



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

KUVENDI I KOSOVËS
СКУПШТИНА КОСОВА
ASSEMBLY OF KOSOVO

Law No. 02/L-12

ON THEATRE

Assembly of Kosova,

Based on UNMIK Regulation NO. 2001/9 of May 2001 on Constitutional Framework for Provisional Institutions of Self-Government in Kosova, especially Chapters 5.1 (g), 9.1.26 (a),

Aiming the development of theatre activity in Kosova,

Hereby adopts the following:

THE LAW ON THEATRE

CHAPTER I
GENERAL PROVISIONS

Article 1

This Law regulates the functioning of theatre activities, establishment of theatres and of theatre troupes (ensembles), management and their financing, status of theatre actors, other important issues of theatrical activities.

Definitions
Article 2

Theatre and scenic activity (hereafter: theatre activity), according to this law, determines the preparation and public performance of dramatic works.

Article 3

On this law implementation, the following terms have these definitions:

- a. **Theatres** are institutions, which perform publicly dramatic and other scenic work.
- b. **Theatre performance** is considered the act occurring in the scene live and direct between theatre artist and spectator.
- c. **Theatre work** is considered the live artistic creation of a text, activity, platform, finished and proficient to be performed live and directly in front of public.

d. **Theatre activity** is considered creation, production, and execution, trading, using and promotion of theatre work, development of national and universal theatre values, theatre education and services related with this activity.

e. **Theatre actors** are considered all the individuals, whose work is predetermined to communicate directly with a certain audience. Theatre actors are the persons with certain qualifications, academy or the adequate professional high school. Theatre artists may also be the persons without certain professional qualification, but according to their many years experience of theatre work they gained the status of theatre artist.

f. Consistent with this law, theatre artists are: actors, directors, dramatists, scene directors, costume directors, choreographers, painters, designers, dancers, singers, musicians, lighting designers, creators of effects and sounds, of make-up, wig, puppet animators and creators, music composers and all those who creatively contribute in the creation of theatre work.

g. **Theatre troupe** is considered the legal, private or public person, national or international, who takes responsibility of realizing the theatre activity and enjoys the status of entitled respectively the owner.

h. **Theatre project** is considered every idea, developed and supplemented up to the level of becoming explanatory understandable, including all the necessary elements for realizing it as the theatre work.

i. Theatre project may be of production sphere, education, promotion, traditional or alternative, private or public hold.

j. **Application** is considered the request of theatres and theatre troupes for financing from public funds, for implementing of one or more theatre projects.

k. **The financial support** is considered the amount of financing for theatre project given to the theatres and theatre troupes from the public fund.

l. Theater troupes can be permanent, temporal, ad-hoc groups, individual or collective.

CHAPTER II THEATRE INSTITUTIONS AND THEIR ORGANISATION

Article 4

Theatre is significant for preserving and cultivating cultural identity as well as for designing and affirming it within the country and abroad. The theatre is part of the cultural and artistic wealth of Kosovo.

Article 5

This law guarantees the right for free artistic and scenic expression and creativity.

Article 6

Theatre activity in Kosovo may be exercised by all natural and legal persons regardless of their ethnicity, race and gender.

Article 7

Theatre activity is of specific interest for the public, therefore investment in this activity is a legitimate right of use of public funds. Use of public funds excludes the possibility of any kind of interference in artistic freedom.

Article 8

Public theatres operate for the benefit of the public good and are recognized as organizations with public beneficiary status.

Article 9

The theatre activity in Kosovo is organized in the following theatres:

- a. National Theatre of Kosovo
- b. Professional City Theatres
- c. City theatres
- d. Private theatres
- e. Theatre troupes
- f. Theaters of university drama students

Article 10

The National Theatre of Kosovo and Professional City theatres carry out its activities by this law.

Article 11

Theatres may be public and private property.

Article 12

Public property are:

- a. National Theatre of Kosovo,
- b. Professional City Theatres, and
- c. City theatres

Article 13

Public theatres can be established if conditions such as: material, technical, staffing are met as well as other conditions determined by this law.

Article 14

The justification for establishing public theatres is evaluated by the Ministry of Culture, as well as municipal competent bodies.

Article 15

Private theatres, permanent theatre troupes and from may be ownership of legal and physical persons, national or foreigner.

CHAPTER III

Financing

Article 16

National Theatre of Kosovo, Professional City Theatres and City Theatres, are budgetary or half budgetary institutions, created or transformed in accordance with the legislation in force and implementation of this law.

Article 17

Financial resources for the work of public theatre are provided from:

- a. the MCYS budget,
- b. city budget, municipality respectively,
- c. own revenues collected from the theatres activity,
- d. testimony, sponsors, grants, and other incomes.

Article 18

Financial resources for the work of private theatres are provided from:

- a. theatre owners,
- b. own revenues collected from the theatre's activity,
- c. if possible, from MCYS and from Culture Departments of Municipalities where the theatre is operating,
- d. will, sponsors and other incomes.

Article 19

MCYS drafts theaters' development policy, which shall be approved by the Minister.

Article 20

Based on annual project requirements of Theaters, the MCYS drafts during each calendar year the criteria for financial support for theater activities.

Article 21

MCYS is obliged to publish application procedures for financial support.

Article 22

Public theaters are obliged to publish in the media the following every calendar year:

- a. general objectives of repertoire policy,
- b. annual plan of repertoire,
- c. visits (touring) within the country and abroad.

CHAPTER IV NATIONAL THEATRE OF KOSOVO

Article 23

The National Theatre of Kosovo is a public theatrical art institution of Kosovo with the main seat in Prishtina.

Article 24

The National Theatre of Kosovo is the theatre, which cultivates values of national and world dramaturgy.

Article 25

The National Theatre of Kosovo has a permanent artistic band consisted of at least thirty (30) quality actors from all generations.

Article 26

The National Theatre of Kosovo carries out sustainable and proven artistic repertoire:

- a. At least three performances per week;
- b. Carries out at least five premieres of theatre performances within a calendar year.

Managing Board of NTK

Article 27

The Theater Managing Board is an independent body, which supervises the work of the management of the National Theatre of Kosovo.

Article 28

Managing board approves long-term policies for the theater development including artistic policies and managing bodies.

Article 29

Managing board is responsible for providing the maintenance and improvement of facility as well as providing financial resources for theatre activities.

Article 30

Managing board approves theatre annual budget and programs and shall have access to regular documentation and accounting.

Article 31

Managing board shall select senior executive managers of theatre through a public vacancy announcement with a term of office of three years:

- a. General Director,
- b. Artistic Director

Article 32

The Minister of Culture shall endorse the appointment of General Director of NTK.

Article 33

The Ministry shall, at least once a year, ask for a review of the Theater accounts to be conducted by an independent auditor with proven qualifications. The Managing Board shall appoint the auditor.

Membership of Managing Board

Article 34

The Board shall be comprised of seven (7) or nine (9) members.

Article 35

The MCYS shall appoint the Management Board. The Management Board shall be accountable to the Ministry of Culture. The members of the Management Board must have relevant knowledge on this field.

Article 36

The Managerial Board is selected with a three years mandate. Members of the Board can be reselected for one more term of office. One third of the members of the Board shall resign, in a rotational basis, thus member who have served longer should be replaced. The term of service is calculated from the last date of last elections.

Article 37

Members of the Board are not entitled to compensation of their services except for expenses made when carrying out their duties.

Executive Managers Article 38

National Theatre of Kosovo and other public theatres have two senior executive managers:

- a. General Director and
- b. Artistic Director

Article 39

General Director is responsible for business matters of theatres including the following:

- a. Compiling annual budget and presenting it to the board for approval;
- b. Preparing applications for financial support from public resources;
- c. Submitting applications and proposal for support by humanitarian foundations and businesses resources;
- d. Monitoring revenues and expenditures in accordance with budget;
- e. Provides the progress of works of theatre through an appropriate administrative structure;
- f. Negotiates and signs contracts with the employees and independent authors such as writers, producers etc.;
- g. Negotiates contracts for visits (touring) within the country and abroad;
- h. Supervises marketing and theatre promotion;
- i. Supervises the ticket purchase;
- j. Supervises efficient management of building including the care towards clients, respectively spectators;
- k. For their work and duties he is responsible to the Managerial Board.

Article 40

Artistic director, in cooperation with the Theatre Management Board, is responsible for artistic matters of theatre including the following:

- a. Compiling of annual repertoire in accordance with artistic policy approved by the Board;
- b. Selection and classification of theatre projects according to cultural quality overview;
- c. Brings a decision after being acquainted with the applied project and after hearing applicants commentary;

- d. The artistic director shall propose to the Board artistic projects for their approval;
- e. Proposes actors to join the ensemble and allocates roles for specific productions;
- f. Proposes writers, producers, scene directors, costume directors etc.;
- g. Supports development of new talents, namely new writers;
- h. Cooperates with international artists of theatre.

Actors and other KNT employees
Article 41

Actors and other expert employees for the theatre are selected through a public concourse.

Article 42

General ensemble is selected by the Professional Commission consisted by five members: two of them are appointed by the Theatre, two by the Founder and one external member from the field of theatre. The same way of selection will take place in other public theatres.

Article 43

43.1. Actors in the public theatre establish the working relationship with the contract of one year, with the right to renew the contract as long as the theatre needs.

43.2. Persons from paragraph 1 of this article, with which the contract will not be reestablished, will be notified latest three (3) months before the contract expires.

43.3. For accomplishment of theatre program (repertoire) may be also involved other personnel with the work contract in accordance with this law.

Article 44

The right on health and pension insurance for artistic personnel coming from the theatre artists out of working relationship extension in the theatre, is determined with the special provisions in accordance with the Law on labor.

Article 45

Detailed provisions on the manner and characteristics of work on theater organization shall be determined with the status of public theatre.

Article 46

The Managing Board brings the status whereas the establisher endorses it.

CHAPTER V

Other Public Theatres

Article 47

Theatre can established if the conditions specified in the Law are accomplished in regard to security of visitors, employees and environment around the theatre, as well as other requests presented by the theatre founder.

Article 48

Provisions of this law on managing of National Theatre of Kosovo are applied accordingly when organizing and functioning of other Public Theatres.

Article 49

The public theaters are under the responsibility of municipalities. MCYS shall financially support the project program 50% (fifty percent) of funds.

Article 50

Professional City theatres are:

- a. Professional city theatre of Gjakova,
- b. Professional city theatre of Gjilan
- c. for the entire activity of Professional City theatres, the MCYS may support financially over 50% of these activities, in analogy with the city budget.

Article 51

Professional City theatres should have permanent artistic ensemble consisted of at least twenty (20) quality actors coming from all generations.

CHAPTER VI PRIVATE THEATRES

Article 52

All legal and physical Person may establish the private theatre.

Article 53

For establishment of the private theatre is necessary the registration as the legal subject at the competent bodies

Article 54

Theatre can be established if the conditions specified in the Law are accomplished in regard to security of visitors, employees and the environment around the theatre, as well as other requests presented by theatre founder.

Article 55

Private theatres are established and they function with the individual resources of national and international legal or physical Person.

Article 56

Private theatres are allowed to compete with the artistic projects for financial support and support by sponsors the same as the public theatres.

Article 57

Private theatres are free to contract the project services on the market conditions.

Article 58

Private theatre's projects may be supported financially from the Ministry of Culture, Youth and Sport budget and from the budget of the municipality where they are operating.

CHAPTER VII THEATRE TROUPES

Article 59

Theatre troupes may be permanent, temporarily, ad-hoc individual or collective groups.

Article 60

The theatre troupes have the right to apply with projects for financial support at the MCYS, and at the municipal directories where they operate.

CHAPTER VIII CENTRES OF ART AND CULTURE (former Cultural Houses)

Article 61

Centers of Art and Culture (former Cultural Houses) are public institutions, which have capacities, and natural and administrative infrastructure necessary for services of production, education, distribution, promotion and performance of theatre's and other work, artistic and cultural.

Article 62

Centers of Culture and Art may be named by unique art criteria or may hold other names selected according to the functions and the needs of these centers.

Article 63

The existing centers of culture and art are public property.

Article 64

The centers of culture and art have the right to enter into contracting, service and co-operation relationship with other theatre troops and with other legal and natural persons that exercise artistic and cultural activity for special or season projects.

Article 65

Coexistence, on the common and long-term policy and administration, between the center of culture and art and the theatre troops (or with some other legal, private or public person) is achieved with the approval of center's owner and the rules of coexistence are prescribed with a special contract based on these law principles.

Article 66

The centers of culture and art in accordance with the offer-demand and the market developments compile and publish service fees, which are approved by their managing bodies.

CHAPTER IX PENALTY PROVISIONS

Article 67

Theatres and theatre troops will be fined in an amount of 1.000 - 5.000 Euro:

- a. if they don't preserve material and don't keep the evidence of the work in the future,
- b. if within the given period of time they don't comply their organization and activity with this law provisions.

CHAPTER X PROVISIONAL AND FINAL PROVISIONS

Supervising legality

Article 68

The supervision of legality on the work of the National Theatre of Kosovo is made by the MCYS, whereas supervision of the work of the Professional City theatres is made by the MCYS and the municipal departments of culture in the territory of the municipality where the theatre operates.

Article 69

The building and the infrastructure of National Theatre of Kosovo and of Professional City theaters may not be alienated or given in use, except for in cases when not impeding the theater program. All revenues collected in these cases should be deposited in the Kosovo Consolidated Budget, with destination for the Theater.

Article 70

Theatres are urged to preserve the documentation material for all the performances and keep the evidence for the work in the future.

- a. The head of the central body of administration competent for culture issues will promulgate more detailed provisions for preserving the documentation material and keeping evidence.
- b. Theatres at all levels are obliged to deposit the documentation, archive and registered material according to the provisions for preserving the archiving material and archives.
- c. At occasions when the theatre ceases to work, the documentation, archive and registered material will be submitted for being preserved to the competent archive.

Article 71

Within the period of 6 months after issuing general acts on internal organization and work method, the National Theatre and Professional City theatres are urged to reform theatres in accordance with the provisions of this law.

Article 72

Until the statutes of public theatres are issued, the provisions of the statutes and other general acts of existing theatres shall apply, as long as they do not contradict with the provisions of this law.

Article 73

From the day this law enters in force, the Law on theatre's and music-scenic activities (Kosovo Official Gazette Nr. 5/79) ceases to be valid.

Article 74

The present law shall enter into force after adoption by the Assembly of Kosova on the date of its promulgation by the Special Representative of the Secretary-General.

Law No. 02/L-12
23 March 2005

President of the Assembly

Academic Nexhat Daci