



**Republika e Kosovës**  
*Republika Kosova / Republic of Kosovo*  
**Agjencia kundër Korrupsionit**  
*Agencija protiv Korupcije / Anti-Corruption Agency*



**10** **Years**

OF ANTI-CORRUPTION  
AGENCY

**CORRUPTION**  
**Your NO counts**

This publication is dedicated to the 10th anniversary of establishment of the Anti-Corruption Agency, and presents the detailed information about the activities and outcomes of this institution...

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## ANTI-CORRUPTION AGENCY

Anti-Corruption Agency (hereinafter 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 Law against Corruption (2004/34) which defined its responsibilities and the scope of work.

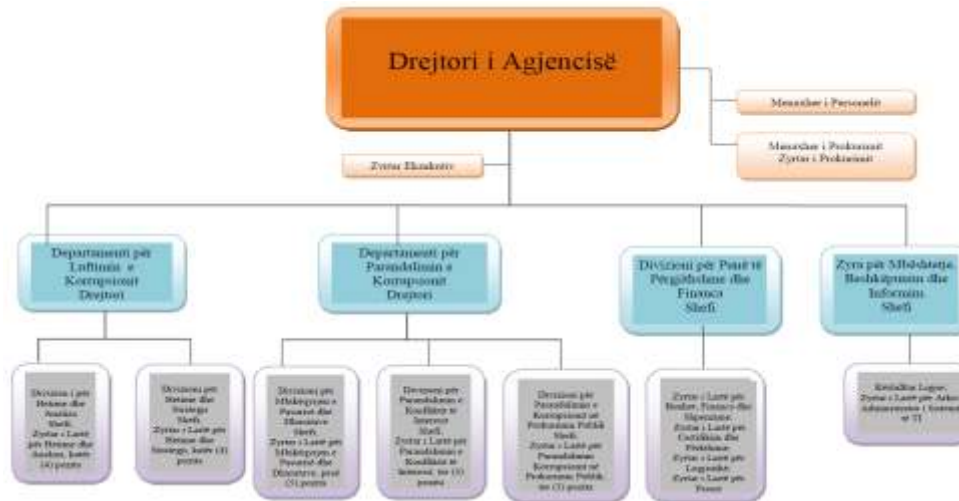
The mandate of the Agency is focused on detecting and investigating corruption cases, on efforts to prevent and combat corruption and increase public awareness with the aim of building a sound society based on the rule of law. Competences of the Agency are defined in Article 5 of the Law No. 03/L-159 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 field of preliminary investigation of corruption, in analyzing and eliminating the causes of corruption, in compliance of holding public office and conducting profitable activities by the official persons, limitations regarding the acceptance of gifts related to the performance of official duties, monitoring of their property as well as the persons in close relation to them and limitations regarding contracting entities that participate on public tenders.

ACA, pursuant to the legal framework, must report annually about its work to the Assembly of Kosovo.

## INTERNAL ORGANIZATION

The internal organization of ACA is regulated by the Rules of Procedure of ACA and Regulation on Organization and Systematization of the Job Positions in ACA. Both define, in details, the procedures regarding the work performance and responsibilities of each official within ACA. ACA consists of the Office of the Director, Departments, Divisions and Office for Support, Cooperation and Information. Currently, at the Agency are engaged 40 officials, and its office is located in Str. "Nazim Gafurri", No. 31, Prishtina.



## DEPARTMENT FOR COMBATING THE CORRUPTION

Department for Combating the Corruption (hereinafter DCC) is one of the organizational units of the Anti-Corruption Agency (hereinafter Agency). DCC is led by Director of the Department. This department has a staff of 11 officials. DCC was established with the decision of the Director of the Agency based on the legal needs and requirements to perform efficiently and effectively the duties and responsibilities of the Agency that are defined according to the legislation in force. Primary task of the DCC is to initiate and conduct the procedure of preliminary detection and investigation of corruption and monitoring of criminal charges for suspected cases of corruption in competent public prosecution, if for the same case it is not conducted criminal procedure or monitors the requests for initiation of disciplinary procedure to the competent administrative body in case if it is not suspected of criminal offenses but for administrative violations, analysis of statistical data and other data on the state of corruption in Kosovo, drafting and monitoring the implementation of the Anti-Corruption Strategy and Action Plan, reporting on the implementation of tasks by the Agency set by other strategic documents, cooperation with the competent public prosecution offices and with all other institutions for combating and preventing corruption, preparation of proposals and suggestions for amendments of legislation that pertain to combating the corruption, as well as other tasks. These duties and responsibilities are defined by Law No. 03/L-159 on Anti-Corruption Agency. The organizational structure of the Department has never changed in terms of the composition. Always within the Department operate two Divisions with specific duties and responsibilities. Currently within the department there are two divisions: Division for Investigation and Analysis and Division for Investigation and Strategy. Primary task of Division for Investigation and Analysis is to conduct the procedure of preliminary investigation of suspected cases of corruption as well as collection and analysis of statistical data and other data regarding the state of corruption in Kosovo. Whereas, the primary task of Division for Investigations and Strategy is to conduct the procedure of preliminary investigations for suspected cases of corruption as well as drafting, monitoring the implementation, reporting on the implementation of the Anti-Corruption Strategy and Action Plan and reporting on the implementation of tasks of Agency set by other strategic documents that are issued by other institutions. The two Divisions have an equal number of officials, 5 officials each.

In the past, DCC was called Department of Investigation and the duties and responsibilities were defined by Law No. 2004/34 against Corruption. Two integral Divisions have undergone changes in their names based on decisions for organization and systematization of the Agency. Whereas under this law, the investigation procedure which was undertaken by this department is entitled as administrative investigation procedure, upon entry into force of Law No. 03 / L-159, it is called the preliminary investigation procedure.

The trend of number of cases handled by DCC has increased over the years, as well as the number of ex officio cases. The number of cases monitored in competent public prosecution office or monitored as requests for initiation of disciplinary procedure to the competent administrative body in case it is not suspected of criminal offenses but for administrative violations and the number of persons involved in them has changed from year to year. As a result of monitoring the cases, prosecution offices have initiated criminal procedures by conducting investigations or by filing indictment proposals and indictments. There were also court processes that took place, and some of them are currently in process. Also the Agency forwarded requests to the competent administrative bodies to initiate disciplinary procedures, and they have begun and imposed certain measures against involved persons. Obstacles encountered regarding the feedback in terms of referred cases were solved.

DCC has continuously studied and followed the positive trends of development of anti-corruption legal framework in the countries of the region and Europe, with the aim of amending the anticorruption legal framework in Kosovo, and was actively engaged in amending and supplementing the Law against corruption and other anti-corruption legislation. Within the Agency, under the leadership of the Director of the Agency and in cooperation with representatives of governmental and nongovernmental institutions, DCC has been involved in drafting the Anti-Corruption Strategy and Action Plan for the period 2009-2011 and 2013-2017, which were approved by the Assembly of the Republic of Kosovo. DCC has prepared special reports on monitoring the implementation of Anti-Corruption Action Plan, and reports on the analysis of statistical data and other data on the state of corruption in Kosovo. DCC with the aim of implementing legal duties and responsibilities and greater functioning of the Agency, has contributed to the drafting of internal sub-legal acts.

The following table shows in details the received cases, number of cases and persons submitted to the prosecution office, as well the number of cases and persons submitted with requests to initiate disciplinary procedures for the period 2007 - 2016.

## 10 YEARS OF ANTI-CORRUPTION AGENCY

Year	No. of received cases	No. of cases and persons submitted to the Prosecution office		No. of cases and persons submitted with the request for initiating disciplinary procedures	
		Cases	Persons	Cases	Persons
<b>2007</b>	124	47	91		
<b>2008</b>	130	53	113		
<b>2009</b>	175	68	159		
<b>2010</b>	139	33	164	2	5
<b>2011</b>	160	39	121	5	7
<b>2012</b>	164	52	159	7	7
<b>2013</b>	247	128	238	8	8
<b>2014</b>	248	131	163	11	23
<b>2015</b>	298	126	189	14	26
<b>2016</b>	117	29	37	16	26
<b>Total</b>	1802	706	1434	63	102

## DEPARTMENT FOR PREVENTION OF CORRUPTION

Based on ACA mandate, the entire activity for prevention of corruption is conducted through the Department for Prevention of Corruption. All this is done based on legal competences that the Agency has according to the Law No. 03/L-159 on Anti-Corruption Agency, 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 and Law No. 04/L-051 on prevention of conflict of interest in discharge of public functions.

Department for Prevention conducts its activity through three divisions:

- a) Division for monitoring properties and gifts;
- b) Division for prevention of conflict of interest;
- c) Division for prevention of corruption in public procurement.





## DECLARATION AND CONTROL OF PROPERTY, 2007-2016

Declaration of property was originally regulated or defined with the Law No. 2004/34 against Corruption, this law has foreseen certain public positions that must submit the declaration of property, number of senior public officials who were obliged to declare the property in 2007 was 732 senior public officials. This law has foreseen 4 types of declaration of property: Declaration upon taking the office; regular annual declaration; declaration upon the request; as well as declaration after the termination or dismissal from office. The law has also foreseen the possibility of additional deadline regarding declaration of property and this deadline could be set by the Agency. Sanctions imposed by this law are as follows: request for withholding 1/5 of the salary until submission of declaration, but if it persists more than three months and does not submit the declaration, then the Agency can request from the competent institution to initiate discharge procedures.



Number of senior public officials has increased every year, in 2008 were 747 senior public officials and in 2009 were 800 senior public officials. This law has determined that the declaration of property is not public.

In 2010, the Assembly of Kosovo issued for the first time the special law that regulates the issue of declaration of property and is titled Law No. 03 / L -151 on Declaration and Origin of the Property and Gifts of Senior Public Officials. This law experienced progress regarding the number of senior public officials, sanctions and publication of property. The number of senior public officials who were obliged to declare the property has doubled, and is now 1560 senior public officials. This law also regulated the issue of publication of property declared on the official website of the Agency, also this law has foreseen other sanctions for declaration of property, Failure to declare property is categorized as misdemeanour and sanctions for not declaring the property start from 300 Euro to 1500 Euro.

In 2011, it was issued again 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, this law has increased the number of senior public officials and changed the amount of sanctions for non-declaration of property. Sanctions for non-declaration of property start from 1000 euro up to 2500 euro.

With entry into force of criminal code in 2013, for the first time it is sanctioned as a criminal offense non-declaration of property and false declaration of property.

It is also amended - supplemented the law on declaration of assets and is harmonized with the criminal code, and is also regulated the method of selection of officials who will be subject to full control.

The following table shows the process of declaration and control of property of senior public officials for the period 2007-2016

Declaration and Control of property 2007 – 2016				
Years	Obligated	Declared	Did not declare	Accomplishment in percentage
2007	732	718	14	98.08%
2008	790	776	14	98.22%
2009	830	814	16	98.07%
2010	1826	1749	77	95.78%
2011	2251	2165	86	95.17%
2012	4043	3737	306	92.43%
2013	4220	4185	35	99.17%
2014	5196	5103	93	98.21%
2015	4811	4754	57	98.81%
2016	4352	4319	33	99.24%
<b>Total</b>	<b>29,051</b>	<b>28,320</b>	<b>731</b>	<b>97.48%</b>

## CONFLICT OF INTEREST

Conflict of interest is a new notion in legal theory and practice in Kosovo, dating back to the post-war period in Kosovo.

For the first time in 2005 as a normative act was issued the Law No. 2004/34 against Corruption which in principle regulated the issue of conflict of interest while exercising public functions.

This law regulates the issue of non-compliance between holding a public position and performing profitable activities for officials and limitations regarding contracting entities that participate in public tenders by conducting business with companies in which the official person or a person in close relationship with him/her is involved. Also this law has defined the oversight and prevention of cases of conflict of interest and the measures foreseen by the special law.

Based on responsibilities given to the Anti-Corruption Agency from the Law against Corruption related to the conflict of interest, during this period were take certain actions in accordance with the legal provisions for prevention of conflicts of interest. ACA has continuously reviewed the submitted forms of declaration of property in order to verify the existence or not of specific conflict of interest of senior public officials.

After functioning of ACA, a request was made for a special law, and Assembly of Kosovo in 2007 adopted the Law No. 02 /L-133 on preventing conflict of interest in exercising public functions

Subject of this law was the issue of rules, entities, responsibilities and competencies for identifying, addressing and resolving the cases of conflict of public interest and private interest of the official while exercising public functions.

This law has set mandatory rules that need to be implemented by each official, when he/she takes part directly or indirectly, in a decision making while exercising public functions.



In the framework of this law it is defined the implementing entity of the provisions that derive from the Law No. 02/L-133, it is defined the notion of conflict of interest, the Principles of action for senior officials, Limitations of official in exercising other activities besides his/her function, Prohibited activities for the official, Limitations for the official upon termination of exercising the public function, Membership of the official in non-governmental organizations, the Duty of official for prevention of conflict of interest, as well as an important procedure that has not been previously involved in the Anti-Corruption Law, Transfer of rights in enterprise management, a procedure which describes the method of transferring the management of private enterprise during exercise of the function and Limitations of the official upon termination of exercising public function.

ACA's work for preventing the conflicts of interest during this period was based on the Law No. 02 / L-133 on preventing conflict of interest in exercising public functions, the most frequent situations of occurrence of conflict of interest in that period were as follows:

senior officials besides exercising an official position, have also exercised management functions in various private companies, and Opinions were provided for various situation of conflict of interest. Apart from this, the work of ACA is stretched in sensitizing the public (senior officials) on the role and importance of prevention of conflict of interest while exercising public functions through various meetings, debates, presentations, etc.

In December 2009, Assembly of the Republic of Kosovo approved the Law on Amending and Supplementing the Law No. 02/L-133 on Preventing Conflict of Interest in Exercising Public Function, although this was not a voluminous law, it has regulated some ambiguities that existed in the Law No. 02/L-133.

It must be emphasized that in 2011 after were identified some deficiencies at the previous laws for Prevention of Conflict of Interest, as well as considering the advancement according to the standards in this field, the Assembly of the Republic of Kosovo has adopted the Law on Prevention of Conflict of Interest in Discharge of Public Functions.

. This law constitutes one of the main laws for preventing and combating corruption. LPCI constitutes the main legal act in the field of prevention of conflict of interest in discharge of public functions. The provisions of the Law No.04/L-051 define mandatory rules for senior public officials in preventing conflict of interest while exercising their function namely preventing conflicts of interest between public and private interests, and define the basic limitations for senior public officials while exercising a public function and other functions that are not of public nature. Among the main provisions of the Law No. 04/L-051 which shape the prevention of conflict of interest it should be mentioned the Regular declaration of Interest, Case-by-case declaration of private interests, Incompliance while exercising public functions, Limitation while exercising the public function, Limitation after termination of exercising public function, Case-by-case declaration of private interests, Transfer of rights in terms of the enterprise, Membership of officials in non-governmental organizations etc.

Anti-Corruption Agency continues its activities by implementing its responsibilities that derive from the Law No. 04 / L-051 by addressing cases of conflict of interest, by providing Opinions, Advices, trainings on issues of Conflict of interest for senior officials and institutions.

Anti-Corruption Agency through the Department of Prevention, namely the Division for Prevention of Conflict of Interest has focused its engagement during this period on two directions: first, in prevention of conflict of interest and second, in combating conflict of interest as part of ACA commitments in preventing and combating the phenomena of corruption.

ACA through the Division for Prevention of Conflict of Interest has conducted its activities that aimed to identify, review, analyze, warn and avoid the cases of conflict of interest.

Also the Division for Prevention of Conflict of Interest has been involved in several legal initiatives, it has provided training in the field of conflict of interest for certain institutions.

Sources for identifying conflicts of interest:

There is a various number of identification sources for ACA regarding cases of conflicts of interest and from which it results separately a reasonable doubt that it is occurring a situation with elements of conflict of interest, which has occurred before.

Among the sources it should be mentioned: media (written and electronic), information from citizens, official records (tender dossiers) and private records (contracts for performing work). However, these sources are not limited to this, ACA has gathered data from other sources as well, e.g. from the forms for declaration of property of senior public officials, filled by officials themselves. Department of Prevention, namely the Division for Prevention of Conflict of Interest has close cooperation mainly with Kosovo Agency for Business Registration (KABR), Tax Administration of Kosovo, Civil Registration Agency, as well as with other institutions.

The sanctions foreseen according to legislation in force: Until 2013, conflict of interest in Kosovo was legally sanctioned as a misdemeanour, whereas with Criminal Code, from this year it is sanctioned as a criminal offense. Conflict of interest in principle is regulated by a special law, but provisions that regulate this field are found in many other laws of various fields.

Punitive policies according to LPCI are foreseen only in cases when conflict of interest constitutes a misdemeanour. Consequently, the sanctions for committing conflict of interest when they do not constitute a criminal offense but misdemeanour or other type of legal offense, start from 500 to 2.500 Euro and Safeguard of Prohibition of exercising public function for a period from 3 months to 1 year.

Non-compliance with the rules for preventing conflicts of interest causes multidimensional consequences, such as e.g.: The loss of public trust at institutions; Hindering the exercise of public functions in legal and honourable manner; Benefit through illegal manners; Misuse of official duty. Constant law disobedience, etc.

ACA during its 10 years of work in cases of Conflict of Interest, has addressed many cases involving various officials including Deputy Prime ministers, Ministers, MPs, Mayors, officials from Central and Local level, Officials of Publicly Owned Enterprises, independent institutions, etc.

On this regard we can say that the role of ACA as an independent and competent institution on the issue of Prevention of Conflict of Interest has resulted in significant improvement of good and transparent governance of institutions of Republic of Kosovo.

The table below shows the accurate number of cases addressed by ACA for Conflict of Interest for the period 2007 - 2016.



## 10 YEARS OF ANTI-CORRUPTION AGENCY

Addressed cases of Conflict of interest, 2007 – 2016							
Years	Submitted cases	Cases that avoided Col	Cases that had no conflict of interest	Opinions	Cases forwarded for investigation	Request for discharge/ misdemeanour	Advising
2007	15	15					
2008	45	26	19				
2009	47	15	27	5			
2010	65	49	16				
2011	54	30	13	7		4	
2012	131	98	25	4	2	2	
2013	238	181	27	20	9	1	
2014	264	138	34	46	3	7	
2015	306	160	39	49	3	4	
2016	81	84	16	22		8	
<b>Total</b>	<b>1246</b>	<b>796</b>	<b>216</b>	<b>153</b>	<b>17</b>	<b>26</b>	<b>38</b>

## PREVENTION OF CORRUPTION IN PUBLIC PROCUREMENT

With the Law against Corruption, the field of public procurement was scarcely regulated and defined, namely the competences of ACA in this regard were very limited, and the public procurement was very little regulated. Regardless of this, ACA although at the beginning of its functioning, with very limited competences and with a very small staff has managed to monitor the tendering processes in public institutions by recommending also the cancellation of many tendering processes due to violations of the public procurement law resulting in corrupting aspects, and based on this as well, according to the report of 2007, it results that ACA has recommended cancelation of tenders in the amount of 7000,000.00 Euros (7 million Euros).

With adoption of Law No.02/L-133 on Preventing Conflict of Interest in Exercising Public Function, the situation regarding the prevention of corruption in public procurement almost did not change at all, the same continued with the issuance of the Law No.03/L-155 on amending and supplementing the Law No.02/L-133 on Preventing Conflict of Interest in Exercising Public Function, the situation in terms of competencies in the fight against corruption in public procurement again marked minimal changes. Regardless of the incomplete legal competences, ACA continued to prevent corruption in this very sensitive segment, sensitive because almost half of the budget of Kosovo is spent through tenders/ namely public procurement processes, hence it results that we are dealing with hundreds of millions of Euros and that the majority of corruption is taking place or tends to take place in this segment.

The greatest progress was achieved with the Law No. 04/L-051 on Prevention of Conflict of Interest in Discharge of Public Functions, which entered into force in 2011, and based on this later on was established a separate division dealing with monitoring of tendering processes. Based on this, emerged the necessity to increase staff, therefore ACA began to increase the number of its staff, and professionalism enhanced significantly, and during this time ACA, through its performance managed to cancel many tendering processes through its opinions and recommendations and in this regard to save Kosovo's budget with millions of euro from the tendering process which in themselves contained elements of corruption.

According to this Law, the Agency had the right to also participate in monitoring processes of the tender, whereby officials of this division, based on findings prepared opinions which were addressed to the contracting authorities and on this basis also the obligation to cancel processes which were found to have violated laws and contained elements of corruption.

We may freely say that ACA, through its issued opinions regarding public procurement directed to contracting authorities, through which it requested elimination of violations to LPP/namely seeking to cancel them due to suspicions and corruption findings, is one of the main promoters/namely main mechanisms in preventing and combating corruption in the tendering process in Kosovo, and hence with its opinions saves millions of Euros to Kosovo's budget as a result of corruption that is done through public procurements.

Following table indicates cases handled for prevention of legal violations regarding the process and procedures of Public Tenders over the period 2007-2016.

Prevention of Corruption in Public Procurement 2007 - 2016					
Year	Cases reported	Opinions	Amount in Euro	Monitoring	Advices
2007					
2008	20	5	360,0000		
2009	5	1	1500,000	2	
2010	9	4	1758325,7	1	
2011	20	12	4935376,99	2	
2012	35	19	69353776,99	5	
2013	63	28	16575208,17	10	
2014	86	67	2868080,83	7	
2015	112	81	35277545	30	
2016	109	81	10918938,00	13	
<b>Total</b>	<b>454</b>	<b>298</b>	<b>108,681,574,68</b>	<b>70</b>	<b>86</b>

## CAPACITY BUILDING

During this period, ACA was constantly engaged in capacity building of its staff. This is due to the reason that ACA wants to constantly be in line with international trends of methods, tactics and techniques of investigation and prevention of corruption. Consequently, in the following table it can be seen the trainings that ACA staff has received throughout the years. Based on all trainings and participation of officials in trainings, it appears that on average at least one official has participated in two training sessions during the year. For more details, see the following table.

YEAR	No. of TRAININGS	No. of OFFICIALS
2007	47	66
2008	23	40
2009	29	41
2010	40	65
2011	24	38
2012	14	29
2013	19	63
2014	28	63
2015	20	79
2016	7	12
<b>TOTAL</b>	<b>251</b>	<b>496</b>



## COOPERATION WITH MEDIA

Given that Kosovo society needed a greater awareness about corruption, Agency's focus during these years was to closely cooperate with the media as an important mechanism of communication with the public. The media, during these years have provided an irreplaceable contribution to the presentation of ACA's work and its policies. In order to reflect more accurately, were presented the following tables that indicate the number of articles in the written media, which in one form or another have presented ACA's work and the number of interviews of Director of ACA given to the local and international media.







## 10 YEARS OF ANTI-CORRUPTION AGENCY

Number of article in written media about Agency's performance by years	
Year	Number of articles
2016	42
2015	81
2014	179
2013	198
2012	132
2011	129
2010	115
2009	156
2008	140
2007	63
2006	49
Total	1284

Number of interviews of Director of ACA in all media	
Year	Number of interviews
2006	22
2007	52
2008	85
2009	93
2010	102
2011	105
2012	140
2013	140
2014	148
2015	108
2016	67
Total	1062

Anti-Corruption Agency is thankful to all local and international associates and partners who have helped in its establishment and development. In particular ACA is grateful to UNDP office in Kosovo for their assistance and irreplaceable contribution provided throughout our 10-year journey.

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 Shërbimi juaj pa pagesë, 24 orë në ditë dhe në tërë Kosovën

**LAJMET E FUNDIT**


**10 Dhjetor 2015**  
**AKK i adreson opinion Komunes së Zveçanit**


**07 Dhjetor 2015**  
**AKK i adreson opinion Komunes së Prishtines**


**04 Dhjetor 2015**  
**AKK i adreson opinion Komunes së Gjitarit**

**OPINIONET**  
**VENDIMET PËR KONFLIKT INTERESI**

**VEGËZA DIREKTE**

- Aktiviteti e prokurimit
- Mbrojtja punësimi
- Institucione dhe organizata vendore dhe ndërkombëtare

**KONTAKTI**  
 Agjencia Kundër Korruptionit i merrpret të gjitha kërkesat nga media të shkruara me mandatin e AKK-së.