Honored Ms Rugova,

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 Amending and Supplementing the Law No.06/L-057 on Disciplinary Liability of the Judges and Prosecutors”.

Respectfully!
Legal Department of the Ministry of Justice, on 8 April 2021, 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, Article 19 of Regulation No. 13/2013 on Government Legal Service has submitted for review to the Division of EU Law, in the Legal Office of the Office of the Prime Minister, the “Draft Law on Amending and Supplementing the Law No. 06/L – 057 on Disciplinary Liability of Judges and Prosecutors”.

1. SUBJECT

Legal Opinion on Compliance of the “Draft Law on Amending and Supplementing the Law No. 06/L – 057 on Disciplinary Liability of Judges and Prosecutors” with EU acquis.

2. ATTACHED DOCUMENTS

The following documents were sent at the request of the Legal Department of the Ministry of Justice, for a Legal Opinion on Compliance with the EU acquis:

- Final draft of the Draft Law, in three languages (Albanian, English and Serbian);
- Statement of Compliance for the Draft Law in question with the EU acquis, in three languages (Albanian, English and Serbian);
- Explanatory Memorandum of the Draft Law.

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, 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 for EU Law, in the Legal Office of the Office of the Prime Minister, on 13 April 2021 issues the following:

4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

The request for Legal Opinion with the EU acquis was sent in hard copy and electronically on 8 April 2021 with reference number 1115.
5. INTRODUCTION

The purpose of “Draft Law on Amending and Supplementing the Law No. 06/L – 057 on Disciplinary Liability of Judges and Prosecutors” is the amendment and supplement of Law No. 06/L-057 on Disciplinary Liability of Judges and Prosecutors. This Draft Law contains a total of three (3) Articles.

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

Within the EU, the scope of the draft act in question is not specifically regulated by the EU acquis.

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

**In substantive and legal terms:** Referring to point 6 of this Legal Opinion, the provisions of “Draft Law on Amending and Supplementing the Law No. 06/L – 057 on Disciplinary Liability of Judges and Prosecutors” are not specifically regulated at EU level and consequently this Draft Law does not transpose any act of EU law.

**In technical terms:** All other documents are submitted and completed according to the Manual for completing the Tables of Concordance and the Statement of Compliance.

8. OPINION ON COMPLIANCE

This opinion on compliance is based on the content of the draft Draft Law. The responsibility of the Division of EU Law is noted in its opinion, while the Ministry of Justice is responsible for completing the Statement of Compliance (SoC) and Tables of Concordances (ToC) when the Draft Law connects to the transposition of the EU acquis. The line ministries in this case (MoJ) are responsible for the policy they pursue and the degree of alignment with the EU acquis. Therefore, the preliminary periods from partial transposition to full transposition are the responsibility of the proposing body. In advance, completing and determining the level of compliance with the EU acquis is the responsibility of the line institutions, while the Manual for completing the Tables of Concordance and the Statement of Compliance and Practical Guidelines for the approximation of local legislation with the EU acquis contain practical guidelines for this process.

9. ASSESSMENT OF COMPLIANCE

Provisions of the “Draft Law on Amending and Supplementing the Law No. 06/L – 057 on Disciplinary Liability of Judges and Prosecutors” are not regulated by EU legislation and as such this field of activity remains within the internal competence of EU member states.

Respectfully,

Urim Salihu

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

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1 Article 1 of “Draft Law on Amending and Supplementing the Law No. 06/L – 057 on Disciplinary Liability of Judges and Prosecutors”
2 Available at: [http://www.mti-ks.net/sq/dokumente-todiezeich-wbi-processin-e-persfinit](http://www.mti-ks.net/sq/dokumente-todiezeich-wbi-processin-e-persfinit)