



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

Law No. 03/L-065

**ON INTEGRATED MANAGEMENT AND CONTROL OF THE STATE
BORDER**

The Assembly of Republic of Kosovo,

On the basis Article 65(1) of the Constitution of the Republic of Kosovo, and with the purpose of establishing legal rules for integrated management and control of the state border :

Adopts:

**THE LAW ON INTEGRATED MANAGEMENT AND CONTROL OF THE
STATE BORDER**

CHAPTER I

GENERAL PROVISIONS

Article 1
Scope of the Law

1.1 This law determines competent authorities and their responsibilities regarding the integrated management and control of the state border.

1.2 This Law shall apply without prejudice to the specific mandate of international organizations as provided for in the Constitution of the Republic of Kosovo.

1.3 Interagency cooperation shall be carried out by the border police, Customs Service, Phyto-sanitary Service, Veterinary Service and all other relevant agencies as defined in the National Strategy for Integrated Border Management.

1.4 Provisions in this Law shall be applied to all persons entering or leaving Kosovo except those who are claiming or might reasonably be expected to claim asylum. In such cases the Law on Asylum shall apply.

Article 2 Definitions

For the purposes of this Law terms used have the following meaning:

“Competent Authorities” means Government of the Republic of Kosovo, Ministries and other bodies tasked with responsibility for the integrated management and control of state border as set out in the National Integrated Border Management Strategy.

“Authorized Officers” means Republic of Kosovo government officials tasked with responsibility for the integrated management and control of the state border.

“Integrated Border Management (IBM)” means the coordination and cooperation among all the relevant international and national authorities and agencies involved in border control, trade facilitation and border region cooperation to establish effective, efficient and integrated border management systems, in order to ensure the common goal of open, but controlled and secure borders.

“Border line” means the line dividing the territory of the Republic of Kosovo from the territories of neighboring states.

“State Border” means the land, water, and air border, which includes airports conducting international traffic.

“Border crossing points” mean officially identified places where persons, goods and chattels can legitimately cross the border during working hours.

“The Green Border” means any line between the Republic of Kosovo and other states that excludes official crossing points.

“The Blue Border” means any area of water between the Republic of Kosovo and other states that excludes official crossing points.

“State border crossing” means all movements of persons, goods and chattels across the state border.

“Temporary border crossing points” mean officially identified locations serving as border crossing points for a specified period of time.

“Demarcation” means the border line between two neighboring countries.

“Border control” means control performed at the border crossing point to ensure that persons, goods and means of transportation are authorized to enter into the Republic of Kosovo or to depart from the Republic of Kosovo.

“State border crossing zone” means an officially identified and marked area surrounding a border crossing point.

“Border incidents” mean activities within the vicinity or across the border line which violate international agreement or the state border undertaken by foreign Governments or foreign Governments’ officials.

“Bodily cavity” means natural hollow or sinus within the body in which items may be hidden.

Article 3

Principle of Suitability and Proportionality

3.1 Competent Authorities shall apply the principles of suitability and proportionality as a limitation on the exercise of their authority.

3.2 Physical force shall be exercised only when necessary and only to the extent required to achieve legitimate police objectives with the least harmful consequences and for the shortest possible time.

Article 4

Purpose of integrated management and border control

Integrated management and control of state border is conducted in order to:

- (i) secure the inviolability of state border;
- (ii) protect life and health of people;
- (iii) prevent and discover criminal offences and minor offences; discover and arrest the offenders;
- (iv) prevent, detect and stop illegal migration;
- (v) provide for the security of people and their property and protection of environment in the territory of the Republic of Kosovo.
- (vi) prevent, discover and investigate trans-border crime in partnership with state law enforcement agencies.
- (vii) prevent and discover all threats to security and public order related to state borders.
- (viii) prevent illegal movement of goods and chattels to ensure that excise customs and taxes are paid as regulated by Law.
- (ix) prevent the movement of infected products and livestock across the state border.

Article 5

Bodies which perform integrated management and control of the border

5.1 Integrated Management and Control of the State Border shall mainly be the responsibility and competence of the Ministry of Internal Affairs.

5.2 The tasks of integrated management and control of state border are mainly performed by the border police and assisted by other relevant state agencies.

5.3 Border police shall be responsible for:

- (i) management and control at the Border Crossing Points.
- (ii) management, control, and supervision along the Green Border.
- (iii) management, control, and supervision along the Blue Border.
- (iv) management and control within the Republic of Kosovo in matters relating to border issues.
- (v) issuing temporary travel documents as defined by the Minister of Internal Affairs.
- (vi) security at International Airports in conjunction with the Airport operator and relevant authorized authorities.
- (vii) the prevention of terrorist acts in partnership with all law enforcement agencies.
- (viii) determine the entitlement of any person wishing to enter or leave Kosovo in regards to visa and entry requirements.
- (ix) the temporarily closing of the borders, pursuant to a Ministerial decision.
- (x) the issuing of temporary permission to cross the Green and Blue Border in response to a Ministerial decision.

Article 6

Facilitation of state border integrated management and control

6.1 In application of this Law, the Competent Authorities are authorized to put warning signs and other warnings or to use technical means and service dogs for performing integrated management, control of the border, and also to put barriers to prevent illegal border crossings.

6.2 Maintenance of signs and other warnings according to this article will be the responsibility of the Competent Authorities.

6.3 Authorized Officers are allowed to move in the properties situated in the border area or in the vicinity of the border area, in a way consistent with the applicable law, on foot or by vehicle when that is needed in order to perform state border control and supervision, independently from the will of the owner who shall be informed, whenever possible prior to the activity performed in his/her property. She/he shall be informed after the activity in any case unless this may compromise the police operation of state border control.

6.4 The activity of the Competent Authorities in the properties situated in the border line, or in the vicinity of the border line, shall be exercised in a way to reduce, to the

maximum extent, the intrusion in the sphere of the owner's private life and damages to the property and shall not be disproportionate to the aim sought to be achieved.

6.5 Owners, tenants or users of the properties close to the border line are obliged to allow unhindered access to the Competent Authorities, in order to regularly perform observation of the border, accomplishment of works and maintenance of the border signs along the border.

CHAPTER II

BORDER LINE

Article 7

Marking of border line

7.1 The Government of the Republic of Kosovo shall nominate members of inter-state commissions for marking and maintenance of state borders, established on the basis of existing international agreements.

7.2 If the layout of border line is not visible, the vicinity of the border line shall be marked in the road and other communication links with warning signs, barriers or other appropriate warnings which draws attention about vicinity of the state border line, where appropriate.

Article 8

Visibility of border line and prohibition of activities along the border line

8.1 With the purpose of ensuring the visibility of the border line, competent authorities may prohibit the building of objects, planting or cultivation of agricultural products, woods, or other fruits along the border line.

8.2 If as a consequence of this decision damage is caused to physical or legal persons, they have the right to fair compensation, as defined by subsidiary legal acts.

8.3 The Competent Authorities shall have the power to prohibit the floating, fishing, crossing or the presence of airplanes and other flying and mobile equipment along the border line.

Article 9

Regulation of the zone along the border line

Adoption of Municipal Spatial Planning regulating territory falling within 50 (fifty) meters from the border line, requires the approval of the Ministry of Internal Affairs.

Article 10
Border incidents

If a border incident occurs, the Government of the Republic of Kosovo shall be responsible for resolving it.

CHAPTER III

STATE BORDER CROSSING AND BORDER CROSSING POINTS

Article 11
State border crossing

11.1 The State border may be crossed only at officially identified border crossing points.

11.2 In case of any force majeure or if foreseen by international agreement, the border may be crossed at any time and in any place.

11.3 Persons who cross the border for reasons determined by paragraph 2 of this article shall immediately inform border police.

Article 12
Air Transit traffic

Persons who cross the state border through air transit traffic does not undergo border control, if he or she is not leaving the plane or staying in the identified transit zone.

Article 13
Determination of border crossing points

Border crossing points are determined by the Government of the Republic of Kosovo.

Article 14
Determination of temporary border crossing points for specific groups of persons

The Government of the Republic of Kosovo may create temporary border crossing points for individually nominated persons or groups of persons, in consultation with the relevant neighboring state.

Article 15
Regulation of border crossing points

15.1 Operators of airports and railway stations shall provide appropriate facilities and undertake organizational measures necessary to ensure the integrated management and control of the state border are in accordance with the provisions of this law.

15.2 Operators of airports and railway stations shall provide authorized officers with the following force facilities for the discharge of their security tasks: a) appropriate space and offices b) a sufficient number of parking lots, c) free access to their premises, d) transportation for the discharge of their tasks e) timely information on schedule, f) time of flights and all actual movements of traffic.

Article 16
Zone of border crossing points

16.1 All border crossing points, except temporary border crossing points, shall be provided with a border crossing zone appropriate for conducting border controls. This includes premises for effective and secure traffic and the performance of border crossing control.

16.2 Border crossing zone for railway traffic includes railway tracks and appropriate land from the border line to border crossing-place.

16.3 The Government of the Republic of Kosovo shall determine all border crossing zones.

Article 17
Marking of border crossing point and its zone

17.1 Border crossing points and border crossing zones shall be marked with warning and additional signs.

17.2 Form, content and manner of placing of warning and additional signs are determined by the Ministry of Internal Affairs, in agreement with the Ministry of Transport, Post and Telecommunication.

Article 18
Border control Zone

18.1 Border management and control is exercised by authorized officers at border crossing points.

18.2 In case a person is found crossing the state border illegally, border police conduct a border control in the place where the person was found.

18.3 Where foreseen by an International agreement, border management and control may be performed on a traveling train crossing state border.

Article 19

Obligation of passengers and other persons in the border crossing zone

Passengers and other persons in the border crossing zone shall follow the instructions and orders issued by Authorized Officers.

Article 20

Building and establishment of premises in the border crossing zone

The construction of buildings in the border crossing zone must be approved by the Government of the Republic of Kosovo.

CHAPTER IV

INTEGRATED MANAGEMENT AND BORDER CONTROL

Article 21

Integrated Management and Border Control

21.1 Integrated management and border control (IBM) includes measures for the prevention of illegal border crossings, and other illegal activities committed across the border. This includes securing the safety, protection and security of the border crossing points.

21.2 In performing their duties authorized officers can temporary stop or arrest persons breaching border controls.

Article 22

Obligation to undergo border control

22.1 Persons in the border crossing zone intending to cross or having already crossed the border line shall present a valid travel document and undergo border control.

22.2 Persons undergoing border control shall state to the authorized officer performing the control any fact relevant for the border crossing and act in accordance with all legal instructions issued by the authorized officers.

22.3 In cases where a person is claiming Asylum the provisions for issuing temporary documents granting a right of entry into the Republic of Kosovo as defined in the Law on Asylum shall apply.

Article 23

Border Control

23.1 Authorized officers tasked with border integrated management and control shall:

- (i) request presentation of valid travel document needed for state border crossing, for persons and their belongings;
- (ii) note in the travel document any information regarding relevant circumstances for entry or exit from the state such as but not limited to stamps in the passport;
- (iii) temporarily stopped persons, if necessary, as determined by article 26 of this law.
- (iv) perform personal control, vehicle control and/or control of items (equipment) carried by the person;

Article 24

Control of persons, goods and means of transport

24.1 The control of persons includes:

- (i) verification of travel documents and biometric data.
- (ii) verification of whether or not there is a valid arrest warrant.
- (iii) physical control of person by taking finger and palm prints, photo-taking and other control of identifying physical features.

24.2 Authorized officers may request that a person inform what he or she has on him or her.

24.3 Authorized officers may search the person and their property every time there is a suspicion of possession of illegal items or goods.

24.4 Full control of persons according to this article does not include control of bodily cavities, except their visual observation. However, visual observation of the anus or of the vagina of a person shall be performed only upon consent of the person, who shall be informed about his or her right to deny the consent, and always be controlled by a person of the same gender and in compliance with the provisions of article 243(3) of the Criminal Procedural Code of Kosovo. In case the person denies the visual observation of the anus or of the vagina, this can be performed only in accordance with the procedures established by the applicable law and in a way consistent with international recognised human rights standards in order to preserve the dignity and rights of the individual. In any case, the provisions and the limits of the Criminal Procedural Code of Kosovo related to the search of a person, and in particular those foreseen by articles 204, 243 and 245(5) and 245(6) of the Criminal Procedural Code of Kosovo, shall apply to the procedure for the full control of persons envisaged by the present law.

24.5 Control of vehicle includes external and internal visual inspection of the vehicle and full control of the vehicle which includes detailed inspection of all parts of the vehicle.

24.6 Authorised Officers can perform full control of the transporting vehicle and the persons in it.

24.7 The control of goods consists of control of objects and items which a person, who intends to cross the state border, has with him or her or in the vehicle.

24.8 If during the control of persons, goods or vehicles, authorized officers find goods which, according to applicable law may be temporarily confiscated, or goods which are relevant for criminal procedures, they shall act in accordance with the provisions of the applicable law including but not limited to the Criminal Procedure Code and the Law on Police.

Article 25 **Right to be present**

The owner or user of a vehicle and the owner or possessor of goods has the right to be present during any control or search.

Article 26 **Provisional arrest, temporary stop and police detention**

26.1 Authorized Officers may temporarily stop or arrest a person, if he/she:

(i) intends to cross or has crossed the border line and grounded suspicion exists that this person has illegally crossed the state border.

(ii) is a foreign person who does not fulfill conditions for entry, and/or stay in the Republic of Kosovo but cannot, for justified reasons, immediately depart from the Republic of Kosovo.

26.2 The temporary stopping cannot exceed six hours. If the temporary stopping is not performed by a police officer, the person shall be immediately handed over to the police. The police shall then take appropriate action in accordance with the Criminal Procedure Code.

26.3 The temporarily stopped or arrested person will be immediately informed about the reasons of the measure taken and of his/her rights; If the measure lasts more than six hours, the person shall be notified in writing of the reasons for the measure taken. The person shall be informed of the reasons for the taken measure in a language that he or she understands; if the person is a foreign national who does not understand one of the official languages of Kosovo, he or she shall be provided with free assistance of an interpreter and shall have the right to call and contact his or her diplomatic representative for the Republic of Kosovo.

26.4 If a request for asylum is made, the case shall be processed in accordance with the Law on Asylum.

26.5 The arrested person has the right to complain against the decision for the temporary stopping or arrest to the competent court.

26.6 The competent court shall decide within 48 hours from the moment of the complaint was filed.

Article 27

Partial facilitation of border integrated management and control

27.1 When border integrated management and control cannot be fully performed, due to organizational reasons or lack of personnel capacities, which cause unacceptable delays in border crossing, responsible authorized officers, may temporarily order reduced border controls.

27.2 In cases referred to in paragraph 1 of this article, responsible authorised officers will establish priority objectives of control which shall be adapted to the specific situation to ensure the highest possible standards in border control under the exceptional circumstances.

27.3 In establishing priority objectives of border integrated management and control, entry checks in the state have priority upon exit checks from the state, unless circumstances demand differently.

27.4 In border crossing points with scarce traffic, the Ministry of Internal Affairs may order that border management and control is performed by police patrols.

CHAPTER V

MEASURES OF THE COMPETENT AUTHORITIES INSIDE THE STATE

Article 28

Measures inside the state

In compliance with this law activities for border control can be performed throughout the Republic of Kosovo. Authorized Officers in order to prevent trafficking of human beings, smuggling of migrants, illegal border crossings and ensure the control of foreigners:

(i) Control and apply appropriate measures to discover illegal entry and stay of foreign citizens and persons in the Republic of Kosovo.

(ii) control of persons, items and vehicles on roads, out of the Border Crossing Zone.

CHAPTER VI

INTERNATIONAL COOPERATION

Article 29

Foreign Security Agencies

29.1 Uniformed members of foreign Security Agencies carrying weapons and driving marked vehicles may be allowed entrance in the Republic of Kosovo.

29.2 Permission for entrance of members of foreign security bodies into the territory of the Republic of Kosovo shall be issued by the Ministry of Internal Affairs.

29.3 The permission may contain special conditions for entrance.

29.4 Under the condition of reciprocity, members of foreign security bodies, within the official delegation in official visit may enter in Republic of Kosovo, wear their uniforms and carry their personal weapons.

29.5 Members of foreign security bodies may bring and carry short- barrel weapons and escort ammunition in the Republic of Kosovo with the permission of the Ministry of Internal Affairs.

Article 30

Cooperation with foreign security bodies

Officials of foreign states may enter the Republic of Kosovo and perform control of the state border determined by international agreement; under the same conditions authorized officers of the Republic of Kosovo may also perform their duties outside the Republic of Kosovo.

Article 31

Liaison officers

By bilateral agreement the Government of the Republic of Kosovo may exchange liaison officers with other states, to enhance the cooperation in the field of integrated border management and control and ensure the information flow.

CHAPTER VII

COLLECTION OF PERSONAL DATA AND EVIDENCE

Article 32

Automatic photograph and recording devices

32.1 The competent authorities may install automatic photograph and recording devices in the border crossing zones and along the state border.

32.2 Automatic photograph and recording devices installed in the border crossing zone shall be installed in a visible way, except where covered surveillance is deemed necessary. When covered devices are used, authorized officers will inform their commanding officers and the Ministry of Internal Affairs.

32.3 If personal data are recorded, records shall be destroyed within one year except if these records are needed for the prosecution of criminal offences.

Article 33 **Automatic gathering of data**

33.1 Competent authorities may collect personal data and keep collected data, of persons who undergo border control; on this purpose all appropriate technical devices can be used.

33.2 Competent authorities, in performing Border Control and Management, may also use data stored in databases established to collect criminal records and evidence.

Article 34 **Evidence**

To secure effective state border management and control, authorized officers may record evidence of:

- (i) persons who undergo border control;
- (ii) evidence of persons who underwent the procedure of identification in accordance with article 24 of this law;
- (iii) entries into the Republic of Kosovo of members of foreign security services in uniform and official vehicles.
- (iv) persons provided with identity cards for free movement in the border crossing zone or free movement across the border;
- (v) persons who have violated state border crossing rules,
- (vi) persons hunting or fishing in the vicinity of the border line.

Article 35 **Personal data**

For purposes specified under this law, authorized officers shall collect, retain and use personal data strictly in accordance with applicable laws, relevant international

instruments, and international human rights standards in order to protect individuals from any violation of their lawful right to confidentiality or lawful expectation of privacy.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 36 Fines

36.1 Authorized Officers shall impose sanctions to individuals and legal persons violating provisions of this law.

36.2 The nature and amount of sanctions shall be determined by subsidiary legal acts.

Article 37 Implementation

Within 6 (six) months after the entry in to force of this law, the Government of the Republic of Kosovo, shall issue subsidiary legal acts for the full implementation of this law.

Article 38 Entry into force

This law enters into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-065
21 May 2008**

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI