Honored Mr. Bajraktari,

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 of the Prime Minister, 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 Council of Ministers of the Republic of Albania on Mutual Legal Assistance in Civil and Trade Matters.

Respectfully!
LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

04.01.2022

On 2 February 2022, the Legal Department of the Ministry of Justice, pursuant to Article 7, paragraph 1 under paragraph 1.2 of the Regulation No. 09/2011 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 4.18 of Regulation No.06/2020 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, the Office of the Prime Minister the Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Council of Ministers of the Republic of Albania on Mutual Legal Assistance in Civil and Trade Matters.

1. SUBJECT


2. ATTACHED DOCUMENTS

At the request of the Legal Department of the Ministry of Justice for Legal Opinion on Compliance with EU acquis, the following documents were sent: Declaration of conformity (compliance) with EU Legislation (Albanian, Serbian, English), The final draft of the draft law in question (Albanian, Serbian, English), Explanatory Memorandum of this Draft Law (Albanian, Serbian, English).

3. PREAMBLE

In accordance with Article 7 paragraph 3 of Regulation no. 09/2011 of the Government of the Republic of Kosovo, pursuant to Article 3 under paragraph 1.3, Article 13 paragraph 6, Article 21 paragraph 4 of Regulation no. 13/2013 on Government Legal Service and Article 30 paragraph 4 of 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, based on the scope of its competencies, on 4 February 2022 issues the following:
4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

The request for Legal Opinion on Compliance with EU acquis was sent in hard and electronic copies on 2 February 2022, with reference number 181-1-2022.

5. INTRODUCTION

The purpose of the Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Council of Ministers of the Republic of Albania on Mutual Legal Assistance in Civil and Trade Matters is to ratify the Agreement between the Government of the Republic of Kosovo and the Council of Ministers of the Republic of Albania for Mutual Legal Assistance in Civil and Commercial Matters, signed by the Ministers of Justice of the two countries, on 26 November 2021 in Prishtina. This Draft Law has a total of 23 Articles and an Explanatory Memorandum.

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

Within EU, the scope of the draft law in question does not violate EU principles.

7. DESCRIPTION AND EVALUATION OF DOCUMENTS SUBMITTED WITH THE LEGISLATION PROPOSED BY THE LINE INSTITUTION

In the content and legal aspect

Referring to point 6 of this Legal Opinion, the provisions of the Draft Law in question do not infringe EU principles.

In technical aspect

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

8. OPINION ON COMPLIANCE

This Opinion on Compliance is based on the content of the Draft Regulation. The responsibility of the Department of EU Law is noted with its opinion, whereas the Ministry of Internal Affairs is responsible to complete the Statement of Compliance (SoC) and Tables of Concordance (ToC) when the Draft Act is related to the transposition of EU acquis. Line ministries, in this case (MIA), are responsible for the policy that they make and for the level of harmonization with EU acquis. Therefore, preliminary periods from partial transposition to complete transposition are under the responsibility of the proposing body. In advance, completing and determining the level of compliance with EU acquis is the responsibility of the line institutions, whereas the Manual for completing tables and declaration of conformity

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1 Article 1 of Draft Law on Ratification of the Agreement between the Government of the Republic of Kosovo and the Council of Ministers of the Republic of Albania on Mutual Legal Assistance in Civil and Trade Matters
and Practical guidelines for the approximation of local legislation with EU acquis which contain legal practices regarding this process.

9. ASSESSMENT OF COMPLIANCE


Respectfully,

Labinote Kashtanjeva

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