

Concept Document on Art and Culture



The Republic of Kosovo
Republic of Kosovo-Republic of Kosovo
Government-Vlada-Government

Ministry of Culture, Youth and Sports/Ministarstvo Kulture, Omladine i Sporta Ministry of Culture, Youth & Sports

CONCEPT DOCUMENT ON ART AND CULTURE

Prepared by the Ministry of Culture, Youth and Sports

June, 2022

Concept Document on Art and Culture

Contents

Summary of the concept document	4
Introduction	7
Chapter 1: Definition of the problem	8
Chapter 2: Objectives	567
Chapter 3: Options	622
Chapter 3.1: No-change option	623
Chapter 3.2: Option to improve implementation and implementation	633
Chapter 3.3: The third option [defined separately for each concept document]	634
Chapter 4: Identifying and Assessing Future Impacts	73
Chapter 4.1: Challenges with data collection	777
Chapter 5: Communication and consultation	788
Chapter 6: Comparison of Options	819
Chapter 6.1: Implementation plans for different options	819
Chapter 6.2: Comparison table with all three options	899
Chapter 7: Conclusions and next steps	92
Chapter 7.1: Provisions for monitoring and evaluation	94
Annex 1: Economic Impact Assessment Form	94
Appendix 2: Social Impact Assessment Form	988
Annex 3: Environmental Impact Assessment Form	103
Annex 4: Form of assessment for the impact of fundamental rights	106

Concept Document on Art and Culture

Summary of the concept document

General information	
Title	Concept Document on Art and Culture
Responsible Ministry	Ministry of Culture, Youth and Sports
Contact person	Zoga Çeta; 038020022316
AGWP	List of Concept Documents for 2022; SOP
Strategic priority	Art and culture as essential contributors to the social and economic well-being of citizens and the international promotion of state identity

Decision	
Main issue	Reforming the existing regulatory framework on art and culture: legal regulation, financing, strategic framework, etc.
Summary of consultations	[Describe here the main conclusions from the inter-ministerial consultation process concerning the concept document. In cases where there are no disagreements with other line ministries or when all the initial disagreements are addressed then make this clear. If there are disagreements, list them here and state the reasons for not addressing them.]

Concept Document on Art and Culture

	[List the main public consultation activities carried out. Also indicate the start date and end date of the online public consultation. List the number of organizations that provided feedback to this consultation, the number of comments received, and key conclusions from the public consultation process. Refer to the public consultation report to be submitted together with the concept document for approval by the Government.]
Proposed option	Option 3, proposal for combined legislative and public policy measures

Main expected impacts	
Budgetary impacts	Low financial impacts have been identified. Impacts minimally go beyond the current budget limits.
Economic impacts	Moderate impacts on the labour market, services and goods production have been identified. With the effective implementation of the proposed measures, increased impacts on the export of services can be expected, especially in the field of creative industry.
Social impacts	Positive impacts are expected in terms of promoting and enhancing cultural education, expanding audiences, values that strengthen social community, capacity building, preserving and expressing the diversity of cultural diversity.
Environmental impacts	Selecting option 3 could have the following effects: Adaptation of buildings-avoidance of the use of harmful materials from old buildings (especially in former industrial buildings); Reduction of pollution by demolition; Reduction of pollution and energy consumption from new re-uses and adaptations; Reducing paper usage through the initiation of digitization.
Cross-sectoral impacts	Certain cross-sectoral impacts are expected, namely on public diplomacy, education policies, pension schemes, public procurement, local government, businesses, etc.

Concept Document on Art and Culture

Administrative burden for businesses	N/A
SME test	No.

Next steps	
Short term	<p>The most important activities that will take place within a year after the approval of the concept document are the following:</p> <ul style="list-style-type: none"> - Drafting and approval by the Government of the draft laws proposed under the recommended option; - Drafting of the National Strategy for Art and Culture; - Recruitment and training of staff necessary for the consolidation and internal reform of existing cultural institutions.
Medium term	<p>The most important activities that will take place within two to five years after the approval of the concept document are the following:</p> <ul style="list-style-type: none"> - Approval of the National Strategy for Art and Culture and Action Plan; - Drafting and approval of bylaws deriving from new laws; - Implementation of cross-sectoral programs in the field of public (cultural) diplomacy, education and those involving local government and the independent cultural scene; - Initiation of the implementation of the program for investments in physical infrastructure in the field of art and culture

Concept Document on Art and Culture

Introduction

Figure 1: General information table for the concept document

Title	Concept document on Art and Culture
Responsible Ministry	Ministry of Culture, Youth and Sports
Contact person	Zoga Çeta 038 200 22 316
AGWP	List of concept documents for 2022 Strategic Operational Plan 2022 - 2025 Strategic Sub-Goal - 2.3 Improving the legal infrastructure of national cultural institutions for consolidation of working conditions and artistic activity Operational Objectives - 2.3.3 Drafting a concept document on culture
Strategic priority	Art and culture as essential contributors to the social and economic well-being of citizens and the international promotion of state identity
Working group	The working group for drafting the concept document was composed of: Representatives of the MCYS Department of Culture: Zoga Çeta, Fisnik Abazi, Representative of the MCYS Legal Department; Hava Makolli, Representative of the MCYS DIEPC: Luljeta Agushi, Representative of the National Museum of Kosovo: Dafina Morina, Representative of the Division for Public Communication: Osman Gashi, Representatives of the KCC: Lum Citaku, Drilona Belallari, Representative of the MCYS Division for Budget and Finance: Taibe Selmani, Representative from the OPM SKQ: Albert Selimi, Representative from the MTLF: Atifete Jakupaj, General coordinator and sector coordinators in the capacity of external experts: Florent Mehmeti, Ares Shporta, Vullnet Sanaja, Visar Munishi, Adrian Morina, Edon Zeneli, Arta Agani, Dardan Selimaj, Nora Prekazi

Concept Document on Art and Culture

	<p>The following consultations were carried out from the beginning of the drafting process of the Concept Document:</p> <ul style="list-style-type: none">- Consultations of the Minister of Culture, Youth and Sports with the artistic community throughout the territory of the Republic of Kosovo-a total of 18 meetings;- Consultations with Cultural Institutions under the auspices of the MCYS;- Consultations with the Association of Municipalities of the Republic of Kosovo;- Consultations with Municipal Directorates for Culture;- Consultations with Municipal Cultural Institutions;- Consultations with the Independent Scene.
Additional information	None

Chapter 1: Definition of the problem

The general cultural development in the Republic of Kosovo from the historical point of view has served as an area with crucial potential in the internal social development, the increase of social cohesion as well as the strengthening of the important identity elements of the society and the state. In the current circumstances, the Republic of Kosovo, responsible institutions and civil society, find it necessary to formulate a new framework of public cultural policies which will enable this area of special impact on social, economic and political life to fully realize its own potential.

Concept Document on Art and Culture

Currently the field of art and culture in the Republic of Kosovo is regulated by a structure of legal acts, public policies, budgeting and institutional organization established mainly before the declaration of independence, in different political, legal, economic, social, technical and technological circumstances.

This concept document has a very complex scope taking into account the breadth and complexity of art and culture, the current legal regulation with many legal acts in force and its impact on other areas of regulation of social relations. Legislation drafted and enacted over a long period of time-more than a decade, in relation to the changed circumstances, has systematically increased the regulatory gaps as well as the difficulties in the implementation of public policies that promote further consolidation of cultural life in the Republic of Kosovo, whether in the public cultural sector or in the non-public sector, despite the distinct local and international achievements.

The lack of development of an integrated and consistent public policy as well as genuine strategic orientations of resources coupled with administrative measures and sufficient effective management capacities, in terms of operating with a legal structure not reformed in a long time, has affected the full development of the potential of the Republic of Kosovo in the field of art and culture.

This concept document, through the review, evaluation and analysis of the current course of the general regulatory framework, aims to address the need for a genuine reform, through a comprehensive and exhaustive analysis process of the existing legal framework that would enable successful implementation of development policies and efficient use of all resources in terms of advancing the overall environment in which cultural life takes place in the Republic of Kosovo. The concept document will include the identification of problems, the addressing of which requires legal intervention aimed at functional and organizational review of institutional management capacities, in order to achieve coherence with current social circumstances and contemporary cultural policies of functional democracies in Europe and beyond.

1.1. GENERAL SUMMARY OF PROBLEMS REGARDING THE REGULATORY FRAMEWORK (LEGISLATION, PUBLIC POLICIES, INSTITUTIONAL ORGANIZATION);

The Government and the Assembly of the Republic of Kosovo for more than 16 years, have drafted, approved and implemented a legal basis for regulating the field of culture, which has enabled a certain level of support and extension of cultural activity in the Republic of Kosovo. The change of political, social and legal circumstances from the time of its drafting to the present day, the changed technological context and the ongoing systemic reforms in the state administration, have brought about significant discrepancies between the current legal regulation and the current objective circumstances completely changed in society, in this context and also in the field of culture. Therefore, the transformation of the legal framework in the field of culture is also determined by developmental and historical factors.

The gradual development of capacities in the independent cultural scene from the time the current legal framework was drafted; important penetrations in the European and world cultural map through the free initiative of cultural operators as an organized or individual entity from the Republic of Kosovo, have determined the need of regulating the legal status of the independent cultural scene. This goal can not be achieved without interfering with the current structure, namely, the current framework does not allow the achievement of this goal of important public interest.

Concept Document on Art and Culture

Elimination of redundant and unenforceable provisions, restrictive and unjustifiable regulations as well as the need to deregulate certain issues in this area, also can not be achieved without a review and reform of the structure of laws affecting culture and museums.

Granting the status, respectively determining the level of structure of institutions by classifying them according to the performance of functions as part of the state administration, in the sense of Article 2 (paragraph 2.2) in conjunction with Article 13 of Law No. 06 / L - 113 on Organization and the Functioning of the State Administration and independent agencies, then the creation of the legal basis for the organization and internal functioning of the institutions which has not existed so far, is not possible with the current regulation and consequently makes it difficult to apply other measures to increase sustainability. , improving the functioning, controlling the effective management of resources as well as successfully carrying out their activity and basic mandate as public institutions of culture, of special importance.

Likewise, based on Law 06/L - 113 on the Organization and Functioning of State Administration and independent agencies which stipulates that the establishment, merger or dissolution of public service units or institutions is done only by sectoral law, then, the units or institutions that are not part of the current structure of public institutions, such as the Museum of Contemporary Art or the Center that will be responsible for documenting, researching and promoting culture, could not be established just like other units that do not have the rationale to function as separate, namely, they could not have merged without legislative measures.

Conflict of competencies between the governing bodies of public cultural institutions, including but not limited to: the board of directors, director and artistic director, the inconsistency between the qualification criteria of the holders of functions with their duties and responsibilities and mandate, can not addressed for solution with none of the prior options.

The transposition of EU legislation within the legal system of the Republic of Kosovo governing the areas covered by the scope of this concept document, including cinematography and the organization and operation of museums, cannot be achieved through the other options due to the risk of collision. between secondary legal acts with current laws in force.

Analysis of factors that generate problems with a negative impact on efforts to advance and develop a culture-friendly environment is the wrong legal regulation of early retirement of artistic troupes working in the public cultural sector, at the central or local level.

The artistic troupes of the National Ballet of Kosovo, the Kosovo Philharmonic, the Opera, the National Ensemble of Songs and Dance "Shota", city ensembles or similar institutions of these sectors of culture and art that may be established later, have special requirements. in terms of psycho-physical abilities to practice the profession of dancer, certain types of instrumentalists such as wind instruments etc. These particular requirements are correlated with age and psycho-physical abilities. In accordance with international standards and practices, these professions enjoy the right to early retirement at the age of 45 (dancers), 50 (men) and 55 (certain categories of instrumentalists). Currently, in the case of NESD "Shota" dancers and city ensembles, this issue is erroneously regulated by Law No. 04/L - 164 on the National Ensemble of Songs and Dance "Shota" and other ensembles. According to this law, dancers reach the age of early retirement at the age of 45 and 50 respectively. However, this provision has never been implemented since such a rule is not provided/regulated in the relevant legal act that regulates the state policy in the field of pensions, nevertheless, Law No. 04/L - 164 on the National Ensemble of Songs and Dance " Shota "and other ensembles, has

Concept Document on Art and Culture

effectively intervened in the scope of another law and MCYS, as a sponsoring institution and responsible for the implementation of this law, has exceeded its area of administrative responsibility because MCYS does not have a defined mandate to sponsor legislation or public policies affecting the field of pensions.

Failure to comply with this rule, due to misregulation, has produced anomalies according to which many employees reach the age when health and psychophysical skills do not allow them to practice the profession of dancer or instrumentalist and on the other hand may not be able to retire because the responsible ministry that implements the state-funded pension scheme, rejects the implementation on the grounds that they are responsible for the implementation of Law No. 04/L - on Pension Schemes Financed by the State, a law that does not provide for such a pension. Under these conditions, artistic troupes are halved until jobs can be filled because there is no applicable legal basis for vacancies with troupe members who are unable to perform their duties.

In over 20 years of experience in the operation of public cultural institutions, it can be concluded from many sources such as: interviews with the community of cultural workers, research reports that have evaluated the work and activity of institutions, audit reports, financial reports of institutions, that the involvement within the scope of the Law on Public Procurement of contracting services or supplies with artistic content related to (i) technical, professional and artistic skills or solutions and (ii) those limited by the fact of the content of the copyright on the service/supply, has systematically hindered and prolonged the mobility/volume of cultural and artistic exchange by unjustifiably inhibiting the dynamization of important cultural and artistic processes and activities. Although the Law on Public Procurement defines such services/supplies as a basis for using the negotiated procedure without publication, again the administrative burden - the slow bureaucracy of regulatory structures in public procurement where notices are made and approvals for the procurement procedure are obtained as such, adding in this case the possibility of lack of skills and knowledge of public procurement administrative structures regarding the special nature of these services/supplies, in which case it has often happened that this special nature is not understood, fully justifies the argument that this category should be included in the register of supplies/services that do not require public procurement and in this regard a source of generation of systemic problems has been identified.

Through the analysis of the problem within this concept document, the problem with human resources has been identified, whether at the professional, artistic or administrative level, in the structure of employees of public cultural institutions, problems that appear mainly in the form of:

- Inadequate human resource planning to provide adequate support for professional, artistic as well as internal administrative, technical and logistical services, which are necessary to implement the mandate and mission of the institution, and on the other hand, has employees that do not meet the functional or professional requirements of positions within institutions and consequently do not provide professional or administrative service thus causing expenditures for public funds;

- Lack of qualified and quality human resources to perform the tasks that meet the requirement of the institution for management and promotion

Concept Document on Art and Culture

Improperly or insufficiently planned resources are considered to cause quite negative impacts on a significant part of the problem with the incomplete functioning of institutions, prolonging many of the processes related to the timely and accurate administration of procedures, internal management of resources, budget planning, efficiency of budget spending, elimination of practices regarding violations of rules of procedure, etc.

The extension of the scope of this concept document to the analysis and inclusion of important issues related to cinematography and museums, results in the connection of the treatment of a significant number of legal acts of the European Union. Despite the fact that the Republic of Kosovo has undertaken the harmonization of domestic legislation with that of the EU with the signing and ratification of the SAA in 2016, the domestic legislation addressed in this concept document turns out that part is older than the year above and another part not transposed at all as for example in the scope of museums.

As far as the field of Cinematography is concerned, the current legislation in force contradicts the European regulations of the Council of Europe Convention on Cinematographic Co-production, which has in many cases prevented agreements with European film centers. This concept document aims to address this problem and regulate issues such as: percentages, definitions, rights of co-producers, copyright participation and modalities of achieving balance between co-producing states according to the above convention.

This concept document aims at addressing the challenges of the book and publishing activity that affect the unsatisfactory implementation of the measures that support the publishing activity. Given the general technological development of society, it is necessary to regulate the form of operation of the e-book. From the practical implementation of the publishing activity, it was found necessary to review the institutions/bodies responsible for the management of the publishing activity.

To a considerable extent, the achievement of the degree of full realization of potentials in art and culture is influenced by the lack of a strategic framework of policies and implementing measures which require the support of institutions in other areas of administrative responsibility and local government. Cohesive and strategic orientation of implementing measures ensures cohesive public policy and is a condition for successfully addressing the challenges.

The concept document on culture also aims to address important aspects that do not require legislative intervention but are administrative implementing measures as well as institutional and even governmental decisions that directly affect the achievement of a higher degree of more effective use of public and non-financial financial resources made available to this field. The problems that have been identified and that are intended to be addressed in this chapter are:

- Budget allocation without a prior priority needs assessment process;
- Centralization of budget administration of cultural institutions in MCYS and municipalities;
- Lack of administrative capacity to enable decentralization of internal financial management across cultural institutions;
- Inefficient use of the capacity of institutions and public cultural spaces for own source revenues and creation of space for inadequate use of public resources intended for the field of art and culture;

Concept Document on Art and Culture

- Lack of cultural policy for efficient and quality management of artistic and cultural institutions and programs based on incentive policies and budget increase based on the increase of the percentage of own source revenues by cultural institutions which has resulted in inefficient management;
- Ineffective and timely budget planning of cultural institutions;
- Ineffective and timely planning of procedures for budget utilization;

Figure 2: Relevant policy documents, laws and bylaws

Policy document, law or sub-legal act	Link to the policy or planning document on the internet or legal acts in the Official Gazette	State institution (ies) responsible for implementation	Role and tasks of the institution (ies)
Law No. 06/L -113 on the Organization and Functioning of the State Administration and Independent Agencies	https://gzk.rks-gov.net/ActDetail.aspx?ActID=18684	All state administration institutions. Ministry of Internal Affairs	All state administration institutions have the obligation to implement the provisions of this law which sets out the rules for the organization and functioning of state administration institutions and independent agencies established by the Assembly of Kosovo. The purpose of this law is to create a legal framework for the establishment, organization, functioning, accountability and performance of state administration institutions and independent agencies.
Law No. 06/L-114 on Public Officials	https://gzk.rks-gov.net/ActDetail.aspx?ActID=25839	All state administration institutions. Ministry of Internal Affairs Ministry of Finance, Labour and Transfers	All state administration institutions have the obligation to implement the provisions of this law which defines the creation of a legal basis for employment of public officials in the institutions of the Republic of Kosovo, based on merit, moral integrity, impartiality and sustainability. This law regulates the legal relationship between the state and public officials. The Ministry of Internal Affairs plays an important role in job

<p>Law No. 04/L-131 on Pension Schemes Financed by the State</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=9517</p>	<p>Ministry of Finance, Labour and Transfers</p>	<p>planning, the Ministry of Finance and Transfers allows budget planning for new jobs</p> <hr/> <p>The Ministry of Culture, Youth and Sports through the Ministry of Finance, Labour and Transfers intends to regulate the pension scheme for certain categories of employees within the MCYS , taking into account that the MFPT through this law makes the adjustment to the Basic Old Age Pension Scheme, Age Contribution Pension Scheme, Disability Pension Scheme and Early Retirement Pension Scheme, as well as regulates family and work disability pension issues, in cases where contributors are injured at work or acquire occupational diseases</p> <hr/>
<p>Law No. 03/L-048 on Public Financial Management and Accountability</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=2524</p>	<p>All state administration institutions with special emphasis Ministry of Finance, Labour and Transfers</p>	<p>All state administration institutions have the obligation to implement the provisions of this law which stipulates that all public authorities, budget organizations and public enterprises, in the exercise of an activity or acceptance of an obligation that directly or indirectly involves or affects the use of public money or resources, must act in full compliance with the provisions of this law. No obligation that is the result of a document, agreement or arrangement shall apply if the document, agreement or arrangement which establishes or results in the occurrence of this obligation has been drafted, accepted or entered into in a manner that does not meet the conditions set out in this law, as supervisory institutions is the Ministry of Finance, Labour and Transfers</p> <hr/>
<p>Law No. 05/L-020 on Gender Equality</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=10923</p>	<p>All state administration institutions A gender</p>	<p>All institutions, in particular the Gender Equality Gender, guarantee, protect and promote gender equality, as a fundamental value for the democratic development of society.</p>

<p>Law No. 04/L-065 on Copyright and Related Rights</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2787</p>	<p>equality gender</p> <p>Ministry of Culture, Youth and Sports</p>	<hr/> <p>The Ministry of Culture, Youth and Sports through this law has created a legal basis for the protection of copyright that, based on intellectual property, belong to authors in relation to their works in the field of literature, science and art.</p> <hr/>
<p>Law No. 03/L-212 on Labour</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2735</p>	<p>All state administration institutions Ministry of Finance, Labour and Transfers</p>	<hr/> <p>The Ministry of Finance, Labour and Transfers through this oversees the procedures and rights of employees and employers of the private and public sector in the Republic of Kosovo.</p> <hr/>
<p>Law No. 02/L-59 on Philharmonic, Opera and Ballet of Kosovo</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2448</p>	<p>MCYS / Department of Culture Cultural Institutions: Philharmonic Opera Kosovo Ballet</p>	<hr/> <p>The Kosovo Philharmonic, Opera and Ballet promotes, develops, promotes, publishes and promotes Kosovar and world artistic creativity through performances and concerts, as well as through:</p> <ul style="list-style-type: none"> i). participation in the formation of strategic policy and activity-artistic creativity; ii). assessing the existing situation and proposing measures for advancing thought and raising the quality of stage and musical artistic creativity; iii). examination of general issues from the fields of activity of stage, artistic and musical creativity; iv). organization of scientific-research work of theoretical and practical character in various fields of art knowledge through <hr/>

			<p>gatherings, tables, consultations, symposia, concerts, performances and relevant forms of expression of artistic, scenic and musical creativity, etc.</p> <p>v). publishing his regular and periodical publications in the field of performing arts and music;</p> <p>vi). cooperation within local and international with relevant institutions in the field of scenic-musical art; vii). creating the conditions, the level for the penetration of thought and the affirmation of artistic creativity abroad;</p> <p>viii). continuous improvement and advancement of the working conditions of the employees of the Philharmonic, Opera and Ballet of Kosovo.</p> <p>ix). undertaking other actions of special interest for art, for Kosovo and its population, and in support of the right and obligation of the Kosovo Philharmonic, Opera and Ballet to be suggestive, advisory, promoting and promotional performing and musical arts in Kosovo in accordance with the development needs of the country,</p> <p>x). preparation and realization of concerts and performances of the Philharmonic, Opera and Ballet;</p> <p>xi). preparing and carrying out work on equipment related to the implementation of Philharmonic, Opera and Ballet projects;</p> <p>xii). recording and storing audio and visual recordings for their own needs as well as for the needs of print, electronic media and other interested parties;</p> <p>xiii) publication of publications, such as: books, audios and video recordings of the Philharmonic, Opera and Ballet of Kosovo;</p> <p>xiv). providing stage and concert space, costumes, decor, theatrical and technical equipment as well as transportation of performance equipment and participants; xv). providing the necessary swimming material, the necessary concert space and other necessary materials.</p> <p>The rights, duties and responsibilities of the Kosovo Philharmonic, Opera and Ballet-derive from their overall goals and</p>
--	--	--	---

<p>Regulation No. 01/2018 on Audition at the Kosovo Philharmonic</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=16542</p>	<p>Kosovo Philharmonic</p>	<p>they include:</p> <ul style="list-style-type: none"> a). Participation in the planning and implementation of joint projects with other cultural institutions for the study and development of art, music culture and scenic music activity; b). Planning and intensive and continuous development of research-artistic work within its activity; c). Research, development, training, engagement and advancement of the relevant professional staff in accordance with the highest standards of artistic creativity; d). Participation in joint projects with similar institutions of the Albanian and international space in order to preserve, protect and develop the values of Kosovar heritage and music culture; e). Preserving, cultivating and presenting the cultural traditions of our citizens living abroad. <hr/> <p>This regulation defines the procedure for holding the audition, testing/verifying the knowledge and skills for establishing, continuing or terminating the employment relationship as well as the composition and working procedures of the auditing commission in the Kosovo Philharmonic.</p> <p>Audit Commissions are proposed by the Director of the Philharmonic and appointed by the Steering Committee of the Kosovo Philharmonic.</p> <hr/> <p>This regulation defines the manner of functioning, duties and responsibilities, working procedures, convening and holding the meeting, the manner of decision-making and voting, as well as other relevant issues of the Steering Committee of the Kosovo Philharmonic. Duties and responsibilities of the Steering</p>
<p>Regulation No. 02/2018 on the Work of the Steering Council of the Kosovo Philharmonic</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=16626</p>	<p>SC-Kosovo Philharmonic</p>	<p>This regulation defines the manner of functioning, duties and responsibilities, working procedures, convening and holding the meeting, the manner of decision-making and voting, as well as other relevant issues of the Steering Committee of the Kosovo Philharmonic. Duties and responsibilities of the Steering</p>

<p>Regulation No. 03/2018 on the Internal Functioning of the Kosovo Philharmonic</p>	<p>https://gzk.rks.gov.net/ActDetail.asp</p>	<p>Kosovo Philharmonic</p>	<p>Committee 1. Oversees the work of the Kosovo Philharmonic. Approves the long-term development policies of the Kosovo Philharmonic and the artistic policy.</p> <p>3. On the proposal of the General Director, approves the annual budget plan of the Kosovo Philharmonic.</p> <p>4. Reviews and approves the annual financial plan of the Kosovo Philharmonic.</p> <p>Drafts and approves the statute, regulations and other bylaws of the Kosovo Philharmonic.</p> <p>6. Interviews the candidates and elects the Director of the Kosovo Philharmonic.</p> <p>7. Can initiate the procedure and make decisions for the dismissal of the general director;</p> <p>8. May dismiss the chairman of the Council; The decision to dismiss is taken by a majority vote of all members. 9. Issues bylaws, decisions, conclusions, recommendations, for the progress of the work of the Kosovo Philharmonic, based on the Law and the Statute.</p> <p>10. Provides initiatives for the improvement or supplementation of the legal framework or strategic documents, regarding the activity of the Kosovo Philharmonic.</p> <p>11. Performs other activities related to the planning and decision-making process.</p> <p>12. Selects regular employees and external collabourators engaged.</p> <hr/> <p>This Regulation defines the principles, criteria and rules for the organization and internal functioning of the Philharmonic, the rights and obligations of employees and employers, as well as the relevant procedures which regulate the employment relationship.</p>
---	--	-----------------------------------	---

<p>Regulation (KP) No. 04/2018 on Additional Payments to Artists and Technical-Artistic Staff of Kosova Philharmonic and Payments of Others Engaged in Concerts of Kosovo Philharmonic</p>	<p>x?ActID=18220</p> <p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=43246</p>	<p>Kosovo Philharmonic</p>	<p>The provisions of this Regulation include: categories of employees functioning of internal, organogram, relationship of work, working hours for the categories of the employees, compensation rules, vacations with and without payment, control health, incentives/rewards, violations of work duties, measures disciplinary action for violations of work duties responsibilities and work procedures that Disciplinary Commission, the mandate of committees, responsibilities and procedures of the work of the Settlement Commission e Complaints and Disputes as well other procedures of legal nature and important techniques for the functioning of the Philharmonic.</p> <hr/> <p>This Regulation defines the additional beneficiaries, the conditions and criteria, the responsibilities as well as the manner of additional payments for the artists of FK and other collabourators engaged in the artistic projects of the Kosovo Philharmonic.</p> <p>The Director of the KP has the right to enter into contracts with natural or legal persons for the performance of certain actions/works, which are necessary for the realization of artistic projects and determines the amounts of payments based on the weight of the work and the importance of commitment of the person or concrete services which should not exceed the budget limits of the project.</p> <hr/>
---	---	-----------------------------------	--

<p>Regulation on Awarding of Music Prizes with protocol number 2892/2014 dated 30.06.2014</p> <p>Regulation (MCYS) No. 10/2015 on Handing Out the National Award on Life’s Work “Niketë Dardani” and Awards for Musical Works</p> <p>Statute of the Kosovo Philharmonic</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15092</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15101</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=43229</p>	<p>Kosovo Philharmonic</p> <p>Kosovo Philharmonic</p> <p>Kosovo Philharmonic</p>	<p>This regulation defines the criteria and procedures for awarding prizes for Music by the Ministry of Culture, Youth and Sports. The provisions of this Regulation include:</p> <ol style="list-style-type: none"> 1. Types of Prices; 2. Responsibilities of the Minister and the Professional Jury; 3. Categories for which the Prize can be awarded; 4. Price form and design; 5. The value of the financial reward; 6. Competition procedures and Institutions that have the right to nominate; 7. Organizing the award ceremony. <hr/> <p>This regulation defines the criteria and procedures for the award of the National Award for Life Activities "Niketë Dardani" and awards for musical works by the Ministry of Culture, Youth and Sports. The provisions of this Regulation include:</p> <ol style="list-style-type: none"> 1. Types of Prices; 2. Categories for which the Prize can be awarded; 3. Competition procedures and Institutions that have the right to nominate; 4. Responsibilities of the Minister and the Professional Jury; 5. The value of the financial reward; 6. Price form and design; 7. Organizing the award ceremony. <hr/> <p>This Statute regulates the activity, the way of financing, the mission and the vision as well as the competencies of the governing bodies of the Kosovo Philharmonic in order to successfully carry out the activity of the Philharmonic. of Kosovo.</p>
--	--	---	---

<p>Regulation (KO) No. 03/2021 on the Establishment of an Employment Relationship for Regular Employees and Engagement of External Collabourators in the Kosovo Opera</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=51825</p>	<p>Kosovo Opera</p>	<p>This regulation defines the ways, conditions and criteria for establishing an employment relationship for regular employees and the engagement of external collabourators in artistic projects of the Kosovo Opera.</p> <p>The scope of this regulation includes the conditions, criteria, procedure for regulating the employment relationship for full-time employees and the engagement of external collabourators in the Kosovo Opera.</p>
<p>Statute of the Kosovo Opera</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=51824</p>	<p>Kosovo Opera</p>	<p>This Statute shall regulate the activity, the way of financing, the mission and the vision as well as the competencies of the governing bodies of the Kosovo Opera, in order to successfully perform the activity of the Kosovo Opera.</p>
<p>Regulation No. 01/2015 on Additional Payments of the artists and technical-artistic staff of the</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=53187</p>	<p>Kosovo National Ballet</p>	<p>This Regulation shall determine the beneficiaries of additional salaries, conditions and criteria, responsibilities and the manner of additional payments for KCB artists and other persons engaged in the KCB.</p>

<p>Law No. 04/L 106 on Theaters</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2832</p>	<p>National Theater of Kosovo</p>	<p>performances.</p> <hr/>
<p>Regulation on the Award of Theatre Prizes with protocol number 2890/2014 dated 30.06.2014</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15018</p>	<p>National Theater of Kosovo</p>	<p>This regulation defines the criteria and procedures for awarding prizes for Theater by the Ministry of Culture, Youth and Sports. The provisions of this Regulation include:</p> <ol style="list-style-type: none"> 1. Types of Prizes; 2. Responsibilities of the Minister and the Professional Jury; 3. Categories for which the Prize can be awarded; 4. Price form and design; 5. The value of the financial reward; 6. Competition procedures and Institutions that have the right to nominate; 7. Organizing the award ceremony. <hr/>
<p>Regulation No. 05/2013 on the Award of Prizes for the Original Albanian Drama “Katarina</p>	<p>https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=10378</p>	<p>National Theater of Kosovo</p>	<p>This regulation defines the criteria and procedures for awarding prizes for the Original Albanian Drama "Katarin Josipi" by the MCYS. Scope includes:</p> <ol style="list-style-type: none"> 1. Types of Prizes; 2. Responsibilities of the Minister and the Professional Jury; 3. Price form and design; 4. The value of the financial reward; 5. Selection procedures; 6. Organizing the award ceremony. <hr/> <p>This regulation defines the conditions and criteria as well as the procedures for the establishment of national theaters and city theaters.</p>

<p>Josipi”</p> <p>Regulation No. 04/2015 (MCYS) on Conditions and Criteria for Establishment of National and City Theaters</p> <p>Regulation (MCYS) No. 04/2016 on the Work of the Governing Council of the National Theatre of Kosovo</p>	<p>https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=15024</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=38118</p>	<p>National Theater of Kosovo</p> <p>SC- National Theater of Kosovo</p>	<hr/> <p>This regulation determines the manner of functioning, duties and responsibilities of the working procedures, convening and holding the meeting, the manner of decision-making and voting, as well as other relevant issues of the NTK SC.</p> <p>Duties and responsibilities of the Governing Council</p> <ol style="list-style-type: none"> 1. Supervises the work of NTK that; Approves long-term development policies of NTK and artistic policy; 3. On the proposal of the General Director approves the annual budget plan of TTK; 4. Reviews and approves the annual financial plan of NTK; 5. On the proposal of the Artistic Director and in accordance with the annual budget approves the annual artistic program of the theater; 6. Reviews and approves the annual financial report of NTK; Drafts and approves the statute, regulations and other bylaws of NTK which are approved by the Minister; 8. Interviews the candidates and elects the Artistic Director and Director; 9. Can initiate the procedure and take decisions for the dismissal of the general director and the artistic director; 10. May dismiss the chairman of the Council; The decision is taken by a majority vote of all members. 11. Issues bylaws, decisions, conclusions, recommendations, for the progress of the work of NTK based on the Law and the Statute. 12. Provides initiatives for the improvement or supplementation of the legal framework or strategic documents, regarding the activity of NTK. 13. Performs other activities related to the planning and decision-
---	---	---	---

<p>Regulation (MCYS) No. 04/2019 on the Establishment and Functioning of the Resident Ensemble of Actors of the National Theater and City Theaters</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=43227</p>	<p>National Theater of Kosovo</p>	<p>making process.</p> <hr/> <p>This regulation determines the manner, criteria and procedure for the selection of actors of the resident ensemble of actors, the categorization and duration of their engagement in the ensemble of the National Theater and the city theaters.</p> <p>This regulation determines;</p> <ol style="list-style-type: none"> 1. The way of selecting the actors in the resident ensemble of actors; 2. The procedure for the selection of actors in the resident ensemble of actors; 3. Organization and functioning of the resident ensemble of actors; 4. Categorization of actors of the resident ensemble of actors; 5. Duration of employment in the resident ensemble of actors; 6. The way of ending the engagement in resident ensemble of actors; <hr/> <p>This regulation defines the functioning of the program content, commitments, categories, conditions, criteria, procedures and responsibilities of action in the Small Stage of NTK.</p> <p>The scope of the regulation includes:</p> <ol style="list-style-type: none"> 1. The content and form of the Small stage of NTK; 2. Categories of NTK artists know and foreign artists who engage in Small Stage; 3. Responsibilities of the governing bodies of NTK for the manner of engagement of NTK artists as well as artists engaged with special
---	--	--	---

<p>Regulation (MCYS) No. 03/2019 On the Small Stage of the National Theater of Kosovo</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=43228</p>	<p>National Theater of Kosovo</p>	<p>services in the Small Stage; 4. Descriptions of positions of artists engaged with special services in the Small Stage; 5. Payments of artists engaged with special services in the Small Stage of NTK.</p> <hr/> <p>This Regulation aims to harmonize the basic regulation with Regulation (QRK) No. 15/2018 on Degrees and Salaries of Creators and Performers of Culture and Professional Employees of Cultural Heritage Article 2 Article 8 of the basic regulation is amended, with the following content: Article 8 Categorization of actors 1. The actors of the resident ensemble are categorized based on: 1.1. Qualification and professional training in the field of acting; 1.2. Professional work experience; 1.3.Performance; 1.4. Degree of responsibility at work; 1.5. Results achieved in the relevant field. 2. Actors of the first category: 2.1. It is the engaged actors, who meet the criteria set forth in paragraph 1 of this article, who are also the bearers of the repertoire, on whose work depends the affirmation of the creative success of the theater. This category includes actors who, in the productions or co-productions of the theater, in which they are employed as regular members of the resident ensemble (or sister theaters), have performed at least 15 (fifteen) roles within the regular repertoire, of which at least 7 (seven) are key roles. 3. Actors of the second category-the second of the theater: 3.1. In the category of actors of the second category-the second of the theater are the actors who meet the criteria set forth in paragraph 1 of</p>
<p>Regulation (MCYS) No. 04/2021 on Amending and Supplementing the MCYS Regulation) No. 04/2019 on the Establishment and Functioning of the Resident Ensemble of Actors of the National Theater and City</p>	<p>https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=53109</p>	<p>National Theater of Kosovo</p>	

<p>Law No. 02/L-57 on Cultural Institutions</p> <p>Regulation (MCYS) No. 02/2016 on the Work of the Steering Council of the National Gallery of Kosovo</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2443</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=34252</p>	<p>Cultural Institutions</p> <p>SC-National Gallery of Kosovo</p>	<p>2.2. The institution is established for the exercise of cultural, scientific and artistic activity</p> <hr/> <p>This regulation defines the manner of functioning, duties and responsibilities of the working procedures, convening and holding the meeting, the manner of decision-making and voting, as well as other relevant issues important for the work of the SC of the CCK.</p> <p>Duties and responsibilities of the Steering Committee</p> <ol style="list-style-type: none"> 1. Approves the long-term development policies of the Gallery, including the cultural, artistic policy and organizational structure. Approves the annual budget and program of the Gallery; 3. SC at least once a year requests from MCYS that the accountability of the Gallery to be supervised by an independent auditor with relevant proven qualifications. 4. Assists in drafting the Statute of the CCK which is approved by the founder. 5. Drafts and approves its Rules of Procedure. 6. Evaluates the work of the director and reports to the Minister on his work and the Gallery in general. 7. Elects by simple majority the chairman of the SC; 8. Can dismiss the chairman of the SC by decision with 2/3 of the votes of all members; 9. Elects and dismisses the director of GKK ' 10. Can propose to the founder of the institution the expansion or change of his activity. 11. Issue bylaws, decisions, conclusions, recommendations for the progress of the work of the Gallery, based on the founding act and the Statute of the Gallery; 12. Provides initiatives for the improvement or completion of the legal framework or strategic documents regarding the activity of the MCC; 13. In cooperation with the director of the MWC evaluates the
--	---	---	---

<p>Statute of the National Gallery of Kosovo</p> <p>Law No. 04/L-097 on Libraries</p> <p>Regulation No. 02/2015 (MCYS) on the Conditions and</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15203</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2814</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15021</p>	<p>National Gallery of Kosovo</p> <p>Library</p>	<p>effectiveness of the professional service organization; 14. Supervises the work of GKK '15. Performs other activities related to the planning and decision-making process.</p> <hr/> <p>This Statute determines the legal status of the National Gallery of Kosovo, the establishment, activity, functioning, manner of financing, decision-making, duties and responsibilities of the governing bodies and the manner of their selection.</p> <hr/> <p>This law defines the basic principles and norms of library activity and the organization and functioning of libraries. Scope</p> <p>1. This law regulates:</p> <ol style="list-style-type: none"> 1.1. types of libraries; 1.2. library activity; 1.3. structure, organization and financing of libraries; 1.4. functions and responsibilities of libraries; 1.5. development and processing of collections; 1.6. Kosovo Library network. <hr/> <p>This regulation defines the conditions and criteria for the establishment of the work of the library as cultural, educational and informational institutions that collect, preserve, promote and make available to users their collections, provide free access to information in any form that is deposited.</p> <p>This regulation determines the conditions and criteria for the establishment of all types of libraries such as library space, library inventory,</p>
---	--	--	---

<p>Criteria of Establishment and Functioning of Libraries</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=15022</p>	<p>Libraries</p>	<p>collections and library materials, professional staff and budget.</p> <hr/> <p>This regulation defines the conditions and criteria for revision, cleaning and deregistration of library collections and materials in the library. This regulation uniquely applies the rules, criteria, procedures, revision, cleansing and deregistration, as well as enables the verification of the factual situation of collections and library materials. This regulation applies to all types of libraries.</p> <hr/>
<p>Regulation (MCYS)- No. 03/2015 on Revision, Cleansing and De-registration of Library Collections and Materials</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=15032</p>	<p>Libraries</p>	<p>This regulation defines the conditions and criteria for the storage and protection of printed and electronic library materials. Libraries have an obligation to preserve and maintain their collections in a professional way, to ensure long-term storage and continuous access.</p> <hr/>
<p>Regulation No. 05/2015 (MCYS) on Preservation and Protection of Library Materials</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=43231</p>	<p>Libraries</p>	<p>This Statute determines the name, status, headquarters, scope, purpose, activity, manner of leadership, organization and other important issues for the functioning of the National Library of Kosovo "Pjetër Bogdani".</p> <hr/>
<p>Statute of the National Library of Kosovo "Pjetër Bogdani"</p>		<p>National Library of</p>	

<p>Law No. 02/I-51 on the Publishing Activities and Books</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2432</p>	<p>Kosovo "Pjetër Bogdani"</p> <p>Cultural institutions</p>	<p>This Law aims to:</p> <ol style="list-style-type: none"> 1. Define the basic principles and norms for the development of publishing activity, to develop literary, artistic, scientific, professional and cultural creativity in Kosovo. 2. To ensure the role and importance of the publisher in securing, disseminating and affirming the final product together with other factors participating in the writing, drafting, publishing of the book and related products. 3. To create conditions for the writing, publication, preservation, protection, dissemination and promotion of the book to be declared an activity of national interest. 4. To determine the conditions in which the publishing activity must take place so that the book can perform its primary function in raising and training the human personality. 5. To influence the creation of public consciousness for the value and function of the book as a primary factor in the formation and information of human personality, in the transmission of knowledge, in the spread of culture and in the promotion of scientific-cultural research. 6. Provide access to the book and promote reading habits. 7. To guarantee the free circulation of books and related products, as well as their dissemination inside and outside the territory of Kosovo through all techniques and technologies. 8. To promote the development of the publishing industry for the benefit of the book and its related products <p>Rights and obligations of Institutions</p>
--	--	---	---

<p>Regulation No. 03/2009 on Licensing and Registration of Publishing Houses in Kosovo</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=8268</p>	<p>Publishing houses of Kosovo</p>	<p>Article 12 Central, local institutions, NGOs and their managers initiate the request for the publication of the book and create conditions for the promotion of reading through:</p> <ol style="list-style-type: none"> 1. Organizing cultural, educational and informational activities through the institutions of teaching and communication tools; Awarding prizes for the promotion, publication and dissemination of books and reading; 3. Providing funds for the purchase of books published with destination in the national network of libraries or documentation centers of public character; 4. Organizing exhibitions, book fairs in accordance with legal acts. <hr/> <p>The purpose of this Regulation is to create a more detailed legal basis which defines and regulates the manner of establishment, naming and field of activity of publishers in the Republic of Kosovo. With this regulation the procedures, conditions and criteria for licensing and registration of publishers, the manner, form and content of the management of the Register of Publishers in MCYS are defined. This regulation defines the competencies of the MCYS for the exercise of administrative work, supervises its implementation and the Law on Publishing and the book. This regulation defines the procedures, content and form of the Register for registration or c; registration and licensing by the relevant MCYS commission.</p> <hr/>
---	--	---	--

<p>Regulation No. 02/2012 on the Work of the Council of Books</p> <p>Regulation No. 06/2015 on National Prize for Life’s Work "Azem Skreli" and Annual Prize for Literature</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=10155</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15046</p>	<p>Book Council</p>	<p>This regulation defines the organization and the functioning of the Book Council, as an advisory body established by the MCYS Minister, as well as the regulation defines the tasks of the Book Council and the working procedures.</p> <hr/> <p>This regulation defines the criteria and procedures for awarding the National Prize for Letters for Life Work "Azem Shkreli" and for annual literary awards from the MCYS.</p> <p>Scope includes:</p> <ol style="list-style-type: none"> 1. Types of Prices; 2. Responsibilities of the Minister and the Professional Jury; 3. Categories for which the prize can be awarded; 4. Price form and design; 5. The value of the financial reward of the prizes; 6. Competition procedures and institutions eligible for nomination; 7. Organizing the award ceremony. <hr/> <p>The purpose of this Regulation is to amend and supplement Regulation No. 06/2015 on the National Literary Award for Life Work "Azem Shkreli" and the Annual Literature Awards.</p> <p>The amendment and supplementation of the Regulation as in paragraph one (1) of this article , is made taking into account the need for full implementation of the spirit of the legislation in force, which regulates the publishing activity and the book, in order to regulate the institutional recognition of the contribution and the important role of prominent personalities from the field of literature, who with their work have exercised an essential influence on the</p>
---	---	----------------------------	--

<p>Regulation (MCYS) No. 03/2017 on Ammendment and Supplementation of the Regulation No. 06/2015 on National Prize for Life’s Work “Azem Shkreli” and Annual Prize on Literature</p>	<p>https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=16453</p>		<p>emancipation of society, promoting a culture of reading, raising and awareness of emancipatory values, with special emphasis, through the field of literature.</p> <p>Article 3 Regulation No. 06/2015 on the National Literary Prize for Life Work "Azem Shkreli" and the Annual Prizes for Literature, article three (3), after paragraph two (2), the following paragraph is added:</p> <p>1. The Ministry of Culture, Youth and Sports, every year, based on the evaluation, awards a special Prize for personalities who, with their work, have exercised an essential impact on the emancipation of society, raising and general awareness of values emancipatory, with special emphasis, through the field of literature, thus influencing the international recognition of our culture. 2. The award is named "Albanian Literature".</p> <p>Article 4 A Price, financial reward and procedure</p> <p>1. Special gratitude for personalities who meet the conditions as in Article three (3) of this Regulation, in addition to the symbolic form of gratitude in the package, is accompanied by a financial reward.</p> <p>2. The financial remuneration, as in paragraph one (1) of this article will be 10,000 (ten thousand) euros.</p> <p>3. The award and the laureate are determined by a special Decision of the Minister.</p> <p>4. Laureates of this Award can be personalities, citizens of the Republic of Kosovo, Albania or any other country, who have made a valuable contribution to the national literature.</p> <p>5. This prize can be awarded only once within a year.</p> <p>6. Special Prize award procedures for contributions as in Article 1 and 3 of this Regulation are initiated by the Minister of Culture, Youth and Sports.</p> <p>7. The final decision on the personality to be honored with this award will be taken by the Minister, after consultation with the Book</p>
---	--	--	--

<p>Law No. 04/L-164 on the National Ensemble of Songs and Dance “Shota” and Other Ensembles</p> <p>Regulation (MCYS) No. 12/2016 on the Work of the Steering Committee of the National Song and</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=8664</p> <p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=16269</p>	<p>National Song and Dance Ensemble "Shota" and Other Ensembles</p> <p>SC -NESD “Shota”</p>	<p>Council.</p> <hr/> <p>This law includes the regulation of cultural-artistic activity, the preparation of performances, choreographic works, songs, dances and the values of the material spiritual heritage. Scope of the law This law regulates the functioning of the cultural and artistic activity of the National Ensemble of songs and dances "Shota" and other ensembles, types, establishment, organization, financing, position of artists and other issues of this activity.</p> <hr/> <p>This regulation determines the manner of functioning, duties and responsibilities, work procedures, convening and holding the meeting, the manner of decision-making and voting, as well as other relevant issues of the SC of NSDE "Shota".</p> <p>Duties and responsibilities of the Steering Council</p> <ol style="list-style-type: none"> 1. Supervises the work of NESD "Shota". Approves the long-term development policies of NSDE "Shota". and artistic politics. 3. With the proposal of the general director approves the annual budget plan of NSDE "Shota". 4. Reviews and approves the annual financial plan of NSDE "Shota". 5. On the proposal of the Artistic Director and in accordance with the annual budget approves the annual artistic program of NSDE "Shota". 6. Reviews and approves the annual financial report of NSDE "Shota". 7. Drafts and proposes the Statute, regulations and other bylaws of NSDE "Shota". 8. Interviews the candidates and elects the Artistic Director and Director;
---	---	---	---

<p>amending and supplementing the regulation No. 11/2016 of work on functioning of national ensemble of songs and dance “Shota”</p> <p>Regulation No. 01/202 on Procedures and Criteria for the Realization of Additional Payments to Internal Artistic Staff, Professionals and Foreign Artists as well as Procedures for Contracting Services and Supplies with Professional-artistic</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=37847</p>	<p>NSDE “Shota”</p>	<p>1.1. The Artistic Troupe of the National Ensemble of Songs and Dances "Shota" realizes the right to annual leave in accordance with Article 32 of Law No. 03/L-212 of Labour.</p> <hr/> <p>This Regulation determines the beneficiaries of additional payments, conditions and criteria, responsibilities and internal procedures as well as the manner of additional payments for the artists of the National Song and Dance Ensemble "Shota" (hereinafter NSDE "Shota"), planning, procedures , contracting and realization of payments for external collabourators as well as the procedures of contracting services and supplies with professional-artistic content in the artistic projects of NSDE "Shota".</p> <p>The scope of this Regulation includes:</p> <ol style="list-style-type: none"> 1. Employees of NSDE "Shota" who can receive additional payment under this Regulation. 2. Conditions and criteria for the engagement of artists and other collabourators in the artistic activities of NSDE "Shota". 3. Internal procedures for the realization of the engagements of external collabourators and the contracting of services and/or supplies that by nature have special professional-artistic content. 4. Responsibilities of the governing bodies of NSDE "Shota" for the manner of engagement of artists and external collabourators as well as for the procedures of contracting services with special professional-artistic content. 5. Payments and job descriptions of artists engaged in NESD "Shota" activities. 6. The provisions of this Regulation are mandatory for the responsible persons, respectively the responsible officials and the governing bodies of NSDE "Shota" and other officials of the Ministry of Culture, Youth and Sports who are responsible for drafting, approving, monitoring and implementing the annual plan. of work and financial for NSDE "Shota" as well as for other natural and legal persons engaged in artistic projects/programs of the Ensemble. <hr/>
---	--	----------------------------	--

<p>Content within the Projects of the National Ensemble of Songs and Dance “Shota”</p> <p>Statute of the National Ensemble of Songs and Dance "Shota"</p> <p>Law No. 06/L-116 on Amending and Supplementing Law No. 05/L-090 on Sponsorships in the Field of Culture,</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15208</p> <p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=18918</p>	<p>NESD “Shota”</p>	<p>The provisions of this Statute determine: activity, method of financing, mission, vision and competencies of the governing bodies of the National Ensemble of Songs and Dances "Shota" in order to successfully perform the activity.</p> <hr/> <p>The purpose of this law is to amend and supplement Law 05/L-090 on Sponsorships in the Field of Culture, Youth and Sports. Article 2 Article 17 of the basic law, paragraph 1. is amended as follows: Article 17 Sanctions 1. In the amount of one thousand (1,000) to twenty thousand (20,000) Euros shall be punished for violation the legal person-the recipient of the sponsorship, if:</p> <ol style="list-style-type: none"> 1.1. does not enter into a written agreement with the sponsor or advertiser; 1.2. has not prepared a report on receiving sponsorship, advertising; 1.3. does not use the funds according to the agreement, while the sponsorship case will be returned to the sponsor; 1.4. the agreement and other documents are not stored for at least five (5) years. <hr/> <p>This law regulates the financial support and material support of cultural, youth and sports activities through sponsorships and advertisements.</p> <p>2. Through sponsorship of various activities in the field of culture, youth and sports, the general interest is realized which brings the improvement of individual and social life of citizens, business organizations, foundations, natural and legal persons in the Republic of Kosovo.</p>
--	---	----------------------------	--

<p>Youth and Sports</p> <p>Law No. 05/L-090 on Sponsorships in the Field of Culture, Youth and Sports</p> <p><i>(amended and supplemented by the Law above)</i></p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=13271</p>		<p>3. The purpose of sponsorship is the realization, support, promotion and support of activities and activities in the field of culture, youth and sports.</p> <p>4. Sponsorship is given to the recipient for the implementation of the general public interest from certain cultural, youth and sports activities, defined in the sponsorship agreement.</p> <p>5. This law is in accordance with the Treaty on the Functioning of the European Union (consolidated version), GZ C 326/74, dated 26.10.2012, and with the Regulation of the Council of the EU 2015/1588 (13.07.2015) on the implementation of Articles 107 and 108 of the Treaty on the Functioning of the European Union for Certain Categories of Horizontal State Aid, OJ L 248/1, 24.9.2015. Article 2 F</p> <p>Scope</p> <p>1. This law regulates:</p> <p>1.1. sponsorships given and received through financial and material support in culture, youth and sports;</p> <p>1.2. the purpose of granting and accepting sponsorship;</p> <p>1.3. designation of donor and recipient of sponsorship;</p> <p>1.4. allowable discounts made to sponsors;</p> <p>1.5. Identifying and controlling sponsorships in public activities and various activities in the field of culture, youth and sports.</p> <p>Article 10 Rights and obligations arising from the sponsorship agreement</p> <p>1. The beneficiary of the sponsorship may be a local natural or legal person who, in the name of accepting the sponsorship, must fulfill the obligations arising from the signed sponsorship agreement.</p> <p>2. The rights and obligations arising from the agreement in paragraph 1 of this article, must be in accordance with the Constitution, the laws of the Republic of Kosovo and international agreements which the Republic of Kosovo has signed or joined.</p>
---	--	--	---

<p>Regulation (MCYS) No. 01/2018 on Defining Criteria, Procedures and Form Concerning the Certificate of Sponsorship in the Field of Culture, Youth and Sports</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15916</p>		<hr/> <p>The purpose of this Regulation is to determine the criteria, procedures and form of certification of sponsorship in the field of culture, youth and sports, as areas of public interest as defined in Law 05/L-090 on Sponsorship in the field of culture, youth and sports and in accordance with the areas of responsibility of the Ministry of Culture, Youth and Sports Scope This Regulation will determine the general and specific criteria for sponsorships in the field of culture, youth and sports; procedures for issuing a certificate of sponsorship; sponsorship certification form; annual reporting procedure for realized sponsorship.</p> <p>Article 4 Special criteria in the field of culture Beneficiaries of sponsorship in the field of culture can be all public cultural institutions at central and local level. Beneficiaries of sponsorship in the field of culture can be independent artists who develop their activity within non-profit organizations and businesses, cultural non-governmental associations, including festivals which hold cultural activities in the field of theater, visual arts, music and film..</p> <p>3. All beneficiaries of sponsorship according to point 1 and 2 of this article, must be registered in the relevant institutions of Kosovo, according to applicable laws governing the support of cultural activities in the Republic of Kosovo.</p> <hr/> <p>The purpose of this law is to amend and supplement Law No. 2004/22 on Cinematography. Article 2 Article 55 of the basic law is amended as follows: Article 55 With a fine from ten thousand (10,000) euros to twenty thousand (20,000) euros, is fined for minor offenses the distributor, respectively the owner or the tenant of a cinema that</p>
---	--	--	---

<p>Law No. 06/L-119 on Amending and Supplementing Law No. 2004/22 on Cinematography</p>	<p>https://gzk.rks.gov.net/ActDetail.aspx?ActID=20499</p>	<p>Kosovo Cinema Center</p>	<p>changes the purpose of the activity of cinema without the consent of the CCK according to Article 8 of this Law. Article 3 Article 56 of the basic law is amended as follows: Article 56 1. With a fine from five hundred (500) euros up to ten thousand (10,000) euros is fined for minor offenses, respectively the distributor: 1.1. To show a film that is not equipped with a permit for public screening according to article 9 of this law or that has been denied the permission according to article 10 paragraph 2 of this law;</p> <p>1.2. Allowing minors under the age of fourteen (14) to access the cinema when the film is licensed under category "B", or minors under the age of eighteen (18) under Article 10, paragraph 1, point (b) and (c) of this Law; 1.3. Showing a film before 22:00 with content within the meaning of Article 10 paragraph 3 of this Law.</p> <p>Article 4 Article 57 of the basic law is amended as follows: Article 57 A fine of two hundred (200) Euros up to five thousand (5,000) Euros shall be imposed on a producer who does not act in accordance with Article 54, paragraph 1 of this Law. Article 5 Article 58 of the basic law is amended as follows: Article 58 A fine of five hundred (500) Euros up to two thousand (2,000) Euros shall be imposed for a minor offense on a member of the jury who has concealed information or the fact that constitutes an obstacle to being a member of the evaluation jury or who participated in the evaluation jury meeting despite the obstacles in article 43 paragraph 6 of this law.</p> <hr/> <p>This law defines the basic norms for the practice and progress of cinematography.</p> <p>25.1. The CCK has the authorizations and function given by this law and bylaws for its implementation.</p> <p>25.2. The CCK has the competence to evaluate and make decisions in order to promote and support the cinematographic activity in function</p>
--	--	------------------------------------	--

<p>Law No. 2004/22 on Cinematography (amended/supplemented by the above law)</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=2474</p>	<p>Kosovo Cinematography Center</p>	<p>of the objectives of the development policy and public interest from article 21 of this law.</p> <p>25.3. The CCK is in charge of managing the Cinematography Fund and is responsible for its effective and purposeful use.</p> <p>25.4. The CCK has the status of a legal person and legal capacity to enter into contracts and enter into other obligatory relations with third parties.</p> <p>25.5. The CCK cooperates with public authorities as well as with local and foreign institutions, organizations and associations in all matters of interest for the creation of a favorable environment for the development of cinematography, exchange of experiences and information.</p> <p>25.6. CCK cooperates with counterpart authorities outside Kosovo, cooperates and adheres to regional and other international organizations and associations in the field of cinematography, as well as participates in their activities.</p> <p>25.7. Creates and updates (updates) the database related to local and world film creativity, for the subjects that deal with cinematography in Kosovo, for the developments in the market of film works, for the production cost, as well as for the latest trends in creativity. and film technology, and makes the necessary information available to stakeholders. 25.8. The CCK will fulfill its duties and function in a full and professional manner, as well as independently from political influences, respecting the principle of transparency and non-discrimination.</p> <p>The Director of the KCC has the obligations, authorizations and responsibilities charged by law, the statute of the KCC and the decisions of the Steering Committee, especially:</p> <p>a) determines the operational policies for the fulfillment of the tasks of the KCC and the decisions of the Steering Committee, organizes the daily work and motivates, supervises and evaluates the work of the staff; hires employees by applying the competition procedure, assigns</p>
---	--	--	--

Concept Document on Art and Culture

			<p>the duties and responsibilities of employees and has other authorizations of the employer; takes care of working conditions and staff training related to management skills and effectively performs assigned responsibilities;</p> <p>b) represents the KCC;</p> <p>c) is responsible for the progress of the KCC activity in accordance with the law;</p> <p>d) prepares meetings and materials for meetings of the Steering Committee and drafts acts and other decisions that are the responsibility of the KCC, prepares the annual reports of the KCC;</p> <p>e) acts to maintain effective and correct relations with the Ministry of Culture and other institutions, with entities dealing with cinematography, with professional associations of creators, with counterpart partners;</p> <p>f) proposes the professional juries for the selection of film projects for subsidy, determines the amount of remuneration for the work of the members of the Steering Committee, of the juries, of the visioning commission.</p> <hr/> <p>This regulation defines the criteria and procedures for awarding Cinematography Awards by MCYS. Scope includes:</p> <ol style="list-style-type: none"> 1. Types of Prizes; 2. Responsibilities of the Minister and the Professional Jury; 3. Categories for which the Prize can be awarded; 4. Prize form and design; 5. The value of the financial award of the Prizes; 6. Competition procedures and institutions eligible for nomination; 7. Organizing the Award Ceremony
--	--	--	---

<p>Regulation on Awarding Prizes on Cinematography</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=15017</p>	<p>KCC</p>	<p>This Regulation determines the manner of appointment of the evaluation jury of the Kosovo Cinematography Center (hereinafter KCC) and working procedures, the manner of decision-making, voting and approval of film projects subsidized by the KCC as an institution under the Ministry of Culture, Youth and Sports.</p>
<p>Regulation (MCYS)- No. 08/2016 on the Work of the Evaluating Jury Concerning Film Projects that are Subsidized by the Kosovo Cinematography Centre</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=16252</p>	<p>Kosovo Cinematography Center</p>	<p>This Regulation regulates the manner of subsidizing film projects by the KCC.</p> <p>Scope includes:</p> <ol style="list-style-type: none"> 1. Institutions, organizations and individuals who can be subsidized by MCYS; 2. Criteria for subsidy rights; 3. Manner of application; 4. The process from application to closure of film projects; 5. Handling of documentation; 6. Appointment of the evaluation jury; 7. restrictions on participation in the competition. 8. Attributes of the KCC; 9. Distribution of profits from the exploitation of the film work; 10. Obligations of the producer. <p>This regulation determines the manner of functioning, duties and responsibilities, work procedures, convening and holding the meeting,</p>

<p>Regulation No. 05/2010 on the Organization and Functioning of the Kosovo film</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=8302</p>	<p>Kosovo film</p>	<p>framework in the field of cinematography, approves acts for the implementation of this law when it is in the responsibility of the CCK;</p> <p>11. Evaluates the effectiveness of the organization of the professional service of the CCK;</p> <p>12. Performs other activities related to the planning, decision-making process</p> <p>13. Supervises the work of the CCK.</p> <hr/> <p>Kosovafilm as a cultural institution is dependent on the MCYS; Kosovafilm is a film house for the production, distribution and screening of feature, documentary, short and animated films; Kosovafilm has the status of a legal entity and has the legal capacity to enter into contracts with third parties and to enter into binding relations with third parties.</p> <p>Activity</p> <p>Kosovafilm deals with the organization of national and international film festivals as well as:</p> <ol style="list-style-type: none"> 1. with studies in cinematography; 2. with the organization of Chinese tables; 3. with the publication of cinematographic literature 4. with the distribution of films produced or imported and with their screening and all that has to do with film; 5. Kosovafilm carries out its activity in full compliance with the Law on Cinematography No. 2044/22. 6. Kosovafilm reports to the MCYS Minister, respectively to the relevant body according to the structure of the hierarchy. <hr/> <p>This regulation aims to determine the ranks and salaries of creators and performers of culture and professional employees of cultural</p>
---	--	--------------------	--

<p>Regulation No. 05/2011 on the Ranks and Salaries of Creators and Performers of Culture and Professional Employees of Cultural Heritage</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=18785</p>		<p>heritage, working in institutions of culture and cultural heritage and which are under the auspices of the Ministry of Culture, Youth and Sports.</p> <p>1. The scope of the Regulation includes:</p> <p>1.1. Defining the institutions of culture and cultural heritage which are included in the grading process;</p> <p>1.2. Defining grading criteria;</p> <p>1.3. Regulation of Labour Relations;</p> <p>1.4. Functional promotion categories and salaries;</p> <p>1.5. Final provisions.</p> <p>Article 4 Cultural institutions</p> <p>1. Cultural institutions that create and perform art and culture are:</p> <p>1.1. Kosovo National Theater;</p> <p>1.2. Kosovo National Ballet</p> <p>1.3. National Song and Dance Ensemble "Shota";</p> <p>1.4. Kosovo Philharmonic;</p> <p>1.5. National Gallery of Kosovo;</p> <p>1.6. Kosovafilmi; 1.7. Kosovo Cinema Center.</p> <p>Article 18</p> <p>Additional payments on the basic salary</p> <p>1. Other forms of additional payments are made according to the relevant provisions of Labour Law No. 03/L-212.</p> <p>2. Creators, performers of culture and professional employees of cultural heritage, are not entitled to receive additional compensation for their work that has no legal basis in the Labour Law No. 03/L212.</p> <p>Article 20 Regulation of the employment relationship</p> <p>1. Employees belonging to the categories defined by this regulation,</p>
--	--	--	---

<p>Regulation (MCYS) No. 011/2019 on the Work of the Steering Council of the National Museum of</p>		<p>National Museum of Kosovo</p>	<p>who have regulated their employment relationship with Law No. 03/L-149 on Civil Service, in order to receive a salary according to this regulation, they must voluntarily relinquish their status as civil servants.</p> <p>2. Employees who waive the Status of Civil Servant enter into a new employment contract with the MCYS based on Law No. 03/L-212 on Labour, in the capacity of one of the categories defined by this regulation.</p> <p>3. MCYS is obliged to enter into a contract within 30 working days, with all categories regulated by this regulation.</p> <hr/> <p>This Regulation determines the manner of functioning, duties and responsibilities, working procedures, convening and holding meetings, the manner of decision-making and voting and other relevant clothing relevant to the work of the Steering Committee of the National Museum of Kosovo (hereinafter MCR).</p> <p>Scope</p> <p>1. The provisions of this are applied by:</p> <p>1.1. Steering Committee of the National Museum of Kosovo;</p> <p>1.2. Director of MCR;</p> <p>1.3. MCR organizational units;</p> <p>1.4. Relevant departments of the Ministry of Culture, Youth and Sports.</p> <hr/> <p>This Statute defines and regulates the mandate, activity, governing bodies and their competencies, history, establishment, functioning and re-functionalization, legal status, name, headquarters, seals and logos, legal position, internal organization and administration, sources of</p>
--	--	--------------------------------------	---

<p>Kosovo</p>	<p>https://gzk.rks-gov.net/ActDetail.aspx?ActID=32154</p>	<p>National Museum of Kosovo</p>	<p>funding and projects, representation, selection and organization of professional, administrative and technical staff, external collaborators and responsibilities of governing bodies for and around the National Museum of Kosovo (hereinafter MCR).</p>
----------------------	--	----------------------------------	--

Figure 3: The problem tree, which presents the main problem, its causes and effects

Effects

Concept Document on Art and Culture

1. Impossibility of effective use of financial resources;
2. Insufficient artistic production and professional services in some of the public institutions of central and local level;
3. Low audience development and insufficient service to citizens;
4. Unreasonable increase in costs versus cultural product;
5. Poor internal functioning of public cultural institutions;
6. Lack of archiving, documentation, research, development and cultural promotion at home and abroad against opportunities and potentials;
7. Low degree of interaction with other institutions such as: educational, scientific, international representation of the country, other sectors of the economy, public diplomacy and/or tourism, local level of government, etc.;
8. Insufficient subsidy and support of entities, initiatives and projects in the independent scene that have proven themselves in the cultural scene and abroad as successful operators;
9. Subsidizing requests and projects without references and evidence of the cultural product, respectively subsidizing projects and organizations that have promoted low quality artistic and cultural projects;
10. Loss of trust and impairment of effective communication in the minister/municipality-artistic and cultural community relations;
11. Lack of incentive schemes around private and non-governmental sector initiatives for investments in long-term cultural projects with an impact on cultural tourism;
12. With some exceptions, the conservation of cultural and social incentives that acknowledge and obey the state of functioning in terms of survival whether in the public or non-public sector;
13. Creating space for the dissemination and promotion of the controversial quality of artistic production, instead of genuine

- artistic development and education and emancipation of the public;
14. Impossibility of participation of the Republic of Kosovo with full rights in European cultural programs and agreements;

**The
main
problem**

Regulatory framework which hinders the realization of the cultural and artistic potential of the society and the state.

Causes

1. The design of the financial support scheme for the independent cultural scene under the influence of social, economic and other influences, the lack of priorities that would orient the distribution of funds, while from the public sector, the lack of willingness of the central and local level to create adequate structures that could ensure more effective use of funds;
2. Legal, organizational, functional uncertainties and lack of clear accountability systems;
3. Lack of funding criteria on the basis of conditionality with measurable programs for the development of new audiences, namely, lack of art programs in education, which would develop future audiences, lack of systematic mechanisms of promotion and communication with the public;
4. Conflict of competencies between governing bodies, ambiguities in the lines of accountability in the reports public institution-ministry/municipality, ambiguities between the lines of

Concept Document on Art and Culture

accountability within the institution itself in the reports: Steering Committee-director or general director-artistic director, lack of necessary positions in the administrative service as well as lack of trained staff;

5. Lack of legal basis for the establishment of new units or institutions that develop and implement cultural policies;
6. Lack of harmonized inter-institutional programs and legislation to achieve state objectives in the field of arts and culture that require cross-sectoral measures, namely insufficient initiative by the MCYS within the Government to develop these policies to include other areas of administrative responsibility;
7. Distribution of funds for more than two decades without strategic orientations and objectives, political, nepotistic or clan influence in determining support for cultural projects/initiatives in the independent scene, which has created practices, awareness and misperception of current forms of distribution of funds according to which, their allocation is not determined by certain procedure or other public policy criteria but is a discretionary act of state administration officials. This form of building a relationship with the community has damaged the mutual trust between the MCYS/municipality and the community, which is manifested in the unjustified contestation of initiatives to change current policies in culture;
8. Lack of comprehensive cultural policy;
9. Non-transposition of EU legislation.

Concept Document on Art and Culture

The following figure lists the identified stakeholders. It also indicates whether they are affected by causes, effects or both. In addition, the last column in the summary shows how they are affected. Chapter 5 provides information on how these stakeholders were consulted.

Figure 4: Stakeholder overview based on problem definition

Name of the stakeholder	The causes with which the stakeholder is associated	The effects with which the stakeholder is associated	The way in which the party is associated with the cause (causes) or effect (effects)
Kosovo National Theater; Kosovo Philharmonic; Kosovo Opera; National Ensemble of Songs and Dance SHOTA; Kosovo Cinematography Center; Kosovo National Ballet; National Gallery of Kosovo; National Museum of Kosovo	- Lack of programs and harmonized inter-institutional legislation to achieve state objectives in the field of culture that require cross-sectoral measures, namely, lack of initiative by the MCYS within the Government to initiate and develop these policies with the involvement of other sectors	- Insufficient artistic production and professional services in some of the public institutions of central and local level	- Poor internal functioning of public cultural institutions

Concept Document on Art and Culture

<p>Association of Municipalities of the Republic of Kosovo- Municipal Professional Collegia-DCRS</p>	<ul style="list-style-type: none"> - Loss of trust and impairment of effective communication in the minister/municipality-artistic and cultural community relations 	<ul style="list-style-type: none"> - Low degree of interaction with other institutions such as: educational, scientific, international representation of the country, other sectors of the economy, public diplomacy and/or tourism, local level of government, etc. 	<p>Define the mandate of MCYS with that of Municipalities</p>
<p>Municipal Cultural Institutions</p>	<ul style="list-style-type: none"> - Conflict of competencies between governing bodies, ambiguities in the lines of accountability in the reports public institution-minister/municipality - Lack of comprehensive cultural policy - Loss of trust and impairment of effective communication in the minister/municipality-artistic and cultural community relations 	<ul style="list-style-type: none"> - Insufficient artistic production and professional services in some of the public institutions of central and local level - Low audience development and insufficient service for citizens 	<ul style="list-style-type: none"> - Poor internal functioning of public cultural institutions

Concept Document on Art and Culture

<p>Independent scene</p>	<ul style="list-style-type: none"> - Designing a financial support scheme for the independent cultural scene - Lack of comprehensive cultural policy 	<ul style="list-style-type: none"> - Impossibility of effective use of financial resources - Subsidizing the requests and projects without references and evidence of the cultural product, respectively subsidizing the projects and organizations that have promoted low quality artistic and cultural projects 	<ul style="list-style-type: none"> - Legal, organizational and functional uncertainties as well as the lack of clear accountability systems has reduced the capacity for higher artistic production and lack of efficiency for advancement and expansion of professional services
--------------------------	--	---	--

Chapter 2: Objectives

Objective 1: Administrative reform of national cultural institutions to ensure their financial autonomy and institutional sustainability..

Objective 2: Organizational, functional reform and internal consolidation of public cultural institutions and museums.

Objective 3: Improve the budgeting structure of public cultural institutions-diversify these resources and regulate procedures

Objective 4: Advance public cultural policies with sectoral and cross-sectoral scope

Figure 5: Relevant Government Objectives

Relevant objectives	Name of relevant planning document (source)
Strategic Objective/Specific Objective	
<p>Strategic Objective 1: Administrative reform of national cultural institutions to ensure their financial autonomy and institutional sustainability..</p> <p>Specific Objective 1.1: Drafting specific primary and secondary legislation in the field of cinematography;</p> <p>Specific Objective 1.2: Drafting coherent legislation, harmonized with the Constitution of the Republic of Kosovo and laws with systematic regulation of the state administration that reflects the requirements of public policies for a suitable environment for cultural development;</p> <p>Specific Objective 1.3: Legal regulation of the status of independent artists;</p> <p>Specific Objective 1.4: Regulation of issues related to the field of culture for which institutions and departments with other scope are responsible, foreign affairs, diplomacy, education and science, etc.;</p> <p>Specific Objective 1.5: Defining the status and determining the basis for the organization and functioning of public cultural institutions and employees in these institutions;</p> <p>Specific Objective 1.6: The legal status of the independent cultural scene through the development and approval of a set of adequate procedures for the structured and programmatic support of the sector taking into</p>	

Concept Document on Art and Culture

<p>account the specific characteristics;</p> <p>Specific Objective 1.7: Establish a legal basis for the establishment of institutions or units responsible for documentation, cultural diplomacy and cultural promotion, the museum of contemporary art and the merging or merging of existing institutions</p>	
<p>Strategic Objective 2: Organizational, functional reform and internal consolidation of public cultural institutions and museums.</p> <p>Specific Objective 2.1: Establishment of structures with clearly defined responsibilities in cultural promotion, research development and publication of studies as well as preservation of cultural heritage and creativity;</p> <p>Specific Objective 2.2: Financial and functional sustainability of public institutions through decentralization of responsibilities for financial and internal administrative management;</p> <p>Specific Objective 2.3: Digitalization and access to cultural materials and collections;</p> <p>Specific Objective 2.4: Human capacity building in the field of culture and creation of functional professional, technical, administrative and logistical structures;</p>	
<p>Strategic Objective 3: Improve the budgeting structure of public cultural institutions-diversify these resources and regulate procedures</p> <p>Specific Objective 3.1: Establish legal, administrative and logistical mechanisms and conditions for the</p>	

<p>functioning/increase of own source revenues from rents for use of theaters, museums, galleries, libraries, ticket offices in public theaters, public museums, public ensembles, Philharmonic Kosovo, Kosovo Opera, use of library services, etc.;</p> <p>Specific Objective 3.2: Establish structures and train the staff responsible for financial management and control in public institutions;</p>	
<p>Strategic Objective 4: Advance public cultural policies, with sectoral and cross-sectoral scope</p> <p>Specific Objective 4.1: Establish a national program of public investments for the development of the missing cultural infrastructure and the revitalization of the existing one, including the restoration, adaptation, creation of spaces of this type;</p> <p>Specific Objective 4.2: Develop human capacity for effective management of public investments and development of projects involving forms of public-private financing;</p> <p>Specific Objective 4.3: Develop mechanisms for cooperation and involvement of the independent scene in decision-making and in the construction of cultural policies</p> <p>Specific Objective 4.4: Develop support programs for professional development in the independent cultural scene, including expertise in access to funds;</p> <p>Specific Objective 4.5: Develop a reasoned program for advancing the initiative to change fiscal policies in order</p>	

Concept Document on Art and Culture

<p>to create fiscal facilities for areas of special cultural interest such as: cinematography, publishing, books and cultural tourism;</p> <p>Specific Objective 4.6: Establish a joint mechanism between the MCYS and the independent scene with cross-sectoral involvement, the relevant Ministry of Foreign Affairs, the diplomatic service and cultural centers for programmatic artistic and cultural exchange with other countries;</p> <p>Specific Objective 4.7: Develop public policy for the treatment of public spaces as cultural spaces for the independent stage, independent artists and local communities;</p>	
--	--

Tool 18: Regulatory competition test

On the occasion of drafting the Concept Document on Art and Culture, the legal, institutional and policy frameworks of the countries of the region and the European Union in the field of Art and Culture were researched and consulted. With special emphasis, the Working Group has researched the legal and institutional framework of countries such as Albania, Montenegro and Croatia.

Research has shown that different countries have different practices of the legal and institutional framework in the field of art and culture. In this regard, it has been noted that certain countries have special laws on art and culture as well as specific laws governing the scope of public institutions of art and culture (e.g. the case of the Republic of Albania, North Macedonia, Montenegro) and countries that do not have unified laws on culture but specific laws that regulate specific issues in the field of art and culture as in the case of the Republic of Croatia.

The legal framework in the field of art and culture in the Republic of Albania consists of the Law on Art and Culture; Law on Libraries; Law on Archives; Law on Cinematography; Book Law; Law on copyright and other related rights, etc.

The Law on Art and Culture defines "the general principles, the rules of organization, functioning, realization and financing of art and culture, as well as the rights and obligations of the subjects, whose object of activity is art and culture". This act determines the status, activity, sources of funding, governing bodies, competencies, the head of public institutions of art and culture in the Republic of Albania. The law in question also regulates such issues as: financing of projects and artistic and cultural activities; private art and culture entities; artistic quality reward fees etc.

Meanwhile, in the case of Croatia, as mentioned above, there is no unified law on culture. The most important specific laws and regulations that are fully or partially related to culture and media are: Law on Management of Cultural Institutions; Law on Cultural Councils; Law on financing public needs in culture; Law on Copyright and Related Rights; Law on Museums; Law on Museums by Ivan Mestrovic; Law on Archival Material and Archives; Law on Theaters; Law on Audiovisual Activities; Law on Protection and Preservation of Cultural Assets; Law on Library Activity and Libraries; Law on the Nova Culture Foundation, Law on the Rights of Independent Artists and the Promotion of Cultural and Artistic Creation; Law on artistic education, etc.

In the case of Montenegro, the Law on Culture defines the tasks of public interest in culture, the regulation of cultural institutions, the status and rights of artists and cultural experts, measures to encourage and support the development of culture, the financing of culture and other important issues to culture.

One of the purposes of the adoption of this act was the development of culture, as an activity of public interest, based on freedom of creation and respect for the right to culture; the promotion and development of cultural and artistic creativity and the protection and preservation of cultural heritage; equal preservation of all cultural identities and respect for cultural differences; development and improvement of the cultural system, in accordance with international standards, especially with the standards of the European Union; establishing efficient, rational and creative management in culture; transparency in culture; respect for and protection of copyright and other related rights; democratization of cultural policy and decentralization of organizing and financing of culture.

Other laws in the field of art and culture are as follows: Law on Cinematography; Law on Protection of Cultural Property; Law on Museum Activity; Law on Archival Activity, Law on Library Activity, etc.

From the cases researched / reviewed, the Working Group has taken into account certain experiences of legal regulation for certain issues such as the case of determining the governing bodies/heads of public cultural institutions in the case of the Republic of Albania and in this regard it is considered that the manner of appointing the heads of public institutions should be done according to this model. Meanwhile, from the experience of the Republic of Croatia and Montenegro, the model of regulation with a special legal act in the field of museology, will be taken into account when drafting the legal framework with the only difference that the structure of such legal norms would be integrated in the law on art and culture. In the case of the legal framework in force of the Republic of Croatia, the issue of the status of independent artists and the manner of selection of the governing bodies for the management of the Kultura Nova Foundation were also examined and analyzed. Regarding the issue of the status of independent artists and the promotion of cultural and artistic creation, in contrast to the Republic of Croatia, it is intended that the same be regulated by the law on art and culture and not by a special law as in the case of Croatia.

Chapter 3: Options

In this chapter, the proposing body has reviewed and analyzed the problems identified in this concept document in three different options:

3.1 No-change option;

3.2 Option to improve the implementation of the existing regulatory framework;

3.3 Option of interventions with combined, legislative measures, review of the policy framework as well as increase and strengthening of administrative and professional capacities (recommended);

Chapter 3.1: No-change option

The first option, without changes, would maintain the current policies and the implementation of legislation in force, as a result of which the identified challenges of the functioning of cultural institutions and other actors would continue. Non-intervention would escalate the situation in a negative context as many identified issues are not to be resolved without legal regulation, issues such as reform, sustainability and financial autonomy of public cultural institutions; the status of artist and independent scene could also not be addressed.

Chapter 3.2: Option to improve implementation and implementation

The second option is to improve current policies as well as implementation and enforcement of current legislation.

This option has been analyzed in direct proportion to the extent of regulatory problems described in the relevant chapter, and the potential of the option brought about by better implementation and execution if assessed would have been applied to the greatest extent possible.

Based on the conclusions of the analysis under this option, the situation is as follows:

- 3.2.1 It conditions the allocation/utilization of large resources while the final results will be unsatisfactory even with the possibility of further deterioration;
- 3.2.2 Again there would be issues of systemic importance that according to the legal system of the Republic of Kosovo, can not be resolved without legal regulation;
- 3.2.3 Outdated and largely unenforceable legislation would continue to enter into force, undermining public confidence in the values of law and order by upholding non-enforceable legal provisions;
- 3.2.4 The situation would continue where public cultural institutions, employees in these institutions and independent artists would not have a resolved legal status;
- 3.2.5 The permanent resolution of the conflict of competencies between the governing bodies of public cultural institutions could not be addressed as these competencies are regulated by current laws;
- 3.2.6 It can not regulate the legal status of the independent cultural scene as a separate sector with tremendous potential for the field of culture and cultural diplomacy;
- 3.2.7 It does not enable the transposition of the updated EU Aquis following the adoption of current laws in the field of culture. Potentially, attempts to resolve this issue in other forms could lead to legal collision, regulatory deficiencies and other anomalies;
- 3.2.8 It increases costs to ensure effective management of cultural institutions. Currently, the current regulation brings distortions of the type of double payment with public resources for a certain service.
- 3.2.9 It weakens incentives within the management of cultural institutions for initiatives that strengthen internal capacities because this form increases the lack of confidence in the effectiveness of current policy;
- 3.2.10 It is impossible to harmonize the current laws with the laws on the organization and functioning of the state administration and to regulate the legal position of public officials as a source of identified regulatory defects;

Chapter 3.3: The third option

In the framework of the third option (recommended option), the regulatory intervention with combined measures was analyzed, as follows:

3.3.1. Legislative measures;

3.3.2. Review of the public policy framework-drafting the National Culture Strategy

3.3.3. Increasing and strengthening administrative and professional capacities for the public culture sector.

3.3.1 General summary of issues to be resolved through legislative measures (drafting and adoption of new laws)

Interventions through legislative measures - primary legislation shall enable the addressing of the following issues:

- The reform of the current cultural legislation drafted in a period when there were other social, political, economic, legal and technological circumstances (outdated legislation) shall be enabled.
- Repeals the current legislation on art and culture which during implementation in practice, it is assessed that it can not be fully or partially implemented, with the content of unnecessary provisions - over-regulation, which even in certain cases exceeds the regulatory scope of law and the institution responsible for implementation (MCYS / municipality / cultural institution).
- It would make possible drafting of provisions that are currently missing in the sectoral legislation but that are requirements from the general legislation of the state administration
- Through legal interventions, the legal definition of the status of the institution is achieved (structural level of public institutions, public service unit or public service institution);
- Determining the status of employees;
- Relevant admission/recruitment procedures would be harmonized for which there is currently a lack of clarity of procedures;
- Provides the legal basis for the development of organizational charts - description of the mandate of organizational units, respectively description of tasks for the employees/engaged;
- The missing legal basis for the acts of secondary legislation regarding the organization of working hours shall be created, taking into account the special nature of the sectors within the field of art and culture;
- Harmonization of the necessary criteria for effective interpretation and implementation of legal provisions for the application of special rules for financing/subsidizing projects of public cultural institutions would be achieved, taking into account the specific nature

Concept Document on Art and Culture

of the field of creativity and artistic presentation, more specifically aspects requiring special treatment due to restrictions by copyright and or wholly specific artistic or performance requirements which relate to a particular physical or legal entity;

- It enables materialization of the request that is public interest for the recognition of the special legal status of the independent cultural scene; as well as the implementation of the relevant effective scheme of financial, technical and logistical support of the independent culture sector - reduction of regulatory defects in the evaluation of cultural initiatives and projects during the distribution of funds/subsidies;

- It enables the establishment of new units and institutions without which the successful application of public and cultural development policy can not advance and expand, as well as the merging and unification of those that do not have reasonable reasons for independent functioning. This requires clearly defined legal authorizations as a measure supporting public cultural sector reforms (establishment of the Museum of Contemporary Art and the Center responsible for documenting, researching, studying and promoting culture and art).

- Establishment of a legal basis for the elimination of defects that have produced systemic weaknesses, inconsistent managerial instability in the management and functioning of institutions, mainly as a result of the current way of appointing and functioning of the governing bodies of cultural institutions;

- Review of the current legal regulation of the criteria, mainly of professional qualification, for the holders of functions in the governing bodies in accordance with the description of duties and responsibilities - harmonization of general and specific criteria in relation to the duties of the leading positions;

- Elimination of current forms due to regulated legal competencies that cause artistic decision-making spread at many levels and consequently lack of accountability for artistic programs;

- Legislative measures enable the review of the current regulation of the appointment of governing bodies where there is clearly a large space for politicization of institutions, then the review of the functional relationship between the relevant Ministry of Culture or a certain municipality with the cultural institution at central or local level, in terms of clarification of functional relations, respectively increasing the degree of decentralization of responsibilities and resources for cultural institutions, addressing the status of independent artist, the status of independent cultural employees, etc.

- The option is also related to the implementation of the obligations of the Republic of Kosovo deriving from the SAA, respectively the transposition of EU law in the legal system of the Republic of Kosovo. As a result of the measures for the implementation of this concept document, the obligations for harmonization of the following acts are fulfilled:

-Council of Europe Convention on Cinematographic Co-production;

DIRECTIVE 93/7 / EEC of 15 March 1993 on the return of cultural objects which have been removed illegally from the territory of a Member State;

- DIRECTIVE 96/100 / EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 February 1997 amending the Annex to Directive 93/7 / EEC on the return of cultural objects which have been unlawfully removed from the territory of a Member State;

- DIRECTIVE 2001/38 / EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 June 2001 amending Annex 93 to Directive 93/7 / EEC on the return of cultural objects which have been unlawfully removed from the territory of a Member State;

-COUNCIL REGULATION (EC) No. 116/2009 dated 18 December 2008 on the export of cultural goods.

More specifically, the proposed legislative measures aim to achieve the following goals:

1. Drafting a new law on art and culture which would also include:
 - 1.1. Organization, functioning and activity of museums;
 - 1.2. Publishing activity and books;
 - 1.3. Theaters;
 - 1.4. Visual arts;
 - 1.5. Philharmonic, opera, ballet and ensemble activities;
 - 1.6. Cultural diplomacy;
 - 1.7. Creative industry;
 - 1.8. Cultural documentation, research, publication and promotion;
 - 1.9. Adjusting the role, status and manner of building cooperation with the independent cultural scene;
 - 1.10. Determining the status of an independent artist, etc.
 - 1.11. Establishment of local institutions of culture and art, including museums based on criteria that conditional increase of budget support by municipalities during the drafting of budget projections;
2. This law shall repeal the laws related to culture due to the elimination of problems widely identified in the relevant chapter, respectively the following laws: Law on Cultural Institutions, Law on Theaters, Law on Cinematography, Law on Books and Publishing Activity, the Law on the National Ensemble of Songs and Dance “Shota” and the Law on Libraries;

3. Drafting a special law that aims to regulate the field of cinematography in which new developments in the film and cinematography industry will be addressed and a stable legal basis for the film fund will be created and the issue will be addressed. of cinematic heritage created over the years in Kosovo, etc.;
4. In this process of reforming the regulatory framework in the field of culture and in order to apply support measures that increase and further enhance the institutional stability of cultural institutions, it is necessary to create a legal basis that enables the review of the current way of selection, appointment, evaluation. and dismissal of governing bodies following the principles of transparency, inclusiveness and accountability¹;
5. According to the analysis of the generation of problems in the scheme of financial support of the independent cultural scene as elaborated above as a result of the current cultural policy, it is necessary to create a legal basis that reforms the current way of financial support for the independent cultural scene combining responsibilities in the format:

5.1. administrative criteria remain the responsibility of the MCYS while;

5.2. criteria for substantive, artistic and cultural evaluation as well as the extent of other impact of the proposals, a mechanism provided by law, with joint representation between: MCYS, civil society, experts, accredited universities and other scientific and cultural institutions;

This legal basis would create the possibility for the independent cultural scene to be given a special legal status as an area of public interest with high potential for impact on the advancement of the cultural environment in the Republic of Kosovo and through this regulation, the possibility is created that some from the conventional rules of financial support and that have generated problems identified above to be eliminated, while, taking into account the special requirements of the treatment of cultural initiatives and projects generated by the independent scene, to maximize the effects of allocation of public resources.

More specifically, this would be achieved by designing special support programs with clear formal criteria for the entities that make up the independent scene such as: non-governmental organizations, individuals or businesses which are evaluated by the MCYS administration and also the creation of a mechanism. special composition between the heads of cultural institutions, the academic community in the cultural and artistic fields of higher education institutions and civil society personalities who would have the responsibility to, beyond the formal criteria, assess the cultural, artistic and/or economic and social impact of these projects and initiatives.

¹ The issue in question shall be regulated within the draft law on Art and Culture

Further, this is achieved by creating the legal basis for the issuance of legal acts of secondary legislation that would define the rules, criteria, standards and procedures for special support programs, legal deadlines, application composition, creation, composition, working procedures and decision-making of the special evaluation mechanism, content of the projects/initiatives of the operators that make up the independent scene as well as the control procedures of the decision-making of both evaluation levels, respectively the right of appeal as a constitutional standard based on the constitutional system of the Republic of Kosovo. Secondary legislation, in order to increase legal certainty, transparency and control, should be proposed by the MCYS based on its mandate, while the approval should be authorized by the Government of the Republic of Kosovo.

Comparative models – Kultura Nova in Croatia:

In this regard, the Working Group has researched examples from EU countries and more specifically the case of the Kultura Nova Foundation in Croatia, namely the legal and institutional framework (structure, scope, mandate) of this institution.

6. Kultura Nova was established by a special law adopted by the Croatian Parliament on 15 July 2011 as a foundation, whose main purpose is to promote and develop civil society in the Republic of Croatia in the field of contemporary art and culture.

Kultura Nova is not a competitive or substitute source of funding for existing institutions at the national or international level, which continue to provide funding for cultural programs in the civil sector, rather it aims to serve as an additional measure within the culture funding system.

According to Article 3 of the Law on the Establishment of Kultura Nova²:

The aim of the Foundation is the promotion and development of civil society in the Republic of Croatia in the field of contemporary culture and art.

To achieve its goal, the Foundation provides professional and financial support for the programs of civil society organizations in culture in order to:

- encourage the development of production and organizational capacities of program holders,
- raise the level of professional activity through non-formal education and professional development,
- encourage the establishment of cross-sectoral cooperation,
- promote networking and programmatic cooperation at national, regional and international level,

² <https://www.zakon.hr/z/484/Zakon-o-zakladi-Kultura-nova>

Concept Document on Art and Culture

- encourage the artistic creativity and cultural activities of young people,
- encourage other programs aimed at achieving the goal of the Foundation.

Kultura Nova is financed from the part of the revenues from the games of chance in accordance with the Law on Games of Chance and the decision on the criteria for determining the beneficiaries and the manner of distribution of a part of the revenues from games of chance and basic Assets, revenues from basic assets, other revenues in accordance with the law.

The bodies of the Foundation are the Chairman of the Foundation and the Board of Directors.

The foundation is managed by the Board of Directors. The board has five members. The members of the Governing Board are appointed and dismissed by the Government of the Republic of Croatia on the proposal of the Minister of Culture. The proposal for members of the Governing Board is determined following a public call to which representatives of civil society organizations in culture and prominent public figures involved in the development of civil society in the Republic of Croatia can apply. The public call for candidates eligible to become members of the Board of Directors lasts 15 days, and is published by the manager of the Foundation. After the deadline for the application of the candidates, the manager of the Foundation submits to the Ministry of Culture the list of candidates together with their applications to determine the proposals for the members of the Board of Directors³.

The mandate of the members of the Board of Directors lasts four years, with the right of reappointment.

The Government of the Republic of Croatia may dismiss a member of the Board of Directors if he/she fails to perform his/her duties conscientiously, in accordance with the law, other regulations and general acts of the Foundation, if he/she is found to have professional or property interests contrary to the interests of the Foundation, the reputation of the Foundation, or does not meet any of the requirements of the law governing the operation of the Foundation.

The members of the Board of Directors elect the chairman and the deputy chairman by a majority vote of the total number of members of the Board of Directors.

The Chairman and the members of the Board of Directors perform their duties without pay.

Board of Directors:

- approves the Statute of the Foundation upon the proposal of the Manager of the Foundation,
- appoints and dismisses the director of the Foundation,
- approves the rules of procedure,
- approves the regulation on the conditions and the procedure for the allocation of funds for the purposes of the Foundation;

³ <https://www.zakon.hr/z/484/Zakon-o-zakladi-Kultura-nova>

- makes decisions on the allocation of funds and supervises the use of the Foundation's funds,
- makes decisions regarding the implementation of its programs,
- decides on the use of the assets of the Foundation,
- submits reports on the work of the Foundation to the Government of the Republic of Croatia and state bodies in accordance with the law governing the functioning of the Foundation, and
- performs other tasks in accordance with the law and the Statute of the Foundation.

The Head of the Foundation is appointed and dismissed by the Board of Directors by a majority vote of the total number of members of the Board of Directors. The decision to appoint the director of the Foundation is made on the basis of a public competition.

The mandate of the head of the Foundation lasts four years, with the right of reappointment.

Head of the Foundation:

- represents the Foundation,
- implements the decisions of the Board of Directors,
- manages the operations of the Foundation in accordance with the decisions of the Board of Directors,
- is responsible for the legality of the work of the Foundation,
- proposes to the Board of Directors the financial plan and the final account of the Foundation,
- submits to the Board of Directors reports on the work of the Foundation twice a year and always upon request, and
- performs other tasks in accordance with the law, other regulations and the Statute of the Foundation.

(2) The Director of the Foundation may not be appointed from among the members of the Board of Directors, but has the right to participate in the work of the Board of Directors without the right to vote and the right to propose issues that will be included on the agenda of the Board of Directors.

(3) The Head of the Foundation may issue a written power of attorney to another person for the performance of certain types of legal actions and the undertaking of legal actions in the name and on behalf of the Foundation within his/her competencies.

The Republic of Kosovo may partially consider some of the advantages offered by the model analyzed above, namely the model of Kultura Nova in Croatia, however, there is no data that could argue the idea of translation in the current structure of public policies of the Republic of Kosovo, of achieving goals through this form. All this taking into account the general level of economic, social, educational development, etc. However, this model has served to ascertain the importance of the involvement of the academic, cultural, civil society or media community in determining the cultural and artistic value of independent scene initiatives and projects, combining this potential with the administrative capacity of the state administration. Such an option, explained above, is recommended.

6. In line with the problems identified in Chapter I, from the research of alternative solutions to problems related to unjustifiable obstacles arising from the Law on Public Procurement and the Law on Pension Schemes Financed by the State, no solutions have been

found other than the recommendation to the Government of the Republic of Kosovo that in cooperation with the responsible ministries to include the amendment and supplementation of the two respective laws (Law on Public Procurement and Law on Pension Schemes Financed by the State) which would address the following problematic issues:

6.1. Exclusion from public procurement of all services, supplies and works that fall into the category of services/supplies or works with artistic content and that are protected by the Law on Copyright and Related Rights and

6.2. Inclusion of pensions of public cultural service employees who have special requirements in terms of psycho-physical skills to practice the profession of dancer, certain types of instrumentalists such as wind instruments, etc., in the current state-funded pension scheme according to the age of 45, 50 respectively 55 years old, under the condition that they do not exercise any other job/profession from which they generate personal income.

3.3.2 General summary of issues to be resolved through the review of the public policy framework

Improving the implementation of the existing strategic regulatory framework

Despite that the Ministry of Culture, Youth and Sports, has initiated the drafting process for several times, it has not managed to finalize and proceed for approval the National Strategy for Culture as the key document defining the objectives and organized and systematic actions in a field with related characteristics of public policy. More specifically, Kosovo does not yet have a culturally approved strategic document and many of the problems identified and proposed problem-solving measures cannot be addressed in any option other than strategic documents.

Development of a strategic framework with cross-sectoral approach regarding the needs of art and culture in the Republic of Kosovo, enables the addressing of the following issues:

- Creating facilities for the adaptation and restoration of infrastructure spaces for the presentation and preservation of heritage and cultural creativity;

Concept Document on Art and Culture

- Development of a program for the construction of physical spaces for the organization of cultural activities (concert hall, opera house, museums, fairs, etc.).
- Clear definition of financial support for research, conservation, promotion, education, cultivation, human capacity building and support for deficient staff through support for professional advancement. This can be achieved by setting a percentage of the budget allocated to these categories.
- Integration of the data system according to Compendium, being reorganized to adapt to the cultural reform, collection of statistics, shaping of the database, etc.
- Synchronization of foreign policy with cultural policy-MPJD and MCYS to create strategies of Cultural Diplomacy and Culture in Foreign Relations
- Zhvillimi iCreative Industry Program-cultural tourism, architecture, restoration, heritage, communication and branding, fashion design, music crafts, handicrafts, film industry, production, etc.;
- Identification and mapping of cultural economy;
- In coordination with the MFT, to create fiscal facilities for the field of culture in general, but also areas of special public interest;

These are issues that have been identified and which require cross-sectoral instruments of public policy where the National Strategy for Culture is considered as a key tool with potential to address these programs. To a large extent, these orientations are not issues that require legislative intervention. It is recommended that the National Strategy for Culture be a cross-sectoral strategy because the problems that so far have been found to have as their object of treatment, at least include other sectors such as: education, science, diplomacy, local government, etc.

Referring to the content addressed in this concept document, it is recommended that the Government of the Republic of Kosovo approve the proposal to begin drafting the National Strategy for Culture addressing the need for cross-sectoral approach, namely authorizing other areas of administrative responsibility outside the MCYS to support developing objectives that address priorities in the field of culture.

Increase and strengthen administrative and professional capacities for the public sector of arts and culture.

A significant part of the problem described in Chapter I of this concept stems from the fact that public cultural institutions lack consolidated internal administrative services. On the other hand, there is a systematic, financial, technical and logistical dependence on the Ministry and municipalities which has a direct impact on the level of performance, ie the efficiency of the implementation of cultural and artistic programs or reducing the potential of cultural product and works of art that the same reach the public. The long-term solution is estimated to be achieved through the creation and consolidation of these internal services which are costed by this

concept document as a result of multi-year analysis of needs and forms for problem solving. Consolidation of these services necessarily leads to the increase of administrative and professional staff to the appropriate extent and quality, respectively to the level that enables these institutions to function more autonomously and functional stability, organizational and logistical as a prerequisite for advancing processes within these institutions.

The Government of the Republic of Kosovo is recommended to allocate the necessary funds that cover the requirements included in this concept document and which would enable addressing the long-standing challenges within public institutions⁴. In concrete terms, the volume of requests for administrative and professional support staff is presented in the financial impact form.

As regards the local level, MCYS plans to draft criteria and professional and technical standards for the registration and certification of local cultural institutions which would be established in accordance with the competencies of local government, criteria that would necessarily be drafted by defining the condition to increase funding from municipalities for culture.

Chapter 4: Identifying and Assessing Future Impacts

The table below presents the most significant impacts that have been identified. Annexes 1 to 4 present the assessment of all impacts in accordance with the tools for identifying economic, social, environmental and fundamental rights impacts. These tools are listed in the Concept document Drafting Manual. The four appendices also show the assessment of the significance of the different impacts and the preferred level of analysis.

Figure 6: The most significant impacts identified by impact category

Categories of potential impacts	Option 1	Option 2	Option 3
Economic impacts	It can be argued that by not changing the current situation and the legal framework in force, the negative effects described in option 1 will continue, which may further deepen the consequences in terms	The actions proposed for option 2 will have temporary impacts on the problems identified.	The application of option 3 creates the basic conditions for the implementation of diversified measures, which create the opportunity for the development of potentials and increase the efficiency of public resources with increasing

⁴ In the annex of this concept document is the Financial Impact Assessment which clearly shows the financial implications for the implementation of this document

Concept Document on Art and Culture

	of discouraging ideas and initiatives, which in turn leads to a reduction in investment. , which systematically negatively affects the performance of cultural and economic entities and at the same time in the workplace.		economic impacts. The option in question will have direct impacts on increasing competitiveness by increasing economic activity in the fields of creative industry, cultural tourism, etc. Applying this option can have a direct impact on job creation.
Social impacts	There are no/or negative impacts on social cohesion, ie the creation of space for the fading of common values that identify an open and democratic society. Option 1 has minimal impacts on cultural diversity, unsustainable funding of cultural organizations and unsatisfactory impact on the preservation of cultural heritage beyond achievements to date.	Negative impacts under option 1 would appear to a lesser extent in option 2, but again could not be prevented. The selection of this option could increase the financial support of cultural organizations and increase the opportunities for people to benefit from or participate in cultural activities, but not at the intended level.	Option 3 will have all the effects of of cultural life and cultural creativity. It would influence the promotion and growth of the audience, the values that strengthen social community, capacity building, preservation and expression of cultural diversity.
Environmental impacts	None	None	Selecting option 3 could have the following effects: Adaptation of buildings- avoidance of the use of harmful materials from old buildings

Concept Document on Art and Culture

			(especially in former industrial buildings); Reduction of pollution by demolition; Reduction of pollution and energy consumption from new re-uses and adaptations; Reducing paper usage through the initiation of digitization.
Impacts on fundamental rights	Through the first option the unchanged state will be saved.	This option affects the fundamental rights of citizens. It will first have an impact on human dignity and integrity.	This option also affects the fundamental rights of citizens. In addition to the impacts mentioned in option 2, this option will have additional positive impacts on participation and access to cultural life, raising awareness and better enforcement of cultural rights.
Gender impact	Option 1, there are no direct gender impacts beyond the current situation, would continue a situation with not fully exploited opportunities for progress.	Option 2, has no significant gender impacts.	Option 3 is predicted to have greater positive impacts given the fact that the outcome of the proposed measures would energize the entire cultural and artistic life. A society more open and exposed to forms of cultural and artistic expression is an important precondition for gender awareness, advancement and advancement. On the other hand, increasing competitiveness, the positive impact on doing business in culturally related sectors , is

Concept Document on Art and Culture

			considered a real opportunity to increase jobs without gender exclusion as one of the key opportunities for advancing gender policies.
Impacts of social equality	None	None	None
Impacts on young people	None	None	The selection of option 3 will have impacts on youth employment through audience development, support measures for non-formal education programs, volunteering, support of deficit programs as well as promoting the involvement of young people in cultural and artistic activities, employment.
Impacts on administrative workload	The current situation would allow the continuation of the negative impact of the inadequate administrative structure on the activity of public and non-public entities in the cultural and artistic life.	Applying this option would positively affect the reduction of negative effects but without providing long-term solutions.	Option 3 envisages capacity building of existing administrative structures with a positive impact on achieving acceptable standards for efficient administrative management and effective policy implementation.

Concept Document on Art and Culture

Impact of SMEs	The current situation offers limited opportunities for increasing the number of SMEs.	Option 2, respectively by making a better implementation of the existing rules, would definitely bring improvements for medium and small enterprises, but not at the possible target level.	Option 3 creates the conditions for a more systematic and comprehensive application of supportive policies, including a reformed legal framework, a consolidated institutional framework, and more effective public resource support. All this encourages in some cases directly and in some indirectly the increase of economic activity or even the increase of the number of SMEs.
----------------	---	---	---

Chapter 4.1: Challenges with data collection

During the data collection, the working group developed questionnaires addressed to public cultural institutions, the Association of Kosovo Municipalities, relevant directorates for culture, local cultural institutions, independent scene and museums. Data collected from public meetings with cultural and artistic communities were also used.

The working group regarding the questionnaires has partially received important data that could more closely determine the current situation. The challenge has been the incomplete presentation, the pronounced lack of statistical data or in other cases the incomplete presentation of the data.

The identified challenge was also the non-response despite the continuous efforts to contact and consult the respective actors.

On the other hand, the working group used the following information:

- Reports of the National Audit Office;
- Financial reports of the MCYS Budget and Finance Division;
- Annual reports of the Kosovo Agency of Statistics;

- Public funding reports from the Department of Culture/MCYS;
- Annual Work Reports of public cultural institutions;
- Data provided by the Human Resources Management Division;
- Reports/research from various local and international cultural organizations.

Chapter 5: Communication and consultation

Prior to the drafting phase of this concept document, the Ministry of Culture, Youth and Sports has already organized a series of direct meetings through open public discussions where all stakeholders in the field of culture have been involved. In fact, this discussion process was carried out in all seven regions of Kosovo, where the representatives of the local level of policy-making in culture, the community of the independent cultural scene, independent artists as well as other parties and stakeholders were involved.

The parties who have been notified of the initiative for a comprehensive cultural reform, and which precedes this concept document, were the leaders of national cultural institutions, the leaders of municipal directorates of culture, representatives of local cultural institutions, members of Civil Society Organizations who deal with and carry out activities within the scope of cultural activities, including associations and networks of cultural organizations and other parties that have a primary interest in culture.

For an inclusiveness and a more proactive approach, professionals coming from the field of culture have been included in the working group for the drafting of this concept document in addition to the members who are representatives of the institutions, combining and coordinating the group with a modality from institutional and external points of view, from the point of view of the artistic and cultural community itself.

In the phase of preliminary consultations, the document will be distributed to central level institutions affected by this policy, national cultural institutions, local cultural institutions (municipalities, municipal cultural institutions), CSO associations and networks, and after once this phase is completed, the document will be released for public consultation as planned.

The process of communication and consultation aims at informing the interested parties about this initiative, to further clarify what is expected to be achieved with the concept document in question, to gather information and eventual proposals that are relevant to the concept document, which aims to develop and advance this social sector to another level through cultural reform. In the public consultations held, stakeholders and other interested parties were informed about the purpose of the Concept Document

Concept Document on Art and Culture

and it was possible to present their viewpoints, through contributions, comments, ideas and proposals held on the dates that are presented in the table below.						
Main Purpose	Target group	Activity	Communication/notification	Indicative deadline (when sent for public consultation, the deadline is set).	Budget required (when sent for public consultation, the budget is hidden)	Responsible person
Meeting open to interested parties	All interested parties:: National institutions of culture Municipal directorates and local and regional cultural institutions CSOs, networks of organizations	A total of 16 public meetings	E-mail, Facebook Event Direct and open public meetings	November 2021 – April 2022	n/a	The Division for Public Communication has made the announcement via e-mail about holding meetings as well as announcements on social networks. The organization of the meetings is done by the cabinet of the minister in cooperation with the protocol officer.
Inter-institutional consultation	Representatives of state institutions (ministries) that affect the concept of the document	Circulation and distribution of the draft concept document	E-mail Telephone Direct meetings	15 June – 30 June 2022	n/a	Group Leader

Concept Document on Art and Culture

	(e.g. MEST, MFLT, MIET, TAK, etc.);: Municipal directorates of culture					
Preliminary discussions	Working group, stakeholders	Closed meeting	Final discussion before the document is released for public consultation Inclusion of comments and contributions from the prior consultation process	First week of July	n/a	Group Leader

Concept Document on Art and Culture

Online written consultation	All interested	Publication of the Draft on the Digital Platform	Website for public consultations konsultimet.rks-gov.net The announcement on the official channels of the ministry that the concept document has been released for public consultation	15 days during July	0 euro	Group Leader Coordinator for public consultations
Closing meeting	Working group	Analyzing and evaluating the contributions of the public consultation process	Work meeting	End of July	n/a	Group Leader

Chapter 6: Comparison of Options

Chapter 6.1: Implementation plans for different options

The first option-the option without changes, provides for the continuation of the situation without taking concrete actions for change. The advantages of this option are completely limited, not to say non-existent. All the problems identified and elaborated within this concept document would continue to exist. For this reason, the no change option or status quo is seen as the least appropriate or recommended option.

The second option is to improve current policies for better implementation and enforcement of current legislation in force. This option would help address the identified challenges through implementing measures.

Measures to be taken under this option would be, increase the budget for the cultural sector where support for public cultural institutions would be increased, the independent cultural scene; investment in physical infrastructure such as renovations of existing cultural facilities and the creation of new cultural spaces, professional capacity building through special programs and in areas identified with deficient staff; increase the budget for participation in international cultural events, coordinate with the Ministry of

Concept Document on Art and Culture

Education, Science, Technology and Innovation for the design and implementation of non-formal education programs for arts and culture.

Through this option, a range of identified problems will be addressed and a better implementation of the legislation in force would be achieved through adequate measures, although they would improve the current situation in the cultural sector but would not provide long-term sustainability.

Figure 8: Implementation plan for Option 2

The purpose of policy									Expected cost figure
Strategic objective	Strategic Objective 2: Organizational, functional reform and internal consolidation of public cultural institutions and museums								
	Product, activities, year and responsible organization/department								
Specific Objective 2.1: Establishment of structures with clearly defined responsibilities in cultural promotion, research development	Products 1.1. Program for cultural diplomacy as an integral part of public diplomacy, implemented;								
			Year 1 2022	Year 2 2023	Year 3 2024	Year 4 2025	Year 5 2026	Responsible institution/de partment	
		Activity 1.1. ministerial meetings		x			X	DK/MCYS	5,000

Concept Document on Art and Culture

and publication of studies as well as preservation of cultural heritage and creativity; Specific Objective 2.2: Financial and functional sustainability of public institutions through decentralization of responsibilities for financial and internal administrative management; Specific Objective 2.3: Digitalization and access to cultural materials and collections; Specific Objective 2.4: Capacity building in the field of culture	Products 1.2. Two workshops with stakeholders, conducted	Activity 1.2 Awareness campaign for cultural diplomacy		x	x	x	X	MCYS/MPJD	6000
	Products 1.3. An awareness campaign on cultural diplomacy	Activity 1.3. Awareness campaign for cultural diplomacy		x	x	x	X	MCYS/MPJD /Independent cultural scene/internationally proven artists	5,000
	Products 2.1. Study visit, realized	Activity 1.2.1 Study visit		x				DK/MCYS	5000
			Year 1 2022	Year 2 2023	Year 3 2024	Year 4 2025	Year 5 2026	Responsible institution/department	

Concept Document on Art and Culture

and creation of new professional, technical, administrative and logistical staff;	product 2.2. Professional capacity building program, designed	Activity 1.2.2 Capacity building program			x	x	x		
	Products 2.3. Financial support to deficient professions, realized	Activity 1.3.1 Public call	x	x	x	x	x		2,000
	Products 2.4 Two trainings on specific topics, conducted;	Activity 1.4.1 Trainings with staff	x	x	x	x	x		4,000
	Products 2.5 Exchanges of experiences, realized;	Activity 1.5.1 Visit to sister institutions in the region	x	x	x	x	x		4,000

The third option is to change the current legislative framework. This option would significantly help in the functioning of cultural institutions and the creation of conditions and space for the development of cultural activity.

These changes will be achieved through the drafting of new laws, the national strategy for culture and the undertaking of measures to increase financial support in the cultural sector.

Concept Document on Art and Culture

Figure 9: Implementation plan for Option 3

The purpose of policy								Expected cost figure	
Strategic objective	Supplementation and reform of the legal framework that supports cultural development in the Republic of Kosovo.								
	Product, activities, year and responsible organization/department								
Specific Objective 1.1: Drafting separate primary and secondary legislation in the field of cinematography ;	Products 1.1.1. Working groups, established.	Law xx/xx on Culture and Art							
			Year 1 2022	Year 2 2023	Year 3 2024	Year 4 2025	Year 5 2026	Responsible institution	
		x					MCYS	5000	
		x					MCYS	4,000.00	
Specific Objective 1.2: Draft coherent legislation that reflects public policy requirements for an environment conducive to cultural development;	Products 1.1.2. Consultations completed	Activity 1.1.2. Organizing public consultations and discussions							
			x					MCYS	3,000.00
Specific objectives 1.3. Legal regulation of the status of Independent Artists;	Products 1.1.3. Laws drafted and approved	activity 1.1.3. Drafting and Adoption of Laws							
			x	x				MCYS	
Specific Objective									

Concept Document on Art and Culture

<p>1.4: Define conditions, criteria and procedures for the use of public property as cultural spaces for the independent stage, independent artists and local communities;</p> <p>Specific Objective 1.5: Clear legal regulation of issues that are included within the field of culture for and around which we have the involvement of institutions and departments with other scope, foreign affairs and diplomacy, education and science, etc.;</p> <p>Specific Objective 1.6: Define the organization, function and status of public cultural institutions and employees in these institutions;</p> <p>Specific Objective</p>	by the Governm ent								
	<p>Products 1.2.1. Establish ed working groups</p> <p>Products 1.2.2. Draft bylaws and approved</p>	Issuance of bylaws							
			Year 1 2022	Year 2 2023	Year 3 2024	Year 4 2025	Year 5 2026	Responsible institution	
		Activity 1.2.1 Establishment of Working Groups		x	x			DK	5000
	Activity 1.2.2 Drafting and Approval of Bylaws		x	x			DK	6,000	

Concept Document on Art and Culture

<p>1.7: The legal status of the independent cultural scene through the development and approval of a set of adequate procedures for structured and programmatic support of the sector that takes into account specific characteristics;</p> <p>Specific Objective 1.8: Establish a legal basis for the establishment of institutions or units responsible for documentation, cultural diplomacy and cultural promotion as well as the merger or amalgamation of existing institutions</p>									
			Year 1 2022	Year 2 2023	Year 3 2024	Year 4 2025	Year 5 2026	Responsible institution	
Objective 2: Organizational,	Products 2.1.	Activity 2.1. Establishment of		x	x	X	X	MCYS	20,000

Concept Document on Art and Culture

functional reform and internal consolidation of public cultural institutions and museums	Bylaws, drafted, approved	Working Groups 2.2. Organizing public consultations and discussions 2.3. Adopted bylaws							
			Year 1 2022	Year 1 2023	Year 3 2024	Year 4 2025	Year 5 2026	Responsible institution	
Objective 3: Improving the budgeting structure of public cultural institutions- diversification of resources and regulation of procedures	Products 3.1. Training of staff responsible for financial management and control in public institutions	Activity 3.1. Training of staff responsible for financial management and control in public institutions Activity: 3.3.1 Purchase of equipment; 3.3.2 Staff training	x	x	x	x		MCYS	

Concept Document on Art and Culture

	3.3 Own source revenue system, digitalized									
			Year 1 2022	Year 2 2023	Year 3 2024	Year 4 2025	Year 5 2026	Responsible institution		
Strategic Objective 4: Advancing public cultural policies, with sectoral and cross-sectoral scope	Products 4.1 awareness campaign including fundraising guide	Activity 4.1 awareness campaign including fundraising guide	x	x	x	x	x	MCYS		

Chapter 6.2: Comparison table with all three options

To address the issue, three options were considered:

The first option, without changes, would continue with the current policies and the implementation of legislation in force, where as a result the identified challenges of the functioning of cultural institutions and other actors would continue.

Concept Document on Art and Culture

The option through improving current policies and better implementation and enforcement of current legislation in force, can only achieve partial success and would make temporary solutions by spending time and resources on a long-term and sustainable solution.

The third option would address the identified legal gaps, regulate the clear status of cultural institutions, the status of the independent stage, the status of independent artists, the publishing activity and the book, the field of museology, the establishment of new institutions such as the Museum of Contemporary Art, Center for Research, Document and Promotion (which will deal with the study, archiving, documentation and digitization at the scientific level of cultural creativity, material and intangible heritage, as well as the advancement of cultural research activity) and the merger of existing institutions cultural. In the framework of the legislative reform, this option envisages the drafting of the Law on Cinematography as well as the drafting of the National Strategy for Culture, which defines the strategic orientations and priority areas in order to create conditions for the development of culture.

Given that Option 3 addresses the problems presented and provides legal solutions to unregulated issues, as well as taking into account that from this option derive the greatest benefits, this option is seen as the most appropriate and is recommended to the Government of the Republic. of Kosovo.

Figure 1: Comparison of options

Comparison tool: Multi-criteria analysis			
Relevant positive impacts	Option 1: No change	Option 2: Improve implementation and execution	Option 3: Change the Legal Framework
	There will be no positive impacts.	There may be positive impacts, but the option will be limited.	The option will address the causes and effects of the problem that has hindered the cultural sector
Regulation of public funding in the field of culture		Partial improvement of public funding	Public funding in the field of culture addressed
Regulation of the legal status of independent artists and cultural professionals		Legal impossibility of regulating the status of independent artists	Legal status of independent artists and cultural professionals, defined and regulated
Program for the management and development of cultural infrastructure-through projects that have an impact			Realized program.

Concept Document on Art and Culture

on the promotion and development of the economy and cultural tourism								
Encouraging young people to create and engage creatively.						The better protection that will be provided by the new provisions, will affect the motivation of young people to create and deal creatively.		
Increasing the creative and innovative capacity of SMEs and their legal security						Accurate definition by law will increase legal certainty for all entities, including SMEs.		
Relevant negative impacts	Failure to improve the current situation		Partial improvement of the current situation, leaving some issues unregulated (mentioned in option 3)					
Relevant costs	There are no additional costs.		Extra costs			Drafting new laws and bylaws.		
Assessment of expected budgetary impact	Year 1		Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
			421,008.00 €	422,183.00 €	€ 423,364.00	€ 529,908.00	€ 639,983.00	716,764.00 €
Conclusion								

Concept Document on Art and Culture

[Make a brief descriptive summary of the preferred option. Give again the description of how this option addresses the main Problem, causes and effects identified in the Problem Tree. Refer to the key steps further from the Implementation Plan.]

From the data collection and their analysis conducted during the drafting of this concept document, the working group has concluded that the option that would have the greatest positive impact is Option 3- Changing the Current Legislative Framework.

The changing political, social and legal circumstances from the time of drafting the current legislation, the changed technological context and the ongoing systemic reforms in the state administration, have brought discrepancies between the current legal regulation and the current objective circumstances completely changed in society, and in this context also in the field of culture. Therefore, the transformation of the legal framework in the field of culture is also determined by developmental and historical factors.

The gradual development of capacities in the independent cultural scene from the time the current legal framework was drafted, important penetrations in the European and world cultural map through free initiative of cultural operators as an organized or individual entity from the Republic of Kosovo, has produced the need of legal regulation of the status of independent cultural scene. This goal can not be achieved without intervention in the current structure.

Elimination of redundant and unenforceable provisions, restrictive and unjustifiable regulations as well as the necessity for deregulation of certain issues in this field, also can not be achieved without a review and reform of the structure of laws affecting culture and museums.

Granting the status, namely determining the level of structure of institutions by classifying them according to the performance of functions as part of the state administration, in the sense of Article 2 (paragraph 2.2) in conjunction with Article 13 of Law No. 06/L-113 on Organization and the Functioning of the State Administration and independent agencies, then the creation of the legal basis for the organization and internal functioning of the institutions which has not existed so far, is not possible with the current regulation and consequently makes it difficult to apply other measures to increase sustainability. , improving the functioning, controlling the effective management of resources as well as successfully carrying out their activity and basic mandate as public institutions of culture, of special importance.

Always based on Law 06/L-113 on the Organization and Functioning of State Administration and independent agencies which stipulates that the establishment, merger or dissolution of public service units or institutions is done only by sectoral law, then, the missing units or institutions the current structure of public institutions, such as the Museum of Contemporary Art or the Center that will be responsible for documenting, researching and promoting culture, could not be established just like other units that do not have the rationale to function as separate to unite, without legislative measures.

Concept Document on Art and Culture

Conflict of competencies between the governing bodies of public cultural institutions, including but not limited to: the board of directors, director and artistic director, the incompatibility between the criteria for the qualification of office holders with their duties and responsibilities and mandate, can not be addressed for solution with none of the prior options.

The transposition of EU legislation within the legal system of the Republic of Kosovo governing the areas covered by the scope of this concept document, including cinematography and the organization and operation of museums, cannot be achieved with other options due to the risk of collision. between secondary legal acts with current laws in force.

In summary and more specifically, the proposed legislative measures aim to achieve the following goals:

The new law on art and culture would include the organization, operation and operation of museums; publishing activity and book; theaters; visual arts; the activity of the philharmonic, opera, ballet and ensembles; cultural diplomacy; creative industry; cultural documentation, research, publication and promotion; regulating the role, status and manner of building cooperation with the independent cultural scene; determining the status of an independent artist; Establishment of local culture and art institutions, including museums based on criteria that conditional increase of budget support by municipalities during the drafting of budget projections.

This law would repeal the laws related to culture due to inadequate regulation of the field of culture so far.

This option also includes the recommendation for the drafting of a special law aimed at regulating the field of cinematography in which new developments in the film and cinematography industry will be addressed and a stable legal basis for the fund of film and would address the issue of cinematographic heritage created over the years in Kosovo.

Based on all this, KC/MCYS as a proponent of this Concept document recommends the Government of the Republic of Kosovo to approve Option 3 Amend the current legislative framework, an option which provides for the drafting of a new Law on Art and Culture and the Law on Cinematography. as well as some changes and additions to other laws. Option 3 also recommends approval to start drafting the National Culture Strategy.

The objectives set out in this concept document require approval by the Government of the Republic of Kosovo for the requirements of KC/MCYS related to the increase and strengthening of administrative and professional capacities as elaborated and costed within this concept document.

The approval of this concept document by the Government would enable the start of work of working groups for drafting laws and implementing other recommended measures.

Chapter 7.1: Provisions for monitoring and evaluation

After the approval of this Concept document, working groups will be formed to draft draft laws that will be developed during 2022, and is expected to be approved by the Government of the Republic of Kosovo at the end of the same year. Then during the following year, KC/MCYS as the initiator of these draft laws will be responsible to monitor and evaluate the implementation of these laws in practice. The evaluation period will start in 2023, and will last as needed.

Annex 1: Economic Impact Assessment Form

Category of economic impacts	The main impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		yes	not			
Jobs ⁵	Will the current number of jobs increase?	X		Low	High	
	Will the current number of jobs be reduced?		X			
	Will it affect the level of payment?	X		Low	High	
	Will it affect the ease of finding a job?	X		High		
Doing business	Will it affect access to finance for business?		X			
	Will certain products leave the market?		X			

⁵When it affects jobs, there will also be social impacts.

Concept Document on Art and Culture

	Will certain products be allowed on the market?		X			
	Will businesses be forced to close?		X			
	Will new businesses be created?	X		Low	High	
Administrative charge	Will businesses be forced to meet the obligations of providing new information?		X			
	Have the obligations to provide information to businesses been simplified?		X			
Business	Are current import flows expected to change?		X			
	Are current export flows expected to change?	X		Low	High	
Transportation	Will it have an effect on the mode of transport of passengers and/or goods?		X			
	Will there be any change in the time required to transport passengers and/or goods?		X			
investments	Are companies expected to invest in new activities?	X		Low	High	
	Are companies expected to cancel or postpone investments?		X			
	Will investments from the diaspora	X		Low	High	

Concept Document on Art and Culture

	increase?					
	Will investments from the diaspora be reduced?		X			
	Will foreign direct investment increase?	X		Low	High	
	Will foreign direct investment decrease?		X			
Competitiveness	Will the business price of products, such as electricity, increase?		X			
	Will the price of business inputs, such as electricity, decrease?		X			
	Are innovations and research likely to be promoted?	X		High	High	
	Are innovations and research likely to be hampered?		X			
Impact on SMEs	Are the companies mainly affected SMEs?	X		Low	High	
Prices and competition	Will the number of goods and services available to the business or consumers increase?	X		Low	High	
	Will the number of goods and services available to the business or consumers decrease?		X			
	Will prices for existing goods and		X			

Concept Document on Art and Culture

	services increase?					
	Will prices for existing goods and services go down?	X		Low	High	
Regional economic impacts	Will any particular business sector be affected?	X		Low	High	
	Is this sector concentrated in a certain region?		X			
General economic development	Will future economic growth be affected?	X		Low	High	
	Can it have any effect on the inflation rate?		X			

Appendix 2: Social Impact Assessment Form

Category of social impacts	The main impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		yes	not	High/low	High/low	
Jobs ⁶	Will the current number of jobs increase?	X		Low	High	
	Will the current number of jobs be reduced?		X			
	Are jobs affected in a particular business sector?	X		Low	High	
	Will there be any impact on the level of payment?	X		Low	High	
	Will it have an impact on making it easier to find a job?	X		Low	High	
Regional social influences	Are social influences concentrated in a particular region or city?		X			
Work conditions	Are workers' rights affected?		X			
	Are standards for working in hazardous conditions foreseen or repealed?		X			
	Will it have an impact on how social		X			

⁶When it affects jobs, there will also be economic impacts.

Concept Document on Art and Culture

	dialogue is developed between employees and employers?					
Social inclusion	Will it have an impact on poverty?	X		Low	High	
	Is access to social protection schemes affected?	X		Low	High	
	Will the price of basic goods and services change?		X			
	Will it have an impact on the financing or organization of social protection schemes?	X		Low	High	
Education	Will it have an impact on primary education?	X		Low	High	
	Will it have an impact on secondary education?	X		Low	High	
	Will it have an impact on higher education?	X		Low	High	
	Will it have an impact on vocational training?	X		Low	High	
	Will it have an impact on worker education and lifelong learning?		X			
	Will it have an impact on the organization or structure of the education system?	X		Low	High	
	Will it have an impact on academic		X			

Concept Document on Art and Culture

	freedom and self-government?					
Culture	Does the option affect cultural diversity?	X		High	High	
	Does the option affect the funding of cultural organizations?	X		High	High	
	Does the option affect the opportunities for people to benefit from or participate in cultural activities?	X		High	High	
	Does the option affect the preservation of cultural heritage?	X		High	High	
Governance	Does the option affect the ability of citizens to participate in the democratic process?	X		High	High	
	Is every person treated equally?	X		High	High	
	Will the public be better informed about certain issues?	X		High	High	
	Does the option affect the way political parties function?		X			
	Will it have any impact on civil society?	X		High	High	
Public health and safety ⁷	Will it have any impact on people's lives, such as life expectancy or mortality rate?		X			
	Will it have an impact on food quality?		X			

⁷When it has an impact on public health and safety, then it regularly has environmental impacts.

Concept Document on Art and Culture

	Will the health risk increase or decrease due to harmful substances?		X			
	Will there be health effects due to changes in noise levels or air, water and/or soil quality?		X			
	Will there be health effects due to changes in energy use?		X			
	Will there be health effects due to changes in waste disposal?		X			
	Will it have an impact on people's lifestyles, such as levels of interest in sports, changes in nutrition, or changes in tobacco or alcohol use?		X			
	Are there specific groups that face much higher risks than others (determined by factors, such as age, gender, disability, social group or region)?		X			
Crime and security	Are the chances of catching criminals affected?		X			
	Is the potential gain from the crime affected?		X			
	Does it affect levels of corruption?		X			
	Is law enforcement capacity affected?		X			
	Is there any effect on the rights and safety of victims of crime?		X			

Annex 3: Environmental Impact Assessment Form

Category of environmental impacts	The main impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		yes	not			
Stable climate and environment	Will it have an impact on greenhouse gas emissions (carbon dioxide, methane, etc.)?		X			
	Will fuel consumption be affected?		X			
	Will the variety of resources used to generate energy change?		X			
	Will there be any price changes for environmentally friendly products?		X			
	Will certain activities become less polluting?	X		Low	High	
Air quality	Will it have an impact on the emission of air pollutants?		X			
Water quality	Does the option affect freshwater quality?		X			
	Does the option affect groundwater quality?		X			
	Does the option affect drinking water sources?		X			

Concept Document on Art and Culture

Land quality and land use	Will it have an impact on soil quality (in relation to acidification, pollution, use of pesticides or herbicides)?		X			
	Will it have an impact on soil erosion?		X			
	Will land be lost (through construction, etc.)?	X		Low	High	
	Will land be acquired (through decontamination, etc.)?		X			
	Will there be any change in land use (eg from forest use to agricultural or urban use)?	X		Low	High	
Waste and recycling	Will the amount of waste generated change?	X		Low	High	
	Will the ways in which waste is treated change?	X		Low	Low	
	Will there be an impact on waste recycling opportunities?		X			
Use of resources	Does the option affect the use of renewable sources (fish stocks, hydropower plants, solar energy, etc.)?		X			
	Does the option affect the use of resources that are not renewable (groundwater, minerals, coal, etc.)?		X			
The degree of environmental	Will there be any effect on the likelihood of hazards, such as fires,		X			

Concept Document on Art and Culture

risks	explosions or accidents?					
	Will it affect preparedness in case of natural disasters?		X			
	Is the protection of society from natural disasters affected?		X			
Biodiversity, flora and fauna	Will it have an impact on protected or endangered species or the areas where they live?		X			
	Will the size or connections between nature areas be affected?		X			
	Will there be any effect on the number of species in a given area?		X			
Animal welfare	Will animal treatment be affected?		X			
	Will animal health be affected?		X			
	Will the quality and safety of animal feed be affected?		X			

Annex 4: Form of assessment for the impact of fundamental rights

Category of influence on fundamental rights	The main impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost of impact	Preferred level of analysis
		yes	not	High/low	High/low	
Dignity	Does the option affect people's dignity, their right to life or a person's integrity?	X		High	High	
Freedom	Does the option affect the right to freedom of individuals?	X		High	High	
	Does the option affect a person's right to privacy?	X		Low	High	
	Does the option affect the right to marry or to found a family?		X			
	Does the option affect the legal, economic or social protection of individuals or the family?	X		Low	Low	
	Does the option affect freedom of thought, conscience or religion?	X		High	High	
	Does the option affect freedom of expression?	X		High	High	
	Does the option affect freedom of assembly or association?	X		High	High	
Personal data	Does the option include the processing	X		Low	High	

Concept Document on Art and Culture

	of personal data?					
	Are the individual's rights of access, redress and objection guaranteed?	X		High	High	
	Is the way in which personal data is processed clear and well protected?	X		High	High	
Asylum	Does this option affect the right to asylum?		X			
Property rights	Will property rights be affected?	X		High	High	
	Does the option affect the freedom to do business?		X			
Equal treatment ⁸	Does the option protect the principle of equality before the law?	X		High	High	
	Are certain groups likely to be harmed directly or indirectly by discrimination (eg discrimination based on gender, race, color, ethnicity, political or other opinion, age or sexual orientation)?		X			
	Does the option affect the rights of people with disabilities?	X		High	High	
Children's rights	Does the option affect children's rights?		X			
Good	Will administrative procedures become		X			

⁸Gender equality is addressed in *the Gender Impact Assessment*

Concept Document on Art and Culture

administration	more complicated?					
	Is the way in which the administration makes decisions influenced (transparency, procedural deadline, right of access to a file, etc.)?		X			
	On criminal law and the penalties provided: are the rights of the defendant affected?		X			
	Is access to justice affected?		X			