



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

The Kosovo Prosecutorial Council, based on article 7 paragraph 1 under paragraph 1.28 of Law No. 06 / L-056 for the Kosovo Prosecutorial Council, at the meeting held on February 23, 2023, approved the following:

**ADMINISTRATIVE INSTRUCTION No. 01/2023 FOR THE DRAFTING
OF NORMATIVE ACTS OF THE KOSOVO PROSECUTORIAL
COUNCIL**

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this administrative instruction is to define and unify the standards for the drafting of normative acts by the Kosovo Prosecutorial Council.

Article 2

Scope

The provisions of this administrative instruction are mandatory for all Commissions and working groups of the prosecutorial system that participate in the process of drafting, consultation, review and approval of normative acts.

Article 3

Definitions

1. The definitions used in this administrative instruction have the meaning as follows:

1.1. **Committee for Normative Issues** - is a permanent committee of the Council and is responsible for the drafting of by-laws and other normative documents, namely the analysis and assessment of the legal basis with the Constitution, Laws and other existing regulations of the Council.

- 1.2. **Committees** – means permanent commissions or ad-hoc commissions established in the prosecutorial system.
- 1.3. **Regulation** - by-law that is approved for the implementation of a law with the purpose of further regulation of a certain field or sector.
- 1.4. **Administrative Instruction** - bylaw that is approved based on the authorization given by law to further regulate organizational or procedural issues of the relevant law.
- 1.5. **Guide** - bylaw that aims to provide practical instructions for the implementation of certain tasks, actions or procedures according to the legislation in force.
- 1.6. **Amendments** - by-law act that aims to change or complete some provisions of a by-law act in force.
- 1.7. **Financial Impact Assessment** - the process of preliminary analysis of the possible financial impacts of the draft normative act proposed on the Council's budget, to ensure that the draft normative act foresees actions that have possible budgetary implications.
- 1.8. **Group of Interest** – including, but not limited to, any public institution, civil society organization, media as well as other entities that are affected / influence or are interested in directly or indirectly influencing the act presented for public consultation.

II.

GENERAL PRINCIPLES OF THE LEGISLATIVE PROCESS

Article 4

Basic principles of the procedure for drafting normative acts

1. All commissions, relevant units of the Council and persons participating in the drafting of normative acts must adhere to the standards of drafting legislation and must ensure the implementation of these principles at every stage of drafting:
 - 1.1. **Constitutionality and Legality** - the normative act must be in accordance with the Constitution of the Republic of Kosovo, the International Agreements applicable in the Republic of Kosovo and the laws in force.
 - 1.2. **Validity** - the drafting of the normative act must be based on authorizations expressly defined by law or other sub-legal act.
 - 1.3. **No-Discrimination** - the normative act should not contain discriminatory elements;
 - 1.4. **Gender Equality** - the normative act guarantees, protects and promotes gender equality.
 - 1.5. **Transparency** - the normative act is drafted in an open, comprehensive manner, which allows the necessary space for comments from the public and interest groups.

- 1.6. **Normative Act** - be prepared in the Albanian and Serbian languages, before submission for review and approval.

III

RULES REGARDING THE FORM AND CONTENT OF THE NORMATIVE ACT

Article 5 Structure of the Act

1. Each normative act must contain these parts:

- 1.1. **Front page** - which must contain the official logo of the Kosovo Prosecutorial Council according to the format and dimensions defined in Form 1 as well as the designation "Republic of Kosovo" at the beginning and "Kosovo Prosecutorial Council" at the end, in Albanian, Serbian and English.
- 1.2. **Preamble** which contains the legal basis for issuing the normative act, in the order of ranking "the highest act in terms of power at the beginning, to the lowest act in terms of power at the end".
- 1.3. **Title** – each normative project must contain the name, ordinal number and year of adoption of the normative act, according to the rule: type of act (example: "Regulation"), the ordinal number of the issuance of the act within the relevant year when the act was issued (example: "01 /2023"), and the name of the normative act (example: for the internal organization of the KPC Secretariat").
- 1.4. **General Provisions** - present the substance of a draft normative act in relation to the purpose, scope and definitions of the act. The purpose must be accurately and briefly described and must contain the exact definition of the purpose of issuing the normative act. The scope of the act must correctly define the framework of the issues regulated by the normative act and the institution responsible for the implementation of the act. Definitions must be made for terms that may have two meanings, terms that are unknown or terms that may be unknown or specific to a field. Definitions should not be made of standard or well-known terms.
- 1.5. **Material Provisions** - represent the substance of a normative act. These provisions contain the rights and obligations of different legal entities which can be physical or legal persons.
- 1.6. **Procedural Provisions**- should set out provisions relating to any particular procedure, appeals procedure or similar provisions.
- 1.7. **Final Provisions** - must contain the repealing, transitional and entry into force provisions of the act. The repealing provisions must accurately define other acts or provisions of other acts that are repealed by the issuance of the normative act. In certain cases, transitional provisions should determine the rules for the temporal effect of

certain provisions. The provision of entry into force must precisely determine the time of entry into force of the issued act.

- 1.8.**Signature** - must contain the name, surname and signature of the Chairman of the Council, as well as the date of approval of the act.

Article 6

Formatting rules of the act:

1. The basic text of the normative act follows the following rules:
 - 1.1. The text of the normative act is drafted in the type of letters (font) "Times New Roman" size 12, as defined in Form 2 of this Regulation;
 - 1.2. The space between lines is arranged with a single space (regular, single space);
 - 1.3. Placement of text on the page is justified (justified);
 - 1.4. The beginning of the paragraph is moved 0.5" (half an inch) from where the text normally begins;
 - 1.5. The width of the page does not exceed the following margins: at the top (top) 1"; at the bottom (bottom) 1"; left (inside) 1"; right (outside) 1".

Article 7

Types of normative acts

1. The Council drafts these types of normative acts:
 - 1.1. Regulations;
 - 1.2. Administrative Instruction; and
 - 1.3. Guide.

Article 8

Amendments to the Acts

1. This guide also applies to the process of drafting amendments - supplementing the normative acts in force of the Council.
2. In cases where it is proposed to change more than one third (1/3) of the normative act in force, The Council approves the amendment - as a new normative act. The Council acts in the same way in cases where the normative act in force has been amended - supplemented more than two (2) times.

IV
PROCEDURE FOR DRAFTING AND PUBLIC CONSULTATION OF THE
NORMATIVE ACT

Article 9
Annual plan of normative acts

1. The Commission for Normative Issues, drafts and approves the annual plan for the drafting of normative acts in implementation of the Council's annual plan and the strategic plan of the prosecutorial system.
2. The Annual Plan becomes public on the Council's website immediately after its approval.

Article 10
Beginning of the drafting procedure

1. The drafting procedure begins with a documented needs assessment, including a gap analysis of the current situation and a description of the desired outcome of the normative act. Based on this document, the responsible commission proposes the initial draft of the normative act.
2. In certain cases, apart from the Committee for Normative Issues, the Council may authorize working groups to start the drafting procedure by proposing the initial draft of the normative act.

Article 11
The working group for drafting the act

1. The working group must have at least three (3) members. At least one of the members must be a member of the Commission in charge of drafting the normative act.
2. Secretaries of commissions and working groups assist throughout the process of drafting and public consultation of the normative act. This includes the announcement of the draft normative act for public consultation on the Council's website and the acceptance of comments from the public consultation.

Article 12

Initial Draft

1. The Committee for Normative Issues must ensure that the initial draft of the normative act, including the appendices if necessary, is drawn up within the deadline set in the Council's annual work plan.
2. In cases where the Commission for Normative Issues appoints a working group for drafting the draft of the normative act, the working group must finalize the initial draft no later than thirty (30) days from the day after the appointment by decision of the responsible commission. Depending on the need, this can be postponed for a reasonable period of time with the authorization of the Commission for Normative Issues.

Article 13

The financial assessment of the act

1. After drafting the initial draft and additions, the Committee for Normative Issues forwards the normative act to the Department for Budget and Finance for assessment of the financial impact.
2. The Department for Budget and Finance evaluates the financial cost of the proposed act in the event of its implementation for at least the next three (3) years, and forwards the report (see Appendix A) to the Commission for Normative Issues, no later than seven (7) days from the receipt of the request for financial impact assessment.
3. In case the final draft of the normative act presents new possibilities of financial impact, then the Commission for Normative Issues re-sends the act to the Department for Budget and Finance for reassessment of the financial impact.

Article 15

Consolidated Draft

The Commission for Normative Issues finalizes the consolidated draft of the normative act and, depending on the need, cooperates with the relevant commissions or the working group regarding the finalization of the draft.

Article 16

Public consultation

1. The most important normative acts must be subject to public consultation at least once, which must last no less than 15 working days from the day of announcement. Exceptionally, when

the Commission for Normative Issues assesses that the draft normative act is not necessary to be submitted to public consultation.

2. The Commission for Normative Issues announces the consolidated draft of the normative act for public consultation on the Council's website in two languages: in Albanian and in Serbian.
3. The Commission for Normative Issues, depending on the need, may provide additional forms of public consultations, including meetings with interest groups, study visits, etc.
4. The Commission for Normative Issues must deal with the comments and recommendations received during public consultations for inclusion or non-inclusion of the comments or recommendations received.

Article 17

Finalization after comments from the public consultation

1. After receiving the comments from the public consultation, no later than thirty (30) days, the Committee for Normative Issues examines the comments, prepares the final draft of the normative act for approval in the Council.
2. If the final draft of the normative act changes by more than ½ from the draft announced in public consultation, then the Commission for Normative Issues announces the final draft once again for public consultation. The second time the public consultation must last no less than seven (7) days from the day of the announcement.
3. The Committee for Normative Issues, before sending the final act to the Council for approval, forwards it to the members of the Council if they have any questions, comments, suggestions or recommendations regarding the final act.
4. The Committee for Normative Issues, with the proposal of any member of the Council, may schedule a special meeting regarding any accepted comment, suggestion or recommendation, in order to pre-consume all discussions related to the finalized act, before the same proposed to the Council for approval.

Article 18

Approval by the Council

Normative acts are approved in the Council, in accordance with the legislation in force.

Article 19
Publication of the act

The normative act must be published on the Council's website on the day of approval. The act is published in the official languages that apply in Kosovo in an editable format, and in no way in a scanned format.

V
FINAL PROVISIONS

Article 20
Component parts of the Instruction

1. Components attached to this instruction are:
 - 1.1. Appendix A: Form for assessing the financial impact of the draft normative act;
 - 1.2. Form 1: Front page of the normative act;
 - 1.3. Form 2: Types of letters;
 - 1.4. Form 3: Example of article structure;
 - 1.5. Form 4: Table of comments from the public consultation;
 - 1.6. Form 5: Draft act in both languages.

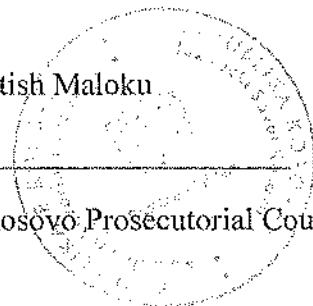
Article 21
Entry into force

This administrative instruction enters into force on the day of signature by the Chairman of the Council.

Date: 23 February 2023

Jetish Maloku

Chairman of the Kosovo Prosecutorial Council





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APPENDIX A: Form for assessing the financial impact of the draft normative act

Name of the draft normative act:				
Financial impact assessment:¹				
Financial impact re-assessment:²				
Responsible commission				
Department for Budget and Finance of KPC:				
The date of receipt of the request:				
Financial implications:	Expressed in EUR (000).			
	Year 0 (current budget)	Year 1 (earliest assessments)	Year 2 (Year 1 (earliest assessments)	Year 3 (Year 1 (earliest assessments)
A. Total cost of the proposal (expressed in total):				
<i>Salary and allowances</i>				
<i>Goods and services</i>				

¹ 1 Article 13 paragraph 2 The Department for Budget and Finance makes an assessment of the financial cost of the proposed act in the case of its implementation for at least the next three (3) years, and forwards the report to the responsible committee, through the legal office of the Council, no more later than seven (7) days from the receipt of the request for financial impact assessment.

² 2 Article 12 paragraph 3 of the Guidelines for the Drafting and Public Consultation of Normative Acts of the Kosovo Prosecutorial Council, foresees cases where the final draft of the normative act presents new opportunities for financial influence, then the Committee for Normative Issues resends the act to the Department for Budgets and Finances for evaluation of financial impact.

<i>Municipal expenses</i>				
<i>Subsidies and transfers</i>				
<i>Capital expenditures</i>				
<i>Total:</i>				
B. The approved budget allocation related to the proposal (expressed in total):				
<i>Salary and allowances</i>				
<i>Goods and services</i>				
<i>Municipal expenses</i>				
<i>Subsidies and transfers</i>				
<i>Capital expenditures</i>				
<i>Total:</i>				
C. Change from approved budget allocation (A-B) (expressed in total):				
<i>Salary and allowances</i>				
<i>Goods and services</i>				
<i>Municipal expenses</i>				
<i>Subsidies and transfers</i>				
<i>Capital expenditures</i>				
<i>Total:</i>				
D. The portion of the increase/decrease that is proposed to be kept by the budget organization				
E. Are there potential sources of donor support?				
<i>If so, who are those donors, and the amount of support expressed in total:</i>				
F. Increase/decrease in the number of staff:				

Indicate whether this form is accompanied by the narrative description of the basis for the cost/revenue calculations presented above. If so, please attach the narrative report.

Date of submission of assessment

Signature of the responsible official

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