



REPUBLIKA E KOSOVËS
REPUBLIKA KOSOVA | REPUBLIC OF KOSOVO
AGJENCIA PËR PARANDALIMIN E KORRUPSIONIT
AGENCIJA ZA SPREČAVANJE KORUPCIJE
AGENCY FOR PREVENTION OF CORRUPTION



REPUBLIKA E KOSOVËS REPUBLIKA KOSOVA REPUBLIC OF KOSOVO	
AGJENCIA PËR PARANDALIMIN E KORRUPSIONIT AGENCIJA ZA SPREČAVANJE KORUPCIJE AGENCY FOR PREVENTION OF CORRUPTION	
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**REGULATION NO. 03/2023 ON ADMINISTRATIVE INVESTIGATION
PROCEDURES IN THE AGENCY FOR PREVENTION OF CORRUPTION**

Pristina, December 2023

Pursuant to Article 12, paragraph 9, and Article 17, paragraph 9, of Law No. 08/l-017 on Agency for Prevention of Corruption (*Official Gazette No. 19, dated 21.07.2022*), the Director of the Agency for Prevention of Corruption, issues the following:

**REGULATION NO. 03/2023 ON ADMINISTRATIVE INVESTIGATION
PROCEDURE IN THE AGENCY FOR PREVENTION OF CORRUPTION**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. This Regulation aims to define the rules and procedures for receiving, handling, recording cases, internal distribution, reporting, management and archiving of cases falling within the scope and mandate of the Agency for Prevention of Corruption (hereinafter referred to as the Agency).
2. This Regulation is in line with the fields and responsibilities of the Agency as defined by Law No. 08/L-017 on Agency for Prevention of Corruption, Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, Law No. 08/L-108 on Declaration, Origin and Control of Assets and Gifts, as well as Law No. 06/L-085 on Protection of Whistleblowers.

**Article 2
Scope**

1. This Regulation shall apply to all organizational units of the Agency which conduct administrative investigations.
2. In terms of paragraph 1 of this Article, the organizational unit in the Agency is the Department/Division.

**Article 3
Definitions**

The terms used in this regulation shall have the same meaning as the definitions in the Laws referred to in Article 1, paragraph 2 of this Regulation.

CHAPTER II
REPORTING AND RECEIVING CASES IN THE AGENCY

Article 4
Receiving reports and cases

1. Reporting and receiving cases in the Agency shall be done as follows:
 - 1.1. In person at the Agency or through mail;
 - 1.2. Online, via the text and call platform, and official email of the Agency;
2. The case reporter shall receive a certificate of case submission upon receipt of the reported cases in the Agency.

Article 5
Case reporting form

1. The case reporting form of the Agency shall contain the following data:
 - 1.1. specification of the field for which the reporting is done and requiring the initiation of the relevant procedure;
 - 1.2. data of the case reporter;
 - 1.3. data of the persons against which the procedure is requested to be developed;
 - 1.4. statement of the case reporter for eventual law violations;
 - 1.5. list of documents attached to the case reporting form;
 - 1.6. information whether a similar procedure is being developed by another authority;
 - 1.7. statement whether the reporter wishes to remain confidential;
 - 1.8. other data according to the evaluation for every specific case.

Article 6
Case recording procedure

1. After processing in the Archive Office, through the Director's Office, the case is transferred to the relevant Unit for further processing.
2. The transfer of every case as referred to in paragraph 1 of this Article shall be recorded and processed in the records of the Agency.

CHAPTER III
ADMINISTRATIVE INVESTIGATION PROCEDURE

Article 7

Procedure for initiation of administrative investigations

1. The Agency shall initiate the administrative investigation procedure in cases falling within the scope of the Agency:
 - 1.1. ex officio;
 - 1.2. according to information or requests received from natural or legal entities;
 - 1.3. according to anonymous information;
 - 1.4. according to information identified by the media;
 - 1.5. upon request of the official person and upon approval from the employing institution; and
 - 1.6. in the event of failure to comply with any legal requirement provided by the laws within the scope of the Agency.
2. From the moment of receiving a case, the Agency shall undertake the necessary actions for evaluation, identification, investigation, and development of the investigation procedure.

Article 8

Steps for initiating the procedure

1. After reporting and receiving the case, the Agency shall undertake the following steps:
 - 1.1. Initial evaluation;
 - 1.2. Administrative investigation; and
 - 1.3. Actions after concluding administrative investigation.

Article 9

Initial evaluation

1. Initial case evaluation includes reviewing and analysing all information, data and allegations raised, to define whether the Agency has the competence and can develop an administrative investigation procedure for the case at hand.

2. The head of the organizational unit shall review the following during the initial evaluation:
 - 2.1. whether the required data has been filled in, according to Article 5 of this Regulation;
 - 2.2. whether the subject of the addressed case falls under the competences of the Agency;
 - 2.3. whether the request submitted is within the legal terms;
3. After the initial evaluation, the head of the organizational unit shall decide on one of the cases as follows:
 - 3.1. issue a decision to appoint the responsible official for conducting administrative investigations;
 - 3.2. recommend the Director of the Agency to issue a decision on absence of competence;
 - 3.3. require additional information, if the request is not complete;
 - 3.4. delegate the case to the competent unit within the Agency.
4. The head of the organizational unit shall inform the applicant within fifteen (15) days about the outcome of the initial investigation, unless otherwise provided by law.

Article 10
Administrative Investigation

1. The administrative investigation procedure shall include the following actions:
 - 1.1. Identify needs for further information and documentation;
 - 1.2. Ensure documentation and other evidence from any relevant person or institution;
 - 1.3. Interview any person who may have relevant information;
 - 1.4. Inspections and consultations with experts.
 - 1.5. Analyse and assess information, facts and other evidence;
 - 1.6. Review any case-related evidence.
2. The Agency shall use the following types of evidence in the administrative investigation procedure:
 - 2.1. official data, documents and files of public and private institutions, administrative decisions or any other decision and their implementation;
 - 2.2. internal rules, and any type of available documentation related to the case;

- 2.3. copies of any communication between officials in relation to decisions or procedures subject to the request;
 - 2.4. interviews and answers with persons from the institution subject to the request;
 - 2.5. information that is publicly available.
3. As a result of the administrative investigation procedure, the Agency shall decide whether:
- 3.1. there is reasonable ground for a potential situation of conflict of interest;
 - 3.2. opinions and advice on conflict of interest is requested;
 - 3.3. to check and verify the truthfulness and accuracy of data provided in the process of asset declaration;
 - 3.4. to check and verify gifts;
 - 3.5. there is suspicion that the reported violation comprises a threat or violation of public interest; and
 - 3.6. on any other issue under the competences of the Agency.
4. The administrative investigation is conducted in line with the provisions of the Law on General Administrative Procedure.

Article 11

Conclusion of administrative investigation

1. After a specific procedure is completed, the responsible official shall develop the final report with recommendations, containing a detailed summary of actions undertaken in relation to the case.
2. The final report with the accompanying draft act, together with the case files, shall be submitted to the Office for Representation, Standardization and International Relations through the direct Manager and Director of the relevant Department.
3. The Office for Representation, Standardization and International Relations shall review the final report along with the case files and whether they comply with the standards of this regulation, and shall recommend them to the Director's Office for processing or return them for completion.
4. Upon receiving the report, the Director of the Agency shall decide on the final decision.
5. It is the right of the Director of the Agency to decide otherwise in specific cases.

6. The Agency shall, within fifteen (15) days, inform the applicant about the outcome of the administrative investigation, unless otherwise provided by law.

Article 12

Actions following the conclusion of an administrative investigation

1. The actions of the Agency in terms of the epilogue of the developed administrative investigation procedure include, but are not limited to, the following:
 - 1.7. termination of an administrative procedure;
 - 1.8. reinstate or vacate an administrative/court decision;
 - 1.9. Initiate a disciplinary procedure or other relevant procedures for officials;
 - 1.10. request to initiate the dismissal procedure;
 - 1.11. request to review, revoke and/or repeal the act issued in a conflict of interest of the authority that issued it;
 - 1.12. request to initiate a procedure of minor offence;
 - 1.13. decision to ascertain the conflict of interest;
 - 1.14. decision to impose fines;
 - 1.15. decision to impose minor offence measures of public or non-public rebuke;
 - 1.16. criminal report in cases where there are elements of a criminal offence;
 - 1.17. advice, answers, recommendations and opinions within the mandate of the Agency;
 - 1.18. and other measures, in accordance with the legislation in force.

Article 13

Duration of administrative investigations

The administrative investigation procedure shall begin on the date when the case is received and shall be concluded within the terms defined by the Laws in force defining the mandate of the Agency.

Article 14

Confidentiality and privacy

During the entire administrative investigation procedure, the Agency shall ensure that all information, testimonies and evidence collected during the entire procedure, process data only to the extent necessary for the administrative investigation, in accordance with Law No. 06/L-082 on Protection of Personal Data, as well as in cases where Law No. 06/L-085 on Protection of Whistleblowers, as well as ensuring the privacy of the persons involved in the investigations.

Article 15
Objectivity

1. The Agency's objectivity in administrative investigations refers to the impartial approach and actions throughout the investigation procedure and case handling. It requires a commitment to neutrality, without personal bias, external influence or conflicts of interest, ensuring that the investigation is guided only by facts and evidence.
2. An Agency official shall not be involved in an administrative procedure if they have a direct or indirect personal interest about the case at hand.

Article 16
Documentation and reporting

1. The administrative investigation file shall contain, but is not limited to, the following:
 - 1.1. Reasoning for the initiation of investigation;
 - 1.2. Initiation date of administrative investigation;
 - 1.3. Report with recommendation for all actions and investigations conducted during the administrative investigation;
 - 1.4. Outcome of the administrative investigation, including the date when the administrative investigation started, and
 - 1.5. Proposed measures.
2. The administrative investigation file shall be sent and stored in the archive of the Agency in hard copy and electronic copy.

CHAPTER IV
FINAL PROVISIONS

Article 17
Review

1. The provisions of the laws referred to in Article 1, paragraph 2, of this Regulation shall apply for any issue that has not been regulated with this Regulation, and for special Decisions of the Director of the Agency.
2. All forms of files referred to in Article 13 of this Regulation shall be approved by a Decision of the Director of the Agency.

- This regulation may be reviewed, supplemented or amended, depending on the needs or circumstances that may arise for its amendment/supplementation.

Article 18
Abrogation

Upon entry into force of this Regulation, the provisions regulating issues of administrative procedures of Regulation No. 01/2014 on the Rules and Procedure of the Anti-Corruption Agency as amended/supplemented.

Article 19
Entry into force

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

Yll BULESHKAJ

Director of Agency for Prevention of Corruption

28/12/2023