Honoured Mr Bajraktari,

Pursuant to the Administrative Instruction No. 03/2013 on Standards for the Drafting of Normative Acts and Regulation No. 13/2013 for the Government Legal Service, we forward the Legal Opinion on Compliance with EU acquis for the “Draft Law on Ratification of the Agreement Between the Government of the Republic of Kosovo and the Government of the Republic of Italy on the Transfer of the Sentenced Persons”.

Respectfully!

1. SUBJECT

2. ATTACHED DOCUMENTS
The following documents have been attached to the request of Ministry of Justice for Legal Opinion on Compliance with EU acquis:
- Final Draft of the “Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Republic of Italy on the Transfer of Sentenced Persons” (Albanian, Serbian, English);
- Statement of Compliance of the legislation of the Republic of Kosovo with EU acquis (Albanian, Serbian and English);
- Explanatory Memorandum (Albanian, Serbian, English);

3. PREAMBLE
In accordance with Article 7 paragraph 3 of the Regulation No. 09/2011 of the Rules and Procedure of the Government of the Republic of Kosovo, according to Article 3 subparagraph 1.3, Article 13 paragraph 5, Article 21 paragraph 4 of Regulation No. 13/2013 on the Government Legal Service and Article 30 paragraph 4 of the Administrative Instruction No. 03/2013 on the Standards for the Drafting of Normative Acts, the Department of EU Law, on 26 August 2020, issues the following:

4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION
The request for Legal Opinion on Compliance with EU acquis has been submitted in hard copy and soft copy on 26 August 2020, with reference number 32-1-2020.

5. INTRODUCTION
The purpose of the "Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Republic of Italy on the Transfer of Sentenced Persons" is the ratification of the Agreement between the Government of the Republic of Kosovo and the Government of the Republic of Italy on the Transfer of Sentenced Persons, signed by the Ministers of Justice of the two countries, on 11 April 2019, in Rome. This draft law consists of three (3) Articles.

6. SUMMARY OF EU ACTS GOVERNING THE FIELD OF DRAFT ACT

Within EU, the scope of the concerned Draft Act is not specifically governed with EU legislation. Therefore, this field of activity remains under the internal competence of EU member states.

7. DESCRIPTION AND ASSESSMENT OF DOCUMENTS SUBMITTED WITH THE LEGISLATION PROPOSED BY THE LINE MINISTRY

I. In the content and legal aspect.

Referring to point 6 of this Legal Opinion, the provisions of the "Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Republic of Italy on the Transfer of Sentenced Persons", are not governed at EU level and therefore, this draft law transposes no act of EU Law.

II. In technical aspect.

All other documents have been submitted and completed under the Manual on Compiling Tables and Statement of Compliance.

8. OPINION ON COMPLIANCE

This Opinion on Compliance with acquis is based on the content of the Draft Law. The responsibility of the Department of EU Law is noted with its opinion, whereas the proposing body is responsible to fulfil the Statement of Compliance (SoC) and the Table of Concordance (ToC) when the Draft Act is related to the transposition of EU acquis. Line institutions are responsible for the policy that they make and level of harmonization with EU acquis. Therefore, preliminary periods from partial transposition to complete transposition are under the responsibility of the body proposing the Draft Law. Preliminarily, line institutions are responsible to fulfil and determine the level of compliance with EU acquis.²

9. ASSESSMENT OF COMPLIANCE

The provisions of the "Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Republic of Italy on the Transfer of Sentenced Persons" are not governed with EU legislation and therefore, this field of activity remains under the internal competence of EU member states.

Sincerely,

Urim Salihu
Senior Legal Officer
Department for EU Law
Office of the Prime Minister

¹ Article 1 of "Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Republic of Italy on the Transfer of Sentenced Persons".