



Republika e Kosovës
Republika Kosovo/ Republic of Kosovo
Këshilli Prokurorial i Kosovës/ Tužilački Savet Kosova/Kosovo Prosecutorial Council

Kosovo Prosecutorial Council, pursuant article 4, paragraph 1.27 of the Law no. 03/L-224 on the Kosovo Prosecutorial Council, and pursuant article 9, paragraph 2 of the Law number 05/L-035 for Amending and Supplementing the Law no. 03/L-224 on Kosovo Prosecutorial Council, issues as follows:

**ADMINISTRATIVE INSTRUCTION no. 02/2018 ON THE USE OF OFFICIAL
VEHICLES OF THE PROSECUTORIAL SYSTEM**

Article 1

Purpose

Administrative Instruction aims at defining the rules for efficient use and cost economization for the use of official vehicles of the prosecutorial system.

Article 2

Scope

This Administrative Instruction will be implemented by all employees in the prosecutorial system of Kosovo.

Article 3

Officials entitled to use official vehicles

1. Chairperson of the Council and the Chief State Prosecutor use the official vehicle on their own or with an authorized person, who is charged for or is responsible for the receiving and maintenance of the vehicle in accordance with this instruction.
2. Prosecutors of the Office of the Chief State Prosecutor, Chief Prosecutors of all levels, Council members, Director of the Secretariat and Director of the Unit who use the official vehicle for official needs, at any time, on their own, or with the authorized person, who is in charge and is responsible for receiving and maintaining the vehicle in accordance with this instruction.

3. Prosecutors of the Special Prosecution Office of the Republic of Kosovo, due to the representation of cases throughout the territory of the Republic of Kosovo, in certain cases are permitted to operate official vehicles after working hours, including representation of cases, with the prior approval of the Chief Prosecutor of SPRK and upon the notification to the Director of the SKPC.
4. Prosecutors use official vehicles only to perform their duties. These vehicles are driven by the driver of the relevant prosecution office or in certain cases may be driven by the prosecutor himself, excluding the departure and coming to work.
5. Administrative officials in the prosecutorial system may use official vehicles to perform their daily tasks within working hours. These vehicles can be driven by officials or as needed by drivers.
6. In certain cases due to job specifications, administrative officers may, by decision of the Director of the Secretariat, use the vehicles even after working hours.

Article 4

Manner of using official vehicles

1. The vehicles of the prosecutorial system serve for the performance of official duties inside and outside the territory of Kosovo, while their users must use them fairly, economically and efficiently.
2. All official persons using official vehicles for official trips abroad must complete the form for the use of vehicles abroad (Annex 1.) and have obtained authorization from the Director of the Secretariat, with the exception of the Director of the Secretariat, whose authorization for use of vehicles abroad is given by the Chairman of the Council.
3. Except for the symbols and signs approved by the Council, official vehicles may not have any other symbols or marks.
4. All official persons using official vehicles must comply with all traffic rules prescribed by law.

5. No one may use official vehicles without a valid driver's license recognized by the competent authorities of the Republic of Kosovo or internationally, and without the authorization to drive official vehicles of the prosecutorial system.

Article 5

Equipping Prosecution offices with vehicles

1. The Council, through the Secretariat, provides vehicles to the Kosovo Prosecution Offices for the following purposes:
 - 1.1. For representation, depending on the region covered by the respective prosecution;
 - 1.2. For on call duty;
 - 1.3. For the needs of prosecutors in performing their duties related to the functioning of the prosecutorial system, depending on their number in the respective prosecution office;
 - 1.4. For the needs of the Victims' Advocacy and Assistance Office depending on the region it covers, including on call duty and
 - 1.5. Prosecution administration, depending on their number in the relevant prosecution;
2. The vehicle designated for on call duty shall be marked with the logo of the State Prosecutor.

Article 6

Transportation of unofficial persons

1. The transport of unofficial persons is prohibited in the vehicles of the prosecutorial system.
2. Officials who are not part of the prosecutorial system but travel in an official vehicle must sign the "General Release Form", which removes the prosecutorial system from liability for the loss, damage, injury or death of an outside person. (Appendix 2).

Article 7

The procedure of obtaining official vehicles in use

1. Each officer of the prosecutorial system, who needs to use the vehicle for one or more official trips, within the working hours, must first complete the driving service application form (Appendix 3), provided by the Office Leader for Transport and the Prosecutor Administrator.
2. Officers of the prosecutorial system operating the vehicles are obliged to place, on their own or through authorized persons, all the data required in the electronic vehicle management system.
3. The official Drivers are obliged before the official handover of the vehicle and after having performed control of the vehicle must ensure that the vehicle is in good working order and must complete and sign the vehicle condition form.
4. Prosecutors attending initial training have no right to use official vehicles for participation in the training.

Article 8

Maintenance

1. Responsible persons - drivers of the prosecutorial system are obliged to perform daily control of the vehicle and its maintenance.
 - 1.1. Before using the vehicle, the inspection must be carried out, which includes:
 - 1.1.1 Engine oil level;
 - 1.1.2 Water level of the windshield cooling and cleaning system;
 - 1.1.3 Brake system oil level;
 - 1.1.4 Wheel system oil level;
 - 1.1.5 Areas in the data table, especially fuel meter;
 - 1.1.6 Headlights, tail lights and steering indicators;
 - 1.1.7 Bug fixing tools and accessories;

- 1.1.8 Spare wheel;
- 1.1.9 Siren;
- 1.1.10 Mileage table for future servicing and
- 1.1.11 External control (tires, possible oil, water leaks) and other damage

1.2. Before starting the vehicle should be checked:

- 1.2.1. Steering system (steering wheel);
- 1.2.2. Brakes and
- 1.2.3. Lighting

2. Each user of the Prosecutorial System vehicles shall report at the Transport Office for any damage of the vehicle. In a case of an eventual accident shall act in accordance with the article 11 of this Administrative Instruction.

Article 9 Servicing

1. Division for General Services through the Office of Transport within the Secretariat of the Council is responsible for the repair, administration and maintenance of the official vehicles.
2. Vehicle servicing and repair should only be carried out on servicing selected by the Council, in accordance with the procurement rules and services applied in Kosovo.
3. Prior to sending the official vehicle into service, the vehicle submission form must be completed, which is generated by the electronic vehicle management system, indicating vehicle details, type and registration number, the reason for sending the vehicle to service and the description of the defects reported in the vehicle. The form is prepared by the Transport Office, where it is further processed to deliver the vehicle to the selected service and the original is attached to the case for further processing.

4. Before taking the official vehicle from the service, the driver or official must verify that the defects for which the vehicle was sent to service have been avoided.
5. In case of serious accidents or injuries, the Transport Office must be notified by the users of the vehicle, and further, the insurance company where the vehicle is insured must complete the service delivery form.
6. Vehicles that spend more than specified in the technical documentation must be tested and standardized for cost or removed from circulation.

Article 10 **Reporting**

1. Drivers or authorized persons, at the beginning of each month, by the date seven (7) must submit a report, which is generated by the electronic vehicle management system and includes mileage, cleaning costs, fuel, and a Leaflet usage form the vehicle must be handed over to the Office of Transport.
2. The Transport Office is obliged to collect all bills spent on vehicles by contracted operators by the date seven (7) of the month.
3. The Office of Transportation prepares quarterly reports including fuel costs, servicing, mileage, accident and vehicle use and other reports as needed.

Article 11 **Parking of the official vehicles**

1. All official vehicles, except those designated by Article 3, paragraphs 1 and 2, shall, after the end of their official working hours, be parked in the prosecutor's office parking lot.
2. Keys and technical documentation of vehicles immediately after completion of the travel shall be handed over to the responsible officer or, in his absence, placed at the place designated for that purpose. A copy of the keys is kept at the Transport Office of the General Services Division at the Council Secretariat.

Article 12
Actions in case of accidents

1. In cases where the official vehicle is involved in the accident, the user must:
 - 1.1. Stop the vehicle and stay at the scene of the accident until the police authorities arrive and complete all of the following procedures (points 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, and 1.9), except in cases where his / her integrity is at risk;
 - 1.2. Offer first aid to the injured person (s) if he or she is able to do so;
 - 1.3. To report the accident by telephone to the Transport Office, and if unable to contact the Transport Office, report to the General Services Division or as soon as possible to convey the order to the one of the superiors;
 - 1.4. Inform the police directly or through other officials in the event of a third party injury or property damage;
 - 1.5. Provide the injured or injured third party or police with all necessary data and, as far as possible, obtain it from the injured or injured third party;
 - 1.6. Not to take any pledge of responsibility, but leave it all to the police authorities;
 - 1.7. Ensure, as far as possible, the vehicle from theft and, at the same time, not leave or allow the other vehicles involved in the accident to leave the scene without obtaining appropriate information;
 - 1.8. Complete the accident form generated by the electronic car management system and submit it within 24 hours to the Office of Transport. In certain cases or because of a serious health condition is reported 48 hours from the moment of overcoming obstacles of such situation;
 - 1.9. In case of loss / theft of the vehicle to report to the nearest police station, as well as to complete the form theft/ loss of official vehicle (Annex 4) and together with completed documentation, within 72 hours to send to the company insurance;

Article 13
Responsibility

1. Every official vehicle user must comply with the general traffic rules and is responsible for the careful use of the vehicle, as well as being responsible for any damage caused if the vehicle is used in contravention of this instruction.
2. The Office of Transportation must be notified by the persons who have used the vehicle, identifying everything related to the vehicle, such as: scratches, antenna status, audio-visual equipment, spare wheel and, any other part or accessory of the vehicle from the moment he noticed it;
3. Officials are subject to disciplinary proceedings in the event of the use of official vehicles contrary to the rules of this Instruction;
4. The General Services Division, through the Office of Transport, exercises weekly, monthly and periodic reporting of official vehicles;

Article 14
Monitoring the implementation of the instruction

1. Responsible for monitoring the implementation of this instruction is the General Services Division through the Transport Office at the Council Secretariat, which must be active 24 hours;
2. The Director of the Secretariat makes decisions, gives proposals and recommendations to the Council for the implementation of this instruction.

Article 15
Alienation of prosecutorial system vehicles

1. At the request of the Office of Transport, approved by the Division of General Services, the Director of the Secretariat may establish a Commission for the assessment of the condition of vehicles;
2. According to the evaluation of the commission and in accordance with the laws applicable in the Republic of Kosovo, vehicles of the prosecutorial system may be alienated according to the procedures;
3. Upon request and in exceptional cases, the Director of the Secretariat may assign official vehicles of the prosecutorial system to other operating institutions;

Article 16
Repeal

With the entry into force of this Administrative Instruction, Administrative Instruction no. 07/2013 on the Use of Official Vehicles of the Kosovo Prosecutor's Office is repealed, as well as all previous decisions and authorizations regarding the right to use official vehicles of the prosecutorial system.

Article 17
Entry into force

Administrative Instruction enters into force on 01 September 2018.

Pristina, 26 July 2018

Blerim Isufaj

Chairman of the Kosovo Prosecutorial Council