



Republika e Kosovës
Republika Kosova - Republic of Kosovo
Qeveria – Vlada – Government

Ministria e Punëve të Brendshme - Ministarstvo Unutrašnjih Poslova - Ministry of Internal Affairs

The Minister of the Ministry of Internal Affairs, based on article 10, paragraph 6 and article 26 paragraph 2, subparagraph 2.2 of Law No. 08/L-166 on Public Gatherings (Official Gazette No. 4, dated 27.02.2023), Article 11 paragraph 1 subparagraph 1.5. of Law No. 08/L-117 on the Government of the Republic of Kosovo (Official Gazette No. 34, November 18, 2022) and Article 38, paragraph 6 of the Regulation No. 09/2011 of Rules and Procedure of the Government (Official Gazette No. 15, 12.09.2011),

Issues the following:

REGULATION (MIA) NO. 03/2023 ON THE DUTIES, RESPONSIBILITIES, COMPOSITION AND MANDATE OF THE MEMBERS OF THE APPEALS COMMISSION ON PUBLIC GATHERINGS¹

Article 1
Purpose

The purpose of this regulation is to establish and define the duties, responsibilities, composition and mandate of the members of the Appeals Commission on public gatherings, and to define the working rules of the Commission for reviewing appeals.

Article 2
Scope

This regulation shall be implemented by the Appeals Commission when reviewing appeals of natural and legal persons against the decisions of the Kosovo Police as the first instance body for the restriction or prohibition of gatherings and public events.

Article 3
Definitions

1. Expressions, terms and abbreviations used in this Regulation shall have the following meaning:

1.1. **MIA** - means the Ministry of Internal Affairs;

¹ Regulation (MIA) No. 03/2023 on the Duties, Responsibilities, Composition and Mandate of the Members of The Appeals Commission on Public Gatherings is approved by Decision No. 1451/2023 dated 19.12.2023 of the Minister of the Ministry of Internal Affairs.

1.2. **Minister** – means the Minister of the Ministry of Internal Affairs;

1.3. **KP** - means the Kosovo Police;

1.4. **PS** – means Police Stations;

1.5. **Commission** – means the Appeals Commission on public gatherings.

2. Expressions, terms and other abbreviations used in this regulation shall have the same meaning as in the definition defined in the relevant law on public gatherings.

3. The use of words in one gender shall also imply the other gender.

Article 4

Establishment, composition and mandate of the Commission

1. The Public Gatherings Appeals Commission shall be established by the Minister's Decision.

2. The Appeals Commission shall consist of three (3) members as follows:

2.1. Two (2) representatives from the MIA;

2.2. One (1) representative from KP.

3. One of the representatives of the MIA shall be appointed chairperson of the Commission.

4. The representative from the KP cannot be from the first-level body, respectively from the relevant Department for Public Order in the KP.

5. The members of the Appeals Commission shall be appointed for a three (3) year term, with the possibility of extension.

6. Gender equality must be complied with in the composition of the members of the Appeals Commission.

Article 5

Responsibilities of the Commission

1. The Commission for Public Gatherings shall decide on appeals submitted against decisions on:

1.1. the restriction of public gatherings according to Article 9 of the Law on Public Gatherings;

1.2. prohibition of public gatherings according to Article 10 of the Law on Public Gatherings;

1.3. the restriction of the public event according to Article 19 of the Law on Public Gatherings;

1.4. prohibition of public events according to Article 20 of the Law on Public Gatherings.

Article 6
Duties of the chairperson and members of the Commission

1. The work of the commission shall be led and coordinated by the Chairperson of the Commission.
2. The members of the Commission shall be obliged to participate in the meetings of the Commission when they are requested by the chairperson, and to perform the work with responsibility and objectivity.

Article 7
Appeal procedure

1. In case the dissatisfied party submits an appeal against the decision of the first instance, presented in any of the cases provided in article 5, the appeal procedure shall be developed by the Commission.
2. The Commission, as a second instance body, shall conduct the procedure based on the appeal and shall decide about it.
3. The appeal shall be submitted and signed by the appellant or the authorized representative in any of the official languages of the Republic of Kosovo. In the appeal, the number and date of the decision to which the appeal refers must be mentioned.
4. The appeal can be submitted to the Secretariat or to the police station that issued the decision, which shall submit the appeal to the Secretariat of the Commission.
5. The party can also submit an appeal by mail and electronically, which is made known in the legal advice of the decision.
6. The body when accept the appeal should issue a confirmation as proof of the delivery of the appeal. The confirmation form is an integral part of this Regulation as Appendix 1.
7. In cases where the appeal is submitted by post, no confirmation is issued to the party as referred to in Appendix 1 of this Regulation; however, when the appeal is filed electronically, the party shall accept the confirmation of receipt of the appeal.
8. After receiving the appeal, the Commission shall first verify whether the appeal is allowed, made within the legal deadline and whether it was made by an authorized person. Unauthorized appeals, made after the legal deadline and by an unauthorized person, shall be dismissed by decision of the Commission.
9. The appeal must specify the opposition to one or more aspects of the decision of the first instance body, as follows:
 - 9.1. violation of the provisions of material law;
 - 9.2. violation of the provisions of procedural law;

9.3. incorrect and incomplete assessment of the factual situation.

Article 8
Evidence and documents

1. The burden of presenting the evidence on which the appeal is based shall fall on the party itself.
2. The Secretariat shall provide to the appellant, upon request, access to all documents related to the appeal.

Article 9
Sessions

1. When the Commission deems it reasonable, or at the request of one of the parties, it may invite the parties to participate in the session.
2. The parties shall be notified in writing about the time, date and place the hearing will be held.

Article 10
Parties at the session and legal representation

1. The parties in the session shall be the appellant and the first instance body.
2. The appellant may be represented in the session by his/her authorized representative, who must present a written authorization which proves that he/she is the party's representative.
3. The party shall be entitled to contact any non-governmental organization that provides free legal assistance. The party may choose a representative, who will assist and represent him/her during the entire procedure, at his/her own expenses.

Article 11
Organizing the procedure

1. The session shall be led by the chairperson of the Commission.
2. Each member of the Commission may ask questions or request comments from the appellant, regarding any legal or factual issue related to the appeal.
3. The Commission may request additional evidence related to any issue presented by any party during the procedure.
4. The procedure shall be developed in accordance with the relevant Law on Administrative Procedure.

Article 12
Decisions of the Commission

1. Decisions of the Commission shall be taken by majority vote.

2. The Commission's decision must be in writing and must contain the factual and legal reasons, as well as information on the objection of the decision according to legal means, including the body in which the party has the right to object to the decision.
3. The Commission's decision shall be signed by the chairperson of the Commission.
4. With its decision, the Commission may:
 - 4.1. reject the appeal and keep the decision of the first instance in force;
 - 4.2. approve the appeal, cancel the decision of the first instance and return the same for reconsideration;
 - 4.3. cancel or amend, completely or partially, the appealed act, that is, it will issue the act requested by the party.
5. The Secretariat shall submit the decision to the party or his/her authorized representative. Upon submitting the decision, a written confirmation is issued to the party as proof of acceptance of the decision according to the form attached as Appendix 2 of this Regulation.
6. The decision begins to produce legal consequences in relation to the party to whom it is addressed or who is affected by it, with the notification of its content.
7. The decision, through the Secretariat, shall also be sent to the body that decides in the first instance.
8. The decision of the Commission shall be final in the administrative procedure and an administrative conflict can be initiated against it.
9. The initiation of the administrative conflict according to paragraph 8 of this article shall not suspend the execution of the decision.

Article 13 **Minutes**

1. Written minutes shall be kept for each session of the Commission.
2. The minutes shall be presented for approval at the end of the relevant meeting or at the beginning of the following meeting. After approval, the minutes shall be signed together by the chairperson and the person who kept the minutes. The minutes must also be signed by the appellant or its representative if they participated in the session.
3. In addition to the minutes from paragraph 1 of this article, a special minutes of voting may be kept, which will be signed by the members present.
4. Neither the party nor the public can access the special voting minutes.

5. The Commission may record the Commission's sessions through recording devices. The use of recordings shall be made in accordance with the relevant Law on Personal Data Protection.

Article 14

Deadlines for filing an appeal and deadlines for taking a decision

1. In cases of the restriction or prohibition of the public gathering by the Kosovo Police, the organizer or his authorized representative shall have the right to file an appeal to the Commission, within twenty-four (24) hours after receiving the decision. The Commission shall decide on the appeal within forty-eight (48) hours, from the submission of the appeal.

2. In cases of restriction or prohibition of the public event by the Kosovo Police, the organizer or his authorized representative shall have the right to file an appeal to the Commission, within forty-eight (48) hours after receiving the decision. The Commission shall decide on the appeal within forty-eight (48) hours, from the submission of the appeal.

Article 15

Resigning from the position of chairperson or member of the Commission

The chairperson or member of the Commission who plans to resign must provide the Ministry with a prior written notice at least one (1) month in advance and during this period he/she will continue to perform all duties until the appointment of a new member.

Article 16

Dismissal

1. The Minister may dismiss the chairperson and members of the Commission before the end of the mandate, if:

1.1. he/she has been convicted of a criminal offense by a competent court;

1.2. does not justify in writing the absence in the commission sessions, three (3) times;

1.3. he/she resigns or is transferred to another institution from those defined in paragraph 2 of article 4 of the regulation;

1.4. his/her employment relationship has been terminated;

1.5. he/she is suspended from the employment relationship.

Article 17

Conflict of interest

1. Conflict of interest shall be the situation in which a member of the Commission has such a personal interest, which affects or may affect the impartiality or objectivity of the performance of his/her official duty.

2. When the member of the Commission is informed that such a situation exists, he/she shall be obliged to:
 - 2.1. verify whether he/she has such a conflict;
 - 2.2. take the necessary steps to avoid such conflict;
 - 2.3. immediately inform the chairperson of the Commission, respectively the Minister about the potential or actual conflict of interest;
 - 2.4. comply with any final decision, not to participate in the Commission or panel sessions.
3. In case it is proven that there is a conflict of interest, the member with a conflict of interest is replaced by Decision with a temporary member.

Article 18 **Secretariat of the Commission**

1. The members of the Secretariat are appointed in the Commission Establishment Decision from the KP.
2. Duties of the Secretariat of the Commission shall include:
 - 2.1. providing administrative assistance, logistical support, as well as other necessary assistance;
 - 2.2. preparing for Commission sessions;
 - 2.3. informing the members of the Commission and the parties, regarding the assigned sessions;
 - 2.4. keeping minutes and sharing the decision taken during sessions and meetings;
 - 2.5. distributing the other materials that need to be reviewed to the members of the Commission in time;
 - 2.6. sharing the decisions taken by the Commission to the parties;
 - 2.7. keeping files of the minutes and decisions taken by the Commission;
 - 2.8. performing other tasks requested by the Commission's chairperson.

Article 19 **Annexes**

1. The following Annexes shall compose an integral part of this Regulation:

1.1. Appendix 1 - Verification of acceptance of the complaint; and

1.2. Appendix 2 – Decision delivery confirmation.

Article 20
Entry into force

This Regulation shall enter into force seven (7) days after its publication in the Official Gazette of the Republic of Kosovo.

Xhelal SVEÇLA

Minister of Internal Affairs

19.12.2023



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**Ministria e Punëve të Brendshme - Ministarstvo Unutasnjih Poslova - Ministry of
Internal Affairs**

*Komisioni i Ankesave për Tubime Publike - Žalbeni komisija za javna okupljanja- Appeals
Commission on Public Gatherings*

DELIVERY CONFIRMATION

This is to verify that Mr./Mrs. _____ i/born on
_____ in _____ has delivered the appeal on the
restriction/prohibition of the public gathering/event to the second instance of the commission for
reviewing complaints about public gatherings.

On _____.

(Appellant)

(Appeal received by)



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Komisioni i Ankesave për Tubime Publike - Žalbená komisija za javna okupljanja- Appeals Commission on Public Gatherings

C O N F I R M A T I O N
On decision receipt

This is to verify that Decision No. _____ dated _____._____._____ has been delivered to the party _____ on _____._____._____.

(Received by)

(Delivered by)