

LAW NO. 08/L-063

**ON AMENDING AND SUPPLEMENTING THE LAWS RELATED TO THE
RATIONALIZATION AND ESTABLISHMENT OF ACCOUNTABILITY LINES OF THE
INDEPENDENT AGENCIES**

Assembly of the Republic of Kosovo;

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

Adopts:

**LAW ON AMENDING AND SUPPLEMENTING THE LAWS RELATED TO THE
RATIONALIZATION AND ESTABLISHMENT OF ACCOUNTABILITY LINES OF THE
INDEPENDENT AGENCIES**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. The purpose of this Law is to amend and supplement the following laws with aim to rationalize and establish lines of accountability for independent agencies:

- 1.1. Law No. 04/L-146 on Agency for the Management of Memorial Complexes of Kosovo;
- 1.2. Law No. 04/L-017 on Free Legal Aid;
- 1.3. Law No. 05/L-095 on Academy of Justice;
- 1.4. Law No. 03/L-051 on Civil Aviation.

**CHAPTER II
AMENDMENT AND SUPPLEMENTATION OF THE LAW No. 04/L-146 ON AGENCY FOR
THE MANAGEMENT OF MEMORIAL COMPLEXES OF KOSOVO**

Article 2

Article 1 of the basic Law shall be reworded as follows:

**Article 1
Purpose**

1. By this Law, the Agency for Management of Memorial Complexes of Kosovo, established with the basic Law, shall be transferred within the Ministry responsible for culture and it functions as Executive Agency according to the respective Law on the organization and functioning of the state administration and independent agencies.

2. The designation of the Agency is Agency for the Management of Monuments and Memorial Complexes.

3. This Law defines duties, responsibilities and the functioning of the Agency.

Article 3

Article 3 of the basic Law shall be reworded as follows:

Article 3

Status of the employee of the Agency and the logo

1. The employee of the Agency shall have the status of civil servant.
2. Agency shall have its logo which shall be determined by a sub-legal act.

Article 4

Article 5 of the basic Law shall be reworded as following:

Article 5

Director of the Agency

1. Agency is headed by the Director General who is responsible for administration, functioning and management of the Agency.
2. The Director of the Agency appointed according to Article 6 of the basic Law shall continue to exercise the duty until the end of the mandate.
3. Appointment, dismissal, status, mandate and duration of mandate, as well as other elements of employment relationship shall be regulated with the respective Law for public officials.
4. Duties and responsibilities of the Executive Director shall be defined with the basic Law, the respective Law on the organization and functioning of the state administration and independent agencies as well as other legislation into force.

Article 5

Articles 6, 7, 8 of the basic Law shall be deleted.

Article 6

Article 9 of the basic Law shall be reworded as following:

Article 9

Budget of the Agency

The Agency shall be financed from the state budget and is part of the budget of Ministry responsible for culture. After the entry into force of this Law, the current budget of the Agency shall become part of the budget of the Ministry responsible for culture.

Article 7

Article 10 of the basic Law shall be reworded as following.

Article 10

Salary of the Director of the Agency

The salary of the Executive Director of the Agency shall be the same as the salary of the position of Executive Director of an Executive Agency.

Article 8

Article 11 of the basic Law shall be reworded as following:

Article 11
Organizational Structure of the Agency

The structure and organization of the Agency shall be regulated with the respective Law on the organization and functioning of the state administration and independent agencies.

Article 9

After Article 12 of the basic Law, a new article 12/A shall be added as following:

Article 12/A
Transitional Provisions

1. Within six (6) months upon entry into force of this Law, Ministry responsible for culture shall amend and supplement the Regulation on internal organization of the Agency.
2. All public contracts that are entered into prior to entry into force of this Law shall be valid and managed by the Agency until their deadline expires.
3. Public contracts that are in the procedure when this law enters into force are completed according to the relevant public procurement legislation.
4. The ministry responsible for culture and the ministry responsible for finances shall make the necessary amendments as per paragraph 1 of this Article and in accordance with the relevant Law on public financial management and accountability and the Law on budget allocations.

Article 10

Article 13 of the basic Law shall be reworded as following:

Article 13
Sub-legal acts

Sub-legal acts under the basic Law shall be prepared and harmonized by the Ministry responsible for culture within six (6) months after entry into force of this Law and shall be approved by the Government.

CHAPTER III
AMENDMENT AND SUPPLEMENTATION OF THE LAW No. 04/L-017 ON FREE LEGAL AID

Article 11

Article 2 of the basic Law shall be reworded as following:

Article 2
Scope

This Law determines the types, scope, users and providers of free legal aid, functioning of the Agency for free legal aid within the responsible Ministry of Justice, powers, procedures and conditions for providing free legal aid and financing of free legal aid.

Article 12

Articles 11, 12, 14, 15, 16, 17, 18, paragraph 2 of Article 23 and Article 36 of the basic Law shall be deleted.

Article 13

Article 13 of the basic Law shall be reworded as following:

Article 13

Competences of the responsible Ministry of Justice in providing free legal aid

1. Competences of the Ministry are:

- 1.1. drafting the policies and rules for provision of free legal aid ensuring effective, efficient, comprehensive and sustainable system;
- 1.2. exercising supervision of the work and comprehensive functioning of free legal aid system;
- 1.3. identification of priorities in providing free legal aid subject to resources and financial means available.

2. Responsible Ministry of Justice shall present the report on the provision of free legal aid once a year and shall publish such report in its official website.

Article 14

Article 19 of the basic Law shall be reworded as following:

Article 19

Establishment and Status of the Agency

1. This Law establishes the Agency for Free Legal Aid (hereinafter "Agency").
2. The Agency has the status of an Executive Agency in accordance with respective Law on the Organization and Functioning of the State Administration and Independent Agencies.
3. The Agency is a constituent part of the responsible Ministry of Justice.
4. Depending on the need and in accordance with respective Law on the organization and functioning of the state administration and independent agencies, the Agency establishes local branches for free legal aid.

Article 15

Article 20 and 21 of the basic Law shall be reworded into a single Article as follows:

Article 20

Director of the Agency

1. The Agency is headed by the Executive Director who is responsible for the administration, functioning and management of the Agency.
2. Appointment, dismissal, status, mandate, and term of the mandate and other elements of the employment relationship shall be regulated by the respective Law on public officials.
3. Duties and responsibilities of the Director of the Agency shall be determined by the basic Law, respective Law on the Organization and Functioning of the State Administration and Independent Agencies as well as other applicable legislation.
4. The salary of the Executive Director of the Agency is the same as the salary of the position of Executive Director of an Executive Agency.

Article 16

Paragraph 4 and 5 of Article 22 of the basic Law shall be deleted.

Article 17

Article 24 of the basic Law shall be deleted.

Article 18

Paragraph 1 of Article 28 of basic Law shall be reworded as following:

1. The mobile offices for free legal aid shall be established by the responsible Ministry of Justice with the proposal of the Agency.

Article 19

Article 30 of the basic Law shall be reworded as following:

**Article 30
Non- Governmental Organizations**

Non-Governmental Organizations provide authorized legal services under the criteria defined by the responsible Ministry of Justice with the proposal of the Agency.

Article 20

Articles 34 and 35 of the basic Law shall be deleted and reworded into a single Article as follows:

**Article 34
Complaints**

1. Every person has the right to file a complaint against any decision of the Agency, to the Complaints Commission which is established by the minister through a sub-legal act and functions within the responsible Ministry of Justice.
2. Complaints shall be filed within thirty (30) days from the notification with the decision of the Agency which shall be addressed in accordance with the respective Law on General Administrative Procedures.
3. The Commission shall decide as quickly as possible but not longer than fifteen (15) days from the day of receipt of the complaint.
4. The Complaints Commission is a superior body which reviews complaints in accordance with respective Law on general administrative procedures.

Article 21

Article 37 of basic Law shall be reworded as following:

**Article 37
Donations**

The Agency may accept additional domestic and international donations in accordance with respective Law on Public Financial Management and Accountability.

Article 22

Article 38 of basic Law shall be reworded as following:

Article 38 Transitional Provisions

1. Within six (6) months after the entry into force of this Law, the responsible Ministry of Justice shall amend and supplement the Regulation on the internal organization of the Agency in accordance with respective Law on the Organization and Functioning of the State Administration and Independent Agencies.
2. All public contracts that are entered into prior to entry into force of this law shall be valid until their legal deadline expires.
3. Public contracts that are in the procedure when this law enters into force are completed according to relevant public procurement legislation.
4. Upon entry into force of this Law, the mandate of the members of the Council ceases.
5. The remaining sub-legal acts under the basic Law shall be prepared and harmonized by the responsible Ministry of Justice within six (6) months and shall be approved by the Government.

CHAPTER IV AMENDMENT AND SUPPLEMENTATION OF THE LAW No. 05/L-095 ON ACADEMY OF JUSTICE

Article 23

Paragraph 3 of Article 10 of the basic Law shall be deleted.

Article 24

Article 18 of the basic Law shall be reworded as following:

Article 18 Appointment and dismissal of the executive director

1. Appointment and dismissal of the Executive Director of the Academy of Justice shall be made by the Governing Board in accordance with the provisions that regulate the senior management positions according to the respective Law on Public Officials.
2. Candidates who have come from the position of judge or prosecutor, after the termination of the term as director of the Academy, may return to perform the function they have exercised prior to the appointment to this position.

Article 25

Article 23 of the basic Law shall be reworded as following:

Article 23 Employees at the Academy

The employees in the academy have the status of civil servants according to the respective Law on public officials.

Article 26

After Article 27 of the basic Law, a new Article 27A shall be added as following:

Article 27A Supervision of Academy

Supervision of the Academy of Justice shall be done by the Governing Board. During the supervision, Articles 29, 30 and 31 of Law No. 06/L-113 on the Organization and Functioning of State Administration and Independent Agencies, regulating the parts pertaining to executive agencies are applied mutatis-mutandis.

CHAPTER V AMENDMENT AND SUPPLEMENTATION OF THE LAW No. 03/L-051 ON CIVIL AVIATION

Article 27

Paragraph 3.4 of Article 3 of the basic Law shall be reworded as following:

3.4. Within the competencies of the Civil Aviation Authority of Kosovo referred to in paragraph 1 Article 15 of this Law, CAA shall have the duty and authority to:

3.4.1. issue sub-legal acts for the implementation of this Law, transposing Standards and Practices Recommended by ICAO;

3.4.2. notwithstanding sub-paragraph 3.4.1 of this Article, if the CAA ascertains that good reasons exist to avoid the transposition of an ICAO Standard, then CAA should immediately notify ICAO about changes between Regulations for implementation and ICAO standards.

Article 28

Article 6 of the basic Law shall be reworded as follows:

Article 6 Basic responsibilities of the Minister and the Ministry

1. The Ministry shall be responsible for:

1.1. developing national policies on air transport;

1.2. organizing, carrying out and/or undertaking measures for the development of civil aviation in Kosovo and international cooperation in the field of civil aviation;

1.3. leading in developing civil aviation policies and programs, as well as prepares recommendations for review and approval by the Government of the Republic of Kosovo;

1.4. promoting and undertaking the compilation, collection and dissemination of technological, statistical, economic, and other data related to Civil Aviation.

Article 29

In paragraph 2 of Article 11 of the basic Law, the words: "awarding air carrier Operating Licenses" shall be deleted.

Article 30

Article 14 of the basic Law shall be reworded as following:

Article 14 Civil Aviation Authority of the Republic of Kosovo

1. The Civil Aviation Authority (CAA) of the Republic of Kosovo established with the basic Law is responsible for regulating Civil Aviation security and economic regulation of airports and air navigation services in the Republic of Kosovo.

2. CAA shall have the status of regulatory agency in accordance with the respective Law on the organization and functioning of the state administration and independent agencies.

3. The CAA shall act in the interest of the public and shall independently exercise the functions conferred under this Law. No authority or public official should attempt to influence or guide or advise the Director-General or any staff member or CAA consultant in respect of any outstanding or completed regulatory or operational decision or action (measure), unless:

3.1. it is explicitly provided otherwise in this Law,

3.2. it is necessary, so that this authority or other public official exercises the duties set forth according to the legislation into force.

Article 31

Article 15 of the basic Law shall be reworded as following.

Article 15 Powers and responsibilities of CAA

15.1. The CAA shall be responsible for:

a) implementing civil aviation legislation and giving effect to policies adopted by the Ministry or the Government in the field of Civil Aviation;

b) providing advice and proposals to the Ministry, the Government and the Assembly regarding policies and legislation for the Civil Aviation sector;

c) issuing the implementing rules and safety air navigation orders, in accordance with the basic Law and the ECAA Agreement, to implement Civil Aviation policies adopted by the Ministry and relevant legislation related to the field of Civil Aviation;

d) issuing licenses, certificates and permits in accordance with the competencies and responsibilities of CAA;

e) regulating the safety of air transport in the Republic of Kosovo;

f) regulating the economics of the market of airports and air navigation services;

g) providing advice to the Ministry in relation to the drafting of proposed policies for the use of Kosovo airspace that meet the needs of users, taking into account national security, economic and environmental factors, and the need for a high standard of safety;

h) supervising and ensuring effective implementation of civil aviation legislation, standards, rules, procedures and orders, except where by the basic Law or any other legal act, such function has expressly been provided to the Ministry or another public authority;

i) disseminating information to the public about matters relevant to the functions and activities of the CAA;

j) in compliance with the provisions and purpose of the basic Law, undertaking measures, conducting investigations and inspections, and issuing orders, rules, regulations, and/or procedures as the CAA may deem reasonably necessary to (i) properly and lawfully implement the provisions of the basic Law or (ii) properly and lawfully discharge the powers and duties assigned to the CAA by the basic Law;

k) performing any other functions pertaining to Civil Aviation in Kosovo assigned to it by the basic Law or other legislation into force.

Article 32

Articles 16, 17, 18 and 19 of the basic Law shall be deleted.

Article 33

Article 20 of the basic Law shall be reworded as following:

Article 20 Director of CAA

1. CAA is headed by the Director of CAA who is elected in accordance with Article 24 of the respective Law on the Organization and Functioning of the State Administration and Independent Agencies.

2. The Director of the CAA shall be appointed by the Government.

3. The candidate for director of the CAA must meet the criteria set for the Secretary General according to the legislation in force for public officials.

4. The process of recruiting the director of the CAA is conducted by the State Admission Commission for senior management positions of civil servants.

5. The Director of the Agency, appointed according to Article 20 of the basic Law, shall continue to exercise the duty until the end of the mandate.

Article 34

Article 22 of the basic Law shall be deleted.

Article 35

Paragraph 1 of Article 24 of the basic Law shall be reworded as following:

1. Exceptionally employees under paragraph 3 of Article 24 of the basic Law, other employees of the Agency shall have the status of civil servants and their employment is regulated by legislation in force on public officials.

Article 36

Article 25 of the basic Law shall be reworded as following:

Article 25 Budget of CAA

25.1. The Civil Aviation Authority is funded from the state budget. CAA shall have revenues from:

- a) aviation-related taxes, charges and fees;
- b) a percentage of air navigation services provided within the airspace of the Republic of Kosovo;
- c) passenger safety charges and certificate and licensing charges;
- d) donations, grants and other financial or technical support designated for the CAA.

25.2. Each fiscal year, the Director of the CAA shall prepare the draft-budget and appropriations request for the CAA, which shall be submitted to the Government. The draft-budget shall be compiled in accordance with the Law on Public Financial Management and Accountability, as well as with the Business and Finance Plan and in accordance with the current expected revenue level of CAA.

Article 37

Article 26 of the basic Law shall be reworded as following:

Article 26 Accountability and Oversight of CAA

Oversight of the performance and activity of the CAA is a responsibility of the Government of Kosovo, which is exercised through the Minister responsible for transport in accordance with the respective Law on the Organization and Functioning of the State Administration and Independent Agencies.

Article 38

Article 34 of the basic Law shall be reworded as follows:

Article 34 Obligation to obtain and possess the License for Exercising Air Transport Activity

Any person who possesses a AOC issued by the CAA and who desires to engage in the carriage by air of persons, baggage, cargo and/or mail for remuneration, rent or reward, shall obtain and possess a current and valid air carrier's operating license, issued by CAA. The CAA shall issue such a license in accordance with Council Regulation on common rules for the operation of air services.

Article 39

Throughout the text of Article 36 of the basic Law, the designation "Ministry" shall be replaced by the designation "CAA".

Article 40

In Articles 94 and 95 of the basic Law, the words "Law No. 2004/17 on Consumer Protection" shall be replaced with the words "the relevant Law on consumer protection".

Article 41

After Article 99 of the basic Law, a new Article 99/A shall be added with the following text:

Article 99/A
Transitional Provisions

1. Within six (6) months after the entry into force of this Law, the CAA shall draft and adopt the Regulation on internal organization in accordance with the legislation in force on the organization and functioning of the state administration and independent agencies.
2. Upon entry into force of this Law, the mandate of the members of the Board shall cease.
3. CAA employees shall continue to have the civil servant status even after this Law enters into force.
4. Director General and Deputy Director General of CAA appointed according to the basic Law, shall continue to exercise their mandate even after this Law enters into force. His/her status and mandate is regulated with the respective Law on Public Officials and the respective Law on the Organization and Functioning of State Administration and Independent Agencies.
5. In the entire text of the Law No. 03/L-051 on Civil Aviation, the designation "Ministry of Transport and Telecommunication" shall be replaced with the designation "responsible Ministry for Transport"
6. Within six (6) months, the remaining sub-legal acts under the basic Law shall be prepared, harmonized and approved by the Minister.

Article 42
Entry into force

This Law shall enter into force fifteen (15) days after the publication in the Official Gazette of Republic of Kosovo.

Law No. 08/L-063
4 August 2022

Promulgated by Decree No. DL-294/2022 dated 22.08.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu