Legend:

|  |  |
| --- | --- |
|   | Completed according to the guideline |
|  | Not yet addressed, to be discussed and addressed |



**Republika e Kosovës**

**Republika Kosova - Republic of Kosovo**

***Qeveria - Vlada - Government***

***Ministria e Financave***

***Ministarstvo za Finansije – Ministry of Finance***

***CONCEPT DOCUMENT FOR AMENDMENT OF FISCAL AND AGRICULTURAL POLICIES ON PRODUCTION OF TOBACCO AND CIGARETTES IN KOSOVO***

Prepared by **Government Working Group for Drafting the Concept Document**

**July 2018**

Content

[Summary of the concept document 3](#_Toc519687887)

[Introduction 6](#_Toc519687888)

[Chapter 1: Problem Definition 7](#_Toc519687889)

[Chapter 2: Objectives 13](#_Toc519687890)

[Chapter 3: Options 14](#_Toc519687891)

[Chapter 3.1: No Change Option 14](#_Toc519687892)

[Chapter 3.2: The option on improvement of implementation and enforcement 14](#_Toc519687893)

[Chapter 3.3: The third option on supplementing and amending of the regulatory in the field of Tobacco and Cigarette Production 14](#_Toc519687894)

[Chapter 4: Identifying and assessing future impacts 15](#_Toc519687895)

[Chapter 4.1: Data collection challenges 16](#_Toc519687896)

[Chapter 5: Communication and consultation 16](#_Toc519687897)

[Chapter 6: Comparing options 18](#_Toc519687898)

[Chapter 6.1: Implementation plans for various options 18](#_Toc519687899)

[Chapter 6.2: Comparison table with all three options 21](#_Toc519687900)

[Chapter 7: Conclusions and future steps 22](#_Toc519687901)

[Chapter 7.1: Monitoring and evaluation provisions 23](#_Toc519687902)

[Annex 1: The form of assessment on economic impact 24](#_Toc519687903)

[Annex 2: The form of assessment on social impact 27](#_Toc519687904)

[Annex 3: The Form of assessment on environmental impacts 30](#_Toc519687905)

[Annex 4: The Form of assessment on the impact of fundamental rights 32](#_Toc519687906)

# Summary of the concept document

|  |
| --- |
| **General information** |
| **Title** | CONCEPT DOCUMENT FOR AMENDMENT OF FISCAL AND AGRICULTURAL POLICIES ON PRODUCTION OF TOBACCO AND CIGARETTES IN KOSOVO |
| **Responsible ministry** | Ministry of Finance |
| **Contact person** | Mr Fatmir Gashi, Deputy Minister of Finance, tel.: +386 38 200 34 076 |
| **GAWP** | Table “A” |
| **Strategic priority** | Government's Strategic Priority No. 2 - Economic Development and Employment, Government's Decision No. 06/42 dated 19.04.2018 for analyzing the request submitted by the Kosovo Chamber of Commerce to support the tobacco and cigarette industry in Kosovo. |

|  |
| --- |
| **Decision** |
| **Main issue** | Supporting local producers of tobacco and cigarettes by creating a more favourable business environment. |
| **Summary of consultations** | Initiated by the request of the Kosovo Chamber of Commerce (KCC), in order to address the difficulties faced by this agricultural sector, the Government has established the Intergovernmental Working Group for analyzing the KCC's request and drafting the concept document for addressing the legal framework regulating this agricultural sector.During the consultations conducted between MoF, MAFRD, MoH, MTI and other relevant stakeholders such as KIESA and others, specific laws regulating the issue of production, processing and trading of tobacco and cigarettes have been analyzed. All the involved stakeholders do agree that our country is currently applying fiscal policies that do not stimulate local tobacco and cigarette production, nor do they protect the "potential" producers from tobacco and cigarette imports. Moreover, tobacco production is not at all part of the group of agricultural crops supported by the Ministry of Agriculture, Forestry and Rural Development. The following laws were analysed:* Law No. 04/L-041 on Production, Collection, Processing and Trading of Tobacco;
* Customs and Excise Code of Kosovo, No. 03-L-109;
* Law No. 04/L-099 on Amending and Supplementing Customs and Excise Code in Kosovo No. 03/L-109;
* Law No. 04/L-021 on Excise on Tobacco Products;
* Law No. 03/L-220 on Amending and Supplementing Law No. 03/L-112 on Excise Tax Rate in Kosova;
* Decision No. 11/64 of the Government of the Republic of Kosovo, dated 16 December 2015;
* Law No. 04/L-156 on Tobacco Control;
* Administrative Instruction (MAFRD) on the type, grade and criteria for tobacco assessment, content and work of the professional committees;
* Administrative Instruction (MTI) No. 04/2016 on determining the conditions and criteria for entities dealing with trading of tobacco and its products;
* Annual program for support to agriculture;
 |
| [List the main activities of public consultation conducted. Also, indicate the start date and the end date of the public consultation via the Internet. List the number of organizations that provided responses to this consultation, the number of comments received, and the main conclusions from the public consultation process. Refer to the public consultation report that must be submitted together with the concept document for approval by the Government.]During the work on drafting the Concept Document, the Working Group held a series of consultative meetings with all stakeholders. The preliminary inter-institutional consultation took place from 25 June 2018 till 13 July 2018 (15 working days). |
| **Proposed option** | The third option is considered the preferred one. The Group recommends supplements/amendments to the legal framework so that: 1. The excise rate on cigarettes produced in Kosovo is calculated using the "ad valorem" method (according to the value) and is calculated in the retail price of cigarettes produced in Kosovo. The excise rate applied is 30% of retail value.2. The measures and criteria of support to rural development for 2019 onwards include tobacco among the agricultural crops subsidized by the Government. The payment for subsidizing tobacco is conditioned by the delivery of the product to the collectors (similar to the case of milk subsidization for farmers).This recommended option is elaborated in detail in Chapter 3: Options. |

|  |
| --- |
| **Main expected impacts** |
| **Budget impacts** | Implemented under current budget ceiling. |
| **Economic impacts** | • Overall economic growth; • Improvement of the country's trade balance;• Loyal competition in the market;• An increase in the number of jobs in agriculture and in the tobacco industry;• An increase in the number of tobacco producers. |
| **Social impacts** | • Decrease of the unemployment rate in rural areas;• Improvement of the welfare of the population living in rural areas;• Overall reduction in the number of crimes. |
| **Environmental impacts** | No relevant impacts expected in this category. |
| **Crosscuting impacts** | • Positive impacts on the trade sector with inputs and agricultural machinery. |
| **Administrative burdens for companies** | No administrative burdens are created for companies. |
| **SME Test** | [Indicate whether the SME Test was applied. If not, state why. If yes, indicate the main findings.]• ?• ? |

|  |
| --- |
| **Next steps** |
| **Short-term** | 1. Amendment of the Decision No. 11/64 of the Government of the Republic of Kosovo dated 16.12.2015.
2. In order to undertake the foreseen changes, the Law No. 03/L-220 on Amending and Supplementing Law No. 03/L-112 on Excise Tax Rate in Kosova shall be amended;
* The excise rate on cigarettes produced in Kosovo shall be calculated using the "ad valorem" method (according to the value) and shall be calculated in the retail price of cigarettes produced in Kosovo.
* The excise rate applied shall be 30% of retail value.
1. The Administrative Instruction (MAFRD) on the measures and criteria of support to rural development for 2019 onwards shall be amended in order to include tobacco among agricultural crops subsidized by the Government.
 |
| **Medium-term** | 1. The policies for the development of agriculture for the coming years shall foresee the subsidization of tobacco produced in Kosovo at a value of 1 EUR/kg.
* The payment for subsidizing tobacco shall be conditioned by the delivery of the product to the collectors (similar to the case of milk subsidization for farmers).
 |

# Introduction

Currently, our country is applying fiscal policies that do not stimulate local tobacco and cigarette production, nor do they protect the "potential" producers from tobacco and cigarette imports. The implementation of the CEFTA and SAA allows the import of tobacco and cigarettes in Kosovo with the customs rate of 0% if imports come from CEFTA member states and with a reduced customs rate of 7% if imports come from the EU members states. The current excise tax rates are 45 EUR/1 kg of cigarettes or 35 EUR/kg of tobacco. The rates are applied equally to imported products and to local ones.

Our country has also stalled in terms of setting up favourable policies for the development of agriculture. While other countries in the region have allocated substantial amounts for the development of agriculture in the form of grants for increasing production capacities and for subsidizing the production of agricultural products, the amount allocated by the Government of the Republic of Kosovo is very low compared to what the countries in the region allocate for the development of agriculture. Only in the last 2-3 years this financial support has increased slightly but is still far from that needed to increase agricultural production capacities. To make the situation worse, tobacco production is not part of the group of agricultural crops supported by the Ministry of Agriculture, Forestry and Rural Development (MAFRD).

Figure 1: Table with general information on the concept document

|  |  |
| --- | --- |
| **Title**  | CONCEPT DOCUMENT FOR AMENDMENT OF FISCAL AND AGRICULTURAL POLICIES ON PRODUCTION OF TOBACCO AND CIGARETTES IN KOSOVO |
| **Responsible ministry** | Ministry of Finance |
| **Contact person** | Mr Fatmir Gashi, Deputy Minister of Finance, Chair of the Working Group for drafting the Concept Document, tel.: +386 38 200 34 076 |
| **GAWP** | Table “A” |
| **Strategic priority** | Government's Strategic Priority No. 2 - Economic Development and Employment, Government's Decision No. 06/42 dated 19.04.2018 for analysing the request submitted by the Kosovo Chamber of Commerce to support the tobacco and cigarette industry in Kosovo. |
| **Working Group** | Mr Fatmir Gashi, Deputy Minister of Finance, chair Mr Enis Spahiu, Director of the Legal Office at the Ministry of FinanceMr Shyqeri Maxhuni, Deputy Minister at MAFRDMr Besian Mustafa, Chief Executive Officer of KIESAOne representative from the Government Coordination SecretariatOne representative from the Legal Office of the Office of the Prime MinisterOne representative from the Legal Office of the Ministry of HealthOne representative from the Legal Office of the Ministry of Trade and Industry |
| **Additional information** | The request submitted by the Kosovo Chamber of Commerce to support the tobacco and cigarette industry in Kosovo. |

# Chapter 1: Problem Definition

The main problem addressed in this Concept Paper is *the inadequate policy to support local producers of tobacco and cigarettes.*

Since the end of the war in 1999, Kosovo has set up a fiscal policy the main goal of which was the collection of taxes needed to finance public spending.

Using a simple system for collecting and calculating taxes, with a standard customs rate of 10% on import of almost all products, this policy was not designed to protect any agricultural or industrial production within the country. The customs rate of 10% was too low to ensure protection from imports for local producers, and especially considering the fact that, due to the country's political status, goods imported from Serbia, Montenegro and Macedonia were exempt from paying customs duties by 10%.

Until 1989, when the Serbian government abolished Kosovo's autonomy and put the country's economy under violent control, Kosovo was known as a major tobacco and cigarette producer. Thousands of families in the regions of Gjilan and Gjakova planted tobacco and handed it over to the factory for processing tobacco and producing cigarettes, located in Gjilan. With the introduction of violent measures in the factory's management and the removal of the majority of Albanian employees, co-operative farmers began to stop planting tobacco, resulting in a reduced production of cigarettes by the factory. After 1999, there were attempts to "revive" the factory and tobacco production, but this has not been done so far. In 2007, there was an attempt to re-activate the factory by "McCroft", the South African buyer, but in the absence of institutional support regarding fiscal and agricultural policies, the company in question failed to do so and left Kosovo. In 2013, the company was bought by new buyers and today operates under the new name "Premium Tobacco Group".

Figure 2: Relevant policy documents, laws and sub-legal acts

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy document, law or sub-legal act** | **Link to the policy or planning document through the Internet or legal acts published in the Official Gazette** | **State institution(s) responsible for implementation** | **The role and duties of the Institution(s)** |
| CEFTA | <http://cefta.int/legal-documents/>  | MTI | Implementer of the agreement. |
| Law No. 04/L-041 on Production, Collection, Processing and Trading of Tobacco; | <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2783> | MAFRD is obliged to implement this law | The implementer of this law, and responsible for issuing sub-legal acts and also managing the process for licensing the tobacco producers and processors.  |
| Customs and Excise Code of Kosovo, No. 03-L-109 | <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2600>  | Ministry of Finance | Kosovo Customs and Excise Code deals with the issue of import, export, production, processing and trade of tobacco and cigarettes and also regulates the issue of supervision of, reporting to, and control of entities licensed to produce or sell tobacco products.  |
| Law No. 04/L-099 on Amending and Supplementing Customs and Excise Code in Kosovo No. 03/L-109 | <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2823>  | Ministry of Finance | Kosovo Customs and Excise Code deals with the issue of import, export, production, processing and trade of tobacco and cigarettes and also regulates the issue of supervision of, reporting to, and control of entities licensed to produce or sell tobacco products.  |
| Law No. 04/L-021 on Excise on Tobacco Products | <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2779>  | Ministry of Finance | This law regulates the rates of excise taxes for goods presented in Annex A of this law, which in the territory of the Republic of Kosovo are in free circulation. |
| Law No. 03/L-220 on Amending and Supplementing Law No. 03/L-112 on Excise Tax Rate in Kosova | <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2688>  | Ministry of Finance | This law regulates the rates of excise taxes for goods presented in Annex A of this law, which in the territory of the Republic of Kosovo are issued in free circulation. |
| Decision No. 11/64 of the Government of the Republic of Kosovo dated 16.12.2015 | <http://www.kryeministri-ks.net/repository/docs/Vendimet_e_Mbledhjes_se_64-te_te_Qeverise_se_Republikes_se_Kosoves_2015.pdf>  | Government of the Republic of Kosovo | The Government of the Republic of Kosovo, by Decision No. 11/64 dated 16 December 2015, has set the rate of excise tax on tobacco according to a specific annual calendar. Article 3 of the Law on Amending and Supplementing Law No. 03/L-112 on Excise Tax Rate in Kosova allows the Government of the Republic of Kosovo to change, in consultation with the Committee on Budget and Finances within the Assembly of the Republic of Kosovo, the excise tax rate in Annex A attached to this law. In special cases, the Government of the Republic of Kosovo, in consultation with the Committee on Budget and Finances within the Assembly of the Republic of Kosovo, may add to the list of goods in Annex A of this law additional goods which shall be subject to the excise tax rate. |
| Law No. 04/L-156 on Tobacco Control | <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8665>  | MTI | This law determines the measures for the prohibition and restriction of the use of tobacco products and tobacco ingredients, prevention of harmful consequences from the use of tobacco products and supervision for the implementation of the law. |
| Administrative Instruction (MAFRD) No. 3/2015 on determining the form, content and the manner of issuing the license for collection and industrial processing of tobacco and its products | <http://www.mbpzhr-ks.net/repository/docs/UA_MBPZHR_Nr_032015__FINAL.pdf> | MAFRD | This Administrative Instruction defines the manner in which tobacco producers should submit a written statement to the MAFRD with data on the place of production, surface area, type, class and planned tobacco production in the data register and the criteria for the assessment of tobacco. |
| Administrative Instruction (MTI) no. 04/2016 on Determining the Conditions and Criteria for Entities Dealing with Trading of Tobacco and its Products | <https://gzk.rks-gov.net/ActDetail.aspx?ActID=12340>  | MTI | This Administrative Instruction defines conditions and criteria for issuing the license, as well as the administrative fee that should be paid by the entities dealing with export/import for trading tobacco and its products. |
| Government Program 2017-2021 | <http://www.min-rks.net/repository/docs/programi_i_qeverise_se_republikes_se_kosoves_2017_2021.pdf>  | Government of the Republic of Kosovo | In accordance with the Constitution of the country, the Government will promote the values of freedom, peace, democracy, equality and respect for the rights and freedoms of the individual, not diverting for any moment from the law, property rights, environmental protection, social justice, separation of powers, market economy and other values that are standard of democratic societies.The Government's goal is to establish a new governance standard built on four pillars:- the rule of law;- economic development and employment;- Euro-Atlantic integration;- sectorial development. |
| Annual Program for Support of Agriculture Administrative Instruction (MAFRD) no. 05/2018, on the Measures and Criteria of Support in Agriculture and Rural Development for 2018 (Note: This Administrative Instruction is drafted for each calendar year, therefore for 2019 it is expected to be approved before the end of the current year) | <http://www.mbpzhr-ks.net/repository/docs/882_UANr052018_per_Masat_dhe_kriteret_e_PZHR_per_v2018_sh10418.pdf> | MAFRD | This program enables the farmers to receive support from the Government, either through specific annual subsidies allocated to surface areas planted with a particular crop, or support from the Government in investments to increase production capacities including the agricultural machinery. |
| Rural Development Program 2018 | <http://www.mbpzhr-ks.net/repository/docs/Programi_Shqip28318.pdf>  | MAFRD | The measures supported under the Rural Development Program 2018 address the specific needs of the agro-food sector and rural areas of Kosovo, are in full coherence with the EU-funded IPARD program to support candidate and pre-candidate countries to develop and strengthen the agricultural and rural development sector to be competitive in the domestic and EU market. |

In order to overcome inadequate policies to support local producers of Tobacco and Cigarettes, the drafting of the Concept Document was initiated. The need for drafting this Concept Document is presented as the current legislation on excise and the support for the development of agriculture does not properly address the requirements and needs of local producers. Tobacco is an industrial agricultural product that has been planted a lot in Kosovo in the past and has been a source of income for thousands of Kosovar families. The current legislation dealing with excise tax in Kosovo does not provide institutional support for tobacco and tobacco production in Kosovo, which is believed to have affected almost the complete depletion of this industry in Kosovo. Also, the applicable legislation regulating the issue of support for the development of agriculture in Kosovo does not foresee specific support for tobacco planting in Kosovo.

Currently in our country are applied fiscal policies that do not stimulate the production of local tobacco and cigarettes, nor do they protect potential "producers" from tobacco and cigarette imports.

The implementation of the CEFTA Agreement as well as the SAA, allow the import of tobacco and cigarettes in Kosovo at 0% customs rate if the import comes from CEFTA member countries, respectively at a reduced customs rate of 7% if imports come from EU countries.

Current excise tax rates are 45 euros per 1 kg of cigarettes or 35 euros per kilogram of tobacco and are applied in the same way to both, imports and domestic products.

Our country has also stalled in terms of setting up favourable policies for the development of agriculture. While other countries in the region have allocated substantial amounts for the development of agriculture, both in the form of grants for increasing production capacities and subsidizing the production of agricultural products, the amount allocated by the Government is very low when compared to what the countries in the region allocate for the development of agriculture. Only in the last 2-3 years this financial support has increased slightly but is still far from what is needed to increase agricultural production capacities. To make the situation even more difficult, tobacco production is not part of the group of agricultural crops supported by the Ministry of Agriculture, Forestry and Rural Development.

*Figure 3: The problem tree, which represents the main problem, its causes and effects*

|  |  |
| --- | --- |
| **Effects** | Slow economic development |
| High unemployment in rural areas |
| Low production capacities |
| Negative trade balance |
| **Main problem** | **Inadequate policies to support local producers of Tobacco and Cigarettes** |
| **Causes** | Lack of legal regulation to support/stimulate producers of Tobacco and Cigarettes. |
| Uniform application of Excise tax for both importers and producers |
| Non cultivation of Tobacco |

The following figure lists the identified stakeholders. It also indicates whether they are affected by causes, effects, or both. In addition, the last column in the summary shows how they are affected. Chapter 5 provides information on how these stakeholders are consulted.

*Figure 4: Overview of interested parties based on the problem definition*

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of the stakeholder** | **Cause()s to which the stakeholder is linked** | **Effect(s) to which the stakeholder is linked** | **The way in which the stakeholder is linked to these cause(s) or effect(s)** |
| MoF | Fiscal Policies | Slow Economic Development | Fiscal Policy Drafter |
| MAFRD | Failure to subsidize | Lack of tobacco cultivation | Implementation of the Agricultural Support Program |
| MTI | CEFTA | Negative trade balance | Responsible for trade policy and implementation of the CEFTA Agreement |
| Farmers | Non-cultivation of Tobacco | High unemployment, Low production capacities | Tobacco Cultivation and Unemployment in Rural Countries |
| Kosovo Producers Club |  | Loss of club membership | Cigarette producers |
| Chamber of Commerce |  | Unsatisfaction of members. The requests of business community not addressed | Cigarette producers |

# Chapter 2: Objectives

Based on the Government's strategic priority **Economic Development and Employment**, the overall aim of this proposal is to revive the Tobacco Industry in Kosovo, reduce unemployment by engaging the rural population in tobacco cultivation, and increasing output and exports through improved fiscal policies, and through subsidizing farmers and tobacco and cigarette producers. Our country has a multi-year tradition in tobacco production, from which thousands of Kosovar families managed to generate income in the past. Agriculture is one of the best opportunities our country has to increase economic development, replace the import and growth of the export. The priority of supporting this sector is the direct engagement of women in rural areas of the country, which will also have a positive impact on gender equality and the improvement of their well-being.

Apart from tobacco production, our country has a long tradition in producing cigarettes as well. Tobacco Factory in Gjilan has a capacity for tobacco processing of 6,000 tons per year and a production capacity of cigarettes of 3,000 tons per year.

The reviving of the tradition of planting and producing good quality tobacco in the Gjilan region as well as in other parts of Kosovo (Gjakova area) opens an extraordinary economic prospect for the residents of this area. Farmers, in addition to being able to hire their family members, can also hire other people outside the family, since the income they can generate will cover the costs created for the workers and their income.

The produced tobacco can very easily be exported to markets and there is an increased demand for that, while a part is utilised for the production of cigarettes sold in the local market.

The aimed specific objectives are:

1. Changing the method of calculating the excise rate on tobacco and cigarettes.

2. Changing of the current agricultural policies, which would enable the subsidization of tobacco production.

Figure 5: Relevant Government objectives

|  |  |
| --- | --- |
| **Relevant objective** | **Name of the relevant planning document (source)** |
| Government's Priority Strategy No. 2 - Economic Development and Employment | Government Program 2017-2021 |

# Chapter 3: Options

The following three options are presented in detail in addressing the problem on **inadequate policy for supporting Tobacco and Cigarette producers.**

The first option "no changes" and the second option "on improvement of implementation and enforcement" are considered as unable to address the problem. The group assessed that the third option, to include regulation of excise tax and subsidies in this area, is the most acceptable option.

## Chapter 3.1: No Change Option

The working group estimates that if the situation remains unchanged, then no positive development is expected in stimulating tobacco and cigarettes production. This would have a negative effect on economic development, employment with emphasis on rural areas, tobacco production capacities in Kosovo, and trade balance. Therefore, this option is not recommended.

## Chapter 3.2: The option on improvement of implementation and enforcement

The Working Group analysed the Option on 'Improvement of Implementation and Enforcement' and estimates that improvement of implementation and enforcement' is irrelevant in this case. It must be utilized in avoiding shortcomings through regulatory changes in support of domestic production.

## Chapter 3.3: The third option on supplementing and amending of the regulatory in the field of Tobacco and Cigarette Production

Upon conducting extensive analysis and consultations with stakeholders the Working Group recommends the following changes to be made:

- To amend the decision of the Government of the Republic of Kosovo No. 11/64 dated on 16.12.2015. -In order to implement the foreseen changes, amendments shall be made to Law No. 03/L-220 amending and supplementing the Law no. 03/L-112 on excise tax in Kosovo, namely the decision of the Government of the Republic of Kosovo no. 11/64, dated on 16th of December 2015. The excise rate for cigarettes produced in Kosovo is calculated by using the "ad valorem" method (according to the value) and to be calculated on the retail price of cigarettes produced in Kosovo. The rate of excise duty applied is 30% of retail value.

- The Administrative Instruction (MAFRD) should also be amended in order to support the measures and criteria for rural development for the upcoming year 2019, introducing tobacco among the subsidized agricultural crops by the Government. Therefore, the Administrative Instruction (MAFRD) on the measures and criteria for support for rural development shall be amended. In the agricultural development policies for the upcoming years, the subsidization of tobacco produced in Kosovo should be planned with a value of 1 euro/kg. The payment for tobacco subsidies should be conditioned by the delivery of the product to the collectors (similar to the case of milk subsidies for farmers).

These actions would have had a positive effect, resulting in increased economic growth, employment growth with emphasis on rural areas, development of tobacco production capacities in Kosovo, and improved trade balance. This option is therefore recommended.

# Chapter 4: Identifying and assessing future impacts

The table below presents the most important impacts that have been identified. Annexes 1 to 4 present the assessment of all impacts in accordance with the means to identify the economic, social, environmental impacts and the impacts on fundamental rights. These tools are listed in the Manual for developing Concept Documents. The four annexes also show the assessment of the significance of the various impacts and the preferred level of analysis.

Figure 6: The most important impacts identified for the impact category

|  |  |
| --- | --- |
| **Categories of impacts** | **Relevant impacts identified**  |
| Economic impacts | • Increase of the current number of vacancies, with emphasis on rural areas* Development of tobacco and cigarette production capacities in Kosovo
* Increase of the number of new businesses
* Reduction of administrative burdens for farmers and businesses,
* Increase of Foreign Direct Investments
* Loyal competition in the production of tobacco and cigarettes
* Overall economic growth.
* Increase in export and improvement of trade balance.
 |
| Social impacts | • Reduction of the unemployment rate,* Increase of the overall welfare,
* Greater investment opportunities in social schemes, education, sport, security and public health, etc.
* Overall reduction of criminality, domestic violence, etc.
 |
| Environmental impacts | No relevant impacts expected in this category |
| Impacts on Fundamental Rights | No relevant impacts expected in this category |
| Gender impacts | Positive impact on the employment of women in rural areas, thus improving their position in the family and society. |
| Social equality impacts  | Positive impact since the employment of a significant number of people who are currently unemployed will have a positive effect on combating poverty and increasing quality of the standard of living for these individuals and their families. |
| Impacts on youth | Positive impact since young people will be the ones who will benefit most from employment in this industry |
| Impacts on administrative burden | No relevant impacts expected in this category |
| Impact of SMEs | As a result of the direct and indirect impact on the development of this industry, the number of small enterprises is expected to increase. There will be positive impacts not only in the establishment of new enterprises, but also in the growth and empowerment of the current SMEs. |

The first and second options do not bring changes and are not expected to have any other impacts from the current situation. The third option is the only option that is expected to bring positive changes in the tobacco industry and its products.

The current state of trade, fiscal and agricultural development policies does not allow the promotion of tobacco and cigarette production in Kosovo, while other neighbouring countries (Macedonia, Serbia, Albania) apply specific policies through which they stimulate tobacco and cigarette production in their respective countries. The official data from these countries show the measures these countries have undertaken to stimulate tobacco production, ranging from application of different tax rates for domestic production to direct financial incentives, paying subsidies to producer farmers.

There is evidence from the past, that many Kosovar families have generated income from tobacco planting. The data from the archives of the former tobacco factory in Gjilan report more than 8,000 co-operative farmers, who planted tobacco only in the region of Anamorava. Although all these have been family activities (not commercial businesses), it is estimated that there have been over 40,000 persons (family members) engaged in tobacco planting.

The reviving of this industry will create opportunities for opening new jobs, increase income for families in the villages, increase employment of women and youth in general, which are part of a category with a higher unemployment rate.

Commencement of production will also bring other positive effects, such as: increase of domestic production, increase of exports, increase of purchasing power of families in rural areas and improvement of their standard of living.

## Chapter 4.1: Data collection challenges

In order to prepare the Concept Document, various sources of information have been explored. With the purpose of gathering the necessary data regarding the issues raised through this document, the data published on the websites of the relevant Institutions were mainly used. With all the numerous publications, especially those regarding the Laws and by-laws which were easier accessible, a challenge was collecting data on tobacco production in the past. In the absence of tobacco-planted surfaces, there is no data on the actual cost of tobacco production and data on incomes that will be generated for a given area of 1 ha. Possession of such information would allow for the most accurate identification of income for farmers but also for the level of incomes that will be generated from the taxes that will be accumulated.

# Chapter 5: Communication and consultation

[List here the main stakeholders, identified in Figure 4 of Chapter Problem Definition. List the main conclusions that followed from the consultation activities in the text. List all the consulting activities that are performed in the table below. Attach annexes on consultation and communication activities, such as press releases, reports from events, etc. If any of the stakeholders have not been consulted, explain why. If important stakeholders were invited to participate in the consultation activities but did not attend, state the event the invitation was sent for, in which the stakeholder did not participate. In addition, explain what other actions have been taken to see if interested parties will be able to engage in consultation activities.]

During the preparation of the Legislative Strategy 2018 and of the Government Program of the Republic of Kosovo 2017-2021, information was gathered for informative purposes by direct and indirect methods, including issues related to improving the support of tobacco and cigarettes producers.

The working group has managed to carry out a communication and internal consultation process, communicating the Government's goals towards improving the support of tobacco and cigarette producers.

Explain in detail how stakeholders were consulted.

Figure 7: Overview of communication and consultation activities conducted for a concept document

|  |
| --- |
| The consultation process aims at: Addressing the interests of all involved parties, taking into account the best opportunities and experiences in this field.* [insert information here]
* [When the CD is sent for public consultations, the budget column should be deleted.]
* [When the CD is sent for public consultations, the column heading 'Indicative Time Limit' should be changed to 'Time Limit'.]
 |
| **Main goal** | **Target group** | **Activity** | **Communication/notice** | **Indicative time limit** | **Budget needed** | **Responsible person** |
| Open meeting for all stakeholders | All stakeholders | Public meeting |  |  |  |  |
| Public consultation in writing | All stakeholders | Publication of consultation on the website for public consultation |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

# Chapter 6: Comparing options

The working group during the drafting of the concept document has reviewed the three following options:

Option 1: No Change Option

Option 2: The option on improvement of implementation and enforcement

Option 3: The third option on supplementing and amending of the regulatory in the field of Tobacco and Cigarette Production

Option 1, implies not changing the current regulatory, which means maintaining the status quo and hence having a negative effect on economic development, employment with emphasis on rural areas, tobacco production capacities in Kosovo and trade balance. Therefore, this option is not recommended.

## Chapter 6.1: Implementation plans for various options

Option 2, improvement of implementation and enforcement is not applicable as there is currently no supportive regulatory to support tobacco and cigarette producers in Kosovo. Avoidance of shortcomings has to continue by supplementing regulatory changes in support of domestic production.

Figure 8: Implementation Plan for Option 2

|  |  |  |
| --- | --- | --- |
| Policy goal | Improvement of implementation and enforcement | Expected costNot applicable |
| Strategic objective | Economic Development and Employment |
|  | In the absence of a regulation for the support of tobacco and cigarette production, there are no Products and Activities in this option. |

Option 3 - recommended by the Working Group includes supplementing the regulatory changes in the field of Tobacco and Cigarette Production. Activities to be undertaken in the short and medium term are as follows:

1. Amendment of the decision of the Government of the Republic of Kosovo no. 11/64, dated 16.12.2015.

2. Amendment and supplementation of Law no. 03/L-220 amending and supplementing the Law no. 03/L-112 on excise tax in Kosovo;

3. Amendment and supplementation of the Administrative Instruction (MAFRD) on the measures and criteria of support in rural development for the upcoming year 2019;

4. In the agricultural development policies for the upcoming years, the subsidization of tobacco produced in Kosovo should be planned at a value of 1 euro/kg.

These actions will have a positive effect, resulting in increased economic growth, employment growth with emphasis on rural areas, development of tobacco production capacities in Kosovo, and improved trade balance. This option is therefore recommended.

Figure 9: Implementation Plan for Option 3

|  |  |  |
| --- | --- | --- |
| Policy goal | Economic Development and Employment in Kosovo | Expected cost |
| Strategic objective | Creation of a favourable environment for the development of local Tobacco and Cigarette producers |
|  | Product, activities, year and responsible organization/department |
| Specific objective 1Increase of cultivation and reviving of the tobacco industry in Kosovo | Product 1.1Cultivation of tobacco in Kosovo increased |  |  |
|  | Year 1 | Year 2 | Responsible institution/department |  |
| Activity 1.1.1 | Amendment of the Decision of the Government of the Republic of Kosovo no. 11/64 of 16.12.2015 and enforcement |  | GRK |  |
| Activity 1.1.2 | Amendment and supplementation of Law no. 03/L-220 amending and supplementing the Law no. 03/L-112 on excise tax in Kosovo; |  | MoF |  |
| Activity 1.1.3 | Amendment and supplementation of the Administrative Instruction (MAFRD) on the measures and criteria of support in rural development for the upcoming year 2019; |  | MAFRD |  |
| Activity 1.1.4 | In the agricultural development policies for the upcoming years, the subsidization of tobacco produced in Kosovo should be planned with a value of 1 euro/kg. |  | MAFRD |  |
| Product 1.2Increased cigarette production |  |  |
|  | Year 1 | Year 2 | Responsible institution/department |  |
| Activity 1.2.1 | Cigarette production in Kosovo, which will be destined for the local market and for export. The objective is intended at achieving the level of 300 tons of cigarette production in the first full year upon beginning the implementation of the legal changes. | Increase the production of cigarettes destined for export but also for the needs of the local market. The goal is to increase the amount of cigarettes produced in the second year, up to the 500 tons.  | Authorized cigarette producers MAFRD |  |
| Specific objective 2 | Product 2.1 | Etc. |  |  |  |  |
| Product 2.2 | Etc. |  |  |  |  |
| Specific objective N | Product N.1 | Etc. |  |  |  |  |

## Chapter 6.2: Comparison table with all three options

Figure 10: Comparing options

|  |
| --- |
| **Comparing method:**  |
| **Relevant positive impacts** | Option 1: No change | Option 2: Improving implementation and enforcement  | Option 3:  |
| Increased economic development | no | no | yes |
| Increase of the current number of jobs, with an emphasis on rural areas | no | no | yes |
| Developing tobacco and cigarette production capacities in Kosovo | no | no | yes |
| Increase of the number of new businesses | no | no | yes |
| Reduction of administrative burdens for farmers and businesses | no | no | yes |
| Increase of Foreign Direct Investments | no | no | yes |
| Loyal competition in the production of tobacco and cigarettes | no | no | yes |
| Increase of the overall welfare | no | no | yes |
| **Relevant negative impacts** |  |  |  |
| Slow economic development | yes | yes | no |
| Increase of unemployment rate | yes | yes | no |
| Non-utilization of resources | yes | yes | no |
| Low-level social well-being | yes | yes | no |
|  |  |  | no |
| **Relevant costs** | no | no | no |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Estimating the expected budgetary impact** | Year 1 | Year 2 | Year 3 | Year 1 | Year 2 | Year 3 | Year 1 | Year 2 | Year 3 |
| 0 | 0 | 0 | 0 | 0 | 0 | >+1.5mil.  | >+3 mil. | >+5 mil. |
| **Conclusion**  | Not recommended | Not recommended | Recommended |

Chapter 7: Conclusions and future steps

Option 3 is the preferred and recommended option for implementation by the Working Group. This option was estimated by the WG as the best which addresses the main problem of inadequate policies on supporting the tobacco and cigarette producers. The identified causes of the main problem are the following:

* Lack of legal regulatory to support/stimulate the tobacco and cigarette producers, and
* Uniform application of Excise tax for both importers and producers

These two reasons have led to non-cultivation of tobacco and the low cigarette production. Effects of not addressing the main problem are slow economic development, high unemployment rate in rural areas, low production capacities, which ultimately have the negative balance of trade.

The recommended Option 3 includes the supplementation and amendments of the regulatory in the field of Tobacco and Cigarette production in order to increase the economic growth, employment growth with special emphasis on rural areas, development of tobacco and cigarette production capacities in Kosovo and improvement of the trade balance.

In order to achieve this goal, the Working Group recommends future steps such as the establishment of Working Groups for the purpose of implementing the following activities:

- Amending the Decision No. 11/64 of the Government of Republic of Kosovo dated 16.12.2015.

- Amending and supplementing the Law No. 03/L-220 on amending and supplementing the Law No. 03/L-112 on excise tax rate in Kosovo;

- Amending and supplementing the Administrative Instruction (MAFRD) on the measures and criteria on supporting the rural development for the coming year 2019, and the following years;

- Planning the subsidization of tobacco produced in Kosovo, at a value of 1 euro/kg, in the development policies of Agriculture for the following years.

*Figure 11: Implementation plan of the preferred option*

|  |  |  |
| --- | --- | --- |
| **Name of the Institution** | **Activity** | **Date/Deadline** |
| MoF | Preparing the concept document and submitting the proposal to the Government | July 2018 |
| Government | Approving of the proposed amendments | August 2018 |
| MAFRD | - Drafting of the Administrative Instruction on the measures and criteria on supporting the rural development for 2019; - Incorporation of support (subsidization) for tobacco planting | October 2018 |
| * MAFRD/Agency for Agricultural Development
* Municipalities (Directorates for Agriculture)
 | Organisation of trainings/public announcements for farmers and other stakeholders;  | October – November 2018 |

Chapter 7.1: Monitoring and evaluation provisions

7.1.1. Kosovo Customs and Excise Code No. 03-L-109 deals with the issue of import, export, production, processing and trade of tobacco and cigarettes and regulates the issue of supervision, reporting and control to entities licensed to produce or sell tobacco products. The provisions of this Code enable the monitoring and supervision of the implementation of the proposed legal changes.

7.1.2. Administrative Instruction (MTI) No. 04/2016 on determining the conditions and criteria for entities dealing with tobacco trade and its products also provides a legal basis for monitoring and assessing the implementation of the proposed legal changes.

7.1.3. Administrative Instruction (MAFRD) No. 3/2015 on determining the form, content and manner of issuing a license for the collection, industrial processing of tobacco and its products

Annex 1: The form of assessment on economic impact

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Economic impacts category** | **Main impact** | **Is this impact expected to happen?** | **Number of organizations, companies and/or individuals affected** | **Expected benefit or cost of the impact** | **Preferred level of analysis** |
| **Yes** | **No** | **High/low** | **High/low** |  |
| Jobs [[1]](#footnote-1) | Will the current number of jobs increase? | Yes |  | High for the farmers | High benefit for farmers | - |
| Will the current number of jobs be reduced? | - | No | - | - | - |
| Will it impact the level of payment? | Yes | - | High for the farmers | High benefit for farmers | - |
| Will it impact the ease of finding a job? | Yes | - | High for the farmers | High benefit for farmers | - |
| Doing business | Will it impact the access to finance for business? | - | No | Low | Low cost of impact | - |
| Will certain products leave the market? | - | No | - | - | - |
| Will certain products be allowed on the market? | - | - | - | - | - |
| Will businesses be forced to shut down? | - | No | - | - | - |
| Will new businesses be created? | Yes | - | High | High Benefit | - |
| Administrative burden | Will businesses be forced to fulfil their obligations of providing new information?  | - | No | - | - | - |
| Are the obligations of providing information to businesses simplified? | - | - | - | - | - |
| Trade | Are the current import flows expected to change? | Yes | - | High | High Benefit | - |
| Are the current export flows expected to change? | Yes | - | High | High Benefit | - |
| Transportation | Will there be any effect on the way of transportation of passengers and/or goods?  | - | - | - | - | - |
| Will there be any change in proper time of transportation of passengers and/or goods? | - | - | - | - | - |
| Investments | Are companies expected to invest in new activities? | Yes | - | High | High Benefit | - |
| Are companies expected to cancel or postpone the investments for another time? | - | - | - | - | - |
| Will the investments from diaspora increase? | Yes | - | High | High Benefit | - |
| Will the investments from diaspora be reduced? | - | No | - | - | - |
| Will foreign direct investments increase? | Yes | - | High | High Benefit | - |
| Will foreign direct investments be reduced? | - | No | - | - | - |
| Competitiveness | Will the business price of products, such as electricity, increase? | - | No | - | - | - |
| Will the price of business inputs, such as electricity, decrease? | - | No | - | - | - |
| Is innovation and research likely to be promoted? | Yes | - | Low | - | - |
| Is innovation and research likely to be hindered? | - | No | - | - | - |
| Impact on SMEs | Are the SMEs mostly affected companies? | Yes | - | High | High Benefit | - |
| Prices and competition | Will the number of goods and services available to the business or customers increase?  | Yes | - | High | High Benefit | - |
| Will the number of goods and services available to the business or customers be decreased? | - | No | - | - | - |
| Will the prices of existing goods and services increase? | - | No | - | - | - |
| Will the prices of existing goods and services be decreased? | - | - | - | - | - |
| Regional Economic Impacts | Will it impact any particular business sector? | Yes | - | High | High Benefit in Agriculture and Tobacco Industry | - |
| Is this sector focused in a particular region? | - | - | - | - | - |
| Overall economic development | Will it impact the future economic growth? | Yes | - | High | High Benefit | - |
| Can there be any effect on the inflation rate? | - | - | - | - | - |

Annex 2: The form of assessment on social impact

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Social impacts category** | **Main impact** | **Is this impact expected to happen?** | **Number of organizations, companies and/or individuals affected** | **Expected benefit or cost of impact** | **Preferred level of analysis** |
| **Yes** | **No** | **High/low** | **High/low** |  |
| Jobs[[2]](#footnote-2) | Will the current number of jobs increase? | Yes | - | High | High Benefit | - |
| Will the current number of jobs be reduced? | Yes | - | High | High Benefit | - |
| Are the workplaces affected in a particular business sector? | - | No | - | - | - |
| Will there be any impact on the level of payment? | - | - | - | - | - |
| Will it impact the ease of finding a job? | Yes | - | High | High Benefit | - |
| Regional social impacts | Are social impacts focused on a particular region or particular cities? | - | No | - | - | - |
| Working conditions | Will it impact the employees' rights? | - | No | - | - | - |
| Are the standards for work in hazardous conditions foreseen or abolished? | - | No | - | - | - |
| Will it have an impact on how to develop social dialogue between employees and employers? | - | No | - | - | - |
| Social inclusion | Will it have an impact on poverty? | Yes | - | High | High Benefit | - |
| Will it impact the access to social protection schemes? | Yes, it reduces the beneficiaries | - | High | High Benefit | - |
| Will the price of basic goods and services be changed? | - | No | - | - | - |
| Will it have an impact on financing or organizing social protection schemes? | Yes, saving | - | High | High Benefit | - |
| Education | Will it have an impact on primary education? | - | No | - | - | - |
| Will it have an impact on secondary education? | - | No |  | - | - |
| Will it have an impact on higher education? | - | No |  | - | - |
| Will it have an impact on vocational training? | Yes | - | Low | High Benefit | - |
| Will it have an impact on employees’ education and lifelong learning? | Yes | - | Low | High Benefit | - |
| Will it have an impact on the organization or structure of the education system? | - | No | - | - | - |
| Will it have an impact on academic freedom and self-government? | - | No | - | - | - |
| Culture | Does the option impact the cultural diversity? | - | No | - | - | - |
| Does the option impact the financing of cultural organizations? | - | No | - | - | - |
| Does the option impact the opportunities for people to benefit from cultural activities or to participate in them? | - | No | - | - | - |
| Does the option impact the preservation of cultural heritage? | - | No | - | - | - |
| Governance | Does the option impact the citizens' ability to participate in the democratic process? | - | - | - | - | - |
| Is every person treated equally? | - | - | - | - | - |
| Will the public be better informed about certain issues? | - | - | - | - | - |
| Does the option impact the way political parties function? | - | - | - | - | - |
| Will it have any impact on civil society? | - | - | - | - | - |
| Health and public safety [[3]](#footnote-3) | Will it have any impact on people's lives, such as life expectancy or mortality rate? | - | No | - | - | - |
| Will it impact the quality of food? | - | No | - | - | - |
| Will the health risk increase or decrease due to harmful substances? | - | No | - | - | - |
| Will there be health effects due to changes in noise levels or the quality of air, water and/or land? | - | No | - | - | - |
| Will there be health effects due to changes in energy use? | - | No | - | - | - |
| Will there be any health effects due to changes in waste disposal? | - | No | - | - | - |
| Will it have an impact on people's lifestyle, such as levels of interest in sport, changes in nutrition, or changes in the use of tobacco or alcohol? | - | No | - | - | - |
| Are there specific groups that face much higher risks than the others (determined by factors such as age, gender, disability, social group or region)?  | - | No | - | - | - |
| Crime and security | Will it impact the chances of catching the criminals? | - | No | - | - | - |
| Will it impact the potential profit from crime? | - | No | - | - | - |
| Will it impact the levels of corruption? | - | No | - | - | - |
| Will it impact the capacity of law enforcement? | - | No | - | - | - |
| Does it have any effect on the rights and security of victims of crime? | - | No | - | - | - |

Annex 3: The Form of assessment on environmental impacts

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Environmental impacts category** | **Main impact** | **Is this impact expected to happen?** | **Number of organizations, companies and/or individuals affected** | **Expected benefit or cost of impact** | **Preferred level of analysis** |
| **Yes** | **No** | **High/low** | **High/low** |  |
| Sustainable Climate and Environment | Will it have an impact on emissions of greenhouse gases (carbon dioxide, methane etc.)? |  | No |  |  |  |
| Will it impact the fuel consumption? |  | No |  |  |  |
| Will the diversity of sources used for power generation change? |  | No |  |  |  |
| Will there be any price changes for environment-friendly products? |  | No |  |  |  |
| Will certain activities become less polluting? |  | No |  |  |  |
| Air quality | Will it have an impact on the emission of air pollutants? |  | No |  |  |  |
| Water quality | Does the option impact the freshwater quality? |  | No |  |  |  |
| Does the option impact the groundwater quality? |  | No |  |  |  |
| Does the option impact the drinking water sources? |  | No |  |  |  |
| Land quality and land use | Will it have an impact on land quality (in terms of acidification, contamination, use of pesticides or herbicides)? |  | No |  |  |  |
| Will it have an impact on soil erosion? |  | No |  |  |  |
| Will the land be lost (through construction, etc.)? |  | No |  |  |  |
| Will the land be gained(through decontamination, etc.)? |  | No |  |  |  |
| Will there be any change in the use of (e.g. from forestry use to agricultural or urban use)? |  | No |  |  |  |
| Waste and Recycling | Will the amount of waste generated change? |  | No |  |  |  |
| Will it change the ways of waste treatment? |  | No |  |  |  |
| Will there be an impact on the possibilities for waste recycling? |  | No |  |  |  |
| Use of resources | Does the option impact the use of renewable resources (fish stocks, hydroelectric power plants, solar energy, etc.)? |  | No |  |  |  |
| Does the option impact the use of non-renewable resources (ground water, minerals, coal, etc.)? |  | No |  |  |  |
| The degree of environmental risks | Will there be any effect on likelihood of risks, such as fires, explosions, or accidents? |  | No |  |  |  |
| Will it impact the readiness in case of natural disasters? |  | No |  |  |  |
| Will it impact the protection of society from natural disasters? |  | No |  |  |  |
| Biodiversity, flora and fauna | Will it have an impact on protected or endangered species or in the areas where they live? |  | No |  |  |  |
| Will it impact the size or connections between the natural areas? |  | No |  |  |  |
| Will there be any effect on the number of species in a particular area? |  | No |  |  |  |
| Animal welfare | Will it impact the animal treatment? |  | No |  |  |  |
| Will it impact the animal health? |  | No |  |  |  |
| Will it impact the quality and safety of animal feed? |  | No |  |  |  |

Annex 4: The Form of assessment on the impact of fundamental rights

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Impact on fundamental rights category** | **Main impact** | **Is this impact expected to happen?** | **Number of organizations, companies and/or individuals affected** | **Expected benefit or cost of impact** | **Preferred level of analysis** |
| **Yes** | **No** | **High/low** | **High/low** |  |
| Dignity | Does the option impact the dignity of people, their right to life or the integrity of a person? |  | No |  |  |  |
| Freedom | Does the option impact the individuals' right to freedom? |  | No |  |  |  |
| Does the option impact the right to privacy of a person? |  | No |  |  |  |
| Does the option impact on the right to marry or create a family? |  | No |  |  |  |
| Does the option impact on the legal, economic or social protection of individuals or family? |  | No |  |  |  |
| Does the option impact the freedom of opinion, conscience or religion? |  | No |  |  |  |
| Does the option impact the freedom of expression? |  | No |  |  |  |
| Does the option impact the freedom of assembly or association? |  | No |  |  |  |
| Personal data | Does the option include the processing of personal data? |  | No |  |  |  |
| Are the rights of the individual to access, correction and objection guaranteed? | Yes |  |  |  |  |
| Is it clear and well protected the way in which personal data is processed? | Yes |  |  |  |  |
| Asylum | Does this option impact the right to asylum? |  | No |  |  |  |
| Property rights | Will it impact the property rights? |  | No |  |  |  |
| Does the option impact the freedom of doing business? |  | No |  |  |  |
| Equal treatment[[4]](#footnote-4) | Does the option protect the principle of equality before the law?  | Yes |  |  |  |  |
|  | Are certain groups likely to be directly or indirectly impacted by discrimination (e.g. any discrimination based on gender, race, colour, ethnicity, political opinion or other, age or sexual orientation)?  |  | No |  |  |  |
|  | Does the option impact the rights of people with disabilities? |  | No |  |  |  |
| Children's rights | Does the option impact the children's rights? |  | No |  |  |  |
| Good administration | Will the administrative procedures become more complicated? |  | No |  |  |  |
|  | Will it impact the way in which the administration makes decisions (transparency, procedural deadline, the right to access a file, etc.)? |  | No |  |  |  |
|  | For criminal law and foreseen punishments: will it impact the rights of the defendant? |  | No |  |  |  |
|  | Will it impact the access to justice? |  | No |  |  |  |

1. When it affects the jobs, it will also affect the society. [↑](#footnote-ref-1)
2. When it affects the jobs, it will also affect the economy. [↑](#footnote-ref-2)
3. When it has an impact on public health and safety then it regularly has environmental impacts. [↑](#footnote-ref-3)
4. Gender equality is addressed in the *Gender Impact Assessment* [↑](#footnote-ref-4)