

UNITED NATIONS

United Nations Interim
Administration Mission in
Kosovo



NATIONS UNIES

Mission d'Administration
Intérimaire des Nations Unies
au Kosovo

UNMIK/DIR/2004/1

14 January 2004

ADMINISTRATIVE DIRECTION NO. 2004/1

**IMPLEMENTING UNMIK REGULATION NO. 2000/16, AS AMENDED,
ON THE REGISTRATION AND OPERATION OF POLITICAL PARTIES
IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under section 7 of United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 2000/16 of 21 March 2000, as amended, on the Registration and Operation of Political Parties in Kosovo,

Taking into account the need to deter and detect all forms of irregularity in financial and related matters in Kosovo,

For the purpose of establishing a transparent system of financial and annual reporting by political parties in Kosovo,

Issues the following Administrative Direction:

Section 1
Definitions

For the purposes of the present Administrative Direction:

“The Office” means the Political Party Registration Office established within UNMIK Pillar III (OSCE);

“Political Party” means a political party registered with the Office under UNMIK Regulation No. 2000/16 as amended;

“Contribution” means any payment or transfer of value, in cash or in kind, to a Political Party from any source, regardless of whether such payment or transfer of value is characterised as a gift;

“Financial Contact Person” means the individual authorised to sign on behalf of the Political Party in financial matters under section 4.2 of UNMIK Regulation No. 2000/16, as amended;

“MAK” means Member of the Assembly of Kosovo; and

“MMA” means Member of a Municipal Assembly.

Section 2 Information about Material Changes

A Political Party shall submit to the Office a report of material changes pursuant to section 2.6 of UNMIK Regulation No. 2000/16, as amended, in the form prescribed by the Office within 30 business days of such changes taking place. Such material changes shall include, *inter alia*, changes in

- (a) The names and addresses of the members of the highest executive body of the Political Party;
- (b) The addresses of the local branches of the Political Party both inside and outside Kosovo and the names and addresses of the contact persons for such local branches;
- (c) The statute of the Political Party; and
- (d) The political programme of the Political Party.

Section 3 Annual Financial Reports

3.1 A Political Party shall submit to the Office an annual financial report pursuant to section 5.2 of UNMIK Regulation No. 2000/16, as amended, no later than 31 January of each year in a form prescribed by the Office. Such financial report shall identify the amount and source of:

- (a) Each Contribution in currency from a particular source during the year, if the total value of all Contributions from that source during the year is in excess of €1,500; and

(b) Each disbursement in currency to a particular source during the year, if the total value of all disbursements to that source during the year is in excess of €10,000, identifying its intended use.

3.2 A Political Party shall advise the Office of any change in the identity of its Financial Contact Person within five days of such change taking effect.

3.3 A Political Party's Financial Contact Person shall, for each annual financial report, explanation or revision thereof, submitted by the Political Party, sign a declaration in the form prescribed by the Office that the annual financial report, explanation or revision is true, complete and accurate.

3.4 The Office shall direct all correspondence relating to the annual financial report of a Political Party to the Political Party's Financial Contact Person.

3.5 The Office shall maintain a register of natural and legal persons and other entities whose Contributions to a Political Party in a year exceed in value €1,500. The Office shall make the register available to the public.

Section 4 Investigation and Verification by the Office

4.1 Pursuant to section 5.2 of UNMIK Regulation No. 2000/16, as amended, the Office may investigate and verify any annual financial report submitted by a Political Party under section 3 of the present Administrative Direction.

4.2 A Political Party shall maintain for a period of five years:

(a) Accounts that record all income by source, amount, and manner of payment, such as by currency or payment order, and all disbursements by recipient, intended use of funds, and manner of payment;

(b) Receipts for all disbursements in excess of €100;

(c) Bank records for all accounts held by or on behalf of the Political Party;

(d) Documents establishing the legal basis for ownership or occupation of all real property occupied by the Political Party;

(e) Contracts, including contracts relating to the lease or purchase of real or personal property;

(f) Lists of natural and legal persons and other entities that have contributed to the Political Party in cash or in kind indicating the value of each Contribution; and

(g) A record of amounts collected as membership dues.

4.3 A Political Party shall co-operate fully and promptly with any request for information or documentation made by the Office in investigating and verifying any annual financial report that it has submitted.

4.4 The Office shall present the preliminary results of any investigation and verification of an annual financial report of a Political Party, including a list of any apparent errors or omissions, to the highest executive body of the Political Party within 60 days of commencing its investigation and verification of the annual financial report concerned.

4.5 Within five working days of the date of receipt of the preliminary results presented under section 4.4, the Political Party may submit any explanation that addresses any apparent errors or omissions identified by the Office and/or any revision of the annual financial report which is the subject of the investigation and verification.

4.6 Within ten working days of the date of receipt of the preliminary results presented under section 4.5, the Office shall prepare a final report on the investigation and verification that it has conducted. The final report shall identify any errors or omissions in the annual financial report of the Political Party taking account of any explanation and/or revision submitted under section 4.5.

4.7 On completion the Office shall submit the final report to the highest executive body of the Political Party. No later than seven days thereafter copies of the final report shall be made available to members of the public.

Section 5 Sanctions

The Office acting under the authority of UNMIK shall sanction Political Parties for breaches of sections 2, 3 and 6.1 of the present Administrative Direction as follows:

(a) In the case of a Political Party with at least 25 MAKs:

(i) A fine of €250 shall be imposed for the submission of a report within a period of a month after the prescribed period for submission;

(ii) A fine of €500 shall be imposed for the submission of an incomplete report; and

(iii) A fine of €1,000 shall be imposed for the failure to submit a report within a period of a month after the prescribed period for submission;

(b) In the case of a Political Party with less than 25 and at least 5 MAKs:

(i) A fine of €150 shall be imposed for the submission of a report within a period of a month after the prescribed period for submission;

(ii) A fine of €250 shall be imposed for the submission of an incomplete report; and

(iii) A fine of €500 shall be imposed for the failure to submit a report within a period of a month after the prescribed period for submission;

(c) In the case of a Political Party with less than 5 and at least 1 MAKs:

(i) A fine of €100 shall be imposed for the submission of a report within a period of a month after the prescribed period for submission;

(ii) A fine of €100 shall be imposed for the submission of an incomplete report; and

(iii) A fine of €150 shall be imposed for the failure to submit a report within a period of a month after the prescribed period for submission;

(d) In the case of a Political Party with no MAKs and between 1 and 4 MMAs

(i) A fine of €50 shall be imposed for the submission of a report within a period of a month after the prescribed period for submission;

(ii) A fine of €100 shall be imposed for the submission of an incomplete report; and

(iii) A fine of €150 shall be imposed for the failure to submit a report within a period of a month after the prescribed period for submission; and

(e) In the case of a Political Party with no MAK and no MMA,

(i) A fine of €25 shall be imposed for the submission of a report within a period of a month after the prescribed period for submission;

(ii) A fine of €50 shall be imposed for the submission of an incomplete report; and

(iii) A fine of €100 shall be imposed for the failure to submit a report within a period of a month after the prescribed period for submission.

Section 6
Transitional Provisions

6.1 Political Parties that have not yet submitted annual financial reports for 2002 and 2003 shall do so in accordance with the present Administrative Direction no later than 45 days following its entry into force.

6.2 Political Parties shall inform the Office of the identity of their Financial Contact Persons no later than 5 working days following the entry into force of the present Administrative Direction.

Section 7
Entry into Force

The present Administrative Direction shall enter into force on 14 January 2004.

Harri Holkeri
Special Representative of the Secretary-General