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**Annex 3- Report on the Simplification of Permission Administered
by the Ministry of Culture, Youth and Sports¹**

March 2023

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Abbreviations

IFC	International Finance Corporation
MCYS	Ministry of Culture, Youth and Sports
CYAC	Central Youth Action Council
Permission	Notification, Registration, Professional Permit or License
LPLS	Law on Permit and License System
LGAP	Law on General Administrative Procedure
Registry	Registry of Permits and Licenses
AI	Administrative Instruction

1. Introduction

The Investment Climate II Project of the International Finance Corporation (IFC)/part of the World Bank Group, in the course of the permit and license simplification reform in the Republic of Kosovo, in coordination with the Legal Office of the Prime Minister, started with an analysis of the inventory and simplification of permits administered by all ministries, including the Ministry of Culture, Youth and Sports (hereinafter “MCYS”). Permission system simplification reform is one of the key factors in creating a framework to promote regulation quality, within a broader context of improving governance, including transparency, accountability and service efficiency towards citizens by creating a more suitable business environment.

The mandate to reform the permission system in Kosovo started with the adoption of Law No. 04/L-202 on Permit and License System in 2013 (hereinafter “LPLS”) (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=8967>). This law sets the main principles and rules to create new permits and licenses and for the existing licenses. LPLS stipulates permits and licenses shall be generated only when necessary to protect public health, public security, environment and use natural resources in Kosovo, thus preventing the creation of administrative barriers for businesses in other cases. LPLS also requires the examination of all existing permits and licenses to establish their compatibility with these rules and principles. Pursuant to LPLS, the Registry of Permits and Licenses (hereinafter “the Registry”) has been established wherein the permissions administered by all state administration authorities have been identified (<http://lejelicenca.rks-gov.net/>). In line with the LPLS legal requirements, this year, the Government of the Republic of Kosovo has drawn up a program to reduce the administrative burden to simplify or eliminate procedures and requirements incurring expenses and wasting time for citizens and businesses, that are considered unnecessary and do not protect the public interest.

According to Annex 1, point 8.1 of Regulation (GRK) No. 02/2021 on Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries², amended and supplemented by Regulation (GRK) No. 04/2021³ and Regulation (GRK) No. 03/2022⁴, the Ministry of Culture, Youth and Sports (hereinafter “MCYS”) is responsible for “[p]reparation of public policies, drafting legal acts, drafting and adopting by-laws and defining mandatory standards in the area of culture, youth, sports, copyright and other related rights”. Within its responsibilities, MCYS,

² <https://gzk.rks-gov.net/ActDetail.aspx?ActID=39317>

³ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=47884>

⁴ <https://gzk.rks-gov.net/ActDetail.aspx?ActID=60962>

among other things, administers a series of permissions for various activities, including the licensing of sports federations, issuing of permission for the collective administration of copyright and other related rights, issuing of licenses for publishing activities, the recognition/registration of the Central Youth Action Council, issuing of a professional licenses to natural persons to exercise activity in the area of cultural heritage and professional licenses to legal entities to exercise activity in the area of cultural heritage.

This report aims to analyze and study the legal framework for the administered permissions permits and the implementation of such framework in practice as well as the provision of recommendations to simplify them within MCYS.

This report is drafted i 3 phases, as follows:

Phase One: Preliminary legal analysis of permissions administered by MKRS.

Phase Two: Convening meetings with representatives from the relevant MCYS departments for data collection and filling out forms with detailed information for each permission.

Phase Three: Final review of the collected information and report drafting.

During the first phase, a preliminary analysis of the relevant legislation was made, including Laws on Sports, Copyright and Related Rights, Publishing Activity, Youth Empowerment and Participation and Cultural Heritage, all Administrative Instructions (hereinafter "IA") deriving from these legal acts, as well as the content of the Registry of permissions was analyzed.

During the second phase, meetings and consultations were held with representatives from the MCYS legal department, sports department, copyright office, culture department, youth department, and the cultural heritage department for data collection and completion of forms with detailed information for each permission.

During the third phase, all the information collected through the forms were verified and analyzed against the relevant legal provisions for each permission. Furthermore, the possibilities for simplification of these permissions have been identified, which resulted in their presentation in the form of recommendations for legal amendments and supplementations in this report.

The structure of the report is organized in the following way: Chapter 2 of this report presents the main legal framework governing permissions administered by MCYS, while Chapter 3 is dedicated to the analysis of the main legislation governing permissions in Kosovo in general and

establishes the basic principles applicable to permissions administered by MCYS in particular. Special attention in this chapter is paid to LPLS and LGAP which define horizontally the principles and rules for improving the business environment as well as the effective implementation of public authority with a view to public interest, guaranteeing at the same time the protection of rights and legal interests of persons. At the end, Chapter 4, based on the analysis and findings according to Chapters 2 and 3, presents the general recommendations, and the specific ones which are elaborated in detail in Annex 1 of this report.

2. Legal basis and the list of permissions administered by MCYS

As mentioned above, the issuance and administration of permissions within MCYS are defined by a series of laws, including Law No. 2004/24 of Sport (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2490>) (hereinafter "Law on Sport"), amended and supplemented by Law No. 04/I-075 (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2802>) and Law No. 06/I-115 (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=18916>), Law No. 04/L-065 on Copyright and Related Rights (<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2787>) (hereinafter "Law on Copyright and Related Rights"), Law No. 02/L-51 for Publishing Activity and the Book (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=2432>) (herein "Law on Publishing Activities and Books"), Law No. 03/L-145 on Youth Empowerment and Participation (<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2654>) (hereinafter "Law on Empowerment and Participation Youth") and Law No. 02/L-88 on Cultural Heritage (<https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2533>) (hereinafter "Law on Cultural Heritage").

Various aspects of the application of permissions are defined in a number of by-laws. For the licensing of sports federations, issues such as the application procedure and the issuance of the license, the required documentation, the appeal procedure, etc., are determined by Administrative Instruction (MCYS) No. 01/2022 on the Terms, Criteria and Procedures for the Establishment, Licensing and Re-Evaluation of Sports Federations and Organizations (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=59343>). Regarding the Permit for collective administration of copyright and related rights, issues such as the granting procedures, namely obtaining of the permit, deadlines, documentation requirements, etc., are regulated by Regulation No. 01/2012 on Procedures of Granting, Respectively Revoking the License to Associations for Collective Administration of Copyright and Related Rights <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8379>). Also, the conditions for granting the license, deadlines, required documentation, etc. regarding the license for publishing activities are determined under Regulation No. 03/2009 on Licensing and Registration of Publishers in Kosovo (<https://gzk.rks-gov.net/ActDetail.aspx?ActID=8379>). For the Central Youth Action Council, the Administrative

Instruction No. 9/2010 on Responsibilities and Procedures for the Establishment and Functioning of Youth Action Councils in Kosovo (<https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=7899>) determines recognition procedures, deadlines, etc. Whereas the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage (<https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=51792>) regulates the application and decision-making procedure, appeal, as well as determines the relevant fees for the professional license for natural persons for the exercise of activity in the field of cultural heritage and the professional license for legal persons for the exercise of activity in the field of cultural heritage.

Pursuant to Article 5 of LPLS, 4 categories of Permissions are defined in 1) notification, 2) registration, 3) permit, and 4) professional license “listed in proportional order to the risk level that each type is designed to address, from the lowest risk to public health, public safety or the environment or the lowest impact on the use of natural resources to the highest risk or impact.” From the analysis of the legal acts and by-laws mentioned above, it results that MCYS administers 6 permissions, 5 of which fall into the category of licenses and permits and 1 into the category of registrations. The table below shows the basic data for each permission administered by MCYS.

Table No.1. Permits administered by MCYS

Ministry of Culture, Youth and Sports			
No.	Designation	Type of permission (according to LPLS)	Legal acts
MCYS-1	Licensing of sports federations	License	Law No. 2004/24 on Sport, amended and supplemented by Law No. 04/I-075 and Law No. 06/I-115 Administrative Instruction (MCYS) No. 01/2022 on the Terms, Criteria and Procedures for the Establishment, Licensing and Re-Evaluation of Sports Federations and Organizations

MCYS-2	Permission for collective administration of copyright and related rights	License	Law No. 04/L-065 on Copyright and Related Rights Regulation No. 01/2012 on Procedures of Granting, Respectively Revoking the License to Associations for Collective Administration of Copyright and Related Rights
MCYS-3	License for publishing activities	License	Law No. 02/L-51 on Publishing Activities and Books Regulation No. 03/2009 on Licensing and Registration of Publishers in Kosovo
MCYS-4	Decision on the recognition of Central Youth Action Council	Registration	Law No. 04/L-145 on Empowerment and Participation Youth Administrative Instruction No. 9/2010 on Responsibilities and Procedures for the Establishment and Functioning of Youth Action Councils in Kosovo
MCYS-5	Professional license for natural persons to exercise activity in the field of cultural heritage	License	Law No. 02/L-88 on Cultural Heritage Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage
MKRS-6	Professional license for legal entities to exercise activity in the field of cultural heritage	License	Law No. 02/L-88 on Cultural Heritage Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for

			Natural and Legal Persons in the Field of Cultural Heritage
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3. Key findings and legal analysis

This part of the report is dedicated to the analysis of the main legislation governing permissions in Kosovo in general and establishes the basic principles applicable to the permissions administered by MCYS in particular. LPLS is a general law with horizontal impact establishing the principles and rules for the improvement of the environment of doing business, through the reduction of administrative barriers and development of trade and professional activities that are necessary to protect the public health, public safety, environment and usage of natural resources in the Republic of Kosovo⁵. Another horizontal law with horizontal impact on all permissions generally governing the exercise of public authority by state central and local authorities is the Law on General Administrative Procedure (hereinafter “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 persons⁶. We will analyze below some of the key principles and rules provided for by these laws and their interrelation with the special existing rules in the legislation governing the permissions administered by MCYS.

3.1. The principle of legality

The principle of legality, in the present case, has to do with the necessity of being in compliance with the law of another legal act. This principle is defined as a legal requirement and obligation in the LPLS, LGAP, and the Constitution of Kosovo. From the interpretation of these provisions, especially Article 17 of LPLS, the determination of permits and licenses should only be provided by law. The legal basis for the permissions administered by MCYS is defined and clear for 5 of the permissions, but not for the decision to recognize the Central Youth Action Council (hereinafter “CYAC”). More precisely, Article 8 of the Law on Empowerment and Participation of Youth only describes that CYAC is a voluntary setting of youth organizations operating in Kosovo and an

⁵ Article 1, Law No. 04/L-202 on Permit and License System

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

advisory formation for youth issues, which represents the interests of youth organizations to central government institutions and international youth mechanisms. While Administrative Instruction No. 9/2010 on Responsibilities and Procedures for the Establishment and Functioning of Youth Action Councils in Kosovo defines the registration procedure and the decision to recognize CYAC along with other criteria, even though there is no clear legal basis in the Law for such permission. This arrangement is not compatible with Article 17 of LPLS, which provides that the permissions can only be determined by law.

3.2. Payments and fees

Out of 6 permissions administered by MCYS, the fees apply only to the Professional License for natural persons for the exercise of activity in the field of cultural heritage and the Professional License for legal entities for the exercise of activity in the field of cultural heritage. From the analysis of these fees, it is observed that they have been set without any clear criteria, which is contrary to the principle of setting the fee based on the cost of the procedure of the public body. As mentioned above, this criterion is defined in Article 18 of LPLS, paragraph 2 of Article 12 of LGAP. Consequently, it is necessary to review such fees and if they are not set according to this principle, they need to be replaced by the fee levels calculated based on this principle.

3.3. Application, examination of permission and conducting the procedure electronically

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, or have CYAC registered. Electronic application is a legal requirement of LPLS, while the conduct of the procedure electronically falls under LGAP. In the specific case, MCYS does not have an electronic system for the purpose of applying and conducting the review procedure for the administered permits. This issue is expected to be addressed through the government's administrative burden reduction program.

Regarding the licensing of sports federations, there are contradictions between the provisions of the Law on Sports. Accordingly, Article 31, paragraph 2 designates this permission as a permit, while in Article 32, paragraph 1 it is referred to as a licensed federation. Administrative Instruction (MCYS) No. 01/2022 on the Terms, Criteria and Procedures for the Establishment,

Licensing and Re-Evaluation of Sports Federations and Organizations refers to such permission as a License. Article 24, paragraph 6 of AI stipulates that before a decision is rendered by the Minister, the Commission shall publish a report with recommendations for granting or rejecting the license and within 15 days the aggrieved parties may file an appeal to the competent second instance body. Article 27, paragraph 3 of AI provides that the deadline for the decision regarding licensing or license refusal shall be 60 days. This serves as a basis for simplifying this permission, i.e. harmonizing, or reducing this deadline according to Article 98 of LGAP. Regarding the appeal, the Law on Sports does not provide for an appeal procedure, while Article 30 of the AI provides for the establishment of an Appeals Committee and the conduct of the procedure according to the LGAP provisions. Furthermore, AI contains an application annex in which it is not clearly defined in some of the documentation requirements whether an original document or a copy is required. The necessary documentation for the application is defined in Article 12 of the AI wherein, among other things, certificates or notarized copies of documents issued by other state bodies are required. This includes the certificate or notarized copy of the registration with the relevant Department for NGOs, the certificate or notarized copy of the fiscal number. Here, there is room for simplification to enable the parties to submit only copies of such documents, which would result in the reduction of the administrative burden for the parties. Licensing of federations applying for the first time, that have fulfilled the licensing criteria, is to be done for a duration of one year. According to AI, Article 18, paragraph 5, during the one-year period, the licensed federation is obliged to prove the fulfillment of the criteria to apply for the re-evaluation of the license, and the licensing after the re-evaluation lasts at most 4 years and this duration of the license term is associated with the Olympic cycle. Here, there is room for simplification, namely to enable the granting of the license without a deadline, as long as the verification of the fulfillment of the legal conditions can be done through the suspension and revocation rules defined in LPLS. Also, according to LPLS, the license is issued to natural persons and not to legal entities, and in this case the designation as licensing is not adequate.

Regarding the Permit for collective administration of copyright and related rights, the legal basis for this permit is the Law on Copyright and Related Rights, namely Article 161, paragraph 1 and Article 172 and there is no validity term. Pursuant to Article 172, paragraph 2 of the Law on Copyright and Related Rights, the association is entitled to file an appeal against the decision not to grant a permission, but a lawsuit before the competent court can be filed according to the provisions of the administrative procedure. According to Regulation No. 01/2012 on Procedures of Granting, Respectively Revoking the License to Associations for Collective Administration of Copyright and Related Rights, Article 4, the deadline for issuing a decision on the application for permission is 3 months. This serves as a basis for simplifying this permission, i.e. harmonizing, or reducing this deadline according to Article 98 of LGAP. According to the Regulation, Article 21 referring to documentation requirements, among other things, a rental contract and NGO certificate are required. Here, there is also room for simplification to enable the parties to submit

only copies of such documents, which would result in the reduction of the administrative burden for the parties.

As to the License for publishing activities, the legal basis for such license is the Law on Publishing Activities, Article 16, paragraph 19.2. Pursuant to Article 7, paragraph 4 of the Regulation No. 03/2009 on Licensing and Registration of Publishers in Kosovo, the deadline for examining the application for this license is 60 days. This serves as a basis for simplifying this permission, i.e. harmonizing, or reducing this deadline according to Article 98 of LGAP. Pursuant to Article 7, paragraphs 5 and 6 of the Regulation, an appeal against the decision is filed to the Minister, who takes a decision within 30 days, which is in compliance with LGAP. Further, pursuant to Article 19 of the Regulation referring to the required documentation, among other things, the business registration certificate is also required. Here, there is also room for simplification to enable the parties to submit only copies of such documents, which would result in the reduction of the administrative burden for the parties. It is worth noting that this license has never been applied to date. Pursuant to Article 9 of the AI, the validity term of this license is 5 years. Here, there is room for simplification, namely to enable the granting of the license without a deadline, as long as the verification of the fulfillment of the legal conditions can be done through the suspension and revocation rules defined in Article 22 of LPLS. Also, according to LPLS, the license is issued to natural persons and not to legal entities, and in this case the designation as license is not adequate. This license is not included in the Central Registry of Permits and Licenses and its inclusion is recommended.

Regarding the Decision on the recognition of the Central Youth Action Council (CYAC), Article 8 of the Law on Empowerment and Participation of Youth only clarifies what CYAC means, but it does not define it as permission. As a result, there is no clear legal basis in the Law for CYAC as permission, namely registration. Therefore, it is necessary to supplement this Law to clearly define the legal basis for this permission, in line with LPLS. Article 1 of the Administrative Instruction No. 9/2010 on Responsibilities and Procedures for the Establishment and Functioning of Youth Action Councils in Kosovo refers to this permission as registration. Article 6 of the Regulation defines the procedures for recognition of CYAC by MCYS according to Annex 1 of the Law, after registration based on the Law on Freedom of Association in Non-Governmental Organizations. Pursuant to Article 6, paragraph 3 of the Regulation, the Minister issues the recognition decision within 30 days after the application is submitted. This deadline is in compliance with LGAP. Pursuant to Article 7 of the Regulation, the decision can be appealed according to the applicable legislation. Other details are not defined in the Regulation, thus implying that the procedure takes place based on the LGAP provisions for the appeal. The validity of the decision has no term. This permission is not included in the Central Registry of Permits and Licenses and its inclusion is recommended.

As to the Professional License for natural persons to exercise activity in the field of cultural heritage, the legal basis for this license is the Law on Cultural Heritage, Article 4, paragraph 4.16, Article 7, paragraph 7.21, Article 9, paragraphs 9.13 and 9.26 and the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage, Article 14. Pursuant to Article 5, paragraph 2 of the AI, the professional license for natural persons to exercise activity in the field of cultural heritage, includes the following 5 categories:

1. License A1 for project design for conservation/restoration and supervision of implementation in the field of immovable cultural heritage;
2. License A2 for the execution of conservation/restoration works of immovable cultural heritage;
3. License A1 for designing and implementing conservation/restoration projects of movable cultural heritage;
4. License A4 for archaeological excavations;
5. License A5 for exclusive specializations.

The application and documentation is received and processed by the Culture Department. Then the case is verified and examined by the Licensing Commission. The license is issued by the Minister's decision. The interested party applies for one of the 5 categories (or subcategories) of this license by submitting an application and documentation for licensing to the Licensing Board Secretary (Department of Cultural Heritage), who processes the documentation thereof. Then the case is examined by the Licensing Board composed of 5 members, which takes a decision on the application for a license. The license issued is signed by the Minister and is valid for a period of 5 years, after the expiration of which the party must apply for relicensing. The procedure for renewing the license is the same. The AI does not define any deadline for reviewing the application, but Article 28, paragraph 2 refers to LGAP, which means that the deadline for reviewing the application is 45 days. Pursuant to Article 37 of the AI, the right to appeal against an administrative decision is as defined in Article 27 of Law No. 04/L-202 on Permit and License System, which means that every natural and legal person is entitled to appeal to the Ministry within 30 days from the date of publication of the decision to reject the professional license before the Appeals Commission, established by the Minister's decision. The working procedures of the Appeals Commission are implemented in accordance with Law No. 05/L-031 on Administrative Procedure. The Appeals Commission consists of 3 (three) members, of which 1 (one) is a representative from the Department of Cultural Heritage, one from the Legal Department and one is a professional in the field determined by the Ministry. Pursuant to Article 32 of the AI, the following fees apply for this procedure:

1. License A1 and A4 - 100 Euro,
2. License A2 and A3 - 70 Euro,
3. License A5 - 70 or 100 Euro, depending on the subcategory,

For relicensing, 50% of the initial fee is paid. Consequently, it is necessary to review such fees and if they are not set according to the principle of the costs of procedure of the competent body, they need to be replaced by the fee levels calculated based on this principle. Pursuant to Article 18, paragraph 1 of the AI, the validity term of this license is 5 years. Here, there is room for simplification, namely to enable the granting of the license without a deadline, as long as the verification of the fulfillment of the legal conditions can be done through the suspension and revocation rules defined in LPLS. This license is not included in the Central Registry of Permits and Licenses and its inclusion is recommended.

Finally, regarding the Professional License for legal entities to exercise activity in the field of cultural heritage, the legal basis for this license is the Law on Cultural Heritage, Article 4, paragraph 4.16, Article 7, paragraph 7.21, Article 9, paragraphs 9.13 and 9.26 and the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage, Article 15. The AI does not define any deadline for reviewing the application, but Article 28, paragraph 2 refers to LGAP, which means that the deadline for reviewing the application is 45 days. Pursuant to Article 37 of the AI, the right to appeal against an administrative decision is as defined in Article 27 of Law No. 04/L-202 on Permit and License System, which means that every natural and legal person is entitled to appeal to the Ministry within 30 days from the date of publication of the decision to reject the professional license before the Appeals Commission, established by the Minister's decision. The working procedures of the Appeals Commission are implemented in accordance with Law No. 05/L-031 on Administrative Procedure. The Appeals Commission consists of 3 (three) members, of which 1 (one) is a representative from the Department of Cultural Heritage, one from the Legal Department and one is a professional in the field determined by the Ministry.

Pursuant to Article 32 of the AI, the following fees apply for this procedure:

1. Professional license for legal entities: License B1 - 500 Euro;
2. Professional license for legal entities: License B2 - 700 Euro;
3. Professional license for legal entities: License B3 - 1,000 Euro;
4. Professional license for legal entities: License B4 - 1.000 Euro;
5. Professional license for legal entities: License B5 - 3.000 Euro;

For the relicensing of legal entities, 50% of the amount set in this AI is paid. Consequently, it is necessary to review such fees and if they are not set according to the principle of the costs of

procedure of the competent body, they need to be replaced by the fee levels calculated based on this principle. Pursuant to Article 15 of the AI, the documentation required for this application, among other things, includes the notarized copies of the licenses of the professional staff on the basis of which the legal entity seeks to be licensed, the notarized copies of the employment contracts with an indefinite term between the legal representative of the legal entity and the licensed professional staff on the basis of which it seeks to be licensed, the certificate of registration as a legal entity with the competent institutions of the Republic of Kosovo, and the certificate issued by the Tax Administration of Kosovo. Here, there is also room for simplification to enable the parties to submit only copies of such documents, which would result in the reduction of the administrative burden for the parties. Pursuant to Article 18, paragraph 2 of the AI, the validity term of this license is 5 years. Here, there is room for simplification, namely to enable the granting of the license without a deadline, as long as the verification of the fulfillment of the legal conditions can be done through the suspension and revocation rules defined in LPLS. Also, since licensing according to LPLS is done only for natural persons and not for legal entities, it is necessary to harmonize AI with LPLS. This permission is not included in the Central Registry of Permits and Licenses and its inclusion is recommended.

4. Recommendations

The recommendations from this report will focus on the need to align the current legislation with LPLS and LGAP as laws having a horizontal impact, clearly defining under law the permits administered by MCYS, setting fees based on the principle of the costs for procedure for reviewing the applications for permissions by the competent body, as well as other facilitations of the administrative burden for the party related to the elimination of unnecessary documentation requirements and the reduction of unreasonable deadlines not grounded on LGAP. General and specific recommendations, which are elaborated in detail in Annex 1 of this report, are presented below.

4.1. General recommendations

According to the analysis of permits administered by MCYS, the key findings have been identified, based on which the following general recommendations have been issued:

- Permits and licenses need to be issued without a deadline, as long as the verification of the fulfillment of the legal conditions can be done through the suspension and revocation rules defined in LPLS

- Payments and administrative fees, by rule, should not apply, but even when provided for by law, the same should not exceed the amount necessary to cover the expenses incurred by a public body to administer such permission;
- The Registry needs to be updated to include the missing permits, namely the License for publishing activities, the Decision on the recognition of the Central Youth Action Council, the Professional License for natural persons for the exercise of activity in the field of cultural heritage and the Professional License for legal entities for the exercise of the activity in the field of cultural heritage.
- In general, there are application requirements which are unnecessary and also inappropriate to be observed, e.g. notarized copies of documentation.
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4.2. Specific recommendations

Part of this report is also the analysis that identifies each permission separately, the name and type of permission, the responsible authority, findings, and recommendations and justification. This analysis is presented in Annex I below.

Annex 1 - Specific recommendations

Institution	Ref. No.	Permission name	Permission type	Responsible authority	Findings	Recommendations
MCYS	MCYS-1	Licensing of sports federations	License	Evaluation Committee for Licensing of Sports Federations, MCYS. The decision on granting or rejecting an application is signed by the Minister, based on the Committee's recommendation	<p>1. According to LPLS, a license is issued to natural persons and not to legal entities, and in this case the designation as licensing is not adequate.</p> <p>2. The deadline for the decision on licensing or license refusal shall 60 days, which is in contradiction with Article 98 of LGAP.</p> <p>3. It is not clear whether some of the documentation requirements require original documents or copies.</p> <p>4. The license validity is up to 5 years.</p>	<p>1. Administrative Instruction (MCYS) No. 01/2022 on the Terms, Criteria and Procedures for the Establishment, Licensing and Re-Evaluation of Sports Federations and Organizations needs to be amended/supplemented, namely the AI title and the relevant provisions referring to "licensing" should be replaced by "permit".</p> <p>2. Article 27, paragraph 3 of the Administrative Instruction (MCYS) No. 01/2022 on the Terms, Criteria and Procedures for the Establishment, Licensing and Re-Evaluation of Sports Federations and Organizations needs to be amended/supplemented to harmonize the final deadline for the decision on licensing or license refusal from 60 days to 45 days, pursuant to Article 98 of LGAP.</p> <p>3. Article 12, paragraph 3 of the Administrative Instruction (MCYS) No. 01/2022 on the Terms, Criteria and Procedures for the Establishment, Licensing and Re-Evaluation of Sports</p>

						Federations and Organizations and the Annex to AI need to be amended/supplemented to determine that only copies of the registration certificate in the relevant Department for NGOs and the fiscal number certificate are required.
MCYS	MCYS-2	Permission for collective administration of copyright and related rights	Permit	Copyright Office, MCYS	<p>1. The deadline for issuing a decision on the application for permission is 3 months, which is contrary to Article 98 of LGAP.</p> <p>2. As to documentation requirements, a rental contract and NGO certificate are required.</p>	<p>1. Article 4 of the Regulation No. 01/2012 on Procedures of Granting, Respectively Revoking the License to Associations for Collective Administration of Copyright and Related Rights needs to be amended/supplemented to harmonize the deadline for decision on the application for permit from 3 months to 45 days, pursuant to Article 98 of LGAP.</p> <p>2. Article 21 of the Regulation No. 01/2012 on Procedures of Granting, Respectively Revoking the License to Associations for Collective Administration of Copyright and Related Rights needs to be amended/supplemented to determine that only a rental contract and NGO certificate are required.</p>
MCYS	MCYS-3	License for publishing activities	License	Culture Department, MCYS, issued	1. According to LPLS, a license is issued to natural persons and not to legal entities, and in this case	1. Article 16, subparagraph 19.2 of the Law No. 02/L-51 on Publishing Activities and Books needs to be amended to determine that permits are issued to legal entities and under Regulation No. 03/2009 on Licensing and Registration of

				<p>by Minister's decision.</p>	<p>the designation as licensing is not adequate.</p> <p>2. The deadline for examining the application for this license is 60 months, which is contrary to Article 98 of LGAP.</p> <p>3. It is not clear whether the business registration certificate requirement requires original documents or only copies.</p> <p>4. The license validity is up to 5 years.</p>	<p>Publishers in Kosovo, namely under the provisions referring to "license" for legal entities, the term to be replaced by "permit".</p> <p>2. Article 7, paragraph 4 of Regulation No. 03/2009 on Licensing and Registration of Publishers in Kosovo needs to be amended/supplemented to harmonize the deadline for the decision on the application for license from 60 days to 45 days, pursuant to Article 98 of LGAP.</p> <p>3. Article 19 of the Regulation No. 03/2009 on Licensing and Registration of Publishers in Kosovo needs to be amended/supplemented to determine that only a copy of the business registration certificate is required.</p> <p>4. Article 9 of the Regulation No. 03/2009 on Licensing and Registration of Publishers in Kosovo needs to be amended/supplemented to enable the granting of a license with a validity period of 7 years.</p>
MCYS	MCYS-4	Decision on the recognition of Central Youth Action Council (CYAC)	Registration	Youth Department, MCYS	<p>1. There is no clear legal basis for this permission. Consequently, the definition of this permission is not in compliance with LPLS.</p>	<p>1. Article 8 of the Law No. 03/L-145 on Empowerment and Participation of Youth needs to be amended/supplemented to include this permission according to the LPLS criterion for determining permissions only by law.</p>

MCYS	MCYS-5	Professional license for natural persons to exercise activity in the field of cultural heritage	License	Culture Department, MCYS	<p>1. The application fees for this permission are as follows:</p> <p>1.1. License A1 and A4 - 100 Euro,</p> <p>1.2. License A2 and A3 - 70 Euro,</p> <p>1.3. License A5 - 70 or 100 Euro, depending on the subcategory,</p> <p>For relicensing, 50% of the initial fee is paid. These fees do not appear to have been calculated based on the costs of the administrative procedure of the competent body to administer such permission.</p> <p>2. The validity term of this license is 5 years.</p>	<p>1. Article 32 of the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage needs to be amended/supplemented to determine fees based on the costs of the administrative procedure of the competent body to administer such permission.</p> <p>2. Article 18, paragraph 1.1 of the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage needs to be amended/supplemented to enable the granting of a license with a validity period of 7 years.</p>
MCYS	MKRS-6	Professional license for legal entities to exercise activity in the field of cultural heritage		Culture Department, MCYS	<p>1. According to LPLS, a license is issued to natural persons and not to legal entities, and in this case the designation as license is not adequate.</p> <p>1. The application fees for this permission are as follows:</p>	<p>1. It is needed to amend/supplement Law No. 02/L-88 on Cultural Heritage, namely the relevant provisions where licensing of legal entities is mentioned to be replaced by “a permit for legal entities”, and the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of</p>

					<p>1.1. Professional license for legal entities: License B1 - 500 Euro;</p> <p>1.2. Professional license for legal entities: License B2 - 700 Euro;</p> <p>1.3. Professional license for legal entities: License B3 - 1,000 Euro;</p> <p>1.4. Professional license for legal entities: License B4 - 1.000 Euro;</p> <p>1.5. Professional license for legal entities: License B5 - 3.000 Euro;</p> <p>For the relicensing of legal entities, 50% of the amount set in this Administrative Instruction is paid. These fees do not appear to have been calculated based on the costs of the administrative procedure of the competent body to administer this permission.</p> <p>3. The validity term of this license is 5 years.</p>	<p>Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage, namely under the AI title and the relevant provisions “professional license for legal entities” should be replaced by ‘permit for legal entities’.</p> <p>2. Article 32 of the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage needs to be amended/supplemented to determine fees based on the costs of the administrative procedure of the competent body to administer such permission.</p> <p>3. Article 18, subparagraph 1.2 of the Administrative Instruction (MCYS) No. 03/2021 on the Criteria, Requirements, Rules and Procedures Related to the Issuance, Administration and Revocation of Professional Licenses for Natural and Legal Persons in the Field of Cultural Heritage needs to be amended/supplemented to enable the granting of a license with a validity period of 7 years.</p> <p>4. Article 15 of the Administrative Instruction (MCYS) No. 03/2021 on the Criteria,</p>
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