



Republika e Kosovës
Republika Kosova / Republic of Kosovo



Agjencia kundër Korrupsionit
Agencija protiv Korupcije / Anti-Corruption Agency

Annual Report

January – December 2015

Prishtina, March 2016

Content:

1. EXECUTIVE SUMMARY	1
2. ABOUT THE AGENCY	2
3. INTERNAL ORGANIZATION	3
4. ACTIVITIES DURING REPORTING PERIOD	3
4.1 COMBATING CORRUPTION	3
4.1.1 Law enforcement	4
4.1.2 Conducting investigations	4
4.1.3 Cooperation with other institutions, whose mission is to fight and prevent corruption	14
4.1.4 Monitoring the implementation of Anti-Corruption Strategy and Action Plan 2013-2017	15
4.2 Prevention of corruption	17
4.2.1 Declaration and control of properties and gifts.....	17
4.2.2 Prevention of Conflict of Interest	24
4.2.3 Prevention of Corruption in Public Procurement Activities.....	25
4.3 Support, cooperation and Public Relation	31
4.3.1 Office for support, cooperation and information.....	31
4.4 Human resources	34
4.5 Public Procurement.....	35
4.6 Administration, Budget and Finances	35
5. ADDRESSING THE RECOMMENDATIONS OF THE OFFICE OF AUDITOR GENERAL	36
6. LESSONS AND RECOMMENDATIONS	38
7. CONCLUSION.....	38
ANNEXES	39
Annex I . Organizational Chart of the Anti-Corruption Agency.....	39
Annex II - Table of trainings in 2015	40

List of Tables

Table 1. Cases forwarded to competent bodies since the ACA full establishment	12
Table 2. Court decisions pursuant to Article 437 of CCK	13
Table 3. Regular annual declaration	18
Table 4. Declaration when taking over the function	19
Table 5. Declaration upon request by ACA	19
Table 6. Declaration of properties after termination of or dismissal from a public function	20
Table 7. Declaration of properties 2015	20
Table 8. Overall property declaration process, as well as the results of the findings from the complete control.....	21
Table 9. Overview of reception of gifts by institutions.....	22
Table 10. Names of public officials who have not declared their properties	23
Table 11. Conflict of Interest Cases handled during 2015	24
Table 12. Cases submitted for Minor Offences Proceedings or request for their dismissal	25
Table 13. Multiple Functions.....	25
Table 14. Prevention of Corruption in Public Procurement during 2015	26
Table 15. Discontinued procurement activities based on the recommendations by the ACA.....	30
Table 16. opinions not considered.....	31
Table 17. Public Procurement activities overview.....	35
Table 18. Budgetary allocation overview by economic categories.....	35
Table 19. Overview of expenditures after budget review	36
Table 20. Overview of recommendations addressed by the Office of the Auditor.....	37
Table Sh-II. List of trainings during 2015.....	40

List of Charts

Chart 1. Overview of the proceeding cases handled during 2015.....	5
Chart 2. Overview of Criminal Charges and the number of persons forwarded to the relevant institutions	6
Chart 3. The number of cases forwarded to competent bodies, as well as persons involved (2007-2015)	11
Chart 4. Monitoring of the Strategy implementation.....	17
Chart 5. Articles about corruption in daily newspaper by months in 2015	32
Chart 6. Number of articles of all printed media about Agency's performance	33

List of Acronyms

SP	<i>State Prosecutor</i>
SPRK	<i>Special Prosecution of the Republic of Kosovo</i>
DPP	<i>District Public Prosecutor</i>
MPP	<i>Municipal Public Prosecution</i>
BP	<i>Basic Prosecutor</i>
DIECC	<i>Directorate for Investigation of Economic Crimes and Corruption, Kosovo Police</i>
KPI	<i>Kosovo Police Inspectorate</i>
FIU	<i>Financial Investigation Unit</i>
UP	<i>University of Prishtina</i>
CC	<i>Constitutional Court</i>
MEST	<i>Ministry of Education Science and Technology</i>
MEF	<i>Ministry of Economy and Finances</i>
CEC	<i>Central Election Commission</i>
PPRC	<i>Public Procurement Regulation Commission</i>
KEK	<i>Kosovo Energy Corporation</i>
KDI	<i>Kosovo Democratic Institute</i>
KCPSED	<i>Kosovo Centre for Public Security, Education and Development</i>
FLSA	<i>Financial Law Smart Agency</i>
KIPA	<i>Kosovo Institute for Public Administration</i>
LDC	<i>Leadership and Development Consultancy</i>
RESPA	<i>Regional School for Public Administration</i>
BRC	<i>Bratislava Region Centre</i>
UNDP	<i>United Nation Development Program</i>
SAKA	<i>State Agency of Kosovo Archives</i>
SACIK	<i>Support Anti-Corruption Institution of Kosovo</i>
EU	<i>European Union</i>
MDA	<i>Management Development Association</i>
SAP	<i>Anti-Corruption Agency Strategy and Action Plan</i>

1. EXECUTIVE SUMMARY

Corruption continues to remain a concerning phenomenon for all institutions of the Republic of Kosovo. Despite pledges for a greater commitment towards creating a social environment free from the influence of corruption, the result however cannot yet be considered satisfactory. Kosovo authorities have set clear priorities for the implementation of the legislation, which aim fighting and preventing of corruption, promotion of transparency and strengthening of institutional integrity.

Even during this reporting period, Anti-Corruption Agency has responded devotedly to all public concerns on suspicions that in certain cases there may be corruptive activities. The Agency has also been vigilant concerning prevention of corruption, by handling cases of conflict of interest, as well as in providing opinions for tendering procedures and processes.

In this regard, the ACA, since its establishment to this reporting moment, out of all investigated cases, in which were found proves confirming the allegations of corrupt activities, forwarded a total of 675 cases to the competent prosecution offices. As it will be noted in following chapters of this report, ACA during this reporting period addressed the highest number of criminal charges in comparison with the previous years. This is due to the fact that Criminal Code of Kosovo (entered into force in early 2013) stipulates non declaration or false declaration of properties as criminal offence.

The legal framework whereby the Agency exercises its legal mandate includes the following acts: 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 of 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, (which entered into force in 2014); Law no. 04/L-051 on Prevention of Conflict of Interest in the Exercise of Public Function. Existing secondary legislation is not supplemented and amended.

Failure to adopt supplementing and amending of the Law no. 04/L-051 on Prevention of Conflict of Interest in the Exercise of Public Function, continued to hamper the fulfilment of Agency's mandate in relation to the prevention of conflict of interest cases, based on the fact that during the implementation in practice of the basic law for the prevention of conflict of interest highlighted many unclarities and gaps which hampered the work of the Agency, with special emphasis on the exercise of two or more positions/functions at the same time by public officials.

Based on the data of this report, it is noted that joint efforts from the entire justice system and other mechanisms whose mission is fighting corruption are needed, in order to build a strong institutional system that produces concrete results in the fight against corruption and eventually create the spirit of civic trust.

This is the ninth annual report covering the period 1 January – 31 December 2015, and is submitted to the Assembly of the Republic of Kosovo. The report is disaggregated into several chapters and indicates, in details, all the activities and initiatives undertaken by the Agency during this period.

2. ABOUT THE AGENCY

Anti-Corruption Agency (ACA) is an independent institution established in July 2006, and commenced operation on 12 February 2007. The legal basis for the establishment of the Agency is the Anti-Corruption Law (2004/34) which defined its responsibilities and scope of work.

The mandate of the Agency is focused on detecting and investigating corruption cases, on efforts to prevent and combat corruption and increase public awareness with the aim of building a sound society based on the rule of law.

Competences of the Agency are stipulated in Article 5 of the Law no. 03/L-159 on Anti-Corruption Agency.

Current Anti-Corruption Law, 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, analyzing 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.

Pursuant to the legal framework, ACA, regarding its work, must report annually to the Assembly of Kosovo. While this is the ninth report that the Agency submitted to the Assembly, and reflects in detail the activities and initiatives undertaken during 2015.

These activities were focused on:

- Law enforcement, including the proceeding of criminal charges to competent prosecution offices, submission of requests to initiate the disciplinary proceeding for alleged administrative violations, monitoring the implementation of the Anti-Corruption Strategy and Action Plan;
- Prevention or elimination of corruption related causes through performing the declaration of properties of the senior public officials, publication of the registers of property declaration of senior public official in the ACA website, prevention of conflict of interest and registration of the gifts received by officials, as well as prevention of corruption in public procurement activities;
- Education of public officials and citizens on the legal framework and current mechanisms dealing with fight and prevention of corruption, as well as public awareness raising on the fight against corruption in the sense of promoting a strong partnership between public and ACA.

3. INTERNAL ORGANIZATION

The internal organization of ACA is regulated by the ACA Rules of Procedure and Regulation on Organization and Systematization of the job positions in ACA. Both define, in details, the procedures regarding the work performed and responsibilities of each official within ACA.

ACA consists of the Office of the Director, Departments, Divisions and Office for Support, Cooperation and Information ([Annex I](#)).

Currently, within the Agency are engaged 40 officials as follows:

- Office of the Director of ACA, 5 officials;
- Department of Combating Corruption, 11 officials;
- Department of Prevention of Corruption, 15 officials,
- Division of General Operations and Finances, 5 officials, as well as
- Office for Support, Cooperation and Information, 4 officials.

During 2015, the internal organizational structure of the Anti-Corruption Agency undergone no changes.

Commission for Dispute Settlements and Appeals and Disciplinary Commission continued their mandate from the previous year.

The following chapters represent a thorough overview of the activities conducted by the Agency during the one-year reporting period, 1 January - 31 December 2015.

The Agency address is as follows: str. "Nazim Gafurri", no. 31, in Prishtina. The Agency operates in an old building, however it largely meets the needs for work, for a staff of 40 members.

4. ACTIVITIES DURING REPORTING PERIOD

This is the ninth annual report covering the period 1 January – 31 December 2015, and is submitted to the Assembly of the Republic of Kosovo. The report is disaggregated into several chapters and indicates, in detail, all the activities and initiatives undertaken by the Agency during this period.

4.1 COMBATING CORRUPTION

Activities in combating the corruption in the ACA are performed by the Department of Combating Corruption. In accordance with the mandate given by the Law No. 03/L-159 on Anti-Corruption Agency and other secondary legislation, the work of the Department of Combating Corruption is mainly focused on following fields: Law Enforcement, monitoring of Anti-Corruption Strategy and Action Plan, improvement of legal framework and public awareness.

4.1.1 Law enforcement

ACA, respectively the Department of Combating Corruption regarding law enforcement, is responsible for 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.

4.1.2 Conducting investigations

During this reporting period, the priority of the Department for Combating was the admission, initiation ex officio 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 regarding this reporting period, below is presented the general overview.

Cases reported to ACA during 2015

During the reporting year, ACA received information from citizens regarding allegations of corruption activities through different ways of reporting. ACA, for citizens who wish to report suspected cases of corruption, provided several reporting options, such as: reporting directly to the ACA, through toll-free telephone line **0800 10 800**, mail and via e-mail (online form) on 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 2015, ACA has conducted preliminary investigation procedures in a total of **354** cases, of which **56** are carried from previous years, whereas, in 2015 ACA received **298** new cases. Of these cases, **126** are proceeded to the Prosecution Office and Police for further proceeding, **14** are proceeded to competent administrative bodies with a request for initiation of disciplinary proceeding, **132** cases are closed, while **82** cases are in proceeding. Total number of handled anonymous reporting is **54**. During the reporting year, the Agency handled a total of **134** cases initiated ex officio).

Cases in proceeding are all cases registered during 2015. The following chart represents the proceeding of **354** cases handled during 2015.

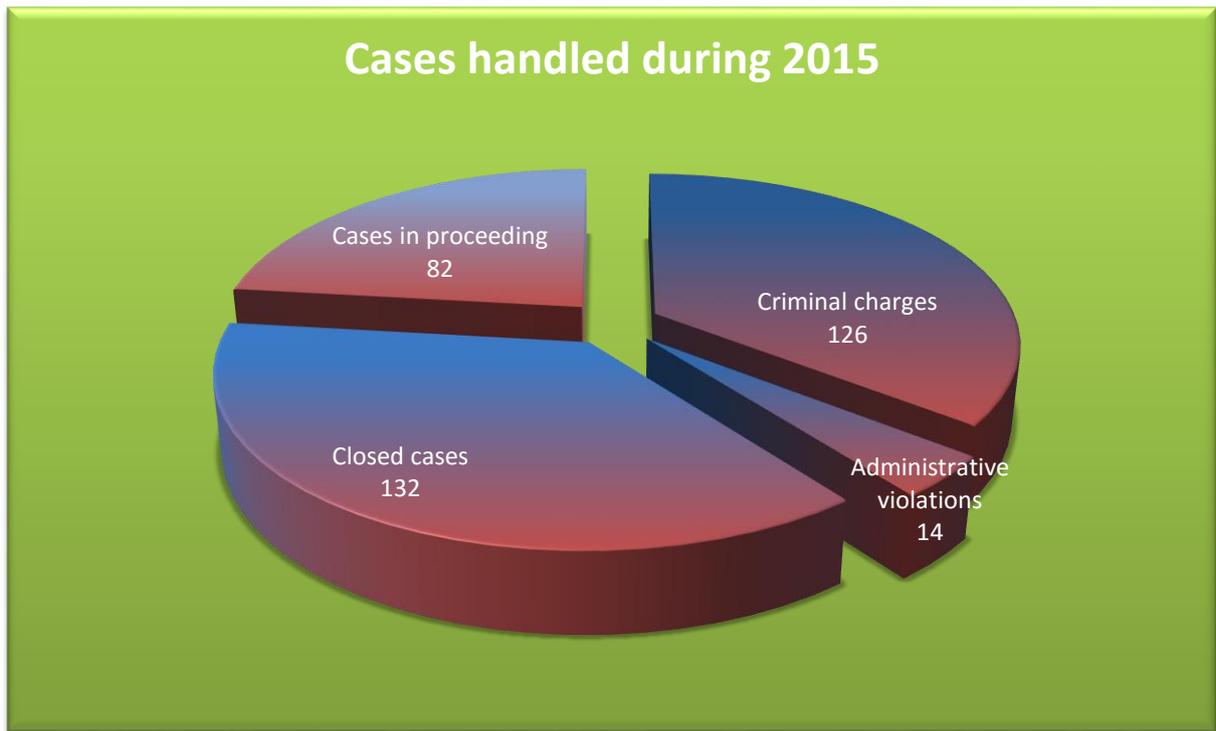


Chart 1. Overview of the proceeding cases handled during 2015

Cases forwarded to competent institutions for further proceeding

During the reporting period, **126** information and criminal charges were forwarded to competent institutions for further proceeding.

114 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. While to the Directorate for Investigation of Economic Crimes and Corruption/Kosovo Police, are forwarded in total **12** information.

Whereas, in fourteen (**14**) 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 offense, 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 the cases forwarded to competent prosecution offices and police is not specified.

Persons suspected for corruptive activities

ACA, in **126** cases forwarded to public prosecution offices and competent police bodies for further criminal proceeding, after finding that there are sufficient data or/and grounded suspicions for involvement in corruptive activities, reported **189** persons, out of which **184** persons are forwarded to the Office of the Chief State Prosecutor, and **5** persons to DECCI-Kosovo Police. In **7** cases forwarded to the DECCI-Kosovo Police, the identification of persons was not reached. These data are presented in the following chart.

ACA, during the reporting period has forwarded **14** cases to the competent administrative bodies with request to initiate disciplinary proceedings against **26** officials of the institutions of the Republic of Kosovo.

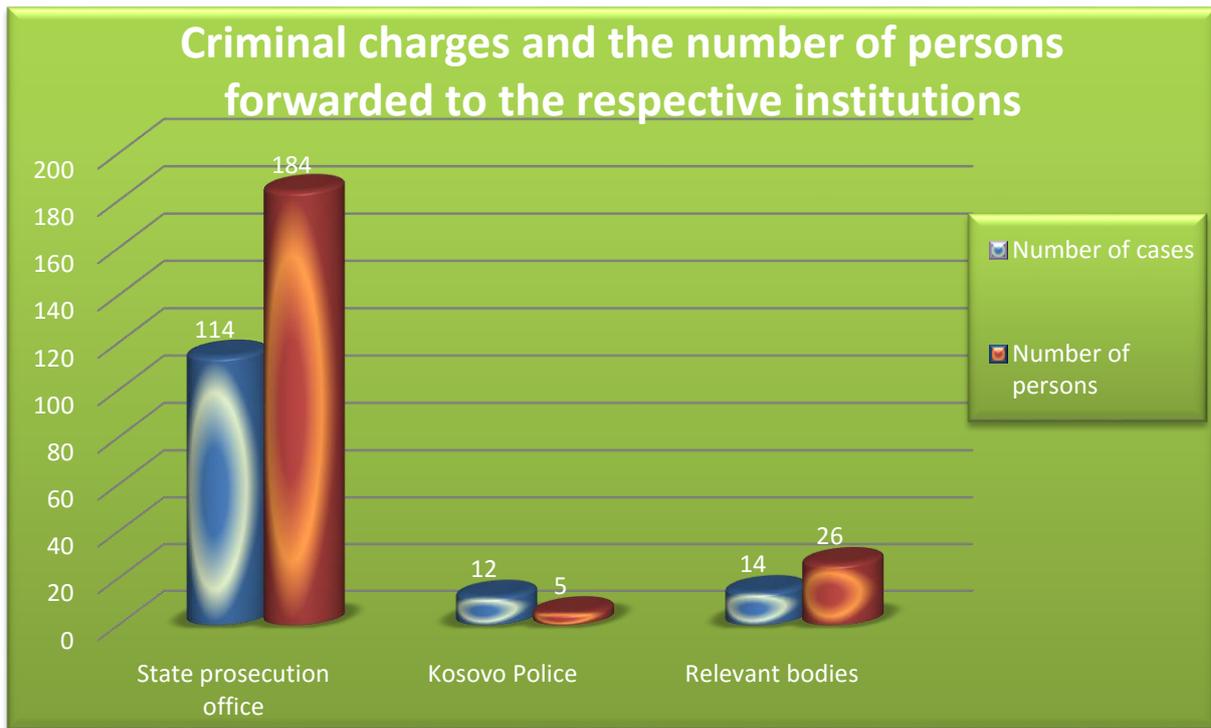


Chart 2. Overview of Criminal Charges and the number of persons forwarded to the relevant institutions

Proceeded cases by the structure of criminal offenses

Among the **126** cases proceeded to Prosecution Office and DECCI - Kosovo Police for further proceeding, some of them consist two or more offenses. Criminal offenses mainly belong to Chapter XXXIV on official corruption and criminal offenses against official duty under the Criminal Code of Kosovo, but there are also cases with suspicion on sanctioned actions in other chapters under the Criminal Code of Kosovo. While in **12** cases, for alleged actions it has not been managed to qualify that what criminal offences represent due to the exceeding the Agency's investigative opportunities and competencies.

Structure of criminal offenses forwarded to competent institutions

The structure of criminal offenses forwarded to the competent institutions and the level suspected officials:

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 DECCI-Kosovo Police, corruption actions, foreseen under Article 422 of the CCK, constitute the second highest share of offences. In several cases, this criminal offense is accompanied by other criminal acts, as the **Violating rights of employment and unemployment** (Article 222 of the Criminal Code of Kosovo), **Legalization of false content** (Article 403 of the Criminal Code of Kosovo), **Conflict of interest** (Article 424 of the Criminal Code of Kosovo) and **Misappropriation in office** (Article 425 of the Criminal Code of Kosovo).

Accepting bribes – established in the Article 428 of the Criminal Code of Kosovo, this offense is associated with the criminal offense of Giving Bribes (Article 429 of the Criminal Code of Kosovo).

Persons involved in these cases are of different functions, such as: former MPs of the Republic of Kosovo, former Minister, Advisor of the Minister, former Advisor of the Minister, Mayor, Deputy Mayor, Director in the Independent Agency, Executive Head of the Independent Commission, former Acting Secretary General in the Ministry, Members of the Steering Council in the Public University, Dean of the Faculty in the Public University, Director of Executive Agency within the certain Ministry, Director of the Department or Manager of Procurement in the Ministry, former Director and Head of the Sector of Institute within the Ministry, Procurement Manager in the Executive Agency within the certain Ministry, former Executive Director in the Regional Hospital, Director of the Department at the municipal level, School Director, members of the Scientific Council for particular field, officials of the Ministry engaged in Selection Committee of Civil Service, municipal officials and officials of publicly-owned enterprises engaged in certain commissions, officials of Public University engaged in procurement activities, officials of other institutions engaged in certain commissions, Director of the Department in the Ministry, Minister, Advisor in the Embassy, members of the Judicial Institute, Deputy Mayor, Members of Municipal Assemblies, Head of the Division for Budget and Finances at the municipal level, Director of the Department in Municipality, Members of the Board of Regional Publicly-Owned Enterprise, Artistic Leader, Director within Police, Consul, Auditor of the Office of Auditor General, Director of Units within the Publicly-Owned Enterprises, Member of the Board in the Independent Institution, MP, Judges, Member of the Municipal Assembly, Director of Municipal Department, Director of Regional Hospital, Director of the Clinic, Member of Board of Regional Public Enterprise, Director of the Department in the Ministry, Director in RTK, Manager in Regional Publicly-Owned Company, Member of the Steering Council of the Public University, Director of the Board in Publicly-Owned Enterprise, Advisor in the Embassy and Mayor.

Characteristics of the violations found during the preliminary investigation

- ✓ ACA has conducted the procedure of preliminary investigations regarding allegations of corruptive activities, i.e. in respect of offenses from Chapter XXIX of CCK – official corruption and criminal offenses against official duty. Despite institutional general commitment, corruption offenses continue to constitute the lowest number of criminal cases investigated by the prosecution bodies but also constitute criminal offenses for which there were least convictions imposed.
- ✓ Characteristic of investigated cases dealing with the criminal offense of **Abuse of Official Position or Authority** of Article 422 of the CCK is the abuse of official duty or authority by the official whom, 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.
- ✓ Upon performing procurement activities, the actions or omissions mentioned refer to violations of procurement procedures, or in the worst cases to complete avoidance of these procedures thus avoiding transparency and fair competition. Violations of procurement procedures are presented starting from planning and preparation of tender dossier, such as:
- ✓ Avoidance of all procurement procedures for spending budgetary means intended for a certain project;
- ✓ Drafting tender dossiers in contradiction with relevant legislation of public procurement;
- ✓ Allowing the continuation of procurement procedures even though the same are followed by violations of relevant procurement legislation;

- ✓ Statement of Needs and Determination of Availability of Fund is not signed by authorized persons, as: Procurement Officer, Chief Financial Officer and Chief Administrative Officer;
- ✓ The member of the commission participating in tender evaluation, based on the authorization issued by CA, is appointed in works and work duties of the Procurement Officer, who on behalf of the Procurement Office Manager shall sign every act or submission that falls under the competencies of the manager of this office;

Upon bid evaluation phase and signing of contracts are noted violations as follows:

- ✓ Opening of bids on day-offs;
- ✓ Evaluation of EO as accountable in contradiction with the respective legislation for public procurement, even though the same did not fulfil all criteria provided in the tender dossier and contract notice;
- ✓ CA reveals only a part of arithmetical errors in the total price in relation to the quantity and prices per unit of items, requesting explanation only for those errors from the EO, whereas other arithmetical errors of the total price in relation to the quantity and prices for unit of items, which resulted in the increase of contract value, were not disclosed and did not request explanations the EO, which resulted in awarding the bid with lower price than other EO, which errors, if corrected, would make this bid with a higher price;
- ✓ During the examination, evaluation and comparison of tenders of EO participant in the certain procurement activity, it is recommended to award the contract to the EO with higher price, even though according to the tender dossier the criterion for contract award was the accountable tender with lowest price, and despite the fact that two accountable EO had offered lower price than EO who was awarded the contract;
- ✓ It is accepted the offer of EO submitted with high prices for some items, which prices determined the tender winners, while CA is not supplied at all with these items because these items were not necessary for CA;
- ✓ Making unlawful recommendations to remove, in contradiction with the relevant public procurement legislation, the EO from procurement activity based on the alleged conflict of interest, allowing another EO to win the contract with higher price than eliminated EO;
- ✓ Signing the contract from the procurement activity without necessary approvals;

Execution of works, supply and service delivery oversight phase is characterized by:

- ✓ Items of the supply contract is not submitted in accordance with the contracted quality.

The criminal offense - Abuse of Official Position or Authority, when accompanied by other criminal offenses mentioned above, characterizes even cases investigated for other violations, such as:

- ✓ Enabling the natural person, who is a family relative of a member of the commission, to benefit from the lease by renting from the publicly-owned enterprise the business facility for 3 (three) to 5 (five) years without documenting correctly the ownership, since no document proving the ownership was found in the archive of POE;
- ✓ Application and winning their projects, making use their official duty as members of the commission whose mandate was to professionally evaluate certain projects and propose distribution of funds for certain activities from the budget;

- ✓ Replacement of cadastral parcels of general interest to private interests;
- ✓ Contracting and payment of certain services, even though there is no report attesting that those services were performed;
- ✓ Personal participation in official matter, signing and approving a service contract in which he had financial interest;
- ✓ Forging a signature for personal benefits, as trips abroad in two different destinations;
- ✓ Issuance of the permit for the sale of fuels in the residential home, where family members reside, thus risking their everyday lives;
- ✓ Supply with fuel of personal vehicle, recording it as a supply for public institution;
- ✓ Using of a diploma suspected as counterfeited to continue post-graduate studies, Master and Doctorate, in a neighbouring country and for other purposes;
- ✓ The acquisition of the property entrusted for the implementation of a certain project;
- ✓ The import of goods (goods in terms of import) is allowed in contradiction with the applicable legislation.
- ✓ Illegal transfer of ownership over immovable property;
- ✓ Unlawful approval of the permit for unpaid leave, based on unlawful demands;
- ✓ Chief Administrative Officer issued a decision whereby appointing his brother's son in the position of Acting Director, thus violating the rights of other contender persons, although he should have been excluded from this decision-making procedure;
- ✓ Employment of teachers and others without public announcement of vacancy, so that the employment would be done under a fair, open and competitive procedure for all interested candidates;
- ✓ Employment of family relatives without meeting the criteria according to the competition, thus violating the rights of other targeted candidates (potential candidates);
- ✓ Employment as a teacher and registered on the payroll as such, while the same does not perform teacher's job, instead he performs other duties;
- ✓ Work contract concluded with family members;
- ✓ Employment with a diploma obtained in private University, a diploma which according to the Ministry of Education, Science and Technology is not recognized in Kosovo pursuant to the Administrative Instruction;
- ✓ Employment with a diploma issued by a study program that is not licensed by MEST and not accredited by the Kosovo Accreditation Agency;
- ✓ Selection of candidates for employment with a diploma which was not nostrificated at the time of application;

- ✓ Certificates issued by the office of communities to change the ethnicity, which were used by candidates aiming the admission at the public university as members of a certain community, in the guaranteed seats;
- ✓ Unlawful expenditure of union membership funds and donations from abroad;
- ✓ Failure to meet criteria set for the allocation of apartments for martyrs' families, war invalids and social cases during the selection of beneficiaries, where these beneficiaries of apartments are also families who, if these criteria were met, would not benefit or/and the families that were refused would be potential beneficiaries. The preliminary list, which resulted to be the final proposal, is not based on the basic criteria for determining the priority order;
- ✓ Depositing money in personal bank accounts and bank accounts as a person authorized by the Senior Public Official, describing as the purchase of the apartment which is not declared on the forms for declaration of properties, where the origin of which is considered unknown;
- ✓ Excess of powers in order to gain for themselves and for colleagues revenues generated from contribution of attendees of Adult Education and Training, allegedly for additional work, for assistance in case of illness;

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

Accepting bribes - under the definition of this criminal offence under Article 428 of the Criminal Code of Kosovo and **Giving Bribes** under the Article 429 of the Criminal Code of Kosovo, which under the Criminal Code are separate criminal offenses and characterize the suspected case where, directly or indirectly, the certain amount of monetary means is requested, accepted, promised, provided or given in return for employment.

Failure to report or false reporting of properties, income, gifts, and other material gains or financial obligations, under Article 437 of the CCK, is a new criminal offence which is stipulated by the Criminal Code of Kosovo, which entered into force on 01 January 2013. A characteristic of investigated cases related to this criminal offence is the failure to declare properties within the time limits prescribed under the applicable law (regular annual declaration, declaration upon taking over the function (office), declaration after completing or being dismissed from the function and declaration upon request of the ACA), as well as the failure to present required data, such as: immovable property, movable property in the amount of three thousand (3,000) Euro, holding shares in trade organizations, securities, cash saved in the bank and other financial institutions, financial obligations towards natural and legal persons and annual incomes, and their falsification or false reporting.

Cases forwarded by years when the alleged corruption activity was committed

In the reporting period, the cases for which ACA investigation found evidences 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 2009-2015.

Number of cases forwarded since the establishment of ACA

ACA, since its full establishment up to date, from all investigated cases where found evidences to verify the allegations for corruptive activities, forwarded a total of **675** cases to the competent prosecution office, prosecution office of EULEX, Kosovo Police, the Police Inspectorate of Kosovo and the Financial Investigation Unit. During 2007, ACA forwarded **47** cases to the competent institutions; in these cases were involved **91** persons. During 2008, a total of **53** cases were proceeded against **113** persons, whereas during 2009, ACA has proceeded **68** cases against **159** persons. During 2010, **33** cases were proceeded against **164** persons, whereas during 2011, **39** cases were forwarded against **121** persons. During 2012, **52** cases against **159** persons, whereas during 2013, were **128** cases against **238** persons.

While in 2014, a total of **131** cases against **163** persons involved. Whereas in 2015, a total of **126** cases were proceeded against **189** persons.

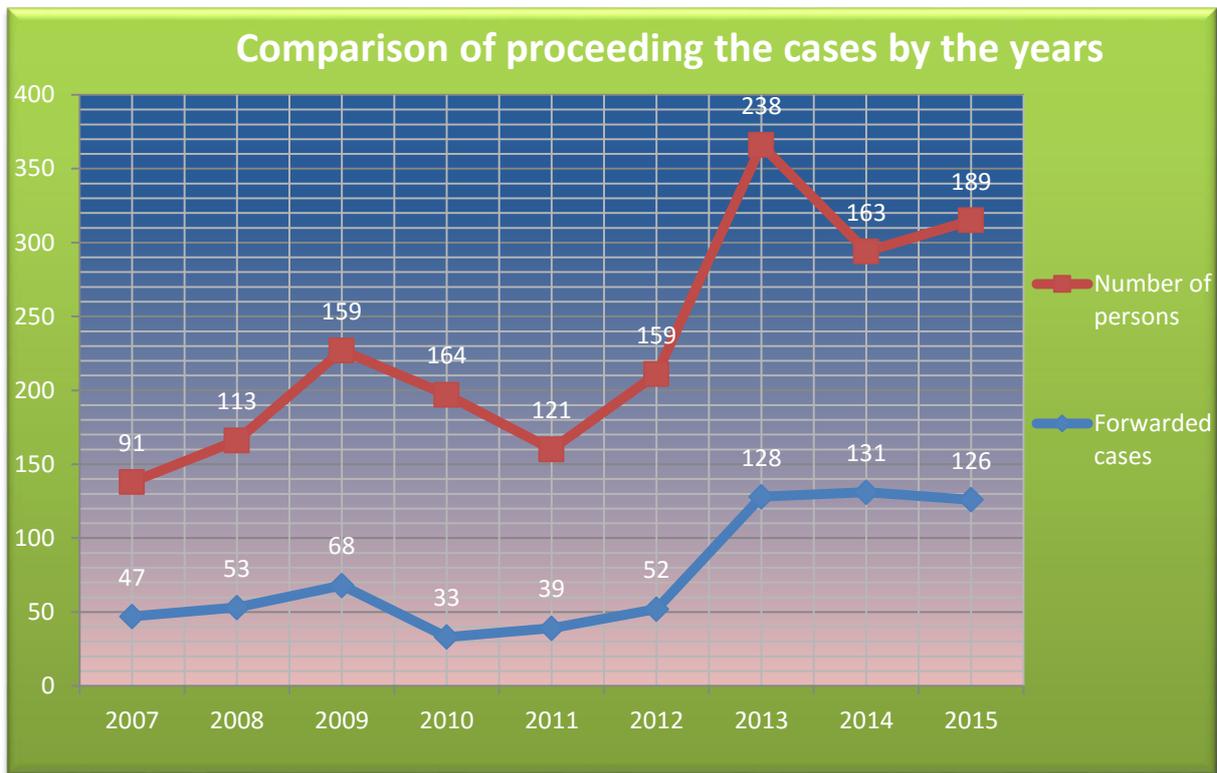


Chart 3. The number of cases forwarded to competent bodies, as well as persons involved (2007- 2015)

From the total number of cases forwarded from 2007 to 2014 to the competent prosecution offices and Kosovo Police, prosecution offices and other institutions provided feedback confirming that **183** cases are under investigation, **37** indictments/summary indictments and **50** court decisions were rendered, **201** cases confirmed to have been dismissed/terminated the investigations, whereas for **206** forwarded cases there is no feedback.

These data are presented in table:

No.	Institution	Proceeded cases	Investigations	Indictments / Summary indictments / Judicial process	Court decisions	Dismissed/ ceased cases	No feedback
1	SP	7	-	-		-	7
2	SPRK	20	5	-		9	6
3	P. of EULEX	40	7	2		12	19
4	BP. Prishtina	404	150	23		110	91
5	BP. Prizren	29	1	1		14	7
6	BP. Peja	26	2	1		20	3
7	BP. Mitrovica	13	2	-		4	4
8	BP. Gjilan	36	2	4		7	18
12	BP. Gjakova	18	-	6		4	2
15	BP. Ferizaj	14	-	-		6	8

16	Kosovo Police	59	12	-		14	33
17	KPI	5	1	-		1	3
18	FIU	6	1	-		-	5
19	BC Prishtina				30		
20	BC Prizren				6		
21	BC Gjilan				5		
22	BC Gjakova				6		
23	BC Mitrovica				3		
Total:		677	183	37	50	201	206

Table 1. Cases forwarded to competent bodies since the ACA full establishment

Of **677** cases forwarded to the competent institutions for further criminal proceedings, the number of suspected persons involved is: **1397** identified persons, where in **54** of these cases ACA failed to identify specific individuals.

In cases for which summary indictment and indictments are filed by the competent prosecution offices, as well as a judicial process is being conducted, are involved **66** persons

During the reporting period there have been progressive movement in relation to trial of cases suspected for corruption under charges raised by competent prosecution offices, on the grounds of ACA forwarding. For some of the forwarded cases is commenced the judicial proceedings respectively **87** cases, of which **37** cases are under judicial process, while for **50** cases are rendered court decisions. Court proceedings have mostly handled indictments filed for criminal offence failure to report or false reporting of properties, income, gifts, and other material gains or financial obligations of Article 437 of the CCK.

Case dismissal method by the Prosecution/cease of investigations

The trend of dismissing the cases forwarded by ACA, by prosecution offices or ceasing investigations continued also during this reporting period.

The assessment of this situation on the basis of information received from prosecution offices has confirmed the grounds reported in the annual ACA work report for 2013 related to the manner of dismissing the cases by prosecution offices.

Prosecutors continued to request from ACA to prove the purpose of criminal offences as a constituent element of their figure, while in no case, despite the legal opportunities, they have not taken necessary investigative actions and have not managed to prove the purpose.

In most cases of dismissal justifications, the competent prosecution offices claim that ACA suspicions of committed corruption offences pose no offence but the same are considered and established as administrative violations. Therefore, considering them as such, investigations are dismissed preventing further investigation for suspicions raised by ACA. In several cases of filed criminal charges by ACA, the term of criminal prosecution expired or became prescribed by criminal prosecution due to the negligence of the Competent Prosecution. Also, in some cases, the Competent Prosecution ignored the evidence presented along with criminal charges by the ACA.

In most cases, prosecution offices, when dismissing or ceasing the investigations, are based mainly in special reports provided by Kosovo Police. In most of the cases, when prosecution offices dismissed or ceased the investigation according to the justification, it can be drawn as a conclusion that the prosecutor's knowledge about Procurement Law are basic and its violations are not handled properly, because the damage caused as a result of these violations remains unsanctioned.

Expertise to which Prosecutions offices gave confidence in cases of alleged violations during public procurement procedures, and which although ascertains violations, is justified by the fact that contracts are won by EO who bid lower prices, without assessing quality, and in some cases also the amount provided for works, services and supplies contracted.

There were some cases when within the prosecution office, the same information is handled by two separate prosecutors.

During receiving feedback regarding cases of ACA proceeded to competent prosecution office, we are informed that at least in one case, after dismissing and closing on the grounds of prescription, the same prosecutor returned the case for investigation after two years, resulting in filing a indictments. In some cases, prosecutors of cases withdraw their indictments filed during judicial proceedings.

Aspects related to handling the cases in court

From the information, which were received from the respective courts, related to the cases suspected for corruption, according to indictments filed by competent prosecution offices on the basis of criminal charges forwarded by ACA, we were informed about their decisions that about **50** indictments were rendered **35** punitive judgments, **6** acquittals, **7** judgments on dismissal and **2** judgments on rejection. In two cases, the Court of Appeal rejected the appeal of the respondent and confirmed the punitive judgments rendered by the Basic Court in Gjakova and Gjilan, and in one case accepted the claim of the State Prosecutor as justified and referred the case for retrial to the Basic Court in Gjilan.

The data presented in the table below are from the respective Courts:

No.	Institution	Punitive Judgment	Acquittals judgement	Judgment on dismissal	Judgment on rejection
1	BC Prishtina	23	1	6	
2	BC Prizren	1	3	1	1
3	BC Gjilan	3	1	-	1
4	BC Gjakova	6	-	-	
5	BC Mitrovica	2	1	-	
Total:		35	6	7	2

Table2. Court decisions pursuant to Article 437 of CCK

Through punitive judgements the Court imposed mainly conditional punishments (by a fine and imprisonment). Fines were imposed in the amount of EUR 150 to EUR 2,000, whereas the punishment with imprisonment from 2 months to 6 months. Fines are scheduled to be paid mainly after the final judgment, and in some cases in 4 to 7 instalments, with the possibility of revocation to punishment with imprisonment, where one day in prison is equivalent to EUR 20 if the accused fails to pay it and the same cannot be executed under duress. The court imposed punishments with imprisonment as conditional punishments ordering they are not executed if the convict does not commit another criminal offence within the time limit of 1 or 2 years, or have turned them in punishments with monetary fine. There were cases when the Court imposed punishment with imprisonment, which later was replaced with punishment by fine with agreement between the Court and the accused.

Punitive judgements refer to the criminal offence pursuant to Article 437 of the Criminal Code of Kosovo, where **31** cases related to failure to declare properties under paragraph 1 of this Article, out of which **13** cases were due to failure to submit regular annual declaration of properties, **4** cases were for failure to file declaration of properties upon taking the office, **14** cases were due to failure to submit declaration of properties after concluding the function and **4** cases were for false declaration of properties or failure to submit requested data in the declaration under paragraph 2 of this Article,

namely **2** cases were related to failure to present accurately annual incomes, **1** for failure to present a business (ownership of shares in a trade association) and **1** case for failure to present accurately movable property (vehicle).

With **acquittal judgements**, in **2** cases Courts have acquitted the accused from charges on failure to declare property, namely **1** case related to failure to submit regular annual declaration of properties and **1** related to failure to declare property after concluding the function, as well as **4** cases related to falls declaration of properties or omitting required data from the declaration, namely **3** cases related to failure to present accurate annual incomes and **1** for failure to present business information (ownership of shares in a trade association).

Judgments on dismissal were issued in **7** cases, out of which **6** cases related to the criminal offence under Article 437 of the Criminal Code of Kosovo, namely **4** under paragraph 1 of the said Article (2 for failure to declare property upon beginning a function and 2 for failure to declare property upon concluding the function), and **2** cases under paragraph 2 of this Article for failure to declare accurate annual incomes information, whereas **1** case for the criminal offence Abusing of the official position or authorization under Article 339 of CCK.

Judgment on rejection was issued for **1** case for the criminal offence Abuse of the official position or authorization under Article 339 of CCK due to absolute outdating of criminal prosecution and the proceedings were ceased, and for **1** case due to failure to submit regular annual declaration of properties, due to lack of sufficient evidence for grounded suspicion of the criminal offence.

Closed cases

During the reporting period, ACA, after conducting the preliminary investigations, has closed 132 cases. Reasons for their closure are as follows:

- ✓ **110** cases were closed because after conducting preliminary investigations, it was concluded that there are not sufficient data and/or ground suspicion that the case is a criminal offence or administrative offence;
- ✓ **7** cases were closed because in accordance with applicable legal framework, the Agency has no power to conduct the proceeding of preliminary investigation; and
- ✓ **15** cases were closed because the criminal proceedings were being held before from the competent bodies, where 2 cases from Basic Prosecution Office in Prishtina, 8 cases from DECCI-Kosovo Police, 1 case from Basic Prosecution Office in Gjakova, 2 cases from Kosovo Police Inspectorate and 1 case from Special Anti-Corruption Department.

4.1.3 Cooperation with other institutions, whose mission is to fight and prevent corruption

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

ACA recommendation for the establishment of a joint coordination body of all anti-corruption institutions operating in Kosovo, where would be represented at the level of institutional leaders, is not addressed yet. National Anti-Corruption Council, initiated and led by the President of the country,

has not given the expected results, and failed to address the ACA recommendation for an anti-corruption coordination body.

The cooperation with prosecution offices regarding feedback to the agency for further processing and final decision related to the forwarded cases was significantly advanced and has been stable. In most cases, the ACA has received written notifications from the prosecution office. Within the reasonable time limits, ACA received confirmation by the Prosecution Offices and Kosovo Police on a criminal procedure is initiated and being conducted whether the same cases reported in 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 related to the number of cases forwarded for harmonization of statistics.

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

Within the legal competences, ACA has exchanged information and documentation with all other institutions whose mission is to fight and prevent corruption. In this regard, ACA has provided information to the competent institutions concerning verification of the past of certain persons.

Supported by the Anti-Corruption Programme of UNDP and Supporting Anti-Corruption Efforts in Kosovo, on 6-7 November 2015, the officials of the Agency, chief prosecutors and prosecutors of Basic Prosecution Office, presidents and judges of Basic Courts, Kosovo Police officials from the Department for the Investigation of Economic Crimes and Corruption, were convened in a two-day workshop, held in Prevala, to discuss current challenges (practical matters) between these mechanisms and how they can enhance cooperation in order to achieve results in the prevention and fight against corruption, focusing on cases of non-declaration and false declaration of properties. The meeting ended by issuing and distributing workshop conclusions.

On the occasion of the International Anti-Corruption Day (9 December), ACA supported by the UNDP awarded prizes to journalists that have addressed cases suspected of corruption.

4.1.4 Monitoring the implementation of Anti-Corruption Strategy and Action Plan 2013-2017

In implementing the Anti-Corruption Strategy, the Anti-Corruption Agency has developed the Anti-Corruption Action Plan (hereinafter ACAP) for the period 2013-2017, in cooperation with competent institutions of the Republic of Kosovo, a document that sets out concrete anti-corruption measures to be implemented by central and local level institutions.

The Anti-Corruption Agency (hereinafter) as institution responsible for monitoring, amending and supplementing of ACAP 2013-2017, in the beginning of 2015 initially conducted an assessment of the implementation of anti-corruption actions and measures, and conducted a specific assessment on actions and measures planned to be implemented, but were not carried out at all, or were not reported by the contact points¹, and based on these conclusions, ACA determined that ACAP 2013-2017 needs detailed revision and presentation of changes in order to refocus ACAP 2013-2017 measures and actions to achieve specific sectorial objectives laid down in the Anti-Corruption Strategy.

On 11 March 2015, ACA organized a workshop with the contact points, presenting the abovementioned findings and at the same time presented the working methodology for the revision

¹Contact point– is a person responsible for reporting in the ACA on behalf of the institution he belongs to.

of ACAP 2013-2017, and to this end ACA requested from the 13 contact points to conduct a Corruption Risk Assessment.

Twelve (12) contact points have conducted the Corruption Risk Assessment, while one (1) contact point did not. On 29 April 2015, ACA has organized another workshop to discuss the risk assessment of cases identified by these contact points.

Therefore, based on the idea to review the ACAP, on 20 May 2015, ACA requested from the contact points to submit their proposals to ACA by 29 May 2015. On 15-16 June 2015, ACA organized a final workshop in Prevala with aiming to finalize the Revised Action Plan. 22 contact points were invited to attend the workshop in Prevala, while 18 of them attended this workshop. The workshop was also attended by the UNDP – as a logistic support of this workshop.

During the workshop ACA presented a summary report on the implementation of ACAP 2013-2017 from February 2013 until December 2014, components of the corruption risk assessment conducted by institutions were reported, as well as, were discussed the ACAP planned measures that were not implemented by the contact points. The workshop continued with the modification of actions or measures, proposing new measures, replacement of measures that were not implemented with new measures, to ensure achievement of specific sectorial objectives within ACAP 2013-2017. It is worth mentioning that during these meetings were harmonized the positions and it was reached agreement regarding the finalization of the Revised Anti-Corruption Action Plan 2013-2017.

On 3 July 2015, the Revised Draft ACAP 2013-2017 and ACAP 2013-2017 was forwarded to the contact points to compare the changes made and from them it was requested that potential proposals be submitted to ACA by 9 July 2015.

On 16 July 2015, ACA issued the decision for the adoption of the Revised Anti-Corruption Action Plan 2013-2017, and the same was followed up the contact points.

In reference to Article 17, paragraph 3 of the Law No. 03/L-159 on ACA, which provides that ACA is responsible to monitor implementation of the revised Action Plan, on 11 January 2016 ACA addressed in writing to all contact points involved in the revised Action Plan, requesting that by 20 January 2016 they submit to ACA reports on implementation of objectives and actions deriving from the revised Action Plan for the period July-December 2015.

28 contact points were involved in the reporting process, including central and local public institutions and the civil society. Out of this number, 25 contact points have submitted reports, while 3 of them have not reported at all (See Table no.1)

For the reporting period July - December 2015, the revised Action Plan 2013-2017 provided a total of 121 actions or measures. Contact points, during this reporting period, have not reported at all for 32, or 26.44%, actions/measures. For 89 other actions reported by the contact points and based on the reports received, ACA concluded that 73 actions, or 60.33%, were implemented or are under implementation, 10 actions, or 8.26%, are partially implemented and 6 actions, or 4.95%, have not been implemented, as it is shown in the chart below.

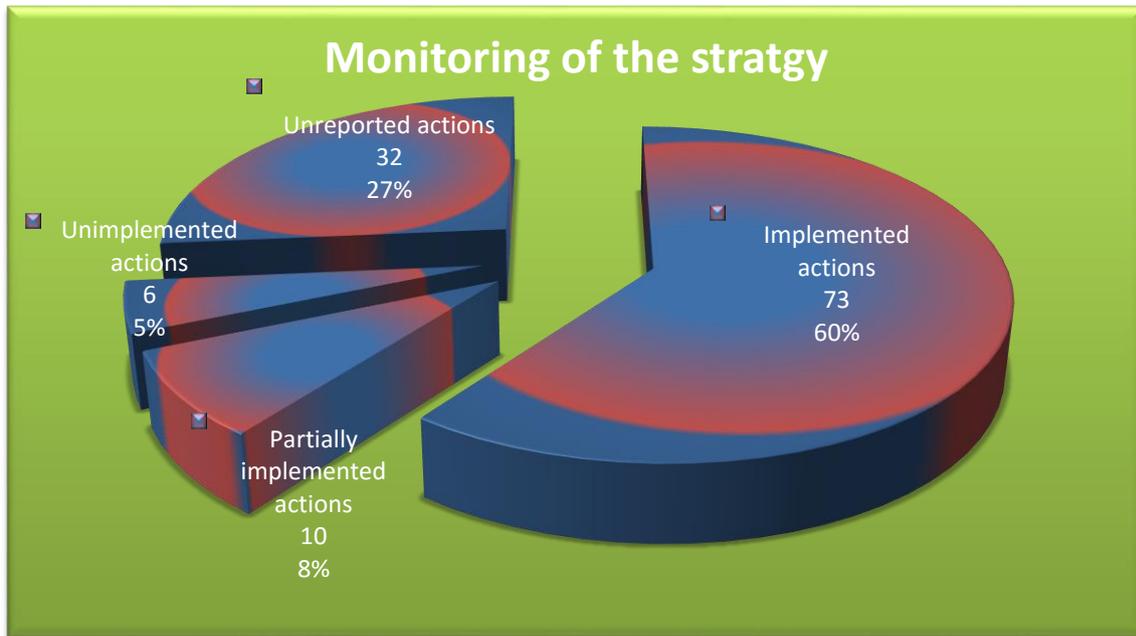


Chart 4. Monitoring of the Strategy implementation

4.2 Prevention of corruption

The entire Agency corruption prevention activities are conducted by the Department for Prevention of Corruption. This is done in accordance with the mandate given by the 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 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 Declaration, Origin and Control of Gifts of all Public Officials, and Law no.04/L-051 on the Prevention of Conflict of Interest in Discharge of Public Functions.

Department for Prevention of Corruption conducts its activity through three divisions; Division for Monitoring of Property and Gifts, Division for the Prevention of Conflict of Interest and Division for the Prevention of Corruption in Public Procurement.

4.2.1 Declaration and control of properties and gifts

The legal basis on which ACA supports its work to monitor the property of senior public officials is defined in 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 properties of senior public official based on information submitted by senior public officials in a special form, which is prepared by ACA in accordance with applicable law. Forms must be filled by senior public officials and submitted to ACA.

Types of declaration of property

Law on Declaration, Origin and Control of Property defines the following types of declarations:

- o Regular annual declaration;
- o Declaration upon taking the office;
- o Declaration upon the request of the Agency;
- o 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 public service and within the time limits laid down 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 this period of time or regular annual declaration for 2015, 4200 senior public officials were obliged to declare their properties. Of this total number, 4143, or 98.6%, declared their properties and 57 or 1.4% officials failed to declare their properties.

For the reporting period, the overall status of the regular annual property declaration process is presented in the table below.

Institution	Number of officials	Declared		Failed to declare	
		Declarations	Percentage	Non-declaration	Percentage
Presidency	19	19	100%	0	0%
Assembly	147	147	100%	0	0%
Government	1223	1206	98%	16	2%
Courts	327	327	100%	0	0%
Prosecution Offices	138	138	100%	0	0%
Independent institutions	453	447	98%	4	2%
Municipalities of Kosovo	1586	1551	97%	35	3%
Public enterprises	307	298	97%	2	3%
TOTAL	4200	4143	98.6%	57	1.4%

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 employing authority is required within fifteen (15) days to notify the ACA for initiation or completion of the employment of senior public official, meanwhile the senior official is obliged to declare the properties within 30 days after taking the official duty.

During the reporting year, 350 senior public officials had the obligation to declare their properties upon taking office.

The overall status for 2015 of property declaration process upon taking over the function is shown in the table below.

Institution	Number of officials	Declared	Percentage %
Presidency	0	0	0%
Assembly	3	3	100%
Government	125	125	100%
Courts	37	37	100%
Prosecution Offices	11	11	100%
Independent institutions	35	35	100%
Municipalities of Kosovo	65	65	100%
Public enterprises	74	74	100%
TOTAL	350	350	100%

Table 4. Declaration when taking over the function

Declaration upon request of Agency - ACA may, at any time, require from the senior public official the declaration of properties and its origin in accordance with the Law. During this reporting period, ACA requested from 97 senior public officials to declare their properties.

The state of declaration of properties by the request is presented in the table below.

Institution	Number of officials	Declared	Percentage %
Presidency	0	0	0%
Assembly	5	5	100%
Government	26	26	100%
Courts	0	0	0%
Prosecution Offices	3	3	100%
Independent institutions	7	7	100%
Municipalities of Kosovo	52	52	100%
Public enterprises	4	4	100%
TOTAL	97	97	100%

Table 5. Declaration upon request by ACA

Declaration of properties upon termination or dismissal from office - After completion of the work in public service, senior public officials are under obligation of properties declaration within thirty (30) days. During this period, the contact points informed us that 164 high officials were obliged to declare their properties.

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

Institution	Number of officials	Declared	
		Declarations	Percentages
Presidency	1	1	100%
Assembly	2	2	100%
Government	59	59	100%
Courts	7	7	100%
Prosecution Offices	2	2	100%
Independent institutions	28	28	100%
Municipalities of Kosovo	41	41	100%
Public enterprises	24	24	100%
TOTAL	164	164	100%

Table 6. Declaration of properties after termination of or dismissal from a public function

Based on the data reported during the year for all types of property declaration, 4811 high 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	4200	4143	57
Upon taking the office	350	350	0
Upon request	97	97	0
Upon termination or dismissal	164	164	0
Total number	4811	4754	57

Table 7. Declaration of properties 2015

Control of property declaration

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

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 recording data in database, where we noticed many mistakes in filling the forms for declaration of properties, we noticed significant mistakes at senior public officials who declared their properties for the first time. In cases where we observed minor errors or errors which we could improve through telephone contact, we contacted them and avoided those technical errors. In most severe cases we addressed them with official letter. In 734 cases, we noticed technical errors in submitted property declaration forms, 637 senior public officials were contacted by telephone and we avoided the technical errors, whereas 97 senior public officials were addressed with an official letter to avoid the technical errors.

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 for senior public officials who declare their properties. During reporting period, ACA has conducted the complete control of 20% from the total number of declarations on random bases, this is was organized for the first time, as provided for in the Law on the Declaration of Property. Also, ACA handled all information regarding the declaration of properties.

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 Public Administration, Public Enterprises, Agency for Registration of Vehicles, Kosovo Tax Administration, etc. From total number of senior public officials that are obliged to declare their properties, 780 forms have been controlled, where in 262 forms we noticed changes and we requested additional explanations, whereas 3 forms were forwarded to be handled as cases with conflict of interest allegations, as well as 43 cases were submitted for filing criminal charges.

The Agency handled 19 ex officio cases, based on information or reported by citizens through various forms.

The Agency has also followed-up on seven (7) cases of high public officials related to property declaration.

The following table presents the overall property declaration process,

According to the draw list	According to the official duty	Total controlled	No changes	Changes identified	Submitted to address conflict of interest	Information followed up to international mechanisms	Followed up to DLK (false declaration)	Omissions identified
780	19	799	537	262	3	7	43	209

Table 8. Complete control of property declaration , as well as the results of the findings from the complete control

Gifts catalogue

Based on Law no. 04/L-050 and Law 03/L-151 public institutions are obliged to name responsible official for keeping a registry. All gifts received and their respective value, and names of persons who provided the gift, need to be registered in the register of gifts which from official person who is determined by the Agency and are held by the institution in which the official person is exercising official duties. Copies of the catalogues shall be sent to the ACA no later than 31 March of the following year.

Delivery of the gifts catalogue

ACA, during March 2015, has received from ten (10) institutions notices regarding gift receiving, while twenty eight (28) other institutions have stated that they have not received gifts during 2014. While we did not receive notices from other institutions on whether they received gifts or not.

Institutions that have submitted copies of gifts catalogue during this year for the previous year are: Presidency, 38 protocol gifts, 65 casual gifts; Assembly of Kosovo, 9 protocol gifts, 1 casual gift; Office of the Prime Minister, 24 protocol gifts and 4 casual gifts; Ministry of European Integration, 10 casual gifts; Ministry of Local Administration Governance, 1 casual gift; Kosovo Prosecution Council, 10 protocol gifts; Kosovo Judicial Council, 1 protocol gift and 4 casual gifts; Municipality of Mamusha, 9 protocol gifts; Municipality of Partesh, 2 protocol gifts and Energy Regulatory Office, 14 casual gifts.

The Anti-Corruption Agency will in the coming days verify registration and storage of gifts in institutions and will analyze the law related to gift acceptance is obeyed.

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

Institution	Protocol gifts	Casual gifts	Number of declared gifts
Presidency	38	65	103
Assembly of Kosovo	9	1	10
Office of the Prime Minister	24	4	28
Ministry of European Integration	0	10	10
Ministry of Local Administration Governance	0	1	1

Kosovo Prosecutorial Council	10	0	10
Kosovo Judicial Council	1	4	5
Municipality of Mamusha	9	0	9
Municipality of Partesh	2	0	2
Energy Regulatory Office	0	14	14
Total	93	99	192

Table 9. Overview of reception of gifts by institutions

Control of Gifts

Pursuant to the Law no. 03/L-159 on Anti-Corruption Agency and 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 and 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, the Agency continued to perform the control in institutions regarding the maintenance and registration of received gifts.

During the reporting period, we visited 30 (thirty) Public Enterprises. The purpose of Agency officials visit was to see closely on how the provisions of the abovementioned legislation are implemented concerning the registration and maintenance of gifts catalogues.

Based on the records of the contact officers who are obliged to maintain a gift catalogue, reported that the officials who exercise functions in public enterprises have never reported having received random or protocol gifts.

The list of names of senior public officials who have not declared their property

No.	First and Last Name	Institution
1.	Kefsere Baliu	Office of the Prime Minister
2.	Ismet Potera	Ministry of Education, Science and Technology
3.	Mynever Muyo	University of Prizren
4.	Arif Riza	University of Prizren
5.	Luljeta P. Beqiri	University of Mitrovica
6.	Nevrije Ismajli	University of Gjilan
7.	Merxhan Avdyli	University of Gjilan
8.	Valbona Cacaj	Ministry of Kosovo Security Force
9.	Ylber Asllanaj	Ministry of Culture, Youth and Sports
10.	Minire Begaj	Ministry of labour and Social Welfare
11.	Nenad Djuric	Kosovo Police
12.	Lulzim Hiseni	Ministry of Foreign Affairs
13.	Lilzim Rifaj	Ministry of Foreign Affairs
14.	Blerina Krasniqi	Office of the Auditor General
15.	Shpresa Miftari	Office of the Auditor General
16.	Fekë Sadikaj	Kosovo Judicial Institute
17.	Ramë Gashi	Kosovo Judicial Institute
18.	Sebastijan Šerifović	Municipality of Gracanica
19.	Kadri Krivenjeva	Municipality of Kacanik

20.	Bozidar Sarkovic	Municipality of Klina
21.	Srdjan Jerinic	Municipality of Klokot
22.	Ali Stublla	Municipality of Lipjan
23.	Zenel Çitaku	Municipality of Mitrovica
24.	Ukë Selimaj	Municipality of Peja
25.	Avdi Shkreli	Municipality of Peja
26.	Senad Daciq	Municipality of Peja
27.	Rustem Nurković	Municipality of Peja
28.	Abit Kastrati	Municipality of Prishtina
29.	Sofije Bunjaku	Municipality of Prishtina
30.	Visar Arifaj	Municipality of Prishtina
31.	Saranda Bogujevci	Municipality of Prishtina
32.	Zenel Ahmetaj	Municipality of Prizren
33.	Imrije Sadriu	Municipality of Shtime
34.	Nora Aliu	Municipality of Shtime
35.	Ajnishahe Halimi	Municipality of Skenderaj
36.	Nuhi Llugaxhiu	Municipality of Suharekë
37.	Sadik Maloku	Municipality of Suharekë
38.	Agim Bregaj	Municipality of Vushtrri
39.	Agron Përçuku	Municipality of Vushtrri
40.	Hysni Gërguri	Municipality of Vushtrri
41.	Mehmet Selaci	Municipality of Vushtrri
42.	Zoran Rakic	Municipality of Vushtrri
43.	Jahi Sokoli	R.W.C. "Bifurkacioni" J.S.C. Ferizaj
44.	Alberton Sahiti	R.W.C. "Bifurkacioni" J.S.C. Ferizaj
45.	Lulzim Peci	Municipality of Zvecan
46.	Dragan Gvozdiq	Municipality of Zvecan
47.	Ranko Nedeljković	Municipality of Zvecan
48.	Nadica Hrstiq	Municipality of Zvecan
49.	Milosav Ivanović	Municipality of Zvecan
50.	Idriz Hysenaj	Municipality of Drenas
51.	Dorentine Bunjaku	Municipality of Drenas
52.	Jehonë Gara	Municipality of Drenas
53.	Sindorela Doli	University of Gjakova
54.	Laura Kusari	University of Gjakova
55.	Selami Sylejmani	University of Gjakova
56.	Imer Rama	Sportmarketing J.S.C.
57.	Enver Tahiraj	Sportmarketing J.S.C.

Table 10. Names of public officials who have not declared their properties

4.2.2 Prevention of Conflict of Interest

Conflicts of interest cases during 2015 - - In accordance with the Law on Prevention of Conflict of Interest in discharge of public function, and in general with the Anti-Corruption Law, Division of prevention of conflict of interest conducted certain activities that aimed at notification of senior officials to avoid the conflict of interest, as well as provided opinions to local and central institutions for the conflict of interests cases. During the reporting period, ACA handled 306 suspected cases for conflict of interest. The entire process is done in cooperation that ACA had with Public Institutions, Responsible Authorities, with Public Officials, media, civil society, and through information obtained from legitimate sources.

Division for Prevention of Conflict of Interest, during 2015, in 15 cases has responded to certain parties on issues related to the cases of conflict of interest.

In cases that have been in the procedure, transferred from 2014 to 2015, in 25 cases was avoided conflict of interest, 5 handled cases resulted in no situation of conflict of interest, for two cases an opinion was issued, whereas for 3 cases has been concluded existence of Conflict Interest and were processed for minor offences proceedings.

The Agency in two (2) cases requested from the institutions, where high officials exercise functions, to initiate the dismissal procedure against Mr. Nazmi Iballi, from the Academy for Public Safety and Mr. Sabit Zeka from the Regional Water Company "Bifurkacioni".

The following table reflects the whole process and handled cases of conflict of interest during 2015.

Institutions	Cases reported for conflict of interest	Cases that avoided conflict of interest	Cases without conflict of interest	Opinions-Advices	Cases proceeded for investigation	Request for Dismissal /minor offense	Cases in procedure
Government	47	13	9	20	1	1	3
Assembly of Kosovo	15	9	4	2	/	/	/
Court /Prosecution	6	2	1	3	/	/	/
Independent Agencies	11	6	1	3	/	/	1
Public Enterprises	26	12	6	3	1	/	4
Local Government	195	115	17	16	1	3	43
Other Institutions	6	3	1	2	/	/	/
Total	306	160	39	49	3	4	51

Table 11. Conflict of Interest Cases handled during 2015

The List of names of the officials submitted for Minor Offences Proceedings handled in 2015

No.	Name/Surname	Institution	Measures taken by the ACA
1	Xhavit Zariqi	Municipality of Ferizaj	The official was processed for Minor Offence procedure and his dismissal was requested.
2	Masar Lluca	Municipal Assembly/ Gjakova	The official was processed for Minor Offence procedure for Conflict of Interest situation.
3	Bujar Thaqi	Kosovo Institute for Public Administration	The official was processed for Minor Offence procedure for Conflict of Interest situation.
4	Afrim Shabani	Municipality of Podujeva	The official was processed for Minor Offence procedure and his dismissal was requested.

Table 12. Cases submitted for Minor Offences Proceedings or request for their dismissal

Multiple Functions

Of the total number of forms received during the reporting period, senior officials exercising or holding two or more functions/positions have been identified. This phenomenon in legal aspect doesn't constitute a criminal offence, however it may pose potential risk of conflict of interest.

In figures, this finding is reflected as follows: 1552 senior officials who exercise or hold two or more functions/positions have been identified in total. Out of which 1184 officials hold 2 positions, 321 officials hold 3 positions, 35 officials hold 4 positions, 8 officials hold 5 positions and 4 officials hold 6 positions.

Table showing the number of high officials holding more than one position.

Officials holding 2 or more positions at the same time during 2015					
	2 positions/ functions	3 positions/ functions	4 positions/ functions	5 positions/ functions	6 positions/ functions
Number of Officials	1184	321	35	8	4
Total number of officials holding more than one position/function:					1552

Table 13. Multiple Functions

While handling cases holding more than one function, the Agency has noted that in 2015 there is an increase in the number of officials in this regard. Whereas during 2014, 1509 cases of officials holding more than one function have been evidenced. In 2015, 1552 cases were evidenced. This means that during 2015 the number of officials who hold more than one position has increased for 43 cases.

4.2.3 Prevention of Corruption in Public Procurement Activities

The ACA activities related to prevention of corruption in public procurement is carried by the Division of Corruption Prevention in Public Procurement.

To carry out these activities, the Agency is initially based on the Law on Agency, the Law on Conflict of Interest and on monitoring the implementation of this legal framework: Law on Public Procurement, Law on Public-Private Partnership, the Law on Standardization, the Law on business organizations, the Law on Tax Administration, the Law on Trademarks and other laws relevant to the Prevention of Corruption.

In order to prevent the corruption, ACA researched many sources of information and intervened in cases suspected of violations of the law in the field of Public Procurement.

In addition to the above laws, ACA also ensures the implementation of secondary legislation documents from bidding entities, particularly of the following acts: Rules on procurement procedures; Procurement Code of Ethics; Review Procedure Regulation; Guidelines for Public Procurement Procedures.

Division for prevention of corruption in public procurement during 2014 has, continuously, observed the contracting authorities respectively publications of their activities on the website of Public Procurement Regulatory Commission (PPRC) and publications in media, which the Division considered them as source of information for potential legal violations in public procurement. The information received by the citizens and different economic operators are with special emphasis for this division related to suspicions on corruptive actions at any phase of procurement activity.

In 2015, 112 different cases have been identified for potential violations of LPP, for which is taken the decision to start procedures for prevention of corruption in public procurement. Whereas on handled cases, we have filed 132 requests to the contracting authorities of the central and local level requesting documentation for the certain activities of procurement whereby, we were timely provided with requested documentation.

In fulfilling the legal obligation to monitor the procurement activities, we filed 30 reports for participation in the observation, and have informed the contracting authority that we will be a part of the observation upon examination, evaluation and comparison of bids for specific procurement activities. It is worth mentioning that all authorities have informed the Agency for exact time and place of evaluation process. Therefore, prevention division officers participated, as observers, in several bid evaluation procedures, and in certain cases, we noted favours of economic operators, or breach of legal provisions, and as division we have made recommendations to the contracting authorities, where the same, then, acted in accordance with our recommendations based on law. It is worth mentioning that this year has been characterized with an increase of cooperation between the institutions of the Republic of Kosovo and Anti-Corruption Agency, and as a result of the increase of transparency we have received official invitation from more than 11 institutions to observe the procurement process.

During the reporting year, DPCPP handled total of 112 cases in the field of prevention of corruption in public procurement. Out of these cases for 81 cases are provided opinions (63 opinions considered, 7 opinions not considered; and 11 opinions without remarks), 26 cases closed, 4 advices, and one (1) case is being processed.

The following table reflects precisely cases that the Agency handled in 2015 on the prevention of corruption in public procurement.

Cases	Opinions	Opinions considered	Opinions not considered	Opinions without remarks	Closed Cases	Advices	In procedure
112	81	63	7	11	26	4	1

Table 14. Prevention of Corruption in Public Procurement during 2015

The following table reflects cases in which procurement activity has ceased, after recommendations of ACA, the value of which reaches 35,227,845.00

No.	Institution	Tender denomination	Value of Tender
1.	R.W.C " Mitrovica" J.S.C	Supply of mobile phones for the needs of R.W.C – Mitrovica	4,600.00
2.	Municipality of Lipjan	Renovation of the roof and changing of the doors and windows of the school "Rexhep Akllapi" we Akllap	20,000.00
3.	Municipality of Lipjan	Repair and construction of stairs in the school "Fehmi Agani" and repair of the ceiling in the hallway of the school "Vezir Kolshi" in Baicë - Lot I and • Concreting of field of the school "Shtjefan Gjeqovi" in Janjeve and construction of the plateau, of the sidewalk and construction of the concrete pavement around foundation of the school "2 Dëshmorët" in Dobraje e Madhe, Lot II	13,000.00
4.	PRB	Translation services from Albanian to Serbo-Croatian language and vice versa for the needs of the PRB	2,000.00
5.	Ministry of Justice	Servicing, maintenance and supply of equipment for (cooling rooms, refrigerator, AC, wash machine) and other DFM equipments	1,000.00
6.	Municipality of Dragash	Paving with cobblestones of the road in the village of Pllave	20,000.00
7.	Municipality of Dragash	Paving with cobblestones of the road in the village of Shajne	40,000.00
8.	Municipality of Rahovec	Retendering of public lighting and maintenance of the existing network in the Municipality of Rahovec	40,000.00
9.	Kosovo Judicial Council Secretariat	Maintenance and servicing of the current AC units of court premises	20,000.00
10.	R.W.C "Pastrimi " J.S.C	Supply of containers of size 1.1 m, for emptying of waste	49,900.00
11.	Municipality of Prishtina	Advisory services for public-private partnership, foreign investments and donations	100,000.00
12.	Mental Health Service	Supply and installation of surveillance cameras in CIRCPP-Shtime	6,670.00
13.	Mental Health	Fixing of the Ambulance vehicle	3,970.00
14.	Municipality of Klina	Retendering of construction of the stairs/seats of the stadium of the city, second phase	50,000.00
15.	Post and Telecommunications of Kosovo J.S.C	Washing of the official PTK vehicles, retendering 3	4,000.00
16.	Municipality of Ferizaj	Supplying farmers with raspberry seedlings and system of drip irrigation for the establishment of raspberry orchards	37,500.00

17.	Municipality of Ferizaj	Supplying farmers with milking machines	13,049.00
18.	Ministry of Finance	Supporting of Municipalities for drafting of the municipal zoning maps, and of the Ministry of Environment and Spatial Planning for drafting of the national zoning map	70,000.00
19.	Municipality of Gračanica	Renovation and construction of roads (asphalt paving), of the sewerage and water supply system in the municipality of Gračanica	7,000,000.00
20.	Municipality of Peja	Servicing, repair and changing of vehicles parts and generators in the Municipality of Peja	200,000.00
21.	Municipality of Mitrovica	Supply of raspberry seedlings and material to construct orchards of 0.1 ha	19,500.00
22.	Kosovo Agency for Medicinal Products and Equipment	Supply of equipment for Official Laboratory for Control of Medical Products and Equipment (LZKPPM)	110,000.00
23.	Kosovo Correctional Service	Supply of meat and meat products	434,240.00
24.	Ministry of Public Administration	Construction of the building of KIPA	1,800,000.00
25.	KOSTT	Supplies of furniture for the new offices	5,5000.00
26.	National Center of Blood Transfusion of Kosovo	Maintenance and servicing of vehicles	7,000.00
27.	Municipality of Lipjan	Construction of fences in some schools of the Municipality of Lipjan	117,672.00
28.	Ministry of Economic Development	Promotional campaign for energy efficiency and renewable energy sources	50,000.00
29.	Municipality of Gjilan	Supply and installation of digital equipment for counting, voting and electronic reading for the new Assembly Hall	30,000.00
30.	Regional Hospital in Gjilan	Servicing and maintenance of radiological equipments Apelem	30,000.00
31.	Municipality of Peja	Construction of the protective wall and boulevard of Lumëbardhit	5,000,000.00
32.	UCC of Kosovo	Supply of monitors for patients	9,900.00
33.	Trainkos J.S.C	Supply of diesel electric locomotive with general repair	1,100,000.00
34.	Post and Telecommunications of Kosovo	Provision of printing services (photocopying and scanning) in PTK J.S.C	115,000.00
35.	Kosovo Energy Corporation J.S.C	Repair of Lim packet and stator winding of the motor 660 kV	22,000.00
36.	KOSTT	Supply of hardware for the IT	20,000.00

37.	Municipality of Gjilan	Interest rate subsidy for micro and agro business loans	150,000.00
38.	Ministry of Culture	Construction of the sports gym in Dragash	1,500,000.00
39.	Ministry of Finance	Services of creating TV spots and designing of web page of MF	16,000.00
40.	Municipality of Deçan	Construction of water supply system in the region of Voksh-Lloqan	80,000.00
41.	Ministry of Economic Development	Geological Service Laboratory of Kosovo	600,000.00
42.	Ministry of Health	Construction of Emergency Clinic in UCC	11,000,000.00
43.	Central Procurement Agency	Gastronomy hotel services (food and drink)	260,000.00
44.	Tax Administration of Kosovo	Servicing and maintenance of official vehicles (type: Nisan Terano, Toyota 4 Runner, Golf IV, 1.9 TDI, VW Polo 1.4, Hyundai) under the requirements and needs of TAK	360,000.00
45.	Kosovo Judicial Council Secretariat	Translation services for the Special Chamber of the Supreme Court	60,000.00
46.	Regional Hospital "Sami Haxhi Beqiri" in Mitrovica	Supply with diesel fuel and oil derivatives	203,709.00
47.	MCYS	Construction of sports gym in Viti	169,150.00
48.	MCYS	Construction of sports gym in Dragash	300,000.00 500,000.00
49.	Kosovo Judicial Council Secretariat	Construction of the Basic Court in Gjakova	2,040,000.00
50.	Hospital and University Clinical Service of Kosovo	Supply of hygienic material	20,000.00
51.	Ministry of Trade and Industry	Maintenance and servicing of information technology equipment	13,000.00
52.	Municipality of Prizren	Construction of concrete elements of local roads and sewage system in the village of Nashec, Prizren	100,000.00
53.	Ministry of Infrastructure	Construction of the river bridge in Klina	300,000.00
54.	Ministry of Finance	Review of market surveillance functioning, focusing on Market Inspectorate in MTI and preparation of recommendations based on best international practices	60,000.00
55.	Ministry of Finance	Analysing and documenting of IT work processes and development of plan for the implementation of the ITL in the Department of Management of IT systems in the Ministry of Finance	50,000.00

56.	Municipality of Skenderaj	Asphalting of roads in the city, in segments, Street "Kuvendi i Kaçanikut", Street "Nena Tereze", "Becir Hajrizi", Street "Motrat Qiriazhi" in a length of 2,600 m	307,880.60
57.	Municipality of Podujeva	Construction of sewage collector along the river Dumnica (segment Shtedim-Dumnica e Poshtme)	135,000,00
58.	UCC	Supply and installation of ventilation in the platform of amphitheatre for telemedicine	8,200,00
59.	Municipality of Leposavic	Supply of two heavy transport vehicles (fire fighting truck and waste collection truck) and supply of an ambulance for the needs of the municipality	352,805,00
60.	Municipality of Vushtrri	Servicing and maintenance of vehicles	61,000,00
61.	Free Legal Aid Agency	Designing and shooting of TV spot for FLAA	5,000.00
62.	Ministry of Infrastructure	Servicing services and maintenance of computers with laptops	10,000.00
63.	Municipality of Gjilan	Supply of medicines and medical equipment for the needs of MFMC, allocation in lots	45,000.00
<i>Total value calculated in euro:</i>			35,227,845.00

Table 15. Discontinued procurement activities based on the recommendations by the ACA.

The following table reflects the cases where procurement activity was not discontinued following recommendations by ACA in an amount of 8,024,671.54

No.	Institution	Tender denomination	Value of Tender
1.	CPA	Air transport services	5,000,000,00
2.	University Hospital Clinic Service of Kosovo	Supply with films and accompanying equipment	650,000,00
3.	Municipality of Prishtina	Deratisation of the sewage system of Prishtina	104,040,00
4.	Ministry for the Kosovo Security Force	Supply with tactical vehicles for the needs of KSF	2,179,680,00
5.	Municipality of Podujeva	Construction of bridges in neighbourhoods Duriqi, Jaha and construction of the protection wall in Metehi	10,000,00
6.	Municipality of Zvecan	"Construction of 10 housing buildings, "Construction of 2 buildings for social housing", "Provision of services by the overseeing body - project manager for the needs of the Municipality of Zvecan, "Purchase of medical equipment for the Family Medicine Center "Zvecan" in Zvecan	791,991.04
7.	Municipality of Zvecan	Paving of the local road in Zhitkovc (Denovic – power transformer)	80,951,50
<i>Total value calculated in euro :</i>			8,024,671.54

Table 16. opinions not considered

4.3 Support, cooperation and Public Relation

Within the Office of Director, there are certain units performing administrative and professional services and cultivate a spirit of transparency by providing professional support to agency staff. This support is provided by these offices and unit:

- Office for support, cooperation and information;
- Human Resources; and
- Procurement

4.3.1 Office for support, cooperation and information

Activities of ACA related to Office for support, cooperation and information are led by chief of office, senior legal officer, IT system administrator and senior official of archives. Regarding its activities during the reporting period, the Office for support, cooperation and information, is concentrated in these activities:

- International cooperation;
- Meetings with journalists and citizens;
- Press conferences and releases;
- Media monitoring;
- Legal Aid;
- Administration of information technology;
- Central Archive.

Cooperation and information - ACA has consistently cultivated the spirit of good cooperation with international organizations and institutions. During 2015, the Agency officials participated in several local and international conferences, where they gained experience in fighting and preventing corruption. International student, have expressed continuous interest in ACA, they received the willingness of Director and staff of the Agency to inform them about the Agency's work in general.

Meetings with journalists and citizens - During the reporting period, there was a great interest for initiatives and activities of ACA, from the media community, civil society and from the public, where is demonstrated a willingness to cooperate closely in the fight against corruption. ACA officials was 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 publicizing and distributing press releases about the activities for investigating suspected cases of corruption but also in declaration of property of senior officials, in all printed and electronic media.

ACA website

During 2015 the ACA's website has been redesigned and sophisticated for the ACA needs and needs of the citizens. During this period over 4000 declaration of property, 211 decisions for conflict of interest, 70 opinions as well as tens of press conferences, notifications, reactions, meetings, published in ACA website and most of them were transmitted in the media. A high interest of the media and public in general has been expressed on the occasion of the announcement of the declaration of property of senior public officials and conflict of interest and ACA annual report.

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 2015. Also another engagement was media monitoring related to reports regarding the suspected corruption activities by individuals in public institutions.

During 2015 around 128 articles on suspicion of corruption were published in printed and electronic media. The table below reflects graphically the number of articles of corruption that were published by printed media in Kosovo in 2015.

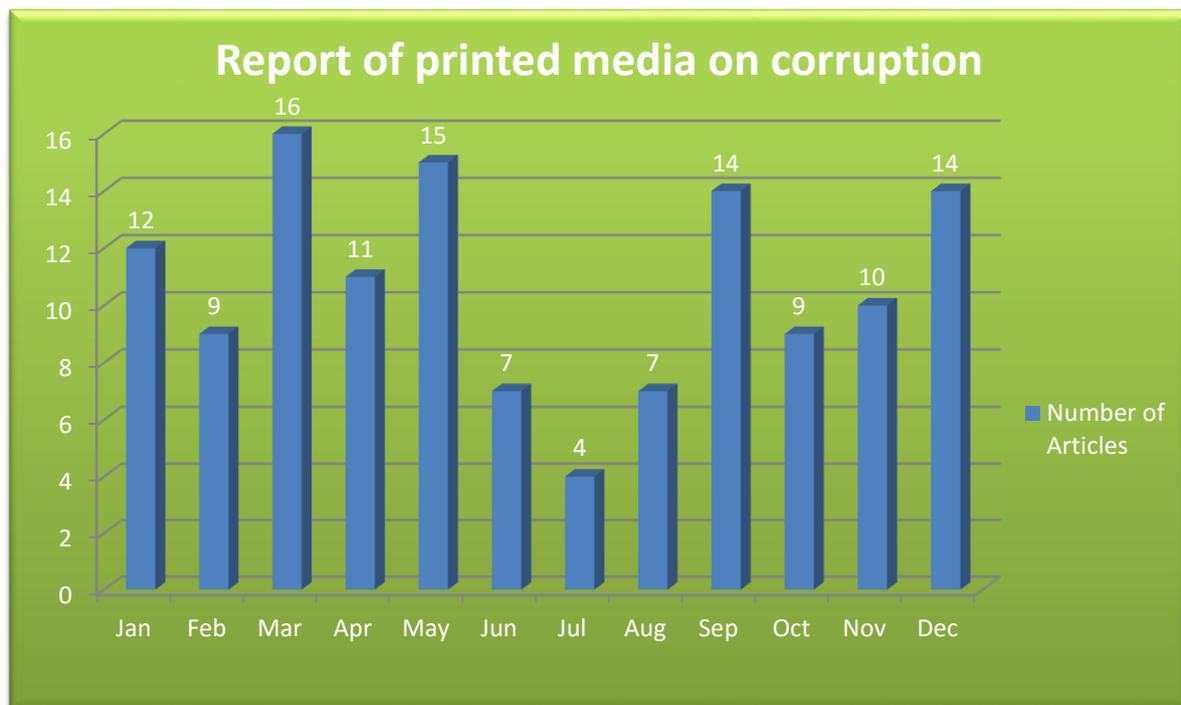


Chart 5. Articles about corruption in daily newspaper by months in 2015

Regarding the work of the ACA total of 81 articles, interviews, comments, and various opinions about agency's work were published. In terms of assessment of positivity reports for this institution, it appears that over 80% of articles were positive for ACA work .

The chart below reflects graphically the number of published articles in printed media of Kosovo on the work of ACA by months in 2015.

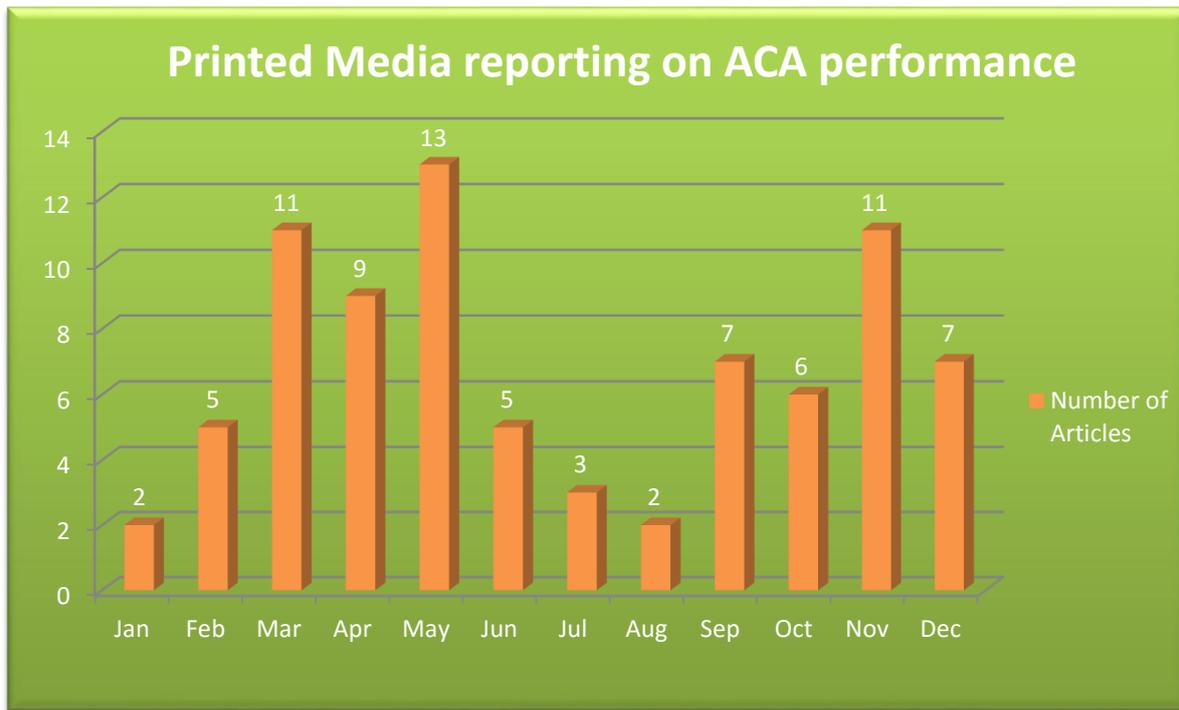


Chart 6. Number of articles of all printed media about Agency's performance

Legal affairs

Legal affairs of the Legal Advisor have been directed at providing Legal Advice concerning the legal scope and responsibilities of the Agency, in providing professional legal support to employees of the Agency, in drafting decisions and other legal submissions to the needs of the Agency; and in representation of cases initiated by the Agency, in judicial institutions and other works according to the request and needs of the Agency.

Legislation - During 2015, works were done in the field of legislation, which supports the work of the Agency, namely in the revision of the Law no. 04/ -051 on Prevention of Conflict of Interest in Exercising Public Functions, however, this process is currently suspended by the Government.

Representations - During 2015, over 50 cases of criminal offences are initiated by the Agency in the institutions of justice:

- ✓ Non-declaration or false declaration of property, income, gifts or other material benefits (Art. 437 of the Criminal Code);
- ✓ Conflict of interest (Art. 424 of the Criminal Code) and offenses under the provisions of the Law no. 04/L051 on Prevention of Conflict of Interest;

Representation is made in Basic Courts and as necessary in the State Prosecution, depending on which phase was taking place the legal proceeding.

Legal requisitions - During 2014 as per need and requests of the Agency, legal requisitions were drafted and issued (decisions, requests, and other reports) as well as legal advice were prepared. The number of legal requisitions was 150.

Supporting works - During 2015, were also performed many support works, such as participation in opening and evaluation committees in public procurement activities; review of cases in the

Disciplinary and Appeals Commission, provision of organizational units within the Agency, as per needs and other requirements.

IT system management

In terms of information technology (IT), the ACA had continuous advancement of technological systems, both in terms of hardware and software systems.

During 2015, ACA continued with necessary updates and promotions of our web application– ADRS, this led into a better functioning and easier access to data. With this, the ACA database, the ADRS (Asset Declaration and Registration System) has improved in technical and practical aspect.

Moreover, during this year, in the Asset Declaration and Registration section in ADRS, we have enabled digitally and timely extraction of report of senior public officials who declared their property, whose properties should be checked based on previous draw.

The ADRS was established in the department of ACA for Fighting the Corruption, and with this it is opened an opportunity to digitalize the data of this department.

This year we continued to publish the declaration of properties in the same way, by using ADRS, in this case ADRS automatically does processing of inputted data, and issues specific registers for each official in PDF format, which registers we publish on the ACA website: <http://www.ACA-ks.org/?cid=1,1178>

Each year, system of information technology has improved and followed the technology along with professionalism.

Archive

Regarding the cases registered in the protocol book for 2015, the protocol book is concluded with protocol number 01-4982/15 (four thousand nine hundred eighty-two) dated 31.12.2015.

Two protocol books were used during 2015. The first book started with number 01-01-2015 and ended with order number 03-01-4000/15 (four thousand) dated 09.11.2015, whereas the second protocol book started with number 03-01-4001/15 (four thousand and one) dated 02.06.2014 and ended with order number 01-4982/15 (four thousand nine hundred eighty-two).

All documents signed and protocoled by the Director of the Agency, upon registration in the protocol book are followed up to the director, chiefs and respective official for further procedure, whereas the received documents (inputs) in the Agency, upon registration in the protocol book are followed up to the relevant organizational unit, by keeping evidence of received and submitted files.

4.4 Human resources

During this time, the Personnel Office has performed several activities, starting with the assessments of the officials, the plan of personnel, catalogue, and categorization of work places, trainings, changes in salaries, vocations, etc. All these are performed in compliance with the rules of procedure for civil service and requirements of MPA, respectively the DCSA. See the attached training evidence for this period. ([Annex II](#))

4.5 Public Procurement

During the reporting period the Agency, being the contracting authority, developed procurement activities by supply and services procurement types.

In the table below are outlined procurement activities:

Procedure	Type of procurement activity	Number of activities	Contract price, including all taxes, etc.
Supply	Price quote	6	15.034.00 €
Services	Price quote	4	19.680.01 €
Supply	Minimal value	6	3.624.00 €
Services	Minimal value	3	2.480.00 €
Services	Open procedure	3	18.168.45 €
Total			58.986.46 €

Table 17. Public Procurement activities overview

4.6 Administration, Budget and Finances

Based on internal estimates of organizational units, requests for budgetary allocation have been prepared. Assembly of the Republic of Kosovo and the Government approved the request, by allocating funds for 2015. The following table presents budgetary allocation by economic categories:

No.	Economic categories	Approved budget (initial)	Revised budget (final)
1	Wages and salaries	340,477.00	346,766.97
2	Goods and Services	154,097.00	125,238.25
3	Utilities	8,500.00	2,733.00
	Total	503,074.00	474,738.22
4	WB Grant (World Bank)	70,640.99	70,640.00
	Grand total	573,717.99	545,379.21

Table 18. Budgetary allocation overview by economic categories

During the budget review changes were done according to categories. Funds of the category of Goods and Services and Utilities are reduced, in order to realization of allowances for the work experience.

The following table reflects the expenditures after budget review

No.	Economic categories	Budget	Expenditure	% of turnout
1	Wages and salaries	346,766.97	346,766.97	100
2	Goods and Services	125,238.25	121,514.46	97
3	Utilities	2,733.00	2,733.00	100
	Total	474,738.22	471,014.43	99.20
4	WB Grant (World Bank)	70,640.00	55,473.20	78.53
	Grand total	545,379.21	526,487.63	96.53

Table 19. Overview of expenditures after budget review

The expenditures for 2015 are 471,014€ or 99.20% of the final budget, thus ACA showed a very good performance in budget management.

The World Bank project, as a two-year program, aimed to provide technical assistance and trainings for the ACA staff on preventing and fighting corruption in public procurement, has concluded successfully.

During this year, in consultants' salaries are spent 55,473.20€, out of 70,640.00 € or 78.53% of the budget.

5. ADDRESSING THE RECOMMENDATIONS OF THE OFFICE OF AUDITOR GENERAL

During the reporting period the Office of Auditor General, following the audit, provided several recommendations to the Agency. Below are presented recommendations and Agency's management actions related to them.

Recommendations	Management Actions	Planned End date	Responsible person
1st Recommendation The ACA Director shall ensure that the Action Plan of recommendations is being fully implemented by the responsible person, within the defined time limits. The implementation of this plan shall be reviewed by the management on a regular basis.	The director and other responsible persons are undertaking measures so that the level of addressing and implementation of recommendations is complete.		Management and responsible persons

<p>2nd Recommendation The ACA Director shall ensure that upon the detailed budget planning analysis are carried out, including also the expenditures categorization. Furthermore, shall ensure that all expenditures are registered in appropriate economic categories.</p>	<p>The budget planning for ACA , is performed after extensive consultation and analysis with other organizational units. We are trying to make a right designation and categorization of the expenditures, according the Treasury rules.</p>	<p>In process</p>	<p>Financial officials</p>
<p>3rd Recommendation The ACA Director shall ensure full competition and transparency during the procurement processes, so that the public funds are used economically and efficiently.</p>	<p>The management and procurement official have acted and now we are sure that the procurement procedures are public and ensure full competition and transparency,</p>	<p>Ongoing</p>	<p>Procurement manager</p>
<p>4th Recommendation The ACA Director shall ensure the implementation of existing controls or increase controls so that the contracts are signed only when there are funds that ensure execution of the contract. Whereas, the payments shall be made in full compliance with the steps defined in LPFMA and with the Treasury rules.</p>	<p>We ensure you that the controls in ACA, are implemented on a regular basis and in an effective manner. Before signing the contracts, we ensure that there are sufficient funds for the execution of the contracts. We are convinced that the payments are being carried out according to the law.</p>	<p>In process</p>	<p>MAO, MFO and other financial officials.</p>
<p>5th Recommendation The ACA Director shall undertake the necessary measures to identify the reasons of not providing fair reporting of unpaid obligations, and to ensure that the accurate value of the obligations is followed from the previous month to the next month, in accordance with the legal requirements.</p>	<p>The ACA based on the Financial Regulation no.02/2013, reported the unpaid invoices to the Treasury, thirty days after receiving invoice statements. These delays are reported regularly. Whereas, upon recommendation of the Audit Team, the ACA in the unpaid invoices started to include also the unpaid obligations.</p>	<p>In process</p>	<p>Director and Financial Officials</p>

Table 20. Overview of recommendations addressed by the Office of the Auditor

6. LESSONS AND RECOMMENDATIONS

While performing its mission, the Agency noticed that some issues need further improvement in the future, by taking some joint institutional steps in order to have an effective coordination between institutions that have for a mission the fight against corruption as well as other issues listed as follows:

Adoption of the Law on Prevention of Conflict of Interest – The Law on Prevention of Conflict of Interest shall be adopted with the amendments and supplements recommended by the Agency. The requirements of the Agency are based on the hitherto work experience and the need to have more success at the part of preventing the corruption. Moreover, this law shall be harmonized by the Criminal Code of Kosovo.

Pro-activity by the National Anti-Corruption Council – The National Anti-Corruption Council needs to be re-activated, with a new composition and a more proactive approach;

Establishment of common database - with aim to establish a common institutional system, the Agency recommends establishing of a common database of all mechanisms whose mission is fighting the corruption, so that data are being used jointly based on each institution's mission;

Common investigation methodology - In order to become effective and have common methodology in investigation practices, ACA recommends organizing of joint trainings with Prosecution, Police and Agency. Also it is very important to establish joint investigative task forces between these institutions in order to become more effective;

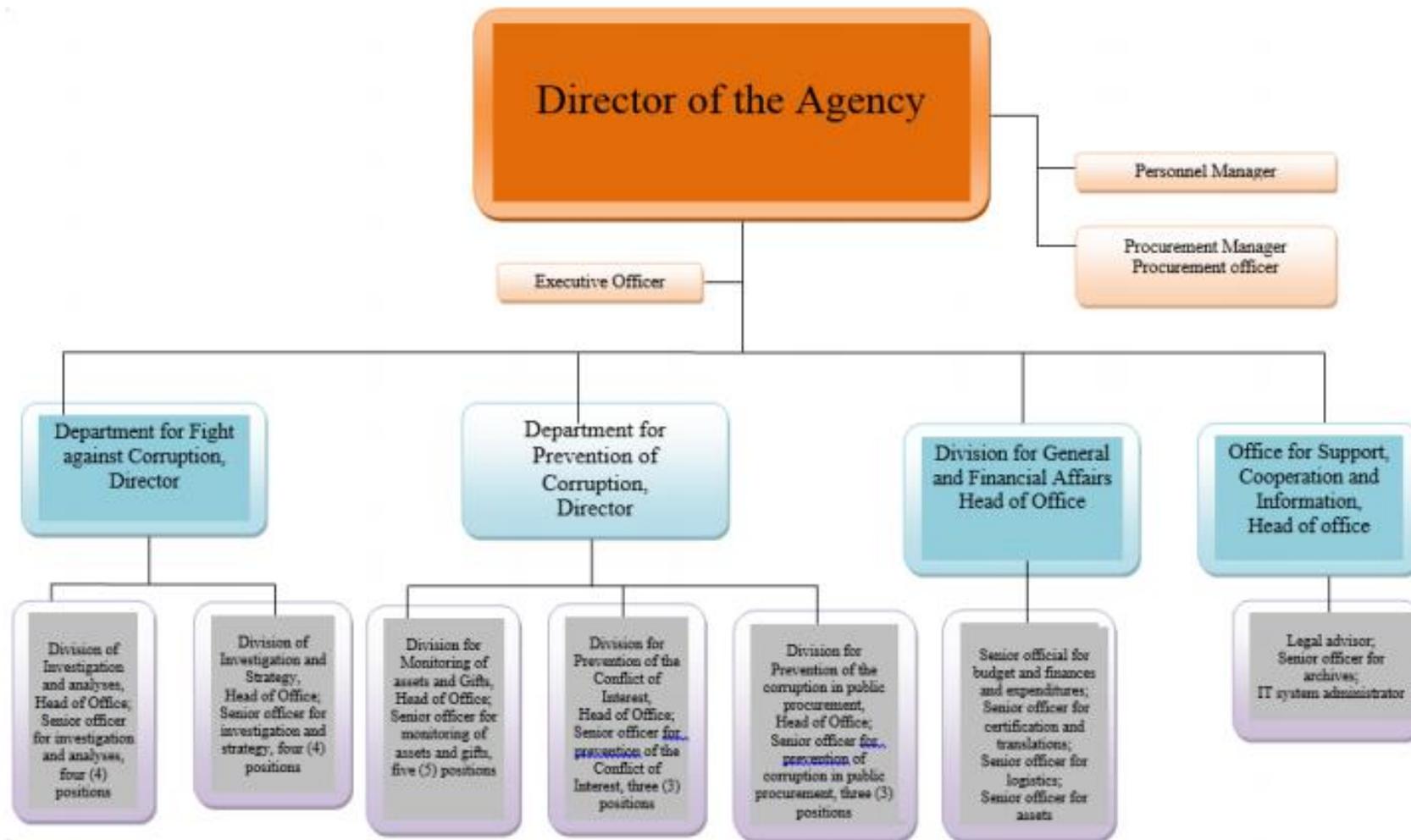
Publication of indictments and judgments - Publication of indictments, judgments, names of the accused persons and the names of convicted persons for corruption would have a positive impact in increasing citizens' confidence in the justice system in general;

Avoidance of the identified deficiencies in the progress report – All mechanisms that have the mission to fight against corruption shall give the maximum to avoid the deficiencies identified in the Progress Report.

7. CONCLUSION

The Anti-Corruption Agency with a highest commitment has implemented with determination all the obligations defined by the legal framework for the accomplishment of its mission. The ACA will continue its serious commitment as an independent mechanism to play a constructive and cooperative role with all other mechanisms of the country to strengthen the rule of law. Considering that Kosovo society is new, ACA will be engaged even more in raising the awareness of the citizens, especially of young people to establish a spirit and culture of transparency and integrity.

ANNEXES

[Annex I](#) . Organizational Chart of the Anti-Corruption Agency

Annex II - Table of trainings in 2015

No.	Training type	Organized by	Location	Date	No. of officials
1.	Management and Leadership	KIPA	Prishtina	03.02-04.02-2015	1
2.	Windows 7 and internet	KIPA	Prishtina	16.02-18.02.2015	1
3.	Testimony of criminal intent in corruption cases	EULEX	Prishtina	25.02.2015	12
4.	Control of efficiency in public administration	KIPA	Prishtina	02-03.03.2015	2
5.	Communication, conflict and teamwork	KIPA	Prishtina	03.-04.03.2015	1
6.	Monitoring and assessment of funds	KIPA	Prishtina	4.03-5.03.2015	1
7.	Asset Management	SIMFK	Prishtina	10-11.03.2015	1
8.	The rights, responsibilities and complaints in civil service	KIPA	Prishtina	12.03-13.03.2015	1
9.	Organizational conduct	KIPA	Prishtina	17.03-18.03.2015	1
10.	Initial training for EU and Kosovo in the European integration process	KIPA	Prishtina	16-17-23-24.03.2015	1
11.	Right of Access to Public Documents	KIPA	Prishtina	26.03-27.03.2015	1
12.	Interpretation of Legislation	KIPA	Prishtina	20.04-21.04.2015	1
13.	Initial training for EU and Kosovo in the European integration process	KIPA	Prishtina	21.04-24.04-2015	1
14.	Investigating and Prosecuting Official Corruption	CEELI	Prague – Czech Republic	11.05-15.05.2015	1
15.	Communication and drafting documents in public administration	KIPA	Prishtina	25.05-26.05.2015	1
16.	Management of quality service in compliance with IAS	KIPA	Prishtina	26.05-27.05.2015	1
17.	Expenditures Module	MF	Prishtina	15-16-17.06.2015	1
18.	The review mechanism of the implementation of the UN Convention against Corruption	UNODC	Prishtina	19.10-20.10.2015	19
19.	Methods and techniques in the investigation of corruption cases	UNDP	Prishtina	09.11.2015	18
20.	Enhancing the Implementation of the Public procurement Project	World Bank	ACA	17.11.2015	13

Table Sh-II. List of trainings during 2015

Anti-Corruption Agency

Report corruption at:

0800 10 8000 www.akk-ks.org

Street "Nazim Gafurri" No. 31
Prishtina 10000, Kosovo