime Dangerous Goods Code.
  - 1.12. **IMP** – International Military Presence;
  - 1.13. **Sale** - selling of explosives and fireworks by legal licensed entity for trade and legal entity or natural person permitted to sell fireworks of Cat 2 and 3;
  - 1.14. **Trade** - circulation of explosives in the market of the authorized person;
  - 1.15. **Production** - production, elaboration and modification of explosives;
  - 1.16. **Supplier** - the authorized person who puts the explosives in the market;
  - 1.17. **Use of explosives** - direct treatment or activation of explosives;
  - 1.18. **Use of fireworks** - operating fireworks;
  - 1.19. **Treatment** - packing, loading, dis-loading, transfer and destruction of Explosives;

- 1.20. **Storing** - placing of explosives or fireworks in premises designated for storing explosives where adequate security criteria shall be offered;
- 1.21. **Import** - bringing of explosives or fireworks in the territory of Kosovo;
- 1.22. **Export** - transporting explosives or fireworks out of the territory of Kosovo;
- 1.23. **Transit** - every transport of explosives or fireworks through the Kosovo territory meaning;
- 1.24. **Transfer** - every act of physical move of explosives or fireworks within the Kosovo territory;
- 1.25. **UN number** - identification number and scale of danger of dangerous materials, easy flammable and exploding, enumerated in the table of European Agreement on International Transportation of Dangerous Goods;
- 1.26. **Manufacturing an explosive or fireworks** - taking process for producing an explosive or fireworks; remake recondition of explosive; later the chemical or physical nature of an explosive and break up or sort out explosives;
- 1.27. **UN Hazard Classification** - substances and Articles as which have a:
  - 1.27.1. mass explosion hazard, (division 1.1.);
  - 1.27.2. projection hazard but not a mass explosion hazard (division 1.2.);
  - 1.27.3. fire hazard or a minor blast hazard presenting a minor hazard or both, but not a mass explosion hazard (division 1.3.);
  - 1.27.4. no significant hazard, (division 1.4.);
  - 1.27.5. very insensitive substances which have a mass explosion hazard, (division 1.5.);
  - 1.27.6. extremely insensitive Articles which do not have a mass explosion hazard, (division 1.6.);
- 1.28. **Packing** – any type of closure or fixation and cover that has as intention to make it possible the manipulation, securing and transportation of it, but that exclude:
  - 1.28.1. any envelope, box or integral part of any device;
  - 1.28.2. any type of cradle, casing, container with integral parts, freight container or vehicle.
- 1.29. **Inner packing and outer packing** - inner packing means packing that directly surrounds the explosive except when the packaging is composite part of explosive material and outer packaging that directly surrounds any explosive material and that it's the only packing;
- 1.30. **Ammunition** - a complete device missile, shell, mine, demolition, store, charged with explosives, propellants, pyrotechnics, initiating composition or nuclear, biological or chemical material for use in connection with offence or defense, or training, or non operational purposes, including those parts of weapon systems containing explosives;
- 1.31. **Detonation** - a reaction which moves through the explosive material at supersonic velocity in the reacting material; the rapid conversion of explosives into gaseous products by means of a shock wave passing through the explosive; an exothermic wave which follows, and also maintains, a supersonic shock front in an explosive; decomposition reaction in which the zone of chemical reaction propagates through the initial medium at a supersonic velocity behind the shock front;

- 1.32. **Explosive** - explosives for civil use; initiating means of explosives; Tinder; Products filled with explosive; Pyrotechnical substances and Rough material with explosive character;
- 1.33. **ANFO** - an explosive type gained with mixture of ammonium nitrate and fuel oil;
- 1.34. **Nitromethane**- one of the most effective fuels used in this sort of explosive. ANFO It is by far the most widely used explosive in coal mining, quarrying, metal mining, and civil construction: It also sees service in improvised explosive devices, where it is also known as a fertilizer bomb;
- 1.35. **Ammonium nitrate** - a chemical that has a has a melting point of 170 degrees Celsius and decomposes above 210 degrees Celsius and in case of this law is categorized as a explosive under UN hazard category1;
- 1.36. **Inert** - a munitions that contains no explosive, pyrotechnic, lachrymatory, radioactive, chemical, biological or other toxic substances;
- 1.37. **NEQ** - net explosive quantity also known as net explosive content or net explosive weight of a shipment or particular item of munitions;
- 1.38. **SOP** - Standard Operating Procedures;
- 1.39. **CE marking** - the marking is a mandatory conformance mark on many products placed on the single market in the European Economic Area - EEA;
- 1.40. **Ministry** - the Ministry of Internal Affairs;
- 1.41. **ICMM** - the Independent Commission for Mines and Minerals;
- 1.42. **License** – authorization issued from the competent body of legal entity, by which the holder is authorized to be engaged in a special type of business or other activity in compliance with terms prescribed in the license according to this law;
- 1.43. **Permit** - authorization issued by the competent body to legal entity to exercise a specific operational activity according to this law.

## **CHAPTER II AUTHORITIES**

### **Article 3 Competencies and responsibilities**

- 1. The Ministry issues licenses for: production, import, export, transit, trade, uses, storage destruction, sale and transfer, and leads the administrative procedures for determination of the locations for loading, disloading and destruction of explosives and fireworks outside the building of legal persons.
- 2. The Ministry issues permits for import, export, transit, transfer, use and destruction for explosives and fireworks.
- 3. The Ministry issues permits for retail shops for the sale of fireworks.
- 4. The Ministry is responsible for:
  - 4.1. giving of instructions and consent for use of explosives and fireworks;
  - 4.2. keeping of updated list of explosives and fireworks;
  - 4.3. leading of procedures and issuance of licenses for production of explosives and fireworks, import, export, transit, trade, storage, destruction and use;

## Administrative laws

- 4.4. cooperation for preparation of professional knowledge and standard capabilities of personnel, who are required to be professionally qualified according to this law;
- 4.5. keeping of evidence of data about explosives and fireworks and offering of them to competent bodies;
- 4.6. collection, elaboration, preservation, offering and use of data in accordance with this law;
- 4.7. cooperation with bodies and international organizations in activities interconnected with explosives;
- 4.8. seeking of information regarding the violations of this law by supervisory bodies;
- 4.9. prohibition of production, import, export, transit, trade, storage, destruction and use of explosives or fireworks in contradiction with this law.
5. The Ministry determines in a national list the permitted and prohibited explosives and fireworks by sub-legal act.
6. The Ministry is responsible and assures that the end user possesses the certificate.
7. The Ministry will liaise with ICMM for blasting permits.
8. The Ministry will form a joint inspection team in case of an incident investigation with a mining inspector of ICMM and the Kosovo police.
9. The ministry shall be responsible for verifying the CE marking of products at the time of import.
10. The Ministry will in sub-legal act determine the exemptions to the national list of explosives for the purpose of laboratory analysis, testing, demonstrations, experiments, theatre plays, pharmaceutical products and reloading of small arms ammunition as described in the Law on Weapons.

### **Article 4**

#### **General Inspection authority**

1. Inspection for implementation of this law is conducted by the inspectors of the Responsible Department of the Ministry.
2. Inspector from paragraph 1 of this Article has the power to:
  - 2.1. request documents;
  - 2.2. enter and search premises;
  - 2.3. issue improvement notices;
  - 2.4. caution;
  - 2.5. inform the police;
  - 2.6. assign a time limit for elimination of irregularities and to temporary stop the production, trade, loading, unloading and use of explosives and/or fireworks;
  - 2.7. propose to competent bodies revocation of licenses for production and trade;
  - 2.8. require written clarification regarding the subject of inspection from responsible persons or other persons;
  - 2.9. submit criminal allegation before competent authorities for minor offence or criminal offence;
  - 2.10. taking part in an incident investigation.
3. Content and manner of exam for certification for inspector is determined by the Ministry in a sub-legal act.

## **Article 5**

### **Inspectors' Powers**

1. Powers of the inspector are as follows:
  - 1.1. to enter and search places;
  - 1.2. to enter without users consent;
  - 1.3. to apply for a warrant and issue of warrants;
  - 1.4. to have access to seized items;
  - 1.5. to require name and address;
  - 1.6. to require attendance of persons before an inspector to answer questions;
  - 1.7. to require production of evidence;
  - 1.8. to give direction about contravention;
  - 1.9. to give direction in dangerous situation;
  - 1.10. to prevent injury and damage by taking direct action;
  - 1.11. to examine documentation linked with the explosives or fireworks, to enter, control
  - 1.12. and examine buildings, workplaces in which the explosives or fireworks are produced, stored, traded, transferred used and destroyed;
  - 1.13. to order elimination of irregularities;
  - 1.14. to examine documents which prove professional qualification of personnel;
  - 1.15. to temporarily stop the activities regarding the production, trade, storage and use of explosives or fireworks, if the prescribed criteria by this law are not fulfilled;
  - 1.16. to stop production, trade, storage and use of explosives or fireworks, if are revealed the irregularities of security measures;
  - 1.17. to stop the use of explosives or fireworks, if prescribed criteria by this law are not fulfilled;
  - 1.18. to stop the use of storage facilities which does not fulfill the conditions for storage of explosives or fireworks;
  - 1.19. to stop the production and trade of explosives or fireworks if inappropriate package is used;
  - 1.20. to stop the use of buildings for deposit and buildings for load and unload if criteria prescribed by this law are not fulfilled;
  - 1.21. to order other necessary measures for protection of people, property and environment.
2. Additionally to paragraph 1 of this Article inspector has the following powers:
  - 2.1. to examine, test, measure, photograph or film anything related to the explosives or fireworks on the location or;
  - 2.2. to take samples at the location;
  - 2.3. to remove an explosive or fireworks or an ingredient of an explosive or fireworks for examination or testing;
  - 2.4. to copy a document;
  - 2.5. to take into or onto the location any person, equipment and materials the inspector reasonably requires for exercising a power under this part.
3. The powers of an inspector may be limited:
  - 3.1. under the condition of a specific appointment;

- 3.2. by written notice given by the Ministry to the inspector;
- 3.3. by a written notice given by the chief inspector to the inspector.
- 4. Appeal against any measure from this Article does not stop its execution.
- 5. For use, destruction and storage of explosives for the underground needs, the inspection shall be done by the inspector of mines and minerals based on the authorization that this person needs according to the Law on Mines and Minerals.

### **Article 6**

#### **Appointing Inspectors**

- 1. Ministry appoints persons that have suitable qualifications as thought necessary for carrying into effect the relevant statutory provisions within its field of responsibility and having past the inspector exam.
- 2. Appointment of inspectors under paragraph 1. of this Article shall be made by a decision specifying which authorizations conferred on inspectors by the relevant provisions are to be exercisable by the person appointed.
- 3. The appointed inspectors will be issued an official identification badge.
- 4. The procedure for appointing inspectors and other details will be described by sub legal act issued by the Ministry.

### **Article 7**

#### **Kosovo Police Supervision**

- 1. Kosovo Police performs supervision of the validity of the documentation concerning trade, import, export, transit, transfer, storage and use of explosives or fireworks during transport and at the border crossings.
- 2. The Kosovo Police will escort every import, export, transit or transfers of explosives or fireworks from begin to end destination in close cooperation with the responsible department of the Ministry.
- 3. Request and escort procedures of explosives or fireworks as well as their execution together with the escort costs will be determined with sub legal act from the Ministry.

## **CHAPTER III**

### **AUTHORIZED PERSONS**

### **Article 8**

#### **General Criteria**

- 1. Only Authorised and qualified persons can use, and store explosives or fireworks for licensed legal entities.
- 2. Authorised person from paragraph 1. of this Article, shall fulfil the following criteria:
  - 2.1. to be at least twenty one (21) years of age;
  - 2.2. to possess with psycho-physical abilities;
  - 2.3. to have relevant experience and expertise;

- 2.4. not to be criminally prosecuted;
- 2.5. not to be evidenced as user of narcotic and psychotropic substances;
- 2.6. to be professionally qualified.
3. Ministry in corporation with ministry of Health issues a sub-legal act where it determines the conditions and criteria for verifying psycho-physical state and procedures for issuing certificate.
4. The Ministry issue two types of qualification certificates upon request of an applicant.
  - 4.1. an qualification certificate certifies to the licensee that a person is qualified for:
    - 4.1.1. transporting explosives or fireworks;
    - 4.1.2. to store and keep explosives or fireworks.
5. The Ministry shall issue an qualification certificate to an applicant if:
  - 5.1. applicant has valid working contract;
  - 5.2. the applicant fulfil the requirements, of paragraph 2. of this Article;
  - 5.3. where the applicant is a business corporate of which the responsible person, secretary of the corporate or another partner in the business entity is not a prohibited person meaning a person who is legally authorised to possess or use explosives or fireworks.

## **Article 9**

### **Duties of the authorised persons**

1. Authorised persons, within their competencies and prescribed responsibilities ensure production, trade, use, management, storage and safe destruction of explosives or fireworks in accordance with this law.
2. Trade and use of explosives or fireworks is permitted only to professionally qualified persons. The qualification is proved by a certificate of qualification.
3. Authorised persons must supply information or a document to prove their identity and are required to display an adequate knowledge of safety practices for the use and handling of explosive or fireworks.
4. Education, criteria for professional qualification, programs of professional training and professional certification are prescribed in sub-legal legal acts by the ministry.

## **CHAPTER IV**

### **PERMITTED AND PROHIBITED ITEMS**

## **Article 10**

### **Permitted and Prohibited Explosives or Fireworks**

1. Explosive materials in the sense of this law are:
  - 1.1. commercial explosives;
  - 1.2. explosive initiating means;
  - 1.3. tinder;
  - 1.4. products filled with explosive;
  - 1.5. pyrotechnical substances;

- 1.6. rough material with explosive character.
2. Explosives will be permitted following an assessment to determine whether it is assigned to, or excluded from, Class 1 of the UN classification scheme for the transport of dangerous goods, and given United Nations Serial Number, hazard code and compatibility group.
3. Responsible Department of the Ministry will declare an explosive to be a permitted explosive for this law.
4. If the composition or quality of a permitted explosive changes, the explosive will not be a permitted explosive.
5. Responsible Department of the Ministry will determine in a national list the permitted explosives and its categorization.
6. Responsible Department of the Ministry will determine in a separate list the permitted fireworks and its categorization.
7. Subject to paragraph 6. of this Article no pyrotechnics which consist of sulphur, phosphorus mixed with chlorate of potassium, other chlorates or which contains any such mixture shall be permitted.
8. In order to request permission of an explosive or a firework which is not on the national list of explosives or fireworks, the applicant will file a request to the Ministry.
9. Request from paragraph 8. of this Article shall fulfil the requirements of Article 13 paragraph 2. and 3. of this law and shall contain the following:
  - 9.1. NEQ - netto explosive quantity of a single item;
  - 9.2. UN hazard class;
  - 9.3. composition of explosive or fireworks;
  - 9.4. character of explosive or fireworks.
10. UN Hazards Classification and compatibility groups will be provided in a sub legal act by the Ministry.

### **Article 11** **Exemptions**

1. Exceptions from this law are related to:
  - 1.1. permitted activities involving explosives implemented by KSF, KP, Kosovo Custom and NGOs authorized for mine-clearing in accordance with the laws in force;
  - 1.2. any explosive nuclear and biological device;
  - 1.3. explosives used for airbag inflators.
2. The manufacture of explosives for the purpose of laboratory analysis, testing, demonstrations or experimentations but not for practical use or sale where the total quantity of explosives being manufactured at any time does not exceed one hundred (100) grams.
3. According to paragraph 1. of this Article the acquisition or retention of explosives for which an explosive certificate is required in accordance with this law, shall not be permitted.
4. The making or unmaking of small arms ammunition, or the preparation of cartridges for use with firearms which are to be used at historical re-enactment



events, where the total quantity of primer and propellant used at any one time does not exceed two (2) kilograms and, for these purposes, the quantity of propellant used includes propellant removed from cartridges.

5. The preparation, assembly and fusing of firework displays at the place of intended use fireworks in quantities of no more than ten (10) kilograms at a time, at a site in relation to which a person holds license or registration for the storage of explosives, for the purpose of a firework display to be put on by that person.
6. The preparation, assembly and fusing of explosives commissioned for use in theatrical, television, or cinematic special effects.
7. The reprocessing of an explosive to form a pharmaceutical product which is not in itself an explosive.
8. The permit for use of explosives prescribed in this law and issued by the Ministry does not include the blast permit for use in mines and quarries in accordance with the Law on Mines and Minerals which is the responsibility of ICMM.

## **Article 12**

### **Ammonium Nitrate**

1. The risk of fire or explosion is greatly increased if ammonium nitrate is mixed with combustible or incompatible materials, such as powdered metals, alkali metals, urea, chromium or copper salts, organic and carbonaceous materials, sulphur, nitrites, alkalis, acids, chlorates and reducing agents.
2. The Ministry will prepare guidance on storage of ammonium nitrate and other type of fertilizers that contain nitrogen.
3. The Ministry with a sub-legal act determines minimize the risk of explosion; however they can also reduce the risks associated with oxidizing properties and the release of toxic gasses in a fire.
4. Fertilizers that contain 28% or less nitrogen do not normally present an explosion hazard and therefore, to identify the precautions required, ammonium nitrate based fertilizers can be divided into two groups:
  - 4.1. fertilizers that contain more than 28% nitrogen. Most of these are straight ammonium nitrate types, although they include a small number of compound fertilizers;
  - 4.2. fertilizers that contain 28% or less nitrogen. Compound fertilizers form the major proportion of this group. The straight nitrogen types are usually a mixture of ammonium nitrate with limestone or similar inert materials.

## **CHAPTER V**

### **PLACING ON THE MARKET IN KOSOVO**

## **Article 13**

### **General conditions**

1. Responsible person of the legal entity shall supply any person with explosives or fireworks with a purpose of their distribution, use or import, except for re-export, from outside the Republic of Kosovo, if:

- 1.1. the explosives or fireworks satisfy the essential safety requirements that apply to those explosives or fireworks conform to this law;
  - 1.2. the explosives or fireworks should be in conformity with the national list;
  - 1.3. the CE marking shall be affixed to the explosives or fireworks in accordance with relevant regulations;
  - 1.4. besides the CE marking the package for explosives or fireworks has been foreseen with the following markings:
    - 1.4.1. UN hazard classification;
    - 1.4.2. name and address of the Manufacturer;
    - 1.4.3. country of production;
    - 1.4.4. year of production;
    - 1.4.5. name and type of the Article.
  - 1.5. Besides the CE mark fireworks will be labelled with the following markings:
    - 1.5.1. name and address of the manufacturer;
    - 1.5.2. country of production;
    - 1.5.3. year of production;
    - 1.5.4. name and type of the Article;
    - 1.5.5. minimum age limit of persons that are permitted to purchase;
    - 1.5.6. minimum safety distance;
    - 1.5.7. safety advice, if any.
  - 1.6. Instructions of the explosive or fireworks shall be produced on the official languages of the Republic of Kosovo.
2. The explosive or fireworks may be put in the market and in use, after the producer or supplier have issued with the permit before hand and with the instructions for use and secure destruction, by the Ministry.
  3. Producer or supplier should hand over a document on adaptability to the competent body according to the EU Directive, for placing the explosives and fireworks in market.
  4. The Ministry with sub-legal act describes the procedures and the forms for placing explosives or fireworks in the market as well as the requirements for CE marking and marking of packages.

## **CHAPTER VI SALE OF EXPLOSIVES**

### **Article 14 Sale of permitted explosives**

1. During sale of permitted explosives all requirements for transfer and permits will be applicable in accordance with this law.
2. A licensed legal entity can sell an explosive if the licensee holds a license or permit for sale in explosives.
3. Ministry may take samples of explosives in the market in order to perform examinations in appointed and non-appointed period of times to conclude their adaptability.

4. Ministry may take samples of explosives to assess their adaptability with the prescribed technical criteria.
5. In case that further use of an explosive represent risk for life of people and environment, the Ministry temporarily may prohibit the sale of explosives until the assessment on adaptability is done.
6. If taken samples are not in accordance with the prescribed technical criteria, the Ministry shall prohibit sale of such explosives.
7. The producer or supplier shall cover expenses of examination.
8. Documents and foreign adaptability marks will be valid in the Republic of Kosovo, after they have been confirmed by the explosive inspectorate of the Ministry according to Kosovo's technical criteria for explosives. The explosive inspectorate can during this process if necessary be supported by the Kosovo Police Forensic Laboratory.
9. Ministry by sub-legal act determines the technical criteria for explosives and procedures of assessment of adaptability enlisted in paragraph 4. to 8. of this Article, and also procedure and criteria for admission of foreign documents on adaptability.

## **Article 15**

### **Sale of fireworks**

1. Fireworks are sold only by authorised and licensed person's entities for trade or retail in fireworks.
2. Fireworks shall be categorized by the manufacturer according to their type of use, or their purpose and level of hazard, including their noise level as follows:
  - 2.1. fireworks of category 1 which present a very low hazard and negligible noise level and which are intended for use in confined areas, including fireworks which are intended for use inside domestic buildings;
  - 2.2. fireworks of category 2 which present a low hazard and low noise level and which are intended for outdoor use in confined areas;
  - 2.3. fireworks of category 3 which present a medium hazard, which are intended for outdoor use in large open areas and whose noise level is not harmful to human health;
  - 2.4. fireworks of category 4 which present a high hazard, which are intended for use only by persons with specialist knowledge commonly known as fireworks for professional use and whose noise level is not harmful to human health.
3. Theatrical pyrotechnic Articles divided as follows:
  - 3.1. pyrotechnic Articles for stage use which present a low hazard category T1;
  - 3.2. pyrotechnic Articles for stage use which are intended for use only by persons with specialist knowledge category T2.
4. Other pyrotechnic Articles divided as follows:
  - 4.1. pyrotechnic Articles other than fireworks and theatrical pyrotechnic Articles which present a low hazard of category P1;
  - 4.2. pyrotechnic Articles other than fireworks and theatrical pyrotechnic Articles which are intended for handling or use only by persons with specialist knowledge category P2.

5. Fireworks are produced in different types but are mainly belonging to one of the following types:
  - 5.1. F1 Cake is a firework that is constructed from many cardboard tubes glued together. Each tube normally contains a single shot, and these are all connected by an internal fuse. Once the cake is lit, the fuse burns from tube to tube, igniting each shot in turn. Thus, a 16 shot cake will have 16 tubes etc. Cakes are designed to be set up on the ground. They remain on the ground but each shot is blown out of the tube and into the air above.
  - 5.2. F2 Candle is the traditional name for a firework that has been around for centuries. In its simplest form, it's just a card tube with a shell sitting inside it. The fuse runs into the tube and ignites a lifting charge, popping the shell out of the open top and into the air, where it then explodes with its effect. The candle itself remains on the ground.
  - 5.3. F3 Rocket comprise of three main sections. The head, normally made of card or plastic, contains the effect itself. This is mounted on top of a cylindrical "motor", which the fuse ignites. The motor contains solid fuel propellant and can accelerate the rocket to several hundred miles an hour in some cases. When the motor has burned through, a reverse charge explodes into the head, igniting the payload. These components are mounted on a long stick, normally made of wood or dowel. The stick is inserted into a launch tube which is normally a piece of plastic piping or conduit.
  - 5.4. F4 Fountains resembles a volcano in shape. All fountains create a column of sparks from ground level and except for crackling versions, are quiet in operation and giving just a sound "roar".
  - 5.5. F5 Mine is the most powerful firework you can buy because the whole contents explode at once. Whereas the contents of a cake, candle or other firework go off "bit by bit", in a mine the whole lot is packed loosely in a single card tube. The fuse ignites this and the explosion shoots out of the end of the tube, into the air and occur from ground level.
  - 5.6. F6 Wheel is a card or plastic disc with a number of rocket-like thrusters or fountains mounted around the circumference. Each one burns to provide both sparks, and thrust, spinning the wheel around. The fast motion of many wheels adds to the effect.
  - 5.7. F7 Sib (A single ignition box) is essentially just a very large cake but with a wider variety of effects. The outer tubes in some are also angled slightly, so the box provides coverage to the left and right of the display area too.
  - 5.8. F8 others include sparklers, lance work, waterfalls and pigeons.
  - 5.9. Low explosives are compounds where the rate of decomposition proceeds through the material at less than the speed of sound.
  - 5.10. Gunpowder, also called black powder, is a mixture of sulfur, charcoal, and potassium nitrate. It burns rapidly, producing volumes of hot solids and gases which can be used as a propellant in firearms and as a pyrotechnic composition in fireworks. Gunpowder for the use of firearms will be exempted from this law and will be regulated according to the law on weapons.
6. Fireworks of Category 1, 2 and 3 of paragraph 2 of this Article, can be sold to persons from the age as following:

- 6.1. category 1: twelve (12) years;
- 6.2. category 2: sixteen (16) Years;
- 6.3. category 3: eighteen (18) Years;
- 6.4. category T1 and P1: eighteen (18) years.
7. Fireworks Category 4 from paragraph 2 of this Article of category T2 paragraph 3. and P2 paragraph 4. of this Article can only be sold by licensed and authorized persons.
8. Fireworks suppliers must keep evidence of every transaction over fifty (50) Kg for a minimum of three (3) years.

## **CHAPTER VII SAFETY MEASURES**

### **Article 16 General conditions**

1. According to the provisions of this law, all measures for protection of human health and life, property and environment should be applied, when the explosive or fireworks is used.
2. Licensee who is involved in the activity of production, trade, use, storage and destruction of explosives or fireworks, should guarantee the security of persons and property and should undertake all measures as foreseen in compliance with Article 28 of this law.
3. Measures from paragraph 2 of this Article are defined in respective documentation foreseen in Article 40 of this law.
4. Licensee prepare an emergency plan of measures for cases of accidents or other emergent cases such as: explosion, fire and breach.
5. The plans shall contain relevant contact information of local emergency response agencies.
6. Licensee informs all persons involved in any kind of activity with explosives about the security measures submitted in its general documents, and in its plan of measures, and to ensure to them training to deal with accidents and other emergent acts.
7. Training must occur every six (6) months for all employees or persons involved in working with explosives.
8. Buildings planned for production, trade and storage of explosives should be physically and technically secure and should be outside of urban zones with exemption of allowed storages for retail shops for sale of fireworks. Building spacing requirements should be defined and submitted to the ministry for approval and to ensure the proper spacing for the explosives storage.
9. Each licensee involved in the activity of use of explosives in any way, organizes and supervises the execution of measures and conditions described by this law.
10. Each licensee who is involved in the activity of production, trade and use of explosives, is obliged to inform immediately the nearest police station for type and quantity of any lost or stolen explosive.
11. Any licensee who manufactures or stores explosives must take reasonable

- precautions and use reasonable care to avoid endangering any person's safety, health or property.
12. Every licensee who stores explosives at a site shall ensure that the separation distance prescribed is maintained between a store and a building or other place not within that site to which that Schedule applies.
  13. Ministry with sub-legal act will determine the criteria for the explosive storage distances and security criteria for storage and placement of explosives.
  14. Every licensee shall ensure that access of unauthorised persons to explosives is prohibited.

### **Article 17** **Protection from Fire**

1. Any licensee that manufactures or is responsible for the storage of explosive materials shall establish and maintain documented fire prevention policies and SOP's. should include the following:
  - 1.1. no smoking within twenty (20) m of the magazine. NO SMOKING / NO NAKED LIGHTS signs shall be prominently displayed around the storage;
  - 1.2. grass shall be cut down and kept short in the area around the storage;
  - 1.3. flame or spark producing equipment shall not be used within twenty (20) m of storage. Where such equipment is required to carry out repairs to the storage, all explosives shall be removed;
  - 1.4. paints, oils, petrol or any other flammable materials shall be prohibited to be stored with explosives. Authorized cleaning materials may be used in the magazine for maintenance but are to be removed when not in use;
  - 1.5. empty containers of any type are not to be stored with explosives;
  - 1.6. a minimum of two water fire extinguishers shall be in a prominent position outside each explosives store;
  - 1.7. all fire fighting equipment is to be maintained in a fully serviceable condition;
  - 1.8. lightning protection should be used in accordance to EU standard EN 62305;
  - 1.9. a board listing Articles that are not permitted into the storage shall be prominently displayed at the entrance to the storage. Details of the prohibited Articles are as follows:
    - 1.9.1. lanterns, oil lamps, and stoves and all flame or fire producing supplies;
    - 1.9.2. cigarette lighters, or other portable means of producing a spark or flame;
    - 1.9.3. smoking;
    - 1.9.4. inflammable liquids and solvents other than those authorized for maintenance work on containers or contained in the tank of a vehicle;
    - 1.9.5. food and drink;
    - 1.9.6. radio equipment of all types including mobile phones;
    - 1.9.7. firearms with the exception of those carried by guards;

- 1.9.8. medicines other than those forming part of a first aid kit;
- 1.9.9. ammunition not allowed to be stored;
- 1.9.10. any unprotected power source.

### **Article 18**

#### **Protection from Explosive Explosion**

1. Any licensee in control of or working at an explosives site must take necessary precautions and use reasonable care to prevent an explosions incident at the site.
2. The licensee ensures a notice warning persons at the factory of their liability to penalties for an offence always conspicuously displayed so anyone entering the site can easily see and read it.

### **Article 19**

#### **Storage**

1. Storage places for explosives and retail shops will be licensed by the Ministry.
2. Legal entity shall fulfil the requirements from Article 16 of this law.
3. Any person who stores explosives, including any handling, on-site transport and testing of an explosive which is associated with that storage, shall take all appropriate measures:
  - 3.1. to prevent an unplanned fire or explosion;
  - 3.2. to limit the extent of fire or explosion including measures to prevent the spreading of fires and the communication of explosions from one location to another
  - 3.3. to protect persons from the effects of fire or explosion.
4. Legal persons should inform all persons involved in any kind of activity with explosives about the security measures submitted in its general documents, and in its plan of measures, and to ensure to them training to deal with accidents and other emergent acts.
5. Every person who stores explosives at a site shall ensure that the external or internal separation distance is maintained between explosives and a store and a building or other place not within that site. Explosives spacing and distance requirements for storage will be determined by the Ministry with sub-legal act according to Article 28 of this law.
6. Buildings for production and storage shall be built and equipped that way so to ensure the protection of people, property and environment.
7. Explosives are stored in the static or mobile objects dedicated for storage.
8. Buildings for production and storage shall be secure against unauthorised access.
9. The Ministry with sub-legal act shall determine criteria for buildings for production and storage and criteria for locations for loading and unloading of explosives or fireworks.
10. Retail shops of fireworks shall also fulfil special technical and security criteria, which are determined in the Law on Fire Prevention.

## **Article 20**

### **Storage design**

All occupiers of premises storing explosives or fireworks are to take due precautions to prevent access to the explosives or fireworks by any unauthorised persons.

## **Article 21**

### **Explosion Danger Areas and Separation Distances - Safety**

Separation Distance shall be based on the storage construction, hazard classification and quantity storage. Separation distances and spacing requirements for storage are annotated in the safety guidance explosives or safety guidance fireworks.

## **Article 22**

### **Unauthorised Access**

1. Buildings for production and storage shall be secure against unauthorized access.
2. No person shall without the permission of the licensee, enter:
  - 2.1. any storage, in or at a site;
  - 2.2. any building used for the manufacture of explosives or fireworks in or at a site;
  - 2.3. any site with clearly marked boundaries at which explosives or fireworks are stored or manufactured.
3. A person in which possession of firearm must not enter a storage.
4. Paragraph 2 of this Article shall not apply to explosives that are under the control of the ministry.
5. Authorisation can be given only to the Ministry inspectors for explosives.

## **Article 23**

If a person enters unlawfully or carries a firearm in a licensed location for explosives or fireworks, an inspector, a security provider or the licensee must immediately inform the police.

## **Article 24**

### **Handling and use of general explosives**

1. Before an employer allows an employee to handle or use explosives, the employer must ensure, the person is an appropriate person.
2. A person who is doing an act involving explosives or firework must take reasonable precautions and use reasonable care to avoid endangering any person's safety, health or property.
3. Legal persons may use explosives only in locations and for purposes assigned in the license for use of explosives.
4. Use of explosives in any location shall be conducted only with the permission from the Ministry. Measures implemented by the Ministry shall be regulated with sub-legal act.



5. Exceptionally from paragraph 3. of this Article, in special cases the Ministry may decide otherwise.
6. Explosives or fireworks may be destroyed only in the locations where it is permitted and the NEQ of explosives does not exceed fifty (50) kg, or the amount determined in accordance with the instructions of producer.
7. Explosives or fireworks are destroyed only by personnel professionally qualified, after obtaining of consent by the Ministry.
8. Un-used explosives that were brought to the location where the blast takes place from the storage room will not be brought back to the storage room but destroyed in the authorised location blast.
9. Locations for loading and unloading of explosives outside of the objects of producer or supplier are determined by the Ministry in agreement with municipality.
10. Legal entity shall fulfil the requirements from Article 16 paragraphs 1. to 10. of this law.
11. Failure to comply with this section may be ground for suspending or cancelling an authority holder's authority.

## **Article 25**

### **Handling and use**

A person shall not prepare an explosive or fireworks for use, handle or use an explosive or firework, other than in the way prescribed under this law.

## **Article 26**

### **Transport of Explosives - Safety**

Explosives shall be transported only in accordance with agreements in paragraph 2. of Article 1 of this law.

## **Article 27**

### **Disposal and Destruction**

1. Any person who disposes of explosives or fireworks or decontaminates explosive-contaminated items shall ensure, so far as is reasonably practicable, that they are disposed of or decontaminated safely.
2. The use of one of four methods, burning, detonation, dissolving or diluting by a solvent or chemical destruction will depend on the nature of the explosive and its hazards, and the type and position of the disposal site. Burial and dumping at sea are not suitable methods of disposing of explosives or fireworks.

## **Article 28**

### **Additional Safety Requirements**

1. The Ministry will in a sub-legal act determine the following safety measures and will further be called Safety guidance explosives SFE respectively Safety Guidance Fireworks SFF.

- 1.1. Safety Guidance for Explosives contains safety for:
  - 1.1.1. fire prevention;
  - 1.1.2. explosion prevention;
  - 1.1.3. safety manufacture;
  - 1.1.4. safety explosion danger areas and separation distances;
  - 1.1.5. access to explosives;
  - 1.1.6. removal of trespassers;
  - 1.1.7. handling and use of explosives;
  - 1.1.8. transport of explosives;
  - 1.1.9. disposal and destruction.
- 1.2. Safety Guidance Fireworks contains safety for:
  - 1.2.1. fire prevention;
  - 1.2.2. safety explosion prevention;
  - 1.2.3. safety Manufacture;
  - 1.2.4. explosion danger areas and separation distances;
  - 1.2.5. access to fireworks;
  - 1.2.6. removal of trespassers;
  - 1.2.7. handling and use of fireworks;
  - 1.2.8. transport of fireworks;
  - 1.2.9. disposal and destruction.

## **CHAPTER VIII LICENSES AND PERMITS**

### **Article 29 General specifications**

1. A general license is issued by the Ministry upon request of the applicant.
2. The general license is issued to legal entities applicants in the following fields:
  - 2.1. license for manufacturing of explosives and fireworks;
  - 2.2. license for import, export, transit and transfer of explosives and fireworks;
  - 2.3. license for use of explosives and fireworks.
3. The following permits can be issued to legal entities that apply for:
  - 3.1. permit for import, export, transit or transfer of explosives and fireworks;
  - 3.2. permit for retail shop to sell explosives;
  - 3.3. permit for storage;
  - 3.4. permit for destruction;
  - 3.5. permit for manufacturing;
  - 3.6. permit for firework display;
  - 3.7. permit for production building;
  - 3.8. permit for use.(blast permit)
4. General criteria for request for a applicant legal entity for the licenses of paragraph 1. of this Article are.
5. Request from paragraph 1 of this Article shall have attached the following documents:
  - 5.1. business certificate;

- 5.2. court certificate that the legal entity is not forbidden or terminated by final court decision of the competent court;
- 5.3. bank warranty for five (5) years of ten thousand (10.000) €.
6. The Ministry will reply within thirty (30) days on the request for license.
7. The Ministry will reply within fifteen (15) days for the request for permit.
8. Appeal is applicable in line with the law on administrative procedure and other relevant laws.
9. Licenses are valid for a period of five (5) years.

### **Article 30**

#### **Foreign legal entities**

Legal entities from foreign countries, are eligible to apply for licence in the Republic of Kosovo, on condition that they meet the same criteria as national applicants in accordance with this Law and other relevant laws in force.

### **Article 31**

#### **License and permit for manufacturing**

1. Legal person may start manufacturing of explosives or fireworks, after it is issued a licence and permit for manufacturing of explosives or fireworks by the Ministry.
2. Licence for manufacturing of explosives or fireworks is valid five (5) years from the date of issuance, be in limited timeframe and be subjected to other limitations in order to ensure protection of health and life of people, protection of property and environment.
3. To the request for licence for manufacturing of explosives or fireworks as described in paragraph 1 of this Article shall be attached:
  - 3.1. data about the type of explosives or fireworks which are planned to be manufactured;
  - 3.2. data about the process and technology of the manufacture;
  - 3.3. certificate of authorised or qualified persons;
4. Before beginning the manufacturing of an individual product i.e. explosive or fireworks, the license legal entity for manufacture shall request a permit for manufacture of explosives or fireworks.
5. The request from paragraph 4. of this Article shall contain the following:
  - 5.1. copy of license for manufacture;
  - 5.2. permit for safe storage;
  - 5.3. permit for buildings where the explosives are produced;
  - 5.4. emergency plan;
  - 5.5. safety plan location.
6. In the frame of issued manufacture licence, produced explosive is subjected to testing after six (6) months in the first year and continues for every twelve (12) months.
7. Criteria from paragraph 1. and 4. of this Article shall not apply to:
  - 7.1. the manufacture of explosives for the purpose of laboratory analysis, testing, demonstration or experiment where the total quantity of explosives being manufactured at any time does not exceed one hundred (100) grams;

- 7.2. the making or unmaking of small arms ammunition or the preparation of cartridges for use with firearms which are to be used at historical re-enactment events, where the total quantity of primer and propellant used at any one time does not exceed two (2) kilograms and for these purposes, the quantity of propellant used includes propellant removed from cartridges;
  - 7.3. the preparation of shot firings charges in connection with their use;
  - 7.4. the preparation, assembly, disassembly and fusing of firework displays at the place of intended use;
  - 7.5. the preparation, assembly and fusing of fireworks, in quantities of no more than ten (10) kilograms at a time, at a site in relation to which a legal entity holds a licence for the storage of explosives for the purpose of a firework display to be put on by the responsible person of legal entity;
  - 7.6. the preparation, assembly and fusing of explosives commissioned for use in theatrical, television or cinematic effects;
  - 7.7. the reprocessing of an explosive to form a pharmaceutical product which is not in itself an explosive;
  - 7.8. the mixing for immediate use of ammonium nitrate with fuel oil or ammonium nitrate blasting intermediate with another substance at a mine or quarry to produce an explosive which is not cap-sensitive;
  - 7.9. the use of desensitised explosives in the manufacture of products which are not in themselves explosives;
  - 7.10. the manufacture of explosives by a company which is a wholly-owned subsidiary of another company at a site in relation to which that other company holds licence to manufacture explosives and that manufacture by the wholly-owned subsidiary is in accordance with the conditions of that licence.
8. Permit for manufacture of explosives and fireworks is valid for twelve (12) months.

**Article 32**  
**License and permit for import, export, transit and transfer**  
**of explosives or fireworks**

1. Explosives or fireworks shall be placed on the market if they fulfil the requirements from Article 13 paragraph 2. of this law.
2. Besides the requirements of Article 13 paragraph 1. and 2. of this law for placing in the market explosives and fireworks the following criteria shall be fulfilled:
  - 2.1. CE marking shall be affixed to the explosives and the package:
    - 2.1.1. of durable nature such that it will remain visible, easily legible and indelible during normal transport or storage;
    - 2.1.2. is affixed either to the explosives themselves or where that is not practicable to an identification plate which is attached to the explosives and which is so designed as to make its reuse impossible;
    - 2.1.3. where neither of the above is practicable to the packaging of the explosives; and
3. To the request for licence for import, export, transit or transfer of explosives or fireworks shall be attached the following:

- 3.1. business certificate;
- 3.2. ADR certificate.
4. Before importing, exporting, transit or transfer of an individual product i.e. explosive or fireworks, the licensed legal entity for import, export, transit or transfer shall request a permit for import, export, transit or transfer of explosives or fireworks.
5. The request from paragraph 3. of this Article shall contain the following:
  - 5.1. name and address of legal person and responsible person;
  - 5.2. name of explosive and identification number of UN;
  - 5.3. name and address of producer;
  - 5.4. name and address of supplier or deliverer of explosive and name and address of buyer or receiver of the explosive;
  - 5.5. name and address of the driver of vehicle, type of vehicle and number plates of vehicle;
  - 5.6. quantity of explosives;
  - 5.7. table of security data;
  - 5.8. identification information of explosives or fireworks;
  - 5.9. date and time of import, export and transit;
  - 5.10. time and place of expected stopping;
  - 5.11. entry and exit border crossing if applicable and route of transport;
  - 5.12. purpose of transfer if applicable.
6. The request from paragraph 5. of this Article shall contain the following documents:
  - 6.1. copy of license for import, export, transit or transfer;
  - 6.2. licence of import or transit of the countries to which the explosives are exported or through which the transit of explosives;
  - 6.3. end user certificate.
7. Proof of adequate conditions for transport in accordance with international norms will be requested.
8. Ministry determines special security measures for import, export or transit through territory Republic of Kosovo.
9. Responsible persons of legal entity who transport explosives or fireworks are obliged to be in possession of the permit for Import, Export, Transit or transfer and to present it to the Kosovo Police upon request.
10. Export of explosives will be supervised by the Ministry in accordance with relevant laws in force.
11. Permit for export, import, transit or transfer is valid for the period of thirty (30) days for negotiation and contracting and is useable for one day only and that is the day of transporting the item.
12. In case of risk for public safety, and in order to prevent illegal use of explosives, the Ministry may limit or prohibit the import, export, transit or transfer of explosives.
13. Ministry may also temporarily limit or prohibit transfer of explosives or fireworks in the entire territory or in a part of territory of Kosovo, with purpose of protection of public safety.

### **Article 33**

#### **License and permit for use of explosives and fireworks**

1. Legal person may use explosives or fireworks, if it is issued a licence for use of explosives or fireworks by the Ministry.
2. Licence for use of explosives or fireworks is valid five (5) years from the date of issuance, be in limited timeframe and be subjected to other limitations in order to ensure protection of health and life of people, protection of property and environment.
3. To the request for licence for use of explosives or fireworks will be attached the following documents:
  - 3.1. data about the type of explosives or fireworks which are planned to be used;
  - 3.2. data about the process and technology of the use;
  - 3.3. certificate of authorised or qualified persons.
4. Before using of an individual product i.e. explosive or fireworks, the license legal entity for manufacture shall request a permit for use of explosives and Cat 4 or T2.
5. The request from paragraph 4 of this Article shall contain the following:
  - 5.1. copy of permit for safe storage;
  - 5.2. emergency plan;
  - 5.3. safety plan location.
6. Permit for use of explosives is valid for a limited period of time (time needed for the process).
7. A permit for firework display Cat 2 and 3 may be issued to a natural person by the local police station upon request.
8. The request from paragraph 7. of this Article shall contain the site location map
9. The local police will decide on the request within eight (8) days.
10. A permit for firework display Cat 4, T1 and T2 may be issued to a licensed legal entity by the Ministry upon Request.
11. The request from paragraph 10. of this Article must contain site location map.
12. The Ministry will decide on the request within eight (8) days.
13. Permit is valid for one day or the number of days approved by the Ministry.
14. The Ministry has the right by public announcement to prohibit the use and sale of fireworks for Cat 2, 3 and 4 when necessary during dry climate periods and the risk for fire is too high.

### **Article 34**

#### **Permit for sale of explosives or fireworks**

1. A permit for sale of explosives or fireworks can be issued by the Ministry upon request:
  - 1.1. for sale of explosives for legal entities and between legal entities only in special occasions;
  - 1.2. for sale of fireworks for retail shops.
2. The request from paragraph 1. of this Article shall contain the following:
  - 2.1. copy of business certificate;
  - 2.2. court certificate that the legal entity is not forbidden or terminated by final court decision of the competent court;

- 2.3. copy of permit for storage;
- 2.4. copy of certificate of the qualified person according to Article 8 of this law;
- 2.5. emergency plan;
- 2.6. safety Plan Location.
3. The Ministry will decide within maximum thirty (30) days regarding the permit for sale of explosives or fireworks.
4. The right to appeal is applicable in accordance with the Law on Administrative Procedures.
5. The permit for sale of explosives is valid for five (5) years.

### **Article 35** **Permit for storage**

1. Legal entity shall store explosives or fireworks only if she/he holds a permit for a safe storage and complies with the conditions of that permit.
2. Exemptions of paragraph 1. of this Article are:
  - 2.1. black powder not more than five (5) kg, conventional black powder;
  - 2.2. fireworks Cat 2 and 3 not more than one (1) kg.
3. The permit can be issued to a legal entity applicant based upon request.
4. The request from paragraph 3. of this Article shall contain the following:
  - 4.1. a copy of the relevant permit for trade, production or use of explosives or fireworks;
  - 4.2. project plan in accordance with Article 19, 20 and 21 of this law;
  - 4.3. extract out of cadastre plan of local municipality (1:25.000);
  - 4.4. detailed sketch of the storage place in 1:1000;
  - 4.5. proposed type of explosives UN Hazard group and NEQ;
  - 4.6. risk assessment.
5. The Ministry will decide with thirty (30) days on the request.
6. The permit for storage is valid for five (5) years.

### **Article 36** **Permit for destruction**

1. Destruction shall be in accordance to the procedures described in Article 24 and 27 of this law.
2. A permit for destruction is not applicable for the procedures implemented on a determined licensed blast location where left over of explosives are destroyed after they have left the storage.
3. A permit for destruction may be granted to a licensed legal entity for manufacturer or use or a legal entity permitted for trade upon request.
4. The request from paragraph 3. of this Article shall contain the following:
  - 4.1. copy of relevant license or permit;
  - 4.2. location of destruction;
  - 4.3. proposed process for destruction.
5. The Ministry will decide with thirty (30) days on the request.
6. The permit for destruction is valid for one day or for the number of days approved by the Ministry.

### **Article 37**

#### **Permit for production building for explosives and fireworks**

1. The permit can be issued to a legal entity applicant based upon request.
2. The request from paragraph 1. of this Article must contain the following:
  - 2.1. a copy of the permit, for production or use of explosives or fireworks;
  - 2.2. project plan in accordance with Articles 19, 20 and 21 of this law;
  - 2.3. extract out of cadastre plan of local municipality (1:25.000);
  - 2.4. detailed sketch of the storage place in 1:1000;
  - 2.5. proposed type of explosives UN Hazard group and NEQ;
  - 2.6. risk assessment;
  - 2.7. installation of electric security system in accordance with European standards.
3. The Ministry will decide with thirty (30) days on the request.
4. The permit for storage is valid for five (5) years.

## **CHAPTER IX**

### **AMENDING AND REVOCATION OF LICENSES AND PERMITS**

#### **Article 38**

##### **Amending licenses and permits**

1. The Ministry may amend the license or permit:
  - 1.1. where there has been a change in separation distances according to Article 21 of this law;
  - 1.2. when a variation is necessary to ensure safety;
  - 1.3. when a variation is in relation to any data of the legal entity.
2. A licence or permit may be varied by the Ministry, without the agreement of the licensee.
3. A licensee may apply to Ministry for an amendment of the licence or permit at least fifteen (15) days before the holder wants the amendment of the permit or licence to take effect.
4. The Ministry may amend the license or permit only if determines that the amendment is desirable in the interest of the effective administration of this law, in case licence must promptly give a written notice regarding the decision and the amendment.
5. If the Ministry decides not to amend the licence or permit, the Ministry must promptly give the licensee a written notice stating:
  - 5.1. the decision;
  - 5.2. the reason for the decision;
  - 5.3. the holders right to appeal according to the Law on Administrative Procedure.

#### **Article 39**

##### **Revocation of license and permits**

1. The Ministry will revoke the issued licence or permit:



- 1.1. where there has been a change in the site or if the place in which explosives are manufactured or stored is no longer suitable for manufacturing or storage of explosives or fireworks;
- 1.2. if the Ministry obtains information after having issued a license or permit that the licensee is not a fit person for that type of license or permit; or
- 1.3. by agreement with the licensee or responsible person;
- 1.4. licensee does not comply with the criteria anymore, determined by this law;
- 1.5. licensee does not exercise the activity of production of explosives within one (1) year from the issuance of licence for production of explosives, or interrupts its activity for more than two (2) years.
2. A person whose licence is revoked shall ensure that all explosives are removed from a site within twenty (20) days after revocation of a licence:
3. The licence shall be returned to the Ministry within thirty (30) days of the date that the revocation takes effect.
4. All evidence, which is kept on the basis of provisions of this law, is sent to the Ministry by the licensee, not later than eight (8) days after the decision on revocation becomes final.
5. In case of revocation of the license the confiscation will take place in accordance with Penal Code, if the legal entity does not cooperate with competent body.

## **CHAPTER X**

### **EVIDENCING AND RECORD KEEPING**

#### **Article 40**

##### **Record keeping**

1. The Ministry shall maintain a register containing:
  - 1.1. the name and the address of the licensee and the responsible person;
  - 1.2. the address of the site where the explosives are manufactured, stored or used;
  - 1.3. the hazard type and maximum amount of explosives or fireworks which may be stored at one time;
  - 1.4. the nature of the business of the licensee and the intended use of explosives or fireworks;
  - 1.5. the kind of explosives or fireworks manufactured or stored;
  - 1.6. a plan in a suitable scale to show the separation distances or a condition of the licence to be maintained around the store or the building where explosives or fireworks are manufactured;
  - 1.7. a map in a suitable scale to show the location of any stores;
  - 1.8. the type of storage concerned, including the material out of which it is constructed.
2. Licensee for the manufacturing of explosives or fireworks is obliged to inform the Ministry for every start or interruption of the process of manufacturing, trade or use of explosives or fireworks.
3. Licensees are obliged to inform the Ministry for every change in the process of manufacturing, trade or use of explosives or fireworks.

4. Ministry with purpose of possession of data keeps:
  - 4.1. evidence for licences issued for production, trade, import, export, transit, transfer, storage and use;
  - 4.2. evidence for revoked licences for production, trade, import, export, transit, transfer, storage and use;
  - 4.3. evidence for taken samples of explosives;
  - 4.4. evidence of explosives with instructions for use, for which is given permission by the Ministry;
  - 4.5. evidence of issued permits.
5. The Ministry will prescribe with a sub-legal act the manner, the form and the content of evidence keeping.

#### **Article 41**

##### **Records for Manufacture, Trade, Sale and Use**

1. Any licensee who acquires possession of or keeps any explosive or fireworks shall make and maintain an up to date record preserved in safe place for a period of twenty (20) years from the date of the latest entry in it.
2. Any licensee who is a manufacturer of explosives or fireworks keeps the evidence for the types and amount of produced, sold and destroyed explosives or fireworks. Records for manufacturing will be kept for minimum thirty (30) years.
3. Any licensee which is engaged in the activity of trade, import, export, transit, transfer and use of explosives or fireworks should necessarily keep evidence for the types and amount of purchased, sold, destroyed and returned explosives or fireworks.
4. Manner of keeping the evidence, format and content of data are prescribed in a subsidiary legal act by the Ministry.
5. The Ministry may inspect the document or thing and make copies of, photograph, or take extracts from, the document or thing if it is relevant to the inquiry.
6. For each type of explosive or fireworks, the licensee shall keep:
  - 6.1. adaptability statement;
  - 6.2. technical specifics;
  - 6.3. instructions for use, storage and destruction;
  - 6.4. mark of the class of explosive-pyrotechnical products;
  - 6.5. mark of data on security.

#### **Article 42**

##### **Reporting Loss of Explosives**

1. Any licensee who acquires possession of, keeps, loads, unloads or transports explosive or fireworks shall ensure that the loss of any explosive or fireworks is reported to the ministry and Kosovo police:
  - 1.1. the date and time that the loss was first discovered;
  - 1.2. the place at which that discovery was made;
  - 1.3. a description of each type of explosive or fireworks that has been lost;
  - 1.4. for each type of explosives or fireworks lost, the number of Articles lost and the total nominal mass.

## **CHAPTER XI INCIDENTS AND ACCIDENTS**

### **Article 43 Reporting of incidents**

The licensee whose explosives or fireworks are involved in an explosives or fireworks incident must immediately give the Ministry and the Police verbal notice followed by written notification of the incident and any loss of life, personal injury or property damage caused by the incident.

### **Article 44 Investigation of incidents with explosive**

1. The inspector shall investigate an explosive or fireworks incident in close cooperation with the Kosovo Police and the ICMC Inspector in case of an explosive incident at a mining location.
2. The licensee must ensure that the site of the incident is not interfered with until all relevant details about the incident have been recorded:
  - 2.1. should photograph the site;
  - 2.2. sufficient measurements have been taken to allow the development of an accurate plan of the site;
  - 2.3. a list of witnesses to the incident has been compiled.
3. Investigation of explosive accidents and incidents shall be regulated with sub-legal act.

## **CHAPTER XII SPECIAL PROCEDURES**

### **Article 45 Risk assessment**

1. Each legal entity in control of an explosive site or firework display must carry out an risk assessment.
2. The Ministry may give a written notice requiring persons in control or working at sites to take steps reasonably necessary to prevent, remove or minimize danger.
3. The notice from paragraph 2. of this Article shall contain the following:
  - 3.1. the situation the inspector determines is causing the danger;
  - 3.2. the reasons for causing the danger.
4. The Ministry will determine in a sub-legal act the way for risk assessment.

### **Article 46 Emergency Procedures**

1. Every operator of a site shall prepare an on-site emergency plan.
2. Emergency plan shall be updated annually.

3. Emergency plan shall be testes annually.
4. The Local authority is responsible to ensure the participation of emergency services during the testing from paragraph 3. of this Article.

#### **Article 47** **Protection of airspace**

1. The Ministry and ICMM will ensure coordination with the competent body for aviation security for every specific case of civil use of explosives.
2. The specific procedures required to preserve aviation security will be described in sub-legal act.

### **CHAPTER XIII** **PUNITIVE PROVISIONS**

#### **Article 48** **Fines**

1. Authorised person, for minor offence, is fined with an amount of one thousand (1000) € to seven thousand (7000) €, if it:
  - 1.1. does not inform the nearest police station about the stolen or lost explosives, according to paragraph 8. of Article 16 of this law;
  - 1.2. does not deliver evidence to the Ministry in the foreseen time limit, paragraph 3. of Article 39 of this law;
  - 1.3. does not inform Ministry for start or interruption of production, according to the paragraph 2 of Article 40 of this law;
  - 1.4. does not show the licence on request of police officer, paragraph 8 Article 32 of this law;
  - 1.5. does not keep evidence, according to Article 41 of this law.
2. Authorised person for minor offence will be fined in an amount of five thousand (5,000) € to fifteen thousand (15,000) €, if:
  - 2.1. puts explosives in the market or starts to use before the Ministry have given permit and instructions for use and destruction, according to the paragraph 2. of Article 13 of this law;
  - 2.2. manufactures explosives or fireworks after the expiry of the timeframe of licence, in contradiction with paragraph 2. of Article 31 of this law;
  - 2.3. does not posses data determined in paragraph 6 of Article 41 of this law;
  - 2.4. sell explosives in contradiction with paragraph 2 of Article 14 of this law;
  - 2.5. transfers explosives or fireworks in contradiction with paragraph 1. and 3. of Article 32 of this law;
  - 2.6. may use explosives in contradiction with paragraph 4. Article 24 of this law.
3. Authorised person will be fined for minor offence in an amount of ten thousand (10,000) € to thirty five thousand (35,000) €, if:
  - 3.1. does not ensure protection of life and health of people, property and environment according to paragraphs 1. and 2. of Article 16 of this law;
  - 3.2. does not guarantee physically and technically secure objects for the

- production, trade and depositing of explosives, according to the paragraph 6. of Article 16 of this law;
- 3.3. puts explosives in the market or starts to use explosives, in contradiction with paragraph 1. of Article 13 of this law;
  - 3.4. permits use of explosives from un-qualified personnel, in contradiction with Article 9 of this law;
  - 3.5. manufactures explosives or fireworks in contradiction with Article 31 paragraph 1. and 3. of this law;
  - 3.6. manufactures explosives or fireworks in contradiction with paragraph 2. of Article 31 of this law;
  - 3.7. uses explosives in contradiction with paragraph 4. Article 24 of this law;
  - 3.8. exports explosives or fireworks in contradiction with paragraph 1., 3. and 4. Article 32 of this law;
  - 3.9. imports explosives or fireworks, in contradiction with Article 32 of this law;
  - 3.10. transfers explosives or fireworks in contradiction with limitations, paragraph 11. Article 32 of this law;
  - 3.11. does not ensure the protection of life and health of people in accordance with paragraph 5 Article 24 of this law;
  - 3.12. does not destroy un-used explosives, paragraph 10. Article 24 of this law;
  - 3.13. destroys explosives in contradiction with paragraph 7. Article 24 of this law;
  - 3.14. destroys explosives in contradiction with paragraph 8. Article 24 of this law;
  - 3.15. store explosives or fireworks in contradiction with paragraph 1. Article 35 of this law;
  - 3.16. allows that explosives be used by un-qualified personnel, in contradiction with paragraph 2. Article 9 of this law;
  - 3.17. do not inform the Ministry according to paragraph 3. Article 40 of this law.
4. Confiscation of explosive shall be ordered as a secondary punishment for small minor offences from sub-paragraphs 2.4 of paragraph 2 and subparagraph 3.7 of paragraph 3 of this Article.

#### **Article 49**

1. Employees of Authorised Bodies, for minor offences is punished by fine in amount of one hundred (100) € to five hundred (500) € if he or she:
  - 1.1. manufacture explosives or fireworks in contradiction with paragraph 1. and 3., Article 31 of this law;
  - 1.2. sells explosives or fireworks in contradiction with paragraph 2. of Article 14 of this law;
  - 1.3. may use explosives in contradiction with paragraph 4. Article 24 of this law.
2. Police official in accordance with criminal legislation confiscates temporarily products from sub-paragraph 1.3 of paragraph 1. of this Article in the place of occurrence of minor offence.
3. Confiscation of explosive may be ordered as secondary sanction for minor offence from this Article.

### **Article 50**

Employees of Authorised Bodies will be punished with fine in amount of one hundred (100) € at the place of the commission of minor offence if he does not present licence on the request of police officer.

## **CHAPTER XIV TRANSITIONAL AND FINAL PROVISIONS**

### **Article 51**

1. A memorandum of understanding can be signed in order to acquire professional knowledge in cases that specific expertise is required.
2. Specific terminology on explosives for civil uses according to EU standard 13857 - 1: 2003 is described with sub-legal act by Ministry.

### **Article 52**

All means realised in the basis of this law are deposited to the Republic of Kosovo Budget.

### **Article 53 Supervision**

Supervision for application of this law is conducted by the Ministry, police, customs and other supervisory and inspection bodies, each of them in accordance with their competencies.

### **Article 54 Existing Licences**

1. Licence or Permit before entry into force of this law shall continue to be valid if:
  - 1.1. is valid;
  - 1.2. has not expired and legally is terminated in accordance with terms and conditions.
2. Request for a license or permit that is submitted before entering into force of this law, and for the same one has not passed the decision procedure, should proceed and be subject to the provisions of this law.
3. Licenses or permits pursuant to paragraph 1. and 2. of this Article are determined six (6) months after entering into force of this law.

### **Article 55 Abrogation**

Upon entry into force of this Law, the Law on Civil Use of Explosives no. 03/L-005 is abrogated.

**Article 56**  
**Entry into force**

This law enters into force six (6) months after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-022**  
**29 July 2011**

**Promulgated by Decree No.DL-014-2011, dated 09.08.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 9 / 22 AVUGUST 2011, PRISTINA**

**LAW No. 04/L-012  
ON FIRE PROTECTION**

**Contents**

Chapter I: General provisions .....	708
Chapter II: Fire protection organization .....	709
Chapter III: Categorization of objects .....	710
Chapter IV: Fire protection measures .....	711
Chapter V: Supervision of the implementation of fire protection measures .....	716
Chapter VI: Professional training and qualification .....	719
Chapter VII: Penalty provisions .....	720
Chapter VIII: Transitional and final provisions .....	722

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON FIRE PROTECTION**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

The purpose of this law is to define the protective mechanisms to prevent the causes and spread of fire, including the explosions in order to protect people, property and environment.

**Article 2  
Scope**

The scope of this law is to take measures for fire protection, which are implemented by relevant state institutions as well as natural and legal entities.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meanings:
  - 1.1. **Ministry** - Ministry of Interior Affairs (MIA)



- 1.2. **Agency** - Emergency Management Agency (EMA) is an executive Agency within the MIA.
- 1.3. **Fire Protection** - general measures and actions which are taken to prevent the causing of fire or to reduce the effects of fire;
- 1.4. **Inspector** - Fire Protection inspector at the EMA who is authorized to supervise the implementation of safeguards against fire;
- 1.5. **Properties** - property and mobile property which is owned by a natural or legal entity as defined in Article 10 of Law no. 03/L-154 for Property and Other Real Rights;
- 1.6. **Owner** - natural or legal entity, who has owned property;
- 1.7. **Customers** - a natural or legal entity who has the use of property lawfully;
- 1.8. **Commission** - the body established by a specific act which decides on certain issues under applicable law;
- 1.9. **Sorting** - sorting objects and parts of objects based on the degree of danger of fire;
- 1.10. **State Plan for fire protection**-definition of tasks, areas of operation and areas of responsibility and fire protection activities at the country level;
- 1.11. **Municipal Plan for fire protection**-definition of tasks, action zones and areas of responsibility and fire protection activities at the municipal level;
- 1.12. **Risk assessment** - determination of the degree of fire risk in a particular place or location, as well as appropriate protective measures;
- 1.13. **Premises** - buildings and parts of buildings as real property;
- 1.14. **Environment** - natural surroundings, air, soil, water, flora and fauna, the whole interaction and cultural heritage as part of the environment that man has created.
- 1.15. **State Institutions** - relevant competent institutions, of central and municipal level, to implement measures for fire protection.

## CHAPTER II FIRE PROTECTION ORGANIZATION

### Article 4 Responsibilities of the Ministry

1. The Ministry is responsible for:
  - 1.1. analysis of state fire protection and takes measures for its improvement;
  - 1.2. drafting the annual program for fire protection which shall be approved by the Government of the Republic of Kosovo;
  - 1.3. drafting the state fire protection plan;
  - 1.4. oversight of executive functions of the agency and municipalities in the field of fire protection;
  - 1.5. the design of training programs and professional development of personnel for fire protection.

### Article 5

### **Responsibilities of Municipalities**

1. The municipality is responsible for:
  - 1.1. issuing the plan for fire protection at the municipal level based on assessment of fire risk in accordance with the State Plan for fire protection;
  - 1.2. implementation and improvement of fire protection measures and their advancement;
  - 1.3. reviewing the contents of a fire protection plan at least once a year and conformity assessment of this plan with the Municipal Development Plan, the Municipal Urban Development Plan, and the Urban Regulatory Plans, with construction changes that may have occurred.

### **Article 6**

#### **Emergency Management Agency**

1. Emergency Management Agency operates as Executive Agency under the Ministry of Internal Affairs and shall respond to the Minister.
2. The Agency is led by the Executive Chief who is elected in accordance with applicable rules for the appointment of senior civil servants of civil service.
3. Emergency Management Agency is responsible for overseeing all activities conducted under the provisions of this law and has powers to issue guidance on all fire protection activities
4. Government with sub-legal acts proposed by the Ministry defines the organizational structure of the Agency.

### **CHAPTER III**

#### **CATEGORIZATION OF OBJECTS**

### **Article 7**

#### **Categorization of objects**

1. Objects and parts of buildings, are ranked into four categories according to fire risk:
  - 1.1. Category I (First) entered the premises depending on the technical process that takes place in them;
  - 1.2. Category II (Second) entered the premises by type of material that is produced, processed or stored;
  - 1.3. Category III (Third) entered premises according to the composition of materials in construction and
  - 1.4. Category IV (Fourth) entered the objects according to their importance.
2. Ministry, by sub-legal act establishes the criteria for categorizing and classifying objects in the respective categories of fire risk.

## **Article 8**

### **Fire protection measures by categories of objects**

1. Owners or users of buildings, building parts and the environment are obliged to take measures for fire protection, defined by this law and sub-legal acts issued under this law and in accordance with fire protection plan.
2. Owners or users of buildings, building parts and the environment are required to undertake the following measures:
  - 2.1. for category I (first) of the risk, are obliged to develop fire protection plans based on risk assessments, and to form fire protection units with the necessary staff and tools necessary to work for implementing measures for fire protection;
  - 2.2. for category II (second) of fire risk, are obliged to develop fire protection plan based on fire risk assessments, have a sufficient number of workers who are trained in this field and can perform permanent custody of firefighting and implementing fire protection measures;
  - 2.3. for category III (third) of fire risk, are obliged to have at least one worker who is trained and directly organizes and takes care of the implementation of measures for protection from fire;
  - 2.4. for category IV (fourth) of the fire risk, are obliged to have a worker trained and charged with fire protection issues.
3. Fire protection plan, are obliged to issue the owners, respectively users of buildings, building parts and the environment, placed in the first and second volatility and this plan should be harmonized with the municipal plan for fire protection.
4. Legal entities responsible for fire protection issues need to employ persons who have completed vocational training for firefighters or technical guidance, and who have passed the professional exam for the performance of fire protection.
5. The Ministry with sub-legal act determines program content and manner of passing the professional exam from paragraph 4. of this Article, which deals with fire protection.

## **Article 9**

### **Internal acts for fire protection**

Natural or legal entities who are owners or users of buildings, building parts and the environment, depending on their needs and conditions shall be obliged, in accordance with fire protection plan and with this law, by an internal regulation to determine the measures and actions regarding the implementation and advancement of fire protection.

## **CHAPTER IV**

### **FIRE PROTECTION MEASURES**

## **Article 10**

Ministry participates in the formulation of spatial planning of the scope of fire protection.

### **Article 11**

#### **Special construction conditions for the purpose of fire protection**

1. Special construction conditions, in terms of determining the conditions of spatial regulation, the purpose of fire protection, designated by the Ministry-Agency.
2. Government upon the proposal of the Ministry determines by sub-legal act for which kinds of objects shall apply special conditions of construction for the purpose of fire protection and the manner of coordination and cooperation of the Ministry with Ministry of Environment and Spatial Planning in the field of construction and for giving consent, by the Agency, of fire protection measures.

### **Article 12**

#### **The measures provided for fire protection**

1. Legal entities registered for projections, are obliged that for the premises in which is required special construction conditions, fire protection measures provided in the main project, to be indicated in graphical manner calculated and explained in written, in order to assess the measures for fire protection.
2. Integral part of the main project from paragraph 1. of this Article, for providing construction permit, represents an evidence of the provided protection measures by fire.
3. Legal entities registered for projections, who have drafted the main project, will conduct the verification of the same in the determined manner by their internal regulation, and after the verification conducted they will attach the statement by which confirms that the protection measures by fire applied in the main projects are in harmony with this law and spatial regulation criteria, regulation and technical criteria.
4. In the case of designing and building the premises for collective housing, public premises, shopping centers, hotels, cinemas, theatres, libraries, post offices, hospitals, sport halls, concert buildings and other public premises must be ensured the conditions for the unimpeded evacuation of people in case of outbreak of fire by building evacuation stairs as well with related equipments for alarm and fire fighting.
5. Legal entities registered for projections according to paragraph 1. of this Article, shall have employed persons with relevant professional trainings and with conducted professional exam over the area of fire protection.

### **Article 13**

#### **Conditions for granting construction permit**

The competent body for issuing the permit for construction, reconstruction, can grant the permit for construction only when it ensures that the main construction project, based on which the construction issue is granted, provides the fulfillment of special conditions of constructing, with the purpose of fire protection, as defined in the Article 11 of this law.

#### **Article 14**

##### **Usage permission**

1. The permission to use the premise or the premises constructed and reconstructed, is issued when it is proved that the measures of fire protection provided for in the main construction project are applied.
2. Agency representative participates in the commission's work for technical acceptance of premises regarding the area of fire protection.
3. If during the technical control, is verified that during the construction or reconstruction of the premises, are not applied the fire protection measures specified in the main construction project, will not be given the permission of usage until there are implemented the measures for fire protection.

#### **Article 15**

##### **Fire resistant material**

1. Final work of vertical and horizontal surfaces of exit ways and exit roads should be made of material with fire resistant features.
2. For materials used for construction in the work from the paragraph 1. of this Article, the performer of the work is obliged to provide the evidence for the features of the fire resistant material, used by the manufacturer during the construction and to offer the same for commission's verification, by Article 14 of this law.

#### **Article 16**

##### **Maintenance of equipments and tools**

1. Owners of the premises, premises parts and the environment, are obliged to maintain in good conditions the equipments, installations, gas ventilations, chimneys and other devices, which represent a risk for fire spreading in accordance with technical regulations and manufacturer's guidelines for which documentation is required.
2. For installing stable equipments intended for alerting and fighting the fire, detection of flammable gases and vapors, and other protective equipment and installations which serve to avoid the cause and the expansion of fire and the explosion, the performer of the works is obliged to provide evidence from the manufacturer for their regular operation and the record on the verifications conducted by the authorized legal entities, and should be given to the commission in view of paragraph 2. of the Article 14 of this Law.
3. Owners and users of the premises, premises and environmental parts, obligations as specified in paragraph 1. and 2. of this Article shall govern with agreement through the contract, in accordance with the applicable laws.
4. If the owner can not be verified in the paragraph 1. of this Article, obligations set out become the burden of the user.

**Article 17**  
**Proof for regular condition of the equipments**

1. Maintenance of equipment under paragraph 2. of Article 16 should be checked at least once a year by persons authorized under the paragraph 6. of this Article, depending on the technical regulations and instructions of manufacturers. In case of control a record is held in which will be noted when the control is made, who has performed and what is verified by the control.
2. Carrying and mobile equipments for extinguishing the fire must be checked every six (6) months.
3. Workers of the organization authorized by the paragraph 2. of the Article 16 and paragraph 1. of this Article, who perform the inspection, should have passed the professional exam for exercising control.
4. Ministry sets special technical conditions and other conditions, which must be met by a person authorized from paragraph 2. of Article 16 and paragraph 1. of this Article.
5. The Ministry determines the program and the passing manner of the exam, from paragraph 3. of this Article.
6. Ministry gives authorization for performing works from paragraph 2. of Article 16 and paragraph 1. of this Article.

**Article 18**  
**Certificate by the equipment manufacturer**

1. Production and circulation of equipments, appliances and equipment intended for fire fighting, information and expansion of fire and other protective equipment installations, is defined by sub-legal act.
2. For production, operations and services by which are used the premises, tools, equipments and installations referred by the paragraph 1. of this Article, for which no Kosovan regulations are intended, can be applied the EU standards.
3. Equipments, tools and appliances from paragraph 1. of this Article, which are imported from abroad, may be circulated only if the importer has obtained the certificate of legal entity authorized on the regularity of the equipments, tools and appliances, and their adjusting for intended purposes.
4. For any imported equipment and for any import amount of pieces of equipments or fire extinguishers, alarm and obstruction of fire spreading, the importer is obliged to provide the certificate required by the paragraph 3. of this Article, only if this is otherwise regulated by interstate agreements.
5. When with special provisions is specified that the circulation of equipments and appliances by paragraphs 1 to 4 of this Article, is needed the permission then such permit is issued by the Ministry - Agency.
6. The provisions of paragraph 2., 3., 4. and 5. of this Article apply to personal and protective equipments of firefighters, which are used in firefighting and other interventions.
7. Ministry sets special technical conditions and other conditions which should be met by the legal entity referred to in paragraph 3. and 4. of this Article.

8. Ministry gives authorizations to perform the work under paragraph 3. and 4. of this Article.

## **Article 19**

### **Equipments, tools and appliances for fire fighting**

1. Owners or users of premises, facilities and the environment parts are obliged to possess equipments, tools and appliances for firefighting.
2. Type of equipments, appliances and equipments from paragraph 1. of this Article, and the places in which they are set, are defined by sub-legal act.
3. Ministry approves sub-legal act regarding the selection and assignment of the quantity of fire extinguisher, conditions which should be fulfilled by the authorized persons, who perform control operations, servicing and maintenance of appliances, and timing of the implementation of the control of adjustment and servicing.
4. Equipments and fire extinguishers should be used only under the dedication, and be in good condition, specially marked and available for usage.
5. Control of regularity and servicing of apparatus under paragraph 3. of this Article, may practice authorized persons who are technically and professionally trained, according to the authorization of the Ministry-Agency.
6. Persons who shall monitor the regularity and servicing of the apparatus of paragraph 3. of this Article, should have passed the professional exam for conducting these works.
7. The program and the pass of exam by paragraph 6. of this Article shall be determined by the Ministry.
8. Register of authorized persons who perform work under paragraph 2. of Article 16, paragraph 1. of Article 17 and paragraph 3. Article 18 of this Law shall be public.
9. In certain jobs related to the advancement of fire protection can be natural and legal entities who meet the criteria in terms of technical preparation and to possess professional staff to qualitatively perform the work, related to the advancement of fire protection and the rescue.

## **Article 20**

### **Firefighting Custody**

1. In order to prevent and eliminate fire risk, is obliged to be ensured the firefighting custody, i.e. alarm monitoring service and equipments and adequate fire extinguishers for the following cases:
  - 1.1. in the premises during the performances of public gatherings or other activities;
  - 1.2. in open environments when it is the estimated or assumed the risk for fire presence in such environments, the performance of harvesting or threshing of large sizes, large sites, national parks, forests and similar.
2. Firefighting custody, respectively-the alarm monitoring service in cases of paragraph 1. subparagraph 1.1 of this Article is obliged to provide the organizer, and in the cases of paragraph 1. sub-paragraph 1.2 of this Article, the owner or the user if it can not be proved the owner of the mentioned objects.

### **Article 21**

#### **Firefighting custody in municipalities**

In municipalities where the firefighting custody is not organized, respectively- the alarm monitoring service under Article 19 of this Law, if there is a possibility of occurrence of large scale fire, municipal authorities, based on fire risk assessment, are required to organize such custody.

### **Article 22**

#### **Technological processes in special premises**

1. Technological processes in which are used or produced fluids, flammable gases or explosive materials may be performed only in the premises or their parts, which are separated from other production and storage parts, premises equipped with fire resistant barrier that prevent the spread of fire.
2. Technological process from paragraph 1. of this Article, and the works with open fire near the flammable fluids and gases, other explosive materials, which can cause fire, should be organized so that the fire risk is avoided respectively falls into lesser extent, depending on the nature and conditions of work.
3. Premises under paragraph 1. of this Article can be constructed only in areas where their construction does not violate the fire safety of existing premises and the surrounding environment.

## **CHAPTER V**

### **SUPERVISION OF THE IMPLEMENTATION OF FIRE PROTECTION MEASURES**

### **Article 23**

#### **Competent bodies**

1. Supervision and inspection for the implementation of fire protection in premises, parts of premises, equipments, appliances in the territory of the Republic of Kosovo, are performed by the Agency inspectors for fire protection.
2. Inspection supervision for the implementation of fire protection measures is performed by competent inspectors of the agency in cooperation with other agency inspectors of relevant institutions and with legal entities.
3. With the decision of the competent municipal body and with the prior approval obtained from the Ministry, for certain jobs of control measures provided for fire protection, may be authorized firefighters and rescue units and volunteer organizations for fire fighting, as defined by this law and sub-legal act issued based on this law.
4. With the decision from paragraph 3 of this Article are defined:
  - 4.1. type of facilities, premises parts and the environment which will be included in control;
  - 4.2. ways and procedures of conducting controlling work;
  - 4.3. ways of informing the competent authority of emergencies on the shortcomings identified during the control;



- 4.4. conditions that must be fulfilled by persons who exercise the control in terms of professional preparation.
5. Ministry, by sub-legal act, determines the form of identity cards by which the identity of persons authorized to perform the inspection is proved.

#### **Article 24**

##### **Qualifications for inspectors of the Agency**

1. Duties of agency inspector are carried out by persons who possess superior or high school preparations of the technical profile and passed the professional exam.
2. For their duties, inspectors respond to appropriate structure of the agency.
3. Ministry, by sub-legal act determines the program and the passing manner of the professional exam in accordance with paragraphs 1. and 2. of this Article.

#### **Article 25**

##### **Rights and duties of inspector**

1. During the inspection surveillance, inspectors control all facilities, appliances, plants and take other necessary measures for proving and implementing the measures designed for fire protection.
2. During the inspection surveillance, inspectors have the right to enter in the housing premises according to the request of residents in order to avoid the risk to human life and property.
3. Owners, respectively users of premises, are obliged to allow the inspectors to supervise the inspection surveillance, to provide documentation and data required.

#### **Article 26**

##### **Taking records by inspectors**

1. For the performed control the inspector for fire protection is required to compile the record.
2. A copy of the record is delivered to the owner, respectively to the users of the premises, part of the premises where the inspection is conducted.
3. During the control, the inspector is obliged to maintain confidentiality of the data in accordance with the Law on Protection of Personal Data and the Law on Information Classification and Verification of Security.

#### **Article 27**

##### **Notification**

If during the inspection surveillance, inspectors from the fire protection agency, state that during the building of the premises are not applied fire protection measures provided by the main project, inform the competent body for urban planning who has given the permission for construction to take legal measures.

## **Article 28**

1. If during the inspection surveillance, fire protection inspector of the agency states that the conditions of Article 17 of this law are not met, their usage shall be prohibited with a decision.
2. An appeal against the decision under paragraph 1. of this Article shall not prevent the execution of the decision.

## **Article 29**

### **Owner's and user's obligations**

1. In order to avoid the occurrence of fire, rescue of people, property endangered by the fire, the ministry by a decision obliges the owners or users of premises or parts of the premises, to take certain measures of fire protection provided by this law technical regulations, fire protection plans to:
  - 1.1. keep in regular condition, the appliances, installations or equipments;
  - 1.2. rebuild the premises or certain parts of the premises;
  - 1.3. remove debris from the premises, which have remained in the work process or are located in places prohibited by relevant laws;
  - 1.4. remove objects from the premises or the environment, which pose a threat to cause and spread of fire;
  - 1.5. maintain all forests roads to enable the approach of firefighting vehicles at any time;
  - 1.6. set a stable installations, semi-stable, mobile, other relevant equipments and installations for alarm and fire extinguishing, as well as equipments and other protective installations;
  - 1.7. have necessary exit from the premises or parts of premises to enable the rapid exit of persons in case of fire;
  - 1.8. to make impossible the approach of vehicles, which during the work can throw sparks in the sites that pose fire risks;
  - 1.9. to maintain in regular condition the firefighting equipment and other tools for fire fighting, or those equipments and tools to put in specific and visible place;
  - 1.10. remove those elements from the appliances, installations and equipments, which during the work may cause fire;
  - 1.11. remove flammable materials, which were added to the constructive elements of premises or which have been processed the horizontal and vertical exit spaces, if those elements present a risk of causing and rapid spreading of fire;
  - 1.12. to make impossible the throw of items from outside, which could cause fire in premises in which the approach is limited;
  - 1.13. to supply a certain amount and type of technical equipment and alarm equipments and fire extinguishers;
  - 1.14. provide firefighting custody in premises and parts of premises.
2. Because of the direct risk from fire, the Agency by a decision bans:
  - 2.1. storage of secondary materials, reproduction material, final products and other substances;

- 2.2. use of open fire on the closed and open premises;
  - 2.3. use of premises or parts of premises, appliances, installations and other equipments if by their adoption can not be removed the deficiencies that can cause fire;
  - 2.4. usage of equipments, installations and means unless the measures are taken to avoid the risk;
  - 2.5. 2.5.performance of certain duties in premises and parts of premises, painting, pumping of flammable liquids and gases, flashing colors.
3. An appeal against the decision under paragraph 2. of this Article does not stop its execution.

### **Article 30**

#### **Keeping evidence**

1. The Agency maintains records in the field of fire protection for the entire territory of Kosovo.
2. Ministry with sub-legal act determines the composition of evidence from paragraph 1. of this Article, and the manner of their keeping by the agency and municipalities.

### **Article 31**

#### **Cooperation with relevant scientific institutions**

Ministry-Agency aiming to implement and to advance the fire protection measures stipulated by this law and sub-legal acts, cooperates with relevant scientific and research institutions and makes the examination and other laboratory analyses.

## **CHAPTER VI**

### **PROFESSIONAL TRAINING AND QUALIFICATION**

#### **Article 32**

1. Professional training and qualification of firefighters will be done by the relevant unit of MIA for trainings and by other educational institutions which are licensed and accredited by the relevant ministry for education, science and technology.
2. Ministry sets technical requirements that must be fulfilled by the institution which makes the training and professional development of firefighters and rescue.

#### **Article 33**

#### **Funding**

1. Funds to finance the activities and the implementation of special measures of protection from fire, according to this law are provided by the Republic of Kosovo.
2. Tools for implementation of fire protection measures set in the plan for fire protection by municipalities are provided by municipal budgets.

## **CHAPTER VII PENALTY PROVISIONS**

### **Article 34 Fines**

1. With fine of five hundred (500) to € three thousand (3,000) for offences will be penalized the legal entities if:
  - 1.1. does not have the permission for the main project and who is not in compliance with the terms of spatial regulation under the provisions of Article 14 of this Law;
  - 1.2. performs duties inconsistent with the provisions of Articles 16, 17 dhe18 of this law;
  - 1.3. has no evidence regarding the regulation of equipments, installations that are used for fire extinguishing and fire warning and equipments and other installations, which conflict with the provisions of the Article 16 paragraph 2. and Article 17 paragraph 1., as well as the certificate under the provisions of Article 18 paragraph 3. of this Law;
  - 1.4. performs duties in controlling and servicing of fire protection apparatus contrary to the provisions of the Article 19 paragraph 5. of this Law;
  - 1.5. if professional training and qualification of firefighters is performed contrary to Article 32 paragraph 1. of this law.
2. For contravention of paragraph 1. of this Article, the responsible person of legal entity will be punished by a fine in cash, amounting from three hundred (300) to five hundred (500) euros.

### **Article 35**

1. A fine of five hundred (500) to one thousand (1,000) € will be punished for violation if the legal entity:
  - 1.1. does not provide the regulation by which the measures and activities related to the regulation and advancement of fire protection are determined, or do not implement the measures in the progress of fire protection provided by the regulation for fire protection, under Article 9 of this Law;
  - 1.2. the performer of the work for processing the surface of horizontal and vertical exits and exit ways into objects, use construction material which does not justify the fire resistant characteristics under the provisions of Article 15 paragraph 1. of this Law;
  - 1.3. does not maintain in regular conditions the appliances, electrical equipments, gas equipments, ventilation and other installations, chimneys and other equipments and if for the maintenance does not possess the documentation under the provisions of Article 16 paragraph 1. of this Law;
  - 1.4. installations are not inspected at least once a year by the authorized legal entity or for the inspections made no record is kept, under the provisions of Article 17 paragraph 1. of this Law;
  - 1.5. distributes equipments, appliances that are used for firefighting, information

- and obstructing the spread of fire, for which has not been obtained the certificate of the authorized legal entity to their regular condition under the provisions of Article 18, paragraph 3. of this Law;
- 1.6. without permission are put into circulation appliances, equipments and tools, that are needed for firefighting and notice for which is required the permission under Article 18 paragraph 5. of this Law;
  - 1.7. does not possess appliances, equipments and fire extinguishers under the provisions of Article 19 of this Law;
  - 1.8. are not provided firefighting custody in the form of service for announcement by the survey with the tools and equipments responsible for firefighting under the provisions of Article 20 of this Law;
  - 1.9. fails to facilitate the fire protection inspector, the performance of his work or if refuses to give in sight the documentation in writing or to assist in other necessary informing data under the provisions of Article 25 paragraph 3. of this Law;
  - 1.10. does not implement the measures provided by fire protection inspectors, Article 27 of this Law;
  - 1.11. is not applied the decision issued by the ministry, Article 28 of this Law;
2. For contravention of paragraph 1. of this Article shall be punished by a fine of one hundred (100) to three hundred (300) € the responsible persons of legal entities.

### **Article 36**

1. With a fine of one hundred (100) to three hundred (300) € will be punished for offenses the persons if:
  - 1.1. as owner or user of the premises, parts of premises or the environment, does not maintain in regular condition the equipments, electrical appliances, gas, ventilations and other installations, chimneys and other equipments, which can cause fire and if for the maintenance does not possess documentation under Article 16 paragraph 1. of this Law;
  - 1.2. does not allow the fire protection inspectors to conduct their duties and to provide necessary data under Article 25 paragraph 3.;
  - 1.3. does not apply the decisions of the inspector of the agency under the provisions of Article 28 of this Law;
  - 1.4. does not apply the decision of the ministry under the provisions of Article 29 paragraph 1. of this law.

### **Article 37**

1. For violations of Article 35 of this Law, the inspection conducted for the second time, besides the monetary fine also the prohibition of performing the activity within six (6) months.
2. For violations of Article 35 of this Law, the inspection conducted for the third time, besides the monetary fine shall be stated the sentence for suspension of activity.

## **CHAPTER VIII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 38**

1. After the entry into force of this law, the ministry within one (1) year issues sub-legal acts for implementation of this law.
2. Ministry in cooperation with other responsible ministries under the powers defined by law, issues sub-legal acts regarding the safety conditions and fire protection.

### **Article 39**

1. Municipalities are obliged to harmonize their fire protection plan, as defined in Article 5 of this law within six (6) months from the date of entry into force of this law.
2. Legal entities and professional services, are obliged to harmonize regulations for fire protection determined in the Article 9 of this law in the period of six (6) months from the date of entry into force.
3. Persons authorized by paragraph 2. of Article 16, paragraph 1. and 2. Article 17 and paragraph 5. of Article 19 of this Law, are obliged within six (6) months, from the day of issuing the sub-legal acts that regulate the conditions for conducting inspection duties, to harmonize their activities with the provisions of these acts.
4. The provisions of this law are applied to premises, parts of premises and environment with particular interest in case they are not regulated by relevant law in the field of fire protection.

### **Article 40 Repeal**

With the entry into force of this Law, the Law on Fire Protection Nr.02/L-41 shall be repealed.

### **Article 41 Entry into force**

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-012  
21 July 2011**

**Promulgated by Decree No.DL-009-2011, dated 03.08.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 7 / 10 AUGUST 2011, PRISTINA**

**LAW No. 04/L-027  
FOR PROTECTION AGAINST NATURAL AND OTHER DISASTERS**

**Contents**

Chapter I: General provisions.....	723
Chapter II: Citizens' rights and obligations.....	729
Chapter III: Responsibilities.....	735
Chapter IV: Programming and planning .....	738
Chapter V: Monitoring, notification and warning .....	740
Chapter VI: Protective measures .....	743
Chapter VII: Personal and reciprocal protection .....	747
Chapter VIII: Protection, rescue and aid structures.....	747
Chapter IX: Administration.....	756
Chapter X: Supervision .....	758
Chapter XI: Professional work, health and safety at work.....	758
Chapter XII: Education and training .....	762
Chapter XIII: Financing .....	764
Chapter XIV: Punitive provisions .....	766
Chapter XV: Transitional and final provisions .....	768

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

**LAW FOR PROTECTION AGAINST NATURAL AND OTHER DISASTERS**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

This law regulates protection and rescue of people, animals, property, cultural heritage and environment against natural and other disasters.

**Article 2  
The Scope**

1. The Scope of this law is managing of protection against any natural and other disasters, prevention and reduction of the disasters as well as inhibition and reduction of victims and other consequences.

2. The state is responsible to organize the protection against natural and other disasters as a unique and integral state system.
3. The system of protection under paragraph 2. of this Article consists of program, planning, organization, management, implementation, supervision, coordination and financing of measures and activities concerning prevention against natural and other disasters.

### **Article 3** **Definitions**

1. Terms used in this Law shall have the following meaning:
  - 1.1. **The Ministry** - The Ministry of Internal Affairs (MIA);
  - 1.2. **The Agency** - the Emergency Management Agency (EMA) as an executive agency established by law under the MIA;
  - 1.3. **Structures for Protection Rescue and Aid (SPRA)** - natural and legal persons entities with their human and material resources available for protection, rescue, and aid in cases of natural and other disasters;
  - 1.4. **Disaster** – an event or part of event caused by uncontrolled natural and other forces that risk life and health of people, animals and property, causing damages to cultural heritage and environment, where particular forces and tools are needed to manage them.
  - 1.5. **Natural disasters** - earthquakes, landslides, floods, avalanches, heavy snow, strong wind, hail, ice, drought, massive appearance of contagious diseases on people, animals and plants as well as other disasters, which are caused by the nature forces.
  - 1.6. **Other disasters** - heavy traffic accidents, air and railway traffic, fire, mine accidents, damage of dams and other ecological and industrial disasters, which are caused by human beings, due to their work and behavior, extraordinary emergent situations high temperature, technical collapse of the energy system with power supply, telecommunication and informative technology, terrorist acts and other types of massive violence;
  - 1.7. **Crisis** – the security situation in the wider regional area which cannot be controlled with common resources and measures in which are threatened the basic values of the Republic of Kosovo for economic reasons, social, military and other reasons which can go beyond borders and pose an imminent threat to other places;
  - 1.8. **Environmental Accident** - an environmental accident, as defined in legal provisions to protect the environment, caused by a sudden event or uncontrolled due to interference in the environment, which consequently could threat the life and health or quality of environment;
  - 1.9. **Industrial Accident** - an event which gets out of control when carrying out activities or actions with machinery and hazardous materials or harmful, where such an event results in the threat of life or health of humans, animals, property, cultural heritage and environment;
  - 1.10. **Dangerous substance** - any substance in solid, gaseous or liquid state, with uncontrolled flow into the environment poses an imminent danger to life or



health of humans and animals or causes disorder or damage to property and affect the environment

- 1.11. **Risk**- the possibility of damage or threat to life or the health of humans and animals and the possibility of causing disturbances and damage to property, cultural heritage and environment;
- 1.12. **Threat** - an exposure to humans, animals, property, cultural heritage and environmental risk from natural and other disasters;
- 1.13. **Threat level** - the expected level of damages and other consequences from natural and other disasters;
- 1.14. **The damage caused by natural and other disasters** - a direct damage and cost of interventions and undertaken measures for reduction of harmful consequences of disasters;
- 1.15. **Preventive measures** - any measures that are undertaken prior a disaster occurs in order to avoid or reduce the damages that may derive from that occurrence.
- 1.16. **Environment** - the natural environment, air, soil, water, flora and fauna, the whole interaction and cultural heritage as a part of the environment that human created;
- 1.17. **Cultural heritage** - cultural premises and their parts, devices, ground surfaces, dwellings and their parts, other forms, which are created by people and nature and real estate of cultural heritage movable objects and collections of items of cultural value to the state of the mobile objects of cultural heritage;
- 1.18. **Mobilization** - activities, by which protection, rescue and aid forces are placed in a readiness position for accomplishing activities in emergency cases.
- 1.19. **Activation** - procedures and activities and devices for search-rescue and protection. Protection, rescue and aid forces are human capacities, which are designated for rescue and aid in case of natural and other disasters.
- 1.20. **Warning** - the procedures and activities to inform the population of local community, national authorities, enterprises, institutions and other organizations, using voice signals if there is a risk against natural disaster or other disaster and activation of units, services and certain operative structures for protection, rescue and aid;
- 1.21. **Emergency Reaction** - activities that address the effects rapid and direct effects of an incident including immediate actions to preserve life, material goods and the environment, fulfillment of basic human needs and the maintenance of the social, economical and political structure of stricken community.
- 1.22. **Resources for protection - rescue and aid** - all human, technical, material and financial resources, including tools and equipment for protection and rescue, shelter facilities and other protection tools. Equipment for training, storage, transportation, communication and notification, intended to use or used in protection, rescue and aid;
- 1.23. **Tools and equipment for protection and rescue** - tools for personal and collective protection, equipment, vehicles and other technical tools needed

- for experts, rescue units, services and resources in protection, rescue and aid operations.
- 1.24. **Aid items** - food, drinking water, clothing, medication and other shelter tools for free distribution among the population at risk or affected to help to relieve the consequences caused by natural and other disasters;
  - 1.25. **Risk assessment** - qualitative and quantitative analysis of natural and other circumstances related to events of natural and other disasters, including evaluation of potential management development and the potential consequences of the disaster, the level of protection proposed by the relevant risks and proposal for preventive measure and others for protection, rescue and aid;
  - 1.26. **Emergency response plan** - the plan for protection, rescue and aid in case of certain disaster and based on risk assessment and founding experts;
  - 1.27. **The responsible person for causing the disaster**– every natural and legal person who causes the disaster in action or out of action;
  - 1.28. **Unknown person responsible for causing the disaster** - any natural or legal person who causes disaster whose identity is unknown for the responsible bodies at the time when the protection, rescue and aid operations are developed;
  - 1.29. **Protection** - organizational and technical measures and the other measures, the use of technical and other tools for immediate protection of personal and collective people, animals, property, cultural heritage and environment against natural and other disasters.
  - 1.30. **Rescue** - the measures and procedures to rescue people, animals, cultural heritage and environment from after-effect of natural and other disasters;
  - 1.31. **The aid** - the measures and services of specialists, rescue and services units, the use of equipment and tools for aid.
  - 1.32. **First Aid** - the treatment of injured and sick people, whose life and health is at risk from the consequences of natural disaster or other accident happened inside or outside health institutions in the context of rescue operations;
  - 1.33. **Basic conditions for life** in cases of natural and other disasters, emergency medical care in emergency for people and animals, housing, drinking water, food, medicine and other necessities for life and health of the stricken population;
  - 1.34. **Area**- the integrated geographical, urban area which includes two or more municipalities for purposes of protection against natural and other disaster representing as all in all.
  - 1.35. **Housing** - a building or part of a facility which is built and equipped with ventilation equipment and other essential equipment which offer accommodation and protection against nature and other disasters.
  - 1.36. **Citizen** – citizen of Republic of Kosovo or foreigner for purposes of this Law.

#### **Article 4**

##### **Basic tasks of the protection system against natural and other disasters**

1. Basic tasks of the protection system against natural and other disasters are:
  - 1.1. detection, monitoring and investigation of risks from natural and other disasters;
  - 1.2. prevention of natural and other disasters;
  - 1.3. notification, warning and alarm of imminent danger and giving instructions for protection, rescue and aid;
  - 1.4. training and professional skills of protection, rescue and aid tasks;
  - 1.5. organization of readiness emergency, the establishment and maintenance of other readiness forms for protection, rescue and aid;
  - 1.6. self-protection, self-help and reciprocal aid;
  - 1.7. mobilization and activation of protection and rescue and resources for Protection, Rescue Structures;
  - 1.8. definition and implementation of protection measures;
  - 1.9. rescue and aid
  - 1.10. recovery from natural and other disasters to provide basic conditions for life;
  - 1.11. assessment of damages caused by natural and other disasters;
  - 1.12. international cooperation regarding with implementation of protection against natural and other disasters;
  - 1.13. supervision of the implementation of regulations for protection and rescue against natural and other disasters;
  - 1.14. providing assistance to other countries in case of natural and other disasters.

#### **Article 5**

##### **Protection and Rescue**

1. Protection and rescue is organized as an integral element of Integrated Emergency and Management System.
2. Protection, rescue and other protection activities against natural and other disasters are of humanitarian and of not military nature.

#### **Article 6**

##### **Notification for riskness**

Each person is required to notify the nearest police emergency centre or the police for any risk against natural or other disasters as soon as they notice that.

#### **Article 7**

##### **Entities to provide protection**

1. Protection from natural and other disasters is provided by:
  - 1.1. citizens living in the Republic of Kosovo;
  - 1.2. organized voluntarily persons, clubs, professional associations and other

non-governmental organizations involved in activities related on protection against natural and other disasters;

- 1.3. rescue services;
- 1.4. enterprises, institutions and other organizations;
- 1.5. local government bodies; and
- 1.6. state, within the authority or its relevant rights and responsibilities.

### **Article 8**

#### **Implementation of Protection and International Cooperation**

1. Protection against natural and other disasters implemented as a unique subsystem of national security system and liaised with other security subsystems at local, regional and central level.
2. The state enforces protection against natural and other disasters, playing an active role in international mechanisms based on international treaties, in particular through mutual notification of the risks and consequences of natural and other disasters and mutual aid in case of such disasters.
3. The State will support cooperation with international authorities in the protection of natural and other disasters by signing international agreements, especially with neighboring countries, announcing other countries about the risks and consequences of natural and other disasters and providing assistance in cases of such disasters.

### **Article 9**

#### **Compatibility with international law**

Each form of protection against natural and other disasters should be based and implemented in accordance with the principles of international and humanitarian law to protect people, animals, cultural heritage and the environment from harmful effects and accepted international obligations.

### **Article 10**

#### **The principle of the right on protection**

1. Each person is entitled on protection against natural and other disasters.
2. In cases of natural and other disasters protection and rescue of human life has priority over any other activity of protection and rescue.

### **Article 11**

#### **The principle of aid**

In cases of natural and other disasters each and person is obliged to provide assistance under the psycho-physical capabilities.

**Article 12**  
**The principle of information**

1. Information about the risks and activities of central and local bodies responsible for protection against natural and other disasters, should be public.
2. Central and local bodies are obliged to inform the population of a certain area which can be endangered to be stricken by natural and other disaster.

**Article 13**  
**The principle of prevention**

In the field of protection against natural and other disasters, the central, local authorities and other entities within their competencies should be given priority for organizing and implementing preventive measures.

**Article 14**  
**Principle of responsibility**

Each natural and legal person is responsible for implementing preventive measures against natural and other disasters.

**Article 15**  
**Principle "step by step "of forces and resources deployment**

1. When in a natural and other disasters is requested the protection, rescue and aid, the local levels will initially deploy units and their own resources.
2. When the degree of risk and disaster exceeds the capacity of local emergency services and current resources at local level or when they can not be obtained by the local neighbors, the state provides them from other regions.
3. If available forces and resources are insufficient to cope with necessary rescue and aid operation, then it may request the deployment of the Kosovo Security Force and their protection resources.

**CHAPTER II**  
**CITIZENS' RIGHTS AND OBLIGATIONS**

**Article 16**  
**Responsibilities of citizens**

1. In order of protection against natural and other disasters, citizens are obliged:
  - 1.1. to cooperate with protection, rescue and aid structures
  - 1.2. to provide material assistance.
  - 1.3. to be trained and prepared for personal and reciprocal protection, and for the implementation of necessary preventive measures.

**Article 17**  
**Assistance in situation of life threaten**

1. Each person is obliged to assist the other person, whose life or health is in danger, but not by risking his/her own life.
2. If the person is not able to offer sufficient assistance, he/she should immediately inform the competent rescue services or the emergency operation center or inform in another manner, in order to provide such assistance instead of him/her.

**Article 18**  
**Participation on Protection, Rescue and Aid Structures**

Every citizen of the Republic of Kosovo is obliged to participate in protection and rescue structures unless set to engage in military or professional duties.

**Article 19**  
**Voluntary Participation**

1. Voluntary participation in protection and rescue structures is opened to:
  - 1.1. men and women over age fifteen (15);
  - 1.2. single parent with children over age fifteen (15);
  - 1.3. men and women, whose obligation ceased, according to Article 18 of this Law.
2. Each person who participates voluntarily in the protection and rescue structures has the same rights and obligations which have regular members.

**Article 20**  
**Task Engagement**

1. Citizens are involved in protection and rescue structures by a designated authority responsible for protection against natural and other disasters;
2. Citizen engaged in protection and rescue structures, shall be issued the identification card of a participant for the duration of engagement.
3. Members in the structures for protection and rescue and citizens who have been granted interim status of a member of this structure is identified by shifting the signs, uniforms and identification cards for protection and rescue structures engaged by the state at certain moments
4. Citizens who participate voluntarily and not professionally in protection, rescue operations and support units, services and other operational organizations and NGOs, have the same rights and obligations as regular members of structures for protection and rescue in emergency and war situations and they must identify themselves with an identification card to the member's organization.
5. Cards and identification marks of the members on protection and rescue structures will be used by civil servants in the protection and rescue operations during the implementation of protection, rescue and aid operations.
6. The Ministry with a sub-legal act determines the form and content of the identification card for members on protection and rescue structure

## **Article 21**

### **Engagement conditions**

1. Every citizen who is capable of working may be engaged in protection and rescue according to this law. Conditions for psycho-physical capabilities in protection and rescues have to be based only on specific and dangerous task.
2. In the protection and rescue structure can not be engaged the following persons:
  - 2.1. citizens whose psycho-physical state does not comply with the protection, rescue and assistance operations;
  - 2.2. pregnant women, mothers and single parents with children under age fifteen (15).
3. The Ministry with a sub-legal act defines the duties of protection, rescue and aid that is considered a special risk for which is required a special condition of physical and psychosocial health.

## **Article 22**

### **Volunteers Rights**

1. Persons who are involved voluntarily and not professionally, on protection, rescue and aid operations are organized into units, services and other operating structures within associations and other non-governmental organizations - fire fighting unit, the Red Cross organizations, rescue services in the mountains, divers clubs, inventor organizations, amateur radio clubs and other organizations, based on emergency response plans should not be assigned to protective duties or operations of protection and rescue structures, taking into account that the conditions set and requirements for specific skills and services they offer within such structures can not be provided by other members.
2. Persons from paragraph 1. of this Article have the same rights and obligations as those members of voluntary organizations.
3. During the war, units, services and other operating structures mentioned in paragraph 1. of this Article, along on protection and rescue structures will engage in protection, rescue and aid operations.

## **Article 23**

### **Training obligations**

All members who are engaged in protection and rescue tasks should be trained and skilled for those duties under the applicable law.

## **Article 24**

### **Call**

1. Members on protection and rescue structures can be called by the appropriate body to:
  - 1.1. interview for disposal;
  - 1.2. basic and advanced training;

- 1.3. exercises and other forms of practical training;
- 1.4. implementation of tasks on protection, rescue and aid as well as recovery from natural and other disasters.

## **Article 25**

### **Material obligations**

1. Each citizen should fulfill his/her material obligations by giving for use to certain emergent management structures in local and central level, motor vehicles, engines and other devices, facilities, equipments, energetic sources required for protection, rescue and assistance in case of natural and other disasters.
2. Citizens and legal persons, who are obliged with material obligations, have the right in compensation for the use of equipment, as well as in compensation if their equipments are damaged or destroyed during actions for protection, rescue and aid.
3. Government, with a special act shall determine the type of material defines as material obligation, in case of natural and other disasters.

## **Article 26**

### **The obligation to appear**

1. Every person, participation subject in the tasks on protection and rescue or other material obligations when the call from the responsible body is obliged to appear or submit the material equipment in specified time and place.
2. If the person does not answer the call and does not justify for not coming, the authorized body shall issue an order its force posture.

## **Article 27**

### **Compensation**

1. Members on protection and rescue, structures while performing tasks in these structures, during the training and realization of material obligations, under the call of the competent authority are entitled to compensation of the lost profit for the time of absence from work due to performing the above-mentioned tasks, in value and conditions as the Government of the Republic of Kosovo defines.
2. The same rights to compensation, are also enjoyed by volunteers performing duties of protection, rescue and assistance unit, services and other operational and non-governmental organizations.
3. If performance of tasks or obligations in the protection and rescue structures lasts more than four (4) hours, the participant has the right to free food, charged by the entity that called him.
4. The employer has no right to dismiss, change the work of place or to damage the member respectively the citizen of the structure for protection and rescue, who in accordance with this Law participates in implementation of protection, rescue and aid tasks because of his/her participation in performing such tasks.



**Article 28**  
**Protection during the tasks implementation**

1. Injury or illness that occurs while performing tasks during training or during the performance of material obligations on protection and rescue structures, is treated injury or occupational illness and citizen enjoys his rights under the applicable law.
2. An injury which citizen realizes on the way from home or from work at the place of meeting, or on returning back using the same block under paragraph 1. of this Article.
3. Place and time of the injury will be determined by the body that issued the order to call or structures responsible for protection and rescue, or the leader of intervention.
4. Close family member who was killed while performing duties or other obligations in structures for protection and rescue, is entitled to a pension and on the right of expenses, transport and burial, in accordance with the rules for retirement, disability and health insurance.

**Article 29**  
**The right to an immediate aid**

1. Citizen during performance of duties or other obligations in structures for protection and rescue gets hurt or sick without his fault, so that his/her body undergoes at least 20% disability, according to the rules on disabled, is eligible for one- time aid money.
2. To one-time aid in money, under paragraph 1. of this Article are entitled members of close family of a member, who was killed while performing tasks and the fulfillment of other obligations in the protection and rescue structures.
3. Conditions for obtaining assistance under paragraph 1. and 2. of this Article and the respective values shall be determined by the Government with sub-laws and may not be lower than twelve (12) average monthly salaries of civil servants in the past six (6) months.

**Article 30**  
**Indemnification**

1. The citizen who has suffered damage while performing other tasks of protection and rescue operations has the right for compensation under this law.
2. Citizens and legal entities that are loaded with material obligations, are entitled to compensation for the use of equipment provided for protection, rescue and aid, as well as compensation if they are damaged or destroyed.
3. Types of material tools that the relevant body may determine a material obligation, the amount of compensation for their use and assessment procedures and repayment of damages suffered will be determined by the Government within a sub-law.

### **Article 31**

#### **Obligations for damages**

1. The competent authorities are responsible for compensation of damages caused to third persons, intentionally or by negligence while performing the protection, rescue and aid activities, in trainings and other official tasks, which relate to protection against natural and other disasters.
2. Every citizen while performing tasks causes damage intentionally or by negligence, from paragraph 1. of this Article, shall respond according to applicable legislation.

### **Article 32**

#### **Collection and protection of personal data and materials**

1. Relevant body collects, processes, uses and maintains personal information and materials for:
  - 1.1. SPRA members, civil servants in the field of protection and assistance as well as volunteers in implementing the protection, rescue and aid tasks, name, surname, date, place of birth, permanent address and temporary residence, children dates of birth, data on knowledge and skills related to protection, rescue and assistance, education, employment, number of fixed and mobile phone and their material resources;
  - 1.2. SPRA members except the data in sub-paragraph 1.1. of this paragraph, shall also present additional information to control the date of the latest psycho-physical condition and health, responsibilities within these structures, for insurance purposes of the preparation, mobilization, activation and provisions of rights and obligations of members SPRA and other similar forces of this nature;
  - 1.3. type, capacity and condition of transport vehicles and other assets subject to duty material and the name, surname, home address or work owners and users of such tools, equipment and facilities, for purposes of completing the teams, units and services.
2. Relevant body holds personal database for potential members SPRA, civil servants in the field of protection and assistance, volunteers, and persons subject to material obligations.
3. Data protection specified in this Article is made in accordance with the Law on Protection of Personal Data.

### **Article 33**

#### **Communication of personal data and materials**

1. Relevant body may communicate personal information and material specified in Article 32 of this law to:
  - 1.1. central and local authority on request;
  - 1.2. enterprises, institutions and other organizations, members of SPRA, assigned to them.

2. Enterprises, institutions and other organizations under paragraph 1. of this Article may use such data for the purpose of organizing the protection of natural and other disasters and are responsible for the protection of personal data under the applicable law.

#### **Article 34** **Data sources**

1. Relevant body should provide the personal data defined in Articles 32 and 33 of this Law, from the existing data bases. Authorities and services that collect such data should provide them with the request of the relevant body.
2. If the personal data can not be obtained from existing data bases, the relevant body can obtain them directly from members of SPRA, various volunteer organizations or governmental and NGOs organizations.
3. The personal data from Article 32 of this Law shall be destroyed after the expiry of the purpose for which they were collected.
4. Every person has the right, to see his data held by the relevant body.
5. Relevant body is obliged to inform each person with his/her data within eight (8) days after submission of his/her application.

#### **Article 35** **Communication on changes of personal and material data**

SPRA members, citizens and legal entities subjects of material obligations are obliged to inform the relevant body of any change of personal data and of other information specified in Article 32 of this law, within fifteen (15) days from the date of change.

### **CHAPTER III** **RESPONSIBILITIES**

#### **Article 36** **Responsibilities of central level**

1. The state is responsible for:
  - 1.1. management of protection system against natural and other disasters;
  - 1.2. research development activities and plan projects for protection against natural and other disasters;
  - 1.3. preparation and implementation of strategy and state programs for protection against natural and other disasters;
  - 1.4. processing of risk assessment and state emergency response plans;
  - 1.5. organization and equipment of structures for protection, rescue and state aid;
  - 1.6. management of protection, rescue and assistance structures in cases of natural and other disasters that strike two or more municipalities;
  - 1.7. organization and implementation of monitoring, warning and alarming in central and regional level;
  - 1.8. organization and maintenance of the unique system of public notice;

- 1.9. establishment and maintenance of electronic communication for purposes of protection, rescue and assistance up to the local level and determining the unique system of electronic communication;
- 1.10. assessment of damages caused by natural and other disasters;
- 1.11. organization and maintenance of information and communication system for protection, rescue and aid until incorporated municipalities and managerial bodies, units, services and other operational protection, rescue and assistance;
- 1.12. assisting in the restoration and recovery from natural and other disasters in order to protect life and health of people, property, cultural heritage and the environment, prevention of future damages and provision of basic conditions for life;
- 1.13. processing qualification and training programs in the field of protection from natural and other disasters and implementation of programs with national importance.

### **Article 37**

#### **The responsibilities of local level**

1. The local level is responsible for enforcing protection against natural and other disasters on its territory.
2. The local level is responsible for:
  - 2.1. management system for protection, rescue and assistance at the local level;
  - 2.2. monitoring of risks, warning and alarming the population about potential threats;
  - 2.3. equipment with electronic communication tools for protection needs, rescue and assistance in accordance with a unique system of communication and information;
  - 2.4. planning and implementation of preventive measures;
  - 2.5. processing of risk assessment and emergency response plans;
  - 2.6. organization, development and management of personal and reciprocal protection;
  - 2.7. organization, management and implementation of protection, rescue and assistance at the local level;
  - 2.8. defining, organizing and equipping units and SPRA utilities and other organizations in this field;
  - 2.9. the supply of necessary resources for emergency accommodation in cases of natural and other disasters;
  - 2.10. developing and carrying out training programs of local importance;
  - 2.11. coordinating emergency response plans and other protection operations for rescue and assistance with neighboring municipalities;
  - 2.12. supplying with basic conditions of life and restoration, recovery from natural and other disasters;
  - 2.13. identification of organizations of special significance for protection, rescue and assistance at the local level;
  - 2.14. international cooperation in the protection, rescue and assistance under this law.

3. Municipalities cooperate with each other, during accomplishment of protection duties against natural and other disasters; during these efforts they may join means and services in accomplishing common issues concerning natural and other disasters.

### **Article 38**

#### **The responsibilities of enterprises, institutions and other organizations**

1. Enterprises and other institutions should provide necessary conditions and opportunities for realization of personal and reciprocal protection as well as realization of preventive measures set forth by this Law.
2. Enterprises and other Institutions which, use, produce, transport and deposit hazardous materials, oil and its derivatives and energetic gases and perform activities with the hazardous means are obliged to make the assessment of the risks and to draft the emergency action and protection plan in accordance with legal provisions.
3. Other enterprises and institutions, from paragraph 2. of this Article, at their own expense are obliged to establish and maintain equipment for intervention, to organize sufficient forces for rescue and assistance, to provide information and alarming of workers and population about the danger and to co finance preparatory activities of a local level in proportion with the scale of danger, which may result from their activity.
4. Except from institutions and enterprises in paragraph 2. of this Article, organizations that conduct educational activities, social, medical and other care or protection includes large number of persons are obliged to refine emergency response plans or to implement preventive measures.
5. Activities and tools under paragraph 2. and 4. of this Article shall be determined by the Government, within sub-legal act.

### **Article 39**

#### **Responsibilities of owners and users**

1. Owners and users of dwelling premises are responsible to undertake determined protection measures according to Chapter VI and to provide sufficient means for protection, rescue and aid.
2. Owners or users of cultural inheritance are responsible to undertake foreseen preventive measures.
3. Owners or users, based on paragraph 1. of this Article should give to the competent authority for protection from natural and other disasters, all existing records of premises and users of these premises.

## **CHAPTER IV PROGRAMMING AND PLANNING**

### **Article 40 Research and development projects**

1. The research and development projects on protection from natural and other disasters is an integral part of research central program.
2. Ministry, namely agency is responsible for protection against natural and other disasters, takes part in decision-making regarding research and development projects to be included in the central research program by proposing and developing research projects dealing with protection from natural and other disasters.
3. The Ministry, after prior unification with relevant ministries for research activities, may finance the research and development projects related to natural and other disaster prevention with its own means.

### **Article 41 Central Program**

1. The goal of central program is to establish objectives, policies and strategies for protection against natural and other disasters.
2. Central program is designed for a five (5) year period and includes:
  - 2.1. state of protection against natural and other disasters;
  - 2.2. the main objectives of protection against natural and other disasters for the period covering the Central program;
  - 2.3. development of monitoring systems, information, communication, support other systems for protection, rescue and assistance reasons;
  - 2.4. development of prevention activities;
  - 2.5. development of structures and capacities to protect, rescue and assistance;
  - 2.6. guidelines for training and skills;
  - 2.7. guidelines for research and development projects;
  - 2.8. provision of financial and other means.

### **Article 42 Annual Plan**

Tasks specified in the central program should be detailed in annual protection plans against natural and other disasters

### **Article 43 Local plans and programs**

Programs and plans at local level for protection against natural and other disasters can not be contrary to the central program.

**Article 44**  
**Assessment of Risk**

1. Planning of protection, rescue and aid activities in cases of natural and other disasters and in extraordinary situations should be based on risk assessment.
2. Risk assessment of natural and other disasters, and emergency situation at the national level makes the Agency in collaboration with other institutions.
3. Risk assessment at the local level is carried out by the local responsible body.
4. Risk assessment methodology shall be determined with sub-legal act by the Government.

**Article 45**  
**Emergency response plans**

1. Protection, rescue and assistance in cases of natural and other disasters and extraordinary situations should be planned through emergency response plans.
2. The purpose of emergency response plans is the provision of enterprise activities organized and coordinated to prevent disasters or to reduce their consequences and in case of disaster, the essential conditions for life should be provided as soon as possible.

**Article 46**  
**Planning authorities**

1. National response plans should be prepared by the Agency in cooperation with other relevant institutions by area of responsibility.
2. Local emergency response plans are developed by local authorities.
3. The mayor, for completion may require from the institutions and other enterprises, except those specified in Article 42 of this Law, to develop emergency response plans.
4. Authorities responsible for emergency response planning are responsible to present the approved plans to the public.
5. Government with a sub-legal act shall determine the content and procedures for processing emergency response plans.

**Article 47**  
**Completion of plans**

Emergency response plans should be completed in case of any difference in terms of risk factors and capacity of emergency services - organizations and protection resources, rescue and assistance, taking into account new findings and experiences achieved in disaster management.

## **CHAPTER V MONITORING, NOTIFICATION AND WARNING**

### **Article 48 System of monitoring, notification and warning**

1. In order to identify and monitor risks from natural and other disasters, the Ministry organizes a unique system of notification, warning, management and implementation of protection, rescue and aid.
2. The basic objective of the system from paragraph 1 of this Article are:
  - 2.1. collection, processing, analysis and communication of relevant data protection, rescue and assistance to carry out other duties appropriate to protect against natural and other disasters;
  - 2.2. notification and warning of citizens of impending danger and providing guidelines for protection against natural and other disasters;
  - 2.3. release and activation of persons performing tasks of protection, rescue and assistance to risk and communication of decisions reached by the relevant bodies responsible for implementing the protection, rescue and aid.

### **Article 49 Organizational setup system**

1. Monitoring, alerting and warning system includes:
  - 1.1. monitoring network;
  - 1.2. emergency notification centers;
  - 1.3. warning.
2. Government by sub-legal act regulates the organization and operation of the system of monitoring, alerting and warning

### **Article 50 Monitoring Network**

1. Monitoring, notification and warning is based on:
  - 1.1. communications from individuals and organizations;
  - 1.2. observations and communications made by firefighters, mountain rescuers, cavers, divers, foresters, hunters, fishermen, automobile clubs, nautical clubs, aeronautical clubs, railway companies, road and other institutions and enterprises;
  - 1.3. communications from the monitoring and surveillance services established for purposes of monitoring meteorological conditions, hydrological, seismological, radiological, environmental and other;
  - 1.4. observations made by the authorities and airspace control; and
  - 1.5. international exchange of information and data.
2. Services and authorities from paragraph 1. of this Article should communicate relevant information for protection against natural and other disasters to the emergency operations center for free.



## **Article 51**

### **Using public and statistical records**

1. In order to assess the risk, planning and implementation of protection, rescue and aid the central and local authorities are authorized to use, based on their scope, data on resources, natural hazards and other dangers, residents in threatened areas, residential buildings and other public services, companies, associations, institutions and NGOs, whose activities are important for protection, rescue and assistance.
2. In order to assess the risk, planning and implementation of protection, rescue and aid for the assessment of damages caused by disasters, and local authorities are authorized to use, the personal data of residents at risk, including personal number citizen registry, name and surname, date of birth, address of temporary and permanent housing and data on the employment relationship.
3. In order to assess the damages to such data may include details related to the movable and immovable property damaged as a result of the disaster.
4. To perform tasks relevant central and local authorities should receive and process specific data from the central register of citizens, Kosovo Business Registry, all registers and records and data related to housing, the register of agricultural data and the like, in accordance with the given powers.
5. For the implementation of protection, rescue and aid in the phase of the immediate threat of disaster or in case of disaster, in order to perform recovery and rehabilitation after the disaster, central and local authorities are authorized to use the corrected data on the location, quantity and quality of services provided by public companies, number of individual housing on water supply, sewage system, electricity, heat, gas, communication lines, municipal waste and other data relevant to the implementation of protection, rescue and assistance.
6. Except to the responsible bodies and local records under this Article may be used by governing bodies, heads of services, structures and operational units and commanders of incidents in accordance with the profession and their powers to implement the operations of protection, rescue and assistance in case of immediate danger or in case of disaster, the width of which requires protection and rescue of people, property, animals, cultural heritage and environment.
7. Agency collects and manages data from this Article and from Article 54 of this Law, in central integrated data bases which serve as the basis for planning and notification of risks and implementation of protection, rescue and assistance in cases of disasters across the country or in specific parts of the country and should provide access to data to relevant central and local responsibilities and protection, rescue and assistance referred to in paragraph 5. of this Article. At the request of the Agency, such data must be submitted by managers of the databases that are funded by public money and in the electronic version.
8. Central and local authorities, governing bodies, heads of services, operating units and other structures and incident commanders who plan and implement protection, rescue and aid are obliged to ensure protection of personal data in accordance with the legislation in force.

## **Article 52**

### **Databases**

1. In order to receive administrative and technical issues the Agency collects, processes, communicates and uses information for:
  - 1.1. natural phenomena
  - 1.2. sources of risks of natural and other disasters;
  - 1.3. natural and other disasters and damage caused by them;
  - 1.4. structures and their resources to protect, rescue and assistance;
  - 1.5. interventions by the structures of protection, rescue and assistance;
  - 1.6. expenses for protection against natural and other disasters.
2. The central authorities, local institutions and other organizations, governing bodies and incident commanders are obliged to communicate data from paragraph 1. of this Article, in the form specified and free to the agency, where they integrate into the central database and shall be made accessible to authorized persons.
3. Data are also used for processing of programs for recovery after natural and other disasters.
4. The methodology of collecting, processing, keeping and data communications will be determined by sub-legal act issued by the Ministry, while the exchange of information with foreign countries and international organizations shall be regulated by bilateral agreements.

## **Article 53**

### **Use of electronic communication**

1. Use of electronic communication for the purpose of holding and transferring data within the system of monitoring, notification and warning has priority over any other type of communication.
2. For management and implementation of protection, rescue and assistance and other operational duties within the scope of protection against natural and other disasters Ministry will establish an autonomous system of electronic communication.

## **Article 54**

### **The organization and operation of the Emergency Operations Centers**

1. For the purpose of performing operational tasks and communication related to the monitoring, notification and warning within the Agency, the Ministry establishes the emergency operating centers.
2. In these centers are included:
  - 2.1. Agency's Operation Center;
  - 2.2. Regional Emergency Operations Center; and
  - 2.3. Local Emergency Operations Centers.
3. Local emergency operations centers maintained by the Municipal Assemblies, and are active and operative only in case natural disasters or other disasters or emergency.
4. The decision to activate the Local Emergency Operations Center deals by the mayor at the request of local emergency manager or incident commander.

### **Article 55**

#### **The work of the emergency operations center and emergency information broadcast**

1. Agency Operations Center and Emergency Operations Center Regional Agency, operate twenty four (24) hours a day, seven (7) days a week.
2. Regional Emergency Operations Centers accept process and transfer emergency calls from the number 112 that require the help of firefighters, emergency medical services, help of other rescue services and activate the emergency response structures, in accordance with emergency response plans, plans of activation and decisions of the relevant authorities.
3. Direct requests, appeals, notices and instructions in cases of warning, and other communications about risk should be communicated through the Regional Emergency Operations Center at the request of the Government of Kosovo, the Mayor, the Incident Commander and local and central responsible authority.
4. Communications from paragraph 3. of this Article shall be published without delay and without charge, under the Law on Media.
5. Publication of urgent appeals, notices and other messages have priority in each media house.

### **Article 56**

#### **Warning System**

1. The warning is organized as a unified system of public warning and shall be managed at the central, regional and local levels.
2. Warnings in case of danger from natural and other disasters should be implemented by the Emergency Operations Center and related services to institutions and other organizations on the basis of verified information or at the request of commanders of incidents, and other governing bodies.
3. Institutions and other organizations are obliged to construct, maintain and to provide operational tools that enable warning for the citizens who are directly endangered by disasters.
4. Warning tools from paragraph 3. of this Article should be integrated into public warning system as defined in paragraph 1. of this Article.
5. The Ministry is responsible for organizing, maintaining and operating unique system of warning at the country level.
6. The Ministry with sub-legal act determines the type, number and use of alarm signals to be applied throughout the country.

## **CHAPTER VI PROTECTIVE MEASURES**

### **Article 57**

#### **Protective measures**

1. Protective measures include among others:

## Administrative laws

- 1.1. environmental, urban planning, construction and other technical measures;
- 1.2. evacuation;
- 1.3. accommodation and care of people at risk;
- 1.4. radiological, chemical and biological protection;
- 1.5. housing;
- 1.6. protection of cultural heritage.

### **Article 58**

#### **Environmental, urban planning, construction and other technical measures**

1. Environmental urban planning, construction and other technical measures are undertaken during spatial planning, urban development and construction in order to prevent or reduce harmful effects as a result of natural and other disasters and to enable protection, rescue and assistance.
2. Projects for construction of facilities, intended for collective use, supply of citizens, public transportation, and warehousing, manufacturing and use of hazardous substances, petroleum and its derivatives, gas and energy, contain elaborates on security from natural and other disasters.
3. Government with sub-legal act, determines the type of premises, environmental, urban planning, construction and other technical measures of protection.

### **Article 59**

#### **Evacuation**

1. Evacuation of the risked residents is performed when other measures can not ensure their safety.
2. Evacuation decision is taken by the Government, the Mayor or in emergency cases by the incident commander.
3. The movement of residents from the area provided for evacuation to the designated place shall be made in the manner and time limits set out in emergency response plans or as specified in the decision of the competent authority.
4. Relocation of residents in another local community can not affect in change of their legal status
5. The municipality, in which are placed evacuated residents, provides accommodation, care and their education.
6. Expenditures under paragraph 5. of this Article, the municipality shall compensate municipalities or state where they are displaced.

### **Article 60**

#### **Accommodation and care to people at risk**

1. Government and municipalities are obliged to provide accommodation and necessary care for the citizens, who in case of natural disaster or other disaster have lost their homes and means of life and can not return to their homes because of the risk.
2. In exceptional cases, when no other accommodation can be provided, the Mayor

asks the owners or users of apartment buildings to accommodate temporarily evacuated residents who are at risk.

### **Article 61**

#### **Radiological, chemical and biological protection**

1. Radiological, chemical and biological protection constitutes of measures and means for direct protection from the effects of nuclear weapons, chemical and biological weapons and the consequences of incidents involving hazardous materials.
2. Owners and users of premises and equipment intended for public supply, transport and storage of food items, medicines, feed, utilities, health care and education of children, must provide protection means and take protection measures provided for chemical, biological and radiological protection.
3. Government under sub-legal act regulates the organization of radiological, chemical and biological weapons and determines the means and measures for protection.

### **Article 62**

#### **Shelter**

1. Shelters and other protection facilities shall be built for the purpose of protecting people in times of war or other risks.
2. Shelters shall be divided into basic and additional protection shelters.
3. Basic defense shelters built in towns and settlements at risk within new buildings, intended for public health services, care and education of children, protection of cultural heritage, public information, national television and radio, rail and air traffic as well as important buildings for energy supply and industrial buildings intended for use in war to maintain the activities of importance for protection and security.
4. Shelters in new buildings in certain settlements, the first plates should be reinforced to the extent that resists penetration of the ruins.
5. Shelters built as dual-use items to the extent they do not distort their protective function.
6. Other protection facilities should be constructed in such a form that provides shelter from the ruins.

### **Article 63**

#### **Public Shelters**

1. In order to provide housing for people in public places should be used public shelters or other suitable facilities.
2. Public shelters are under the jurisdiction of local authorities.

**Article 64**  
**Protection functions of shelters**

1. Shelters should provide basic protection from over-pressure protection, ruins, radioactivity, fire and the effects of chemical weapons and other materials and must be supplied to the extent that enables the housing for a longer time.
2. Additional protection shelters should provide protection from the ruins.

**Article 65**  
**Maintenance and the use of shelters**

1. Owners and users are obliged to maintain shelters in the state that match the goal.
2. In emergencies case, shelter should be ready for use within twenty four (24) hours.
3. Changes that weaken the protective function of shelters are prohibited without exception.

**Article 66**  
**Financing the construction of shelters**

1. Investors are obliged to build shelters with their own financial resources.
2. In the case of public shelters investor is the local level.
3. In order to support the construction of shelters, the state can provide guarantees and subsidies.
4. Ministry sets requirements for obtaining warrants and providing subsidies.
5. Government Act shall determine the locations and areas where shelters should be built, and the conditions for construction and maintenance.
6. Sub-legal act issued by the Ministry sets technical standards for shelters and for adoption of buildings for housing.

**Article 67**  
**Protection of cultural heritage**

1. Protection of cultural and natural heritage means preparation for accomplishing of measures concerning the reduction and prohibition of negative effects from natural and other disasters in cultural and natural heritage.
2. Preparation and measures under paragraph 1. of this Article are accomplished by owners or users of cultural and natural heritage as well as municipalities and government
3. During accomplishing of protection concerning cultural and natural heritage against natural and other disasters relevant service units of Civil Protection, fire brigades, and other forces for protection, rescue and aid are engaged as needed.
4. The Government by sub-legal act regulates the protection of cultural and heritage against natural and other disasters in conformity with the legislation in power.

## **CHAPTER VII PERSONAL AND RECIPROCAL PROTECTION**

### **Article 68 Spread and responsibility**

1. Personal and reciprocal protection includes measures that population should undertake in order to prevent and reduce consequences from natural and other disasters, concerning their health and safety of their property based in the plan for protection and rescue.
2. Organization, development and management of personal and mutual protection is under the jurisdiction of local authority, who may establish advisory services.
3. Government foresees means and equipments for personal and reciprocal protection in case of natural and other disasters, which should be available to the population, owners or users of premises, economical enterprises, institutions and other organizations as well as government authorities

## **CHAPTER VIII PROTECTION, RESCUE AND AID STRUCTURES**

### **Article 69 Duties and organization of protection, rescue and aid**

1. Protection, rescue and aid in case of natural and other disasters include:
  - 1.1. assistance for risk and stricken citizens;
  - 1.2. first medical aid;
  - 1.3. first veterinary aid;
  - 1.4. extinguishments and rescue of fire;
  - 1.5. rescue from ruins, avalanches, slides (earth, snow);
  - 1.6. rescue from floods, weather catastrophes, ecological disasters and other disasters of rivers and lakes;
  - 1.7. rescue from serious traffic accidents;
  - 1.8. rescue in case of incidents at mines;
  - 1.9. rescue on the mountains;
  - 1.10. rescue in caves, canyons, etc.
  - 1.11. rescue in water and under water;
  - 1.12. rescue in case of unexpected disturbances;
  - 1.13. accomplishment of radiological, chemical, biological protection in case using dangerous materials;
  - 1.14. search for missing persons in cases of natural and other disasters;
  - 1.15. rescue in case of war, terrorist attacks and other forms of mass violence;
  - 1.16. providing elementary conditions for life.

## **Article 70**

### **Enforcement of tasks**

1. Tasks carried out by:
  - 1.1. Units, operating services and associations and other non-governmental organizations;
  - 1.2. Organizations and institutions;
  - 1.3. Units and emergency response teams;
  - 1.4. Kosovo Police Service;
  - 1.5. Kosovo Security Force;

## **Article 71**

### **Associations and other non-governmental organizations**

1. Units, services and operative components of associations and other non governmental organizations, accomplish duties of protection, rescue and aid, respectively public services based on the decision of competent authority of local and central level, if they meet the conditions foreseen by this law.
2. Competent authority decides for:
  - 2.1. composition, capacity and the way of performing duties, respectively public services;
  - 2.2. the beginning to accomplish duties in emergency cases;
  - 2.3. financial means, which are provided by municipality, respectively by government in accomplishing duties in emergency cases;
  - 2.4. financial means for payment of compensation in accordance with this Law for citizens, who are affected by the intervention and professional illness;
  - 2.5. supervision of duty accomplishment in emergency cases.
3. The scope and manner of enforcement or public service duties is determined in accordance with applicable standards for the organization and equipment units, services and other operating structures of protection, rescue and aid.
4. When is determined by the competent authority units, services and other operating structures of an association or other non-governmental organization fail to perform public service duties or in accordance with the provisions of this law and the decision of the competent authority specified time limit for which the association or relevant organizations should fix the situation.
5. If the association or organization fails to improve the situation within the time specified, shall be removed from the application of duties or public service concerned.
6. Notwithstanding the provisions of this Article, associations and other non-governmental organizations can participate voluntarily in defense, rescue and assistance, if they can provide the necessary personnel and equipment

## **Article 72**

### **Services of public protection, rescue and assistance**

1. Public protection services, rescue and assistance include:



- 1.1. fire service provided by the firefighting units in accordance with the Law on Fire and Rescue;
- 1.2. mountain rescue service provided by mountain rescue stations in accordance with the standards for organization and equipment units, services and operational structures for protection, rescue and assistance;
- 1.3. rescue service in caves and canyons provided by cavers-organized savior cavers clubs in accordance with the decisions of the central body responsible;
- 1.4. water rescue services provided by divers in accordance with the standards for organization and equipment units, services and other operating structures of protection, rescue and aid
- 1.5. protection and rescue service in case of ecological disasters and other disasters, organized by local and central level.
2. Unique Investigation Service for the collection, communication and recording of data on citizens affected in cases of natural and other disasters, including the state of war and emergency, must be organized and handled by the Red Cross of the Republic of Kosovo.
3. Red Cross of the Republic of Kosovo will take care of training courses on first aid and implement other effective public defense against natural and other disasters, and execute tasks in accordance with standards of organization and equipment units, other operating services and structures for protection, rescue and assistance.

### **Article 73**

#### **Enterprises, institutions and other organizations**

1. Order to implement specific operational tasks of protection, rescue and assistance, central or local government body responsible may engage enterprises, institutions and other organizations, if they are able to provide the necessary personnel and equipment.
2. Enterprises, institutions and organizations other in order to implement the duties of paragraph 1. of this Article shall provide training for their employees and prepare for action in cases of natural and other disasters.
3. Central or local body responsible to compensate the enterprises, institutions and other organizations committed to implementing the tasks of protection, rescue and assistance for cost effective out of participation in the implementation of tasks and preparations which are not in their usual activities.
4. The government in its standards for organizing and equipping of units, services and other operating structures of protection, rescue and assistance should also include standards for the commitment of enterprises, institutions and other organizations that have specific equipment or other capacity or are involved in important activities for the implementation of protection, rescue and aid.
5. Ministry - Agency or other responsible central or local to the type of disaster, should sign agreements with enterprises, institutions and other organizations, participation and setting out their obligations under the terms set out in paragraph 3. of this Article.
6. In accordance with applicable standards for organizing, equipping and training

units, services and other operational and non-governmental organizations, the Agency and relevant local authority must sign an agreement under paragraph 5. of this Article with associations and non-governmental organizations that organize units, services and other such operational structures.

7. The agreements in paragraph 5. and 6. of this Article, inter alia, must specifically define the type and size of unit, service and other operational structure, implementation of public services under this law, responsibility for achieving and maintaining readiness and other government-related obligations their participation in protection, rescue and assistance.
8. In order to maintain a certain level of readiness necessary for the implementation of the duties of protection, rescue and assistance, enterprises, institutions and voluntary organizations, associations and other non-governmental organizations based in paragraphs 5. and 6. of this Article may provided free of charge with accessories and equipment for protection and rescue, for which they are obliged to maintain. Equipment and such equipment can be removed only for purposes of replacement with new equipment and in cases of termination of the agreement.

#### **Article 74**

##### **Units and services of protection and rescue**

1. If the duties of protection, rescue and aid can not be performed by professional rescue services, units and the protection and rescue services are organized as follows:
  - 1.1. technical rescue units;
  - 1.2. first aid veterinary units;
  - 1.3. units and services for radiological, chemical, biological Protection;
  - 1.4. units for evacuation and shelter;
  - 1.5. logistics centers and information, logistic units;
  - 1.6. support services and
  - 1.7. other units and services based on risk assessment.
2. Notwithstanding paragraph 1. of this Article, various standing committees and temporary expert to assess damages to buildings and other special tasks in accordance with emergency response plans and risk assessment for the implementation of tasks of protection, rescue and aid.
3. Government Act defines the legal service units from paragraph 1. of this Article which should be organized by central and local government, enterprises, institutions and other organizations in accordance with applicable standards for organizing, equipping and training SPRA.

#### **Article 75**

##### **Protection by means of free punctured**

1. Protection by means of free punctured contains - detection, security, removal, transportation and destruction.
2. To implement the duties of paragraph 1. of this Article shall apply provisions of law for the establishment of the Kosovo Security Force.

**Article 76**  
**Maintaining public and peace order**

In cases of natural and other disasters Kosovo police is responsible for ensuring peace and public order in threatened and stricken areas

**Article 77**  
**Mobilization and activation**

1. SPRA decision to mobilize organizations and other emergency services derive their respective bodies after level.
2. The decision to activate SPRA and other emergency services in case of natural and other disasters in the report deals with the provisions set forth in the National Response Plan under the relevant levels.

**Article 78**  
**Management structure of protection, rescue and aid**

1. Operational and tactical management SPRA organized and implemented according to the principles of the System of Integrated Emergency Management and in accordance with the National Response Plan
2. Management should be based on the mandatory implementation of decisions taken by the authorities responsible for managing the units for protection and rescue, and other protection services, rescue and aid.
3. Any commander or leader should appoint a deputy. In the absence of Deputies, he must appoint another person to replace him.
4. Any commander or leader should know his superiors and subordinates.
5. No person shall be required or permitted the implementation of the decision, when the case in which the such a thing, conducted a crime or act contrary to international humanitarian law.

**Article 79**  
**Management units, services and other operating structures**

1. Units, services and other operating structures organized in associations and other non-governmental organizations that participate in protection, rescue and aid, managed independently by their own leaders in accordance with technical and legal.
2. When defense, rescue and aid implemented by more than one unit, service or other operational structure, all must abide by decisions made by certain incident commander.

**Article 80**  
**The participation of security and police forces**

1. If security forces participate in protection, rescue and help management make their supervisors in accordance with instructions given by the Incident Commander.

2. Police, organization and implementation of tasks in defense, rescue and assistance needs to do in accordance with rules and instructions given by the Incident Commander.

### **Article 81**

#### **Tasks of the Incident Commander**

1. Incident Commander will:
  - 1.1. verify readiness for emergency intervention units and other resources for protection, rescue and assistance;
  - 1.2. directs protection, rescue and assistance in case of disasters;
  - 1.3. ensure liaison and coordinated action for all SPRA;
  - 1.4. make proposals for preparing SPRA and for recovery from natural and other disasters;
  - 1.5. Search Emergency Operations Center activation.
2. Incident Commander may assign responsible to manage individual interventions to protect, rescue and aid.

### **Article 82**

#### **Special competences**

1. In running the defense, rescue and aid the incident commander has the right and duty to restrict the access of unauthorized persons in the affected areas and may order that:
  - 1.1. people, animals and goods to move by striking buildings and areas;
  - 1.2. be allowed access to shelters;
  - 1.3. to enable the use or placement of specific communication;
  - 1.4. be the removal of barriers that impede successful intervention;
  - 1.5. be made available for use private means of transport for the transfer of injured or tools needed for protection, rescue and assistance;
  - 1.6. prepared citizens to participate in rescue activities in accordance with their skills and resources appropriate for protection;
  - 1.7. private property for the purposes of protection, rescue and assistance;
  - 1.8. properties used as temporary storage for debris, parts and other materials taken during the performance of defense, rescue and assistance intended to provide basic conditions for life;
  - 1.9. destruction of buildings or the felling of trees.
2. The measures set out in paragraph 1. of this Article can be ordered only when no other measure can not provide protection to people and property and enforcement, rescue and assistance and should be applied no more than is absolutely necessary.
3. People relocation from paragraph 1. of this Article shall be ordered unless their life is at risk of imminent due to fire, explosion or other danger for the duration of such risk. KP should facilitate relocation.
4. During the defense, rescue and aid the incident commander has the right to order other institutions and organizations signed the contracts, central or local competent authorities for the implementation of specific tasks under this law, urgent work construction, technical and other.

5. If tasks must be performed in order to rescue and protect people, property, animals or the environment or risk rear back inevitable, the incident commander has the right to order that these tasks be performed by natural and legal persons who have the capacity or adequate equipment. The order must be in writing or in unexpected situations verbally and must specify the type and extent of work to be performed.
6. For orders given by the incident commander should be kept records. Decisions with financial implications must be issued written orders. When circumstances permit must be issued orders in writing as soon as possible. In urgent cases the incident commander should have the right to order the private owners of residential buildings or other facilities, provide care and temporary housing for people threatened until a decision by the Mayor or the Government.
7. If the protection and rescue operations conducted by regional or central authorities, the decision to cover the costs of urgent works managed by the local community should be made by the Mayor.

### **Article 83**

#### **Assistance**

1. When, in the event of natural disaster or other disaster, assistance required local neighboring community in terms of structures and resources for protection, rescue and assistance, the incident commander can request such assistance, in coordination with the Mayor.
2. In addition to assistance provided by bilateral agreements, the incident commander may request assistance from a local community in the state closest neighbors.
3. In addition to assistance provided by bilateral agreements, requests for help from other countries in terms of forces and resources in case of natural calamities and other disasters made by the Government.
4. Local communities in cases of natural and other disasters can provide assistance in the local community to another country provided by interstate agreement.

### **Article 84**

#### **Implementation of protection, rescue and aid to other countries**

1. Assistance to other countries in the implementation of protection and rescue in cases of natural and other disasters and fulfillment of international obligations of the state must be performed by units, services and certain operational protection, rescue and aid, which are organized at the central under this law.
2. Units, services or operating structures deployed in other countries for carrying out defense duties, rescue and assistance in order to fulfill the international obligations of the state shall be guided by their commanders or leaders and in accordance with the decisions taken by the central authorities or authorities and international bodies in which operations take place. In cases of uncertainty, should decide the commander or leader, in accordance with the instructions provided by a designated authority of the Republic of Kosovo.
3. All members of units, services and operational structures deployed abroad for training, exercises, providing assistance in case of disaster or to meet international

- obligations of the state are required to have life insurance in case of death, permanent loss and Temporary their skills for the job.
4. Based on decisions taken by the appropriate and in accordance with emergency response plans of each unit, service or operational structure can be deployed in the border areas to provide assistance in border areas of other countries.

### **Article 85**

#### **Responsibility for protection, rescue and assistance**

1. Responsibility for protection, rescue and assistance should be assigned to residential buildings, institutions and other organizations in accordance with the risks in residential areas.
2. Liability protection, rescue and assistance should lead the implementation of personal and mutual protection of citizens to organize and coordinate the implementation of the duties of protection, rescue and assistance within their area.

### **Article 86**

#### **Emblems**

1. Emblem of members engaged in SPRA includes:
  - 1.1. proving membership emblem;
  - 1.2. logo to indicate the position;
  - 1.3. the emblem to show the relevant jurisdiction.
2. Reproduction or unauthorized use of emblems and uniforms and any reproduction of the emblems of the circulation of local resources and protection services, rescue and aid.
3. Emblems established by sub-law by the Government.
4. With sub-law Ministry determines the type, shape and uniform model for SPRA.

### **Article 87**

#### **Awards and acknowledgments**

1. For exceptional achievements in the protection and rescue from natural and other disasters, are given recognition and rewards for:
  - 1.1. contribution to the prevention of risks;
  - 1.2. contribution in carrying out the defense, rescue and assistance;
  - 1.3. bold actions;
  - 1.4. inventions and innovations;
  - 1.5. achievements in development and research;
  - 1.6. achievement in training and skills;
  - 1.7. notable work in the field of protection against natural and other disasters.
2. Acknowledgements and awards, paragraph 1. of this Article be determined by, the Government by the proposal of the Ministry.

**Article 88**  
**The Assembly of Republic of Kosovo**

1. In terms of this law the Assembly performs the following tasks:
  - 1.1. sets basic guidelines for the organization and implementation of protection against natural and other disasters;
  - 1.2. adopts the national program for protection against natural and other disasters, proposed by the Government;
  - 1.3. oversee the implementation of the national plan and implementation of protection against natural and other disasters;
  - 1.4. on the proposal of the Government, makes decisions regarding the supply of resources and other issues of recovery from major natural disasters.

**Article 89**  
**The Government of Republic of Kosovo**

1. Government performs the following tasks:
  - 1.1. directs and coordinates the organization, preparation and implementation of protection against natural and other disasters in the country;
  - 1.2. approves the annual plan for protection against natural and other disasters;
  - 1.3. approves national emergency response plans;
  - 1.4. manages the protection, rescue, assistance and recovery from major natural disasters and other disasters;
  - 1.5. arranges for international assistance in cases of natural and other disasters;
  - 1.6. assembly proposes adoption of national program for protection against natural and other disasters.

**Article 90**  
**Commissions for damages assessment**

1. Damages assessments in case of natural and other disasters and preparation of proposals for recovery from such disasters, made by committees at central and local levels.
2. Committee members referred to in paragraph 1. of this Article are the quality of experts, representatives of public administration, local communities, public services, organizations and insurance companies.
3. By injured parties are required to collect evidence in connection with damages incurred from natural and other disasters at their own expense and submit to committee for review and approval.
4. On the proposal of the Ministry, the Government shall determine the composition of sub committees and damage assessment methodology material and other consequences of natural and other disasters.

### **Article 91**

#### **Tasks of the Mayor**

1. Mayor performs the duties as follows:
  - 1.1. ensure the realization of preparations for protection against natural and other disasters;
  - 1.2. adopt emergency response plans at the municipal level;
  - 1.3. determines the type and size of SPRA;
  - 1.4. care of the implementation of measures for prevention and mitigation of consequences of natural and other disasters;
  - 1.5. manages the protection, rescue assistance and recovery from natural and other disasters;
  - 1.6. care to inform residents about the risk, the state of protection and measures taken for protection;
  - 1.7. incident Commander determines the recommendation of the Emergency Manager.

### **Article 92**

#### **Management**

1. The management of enterprises, institutions and other organizations have the duty to:
  - 1.1. care for the implementation of preparations for protection against natural and other disasters;
  - 1.2. manages the protection, rescue and assistance in cases of natural and other disasters.
2. For the purpose of operating and technical management of protection, rescue and assistance, management sets the incident commander or manager and adopts emergency response plans.
3. Incident Commander and the structures set out in paragraph 2. of this Article shall be determined by representatives of enterprises, institutions and other organizations and institutions which provide medical treatment of regional importance.

## **CHAPTER IX**

### **ADMINISTRATION**

### **Article 93**

#### **Duties of the Ministries**

1. The government directs and coordinates activities of ministries in the field of protection against natural and other disasters.
2. Relevant ministries are responsible for implementing measures for prevention of natural and other disasters, i.e. reducing the consequences within their powers.
3. Relevant ministries are responsible for the state of readiness to carry out activities within their competence in cases of natural and other disasters.



4. Duties and responsibilities of central and emergency response structures established in the National Response Plan.

#### **Article 94**

##### **Emergency Management Agency and its tasks**

1. Emergency Management Agency acting as an executive agency under the Ministry of Internal Affairs and the ministries directly responsible
2. The Agency is led by Chief Executive in accordance with applicable rules for the appointment of senior officials in the civil service.
3. The organizational structure of the Agency regulates ma bylaw adopted by the Government.
4. Agency performs the technical management and protection of natural and other disasters, particularly
  - 4.1. elaboration of proposals for development projects and research;
  - 4.2. elaboration of the proposal for the program and the national plan;
  - 4.3. care organization and functioning of monitoring, warning and alarm
  - 4.4. planning, establishment, operation and maintenance of a unique system of communication, information and determining the requirements for integration of other systems;
  - 4.5. elaboration of risk assessment and technical documents to defense planning, rescue and assistance and direction and coordination of measures for prevention and mitigation of consequences;
  - 4.6. monitoring and notification of risk and providing guidelines for dealing with them;
  - 4.7. drafting of national emergency response plans in cooperation with ministries and government agencies;
  - 4.8. organizing, equipping and training of central structures of protection, rescue and assistance and other structures to protect, rescue and assistance and create conditions for the functioning of organizational structures of the System of Integrated Emergency Management;
  - 4.9. supervising and coordinating the organization of SPRA and other services.
  - 4.10. preparation of curricula, organization and implementation of training and training in the protection, rescue and assistance;
  - 4.11. classification of resources for protection, rescue and assistance and
  - 4.12. creation and maintenance of national material reserves for cases of natural and other disasters.
5. The agency is responsible for developing coordinated SPRA in the country, in accordance with risk assessment and emergency response plans and standards set by the Ministry.
6. In defense, rescue and aid agency has the right based on decisions taken by the Government or at the request of the Incident Commander to ensure the affected population aid resources or equipment and specific means of protection and rescue necessary to action to protect structures, rescue and emergency assistance and other services.
7. Assistance in resources, equipment and means of protection can be free and based

on a relevant agreement.

8. Such assistance, in particular, can be given to ensure the appropriate level of readiness to implement the tasks assigned to protect, rescue and assistance in accordance with the standards set by the Ministry.

## **CHAPTER X SUPERVISION**

### **Article 95 Office of the main Inspector**

1. The monitoring of this implementation law in the protection field from natural and other disasters supervised by Inspectorate Main Office Agency.
2. Inspector during the inspection line monitor:
  - 2.1. implementing measures for prevention and mitigation of consequences of natural and other disasters;
  - 2.2. the state of the plans and other preparations for protection, rescue and aid;
  - 2.3. accomplishment of duties of monitoring, informing and alarming;
  - 2.4. skills, equipment and readiness of SPRA and other emergency services.
  - 2.5. the manner of administrative and technical issues in the protection of natural another disasters.
3. The Ministry with sub-legal act determines the supervision of chief inspector in the field of protection against natural and other disasters

## **CHAPTER XI PROFESSIONAL WORK, HEALTH AND SAFETY AT WORK**

### **Article 96 Special conditions of work**

1. For workers of protection and rescue against natural and other disasters are valid rules for workers in civil administration, if not foresee otherwise by the Law.
2. In accordance with general rules, civil servants in the protection and rescue in certain tasks outlined in the systematization are obliged to work according to service specific conditions, including work at night, weekends, holidays, free days, regular duties or temporary, field work or work an irregular schedule.
3. Due to the demands of service, civil servants in the field of protection and salvation are obliged to work at the discretion of their supervisors in particular circumstances to work irregular schedule and under irregular conditions of work, including risks and specific loads at work.
4. Overtime work, commitment, duty on standby or work in a specific country should be ordered, unless prescribed by general rules, also because of the following service requirements:
  - 4.1. direct threat by the disaster or other calamity or threat revealed by fossil fuels;
  - 4.2. cases of natural and other disasters that require reinforcements to

- management bodies, services, operating units and structures that perform operations to protect, rescue and assistance or when such operations should continue further;
- 4.3. circumstances in which it is providing assistance in cases of natural and other disasters in communities or other countries or international organizations based on the decisions of the authorities;
  - 4.4. situations after the occurrence of natural and other disasters in good supply basic conditions for life in the stricken areas, including assessment of damages caused by the disaster;
  - 4.5. an added threat of attack in the country, directly from the threat of war, emergency conditions, increased level of preparedness for crisis situations or if the changed security situation poses risks to people, goods, animals, cultural heritage or environmental scale;
  - 4.6. the continuation of work in the absence or loss of workers to ensure smooth operation of emergency warning centers and custody services in the capacity necessary for the implementation of protection, rescue and assistance and support services listed above.
5. Overtime ordered in writing. If this is not possible due to emergency protection and rescue should be ordered verbally. In such cases the written order must be submitted to the civil service no later than the end of the week by week in which the order is given. Overtime work may take up to six (6) hours per day, twenty (20) hours per week, eighty (80) hours per month and one hundred eighty (180) hours per year. Time limits should be determined based on the average of six months.
  6. Civil servants in the protection and rescue should be granted the right to benefit from special allowances for working in special conditions in accordance with applicable law.
  7. Civil servants in the protection and rescue, set by their supervisors, and those who perform operational duties, are obliged to carry with them technical equipment in order to be informed about the risk or disaster occur, except during holidays or when they are abroad.
  8. Civil servants in the protection and rescue of certain operational tasks of protection, rescue and aid are required to be provided for cases of loss of life, loss of permanent or temporary general labor skills that occur in cases of natural and other disasters, and during exercises, education or training.
  9. SPRA members and citizens to voluntarily participate in the tasks of protection, rescue and relief under this law is also required to have special insurance.
  10. Right in the long term insurance or mandatory pension insurance, are civil servants in the protection and rescue of certain operational tasks of protection, rescue and aid in accordance with applicable law.

### **Article 97** **Compensation for work in special conditions**

1. Civil servants in the field of protection against natural and other disasters that are required to work in special conditions in addition to compensation provided in the law on salaries of civil servants will benefit as follows.

- 1.1. twenty percent (20%), when performing organizational, managerial, operational or inspection duties;
  - 1.2. fifteen percent (15%), when performing professional and technical duties related to intelligence, security, displacement and destruction of explosive means;
  - 1.3. ten percent (10%), when performing technical tasks, analytical, supervisory and operational duties;
  - 1.4. five percent (5%), when performing technical tasks and physical enhancements.
2. Percentage of benefit under paragraph 1. of this Article shall be determined in proportion to the extent, type and nature of work performed in particular conditions and off responsibility.

### **Article 98**

#### **Work in separated shifts and modified working hours**

1. Daily work load of civil servants in the protection and rescue field should not exceed twelve (12) hours a day. The average daily work load of workers should be calculated as the average workload for the period which should not exceed six months.
2. The work with shifts includes the work in rotation in which the employees work according to the twelve (12) hours schedule, followed by twenty four (24) or forty eight (48) hours break and the work according to the special schedule in morning, afternoon but not in the order. If the work is performed in rotation or in shifts, there must be provided the periodic modification of shifts.
3. Civil servants in the protection and rescue field who work in shifts should be granted the minimum daily and weekly rest as defined in the term which does not exceed six (6) months.
4. If the civil servant in the defense and rescue field is forced to work during the free days due to the demands of service, to him should be given a weekly holiday in the current month or not later than in the next month.
5. Working in shifts may be ordered based on the decision of the supervisor due to the service requirements under paragraph 4. of Article 101 of this law, the temporary measure to ensure elementary conditions for life in the affected area or until when no longer is needed the work in shift.
6. Civil servants in the protection and rescue fields who work in shift hours or rotation should have a right to payment of subsistence means, if it is impossible to be provided the meal during the regular working hour. Subsistence payments for work during the night should be thirty percent (30%) higher.

### **Article 99**

#### **The work beyond the specified load**

If the work of civil servant in protection and rescue field exceeds the determined monthly or weekly rate, the difference should be counted as overtime work which must not exceed twenty (20) hours per week or eighty (80) hours per month, if it is not possible to change the working schedule under the provisions of this law.

### **Article 100**

#### **The custody service and other special conditions of work**

1. Civil servants in the protection and rescue fields should perform the custody service as a regular or special mean in the workplace or in any other prearranged country.
2. Standing on call at home should not be counted in normative weeks or months obligation. If a civil servant in the defense and rescue filed performs work during the time of call, those hours should be counted as overtime work.
3. Based on the decision of the supervisor who was taken by himself or with the incident commander's request, a civil servant in the defense and rescue field should continue the work if the natural disaster or other disaster occurs during the regular working hours and protection operations, of rescue and aid are not completed during the regular working hours. This work should be considered as overtime work.

### **Article 101**

#### **Work in inadequate conditions**

1. Civil servants in the field of protection and salvation are forced to work in unsuitable conditions including noise, vibration, contaminated areas, aerosols, gases, hazardous chemical substances, explosive devices and explosives and other dangerous substances, if they are trained for the implementation of tasks in such conditions and equipped with personal protective equipment.
2. If the civil servant does not possess the necessary personal protective equipment, is entitled to refuse such duties and immediately inform the next higher supervisor.
3. Civil servants in the protection and rescue who are left disabled due to injuries suffered at work or occupational disease or enforce protection, rescue and aid, to be redeployed to other work locations to the appropriate authority in relation to remaining capacity for work or was entitled to vocational rehabilitation.
4. The right to reassignment to duty on local authorities or professional rehabilitation applies to civil servants at local level in the field of protection and salvation. If relocation is not possible or if vocational rehabilitation can not be considered suitable, then in such circumstances applicable legislation.

### **Article 102**

#### **Additional free days and length of service compensation**

1. For the purpose of maintaining the psychological status of civil servants in the protection and rescue operations assigned to diving duty or the defense of unexpected events, you are given fifteen (15) extra days off regular annual leave.
2. Civil servants in the field of protection and salvation that are assigned to operational duty to protect, rescue and assistance in accordance with their systematization for more than ten years are eligible for each year of service to receive five percent (5%) of base salary in the service.
3. Ministry by sub law prescribes the manner and circumstances under which these days can be used free.

**Article 103**  
**Legal aid**

1. Civil servants in the protection and rescue who are the subject of infringement as a result of their actions in performing the duties of protection, rescue and aid are entitled to free legal aid provided by central or local authorities.
2. Legal aid should be provided by a body of civil servants, if it is determined that they acted in accordance with the regulations and professional standards that apply to the implementation of protection, rescue and aid.
3. The right to free legal aid should also apply to citizens engaged in defense, rescue and aid structures for the duration of engagement.

**Article 104**  
**Health and safety at work**

1. To implement the tasks in the field of protection against natural and other disasters should apply the provisions of legislation governing health and safety at work, unless this Act otherwise provided.
2. Sub-legal act defines the measures and procedures to ensure the health and safety of workers, members of SPRA, as well as members of units, services and operational structures within associations and other nongovernmental organizations.

**Article 105**  
**Strike**

1. During strikes, persons professionally engaged in the protection against natural and other disasters are required to provide:
  - 1.1. uninterrupted operation of the monitoring system, warning, alarm and electronic communications;
  - 1.2. uninterrupted operation of the implementation of operational and technical tasks in order to ensure the operation of management bodies or other bodies to protect, rescue and aid.
2. During natural disaster or other calamity or when the imminent danger declared disaster occurs, the persons from paragraph 1. of this Article were denied the right to enter the strike.
3. Use of alarm signals and protection equipment, rescue and support for the strike is prohibited.

**CHAPTER XII**  
**EDUCATION AND TRAINING**

**Article 106**  
**Education**

1. For members of protection and rescue against natural and other disasters elementary and secondary level training is organized.

2. In lower and secondary education the knowledge for protection and rescue against natural and other disasters are learned in accordance with appropriate educational program.

### **Article 107**

#### **Training for personal and mutual protection**

Training of residents for personal and mutual protection and to implement protective measures provided by central and local level as optional training.

### **Article 108**

#### **Training and Capacity Building**

1. Training members of SPRA and other emergency services to perform tasks in this scope should include basic and advanced training.
2. Basic training of protection and rescue against natural and other disasters members
3. may last mostly fifteen (15) days, whereas those additional training mostly five (5) days per year,
4. Additional training of protection and rescue against natural and other disasters members, based on regulations, is organized on free days.
5. SPRA members and other emergency services called to the training through the means used to call activation. According to the rules, invitations should be delivered to them thirty (30) days before the start of training.

### **Article 109**

#### **Non-participation in training**

1. At his request, the participant is allowed SPRA temporary exemption from the training when he/she:
  - 1.1. is unable to participate in training due to illness or injury; Due to illness or Injury can not participate in Training,
  - 1.2. at the time of the call for participation in training is in school or when such training he is scheduled to do any check, test or take part in compulsory exercises;
  - 1.3. is taking care for his family member with a serious illness;
  - 1.4. after receiving the call for participation in the training of death in the family occurs; or
  - 1.5. by participation in the training he/she shall enter into a difficult situation for other reasons.
2. Professional Training Can Also canceled due to official and Seasonal Needs Agriculture works
3. The request for cancellation submitted should within eight (8) days, from the Beginning When invitation is Received date.

### **Article 110**

#### **Training Centre**

1. For the purpose of training and in the field of protection against natural and other disasters established the Integrated Training Center in the framework of Emergency Management Agency.
2. Training Centre is responsible for implementing specific training programs for members of SPRA and other emergency services members of units, services and other operating structures of associations, NGOs and other institutions.

### **Article 111**

#### **Training Programs**

1. Training and training in the protection of natural and other disasters should be organized in cooperation with relevant central and local
2. Ministry approves the implementation of training programs based on state obligations in the protection of natural and other disasters in international organizations in accordance with international agreements.
3. Sub-legal act defines programs basic and advanced training for members of units, services, associations, NGOs, institutions and enterprises as well as requirements to meet the organizations that provide training in the protection of natural and other disasters.

## **CHAPTER XIII**

### **FINANCING**

### **Article 112**

#### **Financial Resources**

1. Protection against natural and other disasters are financed by;
  - 1.1. budget of the Republic of Kosovo,
  - 1.2. municipality budget
  - 1.3. insurance Rates
  - 1.4. voluntary donations;
  - 1.5. international aid;
  - 1.6. the financial resources of enterprises, institutions and other organizations;
  - 1.7. other sources.

### **Article 113**

#### **Total Expenses**

1. Administrative activities, technical, supervisory and other activities related to protection against natural and other disasters within the powers of state budget financed by the Republic of Kosovo.
2. Financing activities related to protection against natural and other disasters and other issues at the local level make the local authorities within their powers.



3. Bodies at central and local levels in accordance with their responsibilities provide financial resources to cover the costs of protection, rescue and assistance necessary to protect the health and life of humans, animals, goods and environment.
4. Enterprises, institutions and other organizations that are required to organize the structure of protection and rescue as well as implement measures and tasks related to protection against natural and other disasters, provide funds for workers compensation losses in terms of Revenue during training as well as financial resources to cover expenses for preparatory exercises and other expenses related to the protection.
5. Costs of defense operations, rescue and assistance in cases of accidents caused by unknown persons covered in addition to the local level where such accident occurred, or whether the central tasks of protection, rescue and assistance under its responsibility.

#### **Article 114**

##### **Recovery of financing and reconstruction**

Financial resources for the benefit of reconstruction assistance and recovery provided by the budget of the Republic of Kosovo on decision of the Government.

#### **Article 115**

##### **Defrayment**

1. A natural or legal person who intentionally or due to negligence causes threat that cost ends emergency intervention, or causes an accident is liable to defray the costs of:
  - 1.1. interventions for the protection and rescue;
  - 1.2. recovery and rehabilitation;
  - 1.3. claims paid to natural persons and legal entities.
2. If the threat or accident is caused by more than one person and is not possible, their individual identification, they are responsible for repaying the costs together without distinction.
3. Notwithstanding paragraph 1. of this Article, any natural or legal person who because of negligence, lack of training or because of inadequate equipment causes an accident or a threat or situation which has resulted in costs of emergency interventions are required to pay costs in proportion to the costs of interventions parts specified by the Government.
4. Government determines the activities for which participants are required to cover the proportionate share of damage regardless of cause and responsibility for an accident for which participants need accident insurance. Intervention proportionate share of the cost will be covered by an insurance company or the participants themselves if they are not insured.
5. Financial assets collected by the payment of emergency interventions or interventions will be considered commensurate means destined for the rescue service or operational structures who have completed the intervention and can only be used for activities under this law.

## **CHAPTER XIV PUNITIVE PROVISIONS**

### **Article 116 Fines**

1. A fine of one thousand (1,000) to € five thousand (5,000), the natural person or legal entity:
  - 1.1. not immediately inform the nearest alarm, police or fire unit to the risk of disaster or other calamity whether one sees them or notified to him under Article 6 of this Law;
  - 1.2. if not perform, or in any way avoids the performance of material obligations set out in paragraph 1. of Article 25 of this law, If he / she does Performa, or in Some way avoids realization of material obligation;
  - 1.3. the employer shall remove from work or workplace changes SPRA participant or citizen who voluntarily participates in the carrying out of protection, rescue and relief under this law or causes any other damage due to the performance of the duties specified in paragraph 4. Article 27 of this Law;
  - 1.4. if within fifteen (15) days does not inform the relevant data for the changes set out in Article 35 of this Law;
  - 1.5. if he / she does not provide conditions or possibilities for realization of personal and workers protection or reciprocal, or does not accomplish foreseen protecting measures from paragraph 1. Article 38;
  - 1.6. if in the process of work, he / she uses, products, transports or dangerous deposits materials, Such as: oil and other derivatives, Energetic gases, or use perform which tools dangerous accident present risk for occurrence, or does evaluate the risk or plan for Protection and Rescue under paragraph 2. Article 38;
  - 1.7. whether in relation to the width and the degree of risk, the cost of not establishing and maintaining its readiness to act or did not organize the forces needed for rescue and relief or fails to provide notification and alarm the workers and surrounding population, the risk or did not co preparatory activities related enterprises, institutions and other organizations or local bodies in proportion to the risk created by his activity in accordance with paragraph 3. Article 38 of this Law;
  - 1.8. did the processing of emergency response plans or did not plan the implementation of protection measures and tasks assigned to protect, rescue and assistance in cases of natural and other disasters as defined in paragraph 4. Article 38 of this Law;
  - 1.9. if the owner or occupier of residential buildings or other facilities not take protective measures provided, or provided does not offer protection for rescue and relief under paragraph 1. Article 39 of this law, whether or not to take measures to provide for the protection of cultural heritage and the environment under paragraph 2. of Article 39 of this Law;
  - 1.10. if the owner or user of residential buildings or other buildings not help the

work of competent defense and rescue and does not provide him with records of the building, or information for residents and other users of the building under paragraph 3. Article 39 of this law;

- 1.11. whether at the request of the Mayor does not compose emergency response plans set out in paragraph 3. of Article 46 of this Law;
  - 1.12. if the owner or user of facilities intended for public water supply, production, transport or storage of food, medicines or animal food, public health services or care and education of children, does not offer protection or not implement the measures set for radiological, chemical and biological weapons under paragraph 2. of Article 61 of this law;
  - 1.13. if as an investor does not ensure the construction of shelters under the provisions of Article 64 of this Law;
  - 1.14. I as an owner or user of shelters does not tell maintain in accordance with condition foreseen for use, or in case of risk does not allow it for people, for whom The shelter is designated in Article 65 of this law;
  - 1.15. if he / she does perform organizing appropriate to accomplish the duties, does after Training professional look of the EMPLOYEES, or does undertake other preparation measures for Acting in events of natural and other disasters under paragraph 2. Article 73 of this law;
  - 1.16. if it prevents the implementation of measures or does not comply with the measures specified in managing the protection and rescue incident commander set out in paragraphs 1., 3. and 4. in Article 82 of this Law;
  - 1.17. if the copies, or unlawfully uses the signs and uniforms SPRA's, or copies in circulation and uses similar road vehicles and other vehicles transporting SPRA, according to paragraph 2. Article 86 of this law;
  - 1.18. If he / she acts opposite to decisions of the inspector for Protection and Rescue Against Natural and Other disasters, according to Article 95 of this law.
2. With a fine of one hundred (100) € - two hundred fifty (250) €, put the person in charge of the legal person, or responsible person of self-employed if he acts in contravention of paragraph 1. of this Article.

### **Article 117**

A fine of € one thousand (1,000) - € one thousand five hundred (1,500), to be punished enterprise, institution or organization if not establish, maintain and ensure the operation of warning devices to warn the population or if such devices do not integrate in the public system alarm set in paragraph 3. of Article 38 of this Law.

### **Article 118**

1. A fine of € one thousand (1,000) - € one thousand five hundred (1,500) for the offence shall be punished the responsible person of local or central body if:
  - 1.1. does not do risk assessment for its area of responsibility under paragraph 2, subparagraph 2.5 of Article 37 of this Law;
  - 1.2. not working local emergency response plans under paragraph 2, subparagraph 2.5 of Article 37 of this Law;

### **Article 119**

1. A fine of € two hundred (200) - € five hundred (500), to be punished any person who:
  - 1.1. the quality of the participant's SPRA not performed, or avoids participating in the facility under paragraph 1. Article 16 of this Law;
  - 1.2. the quality of voluntary participants in SPRA not trained to perform duties in accordance with regulations under paragraph 3. Article 16 of this Law;
  - 1.3. does not fulfill obligations by making materials available to SPRA, for the use of vehicles, machinery, equipment and other materials, facilities, buildings, power tools and resources necessary for protection against natural and other disasters, according to paragraph 1. Article 25 of this Law;
  - 1.4. without justification, does not appear in a certain time or place, or fails to submit the material at the request of responsibilities under paragraph 1. Article 26 of this law,
  - 1.5. the quality of the owner or user of the apartment building at the request of the Mayor refuses to accommodate evacuated residents and people at risk under paragraph 2. of Article 60 of this Law;
2. A fine of € one thousand (1,000) - € one thousand five hundred (1,500) for offenses punishable person who obstructs the implementation of measures or does not comply with measures set by the incident commander in managing the protection and salvation set forth in paragraphs 1., 3., 4. Article 82 of this Law

## **CHAPTER XV TRANSITIONAL AND FINAL PROVISIONS**

### **Article 120 Enactment of legislation**

The authorities determined by this law scarf became obliged to issue the sub-legal acts foreseen by this law, one year after the entry into force of this law.

### **Article 121 Repeal**

With the entry into force of this Law, the Law no. 02 /L - 68 for Protection Against Natural and Other Disasters.

**Article 122**  
**Entry into force**

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-027**  
**22 September 2011**

**Promulgated by Decree No. DL-037-2011, dated 07.10.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 22 / 19  
OCTOBER 2011, PRISTINA**



**JUSTICE**





**LAW No. 03/L-202  
ON ADMINISTRATIVE CONFLICTS**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON ADMINISTRATIVE CONFLICTS**

**Article 1  
Object of the law**

With this law are regulated competencies, composition of the court and rules of procedure, based on which the competent courts shall decide on lawfulness of administrative acts by which the competent authorities of public administration shall decide on rights, obligations and legal interests of legal and natural persons and other parties as well as for the lawfulness of actions of administrative authorities.

**Article 2  
Aim**

The aim of this law is provision of judicial protection of rights and interests for legal and natural persons and other parties, the rights and interests that have been violated by individual decisions or by actions of public administrative authorities.

**Article 3  
Definitions**

1. Terms used in this law have the following meaning:
  - 1.1. **Body** – public administration bodies, central government bodies and other bodies on their dependence, local government bodies and bodies on their dependence, when during exercising public authorizations decide on administrative issues.
  - 1.2. **Administrative act** – every decision of the body foreseen in sub-paragraph 1.1 of this paragraph, which shall be taken in the end of the administrative procedure on exercising public authorizations and which effects, in favor or not favor manner legally recognized rights, freedoms or interests of natural or legal persons, respectively other party in deciding the administrative issues.

- 1.3. **Administrative issue** - according to this law is special uncontested situation and with public interest, in which directly from legal provisions, results the need to define the behavior of next party in legal-authoritative manner.

#### **Article 4** **Lawfulness Principle**

The competent court shall decide based on constitution and laws regarding the administrative conflict.

#### **Article 5** **The principle of party's declaration**

Before issuance of a decision, the court shall give opportunity to every party to declare, on all requests and pretensions of other parties and on all facts and legal issues that are object of administrative conflict. The court may decide on administrative conflict without giving the opportunity for the party to declare, except in cases provided for by the law.

#### **Article 6** **The principle of verbal review**

The court shall decide based on verbal review directly and publicly regarding the administrative conflict.

#### **Article 7** **The principle of efficiency**

The court applies the administrative conflict quickly and without delay, by avoiding unnecessary actions and expenditures, that precludes misuse and delay of realization of party's rights, of other participants in conflict and the decision issued in foreseen term.

#### **Article 8** **The principle of assistance to the uninformed party**

The court makes sure that the non-information of the party and other of participants in the conflict, does not inflict the rights they enjoy based on the law.

#### **Article 9**

The Court decides on lawfulness of the final administrative acts regarding the administrative conflict, with which acts in exercising of public authorizations shall decide for the rights, obligations and legal matters of legal and natural persons in administrative issues.

## **Article 10**

1. Based on the Law, a natural and a legal person has the right to start an administrative conflict, if he/she considers that by the final administrative act in administrative procedure, his/her rights or legal interests has been violated.
2. Administration body, Ombudsperson, associations and other organizations, which protect public interests, may start an administrative conflict.
3. Administration body has the right to initiate the administrative conflict, against the decision taken based on complain in the administrative procedure, if he/she considers that any of his/her rights or interests have been violated.
4. If, by the administrative act the Law has been violated in the favor of a natural or legal entity, the conflict can be initiated by a competent public prosecutor or by other body authorized by the Law. All administration bodies are obliged to inform competent public prosecutor or the body authorized by the Law.
5. An administrative conflict can be initiated also by the competent public attorney or authorized person, if by an administrative act the Law has been violated in the disadvantage of central government bodies and other bodies on their dependence, local government bodies and bodies on their dependence, where the property rights of these bodies have been violated.

## **Article 11**

Administrative conflict, according to the indictment, shall be solved by the Supreme Court of republic of Kosovo.

## **Article 12**

The court decisions issued in administrative conflicts are mandatory.

## **Article 13**

### **Administrative conflict**

1. An administrative conflict can start only against the administrative act issued in the administrative procedure of the court of appeals.
2. An administrative conflict can start also against the administrative act of the first instance, against which in the administrative procedure, complain is not allowed.

## **Article 14**

An administrative conflict can also start when a competent body has not issued the relevant administrative act according to the request or complain of the party, under the conditions foreseen by this law.

## **Article 15**

1. Administrative conflict can not be initiated:

## Administrative laws

- 1.1. against issued acts on the issues on which the legal defense out the administrative conflict has been provided;
  - 1.2. against issued acts on the issues about which according to the legal provision of the law, an administrative conflict can not be initiated;
  - 1.3. against administrative acts that comprise a general obligation, issued by administration bodies, except when they violate legal rights of the parties.
2. Regarding issues under sub-paragraph 1.2, paragraph 1 of this Article, an administrative conflict can be initiated when the body issues an administrative act which has exceeded the competency limits.

### **Article 16**

1. The final administrative act can be objected:
  - 1.1. for the reason that, the law has not been applied at all or legal provisions have not been correctly applied.
  - 1.2. when the act has been issued by a non-competent body;
  - 1.3. when in the procedure that preceded the act, was not been acted according to the procedure rules, the factual situation has not been correctly verified, or if from the verified facts, incorrect conclusion in the light of factual situation has been issued;
  - 1.4. when with the final administrative act issued based on a free evaluation, the body has exceeded the limits of legal authorization or such act was not issued in compliance with the purpose of this law;
  - 1.5. when the accused party has issued again her earlier act, annulled before with the final decision of the competent court.
2. The administrative act can not be rejected for incorrect implementation of the provisions, when a competent body has decided according to free assessment based on authorizations and within the limits given with legal provisions, in accordance with the aim for which the authorization was given.

### **Article 17**

In the procedure of administrative conflict can also be required the returning of taken things, and compensation of the damage caused to the plaintiff from the executed contested act.

### **Article 18**

The plaintiff in the administrative conflict may be a natural person, legal entity, Ombudsperson, other associations and organizations, which act to protect public interest, who considers that by an administrative act a direct or indirect interest according to the law, have been violated.

### **Article 19**

1. When a natural person, who is a member of a non-governmental organization, which according to its rules is obliged to protect certain rights and interests of its

members, by an administrative act such a right or interest has been violated, this organization with the approval of its member, on behalf of his/her name can submit the indictment and develop an administrative conflict against the administrative act.

2. The organization under paragraph 1 of this Article can in each phase of the procedure, with the rights of the interested party to enter on started conflict, in favor of its member and undertake all actions and use all legal remedies, if this is not in contradiction with the declarations and actions of the party.

### **Article 20**

Accused party in an administrative conflict is the body, which act has been contested, respectively the body which upon request of the party or its claim does not issue the act in the certain legal term and the same one does not sent it to the party.

### **Article 21**

The position of the party in an administrative conflict has the person, to whom the annulment of contested administrative act shall cause direct or indirect damages.

### **Article 22**

1. The indictment does not prohibit the execution of an administrative act, against which the indictment has been submitted, unless otherwise provided for by the law.
2. By the plaintiff request, the body whose act is being executed, respectively the competent body for execution can postpone the execution until the final legal decision, if the execution shall damage the plaintiff, whereas postponing is not in contradiction with public interest and postponing would not bring any huge damage to the contested party, respectively the interested person.
3. Together with the postponing request, proves that show the indictment has been submitted should be presented.
4. For postponement of execution, the competent body shall issue decision not later than three (3) days from the date of receiving the request for postponement.
5. The body under paragraph 2 of this Article may postpone the execution of contested act also for other reasonable reasons until the final legal decision, if it is not in contradiction with public interest.
6. The plaintiff can claim from the court to postpone the execution of administrative act until the court decision is taken, according to the conditions foreseen by the paragraph 2 of this Article.
7. The court decides within three (3) days upon receiving the claim.

### **Article 23**

#### **Competence and legal redress**

1. For the indictments against administrative acts of all bodies shall decide the competent court for administrative matters in first instance, unless otherwise provided by other legal provisions.

2. Against the issued decision on administrative conflict, complain shall be submitted to the competent court for administrative matters of second instance.

#### **Article 24**

1. Against the final form decision of the Competent Court for administrative matters of second instance, the party may submit to the Supreme Court of Kosovo the request for extraordinary review of the legal decision.
2. The request under paragraph 1 of this Article may be submitted only in case of violation of material right or violation of procedure provisions, that may influence on solving the issue.
3. On the request for extraordinary review of the court decision shall decide the Supreme Court of Kosovo.

#### **Article 25**

1. Against the final form decision, the public Prosecutor may submit to the Supreme Court of Kosovo the request for protection of lawfulness, if by such a decision the law, other provisions or general act have been violated.
2. On the request for lawfulness protection against the decision of the court decides the Supreme Court of Kosovo.

#### **Article 26**

##### **The procedure based on the indictment**

1. An administrative conflict begins with an indictment.
2. With indictment may be required:
  - 2.1. the annulment or void publication of contested act;
  - 2.2. issuance of administrative act, which was not issued in the foreseen term;  
and
  - 2.3. return of the taken things and compensation of the damage caused by execution of the contested administrative act.

#### **Article 27**

1. The indictment shall be submitted within thirty (30) days, from the day of delivering the final administrative act to the party.
2. This time-limit shall be also applied for the authorized body for submitting the indictment, if the administrative act has been delivered. If the administrative act has not been delivered, the indictment shall be delivered within sixty (60) days from the date of delivering the administrative act to the party, in favor of which the act has been issued.

#### **Article 28**

1. The indictment shall be delivered directly to the court or by recorded mail. The indictment can be also done by the hearing process in the court. The day of

submitting the indictment by recorded mail, respectively the day of declaring the indictment in the report, shall be considered as the day when it was delivered to the court.

2. If the indictment has not been delivered to the court, but to the other non competent body, and arrives to the court after the deadline for submitting the indictment, shall be considered that it has been submitted on time, if its submission to this body was a consequence of not knowing or an open mistake of the submitter.

### **Article 29**

1. If the court of appeals has not issued the decision within thirty (30) days or a shorter time-line determined with special provisions concerning the appeal of the party against the decision of the first instance court, whereas if it does not issue the decision further within seven (7) days with a repetitious request, the party may start the administrative conflict as if the complain has been refused.
2. As it is foreseen under paragraph 1 of this Article, the party may act also when according to his/her request, the decision by the court of first instance has not been issued, against which act the appeal can not be made.
3. If the court of first instance, against which act the appeal can be made, has not issued any decision based on the request within sixty (60) days or a shorter foreseen time-line with special provisions, the party has the right to address by the request to the court of appeals. Against the decision of court of appeals, the party may start an administrative conflict, but also may, under the conditions in paragraph 1 of this Article, start it even if this body has not issued a decision.

### **Article 30**

1. The name of the court where the indictment is submitted, name, surname and residence, respectively the residence of the plaintiff shall be included in the indictment, the administrative act against which the indictment was addressed, and in which direction and volume the annulment of administrative act has been proposed. Together with the indictment the original or a copy of the contested act shall be attached.
2. If through indictment return of thing or compensation of harm is required, a certain request shall be submitted in the viewpoint of the thing or amount of harm.
3. Together with the indictment, a copy of the indictment and attached documents shall be presented for the indicted body and to any interested person, if there is such.

### **Article 31**

1. The claimant may waive the indictment unless a decision has been made. In such cases the court shall, through a decision, suspend the proceeding.
2. The claimant may extend the request indictment till the completion of the review, whereas when the review is not being developed, until the decision of the competent court is not being issued.

### **Article 32**

#### **Preliminary Question**

When the decision of the court in administrative conflict depends on legal matter which contains the legal self-governing and upon which the other court of the other body has not decided (the preliminary question), the court that develops the administrative conflict, may decide on that matter, unless otherwise provided for by the law; or may terminate the procedure until issuing the decision on preliminary question, by the competent body.

The court's decision on preliminary question has legal effect only in administrative conflict, in which that matter was solved.

### **Article 33**

1. In case the indictment is not complete, unclear or has inaccuracies, the president of the jury shall invite the claimant that within (eight) 8 days to eliminate the inaccuracies of the indictment. The instructions for eliminating the inaccuracies of the indictment and the admonition on the casualties in case the claimant fails to act according to the request of the court shall be noted in the instructions.
2. In case the claimant fails to eliminate the inaccuracies of the indictment within the determined timeline, where such inaccuracies make the proceeding impossible, the court shall through a decision disallow the indictment, if it does not conclude that the contested administrative act is invalid.

### **Article 34**

1. The court shall disprove with a decision, if it ascertains that:
  - 1.1. the indictment has been submitted after the timeline or it is premature;
  - 1.2. the act contested by indictment is not an administrative act;
  - 1.3. it is clear that the administrative act contested by an indictment does not affect the rights of the claimant or his/her direct interest based on the law;
  - 1.4. against the administrative act, contested by indictment, a claim may be filed, whilst the claim hasn't been filed at all or hasn't been filed on time;
  - 1.5. it is about the issue on which according to the provision of the law, an administrative conflict can not be made;
  - 1.6. that there is a firm decision, issued in the administrative conflict, on the same issue.
2. For the reasons set out in paragraph 1 of this Article, the court can disprove the indictment at any phase of the proceeding.

### **Article 35**

In case the court does not throw out the indictment based on paragraph 2 of Article 33, or based on Article 34 of this law, whereas it concludes that the contested administrative act contains such essential inaccuracies that interfere with the appraisal of the legality of the act, with the judgment annuls the administrative act without sending the indictment for reply.



### **Article 36**

1. In case the body during the judicial proceeding issues another act revoking or abrogating the administrative act against which an administrative conflict has been raised as well as in case of Article 29 of this law, later issues the administrative act, this body, except the plaintiff, shall notify the court as well.
2. In such a case the court shall invite the claimant to declare within fifteen (15) days if he/she is satisfied with the administrative act issued afterwards:
  - 2.1. is satisfied;
  - 2.2. does not abdicate from the claim;
  - 2.3. partially abdicates from the claim;
  - 2.4. he/she extends the claim to another act.
3. In case the claimant declares that he/she is satisfied with the later issued act or in case he/she doesn't declare within the timeline set out in paragraph 2 of this Article, the court shall issue a decision on cancellation of the proceeding.
4. In case the claimant declares that he/she is not satisfied with the new act, the court shall continue the proceeding.

### **Article 37**

1. In case the court does not disallow the indictment in accordance with paragraph 2 of Article 33 and Article 34 of this law or does not annul the administrative act in accordance with Article 35 of this law, the court shall send a copy of the indictment with the attachments to the indicted party and interested parties.
2. The reply shall be given within the time period of thirty (30) days from the day of submitting the indictment in response to the party.
3. Within the set timeline, the party is obliged to send all documents on the case to the court. In case the indicted party, even after the second request, does not present the documents on the case, or in case the indicted party declares that it can not send them, the court may decide on the issue even in the absence of the documents on the case.

### **Article 38**

1. In administrative conflicts, the court decides in an open session.
2. The court decides based on factual situation through the verbal review and by analyzing of facts.
3. In the administrative conflict the court may decide in a closed session in case those facts can be revealed dealing with private life of parties, state secret, professional secret, commercial secret or adaptation.
4. Parties, experts and interpreters if needed, should be present in a closed session.
5. The court may decide the issue without verbal review, if there are sufficient facts and in case that parties have submitted their consents in written form.
6. For exclusion of public from session, the court based on its own assessment shall decide with procedural decision which shall be communicated to the parties.

### **Article 39**

1. Supervising Judge determines the day of review and shall invite the interested parties to the review.
2. The review can be postponed only for legitimate reasons, on which the jury decides.

### **Article 40**

1. The review shall be lead by the judge that is involved in the case.
2. Minutes shall be kept for the review, only facts and essential circumstances shall be included.
3. The minutes shall be signed by the Judge that is involved in the case and the minutes-holder.

### **Article 41**

1. The absence of the party from the verbal review shall not cancel the work of the court.
2. If the party is absent from the verbal review, it can not be concluded that they have disclaimed their requests, and their submissions shall be read.
3. In case both the claimant and the indicted party are absent from the review, whereas the review is not postponed, the court shall review the conflict also in absence of the parties.

### **Article 42**

During the review, the member of the Judge that is involved in the case, shall be the first to take the word. The reporting judge presents the state and essence of the conflict, not giving his/her own opinion. Then the floor is given to the claimant to justify the indictment, then to the indicted party and interested persons to justify their claims.

### **Article 43**

1. The court shall decide on the administrative conflict issue, based on the facts ascertained in the administrative proceeding.
2. In case the court concludes that the administrative conflict can not be reviewed based on the facts ascertained in the administrative proceeding as in the viewpoint of the ascertained facts there are contradictions in acts, and that an inaccurate conclusion in the factual state viewpoint has been issued from the ascertained facts, or the court concludes that the proceeding rules haven't been abided, rules that are of importance for solving the issue, the court shall annul through an adjudication the administrative contested act. In such a case, the competent body is obliged to act in the manner determined by the adjudication and issue a new administrative act.
3. In case the annulment of the administrative act according to paragraph 2 of this Article and repeated proceeding in the competent administrative body would cause

any harm to the claimant, harm that is difficult to be repaired, or in case if based in official documents or other evidences in the documents of the case it is clear that the factual state differs from the state ascertained in the administrative proceeding, or if the administrative act has been once annulled in the similar administrative conflict, whereas the competent administrative body hasn't acted according to the adjudication, the court itself can ascertain the factual state or by another body and based on certified factual situation issues the adjudication respectively decision.

#### **Article 44**

1. The legality of the contested administrative act shall be reviewed by the court within the limits of the indictment request, but shall not be obliged by the indictment causes.
2. The court shall be careful according to the official duty for the nullity of the administrative act.

#### **Article 45**

1. The court shall issue the adjudication, respectively the decision.
2. Special minutes shall be kept on consultation, signed by Judge that is involved in the case and minutes holder.
3. Consultations shall be conducted in absence of parties.

#### **Article 46**

1. The court shall through adjudication decide on administrative conflict.
2. The indictment shall through the adjudication be approved or rejected as not based.
3. In case the indictment is approved, the court shall annul the contested administrative act.
4. When the court concludes that the contested administrative act is to be annulled, it may, if the nature of the issue allows or if the data and facts administered during the proceeding give a secure base for such a thing, decide through adjudication on the administrative issue. Such adjudication wholly replaces the annulled act.
5. With the adjudication, that annuls the contested administrative act, the court shall decide also on the request of the claimant for return of the thing, respectively harm compensation, if the proceeding data give certain base on such a thing. On the contrary, the court shall instruct the claimant to implement his/her request in the contentious procedure.
6. When the indictment has been submitted based on Article 29 of this law, whilst the court concludes it is reasonable, the court shall approve the indictment through adjudication and shall appoint the competent body to issue a decision.

#### **Article 47**

1. In case a verbal review has been conducted, immediately after the verbal review and consultation has ended, the court shall issue the adjudication, respectively the decision.

## Administrative laws

2. In complex cases, the court may waive from verbal issuance of the adjudication, respectively decision, but shall issue adjudication, respectively decision not later than eight (8) days.
3. In case after the verbal review the court does not issue the adjudication, respectively decision as it shall primary verify such a fact that a new verbal review is not necessary for, the court shall issue the adjudication, respectively decision, within eight (8) days from the day it has verified that fact.

### **Article 48**

1. The adjudication, respectively the decision, shall include the name of the court, name and surname of the Judge that is involved in the case of minutes-holder, parties and their representatives, summary of the conflict object and date the adjudication, respectively the decision, is issued and announced, provision, justification and instructions to claim, if allowed.
2. The adjudication, respectively decision, shall be signed by the Judge that is involved in the case and minutes-holder.
3. Legal copies of the adjudication, respectively decision, shall be given to the parties.

### **Article 49**

#### **Proceeding according to the legal remedies**

1. Appeal against the court decision, is submitted to the competent court in the manner determined in Article 28 of this law.
2. The claim shall be submitted within a time limit of fifteen (15) days, from day of receipt of the court decision.
3. In other issues of the proceeding, according to the appeal, the provisions of this law shall be implemented.
4. Request for exceptional re-review of the court decision according to Article 24 and request for legality protection according to Article 25 is submitted, in a manner determined by Article 28 of this law, to the court to decide according to the request.

### **Article 50**

1. Request for extraordinary review of the court decision shall be delivered to the court within thirty (30) days from the date of receiving the decision, against which the party has submitted the request.
2. Request for legal defense shall be submitted within ninety (90) days from the date of delivering the decision to the party, against which the request has been submitted.

### **Article 51**

1. Request for extraordinary review and request for legal defense contains the name of the court decision and reasons and volume in which the review or legal defense has been proposed.

2. If the request under paragraph 1 of this article is not completed or is incomprehensible, the court shall act according to the provisions of Article 33 of this law.

## **Article 52**

1. The court shall overrule by a decision, the impermissible request, request submitted after the time-limit or the request submitted by unauthorized person.
2. If the court does not overrule the decision under paragraph 1 of this Article, then the request shall be delivered to the contesting party, which within the time-period of fifteen (15) days, shall responded on the request.
3. The court, against which decision the request for extraordinary review has been submitted or the request for legal defense, and accused body are obliged to deliver to the court all documentation of the case.

## **Article 53**

The court shall decide on the request for extraordinary review or the request for legal defense, as a rule, in a closed session, whereas the objected decision shall be reviewed only within the limits of the request

## **Article 54**

1. The court, by judgment shall refuse or approve the request.
2. By the judgment, by which the request is approved, the court may annul or change the court decision, against which the request has been submitted.
3. If the court annuls the court decision, the case shall be returned to the court, which decision was annulled. This court is obliged to undertake all procedural actions and to review the matters for which has been warned by the court which decided on the request.

## **Article 55**

### **Reviewing**

1. The interested party may request reviewing of the decision in effect, when:
  - 1.1. the party is informed about new facts, or if it finds or creates opportunities to use new proves, on which base the conflict shall be solved in more favorable manner for it, if this facts or proofs were raised or used in previous court procedure;
  - 1.2. the court decision came as a consequence of judge's penal act, the court employee or the decision has been issued by fraudulence act of the representatives or the authorizer of the party, his/her objector, representative or by the objector authorizer, whereas this action presents penal act;
  - 1.3. the decision is based on issued act decision on penal or civil matter, whereas this judgment has been annulled later by a final court decision;
  - 1.4. the document, on which the decision is based is falsified, or if the witness,

- expert or party during the hearing before the court has given a mendacity declaration and the court decision was based on this declaration;
- 1.5. the party finds or creates opportunities to use the previous decision issued in the same administrative conflict; and
  - 1.6. the interested person was not allowed to take part in the administrative conflict.
2. Because of the circumstances under sub-paragraph 1.1 and sub-paragraph 1.5 of this paragraph the reviewing shall be allowed only if the party, without her/his blame, was not able to raise these circumstances in the previous procedure.

### **Article 56**

Reviewing the decisions on foreseen circumstances under sub-paragraphs 1.2 and 1.4 of Article 55 of this law is allowed when those circumstances are verified by the decision in effect by a competent court.

### **Article 57**

1. Reviewing the decisions shall be requested to be done within thirty (30) days, from the date when the party was informed about the reason of reviewing.
2. If the party has information about the reason of reviewing before the final procedure before the court, whereas this reason could not be used during the procedure, the reviewing may be requested within thirty (30) days, from the date when the decision was delivered.
3. After three (3) years, from the date the decision was in effect, the reviewing can not be requested.

### **Article 58**

The court that has issued the decision shall decide on the request for reviewing.

### **Article 59**

1. In the request for review must be stated the following:
  - 1.1. decision or judgment, issued on the procedure, which reviewing is requested
  - 1.2. legal base for review, proofs or circumstances, which make believable existence of this base.
  - 1.3. circumstances, which prove that the request was submitted on the legal time-limit, and by which the proof has been verified.
  - 1.4. in which way and in which volume the modification of the judgment is proposed, respectively the modification of the decision issued in the procedure, which reviewing is requested.

### **Article 60**

1. On request for reviewing the court shall decide in a closed session.

2. The Court shall overrule the request with the decision if the court verifies that the request was submitted by an unauthorized person or the request was not submitted on time, or that the party has not made believable the existence of legal basis for reviewing.
3. If the court does not overrule the request under paragraph 2 of this Article, then the request shall be delivered to the contested party and interested persons, and shall ask them to respond to the request within fifteen (15) days.

#### **Article 61**

1. After the time-limit for response to the request for reviewing expires, the court shall decide on the request for reviewing by a judgment.
2. If the reviewing is allowed, the previous decision shall be in whole or partly annulled.
3. Previous procedural actions, which does not influence in reviewing reasons shall not be repeated.
4. By the judgment, by which the reviewing is allowed, shall be also decided on key issues.

#### **Article 62**

In reviewing procedure shall be implemented the provisions of this law for the procedure according to the indictment and legal remedies, if not otherwise determined under Articles 55 -61 of this law.

#### **Article 63**

##### **Other procedure provisions**

If this law does not contain provisions for the procedures on administrative conflicts, the law provisions on civil procedures shall be used.

#### **Article 64**

In the administrative conflict each party bears their own expenditures.

#### **Article 65**

##### **Obligatory character of judgment**

When the court annuls an act, against which the administrative conflict has started, the case shall be returned in the position that it was before the annulled act was issued. If by the nature of the issue, which was the object of the conflict, instead of annulled administrative act, another act shall be issued. The competent body is obligated to issue another act, without a delay, within thirty (30) days from the date of delivering the judgment. In this case the competent body is obligated on the legal point of view of the court and on courts remarks regarding the procedure.

### **Article 66**

Court decisions may be executed when they become omnipotent and executable.

### **Article 67**

1. If the competent body after the annulment of the administrative act issues an administrative act in contradiction with the court aspects, or in contradiction with remarks of the court regarding procedure, whereas the claimant submits new indictment, the court shall annul contested act and as a rule, the court shall decide on the matter by a judgment. Such judgment shall substitute the act of the competent body.
2. In this case the court informs to the body that exercises monitoring of the administrative body.

### **Article 68**

1. If the competent body after the annulment of the administrative act does not immediately issue, not later than thirty (30) days, the new administrative act or the act implementing issued judgment based under paragraph 4 Article 46 of this law, the party by a special submission may request the issuance of such act. If the competent body does not issue the act within seven (7) days of this request, the party can request the issuance of such act from the court that has issued the judgment.
2. Based on such request, the court shall request by competent body information on the reasons on which the administrative act was not issued. The competent body is obliged to give this information immediately, not later than seven (7) days. If this is not done, or if the given information, according to the court opinion, does not justify non - implementation of the court judgment, the court shall issue a decision, which shall substitute the act of the competent body. This decision the court shall deliver to the competent body for execution and at the same time shall inform the body that exercises monitoring. The competent body for execution is obligated to execute such decision.

### **Article 69**

When in an administrative conflict, the judgment has been issued, whereas the body has issued an administrative act for execution of this judgment, but by the body is requested the reviewing of this administrative act, the reviewing may be allowed if the reason for reviewing was raised by the body that has issued the administrative act.

### **Article 70**

#### **Final and transitional provisions**

For indictments submitted until the day of entering into force of this law, the procedures in accordance with current provisions shall be implemented, only if this law is more favorable for the party.



**Article 71**

This law shall abrogate all provisions of the applicable law on administrative conflict.

**Article 72**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-202  
16 September 2010**

**Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
V / No. 82 / 21 OCTOBER 2010**

## **LAW No. 03/L-199 ON COURTS**

### **Contents**

Chapter I: General provisions.....	790
Chapter II: Basic principles.....	791
Chapter III: Organizational structure and competencies of the courts.....	792
Chapter IV: Qualifications, rights and duties of judges and lay judges.....	799
Chapter V: Transitional provisions.....	803
Chapter VI: Final provisions.....	805

### **Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts

## **LAW ON COURTS**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 The Scope of the Law**

This Law regulates the organization, functioning and jurisdiction of the courts in the Republic of Kosovo.

#### **Article 2 Definitions**

1. Terms used in this Law shall have the following meanings:
  - 1.1. **Appointment Process** - the comprehensive, Kosovo-wide review of the suitability of all applicants for permanent appointments, until the retirement age determined by Law, as judges and prosecutors in Kosovo, carried out in accordance with UNMIK Administrative Direction 2008/02 and Article 150 of the Constitution.
  - 1.2. **Basic Court** - the court of first instance comprised of seven geographic areas as established by this Law.
  - 1.3. **Branch** - a geographical subdivision of a Basic Court.
  - 1.4. **Court of Appeals** - the court of second instance as established by this Law.

- 1.5. **Department** - a subcomponent of a court established by this Law for purposes of assigning cases according to subject matter in order to increase the efficiency of the courts.
- 1.6. **Division** - a subcomponent of the General Department of a court established for purposes of assigning cases according to subject matter in order to increase the efficiency of the court.
- 1.7. **1.7.Kosovo Judicial Council** - the independent institution as foreseen by Article 108 of the Constitution of the Republic of Kosovo.
- 1.8. **President of the Court** - the judge responsible for the management and operations of a Court as provided by this Law;
- 1.9. **Supervising Judge** - the judge in charge of a branch of a Basic Court and who is accountable to the President Judge of a Basic Court for the operations of the branch.
- 1.10. **Judicial Institution** – the independent body, operating in cooperation with the KJPC and institutions which inherit its responsibilities for coordination of needs for professional training of judges and prosecutors of Kosovo, for training of candidates for judges and prosecutors, as well as for other issues in compliance with the Law.

## **CHAPTER II BASIC PRINCIPLES**

### **Article 3 Independence and Impartiality of the Courts**

1. The Courts established by this Law shall adjudicate in accordance with the Constitution and the Law.
2. Judges during exercising function and taking decisions shall be independent, impartial, uninfluenced in any way by no natural or legal person, including public bodies.

### **Article 4 The Exercise of Judicial Power**

Judicial power in the Republic of Kosovo shall be exercised by the courts established by this Law. The Courts established by this Law are: Basic Courts, the Court of Appeals, and the Supreme Court.

### **Article 5 Composition of the Judiciary**

1. The composition of the judiciary shall reflect the ethnic diversity of the Republic of Kosovo in accordance with the Constitution of Republic of Kosovo and internationally recognized principles of gender equality.
2. The composition of the judiciary shall reflect the ethnic composition of the territorial jurisdiction of each respective court.

## **Article 6**

### **Court Decisions**

1. Court decisions shall be drafted in writing, in compliance with the Law.
2. Court decisions are binding upon all natural and legal persons.

## **Article 7**

### **Access to the Courts**

1. The courts shall treat all persons in an equal manner, without any discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.
2. All persons shall have equal access to the courts and no one shall be denied due process of Law or equal protection of the Law. Every natural and legal person has the right to a fair trial within a reasonable timeframe.
3. Every person has the right to address the courts to protect and enforce his or her legal rights. Every person has the right to pursue legal remedies against judicial and administrative decisions that infringe on his or her rights or interests, in the manner provided by Law.
4. All court hearings shall be open to the public unless otherwise provided by Law.
5. All courts should function in an expeditious and efficient manner to ensure the prompt resolution of cases.

## **CHAPTER III**

### **ORGANIZATIONAL STRUCTURE AND COMPETENCIES OF THE COURTS**

## **Article 8**

### **Organizational Structure**

1. The Court system of the Republic of Kosovo consists of: the Basic Courts, the Court of Appeals and the Supreme Court.
2. Within the territory of a Basic Court, branches shall be established.
3. Within the Court of Appeals and the Basic Courts, Departments and Divisions may be established for more efficient operation of the respective court.

## **Article 9**

### **The Basic Court**

1. The Basic Courts shall be the courts of first instance in the Republic of Kosovo.
2. Seven (7) Basic Courts are established as follows:
  - 2.1. the Basic Court of Pristina with its principal seat in Pristina is established for the territory of the Municipalities of Pristina, Fushë Kosova/Kosovo Polje, Obiliq/Obilić, Lipjan/Lipljan, Podujevë/Podujevo, Glllogovc/ Glogovac and Graçanicë/Gračanica;
  - 2.2. the Basic Court of Gjilan with its principal seat in Gjilan is established for

- the territory of the Municipalities of Gjilan, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Ranillug/Ranilug, Partesh/Parteš, Viti/Vitina, Kllkot/Klokot and Vërboc/Vrbovac;
- 2.3. the Basic Court of Prizren with its principal seat in Prizren is established for the territory of the Municipalities of Prizren. Dragash/Dragaš Suharekë/Suva Reka and Mamushë/Mamuša;
  - 2.4. the Basic Court of Gjakova with its principal seat in Gjakova is established for the territory of the Municipalities of Gjakovë/Đakovica, Malishevë/Mališevo and Rahovec/Orahovac;
  - 2.5. the Basic Court of Pejë/Peč with its principal seat in Pejë is established for the territory of the Municipalities of Pejë/Peč, Deçan/Dečani, Istog/Istok, Klinë/Klina and Junik;
  - 2.6. the Basic Court of Ferizaj/Uroševac with its principal seat in Ferizaj is established for the territory of the Municipalities of Ferizaj/Uroševac, Kaçanik/Kaçanik, Shtime/Štimlje, Shtërpçë/Štrpce and Hani I Elezit/ Đeneral Janković and
  - 2.7. the Basic Court of Mitrovica with its principal seat in Mitrovica is established for the territory of the Municipalities of Mitrovica South and Mitrovica North, Leposaviq/Leposavić, Zubin Potok, Zvecan, Skenderaj and Vushtrri/Vučitrn.

## **Article 10**

### **Branches of the Basic Courts**

1. In addition to its principal seat, each Basic Court shall maintain branches of the court as provided in this Law.
2. The Basic Court of Pristine shall have the following branches:
  - 2.1. Podujevë/o Branch for Podujevë/o municipality;
  - 2.2. Graçanicë/a Branch for Graçanicë/a municipality;
  - 2.3. Lipjan Branch for Lipjan municipality;
  - 2.4. Glllogoc Branch for Glllogoc municipality.
3. The Basic Court of Gjilan/Gnjilane shall have the following branches:
  - 3.1. Kamenicë/a Branch for Kamenicë/a municipality and Ranillug/Ranilug municipality;
  - 3.2. Viti Branch for Viti municipality and Kllkot-Vrbovac/Klokot-Vrbovac municipality;
  - 3.3. Novobërdë/Novo Brdo Branch for Novobërdë/Novo Brdo municipality.
4. The Basic Court of Prizren shall have the following branches:
  - 4.1. Dragash Branch for Dragash municipality;
  - 4.2. Suharekë/a Branch for Suharekë/a municipality;
5. The Basic Court of Mitrovica shall have the following branches:
  - 5.1. Leposavic Branch for Leposavic municipality;
  - 5.2. Vushtrri/Vucitrn Branch for Vushtrri/Vucitrn municipality;
  - 5.3. Zubin Potok Branch for Zubin Potok municipality;
  - 5.4. Skenderaj Branch for Skenderaj municipality.
6. The Basic Court of Gjakova shall have the following branches:

## Administrative laws

- 6.1. Malishevë/o Branch for Malishevë/o municipality;
- 6.2. Rahovec Branch for Rahovec municipality.
7. The Basic Court of Peje shall have the following branches:
  - 7.1. Istog Branch for Istog municipality;
  - 7.2. Klinë/a Branch for Klinë/a municipality; and
  - 7.3. Deçan/Deçan Branch for Deçan/Deçan municipality and Junik municipality.
8. The Basic Court of Ferizaj shall have the following branches:
  - 8.1. Kacanik Branch for Kacanik municipality and Hani I Elezit/Đeneral Janković municipality; and
  - 8.2. Shtërpçë/Štrpce Branch for Shtërpçë/Štrpce municipality.
9. Where no Branch has been specified for a municipality, cases from such municipality will fall under the authority of the main seat of the Basic Court.
10. If there is no branch of the Basic Court in the territory of a municipality, that municipality may, by decision of the Municipal Assembly, request that the Kosovo Judicial Council either establish a branch within its territory or include it under the jurisdiction of the territorially closest Basic Court or branch of the court.
11. The Kosovo Judicial Council shall develop and promulgate regulations for achieving compliance with this Article consistent with Article 1.3 of Annex IV of the Comprehensive Settlement Proposal.

### **Article 11**

#### **Subject Matter Jurisdiction of the Basic Court**

1. The Basic Courts are competent to adjudicate in the first instance all cases, except otherwise foreseen by Law.
2. The Basic Courts are competent to give international legal support and to decide for acceptance of decisions of foreign courts
3. Administrative and commercial cases shall be within the exclusive competence of the Basic Court of Pristina.

### **Article 12**

#### **Internal Organization of the Basic Court**

1. The following Departments shall be established within the Basic Courts for the purpose of allocating cases according to subject matter:
  - 1.1. a Department for Commercial Matters operating in the Basic Court of Pristina for the entire territory of the Republic of Kosovo;
  - 1.2. a Department for Administrative Cases operating in the Basic Court of Pristina for the entire territory of the Republic of Kosovo;
  - 1.3. a Department for Serious Crimes operating at the principal seat of each Basic Court;
  - 1.4. a General Department operating in each Basic Court and in each branch of the Basic Court.
  - 1.5. Department for Minors, operating within the Basic Courts.
2. Each Basic Court shall have a President Judge responsible for the management and operations of the Basic Court. Each branch of the Basic Courts shall have one (1)

Supervising Judge responsible to the President Judge of the respective Basic Court for the operations of the branch.

3. The President Judge of the Basic Court shall assign all judges, including the Supervising Judge of a branch, to the branches of the respective Basic Court. To the extent possible, in making such assignments to the branches the President Judge of the Basic Court shall take into account the ethnic composition of the territorial jurisdiction of the branch. The President Judge shall consult with the Kosovo Judicial Council in the assignment of Supervising Judges.
4. The President Judge of the Basic Court shall also assign judges to departments to ensure the efficient adjudication of cases, and may temporarily reassign judges among branches and departments as needed to address conflicts, resolve backlogs, or ensure the timely disposition of cases.
5. The assignment of cases in respective departments, within the court, shall be done in compliance with the regulation of Kosovo Judicial Council, according to the competence of departments.

### **Article 13**

#### **The Commercial Matters Department of the Basic Court**

1. The Commercial Matters Department of the Basic Court shall be competent for the following matters:
  - 1.1. disputes between domestic and foreign economic persons in their commercial affairs.
  - 1.2. reorganization, bankruptcy and liquidation of economic persons, unless otherwise provided by Law;
  - 1.3. disputes regarding obstruction of possession, with the exception of immovable property, between parties identified in sub-paragraph 1.1 of this paragraph;
  - 1.4. disputes regarding impingement of competition, misuse of monopoly and dominant market position, and monopolistic agreements.
  - 1.5. protection of property rights and intellectual property.
  - 1.6. disputes involving aviation companies for which the Law on aviation companies applies, excluding traveler disputes.
  - 1.7. other matters as provided by Law.
2. All cases before the Commercial Matters Department of the Basic Court shall be heard by one (1) professional judge, unless otherwise provided by Law.

### **Article 14**

#### **The Administrative Matters Department of the Basic Court**

1. The Administrative Matters Department of the Basic Court shall adjudicate and decide on administrative conflicts according to complaints against final administrative acts and other issues defined by Law.
2. All cases before the Administrative Matters Department of the Basic Court shall be adjudicated by one (1) professional judge unless otherwise provided by Law.

**Article 15**  
**The Serious Crimes Department of the Basic Court**

1. The Serious Crimes Department of the Basic Court shall adjudicate the following criminal offenses as provided in the Criminal Code of Kosovo:
  - 1.1. commission of terrorism including but not limited to assistance, facilitation, organization or support to terrorism or terrorist groups;
  - 1.2. criminal offenses against international Law including but not limited to genocide, crimes against humanity, and war crimes;
  - 1.3. endangering civil aviation safety;
  - 1.4. establishing slavery, slavery-like conditions and forced labor;
  - 1.5. smuggling of immigrants;
  - 1.6. trafficking in persons;
  - 1.7. endangering internationally protected;
  - 1.8. hostage taking;
  - 1.9. unlawful appropriation, use, transfer and disposal of nuclear material;
  - 1.10. threats to use or commit theft or robbery of nuclear material;
  - 1.11. aggravated murder;
  - 1.12. kidnapping;
  - 1.13. torture;
  - 1.14. election fraud and destruction of voting documents;
  - 1.15. rape;
  - 1.16. unauthorized production, distribution, or processing of dangerous narcotic drugs and psychotropic substances;
  - 1.17. counterfeiting money;
  - 1.18. organized crime, including intimidation during criminal proceedings for organized crime;
  - 1.19. 1.19.criminal offenses against official duty including, but not limited to, abuse of official position or authority, misappropriation in office, fraud, accepting bribes, and trading influence and related conduct;
  - 1.20. any crime not listed in this Article that falls within the exclusive or subsidiary competence of the Special Prosecution Office for Kosovo under the Law on the Special Prosecution Office of the Republic of Kosovo, No. 03/L-52 (13 March 2008), as may be amended;
  - 1.21. any other crime punishable by ten (10) years or more as provided by Law.
2. All cases before the Serious Crimes Department of the Basic Court shall be heard by a trial panel of three (3) professional judges, with one (1) judge designated to preside over the trial panel.

**Article 16**  
**The General Department of the Basic Court**

1. The General Department of the Basic Court shall hear and adjudicate all first instance cases unless within the competence of another Department of the Basic Court.
2. Unless otherwise provided by Law, all cases before the General Department of the Basic Court shall be adjudicated by one (1) professional judge.



## **Article 17**

### **The Court of Appeals**

1. The Court of Appeals is established as the second instance court with territorial jurisdiction throughout the Republic of Kosovo.
2. The seat of the Court of Appeals shall be in Pristina.
3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and international principles of gender equality. In accordance with the relevant provisions of the Comprehensive Proposal for the Kosovo Status Settlement and the Constitution of the Republic of Kosovo and to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

## **Article 18**

### **Competencies of the Court of Appeals**

1. The Court of Appeals is competent to review:
  - 1.1. all appeals from decisions of the Basic Courts;
  - 1.2. to decide at third instance, upon the appeal that is permitted by Law and for the conflict of jurisdiction between basic courts;
  - 1.3. conflicts of jurisdiction between Basic Courts; and
  - 1.4. other cases as provided by Law.

## **Article 19**

### **The Adjudication of Cases at the Court of Appeals**

1. The Court of Appeals reviews and adjudicates cases in panel of three (3) professional judges, except otherwise provided by Law.
2. Decisions of the Court of Appeals are public documents. The Kosovo Judicial Council shall ensure the publication of decisions of the Court of Appeals. Such decisions, at a minimum, shall be published on the website of the Kosovo Judicial Council, but otherwise subject to regulations of the Kosovo Judicial Council.

## **Article 20**

### **Internal Organization of the Court of Appeals**

1. The Court of Appeals shall be organized with the following Departments:
  - 1.1. General Department;
  - 1.2. Serious Crimes Department;
  - 1.3. Commercial Matters Department;
  - 1.4. Administrative Matters Department;
  - 1.5. Department for Minors.
2. The Court of Appeals shall have a President Judge responsible for the management and operations of the court.
3. Pursuant to regulations established by the Kosovo Judicial Council, the President

Judge of the Court of Appeals shall:

- 3.1. assign judges to departments to ensure the efficient adjudication of cases, and may temporarily reassign judges among Departments as needed to resolve backlogs or ensure the timely disposition of cases;
- 3.2. designate heads of Departments as necessary to ensure efficient operation of the court; and
- 3.3. ensure that each case filed in the Court of Appeals is assigned to a panel of three (3) judges, and shall designate the presiding judge of such panel.

## **Article 21**

### **The Supreme Court**

1. The Supreme Court is the highest judicial authority in Kosovo and shall have territorial jurisdiction over the entirety of the Republic of Kosovo.
2. The Supreme Court includes the Appeals Panel of the Kosovo Property Agency and the Special Chamber of the Supreme Court., the judges of which are part of the Supreme.
3. The composition of the Supreme Court shall reflect the ethnic composition of Kosovo population. At least fifteen percent (15%) of the judges of the Supreme Court, but in no case fewer than three (3) judges, shall be from Communities that are not in the majority in Kosovo.
4. The seat of the Supreme Court shall be in Pristina.
5. The Supreme Court shall have a President as provided in Article 103 of the Constitution of the Republic of Kosovo. The President may also fulfill other roles as provided by Law.
6. The Supreme Court shall review and adjudicate cases in panel of three (3) professional judges, except when a larger number of judges is provided by Law.
7. Pursuant to regulations established by the Kosovo Judicial Council, the President shall:
  - 7.1. be responsible for the management and operations of the Supreme Court;
  - 7.2. assign judges as needed to ensure the efficient adjudication of cases; and
  - 7.3. ensure that each case filed in the Supreme Court is assigned to an appropriate panel of judges and shall designate the presiding judge of such panel.

## **Article 22**

### **Competencies of the Supreme Court**

1. The Supreme Court is competent to adjudicate:
  - 1.1. requests for extraordinary legal against final decisions of the courts of Republic of Kosovo, as provided by Law;
  - 1.2. revision against second instance decisions of the courts on contested issues, as provided by Law;
  - 1.3. defines principled attitudes and legal remedies for issues that have importance for unique application of Laws by the courts in the territory of Kosovo;
  - 1.4. Kosovo Property Agency cases as defined by Law;

- 1.5. in its Special Chamber, Privatization Agency of Kosovo or Kosovo Trust Agency cases as provided by Law; and
- 1.6. Other matters as provided by Law.

### **Article 23**

#### **General Session of the Supreme Court**

1. The Supreme Court may call a General Session of all its judges to issue decisions that promote unique application of the Laws.
2. The Kosovo Judicial Council shall establish regulations necessary for the operation of General Sessions of the Court.

### **Article 24**

#### **Publication of Supreme Court Decisions**

Decisions of the Supreme Court are public documents. The Kosovo Judicial Council shall ensure the publication of decisions of the Supreme Court. Such decisions, at a minimum, shall be published on the website of the Kosovo Judicial Council, but otherwise subject to regulations of the Kosovo Judicial Council.

### **Article 25**

#### **Regulations for Internal Organization of the Courts**

The Kosovo Judicial Council shall adopt regulations for further internal organization of the courts.

## **CHAPTER IV**

### **QUALIFICATIONS, RIGHTS AND DUTIES OF JUDGES AND LAY JUDGES**

### **Article 26**

#### **Qualifications of Judges**

1. Candidates for appointment as a judge under Article 104 of the Constitution of the Republic of Kosovo shall meet the qualifications that are established by the Kosovo Judicial Council through its regulations and procedures, but at a minimum candidates must:
  - 1.1. be a citizen of Kosovo;
  - 1.2. be at least twenty five (25) years of age;
  - 1.3. have a valid university degree in Law recognized by the Laws of Kosovo;
  - 1.4. have passed the bar examination;
  - 1.5. have passed the examination for judges in compliance with the Law on Judicial Institution;
  - 1.6. have high professional reputation and moral integrity;
  - 1.7. not have been convicted of a criminal offense, defined by applicable Law;
  - 1.8. have at least three (3) years of legal working experience; and
  - 1.9. have successfully passed a process of evaluation as established by the Kosovo Judicial Council.

2. In addition to the minimum qualifications set out in paragraph 1 of this Article, the following qualifications are required:
  - 2.1. to serve as a judge in the Serious Crimes Department of the Basic Court, the candidate shall have at least three (3) years of experience as a judge in the General Department of the Basic Court and at least six (6) years of experience in the legal field including some experience in criminal Law;
  - 2.2. to serve as a judge in the Administrative Matters or Commercial Matters Departments of the Basic Court, the candidate shall have at least six (6) years of experience in the legal field including experience in administrative or commercial Law matters, respectively;
  - 2.3. to serve as a judge in the Court of Appeals, the candidate shall have at least ten (10) years of experience as a judge;
  - 2.4. to serve as a judge in the Supreme Court, the candidate shall have at least fifteen (15) years of experience as a judge.
3. For purposes of the additional qualifications provided in paragraph 2 of this Article, experience in the legal field shall include experience as a prosecutor, judge, Lawyer, or academic.

#### **Article 27**

#### **Additional Qualifications of Judges of the Court of Appeals and the Supreme Court Applicable until January 1, 2020**

1. Notwithstanding the provisions in paragraph 2 of Article 26 of this Law, judges appointed to the Court of Appeals or the Supreme Court between January 1, 2013 and January 1, 2015 may have the following substitute qualifications:
  - 1.1. For appointment to the Court of Appeals, ten (10) years of legal experience;
  - 1.2. For appointment to the Supreme Court, fifteen (15) years of legal experience.
2. All other criteria as provided in Article 26 remain unchanged.
3. Notwithstanding the provisions in paragraph 2 of Article 26 of this Law, judges appointed to the Court of Appeals or the Supreme Court between January 1, 2015 and January 1, 2017 may have the following substitute qualifications:
  - 3.1. For appointment to the Court of Appeals, ten (10) years of legal experience of which three (3) years should be as a judge;
  - 3.2. For appointment to the Supreme Court, fifteen (15) years of legal experience of which five (5) years should be as a judge;
  - 3.3. All other criteria as provided in Article 26 remain unchanged.
4. Notwithstanding the provisions in paragraph 2 of Article 26 of this Law, judges appointed to the Court of Appeals or the Supreme Court between January 1, 2017 and January 1, 2020 may have the following substitute qualification:
  - 4.1. For appointment to the Court of Appeals, ten (10) years of legal experience of which five (5) years should be as a judge;
  - 4.2. For appointment to the Supreme Court, fifteen (15) years of legal experience of which seven (7) years should be as a judge;
  - 4.3. All other criteria as provided in Article 26 remain unchanged.
5. Notwithstanding any provision to the contrary, the mandate of all judges appointed

pursuant paragraph 1 of Article 150 of the Constitution of the Republic of Kosovo is until retirement age as determined by Law or unless removed in accordance with Law. The Kosovo Judicial Council may consider the overall experience of such judges in making appropriate transfer and reassignment to the courts established by this Law.

## **Article 28**

### **Lay Judges**

1. Lay Judges will serve only where required by Law.
2. To be appointed as a Lay Judge, persons shall fulfill the following qualifications:
  - 2.1. be citizen and resident of Kosovo;
  - 2.2. be at least twenty five (25) years of age;
  - 2.3. have successfully completed training required by Law to serve in such capacity;
  - 2.4. meet criteria as required by relevant regulations established by the Kosovo Judicial Council;
  - 2.5. not have been convicted for criminal offenses, with the exception of minor offenses; and
  - 2.6. have a high moral reputation in society.
3. Lay judges shall be compensated for their services according to a compensation schedule that shall be established by the Kosovo Judicial Council.

## **Article 29**

### **Salary and Judicial Compensation**

1. During their terms of office, judges shall receive the following salaries:
  - 1.1. The President of the Supreme Court shall receive a salary equivalent to that of the Prime Minister of the Republic of Kosovo;
  - 1.2. All other judges of the Supreme Court shall receive a salary equivalent to that of a Minister of the Government;
  - 1.3. The President Judge of the Court of Appeals shall receive a salary equivalent to that of a judge of the Supreme Court;
  - 1.4. All other judges of the Court of Appeals shall receive a salary equivalent to ninety percent (90%) of the compensation of the President Judge of the Court of Appeals;
  - 1.5. The President Judge of a Basic Court shall receive a salary equivalent to the compensation of a judge of the Court of Appeals;
  - 1.6. The Supervising Judge of a Branch of the Basic Court shall receive a salary equivalent to ninety-five percent (95%) of the compensation of the President Judge of a Basic Court;
  - 1.7. Each judge of the Basic Court shall receive a base salary of not less than seventy percent (70%) of the salary of the President Judge of a Basic Court. The Kosovo Judicial Council shall promulgate a schedule for additional compensation that recognizes the unique responsibilities of judges serving in the Serious Crimes, Commercial Matters or Administrative Conflicts

Departments; but in no case shall the sum of the base salary and the additional compensation exceed ninety percent (90%) of the salary of the President Judge of a Basic Court.

2. The salary of a judge shall not be reduced during the term of office to which the judge is appointed, except as a disciplinary sanction imposed under the authority of the Kosovo Judicial Council.
3. Judges are entitled to annual leave in twenty (20) days of paid annual leave per year.

### **Article 30**

#### **Protection**

Judges have the right to request from the Kosovo Judicial Council special protective measures for themselves and their families, where a threat to their life, or to the life of a family member, derives from or is the result of exercising their judicial responsibilities.

### **Article 31**

#### **Immunity**

Judges and lay judges enjoy immunity as provided in the Constitution.

### **Article 32**

#### **Professional Activities**

1. Judges may take part in professional organizations that promote judicial independence, enhance judicial education and encourage the effectiveness of the courts.
2. Judges may take part in professional or scientific meetings, lectures and trainings, or other legal projects and may receive compensation for such activities provided that there is no conflict of interest and there is no violation of Law, the judicial code of ethics, or other sub-legal acts.
3. Judges may engage in professional or scientific writing but may not use or disclose the substance of court deliberations or information gathered during the judicial process that was not included in the written decision.
4. Judges who receive remuneration for participation in activities envisioned by this Article shall disclose such remuneration to the Kosovo Judicial Council.

### **Article 33**

#### **Professional collaborators and trainees**

Professional collaborators and judicial trainees shall be defined by the regulation of Kosovo Judicial Council.

### **Article 34**

#### **Duties of Judges**

1. Judges shall act objectively, impartially and independently.
2. In discharging their duties, judges shall demonstrate availability, respect for the parties and witnesses, and vigilance in maintaining the highest level of competence.
3. During the exercise of judicial functions, judges shall protect the confidentiality of all non-public information.
4. Judges shall not comment to the media on the composition, evidences and decisions of any cases. Judges shall not engage in any ex parte communications with anyone concerning cases.
5. Judges should be engaged in continuing legal education consistent with the regulations promulgated by the Kosovo Judicial Council.

### **Article 35**

#### **Prohibitions on Conduct of Judges**

1. Judges shall not perform any duty or service that may or may be perceived to interfere with their independence and impartiality or may otherwise be incompatible with the performance of the duties of a judge or the provisions of the Code of Conduct for Judges.
2. Judges shall not be members of a political party, movement or any other political organization nor participate in any political activity. Judges shall not seek or hold any political office.

## **CHAPTER V**

### **TRANSITIONAL PROVISIONS**

### **Article 36**

#### **Transitional Phases**

1. This Law shall be implemented according the following schedule:
  - 1.1. Planning Phase: from January 1, 2011 to December 31, 2011 the Kosovo Judicial Council shall prepare the implementation plan to facilitate the transition from the current court structure to the court structure as established by this Law. The Kosovo Judicial Council shall post on its website the implementation plan by December 1, 2011.
  - 1.2. Implementation Phase: from January 1, 2012 to December 31, 2012, the Kosovo Judicial Council shall carry out its implementation plan.
2. Article 29 shall be implemented from January 1 2011 and judges till the reformation of judicial will realize the salaries as following:
  - 2.1. Judges of District Court will realize the salary equal to the salary of judge of the Court of Appeals;
  - 2.2. Judges of Municipal Court will realize the salary equal to the salary of judge of the Basic Court;
  - 2.3. Judges of the Court for Minor Offences will realize the salary of ninety percent (90%) equal to the salary of judges of Municipal Court.

**Article 37**  
**Responsibilities of the Kosovo Judicial Council during the Planning Phase and Implementation Phase**

1. During the Planning Phase, the Kosovo Judicial Council shall promulgate regulations referring to both transitional and operational issues necessitated by this Law.
2. During the Planning Phase, the Kosovo Judicial Council shall also develop a detailed implementation plan including but not limited to the following:
  - 2.1. reclassification of case files and case numbering to coincide with the court structure established by this Law;
  - 2.2. transfer of cases to the appropriate court or branch of a court;
  - 2.3. allocation of personnel;
  - 2.4. transfer of physical assets amongst the courts;
  - 2.5. assignment and reassignment of cases to the appropriate departments of the Basic Courts and the judges thereof;
  - 2.6. the transfer of judges to appropriate courts and positions as foreseen by this Law while taking into account and giving due deference to assignments and decisions made during the one-time Appointment Process; and
  - 2.7. all other matters affecting the transition of the courts to the structure established by this Law and for the efficient future functioning of the courts.
3. The Kosovo Judicial Council shall take all necessary steps to organize, plan and fully implement the provisions of this Law and to ensure smooth transition to the new court structure.

**Article 38**  
**Transfer and Reassignment of Judges**

1. The Kosovo Judicial Council shall transfer and reassign judges to the courts established by this Law taking into account and respecting:
  - 1.1. the appointments, especially the appointments of Court Presidents, made during the Appointment Process as provided by paragraph 1 of Article 150 of the Constitution of the Republic of Kosovo; and
  - 1.2. the integrity, experience, capacity and managerial abilities as assessed during the Appointment Process as provided by paragraph 1 of Article 150 of the Constitution of the Republic of Kosovo;
  - 1.3. transfer can not be done against their will.

**Article 39**  
**Completion of pending cases**

1. All cases which, on 31 December 2012, are second instance cases of the Supreme Court, District Court or High Court for Minor Offences and have not been concluded with final decisions, shall on 1 January 2013, be treated as cases of the Court of Appeals.
2. All cases which, on 31 December 2012, are first instance cases of the Supreme



Court, District Court, District Commercial Court, Municipal Court or the Municipal Courts for Minor Offences and have not been concluded with final decisions, shall on 1 January 2013, be treated as cases of the Basic Court which has the appropriate territorial jurisdiction.

#### **Article 40**

#### **Validity of Prior Final Decisions and Right of Appeal**

All final decisions of the Supreme Court, District Court, District Commercial Court, Municipal Court, High Court Minor Offenses, issued prior to the transfer of competencies to the courts established by this Law shall remain in full force and effect.

#### **Article 41**

#### **Budget**

The Government of Kosovo shall provide adequate funds from the Budget of the Republic of Kosovo for the full implementation of this Law.

### **CHAPTER VI**

### **FINAL PROVISIONS**

#### **Article 42**

#### **Abrogation of Other Laws**

1. Upon the entry into force of this Law, the Law on the Regular Courts of KISP, regulations of UNMIK and Law on Minor Offences are repealed.
2. Upon the entry into force of this Law any reference in any Law, regulation, directive, rule or other act vesting first instance jurisdiction in the Minor Offenses Court, Municipal Court, District Court, Commercial Court, or Supreme Court shall be construed to mean the Basic Court. Any reference in any Law, regulation, directive or rule vesting second instance jurisdiction in the High Minor Offenses Court, District Court, or Supreme Court shall be construed to mean the Court of Appeals.

#### **Article 43**

#### **Entry into Force**

This Law shall enter into force on January 1, 2011 for Articles 29, 35, 36 38 and 40, while for other Articles it shall begin to be implemented from January 1, 2013.

**Law No. 03/L-199**

**22 July 2010**

**Promulgated by the Decree No. DL-047-2010, dated 09.08.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 79 / 24 AUGUST 2010**

**LAW No. 04/L-171  
ON AMENDING AND SUPPLEMENTING THE LAW No. 03/L-199  
ON COURTS**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 03/L-199  
ON COURTS**

**Article 1  
Purpose**

The purpose of this law is to amend and supplement the Law No. 03/L-199 on Courts.

**Article 2**

Article 18, sub-paragraph 1.2 of the basic Law shall be deleted.

**Article 3**

1. Article 22 of the basic Law, new subparagraph shall be added as following:
  - 1.1. The Supreme Court decides in the third instance for the claims allowed by law.
2. Subparagraph 1.1 of the basic Law shall be recounted as subparagraph 1.2. and the recounting continues up to the end of this Article.

**Article 4  
Amending and Supplementing Article 42**

Article 42 paragraph 1. of the basic Law No. 03/L-199 on Courts shall be reworded with the following text:

1. Upon entry into force of this Law, the Law on Regular Courts of KISP and relevant regulations of UNMIK are repealed.

Law No. 04/L-171 on amending and supplementing the Law No. 03/L-199 on courts

**Article 5**  
**Entry into force**

This law shall enter into force upon publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-171**  
**20 December 2012**

**Promulgated by Decree No.DL-058-2012, dated 21.12.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 37 / 28  
DECEMBER 2012, PRISTINA**

**LAW No. 04/L-115  
ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Article 1  
Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L -223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L -224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L -237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

## **Article 2**

### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
  2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

## **Article 3**

### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworded with the following text:

## **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

## **Article 4**

### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

#### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

#### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

#### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

#### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

#### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworded as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

##### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition **“the Comprehensive Status Proposal”** shall be deleted from the text o the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

##### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

##### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon 'their free and informed

- Law No. 04/L-115 on amending and supplementing the laws related to the ending of... decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.
3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

**Article 16**  
**Amending and Supplementing the Law No. 03/L-041 on Administrative**  
**Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

**Article 17**  
**Amending and Supplementing the Law No. 03/L-068 on Education in the**  
**Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

**Article 18**  
**Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo**  
**(the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

**Article 29**  
**Registration and Determination of Citizenship**

**Article 19**  
**Amending and Supplementing the Law No. 03/L-237 on Population and Housing**  
**Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;

**Article 20**  
**Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

**Article 21**  
**Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

**Article 22**  
**Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.

### **Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

## **II. FINAL PROVISIONS**

### **Article 24**

#### **Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**

**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**LAW No. 03/L-224  
ON THE KOSOVO PROSECUTORIAL COUNCIL**

**Contents**

Chapter I: General provisions.....	820
Chapter II: Competencies, responsibilities and composition of the council .....	821
Chapter III: Recruitment, nomination and appointment of prosecutors.....	828
Chapter IV: Assessment and transfer of prosecutors .....	830
Chapter V: Disciplinary procedures.....	831
Chapter VI: Office of disciplinary prosecutor.....	834
Chapter VII: The training of prosecutors .....	837
Chapter VIII: Final provisions .....	838

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON THE KOSOVO PROSECUTORIAL COUNCIL**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose and Scope of the Law**

1. This law regulates the Kosovo Prosecutorial Council (The Council -KPC), a fully independent institution, in the performance of its function.
2. The Council shall ensure that all persons have equal access to justice and that prosecutors exercise their function in an independent, professional and impartial manner.
3. The Council shall ensure that the State Prosecutor reflects the multi-ethnic nature of Kosovo and the principle of gender equality.
4. The Council shall be responsible for recruiting and proposing for appointment and reappointment candidates for prosecutorial office and shall assess, promote, discipline, dismiss, transfer, and provide for the training of prosecutors.
5. Together with the Chief State Prosecutor, the Council shall be responsible for submitting and managing the budget of the Council and the State Prosecutor.



## **Article 2**

### **Definitions**

1. Terms used in this law shall have the following meanings:
  - 1.1. **Days** - calendar days.
  - 1.2. **Council** - the Kosovo Prosecutorial Council, a fully independent institution exercising the duties and responsibilities provided in the Constitution and this Law.
  - 1.3. **Disciplinary Committee** - the Prosecutorial Disciplinary Committee.
  - 1.4. **Chief Prosecutor** - a person who is the head of a prosecution office other than the Chief State Prosecutor or Head of the Special Prosecution Office.
  - 1.5. **Constitution** - the Constitution of the Republic of Kosovo.
  - 1.6. **State Prosecutor** - the independent institution with authority and responsibility for the prosecution of persons charged with committing criminal acts and other acts specified by law and includes the following: the Basic Prosecution Offices; the Appellate Prosecution Office; the Special Prosecution Office; the Office of the Chief State Prosecutor; and any other organizational unit that may be created to carry out prosecutorial functions.
  - 1.7. **Comprehensive Settlement Proposal** - the Comprehensive Proposal for the Kosovo Status Settlement, 26 March 2007.

## **CHAPTER II**

### **COMPETENCIES, RESPONSIBILITIES AND COMPOSITION OF THE COUNCIL**

#### **Article 3**

#### **Council Independence**

The Council is an institution fully independent in exercising its functions with the purpose of ensuring an independent, professional and impartial prosecution system, reflecting the multiethnic nature of the Republic of Kosovo as well as the internationally recognized principles of gender equality.

#### **Article 4**

#### **Duties, Competencies and Limitations of the Council**

1. The duties and competencies of the Council include but are not limited to the following:
  - 1.1. ensuring that prosecutors act in an independent, professional and impartial manner in the performance of all prosecutorial functions;
  - 1.2. recruiting and proposing, to the President, candidates for appointment and reappointment to prosecutorial office, including candidates from Communities that are not in the majority in Kosovo;
  - 1.3. ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109. 4. and 110. 3. of the Constitution and Comprehensive Settlement Proposal, Annex IV, Article 2.2;

- 1.4. proposing candidates to the President for appointment as Chief State Prosecutor;
- 1.5. in cooperation with the Kosovo Judicial Institute, establishing the standards for recruiting, organizing and advertising the preparatory examination for the qualification of prosecutors;
- 1.6. announcing the public competition for prosecutors;
- 1.7. determining the number of prosecutors in each prosecution office;
- 1.8. appointing the Chief Prosecutors for the Basic Prosecution Offices and Appellate Prosecution Office in compliance with the Law on State Prosecutor;
- 1.9. developing, in coordination with the Office of the Chief State Prosecutor, prosecutorial policies and strategies for effectively combating criminality;
- 1.10. proposing to the Government and the Assembly measures related to the prosecutorial system and to combat criminality;
- 1.11. reporting to the Kosovo Assembly, the President, and the public on the work of the Council and the State Prosecution Office;
- 1.12. preparing an annual report on the activities of the State Prosecutor and the expenditures of the Council;
- 1.13. providing and publishing information and statistical data on the prosecution system;
- 1.14. overseeing the administration of the prosecution offices and its personnel;
- 1.15. overseeing the Prosecution Performance Review Unit and issuing rules and regulations in accordance with its competencies;
- 1.16. providing the support for the regular periodic assessment of the caseloads of the prosecution offices and implementing a case allocation system to ensure the efficient functioning of the prosecution offices;
- 1.17. preparing, submitting and overseeing the budget of the prosecutorial system to ensure efficient and effective functioning of prosecution offices and accounting for the use of fiscal resources;
- 1.18. promulgating the Code of Professional Ethics for the Council's members, the violation of which provides grounds for sanctions, including dismissal from the Council;
- 1.19. promulgating the Code of Professional Ethics for prosecutors, the violation of which provides grounds for sanctions, including dismissal from office;
- 1.20. promulgating a Code of Ethics for support employees, the violation of which constitutes grounds for sanctions, including dismissal from employment;
- 1.21. establishing the procedures for and conducting disciplinary proceedings;
- 1.22. when warranted, recommending to the President the removal of the Chief State Prosecutor;
- 1.23. determining policies, standards and instructions related to the training of prosecutors and other personnel and overseeing the implementation of professional training and development of prosecutors by the Institute or other training associations or organizations;
- 1.24. cooperating with individuals and organizations responsible for independently monitoring the prosecutorial system;

- 1.25. promulgating rules and regulations consistent with public information laws related to the management and disclosure of information retained by the State Prosecutor;
  - 1.26. establishing such committees as the Council deems necessary; and
  - 1.27. approving the rules of procedure for the functioning of the Council and its committees, and for the election of those Council members selected by their peers, which rules shall be publicly available.
2. In exercising its duties and competencies, the Council shall act in a manner that respects and preserves the independence of prosecutors in carrying out their prosecution functions. The Council shall not direct or influence, attempt to direct or influence, or otherwise undertake any act or make any statement that could reasonably be seen as interfering with or attempting to interfere with the independence of the prosecution function in relation to any person, investigation, or case.

## **Article 5**

### **Composition and Selection of Members of the Council**

1. The Council shall be composed of nine (9) members who are citizens of the Republic of Kosovo, five (5) of whom shall be prosecutors.
2. The five (5) prosecutors serving as members of the Council shall include:
  - 3.1. the Chief State Prosecutor;
  - 3.2. one (1) prosecutor from the Special Prosecution Office elected by the prosecutors serving in that Office;
  - 3.3. one (1) prosecutor from Appellate Prosecution Office elected by the prosecutors serving in that Office, and
  - 3.4. two (2) prosecutors from Basic Prosecution Office elected by the prosecutors serving in that Office.
3. The non-prosecutor members of the Council shall be appointed by the Council based on a list of at least five (5) candidates for each position submitted by the relevant bodies and shall include:
  - 3.1. one (1) member from the Chamber of Advocates who has specialized in criminal law, upon the proposal of the Executive Council of the Chamber of Advocates;
  - 3.2. one (1) professor from the law faculties of Republic of Kosovo upon the proposal of the Higher Education Department or other relevant authority related to higher education;
  - 3.3. one (1) representative of civil society with senior professional preparation and with knowledge from the field of human rights.
4. The Minister of Justice is a member of the Council, ex officio.
5. The Council shall elect its Vice-Chairperson from amongst its prosecutor members for a three (3) year term. The elected into this position does not extend the term of a Council member.
6. The Council membership shall reflect the multi-ethnic composition of the Republic of Kosovo and internationally recognized principles of gender equality. At least one member of the Council selected under paragraph 2 of this Article shall be from Communities that are not in the majority in Kosovo.

7. The Chief State Prosecutor shall serve ex officio as the Chairperson for so long as he or she holds the Chief State Prosecution office.

## **Article 6**

### **Incompatibility with Membership**

1. It shall be incompatible with membership on the Council when a member is:
  - 1.1. a judge;
  - 1.2. a prosecutor who has not been appointed to serve as a State Prosecutor;
  - 1.3. a member of the Assembly of the Republic of Kosovo or any municipal assembly;
  - 1.4. a member of the Government of the Republic of Kosovo, with the exception of the Minister of Justice;
  - 1.5. a person who holds office or performs any duties in any political party or in any associations or foundations connected to any political party, with the exception of the Minister of Justice;
  - 1.6. a person who works for the administration, including persons performing duties in the Government of the Republic of Kosovo or in administrative or sub-administrative bodies established by the Constitution or created by legislation; or
  - 1.7. a person who has been convicted of a criminal offence, with the exception of minor offenses as defined by law.

## **Article 7**

### **Terms of the Council Members**

Except for ex officio members, Council members are elected or appointed for a five (5) year term. A member may be elected to one additional non-consecutive term of five (5) years.

## **Article 8**

### **Termination of the Term**

1. The term of the Council members terminates:
  - 1.1. when deceased;
  - 1.2. upon loss of ability to act for more than three (3) months due to certified medical reasons;
  - 1.3. upon consistent failure to attend to Council activities for more than three (3) months;
  - 1.4. if appointed on the basis of a particular status, upon cessation of the status upon which the appointment is based;
  - 1.5. upon resignation by providing the Council with advance notice of thirty (30) days; or
  - 1.6. when convicted of a criminal offence, with the exception of a minor offense as defined by law.
2. If a vacancy occurs on the Council prior to the expiration of the mandate of a

member, the vacant position shall be filled in the same manner as the member whose mandate has expired. A person, other than the Chief State Prosecutor or Minister of Justice, selected to fill a vacancy on the Council shall be appointed or elected for a full five (5) year term.

## **Article 9**

### **Independence of Council Members**

The Council members shall exercise their official duties in an independent and impartial manner.

## **Article 10**

### **Immunity**

1. Council members shall enjoy immunity from prosecution, civil lawsuit and dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities as Council members.
2. Council members shall not enjoy immunity under paragraph 1 above and may be removed from office if they have committed an intentional violation of the law.
3. When a Council member is indicted or arrested, he or she shall give notice to the Chairperson of the Council without delay.

## **Article 11**

### **Disciplinary Procedures for Council Members**

1. The Council shall determine and publish the disciplinary rules and procedures applicable to its members, including those procedures governing the investigation, suspension, or recommendation of dismissal of any Council member.
2. A Committee composed of three (3) members, established by the Chairperson, shall decide on the grounds for discipline and sanction, including the suspension and dismissal, of any Council member.
3. A member who is suspended by the Committee is entitled to an appeal to the full Council within fifteen (15) days of a suspension decision.
4. Upon recommendation of the committee, a Council member may be dismissed by a two-thirds (2/3) vote of the Council members.
5. A Council member who is dismissed is entitled to appeal the decision directly to the Supreme Court within fifteen (15) days from the day of a dismissal decision.

## **Article 12**

### **Residency of the Council, Quorum, and Public Nature of Meetings**

1. The seat of the Council shall be located in Pristina.
2. The quorum for Council meetings shall be six (6) members, and Council's decisions shall be made by simple majority vote of the members present, unless otherwise provided by law.
3. All meetings of the Council are open to the public. The agenda for each Council

meeting shall be publicly disclosed at least forty-eight (48) hours in advance of the meeting. The Council may close a meeting upon majority vote of the members where the following will be discussed:

- 3.1. an official state secret the disclosure of which would be a violation of law;
  - 3.2. personnel matters concerning a prosecutor or employee, except that a meeting of the Council at which a final disciplinary decision is taken against a prosecutor;
  - 3.3. performance assessment of prosecutors and other employees;
  - 3.4. proprietary information the disclosure of which may prejudice the interests of any party competing for a government tender;
  - 3.5. information or data, the disclosure of which would endanger the life or safety of any person;
  - 3.6. an on-going investigation into misconduct or criminal activity the disclosure of which would reasonably endanger the objectivity and efficiency of the investigation;
  - 3.7. proprietary business information, data, processes or computer code which is confidential under a contractual agreement or nondisclosure agreement between a vendor and the Council; or
  - 3.8. any other information the disclosure of which would constitute a violation of law.
4. For every meeting closed by the Council, the Chairperson shall state on the official records the general reason or reasons for closing the meeting and shall record the vote of the present members of the Council. Once the Council has closed a meeting, no member of the Council or any person attending the meeting shall discuss or otherwise disclose the nature, content or outcome of the meeting until a majority of the Council members vote to disclose such information unless disclosure is otherwise prohibited by applicable law. The Chairperson of the Council shall dismiss from any closed meeting all personnel not otherwise necessary for the conduct of Council business during a closed session.
  5. An emergency meeting of the Council may be called to address issues related to the safety and security of facilities or personnel, or where exceptional circumstances require immediate action. The Council may convene an emergency session upon the call of the Chairperson or Vice-Chairperson, in the absence of the Chairperson. The forty-eight (48) hour announcement requirement of paragraph 1 of this article is waived as to emergency sessions of the Council. The Chairperson shall within twenty-four (24) hours of the end of an emergency session disclose to the public the nature of the emergency and the items discussed at the meeting, unless exempt from disclosure by paragraph 1 of this Article.

### **Article 13**

#### **Annual Budget**

1. The Council shall, in consultation with the Office of the Chief State Prosecutor and Chief Prosecutors prepare the annual operating budget of the Council and the Prosecution Offices. The Council shall directly submit the budget to the Government as provided by law. If the Minister of Finance and Economy submits

a budget for the Council and the Prosecution Offices that differs from that proposed by the Council, the Minister of Finance and Economy shall also submit to the Kosovo Assembly for its consideration the Council's originally recommended budget and any comments thereon.

2. The Council and the Office of the Chief State Prosecutor shall manage the annual budget for the Council and the Prosecution Offices independently and bears responsibility for overseeing expenditures, allocating funds, maintaining accurate and current accounts, and conducting financial audits.

#### **Article 14**

##### **Administrative Support to the Council**

1. The Office of the Chief State Prosecutor shall provide such administrative support to the Council through a secretariat with certain staff to enable the Council to perform its duties in an effective and expeditious manner.
2. In providing this support and in fulfilling this administrative function, the Office of the Chief State Prosecutor shall act in a manner that respects and preserves the authority and competencies of the Council as directed in the Constitution or this law. Among the duties of the Office of the Chief State Prosecutor in its administrative support capacity are:
  - 2.1. assisting the Council in the administration of Prosecution Offices and to implement the rules, regulations and policies regarding personnel, budget, and administration of the Prosecution Offices and the Council.
  - 2.2. proposing administrative rules necessary to implement the directives of the Council. All such rules shall be submitted to the Council for its approval.
  - 2.3. proposing new rules and regulations whenever necessary for the efficient and effective administration of the Council and the Prosecution Offices;
  - 2.4. reporting regularly to the Council on the activities of the Prosecution Offices and making recommendations for improvement.
  - 2.5. in accordance with the directions of the Council, preparing and administering a consolidated budget for the Council and the Prosecution Offices.
  - 2.6. subject to the directions of the Council, overseeing all administrative and support personnel including allocating such personnel to the Prosecution Offices based on workload, maintaining personnel records, establishing a performance appraisal system, ensuring the proper disciplining of administrative employees, and protecting employment rights.
  - 2.7. subject to budgetary limitations and the direction of the Council, ensuring that the Prosecution Offices are properly supplied with the materials necessary for the efficient and effective performance of prosecutorial functions.
  - 2.8. undertaking such other duties and authorities as the Council may direct and which are within its competency to direct.
3. The Council and the Office of the Chief State Prosecutor shall jointly develop and adopt regulations relating to the organizational structure and the functioning of the supporting administrative function.

**Article 15**  
**Prosecution Performance Review Unit**

1. Under the direction of the Council, a Prosecution Performance Review Unit shall report on the work of the prosecution offices.
2. The Council shall develop and adopt regulations relating to the organizational structure and the functioning of the Prosecution Performance Review Unit.
3. The Prosecution Performance Review Unit shall have a separate budget within the Council's consolidated budget and shall independently report to the Council on its expenditures. The Office of the Chief State Prosecutor through a secretariat with certain staff shall provide such administrative support to the Prosecution Performance Review Unit as the Council may direct.

**Article 16**  
**Director of the Prosecution Performance Review Unit**

1. A Director of the Prosecution Performance Review Unit shall be selected and appointed by the Council in accordance with procedures, criteria, and qualifications to be developed and adopted by the Council through regulations which shall be consistent with Constitutional requirements and the requirements of applicable personnel regulations. A vacancy shall be filled based on a competitive, merit-based, and open process after public announcement of the position.
2. The Director shall be responsible to the Council for the efficient and effective administration of the Prosecution Performance Review Unit. The Director shall report directly to the Chairperson of the Council and shall respond to all Council requests for information.
3. The Council shall fix the salary of the Director of the Prosecution Performance Review Unit. The Director shall not accept additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

**CHAPTER III**  
**RECRUITMENT, NOMINATION AND APPOINTMENT OF PROSECUTORS**

**Article 17**  
**Recruitment and Selection of Candidates**

1. The Council shall by public advertisement invite all qualified legal professionals to apply to be candidates for prosecutorial nominations.
2. The Council shall develop and implement procedures for recruiting and nominating candidates for appointment as prosecutors that comply with the Constitution and applicable law.
3. In accordance with the Constitution and the Comprehensive Settlement Proposal, the Council shall implement targeted recruitment campaigns and other measures that it considers necessary and appropriate to ensure that a prosecution office reflects the ethnic composition of its area of jurisdiction.



**Article 18**  
**Appointment and Reappointment Proposal**

1. The Council shall take such measures as are necessary with a view to increasing the number of prosecutors from Kosovo Communities that are not in the majority among prosecutors serving in Kosovo or in any part thereof. The Council shall, give preference, among equally qualified applicants for service as prosecutors to members of Communities that are not in the majority as provided in Articles 109. 4. and 110.3. of the Constitution and the Comprehensive Settlement Proposal, Annex IV, Article 2.2.
2. Upon completion of each census and at least every five (5) years, the Council shall study the ethnic composition of the prosecution office and shall request additional funding as is necessary to increase the number of prosecutors from Communities that are not in the majority in Kosovo to ensure that prosecution offices reflect the ethnic composition of the area of their jurisdiction.
3. Before submitting a nomination for appointment or reappointment, the Council shall seek the opinion of the respective prosecution office for which the candidate is proposed to be appointed or reappointed.
4. The Council shall submit written nominations of candidates for prosecutors to the President proposals for appointment or reappointment of candidates in compliance with the Constitution and the law. In nominating a candidate for appointment or reappointment, the Council shall take into account the following criteria:
  - 4.1. professional knowledge, work experience and performance, including an understanding of, and respect for human rights;
  - 4.2. capacity for legal reasoning as proven through professional activities in the legal field, including as a judge, prosecutor or lawyer, academic works, and other professional activities;
  - 4.3. professional ability based on previous career results, including participation in organized forms of training in which performance has been assessed;
  - 4.4. capability and capacity for analyzing legal problems;
  - 4.5. ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office;
  - 4.6. communication abilities;
  - 4.7. conduct outside of office; and
  - 4.8. personal integrity.
5. All nominations for appointment and reappointment of prosecutors shall be justified in writing.

**Article 19**  
**Appointment and Reappointment of Prosecutors**

1. The President shall appoint and reappoint prosecutors upon the nominations of the Council and in compliance with the Constitution and the law.
2. If the President of Kosovo refuses to appoint or reappoint any candidate, the President shall within sixty (60) days provide written reasons for his or her refusal to the Council. The Council may present the refused candidate to the President one

additional time together with its written justification, or the Council may propose another candidate.

3. The term of appointment shall be as provided in Article 109.5. of the Constitution.

## **Article 20**

### **Appointment of Chief State Prosecutor and Chief Prosecutors**

1. The Chief State Prosecutor shall be nominated by the Council from among prosecutors and shall be appointed by the President for a seven (7) year term, with no possibility for reappointment.
2. The Council shall appoint Chief Prosecutors for all other units of the State Prosecutor. Subject to the qualifications set forth in the Law on State Prosecutors, any prosecutor is eligible to be appointed to the post of the Chief Prosecutor.
3. A Chief Prosecutor shall be appointed by the Council for a four (4) year term, with the possibility for one additional term.
4. In order to ensure that the State Prosecutor reflects the multiethnic nature of Kosovo, the Council shall endeavor to ensure that members of Communities that are not in the majority in Kosovo shall be appointed to management roles.
5. If a candidate proposed as a Chief Prosecutor is a member of the Council, he or she cannot participate in deliberations or voting for the appointment of the Chief Prosecutor.
6. The Council shall be authorized to remove a Chief Prosecutor from that position, pursuant to a performance assessment conducted in accordance with applicable law, or upon a finding of criminal conduct, mismanagement, incompetence, or failure to fulfill the duties of the position.

## **CHAPTER IV**

### **ASSESSMENT AND TRANSFER OF PROSECUTORS**

## **Article 21**

### **Performance Assessment of Prosecutors**

1. The manner and procedure for performance assessments of prosecutors shall be established by regulations and rules developed and issued by the Council.
2. The Council shall establish criteria for assessing and promoting prosecutors that include but are not limited to the following:
  - 2.1. professional knowledge, work experience and performance, including an understanding of, and respect for human rights;
  - 2.2. capacity for legal reasoning;
  - 2.3. professional ability, including participation in organized forms of training in which performance has been assessed;
  - 2.4. capability and capacity for analyzing legal problems;
  - 2.5. ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office;
  - 2.6. communication abilities;
  - 2.7. conduct out of office, and

- 2.8. personal integrity.
3. Every prosecutor who is assessed shall receive the assessment results and may add written objections to any conclusions or findings.

## **Article 22**

### **Transfer of Prosecutors**

1. Upon the submission of the request by the Chief Prosecutor, the Council may transfer a prosecutor into another prosecution office for a time period not longer than six (6) months at any one time.
2. The transfer as per paragraph 1 of this Article may be made in cases where a prosecution office has insufficient prosecutors for effectively prosecuting cases under its competency.
3. The Chief State Prosecutor, for extraordinary circumstances, may temporarily transfer a prosecutor to another prosecution office. A transfer under this provision shall not exceed thirty (30) days unless approved for a longer period by the Council.
4. Prosecutors may not be transferred into any other prosecution office against their will except as otherwise provided in this law.
5. Upon application to the Council, a prosecutor may be permanently transferred to another prosecution office.
6. The Council shall promulgate rules and regulations establishing the standards and procedures governing the appeals.
7. Where a permanent relocation or a permanent transfer that exceeds six (6) months, the Council shall strive to ensure that the relocation or transfer will not change the ethnic composition of the prosecution office which are affected by the relocation or transfer.

## **CHAPTER V**

### **DISCIPLINARY PROCEDURES**

#### **Article 23**

#### **Council's Disciplinary Committee**

The Disciplinary Committee shall consist of three (3) members of the Council, two (2) of whom must be prosecutors. The Chairperson of the Committee shall be a prosecutor.

#### **Article 24**

#### **Misconduct**

1. For purposes of this law, misconduct by a prosecutor shall consist of:
  - 1.1. the final decision for a criminal offense, with the exception of a minor offense as defined by law.
  - 1.2. negligence in performing, a failure to perform, or abuse of prosecutorial functions.

- 1.3. a failure to perform prosecutorial functions independently and impartially.
- 1.4. a violation of the applicable code of ethics.
2. The Disciplinary Committee may suspend a prosecutor without pay during any period of investigation or during the disciplinary proceedings.

## **Article 25**

### **Initiation of Disciplinary Proceedings**

1. The Office of Disciplinary Prosecutor shall recommend to the Disciplinary Committee of the Council the initiation of disciplinary proceedings against a prosecutor on the basis of a conducted investigation.
2. Upon the recommendation of initiation of disciplinary proceedings, the Office of Disciplinary Prosecutor shall notify in writing the Committee, the Council, and the prosecutor who is under investigation.

## **Article 26**

### **Disciplinary Sessions**

1. Upon initiation of a disciplinary proceeding, the prosecutor under investigation shall be notified of the basis of the disciplinary proceeding and invited by the Disciplinary Committee to appear in person at a closed session, which shall be held within thirty (30) days from the notification date.
2. A member of the Office of Disciplinary Prosecutor or the Director of the Office of Disciplinary Prosecutor shall present to the Disciplinary Committee the recommendation for disciplinary action and the evidence obtained in the investigation supporting a finding of misconduct and disciplinary sanctions.
3. Prosecutors have the right to self-representation or to assign an attorney for their defense and shall have access to all evidence obtained in the investigation and all case writings of the case.
4. The decision of the Committee whether misconduct occurred and whether to impose a sanction shall be made in accordance with procedures and rules to be promulgated by the Council to govern the conduct of disciplinary proceedings. The decision shall be in writing and shall contain the justification.
5. A copy of the decision shall be provided to the prosecutor and to the Office of Disciplinary Prosecutor.

## **Article 27**

### **Disciplinary Measures**

1. The Disciplinary Committee may impose disciplinary measures as follows:
  - 1.1. reprimand;
  - 1.2. reprimand with a directive to take corrective actions;
  - 1.3. temporary reduction of salary by up to fifty percent (50%) taking into account the nature of misconduct;
  - 1.4. demote to a lower position within the prosecutorial system; or
  - 1.5. propose the removal of a State Prosecutor from office.

2. The Disciplinary Committee shall impose a sanction that is consistent with the circumstances, level of responsibility, and consequences of the misconduct.
3. If the prosecutor is released from the charges at the completion of the disciplinary procedure, he or she shall return to his or her previous prosecution office upon the decision of the Council.

## **Article 28**

### **Dismissal of Prosecutors**

1. The Council shall determine, based on disciplinary proceedings, whether the misconduct of a prosecutor justifies dismissal from office. Every recommendation from the Council for the dismissal of a prosecutor shall include the written reasons for such recommendation and the basic conclusions of the Committee.
2. The recommendation of the Council for dismissal, as foreseen in paragraph 1 of this article shall, within fifteen (15) days, be submitted to the President and the prosecutor concerned.
3. The President, in accordance with the Constitution and this law, shall decide on the recommendation of the Council for dismissal.
4. A prosecutor shall formally be notified by the Council regarding the decision of the President for the approval or disapproval of dismissal from office before such a decision is enforced.

## **Article 29**

### **Appeals towards Disciplinary Decisions**

1. Appeals against Disciplinary Committee decisions may be submitted to the Council through the Chairperson. A Council member who attended the Disciplinary Committee proceedings shall not participate in the appeal process.
2. The prosecutor who is the subject of the proceeding as well as the Office of Disciplinary Prosecutor may exercise an appeal to the Council against the Committee decision within fifteen (15) days from the receipt of the final decision.
3. The deadline for an appeal under this section may be extended provided that the request for extension of time is filed with the Council within the fifteen (15) days provided. No extension of time for appeal filed after the fifteen (15) days shall be granted by the Council absent a showing of extraordinary or catastrophic circumstances.
4. An appeal exercised within these time limitations shall suspend the execution of the disciplinary decision set forth in Article 27 of this law.

## **Article 30**

### **Reasons for Appeal**

1. An appeal may be exercised because of:
  - 1.1. violation of the law or sub-legal acts that are applicable for prosecutors;
  - 1.2. mistaken or incomplete evidence or confirmation of the factual situation;
  - 1.3. violation of the disciplinary procedure.

2. The appeal shall be submitted in writing to the Council within the time limits provided in this law.
3. The Appeal shall contain:
  - 3.1. the identification of the appellant;
  - 3.2. the decision to be appealed;
  - 3.3. the decision receipt date; and
  - 3.4. the specific basis of the appeal.

### **Article 31**

#### **Deadline for Hearing Appeal**

The Council shall hear and dispose of any appeal from the actions of the Disciplinary Committee within three (3) months from the date of the filing of the appeal.

### **Article 32**

#### **Appeal Refusal**

1. The Council may refuse an appeal, without holding a hearing session, if within five (5) days, it is determined that:
  - 1.1. the appellant is not one of the parties entitled to appeal against the decision;
  - 1.2. the appeal does not contain one or more reasons that require filing of the appeal;
  - 1.3. the appeal was not conducted in a timely manner.

## **CHAPTER VI**

### **OFFICE OF DISCIPLINARY PROSECUTOR**

### **Article 33**

#### **Office of Disciplinary Prosecutor**

The Office of Disciplinary Prosecutor shall be established as a separate and independent body that serves both the Kosovo Judicial Council and the Kosovo Prosecutorial Council. With respect to the prosecutorial system, the Disciplinary Prosecutor shall be responsible for investigating alleged misconduct of prosecutors and presenting the evidence and the case supporting disciplinary action for misconduct to the Disciplinary Committee.

### **Article 34**

#### **Independence and Impartiality of the Office of Disciplinary Prosecutor**

1. The Office of Disciplinary Prosecutor shall act independently and impartially.
2. Subject to the provisions of paragraph 3 Article 26 of this law, no person shall have the right to exercise direct or indirect influence, or attempt to exercise influence, on the Disciplinary Prosecutor's functions pertaining to any investigation, recommendation, or presentation of a case to the Disciplinary Committee.

**Article 35**  
**Responsibilities of the Office of Disciplinary Prosecutor**

1. The Office of Disciplinary Prosecutor is responsible for investigating prosecutors when there is a reasonable basis to believe that misconduct may have occurred, and for making recommendations and presenting the evidence supporting disciplinary action to the Disciplinary Committee.
2. The Office of Disciplinary Counsel shall initiate investigations in cases when:
  - 2.1. there is a complaint filed at the Office of Disciplinary Prosecutor by any natural or legal person;
  - 2.2. on its own initiative, when there is a reasonable basis to believe that a prosecutor may have engaged in misconduct.
3. All complaints, regardless of their origin, shall be submitted to the Office of Disciplinary Prosecutor for investigation.
4. The Office of Disciplinary Prosecutor shall investigate thoroughly all matters referred to it, shall determine whether recommendations of disciplinary action should be presented to the Disciplinary Committee, and shall notify in writing the Disciplinary Committee and the suspected prosecutor regarding the results of the investigation.
5. The Office of Disciplinary Prosecutor shall have the right to summon witnesses and collect documents as necessary to investigate and determine whether recommendations of disciplinary action should be presented to the Disciplinary Committee.
6. The Office of Disciplinary Prosecutor shall present recommendations of disciplinary action and the evidence supporting disciplinary action for misconduct to the Disciplinary Committee.

**Article 36**  
**Director of Office of Disciplinary Prosecutor**

1. A Director of the Office of Disciplinary Prosecutor shall be selected by two-thirds (2/3) of the joint membership of both the Kosovo Judicial Council and the Kosovo Prosecutorial Council in accordance with personnel regulations. A vacancy shall be filled based on a competitive, merit-based, and open process after public announcement of the position.
2. The Director of the Office of Disciplinary Prosecutor shall be responsible to both the Kosovo Judicial Council and the Kosovo Prosecutorial Council for the efficient and effective administration of the Office of Disciplinary Prosecutor and shall exercise his or her responsibilities pursuant to rules and regulations promulgated by both Councils.
3. The Director of the Office of Disciplinary Prosecutor shall receive a salary equivalent to a judge of the Court of Appeals. The Director shall not accept additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

**Article 37**  
**Qualifications of Director of Office of Disciplinary Prosecutor**

1. The Director of the Office of Disciplinary Prosecutor must meet the following qualifications:
  - 1.1. be a citizen and resident of Kosovo;
  - 1.2. have a valid university degree in law, criminal justice, police administration or a related field according to the laws of Kosovo;
  - 1.3. have at least five (5) years of relevant experience as a lawyer, judge, police officer, prosecutor or a related field of law enforcement or criminal justice administration;
  - 1.4. have a positive professional reputation and moral integrity;
  - 1.5. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council; and
  - 1.6. not have been convicted for criminal offenses, with the exception of a minor offense as defined by law.

**Article 38**  
**Selection and Qualifications of Personnel of the Office of Disciplinary Prosecutor**

1. The Director of the Office of Disciplinary Prosecutor, in consultation with the Council, and subject to the qualification criteria provided in this article, shall be authorized to select, appoint and dismiss Disciplinary Prosecutors. The Office shall assist in presenting recommendations for disciplinary action against prosecutors and the evidence supporting disciplinary action to the Disciplinary Committee. All vacancies shall be filled based on a competitive, merit-based, and open process after public announcement of a position.
2. Employees of the Office of the Disciplinary Prosecutor must meet the following qualifications:
  - 2.1. be a citizen and resident of Kosovo;
  - 2.2. have a valid university degree in law, criminal justice, police administration or a related field according to the laws of Kosovo;
  - 2.3. have at least three (3) years of relevant working experience as a lawyer, judge, police officer, prosecutor, or in a related field of law enforcement or criminal justice administration;
  - 2.4. have a positive professional reputation and moral integrity;
  - 2.5. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;
  - 2.6. have not been convicted for criminal offenses, with the exception of minor offenses as defined by law.
3. The Director of the Office of Disciplinary Prosecutor shall be authorized, subject to the qualification criteria provided in this article, to select, appoint and dismiss Inspectors. Inspectors shall assist in the conduct of the investigations for which the Disciplinary Prosecutor is responsible. All vacancies shall be filled based on a competitive, merit-based, and open process after public announcement of a position.



4. An Inspector of the Disciplinary Prosecutor must meet the following qualifications:
  - 4.1. be a citizen and resident of Kosovo;
  - 4.2. have at least three (3) years of relevant experience in the field of law enforcement, police work, criminal justice administration, or a related field;
  - 4.3. have a positive reputation in society;
  - 4.4. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;
  - 4.5. have not been convicted for criminal offenses, with the exception of minor offenses.
5. The Director of the Office of Disciplinary Prosecutor shall also be authorized to select, appoint and dismiss, consistent with Constitutional requirements and the requirements of applicable personnel regulations, administrative and support personnel as needed to provide administrative support for the functions of the Director, the Disciplinary prosecutors, and the Inspectors of the Office of Disciplinary Prosecutor.

### **Article 39**

#### **Budget for the Office of Disciplinary Prosecutor**

The Director of the Office of Disciplinary Prosecutor shall submit annually directly to the Ministry of Finance and Economy a separate budget for the funding of the salaries of the personnel of the Office of Disciplinary Prosecutor, including the Director, the Disciplinary prosecutors, the Inspectors, and the administrative and support personnel, and the other expenses of operating the Office of Disciplinary Prosecutor. The budget for the Office of Disciplinary Prosecutor shall be administered by the Secretariat of the Kosovo Judicial Council upon the direction and certification of the Director of the Office of Disciplinary Prosecutor. The Kosovo Prosecutorial Council shall have no authority to limit or otherwise direct the expenditures of the Office of Disciplinary Prosecutor nor shall the Kosovo Prosecutorial Council have the authority to reallocate the budget of the Office of Disciplinary Prosecutor or utilize funds appropriated to the Office of Disciplinary Prosecutor for any other purpose. The Director of the Office of Disciplinary Prosecutor shall report annually to a joint session of the Kosovo Judicial Council and the Kosovo Prosecutorial Council on the activities and expenditures of the Office of Disciplinary Prosecutor.

## **CHAPTER VII THE TRAINING OF PROSECUTORS**

### **Article 40**

#### **Training policies, Standards and Instructions**

1. The Council, in coordination with the Kosovo Judicial Institute, shall determine policies, standards and directives by which the training for prosecutors, candidates for prosecutors and the other prosecutorial staff are regulated.

2. The Council may create associations or other organizations for the implementation of further professional training of prosecutors.
3. The Council may cooperate with associations or other organizations for the professional training of prosecutors and the other prosecutorial staff.

## **CHAPTER VIII FINAL PROVISIONS**

### **Article 41**

#### **Validity of Prior Actions of the Council established under UNMIK Administrative Regulation 2005/52 and the Law on the Temporary Composition of the Kosovo Judicial Council**

1. All administrative actions of the Council taken under the authority of UNMIK Administrative Regulation 2005/52 or pursuant to the Council established by the Law on the Temporary Composition of the Kosovo Judicial Council and which were taken prior to the establishment of this Council and transfer of competencies, including the promulgation of any rule, regulation, fee schedule, directive, or other official action, shall remain valid and in effect unless abrogated by this law or until such time as the Council modifies, repeals or clarifies such actions.
2. All prior actions regarding the appointment, transfer or discipline of prosecutors shall remain valid and in effect unless abrogated by this law or subsequent legal act.
3. All prior personnel actions of the Council regarding the appointment, promotion, transfer or termination of administrative employees shall remain valid and in effect unless abrogated by this law or subsequent Council action.

### **Article 42**

#### **Initial Composition of the Council**

1. Notwithstanding Article 5 of this law the initial composition of the Council shall be as follows:
  - 1.1. The Chief State Prosecutor;
  - 1.2. The prosecutor then currently serving as a member of the Kosovo Judicial Council;
  - 1.3. The Special Prosecutor serving on the Kosovo Judicial Council;
  - 1.4. The Minister of Justice;
  - 1.5. One District Prosecutor and one Municipal Prosecutor selected by the members above, one of whom must be from a Community that is not in the majority in Kosovo; and
  - 1.6. The three (3) other members selected by the Council as provided in paragraph 3 Article 5 of this law, not later than three (3) months from entry into force of this law.

**Article 43**  
**Transfer of Competencies**

1. Upon the establishment of the Kosovo Prosecutorial Council as provided in this law, the duties and competencies then being exercised by the Kosovo Judicial Council shall be transferred to the Council.
2. The prosecutors who, at the time the Council is established as provided in this law, are members of the Kosovo Judicial Council shall be transferred to the Council and remain there until the natural expiration of the their term.
3. Not later than three (3) months from the entry in force of this law, the Kosovo Judicial Council and the Ministry of Justice shall transfer to the Council all files pertaining to the prosecutors.

**Article 44**  
**Abrogation**

This law shall abrogate and replace the UNMIK Regulation No. 2005/52, as well as all other legal provisions that conflict with this law.

**Article 45**  
**Entry into Force**

This law shall enter into force on January 1, 2011 consistent with Articles 80 (6) of the Constitution.

**Law No. 03/L-224**  
**30 September 2010**

**Promulgated by Decree No. DL-051-2010, dated 18.10.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 83 / 29 OCTOBER 2010**

**LAW No. 04/L-115  
ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Article 1  
Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L –223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L –224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L -237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

## **Article 2**

### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

## **Article 3**

### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworted with the following text:

## **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

## **Article 4**

### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworded as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

##### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition “**the Comprehensive Status Proposal**” shall be deleted from the text o the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

##### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

##### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon 'their free and informed

- Law No. 04/L-115 on amending and supplementing the laws related to the ending of... decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.
3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

**Article 16**  
**Amending and Supplementing the Law No. 03/L-041 on Administrative**  
**Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

**Article 17**  
**Amending and Supplementing the Law No. 03/L-068 on Education in the**  
**Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

**Article 18**  
**Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo**  
**(the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

**Article 29**  
**Registration and Determination of Citizenship**

**Article 19**  
**Amending and Supplementing the Law No. 03/L-237 on Population and Housing**  
**Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;

## **Article 20**

### **Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

## **Article 21**

### **Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

## **Article 22**

### **Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.

**Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

**II. FINAL PROVISIONS**

**Article 24**

**Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**

**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**LAW No. 03/L-053**  
**ON THE JURISDICTION, CASE SELECTION AND CASE ALLOCATION**  
**OF EULEX JUDGES AND PROSECUTORS IN KOSOVO**

**Contents**

Chapter I: General provisions.....	852
Chapter II: Competences of EULEX judges .....	854
Chapter III: Competences of EULEX prosecutors.....	861
Chapter IV: Final and transitional provisions .....	865

Based on Chapter IV article 65 item 1 of the Constitution of Republic of Kosova, for the purpose of determination of competencies, selection of subjects and determination of subjects of judges and eulex prosecutors in Kosovo.

**The Assembly of the Republic of Kosovo,**

Hereby adopts

**LAW ON THE JURISDICTION, CASE SELECTION AND CASE**  
**ALLOCATION OF EULEX JUDGES AND PROSECUTORS IN KOSOVO**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Objective**

This law regulates the integration and jurisdiction of the Eulex judges and prosecutors in the judicial and prosecutorial system of the Republic of Kosovo.

**Definitions**

For the purpose of this Law:

- **“EULEX KOSOVO”**- means the European Security and Defense Policy Mission established in Kosovo by the European Union;
- **“Head of the EULEX KOSOVO”**- means an individual, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **“Head of the Justice Component”**- means an individual, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;



- **"President of the Assembly of EULEX Judges"**- means a judge, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **"Chief EULEX Prosecutor"**- means a prosecutor, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **"EULEX judge"**- means a judge, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **"EULEX prosecutor"**- means a prosecutor, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **"EULEX Property Rights Coordinator"**- means an individual, belonging to the EULEX KOSOVO, who has been selected and designated by the EULEX Head of Justice Component to work in Kosovo in this specific position;
- **"EULEX police officer"**- means an individual, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **"EULEX correctional officer"**- means an individual, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **"Kosovo police officer"**- means a member of the staff of the Kosovo Police Service, as defined by the applicable law;
- **"Kosovo correctional officer"**- means a member of the staff of the Kosovo Correctional Service, as defined by the applicable law;
- **The "Office of the Public Prosecutor of Kosovo"**- means an independent public body with responsibilities for the investigation of criminal offences, the discovery and collection of evidence and information for the initiation and conduct of criminal proceedings, the prosecution of persons suspected of criminal offenses, and the performance of other functions as provided by the applicable law;
- **"Chief Public Prosecutor of Kosovo"**- means the public prosecutor who leads the Office of the Public Prosecutor of Kosovo according to the applicable law;
- **"Kosovo public prosecutor"**- means a resident of Kosovo appointed as prosecutor according to the applicable law;
- **"Kosovo judge"**- means a resident of Kosovo appointed as judge according to the applicable law;
- **"Special Prosecution Office of Republic of Kosovo" or "SPRK"**- means the permanent and specialized prosecutorial office operating within the Office of the Public Prosecutor of Kosovo;
- **"Law Enforcement Agency"**- means the Kosovo Police and any other authority or agency established in Kosovo that can legitimately exercise comparable powers and typical functions of the Kosovo Police according to the applicable law; this definition includes the EULEX Police;
- **"Applicable Law"**- means the law applicable in Kosovo pursuant to UNMIK Regulation No. 1999/24 On the Law Applicable in Kosovo, as amended, and any other future normative act, adopted in Kosovo by the competent authority after the

- enactment of the present law;
- **“PCCK”**- means the Provisional Criminal Code of Kosovo, promulgated by UNMIK Regulation No. 2003/25, as amended;
- **“PCPCK”**- means the Provisional Criminal Procedure Code of Kosovo, promulgated by UNMIK Regulation No. 2003/26, as amended;
- **“CCFRY”**- means the Criminal Code of the Socialist Federal Republic of Yugoslavia, published in the Official Gazette of the Socialist Federal Republic of Yugoslavia No. 44/76, as amended;
- **“CCK”**- means the Criminal Law of the Socialist Autonomous Province of Kosovo, published in the Official Gazette of the Socialist Autonomous Province of Kosovo No. 25/77, as amended;
- **“Transition Day”**- means the day on which the EULEX KOSOVO starts its mandate in Kosovo.

## **CHAPTER II**

### **COMPETENCES OF EULEX JUDGES**

#### **Article 2**

##### **General authority of EULEX judges**

- 2.1. An EULEX judge will have the authority and responsibility to perform the functions for cases falling within the jurisdiction of the courts to which he or she is assigned to by the President of the Assembly of EULEX judges, and according to the modalities as established by the present law and by the EULEX KOSOVO.
- 2.2. EULEX judges will cooperate with the Kosovo Judges working at the different courts to which he or she is assigned to, in accordance with the modalities as established by the present law and by the EULEX KOSOVO.
- 2.3. Where required, the relevant aspects of the activity and cooperation of EULEX judges with the Kosovo judges working in the local courts will be further outlined, to the necessary extent, in a separate Arrangement between the Head of the EULEX KOSOVO, the Kosovo Judicial Council and the President of the Supreme Court of Kosovo.
- 2.4. Besides exercising their judicial functions pursuant to the provisions of Articles 3, 4 and 5 of this law, EULEX judges will monitor, mentor and advise the Kosovo Judges, in the respect of the principle of independence of the judiciary and according to the modalities as established by the present law and by the EULEX KOSOVO.
- 2.5. EULEX judges will be independent in the discharge of their functions.
- 2.6. Upon consultation with the Head of the Justice Component, the President of the Assembly of the EULEX Judges and the Chief EULEX Prosecutor will propose, respectively, to the Assembly of the EULEX Judges and to the Assembly of the EULEX Prosecutors, modalities on case selection and case allocation based on pre-determined objective criteria and procedural safeguards that will be consistent with the applicable law. These modalities that will be endorsed by the Assembly of the EULEX Judges and of the EULEX Prosecutors will ensure the

Law No. 03/L-053 on the jurisdiction, case selection and case allocation of...  
respect of the independence and the impartiality of the EULEX judges and the  
autonomy of the EULEX Prosecutors in the discharge of their functions.

### **Article 3**

#### **Jurisdiction and competences of EULEX judges for criminal proceedings**

- 3.1. EULEX judges assigned to criminal proceedings will have the jurisdiction and competence over any case investigated or prosecuted by the SPRK.
- 3.2. The President of the Assembly of EULEX Judges will assign any EULEX judge to the respective stage of the criminal proceeding investigated or prosecuted by the SPRK, according to the modalities on case selection and case allocation developed by the Assembly of the EULEX Judges and in compliance with this law. The President of the Assembly of EULEX Judges can decide for grounded reasons that an EULEX judge is not assigned to the respective stage of the criminal proceeding.
- 3.3. Before the commencement of the relevant stage of the proceeding, upon petition of the EULEX Prosecutor assigned to the case or working in the mixed team identified in Articles 9 and 10 of this law, or upon petition of any of the parties to the proceeding, or upon a written request of the President of the competent court or of the General Session of the Supreme Court of Kosovo where the provisions related to the disqualification of a judge or lay judge foreseen by the PCPCK (Article 40-44 of the PCPCK) are not applicable, the President of the Assembly of EULEX Judges will have the authority, for any reason when this is considered necessary to ensure the proper administration of justice, to assign EULEX judges to the respective stage of a criminal proceeding, according to the modalities on case selection and case allocation developed by the Assembly of the EULEX Judges and in compliance with this law, for the following crimes, when the investigation or prosecution is not conducted by the SPRK:
  - a) assault on legal order of Kosovo (Art.108, PCCK);
  - b) inciting National, Racial, Religious or Ethnic Hatred, Discord or Intolerance (Art. 115, PCCK);
  - c) hijacking Aircraft (Art. 132, PCCK), Endangering Civil Aviation Safety (Art. 133, PCCK), Endangering Maritime Navigation Safety (Art. 134, PCCK), Endangering the Safety of Fixed Platforms located on the Continental Shelf (Art. 135, PCCK);
  - d) piracy (Art. 136, PCCK);
  - e) smuggling of Migrants (Art. 138, PCCK), Trafficking in persons (Art. 139, PCCK);
  - f) endangering United Nations and Associated Personnel (Art. 142, PCCK);
  - g) murder (Art. 146, PCCK), Aggravated Murder (Art. 147, PCCK); Hostage Taking (Art. 143, PCCK), Kidnapping (Art. 159, PCCK);
  - h) violating equal status of residents of Kosovo (Art. 158, PCCK)
  - i) torture (Article 165, PCCK);
  - j) all criminal offences against sexual integrity listed in Articles 193-204 of the PCCK anytime they are punishable by five or more years of imprisonment by taking into account the maximum of the possible sanction foreseen by the law;

- k) unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substance (Art. 229, PCCK), Unauthorized Production and Processing of Dangerous Narcotic Drugs and Psychotropic Substances (Art. 230, PCCK);
  - l) causing Bankruptcy (Art. 234, PCCK), Damaging Creditors (Art. 235 PCCK), Misuse of Economic Authorization (Art. 236, PCCK), Entering into Harmful Contracts (Art. 237, PCCK), Tax Evasion (Art. 249, PCCK), Organizing Pyramid Schemes and Unlawful Gambling (Art. 243, PCCK), Counterfeit Money (Art. 244, PCCK), Unjustified Acceptance of Gifts (Art. 250, PCCK), Unjustified Giving of Gifts (Art. 251, PCCK);
  - m) grave Cases of Theft in the Nature of Robbery or Robbery (Art. 256, PCCK), Fraud (Art. 261, PCCK), Extortion (Art. 267, PCCK);
  - n) participating in a crowd committing a criminal offence (Art. 320, PCCK);
  - o) unauthorized Supply, Transport, Production, Exchange or Sale of Weapons (Art. 327, PCCK);
  - p) abusing Official Position or Authority (Art. 339, PCCK), Misappropriation in Office (Art. 340, PCCK), Fraud in Office (Art. 341, PCCK), Accepting Bribes (Art. 343, PCCK), Giving Bribes (Art. 344, PCCK);
  - q) the crimes listed in Articles 30, 31, 32, 33, 34, 138, 141, 149, 215, 219, 222 and 223 of the CCK;
  - r) the crimes listed in Articles 74-82 of the CCK (Criminal Acts Against Personal Dignity and Morality) as amended by UNMIK Regulation No. 2003/1 Amending The Applicable Law on Criminal Offences Involving Sexual Violence, anytime they are punishable by five or more years of imprisonment by taking into account the maximum of the possible sanction foreseen by the law;
  - s) the crimes listed in Articles 134, 240, 241, 245 of the CCFRY;
  - t) /\*--węc\al to National, Racial, Religious or Ethnic Hatred, Discord or Intolerance (Article 1, UNMIK Regulation No. 2000/4);
  - u) trafficking in persons (Article 2, UNMIK Regulation No. 2001/4 On The Prohibition of Trafficking in Persons in Kosovo).
- 3.4. Before the commencement of the relevant stage of the proceeding, upon a petition of the EULEX Prosecutor assigned to the case or working in the mixed team identified in Articles 9 and 10 of this law, or upon petition of any of the parties to the proceeding, or upon a written submission of the President of the superior court who is requested to take a decision pursuant to paragraph 1 of Article 35 of the PCPCK, the President of the Assembly of EULEX Judges will have the authority to assign EULEX judges to the respective stage of a criminal proceeding according to the modalities on case selection and case allocation developed by the Assembly of the EULEX Judges and in compliance with the law, for any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence appear to be selected because of their real or perceived connection, attachment, affiliation, support, or membership of a real or perceived group identified according to its race, national, ethnic or social origin, association with a national minority or with a political group, language, color, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor.

- 3.5. For the purposes of the provisions set forth in paragraph 3 of Article 3, there is a need to ensure the proper administration of justice:
- a) if there have been threats to the Kosovo Judge, to the witnesses or to the parties to the proceeding in connection with the case, and this can reasonably lead to a belief that there would be a serious miscarriage of justice if the case is kept under the exclusive responsibility of Kosovo Judges; or
  - b) if it is reasonable to believe that the activity of the EULEX judge, due to the particular complexity or nature of the case, is necessary to avoid a miscarriage of justice.
- 3.6. In the cases foreseen in paragraphs 3 and 4 of this Article, the Kosovo judge who would otherwise be assigned to the case, the president of the competent or of the superior court and the parties to the proceeding will have the right to be heard by the President of the Assembly of the EULEX Judges. The President of the Assembly of EULEX Judges will provide the president of the territorial competent court and the parties to the proceeding with the grounded ruling accepting or denying the request to assign an EULEX judge to the particular proceeding. No appeal will be permitted against this ruling that will bind all authorities of Kosovo.
- 3.7. Panels in which EULEX judges exercise their jurisdiction in criminal proceedings will be composed of a majority of EULEX judges, and presided by one EULEX judge.. However, the President of the Assembly of EULEX Judges will have the authority, in derogation to this rule and for grounded reasons, to decide that a panel is composed with a majority or a total composition of Kosovo judges, or can decide that particular stages of the proceeding are not assigned to EULEX judges.
- 3.8. When criminal proceedings are joined to those referred to in paragraph 3 and 4 of this Article, the EULEX judges will also have the authority to exercise their functions over these other proceedings, irrespective of the legal qualification of the offence and irrespective of the nature of the crime.
- 3.9. In the performance of their function to monitor, mentor and advise, EULEX judges will have the authority to have access to any stage of the proceeding, to receive free copies of documents and to request in written form information in regards of any ongoing or closed criminal case falling under the jurisdiction or competence of any court of Kosovo. This will include the request of information related to the execution of final judgments or court decisions.
- 3.10. The Head of the Justice Component will have the authority to request and obtain from the Presidents of the various courts of Kosovo non-confidential information related to cases that could fall under the competence of the EULEX judges.

#### **Article 4**

##### **Authority of the President of the Assembly of EULEX Judges and of the Chief EULEX Prosecutor in cases of existence of procedures for disqualification**

- 4.1. Irrespective of the crimes listed in paragraph 3, Article 3 of this law, if a request of disqualification against a Kosovo judge is filed pursuant to the provisions of

- paragraph 3 of Articles 40 and 42 of the PCPCK, the President of the Assembly of the EULEX Judges will have the authority to assign EULEX judges to any stage of the relevant criminal proceeding, according to the modalities on case selection and case allocation developed by the Assembly of the EULEX Judges, anytime the request of disqualification contains sufficient elements that reasonably lead to a belief that the assignment of another Kosovo judge to the proceeding according to the PCPCK does not remove the circumstances that render the impartiality of the Kosovo judge doubtful.
- 4.2. In the case envisaged in paragraph 1 of this Article, a copy of the request for disqualification filed according to the PCPCK will be sent by the relevant party to the proceeding to the President of the Assembly of the EULEX Judges without delay.
  - 4.3. The rejection of the request for disqualification mentioned in paragraph 1 of this Article by the President of the court identified in the provisions of Article 43 of the PCPCK, will not bar the President of the Assembly of the EULEX Judges from exercising the authority to assign any EULEX judge to the relevant stage of the proceeding, before its commencement, anytime he or she consider that the circumstances that render the impartiality of the Kosovo judge doubtful are not removed from that particular proceeding. In such case, paragraph 4 of Article 42 of the PCPCK will not apply.
  - 4.4. If the President of the court or the general session of the Supreme Court of Kosovo identified in the provisions of Article 43 of the PCPCK believe that the request for disqualification mentioned in paragraph 1 of this Article is grounded, a written request will be sent to the President of the Assembly of the EULEX Judges and the provisions of the following paragraph 5 of this Article will apply. In such case, paragraph 4 of Article 42 of the PCPCK will not apply.
  - 4.5. The President of the Assembly of EULEX Judges will also have the authority, upon a written request of the President of the court identified in Articles 41 and 43 of the PCPCK, or of the general session of the Supreme Court of Kosovo identified in paragraph 3 of Article 43 of the PCPCK, to assign EULEX judges to the respective stage of any criminal proceeding, according to the modalities on case selection and case allocation developed by the Assembly of the EULEX Judges, anytime a Kosovo Judge has been disqualified according to the provisions of the PCPCK and it is not possible, for legal or factual grounds, including those referred to in paragraph 1 of this Article, to assign another Kosovo Judge to the proceeding. In such case, paragraph 4 of Article 42 of the PCPCK will not apply.
  - 4.6. No appeal will be permitted against the decisions taken by the President of the Assembly of the EULEX judges pursuant to paragraphs 1, 3 and 5 of this Article.
  - 4.7. Panels in which EULEX judges exercise their jurisdiction in those criminal proceeding to which they are assigned to pursuant to the provisions of paragraphs 1-5 of this Articles will always be composed of three judges, of which at least two being EULEX judges and of which one EULEX judge will be the presiding judge. However, the President of the Assembly of EULEX Judges will have the authority, in derogation to this rule and for grounded reasons, to

decide that a panel is composed with a majority or a total composition of Kosovo judges or can decide that particular stages of the proceeding are not assigned to EULEX judges.

- 4.8. If, according to the applicable law, an EULEX judge is subject to a procedure for disqualification, or if there is a petition for disqualification of an EULEX judge, the President of the Assembly of EULEX judges will have the authority to decide over the disqualification, in derogation to the provisions of the PCPCK. If the request of disqualification is addressed against the President of the Assembly of EULEX judges, the Assembly of the EULEX Judges will decide on the matter.
- 4.9. If, according to the applicable law, an EULEX prosecutor is subject to a procedure for disqualification, the Chief EULEX Prosecutor will have the authority to decide over the disqualification, in derogation to the provisions of the PCPCK. If the request of disqualification is addressed against the Chief EULEX Prosecutor, the Assembly of the EULEX Prosecutors will decide on the matter.
- 4.10. EULEX KOSOVO will establish an Assembly of the EULEX Judges and an Assembly of the EULEX Prosecutors that will be responsible, respectively, to manage all issues related to the administration and the work of the EULEX Judges and of the EULEX Prosecutors, according to the modalities established by the EULEX KOSOVO. The Assembly of the EULEX judges and the Assembly of the EULEX prosecutors will be also responsible to decide over, respectively, the request of disqualification against the President of the Assembly of the EULEX judge and the Chief EULEX Prosecutor.

## **Article 5**

### **Jurisdiction of EULEX judges for civil cases**

- 5.1. EULEX judges assigned to civil proceedings will have the authority to select and take responsibility, in agreement with the President of the Assembly of the EULEX Judges and according to the modalities on case selection and allocation developed by the Assembly of the EULEX Judges, over:
  - a) cases falling within the jurisdiction of the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency related matters, including cases that have been referred to another court pursuant to the applicable law;
  - b) cases falling within the jurisdiction of any court of Kosovo regarding appeals on decisions of the Kosovo Property Claims Commission according to the applicable law;
  - c) any new or pending property related civil cases, including the execution procedures, falling within the jurisdiction of any court in Kosovo, if:
    - (i) there is a grounded suspicion of attempts to influence the impartiality or independence of the local judiciary; or
    - (ii) there is a grounded suspicion that the local judiciary is not willing or unable to properly deal with the case; or
    - (iii) there is a grounded suspicion of a serious violation of the fairness of the proceeding.

- 5.2. The President of the Assembly of EULEX Judges will assign the EULEX judges to panels at courts other than the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency related matters. The panels will be composed of three judges, two of whom will be EULEX judges. When the need arises to move an EULEX judge to a different court, the President of the Assembly of the EULEX Judges will be entitled to do so only for the sake of a better organization of justice, and based on pre-determined objective criteria as defined in the modalities on case selection and case allocation endorsed by the Assembly of the EULEX Judges.
- 5.3. The President of the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency related matters will assign the EULEX judges to panels of the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency related matters. The panels will be composed of three judges, two of whom will be EULEX judges. The appeals panel will be composed of five judges, three of whom will be EULEX judges.
- 5.4. The presiding judge in the panels referred to above will be, as a rule, an EULEX judge.
- 5.5. The President of the Assembly of EULEX Judges will have the authority, in derogation to paragraphs 2, 3 and 4 of this Article for grounded reasons, to determine the composition of the panels resulting in a full composition of EULEX judges or in a majority or full composition of Kosovo judges. This includes the authority to decide that EULEX judges may not be assigned to particular stages of the proceeding.
- 5.6. In the performance of their function to monitor, mentor and advise, EULEX judges will have the authority to request in written form information about the status of any ongoing or closed civil case falling under the jurisdiction or competence of any court of Kosovo. EULEX judges will be entitled to receive free copies of the documents pertaining to any dispute or civil proceeding falling under the jurisdiction or competence of any of the courts of Kosovo.
- 5.7. In the case envisaged in item c), paragraph 1 of this Article, the Kosovo judge who would otherwise be assigned to the case, the President of the competent court and the parties to the proceeding will have the right to be heard by the President of the Assembly of the EULEX Judges. The President of the Assembly of EULEX Judges will provide the President of the territorial competent court and the parties to the proceeding with the grounded ruling related to the assignment of the EULEX judge to the particular proceeding. No appeal will be permitted against this ruling that will bind all authorities of Kosovo.

## **Article 6**

### **Provisions concerning the EULEX Property Rights Coordinator in Kosovo**

- 6.1. The EULEX Property Rights Coordinator in Kosovo will assist in coordinating property rights issues, including claims resolution, between different actors involved in this subject matter including, but not limited to the Kosovo Property Agency, the Kosovo Property Claims Commission, the Kosovo Trust Agency,



the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency related matters, ordinary courts, or the Kosovo Police Service.

- 6.2. All actors dealing with property rights issues, including claims resolution in Kosovo will be obliged to supply the EULEX Property Rights Coordinator free of charge with any information requested of them. The EULEX Property Rights Coordinator will have access to all the elements required for implementation of its mandate.

### **CHAPTER III COMPETENCES OF EULEX PROSECUTORS**

#### **Article 7**

##### **General authority of EULEX prosecutors**

- 7.1. EULEX prosecutors will have the authority and responsibility to perform the functions of his or her office, including the authority to conduct criminal investigations and take responsibility for new and pending criminal investigations or proceedings, within the SPRK or within the prosecution offices to which he or she is assigned to by the Chief EULEX Prosecutor and according to the modalities as established by the present Law and by the Assembly of the EULEX Prosecutors.
- 7.2. EULEX prosecutors will cooperate with the Kosovo Public Prosecutors working within the different prosecution offices to which he or she is assigned to, in accordance with the modalities as established by the present law and by the Assembly of the EULEX Prosecutors.
- 7.3. Besides exercising their investigating and prosecutorial functions pursuant to the provisions of Article 8 of this law, the EULEX prosecutors will monitor, mentor and advise the Kosovo Public Prosecutors in the respect of the principle of autonomy of prosecutors and in accordance with the modalities as established by the present law and by the Assembly of the EULEX Prosecutors. Their role as monitors, mentors and advisors will not be limited to the cases for which the EULEX prosecutors can exercise their competences.
- 7.4. EULEX prosecutors will discharge their functions in compliance with the applicable law. They will be under the exclusive authority of the Chief EULEX Prosecutor and will not be subject to the authority of any Kosovan institution.

#### **Article 8**

##### **Competences of EULEX prosecutors in Kosovo**

- 8.1. The EULEX prosecutors will be competent to investigate and prosecute the crimes, that fall under the exclusive competence of the SPRK in accordance with the law that establishes the SPRK, and the crimes, including the attempt and the various form of collaboration to the crimes, listed in all items of paragraph 3 of Article 3 of this law.
- 8.2. The EULEX prosecutors will have also the authority to investigate and to prosecute crimes whose proceedings have been joined, according to the

applicable law, to those referred to in paragraph 1 of this Article, and the other crimes according to the modalities established in the following Articles of this law.

## **Article 9**

### **Exercise of the competence of EULEX prosecutors assigned to the prosecution offices in Kosovo**

- 9.1. EULEX prosecutors will work, where possible, in mixed teams with the Kosovo Public Prosecutors to investigate or prosecute any of the crimes listed in paragraph 3, Article 3 of this law.
- 9.2. Where required, the relevant aspects of the activity and cooperation of EULEX prosecutors with the Kosovo Public Prosecutors working in the local prosecution offices will be further outlined, to the necessary extent, in a separate Arrangement between the Head of the EULEX KOSOVO, the Ministry of Justice, the Kosovo Judicial Council, the Office of the Public Prosecutor of Kosovo and the Offices of the District Prosecutor.
- 9.3. When the Municipal Court is the first instance competent court for any of the crimes listed in paragraph 3 of Article of this law, the municipal Kosovo Public Prosecutor assigned to the case may seek the advice of any of the EULEX prosecutors anytime he or she may consider appropriate.
- 9.4. In any case, the municipal Kosovo Public Prosecutor identified in Article 9(3) will inform, within seventy-two hours, any of the EULEX prosecutors assigned to his or her region about the content of any announcement of the first instance judgment (art. 392 or 473(2) of the PCPCK) for any of the crimes listed in paragraph 3 of Article 3 of this law that fall under the jurisdiction of the Municipal Court as first instance court.
- 9.5. The Chief Municipal Prosecutors will inform the Chief District Prosecutors working in the office competent for the territory within which they exercise their activity of any ongoing investigation or prosecution regarding the crimes listed in paragraph 3 of Article 3 that fall under the competence of the Municipal Court as first instance court. The Chief Municipal Prosecutors will be obliged to provide the EULEX prosecutors with the same information and to disclose any relevant information pertaining to the case upon their request.
- 9.6. The Chief District Prosecutors will inform the EULEX prosecutors assigned to their prosecution office and before the case is assigned to a Kosovo Public Prosecutor belonging to the same Office, of any case that might fall under paragraph 3 of Article 3 of this law or for which the EULEX prosecutors could exercise their functions.
- 9.7. In performing their functions as monitors, mentors and advisors, the EULEX prosecutors will have the authority to examine any ongoing or closed case, to receive free copies of them and to request information regarding the execution of any final judgment.

## **Article 10**

### **Joint responsibility of the mixed teams and disputes resolution mechanism**

- 10.1. Any procedural or investigative activity linked to the investigation or prosecution of an alleged criminal conduct that might fall under the competence of the mixed teams composed by EULEX prosecutors and Kosovo Public Prosecutors will be agreed between the EULEX prosecutor and the Kosovo Public Prosecutor working on the same case.
- 10.2. In case of disagreements between the EULEX prosecutor and the Kosovo Public Prosecutor working on the same case with regard to the content or the performance of a particular act of the proceeding, they will refer the matter to the Chief District Prosecutor who will decide on it within twenty-four hours. In case of disagreements within the mixed teams of the SPRK, the Head of the SPRK will decide on the matter.
- 10.3. Within twenty-four hours after being informed about the decision taken by the Chief District Prosecutor or Head of the SPRK over the disagreement, the EULEX prosecutor will be entitled to request a review of the decision to the Chief EULEX Prosecutor and to the Chief Public Prosecutor of Kosovo. The Chief EULEX Prosecutor and the Chief Public Prosecutor of Kosovo will find together a solution as soon as possible.
- 10.4. In urgent situations, or when the delay might affect the conduct or the result of the investigation, prosecution or the fairness of the proceeding, the Chief EULEX Prosecutor will be entitled to undertake any urgent procedural activity or to assign any EULEX prosecutor or Kosovo Public Prosecutor for such purpose.

## **Article 11**

### **Authority of EULEX prosecutors for Hate-Motivated crimes**

- 11.1. At any time during the proceeding and upon agreement with the Chief EULEX Prosecutor, the EULEX prosecutors can take the responsibility over any investigation or prosecution of any criminal offence, including offences against persons or property, where the victim, premises, or target of the offence appear to be selected because of their real or perceived connection, attachment, affiliation, support, or membership of a real or perceived group identified according to its race, national or ethnic or social origin, association with a national minority or with a political group, language, color, religion, sex, age, mental or physical disability, sexual orientation, or other similar factor.
- 11.2. For the purpose of paragraph 1 of this Article, the EULEX prosecutor will file a request to the Chief Prosecutor of the office that would be competent to investigate or prosecute the case.
- 11.3. The relevant Chief Prosecutor will transfer the case to the EULEX prosecutor assigned to by the Chief EULEX Prosecutor within twenty-four hours.

## **Article 12**

### **Authority of EULEX prosecutors in case of unwillingness or inability of Kosovo Public Prosecutors**

- 12.1. At any stage of any criminal proceeding, if a Kosovo Public Prosecutor is unwilling or unable to perform his or her duties and this unwillingness or inability might endanger the proper investigation or prosecution of a criminal offence, or whenever there is a grounded suspicion of attempts made to influence the investigation or prosecution of a criminal offence, the Chief EULEX Prosecutor will have the authority to request the Chief Prosecutor of the competent office to assign the case
- a) to another Kosovo Public Prosecutor working within the same prosecution office,
  - b) or to any EULEX prosecutor who will take the responsibility over the relevant investigation or prosecution.
- 12.2. If the Chief Prosecutor of the competent office rejects the request of the Chief EULEX Prosecutor, the Chief EULEX Prosecutor will inform the Chief Public Prosecutor of Kosovo and they will find a joint decision which will be respected by the Chief Prosecutor of the competent office.
- 12.3. In urgent situations, or when the delay might affect the conduct or the result of the investigation, prosecution or the fairness of the proceeding, the Chief EULEX prosecutor will be entitled to undertake any urgent procedural activity or to assign any EULEX prosecutor or Kosovo Public Prosecutor to the case for such purpose.

## **Article 13**

### **Change of venue for criminal and civil proceedings**

- 13.1. If reasons of security so require, the Head of the Justice Component, upon proposal of the Chief EULEX Prosecutor or of the President of the Assembly of EULEX Judges, will have the authority to change the venue of a trial or of a particular stage of a criminal or civil proceeding whenever an EULEX judge or an EULEX prosecutor is involved. The Head of the Justice Component will ground his or her decision and will send it to the President of the court that would be entitled to exercise its territorial jurisdiction in the case.
- 13.2. Criminal offences allegedly committed by members of the local judiciary or by employees of the various courts in Kosovo will be investigated, prosecuted and adjudicated by a prosecution office and by a court that exercise competence and jurisdiction over a different region than the region where the judge, prosecutor or employee normally perform his or her functions. A rotation system will designate the prosecution office and the territorial competent court according to the following criteria:
- a) if the alleged crime occurred in the region of Pejë/Pec or Mitrovicë/Mitrovica, the competent prosecution office and court will be identified in either the district or municipal prosecution office and in either the district or municipal court of Prishtinë/Priština;

- b) if the alleged crime occurred in the region of Prishtinë/Priština or Gnjilane/Gjilan, the competent prosecution office and court will be identified in either the district or municipal prosecution office and in either the district or municipal court of Prizren;
  - c) if the alleged crime occurred in the region of Prizren, the competent prosecution office and court will be identified in either the district or municipal prosecution office and in either the district or municipal court of Gnjilane/Gjilan.
- 13.3. In case of a substantial reorganization of the court system or of the prosecution offices after the entry into force of the present law, the Head of the Justice Component, or the Kosovo Judicial Council upon request of the Head of the Justice Component, or the Kosovo Judicial Council without any request but after the termination of the mandate of the EULEX KOSOVO, will have the authority to establish a new rotation system for cases described in paragraph 2 of this Article.
- 13.4. Anytime an alleged criminal conduct has been committed by a judge, prosecutor or employee of a particular court, Law Enforcement Agencies and public authorities will be obliged to submit the relevant criminal report, notice of crime and information related to the developments of the investigations to the prosecutor's office identified according to the aforementioned rotation system.
- 13.5. At any stage of the proceeding, the Chief EULEX Prosecutor or the President of the Assembly of EULEX Judges will have the authority to transfer the case, respectively, to the competent prosecution office or court according to the aforementioned rotation system, in case of its violation.
- 13.6. The authority mentioned in paragraph 5 of this Article will be exercised in a way to avoid unnecessary delays of the proceeding and the disruption of the judicial process.

## **CHAPTER IV FINAL AND TRANSITIONAL PROVISIONS**

### **Article 14**

- 14.1. This Law can be repealed or modified in accordance with the procedures established by the applicable law but only upon consultation with the Head of the EULEX KOSOVO who will seek the advice of the Head of the Justice Component.
- 14.2. For the purposes of paragraph 1 of this Article, Kosovo authorities will establish consultations with the Head of the EULEX KOSOVO to assess the necessity of repealing, amending or changing the present law.

### **Article 15**

- 15.1. Upon the entry into force of this Law, the United Nations Mission in Kosovo (UNMIK) Department of Justice will handover to the Chief EULEX Prosecutor and to the President of the Assembly of EULEX Judges, pursuant to the

modalities and procedures established between UNMIK and the European Union, all files, information, archives and data, in electronic and hard copies related to cases currently investigated, prosecuted or dismissed by UNMIK International prosecutors and the SPRK, and cases that are or have been under the authority of UNMIK International Judges.

- 15.2. The Chief EULEX Prosecutor and the President of the Assembly of EULEX Judges will decide in accordance with this law which of the cases handed over pursuant to paragraph 1 of this Article fall within the jurisdiction and competence of the EULEX judges or prosecutors, respectively, and which other cases, for grounded reasons, will have to remain under the authority of EULEX judges and prosecutors after having been under the authority of UNMIK International Judges or UNMIK International Prosecutors.
- 15.3. In cases which were handed over pursuant to paragraph 1 of this Article and which are at the stage of a main trial at the date of the entry into force of this law, the composition of the panels for criminal proceedings may remain unchanged for further proceedings if the same panel members continue their functions as EULEX judges after the entry into force of the present law. In such event the President of the Assembly of the EULEX Judges will designate the respective previous UNMIK International judge as an EULEX judge to the same proceeding.
- 15.4. In the event of a need to restart the main trial for procedural or other reasons the President of the Assembly of the EULEX Judges will designate EULEX judges to the new panel in accordance with the present law.
- 15.5. In cases which were handed over pursuant to paragraph 1 of this Article and which fall within the jurisdiction of the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency related matters, the composition of the panel may remain unchanged for further proceedings if the same panel members continue their functions as EULEX judges after the entry into force of the present law. The respective previous UNMIK International judge will be assigned as an EULEX judge to the same proceeding pursuant to the applicable law.
- 15.6. The President of Assembly of the EULEX Judges in consultation with the President of the Special Chamber of the Supreme Court of Kosovo on Kosovo Trust Agency related matters may assign an EULEX judge to the particular stage of the proceedings previously assigned to an UNMIK International Judge, or assign an EULEX judge to a particular panel pursuant to the provisions of the present law, provided the commencement of a new proceeding with the new panel members is not mandatory pursuant to the applicable law.
- 15.7. If a provision in the applicable law in place prior to the Transition day foresees that the President of the Supreme Court of Kosovo or the President of another court is entitled to designate an International Judge in a proceeding, this authority will be transferred to the President of the Assembly of the EULEX judges as of the Transition day.

## **Article 16**

For the duration of the EULEX KOSOVO in Kosovo, the official languages of the Kosovo courts will be, other than the Albanian, Serbian and, in addition, Turkish in areas in which the Turkish community is located, also the English in those proceedings in which the EULEX judges and prosecutors are involved.

## **Article 17**

- 17.1. For the duration of the EULEX KOSOVO in Kosovo, the EULEX police will have the authority to exercise the powers as recognized by the applicable law to the Kosovo Police and according to the modalities as established by the Head of the EULEX KOSOVO.
- 17.2. For the duration of the EULEX KOSOVO in Kosovo, the EULEX police will have the authority to exercise the functions of the judicial police according to the applicable law and to the modalities established by the Head of the EULEX KOSOVO.
- 17.3. For the duration of the EULEX KOSOVO in Kosovo, the EULEX correctional officers will have the authority to exercise the powers and the functions of the staff of the Kosovo correctional Service, including those recognized to the Kosovo correctional officers, according to the applicable law and to the modalities as established by the Head of the EULEX KOSOVO.
- 17.4. Where required, the relevant aspects of the activities and cooperation of the EULEX police with the Kosovo Police and of the EULEX correctional officers with the staff of the Kosovo Correctional Service may be further outlined, to the necessary extent, in separate Arrangements between the Head of the EULEX KOSOVO and the competent authorities. These arrangements will reflect the content of the modalities established by the Head of the EULEX KOSOVO.

## **Article 18**

- 18.1. In case of a substantial reorganization of the court system or of the prosecution offices after the entry into force of the present law, the Chief Prosecutor of the Office having competence over the case according to the new legislation will be the competent authority to exercise all duties and responsibilities assigned to the Chief District or Chief Municipal Prosecutor by the present law.
- 18.2. Similarly, all references made in the present law to municipal or district prosecution offices, municipal or district courts, municipal Kosovo Public Prosecutor or district Kosovo Public Prosecutor, will be interpreted in accordance with the new structure of the court system or prosecution offices.
- 18.3. The competent authorities will be under the obligation to amend the present law in compliance with the new structure of the courts or of the prosecution offices to allow the EULEX KOSOVO to properly exercise their authorities and functions.

**Article 19**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**

**Date: 13.03. 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
III / NO. 27 / 03 JUNE 2008**



**LAW No. 03/L-223  
ON THE KOSOVO JUDICIAL COUNCIL**

**Contents**

Chapter I: Basic provision .....	869
Chapter II: Competencies, responsibilities and composition of the council .....	870
Chapter III: Recruitment, nomination and appointment of judges .....	877
Chapter IV: Assessment, promotion and transfer of judges and lay judges .....	878
Chapter V: Administration of the courts .....	879
Chapter VI: Disciplinary procedures .....	885
Chapter VII: Office of disciplinary counsel .....	888
Chapter VIII: Judicial training .....	891
Chapter IX: Final provisions .....	891

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

**THE LAW ON THE KOSOVO JUDICIAL COUNCIL**

**CHAPTER I  
BASIC PROVISION**

**Article 1  
Purpose and Scope of the Law**

This law regulates the organization and functions of the Kosovo Judicial Council (KJC), including the procedures for the recruitment, appointment, reappointment, transfer, discipline, assessment, promotion and training of judges and lay judges; for the overall management and administration of the courts; for development of oversight of the budget of the judiciary; and for the establishment of new courts and new branches.

**Article 2  
Definitions**

1. Terms used in this law have the following meanings:
  - 1.1. **Constitution** -the Constitution of the Republic of Kosovo.
  - 1.2. **Comprehensive Settlement Proposal** - the Comprehensive Settlement Proposal for the Kosovo Status Settlement, 26 March 2007.

- 1.3. **Council** - the Kosovo Judicial Council, an independent institution responsible for administering the courts as provided in of the Constitution of Republic of Kosovo and in this law.
- 1.4. **Days** - calendar days.
- 1.5. **Judiciary** - judges and lay judges.
- 1.6. **Chairperson** - the person elected by the membership of the Kosovo Judicial Council according to the Constitution as the chairperson of the Kosovo Judicial Council and who serves as the chief administrative official of the Kosovo judiciary.
- 1.7. **President** - the President of the Republic of Kosovo.
- 1.8. **Secretariat** - the unit established within the Judicial Council for the purpose of providing administrative support to the Council and the courts.
- 1.9. **Director of the Secretariat** - the head of the Secretariat.
- 1.10. **Institute** - the Kosovo Judicial Institute (KJI).
- 1.11. **Temporary Council** - the Council established by the Law on the Temporary Composition of the Kosovo Judicial Council, 2008/03-L-123.
- 1.12. **Kosovo Prosecutorial Council (KPC)** - the body established in Article 110 of the Constitution and regulated by the Law on the Kosovo Prosecutorial Council of the Republic of Kosovo.

## **CHAPTER II**

### **COMPETENCIES, RESPONSIBILITIES AND COMPOSITION OF THE COUNCIL**

#### **Article 3**

##### **Council Independence**

The Council is a fully independent institution in the performance of its functions with the purpose of ensuring an independent, fair, apolitical, accessible, professional and impartial judicial system which reflects the multiethnic nature of the Republic of Kosovo and applies the Constitution as well as internationally recognized principles of human rights and gender equality.

#### **Article 4**

##### **Competencies and Responsibilities**

1. The Council's responsibilities include, but are not limited to the following:
  - 1.1. ensuring the independence and impartiality of the judicial system;
  - 1.2. recruiting and proposing candidates for appointment and reappointment of judges, including candidates from Communities that are not majority in Kosovo;
  - 1.3. in order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and Annex IV, Article 2.2, of the Comprehensive Settlement Proposal, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo;

- 1.4. proposing to the President the appointment, reappointment, and dismissal of judges, as foreseen by the Constitution and this law;
- 1.5. promulgating regulations on the transfer and disciplinary procedure for judges;
- 1.6. proposing to the President the appointment of the President of the Kosovo Supreme Court;
- 1.7. proposal for appointing the President Judges of the Court of Appeals and of the Basic Courts and appointing Supervising Judges in compliance with the Law on Courts;
- 1.8. organizing and managing the proper functioning of courts;
- 1.9. providing for the regular periodic assessment of the caseloads of the courts and implementing a case allocation system to ensure the efficient functioning of the courts;
- 1.10. overseeing judicial inspection, judicial administration and issuing internal regulations for the courts in compliance with this law;
- 1.11. preparing, submitting and overseeing the budget of the judiciary to ensure efficient court functioning and accounting for the use of fiscal resources;
- 1.12. announcing the public competition for judges and lay judges;
- 1.13. determining the number of judges in each court and branch and supervision of court administrators;
- 1.14. making recommendations to the Assembly for establishing new courts and new branches;
- 1.15. administering the judiciary and its personnel and issuing regulations and sub-legal acts in accordance with its competencies;
- 1.16. promulgating the code of professional ethics for the Council's members, the violation of which provides grounds for sanctions, including dismissal from the Council;
- 1.17. promulgating the code of professional ethics for judges and lay judges, the violation of which provides grounds for sanctions, including dismissal from office;
- 1.18. promulgating a code of ethics for court support employees, the violation of which constitutes grounds for sanctions, including dismissal from employment;
- 1.19. in cooperation with the Institute, organizes the preparatory examination for the qualification of judge candidates;
- 1.20. determining policies, standards and instructions related to the training of judges, lay judges, and other judiciary personnel and overseeing the implementation of professional training of judges and lay judges by the Institute or other training associations organizations;
- 1.21. providing and publishing information and statistical data on the judicial system;
- 1.22. cooperating with individuals and organizations responsible for independently monitoring the judicial system;
- 1.23. promulgating sub-legal acts consistent with public information laws related to the management and disclosure of information retained by the Kosovo judiciary;

- 1.24. approving the rules of procedure for the functioning of the Council and its committees, and for the election of those judicial members selected by their peers, rules which shall be publicly available;
- 1.25. reporting to the Kosovo Assembly, the President, and the public on the work of the Council and the judiciary in general;
- 1.26. preparing an annual report on the activities of the courts and the expenditures of the Council;
- 1.27. promulgating a uniform schedule of court fees applicable throughout the Republic of Kosovo.

## **Article 5**

### **Composition and Selection of Members of the Council**

1. The Council shall be composed of thirteen (13) members as provided for in the Constitution having the necessary professional qualifications and expertise.
2. The five (5) judicial members of the Council selected pursuant to Article 65 (10) and Article 108.6 (1) of the Constitution shall be as follows:
  - 2.1. two (2) judges of the Supreme Court, elected by the judges of the Supreme Court;
  - 2.2. one (1) judge of the Court of Appeals, elected by the judges of
  - 2.3. the Court of Appeals; and
  - 2.4. two (2) judges of the Basic Courts, elected by the judges of the Basic Court.
3. Other members of the Council shall be selected in compliance with article 65 and Article 108 paragraph 6. point 2, 3 and 4 of the Constitution of Republic of Kosovo.
4. Members of the Council may be persons who are not judges or prosecutors but who are external jurists, university professors or other professionals with a minimum of ten (10) years of relevant experience and who have knowledge of the Kosovo justice system. All members of the Council must be capable to contributing the management and functioning of the courts in Kosovo. Well-respected professionals may be appointed from outside the legal field and may include persons with expertise in management, finance, information technology or social sciences.

## **Article 6**

### **Chairperson and Vice-Chairperson of the Council**

1. The Chairperson and Vice-Chairperson shall be elected from the members of the Council as provided in Article 108(7) of the Constitution. The election as the Chairperson or Vice-Chairperson shall not extend the term of a Council member.
2. The Chairperson of the Council shall serve as full-time member of the Council. If the Chairperson is a judicial member he or she shall not lose his or her status as a judge and shall have the right to return to service as a judge of the court to which they have been appointed upon completing the term of Office. The Chairperson shall have the following authorizations:
  - 2.1. chair all meetings of the Council;

- 2.2. approve the preparation of all agendas and items to be submitted to the Council for its consideration and decision;
- 2.3. represent the Council before the public, government agencies and other public bodies;
- 2.4. oversee and manage the work of the Council and its committees;
3. Proposes to the Ministry of Finance and to the Kosovo Assembly the Council's proposed budget for the operational and personnel expenses of the Council and the courts;
4. Appears at least annually before the Kosovo Assembly and reports on the performance, operations, expenditures, and needs of the Kosovo judiciary;
5. With the consent of the Council, appoints the members of the standing committees provided in this law; and undertakes other duties as the Council may direct.
6. The Vice-Chairperson shall fulfil the responsibilities and duties of the Chairperson in his or her absence. The Vice-Chair shall have full authority to act on behalf of the Council in the absence or incapacity of the Chairperson.
7. During their mandate, the Chairperson and Vice-Chairperson shall receive the following compensation:
  - 7.1. the Chairperson shall receive the salary in effect for the President of the Supreme Court.
  - 7.2. the Vice-chairperson shall receive the salary in effect for the President of the Court of Appeals.
8. During their mandate, the Chairperson and Vice-chairperson shall receive only the salary provided in this Article, except for reimbursement of reasonable and necessary expenses associated with the exercise of their duties, and shall not accept additional compensation for other duties or employment from any other source. If the Chairperson or Vice-chairperson is a judge, upon expiration of their service they shall receive the compensation associated with the judicial position to which they have been originally appointed and to which they will return.

## **Article 7**

### **Term of the Council Members**

Except as provided in Article 151 of the Constitution and the Comprehensive Settlement Proposal, Annex IV, Article 4.2, Council members are elected to a five (5) year term, as provided in Article 108(6) of the Constitution and this law. A member may be elected to one additional non-consecutive term of five (5) years.

## **Article 8**

### **Termination of the Term**

1. The term of a Council member terminates:
  - 1.1. when deceased;
  - 1.2. upon loss of capacity to act for more than three (3) months due to certified medical reasons;
  - 1.3. upon consistent failure to attend to Council activities for more than three (3) months; if appointed on the basis of a particular status, upon cessation of the status upon which the appointment is based;

- 1.4. upon resignation by providing the Council with advance notice of thirty (30) days;
2. When convicted of a criminal offence, with the exception of minor offences as defined by law.
3. Except as provided in Article 151, a vacancy on the Council shall be filled in the manner provided for in Article 108 of the Constitution and this law. If a vacancy occurs on the Council prior to the expiration of the term, the vacant position shall be filled according to the criteria in Article 108 of the Constitution and this law. A person selected to fill a vacancy on the Council shall be appointed for a full five (5) year term.

### **Article 9** **Committees of the Council**

1. The Council has the following permanent committees:
  - 1.1. the Committee for Normative Issues;
  - 1.2. the Committee for Budget, Finances and Personnel;
  - 1.3. the Committee for Court Administration; and
  - 1.4. the Disciplinary Committee.
2. The Council may establish such other permanent or temporary committees as it considers necessary.

### **Article 10** **Independence and Impartiality of the Council Members**

Council members shall exercise their duties in an independent and impartial manner.

### **Article 11** **Incompatibility with Membership**

1. It shall be incompatible with membership on the Council, within the meaning of Article 108 (5) (6) of the Constitution, to be:
  - 1.1. one (1) judge or prosecutor who has not been appointed to office;
  - 1.2. a person who has been convicted of a criminal offence, with the exception of minor offences as defined by law;
  - 1.3. a member of the Government of the Republic of Kosovo or any mayor; a member of the Assembly of the Republic of Kosovo or any municipal assembly;
  - 1.4. a person who exercises function or performs any duties in any political party or in any associations or foundations connected to any political party; or
  - 1.5. a person who works for the administration, including persons performing duties in the Government of the Republic of Kosovo or in administrative or sub-administrative bodies established by the Constitution or created by legislation.
  - 1.6. one (1) elected member of the Council shall be dismissed from the Council if they do not resign from an incompatible position before taking their appointment as a member of the Council.

**Article 12**  
**Immunity of Council Members**

1. Council members shall enjoy immunity from prosecution, civil lawsuit or dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities as Council members.
2. Council members shall not enjoy immunity under paragraph 1 of this Article and may be removed from office if they have committed an intentional violation of the law.
3. When a Council member is indicted or arrested, he/she shall give notice to the Chairperson of the Council without delay.

**Article 13**  
**Disciplinary Procedures for Council Members**

1. The Council shall determine the disciplinary rules and procedures applicable to its members, including the procedures governing the investigation, suspension or recommendation of dismissal of any Council member.
2. One (1) committee composed of three (3) members, established by the Chairperson, shall decide on the grounds for discipline and sanction, including the suspension and dismissal, of any Council member.
3. One (1) member who is suspended by the committee is entitled to an appeal to the full Council within fifteen (15) days of a suspension decision.
4. Upon recommendation of the committee, one Council member may be dismissed by a two-thirds (2/3) votes of the Council members.
5. One (1) Council member who is dismissed is entitled to appeal the decision directly to the Supreme Court within fifteen (15) days of a dismissal decision.

**Article 14**  
**Public Nature of Meetings and Residency of the Council**

1. All meetings of the Council are open to the public. The agenda for Council meeting shall be publicly disclosed at least twenty four (24) hours in advance of the meeting. The Council may decide to hold a meeting upon majority vote of the members where the following will be discussed:
  - 1.1. an official state secret the disclosure of which would be a violation of law;
  - 1.2. personnel matters concerning a judge, lay judge, or employee, except that a meeting of the Council at which a final disciplinary action is taken against a judge or lay judge shall be opened;
  - 1.3. non-public information or data disclosure which would endanger the life or safety of any person;
  - 1.4. an on-going investigation into misconduct or criminal activity the disclosure of which would reasonably endanger the objectivity and efficiency of the investigation;
  - 1.5. performance assessments of judges and court administrative employees as provided in Article 19 of this law;

## Administrative laws

- 1.6. proprietary information the disclosure of which may prejudice the interests of any party competing for a government tender;
  - 1.7. proprietary business information, data, processes or computer codes which are confidential under a contractual agreement or nondisclosure agreement between a vendor and the Council; or
  - 1.8. any other information the disclosure of which would constitute a violation of law.
2. For every meeting closed by the Council, the Chairperson shall state on the record the general reason or reasons for closing the meeting and shall record the vote of the members of the Council present. Once the Council has closed a meeting, no member of the Council or any person attending the meeting shall discuss of the nature, content or outcome of the meeting unless otherwise foreseen by the law.
3. An urgent meeting of the Council may be called to address issues related to the safety and security of facilities or court personnel, or where exceptional circumstances require immediate action. The Council may convene an urgent session upon the call of the Chairperson or Vice-chairperson, in the absence of the Chairperson. The forty-eight (48) hour announcement requirement of paragraph 1 of this article is waived as to emergency sessions of the Council. The Chairperson shall within twenty-four (24) hours of the end of an emergency session disclose to the public the nature of the emergency and the items discussed at the meeting, unless exempt from disclosure by paragraph 1 of this Article.
4. The quorum for the Council meetings shall be of nine (9) members and Council decisions shall be made by simple majority vote of the members present, unless otherwise provided by law.
5. The seat of the Council shall be located in Pristina.

## **Article15** **Annual Budget Proposal**

1. The Council shall, in consultation with the President Judges, prepare the annual operating budget of the Council and the courts. The Council shall submit the proposed budget directly to the Government as provided by law. If the Minister of Finance and Economy submits a budget for the Council and the courts that differs from that proposed by the Council, the Minister of Finance and Economy shall also submit to the Kosovo Assembly for its consideration the Council's originally recommended budget and any comments thereon.
2. The Council shall manage the annual budget for the Council and the courts independently and is responsible for overseeing expenditures, allocating funds, and maintaining accurate and current accounts and conducting financial audits.



### **CHAPTER III**

## **RECRUITMENT, NOMINATION AND APPOINTMENT OF JUDGES**

#### **Article 16**

#### **Recruitment of Judges and Lay Judges**

1. The Council shall by public advertisement invite all qualified legal professionals to apply to be candidates for judicial nominations and any qualified person to apply to be candidates for nominations to be lay judges.
2. The Council shall develop and implement procedures for recruiting and nominating candidates for appointment as judges and lay judges that comply with the Constitution and applicable law.
3. In accordance with Article 104(3) of the Constitution and the Comprehensive Settlement Proposal, Annex IV, Article 2.2, the Council shall implement targeted recruitment campaigns and other measures that it considers necessary and appropriate to ensure that a court or branch reflect the ethnic composition of their area of jurisdiction.

#### **Article 17**

#### **Appointment and Reappointment Proposal**

1. The Kosovo Judicial Council shall take such measures as are necessary to increase the number of judges from Communities that are not in the majority in Kosovo among judges serving in Kosovo or in any part thereof. To fulfill its responsibilities, the Council shall, *inter alia*, give preference, among equally qualified applicants for service as judges to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution and the Comprehensive Settlement Proposal, Annex IV, Article 2.
2. Upon completion of each census and at least every five (5) years, the Council shall study the ethnic composition of the Basic Courts and shall request from the Assembly such funding as is necessary to increase the number of judges from Communities that are not in the majority in Kosovo to ensure that the courts reflect the ethnic composition of the area of their jurisdiction.
3. Before submitting a nomination for the appointment or reappointment of a judge, the Council shall take into consideration the opinion of the respective court to which the candidate is proposed.
4. The Council shall submit written proposals of candidates for judges and lay judges to the President of the Republic of Kosovo for appointment in compliance with the Constitution and the law. In nominating a candidate for appointment or reappointment, the Council shall take into account, amongst other considerations, the following criteria:
  - 4.1. professional knowledge, work experience and performance, including an understanding of, and respect for human rights;
  - 4.2. capacity for legal reasoning as proven through professional activities in the legal field, including as a judge, prosecutor or lawyer, academic work and other professional activities;

- 4.3. professional ability based on previous career results, including participation in organized forms of training in which performance has been assessed;
  - 4.4. capability and capacity for analyzing legal problems;
  - 4.5. ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office;
  - 4.6. communication abilities;
  - 4.7. conduct out of office; and
  - 4.8. personal integrity.
5. All proposals for appointment and reappointment of judges and lay judges shall be justified in writing.

### **Article 18**

#### **Appointment and Reappointment of Judges and Lay Judges**

1. The President shall appoint and reappoint judges and lay judges upon the proposals of the Council and in compliance with the Constitution and the law.
2. If the President of Kosovo refuses to appoint or reappoint any candidate, the President shall within sixty (60) days provide written reasons for his refusal to the Council. The Council may present the refused candidate to the President one additional time together with its written justification, or the Council may propose another candidate.

### **CHAPTER IV**

#### **ASSESSMENT, PROMOTION AND TRANSFER OF JUDGES AND LAY JUDGES**

### **Article 19**

#### **Performance Assessment of Judges**

1. The manner and procedure for performance assessments of judges and lay judges shall be established by regulations and rules developed and issued by the Council.
2. The Council shall establish criteria for assessing and promoting judges and lay-judges that includes but is not limited to the following:
  - 2.1. professional knowledge, work experience and performance, including an understanding of, and respect for human rights;
  - 2.2. 2.2.capacity for legal reasoning;
  - 2.3. 2.3.professional ability, based on results of the pervious carrier, including participation in organized forms of training in which performance has been assessed;
  - 2.4. capability and capacity for analyzing legal problems;
  - 2.5. ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office;
  - 2.6. communication abilities;
  - 2.7. conduct out of office; and
  - 2.8. personal integrity.
3. If the performance of a judge or lay-judge who is a Council member is being

assessed, the judge or lay-judge may not participate in deliberations or voting of the Council.

4. Every judge or lay judge who is assessed shall receive the assessment results and may present written objections to any conclusions or findings.

## **Article 20**

### **Transfer of Judges**

1. Upon the approval of the respective President Judges, the Council may transfer a judge into another court for a time period, not longer than six (6) months at any one time.
2. The transfer as per paragraph 1 of this article may be made in cases when the other court has insufficient judges for hearing particular cases under its competency.
3. The Chairperson of the Council, for extraordinary circumstances, may temporarily transfer a judge to another court or branch of the court. Any transfer under this provision shall not exceed thirty (30) days unless approved for a longer period by the Council.
4. Judges may not be transferred into any other court against their will, except as necessary to ensure the efficient functioning of the courts or to address extraordinary circumstances.
5. Judges may apply to the Council to be permanently transferred to another court.
6. Judges are entitled to an appeal directly to the Supreme Court against a decision of the Council making a permanent relocation or a transfer that exceeds six (6) months. The Council shall promulgate rules and regulations establishing the standards and procedures governing the appeals.
7. Where a permanent relocation or a transfer that exceeds six (6) months is made, the Council shall strive to ensure that the relocation or transfer will not change the ethnic composition of the courts which are affected by the relocation or transfer.

## **CHAPTER V**

### **ADMINISTRATION OF THE COURTS**

## **Article 21**

### **Functioning of the Courts**

The Council shall oversee the functioning of the courts of the Republic of Kosovo and shall determine the policies and strategies for the efficient and effective functioning of the courts. The Chairperson of the Council shall be the chief administrative official of the courts and, together with the Council, shall be responsible for the efficient and effective operation of the courts. The Chairperson may make appropriate delegations of authority.

## **Article 22**

### **Appointment of President Judges and Supervising Judges**

1. The President of the Supreme Court of Kosovo shall be appointed as provided in Article 103(4) of the Constitution.

2. The President Judges shall be appointed by the Council in consultation with the judges of the respective courts. In appointing President Judges, the Council shall take into consideration specialized managerial training or experience.
3. The Council, in consultation with the President Judge of a Basic Court, shall appoint a Supervising Judge for each Branch of the Basic Court.
4. The Council, in consultation with the President Judge of a Court, may appoint a deputy President Judge who shall assist in the management of the court and serve as Acting President Judge in the absence of the President Judge.
5. President Judges are appointed for a four (4) year term, with the possibility for reappointment to one (1) additional term. After the completion of the term as President Judge, the judge shall continue to serve as a judge in the same court to which they were originally appointed.
6. Supervising Judges are appointed for a four (4) year term, with the possibility of reappointment to one (1) additional term. After the completion of the term as Supervising Judge, the judge shall continue to serve as a judge in the same court to which they were originally appointed.
7. If a candidate proposed for President Judge is at the same time a member of the Council, the member shall not participate in deliberations or voting for his or her appointment as President Judge.
8. In order to ensure that the courts reflects the multiethnic nature of Kosovo, the Council shall endeavour to ensure that members of Communities that are not in the majority in Kosovo shall be appointed to management roles in the judiciary, including as President Judges and Supervising Judges.

### **Article 23**

#### **Removal of President Judges and Supervising Judges**

1. Except as provided in Article 103(4) of the Constitution, a President Judge or a Supervising Judge may be removed from that position by the Council upon a conviction of a criminal offence, with the exception of minor offences as defined by law, or upon a finding by the Council of mismanagement, corruption, incompetence or a failure to fulfil the duties of the office. The Council shall take into consideration the opinion of the judges of the respective court or branch of the court. Removal of a President Judge or Supervising Judge does not constitute dismissal from judicial office.
2. A President Judge or Supervising Judge may be suspended from that position by the Council during a period of investigation into allegations of corruption, mismanagement, incompetence, or failure to fulfil their duties, which suspension shall not constitute a suspension from judicial office. In the event the Council suspends a President Judge, the deputy President Judge shall become Acting President Judge until such time as the Council withdraws the suspension or a new President Judge is appointed. In the event the Council suspends a Supervising Judge, the Council shall appoint an Acting Supervising Judge until such time as the Council withdraws the suspension or a new Supervising Judge is appointed.

**Article 24**  
**President Judge Responsibilities**

1. The President Judge of each Basic Court and of the Court of Appeals shall be responsible for the day-to-day administration of the court consistent with rules and procedures established by the Council. The President Judge shall organize and coordinate the functioning of the court; oversee the court's financial activities; and undertake such other activities as provided by the rules, procedures or directives established by the Council.
2. The President Judge of a Court may authorize the employment, disciplinary measures toward, and the termination of non-judicial personnel in accordance with the applicable personnel regulations.
3. The President Judge of a Court shall have general administrative authority and shall ensure the efficient and effective administration of justice by all branches, departments and divisions of the court. The President Judge shall, in collaboration with the judges of the court, develop the annual case management plan and assign cases to departments and judges in a manner to ensure the efficient disposition of cases. The President Judge of a Court shall submit annually to the Council a report on the success of implementing the previous annual case management plan. The President Judge of a Court shall submit quarterly to the Council a written report that addresses the work of the Court, identifies any problems facing the court, and proposes remedial steps to address such problems. The President Judge shall take such other steps as necessary within the rules and directives of the Council to ensure the effective management of the Court and its resources and the timely adjudication of cases. The President Judge may make appropriate delegations of authority.
4. The President Judge is responsible for ensuring that the court and its processes are open and transparent to the public. Quarterly reports and annual case management plans shall be made public after review and acceptance by the Council.
5. The President Judge is responsible for ensuring public access to the courts, including access for persons from Communities that are not in the majority in Kosovo.
6. The President Judge shall annually convene a meeting of all judges of that court to confer on the administration of justice within the court; to study the organization of the court; to review and propose modification to procedures and practices; to examine the work accomplished by the court; and address any problems of administration confronting the court. The President Judge shall within ninety (90) days submit to the Council a report on the results of the annual meeting of the judges.
7. The President Judge may delegate certain competencies.

**Article 25**  
**Responsibilities of Supervising Judges of the Basic Court**

1. The Supervising Judge of a Branch of the Basic Court shall have general administrative authority over all judicial and administrative personnel within the branch. The Supervising Judge shall implement within the branch the rules and

directives of the Council and the directives of the President Judge of the Basic Court. The Supervising Judge shall report quarterly to the President Judge of the Basic Court on the needs and operations of the branch.

2. The Supervising Judge may make appropriate delegations of authority.

## **Article 26**

### **The Conference of President Judges and Supervising Judges**

1. The Council shall establish an advisory body entitled the Conference of President Judges and Supervising Judges to advise the Council on matters related to the operations of the courts.
2. The Conference shall consist of the President of the Supreme Court, the President Judge of the Court of Appeals, the President Judges of the Basic Courts and one Supervising Judge from each of the Basic Courts appointed by the Council.
3. The Conference shall exercise only advisory powers subject to regulations issued by the Council. The Council may invite the Conference or individual members of the Conference to attend Council meetings when the Council determines, in its exclusive discretion, that such attendance would be helpful to the Council.

## **Article 27**

### **Council Secretariat**

1. The Secretariat is established to assist the Council and to implement the rules, regulations and policies of the Council regarding court management, budget, and administration of the courts.
2. The Secretariat shall develop and propose administrative rules necessary to implement the directives of the Council. All such rules shall be submitted to the Council for its approval.
3. The Secretariat shall propose to the Council new policies, rules and regulations whenever necessary for the efficient and effective administration of the courts.
4. The Secretariat shall report regularly to the Council on the work of the courts and make recommendations for improvements.
5. Subject to the directions of the Council and its Committee on Budget, Finance and Personnel, the Secretariat shall prepare a consolidated budget for the judiciary and administer the judiciary's approved budget.
6. Subject to the directions of the Council and its Committee on Budget, Finance and Personnel, the Secretariat shall manage the judiciary's administrative and support personnel including allocating administrative and support personnel to the courts based on workload, maintaining personnel records, establishing a performance appraisal system, ensuring the proper disciplining of court employees and the protection of their employment rights.
7. Subject to budgetary limitations and the directions of the Council, the Secretariat shall ensure that the courts are properly supplied with the materials necessary for the efficient and effective functioning of the courts.
8. The Secretariat shall provide administrative support to the Council and its Committees and undertake such other duties and authorities as the Council may direct.

9. The Council shall develop and adopt regulations relating to the organizational structure and the functioning of the Secretariat.

### **Article 28**

#### **Director of the Secretariat**

1. A Director shall be selected, appointed and dismissed by the Council in accordance with procedures, criteria, and qualifications to be developed and adopted by the Council through regulations, which shall be consistent with Constitutional requirements and the requirements of applicable personnel regulations.
2. The Director shall be responsible to the Council for the efficient and effective administration of the Secretariat and the courts. The Director shall report directly to the Chairperson of the Council. The Director shall attend all Council meetings and shall respond to all Council requests for information.
3. The Council shall fix the salary of the Director of the Secretariat. The Director shall not accept additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

### **Article 29**

#### **Court Performance Review Unit**

1. Under the direction of the Council and its Committee for Court Administration, the Court Performance Review Unit shall assess the work of courts and proposes to the Council policies or directions for reforming or improving the work of the courts.
2. The Council shall develop and adopt regulations relating to the organizational structure and the functioning of the Review Unit.
3. The Court Performance Review Unit shall have a separate budget within the judiciary's consolidated budget and shall independently report to the Council on its expenditures. The Secretariat shall provide such budgetary support to the Court Performance Review Unit as the Council may direct.

### **Article 30**

#### **Director of the Court Performance Review Unit**

1. A Director of the Court Performance Review Unit shall be selected, appointed and dismissed by the Council in accordance with procedures, criteria, and qualifications to be developed and adopted by the Council through regulations which shall be consistent with Constitutional requirements and the requirements of applicable personnel regulations. A vacancy shall be filled based on a competitive, merit-based, and open process after public announcement of the position.
2. The Director shall be responsible to the Council for the efficient and effective administration of the Court Performance Review Unit. The Director shall report directly to the Chairperson of the Council. The Director shall respond to all Council requests for information.
3. The Council shall fix the salary of the Director of the Court Performance Review Unit. The Director shall not accept additional compensation, other than

reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

### **Article 31**

#### **Court Administrators**

1. Court Administrators shall be appointed and removed in compliance with law on Civil Service, in consultation with the President Judge of the respective court or the Supervising Judge of a branch where the Administrator will serve. All vacancies for Court Administrators shall be filled based on a competitive after public announcement of the position, in compliance with the Law on Civil Service.
2. Court Administrators may be removed through a defined process with rules of the Law on Civil Service.
3. Subject to the directions of the President Judge of a Court, or the Supervising Judge of a branch if applicable, and the rules, regulations and policy directives of the Council, the Court Administrators shall manage the court administrative functions, including but not limited to:
  - 3.1. recording, drafting, and monitoring court statistics and reports;
  - 3.2. recording and archiving court files and closed cases;
  - 3.3. maintaining complete and accurate court files;
  - 3.4. ensuring the security of the court;
  - 3.5. managing the court administrative staff;
  - 3.6. implementing and ensuring compliance with the applicable personnel regulations;
  - 3.7. maintaining accurate financial accounts;
  - 3.8. ensuring public access to court records and information that is subject to public disclosure;
  - 3.9. assigning administrative staff to tasks as needed to ensure the efficient and effective operations of the court;
  - 3.10. ensuring implementation and compliance with rules and procedures established by the Council;
  - 3.11. undertaking such other tasks, duties and responsibilities as the President Judge or Supervising Judge may assign.

### **Article 32**

#### **Management Committee of the Basic Court**

1. Each Basic Court shall have a Management Committee consisting of the President Judge of the Basic Court and the Supervising Judge of each of its Branches. The Chairperson of the Management Committee shall be the President Judge of the Basic Court.
2. The Management Committee shall meet regularly and not less than four (4) times during a year on the call of the President Judge to assess the work of the court and undertake any remedial actions, consistent with the rules and directives of the Council, necessary to improve the administrative operations of the court.
3. The Court Administrator of the Basic Court shall serve as the secretary to the Management Committee.



## **CHAPTER VI DISCIPLINARY PROCEDURES**

### **Article 33 Council's Disciplinary Committee**

The Disciplinary Committee shall consist of three (3) members of the Council, two (2) of whom must be judges. The Chairperson of the Committee shall be a judge. Judges are appointed by the Council.

### **Article 34 Misconduct**

1. For purposes of this law, misconduct of a judge or lay judge shall consist of the following:
  - 1.1. upon conviction for a criminal offense, with the exception of a minor offense as defined by law.
  - 1.2. negligence in performing, a failure to perform, or abuse of judicial functions.
  - 1.3. failure to perform judicial functions independently and impartially.
  - 1.4. violation of the applicable code of ethics.
2. Disciplinary Committee may suspend judge or lay-judge with pay during any period of investigation or during the disciplinary proceedings.
3. The Judicial Council shall issue rules that define the misconducts.

### **Article 35 Initiation of Disciplinary Proceedings**

1. The Office of Disciplinary Counsel shall recommend to the Disciplinary Committee of the Council the initiation of disciplinary proceedings against a judge or lay judge on the basis of a conducted investigation.
2. Upon the recommendation of initiation of disciplinary proceedings, the Disciplinary Counsel shall in writing notify the Committee, the Council, and the judge or lay judge under investigation.

### **Article 36 Disciplinary Sessions**

1. Upon initiation of a disciplinary proceeding, the judge or lay judge under investigation shall be notified of the basis of the disciplinary proceeding and shall be invited by the Disciplinary Committee to appear in person at a closed session which shall be held within thirty (30) days from the notification date.
2. A Disciplinary Counsel or the Director of the Office of Disciplinary Counsel shall present the recommendation for disciplinary action and the evidence obtained in the investigation supporting a finding of misconduct and disciplinary sanctions to the Disciplinary Committee.

3. Judges or lay judges have the right to self-representation or to engage an attorney for their defence and shall have access to all evidence obtained in the investigation and all case writings of the case.
4. The decision of the Committee whether misconduct occurred and whether to impose sanctions shall be made in accordance with procedures and rules to be promulgated by the Council to govern the conduct of disciplinary proceedings, shall be in writing and shall contain the justification. A copy of the decision made by the Committee shall be provided to the judge or lay judge and to the Office of Disciplinary Counsel.

### **Article 37** **Disciplinary Measures**

1. The Disciplinary Committee may impose the following disciplinary measures:
  - 1.1. reprimand;
  - 1.2. reprimand with a directive to take corrective actions;
  - 1.3. temporary reduction of salary by up to fifty percent (50%) taking into account the nature of misconduct; or
  - 1.4. propose the removal of a judge or lay judge from office.
2. The Disciplinary Committee shall impose a disciplinary measure that is consistent with the circumstances, level of responsibility, and consequences of the misconduct.
3. The Committee shall submit a written recommendation for the dismissal of a judge or lay judge from office to the Council, as provided in this law.
4. If the judge or lay judge is released from the charges at the completion of the disciplinary procedure, he or she shall return to his or her previous office upon the decision of the Council.

### **Article 38** **Dismissal of Judges and Lay Judges**

1. The Council shall determine, based on disciplinary proceedings, whether the misconduct of a judge or lay judge justifies the dismissal. Every recommendation from the Council for the dismissal of a judge or lay judge shall include the written reasons for such recommendation and the basic conclusions of the Committee.
2. The recommendation of the Council for dismissal, as foreseen in paragraph (1) of this article, shall, within fifteen (15) days, be submitted to the President and the judge or lay judge concerned.
3. The President, in accordance with the Constitution and this law, shall decide on the recommendation of the Council for dismissal.
4. Judges and lay judges shall formally be notified by the Council regarding the decision of the President for the approval or disapproval of dismissal from office before such a decision is enforced.

**Article 39**  
**Appeals of Disciplinary Decisions**

1. Appeals against Disciplinary Committee decisions may be submitted to the Council. A Council member who attended the Disciplinary Committee proceedings shall not participate in the appeal process.
2. The judge or lay judge who is the subject of the decisions as well as the Office of Disciplinary Counsel may exercise an appeal to the Council against the Committee decision within fifteen (15) days from the receipt of the final decision.
3. The deadline for an appeal under this Article may be extended provided that the request for extension of time is filed with the Council within the fifteen (15) days provided. No extension of time for appeal filed after the fifteen (15) days shall be granted by the Council absent a showing of extraordinary or catastrophic circumstances.
4. An appeal exercised within these time limitations shall suspend the execution of the disciplinary decision.

**Article 40**  
**Reasons for appeal**

1. An appeal may be pursued under the following circumstances:
  - 1.1. violation of the law or sub-legal acts that are applicable for judges and lay judges.
  - 1.2. mistaken or incomplete evidence or confirmation of the factual situation.
  - 1.3. violation of disciplinary procedures.
2. The appeal shall be submitted in writing to the Council within the time limits provided in Article 39 of this law.
3. The appeal shall contain:
  - 3.1. the identification of the appellant;
  - 3.2. the decision to be appealed;
  - 3.3. the decision receipt date; and
  - 3.4. the grounds of the appeal.

**Article 41**  
**Deadline for Hearing Appeal**

The Council shall hear and dispose of any appeal from the actions of the Disciplinary Committee within three (3) months from the date of the filing of the appeal.

**Article 42**  
**Appeal Refusal**

1. The Council may refuse an appeal, without holding a hearing session, within five (5) working days of receipt of the appeal, if it is determined that:
  - 1.1. the appellant is not one of the parties entitled to appeal the decision;
  - 1.2. the appeal does not contain one or more permitted grounds for appeal; or
  - 1.3. the appeal was not filed in a timely manner.

## **CHAPTER VII OFFICE OF DISCIPLINARY COUNSEL**

### **Article 43 Office of Disciplinary Counsel**

The Office of Disciplinary Counsel shall be established as a separate and independent body that serves both the Kosovo Judicial Council and the Kosovo Prosecutorial Council. With respect to the judicial system, the Counsel shall be responsible for investigating alleged misconduct of judges and lay judges and presenting the evidence and the case supporting disciplinary action for misconduct to the Disciplinary Committee.

### **Article 44 Independence and Impartiality of the Office of Disciplinary Counsel**

1. The Office of Disciplinary Counsel shall act independently and impartially.
2. Subject to the provisions of paragraph 3 Article 36 of this law, no person shall have the right to exercise direct or indirect influence, or attempt to exercise influence, on the Disciplinary Counsel's functions pertaining to any investigation, recommendation, or presentation of a case to the Disciplinary Committee.

### **Article 45 Responsibilities of the Office of Disciplinary Counsel**

1. The Office of Disciplinary Counsel is responsible for investigating judges or lay judges when there is a reasonable basis to believe that misconduct may have occurred, and for making recommendations and presenting the evidence supporting disciplinary action to the Disciplinary Committee.
2. The Office of Disciplinary Counsel shall initiate investigations in cases when:
  - 2.1. there is a complaint filed at the Office of Disciplinary Counsel by any natural or legal person;
  - 2.2. on its own initiative, when there is a reasonable basis to believe that a judge or lay judge may have engaged in misconduct.
3. All complaints, regardless of their origin, shall be submitted to the Office of Disciplinary Counsel for investigation.
4. The Office of Disciplinary Counsel shall investigate thoroughly all matters referred to it, shall determine whether recommendations of disciplinary action should be presented to the Disciplinary Committee, and shall notify in writing the Disciplinary Committee and the suspected judge or lay judge regarding the results of the investigation.
5. The Office of Disciplinary Counsel shall have the right to summon witnesses and documents as necessary to investigate and determine whether recommendations of disciplinary action should be presented to the Disciplinary Committee.
6. The Office of Disciplinary Counsel shall present recommendations of disciplinary action and the evidence supporting disciplinary action for misconduct to the Disciplinary Committee.

#### **Article 46**

##### **Director of Office of Disciplinary Counsel**

1. A Director of the Office of Disciplinary Counsel shall be selected by two-thirds (2/3) of the joint membership of both the Kosovo Judicial Council and the Kosovo Prosecutorial Council in accordance with personnel regulations. A vacancy shall be filled based on competitive process after public announcement of the position.
2. The Director of the Office of Disciplinary Counsel shall be responsible to both the Kosovo Judicial Council and the Kosovo Prosecutorial Council for the efficient and effective administration of the Office of Disciplinary Counsel and shall exercise his or her responsibilities pursuant to rules and regulations promulgated by both Councils.
3. The Director of the Office of Disciplinary Counsel shall receive a salary equivalent to a judge of the Court of Appeals. The Director shall not accept additional compensation, other than reimbursement for reasonable and necessary expenses, for other duties or employment from any other source.

#### **Article 47**

##### **Qualifications of Director of Office of Disciplinary Counsel**

1. The Director of the Office of Disciplinary Counsel must meet the following qualifications:
  - 1.1. be a citizen and resident of Kosovo;
  - 1.2. have a valid university degree in law, criminal justice, police administration or a related field according to the laws of Kosovo;
  - 1.3. have at least five (5) years of relevant experience as a lawyer, judge, police officer, prosecutor or a related field of law enforcement or criminal justice administration;
  - 1.4. have a positive professional reputation and moral integrity;
  - 1.5. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;
  - 1.6. not have been convicted for criminal offences, with the exception of minor offences as defined by law.

#### **Article 48**

##### **Selection and Qualifications of Personnel of the Office of Disciplinary Counsel**

1. The Office of Disciplinary Counsel, in consultation with the Council, and subject to the qualification criteria provided in this article, shall be authorized to select, appoint and dismiss Disciplinary Counsels. The Office shall assist in presenting recommendations for disciplinary action against judges and lay judges and the evidence supporting disciplinary action to the Disciplinary Committee. All vacancies shall be filled based on a competitive, merit-based, and open process after public announcement of a position.
2. Members of the Office of the Disciplinary Counsel must meet the following qualifications:

## Administrative laws

- 2.1. be a citizen and resident of Kosovo;
  - 2.2. have a valid university degree in law, criminal justice, police administration or a related field according to the laws of Kosovo;
  - 2.3. have a least three (3) year of relevant working experience as a lawyer, judge, police officer, prosecutor, or in a related field of law enforcement or criminal justice administration;
  - 2.4. have a positive professional reputation and moral integrity;
  - 2.5. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;
  - 2.6. not have been convicted for criminal offences, with the exception of minor offences as defined by law.
3. The Director of the Office of Disciplinary Counsel shall be authorized, subject to the qualification criteria provided in this article, to select, appoint and dismiss Inspectors. Inspector shall assist in the conduct of the investigations for which the Disciplinary Counsel is responsible. All vacancies shall be filled based on a competitive, merit-based, and open process after public announcement of a position.
4. An Inspector of the Disciplinary Counsel must meet the following qualifications:
  - 4.1. be a citizen and resident of Kosovo;
  - 4.2. have at least three (3) year of relevant experience in the field of law enforcement, police work, criminal justice administration, or a related field;
  - 4.3. have a positive reputation in society;
  - 4.4. have successfully completed any training required for the position jointly mandated by the Kosovo Judicial Council and the Kosovo Prosecutorial Council;
  - 4.5. not have been convicted for criminal offences, with the exception of minor offences.
5. The Director of the Office of Disciplinary Counsel shall also be authorized to select, appoint and dismiss, consistent with Constitutional requirements and the requirements of applicable personnel regulations, administrative and support personnel as needed to provide administrative support for the functions of the Director, the Disciplinary Counsels, and the Inspectors of the Office of Disciplinary Counsel.

## **Article 49**

### **Budget for Office of Disciplinary Counsel**

The Director of the Office of Disciplinary Counsel shall submit annually directly to the Ministry of Finance and Economy a separate budget for the funding of the salaries of the personnel of the Office of Disciplinary Counsel, including the Director, the Disciplinary Counsels, the Inspectors, and the administrative and support personnel, and the other expenses of operating the Office of Disciplinary Counsel. The budget for the Office of Disciplinary Counsel shall be administered by the Secretariat of the Kosovo Judicial Council upon the direction and certification of the Director of the Office of Disciplinary Counsel. The Kosovo Judicial Council shall have no authority to limit or otherwise direct the expenditures of the Office of Disciplinary Counsel nor shall the Kosovo Judicial Council have the authority to reallocate the budget of the Office of Disciplinary Counsel or utilize funds appropriated to the Office of Disciplinary Counsel for any other purpose.

The Director of the Office of Disciplinary Counsel shall report annually to a joint session of the Kosovo Judicial Council Kosovo Prosecutorial Council on the activities and expenditures of the Office of Disciplinary Counsel.

## **CHAPTER VIII JUDICIAL TRAINING**

### **Article 50**

#### **Training Policies, Standards and Instructions**

The Council in coordination with the Kosovo Judicial Institute shall determine the policies, standards and directives for regulating the training of judges, lay judges and other judiciary staff.

### **Article 51**

#### **Delegation of Responsibilities for Judicial Training**

1. The Council may cooperate with other associations or organizations with the aim of professional training of judges and lay judges.
2. The Council may create associations or other organizations for the implementation of further professional training of judges and lay judges.
3. The Council may require the revision of any training program in order to ensure the implementation of policies and standards for the professional training of judges and lay judges.

## **CHAPTER IX FINAL PROVISIONS**

### **Article 52**

#### **Temporary Composition of the Council**

1. Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement the Council shall be composed as foreseen by article 151 of the Constitution.
2. Until the end of the international supervision of the implementation of the Comprehensive Proposal for Kosovo Status Settlement two (2) out of the four (4) members elected by deputies holding seats attributed during the general distribution of seats shall be international members selected by the International Civilian Representative on the proposal of EULEX in compliance with article 151(2) of the Constitution. One of the international members shall be a judge.

### **Article 53**

#### **Transition to the Prosecutorial Council**

1. Until the establishment of the Prosecutorial Council provided in Article 110 of the Constitution, the duties and functions of that Council related to public prosecution shall be exercised by the Kosovo Judicial Council.

Administrative laws

2. The prosecutors who are members of the Council at the time the Prosecutorial Council is established shall transfer to the Prosecutorial Council and remain there until the natural expiration of the their term.
3. A vacancy on the Council caused by the transfer of any prosecutor or prosecutors then serving on the Council to the Prosecutorial Council shall be filled as foreseen in this law or Article 151(1) of the Constitution.

#### **Article 54**

#### **Validity of Prior Actions of the Council Established under UNMIK Administrative Regulation 2005/52 and the Law on the Temporary Composition of the Kosovo Judicial Council**

1. All prior administrative actions of the Council taken under UNMIK Administrative Regulation 2005/52 or pursuant to the Law on the Temporary Composition of the Kosovo Judicial Council, including the promulgation of any rule, regulation, fee schedule, directive, or other official action, shall remain valid and in effect unless abrogated by this law or until such time as the Council modifies, repeals or clarifies such actions.
2. All prior actions of the Council regarding the appointment, transfer or discipline of judges shall remain valid and in effect unless abrogated by this law or subsequent legal act.
3. All prior personnel actions of the Council regarding the appointment, promotion, transfer or dismissal of administrative employees shall remain valid and in effect unless abrogated by this law or subsequent Council action.

#### **Article 55**

#### **Repeal**

This law shall repeal the UNMIK Regulation No. 2005/52, as well as all other legal provisions that conflict with it.

#### **Article 56**

#### **Entry into force**

This law shall enter into force six (6) months after its promulgation in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-223  
30 September 2010**

**Promulgated by Decree No. DL-053-2010, dated 18.10.2010, Acting President of  
the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
V / No. 84 / 03 NOVEMBER 2010**



**LAW No. 04/L-115  
ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Article 1  
Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L –223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L –224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

## Administrative laws

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L –237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

### **Article 2**

#### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

### **Article 3**

#### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworted with the following text:

### **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

### **Article 4**

#### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

#### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

#### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

#### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

#### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

#### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworted with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworted as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworted with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworted with the following text:

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

##### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition **“the Comprehensive Status Proposal”** shall be deleted from the text o the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

##### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

##### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon 'their free and informed

## Administrative laws

decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.

3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

### **Article 16**

#### **Amending and Supplementing the Law No. 03/L-041 on Administrative Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

### **Article 17**

#### **Amending and Supplementing the Law No. 03/L-068 on Education in the Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

### **Article 18**

#### **Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo (the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

### **Article 29**

#### **Registration and Determination of Citizenship**

### **Article 19**

#### **Amending and Supplementing the Law No. 03/L-237 on Population and Housing Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;

**Article 20**

**Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

**Article 21**

**Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

**Article 22**

**Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.

### **Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

## **II. FINAL PROVISIONS**

### **Article 24**

#### **Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**

**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**LAW No. 03/L-121  
ON THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO**

**Contents**

Chapter I: Organization of the constitutional court.....	905
Chapter II: Procedure .....	911
Chapter III: Special procedures.....	915
Chapter IV: Final and transitional provisions .....	921

**Assembly of Republic of Kosovo,**

Pursuant to Article 65, Paragraph 1 of the Constitution of the Republic of Kosovo,

With purpose to further regulate the organization and functioning of the Constitutional Court of the Republic of Kosovo,

hereby adopts the following:

**LAW ON THE CONSTITUTIONAL COURT OF THE REPUBLIC  
OF KOSOVO**

**CHAPTER I  
ORGANIZATION OF THE CONSTITUTIONAL COURT**

**1. General provisions**

**Article 1  
Scope**

This Law further regulates the organization and functioning of the Constitutional Court of the Republic of Kosovo, procedures for submitting and reviewing referrals to the Constitutional Court, terms and procedures for appointment and dismissal of the Constitutional Court judges, basic procedural principles and rules and other organizational issues.

**Article 2  
Organization of the Work of the Constitutional Court**

1. The Constitutional Court shall enjoy organizational, administrative and financial independence in performing duties assigned by the Constitution of the Republic of Kosovo ('Constitution') and the Law.

2. The Constitutional Court shall determine its internal organization, rules of procedure, decision-making processes and other organizational issues pursuant to law.

### **Article 3**

#### **Office and Symbols**

1. The Office of the Constitutional Court shall be in Pristina.
2. The Constitutional Court shall hold its meetings in its Office, but exceptionally, on its decision may hold meetings in other places of the Republic of Kosovo.
3. The Constitutional Court shall have its symbol and stamp which shall be determined in the Rules of Procedure.

## **2. Judges of the Constitutional Court**

### **Article 4**

#### **Additional Conditions for Appointment of Judges**

1. Judges of the Constitutional Court shall be:
  - 1.1. citizens of the Republic of Kosovo;
  - 1.2. distinguished jurists with an excellent professional reputation with no less than ten (10) years of professional work experience, particularly in the field of public and constitutional law, which, *inter alia*, is proved through professional work as judges, prosecutors, lawyers, civil servants or university professors and other relevant working experience in the legal field;
  - 1.3. individuals with excellent moral reputations who can act in full capacity and who have not been convicted of any criminal offence.

### **Article 5**

#### **Incompatibility of function**

1. During his/her mandate, a judge of the Constitutional Court shall not have the right to be:
  - 1.1. member of a party, movement or any other political organization;
  - 1.2. member of a steering board of a publicly owned enterprise; trade association or non-governmental organization;
  - 1.3. member of a trade union.
2. In addition to the prohibitions referred to in Paragraph 1 of this Article, a judge of the Constitutional Court shall not hold any other public or professional office with remuneration, except the performance as lecturer of legal sciences in an accredited university. For the purposes of this Law, public or professional office shall not be considered if the judge without payment engages in scientific activities, or if he/she becomes a member of an institute or jurists association, humanitarian, cultural, sports and other organizations without remuneration, provided that such activities are not related to the work of any political party.

3. A judge proposed by the Assembly of Republic of Kosovo shall not be appointed by the President of Republic of Kosovo if he/she does not present the evidence that he/she has resigned from all relevant functions defined in Paragraphs 1 and 2 of this Article.
4. Each judge shall be obliged to inform the President of the Constitutional Court in writing about any activity he/she wish to perform outside the office of judge of the Constitutional Court for which he/she is paid honorariums or any other forms of remuneration. In case the President of the Constitutional Court expresses his/her opposition, the judge is entitled to request that the decision of the President of the Constitutional Court be reconsidered by all judges of the Constitutional Court. The said decision of the President can be overturned by a majority of all judges of the Constitutional Court.

## **Article 6**

### **Procedure for Review of Candidates for Appointment to the Constitutional Court**

1. A Special Committee for the Review of Candidates for Appointment to the Constitutional Court (hereinafter referred to as the "Committee") is hereby established.. The said Committee shall present to the Assembly a shortlist of qualified candidates for Judges of Constitutional Court in accordance with the procedure set forth in this Article.
2. The Committee shall be composed of the following members:
  - 2.1. The President of the Assembly of the Republic of Kosovo or a member of the Assembly acting as his/her designated representative;
  - 2.2. Leaders of each Parliamentary Group of the Assembly of the Republic of Kosovo or members of the Assembly acting as their designated representative;
  - 2.3. President of the Kosovo Republic Judicial Council;
  - 2.4. Ombudsperson;
  - 2.5. A representative of the Consultative Committee for Communities;
  - 2.6. A representative of the Constitutional Court.
3. The Committee shall be summoned and chaired by the President of the Assembly of the Republic of Kosovo or his/her designated representative. The Committee shall have two vice chairs selected from its members, one of which shall be from the deputies of a Community different from the Community of the Chair.
4. The Committee shall decide with simple majority of votes. In case of equal vote, the vote of the President of the Assembly of the Republic of Kosovo or his/her designated representative will be decisive.
5. In case that one of members of the Committee has a conflict of interest in relation to a case, he/she shall not take part or otherwise participate in any aspect of the committee proceedings on that case.
6. The procedure for determining the short list of judges of the Constitutional Court shall be instituted by the Committee. The Committee shall publish an invitation/call published in the written and electronic media including those widely read by the Communities not in the majority in Republic of Kosovo, in the Assembly, in the judicial institutions, law faculties, chamber of attorneys, judges

and prosecutors associations, political parties, and other relevant legal persons and individuals to propose candidates for the election of one or more judges of the Constitutional Court (hereinafter: invitation/call). An individual may propose himself as candidate.

7. The invitation/call shall define the conditions for electing a judge of the Constitutional Court determined by the Constitution and this Law, the deadline for proposing a candidate to the Committee, which should not be less than fifteen (15) or longer than twenty (20) days, and the enclosures that shall be delivered with the proposal.
8. After the deadline provided in the previous Paragraph expires, the Committee, within fifteen (15) days, shall investigate whether the candidates comply with the conditions for being elected judge of the Constitutional Court as determined by the Constitution and this Law, and shall reject invalid candidacies. In carrying out this responsibility, the Committee shall adopt practices developed for the selection and appointment of other members of the judiciary in Kosovo.
9. The Committee shall conduct an interview with each of the candidates who comply with the conditions for being elected judge of the Constitutional Court and, on the basis of presented data and interview results, shall prepare a short list of qualified candidates for judges of the Constitutional Court.
10. The said short list shall include more candidates than the number of judges, who will be appointed, but not more than five (5) candidates for one vacant position.
11. The Committee shall submit to the Assembly of the Republic of Kosovo, together with its short list, the list of all the candidates who comply with conditions for being elected judge of the Constitutional Court.
12. The proposal of the Committee shall include the reasons showing why the Committee gave a particular candidate priority over the other candidates.

## **Article 7**

### **Appointment and commencement of mandate**

1. Procedure for appointment of a new judge, pursuant to this Law, commences at least three (3) months before the expiry of mandate of previous judge.
2. The mandate of new judge shall begin on the day the mandate of previous judge expires. A new judge shall be appointed by the President and shall take the oath in front of the President before commencement of his/her mandate. In case the mandate of judge expires pursuant to Article 8 of this law, mandate of replacing judge shall begin upon the appointment by the President and taking the oath in front of the President.
3. As exception from paragraphs 1 and 2 of this Article, mandate of first judges of the Constitutional Court shall begin upon the appointment by the President and taking the oath in front of the President.
4. The text of oath of a Constitutional Court judge shall be as follows:  
*"I solemnly swear that in performing duties as judge of the Constitutional Court of the Republic of Kosovo I shall uphold the Constitution of the Republic of Kosovo and shall perform the function of judge honorably, responsibly and impartially, respecting rules of professional ethics."*



## **Article 8**

### **Termination of mandate**

1. The mandate of a judge of the Constitutional Court shall end upon:
  - 1.1. expiry of regular period for which he/she is elected;
  - 1.2. prior termination of the mandate pursuant to Article 9 of this Law.
2. Six (6) months before the mandate of a judge of the Constitutional Court terminates, pursuant to Paragraph 1, 1.1 of this Article, the President of the Court shall inform the Assembly of the Republic of Kosovo in order for the Assembly to initiate the procedure for proposing a new judge.

## **Article 9**

### **Prior termination of the mandate**

1. The mandate of a judge of the Constitutional Court shall end prior to the expiry of regular period for which he/she is elected in case of:
  - 1.1. resignation;
  - 1.2. death;
  - 1.3. permanent loss of ability to act as determined by the competent court;
  - 1.4. illness or any other health problem, which makes it impossible for him/her to exercise his/her functions as a judge of the Constitutional Court;
  - 1.5. dismissal pursuant to Article 118 of the Constitution.
2. The termination of a mandate pursuant to item 1.4. of Paragraph 1 of this Article shall be based upon a decision taken by the judges of the Constitutional Court following the examination of all relevant medical examination and findings. The said decision shall require a two thirds (2/3) majority of the judges of the Constitutional Court excluding the judge whose mandate is under consideration.

## **Article 10**

### **Duties of judges**

1. The judges of the Constitutional Court are obliged to perform their functions with conscience and impartiality, to decide with their own free will in compliance with the Constitution.
2. Judges of the Constitutional Court are obliged to preserve the reputation and dignity of the Constitutional Court.
3. Each judge is obliged to participate in the work and decision-making process of the Court, and to perform any other duties as defined in this Law and Rules of Procedure.

## **Article 11**

### **President and Deputy President**

1. The President of the Constitutional Court shall:
  - 1.1. coordinate activities of the Constitutional Court and the work of judges of the Constitutional Court;

- 1.2. summon and chair sessions of the Constitutional Court;
  - 1.3. represent the Constitutional Court;
  - 1.4. sign acts of the Constitutional Court;
  - 1.5. perform other duties defined in this Law or in Rules of Procedure of the Constitutional Court.
2. The Deputy President of the Constitutional Court shall perform the duties of the President of Constitutional Court when the latter is absent or for any other reason is unable to perform his/her duties. The President of the Constitutional Court may delegate to the Deputy President certain duties to support the President in performing his/her duties.

### **3. Administration of the Constitutional Court**

#### **Article 12 Secretariat**

1. The Constitutional Court shall have its Secretariat which shall be chaired by the Secretary General of the Constitutional Court.
2. The Secretariat performs administrative works and is obliged to support the work of the Constitutional Court. The Secretariat:
  - 2.1. receives and sends all documents and other official communications;
  - 2.2. maintains the registry of the Court;
  - 2.3. ensures recording as defined in the Law;
  - 2.4. prepares transcripts and minutes;
  - 2.5. performs public information works and replies to requests for information about the work of the Constitutional Court
  - 2.6. keeps the stamp of the Constitutional Court; and
  - 2.7. performs other works as defined in the law and Rules of Procedure of the Constitutional Court.
3. The organization and the work of the Secretariat shall be further regulated by the Rules of Procedure of the Constitutional Court.
4. The Secretary General is responsible for the organization and administration of the Secretariat. The Secretary General is elected and appointed by judges of the Constitutional Court with a simple majority vote. Details about election, appointment, terms of work and salary of the Secretary General shall be defined in the Rules of Procedure of the Constitutional Court. The Secretary General reports to the President of the Constitutional Court and shall be accountable for his/her work to all the judges of the Constitutional Court.
5. The Secretary General appoints and dismisses employees of the Secretariat in compliance with the applicable law on civil service. Legal provisions foreseen for civil servants shall apply for employees of the Secretariat.

#### **Article 13 Legal Advisors**

Legal advisors shall support the professional work of the judges of the Constitutional Court. The terms of appointment, dismissal and status of legal advisors shall be defined

Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo  
in the Rules of Procedure of the Constitutional Court. Salaries of legal advisors shall be defined in accordance with applicable legislation.

#### **Article 14** **Budget**

1. The Constitutional Court shall be funded from the Kosovo Republic budget.
2. Notwithstanding provisions of other laws, the Constitutional Court shall prepare its annual budget proposal and forward the said budget proposal to the Assembly of the Republic of Kosovo for adoption. Neither the Government nor any other budget organization shall be entitled to amend or otherwise modify or influence the budget proposal prepared by the Constitutional Court. The budget proposed by the Constitutional Court shall be included in its entirety in the Republic of Kosovo Consolidated Budget submitted to the Kosovo Republic Assembly for adoption.
3. The Constitutional Court shall manage its budget independently and shall be subject to internal audit as well as external audit by the General Auditor of Republic of Kosovo.

#### **Article 15** **Remuneration of Judges**

The remuneration of Constitutional Court judges shall be 1.3 times that of the judges of the Supreme Court of the Republic of Kosovo.

### **CHAPTER II** **PROCEDURE**

#### **1. General procedural provisions**

##### **Article 16** **General Rule**

1. Provisions of this chapter shall apply for all court proceedings of the Constitutional Court, except if stated otherwise by this Law.
2. In the event of a lack of procedural provisions, the Court shall apply, in a reasonable and analogue manner relevant provisions of other procedural laws, taking into consideration the nature of each matter and procedural specificities of the Constitutional Court.

##### **Article 17** **Principle of Publicity**

1. Sessions, including the issuance of judgments are open to public.
2. The Constitutional Court may decide to exclude the public when it deems it necessary to protect:
  - 2.1. national secret, public order or morals;

- 2.2. secret information which would be put at risk by public hearing;
- 2.3. private life or business secret of the party to the proceedings.
3. The procedure for exclusion of the public, provided in Paragraph 2, may be initiated upon the request of a party.
4. Only judges participate in the work of the Constitutional Court during consultation and voting when taking a decision.

### **Article 18** **Exclusion of a Judge**

1. A judge is excluded from participation in a proceeding *ex officio* or upon the request of any party when the judge:
  - 1.1. is involved in the case that is subject of consideration by the Constitutional Court, or;
  - 1.2. is in marital or extramarital relationship or family relationship with any party in the proceeding, in accordance with applicable law; or
  - 1.3. in his/her official capacity has dealt before with the case before it was referred to the Constitutional Court.
2. Judge is not included in the case, as per paragraph 1, item 1.1., only because he belongs to a certain social or gender group, a profession or political entity, the interest of which may be affected by the outcome of the process in the Constitutional Court.
3. Paragraph 1, item 1.3. does not include participation in legislative procedures and expressions of professional or academic opinion on a legal matter which could be important for the process in the Constitutional Court.
4. The decision for exclusion of a judge should be reasoned.
5. Any judge who is aware that he fulfills at least one of the conditions for exclusion from proceedings should inform the President of the Constitutional Court in writing and should request his/her exclusion from the proceedings. In such a case, Paragraphs 3 and 4 shall apply as appropriate.

### **Article 19** **Taking of the decisions**

1. The Constitutional Court decides as a court panel consisting of all Constitutional Court judges that are present.
2. The Constitutional Court shall have a quorum if seven (7) judges are present.
3. The Constitutional Court decides with majority of votes of judges present and voting.
4. Each judge is obliged to vote for or against the decision.

### **Article 20** **Decisions**

1. The Constitutional Court shall decide on a case after completion of the oral session. Parties have the right to waive their right to an oral hearing.

2. Notwithstanding Paragraph 1 of this Article, the Court may decide, at its discretion, the case that is subject of constitutional consideration on the basis of case files.
3. Decisions of the Constitutional Court shall be in writing, justified and shall be signed by the President of the Constitutional Court and the judge reporter. The conclusions reached by the majority of the judges of the Constitutional Court shall determine the decision of the Court. Decisions shall be announced publicly.
4. The Decision is sent to each party ex officio and is published in Official Gazette.
5. A Decision enters into force on the day of its publication in the Official Gazette, unless the Constitutional Court has defined it otherwise in a decision.

## **Article 21**

### **Representation**

During the process in the Constitutional Court, parties are either represented in person or by a person authorized by the party.

## **Article 22**

### **Processing Referrals**

1. The initiation of proceeding before the Constitutional Court is made through a referral to the Court. Referrals are submitted in writing to the Secretariat of the Constitutional Court. The Secretariat immediately registers each referral in the register of the Constitutional Court according to its order of submission. Referrals should be justified and necessary supporting information and documents should be attached.
2. The Secretariat shall send copies of the referral to the opposing party and other party (ies) or participants in the procedure. The opposing party or participant has forty-five (45) days from the reception of the referral to submit to the Secretariat its reply to the referral together with justification and necessary supporting information and documents.
3. The Secretary shall send the referral and the reply to the referral to a judge Rapporteur, who prepares the preliminary report concerning facts, admissibility and grounds of the referral. The Judge Rapporteur is appointed by the President of Constitutional Court pursuant to the procedure established under the Rules of Procedure of the Constitutional Court.
4. If the referral or reply to the referral is not clear or is incomplete, the Judge Rapporteur informs the relevant parties or participants and sets a deadline of not more than fifteen (15) days for clarifying or supplementing the respective referral or reply to the claim. The Judge Rapporteur may request additional facts that are required to assess the admissibility or grounds for the claim.
5. Within thirty (30) days from receiving the referral and the reply to the referral, the Judge Rapporteur submits the preliminary report to the Review Panel. If the reply to the referral was not submitted within the set deadline, or if the nature of a special procedure does not require a reply to the referral, the Judge Rapporteur prepares a preliminary report based only on the referral.

6. The Review Panel assesses the admissibility of the referral. The Review Panel is composed of three judges appointed by the President of the Constitutional Court according to the procedure established in the Rules of Procedure.
7. If the Review Panel unanimously concludes that the referral does not meet formal requirements for further proceeding and is therefore inadmissible, the panel sends to all judges a draft decision that rejects the referral due to the lack of admissibility. The Review Panel shall take all necessary measures to ensure that a copy of the draft decision is effectively sent to judges who may not be on the territory of the Republic of Kosovo.
8. If, within a period of ten (10) days from receiving the draft decision, judges who are not members of Review Panel do not oppose the draft decision, then the President of the Constitutional Court signs and issues the decision rejecting the claim on the basis of inadmissibility.
9. If the Review Panel concludes that the claim is admissible, or if one or more of the judges not on the Review Panel opposes the draft decision to reject the claim, the case shall be referred to the Court. The Court during the oral hearing then considers admissibility and the grounds for the claim in its entirety and decides according to the provisions of this law.

### **Article 23** **Withdrawal of a party**

The Constitutional Court shall decide on matters referred to it in a legal manner by authorized parties notwithstanding the withdrawal of a party from the proceedings.

### **Article 24** **Oral Hearing**

The President of the Constitutional Court presides over the oral hearing. The procedure of the oral hearing shall be defined in the Rules of Procedure of the Constitutional Court.

### **Article 25** **Evidence**

The procedure for evidence administration and consideration shall be defined in the Rules of Procedure of the Constitutional Court.

### **Article 26** **Cooperation with other Public Authorities**

All courts and public authorities of the Republic of Kosovo are obliged to support the work of the Constitutional Court and to fully cooperate with the Constitutional Court upon request of the Constitutional Court.

**Article 27**  
**Interim Measures**

1. The Constitutional Court *ex-officio* or upon the referral of a party may temporarily decide upon interim measures in a case that is a subject of a proceeding, if such measures are necessary to avoid any risk or irreparable damages, or if such an interim measure is in the public interest.
2. The duration of the interim measures shall be reasonable and proportionate.

**Article 28**  
**Procedural Costs**

1. Parties cover their own procedural costs, unless otherwise decided by the Constitutional Court.
2. The party that has made a referral pursuant to Article 113, Paragraph 7 of the Constitution shall be exempted from the obligation to cover procedural costs, if the Constitutional Court decides that such a referral is admissible and grounded.

**CHAPTER III**  
**SPECIAL PROCEDURES**

**1. Procedure for cases defined under Article 113, Paragraph 2, items 1 and 2 of the Constitution.**

**Article 29**  
**Accuracy of the Referral**

1. A referral pursuant to Article 113, Paragraph 2 of the Constitution, shall be filed by either one fourth ( $\frac{1}{4}$ ) of the deputies of the Assembly of the Republic of Kosovo, the President of the Republic of Kosovo, the Government or the Ombudsperson.
2. A referral that a contested act by virtue of Article 113, Paragraph 2 of the Constitution shall indicate, inter alia, whether the full content of the challenged act or certain parts of the said act are deemed to be incompatible with the Constitution;
3. A referral shall specify the objections put forward against the constitutionality of the contested act.

**Article 30**  
**Deadlines**

A referral made pursuant to Article 29 of this Law shall be filed within a period of six (6) months from the day upon which the contested act enters into force.

**2. Procedure for cases defined under Article 113, Paragraph 3 item 1 of the Constitution.**

**Article 31  
Accuracy of referral**

A referral made pursuant to Article 113, Paragraph 3 item 1 of the Constitution shall be filed by any authorized party in conflict or from any authorized party directly affected from the said conflict. The referral shall include any relevant information in relation to the alleged conflict as further determined by the Rules of Procedures of the Constitutional Court.

**Article 32  
Deadline**

A referral made pursuant to Article 31 of this Law shall be submitted within six (6) months from the day upon which the alleged conflict started.

**3. Procedure for cases arising under Article 113, Paragraph 3 item 2 of the Constitution.**

**Article 33  
Accuracy of referral**

A referral made pursuant to Article 113, Paragraph 3, item 2 of the Constitution shall be filed by either the Assembly of the Republic of Kosovo, the President of the Republic of Kosovo or the Government. The referral shall include any relevant information in relation to the alleged incompatibility with the Constitution and the proposed referendum as further determined by the Rules of Procedures of the Constitutional Court.

**Article 34  
Deadline**

1. The Constitutional Court shall decide on the constitutionality of the proposed referendum within thirty (30) days after receipt of the referral.
2. A referendum that is subject of a referral made pursuant to Article 33 of this Law shall be held only after the Constitutional Court decides on the constitutionality of the proposed referendum.



**4. Procedure for cases defined under Article 113, Paragraph 3 item 3 of the Constitution.**

**Article 35  
Deadline**

The Decision of the Constitutional Court rendered pursuant to Article 113, Paragraph 3 item 3 of the Constitution, may be rendered within 24 hours after the entry into force of a declaration or action referred to therein.

**5. Procedure for cases defined under Article 113, Paragraph 3 item 4 of the Constitution.**

**Article 36  
Suspension Effect**

A referral filed pursuant to Article 113, Paragraph 3 item 4 of the Constitution shall have a suspensive effect. The Assembly of the Republic of Kosovo shall act upon the contested amendment only after a decision of the Constitutional Court has been rendered.

**Article 37  
Deadline**

The Constitutional Court shall decide, pursuant to Article 113, Paragraph 3 item 4 of the Constitution, on the referral filed by authorized parties within thirty (30) days from the day after receipt of a referral.

**6. Procedure for cases defined under Article 113, Paragraph 3, item 5 of the Constitution.**

**Article 38  
Accuracy of the Referral**

1. In a referral made pursuant to Article 113, Paragraph 3, item 5 of the Constitution the following information shall, *inter alia*, be submitted:
  - 1.1. description of facts of the alleged violation;
  - 1.2. concrete provisions of the Constitution allegedly violated; and
  - 1.3. presentation of evidence that supports the allegation for violation of the Constitution.

**Article 39  
Deadlines**

The referral should be filed within a period of thirty (30) days from the day when all other legal remedies are exhausted.

**7. Procedure in the case defined under Article 113, Paragraph 4 of the Constitution.**

**Article 40**  
**Accuracy of the Referral**

In a referral made pursuant to Article 113, Paragraph 4 of the Constitution, a municipality shall submit, *inter alia*, relevant information in relation to the law or act of the government contested, which provision of the Constitution is allegedly infringed and which municipality responsibilities or revenues are affected by such law or act.

**Article 41**  
**Deadlines**

The referral should be submitted within one (1) year following the entry into force of the provision of the law or act of the government being contested by the municipality.

**8. Procedure for cases defined under Article 113, Paragraph 5 of the Constitution.**

**Article 42**  
**Accuracy of the Referral**

1. In a referral made pursuant to Article 113, Paragraph 5 of the Constitution the following information shall, *inter alia*, be submitted:
  - 1.1. names and signatures of all deputies of the Assembly contesting the constitutionality of a law or decision adopted by the Assembly of the Republic of Kosovo;
  - 1.2. provisions of the Constitution or other act or legislation relevant to this referral; and
  - 1.3. presentation of evidence that supports the contest.

**Article 43**  
**Deadline**

1. A law or decision adopted by the Assembly of the Republic of Kosovo shall be sent to the President of the Republic of Kosovo for promulgation after the expiry of the deadline prescribed by Article 113, Paragraph 5 of the Constitution.
2. In the event that a law or decision adopted by the Assembly of the Republic of Kosovo is contested in accordance with Article 113, Paragraph 5 of the Constitution, such a law or decision shall be sent to the President of the Republic of Kosovo for promulgation in accordance with modalities determined in the final decision of the Constitutional Court on this contest.
3. In the event that a law or decision adopted by the Assembly is contested in accordance with Article 113, Paragraph 5 of the Constitution, the Constitutional Court shall render a final decision on this contest no later than sixty (60) days following the submission of the referral.

**9. Procedure in the case defined under Article 113, Paragraph 6 of the Constitution.**

**Article 44**  
**Accuracy of the Referral**

1. In a referral made pursuant to Article 113, paragraph 6 of the Constitution, the following information shall, *inter alia*, be submitted:
  - 1.1. description of facts of the alleged violation;
  - 1.2. concrete provisions of the Constitution allegedly violated by the President; and
  - 1.3. presentation of evidence that supports the allegation for serious violation of the Constitution by the President of the Republic.

**Article 45**  
**Deadlines**

The referral should be filed within a period of thirty (30) days starting from the day the alleged violation of the Constitution by the President has been made public.

**10. Procedure for cases defined in Article 113, Paragraph 7 of the Constitution.**

**Article 46**  
**Admissibility**

The Constitutional Court receives and processes a referral made in accordance with Article 113, Paragraph 7 of the Constitutional, if it determines that all legal requirements have been met.

**Article 47**  
**Individual Requests**

1. Every individual is entitled to request from the Constitutional Court legal protection when he considers that his/her individual rights and freedoms guaranteed by the Constitution are violated by a public authority.
2. The individual may submit the referral in question only after he/she has exhausted all the legal remedies provided by the law.

**Article 48**  
**Accuracy of the Referral**

In his/her referral, the claimant should accurately clarify what rights and freedoms he/she claims to have been violated and what concrete act of public authority is subject to challenge.

## **Article 49**

### **Deadlines**

The referral should be submitted within a period of four (4) months. The deadline shall be counted from the day upon which the claimant has been served with a court decision. In all other cases, the deadline shall be counted from the day when the decision or act is publicly announced. If the claim is made against a law, then the deadline shall be counted from the day when the law entered into force.

## **Article 50**

### **Return to the Previous Situation**

If a claimant without his/her fault has not been able to submit the referral within the set deadline, the Constitutional Court, based on such a request, is obliged to return it to previous situation. The claimant should submit the request for returning to previous situation within 15 days from the removal of obstacle and should justify such a request. The return to the previous situation is not permitted if one year or more have passed from the day the deadline set in this Law has expired.

## **11. Procedure for case defined under Article 113, Paragraph 8 of the Constitution.**

### **Article 51**

#### **Accuracy of referral**

1. A referral pursuant to Article 113, Paragraph 8 of the Constitution shall be filed by a court only if the contested law is to be directly applied by the court with regard to the pending case and if the lawfulness of the contested law is a precondition for the decision regarding the case pending with the court.
2. A referral shall specify which provisions of the law are considered incompatible with the Constitution.

### **Article 52**

#### **Procedure before a court**

After the submission of a referral pursuant to Article 113, Paragraph 8 of the Constitution, the procedure before the referring court shall be suspended until a decision of the Constitutional Court is rendered.

### **Article 53**

#### **Decision**

The Constitutional Court shall decide only about the compliance of the legal provision with the Constitution and shall not decide on other factual or legal matters related to the dispute before the referring court.

**12. Procedure for cases defined under Article 113, Paragraph 9  
of the Constitution.**

**Article 54  
Deadline**

A decision of the Constitutional Court shall, to the extent possible, be rendered within sixty (60) days after receipt of the request.

**CHAPTER IV  
FINAL AND TRANSITIONAL PROVISIONS**

**Article 55  
Provisional Composition of the Constitutional Court**

1. The Constitutional Court shall be composed as set forth in Article 152 of the Constitution during the period prescribed therein.
2. Nothing in this Law, including provisions regulating eligibility criteria, professional qualifications and remuneration of judges, shall not apply to, restrict or otherwise limit the competences and responsibilities of competent authorities for the appointment of international judges foreseen by the Constitution and the Comprehensive Proposal for the Republic of Kosovo Status Settlement of 26 March 2007. These responsibilities and competences shall be exercised in accordance with applicable instruments notwithstanding any provision of this Law.

**Article 56  
Earlier Cases**

The deadlines defined in this Law for the initiation of procedures on matters that fall under the jurisdiction of the Constitutional Court and which have arisen before the entry into force of this Law shall begin to be counted on the day upon which this Law enters into force.

**Article 57  
Interim Secretariat of the Constitutional Court**

An Interim Secretariat is hereby established. The Interterm Secretariat shall be established until such time as the Secretariat of the Constitutional Court referred to in Article 12 of this Law is functional. The Interim Secretariat shall exercise its responsibilities in accordance with applicable instruments until such time as the Secretary General appointed in accordance with Article 12 of this Law decides that the Secretariat is functional.

**Article 58**  
**Entry into force**

This law shall enter into force upon publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-121**  
**16 December 2008**

**Promulgated by the Decree No. DL-070-2008, dated 30.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 46 / 15 JANUARY 2009**

**LAW No. 04/L-115  
ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Article 1  
Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L –223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L –224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

## Administrative laws

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L –237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

### **Article 2**

#### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

### **Article 3**

#### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworted with the following text:

### **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

### **Article 4**

#### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

#### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

#### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

#### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

#### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

#### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworded as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

##### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition **“the Comprehensive Status Proposal”** shall be deleted from the text of the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

##### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

##### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon their free and informed

## Administrative laws

decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.

3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

### **Article 16**

#### **Amending and Supplementing the Law No. 03/L-041 on Administrative Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

### **Article 17**

#### **Amending and Supplementing the Law No. 03/L-068 on Education in the Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

### **Article 18**

#### **Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo (the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

### **Article 29**

#### **Registration and Determination of Citizenship**

### **Article 19**

#### **Amending and Supplementing the Law No. 03/L-237 on Population and Housing Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;



**Article 20**

**Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

**Article 21**

**Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

**Article 22**

**Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.

### **Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

## **II. FINAL PROVISIONS**

### **Article 24**

#### **Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**

**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**LAW No. 03/L-052  
ON THE SPECIAL PROSECUTION OFFICE  
OF THE REPUBLIC OF KOSOVO**

**Contents**

Chapter I: General provisions.....	935
Chapter II: Exclusive competence of the SPRK.....	939
Chapter III: Subsidiary competence of the SPRK.....	941
Chapter IV: Jurisdiction for cases investigated or prosecuted by the SPRK and general referral of cases.....	947
Chapter VI: Final provisions.....	949

Based on chapter IV article 65 item 1 and also Chapter VII article 109 of the Constitution of Republic of Kosova, for the purpose of establishing the Special Prosecution Office of the Republic of Kosova

**The Assembly of the Republic of Kosovo,**

Hereby adopts

**LAW ON THE SPECIAL PROSECUTION OFFICE  
OF THE REPUBLIC OF KOSOVO**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Establishment of the SPRK**

- 1.1. Special Prosecution Office of Republic of Kosovo (hereinafter “SPRK”) is hereby established as a permanent and specialized prosecutorial office operating within the Office of the State Prosecutor of Kosovo.
- 1.2. The residence of the SPRK will be in Prishtinë/ Priština.

**Article 2  
Definitions**

For the purpose of this law:

- **“EULEX KOSOVO”**- means the European Security and Defense Policy Mission established in Kosovo by the European Union;
- **“Head of the Justice Component”**- means an individual, belonging to the

- EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
- **"President of the Assembly of EULEX Judges"**- means a judge, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
  - **"Chief EULEX Prosecutor"**- means a prosecutor, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
  - **"EULEX prosecutor"**- means a prosecutor, belonging to the EULEX KOSOVO, who has been selected and appointed by the competent authority to work in Kosovo in this specific position;
  - **"The Office of the Public Prosecutor of Kosovo"**- means an independent public body with responsibilities for the investigation of criminal offences, the discovery and collection of evidence and information for the initiation and conduct of criminal proceedings, the prosecution of persons suspected of criminal offenses, and the performance of other functions as provided for by the applicable law;
  - **"Chief Public Prosecutor of Kosovo"**- means the public prosecutor who leads the Office of the Public Prosecutor of Kosovo;
  - **"Chief Prosecutor of the Office"**- means the public prosecutor who leads either a municipal or a district prosecution office to investigate or prosecute crimes according to the applicable law;
  - **"Kosovo Public Prosecutor"**- means a citizen of Kosovo appointed as prosecutor according to the applicable law;
  - **"Special Prosecutor"**- means an EULEX prosecutor or a Kosovo public prosecutor who is working within the SPRK;
  - **"Law Enforcement Agency"**- means the Kosovo Police and any other authority or agency established in Kosovo that can legitimately exercise comparable powers and typical functions of the Kosovo Police according to the applicable law; this definition includes the EULEX police;
  - **"Applicable Law"**- means the law applicable in Kosovo pursuant to UNMIK Regulation No. 1999/24 On the Law Applicable in Kosovo, as amended, and any other future normative act, adopted in Kosovo by the competent authority after the enactment of this law;
  - **"PCK"**- means the Provisional Criminal Code of Kosovo, promulgated by UNMIK Regulation No. 2003/25, as amended;
  - **"PCPC"**- means the Provisional Criminal Procedure Code of Kosovo, promulgated by UNMIK Regulation No. 2003/26, as amended;
  - **"CCFRY"**- means the Criminal Code of the Socialist Federal Republic of Yugoslavia, published in the Official Gazette of the Socialist Federal Republic of Yugoslavia No. 44/76, as amended;
  - **"CCL"**- means the Criminal Law of the Socialist Autonomous Province of Kosovo, published in the Official Gazette of the Socialist Autonomous Province of Kosovo No. 25/77, as amended;
  - **"Transition day"**- means the day on which the EULEX KOSOVO starts its mandate in Kosovo.

### **Article 3**

#### **Composition and powers of the SPRK**

- 3.1. The SPRK will be composed of ten Kosovo Public Prosecutors.
- 3.2. Kosovo Public Prosecutors who will work as Special Prosecutors will be those who, at the date of the entry into force of the present law, have been selected and appointed, according to the procedures established by the applicable law, to work for the Kosovo Special Prosecutors Office as previously defined by UNMIK Administrative Direction No. 2006/15.
- 3.3. Notwithstanding the provisions set forth in paragraph 2 of this Article, additional Kosovo Public Prosecutors will be eligible to work as Special Prosecutors. They will be selected and appointed according to the procedures established by the applicable law.
- 3.4. The composition of the SPRK can be modified according to the needs and the workload of the office and pursuant to the procedures established by the applicable law.
- 3.5. Special Prosecutors will have the authority and responsibility to perform the functions of their office, including the authority and responsibility to conduct criminal investigations and prosecute crimes falling under the exclusive and subsidiary competence of the SPRK, throughout all the offices of the prosecutors and throughout all courts operating in Kosovo.
- 3.6. Anytime the SPRK assumes responsibility for a case falling under its exclusive or subsidiary competence, all Law Enforcement Agencies and prosecutors working in Kosovo will give all the required assistance to the SPRK for the correct performance of its functions and mandate.
- 3.7. The SPRK can coordinate and direct the investigation and prosecution of cases falling under its exclusive or subsidiary competence through the offices of the various prosecutors working in Kosovo. Special Prosecutors will seek and obtain the assistance of the Chief Prosecutors working in Kosovo anytime they act to coordinate and direct the investigation and prosecution of cases for which the SPRK has assumed responsibility.
- 3.8. Special Prosecutors can delegate, with the authorization of the Head of the SPRK, the undertaking of specific activities and actions of the criminal proceeding or the undertaking of specific investigation or prosecution of cases for which the SPRK has assumed responsibility to any prosecutor working in Kosovo.
- 3.9. The Head of the SPRK will inform, within a general deadline that will be established by the Chief Public Prosecutor of Kosovo, the Chief Prosecutor of the office having jurisdiction over the case, regarding the authorization given pursuant to paragraph 8 of this Article. The Chief Prosecutor of the office can request the Head of the SPRK to reconsider the decision related to the delegation of specific activities of the proceedings or of the specific investigation or prosecution.
- 3.10. The prosecutor identified pursuant to paragraph 8 of this Article will report immediately to the Head of the SPRK after the activity or action has been undertaken and will transmit to the Special Prosecutor in charge of the

investigation or prosecution, all relevant information, documents and files gathered from the delegated activity or action.

- 3.11. In case of delegation of a specific investigation or prosecution of a case, the prosecutor identified pursuant to paragraph 8 of this Article will inform the Special Prosecutor in charge of the investigation or prosecution about the relevant developments related to the proceeding. At any time during the proceeding the Head of the SPRK will have the authority to withdraw, for valid reasons, the delegated investigation or prosecution.

#### **Article 4** **The Head of the SPRK**

- 4.1. The Head of the SPRK will be selected from amongst the Special Prosecutors according to the procedures established by the applicable law.
- 4.2. The Head of the SPRK will direct the activities of the SPRK and of its staff under the general supervision of the Chief Public Prosecutor of Kosovo.
- 4.3. The Head of the SPRK will be responsible for the management of the SPRK and will issue internal directives governing the activities of its office that will be consistent with the applicable law. The Head of the SPRK can seek advice from the Special Prosecutors in regards to the specific content of internal directives anytime this might be appropriate for the better functioning of the office.
- 4.4. The Head of the SPRK will represent the SPRK before the other national, international, public and private institutions and persons. The Head of the SPRK can designate another Special Prosecutor to represent the SPRK before the other national, international, public and private institutions and persons in accordance with the needs and the workload of the office.
- 4.5. The Head of the SPRK or another Special Prosecutor designated by him or her will be responsible for providing information to the media regarding the activity of the SPRK. In performing this task, the Head of the SPRK or his or her designate will be bound by the principle of confidentiality and will not disclose to the public and to unauthorized persons sensitive information.
- 4.6. In circumstances wherein the SPRK is cooperating with other national, international organizations and institutions, the Chief Public Prosecutor of Kosovo will be responsible for all decisions related to the release of data and information according to the applicable law and to the modalities as set forth in relevant agreements with the same organizations and institutions.
- 4.7. The Head of the SPRK will designate a Special Prosecutor to exercise the functions of the Head of the SPRK in the case of his or her absence. The Head of the SPRK can delegate, partially or totally, for a determined period of time, his or her functions to a designated Special Prosecutor.

**CHAPTER II**  
**EXCLUSIVE COMPETENCE OF THE SPRK**

**Article 5**  
**Exclusive competence of the SPRK**

- 5.1. The SPRK will have exclusive competence to investigate and prosecute the following crimes, also in the forms of attempt, and the various forms of collaboration to the crimes of:
- a) commission of Terrorism (Art. 110, PCCK);
  - b) failure to Report Preparation of Criminal Offences (Art. 303, PCCK), Failure to Report Criminal Offences or Perpetrators (Art. 304, PCCK) and Providing Assistance to Perpetrators (Art. 305, PCCK) when these offences are committed in relation to Terrorism (Assistance in the Commission of Terrorism - Art. 111, PCCK);
  - c) facilitation of the Commission of Terrorism (Art. 112, PCCK), Organization, Support and Participation in Terrorist Groups (Art. 113, PCCK)
  - d) genocide (Art. 116, PCCK);
  - e) crimes Against Humanity (Art. 117, PCCK);
  - f) war Crimes in Grave Breach of the Geneva Conventions (Art. 118, PCCK), War Crimes in Serious Violation of Laws and Customs Applicable in International Armed Conflict (Art. 119, PCCK), War Crimes in Serious Violation of Article 3 Common to the Geneva Conventions (Art. 120, PCCK), War Crimes in Serious Violation of Laws and Customs Applicable in Armed Conflict not of an International Character (Art. 121, PCCK);
  - g) attacks in Armed Conflict not of an International Character Against Installations containing dangerous forces (Art. 122, PCCK);
  - h) conscription or Enlisting of Persons between the Age of Fifteen and Eighteen years in Armed Conflict (Art. 123, PCCK);
  - i) employment of Prohibited means or methods of Warfare (Art. 124, PCCK);
  - j) organization of Groups to Commit Genocide, Crimes Against Humanity and War Crimes (Art. 128, PCCK);
  - k) endangering Internationally Protected Persons (Art. 141, PCCK);
  - l) unlawful Appropriation, use, transfer and disposal of nuclear material (Art. 144, PCCK);
  - m) threats to use or commit theft or robbery of nuclear material (Art. 145, PCCK);
  - n) organized Crime (Art. 274, PCCK), Intimidation during Criminal Proceedings for Organized Crime (Art. 310, PCCK);
  - o) Criminal Offences listed in Article 10 of UNMIK Regulation No. 2004/2 On the Deterrence of Money Laundering and Related Criminal Offences as amended.
- 5.2. The SPRK will also have exclusive competence in the investigation and prosecution, in accordance with the applicable law in force prior to the entry into force of the PCCK, of the following crimes, also in the form of attempt, and of the various forms of collaboration to the crimes of:

- a) terrorism (Art. 125, CCFRY), the crimes set forth in Articles 2, 3, 4, 5, of UNMIK Regulation No. 2001/12 On the Prohibition of Terrorism and related Offences according to the definitions as set forth in Article 1 of UNMIK Regulation No. 2001/12 and taking into account the provisions of Article 6 of UNMIK Regulation No. 2001/12;
  - b) all crimes listed in Articles 141-155 of the CCFRY.
- 5.3. Prior to the commencement of the main trial, the SPRK will have the authority to take over cases falling under its exclusive competence that are investigated or prosecuted by the competent authorities according to the applicable law.

## **Article 6**

### **Exercise of exclusive competence by the SPRK**

- 6.1. All prosecutors working in Kosovo will inform the Chief Prosecutor of their Office of any verbal or written criminal report, or about any case currently under investigation or prosecution, from which it is reasonable to believe that a crime listed in paragraph 1 or 2 of Article 5 of this Law may have been committed.
- 6.2. The information envisaged in paragraph 1 of this Article will be transmitted to the relevant Chief Prosecutor as soon as possible and in any case within a general deadline that will be established by the Chief Public Prosecutor of Kosovo. In urgent situations, the prosecutors will transmit the information to the Chief Prosecutor within a shorter deadline determined also by the Chief Public Prosecutor of Kosovo.
- 6.3. The Chief Prosecutor of the Office will inform the Head of the SPRK and the Chief Public Prosecutor of Kosovo as soon as possible and in any case within a general deadline that will be established by the Chief Public Prosecutor of Kosovo, of any verbal or written criminal report or case of which he or she is aware pursuant to the provisions set forth in paragraph 2 of this Article.
- 6.4. If the Head of the SPRK agrees that the criminal report or the case referred to in paragraph 3 of this Article might reasonably fall under the exclusive competence of the SPRK, the Chief Prosecutor will send the criminal report or the case with all the relevant documents and files to the Head of the SPRK.
- 6.5. The Chief Prosecutor will ensure that sensitive data and information is not disclosed to unauthorized persons during the handover of the criminal reports, the case file and of all other relevant documents and files. The handover will occur within a general deadline that will be established by the Chief Public Prosecutor of Kosovo from the moment that the Head of the SPRK has communicated his or her agreement to the Chief Prosecutor in accordance with paragraph 4 of this Article.
- 6.6. The prosecutor in charge of the investigation who transmitted the information pursuant to paragraph 1 of this Article will be responsible for any procedural activity necessary for the expeditiously handling of the investigation or prosecution until the SPRK assumes responsibility for the investigation or the prosecution.
- 6.7. All decisions taken by the judicial authorities that would be competent to conduct the proceeding until the SPRK assumes responsibility for the investigation or prosecution will remain valid and in force.



- 6.8. The Regional Commanders of the Kosovo Police will transmit to the Head of the SPRK, as soon as possible and in any case within a general deadline that will be established by Ministry of Internal Affairs, a copy of the first report or notice of crime that law enforcement agencies operating under their responsibility may have produced in regards to alleged criminal conducts that occurred in the territory of their competence, that were communicated to the relevant prosecutors and that might fall under the exclusive competence of the SPRK. Regional Commanders can add observations to their communication and may delegate their obligations as established by the present Article to the various Station Commanders of Kosovo under their authority.

#### **Article 7**

#### **Referral of cases by the SPRK**

Once the SPRK has assumed responsibility for an investigation or prosecution in accordance with the provisions set forth in paragraph 3 of Article 5 or paragraph 4 of Article 6 of this Law, and the Head of the SPRK believes that there are no, or no more grounds for the SPRK to exercise its exclusive competence, the provisions set forth in paragraphs 1-11 of Article 14 of this law will apply *mutatis mutandis*.

#### **Article 8**

#### **Exclusive competence of the SPRK for cases referred by international tribunals**

The SPRK will have exclusive competence to investigate and prosecute crimes, including the various forms of attempt and of collaboration to the crimes, that competent organs of international tribunals, such as the International Criminal Tribunal for the former Yugoslavia established by Resolution No. 827 of the Security Council of the United Nations, may refer to the authorities of Kosovo for investigation and/or prosecution, according to the procedures set forth by the applicable law and by agreements among the competent authorities.

### **CHAPTER III**

### **SUBSIDIARY COMPETENCE OF THE SPRK**

#### **Article 9**

#### **Subsidiary competence of the SPRK**

- 9.1. The SPRK will have subsidiary competence, according to the modalities set forth in Article 10 of this Law, to investigate and prosecute the following crimes, also in the form of attempt, and the various forms of collaboration to the crimes of:
- a) assault on legal order of Kosovo (Art.108, PCCK);
  - b) inciting National, Racial, Religious or Ethnic Hatred, Discord or Intolerance (Art. 115, PCCK);
  - c) hijacking Aircraft (Art. 132, PCCK);
  - d) endangering Civil Aviation Safety (Art. 133, PCCK), Endangering Maritime

- Navigation Safety (Art. 134, PCCK), Endangering the Safety of Fixed Platforms located on the Continental Shelf (Art. 135, PCCK), Piracy (Art. 136, PCCK);
- e) smuggling of Migrants (Art. 138, PCCK);
  - f) trafficking in persons (Art. 139, PCCK);
  - g) endangering United Nations and Associated Personnel (Art. 142, PCCK);
  - h) murder (Art. 146, PCCK), Aggravated Murder (Art. 147, PCCK);
  - i) hostage Taking (Art. 143, PCCK);
  - j) violating equal status of residents of Kosovo (Art. 158, PCCK);
  - k) kidnapping (Art. 159, PCCK);
  - l) torture (Art. 165, PCCK);
  - m) criminal offences against sexual integrity listed in Articles 193-204 of the PCCK anytime they are punishable by five or more years of imprisonment by taking into account the maximum of the possible sanction foreseen by the law;
  - n) unauthorized Purchase, Possession, Distribution and Sale of Dangerous Narcotic Drugs and Psychotropic Substance (Art. 229, PCCK), Unauthorized Production and Processing of Dangerous Narcotic Drugs and Psychotropic Substances (Art. 230, PCCK);
  - o) causing Bankruptcy (Art. 234, PCCK), Damaging Creditors (Art. 235 PCCK), Misuse of Economic Authorization (Art. 236, PCCK), Entering into Harmful Contracts (Art. 237, PCCK);
  - p) counterfeit Money (Art. 244, PCCK);
  - q) organizing Pyramid Schemes and Unlawful Gambling (Art. 243, PCCK), Tax Evasion (Art. 249, PCCK);
  - r) unjustified Acceptance of Gifts (Art. 250, PCCK), Unjustified Giving of Gifts (Art. 251, PCCK);
  - s) grave Cases of Theft in the Nature of Robbery or Robbery (Art. 256, PCCK), Fraud (Art. 261);
  - t) extortion (Art. 267, PCCK);
  - u) unauthorized Supply, Transport, Production, Exchange or Sale of Weapons (Art. 327, PCCK);
  - v) participating in a crowd committing a criminal offence (Art. 320, PCCK);
  - w) abusing Official Position or Authority (Art. 339, PCCK), Accepting Bribes (Art. 343, PCCK), Giving Bribes (Art. 344, PCCK);
  - x) misappropriation in Office (Art. 340, PCCK), Fraud in Office (Art. 341, PCCK).
- 9.2. The SPRK will also have subsidiary competence, according to the modalities set forth in Article 10 of the present law, in the investigation and prosecution, in accordance with the applicable law in force prior to the entry into force of the PCCK, of the following crimes, also in the form of attempt, and of the various forms of collaboration to the crimes of:
- a) murder (Art. 30, CCK) and the other crimes listed in Articles 31-34 of the CCK;
  - b) trafficking in persons (Article 2, UNMIK Regulation No. 2001/4 On The Prohibition of Trafficking in Persons in Kosovo);

- c) the crimes listed in Articles 74-82 of the CCK (Criminal Acts Against Personal Dignity and Morality) as amended by UNMIK Regulation No. 2003/1 Amending The Applicable Law on Criminal Offences Involving Sexual Violence anytime they are punishable by five or more years of imprisonment by taking into account the maximum of the possible sanction foreseen by the law;
  - d) unauthorized production and sale of narcotics (Art. 245, CCFRY);
  - e) inciting National, Racial or Religious Hatred, Discord or Hostility (Art. 134, CCFRY) and inciting to National, Racial, Religious or Ethnic Hatred, Discord or Intolerance (Article 1, UNMIK Regulation No. 2000/4);
  - f) hijack of an aircraft (Art. 240, CCFRY);
  - g) jeopardizing the safety of an aircraft's flight (Art. 241, CCFRY).
  - h) grave cases of burglary and robbery (Art. 138, CCK), Plunder (Art. 141, CCK);
  - i) extortion (Art. 149, CCK);
  - j) receiving Bribe (Art. 222, CCK), Giving Bribe (Art. 223, CCK);
  - k) fraud at Service (Art. 215, CCK), Embezzlement (Art. 219, CCK).
- 9.3. All prosecutors working in Kosovo will inform, by telephone and by any other means, the Head of the SPRK as soon as possible and no later than twenty-four hours from the moment they are aware of any verbal or written criminal report or any case currently under investigation or prosecution that falls within the categories of the crimes listed in sub e), f), n), p), t) and u) of paragraph 1 of this Article and in sub b), d) and i) of paragraph 2 of this Article. The Head of the SPRK will determine whether an indicia or prima facie case of Organized Crime exists and, if a reasonable belief that the verbal or written criminal report, case or prosecution contains indicia or prima facie case of Organized Crime, the Head of the SPRK can exercise jurisdiction over the case or prosecution pursuant to sub n) of paragraph 1 of Article 5 and paragraph 3 of Article 5 of this Law.
- 9.4. All prosecutors working in Kosovo will be under the obligation to inform through a proper reporting procedure, within a general deadline that will be established by the Chief Public Prosecutor of Kosovo, the Chief Prosecutor of their Office of any criminal report or cases currently under investigation or prosecution that can reasonably lead to a belief that a crime listed in paragraph 1 and 2 of this Article may have been committed. The relevant Chief Prosecutor will report to the Chief Public Prosecutor of Kosovo and to the Head of the SPRK, by a general deadline that will be established by the Chief Public Prosecutor of Kosovo, of all cases previously notified to their office pursuant to this Article.
- 9.5. The Chief Prosecutor of the Office will submit to the Chief Public Prosecutor of Kosovo and to the Head of the SPRK, upon their request, all relevant information pertaining to the cases referred to in paragraph 4 of this Article, including information capable of identifying the individual case.
- 9.6. Within a general deadline that will be established by the Chief Public Prosecutor of Kosovo, the Chief Prosecutors of the various Offices of Kosovo will submit, to the Chief Public Prosecutor of Kosovo and to the Head of the SPRK, a report

- describing the current status of the cases previously reported according to in paragraph 4 of this Article, and will perform all the necessary steps to ensure the non disclosure of sensitive data or information to unauthorized persons.
- 9.7. Upon request of the Head of the SPRK, the Regional Commanders of the Kosovo Police will transmit to the Head of the SPRK, by the end of each month, a copy of the first report or notice of crime that law enforcement agencies operating under their responsibility have produced in regards to alleged criminal conducts that occurred in the territory of their competence, that were communicated to the prosecutors during the previous month and that might fall under the categories foreseen in paragraph 1 and 2 of this Article. Regional Commanders can add observations to their communication and may delegate their obligations as established by the present Article to the various Station Commanders of Kosovo under their authority.
- 9.8. When the first report or notice of crime mentioned in paragraph 7 of this Article, refers to the crimes listed in sub e), f), p), t), and u) of paragraph 1 of this Article and sub b), d) and i) of paragraph 2 of this Article, the Regional Commander will transmit a copy of the relevant documents to the Head of the SPRK as soon as possible and in any case within twenty four hours. The Head of the SPRK will determine whether an indicia or prima facie case of Organized Crime exists and, if a reasonable belief that the first report or notice of crime contains an indicia or prima facie case of Organized Crime, the Head of the SPRK can exercise jurisdiction over the case or prosecution pursuant to sub n), paragraph 1 of this Article 5 and paragraph 3 of Article 5 of this Law.

## **Article 10**

### **Exercise of the subsidiary competence by the SPRK**

- 10.1. The SPRK will exercise its subsidiary competence in regards to the criminal offences listed in paragraph 1 and 2 of Article 9 of this Law, when to do so is in the interest of a proper investigation or prosecution of the crimes.
- 10.2. For the purpose of the present law it is in the interest of a proper investigation or prosecution of the crimes listed in paragraph 1 and 2 of Article 9 of this Law anytime one of the following criteria is met:
- a) it is reasonable to believe that the alleged criminal conduct is part of a serious criminal phenomenon that is occurring or occurred in different areas of Kosovo and that might fall under the territorial competence of different courts according to the applicable law, so that an unique coordination of the investigation or prosecution is warranted;
  - b) it is reasonable to believe that the alleged criminal conduct is part of a broader trans-national criminal activity that makes international cooperation necessary to achieve a complete investigation and prosecution of the crime;
  - c) there is a strong suspicion of undue attempts made to influence the investigation or prosecution of the alleged criminal conduct;
  - d) the alleged criminal conduct is endangering or has endangered the functioning or stability of the State or its organs, or the functioning or stability of public institutions or of their organs operating in Kosovo;

- e) it is reasonable to believe that the SPRK, due to the particular circumstances, or complexity, or nature of the alleged criminal conduct, is the only office that could achieve a complete investigation or prosecution of the crime.
- 10.3. Before the indictment becomes final, the Chief Prosecutor of the Office will propose, in writing, the transfer to the SPRK of the investigation or prosecution of any of the crimes listed in paragraph 1 and 2 of Article 9 of this Law, if there are grounds to believe that at least one of the criteria set forth in paragraph 2 of this Article is met in the relevant case. The proposal concerning the transfer of the case will be directed to the Head of the SPRK.
- 10.4. The Chief Prosecutor identified in paragraph 3 of this Article will inform the Chief Public Prosecutor of Kosovo of his or her proposal. Upon request of the Head of the SPRK, the Chief Prosecutor will take care to send a confidential copy of all the documents and information relevant to the case to the Head of the SPRK, together with a report outlining the basis for the request and clearly identifying at least one of the criteria set forth in paragraph 2 of this Article.
- 10.5. The original of the documents will be retained by the prosecutor that would otherwise be competent to investigate and prosecute the crime according to the applicable law. Only if the SPRK decides to assume responsibility for the case, the original of the files and documents will be sent to the SPRK pursuant to paragraph 7 of this Article.
- 10.6. The Head of the SPRK will issue a decision with respect to the proposal of the relevant Chief Prosecutor referred to in paragraph 3 of this Article within a general deadline that will be established by the Chief Public Prosecutor of Kosovo and that will run from the time of the receipt of the proposal. Until such time as the Head of the SPRK assumes responsibility for the case, the prosecutor already in charge of the investigation will exercise all of the duties related to the prosecution and investigation of the alleged criminal conduct.
- 10.7. If the Head of the SPRK decides to assume responsibility for the case, he or she will inform the Chief Prosecutor identified in paragraph 3 of this Article of that decision. The relevant Chief Prosecutor will hand over all files and material to the SPRK and will be responsible for ensuring that sensitive data and information will not be disclosed to unauthorized persons during the handover phase.

## **Article 11**

### **Rejection of the proposal to assume responsibility for the case by the SPRK and review procedure**

- 11.1. The Head of the SPRK will reject the proposal of the Chief Prosecutor identified in paragraph 3 of Article 10 of this law concerning the transfer of the case anytime he or she believes that the criminal offence is not one of those listed in paragraph 1 or 2 of Article 9 of this law or none of the criteria set forth in paragraph 2 of Article 10 of this law is met.
- 11.2. The Head of the SPRK will inform the relevant Chief Prosecutor and the Chief Public Prosecutor of Kosovo of his or her decision to reject the proposal of

- transfer. The Head of the SPRK will send a written decision to the relevant Chief Prosecutor within a general deadline that will be established by the Chief Public Prosecutor of Kosovo and that will run from the moment that the proposal was rejected. The written decision will include the reasons for refusal.
- 11.3. Within a general deadline that will be established by the Chief Public Prosecutor of Kosovo and that will run from the moment of being served with the written decision rejecting the proposal of transfer, the Chief Prosecutor identified in paragraph 3 Article 10 of this law can request the review of the decision taken by the Head of the SPRK to the Chief Public Prosecutor of Kosovo. The Chief Prosecutor identified in paragraph 3 Article 10 of this law will include a copy of the decision of the Head of the SPRK to the documents sent in the request for review.
  - 11.4. If the Chief Prosecutor files a request for review, he or she will send a copy of the criminal reports or of the case with all the relevant documents and files to the Chief Public Prosecutor of Kosovo. The same day the request for review is filed, the Chief Prosecutor will send a copy of the request to the Head of the SPRK.
  - 11.5. Within a general deadline that will be established by the Chief Public Prosecutor of Kosovo and that will run from the moment of being served with the copy of the request for review, the Head of the SPRK can send observations to the Chief Public Prosecutor of Kosovo or can decide not to send any observation. A copy of the observations to the request for review or of the communication of the non exercise of this right will be sent to the Chief Public Prosecutor of Kosovo and to the Chief Prosecutor identified in paragraph 3 Article 10 of this law.
  - 11.6. The Chief Public Prosecutor of Kosovo will, after the examination of the request for review and of the eventual observations, either confirm the decision of the Head of the SPRK or override it. The request for review will be decided within a general deadline that will be established by the Chief Public Prosecutor of Kosovo and that will run from the time of being served with the observations, or from the time of the decision of not sending observations envisaged in paragraph 5 of this Article. The decision over the request for review will be final.
  - 11.7. The Chief Public Prosecutor of Kosovo will send a copy of his or her decision on the review to the relevant Chief Prosecutor and to the Head of the SPRK.
  - 11.8. If the Chief Public Prosecutor of Kosovo overrides the decision of the Head of the SPRK, the SPRK will be in charge to conduct the investigation or prosecution of the case. The provisions set forth in paragraph 7 Article 10 of this law for the handover of the case will also apply *mutatis mutandis*.
  - 11.9. All duties related to the investigation and eventual prosecution of the alleged criminal offences remains with the competent prosecutor until such time as the SPRK assumes responsibility for the case or the Chief Public Prosecutor of Kosovo confirms or rejects the decision of the Head of the SPRK. If the Chief Public Prosecutor of Kosovo confirms the decision of the Head of the SPRK that rejected the proposal of transfer, the competent prosecutor will continue to be responsible for the case.
  - 11.10. All procedural activities undertaken by the prosecutor pursuant to paragraph 9 of this Article prior to the decision of the Chief Public Prosecutor of Kosovo on the request for review will remain valid and in force.

- 11.11. All decisions taken by the judicial authorities that would be competent to adjudicate the case prior to the decision of the Chief Public Prosecutor of Kosovo on the request for review will remain valid and in force.
- 11.12. At any time during the proceeding but before the indictment becomes final, the Chief Prosecutor of the competent office can renew the proposal of transfer for the same case to the Head of the SPRK. In this event, the proposal of transfer should be based on the existence of new facts or grounds not known at the time that the previous proposal was submitted to the Head of the SPRK and, then, rejected. Failure to respect the provision set forth in this Article will lead to the dismissal of the new proposal.

## **Article 12**

### **Competence of the SPRK for cases connected to those under its jurisdiction**

- 12.1. Anytime the SPRK assumes responsibility for a case falling under its exclusive or subsidiary competence, the Head of the SPRK can take over investigations or prosecutions of alleged criminal offences currently conducted by other prosecutors working in Kosovo if the acts appear to be directly connected and the evidence is common.
- 12.2. Anytime the SPRK exercise its subsidiary competence for a case pursuant to sub a), paragraph 2 of Article 10 of this law, the Head of the SPRK can take over any investigation or prosecution for alleged criminal offences currently conducted by other prosecutors working in Kosovo, if the Head of the SPRK believes that the alleged offence might be a part of a serious criminal phenomenon, including one that is occurring or has occurred in different areas of Kosovo that might fall under the territorial competence of different courts according to the applicable law.
- 12.3. The SPRK can take over other cases pursuant to the provisions set forth in paragraph 1 and 2 of this Article at any time during the proceeding. In exercising this right, the SPRK will not be bound by the limits foreseen in paragraph 1 and 2 of Article 5, in paragraph 1 and 2 of Article 9 and paragraph 3 of Article 10 of this law.
- 12.4. Anytime the SPRK takes over investigations or prosecutions in accordance with the provisions set forth in paragraph 1, 2 and 3 of this Article, the Head of the SPRK will communicate the grounds for his or her decisions to the relevant Chief Prosecutor of the Office that has jurisdiction over the case, and to the Chief Public Prosecutor of Kosovo.

## **CHAPTER IV**

### **JURISDICTION FOR CASES INVESTIGATED OR PROSECUTED BY THE SPRK AND GENERAL REFERRAL OF CASES**

## **Article 13**

### **Jurisdiction for cases taken over by the SPRK**

- 13.1. As soon as the SPRK assumes responsibility for a case and for all the stages of the proceeding after the filing of the indictment if the SPRK is in charge of the

- investigation or prosecution, the competent court will be identified according to the applicable law.
- 13.2. After the SPRK has assumed responsibility for the case, all procedural activities and all decisions already undertaken by prosecutors or judges competent for the case will remain valid and in force.
- 13.3. If reasons of security so require, the competent court identified pursuant to paragraph 1 of this Article can sit in a different venue within the territory of Kosovo, pursuant to an authorization of the President of the immediately higher court following the request of the pre-trial judge, of the three-judge panel or of the President of the panel. The new venue will be communicated to the parties of the proceedings without delay.

#### **Article 14**

##### **Referral of cases by the SPRK during the proceeding and review procedure**

- 14.1. If the Head of the SPRK believes that there are no grounds for the SPRK to exercise its exclusive or subsidiary competence, at any time during the proceeding but before the indictment becomes final, the Head of the SPRK will return the criminal reports or the case with all the relevant documents and files received pursuant to paragraph 4 of Article 6 Article or paragraph 7 of Article 10 of this Law, or taken according to paragraph 3 of Article 5 or paragraph 1 and 2 of Article 12 of this law, to the Chief Prosecutor of the office that has competence over the case. The Head of the SPRK will also include the other documents collected in the course of the eventual further investigation carried out by Special Prosecutors.
- 14.2. The Head of the SPRK will include a written decision to the documents subject to the referral along with all the material and evidence collected in the course of the investigation that justify his or her decision.
- 14.3. All procedural activities and decisions undertaken by Special Prosecutors and by the competent court prior to the referral of the case pursuant to paragraph 1 of this Article will remain valid and in force.
- 14.4. In the case envisaged in paragraph 1 of this Article, the relevant Chief Prosecutor will return the criminal reports or the case with all the documents and files to the competent prosecutor according to the applicable law, as soon as possible, and in any case within a general deadline that will be established by the Chief Public Prosecutor of Kosovo.
- 14.5. Within a general deadline that will be established by the Chief Public Prosecutor of Kosovo and that will run from the moment of being served with the criminal reports or the case with all the relevant documents and files pursuant to paragraph 4 of this Article, the relevant Chief Prosecutor can request a review of the decision taken by the Head of the SPRK to the Chief Public Prosecutor of Kosovo.
- 14.6. If the relevant Chief Prosecutor files a request for review, he or she will send a copy of the criminal reports or the case with all the relevant documents and files to the Chief Public Prosecutor of Kosovo. The Chief Prosecutor who requested the review will include a copy of the decision of the Head of the SPRK with the



documents sent for purpose of review. The same day the request for review is filed, the relevant Chief Prosecutor will send a copy of the request for review to the Head of the SPRK. Paragraph 5 and 6 of Article 11 of this Law will apply *mutatis mutandis*.

- 14.7. The Chief Public Prosecutor of Kosovo will send a copy of the decision on the review to the relevant Chief Prosecutor and to the Head of the SPRK. In case the Chief Public Prosecutor of Kosovo overrides the decision of the Head of the SPRK, the SPRK will be responsible for the conduct of the investigation or prosecution.
- 14.8. The competent prosecutor identified by the relevant Chief Prosecutor according to paragraph 4 of this Article will be responsible for the investigation and prosecution of the crimes until the Chief Public Prosecutor of Kosovo decides on the request for review of the Chief Prosecutor. The same prosecutor will be responsible for conducting the criminal proceeding if the Chief Public Prosecutor of Kosovo confirms the decision of the Head of the SPRK taken according to paragraph 1 of this Article.
- 14.9. All decisions taken by the judicial authorities that would be competent to adjudicate the case prior to the decision of the Chief Public Prosecutor of Kosovo over the request for review will remain valid and in force.
- 14.10. At any time during the proceeding but before the indictment becomes final, the case or investigation that the SPRK has already returned pursuant to paragraph 1 of this Article will be referred back to the SPRK pursuant to the provisions set forth in the present law if new elements or newly discovered facts reasonably lead to believe that the SPRK should exercise its exclusive or subsidiary competence.
- 14.11. The Head of the SPRK will refer back to the Chief Prosecutor of the Office that will have competence over the case, the same case previously referred according to the provisions set forth in paragraph 1 of this Article, if new elements or newly discovered facts reasonably lead to believe that there are no grounds for the SPRK to exercise its exclusive or subsidiary competence. In this situation, paragraphs 1-11 of this Article apply *mutatis mutandis*.

## **CHAPTER VI FINAL PROVISIONS**

### **Article 15 Transitional provisions**

- 15.1. The SPRK will also be composed, in addition to what has been envisaged by the provision of paragraph 1 of Article 3 of this law, of five EULEX prosecutors for the duration of the EULEX KOSOVO in Kosovo. The EULEX prosecutors will be assigned to the SPRK according to the procedures established by the EULEX KOSOVO. Until such time as the procedure for the designation of the EULEX prosecutors to the SPRK is not set, the Chief EULEX Prosecutor will designate the EULEX prosecutors to the SPRK.
- 15.2. The number of the EULEX prosecutors assigned to the SPRK envisaged in

- paragraph 1 of this Article can be modified upon decision of the competent authorities within the EULEX KOSOVO.
- 15.3. For the duration of the EULEX KOSOVO in Kosovo the Head of the SPRK will be an EULEX prosecutor, unless a different decision is taken by the competent authorities within the EULEX KOSOVO. The competent authorities within the EULEX KOSOVO will establish the procedures for the designation of the Head of the SPRK from amongst the EULEX prosecutors. Until such time as the procedure for the designation of the Head of the SPRK is not set, the Chief EULEX Prosecutor will designate the Head of the SPRK.
- 15.4. Until such time as the Head of the SPRK is an EULEX prosecutor, a Deputy Head of the SPRK will be selected from amongst the Special Prosecutors. Until such time as the Head of the SPRK is an EULEX prosecutor, the Head of the SPRK will be under the general supervision of the Chief EULEX Prosecutor, in derogation of the provision of paragraph 2 of Article 4 of this law. Until such time as the Head of the SPRK is an EULEX prosecutor, the Chief EULEX Prosecutor will be responsible to determine the deadlines mentioned in paragraph 9 of Articles 3, paragraphs 2, 3, 5 and 8 of Article 6, paragraphs 4, 6 and 8 of Article 9, paragraph 6 of Article 10, paragraph 2, 3, 5 and 6 of Article 11 and paragraphs 4 and 5 of Article 14 of this law.
- 15.5. For the duration of the EULEX KOSOVO in Kosovo, all information that the Chief of the relevant prosecution offices should transmit to the Head of the SPRK pursuant to all the provisions set forth in Article 6 of this law, will be transmitted to the Head of the SPRK through the Office of the Chief District Prosecutors also for those crimes falling under the jurisdiction of the Municipal Court.
- 15.6. For the duration of the EULEX KOSOVO in Kosovo, the Head of the SPRK will inform the Chief EULEX Prosecutor about any information, decision, request, report or data received in accordance with paragraphs 3 and 8 of Article 6, paragraphs 3, 4, 5, 6, 7, 8 of Article 9, paragraph 4 of Article 10, paragraphs 4 and 7 of Article 11 and paragraph 7 of Article 14 of this law.
- 15.7. For the duration of the EULEX KOSOVO in Kosovo, all information and documents that should be transmitted to the Head of the SPRK pursuant to paragraphs 4, 5, 6 of Article 9 and paragraphs 4 and 7 of Article 10 of this law, will be transmitted to the Head of the SPRK through the Office of the Chief District Prosecutors and with the assistance of the EULEX prosecutors assigned to the various regions of Kosovo also for those cases falling under the jurisdiction of the Municipal Court.
- 15.8. For the duration of the EULEX KOSOVO in Kosovo, the proposal and the activities related to the proposal for transferring a case to the SPRK envisaged in paragraph 3 Article 10 of this law, the request for reviewing the decision of rejecting the transfer of a case pursuant to paragraph 3 Article 11 of this law, the renewal of the proposal of transferring the case pursuant to paragraph 12 Article 11 of this law and the request for reviewing the decision of transferring back a case according to paragraph 5 of Article 14 of this law, will always be under the responsibility of the Chief District Prosecutor of the territory where the court competent to adjudicate the case is located. If the competent court to adjudicate

the case is the Municipal Court, the aforementioned activities will be also under the responsibility of the Chief District Prosecutor who will act upon request of the relevant Chief Municipal Prosecutor but only upon consultation and assessment with the EULEX prosecutor assigned to the region.

- 15.9. For the duration of the EULEX prosecutors participation in the composition of the SPRK, the communication that the Head of the SPRK will be obliged to give pursuant to paragraph 2 Article 11 of this law the observations referred to in paragraph 5 Article 11 of this law, or the communication referred to in paragraph 4 Article 12 of this law, will also be sent to the Chief EULEX Prosecutor within the same deadlines established by the relevant Articles of this law.
- 15.10. Upon the entry into force of this law, all files, information, archives and data, in electronic and hard copies related to cases currently investigated, prosecuted or dismissed by UNMIK International prosecutors and held by the United Nations Mission in Kosovo (UNMIK) Department of Justice will be handed over to the Chief EULEX Prosecutor, pursuant to the modalities as established in Arrangements between UNMIK and the EULEX Kosovo.
- 15.11. Upon the entry into force of this law, the Chief EULEX Prosecutor will also receive from the competent authorities all files, information, archives and data, in electronic and hard copies related to cases currently investigated, prosecuted or dismissed by UNMIK International prosecutors and by the SPOK previously established pursuant to Administrative Direction No. 2006/15.
- 15.12. The Chief EULEX Prosecutor will have the authority to decide which cases handed over in accordance with paragraph 10 and 11 of this Article will be investigated or prosecuted by the SPRK established according to the present law, irrespective of the crimes object of investigation or prosecution, and which cases will be referred to the relevant Kosovo prosecutors' office.
- 15.13. If the Chief EULEX Prosecutor decides that the crimes under investigation or prosecution and that have been handed over according to paragraph 10 and 11 of this Article will continue to be investigated or prosecuted by the SPRK, the SPRK will not be bound by the limits foreseen in paragraph 1, 2 and 3 of Article 5, paragraph 1 and 2 of Article 9 and paragraph 1 of Article 10 of this law regulating the exercise of the exclusive and subsidiary competence of the SPRK.
- 15.14. For cases already investigated or prosecuted or currently under investigation or prosecution that can be handed over to the SPRK in accordance with paragraph 12 of this Article, the competent court and the composition of the panel will be identified in accordance with the applicable law in force prior to the entry into force of the present law. Panels designated in application of UNMIK Regulation No. 2000/64, as amended, will continue to exercise their functions until the end of the trial or of the relevant stage of the proceeding that is still ongoing at the date of the entry into force of this law, unless otherwise determined by the law on the Jurisdiction, Case Selection and Case Allocation for EULEX judges and prosecutors.
- 15.15. The Head of the SPRK will decide which internal directives issued pursuant to paragraph 6 of Article 1 of UNMIK Administrative Direction No. 2006/15 will remain valid and applicable in the government of the SPRK as established by the present law.

- 15.16. For the duration of the EULEX prosecutors participation in the composition of the SPRK, a panel composed by the Chief EULEX Prosecutor, the Chief Public Prosecutor of Kosovo and another member designated by the Chief EULEX Prosecutor will be in charge of the selection of other Kosovo Public Prosecutors who are eligible to work as Special Prosecutors, unless the competent authorities within the EULEX KOSOVO establish that a different panel will be in charge of the selection or that a different procedure will be followed.
- 15.17. Once the EULEX prosecutors do not participate any longer in the composition of the SPRK, a panel composed by the Chief Public Prosecutor of Kosovo and two other members designated by him or her, of which one will be a Chief District Prosecutor identified on rotation basis, will be in charge of the selection of other Kosovo Public Prosecutors who should work as Special Prosecutors, unless a different provision is established by the applicable law.
- 15.18. For the duration of the EULEX prosecutors participation in the composition of the SPRK, reports and information related to alleged criminal activities committed in Kosovo and produced by the Organized Crime Executive Unit established by the EULEX KOSOVO will be also directed to the Head of the SPRK in addition to the other authorities identified by the EULEX KOSOVO.
- 15.19. For the duration of the EULEX KOSOVO in Kosovo, the authorization related to the change of venue mentioned in paragraph 3 of Article 13 of this law will be under the responsibility of the Head of the Justice Component, upon proposal of the Chief EULEX Prosecutor or of the President of the Assembly of EULEX KOSOVO Judges.
- 15.20. In case of a substantial reorganization of the court system or of the prosecution offices after the entry into force of the present law, the Chief Prosecutor of the Office having competence over the case according to the new legislation will be the competent authority to exercise all duties and responsibilities assigned to the Chief District or Chief Municipal Prosecutor by the present law.

## **Article 16**

### **Entry into force**

- 16.1. The Kosovo Special Prosecutor's Office as established by Administrative Direction No. 2006/15 implementing UNMIK Regulation No. 2000/15 will cease to exist on the Transition day.
- 16.2. This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**

**Date: 13.03. 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR III / NO. 27 / 03 JUNE 2008**

## **LAW No. 03/L-225 ON STATE PROSECUTOR**

### **Contents**

Chapter I: General provisions.....	953
Chapter II: Fundamental principles.....	954
Chapter III: Duties and competencies of state prosecutor.....	955
Chapter IV: Organizational structure and jurisdiction of the state prosecutor.....	956
Chapter V: Qualifications, criteria and the rights for appointment of state prosecutors.....	959
Chapter VI: Transitional provisions .....	962
Chapter VII: Final provisions.....	964

### **Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

## **LAW ON STATE PROSECUTOR**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Purpose and Scope of the Law**

This law establishes and regulates the organization, jurisdiction, functioning, competencies, and duties of the State Prosecutor.

#### **Article 2 Definitions**

1. The terms used in this law shall have the following meaning:
  - 1.1. **State Prosecutor** - the independent institution with authority and responsibility for the prosecution of persons charged with committing criminal acts and other acts specified by law and includes the following: the Basic Prosecution Offices; the Appellate Prosecution Office; the Special Prosecution Office; the Office of the Chief State Prosecutor; and any other organizational unit that may be created to carry out prosecutorial functions.
  - 1.2. **Chief State Prosecutor** - the Chief State Prosecutor of the Republic of Kosovo and the management and supervisory head of the State Prosecutor.

- 1.3. **Chief Prosecutor** - a person who is the head of a prosecution office other than the Chief State Prosecutor or Head of the Special Prosecution Office.
- 1.4. **Constitution** - the Constitution of the Republic of Kosovo.
- 1.5. **Special Prosecutor** - a prosecutor serving in the Special Prosecution Office as provided for by the Law on the Special Prosecution Office, No. 2008/03-L052.
- 1.6. **Council** - the Kosovo Prosecutorial Council, as provided for in the Law on the Kosovo Prosecutorial Council.

## **CHAPTER II FUNDAMENTAL PRINCIPLES**

### **Article 3 Independence and Impartiality of State Prosecutor**

1. The State Prosecutor is an independent institution that exercises its functions in an impartial manner.
2. The State Prosecutor and each prosecutor ensures equal, objective and unbiased treatment for all persons before the law, regardless of gender, race, national or social origin, political associations or connections, religious beliefs, state of health or handicap, or societal position.
3. It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.

### **Article 4 Exercise of Prosecutorial Functions**

1. In the Republic of Kosovo, prosecutorial functions are exercised only by competent and duly authorized state prosecutors, the Special Prosecutors provided for by the separate Law on the Special Prosecution Office of the Republic of Kosovo, No. 2008/03-L052.
2. A duly appointed state prosecutor is authorized to initiate a criminal investigation, file an indictment or summary indictment, conduct a prosecution, or perform other duties and function that are in accordance with the Constitution and applicable laws.

### **Article 5 Ethnic Diversity of the State Prosecutor**

The State Prosecutor shall reflect the ethnic diversity in the Republic of Kosovo, in accordance with Articles 109(4) and 110(3) of the Constitution and internationally recognized principles of human rights and gender equality.

**Article 6**  
**Efficiency of the State Prosecutor**

The State Prosecutor shall exercise its functions in an efficient and effective manner and in accordance with the Constitution, the applicable law, and internationally recognized principles of non-discrimination, human rights, and fundamental freedoms.

**CHAPTER III**  
**DUTIES AND COMPETENCIES OF STATE PROSECUTOR**

**Article 7**  
**Duties and Competencies of the Prosecutors**

1. The duties and competencies of the prosecutors shall include:
  - 1.1. to exercise prosecutorial functions in an independent, fair, objective and impartial manner and to ensure that all persons are treated equally before the law;
  - 1.2. to exercise the highest standards of care during the performance of official functions;
  - 1.3. to conduct himself or herself honorably and professionally in personal and professional life and pursuant to applicable law and the code of professional ethics;
  - 1.4. to maintain the honor and dignity of the State Prosecutor;
  - 1.5. to protect the legal rights of victims, witnesses, suspects, accused and convicted persons;
  - 1.6. to undertake the necessary legal actions for the detection of criminal offences and discovery of perpetrators, and the investigation and prosecution of criminal offences in a timely manner;
  - 1.7. to make decisions on the initiation, continuation or termination of criminal proceedings against persons suspected or accused of committing criminal offences;
  - 1.8. to file indictments and represent them before the court;
  - 1.9. to exercise regular and extraordinary legal remedies against court decisions;
  - 1.10. to cooperate with police, courts, and other institutions;
  - 1.11. to undertake all other actions specified by law.

**Article 8**  
**Prevention Activities**

The State Prosecutor shall cooperate with state institutions and other public and private organizations in activities directed at the education of society to increase the knowledge for the law and to prevent crime.

## **Article 9**

### **International Cooperation**

1. The Chief State Prosecutor, in cooperation with the Ministry of Justice, shall stipulate the protocols and procedures to promote cooperation with the authorities of other countries relating to the prosecution of crimes through exchange of information and other means, in accordance with the applicable law and international agreements between Kosovo and other countries.
2. The Chief State Prosecutor shall cooperate with international authorities and entities established in the Republic of Kosovo.

## **Article 10**

### **Public Relations**

1. The State Prosecutor shall regularly provide information about its activities to the public.
2. Notwithstanding paragraph 1 of this Article, the State Prosecutor shall not provide any information directly or indirectly which would disclose official secrets, would jeopardize a pending investigation or criminal proceeding, be harmful to the integrity, dignity, security, and rights to privacy of any persons, or violate the rights of minors.

## **CHAPTER IV**

### **ORGANIZATIONAL STRUCTURE AND JURISDICTION OF THE STATE PROSECUTOR**

## **Article 11**

### **Chief State Prosecutor**

1. The Chief State Prosecutor shall have jurisdiction for the entire territory of the Republic of Kosovo.
2. The Chief State Prosecutor shall have exclusive jurisdiction over third instances cases before the Supreme Court.
3. The Chief State Prosecutor shall have exclusive jurisdiction over all cases involving extraordinary legal remedies.
4. The Chief State Prosecutor may assume jurisdiction over any case upon the request of or with the consent of the Chief Prosecutor of the Special Prosecution Office of the Republic of Kosovo.
5. The Chief State Prosecutor may assume jurisdiction over any case in any prosecution office of Republic of Kosovo as provided by law.
6. The Chief State Prosecutor shall be the head of the State Prosecutor and shall have overall responsibility for the management of the State Prosecutor and the supervision of all prosecutors. The Chief State Prosecutor may make appropriate delegations of authority.
7. The Chief State Prosecutor shall issue rules, instructions, guidelines, and decisions for the internal regulation of the State Prosecutor.
8. The residence of the Office of the Chief State Prosecutor is in Pristina.



## **Article 12**

### **Administrative Role of the Office of Chief State Prosecutor**

1. The Office of Chief State Prosecutor shall provide administrative support to the Kosovo Prosecutorial Council and to prosecution offices as provided in the Law on the Kosovo Prosecutorial Council.
2. The Office of Chief State Prosecutor shall ensure that all prosecution offices have sufficient administrative staff and are provided with all necessary materials subject to the budget approved by the Kosovo Assembly.
3. The Chief State Prosecutor, or any prosecutor to whom the Chief State Prosecutor may delegate the authority, may require a subordinate prosecutor to provide reports or other information in writing related to the progress, status or settlement of cases for which the subordinate prosecutor is responsible.

## **Article 13**

### **Authority of the Chief Prosecutor**

1. Each Chief Prosecutor shall be responsible to the Chief State Prosecutor and the Prosecutorial Council for the effective, efficient and fair operations of the state prosecutorial functions of the prosecution office and prosecutors within the office.
2. Each Chief Prosecutor shall be the administrative head of the office to which he/she is appointed. The Chief Prosecutor may make appropriate delegations of authority, subject to the consent of the Chief State Prosecutor.
3. Each Chief Prosecutor may undertake the functions of criminal prosecution that are assigned to a subordinate prosecutor in that prosecution office and may take over the direct management of investigations or criminal proceedings from him or her, with prior consent of the Chief State Prosecutor.
4. Each Chief Prosecutor shall assign cases to prosecutors within the prosecution office, taking into account the nature of the case, the experience and specialization of the prosecutors.

## **Article 14**

### **Organization of the Prosecution Offices**

1. The State Prosecutor in the Republic of Kosovo shall be organized and function in accordance with this law and the Law on Special Prosecution Office, where applicable.
2. The State Prosecutor in the Republic of Kosovo shall be organized into the following prosecution offices:
  - 2.1. Basic Prosecution Offices comprised of a General Department, Department for Minors and the Serious Crimes Prosecution Department;
  - 2.2. Appellate Prosecution Office comprised of a General Department and a Serious Crimes Prosecution Department;
  - 2.3. Special Prosecution Office; and the
  - 2.4. Office of Chief State Prosecutor.

3. Any case falling within the jurisdiction of the Commercial Matters Department or the Administrative Matters Department of the Basic Court shall be assigned to prosecutors within the General Prosecution Department of the Basic Prosecution Office.

### **Article 15** **Basic Prosecution Office**

1. The Basic Prosecution Offices shall have jurisdiction over all first instances cases, unless otherwise provided by law.
  - 1.1. The Basic Prosecution Offices shall be established under this law with the territorial jurisdictions provided below:
  - 1.2. Basic Prosecution Office in Prishtina, for the territory of the Basic Court of Pristina as provided in the Law on Courts;
  - 1.3. Basic Prosecution Office in Ferizaj, for the territory of the Basic Court in Ferizaj as provided in the Law on Courts;
  - 1.4. Basic Prosecution Office in Gjakova, for the territory of the Basic Court in Gjakova as provided in the Law on Courts;
  - 1.5. Basic Prosecution Office in Gjilan, for the territory of the Basic Court in Gjilan as provided in the Law on Courts;
  - 1.6. Basic Prosecution Office in Mitrovica, for the territory of the Basic Court in Mitrovica as provided in the Law on Courts;
  - 1.7. Basic Prosecution Office in Peja, for the territory of the Basic Court in Peja as provided in the Law on Courts; and the
  - 1.8. Basic Prosecution Office in Prizren, for the territory of the Basic Court in Prizren as provided in the Law on Courts.

### **Article 16** **Appellate Prosecution Office**

1. An Appellate Prosecution Office is established to act for the Court of Appeals.
2. The Appellate Prosecution Office shall be headed by a Chief Prosecutor of the Prosecution Office appointed as provided for by the Law on the Kosovo Prosecutorial Council.
3. The Appellate Prosecution Office shall have jurisdiction of the entire territory of the Republic of Kosovo.
4. The residence of the Appellate Prosecution Office is in Prishtina.
5. Prosecutors appointed to the Appellate Prosecution Office will specialize in presenting prosecution cases in the Court of Appeals. When a prosecution case is heard by the Court of Appeals, the prosecutor who initiated or prosecuted the case may, with the approval of the Chief State Prosecutor, accompany and assist the prosecutor of the Appellate Prosecution Office in presenting or defending against the appeal.

**Article 17**  
**Special Prosecution Office**

1. The territorial jurisdiction, scope, and powers of the Special Prosecution Office are governed exclusively by the Law on the Special Prosecution Office of the Republic of Kosovo, No. 2008/03-L052.
2. The composition of the Special Prosecution Office and the appointment of the Chief Prosecutor of the Special Prosecution Office shall be as provided in the Law on the Special Prosecution Office of the Republic of Kosovo, No. 2008/03-L052.

**Article 18**  
**Establishment of Other Offices**

1. The Chief State Prosecutor may submit to the Council a request to establish other offices within the prosecutorial system when necessary.
2. If the Council approves the establishment of another office, it shall present to the Kosovo Assembly a proposal for budgetary supplement.

**CHAPTER V**  
**QUALIFICATIONS, CRITERIA AND THE RIGHTS FOR APPOINTMENT OF**  
**STATE PROSECUTORS**

**Article 19**  
**Minimum Qualifications and Criteria for Appointment**

1. Candidates for appointment as a prosecutor must meet the following minimum qualifications and criteria, and shall:
  - 1.1. be a citizen and resident of Kosovo;
  - 1.2. possess a valid university degree in law recognized by the laws of Kosovo;
  - 1.3. have passed the bar examination;
  - 1.4. have passed the preparatory examination for prosecutors and judges;
  - 1.5. have positive high professional reputation and moral integrity;
  - 1.6. have no final convictions for criminal offenses, with the exception of minor offenses as defined by the law;
  - 1.7. have passed the legal education exam, except the persons, that have at least seven (7) years of legal experience and lawyers that have exercised the lawyer's profession at least five (5) years.
  - 1.8. candidates who have exercised the judge's or prosecutor's job at least three (3) years, as well as candidates who have at least seven (7) years of legal experience and have passed the preparation exam during the process of appointment and re-appointment for judges and prosecutors, shall not enter the preparation exam.

**Article 20**  
**Special Criteria for Certain State Prosecutors**

1. In addition to the minimum qualifications, all candidates for appointment as state prosecutors, in certain prosecution offices, must have the following qualifications:
  - 1.1. to exercise prosecutor's function for the Serious Crimes Department of a Basic Prosecution Office, the candidate must have at least three (3) years of legal experience as a prosecutor or a judge.
  - 1.2. to exercise the function of a prosecutor at the Appellate Prosecution Office, the candidate must have at least four (4) years of legal experience as a prosecutor or a judge;
  - 1.3. to exercise the function of a prosecutor in the Special Prosecution Office, the candidate must have at least five (5) years of legal experience in criminal law, including at least three (3) years of experience as a prosecutor;
  - 1.4. to exercise the function of a prosecutor for the Office of Chief State Prosecutor, the candidate must have at least six (6) years of legal experience in criminal law, including at least four (4) years of experience as a prosecutor;
  - 1.5. to exercise the function as the Chief State Prosecutor, the candidate must have at least eight (8) years of legal experience in criminal law, including at least six (6) years of experience as a State Prosecutor.

**Article 21**  
**Compensation of State Prosecutors**

1. During the period of service, state prosecutors will be entitled to the following basic salaries:
  - 1.1. The Chief State Prosecutor shall receive a salary equivalent to that of the President of the Supreme Court.
  - 1.2. Prosecutors permanently appointed to the Office of the Chief State Prosecutor shall receive a salary equivalent to ninety percent (90%) of the salary of the Chief State Prosecutor.
  - 1.3. The Chief Prosecutor of the Special Prosecution Office shall receive a salary equivalent to ninety-five percent (95%) of the salary of the Chief State Prosecutor.
  - 1.4. Prosecutors permanently appointed to the Special Prosecution Office shall receive a salary equivalent to the salary of the prosecutors in the Office of Chief State Prosecutor.
  - 1.5. The Chief Prosecutor of the Appellate Prosecution Office shall receive a salary equivalent to that of the president of the Court of Appeals.
  - 1.6. Prosecutors permanently appointed to the Appellate Prosecution Office shall receive a salary equivalent to ninety percent (90%) of the salary of the Chief Prosecutor of the Appellate Prosecution Office.
  - 1.7. The Chief Prosecutors of Basic Prosecution Offices shall receive a salary equivalent to the salary of presidents of the Basic Courts.
  - 1.8. Each prosecutor permanently appointed to the Basic Prosecution Office

shall receive a base salary of not less than seventy percent (70%) of the salary of the Chief Prosecutor of a Basic Prosecution Office. The Council shall promulgate a schedule for additional compensation that recognizes the unique responsibilities of prosecutors appearing before the Serious Crimes Department of the Basic Court; but in no case shall the sum of the base salary and the additional compensation exceed ninety percent (90%) of the salary of the Chief Prosecutor of a Basic Prosecution Office.

- 1.9. In addition to their basic remuneration, every prosecutor will be entitled to additional compensation for other services as provided for by law or the rules issued by Kosovo Prosecutorial Council.
- 1.10. Regardless of any other provision of the law, the salary of prosecutors will not be reduced during their term of service unless it is imposed as sanction by the Council or the Council's Disciplinary Committee upon a determination that the prosecutor has engaged in misconduct or has committed a criminal offence.
- 1.11. State Prosecutors are entitled to annual leave in an amount equal to civil servants, but in no case fewer than twenty (20) days of paid annual leave per year.

## **Article 22 Protection**

Prosecutors have the right to request from the Kosovo Prosecutorial Council special protection measures for themselves and their families where a threat to life, or to the life of a family member, derives from or is the result of exercising their prosecution function.

## **Article 23 Immunity**

1. Prosecutors shall be immune from prosecution, civil lawsuit and dismissal for actions taken, decisions made, or opinions expressed that are within the scope of their responsibilities.
2. Prosecutors shall not enjoy immunity and may be removed from office if they have committed an intentional violation of the law.
3. When a prosecutor is indicted or arrested, he or she shall immediately give notice to the Chief State Prosecutor without delay.

## **Article 24 Training of State Prosecutors**

1. Prosecutors shall be entitled and required to receive professional training appropriate to enabling the effective performance of their state prosecutorial functions, as determined by the Council.
2. The Chief State Prosecutor, in conjunction with the Council, shall review training programs for prosecutors and make necessary adjustments to ensure their appropriateness, effectiveness and benefit.

## **Article 25**

### **Professional Activities**

1. Prosecutors have the right to take part in professional organizations which promote independence and the protection of professional interests of prosecutors.
2. Prosecutors may engage in activities which are in accordance with the Code of Ethics and Professional Conduct of Prosecutors, such as attending professional or scientific meetings, lectures or trainings and taking part in the preparation of different legal projects. Subject to the approval of the Chief State Prosecutor, prosecutors may be remunerated for such activities in accordance with the Code of Ethics and Professional Conduct of Prosecutors provided there is no conflict of interest and there is no violation of law, code of ethics, or other sub-legal acts.
3. Consistent with the provisions of the Code of Ethics and Professional Conduct of Prosecutors, Prosecutors may engage in professional and scientific writings but may not publish the relevant content of prosecutorial files during the exercise of or after completion of prosecutorial duty, unless it is expressly permitted by law or sub-legal act issued by the Council.

## **Article 26**

### **Conduct of Prosecutors**

1. Prosecutors shall not use the status as a prosecutor or the reputation of the State Prosecutor to advance their personal rights or interests.
2. Prosecutors shall not perform any other duty or service that may interfere with their independence and impartiality or may otherwise be incompatible with the performance of the duties of a prosecutor.
3. Prosecutors shall not engage in any political functions or activities, including membership in political parties, or running for or holding political office. Prosecutors are encouraged to vote but otherwise may not participate in elections or political activities. Seeking or maintaining political office is incompatible with the performance of the duties of a prosecutor.
4. The conduct of Prosecutors shall be consistent with the provision set forth in the Code of Ethics and Professional Conduct of Prosecutors.

## **CHAPTER VI**

### **TRANSITIONAL PROVISIONS**

## **Article 27**

### **Transition of Prosecution Offices**

1. This law shall be implemented according the following schedule:
  - 1.1. Planning Phase: from January 1, 2011 to December 31, 2011 the Council shall prepare the implementation plan to facilitate the transition from the current prosecution system to the prosecution system established by this law. The Council shall post on its website the implementation plan by December 1, 2011.

- 1.2. Implementation Phase: from January 1, 2012 to December 31, 2012, the Council shall carry out its implementation plan.

## **Article 28**

### **Responsibilities of the Council during the Planning Phase and Implementation Phase**

1. During the Planning Phase, the Council shall promulgate regulations referring to both transitional and operational issues necessitated by this Law.
2. During the Planning Phase, the Council shall also develop a detailed implementation plan including but not limited to the following:
  - 2.1. assignment, reassignment and transfer of cases to the appropriate prosecution offices having jurisdiction over the territory or subject matter of the case;
  - 2.2. allocation of personnel;
  - 2.3. transfer of physical assets amongst prosecution offices;
  - 2.4. assignment and transfer of prosecutors to appropriate offices and positions as foreseen by this law taking into account and giving due deference to assignments and decisions made during the one-time Appointment Process and workload requirements of each prosecution office; and
  - 2.5. all other matters affecting the transition of the prosecution system to the structure established by this law and for the efficient future functioning of the prosecution offices.
3. The Council shall take all necessary steps to organize, plan and fully implement the provisions of this law and to ensure smooth transition to the new court structure.

## **Article 29**

### **Completion of pending cases**

1. All cases that on 31 December 2012 are third instance cases in any prosecution office and that have not been concluded with final decisions by the court shall, on 1 January 2013, be treated as cases of the Office of the Chief State Prosecutor.
2. All cases that on 31 December 2012 are second instance cases in any prosecution office and that have not been concluded with final decisions by the court, shall on 1 January 2013, be treated as cases of the Appellate Prosecution Office.
3. All cases that on 31 December 2012 are first instance cases in any prosecution office and that have not been concluded with final decision by the court, shall on 1 January 2013, be treated as cases of the appropriate Basic Prosecution Office having jurisdiction over the respective territory.

## **Article 30**

### **Validity of Prior Acts**

All prior acts of prosecution authorities relative to cases then under their valid authority and taken prior to the transfer of competencies as provided in this law shall remain in

Administrative laws

full force and effect unless negated by subsequent court decision or direction from the Chief State Prosecutor or the Council under this law.

### **Article 31**

#### **Budget**

The Government of Kosovo shall provide adequate funds from the Budget of the Republic of Kosovo for the full implementation of this Law.

## **CHAPTER VII FINAL PROVISIONS**

### **Article 32**

#### **Abrogation of Other Laws**

1. Upon the entry into force of this law, the following laws are repealed:
  - 1.1. The Law on the Public Prosecution Office of the Autonomous Province of Kosovo
  - 1.2. UNMIK Reg. 1999/05, on the Establishment of an Ad Hoc Court of Final Appeal and an Ad Hoc Office of the Public Prosecutor.
  - 1.3. Any other law to the extent that it is inconsistent with the provisions of this law.
  - 1.7. Upon the entry into force of this law any reference in any law, regulation, directive, rule or other legal act to “Prosecution Services” or “Public Prosecutor” shall be construed to mean the “State Prosecutor”.
  - 1.8. Nothing in this law shall be construed or applied to alter, restrict, expand or otherwise change the authorities, jurisdiction, powers, or duties granted the Special Prosecution Office as provided in the Law on Special Prosecution Office of the Republic of Kosovo, No. 2008/03-L052.

### **Article 33**

#### **Entry into Force**

Articles 21, 28 and 29 shall enter into force as provided in Article 80(6) of the Constitution. The remaining part of this law shall enter into force on January 1, 2013.

**Law No. 03/L-225  
30 September 2010**

**Promulgated by Decree No. DL-049-2010, dated 18.10.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
V / No. 83 / 29 OCTOBER 2010**



## **LAW No. 04/L-193 ON THE BAR**

### **Contents**

Chapter I: General provisions.....	965
Chapter II: Conditions to practice bar .....	967
Chapter III: Lawyer's rights and obligations.....	969
Chapter IV: Law interns .....	971
Chapter V: Lawyer's office .....	972
Chapter VI: Ways of practicing the bar.....	973
Chapter VII: Suspension, termination and loss of right to practice bar .....	975
Chapter VIII: Practicing bar by foreign lawyers in the Republic of Kosovo .....	977
Chapter IX: Chamber of advocates .....	977
Chapter X: Specialization of lawyers and law firms.....	979
Chapter XI: Disciplinary liability of lawyers and law interns.....	980
Chapter XII: Punitive provisions.....	982
Chapter XIII: Transitional and final provisions .....	982

### **Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

## **LAW ON THE BAR**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Purpose**

The present Law shall regulate conditions to practice bar, ways and methods of work, rights, obligations and responsibilities of lawyers and law interns; organization and work of the Kosovo Chamber of Advocates (hereinafter KCA) and other important issues for the performance of bar.

#### **Article 2 Lawyer Office**

Lawyers may practice bar in an individual office, in a joint law office or in law firm registered in the KCA register.

### **Article 3**

#### **Bar**

1. Bar is a free and independent profession that deals with the provision of professional legal aid to natural and legal persons in protecting their freedom, rights and interests in compliance to the legal order.
2. Independence of the bar is achieved through:
  - 2.1. independent practice of bar;
  - 2.2. provision of legal aid;
  - 2.3. issuing KCA Statute and other acts;
  - 2.4. deciding on granting, termination and suspension of the right to practice bar.

### **Article 4**

#### **Legal Aid**

1. Legal aid shall include:
  - 1.1. provision of legal advice and opinions;
  - 1.2. preparation of lawsuits, claims, proposals, pleadings, legal remedies and other submissions;
  - 1.3. drafting of contracts, agreements, testaments, statements, general and specific acts and other documents;
  - 1.4. representing and defending natural and legal persons, business companies and other legal entities in front of courts and other state bodies;
  - 1.5. representing natural and legal persons in their legal tasks, in amicable resolution of disputes and contested reports;
  - 1.6. performance of other legal actions on behalf of local or international natural or legal persons, based on which rights are enjoyed and freedom and other interests are protected.

### **Article 5**

#### **Definitions**

1. Terms used in this Law shall have the following meaning:
  - 1.1. **Bar** – a profession dealing with the provision of legal aid;
  - 1.2. **Lawyer** – a person registered in the KCA who has given the oath and works in the bar;
  - 1.3. **Local Lawyer** – a lawyer who is a citizen of the Republic of Kosovo;
  - 1.4. **Foreign Lawyer** – a lawyer who has the right to practice as a lawyer in his country may work as a lawyer in the Republic of Kosovo in compliance to the conditions foreseen with this Law and other KCA acts;
  - 1.5. **Candidate** – a person who has applied to be registered at the Lawyers Registry, and holds this statute until he/she is registered in the lawyers' list and gives the oath;
  - 1.6. **ID Card** – Identification card of every lawyer and law intern registered in the KCA;
  - 1.7. **Code** – Lawyer's Code of Ethics;

- 1.8. **Chamber** – Kosovo Chamber of Advocates;
- 1.9. **Client** – a natural or legal person who requests legal aid from the lawyer and a person who is represented and/or defended by a lawyer;
- 1.10. **Representation** - representation or defense in court proceedings;
- 1.11. **Law Intern** – graduated lawyer registered in the Register of Law Interns and being trained to become lawyer;
- 1.12. **Register** – register where lawyers, law interns, joint law offices and law firms are registered;
- 1.13. **Registration** – registration of lawyers, joint law office, law firms and law interns in the respective register of the KCA;
- 1.14. **Law Firm** – general partnership, limited partnership, limited liability partnership as determined under the Law on Business Organizations;
- 1.15. **Law Office** – premises where the bar is carried out.

## **CHAPTER II**

### **CONDITIONS TO PRACTICE BAR**

#### **Article 6**

##### **Right to practice Bar**

1. The right to practice bar is granted following the registration in the KCA Registry.
2. The procedure for gaining the right to practice bar shall be initiated after the submission of application by a candidate for registration in the KCA.
3. The decision to reject the application for registration, or decision to suspend, terminate or lose the right to practice bar can be appealed.
4. The appeal shall be handed over to the Appeals Commission of the KCA within eight (8) days after the receipt of decision.
5. The Appeals Commission decision is final.
6. Administrative dispute may be initiated against the decision of the KCA's Appeals Commission.

#### **Article 7**

1. The candidate for a lawyer shall pay the fee foreseen for registration expenses and conclude a contract for professional liability insurance prior to giving the oath.
2. With a special act adopted by the KCA shall be foreseen the height of registration expenses. The height of registration expenses can not be higher than the value of three (3) minimal wages in Kosovo.

#### **Article 8**

1. A lawyer registered in Lawyer's Register in compliance with the provisions of this Law, shall obtain the lawyer's ID on annual basis.
2. The body, in front of which the proceedings are ongoing, may request the ID from every person who claims to be a lawyer.

## **Article 9**

A lawyer who has the right to practice bar in his or her country shall have the right to practice bar in the Republic of Kosovo under the terms and conditions foreseen with this law.

## **Article 10**

### **Conditions for registration**

1. KCA takes the decision to register a candidate who meets the following conditions, except if otherwise provided in this Law:
  - 1.1. citizenship of the Republic of Kosovo;
  - 1.2. a diploma of law faculty in Kosovo or a diploma of a law faculty of a foreign country that is recognized in accordance with laws regulating the higher education in the Republic of Kosovo;
  - 1.3. fully capable to work;
  - 1.4. bar exam passed in the Republic of Kosovo;
  - 1.5. not to have a regular employment;
  - 1.6. not to be under criminal proceedings or not to be tried for criminal offence for which it has been foreseen a sentence with imprisonment up to one (1) year that would make the candidate indecent to practice bar;
  - 1.7. to enjoy high esteem in performing bar in compliance with the Code;
  - 1.8. to have a suitable office for the performance of bar and required technical conditions in compliance to KCA's sub-legal acts;
  - 1.9. at least one (1) year has passed from the decision to reject the registration application at the KCA;
  - 1.10. to have completed the exam of Lawyers Code of Ethics pursuant to the regulation adopted from the KCA.
2. Only lawyers have the right to provide with legal aid, except if otherwise provided by the law.
3. Professors and associate professors of law subjects in the Republic of Kosovo faculties shall be authorized to give paid legal advice and legal opinions, but not other forms of legal aid.
4. Wording "legal advice" and "legal opinion" from paragraph 3 of this Article shall not imply drafting of memos (contracts, testaments, statements, etc.), nor shall they imply drafting of indictments, claims, pleadings, extraordinary legal remedies and other submissions.
5. Persons from paragraph 2 of this Article shall be obliged to notify the KCA for the practice of their activity according to this Law with the purpose of evidencing that they are practicing their activity in accordance with the acts of KCA.
6. Record of persons from paragraph 2 of this Article shall be prepared in line with KCA's acts.
7. Persons from paragraph 2 of this Article provide legal advices and legal opinions in accordance with the provisions of this law, KCA acts and the Lawyers Code of Ethics.
8. KCA is authorized and obliged to start the relevant legal proceeding for any case when unauthorized legal aid is provided, except if it is otherwise foreseen in a specific law.

## **Article 11**

### **Oath**

1. The lawyer, whose application for registration in the Register of Lawyers is approved, shall within sixty (60) days, from the day when decision on his/her registration is delivered, give a solemn oath in front of the competent authority of KCA. Should this not be the case, it shall be considered that he/she has renounced from registration.
2. The text of solemn oath is as follows:  
„I swear that I will practice bar with dignity, conscience, independently and honestly, by adhering to the legal and constitutional order of the Republic of Kosovo”.

## **CHAPTER III**

### **LAWYER’S RIGHTS AND OBLIGATIONS**

#### **Article 12**

#### **Lawyer’s fundamental obligations**

1. A lawyer shall be obliged to:
  - 1.1. provide legal aid in a professional, conscientious and dignified manner in line with the present Law, Statute and Code;
  - 1.2. keep the secrecy of data, evidences and information given during client representation.

#### **Article 13**

#### **Continuous Legal Education**

1. A lawyer shall undergo continuous legal education and enrich his/her knowledge for practicing bar in line with general acts of the KCA.
2. A lawyer shall provide the intern working at his/her office with good working and training conditions in compliance with training program determined by the KCA, and shall oversee his/her work and professional capacity building.

#### **Article 14**

#### **Freedom and Obligation to Provide Legal Aid**

1. A lawyer freely decides whether to provide legal aid, except in cases prescribed in this Law.
2. A lawyer shall not refuse provision of legal aid, if a court, another state authority or KCA appoints him/her as a representative or defense counsel in compliance to the law, except if there are reasons provided by law, due to which the lawyer is compelled to refuse provision of legal aid.

### **Article 15** **Pro Bono Legal Aid**

KCA shall regulate pro bono legal aid for persons in dire social situation in legal issues whereby such persons claim rights directly related to their status and in other instances prescribed in the sub-legal acts of the KCA.

### **Article 16** **Obligation to Refuse Provision of Legal Aid**

1. A lawyer shall refuse provision of legal aid:
  - 1.1. if he/she or another lawyer who has worked in the same office and has been involved in the same case or in a case legally related to the first one representing the opposing party or both parties, has given them legal advice;
  - 1.2. if in the same case or in a legally related case to the first one he/she has worked as law intern with the lawyer who represented the opposing party;
  - 1.3. if he/she is a member or used to be a member of the joint law office or a law firm, where the opposing party is being represented or used to be represented;
  - 1.4. if in the same case or in a legally related case to the first one he/she has worked as judge, prosecutor or official person in a administrative or any other proceedings;
  - 1.5. in other cases prescribed by the law, Statute and Code.

### **Article 17** **Secrecy of Lawyer**

1. In compliance with the Statute and the Code, a lawyer shall keep the professional secret and shall take care that employees in his/her office do the same.
2. Obligation to keep the professional secret is not limited in time.

### **Article 18** **Refusal of Proxy**

1. A lawyer shall have the right to denounce the proxy in accordance with this Law.
2. A lawyer shall immediately inform the competent authority, where the proceedings are taking place.
3. In case of a request by a client whose proxy has been refused, a lawyer shall continue provision of necessary legal aid, but not longer than fifteen (15) days from the day of delivery of proxy refusal at the body where the proceedings are being conducted.

### **Article 19** **Archiving and Returning Case Files**

1. After the completion of his/her representation, the Lawyer shall return to the client all case files, if the client request so.

2. Lawyer shall be obliged to keep case files in paper or scanned at least five (5) years following the completion of proceedings, except if client has renounced from such a request in writing.

## **Article 20**

### **Replacement of Lawyer**

1. A lawyer may be replaced by the intern employed at his/her office or other lawyer in line with this Law.
2. A law intern employed at the lawyer's office will not need to have an authorization of attorney in case of replacing the lawyer.
3. A law intern shall operate under the instructions of the lawyer who is being replaced.
4. For any violation made by the law intern, the responsibility shall be held by the lawyer where he/she is employed.

## **Article 21**

### **Remuneration and Compensation of Expenses**

1. A Lawyer shall be entitled to honorarium and compensation of expenses for his/her work in line with Regulation of Lawyer's Tariff.
2. The Kosovo Judicial Council, Kosovo Prosecutorial Council and Agency for Free Legal Aid in cooperation with the KCA bodies shall determine the amount of payable remuneration and compensation for representation upon official duty.
3. The invoice of a lawyer for remuneration and covering of expenses is an authentic document in the execution procedure.

## **Article 22**

### **Right of Payment and Collateral**

1. A lawyer, joint lawyer's office or a law firm shall be authorized to pay for the expenses incurred and to receive honorarium from the cash that the client has deposited or from the money that the lawyer received from the client, in case that no other agreement was reached between the lawyer and client.
2. It shall be mandatory for the lawyer to provide the client with the invoice for the services provided and expenses paid.
3. From the funds received on behalf of the client, a lawyer shall have the right on collateral for the payment of remuneration and expenses.

## **CHAPTER IV**

### **LAW INTERNS**

## **Article 23**

### **Conditions for registration on the Register of law interns**

1. A person shall be entitled for registration in the Register of law interns, if he/she meets the following conditions:

## Administrative laws

- 1.1. has the citizenship of the Republic of Kosovo;
  - 1.2. has a diploma of a law faculty in Kosovo or a law school from any other country, which is recognized in line with the laws regulating higher education in the Republic of Kosovo;
  - 1.3. is fully eligible for work;
  - 1.4. is not employed;
  - 1.5. is not convicted for criminal offense that would make him/her indecent to practice bar;
  - 1.6. is not involved in any other registered activity;
  - 1.7. is decent for practicing bar in compliance with the Code;
  - 1.8. has an employment contract with the lawyer, joint law office or with a law firm.
2. The duration of law internship at the lawyer's office is one (1) year.
  3. Other material and procedural provisions dealing with lawyers shall apply to law interns mutandis mutandis.

### **Article 24**

#### **Rights and Responsibilities of Law Intern**

1. A law intern shall carry out all duties entrusted to him/her by the lawyer and shall comply with his/her instructions.
2. A law intern is prohibited to practice juridical activities of a lawyer without explicit permission of the lawyer, where he/she is completing the internship.

### **Article 25**

#### **Liability of Law Interns**

1. For the damage that an intern may cause to the client during the performance of his/her duty under the power of attorney, the lawyer, joint law office or the law firm where the intern is working shall be directly liable.
2. A law intern shall be directly liable for the damage caused while performing his/her duties if such damage was caused intentionally or as a result of gross negligence.

## **CHAPTER V**

### **LAWYER'S OFFICE**

#### **Article 26**

1. Individual lawyer, joint law offices and law firms shall have only one office, which should be located at the location marked as such through the KCA's decision.
2. Location, provision and arrangement of lawyer's office shall be in harmony with the importance and reputation of the bar, and with the required conditions in place for the protection of professional secret in compliance to the criteria determined in KCA's sub-legal acts.
3. A lawyer can provide legal aid only at his/her office, except in cases when he/she



represents the client in court hearings, site inspections, reconstructions, negotiations or in arranging legal matters.

4. On exceptional basis, due to the circumstances of the case and nature of legal aid, a lawyer may provide legal aid also in the apartment/home or in client's headquarters.
5. A lawyer shall within fifteen (15) days inform in writing the KCA for any change of address of his/her headquarters.
6. Establishment, organization and functioning of law office shall be regulated through KCA's general acts.

## **CHAPTER VI WAYS OF PRACTICING THE BAR**

### **Article 27**

1. Lawyers may practice bar:
  - 1.1. in an individual office;
  - 1.2. in a joint law office; and
  - 1.3. in a law firm.

### **Article 28 Individual Office**

1. A lawyer shall have only one (1) office.
2. A lawyer may act as a Limited Liability Company.
3. The headquarters of a lawyer's office shall be at the location that lawyer reported to the KCA, and for which the KCA's decision has been issued.
4. Location and arrangement of lawyer's office shall be in harmony with the importance and reputation of the bar, and with required conditions in place for the keeping of professional secret in compliance to the criteria determined in KCA's acts.
5. A lawyer can provide legal aid only at his/her office, except in cases when he/she represents the client in court hearings, site inspections, reconstructions, negotiations or in arranging legal matters.
6. On exceptional basis, due to the circumstances of the case and nature of legal aid, a lawyer may provide legal aid also in the apartment/home or headquarters of a client.
7. Lawyers shall within fifteen (15) days inform in writing the KCA for any change of address of his/her office.

### **Article 29 Joint Law Office**

1. Some lawyers may also establish a joint office, and in that case they regulate mutual rights and obligations through a contract.
2. Lawyers aiming to establish joint office shall inform the KCA for the contract provided in paragraph 1 of this Article.

3. Establishment of a joint law office is registered at the relevant KCA register following the decision.
4. KCA shall be obliged to validate the registration specified in paragraph 2, 3 of this Article within thirty (30) days.

### **Article 30**

#### **Law Firms**

1. Two or more lawyers registered in the KCA, may establish a law firm.
2. Only a lawyer may be a member of law firm.
3. Only lawyers and law firm interns may provide legal aid in the law firm.
4. Law firm may employ lawyers who are not members of law firm.
5. The independence of lawyers in exercising their profession shall be protected by general rules of law firm.
6. A lawyer working in a law firm shall provide the legal aid as assigned by the firm, if not otherwise provided in the contract.
7. Law firm structure and management shall be regulated through sub-legal acts of KCA and the Law on Business Organizations

### **Article 31**

#### **Links of Law Offices**

1. Law offices may establish links with other local or international law offices with the purpose of performing duties of mutual interest and cooperation.
2. Links between law offices shall be regulated by a contract, a copy of which shall be handed over to the KCA within fifteen (15) days from its signature.
3. Conditions and method of the link of offices from paragraph 1 of this Article shall be regulated through the general acts of the KCA.

### **Article 32**

#### **Inviolability of Law Office**

1. Law office, including items and data inside, may be subject to control only in compliance with the provisions of this Law.
2. No public body may impose closure or sealing off the law office during criminal, minor offence or administrative proceedings or any other commercial crime proceedings against the lawyer.

### **Article 33**

#### **Detention of Lawyer and Search of his/her Office**

1. A lawyer shall not be detained for criminal offences related to the performance of lawyer's work without the decision of competent court.
2. KCA shall be notified on the detention of a lawyer.
3. Lawyer's office can be searched only on the grounds of competent court decision in respect of submissions, documents or other explicitly defined cases.

4. Lawyer's office may only be searched in the presence of a lawyer and authorized representative appointed by the KCA's President.
5. Items, submissions, documents, except for those from paragraph 3 of this Article, as well as information that might be gathered upon the search of lawyer's office, shall not be utilized by his/her office in any proceedings against the lawyers' clients.
6. Courts or other bodies in proceedings against the lawyer shall immediately notify the KCA on the initiation of the procedure against the lawyer or on the decision to arrest or hold him/her in detention.

#### **Article 34**

##### **Right of a Lawyer to Obtain Information**

State bodies, natural and legal persons with public authorizations shall be obliged to give to the lawyer, upon his request in accordance with the Law, data and information necessary to practice bar in concrete cases, if such action is not in contradiction with the protection of official and professional secret.

#### **Article 35**

##### **Professional liability mandatory insurance**

1. A lawyer shall be obliged to have insurance for professional liability damages at the institution registered for this purpose.
2. KCA shall determine the minimum amount of insurance for the professional liability damage.
3. KCA shall not furnish the ID card to a lawyer who has not signed a contract of professional liability insurance.
4. Procedures of professional liability insurance shall be regulated through the acts of KCA.

#### **Article 36**

##### **Marking of Submissions and Documents**

A lawyer shall sign and stamp every submission or document. If a lawyer practices bar in a law firm, beside the stamp of the law firm shall also put his stamp.

### **CHAPTER VII**

#### **SUSPENSION, TERMINATION AND LOSS OF RIGHT TO PRACTICE BAR**

#### **Article 37**

##### **Suspension of Bar Practice**

1. A lawyer has the right to request the temporary suspension of bar practice:
  - 1.1. for the purpose of professional capacity building or due to other justifiable reasons for the duration of those reasons;
  - 1.2. as a consequence of temporary impediment due to illness, maternity leave, child care leave and other health reasons;

- 1.3. if he/she is selected or appointed in a public function for the duration of his/her mandate.
2. Decision to terminate or suspend the practice of bar is taken by the KCA.
3. If the practice of bar is suspended due to the disciplinary proceedings instituted against the lawyer, the duration of suspension shall be calculated against the duration of the imposed measure for the suspension of bar.
4. After the suspension has terminated or the reasons for the suspension are terminated the lawyer begins the bar practice.

### **Article 38** **Termination of Bar Practice**

1. Bar practice is terminated:
  - 1.1. if criminal proceedings are initiated for criminal offence, which makes the lawyer indecent to practice bar;
  - 1.2. if disciplinary proceedings are initiated against the lawyer due to gross violation of his/her duty and reputation of bar;
  - 1.3. if the lawyer has been sentenced for criminal offence, which makes him/her indecent to practice bar;
  - 1.4. in cases from paragraph 1 of this Article, and in other cases, whereby the lawyer is not practicing bar due to various reasons, he/she shall inform the KCA.

### **Article 39** **Losing the Right to Practice Bar**

1. A lawyer shall lose the right to practice bar if:
  - 1.1. he/she loses the citizenship of the Republic of Kosovo;
  - 1.2. he/she loses the capability to work;
  - 1.3. due to health reasons, he/she permanently loses the capability to practice bar;
  - 1.4. against him or her has been imposed a security measure of prohibition to practice bar;
  - 1.5. he/she has been imposed with disciplinary sentence of permanent prohibition to practice bar;
  - 1.6. he/she voluntarily resigns from practicing bar;
  - 1.7. he/she does not practice bar for more than six (6) months without any justifiable reason;
  - 1.8. he/she has another job, in addition to working in law office, joint law office or law firm;
  - 1.9. he/she has been sentenced to more than one (1) year in prison for criminal offence that makes him/her indecent to practice bar;
  - 1.10. he/she does not meet the financial obligations towards the KCA for one (1) year.

## **CHAPTER VIII PRACTICING BAR BY FOREIGN LAWYERS IN THE REPUBLIC OF KOSOVO**

### **Article 40**

1. Lawyers from other countries may practice bar in the territory of the Republic of Kosovo under the reciprocity conditions.
2. The confirmation that there is a reciprocity agreement shall be given by the Ministry of Justice after taking the preliminary measure of the opinion of the Chamber of Advocates.
3. With the Statute of KCA are regulated the conditions, terms and the proceedings according to which the lawyers from other countries may practice the bar in the territory of the Republic of Kosovo.
4. Lawyers from the Member States of the European Union and United States of America may practice bar on the territory of the Republic of Kosovo.
5. By registering on the special Register of Lawyers of the KCA of the Republic of Kosovo, lawyer from paragraph 1 and 4 of this Article shall represent the document of Chamber of Advocates that proves that they are registered on their own states as lawyers and they practice bar, and also the documents for fulfilling the conditions under Article 10, paragraph 1, sub-paragraphs 2, 3, 5, 6, 7, 8 and 9 of this Law.

## **CHAPTER IX CHAMBER OF ADVOCATES**

### **Article 41**

#### **Organisation and status of the Chamber**

1. KCA is an independent professional organisation, with the capacity of a legal person and established in accordance with the law and statute of KCA, competent for practicing public authorizations and dealing with issues in general interest in accordance with law and the statute of KCA with public authorizations with the capacity of legal person.
2. The headquarters of the KCA is located in Prishtina.
3. The KCA shall:
  - 3.1. decide for the acquirement and the suspension of the right to practice bar and removal of lawyers, joint law offices and law firms from the Register;
  - 3.2. decide on the requests for temporary suspension from the bar practice;
  - 3.3. issue the fees for remuneration and compensation of lawyers expenses;
  - 3.4. adopt the general acts of the KCA;
  - 3.5. adopt the Lawyers Professional Code;
  - 3.6. decide regarding the liability of lawyers for breaching the lawyers' duties and the image of lawyers;
  - 3.7. take attention to the professional capacity and training of lawyers professional partners and law interns;
  - 3.8. provide opinions for reciprocity when required by the Ministry of Justice.

4. Internal structure of the KCA shall be regulated by the Statute.
5. The KCA has its regional branches in Prishtina, Peja, Gjakova, Prizren, Gjilan, Ferizaj and Mitrovica. The competences of regional branches shall be determined by the KCA Statute.
6. It is mandatory for lawyers, joint law offices and law firms to become members of the KCA.

## **Article 42**

### **KCA Bodies**

1. The KCA bodies are the following: General Conference, Assembly, President, Steering Board, Supervisory Board, disciplinary bodies and bodies prescribed in the KCA Statute.
2. Structure, competencies, composition, election and the rights and obligations of KCA bodies shall be regulated through the acts of the KCA.
3. The KCA Assembly is composed of representatives of regional branches on the principle of delegation, who are selected in proportion with the number of members in the regional branches.
4. The KCA Assembly is composed of eighty five (85) delegates.

## **Article 43**

### **Cooperation with Institutions**

1. KCA informs the Assembly of the Republic of Kosovo and the Government, by a written annual report, on the developments, status and challenges of bar, as well as on the measures to be undertaken with the purpose of advancing the bar and protection of human rights and freedoms.
2. KCA cooperates with state institutions and with local self-government bodies in resolving the important problems related to the performance of bar.
3. KCA shall cooperate with other international chambers and associations with the purpose of developing the bar.

## **Article 44**

### **Supervision and monitoring of the work of KCA and the bar**

1. The Government of Kosovo supervises the lawfulness of general KCA acts and is authorized to suspend the application of an act that is in conflict with the law, until the competent court makes a decision on it. This supervision is limited to the adherence to the law and legislation, by not violating the administrative autonomy of the KCA.
2. The Ministry of Justice monitors the work of bar and the conditions for its work. For this purpose the KCA may require relevant information and other data, taking into consideration the independence of the bar.
3. KCA is obliged to provide the Ministry of Justice with the information and data from paragraph 2 of this Article within thirty (30) days or to notify for the reasons for which it cannot provide with the required information and data.

**Article 45**  
**Lawyer Records and registers**

1. KCA shall maintain the register of lawyers, law interns, joint offices, law firms and foreign lawyers.
2. Records, registers and proofs from paragraph 1 of this Article are public documents.

**Article 46**  
**Membership Fee Payment**

Lawyers registered at the Lawyers Registry shall pay the annual membership fee and comply with all other obligations provided by the Statute and general acts of the KCA.

**Article 47**  
**Chamber Funding**

1. The Kosovo Chamber of Advocates is funded through:
  - 1.1. licenses;
  - 1.2. membership fees;
  - 1.3. chamber stamp;
  - 1.4. gifts and grants; and
  - 1.5. other revenues in compliance with the law and Statute.

**CHAPTER X**  
**SPECIALIZATION OF LAWYERS AND LAW FIRMS**

**Article 48**  
**Specialization of Lawyers**

1. A lawyer may request the recognition of his/her specialization in any field of law.
2. The KCA body prescribed in the Statute shall decide on the recognition of specialization.
3. The decision to reject the request for recognition of specialization may be appealed.
4. The recognized lawyer specialization shall be registered in the Register of Lawyers and may be specified in the name of law office.

**Article 49**  
**Specialized Law Firms**

1. Upon their registration, Law firms may decide to work in a specific field of law. In that case, the specialization of law firm shall necessarily be specified in its name.
2. Specialization shall be recognized to a law firm if the specialization is recognized to only one of its members in line with the provision of previous article.
3. Conditions, procedure and fields for which the specialization of lawyer and law firm may be recognized, shall be determined through the acts of KCA.

## **CHAPTER XI**

### **DISCIPLINARY LIABILITY OF LAWYERS AND LAW INTERNS**

#### **Article 50**

##### **Disciplinary Offences**

1. Lawyers and interns shall be liable for minor and serious violations of their duty and reputation of the bar before the KCA disciplinary bodies determined in its Statute.
2. Infringement of bar prestige as an independent profession is specifically considered to be a serious violation.
3. Serious violation is also considered any violation of official duty, reputation and of Lawyers Code of Ethics, that has a serious nature due to the importance of endangered goods, nature of violated official duty, the amount of material damage or other consequences, always taking into account the circumstances of committal or non-committal of offence.
4. Minor offence shall be a violation of official duty, prestige and Lawyer's Code of Ethics of minor bearing.
5. The KCA Statute prescribes serious violations of bar, prestige and Lawyer's Code of Ethics.

#### **Article 51**

##### **Disciplinary Measures**

1. For serious violations of bar duties and reputation, the following measures may be imposed:
  - 1.1. warning;
  - 1.2. fine;
  - 1.3. losing the right to practice bar from six (6) months to five (5) years;
  - 1.4. losing the right to practice bar from five (5) to ten (10) years,
  - 1.5. permanent losing of right to practice bar.
2. For gross violation of bar duties and reputation, the following measures may be imposed to law intern:
  - 2.1. fine;
  - 2.2. removal from the Register of law interns for six (6) months;
  - 2.3. permanent removal from the Register.
3. For minor violations of bar duties and reputation, warning or fine may be imposed to the lawyer, while warning may be imposed to the law intern.
4. Amount and destination of fines prescribed in this Article, shall be determined with the KCA Statute. The imposed fines shall be paid to the Chamber of Advocates.

#### **Article 52**

##### **Initiation of Disciplinary Proceedings**

1. The disciplinary proceeding is initiated by the disciplinary body, determined in the Statute, on ex-officio basis or upon the request of body prescribed in the Statute.



2. The disciplinary body shall inform the relevant body in his/her state of origin in case of initiation of disciplinary procedure against the foreign lawyers, who are registered in the Register of Foreign Lawyers in compliance to Article 40 of this Law.
3. Investigative Disciplinary Commission shall be obliged to enable the representative of competent body of foreign lawyer's state of origin to participate in proceedings and to give proposals for legal aid of a lawyer.
4. Disciplinary sentence and disciplinary measure limiting practicing of bar for the lawyer may be imposed only within the territory of the Republic of Kosovo.
5. If the competent body of the state of origin prohibits the lawyer on temporary or permanent basis to practice bar, the effect of such a decision shall also be valid for the territory of the Republic of Kosovo.

### **Article 53**

#### **Mutatis Mutandis Implementation of Law**

In the disciplinary procedure against the lawyer or law intern, the provisions of the Criminal legislation and Criminal Procedure legislation shall apply mutatis mutandis, except if otherwise provided for in the Statute or any other general act of the KCA that is approved in compliance with this Law or the Statute.

### **Article 54**

#### **Execution of Fines**

Final decisions of KCA disciplinary bodies imposing fines are executive documents, and the KCA is authorized to request their forcible enforcement in compliance to the provisions of the Law on Enforcement Procedure.

### **Article 55**

#### **Appeals in Competent Court**

Against second instance respectively final decision imposing disciplinary measure – loss of right to practice bar from six (6) months to five (5) years, loss of right to practice bar from five (5) years to ten (10) years or permanent loss of right to practice bar or removal from the Register of law interns from six (6) months to three (3) years, and permanent removal from the Register of law interns, can be open administrative dispute to the competent court.

### **Article 56**

#### **Statutory Limitation**

1. Initiation of the disciplinary procedure for minor violation shall undergo statutory limitation six (6) months following the notification for the violation and offender, and in any case shall undergo the statutory limitation one (1) year after the violation is committed.
2. Initiation of disciplinary proceedings for serious violations shall undergo statutory

limitation one (1) year after the notification of the offence and offender, and in any case shall undergo the statutory limitation two (2) years after the violation is committed.

3. Execution of disciplinary measures imposed for minor violations shall undergo statutory limitation six (6) months after the decision becomes final.
4. Execution of disciplinary measures imposed for serious violations shall undergo statutory limitation one (1) year after the decision becomes final.
5. If against the reported lawyer criminal procedure for the same disciplinary offence has been instituted, the statutory limitation shall be suspended pending final decision in the criminal proceedings before common courts.
6. Following the conclusion of criminal proceedings, the statutory limitation for disciplinary proceedings continues.

## **CHAPTER XII PUNITIVE PROVISIONS**

### **Article 57**

1. For the legal aid provided in contradiction to the provisions of this Law, Article 10, paragraph 2, a legal entity shall be fined for offence from four thousand (4,000) Euro up to fourty thousand (40,000) Euro.
2. For the offence prescribed in paragraph 1 of this Article, a responsible person from the legal entity shall be fined from five hundred (500) Euro to five thousand (5,000) Euro.
3. For the offence prescribed in paragraph 1 of this Article that is repeated for the second time, except for monetary fine, the measure of withdrawal of permission to practice bar for six (6) months shall be applied; while for the offence repeated for the third time, except for monetary fine, the measure of permanent withdrawal of permission to practice bar shall be imposed.

### **Article 58**

For the legal aid provided in contradiction to the provisions of this Law, natural person shall be fined from one thousand (1,000) Euro to five thousand (5,000).

## **CHAPTER XIII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 59**

#### **Timeline for Harmonization of KCA acts**

1. KCA shall be obliged to harmonize the general acts with the provisions of this Law within one (1) year from the entry into force of this Law.
2. Until the Statute and other general acts of the KCA are adopted, the State and other general existing acts will be applied that they are not in contradiction with this Law.

**Article 60**  
**Insurance for Professional Liability**

Provisions of this Law related to the insurance for professional liability shall apply starting from 1 January 2014.

**Article 61**  
**Pending Procedures**

Pending procedures in KCA bodies at the time of entry into force of this Law shall be continued in line with applicable provisions at that time.

**Article 62**  
**Repeal provisions**

With the entry into force of this Law, the Law on Bar No. 03/L-117 (Official Gazette of the Republic of Kosovo No. 49 of 23 September 2009), shall be repealed.

**Article 63**  
**Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-193**  
**2 May 2013**

**Promulgated by Decree No.DL-025-2013, dated 21.05.2013, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 20 / 31 MAY 2013, PRISTINA**

**LAW No. 02/L-25**  
**ON ESTABLISHING THE KOSOVO JUDICIAL INSTITUTE**

**The Assembly of Kosovo**

Pursuant to Chapter 5.3 point (e) and (f), Chapter 9.1.26 (a) and 11.2 on the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/09 of 15 May 2001),

Hereby adopts the following:

**LAW ON ESTABLISHING THE KOSOVO JUDICIAL INSTITUTE**

**GENERAL PROVISIONS**

**Article 1**

- 1.1. The Kosovo Judicial Institute (hereafter “the KJI”) is established as an independent professional body, and enjoys the status of legal entity.
- 1.2. The Headquarters of the KJI is in Pristina.
- 1.3. The KJI may enter into working agreements, cooperation and scientific and professional activities with other local and international organizations.
- 1.4. Bodies of the KJI are: The Managing Board and the director of the KJI.
- 1.5. The Managing Board shall appoint the Director of the KJI in coordination with the Special Representative of the Secretary General after the advertisement of the competitions.
- 1.6. At reasoning cases, the Managing Board shall dismiss the Director of KJI in coordination with the Special Representative of the Secretary General.
- 1.7. The KJI as the main institution for training within the judicial system of Kosovo should perform its functions based on principles of legality, impartiality and efficiency.
- 1.8. KJI is independent body which acts in corporation with KJPC or with its legal successors in the coordination of needs for professional training of judges and prosecutors of Kosovo, for training of candidates for judges and prosecutors and for other issues related to the judicial system of Kosovo.
- 1.9. The KJI shall draft the strategy and working plan in accordance with general indicators set by the Kosovo Judicial and Prosecutorial Council (hereinafter KJPC) or by their legal successor, who are responsible for judicial or prosecutorial matters in Kosovo.

## **PRINCIPLE PROVISIONS**

### **Functions of the KJI**

#### **Article 2**

- 2.1. The KJI is the main responsible institution for the following:
  - a) Training of the office holders and potential office holders, in judiciary (judges and prosecutors),
  - b) Assessment and organization of the preparatory exam for judges and prosecutors,
  - c) Special training courses for promotion of judges and prosecutors,
  - d) Basic training courses for lay judges, and
  - e) Training courses for other professionals in the area of judiciary as identified by the KJI.
- 2.2. During its work, the KJI:
  - a) Develops short, medium and long term training plans for an efficient, effective and impartial judiciary,
  - b) May perform other professional activities as a professional and research institution for the development of judiciary in Kosovo in line with the European standards.

### **Managing Board of the KJI**

#### **Article 3**

- 3.1. The Managing Board shall comprise of 13 members.
- 3.2. Mandatory members of the Board are the President of the Kosovo Judicial and Prosecutorial Council or its legal successor and the Director of Department of Judicial Administration.
- 3.3. 9 members shall be appointed by the Assembly of Kosovo, in coordination with the Special Representative of the Secretary General, on the proposal of the following institutions:
  - a) The Government, 1(one) member,
  - b) Supreme Court of Kosovo, 2 (two) members,
  - c) Public Prosecutor's Office of Kosovo, 1 (one) member,
  - d) Law Faculty of University of Prishtina, 1 (one) member,
  - e) Kosovo Judges Association, 1 (one) member,
  - f) Kosovo Prosecutors Association, 1 (one) member,
  - g) Kosovo Chamber of Advocates, 1 (one) member,
  - h) Kosovo Lawyer Association, 1(one) member.
- 3.4. Two members for the two years term shall be appointed by the following institutions:
  - a) UNMIK, 1(one) member,
  - b) OSCE, 1(one) member.
- 3.5. At least 2 (two) members of the overall membership of the Managing Board shall be from amongst the minority communities.
- 3.6. The Managing Board is responsible for:
  - a) The adoption of the KJI's Statute,

- b) The adoption of KJI's draft budget and the training programs,
  - c) Determining the structure and functions of the KJI pursuant to the present Law,
  - d) The training methodology for holders of offices and potential holders of offices in judiciary in Kosovo,
  - e) Giving advice in relation to the funding and contracting with donors in order to support the KJI's programs.
- 3.7. Members of the Managing Board shall be appointed for a term of 2 (two) years with the possibility of reappointment, but no more than for 2 (two) mandates.
- 3.8. The Managing Board shall convene as the KJI deems it necessary, but under no circumstances fewer than once in three months.
- 3.9. The President of Managing Board of KJI shall convene meetings of the Managing Board upon the notification.
- 3.10. The notification should be sent not later than five working days prior to the date of the meeting.
- 3.11. The President of the Board, who is elected by the members of the Board, chairs the meetings of the Managing Board.
- 3.12. The Director of the KJI is present in the meetings of the Managing Board and has the right to make proposals but not the voting right.

#### **Responsibilities of the Director of the KJI** **Article 4**

- 4.1. The Director for his duties is responsible to the Managing Board.
- 4.2. The Director of KJI is responsible for:
- a) Administration and general management of the KJI, as well as to ensure the fulfillment of functions entrusted to him,
  - b) Ensuring appropriate, precise and unbiased guidance and professional advices, which are in the function of the KJI,
  - c) Personnel management and organization of the KJI,
  - d) Issuing decisions and administrative instructions on all matters that relate to his functions,
  - e) Efficient and effective management of financial resources and donations allocated to the KJI,
  - f) Implementing non-discriminatory personnel policies within the KJI, including gender sensitive and ethnic representation in Kosovo.
- 4.3. The Program Coordinator shall be elected by the Managing Board after the public advertisement of the competition, pursuant to the regulations and procedures applicable for the civil service.

#### **Requirements for the appointment of the Director of the KJI** **Article 5**

- 5.1. For the Director of the KJI may be appointed a person, who:
- a) is a person who is registered or has the right to be registered as a permanent habitant of Kosovo at the Central Office of the Civil Registration, pursuant to UNMIK Regulation No. 2000/13 of 17 march 2000 on the Central Office of the Civil Registration

- b) is a graduated lawyer with at least five years of experience in judiciary,
  - c) has completed the bar exam,
  - d) preferably holds a scientific degree, and
  - e) knows the official languages in Kosovo, is considered as priority.
- 5.2. The Managing Board informs the Prime Minister and SRSG for the appointment of the Director.

### **Financing of the KJI** **Article 6**

- 6.1. The KJI is financed by the Kosovo Consolidated Budget.
- 6.2. As the case may be, revenues of the KJI may be supplemented by donors and research projects of the KJI and by other local or international entities.
- 6.3. All contributions donated by donors shall be recorded as budgetary means designated to the KJI.

### **Preparatory Exam and Course of Instruction for Candidates that Aim to Become Judges or Prosecutors** **Article 7**

- 7.1. KJI offers to the selected candidates for judges and prosecutors further training.
- 7.2. Candidates for the post of judges and prosecutors are selected based on the public and open competition through which they are submitted to preparatory exam for judges and prosecutors. The person can be elected as a candidate for the post of judges and prosecutors only if they pass the preparatory exam for judges and prosecutors. The work experience and the result of the jurisprudence exam can be taking into account at the selection of the candidates for the post of judges and prosecutors.
- 7.3. The assessment of the results achieved in the Preparatory Exam and the training course is made by the KJI according to the criteria and rules set by the KJPC or its legal successors.
- 7.4. The candidates who work in courts or in prosecutions in the capacity of professional associates can attend the courses during without cessation from their work.
- 7.5. The selected candidates shall receive a honorarium (fee) from the Kosovo Consolidated Budget.

### **Course of Practical Training for Candidates that Aim to Become Judges or Prosecutors** **Article 8**

- 8.1. The KJI, in cooperation with the KJPC or its legal successor shall be responsible for the following:
- a) Shall identify courts and public prosecutions which can support the trainings for the candidates that aim to become judges or prosecutors.
  - b) Shall appoint a Judge/Prosecutor to oversee the candidate during the training.

- 8.2. The candidate's work during the training course shall be assessed by the overseeing judge or prosecutor according to the criteria and rules set by the KJPC or its legal successors.
- 8.3. The eligibility to honorarium (fee) prescribed by Article 7.5 of the present Law is valid in this case, too.

**Basic Training Course for Appointed Lay Judges  
and Other Professionals  
Article 9**

- 9.1. At the proposal of the KJPC or its legal successor, the KJI shall organize the basic training course for lay judges.
- 9.2. Following the identification of needs by the Managing Board, the KJI shall organize training courses for other professionals in the field of law.

**Special Training Courses for Promotion  
Article 10**

- 10.1. The KJI, in consultation with the KJPC or its legal successors shall organize special training course for promotion of judges and prosecutors who have been or will be promoted within the judicial system.
- 10.2. Recently appointed judges and prosecutors shall have the right and are obliged to attend the special training courses for promotion without any secession from employment, according to provisions of Civil Service in Kosovo which are in force.

**FINAL PROVISIONS**

**Entry into force  
Article 11**

- 11.1. Issues dealing with organization and performing of KJI which have not been regulated with the present law can be regulated with the KJI status and other sub legal acts.
- 11.2. Upon entry into force of the present Law, all the provisions of other laws that are non-compliant with it shall be invalid.
- 11.3. Responsibilities set by this law for KJPC and DJA shall be transferred to their legal successors or to the institutions who will exercise their present competencies.
- 11.4. The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

**24.04 2006  
UNMIK/REG/2006/23**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
III / NO. 23 / 01 APRIL 2008**



**LAW No. 04/L-017  
ON FREE LEGAL AID**

**Contents**

Chapter I: General provisions.....	989
Chapter II: Basic provisions.....	990
Chapter III: Users of the free legal aid.....	991
Chapter IV: Free legal aid council.....	992
Chapter V: Establishment, composition and organization of the agency.....	995
Chapter VI: Providers of free legal aid.....	997
Chapter VII: Procedures for realization of free legal aid.....	998
Chapter VIII: Funding and supervision.....	1000

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves

**LAW ON FREE LEGAL AID**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

The purpose of this law is to establish a functional system for free legal aid in civil, administrative, minor offences and criminal procedure by which it shall be ensured effective approach in justice for the citizens that have no sufficient financial means.

**Article 2  
Scope**

This law determines the meaning, types, extension, users and providers of free legal aid, establishment of the Council and Agency for free legal aid, competences, procedures and conditions for realization of the free legal aid, and financing of the free legal aid.

### **Article 3**

#### **Definitions**

1. Terms used in this law shall have this meaning following:
  - 1.1. **Free legal aid** - a right in a free legal professional service for the citizens that fulfill the criteria determined by this law;
  - 1.2. **Applicant** - a person who requires free legal aid;
  - 1.3. **Beneficiary** - a person who realizes the right in free legal aid in compliance with criteria determined by this law;
  - 1.4. **Provider** - each natural or legal person who in compliance with this law provides free legal aid, as employed or contracted by the agency or in partnership with it;
  - 1.5. **Advocate** – member of the Chamber of Advocates of the Republic of Kosovo;
  - 1.6. **List of the Advocates** - the list of lawyers prepared by Kosovo Chamber of Advocates;
  - 1.7. **Gross family incomes** – the incomes of the applicant and all members of his family, including the incomes realized from the work and other profitable engagements, selling of the property, inheritance, gifts and all incomes or other profits gained in Kosovo or abroad, but excluding the property which according to the Law on Execution Procedure is exempt from mandatory execution or alienation;
  - 1.8. **NGOs in Partnership** - a non-governmental organization that enters in partnership with the Agency.

## **CHAPTER II**

### **BASIC PROVISIONS**

#### **Article 4**

##### **Extension and types of free legal aid**

1. Free legal aid shall be provided in the whole territory of Republic of Kosovo.
2. Free legal aid shall be provided in civil, administrative, minor offences and criminal procedure.
3. Free legal aid shall be provided for the following types:
  - 3.1. information and legal advices relating to legal procedures;
  - 3.2. drafting the paper-work and entire other technical assistance that has to do with completion of the case; and
  - 3.3. representation in civil, administrative, minor offence and criminal procedure.

#### **Article 5**

##### **Authorized services**

1. Authorized services of free legal aid shall be provided within the primary and secondary legal aid.

2. Primary legal aid includes the following services:
  - 2.1. information and legal advices regarding the legal procedures;
  - 2.2. drafting of paper-work and entire other technical aid that has to do with completion of the case;
  - 2.3. representation in civil, administrative and minor offence procedure;
  - 2.4. defense and representation in all phases of criminal procedure;
  - 2.5. information and legal advices related to violation proceedings;
  - 2.6. information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force;
3. The secondary legal aid includes services which are foreseen in sub-paragraph 2.2. and 2.3. of the paragraph 2. of this Article.

### **CHAPTER III USERS OF THE FREE LEGAL AID**

#### **Article 6 Criteria for delivery of free legal aid**

1. Free legal aid is provided to all persons who fulfill the criteria as follow:
  - 1.1. qualification criteria;
  - 1.2. financial criteria; and
  - 1.3. legal criteria.

#### **Article 7 Qualification criteria**

1. According to the qualification criteria, on free legal aid are entitled:
  - 1.1. the Citizens of the Republic of Kosovo which reside in the Republic of Kosovo;
  - 1.2. all persons with provisional residence in the Republic of Kosovo;
  - 1.3. other persons defined by law, or rules of international law, that bound Republic of Kosovo;
  - 1.4. persons to whom assistance on free legal aid is provided on the basis of reciprocity.

#### **Article 8 Financial criteria**

1. According to the financial criteria, the legal aid is provided:
  - 1.1. primary and
  - 1.2. secondary.
2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.
3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes.

**Article 9**  
**Legal criteria**

1. According to the legal criteria, the legal aid shall be provided by assessing validity of the case as;
  - 1.1. real value of the request;
  - 1.2. argumentative power of the evidences presented by the applicant; and
  - 1.3. probability for the success of the request.

**Article 10**  
**Immediate free legal aid**

Exceptionally in an urgent case, immediate free legal aid shall be provided to all persons detained by police, regardless the criteria required by this law.

**CHAPTER IV**  
**FREE LEGAL AID COUNCIL**

**Article 11**  
**Establishment and composition of the council for free legal aid**

1. In order to ensure the free legal aid, there shall be established the Council for free legal aid (hereafter, Council), as crucial institution which carries out its functions independently from other public institutions and without instructions and interferences from any person, as well as exercises direct supervision of the Agency.
2. The Council is composed of seven (7) members, who are qualified experts and have knowledge on justice system.
3. The members of the Council are elected from the Assembly of the Republic of Kosovo from the ranks of proposed candidates by the following institutions:
  - 3.1. Ministry of Justice;
  - 3.2. Ministry of Labor and Social Welfare;
  - 3.3. Ministry for Returns and Communities;
  - 3.4. Ministry of Finances;
  - 3.5. Kosovo Chamber of Advocates;
  - 3.6. Supreme Court;
  - 3.7. The Council shall announce public invitation for NGO members, wherein from all members it shall select three (3) of them, and then proposes them before the Assembly of the Republic of Kosovo for electing.
4. Each institution, envisaged in sub-paragraph 3.1. to 3.6. of paragraph 3. of this Article, should propose three (3) members, wherein one of them will be elected by the Assembly of Republic of Kosovo.
5. Ministry for Community and Return should propose the members from the minorities in Kosovo.

## **Article 12**

### **Proposal and electing procedure**

1. Initiation of the procedure for electing the Council's members from the relevant institutions shall be conducted by Council with the request, not later than six (6) months before the expiration of the mandate of the actual members of the Council.
2. Relevant institutions respond to the Council with the list of the proposed candidates in the time line of thirty (30) days from the date of receiving of the request from the Council.
3. The Council shall send the list with the proposed names to the respective commission of the Assembly of Republic of Kosovo for selection of the Council members in the timeline of fifteen (15) days from the day of delivery of the list with proposed persons.
4. The procedure for appointment of the Council members is applied in conformity with internal rules of the Assembly of Republic of Kosovo.
5. If the mandate of the member ends before expiration of the term for which he is electing the procedure of proposal and appointment of a new member is applied in conformity with provisions of this law.
6. During the proposal and electing procedure as well as selection of the candidates for Council members, there should be ensured the gender and ethnic representation. The Council should have a chairperson.

## **Article 13**

### **Competences and responsibilities of the Council**

1. The competences of the Council are:
  - 1.1. drafting of policies and rules for providing free legal aid that will ensure effective, efficient, comprehensive, flexible and sustainable system;
  - 1.2. the exercise of monitoring of work of the Agency and comprehensive functioning of the system of free legal aid;
  - 1.3. identification of priorities on providing of free legal aid, depending on sources and financial means available;
2. According to the needs the Council establishes special commissions for exercising the competences stipulated in paragraph 1. of this Article.
3. The council establishes, by decision, the Complaint Commission which decides in second instance for the complaints exercised against decisions issued by the regional office.
4. The Council reports to Assembly of the Republic of Kosovo once a year concerning the work of the Agency and publishes the Report in the official web page of the Agency.

## **Article 14**

### **Conditions for selection of Council members**

1. The persons that fulfill the following conditions shall be selected as Council members:

- 1.1. to be the citizen of Republic of Kosovo;
- 1.2. to be university educated;
- 1.3. to have a character, honesty and high morale;
- 1.4. to have experience and knowledge in justice system;
- 1.5. not being convicted by final judgment for criminal offence punishable by the legislation in force of the Republic of Kosovo;
- 1.6. not to exercise a function in any political party, member of the parliament in the Assembly of the Republic Kosovo or member of Government Cabinet.

### **Article 15**

#### **Mandate of the Council Members**

1. The Council's members shall be elected in three (3) years mandate without the right for re-election.
2. The Head of the Council shall be elected by the members of the Council with the mandate of one and a half year without the right for re-election.
3. The Head of the Council represents the Council, convenes and leads the meetings of the Council and carries out other responsibilities determined by this law and by the Rules of Procedure issued by the Council.
4. The chairperson of the Council shall have his deputy, who will be appointed from the ranks of the Council according to rotation system with the mandate of one (1) year.

### **Article 16**

#### **Expiration of exercising the function of the Council member**

1. The Council member finishes off exercising function when:
  - 1.1. resigns;
  - 1.2. accomplishes his/her mandate;
  - 1.3. terminates membership or terminates employment relation with the institution that has proposed him;
  - 1.4. dies.

### **Article 17**

#### **Dismissal of the Council member**

1. The Council member shall be dismissed by the Assembly of the Republic of Kosovo if:
  - 1.1. manifestation of the mental or physical disability which will impede him/her on exercising the function;
  - 1.2. pronouncement of punishment for criminal offence with lawful judgment;
  - 1.3. personal behavior in contradiction with exercising of the function.
2. Dismissal procedure of the Council members shall be applied in conformity with internal rules of the Assembly of Kosovo.

**Article 18**  
**Council members' payment**

1. The Council members' shall hold regular meeting according to the needs for which they enjoy the right for daily allowance.
2. For other working meetings of the Council its members do not enjoy the right in daily allowance.
3. The Council members shall take daily allowance for each meeting held but not more than once monthly.

**CHAPTER V**  
**ESTABLISHMENT, COMPOSITION AND ORGANIZATION OF THE**  
**AGENCY**

**Article 19**  
**Establishment and the Status of the Agency**

1. By this law is established the Agency for free legal aid (hereafter, Agency).
2. Agency is an independent public institution which exercises functions and responsibilities in compliance with this law.
3. Agency is the only institution in the territory of the Republic of Kosovo responsible for organization and providing of free legal aid.
4. Bodies of the agency are:
  - 4.1. Executive Directory;
  - 4.2. Regional office for free legal aid (hereafter Regional office), that is determined with special decision of the Council.
5. The headquarter of the Agency is in Prishtina

**Article 20**  
**Executive Directory**

1. Executive Director is the body of the Agency.
2. Competences of the Executive Director are:
  - 2.1. coordination of work of the system of free legal aid;
  - 2.2. preparation of the proposal for the annual budget of the Agency;
  - 2.3. proposal of the organizational structure of the Agency to be adopted by the Council;
  - 2.4. employment and monitoring of the Agency's employees;
  - 2.5. contracting of goods and services for functioning of the system of free legal aid;
  - 2.6. organization of training for providers of free legal aid;
  - 2.7. running the awareness campaigns regarding free legal aid system;
  - 2.8. preparation of regular annual reports and other reports upon the request of the Council;
  - 2.9. maintaining the registers and preserving the documents and data relating to the functioning of the Agency.
3. Executive Director for his work reports to the Council.

## **Article 21**

### **Selection of Executive Director**

1. The Executive Director of the Agency is selected by the Council, in accordance with the provisions of applicable Law on Civil Service.
2. The conditions for Executive Director of the Agency are:
  - 2.1. to be a citizen of the Republic of Kosovo;
  - 2.2. Bachelor in Law with professional experience at least five (5) years in the field of law;
  - 2.3. to be acquainted with official languages in Republic of Kosovo;
  - 2.4. to have a character, honesty and high morale;
  - 2.5. to have experience and distinguished knowledge in the field of justice system in the Republic of Kosovo;
  - 2.6. not to be convicted by final judgment for criminal offence;
  - 2.7. not to be a member of any political party, deputy of the Assembly of the Republic Kosovo or member of Government Cabinet.

## **Article 22**

### **Regional offices for free legal aid**

1. The regional offices cover the delivering of free legal aid in all territory of the Republic of Kosovo.
2. Regional Offices are obliged to provide free legal aid in the municipalities which are covered by that regional office, through the mobile offices.
3. The competences of regional office are:
  - 3.1. receiving the requests for free legal aid;
  - 3.2. engagement of the providers of free legal aid;
  - 3.3. providing the free legal aid in compliance with determined authorizations by this law;
  - 3.4. keeping the evidences relating to the applicants, beneficiaries and legal services provided;
  - 3.5. coordination with local institutions regarding offering of free legal aid;
  - 3.6. organization of campaigns for legal awareness;
4. The competences defined under paragraph 3. of this Article shall be exercised by the officials whose qualification is determined by sub-legal act.
5. Regional offices for their work shall report to the Executive Director.

## **Article 23**

### **Agency's personnel**

1. The Civil personnel of the Agency is composed by civil clerks in compliance with the Law on Civil Servants of the Republic of Kosovo.
2. The Civil Personnel of the Agency, shall be selected and dismissed by the Director of the Agency, in compliance with the Law on Civil Servants of the Republic of Kosovo.



## **Article 24**

### **Working Principles**

The work of the Council and of the Agency is based in the principles in which the work of the bodies of state services are based as professional lawfulness, transparency, publicity, responsibility, effectiveness, economizing and impartiality.

## **Article 25**

### **Non-discrimination and Confidentiality**

1. The beneficiary of the legal aid is entitled in legal aid guaranteed under this law, regardless of his/her national origin, respectively ethnicity, race, color, language, religion or political affiliation, gender identity, sexual orientation, health condition, disability, citizenship or residence.
2. The officials of the legal aid and providers of the free legal aid do not express their opinions in public for the issues that have to do with the case being treated or that has remained to be treated before the Judicial or Administrative body. In addition, they restrain oneself from making public comments that could affect the privacy of one or another entity.

## **CHAPTER VI**

### **PROVIDERS OF FREE LEGAL AID**

## **Article 26**

1. Providers of free legal aid are:
  - 1.1. Regional offices;
  - 1.2. Mobile Offices for free legal aid;
  - 1.3. Lawyers advocates;
  - 1.4. Non-Governmental organizations in cases when they enter in partnership with Agency.

## **Article 27**

### **Regional offices**

Regional offices are bodies that exercise their activities in the whole territory of the Republic of Kosovo, as stipulated under the Article 22 of this law.

## **Article 28**

### **Mobile offices for free legal aid**

1. The mobile offices for free legal aid shall be established by the Council with the proposal of the Executive Director.
2. The mobile offices for free legal aid as a form of organization of legal services, act in those municipalities in which the free legal aid offices are not established.

**Article 29**  
**Advocates**

1. Advocates offer legal services authorized within the primary and secondary legal aid.
2. Kosovo Chamber of Advocacy prepares and delivers at the Agency the list of lawyers who express readiness for offering free legal aid.
3. The agency concludes individual contracts with lawyers that express readiness to offer free legal aid.
4. Advocates provide authorized services of free legal aid under the tariff on compensation determined from the Agency by sub-legal act.
5. Regional Office for cases which should represent at courts and other bodies the beneficiaries of free legal aid, appoint lawyer from the updated list of Advocate chamber.
6. The procedure for engaging lawyers is regulated with sub-legal act.
7. Authorized services of representation and defense in court proceedings are offered only by lawyers.

**Article 30**  
**Non-Governmental Organizations**

NGO-s provide legal services authorized under the criteria established by the Council on the proposal of the Director of the Agency.

**CHAPTER VII**  
**PROCEDURES FOR REALIZATION OF FREE LEGAL AID**

**Article 31**  
**Initiation of Procedure**

1. The procedure for realization of free legal aid shall be initiated with the submission of the application in the nearest legal aid office.
2. Form and content of the form for submission of application for legal aid shall be regulated by sub-legal act.
3. The submitter of the application has an obligation to provide the documentation required to prove the grounds of the application for free legal aid.
4. In the absence of relevant documentation for the category of victims of violence, such as validity of the request is taken written statements of witnesses defender.
5. Officials of the office for legal aid shall be obliged to advise the submitter of the request for free legal aid application.
6. The application form is filled out by officials of the Office for free legal aid
7. In case if the legal aid applicant presents untrue statements on the basis of which is based the legal aid, legal aid officials have the right to investigate the financial situation of beneficiaries, requiring every public body to give out the information on the financial situation of him/her.

## **Article 32**

### **Decision**

1. The Decision on request for free legal aid is taken in the office for free legal aid where was submitted the application.
2. In the case of making the decision on free legal aid, the officials of free legal aid asses the criteria set by this law.
3. Legal aid office decides to grant or deny an application for free legal aid.
4. The decision to grant or deny an application shall be taken within five (5) working days from the day of the delivery of completed documentation.
5. The decision to grant free legal aid determines the authorized services for free legal aid which are offered regarding the approved request.
6. Authorized Services of representation or the defense before the court are referred to the lawyer.
7. Free legal aid recipient is obliged to immediately notify the legal aid office for the change of circumstances prescribed with this law, which have influenced the decision to grant free legal aid.
8. If it is concluded that the recipient of free legal aid illegally has benefited or continue to take free legal aid, legal aid offices with decision interrupts immediately authorized services for free legal aid and obligates the beneficiary to reimburse all expenses incurred from providing free legal aid, where all these revenues go to the Kosovo budget.

## **Article 33**

### **Subsidiary Application**

If by this law is not regulated in general the decision procedure according to the request for allowing free legal aid, provisions of the Law on Administrative Procedure shall be applied.

## **Article 34**

### **Appeal against decision on refusal of free legal aid**

1. Against the decision in which is refused to grant the request for allowing free legal aid, the applicant has the right to appeal to the appeal committee (hereinafter committee).
2. The Appeal is submitted to the Commission within eight (8) days of receipt of the decision on refusal of free legal aid.
3. The committee decides within thirty (30) days from the day of receiving the appeal for free legal aid.
4. The decision of the committee is final decision.
5. The committee deciding regarding the appeal takes the decision as follows:
  - 5.1. rejects the appeal as not permitted;
  - 5.2. approves the appeal as grounded, abolishes the decision with which was refused the free legal aid and allows the free legal aid; and
  - 5.3. refuses the appeal as ungrounded.

**Article 35**  
**Appeal against the free legal aid provider**

1. Free legal aid beneficiary has the right to appeal against unprofessional and unethical legal services offered by providers of free legal aid.
2. The appeal procedure under this Article takes place at the Appeal Committee, as provided for under Article 13 paragraph 3. of this law.
3. Committee shall decide on the appeal within fifteen (15) days of receipt of the appeal by the office for receiving appeals on free legal aid.
4. The Committee after reviewing the appeal shall decide the following:
  - 4.1. if the approved appeal is addressed against the lawyer, the Council shall notify the Kosovo Chamber of Advocates in order to take disciplinary measures in accordance with regulations of the Chamber of Advocates;
  - 4.2. if the approved appeal is addressed against the official of legal aid office, the Council shall authorize the disciplinary measures prescribed by sub legal act of the Agency;
  - 4.3. if the approved appeal is addressed against a non-governmental organization, the Council shall authorize measures specified in the services contract with the respective organization and shall notify the Minister of Public Administration.

**CHAPTER VIII**  
**FUNDING AND SUPERVISION**

**Article 36**  
**Funding from the Budget of the Republic of Kosovo**

1. The Agency shall be financed from the budget of the Republic of Kosovo, in compliance with the Law on Management of Public Finances and Accountability.
2. Agency manages independently with its own budget and is subject to internal and external audit in accordance with applicable law.

**Article 37**  
**Donations**

Agency may accept additional donations from local and international donations. Funds received from donations shall be reported to the Assembly of Republic of Kosovo on annual basis, in accordance with applicable law.

**Article 38**  
**Transitional provisions**

1. The members of the Council shall be selected in compliance with this law, within three (3) months after entering into force of this law.
2. The council shall select Executive Director within three (3) months after selecting the members of the Council.

3. Initiation of the procedure for selecting the members of the Council shall be made by the Committee for free legal aid, not later than one (1) month after the entrance into force of this law.
4. The Council issues the internal rules of procedure within three (3) months after selecting the members of the Council.
5. The Council issues sub-legal acts in compliance with this law, within three (3) months after selecting the members of the Council.
6. The Committee for free legal aid shall continue the work upon the entrance of this law in force, in compliance with the scope of work stipulated by this law, as Council for free legal aid until the selection of members of the Council.
7. After the establishment of the Council for free legal aid all clerks of the Committee for legal aid shall be transferred in the Agency, as well as the rights and obligations, cases, equipments, working devices and archive which is necessary for carrying out of responsibilities from its scope of work.

### **Article 39** **Abrogation provisions**

Upon the entry into force of this law, the UNMIK Regulation no. 2006/36 shall be abrogated.

### **Article 40** **Entry into force**

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-017**  
**2 February 2012**

**Promulgated by Decree No.DL-005-2012, dated 14.02.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 03 / 22**  
**FEBRUARY 2012, PRISTINA**

## **LAW No. 03/L-101 ON PARDON**

### **Contents**

Chapter I: General provisions.....	1002
Chapter II: Pardon procedures.....	1004
Chapter III: Final provisions .....	1005

### **Assembly of Republic of Kosovo,**

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

In accordance with paragraph (29) of Article 84 of the Constitution of the Republic of Kosovo;

Adopts:

## **LAW ON PARDON**

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1 Purpose of the Law**

This law determines the legal authorizations of the President of Kosovo for granting individual pardon.

#### **Article 2 Definitions**

For purposes of this law:

- **“Pardon”** means the extraordinary executive power of the President to forgive a convicted person of his or her criminal offence and to relieve him or her of the punishment imposed by a court’s judgment and sentence;
- **“Convicted Person”** means a person convicted and sentenced pursuant to a final judgment of a court of Kosovo;
- **“Request”** means a request for pardon pursuant to this law;
- **“Ministry”** means the Ministry of Justice of the Republic of Kosovo;
- **“President”** means the President of the Republic of Kosovo;
- **“Rehabilitation”** means reinstatement of all civil rights to a convicted person,

including legal rehabilitation pursuant to Article 87 of the Provisional Criminal Code of Kosovo.

### **Article 3**

#### **Principles for Pardon**

1. Pardon is President's right intended not as a routine remedy, but as a seldom-used tool to reward extraordinary displays of character and conduct or to address serious humanitarian concerns.
2. With a pardon, the President relieves a convicted person of all of the punishment imposed by a final court decision.
3. A pardon relieves the convicted person from protective measures, fines and any other punishments included in the sentence imposed by the court.
4. A pardon shall provide a convicted person with immediate rehabilitation.
5. A pardon shall not provide the right to financial compensation for the person receiving pardon.
6. A grant of pardon to a convicted person shall not affect the rights or obligations of any other persons under the court judgment affected by the pardon.
7. A request for pardon does not stay the execution of a sentence.

### **Article 4**

#### **Eligibility for Pardon**

1. Only a person convicted for a criminal offense and sentenced pursuant to the final judgment of a court of Kosovo is eligible for a pardon from the President, except as otherwise provided in this Article.
2. Convicted persons outside Kosovo, who are suffering their sentence in Kosovo, have a right to request a pardon.
3. A convicted person is not eligible to request a pardon if he or she is intentionally evading the execution of sentence for the offence.
4. A convicted person whose request for pardon has been denied by the President is not eligible to request a pardon for the same offence unless it can be shown that compelling new circumstances have arisen since the denial of the previous request.
5. A person convicted under Chapter XIII or Chapter XIV of the Criminal Code of Kosovo for a criminal act against Kosovo or its citizens or against international law is not eligible to request a pardon.

### **Article 5**

#### **Criteria for Pardon**

1. Criteria considered in deciding whether to grant a pardon shall be defined by the President in compliance with the Constitution and the law.
2. Circumstances to be considered in granting a pardon include, but are not limited to:
  - 2.1. seriousness of the crime;
  - 2.2. risk of recidivism;
  - 2.3. existence of genuine repentance;
  - 2.4. demonstrates of honorable conduct and character.

## **CHAPTER II PARDON PROCEDURES**

### **Article 6 Initiating Requests for Pardon**

1. A request for pardon shall be presented as a written request by the convicted person. On behalf of the convicted person the request can be presented, by a spouse, child, sibling or other person authorized by the convicted person.
2. The request shall be addressed to the President.
3. The request shall contain a brief history of the case, a statement of the facts, circumstances and reasoning that support the request for pardon, any other documents or information deemed necessary by the person making the request, and any other relevant information that may be required.
4. A request may be withdrawn at any time by the convicted person or by the person who made the request on behalf of the convicted person.

### **Article 7 Processing Requests for Pardon**

1. Upon receiving a request for pardon, the President may instruct the Ministry to compile related information.
2. Upon the request of the President, Ministry shall compile relevant personal records maintained by the Correctional Service of the Republic of Kosovo regarding the convicted person and shall notify the Court that has decided on that particular case, the prosecutor and the injured party.
3. If requested by the President, the Ministry shall compile additional relevant information from its records or from any other sources.
4. When the Ministry has compiled all the relevant information, it shall transmit the information to the President.

### **Article 8 Decision on the Request for Pardon**

1. The President grants a pardon with a decree which shall be published in the Official Gazette of the Republic of Kosovo.
2. Upon granting a pardon, the President shall notify the person who filed the request, the person receiving the pardon and the Ministry.
3. When the President denies a request for pardon. He shall notify the person who filed the request, the convicted person and the Ministry.
4. Unless otherwise indicated, the President's decree of pardon shall be effective immediately upon signing. The Ministry shall implement the decree within forty eight (48) hours after being informed by the President.



**CHAPTER III  
FINAL PROVISIONS**

**Article 9  
Applicability**

This law applies only to requests for pardon submitted after this law enters into force.

**Article 10  
Entry into Force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-101  
12 December 2008**

**Promulgated by the Decree No. DL-076-2008, dated 30.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR  
IV / No. 46 / 15 JANUARY 2009**

**LAW No. 03/L-141**  
**ON MANAGING SEQUESTERED OR CONFISCATED ASSETS**

**Contents**

Chapter I: General provisions.....	1006
Chapter II: Basic provisions.....	1007
Chapter III: .....	1009
Chapter IV: .....	1009

**Assembly of Republic of Kosovo,**

In support of Article 65 (1) of Constitution of the Republic of Kosovo,

Adopts:

**THE LAW ON MANAGING SEQUESTERED OR CONFISCATED ASSETS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose of the Law**

This law establishes the Agency for the management of sequestered or confiscated assets as an executive Agency under the Ministry of justice and also determines its duties and responsibilities.

**Article 2**  
**Definitions**

In the meaning of this law:

- **“Agency”** means the Agency on the Management of Sequestered or Confiscated Assets;
- **“Confiscation”** means permanent suspension of the assets, ordered by a final decision of the competent court or another competent authority in accordance with the law in force.
- **“Ministry”** refers to the Ministry of Justice;
- **“Competent authority”** means every authority or institution which in accordance with the law is authorized to sequester or confiscate assets.
- **“Sequestered or confiscated assets”** are considered personal estates, real estates, money and bonds that are in legal circulation;

- **“Sequestration”** means temporary suspension of the assets ordered by a competent authority in accordance with the law in force.

## **CHAPTER II BASIC PROVISIONS**

### **Article 3 Establishment**

1. In order to professionally manage the sequestered or confiscated asset the Ministry establishes the Agency for management of sequestered or confiscated assets.
2. The functional and organizational Structure of the Agency is regulated with special sub-legal acts issued by the Ministry.

### **Article 4 Duties and responsibilities**

1. Agency:
  - 1.1. preserves and manages the sequestered or confiscated assets in cooperation with the court, prosecution, or other competent organ, in accordance with the law in force;
  - 1.2. assists in the execution of the decisions for sequestration or confiscation of assets as required by competent authorities;
  - 1.3. enables the sale of sequestered or confiscated assets with the authorization of the competent authority;
  - 1.4. based on needs engages experts to estimate the value of the assets and the manner of preserving sequestered or confiscated assets;
  - 1.5. manages data regarding sequestered or confiscated assets in a centralized computer system;
  - 1.6. reports to the Minister regarding work of Agency two (2) times a year or more often based on the request of the Minister.

### **Article 5 The execution of the court decisions regarding the sequestered or confiscated assets**

1. The Agency cooperates and helps court, the prosecutor or any other competent authority for the execution of its decision regarding the sequestered or confiscated assets.
2. With the request of the prosecutor or court, the Agency insures the logistical support for sequestering or confiscating assets.

### **Article 6 Data management**

1. The Agency collects, manages and proceeds data, including decisions of the competent authorities and all actions with regard to sequestration or confiscation of assets.

2. The Agency manages and preserves data regarding the sequestered or confiscated assets for a period of ten (10) years from the date when the Agency accepted the final decision for confiscation by court or any other competent authority.
3. The Agency is obliged to preserve the private data of the subjects involved in a concrete case according to the law in force.
4. The data of the competent authority should include accurate information regarding the sequestered or confiscated assets and people to whom such measure has been pronounced.
5. The Agency may require additional information from competent authorities finding them necessary for fulfillment of its responsibilities.

### **Article 7**

#### **Management of sequestered and confiscated assets**

1. The competent authority involved in the procedure of sequestration or confiscation of assets is obliged to inform the Agency within ten (10) days regarding the issued decision.
2. The decision of the court or the competent authority for the sequestration or confiscation of the assets shall be executed within fifteen (15) days and the assets must be delivered to the Agency.
3. The Agency flag acknowledgment for expecting the assets sequestered or confiscated
4. The Agency takes necessary actions to adequate taking care and insurance of the value of the assets sequestered or confiscated.
5. Preservation of the value may be insured by keeping or selling of the sequestered or confiscated assets by the Agency by selling these assets so its value is converted into monetary counter-value
6. In particular cases, the Agency may request from the court or competent authority that the sequestered assets are given for use or maintenance to the person from whom the asset has been sequestered.
7. Unauthorized appropriation or utilization of the sequestered or confiscated assets is punishable with Penal Code of Kosovo.
8. Within ten (10) days after the expectance of the sequestered or confiscated assets the Agency shall inform courts or competent authority which rendered the decision for sequestered or confiscated assets, including one copy the registered assets. The Agency shall inform court or the competent authority for location, general condition, specifics and the value of the assets.

### **Article 8**

#### **The sale of sequestered or confiscated Assets**

1. On the proposal of the Agency the Prosecutor or any other competent authority may require from the court to decide to sale a replaceable asset that may lose the value or its storage exceed its value when is placed in storage or the storage expenses are un-proportional with the value of sequestered assets.
2. The court shall inform subjects that are parties in the procedure as well as the Agency regarding the decision issued for selling confiscated or sequestered assets.

3. After the acceptance of the final decisions of the competent court for sailing of the assets, the Agency develops the procedure for sailing the assets in accordance with the law in force.

### **Article 9**

#### **Procedure after the sale**

1. Following the sale of sequestrated or confiscated assets the income generated replaces the value of the sold assets. The Court that rendered the decision for sale informs the Agency for the result of the sale.
2. The Agency is obliged to manage every rate which is gained from the selling of the confiscated assets.
3. Incomes realized from the sale shall be deposited in bank account of the Agency in the Central Bank of the Republic of Kosovo.
4. When the court or any other competent authority decides to return assets in procedure, the Agency is obliged within fifteen (15) days to execute the decision.
5. Funds from selling the confiscated assets, after the final court decision, shall be deposited in the Kosovo budget.

## **CHAPTER III**

### **Article 10**

#### **Exchange of information**

1. Natural or legal entity to whom the assets are sequestrated or confiscated has the right to request information from the Agency regarding its sequestrated or confiscated assets.
2. The third natural or legal party who has legal interest may request necessary information from the Agency regarding the confiscated or sequestrated assets.

### **Article 11**

Every official of the Agency is obliged to keep secrets for every data which are considered confidential. Such information may be discovered in accordance with the Law for Access to Official Documents.

## **CHAPTER IV**

### **Article 12**

#### **Transitional Provisions**

1. This law is also applicable in cases when proceedings for sequestration or confiscation of assets have begun at the moment of its entry into force.
2. Within six (6) months after entry into force of this law, the Ministry shall issue sub-legal acts deriving from it.

**Article 13**  
**Entrance into force**

This law will enter into force on 1 January 2010.

**Law No. 03/L-141**  
**10 July 2009**

**Promulgated by the Decree No. DL-021-2009, dated 17.07.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 58 / 10 AUGUST 2009**

**LAW No. 03/L-187  
ON FORENSIC MEDICINE**

**Contents**

Chapter I: General provisions.....	1011
Chapter II: Performance of forensic examinations.....	1011
Chapter III: Impartiality, professional confidentiality and benefits .....	1013
Chapter IV: Transitional and final provisions .....	1016

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of Republic of Kosovo

Approves

**LAW ON FORENSIC MEDICINE**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose of Law**

1. The purpose of this Law is to regulate the procedure for the performance of forensic examinations under the authority of the Department of Forensic Medicine.
2. All forensic experts shall perform their duties, independently, impartially from any influence and shall adhere to principles of professional confidentiality regarding the collected information, analysis and other data for which they learn during their official duty and they shall not restrain themselves to discriminating practises, in compliance with the Law.

**CHAPTER II  
PERFORMANCE OF FORENSIC EXAMINATIONS**

**Article 2  
Experts who perform forensic examinations**

1. All forensic examinations shall be performed by the certified specialist (expert) of forensic medicine.
2. Forensic examinations may be performed also by a person who is specialising in forensic medicine under the supervision of a forensic specialist.

**Article 3**  
**The Location for the performance of forensic examinations**

1. All forensic examinations are performed in the premises of the Department of Forensic Medicine.
2. In exceptional cases court may order the performance of forensic examinations outside of the premises of the Department of Forensic Medicine, after the appropriate conditions are provided.

**Article 4**

1. Forensic autopsy shall be performed only based on the order issued by the competent court.
2. Forensic autopsy is performed but not limited to the following cases:
  - 2.1. homicide or suspected homicide
  - 2.2. sudden unexpected death,
  - 2.3. suspicion for torture or any other form of ill treatment;
  - 2.4. suicide or suspected suicide;
  - 2.5. suspicion during medical treatment
  - 2.6. accidents, whether during transportation, work related or domestic;
  - 2.7. occupational diseases and hazards;
  - 2.8. technological or environmental disasters;
  - 2.9. death during custody, detention, detainment and imprisonment
  - 2.10. death associated with police or military activities
  - 2.11. unidentified bodies or skeletons;
  - 2.12. death during surgery, or within twenty-four (24) hours after the surgery, anaesthesia, or any other medical intervention;
3. The Autopsy report shall be an integral part of the procedures of forensic autopsy.
4. The Autopsy report shall be signed by the specialist or by the members of panel of forensic experts who have performed the autopsy.

**Article 5**  
**Term for performance of forensic examinations and autopsy**

1. All forensic examinations shall be performed without delay.
2. A Forensic Autopsy may not be performed earlier than six (6) hours after the ascertainment of death by the doctor.
3. All forensic autopsy reports shall be completed and signed ten (10) days after the receipt of laboratory results. While, the final report of the experts of forensic medicine shall be compiled within three (3) working days after the forensic clinical examination.
4. In exceptional cases, the time limits determined in paragraph 3 of this Article may be extended with the written approval of the Director of the Department of Forensic Medicine. The written approval shall clearly state the reasons for extending the time limits.
5. All forensic examinations are considered completed when forensic specialist prepares and signs the final report.



**Article 6**  
**Forensic Autopsy expenses**

The expenses of the autopsy shall be carried by the body or entity that gives the order or request to perform an autopsy.

**CHAPTER III**  
**IMPARTIALITY, PROFESSIONAL CONFIDENTIALITY AND BENEFITS**

**Article 7**  
**Confidence of Information**

1. Information collected during the performance of forensic examinations shall be kept in confidence from the public opinion.
2. Disclosure of information foreseen in paragraph 1 of this Article shall be done only with court order issued by a competent court.
3. All data collected by the Department of Forensic Medicine shall adhere to the Law on protection of personal data.

**Article 8**  
**Investigation and judicial bodies obligations for forensic autopsy**

1. Investigation and judicial bodies that are aware for the cases for which a forensic examination is required shall immediately inform the Department of Forensic Medicine.
2. Investigation authorities shall provide the Department of Forensic Medicine with any fact, biological sample, original document or any other material which may assist the forensic medical expertise.
3. The Forensic Department shall assume the custody of the dead body, clothing, biological samples and any other material related with the scene of death which may assist the forensic expertise.

**Article 9**  
**Exhumation**

Exhumation of the body or body parts shall be done by the Department of Forensic Medicine only with the court order.

**Article 10**  
**Burial and Release of body and personal items**

1. After the autopsy is conducted, the identified dead body, parts of body and mortal remains shall be handed over to family members unless it is necessary to keep them for further forensic investigations or examinations.
2. The Department of Forensic Medicine shall ask order from the court authorities on whose request the autopsy was performed, to bury the deceased in the following cases:

## Administrative laws

- 2.1. if the dead body or parts of a dead body are not identified even after exhausting all available means, within six (6) months;
  - 2.2. if there are no identified family members to claim the body or body parts;
  - 2.3. if the identified family members refuse to take the identified dead body or body parts;
  - 2.4. if, for any other reason, it is not possible to hand over the body or body parts to family members for burial.
3. The Department of Forensic Medicine shall hand over to the police any item found on the body, including clothes and personal items, which were not previously collected by the police at the crime scene.

### **Article 11** **Forensic Clinical examination**

1. The Department of Forensic Medicine shall perform all forensic clinical examination, which may include but are not limited in:
  - 1.1. determination of the means and the level of body injuries;
  - 1.2. determination of the work capability, health condition, age and identity
  - 1.3. determination of the sexual condition, virginity test and examination of victims of sexual offences against sexual integrity;
  - 1.4. determination of paternity and maternity tests;
  - 1.5. suspected child abuse;
  - 1.6. body injuries;
  - 1.7. traumas as a consequence of the use of alcohol and narcotic psychotropic substances;
  - 1.8. suspected illegal abortions;
  - 1.9. suspected non accidental injuries;
  - 1.10. suspected illegal organ, tissue and cell transplants.
2. Forensic Clinical Examinations shall be performed on the victim and the suspected perpetrator.
3. The forensic clinical examination shall be performed only after informing the patient for the nature of the examination to be performed and after obtaining a written consent from the patient. In case of refusal without any reason, the provisions of penal procedure code are applicable.
4. When patient is under age of eighteen (18) or is not in position to give consent, the foreseen consent under paragraph 3 of this Article shall be obtained from the parent or legal representative of the patient.
5. Forensic Clinical examinations pursuant to paragraph 3 and 4 of this Article are performed with the request in writing from the investigation and judicial authorities.

### **Article 12** **Assistance**

1. If during the post mortem examination, the Forensic Specialist identifies that the expertise of specialists of other fields is required, an expert panel shall be formed by the Department of Forensic Medicine.
2. The composition of the expert panel and its rules of procedure shall be regulated by internal rules of the Department of Forensic Medicine.

### **Article 13**

#### **Forensic Operational Procedures**

1. All forensic examinations procedures shall be conducted in compliance with the Law and internal regulations (SOPs) issued by the Department of Forensic Medicine.
2. All activities related with forensic medicine including forensic toxicology, histopathology, anthropology, psychiatry, biology and all other fields can be regulated with internal regulation of the Department of Forensic Medicine.
3. Forensic Examinations Procedures determined in internal rules of the Department of Forensic Medicine shall include, but shall not be limited to:
  - 3.1. presence of forensic expert at death scene or at the scene of finding the dead body;
  - 3.2. chain of custody of mortal remains and evidence collected at the death scene;
  - 3.3. handling or repatriation of mortal remains;
  - 3.4. forensic autopsies;
  - 3.5. site assessment, excavations and exhumations;
  - 3.6. collection, storage, analysis and provision of human tissue for forensic histopathology purposes;
  - 3.7. forensic toxicological analysis;
  - 3.8. documentation and certification of examinations;
  - 3.9. forensic reportings;
  - 3.10. storage and analysis of human skeletal remains;
  - 3.11. composition of forensic experts panel;
  - 3.12. forensic clinical examinations which require the application of
  - 3.13. forensic nurse services;
  - 3.14. collection of bodily fluids of living patients;
  - 3.15. identification;
  - 3.16. repatriation, storage and analysis of human tissue and fluid samples;
  - 3.17. dental examinations;
  - 3.18. processing, recording, and storage of personal effects;
  - 3.19. sending samples to forensic laboratories;
  - 3.20. identifying, processing, and handling of Mass Fatalities;
  - 3.21. Mass Disaster Management with the assistance towards civil societies;
  - 3.22. scientific Research, forensic education and training;
  - 3.23. forensic archaeology and anthropology education and training.

### **Article 14**

#### **Working hours**

1. Considering the specific working conditions and the high risk for the health, the staff of the Department of Forensic Medicine can not spend more than six (6) hours in the process of autopsy or other examinations.
2. The issue of the payment of staff on call, foreseen by paragraph 1 of this Article, is regulated with a special sub-legal act, issued by the Government.
3. The staff of the Department of Forensic Medicine pursuant to paragraph 1 of this Article shall receive an additional payment to personal income.

Administrative laws

4. The categorization of the level of additional income pursuant to paragraph 2 of this Article is regulated with a special sub-legal act, issued by the Government.

#### **Article 15**

##### **Working overtime and attendance in court hearings**

1. The extra working hours of forensic experts are compensated for each case separately, from the court that has requested the forensic expertise in compliance with a special sub-legal act, which is issued by the Government.
2. For each attendance at the court hearing, the forensic expert will be compensated, in compliance with the sub legal act, issued by the Government.

#### **Article 16**

##### **Liability**

For violation of this Law, forensic experts are subject to disciplinary measures and/or penal sanctions according to applicable Law.

### **CHAPTER IV**

#### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 17**

##### **The Issuance of sub-legal acts**

The sub-legal acts for the implementation of this Law will be issued within six (6) months from the day of the entry into force of this Law.

#### **Article 18**

##### **Repeal**

After entry into force of this Law, all legal provisions with which the issue of forensic medicine is regulated shall be repealed.

#### **Article 19**

##### **Entry into force**

This law shall enter into force fifteen (15) days after it is published in the Official Gazette of the Republic of Kosovo.

**Law No.03/L –187**

**29 April 2010**

**Promulgated by the Decree No. DL-019-2010, dated 13.05.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 70 / 31 MAY 2010**

**LAW No. 03/L-137  
ON THE DEPARTMENT OF FORENSIC MEDICINE**

**Assembly of Republic of Kosovo,**

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON THE DEPARTMENT OF FORENSIC MEDICINE**

**GENERAL PROVISIONS**

**Article 1  
Purpose of the Law**

1. This Law establishes the Department of Forensic Medicine as the competent public authority responsible for providing forensic medicine and medical death investigation expertise, including also exhuming the human remains related to the armed conflict in Kosovo, and returning the remains to their families.
2. This Law determines the organizational structure, competencies and responsibilities of the Department of Forensic Medicine.

**Article 2  
Definitions**

1. For the purpose of this Law the following terms have these meaning:
  - **“Forensic Medicine”** is the branch of medicine that applies medical knowledge to legal issues and legal proceedings.
  - Forensic medicine includes but is not limited to the following disciplines: clinical forensic medicine, toxicology, histopathology, forensic pathology, forensic anthropology, forensic archaeology, and forensic odontology.
  - **“Forensic pathology”** is a branch of medicine concerned with determining a cause and reporting on facts surrounding the manner of death of a person.
  - **“Autopsy”** is a medical procedure that consist of a thorough examination of body or mortal remains to determine the cause and time of death and to evaluate any injury that may be present, or to establish the nature of the disease which caused the death and to study the pathology of a disease. An autopsy can be performed through either a court-order, close relative’s consent, or through public interest.
  - **“Clinical forensic examination”** is a medical procedure that consists of an

examination of a living individual to diagnose a disease, study injuries, or health conditions for legal purposes.

- **“Toxicology”** is the study of the adverse effects of chemicals on living organisms.
- **“Histopathology”** means the microscopic examination of tissue to study to the manifestation of a disease.
- **“Medical investigator on death cases”** means trained professionals, who attend a death scene, document, collect, preserve and transmit physical evidence regarding the body or mortal remains for analysis, and follow up on cases as needed to thoroughly understand the circumstances in sudden, violent and unattended deaths.
- **“Missing Persons”** are persons whose whereabouts is unknown.
- **“Forensic Anthropology”** is a discipline for the application of physical anthropology standard scientific techniques to identify mortal remains and to assist in the medical investigation in the judicial process.
- **“Biological anthropological profile”** is a procedure that consists of a physical examination of mortal remains, performed by a forensic anthropologist, with the purpose to suggest the age, sex, origin, statute, and unique features of the mortal remains.
- **“Forensic Archaeology”** means the application of archaeological methods to assist in locating, exhuming, and recording mortal remains to assist in the medical investigation in the judicial process.
- **“Medical Certificate on Cause of Death”** means a formal document that may determine the cause of death of a body or mortal remains issued by a forensic pathologist.
- **“Identification certificate”** means a formal document that identifies a body or mortal remains.

### **Article 3 Competencies**

The Department of Forensic Medicine shall be responsible managing and maintaining a forensic system based on international recognized standards and European best practices to provide forensic medical services, teaching, and outreach services for missing persons.

### **Article 4**

#### **Organizational Structure of the Department of Forensic Medicine**

1. The Department of Forensic Medicine shall be established within the Ministry of Justice.
2. The Forensic Institute of the Ministry of Health and the Office of Missing Persons and Forensics within the Ministry of Justice shall be integrated into the Department of Forensic Medicine.
3. The Department shall be composed of the following Divisions:

- 3.1. Division of Forensic Medicine;
- 3.2. Capacity Building and Research Division;
- 3.3. Division for Identification, Coordination and Support;
4. Within the Divisions of the Department of Forensic Medicine shall be established the following Sections and Services.
  - 4.1. within the Division of Forensic Medicine the following working sections shall be established:
    - 4.1.1. Autopsy Section;
    - 4.1.2. Clinical Examination Section;
    - 4.1.3. Section of Medical Investigation on death Cases;;
    - 4.1.4. Forensic Medical-Anthropology and Archaeology Section;
    - 4.1.5. Forensic Medical-Toxicology Laboratory;
    - 4.1.6. Forensic Medical-Histopathology Laboratory;
    - 4.1.7. Forensic Photography Section;
    - 4.1.8. Quality Assurance Section;
    - 4.1.9. Confidential Document Section.
  - 4.2. Within the Capacity Building and Research Division the following working sections shall be established:
    - 4.2.1. Human Anatomy and forensic medicine specialization training section;
    - 4.2.2. Forensic medicine investigation training section;
    - 4.2.3. Accreditation and certification section
    - 4.2.4. Research and statistics section
  - 4.3. Within the Identification Coordination and Outreach Division the following working sections shall be established:
    - 4.3.1. Section for investigation in Community;
    - 4.3.2. ion and identification coordination and support section;
    - 4.3.3. project section;
    - 4.3.4. Section for support of families;
    - 4.3.5. Section for intercommunication;
  - 4.4. The Department of Forensic Medicine shall be located in Prishtinë/ Priština.

## **Article 5**

### **Personnel of the Department of Forensic Medicine**

All personnel of the Department of Forensics Medicine will be hired and dismissed in accordance to the applicable law for public servant.

## **Article 6**

### **Competences and responsibilities of the Divisions**

1. The competencies of the Division of Forensic Medicine shall include but is not limited to:
  - 1.1. Maintaining authority to provide medical forensic expertise to a competent public entity.
  - 1.2. Maintaining exclusive authority to conduct medical death investigations;

## Administrative laws

- 1.3. Maintaining exclusive authority to perform exhumations pursuant to the Criminal Procedure Code of Kosovo;
- 1.4. Maintaining exclusive authority to perform post-mortem inspections and autopsies pursuant to the Criminal Procedure Code of Kosovo, and examination of victims of criminal offences against life and body pursuant to Criminal Code of Kosovo;
- 1.5. Maintaining exclusive authority to determine the sex, race, stature, age, and cause of death of the mortal remains of an unidentified person, whenever possible;
- 1.6. Performing an autopsy and/or anthropological biological profile and issue a report in the case of mortal remains discovered in foreign jurisdictions and transported to the Republic of Kosovo;
- 1.7. Maintaining exclusive authority to co-ordinate and conduct clinical examinations on victims, witnesses, and alleged perpetrators of crimes against sexual integrity pursuant to the Criminal Code of Kosovo;
- 1.8. Requesting medical documents pertaining to the victim and/or accused of crimes against sexual integrity and crimes against life and body pursuant to the Criminal Code of Kosovo;
- 1.9. Collecting or examining evidence from victims, dead bodies, witnesses, or accused of crimes against sexual integrity and crimes against life and body pursuant to the Criminal Code of Kosovo.
2. The competences of the Division of Capacity Building and Research shall include, but not be limited to:
  - 2.1. train and qualify forensic medical practitioners, forensic nurses, medical death investigators, forensic laboratory technicians, forensic photographers, forensic technical assistances, forensic identification officers, histopathology technicians, and autopsy technicians;
  - 2.2. teach undergraduate and post-graduate students human anatomy and forensic medicine;
  - 2.3. maintain documents on standard operating procedures, inspection records, and chain of custody.
3. The competences of the Identification, Coordination and Outreach Division shall include, but not be limited to:
  - 3.1. collect and manage information regarding the whereabouts of missing persons and possible gravesites;
  - 3.2. visit the families of missing persons to collect information regarding the missing person;
  - 3.3. establish the missing person's identity with all available means;
  - 3.4. return the identified mortal remains to the missing person's families and/or arrange reburials, when necessary;
  - 3.5. coordinate communications with the families of the missing persons and liaising with national or international organizations or institutions;
  - 3.6. provide information from the databases to the Functional Commission of the Assembly;
  - 3.7. issue identification certificates;
  - 3.8. return missing person's personal effects to the families with signed checklist.



## **Article 7**

### **Transitional Provisions**

The personnel, allocated budget, assets, archives, databases and other equipment of the Institute for Forensics Medicine of the Ministry of Health shall be transferred from the Ministry of Health to the Ministry of Justice.

## **Article 8**

### **EULEX Provisions**

1. For the duration of the EULEX Mission in Kosovo, the EULEX experts at the Department of Forensic Medicine shall monitor, mentor and advise the local experts at the Department, while working in mixed teams.
2. The EULEX experts shall work closely with the local authorities to develop the local capacity and to ensure that the Department of Forensic Medicine have enough well trained experts capable of providing forensic expertise meeting the international standards and European best practices:
  - 2.1. The EULEX experts shall conduct all forensic examinations including autopsies in mixed teams with local forensic experts.
  - 2.2. The EULEX experts at the Department of Forensic Medicine shall participate in any type of forensic examinations, including autopsies in all cases where a EULEX Prosecutor has been assigned to the criminal proceedings in accordance with Art. 8 of the Law on Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo and in all cases where an EULEX Judge has been assigned to the criminal proceedings pursuant to Arts. 3 and 4 of the Law on Jurisdiction, Case Selection and Case Allocation of EULEX Judges and Prosecutors in Kosovo.
3. The EULEX Mission staff members will be co-located within the premises of the Department of Forensic Medicine.
  - 3.1. The EULEX Mission in Kosovo will appoint a EULEX Co-head of the Department of Forensic Medicine who will be responsible together with the local Director of the Department of Forensic Medicine for providing policy guidance, and strategy development in the area of the Forensic Medicine.
  - 3.2. The EULEX Co-head of the Department of Forensic Medicine shall be responsible for the management of the EULEX staff deployed at the Department of Forensic Medicine.
  - 3.3. The operational management, division of labour and composition of mixed teams will be regulated with an Arrangement between the EULEX Co-head of the Department of Forensic Medicine and of the local Director of the Department of Forensic Medicine.

## **Article 9**

### **Abrogation**

This Law abrogates all legal provisions that are in contradiction to this law.

**Article 10**  
**Sub legal Acts**

Subsidiary legal acts for the full implementation of this law shall be issued by the Ministry of Justice in terms of six (6) months from the day this law enters into force.

**Article 11**  
**Entering into Force**

This Law enters into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-137**  
**25 June 2009**

**Promulgated by the Decree No. DL-019-2009, dated 17.07.2009, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 58 / 10 AUGUST 2009**

**LAW No. 04/L-157  
ON THE STATE ADVOCACY OFFICE**

**Contents**

Chapter I: General provisions.....	1023
Chapter II: Legal status, competencies and organization of the state advocacy office .....	1025
Chapter III: Appointment and dismissal from function .....	1027
Chapter IV: Employees of the state advocacy office .....	1029
Chapter V: Salaries.....	1030
Chapter VI: Transitional and final provisions .....	1030

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON THE STATE ADVOCACY OFFICE**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Scope**

This law regulates the establishment, organization and competencies of the State Advocacy Office of the Republic of Kosovo, conditions and procedures for appointment and dismissal of the State Advocate General and State Advocates, the means of work, their competencies, rights and duties, and other issues important to its work.

**Article 2  
Establishment**

This law establishes the State Advocacy Office of the Republic of Kosovo (hereinafter: the State Advocacy Office) as an independent and sustainable mechanism of independent legal representation of public authorities of the Republic of Kosovo in judicial, arbitration and administrative proceedings.

### **Article 3**

#### **Operational principles**

1. The State Advocacy Office shall carry out its function in accordance with the Constitution, applicable laws and general sub-legal acts.
2. Nobody has the right, in any way, to influence the State Advocacy Office in carrying out its function.

### **Article 4**

#### **Public work**

1. The State Advocacy work is public and every person shall have access to information in accordance with Law.
2. If the State Advocate General considers it as useful, he/she may, through the media, inform the public about the level of representation and protection of the interest of public authorities.

### **Article 5**

#### **Languages**

The official languages provided by the Constitution and law are the languages in use in the State Advocacy Office work.

### **Article 6**

#### **Stamp**

1. The State Advocacy Office has its stamp according to the form and diameter provided by provisions on stamps.
2. The stamp of the State Advocacy Office has a circular form as foreseen with the Law on Stamps in institutions of the Republic of Kosovo.
3. The size of the stamp of the State Advocacy Office shall be of a forty (40) mm. diameter.
4. The text of the State Advocacy Office stamp shall be written in capital letters with the same size and form in official languages in Kosovo.
5. The Stamp of the State Advocacy Office contains the following data:
  - 5.1. in the first outside circle shall be written: Republic of Kosovo;
  - 5.2. in the second circle shall be written: Government of Republic of Kosovo;
  - 5.3. in the third circle shall be written: Ministry of Justice;
  - 5.4. in the fourth circle shall be written: The State Advocacy Office; and
  - 5.5. in the surface inside the smallest circle of the stamp shall be placed the emblem of the Republic of Kosovo.

**CHAPTER II**  
**LEGAL STATUS, COMPETENCIES AND ORGANIZATION OF THE STATE**  
**ADVOCACY OFFICE**

**Article 7**  
**Legal Status**

1. The State Advocacy Office shall be a central administration body within the Ministry of Justice.
2. The State Advocacy Office shall have the status of a legal entity with its headquarters in Prishtina.

**Article 8**  
**Competencies**

1. The State Advocacy Office shall represent, give advices and protect the public authorities of the Republic of Kosovo, defined by the Law on public financial management and accountability, in judicial, arbitration and administrative proceedings, in accordance with the Law.
2. The State Advocacy Office shall perform other duties defined by the Law.

**Article 9**  
**Exercise of function**

1. The function of the State Advocacy Office shall be carried out by the State Advocate General and the State Advocates in the State Advocacy Office.
2. The State Advocate General and the State Advocates shall be independent in the course of performance of their function. The State Advocate General for his/her work is accountable to the Minister of Justice.
3. The State Advocate General shall present and represent the State Advocacy Office, lead and undertake actions which are authorized by this Law or other law.

**Article 10**  
**State Advocates**

1. The State Advocates are accountable to the State Advocate General for their work.
2. The State Advocates shall inform the State Advocate General on the status of case representation.
3. The State Advocate General allocates duties and gives State Advocates general instructions related to performance of duties, in accordance with the State Advocacy Office rules for internal organization and systematization of job positions. In terms of this law, work instructions to the State Advocates include general directions on tasks and activities, and guidelines for undertaking the procedures and measures in specific cases.
4. In the course of representation, the State Advocacy Office is authorized to take all actions which a party to the proceedings undertakes, in accordance with the applicable laws of the Republic of Kosovo.

5. The State Advocate General may authorize a person who has passed the bar examination and is employed in the State Advocacy Office, who performs legal work to appear in legal disputes over property before courts and other bodies.
6. The State Advocate General may also authorize a person who has passed the bar examination and is employed in a state administration body and who performs legal work to appear in legal disputes over property before courts and other bodies.

### **Article 11**

#### **Disqualification**

Rules of contested procedure for disqualification of judges apply accordingly also for the disqualification of the State Advocate General and the State Advocates.

### **Article 12**

#### **Representation costs**

Representation costs by the State Advocate General and State Advocates shall be covered by the State Advocacy Office.

### **Article 13**

#### **Structure of the State Advocacy Office**

1. The State Advocacy Office shall be headed by the State Advocate General.
2. The State Advocacy Office shall have a certain number of State Advocates.
3. The number of State Advocates and the organizational structure of the State Advocacy Office shall be regulated by a sub-legal act approved by the Ministry of Justice.

### **Article 14**

#### **Incompatibility**

A State Advocate may not perform other public or private functions conflicting with his/her functions defined by this Law.

### **Article 15**

#### **Conflict of interest**

In exercising his/her public functions, the State Advocate General, as well as any State Advocate, may not represent the public authorities if he has a personal interest, direct or indirect, in a case under adjudication.

### **CHAPTER III**

#### **APPOINTMENT AND DISMISSAL FROM FUNCTION**

##### **Article 16**

##### **Appointment of the State Advocate General and State Advocates**

1. The State Advocate General is appointed by the Government of the Republic of Kosovo upon the proposal of the Minister of Justice.
2. The State Advocate General and State Advocates shall be appointed following an open public vacancy announcement, according to the procedure set by the provisions on appointment for the senior-level management positions in Civil Service of the Republic of Kosovo.
3. The professional evaluation commission should be composed of the representative of the Ministry of Justice, a Judge of the Court of Appeals or Basic Court, a state prosecutor, a representative of civil society and a professor of law faculty.
4. The State Advocates in the State Advocacy Office shall be appointed following an open public vacancy announcement by the Ministry of Justice according to the provisions on appointment for the senior-level management positions in Civil Service of the Republic of Kosovo. For the appointment of the State Advocates, provisions on the appointment of the State Advocate General shall apply accordingly.

##### **Article 17**

##### **Duration of function**

1. The State Advocate General shall be appointed for a period of three (3) years and may be reappointed.
2. The State Advocates shall be appointed without restriction to the duration of their function.

##### **Article 18**

##### **Criteria for appointment**

1. Any citizen of the Republic of Kosovo who meets the following general criteria may be appointed as a State Advocate General and State Advocate:
  - 1.1. is a citizen of Republic of Kosovo;
  - 1.2. has a university degree in law;
  - 1.3. has passed the bar examination;
  - 1.4. has high moral integrity and needed experience and professional ability in the field of law;
  - 1.5. has not been convicted by a final court decision of a criminal offense;
  - 1.6. has not been dismissed from the civil service or any other public function of the Republic of Kosovo on account of a breach of duty or inability to perform duties.
2. A person may be appointed as a State Advocate General if, in addition to the conditions provided by this Law, he/she meets the specific requirements of having

- at least 10 (ten) years of legal professional experience in an institution in the judiciary, advocates office or other institutions.
3. A person may be appointed as a State Advocate if, in addition to the conditions provided by this Law, he/she meets the specific requirement of having at least 5 (five) years of professional legal experience in an institution in the judiciary, advocates office or other institutions.

### **Article 19** **Commencement of duty**

The State Advocate General, respectively the appointed State Advocate shall commence his/her duty immediately after appointment and at the latest within fifteen (15) days from the date of appointment.

### **Article 20** **Termination of the function of the State Advocate General**

1. The State Advocate General's termination of function shall be:
  - 1.1. upon resignation;
  - 1.2. upon reaching age sixty-five (65), namely attaining the mandatory retirement age;
  - 1.3. expiration of the term of office;
  - 1.4. upon dismissal as a result of disciplinary proceedings;
  - 1.5. after permanent loss of work capacity to exercise the duty, proven by a medical record from a health institution; and
  - 1.6. if convicted for a criminal offence with an effective imprisonment of at least six (6) months.

### **Article 21** **Termination of the function of the State Advocate**

1. State Advocate's termination of function shall be:
  - 1.1. upon resignation;
  - 1.2. upon reaching age sixty-five (65), namely attaining the mandatory retirement age;
  - 1.3. upon dismissal as a result of disciplinary proceedings;
  - 1.4. after permanent loss of work capacity to exercise the duty, proven by a medical record from a health institution; and
  - 1.5. if convicted for a criminal offence with an effective imprisonment of at least six (6) months.

### **Article 22** **Suspension**

1. The State Advocate General or a State Advocate who is detained shall be suspended (mandatory suspension). The suspension shall last during the entire detention period.



2. The State Advocate General or a State Advocate shall be suspended (discretionary suspension) if:
  - 2.1. a criminal proceeding investigation has been initiated against him/her;
  - 2.2. the state prosecutor has filed an indictment for criminal offence against him/her;
  - 2.3. a dismissal procedure against him/her has been initiated;
  - 2.4. a disciplinary procedure has commenced and the disciplinary organ has determined that disciplinary liability cannot be determined in the right way if the State Advocate General or the State Advocate is not suspended temporarily during this procedure; and
  - 2.5. the performance of official duties is significantly weakened due to his/her mental, emotional and physical condition.

### **Article 23**

#### **The liability of State Advocate General and State Advocates**

The provisions on civil service of the Republic of Kosovo regarding the senior-level management positions and responsibilities shall apply accordingly even to the State Advocate General and State Advocates.

## **CHAPTER IV**

### **EMPLOYEES OF THE STATE ADVOCACY OFFICE**

#### **Article 24**

##### **Civil personnel in the State Advocacy Office**

1. In the State Advocacy Office, there are a certain number of civil servants who perform professional and technical-administrative duties.
2. The State Advocacy Office may employ a certain number of professional officers who help the office-holders to perform legal work.
3. The number of civil servants at the State Advocacy Office is determined by the act for internal organization and systematization of job positions of the State Advocacy Office. The act for internal organization and systematization of job positions of the State Advocacy Office which is prepared by the State Advocate General shall be approved by the Minister of Justice.
4. Provisions on the civil service in state administration bodies shall apply accordingly to the civil personnel of the State Advocacy Office, if this Law has not determined otherwise.

#### **Article 25**

##### **Professional training**

1. The State Advocate General, State Advocates and civil servants in the State Advocacy Office shall have the right and duty to continuous professional training and education.
2. For professional training and education needs, necessary means are provided

which are foreseen in the Budget of the Ministry of Justice and allocated for the State Advocacy Office.

## **Article 26**

### **Evaluation of professional work**

1. At the end of each calendar year, State Advocates shall be subject to a professional work evaluation procedure to be conducted by the State Advocate General, which shall take into consideration results achieved in litigations and representations performed during the period under evaluation.
2. Evaluation criteria, rules and procedures are defined by the internal Rules of Procedures of the State Advocacy Office, issued by the Minister of Justice.
3. An assessment establishing professional incompetence shall constitute a ground for initiating the dismissal of the respective State Advocate.

## **CHAPTER V**

### **SALARIES**

#### **Article 27**

#### **Salaries of State Advocates**

1. The salary level of the State Advocate General and the State Advocates shall be determined in accordance with the Law on Salaries of Civil Servants and relevant sub-legal acts for implementing the provisions for salaries of civil servants in senior-level management positions.
2. The salary level of the other personnel of the State Advocacy Office shall be determined in accordance with the Law on Salaries of Civil Servants.

## **CHAPTER VI**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 28**

#### **Receiving the cases**

1. The State Advocate General shall receive cases of its jurisdiction from the Division for Representation within the Ministry of Justice, within thirty (30) days of filling of job positions, which ensures the functioning of the State Advocacy Office.
2. The State Advocate General shall inform the Minister of Justice in writing, for received cases according to paragraph 1 of this Article, within fifteen (15) days of performing the handover.
3. The State Advocate General and the Chief of the Division for Representation of the Ministry of Justice, of paragraph 1 of this Article shall compile a registry of cases received, the evidence and archive of the cases.
4. The Division for Representation within the Ministry of Justice shall stop performing the duties of the representation of public authorities on the day it receives the cases.

**Article 29**

**Continuation of the work of civil personnel**

1. Upon entry into force of this Law, employees of the Division for Representation within the Ministry of Justice shall continue to work in the State Advocacy Office, in accordance with the provisions of this Law.
2. All legal officials in the division for representation who have exercised the duties of representing the public institutions and fulfill the conditions according to this Law to be appointed as State Advocate shall have the status of State Advocate.

**Article 30**

**Appointment of the State Advocate General and the State Advocates**

Within three (3) months after the entry into force of this Law, the State Advocate General shall be appointed, whereas the State Advocates shall be appointed within three (3) months after the appointment of the State Advocate General.

**Article 31**

**Sub-legal acts**

Within six (6) months after entry into force of this Law, there shall be issued sub-legal acts foreseen by this Law.

**Article 32**

**Abolishment of the applicable legislation**

The applicable legislation on public advocacy shall be abolished on the day this Law enters into force.

**Article 33**

**Entry into force**

This Law shall enter into force fifteen (15) days after its publication the Official Gazette of Republic of Kosovo.

**Law No. 04/L-157  
12 March 2013**

**Promulgated by Decree No.DL-008-2013, dated 26.03.2013, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 8 / 8 APRIL  
2013, PRISTINA**

**LAW No. 04/L-141  
ON BAR EXAMINATION**

**Contents**

Chapter I: General provisions.....	1032
Chapter II: Organization of bar examination and composition of the commission on passing the exam .....	1033
Chapter III: Conditions on entering the bar exam .....	1034
Chapter IV: Bar examination procedure.....	1035
Chapter V: Transitional and final provisions .....	1039

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON BAR EXAMINATION**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Scope and Purpose**

1. This law regulates the conditions, criteria, procedures and program for passing and assessment of the bar examination.
2. The purpose of this law is to regulate organization of the exam, the composition and operation of the exam, as well as the verification and evaluation of theoretical and practical skills of graduate lawyers for the independent exercise of their duties, law enforcement, and the recognition of professional ethics, rights and fundamental human freedoms.

**Article 2  
Definitions**

1. Terms used in this law shall have the following meaning:
  - 1.1. **Commission** - commission for bar exam, is an independent professional body which organizes examinations for qualification of judges, prosecutors, lawyers, other graduated jurists, for whom, in order to exercise the job, it is required to have passed the bar examination;

- 1.2. **Commission Member** – the person who is appointed by the Assembly of Kosovo in the Bar Examination Commission;
- 1.3. **Candidate** - the person who may be subject to the bar exam;
- 1.4. **Commission Secretary** - the person who deals with professional and administrative work for the Commission needs to organize the exam;
- 1.5. **The Judicial System** - the courts, public prosecution, judicial and prosecutorial regulatory bodies and other judicial institutions.

## **CHAPTER II**

### **ORGANIZATION OF BAR EXAMINATION AND COMPOSITION OF THE COMMISSION ON PASSING THE EXAM**

#### **Article 3**

##### **Organization of Bar Examination**

1. The organization of bar examination is a competence of the Ministry of Justice.
2. The bar examination is held by the Commission for passing the bar exam.

#### **Article 4**

##### **Composition of the Commission**

1. The Commission for bar examination shall consist of the President of the Commission, members of the commission and their deputies.
2. The President, members of the commission and their deputies shall be proposed by the ministry of Justice and appointed by the Assembly of Kosovo, with two (2) years mandate and the possibility of reappointment.
3. The Commission shall be appointed from the ranks of graduated lawyers who have passed the bar exam and are justice experts with at least twelve (12) years of work experience in justice system.
4. The Commission shall report to the Assembly about its work at least once a year.
5. Secretary of the Commission for bar examination shall be appointed by the Ministry of Justice. The candidate appointed as secretary of the commission should have passed the bar examination.

#### **Article 5**

##### **Examination Expenditures**

1. The candidate pays the costs of the examination, respectively the judicial, prosecutorial, administrative body and any other independent public institution or other legal entity where the candidate is employed.
2. The President, members respectively the deputies and secretary of the Commission are entitled to remuneration for their work in the Commission.
3. The Minister issues the administrative instruction to reward the work of the Commission.

## **CHAPTER III CONDITIONS ON ENTERING THE BAR EXAM**

### **Article 6 Terms for Passing the Examination**

1. Candidates who enter the exam must meet the following conditions:
  - 1.1. to be citizens of the Republic of Kosovo.
  - 1.2. to have a lawyer's degree according to a four (4) year program or to have finished the master studies.
  - 1.3. to have worked at least one (1) year in legal matters in court, state prosecutor's office or the law office or to have worked at least two (2) years in professional legal work in the country or abroad, in public institutions, state agencies and administration of international institutions in Kosovo.
2. The bar exam can be entered by persons who are not employed in administrative bodies, commercial societies or other legal persons from paragraph 1. of this Article, who as graduated lawyers have done the necessary practice in court, state prosecutor or the attorney's office in order to gain professional training and examination requirements for passing the bar, according to the conditions in subparagraph 1.2. of this Article.
3. A candidate who has a law degree in any university abroad should nostrify the diploma of Faculty of Law at the Ministry of Education, Science and Technology.
4. Graduated lawyers who have passed the professional exam for working in the administration bodies, and those who have passed the professional examination for minor offences judge, shall pass the bar exam as a complementary examination, according to a shortened program, in compliance to the preliminary provisions, by acknowledging the taken exams.

### **Article 7 Bar Examination Subjects**

1. The bar exam consists of the written part of the exam and oral part of the exam.
2. In the part of written exam there are practical assignments of Criminal Law Substantive and Procedural Law, Civil Law (substantive and procedural) Family Law, Law of Succession, Law of Contracts and Tort.
3. The part of oral exam consists of the following subjects:
  - 3.1. Civil Law (substantive and procedural) Family Law, Law of Succession and Law of Contracts and Tort;
  - 3.2. Commercial Law;
  - 3.3. Criminal Law (substantive and procedural);
  - 3.4. Labor and Administrative Law;
  - 3.5. Constitutional Law, judicial system organization of Kosovo, the basis of the European Union system and human rights.

**Article 8**  
**Knowledge Assessment about the Legal Provisions**

For the success of the candidate, the commission evaluates the positive legal knowledge and judicial practice, knowledge of legal institutions, skills, speech and the fair reasoning.

**Article 9**  
**Bar Examination Program**

The exam is taken within the Program for the bar exam, which includes subjects, legal sources and literature on every subject under Article 15 paragraph 2. of this law.

**CHAPTER IV**  
**BAR EXAMINATION PROCEDURE**

**Article 10**  
**Exam Application**

1. The request for the Bar Examination is submitted at the Ministry of Justice.
2. Candidates in the request shall declare the official language in which they wish to sit the exam and whether they sat the exam earlier.
3. The candidate attaches, to the request, the evidence of completing the exam requirements from Article 6 of this law on being graduated in law faculty and having the legal work experience.
4. Persons are issued a certificate for the practice, under Article 6 paragraph 2. of this Law, by the President of Court, State Prosecutor's Office, or the Advocates' Chamber where the person is registered as a trainee lawyer.
5. In taking the examination according to the shortened program the candidate is required, in addition to the testimony from the previous paragraph, to attach proof of professional exam taken for work in administrative bodies, respectively the proof of the exam taken for minor offenses judge.
6. Respective Commission of the Ministry by decision determines if the candidate meets the requirements for the bar exam. Against decision of the commission, an appeal may be submitted to the Minister of Justice, in terms eight (8) days. The Minister within five (5) days shall decide on the appeal of the candidate. The Minister's decision is final.

**Article 11**  
**Bar Examination Timing**

Based on the decision on which the candidate is permitted to take the exam, the commission president determines the time when the candidate will be sitting the exam.

## **Article 12**

### **Passing the Exam**

1. The examination begins with the written part of the exam. The candidate passes the written exam by finding the solution of a practical case from criminal-legal fields and civil-legal matters.
2. On the day when the candidate enters the written examination, he/she is considered to have started the exam.
3. The exam is organized every three (3) months respectively four (4) times within one (1) calendar year.
4. The payment fee for the bar examination is appointed by the Minister.
5. A commission member that assesses a particular subject attends the written examination as well as the commission secretary.
6. While answering the written assignment, the candidate can only be served with texts of legal provisions (without commentary).
7. After the assignment is handed out, the working duration of the written examination is five (5) hours.
8. The decision for the success achieved in the written examination is approved by the majority of the Commission, after obtaining the opinion of the Commission member who has checked the written paper.
9. The result of the written paper is assessed before the oral examination. The candidate must reach the needed points in written examination in civil law and criminal cases in accordance with Article 13 paragraph 3. of this law, in order to continue the oral examination.

## **Article 13**

### **Maximum points of examination**

1. The candidate can reach the maximum of eighty (80) points in the exam.
2. For the written assignment from criminal law and civil law, the candidate may be assessed for each paper separately, with not more than fifteen (15) points.
3. The candidate will be presumed to have passed the written exam if he/she manages to collect from each written assignment, at least nine (9) points.
4. The candidate will be presumed to have passed the exam if he/she reaches forty eight (48) points.
5. The candidate will be presumed to have passed the oral exam if he/she manages to collect from each subject at least six (6) points.

## **Article 14**

### **Passing the Oral Examination**

1. A candidate who passes the written examination on criminal and civil law is allowed to enter the oral examination.
2. Candidates publicly enter the oral exam before the Commission in the full composition.
3. The exam is held in the presence of all members of the Commission.



4. The Commission President manages the oral exam, taking care for the progress of the exam procedure.
5. Not more than one (1) candidate can enter the oral exam at the same time.
6. The Commission decides, by the majority of votes on success of the candidate, and no Commission member can abstain from voting.
7. After completing the oral examination, the Commission assesses the candidate's knowledge in accordance with the provisions of Article 15 of this Law.
8. Upon the completion of all examinations the exam's total number of points will be determined and a decision on the outcome of the examination will be taken and communicated to the candidate. If the candidate does not want the results to be published in the presence of other candidates, the result shall be communicated only in the presence of the Commission.
9. The Commission assesses the candidate's result, with the cumulatively achieved points (collected) in the written and oral exam.
10. The examination record is signed by all members of the Commission and the secretary.
11. The candidate who considers that the general success or success from one subject was not evaluated correctly, may submit a complain to the Commission, within three (3) days, from the day the exam result was communicated.
12. The commission is obliged to review the complain within five (5) days and inform the candidate on this matter.
13. If the candidate's complain is approved, the commission should repeat the exam.

### **Article 15**

#### **Points needed for passing the exam**

1. The candidate will be presumed to have passed the exam, if he/she accumulates a total of forty eight (48) points in all subjects.
2. The oral parts of the exam are evaluated by scores according to the groups of subjects, such as:
  - 2.1. Civil Law (substantive and procedural) Family Law, Law of Succession, Law of Contracts and Tort;
  - 2.2. Commercial Law;
  - 2.3. Criminal Law (substantive and procedural);
  - 2.4. Labor and administrative law;
  - 2.5. Constitutional Law, judicial system organization of Kosovo, the basis of the European Union system and human rights
3. The candidate's success is evaluated with: "**passes**" and "**doesn't pass**".

### **Article 16**

#### **When is it considered that the candidate has not passed the exam**

1. The Commission concludes that the candidate has not passed the exam if he/she:
  - 1.1. has not met the requirements under Article 13 paragraph 5. of this law;
  - 1.2. does not submit the written assignment;
  - 1.3. leaves the room during the oral part of the exam without any justifiable

- reasons, or is taken out of the written examination as a result of disrespecting the rules;
- 1.4. is estimated with less than six (6) points by any subjects during the oral exam; and
  - 1.5. has not collected forty eight (48) points.

### **Article 17**

#### **Postponing the exam you entered**

1. The started examination may be delayed upon a written request if the candidate is sick, or for any reasonable case has been unable to continue the exam.
2. The decision to postpone and continue the examination is taken by the Commission within five (5) days.
3. A request for continuance must be submitted within eight (8) days after the cessation of reasonable grounds for postponing the exam, but no later than two (2) months from the date the applicant must enter the examination.
4. If the candidate does not submit a request for the exam postponement with terms defined in paragraph 2. of this Article, or if the application is refused, he/she is presumed to not have passed the examination.
5. Against the Commission's decision, under paragraph 2. of this Article, a complaint can be submitted to the Minister within three (3) days, who will decide within eight (8) days. The Minister's decision is final.

### **Article 18**

#### **Exam Re-entry**

1. A candidate who does not show satisfactory success in one or both subjects is subject to re-entering the exam.
2. The candidate is subject to re-entering the exam if in the two subjects of the oral part of the examination, did not show results determined with the Article 15 paragraph 2. of this law.
3. A candidate who is subject to re-entering the exam must submit the remaining part of the exam in the next term.
4. If the candidate does not re-enter the exam within two (2) to six (6) months, or during the re-examination does not show satisfactory success, he/she will be presumed as "does not pass".
5. The candidate who is subject to re-entering the oral exam on criminal law and criminal procedure or civil law, and who has previously passed the written examination, upon re-examination shall not be again a subject to the written part of the exam.
6. The candidate who is assessed by the panel that "has not passed" may re-enter the exam not shorter than six (6) months from the date the Commission announced that he/she "has not passed the exam".
7. A candidate who does not pass the exam for the second time can re-enter it within the time which can not be shorter than twelve (12) months.

## **CHAPTER V TRANSITIONAL AND FINAL PROVISIONS**

### **Article 19**

#### **Equalization of the Bar Exam under the provisions valid until the entry into force of this Law**

1. With the bar exam, in terms of this law, is equalized the bar examination under the provisions which were valid until the entry into force of this law.
2. The Ministry of Justice decides on the recognition of the bar examination given under the provisions of other countries, guided by the principle of reciprocity.
3. The candidate who has begun the bar exam under the provisions which were valid before the implementation of this law, has the right to finish the started bar exam according to the provisions which were valid at that time after the enforcement of this law.
4. The mandate of recent members of the commission for bar exam appointed in accordance with the law shall continue according to the conditions set by the decision for their appointment.
5. For subjects that have been attached according to this law, the exam shall be held together by members of the recent commission, according to the fields for which they were appointed.

### **Article 20**

#### **Sub-legal Acts**

The Minister shall issue the sub-legal act for the bar exam with which closely regulates the way of submitting the bar exam, the Commission duties, the content of the test program, the content of the record, the form of the examination Certificate, the content of the Evidence for the passed bar exam, the amount which the applicant pays for the exam as well as the remuneration for the work of the Commission.

### **Article 21**

#### **Repeal**

With entry into force of this law the UNMIK Regulation 2006/30 and Law on Bar Examination Law no. 02/L-40, January 20, 2006 shall be repealed.

**Article 22**  
**Entry into force**

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo

**Law No. 04/L-141**  
**25 April 2013**

**Promulgated by Decree No.DL-024-2013, dated 21.05.2013, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 18 / 28 MAY 2013, PRISTINA**

**LAW No. 04/L-064  
ON KOSOVO AGENCY ON FORENSIC**

**Contents**

Chapter I: General provisions.....	1041
Chapter II: Organization and functions .....	1044
Chapter III: Powers and responsibilities of KAF .....	1046
Chapter IV: Staff rights and discipline .....	1047
Chapter V: Transitional and final provisions .....	1048

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

**LAW ON KOSOVO AGENCY ON FORENSIC**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purposes**

This law regulates the establishment, mission, organization, functions, duties, responsibilities and financing of the Kosovo Agency on Forensic.

**Article 2  
Scope**

1. KAF is the responsible institution in impartial provision of forensic scientific objective analysis.
2. KAF performs based on orders of the court, prosecutor or upon request of law enforcement agencies.
3. KAF provides service as well for other state institutions according to the respective law into force.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meanings:

- 1.1. **MIA** - the Ministry of Internal Affairs;
- 1.2. **Minister** – the Minister of Internal Affairs;
- 1.3. **KAF**- Kosovo Agency on Forensic;
- 1.4. **Police** –Kosovo Police;
- 1.5. **Law enforcement agencies** – all law enforcement agencies established by Law;
- 1.6. **Expert** - the personnel of the Forensic Agency that performs proven research, investigation, evaluation or study by the specialized personnel of KAF;
- 1.7. **Specialized scientific personnel** - specialized technical and managerial personnel that perform, lead and verify crime expertises, as well as assists in the examination or the reconstruction of crime scene;
- 1.8. **Supporting staff** - the administrative employees of the personnel, logistics, procurement, finances and technical maintainers;
- 1.9. **Part time and contracted personnel** – external contracted personnel by KAF for consultancy or expertise;
- 1.10. **Forensic science** - the application of sciences (chemistry, biology, physics, math, engineering, machinery, criminalistics etc.) for finding, identification, individualization, analysis and evaluation of physical evidences (exhibits) for civil, criminal and legal issues;
- 1.11. **Expertise** - research, inquiry, investigation, evaluation or proven study, including reports from these activities, findings and results that require specific knowledge and are performed by experts to verify and provide opinion on certain facts;
- 1.12. **Order for expertise** - the order of a judge or the prosecutor to conduct expertise;
- 1.13. **Request for expertise** – the request by law enforcement agencies or other state institutions in performing services;
- 1.14. **Form/request** - the form of KAF for expertise;
- 1.15. **Evidence** - the document, evidence that proofs any certain fact;
- 1.16. **Proof** – the verification of data we want to know whether to study deeper: experiment done to get information about something, to check the accuracy of something, prior action performed to control or determine the accuracy of a kind, a thing, and measure of something, based on facts or evidences. The evidence is provided to confirm or deny something;
- 1.17. **Relevant data** - database which is kept by KAF;
- 1.18. **Chain of Storing** – the storage chain and the identification of physical evidence in case of reception and submission of the evidence in KAF;
- 1.19. **The Council for quality, qualification and requalification** – means the council KAF level composed by the Chief Executive, departments directors and quality manager;
- 1.20. **Internal technical procedures** - the internal scientific procedures of KAF.

**Article 4**  
**Establishment of Kosovo Agency on Forensic**

1. Kosovo Agency on Forensic is established as an independent and executive Agency in the framework of Ministry of Internal Affairs.
2. Kosovo Agency on Forensic is a legal entity.
3. To the Kosovo Agency on Forensic is guaranteed the right for objective and impartial activities.
4. The main headquarters of KAF is in the region of Prishtina.

**Article 5**  
**Mission**

Mission of Kosovo Agency on Forensic is through the exercise of its activity, to provide qualitative forensic services in accordance with the applicable legislation, national and international standards.

**Article 6**  
**Principles**

1. KAF employees must respect the Code of Ethics of KAF and principles provided in the Code of Conduct for Civil Servants.
2. KAF employees, in fulfilling their duties, shall respect fundamental human rights and freedoms, guaranteed by the Constitution of the Republic of Kosovo and by the legislation into force.

**Article 7**  
**Symbols**

KAF has the emblem which is proposed by the Chief of KAF and is approved by the Minister.

**Article 8**  
**Identification Card**

1. Employees of KAF are equipped with an identification card that serves as an authorization for action in KAF.
2. Form, equipment and the manner of using the identification document is regulated by a normative act that is issued by the Chief Executive of KAF.

**Article 9**  
**Budget**

KAF is special budgetary voice within the budget of the Ministry of Internal Affairs. Budget of KAF should be reviewed and approved in the regular budgetary process, in compliance with the Law on Management of Public Finances and Accountability.

## **Article 10**

### **Accreditation**

1. KAF laboratories should be accredited and maintained according to international standards.
2. Procedures for accreditation according to international standards and deadlines for accreditation will be regulated by an administrative instruction from the Chief Executive of KAF.

## **Article 11**

### **Minister**

1. Chief Executive of KAF shall report and respond directly to the Minister for the administration and management of KAF. Chief of KAF collaborates with the Minister and provides to him necessary information and reports for the administration and management of KAF.
2. In relation with paragraph 1 of this Article, the information in relation to investigation issues or any expertise, may be provided only by the order of the competent court or Prosecutor's Office.
3. The Minister may require reports, information and other documents relating to KAF duties regarding the administration and management of KAF without interfering in the activity of KAF as is provided in paragraph 2 of this Article.

## **CHAPTER II**

### **ORGANIZATION AND FUNCTIONS**

## **Article 12**

### **The organizational structure of KAF**

Internal organizational structure of KAF is proposed by the Chief Executive of KAF and is approved by the Minister.

## **Article 13**

### **Chief Executive of KAF**

1. Chief Executive of KAF is an apolitical executive authority within the KAF and the highest administrative, technical and operational authority of KAF.
2. Chief Executive of KAF is responsible for:
  - 2.1. the overall administration and management of KAF
  - 2.2. organization and employment of personnel, the issuance of administrative instructions and decision- making on matters relating to the functions of KAF;
  - 2.3. effective and efficient management of resources that are entrusted to the KAF.



#### **Article 14**

##### **Criteria for appointing and selecting the Chief Executive of KAF**

1. Criteria for appointment of Chief Executive of KAF are:
  - 1.1. to be a citizen of the Republic of Kosovo;
  - 1.2. to be graduated from one of the universities recognized and accredited in fields related to forensic science;
  - 1.3. to have at least three (3) years experience in managerial position in areas related to forensic science;
  - 1.4. should have not been convicted for a crime, with a final decision;
  - 1.5. should not be punished for severe disciplinary violations equivalent to the offences defined in the rules of discipline of KAF, within ten (10) years, during which he worked in state institutions;
  - 1.6. should not have a conflict of interest with the office or as prescribed in the Law on Prevention of Conflict of Interest in Exercising the Public Function.
2. The Minister establishes a special commission for the selection of Chief Executive of KAF, which Commission should have five (5) members.
3. The Commission from paragraph 2 of this Article, after the selection process proposes to the Minister three (3) candidates for Chief Executives of KAF. The Minister appoints the Chief Executive based on the candidates proposed by Commission.
4. Composition of the Commission and the selection procedure is regulated by sub-legal act that is issued by the Minister.

#### **Article 15**

##### **Mandate of the Chief Executive of KAF**

1. Chief executive of KAF is appointed for a period of time of five (5) years, with possible extension after every five (5) years.
2. If the Chief Executive of KAF terminates the mandate in the calendar years of general elections, then its stay in the position will be extended automatically for two (2) years.

#### **Article 16**

##### **Discharge and dismissal of Chief Executive of KAF**

1. Chief Executive of KAF is released or removed from the office by the Minister for one of the following reasons:
  - 1.1. has been convicted for a criminal offence, with final decision of the court;
  - 1.2. reaches retirement age;
  - 1.3. gives resignation;
  - 1.4. due to inability to exercise the duty for a period longer than six (6) months.
2. The Minister imposes to the Chief Executive of KAF, by written disciplinary warnings or removal from the position for one of the following reasons:
  - 2.1. commission of a serious breach of discipline, as provided in the rules of discipline;

- 2.2. after a documented negative evaluation of work, for any violation of rules of integrity or breach of bylaws for the discipline and personnel;
- 2.3. has showed lack of commitment, argued, in meeting strategic objectives and tasks under Article 13 of this Law.
3. When there is reasonable suspicion to believe that Chief Executive of KAF, has committed a criminal offence or for any of the grounds set forth in paragraph 2 of this Article, The Minister may suspend immediately the Chief Executive of KAF.
4. In case of acquittal, dismissal or suspension of Chief Executive of KAF, the Minister immediately appoints one of the directors of departments of KAF, as acting Chief Executive until the selection of the Chief Executive of KAF, not longer than six (6) months.

### **Article 17**

#### **Grades and functions of the employees of KAF**

1. KAF personnel is divided into three (3) categories of grading and functions:
  - 1.1. specialized- scientific personnel;
  - 1.2. supporting personnel;
  - 1.3. executive positions.
2. Procedures and conditions of grading will be regulated by an administrative instruction that is issued by the Minister with proposal of Chief Executive of KAF.

### **CHAPTER III**

#### **POWERS AND RESPONSIBILITIES OF KAF**

### **Article 18**

#### **KAF Activity**

1. KAF performs expertise of evidences, according to the Criminal Procedure Code and the legislation into force.
2. KAF proves in the court or in the prosecutor as it is foreseen in the Criminal Procedure Code and the legislation into force.
3. KAF based on Criminal Procedure Code appears in the crime scene for assistance in examining the crime scene.
4. KAF based on the Criminal Procedure Code will assist in reconstructing the crime scene.
5. KAF supports or helps in investigating incidents upon request of state institutions.
6. KAF in manual systems or digitized systems keeps and maintains relevant data for comparative purposes.
7. Administration of relevant data and their exchange with other agencies or institutions within the country as well as other aspects related to the data of persons will be regulated by an administrative instruction issued by the Chief of KAF, which should be in accordance with the Law on personal data protection.
8. The exchange of KAF data with other countries will be regulated through international agreement between MIA and foreign state authorities, or other foreign organizations.

9. KAF will hold collection of weapons for purposes in performing its activity. The collection of weapons will be held in compliance with the law on weapons.
10. KAF through the Council for quality, qualification and requalification authorizes the scientific employees for initiating and continuing the execution of expertises. This Council take decisions on the quality of scientific services in compliance with the legislation into force and procedures of KAF.
11. Operating procedures and conditions for quality, qualification and requalification will be regulated by an administrative instruction that will be issued by the Chief Executive of KAF.
12. KAF will conduct forensic scientific researches.
13. Research, training and cooperation procedures and conditions in the field of forensics will be regulated by an administrative instruction that will be issued by the Executive Chief.

### **Article 19**

#### **Administration of Evidences**

1. Evidences, respectively cases sent for expertise in KAF must be completed. The completed case must contain the order for expertise, the filled form of KAF for expertise, physical evidences that should be examined and the storage chain.
2. KAF is obliged to carry out on time the expertise of the evidence and in addition to the evidence, to attach to the file the comprehensive report, in which should be given a professional opinion regarding the expertise performed.
3. KAF in cooperation with the Kosovo Police and other law enforcement agencies will determine the procedure for receiving, documenting, recording, storage and transportation of material evidences.
4. Employees of KAF are obliged to maintain the secrecy and the confidentiality regarding the expertise performed. Unauthorized persons are not allowed to bring to light, to declare-publish the reports, documents or other related actions regarding the performed experiment, nor to give statements for the public opinion, without the permission of the competent authorities.

## **CHAPTER IV**

### **STAFF RIGHTS AND DISCIPLINE**

#### **Article 20**

##### **The rights of employees of KAF**

1. KAF employees have the right for permanent employment until the completion of the conditions for retirement, except for individuals who are employed under contract for service for a fixed period, and those dismissed for cause under the legislation into force.
2. Base salary, increases in salaries, allowances and other benefits including pension and insurance scheme for employees of KAF will be determined by an administrative by the Minister, where are not included allowances, but are not limited to payment for the risk at work, payment for overtime work and work

## Administrative laws

- during holidays, payment for daily meals, payment for clothes, payment for special duties and special skills.
3. KAF employees who received a satisfactory evaluation and who were not subject to any disciplinary action will benefit as a reward 50 % of a monthly salary and that just once a year.
  4. In case of death on duty or if an employee of KAF has been killed because of his duties within the KAF, The Ministry will pay to the family of deceased employee or to his legal heir (s) the monthly salary of the KAF employees for a period of one (1) year from the death of the employee of KAF.
  5. Procedures, conditions of employment and of the work for KAF employees are regulated by an administrative instruction issued by Chief Executive Officer of KAF, including but not be limited to the career advancement, training and conflict of interest.
  6. KAF employees have no right of strike or any other act that obstructs or interferes with the conduct of the KAF activity.
  7. KAF employees should not express attitudes or undertake activities that violate the depoliticized nature of KAF.

### **Article 21** **Employment leaves**

Employment leaves of KAF employees are regulated by an administrative instruction that is issued by the Chief Executive.

### **Article 22** **Discipline at KAF**

Measures, disciplinary violations, suspension as well as disciplinary procedures for the KAF employees, are regulated by an administrative instruction by the Minister.

## **CHAPTER V** **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 23** **Issuance of sub-legal acts**

1. For the implementation of this Law, the Minister shall approve sub-legal acts to determine:
  - 1.1. identifying emblem of KAF;
  - 1.2. organizational structure of KAF;
  - 1.3. assessment procedure for employees of KAF;
  - 1.4. determination of basic salary, increases in salary, allowances and other benefits for KAF employees;
  - 1.5. employment and work procedures and conditions for KAF employees;
  - 1.6. procedures for disciplinary violations, suspension as well the disciplinary procedure for KAF employees;
  - 1.7. procedure and conditions of grading and positions within KAF

2. For the implementation of this Law, the Chief Executive of KAF-, will approve sub-legal acts for the:
  - 2.1. form, equipment and the manner of using the identification document;
  - 2.2. scientific procedures for accreditation pursuant to international standards and deadlines for accreditation;
  - 2.3. procedure for the administration of relevant data and their exchange with other agencies and institutions within the country as well as other aspects in relation to the relevant data;
  - 2.4. procedure for data safety;
  - 2.5. procedure for the functioning of the Council for quality, qualification and requalification;
  - 2.6. research, training and cooperation procedures and conditions in the field of forensic;
  - 2.7. leaves from the working relation of the KAF employees.
3. Employees of the former Laboratory of Forensic-Kosovo Police that will continue to work at KAF have the right to earn an internship at the Kosovo Police.
4. Current uniformed and civilian employees of former Forensic Laboratory - Kosovo Police have the right that through a voluntary disclosure to choose the continuation of the work within the KAF or to return within the structures of the Kosovo Police.
5. Current uniformed employees of the former Laboratory of Forensic-Kosovo Police enjoy the right to return to the actual rank within the Kosovo Police as provided in the Law of Police.
6. For the implementation of this law sub-legal acts shall be issued by the Minister or Chief of Executive of KAF.

#### **Article 24**

##### **Repeal**

Upon entry into force of this Law there are repealed all provisions which are inconsistent with it.

#### **Article 25**

##### **Entry into force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/ L-064**  
**14 October 2011**

**Promulgated by Decree No.DL-042-2011, dated 01.11.2011, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 14**  
**NOVEMBER 2011, PRISTINA**



## **HUMAN RIGHTS**





**LAW No. 02/L-31  
ON FREEDOM OF RELIGION IN KOSOVO**

**Assembly of Kosovo,**

Pursuant to Chapters 3.1, 3.2, 5.7 and 9.1.26(a) on the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 dated from 15 May 2001), and standards on human rights and liberties covered by international and regional declarations and conventions under the competence of the Council of Europe,

Proceeding from the fact that freedom of religion and belief is a fundamental human right, among other internationally recognized fundamental principals and standards on the freedom of expression, conscience and religion,

Affirming the right of all, without discrimination on any ground and in full equality before the law, to freedom of expression, conscience and religion, regardless of religious conviction or conscience,

Proceeding from the tradition of the common religious life in Kosovo

Aware of our heritage and the traditional values of tolerance, common life and the multi-religious character of Kosovo,

Endeavoring to define unique legal provisions, which will provide equal rights and obligations to religious communities, without any discrimination,

Recognizing the importance for further progress of mutual understanding, tolerance and awareness, and respect of the freedom of expression, conscience and religion;

Hereby adopts the following:

**LAW ON FREEDOM OF RELIGION IN KOSOVO**

**Article 1  
Freedom of Religion**

- 1.1. Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to have, not to have, to retain or to change one's religion or belief and the freedom, either alone or in community with others, in public or in private, to manifest one's religion or belief, in worship, teaching, practice and observance.

- 1.2. The right of freedom, religion or belief shall include, *inter alia*, the following freedoms:
  - a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
  - b) To establish and govern charitable or humanitarian institutions;
  - c) To make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief;
  - d) To write, issue and disseminate relevant publications in these areas;
  - e) To teach a religion or belief in places dedicated for these purposes;
  - f) To solicit and receive financial contributions and other voluntary contributions from individuals and institutions;
  - g) To train, appoint, elect or designate by succession their leaders called for by the requirements and standards of any religion or belief;
  - h) To respect days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief; *and*
  - i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.
- 1.3. The freedom to express one's religion or belief shall only be subject to limitations as are prescribed by law and are necessary in a democratic society to ensure public order and safety, to protect public health and morals, human rights and fundamental freedoms of others.

## **Article 2**

### **Protection from Discrimination**

- 2.1. No one shall be discriminated or privileged in any way on the basis of religious convictions, of belonging or not belonging to a religious denomination or of the observance of religious ceremonies and rituals.
- 2.2. No one shall be hindered or forced to participate in religious ceremonies or in other forms of manifestation of religious conviction.

## **Article 3**

### **Religious Equality**

All persons, regardless of their belief or conviction or affiliation to any religious denomination, or participation in any religious ceremony, are equal before the law and are entitled to the same rights in their civil, political, economic, social and cultural life. All legal and natural persons are entitled to equal protection by law.

## **Article 4**

### **Protection by Penal Law**

- 4.1. The right to manifest one's religion or belief may not be abused by inciting, provoking or stimulating, religious or racial intolerance or hatred, by impairing the right to life, the right to physical or mental health, the rights to children or the right to respect for private and family integrity.

- 4.2. The assault of any religious official, the destruction or damage of any religious sites or facilities or other property of religious communities as well as any activities or acts aimed at the instigation, provocation or stimulation of religious hatred shall be punishable under the Provisional Criminal Code of Kosovo.

## **Article 5**

### **Religious Neutrality**

- 5.1. There shall be no official religion.
- 5.2. Religious communities shall be separated from public authorities.
- 5.3. All public authorities shall recognize tolerance and mutual respect among religions.
- 5.4. To all religions and their communes in Kosovo including Islamic Community of Kosovo, Serbian Orthodox Church, Catholic Church, Hebrew Belief Community, and Evangelist Church, shall be offered any kind of protection and opportunity in order to have rights and freedom foreseen by this law.
- 5.5. Religious communities in Kosovo enjoy all the rights with this Law.
- 5.6. Recognizing their identity and their specific contribution to society, the public authorities shall maintain an open, transparent and regular dialogue with religious associations, religious communities in matters of common interest.

## **Article 6**

### **Freedom of the Religious Association**

- 6.1. The right of association for religious purposes is guaranteed in accordance with the Law in force in Kosovo.
- 6.2. The formation of a religious association which, by name or statute, purports to be officially linked to or recognized by a specific religious community is prohibited without the consent of the said community.

## **Article 7**

### **Self-Determination and Self-Regulation**

- 7.1. Religious communities are free in the determination of their religious identity.
- 7.2. Religious communities shall independently regulate and administer their internal organization.
- 7.3. Religious communities are free in establishing and maintaining communication with individuals and communities at the national and international level as well as forming associations with other religious communities and groups at the national and international level in accordance with the Law in force.

## **Article 8**

### **Places of Worship**

- 8.1. Buildings and premises belong to religious communities dedicated to the performance of religious ceremonies are considered inviolable with regard to

- governmental authorities' intervention, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.
- 8.2. Unobstructed access by pilgrims, guests and persons who live permanently or temporarily in religious institutions or premises should be guaranteed. This obligation shall be taken into account for the application of the relevant provisions concerning residence and travel.
  - 8.3. The possibility for religious communities to restrict access to their sites within the framework of self-administration shall be guaranteed in accordance with international standards.

## **Article 9**

### **Religious Education**

- 9.1. Religious communities are free to establish educational institutions for their needs pursuant to the Law in force.
- 9.2. The Law on Higher Education regulates the matter of theological studies at universities.
- 9.3. Schools run by religious communities shall be governed by the neutral application of relevant laws as are other private schools.
- 9.4. Everyone is free to choose or not to choose religious education according to personal convictions and beliefs. Parents or other legal guardians are entitled to determine the religious and ethic instruction for their children in accordance with their own convictions or beliefs.
- 9.5. The religious education and upbringing of a minor may not impair his or her physical or mental health or development.

## **Article 10**

### **Freedom of Information**

- 10.1. Religious communities and their institutions shall have the right, within the boundaries of the Constitution and the law, to publish information by using all forms of media.
- 10.2. Religious communities shall be obligated to clearly state their full name in any religious publications, periodicals, and other religious materials, correspondence and public announcements of activities.
- 10.3. Religious communities shall be entitled to equitable access to public media.

## **Article 11**

### **Spiritual Counseling**

- 11.1. With the aim of realizing religious freedom, public authorities shall take measures to guarantee the availability of spiritual counseling in hospitals, in areas of custody or imprisonment, as well as in social care institutions.
- 11.2. Religious ministers are exempted from the duty to testify in procedures before public authorities and courts of law with respect to any facts or circumstances which they learned in the course of their spiritual counseling.

## **Article 12**

### **Financial Matters**

- 12.1. Issues relating to duties, taxes and customs with regard to religious communities shall be governed by the Law in force.
- 12.2. Institutions of religious communities shall be exempt from the obligation to pay taxes or other general contributions, with regard to the following:
  - a) Places of worship, other properties or parts of properties of religious communities that have as their direct purpose the realization of religious convictions or beliefs, including welfare and charitable objectives;
  - b) Activities that have as their direct and exclusive purpose the realization of religious convictions or beliefs including welfare and charitable objectives;  
*and*
  - c) Seminaries or other establishments for the training of religious ministers or teachers of religious education.
- 12.3. Religious communities shall retain the right to ownership, possession and enjoyment of their institutions, endowments, sacred objects and funds devoted to worship, instruction and welfare.
- 12.4. Religious communities may receive financing from income from their property, from inheritance and gifts, from charitable and other voluntary contributions, as well as by performing other activities in compliance with the Law in force.

## **Article 13**

### **Social Benefits**

- 13.1. The clergy of religious communities enjoy the right to pension, health insurance and other rights based on the Law in force.
- 13.2. For implementation of their religious activities, religious communities may enter into legal relations and conclude contracts with the religious personnel and other employees. The religious personnel and other employees, with whom the religious community has concluded activities, realize their rights pursuant to the work relations and the work performed, similar to other employed persons.
- 13.3. Regular attendees of religious schools and religious faculties are entitled to their health security rights, child benefits, pension and disability insurance, social assistance rights and public traffic rights, under the same manner and terms realized by attendees of public schools and faculties.

## **Article 14**

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

**24.08.2006**

**UNMIK/REG/ 2006/48**

**OFFICIAL GAZETTE OF THE PROVISIONAL INSTITUTIONS OF SELF-  
GOVERNMENT IN KOSOVO / PRISHTINA: YEAR II / NO. 11 / 01 APRIL 2007**

**LAW No. 2004/3**  
**THE ANTI-DISCRIMINATION LAW**

**Contents**

Chapter I: General provisions.....	1058
Chapter II: Procedures and sanctions .....	1061
Chapter III: Bodies for the promotion for equal treatment .....	1063
Chapter IV: Transitional and final provisions .....	1063

**The Assembly of Kosovo**

Pursuant to the Regulation No. 2001/9, of 15 May 2001, on the Constitutional Framework for Provisional Self-Government of Kosovo, in particular on the provisions of Chapters 3.1, 3.2 and 5.7 and further,

Bearing in mind the importance of supporting coexistence, protection of human rights, fair representation of people of Kosovo in the development process of democratic Self-governing institutions, and to provide opportunities for equal treatment and ensuring that the issuance of rules on these issues will be in accordance with relevant European and international standards and norms.

Adopts:

**THE ANTI-DISCRIMINATION LAW**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose**

The purpose of this Law is prevention and combating discrimination, promotion of effective equality and putting into effect the principle of equal treatment of the citizens of Kosovo under the rule of Law.

**Article 2**  
**Principles**

The regulation of the issues dealing with non-discrimination is based on these principles:

- a) The principle of equal treatment shall mean that there shall be no direct or indirect discrimination against any person or persons, based on sex, gender,

- age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status;
- b) The principle of fair representation of all persons and all the members of communities to employment in the frame of public bodies of all levels.
  - c) Good understanding principle and interethnic tolerance of the citizens of Kosovo.

### **Article 3**

#### **Terms**

For the purposes of Article 2 (a), the terms below are defined as follows:

- a) Direct discrimination shall be taken to have occurred where one person is treated less favourably than another is, has been or would be treated in a comparable situation based on one or more grounds such as those stated in Article 2(a);
- b) Indirect discrimination shall be taken to have occurred where an apparently neutral provision, criterion or practice would put persons, on the basis of one or more grounds such as those stated in Article 2(a), at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;
- c) Harassment shall be deemed to be discrimination within the meaning of Article 2(a) when an unwanted conduct takes place (including but not limited to unwanted conduct of a sexual and/or psychological nature) based on grounds such as those stated in Article 2 (a) which has the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment, as determined by that person;
- d) An instruction to discriminate against persons based on grounds such as those stated in article 2(a) shall be deemed to be discrimination within the meaning of Article 2(a).
- e) Victimisation shall be deemed to be discrimination within the meaning of Article 2(a) and shall be taken to have occurred when any person suffers any adverse treatment or adverse consequence as a reaction to a complaint, or to proceedings, which are aimed at enforcing compliance with the principle of equal treatment as defined in Article 2(a), and/or to the provision by such person of information, evidence or assistance in connection with such complaint or proceedings.
- f) Segregation shall be deemed to be discrimination within the meaning of Article 2(a), and shall be taken to have occurred when a person or persons are separated from others by any natural or legal person or persons, or any combination thereof, who are from either the public or private sector or both, when such separation is made on the basis of one or more grounds such as those stated in Article 2(a), unless such separation shall be objectively justified by a legitimate aim and the means of achieving that aim are proportionate and necessary.

#### **Article 4**

#### **Implementation Scope**

This Law shall apply to all natural and legal persons as regards both the public and private sectors, including public bodies, in relation to any action or inaction which violates the right or rights of any natural or legal person or persons, to:

- a) conditions for access to employment, self-employment and to occupation,
- b) including selection criteria and recruitment conditions, whatever the branch of
- c) activity and at all levels of the professional hierarchy, including promotion;
- d) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- e) employment and working conditions, including dismissals and pay;
- f) membership of, and involvement in, an organisation of workers or employers,
- g) or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;
- h) social protection, including the Social Assistance Schemes, social security and
- i) healthcare.
- j) social advantages, including but not limited to humanitarian assistance;
- k) education;
- l) access to housing, and to all other forms of property (both movable and immovable)
- m) access to and supply of goods and services which are available to the public;
- n) fair treatment before tribunals and all other organs administering justice;
- o) personal security;
- p) participation in public affairs, including the right to vote and be voted for.
- q) access to public places; and
- r) any other right set forth by applicable laws.

#### **Article 5**

#### **Real and determining occupational requirements**

Notwithstanding Articles 2(a), 3(a) and 3(b), a difference of treatment which is based on a characteristic related to one or more grounds such as those stated in Article 2(a), shall not be defined as discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a real and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.

#### **Article 6**

#### **Positive Action**

6.1. With a view to ensuring full equality in practice, a measure to prevent or compensate for disadvantages linked to one or more grounds such as those



stated in Article 2(a), shall not be deemed to be discrimination, provided that it is also in compliance with international human rights standards.

- 6.2. All persons exercising a public function shall ensure that those parties to whom they award a public contract, loan, grant or other benefit, will execute a document which states that they will act in compliance with this Law and will respect and promote a non-discrimination policy, as they carry out their obligations related to such a public contract, loan, grant, or other benefit.
- 6.3. If the party, which obtains a public contract, loan, grant or other benefit as referred to in paragraph 6.2, violates any of the, provisions of this law, such public contract, loan, grant or other benefit shall be declared null and void by the body that awarded it.

## **CHAPTER II PROCEDURES AND SANCTIONS**

### **Article 7 Procedure**

- 7.1. Any claim of discrimination under this Law shall be decided or adjudicated in accordance with the applicable law by administrative bodies and courts of competent jurisdiction, which have jurisdiction over the concrete issue covered by the claim.
- 7.2. Such administrative bodies and courts act in accordance with provisions of this law in order to determinate a claim.
- 7.3. Upon completion of the procedure upon a claim of discrimination under the applicable law on general administrative procedure, a claimant who is unsatisfied may bring a claim in accordance with the Chapter entitled Special Provisions in the Law on Administrative Disputes at the court which is competent under the applicable law.
- 7.4. Any mediation or conciliation procedures which are available under the applicable law may be utilized, at the option of the claimant or the claimants, in order to address violations of this Law.
- 7.5. The use of procedures under Article 7.4 shall not preclude the claimant from filing a claim with the appropriate administrative organ or court of competent jurisdiction at any time.
- 7.6. Associations, organisations or other legal entities may institute or support legal actions either on behalf of a claimant or claimants, with their consent, for utilising any judicial and/or administrative procedure for the enforcement of obligations under this Law.

### **Article 8 Burden of proof**

- 8.1. When persons who consider themselves wronged because the principle of equal treatment has not been applied to them establish, before a court or other competent authority, facts from which it may be presumed that there has been

- direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.
- 8.2. Paragraph 8.1 shall not prevent the introduction of rules of evidence, which are more favourable to plaintiffs. Further, a complainant may establish or defend their case of discrimination by any means, including on the basis of statistical evidence.
- 8.3. Paragraph 8.1 shall not apply to criminal proceedings and minor offences proceedings.

## **Article 9**

### **Sanctions**

- 9.1. A court of competent jurisdiction or an administrative body which has determined that a violation of this Law has occurred may impose sanctions, depending on the nature and scope of the violation and its impact on the victim or victims.
- 9.2. Sanctions foreseen in a decision of the competent body against a natural or legal person or persons violating the provisions of this Law include:
- a) Compensation for both pecuniary and non-pecuniary damages, suffered by victims of violations which compensation may include restitution of all rights and other remedies, provided within the applicable Law which the competent body deems appropriate; and
  - b) A natural or legal person or persons, or any combination thereof, that has been found to be in violation of this Law will be fined based upon the nature and scope of the violations in accordance with the following ranges:
    - (i) a natural person - from 500 Euro to 1.000 Euro
    - (ii) an independent contractor - from 1000 Euro to 5.000 Euro
    - (iii) a legal person - from 1000 Euro to 1.0000 Euro
    - (iv) a natural person within a legal person who is responsible for a violation – from 500 Euro to 2.000 Euro
    - (v) a person exercising a public function who is responsible for a violation – from 500 Euro to 2.000 Euro.
- 9.3. The court, at its option, may impose judicial imposition of positive measures.
- 9.4. All monies collected through the imposition of the penalties mentioned in paragraph 9.2.(b) shall be placed in a fund which will be established for the purposes of supplying free legal assistance to natural or legal persons who claim violations of the right to equal treatment under this Law.
- 9.5. All monies collected pursuant to paragraph 9.2 b, should be administrated by and administrative or juridical body pending the establishment of the Centre for Equal Treatment.
- 9.6. The imposition of any sanctions under this Law shall not preclude the imposition of any other sanctions available under any other law within the applicable law in Kosovo.

### **CHAPTER III BODIES FOR THE PROMOTION FOR EQUAL TREATMENT**

#### **Article 10 Existing body**

An authorised body to receive and investigate complaints concerning violations of rights based on discrimination is the Ombudsperson of Kosovo, which will review cases in compliance with his or her authority according to the legislation in force.

### **CHAPTER IV TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 11**

- 11.1. When this law come into effect it supersedes all previous applicable laws of this scope.
- 11.2. The provisions of the legislation introduced or into force for the protection of the principle of equal treatment are still valid and should be applied if they are more favourable than provisions in this Law.

#### **Article 12 Implementation of the Law**

- 12.1. Nothing in this Law may be interpreted as implying for the Provisional Institutions of Self-Government, any group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth in the applicable law or at their limitation to a greater extent than is provided for in the applicable law.
- 12.2. The restrictions permitted under this Law to the said right and freedoms shall not be applied for any purpose other than those for which they have been prescribed.
- 12.3. For the implementation of this Law, The Government of Kosovo can issue relevant by-laws.

#### **Article 13 Entry into force**

- 13.1. This law shall enter into force thirty days after its adoption by the Assembly and promulgation by the SRSG.
- 13.2. The Government shall conduct a public awareness programme with regard to the Law immediately upon its promulgation.

**20.08.2004  
UNMIK/REG/2004/32**

**OFFICIAL GAZETTE OF THE PROVISIONAL INSTITUTIONS OF SELF-  
GOVERNMENT IN KOSOVO / PRISHTINA: YEAR II / NO. 14 / 01 JULY 2007**

**LAW No. 03/L-215**  
**ON ACCESS TO PUBLIC DOCUMENTS**

**Contents**

Chapter I: General provisions.....	1064
Chapter II: Processing of applications.....	1065
Chapter III: Refusal of access to public documents .....	1069
Chapter IV: Documents published upon the public institutions' initiative .....	1070
Chapter V: The independent authority for access to public documents.....	1071
Chapter VI: Implementation.....	1071
Chapter VII: Transitional and final provisions.....	1073

**Assembly of the Republic of Kosovo,**

Based on Article 65 (1) of Constitution of the Republic of Kosovo;

Approves:

**LAW ON ACCESS TO PUBLIC DOCUMENTS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose**

This Law shall guarantee the right of every natural and legal person to have access, without discrimination on any grounds, following a prior application, to official documents maintained, drawn or received by the public institutions.

**Article 2**  
**Scope**

1. This Law shall apply to all documents maintained, drawn or received by the public institutions.
2. The right of access to documents shall be exercised pursuant to this Law, without prejudice to provisions of laws and the international legal instruments providing for more rights on access to public documents.
3. This Law shall be without prejudice to the right of access to public documents maintained by institutions, which can derive from the international legal instruments or acts of enforcing institutions.

### **Article 3**

#### **Definitions**

1. Terms used in this Law shall have the following meaning:
  - 1.1. **Public institutions** - the following state authorities and institutions;
    - 1.1.1. The Government and administration in national, regional and local level;
    - 1.1.2. lawmaking and judicial institutions, if they exercise administrative functions in accordance with laws of the Republic of Kosovo;
    - 1.1.3. natural or legal persons if they exercise administrative authority, exercise public functions or operate by public funds in accordance with laws of the Republic of Kosovo (private vendors exercising public competences);
    - 1.1.4. lawmaking institutions in relation to their other activities;
    - 1.1.5. judicial institutions in relation to their other activities; and
    - 1.1.6. independent institutions listed in or established under Chapter XII of Constitution of the Republic of Kosovo.
  - 1.2. **Public Document** - any official document;
  - 1.3. **Official Document** - including but not limited to, all information recorded in any form, drawn and received by the public institutions An Official Document is any official letter serving to prove or establish something, regardless its physical form or characteristics, written or typed text, maps, schedules, pictures, drawings, sketches, working materials stored in magnetic or electronic form as a sound or voice, any form of optical or visual recordings, and portable equipment for automatic data processing by installed or transferrable memories for electronic data storage (hereinafter “the document”);
  - 1.4. **The applicant of a document** - any natural or legal person, without discrimination on any grounds, under principles and conditions established by the present Law and other Law (hereinafter “the applicant”).
  - 1.5. **Ombudsperson** - the independent institution established under the Constitution of the Republic of Kosovo.

## **CHAPTER II**

### **PROCESSING OF APPLICATIONS**

#### **Article 4**

##### **The right of access to documents**

1. Any applicant of document shall have the right of access to documents of the public institutions, complying with principles, conditions and limitations established under the Law.
2. Documents shall be made accessible to the public based on a direct request, either following a written application or in electronic form, with exception to information restricted by Law.
3. Applications of the applicants for access to public documents, submitted in any

way permitted with the provisions of previous paragraph of this Article, by the public institution to which the applicant addresses, shall be treated as equal and official.

4. Public documents received from the applicant can not be used for denigration, propagandistic and commercial purposes.

## **Article 5**

### **Unit/responsible officer for communication with citizens**

1. All public institutions shall be obliged to assign units or officers who will be responsible for receiving and conducting an initial review of applications for access to documents.
2. All applications for access to documents shall be addressed to the public communication units or officers of the authority concerned.
3. Unit or officer for communication with citizens, after the receipt and the initial review of an application for access to official documents, shall evaluate that which is the relevant unit within the public institution that should have the requested document. After the receipt of the document from the relevant unit within the public institution, this document, pursuant to the applicable law, shall be sent to the requesting applicant.
4. Unit or officer for communication with citizens shall keep precise records of the number of applications for access to documents as well as of the number of requests being granted or refused.
5. Unit or officer for communication with citizens shall prepare regular reports and shall send them to the relevant unit within the Kosovo Government/Office of the Prime Minister, which shall prepare an overall report of public institutions on exercising the right of access to public documents.

## **Article 6**

### **Applications for access to official documents**

1. Applications for access to a document shall be made in any form, which enables the public institution to identify the document.
2. The applicant of a document shall not be obliged to state the reasons to have access to documents.
3. If an application is not sufficiently precise, the public authority shall ask the applicant to clarify the application and shall assist the applicant in doing so.
4. The applicant of a document shall have the right to remain anonymous against the third parties.
5. The public institutions shall provide information and assistance to persons on how and where applications for access to documents can be made.
6. Formalities for applications shall not override what is crucial for processing of applications.

## **Article 7**

### **Processing of applications for access to official documents**

1. Applications for access to documents shall be handled by the public institution which possessed the document
2. If the public institution does not possess or does not supervise the information, and has knowledge for respective body, its sector or other institutions, immediately or at latest five (5) working days, from the day of receipt of the request of the applicant in writing, is obliged to send the request to the respective body or to its sector, which possessed or supervises the information.
3. The respective public institution, from paragraph 2 of this Article, is obliged to notify the applicant for these activities.
4. In cases from the previous paragraphs of this Article, deadlines for realization of the right in the access to the information, respectively document, are accounted from the day when the public institution, respectively its sector has officially received the request conveyed from the previous institution.
5. The public institution shall assist the applicant, as appropriate, on reasonable grounds, to identify the requested official document.
6. Applications for access to official documents shall be handled on equal basis.
7. An application for access to official documents shall be reviewed and handled promptly.
8. The public authority shall, within seven (7) days from registration of the application, be obliged to issue a decision, either granting access to the document requested, or provide a written reply, state the reasons for the total or partial refusal and inform the applicant of his or her right to make a application for review. Refusal of the request is done with a decision in writing for its refusal.
9. In case of total or partial refusal, the applicant may, within fifteen (15) days from the receipt of a reply by the public institution concerned, submit the application for review of the issue asking the institution to reconsider the decision.

## **Article 8**

### **Continuation of terms**

1. Terms for realization of the right for access to information, respectively to public documents, defined with this Law, may be continued at mostly fifteen (15) days, if:
  - 1.1. information or the document must be requested out of the public institution;
  - 1.2. upon a request there are required some information or public documents, from the same party;
2. In relation to the continuation of the term, the public institution or its sector, without delay, at latest within eight (8) other working days, will notify the applicant about the progress and reasons that have caused the delay of the term.

## **Article 9**

### **Application for review of the issue**

1. The application for review of the issue shall be handled within seven (7) days from registration of the application for review of the issue.

2. The request for review shall be decided by the superior of competent public institution of Republic of Kosovo.
3. The public institution shall grant access to the document requested, or in a written reply, state the reasons for the total or partial refusal.
4. In the event of a total or partial refusal of the application for review of the issue, the public institution shall inform the applicant with a decision in writing.

#### **Article 10**

##### **Failure by the public institution to reply**

Refusal of the application of the applicant as well as the failure by the public authority to reply within the prescribed period of time shall be considered as a negative reply and shall entitle the applicant to initiate the procedure before the Ombudsperson Institution, other public institutions, competent court, in accordance with the Law into force.

#### **Article 11**

##### **Types of access to official documents**

1. Where access to a document is granted, the applicant shall have the right to choose whether he or she will consult the original or a copy, or whether he or she will receive a copy of the document in any available form or format at his or her choice.
2. If a restriction applies to some of the information on a document, the public institution shall grant access to the rest of information contained therein.
3. If the complete or partial document is required once or more times before, by the same applicant, if the institution has the evidence that the public institution or the official document is misused by the applicant before, if the partial or complete version of the document is misleading or incomprehensible in meaning, then the public institution, upon the legal procedure, may contest the access to information or document, respectively may refuse its grant in whole or a respective part of it.
4. The public institution may grant access to a document referring to the applicant in alternative sources that can be easily accessible.
5. If a document has already been released by the institution concerned and is easily accessible to the applicant, the public authority may fulfill its obligation of granting access to documents by informing the applicant how to obtain the requested document.
6. Documents shall be supplied in an existing version and format (including electronically or in an alternative format such as Braille alphabet, large print or tape) with full regard to the applicant's preference.



## **CHAPTER III**

### **REFUSAL OF ACCESS TO PUBLIC DOCUMENTS**

#### **Article 12**

##### **Exceptions from the right of access to documents**

1. Any applicant shall have the right to access public documents. Limitation of this right shall be exercised proportionally, and only for the purpose of protection of:
  - 1.1. national security, defense and international relations;
  - 1.2. public security;
  - 1.3. prevention, detection and investigation of criminal activities;
  - 1.4. disciplinary investigations;
  - 1.5. inspection, control and supervision by public institutions;
  - 1.6. privacy and other private legitimate interests;
  - 1.7. commercial and other economic interests;
  - 1.8. state Economic, monetary and exchange policies;
  - 1.9. equality of parties in court procedure and efficient administration
  - 1.10. of justice;
  - 1.11. environment; and
  - 1.12. the deliberations within or between the public institutions concerning the examination of a matter.
2. Access to information contained in a document may be refused if disclosure of the information undermines or may undermine any of the interests listed in paragraph 1 of this Article, unless there is an overriding public interest in disclosure.
3. If only a part of the requested document is covered by any of the exceptions listed in paragraph 1 of this Article, the remaining parts of the document shall be released.

#### **Article 13**

##### **Refusal of access to official documents**

1. An application for access to documents may be refused:
  - 1.1. if, regardless the assistance by the public institution, the application remains quite unclear to enable the identification of a document; or
  - 1.2. if there are met the conditions and requirements from paragraph 2 of Article 11 of this Law.
2. The public authority refusing a total or partial access to a document shall state the reasons for refusal. The applicant shall be entitled, following the submission of an application, to receive a justified decision in writing for this refusal by the public institution concerned.

#### **Article 14**

##### **Applications for access to classified documents**

Applications for access to classified documents shall be submitted in accordance with applicable Law on Classification of information and security rules.

## **Article 15**

### **Application of the provisions of the Law on administrative procedure**

In the procedure of the realization of the rights for access to information, respectively to public documents, appropriately, there are applied the provisions of the Law on administrative procedure of Republic of Kosovo, if it is not defined otherwise by the provisions of this Law.

## **CHAPTER IV**

### **DOCUMENTS PUBLISHED UPON THE PUBLIC INSTITUTIONS' INITIATIVE**

## **Article 16**

### **Direct access in electronic form**

1. The public institutions shall, according to this Law, be obliged, that in electronic form and through the publication in Official Gazette of Republic of Kosovo, to publish all that can be public, which are drafted by such institutions, in compliance with the Constitution and Law on Official Gazette of Republic of Kosovo.
2. Web pages of the public institutions shall contain, including but not limited to:
  - 2.1. the mission and functions of the public institution, including those of the subordinated units thereof;
  - 2.2. the organizational chart of the public institution, including that of the subordinated units thereof;
  - 2.3. the basic legislation on organization, functioning and functions of the institution concerned;
  - 2.4. the updated data on public activity of the institution concerned, policies, legal acts and sub-legal acts;
  - 2.5. the other policy strategies and documents adopted in line with the scope and functions of the public institution;
  - 2.6. the detailed list of services rendered to public by the institution concerned, such as licenses, permits, authorizations, certificates, confirmations, other public documents or services, including therein:
    - 2.6.1. the procedures and conditions for their acquisition;
    - 2.6.2. the necessary documentation and service cost;
    - 2.6.3. the application form for any service and guidelines how to fill it;
    - 2.6.4. the mandatory time limit to receive a reply to requested service;
    - 2.6.5. the time limit and the authority, where an appeal can be filed in case of rejection to reply or failing to render a service within the legal mandatory prescribed time limit;
3. All public institutions concerned shall make available an email address, especially for public communication and shall assign a person to check the received information on regular basis. This person may be responsible for updating, ensuring access and credibility of information posted in the public institutions' web pages.
4. The relevant Ministry of Public Administration shall, at last within six (6) months

after entry into force of the Law, issue sub-legal acts on the form, view and other characteristics that public institutions' web pages must have.

5. The Kosovo Government may define by a decision the additional content of the public institutions' web pages.

## **CHAPTER V**

### **THE INDEPENDENT AUTHORITY FOR ACCESS TO PUBLIC DOCUMENTS**

#### **Article 17**

##### **The Ombudsperson Institution**

1. The Ombudsperson Institution is an independent authority, which shall assist citizens to have access to the necessary documents being refused to them.
2. The Ombudsperson Institution's duty shall be to ensure an unobstructed exercise of the right of access to public documents, notably:
  - 2.1. to take the necessary measures to promote and support the fundamental rights of access to documents; and
  - 2.2. to submit regular reports to the Assembly on implementation of the right of access to official documents by public institutions.
3. The Ombudsperson Institution shall provide services to citizens free of charge.
4. The unsatisfied party may, in the procedure of realization of the right in access to public documents, address an appeal even to other public institutions.

## **CHAPTER VI**

### **IMPLEMENTATION**

#### **Article 18**

##### **Languages**

Citizens, as established under the Constitution of the Republic of Kosovo, shall exercise their rights as set out in the present Law, in their respective language.

#### **Article 19**

##### **Informing the public on their rights of access to documents**

1. The public institutions shall inform the public for their rights of access to official documents and the manner how they can exercise this right. They shall also take the following requisite measures to:
  - 1.1. fulfill their duties and obligations relating to implementation of this
  - 1.2. right;
  - 1.3. provide information on issues or activities relating to their responsibilities;
  - 1.4. manage their documents, efficiently, so that they are easily accessible;
  - 1.5. inform public about the rights arising by this Law; and
  - 1.6. determine the unit or responsible officer for communication with citizens, who shall be responsible for receiving and conducting an initial review of applications for access to documents.

## **Article 20**

### **Transparence, reporting and information of public institutions**

1. In order to provide entire transparence, the public institutions in their work and regarding the access to public documents shall be obliged to be responsible, efficient and shall report and inform the public opinion in a regular periodical and annual way.
2. Public institutions, at least once a year, must do the information from paragraph 1 of this Article, even through publishing comprehensive informators, reports and other constitutional appropriate forms of entire and transparent information of the citizens.
3. Each public institution shall publish an annual report for the preceding year, including the number of cases in which the public authority has granted access, as the cases in which the public authority has refused to grant access to documents, as well the reasons for such refusals.
4. Each public institution, annual report for the previous year, shall sent to relevant unit of the Government of Kosovo/ Office of the prime Minister, latest by the end of January of the respective year.
5. Relevant unit of the Government of Kosovo/ Office of the Prime Minister (OPM) for the implementation of this Law:
  - 5.1. shall prepare an overall report for the preceding year, by the end of March of the respective year;
  - 5.2. file a copy of the overall report in the Assembly of Kosovo,
  - 5.3. shall make recommendations, including, as appropriate, proposals for the revision of this Law; and
  - 5.4. shall prepare an action plan of measures to be taken by the institutions.
6. Relevant units within the Office of the Prime Minster, as needed and in cooperation with other public institutions and civil society shall take the necessary measures to promote and support the public institutions employees' fundamental rights of access to documents.

## **Article 21**

### **Costs for access to official documents**

1. Consultation of official documents in the public institutions' premises shall be granted free of charge, but does not exclude fees that can be imposed for related services rendered by archives and museums.
2. Costs for a copy of an official document may be covered by an applicant, which shall be reasonable and shall not exceed the real cost for production and the service of a copy.
3. Cost fees for production and service of copy of documents shall be regulated by the sub-legal act issued by the respective Ministry of Finance and shall be unified for all public institutions.
4. Cost fees shall be made public.

**Article 22**  
**Keeping the official evidence**

1. Public institution shall be obliged to lead the official and regular evidence, in the form of register or similarly, in relation to the requests, activities, procedures and decisions, regarding the realization of the rights of natural and legal persons, in access to official documents and information.
2. The way of instituting, content and other relevant elements of leading the evidence shall be regulated in more details with sub-legal provisions by the Government of Republic of Kosovo.

**CHAPTER VII**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 23**  
**Protection of personal data**

Pending the entry into force of Law on Protection of Personal Data, the public institutions may only release such data upon prior and explicit consent of the person in question.

**Article 24**  
**Reproduction of documents**

This Law shall be without prejudice to any existing rules on copyright which may limit a third party's right to reproduce or exploit released documents.

**Article 25**  
**Implementation of Law on General Administrative Procedure**

Unless otherwise provided by this Law, the provisions of Law on General Administrative Procedure shall apply to the procedure for access to public documents.

**Article 26**  
**Sub-legal acts**

1. The Government has the authority to adopt sub-legal acts with an aim of implementation of this Law.
2. The Government shall adopt sub-legal acts on implementation of this Law, three (3) months from the entry into force of this Law.
3. Failure to establish sub-legal acts in compliance with the previous paragraph shall not permit the institutions to refuse access to public documents.

## **Article 27**

### **Punitive provisions**

1. Public institution which in contradiction with the provisions of this Law, disables, detains or restricts realization of the rights in access to public document and information, shall be fined from five thousand (5.000) to ten thousand (10.000) euros.
2. For offence from paragraph 1 of this Article, the responsible person of public institution shall be fined with the amount from five hundred (500) to one thousand (1.000) euros.
3. With the fine from five hundred (500) to two thousand (2.000) euros, there shall be fined for offence the natural person who damages, destroys, hides or in any way makes as unclear the information, respectively public document, with the aim of preclusion of realization of the right in access to public documents, by the interested applicant.
4. For offence from the previous paragraph, with the fine from one thousand (1.000) to two thousand (2.000) euros, there shall be fined the responsible person of the competent public institution.

## **Article 28**

### **Abrogation**

1. The present Law shall abrogate:
  - 1.1. Law No. 2003/12 on Access to Official Documents;
  - 1.2. Administrative Instruction No. 3/2006, on implementing Law on Access to Official Documents;
  - 1.3. Administrative Instruction No. 05/2006 on organization and functioning of offices for receiving complaints and requests – Communication Table with citizens;
  - 1.4. Administrative Instruction No.07/2008-MSHP to strengthen transparency and standardization of the web sites of the Republic of Kosovo institutions, and
  - 1.5. any provisions of the legislation relating to the right of access to official documents, inconsistent with this Law.

## **Article 29**

### **Entry into force**

This Law shall enter into force fifteen (15) days after the publication in Official Gazette of the Republic of Kosovo.

**Law No.03/L –215**  
**7 October 2010**

**Promulgated by Decree No. DL-063-2010, dated 01.11.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 88 / 25 NOVEMBER 2010**

**LAW No. 2004/2  
ON GENDER EQUALITY IN KOSOVO**

**The Assembly of Kosovo**

Based on the Constitutional Framework for provisional Self-Government in Kosovo, especially sections 3.1, 3.2 (a), (b), (c), (d), 5.1 (k), 5.7, 9.1.26 (a) and 9.3.3

Recognizing the need the establishment of the legal conditions on gender equality in all fields of social life in Kosovo

Hereby adopts:

**THE LAW ON GENDER EQUALITY IN KOSOVO**

**SECTION 1  
GENERAL PROVISIONS**

**Purpose**

- 1.1. The present law shall preserve, treat and establish gender equality as a fundamental value for the democratic development of the Kosovo society, providing equal opportunities for both female and male participation in the political, economical, social, cultural and other fields of social life.
- 1.2. The present law creates the conditions and opportunities for gender equality through policies that support overall development, especially for the improvement of the females' status, so that they are entitled to authority in the family and society.
- 1.3. The provision of equal rights is the duty of the entire society and means the elimination of any barriers in achieving gender equality.
- 1.4. Gender equality is based on the principle of equal behavior and equal opportunity. Its implementation is exercised through the undertaking of positive measures and gender equality awareness policies.
- 1.5. The present law specifies the general and specific measures that need to be undertaken for the provision of equal rights and specifies the responsible authorities and their relevant competencies.

**SECTION 2  
DEFINITIONS**

- 2.1. *Gender equality*: shall mean equal participation for females and males in all relevant fields of social live, equal status, equal opportunities to be entitled to

- their rights and make use of their individual skills for the development of the society and equal benefit from the results of such development.
- 2.2. *Equal gender treatment*: shall mean the elimination of all direct and indirect forms of gender discrimination.
- 2.3. *Direct gender discrimination*: shall mean the unequal treatment of an individual compared to another individual of the opposite gender in the same of similar conditions.
- 2.4. *Indirect gender discrimination*: shall mean the placing of a certain individual in an unequal position with the neutral provisions, the standards or unequal treatment under the same or similar conditions, except in cases where such provisions, standards or treatment is indispensable and furthermore provided that such treatment can be justified by objective facts which are not based on any particular gender.
- 2.5. The present law considers the incitement of a person into gender discrimination as discrimination.
- 2.6. *Harassment and sexual harassment*: constitute gender discrimination.
- 2.7. *Harassment*: includes all forms of behavior that aim or constitutes a threat to personal dignity.
- 2.8. *Sexual harassment*: includes any form of sexual, verbal, non-verbal, physical or symbolic behavior that constitutes a threat to personal dignity.
- 2.9. *Legal measures*: are measures that aim at; achieving the complete equality of females and males in the society, that provide specific priorities that enable the members of a certain gender equal access in all fields of social life, eliminating the existing gender inequality providing certain rights.
- 2.10. *General measures*: are measures of a normative nature which aim at preventing gender discrimination through legislation that regulates specific fields, behaviors in certain circumstances or at undertaking the appropriate efforts for the provision of equal gender treatment, such as the penalties that shall be imposed in case of violation of these restrictions or requirements.
- 2.11. *Special measures*: are temporary measures that aim at providing gender rights and promoting gender equality in specific fields of social life which have been identifies as not representing gender equality.
- 2.12. *Unequal representation*: within the meaning of 2.11, exists when the participation of a certain gender in a particular social field or in a segment of such field is lower than 40 %.

### **SECTION 3**

#### **INSTITUTIONS AND LEADING BODIES**

- 3.1. The implementation of legal and affirmative measures establish equal participation for both females and males in legislative, executive, judicial bodies of all levels and in public institutions, so that representation of both genders in these institutions highs its level of their representation in the general population of Kosovo.
- 3.2. Equal gender participation of both females and males, according to Section 3.1, is achieved in cases where the participation of the particular gender in the institutions, bodies or at the level of authority is 40%.



- 3.3. Equal gender participation, in compliance with section 3.2, must be observed during appointments in central and local government bodies.
- 3.4. Equal gender participation must be observed during the appointment of members of certain councils, committees and representative bodies within and outside Kosovo, by the competent institutions.
- 3.5. Gender equality must be observed when naming institutions, public undertakings, roads.

## **SECTION 4**

### **RESPONSIBLE BODIES FOR THE ACHIEVEMENT OF GENDER EQUALITY AND THEIR COMPETENCES**

#### **THE ASSEMBLY OF KOSOVO**

- 4.1. The Assembly Kosovo shall observe the principles of equal gender representation during the establishment of working groups and delegations in accordance with its rules of procedure.
- 4.2. The Assembly of Kosovo shall review and approve a resolution on the Kosovo Program for Gender Equality.
- 4.3. The Assembly of Kosovo, every two years, shall review and approve the Governments report on the implementation of the Kosovo Program for Gender Equality.

#### **THE GOVERNMENT AND MINISTRIES**

- 4.4. The Government shall draft the Kosovo Program for Gender Equality. The government shall establish a working group comprised of representatives of ministries, the Office for Gender Equality, municipalities, public institutions, civil society and other experts to work on this task.
- 4.5. The Government shall submit before the Assembly a draft resolution on the Kosovo Program for Gender Equality.
- 4.6. Every two years the Government shall report before the Assembly on the achievements of the Kosovo Program for Gender Equality.
- 4.7. The government and the ministries shall promote and provide for equal gender rights.
- 4.8. The Government, within its scope of work shall achieve the objectives of this law by undertaking general and special measures specified in the present law.
- 4.9. The Government shall establish an inter-ministerial council which shall be comprised of Gender Affairs Officers of the ministries. The specific tasks and responsibilities of such council shall be set in a special Government.
- 4.10. The ministries shall comply with the provisions of this law when drafting regulations or programs.
- 4.11. The ministries shall collaborate with the Office of Gender Equality during the preparation of draft-laws, amendments to existing laws and they shall review recommendations by such Office concerning draft-laws and other documents in the aspect of gender equality prior to their presentation before the Government which takes the decisions.

- 4.12. Each ministry shall appoint an officer for gender equality, who shall coordinate gender issues within the ministry. The authorities of the Gender Affairs Officers in the respective ministries shall be set in a special ministerial regulation, based on the Kosovo Civil Service Regulation.
- 4.13. The Gender Affairs Officer, as specified by the foregoing paragraph shall be responsible for the implementation of the gender equality strategy within the framework of ministry's competencies, based on this Law and in collaboration with Office for Gender Equality of Kosovo.

### **LOCAL GOVERNMENT BODIES**

- 4.14. Local government bodies shall promote and establish equal opportunities, shall draft their policies taking into account gender equality and shall approve any necessary measures and undertake any activities to provide equal opportunities for both females and males.
- 4.15. Local government bodies shall establish an Office of Gender Affairs and shall appoint a Gender Affairs Officer in municipality. The competencies of the Officers in municipalities shall be set in a special regulation drafted by the Department of Local Administration in the Ministry of Public Services and the Kosovo Civil Service Regulation.
- 4.16. The Gender Affairs Officer in the respective municipality shall review every decision taken by the local government, prior to the endorsement.
- 4.17. The Gender Affairs Officer of the municipality shall collaborate with the Kosovo Office for Gender Equality.

### **SECTION 5 THE OFFICE FOR GENDER EQUALITY**

- 5.1. The Government of Kosovo shall establish the Office for Gender Equality as a separate governmental institution.
- 5.2. The Office for Gender Equality shall:
  - a) Implement and monitor the provisions of the present law and the regulations passed in accordance with the present law;
  - b) Propose before the Government and the ministries the compilation, alteration and amendment of laws and regulations, and the approval of other measures;
  - c) Draft gender equality promotion policies and supervise its implementation;
  - d) Supervise the implementation of international acts and agreements on gender equality;
  - e) Prepare reports on the implementation of the international acts and agreements, approved by the Government, on gender equality in Kosovo
  - f) Coordinate the preparation of the Kosovo Program on Gender Equality, and monitor its implementation;
  - g) Cooperate with the Gender Affairs Officers of the ministries and local governments;
  - h) Cooperate with non-governmental organizations, acting in the field of gender equality, and provide partial funding for their projects or activities;

- i) Cooperate with public institutions and provide partial funding for their projects or activities;
- j) Propose the conditions and criteria for partial funding, which are determined by the government;
- k) Coordinate activities for implementation of general gender regulations, including the facilitation of professional assistance for the development of appropriate methods and techniques.
- l) Propose research and analysis initiatives in the field of gender equality;
- m) Work on increasing gender equality awareness;
- n) Report before government on the activities of the Office for the previous year, no later than the end of March.
- o) The Office for Gender Equality in performing its duties related to gender issues mentioned at Article 5.2 (a) to (n) shall coordinate its activities with the Advisory Office of Good Governance, Human Rights, Equal Opportunities and Gender established pursuant to UNMIK Regulation No. 2001/19, Annex I.

## **SECTION 6 THE GENDER EQUALITY UNIT**

Discrimination issues directly related to Gender shall be addressed by the Gender Equality Unit of the Ombudsperson institution, established with UNMIK Regulation No. 2000/38, which also shall be responsible for reviewing draft laws, giving comments on the implementation of the present law and existing legislation related to gender issues. The Office for Gender Equality of the Ombudsperson shall be funded by the Kosovo Consolidated Budget.

## **SECTION 7 THE FUNDING OF THE GENDER EQUALITY OFFICE**

The Kosovo Office for Gender Equality shall be funded by the Kosovo Consolidated Budget.

## **SECTION 8 THE COLLECTION OF INFORMATION AND GENDER STATISTICS**

- 8.1. All data and statistical and non-statistical information collected, verified and processed by the central and local bodies, public services and institutions, public and private undertakings and other entities shall be presented according to the gender structure.
- 8.2. Gender equality must be taken into account during the preparation of reports, analysis and projects by the central and local bodies, public institutions, public and private undertakings and other entities.
- 8.3. The Institutions of Kosovo which according to the relevant laws are authorized to collect, verify process and analyze statistics, shall include the gender indicator on all of their activities, population registration, demographic surveys, and any surveys of other kinds.

- 8.4. All data, statistical and non-statistical information that are collected, verified and processed in compliance with section 9.1 shall become a composite part of a statistical data base and may be accessed in accordance with the legal provisions that regulate the protection of the citizens' personal data, and in compliance with the Law on the Access of Official Documentation.

## **SECTION 9 POLITICAL PARTIES**

All registered Political Parties shall ensure, in compliance with section 3.2, that both females and males are equally represented.

## **SECTION 10 CIVIL SOCIETY**

- 10.1. Non-governmental organizations, associations and foundations in the field of gender equality shall collaborate and coordinate their work with government institutions and other institutions as foreseen by the present Law.
- 10.2. Civil society bodies contribute to the implementation of the present law.

## **SECTION 11 ECONOMY**

- 11.1. The economical, financial, employment and social welfare legislation and the macro-economic, micro-economic, financial and privatization programs including the right of heritage and property, loans and natural resources shall enable the equal and full participation of both females and males.
- 11.2. The competent bodies and legal entities with public authorizations, and financial institutions shall, under equal conditions, provide both females and males with access to revenues and the distribution of revenues that are allocated for the stimulation of businesses and self-employment.

## **SECTION 12 EMPLOYMENT**

- 12.1. Public and private sector undertakings and legislative and executive institutions shall provide equal rights and opportunities for females and males in labor and employment sector.
- 12.2. Vacancies shall be available equally for females and males.
- 12.3. Announcement of job vacancies shall not contain any words or expressions that might cause gender discrimination. This paragraph 12.3 shall not be applied to cases where such announcement or declarations are published to achieve a gender balance in a certain professional sector, provided however that such intention is clearly stated in the announcement.
- 12.4. The election criteria and conditions for the vacancies of any field or sector and in all professional levels in the private and public sector, take into account gender equality.

- 12.5. Employers shall pay an equal salary for both males and females, for the same work and for the work of the same importance and shall also provide equal employment and working conditions and rights.
- 12.6. Employers ensure that both female and male employees have equal opportunity to attend education and professional training and attend courses that aim to improve professional skills or prepare them for other professions.
- 12.7. Employers or institutions that provide professional training or any individual participating in such training shall not discriminate any individual on gender basis.
- 12.8. Employers shall provide equal treatment for females and males in the labor sector and shall take measures to ensure that vacancies or positions are not categorized specifically for females or males.
- 12.9. Employers take all necessary measures to enable females and males to correspond to both their professional and family obligations. The time schedule, in accordance with the needs of labor the market and family state of employees, must be organized in such a way that female employers can return to their previous posts after maternity leave, parental leave, abortion leave, sick leave or after the time spent out of the place of work due to family emergencies or professional training.
- 12.10. All female and male employees have the right to become members and take active part in the employees' or employers' unions or in any other professional organization and receive the benefits from such membership.
- 12.11. Harassment and sexual harassment in the working place is prohibited.
- 12.12. The expulsion of an employee is prohibited in cases when such employee demands the implementation of the present law.
- 12.13. Expulsion from work, temporary suspension, unfairness regarding the work safety, working conditions or the recognition of his/her work due to his/her complaint for sexual harassment or discrimination on gender bases, is prohibited.
- 12.14. In cases of job cuts or job closings, discrimination on gender basis is prohibited.
- 12.15. Unpaid work of females and males is considered as a contribution to the development of the family and the society in cases of:
  - a) The care for family welfare;
  - b) The care for children;
  - c) The care for other members of the family;
  - d) The work on agriculture and family economy, etc;The rights established by the present paragraph shall be implemented in compliance with the legislation of social insurance, politics and other measures.
- 12.16. Protection during work for females and males as well as the benefits from social insurance for short time labor, temporary labor and home labor shall be regulated by the applicable legislation.

### **SECTION 13 EDUCATION**

- 13.1. Equal right to education must be provided for females and males in all levels of education to ensure their equal active participation in the society, family and the labor market.

- 13.2. The competent bodies and institutions in the field of education of all levels shall establish, implement and supervise policies with the purpose of ensuring gender equality, especially concerning:
- a) Access to education;
  - b) Gender Equality Education;
  - c) The preparation, approval and implementation of the of the curriculum
  - d) The preparation of school materials and texts and the review of existing school materials;
  - e) Research on the status of genders in Kosovo, as a specific method in education.
  - f) The inclusion of females and males in professional and advisory training, for those professions which have been traditionally considered only for males or females;
  - g) Equal participation of females and males in all sports and leisure activities during the educational hours.
- 13.3. Gender discrimination is prohibited in all schools and other educational and pedagogical institutions.

## **SECTION 14 MEDIA**

- 14.1. All media (written, audio-visual and electronic) shall promote equality between females and males through:
- a) Educational programs;
  - b) Ensuring possibility for the equal presence of female and male journalists in their staff;
  - c) Promoting the equal role of females and males in the society;
  - d) Providing accurate and complete information on gender equality.
- 14.2. The Broadcasting and publishing of gender discrimination programs, materials or information is prohibited.
- 14.3. The public display of any individual in a way that constitutes an insult, or degradation on gender or sexual basis is prohibited.

## **SECTION 15 GENDER EQUALITY AND CIVIL RIGHTS**

- 15.1. The age of adulthood for both genders in Kosovo is eighteen (18).
- 15.2. Marriage is legally recognized, by the civil registration act and establishes rights and obligations, except if otherwise foreseen by other legislation.
- 15.3. The marriage registration act is allowed after reaching the age of consent, except if otherwise foreseen by other applicable laws.
- 15.4. Any person female or male may not register more than one marriage at the same time.
- 15.5. Conditional and forced marriages and marriages against the will of the persons who are to be married are illegal and punishable by law.
- 15.6. The property created during matrimony is registered in the public registers as a common property in the name of both partners.

- 15.7. The institution that exercises the registration of property shall to act in accordance with paragraph 16.6 of the present law.
- 15.8. The work of both partners through which common property is created, is considered equal contribution for the creation of the common property.
- 15.9. The common registered property in compliance with section 16.7, is administered jointly and may not be alienated without the consent both partners.
- 15.10. In case of divorce, the common property is equally divided.
- 15.11. In case of the death of one of the spouses, the inherited property is divided between the surviving partner and the other inheritors in compliance with the applicable law.
- 15.12. Children of both genders are entitled to an equal share of the inherited property.
- 15.13. Inheritors, females and males can obtain and can renounce his/hers share, after the registration of their inherited property.
- 15.14. People of both genders shall have equal access to the insurance system and social welfare during their entire life.

## **SECTION 16 PENALTY PROVISIONS**

- 16.1. Employers are subject to a fine of 1.000 to 5.000 Euros in case of violation of paragraph 13.5 of the present law. Responsible person is subject to fine of 500 to 1.500 Euros in case of violation of paragraph 13.5 of the present law.
- 16.2. Employers are subject to a fine of 5.000 to 10.000 Euros in case of violation of paragraph 13.12, 13.13 of the present law. Responsible person is subject to fine of 1.000 to 3.000 Euros in case of violation of paragraph 13.12 and 13.13 of the present law.
- 16.3. Legal entities are subject to a fine of 5.000 to 10.000 Euros in case of violation of paragraph 15.2 of the present law. Responsible person is subject to fine of 1.000 to 3.000 Euros in case of violation of paragraph 15.2 of the present law.
- 16.4. The authorized institutions and the person responsible for the registration of properties in the public register are subject to a fine of 10.000 to 20.000 Euros in case of violation of paragraph 16.7 of the present law.
- 16.5. Funds collected by fines are collected into Kosovo Consolidate Budget.

## **SECTION 17 INTERIM PROVISIONS**

- 17.1. Within a period of 6 (six) months from the entry into force of the present law the Kosovo Government shall submit to the Assembly of Kosovo, the Resolution on the Kosovo Program for Gender Equality.
- 17.2. Within a period of 3 (three) months from the entry into force of the present law, the Kosovo Government shall issue a regulation for the establishment of the Office for Gender Equality.
- 17.3. Within a period of 3 (three) months from the entering into force of the present law, the Ministries shall appoint the Officers of Gender Affairs.
- 17.4. Within a period of 3 (three) months Municipal Administration appoint the Officers of Gender Affairs in the Municipality.

**SECTION 18  
FINAL PROVISIONS**

- 18.1. Judicial protection of gender equality is guaranteed.
- 18.2. Gender discrimination is prohibited by law in all fields of social life in Kosovo.
- 18.3. This Law does not impede the implementation of other laws into force, which set gender equality violation penalties.

**SECTION 19  
ENTRY INTO FORCE**

The present law shall enter into force after the approval by the Assembly of Kosovo and its promulgation.

**UNMIK/REG/2004/18  
07.06.2004**

**OFFICIAL GAZETTE OF THE PROVISIONAL INSTITUTIONS OF SELF-  
GOVERNMENT IN KOSOVO / PRISHTINA: YEAR II / NO. 14 / 01 JULY 2007**



**LAW No. 03/L-047**  
**ON THE PROTECTION AND PROMOTION OF THE RIGHTS**  
**OF COMMUNITIES AND THEIR MEMBERS IN KOSOVO**

Based on Chapter IV article 65 item 1 and also of article 81 item 1 paragraph 2, of the Constitution of Republic of Kosova, for the purpose to promote the rights of minorities and their members in the Republic of Kosova.

**The Assembly of the Republic of Kosovo,**

Hereby adopts

**LAW ON THE PROTECTION AND PROMOTION OF THE RIGHTS**  
**OF COMMUNITIES AND THEIR MEMBERS IN KOSOVO**

**Article 1**  
**General provisions**

- 1.1. The Republic of Kosovo shall guarantee full and effective equality for all people of Kosovo. Kosovo regards its national, ethnic, linguistic and religious diversity as a source of strength and richness in the further development of a democratic society based on the rule of law. In the development of the Republic of Kosovo, the active contributions of all persons belonging to communities is encouraged and cherished.
- 1.2. The Republic of Kosovo shall take special measures to ensure the full and effective equality of communities and their members, taking into consideration their specific needs. Such measures shall not be considered act of discrimination.
- 1.3. Persons belonging to communities in the Republic of Kosovo shall be entitled to enjoy individually or jointly with others the fundamental and human rights and freedoms established in international legal obligations binding upon the Republic of Kosovo. These rights and freedoms are guaranteed by the constitution, other laws, regulations and state policies.
- 1.4. For the purposes of this law, communities are defined as national, ethnic, cultural, linguistic or religious groups traditionally present in the Republic of Kosovo that are not in the majority. These groups are Serb, Turkish, Bosnian, Roma, Ashkali, Egyptian, Gorani and other communities. Members of the community in the majority in the Republic of Kosovo as a whole who are not in the majority in a given municipality shall also be entitled to enjoy the rights listed in this law.
- 1.5. Every person belonging to a community shall have the right to freely choose to

be treated or not to be treated as such, and no disadvantage or discrimination shall result from the choice to exercise or not to exercise the rights that are connected with that choice.

- 1.6. In their free exercise of rights and freedoms enshrined in this law, communities and their members shall respect the rights of others.
- 1.7. The authorities in the Republic of Kosovo, including the Courts, shall interpret this law in accordance with the guarantees of human rights and fundamental freedoms and the rights of communities and their members established in the Constitution of the Republic of Kosovo with applicable international human rights obligations including the provisions of the Council of Europe Framework Convention for the Protection of National Minorities.

## **Article 2**

### **Identity**

- 2.1. Communities and their members shall have the right to freely maintain, express and develop their culture and identity, and to preserve and enhance the essential elements of their identity, namely their religion, language, traditions and cultural heritage. In addition to the specific rights enumerated in this law, fundamental human rights shall be exercised freely and equally, including freedom of thought; of expression; of the media; of association and assembly; of religious belief and practice; and the right to manifest, in public or private, individually or in community with others, the cultural attributes of the respective community.
- 2.2. The Republic of Kosovo shall create appropriate conditions that enable communities and their members to freely maintain, express and develop their identities.
- 2.3. Measures intended to alter the proportions of the population in areas inhabited by persons belonging to communities to their disadvantage are prohibited. Kosovo shall protect persons belonging to communities from policies or practices aimed at, or having the effect of, assimilation against their will.
- 2.4. Persons belonging to communities have the right to have personal names recognized in their original form and in the script of their language as well as to revert to their original names if they have been changed. This includes the right to freely choose their given and family names and the names of their children, and the right to enter such names into public registries, personal identification and other official documents in their own language and script in accordance with the law.

## **Article 3**

### **Full and effective quality**

- 3.1. The Republic of Kosovo shall promote a spirit of peace, tolerance, inter-cultural and inter-religious dialogue, and support reconciliation between communities. The standards set forth in this law, in the Council of Europe Framework Convention for the Protection of National Minorities, and in other relevant instruments shall be respected in order to achieve full and effective equality of all the people of Kosovo.

- 3.2. The Republic of Kosovo shall take all necessary measures to protect persons who are subject to threats or acts of intimidation, hostility or violence as a result of their national, ethnic, cultural, linguistic or religious identity. The competent bodies shall prosecute, as provided by law, those engaging in such threats or acts described in this paragraph.
- 3.3. All forms of discrimination, direct or indirect, on account of national, ethnic, cultural, linguistic or religious identity are prohibited. In accordance with the law, the Republic of Kosovo shall ensure that all members of communities fully enjoy their fundamental rights and shall take special measures to remedy any situation where these persons are excluded from equal exercise of these rights.
- 3.4. The Republic of Kosovo shall take such affirmative measures as may be necessary to promote full and effective equality in all areas of economic, social, political and cultural life, including education, media, health and other public services. Such action shall be offered equally to all communities and their members based solely on need.
- 3.5. The Republic of Kosovo shall protect the freedom of movement and safety and security of members of communities throughout the country.

#### **Article 4** **Language**

- 4.1. The Albanian and Serbian languages and their alphabets are official languages of the Republic of Kosovo and have equal status in its institutions. The Turkish, Bosnian and Roma languages shall have the status of official languages at the municipal level or will be in official use in accordance with the Law on the Use of Languages.
- 4.2. Persons belonging to communities shall have the right to use freely and without interference the language of their community in private and in public, orally and in writing.
- 4.3. Persons belonging to communities shall have the right to freedom of expression, including the right to receive and impart information and ideas in the language of their respective community.
- 4.4. Persons belonging to communities subject to arrest or detention shall have the right to be informed promptly in a language she or he understands of the reason of her or his arrest and of the nature and cause of any accusation against her or him
- 4.5. Persons belonging to communities shall have the right to defend themselves court in their language; if necessary the government shall provide them with the free assistance of an interpreter.
- 4.6. Persons belonging to communities shall have the right to display in their community language signs, inscriptions and other information of a private nature visible to the public.
- 4.7. In areas where persons belonging to communities represent a sufficient share of the population, traditional local names, street names and other topographical indications shall be also displayed in the respective non-majority language. This shall be governed by Law on the Use of Languages.

- 4.8. The use of language in relations between persons belonging to communities and the administrative authorities at the central and municipal levels, in relation to the courts, the media, and in education, shall be regulated by the Law on the Use of Languages.
- 4.9. Kosovo shall take affirmative measures to ensure that languages other than the official languages are preserved, maintained and promoted, and shall orient its conduct according to the European Charter for Regional and Minority Languages.

## **Article 5**

### **Culture**

- 5.1. Communities in the Republic of Kosovo and their members have the right to express, maintain and develop their culture and traditions and to administer their own cultural affairs.
- 5.2. Communities shall have the right to establish associations for culture, art, science and education and other associations for the expression, fostering and development of their identity. These associations shall have the right of registration as citizens' associations, and such registration shall not be denied or revoked other than for reasons prescribed by law.
- 5.3. Communities shall have the right to establish community representative organizations that may act as umbrella organizations in relation to the respective community and seek representation on the Community Consultative Council. These associations shall, in addition to requirements under paragraph 2 of this Article, comply with a code of conduct relating to their genuine representation of their respective community, democratic functioning, efficiency and financial transparency. Such a code of conduct shall be adopted by the community representative organization through the Community Consultative Council established in accordance with Article 12 of this law.
- 5.4. Organizations or associations established under paragraph 2 and 3 of this Article shall be eligible for support and financial assistance, including from the government, in accordance with the law.
- 5.5. Communities and their members shall have the right to celebrate freely and publicly their traditional and religious holidays in accordance with the law.
- 5.6. Communities and their representative organization shall have the right to use and display symbols of their community in accordance with the law and international standards.
- 5.7. Persons belonging to communities, acting individually or through their representative organizations shall have the right to maintain contacts among themselves and others living in the Republic of Kosovo and to establish and maintain free and peaceful contacts with persons in any State, in particular those with whom they share an ethnic, cultural, linguistic or religious identity or a common cultural heritage, in accordance with the law and international standards.
- 5.8. The Republic of Kosovo shall conclude bilateral, multi-lateral, regional or sub-regional agreements with other states to encourage and foster cultural, educational and other forms of cross-border cooperation.

- 5.9. Persons belonging to communities and their associations have the right to freely participate without any discrimination in local and international organizations and their activities.
- 5.10. The Republic of Kosovo shall preserve the cultural and religious heritage of all communities as an integral part of the heritage of Kosovo and shall ensure the effective protection of sites and monuments of cultural and religious significance to communities according to the law.
- 5.11. In cooperation with the Community Consultative Council and community representative organizations, the Republic of Kosovo shall develop a strategy for the effective protection of sites and monuments of cultural and religious heritage to communities.
- 5.12. The Government of Kosovo may delegate to community organizations and associations that are willing and have the capacity to fulfill such a function, the task of maintaining certain sites and monuments of special interest to them, and offer funding towards that aim in accordance with the law and international standards.

## **Article 6**

### **Media**

- 6.1. Communities and their members shall be guaranteed access to information without discrimination. Communities and their members shall have the right to create and use their own media, including for the purpose of providing information in their language through, inter alia, daily newspapers and wire services. Communities and their members shall have a reserved number of frequencies for electronic media in accordance with the law and international standards.
- 6.2. Communities shall be guaranteed access to equitable representation in public broadcast media. Time shall be allocated for programming about communities on public broadcasting channels and to ensure the mainstreaming of communities' perspectives in domestic news broadcasting.
- 6.3. Communities shall have the right to community programming in their language in public broadcast media in accordance with the law. Such programming should cover both the activities of the respective community and other content of interest to it, extending to news, culture, sports and entertainment. Persons belonging to communities shall have a leading role in generating and presenting such programs.
- 6.4. Public broadcast media outlets shall ensure, at national and local levels, an adequate number of broadcast hours of programming in the languages of communities, including at peak viewing/listening times. The minimum number of community programming hours shall be prescribed by law.
- 6.5. The Government of Kosovo shall be obliged to take all measures within its powers to secure an international frequency plan that will allow the Kosovo Serb Community access to a licensed Kosovo-wide independent Serbian-language television channel operating effectively and without discrimination in accordance with law.

- 6.6. The free reception of cross-border broadcasts, whether direct or by means of retransmission or re-broadcasting, shall be guaranteed.
- 6.7. Persons belonging to communities shall be adequately represented on the regulatory bodies relating to the media in the Republic of Kosovo. Representatives of communities shall be appointed to the Independent Media Commission in consultations with community representative organizations.
- 6.8. Regulations concerning the prohibition of incitement or spreading of racial, ethnic or religious hatred or intolerance shall also apply to the media outlets referred to above.

## **Article 7** **Religion**

- 7.1. The Republic of Kosovo has no official religion and is neutral on questions of religious beliefs.
- 7.2. Persons belonging to communities shall have the right to freedom of belief, conscience and religion. This right includes the freedom to have, not to have, to retain or to change religion or belief and the freedom, either alone or in community with others, in public or in private, to manifest religion or belief, in worship, teaching, practice and observance. This right shall be subject only to limitations as prescribed by the law and international standards.
- 7.3. The Republic of Kosovo shall not interfere with the religious freedom of communities and persons belonging to them.
- 7.4. The practice of religious rites, traditional forms of religious life, including monastic life, and religious education shall be protected along with church property.
- 7.5. The Republic of Kosovo shall promote the preservation of the cultural and religious heritage of all communities as an integral part of the heritage of Kosovo.
- 7.6. The Serbian Orthodox Church in Kosovo shall be afforded the protection and enjoyment of its rights, privileges and immunities according to the Law on the Establishment of Special Protective Zones.
- 7.7. Communities and their members have the right to establish community religious organizations and institutions in accordance with the law. Exercise of this right shall be subject only to legal requirement of registration. Restrictions shall only apply as provided in paragraph 2 of this Article.

## **Article 8** **Education**

- 8.1. All persons belonging to communities shall have the right to receive public education at all levels in one of the official languages of Kosovo of their choice. Persons belonging to communities are entitled to pre-school, primary, secondary public education in their own language, even if it is not an official language. The Government of Kosovo shall establish reasonable and viable thresholds for establishing specific classes or schools operating in community languages. The

minimum threshold for such classes or schools shall be lower than thresholds normally stipulated for educational institutions and classes. The maximum thresholds shall correspond with the established thresholds normally stipulated for school classes. This shall be regulated by law.

- 8.2. In municipalities in which there are an insufficient number of pupils to make education available in a non-official community language, the Government of Kosovo has an obligation to offer alternatives, including subsidized transport to an area where such schooling is being offered, distance learning, roving teaching arrangements or offers of boarding.
- 8.3. The Republic of Kosovo shall guarantee the existing facilities for professional training and higher education at university level in community languages. In accordance with an expressed need and financial viability, the Government of Kosovo shall provide further higher education and professional training programs in community languages.
- 8.4. Communities and their members shall have the right to establish and manage their own private educational and training establishments for which public financial assistance may be granted, in accordance with the law and international standards. Such establishments shall be eligible to apply for accreditation by the Ministry of Education, Science and Technology if they comply with the general educational standards of the curricula of the Republic of Kosovo in accordance with the law. The Ministry of Education, Science and Technology shall monitor the quality of the delivery of education in accordance with the law.
- 8.5. Schools that teach in the Serbian Language may apply curricula or textbooks developed by the Ministry of Education of the Republic of Serbia upon notification to the Kosovo Ministry of Education, Science and Technology according to procedures established in the Law on Local Education.
- 8.6. The university of the Mitrovicë/Mitrovica North shall be an autonomous public institution of higher learning. The municipality of Mitrovicë/Mitrovica North shall have authority to exercise responsibility for this Serbian language university as governed by law.
- 8.7. In relation to cases other than those referred to in paragraph 5 of this Article, the Government of Kosovo shall establish integrated curricula in community languages that are not an official language, as well as education standards for all aspects of education and shall monitor and enforce the quality of the delivery of education in community languages. Educational establishments operating in a community language that is not an official language can design school programs in their own way, while complying with the overall framework of the integrated curriculum and meeting standards of achievements stipulated by the Government. Moreover, communities shall be entitled in cooperation with the Government to generate educational modules concerning their own culture, history and traditions.
- 8.8. In its arrangements for teacher training, the Government of Kosovo shall ensure that sufficient qualified personnel are available to fulfill obligations under paragraph 7 of this Article. Teacher training for those seeking to teach in community languages shall be conducted in the relevant languages. In selecting suitable candidates, the authorities shall be mindful of the need to have

- education in community languages delivered by qualified speakers of that language, preferably by native speakers.
- 8.9. The Government of Kosovo shall ensure that heads and teachers of public educational institutions operating in community languages are mainly representatives of such communities and are fully familiar with the identity of the relevant community.
  - 8.10. In primary and secondary schools where the language of instruction is not an official language, pupils shall also learn an official language of their choice in accordance with the law.
  - 8.11. The Government of Kosovo shall ensure equal access of persons belonging to communities to higher education at university level. To this end, it shall establish special measures to ensure the admission of candidates from community schools to higher and university educational institutions.
  - 8.12. The Kosovo national educational curriculum shall cover the history, culture and other attributes of communities traditionally present in the country to foster the spirit of respect, understanding and tolerance among all communities in Kosovo. Community representative organizations shall be consulted in the process of designing such a curriculum.

## **Article 9**

### **Economic and social opportunities**

- 9.1. Communities and their members shall have the right to enjoy their property, and the opportunity to work for just and equitable compensation without discrimination.
- 9.2. The Republic of Kosovo shall develop public employment programs and other initiatives, in addition to specially targeted measures, aimed at overcoming direct and indirect discrimination against persons belonging to communities. Special consideration shall be given to improving the situation of Roma, Ashkali and Egyptian communities.
- 9.3. The planning, development, implementation, and evaluation of special mechanisms to enhance economic and employment opportunities for vulnerable groups within society shall take place with the full participation and consultation of community representative organizations. Special consideration shall be given to the poor, the elderly, children, young families and single-parent families, widows and the disabled members of communities.
- 9.4. The Republic of Kosovo shall ensure the equality of men and women in employment, economic and social opportunities, and shall regularly monitor whether women are at risk from double discrimination due to gender and their belonging to a particular community. The government shall adopt special measures to counter such discrimination.
- 9.5. Persons belonging to communities shall be entitled to equitable representation in employment at all levels in publicly owned enterprises and public institutions, including the security sector, the Judiciary, the prosecution service, government agencies relating to the administration of justice and correctional facilities, defense, security, and intelligence.



Law No. 03/L-047 on the protection and promotion the rights of communities and...

- 9.6. Where persons belonging to communities find it difficult to meet standards for admission to positions in public services, including in particular higher-level positions, special measures shall be provided.
- 9.7. Persons belonging to communities shall have equal opportunities in procedures concerning public procurement or the privatization of public property.

## **Article 10**

### **Health**

- 10.1. The Republic of Kosovo shall take necessary measures to ensure that persons belonging to communities shall have equal access to health care without discrimination.
- 10.2. The Republic of Kosovo shall take special measures to ensure that satisfactory health care services are provided to persons belonging to socially and economically vulnerable communities.
- 10.3. Medical safety instructions shall be available in the relevant community languages.
- 10.4. The Republic of Kosovo shall recognize medical qualifications attained abroad, in particular of qualifications of persons speaking community languages, provided that such medical qualifications are in conformity with international standards of accreditation, based on applicable law.
- 10.5. Information related to health care education, including information about rights and obligations and entitlements of communities and their members, shall be displayed and provided in the languages of the respective communities.
- 10.6. The Republic of Kosovo shall establish effective, transparent, participatory and accessible procedures to monitor access to and delivery of health care services for members of communities.

## **Article 11**

### **Political Participation**

- 11.1. Communities and their members shall have the right to effective participation in political decision-making at all levels of government, including in decisions of special relevance for them or for the areas in which they live. Such participation is assured through representation in the Assembly of Kosovo, the Government, the Judiciary and other bodies of Kosovo as provided for in the Constitution of the Republic of Kosovo.
- 11.2. Participation in municipal governance is guaranteed through the Law on Local Self-Government, including the establishment of the offices of Deputy Chairperson of Municipal Assembly for Communities and the Deputy Mayor for Communities.
- 11.3. Persons belonging to communities have the right to form political parties and to run for elected seats and positions at all levels of government.
- 11.4. Political parties, other than those established by persons belonging to communities, with the aim of representing those communities, may not exclude persons on grounds of their belonging to communities and are encouraged to open themselves to the diversity of Kosovo society.

- 11.5. In accordance with paragraph 3, Article 5 of this law, community representative organizations shall be encouraged to assist the respective communities in representing their interests in a consolidated way and to take a role in the self-management of resources made available for the advancement of their cultural life.

## **Article 12**

### **Community Consultative Council**

- 12.1. There shall be a Community Consultative Council under the auspices of the President of the Republic of Kosovo. The Council shall have the following mandate:
- a) to assist in the organization and the articulation of the views of communities and their members in relation to legislation, public policy and programs of special relevance to them;
  - b) to provide a forum for coordination and consultation amongst communities, and to ensure the effective functioning of the community representative organizations according to a code of conduct to be adopted by the Community Consultative Council;
  - c) to provide a mechanism for regular exchange between communities and state institutions;
  - d) to afford the communities the opportunity to participate at an early stage on legislative or policy initiatives that may be prepared by the Government or the Assembly, to suggest such initiatives and to have their views incorporated in the relevant projects and programs, including the annual strategy and report under Article 13 of this law, in accordance with the law;
  - e) to fulfill requests for other mandatory consultations with regard to certain legal acts, as foreseen in the Constitution and the law;
  - f) to enable communities to participate in the needs assessments, design, monitoring and evaluation of programs that are aimed at their members or are of special relevance to them;
  - g) to make recommendations during the decision-making process concerning the apportionment of funds, both international and allocated from the budget of the Republic of Kosovo, for projects aimed at communities or their specific interests;
  - h) to contribute to the reporting of the government of Kosovo to international human rights mechanisms; and
  - i) to raise awareness of community concerns within the Republic of Kosovo and to contribute to harmonious relations between all communities within the Republic of Kosovo.
- 12.2. The Community Consultative Council shall be established on the basis of a statute reflecting the provisions of this law. The statute of the Council shall be adopted after consultation with the communities by a presidential decree within three months of the coming into force of this law. The Council shall commence its work within one month of the adoption of this statute.
- 12.3. The Community Consultative Council shall meet once a month. It may create

specialist working groups on issues such as education, employment, social provision, culture, language and other related issues that may meet more often.

- 12.4. The Community Consultative Council shall meet twice a year to conduct a major review of community policy and concerns in the Republic of Kosovo, which shall be chaired by the President of the Republic of Kosovo.
- 12.5. At the ordinary meetings of the Community Consultative Council, the position of the chairperson shall be held by a member of the Council who is elected by the Council for the period of one year. The chairperson shall be assisted by two deputy chairpersons, who shall be appointed from two communities to which the chairperson does not belong.
- 12.6. The Community Consultative Council shall consist of representatives of all communities in Kosovo and of the Government, the Office of the President and relevant agencies. From the Roma, Egyptian and Ashkali communities, there shall be two (2) representatives respectively, one (1) of each of whom may be a member of the Assembly of Kosovo. The Bosniak and Turk communities shall have three (3) representatives respectively, one (1) of each of whom may be a member of the Assembly of Kosovo. The Serb community shall have five (5) representatives, two (2) of whom may be members of the Assembly of Kosovo, and the Gorani community shall have two (2) members, one (1) of whom may be a member of the Assembly of Kosovo. In relation to each member, a substitute member may be appointed. Those members who are not members of the Assembly of Kosovo shall normally be the chairpersons or vice chairpersons or the other senior nominees of community representative organizations or representatives of associations or NGOs affiliated with a particular community.
- 12.7. Representatives of the relevant community shall be nominated by that community through its community representative organizations. Where there is no such organization, or there is more than one organization purporting to represent a given community, the Office of the President shall seek to support the establishment of one coordination mechanism for the community in question and mediate between the contending groups when necessary. Where no agreement is possible, the President appoints the relevant representative according to the criteria established in the statute of the Community Consultative Council.
- 12.8. The President shall appoint members of the Community Consultative Council for a term of two (2) years, renewable once, in accordance with the nominations made by the community representative organizations. Should the President refuse to appoint one or more of the nominees, he or she shall give a reasoned opinion for this decision and seek a new nomination from the relevant community representative organization.
- 12.9. The Office of the President shall be represented by a senior representative. Ministers or Deputy Ministers and representatives of the state agencies whose remit is of special relevance to communities shall also participate. The number of governmental representatives entitled to vote in the Community Consultative Council shall not exceed one third of the overall membership of the Council. The chair of the Community Consultative Council may invite civil society organizations, individual experts, additional governmental representatives or

- representatives of international agencies to participate in meetings of the Council without the right to vote.
- 12.10. The Community Consultative Council shall adopt its own rules of procedure and agree on an annual work plan establishing clear targets. The Community Consultative Council shall report regularly, at least once a year, to the President of Kosovo and to the Assembly of Kosovo. The Community Consultative Council will also inform the general public of its activities and report.
- 12.11. The Community Consultative Council shall be supported by a secretariat located in the Office of the President of the Republic of Kosovo, and shall be allocated a budget to enable it to function effectively, and, inter alia, to engage in studies and surveys, seek external expert advice, to build the capacity of its members, and to publicize its activities.
- 12.12. The Community Consultative Council shall make recommendations on the basis of its mandate. Where recommendations are addressed to public institutions, these institutions shall give a reasoned response within one (1) month, which shall include information on the actions by the specific institution(s) that have been or will be undertaken. Where the Council consults in relation to draft legislation, it shall have the right to be heard at the committee stage and make substantive written submissions within one (1) month. The Community Consultative Council has the right to receive a reasoned response to its recommendations within one (1) month in case its advice is not or not fully taken into account.
- 12.13. The Community Consultative Council may also be assigned a budget for programming relating to community issues in Kosovo. It will assign portions of this budget to community representative organizations, NGOs and other actors in support of projects aimed at satisfying community interests. It will also arrange for capacity building within the relevant community representative organizations to help ensure effective organization and articulation of community interests.
- 12.14. The Community Consultative Council may undertake social and cultural activities that bring different communities together and promote common understanding and tolerance among the communities with the objective of building intercommunity trust and harmony.

### **Article 13**

#### **Implementation**

- 13.1. In consultation with the Community Consultative Council and other relevant national and international stakeholders, the Government of Kosovo shall prepare, adopt and publish once a year a comprehensive strategy for the promotion and protection of rights of all communities and their members. The Government shall present annually a comprehensive report to the Assembly of Kosovo on the implementation of its strategy.
- 13.2. The strategy shall establish targets and special measures for combating exclusion and marginalization of communities and their members in the economic, social and cultural life in Kosovo and for the full implementation of this law.

Law No. 03/L-047 on the protection and promotion the rights of communities and...

- 13.3. The report shall include full information and detailed data on the implementation of the strategy under paragraph 2 of this Article, including on activities, developments and findings required according to this law.
- 13.4. Communities and their members shall have the right to:
  - a) defend their rights before all courts of the Republic of Kosovo;
  - b) file a complaint to the Office of the Ombudsperson of the Republic of Kosovo and other specialized bodies including the Independent Media Commission and the Language Commission; and
  - c) bring to the attention of the Deputy Chairperson of the Municipal Assembly for Communities when they believe their rights have been violated.
- 13.5. Community representative organizations established under paragraph 3, Article 5 of this law and the Community Consultative Council have the right to file a request to the President in relation to issues of concern to them, and have standing to bring claims relating to the violations of the rights of communities and their members in accordance with law.
- 13.6. Communities and their members, acting through their community representative organizations and the Community Consultative Council, shall be invited to contribute to the reporting on compliance by the Republic of Kosovo with international human rights standards and to maintain contact with the relevant international implementation bodies.

#### **Article 14** **Amendments or repeal**

Amendments or repeals of this Law can only occur in accordance with the Constitution of the Republic of Kosovo.

#### **Article 15** **Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**  
**Date: 13.03.2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR**  
**III / NO. 28 / 04 JUNE 2008**

**LAW No. 04/L-115**  
**ON AMENDING AND SUPPLEMENTING THE LAWS RELATED**  
**TO THE ENDING OF INTERNATIONAL SUPERVISION**  
**OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED**  
**TO THE ENDING OF INTERNATIONAL SUPERVISION**  
**OF INDEPENDENCE OF KOSOVO**

**Article 1**  
**Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L -223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L -224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L -237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

## **Article 2**

### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
  2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

## **Article 3**

### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworded with the following text:

## **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

## **Article 4**

### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworted with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworted as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworted with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworted with the following text:

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

##### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition “**the Comprehensive Status Proposal**” shall be deleted from the text o the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

##### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

##### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon 'their free and informed

- Law No. 04/L-115 on amending and supplementing the laws related to the ending of... decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.
3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

**Article 16**  
**Amending and Supplementing the Law No. 03/L-041 on Administrative**  
**Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

**Article 17**  
**Amending and Supplementing the Law No. 03/L-068 on Education in the**  
**Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

**Article 18**  
**Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo**  
**(the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

**Article 29**  
**Registration and Determination of Citizenship**

**Article 19**  
**Amending and Supplementing the Law No. 03/L-237 on Population and Housing**  
**Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;

**Article 20**  
**Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

**Article 21**  
**Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

**Article 22**  
**Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.



### **Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

## **II. FINAL PROVISIONS**

### **Article 24**

#### **Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**  
**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**LAW No. 04/L-020  
ON AMENDING AND SUPPLEMENTING OF THE LAW No. 03/L-047  
ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF  
COMMUNITIES AND THEIR MEMBERS IN REPUBLIC OF KOSOVO**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

**LAW ON AMENDING AND SUPPLEMENTING OF THE LAW No. 03/L-047  
ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF  
COMMUNITIES AND THEIR MEMBERS IN REPUBLIC OF KOSOVO**

**Article 1**

Article 1 of the basic Law, paragraph 1.4 shall be amended as following:

- 1.4. For the purposes of this law, communities are defined as national, ethnic, cultural, linguistic or religious groups traditionally present in the Republic of Kosovo that are not in the majority. These groups are Serb, Turkish, Bosnian, Roma, Ashkali, Egyptian, Gorani, Montenegrin, Croatian communities and other communities. Members of the community in the majority in the Republic of Kosovo who as a whole are not in the majority in a given municipality shall also enjoy the rights listed in this law.

**Article 2**

Article 12 of the basic Law, paragraph 12.6 shall be amended as following:

- 12.6. The Community Consultative Council shall consist of representatives of all communities in Kosovo and of the Government, the Office of the President and other relevant agencies. From the Roma, Egyptian, Ashkali, Gorani, Montenegrin and the Croatian communities there shall be two (2) representatives respectively, one (1) of each of whom may be a member of the Assembly of Kosovo. The Bosnian and Turk communities shall have three (3) representatives respectively, one (1) of each of whom may be a member of the Assembly of Republic of Kosovo. The Serb community shall have five (5) representatives, two (2) of whom may be members of the Assembly of Republic of Kosovo. In relation to each member, a substitute member may be appointed. Those members who are not members of the Assembly of Republic of Kosovo shall normally be the chairpersons or vice chairpersons or the other senior

Law No. 04/L-020 on amending and supplementing of the Law No. 03/L-047 on...  
nominees of community representative organizations or representatives of  
associations or NGOs affiliated with a particular community.

### **Article 3**

This Law shall enter into force fifteen (15) days from its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-020**  
**8 December 2011**

**Promulgated by Decree No.DL-051-2011, dated 21.12.2011, President of the  
Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 29 / 27  
DECEMBER 2011, PRISTINA**

**LAW No. 03/L-95  
ON THE RIGHTS OF FORMER POLITICALLY CONVICTED  
AND PERSECUTED**

**Contents**

Chapter I: General provisions.....	1112
Chapter II: Basic provisions.....	1113
Chapter III: Procedure for realization of the rights .....	1116
Chapter IV: Governmental committee for recognition of status of the former politically convicted and former politically persecuted .....	1117
Chapter V: Institution for former politically convicted and former politically persecuted.....	1117
Chapter VI: Terms for initiation of procedure and for realization of the rights.....	1118
Chapter VII: Punitive provisions.....	1118
Chapter VII: Transitory and final provisions .....	1118

**The Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

**LAW ON THE RIGHTS OF FORMER POLITICALLY CONVICTED  
AND PERSECUTED**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1**

1. This law regulates the status of the former political prisoners, former politically convicted and former politically persecuted.
2. Their special rights from pension insurance and disability insurance, the right for compensation of caused damage as a consequence of imprisonment, conviction or persecution and the rights of their close family members.
3. Establishment of competent authority for recognition of the status.
4. Procedures for realizing the rights, set out by this law.

**Article 2  
Definitions**

1. Terms use in this law have the following meanings:
  - 1.1. **Former politically convicted-** a Kosovo citizen or person who by act

Law No. 03/L-95 on the rights of former politically convicted and persecuted

decree was convicted for political- ideological incrimination acts of totalitarian regime in former Yugoslavia.

- 1.2. **Former political prisoner** - a person, who was arrested, held in custody, isolated, or detained for political motives, for aims of the state and political interests, more than seventy two (72) hours in special premises of the state.
- 1.3. **Former politically persecuted** - a Kosovo citizen-person who with a legal act of competent body, for political motives was persecuted by state authorities.
- 1.4. **Status of former politically convicted, imprisoned and persecuted** - their judicial position according to the conditions, criteria and procedures defined by this law.
- 1.5. **Members of families of convicted, imprisoned and persecuted persons** – are persons determined with provisions of the Law on family.
- 1.6. **Governmental Committee for rights of former political prisoners, convicted and persecuted**- the Committee established with specific act, in compliance with provisions of this Law.
- 1.7. **Institute for Integration of the former political prisoners**- the institution established with specific act in compliance with provisions of this Law.
- 1.8. **Appeals Committee**- the Governmental Committee established with provisions of this law.

## CHAPTER II BASIC PROVISIONS

### THE TIMING AND SPACE SCOPE OF THE IMPLENTATION OF THE LAW

#### Article 3

#### **The status and categories of former politically convicted and former politically persecuted**

1. The status of persons provided in this Article shall enjoy the following categories:
  - 1.1. former politically convicted;
  - 1.2. former politically imprisoned; and
  - 1.3. former politically persecuted.
2. Former politically convicted according to this law is considered a Kosovo citizen who was convicted in a civil or military court of political- ideological incrimination acts, patriotic during the totalitarian regimes in former Yugoslavia.
3. Former politically imprisoned, according to this law is considered the person arrested, held in custody, isolated or detained for political motives, aims and interests, more than seventy two (72) hours in the premises of persecuting official agencies respectively in different official institutions of security (police, army, secret service).
4. Former politically persecuted according to this law is considered a Kosovo citizen-person against whom with a legal act of competent body, have been taken measures or political-legal acts, that have directly or indirectly affected him/her, are reflected in suspension or termination of working relationship, studying,

receiving license, respectively denying the exercise of the activity with means of personal ownership, because of their beliefs and their determination or their direct or indirect relation with persons that are convicted and persecuted based in political assumed suspicion or in political incrimination.

5. Persons from this Article are convicted and persecuted unjustly and upon this basis they are innocent for moral, political, social and economic effects.

#### **Article 4**

The status and the rights of persons provided in Article 3 of this Law shall be recognized for the period of totalitarian regime, occurring during the period from 1<sup>st</sup> March 1913 until 12<sup>th</sup> June 1999, respectively for the convicted, who remained in prison until their discharge.

#### **Article 5**

1. Kosovo citizens, who, because of political imprisonment, pressure, threats, intimidation, victimization, abuse, social disqualifications or other oppressive actions, were forced to abandon Kosovo or any other part of former Yugoslavia, or who were imprisoned or persecuted for political reasons in any other place in former Yugoslavia or in exile, shall be entitled to the rights as foreseen by this Law.
2. A person defined in paragraph 1 of this Article who died in prison or died as a proved consequence of imprisonment in Kosovo, in former Yugoslavia or in exile territory, shall gain the status of a martyr, and the members of the family eligible for inheritance are entitled to all the rights determined by Law.

#### **Article 6**

##### **The rights and manner for their realization**

1. Persons described in Article 3 of this Law have a right to adequate legal, moral, social and political rehabilitation for consequences of imprisonment, conviction and unjust treatment.
2. The right to compensation related to confiscated immovable property and financial benefits deriving from this status may be transferred to their inheritors in compliance with provisions of the Law on Property Rights and the Law on Kosovo Heritage.

#### **Article 7**

##### **The Compensation Right**

1. Persons described in paragraph 2 Article 3 of this law and in special cases persons from paragraph 3 Article 3 of this Law have a right to adequate material and gradual compensation.
2. The special case, according to this law, is considered a person from paragraph 3 Article 3 of this Law, who was convicted with prison for more than sixty (60) days.

3. Compensation for one (1) day spent in prison shall be conducted according to the provision in force for compensation of innocently convicted persons.
4. The criteria, forms, terms and other compensation modalities are regulated by special act.

### **Article 8**

Persons described in Article 3 of this Law suffering from psychological, physical or psycho-physical traumas as a result of violent actions, intimidation, torture, traumas, abuse and other maltreatments during and after investigation procedure, have a right to rehabilitation, protection and health insurance in compliance with the law, except those who previously benefit from the same base.

### **Article 9**

#### **The right to pensional and invalid insurance**

1. Persons described in Article 3 of this Law have a right to a pension insurance, respectively disability insurance, in accordance with time spent in the prison, respectively with level of invalidity caused in the prison.
2. The rights to pension, disability insurance and work experience, shall be regulated with a special act.
3. Persons described in paragraph 1 and 2 Article 3 of this law, shall receive special pension from Kosovo budget for the permanent invalidity caused to them.

### **Article 10**

#### **Recognition of work experience**

The time spent in prison shall be recognized as a double work experience for political prisoners and convicted persons.

### **Article 11**

Persons who according to the application procedure in this law gain the beneficiary status, shall be given a certificate for the benefits they enjoy.

### **Article 12**

1. Persons described in Article 3 of this law in difficult economic and health conditions with similar conditions have a right to these respective forms of benefit:
  - 1.1. priority in employment;
  - 1.2. priority in scholarship and settlement of their children in dorms;
  - 1.3. priority in use of school books without payment;
  - 1.4. tax and customs facilities for means and equipment necessary for their health rehabilitation;
  - 1.5. facility for transport expenses with means of public transportation;
  - 1.6. priority for social and economic assistance;

Administrative laws

- 1.7. shelter;
- 1.8. compensation of burial expenses.
2. Conditions, criteria and procedures for realization of the above mentioned benefits, are regulated by a special act.

### **CHAPTER III**

#### **PROCEDURE FOR REALIZATION OF THE RIGHTS**

##### **Article 13**

1. The rights foreseen by this Law, are requested, gained and realized by respective administrative procedure with a written request and completed documents.
2. Persons from Article 3 of this Law may submit the request for recognition of the rights according to this Law, after their status foreseen by law is recognized.
3. For recognition and realization of the rights pursuant to this law, persons should submit a written request and other necessary proofs.
4. A necessary written proof is a written certificate, record of judgment, or act degree, from the competent institution verifying: the action, consequence, time spent in prison, and written proof taken from the Former Political Prisoner Association and from witnesses etc.

##### **Article 14**

Institutions and bodies that have the necessary documents for justification of the status of persons described in Article 3 of this Law, that oversee and protect those documents, are obliged, upon the request of the interested party, to give those documents at latest within sixty (60) days from the day of receiving the request.

##### **Article 15**

If the person described in Article 3 of this law has passed away before the day of submitting the request for recognition of the right, the request may be submitted by a member of his or her family.

##### **Article 16**

A person who has been denied status as a former political prisoner because he could not provide necessary documents, under this law, may submit a new request by attaching new facts and reasons.

##### **Article 17**

The conditions for eligibility for a pension, the amount of pension, the procedure to receive the right to a pension, the payment and harmonization of pension, and other issues which are not regulated by this Law, are governed by the legal provisions of other laws in force on pension and disability pension of employees.



### **Article 18**

Persons described in Article 3 of this Law that gain the status, respectively the respective right foreseen by this Law, with no legal basis, shall be obliged to reimburse the financial benefits taken illegally.

## **CHAPTER IV GOVERNMENTAL COMMITTEE FOR RECOGNITION OF STATUS OF THE FORMER POLITICALLY CONVICTED AND FORMER POLITICALLY PERSECUTED**

### **Article 19**

1. A special Governmental Committee is established with competence to recognize the rights of persons described in Article 3 of this law.
2. The Governmental Committee is appointed by the Government and is comprised of:
  - 2.1. one (1) representative from the Ministry of Justice;
  - 2.2. one (1) representative from the Ministry of Labor and Social Welfare;
  - 2.3. one (1) representative from the Ministry of Health;
  - 2.4. one (1) deputy of the Kosovo Assembly from respective committee;
  - 2.5. one (1) representative from the Kosovo Political Prisoners Association; and
  - 2.6. one (1) representative from civil society respectively the Kosovo Lawyers Association.
3. The Committee Chairman is elected with a one (1) year mandate and is selected amongst members of the Committee.
4. The Governmental Committee, in realization of the rights of former political prisoners, determines the condition, criteria, type and manner of indemnity (compensation) of persons described in Article 3 of this Law, by a certain procedure with this Law and other respective sub-legal acts.
5. Upon appeals of the Committee's decisions from paragraph 1 of this Article, a special Governmental Committee of the second instance (the Appeal's Committee) decides. The Committee issues its Rule of Procedure for its work, organization and function, which is approved by the Government.

## **CHAPTER V INSTITUTION FOR FORMER POLITICALLY CONVICTED AND FORMER POLITICALLY PERSECUTED**

### **Article 20**

1. Institution is established in order to review, research and publish the truth for former politically convicted, imprisoned and former politically persecuted and their integration into society.
2. Institution described in paragraph 1 of this Article is special and permanent state institution with jurisdiction throughout all of the territory of Kosovo.
3. The work, scope and activities of this Institution are regulated by special act.

## **CHAPTER VI TERMS FOR INITIATION OF PPROCEDURE AND FOR REALIZATION OF THE RIGHTS**

### **Article 21**

The request for realization of the rights described in Article 3 of this Law, shall be presented to the Governmental Committee established pursuant to this law for four-year period commencing six (6) months after entry into force.

### **Article 22**

1. Financial resources for fulfilling the obligations created from recognition of the rights under this Law are provided by the Government through the Kosovo Budget, social irremovable propriety, privatization fund, privatizations shares etc.
2. The working performance, implementation of the law and transparency of the Governmental Committee, in compliance with Article 19 of this Law, is conducted and overseen by the Assembly of the Republic of Kosovo.
3. The Committee described in Article 19 of this Law, through the Government, is obliged to regularly, at least once a year, report to the Assembly on work and efficiency of the realization of the rights regulated with this Law.

## **CHAPTER VII PUNITIVE PROVISIONS**

### **Article 23**

1. Persons, for non-implementation of provisions of this law, shall be punished according to the laws in force.
2. Persons described in Article 3 of this law, who have gained the status with false documents, when this thing is verified legally, in addition to the requirement for reimbursement they will be subject to criminal prosecution in compliance with the law in force.
3. In cases when a person described in Article 3 of this law, who has been imprisoned or convicted by the state does not enjoy the rights based on this law.

## **CHAPTER VIII TRANSITORY AND FINAL PROVISIONS**

### **Article 24**

1. Members of the family of persons whose personal right is recognized with this law, are not excluded from the beneficiary right of the Social Assistance Scheme.
2. Family rights to benefits defined by this Law exclude the right to benefit for this family from Social Assistance Scheme.
3. Persons who benefit from the law on pension of disabled persons and/or persons

Law No. 03/L-95 on the rights of former politically convicted and persecuted who benefit from the senility pension over age of sixty five (65), may be users of the rights in compliance with this Law.

### **Article 25**

The Government and respective Ministries, are obliged at latest within six (6) months from the day this law enters into force, to establish the Committee pursuant to Article 19 and the Institution pursuant to Article 20 of this Law and to issue foreseen sub-legal acts and other administrative acts that regulate the foreseen set of rights provided by this Law.

### **Article 26** **Entry into Force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of Republic of Kosovo.

**Law No. 03/L-95**  
**29 October 2010**

**Promulgated by Decree No. DL-076-2010, dated 18.11.2010, Acting President of the Republic of Kosovo, Dr. Jakup Krasniqi.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 91 / 10 DECEMBER 2010**

**LAW No. 03/L- 195  
ON OMBUDSPERSON**

**Contents**

Chapter I: General provisions.....	1120
Chapter II: Proposal, election and dismissal of the ombudsperson and his deputies .....	1122
Chapter III: Powers and responsibilities of the Ombudsperson.....	1125
Chapter IV: Complaints review procedures .....	1127
Chapter V: Office, object, staff and budget of the institution of ombudsperson.....	1130
Chapter VI: Transitional and final provisions .....	1132

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

**Assembly of Republic of Kosovo,**

Approves

**LAW ON OMBUDSPERSON**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
The purpose of the Law**

This Law aims establishing legal mechanism for protection, supervision and promotion of fundamental rights and freedoms of natural and legal persons from illegal actions or failures to act and improper actions of public authorities, other bodies and organizations exercising public authorizations for their account.

**Article 2  
Scope of Law**

This Law regulates the organization and functioning of the Ombudsperson Institution, establishing procedures for appointment and dismissal, powers and manner of work of the Institution of Ombudsperson and regulates the procedures for submitting the complaints and their investigation.

**Article 3**  
**Basic Principles of the activity of the Ombudsperson**

1. Ombudsperson is an independent institution that is governed by the principles of impartiality, confidentiality and professionalism.
2. The provisions of this Law apply to protect the rights, freedoms and interests of all persons in the Republic of Kosovo and abroad from illegal actions or failure to act of the bodies of public authorities of the Republic of Kosovo.

**Article 4**  
**Working language**

Working Languages of the Institution of the Ombudsperson are official languages envisaged by the Constitution and Law.

**Article 5**  
**Composition of the Ombudsperson Institution**

1. Ombudsperson Institution is composed of:
  - 1.1. Ombudsperson;
  - 1.2. five (5) Deputy Ombudspersons;
  - 1.3. professional staff and
  - 1.4. administration.

**Article 6**  
**Conditions for election of the Ombudsperson and his deputies**

1. On the post of Ombudsperson and his deputies are elected persons who meet the following conditions:
  - 1.1. must be a citizen of the Republic of Kosovo;
  - 1.2. must have high education (a University degree);
  - 1.3. must have character, honesty and high moral
  - 1.4. should be experienced and have distinguished knowledge in the field of human rights;
  - 1.5. should not be sentenced to a final decision for a criminal offense punishable by the legislation of Republic of Kosovo;
  - 1.6. should not exercise function in any political party, a deputy in the legislature of the Republic of Kosovo Assembly that elects him, or a government cabinet member.

**Article 7**  
**Incompatibility**

1. Ombudsperson and his deputies should not be members of any political party or exercise political, state or private professional activity.
2. Ombudsperson and his deputies do not participate in the management bodies of civil, economic and trade organizations;

- 2.1. In addition to restrictions set forth in sub-paragraph 1.6 Article 6 of this Law and paragraph 1 and 2 of this Article, the Ombudsperson and his deputies have no right to exercise any other public or professional duty for which they are paid, except teaching at the institutions of higher education.
3. The Ombudsperson and his deputies may be involved in science, cultural, academic activities and other activities which are not in contrary to their functions and the legislation in force.

## **CHAPTER II**

### **PROPOSAL, ELECTION AND DISMISSAL OF THE OMBUDSPERSON AND HIS DEPUTIES**

#### **Article 8**

##### **Proposal Procedures**

1. The procedure for electing the Ombudsperson and his deputies starts six (6) months before the expiration of their mandate.
2. During the election procedure of candidates for Ombudsperson and his deputies, ethnic and gender representation must be ensured.
3. Proposal for Ombudsperson is made by respective Committee of the Assembly of the Republic of Kosovo, which reflects the political, ethnic and gender composition, of the Assembly in accordance with Rules of Procedure of the Assembly of the Republic of Kosovo.
4. The Assembly of Kosovo publishes the competition for election of Ombudsperson, in written and electronic media.
5. In the competition the conditions for election of Ombudsperson are determined, envisaged by the Constitution and the Law. The time period for submission of proposals for candidates can not be shorter than fifteen (15) nor more than twenty (20) days.
6. After expiration of time period foreseen in paragraph 5 of this Article, the Commission, within the term of fifteen (15) days, assesses whether the candidates meet the requirements envisaged by the Constitution and the Law to be elected Ombudsperson, and rejects nominees who do not meet these conditions.
7. The Commission conducts interview with each candidate who meets the conditions to be elected for Ombudsperson and based on the data presented and the results of the interview, prepares the short list of candidates qualified for Ombudsperson.
8. The short list comprises of three (3) candidates.
9. The Commission, delivers the short list to the Assembly of the Republic of Kosovo with the attached list of all candidates who meet the requirements to be elected for Ombudsperson.
10. The Commission proposal contains justification why the Commission has given priority to some of the candidates in comparison with other candidates.
11. Proposal of the deputies is made by the Ombudsperson on the basis of open and transparent competition, according to the competition announced by the Assembly of Kosovo.
12. The proposal of Ombudsperson contains justification for the proposed candidates.

13. At least one Deputy Ombudsperson must be a member of the Kosovo Serb community and at least one (1) must be from other non-majority communities that are represented in the Assembly of the Republic of Kosovo.
14. The procedure for election and dismissal of Ombudsperson and Deputy Ombudsperson shall be regulated with a special Regulation of the Assembly of Republic of Kosovo.

### **Article 9**

#### **The election of the Ombudsperson and his deputies**

1. The Ombudsperson is elected by the Assembly of the Republic of Kosovo, with majority of votes of all its deputies for a term of five (5) years, without the right of re-election.
2. The Ombudsperson should be elected within thirty (30) days from the day of proposal of candidates. If this deadline is not reached, the Assembly of the Republic of Kosovo votes for the election of the Ombudsperson in each plenary session for thirty (30) other days. If the Ombudsperson is not nominated within sixty (60) days, the respective Committee of the Assembly will again publish competition for the Ombudsperson.
3. The deputies of Ombudsperson are elected at the same time by the Assembly of the Republic of Kosovo with a majority of votes of members present and who vote.
4. If the Assembly does not elect the deputies within sixty (60) days, the Assembly shall announce a new competition.
5. One of the elected deputies is appointed as Principal deputy with rotation for one (1) year mandate by the Ombudsperson.

### **Article 10**

#### **Taking the job (office) and oath**

1. Ombudsperson shall take the office after having given the oath before members of the Assembly of the Republic of Kosovo.
2. The text of the oath is as follows: "I solemnly swear and promise that will perform faithfully, independently and impartially the duties and functions which are entrusted to me by the Constitution and by Law and will protect and promote human rights and freedoms in Republic of Kosovo".

### **Article 11**

#### **Immunity**

1. Ombudsperson and his deputies enjoy immunity from prosecution, civil Lawsuit and dismissal for activities or decisions that are within the scope of responsibilities of the Ombudsperson Institution.
2. The Offices of the Ombudsperson Institution are inviolable. Archives, subjects, communications, property, funds and assets of the Ombudsperson Institution, wherever they are or by whosoever held, shall be inviolable and immune from control, acquisition, official search, confiscation, from expropriation or from any

other intervention or through bailiff action, administrative, judicial or legislative action.

## **Article 12**

### **Dismissal from the function of the Ombudsperson and his deputies**

1. Ombudsperson and his deputies may be dismissed for the following reasons:
  - 1.1. physical or mental inability that causes inability to perform his/her functions.
  - 1.2. in case to committing a criminal offense punishable by the legislation of Republic of Kosovo to six (6) months imprisonment or more based on court decision of final form.
  - 1.3. due to his personal conduct which is inconsistent with the exercise of his function.
  - 1.4. if he/she performs actions in contradiction to sub-paragraph 1.6 of Article 6 and paragraph 2 of Article 7 of this Law.
2. Ombudsperson requires from the Assembly of the Republic of Kosovo to dismiss from function one (1) or more of his deputies, due to one or more reasons set out in this Law.

## **Article 13**

### **End of the function of the Ombudsperson and his deputies**

1. The function of the Ombudsperson and his deputies ends:
  - 1.1. in case of death;
  - 1.2. in case of resignation;
  - 1.3. when five (5) year mandate for Ombudsperson expires, while three (3) year mandate for the deputies of Ombudsperson; and
  - 1.4. when dismissed.
2. In case of absence, death, permanent or temporary disability, the Ombudsperson is replaced by the principal deputy. If the Principal deputy can not perform the function, then the Ombudsperson is replaced by the oldest deputy, according to age.
3. In case of expiry of the mandate, the Ombudsperson and his deputies shall exercise their functions until the election of the new Ombudsperson and his deputies.

## **Article 14**

### **Providing of job after the end of mandate**

1. After completion of the mandate, the Ombudsperson may return to his post or public work that he/she had prior to election as Ombudsperson. When this is not possible, then the previous employer must provide a suitable job, depending on skills and his profession.
2. The Ombudsperson, whose mandate expires, or due to reasonable causes can not continue previous job or can not find another adequate job, nor has fulfilled general conditions for retirement, has the right to remuneration in the same amount



that would be paid if he/she had worked until being hired to another job or until fulfillment of general retirement conditions, but not longer than one year from the end of the mandate.

### **CHAPTER III**

#### **POWERS AND RESPONSIBILITIES OF THE OMBUDSPERSON**

##### **Article 15**

##### **Competencies**

1. The Ombudsperson has the competences to investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the Constitution, Laws and other acts, as well as international standards of human rights and international conventions, particularly the European Convention on Human Rights, including actions or failure to act which present abuse of authority.
2. The competences of Ombudsperson extend to the entire territory of the Republic of Kosovo. In exercising his/her functions related to cases that arise within the territory of the Republic of Kosovo, the Ombudsperson can provide good services to the citizens of the Republic of Kosovo who temporarily live outside territory of the Republic of Kosovo.
3. The Ombudsperson has the power to investigate whether to respond to complaint filed or on its own initiative (*ex officio*), if from findings, testimony and evidence presented by submission or by knowledge gained in any other way, there is a base and it results that the Republic of Kosovo institutions have violated human rights and freedoms.
4. If the Ombudsperson starts procedure on his/her own initiative or if any other person on behalf of the damaged person with the submission addresses to the Ombudsperson for initiating of the procedure, the consent from the person whose rights and freedoms have been violated is necessary.
5. When the Ombudsperson initiates procedure on his own initiative regarding the violation of rights and freedoms to a greater number of citizens, children or persons with lost abilities for action, consent required by paragraph 4 of this Article is not necessary.
6. The Ombudsperson will not intervene in the cases and other legal procedures that are taking place before the courts, except in cases of unreasonable delays or apparent abuse of power.
7. The Ombudsperson may initiate matters to the Constitutional Court in accordance with the Constitution and Law on the Constitutional Court.
8. The Ombudsperson shall also exercise his/her competences through mediation and conciliation.
9. Services offered by the Institution of the Ombudsperson are free.

## **Article 16** **Responsibilities**

1. Ombudsperson has the following responsibilities:
  - 1.1. to investigate alleged violations of human rights and be committed to resolve them;
  - 1.2. to draw attention to cases when the institutions of the Republic of Kosovo violate human rights and to make recommendation to stop such cases and when it is necessary to express his opinion on attitudes and reactions of the relevant institutions relating to such cases;
  - 1.3. to inform about human rights and to make efforts to combat all forms of discrimination through increasing of awareness, especially through information and education and through the media;
  - 1.4. to inform the Government, the Assembly and other competent institutions of the Republic of Kosovo on matters relating to promotion and protection of human rights and freedoms;
  - 1.5. to publish notifications, opinions, recommendations, proposals and his own reports.
  - 1.6. to recommend promulgation of new Laws in the Assembly, modification of the Laws in force and promulgation or amendment of administrative and sub-legal acts by the institutions of the Republic of Kosovo;
  - 1.7. to prepare annual reports, periodical reports and others on the situation of human rights and freedoms in the Republic of Kosovo;
  - 1.8. to recommend to the Assembly the harmonization of legislation with International Standards for Human Rights and Freedoms and their effective implementation;
  - 1.9. to cooperate, in accordance with the Constitution and legislation in force, with all organizations, local and international institutions dealing with protection of human rights and freedoms;
  - 1.10. The Ombudsperson, his deputies and staff must keep-safe the confidentiality of all information and data that they receive, paying special attention to safety of complainants of damaged parties and witnesses, in accordance with the Law on data protection;
  - 1.11. Obligation for official confidentiality is also valid after ending of mandate or termination of their employment.
2. The Ombudsperson can provide advice and give recommendations to any natural or legal person concerning compliance of Laws and sub-legal acts with internationally accepted standards for human rights and freedoms.
3. The Ombudsperson can advise and recommend to the institutions of the Republic of Kosovo for their programs and policies to ensure the protection and advance of human rights and freedoms in the Republic of Kosovo.
4. The Ombudsperson undertakes all necessary measures and actions to review complaints submitted under paragraph 1 of Article 15 of this Law, including direct intervention to the competent authorities, who will be required to respond within the time period reasonable as determined by the Ombudsperson. If severe damage continues as a consequence of the complaint under Article 15 paragraph 1 of this Law, the competent authorities are required to respond promptly.

5. If during the investigation, the Ombudsperson determines that the execution of an administrative decision may have irreversible consequences for the natural or legal person, he/she can recommend to competent authority to suspend execution of the decision until completion of investigations relating to this issue.
6. The Ombudsperson has access to files and documents of every institution of the Republic of Kosovo and can review them on cases that are under review and under this Law, may require any institution of the Republic of Kosovo and their staff to cooperate with the Ombudsperson, providing relevant information, including a copy of full or partial file and other documents upon request of the Ombudsperson.
7. Officials of the Ombudsperson Institution may, at any time and without notice, enter and inspect any place where persons are deprived of their freedom and other institutions of limited freedom of movement and can be present at meetings or hearing sessions where such persons are included. Officials of the Ombudsperson Institution may hold meetings with such persons without the presence of officials of respective institution. Any kind of correspondence of these persons with the Ombudsperson Institution is not prevented or controlled.
8. Ombudsperson or his representatives may enter the official premises of all bodies of public authorities, other bodies and organizations exercising public authority for their account.

## **CHAPTER IV COMPLAINTS REVIEW PROCEDURES**

### **Article 17 Initiation of procedure**

Any person who believes that his rights and freedoms are violated by any Law, action or inaction, mismanagement of public authority bodies, other bodies and organizations exercising public authorities for their account, may request from the Ombudspeson Institution the initiation of procedure.

### **Article 18 The way of submitting the complaint**

1. Any complaint submitted to the Ombudsperson should be signed and must contain personal records of the submitter of the complaint and should contain all the circumstances, facts and evidences on which the appeal is based. Submitter of the complaint may declare whether legal remedies are exercised or not, and if so which of these remedies are applied.
2. Any appeal for initiation of the procedure, as a rule, is submitted in writing. The request for initiation of the procedure may be submitted even verbally, in case it can not be made in writing.

## **Article 19**

### **Procedure after receiving the complaint**

1. After receiving the complaint, the Ombudsperson within thirty (30) days decides for the admissibility of the case as follows:
  - 1.1. to review the case under prompt procedure;
  - 1.2. to start full investigation;
  - 1.3. to reject the complaint because:
    - 1.3.1. is not in the jurisdiction of the Ombudsperson according to this Law;
    - 1.3.2. the complaint is submitted after the term foreseen with this Law;
    - 1.3.3. the complaint is anonymous;
    - 1.3.4. the complaint represents an abuse of the Law for filing the complaint or
    - 1.3.5. the complainant has failed to provide information requested by the Ombudsperson.
  - 1.4. to reject the complaint as groundless.
  - 1.5. to stop investigation when he/she ascertains that the case was resolved in another way in accordance with the request of the complainant.
2. In all cases above, the Ombudsperson shall notify the party in writing within 30 days from receiving the complaint.
3. Ombudsman's decision to reject or to refuse the appeal is of final form.

## **Article 20**

### **Cases of refusal to review the complaint**

1. Ombudsperson refuses the request for reasons as follows:
  - 1.1. when from the entries submitted and the circumstances of the case appears that the rights and freedoms are not violated or any mismanagement is not performed;
  - 1.2. when the request is incomplete and has not been completed even after the requirements of the Ombudsperson;
  - 1.3. when procedures for a case are being held in judicial or other competent bodies, except in cases specified by this Law.
  - 1.4. when all the regular and extraordinary remedies are not exhausted, unless he/she considers it would be useless for submitter of the complaint to initiate or continue proceedings, or if estimates that individuals have suffered severe damage or may suffer severe and uncompensated harm in the meantime;

## **Article 21**

### **Cases of prescription and exclusion**

1. Ombudsperson does not initiate proceedings to investigate violations of human rights if from the date that party has received the final form decision or is informed about it and until submitting the complaint to the Ombudsperson Institution have passed more than six (6) months.

2. Regardless of paragraph 1 of this Article, the Ombudsperson may initiate procedure after the expiration of a period of six (6) months, if he considers that the submitter of the complainant has been prevented or if estimates that the issue is of particular importance.

## **Article 22**

### **Procedure after start of investigation**

1. When the Ombudsperson decides to initiate investigations in accordance with Article 19 of this Law, he/she shall communicate his decision to the submitter of the complaint and the body against which the complaint is filed. The Ombudsperson may require additional information regarding the case.
2. Ombudsperson sets the time period within which the body must submit all information required in accordance with paragraph 1 of this Article. The time period can not be shorter than 8 days or longer than thirty (30) days. When the body fails to submit information required by the Ombudsperson within the foreseen time period, it must submit in writing the reasons for the delay in providing the requested information without delay.
3. If the Ombudsperson evaluates responses or measures taken by the body inadequate, he/she has the right to deliver the case to the highest competent authority, or to submit separate report to the Assembly, by proposing concrete measures for resolving the violated right.
4. Refusal or failure to respond to the requirements of Ombudsperson is considered obstruction of Ombudsperson's work. This does not prevent the Ombudsperson to issue his conclusions and recommendations.
5. The Ombudsperson may report the actions foreseen in paragraph 4 of this Article in his reports.

## **Article 23**

### **Obligation of cooperation and the consequences of refusal**

1. All organs of state authorities are obliged to assist the Ombudsperson in the development of investigations, as well as to provide adequate support according to his request.
2. Refusal to cooperate with the Ombudsperson of a civil officer, a functionary or public authority is a reason that the Ombudsperson requires from the competent body the initiation of administrative proceedings, including disciplinary measures, till the removal from job or civil service.

## **Article 24**

### **Invitation of witnesses and experts**

Ombudsperson may send invitation to any witness or expert to interview him/her about the case. The person invited who works in public institutions is obliged to respond the invitation.

## **Article 25**

### **Decision Making**

After completion of the investigation, the Ombudsperson in accordance with its powers and responsibilities, issues a decision in which his findings and recommendations are submitted. His decision is delivered to the complainant and responsible public authorities.

## **Article 26**

### **Response to requests of the Ombudsperson**

Bodies, to which the Ombudsperson has addressed recommendation, request or proposal for disciplinary measures, must respond within thirty (30) days. The answer must include written reasons for actions taken on the issue in question.

## **Article 27**

### **Report of the Ombudsperson**

1. The Ombudsperson presents the annual report to the Assembly of the Republic of Kosovo
2. The Ombudsperson presents to the Assembly of Kosovo the report for the previous year till 31 March of following year. The Ombudsperson presents the report in plenary session, in which it is discussed.

## **Article 28**

### **Publication of Special Reports**

Ombudsperson may also publish special reports through media relating to violation made by the body, if the latter, after repeated requests did not respond appropriately to his proposals and recommendations.

## **CHAPTER V**

### **OFFICE, OBJECT, STAFF AND BUDGET OF THE INSTITUTION OF OMBUDSPERSON**

## **Article 29**

### **The residence of the Institution, the inviolability of the residence and offices of the Ombudsperson**

1. The residence of the Ombudsperson Institution is located in Pristina.
2. Ombudsperson Institution is provided with appropriate facilities for work and other equipment in order to enable him/her effective conduct of functions and responsibilities.
3. The Ombudsperson may open other offices within the territory of the Republic of Kosovo if required.
4. Within the Institution of the Ombudsperson special units for protection of special categories of human rights will operate.

**Article 30**  
**Professional Personnel**

Personnel of the Ombudsperson Institution is selected from among the citizens of the Republic of Kosovo in accordance with the Law provisions on Civil Servant in the Republic of Kosovo.

**Article 31**  
**Regulation of the Institution**

1. Ombudsperson Institution issues its Rules of Procedure.
2. The Rules of Procedure is published in "Official Gazette of the Republic of Kosovo" and the website of the Ombudsperson Institution.

**Article 32**  
**Salaries**

1. The level of salary of the Ombudsperson and his deputies is determined in accordance with the Law on salary of public senior officials.
2. The level of salary of other staff of the Ombudsperson Institution determined in compliance with Law on salary of civil servants.

**Article 33**  
**Engagement of external advisors and experts**

Ombudsperson, in agreement with the employer may engage, according to needs, external advisers and experts, to serve for a certain period of time.

**Article 34**  
**Financing**

1. The Ombudsperson Institution is financed from the budget of the Republic of Kosovo.
2. Regardless of the provisions of other Laws, the Ombudsperson Institution prepares its annual budget proposal and sends it for approval to the Assembly of the Republic of Kosovo.
3. The Ombudsperson Institution manages independently with its own budget and is subject to internal and external audit by the General Auditor of the Republic Kosovo.

**Article 35**  
**Acceptance of donations**

Ombudsperson Institution may accept additional donations from local and international donors, for which the Assembly of the Republic of Kosovo is notified and which do not affect the financial independence of the Ombudsperson Institution and which are not in contrary to the Law, and that do not affect the independence of the Ombudsperson Institution or its rights on the Budget of the Republic of Kosovo.

## **CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS**

### **Article 36**

1. Within six (6) months after entry into force of this Law, deputies of the Ombudsperson are elected in accordance with this Law.
2. The current mandate of the Ombudsperson continues until the end of his/her mandate.
3. The current mandate of the Deputy Ombudsperson continues until election of other deputies.
4. The Ombudsperson is also competent for the cases submitted before the entry into force of this Law, when from the facts, continual violation of one or more international standards on human rights is evident, or constitute the continued abuse of power.

### **Article 37**

#### **Transitional provisions**

Within three (3) months after entry into force of this Law, the Ombudsperson Institution issues Work Regulation.

### **Article 38**

#### **Abrogative provisions**

Upon entry into force of this Law UNMIK Regulation No.2000/38 on establishment of the Ombudsperson Institution in Kosovo of the date 30 June 2000, UNMIK Regulation No. 2006 / 6 on the Ombudsperson Institution in Kosovo of the date 16 February 2006 and UNMIK Regulation No. 2007/15 Amending UNMIK Regulation 2006 / 6 on the Ombudsperson Institution in Kosovo, of the date 19 March 2007 as well as all other provisions which are in contrary to this Law are abrogated.

### **Article 39**

#### **Entry into force**

This Law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L –195**  
**22 july 2010**

**Promulgated by the Decree No. DL-046-2010, dated 09.08.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 80 / 27 AUGUST 2010**



## **FOREIGN AFFAIRS**



**LAW No. 03/L-044**  
**ON MINISTRY FOR FOREIGN AFFAIRS AND DIPLOMATIC SERVICE**  
**OF REPUBLIC OF KOSOVO**

Based on chapter IV article 65 item 1 and also article 96 item 1 of the Constitution of Republic of Kosova, and for the purpose of regulating the authority and competences of the Kosovo's institutions in the conduct of relations with other States and subjects of international law,

And for the purposes of promoting Kosovo's political and economic interests internationally, upholding the rights of Kosovo's citizens abroad, and the development of good relations with other states,

**The Assembly of Republic of Kosova,**

Hereby adopts:

**LAW ON THE MINISTRY FOR FOREIGN AFFAIRS AND DIPLOMATIC**  
**SERVICE OF KOSOVO**

**Article 1**  
**Subject of Regulation**

This law establishes the Ministry of Foreign Affairs and Diplomatic Service of Kosovo, and defines their competencies and responsibilities.

**Article 2**  
**Definitions**

For the purpose of this Law the following terms have this meaning:

**'Citizen of Kosovo'**- is a natural person enjoying citizenship of Kosovo as defined by the applicable law of Kosovo;

**'Ministry'**- is the Ministry of Foreign Affairs;

**'Diplomatic Mission'**- is an Embassy or other office representing Kosovo in another State or in an inter-governmental organization within the meaning of the Vienna Convention on Diplomatic Relations (1961) or Vienna Convention on Consular Relations (1963);

**'Diplomatic Service'**- is the permanent members of the Ministry and of the members of the Ministry assigned to diplomatic Missions in other countries and to other international organizations;

**'Head of Mission'**- is the Ambassador or other person authorized by competent institutions of Kosovo, to perform that duty;

**'Service Level Agreement'**- is a Memorandum of Understanding or other written agreement between the Ministry of Foreign Affairs and another Ministry or competent body of the Kosovo state which sets out the conditions by which one may act on behalf of the other or by which staff of one may be attached to the offices of the other.

### **Article 3**

#### **The Ministry for Foreign Affairs**

- 3.1. The Ministry for Foreign Affairs and Diplomatic Service of the Republic of Kosovo, comprising the Ministry and its personnel in Embassies abroad, are part of the Government of Kosovo.
- 3.2. The Ministry of Foreign Affairs shall formulate and implement the foreign policy of Kosovo. In particular the Ministry shall:
  - a) develop and co-ordinate policies towards other states and in external affairs, express and protect Kosovo's interests in relations with other countries and international organizations, in close co-ordination with other Ministries, depending on their particular competencies, and with the President of the Republic of Kosovo;
  - b) represent Kosovo and its State Institutions in foreign countries and in inter-governmental international organizations, through such Embassies, Missions or other representative offices, established according to this law.
  - c) conclude treaties and other binding international agreements with other states and international inter-governmental organizations;
  - d) act in other countries and in international inter-governmental organizations on behalf of other Ministries or state organs. Such activities may include (but shall not be confined to) the promotion of trade and foreign investment in Kosovo and the issuance of passports or travel documents. Any executive functions carried out in the Ministry's capacity as agent of other bodies shall be governed by sub-normative acts and Service Level Agreements agreed by the Ministry for Foreign Affairs and the other Ministries or state organs concerned;
  - e) provide such consular assistance to citizens of Kosovo in other countries shall be prescribed by sub-normative acts of the Ministry, and protect the rights of Kosovars as who are permanent or temporary residents in other countries;
  - f) take the leading and co-coordinating role in relations between the Government of Kosovo and diplomatic or representative missions of other States and international inter-governmental organizations within Kosovo;
  - g) take the leading role within the Government of Kosovo in protecting and upholding the immunities and privileges within Kosovo of Missions and persons entitled to such immunities and privileges in international Conventions and custom. The Ministry may take appropriate measures within generally recognized international law to regulate and prevent the abuse of diplomatic status, immunities, and privileges;
  - h) report regularly to the President of the Republic of Kosovo, as well as the Government of the Republic of Kosovo, on issues of importance within the

Ministry's competences, and co-ordinate with the President and Prime Minister over the strategic direction of, and important issues in, Kosovo's foreign policy. At the request of the President of Kosovo or on the initiative of the Minister for Foreign Affairs the Ministry may propose international activities to be undertaken by the President;

- i) publish an annual report to the Assembly setting out the Government's objectives in external affairs and the activities of the Ministry during the previous year;
- j) deposit copies of international treaties and agreements, concluded on behalf of the state and Government of Kosovo with the relevant authorities; maintain archives of such treaties and agreements and publish them on the Ministry's web-site; and maintain and archive relevant documentation of the activities of the Ministry and Diplomatic Service.
- k) carry out such other duties as are necessary for the implementation of items a), j) of Article 3 of this Law.

#### **Article 4**

##### **Minister of Foreign Affairs and Treaty-Making Powers**

- 4.1. The Minister for Foreign Affairs, and the President and Prime Minister of the Republic of Kosovo, have the authority to sign Treaties and other binding international conventions on behalf of the Republic of Kosovo, and sign instruments of accession to international Conventions which are already in force.
- 4.2. This authority may be delegated in writing by the Minister, in respect of specified Treaties and conventions, to:
  - a) heads of Embassies of the Republic of Kosovo or diplomatic Missions abroad;
  - b) other Ministers within whose competences the subject matter of the Treaty or international agreement may lie.
- 4.3. Treaties and binding international conventions shall not enter into force in respect of Kosovo until ratified in accordance with the Constitution of Republic of Kosovo. Instruments of accession to international Conventions which are already in force shall similarly be ratified based on the Constitution of the Republic of Kosovo. Such ratifications shall be promulgated by the President and be published, together with the text of the Treaties or international agreements concerned, in the Official Gazette.

#### **Article 5**

##### **Kosovo Diplomatic Missions and Other Representative Offices Abroad**

- 5.1. The President, after consultation with the Prime Minister, shall decide on establishing Embassies or other diplomatic Missions of Kosovo to other countries or international organizations, or such other offices abroad as may be appropriate in order to represent the Republic of Kosovo. Such Missions shall be subject to the authority and instruction of the Ministry for Foreign Affairs.

- 5.2. Ambassadors and Heads of Mission, as representatives of Kosovo and its institutions as a whole, may copy those reports or policy recommendations to the Ministry as they consider of appropriate importance to the President, Prime Minister, and such other Ministers within whose competences the subject matter of the reports or policy recommendations may fall.
- 5.3. Consulates or Consulates-General in countries where Kosovo has a duly accredited Ambassador shall be subject to the authority and instructions of that Ambassador and be considered as subordinate posts which are part of his Mission
- 5.4. Embassies and other diplomatic Missions abroad may, with the authorization of the Ministry, employ personnel in non-diplomatic functions who are residents of the country in which the Mission is located and who need not be citizens of Kosovo. Authorization of the Ministry shall be given only where such employment is financially more beneficial to Kosovo than assigning personnel of the same operational effectiveness from Kosovo to the Mission.
- 5.5. Locally employed personnel shall not be considered members of the Kosovo Diplomatic Service or Civil Service, or subject to the same terms and conditions of service. The contractual conditions of their employment shall be approved by the Ministry and may be regulated by sub-normative acts of the Ministry.

## **Article 6**

### **Criteria for Selection of Ambassadors and Other Heads of Mission**

Ambassadors and Consuls-General and other Heads of Mission should possess:

- a) Relevant Professional Skills;
- b) High Reputation;
- c) Knowledge of international relations;
- d) Knowledge of English language and normally, in case of European States an official language of the relevant country.

## **Article 7**

### **Appointment of Heads of Mission**

- 7.1. Vacancies for Ambassadors and other Heads of Mission shall be advertised also within the Civil Service. Procedures for interviewing candidates and narrowing down the list of applicants shall be established by sub-normative acts of the Ministry.
- 7.2. The Minister for Foreign Affairs, after consulting the President and Prime Minister, shall send a short-list of at least three candidates for each vacancy, in confidence, to the Committee for International Relations of the Kosovo Assembly. The Committee shall conduct private hearings of these candidates in order to confirm whether they meet the criteria set out in Article 6 of the present Law. It shall then report the results of its hearings, in confidence, to the President, Prime Minister, and Minister for Foreign Affairs. The Committee's report shall not make recommendations as between candidates who meet the criteria in Article 6 of this Law.

- 7.3. The President, after consulting the Prime Minister and Minister for Foreign Affairs, shall then decide whether one of the candidates should be nominated to the receiving State or international inter-governmental organization. Upon agreement being received from the receiving State the President shall accredit the successful candidate.
- 7.4. Notwithstanding Article 8 of this Law, the selection of candidates for the posts of Ambassadors or other Heads of Mission shall not be confined to Civil Servants. However, at least fifty per cent (50%) of new appointments of Heads of Mission, from the date five years after the entry into force of this Law, shall be made from serving members of the Kosovo Diplomatic Service.
- 7.5. The appointment of other personnel in Embassies or Missions abroad shall be carried out in accordance with the legislation regulating Civil Service and sub-normative acts of the Ministry. Such sub-normative acts may set out the normal or maximum lengths of appointments to Embassies or Missions or tours of duty within the Ministry headquarters.

## **Article 8 Personnel**

- 8.1. The members of the Kosovo Diplomatic Service, except political appointees, shall be part of the Kosovo Civil Service and its personnel shall be subject to the same salaries, terms and conditions of service, except as may be otherwise prescribed by this or other Laws or by sub-normative acts in order to ensure the effective operation of Embassies and other Missions or offices outside Kosovo.
- 8.2. Diplomatic ranks in international usage of members of the Kosovo Diplomatic Service other than Heads of Mission shall be set out with sub-normative acts of the Ministry.
- 8.3. Ambassadors, Consuls-General, and other Heads of Mission shall be assigned Civil Service grades in keeping with the importance of their duties. In the interests of good relations with other States, the Civil Service grades assigned to such Heads of Mission need not be published.

## **Article 9 Financial Management and Public Procurement**

- 9.1. Notwithstanding any provisions in other Laws, Embassies in other countries may have authority under the supervision of the Ministry for Foreign Affairs, to:
  - a) open bank accounts and make payments from them;
  - b) sign contracts on behalf of the Ministry for Foreign Affairs;
  - c) receive goods and services;
  - d) keep sub-accounts of the Ministry for Foreign Affairs.
- 9.2. The methods in which such powers may be exercised shall be subject to sub-normative acts issued by the Ministry for Foreign Affairs with the agreement of the Ministry of Finance and the Economy and (where appropriate) the Public Procurement Authority. Such Administrative Instructions shall be published on the web-site of the Ministry of Foreign Affairs. They shall endeavor to establish,

so far as is possible within the staffing limitations of the Embassies, an equivalent level of segregation of duties, in procurement and financial management activities, to those set out by law for other Government institutions in Kosovo, taking into account the fact that Embassies may not be able to have full-time personnel for each activity.

#### **Article 10**

##### **Assignments to Missions Abroad from Other Ministries or State Bodies**

- 10.1. Personnel from other Ministries, Agencies, or organs of the state may be assigned to official duties in Embassies and other Missions of Kosovo abroad, with the agreement of the Ministry for Foreign Affairs.
- 10.2. The functions and financial responsibilities for personnel assigned on official duties to Missions abroad shall be regulated by Service Level Agreements between the Ministry for Foreign Affairs and the body that assigns the officer.
- 10.3. Personnel assigned on official duty to the Mission shall be considered equal to other members of the Mission of the same grade and shall be subject to the authority of the Head of Mission over the performance of their duties and general conduct.

#### **Article 11**

##### **Sub-Normative Acts**

Sub-normative acts of the Ministry, including those referred to in items d) and e) paragraph 2 of Article 3, paragraph 5 of Article 5, paragraph 1 and 4 of Article 7, paragraph 1 and 2 of Article 8 and paragraph 2 of Article 9 of this Law, shall be published on the Ministry's web-site.

#### **Article 12**

##### **Entry into Force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**

**Date: 13.03. 2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR III / NO. 26 / 02 JUNE 2008**



**LAW No. 03/L-207**  
**ON AMENDING THE LAW No. 03/L-044 ON MINISTRY OF FOREIGN**  
**AFFAIRS AND DIPLOMATIC SERVICE OF THE REPUBLIC OF KOSOVO**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

**LAW ON AMENDING THE LAW No. 03/L-044 ON MINISTRY OF FOREIGN**  
**AFFAIRS AND DIPLOMATIC SERVICE OF THE REPUBLIC OF KOSOVO**

**Article 1**

Article 6 is amended as follows:

**Article 6**

**Appointment of ambassadors and heads of missions**

- 6.1. Ambassadors, Consul-Generals and Consuls, and other Heads of Mission should fulfil following requirements:
  - a) have Kosovo citizenship;
  - b) are fully capable to work;
  - c) are not convicted of any criminal act or are not under investigation;
  - d) are not subject of a disciplinary removal from their work;
  - e) are in good health condition to perform their duties.
- 6.2. Ambassadors, Consul-Generals, Consuls, and other Heads of Mission should also fulfil the following requirements:
  - a) have appropriate professional skills;
  - b) high reputation;
  - c) knowledge of international relations;
  - d) posses acceptable and suitable foreign language skills for the work in the foreign service.

**Article 2**

Article 7 shall be amended as follows:

- 7.1. Appointment of Ambassadors and Heads of Missions shall be done by Decree of the President of the Republic of Kosovo.
- 7.2. The Minister of Foreign Affairs, after the consent of the Government, shall send the candidate name for Ambassador or Head of Mission, in confidence, to the Committee

- on Foreign Affairs of the Assembly of the Republic of Kosovo. Before seeking the consent of the Government, the Ministry of Foreign Affairs shall make sure that the candidate fulfils the criteria set out in paragraph 2 of Article 6 of this law.
- 7.3. The Committee on Foreign Affairs of the Assembly of the Republic of Kosovo shall conduct private hearings for the candidate proposed by the Government, in order to verify whether they meet the criteria set out in paragraph 1 of the Article 6. After the hearing session, the Committee shall report the results of its hearings, in confidence, to the President, Prime Minister and Minister for Foreign Affairs.
  - 7.4. Verification of the criterions fulfilment, according to the Article 6 for the candidates for Ambassadors and Heads of Missions, which are serving members of the Foreign Service of the Republic of Kosovo, shall be done by the Ministry of Foreign Affairs.
  - 7.5. The Committee report is consultative and not obligatory for the President of the Republic of Kosovo.
  - 7.6. The President, after the receipt of the Committee on Foreign Affairs of the Assembly of the Republic of Kosovo report, decides whether the candidate should be appointed to the receiving State or international inter-governmental organization. Upon agreement being received from the receiving State, the President shall accredit nominated candidate.
  - 7.7. At least fifty per cent (50%) of new appointments of Ambassadors and Heads of Missions should be made from the serving members of the Foreign Service of the Republic of Kosovo.
  - 7.8. Appointees to the position of the Ambassador and Head of Mission, which are not part of the Foreign Service of the Republic of Kosovo shall serve only for one mandate, and after the completion of this mandate, shall not be considered part of the Foreign Service.
  - 7.9. The appointment of other personnel in Embassies or Missions abroad shall be carried out in accordance with acting legislation and sub-normative acts of the Ministry of Foreign Affairs.
  - 7.10. Appointment of Consul-General shall be done by Decree of the President of the Republic of Kosovo. The recommendation shall be made by the Minister of Foreign Affairs.
  - 7.11. Consuls shall be appointed by the Minister of Foreign Affairs.

### **Article 3**

#### **Entry into Force of the Law**

This Law enters into force fifteen (15) days after publication in the Official Gazette of Republic of Kosovo.

**Law No. 03/L-207**  
**8 July 2010**

**Promulgated by the Decree No. DL-037-2010, dated 28.07.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 76 / 10 AUGUST 2010**

**LAW No. 03/L-125  
ON CONSULAR SERVICE OF DIPLOMATIC AND CONSULAR  
MISSIONS OF THE REPUBLIC OF KOSOVO**

**Contents**

Chapter I: General provisions.....	1143
Chapter II: Final provisions.....	1149

**Assembly of Republic of Kosovo,**

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Referring to the Vienna Convention on Diplomatic Relations of 1961; Vienna Convention on Consular Relations of 1963; other relevant international rules and of the Republic of Kosovo,

Approves

**LAW ON CONSULAR SERVICE OF DIPLOMATIC AND CONSULAR  
MISSIONS OF THE REPUBLIC OF KOSOVO**

**CHAPTER I  
GENERAL PROVISIONS**

**SUB-CHAPTER I  
CONSULAR ACTIVITY OF DIPLOMATIC AND CONSULAR MISSIONS**

**Article 1  
The Purpose**

1. Diplomatic and consular missions, in their consular activities, shall support cooperation between the Republic of Kosovo and the receiving state in the field of consular services, as stipulated in Article 5 of the Vienna Convention on Consular Relations, and promote the enforcement of the friendly relations between the Republic of Kosovo and the receiving state.
2. Diplomatic and consular missions, in their consular activities, shall protect the interests of the Republic of Kosovo and the rights of Kosovo nationals in the receiving state in conformity with the Vienna Convention on Consular Relations.

## **Article 2**

### **Definitions**

For the purpose of this Law, expressions used in this law have the following meaning:

**"Consular mission"** shall mean the representation office or consular office, thus due to the case, consulate general, consulate, and consular service in the diplomatic mission of the Republic of Kosovo.

**"Head of consular mission"** shall mean the person charged to conduct functions of a consular service. Due to the case, head of the consular mission could be a general-consul, consul, vice-consul, head of the consular service of a diplomatic mission of the Republic of Kosovo.

**"Consular officer"** shall mean a senior officer, including the head of the consular mission in charge to exercise the consular functions.

**"Consular clerk"** shall mean the person employed in the administrative or technical service of a consular mission.

**"Receiving state"** shall mean the state/country to which the head of a consular mission is accredited to.

**"Consular district"** shall mean the territory in the receiving state where the consular mission is accredited.

**"Honorary consular officer"** shall mean the citizen of Kosovo or a foreign citizen with permanent residence in the receiving state, appointed by the Minister of Foreign Affairs.

## **SUB-CHAPTER II**

### **APPOINTMENT AND COMMISSIONING**

#### **Article 3**

1. The head of consular mission and other consular officers shall be appointed in accordance with applicable legislation and sub-normative acts of the Ministry of Foreign Affairs.
2. The signature of the head of the consular mission and of the consular officers shall be deposited at the Ministry of Foreign Affairs and other relevant official authorities of the receiving state.

## **SUB-CHAPTER III**

### **EXERCISE OF THE COMPETENCIES**

#### **Article 4**

In their activity, the head of consular mission and consular officers are obliged to obey international rules, the Vienna Convention on Diplomatic Relations of the year 1961, the Vienna Convention on Consular Relations of the year 1963, treaties and agreements of the Republic of Kosovo with the receiving state, applicable laws in the consular district and laws applicable in the Republic of Kosovo.

## **SUB-CHAPTER IV COMPETENCIES AND CONSULAR DUTIES**

### **Article 5 Exercise of Consular Service Functions**

1. The functions of consular services in a consular mission shall be exercised by the consular officer of the consular mission.
2. The consular officer of consular mission shall exercise functions of consular services within the consular district, which may involve the entire territory of a receiving state or parts of it.
3. The functions of consular services, exercised by the consular officer, derive from the competencies and responsibilities vested in a consular mission by the present law.
4. The head of a consular mission may delegate its powers to consular officers of appropriate qualification in the consular mission.
5. In a diplomatic mission, where necessary, the consular services may be exercised by a member of a diplomatic service.
6. Upon consent of the receiving state, the head of consular mission may exercise functions of a consular service that he/she is put in charge also outside its consular district.
7. The supervision during exercising the consular service functions shall be exercised by the head of the competent diplomatic mission for the receiving state.
8. Organization of consular missions as well as the rights and obligations of consular officers shall be defined by secondary acts of the Ministry of Foreign Affairs.
9. In all cases, the relevant rules are valid for legal persons of Kosovo, authorities and other institutions of Kosovo, except in cases when expressly are exempted by the legislation in force.

### **Article 6 Assisting Citizens of Kosovo**

1. The consular mission may provide assistance it deems appropriate to citizens of Kosovo, situated within the consular district, upon request of a citizen of Kosovo in conformity with international rules, legal acts in force in the receiving state, and law and sub-normative acts of the Republic of Kosovo
2. Assistance, pursuant to paragraph 1 of this Article, shall not be applied for the citizens of Kosovo who at the same time possess the citizenship of the receiving state. They may not benefit from this assistance, except in concrete cases when the circumstances allow assistance provision.
3. Type, form and scale of assistance shall be defined by the head of the consular mission, in accordance with relevant rules and legislation in the receiving state, need for assistance of the Kosovo citizens, and having in consideration the available budgetary resources of the Republic of Kosovo.
4. In exceptional cases, in conformity with sub-normative acts of the Ministry of Foreign Affairs, the necessary financial assistance of the Kosovo citizen may be

provided to travel to another state or for repatriation. In such cases, reimbursement of expenses it is mandatory. This obligation shall encumber the inheritance of person who required such assistance.

#### **Article 7**

#### **Assisting Kosovo Citizens in Exceptional Circumstances**

In cases when in the receiving state occur natural disasters, political developments, military, revolutionary or such other events that endanger or harm the population in the receiving state or parts of it, the head of the consular mission may take the necessary actions to assist and take under protection the Kosovo citizens endangered or injured. Upon a decision of the Government, this might be the case also for the family members of Kosovo citizens which are not Kosovo citizens.

#### **Article 8**

#### **Assisting the Prisoners and Representation of Kosovo Citizens at Court Authorities in the Receiving State**

1. The consular officer, in conformity with international rules, this Law and its secondary acts, based on a request shall provide necessary and appropriate assistance and take care of Kosovo citizens who are imprisoned, under investigation or convicted with imprisonment in the receiving state.
2. The head of a consular mission, acting in accordance with international rules and laws and of the legislation in force in the receiving state, may direct to relevant authorities of the receiving state to obtain information for reasons of halt or arrest of Kosovo citizen within its consular district, particularly on charges against them. If necessary, the head of a consular mission may visit the Kosovo citizens halted or arrested within his consular district.
3. The head of a consular mission shall take appropriate measures to facilitate representation of the Kosovo citizen in front of the court authorities or other authorities in the receiving state within his consular district, so a Kosovo citizen may enforce his/her rights

#### **Article 9**

#### **Repatriation of Kosovo Citizens Deceased in the Receiving State**

1. If there are no other possibilities, the head of the consular mission shall take the appropriate measures to positively identify, if necessary, and inform the family members of the Kosovo citizen that died in the receiving state. If, in accordance with the wish of the deceased or of the family members, the body of the Kosovo citizen will be transported home, the head of the consular mission shall assist the family with potential difficulties of paperwork and transportation planning.
2. In case the family of the Kosovo citizen, haven't been introduced and there are no other possibilities left, the head of the consular mission shall require the local authorities in the receiving state to secure the assets or other things of the deceased Kosovo citizen left in the receiving state.

3. If the descendants of the deceased couldn't have been found and there is a long time passed after the assets left from the Kosovo citizen have been secured, the head of the consular mission may take appropriate measures to forward these assets to the relevant authorities of Kosovo in accordance with the applicable legislation in the receiving state.

## **SUB-CHAPTER V OTHER ADMINISTRATIVE DUTIES**

### **Article 10**

#### **Processing of Documentation related to Citizenship Issues**

The consular officer of the consular mission shall process documentation on issues related to citizenship in accordance with the legislation in force.

### **Article 11**

#### **Acceptance of Requests for Issuing Passports and Visas**

1. The consular officer shall accept documentation for issuing of passports and other documents, for the purpose of movement of Kosovo citizens.
2. The consular officer shall accept documentation with regard to visas of various types for movement of foreign citizens across the borders of the Republic of Kosovo
3. Issuance of various types of visas for foreign citizens by the consular missions shall be done in conformity with the decisions and sub-normative acts of the Republic of Kosovo.

### **Article 12**

#### **Registration of Civil Status Acts**

1. In a consular mission, permitted in advance by a decision of the Minister of Foreign Affairs, the head of the consular mission shall take over functions of civil status officer to maintain and register civil status acts. To fulfill this task, he will maintain the registers of marriages, births and deaths.
2. The head of the consular mission pursuant to paragraph 1:
  - 2.1. Carries out marriages, if this is allowed by the legislation of the receiving state, and if at least one of the spouses it is a Kosovo citizen and shall issue a marriage certificate. Carrying marriages from the head of the consular mission shall be registered in the register of marriages and the Ministry of Internal Affairs shall be informed to carry out further actions;
  - 2.2. Registering in the register of marriages also marriages of Kosovo citizens carried out by relevant authorities of the receiving state, in accordance with the laws in force in the Republic of Kosovo and in the receiving state, based on official certificates.
  - 2.3. Issuing marriage permissions for Kosovo citizens, defined under relevant law of the Republic of Kosovo, if marriage is carried out in the offices of

civil status in the consular district of the receiving state, in case one the spouses it is a foreigner.

3. The consular officer, as under paragraph 1, shall register Kosovo citizens, born in the consular district in the birth register, based on official certificates, issued by relevant local authorities.
4. Within time limitations, the relevant acts of the civil status of births, deaths and marriages shall be sent to the Ministry of Internal Affairs in order to forward them to competent authorities of Kosovo.

### **Article 13**

#### **Documentation, Issuance of Certificates to Certify the Documents, Legalization of Official Documents, Translation of Documents**

Documentation, issuance of certificates to certify the documents issued by the authorities of the Republic of Kosovo, legalization of official documents issued by the authorities of the Republic of Kosovo and authorities of the receiving state and translation of documents shall be regulated by secondary acts of the Ministry of Foreign Affairs

### **Article 14**

#### **Delivery of Official Mail**

In accordance with a bi-or multilateral agreement, the consular officer shall take measures to deliver documents and the official mail of the Kosovo citizens or foreigners staying within consular district, or authorities of the receiving state, also within the consular district, upon a request of a court or official authorities of Kosovo. In case of absence of a bi-or multilateral agreement, the delivery of the official mail shall be arranged through the Ministry of Foreign Affairs of the receiving country.

## **SUB-CHAPTER VI HONORARY CONSULAR OFFICER**

### **Article 15**

#### **Appointment, Termination of Mandate, and Competencies of the Honorary Consular Officer**

1. For best possible representation of interests of the Republic of Kosovo, the Minister of Foreign Affairs shall appoint honorary consular officer.
2. Honorary consular officers are an integral part of the structure of the consular service of the Republic of Kosovo.
3. The competencies of the Honorary consular officer shall be stipulated by a separate order of the Minister of Foreign Affairs.
4. Appointment concerns giving the title of Honorary consular officer to a citizen of Kosovo or a foreigner with permanent residency in the receiving state, by the Minister of Foreign Affairs shall issue. Procedure of appointment of a Honorary consular officer shall include:



Law No. 03/L-125 on consular service of diplomatic and consular missions of the...

- 4.1. Proving thoroughly the need to represent interests of the Republic of Kosovo with a Honorary consular officer within consular district proposed;
- 4.2. Careful review of adaptability of the candidate for Honorary consular officer;
- 4.3. Obtaining consent in advance from the receiving state for appointment of the candidate, under review for Honorary consular officer;
- 4.4. Accepting the exequatur from the receiving state.
5. The Honorary consular officer shall take over to represent interests of the Republic of Kosovo, promptly after receiving exequatur from the receiving state and for as long it is necessary.
6. By a decision of the Minister of Foreign Affairs could be demanded to terminate the mandate of the Honorary consular officer, in case representation of interests of the Republic of Kosovo it is considered not necessary.
7. The Honorary consular officer may at any time request to revoke his title.
8. The title of Honorary consular officer is not inheritable.
9. In case of inability to exercise the function of the best possible representation of interests of the Republic of Kosovo, the honorary consular officer shall immediately notify the Ministry of Foreign Affairs to that effect.
10. The Honorary consular officer must inform the Ministry of Foreign Affairs if employed in another state, except the receiving state, in an international organization or in case filed in an application for another citizenship.
11. To permit initiation of an activity to represent interests of the sending state, the Honorary consular officer shall fit with a relevant exequatur by the Ministry of Foreign Affairs, after presenting his certificate of appointment.

## **SUB-CHAPTER VII FEES**

### **Article 16 Consular Fees**

In their consular activity, the head of a consular mission shall provide consular services against taxes in compliance with sub-normative acts of the Ministry of Foreign Affairs and Ministry of Economy and Finance.

## **CHAPTER II FINAL PROVISIONS**

### **Article 17 Issuance of Secondary Acts**

1. The Ministry of Foreign Affairs shall issue relevant secondary acts pursuant to, and for the implementation of this Law.
2. The Ministry of Foreign Affairs, within 3 (three) months from entry into force of this law, shall approve the Regulation on Consular Service.

**Article 18**  
**Entry into force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-125**  
**16 December 2008**

**Promulgated by the Decree No. DL-073-2008, dated 30.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 46 / 15 JANUARY 2009**

**LAW No. 03/L-122  
ON FOREIGN SERVICE OF THE REPUBLIC OF KOSOVO**

**Contents**

Chapter I: General provisions.....	1151
Chapter II: Foreign service institutions .....	1153
Chapter III: Foreign service staff .....	1157
Chapter IV: The rights and duties of foreign service officer.....	1161
Chapter V: Financial treatment of the staff of the foreign service .....	1162
Chapter VI: Administrative officers and assistance staff .....	1163
Chapter VII: Transitional provisions.....	1163
Chapter VIII: Final provisions .....	1163

**Assembly of Republic of Kosovo,**

In support of article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON FOREIGN SERVICE OF THE REPUBLIC OF KOSOVO**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
The purpose**

The purpose of this law shall be regulation of the Foreign Service operation, organization, coordination and function of the bodies that exercise Foreign Service and the status of the personnel within the diplomatic mission.

**Article 2  
Definitions**

For the purposes of this Law, expressions used in this law have the following meaning:  
“**Members of the diplomatic personnel**” are members of the diplomatic personnel that work in administrative service, technical staff and the service personnel.

“**Members of the foreign service**” are permanent members of the Ministry as well as members of a certain Ministry appointed to diplomatic and consular missions in other countries and international organizations;

“**Diplomatic and Consular Ranks**” are the titles awarded or earned of the diplomatic representatives and consuls, in order of advantage or hierarchy superiority;

**“Rank and Disciplinary Commission”** is the commission in charge of awarding, except ambassador rank, diplomatic and consular ranks to foreign service staff, and also proposition of disciplinary measures against foreign service officers and reviewing the complaints upon disciplinary measures taken against them;

**“Ministry”** it is the Ministry of Foreign Affairs of the Republic of Kosovo;

**“Minister”** is the Minister of the Ministry of Foreign Affairs of the Government of the Republic of Kosovo;

**“Diplomatic mission”** is an embassy or other office representing the Republic of Kosovo to another state or in an international organization consistent with the Vienna Convention on Diplomatic Relations (1961) or Vienna Convention on Consular Relations (1963); or which represents the Republic of Kosovo as part of a mission of two or more states and to which office are given all privileges and immunities, which according to law, enjoy diplomatic missions according to Vienna Convention on Diplomatic Relations;

**“Administrative and technical personnel”** are the members of the mission personnel employed at the administrative and technical service of the mission;

**“Diplomatic personnel”** are the Foreign Service officers with diplomatic ranks;

**“Service staff members”** are the members of the mission in domestic service of the mission;

**“Diplomatic representative”** is the head of mission or a member of the mission’s diplomatic personnel;

**“Head of mission”** is the ambassador or another person charged by the institutions with the duty of acting in that capacity;

**“Citizen of the Republic of Kosovo”** is a natural person who holds a citizenship of Kosovo as defined according to the Law on Citizenship in Kosovo.

### **Article 3**

#### **Legal basis of the Foreign Service bodies activities**

The President of the Republic of Kosovo leads the foreign policy of the country pursuant to powers vested in him under the Constitution.

The Minister of Foreign Services and other sub-ordinate structures which exercise activity and functions of the foreign services in compliance with the Constitution, with this Law, with the Law on the Ministry of Foreign Affairs and Diplomatic Service, with sub-normative acts issued to implement it, based on the Government program and directions of the Assembly of the Republic of Kosovo.

## **CHAPTER II FOREIGN SERVICE INSTITUTIONS**

### **SUB-CHAPTER I THE MINISTRY OF FOREIGN AFFAIRS**

#### **Article 4 The Minister**

The Minister of Foreign Affairs shall govern and represent the foreign service of the Republic of Kosovo.

#### **Article 5 Directorate General**

The Directorate General shall coordinate the permanent communication of the Ministry with the Foreign Service missions, shall be responsible for drafting and execution of the objectives in the activity of Foreign Service, as well as manages with the relevant offices within the Ministry.

#### **Article 6 The Structure of the Ministry**

The relevant structures of the Ministry shall be established by sub-normative acts of the Ministry, with objectives of carrying out activities in the foreign service.

#### **Article 7 Diplomatic Academy**

1. Upon the approval of the Government of the Republic of Kosovo, the Minister shall establish the Diplomatic Academy, for the purpose of preparing them and professional formation of the members of the personnel in the foreign service.
2. The operation of the Diplomatic Academy shall be regulated with sub-normative act of the Ministry of Foreign Affairs.

### **SUB-CHAPTER II DIPLOMATIC MISSIONS**

#### **Article 8 Categories of missions**

1. Missions of the Republic of Kosovo in abroad are:
  - 1.1. diplomatic missions;
  - 1.2. consular missions;
2. Diplomatic mission include embassies and permanent missions to international organizations.

3. Consular missions include General Consulates, Consulates, Vice-consulates and Consular Offices.

### **Article 9**

#### **Opening, reorganizing and closing a diplomatic mission**

1. Diplomatic missions shall open, reorganize and close by a Presidential decree, after consultations with the Prime Minister.
2. The diplomatic missions are under the authority and instructions of the Ministry of Foreign Affairs.
3. The functioning, structure and number of personnel of the diplomatic missions shall be determined by the Minister of Foreign Affairs.

### **Article 10**

#### **Functions of a diplomatic mission**

1. The diplomatic mission of the Republic of Kosovo shall perform functions in compliance with the Vienna Convention on Diplomatic Relations of 1961, Law on the Ministry of Foreign Affairs and Diplomatic Service, the present law and other sub-normative acts in function of it.
2. The diplomatic mission has the following main functions:
  - 2.1. representing the Republic of Kosovo in the receiving state or in an international organization;
  - 2.2. protecting the interests the interests of the Republic of Kosovo and of its nationals or its legal persons in the receiving State, within the limits permitted by international law and legislation in force of the receiving state;
  - 2.3. promoting and empowering development of political, economic, cultural, educational, scientific, technological, information, diplomatic-consular relations and in any other field between the Republic of Kosovo and the receiving state or an international organization, in a friendly and cooperative spirit;
  - 2.4. informing the Ministry of Foreign Affairs on economic, political and social developments of the receiving state and on international organizations activity, to which it is accredited, in case the interest of the Republic of Kosovo is at stake;
  - 2.5. cooperating with delegations of the Republic of Kosovo and participate in negotiations with the government of the receiving state in preparing international agreements for endorsement, and also in activities of international conferences.
  - 2.6. promoting regional and international peace and security;
  - 2.7. promoting, protecting and enhancing international security and status of the Republic of Kosovo;
  - 2.8. contributing in protection of human fundamental rights and freedoms recognized at the universal level;
  - 2.9. protecting human fundamental rights and freedoms of nationals of the Republic of Kosovo under its own scope of competencies;

- 2.10. protecting sovereignty and territorial integrity and other interests of the Republic of Kosovo;
- 2.11. promoting activities of public organizations and institutions centers of the Republic of Kosovo abroad;
3. The diplomatic mission shall also perform functions or other activities for which is authorized by the Ministry of Foreign Affairs in compliance with the present law, Law on the Ministry of Foreign Affairs and Diplomatic Service and other sub-normative acts.
4. The diplomatic mission shall also perform consular functions in the receiving state. If there are consular missions of the Republic of Kosovo in the same state, the diplomatic mission shall perform consular services in such part of the territory which does not fall under the jurisdiction of the consular mission. Consular functions shall be carried out by a diplomat of the diplomatic mission, in charge of consular activity, upon approval of the Minister of Foreign Affairs, in compliance with the Vienna Convention on Consular Relations, Law on Consular Service and other sub-normative acts.

### **Article 11**

#### **Special mission**

1. A special mission is a temporary mission that represents the Republic of Kosovo in another state or an international organization, with their consent, to negotiate or perform particular tasks, which are considered to be in the interest of the Republic of Kosovo.
2. The establishment, composition and functions of the special mission shall be defined with a Presidential decree, after consultation with the Prime Minister.

### **Article 12**

#### **Diplomatic mission staff**

1. The staff of a diplomatic mission shall consist of diplomats and administrative, technical staff and service staff.
2. The staff of a diplomatic mission may include officers, appointed by the Minister of Foreign Affairs, based on an agreement of the service level reached with other institutions to perform tasks in economic, cultural, scientific and protection fields and in any other field for a given period of time. During their time serving in a diplomatic mission, these officers enjoy the same status of diplomats and after this service ends, shall return to their previous position, regaining the status they had or to a position equal with it.

### **Article 13**

#### **Appointment and dismissal from the duty of the Head of Mission**

Appointment and dismissal of Head of the Mission shall be regulated by the Law on the Ministry of Foreign Affairs and Diplomatic Service and other sub-normative acts of the Ministry of Foreign Affairs.

#### **Article 14**

##### **Functions of the Head of Diplomatic mission**

1. The Head of the diplomatic mission, in compliance with the Vienna Convention on Diplomatic Relations of 1961 shall conduct the following main functions:
  - 1.1. representing and acting on behalf of the Republic of Kosovo in the receiving state or international organizations;
  - 1.2. initiating and endorsement of diplomatic instruments;
  - 1.3. giving statements and taking standings on behalf of the Republic of Kosovo.
2. The Head of Mission has authority over all civilian and military services conducting activity in the diplomatic mission. He/she shall conduct, instruct, control and evaluate all official activity of the diplomatic mission staff, and also performs other engagements as determined with this Law and other sub-normative acts.
3. Head of Mission shall report through Director General to the Minister of Foreign Affairs for implementation of the foreign policy of the Republic of Kosovo in the receiving state and shall act in accordance with duties and responsibilities given by this law, and also directions and instructions given from the relevant structures in the Ministry of Foreign Affairs.
4. Heads of missions, on issues of special interest, may send a copy of the report or a recommendation, even to the President, Prime Minister and other Ministers within their powers and responsibilities.
5. Head of Mission shall coordinate and control the consular missions operation of the Republic of Kosovo in the receiving state.

#### **Article 15**

##### **Accreditation to some countries**

1. An ambassador in a state may be accredited also to one or more other states, irrespective if there is a diplomatic mission or a consular mission to these states.
2. Head of a diplomatic mission and other diplomats, accredited to more countries at the same time, shall perform the same functions to other states, which they perform in the state where they are resident.
3. In states where there is no diplomatic mission, Diplomats may be appointed of the ambassador rank as non-resident ambassadors. They shall perform the same representation functions as resident ambassadors.

#### **Article 16**

##### **Chargé d'affaires**

1. A chargé d'affaires shall be appointed with a Presidential decree, after there has been a proposal made by the Government. The procedure for his/her accreditation shall be executed by the Ministry of Foreign Affairs.
2. A chargé d'affaires ad interim shall be appointed by the Minister of Foreign Affairs.
3. In case of the absence of the head of a mission or in case the head of a mission cannot carry out his/her duties, a chargé d'affaires ad interim shall act on behalf of the head of a mission.



## **CHAPTER III FOREIGN SERVICE STAFF**

### **SUB-CHAPTER I THE STATUS OF THE FOREIGN SERVICE STAFF**

#### **Article 17 Categorization of staff**

1. The diplomatic activity in the Foreign Service is conducted from diplomats and other persons of equal posts who take diplomatic functions in accordance with provisions of the present law.
2. In the course of exercising the function, Foreign Service staff shall have assistance from administrative and technical staff, and service staff.

#### **Article 18 Diplomats**

A diplomat shall take functions and perform duties in the foreign service of the Republic of Kosovo in accordance with the Constitution, provisions of the Law on Ministry of Foreign Affairs and Diplomatic Service, the present Law and other sub-normative acts in force.

#### **Article 19 Admission Criteria to the Foreign Service**

1. The general criteria for selection of ambassadors, consuls and other heads of missions shall be regulated with the Law on the Ministry of Foreign Affairs and Diplomatic Service and other sub-normative acts to its effect.
2. Members of the Foreign Service should meet the following requirements:
  - 2.1. have a citizenship of Kosovo;
  - 2.2. have a full capacity to act;
  - 2.3. have not been convicted of committing a criminal act;
  - 2.4. have not been taken any disciplinary actions against them of expel from work;
  - 2.5. be in a good health condition to perform the task;
  - 2.6. have an adequate professional background.
  - 2.7. command of an acceptable and suitable foreign language to work in the Foreign Service.
  - 2.8. have passed the admission exam organized based on procedures determined under a sub-normative act of the Ministry of Foreign Affairs.
3. Possession of citizenship of Kosovo is not a necessity for the administrative and technical staff and service staff.

## **Article 20**

### **Admission to Foreign Service**

Admission to Foreign Service shall be done through an open competition in compliance with the Law on the Ministry of Foreign Affairs and Diplomatic Service and applicable legislation.

## **Article 21**

### **Transfer, parallel movement, promotion in a post**

1. Transfer, parallel movement and promotion in a post of an officer within the Foreign Service shall be carried out by a decision of the Minister of Foreign Affairs upon a proposal of the General Director. In any case, the proposal is accompanied and based in the work assessment, introduced by the direct supervisor of the officer.
2. The procedures for carrying out a transfer, parallel movement and promotion in a position shall be stipulated by the Regulation on Foreign Service.

## **Article 22**

### **Duration in diplomatic missions**

Diplomats shall remain in the service at the same diplomatic mission for a period of four (4) years, or otherwise as required to meet the needs of the Ministry and at the discretion of the Minister of Foreign Affairs.

## **Article 23**

### **Premature withdrawal from a diplomatic mission**

1. The President of the Republic of Kosovo may require withdrawal of an ambassador or a head of mission from the diplomatic mission, prior the given period of time is ended, due to the following:
  - 1.1. working needs in the Ministry of Foreign Affairs;
  - 1.2. based on the request from the diplomat itself;
  - 1.3. for the reason of negative assessment of diplomat's work;
  - 1.4. violation of provisions of the present law and other legal acts in force;
  - 1.5. when such a thing it is requested from the receiving state.
2. The withdrawal of all other diplomatic representatives, excluding the head of mission, for the same reasons as those specified in paragraph 1 of this Article, shall be made upon the decision of the Minister of Foreign Affairs.

## **Article 24**

### **Suspension from the Foreign Service**

1. A Foreign Service staff may be suspended to exercise his/her duties:
  - 1.1. in case against him/her have been initiated a criminal proceeding for a criminal act, until a final decision has been taken;

- 1.2. for specialization periods more than six (6) months, undertaken on his/her own initiative of the officer, but upon approval of the Director General.
2. During the suspension period, the Foreign Service officer shall not be paid, except in the case of a special decision in accordance with the rules of Civil Service.
3. In the case foreseen under sub-paragraph 1.1 of the present Article, when a criminal proceeding ceases or when a final court decision finds him not guilty, the officer shall be returned to the Foreign Service and in the same time, shall regain the status, the salary and any other right since the moment he/she was suspended.
4. In the case foreseen under sub-paragraph 1.1 of the present Article, the suspension period shall be taken into consideration effectively to calculate the time period, necessary to obtain diplomatic ranks.

## **Article 25**

### **Discharge of the status in the Foreign Service**

1. An officer of the Foreign Service shall lose his/her status in this service in case:
  - 1.1. voluntarily calls off from the Foreign Service;
  - 1.2. loss of competency to act;
  - 1.3. convicted by a final decision court for commitment of criminal acts;
  - 1.4. commits serious violations, foreseen under the rules on civil service and Regulation on Foreign Service for which against him/her are taken measures of discharging him/her from work.

## **SUB-CHAPTER II**

### **RANKS**

## **Article 26**

### **Diplomatic and consular ranks**

1. Diplomatic representatives and consuls in the course of conducting their duties in the Ministry of Foreign Affairs and diplomatic missions shall take diplomatic or consular ranks.
2. Diplomatic ranks in the foreign service are:
  - 2.1. ambassador;
  - 2.2. minister;
  - 2.3. minister counselor;
  - 2.4. counselor;
  - 2.5. first secretary;
  - 2.6. second secretary;
  - 2.7. third secretary;
  - 2.8. attaché.
3. Consular ranks in the foreign service are:
  - 3.1. a general consul;
  - 3.2. consul;
  - 3.3. vice-consul;
  - 3.4. consular agent.

### **Article 27**

#### **Rank equivalence**

Diplomats may pass from a diplomatic rank to a consular rank and vice versa, in compliance with the functions and duties put in charge. In any case, the transfer shall be done in respect of rank equivalence which are:

General consul	Minister counselor or counselor;
Consul	First or second secretary;
Vice-consul,	Second or third Secretary.
Consular agent	Third Secretary or attaché

### **Article 28**

#### **Award of ranks**

1. The promotion of officer of the Foreign Service officers shall be carried out based on the promotion system. The main elements to award a rank of a member of the Foreign Service are time of service, qualification and assessment of work performance.
2. With exemption of the ambassador rank, the ranks shall be awarded from the Rank and Discipline Commission, on basis of information from each employee personal file and based on assessments carried out according to criteria and rules stipulated under the Regulation on Foreign Service.
3. The diplomatic rank of ambassador shall be approved by the President, upon proposal of the Government.

### **Article 29**

#### **The period for passing from one rank to another**

1. Minimum period to pass from one rank to a higher rank shall be regulated by the Regulation on Foreign Service.
2. Criteria of benefiting a rank of minister counselor and minister shall be defined the Regulation on Foreign Service.

### **Article 30**

#### **Rank and Disciplinary Commission**

1. Rank and Disciplinary Commission duties are:
  - 1.1. award of diplomatic and consular ranks for Foreign Service officers in accordance with this Law and the Regulation on Foreign Service.
  - 1.2. review of claims of foreign service officer against whom disciplinary measures are taken from their direct superior;
  - 1.3. review of serious violation of cases, committed by officers of the Foreign Service and proposal to Minister of Foreign Affairs of disciplinary measures for officers committed these violations.
2. The Ranks and Disciplinary Commission composition shall be stipulated under the Regulation on Foreign Service.

3. Functioning of the Rank and Disciplinary Commission shall be defined under the Regulation on Foreign Service.
4. Types of breaches and disciplinary measures shall be stipulated under the Regulation on Foreign Service.

## **CHAPTER IV**

### **THE RIGHTS AND DUTIES OF FOREIGN SERVICE OFFICER**

#### **Article 31**

##### **The Rights of an officer of the Foreign Service**

1. A Foreign Service officer is entitled:
  - 1.1. to enjoy a diplomat status, in the country or countries to which he or she is accredited;
  - 1.2. to benefit a rank in the Foreign Service of the Republic of Kosovo, based on criteria defined in Regulation on Foreign Service;
  - 1.3. to maintain functions in the Ministry of Foreign Affairs or a diplomatic mission, in accordance with the professional level and the rank he/she enjoys;
  - 1.4. to enjoy immunities and facilitations that a diplomats status provides according to acts and international law for the period of time he/she is on service outside the state;
  - 1.5. to benefit from qualifications and trainings provided from the Ministry of Foreign Affairs;
  - 1.6. to have a special financial treatment according with his/her status and applicable legislation;
  - 1.7. to enjoy all other rights, recognized by the legislation of the Republic of Kosovo and of the receiving state as well.

#### **Article 32**

##### **The Duties of an officer of the Foreign Service**

1. Foreign Service officer duties are:
  - 1.1. to exercise honestly and correctly the functions and tasks he/she is in charge according to orders, instructions and regulations of the Ministry of Foreign Affairs, international treaties and legislation of the Republic of Kosovo;
  - 1.2. to hold the full responsibility for actions lawfulness in the course of performing duties;
  - 1.3. to protect the interests of the state of Kosovo and the citizens and legal persons of the Republic of Kosovo, where it is accredited and performs his/her duties;
  - 1.4. to enforce rules for classified information even after leaving the Ministry of Foreign Affairs and to secure the protection of data and information entrusted to him/her;
  - 1.5. to suspend his/her activity to any political party, political organization or association for the time serving in the foreign service;

## Administrative laws

- 1.6. maintain, under any circumstance, a moral, dignity and professional standing;
  - 1.7. to give no statements that may put into difficult position the Kosovo state in relation with other states or international organizations;
  - 1.8. to respect laws of the state or states, accredited to, and gets not involved in any activity, which might be assessed as interference in internal affairs of the state or states where conducts his/her activity;
  - 1.9. to exercise its own activity in accordance with immunities and privileges enjoying as a member of a diplomatic mission;
  - 1.10. not exercising, in a state or states, accredited to, any trade activity or any other profitable activity for own account or its relatives.
2. Violation of a duty shall be a ground for disciplinary action.

## **CHAPTER V**

### **FINANCIAL TREATMENT OF THE STAFF OF THE FOREIGN SERVICE**

#### **Article 33**

##### **Foreign Service employee salaries**

The salaries of the Foreign Service employee shall be set based upon the function, rank and work experience in accordance with the relevant applicable laws.

#### **Article 34**

##### **Treatment of families of the staff of the diplomatic missions**

1. The spouse who accompanies the officer of a diplomatic mission, the time of staying outside the state shall be recognized to the effect of work experience and payment of contributions defined under the legislation in force of the Republic of Kosovo.
2. The spouse which at the time of appointment of the diplomatic representative abroad has been working at a public institution shall be entitled to return back at the job after return of the spouse home. The public institution where the spouse was employed is obliged to take it back at the same job or to a position equivalent.
3. The Ministry of Foreign Affairs shall guarantee the primary and secondary education of the staff children, appointed to a diplomatic mission and where necessary, shall ensure funding of this education. The manner, criteria and conditions of funding shall be defined by Regulation on Foreign Service.
4. The children, age under eighteen (18) of the diplomatic mission staff shall benefit health insurances, according to laws and sub-normative acts in force.

## **CHAPTER VI ADMINISTRATIVE OFFICERS AND ASSISTANCE STAFF**

### **Article 35**

#### **The Status of administrative officers, technical and service staff**

1. Administrative officers in the Foreign Service are named officers who carry out tasks in the accounting and finance section, in the field of data processing and administrative issues. For these officers shall apply the Civil Servants rules and other sub-normative acts for its enforcement.
2. Technical staff in the Foreign Service are named such category of employees who perform duties in assisting and maintenance service section.
3. Service personnel in the Foreign Service it is called such employee category who perform tasks at the house service of the mission.

### **Article 36**

#### **Local staff recruitment**

Diplomatic mission may employ nationals of the receiving state, according the foreseen procedures under the Regulation on Foreign Service, to perform technical-administrative works and of the service.

## **CHAPTER VII TRANSITIONAL PROVISIONS**

### **Article 37**

1. All appointed in charge of operation at the time of opening of the first diplomatic missions of the Republic of Kosovo, shall have the minister-advisor rank.
2. All others appointed at the time of opening of the first diplomatic missions of the Republic of Kosovo, have such rank that was given at the time of their appointment.
3. The time from their appointment will be taken into account for the purpose of obtaining diplomatic ranks into the Foreign Service.

## **CHAPTER VIII FINAL PROVISIONS**

### **Article 38**

#### **Issue of sub-normative acts**

1. The Ministry of Foreign Service shall be in charge to issue sub-normative acts in of the present Law.
2. The Ministry of Foreign Affairs, within 3 (three) months from approval of this law, shall prepare the Regulation on Foreign Service. The Regulation shall be approved by a decision of the Government.

**Article 39**  
**Enter into force**

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-122**  
**16 December 2008**

**Promulgated by the Decree No. DL-071-2008, dated 30.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR IV / No. 46 / 15 JANUARY 2009**



**LAW No. 03/L-033**  
**ON THE STATUS, IMMUNITIES AND PRIVILEGES OF DIPLOMATIC AND**  
**CONSULAR MISSIONS AND PERSONNEL IN REPUBLIC OF KOSOVA AND**  
**OF THE INTERNATIONAL MILITARY PRESENCE AND ITS PERSONNEL**

Based on Chapter IV article 65 item 1 of the Constitution of Republic of Kosova, for the purpose of clarifying the status, immunities, and privileges of diplomatic and consular Missions, including Missions of international inter-governmental organisations, and their personnel in Republic of Kosova, together with other internationally protected persons, in accordance with customary international law as enshrined in the Vienna Convention on Diplomatic Relations of 18 April 1961, the Vienna Convention on Consular Relations of 14 April 1963, the General Convention on the Privileges and Immunities of the United Nations of 13 February 1946, and the Convention on the Privileges and Immunities of the Specialised Agencies of the United Nations of 21 November 1947,  
And for the purpose of providing transitional arrangements for existing Liaison Missions in Republic of Kosova,

**The Assembly of Republic of Kosova,**

Hereby adopts

**LAW ON THE STATUS, IMMUNITIES AND PRIVILEGES OF DIPLOMATIC**  
**AND CONSULAR MISSIONS AND PERSONNEL IN REPUBLIC OF KOSOVA**  
**AND OF THE INTERNATIONAL MILITARY PRESENCE AND ITS**  
**PERSONNEL**

**Article 1**  
**Subject of Regulation**

This law regulates the Status, Immunities and Privileges of Diplomatic and Consular missions and personnel in Republic of Kosova, and of the International Military Presence and its personnel.

**Article 2**  
**Definitions**

- **‘expert in the mission’**- is the expert performing missions for the United Nations, its specialised agencies, the OSCE, or other relevant international inter-governmental organisations during the period of their missions.
- **‘persona non grata’**- is a person whose presence is no longer welcomed in Republic of Kosova.

### **Article 3**

#### **Missions and their Personnel Entitled to Diplomatic or Consular Status**

- 3.1. Missions established in Republic of Kosova by mutual consent of the Government of Republic of Kosova and foreign States with which Republic of Kosova enjoys diplomatic or consular relations, together with their personnel, shall enjoy the status, privileges and immunities set out in this Law.
- 3.2. Offices and personnel, including experts on mission that enjoy the status, privileges and immunities are:
  - a) the International Civilian Representative (ICR) and European Union Special Representative (EUSR);
  - b) the European Union Rule of Law Mission (EULEX);
  - c) the United Nations, the specialised agencies of the United Nations;
  - d) the Organisation for Security and Co-operation (OSCE) in Europe; and
  - e) such other international inter-governmental organisations as the Minister for Foreign Affairs may deem appropriate shall also enjoy such status, privileges, and immunities.
- 3.3. For the purposes of this Law, appointees of the ICR to those positions in Republic of Kosova institutions specified by the Comprehensive Proposal for the Republic of Kosova Status Settlement, dated March 26, 2007 shall be considered to be personnel of the ICR.

### **Article 4**

#### **Personnel of Diplomatic or Consular Missions**

- 4.1. Ambassadors shall be accredited by the President of the Republic of Kosova or by the Minister for Foreign Affairs whereas on the appointment of charges d'affaires, Heads of Consular Missions and the Heads of Mission shall require agreement from the Minister for Foreign Affairs.
- 4.2. The first arrival and permanent departure of other personnel of the Missions, excluding personnel recruited in Republic of Kosova, shall be notified to the Ministry for Foreign Affairs.
- 4.3. The appointment of citizens of Republic of Kosova, or of personnel who are not citizens of the sending state, as diplomatic staff enjoying the immunities and privileges in Article 5 of this Law shall require the prior consent of the Ministry for Foreign Affairs.
- 4.4. The Minister for Foreign Affairs may notify a Mission that its Head of Mission or other member of its personnel is persona non grata and not acceptable in Republic of Kosova.
- 4.5. In the event of such a member not being recalled within a reasonable period of time, which shall not be less than 48 hours and even in cases of extreme urgency and not longer than thirty days, the Government of Republic of Kosova shall no longer recognize the member as being part of the Mission, and diplomatic privileges and immunities shall be discharged from the moment of his announcement as persona non grata.
- 4.6. Minister for Foreign Affairs may not declare the ICR/EUSR or a member of his personnel, or members of the EULEX Mission, persona non grata.

- 4.7. The Minister shall only exercise the powers in paragraph 4 of this Article in regard to Missions of States or international organisations which are specified in the Status Settlement in as having roles in the implementation or oversight of the Status Settlement, after having given prior notice to the International Civilian Representative of his intention to do so, until such time as the International Civilian Representative informs him in writing that this requirement for prior notice is no longer necessary.

## **Article 5**

### **Privileges and Immunities of Diplomatic and Consular Missions and their Personnel**

- 5.1. The premises of a Diplomatic or Consular Mission shall be inviolable. Agents of the state of Republic of Kosova shall not enter them except with the consent of the Head of Mission. The property, assets, and means of transport of the Mission and its personnel are immune from search, requisition, and attachment.
- 5.2. Private residences and property of the personnel of a Diplomatic or Consular Mission other than locally recruited personnel are also inviolable.
- 5.3. Archives and documents of the Diplomatic or Consular Mission and its personnel are also inviolable. Where communications between the Diplomatic or Consular Mission and its Government are by courier, the courier and the sealed bag containing documents are inviolable.
- 5.4. Personnel of the Missions other than locally recruited staff, together with members of their families accompanying them, shall be immune from arrest or detention. Their personal baggage shall be subject to inspection only if there are serious grounds for believing that it may carry articles whose import or export is prohibited by the applicable law of Republic of Kosova. Any such inspection shall be carried out only in the presence of the diplomatic agent or a representative appointed by him.
- 5.5. Personnel of the Missions other than locally recruited staff, together with members of their families accompanying them, shall be immune from the criminal jurisdiction of Republic of Kosova. They shall also be immune from all civil or administrative jurisdiction in of Republic of Kosova, except in the cases of:
- a) a civil action concerning private immovable property within Republic of Kosova where the diplomatic agent holds it in a personal capacity unrelated to his official functions;
  - b) a civil action relating to inheritance where the diplomatic agent in which he is involved as executor, administrator, heir or legatee in a personal capacity outside his official functions;
  - c) a civil action related to any professional or commercial activity undertaken by the diplomatic agent within Republic of Kosova in a personal capacity outside his official functions
- 5.6. Personnel of Diplomatic or Consular Missions other than locally recruited personnel shall not be required to act as witnesses in criminal or civil proceedings.

- 5.7. Personnel of a Diplomatic or Consular Mission other than locally recruited personnel shall be exempt from all dues and taxes, personal or real, and whether national or municipal, except:
- a) indirect taxes normally included in the price of goods and services in Republic of Kosova, except as specified in paragraph 8 Article 5 of this Law;
  - b) dues and taxes on private immovable property in Republic of Kosova held by a diplomatic agent in a private capacity unrelated to his official functions;
  - c) estate, succession, or inheritance taxes in the respect of private movable property of a diplomatic agent or a member of his family who dies while in Republic of Kosova and which property is in Republic of Kosova solely as a result of the official presence of the deceased in Republic of Kosova;
  - d) private income having its source within Republic of Kosova or capital taxes on investments made in a personal capacity within Republic of Kosova;
  - e) charges levied for specific services rendered, including registration, court or record fees with respect to immovable property in Republic of Kosova.
- 5.8. Diplomatic or Consular Missions and their personnel other than locally recruited personnel shall have the right to import, free of customs and excise duties or Value Added Tax, any goods and services which are for the official and exclusive use of the Mission or for the exclusive personal use of personnel of the Mission other than locally recruited personnel. Provision may be made for the use of bonded warehouses for the import of such goods. Diplomatic Missions shall be entitled to a rebate on Value Added Tax for any services bought in Republic of Kosova.
- 5.9. The Minister for Foreign Affairs may decide reasonable quantitative restrictions on goods bought free of tax and duty for the personal use of personnel of Diplomatic or Consular Missions, and on the resale of such goods within Republic of Kosova, for the purpose of preventing abuse of the diplomatic privileges.
- 5.10. The Ministry for Foreign Affairs shall provide personnel of Diplomatic or Consular Missions with identity cards. Vehicles of the Missions and their personnel other than locally recruited personnel may be provided with registration plates identifying the vehicles as diplomatic, for the convenience of the Missions and in order that they may better carry out their functions.

## **Article 6**

### **Locally Recruited Personnel**

Locally recruited personnel of Diplomatic or Consular Missions, including citizens of the sending state who are long-term residents of Republic of Kosova and who have not been notified to and accepted by the Ministry for External Affairs as personnel enjoying the immunities and privileges in Article 5 of this Law, shall enjoy immunity from criminal and civil proceedings for actions performed by them, and words written or spoken, in their official capacity. This immunity shall continue to be accorded for actions performed or words spoken and used in their official capacities during their employment by the Mission, even after such employment has ceased.

## **Article 7**

### **Waiver of Immunities**

The immunities in Articles 5 and 6 of this Law may be waived only by the express written agreement of a Head of Mission, or, in respect of Heads of Mission, by the express written agreement of the Government of the relevant sending state or headquarters of the relevant international inter-governmental organization.

## **Article 8**

### **Flags and Emblems**

Diplomatic or Consular Missions and the Heads of Missions of states accredited to Republic of Kosova shall have the right to use their flag and national emblem on the premises of the Mission, the residence of the Head of Mission, and on his official means of transport.

## **Article 9**

### **Other Internationally Protected Persons**

Foreign Heads of State, Heads of Government, and Ministers of Foreign Affairs shall, together with their families, enjoy the same immunities from criminal and civil proceedings as other diplomatic agents when in Republic of Kosova.

## **Article 10**

### **Status, Immunities, and Privileges of the International Military Presence (IMP)**

- 10.1. The International Military Presence (IMP) established in Republic of Kosova under the Status Settlement agreed by the United Nations Security Council, and under whatever name it may bear, shall have the following immunities and privileges. The IMP includes its national contingents.
- 10.2. The IMP, its property, funds and assets shall be immune from any legal process.
- 10.3. Locally recruited KFOR personnel shall be immune from the legal-penal procedures in respect of words spoken or written and acts performed by them in carrying out tasks exclusively related to their services to KFOR.
- 10.4. IMP personnel other than those covered under paragraph 3 of Article 10 of this Law shall be:
  - a) Immune from jurisdiction before courts in Republic of Kosova in respect of any administrative, civil or criminal act committed by them in the territory of Republic of Kosova. Such personnel shall be subject to the exclusive jurisdiction of their respective sending States; and
  - b) Immune from any form of arrest or detention other than by persons acting on behalf of their respective sending States. If erroneously detained, they shall be immediately turned over to IMP authorities.
- 10.5. All the requests for removing the immunity from Republic of Kosova jurisdiction or of the exercise of the jurisdiction of the sending State shall be made by the Minister for External Affairs and shall be addressed to the Commander of the IMP for action by the authorities of the relevant national contingent.

- 10.6. IMP contractors, their employees and sub-contractors shall not be subject to local laws or regulations in matters relating to the terms and conditions of their contracts with the IMP or its national contingents.
- 10.7. IMP contractors other than local contractors shall not be subject to local laws or regulations in respect of licensing and registration of employees, business and corporations.
- 10.8. IMP contractors, their employees and sub-contractors shall be immune from legal process within Republic of Kosova in respect of acts performed by them within their official activities pursuant to the terms and conditions of a contract between them and the IMP or its national contingents.
- 10.9. Third party claims for property loss or damage and for personal injury, illness or death arising from or directly attributed to the IMP or its personnel and which do not arise from operational necessity, shall be settled by a Claims Commissions established by the IMP, in a manner to be provided for by the IMP.
- 10.10. The Government of Republic of Kosova shall use all reasonable efforts to place at the disposal of the IMP and its personnel, free of charge, public premises and facilities needed for the accomplishment of their mission.
- 10.11. The immunity of the IMP, its personnel, and its contractors as set out in this Article shall persist in respect of acts performed or words spoken or written by personnel while in Republic of Kosova or in pursuance of contracts with the IMP even after such personnel or contractors have left employment, respectively to end the contractual relationships with the IMP's contractors.

## **Article 11**

### **Transitional Provisions**

#### **Transitional Arrangements for Existing Liaison Missions in Republic of Kosova**

- 11.1. Liaison Missions established in Republic of Kosova under UNMIK Regulation 2000/42 and relevant personnel shall enjoy the status, privileges, and immunities set out in this Law, even in the absence of accreditation to the State and Government of Republic of Kosova.
- 11.2. This law will replace any other provisions of applicable law in force which are not consistent with it.

## **Article 12**

### **Entry into Force**

This Law shall enter into force fifteen (15) days after being edited in the Official Gazette of the Republic of Kosova.

**Adopted by the Assembly of the Republic of Kosova**

**Date: 20.02.2008**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR III / NO. 26 / 02 JUNE 2008**

**LAW No. 04/L-115  
ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED  
TO THE ENDING OF INTERNATIONAL SUPERVISION  
OF INDEPENDENCE OF KOSOVO**

**Article 1  
Purpose**

1. The purpose of this Law is to amend and supplement the following laws on ending the International Supervision of Independence of Kosovo:
  - 1.1. Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
  - 1.2. Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo;
  - 1.3. Law No.04/L-034 on the Privatization Agency of Kosovo;
  - 1.4. Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property;
  - 1.5. Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters;
  - 1.6. Law on amending and supplementing Law No. 04/L-101 on Pension Funds of Kosovo;
  - 1.7. Customs and Excise Code of Kosovo No. 03/L-109;
  - 1.8. Law No. 03/L-222 on Tax Administration and Procedures;
  - 1.9. Law No. 03/L-199 on Courts;
  - 1.10. Law No.03/ L –223 on Kosovo Judicial Council;
  - 1.11. Law No.03/ L –224 on Kosovo Prosecutorial Council;
  - 1.12. Law No. 02/ L -31 on Freedom of Religion in Kosovo;
  - 1.13. Law No. 03/ L -139 on Expropriation of Immovable Property;
  - 1.14. Law No. 03/ L -047 on the Protection and Promotion of the Rights of Communities and their Members in Kosovo;
  - 1.15. Law No. 03/ L -041 on Administrative Municipal Boundaries;

## Administrative laws

- 1.16. Law No. 03/ L -068 on Education in the Municipalities of the Republic of Kosovo;
- 1.17. Law No. 03/ L -034 on Citizenship of Kosovo;
- 1.18. Law No.03/ L –237 on Population and Housing Census;
- 1.19. Law No. 03/ L -046 on Kosovo Security Force;
- 1.20. Law No. 03/L-082 on Service in the Kosovo Security Force;
- 1.21. Law No. 03/L-033 on Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and the International Military Presence and its Personnel.

### **Article 2**

#### **Amending and Supplementing the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (the Law)**

1. Article 15 of the basic Law, after paragraph 1 there is added a new paragraph 2 with the following text:
2. International judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their appointment decision. The Government of Kosovo shall participate in providing funding for international judges for the determined period equivalent to the salary of national judges.
2. Article 55 of the basic Law, paragraph 1 and 2 shall be deleted from the text of the Law and there shall be added a new paragraph as following:  
Mandate of international judges appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision.

### **Article 3**

#### **Amending and Supplementing the Law No. 03/L-075 on the Establishment of the Office of the Auditor General of Kosovo and the Audit Office of Kosovo (the Law)**

1. Article 8 of the basic Law shall be reworded with the following text:

### **Article 8**

The Auditor General appointed in accordance with the Constitution and this Law shall continue in his position until the termination of his mandate with the compensation specified in the specific terms of his appointment. The Government of Kosovo shall provide funding in the amount determined in the agreement between the Government of Kosovo and the Office of the Auditor General.

### **Article 4**

#### **Amending and Supplementing the Law No. 04/L-034 on the Privatization Agency of Kosovo (the Law)**

1. Article 3 of the basic Law, paragraph 1.12 which defines the International Civilian Representative shall be deleted from the text of the Law.



Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

2. Article 12 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Assembly, upon nomination by the Government, shall appoint three (3) international members as Directors of the Board. The Board shall also appoint a citizen of Kosovo as Director of the Executive Secretariat of the Board who shall not be a member of the Board. The Board shall also appoint one of its members, other than the Chairman, to serve as Vice Chairman. The appointment, removal or change in the terms of reference of the Director of the Executive Secretariat shall require the affirmative vote of a majority of the Board Directors. The term of appointment of the international members shall be until 31 August 2014.
3. Article 14 of the basic Law, paragraphs 7 and 9 shall be applicable till the end of mandate of international members of the Board.
4. Article 31 of the basic Law, after paragraph 5 there is added a new paragraph 6 with the following text:
  6. If an international board member appointed in accordance with Article 31(5) resigns from the Board, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international.

#### **Article 5**

#### **Amending and Supplementing the Law No. 03/L-079 on Amending UNMIK Regulation 2006/50 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property (the Law)**

1. Article 4 of the basic Law amending Article 5.2 of the Regulation shall be reworded as following:
  - 5.2. The Supervisory Board shall be composed of five (5) members, appointed by the Assembly upon nomination by the Prime Minister.
2. Article 8 of the basic Law amending Article 6.1 of the Regulation shall be reworded with the following text:
  - 6.1. The Executive Secretariat shall have a Director and a Deputy Director who shall be appointed by the Assembly upon the nomination by the Prime Minister.
3. Article 10 of the basic Law amending Article 7.1 of the Regulation shall be reworded with the following text:
  - 7.1. The Commission shall be composed of three (3) members that shall be appointed by the Assembly upon nomination by the President of the Supreme Court of the Republic of Kosovo.
4. Article 13 of the basic Law shall be reworded with the following text:

#### **Article 13**

The Assembly, in consultation with the Commission, may establish additional panels of the Commission, members of which shall be appointed based on Articles 7.1 and 7.2.

5. Article 16 of the basic Law amending Article 12.8 of the Regulation shall be reworded as following:

- 12.8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges who shall be appointed by the President of the Supreme Court of Kosovo.
6. After Article 27 of the basic Law, there is added a new Article 27A with the following text:

#### **Article 27A**

1. The mandate of the three (3) international members of the supervisory Board (including the Chairman), the Director of the Executive Secretariat, two (2) international members of the Committee (including the Chairman) and two (2) international judges in the appeals panels of the Supreme Court appointed in accordance with the Constitution, shall continue under the terms and conditions specified in the appointment decision.
2. International members and judges appointed in accordance with the Constitution and this Law shall continue to receive the salary specified in their terms of their appointment.
3. The Government of Kosovo shall provide funding for the Director of the Executive Secretariat equivalent to the salary of a national member of the Supervisory Board.
4. If an international board member appointed in accordance with the Constitution resigns from his/her position, and, if such resignation or removal takes place before 31 August 2014 he/she shall be substituted by another international nominated by the Prime Minister for the positions of members of the Supervisory Board of the Property Agency and Director of the Executive Secretariat as well as nominated by the President of the Supreme Court for the positions of members of Property Claims Commission and members of the Appeals Panel of the Supreme Court, after consultations with the EUSR.

#### **Article 6**

##### **Amending and Supplementing the Law No. 04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters (the Law)**

1. Article 2 of the basic Law, paragraph 1.3 shall be deleted from the text of the Law.
2. Article 2 of the basic Law, paragraph 1.7 shall be reworded with the following text:
  - 1.7. International judge - every judge of the European Mission for Security and Defense Policies that has been appointed in accordance with this Law.
3. Article 11 of the basic Law, paragraph 2 of the Law shall be reworded with the following text:
  2. Upon entry into force of this law, the Special Chamber shall continue to implement and comply with the principle of compensation instead of physical restitution. When determining the remedy to be awarded in any particular case, the Special Chamber shall also take due account of the applicable provisions of the Law No.04/L-034 on Privatization Agency of Kosovo, including the public purposes as set out in the preamble of that Law.

#### **Article 7**

#### **Amending and Supplementing Law No. 04/L-101 on Pension Funds of Kosovo**

1. Article 4 of the basic Law, paragraph 4.6 shall be reworded with the following text:
  - 4.6. Selection Committee shall propose candidates to the Assembly for vacancies for the membership or re-appointment of members of the Governing Board. The Selection Committee shall consist of the Governor of CBK-Chairperson, the Auditor General and the Minister of Finance. The term of each appointed Governing Board member shall be three (3) years, with the possibility of reappointment. If the Board Members term has expired and no new member has been appointed, then the existing Board Members will continue their mandate for ninety (90) days.

#### **Article 8**

#### **Amending and Supplementing the Customs and Excise Code of Kosovo No. 03/L-109 (the Code)**

1. Article 309 of the basic Law which regulates the appointment of General Director of Customs upon consent by the ICR shall be deleted from the text of the Law.
2. Article 1 of Annex D of the Code shall be deleted and reworded with the following text:

#### **Article 1**

This Annex provides for special exemptions as defined in this Annex to be granted to religious communities as defined by applicable legislation, including legislation on religious freedoms, in accordance with the Constitution of the Republic of Kosovo.

#### **Article 9**

#### **Amending and Supplementing the Law No. 03/L-222 on Tax Administration and Procedures (the Law)**

1. Article 1 of the basic Law, paragraph 1.32 which defines the ICR shall be deleted from the text of the Law.
2. Article 8 of the basic Law, paragraph 2 in the third line the word “and ICR” shall be deleted.
3. Article 88 of the basic Law shall be deleted from the text of Law.

#### **Article 10**

#### **Amending and Supplementing the Law No. 03/L-199 on Courts (the Law)**

1. Article 10 of the basic Law, paragraph 11 shall be reworded with the following text:
  11. If there is no basic court in one of the new municipalities established according to the Law on Administrative Boundaries of Municipalities, the

Municipality, with a decision of the Municipal Assembly, may submit a request to Kosovo Judicial Council (KJC) to decide for the establishment of a basic court in its territory, or for one of existing basic courts in the territory of another municipality to have jurisdiction over the territory of the new municipality. The same right applies for the existing municipality, where majority of population belongs to non-majority community in Kosovo, and where there is no basic court.

- 11.1. KJC shall approve such requests, unless it is considered that caseload for that jurisdiction is insufficient to justify the existence of a separate court.
  - 11.2. When KJC approves a request for establishing a new basic court, the competent authorities shall undertake all necessary measures to ensure that such new court is established and is operational within a period of six (6) months from the date decision is taken.
  - 11.3. If KJC does not approve the request for establishment of a new basic court, or when municipality requests an existing court to have jurisdiction over its territory, the competent authorities shall undertake all necessary measures to improve access of local communities to justice, which is difficult due to geographic isolation, lack of security, or for other relevant factors. These measures may include establishment in the territory of new municipality of a department of existing basic court which was requested by the new municipality to have a jurisdiction over its territory, or that the basic court enables sessions to be held in the territory of new municipality.
2. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:
    3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and principles of gender equality. In accordance with the Constitution of the Republic of Kosovo and respective applicable legislation and in order to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten (10) seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

### **Article 11**

#### **Amending and Supplementing the Law No. 03/L-223 on the Kosovo Judicial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.2 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. In order to ensure that courts reflect the ethnic composition of their area of jurisdiction in accordance with Article 104 (3) of the Constitution and the relevant applicable legislation, the Council shall consider filling vacancies or reserving seats for members of the Communities that are not majority in Kosovo.
3. Article 7 of the basic Law shall be reworded with the following text:

## **Article 7**

### **Mandate of Council members**

Council members are elected for a term of five (5) years, as provided in Article 108(6) of the Constitution and this Law. A member may be elected for one additional non-consecutive mandate of five (5) years.

4. Article 16 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. In accordance with Article 104(3) of the Constitution, the Council shall implement targeted recruitment actions and other measures that it considers necessary and appropriate to ensure that a court or a court branch reflects the ethnic composition of their area of jurisdiction.
5. Article 17 of the basic Law, paragraph 1 shall be reworded as following:
  1. The Kosovo Judicial Council shall take necessary measures to increase the number of judges from communities that are not in the majority in Kosovo among judges serving in Kosovo. To fulfill its responsibilities, the Council shall, inter alia, give preference, among equally qualified applicants to serve as judges, to members of Communities that are not in the majority in Kosovo as provided for in Article 108 of the Constitution.
6. Article 17 of the basic Law, after paragraph 5, there shall be added three new paragraphs 6, 7 and 8 with the following text:
  6. The Kosovo Judicial Council shall develop a special regulation to outline the process of appointment and reappointment of judges from communities that are underrepresented among judges serving in Kosovo.
  7. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of judges of non-majority communities in Kosovo is under fifteen percent (15%) and/or far as long as percentage of judges who are members of Serbian community in Kosovo is under eight percent (8%).
  8. The mandate of two (2) international members of the Council appointed in accordance with the Constitution shall continue under the terms and conditions specified in the appointment decision. International members appointed in accordance with the Constitution and this Law shall continue to receive their salaries.
9. Article 52 of the basic Law shall be deleted from the text of the Law.

## **Article 12**

### **Amending and Supplementing the Law No. 03/L-224 on the Kosovo Prosecutorial Council (the Law)**

1. Article 2 of the basic Law, paragraph 1.7 shall be deleted from the text of the Law.
2. Article 4 of the basic Law, paragraph 1.3 shall be reworded with the following text:
  - 1.3. Ensuring that prosecution offices reflect the ethnic composition of their area of jurisdiction in accordance with Articles 109(4) and 110(3) of the Constitution.
3. Article 17 of the basic Law, paragraph 3 shall be reworded with the following text:

3. The Council shall implement recruitment actions and other measures that it considers necessary to ensure that a prosecution office reflects the ethnic composition of its area of respective jurisdiction.
4. Article 17 of the basic Law, after paragraph 3 there is added a new paragraph 4 with the following text:
  4. The Council shall develop a special regulation to outline the process of appointment and reappointment of prosecutors from Kosovo communities that are currently underrepresented among prosecutors serving in Kosovo.
5. Article 18 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. The Council shall take necessary measures in order to increase the number of prosecutors from non-communities in Kosovo. The Council shall give preference, among equally qualified applicants to serve as prosecutors to members of Communities that are underrepresented in Kosovo as provided in Articles 109(4) and 110(3) of the Constitution.
6. Article 18 of the basic Law, after paragraph 5, there is added a new paragraph 6 with the following text:
  6. Preference given to equally qualified applicants from under-represented communities shall be applicable for as long as the percentage of prosecutors of non-majority communities in Kosovo is under fifteen percent (15%) and/or for as long as percentage of prosecutors who are members of Serb community in Kosovo is under eight percent (8%).

### **Article 13**

#### **Amending and Supplementing the Law No. 02/L-31 on Freedom of Religion in Kosovo (the Law)**

1. First part of preamble of the Law shall be reworded with the following text:  
**Based on Article 65 (1) and in compliance with transitional and final provisions of Chapter XIII and XIV of the Constitution of Republic of Kosovo.**
2. After Article 7 of the basic Law, a new Article 7A shall be added with the following text:

### **Article 7A**

#### **Status of the Serbian Orthodox Church**

1. The Serbian Orthodox Church in Kosovo shall be considered as an integral part of the Serbian Orthodox Church (SOC).
2. The name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities shall be respected.
3. There will be no arbitrary prohibition of entry in Kosovo, or residence within Kosovo for priests, candidates for priesthood, monks, nuns and visitors.
4. Article 7 of the basic Law paragraph 7.3 words “**establish and**”, shall be deleted from the text of the Law.
5. Article 8 of the basic Law, paragraph 1 shall be reworded with the following text:
  1. Buildings and premises belonging to religious communities dedicated to the

Law No. 04/L-115 on amending and supplementing the laws related to the ending of...

performance of religious ceremonies are considered inviolable with regard to governmental authorities' intervention and they shall be entered only upon consent of the respective religious institution, unless a judicial order is issued due to illegal activities or in the case of imminent danger to life or health.

6. Article 12 of the basic Law, after paragraph 12.4, a new paragraph 12.5 shall be added with the following text:

12.5. In addition to the aforementioned exemptions, religious communities enjoy customs duty and tax privileges for economic activities, specific to their financial self-sustainability, as will be defined in the sub-legal law to be issued by the Minister of Finance. Such privileges shall cover import and purchase of relevant products, materials, tools and livestock; and export of products resulting from the above mentioned activities.

#### **Article 14**

#### **Amending and Supplementing the Law No. 03/L-139 on Expropriation of Immovable Property (the Law)**

1. Article 2 of the basic Law paragraph 1. definition **“the Comprehensive Status Proposal”** shall be deleted from the text of the law.
2. Article 3 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The object of an expropriation within the scope of this law may be private ownership and other private rights in or to immovable property, with the exception of rights in or to immovable property that falls with a class of property that the Constitution specifically provides, shall not be subject to expropriation.
3. Article 3 of the basic Law, paragraph 3, a new sub-paragraph 3.1. shall be added with the following text:
  - 3.1. Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.

#### **Article 15**

#### **Amending and Supplementing the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo (the Law)**

1. After Article 3 of the basic Law, a new Article 3.A shall be added with the following text:

#### **Article 3A**

#### **Rights of Refugees and Internally Displaced Persons**

1. All refugees from Kosovo and internally displaced persons shall have the right to return and claim their property and personal possessions in accordance with national and international laws. Each individual shall have the right to make a free decision and to be informed about his/her place of return.
2. Institutions of the Republic of Kosovo shall take all necessary measures to facilitate and to create favourable atmosphere conducive to the safe and dignified return of refugees and displaced persons, based upon their free and informed

## Administrative laws

decisions, including efforts to promote and protect their freedom of movement and protection from intimidation.

3. Conditions for return of displaced persons and mechanisms of cooperation with relevant international institutions shall be defined by the institutions of Republic of Kosovo in accordance with the Constitution and applicable laws.

### **Article 16**

#### **Amending and Supplementing the Law No. 03/L-041 on Administrative Municipal Boundaries (the Law)**

1. Article 7 of the basic Law, paragraph 3 shall be reworded with the following text:
  3. The Board shall consist of eleven (11) members, with five (5) representatives selected by each municipality, and one (1) representative selected by the Prime Minister.
2. Article 7 of the basic Law paragraph 4 shall be reworded with the following text:
  4. The Chairman of Board shall be appointed by the Prime Minister.
3. Article 14 of the basic Law the term “**the ICR will undertake**” shall be deleted and replaced by the term: “**undertakes**”.
4. In Annex 1 (Cadastral Zone) of the Law, denomination of municipality Hani i Elezit in Serbian and English language shall change as follows: Elez Han.

### **Article 17**

#### **Amending and Supplementing the Law No. 03/L-068 on Education in the Municipalities of the Republic of Kosovo (the Law)**

1. Article 13 of the basic Law, paragraph 1, sub-paragraph (c) shall be reworded with the following text:
  - (c) One (1) member, selected by Prime Minister.
2. Article 14 of the basic Law, paragraph (b), sub-paragraph (iv) shall be reworded with the following text:
  - (iv) One (1) member, selected by Prime Minister.

### **Article 18**

#### **Amending and Supplementing the Law No. 03/L-034 on Citizenship of Kosovo (the Law)**

1. The title of Article 29 of the basic Law shall be reworded with the following text:

### **Article 29**

#### **Registration and Determination of Citizenship**

### **Article 19**

#### **Amending and Supplementing the Law No. 03/L-237 on Population and Housing Census (the Law)**

1. Article 12 of the basic law, paragraph 4.12. shall be reworded with the following text:
  - 4.12. One (1) representative from Public Universities, member;



**Article 20**

**Amending and Supplementing the Law No. 03/L-046 on the Kosovo Security Force (the Law)**

1. Article 9 of the basic Law paragraph 3 shall be reworded with the following text:
  3. The Kosovo Security Force is structured and prepared to fulfill security functions not appropriate for the police or other law enforcement organizations.
2. Article 10 of the basic Law, paragraph 2 shall be reworded with the following text:
  2. The Kosovo Security Force shall be lightly armed and shall not have heavy weapons, such as tanks, heavy artillery or offensive air capability. A full review of these limits shall be conducted not earlier than five (5) years from the date this Law No.03/L-046 on Kosovo Security Force enters into force. The initial tasks of the Kosovo Security Force shall be:
3. Article 4 of the basic Law, paragraph 2, item (e) shall be deleted from the text of the Law.

**Article 21**

**Amending and Supplementing the Law No. 03/L-082 on Service in the Kosovo Security Force (the Law)**

1. Article 5 of the basic Law shall be deleted from the text of the Law.

**Article 22**

**Amending and supplementing the Law No. 03/L-033 on the Status, Immunities, and Privileges of Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel**

1. Article 3 of the basic Law, paragraph 2, item (a) shall be reworded with the following text:
  - (a) International Civilian Office and Special Representative of the European Union.
2. Article 3 of the basic Law paragraph 3 shall be reworded with the following text:
  - 3.3. Individuals appointed by the International Civilian Representative, pursuant to the Comprehensive Proposal on Kosovo Status Settlements, dated 26 March 2007, whose mandate has not been terminated before the ending of supervised independence shall enjoy the status, privileges and immunities as defined under the basic Law.
3. Article 4 of the basic Law paragraph 6 shall be reworded with the following text:
  - 4.6. Minister of Foreign Affairs may not declare the EUSR or a member of his personnel, members of the ICO personnel, including individuals defined under Article 3.3 of the basic Law or members of EULEX mission, persona non grata.
4. Article 4 of the basic Law, paragraph 7 shall be deleted from the text of the Law.

### **Article 23**

1. All international members appointed by the International Civilian Representative, in compliance with the Constitution of Republic of Kosovo, with the exception of Privatization Agency of Kosovo, Kosovo Property Agency, international judges of the Appeals Panel of the Supreme Court and two judges of the Property Claims Commission, if for any reason they leave their positions before 31 August 2014, they shall be replaced by a local member.
2. If any of the applicable laws in the Republic of Kosovo uses terms ICO or ICR, the same shall be abrogated and replaced with respective local institutions.

## **II. FINAL PROVISIONS**

### **Article 24**

#### **Entry into force**

This Law shall enter into force upon entry into force of Constitutional amendments on ending international supervision of independence.

**Law No. 04/L-115**

**31 August 2012**

**Promulgated by Decree No.DL-036-2012, dated 04.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**LAW No. 04/L-052  
ON INTERNATIONAL AGREEMENTS**

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo;

Approves:

**LAW ON INTERNATIONAL AGREEMENTS**

**Article 1  
Purpose**

This Law shall establish the procedure on conclusion, endorsement, ratification, reserves and declarations, amendments and supplementations, withdrawal from the agreement and implementation of international agreements of the Republic of Kosovo.

**Article 2  
Accordance with Rules and Principles of International Law**

This Law is in accordance with universally recognized rules and principles of international law regulating the conclusion and execution of international treaties which were consolidated in the 23 May 1969 Vienna Convention on the Law of Treaties and in the 21 March 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations.

**Article 3  
Definitions**

1. Expressions used in this law shall have the following meaning:
  - 1.1. **Accession** - the act by which the Assembly or the President of Republic of Kosovo gives the approval for Republic of Kosovo to become a party of a treaty or International Agreement, which is not signed by the them;
  - 1.2. **State Agencies** or **Respective State Agencies** - the institution, whose area of competencies covers the scope of activity of the agreement;
  - 1.3. **Authorization** - a document issued by the competent body appointing one or few persons to represent it in negotiations or conclusion of an International Agreement;
  - 1.4. **Declaration** - an unilateral declaration made by the competent state body at the time of conclusion, ratification, accession or approval of an agreement,

expressing an understanding or interpretation of the agreement, not aiming to exclude or modify the legal effects of certain legal provisions;

- 1.5. **International Agreement** - an International Agreement respectively treaty concluded between the Republic of Kosovo and foreign states or international organizations in written form and governed by the International Law, whatever its particular designation and regardless of whether it is embodied in a single, two or more related instruments.
- 1.6. **Agreement on inter-institutional cooperation** - an agreement or memorandum concluded on behalf of, and according to the competence of, the Ministries or state agencies and other institutions of the Republic of Kosovo with the respective institutions and organizations of foreign states, that is not concluded on behalf of the State and the Government of the Republic of Kosovo and is not subject to ratification. This type of agreement is of technical nature;
- 1.7. **Initials** - the act by which authorized persons shall put their initials to witness their consent with the final text of the agreement;
- 1.8. **Ratification** - the act by which the Republic of Kosovo in international level gives its consent for conclusion of an international agreement, in accordance with Constitution of Republic of Kosovo;
- 1.9. **Reservations** - an unilateral declaration made by the competent state body at the time of conclusion, ratification, adhesion or approval of an agreement which aims at excluding or modifying the legal impacts of certain provisions;
- 1.10. **Denunciation from the agreement** - an act by which the Assembly, the President or the Government of the Republic of Kosovo expresses withdrawal from an international treaty or agreement.

#### **Article 4**

##### **Right of Initiative to Conclude International Agreements**

1. The right of initiative to conclude International Agreements have state bodies of the Republic of Kosovo in compliance with the Constitution of Republic of Kosovo and the law in force.
2. The initiatives for international agreement coming from Ministries shall be adopted in principle by the Government, upon recommendation from the Ministry on Foreign Affairs.

#### **Article 5**

##### **The Procedural Review of the draft International Agreements**

1. The text of the draft International Agreement drafted by a particular ministry or state agency in the Albanian and Serbian languages, and in the relevant foreign language, shall be sent to relevant ministries or state agencies for their review.
2. The draft text of the International Agreement shall be sent to the Ministry of Foreign Affairs for review only after it has been reviewed and agreed to by all other relevant ministries and state agencies. The draft text of the International

Agreement shall be sent to Ministry of Foreign Affairs together with copies of opinions received by other ministries or state agencies during the review procedure.

3. The responsible ministry or state agency shall arrange for the translation of the draft text of the International Agreement into the Albanian and Serbian languages or into the relevant foreign language.

## **Article 6**

### **Powers to Conclude International Agreements**

1. The President and the Prime Minister and the Minister of Foreign Affairs shall be entitled to perform all acts relating to the conclusion of the International Agreements of the Republic of Kosovo, in compliance with Constitution of Republic of Kosovo and Vienna Convention on the Law of Treaties.
2. The head of a diplomatic mission of the Republic of Kosovo or the authorized representative of the Republic of Kosovo at an international conference, international organization or one of its bodies shall be entitled to negotiate the conclusion of an International Agreement of the Republic of Kosovo or to approve its text with the State to which he is accredited or at the international conference, international organization or one of its bodies.
3. Other persons may perform acts relating to the conclusion of the International Agreements of the Republic of Kosovo only provided they possess powers granted to them on the basis of the laws in force and according to the procedure established in Article 6 of this Law.

## **Article 7**

### **Procedure for Granting Powers to Conclude International Agreements**

1. The powers to perform acts related to the conclusion of International Agreements of the Republic of Kosovo dealing with special areas as defined in paragraph 1. Article 10 of this Law, shall be authorized by the President upon recommendation of the Government.
2. The powers to perform the acts relating to the conclusion of International Agreements of the Republic of Kosovo other those referred to in paragraph 1. of Article 10 of this law, shall be granted by the Minister of Foreign Affairs of the Republic of Kosovo.
3. The powers for concluding International Agreements of the Republic of Kosovo which enter into force on the date of the signing thereof shall be granted by the President on the recommendation of the ministry or state agency within whose competence falls the drawing up of the, International Agreement provided the Ministry of Foreign Affairs has given its previous consent thereto.
4. Applying to the Government of the Republic of Kosovo for the granting of powers by the President to perform acts relating to the conclusion of the International Agreement referred to in paragraph 1. of Article 10 of this law, the responsible ministry or state agency shall submit the following documents:
  - 4.1. the draft text of the International Agreement in the Albanian and Serbian languages, and, where applicable, in the relevant foreign language;

- 4.2. opinions submitted by ministries or state agencies during the review procedure;
5. The decision shall be issued by the Government of the Republic of Kosovo to apply to the President for the granting of the powers. The decision shall specify the relevant Articles or paragraphs of the Constitution of the Republic of Kosovo and this law.
6. Applying to the Ministry of Foreign Affairs for the granting of powers to perform acts relating to the conclusion of the International Agreement other than those referred to in paragraph 1. of Article 10 of this Law, the responsible ministry or state agency shall submit the following documents:
  - 6.1. the draft text of the International Agreement in the Albanian and Serbian languages, and, where applicable, in the relevant foreign language;
  - 6.2. opinions submitted by ministries or state agencies during the review procedure;
7. Applying to the President of the Republic of Kosovo for the granting of powers to perform acts relating to the conclusion of the International Agreement which enters into force on the moment of signature, the responsible ministry or state agency shall submit the following documents:
  - 7.1. the text of the draft International Agreement in the Albanian and Serbian languages, and, where applicable, in the relevant foreign language;
  - 7.2. opinions submitted by ministries or state agencies during the review procedure;
  - 7.3. the decision of the Ministry of Foreign Affairs on the expediency of conclusion of the International Agreement.
8. The President and Minister of Foreign Affairs shall issue full powers no later than within fifteen (15) working days of the date of receipt of the request by the Government, respectively the ministry or state agency. Full powers shall be signed by the President and the Minister of Foreign Affairs.
9. Information about full powers shall be stored and administered at the Ministry of Foreign Affairs.

## **Article 8**

### **Negotiations of the International Agreement**

1. Prior to the commencement of negotiations, the relevant ministry or state agency shall propose the composition of the delegation, time and location for the negotiations to be held, after receiving the consent by the Ministry of Foreign Affairs.
2. Ministry of Foreign Affairs, when giving consent for commencement of negotiations, shall also give the consent for composition of the delegation, the time and place where they shall be held.
3. After each stage of negotiations of the International Agreements, the responsible ministry or state agency shall report the progress and results of the negotiations to the Ministry of Foreign Affairs. Any correspondence with foreign states and international organizations regarding the International Agreements shall be exchanged only through diplomatic channels.

4. Any proposals made during the negotiations to make major changes or additions to the draft text of the International Agreement shall be subject to the review procedure by the relevant ministries or state agencies. Negotiations may be resumed if the relevant ministries or state agencies agree to the proposed changes and additions during the review procedure.
5. If the relevant ministries or state agencies do not agree to the proposed changes or additions to the project text of the International Agreement, then amendments shall be examined and decided by the Government after the submission of the proposal by the Ministry of Foreign Affairs.

## **Article 9**

### **Form and Language**

1. Text of the international bilateral agreement shall be printed in languages of parties that conclude the agreement or in other language under their agreement:
  - 1.1. in its own alternate and letter;
  - 1.2. in the alternate and letter of the other party.
2. Parties may agree to use another jointly accepted foreign language for each original copy.
3. Afterwards, alternates, on the basis of sub-paragraphs 1.1 and 1.2 paragraph 1. of this Article, shall be exchanged. Resultantly, each party shall possess two copies in the languages of both parties.
4. In special cases, international bilateral treaties may be drawn up in a single third language, agreed upon jointly by both parties. In this case, the ministry or state agency shall deposit to the Ministry of Foreign Affairs, apart from the original document of the agreement, the translation in official languages.

## **Article 10**

### **Ratification of International Agreements**

1. Assembly of the Republic of Kosovo by two thirds (2/3) votes of all deputies shall ratify the international agreement on following issues:
  - 1.1. territory, peace, alliances, political and military issues;
  - 1.2. fundamental rights and freedoms;
  - 1.3. membership of the Republic of Kosovo in international organizations;
  - 1.4. the undertaking of financial obligations by the Republic of Kosovo.
2. International Agreements referred to in paragraph 1. of this Article shall be ratified by a law by two thirds (2/3) vote of all deputies of the Assembly of the Republic of Kosovo.
3. International Agreements of the Republic of Kosovo referred to in paragraph 1. of this Article shall be submitted to the Assembly on its own initiative or on the proposal of the Government.
4. International Agreements of the Republic of Kosovo other than those in paragraph 1 of this Article shall be ratified upon signature of the President of the Republic of Kosovo
5. Paragraph 4. of this Article shall not apply to International Agreements of the Republic of Kosovo signed by the President of the Republic of Kosovo.

6. Instruments of ratification shall be drawn up on the basis of the law or decree respectively specified in paragraphs 2. and 4. of this Article or on the basis of paragraph 5. of this Article.
7. When the responsible ministry or state agency initiates the ratification procedure of the International Agreement referred to in paragraph 1 of this Article, the responsible ministry or state agency shall draft, initiate the review procedure under Article 5 of this Law and submit to the Government together with the text of the International Agreement and explanatory letter to the International Agreement the following documents:
  - 7.1. the draft decision of the Government of the Republic of Kosovo to apply to the President with a request to propose to the Assembly of the Republic of Kosovo to ratify the International Agreement;
  - 7.2. the draft decree of the President of the Republic of Kosovo to propose to the Assembly to ratify the International Agreement;
  - 7.3. the draft law of the Republic of Kosovo on the ratification of the International Agreement;
8. The request for the ratification of agreements that are not provided for in paragraph 1. of this Article shall be submitted by the Ministry of Foreign Affairs to the President.
9. The request for ratification shall be accompanied by the text of the International Agreement and the explanatory letter to the International Agreement.
10. The decree of the President of the Republic of Kosovo shall specify the relevant articles and/or paragraphs of the Constitution of the Republic of Kosovo pursuant to which the International Agreement is to be ratified.

## **Article 11**

### **Reservations and declarations**

1. If any reservations and/or declarations are made regarding the International Agreement, the responsible ministry or state agency shall report these to the relevant ministries and Government agencies during the review procedure under Article 5 of this Law.
2. The responsible ministry or state agency shall include the text of these reservations and/or statements into the draft law of the Republic of Kosovo on the ratification of the International Agreement or the draft decree of the President of the Republic of Kosovo on the ratification of the International Agreement, respectively, and shall arrange for the translation of these reservations and/or statements into the foreign language concerned.
3. The withdrawal or amendment of the reservations and/or statements regarding the International Agreement shall be subject to the requirements of Article 10 of this Law.

## **Article 12**

### **Conclusion of agreements on inter-institutional cooperation**

1. Ministries or state agencies may conclude, within their competence, agreements or memoranda with institutions of other states and international organizations only if



such agreements do not contain legally binding obligations on the Government. These agreements may be concluded through an exchange of notes, without the developing negotiations with delegations.

2. This agreements may be concluded only if they are not in conflict with laws and other legal acts of the Republic of Kosovo and its international commitments, and if the implementation of such agreements does not require additional financing from the State budget of the Republic of Kosovo.
3. Draft texts of such agreements shall be sent to the Ministry of Foreign Affairs for review.
4. Once the Ministry of Foreign Affairs has given its written consent to the conclusion of the agreement, the agreement shall be signed by the head of the respective ministry, state agency or other state institution or by a person authorized to this end by the head of such ministry, state agency or other relevant institution.
5. A paper and an electronic copy of the text of the agreement shall be submitted to the Ministry of Foreign Affairs which stores and handles information on such agreements.

### **Article 13**

#### **Draft standard texts of the International Agreements**

1. The responsible ministry or state agency may draft standard texts of International Agreements. Such draft standard texts of International Agreements shall be sent to relevant ministries and Government or state agencies for review in accordance with Article 5 of this Law.
2. The responsible ministry or state agency shall submit to the Ministry of Foreign Affairs the draft standard text of the International Agreement in the Albanian and Serbian languages and the draft decision of the Government of the Republic of Kosovo concerning the approval of the draft standard text of the International Agreement.
  - 2.1. the draft standard text of the International Agreement shall be approved by the Government of the Republic of Kosovo.
  - 2.2. the draft standard text of the International Agreement may be sent to foreign states or international organisations of this Law without the additional review procedure under Article 5 of this Law.

### **Article 14**

#### **Competence of the Ministry of Foreign Affairs of the Republic of Kosovo in the Process of Entry into Force of International Agreements the Republic of Kosovo**

1. International acts relating to the entry into force, validity and operation of International Agreements of the Republic of Kosovo, including preparation and depositing of documents required for the entry into force of the International Agreement with the depository, notification of suspension of the operation or termination and reporting on the implementation of the international agreements shall be carried out by the Ministry of Foreign Affairs of the Republic of Kosovo.
2. The Ministry of Foreign Affairs shall draw up instruments of ratification of

International Agreements, notifications on the completion of internal legal procedures and other instruments necessary for the International Agreement to come into force shall deposit these instruments and ensure the transmission of these instruments to relevant foreign and international institutions, as well as exchange of these instruments.

3. The Ministry of Foreign Affairs shall deposit International Agreements to a depository or shall act as a depository itself, if so provided for in the International Agreement

### **Article 15**

#### **Binding Character of International Agreements**

1. The International Agreements the Republic of Kosovo that have entered into force shall be binding in the Republic of Kosovo.
2. If a International Agreement of the Republic of Kosovo which has entered into force establishes norms other than those established by the laws, other legal acts of the Republic of Kosovo which are in force at the moment of conclusion of the International Agreement or which entered into force after the entry into force of the International Agreement, the provisions of the International Agreements of the Republic of Kosovo shall prevail.
3. If a law or any other legal act has to be passed for the purpose of implementation of an International Agreement of the Republic of Kosovo, the Government of the Republic of Kosovo shall submit to the Assembly according to the established procedure a draft of the appropriate law or shall adopt an appropriate decision of the Government or ensure according to its competence the passing of another legal act.

### **Article 16**

#### **Implementation of International Agreements of the Republic of Kosovo**

1. The Government shall ensure the implementation of International Agreements.
2. An International Agreement of the Republic of Kosovo may also lay down special rules for the implementation of the International Agreements

### **Article 17**

#### **Amending International Agreements of the Republic of Kosovo**

An International Agreement of the Republic of Kosovo may be amended on the grounds of the norms of international law and according to the procedure laid down in this Law for the conclusion of the International Agreements, unless the International Agreement otherwise provides.

### **Article 18**

#### **Denunciation of International Agreements of the Republic of Kosovo or suspending their implementation**

1. International Agreements of the Republic of Kosovo may be denounced their operation may be suspended only pursuant to the provisions of the International Agreements, norms of international law and according to the procedure established by this Law.
2. The decision concerning denunciation of an International Agreement of the Republic of Kosovo or suspension of its operation according to the universal norms of international law referred to in paragraph 1. of Article 10 of this Law shall be taken by the Assembly of the Republic of Kosovo by two third (2/3) of votes on the recommendation of the President of the Republic of Kosovo on his own initiative or upon the proposal of the Government of the Republic of Kosovo.
3. The decision concerning denunciation of an International Agreements of the Republic of Kosovo or suspension of its operation according to the universal norms of international law other than referred to in paragraph 1. of Article 10 of this Law shall be taken by the President of the Republic of Kosovo on his own initiative or the recommendation of the Government of the Republic of Kosovo.

### **Article 19**

#### **Information on International Agreements of the Republic of Kosovo**

1. Information about all International Agreements that have been concluded by the Republic of Kosovo shall be stored and administered at the Ministry of Foreign Affairs; even they are published in the Official Gazette.
2. The original copy of the signed International Agreement shall be forwarded, no later than within ten (10) working days, by the responsible ministry or Government or state agency to the Ministry of Foreign Affairs for storage. Together with the International Agreement, the responsible ministry or Government or state agency shall submit a document stating by whom, when and where the International Agreement was signed, and the electronic text of the International Agreement in the Albanian and Serbian and, where available, relevant foreign languages.
3. The Ministry of Foreign Affairs shall certify the authenticity of copies of signed International Agreements and forward such copies to relevant state institutions.

### **Article 20**

#### **Publication of International Agreements of the Republic of Kosovo**

1. International Agreements of the Republic of Kosovo shall be published in the Official Gazette once they are sent by the Office of the President of the Republic of Kosovo, Assembly of Republic of Kosovo respectively.
2. To publish the International Agreement, the Ministry of Foreign Affairs shall send a paper and an electronic copy of the original text of the International Agreement in the Albanian and Serbian languages to the Official Gazette of Republic of Kosovo. If the International Agreement is done in a foreign language only, the

Ministry of Foreign Affairs shall send to the Official Gazette the translation, on paper and in the electronic form, of the International Agreement into the Albanian and Serbian languages performed and verified under requirements of paragraph 3 of Article 5 of this law.

3. The Ministry of Foreign Affairs shall publish in the Official Gazette and its webpage, informational releases on the entry of International Agreements into force.

#### **Article 21**

#### **Registration of International Agreements of the Republic of Kosovo at the Secretariat of the United Nations**

After their entry into force the International Agreements of the Republic of Kosovo shall be transmitted by the Ministry of Foreign Affairs of Kosovo to the Secretariat of the United Nations for registration.

#### **Article 22**

The Government of Kosovo upon the proposal by the Ministry of Foreign Affairs issue the necessary sub normative acts for the implementation of this Law.

#### **Article 23**

#### **Entry into Force**

This Law enters into force fifteen (15) days, after publication in the Official Gazette of Republic of Kosovo.

**Law No. 04/L-052**  
**14 November 2011**

**Pursuant to the article 80, paragraph 5 of the Constitution of the Republic of Kosovo, Law shall be published in the Official Gazette of the Republic of Kosovo.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 28 / 16  
DECEMBER 2011, PRISTINA**

**LAW No. 03/L-183**  
**ON IMPLEMENTATION OF INTERNATIONAL SANCTIONS**

**Contents**

Chapter I: General provisions.....	1193
Chapter II: Scope of the implementation of international sanctions .....	1196
Chapter III: Effect of international sanctions implemented in the Republic of Kosovo on obligations and transactions .....	1196
Chapter IV: Administration and supervision of the implementation of international sanctions .....	1197
Chapter V: Liability for infringement of international sanctions .....	1199
Chapter VI: Final provisions .....	1199

**Assembly of Republic of Kosovo,**

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

**LAW ON IMPLEMENTATION OF INTERNATIONAL SANCTIONS**

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1**  
**Purpose of the Law**

1. The purpose of the Law on Implementation of International Sanctions (Hereinafter: LIIS) is:
  - 1.1. to ensure the implementation of the international obligations of the Republic of Kosovo;
  - 1.2. to create conditions for the Republic of Kosovo to contribute more effectively to the maintenance of international peace and security;
  - 1.3. to combat the international terrorism;
  - 1.4. to combat violations of human rights and freedom;
  - 1.5. peaceful solution of territorial, ethnic and other conflicts between different states; and
  - 1.6. to ensure the national security interests of the Republic of Kosovo.
2. This Law shall determine the procedure for implementing the non-military international sanctions in the Republic of Kosovo imposed by the United Nations or other international organisations. The implementation of international sanctions shall comprise the imposition, change and termination of international sanctions.

## **Article 2**

### **Definitions**

1. Terms used in this law have the following meanings:
  - 1.1. **Entity** - a legal person—state, a zone of special status, any other organisation registered and licensed to exercise legal activity and a natural person;
  - 1.2. **International sanctions** - the restrictions and obligations imposed by the resolution, convents, covenant, declaration or any with act of the United Nations Organisation or other international organisations. International sanctions may be of economic, financial, political, communication and public nature, and they aim to set out other restrictions and obligations.
  - 1.3. **Economic sanctions** - restrictions on the import, export, re-export and transit, including brokering of goods for civil purposes, dual-use items, military equipment, services and technology; restrictions on the trade with entities to which international sanctions are implemented; restrictions on economic activities of natural and legal persons of the Republic of Kosovo in a state or territory to implement international sanctions; restrictions on economic activities in the territory of the Republic of Kosovo of the entities to which international sanctions are implemented.
  - 1.4. **Financial sanctions** - restrictions on the rights of entities, to which international sanctions are implemented, to manage, use or dispose of cash, securities, goods, other assets and property rights; payment restrictions for entities to which international sanctions are implemented; other restrictions on financial activities.
  - 1.5. **Political sanctions** - restrictions on official visits; restrictions on entry into or transit through a state or a territory, with respect to those states to which international sanctions are implemented; restrictions on entry into or transit through the territory of the Republic of Kosovo, for the persons to whom international sanctions are implemented; restrictions on diplomatic relations as well as other measures of political and diplomatic influence.
  - 1.6. **Communication sanctions**- restrictions on rail, road, water, air, postal, electronic transport and/or other communication with entities to which international sanctions are implemented.
  - 1.7. **Public sanctions**- restrictions on cultural, scientific, educational, sports and other public relations with entities to which international sanctions are implemented.

## **Article 3**

### **General Conditions of the Implementation of International Sanctions**

1. The implementation of international sanctions shall be laid down and changed by decision of the Government of the Republic of Kosovo, with the exception of the case referred to in paragraph 1 of Article 8 of this Law.
  - 1.1. decisions of the Government of the Republic of Kosovo shall prescribe which sanctions are implemented, time limits for implementing such sanctions, conditions, possible exemptions and entities to which international sanctions are implemented;

- 1.2. an expiration date of international sanctions shall be set taking into account the expiration date indicated in decisions of international organisations imposing international sanctions;
- 1.3. time limits for implementing international sanctions in the Republic of Kosovo shall not be set out, if an international organisation, which has set out such time limits, provides the possibility to renew the implementation of international sanctions after the review which is carried out upon the expiry of the time limits for implementing the said sanctions.
2. If decisions of the international organisations lay down that international sanctions become repealed or their implementation is not prolonged, the implementation of international sanctions in the Republic of Kosovo shall be terminated by the decision of Government of the Republic of Kosovo.
3. The decision of the Government of the Republic of Kosovo concerning the implementation of international sanctions shall establish what actions natural and legal persons of the Republic of Kosovo must perform or are prohibited from performing when carrying out international sanctions.
4. The provisions of this Law shall apply to natural and legal persons of the Republic of Kosovo in the territories of foreign states, irrespective of the fact whether the foreign states implement or not the international sanctions which are implemented by the Republic of Kosovo.

#### **Article 4**

##### **Exemptions on the Implementation of International Sanctions**

1. If decisions of the international organisations imposing international sanctions permit the exemptions on their implementation for humanitarian purposes, needs pertaining to provisions of peacekeeping missions or in other particular cases, the implementation of exemptions from sanctions in the Republic of Kosovo shall be set out by decision of the Government of the Republic of Kosovo, with the exception of the case referred to in paragraph 1 of Article 8 of this Law.
2. The Ministry of Foreign Affairs of the Republic of Kosovo shall be responsible for the implementation of the specified exemptions.
  - 2.1. the entities to which international sanctions are implemented or natural or legal persons of the Republic of Kosovo, except financial institutions, seeking to avail themselves of the possibility exemptions, shall apply to an institution carrying out supervision of the implementation of international sanctions, which is indicated in Article 12 of this Law and the abovementioned institution or a financial institution shall apply to the Ministry of Foreign Affairs of the Republic of Kosovo regarding the implementation of an exemption based on a criterion on a case by case and shall implement an exemption only with the consent of the abovementioned Ministry.
  - 2.2. in those cases when the Ministry of Foreign Affairs of the Republic of Kosovo is an institution carrying out supervision of international sanctions, entities or natural or legal persons to which international sanctions of the Republic of Kosovo are implemented, in order to avail themselves of the possibility of exemptions, shall apply directly to the Ministry of Foreign Affairs of the Republic of Kosovo.

## **CHAPTER II**

### **SCOPE OF THE IMPLEMENTATION OF INTERNATIONAL SANCTIONS**

#### **Article 5**

##### **Scope of the Implementation of the Obligatory Sanctions of the United Nations Security Council and the Decisions of other International Organisations**

International sanctions set out in the Resolutions of the Security Council of the United Nations and the decisions of other international organisations on international sanctions, which are binding under the international obligations of the Republic of Kosovo, shall be implemented completely in the manner prescribed in Article 3 of this Law.

#### **Article 6**

##### **Scope of the Implementation of Recommendatory Decisions of International Organisations**

The decisions of the General Assembly of the United Nations, the Organisation for Security and Co-operation in Europe, other international organisations member of which is the Republic of Kosovo or in which the Republic of Kosovo takes part, recommending to impose international sanctions on particular entities shall be implemented by the Republic of Kosovo in the manner prescribed by Article 3 of this Law.

#### **Article 7**

##### **Implementation of the Decisions of International Organisations**

Decisions of international organisations regarding the imposition of international sanctions against foreign states shall be implemented by decisions of the Government of the Republic of Kosovo.

## **CHAPTER III**

### **EFFECT OF INTERNATIONAL SANCTIONS IMPLEMENTED IN THE REPUBLIC OF KOSOVO ON OBLIGATIONS AND TRANSACTIONS**

#### **Article 8**

##### **Fulfilment of Obligations upon the Establishment of Implementation of International Sanctions**

1. It is prohibited to perform the actions the performance of which is prohibited by the international sanctions implemented in the Republic of Kosovo. The actions, as conclusion prior to the establishment of the implementation of international sanctions in the Republic of Kosovo must be immediately terminated unilaterally or by agreement between the parties. Their execution must be suspended for the duration of the implementation of international sanctions.
2. It shall be prohibited to conclude transactions, the execution of which would be in



conflict with international sanctions implemented in the Republic of Kosovo. Such transactions concluded after the establishment of the implementation of international sanctions in the Republic of Kosovo in the manner prescribed by this Law shall be considered annulled avoided, and invalid.

3. The fulfilment of the obligations which appear prior to the establishment of implementation of international sanctions in the Republic of Kosovo must be terminated immediately or suspended for the duration of the implementation of international sanctions. It shall be prohibited to assume new obligations the fulfilment of which would be in conflict with international sanctions implemented in the Republic of Kosovo.
4. Upon the restriction of availability of accounts to the entities with to which international sanctions are implemented, expenses associated with routine holding of such accounts may be deducted from them interest as well as payments due under transactions, concluded prior to the commencement of the implementation of international sanctions, may be added only if any deductions or additions shall not be made available to the entity to which financial sanctions are implemented.

### **Article 9**

#### **Legal Consequences for Non-Fulfilment of Obligations**

1. Civil liability shall not be applied to natural and legal persons of the Republic of Kosovo for the non-fulfilment of obligations relating to the implementation of international sanctions, or such persons shall be released from the above-mentioned liability pursuant to the provisions of the applicable Legislation.
2. Expenses incurred by natural and legal persons when implementing this Law shall not be reimbursed.

## **CHAPTER IV**

### **ADMINISTRATION AND SUPERVISION OF THE IMPLEMENTATION OF INTERNATIONAL SANCTIONS**

#### **Article 10**

##### **Administration of the Implementation of International Sanctions**

1. The Ministry of Foreign Affairs shall co-ordinate the implementation of international sanctions in the Republic of Kosovo and provide natural and legal persons with information about the issues pertaining to the implementation of the international sanctions.
2. The above-mentioned Ministry shall provide information to other international organizations on the implementation of international sanctions of the United Nations.

**Article 11**  
**Institutions of the Republic of Kosovo Supervising the Implementation**  
**of International Sanctions**

1. Within the limits of their competence, the following institutions shall be responsible for the implementation of international sanctions:
  - 1.1. the Ministry of Foreign Affairs, the Ministry of Finance and Economy;
  - 1.2. for supervision of the implementation of financial sanctions the responsible institutions are Ministry of Internal Affairs, the Kosovo Police under the coordination of the Ministry for Internal Affairs and Ministry of Economy and Finance;
  - 1.3. for supervision of the implementation of political sanctions the responsible institutions are; the Ministry of Internal Affairs, Ministry of Culture, Youth and Sports and all other Ministries responsible based on their scope of activity;
  - 1.4. for supervision of the implementation of communication sanctions, the responsible institutions are; the Ministry of Transport and Telecommunication, the Ministry of Foreign Affairs, the Telecommunication Regulatory Authority, the Regulatory Authority of Civil Aviation;
  - 1.5. for supervision of the implementation of public sanctions the responsible institution are; the Ministry of Culture, Youth and Sports, the Ministry of Education, Science and Technology, under the coordination of the Ministry of Finance and Economy.
2. When necessary, the Government with a decision may appoint other institutions, which are responsible for supervision of the implementation of international sanctions set out in decision.

**Article 12**  
**Supervision of the Implementation of International Sanctions**

1. The procedure for supervision of the implementation of international sanctions shall be laid down by the decision of the Government of the Republic of Kosovo. Legal and natural persons must submit all the documents necessary to exercise supervision to the institutions carrying out the implementation of international sanctions.
2. Institutions responsible for supervision of the implementation of international sanctions as well as financial institutions shall provide the Ministry of Foreign Affairs with information about the implementation of international sanctions, their infringements and cases under consideration.
3. Provisions of the information specified in this Law to the institutions referred to in paragraphs 1 and 2 of this Article shall not constitute the disclosure of an official, industrial, commercial, bank secret or confidential information. Data which comprise a state or an official secret shall be furnished to institutions and shall be collected and stored in institutions in accordance with procedures established by the applicable Laws.

**CHAPTER V**  
**LIABILITY FOR INFRINGEMENT OF INTERNATIONAL SANCTIONS**

**Article 13**  
**Liability for Infringement of the Law**

Natural and legal persons shall be liable for the infringements of this Law, in accordance with procedures established by the laws of the Republic of Kosovo.

**CHAPTER VI**  
**FINAL PROVISIONS**

**Article 14**  
**Entry into Force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-183**  
**15 April 2010**

**Promulgated by the Decree No. DL-018-2010, dated 04.05.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / PRISTINA: YEAR V / No. 69 / 20 MAY 2010**

**LAW No. 04/L-122**  
**ON RATIFICATION OF EXCHANGE OF DIPLOMATIC NOTES ON STATUS**  
**OF FOERIGN FORCES BETWEEN THE REPUBLIC OF KOSOVO AND THE**  
**UNITED STATES OF AMERICA**

**Assembly of Republic of Kosovo,**

Based on Article 18 (1) 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**ON RATIFICATION OF EXCHANGE OF DIPLOMATIC NOTES ON STATUS**  
**OF FOERIGN FORCES BETWEEN THE REPUBLIC OF KOSOVO AND THE**  
**UNITED STATES OF AMERICA**

**Article 1**  
**Purpose**

This law aims to ratify the Exchange of Diplomatic Notes, whereby the agreement on Status of Forces between the Republic of Kosovo and the United States of America is constituted, defining the privileges and immunities of civil and military personnel of Forces.

**Article 2**  
**Scope**

Exchange of Notes between the Government of the Republic of Kosovo and the Government of the United States of America shall be an integral part of the present Law (Annex 1) and shall be implemented by the Republic of Kosovo and the United States of America.

**Article 3**  
**Entry into force**

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-122**  
**24 May 2012**

**Promulgated by Decree No.DL-026-2012, dated 08.06.2012, President of the**  
**Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 15 / 13 JUNI**  
**2012, PRISTINA**

12-0005

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Kosovo and has the honor to refer to recent discussions between representatives of our two Governments regarding issues related to United States military and civilian personnel (defined as members of the United States Armed Forces and civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) and United States contractors (defined as non-Republic of Kosovo companies and firms, and their employees who are not nationals of the Republic of Kosovo, under contract to the United States Department of Defense) who may be temporarily present in the Republic of Kosovo in connection with official visits, training, exercises, humanitarian activities, and other activities as mutually agreed.

As a result of these discussions, the Embassy proposes that United States personnel be accorded the status equivalent to that accorded to the administrative and technical staff of the United States Embassy under the Vienna Convention on Diplomatic Relations of April 18, 1961; that United States personnel may enter and exit the Republic of Kosovo with United States identification and with collective movement or individual travel orders; that the Republic of Kosovo shall accept as valid all professional licenses issued by the United States, its political subdivisions or States thereof to United States personnel for the provision of services to authorized personnel; and that the Republic of Kosovo authorities shall accept as valid, without a driving test or fee, driving licenses or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles. The Embassy further proposes that United States personnel be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders.

The Government of the Republic of Kosovo recognizes the particular importance of disciplinary control by United States Armed Forces authorities over United States personnel and, therefore, authorizes the Government of the United States to exercise criminal jurisdiction over United States personnel while in the Republic of Kosovo.

The Embassy further proposes that the United States Department of Defense and United States personnel shall not be liable to pay any tax or similar charge assessed within the Republic of Kosovo and that the United States Department of Defense and United States personnel may import into, export out of, and use in the Republic of Kosovo any personal property, equipment, supplies, materiel, technology, training, or services in connection with activities under this Agreement. Such importation, exportation, and use shall be exempt from any inspection, license,

DIPLOMATIC NOTE

other restrictions, customs duties, taxes, or any other charges assessed within the Republic of Kosovo. The Governments of the United States of America and the Republic of Kosovo shall cooperate to take such measures as may be necessary to ensure the security and protection of United States personnel, property, equipment, records, and official information in the Republic of Kosovo.

The Embassy proposes that vehicles operated by or, at the time, exclusively for the United States Department of Defense may enter, exit, and move freely within the territory of the Republic of Kosovo, and that such vehicles (whether self-propelled or towed) shall not be subject to the payment of overland transit tolls. Aircraft owned and operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to payment of navigation, overflight, terminal, landing, parking or similar charges when in the territory of the Republic of Kosovo. The United States Department of Defense shall pay reasonable charges for services requested and received at rates no less favorable than those paid by the security forces of the Republic of Kosovo. Aircraft of the United States Government shall be free from boarding and inspection.

The Embassy also proposes that the United States Department of Defense may contract for any materiel, supplies, equipment, and services (including construction) to be furnished or undertaken in the Republic of Kosovo without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment or services. Such contracts shall be solicited, awarded and administered in accordance with the laws and regulations of the Government of the United States of America. Acquisition of articles and services in the Republic of Kosovo by or on behalf of the United States Department of Defense in connection with activities under this Agreement shall not be subject to any taxes or similar charges in the Republic of Kosovo.

The Embassy further proposes that United States contractors shall not be liable to pay any tax or similar charge assessed within the Republic of Kosovo in connection with activities under this Agreement and that such contractors may import into, export out of, and use in the Republic of Kosovo any personal property, equipment, supplies, materiel, technology, training, or services in fulfillment of contracts with the United States Department of Defense in connection with activities under this Agreement. Such importation, exportation, and use shall be exempt from any license, other restrictions, customs duties, taxes, or any other charges assessed within the Republic of Kosovo.

The Embassy proposes that United States contractors shall be granted the same treatment as United States personnel with respect to professional and drivers' licenses.

The Embassy proposes that United States personnel shall have freedom of movement and access to and use of mutually agreed transportation, storage, training, and other facilities required in connection with activities under this Agreement.

The Government of the Republic of Kosovo recognizes that it may be necessary for the United States Armed Forces to use the radio spectrum. The United States Department of Defense shall be allowed to operate its own telecommunication systems (as telecommunication is defined in

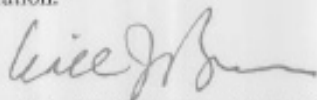
the 1992 Constitution of the International Telecommunication Union). This shall include the right to utilize such means and services as required to ensure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of the radio spectrum shall be free of cost to the United States Government.

Further, the Embassy proposes that the Parties waive any and all claims (other than contractual claims) against each other for damage to, loss, or destruction of the other's property or injury or death to personnel of either Party's armed forces or their civilian personnel arising out of the performance of their official duties in connection with activities under this Agreement. Claims by third parties for damages or loss caused by United States personnel shall be resolved by the United States Government in accordance with United States laws and regulations.

Finally, the Embassy proposes further that our two governments, or their designated representatives, may enter into implementing arrangements to carry out the provisions of this Agreement.

If the foregoing is acceptable to the Government of the Republic of Kosovo, the Embassy proposes that this note, together with the Ministry's reply to that effect, shall constitute an agreement between the two Governments, which shall enter into force on the date of the written notification through the diplomatic channels from the Government of the Republic of Kosovo informing the Government of the United States of America of completion of its internal legal procedures necessary for the entry into force of this Agreement.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Kosovo the assurances of its highest consideration.



Embassy of the United States of America,

Pristina, February 18 2012



**LAW No. 04/L-148**  
**ON RATIFICATION OF THE INTERNATIONAL AGREEMENT BETWEEN**  
**THE REPUBLIC OF KOSOVO AND THE EUROPEAN UNION ON THE**  
**EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Recognizing the dedication of Kosovo institutions to advance the rule of law in Kosovo, the need to increase their capacities, their willingness to cooperate with the European Union in this regard, and the continued support of the European Union through EULEX to achieve these objectives,

Approves

**LAW ON RATIFICATION OF THE INTERNATIONAL AGREEMENT**  
**BETWEEN THE REPUBLIC OF KOSOVO AND THE EUROPEAN UNION ON**  
**THE EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO**

**Article 1**  
**Purpose**

1. This law ratifies the international agreement achieved through the exchange of instruments between the Republic of Kosovo and the European Union, on the European Union Rule of Law Mission in Kosovo, ("EULEX").
2. This law ratifies the International Agreement in its entirety, including, but not limited by:
  - a) The extension of the EULEX mandate in areas envisaged by the Agreement until June 15, 2014, and with the exception of the Special Investigative Task Force;
  - b) The delegation of the authority to nominate and appoint international judges and prosecutors, in accordance with the *Constitution, Article 20*, and the creation of a framework for the establishment of a system of registration for EULEX staff permitted to carry weapons; and
  - c) The guaranteeing of the privileges and immunities of the offices and personnel of EULEX and the EU Special Representative, ("EUSR"), pursuant to *Law No. 03/L-033 on the Status, Immunities, and Privileges of the Diplomatic and Consular Missions and Personnel in Kosovo and of the International Military Presence and its Personnel*.



**Article 2**  
**Scope**

The International Agreement between the Republic of Kosovo and the European Union shall be an integral part of the present Law (Annex 1) and shall be implemented by the Republic of Kosovo and the European Union.

**Article 3**  
**Entry into force**

This law enters into force immediately upon promulgation by the President of the Republic of Kosovo.

**Law No. 04/L-148**  
**7 September 2012**

**Promulgated by Decree No.DL-039-2012, dated 07.09.2012, President of the Republic of Kosovo Atifete Jahjaga.**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 25 / 07  
SEPTEMBER 2012, PRISTINA**

**ANNEX 1.**



**REPUBLIKA E KOSOVËS – PRESIDENTI**  
**REPUBLIC OF KOSOVO – THE PRESIDENT**  
**REPUBLIKA KOSOVA – PREDSIEDNIK**

Prishtina, 4 September 2012

*H.E. Baroness Catherine Ashton,  
High Representative of the Union for Foreign Affairs and Security Policy*

Your Excellency,

I would like to express to you our most sincere gratitude for the continued contribution of the European Union to the stability and prosperity of Kosovo.

In accordance with Articles 17(l), 18( l), and 20(1) of the Constitution of the Republic of Kosovo and with a view to the end of the supervised independence of Kosovo as set out in the Comprehensive Proposal for the Kosovo Status Settlement, we welcome the presence of the Rule of Law Mission of the European Union in Kosovo ("EULEX KOSOVO"). We continue to fully support its mandate as set out in Joint Action 2008/124/CFSP, adopted by the Council of the European Union on 4 February 2008 as amended; Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement; and our mutual letters of 17 February 2008 and 08 August 2008.

With due regard to our aim to further strengthen the rule of law in Kosovo, we welcome EULEX KOSOVO's continuous support to the development of our authorities, and in particular our judiciary. Based on this, I invite Your Excellency, with this letter and under the authority of Articles 19 and 20 of the Constitution of the Republic of Kosovo, to reply with an expression of the EU's willingness to continue providing experienced and knowledgeable prosecutors, judges and police to serve in EULEX KOSOVO.

EULEX judges and prosecutors serving under EULEX KOSOVO as of the date of this letter were appointed pursuant to Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement. I confirm those appointments. Furthermore, subsequent to the end of supervised independence, EULEX KOSOVO may wish to appoint EULEX judges and prosecutors to

Under Article 84 of the Constitution of the Republic of Kosovo, I am empowered to appoint or dismiss prosecutors and judges upon the proposal of nominating bodies. Article 20 of the Constitution of the Republic of Kosovo permits the Republic to delegate certain powers for specific matters to international organizations. As President, it is my duty to ensure that any such delegations are clearly enumerated. Therefore, I confirm that the following powers would be delegated to EULEX KOSOVO under Article 20 of the Constitution of the Republic of Kosovo: (a) to nominate and appoint judges under Articles 108 and 84 of the Constitution, respectively, subject to notification to the Kosovo Judicial Council and my office of the names and professional experiences of those judges and (b) to nominate and appoint prosecutors under Articles 110 and 84 of the Constitution respectively, subject to notification to the Kosovo Prosecutorial Council and my office of the names and professional experiences of those prosecutors. These EULEX judges and prosecutors would be authorized as described in Articles 104 and 109, respectively, of the Constitution of the Republic of Kosovo and other relevant law.

EULEX police officers shall also have authority, upon notification of their names to the Minister of Internal Affairs to operate at central (including ministerial), regional, and local levels. EULEX Staff are authorised to carry weapons where relevant. A system of registration of weapons carried by a limited number of authorized mission staff will be agreed between the Mission and the Ministry of Internal Affairs, keeping in mind the need to balance the requirements of transparency for the Ministry of Interior Affairs and protection of certain mission staff as a consequence of their functions.

EULEX judges, prosecutors, and police shall continue to serve in accordance with Kosovo law, as was previously required by Annex IX, Article 2.3 of the Comprehensive Proposal for the Kosovo Status Settlement. This invitation will support EULEX under its current mandate until 15 June 2014. Subject to joint assessment, this would be the expected end date for EULEX KOSOVO.

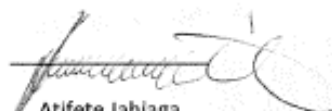
I hereby confirm that the work of the SITF, with dedicated EULEX prosecutors and support staff, shall continue until such time as Kosovo is notified by the Council of the European Union that the investigations have been concluded or any proceedings resulting there from have been concluded.

EULEX KOSOVO, its offices and personnel (including experts on mission), as well as the EU Special Representative (EUSR), his offices and personnel (including experts on mission), are granted the status, privileges and immunities equivalent to those set out in the Vienna Convention dated 18 April 1961 as implemented by *Law No. 03/L-033 on the Status, Immunities and Privileges of Diplomatic and Consular Missions and Personnel and of the International Military Presence and its Personnel in Kosovo*.

## Administrative laws

I would like to reiterate to you our full commitment to the rule of law for all our people. I thank you for your continued contribution to Kosovo's peace and stability and look forward to continuing our close cooperation to contribute to a multiethnic, democratic and prosperous Kosovo, and to bring Kosovo closer to full integration in the European Union.

Sincerely,

A handwritten signature in black ink, appearing to read 'Atifete Jahjaga', with a large, stylized flourish at the end.

Atifete Jahjaga  
President of the Republic of Kosovo

CATHERINE ASHTON

HIGH REPRESENTATIVE

VICE-PRESIDENT OF THE EUROPEAN COMMISSION

B-1046 BRUSSELS

+32 2 298 85 90

Brussels, 04 SEP. 2012

Ares (2012)995124

H.E. Mrs Atifete Jahjaga  
President of Kosovo

*Dear Gladië Rendev*

I accept the invitation contained in your letter dated 4 September 2012 to continue to implement the mandate of EULEX KOSOVO, in the spirit of mutual cooperation.

I would like to take this opportunity to express to you our most sincere gratitude for your commitment to facilitate all necessary assistance to EULEX KOSOVO for the efficient and effective discharge of its duties all over Kosovo.

EULEX will carry out its duties as defined in Joint Action 2008/124/CFSP, adopted by the Council of the European Union on 4 February 2008, on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO and as amended.

EULEX will assist the institutions, judicial authorities and law enforcement agencies in Kosovo in further strengthening an independent multi-ethnic justice system and multi-ethnic police and customs service in their progress towards fulfilling European Standards in their respective fields.

Kosovo shares the European perspective of the rest of the Western Balkans region. In carrying out its mandate EULEX will contribute to facilitating Kosovo's progress towards further integration with the EU.

Finally, I look forward to continuing our close co-operation contributing to strengthened stability and prosperity in the region.

*Sincerely,*

*Catherine Ashton*  
Catherine Ashton



## **INTERNATIONAL CONVENTIONS**





**LAW No. 04/L-207**  
**ON RATIFICATION OF FRAMEWORK AGREEMENT BETWEEN**  
**GOVERNMENT OF THE REPUBLIC OF KOSOVO AND EUROPEAN**  
**INVESTMENT BANK WHICH GOVERNS THE ACTIVITIES OF THE**  
**EUROPEAN INVESTMENT BANK IN KOSOVO**

**Assembly of Republic of Kosovo,**

Based on Articles 18 and 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON RATIFICATION OF FRAMEWORK AGREEMENT BETWEEN**  
**GOVERNMENT OF THE REPUBLIC OF KOSOVO AND EUROPEAN**  
**INVESTMENT BANK WHICH GOVERNS THE ACTIVITIES OF THE**  
**EUROPEAN INVESTMENT BANK IN KOSOVO**

**Article 1**  
**Purpose**

This law aims to ratify the agreement signed between the Government of the Republic of Kosovo and the European Investment Bank on the activities of the European Investment Bank in Kosovo.

**Article 2**  
**Ratification**

The agreement signed between the Government of the Republic of Kosovo and the European Investment Bank that governs the activities of the European Investment Bank, signed on June 07, 2013 in Prishtina, is ratified.

**Article 3**  
**Attached Documents**

In Annex 1 of this law is attached the Agreement signed between the Government of the Republic of Kosovo and the European Investment Bank that governs the activities of the European Investment Bank in Kosovo, signed on June 07, 2013 in Prishtina.

**Article 4**  
**Entry into force**

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-207**  
**31 July 2013**

**Promulgated by Decree No.DL-036-2013, dated 16.08.2013, President of the Republic of Kosovo Atifete Jahjaga**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 29 / 22**  
**AUGUST 2013, PRISTINA**



## FRAMEWORK AGREEMENT

between

the Government of Kosovo\*

and

the European Investment Bank

governing EIB activities in Kosovo

Pristina, 7 June 2013

---

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1998 and the ICJ Opinion on the Kosovo declaration of independence.

MADE BETWEEN:

The Government of Kosovo, having its seat in the  
New Government Building, Mother Theresa Street,  
10000 Pristina, represented by Mr. Besim Beqaj,  
Minister of Finance,

hereinafter referred to as the "Government of Kosovo",

of the one part, and

European Investment Bank, having its Head Office  
at 100, boulevard Konrad Adenauer, L - 2950  
Luxembourg - Kirchberg, Grand Duchy of  
Luxembourg, represented by Mr. Anton Rop, Vice-  
President,

hereinafter referred to as the "Bank",

of the other part,



HAVING REGARD TO the Decision No 1060/2011/EU of the European Parliament and of the Council of 25 October 2011 granting an EU guarantee to the European Investment Bank against losses under loans and loan guarantees for projects outside the Union (the "EU guarantee Decision");

HAVING REGARD TO the decision of the Board of Governors of the Bank of 12 December 2011 on review of the external mandate for the period 2007-2013 and renewal of the European Union guarantee against losses under loans and guarantees for projects outside the Union;

RECALLING that, according to the above mentioned decisions, Kosovo is included and falls within the list of eligible regions in which the Bank is authorized to finance operations for investment projects;

NOTING that, pursuant to Article 10 (2) of the EU guarantee Decision, Kosovo is represented either by the United Nations Mission in Kosovo or by an administration designated in the regional technical operational guidelines for EIB financing under this Decision;

WHEREAS the regional technical operational guidelines, as set out by the European Commission and the Bank in consultation with the European External Action Service on 7 November 2012, state that such administration should be the Government of Kosovo;

BEARING IN MIND that the Bank's lending of investment funds for the benefit of projects in Kosovo has occurred until this date under the Framework Agreement entered into on 3 May 2005 between the United Nations Interim Administration in Kosovo (UNMIK), acting for and on behalf of the Provisional Institutions of Self-Government in Kosovo (PISG), and the Bank (the "Framework Agreement 2005");

RECOGNIZING that Government of Kosovo is bound by the Framework Agreement 2005 for the purposes of the transactions entered into under such Framework Agreement 2005 and further acknowledging that in view of Article 15 of the Framework Agreement 2005 the performance of obligations thereunder including, but not limited to, servicing for financial obligations is due by the PISG and its successors acting for and on behalf of Kosovo;

ACKNOWLEDGING that the development of Kosovo, and its economy in particular, is in process of evolution as well as the establishment and consolidation of its institutions; and that Kosovo's administration is working with a view to establish sustainable economic growth based on continued economic development in Kosovo that requires also funding from international finance institutions for the benefit of Kosovo's development;

DESIRING to facilitate, within the framework of the Decision and/or of the decisions of the governing bodies of the Bank, the financing by means of loans, guarantees and other instruments by the Bank for investment projects of interest to Kosovo and for that purpose to extend certain protection to such projects and to ensure certain rights and privileges for the Bank;

REAFFIRMING that the signature of the present Framework Agreement does not constitute a recognition of Kosovo as an independent state and it is without prejudice to Member States' position on the status of Kosovo which will be decided in accordance with their national practice and international law,

HAVE AGREED AS FOLLOWS:

**ARTICLE 1****Definitions**

For the purposes of this Framework Agreement (hereinafter "**Agreement**");

**"Beneficiary"** (or collectively **"Beneficiaries"**) means Kosovo itself, including any of its administrative authorities, any person, whether a natural person or a person established under private or public law, receiving the benefit of:

- (a) financing by means of a loan, guarantee, equity, quasi equity or any other financing instrument provided by the Bank for any Project, or
- (b) Technical Assistance,

including, but not limited to a borrower from the Bank, a co-debtor, a guarantor, a lender guaranteed by the Bank and its borrower or an owner of a Project.

**"Project"** (or collectively **"Projects"**) means any investment project which, the Bank finances directly or through an intermediary by means of a loan, guarantee, equity, quasi equity or any other financing instrument provided by the Bank and/or which benefits from Technical Assistance from the Bank and which satisfies the following criteria:

- (i) it is located in, or its financing by the Bank is effected in or through, the territory of Kosovo, and
- (ii) the Government of Kosovo requests financing for it or acknowledges that the financing falls within the scope of this Agreement,

where the Bank agrees to the financing or the Technical Assistance on a date after the date of entry into force of this Agreement or expressly in expectation of its execution or entry into force;

**"Tax"** means any tax, imposition, duty, levy, withholding or fiscal charge whatsoever applied at any territorial level, being direct or indirect or imposed by or within Kosovo;

**"Technical Assistance"** means any technical assistance services provided directly by the Bank; or by third parties on the basis of an agreement with and under the supervision of the Bank.

For the purposes of this Agreement, **"Articles"** and **"Recitals"** shall be construed as a reference to respectively to articles and recitals of this Agreement (unless otherwise specified). Article headings are for ease of reference only and shall not affect the construction of this Agreement.

**ARTICLE 2****Scope of the Agreement**

The designation of Kosovo is without prejudice to the position of Member States and/or the European Union on Kosovo's status, and is in line with the UNSCR 1244 (1999) and the ICJ Opinion of 22 July 2010 on Kosovo declaration of independence. The Bank and the Government of Kosovo agree that that issue of status falls outside the scope of the Bank's functions and activities and pertains exclusively to the sovereign or supranational prerogatives of individual Member States and/or the European Union. This shall however not affect in any way the validity and enforceability of this Agreement under International Law.

### **ARTICLE 3**

#### **Bank's Activity**

The Bank may freely pursue within the territory of Kosovo the activities envisaged by the Bank's Statute, as it may be amended from time to time, including, but not limited to, financing by means of a loan, guarantee, equity, quasi equity or any other financing instrument provided by the Bank for any Project, providing Technical Assistance, investing on money markets, buying and selling securities and carrying out any other financial operation linked to such activity, borrowing funds under any relevant laws and regulations by means of all instruments permitted thereby, as well as holding, using and disposing of such funds and the operation of accounts in any currency. In particular the Bank may provide Technical Assistance and/or, on the basis of its appraisal of a Project, freely decide whether, and on which terms and conditions, to grant finance in support of it.

### **ARTICLE 4**

#### **Taxation of Bank**

Interest and all other payments due to the Bank and arising out of activities envisaged by this Agreement, including the provision of Technical Assistance, as well as the assets and revenues of the Bank connected with such activities, shall be exempt from Tax. No activity of the Bank in the territory of Kosovo in connection with any matter covered by this Agreement shall, of itself, render the Bank or its assets subject to Tax.

### **ARTICLE 5**

#### **Currency Convertibility and Transfer of Funds**

Throughout the life of any financial operation concluded pursuant to Article 3 of this Agreement, the Government of Kosovo shall ensure that:

- (a) (i) Beneficiaries may convert into any fully convertible currency, at the prevailing market exchange rate, the amounts in the local currency necessary for the timely payment of all sums due to the Bank in respect of loans, guarantees, quasi-equity or any holdings in the capital of undertakings, Technical Assistance in connection with any Project or otherwise due to the Bank; and (ii) that such amounts shall be freely, immediately and effectively transferable outside or inside the territory of Kosovo, as the case may be, so as to enable the Beneficiaries to meet their obligations to the Bank in accordance with the terms of the relevant contractual or other instrument;
- (b) (i) the Bank may convert into any fully convertible currency, at such prevailing market exchange rate, the amounts in the local currency received by the Bank by way of payments arising in respect of its financing through loans, guarantees, quasi-equity or holdings in the capital of undertakings, Technical Assistance, or any other activity and that the Bank may freely, immediately and effectively transfer the amounts so converted outside the territory of Kosovo to such bank accounts as the Bank may freely determine; or, at the Bank's option, (ii) that it may freely dispose of such amounts within the territory of Kosovo;
- (c) the Bank may convert into the local currency at the prevailing market exchange rate, any amounts in any fully convertible currency.

# **ARTICLE 6**

## **Treatment of Projects / Bank activities**

Without prejudice to the terms of this Agreement, the Government of Kosovo shall:

- (a) ensure that Projects, as well as contracts awarded for the execution thereof, and other Bank activities, benefit, in respect of fiscal, customs and other matters, from treatment no less favourable than that which is accorded to projects or contracts or other activities financed and/or guaranteed or provided by any other international financial institution or accorded under any bilateral agreement in respect of such matters or under national legislation, whichever is the most favourable; and
- (b) extend to each Project full and constant protection and security against expropriation and shall preserve the capacity of the Project to generate income, which is available to service the obligations in relation to the financing incurred in connection with the Project.

# **ARTICLE 7**

## **Public Tendering**

The Bank may make its financing of Projects or provision of Technical Assistance conditional upon the arrangements for participation in tenders and other competitive procedures for the award of contracts being in accordance with the Bank's rules and procedures in force from time to time.

# **ARTICLE 8**

## **Bank Status and Treatment**

- (1) The Bank shall enjoy full legal personality in the territory of Kosovo, including in particular the capacity to contract, to acquire and dispose of movable and immovable property and to be party to legal proceedings.
- (2) The Bank shall enjoy in respect of its activities in the territory of Kosovo the treatment accorded to the international institution, which is most favoured in respect of any such activity, or, if that is more favourable, the treatment accorded under any international agreement covering such activities.  
  
In particular, the Bank shall have free access to the financial market in Kosovo. Its obligations, securities and other comparable financial instruments shall be treated on terms, including, but not limited to, terms as to Tax treatment, at least as favourable as those accorded to public bodies in Kosovo, including the Government, and the most favoured international financial institution in such respect.
- (3) The debt securities issued by the Bank and denominated in the local currency shall be eligible for repurchase operations with any institution that enjoys the prerogatives of a central bank in Kosovo as if they were debt securities issued by the Government. Investors shall be permitted to buy such securities without restriction, and in particular shall not be limited as to the proportion of outstanding securities of an issue held by them.
- (4) When carrying out its activities under this Agreement, the Bank shall be exempt from any permit, licence or any other authorisation in whatever form which may be required for similar activities under any applicable rule of domestic law.
- (5) The Bank shall enjoy preferred creditor status in respect of the activities envisaged by the Bank's Statute including those mentioned in Article 3 of this Agreement.



**ARTICLE 9**

**Privileges and Immunities of the Bank and its Representatives**

- (1) The assets of the Bank shall be exempt from:
  - (a) search and all forms of expropriation; and
  - (b) the levy or imposition of any measure of execution or distraint prior to the award of a final, unappealable judgement against the Bank, rendered by a court of competent jurisdiction.
- (2) Representatives of the Bank, while they are engaged in activities connected with or in implementation of this Agreement, shall enjoy at least the following immunities and privileges:
  - (a) immunity from legal and administrative proceedings including, but not limited to, immunity from any form of arrest or detention in respect of acts performed by them in their official capacity, except in cases where the Bank waives such immunity;
  - (b) diplomatic privileges and facilities available in the territory of Kosovo for official communications, for the transmission of documents and travel.
- (3) The Government of Kosovo shall exempt representatives of the Bank, while they are engaged in activities connected with or in implementation of this Agreement, from immigration restrictions and alien registration formalities.
- (4) In respect of all matters not specifically contemplated above, representatives of the Bank shall enjoy the level of immunities and privileges which is no less favourable than that available to officials of the most favoured international institution in Kosovo.

**ARTICLE 10**

**Settlement of Disputes over Activities of the Bank**

- (1) The Government of Kosovo undertakes, in respect of any dispute arising between the Bank and a Beneficiary or any third party regarding the activities of the Bank envisaged by this Agreement: (i) to ensure that the courts in Kosovo have the authority to recognise a final decision delivered by due process by a court or tribunal of competent jurisdiction, including the Court of Justice of the European Union or any national court of a member state of the EU or any arbitral tribunal; and (ii) to ensure the execution of any such decision in accordance with its applicable national rules and procedures.
- (2) The Government of Kosovo hereby waives any immunity from or right to object to the jurisdiction of such competent court or tribunal, including the Court of Justice of the European Union, in respect of any dispute arising between Kosovo and the Bank in respect of the financing of a Project or Technical Assistance.

**ARTICLE 11**

**Subrogation**

The rights conferred on the Bank by this Agreement may be enjoyed and exercised by the Bank in its own name and, to the extent that the EU has made payment to the Bank in respect of any guarantee or insurance concerning any loan, equity, quasi-equity, guarantee or any other financing instrument or Technical Assistance concluded pursuant to this Agreement, by either (i) the Bank as representative of the EU, or (ii) as the case may be, the EU itself by virtue of a right of subrogation.

**ARTICLE 12**

**Co-operation**

- (1) The Government of Kosovo agrees to respond in writing within 30 days to requests made by the Bank for its acknowledgment that a Project financing or Technical Assistance proposal falls within the scope of this Agreement.
- (2) The Government of Kosovo undertakes to inform the Bank in a timely manner of any measure or proposed measure on its part, or of any other circumstance, such as may be reasonably expected to affect materially the rights and interests of the Bank under this Agreement.
- (3) The Government of Kosovo, acting through its Ministry of Finance, shall promptly deliver to the Bank its letter of approval in relation to each Project in Kosovo to be approved by the Bank.

**ARTICLE 13**

**Settlement of Disputes**

- (1) Any dispute, disagreement, controversy or claim arising in connection with the existence, validity, interpretation, implementation or termination of this Agreement (together referred to as a "Dispute") shall to the extent possible be settled by agreement between the Government of Kosovo and the Bank.
- (2) If the Dispute cannot be amicably settled by the Government of Kosovo and the Bank within 60 days of the notification of the Dispute by either of those parties, the Dispute shall be submitted by either party for a final and binding decision of the Court of Justice of the European Union.
- (3) The Government of Kosovo hereby waives any immunity from or right to object to the jurisdiction of the Court of Justice of the European Union in respect of any Dispute.

**ARTICLE 14**

**Entry into force**

This Agreement shall enter into force upon the day following the date on which the Bank confirms to the Government of Kosovo its receipt of a certified copy of the latter's instrument of ratification or other instrument mutually agreed between Kosovo and the Bank, as well as of a legal opinion acceptable to the Bank as to the legal force of this Agreement.

**ARTICLE 15**

**Framework Agreement 2005 and Effectiveness**

The Government of Kosovo unconditionally and irrevocably agrees that all obligations contracted by the Special Representative of the UN Secretary General on behalf of the Provisional Institutions of Self-Government in Kosovo in relation to all projects, operations and activities entered into by the Bank under the Framework Agreement 2005 shall continue in force and the Government of Kosovo unconditionally accepts and agrees to be bound by such obligations.

**ARTICLE 16**

**Expiry**

- (1) This Agreement is concluded for an unlimited period of time.
- (2) The Bank may by notice in writing to the Government of Kosovo terminate this Agreement or release the Government of Kosovo from all or any of its obligations under this Agreement. Unless otherwise stated, the giving of any such notice shall not affect the rights and interests acquired by the Bank in respect of Projects and financial or other operations outstanding including Technical Assistance at the date of the notice.
- (3) The Government of Kosovo may by a 6-month prior written notice to the Bank terminate this Agreement. The giving of any such notice shall not affect the rights and interests acquired by the Bank in respect of Projects and financial or other operations outstanding including Technical Assistance at the date of taking effect of such notice in the territory of Kosovo.

**ARTICLE 17**

**Disclosure**

The Government of Kosovo agrees that disclosure of this Agreement is authorised and will not violate any applicable regulation or ruling of any competent governing body.

**ARTICLE 18**

**Address for Communications**

The parties agree that any communication arising in the course of the operation of this Agreement may be addressed to their respective addresses set out as follows:

For the Government of Kosovo: New Government Building, Mother Theresa Street,  
10000 Pristina  
E-mail: [zyraministris@mfe-ks.org](mailto:zyraministris@mfe-ks.org) / Tel: +3813820034101

For the Bank: 100, boulevard Konrad Adenauer,  
L-2950 Luxembourg

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed the present Agreement in the English language, in four (4) originals, each page having been initialed by the undersigned or their representatives on behalf of the Government of Kosovo and on behalf of the Bank.

Pristina, 7 June 2013.

Signed for and on behalf of the  
GOVERNMENT OF KOSOVO  
The Minister of Finance



Signed for and on behalf of the  
EUROPEAN INVESTMENT BANK  
The Vice-President



**LAW No. 04/L-134  
ON THE CONDOMINIUM**

**Contents**

Chapter I: General provisions.....	1224
Chapter II: Individual ownership and joint ownership of the condominium .....	1227
Chapter III: Creation, alteration and termination of the condominium .....	1229
Chapter IV: Joint use and building units .....	1232
Chapter V: Condominium body of decision-taking and sharing of responsibilities .....	1234
Chapter VI: Administration and maintenance of the condominium .....	1241
Chapter VII: Supervision.....	1244
Chapter VIII: Penalty provisions.....	1245
Chapter IX: Transitional and final provisions .....	1246

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON THE CONDOMINIUM**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

By this law are regulated the rights, obligations and responsibilities of the owners of building unit relating to the use, management and maintenance parts, facilities, spaces and joint equipments of the building - condominium.

**Article 2  
Scope**

This law applies to all residential buildings and commercial activities that are owned by more than one owner and, for individual housing unit's complex which have jointly owned on territory, in operation and in use, exclusively the owners of the units.

### **Article 3**

#### **Definitions**

1. Terms used in this law shall have the following meaning:
  - 1.1. **Residential building in the condominium** - independent building with two or more appropriate units and designated for housing, respectively housing and commercial activities which is owned by more than one owner.
  - 1.2. **Individual building units** - dwelling units, commercial units or other independent spaces in the building that are individually owned and its dimension is determined by horizontal and vertical boundaries in the condominium agreement.
  - 1.3. **Owner** - the natural person and legal entity that is a holder of the property right of the building unit.
  - 1.4. **Founder of the Condominium** – state institution, legal person, person or group of natural persons that act together, invest on a property, on whose behalf is registered for the first time.
  - 1.5. **Condominium Agreement** - a signed document by all unit owners, which is recorded in the Cadastre and which serves as an Act for establishment of the condominium. The Document must reflect any change in the building with amendment and including any amendments to those documents and include site plans and planimetry. This agreement describes the rights and responsibilities, restrictions and conditions on the way the common elements or units may be used. This typically includes the regulation of a condominium. The Agreement is the key governing document of a condominium.
  - 1.6. **Site Plan** - a plan depicting all or any portion of a condominium in two dimensions that shows the location of the condominium and spaces, parts and common elements.
  - 1.7. **Planimetry** – graphic description of individual building units and condominium.
  - 1.8. **Horizontal Boundary** – boundaries established in the condominium agreement and mean the space between two constructive plates respectively the clear height of the floor-to-ceiling of a unit such that the immovable property respectively below or above the constructive plates is not part of that unit.
  - 1.9. **Vertical Boundary** - the defined boundary of a unit that is not a horizontal boundary of that unit. It is defined in the condominium agreement and typically means the interior walls which limit the unit.
  - 1.10. **Joint Ownership** – part of a property that is not owned individually and is not public property, but in which an indivisible interest is held by unit owners.
  - 1.11. **Joint Ownership Elements** – parts, spaces and common equipment of the condominium which serve to unit buildings and building as a whole, as well as construction land, parking areas, recreational facilities and similar.
  - 1.12. **Joint Ownership elements for special use** - elements intended for exclusive use of one or more individual units but do not serve other units in the building which typically are spaces or common elements of a floor.

- 1.13. **Joint Ownership elements for general use** - all the condominium elements except for common elements for special use.
- 1.14. **Owner's Association** – legal body that functions as a non governmental organization or legal person where all owners of individual units are obligated to become members of a condominium.
- 1.15. **Chairmanship of the Association** – group of units owners, designated in the condominium agreement or in the regulation for the functioning and acts on behalf of the association.
- 1.16. **Regulations** – any agreement adopted by the Association for the functioning, regulation and management of the Association.
- 1.17. **House Rules** - agreement adopted by the Association for manner of usage, administration and maintenance of Joint Ownership elements.
- 1.18. **Participation Fee in Condominium** – part of undivided property in condominium, which serves for defining the measure of participation in common expenses and in the voting for owners of each unit.
- 1.19. **The usable area** - the total floor area of a building unit, not including wall spaces of the building unit.
- 1.20. **Administrator** - a commercial entity registered at competent authority for registration of businesses that is contracted by the Owner's Association to conduct management, maintenance or other services for the benefit of the condominium.
- 1.21. **Total usable area** - the measurement of usable area of all units in square meters.
- 1.22. **Management** - the implementation of decisions made by the Chairmanship of the Association based on the approved regulations of the Association for the purpose of administration including maintenance and safe operation of a condominium.
- 1.23. **Resident** – any person with permanent stay in the condominium, and leaseholder with their family members.
- 1.24. **Conflicting interest transaction** – contract, transaction or other financial relation between: Owners' Association, administrator and a member of the Chairmanship of the Association (except the contract of the Owners' Association with Administrator); Owners' Association and a party related to a member of the Chairmanship of the Association; Administrator and a party related to a member of the Chairmanship of the Association.
- 1.25. **Related Party** – spouse, descendant, brother or sister, brother's or sister's spouse, a property or trust in which the director or the party related to the director has beneficial interests
- 1.26. **Ministry** - Ministry for Environment and Spatial Planning.

**CHAPTER II**  
**INDIVIDUAL OWNERSHIP AND JOINT OWNERSHIP**  
**OF THE CONDOMINIUM**

**Article 4**  
**Rights of Ownership in Common Elements**

1. All unit owners have an indivisible ownership right to Joint Ownership elements of a condominium.
2. Participation fee in the condominium of the individual unit owner is determined by the percentage ratio of the individual unit area of whole building surface designated for housing.

**Article 5**  
**Condominium Elements and Individual Units**

1. Except as provided by the Condominium Agreement:
  - 1.1. parts of the individual unit are considered also all network amplifier, wall reinforcements, internal panel, plaster, panel, tiles, wallpaper, paints, and finite floor and any other material that constitutes part of the finite surface, if the walls, floors, or ceilings are designated as boundaries of a unit;
  - 1.2. any part of a condominium designated to serve only one unit is element of condominium for special use such as: duct, chute, flue, wire, conduit, bearing wall, bearing column, or other fixtures lies partially within and partially outside the designated boundaries of a unit, whereas any portion serving more than one unit or more parts is a condominium element;
  - 1.3. part of a unit are considered, all spaces, internal partitions, and other fixtures and improvements within the boundaries of a unit;
  - 1.4. any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies and patios and all exterior doors and windows or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are common elements for special use allocated exclusively to that unit.
2. The common elements of the condominium are everything other than the individual units, and include such things as:
  - 2.1. holding construction of the building (foundations, massive walls, poles, construction between floors, roof / slope and flat roofs);
  - 2.2. roof covering (insulate, tiles, halls and similar);
  - 2.3. flat roofs usable and unusable;
  - 2.4. building frontage, entrance door and windows of common areas;
  - 2.5. sheet iron of roof and other works;
  - 2.6. chimneys, ventilation ducts, hydrants, fire extinguishing equipments, water pipes, waste channels and similar;
  - 2.7. common stairs, corridors, fences, emergency exits, balconies or lodges and similar;
  - 2.8. elevators to transfer people and items, with all its equipments;
  - 2.9. electrical wiring of the main fuse to the distribution slab of the building;

## Administrative laws

- 2.10. water supply from the main metering to the consumer as well as expenses repairs after interventions;
- 2.11. installing sanitary facilities and sewage water in common areas;
- 2.12. vertical installations of sewage from the pipes exit of the apartment to the main wells;
- 2.13. electrical installation for stairs lighting: automatic, lamps place and fittings, spreader slab and mounted hour metering;
- 2.14. common parts of central heating installation by connecting with jelly and heating devices in common areas;
- 2.15. installing the phone up to the distribution of building units, installation of doors with electrical handles, interphone rings, lightning conductor installations and similarly;
- 2.16. water supply equipment (pump and hydro-flexes);
- 2.17. facilities and installations for waste removal, laundry spaces, basements and under the roof spaces;
- 2.18. joint septic excavation;
- 2.19. any other parts, space or other facilities and equipment that are not part of individual units, including the land parcel upon which the building is built.
3. Except for the common elements of the condominium for special use described in subparagraph 1.2. and 1.4. paragraph 1. of this Article, the condominium agreement must specify the unit or units to which elements of the condominium are allocated for special use.

### **Article 6**

#### **Condominiums that serve to more Building**

1. The condominium that serves to the owners of several buildings is condominium which was built for this purpose and if for their construction have contributed more building owners.
2. The Condominium from paragraph 1. of this Article are Joint Ownership elements for general use of all unit owners in those buildings.
3. For the proportionally use and administration of the condominium are implemented the provisions of this law.

### **Article 7**

#### **Mandatory Regulation**

For Condominiums, the Ministry, by regulation will determine minimal technical norms for condominiums and minimal spatial norms for the functioning areas of these buildings.



### **CHAPTER III**

## **CREATION, ALTERATION AND TERMINATION OF THE CONDOMINIUM**

### **Article 8**

#### **Creation of the Condominium**

1. A condominium for existing construction is created by recording the condominium agreement, signed by all unit owners in the building which include at least a site plan and a planimetry of a condominium in the Immovable Property Rights Registry and the Cadastre.
2. For new construction, a condominium is created by recording of the condominium agreement in the Immovable Property Rights Register and the Cadastre under the name of the developer who transfers the ownership of individual units together with the condominium participation fee to the new buyers-owners.

### **Article 9**

#### **Designation of Condominium and Individual Units in the Building**

Condominiums and individual units are designated according to Law No.04/L-071 on Address System.

### **Article 10**

#### **Contents of the Condominium Agreement**

1. The agreement must contain:
  - 1.1. the names of the condominium and of the association members;
  - 1.2. the building or buildings involved, defined by municipality, street name and house number;
  - 1.3. the general description of the condominium, including size, construction type, general purpose;
  - 1.4. a description of each unit, its position within the building, its purpose, its size, the identifying number, and any particular characteristics;
  - 1.5. the participation fee for each owner;
  - 1.6. a clear description of all common elements and any common elements for special use, including equipment;
  - 1.7. the rights and responsibilities pertaining to all owners;
  - 1.8. any restrictions on the use, occupancy and transfer of the units;
  - 1.9. sufficient legal description in which unit owners shall possess only a part of immovable property for few years, named as “limited time property”, if there is any;
  - 1.10. all drawings, planimetries, and technical certificates pertaining to the condominium.
2. The agreement may contain any other matters the filer considers appropriate like the regulations of the condominium.
3. The Agreement may contain the site plan and planimetry which may contain specific information required to be included in the Agreement.

#### Administrative laws

4. The Agreement may be amended by presenting changes in the site plan or planimetry to correct typographical or technical errors.
5. The Agreement may be amended to comply with the requirements, standards or guidelines of any relevant governmental agency.
6. In cases where an amendment to the agreement that created or adds units must include a certification by an architect or engineer stating that:
  - 6.1. all structural components of the building are completed; and
  - 6.2. for amendments adding of units, that the structural capacity of the building and utility infrastructure is sufficient to support the creation of additional units.
7. The content of site plan and planimetry shall be determined by sub-legal act.

### **Article 11 Amendment of the Condominium Agreement**

1. The condominium agreement includes planimetry and may be amended by majority votes of the unit owners who own more than fifty percent (50%) of usable area of the condominium.
2. The condominium agreement is done for:
  - 2.1. changing the size of the building, increasing the number of units, or changing the common areas;
  - 2.2. changing the designated purpose of a unit;
3. If from the amendments benefit all unit owners, the responsibilities and costs are borne by the Owners' Association.
4. Consent of the owners discussed in paragraph 1. of this Article must be verified by the competent authorities.
5. Amendments must be filed in the Cadastre.
6. Amendments should reflect changes in the participation fee in common elements and common elements for special use.

### **Article 12 Termination of Condominium**

1. Except in the case of taking all units by expropriation, a condominium may be terminated only by the agreement of all unit owners in compliance with provisions in Law No.03/L-154 on Property and Other Real Rights.
2. An agreement to terminate must be executed in the same manner as a contract to transfer immovable property, by the number of unit owners required by paragraph 1. of this Article.
3. The Owners' Association, on behalf of the unit owners, may contract for the sale of the immovable property of the condominium following termination, but the contract is not binding on the unit owners without prior approval.
4. If property is to be sold following termination, title to that property, upon termination, vests in the Owners' Association as trustee for the holders of all interests in the units that has the necessary power to facilitate the sale.
5. Until the sale has been concluded, the Owners' Association continues in existence with all the powers it had before termination process.

6. Proceeds of the sale must be distributed to all unit owners and lien holders as their interests may appear, in accordance with this Article, taking into account the value of property owned or distributed that is not sold so as to preserve the proportionate interests of each unit owner with respect to all property cumulatively.
7. Property relations with owners who do not wish to sell their property shall be regulated by the Law No. 03/L-154 on Property and Other Real Rights.
8. Following termination of the condominium, the proceeds of any sale, together with the assets of the Owners' Association, are held by the Owners' Association as trustee for unit owners and holders of liens on the units to ensure completion of financial obligations of the units.

### **Article 13**

#### **Public Disclosures Required**

1. The Owners' Association shall make the following information available to unit owners:
  - 1.1. the name of the Owners' Association;
  - 1.2. the name of the Owners' Association's designated administrator, if any;
  - 1.3. a valid physical address and telephone number for both the Owners' Association and the administrator, if any;
  - 1.4. the name of the condominium;
  - 1.5. the initial date of recording of the condominium agreement; and
  - 1.6. the Cadastral number of the recording of the condominium agreement.
2. Within ninety (90) days after the end of each year, the Owners' Association shall make the following information available to unit owners:
  - 2.1. the operating budget for the current fiscal year;
  - 2.2. a list of expenses, by unit type, including both regular and special expenses;
  - 2.3. its annual financial statements, including any amounts held in reserve for the year immediately preceding the current annual disclosure;
  - 2.4. the results of the recent audit report;
  - 2.5. a list of all Owners' Association insurance policies;
  - 2.6. the Owners' Association Condominium Agreement and any amendments, regulation of association functioning and house rules; and
  - 2.7. the minutes of the member meetings.
3. The Owners' Association may make the information public according to paragraph 1. and 2. of this Article by:
  - 3.1. posting on an internet web page if notice of the web address is delivered to the unit owners;
  - 3.2. making the information available at the Owners' Association office; or
  - 3.3. personal delivery.
4. The cost of distribution required by paragraph 3. sub-paragraph 3.3. of this Article shall be accounted for as a common expense.
5. If the address of the Owner's Association or administrator change, the Association must update the information within ninety (90) days after realization and the same ones must be re-published.

## **CHAPTER IV JOINT USE AND BUILDING UNITS**

### **Article 14 Condominium use**

1. The owner is obliged to use the condominium in accordance with the purpose and extent of which corresponds to the rights of other owners.
2. Owners decide on all joint works in aiming at improving conditions for its use.

### **Article 15 Performance of the allowed activities in the condominium**

1. Residential buildings may change the Canterbury, or common parts of the building can be re-designated only when in harmony with urban regulatory plan and requirements of the construction.
2. Relationship between the beneficiaries of the right for re-designation of condominium and the co-owners of the building will be regulated through the agreement.
3. Consent of the owners must be verified to the competent authorities.
4. Beneficiary of the right under paragraph 2. of this Article is obliged to get the consent from all other owners and to compensate for the value of re-designated area in the condominium if not otherwise agreed.

### **Article 16 Use of Building Units**

Any owner its own property right in the building unit, performs in such a way as not to impede other owners to use their owned units, respectively exploitation and use of common parts and equipment in the building.

### **Article 17 Performance of the allowed activities in building units**

1. As a subject of provisions of the condominium agreement, a unit owner may:
  - 1.1. realize any improvement or change of its own unit if it does not effect the structural integrity, electric system, mechanic system, as well as in reducing the participation fee of other owners in common elements without permission of Owners' Association;
  - 1.2. eliminate or change any part or may create exit, whereas the partial or total division is a common element, if such actions don't effect the structural integrity, electrical system, mechanical system or don't have an effect in reducing the building stability after the purchase of a neighboring unit or a part of a neighboring unit.
2. In accordance with the provisions of this law, the owner can change the unit designation of the building if he performs the conditions and procedures specified by law in force.

3. In accordance with paragraph 1. of this Article, to change the designation of the building unit, the owner previously must ensure the consent by other owners, where the amount of usable surface of their special units compound over fifty percent (50)% of the total exploitable building.
4. Consent of the owners must be verified to competent authorities.

### **Article 18**

#### **Termination of proceedings**

The Chairmanship Association, the administrator or any other owner can request to terminate work on changes, if the changes in the building unit or in common elements are carried out without consent of Owners' Association or have deviated from the condominium agreement with Owners' Association.

### **Article 19**

#### **Responsibility for Damages**

1. The owner is responsible for the damage caused during the use of his/her unit and has impact to other building units or in joint ownership, in accordance with general legal provisions.
2. The owner, respectively the lessee of the building unit is responsible for the damage caused in the building unit, namely the condominium, where the cause derives from a third person invited as a visitor of the owner/lessee. If the damage is caused by unreasonable or unsafe conditions in common elements, then the Association is liable.

### **Article 20**

#### **Tenant Relations to the Condominium**

1. Owners retain all rights and responsibilities of the condominium granted by the condominium agreement and relevant regulations, whether or not units are leased to a third party. A unit owner is solely responsible for payment of all financial assessments including property taxes.
2. The owner must require from each lessee to comply with the condominium agreement, bylaws and house rules in condominium.
3. Unit Owners can lease their units to a third party subject to complying with the condominium agreement, bylaws and house rules of the condominium
4. Lessees are entitled to the use and enjoyment of the unit and common elements as specified by the lease contract.
5. Depending on the condominium agreement, sub-legal acts and house rules of a condominium, the owner who leases a unit to a third party must provide a rent notice to the Chairmanship of the Association or the Administrator as an Agent of the Owners' Association. The notice shall include contact information for the owner and the lessee.

## **CHAPTER V**

### **CONDOMINIUM BODY OF DECISION-TAKING AND SHARING OF RESPONSIBILITIES**

#### **Article 21**

##### **Decision-taking bodies**

The responsible decision-making bodies for administration of a condominium are the Owners' Association, Chairmanship of the Association, who have the power to delegate certain function to an administrator.

#### **Article 22**

##### **Owners' Association**

1. For a newly constructed condominium, a Condominium Owners' Association shall be organized no later than the date the first unit in the condominium is conveyed to a purchaser.
2. For existing buildings with two or more units, unit owners shall establish the Condominium Owners' Association at the time the condominium agreement is filed establishing the condominium.
3. At the time the Owners' Association is formed, the unit owners must also adopt applicable regulations if they are not included in the Condominium Agreement.
4. The membership of the owners' association at all times shall consist exclusively of all unit owners.
5. If the condominium is terminated pursuant to Article 12 of this Law, the Owners' Association shall consist of all former unit owners entitled to distribution of proceeds of the property.

#### **Article 23**

##### **Regulations of the Owners' Association**

1. The method of functioning of the Owners' association is determined by regulations.
2. In compliance with this law, the regulations issued by the Owners' Association must include:
  - 2.1. the number of members of the Chairmanship of the Association and the titles of the officers of the Owners' Association;
  - 2.2. election of the Chairmanship of the Association, president, treasure officer, secretary and of all other officers of the Owners' Association specified in the regulations;
  - 2.3. the qualifications, powers, duties and terms of office of, and manner of electing and removing, members of the Chairmanship of the Association and officers and the manner of filling vacancies;
  - 2.4. powers of the Chairmanship of the Association or officers who may delegate to other persons or to an Administrator, if any;
  - 2.5. officers who may prepare, execute, certify, record and amend the condominium agreement on behalf of the Owners' Association; and

- 2.6. a method for amending the regulations.
3. Subject to the provisions of the condominium agreement and regulations may provide for any other matters the Owners' Association deems necessary and appropriate.

#### **Article 24**

##### **Legal status and Registration of the Owners' Association**

1. The Owners' Association may decide if it shall be as a Non-Profit Organization (hereinafter, NGO) and wins such legal status upon registration at the Ministry relevant for Public Administration or a legal entity registered in the Ministry of Trade and Industry.
2. Any change in membership must be included in the Owners' Association status and forwarded to the competent body for registration.

#### **Article 25**

##### **Denomination of the Owners' Association**

Name of the Owners' Association as an NGO or legal entity shall contain the words "owners' association", to which should be added also the address of the condominium building.

#### **Article 26**

##### **Legal Rights of the Owners' Association**

1. In accordance with paragraphs 2. and 3. of this Article, and based on the Condominium Agreement, the Owners' Association, without specific authorization in the agreement, may:
  - 1.1. adopt and amend regulations;
  - 1.2. adopt and amend budgets for revenues, expenditures, reserves and payment of financial obligations as a part of common expenses of units' owners;
  - 1.3. hire and discharge the administrator, other employees, officials and other independent contractors;
  - 1.4. defend and participate in litigation or administrative proceedings as a representative of one, two or more units' owners in any matter related to the condominium;
  - 1.5. enter into contractual relationships and bear the liabilities;
  - 1.6. regulate the use, maintenance, repair, replacement and modification of common elements;
  - 1.7. do additional improvements to the common elements;
  - 1.8. acquire, hold, provide and bear the right of property or interest to immovable or movable property on its behalf, based on Article 10, subparagraph 1.8. of this Law;
  - 1.9. allocate common expenses, lease revenues, licenses, and concessions related to common elements;
  - 1.10. impose and receive payments and fees for the use, rental and use of the common elements as described in Article 5 of this Law;

- 1.11. impose additional charges for late carrying out of owners financial obligations, reasonable cover of fees for the engagement of attorney and other legal costs for collection of payments and carrying out other actions to enforce the powers of the Owners' Association, regardless of whether or not the suit was initiated, and, after notice and provision of the opportunity the party to be heard, the imposition of penalty for violation of the condominium agreement, regulations and rules of the Owners' Association;
- 1.12. impose reasonable charges for the preparation and recording of amendments of the condominium agreement or the report on financial obligations that have not been carried out by the owners;
- 1.13. provide the indemnification for its officers and Chairmanship of the Association and for the payment of insurance policy of the building, if possible;
- 1.14. assign the right to future income, including the right to impose the payment of common expenses, but only to the extent the condominium agreement expressly so provides;
- 1.15. exercise any other powers in conformity with condominium agreement and regulations;
- 1.16. exercise other powers that may be exercised in Kosovo by NGO-s or legal persons of the same type as the Owners' Association; and
- 1.17. exercise the powers necessary and in compliance with the governance and operation of the Owners' Association.
2. The Owners' Association may exercise its power in a manner that is fair, reasonable, and non-discriminatory, and the condominium agreement should not require it to do otherwise.
3. Administrator, employee, independent contractor, or any person that represents the Owners' Association should be subject to this Article to the same extent as the Owners' Association itself would be.

## **Article 27**

### **Meetings**

1. Meetings of the unit owners, as members of the Owners' Association, shall be held at least once in a year.
2. Owners may attend personally or may authorize a proxy pursuant to Article 28 of this Law.
3. Extraordinary meetings shall be called by the chairman, a majority of the members of chairmanship of the Association, or by unit owners having 1/5 of the votes in the Owners' Association.
4. The chairmanship of the Association or the administrator may provide notice at least two (2) weeks before the meeting by hand delivering the notice to the unit owners or, if the unit owner does not reside at the condominium, by sending the notice via mail, facsimile, or email to the address provided by the owner. The notice shall also be posted in a conspicuous place at the condominium.
5. The notice shall state the time and place of the meeting and the points of the agenda, including the reason of the meeting for any proposed amendment to the



- agreement or regulations, proposal-amendment to the budget, and proposals for dismissal of the officials or members of the chairmanship of the Association.
6. All regular and extraordinary meetings of the Owners' Association are open for discussion to all members of the Owners' Association or their representatives. Agenda of the meeting shall be available for changes.
  7. Condominium Agreement cannot limit unit owners' rights to be notified of and to attend meetings.
  8. Meetings of the Owners' Association are led by the Chairmanship of the Association.
  9. Besides it is determined in Article 15, paragraph 4. of this Law, matters put to a vote by the Owners' Association will pass if decided by a majority of owners constituting more than fifty percent (50%) of the votes.
  10. Unless the regulations provide otherwise, a quorum is deemed present to hold a meeting of the Owners' Association if fifty percent (50%) of the participants are present personally or represented by proxy at the beginning of the meeting.
  11. Unless the regulations provide otherwise, a quorum is deemed present to hold a meeting of the Chairmanship of the Association if fifty percent (50%) of the participants are present personally or represented by proxy at the beginning of the meeting.
  12. In case of a lack of quorum, the Chairmanship of the Association or the administrator shall appoint a new meeting.
  13. In the meeting of the Owners' Association, the matters that can be brought to a vote are those points presented in the agenda provided in the notice on holding the meeting.
  14. In the meeting of the Owners' Association, the secretary of the Chairmanship of the Association or the administrator shall keep records and evidence all decisions of the meeting. A copy of the minutes will be distributed to all owners.
  15. Notwithstanding paragraph 6. of this Article, the members of the Chairmanship of the Association thereof may hold a closed door meeting during a regular or extraordinary session.
  16. Owners' Association shall define in the regulation when there shall be held the closed door meetings.
  17. If a closed-door meeting is held, the minutes shall notice that the closed-door meeting was held and shall provide in general information regarding the matter discussed in closed door meeting.

## **Article 28**

### **Voting and Proxies**

1. The power of the vote shall be defined by the quota of participation.
2. Units' owners may delegate the right of voting by a proxy.
3. A unit owner may not revoke a proxy given pursuant to this Article except by actual notice of revocation to the person presiding the meeting of the Owners' Association. A proxy is void if it is not dated or purports to be revocable without notice. A proxy terminates eleven (11) months after its date, unless it is provided otherwise.

4. The manner of voting and other details of functioning and decision-making during the meetings shall be regulated by the regulations of Owners' Association.
5. Any action of the Owners' Association based on the acceptance or rejection of a vote, consent, written ballot, waiver, proxy appointment, or proxy appointment revocation is valid unless a court of competent jurisdiction determines otherwise.

## **Article 29**

### **Chairmanship of the Association**

1. The Chairmanship of the Association is the lead governing body of the Owners' Association.
2. The Chairmanship of the Association is charged with managing the condominium unless a majority of the unit owners vote to hire an Administrator.
3. Except as provided in the Condominium Agreement, regulations, or any other provisions of this Article, the Chairmanship of the Association may act in all instances on behalf of the Owners' Association.
4. Liabilities of the Chairmanship of the Association, in more details, shall be regulated by regulations.

## **Article 30**

### **Administrator**

1. The Owners Association may hire an administrator to carry out day-to-day management functions of the condominium.
2. Any administrator hired must provide:
  - 2.1. proof of fidelity insurance or a security bond written to protect and reimburse the association in the event of illegal action by the administrator;
  - 2.2. certificate that proves the completion of the training of at least one (1) member of the Administrator as it is defined with an Administrative Instruction by the Ministry; and
  - 2.3. business certificate by the competent body for business.
3. The administrator's duties shall be set forth in a contract between the administrator and the Owners' Association.
  - 3.1. the contract shall not grant the administrator any powers greater than that of the Chairmanship of the Association and can include those matters set forth in Articles 29 and 30 of this Law;
  - 3.2. the contract shall include:
    - 3.2.1. name of the condominium;
    - 3.2.2. names and contact information of both parties and their key points of contact, including after hours in the event of an emergency at the condominium;
    - 3.2.3. specific powers and responsibilities of the administrator;
    - 3.2.4. amount and terms of compensation;
    - 3.2.5. amount of fidelity insurance or surety bond required; and
    - 3.2.6. contract period.
4. The contract may be entered into by the Chairmanship of the Association but must

be approved by majority votes of the Owners' Association at the next annual meeting or at a special meeting called for the purpose of ratifying the administrator's contract.

5. The administrator is responsible for reporting to the Chairmanship of the Association every month, including providing a full accounting of all collections and expenditures. The administrator shall also assist the Chairmanship of the Association to report to the Owners' Association at the annual meeting.
6. The administrator must keep accurate and detailed records regarding the finances and management of the condominium and must make these records available to any unit owner upon request.
7. The contract with the administrator is terminable at will by either party.
8. After completion of the contract by expiration or by termination, the administrator shall immediately return all documentation regarding the condominium to the Chairmanship of the Association.

### **Article 31** **Conflict of Interest**

1. Except the transactions defined by the conflict of interest, no loans shall be made by an Owners' Association to a member of the Chairmanship of the Association or the administrator. Any member of the Chairmanship of the Association or administrator who assents to or participates in the making of any such loan shall be liable to the Owners' Association for the amount of such loan until the repayment thereof.
2. A conflicting interest transaction is not prohibited if:
  - 2.1. the material facts as to the member or administrator's relationship or interest and as to the conflicting interest transaction are fully disclosed to the Chairmanship of the Association;
  - 2.2. the Board of Directors in good faith approves the conflicting interest transaction by the majority of votes of members of the Chairmanship of the Association.

### **Article 32** **Legal Liability**

1. Founder of the condominium shall be liable for the full realization of the agreement with owners of units of condominium and areas in their function as well as for the consequences of acting or non-acting in any part of the condominium.
2. Any action alleging an act or omission by the association must be brought against the association and not against any unit owner.
3. Whenever the founder is liable to the association under this Article, the founder is also liable for all expenses of litigation, including reasonable attorney fees, incurred by the association.
4. Founder of the condominium is liable to the association for all funds of the association collected during the period of founder control which were not expended properly.

### **Article 33**

#### **Insurance**

1. The owners' association should maintain, to the extent reasonably available:
  - 1.1. property insurance on the common elements to cover the loss for various reasons in an amount of the insured property repair;
  - 1.2. commercial general liability insurance arising in connection with the management of the common elements, in an amount specified by the regulations of Owners' Association.
2. If the insurance described in paragraph 1. of this Article is not available, or if any policy of such insurance is cancelled or not renewed without a replacement policy having been obtained, the association shall promptly notify the unit owners.
3. By the Condominium Agreement there shall be defined any other insurance that units' owners consider it appropriate to protect the condominium and managing bodies.
4. Cost for insurance is a common expenditure of the Association where each unit owner shall be obliged to cover the expenditures in the amount of his participation fee.
5. The cost of repair or replacement in excess of insurance proceeds and reserves is a common expense.
6. Any administrator contracted by an association for the managing of thirty (30) or more units of a condominium must obtain and maintain insurance in an amount not less than the amount necessary for covering the expenditures for the last two (2) months, plus reserves, according to the calculations from the current budget of the Association.
7. Each unit owner should carry out the insurance of the unit.

### **Article 34**

#### **Administrator Authorizations**

1. The Administrator collaterally with certain powers defined by applicable laws, has also other authorizations as following:
  - 1.1. designs the maintenances plan of building, timely implementation and execution of this plan;
  - 1.2. maintains account management expenses;
  - 1.3. inform the owners for his / her assigns and assess monthly and annual accounts;
  - 1.4. prepares invoices for the owners based on monthly accounts and pays taxes for contracts with third persons;
  - 1.5. presents an annual report for the management of the facility;
  - 1.6. represent owners to the relevant authorities for issuing permits and municipal services;
  - 1.7. the administrator performs also other duties prescribed by this Law, other laws in force or by the agreement of the owners.

### **Article 35**

#### **Administrator's right to select third person**

1. The Administrator for performing specific tasks, which are part of the management framework, may authorize a third person to conduct all or a part of the work. The administrator remains responsible for all work performed by the third party.

2. The administrator must advise and answer to the Chairmanship of the Association with respect to any contracts made with third parties.
3. Procedure of selection of third persons for conducting the specific tasks shall be defined by owners in the Condominium Agreement or regulations.

### **Article 36**

#### **Municipality responsibilities towards condominium**

1. Municipality through urban regulatory plans shall define the common land and public areas in the function of condominium, common electrical, water-supply and sewerage as well as central heating installations by respecting the minimal norms for areas in the function of condominium.
2. If the condominium, parcel in which it has been built is partially or totally a municipal property, the municipality should agree, during the process of condominium registration, to entitle the units' owners on common areas in the function of the building regulated upon paragraph 1. of this Article.
3. Municipalities, respectively the competent municipal body shall maintain the register of condominium and administrators that practice this activity in territory managed by it.
4. The form, content and manner of keeping the register under paragraph 2. of this Article shall be determined by sub-legal act from the Ministry.
5. The municipality shall initiate the establishment of the Owners' Association through projects depending on budgetary possibilities.
6. Ministry in cooperation with the Municipality shall provide education and training to the buildings' owners and Chairmanship of the Association regarding the governance and functioning of the condominium.

## **CHAPTER VI**

### **ADMINISTRATION AND MAINTENANCE OF THE CONDOMINIUM**

#### **Article 37**

##### **Common Expenses**

1. Until the Owners' Association makes a common expense assessment, the founder shall pay all common expenses. After any assessment has been made by the Owners' Association, assessments shall be made at least once a year, budget shall also be adopted at least once a year by the Owners' Association.
2. Except for assessments under paragraphs 3. and 4. of this Article, all common expenses shall be assessed against all the units in accordance with the participation fee set forth in the condominium agreement pursuant to Article 10 of this Law. Any common expense fixed by the Owners' Association shall bear interest at the rate established by the association not exceeding the rate allowable by law.
3. As specified with the agreement:
  - 3.1. any common expense associated with the maintenance, repair, or replacement of a condominium element for special use shall be assessed against the units to which that common element is assigned, equally, or in any other proportion the agreement provides;

## Administrative laws

- 3.2. any common expense or portion thereof benefiting fewer than all units shall be assessed exclusively against the units benefited; and
  - 3.3. costs of municipal services shall be assessed based on the policies defined by the operators.
4. If any common expense is caused by the misconduct of any unit owner, the association may assess that expense exclusively against such owner's unit.
5. Each unit owner is liable for taxation made against such owner's unit:
  - 5.1. units' owners shall pay the tax whether or not they used the common elements or used the unit against which the assessment is made;
  - 5.2. units' owners must pay tax to cover costs that were properly approved by the association, regardless of whether the unit owner voted for or against the approved decision.

### **Article 38**

#### **Management of Revenues Collected by the Owners' Association**

1. The Chairmanship of the Association and administrator, if any, shall ensure that all funds of the Owners' Association are maintained in a separate bank account.
2. If an administrator manages multiple condominiums, the funds of each condominium must be kept in separate accounts.
3. Unless otherwise provided in the condominium agreement, any surplus funds of the association remaining after paying or setting aside money for common expenses and prepaying or setting aside reserve funds shall be credited to the unit owners in proportion to the participation fee to reduce their future common expense assessments.

### **Article 39**

#### **Use of Owners' Association Revenue**

1. Revenues collected by the Owners' Association through tax or other sources may be used only to cover expenses for:
  - 1.1. repayment of loans, including principal and interest;
  - 1.2. emergency repairs to the condominium;
  - 1.3. necessary repairs to the condominium;
  - 1.4. regular management works of condominium;
  - 1.5. condominium insurance from an insurance company;
  - 1.6. fire protection.

### **Article 40**

#### **Regular Administration**

1. Regular management works, which are of interest to all unit owners of a building are as following:
  - 1.1. maintaining hygiene in the surface of joint spaces;
  - 1.2. regular maintenance of electrical installations in the common parts of the building;

- 1.3. maintenance of lighting and other electrical devices within and outside the building;
- 1.4. payment of costs of electricity in the common parts of the building;
- 1.5. painting walls inside and outside the building;
- 1.6. regular servicing of elevators;
- 1.7. regular servicing of fire fighting installations and fire extinguishers in the building;
- 1.8. regular servicing of water supply, sewerage, electrical installations and installation of machinery;
- 1.9. disinfection of the common space of the building and special parts in the whole building;
- 1.10. cleaning of horizontal and vertical water gutters and water collector.
- 1.11. cleaning of the septic excavation;
- 1.12. maintaining and cleaning of chimney;
- 1.13. necessary repairs as:
  - 1.13.1. repair of roofs, abutments walls, piles, mid-floor constructions and foundations;
  - 1.13.2. reparation of chimneys and damaged ventilation channels;
  - 1.13.3. repairing the damaged facade of the building;
  - 1.13.4. isolation of walls, floors and foundations of buildings;
- 1.14. all other required works to keep the building in regular condition and to be protected the residents of that building, of which is decided by the Owners' Association.

#### **Article 41**

##### **Emergency repairs of condominium**

1. Emergency repairs are considered the undertaken works in condominium with the case of:
  - 1.1. damage to the central heating system;
  - 1.2. cracks, defects and bottlenecks in water supply and sewerage system, to prevent further negative effects;
  - 1.3. problems presented in the electrical wiring;
  - 1.4. major damage to chimneys and ventilation ducts;
  - 1.5. rain water penetration into the building, rehabilitation of major consequences and damage to the roof;
  - 1.6. threat of static stability of the building or certain parts of the building;
  - 1.7. damage in elevators;
  - 1.8. collapse of parts of the facade;
  - 1.9. rehabilitation of the consequences from fire;
  - 1.10. any other construction, repair or rehabilitation urgently needed to protect the condominium or its users from the immediate damage or additional damages.

## **Article 42**

### **Regular Maintenance of Buildings**

1. Chairmanship of the Association, or directly through the administrator or owners' association, shall prepare a plan for regular maintenance of buildings. The plan will last at least one (1) year.
2. In the maintenance plan, the Chairmanship of the Association will set the elements to be maintained or repaired and will include them in the budget required from Article 37 of this Law.
3. If any owner believes that the maintenance plan does not ensure preservation of the condominium, he/she may challenge the plan and the budget by submitting an objection to the Chairmanship of the Association. If the Chairmanship of the Association rejects this objection, the unit owner can take the available steps under this law, including the convening of an extraordinary meeting of the Owners' Association.
4. In cases where one or more owners do not respect the maintenance plan, each owner may notify the municipal inspector to take a decision against them to implement the maintenance plan.

## **Article 43**

### **Other Expenses**

1. Other expenses can be approved by the majority of owners or as otherwise set forth by this Law.
2. Other expenses are expenses that exceed costs of regular management include changes in joint ownership, changes of use in the building and improvements that are not included in regular maintenance of building, hiring professionals such as attorneys and accountants, and social and community betterment activities.
3. If an Owners' Association does not approve a proposed expense, any unit owner or a combination of unit owners can fund the expense on their own, if the activity or service giving rise to the expense is consistent with the Condominium Agreement, regulations, house rules and this Law, and has obtained the necessary owner approval, if such approval is necessary.
4. Units owners, who own more than half of the parts in the condominium, approve house rules, which set fundamental rules of neighbor understanding in the building.

## **CHAPTER VII**

### **SUPERVISION**

## **Article 44**

### **Administrative Supervision**

1. The respective Ministry for Environment and Spatial Planning shall be responsible for the implementation of the provisions of this Law and sub-legal acts issued under this Law.



2. The respective Ministry for Environment and Spatial Planning shall supervise the legality of work of municipal administration regarding the implementation of the provisions of this Law.

### **Article 45**

#### **The inspection supervision**

1. The inspection supervision on the implementation of this law and sub-legal acts issued under this Law shall be performed by the municipal inspector authorized for housing within the settings of competent authority for inspection.
2. In the territories that are under the competence of Ministry, the inspection supervision shall be performed by the Inspectorate of the Ministry.
3. During the inspection performing, inspectors of paragraph 1. of this Article have right to perform inspection in all housing buildings and housing buildings that have a unit of commercial business and that are in ownership of more than one owner, and also as complex of individual housings and business units that have in joint ownership a territory, in function and in use exclusively for the owners of units if the administration committed in compliance with the provisions of law and sub-legal acts issued under this Law.
4. The Owners' Association or Administrator as well as owners of individual units in the condominium are obliged to enable the inspector having approach on necessary documents relating to the administration of the condominium.
5. For the ascertained state on the building, the inspector keeps the record based on which will issue a decision and based on which will be allowed the execution.
6. Against the decision of the authorized Inspector for housing can be initiated appeal to the Ministry.
7. The Complaints against the decision will not postpone its execution.

### **CHAPTER VIII**

#### **PENALTY PROVISIONS**

### **Article 46**

1. The Owners' Association may record a lien on a unit for any tax levied against that unit or fines imposed against its unit owner.
2. The amount of a lien shall be increased depending on tax levied.
3. The lien shall remain on the unit, and must be satisfied before the unit can be sold, transferred or otherwise conveyed.
4. A lien under this Article is prior to all other liens on a unit except:
  - 4.1. liens recorded before the recordation of the condominium agreement;
  - 4.2. a security interest on the unit which has priority over all other security interests on the unit and which was recorded before the date on which the assessment sought to be enforced became delinquent; and
  - 4.3. liens for real estate taxes and other governmental assessments or charges against the unit.
5. Recording of the condominium agreement constitutes record notice and perfection of the lien.

6. The association shall provide a unit owner or such unit owner's designated representative with written notice of the nature and amount of unpaid assessments, fines or other amounts currently charged to the owner's unit. If notice is not given, the association shall have no right to assert a lien upon the unit.
7. The association's lien may be foreclosed in the same manner as a mortgage on real estate.
8. The association shall be entitled to costs and reasonable attorney fees incurred by the association in enforcing the lien.
9. Members of the Chairmanship of the Association or Administrators are subject to legal liability to the Owners' Association as provided by this Law, and may also face criminal prosecution if they engage in criminal activity while carrying out their respective responsibilities.

## **CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS**

### **Article 47**

1. The sub-legal acts required by this law will be issued by the Ministry, within six (6) months from entry into force of this law.
2. By enforcement of this Law, the Law No. 03/L-091 for Use, Management and Maintenance of Building Joint Ownership will be abrogated.
3. Organized owners' units according to the Law No. 03 / L 091 for Use, Management and Maintenance of Building Joint Ownership, within six (6) months from entry into force of this law, to come into compliance with this law.

### **Article 48 Entry in to force**

This law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-134  
29 July 2013**

**Promulgated by Decree No.DL-033-2013, dated 16.08.2013, President of the Republic of Kosovo Atifete Jahjaga**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 29 / 22  
AUGUST 2013, PRISTINA**

**LAW No. 04/L-199**  
**ON RATIFICATION OF THE FIRST INTERNATIONAL AGREEMENT OF**  
**PRINCIPLES GOVERNING THE NORMALIZATION OF RELATIONS**  
**BETWEEN THE REPUBLIC OF KOSOVO AND THE REPUBLIC OF SERBIA**

**Assembly of Republic of Kosovo,**

Based on Articles 18 and 65 of the Constitution of the Republic of Kosovo,

Approves

**LAW ON RATIFICATION OF THE FIRST INTERNATIONAL AGREEMENT**  
**OF PRINCIPLES GOVERNING THE NORMALIZATION OF RELATIONS**  
**BETWEEN THE REPUBLIC OF KOSOVO AND THE REPUBLIC OF SERBIA**

**Article 1**  
**Purpose**

This law ratifies the First International Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia, initialled on April 19, 2013 by the Prime Minister of the Republic of Kosovo and the Prime Minister of the Republic of Serbia, endorsed by the Government of the Republic of Kosovo on 22 April, 2013, Decision Nr. 01/126, and by the Assembly of the Republic of Kosovo on 22 April, 2013, Resolution Nr. 04-R-10.

**Article 2**  
**Scope**

Scope of this Law is the First International Agreement of Principles Governing the Normalization of Relations between the Republic of Kosovo and the Republic of Serbia, and this agreement constitutes integral part of this law. This law shall be implemented by the Republic of Kosovo with the assistance of the European Union, (EU), the North Atlantic Treaty Organization Forces in Kosovo, (KFOR), and the Organization for Security and Cooperation in Europe, (OSCE).

**Article 3**  
**Entry into force**

This law enters into force immediately upon promulgation by the President of the Republic of Kosovo.

**Law No. 04/L-199**  
**27 June 2013**

**Promulgated by Decree No.DL-050-2013, dated 12.09.2013, President of the Republic of Kosovo Atifete Jahjaga**

**OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 38 / 17  
SEPTEMBER 2013, PRISTINA**

First agreement of principles governing the normalization of relations

SRP, RIK, KOSOVA - REPUBLIKA KOSOVA - REPUBLIC OF KOSOVO QEVERIA E KOSOVES - VLADA KOSOVA - GOVERNMENT OF KOSOVO ZRA E MINISTRI - ZRA E PREREDNIKUT - OFFICE OF THE PRIME MINISTER SEKTORI I ARKIVE - SEKTOR ARHIVE - ARCHIVE SEKTOR	
Nr. Dokument 01	Nr. Protok 1039
Nr. Dated - 02 -	Data 19/04/2013
Pristina / s	

1. There will be an Association/Community of Serb majority municipalities in Kosovo. Membership will be open to any other municipality provided the members are in agreement.
2. The Community/Association will be created by statute. Its dissolution shall only take place by a decision of the participating municipalities. Legal guarantees will be provided by applicable law and constitutional law (including the 2/3 majority rule).
3. The structures of the Association/Community will be established on the same basis as the existing statute of the Association of Kosovo municipalities e.g. President, vice President, Assembly, Council.
4. In accordance with the competences given by the European Charter of Local Self Government and Kosovo law the participating municipalities shall be entitled to cooperate in exercising their powers through the Community/Association collectively. The Association/Community will have full overview of the areas of economic development, education, health, urban and rural planning.
5. The Association/Community will exercise other additional competences as may be delegated by the central authorities.
6. The Community/Association shall have a representative role to the central authorities and will have a seat in the communities consultative council for this purpose. In the pursuit of this role a monitoring function is envisaged.
7. There shall be one police force in Kosovo called the Kosovo Police. All police in northern Kosovo shall be integrated in the Kosovo Police framework. Salaries will be only from the KP.
8. Members of other Serbian security structures will be offered a place in equivalent Kosovo structures.
9. There shall be a Police Regional Commander for the four northern Serb majority municipalities (Northern Mitrovica, Zvecan, Zubin Potok and Leposavic). The Commander of this region shall be a Kosovo Serb nominated by the Ministry of Internal Affairs from a list provided by the four mayors on behalf of the Community/Association. The composition of the KP in the north will reflect the ethnic composition of the population of the four municipalities. (There will be another Regional Commander for the municipalities of Mitrovica South, Skenderaj and Vushtri). The regional commander of the four northern municipalities will cooperate with other regional commanders.
10. The judicial authorities will be integrated and operate within the Kosovo legal framework.  
The Appellate Court in Pristina will establish a panel composed of a majority of K/S judges to deal with all Kosovo Serb majority municipalities.

*Handwritten signature*  
CMA

A division of this Appellate Court, composed both by administrative staff and judges, will sit permanently in northern Mitrovica (Mitrovica District Court). Each panel of the above division will be composed by a majority of K/S judges. Appropriate judges will sit dependant on the nature of the case involved.

11. Municipal elections shall be organised in the northern municipalities in 2013 with the facilitation of the OSCE in accordance with Kosovo law and international standards.

12. An implementation plan including time frame shall be produced by April 26. In implementing this agreement the principle of transparent funding will be addressed.

13. Discussions on Energy and Telecoms will be intensified by the two sides and completed by June 15.

14. It is agreed that neither side will block, or encourage others to block, the other side's progress in their respective EU paths.

15. An implementation committee will be established by the two sides, with the facilitation of the EU.

