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Ministry of Internal Affairs

EX-POST EVALUATION REPORT

ON THE

LAW NO. 05/L-134 ON LEGALIZATION

AND

**SURRENDER OF WEAPONS, AMMUNITION AND EXPLOSIVE
DEVICES**

Proposing institution	Legal Department of the Ministry of Internal Affairs
Title of the Ex-Post Evaluation Report	<i>Ex-Post</i> Evaluation Report on the Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition and Explosive Devices
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1.Ex-post evaluation report on the law no. 05/l-134 on legalization and surrender of weapons, ammunition and explosive devices, approved by Decision of the Government of the Republic of Kosovo No.23/180 da. 27.12.2023

EXECUTIVE SUMMARY

The issue of weapons for the first time was legally regulated through Law No. 03/L-143 on Weapons, which, in certain provisions, also regulated the issue of legalization and amnesty of weapons.

However, such a regulation had difficulties for implementation in practice. Due to the need and importance of the issue relating to the legalization of weapons, there were foreseen constitutional amendments.

The Assembly of the Republic of Kosovo, through Amendment 23, supplemented and amended Article 65 of the Constitution of the Republic of Kosovo with the following text:

"The Assembly gives amnesty by the respective Law, which shall be approved by two-thirds (2/3) of the votes of all the deputies of the Assembly".

In terms of weapons, this implied an amnesty guaranteed by law for all natural and legal persons who apply for the legalization of firearms pursuant to the law on weapons or the voluntary surrender of prohibited firearms and other explosive devices during a period of time specified and announced that may be subject to criminal prosecution for such criminal offences as per the respective Criminal Code of the Republic of Kosovo.

Within the framework of a number of actions to fulfill this constitutional requirement as well as to achieve the main goal of legalizing illegal weapons in the Republic of Kosovo, the Ministry of Internal Affairs in 2015 drafted a Concept Document for the Legalization of Weapons and the Surrender of Small and Light Weapons, Ammunition, and Explosive Devices, which was adopted by the Government of the Republic of Kosovo.

Moreover, the legalization of weapons and the surrender of small and light weapons, ammunition, and explosive weapons were also related to the priorities of the Government of the Republic of Kosovo and are closely related to the process of European integration as well as other international obligations.

The drafted Concept Document envisaged the drafting of a Law on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices. In order to fulfill this obligation, the Ministry of Internal Affairs drafted the law, which was adopted by the Assembly of the Republic of Kosovo in 2017.

The Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices was published in the Official Gazette of the Republic of Kosovo¹ on 21 April 2017, and according to its Article 13, it entered into force fifteen (15) days after its publication.

Upon the entry into force of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosives, the Ministry of Internal Affairs was designated as the competent body for the implementation of the obligations arising from this law.

Taking into account that the process of legalization and surrender of weapons is a continuous and very important process, it has been considered necessary to carry out an *ex-post* evaluation of this law.

The purpose of this initiative is to identify the challenges in the implementation of this law, with special emphasis on the application procedure for the legalization and surrender of weapons, the role of the legal person, the authorities, and, in particular, the steps that must be taken to strengthen its implementation.

More specifically, with this evaluation, we intend to understand if, after the entry into force of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices, given that almost (6) years have passed, sufficient resources have been available to support the implementation of this law, if the institutions or mechanisms responsible for its implementation have acted in accordance with their responsibilities, and if the said law is in harmony with other legal framework.

During the preparation of this ex-post evaluation report, we have encountered difficulties in providing statistical data for the referred cases of the legalization of weapons, which has influenced the report to be incomplete due to the lack of concrete data.

In this respect, the Ministry of Internal Affairs has established the Working Group² which is mandated to carry out the *Ex-Post* Evaluation of the Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices. This working group is led by the Legal Department and the Department of Public Safety of the Ministry of Internal Affairs and also includes representatives of other institutions.

This report also highlights the incoherence and collision between the legal provisions of this law and the provisions of other laws, such as the Law on Minor Offences, the Law on General Procedure, and the Criminal Code of Kosovo, where the need for amendment and supplementation of the law to be harmonized with

¹ Official Gazette of the Republic of Kosovo No.13 / 21 April 2017, accessible online at < <https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=14605>>

² Established by Decision No.704/2023 of the Secretary General of the Ministry of Internal Affairs, of 18.05.2023.

the respective provisions of these laws is evident, the details of which are reflected in the points below.

In this evaluation, the method of “Evaluation of implementation and compliance” is chosen as one of the three (3) types of ex-post evaluation in order to fully evaluate the implementation process of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices. Moreover, this evaluation will indicate whether the implementation is being carried out in the right way, with the aim of identifying the factors that have helped or hindered its adequate implementation.

As regards the scope of the evaluation, it covers the law in its entirety.

Finally, the report recommends corrective actions with regard to Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices. More specifically, the recommendations consist of the steps that must be taken to address the challenges and gaps identified related to its implementation, starting with the need for the law to be amended and supplemented in order to be harmonized with other legislation in force.

I. INTRODUCTION

A) Context of evaluation

In the course of the monitoring and analysis conducted during the performance of this evaluation, but also on the basis of earlier data, it has been noted that the implementation of the law by the responsible institutions is very challenging, mainly due to several problems in the law and the lack of human capacities.

The selection of this law to be evaluated *Ex-Post* was made, among other things, by taking into consideration the extraordinary importance of this law in the field of public order and safety.

Therefore, starting from this and based on the requests issued by the Department of Public Safety within the Ministry of Internal Affairs, the latter decided on the *Ex-post* evaluation of the Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition and Explosive Devices.

B) Purpose and scope of the evaluation

The purpose of this *Ex-Post* Evaluation Report is to highlight the main challenges in the field of legalization, surrender of weapons, and the challenges of bodies and institutions in terms of legal, institutional, and functional aspects, with special emphasis on the analysis of implementation and harmonization of this law with other legislation in force.

This evaluation also aims to identify the gaps and propose relevant recommendations for a review of the legal framework and concrete proposals in terms of legislative amendments, including the determination of the competence of the bodies responsible for the imposition of minor offence sanctions as well as organizational and functional aspects.

In this sense, this analysis, namely this *Ex-post* evaluation, shall serve as the basis for future legislative amendments to the law.

Consequently, the *Ex-Post* evaluation of the law is considered a very necessary instrument to identify the level of implementation, the challenges encountered during implementation, and the measures to be taken in order to strengthen the implementation of this law.

Evaluation of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition and Explosive Devices is carried out for the time period from entry into force until December 2023.

This *ex-post* evaluation covers, within its scope, the entire law.

Also, this evaluation analyzes the level of harmonization of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition and Explosive Devices with other legislation in force.

The parties actively involved in the process of implementing the Law are:

- The Ministry of Internal Affairs, specifically its Agencies and/or Departments as follows:
 - Kosovo Police;
 - Department of Public Safety.
 - Kosovo Forensic Agency
 - Licensed legal person (entity).

II. DESCRIPTION OF THE LAW TO BE EVALUATED AND THE APPLIED METHODOLOGY

A) Description of the law or sub-legal act to be evaluated

Law No. 05/L-134 on the Legalization and Surrender of Weapons, Ammunition and Explosives determines the right for natural and legal persons to legalize weapons or voluntarily surrender weapons, ammunition, and explosives which have been in illegal possession during the timeframe of legalization and surrender determined according to the provisions of this law, with the aim of creating a safer environment for all citizens.

The *Ex-post* evaluation was carried out in the entirety of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices, since it is important to evaluate its overall impact on the establishment and implementation of public safety measures during the process of legalization and surrender (of weapons) in Kosovo. Moreover, the interoperability between the articles and the dependence that the articles have on each other make it impossible for us to deal only with certain articles of the law.

Law No. 05/L-134 on the Legalization and Surrender of Weapons, Ammunition, and Explosive Devices has granted authorization to have the following issues regulated in more detail:

- Legalization of weapons;
- Surrender of weapons, ammunition and explosive devices; and
- State Coordination Centre.

Since its entry into force, in the implementation of the law, the Ministry of Internal Affairs has approved only the sub-legal act deriving from Articles 4 and 5 of Law No.05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices; more specifically, it has approved only the Administrative Instruction (MIB) No. 09/2018 on Legalization of Weapons³.

The purpose of this Administrative Instruction is to define the deadlines and operational modalities of the card, the request and consent for the legalization of the weapon, and the procedures to be followed by the licensed legal entity during the legalization deadline in order to create a safer environment for all citizens.

However, the sub-legal acts stemming from Article 8 (Surrender of weapons, ammunition, and explosive devices) and Article 10 (State Coordination Centre) have never been drafted, and consequently, these two issues, namely, the surrender and operationalization of the State Coordinating Centre, have not been regulated. These issues are closely related to each other because, given that the issue of surrendering weapons, ammunition, and explosive devices has never been

³ Published in the Official Gazette of the Republic of Kosovo on 08.11.2023, accessible online at <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=18097>>

implemented, the establishment of the State Coordination Centre and the regulation of its operation have never been done. During the analysis of the working group when drafting this *ex-post* evaluation, it was concluded that due to the difficulties encountered in implementation by the responsible units, the drafting of these sub-legal acts was never initiated.

As regards the procedures, the Ministry of Internal Affairs has also taken three (3) decisions. Decision 536/2018⁴, which stems from Article 4 of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices, announces and determines the timeframe for the legalization of weapons, which is from 17 December 2018 to 17 June 2019. Following this decision, was also taken Decision 15/107⁵, which postpones the deadline for legalizing weapons until 17 September 2019.

On 12 August 2020, the Minister of Internal Affairs, by Decision No. 790/2020, decides that all physical and legal persons who have submitted their weapons for legalization to private companies for the repair of weapons can withdraw them and store them in their homes.

B) Chain of results

Given the scope and the type of this *Ex -post* evaluation, the working group has come to the conclusion that this part does not apply to this evaluation.

C) *Ex -post* evaluation method

The Ministry of Internal Affairs, in implementation of the Guide for the Ex-Post Evaluation of Legislation in the Republic of Kosovo on 18 May 2023, has established the working group, which is mandated to carry out the *ex-post* evaluation of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices. This working group is led by the Legal Department of the Ministry of Internal Affairs, in cooperation with the Department of Public Safety in the Ministry of Internal Affairs, as well as participants from other competent institutions pertaining to the field of weapons legalization who are directly or indirectly involved in the implementation of the law, such as the Office of the Prime Minister, the Kosovo Police, the Ministry of Defense, the State Prosecutor's Office, and the Kosovo Forensic Agency.

The methodology used in the preparation of the *Ex-Post* Evaluation Report on the Law No.05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices includes the use of qualitative and analytical methods, since it

⁴ Decision No. 536/2018 was approved by the Minister of the Ministry of Internal Affairs on 23.11.2018.

⁵ Decision No. 15/107 was approved by the Government of the Republic of Kosovo on 18.06.2019.

aims to collect data on the current structural functioning of the relevant units or officers to coordinate and report on the implementation of this law and perform the analysis on the manner of coordination, reporting, and cooperation with the Department of Public Safety.

The data are collected from several main sources, specifically as follows:

- a. Legislation in force in the field of legalization and voluntary surrender of weapons and ammunition;
- b. Other relevant documents from institutions pertaining to the field of legalization and voluntary surrender of weapons and ammunition;
- c. Meetings with officials and institutions responsible for the implementation of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices in order to collect data regarding the level of implementation as well as the challenges encountered by these institutions.

As regards the sources of legislation, the legislation has been analyzed in its entirety, starting from the Constitution of the Republic of Kosovo, the relevant Law on Weapons, the relevant Law on Explosives, the Law on Legalization and Surrender of Weapons, as well as other sub-legal acts and relevant decisions issued in the implementation of Law No.05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices.

Constitution of the Republic of Kosovo⁶

The Constitution of the Republic of Kosovo, with amendment 23 to Article 65, paragraph 15, determines that amnesty can only be granted by the respective law. So, in order to deal with this problem, a respective law is to be issued.

Criminal Code of the Republic of Kosovo⁷

The issue related to weapons, ammunition, and explosive devices is dealt with in Chapter XXIX, Weapon Offences. More specifically, Articles 364 to 369 regulate the issue of criminal offences concerning weapons, which are also related to the problem of legalization and surrender of weapons.

⁶ Published in the Official Gazette of the Republic of Kosovo on 09.04.2023, accessible online at < <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702>>

⁷ Official Gazette of the Republic of Kosovo No.02/14 January 2019, accessible online at <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413>>

Law No. 05/L-022 on Weapons⁸

Articles 34 and 35 of Law No. 05/L-022 on Weapons define the legalization and voluntary surrender of weapons, by emphasizing that the legalization and surrender of weapons is regulated by a separate law

Law No. 04/L-022 on Civil Use of Explosives⁹

Law No. 04/L-022 on Civil Use of Explosives defines the conditions and criteria of production, trade, import, export, transit, transfer, storage, use and destruction of explosives or fireworks, and also the criteria for supervision and application of this law with the purpose of protection of people, property and the environment. One of the main elements of this supervision is of course the legal use of explosives and materials.

Holding of meetings with relevant actors

In the framework of the meetings with the relevant institutions, several meetings of the working group were held over time, where the challenges in the implementation of Law No.05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices were identified and discussed. The results of these discussions, including the perspectives of these institutions, the measures they have undertaken in its implementation, the challenges faced by them, and the capacities at their disposal to ensure the performance of legal responsibilities, have been part of the working group's discussions.

During this process, the Department of Public Safety in cooperation with the Legal Department of the Ministry of Internal Affairs have been responsible for collecting and analyzing the necessary data for the realization of this detailed evaluation. This report is based on these official data and analyses, which have been shared and discussed with the working group. The data cover the period from the entry into force of the law in April 2017, until December 2023.

Based on this, the Ministry has undertaken all actions and evaluated the entire process of the implementation of the law.

Surely, the lack of completion of the legal framework, specifically the sub-legal acts authorized by Law No.05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices, has been challenging for the analysis.

⁸ Official Gazette of the Republic of Kosovo No. 25/19 August 2015, accessible online at <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=11018>>

⁹ Official Gazette of the Republic of Kosovo No. 02 / 14 January 2019, accessible online at <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=18413>>

III. EVALUATION RESULTS

A) Applicability of Law

a. General information

Based on the *ex-post* evaluation process, specifically the meetings of the working group held with the competent institutions, it appears that the implementation of Law No.05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices has been accompanied by several challenges, among the main ones being the non-extensive wording of the legal provisions, the lack of harmonization with the law on administrative procedure, as well as the lack of human resources for the implementation of this law.

Lack of harmonization with other laws in force

The law referring to the issues it covers is harmonized with the relevant law on weapons. The procedures defined in this law refer to the relevant law on weapons, and the same have not until recently been harmonized with the relevant law on general administrative procedure. However, after harmonizing the Law on Weapons with the LGAP, in a large part of it, Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices is considered to be in compliance. The other parts that have not been harmonized are presented in the part of this *ex-post* evaluation report titled “Harmonization.”

Lack of sufficient human resources

The need to increase human capacities, specifically the capacities of officers who deal exclusively with the implementation of this law, is indispensable. More exactly, the persons who deal with samples or weapons testing and identification of weapons must necessarily possess sufficient knowledge about weapons and ammunition so that we don't face problems in the future as well. Often, the recruitment and keeping of these persons appear to be challenging; therefore, the working group has assessed this as a deficiency.

Lack of sufficient resources for the supervision of the implementation of this law

The unit within which the competence to supervise the implementation of this law has been delegated has not been able to fulfill the legal requirements due to the lack of an adequate legal structure for doing so.

Clear legal competences relating to supervisory mandates are necessary in order to advance and adequately implement the law.

Non-adaptation of the legal framework to the situation in the country

The Working Group has assessed that Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices has not managed to effectively address the situation of the legalization of weapons because the procedures for the implementation of this law have been too burdensome for the parties involved, that is, for citizens but also for state institutions, including other legal persons. Such a situation has consequently resulted to the detriment of the citizen because no actions have been taken to realize this right.

According to this law, the procedure for the legalization of weapons has determined the natural person as the main actor, which, according to official data, has not functioned. So, during the period of legalization, the natural person must attend the nearest police station to his place of residence or dwelling place and declare the possession of a weapon that he has not registered before, on which occasion he will be equipped with a card and an application for the legalization of the weapon, provided that he/she meets the criteria defined in the law. However, having received the card, the same person is obliged to send the weapon to the licensed legal person within fifteen (15) days. The legal person licensed according to the law is obliged to keep the weapon and is responsible for verifying that the weapon does not pose a risk to public safety, carrying out test firing, and verifying whether the weapon is marked according to Article 56 of the Law on Weapons.

For illustration purposes, based on the official statistics received by the Department of Public Safety, they indicate that since the entry into force of this law, namely since 2017, around two thousand (2000) applications have been submitted by citizens for the legalization of weapons, and none of these applications have been finalized.

In this sense, also the inclusion of the licensed legal entity, which is a legal person licensed for the trade, repair, deactivation, and production of weapons according to the Law on Weapons, which in this law has been mandated to store the weapon and is responsible for verifying that the weapon does not pose a risk to public safety, carry out test firing, and verify that the weapon is marked, results to be challenging.

The Working Group has assessed that the licensed legal entities have not enjoyed the capacity to do such a thing.

For illustration purposes, the Kosovo Forensic Agency, namely the Ballistics Division has been a participant in the process of receiving and recording standard samples of gunshots into the “IBIS” system and comparing them with unknown

cases, samples that have been brought by legal entities licensed through the Department of Public Safety.

On the basis of this process, the Kosovo Forensic Agency has emphasized that it has encountered many irregularities committed by the licensed legal entities on the occasion of identifying weapons and preparing samples (cartridge cases and bullets), namely they were not able to identify:

- a) the model, caliber and manufacturer of the weapon;
- b) the criterion of marking the samples brought in is not respected in many cases, (cartridge cases and bullets) were not marked or identified with the relevant weapon, as required;
- c) because the ammunition used in the test firing was not good, the marks or characteristics of the weapon were not produced on the cartridge cases or bullets when shooting or during ballistic tests;
- d) traceability in many cases has been at a poor level because the ammunition that was used was not good; and
- e) the people who prepared the samples and the information related to the determination of what weapon we are talking about did not possess sufficient knowledge to identify the weapons they processed.

All the above-mentioned points are basic criteria for preparing samples, identification, and tracking of weapons; therefore, even in the future, the people who prepare these samples or weapon tests and the identification of weapons must necessarily have sufficient knowledge about weapons and ammunition so that there are no problems in the future.

Because the process could not be finalized, the Minister of the Ministry of Internal Affairs by Decision No.790/2020 of 12.08.2020 decided that:

“1. All natural and legal persons who have submitted weapons for legalization to private companies for the repair of weapons may withdraw the weapons and have them stored in their homes until further decision or until the procedures are instituted by the Department of Public Safety”

Also, the issue that the process of voluntary surrender has never started remains a challenge.

b. Importance

Illegal weapons, ammunition, and explosive devices are still in possession in the Republic of Kosovo. The continuous presence of illegal weapons, ammunition, and explosive devices inevitably serves as a destabilizing factor in the Republic of Kosovo. In the wrong hands, they have a destabilizing potential, and their negative effects can multiply. As such, they pose a constant risk to communities, societies, and institutions. In the last 20 years, around 1500 of them were confiscated within the year.

Legalization of illegal weapons, ammunition, and explosive devices is one of the control measures and is among the most complex activities since it requires close cooperation between several institutions as well as gaining the trust of the community.

Legalization of illegal weapons, ammunition, and explosive devices are also goals defined and undertaken in the Western Balkans Roadmap of their Ammunition within the year 2024, namely goal 5, which specifies that:

By 2024, substantially decrease the estimated number of firearms in illicit possession in the Western Balkans"

In the general goals of this Roadmap, it is determined that *"the establishment of legal measures that allow the legalization and voluntary surrender of weapons should be guaranteed."*

It is also the 11th indicator, determining that this indicator for the Republic of Kosovo will be evaluated by the number of weapons, ammunition, and explosives voluntarily surrendered, as well as the number of firearms legalized or deactivated.

Based on this process of *ex-post* evaluation, it results that this law is extremely important to ensure the necessary procedural framework for the legalization and surrender of weapons, ammunition, and explosive devices, but in certain cases there is a lack of full legal clarity, such as in relation to the competence of law enforcement mechanisms. Consequently, some of the provisions should be amended and supplemented, mainly for the purpose of harmonization.

c. Harmonization

Harmonization with international standards

Although there is no unified international standard in terms of the legalization of weapons, yet the procedure following the legalization is defined in the relevant Law on Weapons, which is in harmony with the EU *acquis*.

Internal coherence

The Law No.05/L-134 on Legalization and Surrender of Weapons, Ammunition and Explosive Devices has no conflicting provisions

External coherence

Evaluation results show that during the drafting of the law, the same was not harmonized with several laws, more specifically with the Law on General Administrative Procedure.

However, due to the amendment and supplementation of Law No. 05/L-022 on Weapons by Law No. 08/L-176 on Amending and Supplementing the Laws Containing Special Administrative Procedures and their Harmonization with Law No. 05/L-031 on General Administrative Procedure, the timeframes for appeals have been harmonized, so after this amendment, the party dissatisfied with the decision has the right to appeal within thirty (30) days from the day of being notified of the decision in accordance with the relevant Law on General Administrative Procedure.

Lack of harmonization with Law No. 05/L-031 on General Administrative Procedure¹⁰

Although harmonized with Law No. 05/L-031 on General Administrative Procedure in terms of appeal deadlines, the law is not harmonized with respect to the issue of the burden of proof. According to the provisions of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices, it is the party herself that must submit the documents required by the Law and the Administrative Instructions implementing this law.

While, according to the determinations and requirements deriving from Law No. 05/L-031 on General Administrative Procedure, verification and ascertainment of the fulfillment of the criteria defined in the law must be carried out by the body that provides the data, documents, or information of other public bodies, itself.

Efficiency

¹⁰ Official Gazette of the Republic of Kosovo No. 20 / 21 June 2016, accessible online at <<https://gzk.rks-gov.net/ActDetail.aspx?ActID=12559>>

Given the scope and type of this *ex-post* evaluation, the working group has come to the conclusion that this part does not apply to this evaluation.

Suitability

In general, the law can still be considered relevant in the fields of legalization and surrender of weapons. However, in order for the legalization and surrender of weapons, ammunition and explosive devices to be as efficient as possible, a revision process of this law is required.

The working group has assessed that the main objective of this *ex-post* evaluation is to find an efficient, applicable, and cost-effective way of reducing the illegal possession of weapons, ammunition, and explosive devices in Kosovo in order to create an environment as safe as possible for all citizens.

Additionally, the working group has assessed that this law has not been sufficiently efficient in addressing the issues it covers and that there is a need for harmonization with other relevant laws, therefore it should be amended.

IV. CONCLUSIONS AND RECOMMENDATIONS

A) CONCLUSIONS

Ex-post analysis of Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices has identified the multiple impacts of this law on public safety.

While over the period of its implementation there has been improved control over the legal possession of firearms, challenges related to the implementation of the surrender of illegal weapons and addressing of black market activities remained widespread. The wider social and economic impact identified an interaction. In conclusion, the *ex-post* analysis reflects a mixed landscape of results, requiring ongoing evaluation and potential adjustments to the legislation. Comprehensive and adaptive strategies are necessary to strike a balance between public safety and individual rights in the context of the laws on the legalization and surrender of weapons.

The current state of regulation in the field of weapons, ammunition, and explosive devices, as well as the elimination of legal loopholes and legal conflict, has room for considerable improvements. Based on the above-provided findings, Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition, and Explosive Devices is in harmony with the best standards and practices. However, it is assessed that there is still room for its harmonization with other laws in force.

The working group has assessed that Law No. 05/L-134 on Legalization and Surrender of Weapons, Ammunition and Explosive Devices is categorized by the following deficiencies:

- Incomplete implementation of the law;
- Harmonization of the law with the Law on Administrative Procedure;
- Lack of human resources.

B) RECOMMENDATIONS

The following recommendations are the result of the analyses that derive from the implementation of the law in practice and the findings in this evaluation report, which consequently would imply the following legal amendments:

- For the citizen, it would be sufficient to be willing to hand over the weapon and have the personal documents issued, while the issues of verification of marking, test firings and marking on the occasion of legalization should be carried out by the state.
- Also, the storage of the weapon that is in the process of legalization, pending the completion of the procedures, should be done by the state.
- When drafting the new law on legalization and surrender of weapons, ammunition, and explosive devices, the mandate and the need for the involvement of the licensed legal entity must be reviewed;
- When drafting the new law on legalization and surrender of weapons, ammunition and explosive devices, the main burden of this process must be borne by the institutions;
- In the implementation of the project and objective of the Government of the Republic of Kosovo aimed at reducing the administrative burden, but also because of the interest of the state in the successful completion of this process, the procedures should be facilitated;
- When drafting the new law on legalization and surrender of weapons, the obligation to store the weapon pending the completion of the procedures must be transferred from the licensed legal entity to the relevant units within the state institutions.

The working group, on the basis of the evaluation carried out and the recommendations derived from the said evaluation, proposes the drafting of a new law that will deal with the field of Legalization and Surrender of Weapons, Ammunition and Explosives and sub-legal acts issued for the implementation of the law.