

# INSPECTION REFORM

BASIC INFORMATION ON THE INSPECTION REFORM

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Office of the Inspector General  
Office of the Prime Minister of the Republic of Kosovo

# INTRODUCTION

The inspection reform is one of the main reforms aimed at improving the business environment and protecting the public interest, including public health, public safety, and the environment. The Law on Inspections, which entered into force in February 2022, defines the basic principles of the inspection procedure, as well as the rights and obligations of inspectors and inspected entities. The scope of the Law on Inspections extends to all inspection functions under the competence of the state administration and municipalities in the Republic of Kosovo, except:

1. Customs and tax inspection;
2. Inspection for the prevention of money laundering and financing of terrorism;
3. Internal inspection with an administrative character in the state and municipal administration;
4. Inspections by the Police Inspectorate; and
5. Inspections for public security within the ministry responsible for internal affairs.

The purpose of this leaflet is to provide basic information on the inspection reform as foreseen in the Law on Inspections. Harmonization of sectoral laws with the Law on Inspections, a process that has begun and is ongoing, is required in order for the reform to be fully applicable and to enable citizens and businesses to realize their full rights.



# PRINCIPLES OF INSPECTION

**1. Principle of transparency:** Inspection bodies must provide the public with easily usable, comprehensive information in accordance with the legislation in force for the protection of personal data and the preservation of business secrets.

**2. Principle of independence and professionalism:** Inspection bodies and inspectors must exercise their powers independently and professionally, without being influenced by others.

**3. Principle of proportionality:** Inspectors, in the exercise of their duties, shall interfere in the operation of the inspected entity only to the extent necessary to ensure an effective inspection, and shall select the measures and determine the most favorable deadlines in proportion to the gravity of the violation and its consequences.

**4. Principle of coordination and rationalization:** Inspection shall be conducted in coordination and, when necessary, jointly by the inspection bodies, in order to minimize duplication and ensure the most effective and efficient use of public resources and minimize the burden on inspected entities.

**5. Principle of a risk-based approach:** Inspections shall be planned and carried out according to a risk-based approach, considering the degree of risk that the activity may present to and by dividing the subjects of inspection and their activities into risk groups.

**6. Principle of support of the subject of inspection:** Inspection bodies must take active measures to support the subject of inspection in ensuring compliance with the law.

**7. Principle of evidence-based inspections:** Inspections should be based on concrete evidence and measurements.

**8. Principle of scheduling inspections:** Inspection subjects may be inspected only in accordance with the inspection plan.

**9. Principle of the most favorable legal provision:** When legal provisions under which the inspection is carried out are unclear or contradictory, the inspector shall act in a manner that is less restrictive to the subject of inspection.



# OFFICE OF THE INSPECTOR GENERAL (OIG)

The Office of the Inspector General (OIG) is an executive agency within the Office of the Prime Minister, which is led by the Inspector General.

This office leads the inspection reform in the Republic of Kosovo and coordinates the inspections system within the state administration at the central and municipal level.

Within this framework, the OIG supports eight central inspectorates that are organized as executive agencies and may have local branches as needed; three separate inspection units that operate as departments or divisions within a ministry, executive agency or regulatory agency; as well as the municipal inspectorates that operate within the state administration or the municipal level.



# MAIN RESPONSIBILITIES OF THE OIG

Some of the main responsibilities of the OIG:

- Leading the inspection reform program in the Republic of Kosovo;
- Supporting respective ministries, municipalities, executive agencies, or regulatory agencies in the oversight of the performance of the inspection bodies under their purview;
- Preparing the annual report on inspections conducted by all inspection bodies and submitting it for approval to the Government of the Republic of Kosovo;
- Commenting on legal and sub-legal initiatives in the field of inspections undertaken by the government according to principles and rules provided in the Law on Inspections;
- Creating and maintaining an electronic inspection platform, which serves for scheduling and coordination of inspections, and the exchange of information between inspection bodies;
- Developing and approving general guidelines and methodologies for risk assessment, scheduling and coordination of inspections, documentation of inspection activities and reporting, as well as general instructions on performance indicators for inspection activities that measure their effectiveness;
- Coordinating and supporting the activities of the inspection bodies with the final objective of reducing the administrative burden on the subjects of inspection, including the coordination of joint field inspections by the inspection bodies when the Government adopts thematic inspections.



# CENTRAL INSPECTORATES

1. Central Inspectorate of Agriculture, Food Safety, Veterinary and Forestry, within the ministry responsible for agriculture, forestry and rural development.

2. Central Market Surveillance Inspectorate, which operates within the ministry responsible for industry, entrepreneurship and trade.

3. Central Inspectorate of Education, within the ministry responsible for education, science, and technology.

4. Central Inspectorate of Environment, Waters, Nature, Spatial Planning and Construction, within the ministry responsible for environment and spatial planning.

5. Central Labor Inspectorate within the ministry responsible for finance, labor, and transfers.

6. Central Inspectorate for Cultural Heritage within the ministry responsible for culture, youth and sports.

7. Central Transport Inspectorate, within the ministry responsible for infrastructure.

8. Central Health Inspectorate, within the ministry responsible for health.





# SPECIAL INSPECTION UNITS

1. Radiation and Nuclear Safety Inspection Unit within the Kosovo Agency for Radiation Protection and Nuclear Safety.
2. Energy Inspection Unit within the ministry responsible for economic development.
3. Fire Safety Inspection Unit within the emergency management agency in the ministry responsible for internal affairs.

# MUNICIPAL INSPECTORATES

Municipal inspectorates are organized according to the provisions of sectoral laws and the Law on Local Self-Government. Whereas, the inspection procedures of municipal inspectorates are regulated by the Law on Inspections.



# TYPES OF INSPECTIONS

**Scheduled inspection** is a regular form of inspection based on the inspection plan approved in advance by the relevant inspectorate. The characteristics of this type of inspection are as follows:

- Inspections shall be scheduled in accordance with a risk-based approach;
- Scheduled inspections shall be approved on a periodic basis (quarterly, monthly, biweekly, etc.);
- Inspection plans shall be published on the website of the OIG and on the website of the respective inspection body.

**Unscheduled inspection** is a special form of inspection which can only be carried out in the following circumstances:

- There are reasonable grounds to suspect that a substantial violation of the law or a risk to the public interest, including public health, public safety, and the environment has taken place;
- Calamity or serious injury occurred;
- There is a substantiated complaint indicating a substantial violation that poses a risk to the public interest, including public health, public safety, and the environment; or
- There is a request from judicial, police or other relevant bodies.





# TYPES OF INSPECTION

**Inspection according to the submission** is a form of inspection that is carried out upon the acceptance of any submission from a natural or legal person that notifies the inspectorate of a violation of legal provisions by any entity, whether a natural or legal person.

**Re-inspection** is carried out in cases where it is intended to verify the correction of violations found in a previous inspection and is limited only to the violations and tasks captured in the last inspection record.

**Joint inspection** is a form of inspection based on the principle of coordination and rationalization of inspections, and is carried out through a joint inspection by several relevant inspectorates based on their scope of inspection.

# INSPECTION PROCEDURE

Inspection is defined as any form of control or supervision by a public body over commercial, economic, professional, or other activities of natural or legal persons, both private or public, aimed at protecting the public interest, including that of public health, public safety, and environment, while conducting these activities in accordance with the mandatory requirements defined in the legislation of the Republic of Kosovo. The regular inspection procedure includes the following steps:

1. The inspection is approved by the head of the relevant inspection body;
2. The subject of inspection that will be inspected is notified no less than three days before the inspection;
3. The inspection is carried out based on the checklist;
4. The inspection record is drafted and the subject is heard (on the spot);
5. The decision is made and the record is signed (on the spot).



# RIGHTS OF THE INSPECTION SUBJECT

Some of the main rights of the inspection subject, as foreseen by the Law on Inspections are:

- Requesting to be introduced to the inspection approval prior to the commencement of the inspection, unless under the law, the inspection is not carried out on the basis of a prior approval;
- Requesting identification of inspectors and refusing the participation of unauthorized persons;
- Being present and following all inspection activities, in person or through an authorized representative in written;
- Submitting, in writing or verbally, opinions, explanations of the facts, circumstances, or legal issues related to the inspection, or submitting his/her proposals for resolving the matter and the supporting documents therein;
- Requesting and receiving information from the inspector on the inspection procedure and any action or decision taken during the inspection;
- Requesting a copy of the inspection record and providing remarks if he/she does not agree with the findings presented there;
- Appealing against the decision of the inspector according to the legislation in force;
- Requesting a copy of the checklist on the basis of which the inspection was carried out.



# DUTIES OF THE INSPECTION SUBJECT

Some of the main duties of the inspection subject, as foreseen by the Law on Inspections are:

- Enabling and providing the inspector with necessary conditions for an unhindered performance of the inspection procedure;
- Cooperating with the inspectors; refraining from obstructing inspection activities; and performing actions according to inspector's orders;
- Providing the inspectorate with access to work premises, documents, and equipment that are subject to the inspection;
- Providing the inspectorate with data, documents, and other materials, accurate and within the deadline determined by the inspector;
- At the request of the inspector, suspending the work during the inspection, in cases when the inspector can not perform the inspection;
- Performing actions during the inspection procedure, to assess the factual situation, to allow and enable taking of evidence by its employees, if this is required by the inspectors;
- At the request of the inspector, submitting or preparing data, reports, materials and other documents necessary for the inspection procedure, within a certain deadline;
- Within the legal deadline, after the expiration of the deadline set for implementation of the ordered measures, informing the inspector in writing whether the ordered measures have been implemented.

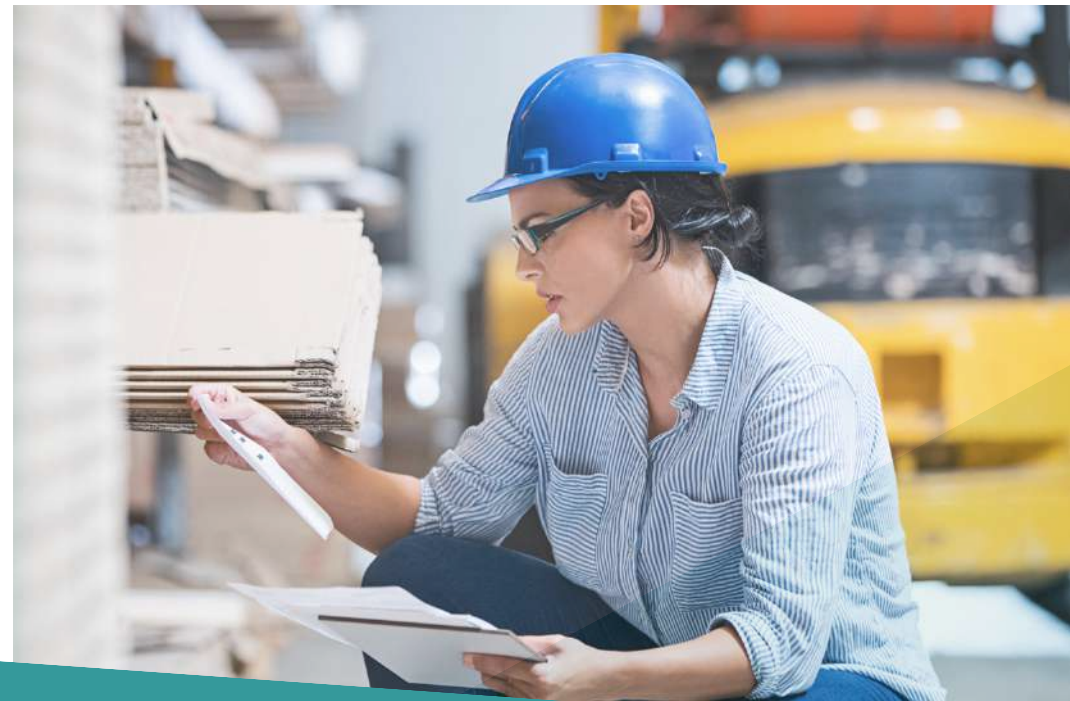




# RIGHTS OF THE INSPECTOR

Some of the main rights of the inspector, as foreseen by the Law on Inspections are:

- Entering and inspecting the buildings, premises, facilities, means of transport in which or through which the activity of the inspected entity is exercised, and inspecting the installations, equipment, machinery, products, items, components and any other thing related to the activity that is subject of inspection;
- Inspecting installations, machines, products, substances, components and any other item related to the activity being inspected;
- Taking photographs, videos of environments, installations, work processes and facilities for inspection purposes;
- Receiving, free of charge, samples of products, materials, goods, substances or products for inspection purposes;
- Requesting the identification document of persons who are present during the inspection;
- Sanctioning the entity when it finds that there is a violation, as well as initiating misdemeanor and criminal proceedings;
- Requesting from the inspected entity or the responsible person clarifications, written reports regarding inspection issues.



# DUTIES OF THE INSPECTOR

Some of the main duties of the inspector, as foreseen by the Law on Inspections are:

- Notifying the inspection subject about the approval of the inspection, not less than three (3) calendar days before the start of the inspection actions;
- Performing his/her duties independently and professionally;
- Presenting credentials before the entity and notifying him/her of the legal basis for exercising the control and inspection;
- Advising and providing necessary information to the inspection subject on the implementation of legal and sub-legal provisions;
- Informing the complainant about the course of the inspection procedure within the deadline set by law;
- Keeping records and in the end, compiling a report on the factual situation of the inspected entity;
- Keeping in complete confidence the source of any submission that has been presented to them for any action related to the violation of the law;
- Avoiding any conflict of interest with the subject of the inspection within the scope of the inspection powers.



# APPEALS PROCEDURE

In case the inspected subject does not agree with the final decision of the inspection, they may file an appeal against that decision within 30 days from the day of receipt of final decision.

The appeal shall be filed to and examined by the relevant superior body, which varies depending on the type of inspectorate. For central inspectorates, a collegial body created by the minister is responsible for the review. For municipal inspectorates, the body is created by the mayor, while in the case of special inspection units that are part of a ministry or executive agency, a collegial body created by the minister or the head of the agency is responsible for review.

The appeal shall be handled in accordance with the Law on Inspections and the relevant law on the general administrative procedure.

