



Strasbourg, 5 November 2020

CDL-REF(2020)072

Opinion No. 1005/2020

Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

KOSOVO

**DRAFT LAW
ON GOVERNMENT**

Assembly of the Republic of Kosovo,

Pursuant to Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves the following:

LAW ON GOVERNMENT OF THE REPUBLIC OF KOSOVO

CHAPTER I – GENERAL PROVISIONS

Article 1 Purpose

1. This Law determines:

1.1. Organization and manner of functioning of the Government of the Republic of Kosovo (hereinafter: the Government);

1.2. Manner of work and procedures of decision-making in the Government, and

1.3. Relationship between the Government and Assembly of the Republic of Kosovo (hereinafter “the Assembly”) as determined in the Constitution of the Republic of Kosovo (hereinafter “the Constitution”) and applicable legislation

Article 2 Scope

This Law shall apply to the Government of the Republic of Kosovo.

Article 3 General principles

1. When exercising the executive power, the Government shall be led by the following main principles:

1.1. **Constitutionality and Legality** – Government shall exercise its power in compliance with the Constitution and the law;

1.2. **Human Rights and Fundamental Freedoms** – Government shall exercise its power by protecting and guaranteeing human rights and fundamental freedoms, as determined in the Constitution and applicable legislation.

1.3. **Transparency and Accountability** – work of the Government shall be transparent and accessible to the public in compliance with the relevant law for access to public documents and other applicable legislation;

1.4. **Efficiency and Effectiveness** – work of the Government shall be based on the implementation of its responsibilities on time and with the lowest costs possible, to the extent necessary to achieve its objectives in a proportional manner, and efficiently using the public funds;

1.5. **Integrity and Professionalism** – work of the members of the Government shall be exercised with high integrity and professionalism;

1.6. **Gender equality** – equal representation shall be considered in the composition of the Government.

CHAPTER II - COMPOSITION AND BEGINNING OF THE MANDATE

Article 4 Composition of the Government

1. The Government shall be composed of the following:

1.1. Prime Minister;

1.2. Deputy Prime Minister;

1.3. Ministers.

2. Government shall be composed of not more than three (3) Deputy Prime Ministers, where one of them shall be appointed as the first Deputy Prime Minister.

3. Government shall be composed of not more than fifteen (15) ministers. Exceptionally, upon the proposal of the candidate for establishment of the Government, two additional ministers without portfolio may be proposed.

4. After the election of the Government, the number of ministries within the number determined in paragraph three (3) of this Article may increase or decrease with the decision of the Assembly of the Republic of Kosovo.

5. Government cannot establish bodies similar to the ministries or have appointees who have parallel functions with that of a minister.

6. Communities shall be represented in the composition of the Government of the Republic of Kosovo in compliance with the Constitution.

7. The areas of administrative responsibility of the Office of Prime Minister and ministries shall be determined in the Regulation proposed by the Office of the Prime Minister and approved by the Government.

Article 5 Conditions for election of members of the Government

The persons fulfilling the following conditions shall be elected as members of the Government:

1.1. nationals of the Republic of Kosovo who are adults and have full capacity to act;

1.2. persons among the deputies of the Assembly or qualified persons;

1.3. persons against whom no indictment has been filed or not convicted with final court decision for a criminal offence with one more years in prison;

Conditions provided for in paragraph 1 of this Article shall apply to the appointment of Deputy Ministers.

Article 6 **Beginning of the mandate**

1. The mandate of the Government shall begin upon the election of the Government by the Assembly of the Republic of Kosovo. Members of the Government, after election, shall take the oath before the Assembly of the Republic of Kosovo, reading the following text:

“I do swear that I will discharge the duty of the member of the Government with commitment and honour, I will respect the Constitution, laws and legal order and that I will commit to the overall progress of the Republic of Kosovo.”

2. The oath, in addition to the text referred to in paragraph 1 of this Article, shall contain the name, surname, date and signature of the member of the Government who has taken the oath.

Article 7 **Program of Government**

1. Program of Government is an orientation program containing the commitments of political priorities to be achieved during the mandate of a Government.

2. The Program of Government shall be implemented in compliance with the Constitution and applicable legislation, as well as international obligations.

3. Political commitments expressed in the Program of Government shall be implemented with relevant measures, operational budgeting and planning, ensuring the link with the main strategic documents.

CHAPTER III- MANNER OF FUNCTIONING AND COMPETENCIES OF THE GOVERNMENT

Article 8 **Competencies of the Government**

1. The government shall exercise executive power in accordance with the Constitution and applicable legislation.

2. Members of the Government, in addition to the competencies set out in the Constitution, this law, and other applicable legislation shall inform the Prime Minister and the Government as a whole, of the measures taken to implement their decisions, or those of the Government, and the implementation of the Government Work Plan in terms of their areas of responsibility.

3. At its meetings, the Government shall review, debate, and decide on the proposals, which have been prepared in accordance with the Rules of Procedure of the Government.

4. In exercising its constitutional competencies, the Government shall exercise the following responsibilities:

4.1. proposes to the Assembly draft constitutional amendments and draft laws;

4.2. makes the decision to initiate international agreements;

4.3. provides opinion on the legislative initiatives and draft constitutional amendments, the initiator of which is not the Government;

proposes and enforces the foreign policy of the country;

- makes decisions and issues other legal acts necessary for law enforcement;
- 4.6. decides on appointments and dismissals within its legal competencies;
- 4.7. approves strategic documents and various plans;
- 4.8. approves concept documents, ex-post evaluations of legislation and other policy documents;
- 4.9. approves the annual report on its work and periodic reports on the implementation of policies, laws, and sub-legal acts;
- 4.10. Performs other duties defined by the Constitution and applicable law.

Article 9 Competencies of the Prime Minister

1. The Prime Minister, in the capacity of the representative and leader of the Government, within the limits of the competencies defined in the Constitution, shall exercise the following responsibilities:
- 1.1. coordinate and oversee the work of other members of the Government;
- 1.2. carry out all relevant actions for concluding international agreements and notify the Assembly in accordance with the Constitution and the law;
- 1.3. make decisions, orders, decrees and enter into Memorandums of Understanding;
- 1.4. appoint and dismisses from duty the Deputy Prime Ministers, Ministers, Deputy Ministers and other public officials in accordance with the applicable legislation;
- 1.5. ask from each Deputy Prime Minister, Ministers and Deputy Ministers to provide information and reports from their area of responsibility and for the progress of the Government's work;
- 1.6. exceptionally, if it deems that the decision taken by the Government may have harmful consequences or is unlawful, request from the Government, immediately at the next meeting of the Government, to reconsider and change its decision.
- 1.7. if it deems that the decision taken, or the sub-legal act issued by the Deputy Prime Minister or Minister may have harmful consequences or is unlawful, request immediately the repeal of it, otherwise, shall decide to annul or repeal it;
- 1.8. report to the Assembly periodically or at the request of the Assembly, on the activities of the Government;
- 1.9. ensure that there is effective communication of government policies and activities for the citizens of the Republic of Kosovo;
- 1.10. sign all decisions taken, as well as regulations and other legal acts issued by the Government and shall supervise their implementation;
- 1.11. perform other duties in accordance with the Constitution and applicable legislation.

Article 10
Competencies of Deputy Prime Ministers

1. The Deputy Prime Minister, in exercising its competencies, shall:
 - 1.1. assist the Prime Minister in setting priorities, developing and implementing Government policies;
 - 1.2. upon being authorized by the Prime Minister, receive the responsibilities assigned to the Prime Minister by law;
 - 1.3. by a decision of the Prime Minister, they may be responsible for coordinating an area of special importance and a high priority for the Government, including the coordination of a policy area that is within the responsibility of some ministries;
 - 1.4. The Deputy Prime Minister may be given the mandate for a ministry, in which case he/she holds two separate areas of administrative responsibility;
 - 1.5. The Deputy Prime Minister informs the Prime Minister in advance about visits abroad, and reports them in writing or verbally, no later than five (5) days after their completion;
 - 1.6. Exercises other duties assigned by the Prime Minister.
2. Authorization according to sub-paragraph 1.2 and the decision under subparagraph 1.3 shall be made public on the official website of the Office of the Prime Minister.
3. In case the Government consists of two Deputy Prime Ministers, the First Deputy Prime Minister shall replace the Prime Minister in case of absence, while in case of absence of the First Deputy Prime Minister, the Prime Minister shall authorize the other Deputy Prime Minister to replace.

Article 11
Competencies of ministers

1. The Minister, in exercising its competencies, shall:
 - 1.1. lead and represent the ministry;
 - 1.2. propose the process of initiating an international agreement, in accordance with the applicable legal procedures for the conclusion of international agreements;
 - 1.3. propose draft laws, bylaws, concept documents, ex-post evaluations of legislation, draft strategic documents and various reports for approval by the Government;
 - 1.4. ensure the implementation of government legislation and policies within the scope of ministry;
 - 1.5. make decisions and issue other legal acts from the scope of the ministry necessary for the implementation of laws;
 - 1.6. participate in the meetings of the Government and its working bodies;
 - 1.7. propose solutions to specific issues within the competence of the Government;
 - 1.8. provide clear budget planning and formulates priorities for the allocation of funds, made available from the Kosovo Budget and other sources;

- 1.9. inform the Prime Minister in advance about visits abroad and reports in writing or verbally, no later than five (5) days after their completion;
 - 1.10. notify the Prime Minister and the Government in advance, on the organization of important events and reports in writing, no later than five (5) days after their completion;
 - 1.11. report to the Prime Minister and the Government periodically, or at the request of the Prime Minister, on the activities of the ministry;
 - 1.12. respond to the Prime Minister and report to the Assembly on issues related to the ministry he/she leads;
 - 1.13. provide consultation with relevant institutions and other stakeholders as well as coordination with the Office of the Prime Minister in the process of preparing legislation and policies within the scope of the ministry;
 - 1.14 performs other duties within the area of responsibility of the ministry, defined by other applicable legislation.
2. The Minister shall also exercise other duties assigned by the Government or the Prime Minister in accordance with the applicable legislation.

Article 12

Appointment and competencies of deputy ministers

1. The Deputy Minister shall be appointed by the Prime Minister for the support of the Minister.
2. The prime minister may appoint up to two (2) deputy ministers for a ministry. When the Prime Minister appoints more than one (1) Deputy Minister for a ministry, appoints one of them as first deputy minister.
3. In case the post of minister remains vacant for any reason defined by this law, the first deputy minister, respectively, the deputy minister in cases where the ministry has only one deputy minister, exercises the duty of minister, until the appointment of a new minister.
4. The Deputy Minister, during the exercise of his competencies is responsible for the management of activities in the areas defined by the relevant minister, as well as:
 - 4.1. With the prior notice of the Prime Minister by the Minister, he may participate in the meeting of the Government of the Republic of Kosovo;
 - 4.2. Assists the Minister in setting priorities, developing and implementing Ministry policies;
 - 4.3. With the written authorization of the Minister, certain responsibilities, that are given to the Minister by law, may be delegated to him;
 - 4.4. The Deputy Minister reports to the Minister on a regular basis, and to the Prime Minister every six (6) months, unless required to do so in advance; and
 - 4.5. Exercises other duties assigned to him by the Minister.
5. Authorizations according to paragraph 4 sub-paragraph 4.3 of this Article shall be made public on the official website of the relevant Ministry.

6. The provisions of this law relating to members of the Government shall apply accordingly to Deputy Ministers.

Article 13
Political advisors of the members of the Government

1. Every member of the Government has a political cabinet, which consists of political advisors, external advisors and cabinet officials.

2. The political advisor is appointed directly by decision of the Prime Minister, the Deputy Prime Minister and the Minister (hereinafter: Superior) and their mandate of office terminates at the end of their Superior's mandate, if this employment relationship is not terminated earlier.

The political advisor provides advice to his Superior, based on the analysis, evaluation of policies in order to achieve the governing objectives set out in the Government Program and other policy documents. The political advisor is accountable to his superior.

4. With the decision for the appointment of the Political Advisor, the superior also assigns him the field of providing political advice.

5. A political advisor shall be appointed if he meets the following conditions:

5.1. citizen of the Republic of Kosovo;

5.2. legal age and have full capacity for action;

5.3. qualified and experienced person in the relevant field;

5.4. a person who has not been convicted by a final decision for the commission of an intentional criminal offense with one or more years of imprisonment.

6. A political advisor cannot:

6.1. exercise any legal power, for the exercise of which his Superior is competent;

6.2. exercise any other function related to the management of the civil service or interfere with their function;

6.3. authorize the spending of public funds;

6.4. exercise managerial or other administrative powers in the civil service.

7. For the exercise of competencies according to paragraph 3 of this Article:

7.1. The Prime Minister may appoint up to fifteen (15) political advisors;

7.2. Deputy prime ministers may appoint up to ten (10) political advisors;

7.3. Ministers may appoint up to six (6) political advisors;

Article 14 External Political Advisors

1. The External Political Advisor is a special category of public officials who advises his Superior on the basis of policy analysis, evaluation in order to achieve the governing objectives set out in the Government Program and other policy documents and responds to his superior.
2. The External Political Advisor is appointed directly by the Prime Minister, the Deputy Prime Minister and the Minister (hereinafter: Superior) and their term of office terminates at the end of their Superior's term, if this employment relationship is not terminated earlier.
3. The External Political Advisor is not paid from the budget and does not cause expenses for the budget of the Republic of Kosovo.
4. Notwithstanding paragraph 3 of this Article, if the Superior deems it reasonable, he may authorize the participation of the External Advisor in any official trip abroad and in this case the travel expenses will be covered by the budget of the institution, if other funding cannot be provided
5. For exercising the competencies according to paragraph 1 of this Article:

The Prime Minister may appoint up to ten (10) external political advisors;

The Deputy Prime Minister may appoint up to five (5) external political advisors;

Minister may appoint up to three (3) external political advisors.
6. The conditions provided for in Article 13, paragraphs 4 and 5, subparagraph 5.2, 5.3 and 5.4 as well as paragraph 6 shall also apply to external political advisers.

Article 15 Officials in Cabinets

1. In order to provide administrative and technical assistance to the Cabinets of the Prime Minister, Deputy Prime Ministers and Ministers, cabinet officials shall be appointed.
2. In order to provide technical and administrative assistance according to paragraph 1 of this Article:
 1. The Prime Minister may appoint up to fifteen (15) employees to the Cabinet;
 2. The Deputy Prime Minister may appoint up to six (6) employees;
 3. The Minister may appoint up to four (4) employees to the Cabinet;
 4. The Deputy Minister may appoint up to two (2) employees to the Cabinet.
3. The mandate of office of all employees employed in Cabinets terminates upon the end of the mandate of office of their Superior, if this employment relationship is not terminated earlier.

Article 16

Cooperation and coordination between the Office of the Prime Minister and ministries

1. When an administrative matter relates to the scope of two or more ministries, the coordination of which cannot be agreed upon, the Office of the Prime Minister shall decide on the coordination of the process.
2. Ministries should cooperate mutually and coordinate with the Office of the Prime Minister, in the preparation of legislation, policies and other proposals, before their approval and before submitting for review to the Government.
3. The manner of cooperation and coordination between the Office of the Prime Minister and the ministries is determined by the Regulation on Rules and Procedure of the Government.

CHAPTER IV- MANNER OF GOVERNMENT WORK

Article 17

Meetings of the Government

1. Meetings of the Government shall be convened and chaired by the Prime Minister or by the person authorized by him.
2. The Government shall have a quorum if a majority of its members are present at the meeting. If the Government has an even number of members, then it is considered that there is a quorum if half of the members of the Government, including the Prime Minister, are present.
3. When the Deputy Minister participates in a meeting of the Government, in accordance with Article 12 paragraph 3, he has the right to speak, the right to create the quorum and the right to vote.
4. Exceptionally from paragraph 3 of this Article, when the Deputy Minister participates in a meeting of the Government, in accordance with Article 12 paragraph 4 subparagraph 4.1, he has the right to speak, but does not create the quorum and does not have the right to vote.
5. Voting at Meetings of the Government is open. Decisions are taken by a majority vote of the members present. If the Government has an even number of members, the decision is approved if at least half of the members present have voted for it and if the Prime Minister has also voted for it.
6. In special situations or cases, at the request of the Prime Minister or his authorized representative, the Government may hold the following:
 - 6.1. extraordinary meetings, in which issues of an urgent nature are considered and decided;
 - 6.2. electronic meetings, when for certain reasons it is not possible to hold the meeting with the physical presence of members of the Government. In such cases, through electronic means of communication, the Government reviews and decides on certain issues.
7. Government meetings must be recorded in minutes and transcripts, which are stored in the Office of the Prime Minister.
8. Other detailed rules for the organization and holding of meetings of the Government, including extraordinary and electronic meetings, are set out in the Regulation of Rules and Procedure of the Government.

Article 18
Transparency of the Government work

1. The Government shall inform the public of its work by ensuring a coherent and coordinated system to communicate its policies and activities to the public.
2. The Prime Minister or the spokesperson of the Government, appointed by the Prime Minister, shall ensure that the media are fully informed of the Prime Minister's activities and development of policies in the Government.
3. Deputy Prime Ministers and Government Ministers or their spokesperson shall ensure that the media are regularly informed about their activities.
4. Government documents are public, with the exception of documents that are classified under the relevant law on information classification. The Government adheres to the principles of transparency in its work and decision-making and ensures the following:
 - 4.1. Meetings should be held in an open manner, providing broadcasting signal to any media interested to broadcast its meetings, unless the Government decides to close them due to the exposure of information which is classified according to the relevant law on classification of information;
 - 4.2. The Agenda of the Government meeting shall be made public at least twenty-four (24) hours before the meeting;
 - 4.4. Government decisions are published in the Official Gazette no later than twenty-four (24) hours after they have been signed by the Prime Minister and remain public without any time limit.
5. Decisions on the appointment or dismissal of members of the Government, Deputy Ministers, Political Advisors and External Advisors shall be published on the website of the Office of the Prime Minister.
6. Rules and principles of the Government's public communication service shall be determined by means of a regulation proposed by the Office of the Prime Minister, and approved by the Government.

Article 19
Government bodies

1. The Government may establish government bodies to assist and facilitate the work of the Government.
2. The Government shall determine the composition and mandate of a government body in the decision for the establishment of that body.
3. The Government with the decision for the establishment of the government body shall determine that the respective unit in the Office of the Prime Minister or in the designated ministry shall serve as the administrative secretariat for their work.
4. Detailed rules for the manner of work and scope of government bodies shall be set out in the Regulation on Rules and Procedure of the Government.

CHAPTER V - SUPPORT AND COORDINATION OF GOVERNMENT WORK

Article 20 Office of the Prime Minister

1. The Prime Minister heads the Office of the Prime Minister.
2. The Office of the Prime Minister shall coordinate the work of the Government in relation to the Assembly, the President and independent institutions.
3. The Office of the Prime Minister shall support the activity of the Government as a whole, of the Prime Minister, of the Deputy Prime Ministers and of the Ministers, and is responsible for the following:
 - 3.1. proposing constitutional amendments, initiatives for international agreements, draft laws, draft bylaws, concept documents, ex post evaluations of legislation, draft strategic documents and other proposals from the scope of the Government as a whole and the Office of the Prime Minister, as well as shall supervise and ensure their implementation;
 - 3.2. preparing and organizing Government meetings and other meetings chaired by the Prime Minister or a Deputy Prime Minister on his behalf;
 - 3.3. coordinating the preparation of the Government's annual work plan and overseeing its implementation;
 - 3.4. directing and coordinating Government relations with the public;
 - 3.5. directing and coordinating the Government performance monitoring process;
 - 3.6. exercising horizontal functions as strategic priorities which are determined by law or with a decision of the Government or the Prime Minister;
 - 3.7. coordination of ministries regarding planning, drafting, reviewing consistency with the Constitution and applicable legislation, as well as ensuring the quality of drafting for proposing constitutional amendments, initiatives for international agreements, draft laws, draft sub-legal acts, preparation of the Government's opinion on legal initiatives not proposed by the Government, concept documents ex-post evaluations of legislation, draft strategic documents and other proposals from the scope of ministries, and overseeing their implementation.
4. In the exercise of its responsibilities, the Office of the Prime Minister issues opinions, provides guidance, conducts quality control of various proposals by the proposing bodies, and provides professional advice to the Prime Minister and the Government.
5. Taking into account the specifics defined by this Law, the Office of the Prime Minister has a special organizational structure which is defined by the Regulation on the Organizational Structure of the Office of the Prime Minister, proposed by the Office of the Prime Minister and approved by the Government.
6. The Office of the Prime Minister also exercises other responsibilities assigned to it by the applicable legislation, at the request of the Prime Minister or the Government.
7. The manner of providing and coordinating the government legal service, the strategic planning process, drafting concept documents, ex-post evaluations of legislation, as well as setting minimum standards for public consultation are determined by sub-legal acts proposed by the Office of the Prime Minister and approved by the Government.

Article 21
Secretary General of the Office of the Prime Minister

1. The Secretary General of the Office of the Prime Minister is the highest civil servant in the Government of the Republic of Kosovo and is the chief administrative officer of the Office of the Prime Minister.
2. The Secretary General of the Office of the Prime Minister reports and responds directly to the Prime Minister and exercises his duties under the direction and guidance of the Prime Minister.
3. The Secretary General of the Office of the Prime Minister shall head the relevant offices and units of the Office of the Prime Minister in accordance with the relevant applicable legislation.
4. The Secretary General of the Office of the Prime Minister coordinates the work with the Secretary General of the Ministries.
5. The Secretary General has the following main responsibilities:
 - 5.1. supports the Prime Minister and Deputy Prime Ministers in their work;
 - 5.2. ensures the coordination of policy making in the Office of the Prime Minister and the Government;
 - 5.3. ensures the enforcement of the legislation, policies and decisions of the Prime Minister and the Government;
 - 5.4. ensures the direction, coordination, control and supervision of the Office of the Prime Minister;
 - 5.5. ensures cooperation with other ministries and institutions, as well as with independent agencies;
 - 5.6. decides on the administration of the financial, material and human resources of the Office of the Prime Minister, in accordance with the applicable legislation;
 - 5.7. any other responsibility assigned to him by law or expressly delegated by the Prime Minister.
6. The Secretary General is supported by professional and support staff.
7. The Secretary General, in case of absence, is replaced by the director of one of the Offices of the Office of the Prime Minister, appointed in writing by the Secretary himself. In case of health incapacity or other cases where his post remains vacant, the director of the office replacing the Secretary General is appointed in writing by the Prime Minister.
8. The Secretary General may delegate the tasks set out in paragraph 5 of this Article to the directors of the offices of the Office of the Prime Minister. In this case, he remains responsible for overseeing the delegated tasks.
9. The Secretary General establishes a register in which the acts of delegation, the duties and scope of delegation, the person to whom it has been delegated and the period of delegation are defined.

CHAPTER VI – COOPERATION OF THE GOVERNMENT WITH OTHER INSTITUTIONS

Article 22

Relationship of the Government with the Assembly

1. The Government informs the Assembly or its working committees which officials of the Office of the Prime Minister and the Ministry shall participate in their work to provide clarifications and professional information.
2. The members of the Government participate in the sessions of the Assembly and in the meetings of the respective parliamentary committees in the review of the materials proposed to the Assembly by the Government or other institutions.
3. Whenever the Assembly discusses a Government no-confidence motion or holds interpellations for the work of the Government, the Government is represented in the Assembly by the Prime Minister.
4. The Prime Minister or the ministers report to the Assembly and the parliamentary committees, at the request of the deputies or at their own request.

Article 23

Relationship of the Government with the civil society

1. Government cooperates with civil society, trade unions and other entities through the Office of the Prime Minister or through the relevant ministries.
2. Government debates especially on the opinions and initiatives of civil society, trade unions and other entities, takes a stand on them, informs them of its position and measures and, when necessary, invites their representatives to participate in government bodies, working groups, as well as organizes other forms of cooperation.

Article 24

Responses to questions, initiatives and proposals addressed to the Government

1. The Government responds to all questions, initiatives and proposals addressed to it through the ministries and the Office of the Prime Minister.
2. The Office of the Prime Minister responds to petitions and complaints addressed to the Prime Minister in cooperation with the responsible ministries, or requests the relevant ministry to respond.
3. Responses from paragraphs 1 and 2 of this Article shall be given within forty-five (45) days after the day on which they were received.

CHAPTER VII – RESPONSIBILITY AND INTEGRITY OF MEMBERS OF THE GOVERNMENT

Article 25

Responsibility

1. The Government is accountable to the Assembly for its work. Such responsibility is exercised through the instruments of parliamentary oversight set out in the Constitution, and other applicable legislation.
2. In cases where the Deputy Prime Minister shall be authorized by the Prime Minister to perform an action or issue a decision, the Deputy Prime Minister who acts according to the authorization provided, shares the responsibility with the Prime Minister regarding the action taken or the decision issued.

3. In cases when the Deputy Minister shall be authorized by the Minister to perform an action or issue a decision, the Deputy Minister who acts according to the authorization provided, shares the responsibility with the Minister regarding the action taken or the decision issued.

4. Members of the Government shall bear individual responsibility for carrying out activities, for the implementation of the Government Work Plan and other matters delegated by the Prime Minister or the Government.

Article 26

Non-compliance with the function of members of the Government and prevention of conflict of interest

1. In case the member of the Acting Government is elected Member of the Assembly of the Republic of Kosovo, the same shall resign from the post of the member of the Government prior to the day of certification of election results.

2. Members of the Government cannot:

2.1. exercise no other public function unless it is part of ex officio as determined by the applicable legislation;

2.2. exercise no function in local government;

2.3. exercise any function as elected or appointed outside their ex officio or act on the basis of an employment contract or service provision contract, except for research or teaching purposes, after informing in writing the Prime Minister of such purposes.

3. In addition to the restrictions referred on this Article, members of the Government shall also be subject to the restrictions set out in the relevant legislation for the prevention of conflicts of interest in the exercise of public office.

4. All restrictions set out in this Article for members of the Government shall apply to Deputy Ministers.

Article 27

Code of Conduct for members of the Government and their Appointees

1. While performing their duties, members of the Government and their appointees must comply with the standards of good governance and applicable legislation.

2. The members of the Government are obliged to hand over the duty to the members of the elected Government.

3. Each member of the Government and their appointees must comply with the Code of Conduct for Members of the Government and their Appointees, which is proposed by the Office of the Prime Minister and approved by the Government.

CHAPTER VIII – END OF MANDATE AND RESTRICTIONS ON THE OUTGOING GOVERNMENT

Article 28

End of mandate of the Government

1. The mandate of the Government shall end:

1.1. upon the expiration of the four year mandate of the Assembly;

- 1.2. following the successful vote of no confidence in the Assembly;
- 1.3. upon the resignation of the Prime Minister and in any other case when the Prime Minister post becomes vacant;
- 1.4. upon the dissolution of the Assembly.

Article 29
End of mandate of the member of the Government

1. The mandate of the member of the Government shall end if:
 - does not take the oath;
 - resigns;
 - in case of election as deputy of the Assembly;
 - the regular mandate of the Government expires;
 - in case of absence for three (3) consequent months in the sessions of the Government. In special cases, the Prime Minister may decide otherwise;
 - an indictment is filed or is convicted with final court decision for the criminal offence with one or more years in prison;
 - in case of dismissal by the Prime Minister;
 - in case of death.

Article 30
Outgoing Government

1. Outgoing Government shall continue discharging its responsibilities in compliance with restrictions defined in Article 31 of this Law until the election of the new Government by the Assembly.
2. The Government is considered outgoing in the following situations:
 - 2.1. after the dissolution of the Assembly until the election of the new Government;
 - 2.2. after the resignation of the Prime Minister or in any other case in which the post of the Prime Minister becomes vacant until the election of the Government in compliance with Article 95, paragraph 5 of the Constitution and if this not achieved, until the situation defined in the sub-paragraph 2.1 of this Article;
 - 2.3. after the successful vote of the motion of no confidence against it by the Assembly until the election of the new Government.

Article 31
Restrictions on the Outgoing Government

1. The Outgoing Government shall carry out only the necessary activities planned in the Government Annual Work Plan and Annual Budget Law, with the exception of the following activities:

1.1. It shall not approve the initiative to conclude international agreements that are required to be ratified by the Assembly;

1.2. It shall not approve the draft constitutional amendments, draft laws, strategies and concept documents;

1.3. It shall not initiate new procedures for appointment of public positions for which is responsible according to respective laws; and:

1.3.1. It shall not propose candidates for positions for which is required appointment by the Assembly;

1.3.2. It shall not propose or initiate appointments of senior officers for which the decision should be taken together with the President of the Republic of Kosovo;

2. Exceptionally, paragraph 1, sub-paragraph 1.2 of this Article, the Outgoing Government shall be entitled to propose to the Assembly the approval of the Budget of the Republic of Kosovo.

3. In case of natural, health disasters or other emergency situations as defined in special laws, the Outgoing Government shall be entitled to make an exemption from paragraph 1, sub-paragraph 1.1 and 1.2 of this Article insofar as this is justified by the need to manage such situation and Government decision-making is required.

4. The Outgoing Government shall undertake all actions for reaching international agreements, which are ratified by the President.

5. Restrictions from this Article shall apply also for the Government in the situation as defined on Article 28, paragraph 1, sub-paragraph 1.1 of this Law, until the new Government is elected.

CHAPTER IX- FINAL AND TRANSITIONAL PROVISIONS

Article 32 Issuing sub-legal acts

1. The Government shall, within six (6) months after the entry into force of this Law, issue the following sub-legal acts:

1.1. Regulation of Rules and Procedure of the Government;

1.2. Regulation on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries;

1.3. Regulation on Government Legal Service;

1.4. Regulation on the Code of Conduct for Members of the Government and their Appointees;

1.5. Regulation on the Government Public Communication Service;

1.6. Administrative Instruction on the Process of Development of Concept Documents;

1.7. Administrative Instruction on the Process of Preparing Ex Post Evaluations of Legislation;

1.8. Administrative Instruction on the Coordination of the Strategic Planning Process;

1.9. Administrative Instruction on Minimum Standards for Public Consultation;

Article 33

Sub-legal acts applicable until the issuance of new acts

The sub-legal acts currently in force shall remain effective until the issuance of the new sub-legal acts deriving from this Law as long as they are not in contradiction with this Law.

Article 34

Entry into force

This Law enters into force nine (9) months after its publication in the "Official Gazette" of the Republic of Kosovo.

Vjosa OSMANI - SADRIU

President of the Assembly of the Republic of Kosovo

