

LAW No. 04/L-050
ON DECLARATION, ORIGIN AND CONTROL OF PROPERTY OF SENIOR PUBLIC
OFFICIALS AND ON DECLARATION, ORIGIN AND CONTROL OF GIFTS OF
ALL PUBLIC OFFICIALS

Assembly of Republic of Kosovo,

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

Approves:

LAW ON DECLARATION, ORIGIN AND CONTROL OF PROPERTY OF SENIOR PUBLIC
OFFICIALS AND ON DECLARATION, ORIGIN AND CONTROL OF GIFTS OF ALL PUBLIC
OFFICIALS

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose of Law

This Law defines obligations of senior public officials to declare their property, revenues and the origin and obligation of Agency to control declared property and origin of property as well as obligations of all public senior officials to declare gifts and the origin of gifts.

Article 2
Scope of Law

This Law regulates the procedure on declaration and control of property, declaration of revenues and obligations of senior public officials and of their family members and also regulates defined sanctions. This Law regulates as well the procedure on declaration, control and origin of gifts received by all public officials.

Article 3
Definitions

1. Terms used in the present law have the following meaning:

1.1. **Senior Public Official** includes:

1.1.1. President of the Republic of Kosovo, members of Presidential cabinet, Secretary, Directors of Professional Departments in the Office of the President of the Republic of Kosovo;

1.1.2. Members of Parliament and all persons selected or nominated by Assembly, Presidency of the Assembly, Chairperson of the Assembly as well as Cabinet of the Chairperson of of the Republic of Kosovo;

1.1.3. Prime Minister, Deputy Prime Minister, Ministers, Deputy Ministers, Political Advisors and Heads of Cabinets as well as all persons nominated by them;

1.1.4. Permanent Secretaries of the Government, Managers of Agencies, which are established by law or any other act, Director, Deputy Director as well as Regional Directors of Kosovo Tax Administration, General Director and Directors of Customs Departments;

1.1.5. Auditors of General Audit Office as well as all internal institutional auditors;

1.1.6. Members of Boards of Public Enterprises, members of Regulatory Boards, members of Commissions or other Agencies established by Law or any other act;

1.1.7. Members of the Board, Director and Deputy Director of Central Banking Authority;

1.1.8. Municipal Mayors and Deputy Mayors, Presidents, Deputy Presidents of Municipal Assemblies as well as all Directors of Municipal Directorates;

1.1.9. Members of Kosovo Judicial Council and of Kosovo Prosecutorial Council, Director of Judicial Council Secretariat, Director of Prosecutorial Council Secretariat, Judicial Auditor, Disciplinary Prosecutor;

1.1.10. Judges and Prosecutors, Judges of Constitutional Court and Secretary of the Constitutional Court;

1.1.11. Directors of all departments, Heads of Public Finances and Procurement throughout all public institutions;

1.1.12. Ambassadors, Consuls, Deputy Consuls, Secretaries of Embassies or Consulates of the Republic of Kosovo;

1.1.13. Rector, Vice-Rectors of Public University, Deans and Vice-Deans as well as Secretary of Public University and of Academic Units;

1.1.14. General Director, Deputy Directors and Regional Directors of Kosovo Police, Head of Kosovo Police Inspectorate;

1.1.15. Commander, Deputy Commander of the Kosovo Security Force;

1.1.16. Director, Deputy Director and General Inspector of Kosovo Intelligence Agency;

1.1.17. Ombudsperson as well as his/her Deputies;

1.1.18. Chief Inspectors of central and local level.

1.2. **Family members** - parents, adoptive parents, spouse, children, and adopted children up to eighteen (18) years of age.

1.3. **Agency** - Anti Corruption Agency.

1.4. **Registry** - Register of declaration and origin of property, of revenues, of material benefits and financial obligations.

1.5. **Contact Officer** - person appointed by the institution he/she works with as a coordinator of activities with the Agency.

1.6. **Official Person** - official person defined by Kosovo Penal Law.

Article 4

Duties of Contact Officer

1. Each institution shall appoint a contact officer who should be from Personnel Office.
2. Each institution has the following tasks:
 - 2.1. delivers lists containing names of senior public officials and notifies the agency about modifications on the list within the time limit of fifteen (15) days;
 - 2.2. notifies senior public officials about the declaration of property;
 - 2.3. records gifts received by senior public officials into institutional registry book and delivers copies of records to the Agency by the end of 31 March of each calendar year.

CHAPTER II

DECLARATION OF PROPERTY, REVENUES, MATERIAL BENEFITS AND FINANCIAL OBLIGATIONS

Article 5

Declaration of property

1. Declaration regarding the status of property of senior public official and their relatives contains information related to the property and their revenues such as
 - 1.1. real estate;
 - 1.2. movable property in value of over five thousand (5 000) Euros;
 - 1.3. possession of shares in commercial enterprises;
 - 1.4. valuable letters;
 - 1.5. savings in banks and other financial institutions;
 - 1.6. financial obligations towards physical and juridical persons and
 - 1.7. annual revenues.
2. When property of family members is separated and registered as such in relevant bodies of state or court administration, declaration is submitted separately for each member of the family with property registered on his/her name and is attached to the declaration of the person who is obliged for declaration.
3. In the declaration of property, revenues, material benefits and financial obligations, the senior public official shall write the amount, the type and source of each revenues, amount and type of financial obligations including here the name of creditor as a natural or legal person, whereas publication of creditor's name shall be done only when in question are juridical persons.

Article 6

Declaration pursuant to present Law

1. Declaration of property by senior public officials is to be submitted as follows:
 - 1.1. declaration when taking over a public function;
 - 1.2. regular annual declaration;
 - 1.3. declaration upon request of Agency;
 - 1.4. declaration after completing or after being dismissed from a public function;
2. Declaration of gifts for public official persons;
3. Declarations provide for in this Article, shall be submitted to the Agency by senior public official in person or other persons authorized by him/her.

Article 7
Declaration when taking over senior public official function

1. Upon taking over a public function, senior public official shall declare existing property, revenues and obligations within the time frame of thirty (30) days in accordance with Article 5 of present Law.

Article 8
Regular annual declaration

1. Regular annual declaration of property provided for in Article 6, Paragraph 1., Subparagraph 1.1 of present Law, shall be done during the time when a public function is exercised from 1st of March until 31st of March of each calendar year.
2. After the declaration of property, senior public official shall, within the time frame provided for in Paragraph 1. of this Article, declare any change in the status of property in accordance with Article 5 of present law.
3. Agency shall monitor the property of any senior public official on the bases of information submitted by senior public officials in a special form designed by Agency.

Article 9
Declaration upon request of Agency

Agency may request at any time from any Senior Public Official to submit required information referred to in Article 5 of this law.

Article 10
Declaration after termination of or dismissal from a public function

1. After termination of or after the dismissal from a public function, a senior public official shall, within thirty (30) days, submit the declaration of property as it is defined by Article 5 of this Law.
2. Agency may request the declaration of property from a senior public official in accordance with Article 5, not latter then one (1) year after the termination of or after the dismissal from a public function.

CHAPTER III GIFTS

Article 11 Reception of gifts

1. Official person shall not solicit or accept gifts or other favors, neither for him/her nor for his/her close family members, related to exercising official duties, which influence or may have an influence on the exercise of official duties, except protocol gifts or casual gifts.
2. Protocol gifts are considered gifts brought by representatives of foreign countries and of international organizations during visits and other events and gifts brought in similar situations.
3. Official person shall not accept more than one gift per year from the same person or institution they were given by the same person.
4. Official person shall not accept monetary gifts.
5. When accepting or returning to the country, the official should immediately present the gift.
6. Official person shall inform his/her supervisor in written form, if he/she has been offered or given any gift without a previous notification or in specific circumstances. In cases when official person is a head of an institution, he/she should inform the Agency.
7. If the casual gift is not of a personal character, the gift becomes property of the institution where official person exercises his duty.
8. Protocol gifts become property of the institution where official person exercises his/her duties.
9. Protocol gifts such as: state symbols, medals and protocol signs, may be used while exercising the official duties.

Article 12 Registration of gifts

1. All received gifts and their respective value, as well as the names of persons giving gifts, should be recorded by the official person in the register of gifts designed by Agency and kept by institution, where official persons exercise their duties.
2. Institutions according to paragraph 1. of this Article, shall nominate responsible officials who will maintain the register of gifts and shall inform Agency about names and positions of these responsible persons.
3. On request of the official person who has accepted the gift, Agency with a ruling may decided to allow the acceptance of the gift if there are convincing reasons to believe that gift was given for personal purposes and does neither influence nor seems to have an influence on the exercise of official duty.
4. Register of gifts is public. Relevant institutions are obliged to provide public access to such registers, in accordance with procedures provided for by Law on Access to Public Documents.

5. Public institutions that are obliged to maintain registers of gifts are required to provide the Agency with copies of registries of the previous year, not later than 31 March of the following year.

6. The Agency shall control registers of gifts and in case of any deviation shall request from institutions to take measures for complete application of this law.

7. If the Agency ascertains that the official person has breached provisions of this law but such a breach is not considered a criminal offence, it shall inform the institution where official person exercises his/her duty and shall request disciplinary measures to be taken against him/her. Institution shall inform the Agency about disciplinary measures taken against the official person in question.

8. In case of suspicions for criminal offence, Agency shall complete investigations and submit a criminal report to the competent prosecutor's office.

CHAPTER IV REGISTRATION AND MAINTENANCE OF DECLARATIONS OF PROPERTY

Article 13 Register of Declarations

1. Data pertaining to the declaration of property of senior public officials include: name, last name, function, name of institution, address of institution, appointment date, date when declaration form has been submitted, functions and other activities exercised by public official besides the public function, real estate and its types, surface, origin, its prejudged value, ownership, shares in commercial enterprises or any other institution, valuable letters, cash money, financial obligations of public officials towards natural and legal persons as well as annual revenues. All these data shall be published in the web page of the Agency within sixty (60) days from the date of expiry for declaration of property by senior public officials.

2. Access to the data pertaining to the declaration of property by senior public officials, which are not published, is to be granted in accordance with the Law on Access to Public Documents and with the Law on Protection of Personal Data.

3. Anyone can submit to the Agency written information pertaining to the declaration of property by a senior public official in order to confirm is such a declaration is accurate or not.

4. Data, which are not published in accordance with Paragraph 1, of this Article may be used and processed further for investigation purposes only or in order to prevent corruption or to control possible conflicts of interest during the exercise of public functions by senior public officials.

5. Personal data contained in the register can be processed in accordance with the Law on Protection of Personal Data.

Article 14 Competent Authority

1. Agency is the competent Authority to administer and maintain the register.

2. Register administration and maintenance includes:

2.1. receiving and recording submitted declarations

2.2. agency shall archive data of senior public officials pertaining to the declaration of property for a period of ten (10) years from the date of termination of or of the dismissal from the public function. Agency shall destroy these data upon the expiry of this deadline.

CHAPTER V CONTROL OF DECLARED DATA

Article 15

1. Agency shall control declarations on the status of property of senior public officials.
2. Each declaration form shall be preliminary checked in order to verify whether there are material mistakes made or not and to see if form has been wrongly completed.
3. In cases when preliminary checks reveal material mistakes, incorrect or incomplete data, Agency shall notify the person who has submitted the declaration that he/she should correct them within fifteen (15) days from the day when notification is received.
4. Through control shall be done in order to verify the truthfulness and accuracy of data contained in the declaration form.

Article 16 Obligation to provide data

1. Agency requests the declaration of property and of the property origin and may carry out controls in order to verify the accuracy of such declarations.
2. While controlling and verifying data contained in property declaration forms, Agency may request or use data from all natural and legal persons, in compliance with the Law on Protection of Personal Data.
3. Upon the request of Agency, Banks and other institutions exercising banking and financial activities in Kosovo, are obliged to provide data related to deposits, accounts and other transactions carried out by persons, who according to this Law, are obliged to declare their property.
4. Institutions mentioned under paragraphs 1. and 2. of this Article, are obliged to make available all requested data within fifteen (15) days from day when written request of Agency is submitted.

CHAPTER VI PUNITIVE PROVISIONS

Article 17

1. Each breach of provisions of this law by senior public officials, if not a criminal offence, will be considered as a minor offence which shall be punished with a fine:
 - 1.1. Senior public official shall be punished with a fine in value of from one thousand (1000) up to two thousand and five hundred (2500) Euros for not submitting regular annual declaration of property;
 - 1.2. Senior public official shall be punished with a fine in value of from one thousand (1000) up to two thousand and five hundred (2500) Euros for the minor offence of not submitting the declaration of property when taking over a public function;

1.3. Senior public official shall be punished with a fine in value of one thousand and five hundred (1500) up to two thousand and five hundred (2500) Euros for not submitting the declaration of property upon the request of Agency;

1.4. Senior public official shall be punished with a fine in value of from one thousand (1000) up to two thousand and five hundred (2500) Euros for the minor offence of not submitting the declaration of property after their removal from public functions;

1.5. Senior public official shall be punished with a fine in value of from one thousand (1000) up to two thousand and five hundred (2500) Euros for the minor offence of not acting in compliance with Paragraph 3 of Article 15 of this Law upon the request of Agency.

2. Agency shall notify the head of institution or the institution where senior public official has exercised or is exercising his/her function about the initiation of minor offence procedure.

3. Agency shall publish names of senior public officials who did not submit property declaration forms as provided for by this law.

4. Apart from punishments with fine there may be imposed protective measures such as:

4.1. prohibition from exercising public functions for duration of up to one (1) year.

5. If a breach of these obligations provided for in this Law constitutes a criminal offence, Agency shall file a criminal report.

Article 18 Procedure

Request for initiation of minor offence procedure may be filed by Agency if there are well grounded suspicions.

Article 19 Transitional Provisions

Until 31.12.2012, minor offence procedure shall be reviewed and punishment with fine shall be imposed by Minor Offence Court. After 31.12.2012, minor offence procedure shall be carried out in front of Basic Court.

Article 20 Entry into Force

1. Upon entrance into force of this Law, the Law Nr. 03/L-151, on Declaration of Property and Control of Property and Gifts of Senior of Public Officials is supplemented.

2. 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-050
31 August 2011**

Promulgated by Decree No.DL-028-2011, dated 31.08.2011, President of the Republic of Kosovo Atifete Jahjaga.