

**LAW No. 05/L – 066**

**ON THE REGULATED PROFESSIONS IN THE REPUBLIC OF KOSOVO**

**Assembly of the Republic of Kosovo,**

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

Adopts:

**LAW ON THE REGULATED PROFESSIONS IN THE REPUBLIC OF KOSOVO**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

1. The purpose of this Law is the determination of the conditions and criteria for exercising the regulated profession related to the protection of the public interest.
2. This Law is in compliance with the Directive 2005/36/Ec of the European Parliament and of the European Council of 7 September 2005 on the recognition of professional qualifications (text with EEA relevance); and Directive 2013/55/eu of the European Parliament and of the European Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No.1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') on recognition of professional qualification and specific training that is required for several regulated professions in the health and architecture sectors.

**Article 2  
Scope**

1. The scope of this Law encompasses the rules on the manner of organization and functioning of the regulated professions in the Republic of Kosovo.
2. This Law shall be applied on every person seeking to exercise a regulated profession in the Republic of Kosovo.
3. This Law is not implemented:
  - 3.1. on the activities exercised in the regulated profession related to the performing of the functions in the judicial authorities;
  - 3.2. on professions, which according to the legislation into force, have special demands that are not included in the list of regulated professions.

### **Article 3** **Definitions**

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

1.1. **A regulated profession**- a professional activity, the right of exercise of which shall be regulated by Law or with sub-legal acts that requires a license which is conditioned by a certain area and level of professional training and education;

1.2. **Professional qualification** - certified qualification of achievement of knowledge and skills within a field of study resulting by a diploma or certificate;

1.3. **Official document** - a diploma, certificate or record, issued by the competent authority, in compliance with the rules and procedures foreseen with the legislation into force, that certifies successful completion of a professional qualification, developed within or outside the territory of the Republic of Kosovo;

1.4. **State Examination Agency of Kosovo (SEAK)** – an agency established by the Government, for organizing the state exam and publication of results for the list of professions regulated by this Law;

1.5. **State Council for the Regulated Professions (SCRП)** – decision-making body established by the Ministry which is responsible for setting the standards for the regulated professions;

1.6. **Professional experience** - legal exercise of a profession, for a certain period of time;

1.7. **Professional practice** - exercise of a regulated profession for a certain period of time by the intern, under the direction and responsibility of a qualified professional, that may be accompanied by additional training, in the manner specified by the competent authority;

1.8. **State Exam** - evaluates the candidate's knowledge and skills to exercise the regulated profession according to the legislation into force;

1.9. **Candidate** - a person who undergoes the state exam for the exercise of the regulated profession;

1.10. **License** - an official document issued by the competent body, which enables the candidate to exercise the regulated profession;

1.11. **Competent body for the development of profession standards** - (ministry of the respective field, agencies, professional chambers, associations, councils), the body responsible for developing and updating the standards of a certain regulated profession and submits them for approval to the State Council for the Regulated Professions;

1.12. **Competent authority for licensing** - the Ministry of the respective field, or, by professional institution delegation, the governing council which is responsible for issuing licenses and state exam of the relevant field on the basis of preliminary qualifications set by the Law;

1.13. **ENIC-NARIC Kosovo** - National Centre for Academic Recognition and Information of Kosovo;

1.14. **Professional body** – an institution that organizes and represents the professionals of a specific professional field;

1.15. **Ministry** - the respective Ministry for Education;

1.16. **Minister** - the respective Minister.

#### **Article 4** **The regulated professions**

1. The regulated professions in the Republic of Kosovo are professions of:

1.1. Medical Doctor;

1.2. Dentist;

1.3. Pharmacist;

1.4. Nurse;

1.5. Midwife;

1.6. Physiotherapist;

1.7. Veterinarian;

1.8. Architect;

1.9. Engineer of all fields;

1.10. Teachers of all levels of pre- university education;

1.11. Educator;

1.12. Psychologist;

1.13. Social worker;

1.14. Pedagogue;

1.15. Economist;

1.16. Lawyer.

2. Regulated professions are also any other professions defined as such with the legislation into force.

## **CHAPTER II**

### **CONDITIONS AND CRITERIA FOR THE EXERCISE OF THE REGULATED PROFESSION**

#### **Article 5**

##### **The exercise of the regulated profession**

1. The person who meets the criteria defined by this Law or other special Laws shall have the right to exercise the regulated profession.

2. The regulated profession shall be exercised by the natural or legal person, as employee or self-employed, according to the requirements specified by the relevant competent body.

3. The exercise of the regulated profession shall be done in compliance with the following principles:

3.1. the freedom of the professionals' competition;

3.2. the autonomy and independence of the intellectual and professional judgment;

3.3. the correctness and quality of services for protection of the service beneficiary and of public interests, by guaranteeing the correct and legal exercise of the profession, regardless from the manner or form of its exercise;

3.4. freedom of choice by the service beneficiary.

#### **Article 6**

##### **The training and qualification for the exercise of the regulated profession**

The person, seeking to practice a regulated profession, should have completed the relevant accredited study program or professional qualifications for that profession, which shall be proven with official documents, issued within or outside the country and recognized in the Republic of Kosovo, in compliance with the legislation into force.

#### **Article 7**

##### **The criteria for the exercise of a regulated profession**

1. In order to obtain the right to exercise a regulated profession, each person should:

1.1. complete the relevant studies or professional qualifications;

1.2. complete the professional practice;

1.3. carry out state exam;

1.4. be enrolled in the relevant professional body.

2. The stages foreseen in paragraph 1 of this Article shall be defined by sub-legal act issued by the Ministry, upon the specific requirements of each regulated profession.

### **Article 8**

#### **The State Council for the Regulated Professions**

1. The State Council for the Regulated Professions (SCRP) is a decision-making body established according to this Law, by the Ministry.

2. SCRCP shall be composed of five (5) members.

3. Minister shall appoint the SCRCP members, with a four (4) year mandate.

4. Duties and responsibilities of SCRCP shall be defined by sub-legal act issued by the Ministry.

### **Article 9**

#### **State Examination Agency of Kosovo**

1. State Examination Agency of Kosovo (SEAK) shall be established by the Government of the Republic of Kosovo upon the proposal of the respective Ministry.

2. SEAK is responsible for:

2.1. organization of the state exams for the regulated professions;

2.2. publication and certification of state exams results;

2.3. development and updating of the data base of candidates that have undergone the state exam.

3. The structure, functioning and responsibilities of SEAK shall be regulated with sub-legal act issued by the Ministry.

### **Article 10**

#### **The state exam**

1. The state exam shall assess the knowledge and skills of the candidate for the exercise of the regulated profession, with the purpose to:

1.1. realize the public guarantees for the responsibilities that derive from the exercise of the regulated profession;

1.2. assess the knowledge of the candidate that aspires to exercise a regulated profession, by ensuring uniformity and transparency in the evaluation and qualification of the candidate, at the national level, through verification of acquisition of the necessary professional skills for the regulated profession.

2. The content of the state exam is compiled in accordance with the field of the professional activities.

3. After the successful completion of the state exam, the candidate shall obtain the relevant professional licence, according to the list of the regulated professions.
4. The state exam shall be held in one of the official languages in Kosovo, according to the Law on the use of languages.
5. There are excluded from the obligation to pass the state exam:
  - 5.1. the professionals, who exercise or have exercised a regulated profession in Kosovo before the entry into force of this Law;
  - 5.2. the professionals, who have obtained the right to exercise a regulated profession outside the Republic of Kosovo, which is defined by a special sub-legal act.

### **Article 11**

#### **Organization of the state exam**

1. The state exam for the regulated professions shall be organized and supervised by SEAK in cooperation with SCRP and other competent bodies.
2. SEAK shall, for each regulated profession, establish the State Examination Commission which is composed of four (4) members as following:
  - 2.1. one (1) representative assigned by the Minister, chairperson;
  - 2.2. one (1) representative from SEAK;
  - 2.3. one (1) representative who is a member of the relevant professional body;
  - 2.4. one (1) representative from the university teaching personnel, from the accredited programme with at least ten (10) years of work experience at higher education institutions.
3. Members according to sub-paragraphs 2.3 and 2.4 of paragraph 2 of this Article shall be appointed in the following way:
  - 3.1. the relevant professional body proposes to the SEAK at least two (2) candidates, one of which should be elected.
  - 3.2. the State Council for the Regulated Professions proposes to the SEAK at least two (2) candidates, one of which should be elected.
4. If representation of the professional body at the State Examination Commission is not possible, the SEAK is represented with one (1) additional member.
5. The Chairperson of the State Examination Commission is a representative as specified in sub-paragraph 2.1 of paragraph 2 of this Article.

6. The criteria for selection of the representatives determined in paragraph 2 of this Article shall be defined by the SEAK, in cooperation with the professional body of the relevant field.

7. The rules for the functioning of the State Examination Commission, the compensation of its members as well as procedures and manner of development of the state exam, shall be determined with sub-legal act by the Ministry.

8. Topics, the development and management ways, through digital technology of the state exam, shall be defined by the SEAK, after the consultations with the competent body.

## **Article 12**

### **The professional practice**

1. The professional practice aims effective acquisition of technical, practical and ethical knowledge of a profession, by mechanisms that are defined by SEAK, upon the proposals from the relevant professional body.

2. The professional practice is developed under the direction of a professional, natural or legal person.

3. The relevant professional body, through its structures, ensures that practical training in a regulated profession is conducted under the direction of an experienced professional, with at least three (3) years of relevant experiences and providing a sufficient guarantee for theoretical and practical preparation of the intern.

4. During the realization of the professional practice, compensation is given to the intern, as defined by the institution/organization, where the professional practice is carried out.

5. Compensations or similar evaluation rewards are given by the institution/ organization, where the professional practice is carried out.

6. Upon the successful completion of the professional practice, the candidate shall be provided with an official document which proves that in a certain period and in compliance with specific criteria of the regulated profession, he/she has been engaged in a professional activity, inside or outside the country, which has given him/her an opportunity to acquire a sufficient professional practice in the field of this profession.

7. SEAK shall, in cooperation with the relevant professional body, assess whether the professional experience of the candidate is sufficient to exclude him/her from liability for the performance of the professional practice.

## **Article 13**

### **Membership in the relevant professional body**

Each professional, in order to obtain the right of exercising a regulated profession, should join the relevant professional body.

**Article 14**  
**Responsibility of the Ministry**

1. The Ministry shall, upon the proposal of SCRP define:
  - 1.1. the minimum requirements for professional qualifications for the regulated professions;
  - 1.2. the list of their qualifications and sub-qualifications for the regulated professions.
  - 1.3. the Ministry shall be responsible for issuing the license, except in cases when this responsibility is delegated to any specific professional body or association.

**Article 15**  
**The competent body on the development of standards of the profession**

1. The mission of the competent body is the preservation of high standards in the formation and exercise of the regulated profession and public protection from profession misuse.
2. The competent body on the development of standards of the profession is responsible for the development and update of standards of profession of the relevant field, according to the legislation into force.
3. The persons that exercise a regulated profession shall be organized in a professional body.
4. Organization and functioning of the professional body shall be regulated by sub-legal act.

**Article 16**  
**The responsibilities of the professional**

1. The professional has an obligation to:
  - 1.1. respect laws and professional ethic code;
  - 1.2. make public his/her professional title;
  - 1.3. update regularly his/her professional skills;
  - 1.4. make the relevant professional body aware for potential situations of conflict of interest, regarding to the required service;
  - 1.5. make service beneficiary aware for his/her membership in the relevant professional body, as well as give data on his/her professional experience.



### **Article 17**

#### **The professional ethics code**

1. The professional ethics code shall, the content of which is easily understood by the third party, regulate the exercise of professional activity of each professional.
2. The criteria and compilation procedures of any professional ethics code shall be defined by the professional body of the relevant field.
3. The professional ethics code shall be guided by these principles:
  - 3.1. protection of public interests through proper exercise of the profession;
  - 3.2. protection of beliefs and free choice by the service beneficiary;
  - 3.3. quality assurance of professional services;
  - 3.4. assurance of proper data for the content and methods of exercising the professional services.
4. The ethics code shall be published and updated periodically by the relevant competent body.

### **Article 18**

#### **Disciplinary measures**

1. Any professional that violates the obligations set forth in this Law, in special Laws that regulate its activity field, or in the professional ethics code shall be punished with administrative measures.
2. The types of administrative measures, responsible authority, giving procedures, appeals, prescription or extinction of these measures are determined in accordance with the legislation in force for the establishment of the professional body in the relevant field.

### **Article 19**

#### **Transitional provisions**

1. The Ministry shall, within three (3) months from entry into force of this Law, issue sub-legal acts for its implementation.
2. In case of conflict between provisions of this Law and any specific Law regarding the state exam and licensing of professionals, provisions of the specific Law will prevail.

**Article 20**  
**Entry into force**

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

**Law No.05/L - 066**  
**28 October 2016**

**Promulgated by Decree No.DL-042-2016, dated 15.11.2016, President of the Republic of Kosovo Hashim Thaçi.**