LEGAL OPINION OF COMPLIANCE WITH EU LEGISLATION

18.02.2022

On 11 February 2022, Legal Department of the Ministry of Finance, Labour and Transfers, pursuant to Article 7, paragraph 1, subparagraph 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, subparagraph 4.19 of Regulation No.02/2021 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries, amended and supplemented by Regulation No.04/2021 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries, has submitted for review to the Department of EU Law, at the Office of the Prime Minister the Draft Law on Ratification of the Loan Agreement between the Republic of Kosovo and the European Investment Bank for the Wastewater Treatment Plant Development Project in Mitrovica.

1. SUBJECT
Legal Opinion on Compliance of the Draft Law on Ratification of the Loan Agreement between the Republic of Kosovo and the European Investment Bank for the Wastewater Treatment Plant Development Project in Mitrovica with EU acquis.

2. ATTACHED DOCUMENTS
At the request of the MFLT for a legal opinion on compliance with the EU acquis, the following documents have been submitted:
- Final draft of the Draft Law on Ratification of the Loan Agreement between the Republic of Kosovo and the European Investment Bank for the Wastewater Treatment Plant Development Project in Mitrovica (Albanian, Serbian, English);
- Statement of Compliance of the legislation of the Republic of Kosovo with the EU acquis (Albanian, Serbian, English);

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1The name of the Draft Law is transcribed exactly as it is found in the source text of this Draft Law in the electronic and hard copy sent by MFLT, with protocol number 268, dated 11.02.2022.
- Explanatory Memorandum (Albanian, Serbian, English) and

- The agreement in question.

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 Standards for the Drafting of Normative Acts, the Department of EU Law at the Office of the Prime Minister, based on the scope of its competencies, on 18 February 2022 issues the following:

4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION
The request for legal opinion with the EU acquis has been submitted electronically on 11 February 2022 with reference number 268.

5. INTRODUCTION
The purpose of the Draft Law on Ratification of the Loan Agreement between the Republic of Kosovo and the European Investment Bank for the Wastewater Treatment Plant Development Project in Mitrovica. This Draft Law contains 3 Articles.

6. SUMMARY OF EU ACTS GOVERNING THE FIELD OF THE DRAFT ACT
The scope of the draft law in question does not require transposition or harmonization of the EU acquis.

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

I. In the content and legal aspect.
Referring to point 6 of this Legal Opinion, the provisions of the Draft Law on Ratification of the Loan Agreement between the Republic of Kosovo and the European Investment Bank for the Wastewater Treatment Plant Development Project in Mitrovica do not infringe the basic principles of the EU acquis.

II. In technical aspect.
All other documents are submitted and completed according to the Manual for Completion of Tables of Concordance and Statement of Compliance.³

²Article 1 of the Draft Law on Ratification of the Loan Agreement between the Republic of Kosovo and the European Investment Bank for the Wastewater Treatment Plant Development Project in Mitrovica.
³Accessible at: http://mei-ks.net/sq/dokumente-udhuzese-mbi-procesin-e-prafrimit-lijtor
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 in its opinion, while the proposing body (MFLT) is responsible for completing the Statement of Compliance (SoC) and Tables of Concordance (ToC) when the Draft Act relates to the transposition of the EU *acquis*. Line institutions are responsible for the policy they make and the level of harmonization with the EU *acquis*. Therefore, preliminary periods from partial transposition to complete transposition are under the responsibility of the proposing body of the Draft Law. Preliminarily, line institutions are responsible to fulfil and determine the level of compliance with EU *acquis*.

9. ASSESSMENT OF COMPLIANCE

Provisions of the *Draft Law on Ratification of the Loan Agreement between the Republic of Kosovo and the European Investment Bank for the Wastewater Treatment Plant Development Project in Mitrovica* do not violate the basic principles of the EU *acquis*.

Valon Hetemi

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