

Organization for Security and Co-operation in Europe
MISSION IN KOSOVO

OSCE Mission in Kosovo Report 05/2009
On the Monitoring of the Assembly of Kosovo
1 October 2009 – 31 December 2009

Highlights

- **Assembly presidency requested from members of the Assembly to cease dual mandates**
- **Assembly appoints the RTK board members**
- **Assembly ratifies the agreement on border demarcation between Kosovo and Former Yugoslav Republic of Macedonia (fYRoM)**
- **Assembly adopts the Kosovo budget for 2010**
- **Assembly encounters difficulties in securing quorum in plenary sessions**

1. Background

This 65th monitoring report is drafted in accordance with the terms of reference for UNMIK Pillar III for Institution Building (OSCE) Monitoring of the Assembly of Kosovo, dated 26 November 2002, and is based on compliance with the rules of procedure adopted at the plenary session on 20 May 2005, as amended at the plenary session on 1-2 June 2006 and 18 September 2007 plenary session.

The OSCE Mission in Kosovo monitored seven regular plenary sessions, on 12-13 October; on 29 October, 2 November; on 19 November; on 23 November; on 26 November, 3 December; on 18 December, and on 29 December, and one extraordinary plenary session held on 17 October as well as ten Presidency meetings, on 22 September, on 7 October, on 20 October, on 27 October, on 3 November, on 10 November, on 17 November, on 1 December, on 15 December and on 24 December.

2. Overview

The 12 October plenary session was chaired by the President of the Assembly, Mr. Jakup Krasniqi (Democratic Party of Kosovo - PDK), and a member of the Presidency, Mr. Sabri Hamiti (Democratic League of Kosovo - LDK).

- Sixty-eight members of the Assembly were present at the 12 October plenary session.¹
- Main agenda items of the 12 October plenary session:
 - Questions to the government for oral answer
 - First reading of the draft law on organisation in trade-unions
(At the request of the functional committee, the draft law was removed from the agenda with 30 votes in favour and 27 votes in opposition)

¹ This is the figure announced by the President of the Assembly at the beginning of the plenary session. Nevertheless, this figure does not correspond with the total number of votes on the agenda items below because it does not include abstentions and number of members that do not declare their vote at all.

- First reading of the draft law on customs measures for protection of intellectual property rights
(The draft law was endorsed in principle with 58 votes in favour and two votes in opposition)
- Review of the 2008 annual report of the Central Bank of Kosovo
(The report was approved with 39 votes in favour and 31 votes in opposition)
- Review of the draft strategy against corruption for 2009-2011
(The draft strategy was approved with 36 votes in favour and 26 votes in opposition)
- Debate on commercial affairs in Kosovo and Kosovo's external commercial relations
(The debate was held at the request of the parliamentary group of the Democratic League of Dardania (LDD). At the beginning of debate, sponsor of the debate Mr. Lulzim Zeneli (LDD) delivered an opening statement, followed by parliamentary group representatives and several other members. At the end of the debate, Mr. Zeneli delivered a closing statement.)
- Review of the report on the monitoring of the implementation of the Waste Law, promulgated by UNMIK Regulation 2006/31
(The report was adopted with 80 votes in favour and one vote in opposition)
- Review of the *ad hoc* Committee recommendation with regard to the appointment of the Radio Television of Kosovo (RTK) Board members²
(The appointments were endorsed with 61 votes in favour and 11 votes in opposition)
- Information regarding the replacement of committee members of the Alliance New Kosovo (AKR) parliamentary group

The 13 October plenary session was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and by a member of the Presidency Mr. Mr. Ibrahim Gashi (AKR).

- Sixty-seven members of the Assembly were present at the 13 October plenary session.
- Main agenda items of the 13 October plenary session:
 - Review of the government's report on Kosovo budget expenditures for period January – June 2009
 - Review of the Budget and Finance Committee recommendation with regard to the report on Assembly expenditures for period January – June 2009
(At the request of the budget and finance committee, the two reports were reviewed and voted upon as one agenda item. The two reports were approved with 44 votes in favour and 19 votes in opposition.)
 - Review of 2008 annual report of the Office of Auditor-General
(The Assembly discussed the report, but the voting on the report was postponed due to the absence of quorum. See below the section entitled “Quorum”, for more details.)

The 17 October extraordinary plenary session of the Assembly of Kosovo was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and by a member of the Presidency, Mr. Xhavit Haliti (PDK).

- Eighty-seven members of the Assembly were present at the 17 October extraordinary plenary session.
- Main agenda items of the 17 October extraordinary plenary session:
 - Ratification of the agreement on border demarcation between Kosovo and FYRoM
(The agreement was ratified with 81 votes in favour and three votes in opposition.)

² The new RTK Board members appointed by the Assembly are Ali Podrimja, Arif Bozaxhi, Aleksandar Janičević, Avni Abazi, Lindita Tahiri, Naime Beqiraj, Rahman Paçarizi, Shemsi Sylja and Shukrije Gashi.

The 29 October, 2 November plenary session of the Assembly of Kosovo was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and by a member of the Presidency, Mr. Eqrem Kryeziu (LDK).

- Sixty-two members of the Assembly were present at the 29 October, 2 November plenary session.
- Main agenda items of the 29 October, 2 November plenary session:
 - Questions to the government for oral answer
 - Review of the annual 2008 report of the Office of the Auditor-General
(The report was endorsed with 55 votes in favour and one vote in opposition.)
 - First reading of the draft law on civil service
(The draft law was endorsed in principle with 60 votes in favour and no votes in opposition.)
 - First reading of the draft law on salaries of civil servants
(The draft law was endorsed in principle with 63 votes in favour and no votes in opposition.)
 - First reading of the draft law on Kosovo Diaspora
(The draft law was endorsed in principle with 55 votes in favour and one vote in opposition.)
 - First reading of the draft law on political party financing
(The draft law was endorsed in principle with 57 votes in favour and three votes in opposition.)
 - First reading of the draft law on personal data protection
(The draft law was endorsed in principle with 58 votes in favour and no votes in opposition.)
 - First reading of the draft law on postal services
(The draft law was endorsed in principle with 59 votes in favour and no votes in opposition.)
 - Review of the report on the monitoring of the implementation of the Juvenile Justice Code of Kosovo, promulgated by UNMIK Regulation 2004/8
(The report was adopted with 59 votes in favour and no vote in opposition.)
 - Review of the recommendation of the Committee for Economy, Trade, Industry, Energy, Transport and Communications regarding the correction of references to the applied law on natural gas³
(The recommendation was approved with 58 votes in favour and no votes in opposition.)
 - Review of Arsim Rexhepi's (LDK) motion, supported by other members, with regard to the formation of an investigative committee to look into financial expenditures of RTK
(The motion was rejected with nine votes in favour, 19 votes in opposition and nine abstentions.)
 - Review of the recommendation of the Committee for Legislation and Judicial Affairs with regard to the appointment of members to the Bar Exam Commission

³ On behalf of the Committee for Economy, Trade, Industry, Energy, Transport and Communications, Mr. Ethem Çeku (AAK) informed the plenary session that during the clearance of the final version of the applied law on natural gas, approved by the Assembly on 30 September 2009, the article 22 was mistakenly deleted making the applied law in question not functional. He added that the committee therefore recommended that article 22 should be reinserted in the final version of the applied law on natural gas.

(One appointment was endorsed by the Assembly, while two appointments were rejected.⁴)

- Review of the proposal on reconfiguration of Assembly committees
(The proposal was adopted with 59 votes in favour and ten votes in opposition.)

The 19 November plenary session of the Assembly of Kosovo was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and a member of the Presidency, Mr. Sabri Hamiti (LDK).

- Seventy-five members of the Assembly were present at the 19 November plenary session.
- Main agenda items of the 19 November plenary session:
 - Questions to the government for oral answer
 - First reading of the draft law on public debts
(The draft law was endorsed in principle with 68 votes in favour and nine votes in opposition.)
 - First reading of the draft law on parliamentary investigation
(The draft law was endorsed in principle with 62 votes in favour and one vote in opposition.)
 - Second reading of the draft law on amending the applied law on prevention of conflict of interest in exercising public functions
(The draft law was approved with 65 votes in favour and no votes in opposition.)
 - Review of 2008 annual report of the Independent Oversight Board
(The report was adopted with 57 votes in favour and no votes in opposition.)
 - Review of the government's proposal on the population and housing census
(The proposal was adopted with 67 votes in favour and no votes in opposition.⁵)
 - Review of the Kosovo Pensions Trust's proposal with regard to the reduction of administrative fee for management of retirement savings
(The proposal was adopted with 54 votes in favour and no vote in opposition.)
 - Review of the request of the Ministry of Economy and Finance with regard to the allocation of additional funds to the Office of Auditor-General
(The request was adopted with 52 votes in favour and seven votes in opposition.)
 - Information on the conclusion of the Assembly presidency with regard to Naim Rrustemi's ⁶ motion requesting the compliance of members of the Assembly with the Law on Preventing Conflict of Interest in Exercising Public Functions, promulgated by UNMIK Regulation 2008/32
(See below the section entitled "The Assembly presidency requested from members of the Assembly to cease dual mandates" for more details.)

The 23 November plenary session of the Assembly of Kosovo was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and a member of the Presidency, Mr. Eqrem Kryeziu (LDK).

- Eighty-two members of the Assembly were present at the 23 November plenary session.

⁴ Following the recommendation of the Committee for Legislation and Judicial Affairs, the Assembly endorsed the appointment of Mr. Rrustem Qehaja with 53 votes in favour and four votes in opposition and rejected the appointments of Mr. Bardhyl Hasanpapaj with 15 votes in favour and 35 votes in opposition and Mr. Ruzhdi Berisha with 21 votes in favour and 29 votes in opposition.

⁵ As proposed by the government, the population and housing census will be organized from 30 March 2011 to 11 April 2011.

⁶ Mr. Naim Rrustemi was initially elected as a PDK representative, but he later abandoned PDK and started acting as independent member of the Assembly.

- Main agenda items of the 23 November plenary session:
 - First reading of the draft law on Kosovo budget for 2010
(The draft law was endorsed in principle with 68 votes in favour and 14 votes in opposition.)

The 26 November plenary session of the Assembly of Kosovo was chaired by a member of the Presidency, Mr. Xhavit Haliti (PDK).

- Sixty-three members of the Assembly were present at the 26 November plenary session.
- Main agenda items of the 26 November plenary session:
 - Debate on 2009 European Commission Progress Report on Kosovo
(The debate was held at the request of the Committee for European Integration and the LDD parliamentary group. At the beginning of debate, the sponsor of the debate, Mr. Lulzim Zeneli (LDD), delivered an opening statement, followed by the chairperson of the Committee for European Integration, parliamentary group representatives and several other members.)

The 4 December plenary session of the Assembly of Kosovo was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and a member of the Presidency, Mr. Xhavit Haliti (PDK).

- Forty-eight members of the Assembly were present at the 4 December plenary session.
- Main agenda items of the 4 December plenary session:
 - Questions to the government for oral answer
 - First reading of the draft law on classification and verification of information
(The item was postponed due to the absence of quorum.)
 - Second reading of the draft law on anti-dumping measures
(The item was postponed due to the absence of quorum.)

The 18 December plenary session of the Assembly of Kosovo was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and a member of the Presidency, Mr. Ibrahim Gashi (AKR).

- Sixty-seven members of the Assembly were present at the 18 December plenary session.
- Main agenda items of the 18 December plenary session:
 - Questions to the government for oral answer
 - First reading of the draft law on classification and verification of information
(The draft law was endorsed in principle with 69 votes in favour and no votes in opposition.)
 - Second reading of the draft law on anti-dumping measures
(The draft law was proceeded to the third reading with 46 votes in favour and 11 votes in opposition. See below the third paragraph under “Legislative process”, for more details.)
 - Review of the annual report of the Kosovo Privatization Agency (KPA) for period August 2008 – August 2009
(The KPA annual report was endorsed with 40 votes in favour and 14 votes in opposition.)

The 29 December plenary session of the Assembly of Kosovo was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK), and a member of the Presidency, Mr. Xhavit Haliti (PDK).

- Eighty-three members of the Assembly were present at the 29 December plenary session.
- Main agenda items of the 29 December plenary session:
 - Second reading of the draft law on Kosovo budget for 2010
(The draft law was approved with 66 votes in favour and four votes in opposition.)
 - Second reading of the draft law on value added tax
(The draft law was approved with 59 votes in favour and 23 votes in opposition.)
 - Second reading of the draft law on corporate income tax
(The draft law was approved with 60 votes in favour and 12 votes in opposition.)
 - Second reading of the draft law on personal income tax
(The draft law was approved with 52 votes in favour and 14 votes in opposition.)
 - Second reading of the draft law on customs measures for protection of intellectual property rights
(The draft law was approved with 56 votes in favour and five votes in opposition.)
 - Second reading of the draft law on public debts
(The draft law was approved with 56 votes in favour and five votes in opposition.)
 - Second reading of the draft law against corruption
(The draft law was approved with 54 votes in favour and one vote in opposition.)
 - Review of the request of the Committee on Internal Affairs with regard to the extension of deadline for review of the draft law on personal data protection
(The request was approved with majority of votes in favour and no votes in opposition.)

3. Parliamentary practices and proceedings of Assembly sessions

Legislative process

- The draft law on value added tax was approved seven months after its endorsement in a first reading at the 27 May plenary session. The draft law on corporate income tax was approved six months after its endorsement in a first reading at the 9 July plenary session. The draft law on personal income tax was approved five months after its first reading at the 23 July plenary session. The draft law on amending and supplementing the law on prevention of conflict of interest in exercising of public functions was approved five months after its endorsement in a first reading at the 11 June plenary session. The draft law against corruption was approved four and a half months after its first reading at the 9 July plenary session. The draft law on customs measures for protection of intellectual property rights was approved two months after its first reading at the 12 October plenary session. The draft law on public debts was approved six weeks after its first reading at the 19 November plenary session. The draft law on Kosovo budget for 2010 was approved five weeks after its endorsement in a first reading at the 23 November plenary session.

Comment: Rule 35.6 provides that “[w]hen a committee has been designated to review a draft law, it shall report its recommendations to the Assembly no later than two months after the first reading, unless an extension is approved by the Assembly.” Five of the above-referenced draft laws were approved by the Assembly beyond the deadline required by rule 35.6 and the responsible functional committees did not ask the Assembly to extend the deadline, which was not in compliance with rule 35.6. Many previous monitoring reports had likewise noted that the Assembly committees are having difficulties to review and report their recommendations on draft legislation according to

the timeframe set forth in rule 35.6. The Assembly should consider hiring additional support staff and experts to assist the committees in reviewing draft legislation in timely manner. Moreover, the committees should also strive to review the draft legislation within the required timeframe by meeting more often, when needed, than on a weekly or bi-weekly basis as they commonly do. See the attached table on approved laws in 2009 for more details on the matter.

- At its 24 December meeting, the Presidency discussed a request of the Committee on Internal Affairs for additional time to review the draft law on personal data protection and agreed to include it in the agenda of the 29 December plenary session for consideration and approval by the Assembly. Accordingly, during the 29 December plenary session, the Assembly approved the committee request extending the deadline for the review of the draft law on personal data protection until 31 January 2010.

Comment: Rule 35.6 provides that “[w]hen a committee has been designated to review a draft law, it shall report its recommendations to the Assembly no later than two months after the first reading, unless an extension is approved by the Assembly.” The draft law on personal data protection was endorsed in first reading at the 29 October plenary session, and the committee therefore made its request in compliance with the rule 35.6.

- During the second reading of the draft law on anti-dumping measures at the 18 December plenary session, the chairperson of the Committee for Legislation and Judicial Affairs, Mr. Bahri Hyseni (PDK), proposed that the draft law in question should be proceeded to the third reading arguing that the Committee for Economy, Trade, Industry, Energy, Transport and Communications, which was the functional committee, had proposed amendments that changed the essence of the draft law. Furthermore, Mr. Armend Zemaj (LDK) stated that the functional committee had proposed too many amendments altering the initial aim of the draft law in question, and he agreed that the draft law should be proceeded to the third reading. Mr. Ardian Gjini (AAK) stated that the draft law was poorly drafted by the government and should have been returned to the government at an earlier stage. Therefore, he proposed that the draft law on anti-dumping measures should not be further reviewed by the Assembly, but that it should be returned to the government for further revision. Ms. Myzejene Selmani (AKR), the chairperson of the functional committee, likewise proposed that the draft law should be returned to the government rather than proceeded to the third reading. Mr. Hyseni however argued that the draft law could not be returned to the government at this stage because it had already passed the first reading, and he therefore reiterated that it should be proceeded to the third reading in order to assess the amendments in cooperation with the Assembly’s legal office. Subsequently, the President of the Assembly called for a vote on the proposal to proceed the draft law on anti-dumping measures to the third reading, which was approved with 46 votes in favour and ten votes in opposition.

Comment: According to rule 38, “the Assembly may decide to present a draft law for the third reading, if it failed to receive the necessary votes during the second reading (emphasis added). Amendments that were considered and rejected at the second reading, or that are similar to such amendments, may however not be proposed again.” The Assembly should have therefore firstly voted upon the amendments individually and than upon the final version of the draft law, and proceeded the draft law to the third reading, if it failed to receive the necessary votes at the second reading.

- At its 3 November meeting, the presidency discussed a motion submitted by a member of the Assembly, Mr. Riza Smaka (AKR), in which he proposed that the Assembly should instruct the government to prepare a draft law on legal relationships with international element.⁷ The presidency decided to request the opinion of the government. The government nevertheless did not yet provide an opinion on the matter.

Comment: The decision of the presidency was in conformity with rule 34.1, which provides that “[w]hen a Member of the Assembly submits to the Table Office a motion that the Assembly should instruct the Government to prepare a draft law, the Presidency shall request the opinion of the Government.”

Distribution of draft legislation

- The draft law on organisation in trade-unions and the draft law on customs measures for protection of intellectual property rights were distributed on 22 September. Thus, the draft laws were distributed 13 working days prior to their first reading at the 12 October plenary session.

The draft law on salaries of civil servants was distributed on 5 May, the draft law on civil service was distributed on 6 May, the draft law on Kosovo Diaspora was distributed on 8 October, the draft law on political party financing and the draft law on postal services were distributed on 14 October, and the draft law on personal data protection was distributed on 19 October. Thus, the draft laws were distributed, respectively, 95, 94, 14, ten and seven working days prior to their first reading at the 29 October plenary session.⁸

The draft law on public debts was distributed on 21 October and the draft law on parliamentary investigation was distributed on 30 October. Thus, the draft laws were distributed, respectively, 20 and 13 working days prior to their first reading at the 19 November plenary session.

The draft law on Kosovo budget for 2010 was distributed on 6 November. Thus, the draft law was distributed ten days prior to its first reading at the 23 November plenary session.

The draft law on classification and verification of information was distributed on 18 November. Thus, the draft law was distributed 20 days prior to its first reading at the 18 December plenary session.

Comment: Rule 35.1 requires that the first reading of the draft law shall take place no earlier than ten working days and no later than three working weeks from the day of its distribution. Thus, five of the above-mentioned draft laws – draft law on civil service, draft law on salaries of civil servants, draft law on public debts, draft law on classification and verification of information and draft law on personal data protection – were not reviewed in a first reading in compliance with rule 35.1. The draft law on civil service, the draft law on salaries of civil servants, the draft law on public debts and the draft law on classification and verification of information were reviewed in first reading more than three working weeks after their distribution, while the first reading of the draft

⁷ The law proposed by Mr. Smaka is generally known with terms – *conflict of laws* and *private international law* – which are interchangeable. The term *conflict of laws* is primarily used in jurisdictions of the Common Law legal tradition, whereas *private international law* is used in jurisdictions of the Civil Law system.

⁸ The distribution of the draft law on salaries of civil servants and the draft law on civil service does not include the official summer recess of the Assembly, which took place from 1 August to 14 September. The spring session of the Assembly of Kosovo begins on the third Monday of January and the autumn session begins on the second Monday of September. Accordingly, the Assembly autumn session in 2009 begun on 14 September.

law on personal data protection took place earlier than ten working days after its distribution. The draft law on civil service and draft law on salaries of civil servants were reviewed in first reading way beyond the deadline and therefore resulted in delayed adoption of these draft laws. It is important that there is a better planning of the first readings of draft laws in order not to delay their adoption.

Quorum

- During the 13 October plenary session, at the end of the debate on 2008 annual report of the Office of the Auditor-General (OAG), the President of the Assembly announced that 55 members of the Assembly were present in the plenary hall, which was not sufficient number to vote on the report. The President of the Assembly therefore postponed the voting on the OAG's report for the next plenary session, due to the absence of quorum. At the beginning of the 29 October plenary session, the Assembly voted on the OAG's report and endorsed it with 55 votes in favour and one vote in opposition.

At the beginning of the 4 December plenary session, the chairperson announced that 48 members of the Assembly were present in the plenary hall and that the plenary could carry on with the first agenda item – questions to the government for oral answer, which did not require voting. When the first agenda item was over, the chairperson ordered again a count of members in the plenary hall, and only 55 members were present. The chairperson stated that there was no quorum to carry on with the next agenda item – first reading of the draft law on classification and verification of information, which required voting, and he therefore called for a break in order to wait for other members to join the plenary session. After the break, only 41 members returned to the plenary session and the chairperson therefore postponed the two remaining items for the next plenary session.

Comment: The decision of the President of the Assembly to postpone the voting on the OAG's report at the 13 October plenary session and two agenda items of the 4 December plenary session was in compliance with rule 31.3 of the rules of procedure which stipulates that "the decisions taken in the meetings of the Assembly are valid if more than half of the total number of Members of the Assembly were present at the time the decision was taken". The postponement of agenda items, especially when is the case with draft laws as it happened at the 4 December plenary session, due to a lack of quorum creates unnecessary delays in the legislative process in the Assembly. Earlier monitoring reports have also noted similar situations, when agenda items have been postponed as a result of lack of quorum, causing difficulties in managing plenary sessions. It is recommended that the Assembly presidency and parliamentary group leaders address the issue of absence of members of the Assembly in plenary sessions in order to ensure better presence of their members and avoid situations, as above.

Monitoring of the implementation of laws

- At the 12 October plenary session, the Assembly adopted a report submitted by the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning with recommendations on the implementation of the Waste Law, promulgated by UNMIK Regulation 2006/31. The report with recommendations was adopted with 80 votes in favour. Additionally, at the 29 October session, the Assembly adopted a report submitted by the Committee for Legislation and Judicial Affairs with recommendations on the implementation of the Juvenile Justice Code. This report was adopted with 59 votes in favour and no votes in opposition

Comment: Rule 53.1 provides that “[e]ach committee shall, within the scope of its authority, have the right to monitor the implementation of a law by the Government or respective ministry.” Rule 53.1 furthermore specifies that “[i]n order to fulfil the authority given above, the committees shall: (a) perform controls and studies of the effectiveness of the laws in force, their implementation and make recommendations for measures to be taken in concrete situations; (b) produce a list containing technical details of the law, (c) exercise control over the overall activity of relevant ministry; and (d) report in writing and orally once a year to the Assembly in a plenary session (emphasis added).” Therefore, the reporting of the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning on the implementation of the Waste Law and the reporting of the Committee for Legislation and Judicial Affairs on the implementation of the Juvenile Justice Code was in compliance with rule 53.1. This was the first time that the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning has completed an oversight activity with regard to the implementation of laws.⁹ However, it was the second time for the Committee for Legislation and Judicial Affairs to monitor and report on the implementation of laws in 2009, which is laudable.

During 2009, three additional committees have monitored and reported to the Assembly on the implementation of laws, which represents an improvement over the previous year, when only the Committee for Budget and Finance had monitored and reported to the Assembly on the implementation of the Law on Internal Audit, promulgated by UNMIK Regulation 2007/19.¹⁰ It is strongly recommended that other committees monitor and report to the Assembly on the implementation of laws at least once a year, as required by the rules of procedure.

The Assembly presidency requested from members of the Assembly to cease dual mandates

- On 29 October, Mr. Naim Rrustemi submitted a motion, in which he requested the presidency of the Assembly to ensure the compliance with the Law on Prevention of Conflict of Interest in Exercising Public Functions. In his motion, he argued that there were several members of the Assembly who had violated the Law on Prevention of Conflict of Interest in Exercising Public Functions and the Law on Suppression of Corruption¹¹ by exercising functions, which were prohibited for members of the Assembly. Furthermore, he asked the presidency to take measures against those members of the Assembly, who violated the legislation in question.

On 3 November, the presidency discussed Mr. Rrustemi’s motion and decided to issue a request to all members of the Assembly who were exercising other functions, including

⁹ The oversight activities with regard to the implementation of the Law on Waste have helped members of the committee in question to better understand the environmental problems in Kosovo and the institutional responsibilities of different executive and regulatory agencies. The report, drafted in cooperation with the OSCE, was prepared as part of a five-step process to monitor the implementation of the Law on Waste. Throughout this process, the OSCE has provided advice and assistance in the implementation of all phases of the monitoring activities.

¹⁰ During 2009, except the Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning, the Committee for Legislation and Judicial Affairs also monitored the implementation of the Law on Execution of Penal Sanctions, promulgated by UNMIK Regulation 2004/46; the Committee for Health, Labor and Social Welfare monitored the implementation of the Law on Private Practices in Health, promulgated by UNMIK Regulation 2005/1; and the Committee for Economy, Trade, Industry, Energy, Transport and Communications monitored the implementation of the Law on Roads, promulgated by UNMIK Regulation 2007/35.

¹¹ The Law on Suppression of Corruption was promulgated by UNMIK Regulation 2005/26.

holding executive posts in public administration or in public enterprises, to relinquish those other functions.¹² The presidency however did not issue a deadline for compliance. At the end of the 19 November plenary session, the President of the Assembly stated that he had received an information from the Anti-Corruption Agency that 19 members of the Assembly were being investigated by the Agency on the suspicion of holding dual mandates. Additionally, he communicated the decision of the presidency requesting all members of the Assembly, who were exercising other functions, to relinquish those functions in line with the relevant legislation.

Comment: Article 13.2 (i) of the Law on Prevention of Conflict of Interest in Exercising Public Functions stipulates that “during exercising a public function, the official may perform duty from science, sport, cultural and humanitarian activities”. The term “official”, as defined in the article 5 (i) of the law in question, refers to the president and members of the Assembly of Kosovo, among others. Furthermore, according to article 26.1 of the Law on Suppression of Corruption, an official person may not perform administrative, supervisory or representative functions in commercial companies, firms, institutions, cooperatives, funds or agencies. Nevertheless, article 26.2 of the same law, provides that “by way of derogation from the previous paragraph, an official person may, as a representative of his/her body, be a board member of a public institution or public agency, or a supervisory board member of a public company, public fund or commercial company in which the central or a local authority is a holder of shares or other rights on the basis of which it participated in the management or capital”. Accordingly, a member of the Assembly may not exercise an administrative, supervisory or representative function in a public institution or agency unless he/she is serving as a representative of the Assembly. Therefore, the request of the presidency for members of the Assembly to relinquish other functions, as explained above, was in line with the relevant legislation.

4. Access

- During the reporting period, the OSCE Mission in Kosovo continued to have access to the plenary sessions, presidency meetings and committee meetings. The OSCE Mission in Kosovo also received copies of documents considered by the Assembly and transcripts of plenary sessions.

5. Transparency

- The Assembly has published the records of electronic votes of all plenary sessions during the reporting period, except the records of the 17 October extraordinary plenary session and 29 December plenary session, which nevertheless represents an improvement over the previous reporting periods.

Comment: At the 15 February 2008 plenary session, the President of the Assembly stated that the Assembly would publish on its website the records of electronic votes of plenary session decisions. Following the President’s announcement, the Assembly began publishing the records of electronic votes from the 17 February 2008 extraordinary session, but not in a consistent manner. It is therefore recommended that the Assembly consistently publishes the records of electronic votes in order to enhance the transparency of the Assembly, especially the accountability of members of the Assembly to their constituents.

¹² The decision of the presidency was in line with article 13 of the Law on Prevention of Conflict of Interest in Exercising Public Functions and articles 26.1 and 27 of the Law on Suppression of Corruption.

- Radio Television of Kosovo provided live television coverage of the plenary sessions under review. Members of the public and institutional monitors were granted admission to the plenary sessions. The Assembly has a website (www.kuvendikosoves.org, www.skupstinakosova.org, www.assembly-kosova.org) containing biographical details of members of the Assembly, information about the structure and functioning of the Assembly, minutes and transcripts of Assembly sessions and Committee meetings, copies of laws and resolutions adopted by the Assembly, along with other information.

ENDS.

Applied laws approved by the Assembly of Kosovo in 2009

No.	Name	Functional committee	First reading	Second reading	Timeframe
1	Law on freedom of association in NGOs ¹³	Committee for Public Administration, Local Self-Government and Media	In the previous legislature	12.02.2009	See footnote 13.
2	Law on amending and supplementing the law on technical demands for products and valuation of conformity	Committee for Economy, Trade, Industry, Energy, Transport and Communications	18.09.2008	12.02.2009	5 months
3	Law on food	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	26.02.2008	12.02.2009	11.5 months
4	Law on environmental strategic assessment	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	26.02.2008	12.02.2009	11.5 months
5	Law on environmental impact assessment	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	26.02.2008	26.02.2009	12 months
6	Law on environmental protection	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	26.02.2008	26.02.2009	12 months
7	Law on use, management and maintenance of buildings in joint-ownership	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	18.09.2008	12.03.2009	6 months
8	Law on amending and supplementing the law no. 2004/17 on consumer protection	Committee for Economy, Trade, Industry, Energy, Transport and Communications	29.01.2009	12.03.2009	1.5 months
9	Law on integrated prevention pollution control	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	28.03.2008	26.03.2009	12 months

¹³ The Law on Freedom of Association in NGOs, Law on Expropriation of Immovable Property and Law on Property and other Real Rights were approved by the Assembly during the previous legislature but not promulgated by the SRSB. In June 2008, the Assembly adopted a procedural motion to withdraw and amend the non-promulgated laws in a special procedure.

10	Law on expropriation of immovable property	Committee for Legislation and Judicial Affairs	In the previous legislature	26.03.2009	See footnote 13.
11	Law on the state protocol of Kosovo	Committee for External Affairs	29.01.2009	16.04.2009	2.5 months
12	Law on economic zones	Committee for Economy, Trade, Industry, Energy, Transport and Communications	29.01.2009	30.04.2009	3 months
13	Law on biocide products	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	22.01.2009	27.05.2009	4 months
14	Law on membership of Kosovo in the international monetary fund and world bank group organizations	Committee for Budget and Finance	28.05.2009	29.05.2009	1 day
15	Law on agriculture and rural development	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	06.11.2008	11.06.2009	7 months
16	Law on public-private partnerships and concessions in infrastructure and procedures for their award	Committee for Economy, Trade, Industry, Energy, Transport and Communications	30.07.2008	25.06.2009	11 months
17	Law on leasing	Committee for Economy, Trade, Industry, Energy, Transport and Communications	06.11.2008	25.06.2009	7.5 months
18	Law on the department of forensic medicine	Committee for Legislation and Judicial Affairs	12.03.2009	25.06.2009	3.5 months
19	Law on amending and supplementing the law no. 2004/5 on trade of petroleum and petroleum products in Kosovo	Committee for Economy, Trade, Industry, Energy, Transport and Communications	12.03.2009	25.06.2009	3.5 months
20	Law on property and other real rights	Committee for Legislation and Judicial Affairs	In the previous legislature	25.06.2009	See footnote 13.
21	Law on employment of foreign citizens in Kosovo	Committee for Health, Labour and Social Welfare	12.03.2009	10.07.2009	4 months
22	Law on management of sequestered or confiscated assets	Committee for Legislation and Judicial Affairs	16.04.2009	10.07.2009	3 months
23	Law on amending and supplementing the law no.2003/17 on public procurement amended by the law no.02/1-99	Committee for Budget and Finance	09.07.2009	24.07.2009	2 months

24	Law on amending and supplementing the law no. 03/I-105 on Kosovo budget for 2009	Committee for Budget and Finance	23.07.2009	24.07.2009	1 day
25	Law on internal audit	Committee for Budget and Finance	29.01.2009	17.09.2009	8 months
26	Law on weapons	Committee for Security and Internal Affairs	16.04.2009	17.09.2009	5 months
27	Law on public peace and order	Committee for Security and Internal Affairs	16.04.2009	17.09.2009	5 months
28	Law on standardization	Committee for Economy, Trade, Industry, Energy, Transport and Communications	14.05.2009	30.09.2009	4.5 months
29	Law on empowerment and participation of youth	Committee for Education, Science, Technology, Culture, Youth and Sports	14.05.2009	30.09.2009	4.5 months
30	Law on natural gas	Committee for Agriculture, Forestry, Rural Development, Environment and Spatial Planning	29.01.2009	02.11.2009	9 months
31	Law on amending and supplementing the law no. 02/I-133 on preventing conflict of interest in exercising public function	Committee for Legislation and Judicial Affairs	11.06.2009	19.11.2009	5 months
32	Law on value added tax	Committee for Budget and Finance	27.05.2009	29.12.2009	7 months
33	Law on anti-corruption agency	Committee for Legislation and Judicial Affairs	10.07.2009	29.12.2009	5.5 months
34	Law on personal income tax	Committee for Budget and Finance	27.04.2009	29.12.2009	8 months
35	Law on corporate income tax	Committee for Budget and Finance	09.07.2009	29.12.2009	5.5 months
36	Law on customs measures for protection of intellectual property rights	Committee for Budget and Finance	12.10.2009	29.12.2009	2.5 months
37	Law on public debts	Committee for Budget and Finance	19.11.2009	29.12.2009	1 month and 10 days
38	Law on the budget of Kosovo for year 2010	Committee for Budget and Finance	23.11.2009	29.12.2009	1 month