



No. 03/ZDP/VE/2011

Date: 16 Aug 2011

Considering the powers of the Civil Aviation Authority of the Republic of Kosovo (CAA) under Article 14.1 of the Law No. 03/L-051 on Civil Aviation ("Official Gazette" No. 28, Year III, date 4 June 2008, hereinafter "LCA"),

Pursuant to Article 21.2 of LCA and Article 6.4 and 23.1 of the Internal Regulation of the CAA,

Considering the responsibility of the CAA for protection of rights and interests of natural or legal persons, as well as of the interested parties who may claim to have been aggrieved by any action, inaction or any procedural or material omission by the CAA structures, by a legal entity acting upon authorization of the CAA, or by a legal entity under the oversight of CAA,

With the aim to create opportunities for objection to any action, inaction or omission through the administrative procedure course within the CAA, in accordance with Article 27.2 of LCA and the Law on Administrative Procedure in force,

Director General hereby issues:

DECISION

Article 1

The Commission of Appeals of CAA is established ("Commission") as a distinct and independent structure from other structures of the CAA. Commission shall have the following composition:

- | | |
|-------------------------|--------------------|
| 1. Eset Berisha | Chairman |
| 2. Lendita Kika-Berisha | Member |
| 3. Arianit Islami | Member |
| 4. Besnike Ukmata | Member (alternate) |
| 5. Kushtrim Musa | Member (alternate) |

Article 2

2.1 The term of the chairman and the members of the Commission commences on the day of entry into force of the present Decision and shall last for three (3) years, with the possibility of extension. The term of the chairman and the members of the Commission is linked with that of the functions they have in CAA.

2.2 Exceptionally, the term of the chairman and the members of the Commission may be terminated by a Decision of the Director General for causes prescribed by law.

2.3 During its sessions, the Commission shall function composed by the chairman and two members. Commission shall have the powers to review and decide at the second instance the claims against:

- a) all actions, inactions, procedural or material omissions and decisions issued by the CAA structures as authorized by LCA, which affect in a direct or other way, interests of any natural person or legal entity;
- b) all actions, inactions, procedural or material omissions and decisions issued by a legal entity which acts upon authorization given by the CAA through a decision or sublegal act issued by the CAA, which affect in a direct or other way, interests of any natural person or legal entity;
- c) all actions, inactions, procedural or material omissions and decisions issued by a legal entity, pursuant to the powers and scope of its duties prescribed by the law or any other sublegal act, whereas the scope of its duties is subjected to the oversight of the CAA according to LCA, which affect in a direct or other way, interests of any natural person or legal entity;

2.4 Commission shall likewise have the powers to review and decide at the first instance the claims for refusal to issue a decision from the CAA structures, refusal to issue a decision by the legal entity acting upon an authorization of the CAA or a legal entity under the oversight of the CAA.

Article 3

3.1 In course of its functions, the Commission shall act in full compliance with the respective provisions on administrative appeals in accordance with the Law on Administrative Procedure in force.

3.2 Commission shall have all necessary powers to take proof, evidence, issue orders for appearance, require necessary documents and take any other action necessary for the final settlement of the issue being subject of review before the Commission.

Article 4

4.1 All decisions of the Commission shall be taken by the majority vote. Every member and the chairman must vote, for or against, abstentions are not permitted. Decisions shall be compiled in the form and manner prescribed by law and must be signed by the chairman and the members of the Commission.

4.2 Decisions of the Commission are unappealable and enforceable from the day of their entry into force in accordance with the Law on Administrative Procedure in force.

Article 5

5.1 In case of a conflict of interest encountered by a member of the Commission on an issue subject to review and settlement by the Commission, then the member of the Commission shall be replaced by an alternate member set forth in Article 1.

5.2 Replacement of the member with an alternate member and replacement of the chairman in cases of conflict of interests shall be done by the Director General.

Article 6

Commission shall compile working rules aiming to regulate the working process and provide necessary guidance to the interested parties.

Article 7

The present Decision shall enter into force on 22 August 2011.

Dritan Gjonbalaj
Director General