



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government

**REGULATION (GRK) NO. 25/2024 ON THE COMPOSITION RULES OF
THE COLLEGIAL BODY IN THE ADMINISTRATIVE APPEAL REVIEW
PROCEDURE ON THE FINAL INSPECTION DECISION¹**

¹ Regulation (GRK) No. 25/2024 on the Composition Rules of the Collegial Body in the Administrative Appeal Review Procedure on the Final Inspection Decision, was adopted at the 220th session of the Government of the Republic of Kosovo, by decision No. 04/220, dated September 11, 2024

Government of the Republic of Kosovo,

Pursuant to Article 93 (4) of the Constitution of the Republic of Kosovo, Article 8, paragraph 4, sub-paragraph 4.5 of Law No. 08/L-117 on the Government of the Republic of Kosovo, Article 49, paragraph 4 of Law No.08/L-067 on Inspections.

approves:

REGULATION (GRK) NO. 25/2024 ON THE COMPOSITION RULES OF THE COLLEGIAL BODY IN THE ADMINISTRATIVE APPEAL REVIEW PROCEDURE ON THE FINAL INSPECTION DECISION

CHAPTER I

GENERAL PROVISIONS

Article 1

Purpose

The purpose of this regulation is to determine the rules of composition, qualifications, and procedures for appointing members of the collegial body in the administrative appeal procedure against the final inspection decision.

Article 2

Scope

1. The provisions of this regulation apply to the establishment of collegial bodies in the capacity of the supreme body for the development of the appeals procedure against the final decision of the inspection in accordance with the relevant law on inspections and the relevant law on general administrative procedure.

2. This regulation does not apply to:

- 2.1. customs and tax inspection;
- 2.2. inspection for the prevention of money laundering and terrorist financing;
- 2.3. internal inspection with administrative nature in state and municipal administration;
- 2.4. inspections by the Police Inspectorate;
- 2.5. public safety inspections within the ministry responsible for internal affairs.

Article 3

Definitions

1. The terms used in this regulation have the following meaning:

1.1 Collegial body - refers to the superior body in an administrative procedure, namely the Appeals Commission against the final decision of the inspection.

2. Other terms used in this regulation have the meaning defined in the respective law on inspections and the respective law on general administrative procedure.

CHAPTER II

COMPOSITION, QUALIFICATIONS, AND APPOINTMENT PROCEDURE OF MEMBERS OF COLLEGIAL BODIES

Article 4

Collegial bodies

1. Collegial bodies (henceforth: The Appeals Commissions) are the competent bodies in the review procedure of administrative appeals for inspection procedures, established in accordance with the relevant law on general administrative procedure in cases of:

1.1 central inspectorates;

1.2. municipal inspectorates;

1.3. specific inspection units within ministries;

1.4. specific inspection units within executive agencies;

1.5. specific inspection units within regulatory agencies.

Article 5

Composition of the Appeals Commission for central inspectorates

1. The Appeals Commission in central inspectorates is comprised of three (3) civil servants, one of whom is a legal expert, and all of whom meet the following criteria:
 - 1.1. have at least 240 ECTS or master's degree;
 - 1.2. have at least three (3) years of work experience in the relevant field.
2. In accordance with paragraph 1 of this article, one of the members is from the organizational unit of the ministry which is responsible and covers the policy-making in the field where the inspection is carried out.
3. Civil servants of central inspectorates cannot serve as Appeals Commission members.
4. The Human Resources Unit verifies the criteria specified in paragraphs 1, 2, and 3 and compiles a list of candidates who meet these criteria and proposes them for appointment to the minister of the Ministry where the respective inspectorate is located.
5. The members of the Appeals Commission according to this article are appointed by the decision of the minister with a three (3) year mandate.

Article 6

Composition of the Appeals Commission for municipal inspectorates

1. The Appeals Commission in municipal inspectorates is comprised of three (3) civil servants, one of whom is a legal expert, and all of whom meet the following criteria:
 - 1.1. have at least 240 ECTS or master's degree;
 - 1.2. have at least three (3) years of work experience in the relevant field.
2. Civil servants of municipal inspectorates cannot serve as Appeals Commission members.
3. The Human Resources Unit verifies the criteria specified in paragraphs 1 and 2 and creates a list of candidates who meet these criteria, proposing them for appointment to the respective Municipality mayor.

4. The members of the Appeals Commission are appointed by the Mayor of the Municipality for a period of three (3) years as stipulated in this article.

Article 7

Composition of the Appeals Commission for specific inspection units within ministries

1. The Appeals Commission for specific inspection units within ministries is comprised of three (3) civil servants, one of whom is a legal expert, and all of whom meet the following criteria:

1.1. have at least 240 ECTS or master's degree;

1.2. have at least three (3) years of work experience in the relevant field.

2. One of the members is from the organizational unit of the ministry which is responsible and covers the policy-making in the field where the inspection is carried out.

3. Civil servants of specific inspection units within ministries cannot serve as members of the Appeals Commission.

4. The Human Resources Unit verifies the criteria specified in paragraphs 1, 2, and 3 and compiles a list of candidates who meet these criteria and proposes them for appointment to the minister of the Ministry where the respective inspection unit is located.

5. The members of the Appeals Commission according to this article are appointed by the minister with a three (3) year mandate.

Article 8

Composition of the Appeals Commission for specific inspection units within executive agencies

1. The Appeals Commission for specific inspection units within executive agencies is comprised of three (3) civil servants, one of whom is a legal expert, and all of whom meet the following criteria:

1.1. have at least 240 ECTS or master's degree;

1.2. have at least three (3) years of work experience in the relevant field.

2. One of the members is from the organizational unit of the executive agency which is responsible and covers the field where the inspection is carried out.

3. Civil servants of specific inspection units within executive agencies cannot serve as members of the Appeals Commission.
4. The Human Resources Unit verifies the criteria specified in paragraphs 1, 2 and 3 and creates the list of candidates who meet these criteria, proposing them for appointment to the respective agency head.
5. The members of the Appeals Commission are appointed by the respective agency head of the Municipality for a period of three (3) years as stipulated in this article.

Article 9

Composition of the Appeals Commission for specific inspection units within a regulatory agency

1. The Appeals Commission in the specific inspection units within a regulatory agency is composed of the head or governing body of the regulatory agency, unless expressly provided otherwise by special law.
2. In cases where the regulatory agency is led by the manager, then the manager has the exclusive competence of the Appeals Commission.
3. In cases where the regulatory agency is led by the governing body, then the governing body is the superior body, namely the collegial body that examines the appeals that are presented against the final decisions of the special inspection units.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 10

Transitional Provisions

1. Upon entry into force of this regulation, the appeal procedures under consideration will continue to be reviewed by the relevant appeals commissions, unless otherwise provided for by special law.
2. Appeal procedures that are reviewed by appeal commissions and start after the entry into force of this regulation, are accepted, reviewed, and decided according to the rules set for the composition of the appeal commissions specified in this regulation.

Article 11

Entry into force

This Regulation enters into force following its` publication in the Official Gazette of the Republic of Kosovo.

Albin Kurti

Prime Minister of the Republic of Kosovo

13 september 2024