

# Republika e Kosovës Republika Kosova - Republic of Kosovo

Qeveria - Vlada - Government

Ministria e Drejtësisë - Ministarstvo Prade - Ministry of Justice

# GUIDELINES ON THE USE OF ELECTRONIC ENFORCEMENT SYSTEM (EMS) 1

\_

<sup>&</sup>lt;sup>1</sup> Guideline is approved by the Decision No.89/2024 of the Minister of Justice dated 19.04.2024



# Republika e Kosovës Republika Kosova - Republic of Kosovo Oeveria - Vlada - Government

Ministria e Drejtësisë - Ministarstvo Pravde - Ministry of Justice

|       | No | /2024 |
|-------|----|-------|
| Date: |    | 2024  |

Pursuant to Article 9, Article 10 (paragraphs 1 and 2), and Article 11 of the Law No. 06/L-113 on the Organization and Functioning of the State Administration and Independent Agencies, Article 11 (paragraph 1, subsection 1.5) of the Law No. 08/L-117 on Government of the Republic of Kosovo, pursuant to Appendix 1 (item 3) of the Regulation (GRK) - No. 14/2023 pm the Areas of Administrative Responsibility of the Office of the Prime Minister, the Ministries as well as pursuant to the Law No. 04/L-139 on Enforcement Procedure, amended and supplemented by the Law No. 05/L-118 and the Law No. 08/L-102, the Minister of Justice renders the following:

#### DECISION

- 1. The Guideline on the use of the Electronic Enforcement System is approved.
- 2. An Appendix to this decision is the Guideline on the use of the Electronic Enforcement System.
- 3. The decision enters into force on the day of its signature.

|   | Albulena Haxhiu     |
|---|---------------------|
| _ | Minister of Justice |

The decision shall be sent to:

- General Secretary;
- Department for Free Professions,
- The Division for the Supervision of the Legality of the Work of Free Professions;
- Chamber of Private Enforcement Agents of Kosovo;
- Archives of the Ministry.

# **Content:**

| <u>Introduction</u>  | 4  |
|--|----|
| Purpose of the Guide   |    |
| <u>Terms used</u>  | 5  |
| I. First module – Use of module managing of cases of the enforcement offices | 7  |
| 1.1 Access of the user.  | 7  |
| 1.2 Main interface   | 7  |
| 1.3 Search interface   | 8  |
| 1.4 Proposal for enforcement   | 9  |
| 1.5 Case pending approval  | 13 |
| 1.6 Activities   | 16 |
| II. Second module – Use of the system by inspection officials                | 22 |
| 2.1 Planning of the inspection work  | 22 |
| 2.2 Approval of the plan.  | 24 |
| 2.3 Inspections pending  | 25 |
| 2.4 Ongoing inspections  | 25 |
| III. Third module- Use of EMS by members of the Disciplinary Commission      | 30 |

#### Introduction

The Ministry of Justice and the Chamber of Private Enforcement Agents, with the support of the USAID Commercial Justice Activity have developed the automated digital system – Enforcement Management System (EMS).

The Enforcement Management System (EMS) is a digital platform for the automated management of the work of enforcement offices from the presentation of the proposal for enforcement, the automatic notification of the debtor regarding the case and other communications with the parties, the enforcement actions in carrying out the enforcement, the detailed generation of financial transactions, including the costs of each action until closure of the case.

The EMS system also digitizes the work of the Ministry of Justice and the Chamber of Private Enforcement Agents in the supervision and control of the work of private enforcement agents and the assessment of their work.

Digital inspection of the work of private enforcement agents can be carried out through EMS starting from the planning stage. In addition to inspection, EMS also enables the management of disciplinary processes against private enforcement agents. This includes submitting the complaint, enabling the complainant to submit the complaint online, followed by the management of the entire work process of the Disciplinary Commission as well as the electronic communication of the relevant Unit for free professions in the Ministry of Justice with the participants in the disciplinary process and the Disciplinary Commission, as well as all follow-up activities.

EMS standardizes the enforcement process in enforcement offices, leaves traces of all user actions by ensuring the compatibility of actions and data privacy, simplifies processes and actions through their digitization, automates the calculation of the expenses of each enforcement action and all this results in the economization of the procedure, including reduction of costs of the enforcement procedure, eliminating eventual omissions and increasing the efficiency of the enforcement of cases.

The EMS system is in accordance with the e-Government Strategy of Kosovo 2023 - 2027.

This system exchanges data in real time with public registers, such as: the Cadastral Register of Kosovo, the Register of Civil Status, the Register of Vehicles, the Register of Businesses and the Register of Bank Accounts or other registers.

#### Purpose of the Guide

The purpose of this Guideline is to provide guidance to those using the Enforcement Management System (EMS) for the purpose of ensuring its unique application by enforcement offices, the Ministry of Justice, the Chamber of Private Enforcement Agents, the Disciplinary Commission and other entities participating in the procedure.

In the *first part* of this Guideline, instructions are provided for use of the module by the enforcement offices which will use the EMS system for all actions in the appointment and implementation of enforcement at the creditor's request, managing the case for search and data exchange in public registers and other registers as well as reporting on their work.

In the *second part* of this Guideline, instructions are provided for the use of the module by officials of the Ministry of Justice and the Chamber of Private Enforcement Agents, including the electronic supervision and control of the work of the enforcement offices as well as the acceptance of the work reports of the private enforcement agents.

In the *third part* of this Guide, instructions are provided for the use of the module of Disciplinary Commission for disciplinary cases against private enforcement agents.

#### Terms used

The terms used in this Guideline shall have the following meanings:

- 1.1. **Bank** means commercial banks licensed by the Central Bank of Kosovo.
- 1.2. **Disciplinary Commission -** means the Disciplinary Commission for private enforcement agents appointed by the Ministry of Justice.
- 1.3. **RBA** means Register of bank accounts maintained by the Central Bank of Kosovo.
- 1.4. **KCR** means the Kosovo Cadastral Register maintained by the Kosovo Cadastral Agency.
- 1.5. **CSR** means the Civil Status Register maintained by the Civil Registration Agency.
- 1.6. **RV** means the Register of Vehicles maintained by the Civil Registration Agency
- 1.7. **BR** means the Business Register maintained by the Kosovo Business Registration Agency (KBRA).
- 1.8. **Authentication** means the process of verifying and identifying users who have access to the system.
- 1.9. **Software** means a computer program that may contain applications, operating programs, and all components necessary to perform a specific task on an electronic device.

- 1.10. **Username -** means a unique name or tag that user use to identify and access their account in the system.
- 1.11. **Data Warehouse** an organized and optimized system to maintain, store and manage data from various sources.
- 1.12. **Drop Down List** a box containing a vertical list of options from which the user can select a single option.

#### I. First module – Use of module to manage cases of the enforcement offices

#### 1.1. User log-in

For each user profile in the EMS system, their verification is carried out (*authentication*) through *username* and *password*. Profiles have defined rights and the same security rules that apply to everyone.

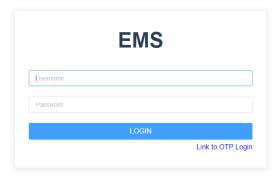
Figure No. 1. Accessing the system







Shqip | English | Srpski



#### 1.2. Main interface

One the user is verified, the main interface of the user, respectively the enforcement office, is opened. In this interface you can see a general overview of the data, which can be filtered according to the status of the cases of the respective office.

Enforcement
Management
System

Home

Creditor Cases

Case Management

Clients

Bank Report

Auctions

Reports

Figure No. 2. Main system interface

Filtering of cases is carried out in the filtering field (*drop down list*) where all existing statuses in the system appear.

Rast me dokument Autentik

Aktgjykim Civil

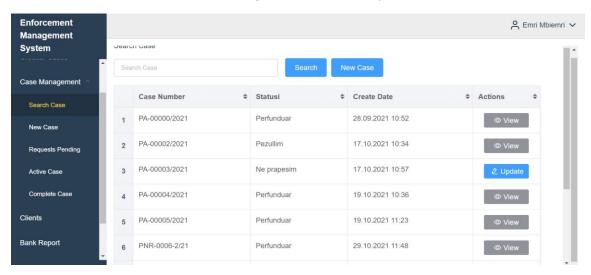


Figure No. 3. Filtering option in the main interface chart

#### 1.3. Search interface

In this interface, all cases of the enforcement office are displayed, regardless of their status and they can be searched through one of the columns displayed in the table. For example, if the case number is written in the "Case Number" field and the "Search" button is pressed, then the corresponding case will be displayed.

Figure No.4. Search interface



The "action" column allows you to view the details of the case or update the subject depending on its status. If the proposal for enforcement has not been allowed, the system enables the proposal for enforcement to be completed, while for the approved cases the details of the request can be viewed.

## 1.4. Proposal for enforcement

The proposal for enforcement interface is a window that contains the progress of the process in four steps. EMS controls the transition from step to step, enabling each step to control the previous step and reducing the potential for error.

In this interface, the user enters the data of the parties involved in the procedure. For easier use, the party in the system is called "client" and upon first registration, the party's data can be used in the future without the need for a new registration, either as creditor or debtor.

Enforcement Management System

New Case

Home

Creditor Cases

Case Management
Search Case

New Case

Data from Creditor about debtor

Requests Pending
Active Case

Compide Case

Clients

Bank Report

Auctions

Reports

Figure No. 5. Creating a new case - Step 1

"Owners" must first register at the client registration interface, then be recorded in this list as a party.

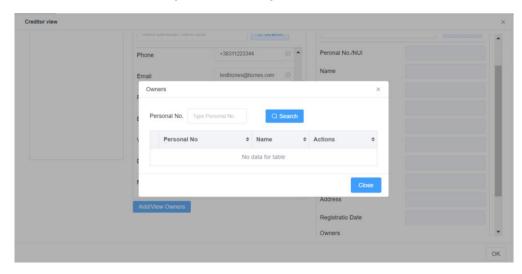
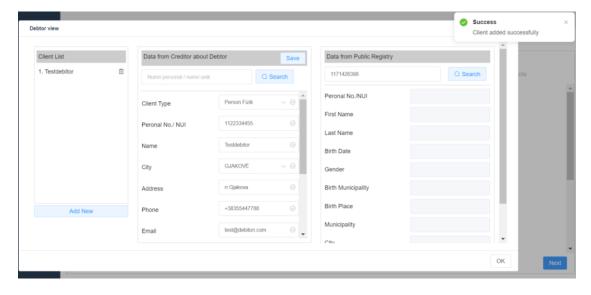


Figure No. 6. Adding business owners

Figure No. 7. Form for filling out customer data



By pressing the "Save" button, the data are also saved, while records from the respective public register are displayed on the right side. If the party is a business, then the data are submitted from the Business Registry, while for natural persons from the Civil Registry.

One the parties are interconnected, the process continues with the completion of the main records of the case/request, starting with data on the type of case, monetary value, amount owed and so on. The fields are specified in detail in Figure No. 8 and Figure No. 9.

Figure No. 8. Case data form

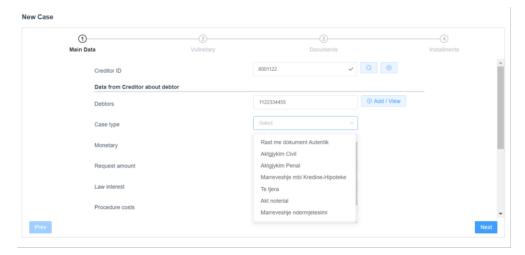
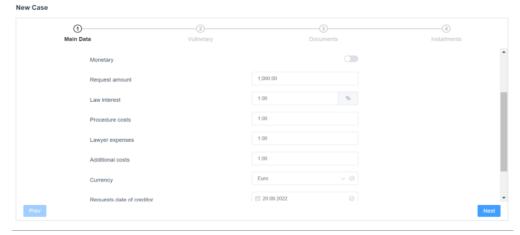
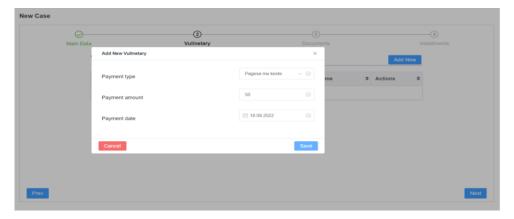


Figure No. 9. Case registration form



The second step in main data is voluntary payments, whether the party has made them in cash or also during the process.

Figure No. 10. Voluntary payments registration form



A very important part of the case is the accompanying documentation provided by the creditor or also the documents generated in the enforcement office. They can be attached from the menu or the third step in the case data. Each document must be defined for the type of document and its

nature should be briefly described. The document uploaded to the system for a subject receives the status "*Connected*". If for any reason this document is deleted, it gets the status "*Disconnected*".

This status indicates that the document has not been taken as a basis for the progress of the process, but it is not completely removed from the system and is viewed by administrative users of the executive office.

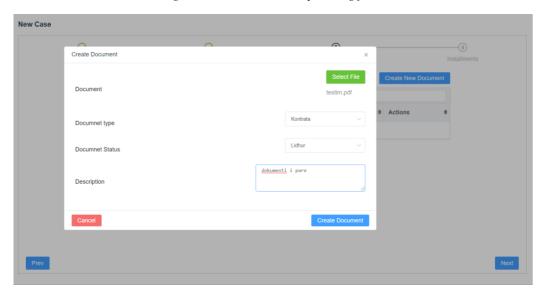
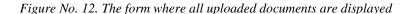
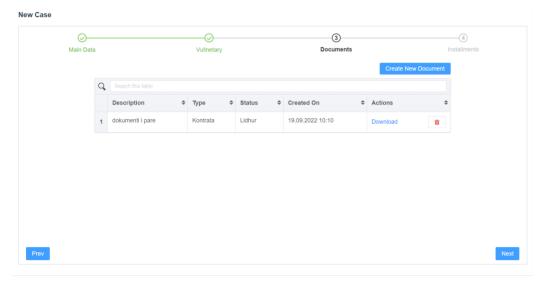


Figure No. 11. Document uploading form





The fourth step in this process is the instalment payment part. If the parties in the enforcement procedure agree on payment in instalments, then in this menu we record when the agreement for payment in instalments was made, in order to follow the implementation of the agreement.

Figure No. 13. Form for registration of instalment payments

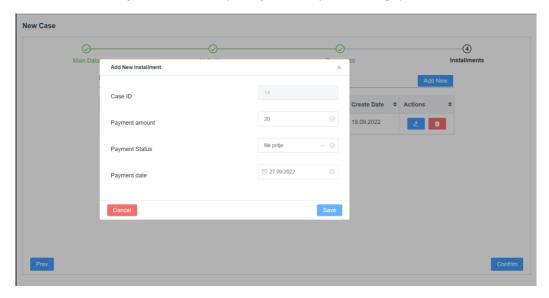
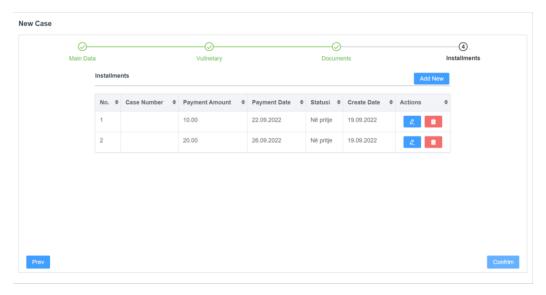


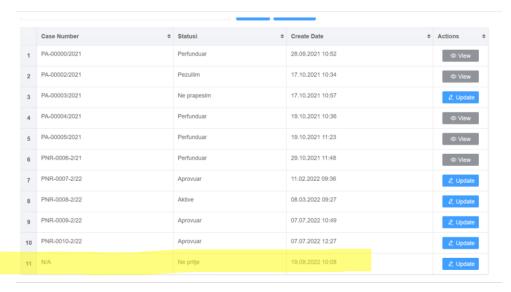
Figure No. 14. Table showing all recorded payments



# 1.5. Case pending approval

For pending cases, the "Number" of the case is not generated by the system until the decision is made by the enforcement agent for that case. In this case, the enforcement agent cannot undertake any activity in this matter.

Figure No. 15. Table showing all cases



Cases are approved in the pending cases menu.

Figure No. 16. The form that enables the permission or refusal of enforcement

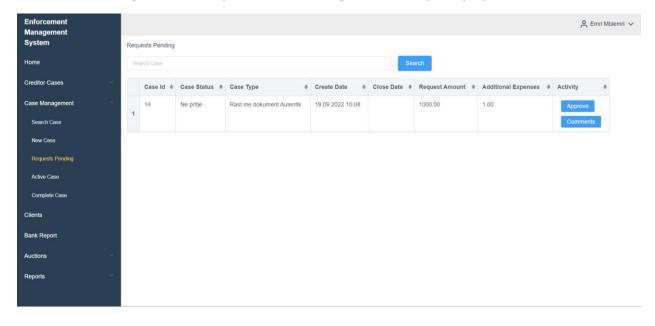


Figure No. 17. Subject status change form

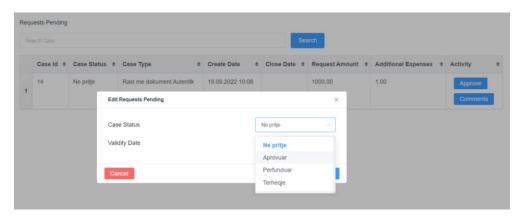


Figure no. 18. Notice before changing status

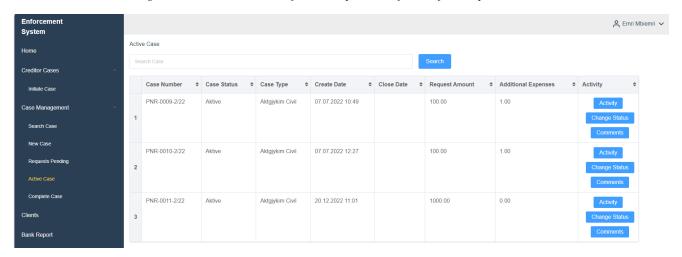


When the request is approved, the system automatically changes the status. When the legal conditions are met, the case appears in active cases with the possibility of continuing enforcement actions.

Figure No. 19. Table of permitted cases

#### 1.6. Activities

Figure No. 20. Active cases after the expiration of the objection period



In this menu you can see all the cases that are active and enforcement actions can be taken. By pressing the "activities" button we go to the interface where all the details of the case are displayed.

△ Emri Mbiemri 

✓ RLLB Auto Registry KJC Cadastre Case Data -Borxhi Total Creditor Borxhi Total View Documents Case Number Case Type Description **♦** Actions Requested Amount Type Law Interest Procedure Expenses 2 Nioftim per debitorin Kontrata Lidhur 20.12.2022 11:09 Lawyer Expenses 20.12.2022 11:09 Additional Expenses 3 Propozim per përmbarim Kontrata Lidhur Download Installments Request date of Creditor 19.12.2022 Date of Validity 20.12.2022 **♦** Payment Amount **♦** Payment Date Case Status No data for table Description Activities **♦** Payment Amount **♦** Payment Date **♦** Payment Type Name Activity 18.12.2022 Activity Type Number Value PNR-0011-2/22 Propozimi per 10.00 20.12.2022

Figure No. 21. Case data form (Request from the creditor)

The first interface is the presentation of all the data of the case, starting from the creditor's request to the enforcement agent's documentation. The second interface presents the undertaken activities. It is also possible to complete additional activities which are not foreseen to be completed

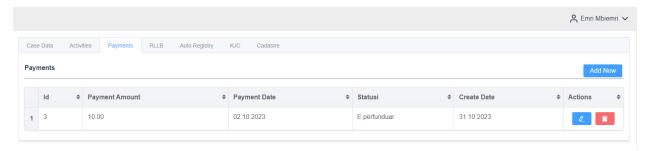
automatically by the system, for example, field visits. Adding additional activities is done through the "Add New" button.

Figure No. 22. Interface for recording activities manually



The third interface contains the data for the payments made and enables them to be updated for new payments.

Figure No. 23. Recorded payments table



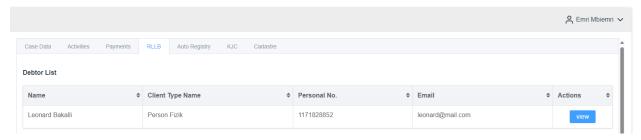
If the "Add New" button is pressed, then the new form appears where the payment can be added as indicated in Figure No. 24.

Figure No. 24. Payment registration form



The fourth interface contains the communication with the RBA, where the EMS automatically exchanges data directly with the RBA. This interface as a first step presents the list of debtors against whom actions should be taken. By clicking the "View" button, the debtor is selected where the necessary information can be obtained.

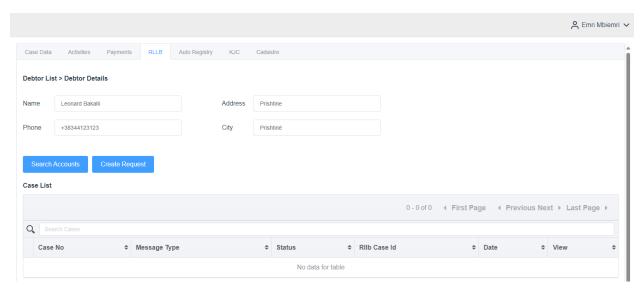
Figure No. 25. Interface of Registry of Bank Accounts



In this interface information on the debtor's accounts can be requested or actions can be taken to block the bank account, transfer funds and close the case.

To create such a request, the "*Create request*" button must be pressed. If the "*Search Accounts*" button is pressed, information from the system is obtained in real time.

Figure No. 26. The form of search for data of debtors in RBA



Upon creation of the request for blocking or transfer of funds, the EMS system automatically generates the order and forwards it to the RBA. The system enables the order to be completed manually and the same can be uploaded to the system for further processing.

The fifth interface contains the direct communication between the system and the Registry of Vehicles for stopping and releasing vehicles. The fifth interface contains the direct communication between the system and the Registry of Vehicles for blocking and releasing vehicles.

The first step in blocking the vehicles is the selection in the list of debtors as shown in Figure 27, then the list of the debtor's vehicles is displayed where the vehicle can be selected for blockage, as shown in Figure No. 28 and No. 29.

Figure No. 27. List of debtors



Figure No. 28. List of vehicle blockages

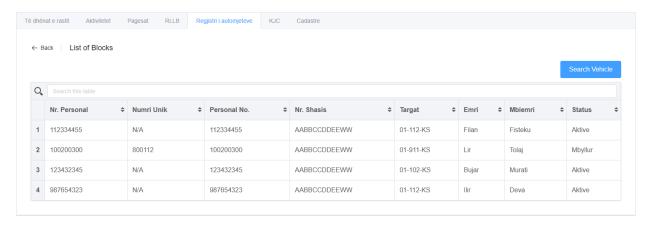
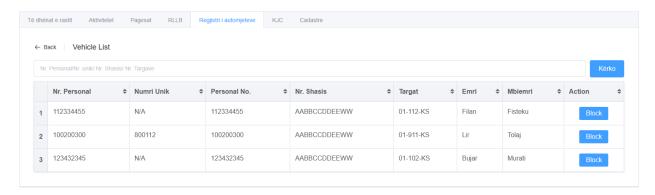
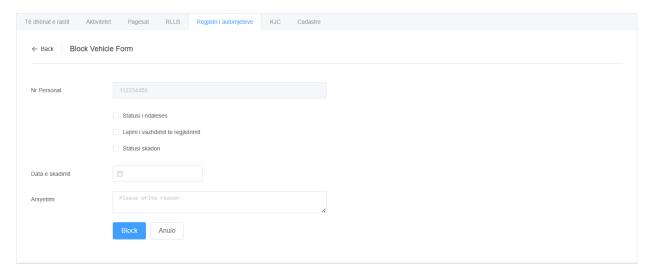


Figure No. 29. Vehicles that can be blocked



After selecting the vehicle, the blockage form appears where the data can be filled in and the blockage is carried out, as shown in Figure no. 30.

Figure No. 30. Block Vehicle Form



After managing the case, the enforcement agent has the option to publish the auctions in the auction's menu. Their publication is currently only carried out in EMS and this functionality can only be used as a list and management of auctions in the office.

In Figures No. 31 and 32 we can see the list and form of auctions that an enforcement agent carries out. The first step is in the form of the list of auctions, if the New Auction button is pressed, then a form opens where the notes of the auction are filled in and it is possible to save it.

Figure No. 31. Auctions List

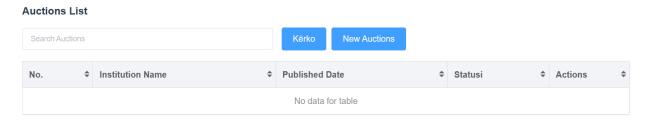
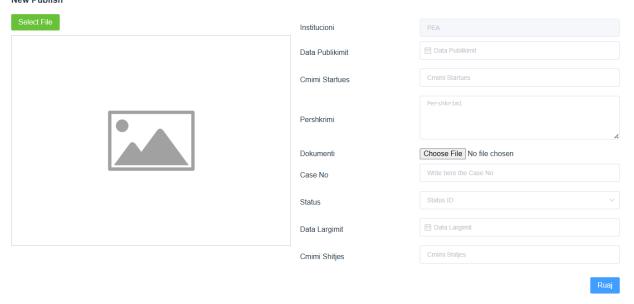


Figure No. 32. Auction publishing form

# New Publish



# II. Second module – Use of the system by inspection officials

#### 2.1 Planning of the inspection work

The EMS system enables electronic inspection in accordance with the legal provisions for the inspection of enforcement offices. The system allows to firstly start with the drafting of the work plan for the relevant calendar year. Once the plan is drafted, the system requires approval from the relevant management unit so that it can proceed to the next steps. In the planning, the enforcement office that will be inspected must be determined, as well as the steps as shown in Figure No. 33.

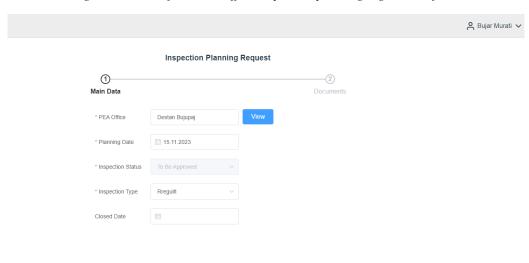
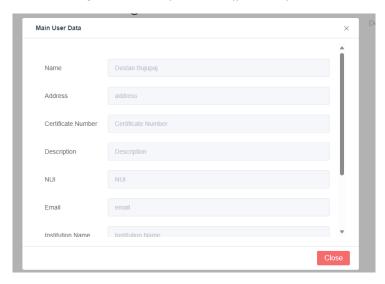


Figure No. 33. Enforcement office inspection planning registration form

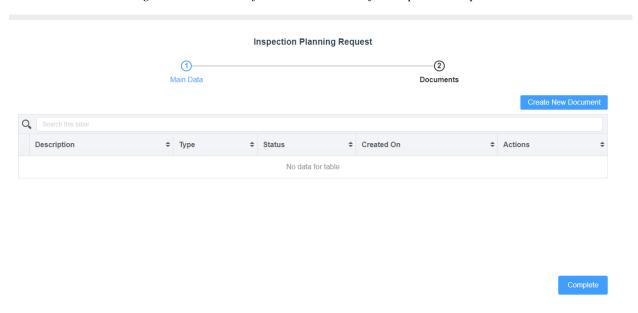
If the "view" button is pressed, then all the information from the Register of Enforcement Agents appears as in Figure No. 34.

Figure No. 34. Enforcement office data form



Other documents can be attached to special inspections thus representing a starting point for the beginning of the inspection.

Figure No. 35. Table of attached documents for the planned inspection



When the "*Create New Document*" button is pressed, as shown in the previous picture, a window appears where it enables the uploading documents with the relevant description. This process is illustrated in Figure No. 36.

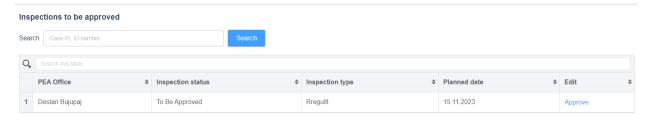
Figure No. 36. Document attachment form



# 2.2. Approval of the plan

The approval of the plan prepared by the relevant Department is a step covered by the profile of the Secretary in the Ministry of Justice, meanwhile, for the plan of inspections by the Chamber of Private Enforcement Agents, the approval of the plan is carried out by the President of the Chamber. A necessary step for the further continuation of inspections is the approval of the regular plan, as presented in Figures No. 37 and No. 38.

Figure No. 37. Table awaiting plan approval



When the "Approve" button is pressed, a new window appears requesting confirmation of the action.

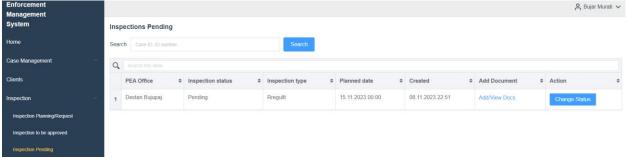
Figure No. 38. Approval confirmation form



#### 2.3. Inspections pending

The inspections pending menu contains all the inspections that are planned to be carried out and which have been approved, but which have not reached their execution time. Regarding the inspection time, the system notifies the enforcement office regarding the inspection start date. In these inspections, no activity can be undertaken without reaching the date for the start of the inspection.

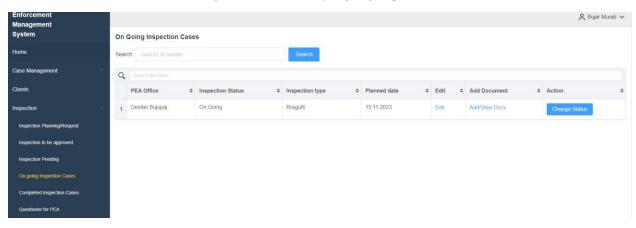
Figure No. 39. Table of inspections pending



## **2.4.** Ongoing inspections

The menu of ongoing inspections displays inspections that have reached the planned date for inspection. By clicking on the "Edit" button, a new window opens where it offers the possibility of taking actions for inspection.

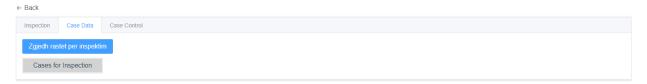
Figure No. 40. Table of ongoing inspections



The interface that opens for taking actions in the inspection contains three sub-menus. The interface provides special opportunities to select cases for inspection and fill-in inspection findings and orders. The transition between them does not have any preconditions so as to provide the opportunity of detailed inspection and facilitate the work of the inspector.

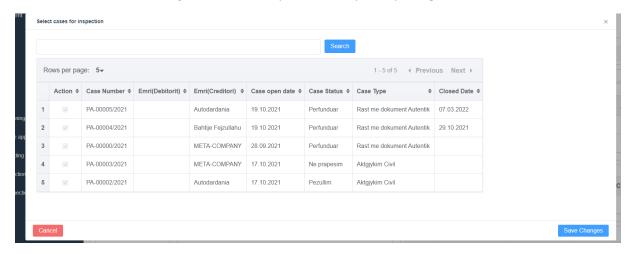
The inspection official accesses the enforcement cases by clicking on the "Case Data" interface, then presses the selects "cases for inspection" button and the new interface appears where the official can select the cases.

Figure No. 41. Button to open the form for selecting cases for inspection



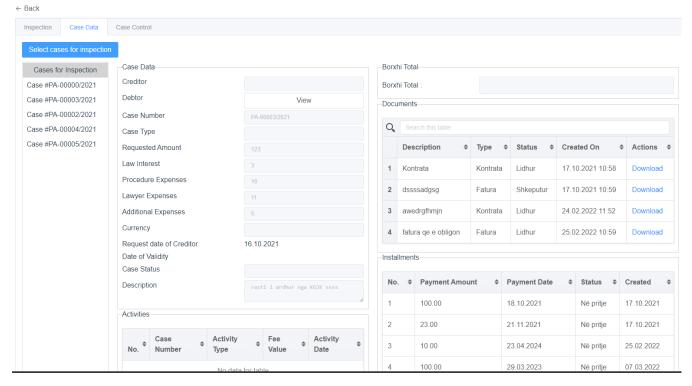
The defined parameter allows a maximum of 10 cases to be selected for inspection. The window that enables the selection of cases for inspection is presented in Figure No. 42.

Figure No. 42. Table for selection of cases for inspection



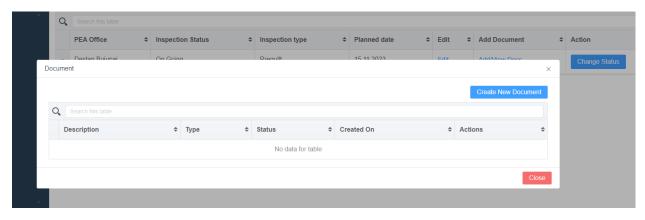
After selecting the cases, the system provides very easy navigation from case to case to view/inspect the details, and actions of the enforcement agent in it. The official can also open the decisions that were taken during the enforcement process. This step is illustrated in Figure No. 43.

Figure No. 43. Form for inspection of case data



In the list of cases that are in the process of inspection, the official can upload the relevant documentation for the specific case.

Figure No. 44. Uploading relevant documentation for the inspection case



The interface that enables the possibility of writing minutes and orders or recommendations is presented in Figure No. 45.

Enforcement
Management
System

Case Data Case Control

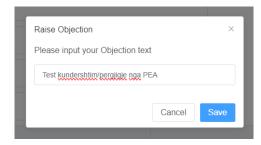
Process Verbal

PEA Office
Control Type
Resputt
Inspection
Propertion Parening Resputs
Inspection
On going Inspection to be approved
Impection Parening
On going Inspection Cases
Completed Impection Cases
Completed Inspection Cases
Control
Case Inspection
Case

Figure No. 45. Inspection activities form

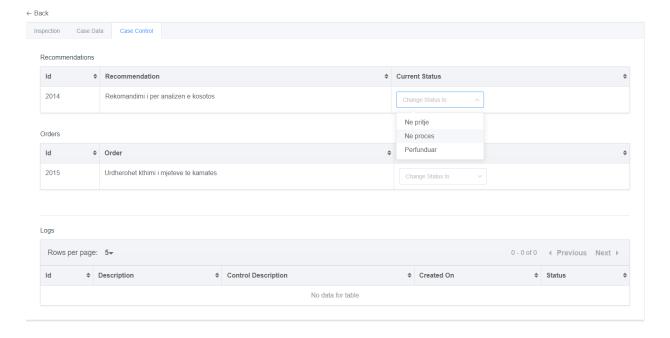
The interface for filling in inspection data displays all options as required by law. In each of the recommendations or orders issued by the inspection official, the enforcement agent has the opportunity to provide comments. When pressing the "message" button in the "Action" column, a window appears that gives the enforcement agent the opportunity to provide comments as presented in Figure No. 46.

Figure No. 46. Objection input form



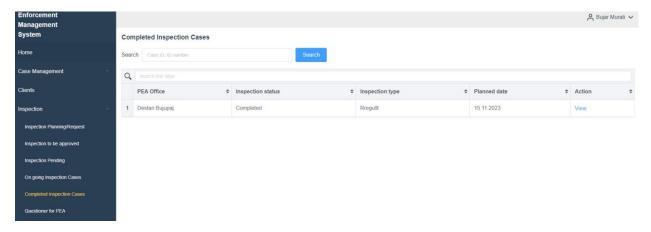
After the completion of the minutes, recommendations, orders as well as comments from the enforcement agent, the EMS system provides the opportunity for the official to inspect the control, if the orders and recommendations have been implemented, and to record them in the system, as in Figure No. 47.

Figure No. 47. Recommendations and orders control form



The last part is the interface for viewing completed inspections. These inspections can be viewed but not filled-in.

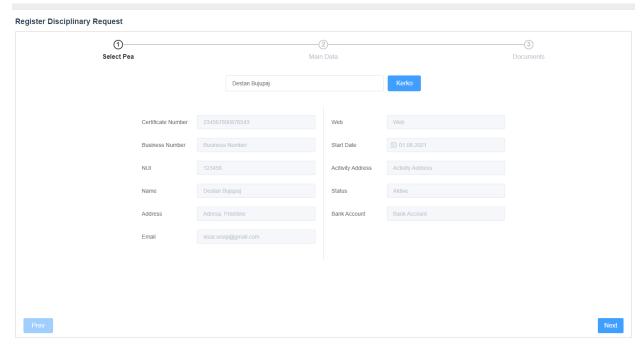
Figure No. 48. Table of completed inspections



# III. Third module - Use of EMS by members of the Disciplinary Commission

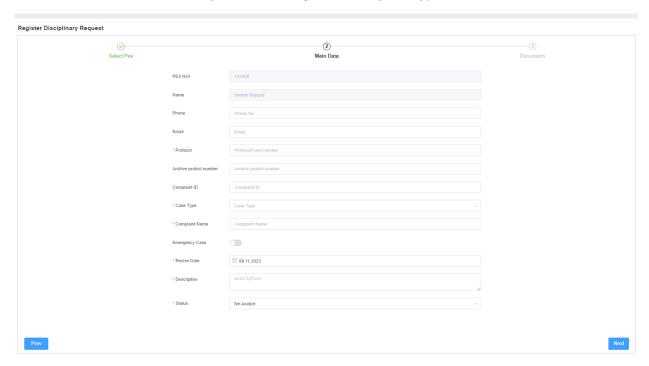
The module for members of the Disciplinary Commission enables the management of disciplinary cases against enforcement agents. When a complaint is submitted, the same is received by the official in the relevant Unit for free legal professions at the Ministry of Justice and is forwarded to the Disciplinary Commission for further review.

Figure No. 49. Enforcement office selection form



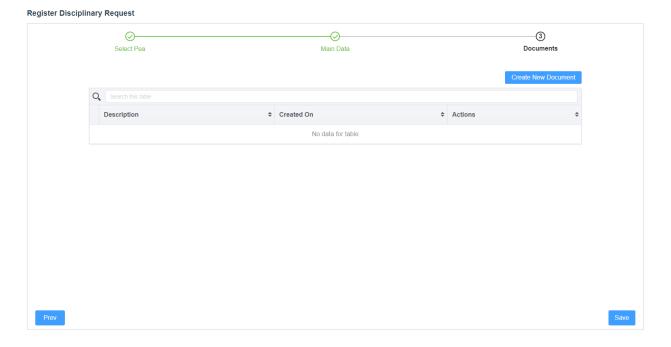
After receiving the complaint and selecting in the system the enforcement agent for whom the complaint is filed, the system provides the opportunity to fill-in data regarding the complaint against this enforcement agent, and the details are presented in Figure No. 50.

Figure No. 50. Complaint data registering form



The third step is to upload the documentation that the complainant has presented and the documentation systematized by the official of the Ministry of Justice to the system.

Figure No. 51. Uploaded documentation table



The method of uploading the documentation is presented in Figure No. 52:

Register Disciplinary Request

Select Pea Main Data
Document

Create Document

Create Document

Document

Document

Create Document

Solice File

Conscel

Create Document

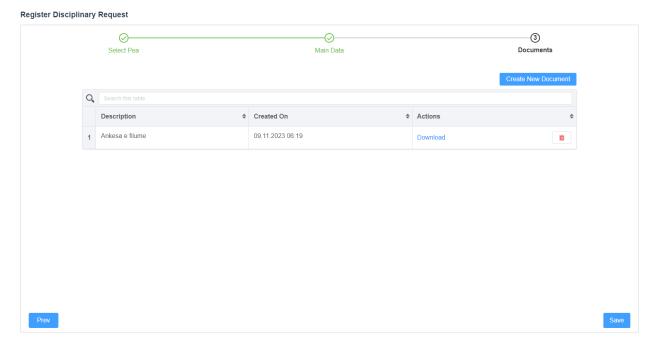
Create Document

Create Document

Create Document

Figure No. 52. Relevant documentation uploading form

Figure No. 53. List of uploaded documents



The next step is to go to the "Requests Pending" interface. By pressing the "Edit" button, a new window opens which offers the opportunity to send the case from the official to the Disciplinary

Commission. When the complaint is incomplete, the official from the relevant unit of the MoJ will ask the complainant to fill-in the complaint within a period of ten (10) days as shown in figures No. 54 and 55.

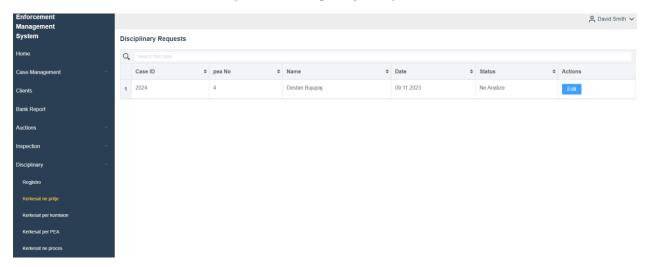
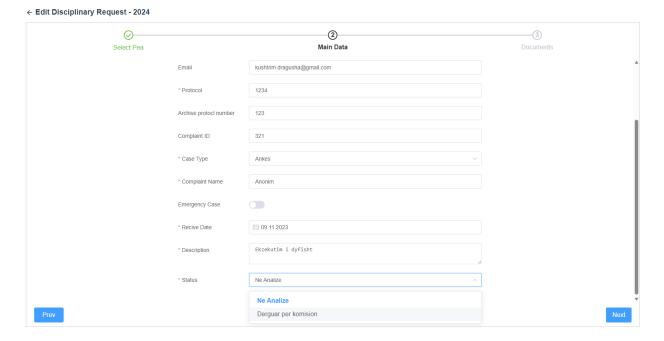


Figure No. 54. Requests pending table

Figure 55 shows the window that opens up to fill-in the complaint and change status in order for it to be sent to the Commission. In the main notes of the complaint, at the end of the fields, there is also a status section where one of the options is selected: sending to the Disciplinary Commission and analysis (when the complaint is pending completion by the party). After selecting the option it will be saved.

If the complaint is selected to be sent to the Disciplinary Commission, then in the "Requests for the Commission" menu, the complaint is presented with the systemized documentation.

Figure No. 55. Form for editing the status of the request and sending it to the Disciplinary Commission



In order to open this complaint, each of the three (3) members of the Commission must accept the complaint, otherwise they cannot proceed further with the case. If one of the members rejects the review of the complaint as a result of a conflict of interest, then this appeal shall be sent to his/her substitute after approval of the request for exemption by the Minister of Justice. In the second case,

the substitute must accept the complaint. When a quorum of three (3) members is achieved, each of them may access the complaint documentation and notes.

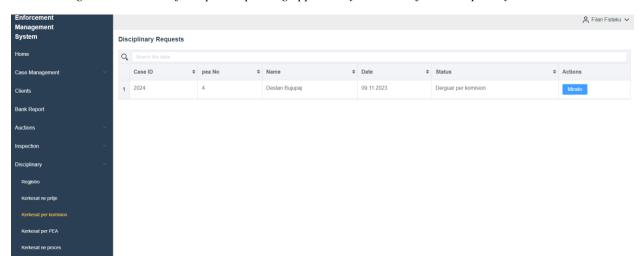


Figure No. 56. List of complaints pending approval by members of the Disciplinary Commission

Figure No. 57. Complaint approval form

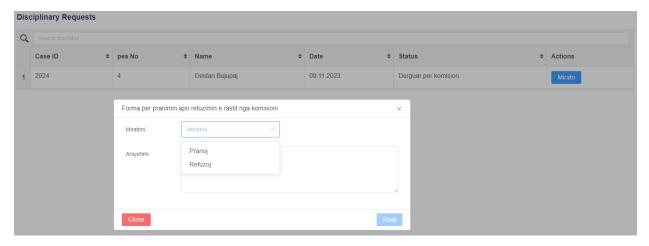
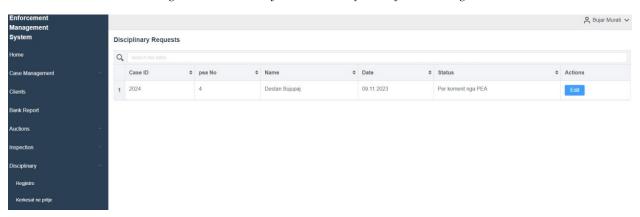


Figure No. 58. Table for comments by the enforcement agent



When the complaint is accepted and a case is officially opened in the Commission for the enforcement agent in question, then the enforcement agent is given the opportunity to submit comments and attach the relevant documentation for the complaint.

Figure No. 59. The form of answers from the enforcement agent



Figure No. 60. Uploading of documentation by the enforcement agent

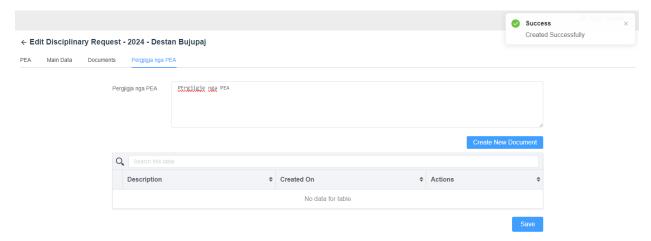
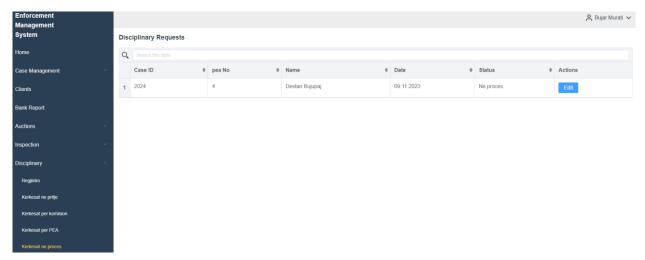


Figure No. 61. Saving response

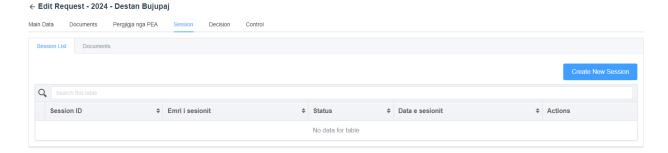
# PEA Main Data Documents Pergjigja nga PEA Pergjigja nga PEA Pergjigja nga PEA RECRITACION PEA Create New Document Q Search this table Description Created On Actions Actions

Figure No. 62. List of complaints/cases in process for the Disciplinary Commission



As a next step, the Disciplinary Commission can schedule the session and proceed with the steps to be taken.

Figure No. 63. Session creation form



For each session, the relevant documentation documenting all the Commission's actions can be attached.

Figure No. 64. Saving session

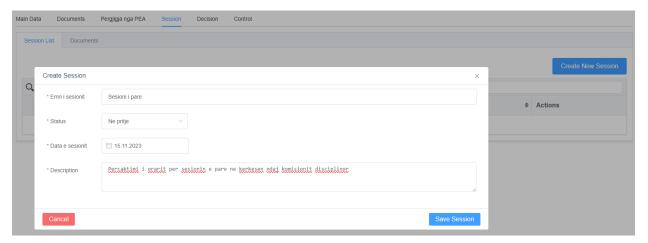


Figure No. 65. List of sessions

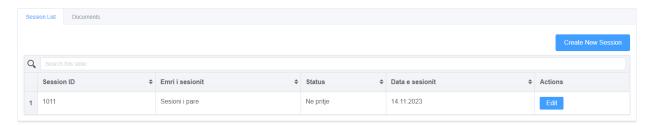
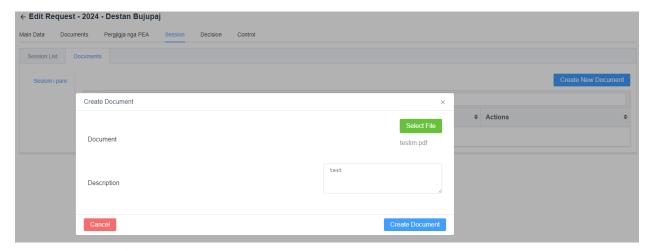


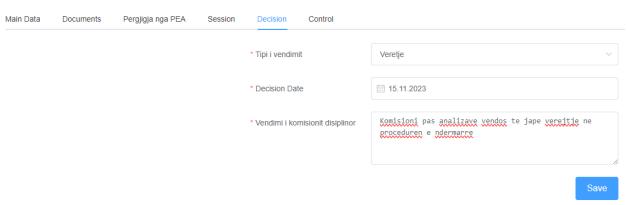
Figure No. 66. Uploading related documents



In the end, the system enables the Commission to upload the decision to the system and the status of the case becomes completed.

Figure No. 67. Decision of the Disciplinary Commission

#### ← Edit Request - 2024 - Destan Bujupaj



After the decision is rendered by the Disciplinary Commission, it is also possible to upload the document to the system.

Figure No. 68. Uploading the signed decision

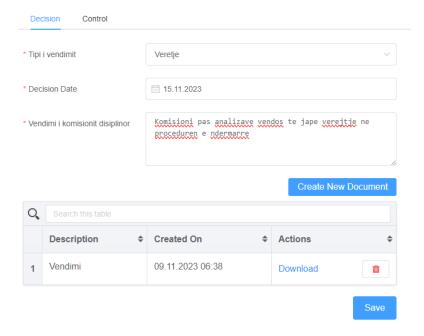


Figure No. 69. Conclusion of the disciplinary case

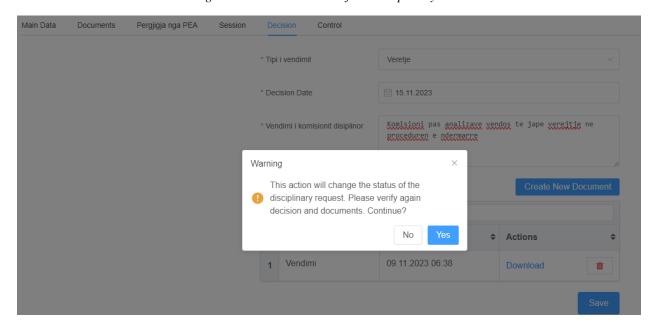
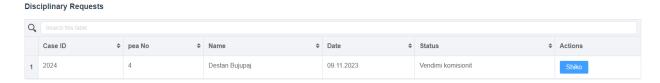


Figure No. 70. List of complaints against the decision of the Commission



The relevant unit for free legal professions in the Ministry of Justice will record in the system the data related to the implementation (enforcement) of the final decision of the Disciplinary Commission. Should the enforcement agent fulfil the monetary obligation (fine) within the voluntary deadline or should enforcement be initiated, the system shall record the date of submission of the proposal for enforcement, the enforcement body and the result.

Figure No. 71. Form for control of the fulfilment of the decision

