

REGULATION NO. 2000/33

UNMIK/REG/2000/33

25 May 2000

ON LICENSING OF SECURITY SERVICES PROVIDERS IN KOSOVO AND THE REGULATION OF THEIR EMPLOYEES

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council [resolution 1244 \(1999\)](#) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) [Regulation No. 1999/1](#) of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK [Regulation No. 2000/1](#) of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

For the purpose of licensing and regulating international security services providers in Kosovo,

Hereby promulgates the following:

Section 1**ISSUANCE OF LICENSES**

1.1 Any business providing security services in Kosovo is required to be registered with and issued a business license by UNMIK. The Department responsible for such registration and for the issuance of such licenses (hereinafter "the Department") shall be specified in an administrative direction.

1.2 An international security services provider who wishes to engage in the business of providing security services in Kosovo shall apply to the Department for a license in accordance with guidelines and procedures to be determined by the Department.

1.3 Prior to issuing a license for the provision of security services, the Department shall seek and consider the advice of the UNMIK Police Commissioner (hereinafter "the Commissioner").

1.4 The Department shall issue administrative instructions specifying the criteria and procedures for applications for business licenses for security services providers, which shall include the review of all such applications by the Commissioner. The Department may from time to time amend administrative instructions issued under this section.

Section 2**REGISTRATION AND ISSUANCE OF PERMITS**

2.1 Upon receiving a license to operate, the international security services provider (hereinafter "the Licensee") shall register itself and its employees with the Commissioner, and apply for a permit to be issued for each employee.

2.2 The Commissioner may conduct a background check on the Licensee and on each registered employee. Such background check shall include checking whether or not an employee has a criminal record.

2.3 The Commissioner shall issue permits to the Licensee and to registered employees who, in the

opinion of the Commissioner, have a satisfactory record and who have the necessary background and experience to provide security services.

2.4 The Commissioner may issue a weapons permit to international staff, as specified herein, of a Licensee to carry weapons during periods of official duty as specified in the permit. Such permits shall not, however, be issued to the international staff who are nationals of the States in the territory of the former Socialist Federal Republic of Yugoslavia and/or States neighboring Kosovo.

2.5 The Commissioner shall issue administrative instructions specifying the criteria and procedures for the application for permits and general conditions for the carriage, use and storage of weapons. The Commissioner may from time to time amend administrative instructions issued under this section.

Section 3

THE REGULATION OF WEAPONS OWNED BY SECURITY SERVICES PROVIDERS

3.1 The Licensee shall notify the Commissioner of all the weapons in its possession and the international staff to whom such weapons are assigned.

3.2 The Licensee shall not increase the number of weapons in its possession without the prior approval of the Commissioner.

3.3 It shall be the responsibility of the Licensee to maintain the weapons in its possession in an armory or other secure facility approved by the Commissioner.

3.4 The Licensee shall ensure that only international staff whose permits so authorize may carry weapons and only when such staff are on official duty. The Licensee shall also ensure that all weapons are returned to the armory or other secure facility, as the case may be, at the close of duty each day.

Section 4

REFUSAL, SUSPENSION OR REVOCATION OF LICENSES AND PERMITS

4.1 The Department or the Commissioner may, in their sole discretion, refuse to issue a License or permit to an applicant. The reason for the decision shall be communicated to the applicant.

4.2 Where a Licensee or permit holder breaches a material provision of the license or permit, or breaches a regulation or other law in force in Kosovo, the Department or the Commissioner may suspend or revoke the license or permit.

Section 5

LIMITATIONS AND RESPONSIBILITIES OF SECURITY SERVICES PROVIDERS

As the primary role of the international security guard is deterrence, no license holder, security guard or other employee of a license holder may conduct investigations into criminal matters or conduct law enforcement functions. A license holder shall be responsible for the actions of himself and his employees, including security guards, while conducting business as a provider of security services.

Section 6

PENALTIES

6.1 It shall be an offence for any person in Kosovo to operate or be involved in the operation of a

business which includes the provision of security services in Kosovo without first obtaining a business license from the Department, or to continue to so operate or be involved, pending the suspension of, or after revocation of, any such license.

6.2 It shall further be an offence for any person in Kosovo to operate a business which includes the provision of security services in Kosovo without first obtaining a permit from the Commissioner.

6.3 It shall also be an offence for any person to work as a security guard in Kosovo without a permit, issued in his name, by the Commissioner.

6.4 Any person committing an offence under section 6.1 or 6.2 or 6.3 above shall, on conviction, be liable to a prison term of not more than five years, a fine of one thousand Deutsche marks, or both, and an order for costs.

6.5 The Commissioner may confiscate without compensation any guns, ammunition or other security equipment which, in his view, is being held or used without a license or permit or in any way not in compliance with the terms of any license or permit. Such confiscated arms, ammunition or equipment may be used by the Commissioner for police purposes.

Section 7

IMPLEMENTATION

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 8

APPLICABLE LAW

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 9

ENTRY INTO FORCE

The present regulation shall enter into force on 25 May 2000.

Bernard Kouchner
Special Representative of the Secretary-General