

## Legal News

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#### **I. Law no. 05/L-150 on amending and supplementing the law no.03/L-209 on Central Bank of the Republic of Kosovo;**

This law has been published in the Official Gazette of Republic of Kosovo on 3<sup>rd</sup> of April 2017, and shall enter into force 15 days after its publication.

The aim of this Law is to amend and supplement the Law No. 03/L-209 on Central Bank of the Republic of Kosovo (basic Law), namely article 41 (disqualification and removal from the Central Bank Board), and article 63 paragraph 2 (appointment of the external auditors).

Governor and other members of the Central Bank Board who are dismissed from their position shall have the right to file a lawsuit in the competent Court within thirty (30) calendar days from the day of receiving the decision.

According to the Law, the Central Bank Board no longer need the approval of the Supervision Committee for Public Finances, to select the external auditors.

#### **II. Law no. 05/L-130 on Services**

This law has been published in the Official Gazette of Republic of Kosovo on 3<sup>rd</sup> of April 2017, and shall enter into force 15 days after its publication, with the exceptions of articles 8, 10, 11, 12, 13, 14, 15, 16, 17, 19 and Article 23 paragraph 1, points 1.1 and 1.2 of this Law, which shall enter into force five (5) years after publication.

The aim of this Law is to establish general principles and criteria that enable the right of establishment and exercise of activity for service providers in Kosovo, while at the same time guaranteeing a high level of safety and quality of services to their recipients.

This Law is partly in compliance with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

This Law shall apply to services offered or supplied by service providers in Kosovo. The provisions of this Law shall not apply to the following services:

- non-economic services of general interest;
- financial services, such as banking, credit, insurance and reinsurance, occupational and personal pensions, securities, investment funds, payments and investment advice;
- services and electronic communication networks, infrastructure and associated electronic facilities, which are regulated by special acts in the field of electronic communications;
- services in the field of transport, including the public transport, taxis, transport by an ambulance or an emergency medical service vehicle and port services;
- services of temporary work agencies;
- healthcare services whether or not they are provided via healthcare facilities, and regardless of the ways in which they are organised and financed at national level or whether they are public or private;
- audiovisual services, including cinematographic services, regardless of their mode of production, distribution and transmission, and radio broadcasting;
- gambling activities which involve wagering a stake with pecuniary value in games of chance, including lotteries, gambling in casinos and betting transactions;
- activities which are connected with the exercise of official authority;
- services relating to social housing, social protection and childcare and support of families and persons permanently or temporarily in need which are provided by the State, by providers mandated by the State or by charitable organizations recognized as such by the State;
- services for security and private property;

- services provided by notaries and bailiffs appointed by an official act of the Government

Laws and other acts governing the conditions for establishment and access to, or exercise of, service activities in Kosovo shall be harmonised with the provisions of this Law.

If the provisions of this Law are in conflict with any provision of a special law or other act of Kosovo governing the special aspects of the establishment and provision of services in specific sectors or for specific professions, the provisions of those laws and other acts shall apply, if they are fully harmonized with the EU acquis.

Under this Law, the right of establishment and access to, or the exercise of, a service activity shall be guaranteed and may not be restricted by a special law.

Within 5 years from the entry into force of the law, the ministries and other administrative authorities shall examine all existing requirements provided for in special law which in more detail regulates individual services to which this Law applies, in order to evaluate their compliance with the provisions of this Law. Within the same time frame, the competent ministries and other administrative authorities shall propose the amending of special laws in order to be in line with the provisions of this Law.

For the implementation of the Law, the Government is obliged to issue sub-legal acts in the timeline of 1 year from the day of entry into force.

### **III. Law no.05L-151 on the ratification of the cooperation agreement between the Government of the Republic of Kosovo, represented by the Ministry of Economic Developments, and the Council of Ministers of the Republic of Albania, represented by the Ministry of Energy and Industry, on the exchange and/or allocation of regulatory reserve between the Transmission System Operator (OST J.S.C) and the Kosovo Transmission**

This Law has been published in the Official Gazette of Republic of Kosovo on 21<sup>st</sup> of April 2017, and shall enter into force 15 days after its publication.

The aim of the Law is to ratify the cooperation agreement between the Government of the Republic of Kosovo represented by the Ministry of Economic Development and the Council of Ministers of Republic of Albania, represented by the Ministry of Energy and Industry, on the exchange and/or allocation of regulatory reserve between the transmission system operator (OST J.S.C.) and Transmission System and Market Operator (KOSTT J.S.C.).

An integral part of the Law is the cooperation agreement signed by the ministries of the two Governments, which in more details specify obligations of both parties.

Pursuant to the cooperation agreement, the implementing Agencies shall be:

- i. The Transmission System Operator of Republic of Albania (OST);
- ii. Transmission System and Market Operator of Republic of Kosovo (KOST); and
- iii. Energy Regulatory Office of the Republic of Kosovo (ERO).

#### **IV. Law no. 05/L-137, on ratification of the agreement concerning the establishment of the Western Balkan Fund**

This Law has been published in the Official Gazette of Republic of Kosovo on 21<sup>st</sup> of April 2017, and shall enter into force 15 days after its publication.

The aim of the Law is to ratify the Agreement on the establishment of Western Balkans, which was signed in Prague, on 13<sup>th</sup> of November 2015, between Republic of Albania, Bosnia and Hercegovina, Kosovo, Republic of Macedonia, Montenegro and the Republic of Serbia ("Contracting Parties").

The purpose of the Fund, established by the Agreement shall be to promote:

- development of closer cooperation between the Contracting;
- strengthening of ties between the Contracting Parties;
- integration of the Contracting Parties into the European Union;

- common presentation of the Contracting Parties in third countries.

The objectives of the Fund on the other hand shall be pursued through financial support of activities in any fields which contribute to cross-border and inter-regional cooperation, and to the strengthening of regional cohesion.

The seat of the Fund shall be in Tirana, Republic of Albania, whereas the governing bodies of the Fund shall be:

- The Conference of Ministers of Foreign Affairs;
- The Council of Senior Officials;
- The Executive Director;
- The Secretariat.

Role and competences of the governing bodies of the Fund, are specified in the Annex 1 of the Agreement.

#### **V. Law No. 05/L-127 on amending and supplementing the law no.04/L-033 on the Special Chamber of the Supreme Court of Kosovo Privatization Agency related to matters, amended and supplemented with law no.04/L-246**

This Law has been published in the Official Gazette of Republic of Kosovo on 21<sup>st</sup> of April 2017, and shall enter into force 15 days after its publication.

The purpose of this Law is to amend and supplement the Law No.04/L-033 on the Special Chamber of the Supreme Court of Kosovo on Privatization Agency Related Matters.

Under this Law, claimant and respondent before the Special Chamber shall be represented by a member of bar association or a chamber of advocates, except Kosovo Privatization Agency (Agency), which at the Special Chamber of the Supreme Court of Kosovo is represented by persons authorized by the Agency, amongst them or other engaged persons.

**VI. Law no. 05/L-157, on ratification of the financing agreement for water security and Iber Lepenc Canal protection project between the Republic of Kosovo and International Development Association.**

This Law has been published in the Official Gazette of Republic of Kosovo on 21<sup>st</sup> of April 2017, and shall enter into force 15 days after its publication.

The Law ratifies the Financing Agreement for Water Security and Iber Lepenc Canal Protection Project between the Republic of Kosovo and the International Development Association (Association), signed on 27 January 2017 in Pristina.

According to the Financing Agreement which is an integral part of the Law, the Association agrees to credit in the amount of twenty two million (EUR 22,000,000) to assist in restoring the Iber Lepenc Canal to its original capacity to improve water resource management for various canal users in Central Kosovo ("Project").

The Projects consists of the following parts:

- Part 1. Infrastructure rehabilitation and modernization;
- Part 2. Water resources protection and management; and
- Part 3. Project management, coordination, monitoring and evaluation.

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