



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

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**LAW No. 03/L-151**

**ON DECLARATION AND ORIGIN OF THE PROPERTY AND  
GIFTS OF SENIOR PUBLIC OFFICIALS**

**Assembly of Republic of Kosovo,**

Pursuant to Article 65 (1), Chapter IV of the Constitution of the Republic of Kosovo,

Approves

**LAW ON DECLARATION AND ORIGIN OF THE PROPERTY AND  
GIFTS OF SENIOR PUBLIC OFFICIALS**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose of the Law**

This Law defines the obligations of senior public officials to declare the property, gifts and their origin.

**Article 2  
Scope**

This Law regulates the public control of the property of senior public officials, income or other material benefits, financial obligations of the public officials, family members and persons related to them, including the sanctions defined by this law.

### **Article 3 Definitions**

Terms used in this law have the following meaning:

1.1. **“Senior Public official** includes”:

1.1.1. President of Kosovo and All persons who perform public functions nominated by President;

1.1.2. Deputies of Kosovo Assembly;

1.1.3. Prime-Minister, vice Prime-Minister, Ministers and their deputies in the Government of Kosovo and all nominated persons by them;

1.1.4. Heads of secretaries and other offices of the President of Kosovo, Assembly and Government of Kosovo;

1.1.5. Permanent Secretary of the Office of the President of Kosovo, Permanent Secretary of the Assembly, Permanent Secretary of the Prime-Minister, Permanent Secretaries of Ministers, Directors of Departments and other equal positions;

1.1.6. Judges and Prosecutors;

1.1.7. Directors and board members of the public company;

1.1.8. Persons accredited abroad as representatives of Kosovo;

1.1.9. Managers of agencies, directorates and other institutions of central level established by law or any other acts;

1.1.10. President and vice-presidents of municipalities, president and vice-presidents of municipal assemblies;

1.1.11. Director of administration and personnel of municipal assemblies;

1.1.12. General Auditors and inspectors of central level, Governor and Deputy Governor of Central Bank;

1.1.13. Managers of banks and financial institutions with public capital;

1.1.14. Rector, Vice-Rector, Deans and Vice-Deans of Public University and their Secretary, and Secretaries of Academic and Organizational Units of Public University;

1.1.15. All directors and board members of the joint stock companies with share of state and public owned capital of more than 50 % (percent).

1.1.16. Senior officials who perform public functions in the structures of order, security and customs services, such as: commander, vice-commander of KSF, director and vice-director of Kosovo Police, director and vice-director of Customs, director and vice-director of Intelligence Agency.

1.2. **Family members** - spouse and children of the Senior Public Official;

1.3. **Agency** - Kosovo Anticorruption Agency.

1.4. **Register** - register of declaration and origin of property, income, material benefits and financial obligations.

1.5. **Contact Officer** - the person whom the Institution where he works places him as the Coordinator of works with the Agency.

1.6. **Official person** - official person defined in Penal Code of Kosovo.

## **CHAPTER II**

### **DECLARATION OF PROPERTY, INCOME, MATERIAL BENEFITS AND FINANCIAL OBLIGATIONS**

#### **Article 4**

#### **Declaration of the Property**

1. Declaration regarding the state of the property of senior public official and their relatives contains information related to the property and their income such as:

1.1 real estate;

1.2 movable property of high amount value;

1.3 possession of shares in commercial enterprises;

1.4 valuable letters;

1.5 cash money held in bank, savings in the banks and other saving or loan institutions;

1.6 debts, undertaken guaranties and other obligations; and

- 1.7 annual income (that serve as a taxable base).
2. Movable property in high value as referred in sub-paragraph 1.2. of the previous paragraph are considered the movable properties with value of more than five thousand (5.000) Euro.
3. When the property of family members is separated and registered as such in the relevant bodies of state or court administration, declaration is submitted separately for each member of the family with property registered on his/her name and is attached to the declaration of the person who is obliged for declaration.
4. In the declaration of income, material benefits and financial obligations, the senior public official writes the amount, the type and source of each income, amount and type of financial obligations including here the name of creditor.

### **Article 5**

#### **Types of property declaration**

1. Regular annual declaration;
2. Declaration when taking the position as a senior public official;
3. Declaration when requested by the Agency;
4. Declaration after removal from function.

### **Article 6**

#### **Regular annual declaration**

1. Regular annual property declarations in paragraph 1 of Articles 5 of this law, by the high public official should be done during the whole time working in the public service and in terms defined by the law.
2. Senior public officials are obliged to declare their property state to the Agency, not later than 31 March of each year.
3. Senior Public Officials who have declared their property in the previous year, are obliged before 31 March of every year to declare every change in their property situation as prescribed in sub-paragraphs 1.1 to sub-paragraph 1.7, paragraph 1 of Article 4 of this law.

4. The Agency Monitors the Property of the Senior Public Official based on the information given by the senior public official in a special form which will be defined by the Agency.

5. Property declarations prescribed in Article 5 of this law are submitted to the Agency.

6. Institutions in which are employed or nominated the persons defined in paragraph 1 of Article 4 of this law, are obliged to collect and send to the Agency till 31 March of every year the filled forms and closed in envelopes, and they should notify the Agency for the undeclared cases.

#### **Article 7**

##### **Declaration when taking over the senior public official function**

1. Senior public officials who start working in public service will thoroughly and realistically declare in written the existing property, obligations, sources and its origin within sixty (60) days. In compliance with this Article, Senior Public Officials attach the statement of the property status of the family members.

2. The employment body is obliged that within time limit of fifteen (15) days to notify the Agency for starting or finishing the work of the Senior Public Official.

#### **Article 8**

##### **Declaration upon request of the Agency**

1. The Agency may request at any time from the Senior Public Official to submit information referred to in paragraphs 3 and 4 of Article 5 of this Law.

2. The Agency has the right to request declaration of property and the origin of their creation and to order checking for the exactness of such declarations.

#### **Article 9**

##### **Declaration after completing the function in the public sector**

After finishing the work in the public service, the public official within thirty (30) days submits the property declaration as it is prescribed in Articles 4 and 5 of this law.

2. Agency may require from the senior public officer the declaration of the property according to Article 4 and paragraph 4. of Article 5, up to the time limit, not more than one (1) year after leaving the public function.

## **CHAPTER III GIFTS**

### **Article 10 Reception of Gifts**

1. Official person can not require or receive gifts or other preferences for himself, nor for close family members, related to exercising the official duties and which influence or may influence in exercising the official duties, except protocol gifts or casual gifts with a small value.
2. Protocol gifts are considered the gifts brought by the representatives of foreign countries and of international organizations during the visits and other events and the gifts brought in similar situations.
3. Occasional gifts with small value are considered the gifts given in special moments, the value of which does not exceed the amount of fifty (50) Euros, or the their general value does not exceed the amount of one hundred (100) Euros in a year, if they were given by the same person.
4. The official person shall not accept occasional gifts, the general value of which exceeds the amount of five hundred (500) Euros within a year.
5. The official person shall not accept monetary gifts.
6. When the official person suspects, if he/she can or cannot accept gift, he/she should get the approval by his/her supervisor. If the official person is a head of an institution, he/she should get approval directly from the Agency.
7. The official person should inform in written his/her supervisor, if he/she has offered or given any gift without warning or in specific circumstances. In case the official person is a head of institution, he should inform the Agency.
8. If the value of the occasional gift exceeds the value determined in the above provisions, the gift becomes property of the institution in which the official person exercises his duty.
9. Protocol gift in a value more than one hundred (100) Euros becomes property of the institution where the official person exercises its duty.

## **Article 11**

### **Registration of Gifts**

1. All received gifts and their respective value, as well as the names of persons receiving the gift, should be registered by the official person in the register of gifts determined by the Agency and kept by the institution, in which the official person exercises the duty.
2. Institutions according to paragraph 1 of this Article, shall nominate responsible officials for keeping register of gifts and shall inform Agency for names and positions of responsible persons.
3. On request of the official person who has accepted the gift, the Agency based on the decision may allow acceptance of the gift if there exists convincing reasons that the gift was given for personal purposes and does not influence or does not seem to influence in exercising the official duty.
4. Register of the gifts is public. Relevant institutions are obliged to provide the access of public to the register, in accordance with the procedures determined by Law on access to official documents.
5. Public institutions that are obliged to keep register of gifts should send to the Agency copies of the registers of the previous year, not later than 31 March of the following year. Breach of this obligation presents an administrative breach in compliance with this law.
6. The Agency controls registers of gifts and in case of any deviation, requests from institutions to take measures for complete application of this law.
7. If the Agency ascertains that the official person has breached provisions of this law and if the breach is not suspected to be a criminal offence, informs the institution in which the official person exercises the duty and requests disciplinary measures to be taken towards the offender. Respective institution should inform the Agency for disciplinary measures taken towards the official person.
8. In case of suspicion for criminal offence, the Agency after completed investigation, shall present the criminal report to the competent prosecutor's office.

## **CHAPTER III**

### **REGISTRATION AND MAINTENANCE OF DECLARATIONS OF PROPERTY**

#### **Article 12**

##### **Register of Declarations**

1. Register is a summary of documents submitted by the public officials as it is prescribed in Article 6 of this law.
2. In Register of public official property declaration are included: name, surname, personal number, the body/institution where he/she works and position, and also information required in accordance with Articles 4 and 5 of this law.
3. Access to the register of declaration of the property of senior public officials shall be done according to the procedures defined with the Law on access to official documents:
  - 3.1. access to the register of declaration of the property of senior public officials shall be done through the internet web-page of the Agency, where the register of declaration of the property of senior public officials is published.
  - 3.2. the Agency within sixty (60) days from the last day of the term for submission of declaration, is obliged to publish in its web-page names of the senior public officials who have not declared their property .
4. Each citizen or entity has the right to submit in written facts and evidences to the Agency, based on which shall undertake it is understood that information which are included in the declaration of register are not true or incomplete.
5. Data kept in register can be used and proceeded further only for purpose of investigation and disappearance of corruption or monitoring of potential conflicts of interest of the public official related to exercising of public functions.
6. Processing of personal data that are found in register must not threaten the protection of personal information in compliance with the particular law.

#### **Article 13**

##### **Competent Authority**

1. The competent Authority that administers and maintains the register is the Agency.
2. Administration of the register includes:
  - 2.1. receiving and registration of declarations made as it is determined in Articles 5 and 6 of this law;



2.2. archiving of information submitted at the Agency as it is prescribed in paragraph 3 of this Article of this law, for a period of time of ten (10) years from their submission;

2.3. archiving of declarations submitted to the Agency as prescribed in Articles 5 and 6 of this law for a period of time of ten (10) years from finishing job at the public service;

2.4. overseeing if the provided information in the declaration as it is prescribed in Articles 4 and 5 of this law, is complete and requires additional information;

3. Unless it is not defined differently with this law, the employees of the Agency and other persons that come in touch with the registered data are obliged to keep the full confidentiality related to facts that derive information which as such except if the information is a part of the register. Information related to persons who have given information who have testified for false information or incomplete ones, which can be found in declarations that are kept in register is also an issue of full confidentiality.

## **CHAPTER IV CHECKING THE DECLARED INFORMATION**

### **Article 14**

1. Agency conducts the preliminary checking and thorough check of the forms of declaration of the property status.

2. Preliminary checks are conducted for each verified form, do there exist or not any material mistakes or wrong fillings in the form.

3. When there are found mistakes from the preliminary check or there are found wrong fillings, the Agency notifies the party that has submitted such declarations which within 15 days from the service of notification is obliged to correct them.

4. Full check is conducted in order to verify the truthfulness and exactness of information declared in the form.

### **Article 15 Obligation to provide information**

1. When conducting the check and verification of the information in the form, the Agency has the right to use the necessary data in all public institutions and in the public and private, public and legal persons.

2. With the request of the Agency, the Banks and other institutions that exercise the banking and finance activity in Kosovo are obliged to give information related to deposits, accounts and transactions ordered by the persons according to this law, who are obliged for declaration.

3. The institutions mentioned in paragraphs 1 and 2 of this Article, are obliged to make available all the requested information within thirty (30) days from the service of written request made by the Agency.

## **CHAPTER V PUNITIVE PROVISIONS**

### **Article 16**

1. For every violation of obligations defined by this law, when it does not appear to be a criminal offence, the senior public official commits offence and shall be fined:

1.1. for not declaring the property regularly every year, the senior public official will be fined with a fine in value of 300 (three hundred) Euro up to 1000 (one thousand) Euro;

1.2. for not declaring the property when commencing the job, the senior public official will be punished with 150 (one hundred and fifty) Euro up to 500 (five hundred) Euro;

1.3. for not declaring the property when requested by the Agency, the senior public official or natural legal persons related with the senior public official will be punished with a fine of 500 (five hundred) Euro up to 1500 (one thousand five hundred) Euro;

1.4. for not declaring the property after finishing the work in that function, the senior public official will be punished with a fine of 150 (one hundred and fifty) Euro up to 500 (five hundred) Euro.

1.5. for violation shall be fined the subject that does not act upon request of the Agency in compliance with paragraph 3 of Article 14 of this law from 150 (one hundred and fifty) to 500 (five hundred) euro.

2. For initiation of offence procedure, the Agency notifies the head or the institution in which the senior public official works or used to work.

3. The Agency publishes the names of senior public officials who have not submitted the form with information for their property, as it is prescribed by this law.

## **Article 17**

1. Sanctions are calculated as per evaluation as per weight of the violation and in accordance with the position that the senior public official keeps.
2. Sanctions mentioned in the Article 16, are paid by the senior public official and are transferred to the Kosovo Budget not later than thirty (30) days from imposing the sanction.
3. If within this time limit is not fulfilled the legal obligation defined in paragraph 2 of this Article, then the Agency makes the request that the decision be executed in obligatory manner by the public institution where the senior public official is employed.
4. The execution of the sanction defined in paragraph 3 of this Article, is done within fifteen (15) days, by deducting from the salary of the senior public official the amount of the value of the imposed sanction by the employer where the senior public official works.
5. If the senior public official does not submit the form related to the status of his property, the Agency notifies the responsible body for initiation of the relevant procedure towards him.
6. The institution is obliged to inform the Agency for its final decision.

## **Article 18 Procedure**

1. The Agency or anybody else who has facts and grounded reason that a senior public official has committed violation may submit the request for initiation of the Procedure.
2. Request for procedure initiation must be submitted within six (6) months from the day when the Agency or the person who has the right to submit a request for procedure initiation has learnt for facts that include violations of this law and within five (5) years of occurrence of such facts, without taking into consideration whether the work at public service has ended.

## **Article 19**

1. The Court has the right to reconsider whether the provided information in the declarations that are kept in register is true, and complete. The Court may request cooperation from the relevant government bodies, authorities of local self governing, other legal and natural persons and to request from these entities the information, explanations and necessary confirmations to decide whether the information that is found in register correspond with facts and evidence

2. Necessary information and explanations are given to the court in time limits defined by the Court, which may not be shorter than ten (10) working days.

3. Procedure has to be proceeded although the public official resigns or his contract has been terminated from job before the court takes a decision.

**Article 20**  
**Entering 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-151**  
**11 February 2010**

**President of the Assembly of the Republic of Kosovo**

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**Jakup KRASNIQI**