



**Republic of Kosovo**  
*Office of the Prime Minister*  
*Legal Office*

**LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION**

17.10.2022

On 22 September 2022, the Legal Office of the Office of the Prime Minister Office, pursuant to Article 7, paragraph 1.2, of Regulation No. 09/2011 of 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, paragraphs 3 and paragraph 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 with Regulation No. 04/2021 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries. Submitted for review to the Division for EU Law under the Office of the Prime Minister the *Draft Law on the Independent Media Commission*.

**1. SUBJECT**

Legal Opinion on compliance with the EU *acquis* of the *Draft Law on the Independent Media Commission*.

**2. ATTACHED DOCUMENTS**

The request of the Legal Office of the Office of the Prime Minister for a Legal Opinion on compliance with the EU *acquis* was accompanied by the following documents:

- The final draft of the law concerned (in Albanian, Serbian and English);
- Explanatory memorandum of the draft law (in Albanian, Serbian and English);
- Statement of Compliance of the draft law (in Albanian);
- EU-Kosovo and Kosovo-EU Tables of Compliance in English for Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

**3. PREAMBLE**

In accordance with Article 7, paragraph 3, of Regulation No. 09/2011 of Rules and Procedure of the Government of the Republic of Kosovo, pursuant to Article 3, paragraph 1.3, Article 13, paragraph 6, and Article 21, paragraph 4, of Regulation No. 13/2013 on the Government Legal Service, and Article 30, paragraph 4, of Administrative Instruction No. 03/2013 on Standards for Drafting of Normative Acts, the Division for EU Law under the Office of the Prime Minister, based on the scope of its competencies, on 17 October 2022 issued the following:

#### 4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

The request for Legal Opinion on compliance with the EU *acquis* was submitted electronically on 22 September 2022.

#### 5. INTRODUCTION

The Draft Law on the Independent Media Commission aims to define the competences of the Independent Media Commission (hereinafter: IMC) in order to promote the development of a sound market of audiovisual media services, which serves all citizens of the Republic.<sup>1</sup> This draft law contains sixty-eight (68) articles.<sup>2</sup>

#### 6. SUMMARY OF EU LEGAL ACTS REGULATING THE AREA OF DRAFT LAW

The scope of this draft law is regulated under the EU *acquis* through the following acts:

- Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.<sup>3</sup>

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

##### I. In substantive and legal terms

During the review of the documents attached to the request, the draft law was discussed with the Legal Office (OPM) concerning the scope of the *acquis* in the Audiovisual Media Services sector and the horizontal effects of other EU legislation related to Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities, which have not yet been transposed. Therefore, it is considered that the draft law partially transposes Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

##### II. In technical terms

All other documents have been submitted and completed according to the Manual for completing the Tables of Compliance and the Statement of Compliance.

#### 8. OPINION ON COMPLIANCE

<sup>1</sup> Draft law concerned, Legal Office of the OPM, September 2022.

<sup>2</sup> Final draft of the law, Legal Office of the OPM, September 2022.

<sup>3</sup> See: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&qid=1665999409727&from=EN>

This Legal Opinion on compliance with the EU *acquis* is based on the content of the draft law, the Statement of Compliance, the Tables of Compliance, and the Explanatory Memorandum. The responsibility of the Division for EU Law is noted in its opinion, while the Legal Office of the Office of the Prime Minister is responsible for completing the Statement of Compliance (SoC) in accordance with the recommendations of the DEUL and the Tables of Compliance (ToC). Line ministries (in this case the Legal Office of the Office of the Prime Minister) are responsible for the policy.

Therefore, the preliminary periods from partial transposition to full transposition are the responsibility of the proposing body. In advance, the completion and determination of the level of compliance with the EU *acquis* is the responsibility of the line ministries. *The manual for completing of the Tables of Compliances and the Statement of Compliance* and the *Practical Guidelines for the alignment of local legislation with the EU acquis* provide practical instructions concerning this process.<sup>4</sup>

## 9. ASSESSMENT OF COMPLIANCE

The scope of the draft law is subject to specific regulation under the EU *acquis*. In summary, based on the evaluation of the final draft and the supporting documents, it results that the provisions of the Draft Law on the Independent Media Commission do not violate the basic principles of EU legislation and the draft law is partially aligned to the EU *acquis*.

Sincerely,

Urim Salihu

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Office of the Prime Minister

<sup>4</sup>Available at: <http://www.mej-ks.net/sq/dokumente-ndhe-zucse-mbi-procesin-e-perdimit>