



**Republika e Kosovës  
Republika Kosova – Republic of Kosovo**

**AGJENCIA KUNDËR KORRUPSIONIT  
AGENCIJA PROTIV KORRUPCIJE  
ANTI - CORRUPTION AGENCY**



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# **ANNUAL WORK REPORT**

## **1 January – 31 December 2018**

*Prishtina, March 2019*

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## LIST OF ABBREVIATIONS

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|                |   |
|----------------|---|
| <b>ACA</b>     | Anti-Corruption Agency  |
| <b>KPA</b>     | Kosovo Property Agency  |
| <b>KBRA</b>    | Kosovo Business Registration Agency                                     |
| <b>CRA</b>     | Civil Registry Agency   |
| <b>SAKA</b>    | State Agency of Kosovo Archive  |
| <b>EU</b>      | European Union  |
| <b>EBRD</b>    | European Bank for Reconstruction and Development                        |
| <b>BRC</b>     | Bratislava Region Centre  |
| <b>D+</b>      | Democracy Plus non-governmental organization                            |
| <b>SACD</b>    | Special Anti-Corruption Department                                      |
| <b>DIECC</b>   | Directorate for Investigation of Economic Crimes and Corruption, Kosovo |
| <b>Police</b>  |   |
| <b>FIU</b>     | Financial Investigation Unit  |
| <b>FLSA</b>    | Financial Law Smart Agency  |
| <b>GLPS</b>    | Group for Legal and Political Studies                                   |
| <b>CC</b>      | Constitutional Court  |
| <b>BC</b>      | Basic Court   |
| <b>KIPA</b>    | Kosovo Institute for Public Administration                              |
| <b>KJI</b>     | Kosovo Justice Institute  |
| <b>KPI</b>     | Kosovo Police Inspectorate  |
| <b>KDI</b>     | Kosovo Democratic Institute   |
| <b>KEK</b>     | Kosovo Energy Corporation   |
| <b>KJC</b>     | Kosovo Judicial Council   |
| <b>KPC</b>     | Kosovo Prosecutorial Council  |
| <b>CPCCK</b>   | Criminal Procedure Code of Kosovo                                       |
| <b>CEC</b>     | Central Election Commission   |
| <b>PPRC</b>    | Public Procurement Regulation Commission                                |
| <b>LDC</b>     | Leadership and Development Consultancy                                  |
| <b>MPA</b>     | Ministry of Public Administration                                       |
| <b>MEST</b>    | Ministry of Education, Science and Technology                           |
| <b>MoJ</b>     | Ministry of Justice   |
| <b>MDA</b>     | Management Development Association                                      |
| <b>MoF</b>     | Ministry of Finance   |
| <b>MKSF</b>    | Ministry for the Kosovo Security Force                                  |
| <b>MESP</b>    | Ministry of Environment and Spatial Planning                            |
| <b>MIA</b>     | Ministry of Internal Affairs  |
| <b>MoH</b>     | Ministry of Health  |
| <b>MTI</b>     | Ministry of Trade and Industry  |
| <b>FIU</b>     | Financial Intelligence Unit   |
| <b>POEPMU</b>  | Publicly-Owned Enterprises Policy and Monitoring Unit                   |
| <b>EO</b>      | Economic Operator   |
| <b>OSCE</b>    | Organization for Security and Co-operation in Europe                    |
| <b>PRB</b>     | Procurement Review Body   |
| <b>PECK II</b> | Project against Economic Crime in Kosovo II                             |
| <b>KP</b>      | Kosovo Police   |
| <b>MPP</b>     | Municipal Public Prosecution  |
| <b>DPP</b>     | District Public Prosecution   |
| <b>SPRK</b>    | Special Prosecution of the Republic of Kosovo                           |

|                |  |
|----------------|--|
| <b>SP</b>      | State Prosecution  |
| <b>BP</b>      | Basic Prosecution  |
| <b>KCPSD</b>   | Kosovo Centre for Public Security, Education and Development |
| <b>RAI</b>     | Regional Anti-Corruption Initiative                          |
| <b>RESPA</b>   | Regional School for Public Administration                    |
| <b>SAEK II</b> | Support the Anti-Corruption Efforts in Kosovo II             |
| <b>SACIK</b>   | Support Anti-Corruption Institutions of Kosovo               |
| <b>SAP</b>     | Anti-Corruption Agency Strategy and Action Plan              |
| <b>TI</b>      | Transparency International                                   |
| <b>UNDP</b>    | United Nations Development Program                           |
| <b>UP</b>      | University of Prishtina                                      |
| <b>USAID</b>   | United States Aid for International Development              |
| <b>OPM</b>     | Office of the Prime Minister                                 |
| <b>ORCI</b>    | Office for Relations, Cooperation and Information            |
| <b>ODP</b>     | Office of Disciplinary Prosecutor                            |

## I. EXECUTIVE OVERVIEW

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Pursuant to Article 12 of the Law No. 03/L-159 on Anti-Corruption Agency, the Agency shall submit the Annual Work Report for the previous year to the Assembly of the Republic of Kosovo, namely to the Committee on Legislation, Mandates, Immunities, and Rules of Procedure of the Assembly and Oversight of the Anti-Corruption Agency. The Annual Report shall present the activities, achievements and challenges of the ACA for 2018.

The Report shall focus on the activities listed below:

- ⇒ Implementation of the legal framework in the field of anti-corruption;
- ⇒ Prevention and elimination of causes of corruption through the process of declaration of properties by senior public officials and registration of gifts received, publication of registers of property declaration forms by senior public officials on the ACA's official website;
- ⇒ Prevention of conflict of interest and prevention of corruption in Public Procurement activities;
- ⇒ Follow-up of criminal reports in competent prosecution offices, follow-up of requests for initiation of disciplinary proceedings for alleged administrative violations, monitoring the implementation of the Anti-Corruption Strategy and Action Plan;
- ⇒ Education of public officials and citizens on the legal framework and current mechanisms responsible for preventing and combating corruption.

The Annual Work Plan shall present the institution's efforts in preventing and combating corruption cases and raising public awareness with a view to establishing and promoting order and rule of law. This ratio shall also reflect the relations between the Agency and other institutions, in particular with those of law enforcement, in terms of setting clear priorities for the implementation of the legal framework with the purpose of: combating and preventing corruption, promoting transparency and strengthening institutional integrity.

For reporting purposes, the Annual Work Report shall cover the period 1 January to 31 December 2018.

## II. ABOUT THE AGENCY

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The Agency was established in July 2006 and commenced operation on 12 February 2007. Pursuant to the Law No. 03/L-159 on Anti-Corruption Agency, ACA is an independent and specialized institution responsible for implementing state policies and preventing and combating corruption in Kosovo.

The scope of the Agency is focused on investigations and administrative aspects. ACA carries out the mandate through the process of declaring properties by public senior officials, declaring and registering gifts by public officials, preventing conflict of interest cases in the discharge of a public function, monitoring public procurement activities, drafting and monitoring the implementation of the Anti-Corruption Strategy and Action Plan, detecting and investigating corruption-related cases, efforts to prevent the phenomenon of corruption and increase public awareness with the aim of building a sound society governed by order and law.

Current Law on Anti-Corruption, on the basis of which ACA conducts its activities, provides measures against corruption within the scope of the Anti-Corruption Strategy and Action Plan, particularly in the initial investigation of corruption, analysing and eliminating the causes of corruption, the incompatibility of holding public office and the conduct of the profitable activities by the official persons, restrictions regarding the acceptance of gifts related to the performance of official duties, monitoring of their properties, as well as the persons in close relation to them and restrictions on contracting entities on participation on public tenders.

### 2.1. Legal framework

While implementing its mandate and exercising its powers, ACA is based on the primary and secondary legal framework.

ACA implements its mandate based, but not limited to, the primary legal framework presented below:

- Law No. 03/L-159 on Anti-Corruption Agency;
- Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials;
- Law No. 04/L-228 on Amending and Supplementing the Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials;
- Law No. 06/L-011 on Prevention of Conflicts of Interest in Discharge of a Public Function.

The sub-legal acts based on which ACA's work is organized and which are approved by ACA are as follows:

- Regulation No. 01/2013 on Internal Organization and Systematization of Jobs in the Anti-Corruption Agency;
- Code No. 03/2013 of Ethics for the Anti-Corruption Agency Officials;
- Regulation No. 01/2014 on Rules of Procedure of the Anti-Corruption Agency;

- Regulation No. 02/2014 on the Organization, Operation and Management of the Archives of Anti-Corruption Agency;
- Regulation No. 01/2018 on Amending and Supplementing the Regulation No. 01/2014 on Rules of Procedure of the Anti-Corruption Agency;

## 2.2. Internal organization

The Agency employs 40 officials, including the Director of the Agency. The internal organization is regulated by the Regulation No. 01/2013 on Internal Organization and Systematization of Jobs in the Anti-Corruption Agency. Under this Regulation, the Agency is divided into the following departments and divisions:

1. **Department of Combating Corruption** employs 11 officials and is responsible for conducting the preliminary investigation procedures in cases of suspicion of corruption, analysing of statistical data and other data about the state of corruption in Kosovo, drafting and monitoring the implementation of the Anti-Corruption Strategy and Action, as well as reporting on the implementation of the Agency's tasks determined by other strategic documents.
2. **Department of Prevention of Corruption** employs 15 officials and is responsible to oversee the property, oversee gifts, prevent conflict of interest and prevent corruption in public procurement and corruption in general.
3. **Division of General Operations and Finances** employs 5 officials and is responsible for managing and maintaining of material resources, provision of administrative services, finance and budget management and logistics of the Agency.
4. **Office for Support, Cooperation and Information** employs 4 officials and is responsible to provide professional and technical and administrative support to the staff of the Agency.

ACA Organizational Chart is shown graphically in [Annex I](#).

The following two commissions are established within ACA in accordance with the legal provisions of the Civil Service: Disciplinary Commission and Commission for Dispute Settlements and Appeals. These two commissions did not receive any appeals during 2018.

### III. DEPARTMENT OF COMBATING CORRUPTION

In accordance with the provisions of the Law No. 03/L-159 on Anti-Corruption Agency and secondary legislation, the work of the Department of Combating Corruption within the ACA is carried out through (1) implementing the legal framework, (2) drafting and monitoring the Anti-Corruption Strategy and Action Plan, (3) improving the legal framework and (4) raising public awareness.

#### 3.1. Law enforcement

The Department of Combating Corruption within ACA is responsible for law enforcement and conducts the following activities:

- ⇒ Conducting preliminary investigations related to the allegations of corruption in the cases when no criminal procedure is initiated by any other mechanism;
- ⇒ Proceeding the investigated cases to the competent public prosecution office for further criminal proceeding, as well as forwarding the requests for initiation of disciplinary proceedings in relation to allegations for administrative violations;
- ⇒ Cooperation with all local and international authorities responsible for law enforcement during the investigation proceedings conducted by these authorities.

#### 3.2. Conducting investigations

During this reporting period, the priority of the Department of Combating Corruption was the admission, ex officio initiation and preliminary investigation of suspected cases of corruption. Consequently, cases reported by citizens have been investigated, as well as cases which were initiated ex officio when ACA found grounded information on potential corrupt activities.

In relation to investigated cases with allegations on potential corruption, and final decisions during this reporting period, the general overview is presented below.

#### 3.3. Cases reported to ACA during 2018

During the reporting year, ACA received information from citizens regarding allegations of corruption activities through different ways of reporting. Citizens can report suspected corruption cases in several ways, such as direct reporting via the free hotline **0800 10 800**, reporting via mail and e-mail (online form) on [www.akk-ks.org](http://www.akk-ks.org). For persons who in good faith have disclosed information on the existence of corruption and in order to prevent harmful consequences to them, the ACA has enabled them to report cases of alleged corruption anonymously in order to protect the identity of reporters and encourage citizens to report these cases.

During 2018, ACA has conducted preliminary investigation procedures in a total of 390 cases, of which 139 are carried from previous years, whereas in 2018 ACA received 251 new cases. Of these cases, 114 were preceded to the Prosecution Office, Police and Tax Administration of Kosovo for further proceeding, 12 were preceded to competent administrative bodies with a request for initiation of disciplinary proceeding, and 162 cases

were closed, while 102 cases are in proceeding. Total number of handled anonymous reporting is 30. During the reporting year, the Agency handled a total of 149 cases initiated *ex-officio*.

The following chart represents the proceeding of 390 cases handled during 2018.

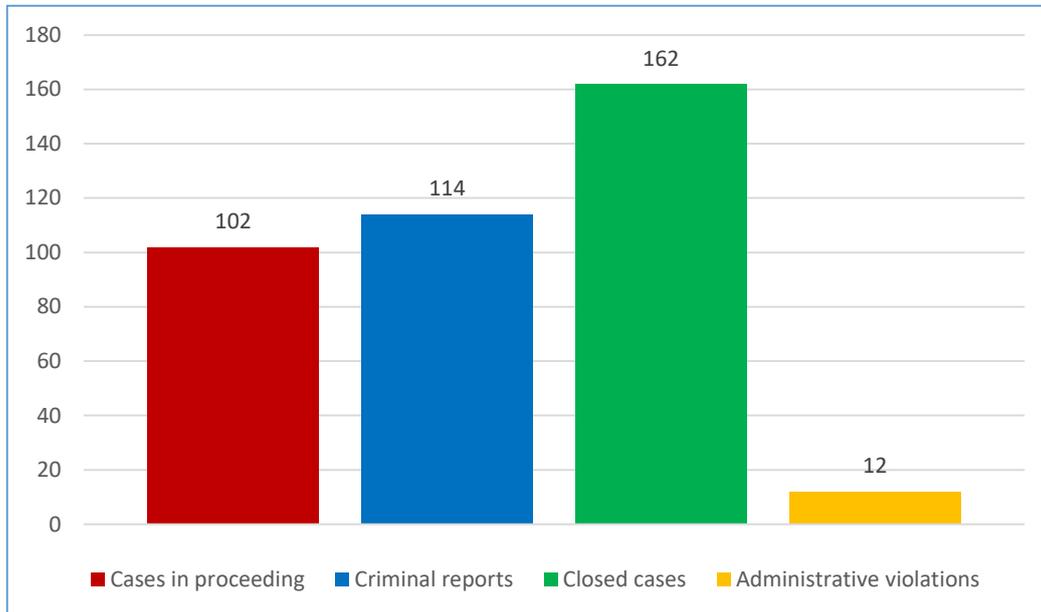


Chart 1. Overview of the proceeding cases handled during 2018

### 3.4. Cases forwarded to competent institutions for further proceeding

During the reporting period, 114 information and criminal charges were forwarded to competent institutions for further proceeding.

Out of them, 105 criminal charges were forwarded to the Office of the Chief State Prosecutor, for which the Office of the Chief State Prosecutor notified the Agency that they are delegated to the competence of the respective prosecution offices.

Five sets of information were forwarded to DIECC, whereas 3 sets of information were forwarded to the State Prosecution and 1 set of information to the Tax Administration of Kosovo (TAK).

Furthermore, in twelve (12) cases, following the completion of preliminary investigation proceedings, it is determined that there is no sufficient data and/or reasonable suspicion that the case could constitute a criminal offence, however, it is alleged for administrative violation, and the Agency forwarded these cases to the competent administrative bodies, with a request to initiate disciplinary proceedings.

The value of the damage caused by cases forwarded to competent prosecution offices, police and TAK is not specified.

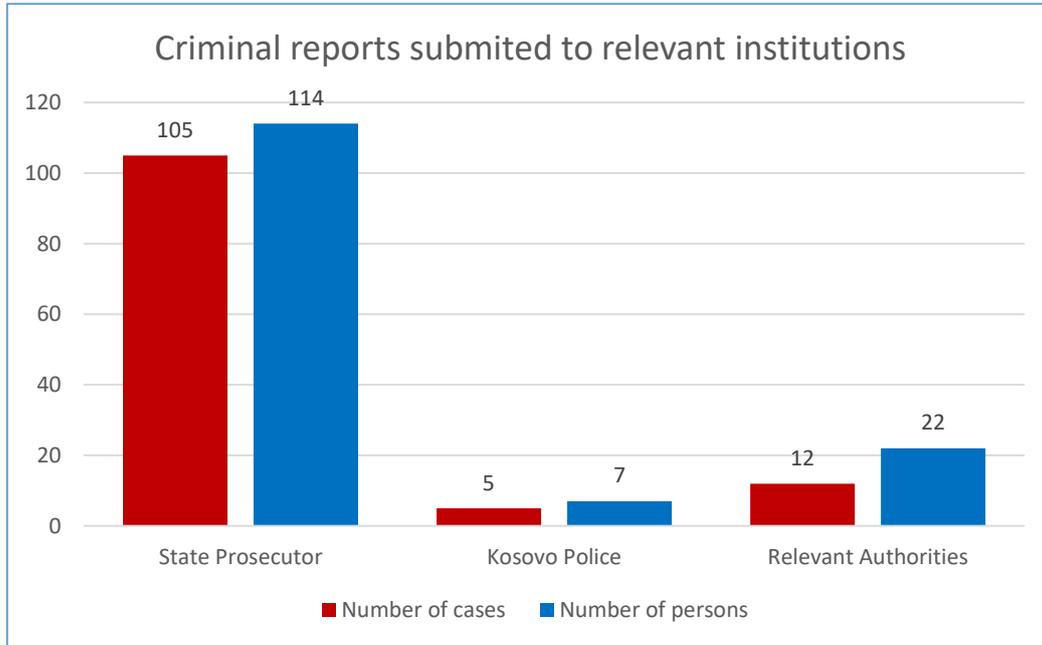
### 3.5. Persons suspected for corruptive activities

In the 114 cases forwarded to public prosecution offices, Kosovo Police and TAK for further criminal proceeding after the establishment that there are sufficient data or/and grounded suspicions for involvement in corruptive activities, ACA reported 121 persons. Of them, 114 persons were forwarded to the Office of the Chief State Prosecutor, and 7 persons to DIECC -

Kosovo Police. In a case forwarded to the Tax Administration of Kosovo, ACA has failed to identify the persons and the case was forwarded based on allegations only.

During the reporting period, ACA also forwarded 12 cases to the competent administrative bodies with the request to initiate disciplinary proceedings against 22 officials of the institutions of the Republic of Kosovo.

The chart on the following page shows the number of criminal charges and number of involved persons for cases forwarded to relevant institutions.



*Chart 2. Overview of criminal charges and number of involved persons forwarded to the relevant institutions*

### 3.6. Cases proceeded according to the structure of criminal offenses

Among the 114 cases proceeded to Prosecution Office, DIECC - Kosovo Police and TAK for further proceeding, some of them consist of two or more offences. Criminal offences mainly belong to Chapter XXXIV on official corruption and criminal offences against official duty under the Criminal Code of Kosovo. In 5 cases (4 in DIECC and 1 in TAK), alleged actions could not be qualified as to what criminal offences they represented due to exceeding the Agency's investigative opportunities and competencies.

The structure of criminal offences forwarded to the competent institutions and the level of suspected officials was as follows:

- ⇒ Not-reporting or falsely reporting of properties, incomes, gifts and other material benefits or financial obligations - The highest number of cases forwarded to the prosecution office constitute actions sanctioned under Article 437 of the Criminal Code of Kosovo.
- ⇒ Abuse of official position or authority - From the total number of cases forwarded to Prosecution Offices and DIECC - Kosovo Police, corruption actions, foreseen under Article 422 of the CCK, constitute the second highest share of offences. In one case, this criminal offence was accompanied by other criminal acts, such as: Conflict of Interest (Article 424 of the Criminal Code of Kosovo).

⇒ Conflict of interest - According to this criminal offence specified in Article 424 of the Criminal Code of Kosovo, only one (1) case was forwarded to the competent Prosecution.

Persons involved in these cases are from different levels, such as: member of parliament, deputy minister, advisers to the ministers, ambassadors, advisors and secretaries in embassies, mayors, chairpersons of municipal assemblies, advisors of municipal assemblies, chairpersons, deputy chairpersons and members of the steering committee at the public university, deans and pro deans in faculties of public universities, judges, auditors, directors in executive agencies within ministries, members of the governing councils of the subordinate institutions within the ministries, directors of ministry departments, managers and procurement officials, directors of municipal directorates, local financial officers, directors of clinics, directors and board members of public enterprises, secretaries of public enterprises, etc.

Following the completion of the preliminary investigation procedure, the Agency during the reporting period issued an opinion addressed to the relevant institutions of the Republic of Kosovo, as follows:

- Opinion on taking measures to regulate the procedure to attend the specialization within the University Clinical centre of Kosovo for candidates financed from the budget of the Municipality and for candidates who work on a regular contract at the Family Medicine centre.

Regarding the 12 cases followed by requests for initiation of disciplinary proceedings by ACA, the competent administrative institutions have issued verbal remarks to 3 cases and written remarks to 2 cases. In 2 cases, the competent institutions have rejected the requests of the ACA for taking disciplinary measures on the grounds that the conditions for imposing any disciplinary measure foreseen in Regulation No. 04/2011 on Disciplinary Procedures in the Civil Service have not been met. Disciplinary procedures are being developed in 2 other cases and in 3 cases, ACA has not received any information.

### **3.7. Characteristics of the violations found during the preliminary investigation**

ACA has conducted preliminary investigations regarding allegations of corruptive activities, i.e. in respect of offenses from Chapter XXXIV of CCK – official corruption and criminal offences against official duty. Despite a general institutional commitment, corruption offences continue to constitute the lowest number of criminal cases investigated by the prosecution bodies but also constitute criminal offences for which least convictions were imposed.

Characteristic of investigated cases dealing with the criminal offense of *Abuse of Official Position or Authority* from Article 422 of the CCK is the abuse of official duty or authority by the official who, by acting or non-acting, violate the applicable laws in order to obtain any benefit for himself/herself or another person, or with the purpose to harm the other persons or certain business, or severely violate the rights of the other person, exceeds the powers and disregards official duties.

The actions or omissions mentioned refer to violations such as:

- Lease of municipal immovable property to certain political entities at very low price and contrary to the legislation in force.
- Advancement of certain officials without adhering to relevant applicable provisions.
- Selection of personnel and engagement of external collaborators without meeting the foreseen criteria and contrary to the applicable legislation.
- Submission of a request for supply of goods and allowing supply from the budget of the public institution without assessing the need for such a supply, when it was established that the same goods were not included in the project for which the supply was carried out.

The criminal offence *Abuse of Official Position or Authority* accompanied by other criminal offences mentioned above also characterize the cases investigated for other violations such as: decisions for payment of incentives for work efficiency, etc.

Some other activities that characterize this criminal offence due to their nature are not presented because their publication could damage the process of further investigation.

Conflict of Interest - under Article 424 of the CCK, is a new criminal offence with is set forth in Criminal Code of Kosovo, which enter in force from 01 January 2013. This offence is characterized by the participation of an official person in the signing of the act appointing his brother in the position of Personnel Manager, in the institution led by the official person.

Not-reporting or falsely reporting of properties, incomes, gifts and other material benefits or financial obligations - under Article 437 of the CCK, is a new criminal offense stipulated in the Criminal Code of Kosovo which entered into force on 01 January 2013. A characteristic of investigated cases pertaining to this offense is failure to declare property within the determined time limits pursuant to applicable law (according to the regular annual declaration, declaration upon taking office, declaration after the termination or dismissal from office, and according to the ACA's request) and failure to present required data such as immovable property, movable property worth over three thousand (3000) Euro, owning shares in business organizations, securities, savings in the bank and other financial institutions, financial obligations to natural and legal persons and annual incomes, as well as counterfeiting or false reporting.

### **3.8. Cases forwarded by years when the alleged corruption activity was committed**

In the reporting period, the cases for which ACA investigation found evidence confirming the suspicions of corrupt actions which were referred to further criminal proceedings to the competent institutions belonged to different years of committing them, from 2014-2018.

### **3.9. Cease of investigation and case dismissal**

ACA has continued to cooperate closely with law enforcement agencies. The prosecution based on its mandate has continued to seek additional evidence to go beyond reasonable and based doubt with regard to the establishment of the criminal offence elements. Despite the progress made compared to criminal reports by ACA, during this reporting period the Prosecution Offices have dropped criminal reports or have ceased investigations in a number of cases.

Legal provisions in force envisage the cease of investigations and dismissal of cases initiated during the investigation phase. Cases have been dismissed by the prosecution on the basis of several justifications:

1. ACA suspicions of committed corruption offences pose no offence but the same are considered and established as administrative violations;
2. Filed criminal charges by ACA have been neglected, and as a result, the term of criminal prosecution expired and/or the offence became prescribed;
3. Direct will that the senior public official has committed the offence for which ACA has filed criminal charges has not been established;

In criminal offense '*non-reporting or false reporting of property, incomes, gifts, other material benefits or financial obligations*' justification on cease of investigation by the Prosecutor's Office are as follows:

1. Non-awareness of the senior public official that he/she should also declare the property of family members, or even that the property was acquired during the time he/she was a senior public official;
2. Untimely information of the senior public official by the contact points with regards to their legal obligations for declaration of properties;
3. Senior public official has been on a visit abroad;
4. Suspension of a contact person has led to late submission of ACA forms, etc.
5. Senior official's commitments were the reason behind the delay in submitting the property declaration form to the ACA within the due legal deadline;

Among others, the justifications of Judgments on Rejection by Courts with regard to cases initiated were the withdrawal of the prosecution.

### 3.10. Aspects related to handling the cases in the court

From the information received from the respective courts regarding the cases suspected for corruption, according to the indictments filed by the competent Prosecutions offices on the basis of criminal charges forwarded by ACA, we were informed about their decisions that for 90 indictments, there have been 56 punitive judgments, 14 acquittal judgments, 18 judgments on rejection and 2 rulings on dismissal issued. In 3 cases, the Court of Appeal rejected the appeal of the defendants where it verified the Punitive Judgments of the Basic Courts in Gjakova, Gjilan and Mitrovica, while in 1 case the Court of Appeal accepted the appeal of the defendant as grounded and returned the same case to retrial in the Basic Court in Prishtina, and also in 1 case the Court of Appeal accepted the appeal of State Prosecutor as grounded and returned the same case to retrial in the Basic Court in Prishtina.

According to the Courts, the following data in table order are as follows:

| No.    | Institution   | Punitive judgment | Acquittal judgments | Judgment on rejection | Ruling on dismissal |
|--------|---------------|-------------------|---------------------|-----------------------|---------------------|
| 1      | BC. Prishtina | 38                | 4                   | 15                    | -                   |
| 2      | BC. Prizren   | 1                 | 3                   | 3                     | -                   |
| 3      | BC. Gjilan    | 5                 | 2                   | -                     | 2                   |
| 4      | BC. Gjakova   | 7                 | 1                   | -                     | -                   |
| 5      | BC. Mitrovica | 3                 | 2                   | -                     | -                   |
| 6      | BC. Peja      | 1                 | 1                   | -                     | -                   |
| 7      | BC. Ferizaj   | 1                 | 1                   | -                     | -                   |
| TOTAL: |               | 56                | 14                  | 18                    | 2                   |

Table 2. Court decisions pursuant to Article 437 of CCK

With punitive judgments, the Courts have imposed suspended sentences (fines and imprisonment), and there are cases where judicial admonition are imposed. The fines that were imposed were in the amount from 150 euros to 2000 euros, while imprisonment ranged from 2 months to 6 months. Fines were set to be paid mainly after the judgments are final and in some cases in instalments, from 4 to 7 instalments, with the possibility of revocation in imprisonment, where 20 euros will be calculated with one day of imprisonment if the defendant does not pay it and the same cannot be executed with enforcement. The Courts imposed imprisonment sentences as suspended sentences, by ordering them not to be executed if convicts do not commit another criminal offense for the time of verification, mainly within 1 and 2 years, or have turned them into fines. There are cases where the Court has imposed a punishment of effective imprisonment, which by agreement between the Court and the convicts have been replaced with a fine.

Punitive judgments refer to the criminal offense under Article 437 of the Criminal Code of Kosovo, where 45 cases are for non-disclosure of property under paragraph 1 of this Article, namely 25 cases are for non-regular declaration of property, 3 cases for non-declaration upon taking the office, 17 cases of non-disclosure after termination of the function and 11 cases of false declaration of property or non-disclosure of the required data in the declaration under paragraph 2 of this article, namely 2 for inaccurate declaration of annual revenues, 6 for not declaring a business (ownership of shares in a business organization), 1 for inaccurate declaration of movable property (vehicle) and 2 for inaccurate declaration of immovable property.

The Courts in 5 cases, through acquittal judgement, have acquitted the defendants for non-declaration of the property, namely 4 cases for non-regular annual declaration of property and 1 for non-declaration after termination of function, and 7 cases for false declaration of property or failure to declare the required data in the declaration, namely 3 cases for inaccurate declaration of the annual revenues, 2 for non-declaration of the business (ownership of the shares in the business organization) and 2 for inaccurate declaration of immovable property as well as 2 for the criminal offense Abuse of position or the Official Authority from Article 422 namely Abuse of official position or authorization from Article 339 of the CPOK.

Judgments on rejection were rendered on 18 cases, 17 for the criminal offense under Article 437 of the Criminal Code of Kosovo, namely 12 from paragraph 1 of this article (6 for non-declaration in regular deadline, 3 for non-declaration upon taking the office and 3 for non-declaration after termination of the function), as well as 5 from paragraph 2 of this Article (3 for inaccurate declaration of annual revenues, 1 for non-declaration of a business (ownership of shares in a business organization) and 1 for inaccurate declaration of movable property (vehicle), and 1 for the criminal offense Abuse of the official position or authorization from Article 339 of the CPOK.

Judgement on dismissal was rendered in 1 case for the criminal offense of Abuse of official position or authorization from Article 339 of the CPOK due to the absolute prescription of criminal prosecution and the procedure was dismissed, and in 1 case for regular annual non-declaration of property on the grounds that there is insufficient evidence for a suspicion for the criminal offense.

### 3.11. Closed cases

During the reporting period, ACA, after conducting the preliminary investigations, has closed 93 cases. Reasons for their closure are as follows:

- ⇒ 139 cases were closed because after conducting preliminary investigations, it was concluded that there are not sufficient data and/or grounded suspicion that the case constitutes a criminal offence or administrative offence;
- ⇒ 6 cases were closed in accordance with applicable legal framework, because the Agency had no power to conduct the proceeding of preliminary investigation; and
- ⇒ 17 cases were closed because the criminal proceedings were being held by the competent bodies, where out of them: 3 cases by the Special Prosecution, 5 cases by the Basic Prosecution in Prishtina, 2 cases by the Basic Prosecution in Gjakova, 1 case by the Basic Prosecution in Gjilan, 1 case by the Basic Prosecution in Ferizaj, 5 cases by DIECC – Kosovo Police (4 by DIECC – and 1 case by UIECC in Mitrovica).

## IV. PREVENTION OF CORRUPTION

### 4.1. Declaration and control of properties and declaration of gifts

The legal basis on which ACA supports its work to monitor the property of senior public officials is defined by the Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Official and Declaration, Origin and Control of Gifts for all Public Officials, as well as the Law No. 04/L-228 on Amending and Supplementing the Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Official and Declaration, Origin and Control of Gifts for all Public Officials.

ACA monitors the property of senior public officials based on information submitted by senior public officials in a special form, which is prepared by ACA in accordance with the applicable law. Forms must be filled by senior public officials and submitted to ACA.

### 4.2. Types of asset declaration

Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Official and Declaration, Origin and Control of Gifts for all Public Officials and Law No. 04/L-228 on Amending and Supplementing the Law No. 04/L-050 determine the following declarations:

- Regular annual declaration;
- Declaration upon taking the Office;
- Declaration upon the request of the Agency;
- Declaration after the termination or dismissal from office.

Regular annual declaration - Senior public officials have the obligation to do the regular annual declaration of properties during the entire work period in public service and within the time limits determined by the law. Senior public officials are obliged to declare the status of their properties to ACA, from 1 to 31 March of each year, for the previous year from 1 January to 31 December. For this period of time or regular annual declaration for 2018, 4737 senior public officials were obliged to declare their properties. Out of this total number, 4660 or 98.37% have declared their properties, whereas 77 senior public officials have not declared their properties (46 have declared their property after the deadline; 25 have not declared their property; 6 have not declared their property with the reason) or 1.63%.

The overall status of the regular annual asset declaration process for the reporting period is presented in the table below:

| Institutions        | Number of officials | Declared     |            | Failed to declare                             |                                |                               | Percentage |
|---------------------|---------------------|--------------|------------|---|--------------------------------|-------------------------------|------------|
|                     |                     | Declarations | Percentage | Have declared the property after the deadline | Have not declared the property | Non-declaration with a reason |            |
| <b>Presidency</b>   | 19                  | 19           | 100%       | 0   | 0                              | 0                             | 0%         |
| <b>Assembly</b>     | 154                 | 153          | 99.35%     | 1   | 0                              | 0                             | 0.65%      |
| <b>Government</b>   | 1470                | 1437         | 97.75%     | 21  | 9                              | 3                             | 2.25%      |
| <b>Courts</b>       | 433                 | 430          | 99.30%     | 1   | 0                              | 2                             | 0.70%      |
| <b>Prosecutions</b> | 204                 | 202          | 99.01%     | 2   | 0                              | 0                             | 0.99%      |
| <b>Independent</b>  | 485                 | 483          | 99.58%     | 2   | 0                              | 0                             | 0.42%      |

|                                 |             |             |               |           |           |          |              |
|---------------------------------|-------------|-------------|---------------|-----------|-----------|----------|--------------|
| <b>Institutions</b>             |             |             |               |           |           |          |              |
| <b>Municipalities of Kosovo</b> | 1616        | 1582        | 97.89%        | 17        | 16        | 1        | 2.11%        |
| <b>Public Enterprises</b>       | 356         | 354         | 99.43%        | 2         | 0         | 0        | 0.57%        |
| <b>Total:</b>                   | <b>4737</b> | <b>4660</b> | <b>98.37%</b> | <b>46</b> | <b>25</b> | <b>6</b> | <b>1.63%</b> |

Table 3. Regular annual declaration

**Declaration of senior public official upon taking the office** - Senior public officials who start working in public service, in a full and real manner declare in writing their properties within the legal deadline. The contact official is required that within fifteen (15) days to notify the ACA for commencement or completion of the employment of the senior public official, while the senior official is obliged to declare his/her properties within 30 days after taking the official duty.

During the reporting year, 280 senior public officials had the obligation to declare their assets upon taking office, in which case 278 senior public officials declared their assets, whereas 2 senior public officials have not declared their assets.

The overall status for 2018 for asset declaration upon taking the office is shown in the table below:

| <b>Institutions</b>             | <b>Number of officials</b> | <b>Declared</b> | <b>Failed to declare</b> | <b>Percentages %</b> |
|---------------------------------|----------------------------|-----------------|--------------------------|----------------------|
| <b>Presidency</b>               | 0                          | 0               | 0                        | 100%                 |
| <b>Assembly</b>                 | 0                          | 0               | 0                        | 100%                 |
| <b>Government</b>               | 122                        | 120             | 2                        | 98.36%               |
| <b>Courts</b>                   | 0                          | 0               | 0                        | 100%                 |
| <b>Prosecutions</b>             | 0                          | 0               | 0                        | 100%                 |
| <b>Independent Institutions</b> | 41                         | 0               | 0                        | 100%                 |
| <b>Municipalities of Kosovo</b> | 84                         | 0               | 0                        | 100%                 |
| <b>Public Enterprises</b>       | 33                         | 0               | 0                        | 100%                 |
| <b>Total:</b>                   | <b>280</b>                 | <b>278</b>      | <b>2</b>                 | <b>99.28%</b>        |

Table 4. Declaration upon taking the office

**Declaration upon request of the Agency** - ACA may, at any time, require from the senior public official the declaration of assets and its origin in accordance with the Law. During this reporting period, ACA requested from 83 senior public officials to declare their assets upon request.

The state of declaration of assets upon request is presented in the table below:

| <b>Institutions</b>             | <b>Number of officials</b> | <b>Declared</b> | <b>Percentages %</b> |
|---------------------------------|----------------------------|-----------------|----------------------|
| <b>Presidency</b>               | 1                          | 1               | 100%                 |
| <b>Assembly</b>                 | 3                          | 3               | 100%                 |
| <b>Government</b>               | 29                         | 29              | 100%                 |
| <b>Courts</b>                   | 5                          | 5               | 100%                 |
| <b>Prosecutions</b>             | 1                          | 1               | 100%                 |
| <b>Independent Institutions</b> | 6                          | 6               | 100%                 |
| <b>Municipalities of Kosovo</b> | 33                         | 33              | 100%                 |
| <b>Public Enterprises</b>       | 5                          | 5               | 100%                 |
| <b>Total:</b>                   | <b>83</b>                  | <b>83</b>       | <b>100%</b>          |

Table 5. Declaration upon request by ACA

**Declaration of assets upon completion or dismissal from office** - After completion of the work in public service, senior public officials are under obligation of assets declaration within thirty (30) days.

For declaration of assets after dismissal from public function, we have been informed that during this period 253 senior public officials were obliged to declare their assets, in which case 249 senior public officials declared their assets, whereas 4 senior public officials have not declared their assets

The overall status of asset declaration process upon termination or dismissal from a public function is presented in the table below:

| Institutions             | Number of officials | Declared   | Failed to declare | Percentages%  |
|--------------------------|---------------------|------------|-------------------|---------------|
| Presidency               | 0                   | 0          | 0                 | 100%          |
| Assembly                 | 1                   | 1          | 0                 | 100%          |
| Government               | 72                  | 68         | 4                 | 94.44%        |
| Courts                   | 8                   | 8          | 0                 | 100%          |
| Prosecutions             | 6                   | 6          | 0                 |               |
| Independent Institutions | 13                  | 13         | 0                 | 100%          |
| Municipalities of Kosovo | 127                 | 127        | 0                 | 100%          |
| Public Enterprises       | 26                  | 26         | 0                 | 100%          |
| <b>Total:</b>            | <b>253</b>          | <b>249</b> | <b>4</b>          | <b>98.41%</b> |

Table 6. Declaration of assets upon completion or dismissal from office

Based on the data reported during 2018, for all types of asset declaration, 5353 senior public officials were obliged to report their properties.

Overview of the annual declaration for all types of the declarations:

| Type of declaration                      | Obliged     | Declared    | Failed to declare |
|--|-------------|-------------|-------------------|
| Regular annual declaration               | 4737        | 4660        | 77                |
| Upon taking office                       | 280         | 278         | 2                 |
| Upon request                             | 83          | 83          | 0                 |
| Upon completion or dismissal from office | 253         | 249         | 4                 |
| <b>Total number</b>                      | <b>5353</b> | <b>5270</b> | <b>83</b>         |

Table 7. Declaration of assets 2018

The List of Officials who did not declare their properties within the legal deadline is presented in [Annex No. II](#). List of Officials who have declared their property after the legal deadline is presented in [Annex No. III](#). List of officials who did not declare their property within the legal deadline for health and other reasons is presented in [Annex No. IV](#).

### 4.3. Control of asset declaration

Based on its mandate, ACA conducted preliminary control and complete control of asset declaration forms filed by public officials.

**Preliminary control** - Preliminary control is performed for each form in order to verify the existence/non-existence of material errors or wrong filling of the forms. We also made preliminary control during database data entry, where we noticed many mistakes in filling the forms for declaration of assets; we noticed significant mistakes at senior public officials who

declared their properties for the first time, as well as with the officials of the local level institutions.

In cases where we observed minor errors or errors which we could correct through telephone contact, we contacted them and corrected those technical errors. In most cases, we addressed them with an official letter. In 83 cases we noticed technical errors in the asset declaration forms submitted, and we sent official letters whereby requesting the correction or modification of data as required under the form and the applicable legislation.

**Complete control** - Complete control is performed to verify the authenticity and accuracy of the information declared in the form. ACA has a legal obligation to conduct complete control of senior public officials who declare their assets. During the reporting period, ACA has conducted the complete control of 20% from the total number of declarations based on organized draw process as provided in the Law on Asset Declaration. Also, we have handled all information regarding the declaration of assets.

ACA compared the data declared over the years and data received from other institutions, such as: the Business Registration Agency, Kosovo Cadastral Agency, Ministry of Finance, Public Enterprises, Civil Registration Agency, Tax Administration of Kosovo, Private Universities, Financial Investigation Unit, Customs, etc.

From total number of forms of senior public officials with obligation to declare their assets, 950 forms have been controlled, where in 336 cases we noticed changes and we requested additional explanations, and out of these, 30 cases were forwarded in the Department of Combating Corruption, and 3 cases to the Tax Administration of Kosovo.

The Agency handled 10 cases ex officio, or based on information reported by citizens in various forms, where we have requested clarifications from these senior public officials and we have processed 2 cases at the Department of Combating Corruption, and at the Kosovo Police.

The following table presents the complete control process:

| According to the draw list | Ex-officio | Total controlled | No changes | Changes identified | Forwarded to DCD/TAK/Police |
|----------------------------|------------|------------------|------------|--------------------|-----------------------------|
| 950                        | 10         | 960              | 614        | 346                | 35                          |

*Table 8. Complete control of asset declarations, and results from complete control findings*

#### 4.4. Gifts catalogue

Pursuant to the Law no. 04/L-050 and Law 03/L-228, public institutions are obliged to appoint responsible official for holding a gift registry. All gifts received and their respective value, as well as names of persons giving the gift, needs to be registered in the gift registry by the official person who is assigned by the Agency and are held by the institution in which the official person is exercising official duty. Copies of the catalogues shall be sent to the ACA no later than 31 March of the following year.

ACA, during March 2018, has received notices from 28 institutions, out of which 7 have declared that they received gifts, while 21 other institutions have stated that they have not received gifts during the previous year.

Institutions that have submitted copies of gifts catalogue during this year for the previous year are: Presidency, 10 gifts; Assembly of Kosovo, 6 gifts; Office of the Prime Minister, 32

gifts; Ministry of European Integration, 3 gifts; University of Prizren “Ukshin Hoti”, 26 gifts; Constitutional Court, 3 gifts; Deposit Insurance Fund in Kosovo, 1 gift.

The following table presents specific data on gifts catalogue copies delivered to ACA by institutions:

| Institution                         | Protocol gifts | Casual gifts | Total     |
|-------------------------------------|----------------|--------------|-----------|
| Presidency                          | 10             | 0            | 10        |
| Assembly                            | 6              | 0            | 6         |
| Office of the Prime Minister        | 32             | 0            | 32        |
| Ministry of European Integration    | 3              | 0            | 3         |
| University of Prizren “Ukshin Hoti” | 26             | 0            | 26        |
| Constitutional Court                | 3              | 0            | 3         |
| Deposit Insurance Fund in Kosovo    | 1              | 0            | 1         |
| <b>Total</b>                        | <b>81</b>      | <b>0</b>     | <b>81</b> |

#### 4.5. Prevention of Conflict of Interest

ACA’s activities in the field of prevention of Conflict of Interest are carried out by the Division of Prevention of Conflict of Interest within the Department for Prevention of Corruption. The work and operation of this Division is based on the provisions stipulated by the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function. This law entered into force in May 2018.

Since the entry into force of this law, the ACA has offered continuous assistance to all institutions, providing clarification on how to act in cases following the appearance of the conflict of interest, the manner of management and solving or preventing them.

On 28<sup>th</sup> of May 2018, through a Circular, the ACA has notified all institutions of the Republic of Kosovo, including central and local public enterprises, regarding their obligations in enforcing the new law - Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function - as Responsible Authorities. ACA has continuously notified the Responsible Authorities that ACA is the central authority for overseeing the enforcement of the law on conflict of interest; that the Decisions of the Agency regarding the conflict of interest are final in the administrative procedure and that all institutions are responsible to foresee and apply specific rules for prevention of the conflict of interest.

Pursuant to the new Law on Conflict of Interest, ACA has approved Regulation no. 01/2018 on Rules of Procedure of the Anti-Corruption Agency, whereby has approved:

1. Conflict of Interest Declaration Form - signed by the official upon taking office
2. Conflict of Interest Registration Form - which is for the institution – the Responsible Authority in this case

The ACA also established contacts with all institutions - Responsible Authorities and has requested that all public institutions, including central and local public enterprises, appoint Responsible Officials who will handle conflict of interest cases within their institution.

Additionally, during 2018, the Division for Prevention of Conflict of Interest has conducted a number of foreseen activities aimed at strengthening the public sector integrity through the identification, prevention, management and resolution of conflicts of interest cases during the discharge of the function or public duty by addressing identified cases of Conflict of Interest, offering opinions, advice or recommendations and findings on various situations of conflict of interest to senior officials, central and local institutions.

The ACA, during 2018, has initiated and handled, by means of official decision, 88 cases of conflict of interest. The whole process has gone through the cooperation that ACA has with Public Institutions, Responsible Authorities, Public Servants, media, civil society, and through information obtained from legitimate sources.

Based on the data of assets declaration made in 2018, the data declared for the previous year, it has been found that there are a large number of senior public officials who exercise two or more functions.

| Table of officials exercising two or more functions   |               |                 |                |                |               |                 |                 |
|---|---------------|-----------------|----------------|----------------|---------------|-----------------|-----------------|
|   | Two Functions | Three Functions | Four Functions | Five Functions | Six Functions | Seven Functions | Eight Functions |
| Number of officials                                   | 1451          | 367             | 37             | 13             | 2             | 2               | 1               |
| Total of officials who exercise two or more functions |               |                 |                |                | 1873          |                 |                 |

Table 1. Numerical data on officials exercising more than two functions - declaring year 2018

The following table reflects the whole process and handled cases of conflict of interest during 2018:

| Institution              | Cases reported for conflict of interest | Cases that avoided conflict of interest | Cases without conflict of interest | Cases under proceeding | Cases proceeded for investigation | Request for Dismissal /minor offense | Opinions - Advice |
|--------------------------|---|---|------------------------------------|------------------------|-----------------------------------|--------------------------------------|-------------------|
| Government               | 40                                      | 5                                       | 3                                  | 4                      | 1                                 | /                                    | 27                |
| Assembly of Kosovo       | 4                                       | /                                       | /                                  | /                      | /                                 | 1                                    | 3                 |
| Court /Prosecution       | 7                                       | /                                       | /                                  | /                      | /                                 | /                                    | 7                 |
| Independent institutions | 17                                      | 4                                       | 5                                  | 3                      | /                                 | /                                    | 5                 |
| Public enterprises       | 3                                       | 1                                       | /                                  | /                      | 1                                 | /                                    | 1                 |
| Local government         | 17                                      | 6                                       | 5                                  | 1                      | /                                 | /                                    | 5                 |
| Total:                   | 88                                      | 16                                      | 13                                 | 8                      | 2                                 | 1                                    | 48                |

Cases initiated by the end of 2017 and transferred to 2018, which the ACA has addressed pursuant to the foreseen procedures, and the data from these cases are as follows:

| Institution              | Cases reported for conflict of interest | Cases that avoided conflict of interest | Cases without conflict of interest | Cases under proceeding | Request for Dismissal /minor offense | Opinions - Advice |
|--------------------------|---|---|------------------------------------|------------------------|--------------------------------------|-------------------|
| Government               | 15                                      | 6                                       | 2                                  | 2                      | /                                    | 5                 |
| Assembly of Kosovo       | 1                                       | /                                       | 1                                  | /                      | /                                    | /                 |
| Court /Prosecution       | 1                                       | 1                                       | /                                  | /                      | /                                    | /                 |
| Independent institutions | 5                                       | 3                                       | /                                  | /                      | /                                    | 2                 |
| Public enterprises       | 4                                       | 4                                       | /                                  | /                      | /                                    | /                 |
| Local government         | 4                                       | /                                       | 3                                  | /                      | /                                    | 1                 |
| Presidency               | 1                                       | 1                                       | /                                  | /                      | /                                    | /                 |
| Total:                   | 31                                      | 15                                      | 6                                  | 2                      | 0                                    | 8                 |

ACA, in 2018, has been involved in some awareness-raising activities. ACA has organized and participated in several lectures related to the prevention of conflict of interest in particular institutions, where it is worth mentioning: Kosovo Cinematography Centre, KIPA, University of Mitrovica, and also the staff of this division, during the Anti-Corruption Week, have been engaged in many activities and awareness-raising campaigns.

During the reporting period, the ACA has provided professional and technical assistance for advising special senior officials, leaders, leading institutions, at their request, on specific cases of conflict of interest emerging, including special consultations for official persons.

The table relating consultations and clarifications of Institutions and officials using Electronic Communication:

| No | Name of Institution   | Answers through Electronic Communication form   |
|----|---|---|
| 1  | Kosovo Medicines Agency   | Advice-Clarification with the Request of the official of this Institution   |
| 2  | Kosovo Police   | Clarification to the Institution  |
| 3  | Basic Court of Prishtina  | Advice, Clarification on the Request of the official of this Institution  |
| 4  | Municipal Assembly of Municipality of Fushe Kosove              | Advice, Clarification on the Request of the official  |
| 5  | Ministry of Education Science and Technology – Students’ Centre | Advice, Clarification on the Request of the official of this Institution  |
| 6  | Police Inspectorate of Kosovo - PIK                             | Answer - Clarification to the Institution   |
| 7  | Ministry of Integration   | Answer - Clarification for the Institution at their request   |
| 8  | Municipality of Deçan   | Answer - Clarification for the Institution at their request   |
| 9  | Municipality of Podujeva  | Advice, Clarification upon Request by the official of this Institution  |
| 10 | Ministry of Diaspora  | Advice, Clarification upon Request by the official of this Institution  |
| 11 | Municipal Assembly of Municipality of Mitrovica                 | Advice, Clarification on the Request of the official of this Institution  |
| 12 | Public University of Mitrovica "Isa Boletini"                   | Advice, Clarification upon Request by the official of this Institution  |
| 13 | Radio Television of Kosovo - RTK                                | Advice, Clarification upon Request by the official of this Institution  |
| 14 | PE-Kosovo Telecom   | Advice, Clarification upon Request by the official of this Institution  |
| 15 | Ministry of Agriculture, Forestry and Rural Development         | Request for evaluation and announcement of invalidity of the decision for the MAFRD Institution, at the request of the parties involved |
| 16 | Basic Court Gjakova   | Advice, Clarification upon Request by the official of this Institution  |
| 17 | Public University of Gjilan "Kadri Zeka"                        | Answer - Clarification for the Institution at their request   |
| 18 | Kosovo Accreditation Agency                                     | Advice, Clarification upon Request by the official of this Institution  |
| 19 | Municipal Assembly of Gjakova                                   | Advice, Clarification upon Request by the official of this Institution  |
| 20 | Anonymous Citizen   | Answer  |

The ACA has cooperated with the media and civil society, where through information obtained from legitimate sources, has handled different information and informed or clarified them on various legal provisions deriving from Law No. 06/L-011 on the Prevention of Conflict of Interest in Discharge of a Public Function in 2018.

The table related to media responses:

| No. | Name of media         | Reason                        |
|-----|-----------------------|-------------------------------|
| 1   | KTV                   | Answer to the question posed. |
| 2   | Newspaper Kosova Sot  | Answer to the question posed. |
| 3   | Newspaper Zëri        | Answer to the question posed. |
| 4   | BIRN                  | Answer to the question posed. |
| 5   | Portal Ora            | Answer to the question posed. |
| 6   | Newspaper Koha Ditore | Answer to the question posed. |
| 7   | Kallxo.com            | Answer to the question posed. |
| 8   | KTV                   | Answer to the question posed. |
| 9   | KTV                   | Answer to the question posed. |
| 10  | Koha Ditore           | Answer to the question posed. |
| 11  | Kallxo.Com            | Answer to the question posed. |
| 12  | Koha Ditore           | Answer to the question posed. |

#### 4.6. Prevention of corruption in public procurement

The Agency activities related to prevention of corruption in public procurement are carried by the Division of Corruption Prevention in Public Procurement. The main priority of general objective of this division was the corruption prevention. Officials of this Division were charged with two main tasks for achieving this objective, namely (1) prevention of corruption in public procurement, and (2) improving procurement activities by providing opinions, whereas specific activities have been determined for performing these tasks.

Pursuant to the legislation in force, ACA conducts a certain procedure upon its own initiative ex officio. ACA observed the contracting authorities, namely publications of procurement activities in the PPRC website for small, large and medium values activities. The ACA also observed media publications which considered them as sources of information on possible legal violations in certain public procurement activities.

Another form for prevention of legal violations with corruptive elements was the participation in the capacity of observer in evaluating the bids of procurement activities, respecting the form of access in evaluation as required in the tender dossiers, mentioned as administrative requirement for the tender to be realized electronically or in hardcopy.

After handling the documentation and other collected facts, if legal violations have been identified, ACA provides the Contracting Authority with a preventive opinion. With regards to cases where it is observed that no legal violation with corruptive elements has been identified and when the procurement activity is terminated by the Contracting Authority, ACA, pursuant to the law, closes these cases with a final report.

If when handling a case the Agency observes that the same case is being handled by another body, then the handling is suspended until a final decision is issued by the competent body handling the case. If the Agency does not agree with the final decision of the concerned body, it can forward the whole documentation to the competent bodies.

#### 4.7. Cases provided with protocol number - information

During 2018, the Agency provided protocol numbers for 151 cases for handling related to public procurement activities, which by decision were initiated with reasonable doubt for legal violations with corruptive elements in the procurement activities.

#### 4.8. Monitored cases - information

In fulfilling the legal obligation with regards to monitoring of the procurement activities, the ACA has participated in 5 contracting authorities, where we have filed an official notification for 5 cases for monitoring. It is worth mentioning that all authorities have informed the ACA for the exact time and place of evaluation process. Therefore, ACA participated, in the capacity of observers, in several bid evaluation procedures, where all cases are closed with working reports without any breach.

In the Division for Prevention of Corruption in Public Procurement, during the reporting year, a total of 151 cases have been addressed in the field of prevention of corruption in public procurement. Out of these cases, the results were the following: 125 opinions, 25 cases closed, 1 case was sent for investigation.

The following table reflects precisely cases that the Agency handled in 2018 in the area of preventing corruption in Public Procurement:

| Cases | Opinions | Closed cases | Advices | In procedure | Under investigation |
|-------|----------|--------------|---------|--------------|---------------------|
| 151   | 125      | 25           | 0       | 0            | 1                   |

Table 12. Handled cases during 2018 in the field of prevention of corruption in public procurement

## V. COOPERATION AND INFORMATION

The ACA, through the Office for Support, Cooperation and Information, carries out activities related to legal issues, administration of the information technology system, archive management, and other issues in the field of cooperation and information.

During 2018, this office was focused on:

1. Cooperation with local and international institutions and civil society;
2. Meetings with journalists and citizens;
3. Conferences and press releases;
4. Media monitoring;
5. Request for access to public documents;
6. Legal Aid;
7. Administration of information technology;
8. Central Archive.

### 5.1. Cooperation and information

The ACA has consistently cultivated the spirit of good cooperation with international organizations and institutions. During 2018, the Agency's officials have participated in several local and international conferences, where they have gained experience in combating corruption. Local and international student have expressed continuous interest in ACA, they found the willingness to inform them about the Agency's work.

**Meetings with journalists and citizens** – During the reporting period, there was a great interest for initiatives and activities of ACA, by the media community, civil society and by the public, where is demonstrated a willingness to cooperate closely in the fight against corruption. ACA officials were always willing to offer to any interested the professional help and cooperation in cases where there was grounded suspicion of corruption cases.

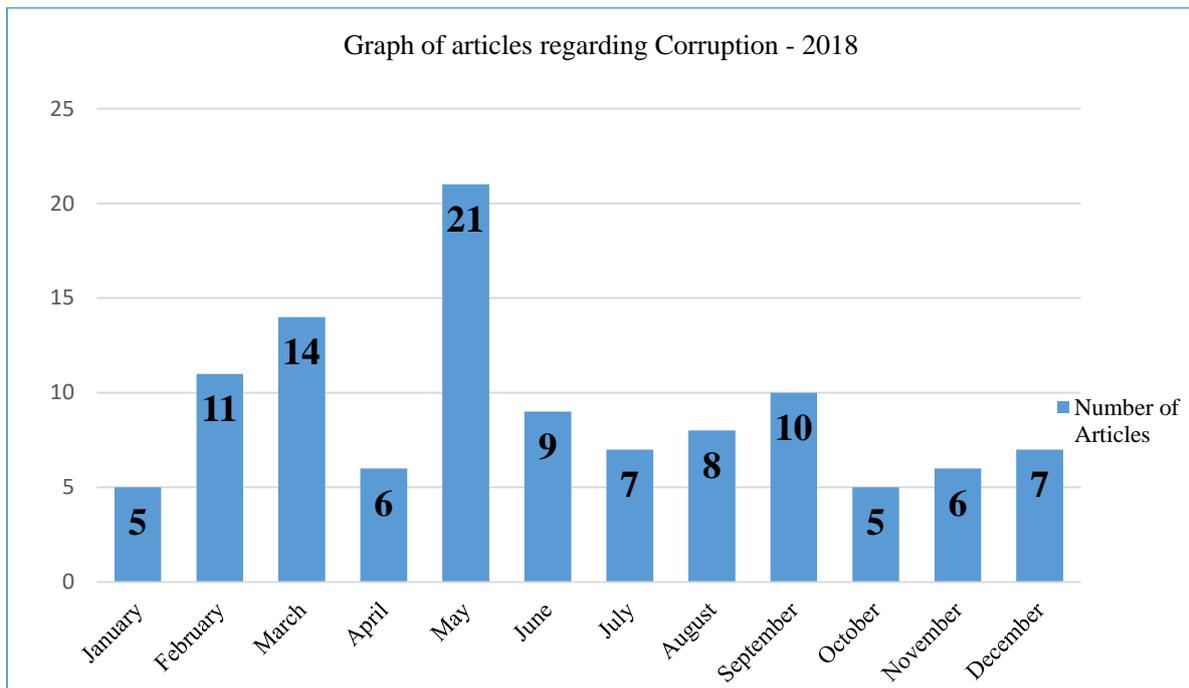
**Press conferences and releases** – During the reporting period, ACA played an important role in making public and distributing press releases about the activities for investigating suspected cases of corruption, but also in asset declaration of assets of senior officials, in all printed and electronic media.

**ACA website** During this period, the ACA website published data on the declaration of assets, decisions on conflict of interest, opinions, and e-mails have been sent to the departments and the director's office from the ACA's official email along with press releases, announcements, reactions, and meetings that have been published on the ACA website and many are sent to the media. A great interest from the media and the public in general has been expressed on the occasion of the publication of asset declarations of senior public officials and conflict of interest and ACAs annual report.

**Access to public documents** – In 2018, the Anti-Corruption Agency received 5 requests for access to official documents of ACA. The ACA has responded positively to the submitters of these requests for access to public documents.

**Media monitoring** - Media publication on ACA performance are collected and these reports of media are included in a brochure, where media have presented the work of Anti-Corruption Agency in 2018. Also another engagement was media monitoring related to reports regarding the suspected corruption activities by individuals in public institutions. During 2018, about 109 articles on corruption suspicions have been published on printed and electronic media.

The table below reflects graphically the number of articles on corruption, which were published by the printed media in Kosovo during 2018:



*Chart 3. Articles about corruption in daily newspaper by months during 2018*

Regarding the work of the ACA, a total of 32 articles, interviews, comments and various opinions on the work of the Agency were published. In terms of assessment of positivity reports for this institution, it appears that over 80% of articles were positive for ACA work.

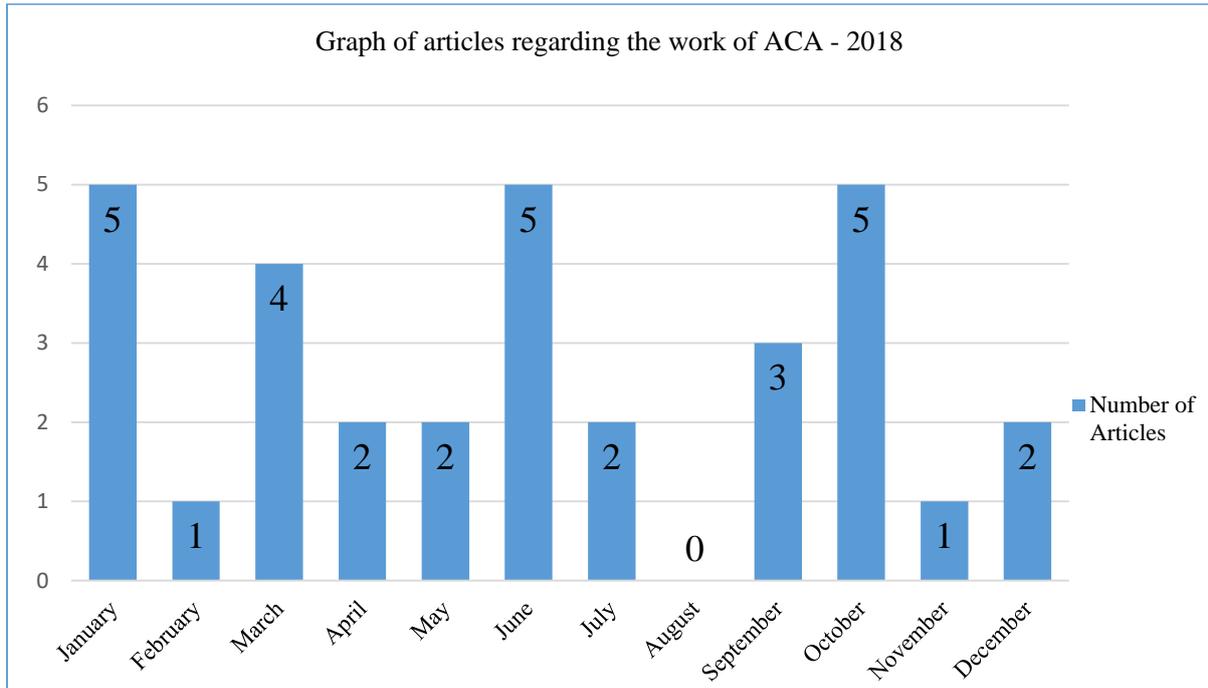


Chart 4. Number of articles of all printed media on the Agency's performance 2018

### **Transparency International: Kosovo marks improvement in corruption perception**

In early *February*, the Transparency International has published the annual report of the Corruption Perception Index for the previous year, which found that Kosovo has made a significant improvement in public perception of corruption. This positive performance lists Kosovo among countries with the most significant global improvement and made it possible for it to progress for 10 places in the overall ranking - from position 95 (Report of 2017) to position 85 (Report of 2018).

The Corruption Perceptions Index (CPI), which classifies 180 countries and territories globally in their performance against corruption in the public sector, is a methodology that evaluates public perception against corruption. Compared to the previous year, the index average for 2017 has globally marked a slight decrease.

### **The Anti-Corruption Agency establishes a cooperative relationship with the counterpart agency in South Korea**

The UNDP Kosovo Office and the UNDP Seoul Policy Centre on 7 *March* has started implementing the pilot project "*Establishing a System for Identification of Risks of Corruption in Kosovo Legislation*". Within this pilot project, the Anti-Corruption Agency and Anti-Corruption and Civil Rights Commission of the Republic of South Korea will cooperate in developing the legal and institutional framework for reviewing legislation and eliminating the risk of corruption. In this case, the Agency will benefit from South Korean practices and experiences in building a system for corruption risk assessment through identifying and removing areas of corruption in current legislation. The corruption risk assessment and their elimination is one of the most effective anti-corruption measures that South Korea has implemented in the last decade.

### **The agency benefits from Korean experience in the field of corruption risk assessment**

The Director of the Anti-Corruption Agency, Mr. Shaip Havolli, was part of the Kosovo delegation participating in the South Korean study mission regarding the establishment of a risk assessment system against corruption and for drafting a methodology of assessing corruption gaps in Kosovo legislation.

The Kosovo delegation was hosted in meetings by local relevant institutions and Korean representatives of the institutions for combating corruption, specifically representatives of the Anti-Corruption and Civil Rights Commission, the Korea Legislation Research Institute and the Seoul Policy Centre operating under UNDP.

The visit was organized from 24<sup>th</sup> of April to 27<sup>th</sup> of April in Seoul and Sejong in Korea within the project “*Partnership for Sustainable Solutions in the Field of Anti-Corruption - Corruption Risk Assessment*” which applies with the involvement of UNDP offices in Korea and Kosovo.

### **The Anti-Corruption Agency hosted the Regional Anti-Corruption Conference**

On 4 and 5 October, the Anti-Corruption Agency hosted a two-day regional anti-corruption conference, attended by heads of relevant institutions from Albania, Bosnia and Herzegovina, Italy, Croatia, Montenegro, Turkey, experts from specialized intergovernmental organizations (UNDOC, OECD, UNDP), as well as representatives of local institutions and civil society organizations.

The opening of the Conference was done by the President of the Republic, Mr Hashim Thaçi, in presence of a large part of the diplomatic corps in Kosovo. The Regional Anti-Corruption Conference was the most comprehensive event of this format since the establishment of the Agency.

The conference over the two days has addressed topics related to regional cooperation and specific national and international policies in combating corruption, declaring and overseeing the assets of senior state officials, prevention of conflict of interest and the integrity of public institutions. Experts from Italy, Slovenia, Georgia, Croatia and Bulgaria presented their exhibits that have been discussed during the plenary sessions of the Conference.

### **The Director of ACA participated in the proceedings of the International Anti-Corruption Conference**

The Director of the Anti-Corruption Agency, Shaip Havolli, participated in the proceedings of the 18th edition of the International Anti-Corruption Conference held in Copenhagen, Denmark, 22-24 October. As never before, the 18th edition of the International Anti-Corruption Conference marked a high level of representation, where, among others, about 40 ministers of different states, leaders of international organizations and leaders of distinguished private companies attended it.

In the framework of this year's edition of the conference, more than 50 workshops and 6 high-level plenary sessions were held, that brought topics that demanded answers in efforts to increase efficiency in the fight against corruption - from commitments to the protection of human and environmental rights, to cybercrime.

### **Anti-Corruption Week 2018 - the most comprehensive activity for public awareness on the consequences of corruption and the necessity of combating it**

The Anti-Corruption Week 2018, as the most comprehensive public awareness campaign on the consequences of corruption and the necessity of combating it, was marked in cooperation with a wide range of Agency partners and donors. In order to enrich the themes and harmonize the agenda for marking the Anti-Corruption Week 2018, it has conducted intense coordination activities with relevant stakeholders from relevant state institutions, the spectre of non-governmental organizations, representatives of the diplomatic corps and intergovernmental organizations present in Kosovo.

Within this one-week program (9-14 December) a street performance was organized, the exhibit of the traditional days of “Open doors of the Agency”, conversations with pupils and students in salons, lectures for university students and academic staff, a round table on the role of the media in exposing and combating corruption, the annual award for journalism, etc. Furthermore, the ACA representatives attended a series of events organized by the spectrum of civil society organizations whose central aim was to make the public opinion aware of substantive changes on the legislation for prevention of conflicts of interest in public institutions.

All these activities were organized in order to consolidate the institutional mechanism for preventing and combating corruption, as well as strengthening the partnership with the permanent supporters of the Agency.

#### **5.2. Legal work**

The legal works of the Senior Legal Officer at ORCI, in the period from 1<sup>st</sup> of January to 31<sup>st</sup> of December 2018 are as follows: numerous legal advices provided with regard to the responsibilities of the Agency under the legislation in force; numerous decisions and other submissions drafted for the needs of the Agency; and representations before justice institutions on cases initiated by the Agency; and many other tasks within the competencies and responsibilities of the Agency.

##### Legislation:

During 2018, numerous activities have been conducted with regard to legislation. Specifically, following the entry into force of the new Law on Prevention of Conflict of Interest in Discharge of a Public Function was amended/supplemented the Rules of Procedure of the Agency, updating parts considered necessary and indispensable. In this regard, numerous workshops and informative meetings have been held with all institutions regarding the new obligations and responsibilities deriving from the Law on Prevention of Conflict of Interest.

Among others, all institutions have also been notified in writing about their new obligations under the Law on Prevention of Conflict of Interest.

##### Representations:

During 2018, following cases were initiated by the Agency in the justice institutions, which cases were mainly initiated for criminal offenses:

- ⇒ “Non-declaration or false declaration of assets, incomes, gifts or other material benefits” under Article 437 of the Criminal Code of Kosovo;
- ⇒ “Conflict of interest” under Article 424 of the Criminal Code of Kosovo; and

⇒ “Minor offenses” under the provisions of Law no. 04/L051 on the Prevention of Conflict of Interest;

Representation was done before competent Courts and Prosecutions, depending on the phase of court proceedings in the specific cases.

The representation of the ACA in the First Negotiating Meeting regarding the Draft International Treaty on the Exchange of Data on the Verification of the Declaration of Assets, which was held in October 2018 in Laxenburg, Vienna, organized by the Regional Anti-Corruption Initiative in cooperation with the Austrian Development Agency, with the support of the Ministry of European Integration and Foreign Affairs of Austria.

This meeting was organized and conducted as a result of previous meetings, the Trieste Summit (2017) and the London Summit (2018), whereby one of the commitments was the possibility of approving an International Treaty for the exchange of information between counterpart Anti-Corruption Agencies in the field of Declaration of Assets whereby, inter alia, it was discussed about the possibility of approval of this International Treaty between the Anti-Corruption Agencies of the Western Balkans countries, in which meeting the draft of the International Treaty on the Exchange of Data for the Verification of the Declarations of Assets was presented and proposed.

#### Legal submissions:

During 2018, depending on the needs and requests of the Agency, many legal submissions were compiled (decisions, requests, contracts, memorandums of understanding etc.), and as legal counsels and advices have been provided. The number of legal submissions was over 100.

#### Support works

In the light of additional duties and responsibilities, based on requests received during 2018, it was also offered professional assistance and support for all organizational units within the institution, in analysing various issues within the institution's mandate, contributing to providing solutions under the legislation in force.

### **5.3. Archive**

The Archives Office completed the protocol book (registration of documents) in 2018 with ordinal number 02-4525/18 (four thousand five hundred and twenty-five) dated 31.12.2018, a response from the Court in Peja for the Department of Combating Corruption.

According to the recommendation of the State Agency of Kosovo Archives, with protocol No. 4898/16 dated 28.12.2016, the Anti-Corruption Agency is obliged to keep an original copy of all documents arising from the agency in other institutions of the Republic of Kosovo.

During 2018, the Archive used two protocol books.

- 1) The first book started with number 02-01-2018, dated 03.01.2018 and ended with order number 03-01-3680/18 (three thousand six hundred eighty) dated 25.10.2018; and
- 2) The second book started with number 03-01-3681/18 (three thousand six hundred and eighty-one), dated, 25.10.2018, and ended with the order number 02-4525/18 (four thousand five hundred and twenty-five), dated 31.12.2018.

All documents received in the archive office, as well as the submissions signed and protocolled by the Director of the Agency upon registration in the protocol book, are forwarded to the organizational unit, such as department director, head of the division and relevant officer for further proceeding.

The ACA, through the office of archive, during 2018 received documentation that does not have to do with the work of the agency. After consultation with the officials of the agency's departments, the documentation received was returned with the same volume to the respective institution with an accompanying document just as they were received.

Forms for Declaration of Property for Senior Public Officials are protocolled in a separate book managed by the Division for Property Monitoring.

The transfer of cases from one Department to the other was done based on the nature of the case.

Decisions on the existence or the closing of a case regarding conflict of interest, in addition to being published on the agency's webpage, have also been transmitted via physical mail.

#### 5.4. IT System Management

The information technology system at ORCI-ACA during 2018 continued with the upgrade of hardware and software equipment to facilitate the daily work of the Agency's officials. In cooperation with AIS and PTK, this year we have linked the Agency's computer network infrastructure with other Kosovo institutions through optical fibre, which has enabled the increase of communication quality and security compared to what we have had until now through the network antenna.

Regarding the software aspect, all of the Agency's servers have been upgraded from Microsoft Windows Server 2008 R2 to Microsoft Windows Server 2012 R2, and this upgrade is done for all roles of servers that we have currently configured.

This year, the management and updating of the electronic data of the work of Agency, such as assets declarations data, conflict of interest data, investigations and preventing corruption in public procurement. We have also continued to publish the declaration of assets in the same way, by using ADRS (Asset Declaration and Registration System), in this case, ADRS automatically does processing of inputted data, and issues specific registers for each official in PDF format. These registers contain data on asset declaration which are obligatory to be published. We publish these registers on the ACA website:

[https://www.akk-ks.org/deklarimi\\_i\\_pasuris/171/deklarimet/171?](https://www.akk-ks.org/deklarimi_i_pasuris/171/deklarimet/171?)

This year we have compiled the functional specification for development of an electronic platform that will enable online declaration of assets. In addition, the platform in question will also enable case management, both in full control of declaration of asset, as well as those of investigations, conflict of interest, and prevention of corruption in public procurement. This project is under development and the financial aspect is covered by UNDP.

## VI STAFF MANAGEMENT

During 2018, daily activities have continued in the office starting from work attendance, tracking and updating of annual leave, medical and other types of vacations, wage lists were prepared and changes were made in accordance with the flow of work in ACA.

Also during 2018, the ACA had a significant number of training for officials, and several trips have been done abroad. The data are presented in a table form in [Annex V](#).

## VII PROCUREMENT

During the reporting period, the Agency, being the contracting authority, developed procurement activities in the category of supply and services. The table below outlines procurement activities:

| Procedure | Type of procurement activity | Number of activities | Contract price, including all taxes, etc. |
|-----------|------------------------------|----------------------|---|
| Supply    | Price quote                  | 6                    | € 17,741.00                               |
| Services  | Price quote                  | 1                    | € 1,815.00                                |
| Supply    | Minimal value                | 4                    | € 3,425.90                                |
| Supply    | Open procedure               | 1                    | € 26,828.59                               |
| Total     | -                            | 12                   | € 49,810.49                               |

Table 13. Overview of public procurement activities

### Note:

From 07.06.2017, all procurement activities of Independent Agencies which report to the Assembly of the Republic of Kosovo and which are listed in this Explanatory Memorandum will be conducted by the Central Procurement Agency pursuant to Article 21/A, paragraph 2 of Law No. 04/L-042 as amended and supplemented by Law No. 04/L-037, Law No. 05/L-068 and Law No. 05/L-092.

## VIII BUDGET (SUMMARY OF KEY DEVELOPMENTS)

Based on internal estimates of organizational units, requests for budgetary allocation have been prepared. The Assembly of the Republic of Kosovo and the Government approved the request, by allocating funds for 2018.

The total amount of budget allocations for the period of January-December 2018 amount to € 522,667.00.

The following table presents budgetary allocation by economic categories:

| No. | Economic categories  | Approved (initial) budget | Revised (final) budget |
|-----|----------------------|---------------------------|------------------------|
| 1   | Wages and salaries   | 375,259.00                | 371,979.00             |
| 2   | Goods and services   | 108,908.00                | 108,908.00             |
| 3   | Utilities            | 8,500.00                  | 4,639.91               |
| 4   | Capital expenditures | 30,000.00                 | 30,000.00              |
|     | <b>Total</b>         | <b>522,667.00</b>         | <b>515,526.91</b>      |

Table - Overview of budgetary allocation by economic category

After the review, the initial budget has undergone changes. For the category of *Wages and Salaries* and the category to *Utilities*, funds have been reduced to an insignificant extent and this did not have any negative effects.

The *Goods and Services* category and *Capital Expenditures* category did not undergo any changes.

The following table outlines the budgetary allocations and expenditures after budget review:

| No. | Economic categories  | Budget            | Expenditures      | % of budget execution |
|-----|----------------------|-------------------|-------------------|-----------------------|
| 1   | Wages and salaries   | 371,979.00        | 371,979.00        | 100%                  |
| 2   | Goods and services   | 108,908.00        | 92,597.99         | 85.02%                |
| 3   | Utilities            | 4,639.91          | 2,635.58          | 56.80%                |
| 4   | Capital expenditures | 30,000.00         | 26,828.59         | 89.42%                |
|     | <b>Total</b>         | <b>515,526.91</b> | <b>494,041.16</b> | <b>95.83%</b>         |

*Table - Overview of expenditures after budget review*

The final budget for 2018 was €515,526.91. Out of this amount, a total of € 494,041.16, or 95.83% of the budget, if expressed in percentage, has been spent. The budget allocated for the *Wages and Salaries* category was executed at 100%, whereas the budget allocated for the *Goods and Services* category was executed at 85.02%. The budget allocated for the *Utilities* category was executed at 56.80%. In the category of *Capital expenditures*, for the project “Purchase of a vehicle for the needs of ACA” funds in the amount of € 30,000.00 have been allocated. Of this amount, a total of € 26,828.59 or 89.42% was spent. Wages and salaries have the major share in the executed budget, 72.15% expressed in percentage.

*The 2018 Financial Report will be attached as an Annex to the 2018 Annual Work Report.*

## **IX COOPERATION WITH OTHER INSTITUTIONS THAT HAVE THE MISSION TO FIGHT AND PREVENT CORRUPTION**

Even during this reporting period, the Agency has paid special attention to commitment for the advancement of mutual cooperation with local and international institutions whose mission is fighting and preventing corruption. However, inter-institutional cooperation in fighting and preventing corruption remains a challenge.

The cooperation with Prosecution Offices regarding feedback to the Agency for further processing and final decision related to the forwarded cases has significantly advanced and has been stable. In all forwarded cases, the ACA has received written notices from the Prosecution Office. Within the reasonable time limits, the ACA received confirmation by the Prosecution Offices and the Kosovo Police on whether a criminal procedure is initiated and being conducted for the cases reported to the ACA, in order to avoid the investigation of the same cases at the same time by two institutions and to not conduct two separate procedures. During the year, ACA exchanged information on a monthly basis with the Basic Prosecution Offices with regard to the number of forwarded cases in order to align the statistics.

The ACA has cooperated closely with contact prosecutors assigned by the Prosecution Offices as a result of the joint workshop organized in the previous year and has in many cases contacted other prosecutors as well.

Within its legal powers, the ACA has exchanged information and documents with all the other institutions that have the mission to fight and prevent corruption. In this regard, the ACA has provided information to the competent institutions concerning the verification of the past of certain persons.

The ACA, with the aim of preventing and combatting corruption in Kosovo, has cooperated with all law enforcement and other institutions. In particular, ACA has cooperated with: KJC, MPA, Assembly of Kosovo, MLGA, KP, OPM, NAO, GK, KPI, PPRC, PRB, MoF, CEC, MTI, MoJ, PAK, MKSF, ODP, MESP, KPC, POEPMU, KTA, MEST, MoH as well as the civil society and media such as: KDI, KALLXO.COM, FOL, D +, GSJP, IKD, ÇOHU etc.

## X. ADDRESSING THE RECOMMENDATIONS OF THE NATIONAL AUDIT OFFICE (NAO)

The audit process for the reporting period is under development. On the other hand, regarding the previous year, the financial control showed a positive overall assessment regarding the financial statements, as they presented fair and accurate data in all material aspects

Two recommendations were given to the Agency. The recommendations and actions of the ACA's management related to such actions are presented in the table below.

| No. | Recommendations   | Management action   | Scheduled date for completion                       | Responsible person   |
|-----|---|---|---|--|
| 1   | <b>Recommendation 1</b> The ACA Director should ensure that proper asset registration is carried out in order to apply the correct depreciation rates. Further on, inventory and evaluation committees should be established in accordance with the regulation on asset management, in order to carry out fair and comprehensive evaluation of all non-capital assets.  | The Director of ACA and the assets official, as persons responsible for the registration of non-financial assets and maintenance of registers, will undertake all necessary measures to establish the commission for the inventory of non-financial assets and the commission for its evaluation.<br>Their work will be in full harmony with the regulation on the management of non-financial assets.  | According to the deadline set out in the regulation | NAO (Director)<br><br>Assets official<br><br>Admissions/Logistics Officials, and Commissions |
| 2   | <b>Recommendation 2</b> The ACA Director should ensure that the requirements of FMC are met, paying specific attention to the preparation of the risk register and its management, in order to prevent the risks that hinder the achievement of the organization's objectives. The risk-based registry should be reviewed regularly on a quarterly basis to determine whether actions have been undertaken as planned, and whether any changes in risk assessments have been made. The revised risk register should be extracted after each review and updated as needed. | The Director of ACA, in cooperation with the Agency's managerial staff, has undertaken all necessary measures and actions to address the recommendations given in terms of risk management through the establishment of working groups for drafting and materialization of the plans for risk management, which will have a significant effect on the prevention of potential risks, and which are considered as a barrier to meeting future objectives. In this regard, ACA, through its established working group mandated to draft a written document in the form of an action plan related to risk management, has key on-going objectives with a high priority in terms of preparation and drafting of this document called risk management matrix, which is under preparation and is expected to be completed soon. | Ongoing   | The director with the senior staff and working groups  |

Table - Overview of addressing the recommendations of the National Audit Office

## XI LESSONS AND RECOMMENDATIONS

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Despite its utmost commitment to fulfilling its mandate, the ACA considers that it is necessary to further increase the level of institutional cooperation towards more effective coordination in areas related to investigation and prevention of corruption, origin and control of property and gifts, prevention of conflict of interest of senior public officials and prevention of corruption in public procurement activities. In this regard, the ACA considers that it should focus mainly on the following issues:

- ⇒ Complete implementation of the Law on Prevention of Conflict of Interest and adoption of sub-legal acts of all responsible authorities;
- ⇒ Proceeding the amendment and supplement of the Law on the Anti-Corruption Agency and the Law on Declaration, Origin and Control of Property of Senior Public Officials and Declaration, Origin and Control of Gifts of all Public Officials according to the Legislative Agenda of the Government of the Republic of Kosovo;
- ⇒ Approval of the Strategy and Action Plan against Corruption
- ⇒ Development of a common “database” by mechanisms with a mission for preventing and combating corruption;
- ⇒ Development of a common investigative methodology
- ⇒ Averting the deficiencies discovered in the progress report and other reports as well as domestic and international strategic documents;
- ⇒ Continuing communication according to the planning of annual work plans;
- ⇒ Drafting, approval, implementation and proper monitoring of Integrity Plans of all Institutions of the Republic of Kosovo including central and local public enterprises;
- ⇒ Continuing work on the completion of the Integrated Electronic Platform for the purposes of online disclosure and monitoring the implementation of other activities;
- ⇒ Drafting, adopting and implementing a methodology for controlling legislation.

## XII CONCLUSION

During this year, the ACA staff has, with full commitment, continued to carry out tasks in accordance with the mandate and competences in the area of investigating and discovering cases of corruption, attempts to prevent the phenomenon of corruption and raise the awareness of the public with the purpose of creating and promoting the rule of law.

ACA, in cooperation with other relevant institutions, namely the Ministry of Justice, has clearly defined its priorities regarding implementation of the legal framework with the aim of fighting and preventing corruption, promoting transparency and strengthening of institutional integrity, and efforts and commitment to create a social environment free of corruption.

The basic legal framework of ACA is in the process of amendment and supplement. Consecutively, the Draft Law on Anti-Corruption Agency and the Draft Law on the Declaration of the Assets and Gifts of Senior Public Officials and other persons are in the process of being amended and supplemented, namely in the procedure of being drafted by the Working Group respectively.

Essential priority and challenge of the Agency is continuation of full compliance with the Agency's mandate based on competencies defined by applicable legal provisions in the field of combating and preventing corruption and conflicts of interest of senior public officials.

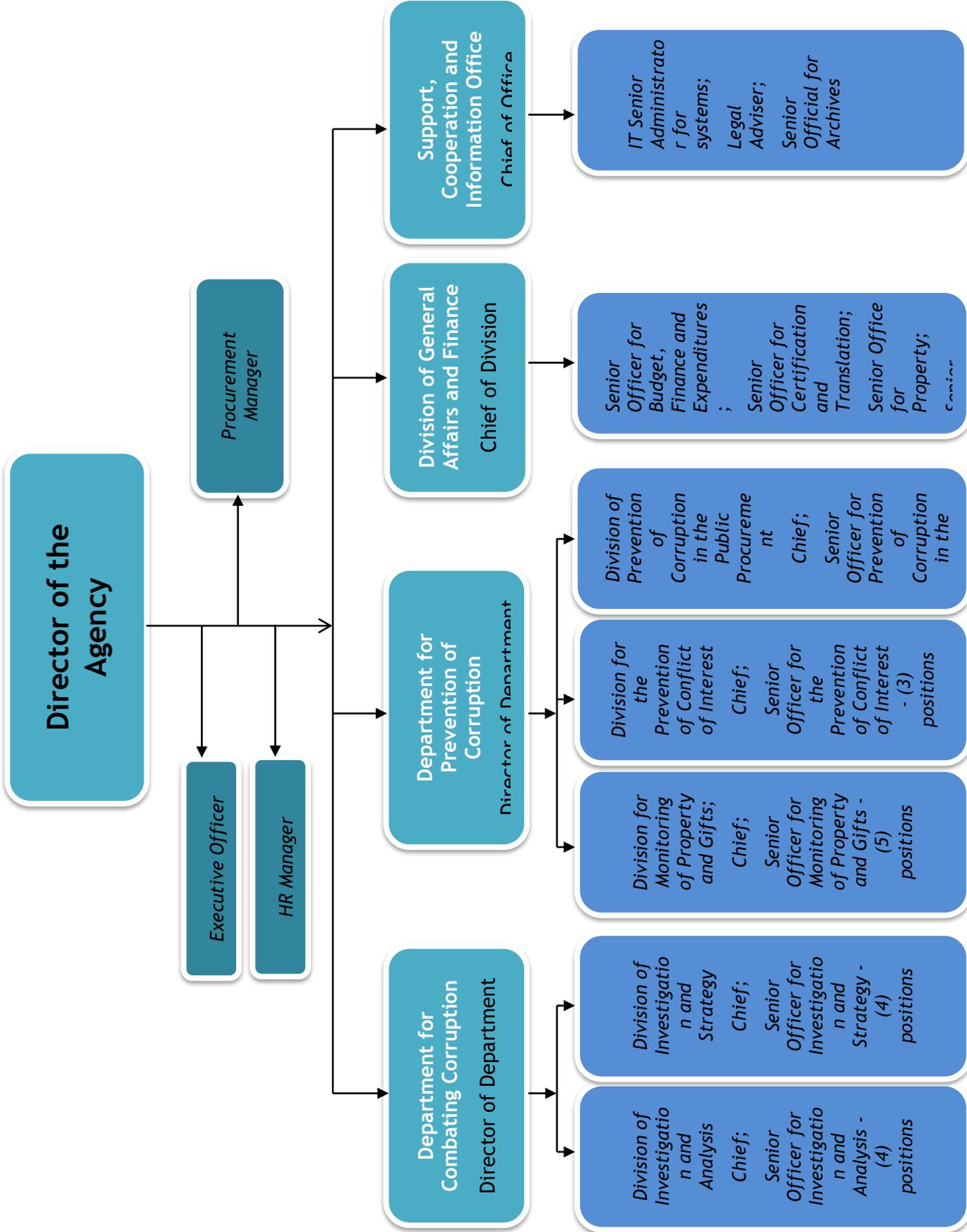
The following are the priorities and challenges of ACA:

1. Implementation of the Law No.06/L-011 on the Prevention of Conflict of Interest in Discharge of Public Function. Despite all preparations by the ACA, the implementation of the law by other institutions - Responsible Authorities - as defined by this law remains a challenge. Another obligation of the Responsible Authorities is to adopt sub-legal acts that expressly define the internal conflict of interest cases in accordance with the legal framework in force;
2. Commencing the implementation of the Law No. 06/L-085 on Protection of Signallers. The approval of the two regulations defined by this law: Regulation determining the procedure for receiving and handling signalling cases at the central level and Regulation for the procedure of receiving and handling of cases at the Anti-Corruption Agency;
3. Review and amendment of the internal organization and systematization of jobs at the ACA regarding the organizational and operational aspect, in accordance with the legislative changes;
4. Increasing human resources and building administrative capacity in advancing and developing the professional capacities of the Agency's staff; advancement of staff in relation to carrying out the preliminary investigation procedure, handling conflict of interest cases, declaration of assets, protection of whistle-blowers, monitoring of public procurement activities, inter-institutional cooperation, and other issues;
5. Monitoring of the National Anti-Corruption Strategy 2019-2023 and its Action Plan after the adoption of the Strategy by the Assembly of Kosovo.
6. Assistance in drafting Integrity Plans and monitoring their implementation by ACA;
7. Continuing and strengthening cooperation with the institutional mechanisms responsible for preventing and fighting corruption in Kosovo;
8. Improving the provision of services by the ACA and averting the weaknesses discovered by auditors (OAG and the internal auditor);

9. Development of a legal basis and a database and their updating in real time;
10. Education of officials and school institution;
11. Organizing joint meetings with local anti-corruption stakeholders (police, prosecution offices, courts) to address various matters and further improve the communication;
12. International cooperation, membership in international organizations, cooperation with the countries that ACA has signed Memorandums of Understanding.

ANNEXES

Annex I – Organizational chart



**Annex II:**

List of Officials that have not declared their property within the legal deadline

|    |                  |  |
|----|------------------|--|
| 1  | Besim Malsori    | Office of the Prime Minister of the Republic of Kosovo - OPM |
| 2  | Bajram Mulaj     | Office of the Prime Minister of the Republic of Kosovo - OPM |
| 3  | Ivan Milojevic   | Office of the Prime Minister of the Republic of Kosovo - OPM |
| 4  | Luan Hyseni      | Kosovo Forestry Agency - MAFRD                               |
| 5  | Sejdi Sejdiu     | University of Prizren - MEST                                 |
| 6  | Egzonit Jakupi   | Ministry of Agriculture, Forestry and Rural Development      |
| 7  | Orhan Kërkezi    | Ministry of Culture, Youth and Sports - MCYS                 |
| 8  | Brikena Ceraja   | Ministry of Culture, Youth and Sports - MCYS                 |
| 9  | Xhevdet Pantina  | Ministry of Culture, Youth and Sports - MCYS                 |
| 10 | Antigona Kqiku   | Municipality of Gjilan                                       |
| 11 | Riza Abdylj      | Municipality of Gjilan                                       |
| 12 | Naim Gjeli       | Municipality of Drenas                                       |
| 13 | Burim Bujupi     | Municipality of Drenas                                       |
| 14 | Petrit Sinani    | Municipality of Drenas                                       |
| 15 | Xhevshet Berisha | Municipality of Klina  |
| 16 | Tush Dedaj       | Municipality of Klina  |
| 17 | Filloreta Bytyçi | Municipality of Malisheve                                    |
| 18 | Adem Abazi       | Municipality of Novo Berde                                   |
| 19 | Floriqe Jashari  | Municipality of Obiliq                                       |
| 20 | Nazmi Gashi      | Municipality of Obiliq                                       |
| 21 | Valon Haliti     | Municipality of Skenderaj                                    |
| 22 | Milot Deliu      | Municipality of Shtime                                       |
| 23 | Ilir Baldedaj    | Municipality of Prizren                                      |
| 24 | Fatmir Rudari    | Municipality of Podujeve                                     |
| 25 | Esat Ejupi       | Municipality of Podujeve                                     |

**Annex III:**

List of Officials who have declared their property after the legal deadline

|    |                      |  |
|----|----------------------|--|
| 1  | Etem Arifi           | Assembly of the Republic of Kosovo - ARK                     |
| 2  | Bujar Bukoshi        | Office of the Prime Minister of the Republic of Kosovo - OPM |
| 3  | Arbër Geci           | Ministry of Education, Science and Technology - MEST         |
| 4  | Vesel Krasniqi       | Ministry of Agriculture, Forestry and Rural Development      |
| 5  | Zoja Lleshi Berisha  | Ministry of Kosovo Security Force - MKSF                     |
| 6  | Burbuqe Deva Bakia   | Ministry of Culture, Youth and Sports - MCYS                 |
| 7  | Luan Daka            | Ministry of Culture, Youth and Sports - MCYS                 |
| 8  | Ismet Bogujevci      | Ministry of Culture, Youth and Sports - MCYS                 |
| 9  | Malbur Krajku        | Ministry of Culture, Youth and Sports - MCYS                 |
| 10 | Zake Prelvukaj       | Ministry of Culture, Youth and Sports - MCYS                 |
| 11 | Sedat Baraliu        | Ministry of Culture, Youth and Sports - MCYS                 |
| 12 | Sabile Keqmezi Basha | Ministry of Culture, Youth and Sports - MCYS                 |
| 13 | Daut Demaku          | Ministry of Culture, Youth and Sports - MCYS                 |
| 14 | Gani Elshani         | Ministry of Diaspora   |
| 15 | Jashar Cukiq         | Ministry of Internal Affairs and CRA                         |
| 16 | Refiqe Ternava       | Ministry of Foreign Affairs                                  |
| 17 | Mirlindë Gashi       | Ministry of Foreign Affairs                                  |
| 18 | Avni Spahiu          | Ministry of Foreign Affairs                                  |
| 19 | Orhan Hajrizi        | Ministry of Foreign Affairs                                  |
| 20 | Goran Stojanovic     | Kosovo Police  |
| 21 | Skender Nreca        | General Hospital in Gjakova                                  |
| 22 | Ardian Gaxherri      | Civil Aviation Authority                                     |
| 23 | Musa Dragusha        | Independent Media Commission                                 |
| 24 | Xhavit Osmani        | State Prosecution  |

|    |                    |   |
|----|--------------------|---|
| 25 | Flora Doda         | State Prosecution                             |
| 26 | Rafet Ibishi       | Trepca  |
| 27 | Shaban Gërxhaliu   | Basic Court - Prishtina                       |
| 28 | Haki Dragusha      | Municipality of Prishtina                     |
| 29 | Fadil Gashi        | Municipality of Prishtina                     |
| 30 | Dren Kukaj         | Municipality of Prishtina                     |
| 31 | Bedrija Ejupagic   | Municipality of Prizren                       |
| 32 | Edis Aljilji       | Municipality of Prizren                       |
| 33 | Dafina Sylja Dina  | Municipality of Gjakova                       |
| 34 | Dritëro Hyseni     | Municipality of Ferizaj                       |
| 35 | Xhafer Berisha     | Municipality of Ferizaj                       |
| 36 | Valdet Nuraj       | Municipality of Deçan                         |
| 37 | Halil Qerimi       | Municipality of Fushe Kosove                  |
| 38 | Kreshnik Maloku    | Municipality of Junik                         |
| 39 | Isah Hoda          | Municipality of Kamenice                      |
| 40 | Xufe Kelmendi      | Municipality of Klina                         |
| 41 | Milan Aritonovic   | Municipality of Ranillug                      |
| 42 | Nebojsa Stojanovic | Municipality of Ranillug                      |
| 43 | Shefket Kuçi       | Municipality of Suhareke                      |
| 44 | Nasuf Aliu         | Municipality of Vushtrri                      |
| 45 | Fridon Lala        | “Lotaria e Kosoves” JSC Prishtina             |
| 46 | Milazim Bytyçi     | Kosovo Railways Infrastructure JSC “INFRAKOS” |

#### **Annex IV:**

List of Officials who did not declare their property within the legal deadline due to health reasons and other reasons

|   |                     |  |   |
|---|---------------------|--|---|
| 1 | Sinisa Mandusic     | Basic Court - Mitrovica                              | Has provided a hospital confirmation, and is hospitalized in the Belgrade Hospital.   |
| 2 | Bekim Jupa          | Municipality of Gjakova                              | 04.04.2018 (Confirmed health reasons)   |
| 3 | Vlora Hoti          | Ministry of Education, Science and Technology - MEST | Has left on 30/03/2018, declaration deadline 30/04/2018   |
| 4 | Teuta Pustina       | University of Prishtina - MEST                       | Has left on 29/03/2018, declaration deadline 29/04/2018   |
| 5 | Salih Sefa          | Ministry of Foreign Affairs                          | Left his position requiring declaration of assets on 31.03.2018 while declared his property upon completion of his duty on 10.04.2018 |
| 6 | Radmila Kapetanovic | Basic Court Mitrovica / Zubin Potok Branch           | Has been included in the list of senior officials but has not been in office since 2013.  |

#### **Annex V:**

List of trainings for the ACA officials:

| No. | Type of training                    | Organizer/location | From       | To         | Name of officials |
|-----|-------------------------------------|--------------------|------------|------------|-------------------|
| 1.  | Transparency and Public Procurement | TAIEX/ Tirana      | 11.01.2018 | 12.01.2018 | One official      |
| 2.  | Winter School against Corruption    | RAI- ANAC/ Rome    | 22.01.2018 | 02.02.2018 | Two official      |
| 3.  | Evaluation of LAC-LPP /LCT          | Council of         | 19.02.2018 | 22.02.2018 | Two officials     |

|     |  |   |            |            |                 |
|-----|--|---|------------|------------|-----------------|
|     |  | Europe/France                                   |            |            |                 |
| 4.  | Study Visit  | UNDP/ Tirana                                    | 13.03.2018 | 17.03.2018 | Four officials  |
| 5.  | Importance of whistle-blowers  | Joint Austria-Germany project, Albania / Tirana | 19.03.2018 | 20.03.2018 | One official    |
| 6.  | Alumni Days  | Marta ROLT/ Beograd                             | 26.03.2018 | 27.03.2018 | Two officials   |
| 7.  | Complaining for Discipline Issues in Civil Service                                       | IKAP /Prishtina                                 | 26.03.2018 | 27.03.2018 | Two officials   |
| 8.  | Legislation, Procedures, Trends and Practices in the Region                              | Council of Europe/ Tirana                       | 11.04.2018 | 14.04.2018 | One official    |
| 9.  | Corruption proofing  | UNDP- SAEK II/ Republic of Korea                | 22.04.2018 | 28.04.2018 | One official    |
| 10. | Integrity and control Measures in defence and law Enforcement Institutions               | RACVIAC/ Montenegro                             | 07.05.2018 | 10.05.2018 | Three officials |
| 11. | Sharing of Financial Information   | British Embassy / Montenegro                    | 09.05.2018 | 10.05.2018 | Two officials   |
| 12. | Protection of public funds and fight against corruption                                  | U.S Embassy in Pristina / USA                   | 02.05.2018 | 12.05.2018 | One official    |
| 13. | Public Procurement Audit and Discovery of Fraud  | USAID/ Prishtina                                | 16.05.2018 | 18.05.2018 | Two officials   |
| 14. | Algorithmic methods applied in identifying discrepancies in the declared property values | USAID/ Tirana                                   | 22.05.2018 | 22.05.2018 | One official    |
| 15. | Assessing corruption risk in legislation   | RAI- UNDOC/ Croatia                             | 22.05.2018 | 23.05.2018 | Three officials |
| 16. | Identifying, Preventing and Avoiding Conflict of Interest                                | IKM/ Montenegro                                 | 07.06.2018 | 10.06.2018 | One official    |
| 17. | Successful investigation of counterfeiting   | OLAF/ Bosnia                                    | 21.06.2018 | 22.06.2018 | One official    |
| 18. | Evaluation of work performance   | KIPA/ Prishtina                                 | 28.06.2018 | 29.06.2019 | One official    |
| 19. | Basic Occupational Certificate on Procurement  | PPRC / Prishtina                                | 2018       | 2018       | One official    |
| 20. | Integrity and Impunity in Public Procurement   | KDI-KFOS/ Macedonia                             | 30.06.2018 | 01.07.2018 | One official    |
| 21. | Empowering Integrity and Fighting Corruption in Higher Education                         | PECK II/ Geneva                                 | 02.07.2018 | 04.07.2018 | One official    |
| 22. | Action Plan against Corruption   | OECD/ France                                    | 02.07.2018 | 06.07.2018 | One official    |
| 23. | Training of Trainers Programme on Fraud Detection  | USAID-IKAP/ Prishtina                           | 17.07.2018 | 19.07.2018 | One official    |
| 24. | KFMIS  | MF/ Prishtina                                   | 26.07.2018 | 26.07.2018 | One official    |
| 25. | Study Visit  | Federal Bureau of Anti-Corruption/Austria       | 10.09.2018 | 14.09.2018 | Five official   |
| 26. | Impact of the new Law on General Administrative Procedure (LGAP) in the Appeal           | KIPA/ Prishtina                                 | 19.09.2018 | 20.09.2018 | One official    |

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|-----|---|--|------------|------------|----------------|
|     | and Recruitment Procedure in the Civil Service  |  |            |            |                |
| 27. | First negotiating meeting for the International Property Claims Treaty                                | RAI/ Austria                                 | 03.10.2018 | 04.10.2018 | One official   |
| 28. | Anti-corruption training for law enforcement  | OSCE/ Prishtina                              | 17.10.2018 | 19.10.2018 | Four officials |
| 29. | Anti-Corruption conference  | UNDP/ Denmark                                | 22.10.2018 | 24.10.2018 | One official   |
| 30. | MAS-related workshop  | MIE/Tirana                                   | 09.12.2018 | 12.12.2018 | One official   |
| 31. | State of Affairs in Public Procurement  | Balkan Tender watch/ Macedonia               | 12.12.2018 | 14.12.2018 | One official   |
| 32. | Functional Review of the Justice Sector as the forerunner of the process towards European Integration | Group for Law and Political Studies / Durres | 14.12.2018 | 16.12.2018 | One official   |
| 33. | Study visit   | PECKII/ Tirana                               | 17.12.2018 | 19.12.2018 | Four officials |