



Republika e Kosovës
Republika Kosova-Republic of Kosovo
Qeveria-Vlada-Government

Ministria e Industrisë, Ndërmarrësisë dhe Tregtisë
Ministarstvo Industrije, Preduzetništva i Trgovine - Ministry of Industry, Entrepreneurship
and Trade

ADMINISTRATIVE INSTRUCTION (MIET) No. 08/ 2024

**ON DETERMINING THE METHOD OF SELECTING USERS, THE FORM AND
CONTENT OF THE CONTRACT FOR USING INDUSTRIAL AND TECHNOLOGICAL
PARKS**

Administrative Instruction (MIET) No. 08/ 2024 On determining the method of selecting users, the form and content of the contract for using industrial and technological parks, was approved by the decision No. 3849/01, date 07.08.2024



Minister of the Ministry of Industry, Entrepreneurship and Trade,

Pursuant to Article 12, paragraph 6, and Article 13, paragraph 6 of Law No. 08/L-208 on Industrial and Technological Parks, Article 11, paragraph 1, subparagraph 1.3 of Law No. 08/L-117 on the Government of the Republic of Kosovo, Annex 12 of Regulation (GRK) No. 14/2023 on the Areas of Administrative Responsibility of the Office of the Prime Minister and Ministries, as well as Article 9, paragraph 2 of Regulation No. 17/2024 on Rules and Procedure of the Government of the Republic of Kosovo, issues:

**ADMINISTRATIVE INSTRUCTION (MIET) No. 08/ 2024
ON DETERMINING THE METHOD OF SELECTING USERS, THE FORM AND
CONTENT OF THE CONTRACT FOR USING INDUSTRIAL AND TECHNOLOGICAL
PARKS**

**Article 1
Purpose**

This Administrative Instruction sets out the process for selecting users of the industrial and technological park, the form and content of the contract for using Industrial and Technological Parks.

**Article 2
Scope**

This Administrative Instruction shall apply to public authorities, investors, administrators, managers and users of industrial and technological parks.

**Article 3
Definitions**

1. Terms used in this Administrative Instruction have the following meanings:

1.1. Industrial and technological park - separated and fenced real estate where economic activities are carried out according to the conditions defined by this law. The industrial and technological park includes:



1.2. General park - park with or without pre-built industrial facilities, generally intended for economic activity;

1.3. Specialized park - park with or without pre-built industrial facilities, intended for specific industries and related activities;

1.4. Park for innovation and technology - park intended for activities related to innovation, institutions of higher education and vocational training, advanced technology and development of prototypes in function of economic activities.

1.5. MIET- responsible Ministry of Industry, Entrepreneurship and Trade;

1.6. KIESA - Kosovo Innovation and Enterprise Support Agency within the Ministry;

1.7. The administrator - the team dealing with the administration of industrial and technological parks, including business incubators within industrial and technological parks;

1.8. User - the business organization that carries out economic activities within the industrial park;

1.9. Request – a written document addressed to the responsible Institution;

1.10. Contract - a legally enforceable agreement between two or more parties that creates, defines and regulates mutual rights and obligations between them.

Article 4 **Application procedure**

1. The beneficiaries are selected through an open call or upon their request, based on applicable criteria. The selection process is transparent and ensures equal treatment of all interested parties/users.

2. The administrator announces the open call for business organizations to settle in the Industrial and Technological Parks in accordance with the criteria outlined in this Administrative Instruction.

3. The public call must be transparent and provide equal and fair treatment to all business organizations.

4. The call must be open for fifteen (15) working days;

5. Application can be made through physical form in the archive of the relevant institution as well as through electronic mail.



6. During the period when the public call is open, interested entities can request clarifications via e-mail and additional information about the call, but no later than five (5) working days before the closing of the public call.

7. Applications are not accepted after the closing of the public call, with the exception of applications that arrive by mail and which have been posted until the last day specified in the public call.

8. The administrator may announce the public call for the placement of users in the industrial and technological park either fully or partially, only for strategic investors as per relevant legislation, foreign investors, domestic investors focused on exports, or the diaspora, in accordance with the requirements of this Administrative Instruction.

Article 5 **Documentation required for** **Application**

1. When applying for settlement in the Industrial and Technological Park, users must attach the following documents;

1.1. The completed form with all required data;

1.2. A business plan;

1.3. A business registration certificate;

1.4. Bank turnover for the past three years;

1.5. Background information on the business organization;

1.6. Details of the activities that the business organization will undertake in the industrial and technological park;

1.7. The draft design of the business building;

1.8. Certificate from the Tax Administration of Kosovo confirming the fulfillment of tax obligations;

1.9. Evidence from TAK regarding the current number of employees;



1.10. Proof that the company is not in bankruptcy or under forced judicial administration issued by the competent court;

1.11. The administrator may include additional criteria in the public call for settlement in the Industrial and Technological Park based on to the park's specifications, such as general park, specialized park, or innovation and technology park.

2. The Government of Kosovo, in special cases and in cooperation with the administrator of the territory where the park is located, may decide on an investor with strategic interest without announcing a public call. However, this decision will be made based on priorities and policies through direct negotiation in the Industrial and Technological Park, if the criteria outlined in paragraph 1 of Article 5 of this Administrative Instruction are met, and based on the evaluation criteria in accordance with the relevant investment law.

Article 6

Evaluation criteria

1. The criteria for evaluating users in the industrial and technological park are as follows:

1.1. Employment 40 points;

1.2. Investment amount 30 points;

1.3. The type of activity:

1.3.1 Producer/Processor with 20 points;

1.3.2 Innovation with 10 points;

Article 7

Evaluation Commission

1. Once the application deadline has passed, the administrator will form an evaluation committee consisting of 3 members, as necessary.

2. In cases where the industrial and technological parks are administered by the AIPNK and the proponent for the establishment of the industrial and technological park, the commission is formed by the AIPNK, which appoints (2) members from the AIPNK and (1) members from the Municipality or the investor.

3. With the exception of paragraph 2 of this article, the members of the evaluation commission are appointed by the municipality or the investor in cases where they are the sole administrator of the industrial and technological Park.



4. In addition to the members of the evaluation committee from paragraph 1 of this Article, the Administrator must also select one (1) reserve member, who if needed, will replace any evaluation committee member who has a conflict of interest or is unable to attend for any other reasons.
5. The members of the Evaluation Committee must ensure beforehand that their participation in this committee complies with current legislation regarding prevention of conflicts of interest, by signing a statement declaring that there are no conflicts of interest.
6. In the event of a conflict of interest, or if a member is unable to attend the evaluation committee, they must request a replacement from the Administrator.
7. The evaluation committee will evaluate the applications within 30 (thirty) days from the closing date of the public call as outlined in Articles 5 and 6 of this Administrative Instruction, and based on other criteria defined in the public call,
8. The final report with a recommendation for the placement of users in the Industrial and Technological Park, is signed by all members of the Evaluation Committee.
9. The administrator will publish the list of users within 2 (two) working days after the evaluation conducted by the evaluation committee on its website.

Article 8 **Users**

1. The Industrial and Technological Park can be fully or partially allocated to strategic investors in accordance with relevant legislation, foreign investors, local export-oriented investors, or the diaspora.
2. The user located in the industrial and technological park is the business entity that has met all the criteria defined by this Administrative Instruction and has been leased a plot of land for the development of business activity.

Article 9 **Duration of use**

1. The user acquires the right to use the plot and/or building within the industrial and technological park after signing a contract with the administrator according to the relevant law on the obligational relationship. The contract defines the type of investment and activity, the duration of use, as well as other relevant rights and obligations.
2. The user can use the building in which he invested himself and equipment within the industrial and technological park as collateral for investment loans for business development within the park for the time of the duration of the contract.



3. The duration of use cannot exceed the duration of the industrial and technological park determined by the decision of the Government.
4. The right to use the industrial and technological park cannot be transferred to a third person without the administrator's consent.
5. The right to use the park expires in the following cases:
 - 5.1. the contract for use expires where the administrator has not agreed to renew the contract;
 - 5.2. the user does not carry out the investments within the term defined by the contract for the use of the park;
 - 5.3. the contract for the use of the park is terminated in the cases provided for by the applicable legislation or with the agreement of the parties;
 - 5.4. the user goes bankrupt;
 - 5.5. one (1) year has passed since the Government's decision to dissolve the park
6. The form and content of the contract for the use of the park are determined by the sub-legal act from paragraph 6. of Article 12 of this law.

Article 10 **Right to appeal**

1. If an entity's request to settle in the industrial and technological park is rejected, they have the right to appeal to the Commission for Reviewing Appeals within 10 (ten) working days after the publication of the beneficiary list.
2. The administrator will establish a Commission for Reviewing Appeals composed of 3 (three) members, as necessary.
3. In cases where the industrial and technological parks are administered by the AIPNK and the proponent for the establishment of the industrial and technological park, the commission is formed by the AIPNK, which appoints (2) members from the AIPNK and (1) members from the Municipality or the investor.
4. With the exception of paragraph 2 of this article, the members of the appeal commission are appointed by the municipality or the investor in cases where they are the sole administrator of the industrial and technological Park.



5. In addition to the members of the Commission for Reviewing Appeals from paragraph 1 of this Article, the Administrator must assign by decision one (1) reserve member who will replace a member of the Commission in case of a conflict of interest or if they are unable to attend for any other reasons.
6. Members appointed to the Commission for Reviewing Appeals must ensure beforehand that their participation in these commissions complies with current legislation regarding the prevention of conflicts of interest, by signing a statement declaring that there are no conflicts of interest.
7. In the event of a conflict of interest, or if a member is unable to attend the evaluation committee, they must request a replacement from the Administrator.
8. The Commission will make a decision on the appeal within 15 days of receiving it.
9. The final report will be submitted to the Administrator, who will then announce the beneficiaries for the use of the industrial and technological parks and sign the contracts.
10. In case the commission does not decide within the set deadline, the dissatisfied party can initiate an administrative dispute in the competent Court within 30 days according to the relevant Law on administrative dispute.

Article 11 **Repealing provisions**

Upon the entry into force of this Administrative Instruction, Administrative Instruction (MTI) No. 03/2014 on the procedure, form and content of the competition and the conditions and criteria related to the settlement of business entities within the premises of the industrial and technological park, shall be repealed.

Article 12 **Entry into force**

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

06.08.2024

Rozeta Hajdari

Minister