Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria - Vlada - Government

Ministria e Integrimit Evropian
Ministarstvo za evropske integracije-The Ministry of European Integration

LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

10.12.2018

On 7 December 2018, the Legal Department of the Ministry of Finance (MoF), pursuant to Article 7 subparagraph 1.2 of Regulation no. 09/2011 of the Rules and Procedure of the Government of the Republic of Kosovo and Article 13 paragraph 5 of the Regulation no. 13/2013 on the Government Legal Service, has submitted for review to the Department of EU Law at the Ministry of European Integration the *"Draft Law on Ratification of the Loan Agreement between the Government of the Republic of Kosovo and Unicredit Bank Austria AG in relation to the funding of the project for the construction of the sewerage system for the Municipality of Shtime"*.

1. SUBJECT

Legal Opinion on Compliance of the *"Draft Law on Ratification of the Loan Agreement between the Government of the Republic of Kosovo and Unicredit Bank Austria AG in relation to the funding of the project for the construction of the sewerage system for the Municipality of Shtime"* with EU *acquis*.

2. ATTACHED DOCUMENTS

The following documents have been attached to the request of MIA for Legal Opinion on Compliance with EU *acquis*:

- Final draft of the Draft Law (Albanian, English and Serbian);
- International Agreement (Albanian, English and Serbian);
- Statement of Compliance with EU *Acquis* (Albanian, English and Serbian); and
- Explanatory Memorandum of the Draft Law (Albanian, English and Serbian);

3. PREAMBLE

In accordance with Article 7 paragraph 3 of the Regulation no. 09/2011 of the Rules and Procedure of the Government of the Republic of Kosovo, according to Article 3 subparagraph 1.3, Article 13 paragraph 6, Article 21 paragraph 4 of Regulation no. 13/2013 on the Government Legal Service and

Article 30 paragraph 4 of the Administrative Instruction no. 03/2013 on the Standards for the Drafting of Normative Acts, the Department of EU Law at the Ministry of European Integration, on 10 December 2018, issues the following:

4. LEGAL OPINION ON COMPLIANCE WITH EU LEGISLATION

The request for Legal Opinion on Compliance with EU *acquis* has been submitted in hard copy and soft copy on 7 December 2018, with reference number 3140-1-2018.

5. INTRODUCTION

This Draft Law aims at ratifying the loan agreement between the Republic of Kosovo and Unicredit Bank Austria AG for the project for construction of the sewerage system for the Municipality of Shtime.[1] This Draft Law contains four (4) articles and one annex.

6. SUMMARY OF EU ACTS GOVERNING THE FIELD OF DRAFT LAW

Within EU, in principle, this field is not specifically governed with EU legislation in member states. Therefore, this field of activity remains under the internal competence of EU member states.

7. DESCRIPTION AND ASSESSMENT OF DOCUMENTS SUBMITTED WITH THE LEGISLATION PROPOSED BY THE LINE MINISTRY

Referring to point 6 of this Legal Opinion, the provisions of the *"Draft Law on Ratification of the Loan Agreement between the Government of the Republic of Kosovo and Unicredit Bank Austria AG in relation to the funding of the project for the construction of the sewerage system for the Municipality of Shtime"* are not governed at EU level; therefore, this Draft Instruction transposes no act of EU Law.

8. OPINION ON COMPLIANCE

This Opinion on Compliance is based on the content of the draft of the Draft Normative Act and Statement of Compliance. The responsibility of the Department of EU Law/MEI is noted with its opinion, whereas MoF is responsible to fulfil the Statement of Compliance (SoC) and the Table of Concordance (ToC) according to DEUL recommendations. Line Ministries are responsible for the policy that they make. Therefore, preliminary periods from partial transposition to complete transposition are under the responsibility of the proposing body. Preliminarily, line ministries are responsible to fulfil and determine the level of compliance with EU *acquis*. *Manual for Compiling*

[1] Article 1 of the *"Draft Law on Ratification of the Loan Agreement between the Government of the Republic of Kosovo and Unicredit Bank Austria AG in relation to the funding of the project for the construction of the sewerage system for the Municipality of Shtime"*.

Tables and Statement of Compliance and *Practical Guidelines for Approximation of the Domestic Legislation with EU acquis,* contain practical guidelines for this process.[2]

9. ASSESSMENT OF COMPLIANCE

The provisions of the *"Draft Law on Ratification of the Loan Agreement between the Government of the Republic of Kosovo and Unicredit Bank Austria AG in relation to the funding of the project for the construction of the sewerage system for the Municipality of Shtime"* are not specifically governed with EU legislation; therefore, this field of activity remains under the internal competence of EU member states.

Respectfully,

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[2] Available at: http://www.mei-ks.net/sq/dokumente-udhezuese-mbi-procesin-e-perafrimit