

LAW NO. 04/L-202 ON PERMIT AND LICENSE SYSTEM

Assembly of Republic of Kosovo,

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

Approves

LAW ON PERMIT AND LICENSE SYSTEM

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
The purpose of the law**

This law aims to establish the principles and rules for improvement of environment to do business, through reduction of administrative barriers that, in performing economic, trade and professional activities that are necessary to protect the public health, public safety, environment and usage of natural resources in the Republic of Kosovo.

**Article 2
Scope**

This Law shall regulate all regulations that are done to public or private activity by each public institution in the Republic of Kosovo.

**Article 3
Definitions**

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

1.1. **Competent authority** - a public institution exercising the duties and powers duly delegated by such an authority, authorized under the law that is competent to regulate one or more areas of activity.

1.2. **Continuous education** – a program of continuing the professional education that may be required by the licensing board.

1.3. **Licensee** – the natural person to whom a professional license has been issued.

1.4. **Licensing Board** – a body formed by a competent authority to administer all aspects of professional licensing for a specific profession.

1.5. **Notification** – a type of permission that a competent authority may require upon the determination that the activity will be conducted as a single instance and will pose a low risk to public health, public safety or the environment.

1.6. **Permission** – a mechanism of regulatory requirements that a competent authority may use to regulate private and public activity; types of permits vary by their stringency, which shall be commensurate with the level of risk posed by the activity to be regulated.

1.7. **Professional permit and license system** – the entirety of legal principles and requirements determined by public institution to regulate the public and private activity.

1.8. **Permit** – a type of permission that a competent authority may require upon determination that the activity will pose a medium or high risk to the public health, safety and the environment and is not regulated by a professional license.

1.9. **Person** – natural person or legal person.

1.10. **Professional license** – a type of permission issued to a natural person to be engaged in a profession upon a determination by a competent authority that such profession presents a medium or high risk to the public health, safety and the environment as defined by the law.

1.11. **Registration** – a type of permission that a competent authority may require upon a determination that the activity will be conducted on an ongoing basis and will present low risk to public health, public safety or the environment.

1.12. **Voluntary statement of compliance** – a voluntary reporting to a competent authority stating compliance with requirements of an issued permit.

CHAPTER II GENERAL RULES

Article 4 General Rules Governing Permissions

1. A person has a fundamental right to be engaged in a legal activity within the territory of the Republic of Kosovo.
2. No activity shall be subject to regulation or limitation by a public institution except as provided under this Law.
3. No public institution shall regulate or limit the right of a person to be engaged in an activity other than through a permission that conforms to the requirements of this Law.
4. A permission shall have no legal force unless it meets the following criteria:
 - 4.1. the activity that such permission is designed to regulate is found on objective grounds to pose a risk to public health, public safety or the environment; or to impact the use of natural resources;
 - 4.2. the risk or impact referred to in sub-paragraph 4.1 of this Article cannot be addressed through free market mechanisms in the absence of such regulation;

- 4.3. the form of permission used to regulate the activity is commensurate with the risk or impact created by the activity; and
- 4.4. such permission employs the least restrictive means sufficient to address the identified risk or impact.
5. An activity may be subject to a general prohibition based only on the Criminal Code.

CHAPTER III TYPES OF PERMISSIONS

Article 5 Types of Permissions

1. The types of permissions permissible under this Law shall be the following, listed in the order commensurate with the level of risk each type is designed to address, from least risk to public health, public safety or the environment or least impact on the use of natural resources to greatest risk or impact:
 - 1.1. notification;
 - 1.2. registration;
 - 1.3. permit;
 - 1.4. professional license; and
2. No permission shall have legal force unless it conforms to the requirements, as described below, for one of the types of permissions set forth in paragraph 1. of this Article.

Article 6 Notification

1. Notification may be required by a competent authority upon the determination that the activity will be conducted as a single instance and will pose a low risk to public health, public safety or the environment.
2. With respect to an activity for which competent authorities require notification, the provision of such notification shall suffice to allow the activity to be conducted.

Article 7 Registration

1. Registration may be required by a competent authority for an activity that will be conducted on an ongoing basis and will pose a low risk to public health, public safety or the environment.
2. Registration constitutes a notification by a person of the intent to be engaged in an activity on an ongoing basis.

Article 8 Permit

A permit may be required by a competent authority for an activity that poses a medium or high risk to public health, public safety or the environment that is not governed by a professional license.

**Article 9
Professional License**

1. A professional license may be required by a competent authority to be engaged in a profession that poses a medium or high risk to public health, public safety or the environment.
2. A competent authority that requires a professional license for a designated profession should establish and comply with the requirements for professional licensing as provided in this law.

**CHAPTER IV
RULES AND PROCEDURES GOVERNING PROFESSIONAL LICENSING**

**Article 10
Professional Licensing Board**

1. A competent authority shall, for any type of professional licensing that it undertakes, create a licensing board.
2. Such licensing board shall act as an executive body that administers and oversees all areas related to the licensing of professionals in that profession.
3. Each licensing board shall have duties defined in the Regulation issued by the Government and includes these issues:
 - 3.1. the scope of activities governed by the professional license;
 - 3.2. requirements for obtaining the professional license;
 - 3.3. procedures for applying for the professional license;
 - 3.4. rules and requirements on professional examinations, if applicable;
 - 3.5. requirements for maintaining the professional license;
 - 3.6. rules and procedures governing the denial, revocation, and suspension of the professional license
 - 3.7. all fees associated with the professional license;
 - 3.8. rules and procedures governing the appeals for a decision made by the licensing board;
 - 3.9. ethical and disciplinary rules governing licensees;
 - 3.10. drafting and approval of the annual report and forwarding it to the sponsoring Ministry. The annual report shall include a financial report.
4. Each licensing board shall establish and maintain its own online register, which shall contain the following information:

- 4.1. announcements;
 - 4.2. information on the licensing board;
 - 4.3. upcoming activities; minutes of past meetings;
 - 4.4. regulations of the licensing board;
 - 4.5. licensing board decisions and notifications;
 - 4.6. procedures for filing a complaint;
 - 4.7. a list of those persons to whom a professional license has been issued, denied, suspended or revoked;
 - 4.8. applications for the professional license that are pending review.
5. Each licensing board shall maintain its own electronic files that shall include the name and current address of each licensee, license identifier, date of issue and expiration, and status. All of the information contained in these electronic files shall be public information.

Article 11 Administrative Actions on Professional Licences

1. The competent authority shall issue a professional license to an applicant who fulfills the requirements for a professional license and pays the requisite fee.
2. The holder of a professional license shall be subject to the disciplinary and ethical requirements as adopted by the licensing board.
3. No holder of a professional license may be deprived of such license except as provided by clear and transparent rules and procedures that have been made public preliminarily.
4. A licensing board may take the following disciplinary actions:
 - 4.1. suspension of a professional license; and
 - 4.2. revocation of a professional license.
5. A licensing board may take disciplinary action as defined herein against a licensee on the basis of a written complaint from a board member or other person. Such complaint shall state specifically the facts on which the complaint is based.
6. If the licensing board finds that the complaint alleges facts that are adequate grounds for a disciplinary action, the licensing board shall provide the person against whom the disciplinary action is contemplated the opportunity for a hearing before the licensing board. If the licensing board does not make such finding, it shall dismiss the complaint.
7. Such hearing shall be held within a reasonable time, not exceeding six (6) months after the complaint has been made to the licensing board. The person against whom the disciplinary action is contemplated shall be given notice as provided by law. In the event that such notice has been provided and such person fails to appear at the hearing, the licensing board may take final action on the matter.

Article 12
Recognition of Professional Licenses issued abroad

1. A person holding a professional license, before engagement in the regulated activity shall present to the board the relevant documentation evidencing the possession of the professional license issued abroad.
2. The person according to paragraph 1. of this Article may not be engaged in any activity until it is not recognized by respective Board for licenses.
3. In the event of a change in the professional licensing status in another country, the licensee shall notify the relevant licensing board within ten (10) working days of the occurrence of the change.

Article 13
Continuous education

A licensing board may require from licensees to complete programs of continuous education through trainings in order to maintain their professional qualifications.

CHAPTER V
ADDITIONAL REQUIREMENTS

Article 14
Public Electronic Access to Information

1. Each competent authority shall make easily accessible to the public on its website complete and accurate information pertaining to each type of permission that it issues. Such information shall include, but need not be limited to, a description of the permission; its scope and purpose; the kind(s) of activities to which the permission refers; requirements, rules and procedures governing its issuance, administration and revocation; and the forms, with explanatory information, to be used when applying for the permission or complying with permissive requirements.
2. Each competent authority shall make it possible for a person to submit an application for a permission electronically.

Article 15
Prior Review of Proposed Permissions

1. If a competent authority within the Government of Kosovo proposes a draft act that impacts economic activity or involves the establishment or revision of a permissive requirement, such competent authority shall submit to the Office of the Prime Minister, prior to submission of such draft act to the Government, in advance of submitting such draft act to the Government, a written opinion on the conformity of such draft act with this Law.

2. The Office of the Prime Minister shall prepare and present to the Government a written opinion on the conformity of such draft act with this Law prior to the review by the Government of such draft act.

3. If a competent authority, that is an independent agency and reports to the Assembly, proposes a draft act that impacts economic activity or involves the establishment or revision of a permissive requirement, such competent authority shall submit the draft act to the parliamentary committee of respective field together with a detailed written opinion on the conformity of the proposed draft act by this Law.

Article 16 Single Window Principle

A competent authority requiring a permission shall create a single window or contact point through which all matters related to such permission may be carried out.

Article 17 Permissions Criteria

1. Permit and licenses shall be established solely by law.
2. The criteria, requirements, rules and procedures related to the issuance, administration and revocation, if applicable, of a permission shall be defined by the law or sub-legal act.

Article 18 Fees for Permissions

The fee that a competent authority may charge for a permission shall not exceed the amount required to cover the cost that the competent authority incurs in administering the permission.

Article 19 Risk Assessment

1. In determining if a permission is appropriate to regulate an activity, the competent authority shall carry out a risk assessment with respect to the activity. Activities shall be classified as:

- 1.1. no appreciable risk;
- 1.2. low risk;
- 1.3. medium risk; or
- 1.4. high risk.

2. When deciding the level of risk posed by an activity, the following factors shall be taken into consideration:

- 2.1 scope of the impact of non-compliance on public health and safety;
- 2.2 severity of the consequences of non-compliance on public health and safety; and
- 2.3 the likelihood of non-compliance by economic entities undertaking the activity.

3. A competent authority shall take into account international standards when determining the level of risk attendant to an activity and the type of permission that is appropriate for regulating such activity.

Article 20
Means of Assessing Compliance with Permit and License Requirements

1. With respect to a holder of a permit as defined in this Law, the competent authority may monitor the compliance of the permit holder with the terms and conditions of the permit by conducting inspections, as provided by the applicable legislation for Inspections. A competent may elect to require, in lieu of conducting an inspection, a voluntary statement of compliance from the permit holder.

2. With respect to a holder of a professional license according to the definitions of this Law, the competent authority may assess the compliance of the licensee with the terms and conditions of the professional license in response to a based complaint about the licensee as provided in Article 11 of this Law.

Article 21
Grounds for Refusing a Notification, Registration or Permit

A competent authority may refuse the recording of a notice, registration or the issuance of a permit only in the event that the person seeking to file a notice or registration or receive a permit fails to meet the requirements defined by the competent authority.

CHAPTER VI
CERTIFICATION AND TRANSFER OF A PERMISSION

Article 22
Certificate of Permission

1. Each certificate issued for permit or professional license shall contain the following:
 - 1.1. name and logo of the competent authority;
 - 1.2. identification number of the certificate and date of issuance;
 - 1.3. name of the registered or notified party, the permit holder or licensee;
 - 1.4. designation of the type of permission issued;
 - 1.5. type of activity to which the permission pertains;
 - 1.6. place of activity, if applicable;
 - 1.7. period of validity, if applicable; and
 - 1.8. seal of the competent authority and the signature of the person duly authorized to sign on behalf of the competent authority.

Article 23
Replacement of Certificate of Permission

1. In the event a certificate of permission is lost or damaged, or information identifying the registered or noticed party, permit holder or licensee has changed, such person shall submit a written or electronic request to the competent authority for the issuance of a copy of the certificate of permission.

2. In the event that the competent authority determines that the permission is valid, it shall issue a copy of the certificate of permission within two (2) days following its determination. The competent authority shall make its determination within five (5) days following the receipt of the request.

Article 24
Transferability of Permissions

Professional licenses shall not be transferable to the third parties.

Article 25
Transfer of permissive document

1. Permissive documents can be transferred from the holder to another person only if those rights are specified clearly in the respective laws.

2. The holder of the permit for usage may transfer licence for usage or divide it in several parts and to transfer rights of partial usage to other persons through selling or renting.

3. If the holder of permissive document wishes to make the transfer of the afore mentioned Licence or Permit, the holder of this Licence or Permit and proposed receiver shall together submit to the relevant authority, a request filled in the foreseen form together with foreseen tax. This request is to be attached the following data:

3.1. one (1) copy of permissive document and proposed agreement for transfer and all other relevant documents;

3.2. one (1) declaration from the holder of permissive document mentioning reasons for proposed transfer;

3.3. data, which proves that the receiver of transfer according to this law will be eligible to receive afore mentioned permissive document, if receiver of transfer would apply for that permissive document and;

3.4. one (1) written declaration by the side of receiver of proposed transfer that accepts and will fulfill all obligations left from the holder of permissive document- regardless of the fact whether these obligations arise from Licence, Permit this law or any other element of Kosovo Law- from the date the transfer enters into force.

4. After the approval of request, relevant authority makes necessary changes in the central registry for permissive documents and issues relevant certificate of permissive document within three (3) days.

Article 26
Suspension and Revocation of Permits

1. When the competent authority has determined that non-compliance with the terms and requirements of a permit has occurred, the competent authority shall provide notice of such non-compliance to the permit holder and give the permit holder a reasonable time to correct the non-compliance.
2. If the permit holder does not correct the non-compliance, the competent authority may impose a fine.
3. Fines shall be specified by the competent authority with an administrative instruction and subject to approval by the Government.
4. In the event the permit holder continues to fail to comply with the terms and requirements of a permit following the imposition of a fine, the permit may be suspended or revoked for a certain period of time, until the non-compliance has been corrected.
5. The decision to suspend or revoke a permit shall be based on level of risk that the competent authority attributes to the non-compliance with the terms and requirements of the permit.
6. If the non-compliance creates an imminent and severe danger to public health, public safety or the environment, the permit holder must cease its permitted activity immediately and the permit shall be suspended.
7. In the event that a competent authority suspends or revokes a permit, it shall notify the permit holder immediately.
8. A permit holder shall not perform the permitted activity while the permit is suspended or revoked.
9. In the event a permit has been revoked or suspended, the permit holder shall return the certificate of permission to the competent authority within three (3) days following the entry into force of the decision to revoke or suspend the permit.
10. When the non-compliance with the terms and requirements of the permit has been corrected, the permit holder shall notify the competent authority to that effect and, after confirming same, the competent authority shall cancel the suspension or revocation and notify the permit holder to that effect in a timely fashion.
11. The competent authority shall duly record in a timely manner in the appropriate online registry any change that occurs to the status of a permit.
12. If for any reason during the term of validity of a permit, the permit holder cannot comply with the terms and requirements of the permit, the permit holder must notify the competent authority in writing immediately to that effect. The suspension or revocation of the permit shall be effective on the date of delivery of the written notification.
13. In the event the permit holder is able to resume compliance with the terms and conditions of the permit, the permit holder may notify the competent authority to that effect and, after confirming the same, the competent authority shall cancel suspension or revocation and shall notify the permit holder to that effect within five (5) working days.

Article 27
The Right to Appeal an Administrative Decision

1. A decision from a competent authority to refuse, suspend or revoke a permission shall be fully reasoned and set forth in writing.

2. Such decision may be appealed to the competent authority.
3. The competent authority shall review and issue a decision on the appeal.
4. In case the competent authority affirms initial decision or fails to issue its own decision as provided above, the decision may be appealed to the competent court.
5. An appeal as described in paragraphs 2. and 4. of this Article shall suspend the decision on the permission pending resolution of the appeal.

Article 28
Implementation of the law on general administrative procedure

If not otherwise specified by law, for procedure for permits and license, are implemented legal provisions for general administrative procedure.

CHAPTER VII
CENTRAL REGISTRY FOR TYPES OF PERMITS AND LICENSES

Article 29
Central registry for types of permits and licenses

Legal Office of Prime Minister or other appointed body by the Government maintains and updates the Registry for permits and licenses issued from central institutions in the Republic of Kosovo.

Article 30
Transparency of central registry for types of permits and licenses

The registry of permits and licenses issued from the central institutions in Republic of Kosovo is maintained in electronic form and will be opened for public.

Article 31
Content of central registry for types of permits and licenses

1. Registry of types of permits and licenses contains:
 - 1.1. type of permit or license;
 - 1.2. relevant authority that issues the permit or license;
 - 1.3. procedures and conditions of acquiring permits and licenses;
 - 1.4. necessary documents and cost for implementation of the service;
 - 1.5. the application form for each service and it manual;
 - 1.6. obligatory timeline to receive response for required service;
 - 1.7. timeline and body where the complaint is done in case of refusal of response or not offering the service within obligatory legal timeline and other details and conditions defined by bylaws according to paragraph 2. of this Article;

2. All authorities of central level, issuing permits and licenses, are obliged to deliver required data for central registry for types of permits and licenses, as required from this law and respective bylaws approved by the Government.

Article 32

Legal effect of central registry for types of permits and licenses

1. All types of permits and licenses that are not in central registry of permits and licenses do not have legal effect.
2. Heads of relevant institutions issuing permits and licenses are responsible for delivery and update of data for central registry for types of permits and licenses.

CHAPTER VIII TRANSITIONAL AND FINAL PROVISIONS

Article 33

Permissions and permission registry

1. Within six (6) months after entering into force of this law:
 - 1.1 all central institutions issuing permits and licenses as necessary propose changes of relevant laws to bring their requests for permissions in accordance with this law;
 - 1.2. each competent authority will bring their permissions in accordance with the law and is to establish own registry of permissions and deliver them required data in central registry of permits and licenses.
2. One (1) year after entering into force of this law there are abrogated all permits and licenses appointed by sub-legal acts. All authorities that issued bylaws where are defined permits and licenses by bylaws are obliged that in conformity with this law to propose permits and licenses by sub-legal acts.

Article 34

Entry into Force

This law shall enter into force fifteen days (15) following its publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L-202
21 November 2013**

Promulgated by Decree No.DL-054-2013, dated 11.12.2013, President of the Republic of Kosovo Atifete Jahjaga