



Imposing of punitive measures by municipal inspectorates

# Standard Operating Procedures

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Procedures



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This publication is prepared by:

1. **Ardi Shita** – Legal Adviser (HSI/RECURA Financials);

*With support from:*

1. **Gani Berisha** (AKM);
2. **Shqiponja Vokshi** (HSI/DEMOS);
3. **Majlinda Jupolli** (HSI/DEMOS);
4. **Mentor Rexhepi** (HSI/Recura Financials);

Inspectors and officials within Municipality of Gjakova/Đakovica, Municipality of Lipjan/Lipljane and Municipality of Shtime/Štimlje have contributed to the finalisation of this document by providing suggestions.



# Contents

<b>1. Introduction - Inspectorates</b> .....	<b>7</b>
1.1. Organization of inspectorates.....	7
<b>2. Punitive measures and minor offenses</b> .....	<b>8</b>
<b>3. Administrative Procedure</b> .....	<b>8</b>
3.1. Principles of administrative procedure according to LGAP .....	9
3.2. Parties and representation in administrative proceedings.....	10
3.3. Execution of pecuniary and non-pecuniary liability .....	11
3.4. Content of an administrative act.....	11
3.5. What can be used as evidence in an administrative process.....	13
3.6. Limits of exercising discretion during decision-making .....	13
3.7. Delivering the decision .....	13
3.8. Enforceability of the administrative act.....	14
3.9. Prescription .....	14
3.10. Competent body for enforcement.....	15
3.11. Order of enforcement .....	15
3.12. Administrative legal remedies against enforcement actions .....	17
3.13. Coercive fines in execution .....	17
<b>4. Enforcement procedure according to the Law on Enforcement Procedure</b> .....	<b>18</b>
4.1. Initiation of the enforcement procedure.....	18
4.2. Objection of Enforcement Order.....	20
4.3. The Complaint against the court's decision on objection .....	21
4.4. Fees for rewards and compensation of the expenses for private enforcement agents.....	21
4.5. Postponement of enforcement .....	22
4.6. Suspension of procedure .....	23
4.7. Completion of procedure .....	23
<b>5. Minor offences</b> .....	<b>24</b>
5.1. Applicability .....	24
5.2. Liability of legal person or liable person of the legal person.....	24
5.3. Minor offence sanctions .....	25
5.4. Time limit for payment of fines and conversion into a enforcement document.....	26
5.5. Statutory limitation .....	26
5.6. Initiation of minor offence procedure with the court .....	26
5.7. Impartial evaluation of proves .....	27
<b>6. Mandatory fines under the Law on Waste</b> .....	<b>28</b>
6.1. Competent authorities to impose penalties .....	28
6.2. Procedure of imposing penalties with mandatory fines .....	29
<b>Definition</b> .....	<b>30</b>

## *Foreword - the Purpose and Scope of this document*

The purpose of this document is to assist the inspectors from Municipal Department or Unit of Inspection in further clarifying the standard procedures to be followed when imposing punitive measures for violations, particularly violations in the field of Public Open Spaces, Mobility, and Waste Management.

Within their scope of work, inspectorates are entitled to impose punitive measures against natural and legal persons acting contrary to the applicable laws.

Recently, the Assembly of the Republic of Kosovo has issued the new Law on Minor Offenses (No. 05/L-087), the new Law on General Administrative Procedure (No. 05 / L-031) and a mended/supplemented the Law on Enforcement Procedure (No. 05 / L-118). All these laws address the issue of punitive measures and enforcement of these punitive measures, whereas the Ministry of Environment and Spatial Planning adopted the Administrative Instruction on Mandatory Fines (No. 14/2015), which governs further the imposition of mandatory fines under the Law on Waste.

Failure to accurately apply these laws by the inspectors, upon the imposition of fines, it results in overload of the courts, failure of enforcement by courts, and finally in time prescription of such cases. Therefore, many offences and offenders are not being punished and without receiving the deserved punishment.

Based on initial analysis regarding the strengthening the law implementation for the above mentioned public services in the three DEMOS pilot municipalities, it appears that there are many uncertainties, among the Inspection Departments and Units in these three pilot municipalities, in observing the standard procedures for imposition of punitive measures against violators in these three above public services. Therefore, as a result of such analysis, we have prepared this document to assist and facilitate the work of municipal inspectors of various fields during their dealing with law offenders.

As mentioned above, this Standard Operating Procedures (SOP) document shall serve all inspectors legally entitled to imposition of fines and penalties. In addition to the Ministry, the previously mentioned Administrative Instruction also defines municipalities as competent body for imposing penalties and fines, i.e. municipal inspection. Mandatory fines may also be imposed by the authorized Kosovo Police officers.

Within the municipal level, penalties by mandatory fines may be imposed by the municipal environmental inspector, sanitary inspector or by the authorized municipal official. As in the case of the Municipality of Gjakova/Đakovica, fines can be imposed by authorized officials appointed by the Mayor.

# 1. INTRODUCTION - INSPECTORATES

Inspectorates in Kosovo are administrative bodies and part of the central and local level mechanisms for enforcing laws and by-laws from the respective fields. Considering that the Republic of Kosovo is in a situation of intensive drafting and adoption of laws by the Assembly of Kosovo, the legal basis for the functioning of inspectorates remains fragmented in various legal acts, and in many cases in by-laws. According to data published in 2014 by the GAP Institute, the inspectorates in Kosovo are responsible for supervising the enforcement of around 140 laws, from all areas of social activity and across the country.

While a large number of laws address issues of all aspects that require supervision from inspectorates, there is still no single legal basis that would govern the functioning of these inspectorates at the central or local level. A large number of inspectorates are centralized at the central level, with few delegated competencies to the local level. Further development of the municipal competencies in the field of inspection, as foreseen by the Law on Local Self-Government requires the establishment of a single legal basis for the work of inspectorates, due to the fact that in practice, amending this large number of laws that governs inspections is almost impossible. In practice, local inspectors continue to operate within municipal Departments, despite the fact that the central government, through various laws, put efforts in centralising some of the inspections.

Inspection units, within their scope, are entitled to impose punitive measures against natural and legal persons acting contrary to the applicable laws.

## 1.1. Organization of inspectorates

Within the various laws, covering inspectorates, we encountered different forms of organization. While in the case of the Labour Inspectorate it appears the form of the executive body, in some municipalities but also in the line ministries, inspectorates are organized as divisions, departments or directories. In terms of hierarchy, there are two levels of inspectorates: central and local.

In most cases, at the local level, the inspectorates operate within the Inspection Department, except market inspectors and sanitary inspectors who have been transferred to central level competencies due to changes to the Law on Market Inspectorate and the Law on Food and Veterinary Agency.

## 2. PUNITIVE MEASURES AND MINOR OFFENSES

Various measures that can be imposed by inspectorates are also not included on a single legal basis. Depending on the matter, punitive measures differ and are governed by different laws.

The Republic of Kosovo has recently promulgated a new **Law on Minor Offenses** (No. 05/L-087), **the new Law on General Administrative Procedure** (No. 05/L-031) and amendments to the **Law on Enforcement Procedure** (no. 05/L-118). All the above, address the issue of punitive measures and enforcement of punitive measures, while the Ministry of Environment and Spatial Planning adopted an Administrative Instruction on Mandatory Fines (No. 14/2015), which regulates the imposition of mandatory fines under the Law on Waste.

Types of punitive measures, the amount of fines and violations that such fines shall be imposed to, are largely governed by specific laws of those fields.

## 3. ADMINISTRATIVE PROCEDURE

Within their activity, municipal inspectorates also issue decisions, which are administrative acts governed under the new Law no. 05/L-031 on General Administrative Procedure. While the law defines the form and content of such administrative act, the focus of this document is to determine how they are executed, but also genuine preparation of such document in order to facilitate its enforcement.

The administrative procedure addresses a wide range of issues, including construction, expropriation, territorial planning, civil registration, issuance of licenses and permits, environmental protection, functioning of public services, and imposing sanctions and fines within the administrative process. The administrative authorities, in this case Municipalities, are the main intermediary between private (natural or legal) individuals and the state and as such, they effectively determine the rights, obligations, duties, and responsibilities. For example, the civil registration process (issuance of birth, death or marriage certificates) produces legal acts authorizing access to rights related to the full exercise of civil, political, economic or social rights (such as health insurance, social insurance, and income tax, or the right to vote). Therefore, administrative acts have a significant impact on everyday life and, therefore, it is important that private individuals are provided with entitlement to appeal the administrative decisions affecting their rights, freedoms, and interests. At the same time, all acts of municipalities aiming rule of law, as well as implementation of municipal regulations are considered as administrative acts, with the exception of mandatory fines.

The existence of administrative justice is an essential criterion for a rule of law-based society. It implies a commitment to a principle that the government, the municipality and its administration must act within the limits of the legal authority. It also implies the right of private individuals to seek legal remedies whenever their rights, freedoms, and interests are adversely affected by public administration when it has exercised its duties in an unlawful manner or erroneously ascertained the factual situation. In these cases, reasonable solutions must be found through the initiation of an administrative dispute in court. A court should have the competence to exercise judicial power to determine the legality and suitability of an administrative act, or both, and to take appropriate measures that

may be executed within a reasonable time. There must be a balance between the legitimate interests of all parties, by timely reviewing complaints, for an efficient and effective public administration. The judicial review of administrative acts by a competent and independent court, which operates in compliance with international and regional standards for a due legal process, is essential for the protection of human rights and the rule of law.

In June 2016, the Kosovo Assembly adopted Law no. 05/L-031 on General Administrative Procedure, a law that establishes a new standard of administrative procedure in the country, setting a number of new provisions to be applied from the beginning of an administrative process, up to its enforcement. This law, along with the new Law on Minor Offenses, also fits in with the new approach introduced in the country regarding enforcement of the decisions by private enforcement agents, in accordance with the Law on the Enforcement Procedure.

The Law on General Administrative Procedure (LGAP) is a set of rules regulating the competencies, actions and acts that are undertaken and approved by state administration bodies, legal entities that are entrusted with the commission of public authorizations, municipal bodies, which in the administrative affairs through the implementation of the regulation decide on the rights, obligations and public interests of natural or legal individuals in administrative proceedings. LGAP is intended to ensure an effective execution of public authority in the service of the public interest, while at the same time guaranteeing the protection of the rights and legal interests of individuals.

### 3.1. Principles of administrative procedure according to LGAP

The principles of a procedure help in understanding the process and its proper implementation. LGAP includes several principles on the basis of which an administrative procedure should be developed and which should be applied in each case by the municipal body.

#### **Proportionality**

- Necessity to attain the purpose
- Suitability to attain the purpose
- restriction or violation of the law is not in disproportion with the realization of the purpose pursued

#### **Equality and non-discrimination**

- Persons that are in the same situation shall be treated in a similar manner
- Implementation of the Law on Anti-Discrimination

#### **Objectivity and impartiality**

- Avoiding conflict of interest

#### **Legitimate and reasonable expectation**

- Practices cannot diverge unjustifiably

## Open Administration

- Transparency, access to files and documents and notification with appropriate legal remedies.

### Administrata e hapur:

- Transparenca, e drejta për qasje në dosje dhe dokumente dhe njoftimi me mjetet e përshtatshme juridike.

## Non-formality and efficiency

### Information and active assistance

- To avoid consequences due to lack of knowledge
- Sufficient information on the procedure

## 3.2. Parties and representation in administrative proceedings

The administrative procedure is conducted against a natural or legal person. The LGAP provides no details when it is considered that a natural and legal person have the ability to act, but for the same refers to the law on civil procedure (contested procedure). Consequently, the legal ability of a legal person is considered to have been achieved by the registration of the same, while for the natural person at the time of reaching the age of majority (except cases of emancipation, after the age of 16, with a court ruling) along with the state of mental ability.

The issue of representation in an administrative procedure is considered critical in order to provide the party with fair access to the procedure, and consequently in the absence of a party, the administrative process should not be interrupted.

As a rule, **legal persons** are represented by the highest executive body, designated in the statute of a legal person and registered with the competent body. In the case of Limited Liability Companies and Joint Stock Companies, the legal person of the commercial companies is considered to be the Managing Director, respectively the Executive Director. This designation may change if such a thing is foreseen in the Statute of LLC or JSC. Any change of representative should be reflected in the respective register maintained by the Kosovo Business Registration Agency (“KBRA”) at the Ministry of Trade and Industry (“MTI”). In the case of associations and foundations which are also considered as legal persons under the Law on Freedom of Association in Non-Governmental Organizations, their authorized representative may be the Director, Administrator, Chairman or any other persons designated by the Statute of the Association/Foundation; and who has been notified as such in the relevant register of the Department of Non-Governmental Organizations (DNGO) at the Ministry of Public Administration (“MPA”). **The easiest way for inspectors to verify the representation authority of a person who is notified on behalf of a legal person is through the registers published online:**

- **For Business Organizations, access to [www.arbk.org](http://www.arbk.org);**
- **For NGOs, access to <https://map.rks-gov.net/Departments/DOJQ.aspx>**

Regarding the **appointment of a representatives ex officio** for natural and legal persons, the LGAP has not set rules on the qualifications of such a representative, except that it is required that the same is an adult and with ability to act. Appointment of such a representative will be made in cases when:

- Communication is impossible;
- The party is unable to defend its interests;
- The place of residence of the party is unknown.
- The party has not chosen an authorized representative.

### 3.3. Execution of pecuniary and non-pecuniary liability

An administrative act obliging a party to the payment of a certain amount of money (a “pecuniary liability”), to the performance or ceasing of the performance of a certain action (“non-pecuniary liability”) not voluntarily executed by the obliged party, shall be executed in accordance with the provisions of Law on General Administrative Procedure.

A public organ shall not pursue any enforcement action that violates or may violate a legal right or interest of an individual, without issuing in advance an administrative act that has become enforceable, except for the limited case of urgent measure.

### 3.4. Content of an administrative act

In order for an administrative act to be fair, complete and enforceable, LGAP provides stringent rules regarding the content of the act. Moreover, unlike the old law, the LGAP stipulates that **an administrative act must be reasoned in detail and an obviously insufficient, inappropriate, contradictory or incomprehensible reasoning shall be deemed as lack of reasoning**. Thus, it is highly important that municipal bodies follow the legal requirements entirely when issuing the decisions. The checklist regarding what should contain an administrative act under the new law is as follows:

**Introductory part:**

- the name of the issuing public organ, legal basis, the name of the addressee, a brief note on the subject of the proceeding and date of issuance;

**Enacting part - decision:**

- what was decided including the term, condition, liability (if applicable) and the costs of the proceedings. The enacting part may be divided into more points. The costs of proceedings are quantified under a separate point of the enacting part.

**Reasoning part:**

- short description of the situation;
- explanation of the factual situation upon which the decision was taken;
- reasons that have been crucial to the assessment of the evidence;
- legal grounds for the decision and reason why they are applicable to each concrete case;
- reasons for which any of the requests of the parties were denied;
- in case of a discretionary power, explanation why it was exercised in the manner as done in the decision.

**The concluding part:**

- The time of entrance into force of the act, legal remedies, including the public organ or the court where the legal remedy may be lodged, its form, the deadline for lodging and the way such deadline is calculated (**legal advice**).
- In case the lodging of an administrative appeal, according to the law, does not suspend the enforcement of the administrative act, the concluding part shall also contain this information as well as the reference to legal grounds for such exception.

Since the Law on Administrative Procedure of 2007 is no longer in force and the same was replaced with the new Law on General Administrative Procedure, care should be taken so that the content of the introductory part of a ruling reflects the new law:

*The version under the old Law:*

**Pursuant to Articles 11, 82 and 109 of the Law no. 02/L-28 on Administrative Procedure [...]**

*The version under the new Law:*

**Pursuant to Articles 27, 45 and 118 of the Law no.05/L-031 on the General Administrative Procedure [...]\***

*\* In specific cases, different provisions to the ones proposed may apply.*

### 3.5. What can be used as evidence in an administrative process

**LGAP** stipulates that in any administrative procedure, **any means of evidence** provided by the Law on Contested Procedure may be used:

- Witnesses, documents, experts, minutes, hearing of the parties.

**Assessment of evidence:** The public organ shall assess, by its own conviction, which facts shall be taken as proved, based on a detailed assessment of each piece of evidence separately and of all evidence together, and based on the results of the entire proceeding.

**Securing evidence:** If there is reasonable concern that specific pieces of evidence may not be presented at a later time or that its administration might be difficult or impossible, public organ ex officio or upon request, may decide to proceed in securing the evidence.

### 3.6. Limits of exercising discretion during decision-making

LGAP stipulates that, when allowed by law/regulation, discretion can only be applied under the following conditions:

- Does not exceed legal limits;
- Only to achieve the objective for which the discretion is foreseen;
- Does not offend the principles of justice, logic or convenience.

Discretion is given to choose between two or more legitimate actions and cannot be used in violation of the principles laid down in the LGAP.

### 3.7. Delivering the decision

LGAP sets forth the provisions on the delivery of the decision to the party. These are important for the fact that the legal timeline are considered running from the moment the party is notified with regard to the decision and consequently **the appeal or enforcement proceedings are initiated from the moment the party receives the notification.**

**The decision is delivered to:**

- The Representative (whenever applicable);
- The place where the recipient is present;
- Its place of residence or domicile;
- Its main office, if the recipient is a legal person, or any place where it exercises the activity;
- Place of work;
- Place where the activity is exercised or the office of recipient;
- Any other appropriate place chosen by the party and communicated to the competent body.

**Notification is done:**

- By mail, while it is considered to have been given to the party on the fifth day from the time of delivery to the post office;
- By electronic means (still an issue);
- By personal delivery from the public body, from 07:00 to 19:00.

**Official publication:**

- place of notification cannot be identified;
- any other form of notification is impossible or inappropriate;
- The public announcement is done on the notice board of the public organ.
- The public announcement shall be considered to have been completed after ten 10 days from the date of publication. Announcement date and end date of the ten 10 days deadline is defined in the announced document;
- The municipal organ may publish it on its website and may also publish it on daily press.

## 3.8. Enforceability of the administrative act

**A first instance administrative act shall become enforceable:**

1. when the appeal time-limit has expired and no appeal has been lodged;
2. when the party is notified of the act, and according to the law, no appeal is permitted;
3. when the party is notified of the act and according to the law, the appeal has no suspending effect;
4. upon the notification of the decision to abolish the suspensory effect of the appeal; or
5. when the party is notified of the administrative act rejecting the appeal.

## 3.9. Prescription

An administrative act shall not be enforced after 5 (five) years from the date on which the administrative act has become enforceable and no enforcement action has been undertaken or if the last enforcement action was undertaken more than 3 (three) years ago.

## 3.10. Competent body for enforcement

As a rule, **the enforcement of the administrative act shall be performed by the public organ competent to issue the administrative act** even if the act may have been substituted or amended by the appeal decision or of the competent court for administrative disputes. The enforcement of pecuniary liabilities derived from an administrative act issued by an organ of state administration shall be enforced by the state tax administration. The Law foresees that the enforcement of pecuniary liabilities shall be performed by the competent organ for the enforcement of taxes, in compliance with the procedures for enforcement of tax duties as provided in the Law on Tax Procedures, which shall apply *mutatis mutandis* (making necessary alterations while not affecting the main point at issue).

The pecuniary liability is also executed in the enforcement procedure, in accordance with Law no. 04/L-139 on Enforcement Procedure, as amended and supplemented by Law no.05/L-118 on Enforcement Procedure. This Law provides that “The provisions of this law shall also apply for the enforcement of given decision in administrative and minor offences procedure, by which are foreseen pecuniary obligations, except in cases when for such enforcement, by the law is foreseen the jurisdiction of other body”.

Enforcement pursuant to the Law on Enforcement Procedure is further elaborated in part 4 of this document.

## 3.11. Order of enforcement

It is a legal requirement for the competent body for enforcement, in this case, the inspectorate, to issue a preliminary **order of enforcement**. The order of enforcement shall contain **time, place, procedure and the description of the means of enforcement**. The order of enforcement may set an additional time limit for fulfilment of the obligation or establish that the obligation must be met immediately.

The order of enforcement is an administrative act under the Law on General Administrative Procedure. The order shall be issued in written form and notified to the execution entity through formal notification, under the provisions of the Law. In cases where the competent public organ sees founded reasons that the subject of the enforcement is not willing to fulfil his obligations, it may include the order of enforcement already within the content of the administrative act.

A convenient form for the order of enforcement is also the preparation of “square stamps” as a good practice initially implemented by the Municipality of Gjakova/Đakovica .

Requests for stamps shall be addressed to the Ministry of Public Administration and the same should be sought for the following content:

**The Execution Square Stamp of the Department of Inspection of the Municipality of Gjakova/Đakovica shall contain the following:**

- Stamp dimensions: 35 mm-70 mm
- The emblem of the Republic of Kosovo shall be placed on the left side facing forward while the emblem of the Municipality of Gjakova/Đakovica shall be on the right side.
- REPUBLIKA E KOSOVËS-REPUBLIKA KOSOVA (in the first line);
- KOMUNA E GJAKOVËS-OPŠTINA ĐAKOVICA (in the second line);
- DREJTORIA PËR PUNË INSPEKTUESE/ODELENJE ZA INSPEKCIJSKE POSLOVE (in the third line)
- VENDIMI ËSHTË I EKZEKUTUESHËM/ODLUKA JE IZVRŠNA (in the fourth line);  
At the bottom of the emblem shall be written – Nr.Inv/Br.inv\_\_\_, Data/Datum GJAKOVË/ĐAKOVICA

**The enforcement square stamp of the Department of Inspection of the Municipality of Gjakova/Đakovica shall have the following data:**

- Stamp dimensions: 35 mm-70 mm
- The emblem of the Republic of Kosovo shall be placed on the left side facing forward while the emblem of the Municipality of Gjakova/Đakovica shall be on the right side.
- REPUBLIKA E KOSOVËS-REPUBLIKA KOSOVA (in the first line);
- KOMUNA E GJAKOVËS- OPŠTINA ĐAKOVICA (in the second line);
- DREJTORIA PËR PUNË INSPEKTUESE/ODELENJE ZA INSPEKCIJSKE POSLOVE (in the third line)
- VENDIMI ËSHTË I PLOTËFUQISHËM/ODLUKA JE IZVRSNA (in the fourth line);  
At the bottom of the emblem shall be written – Nr.Inv/Br.inv\_\_\_, Data/Datum GJAKOVË/ĐAKOVICA

**Visual appearance of executability and enforceability stamps is as follows:**



### 3.12. Administrative legal remedies against enforcement actions

Without prejudice to the parties' right to appeal against the enforced act as a whole, a party may lodge a separate administrative appeal against the order of enforcement. The appeal may only concern time, place or means of enforcement and has no suspending effect on the enforcement. The complaint is resolved directly by the superior organ of the organ competent for the enforcement, within five (5) days from its submission.

A party may lodge an administrative complaint when considers the actions performed for the enforcement exceeded the mandatory part of the act that is enforced or when the actions of enforcement are pretended to be unlawful. The administrative complaint shall be resolved within five (5) days from its submission, directly by the superior organ of the organ competent for enforcement and has no suspensory effect on the enforcement.

### 3.13. Coercive fines in execution

The LGAP provides for the possibility of imposing a penalty for late delays. A **separate act** must be issued for defining fine amount.

- The amount of the coercive fine against a natural person shall be from ten percent (10%) to one hundred percent (100%) of the minimal approved salary in Kosovo for each day of delay, whilst against a for-profit legal person it shall be from one percent (1%) to ten percent (10%) of the monthly turnover calculated as an average of the last year.
- The fine may be applied several times if necessary.
- Coercive fines shall be enforceable in accordance with the rules for the enforcement of a pecuniary liability.

## 4. ENFORCEMENT PROCEDURE ACCORDING TO THE LAW ON ENFORCEMENT PROCEDURE

The monetary liability is also executed in the enforcement procedure, in accordance with Law no. 04/L-139 on Enforcement Procedure, as amended and supplemented by Law no. 05/L-118 **on the Enforcement Procedure**. This law stipulates that “ The provisions of this law shall also apply for the enforcement of given decision in administrative and minor offences procedure, by which are foreseen liabilities in money, except in cases when for such enforcement, by the law is foreseen the jurisdiction of other body “.

The enforcement procedure is initiated by an active act of the creditor - in this case, the municipal inspectorate, respectively by submitting the enforcement proposal as the initiating act of the procedure to the debtor as a passive party in the procedure, respectively to his property and other subjective rights.

Relevant provisions of Law no. 04/L-139 on the Enforcement Procedure for the Execution of Municipal Acts are as follows:

- Law no. 04/L-139 on the Enforcement Procedure foresees the **enforcement decision** in administrative procedure as an enforcement document (article 22, paragraph 1.2 of the LEP)
- “The decision of administrative body, according to this law, is considered decision and conclusion reached in administrative proceedings by the administrative body or service or by the legal person charged with public authorizations [...]” (*article 23, paragraph 2 of the LEP*)
- “Decision reached in administrative procedure shall be enforceable if reached according to the rules regulating such procedure”. (*article 24, paragraph 3 of the LPP*)

According to the new Law on Minor Offences, these enforcement provisions should also apply to the **Minor offence order**, which is dealt with in the last section of the manual.

### 4.1. Initiation of the enforcement procedure

With the creditor’s proposal, the enforcement procedure is initiated with the “Enforcement Proposal”, which should contain:

1. The enforcement request which shows the enforcement document or authentic document based on which the enforcement is requested (“**Enforcement Proposal**”);
2. Claimant of enforcement and the debtor;
3. The credit claimed for settlement;
4. Means through the which the enforcement should be conducted;
5. Enforcement object if known; and
6. Other data needed for application of enforcement.

For the purposes of municipal inspection, enforcement documents are considered:

1. enforcement decision of the court and enforcement court settlement (reconciliation);
2. **enforcement decision awarded in administrative procedure** and administrative settlement (hereinafter: the settlement);

Based on the formal review of the enforcement proposal, if it is concluded that the legal criteria for permitting are met, then the court shall issue a decision for determining (permitting) the enforcement or the private enforcement agent issues the enforcement order.

#### Example of enforcement proposal

##### Private Enforcement Agent *[name and surname]*

Territory of the Basic Court of *[town]*

Str. *[address of the enforcement office]* no. *[xx]*

Prishtina, Republic of Kosovo

**Creditor:** Municipality of Prishtina, street "UÇK", no. 2, Prishtina

**Debtor:** *[legal person]* L.L.C., headquartered in Prishtina, street *[address of the legal person]*, with Business number *[70000000]* and Fiscal number *[600000000]*, represented by *[name of the representative]*, Director

**Place and date:** Prishtina, 20 September 2017.

**Enforcement document:** Order for execution, issued in the administrative procedure *01.No. xxxxxxxx-xx-xxxx* dated 01 September 2017, for the execution of the Decision to ban the exposure of the goods and imposition of the fine *01.No.xxxxxxx-xx-xxxx* dated 01 September 2017

**Credit:** Monetary, pecuniary liability.

#### ENFORCEMENT PROPOSAL

*Article 38, Para. 1 and 2 of the Law no. 04/L-139 on Enforcement Procedure (supplemented and amended by Law No. 05/L-118)*

Pursuant to the **Execution Order** issued in the administrative procedure *01.No.xxxxxxx-xx-xxxx* dated 01 September 2017 for the execution of the Decision to prohibit the exposure of the goods and imposition of the fine *01.No.xxxxxxx-xx-xxxx* dated 01 September 2017, all issued by the creditor, **the debtor is obliged to pay the amount mentioned in the Execution Order to the creditor within 7 days from the date of receipt of the Execution Order**. Until the submission date of this execution proposal, the debtor has not fulfilled his obligations.

The total amount of payment according to the Execution Order is 1.000,00 Euros, of which remain responsibilities of the debtor until the day of submission of this proposal for enforcement **1.000,00 Euros.**

Since the Debtor has not fulfilled the obligation given under the paragraph above, within 7 days from the date of receipt of this proposal issued, the Creditor requests from the enforcement office, through private enforcement agent *[name and surname]*:

### EXAMPLE OF AN ENFORCEMENT ORDER

I. IS SCHEDULED THE ENFORCEMENT *[legal person]* L.L.C., headquartered in Prishtina, street *[address of the legal person]*, with business number *[70000000]* and fiscal number *[600000000]*, so that:

II. THE DEBTOR IS OBLIGED, in view of fulfilling the obligations from the above invoices, within 7 days from the date of delivery of the order, to pay the amount of 1.000,00 Euros to the creditor, and all the enforcement procedure costs that will arise upon submission of this decision proposal.

III. THE DEBTOR IS OBLIGED to pay the costs of the enforcement and the private enforcement agent according to the Administrative Instruction of the Ministry of Justice, MoJ no. 06/2014 of 27 March 2014.

IV. All liabilities under points II and III above shall be executed through enforcement application according to the debtor's bank accounts and their transfer to the special bank account of the enforcement office of the private enforcement agent.

V. If the debtor does not have funds in his/her bank account/s, the enforcement office shall apply enforcement by seizing the movable and immovable property of the debtor and debt collection on the account of the creditor shall be reached by selling them.

## 4.2. Objection of Enforcement Order

Objections may be presented only against the decision allowing the enforcement, in this case, objection can be presented within 7 days by the Debtor against the enforcement order of the Creditor. Objections shall be filed in written, before Private Enforcement Agent to the Basic Court within territorial jurisdiction. Objection shall contain details of the enforcement decision appealed, reasons of objection and debtor's signature.

On presented objection the court shall decide within fifteen (15) days from the day when the objection was filed. In cases where the objection is made against the action of the private enforcement agent, the Court also delivers the objection statement and supporting evidence. Responses to the objection must be submitted in written within three (3) days of receipt of the objection by the parties.

### 4.3. The Complaint against the court's decision on objection

Against the Court decision on objection parties has the right on appeal. **The appeal against the decision on objection shall be filed through the first instance court for the second instance court within seven (7) days from the day of acceptance.** of the appeal shall be submitted to opposing party and other participants who may present response to the appeal within three (3) days.

Following receiving the response to appeal or following the deadline for response, the case with all submissions shall be sent to the second instance court within three (3) days. Regarding the appeal, the second instance court shall decide within fifteen (15) days.

The appeal on the decision on the objection does not halt the executive procedure unless guarantees have been provided **for the full amount** of the credit as described under Article 78 of Law no. 04/L-139 on the Enforcement Procedure.

### 4.4. Fees for rewards and compensation of the expenses for private enforcement agents

Fees for rewards and compensation of the expenses for the work of the private enforcement agents that the parties are obliged to pay to the enforcement agents are set out in the Administrative Instruction of the Ministry of Justice MoJ-No. 06/2014 of 27 March 2014. For the actions performed, the private enforcement agent receives the reward and compensation of other expenses and:

1. Fee for administering of the case file;
2. Fee for the actions taken, and
3. Fee for the efficiency of performing the enforcement.

**Case administering fees and fees on actions taken shall be paid to the Private Enforcement Agent by the creditor before performing enforcement activity, to be later reimbursed by the debtor.**

Performance fee, depending on efficiency of enforcement performance, as provided by table, the Private Enforcement Agent will get it from the debtor after completion of enforcement action. Debtor shall pay to the creditor the costs, according to the decision of Private Enforcement Agent in line with respective provisions of the Law on Enforcement Procedure. The situation shall change after 18 months of entry into force of amendments to the Law on Enforcement Procedure, where the efficiency fee will be negotiable and will be the creditor's burden.

Table 1: Tariffs for private enforcement services

No.	Value of Enforcement in EUR	Case file administering fee in EUR	Fee on efficiency of enforcement performance in EUR
1.	Up to 50	EUR 5	15 euro
2.	From 51 up to 100	EUR 6	20 euro
3.	From 101 up to 300	EUR 7	30 euro
4.	From 301 up to 500	EUR 8	50 euro
5.	From 501 up to 1.000	EUR 9	60 euro
6.	From 1.001 up to 2.000	EUR 15	15% of enforced value
7.	From 2.001 up to 3.000	EUR 17	13% of enforced value
8.	From 3.001 up to 4.000	EUR 20	11,5% of enforced value
9.	From 4.001 up to 5.000	EUR 25	10% of enforced value
10.	From 5.001 up to 7.000	EUR 30	8,5 % of enforced value
11.	From 7.001 up to 9.000	EUR 35	7% of enforced value
12.	From 9.001 up to 11.000	EUR 40	5,5 % of enforced value
13.	From 11.001 up to 15.000	EUR 45	5 % of enforced value
14.	From 15.001 up to 25.000	EUR 50	4 % of enforced value
15.	From 25.001 up to 40.000	EUR 55	3,2 % of enforced value
16.	From 40.001 up to 60.000	EUR 57	2,5 % of enforced value
17.	From 60.001 up to 100.000	EUR 60	2 % of enforced value
18.	From 100.001 up to 200.000	EUR 63	1,6 % of enforced value
19.	Over 200.000	EUR 65	1,2 % of enforced value

## 4.5. Postponement of enforcement

Pursuant to the provisions of LEP, the lawmaker has shown particular care that enforcement is not delayed unreasonably and that the parties do not abuse their legal rights in order to cause undue harm to the others. Therefore, postponement of enforcement is limited. The law has provided for the concrete situations when it is possible to postpone enforcement and upon the request of creditor, debtor or third parties.

Upon the request by the creditor, the proposal for postponement may be partially or entirely approved only if the application of enforcement has not started yet. Therefore, the question is what does “beginning of enforcement execution” means. There is no obstacle to postpone enforcement in practice upon the creditor’s request. For instance, in case the enforcement is in auction for sale and the creditor expects any payment by the debtor, the creditor’s request to postpone the enforcement may be approved, provided that it is not objected by the debtor.

Upon the request by the creditor, enforcement may be postponed if two legal conditions are met and if: the debtor argues that enforcement execution will cause irreparable damage, the enforcement agent shall postpone the execution when: 1. An appeal against the enforcement document is filed and there are persuasive opportunities for the complaint to succeed, 2. An appeal is filed with the Court demanding that the arbitral decision is to be set aside pursuant to the Law on Arbitration.

## 4.6. Suspension of procedure

In addition to the other cases provided by law regarding the suspension of the procedure, Article 65 of the LEP foresees that the enforcement shall be suspended ex officio in these circumstances: 1. When the debtor or its assets cannot be located for purposes of notification (execution of enforcement order) or sequestration of assets within three (3) months of initiation of the enforcement case, despite at least two (2) attempts have been made. 2. When the enforcement body has attempted to enforce the decision at least two (2) times without producing the result intended by either of those actions, and 3. When the address of the debtor listed in the enforcement proposal is proved to be incorrect, while the creditor is unable to demonstrate to the enforcement body the accuracy of the address.

The suspended procedure through a conclusion, due to failure, at least two times, to find the debtor or its assets, may continue if the creditor within six months submits new evidence. On the contrary, the procedure is considered completed. If the procedure is suspended **without meeting** the obligation, in principle, the creditor shall be entitled to exercise the enforcement proposal again.

## 4.7. Completion of procedure

Unless foreseen otherwise by this law, the enforcement will conclude ex officio if the enforcement document is annulled, amended, revoked, invalidated or in other manner rendered ineffective, respectively if the certificate for its enforceability is annulled by a final decision. Enforcement will also conclude when the criteria to suspend the procedure are met for the second time. Enforcement will end also when it has become impossible or for other purposes it cannot be enforced, and after expiring the absolute statute of limitation for enforcement. In most cases, enforcement will end when the third person or the debtor itself fulfils the obligation of enforcement.

Enforcement concluded due to fulfilment of obligation, due to impossibility to be enforced (impossible enforcement, statute of limitation), as well as in case of annulment, amendment, revocation or ineffective enforcement document, shall be considered a completed enforcement and therefore no new enforcement proposal for the same case can be exercised.

## 5. MINOR OFFENCES

The Law No. 05/L-087 on Minor Offenses provides for the legal basis to impose penalties for minor offenses in Kosovo. The law establishes the principle of legality in offense proceedings as follows: *“No person shall be convicted for a minor offence nor impose a minor offence sanction for an offence which was not defined as an offence by law or **acts (municipal regulation) of the Municipal Assembly before the omission, and for which a minor offence sanction was not determined”***.

Thus, pursuant to the Law on Minor Offenses, minor offenses or minor offence sanctions may be determined by law and municipal regulations issued by the Municipal Assembly. The Municipal Assembly may designate minor offenses and minor offence sanctions solely in case of violation of acts issued by municipal organs within the scope of their competences.

### 5.1. Applicability

In relation to minor offences prescribed by the municipal regulation of the Municipal Assembly, the procedure on minor offences will be held if the offence has been conducted within the territory of that local governance unit. A person is not liable on a minor offence if at the time of the offence is under the age of fourteen (14) years old.

### 5.2. Liability of legal person or liable person of the legal person

A legal person shall be liable for a minor offence if the minor offence was committed by an act or omission of the legal person or liable person of the legal persons or by the act of allowing another person who was authorized to act on behalf of the legal person, within his/her authorization, in order to obtain a benefit for the legal person or a third person. The minor offence liability of the legal person does not exclude the liability of the perpetrator of the minor offence.

The provisions of minor offences on natural persons are applied to liable persons of the legal person, and to persons exercising an independent activity. A liable person is a person who has been entrusted by the legal person certain tasks and duties related to the management, business operation or work process.

A liable person who acted upon the orders of another liable person or management body and who takes all the precautions they are obliged to undertake in order to prevent the commission of minor offence, shall not be liable for minor offence.

## 5.3. Minor offence sanctions

Pursuant to the Law on Minor Offences, on minor offence are foreseen the following punishments:

- reprimand;
- fine;
- penalty points;
- termination of driving licence validity;
- prohibition to drive motor vehicles;
- prohibition of exercising a profession, activity or duty;
- expulsion of a foreigner from the country.

For minor offences conducted by a legal person may be foreseen only the sanctioning of the criminal offence by fees.

The Law on Minor Offences establishes the fine as a main minor offense sanction. The reprimand is imposed instead of a fine, in cases of lenient minor offences. Other forms defined in the law and listed above are not relevant to municipal inspections, and are mainly related to the activities of the Ministry of Internal Affairs and the Kosovo Police. The prohibition of exercising a profession, activity or duty is imposed only if a fine was already imposed, and may be imposed by inspections in cases provided for by special laws.

Pursuant to the Law on Minor Offences, regulations and other acts of the Municipal Assembly, a minor offence sanction can be defined as follows:

1. for a natural person and a liable persons of a legal person, the fine may not be less than twenty (20) euro and not more than one thousand (1.000) euro;
2. for a natural person exercising an individual business, the fine may not be less than fifty (50) euro and not more than three thousand (3.000) euro;
3. for a legal persons, the fine may not be less than one-hundred and fifty (150) euro and not more than ten thousand (10.000) euro.

On lenient minor offences, a minor offence sanctioned by fine can be prescribed in the amount determined as follows:

1. for a natural person and a liable persons of a legal person, the fine may not be less than ten (10) euro and not more than one hundred (100) euro;
2. for a natural person exercising an individual business, the fine may not be less than thirty (30) euro and not more than two hundred and fifty (250) euro;
3. for a legal persons, the fine may not be less than one hundred (100) euro and not more than one thousand and five hundred (1500) euro.

## 5.4. Time limit for payment of fines and conversion into a enforcement document

On minor offence decision by which are defined the time limit for the payment of the fine, which cannot be less than fifteen (15) days and more than ninety (90) days from the date of the final judgement whereas, when reasonable, depending from the height of the fine and the economic situation of the defendant, the body on minor offences or the court may determine the minor offence sanctioned by fine to be paid in instalments, however the payment period may not be longer than six (6) months.

In the case of paying the fine within the deadline defined in the minor offence order, the new Law on Minor Offences provides for the person fined is released from **paying fifty per cent (50%)** of the imposed fine.

If the perpetrator pays partially or does not pay the fine in entirety within the defined time period, against him/her shall be applied **forced execution** in accordance with the provisions of the Law on Enforcement Procedure. Minor offence order through which there is imposed the fine shall be deemed as an enforcement document in compliance with the provisions of the Law on Enforcement Procedure. Details on the enforcement procedure are set out in Part 6 of this document.

## 5.5. Statutory limitation

Proceedings for a minor offence shall not be commenced if one (1) year has passed from the date when such minor offence was committed. The statutory limitation shall be interrupted by any action of the competent body related to the prosecution of the perpetrator. After every interruption, the statutory limitation shall recommence, however prescription shall be effective when **two (2) years have passed from the date when a minor offence was committed**.

A sanction rendered for a minor offence cannot be executed if one (1) years has passed from the date when the decision on the minor offence has become final, and the same commences from the day when the decision on the minor offence becomes final.

## 5.6. Initiation of minor offence procedure with the court

The minor offence proceeding commences based on a claim filed, whereby it is requested to commence the minor offence proceeding.

A claim for commencing the minor offence proceeding shall be submitted in written form and it should contain:

1. First and last name, first and last name of one of his/her parents, place and date of birth, place of residence and employment, present address and occupation, i.e. name and seat of an accused legal person, whereas for the liable person in the legal entity, the function that he/she exercises in that legal entity;
2. factual description of actions indicating legal features of a minor offence, time and place of execution of the minor offence and other circumstances which are necessary for the minor offence

to be more closely determined;

3. legal qualification of the minor offence;
4. proposal regarding evidences which should be administered.

If the claim for commencing minor offence procedure does not contain the abovementioned data, it shall be returned to the claimant to remove the deficiencies within the deadline. If the claimant does not remedy the deficiencies within the 15 days shall be deemed to have waived from this request and the same will be rejected by decision.

## 5.7. Impartial evaluation of proves

The court for minor offences shall evaluate proves according to its discretionary right. Which facts shall be taken as proved shall be decided by the court which leads the minor offences procedure based on conscientious and careful estimation of each prove individually and all proves as a whole, as well as based on results of the entire procedure. The Court's decision cannot be based on facts which are rendered in violation of human rights and freedoms guaranteed by the Constitution or recognised international agreements.

In order to fulfil the conditions for proper initiation and completion of the minor offense procedure, in addition to accurate data required to be submitted under point 4.6 of this document, the proves which should be administered by the court in the proceedings shall be attached, which, inter alia, may include:

- Taking photos of the scene;
- Taking photos of the offense committed by the offender;
- Taking photos of and, when possible, confiscation of the means by which the offense was committed;
- Drafting of minutes with accurate data of time, parties present, potential witnesses and other relevant data related to the minor offence.

**Important:** These proves and accurate data of the offender (under points 4.6 and 4.7 of this document) are of a high importance to be attached to each case, including cases where inspectorates impose fines and cases of initiation of minor offence procedure.

The minor offence court shall truly and fully establish facts which are of importance for making a lawful and fair decision on the minor offence. With the same attention it shall examine and verify both circumstances which are in favour and against an offender.

## 6. MANDATORY FINES UNDER THE LAW ON WASTE

The waste sector in Kosovo is mainly regulated by the Law No. 04/L-060 on Waste (“**Law on Waste**”). Following the adoption of the Law on Waste, municipalities have assumed additional responsibilities regarding waste administration and management, including additional obligations in relation to collection of waste fee and selection of the operator model in accordance with the law. According to the Law on Waste, the competent authorities for waste management in Kosovo shall be the Ministry of Environment and Spatial Planning and the municipalities. Pursuant to the Law on Waste, the municipality shall have the following competencies:

- establishment of waste management system under the principle of waste management hierarchies for their territory, the development of local plans for waste management and the creation of conditions and care for its implementation;
- municipal plan for waste management should be harmonized with national plan;
- drafting annual report on waste management. Annual report shall be submitted to the Ministry;
- regulates the responsibilities and obligations to perform services for waste management, implement them and organize the waste management in their territory;
- maintenance and custody on the public information system and reporting on works performed as prescribed by this law, as well as other legal acts on waste management;
- application of procurement procedures, are followed on selection of licensed persons for collection, gathering, storage and transportation of solid waste, municipal, voluminous wastes, from construction and demolition of buildings and commercial buildings within their territory;
- determination of fees and manner for collection of funds for municipality services;
- identification of contaminated sites on their territory and develop projects for their rehabilitation, which includes notes about the location, spatial geometric features, type of pollution and waste quantity, the deadlines for improving the situation and other important data for the implementation of projects.

Pursuant to the Article 74, paragraph 2 of the Law on Waste, the Ministry of Environment and Spatial Planning has issued the Administrative Instruction MESP No. 04/2015 for Penalties with Mandatory Fines. This Administrative Instruction defines:

- procedure of imposing penalties with mandatory fines to natural and legal entities;
- competent authorities to impose penalties with mandatory fines;
- type of penalty and amount of penalty with mandatory fine.

### 6.1. Competent authorities to impose penalties

In addition to the Ministry, the aforementioned Administrative Instruction defines the municipalities, respectively the Municipal Environmental Inspectorate, as competent authority. Penalties with mandatory fines may also be imposed by an authorized officer of the Kosovo Police.

Within the municipal level, penalties with mandatory fines may be imposed by the municipal environmental inspector, the sanitary inspector or by an authorized municipal official.

## 6.2. Procedure of imposing penalties with mandatory fines

- **Competent authority:** The municipal environmental inspector or the sanitary inspector or the authorized municipal official shall impose penalties with mandatory fines, by issuing an order for payment of the fine.
- **Identification of the person** to whom the fine is imposed, is essential for this process. The identification information shall be obtained from the identification document. While the administrative instruction requires information such as: name, surname, address and personal number, the requirements of the Law on Minor Offences are more detailed, and they include: *First and last name, first and last name of one of his/her parents, place and date of birth, place of residence and employment, present address and occupation, i.e. name and seat of an accused legal person, whereas for the liable person in the legal entity, the function that he/she exercises in that legal entity.* Due to the need to execute fines through the court, the competent authority shall be consulted to obtain the data required under the Law on Minor Offences in each case.
- **Lack of identification document** or refusal to give personal information obliges the competent authority to seek support from the Kosovo Police in order to identify the person.
- **The order form** is defined by the Administrative Instruction. Due to the fact that data required by the Administrative Instruction are not sufficient in many cases to precede the case in court – minor offence division, as foreseen in Article 14 of the Administrative Instruction, inspectors are instructed to consider the requirements for collection of evidence in accordance with the Law on Minor Offences during the imposition of a fine.
- In the minor offence procedure, the court shall evaluate proves according to its discretionary right. Which facts shall be taken as proved shall be decided by the court which leads the minor offences procedure based on conscientious and careful estimation of each prove individually and all proves as a whole, as well as based on results of the entire procedure. The Court's decision cannot be based on facts which are rendered in violation of human rights and freedoms guaranteed by the Constitution or recognised international agreements. In order to fulfil the conditions for proper initiation and completion of the minor offense procedure, in addition to accurate data, the proves which should be administered by the court in the proceedings shall be attached, which, inter alia, may include:
  - Taking photos of the scene;
  - Taking photos of the offense committed by the offender;
  - Taking photos of and, when possible, confiscation of the means by which the offense was committed;
  - Drafting of minutes with accurate data of time, parties present, potential witnesses and other relevant data related to the minor offence.

## Definition

<b>Administrative Procedure</b>	<p>A unified sequence of procedural and material actions of the public body (according to the Law on General Administrative Procedure – LGAP) aiming:</p> <ul style="list-style-type: none"> <li>• the preparation and the adoption of concrete administrative actions,</li> <li>• review through administrative legal remedies</li> <li>• execution of administrative acts.</li> </ul> <p>This procedure aims to ensure effective pursuance of public authority, efficient implementation of the bodies’ policies (in this case the municipality) and protection of public interest. This procedure according to LGAP shall apply whenever a public body while exercising public authority:</p> <ul style="list-style-type: none"> <li>• decides on rights, obligations or legitimate interests of persons, or whenever the</li> <li>• law explicitly calls for an administrative ac</li> <li>• concludes an administrative contract; or</li> <li>• exercises their competencies through other administrative actions in relation to any person’s rights, obligations or legitimate interests.</li> </ul>
<b>Enforcement procedure</b>	<p>All procedural actions (according to the Law on Enforcement Procedure) through which courts or private enforcement agents (bailiffs) determine and carry out enforcement, on the basis of the enforcement titles and authentic documents. This procedure shall apply to the enforcement of given decision in administrative and minor offences procedure, by which are foreseen liabilities in money, except in cases when for such enforcement, by the law is foreseen the jurisdiction of other body. The enforcement procedure shall commence with the proposal of the creditor</p>
<b>Administrative Act</b>	<p>A legal act for displaying the will of the public body, in full accordance with the constitution and the law, aiming to create, change or rectify certain legal consequences, implemented through the free will of entities that are addressed or through coercive power of the state.</p>
<b>Enforcement document</b>	<p>The document based on which the enforcement procedure is initiated. Enforcement documents are as follows:</p> <ul style="list-style-type: none"> <li>• enforcement decision of the court and enforcement court settlement (reconciliation);</li> <li>• enforcement decision awarded in administrative procedure and administrative settlement (hereinafter: the settlement);</li> <li>• notarized document enforceable according to the law on notary;</li> <li>• agreements reached in the mediation procedure in accordance with the law on</li> <li>• mediation after approval of the Court;</li> <li>• the judgments, acts, and memoranda on court settlements of foreign courts, as well as the awards of foreign arbitration courts and the settlements reached before such courts in arbitration cases, which have been accepted to enforcement within the territory of the Republic of Kosovo;</li> <li>• decision and enforcement agreement of the arbitration of the Republic of Kosovo declared enforceable by the Court;</li> <li>• mortgage agreements certified by the competent body and registered in the public registry in accordance with law;</li> <li>• court decision certified as European enforcement writ;</li> <li>• other document which is qualified by the law as an enforcement document.</li> </ul>

<b>Creditor in enforcement procedure</b>	A legal or natural person, upon the request of whom commences the compulsory enforcement
<b>Debtor in enforcement procedure</b>	A person against whom compulsory enforcement is initiated
<b>Enforcement proposal</b>	An initial act of the creditor to enforce the debtors financial liabilities
<b>Enforcement authority</b>	The court or the private enforcement agent that acts pursuant to the provisions of the Law on Enforcement Procedure. In administrative procedures, as a rule, execution is performed by the public authority issuing the administrative act. In case of financial liabilities, the Law foresees that enforcement is done by the competent public authority for execution of tax liabilities. Financial liabilities can also be enforced in administrative procedure, in accordance to the provisions of the Law on Enforcement Procedure.
<b>Enforcement writ</b>	Decision of the private enforcement agent by which the proposal for carrying out enforcement is accepted either in whole or in part.
<b>Enforcement Decision</b>	A decision of the Court by which the proposal for enforcement is partially or completely approved, or ordered ex officio.
<b>Compulsory Enforcement</b>	A process performed for the purpose of executing enforcement titles, whenever the latter are not executed voluntarily by the debtor/subject of execution within the deadlines foreseen for voluntary execution.
<b>Coercive fines in execution</b>	A coercive fine imposed against a debtor for any day of delays in execution of the Judgment taken in the administrative level.
<b>Final Decision</b>	A decision against which no appeal can be filed and no administrative dispute can be initiated. With this decision, the party has acquired certain rights, namely specific liabilities have been imposed on the party .
<b>Executable Decision</b>	A final decision of the public body for which only the relevant execution procedure should be conducted, as this decision fulfils the conditions as an enforcement document
<b>Complaint against an enforcement order</b>	A regular legal remedy of challenging the execution, which is addressed to the Court, whenever the court is the enforcing authority.
<b>Minor Offence</b>	Behaviour by which the public order and peace as well as social values guaranteed by the Constitution of the Republic of Kosovo are violated or jeopardized, the protection of which is impossible without minor offence sanctioning. Minor offences are a special type of delinquency and are considered as minor social risk, with minor consequences. Minor offences are governed by the Law on Minor Offences and applicable municipal regulations.
<b>Statutory Limitation</b>	The process of acquiring or losing a certain right as a result of the passing of time. In the case of financial liabilities, the creditor may lose the right to payment of financial liabilities by the debtor as a result of the statutory limitation, according to the rules established by the relevant laws.
<b>Punitive measures in minor offences procedures</b>	Educational Measures (e.g. reprimand), protection measures (confiscation of items; prohibition of exercising the profession, activity, responsibility or duty), minor offence sanctions (e.g. fine; penalty points, etc.) and special minor offence measures (confiscation of assets and expulsion of a foreigner from the country.
<b>Minor offence procedure</b>	All of the actions initiated against the defendant by the authorized body or the injured party for the offense sanctioned under the Law on Minor Offenses.
<b>Mandatory fines according to AI</b>	Penalties that the authorized body is obliged to impose regardless of the circumstances in which the violation has occurred. The fines are set correctly accordingly and the authorized body has no discretion to impose higher or lower fines.

Imposing of punitive measures by  
municipal inspectorates

STANDARD OPERATING  
PROCEDURES



**HELVETAS**  
Swiss Intercooperation

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Schweizerische Eidgenossenschaft  
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