

LAW NO. 08/L-015**ON COMMERCIAL COURT**

The Assembly of the Republic of Kosovo;

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

Approves:

LAW ON COMMERCIAL COURT**CHAPTER I
GENERAL PROVISIONS****Article 1
Purpose**

The purpose of this law is the establishment, organization and functioning of the Commercial Court in the Republic of Kosovo, within the existing framework of the judicial system of the Republic of Kosovo and acting in compliance with its principles.

**Article 2
Scope**

This law applies to all legal and natural persons, local and foreign, including business organizations as defined in the Law on Business Organizations in the Republic of Kosovo, who have business disputes between them.

**Article 3
Definitions**

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

1.1. **Basic Court** - the court of first instance comprised of seven regional geographic areas, that operates according to the provisions of the Law on Courts.

1.2. **Branch** - a geographical subdivision of a Basic Court, established by the applicable Law on Courts.

1.3. **Commercial Court** – the First and Second Instance Chambers established by this Law, competent to adjudicate subject matter disputes under of this Law.

1.4. **Court of Appeals** - the court of Second Instance as established by the Law on Courts.

1.5. **Department** -a subcomponent of the Commercial Court, for purposes of assigning cases according to subject matter in order to increase the efficiency of the courts. Each Department within the Commercial Court holds and exercises the full range of competencies of the Commercial Court as set out in Article 13 of this Law.

1.6. **Kosovo Judicial KJC (KJC)** - the independent institution as foreseen by Article 108 of the Constitution of the Republic of Kosovo.

1.7. **President of the Commercial Court** - the judge responsible for the management and operations of the Commercial Court as provided by this Law;

1.8. **Justice Academy** – the independent body, operating in cooperation with the Kosovo Judicial KJC, Kosovo Prosecutorial KJC and institutions of legal professions for coordination of needs for professional training of judges and prosecutors of Kosovo, for training of candidates for judges and prosecutors, as well as for other issues provided in the applicable law on the Justice Academy.

1.9. **Persons** – unless expressly provided otherwise in this Law, the term “persons” means both natural and legal persons, including business organizations, as well as any person who engages in business activity.

1.10. **Business Organization** – all business organizations defined in the Law on Business Organizations.

1.11. **Business Dispute** - any dispute between Business Organizations, Business Organizations and public entities and all administrative conflicts of Business Organizations as set forth in Article 13 of this Law.

Article 4 Jurisdiction

1. All business and administrative disputes fall within the jurisdiction of the Commercial Court, as defined by this Law.
2. The Commercial Court has jurisdiction over the entire territory of the Republic of Kosovo.
3. The seat of the Commercial Court is in Prishtina.

CHAPTER II BASIC PRINCIPLES

Article 5 Independence and Impartiality of the Commercial Court

The Commercial Court established by this Law shall adjudicate all matters in accordance with the Constitution and the Law.

Article 6 The Exercise of Judicial Power

Judicial power in the Republic of Kosovo shall be exercised by the Courts as defined in the Constitution of Kosovo. The Commercial Court established by this Law shall have power for subject matters under the jurisdiction of the Commercial Court as set forth in Article 13 of this law.

Article 7 Composition of the Commercial Court

The composition of the Commercial Court shall follow the composition of the judiciary in Kosovo and shall reflect the ethnic diversity of the Republic of Kosovo in accordance with the Constitution of Republic of Kosovo and internationally recognized principles of gender equality.

Article 8

Decisions of the Commercial Court

1. Court decisions are drafted in writing, in accordance with the law.
2. Court decisions are binding on all natural and legal persons.
3. Courts shall publish all judgments on their official website, within sixty (60) days from the date of issuance of the judgment in accordance with the legislation in force. The KJC issues sub-legal acts for implementation of this Article.

Article 9

Access, Equality, and Transparency of the Commercial Court

1. The Commercial Court shall treat all persons in an equal manner, without any discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status, as described in international conventions.
2. All persons shall have equal access to the Commercial Court, and no one shall be denied due process of Law or equal protection of the Law. Every natural and legal person has the right to a fair trial within a reasonable timeframe.
3. Every person has the right to address the Commercial Court to protect and enforce his legal rights, insofar as actions to vindicate or enforce those rights are within the Commercial Court's competences.
4. All Commercial Court hearings shall be open to the public unless other laws expressly provide that certain matters not be publicly disclosed.
5. The Commercial Court shall function in an expeditious and efficient manner to ensure the prompt resolution of disputes.

CHAPTER III

ORGANIZATIONAL STRUCTURE AND COMPETENCIES OF THE COMMERCIAL COURT

Article 10

Organizational Structure

1. The Commercial Court adjudicates matters within its competence in its First Instance Chambers and the Second Instance Chambers. Decisions of the First Instance are equivalent to the decisions of the Basic Court, while the decisions of the Second Instance Chambers are equivalent to the Court of Appeals.
2. The First Instance Chambers of the Commercial Court are composed of four (4) separate Departments, including the Economic Matters Department, the Fiscal Department, the Administrative Matters Department and the General Department.
3. Within the Department for Economic Matters, shall operate a division for disputes concerning foreign investors, with jurisdiction over the entire territory of Kosovo. Judges appointed to this Division will be engaged in other Departments of the Court, as needed.
4. The Second Instance Chamber of the Commercial Court decides in panels of three (3) judges.
5. The President of the Commercial Court, in cooperation with court judges, may decide to

establish specialized divisions with the First Instance Chambers.

6. The Commercial Court has one Administrator, whose duties, roles and functions are further defined in Article 17 of this Law.

7. The Commercial Court has a separate Legal Unit, whose functions, organization, and structure are defined in Chapter V of this Law.

Article 11 **First Instance Chambers**

1. The First Instance Chambers review and adjudicate cases by an individual judge.

2. The First Instance Chambers are competent to adjudicate in the first instance all cases within the jurisdiction of the Commercial Court.

3. Upon receipt of a complaint commencing a case in the Commercial Court, the Court Administrator shall immediately assign the matter to the appropriate Department. Any party objecting to that assignment may object and move that the case be transferred to another Department; provided however that any such objection shall be made, if all, at the first hearing convened on the case. If not timely made, such a motion may be denied without a hearing.

4. The parties may appeal against an order granting or denying the request for such transfer to the second instance chambers within a period of seven (7) days.

Article 12 **Second Instance Chambers**

The Second Instance Chambers, in accordance with the applicable legislation, review and adjudicate cases in panels of three (3) judges.

Article 13 **Competences of the Commercial Court**

1. The Commercial Court is competent to adjudicate, and has exclusive jurisdiction to adjudicate, in its First Instance Chambers and Second Instance Chambers:

1.1. disputes between local and foreign business organizations, as well as disputes between public and private legal persons, related to mutual business issues and other issues between them;

1.2. legal remedies, as defined in the applicable law on enforcement procedure, on issues falling under the competences of this Court;

1.3. recognizing and allowing the enforcement of local and international arbitration awards;

1.4. court disputes arising from the applicable Law on Business Organizations;

1.5. reorganization, bankruptcy and termination of business organizations;

1.6. disputes concerning obstruction of possession between business organizations,

1.7. disputes between business organizations regarding the real rights, as provided by the Law on Property and Other Real Rights and the Law on Business Organizations;

1.8. disputes related to the violation of competition, misuse or monopoly and the dominant position in the market as well as monopoly agreements including the assessment of illegality;

1.9. protection of copyright and industrial property rights, including trademarks, patents, industrial design, commercial secrets and other forms of industrial property as foreseen by relevant legislation;

1.10. disputes between aviation companies subject to the Law on Aviation, excluding disputes concerning passenger rights;

1.11. administrative disputes initiated by business organizations against the final decisions of Tax Administration, Customs Authorities, Ministry of Finance and any other public body in charge of imposing taxes or other state duties;

1.12. administrative disputes initiated by business organizations against final decisions in administrative proceeding;

1.13. other matters as may be provided by law.

2. All matters listed within sub-paragraphs 1.1, 1.2, 1.3, 1.4, 1.5 and 1.9 of paragraph 1. of this Article shall be handled in First Instance by the Economic Matters Department.

3. All matters listed within sub-paragraphs 1.6, 1.7, 1.8, 1.10 and 1.13. of paragraph 1. of this Article shall be handled in First Instance by the General Department;

4. All matters listed within sub-paragraph 1.11 of paragraph 1. of this Article shall be handled in First Instance by the Fiscal Department.

5. All matters listed within sub-paragraph 1.12 of paragraph 1. of this Article shall be handled in First Instance by the Administrative Matters Department.

6. The Second Instance Chambers are competent to review:

6.1. all appeals from decisions of the First Instance Chamber within the competences listed in paragraph 1. of this Article;

6.2. all appeals of an order transferring, or refusing to transfer a case within First Instance Departments on the timely motion of a party;

6.3. conflicts of jurisdiction from First Instance Chambers, within a period of thirty (30) days;

6.4. other matters as may be provided by Law.

7. The Supreme Court of the Republic of Kosovo shall decide on the conflict of jurisdiction between the Commercial Court and other courts.

Article 14 **Extraordinary Legal Remedies**

1. Regarding requests for extraordinary legal remedies against the final decisions of the Commercial Court of the Republic of Kosovo, the applicable procedural laws apply.

2. Notwithstanding paragraph 1. of this Article, revision is allowed provided that the value of the dispute is no less than thirty thousand (30.000) Euros.

3. Notwithstanding paragraph 1. of this Article, requests for protection of legality are not allowed for disputes handled by the Commercial Court.

Article 15
Appointment of Commercial Court Judges and the Court President

1. Candidates for appointment as a judge under Article 104 of the Constitution of the Republic of Kosovo shall meet the following minimum qualifications:

- 1.1. be a citizen of the Republic of Kosovo;
- 1.2. have a valid university degree in Law recognized by the Laws of Kosovo;
- 1.3. have passed the bar examination recognized by the applicable laws of Kosovo;
- 1.4. have high professional reputation and moral integrity;
- 1.5. have not been convicted of a criminal offense, defined by applicable Laws;
- 1.6. have passed the examination for a judge in compliance with the requirements and procedures set out by special regulation approved by the KJC.

2. In addition to the minimum qualifications set out in paragraph 1. of this Article, the following qualifications are required:

- 2.1. to serve as a Judge in the First Instance Chambers, the candidate should be an appointed judge or have at least three (3) years of alternative, relevant experience in the legal field;
- 2.2. to serve as a judge in the Second Instance Chambers, the candidate should have at least five (5) years of experience as a judge;
- 2.3. to exercise the function of the President of the Commercial Court, the candidate must have at least five (5) years of experience as a judge of the second instance.

3. In addition to the foregoing requirement to serve as President of the Commercial Court, the KJC will consider the managerial competence and performance appraisal of the candidate for the President of the Commercial Court.

4. The election and appointment of the President of the Commercial Court is done through an open, competitive, transparent and meritorious process, as defined by law, excluding any kind of discrimination.

Article 16
**Competences and Responsibilities of the President
and Vice-President of the Court**

1. The President of the Commercial Court shall be responsible for the day-to-day administration of the Court, in accordance with the rules and procedures set forth by the KJC. The President of the Commercial Court organizes and coordinates the functioning of the Commercial Court; oversees the financial activities of the Commercial Court; and undertakes certain activities as set out in the rules, procedures or orders issued by the KJC.

2. The President of the Commercial Court has the following responsibilities:

- 2.1. shall oversee the performance of the Legal Advisor and the functioning of the Legal Unit; and in appropriate consultation with the judges of the court, shall assist the Legal Advisor in making decisions regarding the retention, assignment, and evaluation of Professional Associates within the Legal Unit;

- 2.2. shall have general administrative authority for management of the Commercial

Court and shall ensure the efficient and effective administration of justice by all instances, departments and divisions of the court;

2.3. in co-operation with court judges, develops an annual case management plan and assigns cases to the departments in such a way as to ensure the efficient resolution of cases;

2.4. annually sends to the KJC a report on the success of the implementation of the previous annual case management plan;

2.5. sends to the KJC a quarterly written report addressing the work of the Commercial Court, identifying any problems the court faces, and proposes remedial steps to address such problems;

2.6. within the KJC's rules and orders, shall take all necessary measures to ensure effective and efficient management of the Commercial Court and its resources as well as adjudicating cases within the reasonable time;

2.7. is responsible for ensuring that the court and its proceedings are open and transparent to the public;

2.8. upon consideration and receipt by the KJC, quarterly and annually plans and reports on the case management will be made public;

2.9. ensuring public access to the courts, including the access of persons from communities that do not constitute majority in Kosovo;

2.10. shall convene an annual meeting of all judges in that court for counseling on the administration of justice within that court; to analyze the organization of the court; to review and propose changes to procedures and practices; to examine the work accomplished by the court; and to address any problem of the administration which faces the court. The President of the Commercial Court shall, within ninety (90) days, submit to the KJC a report on the results of the annual meeting of the judges.

2.11. in consultation with the judges of the commercial court, the Administrator, the Kosovo Judicial Academy, and the KJC, shall propose a regular and continuous program of judicial training addressing substantive legal developments and relevant commercial practices;

2.12. shall, also, perform other duties determined by the Law and Regulations of the KJC;

2.13. the President of the Commercial Court shall report to the KJC.

3. The President of the Court, shall be consulted by the KJC when evaluating the performance of the Court Administrator.

4. The President of the Court may delegate administrative duties to appropriate judicial and non-judicial Commercial Court personnel.

5. The President of the Commercial Court proposes the Vice-President of the Commercial Court to the KJC for appointment from the rank of the judges of the Commercial Court. In any case, the procedure for selection of Vice-President must be open, transparent and with equal opportunities of providing the conditions for all candidates. The mandate of the Vice-President of the Commercial Court is related to the mandate of the certain President.

6. The Vice-President of the court shall exercise duties of the President of the court in his/her absence or when the president is unable to exercise his duties. The Vice-President shall

perform other duties which are delegated to him in writing by the President of the Court.

7. The President of the Commercial Court, during the mandate as a president shall not exercise the function of a judge. After the end of a mandate as a president, he/she shall act as a judge of the Second Instance Chamber of the Commercial Court.

Article 17 Commercial Court Administrator

1. The court administrator shall be elected and dismissed in accordance with the relevant legislation in force, in an open and competitive process, following the public announcement of the position.

2. The Administrator shall report to the President of the Court. Responsibilities and duties of the Court Administrator shall be defined by a KJC regulation.

3. The Court Administrator shall manage and oversee the administrative functions of the Court autonomously, in cooperation with the President of the Court and in coordination with the Secretariat of the KJC. The Court Administrator shall oversee:

- 3.1. drafting of the court reports, including statistical reports and ensure that the reports are accurate and timely prepared;
- 3.2. recording and archiving the court files and closed cases;
- 3.3. maintenance of court files in full and accurate form;
- 3.4. court security;
- 3.5. administrative court staff;
- 3.6. implementation of regulations for judicial personnel;
- 3.7. accurate financial maintenance;
- 3.8. implementation of the KJC regulations and procedures established by the KJC;
- 3.9. the administrator shall assign, if necessary, the administrative staff in certain duties to ensure the efficient and effective court action;
- 3.10. the administrator shall provide public access to the court records and information that may be disclosed to the public, in accordance with the applicable laws;
- 3.11. undertakes other duties and responsibilities, as may be assigned by the President of the Court or the supervising judge;
- 3.12. authorizes and initiates employment procedures, disciplining and dismissal of non-judicial personnel, in accordance with applicable staff regulations.

Article 18 Regulations for Internal Organization of the Commercial Court

The KJC shall adopt regulations for internal organization of the Commercial Court, upon consultations with the President of the Commercial Court. The President of the Court shall meet with and consult Judges of the Court, the Legal Advisor and the Administrator, to formulate policies, to consider processes, and to determine matters of mutual concern regarding organization and operation of the Court.

CHAPTER IV THE RIGHTS AND DUTIES OF JUDGES

Article 19 Mandatory Initial Commercial Law Training

1. Upon the appointment by the President of Kosovo, judges who shall serve in the Commercial Court of Kosovo, shall undergo a Mandatory Initial Commercial Law Training as part of the Initial Training of Judges provided by the applicable Law on Court, which will be organized by the Academy of Justice. The initial training for Judges will last twelve (12) months, in accordance with the relevant legislation in force, of which a minimum period of six (6) months will be dedicated to the Mandatory Initial Commercial Law Training.
2. During the Initial Commercial Law Training, judges may be assigned cases under the supervision of the mentor.
3. The Curriculums for the Initial Training and Initial Commercial Law Training for Commercial Judges will be designed by the Kosovo Judicial Academy in cooperation with the KJC and President of the Commercial Court.

Article 20 Salary and Judicial Compensation

1. During their terms of office, judges shall receive the following salaries:
 - 1.1. The President of the Commercial Court shall receive a salary equal to the salary of the President of the Court of Appeals;
 - 1.2. Judges of the Second Instance Chambers shall receive a salary equal to the salary of a Judge in the Court of Appeals;
 - 1.3. Judges of the First Instance Chambers shall receive a salary equal to the salary of a Judge in the Basic Courts;
2. All matters regulating employment issues of judges shall be regulated according to the applicable Law on Courts and internal regulations of KJC, unless otherwise foreseen in this Law.

Article 21 Appropriate Implementation of Other Laws

1. On the issue of termination of mandate, professional activities, duties of judges and prohibitions on the conduct of judges, the relevant provisions of the applicable Law on Courts and the Law on Disciplinary Liabilities of Judges and Prosecutors shall apply accordingly.
2. For all matters not regulated by this law, the provisions of other applicable substantive and procedural laws shall apply, unless otherwise expressly provided by this law.

CHAPTER V LEGAL UNIT

Article 22 Functions of the Legal Unit

1. The Legal Unit is an organizational unit in the Commercial Court, which answers directly to the President of the Court.
2. The Legal Unit performs its tasks in supporting the professional work of the Commercial

Court Judges, by conducting legal research and analysis, assisting in drafting reports, decisions and other legal materials in support of the work of the Judges of the Commercial Court.

3. The Legal Unit researches legislation, legal authorities and jurisprudence related with the cases subject to proceedings in the Commercial Court, under the direct supervision of the responsible First Instance Judge in a given Case, or the Presiding Judge of the Review Panel in the Second Instance Chambers. More broadly, personnel within the Legal Unit operates in support of the Court and under the overall supervision of the President.

4. The Legal Unit identifies requests for interim measures and other urgencies and brings the information to the attention of the President of the Court for prompt action.

Article 23 **Composition, leadership and salaries**

1. The Legal Unit is composed of:

- 1.1. Legal Advisor who acts as Head of the Unit;
- 1.2. Professional Associates;
- 1.3. Legal Secretaries;
- 1.4. such other clerical and administrative staff as may be required.

2. The President of the Commercial Court appoints the Legal Advisor from among the Professional Associates.

3. The Legal Advisor and the Professional Associates are not civil servants. Their recruitment, duties and responsibilities are quasi-judicial. In any case, the selection procedure must be open, transparent and with equal opportunities in providing conditions for all candidates.

4. Within the Legal Unit, all other support staff, including necessary clerical and administrative personnel, are civil service employees of the KJC.

Article 24 **Functions of the Legal Advisor**

1. The Legal Advisor runs and supervises the Legal Unit.

2. The Legal Advisor reports directly to the President of the Court.

3. The Legal Advisor performs the functions as follows:

- 3.1. assists and advises the Court in the performance of its functions;
- 3.2. supports the members of the Legal Unit in the performance of their duties;
- 3.3. supervises the organization, activities and performance of the members of the Legal Unit;
- 3.4. attends Court sessions; allocates the referrals proportionally, taking into consideration the complexity, the level of difficulty and importance of the referral, to all members of the Legal Unit, in consultation with the President;
- 3.5. ensures the priority of the case review, according to the applicable procedures and instructions of the President;

- 3.6. assigns other specific duties to the members of the Legal Unit;
- 3.7. generally supervises the members of the Legal Unit in the processes and practices essential to preparing reports, drafting decisions, and preparing other legal documents necessary to the Court's functions; ensuring high quality of application of exhaustive and comprehensive legal research standards in matters including national law of the Republic of Kosovo; regional and international law; and comparative law; in drafting opinions and recommendations; and assures that Legal Unit members follow best practices, and the highest professional standards in performing tasks in support of the Court and the individual judges to whom they report;
- 3.8. supervises the quality assurance and provides the Court with advice regarding consistency of decision-making in the Court;
- 3.9. ensures that the new members of the Legal Unit have specific supervision and training in adapting to the performance of their duties;
- 3.10. conducts the performance evaluation of each member of the Legal Unit on an annual basis, or more often if circumstances require;
- 3.11. assigns professional associates and secretaries to work with specific Judges, in coordination with the President of the Commercial Court.

Article 25

Recruitment of Legal Secretaries and Clerical and Administrative Staff

Recruitment of Legal Secretaries and other clerical and administrative staff by the Commercial Court shall be processed pursuant to the applicable law on civil servants as well as regulations of the KJC, whereas the President of the Commercial Court and the Commercial Court judges shall be consulted on the needs for professionals to be recruited in such positions.

Article 26

Allocation of cases in the Legal Unit

1. Once a case is registered and distributed to a Judge in the First Instance Chambers, the Legal Advisor appoints a Professional Associate to assist the Judge.
2. The Legal Advisor, in consultation with the judge in charge of the case, may assess whether a given case is of a nature that requires the engagement of a larger number of Professional Associates and, may appoint one or more additional Professional Associates for a specific Case.
3. The Legal Advisor ensures that the referrals are allocated in a balanced and proportional manner to all Professional Associates.
4. The Professional Associates, to the extent possible, will be proportionately assigned among judges.
5. Professional Associates have full right, and are expected, to provide the judge responsible for a case their professional opinion regarding the case, for which they cannot be taken into any disciplinary responsibility.
6. For any conflict of interest regarding the case, the Professional Associates notify the judge in charge of the case and the Legal Advisor at the first moment the conflict, or a potential conflict, is foreseen or arises. The Professional Associate may request his recusal from a specific case on account of such a conflict of interest and also for other justified reasons. Moreover, if the judge in charge of the case, the Chief Legal Advisor, the President, or any other Court employee becomes aware of a conflict of interest that has not been disclosed by a professional associate,

appropriate action, including recusal, may be ordered. The Judge in charge of the case, in cooperation with the President, shall decide on an eventual recusal.

7. The Legal Advisor, Professional Associate shall not be engaged in the same cases that they dealt with in the first instance chambers and the second instance chambers. KJC shall provide in the regulation for the legal unit all matters related to the engagement of professional associates so that they are not engaged in the same cases in the both instances of the judiciary.

CHAPTER VI PROCEDURAL TIMELINES

Article 27 Interim Measures and other urgent relief

1. No later than three (3) days from receiving a request for an interim measure or other urgent relief pursuant to applicable laws, the First Instance Chamber shall hear and determine on such request without hearing the parties at the hearing.

2. No later than five (5) days from receiving an appeal on the decision of the First Instance Chamber as per paragraph 1. of this Article, the Second Instance Chamber shall hear and determine on such appeal.

3. Decision of the Commercial Court pursuant to this Article can be communicated to parties via e-mail, conditionally that e-mail addresses were provided by the Parties or that such e-mail addresses are available in the public registries of Kosovo.

Article 28 Enforcement Proceedings

All actions on enforcement proceedings shall be treated with priority and in line with the timelines provided in the applicable Law on Enforcement Proceedings.

Article 29 Arbitration Proceedings

All disputes under the competence of the Commercial Court related to the arbitration proceedings, shall be handled with priority, in line with the relevant legislation in force.

Article 30 Bankruptcy Proceedings

All actions on bankruptcy proceedings shall be treated with priority and in line with the timelines provided in the respective applicable legislation.

Article 31 Enforcement of Intellectual Property Rights

All disputes related to Enforcement of Intellectual Property Rights shall be treated with priority.

Article 32 Increasing the efficiency of the Court

In order to increase the efficiency of the Commercial Court to treat disputes expediently as provided in this Chapter, upon the proposal of the President of the Commercial Court specialized divisions may be established, in accordance with the legislation in force. Judges for such divisions shall be appointed by the President of the court on either continuing or on as needed basis.

CHAPTER VII TRANSITIONAL AND FINAL PROVISIONS

Article 33 Initial Appointments

1. After the entry into force of this Law, the KJC shall appoint the first President of the Commercial Court, with an initial mandate of five (5) years without the right of re-election.
2. No later than ninety (90) days after the entry into force of this Law, the KJC shall recruit the Administrator of the Commercial Court.
3. After the recruitment of the President of the Commercial Court and the Administrator, the recruitment of the Legal Advisor and Professional Associates shall begin, who will assist the President, the Administrator and the KJC for the establishment of the Commercial Court.

Article 34 Appointment of judges

1. Appointment of judges for the First Instance Chambers and Second Instance Chambers will commence as soon as the procedures foreseen in Article 33 are completed.
2. A procedure will be followed for recruitment of judges for Commercial Court in line with procedures set by KJC.
3. KJC shall allow for professional experts and observers from international organizations, NGOs and other stakeholders to be part of the oversight of the recruitment process of the initial judges from the ranks of the judiciary and further procedures of recruitment of new judges.
4. When a judge of the Commercial Court is appointed from among the current judges, his/her appointment to this Court shall be considered a continuation of the current mandate.
5. When a judge of the Commercial Court is appointed from among the non-judge candidates, the same shall be appointed a judge with an initial mandate, as provided by the provisions of the relevant legislation in force.
6. KJC shall appoint a sufficient number of judges and other personnel for the First Instance Chambers and Second Instance Chambers.

Article 35 Transfer of cases

1. Upon receiving the notice from the President of the Commercial Court on the operationalization of the Commercial Court, all Basic Court Presidents and the President of the Court of Appeals shall ensure that cases within the competence of the Commercial Court are transferred to the Commercial Court in an orderly and timely fashion consistent with the requirements of justice.
2. The KJC shall issue guidelines related to the procedures for transfer of cases and shall articulate standards by which pending cases are deemed appropriate for transfer.
3. At minimum, those procedures shall require from the Basic Court to identify all pending cases within the Commercial Court's competence; the date each case was filed; the date or dates of completed and scheduled preliminary or final hearings; and whether as of what date the case was taken under advisement for decision.
4. Such report shall be submitted to the KJC within forty-five (45) days of this law's enactment, and the KJC shall designate each pending case to be transferred or not to the Commercial Court within sixty (60) days of receiving such report, or immediately upon the commencement of operations of the Commercial Court, whichever is later. Transfer shall be effective immediately

upon issuance of the transfer order by KJC. Until issuance of the transfer order the Basic Court retains competence to hear and determine matters in a pending case.

Article 36 **Issuance of sub-legal acts**

1. The required sub-legal acts for the implementation of this Law shall be issued within one hundred eighty (180) days after entry into force of this Law. The sub-legal acts to be enacted based on this law include, but are not limited to sub-legal acts on organization and functioning of the court and the regulation for the legal unit.
2. All sub-legal acts related to the ethics, work and performance of judges issued by the KJC shall be valid for the Commercial Court judges.
3. The President of the Commercial Court, the Administrator and the Legal Advisor shall immediately after their election, draft the Regulation for the Legal Unit of the Commercial Court and shall submit the Regulation for approval by the KJC.
4. The regulation shall, at the discretion of the KJC, provide guidance on appointments of judges in light of the caseload of the Commercial Court, a minimum of twenty (20) judges, to allow for proper administration of justice.
5. The Regulation on the Internal Organization of the Commercial court, determined by the provisions of this law, shall be approved no later than three (3) months from the entry into force of this law.
6. When drafting the Regulation on Internal Organization, the KJC shall follow the public consultation procedures as provided by the relevant legislation in force.

Article 37 **Abrogation of other laws**

1. Upon the entry into force of this Law, provisions of the Law. No 06/L-054 on Courts in the Republic of Kosovo shall be abrogated, as in the following:
 - 1.1. Article 12 (paragraphs 3.);
 - 1.2. Article 13 (paragraph 1., sub-paragraphs 1.2. and paragraph 5.);
 - 1.3. Article 16;
 - 1.4. Article 24 (paragraph 1., sub-paragraphs 1.4.).
2. Upon the entry into force of this Law, for matters regulated by this law, the provisions of this law shall prevail over the applicable Law on Contested Procedure and the applicable Law on Administrative Conflicts and the Law on Courts.

Article 38 **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-015
21 January 2022

Promulgated by Decree No. DL-60/2022 dated 04.02.2022 President of the Republic of Kosovo Vjosa Osmani-Sadriu