



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, subparagraph 1.31 of the Law on the Kosovo Prosecutorial Council and Article 10 of the Law on the State Prosecutor, at its meeting held on 13 February, approves the following:

REGULATION NO. 01/2024
ON THE ASSET RECOVERY OFFICE

Article 1
Purpose

1. This Regulation establishes the Asset Recovery Office and defines the organization, working method, activity and powers of this Office.
2. The Asset Recovery Office aims to provide assistance and advice in asset tracing, cooperation with financial institutions, forensic accounting and international cooperation in achieving the goals of case prosecutors for the return of assets acquired through criminal offenses.

Article 2
Scope

This regulation is implemented by all levels of the State Prosecutor's organization, the relevant units of the Kosovo Prosecutorial Council and the officials engaged in this office.

Article 3
Definitions and abbreviations

1. Definitions and abbreviations used in this regulation have the following meaning:
 - 1.1. Council - means the Kosovo Prosecutorial Council;
 - 1.2. SP- means the State Prosecutor;
 - 1.3. CSP - means the Chief State Prosecutor;
 - 1.4. KP – Kosovo Police
 - 1.5. FIU – means the Financial Intelligence Unit;
 - 1.6. TAK – means the Tax Administration of Kosovo;
 - 1.7. Customs – means Kosovo Customs;
 - 1.8. SOP - means Standard Operating Procedures.
 - 1.9. AMCSA - means the Agency for the Management of Confiscated and Sequestered Assets
 - 1.10. Register – means official register.
 - 1.11. CARIN – means the Camden International Network of Asset Recovery Agencies.

Article 4
Establishment of the Asset Recovery Office

1. The Council establishes the Office within the Office of the Chief State Prosecutor.
2. The Office of the Chief State Prosecutor provides office space sufficient to accommodate the officers engaged in the Asset Recovery Office and undertakes the administrative needs of the Asset Recovery Office.

Article 5
Competences of the Asset Recovery Office

1. The Office serves to provide assistance, upon request of the prosecutors of the case, in relation to investigative actions regarding the tracing and identification of assets, including assets in foreign countries or assets of foreign countries located in Kosovo, with the ultimate goal of returning these assets. The Office provides assistance in the process of:
 - 1.1 asset tracking through intelligence and evidence collection,
 - 1.2 freezing, seizure and confiscation of assets;
 - 1.3 international cooperation,
 - 1.4 court proceedings,
 - 1.5 execution of orders, and
 - 1.6 return of assets.
2. The office collects information and intelligent data either from the official register or from open sources which can be used by prosecutors to obtain information through official channels and which can be used as evidence in court.
3. The office can use advanced financial software and databases to track assets that may be linked to illegal activities, including data on assets held in offshore bank accounts, real estate, luxury goods and the like.
4. The Office cooperates with the Central Bank of Kosovo, financial institutions, including local and international banks to detect suspicious transactions, especially those that may be related to money laundering or other illegal financial activities.
5. The Office encourages financial investigations as part of criminal investigations, through capacity building and continuous professional training of officials delegated to this office, ensuring that the origin and movements of assets are transparent.
6. The Office drafts the PSV for the official communication of the Office with other agencies that do not have officials delegated to this Office, as well as drafts the PSV for the interaction between the Office and the prosecutors of the case, with the aim of providing assistance by this Office.
7. The Office organizes necessary training for prosecutors and law enforcement agency officials regarding the scope of the Office and ways of assisting in concrete cases.

8. The Office maintains regular contacts and exchanges experiences with asset recovery offices in other countries, including the Regional Inter-Agency Asset Recovery Network and the Camden International Asset Recovery Agencies Network (CARIN), in order to recover assets in other countries and to investigate cross-border financial activities.

Article 6

Composition of the Office

1. The office consists of at least one (1) state prosecutor and officials delegated by law enforcement agencies defined in paragraph 3 of this article.
2. The head of the Office is the State Prosecutor appointed by the Decision of the Chief State Prosecutor.
3. Law enforcement agencies delegate their officials to the Office after the Cooperation Agreement signed between each institution and the Chief State Prosecutor. Law enforcement agencies that delegate officers to the Office include:
 - Kosovo Police,
 - Financial Intelligence Unit,
 - Agency for the Management of Confiscated and Seized Assets,
 - Tax Administration of Kosovo, and
 - Kosovo Customs.
4. The Chief State Prosecutor can sign cooperation agreements with other institutions as a function of the further development and advancement of the Office.
5. The officials delegated by the implementing law agencies defined by article 3 and 4 of this Regulation, as far as the administrative aspect is concerned, remain officials with full rights and obligations towards the delegating institution. However, as far as the operational aspect is concerned, more precisely in relation to the activities carried out within the field of activity of the Office, they answer and report only to the Head of the Office
6. The CSP can appoint additional administrative officials in the Office to provide administrative -technical assistance.

Article 7

Responsibilities of the Head of the Office

1. The Head of the Office is responsible for all asset recovery activities.

The Head of the Office has the following responsibilities:

- 1.1 Supervise officials, including delegated officials, to ensure the facilitation of communication between the Office and prosecutors.
- 1.2 Represents the Office in coordinating activities with other law enforcement bodies and institutions in Kosovo,

- 1.3 Assists and provides professional advice to all Asset Recovery Office officials and case prosecutors.
2. The Head of the Office maintains regular contact with the Prosecutor of the case and keeps him regularly informed about the developments of the Office's actions in the function of tracing and identifying assets.
3. The Head of the Office reports in writing every three (3) months to the Chief State Prosecutor regarding the cases that the Office has assisted the prosecutors or the data it has shared with other states.
4. At the request of the Chief State Prosecutor, the Head of the Office reports as necessary.
5. The term of office of the Head of the Office is three (3) years with the possibility of extension for one additional term.
6. In the absence of the Head of the Office, the Chief State Prosecutor appoints his Deputy by decision.

Article 8
Responsibilities of officials delegated by Kosovo Police

1. Police officers delegated by the Kosovo Police undertake any investigative action authorized by the Head of the Office for the purpose of undertaking police activities. These police activities include but are not limited to:
 - 1.1 conducting investigations into financial crimes and illegal activities leading to the tracing and identification of assets;
 - 1.2 conducting financial analysis, to trace the movement of illegally acquired assets and through complex financial transactions, including interstate cases;
 - 1.3 through the Office Leader cooperate with case prosecutors to obtain necessary warrants and court orders, and
 - 1.4 They ensure that each action is within the bounds of the law and adhere to strict procedural requirements.

Article 9
Responsibilities of officials delegated by FIU

1. Officials delegated by the FIU undertake each action authorized by the Head of the Office in order to undertake the activities that fall within the scope of the FIU. These activities include but are not limited to:

- 1.1 analyzing financial transactions and data to identify suspicious patterns and activities through the use of sophisticated tools and techniques to trace the flow of funds related to criminal activities,
- 1.2 gathering and compiling information from various sources, including strategic analytical reports of the IFI, financial institutions, regulatory bodies , other agencies and international organizations, and
- 1.3 through the Head of the Office initiates and/or recommends the issuance of freezing orders or confiscation orders to prevent the distribution of assets associated with criminal activities.

Article 10
Responsibilities of officials delegated by TAK

1. Officials delegated by TAK undertake each action authorized by the Head of the Office in order to undertake the activities that fall within the scope of TAK. These activities include but are not limited to:

- 1.1 conducting tax audits and financial reviews of individuals and businesses based on laws governing taxes and taxation, and
- 1.2 Making available to the Office tax declarations, financial statements and other relevant documents that may provide information on the possible misappropriation of assets.

Article 11
Responsibilities of officials delegated by Customs

1. Officials delegated by the Customs undertake each action authorized by the Head of the Office in order to undertake the activities that fall within the scope of the Customs. These activities include but are not limited to:

- 1.1 detection of smuggling activities and trade-based money laundering schemes,
- 1.2 engage in risk profiling and targeting , using intelligent data from Customs to target individuals and businesses, with a focus on asset tracking and identification, and
- 1.3 through the Head of the Office initiates and/or recommends the issuing of orders to seize contraband and illegally acquired goods.

Article 12
Responsibilities of officials delegated by other agencies

2. Officials delegated to the Office and who do not have the responsibilities described in this article, those responsibilities will be specified in the Cooperation Agreement with KPSH and the responsible institution signed on the basis of article 6 paragraph 3 of this Regulation.

Article 13
Raising the capacities of officials engaged in the Office

1. The leader of the Office and the officials engaged in the Office will be provided with systematic professional training in raising skills in financial forensics , skills on cybercrimes and in international legal instruments regarding asset recovery.
2. Specialized training will also be provided in the use of the electronic platform developed according to Article 14 of this Regulation.

Article 14
Electronic platforms

The office is served by electronic platforms that will manage cases and exchange information in a secure and encrypted manner.

Article 15
Communication and standard operating protocol

1. The Office will enable unhindered communication with all law enforcement agencies in Kosovo and will develop SOPs to facilitate internal communication among Office officials as well as between the Office and case prosecutors.
2. The SOPs defined in the above paragraph are approved no less than 3 months after the full operationalization of the Office by the PSC .
3. PSV will determine the manner, form and types of acts that the Office will take within the scope of its activity.

Article 16
Conflict of Interest

1. The members of the Office are obliged to declare if there is a possible conflict of interest for the cases in which they assist the prosecutors of the case. If there is a conflict of interest then they are obliged to immediately notify the head of the Office.
2. The Head of the Office, with a decision in written form, indicating the reasons, is obliged to replace the members of the Office in case he finds that there is a conflict of interest only for that matter in question.

Article 17
Transitional provisions

1. For the purposes of this Regulation, the full functioning of the Office means the signing of cooperation agreements with law enforcement agencies and the delegation of officials to the Office.

2. Until the full training of the officials, the Office will be assisted by the Basel Institute for Governance, which will be made possible through the expansion of the scope of the current cooperation agreement that KPS has concluded with the Basel Institute for Governance.

Article 18
Entry into force

This Regulation enters into force on the day of approval by the Kosovo Prosecutorial Council.

Pristina, on 13 February 2024

Ardian Hajdaraj,
Chairman, Kosovo Prosecutorial Council