



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government
Zyra e Kryeministrit-Ured Premijera-Office of the Prime Minister
Zyra Ligjore - Zakonodavna Kancelarija - Legal Office

**Annex 1- Report on Permit and License Simplification in Ministry of
Education, Science, Technology and Innovation¹**

March 2023

¹ This legal analysis has been approved in the 138th Meeting of the Government of the Republic of Kosovo, with the decision No. 05/138 dated 12.04.2023.

List of abbreviations

DHE - Department of Higher Education

DPPE - Division of Private Pre-University Education

DPDT - Division of Professional Development of Teachers

IFC - International Fund Corporation

LGAP - Law No. 05/L-031 on General Administrative Procedure

LPLS - Law No. 04/L-202 on Permit and License System

MESTI - Ministry of Education, Science, Technology and Innovation

SPC - Single Points of Contact

LO - Legal Office

OPM - Office of the Prime Minister

Executive Summary

There is a large number of permits and licenses in the Republic of Kosovo, totaling to around 480. The same permits and licenses, beyond the regulatory purpose with a view to order, law and better public services, present in certain cases various problems for both businesses and citizens. This taking into account factors related to the conceptual design or the chosen regulatory model to the practical problems in implementation.

The central legal basis in Kosovo's legal order is provided by Law No. 04/L-202 on Permit and License System (LPLS). This law aims to establish the principles and rules for the improvement of the environment to do business, through the reduction of administrative barriers in performing economic, trade and professional activities that are necessary to protect the public health, public safety, environment and usage of natural resources in the Republic of Kosovo. In practice, this law has not been implemented in numerous cases, as evidenced by the analysis presented in this narrative report. Moreover, in order to align the special laws defining the legal basis of permits and licenses with the general administrative procedure, another goal of this analysis was to align the permit and license issuing procedures with the administrative procedure defined under Law No. 05/L-031 on General Administrative Procedure.

The key goal of this report is to determine and present the state of play of permissions in the Ministry of Education, Science, Technology and Innovation (MESTI). Such determinations are a product of an analysis of the relevant legislation and the practice thereof, the purpose of which is to provide general and special recommendations, aiming at reducing the unnecessary burden of some permits and licenses, as well as simplifying the procedure for their obtaining from businesses and citizens. The analysis process and its outcome thereof revealed several noticeable shortcomings, including the large number of licenses which are considered unnecessary and have never been applied; then, the cases when the names of the permissions are not in compliance with the LPLS definitions in terms of their type and criteria, the barrier reducing instruments are not applied, such as the principle of conducting the procedure and collecting the documents and evidence ex officio, conducting the procedure electronically and through the Single Points of Contact (SPC), payments and administrative fees provided for by administrative instructions and which have not been applied since there is no rationale behind, etc.

In order to address such shortcomings and avoid them in the future, it is recommended to undertake a series of concrete actions, notably: (a) the level of permission (notification, registration, permit and professional license) must be determined according to the risk level and the rules defined in LPLS; (b) unnecessary permissions which have never been applied should not be part of by-laws as consecutive requirements; (c) implementing administrative simplification instruments, including the principle of conducting the procedure and collecting the documents and evidence ex officio, conducting the procedure electronically and through Single Points of Contact, reducing and simplifying mandatory information; (d) the application of payments and administrative fees should be done only on an exceptional basis and its limits, whenever it is justifiable, should be determined by law based on the LPLS and LGAP rules.

Introduction

Following the permit and license simplification reform process in the Republic of Kosovo, the Legal Office within the Office of the Prime Minister (LO-OPM), supported by the International Finance Corporation (IFC)/World Bank Group, has initiated the inventory analysis and permit and license simplification for MESTI and the harmonization of the same with LPLS. A total of 11 licenses were analyzed in this sector.

The report aims to identify, analyze and give recommendations for the simplification of permits and licenses administered by MESTI, namely one (1) procedure falling within the scope of the Department of Higher Education (DHE), six (6) procedures falling within the scope of the Department of Pre-University Education, the Division of Professional Development of Teachers (DPDT), four (4) procedures falling within the scope of the Department of Pre-University Education, Division for Private Pre-University Education (DPPE).

The permit and license inventory and analysis process completed during the period of August - November 2022, was carried out in a transparent and comprehensive manner. During the analysis process, special attention was paid to the legal basis of all relevant permits and licenses issued within MESTI, the procedure followed by the relevant departments, the documents required in terms of their necessity, as well as the form in which they are required to be submitted. Furthermore, the flow of applications for the relevant permits and licenses and the flow of permissions granted by MESTI were also analyzed. Moreover, the need for the existence of the same, the function they perform, as well as the possibility of simplifying them in terms of documentation and various payments was evaluated during the analysis. At the same time, the possibility of merging some of them and removing them from the existing procedures within the Ministry was analyzed during the simplification process.

During the research and analysis process, the legal entities/businesses and companies exercising the relevant functions for which such permissions are required were also consulted. During these meetings, it was discussed about the administrative burden these procedures create for these businesses, as well as their need in the context of the risk the relevant activity poses.

This report presents a narrative analysis with the key findings and general recommendations and the analysis with the specific findings and recommendations for each permit and license in tabular form in Annex I, which is an integral part of this report.

Analysis and findings

The types of permissions, the responsible authorities, the analysis of the legislation and the key findings are presented in general in this section.

MESTI issues 11 types of permissions, as identified in the report, which are different both in terms of the risk level and in terms of the name, which is not in accordance with LPLS. We will present the data for each type of permission and the responsible authority in the following table.

Table No. 1.

MESTI permits and licenses

Department of Pre-University Education		
<i>Code/No.</i>	<i>Designation</i>	<i>Type of permission according to LPLS</i>
DPDT	Provisional License for Fresher Teacher	License
	License for Mentor Teacher	
	License for Advanced Teacher	
	License for Career Teacher	
	License for Meritorious Teacher	
	License for Professional Associate	
DPPE 1-A	License of Private Preschool Institutions	Permit
DPP E2-A	License of Private Pre-university Institutions	Permit
DPPE 3-A	Licensing of Private Training Institutions	Permit
Department of Higher Education		
DHE 1-A	License of Private Providers of Higher Education	Permit

Legal analysis

This section presents an analysis of the main legislation governing MESTI permissions. Law on Permit and License System (hereinafter LPLS) is a horizontal law governing the principles and rules for the improvement of the environment to do business, through the reduction of administrative barriers in performing economic, trade and professional activities that are necessary to protect the public health, public

safety, environment principles and rules natural resources in the Republic of Kosovo². Another horizontal law generally governing the exercise of public authority, which most frequently applies to permissions, is the Law on General Administrative Procedure (LGAP), the purpose of which is to ensure the effective exercise of public authority with a view to the public interest, guaranteeing at the same time the protection of the rights and legal interests of persons³. We will analyze below some of the key principles and rules provided for by these laws and the special rules related to the legislation governing the permissions in the ministerial health system.

The principle of legality is a legal requirement and obligation defined under LPLS and also LGAP as well as under the Constitution of Kosovo, wherein according to this principle, permits and licenses should only be determined by law. Permits and licenses issued by MESTI are based on Law No. 04/L-032 on Pre-University Education, Law No. 04/L-037 on Higher Education and Law No. 02/L-52 on Preschool Education. Despite the practices encountered so far in some of the other ministries, all permits and licenses issued by MESTI have a legal basis in these laws. However, even though the same are based on the applicable laws, there are many possibilities of intervention which would facilitate the administrative burden in general.

Relicensing phenomenon exists in almost all types of permissions issued by MESTI, where after a specified time limit elapses, people are forced to obtain the same ones for which the procedures are almost the same. The relicensing process justification provides for the need for a check that must be made on a permit or license and a fee that must be paid (fees will be discussed separately). The relicensing process has, in addition to not being provided for by LPLS, caused a lot of burden both for the people and for the public authorities duly authorized in this process. The general recommendation related to this phenomenon is the removal of the relicensing procedure as a legal process and the strengthening of inspection mechanisms for ongoing verification of natural and legal persons whether they continuously meet the criteria required to resume exercising the relevant activity. However, due to the lack of inspectors and large numbers of institutions that are licenced, the recommendation is to extend the term of licence. Specific examples extending the validity period of the licence include, the licence of private preschool institutions, relicensing of private pre-university institutions and relicensing of private training institutions.

Payments and fees will apply to all types of permits and licenses administered by MESTI, although according to LPLS the same can be granted only when the fee charged by the competent authority for a permission will not exceed the amount necessary to cover the expenses incurred by the competent authority to administer such permission. There is a similar rule under LGAP, which exceptionally provides for a payment procedure to be conducted only if it is provided by a special law, but even in this case, the same cannot be greater than the average cost necessary for the conduct of the relevant type of administrative procedure⁴. As to the permits and licenses within MESTI, certain amounts are foreseen to be paid upon submission of an application for licensing through specific administrative instructions or decisions issued by the relevant minister. The same is provided for in the case of relicensing. One of these cases relates to licensing of private higher education institutions, where Article 20 of Administrative Instruction No. 25/2012 on Licensing of Private Higher Education Providers in Kosovo defines that MESTI shall set a reasonable licensing fee amount which is regulated by a decision issued from the minister. However, it was

² Law No. 04/L-202 on Permit and License System, Article 1.

³ Law No. 05/L -031 on General Administrative Procedure, Article 1.

⁴ Law No. 05/L -031 on General Administrative Procedure, Article 12

observed during the analysis that some of such payments are not required. On the other hand, almost all these costs applied, in addition to not being determined by law, are mainly determined by by-laws and do not take into account the principles mentioned above and are unaffordable⁵. Another problem is the payment method, where payments must be made only at the bank or at the post office after receiving the form in these institutions and the same must be proven by a payment receipt. The e-banking or bank card payment is not yet applied in these cases.

Application and conducting of the procedure electronically is another aspect which directly affects the rights of persons to be provided with a permit or license. Electronic application is a legal requirement of LPLS, while the conduct of the procedure electronically falls under LGAP. In this case, all applications must be submitted in person. In all cases, the major obstacle is the lack of an electronic data system that would facilitate the application process, the receipt of information, their verification and the issuance of relevant permissions.

The principle of conducting the procedure ex officio means that a public body is obliged to examine all the facts and evaluate all the circumstances necessary to resolve the administrative issue in the specific case of a permit or license⁶. This principle is complemented by the other rule according to which the documents that prove acts, facts, quality or subjective state, necessary for the administrative examination, are processed ex officio by a public body conducting the administrative procedure if they are under its administration or other public bodies. A public body may ask the party to present only the necessary information for their identification⁷. From the analysis made in MESTI, this principle is not applied at all. Beyond malpractice, these types of requirements are regulated by primary and secondary legislation, thus a legal harmonization process with LPLS and LGAP is therefore necessary.

Unnecessary and inappropriate mandatory information is contained in secondary legislation. If we analyze Administrative Instruction No. 25/2017 on Licensing of Teachers, it is noted that to have 6 licenses mentioned in this Instruction issued, which licenses fall within the scope of the Department of Pre-University Education, Division of the Professional Development of Teachers, an applicant, in addition to other documents, must submit the following documents: (i) Birth Certificate; (ii) Copy of the ID Card; (iii) Employer Attestation, iv.) employment contract. All these documents are documents issued by public institutions to the natural person, other than the 'Employer Attestation', which fact is confirmed by the Employment Contract. Therefore, since the Employment Contract is a personal document, it is recommended that instead of the Employment Contract, only the Employer's Certification is requested. This is senseless and unnecessary to ask a natural person to submit them during this procedure. This simply incurs undue additional costs for the applicant. Also, this presents a serious problem and obstacle in obtaining a license swiftly and efficiently. The reduction of mandatory information as well as its simplification to the point that the same can be provided by the public bodies themselves is one of the main conditions for permit and license simplification in general.

⁵ As to License for the Licensing of Private Training Institutions, the applicant is obliged to initially pay the application procedure fee of 500 Euro and the same during the relicensing procedure, i.e. paying once again the amount of 500 Euro.

⁶ Law No. 05/L -031 on General Administrative Procedure, Article 86, paragraph 1.

⁷ Ibid, paragraph 3.

The principle of the single points of contact is a legal obligation defined both in LPLS⁸ and LGAP⁹. According to this principle, all formalities and procedures for issuing a permit and license must be carried out through SPCs (one stop shop). Both laws provide for SPCs to be established physically, electronically or combined. The main prerequisite for establishing SPCs are the points we mentioned above, especially the approach oriented towards the principle of administrative review ex officio. Within MESTI, there is no type of SPC, the licenses are therefore issued separately by each public body, meaning that the party itself performs all the formalities and procedures that, if an SPC was in place, could be carried out through it by the public body itself.

Suspension and revocation are governed by LPLS as actions that can be taken by a competent body to verify if the legal conditions/criteria for which a permit is issued are still satisfied. In this aspect, LPLS defines a sequence of actions that can be taken, such as giving a certain time for remedying/fulfilling the conditions for which the permit was granted, and if they are still not fulfilled, then a fine can be imposed and if even after the fine actions are taken to correct them then the permit may be suspended and revoked.

The right of appeal is regulated in a fragmented manner with the primary and secondary legislation determining the relevant permissions within the scope of MESTI. During the analysis, it was observed that in some cases the rules for granting the appeal are in conflict with LPLS and LGAP or are completely absent, the deadlines in some cases are shorter, the appeal is examined in violation of LGAP, also the rules for the superior body and its jurisdiction are not in accordance with LGAP. More specifically, the appeal procedure in the licensing of teachers is provided for under Article 22 of Administrative Instruction No. 25/2017 on Licensing of Teachers, which stipulates that appeals against the licensing process can be filed to the MEST Complaints and Appeals Commission, without giving further details.¹⁰ At the same time, in the Licensing of Private Preschool Institutions, it is determined that if an application for obtaining a license is rejected, the party will be entitled to file an appeal to MESTI within 15 days from the day of the receipt of the decision rejecting the issuance of a license.¹¹ Additionally, the deadline to issue a decision on the appeal filed by the party is nowhere defined in any of the license procedures within MESTI.

Key findings

During the analysis of the permissions within MESTI, without overlooking the special findings for each permission separately, the following key findings were identified:

- The type of permission is not in accordance with LPLS (a license is used instead of a permit and vice versa, as is the case with the License for Licensing of Private Pre-University Institutions, Licensing of Private Higher Education Institutions, Licensing of Private Preschool Institutions, which in fact should be Permits);
- All permissions are for a fixed term, whereof relicensing is required and the same is not recognized by LPLS;
- Payment and administrative fees for each permission are in violation of LPLS and LGAP;

⁸ Law No. 04/L-202 on Permit and License System, Article 16

⁹ Law No. 05/L-031 on General Administrative Procedure, Article 33

¹⁰ Minister of Education, Science and Technology. Administrative Instruction No. 05/2017 on Licensing of Teachers, Article 22.

¹¹ Ministry of Education, Science and Technology. Administrative Instruction No. 15/2011 on Licensing and Registration of Private Preschool Education Institutions, Article 19.

- In order to obtain a permit and license, the party must provide all the documents, facts and information regardless of whether they are available to public bodies. If the same are not provided by the party, the application is rejected;
- In general, there are mandatory requirements and information which are unnecessary but also inappropriate to be provided;
- There are no sufficient rules for the suspension or revocation of a permission while the rules provided for in LPLS are not applied;
- The right of appeal is insufficiently regulated and is contrary to LGAP.

General recommendations

In this section, general recommendations for permissions within MESTI will be presented based on the analyzes and findings above:

- Reducing the number of permissions and setting them in accordance with LPLS based on the risk level. A concrete example is the case with Provisional License for Fresher Teachers, License for Mentor Teacher, License for Advanced Teacher, License for Career Teacher, License for Meritorious Teacher, and License for Professional Associate where in reality only the License for Career Teacher has been issued so far. None of the other 5 licenses has been applied. The concrete proposal is to have these 6 licenses reformulated into a total of 3 following licenses: License for Career Teacher, License for Advanced Teacher and License for Permanent Teacher. This is because there is no need for a provisional license or other licenses. According to the Ministry's officers, the provision of only three types of licenses is sufficient for the regulation of this system and they respond to the education system and the criteria that must be met by teachers for the positions foreseen in the education system.
- Permits and licenses are issued for an indefinite term when possible prolonged as long as the verification of compliance with the legal conditions can be done through inspection or submission of the necessary documentation serving as sufficient proof that they keep meeting the legal criteria;
- Payments and administrative fees, as a rule, do not apply, but even when provided for by law, the same will not exceed the amount necessary to cover the expenses incurred by the public body to administer such permission;
- The principle of conducting the procedure ex officio as defined under LGAP and the documents, facts and information possessed by public bodies should be provided by the competent public body for permission;
- The suspension and revocation of a license shall be provided for by separate laws or referred to in LPLS;
- The permit transfer is enabled by special laws to avoid the application process and the conduct of the procedure in the event that a part or all of the rights of use are transferred to another person through sale or lease;
- The right of appeal is regulated in accordance with LGAP, defining correctly the superior body that is competent for decision-making in relation to appeals.

Specific findings and recommendations

Part of this report is the analysis including each permit and license separately, the name and type of permission, the responsible authority, findings, recommendations and justification. The detailed analysis including findings and specific recommendations is presented in Annex No. 1.

Annex 1.

Ministry	Ref. No.	Permission name	Permission type	Responsible authority	Findings	Recommendations	Justifications
				<i>Indicate the structure issuing the permission</i>	<i>Indicate the key findings</i>	<i>Mention specific recommendations. Explain concretely if the permission should be revoked, merged, have the type amended, simplified, and have of mandatory information reduced/simplified</i>	<i>Provide justification for each recommendation</i>
Ministry of Education, Science, Technology and	DP DT	<ol style="list-style-type: none"> 1. Provisional License for Fresher Teacher 2. License for Mentor Teacher 3. License for Advanced Teacher 4. License for Career Teacher 	Professional licenses	MESTI, Department of Pre-University Education, Division of Professional Development	<ol style="list-style-type: none"> 1. Articles 32 and 33 of Law No. 04/L-032 on Pre-University Education in the Republic of Kosovo provides for the licensing of teachers. 2. Article 33.7 stipulates that “Re-evaluation of a licensed teacher for renewal of the license shall take place at intervals not exceeding five years from the 	<ol style="list-style-type: none"> 1. AI 25/2017 on Licensing of Teachers needs to be amended by the Ministry of Education so that six different licenses are not foreseen but only three licenses (License for <i>Career Teacher</i>, <i>License for Advanced Teacher</i>, <i>License for Permanent Teacher</i>). 2. AI 25/2017 on Licensing of Teachers needs to be amended by the Ministry of Education so that the obligation to pay the fee is not provided for. 3. AI 25/2017 on Licensing of Teachers needs to be amended by the Ministry 	<ol style="list-style-type: none"> 1. In communication with the Ministry’s officers, it was realized that the only license issued so far was the License for Career Teachers. None of the other five licenses (<i>License for Fresher Teachers</i>, <i>License for Mentor Teacher</i>, <i>License for Advanced Teacher</i>, <i>License for Meritorious Teacher</i>, <i>License for Professional Associate</i>) has ever been issued. It is proposed to draft a new regulation which would include three types of licenses that would make a difference in the experience criteria that

Innovation		<p>5. License for Meritorious Teacher</p> <p>6. Licensing of Professional Associates</p>		ment of Teachers	<p>date the existing license was issued”. Also, the AI stipulates that a license is issued for a period of five (5) years (AI 25/2017 on Licensing of Teachers).</p> <p>3. AI 25/2017 on Licensing of Teachers provides that the Ministry of Education foresees 6 types of licenses. Out of the six (6) licenses provided by AI 25/2017, the Ministry of Education issues only the Career License. The other five (5) licenses are not issued.</p> <p>4. Article 18.5 of AI 25/2017 of Licensing of Teachers provides for the payment of 10 Euro for each license.</p>	<p>of Education so that the submission of the following documents is not required:</p> <ul style="list-style-type: none"> - Birth Certificate - Copy of ID - Employer Attestation. <p>4. The appeal procedure under LGAP needs to be established.</p> <p>5. Relicensing as a process should not apply. Teachers’ licenses should be subject to license suspension and revocation if they do not meet the licensing conditions. The term of the proposed licenses should be as follows: License for career teachers (7 years), License for advanced teachers (8 years), License for permanent teachers.</p>	<p>must be fulfilled, the performance evaluation as well as the salary payable to teachers. Moreover, the License for Professional Associate as well as the Provisional License for Fresher Teacher is considered to be unnecessary even by the officers themselves.</p> <p>2. Payment provided for under AI 25/2017 has never been applied, it is therefore considered to be unnecessary.</p> <p>3. Removal of documents such as:</p> <ul style="list-style-type: none"> - Birth Certificate - Copy of ID - Employer Attestation <p>This is done on grounds that there is no need for applicants to submit these documents issued by other state institutions. Submitting the same creates a huge administrative burden for the applicant and is completely pointless.</p> <p>4. LGAP is a framework law providing for the principles to be followed in every administrative procedure.</p> <p>5. Relicensing is not recognized as a term in LPLS and the same is not legal. However, due to the conditions in</p>
------------	--	--	--	------------------	--	---	--

					<p>5. The documents required to be submitted when obtaining a License for Career Teacher are:</p> <ul style="list-style-type: none"> - Application Form - Employment Contract - Employer Attestation - Notarized Diploma - Types of trainings - Birth Certificate - Copy of ID Card 		<p>practice and the lack of inspection capacities, it is planned to extend the terms of the license. Teachers' licenses should be subject to license suspension and revocation if they fail to initiate the accreditation and do not meet the licensing conditions.</p>
<p>Ministry of Education, Science, Technology and Innovation</p>	<p>DPPE 1-A</p>	<p>License of private preschool institutions</p>	<p>Permit</p>	<p>MESTI, Department of Pre-University Education, Division of Higher Pre-University Education</p>	<p>1. Article 26 of Law No. 02/L-52 on Preschool Education provides for the need for licensing of private preschool institutions.</p> <p>2. The license is valid for 1 year.</p> <p>3. IA determines that some of the documents required in the case of licensing are:</p> <ul style="list-style-type: none"> - Application Form - Business Registration Certificate, - Certificate for fulfilling hygienic conditions - Fire safety certificate - Certificate by the jurisdictional bodies proving that the 	<p>1. Licensing of private preschool institutions should be named a Permit for Private Preschool Institutions since we are dealing with a permission for legal entities and not for natural persons.</p> <p>2. AI needs to be amended and the submission of the following documents should not be required:</p> <ul style="list-style-type: none"> - Application Form - Business Registration Certificate, <p>3. Article 29 of AI needs to be amended, which provides for the fee. The fee applicable for obtaining such license should be calculated within its cost, so that it is in accordance with Article 18 of the Law on Permits and Licenses. This calculation can be done by the project.</p>	<p>1. The designation change is made in order to harmonize this permission with the definitions provided for in Law on Permit and License System for Professional Licenses (Article 9) and Permits (Article 8). Whereas, this type of permission falls under the limitation provided for under the Permit and as such should be named a Permit for Private Preschool Institutions.</p> <p>2. Removal of documents such as:</p> <ul style="list-style-type: none"> - Application Form - Business Registration Certificate, <p>Certificate of fulfilling fire safety conditions is issued on grounds that there is no need for applicants to submit</p>

					<p>applicant has not been criminally prosecuted</p> <p>3. Article 29 of Administrative Instruction No. 06/2011 on Licensing and Registration of Preschool Educational Institutions provides for a fee of 100 Euro which must be paid in the case of licensing and relicensing.</p>	<p>4. The appeal procedure is provided for under LGAP.</p> <p>5. It is recommended that the validity period of the first license be 3 years, while the relicensing period be 5 years.</p>	<p>these documents issued by other state institutions. Submitting the same creates a huge administrative burden for the applicant and is completely pointless.</p> <p>3. The financial cost that the competent authority can charge for this permit must not exceed the amount necessary to cover the expenses incurred by the competent authority to conduct this procedure (Article 18 of the Law on Permit and License System). Such a calculation can be performed by the project and analyzed if the amount reflects the expenses that the authority covers during this procedure.</p> <p>4. LGAP is a framework law providing for the principles to be followed in every administrative procedure.</p> <p>5. Relicensing is not recognized as a term in LPLS and the same is not legal. Institutions should be subject to license suspension and revocation if they fail to initiated the accreditation and do not meet the licensing conditions. However, due to the conditions in practice and the lack of inspection capacities, it is planned to extend the terms of the license.</p>
--	--	--	--	--	--	---	---

<p>Ministry of Education, Science, Technology and Innovation</p>	<p>DP PE 2- A</p>	<p>License of Private Pre-university Institutions</p>	<p>Permit</p>	<p>MESTI, Department of Pre-University Education, Division of Higher Pre-University Education</p>	<p>1. Articles 46 of Law No. 04/L-032 on Pre-University Education in the Republic of Kosovo provides for the licensing of private pre-university institutions.</p> <p>2. UA 17 No. 17/2016 provides for the conditions and criteria for licensing of pre-university vocation education and training institutions.</p> <p>3. The documents required when applying for a license are:</p> <ul style="list-style-type: none"> - Application Form - Business Registration Certificate, - Charter of PUVETI, - Organizational structure of PUVETI, - Rules of procedure, - Code of conduct, - Evidence of ownership or lease of the facility, 	<p>1. AI 17/2016 need to be amended to:</p> <ul style="list-style-type: none"> - Name the License of Private Preschool Institutions as a Permit for Private Institutions since we have to do with mandatory permission for legal entities and not for natural persons. <p>2. The submission of the following documents should not be required:</p> <ul style="list-style-type: none"> - Business Registration Certificate, <p>3. Fee applicable for obtaining such license should be calculated within its cost, so that it is in accordance with Article 18 of the Law on Permits and Licenses. This calculation can be done by the project.</p> <p>4. The appeal procedure is provided for under LGAP.</p>	<p>1. The designation change is made in order to harmonize this permission with the definitions provided for in Law on Permit and License System for Professional Licenses (Article 9) and Permits (Article 8). Whereas, this type of permission falls under the limitation provided for under the Permit and as such should be named a Permit for Private Preschool Institutions.</p> <p>2. Removal of documents such as:</p> <ul style="list-style-type: none"> - Business Registration Certificate, <p>This will be done on grounds that there is no need for applicants to submit these documents issued by other state institutions. Submitting the same creates a huge administrative burden for the applicant and is completely pointless.</p> <p>3. The financial cost that the competent authority can charge for this permit must not exceed the amount necessary to cover the expenses incurred by the competent authority to conduct this procedure (Article 18 of the Law on Permit and License System). Such a calculation can be performed by the project and analyzed if the amount</p>
--	-------------------------------	---	---------------	---	---	--	--

				<ul style="list-style-type: none"> - Evidence of the building permit or the legalization process for the facility in compliance with the requirement, - Project designs, - Statute of PUVETI, - Business plan, - Court certificate proving the founder or authorized person is not under investigation, - Certificate of fulfilling sanitary conditions, - Certificate of compliance with fire safety conditions, - List of teaching-educational framework - Development plan of the educational institution - Annual work plan and program, - Subject programs according to grades, branches and educational 	<p>reflects the expenses that the authority covers during this procedure.</p> <p>4. LGAP is a framework law providing for the principles to be followed in every administrative procedure.</p>
--	--	--	--	--	--

				<p>profiles approved by MEST or accredited by KAA,</p> <ul style="list-style-type: none">- Copy of the contract between PUVETI, applicant, student, parent for enrollment,- Agreements with an educational institution of the approximate scope serving as a guarantee for continuation of the attendance of the educational process in case of termination of the activity of,- Bank guarantee <p>4. The license validity for primary schools will be 5 years, with an extension of 5 years, for lower secondary school will be 4 years, with an extension of 4 years, for upper secondary school will be 3 years, with an extension 3 years. The initial license is issued for a duration of one educational cycle according to the levels (primary level - 5 years; lower secondary - 4 years; upper secondary - 3 years), while</p>	
--	--	--	--	---	--

					<p>relicensing will last two educational cycles</p> <p>5. The estimated payment for licensing is in the amount of 500 Euro.</p>		
<p>Ministry of Education, Science, Technology and Innovation</p>	<p>DP PE 3- A</p>	<p>License of Private Training Institutions</p>	<p>Permit</p>	<p>MESTI, Department of Pre-University Education, Division of Higher Pre-University Education</p>	<p>1. Articles 46 of Law No. 04/L-032 on Pre-University Education in the Republic of Kosovo provides for the licensing of private pre-university institutions.</p> <p>2. UA 17 No. 17/2016 provides for the conditions and criteria for licensing of pre-university educational and vocational training institutions. In this case, we have to do with two licenses in practice. Since all the conditions, documentation and fees for licensing private vocational education and training institutions are the same, no division is made between them and they remain in place as provided for by the AI. However, in practice we have to do with vocational/training institutions</p>	<p>1. AI 17/2016 need to be amended to:</p> <ul style="list-style-type: none"> - Name the License of Private Institutions as a Permit for Private Training Institutions since we have to do with mandatory permission for legal entities and not for natural persons. <p>2. The submission of the following documents should not be required:</p> <ul style="list-style-type: none"> - Business Registration Certificate, - Organizational structure of PUVETI, - Rules of procedure, - Evidence of ownership or lease of the facility, - Certificate proving the founder or authorized person is not under investigation, - Certificate of compliance with fire safety conditions 	<p>1. The designation change is made in order to harmonize this permission with the definitions provided for in Law on Permit and License System for Professional Licenses (Article 9) and Permits (Article 8). Whereas, this type of permission falls under the limitation provided for under the Permit and as such should be named a Permit for Private Training Institutions.</p> <p>There is a need to change the practice for licensing of training institutions which are only courses, such as hairdressing courses.</p> <p>2. Removal of documents such as:</p> <ul style="list-style-type: none"> - Business Registration Certificate, - Organizational structure of PUVETI, - Rules of procedure,

				<p>licensed under this license, which provide hairdressing training courses, etc. So, Article 3 provides the conditions and criteria for licensing PUVETI. PUVETI by definition includes vocational institutions that require accreditation and those that do not require accreditation.</p> <p>5. The documents required when applying for a license are:</p> <ul style="list-style-type: none"> - Application Form - Business Registration Certificate, - Charter of PUVETI, - Organizational structure of PUVETI, - Rules of procedure, - Code of conduct, - Evidence of ownership or lease of the facility, - Evidence of the building permit or the legalization process for 	<ul style="list-style-type: none"> - List of teaching-educational framework - Development plan of the educational institution - - Annual work plan and program, - - Subject programs according to grades, branches and educational profiles approved by MEST or accredited by KAA, - Bank guarantee. <p>3. Fee applicable for obtaining such license should be calculated within its cost, so that it is in accordance with Article 18 of the Law on Permit and License System. This calculation can be done by the project.</p> <p>4. The appeal procedure is provided for under LGAP.</p>	<ul style="list-style-type: none"> - Certificate proving the founder or authorized person is not under investigation, - Certificate of compliance with fire safety conditions - List of teaching-educational framework - Development plan of the educational institution - - Annual work plan and program, - - Subject programs according to grades, branches and educational profiles approved by MEST or accredited by KAA, - Bank guarantee. <p>This will be done on grounds that there is no need for applicants to submit these documents issued by other state institutions and at the same time, most of them are required in the case of accreditation. Submitting the same creates a huge administrative burden for the applicant and is completely pointless.</p> <p>3. The financial cost that the competent authority can charge for this permit must not exceed the amount necessary to cover the expenses incurred by the competent authority to conduct this procedure (Article 18 of the Law on</p>
--	--	--	--	---	--	--

				<p>the facility in compliance with the requirement,</p> <ul style="list-style-type: none"> - Project designs, - Statute of PUVETI, - Business plan, - Court certificate proving the founder or authorized person is not under investigation, - Certificate of fulfilling sanitary conditions, - Certificate of compliance with fire safety conditions, - List of teaching-educational framework - Development plan of the educational institution - Annual work plan and program, - Subject programs according to grades, branches and educational profiles approved by MEST or accredited by KAA, 		<p>Permit and License System). Such a calculation can be performed by the project and analyzed if the amount reflects the expenses that the authority covers during this procedure.</p> <p>4. LGAP is a framework law providing for the principles to be followed in every administrative procedure.</p>
--	--	--	--	--	--	--

					<ul style="list-style-type: none">- Copy of the contract between PUVETI, applicant, student, parent for enrollment,- Agreements with an educational institution of the approximate scope serving as a guarantee for continuation of the attendance of the educational process in case of termination of the activity of,- Bank guarantee <p>6. The license validity for primary schools will be 5 years, with an extension of 5 years, for lower secondary school will be 4 years, with an extension of 4 years, for upper secondary school will be 3 years, with an extension 3 years. The initial license is issued for a duration of one educational cycle according to the levels (primary level - 5 years; lower secondary - 4 years; upper secondary - 3 years), while relicensing will last two educational cycles</p>		
--	--	--	--	--	---	--	--

					7. The estimated payment for licensing is in the amount of 500 Euro.		
Ministry of Education, Science, Technology and Innovation	DH E 1- A	License of Private Providers of Higher Education	Permit	MESTI, Department of Higher Education	<p>1. Articles 9.4 11.3, 12.3, 14 of Law No. 04/L-037 on Higher Education in the Republic of Kosovo provide for the licensing of private higher education institutions.</p> <p>2. Article 14 of the Law stipulates that the License has a validity of 5 years, the same as with accreditation validity. Article 6 of AI 25/2012 provides for the same.</p> <p>3. Some of the documents that are required at the time of submission are as follows:</p> <ul style="list-style-type: none"> - Application -for licensing, - Charter, - Name and headquarters, 	<p>1. Licensing of private higher education institutions should be named as a Permit for private higher education institutions since we have to do with a permission for legal entities and not for natural persons.</p> <p>2. AI 25/2012 should be amended and the following documents should not be required:</p> <ul style="list-style-type: none"> - Application- for licensing, - Organizational structure (chart), - Registration certificate - Certificate of compliance with fire safety conditions, - Sufficient premises equipped according to standards, - Library with inventory and abundant stock of books, - Cabinets with computer equipment, - List of employees (copies of certified diplomas), - List of administrative staff, - Annual work plan and program, - Copy of the contract between the institution and the staff, 	<p>1. The designation change is made in order to harmonize this permission with the definitions provided for in Law on Permit and License System for Professional Licenses (Article 9) and Permits (Article 8). Whereas, this type of permission falls under the limitation provided for under the Permit and as such should be named a Permit for Private Higher Institutions.</p> <p>2. Removal of documents such as:</p> <ul style="list-style-type: none"> - Application for licensing, - Organizational structure (chart), - Registration certificate, - Proof of ownership or lease of the facility for the licensing period, - Certificate of compliance with fire safety conditions, - Rules of procedure, - Sufficient premises equipped according to standards, - Library with inventory and abundant stock of books,

				<ul style="list-style-type: none"> - Organizational structure (chart), - Brief background, - Registration certificate - Proof of ownership or lease of the facility for the licensing period, - Certificate of compliance with fire safety conditions, - Governance statute, - Rules of procedure, - Code of conduct, - Certificate proving that no legal proceedings have been initiated against the founder, - Sufficient premises equipped according to standards, - Construction permit for those carrying out educational, scientific research activities, - Library with inventory and an abundant collection of books, - Cabinets with computer equipment, - List of employees (copies of certified diplomas), - List of administrative staff, 	<ul style="list-style-type: none"> - Bank guarantee for the amount of income, - Construction permit for those carrying out educational, scientific research activities, - The fee applicable for obtaining such license should be calculated within its cost, so that it is in accordance with Article 18 of the Law on Permits and Licenses. This calculation can be done by the project. <p>4. The appeal procedure is provided for under LGAP.</p> <p>5. It is recommended that the validity period of the license be extended to 6 years.</p>	<ul style="list-style-type: none"> - Cabinets with computer equipment, - List of employees (copies of certified diplomas), - List of administrative staff, - Annual work plan and program, - Copy of the contract between the institution and the staff, - Bank guarantee for the amount of income, - Construction permit for those carrying out educational, scientific research activities <p>This will be done on grounds that there is no need for applicants to submit these documents issued by other state institutions. In addition, documents such as: 1) Organizational chart; 2) Proof of ownership or lease of the premises; 3) Certificate of compliance with fire safety conditions; 4) Rules of procedure; 5) Sufficient premises equipped according to standards; 6) Library with inventory and an abundant collection of books; 7) Cabinets with computer equipment; 8) Lists of employees; 9) Lists of administrative staff; 10) Annual work plan and program; 11) Copy of the contract between institutions and personnel; 12) Bank guarantee, are</p>
--	--	--	--	--	--	--

				<ul style="list-style-type: none"> - Annual work plan and program, - Designation of documents that will be issued to students, - Copy of the contract between the institution and the staff - Bank guarantee for the amount of income - Business plan for the duration of the license - A certain amount of payment that a student is obliged to pay for one academic year. <p>4. The fee payable at the time of licensing is determined by a Minister's decision. The same is not applied.</p> <p>5. If the application for obtaining a visa is rejected, the party whose application was rejected, is entitled to file an appeal to MEST within 15 days from the day of the receipt of the decision rejecting the issuance of a license.</p>	<p>documents that are required in the course of accreditation. And submitting them twice creates a great administrative burden for the applicants and is completely pointless.</p> <p>3. The financial cost that the competent authority can charge for this permit must not exceed the amount necessary to cover the expenses incurred by the competent authority to conduct this procedure (Article 18 of the Law on Permit and License System). Such a calculation can be performed by the project and analyzed if the amount reflects the expenses that the authority covers during this procedure.</p> <p>4. LGAP is a framework law providing for the principles to be followed in every administrative procedure.</p> <p>5. Relicensing is not recognized as a term in LPLS and the same is not legal. Institutions should be subject to license suspension and revocation if they fail to initiate the accreditation and do not meet the licensing conditions. However, due to the conditions in practice and the lack of inspection capacities, it is</p>
--	--	--	--	--	--

								planned to extend the terms of the license.
--	--	--	--	--	--	--	--	---