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Kuvendi - Skupština – Assembly

LAW No.03/L –246

**ON WEAPONS, AMMUNITION AND RELEVANT SECURITY
EQUIPMENT FOR AUTHORIZED STATE SECURITY
INSTITUTIONS**

The Assembly of Republic of Kosovo;

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Adopts:

**THE LAW ON WEAPONS, AMMUNITION AND RELEVANT
SECURITY EQUIPMENT FOR AUTHORIZED STATE SECURITY
INSTITUTIONS**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Aim**

The aim of this Law is to establish legal provisions regarding equipping authorized state security institutions with weapons, ammunition and relevant security equipment.

**Article 2
Scope**

This Law regulates the production, repair, trade, import, export, marking, evidencing, safety during stockpiling and transport, and assessment of compliance with the prescribed requirements of weapons, ammunition and relevant security equipment for the needs of authorized state security institutions except for the needs of the Kosovo Security Force.

Article 3 Definitions

1. Terms used in this Law have the following meaning:

1.1. **Authorised State Security Institutions** - the Kosovo Police, Kosovo Police Inspectorate, Kosovo Intelligence Agency, Correctional Services, Kosovo Custom and Kosovo Forestry Agency;

1.2. **Equipment for Special Purposes (ESP)** - weapons, ammunition and relevant security equipment for state security institutions;

1.3. **Weapon** - means but not limited to, any object or device manufactured in the way that under pressure of gasses, which are released during the burning of explosive, electricity, materials, compressed gas or other potential energy, expels projectiles in the form of a bullet, shotgun shells, gas, liquid, arrows or other components, which is designed or used for inflicting bodily harm or physical damage or used to damage, even psychologically, and also any other object which main purpose is carrying out a physical attack towards physical integrity of people or property;

1.4. **A firearm** - a device that can be used as a weapon that fires either single or multiple projectiles propelled at high velocity by the gases produced through rapid, confined burning of a propellant, or by other means of propulsion of the projectile dispelled from the firearm;

1.5. **Short firearm**- a firearm, with a barrel not exceeding 30 cm or whose overall length does not exceed 60 cm;

1.6. **Long firearm**- any firearm with a barrel exceeding 30 cm or whose overall length exceeds 60 cm;

1.7. **Automatic firearm**- a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull of the trigger;

1.8. **Semi-automatic firearm**- a firearm which reloads automatically each time a round is fired and can fire only one round with one pull of the trigger;

1.9. **Repeating firearm**- a firearm which after a round has been fired is designed to be reloaded from a magazine or cylinder by means of manually-operated action;

1.10. **Directed energy weapons (DEW)** - a type of weapon that emits energy in an aimed direction without the means of a projectile. It transfers energy to a target for a desired effect;

1.11. **Weapons for the use of agents** - all types of rifles, pistols, revolvers and other devices, which under pressure of gunpowder, gases or other kind of gas, spread in one direction irritating gas which has an impact on people's health;

1.12. **Firearm for light-acoustic signalization**- a firearm typically used as a distress signal as well as other signaling purposes at sea and between aircraft and people on the ground, including all types of pistols, revolvers and other devices, which under the pressure of gun powder or gases fire or throw signaling shots in a direction and expel or disperse projectiles with the exclusion of flare pistols for military use;

1.13. **Explosive weapon**- any type of, but not limited to, bomb, mine, rocket, grenade or other device that contains explosive substances or inflammable materials, to which due to internal or external action (weight, impact, friction, chemical reaction, electric energy and similar) causes release or creation of energy and explosion. As explosive weapons, according to this Law, are considered also parts of the explosives, detonators, pyrotechnics or other parts for which it is obvious that they are intended for preparation of explosive weapons. This definition is meant to include Thermobaric weapons distinguish themselves from conventional explosive weapons by using atmospheric oxygen, instead of carrying an oxidizer in their explosives. Thermobaric weapons are also called high-impulse thermobaric weapons (HITs), fuel-air explosives (FAE or FAX) or sometimes fuel-air munitions, heat and pressure weapons, or vacuum bombs;

1.14. **Cold weapon**- any object to conduct an assault or cause body injuries, by using physical force by the attacker when these are carried in public gatherings, premises and similar places;

1.15. **Electroshock weapon**- a weapon that is considered an incapacitating weapon used for subduing a person or animal by administering electric shock aimed at disrupting superficial muscle functions. Additionally, an electroshock weapons means, but not limited to, stun guns and stun batons administer an electric shock by direct contact;

1.16. **Main part of the fire arm**- any element or specifically designed for a firearm and essential to its operation: including, but not limited to trigger mechanism, firing pin, barrel, frame or receiver, slide or cylinder, bolt or breech block, bolt and bolt assembly group;

1.17. **Special equipment for firearms**- each mechanism which is produced and dedicated for upgrading of the basic weapon nomenclature which through its application increases the abilities and quality of the use of firearms, apart from an optic sight;

1.18. **Suppressor or silencer-** a device either attached to or part of the barrel of a firearm to reduce the amount of report sound and or flash generated by firing the weapon;

1.19. **Firearms optical instrument sighting devices (also referred to as “police firearm optics”)-** devices authorized for Police use, which may be manufactured directly to or affixed to a firearm, for the purposes of target acquisition or target acquiring, but does not include normally affixed iron sights, peep-sights, and retractable iron or peep sights. Firearms optics shall be understood to include a device meant to enhance the authorized user’s ability to identify, recognize, range; by magnification, non-magnifying targeting aids, sound, direct non-lethal laser sighting, infrared sighting, or optics allowing target acquisitions to be produced in levels of light approaching total darkness, and / or acquire a target which would assist in a legitimate policing objective;

1.20. **Ammunition-** projectiles such as bullets, air gun pellets, and shot, together with their fuses and primers that can be fired from guns or otherwise propelled. The definition shall include, but with technological advances, is not limited to;

1.21. **A round-** a single unit of ammunition; for a modern small arms cartridge this is the combination of bullet, propellant, primer and cartridge case in a single unit;

1.22. **Shot-** a large numbers of small projectiles intended to be fired all at once in a single discharge; hand-held guns designed for this type of ammunition are generally known as shotguns;

1.23. **An air gun pellet-** a non-spherical projectile designed to be fired from an air gun;

1.24. **Ammunition with high penetrating level-** (commonly referred to as armor piercing rounds) any handgun or rifle bullet or handgun and rifle ammunition with projectiles or projectile cores constructed entirely (excluding the presence of traces of other substances) from tungsten alloys, steel, iron, brass, bronze, beryllium copper or depleted uranium, or fully jacketed bullets larger than 22 caliber designed and intended for use in a handgun or rifles and whose jacket has a weight of more than 25% of the total weight of the projectile, and excluding those handgun or rifle projectiles whose cores are composed of soft materials such as lead or lead alloys, zinc or zinc alloys, frangible projectiles designed primarily for sporting purposes, and any other projectiles or projectile cores that primarily intended to be used for sporting purposes or industrial purposes or that otherwise does not constitute” “armor piercing ammunition”” as that term is defined by law. The definition contained herein shall not be construed to include shotgun shells, unless meeting above said definition;

1.25. **Ammunition with explosive projectiles-** ammunition dedicated only for use by institutions of the law enforcement, of which the bullet contains a filling which explodes at the time of impact or has a set timed or delayed fuse which will cause the round to detonate at a predetermined time;

1.26. **Ammunition with flammable bullets-** means, but is not limited to ammunition dedicated for law enforcement use, of which the bullets contain chemical inflammable mixtures, and may include ammunition that contains exothermic pyrophoric mesh metal as the projectile and is designed for the purpose of throwing or spewing a flame or fireball to simulate a flamethrower;

1.27. **Tracer ammunition-** an ammunition type that traces its own course in the air with a trail of smoke or fire, so as to facilitate adjustment of the aim. Tracer ammunition use special bullets that are modified to accept a small pyrotechnic charge in their base. Ignited upon firing, the composition burns very brightly making the projectile visible to the naked eye;

1.28. **Ammunition for weapons for use of agents-** ammunition which contains a chemical filling with a gas round, which impacts on the health of people or animals;

1.29. **Carrying of weapon-** all manners of carrying by which the weapon is ready for immediate use by its possessor, or that the possessor has immediate access to the weapon;

1.30. **By manufacturing of weapons and ammunition -** every activity of research, study, development, producing, reproducing and assembly of weapons , parts of weapons and ammunition, except activities carried out by the owner of hunting weapons or sport weapons in order to reload ammunition for personal needs, which is used as hunting weapons or sports weapons;

1.31. **By repair of weapons-** eliminating of defects or maintenance to the firearm and replacement of inoperable, worn and or defect parts of firearms with original working parts as needed or required;

1.32. **Trade of weapons, ammunition and parts of firearms-** supplying firearms, ammunition and parts of firearms and ammunition with purpose of selling, brokering, transaction and storing of firearms and ammunition. As trade is also considered export, import and transit of a quantity of firearms and ammunition between legal entities. Brokering is the activity of legal entities or natural persons who act as agents for others in negotiating or arranging contracts, purchase, sale or transfer of firearms, ammunition or parts of firearms in return for a fee or other compensation;

1.33. **Transportation of weapon and ammunition-** the shipping of firearms, parts of firearms and ammunition from supplier to the person or entity acquiring these items;

1.34. **Police equipment-** any equipment determined by the Law on Police;

1.35. **Weapons used during force exercise in continuity by the police commonly referred as non-lethal weapons or compliance weapons-** weapons intended to be unlikely to kill or to cause great bodily injury to a living target;

1.36. **Weapons classified as A1 category-** weapons that may be used to disperse by a launching mechanism (i.e. 37 mm) gas munitions, compliance munitions, or breaching munitions. In no manner is this definition to be interpreted that the use of a weapon in the A1 category are for any other purpose that those described in this Law;

1.37. **Responsible person-** an individual who is legally responsible for the activities of applicant or licensee;

1.38. **Competent Body** -the Ministry of Internal Affairs;

1.39. **Modification of firearms-** changing the initial category of firearms by adding additional parts or equipment;

1.40. **Internal parts cleaning-** the first level of repairing that a user it is unable to manage or clean without proper training and without armorer certification or necessary armorer tools.

2. Special Collective equipment that are subject of the certificate of final user, in accordance with the Common Attitude on Arms Export respectively Military list may contain the following items:

2.1. munition and equipment for placement of primers, components designed specifically (ML 3)

2.2. fire control and related alerting and warning equipment, and related systems, test and alignment and countermeasure equipment, as follows: target acquisition, designation, range finding, surveillance or tracking systems, detection, data fusion, recognition and identification equipment, and sensor integration equipment (ML5);

2.3. ground vehicle and components, as follows: armored vehicles; armoured protection of vital parts, blackout lightning (ML 6);

2.4. riot control chemical agents (ML 7);

2.5. armoured or protective equipment (ML 13) as follows helmets, shields and body armor;

2.6. simulators for training of any firearm (ML 14);

2.7. Imaging equipment (ML 15) as follows: Recorders, cameras, image intensifier equipment, infrared or thermal imaging equipment;

2.8. Miscellaneous equipment (ML 17) as follows as robots.

3. Authorized list for equipment for special purposes is the list of equipment based on state needs and based on requests of security state institutions which shall be approved by the Prime Minister after consultations with Kosovo Security Council.

Article 4 Responsibilities

1. The Competent Body in compliance with given authorizations shall conduct the activities of supervision over manufacturing, repair, trade, import, export, storage and marking ESP in accordance to this Law and maintains an integrated database on imported and exported items as described in this Law.

2. Competent Body shall maintain a central database which includes all weapons, ammunition and explosives within the Republic of Kosovo. The database shall be accessible by the various institutions based upon needs of the institution.

3. Authorized state security institutions shall assign a responsible person for cooperation with the competent body regarding the activities defined to in paragraph 1 of this Article.

4. In accordance with the national list of authorized equipment signed by the Prime Minister, the Competent Body shall be the central approving authority for all transfers and procurement of the ESP, in accordance with this Law and other laws related to the security sector except for the equipment for the needs of the Kosovo Security Force.

5. Data resulting from implementation of this Law shall be maintained for a minimum of twenty (20) years.

6. The competent body shall compile the annual report for weapon export according to the Law on Trade of Strategic Goods.

Article 5

Categories of Weapons

1. The following categories of weapons may be used by the Kosovo Police based on the Law on Weapons:

1.1. Category A1. 37 mm or like launching platforms restricted as defined to above;

1.2. Category A2. Automatic Firearms;

1.3. Category A6. Firearms with mounted silencer;

1.4. Category A7. Weapons with rifled barrels over 12,7 mm;

1.5. Category A8. Semi Automatic firearms for civilian use which resemble weapons with a mechanisms automatic;

1.6. Category A9. Explosives and its parts;

1.7. Category A10. Weapons for the use of agents and its ammunition;

1.8. Category A11. Special equipment for firearms;

1.9. Category A12. Electric Paralyser (Electro Shock Weapons);

1.10. Category A13. Tracing ammunition;

1.11. Category A17. Firearms with Polygonal Barrels (pistols);

1.12. Category B1. Semi Automatic or repeating short firearm;

1.13. Category B2. Single Shot short firearms with centre fire percussion;

1.14. Category B3. Single Shot short firearms with rim fire percussion whose overall length is less than 28 cm;

1.15. Category B4. Semi Automatic long firearm whose magazine and chamber can together hold more than three rounds;

1.16. Category B5. Semi Automatic long firearm whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools into a weapon whose magazine and chamber together hold more than three rounds;

1.17. Weapons B6. Repeating and semi- automatic long firearms with smooth bore barrels not longer than 60 cm in length;

1.18. Category C1. Repeating long firearms other than those listed in Category B, point 6;

1.19. Category C2. Long firearm with single shot rifled barrels;

1.20. Category C3. Semi Automatic long firearms other than those in Category B, points 4, 5, 6, 7;

1.21. Category C4. Single Shot short firearms with rim fire percussion whose overall length is not less than 28 cm;

1.22. Category C5. Single Shot short firearms with smooth bore barrels;

1.23. Category C6, Weapons for light acoustic signalization;

1.24. Category C7. Adapters;

1.25. Category D4, Cold weapons.

2. The following categories of weapons may be used by the Kosovo Intelligence Agency:

2.1. Category B1 Semi – automatic or repeating short Firearms and limited to pistols;

2.2. Category A17 Firearms with polygonal barrels and limited to pistols;

3. The following categories of weapons maybe used by the Correctional Services and these categories:

3.1. Category B1 (Semi – automatic or repeating short Firearms) and limited to pistols;

3.2. Category B6 Repeating or Semi Automatic long firearms with smooth bore barrels not exceeding 60 cm in length);

3.3. Category C1 (Repeating or Semi Automatic long firearms with smooth bore barrels exceeding 60 cm in length) (shotguns);

3.4. Category A1. 37 mm or like launching platforms restricted as explained in definition;

3.5. Category A 17 Firearms with polygonal barrels and limited to pistols;

3.6. Category A2. Automatic Firearms.

4. The following categories of weapons can be used by the Kosovo Customs:

4.1. Category B1 (Semi – automatic or repeating short Firearms) and limited to pistols;

4.2. Category A 17 Firearms with polygonal barrels and limited to pistols.

5. The following categories of weapons may be used by the Kosovo Forestry Agency:

5.1. Category B6 (Repeating or Semi Automatic long firearms with smooth bore barrels not exceeding 60 cm in length); and

5.2. Category C1 (Repeating or Semi Automatic long firearms with smooth bore barrels exceeding 60 cm in length) (hunting rifles).

6. The following categories of weapons may be used by the Kosovo Police Inspectorate:

6.1. Category B1 (Semi – automatic or repeating short Firearms) and limited to pistols;

6.2. Category A 17 Firearms with polygonal barrels and limited to pistols.

Article 6 Ammunition

State security institutions may purchase ammunition for weapons mentioned in Article 5 of this law in accordance with their requirements.

Article 7 Equipment

1. State security institutions may propose to purchase the equipment from the military list based on their responsibilities and the Law on Trade of Strategic Goods.

2. Other security equipment that are not mentioned in EU military list and in the Law on Trade of Strategic Goods may be purchased based on the Law on Public Procurement.

CHAPTER II PRDUCTION AND REPAIR OF ESP

Article 8 Production and Repair – General Information

1. Production of ESP subject to this Law shall be based on the request of the Competent Body and the authorized state security institutions as enacted by the Assembly of the Republic of Kosovo following the proposal of the Government of the Republic of Kosovo.

2. Production of armament and equipment subject to this Law for the requirements of the civilian market shall be prohibited.

3. Authorized state security institutions shall assign a responsible person for repair and evaluation. The responsible person shall assess if the repair can be accomplished by first level or second level repair shops, or to be sent to the gun manufacturer for repair.

3.1. First level repair shall mean that the repair is completed or performed by a certified weapons armorer, specific to the type of weapon needing repair. First level repair, shall mean, and is limited to:

3.1.1. instructing users in proper and safe handling of firearms;

3.1.2. complete disassembly and reassembly inspections for proper usage;

3.1.3. sighting adjustments on fixed sighted firearms;

3.1.4. internal parts cleaning;

3.1.5. includes repairs, inspections, and tests handguns, rifles, and shotguns according to the respective armorer certification and tools authorized by the department;

3.1.6. inspects and test the weapons used by officials for shootings; writing and maintaining records of inspection and test results, as allowed by the respective armorer certification and tools available;

3.2. Second level repair shall mean the repair performed by a certified weapons armorer, specific to the type of weapon needing repair, and is not limited only to:

3.2.1. all points as described for first level repair;

- 3.2.2. straightening of barrels and firing pins;
- 3.2.3. trigger mechanism repair;
- 3.2.4. bolt and bolt assembly repair;
- 3.2.5. retaining rod and retaining rod spring(s) repairs;
- 3.2.6. upper receiver repair;
- 3.2.7. lower receiver repair;
- 3.2.8. repair of fixed and non-fixed firearm sighting systems;
- 3.2.9. magazine well repair;
- 3.2.10. specific and specialized repairs as allowed by the respective armorer certification and tools available according to laws and instructions of the Government of Kosovo, Competent Body and the Kosovo Police, regarding weapon specifications; and
- 3.2.11. inspections, tests, and modifications necessary of the weapons to ensure compliance with the Government of Kosovo, Competent Body and Kosovo Police laws, rules and regulations regarding weapon specifications, as allowed by the respective armorer certification and tools available.

4. The responsible person referred to in paragraph 3 of this Article shall be allowed to exercise such listed responsibilities as described upon certification as armorer for the respective weapon / firearm as regulated under this Law and the Law on Weapons, and to ensure compliance with the Government of the Republic of Kosovo, Competent Body and Law on Kosovo Police in relation to the rules and regulations regarding weapon specifications.

5. Authorised security institutions shall be allowed to outsource the repair on the budget of their respective institutions.

Article 9

License for production of ESP

1. Production of ESP, shall be conducted by licensees with a principle place of business in territory of the Republic of Kosovo and has obtained a license for production according to the Law on Weapons.

2. Applicants for production in ESP shall file a request for license to produce ESP, which shall contain the following information:

- 2.1. name of the legal entity applicant and responsible person;
 - 2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;
 - 2.3. court certificate that verifies there are no criminal proceedings ongoing against that applicant;
 - 2.4. certificate of the Competent Body that the installation of the applicant fulfills the conditions for storing of weapons;
 - 2.5. license for production of weapons and ammunition in accordance with the law on weapons;
3. The request for this type of license shall be treated by the commissions established according to the law on weapons;
4. The license from paragraph 1 of this Article shall be issued by the Competent Body, upon approval by the Ministry of the Security Force.

Article 10 **Scope of License for production**

1. The license of Article 7 of this Law may be issued for production for all types of ESP, or solely for certain categories/types of ESP.
2. The license from paragraph 1 of this Article shall not be valid if the licensee has not started its activity within one year after the issuing of the license.
3. Timeframe from paragraph 2 of this Article may be extended if it is proven that new circumstances have occurred which influence the beginning of the production of ESP, but which cannot be more than one (1) year.

Article 11 **Duty of the Licensee**

1. ESP, in the process of production, shall only be used by persons employed and licensed.
2. ESP shall not be intermingled with equipment for the civilian market.

3. ESP shall not be exposed and used by to unauthorized personnel.
4. Licensees shall ensure permanent physical-technical protection on the premises where the ESP is stored.

Article 12

License for repair of ESP

1. Repair of ESP shall be conducted by licensees with a principle place of business in territory of the Republic of Kosovo and has obtained a license for repair according to the Law on Weapons.
2. Request for license to repair ESP, shall contain the following information:
 - 2.1. name of the legal entity applicant and responsible person;
 - 2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;
 - 2.3. court certificate that verifies there are no criminal proceedings ongoing against that applicant;
 - 2.4. certificate of the competent body that the installation of the applicant fulfills the conditions for storing of weapons;
 - 2.5. license for repair in weapons and ammunition in accordance with the Law on Weapons.
3. The request for this type of license shall be reviewed by the commissions according to the Law on Weapons.
4. The license from paragraph 1 of this Article shall be issued by the competent body, upon approval by the Ministry of Security Force.

Article 13

Scope of License for repair

1. The license of Article 10 of this Law may be issued for repair for of all types of ESP, or solely for certain categories/types of ESP.
2. The license from paragraph 1 of this Article shall not be valid if the licensee has not started its activity within one year after the issuing of the license.

3. Timeframe from paragraph 2 of this Article may be extended if it is proven that new circumstances have occurred which influence the beginning of the repair of ESP, which cannot be more than one (1) year.

Article 14 **Duty of the Licensee for repair**

1. The licensee is obliged that ESP, in the process of repair, shall only be used by persons employed and authorized by the license.

2. ESP shall not be intermingled with equipment for the civilian market.

3. ESP shall not be exposed and used by unauthorized personnel.

4. Licensees shall ensure permanent physical-technical protection on the premises where the ESP is stored.

5. Weapon shall not leave the premises of the licensee while the weapon is being repaired. The test shooting, if needed, shall be performed in a location agreed upon and under supervision of the competent body.

6. The licensee from Article 10 of this Law, shall use ammunition stockpiled by the Competent Body for the test shooting of the weapon during repair.

7. During the repair of ESP type weapons by the licensee the following records shall be held (but not limited to):

7.1. repair number and date;

7.2. individual who the ESP weapon has been returned to;

7.3. any changes in markings or serial numbers due to the nature of the repair;

7.4. nature of the repair;

7.5. identifying features of the manufacture of the firearm;

7.6. responsible official requesting the repair;

7.7. firearm identification details

7.8. reasons for the rejection and the nature of the fault of the weapon.

8. The responsible person for repair shall inform the competent body on every change regarding the repair of weapons, within forty eight (48) hours.

Article 15
Records

Records of the facilities and production capacity of ESP shall be maintained by the Competent Body.

Article 16
Foreign applicants

1. Foreign applicants, registered as a business in the territory of the Republic of Kosovo, may be licensed in the field of ESP production.
2. Licensing of foreign applicants will follow the same procedure as domestic applicants.

CHAPTER III
TRADE IN ESP

Article 17
General descriptions Trade in ESP

1. Trade in ESP comprises of trade activities and service provisions in connection with ESP. Activities of trade are limited to procurement of ESP, activities of service provisions, transportation, storing and maintaining ESP.
2. A licence on Trade of weapon, ammunition and other tools of special purposes shall be issued by the Competent Body with previous consent of the Ministry of Security Force and Ministry of Foreign Affairs.

Article 18
Trade in ESP license

1. Licensed registered entities for trade in ESP shall be entered and maintained on a list of Licensed ESP trade companies by the Competent Body.
2. Applicants for Trade in ESP shall file a request for license to the Competent Body for trade in ESP, which shall contain the following:
 - 2.1. name of the legal entity applicant and responsible person;
 - 2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;

- 2.3. certificate of the competent court that verifies there are no criminal proceedings ongoing against that applicant;
 - 2.4. certificate of the Competent Body that the installation of the applicant fulfills the conditions for storing of weapons;
 - 2.5. license for trade in weapons and ammunition in accordance with the Law on Weapons.
3. The request for this type of license shall be treated by the commissions according to the Law on Weapons and will include a financial and legal background check and the security screening of the responsible person.
 4. Licensee shall inform the Competent Body within fifteen (15) days from the start of trade in ESP.
 5. Trade in explosives shall be conducted in accordance with the provisions of this Law and other laws in compliance with the international norms and conventions.

Article 19 **Limitations in Trade of ESP**

1. Activities of import of ESP for the requirements of the authorized state institutions for security shall be conducted by the Competent Body in accordance with the Custom and Excise Code of Kosovo. Import subject to this Law shall be based on the request of the authorized state security institutions.
2. Export of Equipment marked as ESP shall be prohibited.
3. Exceptionally ESP may be exported to the manufacturer for repair or warranty issues or for temporary export for operational goals.
4. Temporary export described in paragraph 3 of this Article means the authorization by the Competent Body to temporarily export ESP outside of the Republic of Kosovo, for the authorized persons exclusive official use.
 - 4.1. temporary export of ESP may be conducted by the authorized person for official assignments outside the Republic of Kosovo;
 - 4.2. temporary export shall be permitted by the Competent Body with previous request of the person's authorizing agency, and related laws and sub-legal acts in force;

4.3. the ESP will be temporarily exported for a period not to exceed the authorization by the Competent Body, and will be returned to the Republic of Kosovo upon expiration of the permit;

4.4. time frame from sub-paragraph 4.3 of this paragraph, may be extended if it is proven that new circumstances have occurred which influence a change in the time frame of the temporary export permit. This additional period cannot be more than the time frame to complete the person's officially authorized objectives abroad;

4.5. transfer of ownership of ESP will not occur during the period of temporary export;

4.6. ESP exported pursuant to a temporary export permit may not be sold or otherwise permanently transferred to a foreign person while they are abroad under a temporary export license;

4.7. permits for temporary export of ESP shall be maintained in the central database by the competent body.

5. Permits for importing ESP intended for use by the authorized state security institutions shall be issued by Competent Body upon decision from the Committees established based on the Law on Weapons.

6. Permits for importing ESP shall be maintained in a database by the Competent Body.

Article 20 **Marking of ESP**

1. ESP shall be imported only after the weapons, ammunition and other equipment are dully marked in accordance with the relevant international agreements and relevant laws of the Republic of Kosovo. Weapons shall be additionally marked with quality markings pursuant to the CIP Permanent International Commission for Firearms Testing (CIP) or Sporting Arms and Ammunition Manufacturers' Institute (SAAMI) standards.

2. ESP shall be marked with a visible sign "ESP" and not be made available to the civilian market.

Article 21
Trade in ESP permit

1. Trade of ESP conducted by the applicant shall be permitted by the Competent Body with previous consent of the Ministry of Security Force and Ministry of Foreign Affairs.
2. Request for issuance of the permit pursuant to paragraph 1 of this Article contains:
 - 2.1. name of the company, principle place of business of the company or registered branch office of the business, personal name and address of the deliverer and recipient;
 - 2.2. name of the company, principle place of business of the company or registered branch office of the business, producer of weapon, ammunition and other equipment;
 - 2.3. type, brand, serial number, caliber and quantity of weapons, ammunition and other equipment.
3. The submitter of the request from paragraph 1 of this Article shall attach the following information to the request:
 - 3.1. certificate of the end user; and
 - 3.2. contract or other official document regarding the contracted quantity of the weapons, ammunition and other equipment.
4. A permit shall be issued with a validity of six (6) months.
5. A permit from the above mentioned paragraphs shall be revoked if in the period of the validity of the trade license restrictive measures are put in effect by international organizations that forbid the trade.

Article 22
Transportation of ESP – General descriptions

1. Transportation of ESP by licensees into the territory of the Republic of Kosovo may be conducted through the national border crossings.
2. Transport of ESP shall be conducted in accordance with the provisions of relevant laws.
3. All transport of ESP shall be subject to special security measures and escorted by a special police escort.

4. Legal person shall cover the cost of the special security measures and the police escort.

Article 23
License to transport ESP

1. Transport of ESP shall be conducted by licensees with a principle place of business or registered branch office of the business in territory of the Republic of Kosovo and has obtained a license for performing such an activity.

2. Applicants for transport in ESP shall file a request for license to transport ESP to the Competent Body, which shall contain the following:

2.1. name of the legal entity applicant and responsible person;

2.2. certificate of registration of the applicant in the business register of the Republic of Kosovo;

2.3. certificate from the competent court that verifies there are no criminal proceedings ongoing against that applicant issued by the competent court;

2.4. certificate of the Competent Body that the means of the applicant fulfills the conditions for transporting of ESP.

2.5. license for transport in weapons and ammunition in accordance with the Law on Weapons.

3. The request for this type of license shall be reviewed by the commissions according to the law on weapons including legal and financial background check of the business entity and background check of the responsible person.

4. The license from paragraph 1 of this Article shall be issued by the Competent Body, in cooperation with the Ministry of Security Force.

Article 24
Permit to transport ESP

1. An permit shall be required for every transport of ESP.

2. The applicant shall file a request for permit for each transportation of ESP, which shall contain the following:

2.1. the name of the company, the principle place of business for the company and the registered branch office, personal name, address of the deliverer, transporters and receptor;

2.2. the name of the company, the principle place of business for the company and the registered branch office of the producer of weapon, ammunition and other equipment;

2.3. type, brand, serial number, caliber, category and quantity of weapons, ammunition and specific details of other equipment;

2.4. approximate time, date, direction of the movement and place of delivery;

2.5. type of the transportation mean, registration plates number, name and surname, and a copy of the personal document, identity card or passport, of the driver;

2.6. special Security measures during the time of transportation;

2.7. name of the border crossing point where the weapon, ammunition and other equipment will be transported and date of arrival at the particular border post; and

2.8. license to transport ESP.

3. Permitted entities that transport weapons, ammunition and other equipment shall be in possession of a permit permitting the activity of transport of weapons and ammunition from the Ministry of Transport and Communications pursuant to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) regulations.

4. The permit may be issued with a validity of up to three (3) months.

5. The same requirements shall be valid for ESP in transit.

CHAPTER IV SECURITY OF ESP

Article 25 General Security of ESP

1. Security and storing of ESP shall be conducted pursuant to this Law, the Law on Transport of dangerous goods, the Law on Classification of Information and Verification of security, and other legal provisions governing occupational safety, environmental protection, and protection when handling hazardous materials.

2. Security measures shall include: transport security, stockpile security, measures after loss or theft, safe handling of firearms, criteria for use of force, data of ESP, issuing of authorization cards, and training and shooting areas.

Article 26
Management and storage of ESP

The state bodies that are allowed through law to possess and carry weapons, ammunition and other equipment shall appoint a responsible person for storing and management of ESP.

Article 27
Storage facility

1. Authorized state security institutions shall store weapons separately from the ammunition, either in a facility technically secured or in a safe (box).
2. Authorized state security institutions shall maintain records of weapons and ammunition and shall appoint a responsible person for weapon and ammunition oversight. The authorized state security institutions shall inform the Competent Body of the identity of the responsible person. If the responsible person changes, authorized state security institutions shall inform the Competent Body within three (3) days from the day when the representative was changed.
3. Responsible person shall inspect the manner which weapon and ammunition are stored and evidence is recorded, explosives will be stored according to United Nations hazard classification and Law on Transport of Dangerous Goods.

Article 28
Disappearance, Loss or Theft of ESP

In case of disappearance, loss or theft of ESP, the owner, user, or legal entity shall inform the Competent Body and the Kosovo Police immediately but not later than twenty four (24) hours from the moment the loss or theft he/she have noticed.

CHAPTER V QUALITY CONTROL OF ESP

Article 29 Assessment of Compliance – General Information

1. Confirmation of compliance with the prescribed requirements for ESP, during the production and repair process and before putting ESP into circulation, shall be conducted by a Quality Control Committee consisting of representatives of the Competent Body, Ministry of Justice, Customs and accredited institutions authorized by the Competent Body.
2. During the production and repair process, for the purposes of confirming the compliance with the prescribed requirements for ESP, the Competent Body shall have the authority to assign to the producers an individual other than those employed by the Ministry of Internal Affairs, Ministry of Justice and Kosovo Customs on a written recommendation of the Quality Control Committee.
3. Producers of ESP shall have the obligation to ensure for the individual referred to in paragraphs 1 and 2 of this Article the work conditions required for assessment of compliance with the prescribed requirements for ESP.

Article 30 Quality Control Standardized Documentation

1. Assessment of compliance with the prescribed requirements for ESP shall be conducted based on the legal provisions governing the quality of products, which include the following:
 - 1.1. technical data about the ESP means and systems;
 - 1.2. content of ESP means and systems;
 - 1.3. accompanying technical documentation;
 - 1.4. quality requirements and standards for ESP means and systems;
 - 1.5. methods for testing and confirmation of the prescribed quality characteristics;
 - 1.6. criteria for assessment and evaluation of quality of the ESP means and systems.

CHAPTER VI SUPERVISION

Article 31

1. Competent authority in compliance with this Law and respective laws regulating this field, shall supervise the:

1.1. development of standard operational procedures related to training of all entities in possession of ESP.

1.2. development of standard operational procedures concerning safe use of ESP by all entities in possession of ESP.

1.3. development of standard operational procedures concerning the record and issue of authorization cards of all entities in possession of ESP.

1.4. development of standard operational procedures concerning shooting polygons to be used by all entities in possession of ESP.

1.5. development of standard operational procedures concerning with use of force by all entities in possession of ESP.

1.6. implementing of standard operating procedures concerning the storing and firearms management by all entities in the possession of ESP.

CHAPTER VII PENALTY PROVISIONS

Article 32

1. Legal entity and responsible persons who act in contraversion of provisions of this Law shall be punished.

2. Regarding the criminal responsibilities the Kosovo Criminal Code shall apply.

Article 33

1. A fine of between one thousand (1.000) and ten thousand (10.000) Euros shall be imposed for a minor offence on the legal entity if it:

- 1.1. acts in contraversion of Article 9 of this Law;
- 1.2. acts in contraversion of Article 11, paragraph 1, of this Law;
- 1.3. acts in contraversion of Article 12 of this Law;
- 1.4. acts in contraversion of Article 16, paragraph 4 of this Law;
- 1.5. acts in contraversion of Article 20 paragraphs 2 and 3 of this Law;
- 1.6. acts in contraversion of Article 26 paragraph 1, of this Law;
- 1.7. acts in contraversion of Article 27 paragraph 3 of this Law;

Article 34

1. A fine of between five thousand (5.000) and fifty thousand (50.000) Euros shall be imposed for a minor offence on the legal entity, whereas a fine of between two hundred (200) and one thousand (1.000) shall be imposed for a minor offence on the responsible person if it:

- 1.1. acts in contraversion of Article 6 paragraph 2 of this Law;
- 1.2. acts in contraversion of Article 8 paragraph 1 of this Law;
- 1.3. acts in contraversion of Article 10 paragraph 1 of this Law;
- 1.4. acts in contraversion of Article 18 paragraph 1 of this Law.

Article 35

1. A fine of between ten thousand (10.000) and fifty thousand (50.000) Euros shall be imposed for a minor offence on the legal entity, whereas a fine of between one thousand (1.000) and ten thousand (10.000) shall be imposed for a minor offence on the responsible person if it:

- 1.1. acts in contraversion of Article 6 paragraph 1 of this Law;
- 1.2. acts in contraversion of Article 7 paragraph 1 of this Law;
- 1.3. acts in contraversion of Article 15 paragraph 2 of this Law;
- 1.4. acts in contraversion of Article 20 paragraph 1 of this Law;

- 1.5. acts in contraversion of Article 21 paragraph 1 of this Law;
- 1.6. acts in contraversion of Article 22 paragraph 1 of this Law.

CHAPTER VIII TRANSITIONAL PROVISIONS

Article 34 Sub-legal acts of the Competent Body

1. Competent Body within six (6) months from the day of the entry into force of this Law shall issue sub legal acts on:

- 1.1. authorized list of equipment of the security state institutions based on the requests of executive agencies which further will be treated as classified information;
- 1.2. minimum training conditions which shall be implemented by all entities that possess ESP;
- 1.3. stipulation of minimum technical and safety standards of facilities;
- 1.4. procedures to issue export temporary permits in ESP;
- 1.5. minimum conditions of storage and management of ESP, to be implemented by all entities that possess ESP;
- 1.6. procedures for treatment of weapons, ammunition and other equipment, lost or stolen;
- 1.7. minimum conditions for use of force in ESP, which must be implemented by all entities in possession of ESP;
- 1.8. minimum conditions of records in ESP and issue of authorization cards which shall be implemented by all entities in possession of ESP.
- 1.9. shooting polygons approved, which will be used by all entities in possession of ESP;
- 1.10. level two of repair organized in centralized manner;
- 1.11. the access to the database and the structure of this database;

- 1.12. the criteria for escort, exempt when the transport of ESP is done by authorized state bodies for operational goals;
- 1.13. the procedures to verify the import of end user;
- 1.14. the process of quality control and the accreditation of legal entities;
- 1.15. rules on assessment of compliance and product quality for ESP;
- 1.16. general and special measures comprising the overall security system mentioned under Article 20 of this Law;
- 1.17. security measures of Authorized state institutions of security that shall be responsible for appointment of a responsible person.

Article 37
Sub legal acts of government

Government within six (6) months from the day of the entry into force of this Law will issue sub legal acts on minimum technical and safety conditions which facilities must meet where the production, repair or trade is conducted and the weapons, ammunition and other equipment are stored.

CHAPTER IX FINAL PROVISIONS

Article 38 Funds of the law

Collected means pursuant to this Law shall transfer to the Budget of the Republic of Kosovo.

Article 39 Abrogation

Upon enter into force of this law all legal provisions in non-compliance with this Law shall be nullified.

Article 40 Entry into Force

The law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-246
28 October 2010**

Member of the Presidency of the Assembly

Xhavit Haliti