



Republika e Kosovës

Republika Kosova – Republic of Kosovo

Qeveria – Vlada – Government

Zyra e Kryeministrit

Kancelarija Premijera – Office of the Prime Minister

Zyra Ligjore - Pravna Kancelarija – Legal Office

LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

07.11.2023

Legal Department of the Ministry of Justice, dated 07.11.2023, based on Article 7 paragraph 1, sub-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 Government Legal Service, as well as in accordance with Article 3 sub-paragraph 1.2 and 1.3 of Regulation No. 14/2023 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries, has submitted for review to the EU Law Division in the Office of the Prime Minister the “Draft Law on Amending and Supplementing Law No. 08/L-013 on Property Rights of Foreign Citizens in the Republic of Kosovo”.

1. SUBJECT

Legal Opinion on Compliance of the “Draft Law on Amending and Supplementing Law No. 08/L-013 on Property Rights of Foreign Citizens in the Republic of Kosovo”¹, with EU Acquis.

2. ENCLOSED DOCUMENTS

¹ The proposing institution has requested that the Draft Act is reviewed urgently, therefore in case of eventual omissions, we are not responsible since the time for substantive review has been very short.

Along with the request of Legal Department of the Ministry of Justice for **Legal Opinion on Compliance with EU *Acquis***, the following documents were sent:

- The final version of the *Draft Law* (Albanian, English and Serbian version),
- Explanatory memorandum and
- Declaration on Compliance.

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, Article 3 sub-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 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 powers, on November 7, 2023 issues this:

4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

The request for a **Legal Opinion** with the EU *Acquis* was sent in hard copy files on November 7, 2023 with reference number 2125.

5. INTRODUCTION

The purpose of this *Draft Law* is to amend and supplement Law No. 08/L-013 on Property Rights of Foreign Citizens in the Republic of Kosovo.² This *Draft Law* contains a total of 3 articles.

6. SUMMARY OF EU ACTS GOVERNING THE SCOPE OF THE DRAFT LEGISLATION

² Article 1 of the Draft Act.

The scope of this *Draft Law*, or its amendments and supplementing is not subject to transposition with the EU *Acquis*.

7. DESCRIPTION AND EVALUATION OF THE DOCUMENTS SENT IN ACCORDANCE WITH THE PROPOSED LEGISLATION BY THE LINE INSTITUTION

In terms of content

Referring to point 6 of this Legal Opinion, i.e. the amended and supplemented provisions of the *Draft Law* are not subject to Tables of Compliance legislation with the EU *Acquis*.

In technical terms

All other documents have been sent and completed according to the Manual for Completing the Compliance Tables and the Declaration of Compliance³.

8. COMPLIANCE OPINION

This **Compliance Opinion** is based on the content of the *Draft Act*. The responsibility of the Division for EU Law in LO/OPM is highlighted by its **Opinion**, while the proposing institution is responsible for completing the Declaration of Compliance (DoC) and Tables of Compliance (ToC) when the *Draft Act* is linked to the transposition of the EU *Acquis*. Line institutions are responsible for the policies they make and for the level of harmonization with the EU *Acquis*. Therefore, the preliminary periods from partial transposition to full transposition are the responsibility of the proposing body. Primarily, the responsibility for meeting and assessing the compliance level with EU *Acquis* rests with the line institutions. *The Manual for Completing Tables and Declarations of Compliance and Practical Guidelines for Aligning the Legislation of the Republic of Kosovo with the Legislation of the European Union*, contain practical instructions for this process.⁴

³ Accessible at: <http://mei-ks.net/sq/dokumente-udhzuase-mpi-procesin-e-prafimit-ligjor>

⁴ Available at: <http://mei-ks.net/sq/dokumente-udhzuase-mpi-procesin-e-prafimit-ligjor>

9. COMPLIANCE EVALUATION

During the review of the request for a **Legal Opinion on Compliance of the *Draft Law on Amending and Supplementing Law No. 08/L-013 on Property Rights of Foreign Citizens in the Republic of Kosovo***, the EULD finds that the scope of the *Draft Act*, is not subject to transposition with the EU *Acquis*.

Respectfully,

Labinote Kashtanjeva

Dpt. Head of the EU Legal Affairs Division

EU Law Division

Legal Office/Office of the Prime Minister