



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 05/L -092

**ON AMENDING AND SUPPLEMENTING THE LAW No. 04/L-042 ON
PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO, AMENDED
AND SUPPLEMENTED BY THE LAW No. 04/L-237 AND THE LAW No.
05/L-068**

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 04/L-042
ON PUBLIC PROCUREMENT IN THE REPUBLIC OF KOSOVO,
AMENDED AND SUPPLEMENTED BY THE LAW No. 04/L-237 AND THE
LAW No. 05/L-068**

Article 1
Purpose

The purpose of this Law is to amend and supplement the Law No. 04/L-042 on Public Procurement in the Republic of Kosovo, amended and supplemented by the Law No. 04/L-237 and the Law No. 05/L-068, hereinafter “basic Law”.

Article 2

Article 21/A of the basic Law shall be amended with the following text:

Article 21/A Economizing procurement activity

1. For the purposes of economizing procurement activities, the Government of the Republic of Kosovo and the relevant Ministries shall conduct procurement procedures on behalf of Agencies accountable to them that have less than fifty (50) employees.
2. The Central Procurement Agency shall conduct the procurement procedures on behalf of the Independent Agencies accountable to the Assembly of the Republic of Kosovo that have less than fifty (50) employees.

Article 3

Article 100 of the basic Law shall be amended with the following text:

Article 100 Appointment of the Chairperson and members of PRB

1. PRB Board consists of five (5) members appointed for a term of five (5) years without the right of re-appointment.
2. Government shall propose to the Assembly at least (2) candidates for the vacant position of the chairperson of PRB and at least two (2) candidates for each vacant position of members of PRB, at least ninety (90) days before the expiry of the mandate of the current chairperson and members. The Assembly shall appoint the chairperson and each member of PRB based on a recommendation made by an independent selection body. The independent selection body shall interview, evaluate and classify by points the candidates based on merits. The Assembly shall appoint the candidates with the highest points for the position of the chairperson and for each vacant position of the members of PRB. In any case, the independent selection body shall deliver to the Assembly the entire list of candidates that were evaluated.
3. The independent selection body referred to in paragraph 2 of this Article shall be established by the Assembly and shall be comprised of three (3) judges appointed by the Kosovo Judicial Council.
4. Any candidate proposed for a Chairperson or a member of the PRB must possess the following qualifications and meet the following criteria:

- 4.1. be a citizen of Kosovo;
- 4.2. not to be convicted for any criminal offence or not to be indicted for any criminal offence;
- 4.3. have completed the bar exam;
- 4.4. have at least three (3) years of professional experience in one of these fields: justice, public administration, public finances or procurement;
- 4.5. have the ability to perform the duties impartially, conscientiously, decisively and responsibly.

Article 4

Article 101 of the basic Law shall be amended with the following text:

Article 101

Suspension, removal and dismissal of the chairperson and members of PRB

1. If there is filed an indictment towards the chairperson or a member of PRB for a criminal offence, he/she shall be suspended with payment of fifty percent (50%) of his/her salary, until his/her removal or until he/she is pronounced innocent by a final court judgement. Suspension shall become effective from the moment the indictment is filed by the prosecutor.
2. Competent court shall, in the day of filing the indictment towards the chairperson or any member of PRB, deliver a notification to the President of the Assembly, who on behalf of the Assembly as the institution that has appointed them, shall notify the PRB regarding the suspension of its chairperson or member.
3. The chairperson or the member of PRB shall be removed from the office if he/she is pronounced guilty for any criminal offence through a final court judgement. This removal shall become effective from the moment the final court judgement is pronounced, and this judgement shall be notified to the President of the Assembly, who on behalf of the Assembly, as the institution that has appointed them, shall notify the PRB for the removal of its chairperson or member.
4. Besides that referred to in paragraph 3 of this Article, Government shall propose to the Assembly the dismissal of the chairperson or a member of PRB if he/she acts in contrary to the professional ethics associated with his/her duties.

Article 5

Article 102 of the basic Law shall be amended with the following text:

Article 102 Organization of the PRB

1. The Chairperson shall represent, manage and organize the work of the PRB and is responsible for supervising the day-to-day administration and operations of the PRB.
2. The Chairperson shall have the authority to assign a member to organize and manage the work of the PRB in a particular subject area.
3. In the event the Chairperson is absent due to health reasons or other reasons, his/her powers and functions shall be exercised by the oldest member of the PRB.

Article 6 Entry into force

This Law shall enter into force on the day of its publication in the Official Gazette of the Republic of Kosovo.

**Law No.05/L -092
19 February 2016**

President of the Assembly of the Republic of Kosovo

Kadri VESELI