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*Ministry of Environment, Spatial Planning and Infrastructure*

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## **CONCEPT DOCUMENT FOR THE FIELD OF AIR NAVIGATION SERVICES**

**Prepared by the Ministry of Environment, Spatial Planning and Infrastructure**

**Air Navigation Services Agency and  
Department of Civil Aviation**

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## ABBREVIATIONS

ANSA	Air Navigation Services Agency
ANSP	Air Navigation Services Provider
CAA	Civil Aviation Authority
CIAA	Commission for the Investigation of Air Incidents and Accidents
EU	European Union
ICAO	International Civil Aviation Organization
LD	Law Department
DCA	Department of Civil Aviation
MIA	Ministry of Internal Affairs
MESPI	Ministry of Environment, Spatial Planning and Infrastructure
MFLT	Ministry of Finance, Labor and Transfers
MD	Ministry of Defense
NDP	National Development Plan
AI	Administrative Instruction
PMO	Prime Minister's Office
ECAA	Agreement on the European Common Aviation Area

## Summary of the concept document

The concept document for the field of air navigation services has been prepared by MESPI and ANSA in accordance with the Instructions and Manual for Drafting Concept Documents No. 95/2018 dated 21/03/2018 and in accordance with the rules and procedures of the Government.

The provision of air navigation services is of particular importance for the operation and sustainable development of any country, considering that the safe provision of air navigation services to the airspace users of the Republic of Kosovo today is a fundamental primary provision and the main mechanism for maintaining, monitoring and safety enhancement.

In Kosovo, the provision of air navigation services is of a high and safe level of service, but the problems in this area are related to the legislative changes made recently, which cannot be applied according to the required international standards. The key problem lies in the institutional structure not clearly defined. Therefore, the pace of rise in competition is lower in comparison to the region's and other countries. In the meantime, the establishment of a sustainable financing system is another crucial component for the development of the sector.

With this concept document, the shortcomings of the current legislation in the field of providing air navigation services have been identified and analyzed, which have a negative impact on the management of financial, human and infrastructural resources. The aforementioned factors affect that Kosovo in this field is not competitive in providing air navigation services with the highest operational cost in the region.

The general aim of this concept document is to create the appropriate legal framework which enables the further development of air navigation services in all sectors, for the benefit of improving services, safety, economic development and well-being; the harmonization of the Law on the Provider of Air Navigation Services with international legislation in the field of air navigation as well as the advancement of legislation in the field of financial, administrative, monitoring and safety regulation of civil aviation, in accordance with the Law on Civil Aviation

The specific objectives defined by this concept document are: (i) Improvement of the legal and regulatory infrastructure as well as harmonization with EU regulations and practices in the field of air navigation; ( ii ) Normalization of the Lower Airspace of the Republic of Kosovo; ( iii ) Assuming control of the Upper Airspace of the Republic of Kosovo; ( iv ) Further development of technical and human capacities; and (v) Increasing competitiveness in the region .

After analyzing the impacts, costs and benefits of the three (3) considered options for achieving these objectives, it was concluded that the most appropriate option is the drafting of a new law in the field of providing air navigation.

The new law on the provision of air navigation services will: (i) address the shortcomings of the current law, in particular regarding the status of ANSA, (ii) transpose the concepts and principles of EU legislation, in accordance with the Law on Civil Aviation, and (iii) aspects of the management of financial and human and professional resources which are not covered or are insufficiently covered in the existing law would be regulated.

The new law would clearly and comprehensively regulate all aspects related to the financing of the provision of air navigation services such as: sources of financing, specific use of revenues from special sources of financing, invoicing modalities and cashing, etc.

In the tables below, the data for the concept document, including its conclusions and recommendations, are presented in a summarized form.

General information	
<b>TITLE</b>	Concept document for the field of air navigation services
<b>Lead ministry</b>	Ministry of Environment, Spatial Planning and Infrastructure Air Navigation Services Agency
<b>Contact person</b>	Name Surname: Samir Bllacaku Position: General Director of ANSA Email: samir.bllacaku@rks-gov.net Office phone number: + 383 38 59 58 132
<b>Strategic priority</b>	National Development Plan KPZH 2023 - 2025 Pillar I; 08- Transport and communication; Point 2.3 - Improvement of transport infrastructure and services; Strategic Measures:- Regulation of primary and secondary legislation in the field of Civil Aviation Consent to Request No. of Protocol : 750 ZKM dt 27.04.2023

DECISION	
<b>The main issue</b>	<p>The document describes the current situation and legal regulations in the field of air navigation in the Republic of Kosovo.</p> <p>ANSA was established in January 2016, based on Law No. 04/L-250 for the Air Navigation Services Agency.</p> <p>Until the transformation into an independent Agency in 2016, ANSA has operated under the status of a public enterprise under the name Prishtina International Airport - Air Control "Adem Jashari", and with this status it has operated since 2011, namely since the concession of terminal services of Prishtina International Airport. On this occasion, Air Traffic Control was separated from one side and Terminal Services from the other side, where until this time they have been operating as a public enterprise under the name Prishtina International Airport "Adem Jashari" SH.A.</p> <p>The change of the status of the provider of air navigation services, from a public enterprise to an Agency, was made in order to address the problems presented during the operation as a public enterprise, but also with the transformation into an Agency within the Government of the Republic of Kosovo, has resulted in surface collisions of legal provisions between international regulations for air navigation services and local legislation.</p>
<b>Summary of consultations</b>	The period of public consultations on the Online Platform for Public Consultations of MESPI was from 23.06.2023 to 14.07.2023.

	<p>During the period of consultations by entities determined by the list - Addresses for relevant institutions for preliminary consultation according to Article 7 and public consultation according to Article 32 of the Rules of Procedure of the Government of the Republic of Kosovo no. 09/2011 as well as Regulation (QRK) No. 05/2016 on Minimum Standards for the Public Consultation process, and those in the online Platform for public consultations of MMPHI, the contributions from the institutions are presented as follows:</p> <ol style="list-style-type: none"> <li>1. CAA - Department for International Cooperation and Economic Regulation of Aviation (DBNRREA) and Department for Air Navigation Services (DSHNA);</li> <li>2. Prime Minister's Office/Government Coordinating Secretariat OPM - GCS; and</li> <li>3. MLGA.</li> </ol> <p>All comments and suggestions have been analyzed and discussed one by one by the relevant MESPI commission, as well as eventual changes have been made to the concept document and have been included in detail in the Public Consultation Process Report.</p>
<b>The proposed option</b>	Draft a new law for the air navigation service provider of the Republic of Kosovo

**Main expected impacts**

<b>Budgetary impacts</b>	<ul style="list-style-type: none"> <li>- The proposed option has no impact on the Budget of the Republic of Kosovo;</li> <li>- The budget is provided by the revenues of terminal services according to Regulation No. 3/2016 on the Determination of the Common Tariff Scheme for Air Navigation Services;</li> <li>- The provider of air navigation services is removed as a financial burden from the Budget of the Republic of Kosovo.</li> </ul>
<b>Economic impacts</b>	<ul style="list-style-type: none"> <li>- Economic development of the air navigation provider and provision of better quality and safer services;</li> <li>- Realization of vital projects in raising technical capacities for the provision of air navigation services;</li> <li>- Increased competitiveness in the provision of air navigation services with the most cost-effectiveness in the region.</li> </ul>
<b>Social impacts</b>	<ul style="list-style-type: none"> <li>- It will enhance professional development of the workforce in the air navigation sector;</li> <li>- Advancement of the field of civil aviation in the Republic of Kosovo.</li> </ul>
<b>Environmental impacts</b>	<ul style="list-style-type: none"> <li>- Environmental benefits due to reduced CO2 emissions as a result of airspace normalization.</li> </ul>
<b>Cross-sectoral impacts</b>	<ul style="list-style-type: none"> <li>- The development of the field of unmanned aerial vehicles - "Drones ", has led to the need for inter-sectoral cooperation, such as;</li> <li>- Ministry of Internal Affairs;</li> <li>- Ministry of Environment, Spatial Planning and Infrastructure;</li> <li>- Ministry of Defense;</li> <li>- Civil Aviation Authority and</li> <li>- Air navigation service providers.</li> <li>- At the same time, the increase in the number of VFR operations in the agricultural sector and other sectors in the field of civil aviation will increase the need for the growth and development of technical and human capacities.</li> </ul>

<b>Next steps</b>	
<b>Short Term</b>	Drafting of the new draft law
<b>Medium Term</b>	<ul style="list-style-type: none"> <li>- Drafting and approval of secondary legislation;</li> <li>- Restructuring of OSHNA;</li> <li>- Technical and professional preparation</li> </ul>





## Introduction

The multilateral agreement for the establishment of the common European aviation area (ECAA) has been signed between the European Community and member states such as Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Macedonia, Norway, Serbia, Montenegro, Romania and Kosovo. The objective of ECAA is to open air transport markets between Europe and its neighbours, and to reach an international treaty through which the same standards and rules would be created within a common airspace.

Therefore, the implementation of signed international agreements as well as the alignment of local legislation with EU legislation in this area is a condition for membership in the European Union, which is the aspiration and strategic determination of Kosovo.

The current law that regulates the provision of air navigation services in Kosovo Law No. 04/L-250 for the Air Navigation Services Agency was approved by the Assembly of Kosovo and entered into force in May 2014. This law regulates the issues related to the establishment of ANSA to ensure the infrastructure and air navigation services in the airspace of the Republic of Kosovo, as well as the issues related to the operation and provision of services.

Therefore, the purpose of this concept document is to provide a comprehensive analysis of Kosovo's policies and legislation in the field of air navigation, as well as to analyze the options for improving this legislation and to recommend the preferred option in accordance with the principles of EU legislation, obligations arising from the implementation of signed international agreements as well as the strategic goals of Kosovo in the field of air navigation.

**Table 1: Table with general information for the concept document**

<b>TITLE</b>	Concept document for the field of air navigation services
<b>Lead ministry</b>	Ministry of Environment, Spatial Planning and Infrastructure Air Navigation Services Agency
<b>Contact person</b>	Name Surname: Samir Bllacaku Position: General Director of ANSA Email: samir.bllacaku@rks-gov.net Office phone number: +383 38 59 58 132
<b>Strategic priority</b>	National Development Plan KPZH 2023 - 2025 Pillar I; 08- Transport and communication; Point 2.3 - Improvement of transport infrastructure and services; Strategic Measures:- Regulation of primary and secondary legislation in the field of Civil Aviation Consent to Request No. Owner : 750 ZKM dt 27.04.2023
<b>Work group</b>	Members of the Working Group according to Decision No. 174/23 dt. 01.06 1.1. Samir Bllacaku, chairman - ANSA ; 1.2. Avdi Kamerolli, deputy chairman - DAC/MESPI; 1.3. Agon Krasniqi, member - ANSA; 1.4. Driton Ujkani, member - ANSA; 1.5. Ilir Dukolli, member - ANSA; 1.6. Florije Boshnjaku, member - DL/MESPI; 1.7. Avdullah Berisha, member - DF/MESPI;

	<ul style="list-style-type: none"> <li>1.8. Hidajete Zhuri, member - DIEKP/MESPI;</li> <li>1.9. Adelina Kadiri, member - ZBGJ/MESPI;</li> <li>1.10. Kastriot Gashi, member - MIA;</li> <li>1.11. Nora Bakalli, member - CAA;</li> <li>1.12. Albana Krasniqi, member - ZL/ZKM;</li> <li>1.13. Mirlinda Lushtaku, member - SKQ/ZKM;</li> <li>1.14. Fëllanza Mekuli, member - MF;</li> <li>1.15. Afrim Zabeli, member - MM;</li> <li>1.16. Arben Dika, member - CIAA</li> <li>1.17. Gent Zeqiri, observer - Cabinet of the Minister of MESPI</li> </ul>
<b>Additional information</b>	<p>The drafting of this concept document derives from the obligations of the Republic of Kosovo under the ECAA Common European Aviation Area Agreement.</p>

## CHAPTER 1 - Definition of the problem

### 1.1. Description of existing policy and legal framework

Kosovo has a legal framework in the field of aviation and air navigation, in line with international requirements and obligations.

Law No. 03/L-051 on Civil Aviation, entered into force in 2008 and is in accordance with the EU Acquis, while Law No. 04/ L-250 for the Air Navigation Services Agency, entered into force in 2014, while it began to be implemented in 2016.

The primary legislation of the Republic of Kosovo and EU acquis in the field of air navigation will be elaborated.

### 1.2. Background

In 2010, the Government of the Republic of Kosovo signed a Public Private Partnership agreement with the Company " Limak & Airports de Lyon " for the concession for the management of the International Airport of Prishtina "Adem Jashari" for the next 20 years, meanwhile in April 2011, the concessionaire officially begins the full management of "Adem Jashari" Airport.

With the Agreement for public-private partnership, based on the best European practices, air navigation services are separated on the one hand and terminal services which are provided by concession.

While from the concession onwards air navigation services are offered under the status of a public enterprise with the name Prishtina International Airport - Air Control "Adem Jashari", until the transformation as an Agency within the Government of the Republic of Kosovo in 2016 with Law No. 04/L-250 for the Air Navigation Services Agency.

The change of status of the provider of air navigation services, from a public enterprise to an Agency, was made in order to address the problems presented during the operation as a public enterprise, but also with the transformation into an Agency within the Government of the Republic of Kosovo, has brought contradictions of legal provisions between international regulations for air navigation services and local legislation. In this case, the necessity has risen to change the status of the air navigation service provider and improve the legal infrastructure, in order to fulfill the regulatory requirements stemming from the ECAA.

### 1.3. International obligations in relation to the EU in the field of civil aviation and air navigation

In 2006, UNMIK on behalf of Kosovo signed the multilateral agreement for the establishment of the common European aviation area ECAA, on the occasion of the meeting of the Transport Council of the European Union, held in Luxembourg.

The multilateral agreement was signed between the European Community and member states such as Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Macedonia, Norway, Serbia, Montenegro, Romania and UNMIK on behalf of Kosovo.

The objective of the ECAA is to open air transport markets between Europe and its neighbours, and to reach an international treaty through which the same standards and rules would be created within a common airspace.

Furthermore, article 145, paragraph 1, of the Constitution of the Republic of Kosovo, - [*Continuity of International Agreements and Applicable Legislation*], creates an obligation to respect international agreements, which is specified as follows:

*"International agreements and other acts on international cooperation, which are in force on the date of entry into force of this Constitution, will continue to be respected until those agreements or acts are renegotiated or when withdrawal from them is made in accordance with the terms of them or until they are replaced by new international agreements or acts that cover the same areas and that have been approved in accordance with this Constitution".*

Kosovo has signed and is implementing the Stabilization Association Agreement (SAA) between Kosovo and the EU since 2016, which constitutes the main binding document between the Republic of Kosovo and the EU. The SAA creates a binding legal basis regarding the steps that the Republic of Kosovo must follow in the civil aviation sector, namely in article 53 the basis for the operation of the civil aviation activity in the ECAA is foreseen. By signing the SAA, Kosovo, among other things, pledges to align local legislation with the EU acquis.

Article 3 of the ECAA stipulates that:

*The applicable provisions of the acts referred to or contained in Annex I, adapted in accordance with Annex II, or in decisions of the Joint Committee shall be binding on the Contracting Parties and shall be or become part of their order internal legal as follows:*

- (a) an act corresponding to a Regulation of the European Community shall become part of the internal legal order of the Contracting Parties".*
- (b) an act corresponding to a directive of the European Community will leave to the authorities of the Contracting Parties the choice of the form and method of implementation.*

ECAA, with Article 13 as well as Annex 1, point b of the Agreement, defines the mandatory regulations of the European Commission for the signatory countries, through which the air traffic management function is also regulated, an activity carried out by ANSA in the Republic of Kosovo.

#### **1.4. Institutional framework and other mechanisms in the civil aviation and air navigation sector**

The Republic of Kosovo has established institutional mechanisms with clearly defined competences in the field of civil aviation. The institutional framework covering the field of civil aviation and air navigation includes the following institutions/mechanisms/enterprises.

The main institutions that lead the aviation sector are as follows:

- **MESPI** is responsible for policies in the field of Civil Aviation.
- **CAA** is the regulatory agency for civil aviation and is responsible for the regulation of civil aviation safety and the economic regulation of airports and air navigation services in the Republic of Kosovo.
- **CIAA** is responsible for the investigation of aviation accidents and incidents within Kosovo or involving aircraft registered in Kosovo and citizens of the Republic of Kosovo, wherever they may be.
- **The Ministry of Interior** - namely the Civil Aviation Safety Division is responsible for establishing and maintaining air security in the Republic of Kosovo. The mission of the Civil Aviation Safety Division is to protect the safety of passengers, crew, field personnel and the public, against acts of illegal interference in civil aviation in the Republic of Kosovo.
- **MM** - for the development of the protection of air sovereignty after the delegation of responsibilities by KFOR, the building of capacities in the field of aviation closely related to the services and expertise of ANSA.

Each of the above institutions and mechanisms has a role in terms of the implementation of policies and legislation covering the field of civil aviation and air navigation in the areas of their mandate.

### **1.5. Shortcomings of Law No. 04/L-250 for the Air Navigation Services Agency**

Some of the main identified shortcomings of Law No. 04/L-250 for the Air Navigation Services Agency are given below in order to serve as a basis for initiating a more comprehensive review of this law that would be followed by the necessary procedural actions for issuing a new law that would replace this law.

The shortcomings of the current law are:

- **Law No. 04/L-250 for the Air Navigation Services Agency does not clearly define the status of the Agency within the Government of the Republic of Kosovo.**  
According to the current law, ANSA is defined as an independent budget organization and does not have a defined status as an Agency within state institutions as executive, regulatory or independent.
- **Lack of definition of ANSA's reporting line for central institutions.**  
The current law defines the line of reporting in the Government of the Republic of Kosovo, but it does not define the manner of reporting, nor the line ministry for reporting and accountability.
- **The current legislation hinders financial independence for ANSA.**  
The determination by law as a budget organization obliges ANSA to base its financial regulation on the relevant Law on Public Finance Management, as in matters of budget approval, investment plans and spending procedures of ANSA's budget.
- **Lack of harmonization between the legislation on the labor relationship with the requirements arising from the EU regulations for the personnel of ANSA.**  
The current Law on Public Officials is very restrictive in regulating the employment relationship and at the same time the new Draft Law on Public Officials, which after approval in the Assembly of Kosovo has been sent to the Constitutional Court, does not

meet the needs of ANSA for the regulation of the relationship of work and creates conflicts of norms with EU requirements and practices in the field of air navigation.

– **Economic regulation.**

Based on the general legislation for the management of public finances as well as the relevant Law on the Budget of the Republic of Kosovo, it defines the procedures for the planning and spending of the ANSA budget. This contradicts article 78 and 79 of Law no. 03/L-051 for Civil Aviation, where it is clearly stated that "CAA is the National Supervisory Authority of Kosovo in accordance with Regulation (EC) No. 549/2004 of March 10, 2004 of the European Parliament and Council which establishes the framework for the creation of a single European sky ("Framework Regulation"). Accordingly, CAA is responsible for the safety regulation and economic regulation of air navigation services.

**Table 2: Relevant policy documents, laws and by-laws**

Policy document, law or by-laws	Relation to policy or planning document via the Internet or legal acts in the Official Gazette	State institution(s) responsible for implementation	Role and duties of the institution(s)
Law No. 03/L-for Civil Aviation	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=2532">https://gzk.rks.gov.net/ActDetail.aspx?ActID=2532</a>	1) MESPI; 2) CAA; 3) ANSA; 4) CIAA; 5) MIA;	1) To carry out the administrative and inspection supervision of the implementation of the law, including the drafting and implementation of by-laws arising from this law. 2) To implement and monitor the implementation of the law by institutions and stakeholders, in accordance with the Competencies of CAA defined by the Law on Civil Aviation. 3) To implement the provisions related to the regulation of the field of air navigation; 4) To implement the provisions related to the investigations of accidents and incidents in the field of civil aviation; 5) Has the role and responsibility for establishing and

			maintaining air security in the Republic of Kosovo
Law No. 04/L-250 for the Air Navigation Services Agency	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=9444">https://gzk.rks.gov.net/ActDetail.aspx?ActID=9444</a>	1) MESPI; 2) CAA; 3) ANSA;	1) To carry out the administrative supervision of the implementation of the law, including the drafting and implementation of by-laws arising from this law. 2) To monitor the implementation based on the competences of the Law on Civil Aviation by institutions and stakeholders. 3) To implement the Law and sub-legal acts;
ECAA	<a href="https://www.parlament.gv.at/dokument/XXII/I/1568/imfname_066150.pdf">https://www.parlament.gv.at/dokument/XXII/I/1568/imfname_066150.pdf</a>	1) MESPI; 2) CAA; 3) ANSA; 4) CIAA;	1) Drafting and creation of civil aviation policies; 2) Transposition of regulations deriving from ECAA, implementation and monitoring of implementation by stakeholders; 3) To implement the regulations derived from ECAA and transposed by CAA for the field of Air Navigation 4) To implement the provisions related to the investigations of accidents and incidents in the field of Civil Aviation;
Association Stabilization Agreement	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=11239">https://gzk.rks.gov.net/ActDetail.aspx?ActID=11239</a>	All institutions	To monitor and fully implement the Stabilization and Association Agreement.
Administrative Instruction (QRK) No. 10/2016 on the duties, responsibilities,	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=15122">https://gzk.rks.gov.net/ActDetail.aspx?ActID=15122</a>	1) MESPI; 2) ANSA;	1) Implements the appointment and dismissal procedures of the Deputy Directors.

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criteria's and procedures for the appointment and dismissal of Deputy Directors in the Air Navigation Services Agency			2) ANSA supervises the implementation of the duties and responsibilities of the Deputy Directors.
Regulation No. 8/2009 on Establishing the Framework for the Creation of the Single European Sky	<a href="https://gzk.rks.gov.net/ActDetail.aspx?ActID=11365">https://gzk.rks.gov.net/ActDetail.aspx?ActID=11365</a>	1) MESPI; 2) CAA; 3) ANSA;	1) Development and implementation of civil aviation policies; 2) Implementation and monitoring of implementation by stakeholders 3) Implementation of provisions for the field of air navigation.
Regulation No. 6/2010 On Setting Requirements for the Application of Automatic Systems for the Transmission of Flight Orders Used for Notification, Coordination and Transfer of Flights between Air Traffic Control Units	<a href="http://caa.rks.gov.net/ep-content/uploads/2016/06/Rregullore6-2010.pdf">http://caa.rks.gov.net/ep-content/uploads/2016/06/Rregullore6-2010.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 7/2010 on Establishing Requirements on the Sharing of Air-Ground Voice Communication Channels for the Single European Sky	<a href="http://caa.rks.gov.net/ep-content/uploads/2016/03/Rregullore7-2010.pdf">http://caa.rks.gov.net/ep-content/uploads/2016/03/Rregullore7-2010.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 12/2010 for Air Navigation	<a href="http://caa.rks.gov.net/ep-content/uploads/201">http://caa.rks.gov.net/ep-content/uploads/201</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of



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Service Provider Certification	<a href="http://caa.rks.gov.net/ep-content/uploads/2015/11/Rregullore-12-2010-Certificaci3n-i-ofruesit-te-sherbimete-te-navigimit-ajror.pdf">5/11/Rregullore-12-2010-Certificaci3n-i-ofruesit-te-sherbimete-te-navigimit-ajror.pdf</a>		implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 18/2010 on Common Rules for the Flexible Use of Airspace	<a href="http://caa.rks.gov.net/ep-content/uploads/2015/11/Rregullore-12-2010-Certificaci3n-i-ofruesit-te-sherbimete-te-navigimit-ajror.pdf">http://caa.rks.gov.net/ep-content/uploads/2015/11/Rregullore-12-2010-Certificaci3n-i-ofruesit-te-sherbimete-te-navigimit-ajror.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 3/ 2011 for Calibration of Aeronautical Installations from the Air	<a href="http://caa.rks.gov.net/ep-content/uploads/2016/03/Reg-03-2011_alb.pdf">http://caa.rks.gov.net/ep-content/uploads/2016/03/Reg-03-2011_alb.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 4/2013 on the Implementation of Annex 11 to the International Convention on Civil Aviation on Air Traffic Services	<a href="http://caa.rks.gov.net/ep-content/uploads/2015/10/Rregullore_04-2013_Zbatimi_i_Anneksit_11_ne_Konventen_Derkombetare_per_Aviacioninin_Civil_mbi_ATS.pdf">http://caa.rks.gov.net/ep-content/uploads/2015/10/Rregullore_04-2013_Zbatimi_i_Anneksit_11_ne_Konventen_Derkombetare_per_Aviacioninin_Civil_mbi_ATS.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 5/2013 on the Implementation of Annex 15 to the International Convention on Civil Aviation for Aeronautical Information Services	<a href="http://caa.rks.gov.net/ep-content/uploads/2015/10/Rregullore_05-2013_Zbatimi_i_Shtojces_15_ne_Konventen_Derkombetare_te_Aviacionit_Civil_per_AIS.pdf">http://caa.rks.gov.net/ep-content/uploads/2015/10/Rregullore_05-2013_Zbatimi_i_Shtojces_15_ne_Konventen_Derkombetare_te_Aviacionit_Civil_per_AIS.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 6/2013 on Air Rules	<a href="http://caa.rks.gov.net/ep-content/uploads/2015/11/Rregullore-06-2013-Rregullat-ne-ajer.pdf">http://caa.rks.gov.net/ep-content/uploads/2015/11/Rregullore-06-2013-Rregullat-ne-ajer.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.

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Regulation No. 9/2014 on Aeronautical Maps	<a href="http://caa.rks.gov.net/ep-content/uploads/2015/10/Rregullore-09-2014-Hartat-aeronautike.pdf">http://caa.rks.gov.net/ep-content/uploads/2015/10/Rregullore-09-2014-Hartat-aeronautike.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 2/2016 on the Implementation of Annex 10 to the International Convention on Civil Aviation for Aeronautical Telecommunications	<a href="http://caa.rks.gov.net/ep-content/uploads/2016/06/RREGULLORE Nr. 2 2016 P%C3%8BR_IBATIMIN_E_SH TOJCES_10_N%C3%8B_KONVENT%C3%8BN_ND%C3%8BRKO MB%C3%8BTARE_M BI_AVIACIONIN_CIVIL_P%C3%8BR_TEL EKOMUNIKACIONI_N_AERONAUTICS-2.pdf">http://caa.rks.gov.net/ep-content/uploads/2016/06/RREGULLORE Nr. 2 2016 P%C3%8BR_IBATIMIN_E_SH TOJCES_10_N%C3%8B_KONVENT%C3%8BN_ND%C3%8BRKO MB%C3%8BTARE_M BI_AVIACIONIN_CIVIL_P%C3%8BR_TEL EKOMUNIKACIONI_N_AERONAUTICS-2.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 3/2016 On the Determination of the Common Tariff Scheme for Air Navigation Services	<a href="http://caa.rks.gov.net/ep-content/uploads/2016/03/RREGULLORE Nr. 3 2016 MBI P%C3%8BRCAKTIMIN_E SKEM%C3%8BS_S%C3%8B_P%C3%8BRBA SHK%C3%8BT_T%C3%8B_TARIFAVE_P% Air Navigation Systems.pdf">http://caa.rks.gov.net/ep-content/uploads/2016/03/RREGULLORE Nr. 3 2016 MBI P%C3%8BRCAKTIMIN_E SKEM%C3%8BS_S%C3%8B_P%C3%8BRBA SHK%C3%8BT_T%C3%8B_TARIFAVE_P% Air Navigation Systems.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 08/2017 on Common Rules for Air Traffic Flow Management	<a href="https://caa.rks.gov.net/ep-content/uploads/2018/07/Rregullore-nr-08-2017-p%C3%ABr-regularat-ep%C3%ABrbask%C3%ABta-p% C3%ABr-air-traffic-flow-management.pdf">https://caa.rks.gov.net/ep-content/uploads/2018/07/Rregullore-nr-08-2017-p%C3%ABr-regularat-ep%C3%ABrbask%C3%ABta-p% C3%ABr-air-traffic-flow-management.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 19/2017 Determining the	<a href="https://caa.rks.gov.net/ep-content/uploads/201">https://caa.rks.gov.net/ep-content/uploads/201</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of

Technical Requirements and Administrative Procedures Related to the Licenses and Certificates of Air Traffic Controllers	<a href="https://caa.rks-gov.net/ep-content/uploads/2018/08/Rregullore-Nr.xx-2017-per-ATCO_final.pdf">8/08/Rregullore-Nr.xx-2017-per-ATCO_final.pdf</a>		implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 01/2018 on Requirements for Service Providers Related to Training and Competency Assessment for Air Traffic Safety Electronics Personnel (ATSEP)	<a href="https://caa.rks-gov.net/ep-content/uploads/2018/07/Rregullore-Nr-01-2018-per-ATSEP.pdf">https://caa.rks-gov.net/ep-content/uploads/2018/07/Rregullore-Nr-01-2018-per-ATSEP.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation No. 03/2018 on Defining Requirements for the Performance and Interoperability of Surveillance ( Surveillance ) for the Single European Sky	<a href="https://caa.rks-gov.net/ep-content/uploads/2018/08/Rregullore-Nr.03-2018-per-Survejim.pdf">https://caa.rks-gov.net/ep-content/uploads/2018/08/Rregullore-Nr.03-2018-per-Survejim.pdf</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation (CAA) No. 02/2019 for Fines and Administrative Measures Pronounced by the Civil Aviation Authority of Kosovo.	<a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=19082">https://gzk.rks-gov.net/ActDetail.aspx?ActID=19082</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders 2) Implementation of provisions for the field of air navigation.
Regulation (CAA) No. 09/2020 on Defining Common Requirements for	<a href="https://gzk.rks-gov.net/ActDetail.aspx?ActID=36086">https://gzk.rks-gov.net/ActDetail.aspx?ActID=36086</a>	1) CAA; 2) ANSA;	1) Implementation and monitoring of implementation by stakeholders

<p>Air Traffic Management/ Air Navigation Service Providers and Other Air Traffic Management Network Functions and Their Supervision.</p>			<p>2) Implementation of provisions for the field of air navigation.</p>
<p>Annex 1 - Licensing of personnel                  Annex 2 - Rules of the Air                  Annex 3 - Meteorological Service for International Air Navigation                  Annex 4 - Aeronautical Table                  Annex 5 - Units of measurement to be used in air and ground operations                  Annex 6 - Aircraft operation                  Annex 7 - Aircraft nationality and registration marks                  Annex 8 - Airworthiness of the aircraft                  Annex 9 - Relief                  Annex 10 - Aeronautical Telecommunications                  Annex 11 - Air Traffic Services - Air Traffic</p>		<p>1) CAA;                  2) ANSA;                  3) CIAA</p>	<p>1) Implementation and monitoring of implementation by stakeholders;                  2) Implementation of provisions for the field of air navigation;                  3) Annex 13 transposed to Regulation (CIAA/ZKM) No. 01/2019 for the Investigation of Aviation Accidents and Incidents.</p>

Control Service, Flight Information Service and Warning Service Annex 12 - Search and Rescue Annex 13 - Investigation of Aircraft Accidents and Incidents Annex 14 - Aerodromes Annex 15 - Aeronautical Information Services Annex 16 - Environmental Protection Annex 17 - Safety: Protection of International Civil Aviation against acts of unlawful interference Annex 18 - Safe transport of dangerous goods by air Annex 19 - Safety Management (as of November 14, 2013)			
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**1.6. Main problem, causes and stakeholders**

**1.6.1. The current situation in the field of air navigation, with a focus on the generation of revenues**

Based on the standards set by the European Commission, air navigation service providers are non-profit organizations. This is also regulated by Article 10 and 11 of Regulation No. 3/2016 on the Determination of the Common Tariff Scheme for Air Navigation Services where it is emphasized: "The *estimated costs will include the balance resulting from over or under coverage of*

*previous years* ". This means that if a provider of air navigation services creates a budget surplus due to the non-use of the funds realized from the services provided, these surplus funds cannot be used even by ANSA and cannot be redistributed to any other budget organization in the Republic of Kosovo, but the same must be returned to the users.

Even with article 8 paragraph 6 of the relevant Law on Budgetary Appropriations of the Republic of Kosovo from 2016 until now, the revenues of ANSA are dedicated revenues, which states: "Notwithstanding paragraphs 4 and 5 of this article , ANSA, in accordance with Law No. 04/L-250 on the Air Navigation Services Agency, for the year 2022 is financed by the receipts and revenues dedicated and deposited in the Kosovo Fund according to table 3.1.A. attached to this law. The remaining funds from the dedicated revenues, unspent from the previous year, continue to be treated as dedicated revenues for the financing of the Agency for Air Navigation Services, for the upcoming years".

Only for the year 2022, ANSA, due to the legal procedures defined by the General Laws that regulate the field of finance in budget organizations, has been unable to spend the revenues realized from the terminal fee and as a result has been forced to use the unspent funds in the value of about one million (1.000.000.00), euros to return to the users of air navigation services. On the other hand, it has become a burden for the State Budget in compensating the salary deficit for the employees of ANSA, as the rules defined in the Law on the Management of Public Finances do not allow the transfer of funds from other budget categories to the salaries and allowances category.

### 1.6.2. The main problem

On the basis of the analysis of the field of air navigation, including the analysis of the existing situation made by the Working Group for the drafting of the Concept Document in the field of air navigation, the following section presents the 'problem tree' containing the main problem, some from the main causes and effects. The same are also analyzed in the narrative part of the document, which for practical purposes is presented in tabular form in the next part after the problem tree.

**Table 3: Problem tree showing the main issues, their causes and effects**

<b>effects</b>	<ol style="list-style-type: none"> <li>1. Ambiguity in the reporting line as well as the collision of the legal provisions of the laws that regulate budget organizations with the rules and standards originating from the ECAA and ICAO Annexes;</li> <li>2. Lack of development of the Air Navigation Service Provider and the impossibility of realizing capital projects as well as a burden on the budget of the Republic of Kosovo.</li> <li>3. Impossibility in implementing the requirements that arise for the labor relationship from EC regulations and as a result loss of professional personnel.</li> </ol>
<b>The main problem</b>	Contradictions of legal and regulatory requirements of European Commission directives with local legislation
<b>Causes</b>	<ol style="list-style-type: none"> <li>1. The Law on ANSA does not clearly define the Agency's status within the Government;</li> <li>2. Current legislation prevents financial independence for ANSA;</li> </ol>

	3. Lack of harmonization between the legislation on the labour agreements, with the requirements arising from the EU regulations for the personnel of ANSA
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### 1.7. Analysis of the main problem/causes and effects

The obligations of the Republic of Kosovo to harmonize the legislation of Kosovo in the aviation sector with that of the EU derive from the regulatory provisions of the SAA. Article 53 of the SAA provides that the base of operation of the civil aviation activity in Kosovo will be in ECAA. Article 13, as well as Annex 1, point b of the ECAA, defines the mandatory regulations of the European Commission for the signatory countries, through which the air traffic management function is also regulated, an activity carried out by ANSA in the Republic of Kosovo.

The Republic of Kosovo, respectively CAA, through the authorizations it has from the Law on Civil Aviation, has transposed most of the EU regulations on civil aviation provided for in the ECAA, but with the Law on the Air Navigation Services Agency, the lack of clear definition of status of the institution and the ranking of the regulation with the general laws in the administrative, financial, labor relations field, has led to the creation of a conflict of legal provisions between EU regulations and local regulations .

### 1.8. Elaboration of causes

#### 1.8.1. The Law on ANSA does not clearly define the Agency's status within the Government:

In 2016, with Law No. 04/L-250 for the Air Navigation Services Agency, ANSA is defined as an independent budget organization, where in this case it also becomes part of the budget of the Republic of Kosovo, with dedicated revenues. Designation by law as a budget organization means subjecting to the general legal provisions of financial, administrative regulation, labor relations and other fields.

The financial regulation, the administrative regulation and the work relationship, as well as the salary compensation, are subject to the legal package such as:

- Law No. 03/L-048 on Public Finance Management and Responsibilities
- Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies;
- Law No. 06/L-114 for Public Officials;
- Law No. 08/L-196 on Salaries in the Public Sector

#### 1.8.2. Current legislation hinders financial independence of ANSA

The categorization of ANSA by law as an independent budget agency/organization within the Government of the Republic of Kosovo has made ANSA subject to the General Law on the Management of Public Finances as well as the regulations on the Budget of the Republic of Kosovo and acts other by-laws that regulate the management of public finances for all budget organizations.

Article 3 paragraph 3.2 and 3.3 of Law No. 03/L-051 for Civil Aviation define as follows:

*"3.2 Any directly applicable provision of the Agreement on the Establishment of the European Common Aviation Area prevails over any provision or aspect of the laws of Kosovo which are inconsistent with it.*

*3.3 All elements of the *acquis communautaire* referred to or contained in Annex I or II of the Agreement on the Establishment of the European Common Aviation Area are directly applicable in Kosovo and supersede any law of Kosovo which is not in accordance with them".*

Based on the authorizations obtained with Law No. 03/L-051 on Civil Aviation and the obligations arising from the ECAA Agreement, the CAA has transposed EU regulations in the field of civil aviation. The economic regulation of ANSA is done through the regulations of the European Commission, transposed by CAA. In this matter, CAA has also transposed the Regulation of the European Commission (EC) No. 1794/2006 of December 6, 2006, in Regulation No. 3/2016 on the Determination of the Common Tariff Scheme for Air Navigation Services.

Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air Navigation Services defines the principle of financing the field of air navigation, through the tariff scheme, respectively Articles 1 and 3 of this Regulation, defining as follows:

*"This Regulation defines the necessary measures for the design of the charging scheme for air navigation services, which is in accordance with the EUROCONTROL Overpass Charging System".*

*"The charging scheme must reflect the costs incurred either directly or indirectly in the provision of air navigation services".*

### **1.8.3. Lack of harmonization between the legislation on the labor agreement with the requirements arising from the EU regulations for the personnel of ANSA**

With Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, ANSA is categorized as part of the state administration, where legal directives are defined in the nature of the operation and regulation of the agencies, both in scope and in the functional structures of the agency.

Law 06/L-114 on Public Officials defines the legal norms regulating the employment relationship in the state administration and agencies, from the establishment norms until the termination of the employment relationship.

While Law No. 08/L-196 on Salaries in the Public Sector, determines the salary coefficients for all budgetary organizations that are part of the Budget of the Republic of Kosovo.

## **1.9. Elaboration of effects**

### **1.9.1. Ambiguity in the reporting line as well as the collision of the legal provisions of the laws that regulate budget organizations with the rules and standards originating from the ECAA and ICAO Annexes.**

Law No. 04/L-250 for the Air Navigation Services Agency defines the status as an Agency and Budgetary Organization within the Government of the Republic of Kosovo and as a result ANSA is necessarily subject to the general legal norms of the Republic of Kosovo and the field of air navigation is a specific field. Based on the practices of the countries of the region and the



European Union, air navigation service providers are regulated by a special law in the field of economic regulation and financial independence, administrative regulation, labor relations and the way of staff compensation. The regulation of ANSA with the general legislation that regulates budget organizations in the Republic of Kosovo, has negatively influenced the general development of the field of air navigation, both in terms of increasing technical and operational capacities and raising human capacities .

**1.9.2. Lack of development of the Air Navigation Service Provider and the impossibility of realizing capital projects as well as a burden on the budget of the Republic of Kosovo** - Law No. 03/L-048 for Public Finance Management and Responsibilities - affects the independence of ANSA in the management of finances/revenues realized by external operators who receive service from ANSA. Implementation of the rules defined under Law No. 03/L-048 on the Management of Public Finances and Responsibilities, prevents ANSA from using the generated revenues efficiently and in this way prevents ANSA in investments and objectives achievement.

Based on the standards set by the European Commission, air navigation service providers are non-profit organizations. This is also regulated by Article 10 and 11 of Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air Navigation Services transposed by the European Commission Regulation (EC) No. 1794/2006 where it is emphasized: "*The estimated costs will include the balance resulting from the over or under coverage of the previous years*". This means that if the provider of air navigation services generates revenues more than the expenses, it is forced to return the remaining funds to the users, whereas if it generates revenues less than the expenses within the fiscal year, then the deficit is covered by the next year's fee.

**1.9.3. Inability on implementing the requirements that arise for the employment relationship from EC regulations and as a result loss of professional staff** - Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, defines the functions of budgetary organizations in the state administration, of which ANSA is a part. The function of ANSA according to the nature of the work and responsibilities defined by the law for ANSA and based on the certificate for the provision of services, does not correspond to any of the functions defined in Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies. At the same time, the way defined for the organizational structure of the institutions which are subject to this law, is not in accordance with the needs and way of functioning of ANSA, nor with the international rules and practices in the field of air navigation.

Law 06/L-114 No. 04/L-250 for the Air Navigation Services Agency air navigation.  
ANSA is certified by ACC for providing services such as:

- Air Traffic Services (ATS);
- Control, Navigation and Surveillance (CNS)
- Aeronautical Information Services (AIS) as well as
- Meteorological Service (MET)

The certification for the provision of air navigation services was done based on Article 78 of Law No. 03/L-051 for Civil Aviation, Regulations No. 09/2009 and No. 09/2020 which transpose into

the internal legal order of the Republic of Kosovo, Regulation of the European Parliament and Council EC No. 550/2004 and the regulation of the European Commission (EC) No. 1035/2011 Common requests.

Within the certified services, there are about 80% of the staff of ANSA who provide these services.

Based on Law 06/L-114 on Public Officials, none of the defined categories of public officials match the scope and duties of about 80% of ANSA employees.

All processes related to operational staff, including selection, education, licensing, training, refresher training, and license maintenance, are subject to EU regulations and International Civil Aviation Organization Annexes.

The economic regulation of air navigation services, namely ANSA, in Kosovo is done through the regulations of the European Commission, further transposed by CAA. In this matter, CAA has also transposed the Regulation of the European Commission (EC) No. 1794/2006 of December 6, 2006, in Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air Navigation Services.

Regulation No. 3/2016, defines the principle of financing the field of air navigation, through the charging scheme, respectively articles 1 and 3 of this regulation, defining as follows:

*"This Regulation defines the necessary measures for the design of the charging scheme for air navigation services, which is in accordance with the EUROCONTROL Overpass Charging System".*

*"The charging scheme must reflect the costs incurred either directly or indirectly in the provision of air navigation services".*

While in article 6 paragraph 2 and 3 of Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air Navigation Services, the cost of personnel is also included in the determination of the tariff, where it is emphasized:

*"The costs referred to in paragraph 1 shall be broken down into personnel costs, other operating costs, depreciation costs, capital costs and special items, including non-refundable taxes and customs duties paid, as well as all costs other similar".*

On the other hand, Law No. 08/L-196 on Salaries in the Public Sector, has set constraints by determining the salary level of ANSA employees, even though the compensation of salaries in ANSA is not funded from the Budget of the Republic of Kosovo, but from dedicated revenues, which are generated through the terminal fee from the airlines that fly to and from Kosovo. With Law No. 08/L-196 Salaries in the Public Sector, a conflict has been created with the provisions of Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air Navigation Services since personnel costs including gross compensations, overtime payments, employers' contributions to social insurance schemes, as well as pension costs and other benefits, are determined by the air navigation service provider and not by any other institution and these costs are determined at the beginning of each year.

#### **1.10. Regulatory competitiveness test - Comparison with other countries**

In the following section, the development, status and operation models of air navigation providers in some of the countries of the region are included.

#### **1.10.1. Legislation for navigation services in the Republic of Albania**

ALBCONTROL - is the provider of air navigation services, with the status of a joint stock company with 100% state capital and enjoys full financial independence.

#### **1.10.2. Legislation on navigation services in the Republic of Croatia**

CROCONTROL – Croatian Air Traffic Control is regulated by a separate law and has full financial independence and is managed by a supervisory board and an assembly consisting of three ministries.

#### **1.10.3. Legislation on navigation services in the Republic of Bosnia and Herzegovina**

BHANSА - is the air navigation service provider of Bosnia and Herzegovina, regulated by a special law and operates with a Council made up of three ministries of Bosnia and Herzegovina , one member from the Serbian Republic of Bosnia and Herzegovina , one member from the Federation of Bosnia and Herzegovina and one member of the Directorate of Civil Aviation of BH.

The agency is a non-profit and financially independent institution, with the status of a legal entity. The employment relationship is regulated by the Law on Labor in the Institutions of Bosnia and Herzegovina. Based on this law, all persons employed in BHANSА are excluded from the scope of the Law on civil service as well as from the Law on salaries and allowances in BiH institutions.

#### **1.10.4. Legislation on navigation services in the Republic of Bulgaria**

BULATSA -- is Bulgaria's air navigation service provider. BULATSA has legal regulation through the Civil Aviation Law of the Republic of Bulgaria as a state enterprise. It is managed through the Ministry of Infrastructure, which is responsible for appointing the Management Board of 3 members, including the Director of BULATSA. It has full financial independence with basic regulation in International Accounting and Financial Reporting Standards.

#### **1.10.5. Comparison with the legislation for air navigation services of the Republic of Kosovo**

It should be noted that the Law on ANSA is limited in content and treating in a deficient way the issues regulated by this law.

Bulgaria, Croatia and Bosnia and Herzegovina have quite advanced legislation in the field of air navigation, where they are regulated by special laws and have clearly defined the status of the air navigation service provider, financial independence, regulation of the labor relationship and the way of implementing the regulations of the European Commission for the field of air navigation.

On the other hand, Albania, the provider of air navigation services, is regulated by the status of a public enterprise and operates on the basis of the Law on Commercial Companies of Albania.

Based on the above comparisons, since Kosovo also aims to integrate into the EU, it is recommended that a member state of the European Union be taken as a model, and that in this case the most suitable model for the regulation of the field of air navigation is Bulgaria.

### 1.11. Key stakeholders

The main stakeholders in the field of air navigation and their responsibilities are given in the table below:

*Table 4: Summary of stakeholders based on problem definition*

Stakeholder name	The cause(s) to which the party relates	Effect(s) to which the party relates	The way in which the party is related to this cause(s) or effect(s)
MESPI	1, 2, 3,	1, 2, 3,	MESPI is responsible for drafting legislation and policies in the field of aviation and air navigation.
GOVERNMENT OF KOSOVO	1,2,3,	1,2,3,	The Government of the Republic of Kosovo has pledged with the Stabilization Association Agreement that the EU Acquis will be harmonized in the field of air navigation and civil aviation in general, based on the Agreement on the Establishment of the Common European Space.
CAA	1,2,3		CAA is authorized to issue and transpose regulations for the field of air navigation in Kosovo, from European Union regulations, and is the supervisory authority of civil aviation.
AAIIC		1,2,3	CIAA is responsible for investigations in the event of an air accident or incident, based on the relevant Law on Civil Aviation and transposed regulations for the field of air navigation.
ANSA	1,2,3	1,2,3	ANSA, as the only provider of air navigation services in the Republic of Kosovo, is responsible for implementing the regulations issued both by the CAA and the Government of the Republic of Kosovo.
MIA		1,2,3	The Ministry of Internal Affairs is responsible for the National Security Program, of which ANSA is also a part.
MM		1,2,3	MM for operational needs, will be the direct user of air navigation services.
PIA		1,2,3	ANP is the user of air navigation services.

## CHAPTER 2: Objectives

### 2.1. General purpose

The general purpose of this concept document is the further development of air navigation services in all sectors, for the benefit of improving services, safety provision, economic development and well-being; harmonization of Law for the Air Navigation Services Provider with international legislation in the field of air navigation as well as the advancement of legislation in the field of financial, administrative, monitoring and safety regulation of civil aviation.

### 2.2. Specific objectives

The specific objectives that are intended to be achieved with this concept document are as follows:

- Improving the legal and regulatory infrastructure as well as harmonization with EU regulations and practices in the field of air navigation;
- Normalization of the Lower Airspace of the Republic of Kosovo;
- Assuming control of the Upper Airspace of the Republic of Kosovo;
- Further development of technical and human capacities; and
- Increasing competitiveness in the region.

#### 2.2.1. Improvement of the legal and regulatory infrastructure as well as harmonization with EU regulations and practices in the field of air navigation

Through this objective, the full application of international norms in the field of air navigation is aimed as an obligation of the ECAA agreement and the elimination of contradictions between the legal norms of the Republic of Kosovo and the regulations deriving from the ECAA and the Civil Aviation Law.

#### 2.2.2. Normalization of the Lower Airspace of the Republic of Kosovo

Currently, the Republic of Kosovo has not normalized the lower airspace, so the only functional air corridors are from North Macedonia (Inbound Corridor and Outbound Corridor). With the normalization of lower airspace, it is intended to open new corridors with neighboring countries, openings that are closely dependent to political developments. ANSA has a legal obligation to develop air traffic services defined according to international laws and standards (ICAO, EASA). Current ANSA legislation does not accommodate the requirements for achieving these standards.

#### 2.2.3. Assuming control of the Upper Airspace of the Republic of Kosovo

Since 2014, the Upper Airspace of the Republic of Kosovo is managed by the Air Navigation Service Provider of Hungary - Hungarocontrol, delegated by NATO. Assuming the upper airspace management requires preparation in both technical and human terms, as well as in the preparation of legal infrastructure, navigation equipment and in the preparation of professional human personnel in the field of air navigation.

#### **2.2.4. Further development of technical and human capacities**

Kosovo, as a signatory party to the ECAA, has taken obligations in the implementation of the regulation that originates from the ECAA. The regulations of the European Commission in the field of air navigation, define clear criteria of technical infrastructure and human professional capacities for certification as a provider of air navigation services as part of the European Common Sky. Even the normalization of the lower airspace as well as the management of the upper airspace requires preparation in both technical and human terms.

#### **2.2.5. Increasing competitiveness in the region**

ANSA is the sole provider of navigation services that manages lower airspace, and generates revenues only from terminal fees at a non-competitive cost in the region. At the international level, the revenues of the air navigation service provider, 80% consist of the revenues of the upper airspace fee and 20% of the terminal fee. In the meantime, the lack of normalization (opening of new corridors with neighbors), lengthens the flight routes, which creates additional costs for the operators and consequently affects the revenues of ANSA. With the management of the upper airspace, the main revenues will be generated from the upper airspace fees, while with the normalization of the lower airspace (opening of new corridors), the aim is to attract new operators and new routes of operations. On the other hand, raising technical capacities and professional human capacities is a prerequisite for the achievement of the above objectives and at the same time the quality of services increases, which consequently also affects the increase in competitiveness for the provision of efficient and safe services.

## CHAPTER 3: Options

As mentioned in Chapter 1 of this Concept Document, the legal and regulatory framework of air navigation in Kosovo needs to be completed in order to harmonize with the EU air navigation legislation and practices, so below we are presenting three options, which political decision makers can follow.

Option 1: do nothing;

Option 2: improve the implementation of existing rules;

Option 3: draft a new law.

### 3.1. Option 1 - No change

Remaining in force the existing Law on ANSA, without changing the issues related to its implementation.

The option of no changes in the legislation and in the legislation implementation policies would not at all address the current needs of the Republic of Kosovo in the field of air navigation.

Considering the limitations that this option produces, the Working Group shares the opinion that this option will be a serious obstacle in the way of reforms in the field of aviation and the provision of air navigation services.

With the actual law remaining in force, apart from the fact that there can be no development and improvement in the field of air navigation, ANSA will continue to remain a burden on the budget of the Republic of Kosovo. With the regulation of the European Union for the field of air navigation, the providers of air navigation services must have independence and financial stability, in order to be certified for the provision of air navigation services. At the same time, due to the inclusion of ANSA employees, in the relevant Law on Public Officials as well as in the relevant Law on Salaries in the Public Sector, the leaving of professional staff will continue, who are still in deficit, and consequently the provision of air navigation services on a 24-hour schedule is also at risk.

The option is not recommended by the working group.

### 3.2. Option 2 - Improving the implementation of current legislation

This would involve additional measures in implementing the actual Law on ANSA, including by-laws and existing policy documents. This option would not imply a complete change of the actual legislation in the field of air navigation, but only an improvement in the implementation of existing policies.

This option of improving the implementation of the existing legislation, and without intervention in the primary legislation, would not fully address the needs of the Republic of Kosovo in the field of aviation and air navigation, therefore, it would not be possible to fully harmonize with the requirements of the EU Acquis.

Therefore, this option is NOT recommended.

### 3.3. Option 3 – Drafting of the new Law for the provider of air navigation services

Preparation of a new Air Navigation Service Provider law, as well as the revision of the entire package of by-laws arising from this law, to reflect the attention of the EU Acquis in the field of Aviation, especially in Article 53 of the SAA. - where the basis of the operation of the civil aviation activity in the HPEA is foreseen and in Article 3 of the HPEA where it works that:

*“The applicable provisions of the acts referred to or contained in the Annex, adapted to Annex II, in the decisions of the Joint Committee shall be valid or binding on the Contracting Parties and shall form or form part of them. internal legal as follows:*

*(a) an act corresponding to a Regulation of the European Community shall become part of the legal order of the Contracting Parties.*

*(b) an act corresponding to a directive of the European Community shall leave to the authorities of the Contracting Parties the choice of their forms and rules”.*

With the drafting of the New Law, among other things, it is aimed to achieve objectives such as; normalization of the airspace - assuming control of the Upper Airspace of the Republic of Kosovo. The achievement of these objectives is closely related to the improvement of the technical and operational infrastructure as well as the increasement of human professional capacities.

This option should also be accompanied by the improvement of the implementation of the legal framework in force and the legislation that will be drafted, in order to enable the achievement of the goals of the Republic of Kosovo in the field of Air Navigation, respectively the normalization of the lower airspace and its management in upper airspace.

With the new law, it is intended that the Air Navigation Service Provider have a legal basis in the support and provision of air navigation services as well as the development of aviation for the Ministry of Defense, the Ministry of Internal Affairs and other Safety Institutions, which aim to use the Airspace of the Republic of Kosovo.

The new law will regulate the reporting procedure of ANSA to the Government of the Republic of Kosovo as well as the process of financial and managerial accountability, which means that the Government of the Republic of Kosovo will improve the policies of appointing and supervising senior management of ANSA. The general director reports to the Government of the Republic of Kosovo through the Governing Council.

Likewise, with the new legislation, ANSP will create financial independence based on Eurocontrol policies, independence that would directly affect the budget of the Republic of Kosovo. By financial independence, we mean that ANSP will have the possibility of self-financing with the services it offers and will not be part of the states’ budget, as it has been until now a budget organization with dedicated revenues

Referring to the causes and consequences identified within this concept document, the following are included the main recommendations related to this option based on the best regional and



European practices in the field of air navigation, as defined and detailed in Point 1.10 of Chapter 1 of this Concept Document.

Determination of the Status of the Air Navigation Service Provider will be an independent legal entity serving the public interest, with full legal personality, with full operational, administrative and functional autonomy, with a defined address and bank account, based on the provisions applicable acts arising from the HPEA, which are or will become mandatory through the legal order of the Republic of Kosovo.

The Air Navigation Service Provider must operate outside the legal framework for Public Officials, the Law on Salaries in the Public Sector and must not be considered a budget organization in the sense of the Law on Public Finance Management and Responsibilities. During the drafting of the New Law on the Provider of Air Navigation Services, the recommendations that may emerge from the process of rationalization of the agencies will eventually be taken as a basis.

The Government of the Republic of Kosovo, as the founder, will have the exclusive competence to exercise the rights in the Air Navigation Service Provider, rights which it exercises through the Governing Council. The Governing Council will be responsible to the Government and the Assembly for the activity of the Air Navigation Service Provider.

The Air Navigation Service Provider will consist of a Governing Council, with supervisory and decision-making powers, composed of three members, as follows:

- Minister of the relevant Ministry for Transport - Chairman;
- Minister of the relevant Ministry for Finance - Member and
- General Director of ANSP

Competencies of the Governing Council:

- Appoints and dismisses the Director and Deputy Directors;
- Approves the Internal Regulation and other internal by-laws;
- Approves the one (1) and five (5) year business plan of ANSP;
- Approves the Annual Work Plan;
- Approves the annual budget, annual report and annual financial statements.

Each member of the Council has one vote. In case of equal votes, the Chairman's vote will be decisive.

In case of appointment and dismissal of the Director, the Director is excluded from voting.

The financial field of the Air Navigation Service Provider will be regulated based on the International Financial Reporting Standards (IFRS), while the issue of determining revenues and expenses based on the relevant Regulation for the Determination of the Common Fee Scheme for Air Navigation Services.

Internal accounting rules and procedures in ANSP will be addressed through the special by-law "On Internal Accounting Standards and Accounting Procedures".

ANSP will maintain accounts and records in accordance with International Financial Reporting Standards (IFRS) to reflect financial operations and conditions.

ANSP will prepare annual financial statements in accordance with IFRS.

ANSP will use IFRS to:

Bookkeeping (chronological recording in a diary, systematic recording in accounting books of all data and economic-financial evidence related to ANSP);

Accounting System (an organized structure consisting of manual or computerized accounting methods, procedures and controls designed to collect, record, classify, analyze, summarize, interpret and present accurate and timely data for management decisions) ;

Annual Report (a report prepared by the Managing Director of ANSP and approved by the Board of Directors for an annual period including financial statements ANSP prepares and maintains a common table of accounts in accordance with IFRS that is in accordance with the needs of accounting tasks, ANSP budget and reporting).

The field of procurement will be regulated based on the local legislation for the field of Public Procurement.

The scope of the Audit will be regulated based on the International Auditing Standards. The National Audit Office of the Republic of Kosovo will be the external auditor for the audit of ANSP.

The work relationship will be regulated by the Labor Legislation as well as by-laws issued based on international rules and practices in the field of Air Navigation.

The new law will also regulate the issue of early retirement for ANSP's operational staff. The operational employee will earn the right to early retirement depending on the age and time of service in ANSP.

## CHAPTER 4: Identification and assessment of future impacts

For the analysis of a document concept it is not sufficient to state that the causes of the problem will be avoided and that the problem will therefore be solved. Actions must be placed in a broad context that considers all the possible effects that the Government's actions may have. This means analyzing the following five categories of potential impacts:

- 1) economic impacts;
- 2) social influences;
- 3) environmental impacts;
- 4) cross-sectorial impacts;
- 5) budgetary impacts.

These impacts are summarized in tabular form in the table below.

### 4.1. Option 1: No change option

*Table 5: Most significant impacts identified by impact category for Option 1*

Categories of impacts	Relevant impacts identified (first option)
<b>Economic impacts</b>	The economic impacts will be negative. ANSA continues to be a burden on the State Budget, there will be stagnation in the development of technical capacities and in the realization of revenues and expenses according to Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air Navigation Services.
<b>Social impacts</b>	ANSA will hardly be able to be competitive in the regional market of air navigation service provision, due to the lack of independence in financial management, revenues and expenses.
<b>Environmental impacts</b>	The impact of CO2 emissions will continue to be present.
<b>Cross-sectorial impacts</b>	The conflict between the economic regulation competencies of ANSA, between the Government of the Republic of Kosovo and CAA, will continue to be present.
<b>Budgetary impacts</b>	ANSA will continue to remain a burden on the Budget of the Republic of Kosovo.

### 4.2. Option 2: Option to Improve implementation and enforcement through existing acts

*Table 6: Most significant impacts identified by impact category for Option 2*

Categories of impacts	Relevant impacts identified (second option)
<b>Economic impacts</b>	The economic impact will continue to remain negative, with some non-essential improvements. ANSA continues to be a burden on the State Budget.

<b>Social impacts</b>	Competitiveness in the regional market will continue to be unequal even though there may be minor improvements, and the same will not reflect in the social aspect.
<b>Environmental impacts</b>	The impact of CO2 emissions will continue to be present. However, with the improvement of the implementation of the legislation and policies in force, the situation could be improved.
<b>Cross-sectorial impacts</b>	The conflict between the economic regulation competencies of ANSA, between the Government of the Republic of Kosovo and CAA, will continue to be present.
<b>Budgetary impacts</b>	ANSA will continue to remain a burden on the Budget of the Republic of Kosovo.

#### 4.3. Option 3: Drafting of the new Law for the provider of air navigation services

*Table 7: Most significant impacts identified by impact category for Option 3*

<b>Categories of impacts</b>	<b>Relevant impacts identified (Option 3)</b>
<b>Economic impacts</b>	Through the recommended option aimed at drafting a new law for ANSA, and harmonizing it with the EU Acquis, Kosovo aims to address the identified problems. In addition, the improvement of legislation and harmonization with international practices will have expected positive impacts or will reduce the negative impacts related to the field of air navigation. In particular, it is expected that: <ul style="list-style-type: none"> <li>– Increasing revenues from air navigation services;</li> <li>– Investments in air navigation infrastructure are very cost-effective and have an impact on increasing safety, quality of services and economic benefit; and</li> <li>– Increased competitiveness and new job opportunities.</li> </ul>
<b>Social impacts</b>	The impacts of the proposed option are intended to: <ul style="list-style-type: none"> <li>– To promote the increase of jobs through investments in this sector; and</li> <li>– To promote professional qualifications of the workforce in the field of air navigation.</li> </ul>
<b>Environmental impacts</b>	- With the normalization of the airspace, it also means the shortening of the airways in the Republic of Kosovo. This shortening will also directly affect CO2 emissions, during a flight destined for Kosovo or from Kosovo to third countries. Environmental benefits due to reduced CO2 emissions providing benefits in other areas as well, such as healthcare.
<b>Cross-sectorial impacts</b>	- With the new law, cross-sectorial competences, which were created with the current law of ANSA, will be clearly defined.
<b>Budgetary impacts</b>	- The budgetary impact will be positive, where ANSA will not be a burden for the Budget of the Republic of Kosovo. I will base the economic regulation on Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air

	Navigation Services. Budget planning and spending will be performed based on performance, as a non-profit organization, as defined in the aforementioned regulation.
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**4.4. Challenges with data collection**

MESPI is responsible for the implementation of policies and legislation in the field of air transport, civil aviation and air navigation. Besides MESPI, other institutions also have responsibilities in this field, including ANSA, CAA, MM, MIA, etc. The collection of key data for this document is based on current documents already prepared by MESPI and other institutions.

## CHAPTER 5: Communication and consultation

During the drafting and after the approval of the Concept Document, various meetings will be organized and the drafts will be published for comments from the public.

*Table, 8: Summary of communication and consultation activities carried out for the concept document*

The consultation process aims to: - To notify central and local level institutions, as well as the public, about the process of drafting the Concept Document for the field of Air Navigation Services. - To fulfill obligations in terms of harmonizing local legislation with that of the EU. - Transparency during the drafting of the Concept Document for the Field of Air Navigation Services.						
The main purpose	Target group	Activity	Communication/notification	Indicative deadlines	The necessary budget	The person in charge
Open meeting to all interested parties	All interested	Public meeting	Communication via website and e-mail			Samir Bllacaku
Written public consultation	Public institutions (central and local)	Publication of the consultation on the public consultation portal	Communication via website and e-mail			Samir Bllacaku

## CHAPTER 6: Comparing of Options

One option for action on the way forward within the area that this Concept Document addresses:

### 6.1. Option 1 - no change

Remaining in force the existing Law on ANSA, without changing the issues related to its implementation. This option would not at all address the needs of the Republic of Kosovo in the field of air navigation. The legislation in force does not coincide with the international obligations of Kosovo in the implementation of the ECAA. Considering the limitations that this option produces, the Working Group shares the opinion that this option will be a serious obstacle in the way of developing and improving the infrastructure in the field of air navigation.

### 6.2. Option 2 Option to supplement-amend the existing law of ANSA

The supplement-amendment of the Law on ANSA without changing the status and without improvements in the general legal norms in the administrative and financial field, it will not address the needs and demands deriving from the international obligations in the field of air navigation. This would include additional measures in the implementation of the law for ANSA, including, interventions in the legal and by-laws that regulate all budgetary organizations within the Budget of the Republic of Kosovo, to address the needs in the field of air navigation. There is a lot of room to improve the field of air navigation even within the existing legal basis, in particular towards achieving the objectives.

Some of the issues identified during the analysis, within this option, can only be addressed by changing the Laws and by-laws as follows:

- Supplement-amendment of the Law No. 03/L-048 on Public Finance Management and Responsibilities and its by-laws;
- Supplement-amendment of the Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies and its by-laws;
- Supplement-amendment of the Law No. 06/L-114 for Public Servants and its by-laws;
- Supplement-amendment of the Law No. 08/L-196 on Salaries in the Public Sector and its by-laws.

This option, i.e. improving the implementation of the existing primary and secondary legislation, would to some extent address some of the needs for regulating the field of air navigation, but it affects on many legal and sub-legal acts which could cause many other conflicts of legal provisions for other budgetary organizations.

### 6.3. Option 3 - Drafting of the new Law for the provider of air navigation services

The preparation of a new Draft Law for ANSA, to reflect the requirements of the EU Acquis, namely ECAA, in the field of Air Navigation would address the needs of ANSA. During the drafting of the New Law for ANSA, which would be harmonized with the EU directives,

respectively the obligations deriving from the ECAA in particular, addressing the issues identified within this concept document and harmonizing all by-laws with the new requirements from the EU Acquis -, in order to eliminate all legal contradictions and various regulations.

This option does not present the need to be accompanied by an improvement in the implementation of the legal framework in force and the legislation that will be drafted, to enable the achievement of objectives in the field of air navigation. Referring to the causes and consequences identified within this concept document, the main recommendations related to this option are included below.

**Table 8: Implementation plan for Option 3**

<b>The purpose of policy</b>	Full implementation of the obligations assumed by the ECAA through the implementation of regulations in the field of air navigation.							Expected cost figure	
<b>Strategic objective</b>	Creation of a legal framework to improve, develop and increase efficiency and safety in the provision of air navigation services.								
	Product, activities, year and responsible organization/department								
<b>Specific objective 1</b>  - Improving the legal and regulatory infrastructure as well as harmonization with EU regulations and practices in the field of air navigation ;  -	Product 2.2.1								
	Drafting of the new Law on ANSA		Year 1	Year 2	Year 3	Year 4	Year 5	Institution / responsible department	N/A
	Activity 1.1.1 Establishment of the Working Group	X						MESPI	N/A
	Activity 1.1.2 Drafting of the new Law	X						MESPI	N/A
	Activity 1.1.3 Approval	X						Government of the Republic of Kosovo; Assembly of the Republic of Kosovo	N/A
<b>Specific objective 2</b>	Product 2.2.2 Identification of	Preparation for Normalization		X	X			MESPI ANSP CAA	N/A



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Normalization of the Lower Airspace of the Republic of Kosovo;	normalization needs	Coordination with neighboring countries		X	X			MESPI ANSP CAA	N/A
		Signing of agreements		X	X			MESPI ANSP	N/A
<b>Specific objective 3</b> Assuming control of the Upper Airspace of the Republic of Kosovo;	Product 2.2.3 Coordination between the Government, KFOR and NATO	Activity The agreement with NATO/KFOR,			X			MESPI ANSP CAA NATO/KFOR	N/A
<b>Specific objective 4</b> Further development of technical and human capacities;	Product 2.2.4	Investments in ATM projects	X	X	X			ANSP	5 (five) Million Euros
		Increasing of human professional capacities - recruiting the new generation of air traffic controllers/training current controllers for upper airspace management	X	X	X			ANSP	1 (one) million Euros
<b>Specific objective 5</b> Increasing competitiveness in the region	Product 2.2.5	Increasing the efficiency and quality of air navigation services.	X	X	X			ANSP	N/A
		Reduction of the fee rate for the provision of				X		ANSP CAA	N/A

		terminal services.							
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Table 9: Comparison of options

Comparison method:			
Relevant positive impacts	Option 1: No change	Option 2: Improve implementation and execution	Option 3: The new law for ANSA
<b>Economic impacts</b>	The economic impacts will be negative. ANSA continues to be a burden on the State Budget, there will be stagnation in the development of technical capacities and in the realization of revenues and expenses according to Regulation No. 3/2016 on the Determination of the Common Charging Scheme for Air Navigation Services. In the years 2018-2022, ANSA has used the budget in the amount of EUR 6,543,500.43 only from government grants.	The economic impact will continue to remain negative, with some non-essential improvements. ANSA continues to be a burden on the State Budget, as in previous years with over 6.5 million expenses from government grants.	Through the recommended option that aims to draft a new law for ANSP, and harmonize it with the EU Acquis, Kosovo aims to address the identified problems. In addition, the improvement of legislation and harmonization with international practices will have expected positive impacts or will reduce the negative impacts related to the field of air navigation. In particular, it is expected that: <ul style="list-style-type: none"> <li>- Increase in revenues from air navigation services – with the management of the upper airspace, revenues can increase up to 10,000,000 (10 million) euros;</li> <li>- Investments in air navigation infrastructure have a high cost but with impact on increasing safety, quality of services and economic benefit; and</li> <li>- Increased competitiveness and new job opportunities.</li> </ul>
<b>Social impacts</b>	ANSA will hardly be able to be competitive in the regional market of air navigation	Competitiveness in the regional market will continue to be uneven	The impacts of the proposed option are intended to: <ul style="list-style-type: none"> <li>- To promote the increase of job opportunities through</li> </ul>

	services provision, due to the lack of independence in financial management, revenues and expenses.			although there may be minor improvements.			investments in this sector; and – To promote professional qualifications of the workforce in the field of air navigation		
<b>Environmental impact assessment</b>	The impact of CO2 emissions will continue to be present.			The impact of CO2 emissions will continue to be present. However, with the improvement of the implementation of the legislation and policies in force, the situation could be improved.			With the normalization of the airspace, it also means the shortening of the airways in the Republic of Kosovo. The latter shortening will also directly affect CO2 emissions, during a flight destined for Kosovo or from Kosovo to third countries. Environmental benefits due to reduced CO2 emissions providing benefits in other areas as well, such as healthcare		
<b>Impact on NMV</b>	The impact will continue to be negative			The impact will continue to be negative			The impact on NMV is expected to be positive, as new opportunities will be created for increasing the number of flights, and adding new destinations to and from Pristina Airport.		
<b>Relevant costs</b>	Burden for the state's budget			It continues to be a burden on the state's budget			There will be financial stability with revenues from providing services.		
<b>Assessment of the expected budget impact</b>	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
	-	-	-	-	-	-	+	+	+++
<b>conclusion</b>									

## CHAPTER 7: Conclusions and upcoming steps

The working group has assessed that the best option or the preferred option which is recommended to proceed further is the third option, hence the drafting of a new law for the Air Navigation Service Provider.

This option includes the preparation of a new Law on the Provider of Air Navigation Services, as well as the revision of the entire package of by-laws deriving from this law, to reflect the requirements of the EU Acquis in the field of air navigation.

Determining the status of the Air Navigation Service Provider is recommended to be an independent legal entity serving the public interest, with full legal personality, with full operational, administrative and functional autonomy in accordance with the Law on Civil Aviation.

During the drafting of the new Law on the Provider of Air Navigation Services, which would be harmonized with EU directives in the field of air navigation, in particular, addressing the issues identified within this concept document, and harmonizing all by-laws with the new requirements from the EU Acquis, in order to eliminate all legal contradictions and various regulations. Referring to the causes and consequences identified within this concept document, the main recommendations related to this option are included below.

After the approval of this Concept Document by the Government, MESPI will establish working group for the Drafting of the new Law for the Air Navigation Services Provider and the by-laws deriving from the latter.

**APPENDIX 1: ASSESSMENT FORM FOR ECONOMIC IMPACT**

Category of economic impacts	The main impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	The expected benefit or cost of the impact	Preferred level of analysis
		yes	no			
<b>Job Opportunities<sup>1</sup></b>	Will the current number of job opportunities increase?	yes		Low	Low	With investments in the air navigation sector, job opportunities are expected to increase.
	Will the current number of job opportunities be reduced?		no			
	Will it affect the level of payment?	yes		Low	Low	New developments in the field of air navigation will have a positive impact on the level of payment.
	Will it affect the ease of finding a job?		no	/	/	
<b>Doing businesses</b>	Will certain services be removed from the market?		no	low	low	Through the creation of new policies in the field of air navigation, opportunities will be created for the addition of services and the arrival of new companies for the realization of flights to and from Kosovo.
	Will certain products be added to the market?		no	low	low	Through the creation of new policies in the field of air navigation, opportunities will be created for the

<sup>1</sup>When it affects jobs, there will also be social impacts.

						addition of services and the arrival of new companies for the realization of flights to and from Kosovo.
	Will businesses be forced to close?		no			
	Will new businesses be created?	yes		Low	Low	Through the creation of new policies in the field of air navigation, opportunities will be created for the addition of services and the arrival of new companies for the realization of flights to and from Kosovo.
<b>InveStment</b>	Are companies expected to cancel or postpone investments?		no	/	/	
	Will investments from the diaspora increase?	yes		Low	Low	Through the creation of new policies in the field of air navigation, opportunities will be created for the addition of services and the arrival of new companies for the realization of flights to and from Kosovo.
	Will investments from the diaspora decrease?		no	Low	Low	Through the creation of new policies in the field of air navigation, opportunities will be created for the addition of services and the arrival of new companies for the realization of flights to and from Kosovo.

	Will foreign direct investments increase?	yes		Low	Low	Through the creation of new policies in the field of air navigation, opportunities will be created for the addition of services and the arrival of new companies for the realization of flights to and from Kosovo.
	Will foreign direct investments decrease?		no			
	Will the prices of existing services be reduced?		no	/	/	
	Will any particular business sector be affected?		no	/	/	
<b>Regional economic impacts</b>	Is this sector concentrated in a certain region?		no	/	/	
	Will future economic growth be affected?	yes		Low	Low	Through the creation of new policies in the field of air navigation, opportunities will be created for the addition of services and the arrival of new companies for the realization of flights to and from Kosovo.
<b>General economic development</b>	Could it have any effect on the inflation rate?		no	/	/	

**APPENDIX 2: SOCIAL IMPACT ASSESSMENT FORME**

The category of social influences	The main impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	The expected benefit or cost of the impact	Preferred level of analysis
		yes	no	High/low	High/low	
<b>Job Opportunities</b> <sup>2</sup>	Will the current number of job opportunities increase?	yes		Low	Low	Through the creation of new policies in the field of air navigation, opportunities will be created for the addition of services and the arrival of new companies for the realization of flights to and from Kosovo. This also aims to create new job opportunities.
	Will the current number of job opportunities be reduced?		no	/	/	
	Are jobs in a particular business sector affected?		no	/	/	
	Will there be any impact on the level of payment?	yes		Low	Low	New developments in the field of air navigation they will also have a positive impact on the level of payment.

<sup>2</sup>When it affects jobs, there will also be economic impacts.



<b>Regional social impacts</b>	Are social influences concentrated in a particular region or city?		no	/	/	
<b>Work conditions</b>	Are workers' rights affected?		no	/	/	
<b>Social inclusion</b>	Will it have an impact on poverty?		no	/	/	
	Is access to social protection schemes affected?		no	/	/	
	Will it affect the financing or organization of social protection schemes?		no	/	/	
	Does the option affect the preservation of cultural heritage?		no	/	/	
<b>Public health and safety<sup>3</sup></b>	Will the health risk due to harmful substances increase or decrease?	yes		Low	Low	Through capital investments and the normalization of the airspace of the Republic of Kosovo, the flight routes to and from Kosovo will be shortened and this will also affect the reduction of CO2 pollution.
			no	/	/	
		yes		Low	Low	ANSA plans to invest in the use of alternative

<sup>3</sup>When there is an impact on public health and safety, then there are regularly environmental impacts.

						renewable energy, and this will affect the reduction of the use of energy from thermal power plants and consequently will affect the reduction of environmental pollution.
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**APPENDIX 3: ASSESSMENT FORM FOR ENVIRONMENTAL IMPACTS**

Category of environmental impacts	The main impact	Is this impact expected to occur?	Number of organizations, companies and/or individuals affected		The expected benefit or cost of the impact	Preferred level of analysis
		yes	not	High/low	High/low	
<b>Sustainable climate and environment</b>	Will it have an impact on greenhouse gas emissions (carbon dioxide, methane, etc.)?	yes		Low	Low	Through capital investments in the use of renewable energy and the normalization of the airspace of the Republic of Kosovo, the flight routes from and to Kosovo will be shortened and this will also affect the reduction of CO2 pollution.
<b>Air quality</b>	Will it affect the emission of air pollutants?	yes		Low	Low	Through capital investments in the use of renewable energy and the normalization of the airspace of the Republic of Kosovo, the flight routes from and to Kosovo will be shortened and this will also affect the reduction of CO2 pollution.

**APPENDIX 4: FUNDAMENTAL RIGHTS IMPACT ASSESSMENT FORM**

Category of impact on fundamental rights	The main impact	Is this impact expected to occur?		Number of organizations, companies and/or individuals affected	Expected benefit or cost impact	Preferred level of analysis
		yes	no			
<b>Dignity</b>	Does the option affect people's dignity, their right to life or a person's integrity?		x			
<b>Freedom</b>	Does the option affect the right to freedom of individuals?		x			
	Does the option affect a person's right to privacy?		x			
	Does the option affect the right to marry or start a family?		x			
	Does the option affect the legal, economic or social protection of individuals or families?		x			
	Does the option affect freedom of thought, conscience or religion?		x			
	Does the option affect freedom of expression?		x			
	Does the option affect freedom of assembly or association?		x			
<b>Personal data</b>	Does the option include the processing of personal data?		x			
	Are the individual's rights of access, rectification and objection guaranteed?	x				
	Is the way in which personal data is processed clear and well protected?		x			
<b>ASYLUM</b>	Does this option affect the right to asylum?		x			
	Will property rights be affected?		x			

<b>Property rights</b>	Does the option affect the freedom to do business?		x			
<b>Equal treatment</b>	Does the option protect the principle of equality before the law?	x				
	Are certain groups likely to be harmed directly or indirectly by discrimination (e.g. any discrimination based on sex, race, color, ethnicity, political or other opinion, age or sexual orientation)?		x			
	Does the option affect the rights of people with disabilities?		x			
<b>Children's rights</b>	Does the option affect children's rights?		x			
<b>Good administration</b>	Will administrative procedures become more complicated?		x			
	Is the way in which the administration makes decisions affected (transparency, procedural deadline, right of access to a file, etc.)?		x			
	On criminal law and the prescribed punishments: are the rights of the defendant affected?		x			
	Is access to justice affected?		x			