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AGJENCIA KUNDËR KORRUPSIONIT
AGENCIJA PROTIV KORUPCIJE
ANTI - CORRUPTION AGENCY



ANNUAL WORK REPORT 2020

ABSTRACT

This Annual Report of the Anti-Corruption Agency presents an overview of activities, achievements and challenges for 2020

Prishtina, March 2021

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List of Abbreviations

ACA	Anti-Corruption Agency
IAC	Kosovo Property Agency
KBRA	Kosovo Business Registration Agency
CRA	Civil Registration Agency
EU	European Union
D +	Democracy + (Non-Governmental Organization)
SACD	Special Anti-Corruption Department
DIECC	Directorate for Investigation of Economic Crimes and Corruption, Kosovo Police
FIU	Financial Investigation Unit
GLPS	Group for Legal and Political Studies
CC	Constitutional Court
BC	Basic Court
KIPA	Kosovo Institute for Public Administration
KJI	Kosovo Justice Institute
PIK	Police Inspectorate of Kosovo
KDI	Kosovo Democratic Institute
KEC	Kosovo Energy Corporation
KJC	Kosovo Judicial Council
CPC	Kosovo Prosecutorial Council
CPCK	Criminal Procedure Code of Kosovo
CEC	Central Election Commission
PPRC	Public Procurement Regulatory Commission
LDC	Leadership and Development Consultancy
MPA	Ministry of Public Administration
MEST	Ministry of Education, Science and Technology
MoJ	Ministry of Justice
MDA	Management Development Association
MoF	Ministry of Finance
MKSF	Ministry of Kosovo Security Force
MESP	Ministry of Environment and Spatial Planning
MIA	Ministry of Internal Affairs
MoH	Ministry of Health
MTI	Ministry of Trade and Industry
FIU	Financial Intelligence Unit
POEPMU	Publicly-Owned Enterprises Policy and Monitoring Unit
EO	Economic Operator
OSCE	Organization for Security and Co-operation in Europe
PRB	Procurement Review Body
PECK II	Project against Economic Crime in Kosovo II
KP	Kosovo Police
MPP	Municipal Public Prosecution
DPP	District Public Prosecution
SPRK	Special Prosecution Office of the Republic of Kosovo
SPO	State Prosecution Office
BPO	Basic Prosecution Office
KCPSED	Kosovo Centre for Public Security, Education and Development
RAI	Regional Anti-Corruption Initiative
SAP	Anti-Corruption Agency Strategy and Action Plan
TI	Transparency International
UNDP	United Nations Development Program
UP	University of Prishtina "Hasan Prishtina"
USAID	United States Aid for International Development
OPM	Office of the Prime Minister
ORCI	Office for Relations, Cooperation and Information
ODP	Office of Disciplinary Prosecutor

EXECUTIVE OVERVIEW

Pursuant to Article 12 of the Law No. 03/L-159 on Anti-Corruption Agency, the Agency shall submit the Annual Work Report for the previous year to the Assembly of the Republic of Kosovo, namely to the Committee on Legislation, Mandates, Immunities, and Rules of Procedure of the Assembly and Oversight of the Anti-Corruption Agency. The Annual Report shall present the activities, achievements and challenges of the ACA for 2020.

The report shall focus on the activities listed below:

- ⇒ Implementation of the legal framework in the field of anti-corruption;
- ⇒ Results from the process of declaration of properties by senior officials and registration of gifts received, the publication of registers of property declaration forms by senior public officials on the ACA's official website;
- ⇒ Prevention and handling of cases of conflict of interest during and after the exercise of the public function of senior public officials and other officials;
- ⇒ Results of corruption prevention during the monitoring of public procurement activities;
- ⇒ Law enforcement and handling of cases in the field of whistleblower protection;
- ⇒ Follow-up of criminal reports in competent prosecution offices, follow-up of requests for initiation of disciplinary proceedings for alleged administrative violations;
- ⇒ Education of public officials and awareness-raising activities for citizens on the legal framework and current mechanisms responsible for preventing and combating corruption.

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

Despite the maximum commitment in fulfilling the mandate, AKM considers that the situation with the COVID-19 pandemic, the approved Government measures for staff restriction, movement restriction, and coordination of works, in some cases and part-time, as for all other public institutions, has also affected the progress of the work of the AKM. However, most of the officials have been positive, and have passed successfully, and thanks to care, ACA has achieved to manage well and adapt to the circumstances, starting with the use of information technology, replacing regular meetings by online (virtual) ones. All these have resulted in satisfactory progress in carrying out the ACA tasks, and achieving the results as presented in this report.

For reporting purposes, the Annual Work Report shall cover the period 1 January to 31 December 2020.

DESCRIPTION OF THE INSTITUTION

Pursuant to Law No. 03/L-159 on Anti-Corruption Agency, ACA is an independent and specialized body responsible for the implementation of state policies for combating and preventing corruption in Kosovo. The Agency has been established in July 2006, whereas it has been functionalized on 12 February 2007.

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

Current Law on Anti-Corruption, based on 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, protection of whistleblowers, analysing and eliminating the causes of corruption, the incompatibility of holding public office and the conduct of the profitable activities by the official persons, restrictions regarding the acceptance of gifts related to the performance of official duties, monitoring of their properties, as well as the persons in close relation to them and restrictions on contracting entities on participation on public tenders.

The legal framework

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

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

- Law No. 03/L-159 on Anti-Corruption Agency;
- Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials;
- Law No. 04/L-228 on Amending and Supplementing the Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials;
- Law No. 06/L-011 on Prevention of Conflicts of Interest in exercise of a Public Function;
- Law No. 06/L-085 on Protection of Whistleblowers.

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

- Regulation No. 01/2013 on Internal Organization and Systematization of Jobs in the Anti-Corruption Agency;
- Code No. 03/2013 of Ethics for the Anti-Corruption Agency Officials;
- Regulation No. 01/2014 on Rules of Procedure of the Anti-Corruption Agency;
- Regulation No. 02/2014 on the Organization, Operation and Management of the Archives of Anti-Corruption Agency;
- Regulation No. 01/2018 on Amending and Supplementing the Regulation No. 01/2014 on Rules of Procedure of the Anti-Corruption Agency;
- Regulation No. 01/2019 on Amending and Supplementing the Regulation No. 01/2013 on Internal Organization and Systematization of Jobs in the Anti-Corruption Agency

Internal organization

The Agency employs 43 officials, including the Director of the Agency. The internal organization is regulated by the Regulation No. 01/2013 on Internal Organization and Systematization of Jobs in the Anti-Corruption Agency and Regulation No. 01/2019 on Amending and Supplementing the Regulation No. 01/2013 on Internal Organization and Systematization of Jobs in Anti-Corruption Agency. Under this Regulation, the Agency is divided into the following departments and divisions:

1. **Department of Combating Corruption** is responsible for conducting the preliminary investigation procedures in cases of suspicion of corruption, analysing statistical data and other data about the state of corruption in Kosovo, drafting and monitoring the implementation of the Anti-Corruption Strategy and Action Plan, protection of whistleblowers according to the Law on Protection of Whistleblowers, as well as reporting on the implementation of the Agency's tasks determined by other strategic documents. This Department consists of 1. Division for Investigations and Analyzes; 2. Division for Investigations and Strategies; and, 3. Division for Protection of Whistleblowers.
2. **Department for Prevention of Corruption** is responsible to oversee the property, oversee gifts, and prevent corruption in public procurement and corruption in general. This Department consists of 1. Division for Declaration of Assets and Gifts; 2. Division for Prevention of Corruption in Public Procurement.
3. **Department for Prevention of Conflict of Interest** is responsible to prevent Conflict of Interest of senior public officials during the exercise of public function. It cooperates with responsible authorities, analyzes and handles cases of conflict of interest, receives annual reports from responsible authorities, provides professional assistance and advice for other institutions in the area of prevention of conflict of interest. This Department consists of 1. Division for Prevention of Conflict of Interest for senior officials and responsible authorities, and 2. Division for Prevention of Conflict of Interest for responsible authorities and official persons.

4. **Department for Finance and General Affairs** is responsible to manage and ensure material resources, provision of administrative services, manage finances and budget as well as the logistics of the agency. This Department is composed of the Division for General Services, Budget and Finances.
5. **Office for Support and Cooperation** is responsible for the provision of professional support, management and administration of electronic data of the agency and the IT system, and administrative-technical issues as well as archiving of official communications.
6. **Coordinator of public communication office** organizes, coordinates, leads, and harmonizes activities related to public and media information regarding work, activities, and actions of the Agency.
7. **Personnel Manager, Procurement Manager and Archive** is responsible for recruitment procedures, management of several procurement activities.

ACA's Organizational chart is presented graphically in [*Annex I*](#).

Within the ACA, in accordance with the legal provisions on civil service and public officials is established the following: Disciplinary Commission. This commission did not receive any request to initiate disciplinary proceedings in 2020. Meanwhile, the Commission for Resolution of Disputes and Complaints has been functional until the entry into force of Law No. 06/L-114 on Public Officials. To date no complaints have been received.

DEPARTMENT OF COMBATING CORRUPTION

Pursuant to the provisions of Law No. 03/L-159 on Anti-Corruption Agency, Law on Protection of Whistleblowers and secondary legislation, the work of the Department of Combating Corruption within the ACA is carried out through (1) implementing the legal framework and conducting preliminary investigation, (2) implementing Law on protection of whistleblowers, (3) drafting and monitoring the implementation of Anti-Corruption Strategy and Action Plan.

Law enforcement

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

- ⇒ Conducting preliminary investigations related to the allegations of corruption in the cases when no criminal procedure is initiated by any other mechanism;
- ⇒ Proceeding the investigated cases to the competent public prosecution office for further criminal proceeding, as well as forwarding the requests for initiation of disciplinary proceedings in relation to allegations for administrative violations;
- ⇒ Handling cases of whistleblowers – external whistleblowing is set forth by the Law on the protection of whistleblowers and provision of professional assistance for Responsible Officers for certain whistleblowing, set forth by public institutions;
- ⇒ Cooperation with all local and international authorities responsible for law enforcement during the investigation proceedings conducted by these authorities.

Conducting investigations

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

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

Cases reported to ACA during 2020

During the reporting year, ACA received information from citizens regarding allegations of corruption activities through various ways of reporting. Citizens can report suspected corruption cases in several ways, such as direct reporting via the free hotline **0800 10 800**, reporting via mail and e-mail (online form) on www.akk-ks.org. 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.

In 2020, ACA has conducted preliminary investigation procedures in a total of 313 cases, of which 134 are carried from previous years, whereas in 2020 ACA received 179 new cases. Of these cases, 124 were referred to the Prosecution Office, Police for further proceeding, 16 were referred to competent administrative bodies with a request for initiation of the disciplinary proceeding, and 112 cases were closed, while 61 cases are in the proceeding. The total number of handled anonymous reporting is 19. During the reporting year, the Agency handled a total of 66 cases initiated ex-officio. The following chart (*Figure 1*) represents the proceeding of 313 cases handled during 2020.

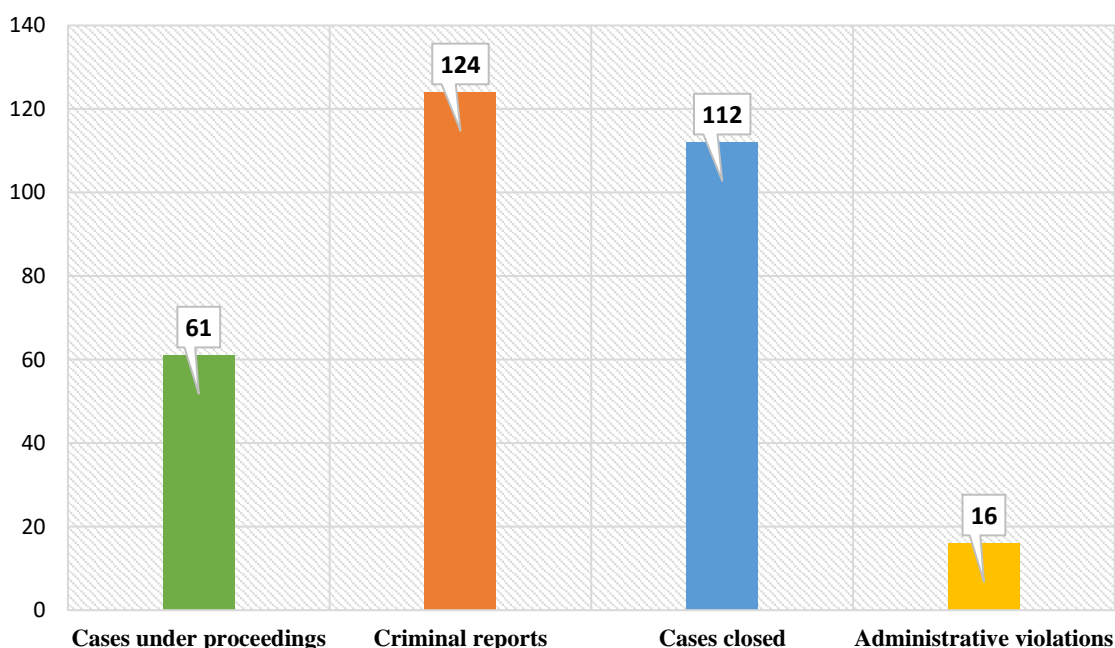


Figure 1. Graphical representation of the proceeding cases handled during 2020

Cases forwarded to competent institutions for proceeding

During the reporting period, 124 information and criminal charges were forwarded to competent institutions for further proceeding.

Out of them, 95 criminal charges and 16 information 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 referred to the competence of the respective prosecution offices.

13 sets of information were forwarded to DIECC.

In 16 cases, following the completion of preliminary investigation proceedings, it is determined that there is no sufficient data and/or reasonable suspicion that the case could constitute a criminal offence; however, it is alleged for administrative violation. The Agency forwarded these cases to the competent administrative bodies, with a request to initiate disciplinary proceedings.

Persons suspected of corruptive activities

In 124 cases forwarded to public prosecution offices and Kosovo Police for further criminal proceeding after the establishment that there are sufficient data or/and grounded suspicions for

involvement in corruptive activities, ACA reported 180 persons. Of them, 172 persons were forwarded to the Prosecution Office and 8 persons to DIECC – Kosovo Police.

During the reporting period, ACA also forwarded 16 cases to the competent administrative bodies with the request to initiate disciplinary proceedings against 25 officials of the institutions of the Republic of Kosovo.

Figure 2 graphically shows the number of criminal charges, information and request for initiation of proceeding and the number of involved persons for cases forwarded to relevant institutions.

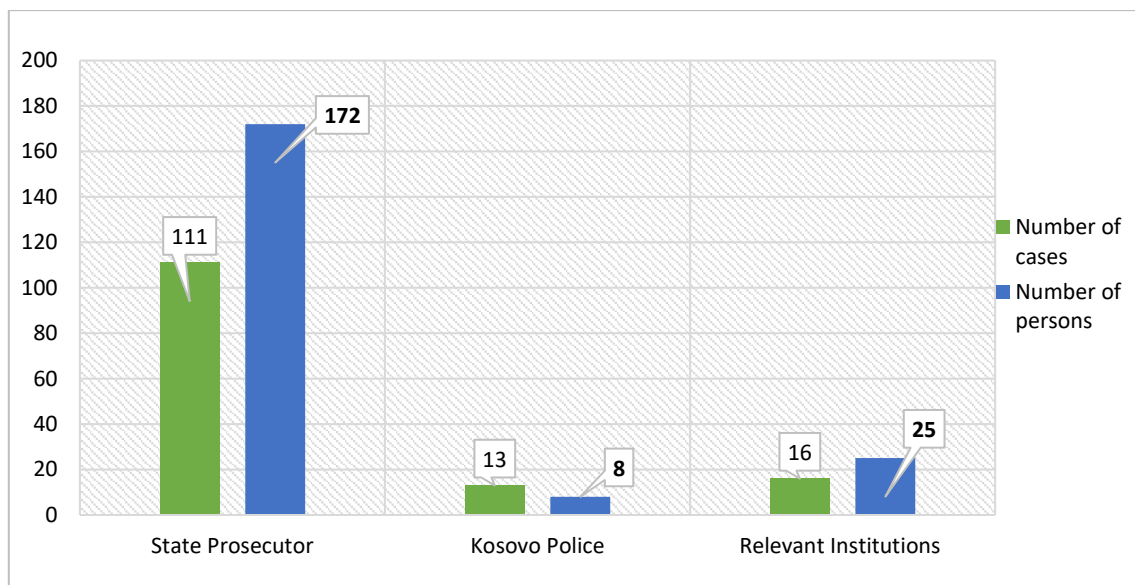


Figure 2. Overview of criminal charges and the number of involved persons forwarded to the relevant institutions

Cases proceeded according to the structure of criminal offences

Among the 124 cases proceeded to Prosecution Office, DIECC – Kosovo Police for further proceeding, some of them consist of two or more offences. Criminal offences mainly belong to Chapter XXXIV on official corruption and criminal offences against official duty under the Criminal Code of Kosovo. In 24 cases (14 in DIECC and 10 in the Office of the Chief State Prosecutor), alleged actions could not be qualified as to what criminal offences they represented due to exceeding the Agency's investigative opportunities and competencies.

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

- ⇒ Failure to report or falsely reporting assets, income, gifts, other material benefits or financial obligations - The largest number of cases forwarded to the Prosecution Office are actions sanctioned under Article 437 of the Criminal Code of Kosovo No. 04/L-082, respectively Article 430 of the Criminal Code of the Republic of Kosovo No. 06/L-074 C (which entered into force on 14 April 2019).
- ⇒ Abuse of official position or authority - From the total number of cases forwarded to Prosecution Offices and DIECC – Kosovo Police, corruption actions, foreseen under Article

422 of the Criminal Code of Kosovo No. 04/L-082, respectively Article 414 of the Criminal Code of the Republic of Kosovo No. 06/L-074, constitute the second-highest share of offences. In one case this criminal offence was accompanied by the offence of Fraud (Article 335 of the Criminal Code of Kosovo No. 04/L-082). Falsifying official document (Article 434 of the Criminal Code of Kosovo No. 04/L-082) and Tax evasion (Article 313 of the Criminal Code of Kosovo No. 04/L-082), whereas another case was related to the criminal offence of Conflict of Interest (Article 424 of the Criminal Code of Kosovo No. 04/L-082).

- ⇒ Fraud - 2 case was forwarded in relation to this criminal offence, according to Article 335 of the Criminal Code of Kosovo No. 04/L-082.
- ⇒ Conflict of interest - According to this criminal offence specified in Article 417 of the Criminal Code of the Republic of Kosovo No. 06/L-074, 1 case was forwarded to the competent Prosecution Office.

Persons involved in these cases are from different levels, such as: ministers, secretary generals to the ministries, deputy ministers, mayors and deputy mayors, judges, chief of mayor's cabinet, secretary general in central level, advisers to embassies, members and former members of municipal assemblies, members of the steering committee at the public universities, rector, former rector, former pro rectors, pro deans in faculties of public universities, secretary, former secretary of public universities, chief executive officer, former chief executive officer or director of executive agencies within the ministries, members of steering boards of subordinate institutions within the ministries, directors of departments in non-governmental institutions, directors of departments in ministries, director of municipal directorate, procurement managers, municipal officials, administrative officer in local level, certifying officer, expenditure officer, commitment officer, chief financial authorizing officer in central level, hospital director, ward director, shareholder of local public enterprises, members and former members of boards of public enterprises, chief executive officer, former chief executive officers of local public enterprises, certain business owners, NGO director, etc.

Following the completion of the preliminary investigation procedure, the Agency during the reporting period issued opinions, recommendations, responses – professional opinion and referred for competency addressed to the relevant institutions of the Republic of Kosovo, as follows:

- Opinion with a proposal to initiate/undertake legal initiatives to regulate the issue of independence of operation of a Public Enterprise by prohibiting and disabling directors selected/appointed to boards of public enterprises eventual engagement in political parties, as holders of a leading position or decision-makers in a political party, as well as to be appointed or nominated by the political entity as a candidate for an elected position.
- Opinion that the issue of appointments of less than 1/3 of the members of the State Quality Council of the Kosovo Accreditation Agency without a public invitation and without reporting to the Assembly of Kosovo by the relevant Minister should be terminated.

- Opinion on undertaking more rigorous regulation/control measures regarding the engagement of staff/teachers in regular employment in public universities, who according to the statutes cannot have another full-time employment contract in another University.
- Recommendations to the leaders of the institutions to take measures in order not to repeat such situations when the contact officials with ACA fail to forward the notifications to the senior public officials regarding the process of declaration of assets.

Regarding 16 cases followed by requests for initiation of disciplinary proceedings by ACA, the competent administrative institutions in 2 cases have issued the disciplinary measure of verbal reprimand, while in 1 case they have issued the disciplinary measure of suspension from discharging functions and withholding 1/3 of the payment for 1 month, 1 case was suspended due to criminal proceedings and for 1 case an increased control was promised, for 11 other cases, ACA did not receive any information.

Characteristics of the violations found during the preliminary investigation

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

Characteristic of investigated cases dealing with the criminal offence of Abuse of Official Position or Authority from Article 422 of the Criminal Code of Kosovo No. 04/L-082, respectively Article 414 of the Code No. 06/L-074, is the abuse of official duty or authority by the official who, by acting or omission, violates the applicable laws in order to obtain any benefit for himself/herself or another person, or with the purpose to harm the other persons or certain business, or severely violate the rights of the other person, exceeds the powers and disregards official duties.

The actions or omissions mentioned refer to violations such as:

- Incurring expenditures by not implementing procurement procedures;
- Subsidizing without meeting the legal requirements and tax evasion by certain businesses;
- Financial support outside the scope of the institution;
- Participating in evaluation meetings as a member of the evaluation committee evaluating his/her own project;
- Allocating properties for use without legal procedures provided for by the applicable legislation;
- For investors to obtain a construction permit, the construction project must be done at the designated company, owned by the former associate of the Director of Urbanism;
- Granting additional competencies to the political staff-advisors through the regulation for the functioning of the cabinet of the Minister in supervising the work of civil servants and certain projects in contradiction with the Government regulation;
- Selection of school principals in violation of applicable law;
- Engagement of persons in employment without announcing a vacancy and outside the organizational structure and that allowed by the relevant Ministry;

- Employment of political staff in the civil service and enabling the suspension of this position in the civil service for the exercise of political function;
- Simultaneous engagement in two positions in different institutions on a full-time basis;
- Employment on political grounds and nepotism;
- Adaptation of vacancy requirements to certain persons;
- Employment in the civil service without taking any written test;
- Employment without meeting the conditions required by the vacancy announcement;
- Advancement contrary to the applicable legislation by not meeting the conditions required for that position;
- Permanent deployment from one position to another in violation of applicable law;
- Recommendation of the candidate for board director in public enterprises in violation of the law;
- A false statement under oath, concealing the fact that allegedly no family member is employed in the very same institution;
- A false statement under oath thereby concealing the fact the he or she has not been politically appointed in the last three years under the Law on public enterprises;
- Remuneration for certain employees even though they do not show up for work at all and payment for persons whose mandate has ended;
- Additional payments outside the basic salary with justifications for overtime work, weekends or public holidays;
- Illegal use of cars and official lunches;
- Approval of various payments for activities that have not been performed.

As one can notice from the aforementioned criminal offence of *Abuse of Official Position or Authority* is mainly characterized by violation of rules on employment, systematization and transfers. The same violations characterize the criminal offence even in cases when the infringement is done in conjunction with other criminal offences.

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

Conflict of Interest - under Article 417 of the Criminal Code of Kosovo No. 06 /L-074, this criminal offence is characterized by the participation of officials in person in certain official businesses, enabling financial gain for themselves through the decision-making process.

Failure to report or falsely reporting of properties, incomes, gifts and other material benefits or financial obligations - under Article 437 of the Criminal Code No. 04/L-082, is a new criminal offence stipulated in the Criminal Code of Kosovo, respectively Article 430 of the Criminal Code of

Kosovo No. 06/L-074. A characteristic of investigated cases pertaining to this offence is failure to declare property within the determined time limits pursuant to applicable law (according to the regular annual declaration, declaration upon taking office, declaration after the termination or dismissal from office) and failure to present required data such as immovable property, movable property worth over three thousand (3000) Euro, owning shares in business organizations, and annual income.

Cases forwarded by years when alleged corruption activity was committed

In the reporting period, the cases for which ACA investigation found evidence confirming the suspicions of corrupt actions which were referred for further criminal proceedings to the competent institutions belonging to different years of committing them starting from 2012- 2020.

Termination of investigations and dismissal of cases

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

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

1. Not all elements of the criminal offence have been consummated, the element of intent, benefit and even damage is missing;
2. The inaccurate declaration of assets was not done with the purpose of concealment;
3. The inaccurate declaration of assets was not done intentionally but due to negligence;
4. The inaccurate declaration was a technical error, not a complete general declaration;
5. Absolute statutory limitation;

Aspects of handling the cases in the court during 2020

From the information received during 2020 by the respective Courts regarding cases suspected of corruption, according to indictments filed by the competent Prosecution Offices based on criminal charges forwarded by ACA, there have been 22 punitive judgments and 1 acquittal judgment. According to the Courts, the following data in table order are as presented in the table below.

Table 1. Court decisions pursuant to Article 437 of the Criminal Code of Kosovo No. 04/L-082, respectively Article 430 of the Criminal Code of Kosovo 06/L-074

No.	Court	Punitive judgment	Acquittal judgment
1	BC Prishtina	9	-
2	BC Prizren	1	-
3	BC Gjilan	2	-
4	BC Gjakova	8	-
5	BC Mitrovica	1	1
7	BC Ferizaj	1	-
TOTAL:		22	1

By punitive judgments, the Courts have imposed suspended sentences (fines and imprisonment), and there are cases when effective imprisonment punishments are imposed, but also only punishments by fine.

Suspended sentences are mainly imposed by imprisonment punishment from 2 months to 6 months with a verification time of up to 1 year. There are cases when the Court has imposed a sentence of effective imprisonment, in a duration from 120 days to 180 days, which by agreement between the Court and the convicts have been replaced by a fine in the amount from € 1,200.00 to € 2,000.00.

Fines have been imposed in the amount of 200 Euro up to 800 Euro. These sentences are set to be paid mainly after the judgments become final and in some cases in instalments, with the possibility of revocation of the prison sentence, where 20 Euro will be calculated by one day of imprisonment in case the accused does not pay it and the same cannot be enforced.

Punitive judgments refer to the criminal offence under Article 437 of the Criminal Code of Kosovo No. 04/L-082, respectively Article 430 of the Criminal Code of Kosovo No. 06/L-074, where 12 cases for non-declaration of assets according to paragraph 1 of this Article, respectively 8 cases relate to the non-regular annual declaration of assets, 3 cases for failing to declare assets upon receipt of duty, 1 case for failure to declare assets after the termination of office and 10 cases for false declaration of assets or lack of presentation of data required in the declaration under paragraph 2 of this Article, respectively 2 on inaccurate presentation of annual income, 3 for lack of presentation of business (ownership of shares in a company), 2 for the inaccurate presentation of movable property (car) and 3 for inaccurate presentation immovable property.

By acquittal judgment, 1 case, the Court acquitted the accused charged with failing to declare the assets, respectively of inaccurate presentation of immovable property.

In 2020, the Court of Appeals ruled in 2 cases referring to Article 437 of the Criminal Code of Kosovo No. 04/L-082, respectively Article 430 paragraph 1 of the Criminal Code of Kosovo No. 06/L-074 for failing to make regular annual declaration of assets, 1 case had confirmed the punitive Judgment of the Basic Court in Prishtina issued by the latter during 2019 and in 1 case had changed the Judgment issued by the Basic Court in Prishtina during this reporting year, as regarding the criminal sanction so that the fine imposed in the amount of € 300 was added to the suspended sentence of 2 months imprisonment which will not be executed if the convict does not commit another criminal offence for the time of verification starting within 1 year.

Closed cases

During the reporting period, ACA, after conducting the preliminary investigations, has closed 112 cases. Reasons for their closure are as follows:

- ⇒ 94 cases were closed because after conducting preliminary investigations, it was concluded that there are not sufficient data and/or grounded suspicion that the case constitutes a criminal offence or administrative offence;
- ⇒ 4 cases were closed in accordance with the applicable legal framework because the Agency had no power to conduct the pre-trial investigation proceedings; and

- ⇒ 14 cases were closed because the criminal proceedings were being conducted by the competent bodies, where out of them: 6 cases by the Basic Prosecution Office in Prishtina, 3 by the Basic Prosecution Office in Gjilan, 1 case by the Basic Prosecution Office in Peja, 1 case by the Basic Prosecution Office in Prizren, 1 case by the Basic Prosecution Office in Ferizaj, 1 case by the State Prosecution Office and 1 case by DIECC-Kosovo Police.

Implementation of Law on Protection of Whistleblowers

Law No. 06/L-085 on the Protection of Whistleblowers entered into force in January 2019. The law designates the ACA to receive and deal with external whistleblowing cases in the public sector, preparing requests for initiation of the minor offence proceedings against employers and responsible officials who fail to meet their obligations under this law, receiving and recording reports from public institutions, private entities, and regulations regarding whistleblowing.

In order to implement the provisions of this law, the ACA has conducted the following activities:

- On 10 and 11 February 2020, we had a meeting with the Council of Europe expert on the practical aspects of the implementation of Law on Protection of Whistleblowers, practical cases, in the Agency, as well as discussions on the draft regulation for drafting the Regulation on Receiving and Dealing with Whistleblowing Cases.
- On February 12-13, March 12, July 30, September 28, October 19, October 21, October 27 and November 2, we had a meeting with the working group to draft the Regulation on Regulation on Receiving and Dealing with Whistleblowing Cases.
- On 8 January 2021, we sent an email to the officials responsible for whistleblowing in public institutions, that pursuant to Article 29 of Law No. 06/L-085 on Protection of Whistleblowers, as a Public Institution to prepare the Annual Report regarding whistleblowing for the previous year by December 31 and submit the same to the Anti-Corruption Agency no later than January 31 of the following year.

Report on the Requests for initiating the minor offence proceedings and the cases of external whistleblowing for 2020

In 2020, ACA filed 23 requests for initiating the minor offence proceedings before the Basic Court in Prishtina-Department for Minor Offenses, against public institutions which have not appointed the official responsible for whistleblowing within the legal deadline under LPW.

During 2019, ACA received 5 external whistleblowing information, which were addressed within the legal deadlines:

Case I

The information was rejected on the grounds that:

- regarding the allegation that as an internal whistleblower he was not informed of the result of the procedure, ACA has confirmed that for one of the whistleblowing information

he was notified, while for the other information he was not notified about the result, because he is under administrative inquiry procedure.

- Regarding the allegation that the measures taken against him are related to internal whistleblowing, ACA has not concluded that they have been taken due to his whistleblowing.
- regarding the content of the internal whistleblowing information, the same whistleblower has presented the same to the ACA, as information on abuse of official duty, a case which has been dealt with by ACA, within the legal deadlines and competencies of ACA in the preliminary investigation procedure.

Case II, IV and V

They were rejected on the grounds that the information, pursuant to the provision of Article 16 of Law No. 06/L-085 on Protection of Whistleblowers should be initially treated within the institution, through internal whistleblowing, or directly to ACA, in situations provided for under provisions of Article 18 of this law.

Case-III

The case is closed because the information does not meet the requirements that a whistleblowing must contain under Article 14 paragraph 2, 15 paragraph 1 and 18 paragraph 1 of Law No. 06/L-085 on Protection of Whistleblowers. The documentation does not contain the data of the whistleblowing person and the person against whom the whistleblowing is presented, any allegation or understandable information, as defined in Article 14, paragraph 2 of this law.

Reports from public institutions, private entities and regulators regarding whistleblowing

As to reports from public institutions, private entities, as well as regulators regarding whistleblowing, we have received the following reports from these institutions:

Table 2. Receipt of whistleblowing reports from public institutions

No.	Institution	Number of reports and disclosures in the public interest	Actions taken in relation to the case
1.	Office of the Prime Minister of the Republic of Kosovo	No case	
2.	Agency for Gender Equality	No case	
3.	Kosovo Security Council Secretariat	No case	
4.	Kosovo Agency of Statistics	No case	
5.	Kosovo Institute for Public Administration	No case	
6.	Ministry of Local Government Administration	No case	
7.	Ministry of Education, Science and Technology	No case for the period 18.09.2020 until 31.12.2020.	
8.	Kosovo Pedagogical Institute	No case	
9.	Agency for Vocational Education and Training and Adult Education	No case	
10.	Albanological Institute of Prishtina	No case	

11.	University "Ukshin Hoti" Prizren	Two cases	The case was closed lacking evidence; Case II is under investigation
12.	University "Kadi Zeka" Gjilan	No case	
13.	University "Fehmi Agani" Gjakova	No case	
14.	University of Applied Sciences Ferizaj	No case	
15.	Student Center	No case	
16.	Ministry of Agriculture, Forestry and Rural Development	No case	
17.	Kosovo Forest Agency	No case	
18.	Ministry of Justice	No case	
19.	Agency for Administration of Sequestered or Confiscated Assets	No case	
20.	Kosovo Correctional Service	No case	
21.	Kosovo Probation Service	No case	
22.	Tax Administration of Kosovo	No case	
23.	Kosovo Customs	No case	
24.	Financial Intelligence Unit	No case	
25.	Central Procurement Agency	No case	
26.	Ministry of Economy and Environment	No case	
27.	Ministry of Defense	No case	
28.	Ministry of Communities and Returns	No case	
29.	Ministry of Culture, Youth and Sports	One case	Following the administrative investigations, a report was drafted which was forwarded to the MCYS Secretary for further action.
30.	National Theater of Kosovo	No case	
31.	National Song and Dance Ensemble - Shota	No case	
32.	Kosovo Cadastral Agency	No case	
33.	Ministry of Labor and Social Welfare	No case	
34.	Labor Inspectorate	No case	
35.	Ministry of Internal Affairs	One case	It is submitted with a report to the employer with the recommendations to be implemented
36.	Kosovo Police	No case	
37.	Police Inspectorate of Kosovo	No case	
38.	Kosovo Academy for Public Safety	No case	
39.	Ministry of Regional Development	No case	
40.	Healthy ministry	No case	
41.	Hospital and University Clinical Service	136 cases	We do not have explanatory information regarding the actions taken by the HUCSK, in relation to these cases, although they were asked for clarification.
42.	University Dental Clinical Center of Kosovo	No case	
43.	Agency for Medical Products and Equipment	One case	The case is under investigation
44.	National Institute of Public Health	No case	

45.	National Institute of Public Health	No case	
46.	Kosovo Investment and Enterprise Support Agency	No case	
47.	Kosovo Council for Cultural Heritage	No case	
48.	Kosovo Memorial Complex Management Agency	No case	
49.	Free Legal Aid Agency	No case	
50.	Independent Commission for Mines and Minerals	No case	
51.	Kosovo Property Comparison and Verification Agency	No case	
52.	Privatization Agency of Kosovo	No case	
53.	Civil Aviation Authority	No case	
54.	Kosovo Pension Savings Trust	No case	
55.	Information Society Agency	No case	
56.	Institute of Forensic Medicine	No case	
57.	Air Navigation Service Agency	No case	
58.	Constitutional Court of Kosovo	No case	
59.	Secretariat of the Kosovo Judicial Council	No case	
60.	Secretariat of the Kosovo Prosecutorial Council	No case	
61.	Anti-Corruption Agency	No case	
62.	Kosovo Council for Cultural Heritage	No case	
63.	National Audit Office	No case	
64.	Procurement Review Body	No case	
65.	Public Procurement Regulatory Commission	No case	
66.	Independent Media Commission	No case	
67.	Justice Academy	No case	
68.	Ombudsperson Institution	No case	
69.	Central Bank of Kosovo	No case	
70.	Electronic and Postal Communications Regulatory Authority	No case	
71.	Energy Regulatory Office	No case	
72.	Water Services Regulatory Authority	No case	
73.	Kosovo Competition Authority	No case	
74.	Independent Oversight Board of the Kosovo Civil Service	No case	
75.	Information and Privacy Agency	No case	
76.	Railway Regulatory Authority	No case	
77.	Radio Television of Kosovo	No case	
78.	Municipality of Dragash	No case	
79.	Municipality of Gjakova	One case	The case is closed, the competent body has been notified
80.	Municipality of Gjiilan	No case	
81.	Municipality of Istog	No case	
82.	Municipality of Istog	No case	
83.	Municipality of Kamenica	No case	
84.	Municipality of Klina	No case	
85.	Municipality of Leposavic	No case	
86.	Municipality of Mamusha	No case	
87.	Municipality of Mitrovica	No case	
88.	Municipality of Novo Brdo	No case	
89.	Municipality of Obiliq	No case	
90.	Municipality of Peja	No case	

91.	Municipality of Podujeva	No case	
92.	Municipality of Prizren	No case	
93.	Municipality of Rahovec	No case	
94.	Municipality of Shterpce	No case (Initially reported as an official responsible for anti-discrimination cases, while by phone he confirmed that even as an official responsible for whistleblowing he did not receive any case).	
95.	Municipality of Shtime	No case	
96.	Municipality of Skenderaj	No case	
97.	Municipality of Suhareka	No case	
98.	Municipality of Zvecan	No case	
99.	Kosovo Electricity Corporation	No case	
100.	Transmission System and Market Operator	One case	The case was forwarded to the employer and ACA
101.	Telecommunication of Kosovo-Vala	No case	
102.	PE Trainkos JC	No case	
103.	Landfill Management Company	One case	A Report for Disciplinary Violations has been submitted
104.	Drini i Bardhë Irrigation Company	No case	
105.	Irrigation Company Radoniqi-Dukagjini-Gjakova	No case	
106.	Regional Water Company-Prishtina	No case	
107.	Regional Water Company-Mitrovica	No case	
108.	RWC Hidromorava-Gjilan	No case	
109.	Regional Water Company Radoniqi Gjakova	No case	
110.	Termokos City Heating-Prishtina	No case	
111.	Public Housing Enterprise-Prishtina	No case	
112.	Regional Waste Management Company - Pastrimi, Prishtina	No case	
113.	Regional Waste Management Company- Eco-Region, Prizren	No case	
114.	Regional Waste Management Company- Uniteti-Mitrovica	No case	
115.	Public Enterprise Horticulture - Prishtina	No case	
116.	Public Enterprise - Bus Station Peja	No case	
117.	Public Enterprise-Bus Station Gjilan	No case	
118.	Public Enterprise-Bus Station Gjakova	No case	
119.	Public Enterprise-Bus Station Ferizaj	No case	
120.	Public Enterprise-Bus Station Mitrovica	No case	
121.	Public Enterprise-Bus Station Prizren	No case	
122.	Public Enterprise Youth Palace Prishtina	No case	
123.	Public Enterprise Urban Traffic Prishtina	No case	
124.	Basic Court in Gjakova	No case	

Report from the institutions which with the latest changes in the Government of the Republic of Kosovo, selected by the decision of the Assembly of the Republic of Kosovo, dated 03.06.2020, and based on Regulation (QRK) -No.06/2020 on the Areas of Administrative Responsibilities of the Office of the Prime Minister and Ministers, according to which the Government of the Republic of Kosovo consists of 16 ministries, have been reorganized within certain ministries:

Table 3. Receipt of whistleblowing reports from institutions following the merger of some ministries

125.	Ministry of Environment and Spatial Planning	Two cases	Case I was completed within the legal deadline and all actions were performed according to the legislation. Case II, after conducting the administrative investigation, it was notified to the competent body
126.	Ministry of European Integration	No case	
127.	Ministry of Innovation and Entrepreneurship	No case	
128.	Ministry of Public Administration	No case	

Table 4. Report from private entities

129.	Turkey Is Bankasi AS Branch in Kosovo	No case	
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Strategy and Action Plan

The Anti-Corruption Agency (hereinafter ACA) started in April 2020 the preparations for drafting the Strategy and Anti-Corruption Action Plan 2021-2023, while in June 2020 it started working with the Working Group. The working group consists of institutions responsible for preventing/combating corruption and the rule of law in Kosovo, and the same working group also included representatives of civil society. The institutions engaged in this Working Group are from: ACA, KJC, KPC, MIA, ASSEMBLY, MLA, KP, PIK, OPM, PPRC, PRB, MoF, CEC, MTI, MD, MoH, MES, the NGO "Lëvizja FOL" from the civil society has been engaged. ACA has held several sectoral meetings, with representatives from the Political Sector, Public Administration (State Administration and Local Government), Law Enforcement Institutions/Judiciary and Public Procurement/Public Financial Management, meetings with contact points, meetings with members of the working group as well as meetings with civil society representatives.

In June 2020, ACA forwarded to the contact points the material for discussion and in August 2020 we forwarded a request for them to comment on the measures/activities that are included in the draft Anti-Corruption Plan 2021-2023, to propose other new activities and give their opinion as to which activities are still important for the sector they represent. Also during this period, the

Director of the Agency held meetings on the issue of strategy with representatives of local institutions and international organizations that support the drafting of this strategy, such as the Speaker of the Assembly of Kosovo, Deputy Prime Minister of the Government of Kosovo, Ministry of Justice, representatives from UNDP, SAEK II Project, EU Office, PECK III Project, as well as from ODPAT from the US Embassy.

The members of the working group provided their comments and proposals regarding the measures and activities of the action plan. Their comments were received and discussed at subsequent working group meetings. From 01.09.2020 to 04.09.2020, ACA organized four meetings with specific sectors of the Strategy such as 1. Public Political Sector, 2. Public Administration Sector (State Administration and Local Government), 3. Sector for Law Enforcement Institutions/Judiciary and 4. Sector for Public Procurement/Public Financial Management.

After these meetings, on 15.09.2020, the updated Anti-Corruption Action Plan 2021-2023 was forwarded for the purpose of eventual final comments by these entities involved.

On 17.11.2020, ACA requested an opinion from the Budget Department of the Ministry of Finance to assess the financial impact of the Anti-Corruption Strategy 2021-2023, and on 08.12.2020 we received a positive opinion from the Ministry of Finance for further processing.

On 11.12.2020, we forwarded to the Government of Kosovo the Strategy and Anti-Corruption Action Plan 2021-2023 for approval. And on 21.12.2020, the Strategy and Anti-Corruption Action Plan 2021-2023 was approved by the Government of Kosovo and the same was processed according to this decision in the Assembly of the Republic of Kosovo for further proceedings. However, even this draft Strategy has not been approved due to the dissolution of the Assembly and the announcement of early elections.

DEPARTMENT OF PREVENTION OF CORRUPTION

In accordance with the provisions of 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, and 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 Officials and on Declaration, Origin and Control of Gifts of all Public Officials, the Department of the Prevention of Corruption, performs its scope through (1) overseeing the declaration of assets, (2) overseeing gifts, (3) prevention of corruption in public procurement, and (4) prevention of corruption in general.

The ACA oversees the property of a senior public official based on information submitted by senior public officials in a special form prepared by the ACA in accordance with applicable law. The forms must be completed by senior public officials and submitted to the ACA.

Declaration of assets, control of assets and declaration of gifts

The legal basis on which ACA grounds its work on overseeing the assets of senior public officials is defined under Law No. 04/L-050 on the Declaration, Origin and Control of Property of Senior Public Officials and the Declaration, Origin and Control of Gifts of All Official Persons, as well as Law No. 04/L-228 Amending and Supplementing Law No. 04/L-050 on the Declaration, Origin and Control of Assets of Senior Public Officials and the Declaration, Origin and Control of Gifts of All Official Persons.

ACA supervises the assets of the senior public official based on the information submitted by senior public officials in a special form, which has been prepared by ACA in accordance with applicable law. Forms must be completed by senior public officials and submitted to ACA.

Types of declaration of assets

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

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

Regular annual declaration – Senior public officials are obliged to regularly declare their assets during the entire period of work in the public service and within the deadlines set by law. Senior public officials are required to declare the status of their assets to ACA from 1 to 31 March of each year for the previous year covering 1 January through 31 December. For this period of time or the regular annual declaration for 2020, 4721 senior public officials had the obligation to make the

declaration of their assets. Out of this total number, 4625 or 98% have declared their assets, 96 senior public officials have not declared their assets (63 have declared assets after the deadline; 27 have not declared assets; 6 have not declared assets with reason) or 2%.

Given the situation created by the COVID-19 pandemic during 2020, we had difficulties in completing the process of declaration of assets, we were also obliged to postpone the deadline for submission of forms for declaration of assets, the deadline for submitting the asset declaration is June 19. Mainly during this period, we have received the declaration of assets only via email and not physically, due to the measures set by the Government of Kosovo in order to maintain health and protect against infection with COVID-19.

Out of 96 senior public officials who did not comply with the deadline for declaring assets, 45 senior public officials provided various reasons for the delays in declaring assets, while we processed 51 cases in the Department for Combating Corruption for further treatment.

For the reporting period, the general situation of the process of regular annual declaration of assets is presented in the following table.

Table 5. Regular annual declaration

Institutions	Number of officials	Declared		Failed to declare			
		Declarations	Percentages	Have declared after the deadline	Have not declared property	Failed to declare with reason	Percentages
Presidency	25	25	100%	/	/	/	0 %
Assembly	147	147	100 %	/	/	/	0 %
Government	1385	1354	97.8 %	17	11	3	2.2 %
Courts	445	441	99.1 %	4	/	/	0.9 %
Prosecution Offices	204	204	100 %	/	/	/	0 %
Independent Institutions	461	460	99.8 %	1	/	/	0.2 %
Municipalities of Kosovo	1637	1593	97.3	32	10	2	2.7 %
Publicly-Owned Enterprises	417	401	96.2 %	9	6	1	3.8 %
TOTAL	4721	4625	98 %	63	27	6	2 %

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

During the reporting year, we received information from the contact officials that there are 608 officials who started exercising a public function, who are obliged to declare their assets upon taking office.

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

During the reporting year, we received information from contact officials that 363 officials ceased to exercise public function, who are obliged to declare assets after leaving public office.

Based on the data reported in 2020, for all types of declaration, there have been 5693 senior public officials who have been obliged to make the declaration.

Reflection of the annual declaration for all types of declaration of assets:

Table 6. Declaration of assets 2020

Type of declaration	Obligated
Regular annual declaration	4721
Upon taking office	608
Upon request	-
Upon completion or dismissal from office	364
Total number	5693

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

Control of asset declaration

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

Preliminary control – Preliminary control is performed for each form in order to verify the existence/non-existence of material errors or erroneous filling of forms. We also made preliminary control during database data entry, where we noticed many mistakes in filling the forms for declaration of assets; we noticed significant mistakes at senior public officials who declared their properties for the first time, as well as with the officials of the local level institutions.

In cases where we observed minor errors or errors that we could correct through telephone contact, we contacted them and corrected those technical errors. In most cases, we addressed them with an official letter. In 547 cases we noticed technical errors in the asset declaration forms submitted, and we sent official letters requesting correction or modification of data as required under the form and the applicable legislation.

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

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

Out of the total number of senior public officials who are obliged to declare their assets, 950 senior public officials have been controlled as per the draw list.

The Agency handled 18 cases ex officio or based on information reported by citizens in various forms.

The following table presents the complete control process:

Table 7. Complete control of asset declarations and results from complete control findings

According to the draw list	Ex-officio	Total controlled	Completed	In procedure	Forwarded to DCD-ACC/ Prosecution Office / Police	
					Non-declaration of assets	Suspicious of false declaration
950	18	968	307	661	51	26

Gifts catalogue

Pursuant to Law No. 04/L-050 and Law No 04/L-228, public institutions are obliged to appoint responsible officials for maintaining a gift registry. All gifts received and their respective value, as well as the names of persons giving the gift, need to be registered in the gift registry by the official person assigned by the Agency and retained by the institution in which the official person exercises his / her official duty. Copies of the catalogues shall be sent to the ACA no later than 31 March of the following year.

Submission of gifts catalogue

During March 2020, 15 institutions notified the Anti-Corruption Agency that they had received gifts, out of which 4 stated that they had received gifts during the preceding year.

The institutions that have submitted copies of the gifts catalogue during this year for the previous year are Assembly of Kosovo 1 gift; Office of the Prime Minister 24 gifts; University "Ukshin Hoti" Prizren 8 gifts; Rahovec Municipal Assembly 1 gift.

The specified data regarding the gifts catalogues by institutions that have submitted copies of the catalogue to ACA are presented in the following table:

Table 8. Report of gifts declared within institutions

Institution	Protocol gifts	Casual gifts	Overall number
The parliament of Kosovo	0	1	1
Office of the Prime Minister	23	1	24
University "Ukshin Hoti" Prizren	8	0	8
Municipal Assembly of Rahovec	1	0	1
Total	32	2	34

Prevention of corruption in public procurement

Activities of corruption prevention in public procurement are carried out by the ACA's Division of Corruption Prevention in Public Procurement. The main objective of this division is to prevent corruption. The main objective of this division is to prevent corruption. Officials of this Division were assigned four main tasks for achieving this objective, namely (1) prevention of corruption in public procurement, and (2) Improvement of procurement activities by providing opinions (3) Monitoring of procurement activities (4) Identification of conflict of interest in procurement activities in relation to the evaluation and supervisory commissions during the monitoring process and specific activities are assigned for the fulfilment of these tasks.

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

Another form for the prevention of legal violations with corruptive elements is participation in the capacity of observer in evaluating the bids of procurement activities pursuant to Article 21, paragraph 3 of Law No. 061/L-011.

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

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

Protooled cases - information

In 2020, the Agency has recorded 80 cases for treatment related to public procurement activities, which by decision were initiated under reasonable suspicion of legal violations.

Monitored cases - information

In fulfilling the legal obligation of monitoring the procurement activities, the ACA filed an official notification for monitoring in 7 cases. It is worth mentioning that all authorities have informed the ACA of the exact time and place of the evaluation process. Therefore, ACA participated, in the capacity of observer, in several bid evaluation procedures, where all cases were closed with working reports without any breach.

In the Division for Prevention of Corruption in Public Procurement, during the reporting year, a total of 80 cases have been addressed in the area of prevention of corruption in public procurement. Out of these cases, the results were the following: 52 opinions, 21 cases closed, while 5 opinions were not complied with and should be handled further.

The table below gives details on cases handled by the Agency in 2020 in the area of corruption prevention in public procurement:

Table 9. Cases handled during 2020 in the area of prevention of corruption in public procurement

Number of cases	Opinions	Cases closed with report	In procedure	Investigation
80	54	21	4	1

DEPARTMENT OF PREVENTION OF CONFLICT OF INTEREST

Pursuant to the provisions of Law No. 03 / L-159 on Anti-Corruption Agency, Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Department of Conflict of Interest Prevention carries out its scope through (1) Management of conflict of interest cases; (2) Professional assistance to competent authorities and provision of decisions, opinions, recommendations, advice and other documents in the field of conflict of interest prevention; and (3) Awareness-raising activities.

This department during this year has been mainly focused on the prevention, resolution and treatment of cases of conflict of interest on the one hand, as well as professional support for the relevant Authorities of specific public institutions for the prevention of conflict of interest on the other hand. All this pursuant to provisions of Law No. 03/L-159 on the Anti-Corruption Agency and Law No. 06/L-011 on Prevention of Conflict Of Interest in Discharge of a Public Function.

The Department of Prevention of Conflict of Interest in the exercise of public functions has started 2020 with the priority of strengthening the relevant authorities established a year ago in the public institutions of the country, which aim to prevent conflict of interest at source. This had to do with the continuation of basic training with those authorities which had not yet completed this training, as well as the immediate commencement of the second, more advanced level of training for other previously established authorities. All this in order to prevent and resolve cases of conflict of interest at the source.

The new circumstances created by "Covid" in 2020 and the basic request of the relevant health institutions for keeping distancing and banning large gatherings, was an additional challenge, to find other opportunities for the realization of its work mission. In March-April, with the support of the Bureau of International Narcotics and Law Enforcement (INL) at the US Embassy in Pristina, we published a Practical Guide for Responsible Authorities on Prevention of Conflict of Interest in Public Institutions. This Guide contains the basic summary of the legal framework which aims to facilitate and provide a proposal for drafting rules for handling cases of conflict of interest within the institution, in accordance with the Law on Prevention of Conflict of Interest.

The practical Guide for the Responsible Authorities in Prevention of Conflict of Interest in Public Institutions provides instructions and clarifications for the responsible authorities, how to define the rules, procedures, duties and what are their responsibilities towards the obligations arising from the provisions of Law No. 06/L-011 on Prevention of Conflict of Interest in Discharging Public Function.

This document has been distributed as a physical file, but on its website, ACA also made it possible not only for the responsible authorities but all interested parties to download it as a document and use it.

This is the First Edition of this Guide drafted by the Anti-Corruption Agency, which aims at supporting the responsible authorities in their work, for the identification, treatment and resolution of possible conflict of interest situations. Therefore, as such, depending on the challenges or problems presented by the Responsible Authorities, the Anti-Corruption Agency has the right to review, amend, withdraw or supplement this Guideline in order to advance it in

accordance with the needs that may arise during the work process. This Guide can be used for drafting bylaws in accordance with the Law on Prevention of Conflict of Interest in accordance with the Administrative Instruction on Standards for Drafting Normative Acts.

In the impossibility of organizing meetings in large groups as well as trainings for the Responsible Authorities, the officials of the Agency have constantly maintained contacts, either through electronic communication (e-mail) or by telephone conversations, with all institutions of the country, respectively their Responsible Authorities, to prevent conflict of interest.

The following are graphic tables with detailed descriptions of cases handled by the Department of Prevention of Conflict of Interest.

Initially, the first table reflects the number of cases according to institutions and procedures, which were opened in 2019 and handled in 2020.

Table 10. Cases handled in 2020 by the Division for Prevention of Conflict of Interest for senior officials

Institution	Cases submitted for Conflict of Interest	Cases where the Conflict of Interest has been avoided	Cases without Conflict of Interest	Cases still pending	Cases forwarded for investigation	Request for minor offences/dismissal	Opinion-Tips-Answers
Kosovo Assembly	1	-	1	-	-	-	-
Government and Agencies	8	1	1	-	-	1	5
Public Universities	2	-	-	-	-	-	2
Courts/ Prosecution Offices	4	2	-	-	-	-	2
Independent institutions	5	2	1	-	2	-	-
Public Enterprise	6	3	1	-	-	-	2
Local Government	7	4	-	-	1	-	2
Total:	33	12	4	-	3	1	13

Then, the following table reflects the total number of cases handled for conflict of interest by ACA. What is striking is the fact that as it can be seen, the number of requests for Advice and Opinions has increased, which in fact is the best opportunity to prevent conflict of interest at source, without the situation occurring and without producing other legal effects.

Table 11. Total number of cases handled for conflict of interest

Institution	Cases submitted for Conflict of Interest	Cases where the Conflict of Interest has been avoided	Cases without Conflict of Interest	Cases still pending	Cases forwarded for investigation	Request for minor offences/dismissal	Opinion-Tips-Answers
Kosovo Assembly	2	/	/	/	/	/	2

Government and Agencies	53	21	10	10	/	1	11
Public Universities	46	26	4	5	/	/	11
Courts/Prosecution Offices	13	8	/	1	1	/	3
Independent institutions	11	2	2	1	/	/	6
Public Enterprise	8	1	/	3	/	/	4
Local Government	27	12	3	5	1	/	6
Total:	160	70	19	25	2	1	43

The following table reflects the number of conflict of interest cases handled by the Responsible Authorities for 2020.

Table 12. Number of cases handled for conflict of interest by responsible authorities

Table with cases of Responsible Authorities 2020							
Institutions/Cases	Total cases submitted for conflict of interest to RA	Cases where the Conflict of Interest has been avoided	Cases without Conflict of Interest	Cases with Conflict of Interest/Sent to Disciplinary Procedure	Opinion/Recommendation	Cases still pending	Case sent to ACA
Government and Agencies	43	12	6	8	1	3	13
Kosovo Assembly	0	0	0	0	0	0	0
Courts/ Prosecution Offices	0	0	0	0	0	0	0
Independent institutions	5	4	1	0	0	0	0
Public Enterprise	13	4	2	0	0	0	7
Local Government	16	8	0	0	0	0	8
Total:	77	28	9	8	1	3	28

During the reporting period, ACA provided answers advising particular senior officials, leaders, leading institutions, at their request, for certain cases of emerging conflict of interest.

Table 13. The table regarding consultations and clarifications of institutions and officials through correspondence by electronic communication:

Institution	No. of answers
Kosovo Assembly	2
Government	4
Independent Institutions	4
Public Enterprise	6
University	4
Kosovo Police	1
Media	7
Total:	28

During 2020, ACA has received Decisions from two Basic Courts of the country which refer to earlier requests of ACA for adjudication of conflict cases. According to the decisions, the cases were closed due to statutory limitation.

Awareness-raising activities of the Department of Prevention of Conflict of Interest

- On 21 January 2020, a roundtable was organized with judges and prosecutors on the topic: "The role of the Anti-Corruption Agency in preventing conflicts of interest and cooperation with the responsible authorities."
- In February 2020, the Practical Guide for the Responsible Authorities on Prevention of Conflict of Interest in Public Institutions was published.
- During the Anti-Corruption Week, ACA distributed awareness brochures to civil servants and senior officials regarding the prevention of conflict of interest.

Also, along with brochures, other promotional materials were distributed with the message "Decision-making without conflict of interest" in order to inform public officials.

PROFESSIONAL SUPPORT AND COOPERATION

Similarly to previous years, through the Office for Support, Cooperation and Information, ACA continued in 2020 its activities related to professional support, cooperation and activities, coordinating its activities in line with the COVID-19 pandemic situation.

In 2020, the main activities in this area were focused on:

1. Legal support and case representation before justice institutions;
2. Representing the Agency in meetings abroad regarding anti-corruption policies;
3. Cooperation with local and international institutions;
4. Management and administration of information technology;
5. Professional support in developing the online asset declaration platform;
6. Archiving of documents and submissions, etc.

Legal Activities

With a view to the legal work within the period 1 January – 31 December 2020, numerous legal advices have been provided regarding the responsibilities of the Agency under the applicable legislation. In this context, numerous decisions have been drafted as well as other submissions for the needs of the Agency, representations have been made before the justice institutions regarding cases initiated by the Agency as well as many other works that fall within the competencies and responsibilities of the Agency.

Professional legal support and legislation

During 2020, numerous activities have been carried out regarding the implementation of the legislation. Workshops, roundtables, and meetings with institutions and other stakeholders have been organized online in line with the pandemic situation, in accordance with the tasks and responsibilities of these institutions in the framework of mutual cooperation with the ACA. In terms of implementation of advanced legislation such as the Law on Prevention of Conflict of Interest in Discharge of Public Functions and the Law on Protection of Whistleblowers, professional assistance has been provided in drafting various letters, opinions, recommendations, and decisions, especially in the area of conflict of interest.

Representation of cases

In 2020, many cases initiated by ACA were represented before justice institutions, which were mainly initiated for the following criminal offences:

- ⇒ “Failure to report or falsely reporting properties, revenues/income, gifts or other material benefits” under Article 437 of the Criminal Code of Kosovo;
- ⇒ “Conflicts of interest” under Article 424 of the Criminal Code of Kosovo; and

⇒ "Minor offences" under provisions of Law No. 04/L-051 on Prevention of Conflict of Interest.

Representation is made to the competent Courts and Prosecution Offices, depending on what stage the proceedings in the specific cases have been.

In 2020, depending on the needs and requirements of the Agency, numerous legal submissions (decisions, requests, contracts, memorandums of understanding, etc.) were prepared and legal opinions or legal advice were provided.

As part of the additional duties and responsibilities, as required, during 2019, professional support and assistance was also provided to all organizational units within the institution for analyzing various matters within the institution's mandate by contributing to providing solutions according to the applicable legislation.

Representation of the Agency in various meetings

Taking into account the situation with COVID-19, in 2020 in the course of its representation in meetings, ACA participated in many meetings with local and international institutions, related to anti-corruption policies. Some of these meetings were organized and held in small groups and others in a virtual form due to the pandemic situation.

Management of Information Technology

The information technology system is managed and administered by the Senior IT Administrator for Systems within the PRCO-AKM, where during 2020 it kept advancing the information technology system, upgrading the operating systems to the latest issues and other software and applications, as well as it has foreseen and requested the replacement of servers and other computer network equipment.

The project is designed for the realization of the advancement of information technology equipment of the server room, such as servers, routers, switches, and firewall. At the end of 2020, in cooperation with the American Embassy in Kosovo, this project was processed and is expected to be implemented within this year.

In terms of management and administration, the management and administration of all equipment of the Agency's computer network - LAN has continued. While in terms of data digitization, even this year, the management and updating of electronic data of the work of the Agency, regarding the data of declaration of assets has continued.

Through the electronic system of declaration and registration of assets - SDR it is done the electronic storage of data, and then the automatic generation of registers of declaration of assets, which are then published on the website of the Agency in "pdf" format, and these declarations can be found at the link: https://akk-ks.org/deklarimi_i_pasuris/171/deklarimet/171.

Among other things, through this system, the lot was drawn for all senior public officials who have made the declaration of assets in 2020, where through this open and transparent process the list

of declaring persons has been compiled by the system itself, and then a random number is selected from that list, which number was chosen by a journalist present in the hall during this process. Then the SDRA system taking every fifth official from the list starting from the selected random number has created a new list, known as the full asset declaration checklist with senior public officials, who have undergone the process of complete control of the declaration of assets.

To further advance the Agency's electronic data management, in cooperation with UNDP, we have continued to develop the online platform for declaration of assets, which is under development and is expected to be implemented within 2021. This ongoing project will enable online declaration of assets and open publication of "Open Data" information. During the development of this project, we have made a great contribution in terms of determining the modalities of its operation, both in the work processes and operation of its modules, as well as in the technical aspect of its development. Whereas UNDP has covered all financial costs in its development and implementation.

Archive

In 2020, the Archive Office closed the protocol book (registration of submissions) under the serial number 06-01-3039 (three thousand and thirty-nine) dated 31.12.2020.

In 2020, two protocol books were used:

- The first book started with the number 02-01-2020 dated 06.01.2020 and ended with the serial number 02-1710-20 (one thousand seven hundred and ten) dated 19.08.2020, as well as
- The second protocol book started with the number 06-1711-20 (one thousand seven hundred and eleven) dated 20.08.2020 and ended with the serial number 06-01-3039 (three thousand and thirty-nine) dated 31.12.2020.

All documents received at the archive office, and documents signed and protocolled by the Director of the Agency after their registration in the protocol book, shall be forwarded to the organizational unit, such as Director of the Department, Head of Division and the relevant Officer for further procedure.

In 2020, the Archive Office in cooperation with the Department of Prevention of Conflict of Interest, as well as the Department of Prevention of Corruption forwarded for the website of the Agency the opinions of the Division of Prevention of Corruption in Public Procurement, the decisions of the Division of Prevention of Conflict of Interest in cases where there is a conflict of interest and in cases where we are dealing with the closure of a conflict of interest.

The Anti-Corruption Agency through the Archive Office received in 2020 documentation that is not related to the work of the Agency. After consulting with the officials of the departments within the Agency, the received documentation was returned with the same volume through the respective institution with a cover letter, as they were received.

The protocol book for the registration of Asset Declaration Forms of Senior Public Officials is managed by the officials of the Asset Supervision Division.

Cases were also transferred from one department to another, depending on the nature of the case.

According to the recommendation of the State Agency of Kosovo Archives, under protocol no. 4898/16, dated 28.12.2016, the Anti-Corruption Agency is obliged to keep an original copy of all documents, which come from the Agency to other institutions of the Republic of Kosovo.

The submissions of the Department of Combating Corruption after being signed by the Director of the Agency, registered under no. 02 are scanned and archived according to the protocol serial number.

Based on Regulation No. 02/2014 on the Work for the Organization, Functioning and Management of the Archive of the Agency according to the classification marks, the documents received by the Agency from other institutions for the Department of Combating Corruption are protocolled under the following numbers;

- 02-01- Division of Investigations and Analysis;
- 02-02- Division for Investigations and Strategies;
- 02-03- Division of Protection of Whistleblowers and Investigations, which are then handed over to the relevant organizational unit;

Based on the statement for maintaining the confidentiality of the Agency, the Archive Office does not have scanned and stored criminal reports but they are forwarded to the relevant organizational unit signed by the head or director of the unit. Also, the decisions for closing the case of this department are found only with a copy in the original, as they are stored within the Agency.

The documents of the Department of Prevention of Corruption signed by the Director of the Agency are protocolled under the number 03, such as requests for clarification about the declaration of assets, requests for documentation, return of documentation, opinions from the Division of Prevention of Corruption in Public Procurement.

The documents which were received from the Archive Office for the Department for Prevention of Corruption were protocolled according to the classification marks of the Agency, under the numbers;

- 03-01-Division of Asset Supervision,
- 03-03- Division of Prevention of Corruption in Public Procurement.

The documents of the Division of Prevention of Corruption in Public Procurement which should be sent to other institutions of the Republic of Kosovo are managed by the division itself, such as: requests for documentation, notifications for observation. Opinions for publication on the Agency website that were forwarded by the Archive Office, at the request of the officials of the aforementioned division as of 27.10.2020, were forwarded to the Agency website through this division.

Based on the decision of the Director of the Agency, under protocol number 01-3048 / 2010, dated 01.09.2010, the Archive Office maintains the petty cash of the Agency - Petty Cash.

In 2020, ACA was charged with petty cash of 2000 Euro (two thousand Euro). Of this amount, the Anti-Corruption Agency spent a total of 1544.79 (one thousand five hundred and forty-four euro -

seven ninety-nine cents) and returned 455.21 (four hundred and fifty-five euro and twenty-one cents). The closing of the Petty Cash advance was made on 24.12.2020.

According to the decision under protocol no. 01-1006-1/, dated 17.05.2019, identification with classification marks for the Department of Prevention of Conflict of Interest, is determined under the classification mark 06.

- 06-01- Division of Prevention of Conflict of Interest for senior officials and Responsible Authorities, as well as
- 06-02- Division of Prevention of Responsible Authorities and officials.

Decisions on cases where there is a conflict of interest, or in cases where we have to close a conflict of interest, through the Archive Office are sent for publication on the Agency website, as well as by physical mail to the senior public official.

PUBLIC COMMUNICATION

In fulfilling its legal mandate for prevention and fight against corruption, ACA has received information and developed communication with citizens and other stakeholders through the electronic platform REPORT CORRUPTION, at the email address info@akk-ks.org as well as the telephone number +383 (0) 200 10 715.

In the email address info@akk-ks.org, a total of 8119 emails were received, addressed by citizens and stakeholders, regarding the declaration of assets, prevention and fight against corruption, prevention of conflict of interest and other relevant information.

Taking into consideration the recommendations of Kosovo institutions in 2020, for compliance with general and specific measures related to the COVID-19 pandemic, the e-mail address info@akk-ks.org has served as the address for the annual declaration of assets and the declaration on the occasion of taking and handing over the official duty of the declaring entities. Out of a total of 8119 notifications received, 7746 sets of information were received from declaring entities regarding the declaration of assets, 139 notifications related to the prevention and fight against corruption, 158 notifications for the prevention of conflict of interest. The rest of the notifications (76) are addressed by institutions and other stakeholders in the form of notices, invitations and other information.

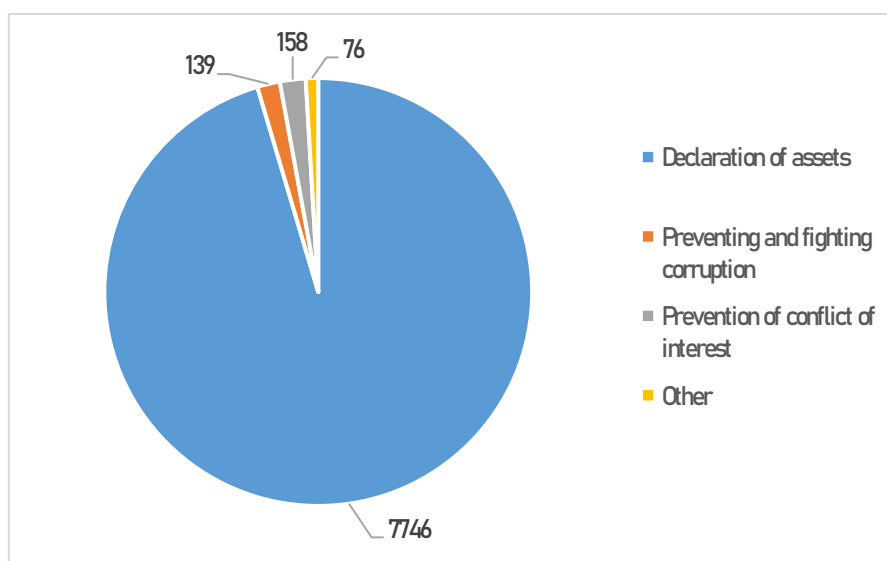


Figure 3. Information received in the email address info@akk-ks.org

In 2020, ACA received from the print and electronic media 75 questions which have been addressed to seek information in relation to the ACA mandate related to the prevention and fight against corruption, the investigation process, declaration of assets, issues of prevention of conflict of interest as well as interests for information related to the prevention and fight against corruption in public procurement. All information provided to interested media is addressed regarding the ACA mandate and legal scope.

In the reporting period January-December, ACA sent to the media 13 information related to the ACA scope in relation to the activities of the Director of the Agency, information on the process of declaration of assets and other activities carried out according to the ACA work plan.

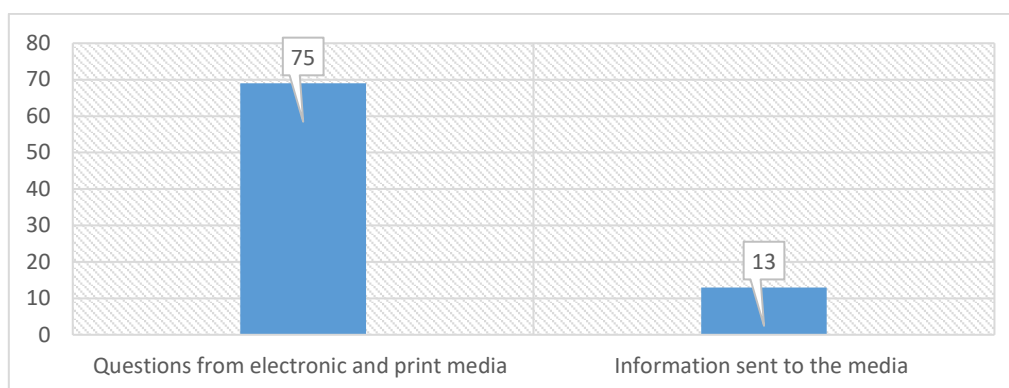


Figure 4. Communication with the media

Enforcement of the Law on Access to Public Documents

ACA, during the period January - December 2020, received 3 requests for access to public documents submitted by representatives of civil society and media, while the interests have been focused on providing information on the Law on Protection of Whistleblowers (2) and providing information on decisions related to the KCA mandate (1).

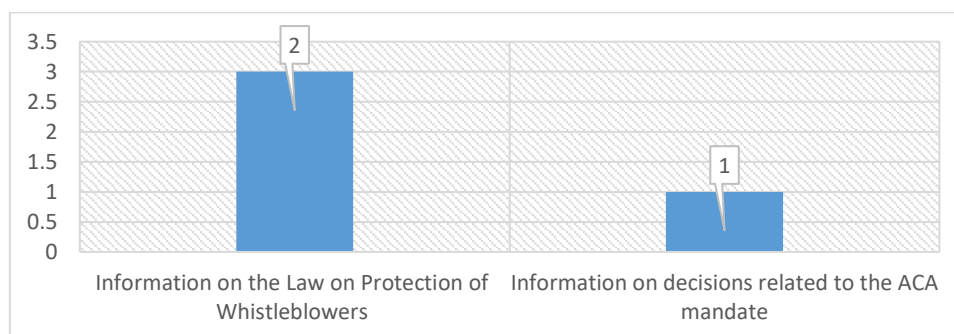


Figure 5. Enforcement of the Law on Access to Public Documents

Media monitoring

The interests of media to address the situations of preventing and combating corruption are evidenced in the following graph where from the information published by the print and electronic media there is a total of 521 articles published on radio and television, portals, information and articles published in the print media.

Out of 521 articles published by print and electronic media, 229 articles were published with information directly related to the KCA mandate and legal scope and information provided by the Agency through interviews, statements and responses sent to the media electronically.

The following two figures graphically represent the number of articles reported on corruption, and those on the Agency work by months for 2020.

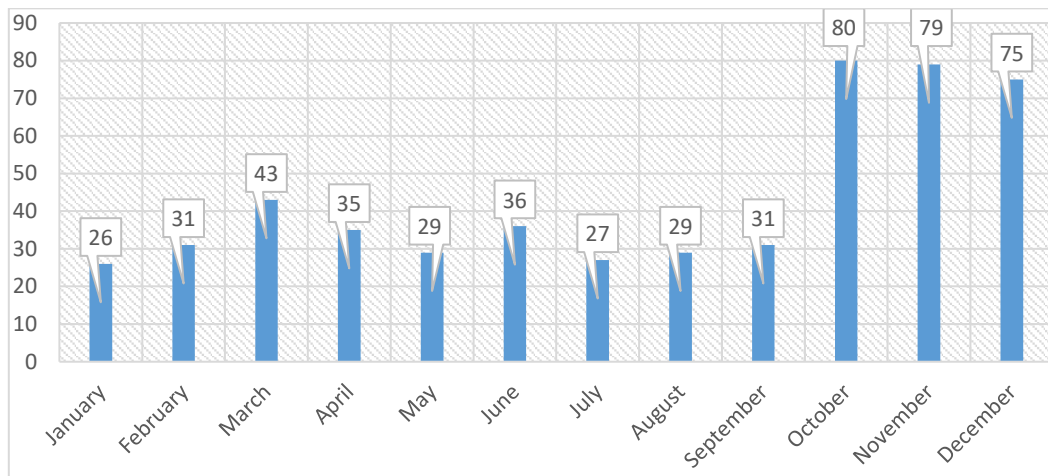


Figure 6. Articles on corruption in the electronic and print media by months in 2020

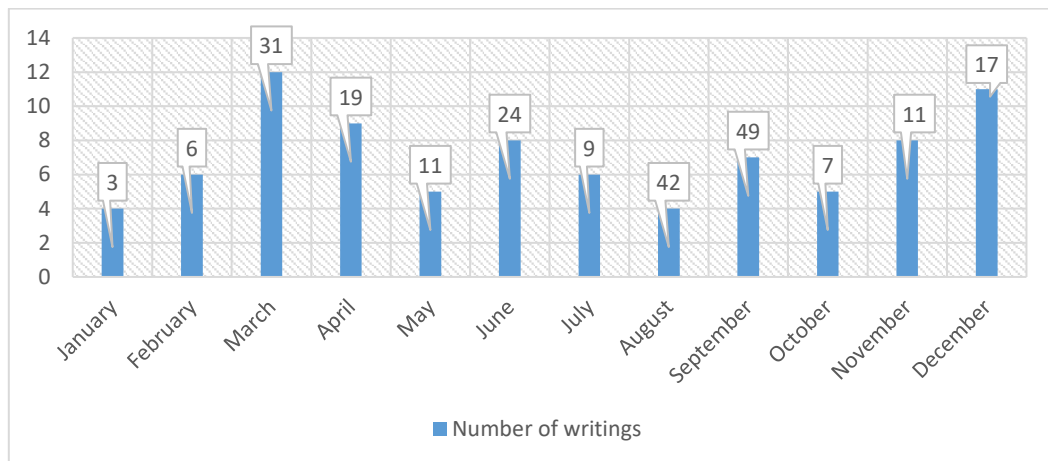


Figure 7. Number of articles in all electronic and print media on the Agency mandate and scope - 2020

Information regarding the Agency scope and activity during 2020 are also published on the ACA website publishing during the period January–December information that includes the daily activities of the Agency, opinions, decisions and other documents for handling cases of conflict of interest, cases of prevention of corruption in public procurement as well as information and other documents in the interest of public opinion. During this period, on the ACA website were published 22 sets of information from the Agency daily activities, 2 documents on the ACA scope of activity, the annual work report of the Agency for 2020 and decisions and opinions on cases handled by ACA.

PERSONNEL MANAGEMENT

Pursuant to the Regulation on the Systematization of Jobs at ACA, the Personnel Manager is responsible for activities related to the duties and responsibilities of the Personnel Offices. In this context, this office at the ACA has continued its regular activities and responsibilities, commencing at the maintenance of the System for entering and leaving the workplace - work attendance, tracking and updating of annual leave, medical and other types of leave. Moreover, the payroll was prepared and the needed changes to these payrolls were made.

In 2020, the Personnel Office continued its daily activities starting from the personnel plan, management of some systems that are directly related to the heads of the Personnel Office such as HRMIS, PEMP and the payroll management system.

The necessary data have been updated for all these systems, reports, as well as changes related to the wages of ACA officials.

In 2020, we had three promotions through the internal competition within the Anti-Corruption Agency.

In accordance with the provisions on advancement, the ACA staff has participated in various trainings and travels inside and outside of Kosovo. The list of all trainings and travels is available in [Annex 5](#).

PROCUREMENT

The Anti-Corruption Agency as a contracting authority during 2020, through the Central Procurement Agency (CPA), conducted procurement activities according to the types of procurement related to supply and services. In tabular form, the procurement activities are as follows.

Table 14. Overview of Public Procurement activities

Procedure	Type of procurement activity	Number of activities	Approximate contract price, including all taxes etc.
Supply, services	Price Quotation	4	8,500.00 €
Supply, services	Minimum value	4	3,204.48 €
Supply	Open Procedure	/	/
Total	-	8	11,704.48 €

Note:

As of 07.06.2017, all procurement activities of independent agencies operating within the Assembly of the Republic of Kosovo, and which are listed in the explanatory memorandum will be developed by the Central Procurement Agency, in accordance with Article 21 / A paragraph 2 of the Law No. 04/L-042 as amended and supplemented by Law No. 04/L-037, Law No. 05/L-068 and Law No. 05/L-092.

All other contracts for supplies, services or other works are centralized and managed by the Central Procurement Agency and some of the approximate value for many institutions.

It is worth mentioning that some procurement activities initiated last year have failed due to budget overruns or due to complaints to the PRB, and they have been cancelled by CPA.

BUDGET (summary of key developments)

The ACA has prepared requests for budget appropriations based on internal assessments by organizational units. The Government and the Assembly of the Republic of Kosovo have approved the request by allocating the budget for 2020.

The appropriations for the period January - December 2020 are in the amount of 572,009.00 €.

The following table reflects the breakdown by economic categories.

Table 15. Statement of budget breakdown by economic category

No.	Economic Categories	Approved Budget (Initial)	Revised budget (final)
1	Wages and Salaries	431,564.00	406,582.86
2	Goods and Services	131,963.00	88,377.63
3	Utilities	8,500.00	3,375.58
	Total	572,009.00	498,336.07

After the review, the initial budget has undergone changes. In all expenditure categories, funds have been reduced but have not had any adverse effect.

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

Table 16. Overview of expenditures after budget review

No.	Economic categories	Budget	Expenditures	% of execution
1	Wages and Salaries	406,582.86	406,582.86	100
2	Goods and Services	88,377.63	58,232.70	65.89
3	Utilities	3,375.58	2,788.69	82.61
	Total	498,336.07	467,604.25	93.83

The final budget for 2020 was 498,336.07 €. Out of this amount, a total of 467,604.25 € was spent or expressed in percentage 93.83% of the budget

The final budget for the category *Wages and Salaries* is executed at 100%, whereas for the category of Goods and Services it is spent at 65.89%. Budget in the category of Utilities was executed at 82.61%.

From the budget spent, the largest part of the budget is wages and salaries with 81.59%.

The detailed Financial Report for 2020 is attached as a separate Annex to the Annual Work Report of the ACA for 2020.

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

The ACA has continued to promote mutual cooperation with local and international institutions that have the mission of fighting and preventing corruption. However, inter-institutional cooperation in fighting and preventing corruption remains a challenge.

Cooperation with the Prosecutor's Offices regarding feedback to the Agency for further processing and final decision on follow-up cases has been advanced and has been sustained. In all followed-up cases, the ACA received written notifications from the Prosecution.

Within the reasonable time limits, the ACA has received confirmations from the Kosovo Prosecutor's Offices and Police whether criminal proceedings have been initiated and conducted for the same cases reported to the ACA so that the same cases are not investigated simultaneously by two institutions and not to develop two separate procedures. Throughout the year, the ACA exchanged information with the Basic Prosecutions on a monthly basis about the number of cases forwarded to the statistics harmonization service.

ACA has cooperated closely with the contact prosecutors appointed by the Prosecutions as a result of a joint workshop previously conducted, and in many cases, other prosecutors have also been contacted.

Within the legal competences, the ACA has exchanged information and documentation with all other institutions that have the mission of preventing and fighting corruption. In this sense, ACA has provided information to the competent institutions regarding the verification of the background of certain persons.

ACA has cooperated with all law enforcement and other relevant institutions in order to prevent and fight corruption in Kosovo.

In regional and international context, ACA has continued communication and cooperation with all Agencies and counterpart Authorities in the region.

International Treaty on the Exchange of Information on Verification of Assets Declaration

As a result of this cooperation, especially with the Regional Anti-Corruption Initiative - RAI, the draft of the Treaty on the Exchange of Information on Verification of Assets Declaration has been finalized. This Treaty was scheduled to be signed by the member states of this treaty, including Kosovo, on 25 March 2020 in Palais Niederösterreich, Vienna, at the invitation sent by the Federal Minister of the Republic of Austria for European and International Affairs. The invitation was addressed to the then Minister of Foreign Affairs of Kosovo, for which the ACA was also notified. The meeting of 24 March was postponed due to COVID-19. This Treaty has not yet been signed.

Cooperation Agreement with ACA and the Commission for Anti-Corruption and Forfeiture of Illegally Acquired Assets of the Republic of Bulgaria

On 21 December 2020, the Anti-Corruption Agency signed a Cooperation Agreement with the Commission for Anti-Corruption and Forfeiture of Illegally Acquired Assets of the Republic of Bulgaria through electronic means of communication.

The signing of this Agreement is a result of the need to further develop mutual cooperation between anti-corruption authorities, in order to further improve the effectiveness of the fight against corruption through the exchange of experience and good practices, and recognizing the key role of the Commission for Anti-Corruption and Forfeiture of Illegally Acquired Assets of the Republic of Bulgaria and the Anti-Corruption Agency in the respective countries and experience that may be mutually beneficial.

As defined in the provisions of this Agreement, in the framework of this cooperation, the signatory parties intend to work towards ensuring mutual technical cooperation and exchange of experience, either directly or through other institutions or organizations, if the latter turns out to be more practical and effective, in a wide range of issues related to corruption prevention, integrity system and good governance.

Memorandum of Understanding and Cooperation between ACA and Regional Anti-Corruption Initiative - RAI

The Anti-Corruption Agency through electronic means of communication has signed a Memorandum of Understanding and Cooperation with the Regional Anti-Corruption Initiative.

As defined by the provisions of this Agreement, the purpose of this Memorandum is to ensure cooperation between the Participants in areas of common interest and to define the framework, principles and modalities of this cooperation, aiming at full and effective utilization of such cooperation.

The signing of this Agreement was made taking into account the mandate of the Kosovo Anti-Corruption Agency, its role and importance in implementing whistleblowing as a tool to fight corruption and recognizing the broader efforts that the Regional Anti-Corruption Initiative is investing in fighting corruption and promoting good governance in all its aspects, including improving the rule of law in Southeast Europe (SEE), improving the efficiency, integrity and accountability of the public sector, all of which are essential to the well-being, stability and prosperity of SEE;

Kosovo is one of the beneficiaries of the European Union-funded project 'Break the Silence: Enhancing the Whistleblowing Policies and Culture in the Western Balkans and Moldova' and will be implemented for the period from April 2020 to April 2023, implemented by the Regional Anti-Corruption Initiative to improve the whistleblowing process in SEE.

ACA is currently supported by two projects in which it is a direct beneficiary: 1. Project against Economic Crime - PECK III of the European Union and the EU Office in Kosovo implemented by the Council of Europe. And 2. The Anti-Corruption Efforts Support Project - SAEK III (Support the Anti-Corruption Efforts in Kosovo II) supported by the Swiss Agency for Development and Cooperation (SDC) and the Swedish International Development Cooperation Agency. ACA is also supported by OPDAT, the Bureau of International Narcotics and Law Enforcement (INL) and the United States Embassy in Kosovo.

ADDRESSING RECOMMENDATIONS OF THE NATIONAL AUDIT OFFICE (NAO)

For the previous year, during the audit, the overall assessment of the financial statements has been positive and in all material respects, there has been a fair and accurate presentation.

One recommendation has been made to the Agency. The table below presents the recommendation and actions of the management of ACA regarding it.

Table 17. Statement of addressing of recommendations by the National Audit Office

No.	Recommendations	Management action	Implementation deadline	Current status of recommendation
1	<p><u>Recommendation 1</u></p> <p>The director must ensure that all assets are recorded in the relevant registers so that their presentation in the AFS is complete and accurate.</p>	<p>The responsible persons were requested to take the necessary measures for the capital assets to be registered in KFMIS, while the non-capital assets and stocks should be registered in the E-Assets system.</p>	<p>Immediate actions were taken by the asset officer and the goods receipt officer and all assets were recorded in the relevant registers.</p>	<p>Completed</p>

LESSONS AND RECOMMENDATIONS

The ACA considers that 2020 has been followed by numerous activities through which the ACA has implemented the Work Plan for 2020 in line with the competencies defined under the applicable legislation related to the prevention, investigation and fight of corruption, the origin and declaration of property, the prevention of conflicts of interest, protection of whistleblowers, declaring gifts, preventing corruption in public procurement activities, and other aspects in the field of anti-corruption. However, despite the maximum commitment in fulfilling the mandate, ACA considers that the situation with the COVID-19 pandemic, Government measures adopted for staff restriction, movement restriction, and coordination of work, in some cases even part-time, has affected even the progress of the ACA work. However, being cautious, ACA has reached to manage well and adapt to the circumstances, starting with the use of information technology, replacing regular meetings with online (virtual) ones. All these have resulted in satisfactory progress in carrying out the ACA tasks and achieving the results as presented in this report.

Based on this, the ACA recommends that the focus be on the following:

- ⇒ Full implementation of applicable legislation in all areas related to the prevention, investigation and fight against corruption;
 - ✓ Prevention of Conflict of Interest in the discharge of public function;
 - ✓ Protection of Whistleblowers, as well as the approval of all by-laws for the appointment, strengthening and training of all Responsible Officers for Protection of Whistleblowers in all public and private institutions;
 - ✓ continuation of the procedure for approval of the New Law on the Agency - Draft-Law on Prevention of Corruption according to the Legislative Agenda of the Government of the Republic of Kosovo;
 - ✓ continuation of the procedure of approval of the New Law on Declaration, Origin and Control of Assets of Senior Public Officials and Declaration, Origin and Control of Gifts of all Officials according to the Legislative Agenda of the Government of the Republic of Kosovo;
- ⇒ Continuation of the procedure for the approval of the new draft National Anti-Corruption Strategy and Action Plan for the period 2022 - 2024;
- ⇒ Development and making operational the online asset declaration platform and the Agency case management platform;
- ⇒ Advancing the digitalization of the Agency's database and digitizing the provision of services to the parties in the Agency;
- ⇒ Development of Common Methodologies: Joint Investigative Methodology; Legislation Assessment Methodology (Corruption Proofing Methodology) and Corruption Risk Assessment Methodology;

- ⇒ Drafting, approval, implementation and proper monitoring of Integrity Plans of all Institutions of the Republic of Kosovo, including central and local public enterprises;
- ⇒ Further strengthening the cooperation with civil society organizations in the area of anti-corruption and media.

CONCLUSION

As highlighted above, despite all challenges facing Covid-19, ACA has fully committed to carry out its duties in accordance with its mandate and competencies in the area of investigating and detecting corruption cases. ACA particularly worked on the following:

- ⇒ Investigation of Corruption through the development of preliminary investigation procedures for cases of suspicion of corruption; analysing statistical and other data on the state of corruption in Kosovo; protection of whistle-blowers under the whistleblower protection law as well as reporting on the implementation of the Agency's tasks set out in other strategic documents;
- ⇒ Preventing Corruption through Asset Supervision; supervision of gifts and preventing corruption in public procurement and corruption in general;
- ⇒ Preventing Conflicts of Interest through preventing conflicts of interest of senior public officials while exercising public function; cooperating with the responsible authorities; analysing and addressing cases of conflict of interest; receipt of annual reports by the responsible authorities; providing professional assistance and advice to other institutions in the area of conflict prevention;
- ⇒ Organizing general activities through management and care of material resources, providing administrative services, managing finances and budgets and the logistics of the Agency; providing professional support, cooperating, informing and coordinating informing activities and personnel, archives and procurement managing within the ACA.

ACA, in cooperation with other relevant institutions, in particular with the Legislation Committee of the Assembly of the Republic of Kosovo and the Ministry of Justice, has clearly defined the priorities in terms of implementation of the legal framework in order to combat and prevent corruption, promote transparency and strengthening institutional integrity, as well as efforts and dedication to create a corruption-free social environment.

The basic legal framework of the ACA is in the process of being amended and supplemented. As a result, the draft Law on the Anti-Corruption Agency (Draft Law on Prevention of Corruption) and the draft Law on the Declaration of Property and Gifts of Senior Public Officials and Other Persons were discussed in Working Groups. The Draft Law on Prevention of Corruption has been successfully completed by the working group, finalized by the Ministry of Justice after the completion of the preliminary consultation procedures and public consultations.

A key priority and challenge of the Agency remains the continuation of the full fulfilment of the Agency's mandate based on the competencies set out in the applicable legal provisions in the field of combating and preventing corruption, preventing conflicts of interest of senior public officials, declaring assets and protecting whistleblowers. Replacement of the governments and dissolution of the Assembly have been a challenge for the Agency. This reflected in the non-proceeding of the two draft laws - the draft Law on Anti-Corruption Agency (Draft Law on Prevention of Corruption) and the draft Law on the Declaration of Assets and Gifts of Senior Public Officials - for approval

by the Government and in the Assembly. Also, for the same reasons, the Anti-Corruption Strategy and Action Plan were not approved, despite the approval by the Government.

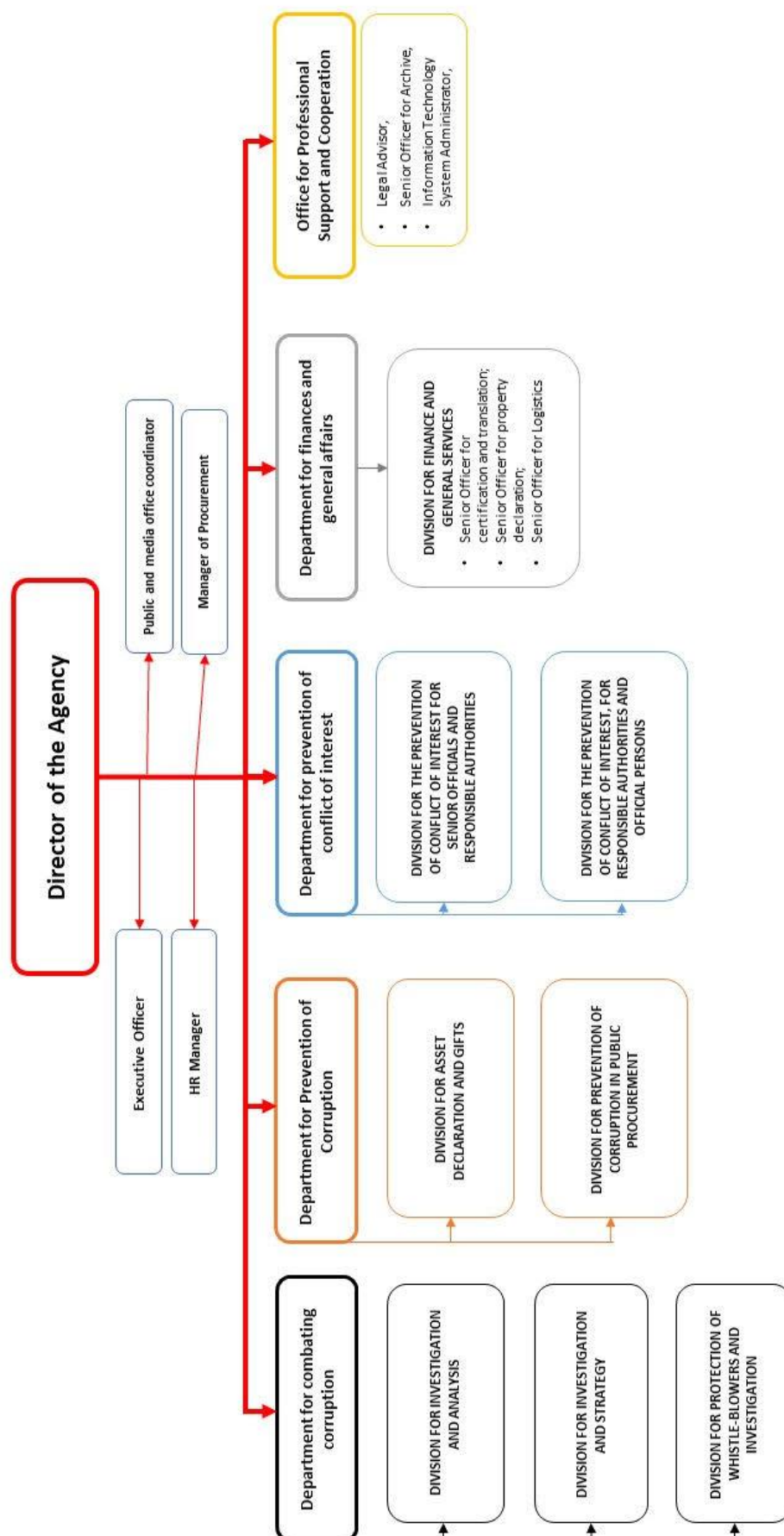
The priorities and challenges for the ACA are:

1. Implementation of the Anti-Corruption Legal Framework,
 - a. Law on Anti-Corruption Agency
 - b. Law on the Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials;
 - c. Law No. 06 / L-011 on Prevention of Conflict of Interest in Discharge of a Public Function;
 - d. Law No. 06/L-085 on Protection of Whistleblowers. Adoption of the Regulation on the Procedure of Receiving and Handling Cases at the Anti-Corruption Agency;
2. continuation of procedures for amending and supplementing
 - a. Law on the Anti-Corruption Agency (Draft Law on Prevention of Corruption) according to the Legislative Agenda of the Government of the Republic of Kosovo
 - b. Law on the Declaration, Origin and Control of Property of Senior Public Officials and on Declaration, Origin and Control of Gifts of all Public Officials according to the Legislative Agenda of the Government of the Republic of Kosovo;
3. Review and amendment of the internal organization and systematization of jobs at the ACA regarding the organizational and operational aspect, in accordance with the legislative changes;
4. Increasing human resources and building administrative capacity in advancing and developing the professional capacities of the Agency's staff; the advancement of staff in relation to carrying out the preliminary investigation procedure, handling conflict of interest cases, declaration of assets, protection of whistleblowers, monitoring of public procurement activities, inter-institutional cooperation, and other issues;
5. Drafting the National Anti-Corruption Strategy 2021 - 2025 and its Action Plan, as well as starting the implementation of the strategy and action plan.
6. Development and making operational the online asset declaration platform and the Agency case management platform;
7. Advancing the digitalization of the Agency's database and digitizing the provision of services to the parties in the Agency;
8. Development of Common Methodologies: Joint Investigative Methodology; Legislation Assessment Methodology (Corruption Proofing Methodology) and Corruption Risk Assessment Methodology;
9. Drafting, approval, implementation and proper monitoring of Integrity Plans of all Institutions of the Republic of Kosovo, including central and local public enterprises;

10. Continuing and strengthening cooperation with the institutional mechanisms responsible for preventing and fighting corruption in Kosovo;
11. Education of officials and school institution;
12. Organizing joint meetings with local anti-corruption stakeholders (police, prosecution offices, courts) to address various matters and further improve the communication;
13. International cooperation, membership in international organizations, cooperation with countries where the ACA has signed Memorandums of Understanding and review of Inter-Institutional Cooperation Agreements.
14. Further cooperation with civil society organizations in the area of anti-corruption and media.

ANNEXES

Annex I - Organizational Chart



Annex II

Table 18. List of officials who have not declared their property

No.	Name, Surname	Position	Institution
1.	Jeffery Butel	Member of the State Quality Council/Kosovo Accreditation Agency	Ministry of Education, Science, Technology and Innovation - MEST
2.	Magdalena Ziolo	Member of the State Quality Council/Kosovo Accreditation Agency	Ministry of Education, Science, Technology and Innovation - MEST
3.	Herbert Amato	Member of the State Quality Council/Kosovo Accreditation Agency	Ministry of Education, Science, Technology and Innovation - MEST
4.	Violeta Hamiti	Political Advisor	Ministry of Justice - MD
5.	Shuqeri Musliu	Head of POE Policy and Monitoring Unit	Ministry of Economy, Employment, Trade, Industry, Entrepreneurship and Strategic Investments - MEETIESI
6.	Gresa Maliqi	Book Steering Council	Ministry of Culture, Youth and Sports - MCYS
7.	Nuhi Gashi	Book Steering Council	Ministry of Culture, Youth and Sports - MCYS
8.	Liridon Sadrija	Consul	Ministry of Foreign Affairs and Diaspora
9.	Zana Rudi	Head of the Department for NATO and Security Policy	Ministry of Foreign Affairs and Diaspora
10.	Kadri Balaj	Consul	Ministry of Foreign Affairs and Diaspora
11.	Modesta Imeri	Consul	Ministry of Foreign Affairs and Diaspora
12.	Armend Rushiti	Municipal Assembly Member	Obilic
13.	Remzi Zeneli	Director of the Bus Station	Podujevo
14.	Besnik Mujeci	Municipal Assembly Member	Prishtina
15.	Sokol Berisha	Municipal Assembly Member	Prishtina
16.	Yll Bogaj	Municipal Assembly Member	Prishtina
17.	Anita Morina-Saraçi	Member of the Board at the Bus Station	Prishtina
18.	Diarta Vishesella	Municipal Assembly Member	Shtime
19.	Berat Zuka	Chief Financial Officer	Vitia
20.	Ekrem Mustafa	Municipal Assembly Member	Ferizaj
21.	Riza Abdyli	Municipal Assembly Member	Gjilan
22.	Faton Isufi	Technical Director	"Telecom of Kosovo" JSC
23.	Shkelqim Osmanaj	Member of the Board of Directors	Kosovo Railways Infrastructure "INFRAKOS" JSC
24.	Nazmi Kelmendi	Member of the Board of Directors of POE "QENDRA MULTIFUNKSIONALE" JSC	POE "MULTIFUNCTIONAL CENTER" JSC, MITROVICA
25.	Driton Pruthi	Procurement	Trepça JSC
26.	Naser Rexha	Process Equipment Factory	Trepça JSC
27.	Mentor Balaj	Auditor	Regional Water Company "Prishtina" JSC, Prishtina

Annex III

Table 19. List of officials who have declared their property after the deadline

No.	Name, Surname	Position	Institution
1.	Arbër Zaimi	Political Advisor to the Second Deputy Prime Minister	Office of the Prime Minister of the Republic of Kosovo - OPM
2.	Lulzim Zeneli	Vice-Rector for International Cooperation and Scientific Research	University of Gjakova - MEST
3.	Rozeta Hajdari	Minister	Ministry of Economy, Employment, Trade, Industry, Entrepreneurship and Strategic Investments - MEETIESI
4.	Arber Rrahmani	Book Steering Council	Ministry of Culture, Youth and Sports - MCYS
5.	Agim Berisha	Book Steering Council	Ministry of Culture, Youth and Sports - MCYS
6.	Emin Kabashi	Governing Council of the National Library	Ministry of Culture, Youth and Sports - MCYS
7.	Fisnik Ademi	Steering Council of the National Theater	Ministry of Culture, Youth and Sports - MCYS
8.	Ismet Azemi	Steering Council of the National Theater	Ministry of Culture, Youth and Sports - MCYS
9.	Jahja Shehu	Steering Council of the National Theater	Ministry of Culture, Youth and Sports - MCYS
10.	Adil Olluri	Steering Council of the National Theater	Ministry of Culture, Youth and Sports - MCYS
11.	Shasivar Haxhijaj	Steering Council AKKV-Shota	Ministry of Culture, Youth and Sports - MCYS
12.	Lulzim Ejupi	Secretary General of the Ministry of Internal Affairs and	Ministry of Internal Affairs and Public Administration
13.	Gentiana Azemi	Political Advisor	Ministry of Internal Affairs and Public Administration
14.	Gëzim Kasapolli	Ambassador	Ministry of Foreign Affairs and Diaspora
15.	Blerim Canaj	Adviser Minister	Ministry of Foreign Affairs and Diaspora
16.	Venera Gjuka	Director	University Clinical Center of Kosovo
17.	Qendresa Bllata	Procurement Manager	General Hospital Vushtrri
18.	Frosina Sylejmani	Judge of the Court of Appeals	Court of Appeals - Prishtina
19.	Gëzim Pozhegu	Judge of the Basic Court (DKR, JD)	Basic Court - Gjakova
20.	Sabit Rama	Judge of the Basic Court (GD)	Basic Court - Mitrovica
21.	Flurije Syla	Judge of the Basic Court (MOD)	Basic Court - Mitrovica
22.	Shpëtim Sadiku	Local member of the Commission for Verification and Placement of Properties	Kosovo Property Comparison and Verification Agency
23.	Nusret Çubrel	Municipal Assembly Member	South Mitrovica
24.	Xhemile Thaqi Vezgishi	Director	Prizren
25.	Bardhi Avdaj	Municipal Assembly Member	Prizren
26.	Ilir Baldedaj	Municipal Assembly Member	Prizren
27.	Nazife Kokollari	Municipal Assembly Member	Prizren
28.	Dafina Bllaca	Municipal Assembly Member	Prizren
29.	Cenet Sayadi	Municipal Assembly Member	Prizren
30.	Shpresa Tafa	Director of Innovation and Project Development	Shtime
31.	Labinot Beqa	Director of Health and Social Welfare	Shtime
32.	Valentina Halili-Ferati	Municipal Assembly Member	Shtime
33.	Marigona Pajaziti	Municipal Assembly Member	Shtime
34.	Adelina Beqaj	Municipal Assembly Member	Shtime
35.	Arbresha Syla	Municipal Assembly Member	Shtime
36.	Isak Muslija	Municipal Assembly Member	Shtime
37.	Agron Kajtazi	Municipal Assembly Member	Skenderaj
38.	Vehbi Rama	Municipal Assembly Member	Vitia
39.	Remzi Salihu	Municipal Assembly Member	Vitia
40.	Lulzim Grainca	Municipal Assembly Member	Ferizaj

41.	Gezim Kokollari	Municipal Assembly Member	Ferizaj
42.	Feim Ibrahim	Head of the Procurement Office	Ferizaj
43.	Bekim Jupa	Municipal Assembly Member	Gjakova
44.	Nazmi Suma	Board member of Npl Pastrimi	Hani i Elezit
45.	Rados Repanovic	Municipal Assembly Member	Istog
46.	Saranda Zega	Municipal Assembly Member	Klina
47.	Xhevshet Berisha	Municipal Assembly Member	Klina
48.	Saranda Elezaj	Municipal Assembly Member	Klina
49.	Brahim Mehmetaj	Municipal Assembly Member	Klina
50.	Shqipnora Dauti	Municipal Assembly Member	Klina
51.	Njomza Grabanica	Director	Klina
52.	Avni Gashi	Municipal Assembly Member	Klina
53.	Valon Krasniqi	Municipal Assembly Member	Malisheva
54.	Luan Morina	Acting Chief Executive Officer of Bus Station	Malisheva
55.	Fatmir Gjonbalaj	Chief Procurement Officer	"Telecom of Kosovo" JSC
56.	Remzije Tupella	Member of the Board	"Tregu" JSC
57.	Faton Shatmani	Legal Department Manager	SOE "Termokos" JSC Prishtina
58.	Saranda Deva Jusufi	Internal Auditor	NPQ "Aeroporti Gjakovës" JSC
59.	Besim Baraliu	Chief Executive Officer	RWC "Hidroregjioni Jugor" JSC, Prizren
60.	Muhamet Lama	Director of the Technical Department	RWC "GJAKOVA" JSC-GJAKOVA
61.	Anita Cacaj	Acting Head of the Department of Internal Support	Public Housing Enterprise JSC Prishtina
62.	Alberton Sahiti	Non-Executive Director	Regional Water Company "Prishtina" JSC, Prishtina
63.	Halil Gashi	Member of the Board of Directors	NH "Ibër Lepenci"

Annex IV

Table 20. List of officials who have not declared their property with reason

No.	Name, Surname	Position	Institution	Reason
1.	Sanije Rexha	Acting Director of the Department of Families of Martyrs and War Invalids	Ministry of Economy, Employment, Trade, Industry, Entrepreneurship and Strategic Investments - MEETIESI	Suspended from work effective 17.12.2019
2.	Abedin Mehmeti	Director of the Department for Document Production	Ministry of Internal Affairs and Public Administration	Medical leave for health reasons
3.	Arben Mustafa	Chief Inspector of the ARC Inspectorate	Ministry of Internal Affairs and Public Administration	Suspended from work effective 07.02.2020 - detention on remand
4.	Migjen Shala	Municipal Assembly Member	Prishtina	Health reasons
5.	Agim Bregaj	Municipal Assembly Member	Vushtrri	Health reasons
6.	Teuta Asllani	Acting Head of the Department of Internal Support	Public Housing Enterprise JSC Prishtina	Leave without payment effective 21.10.2019

Annex V

Table 21. Training table

No.	Type of Training	Organized by	Place	Date	Name of officials
1.	Regional conference	KDI	Tirana	20-22.01.2020	1
2.	Code of Ethics, rights and responsibilities in the Civil Service	KIPA	Prishtina	06-07.02.2020	2
3.	Merit-based recruitment techniques	British Embassy	Prishtina	12.02.2020	1
4.	Financial Investigations and Asset Return	by UNDP	Prishtina	10-14.02.2020	1
5.	Serious Treatment of Organized Crime in the Western Balkans	United Kingdom Foreign and Commonwealth Office	England	24-26.02.2020	1
6.	Occupational safety and health	KIPA	Prishtina	27-28.02.2020	1
7.	Civil Service Integrity	Ministry of Foreign Affairs Netherlands	Hagen	11-20.03.2020	1
8.	Personnel Managers	MIA	Prishtina	14.07.2020	1
9.	Courtesy and Protocol Strategic Communication	Diplomatic Academy	Prishtina	2-9.12.2020	1
10.	Public-Private Partnerships on Anti-money Laundering and Compliance	by UNDP	Prishtina	09.12.2020	1
11.	Change the culture, change the system	by UNDP	Prishtina	11.12.2020	1
12.	public procurement - advanced level	KIPA-PPRC	PRISTINA	11-12.2020	2
13.	Cisco Cybersecurity OPS Training	AUK-TDI	Prishtina	2020	1