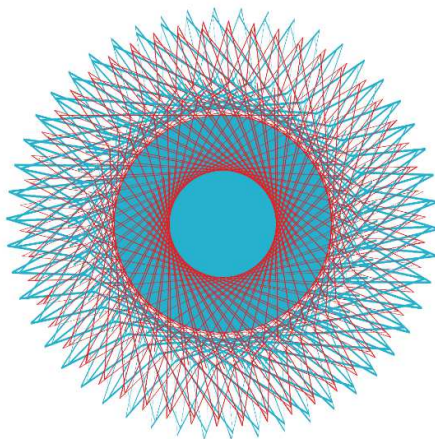


Legal News

March 2017

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I. Administrative Instruction No. 01/2017 On the Promotion of Joint Regional Investments in the Energy Sector

This administrative instruction has been published in the Official Gazette of Republic of Kosovo on 8th March 2017, and shall enter into force 7 days after it is signed by the Minister of the Ministry of Economic Development (MED).

The purpose of this Administrative Instruction is to promote joint regional investments in the energy sector, identification of projects of Energy Community interest in energy infrastructure in electricity, gas and oil, as well as to coordinate activities in the processes of issuing permits.

This Administrative Instruction is partially in compliance with the Regulation (EC) No. 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC, and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009, as incorporated and adapted by the Decision of the Council of Ministers 2015/09/MC-EnC dated 16 October 2015 on the implementation of the Regulation (EU) No. 347/2013 of the European Parliament and of the Council on Guidelines for Trans-European Energy Infrastructure.

Provisions of this Administrative Instruction are implemented on all projects of Energy Community interest in the categories of energy infrastructure in electricity, gas and oil.

The Minister appoints by decision a Competent Authority for coordination on activities of the permit-granting for projects of Energy Community interest, and communicate it to the Energy Community Secretariat by 30 June 2017. The duties and the responsibilities of the

competent authority are prescribed in this administrative instruction.

The Ministry in cooperation with the relevant Ministry for environment and spatial planning and other relevant authorities shall analyze and evaluate which measures are possible to harmonize streamline national environmental assessment procedures, based on the guidelines issued by the European Commission, and shall inform the Energy Community Secretariat on the result

This Administrative instruction contains of 2 Annexes, these annexes are integral parts of this administrative instruction.

II. Administrative instruction No. 02/2017 on the Responsibilities, Mandate and Work of the Appealing Committee under the Industrial Property Agency

This administrative instruction has been published in the Official Gazette of Republic of Kosovo on 22nd of March 2017, and shall enter into force 7 days after it is signed by the Minister of the Ministry of Trade and Industry (MTI).

The purpose of this administrative instruction is to define and regulate the work of the Commission's procedures to review the appeals of the parties against the decisions taken by the Industrial Property Agency during the registration procedures of industrial property objects.

This administrative instruction applies in any case where the parties submit against decisions of Industrial Property Agency (IPA).

This administrative instruction foresees that via a decision by the Minister, a committee shall be established, consisting of three members, who are responsible for reviewing and deciding on all appeals made by the parties against IPA's decisions.

According to this administrative instruction, the appeal must contain some specific data and the Committee, upon reviewing the appeal, by the votes of majority shall make a decision in accordance with the relevant legislation in force.

Against the IPA's decisions issued in the first instance, the interested party has the right to appeal within 15 days from the day of receiving the decision.

In case the Committee does not bring a decision within the deadline, or returns the answer for what the party is not satisfied, than the party may initiate administrative dispute at the Basic Court within the 30 days.

By entering into force of this Regulation shall abrogate the Administrative Instruction No. 09/2012 on jurisdiction, mandate and work of the appeal Commission of Industrial Property Agency.

III. Regulation No. 02/2017 On the Protection of employees form risk related to noise at the work place

This regulation has been published in the Official Gazette of Republic of Kosovo on 3rd of March 2017, and shall enter into force 7 days after it is signed by the Minister of the Ministry Labor and Social Welfare (MLSW).

This Regulation lays down the minimum requirements necessary for the protection of the employees from the risks to their safety and health, arising or likely to arise from exposure to noise at the workplace, and in particular, the risk of hearing.

This regulation is harmonized with the Directive 2003/10/EC of the European Parliament and of the Council of 6 February 2003 in the minimum health and safety requirements regarding the exposure of workers to the arising from physical agents – noise (seventh individual directive within the meaning of Article 16 (1) of Directive 89/391 EEC).

The requirements of this Regulation shall apply to workplaces and activities in which employees are or are likely to be exposed to risks from noise as a result of their work. The provisions of this regulation shall apply to all enterprises and workplaces which are under the scope of the Law on Health and Safety at Work.

As required by the above-mentioned Law, this regulation foresees that the employer shall ensure a risk assessment in which the measures needed to be taken are identified, and if necessary ensure for the performance of measurements of the noise level at the workplace. According to this regulation, the risk assessment performance shall be done as follows:

- At least once every two years if the risk assessment indicates that lower exposure action values are reached,

- At least once a year if the risk assessment indicated that upper exposure action values are reached.

The employees shall not be permitted to exceed exposure limit values. If the risks arising from exposures to noise cannot be prevented by other methods and means the employer shall make available appropriate and fitting individual hearing protection equipment.

In addition, trainings and health surveillance shall be done.

This regulation contains of 2 Annexes that are integral parts of this Regulation.

IV. Regulation No. 01/2017 On the Protection of employees form risk related to vibration at the work place

This regulation has been published in the Official Gazette of Republic of Kosovo on 3rd of March 2017, and shall enter into force 7 days after it is signed by the Minister of the Ministry Labor and Social Welfare (MLSW).

This Regulation lays down the minimal requirements for the protection of employees form risks to their safety and health, arising or likely to arise from exposure to mechanical vibration.

This regulation is harmonized with the Directive 2002/44/EC of the European Parliament and of the Council of 25 June 2002 on the minimum health and safety requirements regarding the exposure of workers to the risk arising from physical agents – vibration (sixteenth individual directive within the meaning of Article 16 (1) of Directive 98/391/EEC).

The Provisions of this Regulation shall apply to workplaces and activities in which employees are or could be exposed to risks from mechanical vibration during their work. The regulation shall apply to all enterprises and workplaces which are under the scope of application of Law on Safety and Health at Work.

According to this regulation, a risk assessment shall be carried out by specialized services in the following intervals:

- Each year if the risk assessment indicated that exposure action values are reached or exceeded,

- Every two years if the risk assessment indicated that exposure action values are not reached and 1/5 of the exposure limit values are exceeded.

Provisions of this regulation foresee that the employer shall ensure in preference that the risk of employees from exposure to vibration is eliminated at source and where this is not possible is reduced to a minimum.

The employer shall ensure that employees who are likely to be exposed to risks form mechanical vibration at work receive adequate information and training.

Also, the employer shall arrange for the performance health surveillance of employees, from whom the risk assessment indicated a risk to their health arising from vibration, in accordance with the applicable legislation and relevant practice on the health surveillance system.

This regulation contains 4 Annexes that are considered integral part of the Regulation.

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