

LAW NO. 04/L-228

ON AMENDMENDING AND SUPPLEMENTING THE LAW No. 04/L-050 ON DECLARATION, ORIGIN AND CONTROL OF THE PROPERTY OF SENIOR PUBLIC OFFICIALS AND DECLARATION, ORIGIN AND CONTROL OF GIFTS FOR ALL OFFICIAL PERSONS

The Assembly of the Republic of Kosovo,

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

Approves

LAW ON AMENDMENDING AND SUPPLEMENTING THE LAW No. 04/L-050 ON DECLARATION, ORIGIN AND CONTROL OF THE PROPERTY OF SENIOR PUBLIC OFFICIALS AND DECLARATION, ORIGIN AND CONTROL OF GIFTS FOR ALL OFFICIAL PERSONS

Article 1

1. Article 3 of the basic Law, paragraph 1, sub-paragraph 1.1.1 after the term “of Kosovo,” there shall be added the words “and the appointees by him”

2. Article 3 of the basic Law, sub-paragraph 1.1.4 of the Law, after the term “Managers of Agencies” there shall be added the words “or equal positions” and after the word “other” there shall be added the words “and their deputies”.

3. Article 3 of basic Law, sub-paragraph 1.1.6 of the Law, after the term “**Public**” there shall be added the terms “**Chief Executives, Deputy Chief Executives, Secretaries of Public Enterprises at central and local level**”.

4. Article 3 of basic Law, paragraph 1, sub-paragraph 1.1.11 of the Law shall be reworded as follows:

1.1.11. Heads of all Departments, Directories, Directorates or equal units, Heads of Finances and Public Procurements at all institutions and public enterprises;

5. Article 3 of the basic Law, paragraph 1, sub-paragraph 1.1.13, after words “**Vice-Rectors of Public University,**” there shall be added the words “**Members of the Steering Board of the Public University,**”.

6. Article 3 of the basic Law, paragraph 1, sub-paragraph 1.1.18, after the term “**Chief Inspectors**”, there shall be added the term “**Deputy Chief Inspectors**”.

7. Article 3 of the basic Law, after sub-paragraph 1.1.18 there shall be added a new sub-paragraph with the following text:

1.1.19. Chairperson and Members of the Central Election Commission.

8. Article 3 of the basic Law, sub- paragraph 1.2 shall be reworded as follows:

1.2. Family Member - spouses, extra-marital spouses, parents, children with whom he/she lives in a family communion.

9. Article 3 of the basic Law, sub-paragraphs 1.4, 1.5 and 1.6 shall be deleted and there shall be added a new sub-paragraph 1.4 with the following text:

1.4. All persons exercising the abovementioned positions in Article 3, paragraph 1, sub-paragraph 1.1., sub-subparagraphs 1.1.1 to 1.1.19, for more than three (3) months, are obliged to declare their property.

Article 2

1. Article 4 of the basic Law, paragraph 2 the term **“institution”** shall be replaced with the term **“contact official”**.
2. Article 4 of the basic Law, paragraph 2, subparagraph 2.3, after the term **“Agency”** there shall be added the words **“from 1 March”**.

Article 3

1. Article 5 of the basic Law, paragraph 1, sub-paragraph 1.2, the phrase **“five thousand (5000)”** shall be replaced with the phrase **“three thousand (3000)”**.
2. Article 5 of the basic Law, sub-paragraphs 1.5, 1.6 and 1.7 of the Law shall be reworded with the following text:
 - 1.5. cash, in current accounts, in deposits and in loans in Euro or any other foreign currencies;
 - 1.6. financial rights and obligations towards natural and legal persons;
 - 1.7. personal income for the year, from the salary or participation in boards, commissions or any other activity resulting in personal income.

Article 4

Article 8 of the basic Law, paragraph 1 of the Law, after the word **“calendar”**, there shall be added the words **“for the previous year from 1 January to 31 December”**.

Article 5

Article 10 of the basic Law, paragraph 2 shall be deleted.

Article 6

1. Article 11 of the basic Law, after paragraph 2, there shall be added a new paragraph 2.a with the following text
 - 2.a. Casual gifts shall be considered small gifts at a value up to twenty-five (25) Euro. An official shall not receive casual gifts the total value of which exceeds five hundred (500) Euros within a year.
2. Article 11 of the basic Law, paragraph 3 before the term **“gift”**, there shall be added the word **“casual”**.
3. Article 11 of the basic Law, paragraph 4, after the term **“monetary”**, there shall be added the terms **“securities and precious metals regardless of their value”**.
4. Article 11 of the basic Law, paragraph 5 after the term **“gift”**, there shall be added the words **“for registration to the contact official of the respective institution”**.

Article 7

1. Article 12 of the basic Law, paragraph 1 after the term **“persons”**, there shall be added the words **“or institutions”**.
2. Article 12 of the basic Law, paragraph 2 the term **“responsible officials”** shall be replaced with **“contact officials”**.
3. Article 12 of the basic Law, paragraph 4 the words **“Register of gifts is public”**, shall be deleted.
4. Article 12 of the basic Law paragraph 5 shall be reworded with the following text:

5. Public institutions shall maintain special gift registries. The Agency shall, within sixty (60) days from the entry into force of this Law, draft a template for maintaining registries and shall forward it to the public institutions.

5. Article 12 of the basic Law, after paragraph 8 there shall be added a new paragraph 9 with the following text:

9. Institutions and the Agency shall have legal obligation to maintain the gift registries for ten (10) years.

Article 8

Article 14 of the basic Law shall be reworded with the following text:

Article 14 Competent Authority

Agency is the central institution for the implementation of the provisions of this Law.

Article 9

1. Article 15 of the basic Law, paragraph 3 of the Law, the word "checks" shall be replaced with the word "control".

2. Article 15 of the basic Law, paragraph 4, after the term "**form**" there shall be added the words "**and comparison of the data with the previous forms**".

3. Article 15 of the basic Law, after paragraph 4, there shall be added new paragraphs 5, 6, 7 and 8 with the following text:

5. If a full control reveals that the declaration is not correct or that the declared source cannot be identified and does not cover the declared property, the Agency shall ask from the official to provide respective explanations and arguments, which shall be submitted in writing within fifteen (15) days.

6. At least twenty percent (20%) of the forms shall be subject to the full control each year. Selection of declarations to be subject of full control shall be done by a draw. The draw procedure shall be open to public. The list of officials towards whom a full control is carried out shall be public. The Agency shall publish, thirty (30) days in advance and fifteen (15) days after the draw is cast the list of the officials who are subject to a full control. The publication shall be posted on the Agency's official webpage and published at least on one daily newspaper.

7. The Agency shall also exercise a full control over the official at the request of public or interested persons.

8. The Agency shall adopt a regulation on exercising full control sixty (60) days after entry into force of this Law.

Article 10

Article 16 of the basic Law, paragraph 3 after the terms "**obliged to declare**", there shall be added the words "**in compliance with the Criminal Procedure Code**".

Article 11

Article 17 of the basic Law shall be reworded with the following text:

Article 17

1. Agency shall submit a criminal report at the competent prosecution office against the senior public official violating the obligations provided for by the Law, which comprise a criminal act according to the Criminal Code of the Republic of Kosovo.

2. Agency shall inform the head of the institution, in which the senior public official is or was employed for the initiation of the criminal procedure.

3. Agency shall publish the names of senior public officials who have not declared their property as provided for by the Law.

Article 12

Article 18 of the basic Law shall be deleted.

Article 13

Article 19 of the basic Law shall be reworded with the following text:

Article 19 Transitional Provisions

All proceedings for minor offences, initiated in accordance with the Law until 31.12.2012, shall be resolved according to the provisions of the law that was in force.

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. 04/L-228
20 March 2014**

Promulgated by Decree No. DL-013-2014, dated 07.04.2014, President of the Republic of Kosovo Atifete Jahjaga