

## Legal News

February 2017

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#### **I. Law No. 05/L-119 On Amending and Supplementing the Law. No. 05/L-043 On Public Debt Forgiveness;**

Law No. 05/L-119 amending and supplementing the Law on Public Debt Forgiveness has been published in the Official Gazette of the Republic of Kosovo on 19<sup>th</sup> of January 2017, and entered into force on the day of its publication.

The purpose of this Law is to amend and supplement the Law No.05/L-043 on Public Debt Forgiveness, with the aim of setting the new legal deadline for the benefit from debt forgiveness, under the provisions of the Basic Law.

With this law the definition of Person shall be as follows:

*"for the purpose of this Law, means all the natural and legal persons (except Socially Owned Enterprises under the management of the Privatization Agency of Kosovo) that have outstanding public debt amounts towards State Institutions and Public Enterprises."*

In addition, this Law defines that entities that can benefit from the public debt forgiveness can enforce this right until September the 1<sup>st</sup> 2017.

#### **II. Law No. 05/L-116 On Amending and Supplementing the Law No. 04/L-101 On Pension Funds of Kosovo, Amended and Supplemented by the Law No. 04/L-115 And Law No. 04/L-168;**

Law No. 05/L-116 amending and supplementing the Law on Pension Funds of Kosovo has been published in the Official Gazette of the Republic of Kosovo on 17<sup>th</sup> of January 2017, and entered into force fifteen (15) days after its publication.

The purpose of this Law is to amend and supplement the Law on Pension Funds that was

previously amended and supplemented by the Law No. 04/L 0 168 (basic law).

This Law amended the procedure of appointing the Governing Board, the regular term of mandate that is 4 years and the right of reappointment.

Further, this Law foresees that the Trust in cooperation with the Tax Administration of Kosovo shall continuously develop activities for the identification of unclaimed contributions. In the event the taxpayers are not identified by the Trust for the relevant contributions and there is no notification by the taxpayers up to six (6) years upon the payment year, then the Government of the Republic of Kosovo is entitled to take a decision for collection of respective funds in the Budget of the Republic of Kosovo. A relevant decision shall be taken only after the Trust Board has informed the Government in writing that it has exhausted all possibilities of identification of the taxpayers for relevant contributions.

In case of identifying the payers' contributions after the deadline of six (6) years, the funds collected pursuant to the above paragraph shall be returned to the Fund, together with interest equivalent to the average earnings that the Fund has had during this period.

Furthermore foreign employees with temporary stay, who have not been obliged to pay pension contribution and still are not obliged to pay pension contribution in accordance with the applicable laws in force, may withdraw their accumulated funds via one single payment.

The Governing Board shall establish the audit committee in the Kosovo Pension Savings Trust (KPST) or in an additional pension, whose members shall be selected among the governing board and external experts. The majority of audit committees shall be members of the governing board. At least one audit committee member shall be an external expert in the field of accounting or auditing, and shall be independent from the management and the Governing Board.

Once the Law is effective, the term of the current members of the Governing Board shall continue until the expiry of their mandate according to the Decision no. 04-V-840, dated May 6, 2014 and Decision no. 05-V-164, dated November 30, 2015 of the Assembly of the Republic of Kosovo.

### **III. Law No. 05/L-100 On State Aid**

The Law No. 05/L-100 on State Aid has been published in the Official Gazette of the Republic of Kosovo on 17<sup>th</sup> of January 2017, and entered into force fifteen (15) days after its publication.

This Law determines principles and procedures, general conditions and authorization rules, for monitoring and revoking state aid, and it is partially in compliance with the Regulation (EU) 2015/1589, dated on July 13, 2015, for defining the detailed rules for the implementation of Article 108 of the Treaty on the Functioning of the European Union.

Provisions of this law are bidding to all sectors of manufacturing and services that operate in the Republic of Kosovo, except agriculture and fishery sector.

This Law shall abrogate the Law No. 04/L-024 in State Aid. Whereas the sub legal acts adopted for implementation of the Law No. 04/L-024 on State Aid will remain in force for as long as they are not inconsistent with this Law, until repealed by the new sub legal acts

### **IV. Law No. 05/L-095 On Academy of Justice**

Law No. 05/L-095 on the Academy of Justice has been published on 8<sup>th</sup> of February 2017 in the Official Gazette of the Republic of Kosovo and entered into force 15 days after its publication.

This law establishes the Academy of Justice and regulates the status, its functions and bodies, method and conditions under which the professional training of judges and prosecutors is conducted in the Republic of Kosovo, the training of judicial and prosecutorial administrative staff, and other issues in accordance with the law.

The Academy is an independent public institution with the capacity of a legal person that has its own budget which is administered independently and in accordance with the law. The headquarter of the Academy is in Prishtina.

The Academy Bodies are the Governing Board, Programme Council and the Executive Director.

The Academy organizes initial trainings for training of newly appointed judges and state prosecutors.

Based on the requirements of the competent institutions and depending on the opportunities, the Academy may organize continuous trainings, including but not limited to:

- State advocates;
- Lawyers;
- Notaries;
- Private enforcement agents;
- Mediators;
- Bankruptcy administrators.

With the entry into force of this law, the Law No.02/L-25 on Establishing the Kosovo Judicial Institute, Official Gazette of the Republic of Kosovo, Year III/no. 23/01 April 2008 is abolished.

#### **V. Law No. 05/L-079 On Strategic Investments in the Republic of Kosovo**

The Law on Strategic Investments in the Republic of Kosovo has been published on 8<sup>th</sup> of February 2017 in the Official Gazette of Republic of Kosovo and entered into force 15 days after its publication.

This Law aims to stimulate, attract and create conditions for implementation of strategic investments in the Republic of Kosovo, as well as to establish administrative procedures and criteria for evaluation, selection, implementation and monitoring of strategic projects, as well as determining the procedures for granting the use of the property of the Republic of Kosovo, for the purpose of implementation of strategic investments projects.

Institutions and authorities of the Republic of Kosovo for implementation of this Law shall respect principles of free movement of goods, services and capital, principles of free competition and equal treatment, principles of non-discrimination, principle of transparency, proportionality and mutual respect.

This law shall support principles and conditions set out in the applicable legislation for state aid and those deriving from the Stabilization and Association Agreement.

The status of strategic investment or of the strategic investment project may be realized according to the criteria and the procedures defined by Law, for projects from priority sectors of economic and social development,

which contribute to the economic growth, employment and implementation of new technologies, increase economic competitive capabilities of Kosovo, increase export and reduction of trade deficit and the ones having general impact in growth of welfare and living conditions of the citizens of the Republic of Kosovo in the following sectors:

- Energy with infrastructure and Mining;
- Transport and Telecommunication;
- Tourism;
- Processing industry;
- Agriculture and Food Industry;
- Health;
- Industrial and Technological Parks;
- Wastewater and Waste Management.

This Law shall apply to strategic investments, which are foreseen to be implemented in the Republic of Kosovo, upon entry into force of this law.

After the proposal of the Ministry of Trade and Industry, the Government of the Republic of Kosovo shall issue sub-legal acts for implementation of this Law within sixty (60) days from entry into force of this Law.

#### **VI. Regulation (MLSW) No. 05/2016 on Minimum Requirements Regarding Occupational Safety and Health of Employees at Risk from Explosive Atmospheres**

This Regulation has been protocolled on the 20<sup>th</sup> of December 2016 and entered into force seven (7) days after being signed by the Minister of Labour and Social Welfare.

The purpose of this regulation is to set the minimum requirements with regard to the occupational safety and health of employees at risk from explosive atmospheres. The same regulation is in harmony with the Directive 1999/92/EC of the European Parliament and of the Council dated 16 December 1999, on minimum requirements for improving the safety and health protection of workers potentially at risk from explosive atmospheres.

The application of this regulation is extended to all enterprises and workplaces under the scope of the Law No. 04/L-161 on Safety and Health at Work, regardless of the form of the organization, the kind of ownership and the

grounds on which the work or training are carried out.

The following, including but not limited to, will be excluded from the application of this regulation:

1. Areas that serve directly for medical treatment of patients;
2. Use of appliances which operate with burning gaseous fuels;
3. Mineral-extracting industries;

The regulation stipulates the obligation of the employer to ensure the prevention of and protection against explosions by taking technical and organizational measures appropriate to the nature of the work process, in accordance to the following basic principles listed according to their priority:

1. To prevent the formation of explosive atmospheres, or where the nature of the activity does not allow that;
2. To avoid the ignition of explosive atmospheres; and
3. To mitigate the detrimental effects of an explosion so as to ensure protection of employees and other persons.

Where necessary, the abovementioned preventive measures shall be combined and/or supplemented with other measures against the propagation of explosions. The employer is obligated to regularly review the preventive and protective measures in periods determined by him.

According to the regulation, the employer should assess any risk, which arises from explosive atmospheres and should at least take account of, including but not limited to:

1. Likelihood that explosive atmospheres will occur and their persistence;
2. The installations, substances used, processes, and their possible interactions;

Among other things, the employer should classify places where explosive atmospheres may occur into zones and ensure that the minimum requirements laid down by this regulation are applied in order to ensure the safety and health of employees and other persons.

In such places where explosive atmospheres may arise to such quantities as to endanger the safety and health of employees, the employer shall ensure supervision and/or continuous monitoring by use of appropriate technical means during the presence of employees.

The regulation stipulates the obligation of drafting or updating of the Explosion Protection Document, which should include, but is not limited to:

1. The determination and assessment of the risk for explosion;
2. The adoption of appropriate and mitigation measures;
3. The coordination of measures and procedures in accordance to the provisions of the regulation;

The provisions of this regulation are further detailed by three annexes, which are attached to the regulation and are integral parts of the latter.

#### **VII. Regulation (MLSW) No. 06/2016 on the Minimum Safety Health Requirements for Work with Display Screen Equipment**

This Regulation has been protocolled on the 20th of December 2016 and entered into force seven (7) days after being signed by the Minister of Labour and Social Welfare.

The purpose of this regulation is to lay down the minimum requirements for work with display screen equipment. The aforementioned regulation is harmonized with the Council Directive No. 90/280/EEC dated 29 May 1990 on the minimum safety and health requirements for work with display screen equipment.

The application of this regulation is extended to all enterprises and workplaces under the scope of the Law No. 04/L-161 on Safety and Health at Work, regardless of the form of the organization, the kind of ownership and the grounds on which the work or training are carried out.

Cases where this regulation will not apply include, but are not limited to:

1. Display screen equipment in drivers' cabs or control cabs for vehicles or machinery;

2. Computer systems equipment on board a means of transport;
3. "portable" display screen equipment not in prolonged use at workstation;

According to this regulation, the employer is obligated to perform an analysis of workstations for the assessment of the safety and health conditions for the employees, especially in cases of risks to eyesight, physical and mental fatigue. The employer should take appropriate measures to correct the working conditions and to reduce or avoid such risks found through the abovementioned assessment.

The employer should take the appropriate steps to ensure that the workstations are compliant with the requirements of this regulation.

The employer is obligated to inform the employees on all aspects of safety and health in the workstation with display screen equipment as well as on any safety and health measure taken in compliance with this regulation.

Suitable training on safety and health at work regarding display screen equipment should be ensured by the employer before commencing work and whenever the organization of the workstation is changed substantially.

The employer is obligated to provide appropriate eye and eyesight test to the employees by a specialist of the field before commencing display screen work, at regular intervals thereafter (at least once every one to three years) and if they present visual difficulties which may be due to display screen work.

In cases where the employee presents with any health problems that are connected with display screen work, the employer should ensure a health examination of musculoskeletal, neurological or venous system.

The provisions of this regulation are further detailed in the annex that is attached to this regulation and of which it is an integral part of.

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