



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

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**REGULATION (GRK) No. 21/2023**  
**ON DUTIES, RESPONSIBILITIES AND ORGANIZATION OF THE**  
**EXECUTIVE SECRETARIAT OF THE KOSOVO PROPERTY**  
**COMPARISON AND VERIFICATION AGENCY<sup>1</sup>**

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<sup>1</sup> Regulation (GRK) No.21/2023 on duties, Responsibilities and Organization of the Executive Secretariat of the Kosovo Property Comparison and Verification Agency has been approved in the 178th Meeting of the Government of the Republic of Kosovo, with the Decision No.14/178, dated 13.12.2023

**Government of Republic of Kosovo,**

Pursuant to Article 93(4) of the Constitution of the Republic of Kosovo, Article 7, paragraphs 5 and 8 of Law No.05/L-010 on the Kosovo Property Comparison and Verification Agency, as amended and supplemented by Law No. 08/L-052 on amending and supplementing Law. No.05/L-010 on the Kosovo Property Comparison and Verification Agency, and pursuant Article 8, paragraph 4, subparagraph 4.5 of Law No. 08/L-117 on Government of the Republic of Kosovo, to Article 19(6.2) of Regulation No. 09/2011 on Rules of Procedure of the Government (Official Gazette, No.15, 12 September 2011),

Issues:

**REGULATION (GRK) No.21/2023 ON DUTIES, RESPONSIBILITIES, AND ORGANIZATION OF THE EXECUTIVE SECRETARIAT OF THE KOSOVO PROPERTY COMPARISON AND VERIFICATION AGENCY**

**Article 1  
Purpose**

This regulation aims to establish the procedures for the duties, responsibilities, and organization of the Executive Secretariat of the Kosovo Property Comparison and Verification Agency (hereinafter “the Agency”) and sets out the criteria for appointing and terminating the functions of the Director and Deputy Director of the Agency.

**Article 2  
Scope**

The provisions of this Regulation shall apply to the Property Comparison and Verification Agency, PVAC, PCC and all other actors affected by this Regulation.

**Article 3  
Definitions**

Terms used in this Regulation shall have the same meaning as the definitions set out in Law No.05/L-10 on the Kosovo Property Comparison and Verification Agency, and Law No. 08/L-052 on Amending and Supplementing the Law No.05/L-010 on Kosovo Property Comparison and Verification Agency.

**Article 4**  
**Duties and Responsibilities of the Executive Secretariat of the Agency**

1. Responsibilities of the Secretariat

1.1. Receive, register, and compare the scanned original cadastral documents from the pre-June 1999, which were taken away from Kosovo by the Serbian authorities and received through/from the Special Representative of the European Union, with the current cadastral records in Kosovo to identify gaps or discrepancies between these two sets of cadastral documentation;

1.2. Create cases after conducting a comparison of the received documents with the current documents in Kosovo and identifying any gaps and discrepancies; then refer such cases for adjudication to the Property Verification and Adjudication Commission (PVAC);

1.3. Receive, register, and review the submitted claims for legal recognition of uncontested and legitimate property rights over immovable properties transferred through informal transactions before 24 March 1999, for which the formal transaction was prohibited by the discriminatory legislation or for which the documents required for registration in the cadastral system do not exist;

1.4. Continue the resolution of submitted claims in accordance with the procedures established by the Kosovo Property Comparison and Verification Agency;

1.5. Support the PVAC and the PCC in the adjudication of created cases, including:

1.5.1. notification of parties;

1.5.2. verification of documentation;

1.5.3. preparation of cases and reports for the PVAC and PCC;

1.5.4. issuing decisions;

1.5.5. implementing decisions through remedies prescribed by law;

1.5.6. receiving and referring appeals to the Supreme Court;

1.5.7. implementing the outstanding Property Claims Commission (PCC) and Housing and Property Claims Commission (HPCC) decisions;

1.5.8. executing eviction orders;

1.5.9. administering properties and implementing the voluntary rental scheme; and

1.5.10. sending documents and final decisions to the Kosovo Cadastral Agency.

**Article 5**  
**Organization of the Executive Secretariat of the Agency**

- 1.The Executive Secretariat shall be led by the Director;
- 2.The Director shall provide reports and responses to the Supervisory Board regarding the completion of duties;
- 3.The Director shall report and be accountable to the Commissions for matters falling within the Commissions jurisdiction;
- 4.To carry out duties, responsibilities, and authorizations effectively, the Executive Secretariat shall be organized into departments, divisions, and regional offices, aligned with regional directorate responsibilities;
- 5.The Executive Secretariat may, depending on development and organizational requirements to carry out its legal duties and responsibilities, establish new organizational units upon the recommendation of the Director and with approval of the Board;
- 6.Departments, divisions, regional offices, and other respective units shall have responsibilities and functions defined by the applicable legislation governing the scope of Agency and Executive Secretariat, as well as by the Regulation on Internal Organization and Systematization of Job Positions proposed by the Director and approved by the Board.

**Article 6**  
**Criteria for the Selection of Director and Deputy Director**

- 1.Candidates for the positions of Director and Deputy Director shall meet at least the following criteria:
  - 1.1.Hold a university degree in a relevant field;
  - 1.2.Have a minimum of eight (8) years of professional work experience, with at least five (5) years in a managerial position;
  - 1.3.Possess strong organizational and leadership abilities;
  - 1.4. Demonstrate excellent communication and negotiation skills;
  - 1.5.Possess expertise in the field of property rights;
  - 1.6.Have not been subjected to any disciplinary measure within the last five (5) years;
  - 1.7.Have not been convicted of committing a criminal offense intentionally, based on a final decision.

**Article 7**  
**Director and Deputy Director Appointments**

The Director and Deputy Director shall be appointed by the Assembly upon the nomination of the Prime Minister, each for a five (5)-year term with no eligibility for reappointment.

**Article 8**  
**Procedure for the Appointment of Director and Deputy Director**

- 1.The vacancy for the Director and Deputy Director positions shall be announced through written and electronic media;
- 2.The vacancy announcement for the Director and Deputy Director positions shall be made the Prime Minister's Office;
- 3.The vacancy announcement shall specify the criteria for the selection of Director and Deputy Director, as mandated by the Law and this Regulation. The application period cannot be shorter than fifteen (15) days nor longer than twenty (20) days;
- 4.The Prime Minister shall establish a selection commission tasked with recommending potential candidates for the Director and Deputy Director positions to the Prime Minister.
- 5.The Prime Minister shall nominate one candidate for the Director position and one candidate for the Deputy Director position to the Assembly, selected from the list of nominees provided by the Selection Commission.

**Article 9**  
**Dismissal of the Director and Deputy Director from their positions**

- 1.Dismissal of the Director and Deputy Director from their positions shall occur upon the Prime Minister's proposal and approval by the Assembly.
- 2.The Director and Deputy Director may be dismissed for the following reasons:
  - 2.1.if they experience a physical or mental condition that renders them unable to perform their duties.
  - 2.2.if they have committed a criminal offense punishable under the legislation of the Republic of Kosovo by a prison sentence of six (6) months or more, as determined by a final judicial decision;
  - 2.3.in the event of non-compliance with work duties and responsibilities.

**Article 10**  
**Termination of the Director and Deputy Director's positions**

1.The function of the Director and the Deputy Director shall terminate:

- 1.1. upon his/her death;
- 1.2. upon his/her resignation;
- 1.3. upon the termination of the Director's/ Deputy Director's mandate;
- 1.4. upon his/her dismissal.

2.In case of absence, death, temporary or permanent inability to exercise their duties, resignation, or dismissal, the Director shall be replaced by the Deputy Director. If the Deputy Director is also absent, the Director shall be replaced by the Head of Department;

3.In case their mandate terminates, the Director and Deputy Director shall continue to exercise their functions until the appointment of the new Director and Deputy Director, respectively;

4.In the absence, as prescribed by paragraph 2 of this Article, of both the Director and Deputy Director, the Supervisory Board may, through written authorization, appoint a replacement or temporary acting director/deputy director from the pool of Departments Directors.

**Article 11**  
**Restrictions and Confidentiality**

1.No person shall become or remain a staff member of the Secretariat if they are occupying a property;

2.All staff members shall maintain confidentiality regarding information acquired during the performance of their duties for the Secretariat, both during and after their employment;

3.No staff member, consultant or expert engaged to provide services for the Secretariat shall participate in:

- 3.1.processing a case;
- 3.2.any case proceedings in which they have a personal interest;
- 3.3.if they were consulted by or have any connection with any party involved;
- 3.4.if they have been involved in any legal proceedings related to the case, other than proceedings before the Executive Secretariat and the Commission, or if there are any other circumstances that may affect their impartiality.

4.If any staff member has doubts about complying with this rule, they shall submit a written statement to the Director of the Executive Secretariat through their line manager in the Secretariat. The Director shall then assess the potential risk to their impartiality and make a decision accordingly.

## **Article 12**

### **Supporting Staff**

Upon the approval of the Director of the Agency, external staff may be engaged to support the Executive Secretariat from other institutions or entities. In such cases, their remuneration and terms of service shall be determined by their contract with the proposing entity.

## **Article 13**

### **Received Documents**

1. Upon receiving scanned original cadastral documents, the geo-referencing of all cadastral plans – detailed sheets and their conversion to the relevant coordinate system shall be performed;
2. The Agency shall compare these documents with the documents from the Kosovo Cadastral Agency, Municipal Cadastral Offices, or other public institutions, in accordance with the provisions of the Law and this Regulation, and subsequently create case files for the compared documents.

## **Article 14**

### **Creating Cases and Notification of Parties**

1. In cases where no gaps or discrepancies are found between the compared and verified documents, the Executive Secretariat shall issue a written decision in accordance with Article 7, paragraph 6, item 6.1 of the Law Nr.05/L-010 on Kosovo property Comparison and Verification. The original case files, along with the Executive Secretariat's decision, shall be sent to the Kosovo Cadastral Agency, while a copy of the file shall be retained by the Agency.
2. In cases where gaps or discrepancies are identified, the Secretariat shall make efforts to notify the parties in whose names the properties are registered in cadastral records, successors or other persons with a legal interest in the property, and process and prepare the case for referral to PVAC for deliberation.
3. Efforts to notify parties, including displaced persons, shall include but are not limited to, publication in newspapers or electronic media, posting on the Agency's website, emails, phone or fax communications, telegrams, notices placed on the property, and contacting parties through respective national and international institutions, or other methods determined by the Executive Secretariat in consultation with the PVAC.

**Article 15**  
**Rights of Parties in the Created Cases**

1.Any person mentioned in the documents subject to the comparison shall be considered a party to the proceedings. They may participate by submitting written submissions or presenting evidence, in accordance with Article 13 of the Law and the provisions of the this Regulation;

2.Any person other than a party to the proceedings, claiming legal rights to the property subject to the case, may be included as an interested party in the ongoing proceedings with the Agency;

3.Any person considered a party under this Article has the right to communicate with and receive information from the Agency in the language of their choice, as stipulated in the Law on the Use of Languages;

4.Notice of participation in proceedings, as referred to in Article 13 of the Law No.05/L-010 shall be provided in writing and publication, including the following:

4.1 Case number;

4.2. Personal details;

4.3. Address of the party;

4.4 Parcel number;

4.5 Cadastral zone;

4.6 Municipality;

4.7 Property address; and

4.8 Executive Secretariat's initial standard form.

5.The reply to the initiated procedure shall be submitted in writing, utilizing the format prescribed by Secretariat, signed by the party or an authorized person with a power of attorney certified by a competent body (hereinafter "Reply to the case"), and shall include the following:

5.1. Facts and evidence presented by the party to substantiate their objection or dispute regarding the case; and

5.2.The nature of their property right that the party alleges to have over the property.

6.A party shall submit originals or certified copies of any documents that serve to protect their property right;

7.The Secretariat shall deliver a copy of the Reply related to the created case to the relevant parties in the proceedings. The Secretariat shall not disclose contact details of parties in the proceedings;

8.In the interest of a fair and efficient resolution of the case, the PVAC may, in exceptional circumstances and good cause, extend the time limit for the submission of a reply or additional documentation. The Secretariat shall duly notify the parties of such a decision;



9. A party may submit additional written submissions or relevant evidence to the Secretariat at any stage of the proceedings, provided that the case has not been finally decided by the PVAC.

## **Article 16**

### **Service of Documents**

1. The address for notifying a party or for the service of documents shall be the residential address of the party or the authorized person.

2. After the parties have been identified in a created case, they shall be afforded the opportunity to provide the address for communication purposes.

3. In case of a change of the address, the party shall be obligated to notify the Secretariat;

4. The Executive Secretariat shall ensure that service is made directly to the party or the authorized person at their specified address, in which case the acknowledgment of receipt shall be obtained. Alternatively, a copy of the document shall be sent via registered mail, along with a receipt acknowledgment form;

5. If the party has given their consent, notifications may be conducted electronically, and all procedural documents, except for judgments of the Supreme Court, shall be sent using electronic means. However, in cases where technical limitations or the nature/size of the document make electronic transfer impossible or impracticable, the document shall be served to the party following the procedure outlined in paragraph 4 of this Article;

6. The service of the document shall be considered completed as follows:

6.1. When delivering a copy of the document via registered mail, on the day the recipient acknowledges receipt;

6.2. If the recipient refuses to collect the document or sign the receipt during registered mail delivery, on the fifth day after sending the registered letter at the post office;

6.3. In the case of personal service of the document, on the day when the recipient acknowledges receipt;

6.4. If the recipient refuses to collect the document or to sign the receipt during personal service, on the day of the attempted service. The person serving the document shall make a note of the refusal to collect and sign the document and return it to the Executive Secretariat;

6.5. When the document is served electronically, on the day the service was successfully completed;

6.6. The Supreme Court shall deliver documents to the parties through the Executive Secretariat of the Agency.

**Article 17**  
**Calculation of periods**

A period of time prescribed by Law No. 08/L-052 on Amending and Supplementing Law No. 05/L-010 on Kosovo Property Comparison and Verification Agency, or by this Regulation, shall be calculated in accordance with the relevant Law on Administrative Procedure.

**Article 18**  
**Right to Appeal**

A party dissatisfied with the decision of the Commission shall have the right to appeal to the Kosovo Supreme Court, through the Executive Secretariat of the Agency for the reasons set out in Article 15 of the Law, within 30 days from the date of receiving the Commission decision.

**Article 19**  
**Implementation of Decisions**

1. The PCC or Supreme Court final decisions regarding inherited mandates shall be implemented by the Executive Secretariat through remedies, which include, but are not limited to:

- 1.1. Eviction;
- 1.2. placing the property under administration;
- 1.3. a lease agreement;
- 1.4. seizure and demolition of unlawful structures;
- 1.5. mediation; and
- 1.6. case closure with the consent of a successful claimant.

2. The Secretariat shall forward the final decision of the PVAC and the PCC regarding the legal recognition of informal rights, or the Supreme Court judgment to the Kosovo Cadastral Agency;

3. The Kosovo Cadastral Agency shall be obligated to update the cadastral records based on the final decision or judgment.

**Article 20**  
**Eviction**

1. The Executive Secretariat may issue an eviction order to:

- 1.1.execute a decision of the PCC or Supreme Court of Kosovo prescribing the eviction of persons;
  - 1.2.a property under its administration and/or rental scheme, where persons are illegally occupying the property;
  - 1.3.where the temporary user of the property or a lessee does not comply with the terms and conditions of the use of the property or rental agreement.
- 2.In the case of issuing an eviction order involving the eviction of persons, the Executive Secretariat shall deliver the eviction order to the current occupant;
  - 3.A decision confirming an eviction order becomes executable after a notice period thirty (30) days following the delivery of decision or order, unless otherwise specified by Article 21, paragraph 1 sub-paragraph 1.3 of the Law No. 05/L-010 on Kosovo Property Comparison and Verification Agency;
  - 4.During or after the eviction of movable items, the Agency shall not be held responsible for any material, financial or similar damage, destruction or loss;
  - 5.The property occupier shall assume all responsibilities for the removed items by the Agency from an occupied property.
  - 6.The Executive Secretariat may postpone the execution of the eviction order for a reasonable period of time in exceptional circumstances if it is deemed justified to take such action;
  - 7.In the event of the execution of an eviction order, any person who fails to comply with the instructions of the responsible officer to vacate the property shall be evicted by the law and order enforcement authorities;
  - 8.To increase efficiency and security in the eviction procedures, the Agency shall sign a memorandum of cooperation with the Kosovo Police, detailing the duties and responsibilities related to the execution of eviction;
  - 9.After completing the initial eviction procedure and any subsequent re-eviction, as stipulated by Article 19 of Law 05/L-010 on Kosovo Property Comparison and Verification Agency, as amended and supplemented by Law Nr. 08/L-052, specifically sub-paragraph 6.2 of Article 13, the claim shall remain open within the relevant eviction unit for 12 months. If, after this period expires, the claimant does not notify that the property has been reoccupied, the relevant units of the Agency shall be close the claim;
  - 10.After the case closure as per paragraph 9 of this article, if the claimant notifies the Agency that the property has been reoccupied, the relevant unit of the Agency shall conduct an initial visit to the property to verify the situation;
  - 11.After the visit as per paragraph 10 of this article, if the re-occupant or occupant is found in the property, the relevant units shall initially reopen the claim, and an eviction order shall be issued by the Director of the Executive Secretariat;

12.The Agency shall file criminal charges against the re-occupant of the property before the competent authorities;

13.The Agency shall not execute the re-eviction, and the claim shall be closed, in all cases where the property has been sold to a third party with a positively verified purchase contract by the Agency or where the sale has been confirmed by the property right holder, successful claimant, close family member or heirs;

14.The Agency may terminate eviction and re-eviction for properties under administration if the property, housing, or use right holder has passed away, and the close family members notify the Agency about a dispute arising or an inheritance procedure initiation. In such cases, the Agency shall terminate the administration and inform the relevant parties involved in the proceedings;

15.The Agency shall suspend the eviction and re-eviction in cases where the property right holder or heirs claim that the property was sold against their will, and the Agency is notified of a criminal or civil procedure initiation against the seller or for annulment of the contract;

16.The Agency shall terminate the eviction and re-eviction and close the claim in all cases where it is notified that the successful claimant, or any authorized party has submitted a request to purchase the apartment in accordance with applicable legislation, but the competent body rejected the purchase and the rejection was also upheld by a final court decision.

## **Article 21 Cooperation**

1.To ensure the execution of its functions, the Agency shall collaborate, coordinate, and exchange information with any governmental, non-governmental and international entities in accordance with the applicable legislation;

2.In order to fulfill the functions of the Executive Secretariat for document verification submitted by parties and communication with parties, the Agency, in accordance with the relevant Institution of the Government of the Republic of Kosovo, may:

2.1.Establish Agency Offices outside Kosovo;

2.2.Enter into ad hoc agreements and collaborate with governmental, non-governmental and international organizations to facilitate and enable the processing and resolution of cases.

3.In cases where the court requests access to documents related to a dispute, the Agency shall prioritize such cases by conducting a comparison and deciding any potential gaps and discrepancies.

## **Article 22 Additional Rules**

‘The Director of the Secretariat, in consultations with the Board, may approve additional rules for carrying out its functions, in accordance with the Law No. 08/L-052 on Amending and

supplementing Law No. 05/L-010 on Kosovo Property Comparison and Verification Agency, as well as any relevant sub-legal acts”.

**Article 23**  
**Transitional Provisions**

Procedures, notification and information of parties on informality are governed by a specific sub-legal act.

**Article 24**  
**Abrogation**

The entry into force of this regulation shall abrogate Regulation (GRK) No. 10/2017 on Duties, Responsibilities and Organization of the Executive Secretariat of the Kosovo Property Comparison and Verification Agency.

**Article 25**  
**Entry into force**

This Regulation shall enter into force seven (7) days after its publication in the Official Gazette.

**Albin Kurti**

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Prime Minister of the Republic of Kosovo

05 January 2024