OFFICIAL GAZETTE OF THE REPUBLIC OF KOSOVA / No. 5 / 21 JULY 2011, PRISTINA

## LAW No.04/L -004 ON PRIVATE SECURITY SERVICES

## The Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of Republic of Kosovo;

Adopts:

# THE LAW ON PRIVATE SECURITY SERVICES

#### CHAPTER I GENERAL PROVISIONS

## Article 1 Purpose and scope of application

1. This Law regulates all activities in the field of private security.

2. The provisions of this Law shall not apply to activities regulated by the Law on Police and other security activities that are assigned to state or government institutions.

3. Working conditions for Security Workers will be regulated by the applicable laws on Labor.

## Article 2 Definitions

1. Terms used in this Law shall have the following meaning:

1.1. **Competent Body** – the Ministry of Internal Affairs.

1.2. **Appeals Commission** – the Appeals Commission for Private Security.

1.3. **Applicant Entity** – a business entity applying for an authorization, license, certification or recertification from the Competent Body.

1.4. **Background Check** – the process of verification by the Competent Body of the judicial, financial and criminal record of Applicants Entities and Individual Applicants.

1.5. **Basic Security Services** - the static guarding and mobile patrolling for the physical protection of property or a secure area.

1.6. **Basic Security Worker** – an individual licensed by the Competent Body to perform Basic Security Services.

1.7. **Basic Vocational Training** – training which every individual applying to work as a Security Worker must complete.

1.8. Client – a natural person or legal entity that enters into contractual relations with a Private Security Company.

1.9. **Close Protection Services** – to establish and maintain safe space through escorting and protecting a Principal.

1.10. Close Protection Operative (CPO) – a Specialist Security Worker licensed to work in the field of Close Protection.

1.11. **Control Centre** – the location from which all activities, information, status and reports from Security Workers and guarded sites are supervised, recorded and supported.

1.12. **Dog-handler** – a Specialist Security Worker licensed to work in the field of Dog-handling.

1.13. **Duty Officer** – a Specialist Security Worker licensed to manage the operations of a Private Security Company in the absence of a Security Manager.

1.14. Security Services of Public Gatherings – the act of controlling entry to and exit from events in accordance with the Law on Public Gathering and only when the gathering is peaceful and organized.

1.15. Cash in Transit Guard (CIT Guard) – a Specialist Security Worker licensed in the field of CIT Services.

1.16. **Cash in Transit Services (CIT Services)** – services provided by a Private Security Company in the field of armed escort for cash and other valuables during transportation.

1.17.**Electronic Property Surveillance Services** – providing electronic surveillance of a Secure Area and property by a Private Security Company in accordance with this Law.

1.18. **Individual Applicant** - an individual applying for an authorization, license, certification or recertification from the Competent Body.

1.19.**Kosovo Professional Standards** – the standards and guidelines adopted by the Competent Body for implementation by Security Companies and Security Workers which have been approved by the Kosovo Standardization Agency and based on relevant European standards.

1.20. Licensee – a business entity or individual who has been granted a License by the Competent Body.

1.21. **Listening Device** - any instrument, apparatus, equipment or device capable of being used to listen to or to record a private conversation.

1.22. **Multi-licensing** – the possibility for a Private Security Company to provide Security Services in multiple fields of security in accordance with this law.

1.23. **Pat-down search** – a search whereby a Security Worker uses their hands to feel for objects on a person or their clothing.

1.24. **Principal** – a natural person being afforded close protection by a Private Security Company after having received a consent issued by the Competent Body based upon a Threat Assessment.

1.25. **Principle of confidentiality** - keeping information secure and ensuring it is only accessible to authorized persons with sufficient clearance.

1.26. **Responsible Person** – an individual who is at least 21 years old, has three years in security field work experience and is, according to this Law held responsible for the activities of an Applicant Entity, a Private Security Company and its employees, including Security Workers.

1.27. **Risk Assessment** – an initial and ongoing process of collecting, collating and analyzing information to identify possible dangers to property, valuables or a Principal protected, which is completed by a Private Security Company.

1.28. **Secure Area** – a protected area in which Security Services are carried out by a licensed Private Security Company and through its licensed Security Workers.

1.29. **Security Baton** – a less than lethal impact tool for striking or separating persons, which has been approved by the Competent Body, in accordance with the Kosovo Professional Standards.

1.30. **Private Security Company** – a legal entity licensed by the Competent Body to provide Security Services in accordance with this Law.

1.31. **Security Dog** – a licensed dog, specially trained to guard property and recognized as a Sheep-dog breed or Cattle-dog breed by the World Canine Organization (FCI).

1.32. Security Equipment – equipment which has been approved by the Competent Body.

1.33. **Security Manager** – a Specialist Security Worker who is responsible for managing the operations of a Private Security Company.

1.34. **Security Services** – services performed by Private Security Companies that are delivered in exchange for compensation and following a contractual agreement in the field of Basic Security Services, Close Protection Services, CIT Services, Electronic Property Surveillance Services and Security Services of Public Gatherings.

1.35. **Electronic Surveillance Operator** – a Specialist Security Worker who performs Security Services in the field of one thousand (1000) Electronic Property Surveillance from a Control Centre.

1.36. Security Worker – a Basic Security Worker or a Specialist Security Worker.

1.37. **Special Vocational Training** - specialist training based on the Kosovo Professional Standards which is mandatory for Close Protection Operatives, CIT Guards, Electronic Surveillance Operators, Dog-handlers and Security Manger/Duty Officers.

1.38. **Specialist Security Services** - services performed by Security Companies that are delivered in exchange for compensation and following a contractual agreement in the field of Close Protection Services, CIT Services, Electronic Property Surveillance Services and Security Services of Public Gatherings.

1.39. **Specialist Security Worker** – an individual licensed by the Competent Body for specialist skills in a particular activity of private security.

1.40. **Threat assessment** – the evaluation of threats and vulnerabilities to determine the possibility nature and level of danger to a principal carried out by the Competent Body at the request of a Security Company providing Close Protection Services.

1.41. **Use of force continuum** – the standardized code that must be followed by Security Workers and which outlines the degree of force that may be used against a resisting subject in a given situation and proportionate to the level of threat.

## Article 3 Security Services

1. Security Services shall only be provided by Private Security Companies licensed and authorized appropriately in accordance with this Law.

2. Security Services shall only be exercised through Security Workers licensed in accordance with this Law.

## Article 4 Foreign Security Companies

1. Business entities from foreign countries, licensed in their country of origin for providing Security Services are eligible to apply for licensing in the Republic of Kosovo, on condition that they meet the same criteria as national applicants in accordance with this Law.

2. Foreign licenses shall be provided in their original language and translated into all official languages of the Republic of Kosovo.

## Article 5 Security Forms

1. Security Services may be provided in the following fields of security in accordance with this law:

- 1.1. Basic Security Services;
- 1.2. Close Protection Services;
- 1.3. CIT Services;
- 1.4. Electronic Property Surveillance Services;
- 1.5. Security Services of Public Gatherings.

#### CHAPTER II COMPETENT BODIES

## Article 6 Competent bodies

1. The Competent Body will assign the Division for Private Security Services as main focal point for implementation of this Law.

2. The Competent Body shall establish an Appeals Commission for Private Security which will act in accordance with the Law on Administrative Procedure.

## Article 7 Competencies of the Division for Private Security Services

#### 1. The Division for Private Security Services shall:

1.1. carry out functions relating to licensing and authorizations referred to in this Law;

1.2. serve as focal point for all issues related to private security services;

1.3. monitor the activities of Private Security Companies;

1.4. ensure the carrying out of inspections as considered necessary to monitor and review the activities of Private Security Companies and Security Workers, to ensure compliance with this Law;

1.5. set and approve Kosovo Professional Standards, for implementation by;

1.5.1. Private Security Companies;

1.5.2. those requiring Security Services; and

1.5.3. Security Workers and others who are employed by Private Security Companies.

1.6. make recommendations and proposals for the maintenance and improvement of the Kosovo Professional Standards;

1.7. issue, amend, extend, suspend and revoke licenses;

1.8. issue fines in accordance with this Law;

1.9. implement the registration and evidencing process for Private Security Companies, as described in this Law;

1.10. follow the procedures for protection of personal data and access to public information in accordance with applicable laws on data protection;

1.11. issue official identity cards to Security Workers;

1.12. organize certification and recertification examinations of security workers in accordance with this Law;

1.13. ensure the Threat Assessment for Principals, as foreseen in this Law is carried out.

#### Article 8 Appeals Commission for Private Security

1. The Appeals Commission for Private Security will decide on all appeals made by Security Workers and Private Security Companies related to this Law.

2. The Appeals Commission will be chaired by the director of the Legal Department of the Competent Body.

3. The Appeals Commission shall decide on all appeals within thirty (30) days, in accordance with the Law on Administrative Procedure.

4. The Competent Body shall further regulate the composition and procedures of the Appeals Commission by sub-legal act.

#### Article 9 Kosovo Professional Standards for Private Security Services

1. The Kosovo Professional Standards to be drafted and approved by the Competent Body include, but are not limited to the following:

- 1.1. basic vocational training for Security Workers;
- 1.2. specialist Training for Close Protection Operatives;
- 1.3. specialist Training for CIT Guards;
- 1.4. specialist Training for Electronic Surveillance Operators;
- 1.5. Specialist training for Security Managers/Duty Officers;
- 1.6. Specialist training for Dog-handlers;
- 1.7. Standards for Close Protection Services;
- 1.8. Standards for Electronic Property Surveillance Services;
- 1.9. Standards for CIT Services;
- 1.10. Standards for Security Services of Public Gatherings;
- 1.11. Standards for Control Centers;
- 1.12. Standards for Security Dogs;
- 1.13. Standards for Background Checks;
- 1.14. Standards for Security Equipment;
- 1.15. Code of conduct and ethics for Security Workers;
- 1.16. Standards on Basic Security Services.

2. The Standards will be approved by the Kosovo Standardization Agency in accordance with the Law on Standardization.

3. Every licensee shall implement and act in compliance with the Kosovo Professional Standards.

4. The Kosovo Professional Standards will be issued for implementation by the Competent Body, after approval by the Kosovo Standardization Agency after a period of public consultation and within six (6) months after the coming into force of this Law.

## CHAPTER III LICENSES

#### Article 10 Private Security Company Licensing

1. Private Security Companies may apply for a License to provide:

- 1.1. Basic Security Services;
- 1.2. Close Protection Services;
- 1.3. CIT Services;
- 1.4. Electronic Property Surveillance Services;
- 1.5. Security Services of Public Gathering.

2. The right of a Private Security Companies to provide Security Services is subject to being granted a License by the Competent Body.

3. Applicants should meet the requirements outlined in this Law and pass the Background Verification prior to being granted a License to provide Security Services.

4. Applicants should apply for a License for each Security Service outlined in paragraph 1 of this Article.

5. Each Security Service shall have a separate License.

6. Each License will only be valid for the Security Service stated on that License.

7. Private Security Companies licensed under the Law on Weapons for activity in the arms industry, or which are connected to such businesses, do not have the right to obtain a License to provide Security Services.

8. The Competent Body shall issue a sub-legal act determining the form and content of an application for a License and outlining any information which needs to be provided by the applicant in order to meet the mandatory requirements set in this Law.

#### Article 11 Background Verification for Private Security Companies

1. A Background **Verification** will be performed on all Applicants prior to issuing a License to provide any Security Service listed in paragraph 1 Article 10 of this Law, in accordance with applicable laws on Data Protection and the Kosovo Professional Standards.

2. A Background **Verification** must be done on the Applicant Entity, its Founders, Owners and Responsible Persons.

3. Issuance of a License will be refused by the Competent Body if the Applicant Entity or any persons referred to in paragraph 2 of this Article does not pass the Background **Verification**.

4. A Background **Verification** must be repeated prior to a License being extended in cases of the change of the owner also.

5. A Background **Verification** on an Applicant Entity and persons referred to in paragraph 2 of this Article will include the following:

- 5.1. Financial Background Verification;
- 5.2. Criminal Background Verification;

6. The Competent Body will issue a sub-legal act regulating procedures in relation to carrying out Background **Verification**.

#### Article 12 Requirements for a license to provide Basic Security Services

1. For obtaining a License for providing Basic Security Services an Applicant Entity must:

- 1.1. have a Responsible Person;
- 1.2. have a Security Manager;
- 1.3. have passed the Background Verification;

1.4. provide a written and signed consent granting access to inspectors to places of businesses pursuant to this Law;

1.5. have at least five (5) Basic Security Workers;

1.6. provide emblems, signs and a description of the working uniform.

2.If it is a foreign Private Security Company, provide a copy of their foreign license in accordance with paragraph 2 Article 4 of this Law;

#### Article 13 Additional Requirements for a license to provide Specialist Security Services

1. For obtaining a License for providing Close Protection Services an Applicant Entity, in addition to meeting the mandatory requirements in Article 12 of this Law, must:

- 1.1. have at least five (5) Close Protection Operatives;
- 1.2. have a certified storage room in accordance with the Law on Weapons;
- 1.3. have a certified Control Centre.

2. For obtaining a License for providing CIT Services an Applicant Entity, in addition to meeting the mandatory requirements in Article 12 of this Law, must:

2.1. have at least five (5) CIT Guards;

2.2. have a certified storage room in accordance with the Law on Weapons;

2.3. have a certified Control Centre.

2.4.have at least one accredited transport vehicle and one accredited escort vehicle in accordance with the Kosovo Professional Standards.

3. For obtaining a License for providing Electronic Property Surveillance Services an Applicant Entity, in addition to meeting the mandatory requirements in Article 12 of this Law, must:

- 3.1. have a certified Control Centre;
- 3.2. have at least five (5) Electronic Surveillance Operators.

4. For obtaining a License for providing Security Services of Public Gatherings an Applicant Entity, in addition to meeting the mandatory requirements in Article 12 of this Law, must:

4.1. have a certified Control Centre;

4.2. have at least fifteen (15) Basic Security Workers.

## Article 14 Licensing Security Worker

1. An Individual Applicant may apply for a License to act:

- 1.1. as a Basic Security Worker;
- 1.2. as a Close Protection Operative;
- 1.3. as a CIT Guard;
- 1.4. as a Dog-handler;
- 1.5. as an Electronic Surveillance Operator;
- 1.6. as a Security Manager/Duty Officer.

2. The right of an Individual Applicant to act as a Security Worker in each activity of security is subject to being granted a License by the Competent Body.

3. Applicants must meet the requirements outline in this Law and pass a Background Check prior to being granted a License.

4. Individual Applicants must apply for a License to act as a Security Worker in each activity of Security outlined in paragraph 1 of this Article.

5. Each activity of security shall have a separate License.

6. Each License will only be valid for the activity of security stated on the License.

7. The Competent Body shall issue a sub-legal act determining the form and content of an application for a License and outlining any information which needs to be provided by the Individual Applicant in order to meet the mandatory requirements set in this Law.

#### Article 15 Background Verification for Security Workers

1. A Background Verification will be performed on all applicants prior to issuing a license to act in the activities of Security listed in paragraph 1 Article 14 of this Law, in accordance with applicable laws on data protection and the Kosovo Professional Standards.

2. Issuing of a License will be refused by the Competent Body if the Applicant does not pass the Background Verification.

- 3. A Background Verification must be repeated prior to a License being extended.
- 4. A Background Verification on an Applicant will include the following:
  - 4.1. Criminal Background Verification.

5. The Competent Body will issue a sub-legal act regulating procedures related to carrying out a Background Verification.

#### Article 16 Requirements for all Security Workers

1. Anyone who possesses a license should fulfill these conditions:

- 1.1. possess physical and mental capacity to perform their duties;
- 1.2. have reached a minimum age of eighteen (18) years old;
- 1.3. have full legal capacity to act;

1.4. have successfully completed Basic Vocational Training and hold a certificate which confirms this;

1.5. have successfully passed an examination organized by the Competent Body;

1.6. have successfully passed a Background Verification.

#### Article 17 Requirements for a Basic Security Worker License

An Individual Applicant fulfilling the requirements outlined in Article 16 of this Law shall be eligible for a Basic Security Worker License.

## Article 18 Additional Requirements for a Specialist Security Worker License

1. Besides fulfilling the requirements outlined in Article 15 of this Law, a Close Protection Operative shall fulfill the following additional requirements. They shall:

- 1.1. have reached a minimum age of twenty one (21) years old;
- 1.2. have three (3) years of work experience in the field of security;
- 1.3. have completed secondary education;

1.4. have successfully completed Specialist Training for a Close Protection Operative and hold a certificate which confirms this;

- 1.5. have successfully passed an examination organized by the Competent Body;
- 1.6. fulfill all relevant criteria in line with the Law on Weapons.

2. Besides fulfilling the mandatory requirements outlined in Article 16 of this Law, a CIT Guard shall fulfill the following additional requirements. They shall:

- 2.1. have reached a minimum age of twenty one (21) years old;
- 2.2. have three (3) years of work experience in the field of security;
- 2.3. have completed secondary education;

2.4.have successfully completed Specialist Training for a CIT Guard and hold a certificate which confirms this;

2.5.have successfully passed an examination organized by the Competent Body;

2.6. fulfill all relevant criteria in line with the Law on Weapons.

3. Besides fulfilling the mandatory requirements outlined in Article 16 of this Law, a Dog-Handler shall fulfill the following additional requirements. They shall;

3.1. have reached a minimum age of twenty one (21) years old;

3.2. have three (3) years of work experience in the field of security;

3.3. have completed secondary education;

3.4. have successfully completed specialist Training for a Dog Handler and hold a certificate which confirms this;

3.5.have successfully passed an examination organized by the Competent Body;

4. Besides fulfilling the mandatory requirements outlined in Article 16 of this Law, an Electronic Surveillance Operator shall fulfill the following additional requirements. They shall:

4.1. have reached a minimum age of twenty one (21) years old;

4.2. have completed secondary education;

4.3. have successfully completed Specialist Training for a Electronic Surveillance Operator and hold a certificate which confirms this;

4.4. have successfully passed an examination organized by the Competent Body;

5. Besides fulfilling the mandatory requirements outlined in Article 15 of this Law, a Security Manager/Duty Officer shall fulfill the following additional requirements. They shall:

5.1. have reached a minimum age of twenty one (21) years old;

5.2. have three (3) years of work experience in the field of security;

5.3. have completed secondary education;

5.4. have successfully completed Specialist Training for a Security Manager/Duty Officer and hold a certificate which confirms this;

5.5. have successfully passed an examination organized by the Competent Body;

#### Article 19 Decisions of the Competent Body

1. The Competent Body through the Division for the Private Security Services, shall inform an Individual Applicant or Applicant Entity through a written decision within thirty (30) days from the time of the application for a license being filed.

2. The Competent Body may refuse to issue a License to an Applicant. The reason for this decision shall be communicated to the Applicant.

3. An Applicant may appeal a refusal to issue a license to the Appeals Committee within eight (8) days of receipt of the written decision.

#### Article 20 Duration of licenses

1. All Licenses under this Law are granted for a period of three (3) years from the date of issue and may be extended, upon request following a review by the Competent Body.

2. The Competent Body shall issue a sub-legal act determining the form and content of a request for an extension of a license.

#### Article 21 Certification of a Control Centre

1. A certified Control Centre is a minimum requirement for Applicant Entities prior to obtaining a license to perform certain Security Services, as outlined in Article 13 of this Law.

2. The Competent Body, through its inspectors, will ensure that the Control Centre meets the minimum required standard prior to issuing a certification.

3. Control Centers must be manned twenty four (24) hours a day, seven (7) days a week.

4. The Competent Body shall issue a sub-legal act determining the standards required for certification of a Control Centre and the manner in which the inspection will be performed.

#### Article 22 Authorization for assigning a Close Protection Operative to a Principal

1. Authorization from the Competent Body is needed before a Private Security Company licensed to provide Close Protection Services can assign a Close Protection Operative to a Principal.

2. This authorization will be granted or refused by the Competent Body based on a Threat Assessment carried out by the Competent Body through the Threat Assessment Unit of the Kosovo Police.

3. An application for authorization will include the following documents:

3.1. a copy of the License to provide Close Protection Services; and

3.2. a preliminary assessment which has been carried out by the applicant Security Company stating the reasons why the Principal requires Close Protection Operatives assigned to him/her.

4. The Competent Body will issue a sub-legal act concerning further procedures regarding the authorization for assigning a Close Protection Operative to a Principal.

#### Article 23 Authorization for commencing operations

1. A Private Security Company will not commence operations of any kind before an authorization for the initial commencing of operations has been granted by the Competent Body.

2. The authorization for the initial commencing of operations must be given immediately after the following information has been reviewed and deemed adequate:

- 2.1. proof of License of the Private Security Company to perform Security Services;
- 2.2. proof of insurance policy as described in this Law;
- 2.3. written contractual relationship with a client.

# Article 24 Responsibility of Private Security Company for compensation of damage and insurance of responsibility

1. A Private Security Company before it begins providing security activities should be insured for responsibility for compensation of damage which may be caused to the client during the performance of services of private security or third persons in connection with private security.

2. Private Security Companies must hold an adequate insurance policy issued by an insurance company licensed in Kosovo, which provides adequate coverage for their signed contracts at all times.

3. Proof of an adequate insurance policy must be submitted to the Competent Body prior to being granted an Authorization to Commence Operations.

4. The insurance policy referred to in paragraph 3 of this Article must be the subject of regular renewal and subject to regular inspectors` checks.

#### **CHAPTER IV**

#### MEASURES, AUTHORISATIONS AND DUTIES OF PRIVATE SECURITY COMPANIES AND SECURITY WORKERS

#### Article 25 Obligation to confidentiality

All employees of Private Security Companies shall be bound by the principle of confidentiality.

#### Article 26 Conflict of Interest

1. No founder, owner, or responsible person or security worker shall not be employed by a state security institution inter alia, Kosovo Police, Kosovo Intelligence Agency, Kosovo Forest Agency, Correctional services, Customs or the Kosovo Security Force at the same time.

2. An individual who is employed by the institutions mentioned in paragraph 1 of this Article shall not be employed by a Private Security Company within eighteen (18) months after termination of prior employment.

#### Article 27 Authorizations and duties of Private Security Companies

1. No Private Security Company shall employ a Security Worker unless that Security Worker has an appropriate license.

2. Private Security Companies must ensure that Security Workers only perform duties for which they are licensed.

3. Private Security Companies licensed to perform Close Protection Services shall ensure:

3.1. that Close Protection Operatives are equipped with a means which enables continuous communication with their Control Centre and each other when performing the same duty;

3.2. that Close Protection Operatives are equipped with firearms in accordance with this Law and the law on weapons.

4. Private Security Companies licensed to perform CIT Services shall ensure:

4.1. that CIT Guards are equipped with a means which enables continuous communication with their Control Centre and each other when performing the same duty;

4.2.that the Control Centre from paragraph should have a certified tracking system in accordance with the Kosovo Professional Standards, for following the movement of a vehicles used for CIT Services;

4.3. that CIT Guards are equipped with firearms in accordance with this Law and the Law on weapons.

5. Private Security Companies licensed to provide Electronic Property Surveillance services shall ensure that electronic surveillance shall be limited to:

5.1 the supervision of movement in and/or around a Secure Area;

5.2. the detection and identification of the presence of unauthorized persons in and/or around a Secure Area;

5.3. the detection of the presence of fire in and/or around a Secure Area.

6. Private Security Companies are prohibited from using Listening Devices of any kind.

7. Visible and conspicuously placed notification signs informing the public of the presence of such electronic systems shall be placed in and/or around a Secure Area.

8. Private Security Companies shall have, in permanent readiness, at least two (2) Security Workers who, in case of an alarm being tripped, or at the request of the Control Centre, shall assess the situation in the secure area, report to the control centre and take measures needed.

9. The Competent Body shall issue a sub-legal act determining the authorizations and duties of Private Security Companies in accordance with this Law.

## Article 28 Authorizations and duties of Security Workers

1. Security Workers may undertake the following actions:

1.1. warn subjects that approaches a secured area or building, without proper authorization;

1.2. request that subjects endangering the security of people and/or property within the Secure Area to cease their actions immediately;

1.3. identify subjects and vehicles during entry to, and exit from a Secured Area, if it is necessary for the security of people and/or property.

2. With a subject's consent, a Security Worker may check the possessions and vehicles upon entry to and exit from a Secure Area.

3. With a subject's consent, a Security Worker may conduct a Pat-down search:

3.1. pat-down searches must be performed by a Security Worker of the same gender as the person being searched.

3.2. if a person refuses consent for a Pat-down search while attempting to enter a secure area, the Security Worker may deny the subject entry.

3.3. if a person refuses consent for a Pat-down search while attempting to exit a Secure Area, the Security Worker may hold the person and must call the Kosovo Police immediately.

4. A Security Worker may only hold a person if they suspect the person has committed, is in the process of committing, or is about to commit a criminal offence.

5. If a Security Worker prohibits a person or vehicle exit from a Secure Area, the Security Worker must immediately inform the Kosovo Police.

6. Limitation of movement of a person or vehicle is only allowed until the arrival of the police.

7. Security Workers must only use force in accordance with this Law.

8. Security Workers must only use Security Equipment authorized by the Competent Body and only in accordance with this law.

9. Law enforcement officials are exempt from controls by Security Workers in the following cases:

- 9.1. during an inspection of a Secure Area;
- 9.2. if in possession of a valid search warrant or authorization;
- 9.3. in an emergency situation.

10. In the case of emergency, emergency services are exempt from controls by Security Workers.

11. Security Workers shall identify themselves to the Police upon request.

12. The Competent Body shall issue sub-legal act determining authorizations and duties of Security Workers in accordance with this Law.

#### Article 29 Use of Force

1. A Security Worker may exercise the use of force only to defend oneself or others against the imminent threat of death or serious injury, except cases outlined in paragraph 9, sub-paragraphs 9.1, 9.2 and 9.3 of this Article.

2. The use of force must be proportional to the actual threat posed.

3. A Security Worker has an obligation to warn that he/she will use force prior to the use of such force. An exception to this is in the case of a sudden attack on a Security Worker or others which poses an imminent threat of death or serious injury.

4. Security Workers are prohibited from using force against pregnant women, children, elderly and disabled people, except where there is an imminent threat of death or serious injury.

5. When using force, a Security Worker must minimize the intrusion into a person's rights and freedoms and to minimize any detrimental consequences.

6. Use of force, as the term is used in this Law, includes, but is not limited to the use of physical force, Security Equipment and Authorized firearms.

7. If force is used, a Security Worker and Security Company is obliged to inform the Kosovo Police immediately.

8. Every use of force by a Security Worker must be subject to an investigation by the police to identify whether or not the use of force was proportionate to the threat posed.

9. Security Worker may use force in proportion with the case:

9.1. Step one - Presence - using the effect of the presence of the Security Worker on a subject;

9.2. Step two - Verbal Commands - commanding a subject using warnings;

9.3. Step three - Open hand control - using open hands to immobilize, or otherwise control a subject;

9.4. Step four - Use of a Security Baton - this is only allowed on the muscular parts of the arms and legs of a subject;

9.5. Step five - Lethal force - using any force which may cause permanent injury or death to a subject.

10. The use of force must be stopped at the moment the Security Worker has the situation under control.

11. The Competent Body shall issue sub-legal act detailing the use of force by Security Workers in accordance with this Law.

#### Article 30 Carrying and use of firearms

1. Licensed Close Protection Operatives and CIT Guards may only be armed in accordance with this Law and the Law on Weapons.

2. Licensed Close Protection Operatives and CIT Guards may only be armed as follows:

2.1. authorized firearms for Close Protection Operatives are Category B1 as defined in the Law on Weapons but limited to pistols with a mechanical safety pall, conventional barrels and ammunition of caliber  $9 \times 19$  mm with full metal jacket projectile;

2.2. authorized firearms for CIT Guards are Category B1 as defined in the Law on Weapons with a mechanical safety pall, conventional barrels and ammunition of caliber  $9 \times 19$  mm with full metal jacket projectile, excluding revolvers.

3. Licensed Close Protection Operatives and CIT Guards may only be armed with authorized firearms and only when on duty.

4. Close Protection Operatives and CIT Guards can only use their authorized firearms as a measure of last resort when less extreme means are insufficient to defend themselves or others from an imminent attack on life.

5. When using an authorized firearm there are five steps which must be followed:

5.1. Step one - Drawing the firearm;

5.2. Step two - Warning the subject that the Security Worker will fire and chambering a bullet in the firearm;

5.3. Step three - Pointing the firearm at the subject;

5.4. Step four - Disengaging the safety pall;

5.5. Step five - Discharging the firearm.

6. A Private Security Company and a Close Protection Operative or CIT Guard are obliged to inform the Kosovo Police immediately when a firearm has been discharged. The Security Worker who discharged their firearm must not be released from duty until given permission to do so by the Police.

7. Every discharge of a firearm by a Security Worker, whether intentional or unintentional, will be the subject of an immediate investigation by the Kosovo Police and the findings of such an investigation will be detailed in a report.

8. In the event that the investigation by the Kosovo Police in paragraph 7 of this Article finds that the discharge of a firearm was not in accordance with this Law, the Security Worker will immediately have their License revoked.

9. A Security Worker in possession of an unauthorized firearm whilst on duty, will immediately have their License revoked. If the responsibility is ascertained, the Private Security Company may have its license revoked also.

10. The Competent Body shall issue sub-legal act detailing the use of firearms by Security Workers and the Storage and handling of firearms by Private Security Companies in accordance with this Law.

#### Article 31 Security Dogs

1. Use of Security Dogs is permitted for the activity of basic security services only.

2. A Private Security Company must have an insurance policy for the use of Security Dogs.

3. A Private Security Company will keep canine records for each Security Dog. The canine record for each Security Dog will include the following information, as a minimum:

3.1. data on procurement (including pedigree) of the Security Dog;

3.2. name, breed, age, colour, sex;

3.3. data on the owner;

- 3.4. Vaccination details;
- 3.5. data on the Security Dog's microchip,
- 3.6. data on any veterinary treatment;
- 3.7. training records,
- 3.8. incident reports,
- 3.9. bite reports;
- 3.10. any transfer of ownership certificates.

4. Every Security Dog will have a microchip inserted for identification purposes. The microchip inserted must comply with the Kosovo Professional Standards.

5. Security Dogs will be trained and licensed in accordance with the Kosovo Professional Standards.

6. Security Dogs must be handled by a Dog-handler whilst on duty at all times.

7. A Dog handler, while handling a specific dog, will be in possession of an identity card which contains basic information about the specific Security Dog he/she is handling.

8. A Security Dog must be kept on a leash and wear a muzzle at all times when it is in direct contact with the public in line with the Kosovo Professional Standards.

9. Further requirements for Security Dogs will be outlined in the Kosovo Professional Standards.

## Article 32 Security Equipment

1. Only Security Equipment approved by the Competent Body may be used by Security Workers.

2. Security Workers shall be provided with the necessary equipment to accomplish their duties by the Private Security Company which employs them.

3. Security Equipment must be used by Security Workers only in the activity of security for which they are licensed.

4. Security Equipment shall be categorized as follows:

4.1. bullet proof vests, gas masks, handcuffs, security baton, binoculars, walkthrough and handheld metal detectors, wheel clamps and audio devices will be available to all Security Workers.

4.2. intruder alarms, electronic access control systems and CCTV equipment, optical surveillance equipment will be limited to Electronic Surveillance Operators.

4.3. helmets, tracking devices, armored vehicles and escort vehicles will be limited to CIT Guards.

5. The Competent Body will issue a sub-legal act on required standards, approval, evidencing, storing and use of Security Equipment.

#### Notification of police and/or emergency services

1. A Security Worker who limits the movement of a person by using force of any description must immediately inform the Kosovo Police personally or through his/her Control Centre.

2. A Security Worker who causes injury to a person will ensure the injured party receives medical assistance immediately.

3. In addition to paragraph 1 and 2 of this Article a Private Security Company must, within twenty four (24) hours, report in writing to the Competent Body, any incident involving limitation of movement or injury to a person.

#### Article 34 Notification of criminal offence

If a Security Worker suspects that a criminal offence has occurred, is occurring, or is about to occur, he/she must immediately inform the Kosovo Police, personally or through his/her Control Center.

#### Article 35 Official Identification Cards

1. Upon their request, the Competent Body will issue Official identification cards to a licensed Private Security Company, for all its employed Security Workers and the expenses will be borne by the Private Security Company.

2. A Security Worker, in accordance with this Law, shall possess and prominently display an official identification card during the performance of their duties.

3. Close Protection Operatives shall possess an official identification card, but may not need to visually display the card.

4. If a Security Worker stops working for a Security Company, they must immediately return their card to the Private Security Company.

5. The Private Security Company shall return the official identification card to the Competent Body within twenty four (24) hours.

6. The Competent body shall issue a sub-legal act determining the procedures relating to the official identification cards.

## Article 36 Uniforms, distinctive signs and emblems

1. Security Workers shall wear working uniforms at all times while on duty.

2. The uniforms shall possess emblems or distinctive signs of the Private Security Company, Emblems, signs and a description of the working uniforms shall be submitted to the Competent Body for approval, together with the application for a License to provide Security Services.

3. Working uniforms, signs and emblems as entirety shall not resemble uniforms worn by authorized state security institutions.

4. The voice and shiny signals should not resemble to those of authorized state security institutions.

5. The Private Security Company may authorize Close Protection Operatives to dress in non uniform clothing.

## Article 37 Basic Vocational Training

1. All Security Workers must complete Basic Vocational Training.

2. A Security Worker shall be provided with a certification proving that they have has successfully completed the required Basic Vocational Training.

3. All Basic Vocational Training programs must be accredited by the Competent Body.

4. A Security Worker holding a certificate stating that they have successfully completed Basic Vocational Training must pass an examination organized by the Competent Body prior to being granted a License to act as a Basic Security Worker.

5. Basic Vocational Training will, cover the following items at a minimum:

- 5.1. The private security services;
- 5.2. The Security Worker;
- 5.3. Security equipment;
- 5.4. Practical security procedures;
- 5.5. Emergency procedures;
- 5.6. Use of force;
- 5.7. Law and the Security Worker;
- 5.8. Fire prevention;
- 5.9. Health and safety;
- 5.10. First Aid;
- 5.11. Clients' care and quality;
- 5.12. Communications;
- 5.13. Labor relations and regulations;
- 5.14. Assessment criteria of the situation;
- 5.15. Code of conduct.

6. Basic Vocational Training shall be in line with the training manual developed by the Confederation of European Security Services (COESS).

7. Basic Vocational Training done within the country or abroad shall be further described in sub-legal Act in accordance with the Kosovo Professional Standards.

## Article 38

## **Specialized Training**

1. Specialized Training will be implemented in accordance with the Kosovo Professional Standards for the following Specialist Security Workers:

- 1.1. Close Protection Operatives;
- 1.2. CIT Guards;
- 1.3. Dog-Handlers;
- 1.4. Control Center Operator;
- 1.5. Security Managers/Duty Officers.

2. Completion of Basic Vocational Training is a necessary requirement prior to commencing Specialist Training.

3. A Specialist Security Worker shall be provided with a certification proving that they have has successfully completed the required Specialist training.

4. Specialist Training shall only be carried out by institutions licensed by the Competent Body to provide Specialist Training programs.

5. All specialist training programs must be accredited by the Competent Body.

6. A Private Security Company may apply for a License to become a specialist training institution, except for Close Protection Operatives and CIT Guards that must receive their firearms training in accordance with Law on weapons only.

7. A Security Worker holding a certificate stating that they have successfully completed specialist training must pass an examination organized by the Competent Body prior to being granted a license, or having their License renewed.

8. The examination organized by the Competent Body will ensure the Specialist Security Worker received adequate Training.

9. Refresher Specialist Training and re-certification must be completed by Close Protection Operatives, CIT Guards and Dog-Handlers once a year to ensure efficiency and safety and will reflect changes in methods, procedures and legislation.

10. Specialist Security Workers, who according to paragraph 9 of this Article must undergo refresher Specialist Training, must also be re-examined by the Competent Body once a year.

11. Re-examination is organized by the Competent Body to ensure they received adequate refresher Specialist Training.

12. Specialist Training, Refresher Specialist Training and Examinations organized by the Competent Body shall be further described in the Kosovo Professional Standards.

13. The Competent Body shall issue a sub-legal act determining the procedures for the licensing of specialist training institutions, accreditation of training programs, training and certification of Specialist Security Workers, recognition of specialized training within the country and abroad, the Refresher Specialist Training and re-certification of Specialist Security Workers in functions as Close Protection Operatives, CIT Guards and Dog handlers, and examinations organized by the Competent Body to ensure adequate training was received.

## CHAPTER V INSPECTION

## Article 39 Inspectors

1. The Competent Body shall supervise Private Security Companies by way of regular inspections.

2. Inspections shall be performed by inspectors assigned and authorized by the Competent Body.

3. Inspectors from paragraph 2 of this Article will report their findings to the Competent Body only.4. Inspections are performed to determine the following:

4.1. violations of this Law by Security Workers and Security Companies;

4.2. violations of the Kosovo Professional Standards by Security Workers and Private Security Companies;

5. Inspectors may enter in the areas of a Private Security Company, during working hours, without prior notification, solely for the purpose of inspection.

6. Inspectors cannot be involved in any way with Private Security Companies outside of their official duty.

7. Inspectors may initiate an investigation concerning any contravention of this law or the Kosovo Professional Standards;

8. The Competent Body shall issue a sub-legal act to regulate the inspection procedures.

#### CHAPTER VI DATA

## Article 40 Data collection and maintenance by the Competent Body

- 1. The Competent Body will collect and maintain the following data including, but not limited to:
  - 1.1. Data of applicants and Private Security Companies;
  - 1.2. Data on Security Workers;
  - 1.3. Data on Security Dogs;
  - 1.4. Data on vehicles for the guard of cash and/or other valuables during transportation;
  - 1.5. Data on emblems and working uniforms;

- 1.6. Data on Security Equipment;
- 1.7. Data on clients;
- 1.8. Data on all authorized firearms.

2. The Competent Body will comply with all necessary procedures in accordance with the applicable laws on data protection.

3. The Competent Body shall issue a sub-legal act specifying the form, content, and manner by which all data will be preserved.

#### Article 41 Collection and Maintenance of Data by a Private Security Company

1. A Private Security Company will maintain the following data in written and/or electronic form including, but not limited to:

- 1.1. Signed Contracts with all employed persons, including Security Workers;
- 1.2. Data on Security Dogs;
- 1.3. Data on vehicles for the guard of cash and/or other valuables during transportation;
- 1.4. Data on the Use of force and restraining equipment;
- 1.5. All Employed persons including Security Workers;
- 1.6. Security Equipment;
- 1.7. Data on all authorized firearms.

2. A Private Security Company will comply with all necessary procedures in accordance with applicable laws on Data Protection.

3. A Private Security Company shall assign a Data Controller, who shall be held responsible for compliance with paragraph 2 of this Article.

4. A Private Security Company is obliged to inform the Competent Body of the identity of the responsible person for Data Controlling.

## Article 42 Reporting of a Private Security Company

1. A Private Security Company shall report to the Competent Body, in writing, with any changes of data in accordance with Article 41 of this law within fifteen (15) days.

2. Private Security Companies that are licensed for services of electronic surveillance of the property, must do so in accordance with legislation on data protection.

3. Private Security Companies maintaining records of visitors allowed into the Secured Area must do so in accordance with applicable laws on data protection;

4. Data and telephone communications are to be preserved for the following minimum timeframes from the moment of their recording, unless otherwise defined in applicable laws on data protection:

4.1. three (3) months for all telephone and data communications to and from a Control Centre;

4.2. twelve (12) months – shall be the timeframe for the storage of telephone and data communications relating to incidents.

5. Private Security Companies shall ensure that the storage and handling of data is in accordance with applicable laws on data protection.

6. Exact procedures on the storing and handling of Data will be further described in the Kosovo Professional Standards.

#### CHAPTER VII SUSPENSION AND REVOCATION OF LICENCE

#### Article 43 Suspension of a License

1. The Competent Body may suspend a License for a period up to one (1) years if:

1.1. any information supplied in connection with the application for the license is found to be false or misleading;

1.2. the Licensee has made errors and/or omissions of information during the application for the License;

1.3. the Licensee is in breach of a condition of the License;

1.4. there is found irregularity of during an inspection by the Competent Body;

1.5. there by the Competent Body that the Licensee no longer fulfils the conditions foreseen by this Law;

1.6. There is a finding by the Competent Body that the Licensee has acted in contradiction of this Law.

2. The suspension procedure will be implemented as follows:

2.1. if any of the infridgements outlined in paragraph 1 of this Article are committed, the Competent Body, based on the recommendation of an inspector, can send a formal letter to the Licensee;

2.2. the Licensee may respond to this letter within ten (10) working days;

2.3. after detailed investigation, the Competent Body will issue a written decision to the Licensee on whether or not their License is to be suspended.

2.4. in case of suspension of the license from paragraph 2 sub-paragraph 2.3 of this Article, the licensed Private Security Company is obliged to inform the client within fifteen (15) days.

3. The Licensee may appeal on decision of suspension in compliance with Article 8 of this Law and the law on Administrative Procedures.

4. The appeal against decision on suspension prorogues the execution up to the final decision by Appeal Commission is made.

5. In the event of a refusal of appeal, after the receiving the final decision, the licensee shall immediately restore the license.

6. The Competent Body shall issue a sub-legal act regulating the process of suspensions.

#### Article 44 Revocation of a license

1. The Competent Body may revoke a License.

1.1. if the Licensee declares in written that he no longer wants to exercise the private security activities;

1.2. if the licensee has been prohibited by a powerful judicial decision to exercise private security activity;

1.3. if the licensee exercises the private security activity in contradiction to the license.

1.4. if the Licensee acts in contravention to this Law.

2. A license which has been revoked by the Competent Body cannot be renewed or restored unless a licensee has made a successful appeal on Appeal Commission.

3. If a license is revoked by the Competent Body, reapplication is prohibited within 3 (three) years, beginning from the day of revocation, meaning that the legal entity, the owner, founder and the responsible person are prohibited to apply for any kind of license for private security within the period of three (3) years.

4.After the receiving the final decision, the licensee shall immediately restore the license to the Competent Body.

5. The Competent Body shall issue a sub-legal act regulating the process of revocations of the license.

## CHAPTER VIII PENALTY PROVISIONS

#### Article 45

1. A Private Security Company shall be punishable with a fine depending on the manner of the offence.

2. A legal entity shall be fined of between two hundred (200)€ and one thousand (1000)€ for minor offence if it:

- 2.1. does not comply with Article 21 paragraph 3,of this Law;
- 2.2. does not comply with Article 27 paragraph 7 of this Law;
- 2.3. does not comply with Article 28 paragraph 3 point 3.1 of this Law;
- 2.4. does not comply with Article 30 paragraph 3, of this Law;

2.5. does not comply with Article 31 paragraph 1, 2 and 3, of this Law;

2.6. does not comply with Article 31 paragraph 8, of this Law;

2.7. does not comply with Article 32 paragraph 2, of this Law;

2.8. does not comply with Article 32 paragraph 3, of this Law;

2.9. does not comply with Article 35 paragraph 5, of this Law;

2.10. does not comply with Article 41 of this Law;

2.11. does not comply with Article 42 paragraph 1 and 2 of this Law;

2.12. does not comply with Article 43 paragraph 2 point 2.4 and paragraph 3 of this Law;

2.13.does not comply with Article 44 paragraph 4 of this Law

3. A legal entity shall be liable for a fine of between one thousand  $(1000) \in$  and three thousand  $(3000) \in$  for a minor offence if it:

3.1. does not comply with Article 9 paragraph 3, of this Law;

3.2. does not comply with Article 24 paragraph 2 of this Law;

3.3. does not comply with Article 25 of this Law;

3.4. does not comply with Article 26 paragraph 2, of this Law;

3.5. does not comply with Article 27 paragraph 3 point 3.1, of this Law;

3.6. does not comply with Article 27 paragraph 4 point 4.1, of this Law;

3.7. does not comply with Article 27 paragraph 5, of this Law;

3.8. does not comply with Article 27 paragraph 8, of this Law;

3.9. does not comply with Article 28 paragraph 8, of this Law;

3.10. does not comply with Article 31 paragraph 6, of this Law;

3.11. does not comply with Article 42 paragraph 4 of this Law.

4. A legal entity shall be liable for a fine of between three thousand (3000)€ and seven thousand (7000)€ for minor offence if it:

4.1. does not comply with Article 10 paragraph 2 of this Law;

4.2. does not comply with Article 22 paragraph 1, of this Law;

4.3. does not comply with Article 23 paragraph 1, of this Law;

4.4. does not comply with Article 27 paragraph 1, of this Law;

4.5. does not comply with Article 27 paragraph 2, of this Law;

- 4.6. does not comply with Article 27 paragraph 3 point 3.2, of this Law;
- 4.7. does not comply with Article 27 paragraph 4 point 4.3, of this Law;
- 4.8. does not comply with Article 27 paragraph 7, of this Law.

#### Article 46

1. The legal entity shall be fined between thirty (30)€ and one hundred fifty (150)€ for a minor offence if a Security Worker:

- 1.1. does not comply with Article 35 paragraph 2, of this Law;
- 1.2. does not comply with Article 36 paragraph 1, 2 and 3, of this Law

2. The legal entity shall be fined between two hundred (200)€ and one thousand (1000)€ for a minor offence if a Security Worker:

- 2.1. does not comply with Article 29 paragraph 8, of this Law;
- 2.2. does not comply with Article 32 paragraph 3, of this Law;
- 2.3. does not comply with Article 32 paragraph 4, of this Law;

3. The legal entity shall be fined between one thousand (1000) Euro and three thousand (3000) Euro for a minor offence if a Security Worker:

- 3.1. does not comply with Article 30 paragraph 3, of this Law;
- 3.2. does not comply with Article 30 paragraph 2 and 6, of this Law.

#### Article 47

1. An individual or security worker shall be fined between thirty (30) Euro and one hundred fifty (150) Euro for a minor offence if :

- 1.1. does not comply with Article 28 paragraph 10, of this Law;
- 1.2. does not comply with Article 29 paragraph 3, of this Law;
- 1.3. does not comply with Article 31 paragraph 7, of this Law;
- 1.4. does not comply with Article 31 paragraph 8, of this Law;
- 1.5. does not comply with Article 32 paragraph 3, of this Law;
- 1.6. does not comply with Article 32 paragraph 4, of this Law;
- 1.7. does not comply with Article 33 paragraph 1 and 2, of this Law;
- 1.8. does not comply with Article 35 paragraph 2 and 4, of this Law;
- 1.9. does not comply with Article 36 paragraph 1,2 and 3, of this Law.

2. An individual or security worker shall be fined of between one hundred (100)€ and five hundred (500)€ for minor offence if it:

2.1. does not comply with Article 14 paragraph 2 of this Law;

2.2. does not comply with Article 25 of this Law;

2.3.does not comply with Article 26 paragraphs 1 and 2 of this Law;

2.4. does not comply with Article 28 paragraph 8, of this Law;

2.5. does not comply with Article 29 paragraph 7, of this Law;

2.6. does not comply with Article 30 paragraph 2 point 2.1 and 2.2, of this Law;

2.7. does not comply with Article 30 paragraph 3, of this Law.

## CHAPTER IX TRANSITIONAL PROVISIONS

#### Article 48

Workers of the Unit for the inspection of licensed security companies, which have been supervising according to UNMIK Regulation 2000/33, will cease their activities upon the coming into force of this Law and the division for private security will take full responsibility over existing licenses.

#### Article 49

1. No license according to UNMIK Regulation 2000/33 may be issued upon the coming into force of this Law.

2. An existing License may be valid up to nine (9) months from the date of entering into force of this Law upon an administrative decision issued by the Competent Body.

3. The Competent Body has the right to revoke licenses as described in paragraph 2 of this article, after the coming into force of this Law upon giving an existing licensee three (3) months notice.

4. Once the three months notice period described in paragraph 3 of this article has expired, existing licenses are no longer valid.

#### CHAPTER X FINAL PROVISIONS

#### Article 50

Sub-legal acts for the implementation of this Law shall be issued in the timeframe of six (6) months from the day of entry into force of this Law.

## Article 51

All funds collected in accordance with this Law shall be sent to the Budget of Republic of Kosovo.

# Article 52

Upon entry into force of this Law any other legislation in force regulating the licensed security companies shall be repealed.

#### Article 53 Entry into force

This Law enters into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No. 04/L-004 23 June 2011

Promulgated by Decree No.DL-005-2011, dated 08.07.2011, President of the Republic of Kosovo Atifete Jahjaga.