

LAW NO. 08/L -052

**ON AMENDING AND SUPPLEMENTING THE LAW No. 05/L- 010 ON
KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY**

Assembly of the Republic of Kosovo;

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

Adopts:

**LAW ON AMENDING AND SUPPLEMENTING THE LAW No. 05/L- 010 ON
KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY**

**Article 1
Purpose**

The purpose of this Law is to amend and supplement the Law No. 05/L-010 on Kosovo Property Comparison and Verification.

Article 2

Article 2 of the basic Law shall be reworded with the following text:

**Article 2
Scope**

The aim of this Law is the comparison, verification, 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 the Republic of Kosovo with respect to private property, private commercial property and property of religious communities; resolution of remaining claims with respect to private immovable property, including agricultural and private commercial property; as well as recognition and formalization of uncontested and legitimate property rights conveyed informally between parties prior to 24 March 1999 and currently exercised under Kosovo laws.

Article 3

Article 3 of the basic Law, paragraph 1, new sub-paragraphs 1.6, 1.7, and 1.8 shall be added, while sub-paragraph 1.6 of the basic Law shall be replaced and shall be numbered 1.9 with the following text:

1.6. **HPCC** – Housing and Property Claims Commission;

1.7. **Discrepancy** - cases where in the original cadastral documents taken in Kosovo from Serbian authorities before June 1999 and the current cadastral documents in the Republic of Kosovo, there are substantial changes that directly affect property rights or the property right holder;

1.8. **Gap** - cases where original cadastral documents taken in Kosovo from Serbian authorities before June 1999 and the current cadastral documents in the Republic of Kosovo, contain any technical but not substantial gap, which does not affect in any way in property rights or property right holders and that can be technically corrected;

1.9. Law on the Ratification of the International Agreement- the applicable Law on the ratification of the international agreement between the Republic of Kosovo and the European Union referring to the appointment of international members of KPCVA's bodies.

Article 4

Article 4 of the basic Law shall be amended and supplemented with the following text:

Article 4 Duties and Responsibilities of the Kosovo Property Comparison and Verification Agency

1.The KPCVA is an independent institution established according to Article 142 of the Constitution of Republic of Kosovo and the Law No.05/L-010 on Kosovo Property Comparison and Verification Agency.

2. The responsibilities of the KPCVA are the following:

2.1. receives, compares and, through the PVAC, resolves gaps and discrepancies between the original pre- June 1999 cadastral records removed from Kosovo by Serbian authorities and the current cadastral records in Kosovo with respect to private property, private commercial property and property of religious communities;

2.2. through the PCC, shall continue to review the following categories of claims filed during the mandate of the Kosovo Property Agency that are 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:

2.2.1. ownership claims in respect of private immovable property, including agricultural and commercial property;

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

2.3. receives, reviews and, through the PCC, adjudicates requests for legal recognition of uncontested and legitimate property rights on immovable property, which were informally transacted prior to 24 March 1999, the formal transfer of which was prohibited by discriminatory legislation or for which documents required for registration in Kosovo's cadastral system do not exist;

2.4. implement decisions of HPCC, PCC, and PVAC;

2.5. administrate property upon the request of the successful claimants;

2.6. operate the voluntary rental scheme for properties under the administration of the KPCVA.

Article 5

Article 8 of the basic law, paragraph 1 shall be reworded, and two new paragraphs 3 and 4 shall be added with the following text:

1. The PCC is an independent body mandated to continue adjudicating the remaining claims submitted to the Kosovo Property Agency, relating to private immovable property, including agricultural and commercial property; as well as adjudicates requests submitted for legal recognition of uncontested and legitimate property rights on immovable property, which were informally transacted between parties prior to 24

March 1999, the formal transfer of which was prohibited by discriminatory legislation or for which documents required for registration in Kosovo's cadastral system do not exist.

3. The level of remuneration of the commission members shall be determined by the appointing authority.

4. Members of KPC appointed by the Assembly of the Republic of Kosovo shall have a high professional reputation and high personal integrity as well as have at least five (5) years of work experience in the field of property rights.

Article 6

Three new paragraphs 3, 4 and 5 shall be added to Article 9 of the basic Law, with the following text:

3. The PVAC is an independent body mandated to review and adjudicate cases referred by the Secretariat, related to gaps and discrepancies between the pre- June 1999 original cadastral records that were taken from Kosovo by the Serbian authorities and current cadastral records in the Republic of Kosovo relating to private property and property of religious communities.

4. The level of remuneration of the PVAC shall be determined by the appointing authority.

5. Members of the PCC appointed by the Assembly of the Republic of Kosovo, shall have a high professional reputation and high personal integrity as well as have at least five (5) years of work experience in the field of property rights.

Article 7

After Article 11 of the basic Law, a new Article 11A shall be added with the following text:

Article 11A Procedure for Processing of Requests for Legal Recognition of Informal Property Rights

1. Requests for legal recognition of informal property rights shall be filed with the Secretariat within three (3) years from the entry into force of this Law.

2. The Secretariat shall notify and send a copy of the request to all known parties with an interest in the subject property, and shall make every effort to notify all parties with an interest in the subject property by publishing a notice of the request. For the notification of parties, the KPCVA uses the electronic platform for notification, Official Gazette of the Republic of Kosovo, as well as publishes a notice in print or electronic media. The procedures for notifying and informing the parties are defined by a sub-legal act.

3. 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, provided that such person informs the Secretariat of his or her intention to participate in the proceedings within thirty (30) days of being notified of the claim by the Secretariat.

4. Notwithstanding paragraph 3 of this Article, any person who may have a legal interest in the property, but who has not responded to the notification of a request, shall be admitted as a party to the proceedings within one (1) year of the publication of the request.

5. Interested parties may submit to the Secretariat a reply to the request within thirty (30) days

of receiving a copy of the request from the Secretariat.

6. The notified interested parties who fail to inform the Secretariat of their intention to participate in the proceedings within the deadlines described in this Article are considered to have waived the right to participate in the proceedings.

7. The Secretariat shall have the authority to dismiss requests that are manifestly not acceptable and clearly not within the scope of the jurisdiction of the KPCVA, in accordance with this Article.

8. The claimant shall have the right to challenge the Secretariat decision on dismissing the claim within thirty (30) days. In such cases, the Secretariat shall refer the claim to PCC for a decision.

Article 8

Article 12 of the basic Law, after sub-paragraph 4.3, a new sub-paragraph 4.4 shall be added, with the following text:

4.4. Requests for legal recognition of non-formal property rights of a contested nature shall be dismissed and the PCC shall instruct the parties to the competent basic court.

Article 9

Article 13 of the basic Law, paragraph 2, after the text "**Upon receiving the cadastral data**" the text "**from the Kosovo Cadastral Agency and Municipal Cadastral Offices**" shall be added.

Article 10

Article 15 of the basic Law, paragraph 8 shall be amended as follows:

8. The Supreme Court of Kosovo shall decide on appeals in a panel of three (3) judges. The composition of the panel shall represent the ethnic composition in compliance with the respective Law on Courts.

Article 11

Article 16 of the basic Law, sub-paragraphs 3.1 and 3.2. shall be reworded with the following text:

3.1. receives the appeal and makes a decision to amend or reconsider the decision of the respective Commissions of the KPCVA;

3.2. dismisses the appeal as inadmissible based on procedural grounds; or.

Article 12

Article 18 of the basic Law, paragraphs 1 and 2 shall be reworded, and a new paragraph 3 shall be added with the following text:

1. Remedies for the execution of a decision may include, but are not limited to eviction, placing the property under administration, a lease agreement, demolition of unlawful structures, and the request for registration in the registry of the rights of immovable property.

2. Prior to implementation of the legal remedy for demolition of unlawful structures, the parties, in the event of the consent, may use mediation with the purpose of reaching an amicable settlement between themselves.

3.The rules and procedures for the implementation of legal remedies shall be determined by sub-legal acts adopted by the Government upon the proposal of the KPCVA.

Article 13

Article 19 of the basic Law, paragraphs 6 and 7 shall be replaced with paragraph 6, with the following text:

6. If the property is re-occupied after the eviction has been executed, and upon notification by the claimant for illegal re- occupation of the property, the KPCVA shall re-evict the occupant from the property based on the newly issued warrant, following the procedures provided in this Law.

6.1. the re-eviction procedures shall be implemented by the KPCVA any time the property is occupied, always based on the claimant's notification for the re-occupation of the property.

6.2. within a period of twelve (12) months from the date of the first eviction and if the claimant does not notify that the property has been reoccupied, the request shall be closed administratively. Only in the case of a notice of illegal reoccupation, such request shall be reopened.

6.3. after the occupant is evicted from the property, the KPCVA shall issue a protocol on the keys handover or a receipt as evidence of property repossession.

6.4. KPCVA shall not be held responsible or liable for any damages to the property or eventual loss of belongings that may occur to the property during the periods when such property is occupied, during the eviction process and after the eviction process is completed.

6.5. KPCVA shall file a criminal charge against the re-occupant of a property, before the competent authorities, for criminal offenses, in accordance with the Criminal Code of Kosovo.

6.6. the eviction procedure implemented under the above paragraphs shall apply only to eviction cases that are ongoing, after the entry into force of this Law.

Article 14

Article 20 of the basic Law shall be reworded with the following text:

Article 20

Registration of PVAC and PCC decisions in Cadastral Registry

Final decision of the PVAC and of the PCC on legal recognition of informal property rights, or appeal decisions issued by the Supreme Court of Kosovo, shall be submitted by the Secretariat to the parties and a copy shall be provided to the Kosovo Cadastral Agency. The Kosovo Cadastral Agency shall update the cadastral data 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.

Article 15

Article 21 of the basic Law, paragraphs 7 and 8 shall be deleted and replaced with paragraphs 7, 8, 9 and 10 with the following text:

7. The KPCVA shall continue with the administration of properties and implementation of the rental scheme in terms of this Law.

8. The KPCVA shall continue with the administration unless the Government of Kosovo, based on the KPCVA's report, proposes to the Assembly to end the administration and implementation of the rental scheme.

9. The administration can continue only if, based on the circumstances, there is a need to protect the property rights in this way.

10. The rules and procedures for the administration of properties shall be determined by a sub-legal act adopted by the Government upon the proposal of the KPCVA.

Article 16

Article 22 of the basic Law, paragraph 5 shall be reworded with the following text:

5. The KPCVA shall succeed the responsibilities of the Housing and Property Directorate with respect to the implementation of the decisions on the restitution of occupancy rights to socially-owned apartments lost as a result of discrimination, which shall be implemented in accordance with the criteria and procedures adopted by the Government of Kosovo, through sub-legal act.

Article 17

Article 25 of the basic Law shall be amended as follows:

Article 25 **Claims submitted before courts**

1. The provisions of this Law shall apply to any claim under sub-paragraph 2.2 of Article 4 of this Law which was submitted to a court of territorial jurisdiction, provided that judicial proceedings in respect of such claim have not commenced prior to the date of establishing the KPCVA.

2. This Article shall not prejudice the rights of claimants to pursue before competent courts the claims that are not included in the claims described in sub-paragraph 2.2 of Article 4 of this Law and those which have not been submitted within the claims filing deadline.

Article 18

Article 30 of the basic Law shall be reworded as following:

Article 30 **Implementation**

The Government of the Republic of Kosovo shall, on the proposal of the KPCVA, within six (6) months from the entry into force of this Law, issue other sub-legal acts necessary for the implementation of this Law.

Article 19

1. In the entire text of the basic Law, the word "**difference**" shall be replaced with the word "**gap**".

2. In the entire text of the basic Law, the phrase "**resolve discrepancies**" shall be replaced with the phrase "**resolve gaps and discrepancies**".

3. In the entire text of the basic Law, the phrase “**private property of religious communities**” shall be replaced with “**property of religious communities**”.

Article 20

Allocated funds for the implementation of the compensation scheme in relation to one hundred and forty-three (143) cases of the decisions of the Housing and Property Claims Commission shall be held in a trust fund for this purpose until the implementation of these decisions.

Article 21

Throughout the text of the basic Law, “**Law No. 04 / L -274**” shall be replaced with “**the applicable Law on the ratification of the international agreement**”.

Article 22

This Law shall abrogate the Administrative Instruction No. 07/2017 on Procedures, Conditions and Criteria for the End of the Administration of Properties under Administration and those included in the KPCVA’s Rental Scheme and any provision of other sub-legal acts that is in contradiction with this Law.

Article 23 **Entry into force**

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

Law No. 08/L-052
23 December 2022

Promulgated by Decree No. DL-02/2023 dated 06.01.2023 President of the Republic of Kosovo Vjosa Osmani-Sadriu