Republika e Kosovës
Republika Kosova - Republic of Kosovo

Qeveria - Vlada - Government

Zyra e Kryeministrit
Kancelarija Premijera - Office of the Prime Minister
Zyra Ligjore - Pravna Kancelarija - Legal Office

REFERENCË:	_____ - 2-2021
DATË:	27.07.2021
PËR/ZA/TO:	Klit Shala, Acting Director of Legal Department / Ministry of Finance, Labour and Transfers
CC:	Enis Spahiu, Acting Secretary General / Ministry of Finance, Labour and Transfers
PËRMES/PREKO/THROUGH:	Arben Krasniqi, Acting Secretary General / Office of the Prime Minister Mentor Borovci, Director of Legal Office / Office of the Prime Minister
NGA/OD/FROM:	Valon Hetemi, Senior Legal Officer / Division of EU Law / Legal Office / Office of the Prime Minister
TEMA/SUBJEKAT/SUBJECT:	Cover letter "*Draftlaw on Ratification of the Financing Agreement Kosovo Emergency Covid 19 Project-Additional Financing, between Republic of Kosovo and International Development Association*"

Honored Mr.Shala,

Pursuant to the Administrative Instruction No. 03/2013 on Standards for the Drafting of Normative Acts, Regulation No. 13/2013 for the Government Legal Service and article 8 par 2.16 and article 12 par 1.1 of Regulation (OPM) No. 01/2020 on Internal Organization and Systematization of the Jobs in the Office o the Prime Minister, we forward the Legal Opinion on Compliance with EU *acquis* for the "*Draftlaw on Ratification of the Financing Agreement Kosovo Emergency Covid 19 Project-Additional Financing, between Republic of Kosovo and International Development Association*".

Respectfully!

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LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

27.07.2021

On 27 July 2021, the Legal Department of the Ministry of Finance, Labor and Transfers, bazuar në Nenin 7, pursuant to Article 7 sub-paragraph 1.2 of Regulation no. 09/2011 of the Rules and Procedure of the Government of the Republic of Kosovo and Article 13 paragraph 5 of Regulation no. 13/2013 on the Government Legal Service and in accordance with Article 12 paragraph 3 and paragraph 4 under paragraph 4.19 of Regulation No.02 / 2021 on the areas of administrative responsibility of the Office of the Prime Minister and Ministries, has submitted for review to the Division of EU Law in the Office of the Prime Minister "*Draft Law on Ratification of the Financing Agreement - Kosovo Emergency Project for COVID-19 – Additional Financing, between the Republic of Kosovo and the International Development Association*".

1. SUBJECT

Legal Opinion on Compliance of the "*Draft Law on Ratification of the Financing Agreement - Kosovo Emergency Project for COVID-19 – Additional Financing, between the Republic of Kosovo and the International Development Association*" with the EU acquis.

2. ATTACHED DOCUMENTS

The following documents have been attached to the request of the the Legal Department of the Ministry of Finance, Labor and Transfers for a Legal Opinion on Compliance with the EU acquis:

- The final draft of the "*Draft Law on Ratification of the Financing Agreement - Kosovo Emergency Project for COVID-19 – Additional Financing, between the Republic of Kosovo and the International Development Association*" *(Albanian, Serbian, English);*
- Statement of Compliance of the legislation of the Republic of Kosovo with the EU acquis *(Albanian, Serbian, English);* and
- 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 6, 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 Division of EU Law in the Office of the Prime Minister, on June 10, 2021 issues this:

4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

The request for legal opinion with the EU acquis was sent in hard copy and electronically on 27 July 2021 with reference number 1928.

5. INTRODUCTION

The purpose of the "*Draft Law on Ratification of the Financing Agreement - Kosovo Emergency Project for COVID-19 – Additional Financing, between the Republic of Kosovo and the International Development Association*[1]" is the Ratification of the Financing Agreement "Kosovo Emergency Project for Covid 19 - Additional Financing, between the Republic of Kosovo represented by the Ministry of Finance, Labor and Transfers and the International Development Association" This Draft Law has a total of 4 articles.

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

Within the EU, the scope of the draft act in question is not specifically regulated by EU legislation. Consequently, this field of activity remains within the internal competence of the EU member states.

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

I. *In substantive and legal aspect,*

Referring to point 6 of this legal Opinion, the provisions of the "*Draft Law on Ratification of the Financing Agreement - Kosovo Emergency Project for COVID-19 – Additional Financing, between the Republic of Kosovo and the International Development Association*" are not regulated at EU level and consequently this Draft Law does not transpose any act of EU law.

II. *In technical aspect,*

All other documents have been submitted and completed according to the Manual for Completion of the Statement of Compliance and Table of Concordance [2].

8. OPINION ON COMPLIANCE

This opinion on compliance with the 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 (MFLT), is responsible to fulfil the Statement of Compliance (SoC) and the Tables of Concordance (ToC) when the draft Law is related to the transposition of EU acquis. Line

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[1] Article 1, *"Draft Law on Ratification of the Financing Agreement - Kosovo Emergency Project for COVID-19 – Additional Financing, between the Republic of Kosovo and the International Development Association"*

[2] Available at: http://mei-ks.net/sq/dokumente-udhzuese-mbi-procesin-e-prafrimit-ligjor

institutions are responsible for the policy they make and the level of harmonisation with the EU acquis. Therefore, preliminary periods from partial transposition to complete transposition are under the responsibility of the Draft Act. Preliminarily, line institutions are responsible to fulfil and determine the level of compliance with EU acquis.

9. ASSESSMENT OF COMPLIANCE

Provisions of "*Draft Law on Ratification of the Financing Agreement - Kosovo Emergency Project for COVID-19 – Additional Financing, between the Republic of Kosovo and the International Development Association*" are not regulated by EU legislation and as such this field of activity remains within the internal competence of EU member states.

Respectfully,

Valon Hetemi

Senior Legal Officer
Division of EU Law/ Legal Office
Office of the Prime Minister