



PROVISIONAL INSTITUTIONS OF SELF GOVERNMENT

**KUVENDI I KOSOVËS**  
**СКУПШТИНА КОСОВА**  
**ASSEMBLY OF KOSOVO**

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**Law No. 02/L-57**

**ON INSTITUTIONS OF CULTURE**

The Assembly of Kosova,

Pursuant to Chapter 5.1.(g) and 9.1.26 (a) of the Constitutional Framework for Provisional Self-Government in Kosovo, (UNMIK Regulation No. 2001/9 of 15 May 2001);

For purposes of establishment of legal and regulatory infrastructure concerning operation, activities and functioning of institutions of culture in Kosova,

Hereby adopts the following:

**THE LAW ON INSTITUTIONS OF CULTURE**

**I. GENERAL PROVISIONS**

Article 1  
**DEFINITIONS**

**An institution of culture** according to the present Law is a legal person, established and organized under the Law, which deals with cultural and artistic activities, work and operation.

**A public institution of culture** is a public legal person, established and organized under the Law, which deals with public cultural and artistic activities, work and operation.

**A private institution of culture** is a non-public legal person, established and organized under the Law, which deals with public cultural and artistic activities, work and operation.

**Branch of an institution of culture** is an integral part or a modality, respectively and a level of organization, functioning and operation of a central institution, without the capacity of a legal person.

**A union of institutions of culture** is a joint institution of two or more institutions of culture, which upon a consent by establishers join into a single legal institutional entity, and as single legal person carry out jointly certain cultural and artistic activities at central or municipal level.

**Operation of an institution of culture** is a public cultural and artistic operation involving development and cultivation of authentic cultural and artistic values.

**Act of establishment of an institution** is a legal act that contains terms and criteria on establishment of an institution and mutual rights and obligations of an establisher or establishers, respectively.

**An establisher of an institution of culture** is a legal entity (in the capacity of a legal or a natural person) that has willingness and/or interest for establishment of a public or a private institution in a level of organization, functioning and operation.

## Article 2 Aim of the law

2.1. Law on the cultural institutions is basic system law and of special importance for culture. By this law are regulated conditions, criteria and the procedure for establishment of the cultural institutions, their character, organizational and managerial structure, works and activities, obligations and responsibilities, status matters, as well as other matters on the activities and functioning of the cultural institutions.

2.2. The institution is established to carry out cultural, scientific and artistic activities.

## Article 3

3.1. The institution, after its establishment and in conformity with the Law, shall be registered in the competent body.

3.2. The institution shall lose its status of a legal person after de-registration.

## Article 4

The institution shall be independent in carrying out its activities, in accordance with the Law and the act of establishment.

## Article 5

The institution may be established by a:

- a) natural person
- b) legal person; or
- c) natural and legal person .

## Article 6

In conformity with the Law, the institution may be established by:

1. The Assembly of Kosovo
2. Government of Kosovo
3. Ministry of Culture, Youth and Sports (further in the text: the Ministry),
4. Municipality
5. Other natural and legal persons, if this is explicitly permitted under the Law.

## Article 7

Public institutions of culture of particular importance are institutions established under particular laws.

## Article 8

8.1. Establisher of a public institution is obliged that from a Ministry of Culture, under whose scope of activity is supervision of a carried out operation for what a public institution was established, to request assessment of compliance with the Law of a decision, agreement or act on establishment, respectively.

8.2. It is the duty of the Ministry of Culture to make a decision on assessment of compliance with the Law of a decision, an agreement or act on establishment of the institution, respectively and submit it to the establisher within 60 days from the day of submission of a proper request.

8.3. If the Ministry of Culture does not make the decision from paragraph 1 of the present Article and does not submit it to the establisher within a foreseen deadline, it shall be deemed that the establishment act is in compliance with the Law.

8.4. The establisher may initiate an administrative dispute with the competent court against a decision under which it was determined that an act on establishment of the institution is not in compliance with the Law.

## Article 9

9.1. The institution may have one or more branches.

9.2. A branch is an organizational unit of the institution, which with the establishment act of the institution or with a statute is set to carry out one part of activity of the institution and interact with it in legal transaction.

9.3. A branch is not a legal person. It conducts its work and operation in conformity with the Law and act on establishment of institution or statute of institution, whereas it fulfils its rights and obligations through the institution.

9.4. A branch shall carry out its work and operation under the name of the institution and bearing its name, and in that case it should point out its headquarters and headquarters of the institution.

9.5. A branch of the institution shall be registered on the register of a competent body. The institution shall submit documentation regarding registration of branch.

## Article 10

10.1. Under the Law and with the relevant act based on the Law, a municipal competent body may transfer competencies to the Institution within the operation it was established.

10.2. The institution shall carry out relevant authorizations from paragraph 1 of the present Article, according to the conditions and in the manner and procedure established by the Law.

## Article 11

The Law on Civil Service in Kosova shall regulate the legal status of employees at the institution, terms and conditions and criteria on establishment of employment relationship in the capacity of a civil servant, and other work related matters.

## II. ESTABLISHMENT OF THE INSTITUTION

### Article 12

12.1. The institution shall be established by the Law and the act on establishment of the institution.

12.2. The public cultural institution shall be established by the Assembly, by a governmental decree, by a Ministry's decision and a decision by a municipality.

12.3. If two or more municipalities establish an institution, the interested municipalities shall issue an act on establishment in a form of agreement hereby determining mutual rights and obligations in compliance with the Law.

12.4. Other natural and legal persons establish an institution with a decision or an agreement on establishment, respectively.

12.5. A municipality may establish an institution at the municipal level.

12.6. Municipalities, in conformity with the Law, and upon approval by the Government or the Ministry may establish an institution of an inter-municipal level.

12.7. If more establishers establish an institution, the act on establishment of the institution shall be issued in a form of an agreement hereby regulating mutual rights and obligations of establishers.

12.8. Establishers may not exclude or limit each other's rights and obligations concerning institutions with the agreement on establishment.

### Article 13

13.1. Provisions of the act on establishment of the institution shall contain:

1. Naming and headquarters of the institution,
2. Operation of the institution,
3. Bodies of the institution,
4. Assets necessary for establishment of the institution and start of work, as well as the way how they are provided,
5. The way of gaining the profit and the management of the means of Institution.
6. Restrictions related to implementation, putting in charge and determining real estate and other assets of the institution,
7. Mutual rights and obligations among establishers and the institution.

13.2. If the institution is established by Law, some issues from paragraph 1 of the present Article may be regulated with a Governmental decree, with a decision by the Ministry of Culture or with an act from another public body in compliance with the Law.

#### Article 14

The act on establishment of the institution from Article 9, paragraph 2 of the present Law contains:

1. Naming and headquarters of the establisher,
2. Object of the operation of the institution,
3. Naming and headquarters of the branch,
4. Object of the operation of the branch.

#### Article 15

15.1. The establisher of the institution shall appoint an acting director (AD) of the institution, who is authorized that under supervision of the establisher make preparations for starting the work of the institution.

15.2. The establisher may make preparations for the start of work of the institution by himself/herself.

### III. NAMING AND HEADQUARTERS OF THE INSTITUTION

#### Article 16

An institution shall have its naming by which it carries out its operation, acts and interacts in a legal transaction.

#### Article 17

17.1. Naming of the institution shall be identified with its operation.

17.2. Naming of the institution must be clearly distinguished from naming of another institution, whereas may not create confusion with its content regarding operation, identification with another institution, natural or legal person.

17.3. Regardless of provision from paragraph 2 of the present Article, the institution that is within a union of institutions from Article 62 of the present Law, may use name of that union on its naming.

#### Article 18

18.1. The notion, central institution and its attributes, other identification insignia, including their imitation, may be included on naming of an institution only under a Law or with the permission from the Government or the Ministry, respectively or another authorized public body.

18.2. Naming of an institution at municipal level and its attributes, then its identification insignia, including their imitation, may be included on naming of the institution only with permission by the competent municipal body.

18.3. Naming of an institution may bear naming of another state or international organization (inter-state), its symbol, flag or other emblem, based only on a permission by the Government or the Ministry, respectively and with a prior consent provided by the foreign state or international (inter-state) organization, respectively.

#### Article 19

19.1. On naming of an institution may be placed name or part of the name of any deserved person with his/her consent, if the person is deceased, with the consent of his/her heirs.

19.2. An institution may bear the name or part of the name of a historical figure or of any other historical, cultural or scientific significance, only with the consent of his/her heirs and if used in a manner not to violate dignity of the person concerned.

#### Article 20

20.1. An institution may also use the shortened naming (acronym).

20.2. The shortened naming should contain part that characterizes the institution.

20.3. The shortened naming shall be registered on the register of the competent body.

#### Article 21

21.1. Naming of an institution shall be written in Albanian and in other official languages in accordance with the Law on the use of official languages in Kosova.

21.2. Naming of an institution in foreign languages or in a dead language, may make upon permission by the Ministry.

21.3. In a correspondence with natural and legal persons abroad, the institution along with naming as registered on the register of the competent body may also use translation of the naming into a foreign language or into a dead language.

21.4. Provisions of paragraph from 1 to 3 of the present Article shall be applied also to the shortened naming of the institution.

#### Article 22

The institution is obliged to use a full naming and a shortened naming, in a form and content as registered on the register of the competent institution.

#### Article 23

Naming of an institution should be placed on the building of its headquarters or where the institution carries out its operation, for what it was established.

#### Article 24

Naming of the institution shall be protected by the Law.

#### Article 25

25.1. Headquarters of the institution is the place where the institution carries out its operation.

25.2. If an institution carries out its operation in more places, then headquarters of the institution is the place where is the headquarters of the steering body.

25.3. Headquarters of the institution may not be out of the territory of Kosova.

#### Article 26

26.1. The institution may change its naming and headquarters only with the decision of the establisher of the institution.

26.2. A change in headquarters of the institution shall be registered on the register of the competent body.

#### Article 27

Provisions of the present Law on naming and headquarters of the institution shall be applied adequately to naming and headquarters of a branch of the institution.

### IV. OPERATION OF THE INSTITUTION

#### Article 28

28.1. Operation of the institution is determined with the act on its establishment, based on the law.

28.2. The institution may change or extend its operation. The Steering Committee of the Institution makes a decision on changing or extending the operation with the prior consent from the establisher, if the Law or act on establishment does not otherwise establish it.

#### Article 29

29.1. Operation of the institution shall be registered on the register of the competent body.

29.2. Apart from main operation, the institution may carry out other operations as well that corresponds to its overall activity.

#### Article 30

The institution carries out its operation only after having registered and only after a final decision on starting the work has been provided, whereby confirming that technical, health, environmental, staffing, budgetary and other conditions foreseen for carrying out of that operation have been fulfilled.

## Article 31

31.1. Operation of a branch of an institution shall be determined within the operation of the institution with act on its establishment and with the statute. Operation of a branch of an institution shall be registered with the competent body.

31.2. Provisions of the present Law shall be applied in an appropriate way to operation of the institution.

## V. ORGANIZATION AND BODIES OF THE INSTITUTION

### Organization of the Institution Article 32

Internal organization of the institution shall be regulated with the statute of the institution based on the Law and act on its establishment.

### Article 33

The following are the bodies of the institution:

- Director
- Steering Committee
- Professional, respectively Artistic Committee.

### Director Article 34

34.1. Director is a managerial and executive body of the institution.

34.2. Director shall organize and lead the work and operation of the institution, presents and represents the institution, undertakes all legal actions on behalf and to the benefit of the institution, represents the institution in courts and other bodies of public administration.

34.3. Director is responsible for the legality of work of the institution.

34.4. Director, without a special authorization by the Steering Committee or the establisher of the institution or a body assigned by the establisher, respectively may not appear as a second contractual party and close contracts with the institution on his/her behalf and to his/her benefit, on his/her behalf but to the benefit of other persons, or on behalf of and to the benefit of other persons.

34.5. Director of the institution may authorize another person to represent the institution in legal transaction. He/she can give his/her authorization only within the scope of his/her competences.

34.6. Until the institution is established respectively consolidated, or in some other legal situation, the director has all the rights from the article 38 and 39 of the present law, unless otherwise regulated by the law.

34.7. Legal situation described in the previous paragraph can last for at most three months.

34.8. Director leads overall and organizational work of the institution and is responsible for development and wellbeing of operation of the institution.



## Article 35

35.1. The Steering Committee shall appoint and/or dismiss the Director, unless a special Law established otherwise.

35.2. With a Law or an act on establishment may be determined that the Director of a public institution be appointed by the Government, the Ministry or a body of a municipal level.

## Article 36

36.1. As a Director to the institution may be appointed a person who fulfils conditions foreseen by the Law, act on establishment and statute of the institution.

36.2. Director has a four years term of mandate, unless otherwise established by the act on establishment or with the statute of institution. The same person may be reelected for one more mandate.

36.3. Rights, duties and competences of a director are closely determined by the sub legal acts of the institution.

36.4. Conditions for election and appointment of a Director shall be applied in compliance with the Law act on establishment and with the statute of the institution.

## Article 37

Director of the institution shall be appointed based on a public vacancy notice.

## The Steering Committee

### Article 38

38.1. The institution shall have its Steering Committee as collective steering body (further in the text: the Steering Committee) unless the particular Law otherwise establishes it.

38.2. Its composition, way of appointment, election of members, term of mandate for the Steering Committee, as well as way of making decisions shall be established by the Law, with act on establishment and with the statute of the institution.

## Article 39

The Steering Committee shall issue and adopt a working program, drafts a strategic plan of the development of institution. It approves and adopts the annual budget and oversees its implementation, may propose to establisher changing the operation or extending it. It issues decisions and other acts on specific issues of interest for the institution, as well as performs other tasks established by the Law, with act on establishment and with the statute of institution.

Professional, respectively Artistic Committee  
Article 40

40.1. The institution shall have a professional or artistic committee respectively, as a collective body.

40.2. Its composition, establishment and work of the professional respectively artistic committee, of the institution, shall be set closely by the statute of the institution, in compliance with the Law and act on establishment

Article 41

Professional respectively artistic committee, reviews and decides on professional issues or artistic issues, respectively of the work of the institution within competencies set out by law, act on establishment and with the statute of the institution.

The professional respectively artistic leader  
Article 42

42.1. The Institution may have the professional, respectively artistic leader. The conditions, the rights, duties and responsibilities of the professional, respectively artistic leader closely shall be set with the statute, in compliance with the law and act on establishment.

42.2. The Steering Committee of the institution shall elect a professional leader or an artistic leader, respectively based on a public vacancy notice.

Other Bodies of the Institution  
Article 43

43.1. Within the institution, as necessary and in the interest of functioning of the institution may be working bodies and professional and advisory commissions.

43.2. Composition, way of establishment, scope of activity and competencies of these bodies shall be determined by the statute of the institution, in compliance with the Law and act on establishment of the institution.

Bodies of a Branch of the Institution  
Article 44

A branch of the institution shall have the following bodies:

- a) Manager of the Institution
- b) A Professional, respectively Artistic Committee.

Article 45

45.1. Manager of a branch of an institution, within the scope of rights and obligations of a branch as established by the act on establishment and the statute, shall organize and lead the work and operation of a branch of the institution.

45.2. A branch of the institution may have other bodies as well in compliance with the previous Article.

45.3. A branch of the institution shall co-operate with and inform the competent municipal and central institution on its work and operation.

## VI. GENERAL ACTS OF THE INSTITUTION

### Article 46

The statute and other general acts are general acts of the institution.

### Article 47

The statute of the institution sets out organization, functioning, authorizations and way how the bodies decide, as well as other important issues are regulated regarding to carrying out operation of the institution.

### Article 48

The statute shall be issued by the Steering Committee, while the establisher will adopt it. Other general acts shall be issued by the Steering Committee, unless the Law or the statute of the institutions otherwise establish it.

### Article 49

49.1. The statute and other general acts shall come into force on the day of their adoption by the competent body of the institution, or on the day of their promulgation on the Official Gazette of Kosova, respectively.

49.2. The Statute and other general acts of the institution may not have the retroactive effect.

### Article 50

The staff in charge and authorized of the institution or its relevant service are obliged to make provisions of the act on establishment and of the statute and other general acts convenient and reachable for the public.

## VII. WEALTH OF THE INSTITUTION AND RESPONSIBILITY FOR ITS OBLIGATIONS

### Article 51

51.1. Wealth of the institution includes movable property and/or immovable property generated by the institution.

51.2. Means for work provided by the establisher, those generated from providing services and from other sources represent the assets of the institution.

51.3. If the institution during carrying out its activities generates profit, that profit shall be used for exercising and development of operations of the institution in compliance with the Law, or act on establishment, respectively and with the statute of the institution.

#### Article 52

The institution, may not obtain, put in charge or alienate movable property or other property, value of which is larger than the value determined with the act on establishment or with the statute of the institution, without the consent of establisher of the institution, or a body assigned by it, respectively.

#### Article 53

53.1. The institution is responsible for its obligations with whole of its wealth

53.2. The establisher of the institution responds in a solidary and unlimited way for all of its obligations.

### VIII. WORK AND PUBLIC OPERATION OF THE INSTITUTION

#### Article 54

54.1. Operation and work of the institution shall be made public.

54.2. Based on law and in a manner established with the statute of the institution and act on establishment, authorized staff and relevant service of the institution are obliged to notify the public on carrying out the operation, or part of the operation it was establish for, on timely manner and accurately.

#### Article 55

55.1. The authorized staff and relevant service of the institution are obliged to notify citizens, legal persons and other users on timely manner and in an appropriate way for conditions and the way how it provides its services and about carrying out of work from operation the institution was established for.

55.2. Based on law, the authorized staff and relevant service of the institution are obliged to abide by the legal deadlines or that in a given convenient deadline to give notification on conditions and the way how it provides its services and about carrying out of work from operation it was established for, to every citizen, other legal person and other user, upon their request.

55.3. Authorized staff and relevant service of the institution are obliged that within a legal deadline to provide information on carrying out of its operation and enable access to relevant documentation to public information media outlets upon their request.

55.4. The authorized staff and relevant service of the institution shall prohibit providing information, or access to documentation, respectively if its under the Law, act on establishment of institution or under the statute of the institution is deemed as official, commercial, scientific or artistic secret, and also when it is related to personal data of natural persons.

#### Article 56

When the institution holds advising and cultural sessions, scientific, professional and others, on matters in the public interest, is obliged to notify public information media outlets about this and allow for their presence.

## IX. OVERSEEING WORK OF THE INSTITUTION

### Article 57

57.1. The establisher or the Ministry respectively shall oversee the legality of the work, operation of the institution and its general acts, as well as carries out their implementation, unless otherwise established by the law.

57.2. Provisions with which is regulated the system of public administration shall be applied to overseeing of general acts, then other works which are exercised at a public institution based on a public authorization.

### Article 58

58.1. If Law, which regulates carrying out of a certain operation does not establish otherwise, the director of the institution is obliged that within eight days following its issuance submit the statute to the competent body from Article 60 of the present Law.

58.2. If the competent body from Article 60 of the present Law deems that the statute or the general act is in contradiction with the Law or other legal provisions shall stop its implementation and within 30 days, will propose to the Ministry or the Government to cancel, abrogate or change the act at dispute.

58.3. The institution shall have the right to initiate the administrative dispute with a competent court against a decision of the Ministry or the Government, respectively by which statute or the general act has been cancelled or abrogated.

### Article 59

The establisher or the Ministry of Culture shall oversee the work or operation of the institution, unless otherwise foreseen by law.

### Article 60

60.1. A professional body established by law shall exercise overseeing the professional work of the institution.

60.2. A body from paragraph 1 of the present Article is obliged to provide professional assistance to the institution, and in compliance with the Law and other sub-legal provisions provide professional advice on carrying out operation and undertake measures to prevent or avoid mistakes in a professional work.

## X. STATUSORY CHANGES

### Article 61

61.1. An institution may join to another institution, or two or more institutions may merge into one institution, or one institution may be divided into two or more institutions.

61.2. The establisher of the institution shall make the decision on statute changes from paragraph 1 of the present Article.

61.3. Statutory changes from paragraph 1 of the present Article shall be undertaken and implemented based on the law.

## XI. MERGING OF INSTITUTIONS

### Article 62

62.1. Institutions, with the consent of the establisher, may merge into a union of institutions.

62.2. Union of institutions is a legal person and shall be registered on the register of the competent body. Provisions of the present Law on naming, headquarters, operation and organization of the institutions shall be applied in an appropriate way to naming, headquarters, operation and organization of union of the institutions.

## XII. FINANCING OF INSTITUTION

### Article 63

63.1. Activities, work and operation of public institutions of culture of Kosova, whose establisher or co-establisher is the Assembly of Kosova, the Government or the Ministry shall be financed by the Kosova Consolidated Budget.

63.2. The Kosova Consolidated Budget may financially support private institutions of culture in their activities and operation.

## XIII. CESSATION OF THE INSTITUTION

### Article 64

The institution ceases to operate:

1. With a lawful decision of the court by which it is established nullification of registration of the institution with the competent body;
2. With a lawful decision of the court on prohibition of carrying out of operation it was established;
3. With a decision by the establisher;
4. In case of merging with another institution, fusion, division into two or more institutions, as well as turning into another association;
5. With a lawful court decision on cessation of the institution, and
6. In other cases established by law or act on establishment.

### Article 65

A branch of the institution ceases to operate:

- a. If the institution brings the decision for cessation of a branch,
- b. If the institution ceases to exist.

#### XIV. REGISTRATION OF THE INSTITUTION

##### Article 66

The Institution, a branch of the institution or union of institutions shall register on the relevant register of the competent body.

##### Article 67

67.1. The Institution, units of institution and unions of institutions shall also register on a register or other relevant evidence, respectively maintained by the Ministry of Culture.

67.2. The Ministry of Culture, relating to registration of the Institution, establishes central register of the Institutions of Culture.

67.3. Licencing as well as the form and content of the register or evidence of the institution, respectively, shall be regulated by a sub-legal act to be issued by the Minister of Culture.

##### Article 68

68.1. The institution is independent in a legal transaction.

68.2. The institution has its own bank account in one of the licensed banks of Kosova.

#### XV. ADMINISTRATIVE SANCTIONS

##### Article 69

69.1. Unless the Law, which regulates carrying out of operation from Article 2, paragraph 2 of the present Law establishes otherwise, the institution will be punished for a minor offence:

1. if it does not submit registration of a branch of the institution on the register of the competent body (Article 9, paragraph 5);
2. if it does not use naming as registered on the register of the competent body during carrying out of operation (Article 22);
3. if it exercises operation prior to being registered on the register of the competent body, or prior to receiving a final decision whereby establishing that technical, health, environmental and other conditions have been fulfilled, as foreseen for exercising of that operation (Article 30);
4. if upon election or dismissal of the director it fails to act in compliance with provisions of Articles from 35 to 37 of the present Law;
5. if it does not enable to the public, access to provisions of act on establishment, statute or other general acts, which regulate carrying out of operation or part of the operation deemed as a public service (Article 50);
6. if it does not use profit in a way foreseen under provision of Article 51, par.3 of the present Law;
7. if it does not submit the statute or a general act by which is regulated exercising of public operation of culture to the competent body within the deadline (Article 58. par.1).

69.2. For a minor offence from paragraph 1 of the present Article, may be imposed a fine from 500 to 1.000 Euro.

69.3. For a minor offence from paragraph 1 of the present Article, a director of the institution will be punished or another person, respectively, who according to provisions of the present Law, act on establishment of the institutions or statute of the institution, is responsible for an act by which was caused the minor offence, and he/she will be fined from 200 to 500 Euro.

69.4. If the institution is punished for a minor offence from paragraph 1 point 6 of the present Article, it will obligatory impose a protection measure for taking over the benefit on property.

69.5. All financial means generated from imposition of punishments shall be remitted to the Kosova Consolidated Budget.

## XVI. TRANSITIONAL AND FINAL PROVISIONS

### Article 70

70.1. Until constitution of the Steering Committee of the institution, in compliance with provisions of the present Law, tasks of the Director or governing of the institution, respectively, shall be continued to be exercised by a person who performs tasks of managing the institution on the day of entry into force of the present Law.

70.2. In case of a hold up, blockage or hindering of the work of institution due to subjective reasons, the Government or the Ministry, respectively, may dismiss the person from paragraph 1 of the present Article and appoint another person on his/her position until new bodies of the institution get elected or appointed, respectively, in compliance with the present Law. Municipalities shall be entitled to institutions of culture they establish.

### Article 71

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-57**  
**6 April 2006**

**President of the Assembly**

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**Kolë Berisha**