



INSTITUCIONET E PËRKOHSHME TË VETQEVERISJES  
PROVISIONAL INSTITUTIONS OF SELF-GOVERNMENT  
PRIVREMENE INSTITUCIJE SAMOUPRAVLANJA

QEVERIA E KOSOVËS - GOVERNMENT OF KOSOVO - VLADA KOSOVA

MINISTRIA E PUNËS DHE MIRËQENIES SOCIALE  
MINISTRY OF LABOUR AND SOCIAL WELFARE  
MINISTARSTVO RADA I SOCIJALNE ZAŠTITE

According to the article 1 point 1.3 paragraph (ç) and point 1.7 paragraphs (d) of Regulation no. 2001/19 on Executive Bough of Kosova Provisional Institutions of Self-Government.

In view to create and develop regulation, authentic procedures for compiling and preparing the draft-laws-acts in MLSW, Minister of MLSW legislate this:

**ADMINISTRATIVE INSTRUCTION No.4/2003**  
**ON**  
**LEGISLATION INITIATIVE, PROCEDURE AND WORK**  
**METHODOLOGY OF DRAFT-LAWS-ACTS**

**Article 1**

**Purpose of the administrative instruction**

- 1.1** With this Administrative Instruction are determinate rules, forms and procedures of legislation initiative, procedure and work methodology for preparing the Draft-Laws and other legislation instruments (forth Draft-Law-act) in Ministry of Labor and Social Welfare (forth MLSW).
- 1.2** Regulation and procedures of this Instruction may be implemented also for compiling and preparing of other general documents of MLSW.

**Article 2**

**Definitions of some terms in this instrucion**

- 2.1** To understand this Administrative Instruction, below used terms, are determinate as follows:

- 2.2 “Legislation initiative” is to exercise the legal right to propose, compile and to present for approval one Draft Law-act for relevant field, this mandate have MLSW.
- 2.3 “Normative Act” imports each act who determinate general regulations for efficient function of work and procedures of MLSW.
- 2.4 “Draft-Act” imports each normative act that is in preparing procedure; still not approved from Minister, Permanent Secretary or other mechanism who are authorized for approval of draft act.
- 2.5 “Ministry” imports the Ministry of Labor and Social Welfare.
- 2.6 “Initiative Department” is respective Department of MLSW who proposed and starts procedures for compiling of the draft-law-act from relevant field.
- 2.7 “Concept idea” imports anticipatory estimation of politics and strategies, on the occasion of proposing of draft laws ore other legal acts.
- 2.8 “Explanatory memorandum” is written documents, through that justify the necessary of existing of one law ore act.
- 2.9 “Permanent Secretary” imports Permanent Secretary of Ministry of Labor and Social Welfare.
- 2.10 “Matrix of Draft-acts” is register of all draft law acts, initiate, on process or completed, for fixed time interval.

### **Article 3**

#### **Richt for legislation initiative of MLSW**

- 3.1 The right for legislation initiative of MLSW has:
- Minister of MLSW
  - Permanent Secretary of MLSW
  - Head chief of Executive Agency
  - Director of Department
  - Chief of Legal Office of MLSW
- 3.2 Minister and Permanent Secretary can commit this legislation initiative in any case and moment, when this right is not committed by Head chief of Agency, Director of Department or Chief of Legal Office.
- 3.3 Minister through the Permanent Secretary can authorize each high civil officer of MLSW, who are competent according to point 3 of this article for relevant fields to start legislation initiative.

- 3.4** Legislation Initiative can commit from some directors together, when the draft-law-act regulates two or more fields of MLSW relevant linked fields.

#### **Article 4**

##### **Presentation of concept idea(politics estimation)**

- 4.1** Before the presentation of legislation initiative, Initiator Department or other initiators of legislation initiative must present the concept idea or anticipatory estimate of politics, linked with proposed draft law act.
- 4.2** When the Minister or Permanent Secretary are the initiator of legislation initiative then the concept idea is prepared by Executive Agency-Department of relevant fields.

#### **Article 5**

##### **Content of concept idea**

- 5.1** Concept idea or anticipatory estimate of politics for draft law-act must include:
- Purpose of Draft-law-act
  - Agreement of Draft-law-act with Government Program.
  - Undertaken reasons of legislation initiative, clear identification of the problems.
  - Support Projects for necessary implementation of draft law act after approval of the draft law act.
  - Expected politics and socio-economic impact after starting the implementation of Draft law act (success indicators).

#### **Article 6**

##### **Matrix of the draft laws-acts**

- 6.1** Legislation initiative usually must be commit in the beginning of every three months of respective year, by reason of approval of draft laws acts for next three months.
- 6.2** Preparing process of Matrix, through Legal Office control and coordinate Permanent Secretary also send for approval to Minister of MLSW.
- 6.3** After the approval of Matrix of Legal Projects, Director of Agency-Department, in consulting with Legal Office of MLSW, nominate professional officers for compiling and preparing of laws – under laws projects.

- 6.4** Permanent Secretary in consulting with chief of legal office of MLSW fix deadline for finishing the work on draft law act.

## **Article 7**

### **Role and tasks of legal office on preparing the draft laws-acts**

- 7.1** After the concept idea of relevant draft law acts is approved by Minister of MLSW, Legal Office of MLSW assume to coordinate the work for compiling and preparing of the draft law –act of MLSW.
- 7.2** Legal Office of MLSW which work next to the Permanent Secretary, organize consultative meeting with initiator Department of legislation initiative or with other initiator of legislation initiative.
- 7.3** In meeting organized by Legal Office with initiator Department, will be debate for establishing of experts working group regarding to compile the draft law act.
- 7.4** Orientation principle for selection of member's expert for working group will be professional experience and direct connection of expert with field which will be regulated with Draft-law-act.
- 7.5** In the case of eventual disagreements about structure and composition of expert working group, then the Permanent Secretary decide for definitive structure of working group.
- 7.6** For the administrative, technical work and for intercommunication work with organization structure of Kosova Government, Legal Office of MLSW will be used like secretariat of working group.

## **Article 8**

### **Constitution of working group**

- 8.1** After the nomination of working group members, legal office chief introduce the composition of working group to the Permanent Secretary for approving.
- 8.2** Permanent Secretary nominate the chief of working group, who must be from initiatory Department, in special cases with request of Minister of MLSW also the chief can be from Cabinet of Minister
- 8.3** Working group is composed at least from five members:
- three members from Agency – initiatory Department
  - one member from Cabinet of Minister
  - one jurist from Legal Office of MLSW

- 8.4** Members of working group from initiatory Department are responsible for preparing of draft-law-act, member from Cabinet of Minister is responsible for politics determination of project, and meanwhile the jurist from Legal Office is responsible for juridical elaboration correctness of project.
- 8.5** Working group in fixed cases can ask for professional help from inside experts of MLSW or from specialist of other institutions in Kosova.
- 8.6** Working group have a meeting at least one time in the week, and in fixed cases with request of Permanent Secretary two time in the week.
- 8.7** For engagement of overtime work, dependent from holding séance, with decision of Permanent Secretary, members of working groups except the payment according to the full time work, can be recompensed with extra payment.
- 8.8** For working methodology and efficient function of group, members of working group can establish special rules.

## **Article 9**

### **Other obligations of working group**

- 9.1** Except compiling the draft-law-act, other obligations of Working Group are:
- to prepare the document for estimation of political consolidation
  - to prepare the document for anticipatory juridical estimation
  - to prepare the Explanatory Memorandum
- 9.2** Political estimation builds according to the concept idea from article 5 of this Instruction.
- 9.3** Anticipatory juridical estimation of draft-law-act contains:
- Anticipatory estimation of project compatibility with Resolution of Security Council 1244, Frame Constitution, International Standards, and other applicable laws in our country.
  - Applicable laws which must be change with purpose of their harmonization with prepared draft-law-act.
  - Bases act which must be used for legislation initiative.
  - Register of acts which must be prepared as necessary for efficient implementation of draft-law-act.
  - Mechanisms which are charged for implementation of draft-law-act.
- 9.4** Every draft-law-act must be followed with Explanatory Memorandum, which is compiled according to the legal and politics estimations. Explanatory Memorandum of draft-law-act contains and other study and analytic elements for field which is regulated by the draft-law-act.

- 9.5** Chief of working group together with professional managerial staff of initiatory Department prepares the Explanatory Memorandum, then the Legal Office make the elaboration.

## **Article 10**

### **Anticipatory estimation of draft law-act**

- 10.1** After finishing the Draft-law-act and other documents definite in article 9 of this Instruction, chief of Legal Office in consultation with Permanent Secretary draft-law-act send for estimation inside and outside of MLSW.
- 10.2** Thought and estimation of organization structure of MLSW about the draft-law-act must send to the Legal Office on date from 7 days, for Governor Institutions and Non Governor Institutions date is 15 days, from day of taking of the draft-law-act. Not given the thought and estimation on mentioned date will be considered as positive thought for draft-law-act.
- 10.3** Proposals, recommendations and suggestions from inside and outside mechanisms which will have influence in capacity advance of draft-law-act, working group will incorporate in draft-law-act.

## **Article 11**

### **Extra activity's after finishing the draft law-act**

- 11.1** After finishing the Draft-law-act and Explanatory Memorandum, chief of Legal Office prepared Project must send to the Permanent Secretary.
- 11.2** Permanent Secretary can intervene on prepared Project, proposing for new solutions ore alternatives. In default of new propos, Permanent Secretary sends the Draft-law-act to the Minister of MLSW for approval.  
After the discussion of Draft-law-act at Minister Cabinet, if is necessary Minister can return Project for afterthought and revise, with justified decision for afterthought.

## **Article 12**

### **Sending the draft law-act the prime-ministry**

- 12.1** After approval of Draft-law-act from Minister, Legal Office in consultation with Permanent Secretary, Draft of Project sends to the Prime Minister Legal Office and to the Permanent Secretary of Prime-Ministry.

**12.2** Draft-law-act sends to the Prime-Ministry, must append those documents:

- Explanatory Memorandum
- Opinions of other Ministry's
- Specify expenses for implementation
- Other documents according to needs.

### **Article 13**

#### **Temporary provisions**

**13.1** For advance of work effectiveness and authentic function of working group, Legal Office of MLSW shall prepare the following documents:

- Model form of Concept idea for draft-law-act
- Model form of Legislative Project Matrix
- Model form for political estimations of draft-law-act
- Model form for juristic estimations of draft-law-act
- All documents which advance compiling efficiency of draft-law-act of MLSW.

### **Article 14**

#### **Enter in force**

**14.1** This Administrative Instruction will enter in force from the day signed by Minister of MLSW.

**Prishtinë, November 2003**

**Minister of MLSW  
Ahmet Isufi**

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