

**LAW No. 05/L-010**

**ON KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY**

**The Assembly of the Republic of Kosovo;**

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

Approves:

**LAW ON KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

The present Law prescribes organizing, duties, and responsibilities of the Kosovo Property Comparison and Verification Agency (hereinafter the Agency).

**Article 2  
Scope**

The present Law deals with resolution of claims with respect to private immovable property, including agricultural and private commercial property and resolution of discrepancies between the original pre June 1999 cadastral records removed from Kosovo by Serbian authorities and the present day cadastral records in Kosovo with respect to private property, private commercial property and private property of religious communities.

**Article 3  
Definitions**

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

1.1. **Agency** - Kosovo Property Comparison and Verification Agency;

1.2. **Board** - Supervisory Board of the Agency;

1.3. **Secretariat** - Executive Secretariat;

1.4. **PCC** - Property Claims Commission;

1.5. **PVAC** - Property Verification and Adjudication Commission;

1.6. **Law No. 04/L-274** - Law No. 04/L-274 on the Ratification of the International Agreement between the Republic of Kosovo and the European Union on the Mission of

the European Union Rule of Law Mission in Kosovo (Official Gazette of the Republic of Kosovo/ No.32/15 May 2014).

## **CHAPTER II**

### **KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY**

#### **Article 4**

#### **Functions and responsibilities of Kosovo Property Comparison and Verification Agency**

1. The Agency is an independent Agency established according to article 142 of the Constitution of the Republic of Kosovo with temporary mandate.

2. The responsibilities of the Agency are:

2.1. to receive, compare and through the PVAC have the competence to resolve discrepancies between the original pre June 1999 cadastral records removed from Kosovo by Serbian authorities and the present day cadastral records in Kosovo with respect to private property, private commercial property and private property of religious communities;

2.2. through the PCC to resolve the following categories of war-related claims in Kosovo, involving circumstances directly related to or resulting from the war that occurred between 27 February 1998 and 20 June 1999, which were previously submitted to the Kosovo Property Agency, where the claimant is currently not able to exercise such property rights:

2.2.1. ownership claims with respect to private immovable property, including agricultural and commercial property; and

2.2.2. claims involving property use rights in respect of private immovable property, including agricultural and commercial property.

2.3. to implement Decisions of PCC, PVAC and Housing Property Claim Commission;

2.4. to administrate property on the request of successful claimant;

2.5. to implement voluntary rental scheme for properties under the administration of the Agency.

3. Nothing in this article shall prejudice the rights of claimants to pursue before courts of competent jurisdiction claims that do not involve the claims described in paragraph 2. of this article and those which were not submitted within the claims filing deadline.

#### **Article 5**

#### **Organization of the Agency**

1. The Agency is composed of:

- 1.1. Supervisory Board of the Agency;
- 1.2. Executive Secretariat;
- 1.3. Property Claims Commission (PCC);
- 1.4. Property Verification and Adjudication Commission (PVAC).

### **Article 6**

#### **The Supervisory Board of the Agency**

1. A Board shall supervise the administrative work of the Agency and provides overall direction and policy guidance to the Agency.
2. The Board shall consist of five (5) members. Appointment of Board members is done in accordance with Law No. 04/L-274: Two (2) members shall be appointed by the Assembly of the Republic of Kosovo as proposed by the Prime Minister. Three (3) members shall be appointed by the European Union Special Representative (EUSR). Chairman of the Board is elected by the Supervisory Board.
3. Members of the Board shall serve for a term of three (3) years, which may be renewed.
4. No person may become or remain a member of the Board if such person:
  - 4.1. has been convicted, after due process and in accordance with international standards, to imprisonment of six (6) months or more;
  - 4.2. has been excluded or suspended for professional misconduct from the exercise of his or her profession; or
  - 4.3. has interests that are in a conflict with his/her responsibilities under the present Law.
5. Members of the Board shall be removed from duty by their appointing authority, if he or she:
  - 5.1. becomes ineligible to serve as a member of the Board according to paragraph 4. of this Article;
  - 5.2. uses his or her office in a manner that is not consistent with his/her official duties and responsibilities set out in the present Law; or
  - 5.3. neglects his or her duties under the present Law.
6. The Board will not participate in the process by which the Commission adopts its decisions on individual claims or cases.
7. Board members shall receive remuneration for serving as a member of the Board. The level of remuneration shall be determined by the appointing authority.

8. The rules of procedure and general principles of the Board may be set out by subsidiary legislation approved by the Government of the Republic of Kosovo.

### **Article 7** **Executive Secretariat**

1. The Secretariat has a Director and Deputy Director. The Director and Deputy Director shall be appointed by the Assembly after proposal by the Prime Minister with five (5) year term, without reappointment right.

2. Three (3) months prior to the expiring of mandate of the Director and Deputy Director of the Agency, the agency informs the Prime Minister in order to initiate the procedure for selecting a new Director and Deputy Director.

3. In cases when the position is vacant due to resignation or other reasons, the Board shall appoint the acting in accordance with the rules based on employees chart in the agency in accordance with the applicable laws.

4. The object of comparing and deciding, if there are differences or discrepancies, are documents on private property, private commercial property and private property of religious communities and cases when in one of cadastral records, property is evidenced as private immovable property.

5. Criteria for appointment of the Director and Deputy Director including procedure of appointing the acting for these positions are regulated by bylaws issued by the Government.

6. The responsibilities of the Secretariat shall include collecting and registration of cases based on the scanned original versions of the pre June 1999 cadastral records removed from Kosovo by Serbian authorities as provided by/through the European Union Special Representative, the comparison of these with the cadastral records in Kosovo so as to identify gaps or discrepancies between the two sets of documents, and:

6.1. in cases when no gap or discrepancy is found, the original case files including a decision of Secretariat shall be handed over to the Kosovo Cadastral Agency;

6.2. in cases when gaps or discrepancies are found, the notification of parties named on the cadastral documents, and the preparation of cases and replies to cases for consideration by the PVAC have to take place.

7. The Secretariat shall continue to support the PCC as per Article 8 of this Law in the adjudication of claims already submitted to the Kosovo Property Agency. In this respect, the Secretariat shall undertake the notification of parties and the preparation of claims and replies to claims for consideration by the PCC. The Secretariat shall have the authority to dismiss claims that are manifestly not acceptable and clearly not within the scope of the jurisdiction of the Agency.

8. The duties, responsibilities and organization of the Secretariat may be set out in detail in subsidiary legislation approved by the Government of the Republic of Kosovo according to the proposal of Secretariat, while internal procedures which shall be in compliance with the law and subsidiary legislation issued to implement the present law, shall be approved by the executive director according to the proposal of Secretariat in consultation with Board.

## **Article 8**

### **Property Claims Commission**

1. The PCC as established by Law 03/L-079 on amending UNMIK Regulation 2006/50 on the resolution of claims relating to private immovable property, including agricultural and commercial property shall remain in place and continue to adjudicate the claims submitted to the Kosovo Property Agency until all of the claims submitted have been adjudicated, and it shall be activated as needed and paid for the sessions held.

2. PCC shall consist of three (3) members. One (1) member shall be appointed by the Assembly of the Republic of Kosovo following the proposal of the President of the Supreme Court of the Republic of Kosovo. The current mandate of two(2) international members of the PCC, who are appointed in accordance with Law No. 04/L-274, shall continue under the terms and provisions set out in the decision on appointment.

## **Article 9**

### **Property Verification and Adjudication Commission (PVAC)**

1. The PVAC shall be composed of five (5) members. Two (2) members of PVAC shall be appointed by the Assembly of the Republic of Kosovo upon the nomination of the President of the Supreme Court of the Republic of Kosovo, while three (3) out of five (5) members of Commission, including one (1) representative of non-majority communities, shall be appointed by the EUSR. The Chairperson of the PVAC shall be appointed by members of the PVAC.

2. The Assembly, in consultation with the PVAC, may establish additional panels of the PVAC, whose members shall be appointed pursuant to paragraph 1. of this Article.

## **Article 10**

### **Appointment and Removal of the Members of the Commissions**

1. Members of the Commissions from Articles 8 and 9 of this Law shall be professionals in the field of property rights and competent to hold judicial positions.

2. Members of the Commissions shall be appointed by their respective appointing authority as stipulated in Articles 8.2. and 9 of this law for a term of three(3) years and they may be re-appointed.

3. Members of the Commission may be removed from office by the respective appointing authority, as stipulated in articles 8.2. and 9. of this Law on the recommendation of a majority of the members of the Commission or due to the persistent and unjustified failure to perform the duties of office.

4. A member of the Commission shall be disqualified from participating in the proceedings when conditions for disqualification as set forth in the Law on General Administrative Procedures and Law on Preventing Conflict of Interest in Exercising Public Function.

5. Persons with a legal interest in the proceedings may request disqualification of a member of the Commission by a request made in writing to the Chair of the Commission.

6. The respective Commission shall decide upon disqualification of members of the Commission.

7. Duties, responsibilities and rules of procedure of the Commission may be set out in detail in subsidiary legislation approved by the Government of the Republic of Kosovo upon proposal of Secretariat.

### **CHAPTER III PROCESSING OF PROPERTY CLAIMS AND ADJUDICATION BY PROPERTY CLAIM COMMISSION**

#### **Article 11**

##### **The Procedure for the processing of the property claims**

1. The Secretariat shall notify and send a copy of the claim to any person other than the claimant who is currently exercising or purporting to have rights to the property subject to the claim and makes possible efforts, including public announcement to notify any other person who may have a legal interest in the property. In appropriate cases, such reasonable efforts may take the form of an announcement in an official publication of the Secretariat.

2. Any person, other than the claimant who is currently exercising or purporting to have rights to the property subject to the claim or any other person who may have a legal interest in the claimed property shall be a party to the claim and the related proceedings, provided that such person informs the Secretariat of his or her intention to participate in the administrative proceedings within thirty (30) days of being notified of the claim by the Executive Secretariat in accordance with paragraph 1. of this article.

3. A person with a legal interest in the claim who did not receive notification of a claim may be admitted as a party at any point in the proceedings.

4. Within thirty (30) days of receiving a copy of the claim, the receiving party may submit to the Secretariat a reply to the claim.

#### **Article 12**

##### **Proceedings and Decisions of the Property Claims Commission**

1. Except as otherwise provided in the present Law or in a subsidiary legislation implementing the present Law, the provisions of the Law on Administrative Procedures shall be applicable *mutatis mutandis* to the proceedings of the PCC.

2. The Commission shall reach its decisions on the basis of the claim and the reply or replies to claim.

3. The Commission may:

3.1. join or consolidate claims for the purpose of their consideration and reaching decisions thereon where there are common legal and evidentiary issues to be considered;

3.2. delegate to the staff members of the Secretariat, assigned by the Director of the Secretariat to serve the Commission, certain claims review and evidentiary review functions, subject to the supervision and final approval of the Commission;

3.3. use the existing databases, programs and other electronic tools in order to expedite its decision-making; and

3.4. take any other procedural measures it considers appropriate to expedite its decision-making.

4. The Commission shall dismiss the whole or part of the claim when:

4.1. the claimant has failed to file a complete claim in accordance with the procedures set out in the present Law;

4.2. the claim is not falling under the competency of the Agency;

4.3. the claim has previously been considered and decided in a final administrative or judicial decision.

5. At the claimant's request and upon recommendation of the Secretariat, the Commission may grant provisional measures of protection, including an interim injunction, when the claimant has established a prima facie claim and if the provisional measures were not granted, will suffer irreparable damage.

6. Where the interests of justice so require, the Commission may request and consider further written submissions from the parties or hold a hearing of all parties involved, including witnesses and experts.

7. Minutes shall be prepared and maintained for all hearings before the Commission. The minutes shall constitute evidence of the content of the hearings.

8. A decision of the Commission on a claim shall be legally binding without prejudice to the right of appeal under Article 15 of this Law and the Agency shall notify the parties accordingly through serve the decision of respective Commission.

## **CHAPTER IV**

### **COMPARISON AND VERIFICATION OF CADASTRAL DOCUMENTS AND ADJUDICATION OF CASES WHERE A DISCREPANCY IN THE CADASTRAL DOCUMENTS IS IDENTIFIED**

#### **Article 13**

##### **Procedure of comparison**

1. The Agency shall be granted full access with no fees or charges to the cadastral records maintained in the Kosovo Cadastral Agency and all Municipal Cadastral Offices pursuant to its mandate.

2. Upon receiving of the cadastral data the Secretariat shall compare the copies against the pre 1999 cadastral records in the case file so as to identify any gaps in the cadastral records be they in the name of the land holder, the size and shape of the property or any other discrepancy that may arise between the documents that would impact on the ownership and registration of the property in the cadastral records.

3. In cases when there are no differences or discrepancies between the pre 1999 cadastral records and the cadastral records obtained by the Kosovo Cadastral Agency and the Municipal Cadastral Office, the Secretariat shall include these findings on the case file which shall then be forwarded to the Kosovo Cadastral Agency including a decision of Secretariat.

4. In cases when a difference or discrepancy is found between the pre 1999 cadastral records and the cadastral records obtained by the Kosovo Cadastral Agency and the Municipal Cadastral Office, the Secretariat shall undertake a full comparison of the documents against all available public archives and shall in addition make every possible effort, including public announcement to contact the person named in the documents, their heirs and family household members of the person named on the documentation and any institution in Kosovo which may hold information on the property in question in order to request evidence so as to be able to determine how the discrepancy came to be.

5. In order to provide information to any other person who is currently exercising or purporting to have rights to the property which is subject to the case, the Secretariat shall make possible efforts including public announcement so as to identify such persons. The methodology to identify such interested parties may include physical identification of the property or an announcement in an official publication of the Secretariat. Such interested parties shall be afforded thirty (30) calendar days to come forward to advise the Secretariat of their intention to participate in the administrative proceedings relating to the specific case.

6. A person with a legal interest in the case who did not receive notification of the case, may be admitted as a party at any point in the proceedings, until the Commission makes a decision on the case.

#### **Article 14**

##### **Decisions of the Property Verification and Adjudication Commission**

1. Except as otherwise provided in the present Law or in an subsidiary legislation implementing the present Law, the provisions of the Law on Administrative Procedures shall be applicable *mutatis mutandis* to the proceedings of the PVAC.

2. Following analysis and verification of all documents related to the gaps or discrepancy between the cadastral documents, the Secretariat shall submit the case to the PVAC for adjudication.

3. The Commission shall determine, based on the evidence submitted in the case file, the reply or replies from the parties or other interested persons and a recommendation provided by the Secretariat which cadastral records are legal, the actual registration in the cadastral registers of the institutions of the Republic of Kosovo or the registration as per the pre June 1999 cadastral records removed from Kosovo by Serbian authorities, and in cases where neither of the cadastral records are determined to be correct, the Commission shall determine the legal entry that should be registered in the Cadastre records in Kosovo. In making its decision the Commission should note the final and binding nature of the decisions of the authorized court and administrative institutions.

4. The Secretariat shall deliver decisions to both parties, in whose name the property was registered and to the interested third parties who joined the proceedings prior to the claim has been decided, in relation to the differences and discrepancies against the cadastral records.

5. Following the expiry of the appeal deadline, the Secretariat shall forward the original case to the Kosovo Cadastral Agency including the decision of the Commission.



## **Article 15**

### **The Right of Appeal**

1. Within thirty (30) days of the notification of the parties by the Agency on a decision of the PCC on a claim, or a Decision of the PVAC any party may submit through the Secretariat of the Agency to the Supreme Court of Kosovo an appeal against such decision.
2. Except if otherwise provided in the present Law or in any Subsidiary legislation implementing the present Law, the provisions of the Law on Contested Procedure shall be applicable *mutatis mutandis* to the appellate proceedings before the Supreme Court.
3. The appeal may be filed if:
  - 3.1. the decision involves a fundamental error or serious misapplication of the applicable material or procedural law; or
  - 3.2. the decision is based upon incomplete facts or an erroneous assessment of the facts.
4. On receipt of the appeal, the Agency through its Secretariat shall send a copy to a party or other parties, the appeal and the related file of the Commission to the Supreme Court of Kosovo.
5. Once an appeal has been filed to the Supreme Court of Kosovo by a party, the decision of the Commission cannot be executed as long as the case is pending at the Supreme Court of Kosovo.
6. If requested, the Secretariat of the Agency shall provide a dissatisfied party with information and guidance on the procedure to be followed in the preparation of an appeal to the Supreme Court of Kosovo.
7. Within thirty (30) days of receipt of a copy of the appeal, the party or other parties may submit a written response to the Supreme Court of Kosovo through the Secretariat of the Agency.
8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges. Two (2) members shall be appointed pursuant to the provisions of Law No. 04/L-274 and one (1) member shall be appointed on the proposal of the Kosovo Judicial Council and approval by the President of the Republic of Kosovo.
9. The Supreme Court of Kosovo may request reassessment or further clarification on the appealed decision from the Commission, or assistance from the Secretariat with respect to verification of additional information provided by the appellate parties.
10. Upon receipt of a written response from a party other than the appellant submitted in accordance with paragraph 7. of this Article, the Supreme Court of Kosovo may request and consider further written submissions by the parties or hold an oral hearing.
11. New facts and material evidence presented by any party to the appeal shall not be accepted and considered by the Supreme Court unless it is demonstrated that such facts and evidence could not reasonably have been known by the party concerned. If such facts and material

evidence are accepted, the Supreme Court may request the Commission's evaluation and observations thereon.

### **Article 16** **Decision on the Appeal**

1. The Supreme Court of Kosovo, duly, decides on the appeal based on the facts presented to this court and considered by the respective Commission.
2. The Supreme Court may, in the light of evidence properly adduced, make its own determination on facts evaluated by the respective Commission.
3. The Supreme Court shall:
  - 3.1. accept the appeal and make a new decision with any modifications that may be required in the decision of the respective Commission;
  - 3.2. dismiss the appeal as inadmissible on procedural grounds; or
  - 3.3. reject the appeal as unfounded and confirms the decision of the respective Commission.
4. The Supreme Court of Kosovo may decide upon joined or consolidated appeals where such jointer or consolidation has been decided upon by the respective Commission in accordance with Article 12 paragraph 3.1. of the present Law.
5. In interpreting the present Law or any Subsidiary Legislation implementing the present Law, the Supreme Court of Kosovo may take into account, with such modifications or qualifications as it considers necessary or appropriate in the given circumstances, the provisions of the applicable laws on the powers of the Supreme Court relating to civil procedures.
6. The decisions of the Supreme Court of Kosovo are final and enforceable and cannot be challenged through ordinary or extraordinary remedies.
7. The Agency through its Secretariat shall serve the Supreme Court's decision on the appeal against the PCC decision, to the parties.
8. The Agency through its Secretariat shall serve the Supreme Court's decision on the appeal against the PVAC decision, to the parties and to the Kosovo Cadastral Agency.

## **CHAPTER V EXECUTION OF DECISIONS**

### **Article 17 Execution of decisions**

1. The decision of the respective Commission shall become executable thirty (30) days following the date of notification of the decision to the parties if no appeal has been made to the Supreme Court of Kosovo.
2. The decision of the Supreme Court of Kosovo shall become executable thirty (30) days following the date of notification of the decision to the parties.
3. The Agency shall exercise the powers of execution of outstanding decisions of the respective Property Claims Commission, Judgments of Supreme Court issued on appeal against decisions of the Property Claims Commission and decisions of the Property Claims Commission which has not been executed by the Kosovo Property Agency or the Housing and Property Directorate. In exercising such powers of execution, the Agency shall have the rights, obligations, responsibilities and powers that the Kosovo Property Agency had.

### **Article 18 Remedies**

1. Remedies for the execution of a decision may include, but are not limited to eviction, placing the property under administration, a lease agreement, seizure and demolition of unlawful structures, auction and requests for registration in the registry for the rights of immovable property.
2. Prior to implementation of the remedies, seizure and demolition of unlawful structures, mediation for implementation of the decisions can be used.

### **Article 19 Eviction**

1. In the event of a decision involving the eviction of persons, the Agency shall deliver a decision confirming an order for eviction to the current occupant of the claimed property.
2. A decision confirming an order for eviction is executable after its delivery. The eviction order may be executed against any person occupying the property at the time of the eviction.
3. An eviction shall be executed by the responsible officer of the Agency, with the support of the law enforcement authorities. The said officer and authorities must be in possession of a warrant signed by the Director of the Secretariat.
4. During the execution of an eviction order, any person who fails to obey an instruction of the responsible officer to leave the property may be removed by the law enforcement authorities. In the event that movable property is also removed in connection with the execution of the eviction order, the Agency shall make reasonable efforts to minimize the risk of damage to or loss of such property.

5. The Agency shall notify the claimant and any person occupying the property of the scheduled date of the eviction. Following the execution of an eviction order, if the claimant is not present to take immediate possession of the property, the responsible officer shall seal the property, and notify the claimant.

6. If property is reoccupied within seventy two (72) hours after the date of the execution of an eviction order, upon notification by the claimant for illegal re-occupation of the property the Agency shall re-execute it once more by re-eviction of occupant from the property based on a newly issued warrant, following the procedure in paragraph 3-5 of this Article. For re-eviction the Agency shall inform the claimant of the day of re-eviction and invite him/her to be present. In case that claimant or his/her representative fails to participate in re-eviction, the Agency shall enforce eviction and issue repossession acknowledgment.

7. For any subsequent re-occupation of the same property, the rules of the general enforcement procedure shall be applicable based on the same decision/judgment and eviction order as an enforcement document.

#### **Article 20**

#### **Registration of the Decisions of PVAC in Cadastral Register**

Final decisions of the PVAC and an appeal decisions issued by the Supreme Court of Kosovo, by the executive secretariat shall be served to the parties and a copy provided to the Kosovo Cadastral Agency that shall update the Cadastre in Kosovo based on these final decisions. Fees in this respect are only payable by the property right holder/owner on the issuance of the updated cadastral records.

### **CHAPTER VI**

#### **ADMINISTRATION OF PROPERTIES AND APPLICATION OF THE VOLUNTARY RENTAL SCHEME**

#### **Article 21**

#### **Properties under administration of the Agency**

1. The Agency may decide to take immovable properties under its administration in any of the following circumstances:

1.1. by agreement of parties in settlement of a claim;

1.2. on the request of the claimant, following a decision by the Commission confirming the property right of the claimant;

1.3. following eviction of the current occupant, if the claimant fails to repossess the property after notification of the execution of the eviction.

2. For as long as a property is under the administration of the Agency (hereafter "property under administration"), the right of possession of the owner or occupancy right holder is suspended;

3. Properties under its administration can be rented by the Agency. The properties of identified owners or property right holder can be rented only with the owner's/user right holder's consent. The

income collected from the rent of the abandoned private property and socially owned property is held on deposit in a separate bank account for rightful owners, while the rent collected for properties with identified owners or property right holders is paid to the owner/user right holder. The Agency shall retain ten percent (10%) of the rental amount to cover administrative costs;

4. The Agency may issue an eviction order in relation to a property under administration at any time in any of the following circumstances:

4.1. where the current occupant denies to conclude rent contract or does not fulfill the conditions of the rent contract;

4.2. where the property is found to be illegally occupied;

4.3. where the owner request repossession of the property.

5. The owner or occupancy right holder of a property under administration may give notice to the Agency of his/her intention to return into possession of the property. Following a request from the owner or occupancy right holder, and in accordance with the provision of any rental contract entered into by the Agency, the Agency shall deliver an eviction order requiring the current occupant to vacate the property within ninety (90) days of delivery of the order and if current occupant or lessee fails voluntarily to vacate the property, the Agency shall issue a warrant authorizing execution of the eviction order. The administration of the property by the Agency terminates upon repossession of the property by the owner or occupancy right holder.

6 The Agency shall make reasonable efforts to minimize the risk of damage to any property under its administration. The Agency shall bear no responsibility for any damage of property under its administration or loss of or damage to its contents.

7. The Agency shall administer the properties and implement the rental scheme in accordance with this article, at latest eighteen months (18) from the entry into force of the present Law.

8. The Agency is obliged to inform all property right holders or possession right holders who have their properties under the administration of the Agency or under the rental scheme, about the deadline for the end of administration of their property by the agency, as well as the deadline for the submission of a request for repossession or for the case closure.

## **CHAPTER VII TRANSITIONAL PROVISIONS**

### **Article 22**

#### **Transfer of Competencies to the Agency**

1. The authority to administer residential properties previously under the authority of the Housing and Property Directorate, as established by UNMIK Regulation 1999/23 on the Establishment of the Housing and Property Directorate and the Housing and Property Claims Commission, shall be transferred to the Agency.

2. The authority to administer residential, commercial and agricultural properties following a successful claim made to the Kosovo Property Agency, established by UNMIK Regulation

2006/10, amended by UNMIK Regulation and Assembly of Kosovo Law 03/L-079 on the Resolution of Claims Relating to Private Immovable Property, Including Agricultural and Commercial Property, shall be transferred to the Agency.

3. The authority to operate the voluntary rental scheme established by the Kosovo Property Agency, shall be transferred to the Agency.

4. The Agency shall exercise the powers of execution in relation to any decision or eviction order of the Property Claims Commission and Housing Property Claim Commission which has not been executed by the Kosovo Property Agency. In exercising such powers of execution, the Agency shall have the rights, obligations, responsibilities and powers that the Kosovo Property Agency had.

5. The Agency shall succeed to the responsibilities of the Housing and Property Directorate under Article 4 of UNMIK Regulation No. 2000/60 on the restitution of occupancy rights to socially owned apartments lost as a result of discrimination. It shall implement its provisions in accordance with criteria and procedures adopted by the Agency for calculating the amounts under the article referred to in this paragraph.

### **Article 23**

#### **Transfer of Assets, contractual obligations and budget**

1. Upon entry into force of this Law the physical assets of the Kosovo Property Agency and those assets previously transferred to the Kosovo Property Agency from the Housing and Property Directorate shall be transferred to the Agency.

2. Upon entry into force of this Law the rights and obligations of the Kosovo Property Agency under all contracts and the rights and obligations of the Housing and Property Directorate previously transferred to the Kosovo Property Agency, shall be transferred to the Agency.

3. Upon entry into force of this Law the Kosovo Budget appropriations of the Kosovo Property Agency shall be transferred to the Agency along with any additional appropriations derived from this Law. The donor funds appropriated to the Kosovo Property Agency will be transferred to the Agency with the written agreement of the Government and the donor organization concerned.

### **Article 24**

#### **Transfer of staff and extension of appointments**

1. Upon entry into force of this Law the staff of the Kosovo Property Agency shall be transferred to the Agency in so far as their position is still required to be undertaken in the Agency. The Agency within three (3) months of entry into force of this Law shall formalize contractual obligations with the transferred staff.

2. All persons appointed by the Assembly of Republic of Kosovo according to Law No.03/L-079 on amending UNMIK Regulation 2006/50 on the resolution of claims relating to private immovable property, including agricultural and commercial property shall continue to keep their positions until their expiration of their current appointment and the persons so appointed shall act in accordance with the provisions of the present Law.

3. Internationals appointed to the Board, the Secretariat and the panel of Supreme Court made in compliance with the Law 04/L-274 on Ratification of the International Agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo shall continue until they are superseded by appointments made in compliance with this Law and the

persons so appointed shall act in accordance with the provisions of the present Law.

4. Internationals appointed in Property Claims Commission conducted in accordance with the Law 04/L-274 on Ratification of the International Agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo will continue until the expiry of the deadline for which they were nominated and appointed persons shall act under the provisions of this Law.

5. International members shall not be entitled to receive any remuneration for serving as a member of the Board, from the Kosovo Budget.

6. International members and judges appointed in accordance with Law 04/L-274 on Ratification of the International Agreement between the Republic of Kosovo and the European Union on the European Union Rule of Law Mission in Kosovo, and with this law shall continue to receive the salary specified in the terms of their appointment.

#### **Article 25**

##### **Claims before courts**

The provisions of the present Law shall apply to any claim under Article 4.2. of the present Law which has been submitted to a court of competent jurisdiction, provided that judicial proceedings in respect of such claim have not commenced prior to the date of establishing the Agency.

#### **Article 26**

##### **Applicable Rules until approving new by laws**

Annex I, II and III, of the Law No. 03/L-079, on amending UNMIK Regulation No.2006/50 on the resolution of claims relating to private immovable property, including agricultural and commercial property shall continue to be into force until such time as the Government of Kosovo approve subsidiary legislation, provided that they are not in contradiction with this Law.

#### **Article 27**

##### **Agency Budget**

The Agency shall prepare and manage the budget, in accordance with the Law on Public Financial Management and Accountability.

#### **Article 28**

##### **Salaries and compensations**

1. Salaries and allowances for employees of the Agency shall be based on the specific conditions under which they perform their duties and functions.

2. The basic salaries and any allowances for the employees of the Agency shall be defined and paid in accordance with procedures established by the applicable legislation.

#### **Article 29**

##### **Acceptance of Donations**

The Agency may accept additional donations from local and international donors of which the

Assembly of the Republic of Kosovo is notified and which do not affect the financial independence of the Agency and are not contrary to the law and do not affect the independence of the Agency or its rights from the Budget of the Republic of Kosovo.

## **CHAPTER VIII FINAL PROVISIONS**

### **Article 30 Implementation**

The Government of Republic of Kosovo, on proposal of the Agency, shall issue subsidiary legislation for implementation of this law within the period of ninety (90) days from entry into force of this Law.

### **Article 31 Supersedes**

1. After entering into force, this Law shall supersede:

1.1. Law No. 03/L-079, on amending UNMIK Regulation No.2006/50 on the resolution of claims relating to private immovable property, including agricultural and commercial property, amended and supplemented by Article 5 of Law No. 04/L-115 on Amending and Supplementing laws regarding the ending of international supervision of Independence of Kosovo;

1.2. UNMIK Regulation No.2006/50 on the resolution of claims relating to private immovable property, including agricultural and commercial property;

1.3. UNMIK Regulation No. 2006/10 on the resolution of claims relating to private immovable property, including agricultural and commercial property;

1.4. UNMIK Regulation No. 2000/60 on residential property claims and the rules of procedure and evidence of the Housing and Property Directorate and the Housing and Property Claim Commission;

1.5. UNMIK Regulation No.1999/23 on the establishment of the Housing and Property Claim Directorate and Housing and Property Claim Commission.

### **Article 32 Entry into Force**

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

**Law No. 05/L-010  
9 June 2016**

**Promulgated by Decree No.DL-038-2016, dated 28.10.2016, President of the Republic of Kosovo Hashim Thaçi.**